

PROPOSED GROUND LEVEL PLAN

1 LEVEL 1- PROPOSED  
 AT 05 1/16" = 1'-0"

PROJECT #: 121246  
 DRAWN BY: TF  
 CHECKED BY: MM

**NILES BOLTON ASSOCIATES**  
 3060 Peachtree Rd. N.W.  
 Suite 600  
 Atlanta, GA 30305  
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 www.nilesbolton.com

APPLICANT:  
 BILL SCHRADER  
 T 925 638 8782

No.	Description	Date
9	SAP REVISION	11/21/22
10	JANE UNRS. MEETING	01/10/23
11	ISSUE REVIEW AS	01/17/23

This drawing, as an instrument of service, is to be used only for the project and site conditions and conditions stated on the title block and shall not be used for any other project or site conditions without the written consent of Niles Bolton Associates.

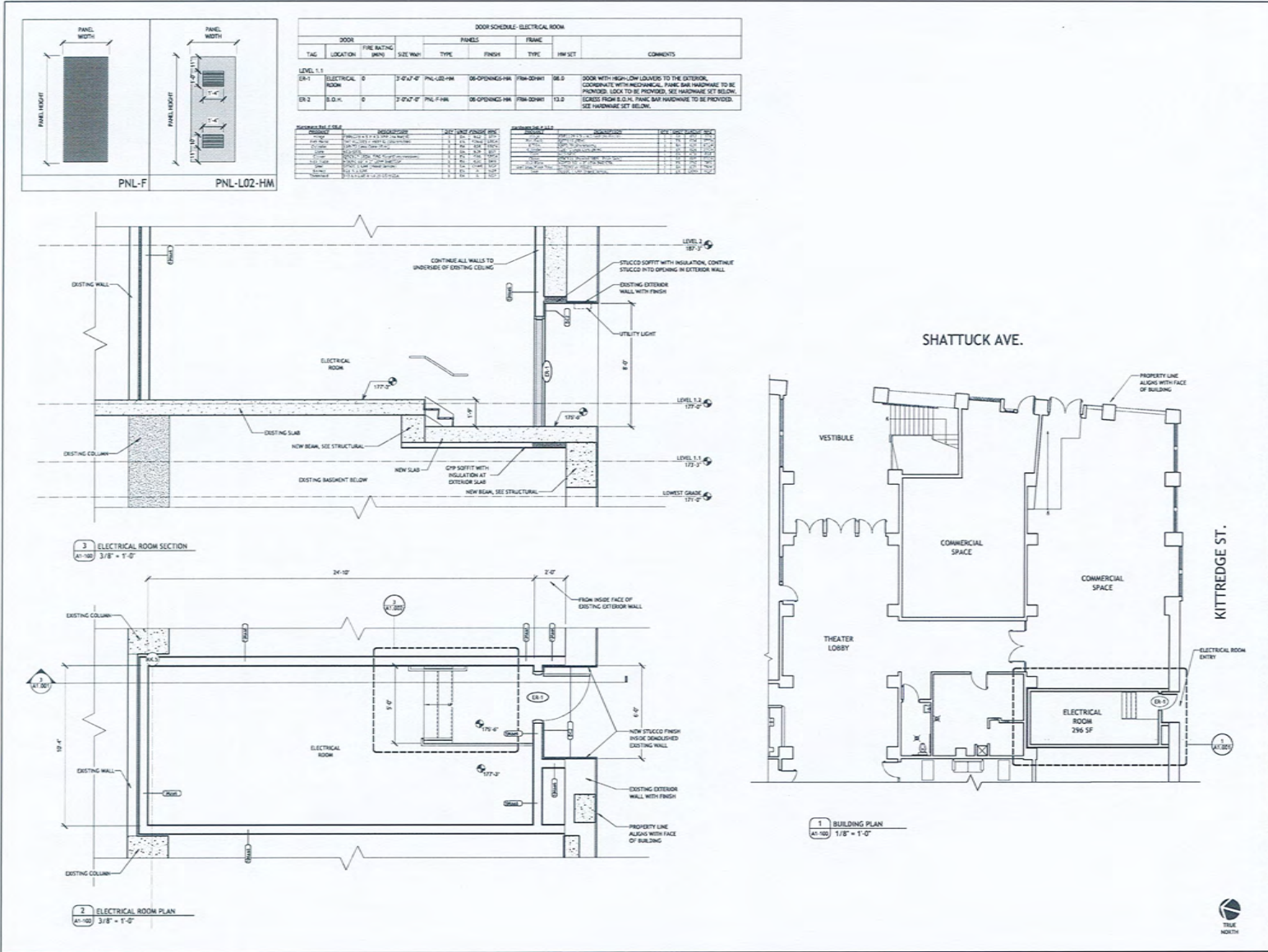
**BERKELEY PLAZA**  
 2065 KITTRIDGE ST  
 BERKELEY, CA 94704  
 CA VENTURES

SHEET TITLE:  
 SITE PLAN  
 PROPOSED- LEVEL 1

SHEET NUMBER:  
**A1-004**



NOT RELEASED FOR CONSTRUCTION



PROJECT #: 121246  
 DRAWN BY: TTF  
 CHECKED BY: MMH

**NILES BOLTON ASSOCIATES**  
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No.	Description	Date
1	ELECTRICAL ROOM PERMIT	04/11/22
2	PANEL CHANGING RECTIFYING	05/18/22

**ELECTRICAL ROOM TI PERMIT**  
 2240 SHATTUCK AVE  
 BERKELEY, CA 94704

CA VENTURES

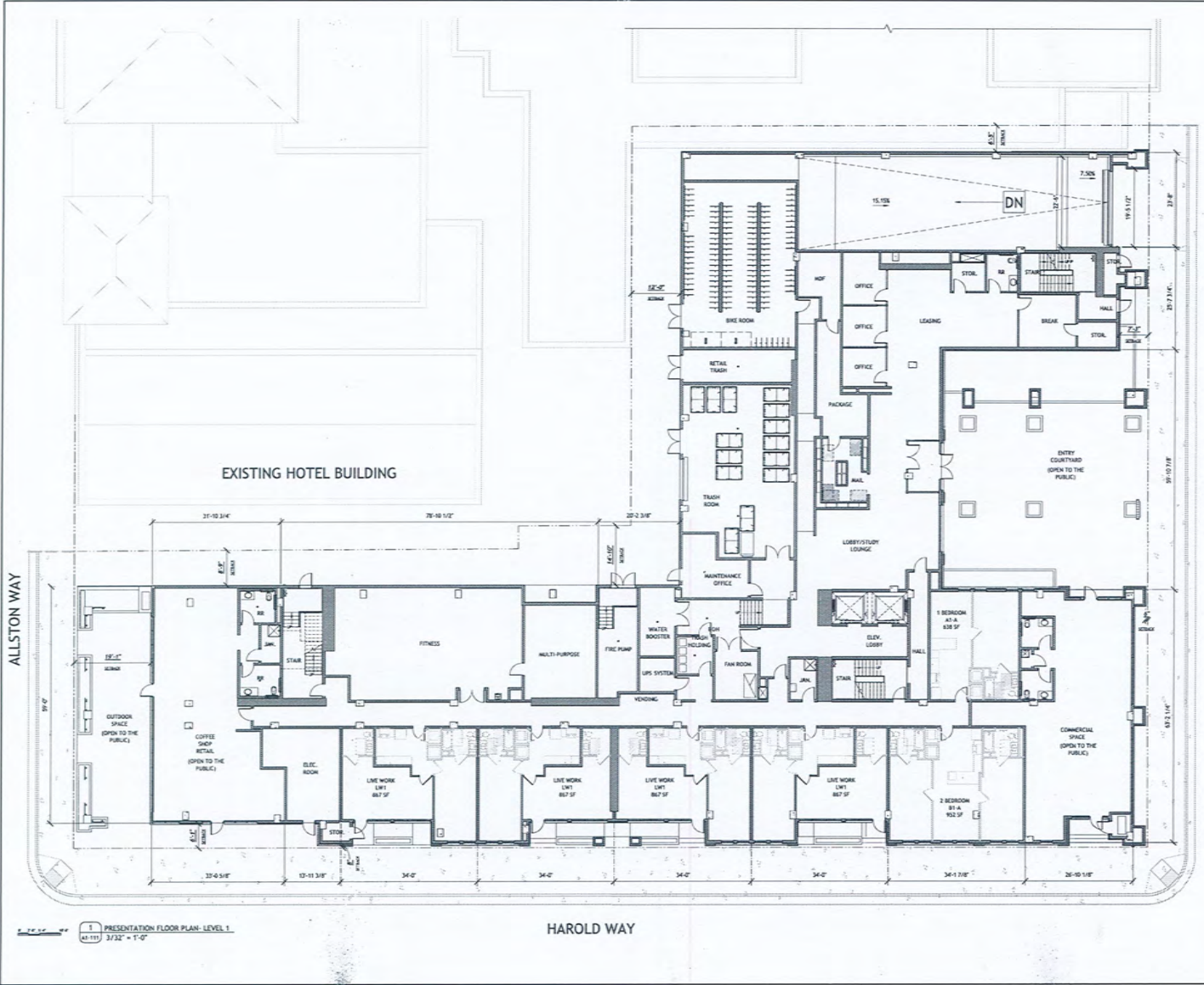
SHEET TITLE:  
**ELECTRICAL ROOM DEMO, PLAN, SECTION**

SHEET NUMBER:  
**A1-100**

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PROJECT #: 131246  
 DRAWN BY: TF  
 CHECKED BY: MM  
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APPLICANT:  
**BILL SCHRADER**  
 T 925 638 8782

No.	Description	Date
A	PLAN UPDATE	07/28/21
B	PERMITS AND SET	07/22/21
C	SD SET	07/16/21
D	USE PERMIT	06/25/21
E	USE PERMIT RESUBMIT	01/20/21
F	USE PERMIT RESUBMIT	12/22/20
G	USE PERMIT RESUBMIT	12/17/20
H	USE PERMIT RESUBMIT	12/17/20
I	USE PERMIT RESUBMIT	12/17/20
J	USE PERMIT RESUBMIT	12/17/20
K	USE PERMIT RESUBMIT	12/17/20
L	USE PERMIT RESUBMIT	12/17/20
M	USE PERMIT RESUBMIT	12/17/20
N	USE PERMIT RESUBMIT	12/17/20
O	USE PERMIT RESUBMIT	12/17/20
P	USE PERMIT RESUBMIT	12/17/20

**BERKELEY PLAZA**  
 2065 KITTREDGE ST  
 BERKELEY, CA 94704  
**IDENT LIVING BERKELEY, LLC**

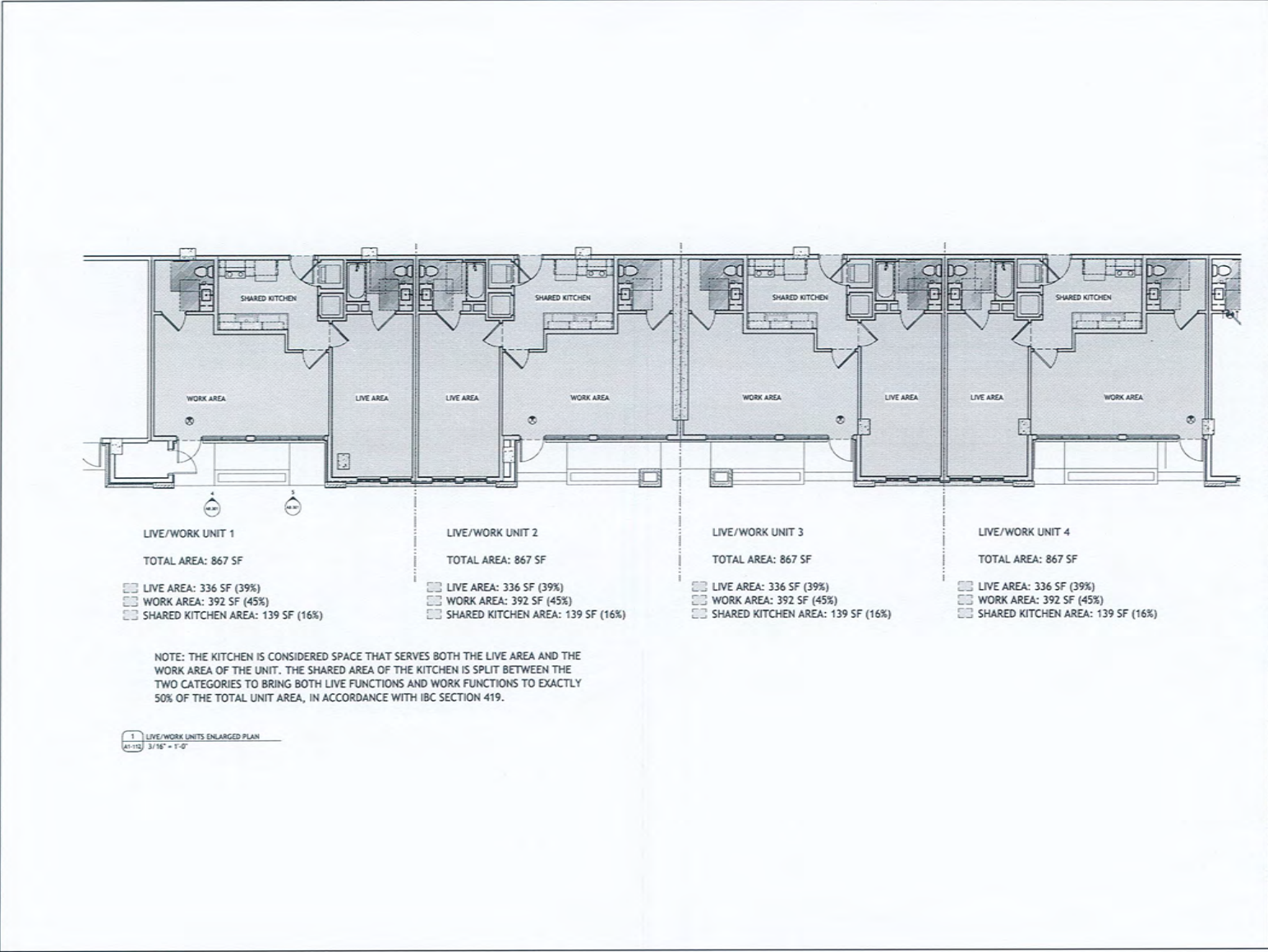
SHEET TITLE:  
**PLAN - LEVEL 1**  
 SHEET NUMBER:  
**A1-111**

1 PRESENTATION FLOOR PLAN - LEVEL 1  
 A1-111 3/32" = 1'-0"



NOT RELEASED FOR CONSTRUCTION





PROJECT #: 121246  
 DRAWN BY: Author  
 CHECKED BY: Checker

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APPLICANT:  
 BILL SCHRADER  
 T 925.638.8782

No.	Description	Date
1	JANE UNVIS. MEETING	01/10/22

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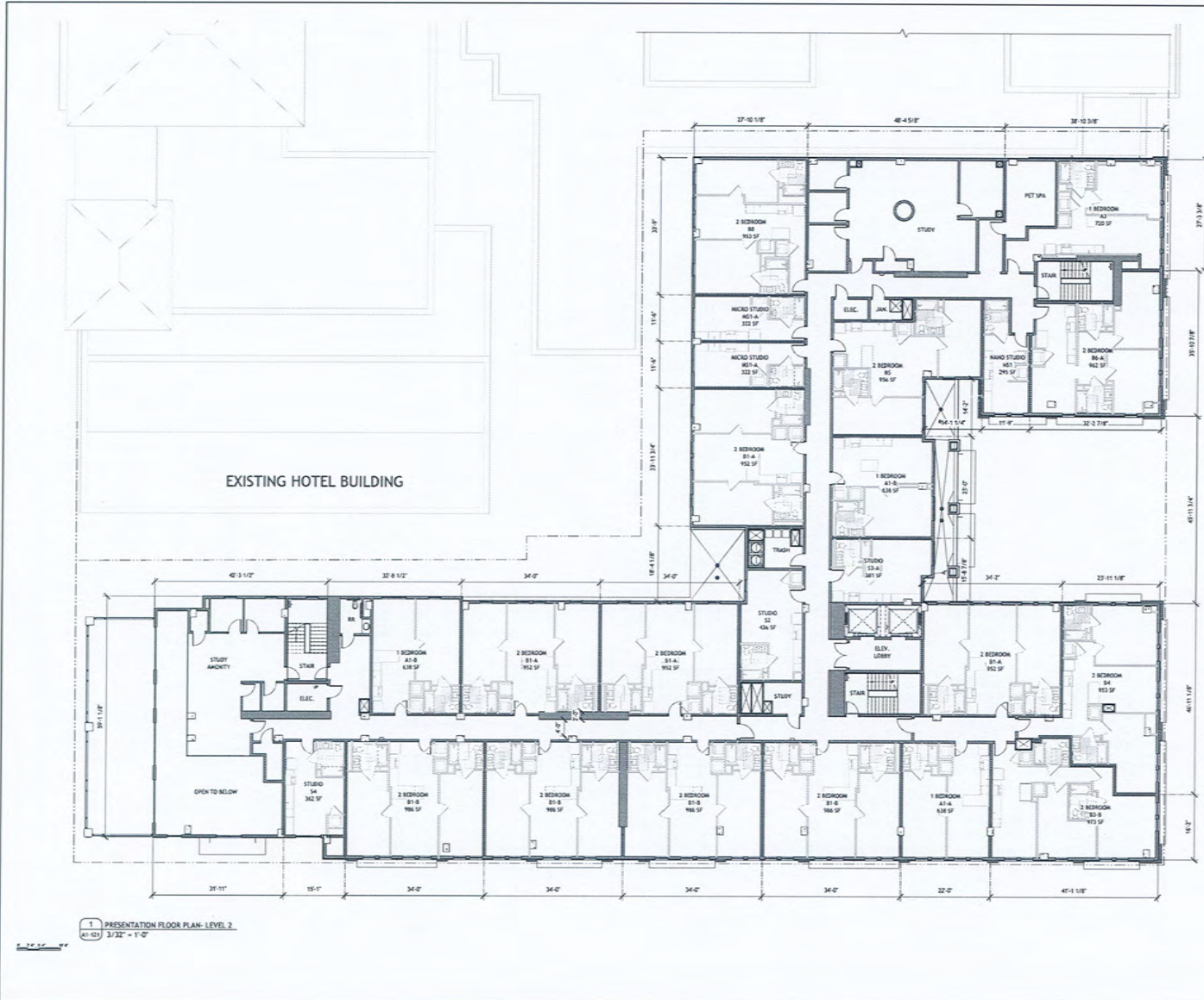
**BERKELEY PLAZA**  
 2065 KITTREDGE ST  
 BERKELEY, CA 94704

**IDENT LIVING BERKELEY, LLC**

SHEET TITLE:  
 PLAN - LEVEL 1  
 ENLARGED

SHEET NUMBER:  
**A1-112**

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1 PRESENTATION FLOOR PLAN-LEVEL 2  
A1-121 3/32" = 1'-0"

PROJECT #: 121246  
DRAWN BY: TF  
CHECKED BY: RM

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APPLICANT:  
**BILL SCHRADER**  
T 925 638 8762

No.	Description	Date
A	PLAN UPDATE	6/28/21
B	PERM-APP 20210	7/21/21
C	202 SET	7/16/21
D	USE PERMIT	10/25/21
E	USE PERMIT RESUBMIT	12/16/21
F	202	12/16/21
G	USE PERMIT RESUBMIT	1/17/22
H	202 RESUBMIT	3/23/22
I	USE PERMIT RESUBMIT	3/28/22
J	APRIL ENG MEETING	4/11/22
K	JULIAN LARUS MEETING	5/15/22
L	STAFF REVIEW	8/19/22
M	USE PERMIT RESUBMIT	08/22/22

**BERKELEY PLAZA**  
2065 WITTREDE ST  
BERKELEY, CA 94704  
C/ YENT LIVING BERKELEY, LLC

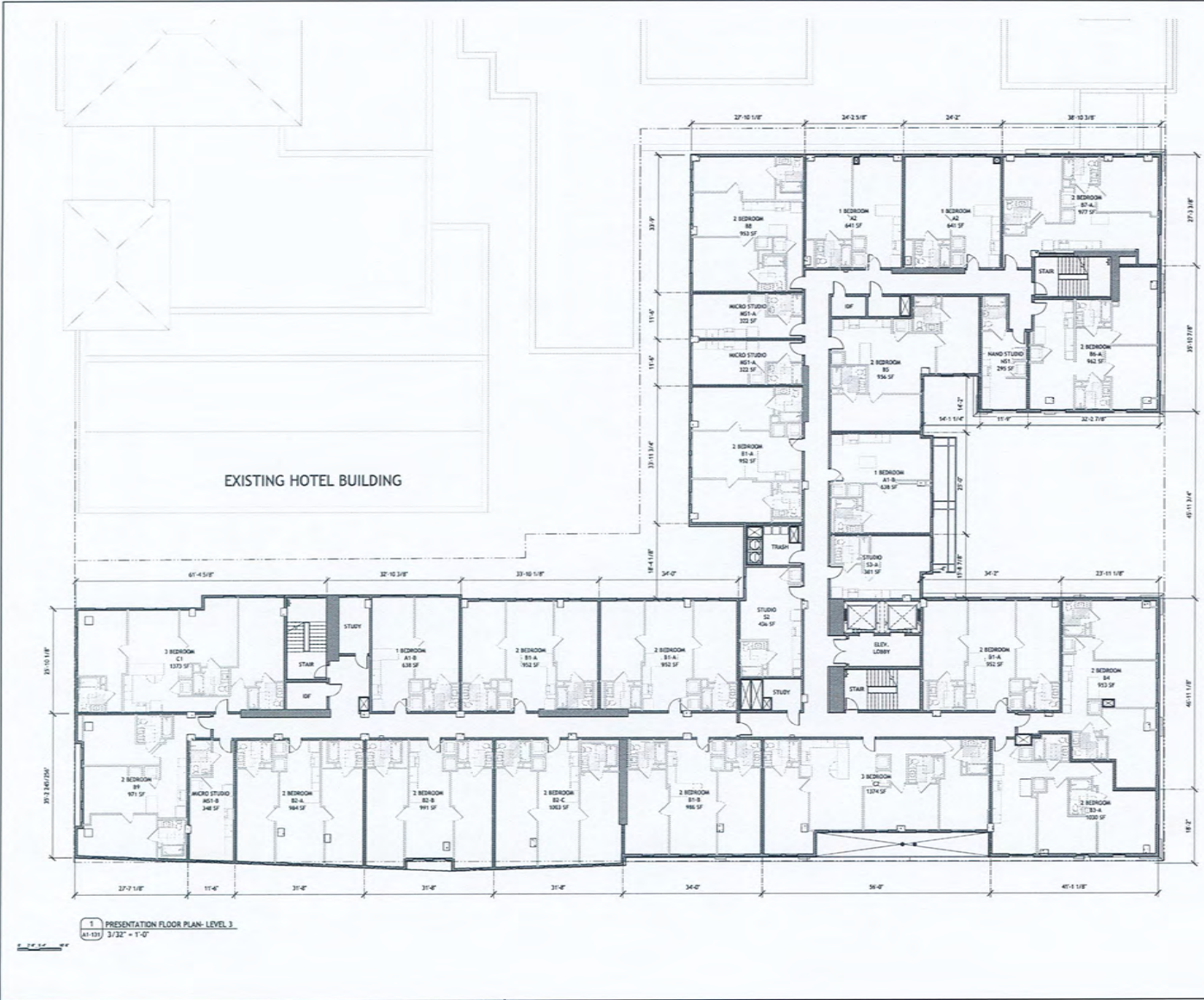
SHEET TITLE:  
**PLAN-LEVEL 2**

SHEET NUMBER:  
**A1-121**



NOT RELEASED FOR CONSTRUCTION





1 PRESENTATION FLOOR PLAN- LEVEL 3  
A1-131 3/32" = 1'-0"

PROJECT #: 121246  
Drawn by: TF  
Checked by: MM  
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Suite 600  
Atlanta, GA 30305  
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www.nilesbolton.com

APPLICANT:  
BILL SCHRADER  
T 925 638 8782

No.	Description	Date
A	PLAN UPDATE	12/28/21
B	PRELIM APP 65330	1/21/22
C	SD SET	1/19/21
D	USE PERMIT	10/28/21
E	USE PERMIT RESUBMIT	12/10/21
F	SAP	12/22/21
G	USE PERMIT RESUBMIT	1/17/22
H	SAP RESUBMIT	2/23/22
I	USE PERMIT RESUBMIT	3/28/22
J	APRIL DEC MEETING	10/11/22
K	JUNE LANDLORD MEETING	5/18/22
L	STAFF REVIEW	8/10/22
M	USE PERMIT RESUBMIT	10/22/22

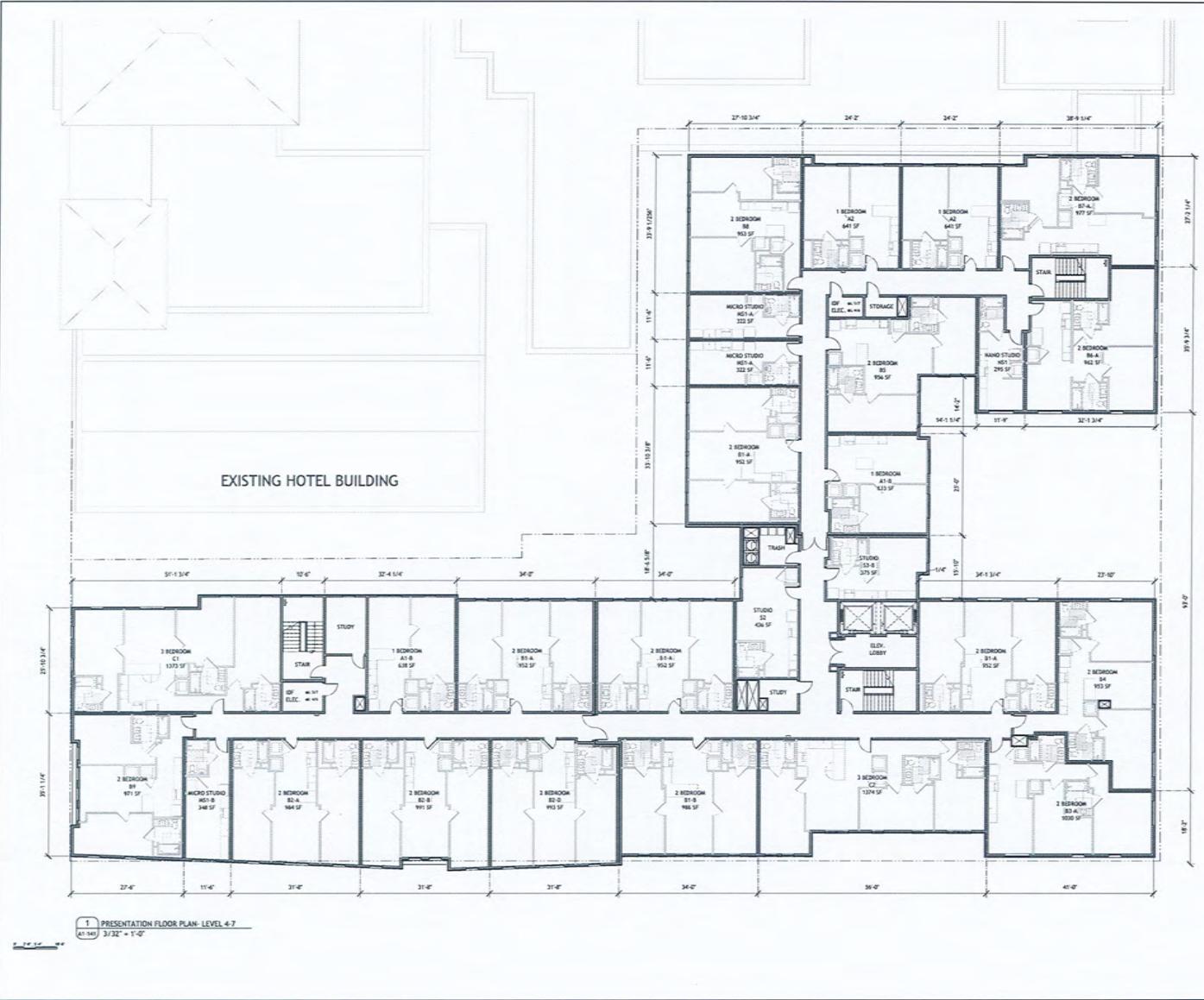
**BERKELEY PLAZA**  
2065 KITTEIDGE ST  
BERKELEY, CA 94704  
IDENT LIVING BERKELEY, LLC

SHEET TITLE:  
PLAN- LEVEL 3

SHEET NUMBER:  
A1-131



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PROJECT #: 121246  
 DRAWN BY: TF  
 CHECKED BY: MM  
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APPLICANT:  
**BILL SCHRADER**  
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No.	Description	Date
A	PLAN UPDATE	6/28/21
B	PERMITS AND PERMITS	10/21/21
C	SD SET	6/16/21
D	USE PERMIT	10/28/21
E	USE PERMIT RESUBMIT	10/16/21
F	SAP	10/29/21
G	USE PERMIT RESUBMIT	11/17/21
H	SAP RESUBMIT	11/23/21
I	USE PERMIT RESUBMIT	12/28/21
J	LANDING MEETING	4/11/22
K	LAND LIAISON MEETING	5/10/22
L	STAIR REDRAW	05/01/22
M	USE PERMIT RESUBMIT	05/02/22

Other drawings, as an extension of services, to which this stamp should be applied are available and will reflect the completion of the drawings.

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 2065 KITTREDGE ST  
 BERKELEY, CA 94704  
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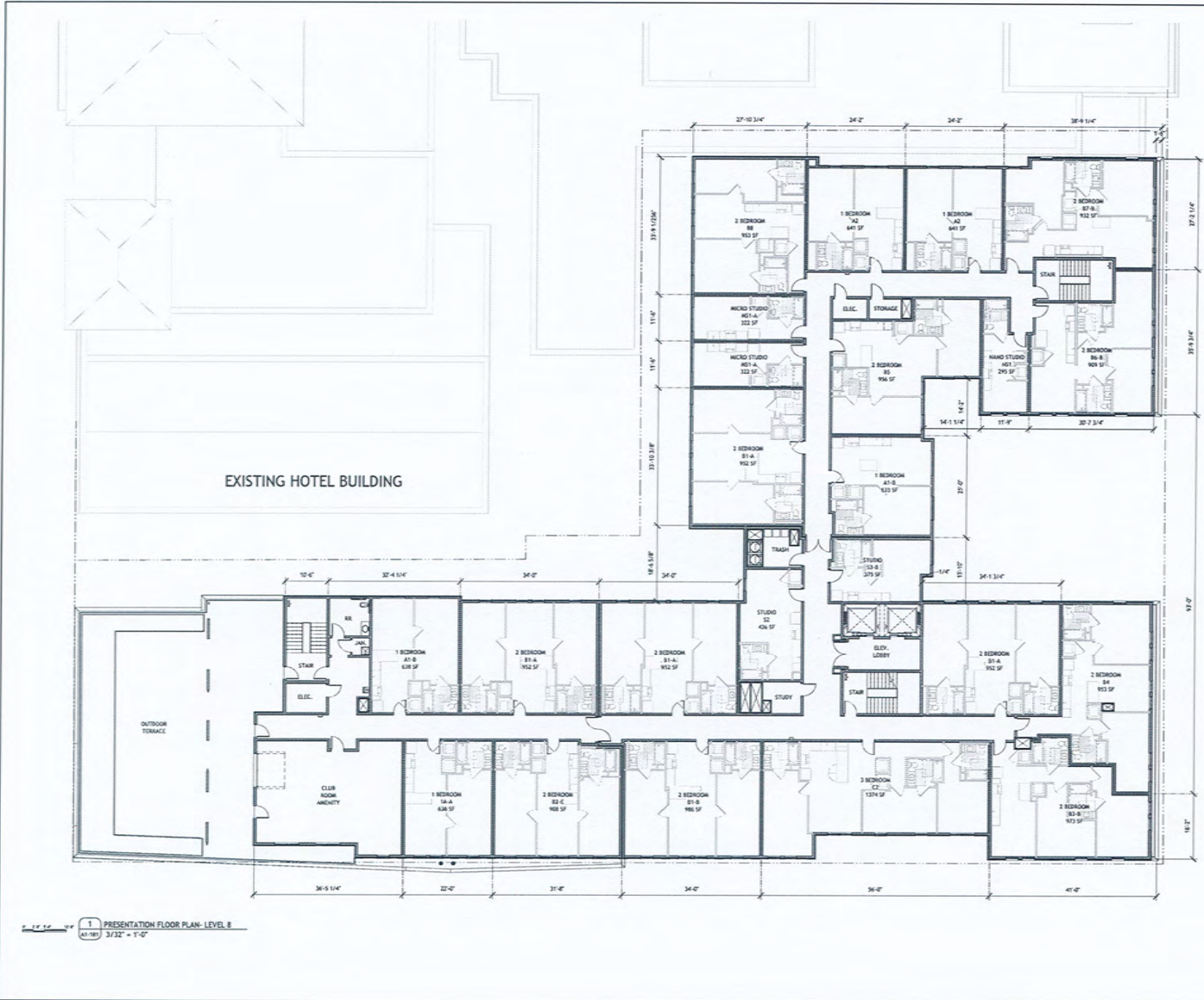
SHEET TITLE:  
**PLAN- LEVEL 4-7**

SHEET NUMBER:  
**A1-141**



NOT RELEASED FOR CONSTRUCTION





1 PRESENTATION FLOOR PLAN- LEVEL 8  
A1-181 3/32" = 1'-0"

PROJECT #: 121246  
DRAWN BY: TF  
CHECKED BY: AM  
**NILES BOLTON ASSOCIATES**  
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Suite 600  
Atlanta, GA 30305  
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www.nilesbolton.com

APPLICANT:  
**BILL SCHRADER**  
T 925 638 8762

No.	Description	Date
A	PLAN UPDATE	6/28/21
B	PERMITS APP SUBMIT	7/21/21
C	ISSUE SET	8/16/21
D	USE PERMIT	10/26/21
E	USE PERMIT RESUBMIT	12/16/21
F	SAP	12/16/21
G	USE PERMIT RESUBMIT	1/11/22
H	SAP RESUBMIT	2/23/22
I	USE PERMIT RESUBMIT	2/28/22
J	APRIL DRG MEETING	4/11/22
K	JUNE LUNGS MEETING	5/10/22
L	STAFF REVIEW	6/10/22
M	USE PERMIT RESUBMIT	8/22/22

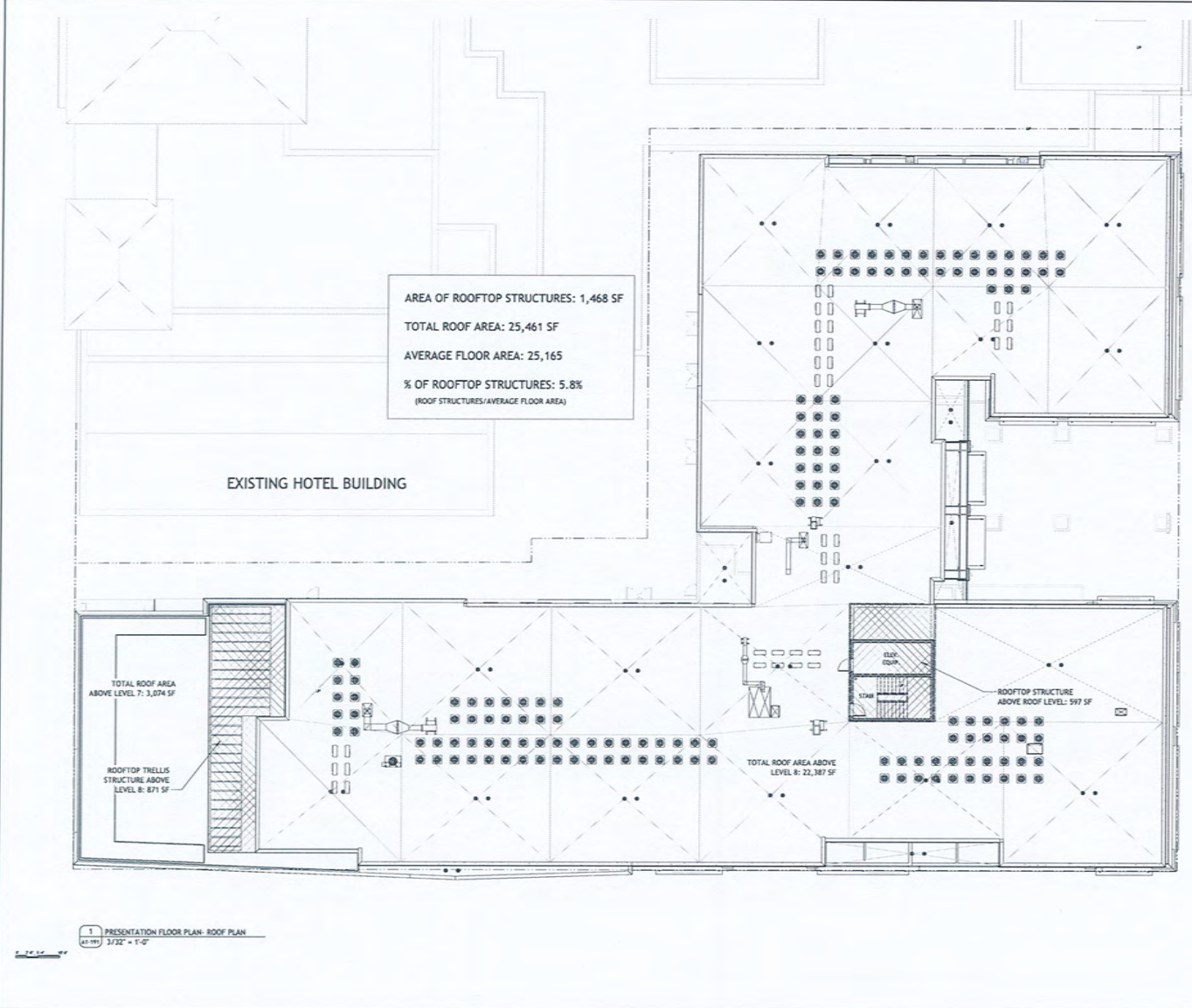
**BERKELEY PLAZA**  
2065 RITTREDGE ST  
BERKELEY, CA 94704  
**CENT LIVING BERKELEY, LLC**

SHEET TITLE:  
**PLAN- LEVEL 8**

SHEET NUMBER:  
**A1-181**



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PROJECT #: 121246  
 DRAWN BY: TF  
 CHECKED BY: MM

**NILES BOLTON ASSOCIATES**

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APPLICANT:  
 BILL SCHRADER  
 T 925 638 8782

No.	Description	Date
1	USE PERMIT RESUBMIT.	12/10/21
2	SAP	12/22/21
3	USE PERMIT RESUBMIT.	12/22/21
4	SAP RESUBMIT.	3/23/22
5	USE PERMIT RESUBMIT.	3/28/22
6	APRIL DEC. MEETING	10/11/22
7	JANU. LINDS. MEETING	5/18/22
8	STAFF REVIEW	10/25/22
9	USE PERMIT RESUBMIT.	10/25/22

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 2065 KITTREDGE ST  
 BERKELEY, CA 94704

CLIENT: TENT LIVING BERKELEY, LLC

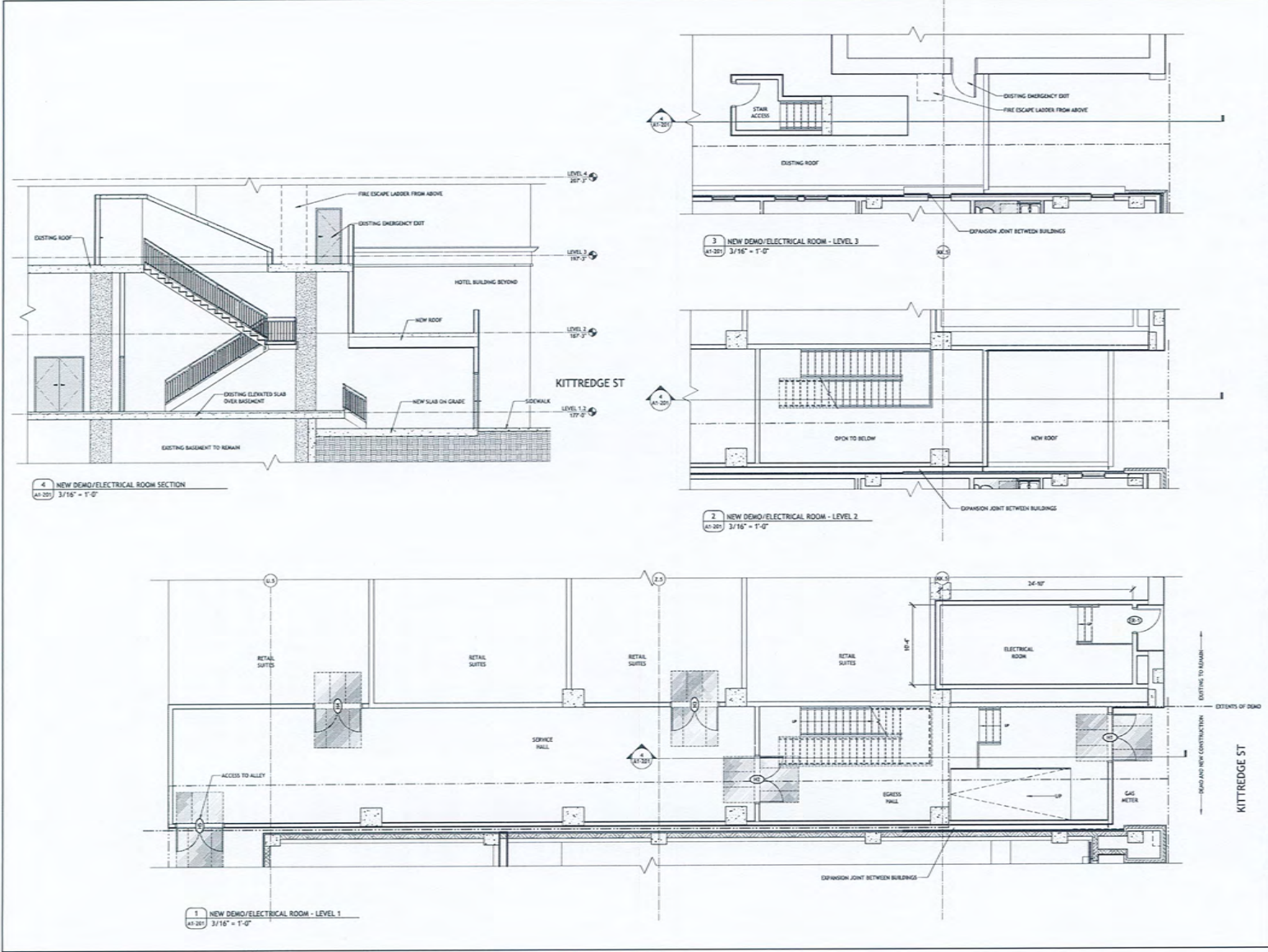
SHEET TITLE:  
**PLAN- ROOF**

SHEET NUMBER:  
**A1-191**



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PROJECT #: 121246  
 DRAWN BY: TF  
 CHECKED BY: AMH

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APPLICANT:  
 BILL SCHRADER  
 T 925 638 8782

No.	Description	Date
9	CONSTRUCTION	12/21/22
10	USE PERMIT RESUBMIT.	1/28/23
11	APPROVAL MEETING	4/11/23
12	APPROVAL MEETING	10/18/23
13	APPROVAL MEETING	11/16/23

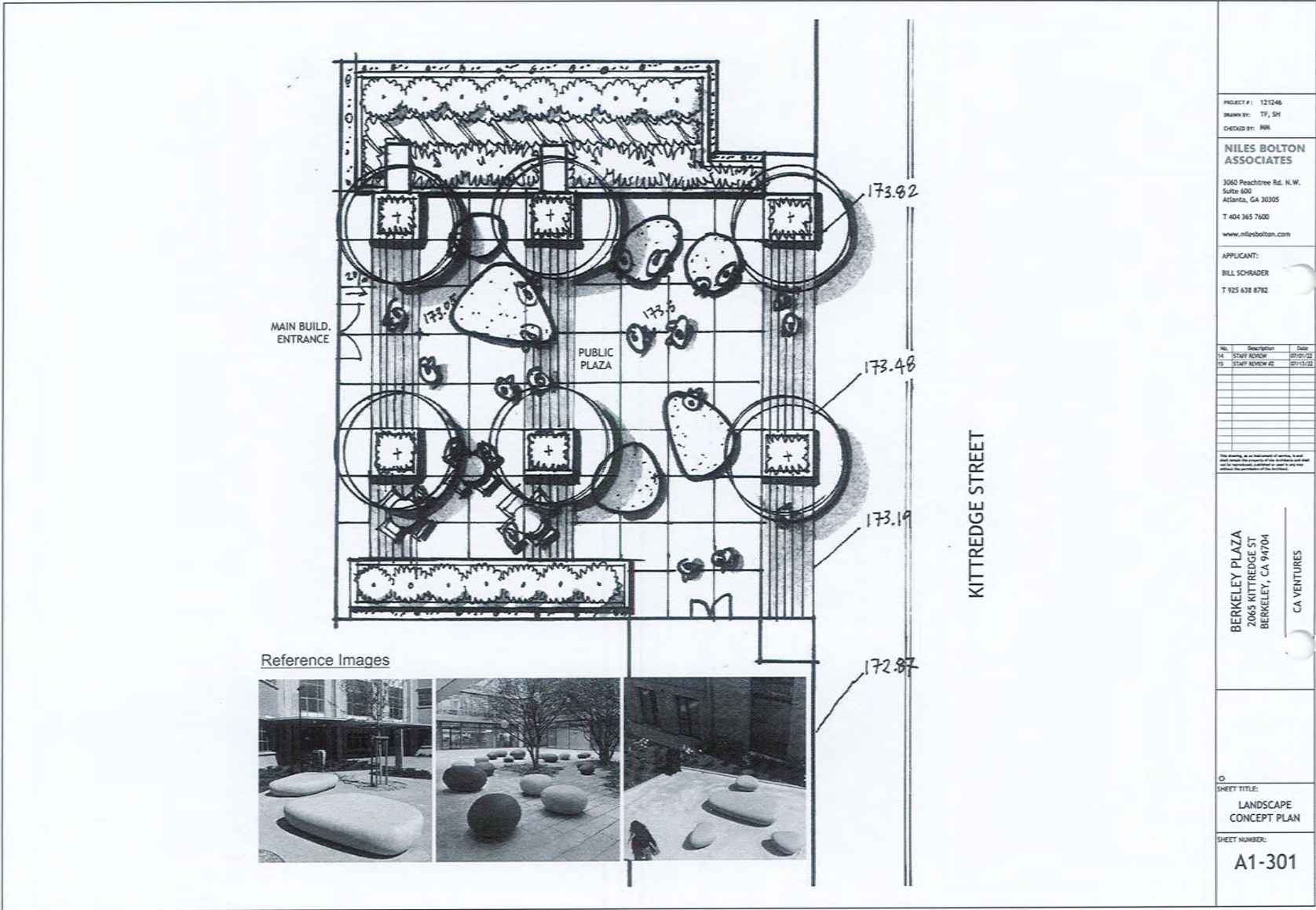
BERKELEY PLAZA  
 2065 KITTRIDGE ST  
 BERKELEY, CA 94704

CA VENTURES

SHEET TITLE:  
 NEW SERVICE HALL/ELECTRICAL ROOM PLAN

SHEET NUMBER:  
**A1-201**

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Reference Images



PROJECT #: 121246  
 DRAWN BY: TF, SH  
 CHECKED BY: MM  
**NILES BOLTON ASSOCIATES**  
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APPLICANT:  
 BILL SCHRADER  
 T 925 638 8762

No.	Description	Date
14	SHEET REVIEW	08/02/22
15	SHEET REVIEW #2	01/13/22

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**BERKELEY PLAZA**  
 2065 KITTRIDGE ST  
 BERKELEY, CA 94704  
 CA VENTURES

SHEET TITLE:  
**LANDSCAPE CONCEPT PLAN**  
 SHEET NUMBER:  
**A1-301**

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PROJECT #: 121246  
 DRAWN BY: TF  
 CHECKED BY: MM

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 Suite 600  
 Atlanta, GA 30305  
 T 404 365 7600  
 www.nilesbolton.com

APPLICANT:  
 BILL SCHRADER  
 T 925 638 8782

No.	Description	Date
H	PRELIMINARY ISSUE	2/23/22
I	USE PERMIT SUBMITTAL	3/17/22
J	SNAP RESUBMIT	3/22/22
K	USE PERMIT SUBMITTAL	3/28/22
L	APRIL 04L MEETING	4/11/22
M	JANUARY MEETING	5/18/22
N	STAFF REVIEW	07/01/22
O	USE PERMIT SUBMITTAL	08/02/22

**BERKELEY PLAZA**  
 2065 KITTREDGE ST  
 BERKELEY, CA 94704

**DEVELOPER: LIVING BERKELEY, LLC**

SHEET TITLE:  
 ELEVATION- WEST  
 (HAROLD WAY)

SHEET NUMBER:  
**A3-001**

NOT RELEASED FOR CONSTRUCTION



Keynote Legend	
Key Value	Keynote Text
E1	LIGHT TAN STUCCO
E2	CHARCOAL GREY STUCCO
E3	DARK TAN STUCCO
E4	IBERY
E5	WHITE FIBER CONCRETE
E6	WHITE FIBER CONCRETE WITH COLORED FOL FINISH
E7	ALUMINUM CANOPY
E8	STONEFRONT
E9	HOLLOW METAL DOOR
E10	PARKING GATE

PROJECT #: 121246  
 DRAWN BY: TP  
 CHECKED BY: MM  
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 Suite 600  
 Atlanta, GA 30305  
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APPLICANT:  
**BILL SCHRADER**  
 T 925 638 8782

No.	Description	Date
1	PRELIMINARY DESIGN	1/17/22
2	USE PERMIT SUBMITTAL	1/17/22
3	SAP REVIEW	1/23/22
4	USE PERMIT REVIEW	2/28/22
5	APRIL 2022 MEETING	4/11/22
6	JUNE 2022 MEETING	6/15/22
7	STAFF REVIEW	8/10/22
8	USE PERMIT REVIEW	8/10/22

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**BERKELEY PLAZA**  
 2065 KITTREDGE ST  
 BERKELEY, CA 94704  
 DENT LIVING BERKELEY, LLC

SHEET TITLE:  
**ELEVATION- SOUTH (KITTREDGE ST.)**  
 SHEET NUMBER:  
**A3-002**

1 PRESENTATION-ELEVATION- SOUTH (KITTREDGE ST.)  
 A3-002 3/32" = 1'-0"

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Keynote Legend	
Key Value	Keynote Text
IS	WHITE FIBER CEMENT
EM	EXTERIOR WALL SCORCE
ET	STONEFRONT
ETM	MESH SCREENING
ETD	MESH SCREENING
ETM	STONE BRICK BLOCK

PROJECT #: 121246  
 DRAWN BY: TF  
 CHECKED BY: MM

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APPLICANT:  
 BILL SCHRADER  
 T 925 638 8782

No.	Description	Date
1	PRELIM APP SUBMIT	7/25/21
2	LOCAL PERMIT RESUBMIT	11/17/22
3	SNAP RESUBMIT	1/23/23
4	SNAP PERMIT RESUBMIT	3/28/23
5	APRIL OAC MEETING	4/11/23
6	JUNE OAC MEETING	6/16/23
7	OCTOBER REVIEW	10/20/23
8	SNAP PERMIT RESUBMIT	09/20/22

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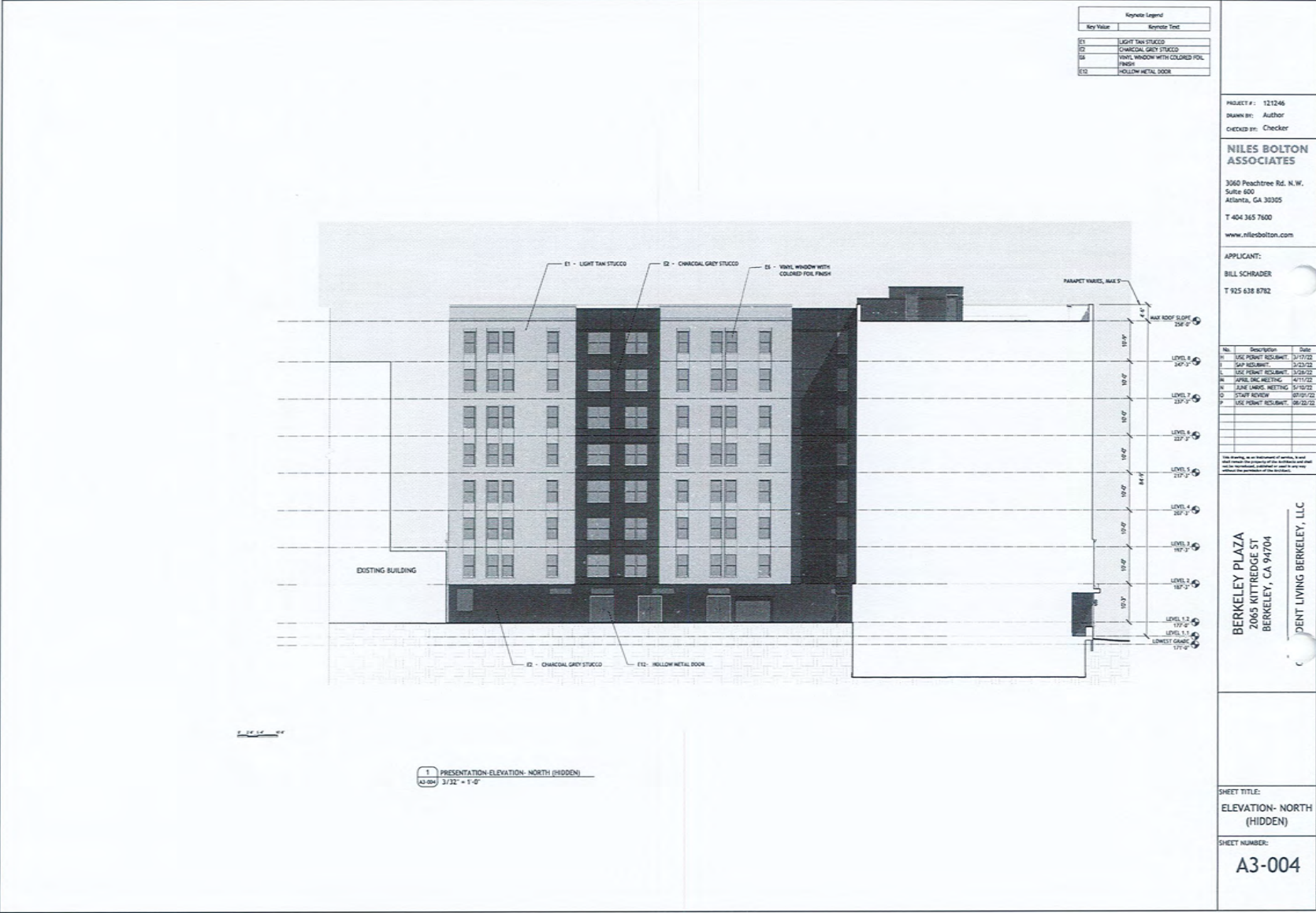
**BERKELEY PLAZA**  
 2065 KITTREDGE ST  
 BERKELEY, CA 94704

**DENT LIVING BERKELEY, LLC**

SHEET TITLE:  
**ELEVATION- NORTH (ALLSTON WAY)**

SHEET NUMBER:  
**A3-003**

NOT RELEASED FOR CONSTRUCTION



Keynote Legend	
Key Value	Keynote Text
E1	LIGHT TAN STUCCO
E2	CHARCOAL GREY STUCCO
E3	VINYL WINDOW WITH COLORED FOIL FINISH
E10	HOLLOW METAL DOOR

PROJECT #: 121246  
 DRAWN BY: Author  
 CHECKED BY: Checker

**NILES BOLTON ASSOCIATES**  
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 Suite 600  
 Atlanta, GA 30305  
 T 404 365 7600  
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APPLICANT:  
**BILL SCHRADER**  
 T 925 638 8762

No.	Description	Date
1	ISSUE PERMIT RESUBMIT	12/13/22
2	ISSUE PERMIT RESUBMIT	12/28/22
3	ISSUE PERMIT RESUBMIT	01/11/23
4	ISSUE PERMIT RESUBMIT	01/10/23
5	ISSUE PERMIT RESUBMIT	02/22/22

**BERKELEY PLAZA**  
 2065 KITTREDGE ST  
 BERKELEY, CA 94704

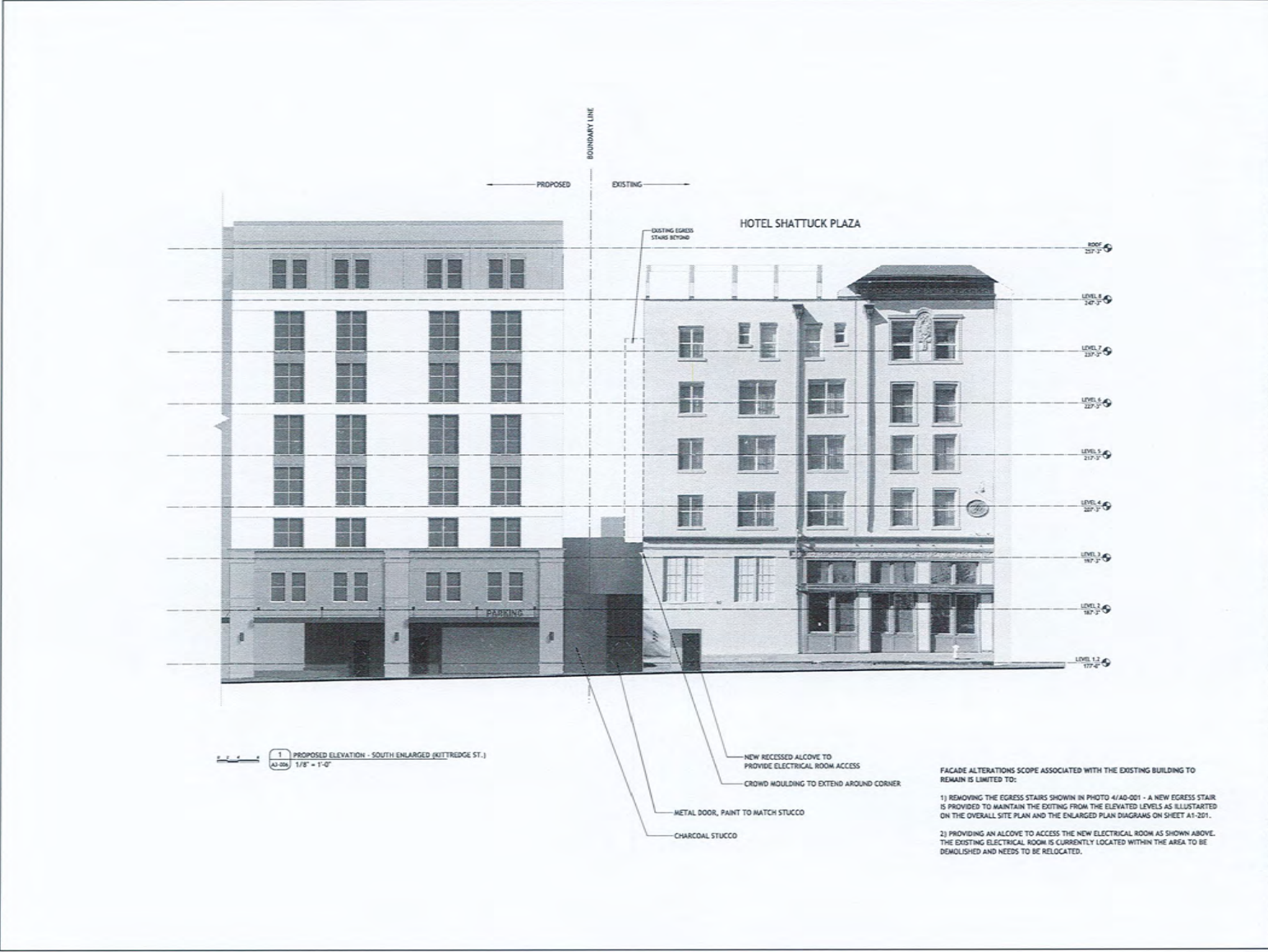
DENT LIVING BERKELEY, LLC

SHEET TITLE:  
**ELEVATION- NORTH (HIDDEN)**

SHEET NUMBER:  
**A3-004**

NOT RELEASED FOR CONSTRUCTION





PROJECT #: 121246  
 DRAWN BY: Author  
 CHECKED BY: Checker

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APPLICANT:  
 BILL SCHRADER  
 T 925 638 8782

No.	Description	Date
1	ISSUE FOR PERMIT	12/21/11
2	ISSUE FOR PERMIT	1/23/12
3	ISSUE FOR PERMIT	4/11/12
4	ISSUE FOR PERMIT	7/18/12
5	STAFF REVIEW #2	10/13/12

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**BERKELEY PLAZA**  
 2065 KITTREDGE ST  
 BERKELEY, CA 94704

AGENT: LIVING BERKELEY, LLC

SHEET TITLE:  
**ELEVATION - SOUTH ENLARGED (KITTREDGE ST.)**

SHEET NUMBER:  
**A3-006**

FACADE ALTERATIONS SCOPE ASSOCIATED WITH THE EXISTING BUILDING TO REMAIN IS LIMITED TO:

- 1) REMOVING THE EGRESS STAIRS SHOWN IN PHOTO A/AD-001 - A NEW EGRESS STAIR IS PROVIDED TO MAINTAIN THE EXISTING FROM THE ELEVATED LEVELS AS ILLUSTRATED ON THE OVERALL SITE PLAN AND THE ENLARGED PLAN DIAGRAMS ON SHEET A1-201.
- 2) PROVIDING AN ALCOVE TO ACCESS THE NEW ELECTRICAL ROOM AS SHOWN ABOVE. THE EXISTING ELECTRICAL ROOM IS CURRENTLY LOCATED WITHIN THE AREA TO BE DEMOLISHED AND NEEDS TO BE RELOCATED.

NOT RELEASED FOR CONSTRUCTION



Key Value	Keynote Text
E1	WHITE FIBER CONCRETE
E2	CHARCOAL GREY STUCCO
E3	DARK TAN STUCCO
E4	BRICK
E5	WHITE FIBER CONCRETE
E6	VINYL WINDOW WITH COLORED FOL FINISH
E13	SAILING

PROJECT #: 121246  
 DRAWN BY: TF  
 CHECKED BY: MM

**NILES BOLTON ASSOCIATES**  
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 SUITE 600  
 Atlanta, GA 30325  
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APPLICANT:  
 BILL SCHRADER  
 T 925 638 8782

No.	Description	Date
1	PRELIM APP SUBMIT	7/21/22
2	LOCAL PERMIT RESUBMIT	11/17/22
3	SNAP RESUBMIT	1/13/23
4	LOCAL PERMIT RESUBMIT	3/28/23
5	APRIL OAC MEETING	4/11/23
6	JUNE OAC MEETING	6/15/23
7	OCTOBER REVIEW	10/27/23
8	FINAL PERMIT RESUBMIT	09/20/23

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**BERKELEY PLAZA**  
 2066 KITTREDGE ST  
 BERKELEY, CA 94704

**DEVELOPER: LIVING BERKELEY, LLC**

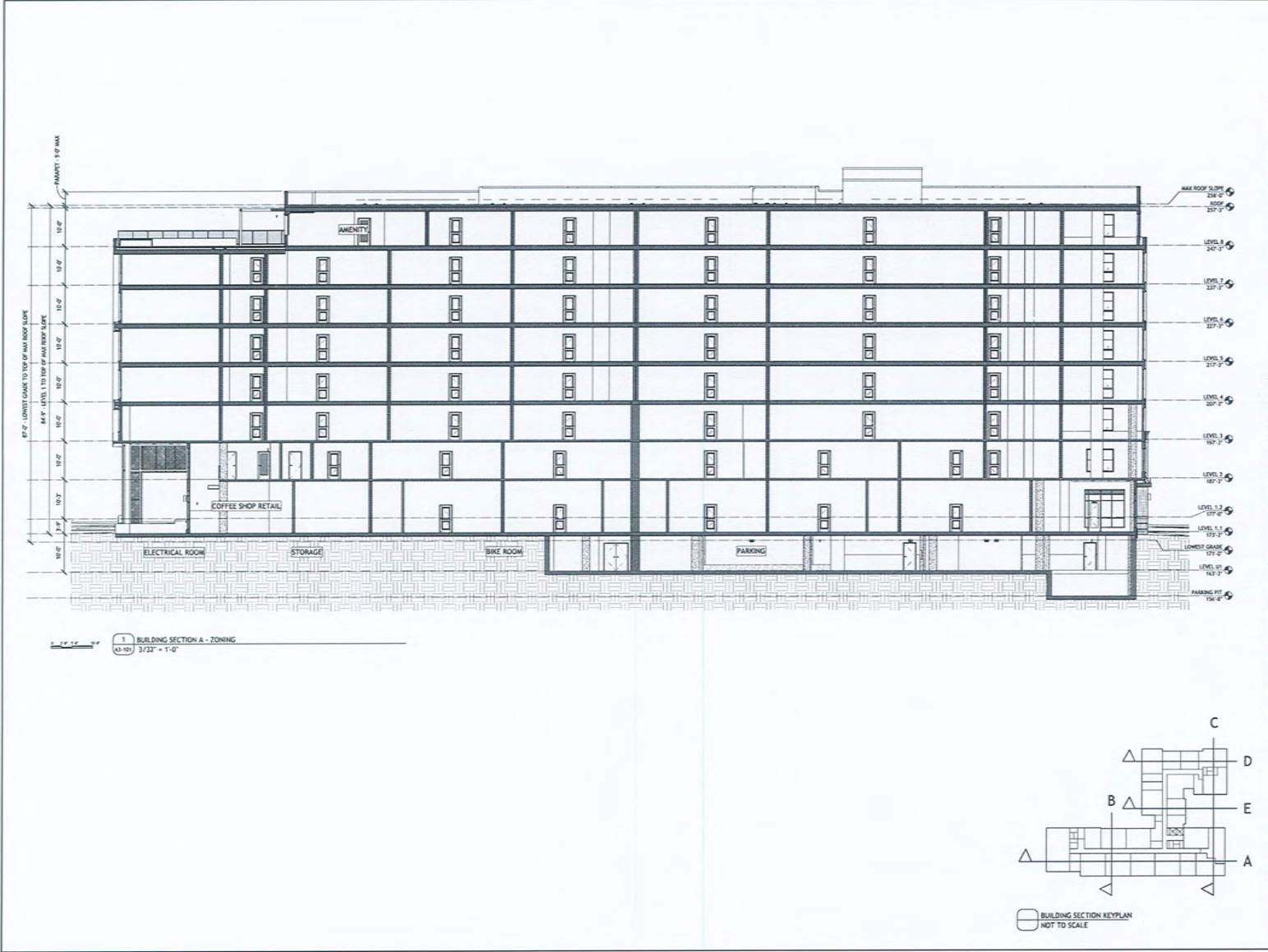
SHEET TITLE:  
 ELEVATION- EAST  
 (HIDDEN)

SHEET NUMBER:  
**A3-005**

1 PRESENTATION-ELEVATION- EAST (HIDDEN)  
 A3-005 3/32" = 1'-0"

NOT RELEASED FOR CONSTRUCTION





PROJECT #: 121246  
 DRAWN BY: TP  
 CHECKED BY: MM

**NILES BOLTON ASSOCIATES**  
 3060 Peachtree Rd. N.W.  
 Suite 600  
 Atlanta, GA 30305  
 T 404 365 7600  
 www.nilesbolton.com

APPLICANT:  
**BILL SCHRADER**  
 T 925 638 8782

No.	Description	Date
1	USE PERMIT RESUBMIT	12/15/21
2	USE PERMIT RESUBMIT	12/20/21
3	USE PERMIT RESUBMIT	12/22/21
4	USE PERMIT RESUBMIT	12/22/21
5	APRIL OAC MEETING	4/11/22
6	JUNE OAC MEETING	5/19/22
7	USE PERMIT RESUBMIT	10/25/22

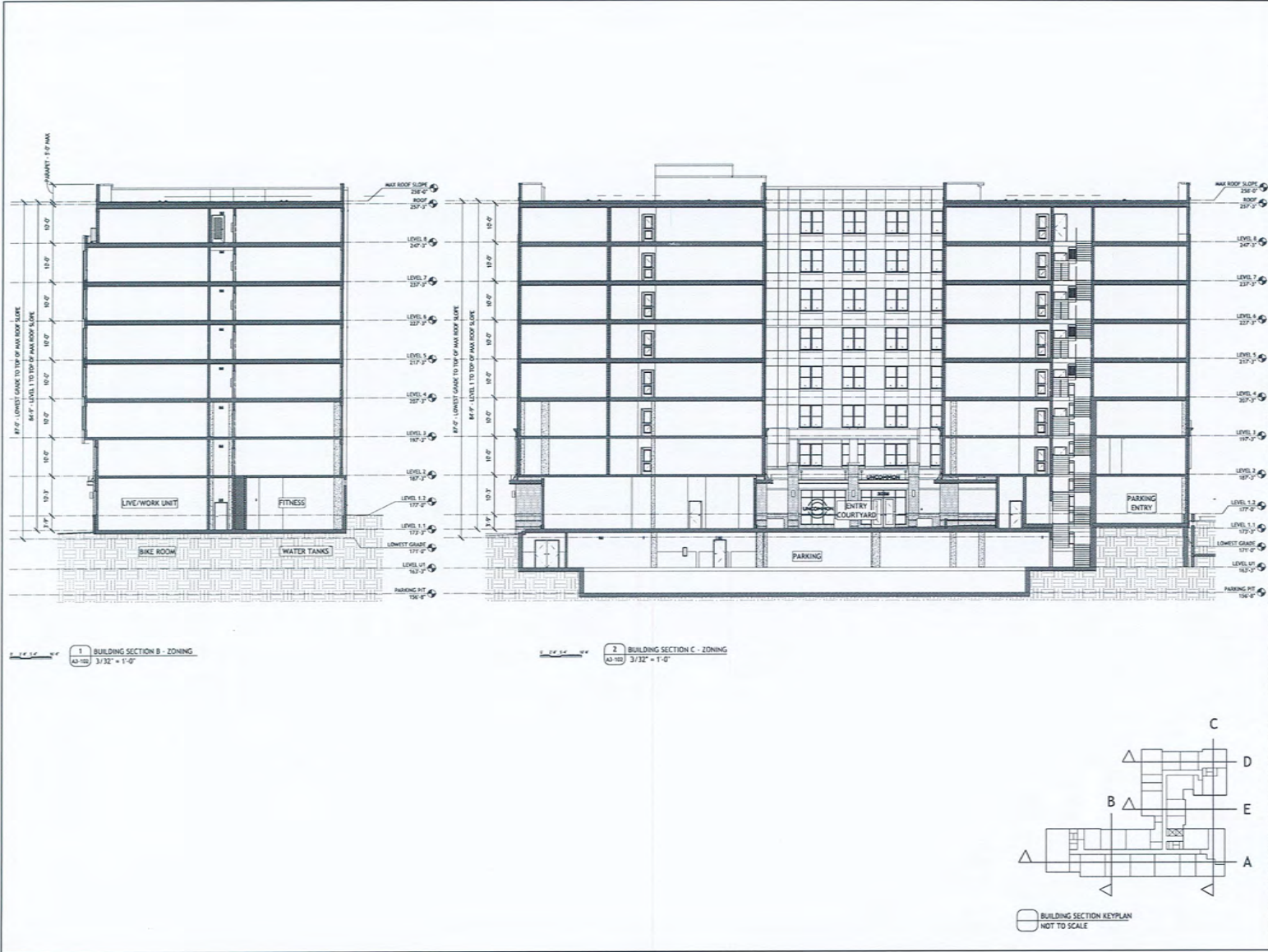
**BERKELEY PLAZA**  
 7065 KITTREDGE ST  
 BERKELEY, CA 94704

AGENT: **LIVING BERKELEY, LLC**

SHEET TITLE:  
**BUILDING SECTION**

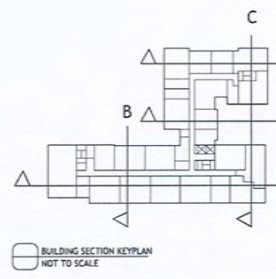
SHEET NUMBER:  
**A3-101**

NOT RELEASED FOR CONSTRUCTION



1 BUILDING SECTION B - ZONING  
A3-103 3/32" = 1'-0"

2 BUILDING SECTION C - ZONING  
A3-105 3/32" = 1'-0"



PROJECT #: 121246  
DRAWN BY: TF  
CHECKED BY: MM  
**NILES BOLTON ASSOCIATES**  
3060 Peachtree Rd. N.W.  
Suite 600  
Atlanta, GA 30305  
T 404 365 7100  
www.nilesbolton.com

APPLICANT:  
**BILL SCHRADER**  
T 925 638 8782

No.	Description	Date
1	ISSUE PERMIT RESUBMIT.	12/25/21
2	ISSUE PERMIT RESUBMIT.	1/13/22
3	ISSUE PERMIT RESUBMIT.	1/13/22
4	ISSUE PERMIT RESUBMIT.	1/13/22
5	ISSUE PERMIT RESUBMIT.	1/13/22
6	ISSUE PERMIT RESUBMIT.	1/13/22
7	ISSUE PERMIT RESUBMIT.	1/13/22
8	ISSUE PERMIT RESUBMIT.	1/13/22
9	ISSUE PERMIT RESUBMIT.	1/13/22
10	ISSUE PERMIT RESUBMIT.	1/13/22

**BERKELEY PLAZA**  
2045 KITTREDGE ST  
BERKELEY, CA 94704  
**DEBENT LIVING BERKELEY, LLC**

SHEET TITLE:  
**BUILDING SECTION**  
SHEET NUMBER:  
**A3-102**

NOT RELEASED FOR CONSTRUCTION





1 PERSPECTIVE - KITTREDGE ST AND HAROLD WAY CORNER  
 A3-203 NOT TO SCALE



2 PERSPECTIVE - KITTREDGE ST RETAIL SPACE  
 A3-203 NOT TO SCALE



3 PERSPECTIVE - PERSPECTIVE - KITTREDGE ST PLAZA AND RETAIL  
 A3-203 NOT TO SCALE



4 PERSPECTIVE - PERSPECTIVE - KITTREDGE ST PLAZA AND RETAIL  
 A3-203 NOT TO SCALE

PROJECT #: 121246  
 DRAWN BY: TF, RK  
 CHECKED BY: MM  
**NILES BOLTON ASSOCIATES**  
 3060 Peachtree Rd. N.W.  
 Suite 600  
 Atlanta, GA 30305  
 T 404 365 7600  
 www.nilesbolton.com

APPLICANT:  
 BILL SCHRADER  
 T 925 638 8762

No.	Description	Date
1	PRELIM APP REVIEW	7/25/21
2	CD SET	8/16/21
3	ISSUE PERMIT	10/29/21
4	ISSUE PERMIT REQUIREMENT	11/16/21
5	SNIP	12/23/21
6	ISSUE PERMIT REQUIREMENT	1/11/22
7	SNIP REQUIREMENT	1/23/22
8	ISSUE PERMIT REQUIREMENT	3/28/22
9	APPLIC. ENG. MEETING	4/11/22
10	JANE URBAN MEETING	5/18/22
11	STAFF REVIEW	6/01/22
12	STAFF REVIEW #2	6/13/22

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**BERKELEY PLAZA**  
 2065 KITTREDGE ST  
 BERKELEY, CA 94704  
 CA VENTURES

SHEET TITLE:  
 PERSPECTIVES

SHEET NUMBER:  
**A3-203**

NOT RELEASED FOR CONSTRUCTION





1 PERSPECTIVE - HAROLD WAY LIVE/WORK UNIT ENTRIES  
 A3-225 NOT TO SCALE



2 PERSPECTIVE - NORTH WEST CORNER AERIAL  
 A3-226 NOT TO SCALE



3 PERSPECTIVE - ALLSTON WAY AND HAROLD WAY RETAIL ENTRY  
 A3-223 NOT TO SCALE



4 PERSPECTIVE - ALLSTON WAY AND HAROLD WAY CORNER  
 A3-224 NOT TO SCALE

PROJECT #: 121246  
 DRAWN BY: TF, BK  
 CHECKED BY: MM  
**NILES BOLTON ASSOCIATES**  
 3060 Peachtree Rd. N.W.  
 Suite 600  
 Atlanta, GA 30305  
 T 404 365 7600  
 www.nilesbolton.com

APPLICANT:  
**BILL SCHRADER**  
 T 925 638 8782

No.	Description	Date
8	ISSUE PERMIT RESUBMIT	12/15/22
9	ISSUE PERMIT	12/22/22
11	ISSUE PERMIT RESUBMIT	12/28/22
12	APRIL 2023 MEETING	04/17/23
13	JUNE 2023 MEETING	06/15/23

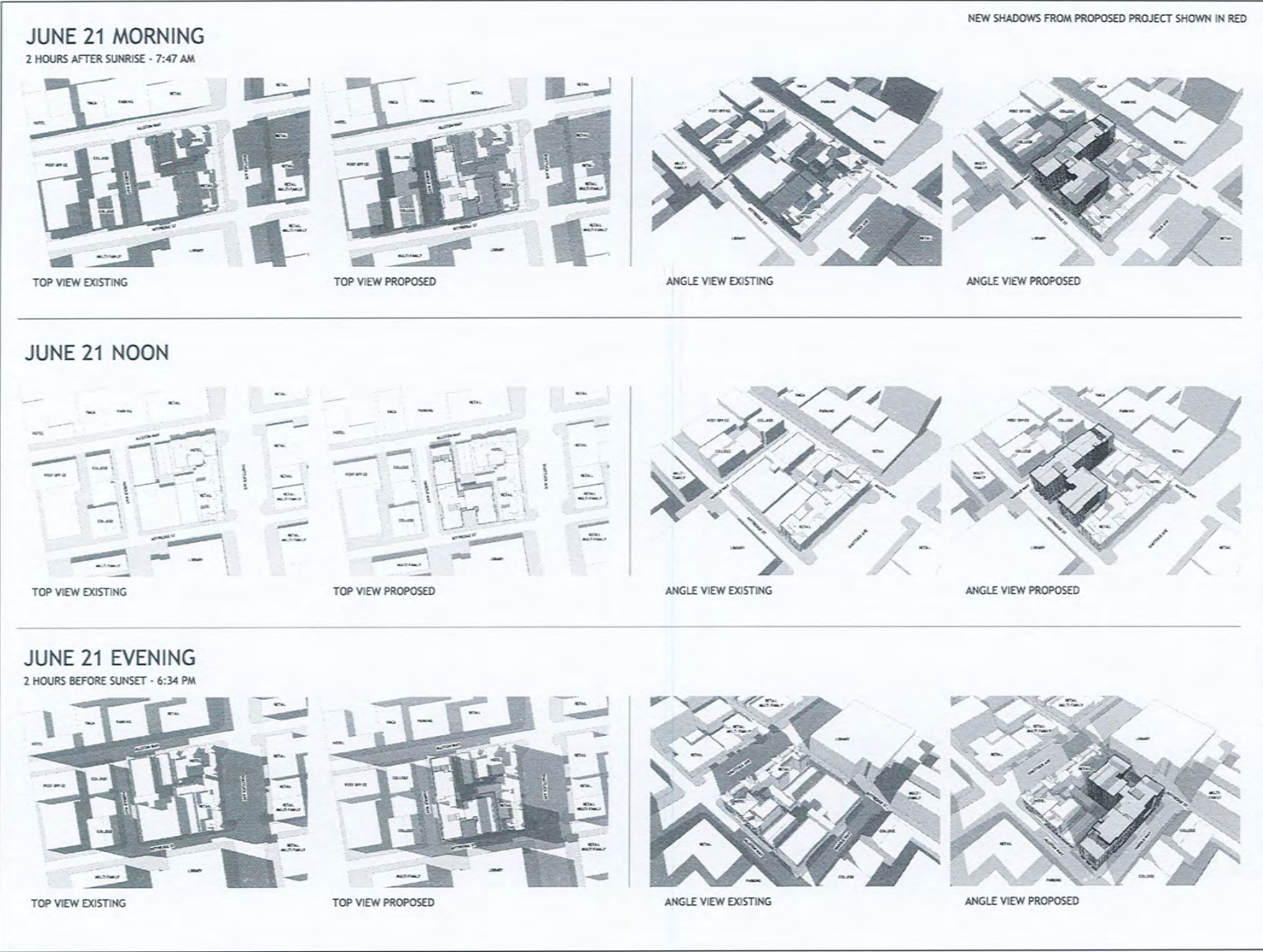
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**BERKELEY PLAZA**  
 2065 KITTEDGE ST  
 BERKELEY, CA 94704  
 CA VENTURES

SHEET TITLE:  
**PERSPECTIVES**  
 SHEET NUMBER:  
**A3-202**

NOT RELEASED FOR CONSTRUCTION





PROJECT #: 121246  
 DRAWN BY: TF  
 CHECKED BY: MM

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 Suite 400  
 Atlanta, GA 30305  
 T 404 365 7600  
 www.nilesbolton.com

APPLICANT:  
 BILL SCHRADER  
 T 925 638 8782

No.	Description	Date
1	DRG. PERMIT	10/25/21
2	DRG. PERMIT REVISION	12/15/21
3	SAP	12/22/21
4	SAP REVISION	12/23/21
12	APRIL DRG. MEETING	4/11/22
13	JUNE DRG. MEETING	5/18/22

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**BERKELEY PLAZA**  
 2065 KITTREDGE ST  
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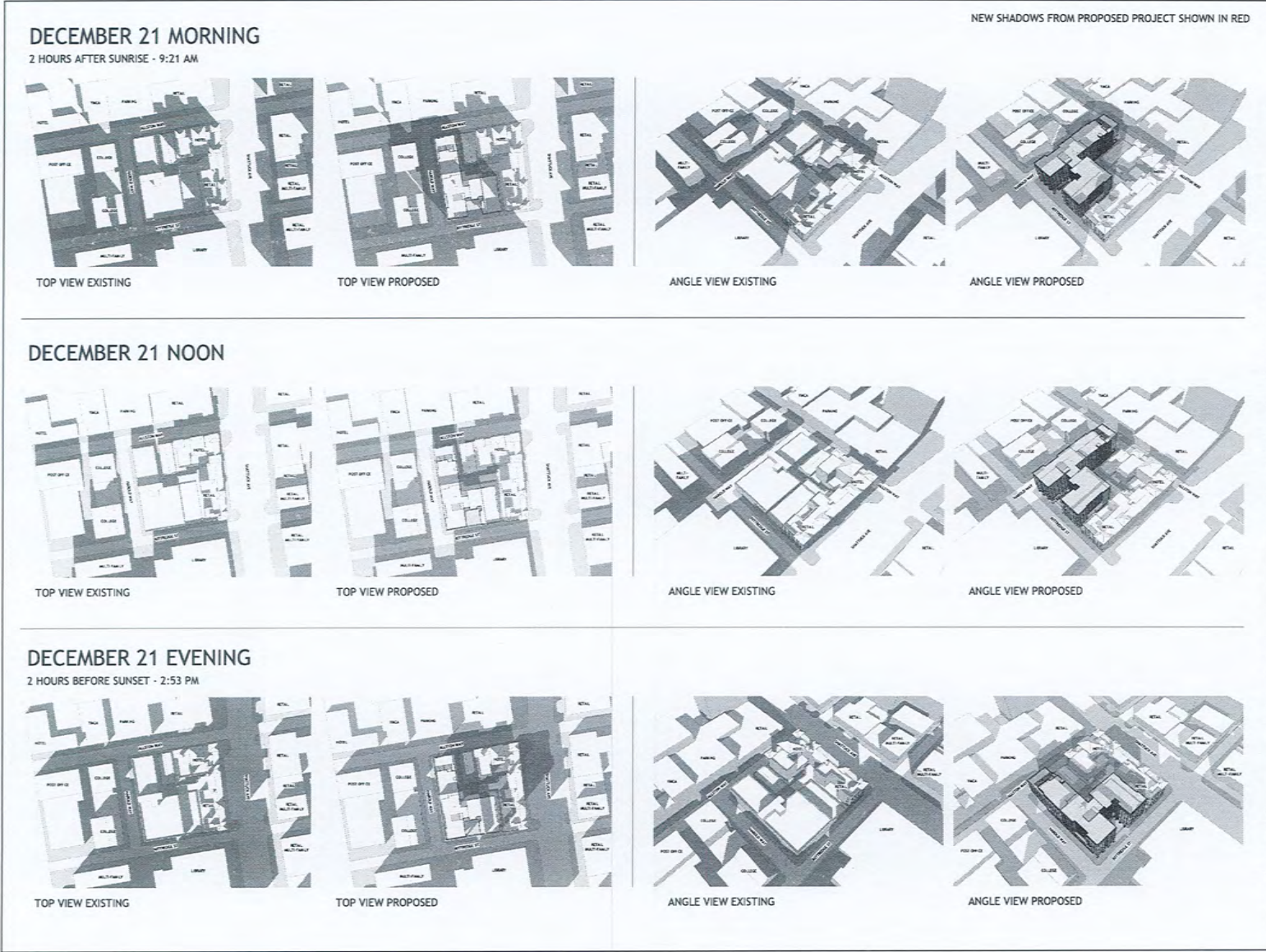
CA VENTURES

SHEET TITLE:  
 SHADOW STUDIES - JUNE 21

SHEET NUMBER:  
**A3-301**

NOT RELEASED FOR CONSTRUCTION





PROJECT # : 121346  
 DRAWN BY : TF  
 CHECKED BY : MM

**NILES BOLTON ASSOCIATES**  
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 Suite 600  
 Atlanta, GA 30305  
 T 404 363 7600  
 www.nilesbolton.com

APPLICANT:  
 BILL SCHRADER  
 T 925 638 8782

No.	Description	Date
5	DRG POINT RESUBMIT	12/15/12
6	SUP	12/15/12
8	SUP RESUBMIT	1/15/13
12	APPLIC MEETING	14/11/12
13	PLNE URBAS. MEETING	5/15/12

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**BERKELEY PLAZA**  
 2065 RITTENDEG ST  
 BERKELEY, CA 94704

CA VENTURES

SHEET TITLE:  
 SHADOW STUDIES  
 -DEC 21

SHEET NUMBER:  
**A3-302**

NOT RELEASED FOR CONSTRUCTION



### DECEMBER 10 MORNING

2 HOURS AFTER SUNRISE - 9:14 AM

NEW SHADOWS FROM PROPOSED PROJECT SHOWN IN RED

TOP VIEW EXISTING      TOP VIEW PROPOSED      ANGLE VIEW EXISTING      ANGLE VIEW PROPOSED

---

### DECEMBER 10 NOON

TOP VIEW EXISTING      TOP VIEW PROPOSED      ANGLE VIEW EXISTING      ANGLE VIEW PROPOSED

---

### DECEMBER 10 EVENING

2 HOURS BEFORE SUNSET - 2:49 PM

TOP VIEW EXISTING      TOP VIEW PROPOSED      ANGLE VIEW EXISTING      ANGLE VIEW PROPOSED

PROJECT #: 121246  
 DRAWN BY: TF  
 CHECKED BY: MM

**NILES BOLTON ASSOCIATES**  
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 Suite 600  
 Atlanta, GA 30305  
 T 404 365 7600  
 www.nilesbolton.com

APPLICANT:  
 BILL SCHRADER  
 T 925 638 8782

No.	Description	Date
5	USE PERMIT RESUBMIT	02/10/21
6	NOI	12/10/21
8	NOI RESUBMIT	12/10/21
12	PUBLIC WORK MEETING	11/11/21
13	JUNE LANDG. MEETING	5/10/22

BERKELEY PLAZA  
 2065 KITTREDGE ST  
 BERKELEY, CA 94704

CA VENTURES

SHEET TITLE:  
 SHADOW STUDIES  
 -DEC 10

SHEET NUMBER:  
**A3-303**

NOT RELEASED FOR CONSTRUCTION



PROJECT #: 121244  
 DRAWN BY: TP, RK  
 CHECKED BY: MM  
**NILES BOLTON ASSOCIATES**  
 3060 Peachtree Rd. N.W.  
 Suite 600  
 Atlanta, GA 30305  
 T 404 365 7100  
 www.nilesbolton.com

APPLICANT:  
**BILL SCHRADER**  
 T 925 638 8782

No.	Description	Date
1	USE PERMIT	10/25/21
2	USE PERMIT RESUBMIT	12/10/21
3	SAP	10/27/21
4	SAP RESUBMIT	11/23/21
13	PLUMBERS MEETING	5/10/22

This drawing, as an instrument of service, is not valid unless the project is in compliance with all applicable laws, codes, and regulations. It is the responsibility of the client to ensure that the project complies with all applicable laws, codes, and regulations.

**BERKELEY PLAZA**  
 2065 KITTREDGE ST  
 BERKELEY, CA 94704  
 CA VENTURES

SHEET TITLE:  
**STREET STRIP ELEVATIONS**  
 SHEET NUMBER:  
**A3-304**

EXTERIOR ELEVATIONS FOR GENERAL REFERENCE ONLY. PLEASE REFER TO ENLARGED ELEVATIONS FOR PROPOSED DESIGN

NOT RELEASED FOR CONSTRUCTION





E1 - TAN STUCCO



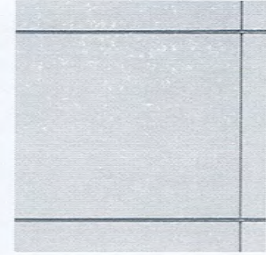
E2 - CHARCOAL GREY STUCCO



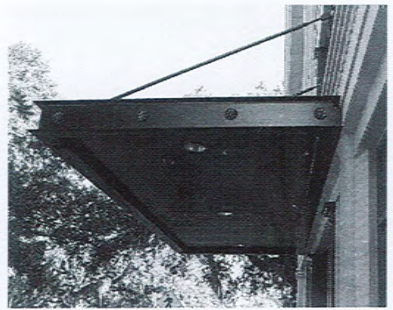
E3 - DARK TAN STUCCO



E4 - BRICK



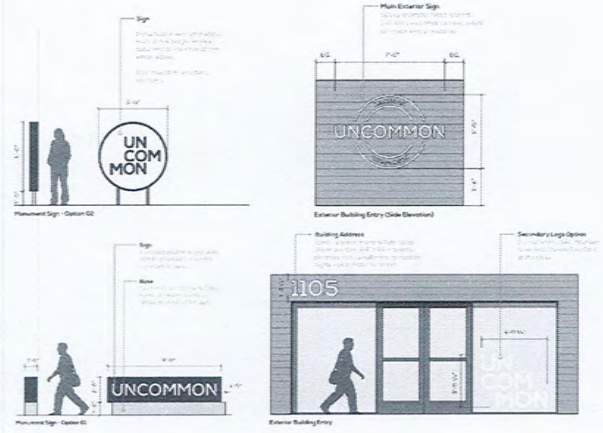
E5 - WHITE FIBER CEMENT



E7 - ALUMINUM CANOPY



E8 - EXTERIOR WALL SCONCE



E9 - SIGNAGE

1 MATERIAL BOARD  
 A3-305 NOT TO SCALE

PROJECT #: 121246  
 DRAWN BY: TP, BK  
 CHECKED BY: MM

**NILES BOLTON ASSOCIATES**  
 3060 Peachtree Rd. N.W.  
 Suite 600  
 Atlanta, GA 30305  
 T 404 365 7600  
 www.nilesbolton.com

APPLICANT:  
 BILL SCHRADER  
 T 925 638 8762

No.	Description	Date
0	SIG	10/22/21
01	SIG REVISION	10/22/21
02	SIG PERMIT REVISION	10/28/21
03	SIG PERM REVISION	10/21/21
04	SIG PERM REVISION	10/21/21
05	SIG PERM REVISION	10/21/21
06	SIG PERM REVISION	10/21/21
07	SIG PERM REVISION	10/21/21
08	SIG PERM REVISION	10/21/21
09	SIG PERM REVISION	10/21/21
10	SIG PERM REVISION	10/21/21
11	SIG PERM REVISION	10/21/21
12	SIG PERM REVISION	10/21/21
13	SIG PERM REVISION	10/21/21

BERKELEY PLAZA  
 2065 KITTEDGE ST  
 BERKELEY, CA 94704

CA VENTURES

SHEET TITLE:  
**MATERIAL BOARDS**

SHEET NUMBER:  
**A3-305**

NOT RELEASED FOR CONSTRUCTION



2 SAMPLE UNIT - S2  
 A5-001 3/16" = 1'-0"

3 SAMPLE UNIT - NS1  
 A5-001 3/16" = 1'-0"

4 SAMPLE UNIT - NS1  
 A5-001 3/16" = 1'-0"

5 SAMPLE UNIT - A1  
 A5-001 3/16" = 1'-0"

1 SAMPLE UNIT - B1  
 A5-001 3/16" = 1'-0"

6 SAMPLE UNIT - B2  
 A5-001 3/16" = 1'-0"

7 SAMPLE UNIT - C1  
 A5-001 3/16" = 1'-0"

PROJECT #: 121246  
 DRAWN BY: TP  
 CHECKED BY: MH

**NILES BOLTON ASSOCIATES**

3060 Peachtree Rd. N.W.  
 Suite 600  
 Atlanta, GA 30305  
 T 404 365 7600  
 www.nilesbolton.com

APPLICANT:  
 BILL SCHRADER  
 T 925 638 8782

No.	Description	Date
01	LOG PLANET	10/29/21
02	LOG PLANET RESUBMIT	10/15/21
03	SAP	10/29/21
04	SAP RESUBMIT	11/23/21
05	LOG PLANET RESUBMIT	12/24/21
06	JANAL SMC MEETING	01/11/22
07	JANAL SMC MEETING	02/02/22

This drawing is an illustration of a building and does not constitute a contract. The project is subject to all applicable laws and regulations. The project is subject to all applicable laws and regulations. The project is subject to all applicable laws and regulations.

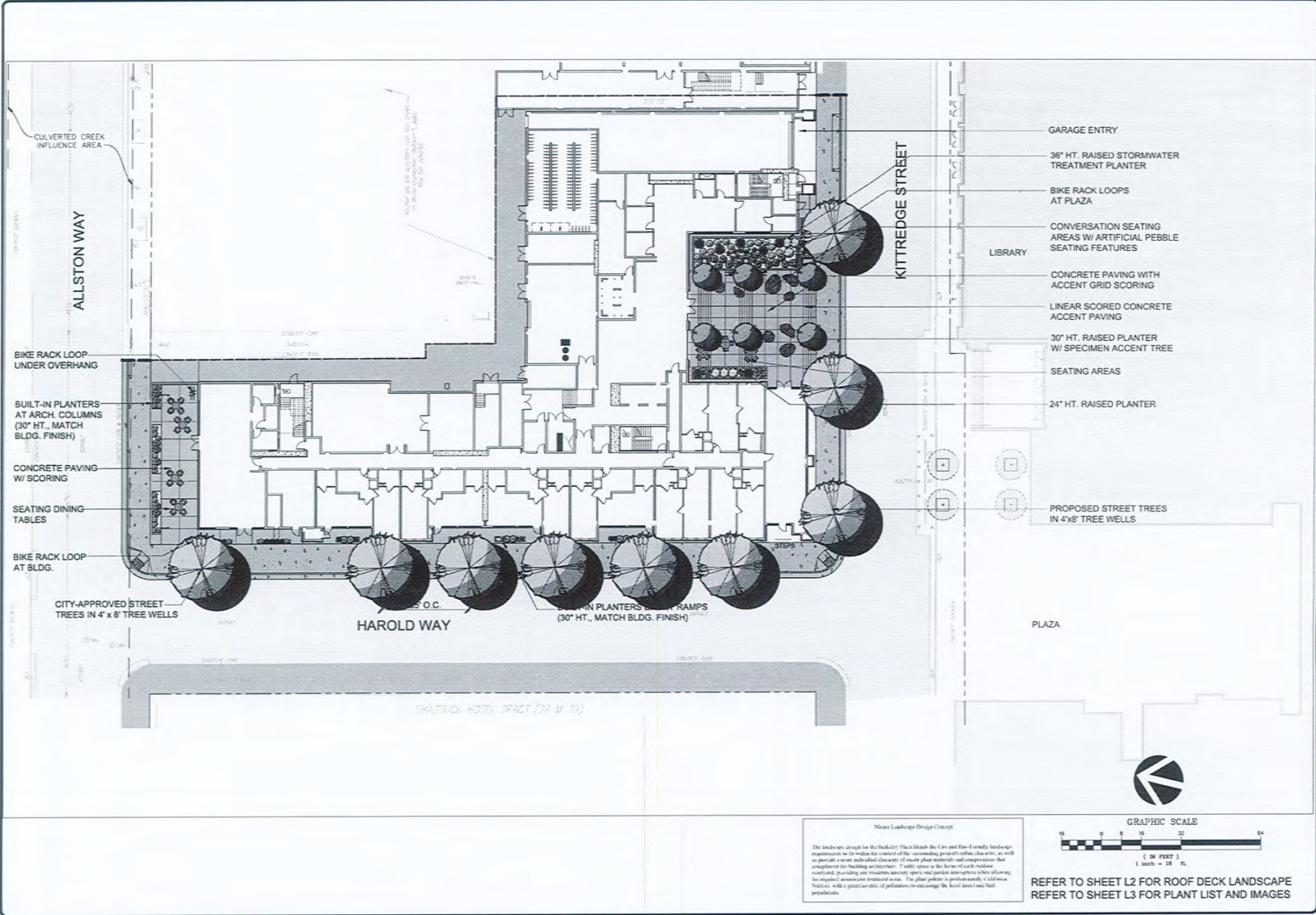
BERKELEY PLAZA  
 2065 KITTRIDGE ST  
 BERKELEY, CA 94704  
 CA VENTURES

SHEET TITLE:  
 SAMPLE UNITS

SHEET NUMBER:  
 A5-001

NOT RELEASED FOR CONSTRUCTION





REVISIONS

NO.	DATE	DESCRIPTION
1	09-04-22	ISSUED FOR PERMIT
2	09-04-22	ISSUED FOR PERMIT
3	09-04-22	ISSUED FOR PERMIT
4	09-04-22	ISSUED FOR PERMIT
5	09-04-22	ISSUED FOR PERMIT
6	09-04-22	ISSUED FOR PERMIT
7	09-04-22	ISSUED FOR PERMIT
8	09-04-22	ISSUED FOR PERMIT
9	09-04-22	ISSUED FOR PERMIT
10	09-04-22	ISSUED FOR PERMIT

R.W. BIRNER & ASSOCIATES, INC.  
 LANDSCAPE ARCHITECTURE  
 1000 UNIVERSITY AVENUE, SUITE 100  
 BERKELEY, CALIFORNIA 94702  
 TEL: 415.841.1111  
 WWW.BIRNERANDASSOCIATES.COM

**BERKELEY PLAZA**  
**2065 KITTREDGE STREET**  
 BERKELEY, CALIFORNIA

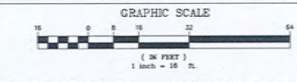
GROUND LEVEL  
 PRELIMINARY  
 LANDSCAPE PLAN

DESIGN	DRW
PROJECT	AS 40
DATE	09-04-22
SCALE	NOTED

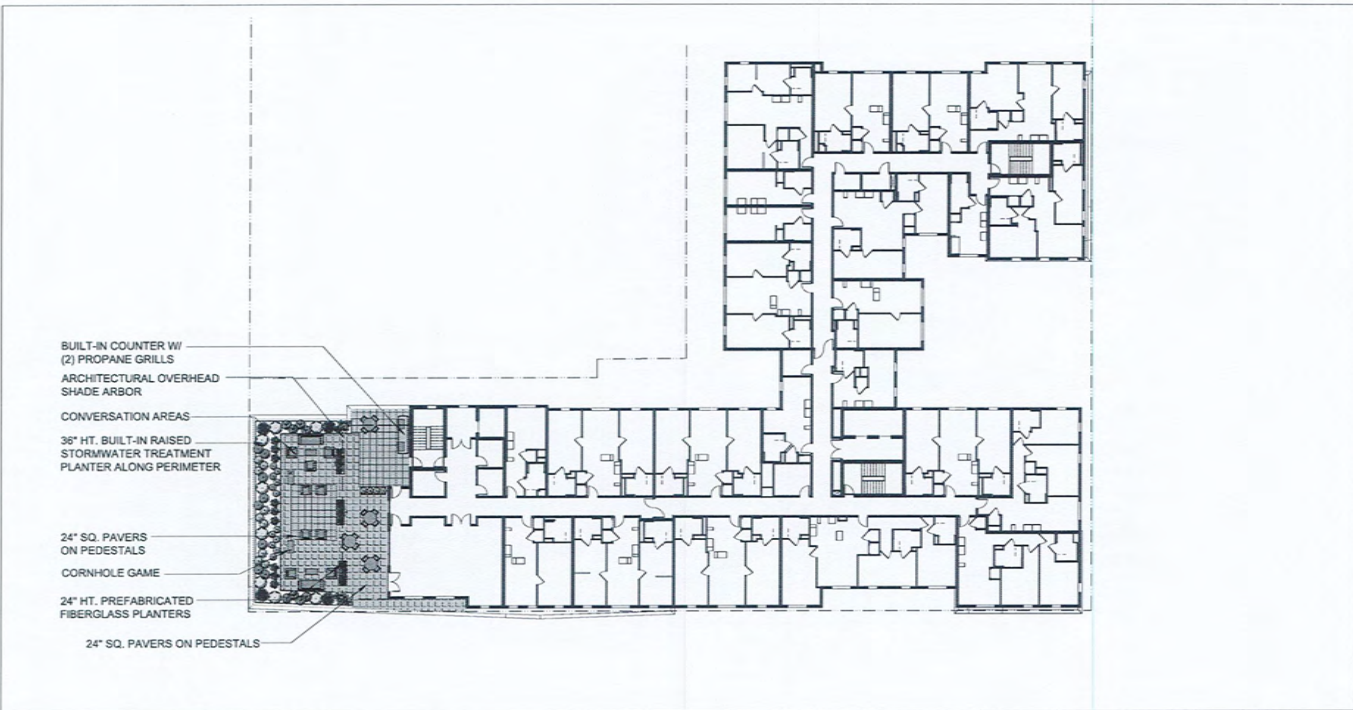
SHEET  
**L1**  
 OF 5 SHEETS

Master Landscape Design Concept

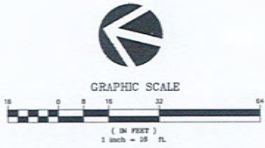
The landscape concept for the Berkeley Plaza includes the City and the friendly landscape requirements to be within the context of the surrounding project's urban, low-rise, as well as provide a more residential character of modern plant materials and compositions that complement the building architecture. The plan is in the form of a site plan, including conceptual planting and material palettes, space and garden design, and other elements to be required in accordance with the City of Berkeley's landscape design guidelines. The plan is in accordance with the City of Berkeley's landscape design guidelines, with a particular emphasis on encouraging the local and low-rise population.



REFER TO SHEET L2 FOR ROOF DECK LANDSCAPE  
 REFER TO SHEET L3 FOR PLANT LIST AND IMAGES



- BUILT-IN COUNTER W/  
(2) PROPANE GRILLS
- ARCHITECTURAL OVERHEAD  
SHADE ARBOR
- CONVERSATION AREAS
- 36" HT. BUILT-IN RAISED  
STORMWATER TREATMENT  
PLANTER ALONG PERIMETER
- 24" SQ. PAVERS  
ON PEDESTALS
- CORNHOLE GAME
- 24" HT. PREFABRICATED  
FIBERGLASS PLANTERS
- 24" SQ. PAVERS ON PEDESTALS



REFER TO SHEET L3 FOR PLANT LIST AND IMAGES

NO.	REVISIONS
1	ISSUE FOR PERMIT
2	ISSUE FOR PERMIT
3	ISSUE FOR PERMIT
4	ISSUE FOR PERMIT
5	ISSUE FOR PERMIT
6	ISSUE FOR PERMIT
7	ISSUE FOR PERMIT
8	ISSUE FOR PERMIT
9	ISSUE FOR PERMIT
10	ISSUE FOR PERMIT

R.W. Brown & Associates, Inc.  
Landscape Architecture  
1000 University Ave., Suite 100  
Berkeley, CA 94702  
Tel: 415.841.1111  
Fax: 415.841.1112

**BERKELEY PLAZA**  
2065 KITTREDGE STREET  
BERKELEY, CALIFORNIA

EIGHTH FLOOR  
PRELIMINARY  
LANDSCAPE F

DESIGNER	DATE
CHECKED: JAE NO	JAE
DATE	05-04-22
SCALE	NOTED

04611  
**L2**  
04612





SPECIMEN ACCENT TREES IN RAISED PLANTERS  
CERCIS OCCIDENTALIS (WESTERN REDBUD)

**PROPOSED PLANT MATERIAL LIST (ALL BUILDING LEVELS):**

BOTANICAL NAME	COMMON NAME	MATURE SIZE	WUOLDS	NATIVE	COUNT
<b>TREES</b>					
STREET TREE (CITY APPROVED): SEE PLAN 24" BOX MED NO 8					
CERCIS OCCIDENTALIS (LOW-BRANCHING) WESTERN REDBUD	WESTERN REDBUD	18'x18'	24" BOX	LOW	YES 8
<b>SHRUBS</b>					
*CALYCANTHUS OCCIDENTALIS	SPICE BUSH	8'x6'	5 GA.	LOW	YES 11
*ERIOGONUM ARBORESCENS	BUCKWHEAT	4'x4'	5 GA.	LOW	YES 15
*SALVIA GLEVE 'WINNIFRED OLLMAN'	CALIFORNIA BLUE SAGE	3'x3'	5 GA.	LOW	YES 29
TEUCORIUM 'COMPACTA'	'DWARF' GERMANDER	2'x2'	5 GA.	LOW	NO 8
<b>PERENNIALS / GRASSES</b>					
*ACHILLEA MILLEFOLIUM	COMMON YARROW	1'x2'	1 GA.	LOW	YES 44
ERIGERON GLAUCUS	BEACH ASTER	1'x2.5'	1 GA.	LOW	YES 36
*YESTUCA CALIFORNICA	CALIFORNIA FESCUE	2'x2'	5 GA.	LOW	YES 8
*JUNCUS PATENS	CALIFORNIA GRAY RUSH	1.5'x2'	1 GA.	LOW	YES 17
*MELALEUCA ROSEA	DEER GRASS	4'x4'	5 GA.	LOW	YES 14
*PENSTEMON HETEROPHYLLUS	FOOTBALL PENSTEMON	2'x2'	1 GA.	LOW	YES 44

**POLLINATOR PLANTS NOTE:** 40% OF PLANT PALETTE IS NATIVE POLLINATOR SPECIES (14 OF 222 SPECIMENS)  
 \* DENOTES PLANT SPECIES RECOMMENDED AS POLLINATOR PLANT IN NORTHERN CALIFORNIA  
 \* DENOTES PLANT SPECIES SELECTED FROM THE ALAMEDA COUNTY APPENDIX B STORMWATER MEASURES PLANT LIST

**WATER EFFICIENT LANDSCAPE WORKSHEET**

REFERENCE EVAPOTRANSPIRATION (ET<sub>0</sub>): 41.5

HYDROZONE / PLANTING DESCRIPTION	PLANT FACTOR (PF)	IRRIGATION METHOD	IRRIGATION EFFICIENCY (IE)	ETAF (PF x IE)	LANDSCAPE AREA (sq. ft.)	ETAF x AREA	ESTIMATED TOTAL WATER USE (ETWU)
<b>REGULAR LANDSCAPE AREAS:</b>							
LOW WATER USE	0.5	DRIP	0.81	0.25125	1,862	468.24375	1,387.4
OPTIMAL WATER USE	0.5	BUBBLER	0.81	0.25125	86	21.55625	165.8
<b>TOTALS:</b>						1,948	1,553.2
<b>SPECIAL LANDSCAPE AREAS:</b>							
REC. AREA					0	0	0
WATER FEATURE 1					0	0	0
WATER FEATURE 2					0	0	0
<b>TOTALS:</b>						0	0
<b>ETWU TOTAL:</b>							1,553.2
<b>MAXIMUM ALLOWED WATER ALLOWANCE (MAWA):</b>							22,765
<b>ETAF CALCULATIONS:</b>							
<b>REGULAR LANDSCAPE AREAS:</b>							
TOTAL ETAF x AREA	7.45		NOTE: AVERAGE ETAF FOR REGULAR LANDSCAPE AREAS MUST BE 0.55 OR BELOW FOR RESIDENTIAL AREAS, AND 0.45 (OR BELOW) FOR NON-RESIDENTIAL AREAS.				
TOTAL LANDSCAPE AREA	1,932						
AVERAGE ETAF	0.385						
<b>ALL LANDSCAPE AREAS:</b>							
TOTAL ETAF x AREA	7.45						
TOTAL LANDSCAPE AREA	1,932						
STREETSIDE ETAF	0.385						

- GENERAL NOTES:**
- ALL PLANTING SHALL BE WATERED BY FULLY AUTOMATIC, WATER-CONSERVING IRRIGATION SYSTEM.
  - ALL PLANTING AREAS, EXCEPT FOR STORMWATER TREATMENT PLANTERS, SHALL RECEIVE A 3" LAYER OF FIRBARK MULCH DRESSING.
  - STORMWATER TREATMENT PLANTERS SHALL RECEIVE A 2" DEEP LAYER OF 1-3/8" DECORATIVE RIVER WASHED GRAVEL.

**PROJECT PRIVATE USABLE LANDSCAPE OPEN SPACE**

	TOTAL AREA	LANDSCAPE AREA
GROUND LEVEL	4,481 SF	855 SF
ROOF LEVEL	2,742 SF	722 SF
	<b>7,223 SF</b>	<b>1,577 SF</b>

CITY REQUIREMENT THAT LANDSCAPE AREA EQUALS 40% OF USABLE PRIVATE OPEN SPACE  
 TOTAL AREA OF LANDSCAPE PROVIDED EQUALS 21.5% OF USABLE PRIVATE OPEN SPACE



BUILT-IN PLANTERS



PREFABRICATED PLANTERS  
TOURNESOL 'WILSHIRE' COLLECTION  
COLOR: BRONZE



BIKE RACKS  
COLUMBIA CASCADE LOOP RACK  
WITH GALVANIZED FINISH



ARTIFICIAL FIBERGLASS PEBBLE FURNITURE (LARGE AND SMALL)  
FROM NATURE WORKS, ENGLAND

**REVISIONS**

NO.	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

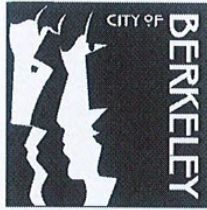
**RW Brown & Associates, Inc.**  
LANDSCAPE ARCHITECTURE  
1000 UNIVERSITY AVENUE, SUITE 4  
BERKELEY, CALIFORNIA 94702  
PH: 415.841.1111

**BERKELEY PLAZA**  
2065 KITTREDGE STREET  
BERKELEY, CALIFORNIA

**RECOMMENDED PLANT LIST, SITE AMENITY IMP**

DESIGNER: RWB  
CHECKED: JWB  
DATE: 05-04-22  
SCALE: NOTED

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9467



Planning and Development Department  
Land Use Planning Division

**PROOF OF SERVICE**

DATE: October 11, 2022  
TO: Whom It May Concern  
FROM: Melinda Jacob, OSII  
SUBJECT: **USE PERMIT #ZP2021-0193 – 2065 KITTREDGE STREET**

I, the undersigned, certify that I am employed in the City of Berkeley, County of Alameda, California; that I am over eighteen years of age; that I am not a party to the within action; and that my business address is 1947 Center Street, Berkeley, California 94704. On this date, I served the following documents:

**ZONING ADJUSTMENTS BOARD NOTICE OF DECISION**

On the parties stated below by placing true copies thereof in sealed envelope(s) addressed as shown below by the following means of service:

Bill Schrader 164 Oak Road Alamo, CA 94507	CA Student Living Berkeley, LLC 130 Randolph St., Ste. #2100 Chicago, IL 60601	Kelilah D. Federman Adams Broadwell Joseph & Cardozo 601 Gateway Blvd., Ste. 1000 So San Francisco, CA 94080
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- By First Class Mail - I am readily familiar with the City's practice for collecting and processing of correspondence for mailing. Under the practice, the correspondence is deposited with the U.S. Postal Service on the same day as collected, with First Class postage thereon fully prepaid, in Berkeley, California, for mailing to the addressee following ordinary business practices.
- By Personal Service - I caused each such envelope to be given to the City of Berkeley mail service person to personally deliver to the office of the addressee.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 11, 2022 at Berkeley, California.

*Melinda A. Jacob*

Melinda Jacob, OSII



**EXHIBIT B**



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*Of Counsel*

MARC D. JOSEPH  
DANIEL L. CARDOZO

September 22, 2022

**Via Email Only**

Berkeley Zoning Adjustments Board  
Land Use Planning Division  
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**Re: Agenda Item 4 - 2065 Kittredge Street Project (Use Permit #ZP2021-0193)**

Dear Zoning Adjustment Board Members Duffy, Gaffney, Thompson, O'Keefe, Kahn, Kim, Sanderson, Tregub, Ms. Gong, and Secretary Updegrave:

This letter is submitted on behalf of East Bay Residents for Responsible Development ("East Bay Residents" or "Residents") regarding Agenda Item 4, the 2065 Kittredge Street Project (Use Permit #ZP2021-0193; APNs: 057-2027-00600, -00700, -00800, and -00900) ("Project") proposed by Bill Schrader, CA Student Living Berkeley, LLC (listed as Property Owner) (collectively, "Applicant").<sup>1</sup>

The Project proposes to demolish existing structures representing approximately 95,000 square feet of office, food service, and cinema uses. These uses would be replaced by approximately 4,993 square feet of commercial space (retail, food service, and live/work), 187 units of new residential units (including four live/work units), and approximately 4,600 square feet in two privately-owned plazas (at Allston and Kittredge) that would be open for public use. The Project would be eight stories high, 87 feet in height, with 9 very low income units, and 43 residential vehicle parking spaces in ground-level garage. The Project is eligible for a 20% density bonus by committing to the nine very low-income units. The Applicant is requesting a Use Permit under Berkeley Municipal Code Sections:

<sup>1</sup> City of Berkeley, Zoning Adjustments Board, Staff Report for Board Action September 22, 2022 (ITEM 4 ZAB 09-22-2022) 2065 Kittredge Street (Use Permit Use Permit #ZP2021-0193). Available at: [https://berkeleyca.gov/sites/default/files/documents/2022-09-22\\_ZAB\\_2065%20Kittredge%20with%20attachments.pdf](https://berkeleyca.gov/sites/default/files/documents/2022-09-22_ZAB_2065%20Kittredge%20with%20attachments.pdf) ("Staff Report").  
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23.326.070(A) to demolish a non-residential building; a Use Permit under BMC Section 23.204.020(A) to construct a new mixed-use Development and new dwelling units; a Use Permit under BMC Section 23.204.030(B)(1) to create new floor area of 10,000 square feet or more; and a Use Permit under BMC Section 23.204.130(E)(1) to exceed the maximum building height limits, up to 75 feet (plus 5-foot parapet, by right).

As discussed herein, the Project is inconsistent with the City's construction workforce goals, and is inconsistent with the workforce and economic requirements of the General Plan and Downtown Area Plan. As a result, the Project may be detrimental to the general welfare of the City, its residents, and its workers, in violation of the City's zoning code. The Zoning Adjustments Board ("ZAB") should not approve the Project until the Applicant provides the City with substantial evidence demonstrating that the Project fully complies with the zoning code, General Plan and Downtown Area Plan.

#### I. SUMMARY OF ISSUES

The City of Berkeley is a leader in supporting workers' rights, living wage, healthcare, and safety. Existing and pending City ordinances raise the standards for living and working conditions for all Berkeley workers, including the local construction workforce. The City has explained that these laws promote the general welfare and further the City's interest in "support[ing] a pipeline of skilled workers to accomplish the construction objectives and policies of the Berkeley General Plan" and has concluded that "Berkeley should and can create working conditions that will help to overcome the construction labor market's failures to make construction jobs attractive enough to recruit and retain productive trade workers."<sup>23</sup> The City has found that ongoing shortages of skilled construction workers, particularly residential trade workers, threaten to delay or derail housing development plans in the City, which in turn threatens the City's ability to meet its State-mandated RHNA housing allocation and comply with the General Plan Economic Development & Employment Element.<sup>4</sup>

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<sup>2</sup> City of Berkeley, Agenda and Staff Report, Berkeley City Council, Tuesday September 20, 2022 6:00 PM, Council Consent Item 14 Helping Achieve Responsible Development with Healthcare and Apprenticeship Training Standards (HARD HATS) Referral, p. 77. Available at: <https://berkeleyca.gov/sites/default/files/city-council-meetings/2022-09-20%20Agenda%20Packet%20-%20Council%20-%20WEB.pdf> ("HARD HATS Staff Report").

<sup>3</sup> *Id.* at p. 80.

<sup>4</sup> *Id.*



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Housing development projects in the City must implement the goals and policies of the General Plan, including the following:

- 1) Ensure that Berkeley has an adequate supply of decent housing, living wage jobs, and businesses providing basic goods and services.
- 2) New housing will be developed to expand housing opportunities in Berkeley to meet the needs of all income groups.

The zoning code mandates that use permits for housing projects developed within the City cannot be approved if they are detrimental to the health, safety, peace, morals, comfort, or general welfare of the City, its residents, workers and visitors, to the surrounding neighborhood, or are inconsistent with zoning.<sup>5</sup> The Project is inconsistent with these requirements and fails to meet the City's goals for ensuring a stable and viable construction workforce.

On September 20, 2022, the City Council authorized the City Attorney and City Manager to draft the Helping Achieve Responsible Development with Healthcare and Apprenticeship Training Standards ("HARD HATS") Ordinance, which will implement apprenticeship program requirements and healthcare security for workers on General Plan area projects. Among the many general welfare concerns cited by the City was the detrimental role that the homebuilding industry plays in perpetuating income inequality by using low wage construction workers:

Homebuilding is supposed to reduce the number of people waiting in line for housing they can afford. But when the homebuilding industry itself generates excessive very low and low wage construction employment, that just increases the number of people needing subsidies from the taxpayer. Low wage employment is in fact a problem in both the residential +and commercial construction markets.<sup>6</sup>

This Project has not committed to apprenticeship or healthcare standards for its construction workforce, and may therefore perpetuate precisely the problems that the City's General Plan, zoning code, and pending HARD HATS Ordinance seek to remedy.

The HARD HATS Staff Report explains that "[t]he creation and utilization of apprenticeship along with the commitments to paid healthcare act to both recruit

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<sup>5</sup> Berkeley Municipal Code Section 23.406.040(E).

<sup>6</sup> Id. at pp. 4-5.

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and retain an adequate base of construction workers and to be a pipeline for future supervisors and licensed independent contractors.”<sup>7</sup> It further provides that “[r]equiring contractors on major projects in Berkeley to employ apprentices results in a higher volume of apprentice training, and thus, an increase in the construction labor force available to carry out the construction anticipated by the general plan, and especially that targeted by the Housing Element.”<sup>8</sup>

The Project is not required to use apprentices or provide healthcare benefits to its construction workers, and the Applicant has not agreed to use a skilled local construction workforce to construct the Project. The Project may therefore be built with low-wage, out-of-area<sup>9</sup> workers who lack the livable wages, health benefits, stability, and basic standard of living that Berkeley has committed to ensuring for all of its workers on all housing developments constructed in the City. If so, the Project would be detrimental to the health, safety, peace, morals, comfort, and general welfare of the City and its residents, especially its local construction workforce. The Project is also inconsistent with the workforce and economic requirements of the General Plan and Downtown Area Plan.

The Staff Report lacks substantial evidence that the Project would not be detrimental to the general welfare. The ZAB therefore lacks the evidence necessary to support the findings to issue a use permit under the City’s zoning ordinance. The ZAB should not approve the Project until the Applicant provides substantial evidence demonstrating that the Project will not be detrimental to the City, its residents, and its workers, and until the Project fully complies with the General Plan and Downtown Area Plan.

## II. PROJECT BACKGROUND

The Applicant proposes to demolish portions of existing City Landmark commercial buildings and construct an 8-story, 87-foot tall, mixed-use building with 187 dwelling units, 4,993 square feet commercial space and 43 parking spaces.<sup>10</sup> Entitlements were previously obtained for the project site in 2015 (UP13-10000010 and LM13-40000002, under the address 2211 Harold Way) to demolish historic

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<sup>7</sup> HARD HATS Staff Report.

<sup>8</sup> *Id.*

<sup>9</sup> Statement by Councilmember Hahn, Oakland City Council Hearing (September 20, 2022 6 PM): City Councilmember Hahn, in favor of the HARD HATS Ordinance, said that the ordinance is necessary because workers are “being bussed in from the Central Valley” which deprives them of time with their families and loved ones, and prevents them from being able to take their children to school in the morning.

<sup>10</sup> Staff Report, p. 1.



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structures and construct an 18-story, 302-unit, mixed-use building, with approximately 10,877 square feet of commercial space, a ten-theater cinema complex, and 177 underground parking spaces (“Harold Way Project”).<sup>11</sup> Building permits were never obtained for the project, and the City deemed the permits expired on January 17, 2020.<sup>12</sup>

The original Harold Way Project developer, HSR Berkeley Investments, had signed a labor agreement with the Building & Construction Trades Council of Alameda County which committed the Project to using 100% union labor.<sup>13</sup> As a result, the Harold Way Project would have provided high living standards for the local construction workforce through the use of a local skilled and trained workforce, apprenticeship training, and community benefits.

Here, the Project Applicant has not made a commitment to ensure the Project is built with local skilled and trained workforce, or that the Project will provide apprenticeship training opportunities for City of Berkeley or East Bay residents. The Staff Report also states that the Project is not required to provide community benefits. The Project is therefore likely to be detrimental to City goals and the Berkeley community – particularly to its highly qualified construction workforce, who may not have the opportunity to build much-needed housing in their own community.

### III. STATEMENT OF INTEREST

East Bay Residents for Responsible Development is an unincorporated association of individuals and labor organizations that may be adversely affected by the potential impacts associated with Project development. The association includes the UA Plumbers and Pipefitters Local 342, International Brotherhood of Electrical Workers Local 595, Sheet Metal Workers Local 104, Sprinkler Fitters Local 483, their members and families, and City and Alameda County residents.

The individual members of Residents live, work, and raise their families in the Berkeley and Alameda County. They would be directly affected by the Project and its impacts. The organizational members of Residents also have an interest in enforcing public interest, health and safety, labor and environmental laws that encourage sustainable development and ensure a safe working environment for its

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<sup>11</sup> Staff Report, p. 11.

<sup>12</sup> *Id.*

<sup>13</sup> Emilie Raguso, High-rise Developer in Berkeley to Use 100% Union Labor (October 31, 2014). Available at: <https://www.berkeleyside.org/2014/10/31/high-rise-developer-in-berkeley-to-use-100-union-labor>



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members. Residents' members are also concerned about projects that are built without providing opportunities to improve the recruitment, training, and retention of skilled workforces.

#### **IV. THE PROJECT MAY BE DETRIMENTAL TO THE GENERAL WELFARE OF THE CITY, RESIDENTS, AND WORKERS**

In order to approve a Use Permit, under Berkeley Municipal Code Section 23.406.040, the Zoning Adjustments Board must find that the proposed project:

- 1) Will not be detrimental to the health, safety, peace, morals, comfort, or **general welfare** of persons residing or visiting in the area or neighborhood of the proposed use; and
- 2) Will not 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.

The HARD HATS Staff Report provides substantial evidence demonstrating that housing projects that are constructed with low-wage or uninsured construction workers are detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or visiting the City and the Project's Downtown neighborhood, as well as to the general welfare of the City.

#### **A. Failure to Use Skilled Construction Labor and Provide Health Benefits to Workers Results in Detrimental Impacts**

The City Council relied on numerous studies documenting the negative impacts that low wage construction employment has on workers, communities, and on the sustained development of housing in California in evaluating the need for the HARD HATS Ordinance. For example:

- Shortages of skilled construction workers, particularly residential trade workers, threaten to delay or derail development plans.
  - In San Francisco, many entitled projects with thousands of units awaiting construction are stalled due to skilled labor shortages, diminished contractor productivity, and construction costs that spiked. These shortages are attributable to factors such as reduced utilization of state-approved apprenticeships, fewer young labor force entrants,

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dwindling contractor offerings of health and retirement plans, and the related trend of lagging construction productivity growth.<sup>14</sup>

- Only 1,250 construction sector employees lived in Berkeley in 2018.<sup>15</sup>
- Low wage employment is a problem in both the residential +and commercial construction markets. Fifty-five percent of Alameda County construction workers' households are Extremely Low Income, Very Low Income, or Low Income.<sup>16</sup>
- Jobsite Health, Healthcare and Safety:
  - Construction trade workers experience exceptionally high rates of serious injury on the job, especially on sites with inadequately trained workers.
  - One of every five serious workers' compensation insurance claims which involve death, permanent total disability or major permanent partial disability - is related to a construction employee, despite the fact that construction jobs account for less than one out of every 25 California jobs.
  - For a working life in construction, the risk of fatal injury is approximately one death per 200 full-time-equivalent employees according to a recent study in the American Journal of Industrial Medicine.
  - A recent Canadian study of workers' compensation claims from 58,837 construction companies found that unionization was associated with a 25% lower incidence of lost-time allowed injury claims, a 23% lower incidence of musculoskeletal lost-time allowed injury claims, and a 16% lower incidence of lost-time allowed critical injury claims. In California too, employers of lower paid construction workers make more serious and non-serious workers compensation claims.<sup>17</sup>
  - Construction workers who live in Alameda County are uninsured at rates 3-4 times higher than the rate of non-construction workers. The under-performance of California contractors in providing health care security to employees constrains the supply of skilled construction labor. A peer-reviewed study in 2010 found that only 35 percent of blue-collar construction workers who are not covered by collective bargaining agreements had health insurance paid for at least in part by an employer. This same study found that health insurance funded

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<sup>14</sup> HARD HATS Staff Report, p. 4.

<sup>15</sup> *Id.*, citing U.S. Census Bureau LEHD Origin-Destination Employment Statistics, Version 7, Residence Area Characteristics.

<sup>16</sup> *Id.*, citing Analysis of U.S. Census, ACS 2015-2019 Microdata.

<sup>17</sup> *Id.*, citing Workers Compensation Insurance Rating Bureau "Relativity Review Sheets," various years.



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through collectively bargained employer contributions to plans that are portable within the construction industry increased industry-retention rates by up to 40 percent compared to baseline retention rates of construction workers without any health insurance coverage.<sup>18</sup>

- California residential building was strongest when apprenticeship training was strongest:
  - During the 1970s, when California was producing housing at the average annual rate of 200,000 units, the state reported an average of 9,000 apprentices. California residential builders utilized apprentices every bit as much as commercial builders, according to a 1976 U.S. Bureau of Labor Statistics report.
  - De-unionization and the recession of the early 1990s, however, led to sharply reduced utilization of apprentices by residential contractors. Carpenter apprenticeship completions fell by 50 percent between 1996-2005 compared to 1973-1982.<sup>19</sup>

This evidence demonstrates that projects which do not utilize a local skilled construction workforce and do not provide health benefits may be detrimental to the general welfare of the City, its residents, and its workers. There is no evidence in the record demonstrating that the Project would avoid these negative impacts. If the Project proceeds in that manner, it would be detrimental to the general welfare.

#### **A. Utilizing a Skilled Construction Workforce Promotes the Goals Set Forth in the Regional Housing Needs Assessment**

One of the main rationales for HARD HATS Ordinance was to increase the housing supply through the use of a local skilled and trained labor force. Berkeley has been assigned a Regional Housing Needs Assessment (RHNA) of roughly 9,000 units of housing to produce over an eight year period, or over 1,100 units per year.<sup>20</sup> But, Berkeley does not have an adequate supply of construction workers to build over 1,100 housing units per year while also building, altering, and maintaining

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<sup>18</sup> (2019). Rebuilding California: The Golden State's Housing Workforce Reckoning. Smart Cities Prevail. pp. 23-25. Downloaded 3/26/2021 via [https://www.smartcitiesprevail.org/wpcontent/uploads/2019/01/SCP\\_HousingReport.0118\\_2.pdf](https://www.smartcitiesprevail.org/wpcontent/uploads/2019/01/SCP_HousingReport.0118_2.pdf)

<sup>19</sup> Id., citing U.S. Department of Labor, Bureau of Labor Statistics, Bulletin 1911, "Industry Wage Survey: Contract Construction September 1973," Washington, D.C.: 1976. See Tables 28 & 46. Downloaded via <http://fraser.stlouisfed.org>; Littlehale, Scott. (2019). Rebuilding California: The Golden State's Housing Workforce Reckoning. Smart Cities Prevail. pp. 23-25. Downloaded 3/26/2021 via

[https://www.smartcitiesprevail.org/wpcontent/uploads/2019/01/SCP\\_HousingReport.0118\\_2.pdf](https://www.smartcitiesprevail.org/wpcontent/uploads/2019/01/SCP_HousingReport.0118_2.pdf)

<sup>20</sup> HARD HATS Staff Report, p. 80.



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public and private commercial nonresidential buildings and infrastructure.<sup>21</sup> Only 1,250 construction sector employees lived in Berkeley in 2018.<sup>22</sup> Berkeley cannot rely on contractors to reliably import surplus skilled construction workers from other cities.<sup>23</sup> Construction jobs – particularly residential construction jobs - have lost their competitive edge relative to other jobs in the Bay Area regional economy.<sup>24</sup> To meet its General Plan goals, Berkeley must create working conditions, on the Project site in particular, that will help to overcome the construction labor market's failures to make construction jobs attractive enough to recruit and retain productive trade workers.

At the September 20, 2022 hearing, City Councilmembers explained that there is a “shortage of qualified local construction workers” and that is one reason why it is hard to get housing built.<sup>25</sup> Councilmember Hahn explained that Berkeley should “develop more labor, have working conditions, and pay, and benefits that you need to live in the Bay Area.”<sup>26</sup> Further Councilmember Hahn asserted that Berkeley needs to expand the available workforce of people who are able to build housing and other projects, and “to ensure they have protections.”<sup>27</sup>

Mayor Arreguin noted that the “key to addressing the significant shortage of housing is addressing the shortage of a skilled and trained workforce.”<sup>28</sup> The Project does not meet this goal of addressing the housing shortage by utilizing local skilled and trained workers.

### **B. Utilizing a Local Skilled Workforce Promotes the Goals Set Forth in the General Plan Economic Development & Employment Element**

The Berkeley General Plan Economic Development and Employment Element provides that it is Policy ED-1 of the City to “Increase the number of jobs that go to Berkeley citizens by coordinating economic development efforts with employment placement.”<sup>29</sup> Further, the General Plan provides that the City intends to “Work with job training programs and encourage training for life skills,

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<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> Statement by Councilmember Hahn, Oakland City Council Hearing (September 20, 2022 6 PM).

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> Statement by Mayor Arreguin, Oakland City Council Hearing (September 20, 2022 6 PM).

<sup>29</sup> Berkeley General Plan Economic Development and Employment Element, p. ED-5. Available at: [https://berkeleyca.gov/sites/default/files/documents/12\\_Economic%20Development%20and%20Employment%20Element-FINAL.pdf](https://berkeleyca.gov/sites/default/files/documents/12_Economic%20Development%20and%20Employment%20Element-FINAL.pdf).



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job readiness, and specific target industries.”<sup>30</sup> Using local skilled construction workforce furthers the goals laid out in the General Plan Economic Development and Employment Element, that the City enacted to promote the general welfare.

To comply with the General Plan Economic Development and Employment Element, the City should ensure that new housing developments provide jobs that go to Berkeley residents and provide job training programs and job readiness.

### **C. Utilizing a Local Skilled and Trained Workforce Standards Promotes Jobsite Health and Safety**

Berkeley Mayor Arreguin asserted in the HARD HATS Ordinance drafting approval hearing, that it is “unacceptable to build housing on the backs of low wage workers” and noted that there is exploitation of our construction workforce.<sup>31</sup> The Mayor cited to projects here in Berkeley where there is wage theft, OSHA violations, unsafe workplace conditions, and worker exploitation.<sup>32</sup> The Mayor further emphasized the importance of enabling the Berkeley construction workforce to access healthcare through the implementation of measures in the HARD HATS Ordinance.

The HARD HATS Ordinance Staff Report explained that construction trade workers experience exceptionally high rates of serious injury on the job, especially on sites with inadequately trained workers.<sup>33</sup> One of every five serious workers’ compensation insurance claims which involve death, permanent total disability or major permanent partial disability - is related to a construction employee, despite the fact that construction jobs account for less than one out of every 25 California jobs.<sup>34</sup> For a working life in construction, the risk of fatal injury is approximately one death per 200 full-time-equivalent employees according to a recent study in the American Journal of Industrial Medicine.<sup>35</sup> A policy that promotes apprenticeship training and higher construction compensation rates will reduce the occurrence of non-fatal and fatal injuries on construction projects.<sup>36</sup>

Here, the Applicant provides no assurance that the Project will implement measures to reduce the risk of injury, illness, or death of construction workers.

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<sup>30</sup> *Id.*

<sup>31</sup> Statement by Mayor Arreguin, Oakland City Council Hearing (September 20, 2022 6 PM).

<sup>32</sup> Statement by Mayor Arreguin, Oakland City Council Hearing (September 20, 2022 6 PM).

<sup>33</sup> HARD HATS Ordinance Staff Report, p. 80.

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*



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#### **V. THE PROJECT MAY BE INCONSISTENT WITH GENERAL PLAN GOALS**

The Project may be inconsistent with the General Plan and the General Plan Economic Development & Employment Element, and thus cannot be approved under SB 330 until consistency is demonstrated. SB 330 requires conformance with applicable, objective general plan and zoning standards.<sup>37</sup>

The Berkeley General Plan Economic Development and Employment Element provides that it is the Policy (ED-1) of the City to “Increase the number of jobs that go to Berkeley citizens by coordinating economic development efforts with employment placement.”<sup>38</sup> Further, the General Plan provides that the City intends to “[w]ork with job training programs and encourage training for life skills, job readiness, and specific target industries.”<sup>39</sup>

The HARD HATS Staff Report explains that requiring contractors on major projects in Berkeley to employ apprentices results in a higher volume of apprentice training, and thus, an increase in the construction labor force available to carry out the construction anticipated by the general plan, and especially that targeted by the General Plan Housing Element.<sup>40</sup> Further, the City Council Staff report provides that in order to meet its General Plan goals, Berkeley must create working conditions that will help to overcome the construction labor market’s failures to make construction jobs attractive enough to recruit and retain productive trade workers.<sup>41</sup>

The Project does not include these elements and therefore fails to demonstrate consistency with the General Plan Economic Development and Employment Element.

#### **VI. THE PROJECT IS INCONSISTENT WITH THE DOWNTOWN AREA PLAN**

The Project does not conform with the Downtown Area Plan because it fails to provide “significant community benefits” as required by the Plan. The Downtown

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<sup>37</sup> Gov. Code § 65905.5. (a).

<sup>38</sup> Berkeley General Plan Economic Development and Employment Element, p. ED-5. Available at: [https://berkeleyca.gov/sites/default/files/documents/12\\_Economic%20Development%20and%20Employment%20Element-FINAL.pdf](https://berkeleyca.gov/sites/default/files/documents/12_Economic%20Development%20and%20Employment%20Element-FINAL.pdf).

<sup>39</sup> *Id.*

<sup>40</sup> HARD HATS Ordinance Staff Report, p. 80.

<sup>41</sup> *Id.*



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Area Plan provides that “All new buildings *shall* deliver significant community benefits, many of which should be in proportion to building height.”<sup>42</sup> The Downtown Area Plan requires projects above 75 feet to include significant community benefits in the form of affordable housing, supportive social services, green features, open space, transportation demand features, job training, and/or employment opportunities.<sup>43</sup> The applicable public benefit requirements are to be included as conditions of approval and the owner shall enter into a written agreement that shall be binding on all successors in interest.<sup>44</sup> This Project violates the Downtown Area Plan for failure to include community benefits as binding conditions of approval.

## VII. CONCLUSION

In promoting the HARD HATS Ordinance, Mayor Arreguin said, “This ordinance is needed to help address the growing need for skilled and trained construction workers,” as well as “to make sure the people that are building the thousands of needed homes in Berkeley and across the state will have health care and a decent standard of living.”<sup>45</sup>

The HARD HATS Ordinance Staff Report found that “[t]he creation and utilization of apprenticeship along with the commitments to paid healthcare act to both recruit and retain an adequate base of construction workers and to be a pipeline for future supervisors and licensed independent contractors.”<sup>46</sup> Further the City provided that “[r]equiring contractors on major projects in Berkeley to employ apprentices results in a higher volume of apprentice training, and thus, an increase in the construction labor force available to carry out the construction anticipated by the general plan, and especially that targeted by the Housing Element.”<sup>47</sup>

Without providing community benefits or workforce standards, the Project would be precisely the type of project that the City has declared to be contrary to the general welfare. This Project should not be approved until the ZAB is presented

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<sup>42</sup> City of Berkeley, Downtown Area Plan (2012) p. LU-12. Available at: <https://berkeleyca.gov/sites/default/files/2022-03/Downtown-Area-Plan.pdf> (emphasis added).

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

<sup>45</sup> Nico Savidge, Berkeley May Mandate Health Coverage for Workers in Big Construction Projects: Builders of apartments and other large projects could be required to provide apprenticeships and health care coverage for workers under a new proposal, Berkeleyside (September 1, 2022) <https://www.berkeleyside.org/2022/09/01/berkeley-construction-labor-standards-housing-worker-shortage>.

<sup>46</sup> HARD HATS Staff Report, p. 77.

<sup>47</sup> *Id.*



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with substantial evidence demonstrating that the Project will comply with the zoning ordinance and General Plan by providing employment opportunities for a local skilled construction workforce.

Thank you for considering our comments. Please place this comment letter in the record of proceedings for this matter.

Sincerely,



Christina Caro  
Kelilah D. Federman

:kdf



## ECONOMIC DEVELOPMENT AND EMPLOYMENT ELEMENT

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### INTRODUCTION

The Economic Development and Employment Element establishes policies for ensuring the long-term success of the Berkeley economy through City policies and programs. The purpose of the Element is to create employment and ownership opportunities for Berkeley residents, encourage appropriate economic and business development, and support the development of the cultural and artistic sectors of the Berkeley economy.

### POLICY BACKGROUND

#### **The Changing Berkeley Economy**

Current economic conditions differ greatly from those that existed during the preparation of the 1977 Master Plan and the 1980 Economic Development Plan. In 1977, the industrial sector was shrinking rapidly, retail establishments were leaving the Downtown, and property values were dropping. The 1977 Master Plan noted that the unemployment rate was over 16%, that sales tax receipts had declined over 7%, and that real estate values had declined by 9% over the past 10 years.



Today, the Berkeley economy, with a wide variety of commercial, institutional, and manufacturing businesses, provides approximately 70,000 jobs. In December of 1999, the city's unemployment rate was estimated to be 2.3% -- the lowest unemployment rate in Berkeley in the last 20 years. Even though current overall unemployment rates reflect the city's prosperity, some groups do not fully share in the economic benefits. For example in 1990, when overall the unemployment rate was 5.6%, the unemployment rate was 12% for African-American women and over 18% for African-American males. In 1990, African-American per capita income in Berkeley was \$11,134, only 59% of the citywide average.

Approximately 3,600 private manufacturing, retail, and service businesses and a strong industrial base in West Berkeley generate over \$1.2 billion in taxable sales. The stock of moderately sized commercial buildings, the dearth of large vacant parcels, and a well-educated and entrepreneurial citizenry have made Berkeley an excellent incubator for small, "start-up" businesses. Approximately 90% of all Berkeley employers have 20 or fewer employees. In addition, the University of California and other state-supported educational and research institutions are a fundamental source of economic stability for Berkeley.

The booming economy of the mid- and late-'90s brought challenges as well as benefits. Property values and rents skyrocketed, bringing prosperity to some but also threatening the economic, social, and cultural diversity that distinguishes Berkeley life. The extensive local community of artists and craftspeople is finding it increasingly difficult to live and work here. In West Berkeley, the city's industrial sector is healthy, but higher office rents continue to create pressures to convert land from manufacturing uses, with

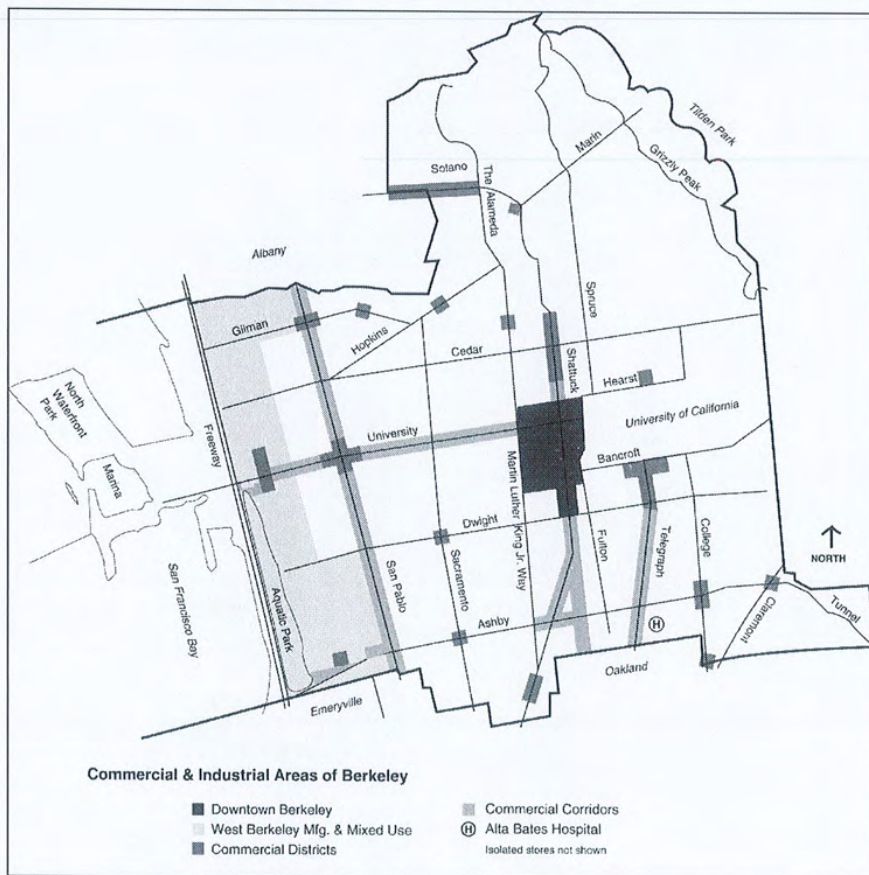


their well-paying industrial jobs, to retail and office uses. Vigilance is needed to maintain a balance among manufacturing, retail, and office uses.

**Employment**

Between 1970 and 2000, the number of jobs grew from approximately 51,000 to 70,000. The service sector is the fastest growing sector in Berkeley. The University of California, the City of Berkeley, Lawrence Berkeley National Laboratory, the State Department of Health Services, and the Berkeley Unified School District account for approximately 30% of all jobs in Berkeley. Although the number of jobs in Berkeley is growing, the number of employed residents has remained fairly stable at approximately 54,500 – an indication that the number of Berkeley employees commuting daily into the city is increasing.

From 1987 to 1992, Berkeley added 800 manufacturing jobs. This 14% increase reversed a 15-year decline in manufacturing jobs in Berkeley and outpaced manufacturing growth in the county as a whole (source: 1992 Census of Manufacturing and City of Berkeley). Since 1992, the number of manufacturing jobs in Berkeley has stabilized. Approximately 24% of all Berkeley jobs are in West Berkeley. In West Berkeley, manufacturing and wholesale jobs account for 41% of all jobs, service jobs for 30%, retail jobs for 16%, and other jobs (construction, transport, etc.) for 13%.



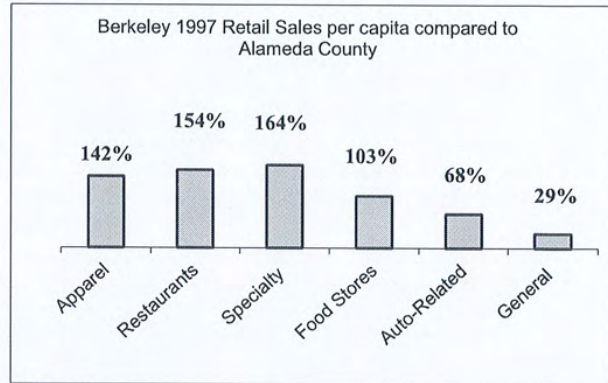
**Figure 22: Commercial and Industrial Employment Areas**



Figure 22 shows the general location of the city's commercial and industrial job generating areas.

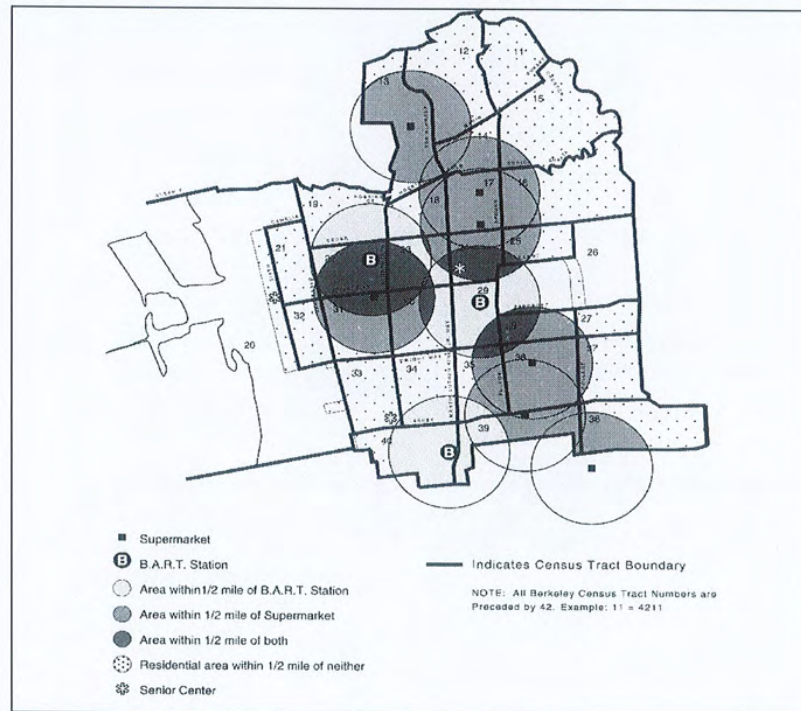
**Commercial Districts**

Compared to other cities in the region, Berkeley has a large number of small specialty stores and services and a small number of large general merchandise stores. General merchandise is the weakest sector of the retail trade in Berkeley. The strongest retail sectors include: specialty retail, restaurants, and apparel. Although per capita sales for auto dealers and supplies are only 68% of the county average, auto-related sales taxes constitute about 10% of all sales tax receipts in Berkeley. Weatherford BMW is the city's single largest generator of sales tax (source: Census of Retail Trade).



Berkeley commercial districts are as strong as or stronger than they were in 1977. Business license tax receipts reached an all-time high in 1998, reflecting an increase of 12.3% over 1996. Hotel tax receipts also reached an all-time high in 1998, while commercial, residential, and industrial property vacancy rates fell to single digits. Berkeley's neighborhood and avenue commercial districts include a large number of specialty stores and services that attract customers from outside the surrounding neighborhoods.

Figure 23 shows the distribution of certain services and community facilities throughout the city.





### Figure 23: Commercial and Community Services

Examples of businesses that attract customers from beyond the immediate neighborhood include movie theaters, popular restaurants, specialty furniture stores, unique bookstores, music stores, and specialty food stores that are not in regional malls or neighboring communities.

#### The City's Role in the Local Economy

In recent years a major challenge facing the community has been how to maintain the unique character and business mix in Berkeley's commercial and industrial areas in the face of rising property values and increasing pressure from chain stores, formula businesses, and "big box" developments. The City has successfully used the Use Permit process and its zoning code to limit the encroachment of businesses that threaten the sometimes delicate balance in neighborhood, commercial, and downtown areas. For example, the City used the Use Permit process to enable the Berkeley Bowl, a unique Berkeley grocery store, to relocate to a new, larger site in South Berkeley. Although the City is not able to govern business ownership types or establish zoning regulations that directly benefit Berkeley-"owned" businesses, the City does use other zoning strategies, such as limits on number of businesses of a certain type that can locate in a particular area. In addition, the City uses economic development programs, such as targeted business lending, to support local businesses and encourage new businesses that will serve local residents in underserved neighborhoods. Through an assortment of regulations and programs the City continues to strive to maintain Berkeley's commercial areas as unique, diverse, commercially successful centers that serve both local and regional needs.

The City has historically taken an active role in guiding economic development to better serve the needs of the community. In 1980, the City adopted its first citywide Economic Development Plan as an amendment to the General Plan. The Plan was soon followed by creation of the Office of Economic Development (OED) in 1985 and the First Source Program, which requires certain new and expanding employers to consider Berkeley residents first in their hiring. The Office of Economic Development currently provides assistance to businesses in site location, financing, economic data, and permit processing; and it manages commercial district revitalization programs and business lending and facade grant programs. In recent years, OED has taken a lead on two major City initiatives: the creation of an "Environmental Economy" initiative promoting environmentally sensitive businesses in Berkeley, and a program to promote and establish the Downtown as a regional center for the arts, culture, and entertainment.

In the early 1990s the City established the Berkeley-Oakland Recycling Market Development Zone (RMDZ) as part of a strategy to increase the number of environmental businesses in Berkeley. This was followed in 1993 with a formal adoption of the "Environmental Economy" initiative. Also in 1993, the City adopted the *West Berkeley Plan*, which establishes an economic development strategy to maintain manufacturing in the mix of West Berkeley uses. In 1997 the City revised the Zoning Ordinance to implement the West Berkeley Plan. In 2000 the City adopted further revisions to provide appropriate locations for recycling uses, and other uses consistent with the West Berkeley Plan and the City's Environmental Economy initiative.

Since the 1990s the City has pursued a successful strategy to encourage the development of the arts and entertainment as a Downtown revitalization strategy. With adoption of the 1990 Downtown Plan and the awarding of Main Street status to the Downtown in the same year, the City began to take steps to improve the Downtown as a prime location for arts and entertainment. In 1995, the City adopted the **Downtown Berkeley Public Improvements Plan**, which integrated needed capital improvements with a strategy for the ongoing economic development of Downtown Berkeley. The Public Improvements Plan was followed in 1996 by the passage of Measure S, which provided much needed funding for a variety of Downtown



streetscape public improvements and \$300,000 for public art. Since passage of Measure S, the City has improved Addison Street, the central spine of the Arts District, with new sidewalks, streetlights, public art, and built-in electrical and sound systems to create an outdoor performance space on the street. The City also updated and expanded the Civic Arts Grant Program, which provides grants to non-profit arts organizations, and established the Public Art Program, which provides a 1.5 percent contribution from all public capital projects to an annual citywide public art grant program. Finally, the City's arts revitalization strategy has resulted in expansion of the Berkeley Repertory Theatre, the opening of the Freight and Salvage Coffee House (2009), the Jazz School, and the Aurora Theater. Under design are the Univeristy Art Museum/Pacific Film Archive and the Magnes Museum of Jewish Culture and History.

## ELEMENT OBJECTIVES

The policies and actions of the Economic Development and Employment Element are intended to achieve the following nine objectives:

1. Provide a variety of jobs with varied skill levels for residents of Berkeley.
2. Promote community and neighborhood values.
3. Support businesses that are independent, locally owned, and neighborhood-serving.
4. Encourage environmentally sustainable business.
5. Promote revitalization in neighborhoods and communities that have historically higher-than-average rates of unemployment.
6. Promote a strong industrial base as a vital foundation of a stable economy.
7. Increase social and economic equity in land use decisions.
8. Support culture and the arts in Berkeley.
9. Promote general retail businesses and a variety of cultural, recreational, entertainment, and public sector activities in the Downtown to ensure that the Downtown will remain a vital, attractive, and unifying center for the city.

## POLICIES AND ACTIONS

### **Policy ED-1 Employment and Training**

Increase the number of jobs that go to Berkeley citizens by coordinating economic development efforts with employment placement. (*Also see Transportation Policy T-15.*)

#### Actions:

- A. Work with job training programs and encourage training for life skills, job readiness, and specific target industries, including industrial companies in West Berkeley.

- B. Provide labor market information from data sources and industry sectors to local educational institutions and training agencies for adults and youths.
- C. Coordinate City employment and job training programs with the University of California, Vista College, and other local educational institutions.
- D. Encourage the University to hire Berkeley residents.
- E. Encourage the Berkeley Unified School District to provide education and job skills appropriate to jobs in Berkeley and the region.
- F. Create a collaborative process among the City, employers, and local disability/minority organizations to provide access to economic and artistic opportunities and development services for all people through education, technical assistance, and economic incentives.
- G. Develop and implement employment programs to assist citizens with temporary and permanent employment.
- H. Establish agreements with major employers to provide job training for Berkeley youth similar to the Bayer biotech agreements.
- I. Strengthen and improve the administration and performance of the First Source Program, and establish better links between the First Source Program and the Office of Economic Development.
- J. Consider development of an ordinance that requires that a percentage of Berkeley residents be hired for publicly funded construction jobs.

**Policy ED-2 West Berkeley Industry**

Continue to implement the West Berkeley Plan, with its central emphasis on protecting and strengthening the city's manufacturing sector. *(Also see Land Use Policies LU-33 and LU-34.)*

**Actions:**

- A. Publicize the economic, social, and environmental benefits of industry, emphasizing the health of Berkeley manufacturing, the "high-tech" dimensions of industry in Berkeley and the United States, manufacturing's comparatively high "multiplier" effect on the economy, and the community value of well-paying, high-benefit, low-bar-of-entry industrial employment.
- B. Work with the West Berkeley Association of Industrial Companies and the sustainable business associations to maintain West Berkeley's attractiveness as a site of manufacturing and to facilitate relations with other business in West Berkeley and with West Berkeley residents and community members.
- C. Continue to evaluate the effectiveness of the West Berkeley Plan.
- D. Focus business assistance and economic development efforts in West Berkeley on retention and expansion of industrial and Environmental Economy businesses.
- E. Examine use of land trusts, investment loans and funds, and business incubators to preserve land and buildings for industrial uses.



**Policy ED-3 Local Business**

Promote policies, programs, and services that support a diverse local economy providing a range of goods and services, that support existing local businesses, and that encourage new, independent business ventures. *(Also see Land Use Policy LU-13.)*

## Actions:

- A. Continue to provide low-interest loans to encourage and support local small businesses.
- B. Implement a small business preference program that would support local businesses.
- C. Implement a "Shop Berkeley Program" that would educate the public about the benefits of independent, community-serving enterprise and encourage the patronage of local businesses.
- D. Maintain City purchasing policies that support local businesses.
- E. Develop and implement planning and zoning mechanisms that promote community-serving commercial diversity and that limit development of undesirable chain stores, formula businesses, and big-box developments without limiting the ability of local businesses to grow and expand and, when needed, to establish additional outlets in various parts of the city.

**Policy ED-4 Neighborhood and Avenue Commercial Districts**

Provide programs and services to assist neighborhood and avenue commercial districts. *(Also see Land Use Policies LU-26 and LU-27.)*

## Actions:

- A. City efforts in neighborhood and avenue commercial zones should:
  - 1. Assist with the retention and development of existing businesses or attract new businesses that serve local neighborhood needs.
  - 2. Implement capital improvements and expand façade grants to restore original and historic facades.
  - 3. Maintain adequate levels of police presence.
  - 4. Maintain adequate street and sidewalk cleaning for all commercial districts.
  - 5. Enhance the pedestrian orientation of all shopping districts.
- B. Maintain a diverse mix of commercial goods and services in the shopping districts. Use needs assessments to determine what basic goods and services are lacking, and establish criteria of appropriateness for neighborhood businesses that address the following issues:
  - 1. Availability of basic goods and services that are affordable to local residents.
  - 2. Local ownership.
  - 3. Employment for local residents at living wages.
  - 4. Environmental impact on adjacent neighborhoods and businesses, for example, traffic, noise, and air pollution.
  - 5. Impact on the viability of other business districts and quality of life in other neighborhoods in the city.

**Policy ED-5 Merchants and Neighborhood Associations**

Encourage merchants and neighborhood associations and other groups to enhance business districts and to meet the needs of adjacent neighborhoods. *(Also see Citizen Participation Policy CP-10.)*

**Policy ED-6 Customer Access and Convenience**

Improve customer access to Berkeley businesses. *(Also see Transportation Policies T-2, T-3, T-25, T-31, T-32, T-34, T-36, and T-41.)*

## Actions:

- A. Support streetscape and facade design that makes it easier to identify businesses and more pleasant to shop at them.
- B. Create a free shuttle system that circulates throughout the city's commercial districts frequently enough to generate a reliable supply of riders.
- C. Use improved enforcement to limit all-day parking at parking meters and short-term parking spaces, and reset meter timing to better meet the needs of the commercial district visitors and shoppers.
- D. Support and encourage delivery systems in Berkeley as a means to reduce customer parking demand in commercial areas.
- E. To maximize parking for customers, create local shuttles, carpools, or options to reduce driving to work by employees, particularly those who live in Berkeley.
- F. Implement parking validation programs with local merchants.

**Policy ED-7 Environmental Economy**

Improve the environmental profile of all economic activity in Berkeley and promote Berkeley as a regional center for environmentally responsible business.

## Actions:

- A. Target environmental businesses for technical assistance, business retention, expansion, and attraction. Establish definitions and criteria for environmental and green businesses, sensitive business practices, environmental products, services, and resources, and green building and design practices.
- B. Promote environmentally sensitive business practices in all business.
- C. Develop local and regional alliances to maximize institutional links, improve public information and marketing, mobilize resources, and build the infrastructure to support the green economy in Berkeley. Build a partnership of businesses, local government, the University of California and local nongovernmental organizations in support of the environmental economy in Berkeley.
- D. Improve public information and marketing of environmental products, services, and resources.
- E. Expand awareness regarding the "green" economy and its possibilities by business, policymakers, and the general public.
- F. Develop and implement incentives, marketing assistance, and technical assistance to green businesses.
- G. Maintain and improve City "green purchasing" procurement policies.



- H. Promote “green” building and design practices that improve occupant health and comfort while minimizing negative effects on the environment. Support demonstration projects that model green building, eco-efficiency practices, and alternative transportation projects. *(Also see Environmental Management Policy EM-5.)*

**Policy ED-8 Capital Improvements**

Implement capital and transit improvements to support the local economy. *(Also see Transportation Policies T-29, T-35, and T-36 and Land Use Policies LU-20, LU-26, and LU-27.)*

Actions:

- A. In West Berkeley, improve circulation and access in commercial and manufacturing areas with truck routes, bus shelters, bus stop lighting, and where appropriate, sidewalks.
- B. In region-serving commercial districts, such as the Downtown, University Avenue, Fourth Street, Adeline/Ashby, San Pablo Avenue, and Telegraph Avenue commercial districts, make parking improvements where needed, transit and shuttle service improvements, lighting improvements, and other improvements that will support local businesses.
- C. When considering public improvements in commercial districts, ensure that preservation of historic elements to maintain district individuality is considered.
- D. In the Downtown, implement projects and capital improvements that support the Downtown as the civic, cultural, commercial, and entertainment center of Berkeley.

**Policy ED-9 Local Funding**

Encourage local efforts to fund additional services and improvements for business districts, such as business improvement districts, redevelopment areas, and assessment districts.

**Policy ED-10 The Downtown Economy**

Continue to diversify, revitalize and promote the Downtown as the civic, cultural, commercial, and entertainment center of Berkeley. *(Also see Land Use Policy LU-16.)*

**Policy ED-11 Arts and Culture**

Promote Berkeley locally and internationally by taking actions to support the development of arts and culture in Berkeley. *(Also see Land Use Policy LU-19 and Urban Design and Preservation Policies UD-36 and UD-38.)*

Actions:

- A. Develop a Cultural Plan that establishes citywide goals and strategies to support and develop local arts, culture, and entertainment. The Cultural Plan should promote the city's arts, identify partnership opportunities between the City, nonprofits, and other arts agencies, and establish fund-raising strategies.
- B. Implement policies and programs to expand performance, visual, and public art.
- C. Encourage and support community and business participation in the development of the arts and culture in Berkeley.
- D. Continue to provide grants and technical assistance to artists and arts organizations.

- E. Promote understanding and awareness of Berkeley's architectural and cultural past.
- F. Coordinate arts and cultural activities in the city and on the University of California campus through scheduling, siting and access planning.
- G. Establish a task force or other body to examine the effects of gentrification on the arts community and develop tools to counter the negative effects.
- H. Identify existing public and private locations such as churches and schools that might be appropriate for artistic and cultural events.

**Policy ED-12 Promoting Berkeley**

Promote Berkeley as a location for appropriate business, visitor, and conference destination. (*Also see Urban Design and Preservation Policy UD-38 and Land Use Policy LU-17.*)

Actions:

- A. Develop and distribute marketing materials that showcase and enhance Berkeley as a positive business location within the region.
- B. Coordinate efforts with the Berkeley Chamber of Commerce, the Convention & Visitors Bureau, and the University's cultural programs and facilities.
- C. Develop, maintain, and distribute economic and demographic information pertaining to the Berkeley economy.
- D. Promote Berkeley as a city with high-quality architectural design and historically significant buildings and districts.



# CONSTRUCTION APPRENTICESHIP PROGRAMS

## CAREER TRAINING FOR CALIFORNIA'S RECOVERY



### EXECUTIVE SUMMARY

The current economic downturn has caused vast unemployment in California's construction industry. In the year ending in June 2009, the state lost almost a fifth (18.6%) of its construction jobs, the greatest percentage among all major industries.<sup>1</sup> Getting workers back on the job is crucial to getting the California economy back on its feet.

Yet, increased employment is not enough for an equitable recovery. The construction industry's historically good jobs have been depleted by the squeeze on the middle-class over the past 30 years. And the industry is shifting to a green economy, with a focus on new skills, in response to climate change and high energy costs. As the economy revives, new construction jobs must include middle-class career paths and training in skills for the green economy.

As this report demonstrates, building trades apprenticeship programs provide the best model to keep the construction industry on the high road and provide high-quality jobs, to the benefit of the industry, the workers and the greater community.

<sup>1</sup> California Employment Development Department, Labor Market Division. 2009. California Employment Highlights for July 2009. Current Employment Statistics (CES) Program.

### KEY FINDINGS

- Construction work has two faces. It can provide stable, middle-class careers or temporary, hazardous, dead-end jobs.
- Apprenticeship programs strengthen communities by providing career paths and consistent health insurance for people from disadvantaged backgrounds. They also benefit the building industry by reducing workplace injuries, reducing turnover and providing a motivated and well-trained workforce.
- Most apprenticeship programs in California (82%) are joint labor-management programs established through collective bargaining. Those programs produce almost all (92%) of the state's apprenticeship graduates.
- The joint labor-management programs are more successful than unilateral management programs at removing barriers to graduation and therefore have much higher completion rates.
- Local policies are needed that encourage and support successful apprenticeship programs. These include local hiring requirements, resources for support services, and using the public contracting process to set and enforce standards.
- With a proven record of success in producing a skilled workforce, apprenticeship programs provide the best means to train workers in the skills needed for the new green economy.



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**CONSTRUCTION APPRENTICESHIP PROGRAMS: CAREER TRAINING FOR CALIFORNIA'S RECOVERY**



## ECONOMIC TRENDS

An historical look at the middle-class shows that as worker productivity increases, wages also increase. Between 1947 and 1979, worker productivity and income doubled together. Since the 1980s, however, incomes have grown only a quarter as much as worker productivity. Since 2000, middle-class families have experienced a nearly 4% decline in real income while productivity has increased 18.5%.<sup>2</sup>

The disconnect between wages and productivity means that the benefits of increased productivity have not been shared equally. In fact, half of overall economic growth from 1993 to 2007 went to the top 1% of incomes. In the boom times of 2000-2007, the top 1% of incomes captured two-thirds of the economic growth.<sup>3</sup>

Besides family-supporting wages, a good, middle-class job encompasses employer-provided health insurance, pensions, paid vacation and holidays, sick leave and family leave, a safe and healthy workplace, some degree of employment security and opportunities for advancement.<sup>4</sup> The history of "good jobs" over the last three business cycles (1980s, 1990s, and first half of 2000s) shows a sharp deterioration in the provision of benefits.<sup>5</sup> For the years 1979-2006, the share of jobs with employer-provided health insurance declined 5.3% and those with employer-provided pensions declined 6.4%.<sup>6</sup>

Rebuilding the middle class will require reconnecting worker productivity with compensation through the creation and support of good jobs.

### Shifting to the Green Economy

The new, green economy is changing the face of construction, with new types of jobs using new technologies and innovations on current practices. Solar panel installation or energy efficiency auditing are examples of new green jobs that build on skills that trained and qualified construction workers have had for years.

**Definition:  
Green jobs**

Jobs with family-supporting wages and benefits, in fields that contribute significantly to preserving or enhancing environmental quality.<sup>7</sup>

<sup>2</sup> Middle Class Task Force (MCTF). The Vice President of the United States. 2009. *The American Recovery and Reinvestment Act: Helping Middle Class Families*.

<sup>3</sup> Saez, Emmanuel. 2009. Striking it Richer: The Evolution of Top Incomes in the United States. Updated version of an article which appeared in *Pathways Magazine*. Stanford Center for the Study of Poverty and Inequality, Winter 2008, 6-7.

<sup>4</sup> Definition taken from Schmitt, John. 2007. *The Good, the Bad, and the Ugly: Job Quality in the United States over the Three Most Recent Business Cycles*. Center on Economic and Policy Research (CEPR) and Sarah White and Jason Walsh. 2008. *Greener Pathways: Jobs and Workforce Development in the Clean Energy Economy*. Center on Wisconsin Strategy (COWS), The Workforce Alliance and The Apollo Alliance.

<sup>5</sup> Schmitt, John. 2007. *The Good, the Bad, and the Ugly: Job Quality in the United States over the Three Most Recent Business Cycles*. Center on Economic and Policy Research (CEPR).

<sup>6</sup> Schmitt, op cit.

<sup>7</sup> White, Sarah and Jason Walsh. 2008. *Greener Pathways: Jobs and Workforce Development in the Clean Energy Economy*. Center on Wisconsin Strategy (COWS), The Workforce Alliance and The Apollo Alliance.



**CONSTRUCTION APPRENTICESHIP PROGRAMS: CAREER TRAINING FOR CALIFORNIA'S RECOVERY**

THE CONSTRUCTION INDUSTRY HAS THE HIGHEST CONCENTRATION OF CONTINGENT WORKERS...AND THE LOWEST RATE OF EMPLOYER-PROVIDED HEALTH COVERAGE AMONG CALIFORNIA'S NON-FARM INDUSTRIES.

**THE TRUTH ABOUT CONSTRUCTION**

The construction industry in California has two faces: the first is a high-road industry with family-sustaining wages, healthcare and pension benefits, safe working conditions, career stability and opportunity for advancement. The other is a low-road industry with low pay, no benefits, dangerous conditions and frequent periods of unemployment.

According to a study by the Construction Industry Institute, both contractors and workers report the same issues with recruitment and retention: unsafe job sites, insufficient wages and benefits, impermanency of employment, poor working conditions and poor treatment of employees.<sup>8</sup>

**Construction is Hazardous**

In 2007, the construction industry nationally accounted for 20% of workplace deaths and 10% of all workplace injuries and illnesses.<sup>9</sup> California, Texas and Florida account for more than 25% of all non-fatal construction injuries and illnesses resulting in lost work days nationally.<sup>10</sup>

The total cost of death and injury in the U.S. construction industry is estimated at nearly \$13 billion (in 2002 dollars).<sup>11</sup> On average, when a construction worker dies, the overall loss is estimated to be \$4 million and a non-fatal injury that results in lost workdays costs approximately \$42,000.<sup>12</sup>

**Construction Jobs are Low-Wage, Temporary and Lack Benefits**

In 2005, more than 120,000 construction workers in California were in occupations that paid less than \$30,000 per year based on the weekly wage.<sup>13</sup> In addition, many construction workers are not employed year-round, resulting in a much lower actual annual income.

Typically on construction projects, a worker's skill set may be needed only during certain phases, resulting in lay-offs, unemployment and loss of benefits. The construction industry has the highest concentration of contingent workers – defined as workers who do not have an implicit or explicit contract for on-going employment – of any non-farm industry in California.<sup>14</sup> Contingent workers are twice as likely as permanent workers to report household or family income less than \$27,000 a year and are much less likely to have employment-based healthcare or pensions.<sup>15</sup> The lower a worker's educational attainment, the higher the incidence of contingent work.

In 2005, at the height of the building boom, the construction industry had the lowest rate of employer-provided health coverage among California's non-farm industries – only 35%.<sup>16</sup> The construction industry accounted for 15% of the state's chronically uninsured, with only 7.3% of the workforce.<sup>17</sup> More than a quarter (27%) of construction workers were uninsured for the entire year while more than 40% were uninsured at least part of the year.<sup>18</sup>

<sup>8</sup> Construction Industry Institute. 2000. *Attracting and Maintaining a Skilled Workforce*. Research Summary 135-1.

<sup>9</sup> Occupational Injuries and Illnesses: Industry Data and Census of Fatal Occupational Injuries, 2007. Source: Bureau of Labor Statistics.

<sup>10</sup> Samuel W. Meyer and Stephen M. Pegula. 2004. *Injuries, Illnesses, and Fatalities in Construction, 2004*. <http://www.bls.gov/opub/cwc/print/sh20060619a01p1.htm>

<sup>11</sup> CWPR- The Center for Construction Research and Training. 2007. *The Construction Chart Book*, 4th ed. Sect. 48.

<http://www.cprw.com/pdfs/CB%204th%20Edition/Fourth%20Edition%20Construction%20Chart%20Book%20final.pdf>

<sup>12</sup> CWPR, op cit.

<sup>13</sup> Weekly wages and monthly employment for Construction Industry in 2005. Source: California Employment Development Department, Labor Market Information Division. Quarterly Census of Employment and Wages (QCEW).

<sup>14</sup> California Employment Education Department. 2006. *Contingent Workers Bolster California Work Force*. <http://www.labormarketinfo.edd.ca.gov/article.asp?ARTICLEID=626>

<sup>15</sup> Contingent and Alternative Employment Arrangements, February 2005. Source: U.S. Bureau of Labor Statistics. <http://www.bls.gov/news.release/history/conemp.txt>

<sup>16</sup> BLS, op cit.

<sup>17</sup> Center on Policy Initiatives (CPI). 2009. *Construction: Working Without a Healthcare Net*. [http://www.onlinecpi.org/downloads/ConstructionReport\\_webversion.pdf](http://www.onlinecpi.org/downloads/ConstructionReport_webversion.pdf)

<sup>18</sup> CPI, op cit.



**CONSTRUCTION APPRENTICESHIP PROGRAMS: CAREER TRAINING FOR CALIFORNIA'S RECOVERY****REGISTERED APPRENTICESHIP: THE BASICS**

Apprenticeship is a combination of on-the-job training and related instruction in which workers learn the practical and theoretical aspects of a highly skilled occupation.<sup>19</sup> The apprentice works side-by-side with a journeyworker to attain demonstrable competency in the craft.<sup>20</sup> Apprenticeships are time-intensive and require high standards of performance.

Oversight of registered programs is provided directly by the U.S. Department of Labor for 25 states and through state-approved agencies in the other 25 states.<sup>21</sup>

**How Apprenticeship Differs From Other Training**

The strict legislative regulation over apprenticeship programs creates a unique immersion training system and sets it apart from others, such as paid internships. The apprentice and the program sponsor sign an apprenticeship agreement, which contains

the terms and conditions of the employment and training of the apprentice.<sup>22</sup> Included in the agreement is the graduated wage scale to be paid to the apprentice throughout the program, the required hours and skills learned in on-the-job training and related technical instruction and performance standards.<sup>23</sup>

A registered apprenticeship program must meet government-mandated standards of quality and quantity of instruction.<sup>24</sup> Further, the sponsor must provide adequate and safe equipment and facilities, and safety training for apprentices on the job and in related instruction. Most apprenticeship programs require 3-5 years of training with between 2,000 and 8,000 hours of on-the-job training and 144 hours of related technical instruction.<sup>25</sup> Advancement depends on the apprentice's work record and progress in related instruction.<sup>26</sup>

An apprenticeship graduate has completed a specified minimum number of on-the-job training hours and related technical instruction hours, and has demonstrated competency in the skills and knowledge necessary for work at the highest standards.<sup>27</sup> Each program evaluates apprentices regularly, usually every 6 or 12 months, with both on-the-job performance assessments and written exams. Wage increases and continuation in the program depend on successful demonstration of competency.<sup>28</sup>

Apprentices emerge from the programs proficient in safety and environmental laws and regulations, first aid and CPR, mathematics, drafting, blueprint reading and other sciences connected with the trade.<sup>29</sup> Often included is training in diversity, sexual harassment, personal development, environmental remediation and jobsite management.<sup>30</sup>

**Definitions****Competency:**

The attainment of manual, mechanical or technical skills and knowledge, as specified by an occupational standard and demonstrated by an appropriate written and hands-on proficiency measurement.

**Journeyworker:**

A worker who has attained a level of skill, abilities and competencies recognized within an industry as having mastered the skills and competencies required for the occupation.

**On-the-Job Training (OJT):**

An outline of the work processes in which the apprentice will receive supervised work experience and training on the job, and the allocation of the approximate time to be spent in each major process.

**Related Technical Instruction (RTI):**

An organized and systematic form of instruction designed to provide the apprentice with knowledge of the theoretical and technical subjects related to his/her trade.

Source: Code of Federal Regulations, 29 CFR 29 "Labor Standards for the Registration of Apprenticeship Programs."

<sup>19</sup> U.S. Department of Labor. *Apprenticeship*. <http://www.dol.gov/dol/topic/training/apprenticeship.htm>

<sup>20</sup> California Apprenticeship Coordinators Association. *Apprenticeship: Pathways to Success*. <http://www.calapprenticeship.org/>

<sup>21</sup> Lerman, Robert, Lauren Eyster and Kate Chambers. 2009. *The Benefits and Challenges of Registered Apprenticeship: The Sponsors' Perspective*. The Urban Institute on Labor, Human Services and Population. [http://www.urban.org/UploadedPDF/411907\\_registered\\_apprenticeship.pdf](http://www.urban.org/UploadedPDF/411907_registered_apprenticeship.pdf)

<sup>22</sup> 29 CFR 29 "Labor Standards for the Registration of Apprenticeship Programs." Code of Federal Regulations.

<sup>23</sup> 29 CFR 29, op cit.

<sup>24</sup> 29 CFR 29, op cit.

<sup>25</sup> U.S. Department of Labor. *Apprenticeship FAQs*. <http://www.doleta.gov/OA/faqs.cfm>

<sup>26</sup> California Apprenticeship Coordinators Association. *Apprenticeship: Pathways to Success*. <http://www.calapprenticeship.org/>

<sup>27</sup> U.S. Department of Labor, Employment and Training Administration. *At-a-glance: Three Approaches to Apprenticeship Completion*. [http://www.doleta.gov/OA/pdf/Three\\_Approaches\\_Apprenticeship\\_Program\\_Completion.pdf](http://www.doleta.gov/OA/pdf/Three_Approaches_Apprenticeship_Program_Completion.pdf)

<sup>28</sup> U.S. Department of Labor, Employment and Training Administration. *At-a-glance: Three Approaches to Apprenticeship Completion*. [http://www.doleta.gov/OA/pdf/Three\\_Approaches\\_Apprenticeship\\_Program\\_Completion.pdf](http://www.doleta.gov/OA/pdf/Three_Approaches_Apprenticeship_Program_Completion.pdf)

<sup>29</sup> California Department of Industrial Relations, Division of Apprenticeship Standards. *Minimum Industry Training Criteria*. <http://www.dir.ca.gov/DAS/mitc.htm>

<sup>30</sup> California Department of Industrial Relations, Division of Apprenticeship Standards, op cit.



**CONSTRUCTION APPRENTICESHIP PROGRAMS: CAREER TRAINING FOR CALIFORNIA'S RECOVERY**

**TABLE 1:**  
**Apprenticeship Program Requirements for Selected Crafts**  
*Top 10 crafts sorted by total number of apprentices graduated from programs*

Craft	Years	On-the-job hours	Classroom hours/year
Carpentry	4	4,800	144
Electrician, Residential	3	4,800	160
Commercial/Industrial	5	8,000	160
Plumbing	4	7,200	200
Operating Engineer	4	6,000	144
Sheetmetal	4	6,500	160
Laborer	2	3,000	216
Painting & Decoration	3.5	7,000	114
Roofers	3.5	4,000	144
Plumbing	4	7,200	200
Air conditioning & refrigeration	5	7,500	216
Carpet, Linoleum & Soft Tile	4	6,400	160

Source: California Department of Industrial Relations, Division of Apprenticeship Standards. Minimum Industry Training Criteria. <http://www.dir.ca.gov/DAS/imitc.htm>

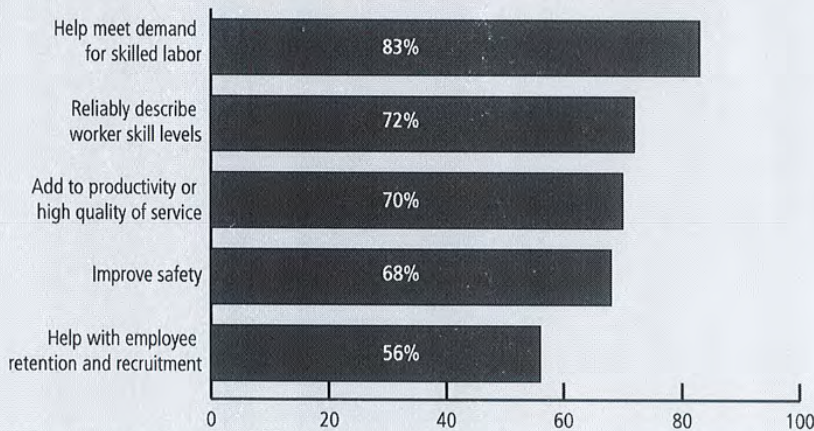
**THE VALUE OF APPRENTICESHIPS**

Apprenticeship programs benefit the entire community by providing good wages, health insurance and career stability for disadvantaged community residents. The stringent training also helps ensure high quality public works projects and cost containment by decreasing turnover, workplace accidents and lost productivity.

**The Value for Industry**

Apprenticeship programs provide skilled workers trained to employer specifications, and lead to reduced turnover, improved

**FIGURE 1: PROGRAM SPONSORS REPORT THAT APPRENTICESHIPS:**



Source: Lerman, Robert, Lauren Eyster and Kate Chambers. 2009. *The Benefits and Challenges of Registered Apprenticeship: The Sponsors' Perspective*. The Urban Institute on Labor, Human Services and Population.

on-the-job safety and higher quality results, according to a study commissioned by the U.S. Department of Labor.<sup>31</sup>

The value of apprenticeship training is extolled by the Construction Users Roundtable (CURT), comprised of some of the largest companies in the U.S., including Boeing, Procter & Gamble, General Electric, and the U.S. Army Corps of Engineers. CURT recommends that end users or owners require the contractors working for them to commit to training programs as a prequalification for doing business.<sup>32</sup>

<sup>31</sup> Lerman, Robert, Lauren Eyster and Kate Chambers. 2009. *The Benefits and Challenges of Registered Apprenticeship: The Sponsors' Perspective*. The Urban Institute on Labor, Human Services and Population. [http://www.urban.org/UploadedPDF/411907\\_registered\\_apprenticeship.pdf](http://www.urban.org/UploadedPDF/411907_registered_apprenticeship.pdf)

<sup>32</sup> Construction Users Roundtable. 2004. *Confronting the Skilled Workforce Challenge*. White Paper 401.



**CONSTRUCTION APPRENTICESHIP PROGRAMS: CAREER TRAINING FOR CALIFORNIA'S RECOVERY**

APPRENTICESHIPS LEAD TO CAREERS WITH HIGHER AVERAGE WAGES AND PROMOTE JOB STABILITY THROUGH SKILL CERTIFICATION AND PORTABILITY

**The Value for Workers**

Most apprenticeship programs provide good jobs from the beginning, with fair wages, family healthcare benefits, a pension plan, paid sick days, a safe work environment and employment stability. Program completion secures these advantages for an entire career.

**Wages and Career Stability**

Apprenticeships lead to careers with higher average wages and promote job stability through skill certification and portability. Apprentice wages start out as a percentage of the journeyworker hourly rate, significantly higher than minimum wage, and increase regularly as competency is demonstrated.<sup>33</sup>

As Table 2 demonstrates, apprentices in San Diego County begin at a basic hourly rate equal to more than \$28,000 per year. Program graduates make a basic hourly wage equating to nearly \$60,000 annually.

Moreover, a certificate of completion signifies attainment of nationally and globally recognized skills.<sup>34</sup> With the portability of credentials a worker can move between projects and employers with a documented set of skills on their resume, thereby facilitating the hiring process and ensuring the correct pay rate commensurate with skill level.

Many apprenticeship programs have formal agreements with 2- and 4-year colleges and universities which offer credits for the education received.<sup>35</sup> A worker can use accumulated credits to pursue a college degree later in life, facilitating transition to another career, if desired.

**TABLE 2:**

**Apprenticeship Basic Hourly Wage Increase Schedule, San Diego County, California, Q1 2009\***

*Wage increases dependent upon successful completion of training segments*

Years in Program	Part of year (1/2)	Carpenter, Commercial	Electrician, Inside Wireman	Plumber, Pipefitter, Steamfitter
		Wage level per 600 on-the-job training hours	Wage level per 800 on-the-job training hours	Wage level per 1,600 on-the-job training hours
1	1st	\$14.54	\$14.54	
	2nd	\$16.15	\$15.99	\$16.65
2	1st	\$19.38	\$17.45	
	2nd	\$21.00	\$18.90	\$19.97
3	1st	\$22.61	\$20.36	
	2nd	\$24.23	\$21.81	\$23.30
4	1st	\$25.84	\$23.99	
	2nd	\$29.07	\$25.45	\$26.63
5	1st	—	\$28.35	
	2nd	—	\$29.81	\$29.96

\*Source: California Department of Industrial Relations, Division of Apprenticeship Standards, Public Works Apprentice Wage Sheets. <http://www.dir.ca.gov/DAS/PWAppWage/PWAppWageList.asp>

<sup>33</sup> California Department of Industrial Relations data for end of 2008. *Apprentice wage determinations* <http://www.dir.ca.gov/DAS/PWAppWage/wage/08237400pdf?VarWageld=08237400> and *Prevailing Wage determinations* <http://www.dir.ca.gov/dlsr/PWD/Determinations%5CSanDiego%5CSD-023-102-4.pdf>

<sup>34</sup> U.S. Department of Labor. *Registered Apprenticeship: A Solution to the Skills Shortage*. [http://www.doleta.gov/atels\\_bat/pdf/fsfront.pdf](http://www.doleta.gov/atels_bat/pdf/fsfront.pdf)

<sup>35</sup> California Department of Industrial Relations, Department of Apprenticeship Standards. *Educators home page*. <http://www.dir.ca.gov/das/educators.htm>



## CONSTRUCTION APPRENTICESHIP PROGRAMS: CAREER TRAINING FOR CALIFORNIA'S RECOVERY

### PAYING PREVAILING WAGE STRENGTHENS FAMILIES

California and many other states require that contractors pay Prevailing Wage on public projects, but cities can selectively opt out. For example, the City of San Diego requires prevailing wage only on projects worth more than \$10 million, and the City of Vista recently voted to abandon prevailing wage completely.<sup>38</sup> Prevailing wage requirements invest in communities by providing good wages and benefits, and protect taxpayers from the hidden costs of supporting the uninsured and the working poor.<sup>39</sup>

In California, the Department of Industrial Relations reviews the wages and compensation paid to workers in the local area and sets the local prevailing wage at the level most commonly paid to workers in each classification.<sup>40</sup> Prevailing wage is also required for apprentices.<sup>41</sup>

As Table 3 illustrates, prevailing wage creates middle-class jobs by determining the amount of employer contributions to worker benefit funds, including health insurance, pension, holidays and vacation, and training.

Prevailing wage requirements:

- Do **not** increase cost, because workers who earn more are more productive. Also, workers are safer, lowering worker's compensation costs.<sup>42</sup>
- Increase rates of health coverage and self-sufficient retirement through pensions.<sup>43</sup>
- Improve worker safety by encouraging better training and use and retention of experienced workers.<sup>44</sup>
- Encourage minority participation in apprenticeship programs, creating pathways out of poverty for local workers.<sup>45</sup> States with prevailing wage laws have nearly 20% more minorities in construction apprenticeships than states that do not require prevailing wage.<sup>46</sup>

#### Definition:

##### Prevailing Wage

Contractors bidding on construction built with public subsidy must compensate all workers on the project equally, based on their occupational classification.<sup>36</sup> Federal prevailing wage was created in 1931 by the Davis-Bacon Act, "specifically to protect communities and workers from the economic disruption caused by competition arising from non-local contractors coming into an area and obtaining federal construction contracts by underbidding local wage levels."<sup>37</sup>

### Healthcare and Pension Benefits

Many apprenticeship programs give workers access to health coverage and pension benefits, and when the program sponsor is part of a multiemployer trust, workers have benefits portability between jobs.<sup>47</sup> Without that structure, the frequent job changes in construction can result in loss of health insurance and pensions, which generally are accessed through employers in the United States.

Multiemployer plans are created through collective bargaining. With this structure, 83% of unionized construction workers had job-based health coverage compared to only 48% in the nonunion sector of the industry in 2005.<sup>48</sup> Unionized workers are also 23% to 54% more likely to be in employer-provided pension plans.<sup>49</sup>

<sup>36</sup> California State Labor Code, Div. 2, Part 7, Chp. 1, Sec. 1771.

<sup>37</sup> U.S. Department of Labor. 2002. *Prevailing Wage Resource Book, 11/2002*. <http://www.wdol.gov/docs/WRB2002.pdf>

<sup>38</sup> Tenbroeck, Craig. Vista: Unions seek to overturn prevailing wage ruling. *North County Times*. June 30, 2009. and City of San Diego Council Resolution R-298185, A Resolution rescinding Resolution No. R-251555; and authorizing the advertisement of certain public works municipal affair projects as subject to state prevailing wage requirements. Adopted July 14, 2003.

<sup>39</sup> Fiscal Policy Institute. 2006. *The Economic Development Benefits of Prevailing Wage*. <http://www.fiscalpolicy.org/FPI%20Prevailing%20Wage%20Brief%20May%2006.pdf>

<sup>40</sup> California State Labor Code, Div. 2, Part 7, Chp. 1, Sec. 1773.

<sup>41</sup> California State Labor Code, op cit., Sect. 1777.5(b).

<sup>42</sup> Mahalia, Nooshin., 2008. *Prevailing Wages and Government Contracting Costs: A Review of the Research*. Economic Policy Institute (EPI), Briefing Paper 215. <http://www.epi.org/publications/entry/bp215/>

<sup>43</sup> Petersen, Jeffery S. 2000. Health Care and Pension Benefits for Construction Workers: The Role of Prevailing Wage Laws. *Industrial Relations*. Vol. 39, No. 2.

<sup>44</sup> National Alliance for Fair Contracting (NAFC). 2003. *In Defense of Prevailing Wage Laws: Studies and Reports by The Experts*.

[http://www.lecet.org/Clearinghouse\\_Public/LECET/NAFC/in\\_defense\\_of\\_prevailing\\_wage\\_laws.pdf](http://www.lecet.org/Clearinghouse_Public/LECET/NAFC/in_defense_of_prevailing_wage_laws.pdf)

<sup>45</sup> NAFC, op cit.

<sup>46</sup> Phillips, Peter Ph.D. 1999. *Kentucky's Prevailing Wage Law: It's History, Purpose and Effect*. University of Utah.

<sup>47</sup> Phillips, op cit.

<sup>48</sup> CWPR- The Center for Construction Research and Training. 2007. *The Construction Chart Book*. 4th ed. Sect. 26. <http://www.cwpr.com/odfs/CB%204th%20Edition/Fourth%20Edition%20Construction%20Chart%20Book%20final.pdf>

<sup>49</sup> Mishel, Lawrence and Matthew Walters. 2003. *How unions help all workers*. Economic Policy Institute (EPI). Briefing paper #143. [http://www.epi.org/publications/entry/briefingpapers\\_bp143/](http://www.epi.org/publications/entry/briefingpapers_bp143/)



**CONSTRUCTION APPRENTICESHIP PROGRAMS: CAREER TRAINING FOR CALIFORNIA'S RECOVERY**

**Table 3**  
**Prevailing Wage: Hourly Wage & Employer Contributions for Selected San Diego County Apprentices**  
*Year Two of Program*

	Basic Hourly Wage	Employer Contributions					Total Hourly Wages
		Health & Welfare	Pension	Vacation/ Holiday	Training	Other	
Carpenter	\$21.00	\$3.95	\$2.91	\$3.30	\$0.42	- 0 -	\$31.58
Electrician, Inside Wireman	\$18.90	\$5.12	\$2.83	- 0 -	\$0.56	\$0.16	\$27.57
Plumber/Pipefitter/Steamfitter	\$19.97	\$6.02	\$0.31	\$1.79	\$0.32	\$0.39	\$28.80
Operating Engineer	\$28.55	\$7.95	\$5.05	\$2.82	\$0.56	\$0.17	\$45.19
Sheet Metal	\$19.33	\$3.42	\$2.63	- 0 -	\$0.68	\$0.46	\$26.52
Laborer	\$19.01	\$4.26	\$0.39	\$2.62	\$0.64	\$0.30	\$27.22
Painter	\$14.21	\$4.60	\$0.15	\$0.30	\$0.34	\$0.67	\$20.27
Roofer	\$16.02	\$4.76	\$1.62	- 0 -	\$0.10	\$0.20	\$22.70
Heating, Ventilation & Air Conditioning**	\$19.62	\$6.38	\$1.13	- 0 -	\$0.70	\$0.25	\$28.08
Carpet	\$20.01	\$6.00	\$0.94	\$0.23	\$0.45	\$0.15	\$27.78

\*Source: California Department of Industrial Relations, Division of Apprenticeship Standards, Public Works Apprentice Wage Sheets. Q1 2009  
<http://www.dir.ca.gov/DAS/PWAppWage/PWAppWageList.asp>

\*\*Los Angeles and Orange counties

A SURVEY OF 8,000 CONSTRUCTION LABORERS IN WASHINGTON FOUND THAT HEALTH AND SAFETY TRAINING DECREASED THE LIKELIHOOD OF WORKERS' COMPENSATION CLAIMS BY 12%.

**Worker Safety**

Safety training is highly effective in preventing workplace accidents and injuries, which saves money. A survey of 8,000 construction laborers in Washington found that health and safety training decreased the likelihood of workers' compensation claims by 12%. Among workers ages 16-24, there were 42% fewer claims.<sup>52</sup>

Apprenticeships in the building trades provide certified and coordinated instruction in building and earthquake codes, environmental laws and safety, including hazardous materials handling and remediation.<sup>53</sup> Minimum apprenticeship training for all crafts must include safety instruction provided on-the-job and in the classroom.<sup>54</sup> In California, most crafts require first aid, CPR, tools and materials safety.<sup>55</sup>

**Definition:**

**Multiemployer trust**

A benefits plan that covers the workers of two or more unrelated companies in accordance with a collective bargaining agreement.<sup>50</sup> In industries where seasonal or irregular employment and high labor mobility are common, like construction, few workers would qualify under a single company's plan due to eligibility requirements.<sup>51</sup>

<sup>50</sup> Employment Benefit Research Institute (EBRI). 2009. *Fundamentals of Employee Benefit Programs*. 6th ed. <http://www.ebri.org/publications/books/index.cfm?fa=fundamentals>

<sup>51</sup> EBRI, op cit.

<sup>52</sup> Xiuwen Dong, Pamela Entzel, Yuring Men, Risanna Chowdury, and Scott Schneider. 2004. Effects of Safety and Health Training on Work-related Injury Among Construction Laborers. *Journal of Occupational & Environmental Medicine*. 46(12), pp. 1222-1228.

<sup>53</sup> California Department of Industrial Relations, Department of Apprenticeship Standards. *Minimum Industry Training Criteria*. <http://www.dir.ca.gov/das/mitc.htm>

<sup>54</sup> 29 CFR 29 "Labor Standards for the Registration of Apprenticeship Programs." Code of Federal Regulations.

<sup>55</sup> California Department of Industrial Relations, Department of Apprenticeship Standards. *Minimum Industry Training Criteria*. <http://www.dir.ca.gov/das/mitc.htm>



**CONSTRUCTION APPRENTICESHIP PROGRAMS: CAREER TRAINING FOR CALIFORNIA'S RECOVERY**

**APPRENTICESHIPS SUCCEED BECAUSE LABOR AND MANAGEMENT WORK TOGETHER**

Due to the resources required to adequately train workers, the structure of sponsorship plays an important role in the success of the program. Apprenticeship programs can be sponsored by a single employer, a group of employers or a group of employers in cooperation with labor. Sponsors plan the training, review apprentice progress, maintain the records of appropriate progress and pay for the program.<sup>56</sup> The total cost can be \$40,000 to \$200,000 per apprentice, depending on the trade and length of apprenticeship.

The sponsor must have the ability to hire and train apprentices in a real work environment. If the sponsors don't provide steady work, the apprentices have fewer opportunities to earn wages and thereby remain in the program.

**The Vast Majority of California's Apprenticeship Programs are Joint Labor-Management**

**Table 4:  
Advantages of joint labor-management apprenticeship programs**

California State Certified Apprentice Programs	Number of Programs		Number of Graduates (Individuals) 2002 - 2007	
	Joint Labor-Mgmt	Unilateral Mgmt	Joint Labor-Mgmt	Unilateral Mgmt
Asbestos Workers	2	none	186	none
Boilermakers	1	none	62	none
Bricklayer	3	2	110	16
Carpentry	25	3	4,449	337
Carpet, Linoleum & Soft Tile	2	1	330	2
Cement Masons	3	none	520	none
Drywall / Lather	9	2	1,904	none
Electrical & Electronic	29	9	4,362	1,110
Elevator	2	none	617	none
Engineer	4	3	2,026	13
Glazier & Glass Workers	6	none	437	none
Heating, Ventilation & Air Conditioning	8	2	532	246
Iron & Steel Workers	8	none	2,116	none
Laborers	8	2	1,540	56
Lineman	1	2	324	37
Millwright	2	none	185	none
Painting & Decorating	5	4	1,033	66
Plasterers	4	none	294	none
Plumbing	29	6	2,769	306
Roofers	7	2	618	115
Sheet Metal	9	2	1,654	114
Surveyor	2	none	482	none
Tile Layer/Setter	8	none	976	none
<b>Total</b>	<b>177</b>	<b>40</b>	<b>27,526</b>	<b>2,418</b>
<b>Percentage</b>	<b>82%</b>	<b>18%</b>	<b>92%</b>	<b>8%</b>

Source: California Department of Industrial Relations, Division of Apprenticeship Standards dataset. April 2009.

Joint labor-management (joint) programs sponsor the majority of apprenticeship programs offered in California and graduate the vast majority of apprentices. The sponsorship structure, meaning whether the sponsor is joint or unilateral management, is a key component to the strength of a program. Cooperation and a shared commitment to training unite employers and workers to create the success of joint programs.

In California, 217 registered programs train apprentices in 23 trades. Joint labor-management programs provide 82% of those programs and offer training in all trades. In 10 trades, only joint programs are offered.

**Definitions:**

**Sponsor**

Any person, association, committee, or organization operating an apprenticeship program and in whose name the program is (or is to be) registered or approved.

**Joint labor-management (joint)**

Composed of an equal number of representatives of the employer(s) and of the employees represented by a bona fide collective bargaining agent(s)

**Unilateral**

An apprenticeship program sponsor without a bona fide collective bargaining agent.

Source: Code of Federal Regulations, 29 CFR 29 "Labor Standards for the Registration of Apprenticeship Programs."

<sup>56</sup> 29 CFR 29 "Labor Standards for the Registration of Apprenticeship Programs." Code of Federal Regulations.



**CONSTRUCTION APPRENTICESHIP PROGRAMS: CAREER TRAINING FOR CALIFORNIA'S RECOVERY**

**Joint Programs Have More Graduates and Higher Completion Rates**

Ninety-two percent (92%) of California's nearly 30,000 apprenticeship graduates in 2002-2007 were from joint labor-management programs (Figure 2). Since program completion is what secures middle-class career wages and benefits, the ability of apprentices to succeed is vital.

Completion rates in joint programs are higher because they are more established and better funded, according a Government Accountability Office report.<sup>57</sup> Joint apprenticeship training trusts are funded through collective bargaining, meaning that member workers agree to have a small part of their paycheck deposited by the employer into the trust.

**Definition:  
Completion rate**

The percentage of an apprenticeship cohort who receive a certificate of apprenticeship completion within one year of the projected completion date.

Joint labor-management programs use a multi-employer structure, with several signatory contractors, to keep apprentices fully employed

to fulfill their on-the-job training hours. Joint programs generally take responsibility for placing apprentices with employers, rather than requiring the apprentices to look for work and experience intermittent unemployment. Through local chapter affiliation and portability agreements, apprentices in joint programs keep their benefits and are more likely to find work in other areas with another local.<sup>58</sup>

Ninety-five percent (95%) of women and 92% of people of color graduating from apprenticeship programs are in joint labor-management programs (Figure 3 and Figure 4).<sup>59</sup>

Joint labor-management sponsored apprenticeship programs have a significantly higher completion rate (49%) than unilateral programs (33%) across the board. In many of the largest trades, the joint program completion rates are 20-30% higher than unilateral programs (Figure 5, Page 12).<sup>60</sup>

**BARRIERS TO PROGRAM COMPLETION**

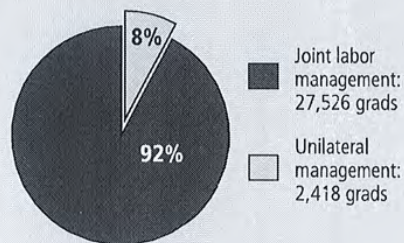
Program sponsorship has two main challenges: failure to complete the program and the loss of a trained worker to another employer, or "poaching."<sup>61</sup> These problems increase the cost of training and threaten continuation of the programs.

**Dropouts**

Apprenticeship programs are rigorous. It is full-time, physically

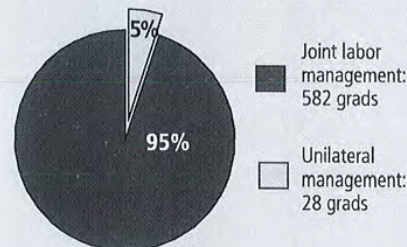
**FIGURE 2: TOTAL GRADUATION**

California Construction Apprenticeship Programs Individual Completions by All Persons 2002-2007



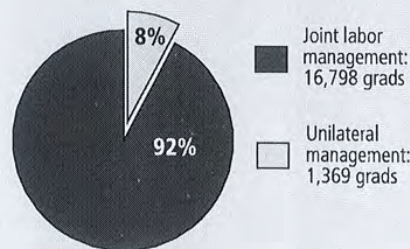
**FIGURE 3: WOMEN GRADUATES**

Apprenticeship Program Completions by Women in California, 2003-2008 (Individuals)



**FIGURE 4: MINORITY GRADUATES**

Apprenticeship Program Completions by Minorities in California, 2003-2008 (Individuals)



Source for above figures: California Department of Industrial Relations, Division of Apprenticeship Standards dataset. April 2009.

<sup>57</sup> Government Accountability Office (GAO). 2005. *Registered Apprenticeship Programs: Labor Can Better Use Data to Target Oversight*. Report to Congressional Requesters. <http://www.gao.gov/new.items/d05886.pdf>

<sup>58</sup> GAO, op cit.

<sup>59</sup> Apprenticeship dataset received from the California Department of Industrial Relations, Division of Apprenticeship Standards, April 2009.

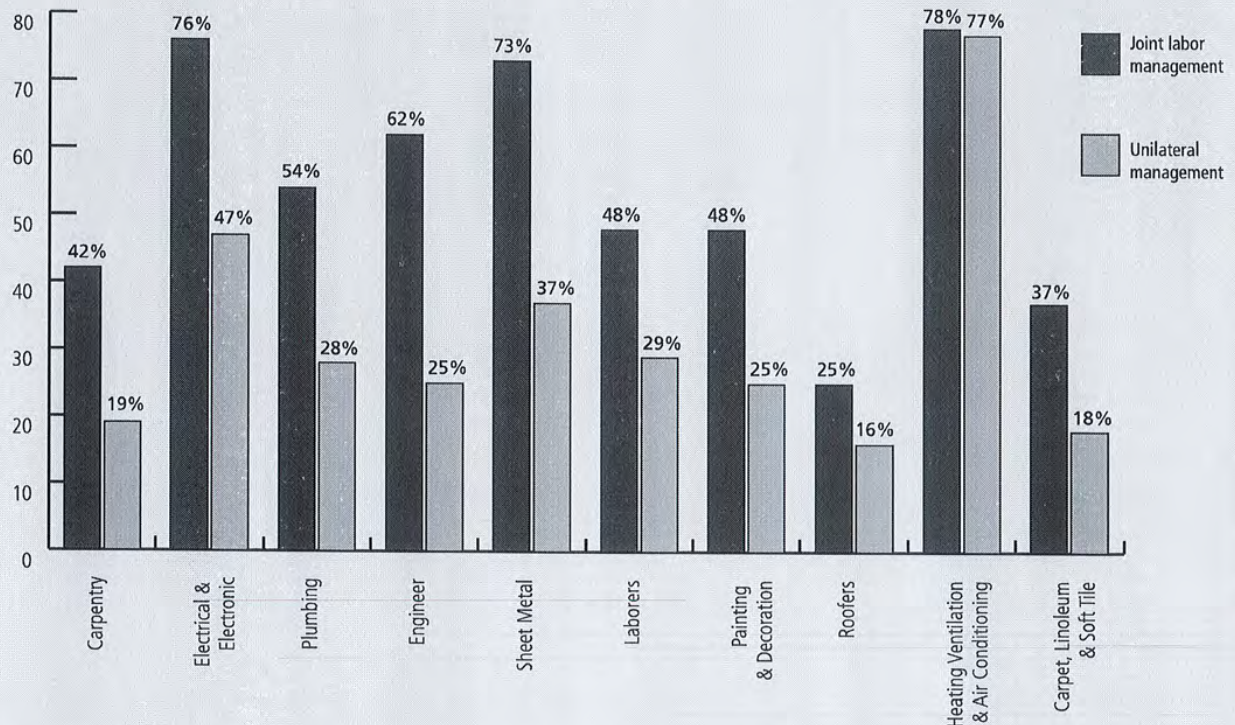
<sup>60</sup> Apprenticeship dataset, op cit.

<sup>61</sup> Lerman, Robert, Lauren Eyster and Kate Chambers. 2009. *The Benefits and Challenges of Registered Apprenticeship: The Sponsors' Perspective*. The Urban Institute on Labor, Human Services and Population. [http://www.urban.org/UploadedPDF/411907\\_registered\\_apprenticeship.pdf](http://www.urban.org/UploadedPDF/411907_registered_apprenticeship.pdf)



**CONSTRUCTION APPRENTICESHIP PROGRAMS: CAREER TRAINING FOR CALIFORNIA'S RECOVERY**

**FIGURE 5: CALIFORNIA CONSTRUCTION APPRENTICESHIP PROGRAMS COMPLETION RATE BY CRAFT, 2002-2007**  
Top 10 crafts by number of graduates. Completion rate weighted average



Source: California Department of Industrial Relations, Division of Apprenticeship Standards dataset, April 09

Methodology: Most data used in this report come from the California Department of Industrial Relations, Division of Apprenticeship Standards. One dataset listed individual program completions by sponsor for gender and ethnicity and was received at the end of March 2009. The other dataset listed program completions by sponsor for all persons and was received mid-April 2009. Weighted averages were created by multiplying total intake of apprentices for each sponsor for 2002-2007 by average completion rate after the 1st year. The results for each sponsored program within each trade were added together. This total was then divided by total average annual intake rate to find the weighted average for each trade by type of sponsor.

demanding work, with classroom instruction and studying after work or on weekends. It can be difficult to juggle time commitments or manage the stress of constant training challenges and evaluations. An apprentice needs both personal commitment and a support system to be successful. This is even more critical if the apprentice comes from an at-risk background.

Social service or support programs within the community can help apprentices succeed by providing needed additional services, such as substance abuse or mental health counseling, childcare, or small loans for reliable transportation. Using assessments and case management to assist apprentices in identifying personal barriers to success and then connecting them to support services can address many of the reasons for dropping out.<sup>62</sup>

**The most commonly cited reasons for non-completion of a program were:<sup>63</sup>**

- 36% – personal reasons (family needs, mental health or substance abuse problems, physical illness or legal issues).
- 32% – performance problems on the job or in the classroom.
- 30% – gained craft certificate or took another job before completion.

<sup>62</sup> The Apollo Alliance, et al. 2008. *Green-Collar Jobs in America's Cities: Building Pathways Out of Poverty and Careers in the Clean Energy Economy*. <http://apolloalliance.org/downloads/greencollarjobs.pdf>

<sup>63</sup> Lerman, Robert, Lauren Eyster and Kate Chambers. 2009. *The Benefits and Challenges of Registered Apprenticeship: The Sponsors' Perspective*. The Urban Institute on Labor, Human Services and Population, [http://www.urban.org/UploadedPDF/411907\\_registered\\_apprenticeship.pdf](http://www.urban.org/UploadedPDF/411907_registered_apprenticeship.pdf)



## CONSTRUCTION APPRENTICESHIP PROGRAMS: CAREER TRAINING FOR CALIFORNIA'S RECOVERY

### **WORKER STORY: Iron Woman**

"I was working in retail and was tired of it. I wanted a career and something that would keep me outside, healthy and happy," says 28-year old ironworker Mariko Preston. "I began training in ironworking in New Orleans but was looking to get out. Katrina helped with that."

Following Hurricane Katrina, Preston was evacuated by the American Red Cross to San Diego. She approached the staff at Ironworkers Local 229, she remembers. "They said OK. Show us what you got."

Five years later, Preston is a journey-level iron worker with comprehensive welding certifications and on-the-job experience in welding for infrastructure like highways, bridges and dams and for skyscrapers.

A 5'3" African-American woman, Preston says, "I work smarter, not harder. Being a woman in the trades, it's hard enough, especially as an ironworker, to go out on the job and think you are going to get paid as much as the next guy. When I'm in the union, I know that they have to treat me fairly, and we are all going to get paid the same."

And Preston credits her joint labor-management apprenticeship with teaching her more in a few years than she ever would have learned as a nonunion worker.



### **Poaching**

The loss of a trained worker to another employer, known as "poaching," can lead to underinvestment in an employer's workforce.<sup>64</sup> In order to maximize profits in the short-term, some contractors may choose to hire others' apprentices or journeyworkers rather than make the long-term investment to sponsor their own training programs.<sup>65</sup>

The focus on selecting the lowest bidder for construction projects can exacerbate "poaching." When bidding, contractors may cut training costs to reduce total overhead as much as possible and win the work. This fierce pressure to contain labor costs and undercut the competition encourages employers to poach workers from other contractors rather than incur the costs of training.<sup>66</sup>

Joint labor-management programs report less concern with dropouts and "poaching."<sup>67</sup> Steady work, higher wages and health insurance may resolve many of the personal reasons for dropping out of a program. A steady paycheck at a family-sustaining level may allow workers to pay for childcare or other assistance, while health insurance provides treatment for physical illness, substance abuse or mental health issues.

Joint programs pool their training costs and resources, creating a "fair playing field" among union contractors, thereby negating the disincentive to provide training and the incentive to poach.<sup>68</sup>

<sup>64</sup> Organization for Economic Co-operation and Development (OECD). 1994. *The OECD Jobs Study: Facts, Analysis, Strategies*. <http://www.oecd.org/dataoecd/42/51/1941679.pdf>

<sup>65</sup> Kotler, Fred. 2009. *Project Labor Agreements in New York State: In the Public Interest*. Cornell University Industrial and Labor Relations School, Cornell University.

<sup>66</sup> Kotler, op cit.

<sup>67</sup> Lerman, Robert, Lauren Eyster and Kate Chambers. 2009. *The Benefits and Challenges of Registered Apprenticeship: The Sponsors' Perspective*. The Urban Institute on Labor, Human Services and Population. [http://www.urban.org/UploadedPDF/411907\\_registered\\_apprenticeship.pdf](http://www.urban.org/UploadedPDF/411907_registered_apprenticeship.pdf)

<sup>68</sup> Kotler, Fred. 2009. *Project Labor Agreements in New York State: In the Public Interest*. Cornell University Industrial and Labor Relations School, Cornell University.



**CONSTRUCTION APPRENTICESHIP PROGRAMS: CAREER TRAINING FOR CALIFORNIA'S RECOVERY**

**NECESSARY POLICIES TO SUPPORT APPRENTICESHIP PROGRAMS**

The success of apprenticeship programs in creating middle-class careers depends on supportive public policies. Effective policy options include funding the programs and support services, requiring contractors to pay prevailing wage and hire

**Definition:**

**Responsible contracting policies**

Prohibit public contracting with employers who violate workplace, tax or other laws. They can also provide a mechanism to favor employers who provide good jobs – good wages and benefits, a safe workplace – and comply with workforce standards.<sup>69</sup>

apprentices on more projects, and enacting responsible contracting standards.

**Career Ladders – Pathways out of Poverty**

A career ladder or pathway out of poverty is a succession of training and support systems that prepare workers for a series of jobs with increasing skill requirements and compensation, providing a bridge from unemployment or dead-end jobs into middle-class careers.<sup>70</sup> Career ladders focus on community members who traditionally face multiple

barriers to employment – low-income, people of color, women, unemployed, homeless, ex-offender, returning veterans or those lacking a high school diploma or GED.

A comprehensive career pathway links job seekers, employers, community organizations, educational institutions and the workforce development system, creating “wrap-around” services.<sup>71</sup> Apprenticeship is a key step.

**Recruitment and Case Management**

Community-based organizations and workforce development providers help connect community members with career pathway programs. They provide skills assessments, identify participant needs and coordinate support services. Some community members need case management assistance along the entire pathway out of poverty. Case management assistance is often necessary for ex-offenders or youth, those with a history of substance abuse, or to help low-income people remain qualified for assistance until they become stably employed.<sup>72</sup>

**Soft Skills**

Nonprofit organizations and community colleges provide soft skills, including job hunting skills, workplace etiquette, communication skills, conflict management, as well as assistance with obtaining a driver's license or GED.<sup>73</sup>

**Hard Skills**

Nonprofit organizations, labor unions and employers provide the actual on-the-job skills training for careers through pre-apprenticeship and apprenticeship programs.<sup>74</sup>



Adapted from The Apollo Alliance, et al. 2008. *Green-Collar Jobs in America's Cities: Building Pathways Out of Poverty and Careers in the Clean Energy Economy.*

<sup>69</sup> Sonn, Paul K. and Tsedeye Gebreselassie. 2009. The Road to Responsible Contracting: Lessons from States and Cities for Ensuring That Federal Contracting Delivers Good Jobs and Quality Services. National Employment Law Project (NELP). [http://nelp.3cdn.net/fd1c66786fb98867e7\\_1dm6brs8l.pdf](http://nelp.3cdn.net/fd1c66786fb98867e7_1dm6brs8l.pdf)

<sup>70</sup> Mitnik, Pablo and Matthew Zeidenberg. 2007. *From Bad to Good Jobs? An Analysis of the Prospects for Career Ladders in the Service Industries.* Center on Wisconsin Strategy (COWS). [http://www.cows.org/about\\_publications\\_detail.asp?id=399](http://www.cows.org/about_publications_detail.asp?id=399), and The Apollo Alliance, et al. 2008. *Green-Collar Jobs in America's Cities: Building Pathways Out of Poverty and Careers in the Clean Energy Economy.* <http://apolloalliance.org/downloads/greencollarjobs.pdf>

<sup>71</sup> The Apollo Alliance, et al. 2008. *Green-Collar Jobs in America's Cities: Building Pathways Out of Poverty and Careers in the Clean Energy Economy.* <http://apolloalliance.org/downloads/greencollarjobs.pdf>

<sup>72</sup> The Apollo Alliance, et al, op cit.

<sup>73</sup> The Apollo Alliance, et al, op cit.

<sup>74</sup> The Apollo Alliance, et al, op cit.



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**Careers**

Graduates of apprenticeship programs become journeyworkers. With increasing experience and continuing education, many later become foremen, supervisors or contractors.

**Definition:**

**Pre-apprenticeship**

A program that provides contextualized training in the basic skills used in the building trades and prepares students for entrance into an apprenticeship program. Many programs train on smaller and less complex construction projects, such as a model structure on the program site, or in residential weatherization of community homes.

None of this is cheap. Providing the diverse services necessary for moving an at-risk community member to self-sufficiency requires resources. Some funds come from government programs and others through nonprofit or charitable organizations.

Regardless, programs like these need both policy and financial support, especially in today's economy.

**Local Hire Requirements**

On-the-job training is the main component of the apprenticeship system. Each apprentice must stay fully employed to complete their program on time. Therefore, a shortage of jobs limits the availability of apprenticeships for community residents.

Local hire policies provide local jobs and also incentivize the creation of career ladders by moving community members into apprenticeship programs and into middle-class careers. Local hire policies require that a certain number of journeyworkers and apprentices who are residents of the local area to be employed on development projects. Many local hire policies also require a set participation rate by "at-risk" residents or living in poverty. Local hire is a concrete mechanism to ensure that the investment of public funds into the community helps low-income residents.<sup>75</sup>

A successful example of local hire policies in action, the City of Los Angeles implemented local hire after an audit of the 1996 City Hall renovation project showed that less than 2% of project work hours were performed by local residents.<sup>79</sup> The City's Department of Public Works now requires that 30-40% of project hours be performed by City residents. Because of that policy, \$41.5 million has been reinvested in the City through the estimated wages and benefits paid to 2,600 local residents and 2,300 apprentices employed on nine Public Works projects.<sup>80</sup>

**CASE STUDY: Los Angeles Unified School District "We Build"**

Since 1999, the Los Angeles Unified School District (LAUSD) has strived to use local district residents to perform at least 50% of total hours worked on bond projects. The local-hire policies cover over \$27.1 billion dollars of bond funds, the largest school construction project in the nation. Through diligent, innovative administration and community partnerships, 33% or 19,509 local residents have been employed on LAUSD projects, as of March 2009.<sup>75</sup>

Due to the size and scope of the bond projects, LAUSD has created an internal department to facilitate local hire and community partnerships, called We Build. We Build connects community members with pre-apprenticeship training through both the LAUSD Division of Adult and Career Education Training Centers and the nonprofit Century Community Training Program. Completion of the pre-apprenticeship program places workers in a competitive position to enter union apprenticeship programs and be employed by contractors working on bond construction projects.<sup>76</sup>

The Century Community Training Program is one example of an organization providing "wrap around" services. Trainees receive hands-on experience building on-site model structures where they learn the basics of several trades, including concrete pouring, residential plumbing and electrical systems, reinforcing iron setup and basic framing. Daily physical agility and endurance-building exercises help prepare trainees for the physical demands of construction. Classroom instruction includes shop math, written test-taking, blueprint reading and OSHA 10-hour safety certification. Trainees also receive case management services and job placement assistance, with 85% of graduates entering union apprenticeship programs.<sup>77</sup>

<sup>75</sup> Los Angeles Unified School District. *We Build*. <http://www.laschools.org/contractor/webuild/> and "We Build" Program Update & UCLA Labor Center Study Summary. Facilities Committee Report. March 5, 2009. Received from We Build program upon request.

<sup>76</sup> Los Angeles Unified School District. *We Build*. <http://www.laschools.org/contractor/webuild/>

<sup>77</sup> Information from the Century Community Training Program website. <http://www.centurycommunitytraining.org/>

<sup>78</sup> Kathleen Mulligan-Hansel, PhD. 2008. *Making Development Work for Local Residents: Local Hire Programs and Implementation Strategies that Serve Low-Income Communities*. Partnership for Working Families. <http://www.communitybenefits.org/downloads/Making%20Development%20Work%20for%20Local%20Residents.pdf>

<sup>79</sup> City of Los Angeles Bureau of Contract Administration, Project labor agreement documents posted online. [http://bca.lacity.org/index.cfm?next\\_body=local\\_hiring.cfm](http://bca.lacity.org/index.cfm?next_body=local_hiring.cfm)

<sup>80</sup> Manny Perez, 2009. *Local Hire in the City of Los Angeles*. City of Los Angeles, Department of Public Works, Bureau of Contract Administration. Presentation to the San Diego Unified School Board, January 2009.



## CONSTRUCTION APPRENTICESHIP PROGRAMS: CAREER TRAINING FOR CALIFORNIA'S RECOVERY

### Good Jobs in the Green Economy

The green economy is large and growing rapidly. According to the American Solar Energy Society, renewable energy and energy efficiency generated \$970 billion in revenues and 8.5 million jobs in 2006.<sup>81</sup> By 2030, ASES estimates that 1 in 4 U.S. workers will have jobs involving renewable energy or energy efficiency.<sup>82</sup>

With that much of our economy at stake, policy decisions are needed today to ensure high-road, middle-class careers for the future. Increasing numbers of state and local governments and agencies are addressing climate change through requiring buildings to be certified "green" and to increase use of renewable energy. The City of Los Angeles, for example, does both. All new buildings over 50,000 square feet must be LEED certified, City buildings over 7,500 square feet must be retrofit to LEED Silver standards and the Los Angeles Department of Water and Power has an aggressive solar incentive program.<sup>83</sup>

Achieving maximum energy efficiency requires a "whole-building" approach and correct construction and installation.<sup>84</sup> Industry analysts recommend certification of contractors as a means to ensuring proper installation.<sup>85</sup>

Apprenticeship training already incorporates green skills and provides the workforce certified in these skills. Together with a strong foundation in skills of the trades, apprenticeship graduates already are well prepared for most green economy jobs.

For example, solar electric systems require electrical training and licensing, and solar water systems require training in plumbing.<sup>86</sup> Apprentices in the United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry (UA) learn how to be green plumbers.<sup>87</sup> In the 32-hour, LEED-approved course, apprentices receive training in water conservation technologies such as gray, recycled and wastewater treatment; solar hot water systems; reducing the energy consumption of heating and cooling appliances, and performing energy and water audits.

### Weatherization Pre-Apprenticeships

For the last 32 years, the Department of Energy Weatherization Assistance Program (WAP) has helped low-income families permanently reduce their energy bills by making their homes more energy efficient.<sup>88</sup> Basic construction skills are used to address comprehensive energy usage, water consumption and related health and safety improvements. Weatherization workers seal leaks, replace or repair windows, add insulation and repair duct work, upgrade heating and ventilation appliances, and install water-saving devices, among other tasks.<sup>89</sup>

Since weatherization uses the same basic skills as many of the construction crafts, it is a perfect fit for pre-apprenticeship programs. Community-based organizations and the Laborer's International Union of North America (LIUNA) are creating programs to train community members in weatherization as a pathway into apprenticeships and out of poverty.<sup>90</sup> Moreover, the American Recovery and Reinvestment Act (ARRA) includes commitments to weatherizing 1 million homes and requires payment of federal prevailing wage to workers.<sup>91</sup> Combining ARRA funds for the WAP program with pre-apprenticeship programs will provide good jobs at an early stage of the pathway out of poverty.



The Green Training Trailer is a mobile classroom that travels nationwide teaching union apprentices the latest in green technologies in the plumbing, heating and mechanical trades.

### Definition:

#### Leadership in Energy and Environmental Design (LEED):

A green building certification system providing third-party verification that a building or community was designed and built using strategies aimed at improving performance and stewardship of resources and sensitivity to their impacts.<sup>92</sup>

<sup>81</sup> Bedzec, Roger. 2007. *Renewable Energy and Energy Efficiency: Economic Drivers for the 21st Century*. American Solar Energy Society (ASES). <http://www.ases.org/images/stories/ASES-JobsReport-Final.pdf>

<sup>82</sup> Bedzec, op cit.

<sup>83</sup> City of Los Angeles, *EnvironmentLA. New Green Building Program*. <http://www.lacity.org/lead/environmentla/greenbuilding/newgreenbuilding.htm> and City of Los Angeles. *Green Retrofit and Workforce Program Ordinance*. Administrative Code, Div. 7, Chp. 3, Art. 5.

<sup>84</sup> U.S. Department of Energy, Energy Efficiency and Renewable Energy. Building Technologies Program. *Commercial Buildings*. [http://www1.eere.energy.gov/buildings/commercial/whole\\_building\\_approach.html](http://www1.eere.energy.gov/buildings/commercial/whole_building_approach.html) and U.S. and Green Building Council. *LEED Rating Systems*. <http://www.usgbc.org/displaypage.aspx?CMsPageID=222>

<sup>85</sup> Choi Granade, Hannah, et al. 2009. *Unlocking Energy Efficiency in the U.S. Economy*. McKinsey and Company. [http://www.mckinsey.com/client-service/electricpower/naturalgas/US\\_energy\\_efficiency/](http://www.mckinsey.com/client-service/electricpower/naturalgas/US_energy_efficiency/)

<sup>86</sup> Op Cit. and Pollin, Robert, Heidi Garrett-Peltier, James Heintz and Helen Scharber. 2008. *Green Recovery: A Program to Create Good Jobs and Start Rebuilding a Low-Carbon Economy*. Center for American Progress (CAP) and Political Economy Research Institute (PERI). [http://www.americanprogress.org/issues/2008/09/pdf/green\\_recovery.pdf](http://www.americanprogress.org/issues/2008/09/pdf/green_recovery.pdf)

<sup>87</sup> GreenPlumbers, USA. *Green Plumbers Course Information*. <http://www.greenplumbersusa.com/training-accreditation/course-information/#climatecare>



## CONSTRUCTION APPRENTICESHIP PROGRAMS: CAREER TRAINING FOR CALIFORNIA'S RECOVERY

### **WORKER STORY: From Apprentice to Contractor**

Electrical contractor Andre Johnson credits his apprenticeship training as the most valuable factor in his growing business success. "In the apprenticeship, I learned about all aspects of the electrical trade – from residential to commercial, from tenant improvements to motor controls."

Johnson, 38, spent time in San Diego during his service in the Air Force during the first Gulf War, and knew this was where he wanted to plant roots. He later returned to San Diego to raise his family and work in the electrical industry.

Johnson began his electrical apprenticeship with IBEW in 1995. After completing the program, he worked as a journey-level electrician and then progressed to foreman with San Diego-based Robinson Electric. Gaining experience and business acumen along the way, he then started Johnson Electric in the summer of 2006.

Johnson now employs local electricians and apprentices, and provides health care and retirement benefits, proving that a small business can provide family-sustaining careers and succeed.

"It is important to employ apprentices and make sure they are mentored and supported and learn all the aspects of the trade, so they can take their careers in whatever direction they want to go," Johnson said.

"It is not easy to start your company, but I did it," he said. "Now, young apprentices see me, and see that they could own a company one day, too."



## SUMMARY

Completion of apprenticeship programs creates household self-sufficiency rather than a reliance on taxpayer-supported services. Construction workers are also consumers and taxpayers, so their wages and benefits are reinvested in the community as bills and mortgages are paid, local shops are patronized and workers have the time and health to participate in church, schools and other civic associations. Creating more local jobs for apprentices is the key to a strong local community. Rebuilding the economy means creating and supporting high-road, good jobs through policies that train and reward workers for their productivity.

## RECOMMENDATIONS

1. State and federal "related technical instruction" funding for apprenticeship programs should increase, and funding should be provided for pre-apprenticeship and support services programs.
2. Projects receiving government subsidy should employ apprentices from registered programs at the highest allowed ratio for all trades.
3. Projects receiving government subsidy should utilize local hire policies that target low-income and/or disadvantaged workers through quality state-certified apprenticeship programs with a proven history of graduating apprentices.
4. Public contracting should give preference to responsible contractors and apprenticeship programs that provide health-care and pension benefits and OSHA safety training certifications.
5. Public contracting should utilize policies that reduce reliance on public assistance and that provide economic benefits to the community.

<sup>88</sup> U.S. Department of Energy, Energy Efficiency and Renewable Energy. *Weatherization Assistance Program*. <http://apps1.eere.energy.gov/weatherization/>

<sup>89</sup> U.S. Department of Energy, Energy Efficiency and Renewable Energy. *Weatherization Assistance Program Technical Assistance Center. Core Competencies Document*. <http://www.waptac.org/sp.asp?id=1818>

<sup>90</sup> Laborer's International Union of North America. *LIUNA Builds America*. <http://www.liunabuildsamerica.org/weatherize> and MAAC Project. *Green Career Opportunities*. <http://www.maacproject.org/Weatherization%20Trainee%20Program>

<sup>91</sup> Recovery.gov. *The Act*. <http://www.recovery.gov/?q=content/act> and U.S. Department of Energy, Energy Efficiency and Renewable Energy. *Weatherization Assistance Program*. <http://apps1.eere.energy.gov/weatherization/>

<sup>92</sup> U.S. Green Building Council. *Intro – What LEED Is*. <http://www.usgbc.org/DisplayPage.aspx?CMSPageID=1988>



## CONSTRUCTION APPRENTICESHIP PROGRAMS: CAREER TRAINING FOR CALIFORNIA'S RECOVERY

### APPENDIX: WORK DESCRIPTIONS AND ENROLLMENT REQUIREMENTS FOR SOUTHERN CALIFORNIA JOINT LABOR-MANAGEMENT APPRENTICESHIP PROGRAM OCCUPATIONS

TRADE	DESCRIPTION OF WORK	REQUIREMENTS
<b>Allied Workers</b>	Applying thermal insulation to pipes, ducts, boilers, vessels, etc., throughout the commercial and industrial industries.	Min. 18 yrs. old, H.S. diploma or GED, certified copy of birth certificate, CA ID, & SS card. Must pass math, English, & physical.
<b>Boilermakers</b>	Build & repair boilers, tanks, pipelines & refineries	Min. 18 yrs old, H.S. diploma or GED. Drug test.
<b>Bricklayers/ Stonemasons</b>	Build with masonry materials, bricks, blocks, stone, & marble.	Min. 18 yrs. old, CA ID & SS card. Drug test.
<b>Carpenters</b>	Erect wood framework in buildings, build forms for concrete, CA erect partitions, studs, joists, & rafters.	Min. 17 yrs. old w/ parental consent, good physical condition, & mechanical aptitude necessary. Also, CA ID & SS card. Drug test.
<b>Carpenter - Acoustic Installer</b>	Installs a variety of factory produced systems & construction material in commercial buildings & public structures.	Same as for Carpenter listed above. Drug test.
<b>Cement Mason</b>	Finishes concrete surfaces of floors, walls, streets, driveways, sidewalks, curbs, & gutters & sets forms & screens for all of the above. Assists in preparation & grading for pouring & removal of old concrete. Operates troweling machines & grinders.	Min. 18 yrs. old, H.S. diploma or GED, good physical condition, CA ID, & SS card. Drug test.
<b>Drywall Finisher</b>	Prepares drywall surfaces for painting. Individual must sand, prepare, tape, & do touch-up using hand applied operations or machine applied systems.	Min. 17 yrs. old w/ parental consent, CA ID, & SS card. Must have good physical condition & no fear of heights. Drug test.
<b>Drywall Lather</b>	Erects wood or metal framing, fastens metal studs, metal lath, & drywall with tie wires, screws, nails, clips, & staples. Work is mostly indoors & in high places.	Same as for Finisher above and needs to have good mechanical aptitude. Drug test.
<b>Electrical</b>	Apprentices perform all aspects of electrical/ telecommunication wire tasks in commercial, industrial, & residential construction.	Min. 18 yrs. old, H.S. diploma or GED, CA ID, SS card, & good physical condition. Must show proof of successful completion of 1 yr. of H.S. algebra or 1 semester college algebra & provide sealed transcripts. Must have reliable transportation. Math & aptitude exam given and drug test.
<b>Elevator Constructors</b>	Install & maintain elevators.	Min. 18 yrs. Old. H.S. diploma or GED. Aptitude test & personal interview.
<b>Floor Covering</b>	Apprentices learn to prepare sub-flooring & install new, resilient flooring & carpet installation.	Min. 18 yrs. old, CA ID, SS card & good physical condition. Drug test.
<b>Glazing</b>	Requires the use of hand tools, electric drills, electric metal saws, & glass polishing equipment. Also requires blueprint reading, layout work, handling, cutting, & processing glass of all sizes. Work is at various heights on ladders & scaffolds.	Min. 18 yrs. old, H.S. diploma or GED, Calif. ID, SS card, & good physical condition. Applicants should not have blood clotting issues. Drug test.
<b>Ironworker</b>	Apprentices are employed in four related segments of the trade: Structural Ironworker, Reinforcing Ironworker, Ornamental Ironworker, or Riggers & Machine Movers.	Min. 18 yrs. old, H.S. diploma or GED, CA. ID, SS card, & good physical condition. Must have own reliable transportation. Drug test.
<b>Laborers</b>	Support service for concrete, asphalt, landscape, pipelines, masonry & mining.	Min. standard evaluation & good physical condition. Drug test.

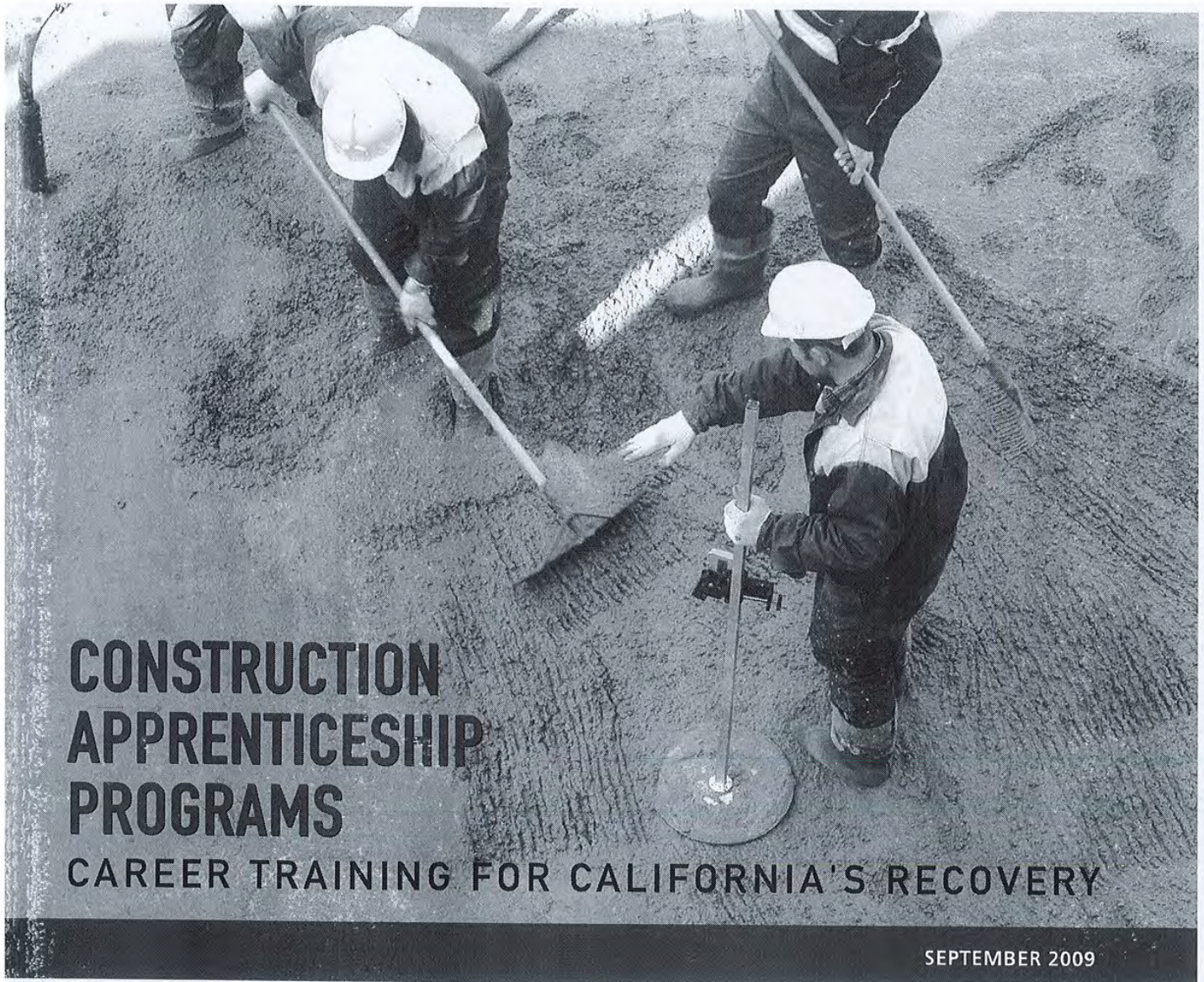


**CONSTRUCTION APPRENTICESHIP PROGRAMS: CAREER TRAINING FOR CALIFORNIA'S RECOVERY**

TRADE	DESCRIPTION OF WORK	REQUIREMENTS
<b>Landscape &amp; Irrigation Fitters</b>	Apprentices acquire proficiency in layout, installation, and testing of irrigation systems. Also requires use of hand tools, power tools, and construction equipment related to the trade.	Min. 18 yrs. old, H.S. diploma or GED and good physical condition. Drug test.
<b>Millwright:</b>	Apprentices install & perform maintenance on machinery in factories & on precision work in nuclear power plants.	Min. 18 yrs. old, good physical condition, and mechanical aptitude necessary. Drug test and physical exam.
<b>Operating Engineer:</b>	Apprentices are heavy equipment operators & mechanics for major projects using rock, gravel, sand, or dredging operations.	Min. 18 yrs. old, H.S. diploma or GED, and strong physical condition. Must pass 3 part test: verbal, mechanical & math skills. Drug test.
<b>Painter</b>	Apprentices prepare surfaces & apply paint working on floors, walls, ceilings, & equipment in & outside of buildings. Paint is usually applied via brushes, spray guns, or rollers.	Min. 17 yrs. old w/ parental consent, and good physical condition. Transportation required. Drug test.
<b>Pile Driver</b>	Apprentices work in the early states of construction by driving metal, concrete, or wood pilings into the earth for base foundation.	Min. 17 yrs. old w/ parental consent, good physical condition, and mechanical aptitude necessary. Drug test.
<b>Plasterer</b>	Apprentices gain knowledge, skills, & techniques required for the plastering industry. Skills include: applications of scratch & brown coats, finish coats, as well as maintenance & operation of equipment, machine applied plaster & acoustic materials.	Min. 17 yrs. old w/ parental consent, functional reading writing, and math skills required. Also, must not have fear of heights or hard physical labor. Drug test.
<b>Plaster Tender</b>	Tending plasterers in all aspects of interior & exterior plaster, fireproofing & EIFS applications, scaffold building, pump & mixer operation of forklifts & other mechanical equipment.	Min. 18 yrs. Must have a CA drivers license, SS card & reliable transportation. Physical agility, oral interview & drug test.
<b>Plumber &amp; Pipefitter</b>	Apprentices learn all aspects of plumbing and pipefitting for commercial, industrial, and residential construction.	Min. 18 yrs. old, H.S. diploma or GED w/ sealed transcripts, valid photo ID, and birth certificate. Must pass aptitude test at community college & drug test.
<b>Roofers</b>	Installation of all types of roofing including slate, tile, & composition. Also includes waterproofing.	Min. 18 yrs. old, valid photo ID, ss card, and ability to lift 100 lbs. Functional reading, writing, and math skills needed. Drug test.
<b>Sheet metal</b>	Apprentices lay out, cut, form, fabricate, assemble, & install sheet metal items. This trade works from blueprints, lays out the work, cuts and forms the metal, then welds, bolts, rivets, and solders as required.	Min. 18 yrs. old, H.S. diploma or GED, and good physical condition. Must pass community college math test & drug test.
<b>Surveyor</b>	Surveyors use advanced math to determine the proper location of property lines and various field & construction survey work. Measure elevations & distances for preparation of maps showing land surfaces, boundaries, & legal descriptions of property.	Min. 18 yrs. old, H.S. diploma or GED, strong algebra and geometry skills, and good physical condition. Must pass algebra & geometry test & drug test.
<b>Teamster</b>	Driving rock trucks, water trucks, flatbeds, semi tractor trailer & dump trucks.	Min. 18 yrs. for warehouse/commerical vehicle. Min. 20 yrs. for a class A or B license driving position. Drug test.
<b>Tile Setters</b>	Preparation and installation of tile.	Min. 18 yrs.

Source: San Diego Building & Construction Trades Council.2008. Apprenticeship Matrix. <http://www.sdbctc.org/Apprenticeship.html>





# CONSTRUCTION APPRENTICESHIP PROGRAMS

CAREER TRAINING FOR CALIFORNIA'S RECOVERY

SEPTEMBER 2009

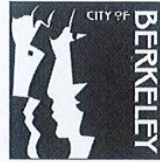
Center on Policy Initiatives  
3727 Camino del Rio South,  
Suite 100  
San Diego, CA 92108  
619.584.5744

[www.onlineCPI.org](http://www.onlineCPI.org)

The Center on Policy Initiatives is a nonprofit research and advocacy organization formed in 1997 to address issues affecting working people. Through research, advocacy, public education and coalition-building, CPI promotes policy solutions that guarantee access to quality healthcare, ensure development meets community needs, and combat economic inequality.







**AGENDA**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, September 20, 2022**  
**6:00 PM**

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

*Pursuant to Government Code Section 54953(e) and the state declared emergency, this meeting of the City Council will be conducted exclusively through teleconference and Zoom videoconference. The COVID-19 state of emergency continues to directly impact the ability of the members to meet safely in person and presents imminent risks to the health of attendees. Therefore, no physical meeting location will be available.*

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

*To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/88667906480>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.*

*To join by phone: Dial 1-669-900-9128 or 1-877-853-5257 (Toll Free) and enter Meeting ID: 886 6790 6480. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.*

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

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

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



## Preliminary Matters

### Roll Call:

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

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

**Public Comment on Non-Agenda Matters:** *Persons will be selected to address matters not on the Council agenda. If five or fewer persons wish to speak, each person selected will be allotted two minutes each. If more than five persons wish to speak, up to ten persons will be selected to address matters not on the Council agenda and each person selected will be allotted one minute each. The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda.*

## Consent Calendar

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

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

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

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

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



## Consent Calendar

- 1. Resolution Reviewing and Ratifying the Proclamation of Local Emergency Due to the Spread of a Severe Acute Respiratory Illness Caused by a Novel (New) Coronavirus (COVID-19)**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution reviewing the need for continuing the local emergency due to the spread of a severe acute respiratory illness caused by a novel (new) coronavirus (COVID-19) and ratifying the Proclamation of Local Emergency issued by the Director of Emergency Services on March 3, 2020, initially ratified by the City Council on March 10, 2020, and subsequently reviewed and ratified by the Council on April 21, 2020, June 16, 2020, July 28, 2020, September 22, 2020, November 17, 2020, December 15, 2020, February 9, 2021, March 30, 2021, May 25, 2021, July 20, 2021, September 14, 2021, December 14, 2021, February 8, 2022, March 22, 2022, May 10, 2022, June 28, 2022, and July 26, 2022.  
**Financial Implications:** To be determined  
Contact: Farimah Brown, City Attorney, (510) 981-6950
- 2. Resolution Making Required Findings Pursuant to the Government Code and Directing City Legislative Bodies to Continue to Meet Via Videoconference and Teleconference**  
**From: City Manager**  
**Recommendation:** Adopt a resolution making the required findings pursuant to Government Code Section 54953(e)(3) and determining that as a result of the continued threat to public health and safety posed by the spread of COVID-19, City legislative bodies shall continue to meet via videoconference and teleconference, initially ratified by the City Council on September 28, 2021, and subsequently reviewed and ratified on October 26, 2021, November 16, 2021, December 14, 2021, January 10, 2022, February 8, 2022, March 8, 2022, March 22, 2022, April 12, 2022, May 10, 2022, May 31, 2022, June 28, 2022, July 26, 2022, and August 23, 2022.  
**Financial Implications:** To be determined  
Contact: Farimah Brown, City Attorney, (510) 981-6950
- 3. Establish 2023 City Council Meeting Schedule**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution establishing the City Council regular meeting schedule for 2023, with starting times of 6:00 p.m.  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, (510) 981-6900



## Consent Calendar

- 4. 2023 Tax Rate: Transportation Network Company User Tax**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the 2023 tax rate (effective January 1, 2023) for the transportation network company at the following rates: 53.775 cents on the user for each prearranged trip that originates in the City that is not part of a pooled prearranged trip and 26.249 for each pooled prearranged trip on each user who arranges each prearranged trip that originates in the City and which comprises part of the pooled prearranged trip.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 5. Contract No. 084349-1 Amendment: AMCS Group Inc. for Zero Waste PC Scale Software Maintenance and Professional Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 084349-1 with AMCS Group, Inc. to provide additional maintenance support and professional services for the Public Works Department's Zero Waste Scale House in an amount \$45,000 for a total contract amount not to exceed \$261,282 and extending the term from July 1, 2022 through June 31, 2025.  
**Financial Implications:** See report  
Contact: LaTanya Bellow, Information Technology, (510) 981-6500
- 6. Protiviti Government Services: Using General Services Administration (GSA) Vehicle for Professional Services Purchase Orders**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to issue purchase orders with Protiviti Government Services for the purchase of professional services using the General Services Agency's (GSA) purchasing vehicle no. GS-35F-0280X for an amount not to exceed \$250,000 through December 31, 2023.  
**Financial Implications:** Total FY 2023 Professional Services - \$250,000  
Contact: LaTanya Bellow, Information Technology, (510) 981-6500
- 7. Contract No. 105921-1 Amendment: TruePoint Solutions, LLC for Accela Professional Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 105921-1 with TruePoint Solutions, LLC for professional services, increasing the amount by \$195,000, for a total not-to-exceed amount of \$1,047,200 and extending the term by two years for the term beginning June 1, 2015 to June 30, 2024.  
**Financial Implications:** See report  
Contact: LaTanya Bellow, Information Technology, (510) 981-6500



## Consent Calendar

8. **Contract: SCS Engineers for Landfill Post Closure Maintenance and Monitoring Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with SCS Engineers, in an amount not to exceed \$714,022, to provide engineering, maintenance, and monitoring services for the landfill to meet mandatory compliance requirements at Cesar Chavez Park, from January 1, 2023, to June 30, 2026.  
**Financial Implications:** See report  
Contact: Liam Garland, Public Works, (510) 981-6300
9. **Contracts: Davey Resource Group, Inc., and HortScience Bartlett Consulting for On-Call Arborist Services**  
**From: City Manager**  
**Recommendation:** Adopt two Resolutions authorizing the City Manager to execute the following contracts and any amendments for on-call arborist services for capital improvement projects, each for a period of November 1, 2022, through December 31, 2025:  
1. Davey Resource Group, Inc. for an amount not to exceed \$125,000.  
2. HortScience Bartlett Consulting for an amount not to exceed \$125,000.  
**Financial Implications:** See report.  
Contact: Liam Garland, Public Works, (510) 981-6300
10. **Contracts: On-Call Civil Engineering Services, CSW Stuber-Stroeh Engineering Group, Inc., HDR Engineering, Inc., LCC Engineering & Surveying, Inc., Mark Thomas & Company, Inc., Park Engineering, Inc., Pavement Engineering Inc., and SCI Consulting Group.**  
**From: City Manager**  
**Recommendation:** Adopt seven Resolutions authorizing the City Manager to execute the following contracts and any amendments for on-call civil engineering services for capital improvement projects, each for a period of November 1, 2022 through December 31, 2025:  
1. CSW Stuber-Stroeh Engineering Group, Inc. for an amount not to exceed \$750,000.  
2. HDR Engineering, Inc. for an amount not to exceed \$750,000.  
3. LCC Engineering & Surveying, Inc. for an amount not to exceed \$1,500,000.  
4. Mark Thomas & Company, Inc. for an amount not to exceed \$750,000.  
5. Park Engineering, Inc. for an amount not to exceed \$1,500,000.  
6. Pavement Engineering Inc. for an amount not to exceed \$1,500,000.  
7. SCI Consulting Group for an amount not to exceed \$150,000.  
**Financial Implications:** See report.  
Contact: Liam Garland, Public Works, (510) 981-6300



## Consent Calendar

- 11. Contract No. 10350 (112199-1) Amendment: Technology, Engineering, and Construction, Inc. for Tank Maintenance and Certification Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or designee to execute an amendment to Contract No. 10350 with Technology, Engineering and Construction, Inc. for the provision of tank maintenance and certification services, extending the contract term to June 30, 2024 and increasing the amount by \$100,000 for a total contract amount not to exceed \$250,000.  
**Financial Implications:** See report  
Contact: Liam Garland, Public Works, (510) 981-6300
- 12. Contract No. 31900085 Amendment: Syntech Systems, Inc. for a Fuel Management System and Software**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 31900085 with Syntech Systems, Inc. to provide ongoing service and support of infrastructure and software for the City's Fleet Fueling Program, increasing the contract amount by \$45,000 for a new not to exceed amount of \$231,472 and extending the contract term through June 30, 2025.  
**Financial Implications:** See report.  
Contact: Liam Garland, Public Works, (510) 981-6300
- 13. Contract: Shaw Industries, Inc. for Civic Center Building Carpet Replacement Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1. Pursuant to City Charter Article XI Section 67.2 requirements, accepting the California Multiple Award Schedule (CMAS) bid procedures; 2. Approving the CMAS Contract with Shaw Industries, Inc. for Carpet Replacements at the Civic Center Building; 3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the terms and conditions of the agreements with Shaw Industries, Inc. in an amount not to exceed \$177,218.68, which includes a contingency of \$23,115.  
**Financial Implications:** See report.  
Contact: Liam Garland, Public Works, (510) 981-6300



## Council Consent Items

14. **Helping Achieve Responsible Development with Healthcare and Apprenticeship Training Standards (HARD HATS) Referral**  
**From: Mayor Arreguin (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Hahn (Co-Sponsor), Councilmember Taplin (Co-Sponsor)**  
**Recommendation:** Refer to the City Attorney and City Manager to draft a HARD HATS Ordinance based on the policy terms outlined below and bring the Ordinance back to Council for action on December 13, 2022.  
**Financial Implications:** See report  
 Contact: Jesse Arreguin, Mayor, (510) 981-7100

## Action Calendar

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

*The Presiding Officer will request that persons wishing to speak use the "raise hand" function to determine the number of persons interested in speaking at that time. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. 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 use the "raise hand" function to be recognized and to determine the number of persons interested in speaking at that time.*

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

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



## Action Calendar – Public Hearings

**15. Zoning Ordinance Amendments Making Technical Edits and Corrections to Berkeley Municipal Code (BMC) Title 23**

**From: City Manager**

**Recommendation:** Conduct a public hearing and, upon conclusion, adopt the first reading of an Ordinance containing technical edits, corrections and other non-substantive amendments to the following sections of the Zoning Ordinance:

- BMC Section 23.204.050 (C-C Zoning District)
- BMC Section 23.204.080 (C-E Zoning District)
- BMC Section 23.204.090 (C-NS Zoning District)
- BMC Section 23.204.130 (C-DMU District)
- BMC Section 23.206.050 (Protected Uses)
- BMC Section 23.304.030 (Setbacks)
- BMC Section 23.304.090 (Usable Open Space)
- BMC Section 23.322.030 (Required Parking Spaces)
- BMC Section 23.406.070 (Design Review)

**Financial Implications:** None

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



## Action Calendar – Old Business

16. **Restoring and Improving Access to City of Berkeley Website and Archival Materials** *(Continued from July 26, 2022) (Item contains revised materials)*  
**From: Councilmember Hahn (Author), Councilmember Taplin (Co-Sponsor), Councilmember Bartlett (Co-Sponsor)**  
**Recommendation:**
1. Accept the report outlining results from consultation with the City Manager after introduction of this item and thank City Staff for their consideration.
  2. As a means to support transparency and improve ease of access to historical/archival government records for policymakers, the press, and the general public, request that the City Manager continue developing and implementing measures that support efficient and effective searching, sorting, and identification of responsive materials through Records Online.
  3. To support transparency and ease of access to government records, consider creating and disseminating a “style guide” with standards/conventions/protocols for accurately referencing and attaching City materials so they can be properly linked to or easily accessed in Records Online (or a successor/alternative program/database), allowing such materials to be referenced consistently by Councilmembers, Staff, members of the press, and other authors.
  4. Refer to the November 2022 Budget Update up to \$50,000 for staff support for Council/Mayor offices to locate documents previously accessed via now-expired links, and request that the City Manager consult Councilmembers and the Mayor to offer the scope of assistance available and identify potential needs.
  5. As a means to support transparency and restore ease of access to City materials referenced/attached via now-broken links in City reports, plans, items, and other documents created prior to launch of the new City website, request that the City Manager consider updating key plans, programs and reports by creating and linking PDFs of previously linked documents and/or substituting broken links with footnotes/references in a standard format allowing referenced and attached materials to be quickly/directly located through Records Online (or a successor/alternative program/database).
  6. To better fulfill the requirements of the City of Berkeley’s Open Government Ordinance, request the City Manager retain materials such as Council, Committee, and Commission agendas, minutes, recordings, and other official documents on the website for a period at least 4 years, and preferably longer, before retiring them to Records Online.
- Financial Implications:** Staff time  
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150



## Action Calendar – New Business

17. **Extending Community Agency Contracts for One Year at Existing Levels and Postponing the Community Agency Request for Proposal (RFP) Process Until Fiscal Year 2024**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution that extends all existing community agency contracts under the community agency Request for Proposal (RFP) process for one year, at current baseline one-year funding, and postpone the four-year Community Agency's RFP process for one fiscal year, to FY2024, with new contracts to start in FY2025.  
**Financial Implications:** See report  
 Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
18. **Audit Status Report Response: Code Enforcement Resources Significantly Constrained and Improvements Needed in Case Management and Oversight**  
**From: City Manager**  
 Contact: Peter Radu, City Manager's Office, (510) 981-7000

## Information Reports

19. **Update on the Implementation of Fair and Impartial Policing Task Force Recommendations**  
**From: City Manager**  
 Contact: Jennifer Louis, Police, (510) 981-5900

## Public Comment – Items Not Listed on the Agenda

### Adjournment

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

Archived indexed video streams are available at:

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

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

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



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

Agendas and agenda reports may be accessed via the Internet at:  
<https://berkeleyca.gov/your-government/city-council/city-council-agendas>  
 and may be read at reference desks at the following locations:

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

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



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

*I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on September 8, 2022.*

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.*

### Transfer Station

1. David Lerman

### IKE Kiosks

2. Cecilia Mayer
3. Allen Mayer
4. Cynthia Whiting
5. Jinny Wong



**King and West Campus Pool**

6. Pamela Michaud (2)

**People's Park**

7. Martha Vognar
8. Miranda Winther

**Wildfire Prevention**

9. Bruce Feingold

**Poet Laureate Position**

10. Rafael Jesus Gonzalez
11. Sharon Coleman

**Problem Fraternity House at 2344 Fulton Street**

12. Dan Auten

**72-Hour Parking Rule Complaint**

13. Kris Ho

**Heat Wave and Seniors**

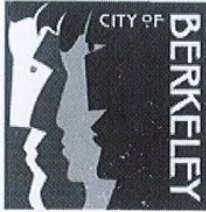
14. David Lerman (2)
15. Tanya Bustamante, Manager of Aging Services Division

**Supplemental Communications and Reports**

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

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





Office of the City Attorney

CONSENT CALENDAR  
September 20, 2022

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Farimah Faiz Brown, City Attorney  
Subject: Resolution Reviewing and Ratifying the Proclamation of Local  
Emergency Due to the Spread of a Severe Acute Respiratory Illness  
Caused by a Novel (New) Coronavirus (COVID-19)

RECOMMENDATION

Adopt a Resolution reviewing the need for continuing the local emergency due to the spread of a severe acute respiratory illness caused by a novel (new) coronavirus (COVID-19) and ratifying the Proclamation of Local Emergency issued by the Director of Emergency Services on March 3, 2020, initially ratified by the City Council on March 10, 2020, and subsequently reviewed and ratified by the Council on April 21, 2020, June 16, 2020, July 28, 2020, September 22, 2020, November 17, 2020, December 15, 2020, February 9, 2021, March 30, 2021, May 25, 2021, July 20, 2021, September 14, 2021, December 14, 2021, February 8, 2022, March 22, 2022, May 10, 2022, June 28, 2022, and July 26, 2022.

FISCAL IMPACT OF RECOMMENDATION

To be determined.

CURRENT SITUATION AND ITS EFFECTS

Pursuant to California Government Code section 8630 and Berkeley Municipal Code Chapter 2.88, on March 3, 2020, the City Manager, in her capacity as Director of Emergency Services, proclaimed a local emergency due to conditions of extreme peril to the safety of persons and property within the City as a consequence of the global spread of a severe acute respiratory illness caused by a novel (new) coronavirus (COVID-19), including a confirmed case in the City of Berkeley. As a result of multiple confirmed and presumed cases in Alameda County, the County has declared a local health emergency. The Proclamation of Local Emergency empowers the Director of Emergency Services to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such local emergency. Pursuant to Government Code section 8630(b) and Berkeley Municipal Code section



2.88.040.A.1, on March 10, 2020, the City Council ratified the Proclamation of Local Emergency with the passage of Resolution No. 69-312.

Pursuant to Government Code section 8630(c), the City Council must review the need for continuing the local emergency at least once every sixty (60) days. The Council last reviewed and ratified the Proclamation of Local Emergency on May 10, 2022. The Council therefore must review the continuing need for the local emergency by July 9, 2022.

This item requests that the Council review the continued need for the local emergency and again ratify the Proclamation of Local Emergency issued on March 3, 2020, initially ratified by the Council on March 10, 2020, and subsequently reviewed and ratified by the Council on April 21, 2020, June 16, 2020, July 28, 2020, September 22, 2020, November 17, 2020, December 15, 2020, February 9, 2021, March 30, 2021, May 25, 2021, July 20, 2021, September 14, 2021, December 14, 2021, February 8, 2022, March 22, 2022, May 10, 2022, June 28, 2022, and July 26, 2022. If reviewed and ratified on September 20, 2022, the Council will need to again review and ratify the proclamation by November 19, 2022 in order to continue the local emergency.

If at any time the Council determines that the need for continuing the local emergency has ended, state law directs the Council to terminate the local emergency at the earliest possible date that conditions warrant. (Cal. Gov. Code section 8630(d).)

#### BACKGROUND

On March 1, 2020, Alameda County Public Health Department and Solano County Public Health Department reported two presumptive cases of COVID-19, pending confirmatory testing by the Centers for Disease Control (CDC), prompting Alameda County to declare a local health emergency.

On March 3, 2020, the City's Director of Emergency Services proclaimed a local emergency due to the spread of COVID-19, including a confirmed case in the City of Berkeley and multiple confirmed and presumed cases in Alameda County.

On March 10, 2020, the City Council ratified the Proclamation of Local Emergency. Since that date, there have been over 4,955 confirmed cases of COVID-19 and at least 55 deaths in the City of Berkeley.

Since April 2021, the highly transmissible SARS-CoV-2 B.1.617.2 ("Delta") variant has been detected in the City of Berkeley and is contributing to substantial levels of community transmission.

The City Council has subsequently reviewed and ratified the Proclamation of Local Emergency on April 21, 2020, June 16, 2020, July 28, 2020, September 22, 2020, November 17, 2020, December 15, 2020, February 9, 2021, March 30, 2021, May 25, 2021, July 20, 2021, September 14, 2021, December 14, 2021, February 8, 2022, March 22, 2022, May 10, 2022, June 28, 2022, and July 26, 2022.



ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Not applicable.

RATIONALE FOR RECOMMENDATION

The Resolution would enable the Director of Emergency Services to continue to efficiently allocate resources due to the ongoing and imminent threat to public safety.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Dee Williams-Ridley, City Manager, City Manager's Office (510) 981-7000  
Farimah Brown, City Attorney, City Attorney's Office (510) 981-6998

Attachments:

1: Resolution



## RESOLUTION NO. –N.S.

## RESOLUTION REVIEWING AND RATIFYING THE PROCLAMATION OF LOCAL EMERGENCY

WHEREAS, the Emergency Services Act, Government Code sections 8558(c) and 8630 authorize the proclamation of a local emergency when conditions of disaster or extreme peril to the safety of persons and property within the territorial limits of a city exist; and

WHEREAS, pursuant to Government Code section 8630, such an emergency may be proclaimed by the governing body or by an official designated by ordinance adopted by the governing body; and

WHEREAS, Berkeley Municipal Code section 2.88.040 provides that the City Manager, serving as the Director of Emergency Services, may request that the City Council proclaim the existence of a local emergency; and

WHEREAS, under provision of local law, if the City Council cannot be convened and, in the judgment of the Director of Emergency Services, the circumstances warrant it, a proclamation of local emergency may be issued which must be ratified or nullified by the City Council within seven days of issuance; and

WHEREAS, in accordance with authority granted under the above provisions of state and local law, the Director of Emergency Services beginning on March 3, 2020 did proclaim the existence of a local emergency caused by epidemic in the form of the global spread of a severe acute respiratory illness caused by a novel (new) coronavirus ("COVID-19"), including confirmed cases in California and the San Francisco Bay Area, and presumed cases in Alameda County prompting the County to declare a local health emergency; and

WHEREAS, on March 10, 2020, the City Council ratified the Proclamation of Local Emergency with the passage of Resolution No. 69-312; and

WHEREAS, Government Code section 8630(c) requires that the City Council review the need for continuing the local emergency at least once every sixty (60) days; and

WHEREAS, the City Council subsequently reviewed the need for continuing the local emergency and again ratified the Proclamation of Local Emergency on April 21, 2020, June 16, 2020, July 28, 2020, September 22, 2020, November 17, 2020, December 15, 2020, February 9, 2021, March 30, 2021, May 25, 2021, July 20, 2021, September 14, 2021, December 14, 2021, February 8, 2022, March 22, 2022, May 10, 2022, June 28, 2022, and July 26, 2022; and

WHEREAS, the City Council does find that the aforesaid conditions of extreme peril continue to exist, and now include over 13,000 confirmed cases of COVID-19 and at least 61 deaths in the City of Berkeley, thereby warranting and necessitating the continuation of the local emergency; and



WHEREAS, the City Council will need to again review the need for continuing the local emergency and ratify the Proclamation of Local Emergency by August 27, 2022;

WHEREAS, the City Council recognizes that the SARS-CoV-2 B.1.617.2 ("Delta") variant of COVID-19 that is currently circulating nationally and within the City is contributing to a substantial increase in transmissibility and more severe disease; and

WHEREAS, on July 16, 2021, in light of the apparent increased transmissibility of the Delta variant, the City of Berkeley recommended that all individuals including fully vaccinated persons wear masks in public indoor settings; and

WHEREAS, on July 26, 2021, the California State Health Officer issued an order requiring vaccination or routine testing of all employees working in high-risk health care and congregate settings, in light of the fact that current requirements of staff in health care settings, such as universal mask requirements for all staff are not proving sufficient to prevent transmission of the more transmissible Delta variant; and

WHEREAS, on July 27, 2021, the CDC updated its guidance for fully vaccinated persons to reflect new evidence regarding the Delta variant, noting that "[i]nfections in fully vaccinated people (breakthrough infections) happen in only a small proportion of people who are fully vaccinated, even with the Delta variant"; and

WHEREAS, on August 2, 2021, the Health Officer for the City of Berkeley issued an order requiring all individuals to wear masks in all indoor public settings; and

WHEREAS, on August 5, 2021, the California State Health Officer issued an order requiring that workers in healthcare settings be fully vaccinated by September 30, 2021; and

WHEREAS, on August 11, 2021, the City announced its intention to implement a vaccination policy for City employees to protect the health and safety of the City of Berkeley's employees and community members from the imminent and substantial threat to public health and safety posed by the Delta variant; and

WHEREAS, on September 14, 2021, given the increased and unforeseen risk posed by the Delta variant, as compared to earlier variants of the COVID-19 virus previously present in the City of Berkeley, the City Council found that a Citywide vaccination policy protects public health and reduces the risk of substantial harm to City staff and community members that could result from workplace outbreaks caused by the Delta variant; and

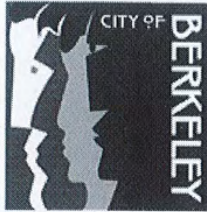
WHEREAS, on September 14, 2021, given the urgency posed by the highly transmissible nature of the Delta variant, the City Council recognized the variant's existence as creating an emergency of grave character and as warranting immediate adoption of a Citywide vaccination policy.



NOW, THEREFORE BE IT RESOLVED by the Council of the City of Berkeley that it is hereby proclaimed and ordered that the Proclamation of Local Emergency, issued by the Director of Emergency Services on March 3, 2020, initially ratified by the City Council on March 10, 2020, and subsequently reviewed and ratified by the City Council on April 21, 2020, June 16, 2020, July 28, 2020, September 22, 2020, November 17, 2020, December 15, 2020, February 9, 2021, March 30, 2021, May 25, 2021, July 20, 2021, September 14, 2021, December 14, 2021, February 8, 2022, March 22, 2022, May 10, 2022, June 28, 2022, and July 26, 2022, has been reviewed and is hereby again ratified and confirmed.

BE IT FURTHER RESOLVED that during the existence of this local emergency the powers, functions, and duties of the emergency organization of this City shall be those prescribed by state law, and the Charter, ordinances, resolutions and approved plans of the City of Berkeley.





Office of the City Attorney

CONSENT CALENDAR  
September 20, 2022

To: Honorable Mayor and Members of the City Council  
Madame City Manager

From: Farimah Faiz Brown, City Attorney

Subject: Resolution Making Required Findings Pursuant to the Government Code and Directing City Legislative Bodies to Continue to Meet Via Videoconference and Teleconference

RECOMMENDATION

Adopt a resolution making the required findings pursuant to Government Code Section 54953(e)(3) and determining that as a result of the continued threat to public health and safety posed by the spread of COVID-19, City legislative bodies shall continue to meet via videoconference and teleconference, initially ratified by the City Council on September 28, 2021, and subsequently reviewed and ratified on October 26, 2021, November 16, 2021, December 14, 2021, January 10, 2022, February 8, 2022, March 8, 2022, March 22, 2022, April 12, 2022, May 10, 2022, May 31, 2022, June 28, 2022, July 26, 2022, and August 23, 2022.

FISCAL IMPACT OF RECOMMENDATION

To be determined.

CURRENT SITUATION AND ITS EFFECTS

The City Council made the initial findings required under the Government Code on September 28, 2021. The Council must make the findings every thirty days in order to continue to meet exclusively through video conference or teleconference.

Pursuant to California Government Code section 8630 and Berkeley Municipal Code Chapter 2.88.040, on March 3, 2020, the City Manager, in her capacity as Director of Emergency Services, proclaimed a local emergency due to conditions of extreme peril to the safety of persons and property within the City as a consequence of the global spread of a severe acute respiratory illness caused by a novel (new) coronavirus (COVID-19), including a confirmed case in the City of Berkeley. As a result of multiple confirmed and presumed cases in Alameda County, the County has declared a local health emergency. On March 4, 2020, Governor Gavin Newsom issued a Proclamation of a State of Emergency due to the spread of COVID-19. On March 10, 2020, the City



Council ratified the Proclamation of Local Emergency with the passage of Resolution No. 69-312.

On March 17, 2020, Governor Newsom signed Executive Order N-29-20, which suspended certain portions of the Ralph M. Brown Act (Cal. Gov. Code § 54950 et seq.) related to the holding of teleconferenced meetings by City legislative bodies. Among other things, Executive Order N-29-20 suspended requirements that each location from which an official accesses a teleconferenced meeting be accessible to the public. These changes were necessary to allow teleconferencing to be used as a tool for ensuring social distancing. City legislative bodies have held public meetings via videoconference and teleconference pursuant to these provisions since March 2020. These provisions of Executive Order N-29-20 will expire on September 30, 2021.

COVID-19 continues to pose a serious threat to public health and safety. There are now over 4,700 confirmed cases of COVID-19 and at least 55 deaths in the City of Berkeley. Additionally, the SARS-CoV-2 B.1.617.2 ("Delta") variant of COVID-19 that is currently circulating nationally and within the City is contributing to a substantial increase in transmissibility and more severe disease.

As a result of the continued threat to public health posed by the spread of COVID-19, state and local officials continue to impose or recommend measures to promote social distancing, mask wearing and vaccination. Holding meetings of City legislative bodies in person would present imminent risks to the health and safety of the public and members of legislative bodies, and therefore public meetings cannot safely be held in person at this time

Assembly Bill 361 (Rivas), signed into law by Governor Newsom on September 16, 2021, amended a portion of the Brown Act (Government Code Section 54953) to authorize the City Council, during the state of emergency, to determine that, due to the spread of COVID-19, holding in-person public meetings would present an imminent risk to the health or safety of attendees, and therefore City legislative bodies must continue to meet via videoconference and teleconference. Assembly Bill 361 requires that the City Council must review and ratify such a determination every thirty (30) days. Therefore, if the Council passes this resolution on September 20, 2022, the Council will need to review and ratify the resolution by October 20, 2022.

This item requests that the Council review the circumstances of the continued state of emergency posed by the spread of COVID-19, and find that the state of emergency continues to directly impact the ability of the public and members of City legislative bodies to meet safely in person, that holding public meetings of City legislative bodies in person would present imminent risks to the health and safety of attendees, and that state and local officials continue to promote social distancing, mask wearing and vaccination. This item further requests that the Council determine that City legislative bodies, including but not limited to the City Council and its committees, and all commissions and boards, shall continue to hold public meetings via videoconference



and teleconference, and that City legislative bodies shall continue to comply with all provisions of the Brown Act, as amended by SB 361.

#### BACKGROUND

On March 1, 2020, Alameda County Public Health Department and Solano County Public Health Department reported two presumptive cases of COVID-19, pending confirmatory testing by the Centers for Disease Control (CDC), prompting Alameda County to declare a local health emergency.

On March 3, 2020, the City's Director of Emergency Services proclaimed a local emergency due to the spread of COVID-19, including a confirmed case in the City of Berkeley and multiple confirmed and presumed cases in Alameda County.

On March 4, 2020, Governor Gavin Newsom issued a Proclamation of a State of Emergency due to the spread of COVID-19.

On March 10, 2020, the City Council ratified the Proclamation of Local Emergency. Since that date, there have been over 4,700 confirmed cases of COVID-19 and at least 57 deaths in the City of Berkeley.

On March 17, 2020, Governor Newsom signed Executive Order N-29-20 which suspended certain portions of the Ralph M. Brown Act (Cal. Gov. Code § 54950 et seq.) to allow teleconferencing of public meetings to be used as a tool for ensuring social distancing. As a result, City legislative bodies have held public meetings via teleconference throughout the pandemic. The provisions of Executive Order N-29-20 allowing teleconferencing to be used as a tool for social distancing will expire on September 30, 2021.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Not applicable.

#### RATIONALE FOR RECOMMENDATION

The Resolution would enable the City Council and its committees, and City boards and commissions to continue to hold public meetings via videoconference and teleconference in order to continue to socially distance and limit the spread of COVID-19.

#### ALTERNATIVE ACTIONS CONSIDERED

None.

#### CONTACT PERSON

Farimah Brown, City Attorney, City Attorney's Office (510) 981-6998  
Mark Numainville, City Clerk, (510) 981-6908

Attachments:1: Resolution Directing City Legislative Bodies to Continue to Meet Via Videoconference and Teleconference



## RESOLUTION NO. –N.S.

## RESOLUTION MAKING THE REQUIRED FINDINGS PURSUANT TO GOVERNMENT CODE SECTION 54953(E)(3) AND DIRECTING CITY LEGISLATIVE BODIES TO CONTINUE TO MEET VIA VIDEOCONFERENCE AND TELECONFERENCE

WHEREAS, in accordance with Berkeley Municipal Code section 2.88.040 and sections 8558(c) and 8630 of the Government Code, which authorize the proclamation of a local emergency when conditions of disaster or extreme peril to the safety of persons and property within the territorial limits of a City exist, the City Manager, serving as the Director of Emergency Services, beginning on March 3, 2020, did proclaim the existence of a local emergency caused by epidemic in the form of the global spread of a severe acute respiratory illness caused by a novel (new) coronavirus ("COVID-19"), including confirmed cases in California and the San Francisco Bay Area, and presumed cases in Alameda County prompting the County to declare a local health emergency; and

WHEREAS, on March 10, 2020, the City Council ratified the Proclamation of Local Emergency with the passage of Resolution No. 69-312; and

WHEREAS, on March 4, 2020, Governor Gavin Newsom issued a Proclamation of a State of Emergency pursuant to the California Emergency Services Act, in particular, Government Code section 8625; and

WHEREAS, the Proclamation of a State of Emergency issued by Governor Newsom on March 4, 2020 continues to be in effect; and

WHEREAS, on September 16, 2021, Governor Newsom signed into law AB 361, which authorizes the City Council to determine that, due to the continued threat to public health and safety posed by the spread of COVID-19, City legislative bodies shall continue to meet via videoconference and teleconference; and

WHEREAS, the City Council does find that the aforesaid conditions of extreme peril continue to exist, and now include over 4,700 confirmed cases of COVID-19 and at least 55 deaths in the City of Berkeley; and

WHEREAS, the City Council recognizes that the SARS-CoV-2 B.1.617.2 ("Delta") variant of COVID-19 that is currently circulating nationally and within the City is contributing to a substantial increase in transmissibility and more severe disease; and

WHEREAS, as a result of the continued threat to public health posed by the spread of COVID-19, state and local officials continue to impose or recommend measures to promote social distancing, mask wearing and vaccination; and



WHEREAS, holding meetings of City legislative bodies in person would present imminent risks to the health and safety of the public and members of legislative bodies, and therefore public meetings cannot safely be held in person at this time; and

WHEREAS, the City Council made the initial findings required by the Government Code on September 28, 2021; and

WHEREAS, the City Council made subsequent findings required by the Government Code on October 26, 2021, November 16, 2021, December 14, 2021, January 10, 2022, February 8, 2022, March 8, 2022, March 22, 2022, April 12, 2022, May 10, 2022, May 31, 2022, June 28, 2022, July 26, 2022, and August 23, 2022; and

WHEREAS, the City Council will need to again review the need for the continuing necessity of holding City legislative body meetings via videoconference and teleconference by October 20, 2022.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Berkeley that, pursuant to Government Code section 54953, the City Council has reviewed the circumstances of the continued state of emergency posed by the spread of COVID-19, and finds that the state of emergency continues to directly impact the ability of the public and members of City legislative bodies to meet safely in person, that holding public meetings of City legislative bodies in person would present imminent risks to the health and safety of attendees, and that state and local officials continue to promote social distancing, mask wearing and vaccination.

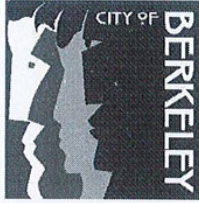
BE IT FURTHER RESOLVED that City legislative bodies, including but not limited to the City Council and its committees, and all commissions and boards, shall continue to hold public meetings via videoconference and teleconference.

BE IT FURTHER RESOLVED that all City legislative bodies shall comply with the requirements of Government Code section 54953(e)(2) and all applicable laws, regulations and rules when conducting public meetings pursuant to this resolution.









Office of the City Manager

CONSENT CALENDAR  
September 20, 2022

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Mark Numainville, City Clerk  
Subject: Establish 2023 City Council Meeting Schedule

RECOMMENDATION

Adopt a Resolution establishing the City Council regular meeting schedule for 2023, with starting times of 6:00 p.m.

FISCAL IMPACTS OF RECOMMENDATION

None.

BACKGROUND

Pursuant to the Open Government Ordinance, the Council must adopt an annual regular meeting schedule with at least 24 regular meetings. The schedule generally consists of either two or three meetings per month and provides for Spring, Summer and Winter recess periods. Meetings have not been scheduled on City holidays, Election Day or days of major religious/cultural observances that have work restrictions pursuant to Council policy.

Four City Council Worksessions will be scheduled for 2023. This number is slightly lower than previous years, but due to holidays and the need for two meetings in December to meet the 24-meeting requirement, only four available Worksession dates are scheduled. The Worksession dates are scheduled for the following dates.

- February 21, 2023
- May 16, 2023
- June 20, 2023
- July 18, 2023

The Mayor or a majority of the Council may call special meetings as needed. The Council may also amend the regular meeting schedule when necessary.



Establish 2023 City Council Meeting Schedule

CONSENT CALENDAR  
September 20, 2022

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

CONTACT PERSON

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

Attachments:

- 1: Resolution  
    Exhibit A: 2023 Council Calendar
- 2: List of Religious/Cultural Observances for 2023



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

## ADOPTING THE CITY COUNCIL 2023 REGULAR MEETING SCHEDULE

WHEREAS, pursuant to the Open Government Ordinance, the Council must adopt an annual meeting schedule with at least 24 regular meetings; and

WHEREAS, the proposed schedule (Exhibit A) provides for regular meetings to occur with starting times of 6:00 p.m. on specified Tuesdays of each month with exceptions provided for recess periods or when a meeting would fall on a City, religious or cultural holiday with work restrictions or Election Day; and

WHEREAS, the Council desires to establish as part of their schedule a Winter, Spring and Summer recess period for 2023; and

WHEREAS, the Mayor or a majority of the Council may call special meetings or revise the regular meeting schedule when necessary.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council adopts the 2023 regular meeting schedule on specified Tuesdays at 6:00 p.m. as indicated:

Winter Recess – December 14, 2022 – January 16, 2023  
 January 17 and January 31, 2023  
 February 14 and February 28, 2023  
 March 14 and March 21, 2023  
 Spring Recess – March 22 – April 10, 2023  
 April 11 and April 25, 2023  
 May 9, and May 23, 2023  
 June 6, June 13 and June 27, 2023  
 July 11 and July 25, 2023  
 Summer Recess – July 26 – September 11, 2023  
 September 12 and September 19, 2023  
 October 3 and October 10, 2023  
 November 7, November 14, and November 28, 2023  
 December 5 and December 12, 2023  
 Winter Recess – December 13, 2023 – January 15, 2024

Exhibit A: 2023 Council Calendar



## City Clerk Department 2023 Council Calendar

(Subject to change. For the latest information, please contact the City Clerk Department, 510-981-6900.)

Date	Time
<b>January</b>	
<b>Winter Recess (Dec. 14, 2022 – Jan. 16, 2023)</b>	
Jan 17	6:00 p.m.
Jan 31	6:00 p.m.
<b>February</b>	
Feb 14	6:00 p.m.
Feb 28	6:00 p.m.
<b>March</b>	
Mar 14	6:00 p.m.
Mar 21	6:00 p.m.
<b>April</b>	
<b>Spring Recess (March 22 – April 10, 2023)</b>	
April 11	6:00 p.m.
April 25	6:00 p.m.
<b>May</b>	
May 9	6:00 p.m.
May 23	6:00 p.m.
<b>June</b>	
June 6	6:00 p.m.
June 13	6:00 p.m.
June 27	6:00 p.m.
<b>July</b>	
July 11	6:00 p.m.
July 25	6:00 p.m.
<b>Summer Recess (July 26 – Sept. 11, 2023)</b>	
<b>September</b>	
Sept 12	6:00 p.m.
Sept 19	6:00 p.m.
<b>October</b>	
Oct 3	6:00 p.m.
Oct 10	6:00 p.m.
<b>November</b>	
Nov 7	6:00 p.m.
Nov 14	
Nov 28	6:00 p.m.
<b>December</b>	
Dec 5	6:00 p.m.
Dec 12	6:00 p.m.
<b>Winter Recess (Dec. 13, 2023 – Jan. 15, 2024)</b>	



**City Policy Regarding the Scheduling of City Meetings on All Significant Religious Holidays**

Pursuant to Resolution No. 70,066-N.S., it is the policy of the City to avoid scheduling meetings of City Legislative Bodies (City Council, Commissions and Boards, Council Policy Committees, Task Forces) on religious holidays that incorporate significant work restrictions.

City legislative bodies must avoid scheduling meetings on the religious holidays listed below.

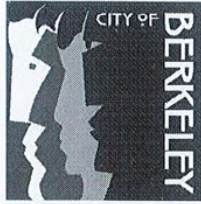
Religion	Holiday	Date	2023 Date
Christian	Good Friday	Varies (March or April)	4/7/23
Christian	Easter Sunday	Varies (March or April)	4/9/23
Christian	Christmas	December 25	12/25/23
Jewish	Rosh Hashanah	Varies (Sept. or Oct.)	9/15/23-9/17/23
Jewish	Yom Kippur	Varies (Sept. or Oct.)	9/24/23-9/25/23
Jewish	Sukkot - first and last day	Varies (Sept. or Oct.)	9/29/23, 10/6/23
Jewish	Shmini Atzeret/ Simchat Torah	Varies (Sept. or Oct.)	10/6/23-10/8/23
Jewish	Chanukah (1 <sup>st</sup> night)	Varies (Nov. or Dec.)	12/7/23
Jewish	Passover (Nights 1, 2, 7, 8)	Varies (March or April)	4/5,4/6,4/12,4/13
Jewish	Shavuot	Varies (May or June)	5/25/23-5/27/23
Jewish	Shabbat	Weekly	Friday sunset to Saturday sunset
Jewish*	Purim	Varies (February or March)	3/6/23-3/7/23
Jewish*	Tish'a B'Av	Varies (July or August)	7/26/23-7/27/2023
Jewish*	Yom HaShoah	Varies (April or May)	4/17/23-4/18/23
Buddhist	Vesak	Varies (April or May)	5/5/23
Hindu	Diwali	Varies (Oct. or Nov.)	11/12/23
Hindu	Dussera	Varies (Oct.)	10/24/2023
Hindu	Holi	Varies (March)	3/8/23
Hindu	Makar Sankranti	Varies (January or February)	1/14/2023
Islam	Eid al-Fitr	Varies	4/21/23-4/22/23
Islam	Eid al-Adha	Varies	6/28/23-6/29/23
Shinto	New Year	January 1-3	1/1/23-1/3/23
Shinto	Obon Ceremony	August 13-15	8/13/23-8/15/23
Baha'i Faith	Birth of Baja'u'llah	Varies	10/16/22-10/17/23
Baha'i Faith	Birth of Bab	Varies	10/16/22-10/17/23
Cultural	Chinese New Year (Day 1-7)	Varies (Jan. 21 – Feb. 20)	1/21/23-1/27/23
Cultural	Kwanzaa	Dec. 26 – Dec. 31	12/26/23-1/1/24

\* No work restriction, but avoid scheduling meetings if possible









Office of the City Manager

CONSENT CALENDAR  
September 20, 2022

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Henry Oyekanmi, Director, Finance Department  
Subject: 2023 Tax Rate: Transportation Network Company User Tax

RECOMMENDATION

Adopt first reading of an Ordinance setting the 2023 tax rate (effective January 1, 2023) for the transportation network company user tax at the following rates: 53.775 cents on the user for each prearranged trip that originates in the City that is not part of a pooled prearranged trip and 26.249 for each pooled prearranged trip on each user who arranges each prearranged trip that originates in the City and which comprises part of the pooled prearranged trip.

FISCAL IMPACTS OF RECOMMENDATION

The tax levy of the recommended 53.775 cents for each non-pooled prearranged trip and 26.249 cents on each user for each pooled prearranged trip will result in estimated collections of \$978,705.

CURRENT SITUATION AND ITS EFFECTS

The 2022 tax of 50 cents tax per each non-pooled prearranged trip and the 25 cents tax per each pooled prearranged trip is being adjusted by the Personal Income Growth of 7.550% as authorized on November 3, 2020 by voter approved Measure GG as the voters approved the greater of the Consumer Price Index in the immediate San Francisco Bay Area of 4.996% or Personal Income Growth increase in California of 7.550%

BACKGROUND

On November 3, 2020, over 66% of Berkeley voters approved Measure GG which authorized a transportation network company user tax for prearranged trips for private and pooled trips for general municipal services in the City until January 1, 2041.

The tax may be increased or decreased annually in May, according to the greater of the increase or decrease in the cost of living in the immediate San Francisco Bay Area or personal income growth in the state of California, as verified by official United States economic report.



ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

ALTERNATIVE ACTIONS CONSIDERED

The fiscal impact on general municipal services of forgoing an adjustment to the fiscal year's transportation network company user tax would be a reduction of \$68,705 in estimated collections.

CONTACT PERSON

Henry Oyekanmi, Director, Finance Department, 981-7326

Attachments:

1: Ordinance



Page 3 of 3

ORDINANCE NO. -N.S.

IMPOSING A GENERAL TAX ON USERS OF TRANSPORTATION NETWORK COMPANIES AT A RATE OF 53.775 CENTS FOR PRIVATE TRIPS AND 26.249 CENTS FOR POOLED TRIPS

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

Section 1. The 2023 Tax Rate, effective January 1, 2023, to fund general municipal services is set at 53.775 cents for private trips and 26.249 for pooled trips.

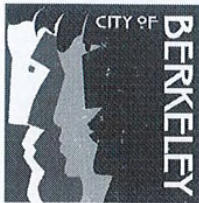
Section 2. This tax rate will result in estimated total collections of \$978,705.

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.









Office of the City Manager

CONSENT CALENDAR  
September 20, 2022

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: LaTanya Bellow, Acting Director, Information Technology  
 Subject: Contract No. 084349-1 Amendment: AMCS Group Inc. for Zero Waste PC Scale Software Maintenance and Professional Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 084349-1 with AMCS Group, Inc. to provide additional maintenance support and professional services for the Public Works Department's Zero Waste Scale House in an amount \$45,000 for a total contract amount not to exceed \$261,282 and extending the term from July 1, 2022 through June 31, 2025.

FINANCIAL IMPLICATIONS

Funds for this contract are allocated in the Department of Public Works' Zero Waste Tech Services – Software Maintenance Fund. Spending for this contract amendment for maintenance support and professional services in future fiscal year is subject to Council's approval of the proposed citywide budget and annual appropriation ordinances.

\$45,000 July 1, 2022 – June 30, 2025: Maintenance and Professional Services  
 Budget Code 601-35-362-377-0000-000-472-613130-  
 (Public Works Department Zero Waste Tech Svcs – Software Maint Fund)

CURRENT SITUATION AND ITS EFFECTS

The Department of Public Works Zero Waste Division uses AMCS, formerly PC Scale, software to (1) accept payment from drive-in customers, (2) facilitate monthly billing to larger routine customers, and (3) provide accurate tonnage readings and report metrics for refuse, recycling, and organics collected by City trucks. This software has streamlined Zero Waste operations which now processes approximately 430 transactions a day resulting in approximately \$25,000 in daily revenue. This amendment seeks to extend support and maintenance through June 2025.



### BACKGROUND

In 2009, the Public Works Department, in coordination with the Information Technology Department, developed a Request for Proposal (RFP) (Specification No. 08-10316-C) for an Integrated Software System for the Transfer Station. The intention of this RFP was to replace the City's existing scale house system which was outdated and no longer supported by a reliable vendor. Four responses were received to the RFP. A review panel comprised of Zero Waste, Information Technology and Finance/Customer Service staff evaluated the proposals. PC Scale Inc. scored the highest in the evaluation process and was selected.

In 2010, with the Council approval, the City entered into a contract agreement with PC Scale Inc. to provide new scale house software. PC Scale Inc. successfully installed their server and client-based software, provided customized programming integration with Accounts Receivable (MR) and Utility Billing (CX) modules within FUND\$, and provided training to all scale house staff. (Contract No. 8432)

In 2014, the Council approved a contract extension with PC Scale who continued to provide excellent customer service and software maintenance. (Contract No. 8432A)

In late 2014, the AMCS Resource Technology Group acquired PC Scale Inc.

On May 5, 2018, the Council authorized the City Manager to execute an amendment to Contract No. 8432 to provide additional maintenance and support services for an amount not to exceed \$216,282 and extend the term through June 30, 2020. (Contract No. 8432B)

On May 15, 2020, the City extended the term of the contract from 6/30/2020 to 6/30/2021.

On March 8, 2021, the City extended the term of the contract from 6/30/2021 to 6/30/2022.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The AMCS software provides detailed reporting metrics on waste management for various oversight agencies such as the EPA. This ensures that the City follows proper waste management protocols that are in line with regulations that keep the City clean. Furthermore, the implementation of the digital signature pads at the scale house have reduced the number of receipts from three to one (a 66% decrease in the use of paper) thus working toward the City's goal of achieving zero waste to landfills.

### RATIONALE FOR RECOMMENDATION

The AMCS software has improved customer service, streamlined operations, and assisted with providing accurate data collection of tonnage for refuse, recycling and organics. AMCS has provided excellent support and consulting services.



ALTERNATIVE ACTIONS CONSIDERED

City Staff believes that the AMCS software fits with the City's operational and financial objectives. As such, City Staff has not considered replacing AMCS software at this time.

CONTACT PERSON

LaTanya Bellow, Acting Director, Information Technology, 510.981.7012

Attachments:

1: Resolution



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

CONTRACT NO. 084349-1 AMENDMENT: AMCS GROUP INC. FOR ZERO WASTE  
PC SCALE SOFTWARE MAINTENANCE AND PROFESSIONAL SERVICES

WHEREAS, in 2009, a Request for Proposal (Specification No. 08-10316-C) for an Integrated Software System for the Transfer Station was released, and PC Scale, Inc. was identified as the vendor who could provide the best value to the City; and

WHEREAS, in 2010, Council approved an amount not to exceed \$137,740 (Contract No. 084349-1, formally 8432) to enter into the contract with PC Scale, Inc. to provide new scale house software; and

WHEREAS, on September 30, 2014, by Resolution No. 66,729 – N.S., the Council approved a contract extension an amount not to exceed \$172,098 (Contract No. 084349-1) with PC Scale, Inc. for continued maintenance services and support; and

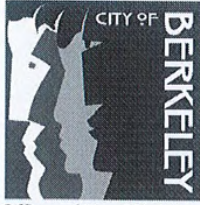
WHEREAS, in late 2014, the AMCS Resource Technology Group acquired PC Scale Inc.; and

WHEREAS, on May 5, 2018, by Resolution No. 68,037 – N.S., the Council approved a contract extension an amount not to exceed \$216,282 (Contract No. 084349-1) with PC Scale, Inc. for continued maintenance services and support; and

WHEREAS, the City seeks to amend the existing contract to provide maintenance services and support from PC Scale, Inc., and funding for this recommendation is available in the Department of Public Works' Zero Waste Tech Services – Software Maintenance Fund in the amount of \$45,000; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to amend Contract No. 084349-1 with PC Scale, Inc. to provide maintenance services, and support for the Zero Waste Software Maintenance System in an amount not to exceed \$45,000 for a total contract amount not to exceed \$261,282 and extending the term from July 1, 2022 through June 30, 2025.





Office of the City Manager

CONSENT CALENDAR  
September 20, 2022

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: LaTanya Bellow, Acting Director, Information Technology  
Subject: Protiviti Government Services: Using General Services Administration (GSA)  
Vehicle for Professional Services Purchase Orders

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to issue purchase orders with Protiviti Government Services for the purchase of professional services using the General Services Agency's (GSA) purchasing vehicle no. GS-35F-0280X for an amount not to exceed \$250,000 through December 31, 2023.

FISCAL IMPACTS OF RECOMMENDATION

One-time funding for this project is available in the Department of Information Technology's Fiscal Year 2023 Cost Allocation Fund allocation. Spending for this contract in future fiscal years will be subject to Council approval of the proposed citywide budget and annual appropriation ordinances.

- \$150,000 FY 2023: Professional Services  
Budget Code: 680-35-361-000-0000-000-472-612990-  
(IT Cost Allocation, IT Department, Professional Services)
- \$100,000 FY 2023: Professional Services  
Budget Code: 680-35-362-377-0000-000-472-612990-  
(IT Cost Allocation, IT Department, Professional Services)

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**\$250,000 Total FY 2023 Professional Services**

CURRENT SITUATION AND ITS EFFECTS

FUND\$ is the legacy financial system that still serves the City for many modules like Property Tax, Land Management, Accounts Receivables and Cash Receipts, and houses all the historic data for many of the modules.

The City's Department of Information Technology (DoIT) is currently working on development and support for many of the enterprise projects and systems, as we transition from FUND\$ to other enterprise systems. As we continue the software migration



from FUND\$ to other enterprise systems like Tyler Munis, there is still a need to continue maintaining our Fund\$ system, so that we can keep supporting many of the modules like Property Tax and Accounts Receivables/Cash Receipts which are still in Fund\$. For migrated modules like Payroll, city staff still needs to be able to access the data for auditing and reporting. To maintain the Fund\$ system there is lot of day-to-day maintenance in terms of user requests, as well as regular work in maintenance projects in the area of security and software upgrades.

The City has several under-resourced critical tasks and key projects that require expert knowledge of our existing infrastructure, custom software programs, and business rules. In order to use our existing staff for these projects and tasks we need to be able to supplement the work with external consultants.

Additionally, the City regularly participates in purchasing vehicles, or Master Award Schedules (MAS) negotiated by GSA. GSA negotiates long term contracts for prices on supplies, products, and services with suppliers on behalf of government agencies, including local government, that ensure volume discount pricing.

#### BACKGROUND

The City lost two key IT staff (APAlls) that were assisting on multiple projects on the enterprise side since 2020. The City was able to fill one position in 2021. We have not yet been able to fill the other position. Both these positions require knowledge of enterprise systems and have a big learning curve for the new staff to get used to the systems. The City has been using consultants to augment the work on several enterprise projects as well as provide operational support. As we continue looking for permanent replacement as well as staff critical projects, we need specialized consultants for continuity in the projects, work on strategic projects, and to provide day to day operational support.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Protiviti Government Services staff will conduct their work remotely thus reducing greenhouse gas emissions from travel to and from City facilities. Creating efficiencies in City financial services will mean that less paper processes are used, and we save paper.

#### RATIONALE FOR RECOMMENDATION

The City is currently using Protiviti Government Services under multiple GSA vehicles across several departments for specific professional services engagements. Protiviti Government Services works with Robert Half International to immediately source analysts with the skillset and experience required to work on these projects.

Additionally, staff determined that not using Protiviti Government Services for the remainder of FY puts some of the projects in jeopardy of not being completed and puts operational support in jeopardy for some of our key enterprise systems.



ALTERNATIVE ACTIONS CONSIDERED

Hiring additional internal staff to fulfill the needs were considered. However, given the deep technical expertise and knowledge required it would be difficult to hire the appropriate staff and get them trained in a timely manner for the projects.

CONTACT PERSON

LaTanya Bellow, Acting Director, Information Technology, 510-981-7012

Attachments:

1: Resolution



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

## PROTIVITI GOVERNMENT SERVICES: USING GENERAL SERVICES ADMINISTRATION (GSA) VEHICLE FOR PROFESSIONAL SERVICES PURCHASE ORDERS

WHEREAS, in July 2020, the City engaged a consultant to assist in various Accela and Tyler Munis projects, which the consultant has aptly done so far; and

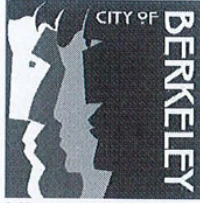
WHEREAS, Protiviti Government Services has the expertise in operations and implementations of complex projects, and provides well qualified analysts; and

WHEREAS, the City regularly participates in purchasing vehicles, or Master Award Schedules (MAS) negotiated by GSA, which negotiates long term contracts for prices on supplies, products, and services with suppliers on behalf of government agencies, including local government, that ensure volume discount pricing; and

WHEREAS, one-time funding for this is available in the Department of Information Technology's Fiscal Year (FY) 2023 Cost Allocation Fund, and spending for this contract in future fiscal years will be subject to Council approval of the proposed citywide budget and annual appropriation ordinances.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized issue purchase orders with Protiviti Government Services for the purchase of professional services using the General Services Agency's (GSA) purchasing vehicle no. GS-35F-0280X for an amount not to exceed \$250,000 through December 30, 2023.





Office of the City Manager

CONSENT CALENDAR  
September 20, 2022

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: LaTanya Bellow, Acting Director, Information Technology  
Subject: Contract No. 105921-1 Amendment: TruePoint Solutions, LLC for Accela Professional Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 105921-1 with TruePoint Solutions, LLC for professional services, increasing the amount by \$195,000, for a total not-to-exceed amount of \$1,047,200 and extending the term by two years for the term beginning June 1, 2015 to June 30, 2024.

FISCAL IMPACTS OF RECOMMENDATION

Funding for the additional professional services is available in the Fiscal Year (FY) 2023 Permit Service Center fund, Sewer Fund, and Transportation Fund, as itemized below, and any future expenditures are subject to Council approval of the proposed citywide budget and Annual Appropriations Ordinances.

**FY 2023: Professional Services – Planning**  
\$150,000 FY 2023: 621-53-585-634-0000-000-472-612990  
(Permit Service Center Fund, IT)

**FY 2023: Professional Services – Public Works**  
\$20,000 FY 2023: 611-54-623-676-0000-000-472-612990  
(Sewer Fund, Public Works)

FY 2023: 621-54-623-678-0000-000-472-612990  
\$25,000 (Permit Service Center Fund, Public Works)

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**\$195,000 Total Professional Services**



### CURRENT SITUATION AND ITS EFFECTS

The departments of Planning and Public Works currently use the Accela Civic Platform as its permitting system and continue to enhance online features that make it easier for customers to apply for a permit, schedule inspections, and pay for permits online. Feedback for making permitting more accessible online has been very positive and the City seeks to extend this functionality to all permit types.

These online enhancements have become particularly critical in order to keep permitting services accessible and efficient for the community during the COVID 19 pandemic and consistent with the City's strategic goal *"to be a customer-focused organization that provides excellent, timely and easily accessible service to the community."*

TruePoint Solutions provides resources that are focused on configuration and scripting work that is needed by the City to effectively implement these new features and provide support.

### BACKGROUND

Established in 2004, TruePoint Solutions, LLC provides design, implementation, and support services to public sector technology solutions. In 2005, TruePoint Solutions became an Accela-Certified implementation partner.

In 2015, the City contracted with TruePoint Solutions for report writing and additional scripting and configuration of Accela's Building Permit system. In 2016, the City Council approved an amendment with TruePoint Solutions for the management of the Private Sewer Laterals module for the Department of Public Works. In 2018, the City Council approved an amendment with TruePoint Solutions to provide professional assistance for the work on system issues as requested and prioritized by the City and suggest additional enhancements/improvements. In 2019, the City Council approved an amendment with Truepoint Solutions for additional configuration and troubleshooting assistance. In 2021, the City Council approved an amendment to enhance online functionality of Accela.

### ENVIRONMENTAL SUSTAINABILITY

The City will help reduce carbon emissions by allowing most, if not all, permitting processes to be performed online thereby reducing traffic into the City.

### RATIONALE FOR RECOMMENDATION

TruePoint Solutions is an Accela-Certified implementation partner. TruePoint performs specialized process analysis, configuration, and scripting to support the City's implementation of Accela's Permitting system. As a result, TruePoint has in-depth knowledge of City business processes and data architecture that would take another vendor years to acquire.



Contract No. 105921-1 Amendment: TruePoint Solutions, LLC for Professional Services      CONSENT CALENDAR  
September 20, 2022

ALTERNATIVE ACTIONS CONSIDERED

Staff considered completing these projects and enhancements without professional services however, doing so would lead to an inefficient allocation of staff resources and significantly extend implementation timelines.

CONTACT PERSON

LaTanya Bellow, Acting Director, Information Technology, 510-981-7012

Attachments:

1: Resolution



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

CONTRACT NO. 105921-1 AMENDMENT: TRUEPOINT SOLUTIONS, LLC FOR  
ACCELA PROFESSIONAL SERVICES

WHEREAS, TruePoint Solutions provides design, implementation, and support services to public sector technology solutions, and are an Accela-Certified implementation partner; and

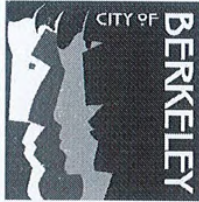
WHEREAS, these online enhancements have become particularly critical in order to keep permitting services accessible and efficient for the community during the COVID 19 pandemic and consistent with the City's strategic goal *"to be a customer-focused organization that provides excellent, timely and easily accessible service to the community"*; and

WHEREAS, TruePoint has previously provided excellent report writing, scripting, and consulting services for Accela and therefore has an in-depth knowledge of City business processes and data architecture that would take another vendor years to acquire; and

WHEREAS, funding for the additional professional services is available in the Fiscal Year (FY) 2023 Permit Service Center fund, Sewer Fund, and Transportation Fund, and any future expenditures are subject to Council approval of the proposed citywide budget and Annual Appropriations Ordinances.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to amend contract No. 105921-1 with TruePoint Solutions, LLC, increasing the amount by \$195,000, for a total not-to-exceed amount of \$1,047,200 and for the term beginning June 1, 2015 to June 30, 2024.





Office of the City Manager

CONSENT CALENDAR  
September 20, 2022

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Liam Garland, Director, Department of Public Works  
Subject: Contract: SCS Engineers for Landfill Post Closure Maintenance and Monitoring Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with SCS Engineers, in an amount not to exceed \$714,022, to provide engineering, maintenance, and monitoring services for the landfill to meet mandatory compliance requirements at Cesar Chavez Park, from January 1, 2023, to June 30, 2026.

FISCAL IMPACTS OF RECOMMENDATION

Funding for the contract in the amount of \$185,400 is currently available in the Zero Waste Fund program budget (601-54-623-672-3011-000-472-612310-). The remaining amount for FY 2023 (\$41,094) will be budgeted in that account pending the approval of the first Amendment to the Annual Appropriations Ordinance (AAO). The rest will be budgeted in the Zero Waste Fund in future fiscal years. The not to exceed amount is \$714,022 (\$226,494 from FY 2023; \$237,818.70 from FY 2024; \$249,709.30 from FY 2025).

CURRENT SITUATION AND ITS EFFECTS

A Request for Qualifications (RFQ) was issued June 28, 2022 (Specification No. 22-11521-C), seeking qualified firms or individuals to provide comprehensive engineering, post-closure monitoring, and maintenance and regulatory compliance and reporting services at the closed City of Berkeley Landfill at Cesar Chavez Park.

On August 11, 2022, the City received two proposals evaluated by a review panel. SCS Engineers received the highest rankings of the firms evaluated and were determined to be the best qualified to meet the City's needs.

The provided services support the Strategic Plan's goal to be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.



### BACKGROUND

This project is located at Cesar Chavez Park (previously known as North Waterfront Park, site of the former Berkeley Landfill) at the Berkeley Marina. The closure of the Berkeley Landfill, comprising 90 acres, was completed in 1991, and the entire site has since been open for public use. The Bay Area Air Quality Management District (BAAQMD) issued an operations permit to the City for Berkeley Landfill Post Closure Monitoring and Maintenance Program to monitor and maintain the landfill gas collection system, as well as to maintain and monitor the groundwater wells, leachate wells, and other surface and subsurface conditions for compliance with the state and federal regulations.

The City is required to continue with the maintenance, monitoring, and reporting of the site of the old landfill, in compliance with the operating permit requirements issued by the Federal Environmental Protection Agency (EPA), Regional Water Quality Control Board (RWQCB), BAAQMD, and CalRecycle (formerly the California Integrated Waste Management Board). The landfill post-closure compliance work will be required for forty to fifty years before the site is deemed a closed site.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no negative environmental effects of this action. This contract will help ensure successful compliance with regulatory requirements related to the groundwater wells and leachate wells, as well as the surface and subsurface components of the landfill closure, including ensuring that greenhouse gasses that naturally emanate from Cesar Chavez Park are captured and destroyed before entering the atmosphere.

### RATIONALE FOR RECOMMENDATION

The professional services are required to comply with the permit requirements in order to undertake: 1) monitoring and maintaining the operation of the landfill gas collection system at the site in compliance with regulations and reporting requirements of BAAQMD; and 2) monitoring and maintaining the groundwater wells and leachate wells, as well as the surface and subsurface components of the landfill closure, in compliance with regulations and requirements.

### ALTERNATIVE ACTIONS CONSIDERED

No alternative action was considered since compliance with the federal, state, and regional regulatory requirements are mandatory.

### CONTACT PERSON

Farid Javandel, Deputy Director of Public Works, Transportation and Engineering (510) 981-7061

Joe Enke, Manager of Engineering, Public Works (510) 981-6411

Attachment:

1: Resolution



Page 3 of 3

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

CONTRACT: SCS ENGINEERS FOR LANDFILL POST-CLOSURE MAINTENANCE  
AND MONITORING SERVICES

WHEREAS, the City must comply with State Regional Water Quality Control Board, CalRecycle, and Bay Area Air Quality Management District regulations applicable to the Berkeley closed landfill at the site of Cesar Chavez Park; and

WHEREAS, on June 28, 2022, the City released a Request for Qualifications (Specification No. 22-11521-C) seeking firms to provide professional services for the closed landfill; and

WHEREAS, on August 11, 2022, the City received three submissions, which were reviewed and rated; and

WHEREAS, SCS Engineers was considered the best qualified to meet the City's needs; and

WHEREAS, the City does not have the resources required to fulfill the obligations of the landfill post-closure operations permit; and

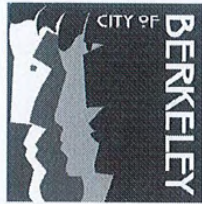
WHEREAS, funding for FY 2023 in the amount of \$185,400 is currently available in the Zero Waste Fund, \$41,094 will be added in FY 2023 via the first Amendment to the Annual Appropriations Ordinance (AAO) and future year NTE amounts will be added in future fiscal year budgets in the Zero Waste Fund(601-54-623-672-3011-000-472-612310-).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a contract and any amendments with SCS Engineers for Landfill Post Closure Maintenance and Monitoring services for the contract period of January 1, 2023 through June 30, 2026 in an amount not to exceed \$714,022. A record signature copy of the said contract and any amendments are to be on file in the Office of the City Clerk.









Office of the City Manager

CONSENT CALENDAR  
September 20, 2022

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Liam Garland, Director, Department of Public Works  
Subject: Contracts: Davey Resource Group, Inc., and HortScience Bartlett Consulting for On-Call Arborist Services

RECOMMENDATION

Adopt two Resolutions authorizing the City Manager to execute the following contracts and any amendments for on-call arborist services for capital improvement projects, each for a period of November 1, 2022, through December 31, 2025:

1. Davey Resource Group, Inc. for an amount not to exceed \$125,000.
2. HortScience Bartlett Consulting for an amount not to exceed \$125,000.

FISCAL IMPACTS OF RECOMMENDATION

Initial funding for the contract for each consultant is available in the Fiscal Year (FY) 2023 Sidewalks capital improvement program budget in the amount of \$185,000 in the Capital Improvement Fund (501) and \$30,000 in Measure T-1 (511) Infrastructure Bond Fund via approval of the First Annual Appropriations Ordinance (AAO1). Initial funding will be in the current T1 Sidewalk Repair project (PWT1SW2201). Funding for FY 2024 through FY 2026 of each contract is subject to appropriation in the future fiscal years' capital budget based on the department's needs for arborist services.

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley issued a Request for Qualifications (RFQ) on June 28, 2022 (Specification No. 22-11520-C), seeking qualified firms or individuals to provide on-call arborist services for various capital improvement programs and projects.

On July 26, 2022, the City received two Statements of Qualification (SOQs) from arborist firms, which were evaluated by a review panel. Davey Resource Group, Inc. and HortScience Barlett Consulting were both highly ranked and were determined to be qualified to meet the City's needs and also checked references.

The services support the Strategic Plan goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.



Contract: On-Call Arborist Services  
Davey Resource Group, and HortScience Bartlett Consulting

CONSENT CALENDAR  
September 20, 2022

### BACKGROUND

In an effort to reduce the Sidewalk 50-50 Program backlog, the Engineering Division of Public Works has significantly ramped up sidewalk repair work. Due to the nature of the sidewalk and its proximity to trees, tree evaluations by certified arborists are necessary in sidewalk repair. Recommendations by a certified arborist can ensure trees are safely pruned or protected during the work. In the past, these recommendations were provided by the Forestry Division of the Parks Recreation and Waterfront Department. The repair work increase has expanded beyond the capacity of their limited staff. On-call contracts offer professional services when needed and reduce the need for hiring additional staff.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no negative environmental effects of this action. These contracts will minimize impacts on our Parks Recreation and Waterfront Department and ensure the successful completion of capital improvement projects such as sidewalk repair projects, which will improve accessibility and promote greener modes of transportation.

### RATIONALE FOR RECOMMENDATION

Davey Resources Group, Inc. and HortScience Bartlett Consulting have particular expertise in arboricultural services. These firms received the highest rankings of the firms evaluated and are the best qualified to meet the City's needs. City staff recommends awarding a contract to these consultants to get the best value for the City. It will distribute the anticipated workload, create an alternative source for services, and secure more competitive proposals. If these contracts are not awarded, the City will not have on-call arborist consultant services available, which would negatively impact the City's ability to proceed with planned capital improvement projects. The City has insufficient staffing and resources to provide arborist services for the number of projects in our capital program.

### ALTERNATIVE ACTIONS CONSIDERED

Council could choose not to move forward with these contracts, which would significantly delay the progress of planned capital improvement projects.

### CONTACT PERSON

Farid Javandel, Deputy Director of Public Works, Transportation and Engineering (510) 981-7061

Joe Enke, Manager of Engineering, Public Works (510) 981-6411

### Attachments:

- 1: Resolution – Contract with Davey Resource Group
- 2: Resolution – Contract with HortScience Bartlett Consulting



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

CONTRACT: DAVEY RESOURCE GROUP INC. FOR ON CALL ARBORIST SERVICES

WHEREAS, on June 28, 2022, the City released a Request for Qualifications (Specification No. 22-11520-C) seeking firms or individuals to provide on-call arborist services for capital improvement projects; and

WHEREAS, on July 26, 2022, the City received two submissions, which were reviewed and rated; and

WHEREAS, the two highest-rated firms would be considered the best qualified to meet the City's needs; and

WHEREAS, the submission from Davey Resource Group, Inc. has been found, by City staff, to be one of the two highest-rated firms, responsive to the City's request; and

WHEREAS, funding is available in the FY 2023 budget in the Capital Improvement Fund 501 and Measure T1 Infrastructure and Facilities Bond Fund 511. In future years, funding will be identified and requested for appropriation as projects arise.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a contract and any amendments with Davey Resource Group, Inc for on-call arborist services for the contract period of November 1, 2022, through December 31, 2025, in an amount not to exceed \$125,000. A record signature copy of the said contract and any amendments are to be on file in the Office of the City Clerk.



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

CONTRACT: HORT SCIENCE BARLETT CONSULTING FOR ON CALL ARBORIST SERVICES

WHEREAS, on June 28, 2022, the City released a Request for Qualifications (Specification No. 22-11520-C) seeking firms or individuals to provide on-call arborist services for capital improvement projects; and

WHEREAS, on July 26, 2022, the City received two submissions, which were reviewed and rated; and

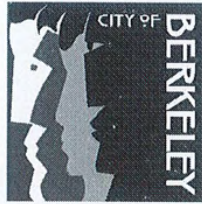
WHEREAS, the two highest-rated firms would be considered the best qualified to meet the City's needs; and

WHEREAS, the submission from Hort Science Barlett Consulting has been found, by City staff, to be one of the two highest rated firms, responsive to the City's request; and

WHEREAS, funding is available in the FY 2023 budget in the Capital Improvement Fund 501, Measure T1 Infrastructure and Facilities Bond Fund 511. In future years, funding will be identified and requested for appropriation as projects arise.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a contract and any amendments with Hort Science Barlett Consulting for on-call arborist services for the contract period of November 1, 2022, through December 31, 2025, in an amount not to exceed \$125,000. A record signature copy of the said contract and any amendments are to be on file in the Office of the City Clerk.





Office of the City Manager

CONSENT CALENDAR  
September 20, 2022

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Liam Garland, Director, Department of Public Works  
Subject: Contracts: On-Call Civil Engineering Services, CSW Stuber-Stroeh Engineering Group, Inc., HDR Engineering, Inc., LCC Engineering & Surveying, Inc., Mark Thomas & Company, Inc., Park Engineering, Inc., Pavement Engineering Inc., and SCI Consulting Group

RECOMMENDATION

Adopt seven Resolutions authorizing the City Manager to execute the following contracts and any amendments for on-call civil engineering services for capital improvement projects, each for a period of November 1, 2022 through December 31, 2025:

1. CSW Stuber-Stroeh Engineering Group, Inc. for an amount not to exceed \$750,000.
2. HDR Engineering, Inc. for an amount not to exceed \$750,000.
3. LCC Engineering & Surveying, Inc. for an amount not to exceed \$1,500,000.
4. Mark Thomas & Company, Inc. for an amount not to exceed \$750,000.
5. Park Engineering, Inc. for an amount not to exceed \$1,500,000.
6. Pavement Engineering Inc. for an amount not to exceed \$1,500,000.
7. SCI Consulting Group for an amount not to exceed \$150,000.

FISCAL IMPACTS OF RECOMMENDATION

Initial funding for the contract for each consultant is available in the Fiscal Year (FY) 2023 Streets and Storm/Green Infrastructure capital improvement program budgets in Capital Improvement Fund (Fund 501), Measure T-1 Infrastructure Bond Fund (Fund 511) and Clean Stormwater Fund (Fund 616). Funding for FY 2024 through FY 2026 of each contract is subject to appropriation in the future fiscal years' capital budget based on the department's needs for civil engineering services.



Contract: On-Call Civil Engineering Services  
CSW Stuber-Stroeh Engineering Group, Inc., HDR Engineering, Inc.,  
LCC Engineering & Surveying, Inc. Mark Thomas & Company, Inc.,  
Park Engineering Inc., Pavement Engineering, Inc.,  
and SCI Consulting Group

CONSENT CALENDAR  
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#### CURRENT SITUATION AND ITS EFFECTS

A Request for Qualifications (RFQ) was issued March 24, 2022 (Specification No. 22-11507-C) seeking qualified firms or individuals to provide on-call civil engineering services for various capital improvement programs and projects

On April 26, 2022, the City received twelve Statements of Qualification (SOQs) from engineering firms, which were evaluated by a review panel. CSW Stuber-Stroeh Engineering Group, Inc., HDR Engineering, Inc., LCC Engineering & Surveying, Inc., Mark Thomas & Company, Inc., Park Engineering, Inc., Pavement Engineering Inc., and SCI Consulting Group received the highest rankings of the firms evaluated and were determined to be the best qualified to meet the City's needs. References were also checked.

The provided services support the Strategic Plan goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

#### BACKGROUND

Over the next several years, the Engineering Division of the Public Works Department is expecting significantly increased workloads, resulting from deferred maintenance, ongoing capital projects, T1 projects, and increased funding for the street capital improvement program. The City has used civil engineering consultants in the past to design and manage projects to supplement City staff. These include situations in which the nature of the work is specialized such as assessment districts, paving, drainage, and green infrastructure for design, permitting, construction administration, and inspections. On-call contracts provide professional design, engineering, and construction management services when needed and reduce the need for hiring additional staff.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no negative environmental effects of this action. These contracts will help ensure the successful completion of capital improvement projects including stormwater improvements to reduce flood potential and green infrastructure projects to implement Measure T1.

#### RATIONALE FOR RECOMMENDATION

CSW Stuber-Stroeh Engineering Group, Inc., HDR Engineering, Inc., LCC Engineering & Surveying, Inc., Mark Thomas & Company, Inc., Park Engineering, Inc., Pavement Engineering Inc., and SCI Consulting Group have particular expertise in engineering design, construction management, construction support, and assessment district engineering. These firms received the highest rankings of the firms evaluated and are the best qualified to meet the City's needs. City staff recommends awarding a contract to these consultants to get the best value for the City. It will distribute the anticipated workload, create an alternative source for services, and secure more competitive proposals. If these contracts are not awarded, the City will no longer have on-call civil



**Page 3 of 10**

Contract: On-Call Civil Engineering Services  
CSW Stuber-Stroeh Engineering Group, Inc., HDR Engineering, Inc.,  
LCC Engineering & Surveying, Inc. Mark Thomas & Company, Inc.,  
Park Engineering Inc., Pavement Engineering, Inc.,  
and SCI Consulting Group

CONSENT CALENDAR  
September 20, 2022

engineering consultant services available which would negatively impact the City's ability to proceed with planned capital improvement projects. The City has insufficient staffing and resources to design, manage and inspect construction of the number of projects in our capital program.

**ALTERNATIVE ACTIONS CONSIDERED**

Council could choose not to move forward with these contracts, in which case, the progress of planned capital improvement projects would be significantly delayed.

**CONTACT PERSON**

Farid Javandel, Deputy Director of Public Works, Transportation and Engineering (510) 981-7061

Joe Enke, Manager of Engineering, Public Works (510) 981-6411

**Attachments:**

- 1: Resolution – Contract with CSW Stuber-Stroeh Engineering Group, Inc.
- 2: Resolution – Contract with HDR Engineering, Inc.
- 3: Resolution – Contract with LCC Engineering & Surveying, Inc.
- 4: Resolution – Contract with Mark Thomas & Company Inc.
- 5: Resolution – Contract with Park Engineering Inc.
- 6: Resolution – Contract with Pavement Engineering Inc.
- 7: Resolution – Contract with SCI Consulting Group



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

CONTRACT: CSW STUBER-STROEH ENGINEERING GROUP INC. FOR ON CALL  
CIVIL ENGINEERING SERVICES

WHEREAS, on March 24, 2022, the City released a Request for Qualifications (Specification No. 22-11507-C) seeking firms or individuals to provide on-call civil engineering services for capital improvement projects; and

WHEREAS, on April 26, 2022, the City received twelve submissions, which were reviewed and rated; and

WHEREAS, the seven highest rated firms would be considered the best qualified to meet the City's needs; and

WHEREAS, the submission from CSW Stuber-Stroeh Engineering Group, Inc. has been found, by City staff, to be one of the seven highest rated firms, responsive to the City's request; and

WHEREAS, funding is available in the FY 2023 budget in the Capital Improvement Fund 501, Measure T1 Infrastructure and Facilities Bond Fund 511 and Clean Stormwater Fund 616, and funding in future years will be identified and requested for appropriation as projects arise.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a contract and any amendments with CSW Stuber-Stroeh Engineering Group, Inc. for on-call civil engineering services for the contract period of November 1, 2022 through December 31, 2025 in an amount not to exceed \$750,000. A record signature copy of said contract and any amendments to be on file in the Office of the City Clerk.



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

CONTRACT: HDR ENGINEERING, INC. FOR ON CALL CIVIL ENGINEERING  
SERVICES

WHEREAS, on March 24, 2022, the City released a Request for Qualifications (Specification No. 22-11507-C) seeking firms or individuals to provide on-call civil engineering services for capital improvement projects; and

WHEREAS, on April 26, 2022, the City received twelve submissions, which were reviewed and rated; and

WHEREAS, the seven highest rated firms would be considered the best qualified to meet the City's needs; and

WHEREAS, the submission from HDR Engineering, Inc. has been found, by City staff, to be one of the seven highest rated firms, responsive to the City's request; and

WHEREAS, funding is available in the FY 2023 budget in the Capital Improvement Fund 501, Measure T1 Infrastructure and Facilities Bond Fund 511 and Clean Stormwater Fund 616, and funding in future years will be identified and requested for appropriation as projects arise.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a contract and any amendments with HDR Engineering, Inc. for on-call civil engineering services for the contract period of November 1, 2022 through December 31, 2025 in an amount not to exceed \$750,000. A record signature copy of said contract and any amendments to be on file in the Office of the City Clerk.



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

CONTRACT: LCC ENGINEERING & SURVEYING, INC. FOR ON CALL CIVIL  
ENGINEERING SERVICES

WHEREAS, on March 24, 2022, the City released a Request for Qualifications (Specification No. 22-11507-C) seeking firms or individuals to provide on-call civil engineering services for capital improvement projects; and

WHEREAS, on April 26, 2022, the City received twelve submissions, which were reviewed and rated; and

WHEREAS, the seven highest rated firms would be considered the best qualified to meet the City's needs; and

WHEREAS, the submission from LCC Engineering & Surveying, Inc. has been found, by City staff, to be one of the seven highest rated firms, responsive to the City's request; and

WHEREAS, funding is available in the FY 2023 budget in the Capital Improvement Fund 501, Measure T1 Infrastructure and Facilities Bond Fund 511 and Clean Stormwater Fund 616, and funding in future years will be identified and requested for appropriation as projects arise.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a contract and any amendments with LCC Engineering & Surveying, Inc. for on-call civil engineering services for the contract period of November 1, 2022 through December 31, 2025 in an amount not to exceed \$1,500,000. A record signature copy of said contract and any amendments to be on file in the Office of the City Clerk.



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

CONTRACT: MARK THOMAS & COMPANY, INC. FOR ON CALL CIVIL  
ENGINEERING SERVICES

WHEREAS, on March 24, 2022, the City released a Request for Qualifications (Specification No. 22-11507-C) seeking firms or individuals to provide on-call civil engineering design and construction management services for capital improvement projects; and

WHEREAS, on April 26, 2022, the City received twelve submissions, which were reviewed and rated; and

WHEREAS, the seven highest rated firms would be considered the best qualified to meet the City's needs; and

WHEREAS, the submission from Mark Thomas & Company, Inc. has been found, by City staff, to be one of the seven highest rated firms, responsive to the City's request; and

WHEREAS, funding is available in the FY 2023 budget in the Capital Improvement Fund 501, Measure T1 Infrastructure and Facilities Bond Fund 511 and Clean Stormwater Fund 616, and funding in future years will be identified and requested for appropriation as projects arise.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a contract and any amendments with Mark Thomas & Company, Inc. for on-call civil engineering services for the contract period of November 1, 2022 through December 31, 2025 in an amount not to exceed \$750,000. A record signature copy of said contract and any amendments to be on file in the Office of the City Clerk.



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

CONTRACT: PARK ENGINEERING INC. FOR ON CALL CIVIL ENGINEERING  
SERVICES

WHEREAS, on March 24, 2022, the City released a Request for Qualifications (Specification No. 22-11507-C) seeking firms or individuals to provide on-call civil engineering services for capital improvement projects; and

WHEREAS, on April 26, 2022, the City received twelve submissions, which were reviewed and rated; and

WHEREAS, the seven highest rated firms would be considered the best qualified to meet the City's needs; and

WHEREAS, the submission from Park Engineering Inc. has been found, by City staff, to be one of the seven highest rated firms, responsive to the City's request; and

WHEREAS, funding is available in the FY 2023 budget in the Capital Improvement Fund 501, Measure T1 Infrastructure and Facilities Bond Fund 511 and Clean Stormwater Fund 616, and funding in future years will be identified and requested for appropriation as projects arise.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a contract and any amendments with Park Engineering Inc. for on-call civil engineering services for the contract period of November 1, 2022 through December 31, 2025 in an amount not to exceed \$1,500,000. A record signature copy of said contract and any amendments to be on file in the Office of the City Clerk.



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

## CONTRACT: PAVEMENT ENGINEERING INC. FOR ON CALL CIVIL ENGINEERING SERVICES

WHEREAS, on March 24, 2022, the City released a Request for Qualifications (Specification No. 22-11507-C) seeking firms or individuals to provide on-call civil engineering services for capital improvement projects; and

WHEREAS, on April 26, 2022, the City received twelve submissions, which were reviewed and rated; and

WHEREAS, the seven highest rated firms would be considered the best qualified to meet the City's needs; and

WHEREAS, the submission from Pavement Engineering Inc. has been found, by City staff, to be one of the seven highest rated firms, responsive to the City's request; and

WHEREAS, funding is available in the FY 2023 budget in the Capital Improvement Fund 501, Measure T1 Infrastructure and Facilities Bond Fund 511 and Clean Stormwater Fund 616, and funding in future years will be identified and requested for appropriation as projects arise.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a contract and any amendments with Pavement Engineering Inc. for on-call civil engineering services for the contract period of November 1, 2022 through December 31, 2025 in an amount not to exceed \$1,500,000. A record signature copy of said contract and any amendments to be on file in the Office of the City Clerk.



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

CONTRACT: SCI CONSULTING GROUP FOR ON CALL CIVIL ENGINEERING  
SERVICES

WHEREAS, on March 24, 2022, the City released a Request for Qualifications (Specification No. 22-11507-C) seeking firms or individuals to provide on-call civil engineering design and construction management services for capital improvement projects; and

WHEREAS, on April 26, 2022, the City received twelve submissions, which were reviewed and rated; and

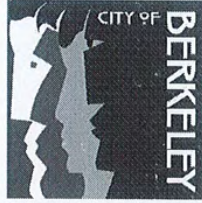
WHEREAS, the seven highest rated firms would be considered the best qualified to meet the City's needs; and

WHEREAS, the submission from SCI Consulting Group has been found, by City staff, to be one of the seven highest rated firms, responsive to the City's request; and

WHEREAS, funding is available in the FY 2023 budget in the Capital Improvement Fund 501, Measure T1 Infrastructure and Facilities Bond Fund 511 and Clean Stormwater Fund 616, and funding in future years will be identified and requested for appropriation as projects arise.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a contract and any amendments with SCI Consulting Group for on-call civil engineering services for the contract period of November 1, 2022 through December 31, 2025 in an amount not to exceed \$150,000. A record signature copy of said contract and any amendments to be on file in the Office of the City Clerk.





Office of the City Manager

CONSENT CALENDAR  
September 20, 2022

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Liam Garland, Director, Public Works  
Subject: Contract No. 10350 (112199-1) Amendment: Technology, Engineering, and Construction, Inc. for Tank Maintenance and Certification Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or designee to execute an amendment to Contract No. 10350 with Technology, Engineering and Construction, Inc. for the provision of tank maintenance and certification services, extending the contract term to June 30, 2024 and increasing the amount by \$100,000 for a total contract amount not to exceed \$250,000.

FISCAL IMPACTS OF RECOMMENDATION

This is a citywide contract and annual costs are estimated at approximately \$30,000. Funding is available in the FY 2023 budget in the following funds:

Department / Fund	ERMA Account Code	Amount FY 2023
Equipment Maintenance Fund	672-54-626-722-0000-000-474-624110	\$29,333
Library Fund	101-22-242-272-0000-000-463-612990	\$4,000
Total FY 2023 Amount		\$33,333

Additional funding for the remaining contract term will be appropriated in future fiscal years.

CURRENT SITUATION AND ITS EFFECTS

Technology, Engineering and Construction, Inc. (TEC) maintains and inspects above-ground and underground fuel storage tanks monthly at the City's Corporation Yard, Transfer Station, Central Library, Public Safety Building, and all Fire Stations. The underground fuel tank and recycled oil storage systems must be tested annually, maintained, and certified to ensure the proper operation of monitoring and dispensing equipment.

The recommended amendment will enable the City to continue to comply with annual regulatory testing, conduct routine maintenance, and provide for unforeseen repairs. These efforts minimize the risk of potential air pollution and contamination to soil and



Contract No. 10350 (112199-1) Amendment:  
Technology, Engineering, and Construction, Inc. for  
Tank Maintenance and Certification Services

CONSENT CALENDAR  
September 20, 2022

groundwater. TEC has consistently provided high quality, cost effective, and timely professional services to the City.

This contract amendment supports the Strategic Plan Priority goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

#### BACKGROUND

Request for Proposal No. 16-11059 for tank maintenance and certification was issued in June of 2016. Two bids were received and evaluated. TEC was selected as the most qualified vendor. Contract No. 10350 with TEC for tank maintenance and certification services was originally executed in August 2016.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Regular maintenance and testing of the fuel storage tanks are critical to ensure that the tanks are intact and functioning properly, which minimizes the risk of potential air pollution and contamination to soil and groundwater.

#### RATIONALE FOR RECOMMENDATION

The recommended amendment will enable the City to continue to comply with annual regulatory testing, conduct routine maintenance, and provide for unforeseen repairs.

#### ALTERNATIVE ACTIONS CONSIDERED

None.

#### CONTACT PERSON

Andrew Brozyna, Deputy Director of Operations, Public Works, 510-981-6396  
Joy Brown, Operations Manager, Public Works, 510-981-6629  
Greg Ellington, Equipment Maintenance Superintendent, Public Works, 510-981-6469

Attachment:

1: Resolution



Page 3 of 3

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

CONTRACT NO. 10350 (112199-1) AMENDMENT: TECHNOLOGY, ENGINEERING,  
AND CONSTRUCTION, INC. FOR TANK MAINTENANCE AND CERTIFICATION  
SERVICES

WHEREAS, Technology, Engineering and Construction, Inc. was selected through the City's competitive bid process, and in August 2016 the City Manager executed a contract to provide tank maintenance and certification services and training; and

WHEREAS, Public Works needs maintenance and certification services to provide maintain the aboveground and underground fuel storage tanks for the City and the used oil recycling tanks; and

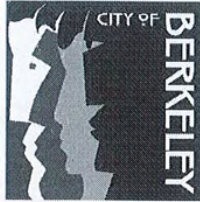
WHEREAS, funding is budgeted in FY 2023 in the Equipment Maintenance Fund (672-54-626-722-0000-000-474-624110) and Library Fund (101-22-242-272-0000-000-463-612990); and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or designee is authorized to execute an amendment to Contract No. 10350 (112199-1) with Technology, Engineering and Construction, Inc. for the provision of tank maintenance and certification services, extending the contract term to June 30, 2024 and increasing the contract amount by \$100,000 for a total not to exceed amount of \$250,000.









Office of the City Manager

CONSENT CALENDAR  
September 20, 2022

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Liam Garland, Director, Public Works  
Subject: Contract No. 31900085 Amendment: Syntech Systems, Inc. for a Fuel Management System and Software

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 31900085 with Syntech Systems, Inc. to provide ongoing service and support of infrastructure and software for the City's Fleet Fueling Program, increasing the contract amount by \$45,000 for a new not to exceed amount of \$231,472 and extending the contract term through June 30, 2025.

FISCAL IMPACTS OF RECOMMENDATION

The anticipated annual contract expenditures amount is \$15,000 to support annual software license support, user fees, and hardware. Funding in the amount of \$15,000 is available in FY 2023 Equipment Maintenance Fund 672 (672-54-626-722-0000-000-473-651110) for the first year. Funding for the remaining two years of the contract term will be appropriated each fiscal year as part of the budget process.

CURRENT SITUATION AND ITS EFFECTS

In 2020, Syntech Systems, Inc. (Syntech) installed a new fuel management system at the Corporation Yard and the Transfer Station to replace failed and outdated equipment and implement the fuel reporting software FMLive. This software and automated fuel tracking system allow for the most accurate fuel use accountability, billing, and reporting. The Equipment Maintenance Division of Public Works has a continuous need for these services to manage fuel levels, prevent fuel theft, and support internal department billing for fuel usage.

Syntech's ongoing services include providing training as needed to Equipment Maintenance and Information Technology Staff, FM Live software annual fees, annual cloud hosting, and vehicle and equipment hardware.

Continuing these services through the contract amendment supports the Strategic Plan Priority of advancing our goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.



Contract No. 31900085 Amendment: Syntech Systems, Inc.  
for Fueling System and Software

CONSENT CALENDAR  
September 20, 2022

#### BACKGROUND

A request for proposals (RFP) Specification No. 16-11039 for a Fueling System and Software Upgrade solution was issued and three responses were received. The City's Equipment Maintenance Superintendent and support staff, evaluated the three responses for cost, experience, qualifications, responsiveness, and references. Responsive vendors were asked to provide onsite demonstrations of their products along with detailed information about software capabilities and any additional associated costs. Syntech was selected as the most responsive and best qualified vendor to meet the City's Fleet fueling and reporting needs.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The Syntech system provides accurate fuel usage data at the Corporation Yard and the Transfer Station which will assist with Climate Action Plan reporting. In addition to the evaluation of Fleet fuel efficiency which is a factor in the decision-making process when replacing vehicles.

#### RATIONALE FOR RECOMMENDATION

Syntech software captures vehicle odometer data and a record of all transactions automatically with no manual interaction, thus reducing human error, improving asset management, driver accountability, and preventing theft. It provides vehicle error codes and extended reporting data including tank level and fuel utilization tracking information for accurate tax reporting.

#### ALTERNATIVE ACTIONS CONSIDERED

No reasonable alternative exists as Syntech has recently installed the new system. The hardware and software are working as expected, and Syntech continues to provide excellent support services as needed.

#### CONTACT PERSON

Andrew Brozyna, Deputy Director of Operations, Public Works, 510-981-6396  
Joy Brown, Operations Manager, Public Works, 510-981-6629  
Greg Ellington, Equipment Maintenance Superintendent, Public Works, 510-981-6469

Attachment:  
1: Resolution



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

CONTRACT NO. 31900085 AMENDMENT: SYNTECH SYSTEMS, INC. FOR  
FUELING SYSTEM AND SOFTWARE

WHEREAS, the City of Berkeley owns and operates vehicles and equipment which must be re-fueled at one of the City's two fueling islands; and

WHEREAS, the City issued a request for written proposals from qualified firms to provide a viable fuel dispensing system and fuel reporting software (Specification No. 16-11039); and received three qualifying vendor responses and determined that Syntech Systems, Inc. was the most responsive and best-qualified vendor to meet current and future Fleet fueling and reporting needs; and

WHEREAS, Funding is available in the amount of \$15,000 from the FY 2023 Equipment Maintenance Fund (672-54-626-722-0000-000-473-651110); and

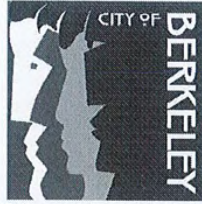
WHEREAS, the Equipment Maintenance Division of Public Works has a continuous need for these services to manage fuel levels, prevent fuel theft, and support internal department billing for fuel usage; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a contract amendment with Syntech Systems, Inc. increasing the contract amount by \$45,000 for a new not to exceed amount of \$231,472 and extending the contract term through June 30, 2025.









Office of the City Manager

CONSENT CALENDAR  
September 20, 2022

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Liam Garland, Director, Department of Public Works  
Subject: Contract: Shaw Industries, Inc. for Civic Center Building Carpet Replacement Project

RECOMMENDATION

Adopt a Resolution:

1. Pursuant to City Charter Article XI Section 67.2 requirements, accepting the California Multiple Award Schedule (CMAS) bid procedures;
2. Approving the CMAS Contract with Shaw Industries, Inc. for Carpet Replacements at the Civic Center Building;
3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the terms and conditions of the agreements with Shaw Industries, Inc. in an amount not to exceed \$177,218.68, which includes a contingency of \$23,115.

FISCAL IMPACTS OF RECOMMENDATION

Funding for this carpet replacement project is available in the Fiscal Year 2023 Facilities Capital Improvement Program (CIP) budget from the Capital Improvement Fund (501).

Cost:

Carpet Replacement (CMAS by Shaw Industries, Inc.)	\$ 154,103.20
Contingency (15%)	\$ 23,115.48
<b>Total Cost</b>	<b>\$ 177,218.68</b>

FY 2023 Funding:

Capital Improvement Fund (501-54-623-677-3014-000-444-662110)	\$177,218.68
<b>Total Construction Cost</b>	<b>\$177,218.68</b>

CURRENT SITUATION AND ITS EFFECTS

Carpets at the Civic Center Building, located at 2180 Milvia Street, need to be replaced on the first floor (Human Resources) and on the Fourth floor (City Attorney). Most of the carpets have surpassed their typical life expectancy of twenty years.

Shaw Industries, Inc. was selected through the California Multiple Award Schedule (CMAS) bid procedure. This allows the City to procure a contractor that was previously selected through the State of California bidding process. All pricing, products and/or



Contract: Shaw Industries Inc.  
Civic Center Building Carpet Replacement Project.

CONSENT CALENDAR  
September 20, 2022

services offered to the State of California through this system are made available to the City. Making use of this process results in costs savings and expedites contractor selection.

The provided services will support the Strategic Plan goals of creating a resilient, safe, connected, and prepared city and providing state-of-the-art, well-maintained facilities.

#### BACKGROUND

The existing broadloom carpets in the Civic Center Building are over twenty years old and are in need of replacement. There are numerous locations throughout the building where carpet failures are visible, including crushed carpeting padding, seam failures, heavy staining, and other deficiencies that are typical of a carpet that has exceeded its useful life.

In 2015, the City developed technical specifications for carpet tiles to be used in City-owned buildings. The specifications have been used for several past projects, including the Public Safety Building Carpet Replacement Project in 2017 and the Civic Center Carpet Replacement in 2020. The carpet tiles proved to be well-received, low-maintenance, and less expensive to install than non-tile carpets.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The proposed product meets the criteria established in the specifications, which is in accordance with the sustainable resolutions and ordinances administered by the City's Office of Energy and Sustainable Development, the City of Berkeley Revised General Plan, the City's Climate Action Plan, and CalGreen. For example, the project will replace the existing carpet with PVC-free carpet tiles that are 100% recyclable.

#### RATIONALE FOR RECOMMENDATION

Contracted services are required for this project as the City does not have the in-house expertise to complete this specialized work. Shaw Industries, Inc. provided a cost-effective price, complying with the City's carpet specifications.

#### ALTERNATIVE ACTIONS CONSIDERED

None.

#### CONTACT PERSON

Farid Javandel, Deputy Director, Transportation and Engineering (510) 981-7061  
Joe Enke, Manager of Engineering, Dept. of Public Works (510) 981-6411  
Elmar Kapfer, Supervising Civil Engineer, Dept. of Public Works (510) 981-6435

Attachments:

1: Resolution



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

CONTRACT: SHAW INDUSTRIES, INC. FOR THE CIVIC CENTER BUILDING  
CARPET REPLACEMENT PROJECT

WHEREAS, the existing broadloom carpeting in the Civic Center Building is in need of replacement; and

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

WHEREAS, City Charter Article XI Section 67.2 allows the City to purchase goods without undergoing a competitive bid process when using pricing obtained by the State of California through a competitive process; and

WHEREAS, the California Multiple Award Schedule (CMAS) is available to state and local governments; and

WHEREAS, THE California Department of General Service Procurement Division determined Shaw Industries, Inc.'s bid pricing to be fair and reasonable and awarded CMAS Contract No. 4-13-72-0008C; and

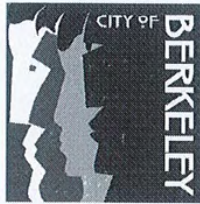
WHEREAS, funds are available in the FY 2023 Budget in the Capital Improvement Fund 501 (budget code: 501-54-623-677-3014-000-444-662110); and

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley authorizes the City Manager to execute a contract and any amendments, extensions, or change orders until completion of the project in accordance with the terms and conditions of the agreement with Shaw Industries, Inc. for the carpet replacement project at the Civic Center Building, in an amount not to exceed \$177,218.68, which includes a contingency of \$23,115.48. A record signature copy of the agreement and any amendments to be on file in the office of the City Clerk.









City Council

CONSENT CALENDAR

September 20, 2022

To: Honorable Members of the City Council

From: Mayor Jesse Arreguín, Councilmember Ben Bartlett,  
Councilmember Sophie Hahn and Councilmember  
Terry Taplin

Subject: Helping Achieve Responsible Development with  
Healthcare and Apprenticeship Training Standards  
(HARD HATS) Referral

RECOMMENDATION

Refer to the City Attorney and City Manager to draft a HARD HATS Ordinance based on the policy terms outlined below and bring the Ordinance back to Council for action on December 13, 2022.

POLICY COMMITTEE REVIEW AND REVISED POLICY TERMS

On May 16, 2019, the Land Use, Housing & Economic Development Committee approved the following motion: M/S/C (Hahn/Arreguín) to send the item to the full Council with a Positive Recommendation. Vote: All Ayes.

The City Council then subsequently referred the item to the Commission on Labor. After the item was sent to the Commission for review, the COVID-19 pandemic hit. The state of emergency and Shelter-In-Place orders to minimize human contact and the spread of the virus resulted in the suspension of certain non-essential Boards and Commissions for over a year. This effectively stalled work by the commission on this item. To facilitate action on this important policy, the authors have worked with City Department staff (City Manager's Office, City Attorney's Office, Planning, HHCS) and stakeholders (labor representatives, contractors, housing developers) to discuss policy terms for a proposed HARD HATS Ordinance, discussing goals as well as implementation issues. This input has helped inform the draft proposal being submitted for Council action. Further review will be undertaken when this item is formally referred for drafting.

The recommended action is to refer the proposal to the City Attorney and City Manager to draft a HARD HATS Ordinance for adoption. The purpose of the ordinance is to address the shortage of qualified local construction workers, rising labor costs, and set a new bar for labor standards in the local construction industry. These measures are intended to improve the recruitment, training, and retention of skilled construction workers.

The ordinance should include the following elements:

1. Scope:
  - a. The City shall require contractor prequalification for covered General Plan Area projects ("Covered Projects"), which are projects consisting of construction, alteration, demolition, installation, remediation, repair, or



remodel of 50,000 square feet or more of floor area.

- b. All contractors or subcontractors of any tier ("Contractors") entering into a contract on a Covered Project valued in excess of ½ of one percent of the value of the prime contract for the Covered Project must be prequalified.

2. Apprenticeship:

- a. For purposes of the "Covered Project", each Contractor shall do at least one of the following (and shall sign a statement certifying that on the Covered Project it will do at least one of the following):
  - i. participate in a joint labor-management apprenticeship program;
  - ii. participate in an apprenticeship program approved by the State of California Division of Apprenticeship Standards that has a graduation rate of 50% or higher and has graduated an average of at least thirty (30) apprentices annually for the five (5) years immediately preceding the Covered Project. The Contractor will also maintain at least the ratio of apprentices required by California Labor Code section 1777.5 for the duration of the Covered Project. Any change in program participation must be immediately provided to the City; or
  - iii. make and require its subcontractors to make hourly contributions to the CAC for every apprenticeable craft hour worked on the Covered Project of at least the apprenticeship contribution rate for the classification of "plumber, pipefitter, steamfitter" in Alameda County.<sup>1</sup>
- b. Contributions to an apprenticeship program or the CAC shall not be credited towards compliance with BMC Chapter 13.99 (Minimum Wage).
- c. Upon review of the ordinance after 2 years, the City Council will consider whether to supplement the ordinance with a 180 consecutive day apprenticeship prequalification requirement.

3. Health Care Security:

- a. In order to be prequalified, each Contractor will sign a statement stipulating to and providing documented proof that the Contractor, in addition to the regular hourly wages paid to its construction worker employees ("Covered Construction Workers"), has made Required Health Care Expenditures to or on behalf of each Covered Construction Worker for 180 consecutive days prior to the submission of the prequalification documents, during periods of employment.
  - i. The Required Health Care Expenditure is calculated by multiplying the number of hours worked by the hourly Health Care Expenditure Rate.
  - ii. The Health Care Expenditure Rate shall be determined annually from the "average contribution" based on the City and County of San Francisco Health Service System's annual 10-County Survey amount for Alameda County for the applicable fiscal year. Such "average contribution" shall be prorated on an hourly basis by dividing the monthly average contribution

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<sup>1</sup> See hourly contribution rate for the "plumber, pipefitter, steamfitter" via <https://www.dir.ca.gov/OPRL/pwappwage/wage/21201583.html?VarWageId=21201583>. The form for making contributions is found here: <https://www.dir.ca.gov/DAS/tf/cac2.asp>.



- for Alameda County by one hundred and fifty (150), the typical number of hours worked in a month by a construction worker.
- iii. In the case of a Contractor that has employed no Covered Construction Workers for 180 consecutive days prior to the submission of the prequalification documents, said Contractor must have had an ongoing contractual obligation to hire subcontractors during that period that provide Required Health Care Expenditures.
- b. For purposes of the Covered Project, each Contractor shall make Required Health Care Expenditures to or on behalf of each Covered Construction Worker in addition to their regular hourly wages during periods of employment (and sign a statement certifying that it will do so on the Covered Project). In the case of a Contractor that will employ no Covered Construction Workers on the Covered Project, said Contractor shall make Required Health Care Expenditures on behalf of the Covered Construction Workers employed by its subcontractor(s) in the event said subcontractor(s) fail(s) to make Required Health Care Expenditures in accordance with this ordinance.
  - c. Required Health Care Expenditures may be made to a health plan in which the Covered Construction Worker is enrolled, to a Covered Construction Worker's health savings account, and/or to a Covered Construction Worker in the form of cash at double the rate of the Required Health Care Expenditures.
  - d. Contractors shall maintain accurate records of the Required Health Care Expenditures, and proof of same, and allow the City reasonable access to such records.
  - e. Required Health Care Expenditures shall not be credited towards compliance with BMC Chapter 13.99 (Minimum Wage).
4. Contractor Commitment Statement:
    - a. Each Contractor will sign a statement stipulating that on the Covered Project it will continue to make contributions to an apprenticeship program or the CAC and Required Health Care Expenditures as set forth above for the duration of the Covered Project.
  5. Community Benefits Agreement Exception:
    - a. If an otherwise Covered Project is covered by a Project Labor Agreement (or Community Benefits Agreement or similar labor agreement) with the Building and Construction Trades Council of Alameda County, Contractors will be deemed in compliance with the Apprenticeship and Health Care Security provisions of the ordinance as such agreements already require health care coverage and apprenticeship fund contributions. Such agreements also deter unscrupulous contracting practices by bidders and contractors, promote stable construction careers for trade workers, and increase the capacity of local apprenticeship and training programs.
  6. The final ordinance shall contain severability language.

#### CURRENT SITUATION AND ITS EFFECTS

As the City of Berkeley plans to increase production of housing, commercial buildings, and public facilities, the need for a skilled construction workforce is vital. Shortages of skilled construction workers, particularly residential trade workers, threaten to delay or derail development plans.



The shortages are attributable to factors such as reduced utilization of state-approved apprenticeships, fewer young labor force entrants, dwindling contractor offerings of health and retirement plans, and the related trend of lagging construction productivity growth. These realities have been affecting the land use goals of local jurisdictions. For instance, in San Francisco, many entitled projects with thousands of units awaiting construction are stalled due to skilled labor shortages, diminished contractor productivity, and construction costs that spiked.

The creation and utilization of apprenticeship along with the commitments to paid healthcare act to both recruit and retain an adequate base of construction workers and to be a pipeline for future supervisors and licensed independent contractors. Requiring contractors on major projects in Berkeley to employ apprentices results in a higher volume of apprentice training, and thus, an increase in the construction labor force available to carry out the construction anticipated by the general plan, and especially that targeted by the Housing Element.

#### BACKGROUND

The City's interests in taking action to redress the inadequate status quo condition of construction workforce development are several:

**1. Comply with the RHNA and the General Plan Economic Development & Employment Element.** The goals articulated in the General Plan depend on considerably more construction activity than the local supply of skilled construction workers can support. Moreover, construction projects in Berkeley have to compete with projects in other cities that have a similar problem contributing to a serious overall regional imbalance between demand for construction labor and local supply of skilled construction workers. This puts at risk all kinds of essential work, as construction workers are required to build, alter, maintain, and repair homes, schools, offices, retail stores, manufacturing facilities, laboratories, recreational facilities, and infrastructure for utilities and transportation. Setting a high bar for contractor prequalification will encourage employers to provide benefits and training that increase workforce retention and provide financial security.

Berkeley has been assigned a Regional Housing Needs Assessment (RHNA) of roughly 9,000 units of housing to produce over an eight year period, or over 1,100 units per year. Berkeley does not have an adequate supply of construction workers to build over 1,100 housing units per year while also building, altering, and maintaining public and private commercial nonresidential buildings and infrastructure. Only 1,250 construction sector employees lived in Berkeley in 2018.<sup>2</sup> Applying statewide statistical averages, about 900 of those employees are manual construction, alteration, installation, or repair workers. Given similar needs around the Bay Area and the State of California, Berkeley cannot rely on contractors to reliably import surplus skilled construction workers from other cities. Construction jobs - particularly residential construction jobs - have lost their competitive edge relative to other jobs in the Bay Area regional economy. To meet its General Plan goals, Berkeley should and can create working conditions that will help to overcome the construction labor market's failures to make construction jobs attractive enough to recruit and retain productive trade workers.

**2. Reduce demand-side pressure on Berkeley's — and the region's — affordable housing supply.** Homebuilding is supposed to reduce the number of people waiting in line for housing they can afford. But when the homebuilding industry itself generates excessive very low and low wage construction employment, that just increases the number of people needing

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<sup>2</sup> U.S. Census Bureau LEHD Origin-Destination Employment Statistics, Version 7, Residence Area Characteristics.



subsidies from the taxpayer. Low wage employment is in fact a problem in both the residential +and commercial construction markets. Fifty-five percent of Alameda County construction workers' households are Extremely Low Income, Very Low Income, or Low Income.<sup>3</sup>

**3. Promote jobsite health & safety.** Construction trade workers experience exceptionally high rates of serious injury on the job, especially on sites with inadequately trained workers. One of every five serious workers' compensation insurance claims which involve death, permanent total disability or major permanent partial disability - is related to a construction employee, despite the fact that construction jobs account for less than one out of every 25 California jobs. For a working life in construction, the risk of fatal injury is approximately one death per 200 full-time-equivalent employees according to a recent study in the American Journal of Industrial Medicine. A policy that promotes apprenticeship training and higher construction compensation rates will likely reduce the occurrence of non-fatal and fatal injuries on General Plan Area major projects.

A recent Canadian study of workers' compensation claims from 58,837 construction companies found that unionization was associated with a 25% lower incidence of lost-time allowed injury claims, a 23% lower incidence of musculoskeletal lost-time allowed injury claims, and a 16% lower incidence of lost-time allowed critical injury claims. In California too, employers of lower paid construction workers make more serious and non-serious workers compensation claims.<sup>4</sup>

Contractors that invest in their workforce are incentivized to invest in worker health & safety training and in jobsite safety practices in order to reduce the likelihood of injury to their workforce and increase productivity. We expect that this prequalification policy will lead to lower rates of injury - including fatal occupational injury - on major construction project sites.

**4. Promote worker retention by incentivizing provision of health insurance and investment in training.**

Construction employer contributions towards training and health insurance are essential. In order to address housing affordability through increased housing supply, California communities must address broken development and construction systems. A 2020 survey of Bay Area city officials measured the degree to which officials agreed on what factors constrain the creation of new housing. Two-thirds of survey respondents said that construction workforce availability is a constraint, ranking fourth highest among 16 specific potential constraints, just behind "financing/funding for affordable housing" and *ahead* of "land suitability."<sup>5</sup>

Construction workers who live in Alameda County are uninsured at rates 3-4 times higher than the rate of non-construction workers.<sup>6</sup> Incentivizing the provision of health insurance will reduce the number of residents who currently go without and will increase worker retention in the field of residential construction.

<sup>3</sup> Analysis of U.S. Census, ACS 2015-2019 Microdata.

<sup>4</sup> Workers Compensation Insurance Rating Bureau "Relativity Review Sheets," various years.

<sup>5</sup> Association of Bay Area Governments. Memorandum: "Summary of Local Jurisdiction Survey Results," March 12, 2020, page 5. Downloaded 3/26/2021 via [mtc.legistar.com/gateway.aspx?M=F&ID=6b572dad-e960-4c4f-8bff-27a5650bc534.pdf](http://mtc.legistar.com/gateway.aspx?M=F&ID=6b572dad-e960-4c4f-8bff-27a5650bc534.pdf)

<sup>6</sup> Analysis of U.S. Census, ACS 2015-2019 Microdata.



California residential building was strongest when apprenticeship training was strongest. For example, during the 1970s, when California was producing housing at the average annual rate of 200,000 units, the state reported an average of 9,000 carpenter apprentices. California residential builders utilized apprentices every bit as much as commercial builders, according to a 1976 U.S. Bureau of Labor Statistics report.<sup>7</sup> Between 1973 and 1982, more than 11,000 carpenter apprentices statewide completed their programs. These carpenters were the core of California's trained and skilled residential construction workforce through the 1980s, when housing production continued at a strong pace. De-unionization and the recession of the early 1990s, however, led to sharply reduced utilization of apprentices by residential contractors. Carpenter apprenticeship completions fell by 50 percent between 1996-2005 compared to 1973-1982.<sup>8</sup> Because apprenticeship programs provide a living wage and long-term employment through benefits and ongoing training, promoting apprenticeship in the residential market will retain workers in the residential space and allow their employers to build more housing stock.

**5. Address inequality as residential developer profit margins continue to increase while labor wages and benefits have remained stagnant.**

According to the State of California's 2014 Affordable Housing Cost Study and Economic Census data specific to California's construction industry, construction labor wages and benefits account for only 15% of total project costs.<sup>9</sup> Meanwhile, since 1992 the industry's basis for profitability has increased 50% more than either construction labor or materials. Despite this increase in profitability, there is still a disconnect between construction workers and apprenticeship and health insurance plans, resulting in a shrinking supply of labor. This has constrained the construction industry's ability to expand in response to the rising construction needs of California and its many cities.

California residential contractors offer fringe benefits at low rates to building trades workers. Only one third of construction workers are policyholders for employment-based health insurance, compared to over half of all other employed male civilian workers, according to data from the Annual Social and Economic Supplement of the U.S. Bureau of Labor Statistics' Current Population Survey (CPS). California construction workers' rate of coverage under any employer- or union-provided health insurance ranks 35th among the states, proximate in rank to Alabama, Colorado, Louisiana, Nevada, and Virginia.

The under-performance of California contractors in providing health care security to employees constrains the supply of skilled construction labor. A peer-reviewed study in 2010 found that only 35 percent of blue-collar construction workers who are not covered by collective bargaining agreements had health insurance paid for at least in part by an employer. This same study found that health insurance funded through collectively bargained employer contributions to plans that are portable within the construction industry increased industry-retention rates by up to 40 percent compared to baseline retention rates of

<sup>7</sup> U.S. Department of Labor, Bureau of Labor Statistics, Bulletin 1911, "Industry Wage Survey: Contract Construction September 1973," Washington, D.C.: 1976. See Tables 28 & 46. Downloaded via <http://fraser.stlouisfed.org>.

<sup>8</sup> Littlehale, Scott. (2019). *Rebuilding California: The Golden State's Housing Workforce Reckoning*. Smart Cities Prevail. pp. 23-25. Downloaded 3/26/2021 via [https://www.smartcitiesprevail.org/wp-content/uploads/2019/01/SCP\\_HousingReport.0118\\_2.pdf](https://www.smartcitiesprevail.org/wp-content/uploads/2019/01/SCP_HousingReport.0118_2.pdf)

<sup>9</sup> Lantsberg, Alex. (2017). *The Value of Linking Good Construction Jobs to California's Housing Reforms*. Pp. 4-5. Downloaded 3/26/2021 via [http://smartcitiespre.wpengine.com/wp-content/uploads/2017/03/SCP\\_HousingReport.0314.pdf](http://smartcitiespre.wpengine.com/wp-content/uploads/2017/03/SCP_HousingReport.0314.pdf)



construction workers without any health insurance coverage.<sup>10</sup> A City policy to prequalify residential contractors based on their investment in workers' health care security will promote a greater, more stable supply of skilled construction labor.

Thus, it is in the City of Berkeley's economic interest to support a pipeline of skilled workers to accomplish the construction objectives and policies of the Berkeley General Plan. More specifically, the policy will promote the following Plan goals:

- 1) Ensure that Berkeley has an adequate supply of decent housing, living wage jobs, and businesses providing basic goods and services.
- 2) New housing will be developed to expand housing opportunities in Berkeley to meet the needs of all income groups.

To increase the prospects for successful implementation and build-out goals of the Plan, it is advised that the City adopt the aforementioned construction workforce development ordinance, known as the HARD HATS Ordinance.

#### OUTREACH OVERVIEW AND RESULTS

In 2019, the Labor Commission held a public hearing on the Council's previous referral and gathered public input. The 2019 Council referral led to a public hearing before the Labor Commission. Subsequently the Building and Construction Trades Council of Alameda County has provided further input leading to the current proposal. Additionally, the author met with local housing developers and contractors to present the proposed policy terms and get input on how it may impact residential construction. The authors also met extensively with the City Attorney's office and City Department staff to get input on the proposal around legality, implementation and enforcement.

#### RATIONALE FOR RECOMMENDATION

The City of Berkeley, along with numerous neighboring cities, school districts, special districts and the state of California plans to increase production of housing, commercial buildings, and/or public facilities. Shortages of skilled construction workers, however, will likely prevent many cities from achieving these goals.

This local workforce development ordinance will require contractors to utilize apprentices from state-approved training programs or make CAC contributions; and offer employees an hourly contribution, in addition to the employee's regular hourly wage, paid to a health plan, to an employee savings account, and/or to an employee in the form of cash. The policy will help stabilize regional construction markets; and enhance productivity of the construction workforce Berkeley needs to meet its General Plan's build-out goals.

#### IMPLEMENTATION, ADMINISTRATION AND ENFORCEMENT

The City Manager and City Attorney will draft the ordinance which will be enforced by the City or through private right of action, consistent with the terms below.

Developers should be made aware of this ordinance during the entitlement process. The City should also attach conditions to zoning permits requiring compliance with the ordinance. Lack of compliance with the HARD HATS ordinance could result in compliance and revocation

<sup>10</sup> Littlehale, Scott. (2019). *Rebuilding California: The Golden State's Housing Workforce Reckoning*. Smart Cities Prevail. pp. 23-25. Downloaded 3/26/2021 via [https://www.smartcitiesprevail.org/wp-content/uploads/2019/01/SCP\\_HousingReport.0118\\_2.pdf](https://www.smartcitiesprevail.org/wp-content/uploads/2019/01/SCP_HousingReport.0118_2.pdf)



proceedings for entitlements if a verified complaint is brought to the City's Planning Department or Code Enforcement Division.

### **1. Precondition for Building Permits**

As a condition of a zoning entitlement, the City shall issue building permits only where all Contractors meet the prequalification requirements of this Ordinance and submit all required documentation demonstrating compliance. The implementing departments (HHCS, Planning) must verify compliance prior to building permit being issued.

The City may revoke or suspend the applicable building permit where any Contractor is out of compliance with this Ordinance.

### **2. City Enforcement**

While a Covered Project is underway, the City shall issue a citation or stop work order with respect to any Contractor that submitted a false or misleading prequalification questionnaire and/or has not, in fact, complied with the prequalification requirements herein. In the event of a stop work order, such Contractor shall permanently abandon the Covered Project and leave the work site within twenty-four (24) hours of notice by the City.

In the event that any person identifies a Contractor on a Covered Project that submitted a false or misleading prequalification questionnaire and/or has not, in fact, complied with the prequalification requirements herein, the person may file a complaint with the City. Upon receipt of such a complaint, the City shall investigate the complaint and, if a violation is found, issue a citation or stop work order to the Contractor within ten (10) days of the original complaint. In the event of a stop work order, such Contractor shall permanently abandon the Covered Project and leave the work site within twenty-four (24) hours of notice by the City.

If a Contractor subject to a stop work order remains on the Covered Project, the City shall issue a penalty of \$1,000 per day for the first week, doubling for each successive week.

If the Contractor has received a citation or stop work order under this Ordinance, or has otherwise been penalized under this Ordinance, within the prior twelve (12) months, the penalty shall be \$2,000 per day for the first week, doubling for each successive week. In that event, the prime contractor shall be jointly and severally liable for the penalty.

### **3. Private Right of Action for Required Health Care Expenditures**

The Ordinance will provide for a private right of action on behalf of Covered Construction Workers who should have received, but did not receive, Required Health Care Expenditures to which they were entitled on a Covered Project. A labor union or a joint labor-management cooperation committee may also bring such a private action on behalf of a Covered Construction Worker who should have received, but did not receive, Required Health Care Expenditures to which they were entitled on a Covered Project.

Persons may file such claims directly against the prime contractor and/or applicable subcontractor in the Superior Court for the County of Alameda. In addition to costs and other expense shifting provisions provided in the Code of Civil Procedure, a prevailing plaintiff shall be entitled to reasonable attorney fees.

### **4. Private Right of Action for Injunctive Relief**

In addition to any other enforcement mechanism available to the City or any member of the public, the Ordinance will provide for a private right of action for a Covered Construction Worker,



a labor union, or a joint labor-management cooperation committee, to seek injunctive relief compelling compliance with the Ordinance and assessment of the penalties therein. Persons may file such claims directly against the prime contractor and/or applicable subcontractor in the Superior Court for the County of Alameda. In addition to costs and other expense shifting provisions provided in the Code of Civil Procedure, a prevailing plaintiff shall be entitled to reasonable attorney fees.

#### **5. Repeat Offender List**

The City shall review the complaints filed under this Ordinance on a monthly basis to determine if any person or entity has been associated with three or more violations of the Ordinance within the last 12 months. Any such person or entity shall be placed on a public list available on the City of Berkeley's website and shall be prohibited from working on Covered Projects for a period of 12 months from their most recent violation.

If the Developer or any Contractor contracts with a person or entity for a Covered Project who is named on the public list ("Repeat Offender"), and the Repeat Offender again violates the Ordinance as determined by the City or the Superior Court, then the Developer or Contractor who contracted with the Repeat Offender shall be jointly and severally liable for any and all penalties, damages, or other financial obligations incurred by the Repeat Offender.

#### FISCAL IMPACTS OF RECOMMENDATION

Costs associated with administering the prequalification compliance documentation.

#### ENVIRONMENTAL SUSTAINABILITY

No negative impact. The use of a skilled and trained workforce is a green building practice which improves the quality and environmental performance of construction.

#### OUTCOMES AND EVALUATION

It is expected that the City Council will refer to the City Manager and City Attorney to create a policy requiring contractors to utilize apprentices from state-approved apprenticeship training programs, and to offer employees employer-paid health insurance plans or a cash alternative adequate to fund high-quality health insurance coverage, consistent with the directives herein.

#### CONTACT PERSON

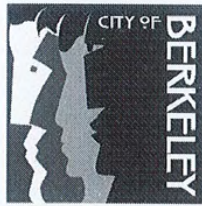
Mayor Jesse Arreguín

510-981-7100









Office of the City Manager

PUBLIC HEARING  
September 20, 2022

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Jordan Klein, Director, Planning and Development Department  
Subject: Zoning Ordinance Amendments Making Technical Edits and Corrections to Berkeley Municipal Code (BMC) Title 23

RECOMMENDATION

Conduct a public hearing and, upon conclusion, adopt the first reading of an Ordinance containing technical edits, corrections and other non-substantive amendments to the following sections of the Zoning Ordinance:

- BMC Section 23.204.050 (C-C Zoning District)
- BMC Section 23.204.080 (C-E Zoning District)
- BMC Section 23.204.090 (C-NS Zoning District)
- BMC Section 23.204.130 (C-DMU District)
- BMC Section 23.206.050 (Protected Uses)
- BMC Section 23.304.030 (Setbacks)
- BMC Section 23.304.090 (Usable Open Space)
- BMC Section 23.322.030 (Required Parking Spaces)
- BMC Section 23.406.070 (Design Review)

FISCAL IMPACTS OF RECOMMENDATION

Adoption of the recommended amendments will not result in any costs or revenues to the City.

CURRENT SITUATION AND ITS EFFECTS

Ensuring an accurate Zoning Ordinance relates to the Strategic Plan goal to be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community.

On October 12, 2021, the City Council adopted a new Zoning Ordinance (Title 23 – Berkeley Municipal Code). This action was the culmination of the first comprehensive review of the Zoning Ordinance since 1999, rewording and reformatting Berkeley's land use regulations to make them easier to understand and administer. Aside from a specific list of "consent changes" to maintain consistency with State law and codify



Zoning Ordinance Amendments Making Technical Edits  
and Corrections to BMC Title 23

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existing practices, no substantive policy changes were included. The new Zoning Ordinance became effective December 1, 2021.

Since then, certain inconsistencies and inadvertent changes have come to light which need to be corrected to ensure that the Zoning Ordinance accurately reflects City Council policy. The ordinance included with this staff report would make 10 amendments / corrections to the new Zoning Ordinance. These are summarized below in **Table 1**.

**Table 1. Recommended Zoning Ordinance Amendments**

<b>Subject/Section</b>	<b>Issue</b>	<b>Amendment</b>
<b>Sec 23.204.050.D:</b> <b>C-C Zoning District</b> <i>Development Standards</i>	Reference for <i>Abutting/Confronting a Residential District</i> is incorrect.	Correct reference.
<b>Sec 23.204.080.D:</b> <b>C-E Zoning District</b> <i>Development Standards</i>	Note [2] on Development Standards table includes an incorrect reference.	Correct reference.
<b>Sec 23.204.090.D:</b> <b>C-NS Zoning District</b> <i>Development Standards</i>	The Usable Open Space requirement in the C-NS is erroneously listed as 200 square feet (sf) per unit for Non-Residential and Mixed Use projects, when it should be 40 sf.	Correct development standards table to 40 sf of Usable Open Space per unit.
<b>Sec 23.204.130.E:</b> <b>C-DMU Zoning District</b> <i>Open Space Requirements</i>	BMC does not include requirement in the C-DMU that balconies can only constitute 50% or less of required Usable Open Space.	Amend the C-DMU Usable Open Space Requirements table to include this requirement.
<b>Sec 23.206.050.A:</b> <b>MU-LI Zoning District</b> <i>Lot Ownership</i>	Section applies to multiple lots that are under common ownership, <i>not</i> single lots with multiple owners.	Amend section to clarify that it applies to multiple lots that are under common ownership, not single lots with multiple owners.
<b>Sec 23.304.030.B:</b> <b>Setbacks</b> <i>Allowed Setbacks in Residential Districts</i>	BMC includes additional setback reduction option for parcels in the R-1A, west of San Pablo Avenue, which was previously repealed.	Strike this option.
<b>Sec 23.304.030.B:</b> <b>Setbacks</b> <i>Solar Energy Equipment</i>	BMC refers to the Residential Energy Conservation Ordinance (RECO), which no longer exists.	Strike reference to RECO.



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Subject/Section	Issue	Amendment
<b>Sec 23.304.090:</b> <b>Usable Open Space</b> <i>Applicability</i>	Applicability section includes an incorrect limitation.	Strike listed districts; standard applies to all districts.
<b>Sec 23.322.030.C:</b> <b>Required Parking Spaces</b> <i>Manufacturing Districts</i>	BMC includes incorrect required parking spaces for Manufacturing Uses in the MU-LI.	Change from 1.5 spaces per 1,000 sf to 1.0 spaces.
<b>Sec 23.406.070:</b> <b>Design Review</b> <i>Purpose</i>	Purpose erroneously states that Design Review only applies to non-residential buildings.	Amend section to clarify that Design Review can apply to buildings other than non-residential (mixed use, for example).

#### BACKGROUND

At its meeting of July 6, 2022, the Planning Commission held a public hearing on the proposed amendments,<sup>1</sup> and recommended adoption by a vote of 8-0-0-1 (Moved by Twu, Seconded by Hauser. Ayes: Ghosh, Hauser, Mikiten, Moore, Oatfield, Twu, Vincent, Wiblin. Noes: None. Abstain: None. Absent: Kapla).

When the new Zoning Ordinance was presented for adoption by the City Council in October, 2021, staff indicated that routine updates would follow periodically to correct unintended errors and make text edits. This is the third such package of amendments.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental and climate impacts or opportunities associated with the adoption of the proposed amendments.

#### RATIONALE FOR RECOMMENDATION

The proposed Zoning Ordinance amendments are required to ensure that the new Zoning Ordinance accurately reflects the prior ordinance and City Council policy, and does not contain any changes from the old Zoning Ordinance that were not specifically authorized by City Council.

#### ALTERNATIVE ACTIONS CONSIDERED

No alternatives were considered.

<sup>1</sup> Agenda-related materials for the July 6, 2022 Planning Commission meeting can be found at: [https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2022-07-06%20PC%20Agenda%20Packet%20with%20attachments\\_no%20links\\_0.pdf](https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2022-07-06%20PC%20Agenda%20Packet%20with%20attachments_no%20links_0.pdf)



Zoning Ordinance Amendments Making Technical Edits  
and Corrections to BMC Title 23

PUBLIC HEARING  
SEPTEMBER 20, 2022

CONTACT PERSON

Jordan Klein, Director, Planning & Development Department, 510-981-7410  
Justin Horner, Associate Planner, Planning and Development Department, 510-981-7476

Attachments:

- 1: Ordinance
- 2: Consent Changes Matrix
- 3: Report to Planning Commission, July 6, 2022
- 4: Public Hearing Notice



ORDINANCE NO. -N.S.

AMENDING TITLE 23 OF THE BERKELEY MUNICIPAL CODE TO CORRECT ERRORS AND MAKE NON-SUBSTANTIVE, TECHNICAL EDITS TO THE ZONING ORDINANCE

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

Section 1. That Berkeley Municipal Code Section 23.204.050.D Table 23.204-8 is amended as follows:

Table 23.204-8. C-C DEVELOPMENT STANDARDS

	PROJECT LAND USE			SUPPLEMENTAL STANDARDS
	NON-RESIDENTIAL	MIXED USE	RESIDENTIAL ONLY	
Lot Area Minimum				23.304.020
New Lots	No minimum		5,000 sq. ft.	
Per Group Living Accommodation Resident	350 sq. ft. [1]			
Usable Open Space, Minimum				23.304.090
Per Dwelling Unit	200 sq. ft.	200 sq. ft. [2]	200 sq. ft.	
Per Group Living Accommodation Resident	90 sq. ft.			
Floor Area Ratio, Maximum	3.0		No maximum	
Main Building Height, Minimum	No minimum			
Main Building Height, Maximum	40 ft. and 2 stories	40 ft. and 3 stories [3] [4]	35 ft. and 3 stories	23.304.050
Lot Line Setbacks, Minimum				23.304.030--Setbacks
Abutting/Confronting a Non-residential District	No minimum		See Table 23.204-9	
Abutting/Confronting a Residential District	See 23.304.130030.C.2			
Building Separation, Minimum	No minimum		23.304.040--Building Separation in Residential Districts	
Lot Coverage, Maximum	100%		See Table 23.204-10	23.304.120--Lot Coverage
Notes:				
[1] One additional resident is allowed for remaining lot area between 200 and 350 square feet.				
[2] Minimum open space for mixed use projects can be reduced with a UP(PH). See 23.204.050.D.3.				
[3] In mixed use buildings, the third and higher stories must be used for residential purposes.				
[4] The maximum height of a mixed use project can be increased to 50 ft and 4 stories with the issuance of a UP(PH).				



Section 2. That Berkeley Municipal Code Section 23.204.080.D Table 23.204-21 is amended as follows:

**Table 23.204-21. C-E DEVELOPMENT STANDARDS**

	Project Land Use		Supplemental Standards
	Non-Residential and Mixed Use	Residential Only	
Lot Area, Minimum	No minimum	5,000 sq. ft.	23.304.020--Lot Requirements
New Lots	No minimum	5,000 sq. ft.	
Per Group Living Accommodation Resident	350 sq. ft. [1]		
Usable Open Space			
Per Dwelling Unit	200 sq. ft. [2]		23.304.090--Usable Open Space
Per Group Living Accommodation Resident	90 sq. ft.[2]		
Floor Area Ratio, Maximum			
Corner Lot	1.0	No maximum	
All Other Lot	0.8		
Main Building Height, Minimum	No minimum	No minimum	
Main Building Height, Maximum	28 ft. and 2 stories [3]	35 ft. and 3 stories	
Lot Line Setbacks, Minimum			
Abutting/Confronting a Non-residential District	No minimum	See Table 23.204-22	23.304.030--Setbacks
Abutting/Confronting a Residential District	See Table 23.304-3		
Building Separation, Minimum	No minimum	See Table 23.204-22	
Lot Coverage, Maximum	100%	See Table 23.204-23	23.304.120--Lot Coverage
Notes:			
[1] One additional resident is allowed for remaining lot area between 200 and 350 square feet.			
[2] Open space requirements for mixed use projects may be modified by the ZAB. See 23.204.060080.D.3			
[3] A basement level devoted exclusively to parking is not counted as a story.			



Section 3. That Berkeley Municipal Code 23.204.090.D Table 23.204-24 is amended as follows:

Table 23.204-24. C-NS DEVELOPMENT STANDARDS

	Project Land Use		Supplemental Standards
	Non-Residential and Mixed Use	Residential Only	
Lot Area, Minimum			23.304.020
New Lots	4,000 sq. ft.	5,000 sq. ft.	
Per Group Living Accommodation Resident	350 sq. ft. [1]		
Usable Open Space, Minimum			23.304.090--Usable Open Space
Per Dwelling Unit	<del>200</del> 40 sq. ft. [2]	200 sq. ft.	
Per Group Living Accommodation Resident	No minimum	90 sq. ft.	
Floor Area Ratio, Maximum	1.0	No maximum	
Main Building Height [23]			
Minimum	2 stories	No minimum	
Maximum	35 ft. and 3 stories	28 ft. and 2 stories	
Lot Line Setbacks, Minimum			23.304.030
Abutting/Confronting a Non-residential District	No minimum	See Table 23.204-25	
Abutting/Confronting a Residential District	See 23.304.030.C.2		
Building Separation, Minimum	No minimum [4]	See Table 23.204-25	23.304.040
Lot Coverage, Maximum	100%	See Table 23.204-26	23.304.120
Notes:			
[1] One additional resident is allowed for remaining lot area between 200 and 350 square feet.			
[2] For mixed use projects, usable open space dimensions may be smaller than required in 23.304.090.B.3, but no dimension may be less than 6 feet.			
[23] Basement levels devoted exclusively to parking are not counted as a story.			
[34] For mixed-use projects, minimum building separation shall be as required for residential-only projects. See Table 23.204-25			
[4] No dimension may be less than 6 feet.			



Section 4. That the Berkeley Municipal Code 23.204.130.E.4 Table 23.204-40 is amended as follows:

Table 23.204-40. C-DMU USABLE OPEN SPACE REQUIREMENTS

	MINIMUM USABLE OPEN SPACE	SUPPLEMENTAL STANDARDS
Residential Uses	80 sq. ft./unit [1]	<del>See 23.304.090—Usable Open Space</del>
Non-Residential Uses	1 sq. ft. of privately-owned public open space per 50 sq. ft. of commercial floor area.	
<b>Notes:</b>		
[1] Each square foot of usable open space provided as privately-owned public open space is counted as two square feet of required on-site open space.		

Section 5. That Berkeley Municipal Code 23.206.050.A.7.(d) is amended as follows:

(d) ~~MU-LI Lots with Multiple~~ Under Common Ownerships. Protected industrial uses in the MU-LI district may be changed to a non-protected use if:

- i. The protected industrial use is on a lot or group of abutting and confronting lots under single ownership and with more than one building; and
- ii. 25 percent or less of the total gross floor area in all buildings on the lot(s) remains as a protected industrial use.

Section 6. That Berkeley Municipal Code Section 23.304.030.B Table 23.304-1 is amended as follows:

Table 23.304-1. ALLOWED SETBACK REDUCTIONS IN RESIDENTIAL DISTRICTS

DISTRICT WHERE ALLOWED	WHEN ALLOWED	MINIMUM SETBACK WITH REDUCTION	REQUIRED PERMIT	REQUIRED ADDITIONAL FINDINGS [1]
<b>Front Setback Reductions</b>				
ES-R	On any lot	No minimum.	UP(PH) [2]	The reduced setback is: 1) necessary to allow economic use of property due to the size, shape of the lot or the topography of the site; and 2) consistent with the ES-R district purpose.
R-S; R-SMU	On any lot	No minimum	AUP	The reduced setback is appropriate given the setbacks



				and architectural design of surrounding buildings
R-SMU	For either: 1) a main building with dwelling units or group living accommodations; or 2) any building north of Durant Avenue	No minimum	AUP	The reduced setback is appropriate given the setbacks and architectural design of surrounding buildings

**Rear Setback Reductions**

ES-R [3]	On any lot	No minimum	UP(PH) [2]	The reduced setback is: 1) necessary to allow economic use of property due to the size, shape of the lot or the topography of the site; and 2) consistent with the ES-R district purpose.
R-1, R-1A	On a lot less than 100 ft. deep	20% of lot depth	ZC	None
R-1A	To construct a dwelling unit	12 ft.	AUP	The unit would not cause a detrimental impact on emergency access; or on light, air or privacy for neighboring properties.
R-2, R-2A, R-3, R-4, R-5, R-S, R-SMU	On a lot with two or more main buildings with dwelling units	No minimum	AUP	No additional findings
R-SMU	For either: 1) a main building with dwelling units or group living accommodations; or 2) any building north of Durant Avenue	No minimum	AUP	The reduction is appropriate given the setbacks and architectural design of surrounding buildings

**Side Setback Reductions**

ES-R [3]	Any lot	No minimum	UP(PH) [2]	The reduced setback is: 1) necessary to allow economic use of property due to the size, shape of the lot or the topography of the site; and 2) consistent with the ES-R district purpose.
R-1, R-1A	Lot width less than 40 ft. [4]	10% of lot width or 3 ft., whichever is greater	ZC	None
R-1A	West of San Pablo Avenue to	No minimum	AUP	The unit would not cause a detrimental impact on emergency



	construct a dwelling unit			access; or on light, air or privacy for neighboring properties.
R-2, R-2A	Lot width less than 40 ft.	First and second stories: 10% of lot width or 3 ft., whichever is greater; Third story: 5 ft.	ZC	None
R-SMU	For either: 1) a main building with dwelling units or group living accommodations; or 2) any building north of Durant Avenue	No minimum	AUP	The reduced setback is appropriate given the setbacks and architectural design of surrounding buildings
<p>Notes:</p> <p>[1] Findings are in addition to any AUP or Use Permit findings required in <u>23.406</u>--Specific Permit Requirements.</p> <p>[2] Fire Department must review and approve reduced setbacks in respect to fire safety.</p> <p>[3] For lots less than 5,000 square feet, reductions are not allowed for property lines abutting a property under different ownership.</p> <p>[4] Not permitted for rear main buildings in the R-1A district.</p>				

Section 7. That Berkeley Municipal Code Section 23.304.090.A is amended as follows:

A. *Applicability.* The standards in this section apply to areas used to satisfy minimum usable open space requirements as shown in Chapters 23.202--23.202.110 (Zoning Districts).

Section 8. That Berkeley Municipal Code Section 23.304.030.B.7 is amended as follows:

7. *Solar Energy Equipment.* The Zoning Officer may approve an AUP for solar energy equipment to project into a required setback upon finding that:

- (a) The projection is necessary to install the solar energy equipment;
- (b) The proposed structures and equipment are installed with the primary purpose to collect, store, and use solar energy; and



~~(c) The building served by the solar energy equipment complies with the Residential Energy Conservation Ordinance (RECO).~~

Section 9. That Berkeley Municipal Code Section 23.322.030.C.2 Table 23.322-4 is amended as follows:

Table 23.322-4. REQUIRED OFF-STREET PARKING IN MANUFACTURING DISTRICTS

Land Use	Required Parking Spaces
<b>Residential Uses</b>	
Accessory Dwelling Unit	See Chapter 23.306
Dwellings	None required
Group Living Accommodation	None required
<b>Non-Residential Uses</b>	
All non-residential uses except uses listed below	2 per 1,000 sq. ft.
Art/Craft Studio	1 per 1,000 sq. ft.
Community Care Facility	1 per 2 non-resident employees
Food Service Establishment	1 per 300 sq. ft.
Library	1 per 500 sq. ft. of publicly accessible floor area
Laboratories	1 per 650 sq. ft.
Nursing Home	1 per 5 residents, plus 1 per 3 employees
Medical Practitioners	One per 300 sq. ft.
Large Vehicle Sales and Rental	MU-LI District: 1.5 per 1,000 sq. ft.
	All Other Districts: 1 per 1,000 sq. ft. of display floor area plus 1 per 500 sq. ft. of other floor area; 2 per service bay
Manufacturing	MU-R District: 1.5 per 1,000 sq. ft.
	All Other Districts: 1 per 1,000 sq. ft. for spaces less than 10,000 sq. ft.; 1 per 1,500 sq. ft. for spaces 10,000 sq. ft. or more
Storage, warehousing, and wholesale trade	1 per 1,000 sq. ft. for spaces of less than 10,000 sq. ft.; 1 per 1,500 sq. ft. for spaces 10,000 sq. ft. or more
Live/Work	MU-LI District: 1 per 1,000 sq. ft. of work area where workers/clients are permitted
	MU-R District: if workers/clients are permitted in work area, 1 per first 1,000 sq. ft. of work area and 1 per each additional 750 sq. ft. of work area
<p>Notes:</p> <p>[1] For multiple dwellings where the occupancy will be exclusively for persons over the age of 62, the number of required off-street parking spaces may be reduced to 25% of what would otherwise be required for multiple-family dwelling use, subject to obtaining a Use Permit.</p>	



Section 10. That Berkeley Municipal Code Section 23.406.070.A is amended as follows:

A. Purpose. Design Review is a discretionary process to ensure that exterior changes to ~~non-residential~~ buildings comply with the City of Berkeley Design Guidelines and other applicable City design standards and guidelines.

Section 11: 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.



BASELINE ZONING ORDINANCE CONSENT CHANGES MATRIX

Topic	Description	BZO Location	Existing Location	Rationale for Change
<b>23.102 – Introductory Provisions</b>				
Effective Date	Statement of when the Ordinance becomes effective	23.102.020	NEW	Provide effective date
Authority	States that if state law referenced in Zoning Ordinance is amended, the Zoning Ordinance is deemed amended to reference the amended state law	23.102.030	NEW	Added for clarity
Laws of Other Agencies	Removes statement that uses and structures must comply with regulations and laws of other governmental agencies.	N/A	23B.56.040	It is unnecessary to state that uses and structures must comply with the law. Removed for clarity
Approvals Required	Describes approvals required for land uses and development	23.102.050 D	NEW	Expands on existing Section 23A.12.010 to reflect current practice
Conflict with State or Federal Regulations	Explains how to handle conflicts with State and Fed law	23.102.070	NEW	Consistent with the Supremacy Clause of the United States Constitution and Article XI, Section 5(a) of the California Constitution
Conflicts with Other City Regulations	New language: "Where the Zoning Ordinance conflicts with other ordinances, resolutions, or regulations of the City of Berkeley, the more restrictive controls."	23.102.070.B	NEW	Clarity needed on how to handle conflicting requirements. The Zoning Ordinance does not supersede other City regulations.



Topic	Description	BZO Location	Existing Location	Rationale for Change
Conflicts with Private Agreements	Adds statement that the City is not responsible for monitoring or enforcing private agreements.	23.102.070.C	NEW	Clarifies City role in neighbor disputes involving private agreements
Pending Applications	Clarifies status of applications submitted during transition from ZO to BZO	23.102.080 C	NEW	Necessary to inform status of applications submitted during transition to BZO
Nonconformities	Defines what is considered nonconforming at the time of BZO adoption	23.102.080 E	NEW	Adds up-front reference to nonconformity chapter alongside other transitional provisions
<b>23.104 – Interpreting the Zoning Ordinance</b>				
Purpose	States purpose of chapter	23.104.010	NEW	BZO standard includes purpose statement for each chapter
Authority	Clarifies existing Zoning Officer authority	23.104.020	NEW see 23B.12.020	More accurately state ZO's authority
Rules of Interpretation	New rules of interpretation relating to: meaning and intent; harmonious construction; lists and examples; references to other regulations, publications, and documents; technical and non-technical terms; terms not defined; public officials and agencies; tenses and plurals. New harmonious construction language replaces existing language: "In case of conflict between any of the provisions of this Ordinance, the most restrictive shall apply."	23.104.030	23A.080.010	Provides for consistent application of rules



Topic	Description	BZO Location	Existing Location	Rationale for Change
Zoning Map	Clarifies intention to follow city limits	23.104.050 A 3	NEW	Greater clarity to resolve uncertainty in zoning district boundaries
<b>23.106 Rules and Measurement</b>				
Chapter Purpose	States chapter purpose	23.106.010	NEW	BZO standard includes purpose statement for each chapter
Building Separation	Defines method of building separation measurement (outer wall to outer wall)	23.106.080 A	NEW	Codifies existing practice and increases clarity
<b>23.108 –Zoning Districts and Map</b>				
Chapter Purpose	States chapter purpose	23.108.010	NEW	BZO standard includes purpose statement for each chapter
C-C and C-U Districts	C-1 zone split into two zones: Corridor Commercial (C-C) and University Avenue Commercial (C-U) district. C-U includes University Avenue Strategic Plan Overlay standards.	23.108.020.A	23A.16.020.A	Simplifies and clarifies C-1 rules inside and outside of University Avenue Strategic Plan area
Purpose of Overlay Zones	Explains purpose of overlay zones	23.108.020.C.1	NEW	Provide definition; explains that Overlay Zone regulations are in addition to regulations of underlying zone (not a replacement)



Topic	Description	BZO Location	Existing Location	Rationale for Change
Applicability of Overlay Zone Standards	Existing language: "the height, coverage, parking and usable open space shall comply with the provisions of the underlying district." BZO language: "If the overlay zone applies a standard to a property that conflicts with the underlying district, the overlay zone standard governs. If the overlay zone is silent on a standard in the underlying district, the underlying district standard applies."	23.108.020.C.3	23A.16.030.C	Corrects statement inconsistent with existing use of overlay zones
<b>23.202 – Residential Districts</b>				
Allowed Land Uses	In Residential Districts, unlisted uses are prohibited	23.202.020.B	NEW	Codifies existing practice, making explicit that if a use is not listed in the Allowed Uses Table for Residential Districts, the use is prohibited.
Open Space for ADUs in R-1 District	Removes requirement for ADUs to include usable open space. All standards for ADUs will be addressed in updated ADU chapter.	Table 23.202-2	23D.16.070.F	Codifies existing practice consistent with Gov't Code Section 65852.2
<b>23.206 – Manufacturing Districts</b>				
Industrial Performance Standards	Removes statements allowing City Manager to establish industrial performance standards.	23.206.040.F	23E.64.070.E 23E.72.070.E 23E.76.070.E 23E.80.D 23E.84.070.H	Language is unnecessary and implies authorization is required for other similar requirements.



Topic	Description	BZO Location	Existing Location	Rationale for Change
<b>23.302 – Supplemental Use Regulations</b>				
Warehouse Storage for Retail Use	Allows on-site storage of goods as an accessory use to a primary retail use in all districts where retail is permitted	23.302.070.J	NEW	Codifies existing practice of allowing retail establishments to store their goods on-site if retail is permitted.
<b>23.304 – General Development Standards</b>				
Setback Projections – Disabled Access	Allows projections into setbacks to accommodate the disabled with a reasonable accommodations request.	23.304.030.B.4	23D.04.030.A2	Confirm with The Americans with Disabilities Act, and the California Fair Employment and Housing Act
Building Height Projections – Public Buildings in Residential Districts	Deletes “the height limit for schools, buildings for religious assembly use, hospitals and other public buildings shall not exceed the height limit permitted for that district. This is true for all uses.”	23.304.050.A	23D.04.020.A; 23E.04.020.A	Removal of extraneous language. Calling out these uses implies other uses may exceed height limit, which is not true.
Adeline Corridor Plan	States that projects in the Adeline Plan Area are subject to mitigation measures in the Adeline Plan FEIR	23.304.140.D	NEW	Adds Adeline Corridor Plan to list of existing plans



Topic	Description	BZO Location	Existing Location	Rationale for Change
<b>23.310 – Alcohol Beverage Sales and Service</b>				
Chapter Purpose	States purpose of chapter	23.310.010	NEW	BZO standard includes purpose statement for each chapter
<b>23.320 – Cannabis Uses</b>				
Chapter Purpose	States purpose of chapter	23.320.010	NEW	BZO standard includes purpose statement for each chapter
<b>23.324 – Nonconforming Uses, Structures and Buildings</b>				
Chapter Purpose	States purpose of chapter	23.324.010	NEW	BZO standard includes purpose statement for each chapter
<b>23.326 – Demolition and Dwelling Unit Control</b>				
Chapter Purpose	States purpose of chapter	23.326.010	NEW	BZO standard includes purpose statement for each chapter
<b>23.328 – Inclusionary Housing</b>				
Required Inclusionary Units in Avenues Plan Area	Deletes "Except as provided in this chapter" from 23C.12.080E, which conflicts with 23C.12.080B: "Within this area, the provisions of this section superseded any inconsistent provisions of this chapter."	23.328.070.D.1	23C.12.080.E	Maintain internal consistency
<b>23.402 – Administrative Responsibility</b>				
Chapter Purpose	States purpose of chapter	23.402.010	NEW	BZO standard includes purpose statement for each chapter



Topic	Description	BZO Location	Existing Location	Rationale for Change
Review and Decision-Making Authority	Describes purpose of summary table	23.402.020.A	NEW	Description of table
Review and Decision-Making Authority	Defines authority roles (Recommend, Decision, Appeal)	23.402.020.B	NEW	Explains notation meaning
Planning and Development Department	Defines duties of Planning and Development Department	23.402.030	NEW	Codifies existing role and summarizes responsibilities
Landmarks Preservation Commission	Refers reader to BMC Chapter 3.24 for roles and responsibilities of Landmarks Preservation Commission	23.402.050.B	NEW	Provides clarity on LPC role
ZAB Responsibilities and Powers	Provides that City Council may assign additional responsibilities to ZAB	23.402.070.C.2	NEW	Codifies existing Council authority
City Council	Provides that City Council has authority to take actions related to the Zoning Ordinance consistent with existing law	23.402.090.C	NEW	Codifies existing Council authority
<b>23.404 – Common Permit Requirements</b>				
Purpose and Applicability	States purpose of chapter; clarifies that the chapter applies to all discretionary permits, not just use permits and variances	23.404.010	NEW	BZO standard includes purpose statement for each chapter. Clarifies existing practice
Multiple Permit Applications	Clarifies how applications are handled when they require more than one discretionary permit	23.402.020.F	NEW	Codifies existing practice
Review Timeline	Adds statement that City will abide by Permit Streamlining Act	23.404.030.A.3	NEW	Codifies existing practice. Recognizes



Topic	Description	BZO Location	Existing Location	Rationale for Change
				compliance with state law is required
Project Evaluation and Staff Reports	Describes role of staff in reviewing, analyzing and presenting project applications	23.404.030.D	NEW	Codifies existing practice
CEQA	Add statement that City will review projects for CEQA compliance	23.404.030.E	NEW	Codifies existing practice. Recognizes that compliance with state law is required
Timing of Notice	Permits PC or CC to extend notice periods for applications of major significance	23.404.040.C.3	NEW	Best practice in compliance with Gov't Code Section 65091
Zoning Ordinance Amendment Noticing	Adds notice requirements for Zoning Ordinance Amendments	23.404.040.C.4	NEW	Adds notice requirement for Zoning Ordinance Amendments. New requirement here is the same as for discretionary permits
Additional Notice	Adds "The Zoning Officer, Planning Commission or City Council may require additional public notice as determined necessary or desirable."	23.404.040.C.7	NEW	Codifies existing practice
Public Notice for Design Review	States that there is no requirement to mail or post notices in advance of a Design Review Committee meeting	23.404.040.D.2.b	NEW	Codifies existing practice
Public Hearings	Clarifies that hearings will be conducted consistent with procedures developed by the review authority	23.404.050.A	NEW	Codifies existing practice and recognizes that review authorities are empowered to create their own procedures.



Topic	Description	BZO Location	Existing Location	Rationale for Change
Time and Place of Hearings	Clarifies that meetings will be held at time and place for which notice was given unless there is not a quorum	23.404.050.B	NEW	Codifies legal requirement consistent with Gov't Code Section <u>65091</u>
CEQA Action	Adds that action on a permit's CEQA determination must be taken before a permit is approved	23.404.050.G	NEW	Codifies CEQA Guidelines Sections <u>15074</u> and <u>15090</u>
Exceptions to Protect Constitutional Rights	Allows the City Council as well as ZAB to make exceptions to protect constitutional rights and clarifies that the exception can be made when acting on any permit and is not tied to a Variance	23.404.050.I	23B.44.050	Best practice. Council needs this ability in addition to ZAB to protect City from legal challenge
Payment for Service	Adds that applicant shall pay for mediation or conflict resolution services	23.040.050.J.7	NEW	Codifies existing practice
Effective Dates	Adds effective dates of Council actions on Zoning Ordinance amendments and legislative matters, and permits, appeals and non-legislative matters.  Adds effective dates of actions by the Zoning Officer, Design Review Committee or ZAB	23.404.060.A	NEW	Codifies current practice and legal requirements consistent with Gov't Code Section 65853-65857
Expiration of Permit	Adds that if a permit is not exercised after one year, it will not lapse if the applicant has made a substantial good faith effort to obtain a building permit and begin construction.	23.404.060.C.2. b	23B.56.100.C &D	Best practice
Expiration of Permit	Defines a lapsed permit as "void and of no further force and effect," and that a new permit application must be submitted to establish a use or structure.	23.404.060.C.3	NEW	Provides explicit definition of what a lapsed permit means and makes explicit the



Topic	Description	BZO Location	Existing Location	Rationale for Change
Permit Revocation - City Council Hearing	Removes requirement for the City Council hearing must occur within 30 days after the ZAB issued its recommendation.	23.404.080.D.2	23B.60.050.B	requirement to reapply. CC hearing within 30 days of ZAB decision is frequently infeasible. Council can hold hearing "at its discretion."
<b>23.406 – Specific Permit Requirements</b>				
Variations - Eligibility	<u>Existing Language:</u> "The Board may grant Variances to vary or modify the strict application of any of the regulations or provisions of this Ordinance with reference to the use of property, the height of buildings, the yard setbacks of buildings, the percentage of lot coverage, the lot area requirements, or the parking space requirements of this Ordinance." <u>BZO Language:</u> "The ZAB may grant a Variance to allow for deviation from any provision in the Zoning Ordinance related allowed land uses, use-related standards, and development standards."	23.406.050.B.1	23B.44.010	ZAB should have authority to grant a variance to any use or development-related standard, not just uses, heights, yard setbacks, lot coverage, lot area, or parking
Variations – Not Allowed	Adds: "A Variance may not be granted to allow deviation from a requirement of the General Plan."	23.406.050.C	N/A	Codifies state law consistent with Gov't Code Section 65906.
Design Review – Changes to Approved Projects	Describes features of minor changes to approved projects that may be approved administratively: "A change that does not involve a feature of the project that was: 1) a specific consideration by the review authority in granting the approval; 2) a condition of approval; or 3) a basis for a finding in the project CEQA determination."	23.406.070.N	N/A	Codifies current practice
Reasonable Accommodations – Review Procedure	<u>Existing Language:</u> "If an application under this chapter is filed without any accompanying application for another approval, permit or entitlement under this title or Title 21, it shall be heard and acted upon at the same time and in the	23.406.090.E.1	23B.52.040.B	The Americans with Disabilities Act, and the California Fair

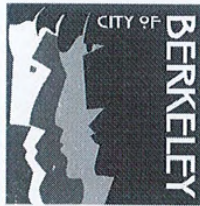


Topic	Description	BZO Location	Existing Location	Rationale for Change
	<p>same manner, and be subject to the same procedures, as the application that would normally be required to modify the provision which is the application seeks to modify, as determined by the Zoning Officer.”</p> <p><b>BZO Language:</b> “For a Reasonable Accommodation application submitted independently from any other planning permit application, the Zoning Officer shall take action within 45 days of receiving the application.”</p>			<p>Employment and Housing Act</p> <p>Existing language requires the application to be reviewed in the same manner as a Variance. This conflicts with state and federal law.</p>
<b>23.410 – Appeals</b>				
Appeals – Remanded Matters	Removes option for prior review authority to reconsider application without a public hearing.	23.410.040.G	23B.32.060.D	Remanded matters require public hearing
<b>23.412 – Zoning Ordinance Amendments</b>				
Zoning Ordinance Amendments – Initiation	Deletes language to allow for amendments initiated without a public hearing.	23.412.020	23A.20.020.C	Existing language conflicts with Gov’t Code Section 65853-65857
Zoning Ordinance Amendments – Planning Commission Hearing	Removes requirement to hold Planning Commission hearing within 30 days of initiation.	23.412.040.A	23A.20.030.A	CC hearing within 30 days of PC decision is frequently infeasible. Council can hold hearing consistent with Public Notice section.
Zoning Ordinance Amendments – Effect of Planning	Deletes language that uses or structures not yet established must conform to Planning Commission recommendation before Council approval, when amendments become effective only after Council adoption.	23.412.040.C	23A.20.050.B	New regulations can only take effect after Council adoption.



Topic	Description	BZO Location	Existing Location	Rationale for Change
Commission Recommendation				
Zoning Ordinance Amendments – City Council Hearing	Removes language requiring the Planning Commission recommendation to be forwarded to the Council within 30 days and consideration by Council within 60 days for Commission decision.	23.412.050.A	23A.20.040	CC hearing within 60 days of PC decision is frequently -infeasible. Council can hold hearing consistent with Public Hearings and Decision section.
Zoning Ordinance Amendments – City Council Action	Removes option for Council to act on amendment without a public hearing.	23.412.050.A	23A.20.060.A & B	Conflicts with Gov't Code Section <u>65853-65857</u>
Zoning Ordinance Amendments – Effective Date	Removes language about “more restrictive” amendments going into effective immediately upon adoption of ordinance.	23.412.050.C	23A.20.070	Conflicts with Gov't Code Section <u>65853-65857</u>
Zoning Ordinance Amendments – Findings	Adds findings for Zoning Ordinance amendments	23.412.060	N/A	Best Practice.
<b>23.502 – Glossary</b>				
Defined Terms	Adds definitions to undefined terms in existing Zoning Ordinance	23.502	23F.04	Best practice.





Planning and Development Department  
Land Use Planning Division

### STAFF REPORT

DATE: July 6, 2022  
TO: Members of the Planning Commission  
FROM: Justin Horner, Associate Planner  
SUBJECT: Public Hearing on Zoning Ordinance Amendments that Address Technical Edits and Corrections to Berkeley Municipal Code (BMC) Title 23 – Package #3

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#### RECOMMENDATION:

Conduct a public hearing to discuss amendments to the following sections of the Berkeley Municipal Code (BMC) and make a recommendation to City Council to approve the amendments.

- BMC Section 23.204.050 (C-C Zoning District)
- BMC Section 23.204.080 (C-E Zoning District)
- BMC Section 23.204.090 (C-NS Zoning District)
- BMC Section 23.204.130 (C-DMU District)
- BMC Section 23.206.050 (Protected Uses)
- BMC Section 23.304.030 (Setbacks)
- BMC Section 23.304.090 (Usable Open Space)
- BMC Section 23.322.030 (Required Parking Spaces)
- BMC Section 23.406.070 (Design Review)

#### BACKGROUND

On October 12, 2021, the City Council passed Ordinance No. 7,787-NS, which repealed the then-existing Title 23 of the Berkeley Municipal Code and zoning maps (“the old Zoning Ordinance”) and adopted a new Title 23 of the Berkeley Municipal Code and zoning maps (“the new Zoning Ordinance”). The new Zoning Ordinance became effective December 1, 2021.

The new Zoning Ordinance was created as a customer service improvement and was limited in scope to changes that reorganized and reformatted Title 23 to make the City’s zoning code easier to understand and administer. Minor “consent changes” were approved by City Council where changes were needed to bring the Ordinance into compliance with State law or to codify prior zoning interpretations (*Attachment 2*). Other than the “consent changes”, no substantive changes were intended by City Council.

As part of City Council’s approval action, staff was directed to regularly return to the Planning Commission and City Council with amendments necessary to maintain the integrity of the new



Zoning Ordinance. Amendments presented under this direction should be for the purposes of clarifying the new Zoning Ordinance, fixing mistakes in transcription and correcting unintentional errors. Substantive changes in planning policy are not to be included in this set of routine amendments, but should be presented as separate Zoning Ordinance amendments, consistent with BMC Chapter 23.412 (Zoning Ordinance Amendments).

### PROPOSED ZONING ORDINANCE AMENDMENTS

Since the new Zoning Ordinance came into effect on December 1, 2021, a number of clean-up amendments have been identified. The project team anticipated technical edits and corrections during the roll-out of the new Zoning Ordinance and was prepared with an efficient process and schedule for addressing these requests. This report is the product of that process and is labeled "Package #3" because it is the third set of edits to come before Planning Commission. Future reports will be numbered accordingly.

The proposed Zoning Ordinance amendments are presented in two categories. The first category includes three amendments that require an explanation or justification. These amendments are presented below with information on what was in the old Zoning Ordinance, what is in the new Zoning Ordinance, and recommended amendments including reasons why amendments are necessary. The second category includes technical edits such as spelling, punctuation or grammatical errors, or inaccurate references. These amendments are summarized in *Table 1: Text Edits and Other Routine Amendments*.

#### Category One Zoning Ordinance Amendments

##### 1. BMC Section 23.204.090 (C-NS Zoning District)

**Old Zoning Ordinance:** Section 23E.48.070 of the old Zoning Ordinance included development standards for projects in the C-NS zoning district. Specifically, the Section set forth requirements for Usable Open Space in Mixed Use buildings that included the following:

- Each Dwelling Unit shall have Usable Open Space of at least 40 square feet (sq. ft.), with no dimension less than six feet.

**New Zoning Ordinance:** Table 23.204-24 C-NS Development Standards in the new Zoning Ordinance includes the development standards for projects in the C-NS district. The Table includes two errors:

- For Non-Residential and Mixed Use Projects, the Minimum Usable Open Space is noted as 200 sq. ft. per dwelling unit, when the proper development standard for these projects is 40 sq. ft. per dwelling unit; and
- Note [4], which refers to the 6-foot minimum dimension for Usable Open Space, is incorrectly associated with the Minimum Building Separation, when it should be associated with Minimum Usable Open Space.



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Additionally, the Usable Open Space section of Table 23.204-24 includes reference to the Supplemental Standard 23.304.090—Usable Open Space, which requires a minimum dimension of 10 feet for Usable Open Space. The proposed amendment clarifies in note [4] that the 6-foot dimension standard is controlling for mixed-use projects in the C-NS.

**Proposed Amendment:** Amend Table 23.204-24 to read:

	Project Land Use		Supplemental Standards
	Non-Residential and Mixed Use	Residential Only	
Lot Area, Minimum			23.304.020
New Lots	4,000 sq. ft.	5,000 sq. ft.	
Per Group Living Accommodation Resident	350 sq. ft. [1]		
Usable Open Space, Minimum			23.304.090--Usable Open Space
Per Dwelling Unit	200 sq. ft. [2]	200 sq. ft.	
Per Group Living Accommodation Resident	No minimum	90 sq. ft.	
Floor Area Ratio, Maximum	1.0	No maximum	
Main Building Height [2 3]			
Minimum	2 stories	No minimum	
Maximum	35 ft. and 3 stories	28 ft. and 2 stories	
Lot Line Setbacks, Minimum			
Abutting/Confronting a Non-residential District	No minimum	See Table 23.204-25	23.304.030
Abutting/Confronting a Residential District	See 23.304.030.C.2		
Building Separation, Minimum	No minimum [4]	See Table 23.204-25	23.304.040
Lot Coverage, Maximum	100%	See Table 23.204-26	23.304.120
<b>Notes:</b>			
[1] One additional resident is allowed for remaining lot area between 200 and 350 square feet.			
[2] For mixed use projects, usable open space dimensions may be smaller than required in 23.304.090.B.3, but no dimension may be less than 6 feet.			
[2] [3] Basement levels devoted exclusively to parking are not counted as a story.			
[3] [4] For mixed use projects, minimum building separation shall be as required for residential-only projects. See Table 23.204-25.			



**2. BMC Section 23.204.130 (C-DMU Zoning District)**

**Old Zoning Ordinance:** Chapter 23D.040.050.B (Usable Open Space) of the old BMC states that “no more than 50% of the total usable open space required may be satisfied by balconies.” This regulation applies to all zoning districts (residential, commercial and manufacturing).

**New Zoning Ordinance:** Section 23.304.090.B.4 of the new Zoning Ordinance includes the above regulation regarding balconies, and is referenced as a Supplemental Standard in the development tables for all districts, except the C-DMU. Table 23.204-40: C-DMU Usable Open Space Requirements does not include a reference to this section, although it should, as the regulation in the old Zoning Ordinance refers to all districts.

**Proposed Amendment:** Amend Table 23.204-40: C-DMU Usable Open Space Requirements as follows:

	MINIMUM USABLE OPEN SPACE	SUPPLEMENTAL STANDARDS
Residential Uses	80 sq. ft./unit [1]	23.304.090—Usable Open Space
Non-Residential Uses	1 sq. ft. of privately-owned public open space per 50 sq. ft. of commercial floor area.	
<b>Notes:</b> [1] Each square foot of usable open space provided as privately-owned public open space is counted as two square feet of required on-site open space.		

**3. BMC Section 23.304.030 (Setbacks)**

**Old Zoning Ordinance:** Section 23D.20.070 of the old Zoning Ordinance included development standards in the R-1A zoning district. The Section did not include any provision for additional setback reductions for properties in the R-1A zoning district located west of San Pablo. Such a provision did exist at one time, but was removed from the R-1A zoning district regulations as part of amendments to the old Zoning Ordinance in 2018 (Ordinance No. 7,593).

**New Zoning Ordinance:** Table 23.304-1 Allowed Setback Reductions in Residential Districts of the new Zoning Ordinance includes a provision permitting specific setback reductions for properties in the R-1A located west of San Pablo Avenue.

**Proposed Amendment:** Amend Table 23.304-1 Allowed Setback Reductions in Residential Districts to strike the provision:

District Where Allowed	When Allowed	Minimum Setback with Reductions	Required Permit	Required Additional Findings
R-1A	West of San Pablo Avenue to construct a dwelling unit	No minimum	AUP	The unit would not cause a detrimental impact on emergency access; or on light, air or privacy for neighboring properties.



**Category Two Zoning Ordinance Amendments**

The following table includes minor text edits, along with a rationale for each edit.

**Table 1: Text Edits and Other Routine Amendments**

Zoning Ordinance Section	Proposed Amendment	Rationale
23.204.050.D Table 23.204-8 (C-C Development Standards Table)	Under <b>Non-Residential</b> and <b>Mixed Use</b> projects, revise reference for <i>Abutting/Confronting a Residential District</i> from 23.304.130.C.2 to 23.304.030.C.	Incorrect reference.
23.204.080.D Table 23.204-21 (C-E Development Standards Table)	Revise Note [2]:  [2] Open space requirements for mixed use projects may be modified by the ZAB. See <u>23.204.060080.D.3</u>	Incorrect reference.
23.206.050.A.7.d (Protected Uses in the MM and MU-LI Districts)	Revise the heading for 23.206.050.A.7.d:  (d) <i>MU-LI Lots Under Multiple Common Ownerships</i>	Clarification that this section applies to multiple lots that are under common ownership, not single lots with multiple owners.
23.304.090.A (Usable Open Space)	Revise as follows:  A. <i>Applicability</i> . The standards in this section apply to areas used to satisfy minimum usable open space requirements, as shown in Chapters <del>23.202</del> <del>23.202.110</del> (Zoning Districts).	The Usable Open Space standards in this section apply to all districts, not only to those listed.
23.304.030.B.7.c (Solar Energy Equipment)	Revise as follows:  (c) <del>The building served by the solar energy equipment complies with the Residential Energy Conservation Ordinance (RECO).</del>	The RECO no longer exists.
23.322.030.C.2 Table 23.322-4 (Required Off-Street Parking in Manufacturing Districts)	Revise <b>Required Parking Spaces</b> for Manufacturing uses in the MU-LI to 1.0 space per 1,000 sf:  MU-LI District: 1.05 per 1,000 sq. ft.	Does not reflect the correct parking rate, as stated in the old Zoning Ordinance.
23.406.070.A (Design Review—Purpose)	Revise the first sentence of the Purpose as follows:  A. <i>Purpose</i> . Design Review is a discretionary process to ensure that exterior changes to <del>non-</del> residential buildings comply with the City of Berkeley Design Guidelines and other applicable City design standards and guidelines.	Design Review can apply to both non-residential and residential buildings.



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**NEXT STEPS**

Staff recommends that the Planning Commission hold a public hearing, receive public testimony, and recommend to City Council adoption of the proposed Zoning Ordinance amendments.

**ATTACHMENTS**

1. Ordinance – Zoning Ordinance Amendments
2. Consent Changes Matrix
3. Public Hearing Notice



**NOTICE OF PUBLIC HEARING – BERKELEY CITY COUNCIL**

**Zoning Ordinance Amendments that Address Technical Edits and Corrections to the Berkeley Municipal Code Sections 23.204.050 (C-C District); 23.204.080 (C-E District); 23.204.090 (C-NS District); 23.204.130 (C-DMU District); 23.206.050 (Protected Uses); 23.304.030 (Setbacks); 23.304.090 (Usable Open Space); 23.322.030 (Required Parking Spaces) and 23.406.070 (Design Review)**

**PUBLIC PARTICIPATION BY REMOTE VIDEO ONLY**

The Department of Planning and Development is proposing amendments to the Zoning Ordinance. The hearing will be held on September 20, 2022 at 6:00 p.m. On October 12, 2021, the City Council passed Ordinance No. 7,787-NS, which repealed the then-existing Title 23 of the Berkeley Municipal Code and zoning maps (“the old Zoning Ordinance”) and adopted a new Title 23 of the Berkeley Municipal Code and zoning maps (“the new Zoning Ordinance”). The new Zoning Ordinance became effective December 1, 2021.

As part of City Council’s approval action, staff was directed to regularly return to City Council with any required amendments to the new Zoning Ordinance to aid in clarity, fix mistakes in transcription, or correct unintentional errors discovered as part of the transition from the old to the new Zoning Ordinance. The public hearing will consider a set of amendments to the new Zoning Ordinance that address these errors. No substantive changes to planning policy are included in this set of amendments. The Planning Commission unanimously recommended adoption of the proposed amendments.

The proposed amendments are exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Sec.15061(b)(3). The proposed amendments are only text changes to clarify and correct the Berkeley Municipal Code and, therefore, there is no possibility of a significant effect on the environment.

The hearing will be held on **Tuesday, September 20, 2022 at 6:00 PM**. The hearing will be held via videoconference pursuant to Government Code Section 54953(e) and the state declared emergency.

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 **September 8, 2022**. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology.**

For further information, please contact Justin Horner, Associate Planner, at 510-981-7476.

Written comments should be mailed directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or emailed to [council@cityofberkeley.info](mailto:council@cityofberkeley.info) in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.



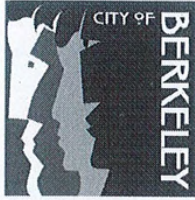
Communications to the Berkeley City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service. 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:** September 9, 2022 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 the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on September 8, 2022.

\_\_\_\_\_  
Mark Numainville, City Clerk





Sophie Hahn  
Councilmember District 5

## SUPPLEMENTAL AGENDA MATERIAL

**Meeting Date:** July 26, 2022

**Item Number:** 32

**Item Description:** Restoring and Improving Access to City of Berkeley Website and Archival Materials

**Supplemental/Revision Submitted By:** Councilmembers Hahn, Bartlett, Taplin

**“Good of the City” Analysis:**

*The analysis below must demonstrate how accepting this supplement/revision is for the “good of the City” and outweighs the lack of time for citizen review or evaluation by the Council.*

Due to illnesses in Council and City staff offices, consultation needed to refine this item took longer than usual. Given the importance of a transparent and accessible website, it is important that Council consider this revised supplemental prior to going onto Summer recess.

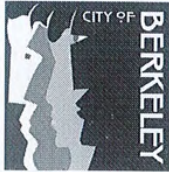
***Consideration of supplemental or revised agenda material is subject to approval by a two-thirds vote of the City Council. (BMC 2.06.070)***

A minimum of **42 copies** must be submitted to the City Clerk for distribution at the Council meeting. This completed cover page must accompany every copy.

Copies of the supplemental/revised agenda material may be delivered to the City Clerk Department by 12:00 p.m. the day of the meeting. Copies that are ready after 12:00 p.m. must be delivered directly to the City Clerk at Council Chambers prior to the start of the meeting.

Supplements or Revisions submitted pursuant to BMC § 2.06.070 may only be revisions of the original report included in the Agenda Packet.





Councilmember Sophie Hahn  
City of Berkeley, District 5

**To:** Honorable Mayor and Members of the City Council

**From:** Councilmember Sophie Hahn (Author), Councilmembers Terry Taplin and Ben Bartlett (Co-Sponsors)

**Subject:** Restoring and Improving Access to City of Berkeley Website and Archival Materials

**RECOMMENDATION:**

*The following supplemental recommendations supersede all recommendations in the originally submitted item.*

1. Accept the report outlining results from consultation with the City Manager after introduction of this item and thank City Staff for their consideration.
2. As a means to support transparency and improve ease of access to historical/archival government records for policymakers, the press, and the general public, request that the City Manager continue developing and implementing measures that support efficient and effective searching, sorting, and identification of responsive materials through Records Online.
3. To support transparency and ease of access to government records, consider creating and disseminating a "style guide" with standards/conventions/protocols for accurately referencing and attaching City materials so they can be properly linked to or easily accessed in Records Online (or a successor/alternative program/database), allowing such materials to be referenced consistently by Councilmembers, Staff, members of the press, and other authors.
4. Refer to the November 2022 Budget Update up to \$50,000 for staff support for Council/Mayor offices to locate documents previously accessed via now-expired links, and request that the City Manager consult Councilmembers and the Mayor to offer the scope of assistance available and identify potential needs.
5. As a means to support transparency and restore ease of access to City materials referenced/attached via now-broken links in City reports, plans, items, and other documents created prior to launch of the new City website, request that the City Manager consider updating key plans, programs and reports by creating and



linking PDFs of previously linked documents and/or substituting broken links with footnotes/references in a standard format allowing referenced and attached materials to be quickly/directly located through Records Online (or a successor/alternative program/database).

6. To better fulfill the requirements of the City of Berkeley's Open Government Ordinance, request the City Manager retain materials such as Council, Committee, and Commission agendas, minutes, recordings, and other official documents on the website for a period at least 4 years, and preferably longer, before retiring them to Records Online.

### **BACKGROUND:**

In April 2022 the City of Berkeley launched a newly redesigned website, the culmination of more than five years of hard work by Communications, IT and other staff. This change has brought many important improvements, in particular with respect to customer/resident services. The site has a clean, updated look and is much easier to navigate, with fresh information just a few clicks away. Community members are able to easily and quickly access relevant and updated materials about public-facing City services and facilities and get help with important functions such as requesting a service, applying for a permit, or paying a bill.

Unfortunately, the previous website's utility as a searchable database of historic records and materials, accessible via simple, intuitive, and almost instantaneous web searches, has been largely extinguished. Staff has reported that over 15,000 pages were consolidated into 500, in an attempt to gain control of a massive amount of information - much of it outdated - and to focus the website on a particular and important user experience.

As a result of this significant reduction in materials posted to the website, thousands of pages of materials once identifiable via Google-type search engines are now only accessible through the City's Records Online portal. Records Online is a deep and materials-rich archive, but is much less intuitively searched, slower to produce results, and difficult to navigate for generations of users accustomed to the ease, flexibility, and speed of web-based searches. This reduction in search functionality for a class of users who relied on the City's website for research and other database purposes - Council offices, journalists, researchers, and other community members - is a significant challenge for those users.

Another consequence of removing thousands of pages maintained on the City's "old" website is that almost all city-facing links in plans such as the Bicycle, Pedestrian, and Vision Zero Plans, Area Plans, the SOSIP Plan, the Climate Action Plan, Electric



Mobility Plan - and hundreds of other Plans generated prior to launch of the new website - are broken. Also broken are City-facing links in every Council, Committee, or Commission report, memorandum, study, regulation, footnote, press release, health order, or other document or statement generated by the City prior to launch of the new website - and many generated since the launch that incorporate or reference pre-launch materials, up to and including materials in the most recent Council meeting packet.

To address the loss of functionality with closure of the City's previous website, Councilmembers Hahn, Harrison, Taplin, and Bartlett introduced an item titled "Restoring and Improving Access to City of Berkeley Website and Archival Materials" to the June 14, 2022 Council Meeting. This item required both interim and long-term solutions to be implemented to address the critical reduction in website functionality and the broken connections to referenced and attached ("linked") resources across virtually all of the City's documents and materials generated in the 21st Century.

Upon introduction of this item, the City Manager convened a meeting of her office and the City Clerk, Communications, and IT departments to discuss the item's recommendations. She responded to the item's referrals and outlining projected costs. At a June 9, 2022 meeting, City Staff reviewed their responses to the specific recommendations made by the referral, almost all of which they found to be either redundant to existing efforts, infeasible, or too expensive to implement. The item was postponed to allow for more collaboration and communication between the author and City Staff. Later in June, consistent with one of the item's recommendations, the City Clerk provided a zoom-based training for Councilmembers and legislative aides on the effective use of Records Online.

Only July 27th Councilmember Hahn and her staff met again with the City Manager and her team to continue the conversation about the new website and potential improvements. Councilmember Hahn asked to set aside discussion of the specific "fixes" requested by the original item and sought a broad problem-solving-oriented discussion of the challenges faced by users who relied on the previous website's deep trove of historical materials, and of the significant loss of functionality precipitated by the failure of all web-based links to City documents included as references or attachments to City plans, reports, items, and other materials.

City Staff listened carefully to first and second-hand descriptions of challenges to research and write legislation, news articles, items, memos and other materials, and to following "daisy-chains" of information previously accessible by flowing seamlessly from linked-document to linked-document. In addition, staff considered the challenge of records, studies, plans, reports, and other materials with broken links, ending or



rendering significantly more time consuming the review of linked/referenced and attached resources.

Staff acknowledged these challenges, considered suggestions, and offered some resources to help Councilmembers and others navigate the transition to a website that no longer will function as a quasi-archive, and to a more accurate but also more cumbersome/less intuitive system for doing research and creating attachments and references to City documents.

**REPORT:**

The City Manager's specific response to the original item addresses each element of the original referral. To summarize responses:

- Restoration of URLs for linked PDFs and re-establishing access to the old website for archival and search purposes is found to be infeasible for technical and cost reasons.
- Inputting 2-3 years of historical documents for Council, Commissions, and Committees would cost \$200,000 and take up to six months.
- Training on use of Records Online was already scheduled for June, and the Clerk is addressing "all issues" with training.
- The Records Online homepage already includes search instructions, and additional documentation is being prepared.
- Adding Rent Board and Housing Agency materials to Records Online would require those agencies to opt-in and commit staff to adding their materials to the database.
- Search functions are as robust as they can be at this time, and materials in Records Online cannot be searched via web-based search engines so there is no fix possible for this challenge.
  - OnBase, the software supplier for Records Online, will be contacted to inquire about any potential to improve functionality of their search system.
  - The City is updating to a newer version of OnBase and upgrade options will be explored; however, upgrades are costly and time consuming.
- 404 Error pages don't need general or specific "redirect" notices as requested; some links were already broken, some will never be visited more than once, Goggle is the reason for the error messages, and over time Google will stop sending people to broken links so the problem will resolve itself.<sup>1</sup>

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<sup>1</sup> Links from previous Council records and City Documents, however, will continue to direct to broken links indefinitely, even after Google indexes the new website.



- Staff have decades of experience in web usability and the vendor is highly experienced. SEO is as good as it can be; no further improvements are possible. Errors are already down by 81% and Google is adapting.

The City Manager also provided additional background including a clear statement of the City's commitment to helping address operations impacts to Councilmembers and their aides and reference to actions already taken by the Clerk's office to provide training and seek improvement to the search functions of Records Online. Purging old records from the website is noted as having been a practice for over ten years. Users are "encouraged to attach documents to council items instead of using links so that the referenced information is included in the public record."

In addition to these written responses received, through conversation with the City team, we learned that the previous website's evolution as a deep historical resource, in retrospect and perhaps also at the time it was being created, was not a best practice. Nevertheless, staff members' use of the website as a repository for agendas, minutes, plans, rules, regulations, reports, and a huge volume of other City materials persisted over several decades, resulting in more than 15,000 pages of accumulated materials. At the same time, staff, council members, the press, other researchers, and members of the public came to rely on the website for an archive-like function, with outdated, stale and at times incorrect information remaining accessible alongside a huge volume of useful, accurate, and interesting information.

We were reminded that simultaneous with the evolution of the previous website as a de facto repository of historic information, the City Clerk has continuously updated the City's Records Online database, which is considered one of the deepest and most comprehensive publicly-accessible City archives of official materials. In particular, Berkeley's database includes materials from the earliest days of Berkeley's history; a feature many City legislative databases apparently do not enjoy. The City Clerk has diligently and accurately maintained Records Online throughout, while a parallel unplanned repository of materials accumulated on the old website.

Reliance on the previous website as an historical resource may have been a misguided, if widespread, practice. The challenges currently being faced were suggested to flow from the habit of users relying on web-based search engines to search for and locate potentially stale or incomplete materials on the web when Records Online was always the recommended and reliable archive. This was compounded by the habit of linking to website pages in reports, items, plans, articles and other materials rather than attaching referenced City documents in full.



In sum, through written responses and conversation we learned that adjusting to the realities of the new website would be less challenging if users had not been following poor practices all along. While not categorically stated, it appears that changing the website in response to challenges raised and fixes recommended is considered by staff to be either impossible, expensive, or otherwise not recommended. The only possible conclusion understood through these conversations is that users, not the website, need to adapt.

The City Manager and staff are open to finding ways to help with the process of adapting to the new database and search functions, and a productive conversation ensued. The results of that conversation are captured in the revised referrals, which encourage staff to continue with training and other measures already undertaken, and request consideration of a variety of other possible measures to support adaptation to a different search function and to broken links across the organization's materials, including within Councilmember work products.

#### **EXPLANATION OF REFERRALS:**

##### **Referral #1:**

This referral thanks the City Manager and her team for consultation, and accepts the report.

##### **Referral #2:**

To ensure the public and all users are able to access documents proficient in use of Records Online, this item requests that the City Manager continue developing and implementing measures that support efficient and effective searching, sorting, and identification of responsive materials through Records Online.

Staff has already provided some training for Records Online, and is developing better written instructions including visual examples and screenshots. Staff may also consider creating one or more short informational videos and additional zoom/in-person training with real-time Q&A.

As noted above, staff will be requesting information from the Records Online vendor to determine if search functions can be upgraded.

##### **Referral #3**

To support authors and other users in the consistent use of "correct" attachment, reference, footnote and other protocols that formerly were achieved using links to the City website, the City Manager is requested to consider creating, posting, and disseminating a "style guide" with standards/conventions/protocols for accurately referencing and attaching City materials such that they can be linked to or easily



accessed in Records Online (or in a successor/alternative/supplemental program or database).

While staff was clear that the use of links to the City website - and to any materials found on the web - is not advisable, establishing common and effective protocols for "doing things right" will help all Records Online and website users fully, accurately, and consistently represent City materials when included as sources in footnotes and other references, or as attachments to other documents. It was noted that linking to materials on the new website is also not recommended, as these materials will be removed after a period of time and the only permanent, reliable record will be Records Online.

**Referral #4**

The City Manager very generously proposed making a clerk available through the City Manager's office to assist Councilmembers in locating and re-establishing links/references to their own materials that were lost through the website transition. At this time, it is unclear how much utility various Council/Mayor offices would derive from such a service; the City Manager is requested to share the offer with all Council/Mayor offices to determine the scope of potential needs. A budget referral of up to \$50,000 is provided as a placeholder, pending the outcome of discussions with Council/Mayor offices to determine potential needs.

**Referral #5**

While not as specifically addressed in conversation with the City Manager, this referral requests that the City Manager consider updating key City plans, programs and reports by either recreating PDFs and linking to them or substituting broken links with footnotes/references in a standard format allowing referenced and attached materials to be quickly/directly located through Records Online.

**Referral #6**

During conversations with staff, it was discussed that a longer retention period of City Council, Committee, and Commission agendas, minutes, recordings, and other records on each body's individual webpages might have been of better service to the public. However, the cost to restore the previous volume of listing was considered to be prohibitive. Going forward, it is requested that the City Manager retain these materials on the City Website for at least 4 years prior to their relocation solely to Records Online, to better comply with the City's Open Government Ordinance (see below, and Attachment A).



**WEBSITE FUNCTIONALITY AS A POLICY ISSUE**

Transparency and public access to government materials and decision making has long been a policy matter of significant concern to the Federal government as well as to State and local governments. At the State level, California's Brown Act and Public Records Act provide statewide guarantees of access to public meetings and documents. Transparency and open government are also clear, long standing Berkeley community and City values.

Berkeley's Open Government Ordinance, also known as the "Sunshine Ordinance," ensures that community members have access to public meetings and public documents. The Ordinance prescribes key roles for the City website in supporting transparency and access to public documents. A full copy of the Sunshine Ordinance is included with this memo as Attachment A.

Article IV, Section 2.16.180 of the Ordinance states that:

"All documents submitted to the City Council, including but not limited to, the Agenda and Agenda Packet, communications, and any documents submitted at a meeting of that body, shall be available through the City's website no later than the close of business the following business day after the meeting for which the documents were submitted."

No limitations, restrictions, expiration dates, or time periods are given to waive or reduce the requirement that Council materials be available through the City's website.

The Ordinance further enumerates in Section 2.06.140 records that must be available through the City's website, further establishing the website, including details as fine-grained as specific materials that must be accessible on the website, as integral to transparency, accountability, and access - all policy matters within the City Council's purview.

"The following shall be available through the City's website and shall be available in written form in the City Clerk Department:

- City Charter
- Berkeley Municipal Code
- General Plan and Area Plans
- Zoning Ordinance
- Landmarks Preservation Ordinance
- Citizen's Guide to Public Information Records Retention Schedule
- City Council Rules of Procedure
- Commissioner's Manual



Conflict of Interest Code  
Statements of Economic Interest for filers under GC 87200  
Agendas and Minutes of the meetings of all Legislative Bodies  
Index of Regional Bodies on which the City is represented and the City  
Representatives who serve on them

The same Section requires that:

“All communications from the City Manager and department heads to other agencies on behalf of the City shall be available through the City’s website at the same time they are provided to members of the City Council.”

Chapter IV, Section 2.06.160 addresses “Large document borrowing” and states:

“Large published documents produced by or on behalf of the City, such as City Budgets and environmental impact reports or statements prepared pursuant to the California Environmental Quality Act (CEQA) or the National Environmental Protection Act (NEPA), shall be available through the City’s website . . .”

As a final example, Chapter IV Section 2.06.170 address website technology directly:

“To provide for the accessibility of electronic information on the City’s website, the City shall:

1. Meet or exceed the guidelines for accessibility specified by the Federal General Services Administration pursuant to Section 508 of the Rehabilitation Act (29 U.S.C. 794d) as it may be amended from time to time.
2. When feasible within resource constraints, use open, non-proprietary, standards-based data formats on public facing information systems. When platform-specific formats must be used, provide an alternate format or a viewer to consume the file types.
3. Make audio and video available for both download and streaming using open, cross-platform, standards based formats, accessible by a broad range of computer operating systems and portable devices.
4. When feasible within resource constraints, avoid web content types that are not compatible across browsers (such as Flash).
5. Make substantive website changes trackable in an open, cross-platform, standards-based journal format (such as RSS).”



Though several portions of this Section are qualified by statements such as “when feasible” and/or “within resource constraints,” no such caveats apply to requirements for Council, Commission, and Large Documents to be available on the City Website.

It is unclear whether the new website meets all of the standards required in the Sunshine Act; regardless, what is clear is that the City’s website is central to policy issues of transparency, access, and good government. Further, the Sunshine Ordinance is very specific in its requirements of the City’s website, prescribing both the materials that must be posted to the website and the website’s functionality. Attention to this level of detail is integral to policies of transparency, access and good government.

#### Attachments

- A. Full Text of the City of Berkeley “Sunshine Ordinance,” Chapter 2.06 of the Berkeley Municipal Code
- B. Originally Submitted Item: Restoring and Improving Access to City of Berkeley Website and Archival Materials
- C. Screenshot of instructions for use of Records Online
- D. Documentation of challenges in Records Online search functionality



## Chapter 2.06 OPEN GOVERNMENT

Sections:

### Article I. General Provisions

- 2.06.010 Findings and purpose.
- 2.06.020 Definitions.
- 2.06.030 Severability.
- 2.06.040 Implementation.
- 2.06.050 No private cause of action.

### Article II. City Council Agenda Process

- 2.06.060 City Council agenda process.
- 2.06.070 Agenda Packet distribution.

### Article III. Conduct of City Council Meetings

- 2.06.080 Number of meetings--Start time--Public hearings.
- 2.06.090 Reports regarding regional bodies.
- 2.06.100 Broadcast of meetings.
- 2.06.110 Disclosure of ex parte contacts.
- 2.06.120 Closed sessions and litigation.
- 2.06.130 Presentation tools for the public.

### Article IV. Public Records

- 2.06.140 Records available through the City's website.
- 2.06.150 Contributions to the City.
- 2.06.160 Large document borrowing.
- 2.06.170 Technology standards.
- 2.06.180 Posting of documents.

### Article V. Oversight

- 2.06.190 Open Government Commission--Duties.



## Article I. General Provisions

### 2.06.010 Findings and purpose.

- A. Democracy in our representative form of government requires that the public have an opportunity to understand the government's activities and to communicate its concerns to its elected and appointed representatives, and that those representatives have an adequate opportunity to consider those concerns and then act effectively and in a timely manner.
- B. To the extent these goals are sometimes in tension with each other in a given case, the government's obligation is to balance them responsibly, under the circumstances, in such a way that it is able to function and carry out its mission of ensuring the public's health, safety and general welfare in a fiscally and environmentally sustainable manner.
- C. Accordingly, the purpose of this ordinance is to codify certain existing practices, as well as to adopt new practices, to ensure that the public has an adequate opportunity to be informed of the City's activities and to communicate its concerns to its elected and appointed officials. (Ord. 7166-NS § 1 (part), 2011)

### 2.06.020 Definitions.

The following words and phrases shall have the meanings specified below.

- A. "Agenda" means a document that informs the public about a Meeting, published in advance of the Meeting which at a minimum (1) identifies the Legislative Body conducting the Meeting, (2) specifies the time and location of the Meeting, and (3) lists each item of business to be discussed or transacted and describes the proposed action for each such item.
- B. "Agenda Packet" means the Agenda of a particular Meeting with all its relevant Supporting Documents.
- C. "Closed Session" means a Meeting that begins with a public comment period, followed by a session that excludes the public as permitted by state law, and ends with an open session at which a public report is made as and to the extent required by state law.
- D. "Legislative Body" shall have the meaning set forth in Government Code sections 54950 through 54960, as they may be amended, or any successor sections.
- E. "Meeting" shall have the meaning set forth in Government Code sections 54950 through 54960, as they may be amended, or any successor sections.
- F. "Supporting Documents" means all documents, regardless of form or medium or author, that are provided to members of a Legislative Body for their use in considering Agenda items for a particular Meeting.
- G. "Brown Act" means Government Code sections 54950 et seq., as they may be amended from time to time.



H. "Public Records Act" means Government Code sections 6250 et seq., as they may be amended from time to time. (Ord. 7166-NS § 1 (part), 2011)

### **2.06.030 Severability.**

If any word, phrase, sentence, part, section, subsection, or other portion of this ordinance, or any application thereof in any 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 Council of the City of Berkeley hereby declare that they would have passed this ordinance, 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. (Ord. 7166-NS § 1 (part), 2011)

### **2.06.040 Implementation.**

The City Manager may promulgate regulations to implement this ordinance. (Ord. 7166-NS § 1 (part), 2011)

### **2.06.050 No private cause of action.**

Nothing in this chapter shall limit any person's right to seek a writ of mandate or other available administrative or judicial remedy. (Ord. 7166-NS § 1 (part), 2011)

## **Article II. City Council Agenda Process**

### **2.06.060 City Council agenda process.**

- A. The City Council Agenda Committee shall meet 15 days prior to each City Council meeting and shall determine the agenda of that City Council meeting. After the conclusion of the Agenda Committee meeting, an item may be added to the Agenda only by the City Council as a whole at a duly noticed meeting that occurs after the Agenda Committee meeting.
- B. The Agenda Committee packet, including a draft agenda and Councilmember and Commission reports shall be distributed by 5:00 p.m. 4 days before the Agenda Committee meeting.
- C. The City Council Agenda Packet shall be distributed no later than 5:00 p.m. 11 days before the scheduled City Council meeting.



D. The powers of the Agenda Committee shall be as set forth in Rules of Procedure adopted by the City Council. The Rules of Procedure may allow for the addition of time-critical items at the Agenda Committee meeting provided they are accompanied by complete reports and statements of financial implications. (Ord. 7166-NS § 1 (part), 2011)

### **2.06.070 Agenda Packet distribution.**

- A. The Agenda Packet shall consist of the Agenda and all supporting documents for the agenda items.
- B. No later than 11 days prior to a regular Meeting, the City Clerk shall:
  - 1. Distribute the Agenda Packet to each member of the City Council;
  - 2. Post the Agenda Packet to the City's website;
  - 3. Place copies of the Agenda Packet in viewing binders in the office of the City Clerk and in the main branch of the Berkeley Public Library;
  - 4. Mail copies of the Agenda to any resident of the City of Berkeley who so requests in writing; and
  - 5. Make copies of the Agenda available free of charge in the City Clerk Department.
- C. Failure to post the Agenda Packet to the City's website shall not be a basis for cancelling a City Council meeting.
- D. The City Clerk may not accept any agenda item or revised agenda item after the established deadlines, except for items carried over by the City Council from a prior City Council meeting occurring less than 11 days earlier, which may include supplemental or revised reports.
- E. No item may be considered unless it is included in the Agenda Packet except that a correction or supplement to an item already included in the Agenda Packet may be considered, if either:
  - 1. the City Council, by a two-thirds roll call vote, determines that the good of the City clearly outweighs the lack of time for citizen review or City Council member evaluation of an item; or
  - 2. the correction or supplement to an item is posted on the City's website with the City Council agendas no later than either:
    - (a) 5:00 p.m. on the fifth calendar day prior to the City Council meeting at which it is to be considered; or
    - (b) 5:00 p.m. on the day prior to the City Council meeting at which it is to be considered, subject to the receipt of the correction or supplement by the City Clerk by noon on the day prior to the City Council meeting for distribution at the meeting.

Reports carried over as Old Business need not be reproduced again.



F. Matters not included on the published Agenda may be discussed and acted upon only if and to the extent authorized by the Brown Act, specifically Government Code section 54954.2(b) as it may be amended from time to time. (Ord. 7588-NS § 1, 2018; Ord. 7473-NS § 1, 2016; Ord. 7396-NS § 1, 2015; Ord. 7257-NS § 1, 2012; Ord. 7166-NS § 1 (part), 2011)

### **Article III. Conduct of City Council Meetings**

#### **2.06.080 Number of meetings--Start time--Public hearings.**

- A. The City Council shall hold a minimum of twenty-four (24) meetings, or the amount needed to conduct City business in a timely manner, whichever is greater, each calendar year.
- B. Regular City Council meetings shall begin no later than 7:00 p.m.
- C. Except at meetings at which the budget is to be adopted, no public hearing may commence later than 10:00 p.m. unless there is a legal necessity to hold the hearing or make a decision at that meeting or the City Council determines by a two-thirds vote that there is a fiscal necessity to hold the hearing. (Ord. 7166-NS § 1 (part), 2011)

#### **2.06.090 Reports regarding regional bodies.**

Councilmembers who represent the City on regional bodies and commissions shall provide to the City Council and the public a report that briefly summarizes the discussion and any action on any item that affects the City of Berkeley subject to the following provisions:

- A. If the webpage containing the Agendas and Minutes of the Regional Body is directly linked from the City of Berkeley web site, no additional report from the Councilmember is required.
- B. If the Agendas and Minutes of the Regional Body are not linked as described in paragraph A., the Councilmember must submit the required summary report to the Council agenda process no later than 15 days after the minutes of the Regional Body meeting have been approved and the report will appear on the next available Council agenda. Such reports shall state where additional information about the issues summarized may be obtained. (Ord. 7395-NS § 1, 2015; Ord. 7166-NS § 1 (part), 2011)

#### **2.06.100 Broadcast of meetings.**

- A. All regular and special meetings of the City Council, Redevelopment Agency, Rent Stabilization Board, and Zoning Adjustments Board, when held in the venue regularly used, shall be recorded, televised and video-streamed live as well as archived for replay. The live broadcasts shall be captioned.



B. It is the intent of the City to broadcast the meetings of the Planning Commission, Landmarks Preservation Commission, and Housing Advisory Commission, in the same manner as specified in paragraph A, as City resources become available.

C. The broadcast requirements shall not apply if necessary equipment malfunctions or if a public meeting is changed to a location that does not have the technological capacity to accommodate the broadcasting needs. (Ord. 7166-NS § 1 (part), 2011)

### **2.06.110 Disclosure of ex parte contacts.**

Whenever a Legislative Body holds a public hearing on a zoning, landmarks, subdivision or other adjudicative matter, following any staff presentation, each member of the Legislative Body shall verbally disclose all ex parte contacts concerning the subject of the hearing. Members shall also submit a report of such contacts in writing prior to the commencement of the hearing. Such reports shall include a brief statement describing the name, date, place, and content of the contact. Written reports shall be available for public review in the office of the secretary to the Legislative Body prior to the Meeting and placed in a file available for public viewing at the Meeting. (Ord. 7166-NS § 1 (part), 2011)

### **2.06.120 Closed sessions and litigation.**

A. Before any Closed Session, a Legislative Body shall meet in open session for the purpose of taking public comment solely on the subject(s) of the Closed Session.

B. Any member of a Legislative Body attending a Closed Session by teleconferencing is required to state at the beginning and end of the Closed Session that they are participating with no other person present and to file a signed statement to that effect under penalty of perjury, except that if a member of a Legislative Body is disabled and needs assistance to participate in a Closed Session, the City shall provide a staff assistant who is authorized to attend the Closed Session. Any specialized attendant or assistant, whom a disabled Council Member needs to have present in order to participate fully in the Closed Session shall be allowed to attend the Closed Session.

C. Immediately following the end of the Closed Session, the Legislative Body shall make a report in open session describing any final action taken as required by state law, as well as any other matter or statement the City Council decides to make. If the Closed Session is not followed the same day by a regular meeting of the Legislative Body, the report shall also be made at the next regular meeting.

D. The location of reports to the public after a Closed Session has ended shall be in a venue that is open to the public, and where practicable, one that supports video transmission, audio, and video-streaming.

E. Any report on final approvals taken in Closed Session shall be posted no later than the end of the following business day to the City's website.

F. When litigation involving the City is finally adjudicated or otherwise settled, the text and terms of any settlement shall be subject to disclosure. No attorney representing the City shall solicit or agree to any settlement



provision that would restrict disclosure of terms or communications between each party after settlement and any such provision shall be void.

G. When settlements are authorized by the City Council at a Closed Session but are not reported out immediately following the end of the Closed Session, the City Attorney shall prepare an information item for the City Council Agenda promptly upon execution of the settlement, which shall include a copy of any settlement agreement. (Ord. 7166-NS § 1 (part), 2011)

### **2.06.130 Presentation tools for the public.**

Members of the public may use City equipment for audio/visual presentations for items on the meeting agenda of the City Council if the presentation is provided to the City Clerk no later than seven (7) days before the meeting, or five (5) days before for items carried over from a meeting that occurred the week immediately prior. Requests for presentation tools are subject to reasonable availability of any equipment that the proposed presentation would require. Presentations from the public shall comply with the time limits set forth in the City Council Rules of Procedure. (Ord. 7166-NS § 1 (part), 2011)

## **Article IV. Public Records**

### **2.06.140 Records available through the City's website.**

A. The following shall be available through the City's website and shall be available in written form in the City Clerk Department:

City Charter

Berkeley Municipal Code

General Plan and Area Plans

Zoning Ordinance

Landmarks Preservation Ordinance

Citizen's Guide to Public Information

Records Retention Schedule

City Council Rules of Procedure

Commissioner's Manual

Conflict of Interest Code



Statements of Economic Interest for filers under GC 87200

Agendas and Minutes of the meetings of all Legislative Bodies

Index of Regional Bodies on which the City is represented and the City Representatives who serve on them

B. All communications from the City Manager and department heads to other agencies on behalf of the City shall be available through the City's website at the same time they are provided to members of the City Council. (Ord. 7166-NS § 1 (part), 2011)

### **2.06.150 Contributions to the City.**

Any gift of funds, goods, or services worth more than \$1000 in aggregate, which may be accepted or collected by the City or any of its functionaries or Legislative Bodies, for the purpose of carrying out or assisting any City function, shall be disclosed and approved on the Agenda of a regular Meeting of the City Council. (Ord. 7166-NS § 1 (part), 2011)

### **2.06.160 Large document borrowing.**

Large published documents produced by or on behalf of the City, such as City Budgets and environmental impact reports or statements prepared pursuant to the California Environmental Quality Act (CEQA) or the National Environmental Protection Act (NEPA), shall be available through the City's website and made available at designated City offices with copies available for borrowing by the public at the Berkeley Central Public Library. (Ord. 7166-NS § 1 (part), 2011)

### **2.06.170 Technology standards.**

A. To provide for the accessibility of electronic information on the City's website, the City shall:

1. Meet or exceed the guidelines for accessibility specified by the Federal General Services Administration pursuant to Section 508 of the Rehabilitation Act (29 U.S.C. 794d) as it may be amended from time to time.
2. When feasible within resource constraints, use open, non-proprietary, standards-based data formats on public facing information systems. When platform-specific formats must be used, provide an alternate format or a viewer to consume the file types.
3. Make audio and video available for both download and streaming using open, cross-platform, standards-based formats, accessible by a broad range of computer operating systems and portable devices.
4. When feasible within resource constraints, avoid web content types that are not compatible across browsers (such as Flash).



5. Make substantive website changes trackable in an open, cross-platform, standards-based journal format (such as RSS).
- B. Nothing in this Section shall require programming a computer to respond to a request for information or to release information that would violate a licensing agreement or copyright law. (Ord. 7166-NS § 1 (part), 2011)

### **2.06.180 Posting of documents.**

All documents submitted to the City Council, including but not limited to, the Agenda and Agenda Packet, communications, and any documents submitted at a meeting of that body, shall be available through the City's website no later than the close of business the following business day after the meeting for which the documents were submitted. (Ord. 7166-NS § 1 (part), 2011)

## **Article V. Oversight**

### **2.06.190 Open Government Commission--Duties.**

A) There is hereby created the Open Government Commission, which shall have authority for oversight of this Chapter and Chapter 2.09, the Lobbyist Registration Act, as set forth in this Section. The Open Government Commission shall consist of the members of the Berkeley Fair Campaign Practices Commission established by Berkeley Municipal Code section 2.12.170 who shall be ex officio members of the Open Government Commission.

- 1) The Open Government Commission shall:
  - a) hear complaints by any person concerning alleged non-compliance with this Ordinance, the Brown Act, the Public Records Act, or the Lobbyist Registration Act, by the City or any of its legislative bodies, elected or appointed officials, officers or employees;
  - b) consider ways to informally resolve those complaints and make recommendations to the Council regarding such complaints;
  - c) seek advice from the City Attorney concerning those complaints;
  - d) advise the City Council of its opinion, conclusion or recommendation as to any complaint; and
  - e) take any action authorized by the Lobbyist Registration Act under Chapter 2.09.

To be considered by the Open Government Commission, complaints shall be submitted in writing using a form provided by the City, and must be submitted to the Secretary of the Commission no less than 14 days prior to the Commission meeting at which it will be considered.

- 2) In addition, the Commission may advise the City Council concerning the report prepared pursuant to subdivision (C), propose additional legislation or procedures that it deems advisable to ensure the City's



compliance with this Ordinance, the Brown Act, the Public Records Act, and the Lobbyist Registration Act, and advise the City Council as to any other action or policy that it deems advisable to enhance open and effective government in Berkeley.

B) The power and authority of the Open Government Commission with respect to oversight of this Chapter shall be limited to the functions set forth in this Section, and the Commission shall not have any of the additional authority or powers set forth in Chapter 2.12 with respect to oversight or enforcement of this Chapter.

C) Each year, the City Manager shall prepare and submit to the Open Government Commission a report that contains at least the following information:

- 1) The number of Public Records Act requests received by the City;
- 2) The average length of time taken to respond to those requests;
- 3) The approximate number of pages produced in response to those requests;
- 4) The number and resolution of all written complaints received by the City concerning its compliance with the Public Records Act with respect to such requests;
- 5) The number and resolution of all complaints received by the City concerning its compliance with the Brown Act; and
- 6) Any other information the City Manager deems appropriate that relates to the City's compliance with this Ordinance, the Brown Act, the Public Records Act, the Lobbyist Registration Act, or open and effective government in Berkeley.

D) Notwithstanding anything to the contrary in Section 2.04.075 or Chapter 3.02, the appointment and tenure of members of the Commission shall be governed by Chapter 2.12. (Ord. 7629-NS § 2, 2018; Ord. 7166-NS § 1 (part), 2011)

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**The Berkeley Municipal Code is current through Ordinance 7812-NS, passed May 24, 2022.**

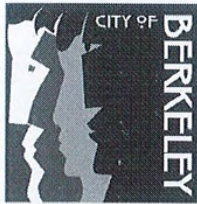
Disclaimer: The City Clerk's Office has the official version of the Berkeley Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

**Note:** This site does not support Internet Explorer. To view this site, Code Publishing Company recommends using one of the following browsers: Google Chrome, Firefox, or Safari.

City Website: [www.berkeleyca.gov](http://www.berkeleyca.gov)

Code Publishing Company





Sophie Hahn  
Councilmember  
District 5

ACTION CALENDAR

July 26, 2022

*(Continued from July 12, 2022)*

To: Honorable Mayor and Members of the City Council

From: Councilmember Sophie Hahn (Author), Councilmembers Terry Taplin, Ben Bartlett and Kate Harrison (Co-Sponsors)

Subject: Restoring and Improving Access to City of Berkeley Website and Archival Materials

RECOMMENDATION

Direct the City Manager to:

1. Restore at previous URLs all PDF documents previously hosted on the City of Berkeley website.
2. Create a publicly accessible archival copy of the City's previous website, CityofBerkeley.info, that can be accessed without logins and via internet search engines. Include a prominent disclaimer noting the date the website, page, or document was archived, with links redirecting to the active website or other responsive resource.
3. On the new website, update Commission pages to include a minimum of 2 years of historic agendas and other materials and update City Council and Council Committee pages to include at least 3 years of complete materials.
4. By July 15, 2022 develop and make available to all City staff and to the public training at beginner to expert levels on use of the City's Records Online search function and create more extensive and less technical self-help resources covering basic and expert use.
5. In recognition of increased public traffic, update the Records Online homepage to explain how the portal works and link to more robust self-help resources and alternative search functions.
6. Coordinate with agency staff to include all relevant records (agendas, minutes, etc.) from Rent Board and Housing Authority in Records Online Portal.



ACTION  
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7. Update any remaining 404 pages to explain that the City's website has been moved/updated, and provide links to helpful pages, search functions and/or pathways to access responsive materials. As quickly as possible, consider implementing redirects with wildcards to direct as many old links to relevant new website pages in lieu of the standard 404 page. E.g. cityofberkeley.info/planning\* to the Planning Department site map/homepage, or Department Specific 404 page explaining new navigation.

Refer to the City Manager the following additional improvements to Records Online:

1. Within Records Online, provide unique archival/search categories for each City Commission, Board, Committee and Rent Board, and consider other useful categories, to assist users in narrowing results and identifying responsive materials.
2. Allow Records Online search *results* to be sorted by date and by other searchable factors. Consider means to integrate records online into default site search bar.
3. Explore and report back to Council options for improving the scope of Records Online, improving search options and sorting, and making all materials – or materials from January 1, 2000 (or an earlier recommended date) forward, searchable using internet search engines.

#### BACKGROUND

The recently launched new City Website has brought many important improvements, in particular with respect to customer/resident services. It's much easier for users to find help with important functions such as requesting a service, reporting a pothole, or paying a bill, and to learn about public-facing services and facilities. It also includes well-organized foundational information about City departments and special projects. All of this represents a huge improvement for these users and uses.

The new website's utility as a resource and archive for specialized or in-depth records and materials, however, has been severely hobbled. Staff has reported that over 15,000 pages were consolidated into 500, in an attempt to focus the website on a particular and important user experience. Unfortunately, other functionalities were severely reduced and users who have long relied on the website to access a broad range of important materials have limited opportunities to search for and find responsive documents.

Another consequence of removing the City's "old" website is that all links in plans such as the Bicycle, Pedestrian, and Vision Zero Plans, Area Plans, the SOSIP Plan, the Climate Action Plan, Electric Mobility Plan - and all other Plans generated prior to launch of the new website - are broken. Links in every item, memorandum, study,



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regulation, footnote, press release, health order, or other document or statement generated by the City prior to launch of the new website are also dead.

Materials previously accessible via simple search engine queries are no longer accessible, except via an "old school" portal that requires time and expertise to navigate. Unlike 21st Century search engines, Records Online works best when a user knows exactly what they are looking for, including the title and date a document or topic was generated, severely limiting its utility. Broader searches generate voluminous results that cannot be easily browsed, adding significant time to locate materials that previously could be identified instantaneously. For members of the public curious about a City topic or policy, and in particular for staff and Council Members involved in research or writing memos, policies, programs, plans, and other in depth items, the extra time involved searching for responsive documents can add up to hours, and important documents are likely to be missed.

Compounding this problem, website pages that previously linked to years' worth of archived documents, press releases, memos, regulations, plans and similar materials either no longer exist, or contain only shallow archives. As a result, a veritable trove of documents and reports important to understanding the history and current status of the City and its programs and policies, while technically still available via expert use of Records Online, are functionally beyond reach.

Addressing the loss of critical transparency and functionality with closure of the City's previous website requires urgent action. This item requires both interim and long term solutions to be implemented on an expedited basis.

#### FINANCIAL IMPLICATIONS

Significant reduction in staff time across the organization chasing broken links and searching for materials in Records Online. Staff time to implement requested changes and research additional solutions.

#### CURRENT SITUATION AND ITS EFFECTS

The updated website presents significant challenges for important users and uses. Members of the public, staff, and elected officials are no longer able to reliably locate or navigate current and historic materials. Critical transparency is vastly decreased, and user time across the City and among members of the public is increased, rendering both work and public participation more difficult and time consuming.



ACTION  
July 26, 2022

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

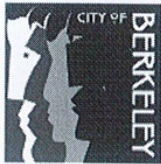
N/A

CONTACT PERSON

Councilmember Sophie Hahn    Council District 5    510-981-7150




**ATTACHMENT C:**  
SCREENSHOT OF INSTRUCTIONS FOR USE OF RECORDS ONLINE



## Welcome to the City of Berkeley's Records Online

Records Online contains Election information, Ordinances, Resolutions, Staff Reports, Meeting Minutes, Contracts, Communications and other City documents. Review the date ranges of specific document types found in Records Online.

### Search Tips and Instructions:

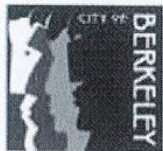
1. For all date fields, the proper search format is **mm/dd/yyyy**.
2. A **"full text"** query locates a specified search term in the record. The search term can be combined with other data fields associated with the document type.
3. A **"keywords"** query searches in the specified data fields associated with the document type.
4. \*Asterisks\* around a search term find that term where it is part of the data field (e.g. \*parking\* or \*signs\* or \*sidewalk\*).
5. Narrow your search as much as possible by choosing the correct record category (ordinance, contracts, etc.)
6. For full-text queries, you may use the following search tools: Exact Phrase: "term1 term2"; Boolean: term1 AND term2 OR term3 NOT term4; Soundex: S{term}; Fuzzy: F{term}; Near: N#{term1, term2}
7. To open a document in a new window, click the  icon.

For assistance in using Records Online, contact the City Clerk Department



**Exercise:** searching Records Online  
**Focus:** BMASP Off-Agenda from December 13, 2018 (below)  
**Results:** 10 attempts. All unsuccessful. Document not found.

*The document being searched for:*



City Manager's Office

December 13, 2018

To: Honorable Mayor and Members of the City Council

From:  Dee Williams-Ridley, City Manager

Re: Waterfront / Marina Fund Update

**SUMMARY**

The Marina Enterprise Fund – the mechanism for managing all Waterfront revenues and expenditures – cannot support ongoing basic operating costs and overdue maintenance. The fund has annual revenues of approximately \$6.2 million and annual expenditures of approximately \$7.2 million. Years of deferred maintenance have yielded an estimated \$106 million in Marina infrastructure needs, \$10.33 million of which are for immediate concerns. This report updates the Council on the projected insolvency of the Marina Fund, the contributing factors, and potential solutions as we approach the next budget cycle. This report builds on previous reports regarding this issue over the last year<sup>1</sup> and two decades of reports dating back to 1999 documenting a long history of the Marina Fund revenues struggling to cover basic operating costs, leaving little to no room for capital or maintenance work.<sup>2</sup>

Recent safety issues and deteriorating infrastructure have accelerated a fiscal crisis at the Waterfront. There have been sharp declines in berth rental revenue as boat owners have left the Berkeley Marina. Berth occupancy rates declined from 85% in 2016 to 79% in 2018. Lease revenue also fell, with revenue from the Doubletree Hotel down more than 4% in FY18 over the prior year. At the same time, long-deferred infrastructure repairs are rapidly increasing expenditures as pilings, docks, building systems, parking lots and street paving begin to fail.

The combination of falling revenue and increasing expenditure have strained the relatively small Marina Fund to a breaking point:


<sup>1</sup> July 1, 2018: [Off-Agenda Report](#); May 8, 2018: [Worksession Report and Budget Report](#); April 12, 2018: [Off-Agenda Report](#); November 7, 2017: [Worksession Report](#)

<sup>2</sup> See Council Minutes, Item 38, 11/9/99; Marina Master Plan, 6/1/03, p.61; FY 2006 & FY 2007 Biennial Budget Update – First Quarter, 12/13/05, p.10; Fees: Marina Fee Increases for FY 2007, 6/20/06, p.1; FY 2009 Mid-biennial Budget Update - Pres, 5/6/08, see Slide 21; Fees: Marina Fee Increases for FY 2012, 5/17/11, p.2; Parks, Recreation and Waterfront Department Budget Presentation, 3/5/13, p. 8; Parks, Recreation and Waterfront Department Budget Presentation, 3/5/13, p. 6; Marina Fee Increases, 5/26/15, p.2.



**Search space:** All Records Query (Full Text)  
**Search Term:** waterfront / marina fund update  
**Date Range:** 11/01/2018 to 12/18/2018


*Search #1 - Begin with wide date range, November through December 2018  
Use exact wording of document subject: waterfront / marina fund update*



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7. To open a document in a new window, click the  icon.

For assistance in using Records Online, contact the City Clerk Department

**Search**
























**Search Type**  
Public - All Records Query (Full Text)

Search for documents by entering a search term and any other fields, then click Search.

**Search Term**  
waterfront / marina fund update


**From Date** 11/01/2018 **To Date** 12/18/2018

**Results**

| Doc. No.                                                                                  | Name                                                                                                                           |
|-------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
|  83.3  | 11/15/2018; CLK - Communication; Public; ; SPECIAL; Communications                                                             |
|  83.3  | 11/27/2018; CLK - Communication; Public; ; REGULAR; Communications                                                             |
|  82.29 | 11/15/2018; CLK - Agenda Packet (Public); Parks Recreation and Waterfront; ; SPECIAL; Parks, Recreation & Waterfront Dep       |
|  79.39 | 12/6/2018; CLK - Agenda Packet (Public); Parks Recreation and Waterfront; ; SPECIAL; Semi-Annual Report on Measure T1 (        |
|  79.11 | 12/6/2018; CLK - Communication; Public; ; SPECIAL; Supplemental Communications 3                                               |
|  78.57 | 12/4/2018; CLK - Agenda Packet (Public); City Clerk; ; REGULAR; City Council Referral Process -- 2018 Interim Update           |
|  70.38 | 12/6/2018; CLK - Agenda Packet (Public); City Manager; ; SPECIAL; Update on the Berkeley Strategic Plan                        |
|  63.28 | 11/27/2018; CLK - Agenda Packet (Public); City Manager; ; REGULAR; FY 2018 Year-End Results and FY 2019 First Quarter I        |
|  63.01 | 11/27/2018; CLK - Agenda Packet (Public); Parks Recreation and Waterfront; ; REGULAR; Contract No. 10217 Amendment: T          |
|  62.84 | 11/27/2018; CLK - Minutes; City Council; ; REGULAR;                                                                            |
|  62.67 | CLK - Voter Information Pamphlet for General 11/6/2018                                                                         |
|  62.67 | 11/13/2018; CLK - Agenda Packet (Public); Finance; ; REGULAR; Contract No. 9821 Amendment: First Alarm Security & Patrc        |
|  62.67 | 12/11/2018; CLK - Agenda Packet (Public); City Clerk; ; REGULAR; Confirming the Results of the November 6, 2018, General       |
|  62.67 | 12/11/2018; CLK - Resolution; City Council; 68704; ; To achieve more resilient and climate-smart, technologically advanced inf |
|  62.47 | 12/11/2018; CLK - Agenda Packet (Public); Public Works; ; REGULAR; Contract: Disability Access Consultants for ADA Self E      |
|  62.37 | 11/27/2018; CLK - Agenda Packet (Public); City Clerk; ; REGULAR; Minutes for Approval                                          |
|  61.38 | 12/5/2018; CLK - Minutes; Energy Commission; ; ;                                                                               |
|  80.32 | 11/15/2018; CLK - Agenda Packet (Public); Public Works; ; SPECIAL; Update on Department of Public Works Capital Improver       |
|  59.8  | 12/11/2018; CLK - Resolution; City Council; 68713; ; Contract: Disability Access Consultants for ADA Self Evaluation and Tran  |
|  55.7  | 12/6/2018; CLK - Agenda Packet (Public); Parks Recreation and Waterfront; ; SPECIAL; Semi-Annual Report on Measure T1 (        |
|  55.38 | 11/13/2018; CLK - Agenda Packet (Public); City Clerk; ; REGULAR; Revised Records Retention Schedule                            |
|  55.02 | 11/13/2018; CLK - Resolution; City Council; 68661; ; Revised Records Retention Schedule                                        |
|  54.56 | 12/11/2018; CLK - Agenda Packet (Public); District 4; ; REGULAR; Referral to City Manager to establish Recreational Vehicle I  |




*Search #2 - Same search term. Narrow the date range to December 2018.*



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3. A "keywords" query searches in the specified data fields associated with the document type.
4. "Asterisks" around a search term find that term where it is part of the data field (e.g. "parking" or "signs" or "sidewalk").
5. Narrow your search as much as possible by choosing the correct record category (ordinance, contracts, etc.)
6. For full-text queries, you may use the following search tools: Exact Phrase: "term1 term2"; Boolean: term1 AND term2 OR term3 NOT term4; Soundex: S(term); Fuzzy: F(term); Near: N#(term1, term2)
7. To open a document in a new window, click the  icon.

For assistance in using Records Online, contact the City Clerk Department

#### Search

**Search Type**

Public - All Records Query (Full Text) ▼

Search for documents by entering a search term and any other fields, then click Search.

**Search Term**

waterfront / marina fund update
























**From Date**

12/01/2018

**To Date**

12/31/2018


#### Results

| Sc...                                                                                     | Name                                                                                                                            |
|-------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
|  79.39   | 12/6/2018; CLK - Agenda Packet (Public); Parks Recreation and Waterfront; ; SPECIAL; Semi-Annual Report on Measure T1 C         |
|  79.11   | 12/6/2018; CLK - Communication; Public; ; SPECIAL; Supplemental Communications 3                                                |
|  78.57  | 12/4/2018; CLK - Agenda Packet (Public); City Clerk; ; REGULAR; City Council Referral Process - 2018 Interim Update             |
|  70.38 | 12/6/2018; CLK - Agenda Packet (Public); City Manager; ; SPECIAL; Update on the Berkeley Strategic Plan                         |
|  62.67 | 12/11/2018; CLK - Agenda Packet (Public); City Clerk; ; REGULAR; Confirming the Results of the November 6, 2018, General I      |
|  62.67 | 12/11/2018; CLK - Resolution; City Council; 68704; ; To achieve more resilient and climate-smart, technologically advanced infr |
|  62.47 | 12/11/2018; CLK - Agenda Packet (Public); Public Works; ; REGULAR; Contract: Disability Access Consultants for ADA Self Ev      |
|  61.38 | 12/5/2018; CLK - Minutes; Energy Commission; ; ;                                                                                |
|  59.8  | 12/11/2018; CLK - Resolution; City Council; 68713; ; Contract: Disability Access Consultants for ADA Self Evaluation and Trans  |
|  55.7  | 12/6/2018; CLK - Agenda Packet (Public); Parks Recreation and Waterfront; ; SPECIAL; Semi-Annual Report on Measure T1 C         |
|  54.56 | 12/11/2018; CLK - Agenda Packet (Public); District 4; ; REGULAR; Referral to City Manager to establish Recreational Vehicle V   |
|  54.24 | 12/6/2018; CLK - Agenda Packet (Public); Planning and Development; ; SPECIAL; Climate Action Plan Update                        |
|  53.99 | 12/11/2018; CLK - Agenda Packet (Public); Mayor; ; REGULAR; Establishment of Traffic Circle Policy Task Force                   |
|  53.99 | 12/11/2018; CLK - Minutes; City Council; ; REGULAR;                                                                             |
|  53.92 | 12/4/2018; CLK - Agenda Packet (Public); Planning and Development; ; REGULAR; Referral Response: Reclassifying the zon          |
|  53.92 | 12/4/2018; CLK - Communication; Public; ; REGULAR; Supplemental Communications 3                                                |
|  53.92 | 12/11/2018; CLK - Agenda Packet (Public); Planning and Development; ; REGULAR; Referral Response: Reclassifying the zon         |
|  53.92 | 12/11/2018; CLK - Resolution; City Council; 68724; ; Referral Response: Reclassifying the Zoning and Amending the Berkeley      |
|  53.92 | EXPENDITURE Contract - # 9674C - Date Executed: 12/14/2018 - Direct Line Tele Response - After hours answering services         |
|  53.85 | 12/6/2018; CLK - Minutes; City Council; ; SPECIAL;                                                                              |
|  53.67 | 12/11/2018; CLK - Agenda Packet (Public); Mayor; ; REGULAR; Establishment of Traffic Circle Policy Task Force - Supp            |
|  53.67 | 12/11/2018; CLK - Communication; Public; ; REGULAR; Supplemental Communications 2                                               |
|  53.17 | 12/11/2018; CLK - Agenda Packet (Public); Zero Waste Commission; ; REGULAR; Referral Response: Berkeley Single Use Fo           |

Page 147




*Search #3 – Update search term to use double quotes to restrict to exact phrase.  
Still constrained to December 2018*



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5. Narrow your search as much as possible by choosing the correct record category (ordinance, contracts, etc.)
6. For full-text queries, you may use the following search tools: Exact Phrase: "term1 term2"; Boolean: term1 AND term2 OR term3 NOT term4; Soundex: S{term}; Fuzzy: F{term}; Near: N#(term1, term2)
7. To open a document in a new window, click the  icon.

For assistance in using Records Online, contact the City Clerk Department

#### Search

**Search Type**

Public – All Records Query (Full Text) 

Search for documents by entering a search term and any other fields, then click Search.

**Search Term**

"waterfront / marina fund update"

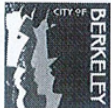
**From Date**  **To Date**

#### Results

No documents found.



*Search #4 – Remove the spaces on both sides of forward-slash. Keep double quotes. Still constrained to December 2018*



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3. A **"keywords"** query searches in the specified data fields associated with the document type.
4. **"Asterisks"** around a search term find that term where it is part of the data field (e.g. **"parking"** or **"signs"** or **"sidewalk"**).
5. Narrow your search as much as possible by choosing the correct record category (ordinance, contracts, etc.)
6. For full-text queries, you may use the following search tools: Exact Phrase: **"term1 term2"**; Boolean: **term1 AND term2 OR term3 NOT term4**; Soundex: **S(term)**; Fuzzy: **F(term)**; Near: **N#(term1, term2)**
7. To open a document in a new window, click the  icon.

For assistance in using Records Online, contact the City Clerk Department

#### Search

**Search Type**

Public – All Records Query (Full Text) 

Search for documents by entering a search term and any other fields, then click Search.

**Search Term**

"waterfront/marina fund update"

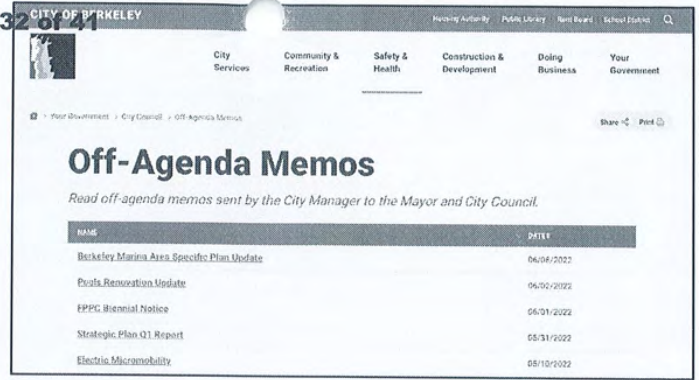
**From Date** 12/01/2018 **To Date** 12/31/2018

#### Results

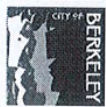
No documents found.



Full reference Page 32 of 41



## Search #5 - Try new search term: off-agenda



### Welcome to the City of Berkeley's Records Online

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7. To open a document in a new window, click the icon.

For assistance in using Records Online, contact the City Clerk Department

#### Search

**Search Type**  
Public - All Records Query (Full Text)

Search for documents by entering a search term and any other fields, then click Search.

**Search Term**  
off-agenda

**From Date**  
11/01/2018

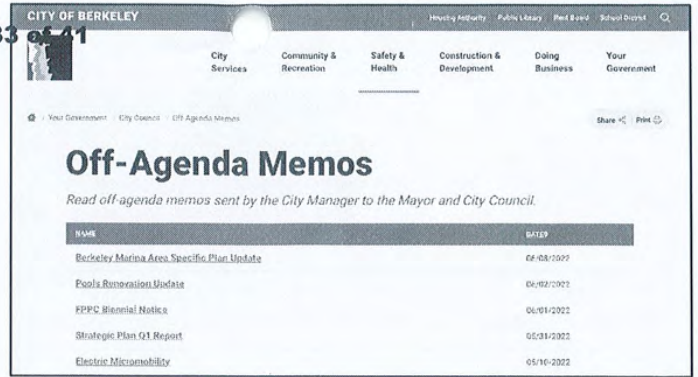
**To Date**  
12/18/2018

#### Results

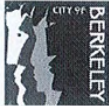
| Sc... | Name                                                                                                                             |
|-------|----------------------------------------------------------------------------------------------------------------------------------|
|       | 79.36 12/4/2018; CLK - Agenda Packet (Public); City Clerk; ; REGULAR; City Council Referral Process - 2018 Interim Update        |
|       | 78.16 11/15/2018; CLK - Agenda Packet (Public); Parks Recreation and Waterfront; ; SPECIAL; Parks, Recreation & Waterfront Dep   |
|       | 77.98 12/4/2018; CLK - Agenda Packet (Public); City Clerk; ; REGULAR; City Council Short Term Referral Process - Monthly Update  |
|       | 77.26 11/15/2018; CLK - Communication; Public; ; SPECIAL; Communications                                                         |
|       | 77.26 11/27/2018; CLK - Communication; Public; ; REGULAR; Communications                                                         |
|       | 61.04 11/1/2018; CLK - Minutes; Landmarks Preservation Commission; ; ;                                                           |
|       | 61.04 12/4/2018; CLK - Minutes; City Council; ; REGULAR;                                                                         |
|       | 60.42 12/6/2018; CLK - Minutes; Landmarks Preservation Commission; ; ;                                                           |
|       | 60.24 11/27/2018; CLK - Agenda Packet (Public); Human Resources; ; REGULAR; Memorandum of Understanding: International Bro       |
|       | 60.24 11/27/2018; CLK - Resolution; City Council; 68670; ; Memorandum Agreement: International Brotherhood of Electrical Workers |
|       | 60.05 12/11/2018; CLK - Agenda Packet (Public); Human Resources; ; REGULAR; Memorandum of Understanding: Public Employer         |
|       | 60.05 12/11/2018; CLK - Resolution; City Council; 68709; ; Memorandum of Understanding (MOU): Public Employees Union PEU Lo      |
|       | 59.8 12/4/2018; CLK - Agenda Packet (Public); Planning and Development; ; REGULAR; Referral Response: Reclassifying the zoni     |
|       | 59.8 12/11/2018; CLK - Agenda Packet (Public); Planning and Development; ; REGULAR; Referral Response: Reclassifying the zor     |
|       | 59.8 12/17/2018; CLK - Minutes; Rent Stabilization Board; ; REGULAR; Minutes                                                     |
|       | 59.68 11/13/2018; CLK - Agenda Packet (Public); City Clerk; ; REGULAR; Revised Records Retention Schedule                        |
|       | 59.68 11/13/2018; CLK - Resolution; City Council; 68661; ; Revised Records Retention Schedule                                    |
|       | 59.68 12/11/2018; CLK - Resolution; City Council; 68725; ; Adopt Findings under CA Environmental Quality Act (CEQA) and a mitiga |
|       | 59.24 11/27/2018; CLK - Communication; Public; ; REGULAR; Supplemental Communications 2                                          |
|       | 59.24 12/4/2018; CLK - Communication; Public; ; REGULAR; Supplemental Communications 2                                           |
|       | 57.68 EXPENDITURE Contract - # 31900013 - Date Executed: 11/29/2018 - The Library Corporation - Integrated Library System        |
|       | 56.18 11/13/2018; CLK - Agenda Packet (Public); Planning and Development; ; REGULAR; Request to Reduce the In-Lieu Provision     |
|       | 56.18 12/4/2018; CLK - Agenda Packet (Public); Community Environmental Advisory Commission; ; REGULAR; Referral Response:        |



For reference Page 33 of 41




*Search #6 - Add the word 'memo', search term now: off agenda memo*



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- For full-text queries, you may use the following search tools: Exact Phrase: "term1 term2"; Boolean: term1 AND term2 OR term3 NOT term4; Soundex: S(term); Fuzzy: F(term); Near: N#[term1, term2]
- To open a document in a new window, click the  icon.

For assistance in using Records Online, contact the City Clerk Department

**Search**

**Search Type**

Public - All Records Query (Full Text)

Search for documents by entering a search term and any other fields, then click Search.

**Search Term**

off agenda memo

**From Date** 11/01/2018 **To Date** 12/31/2018

**Search** **Reset**

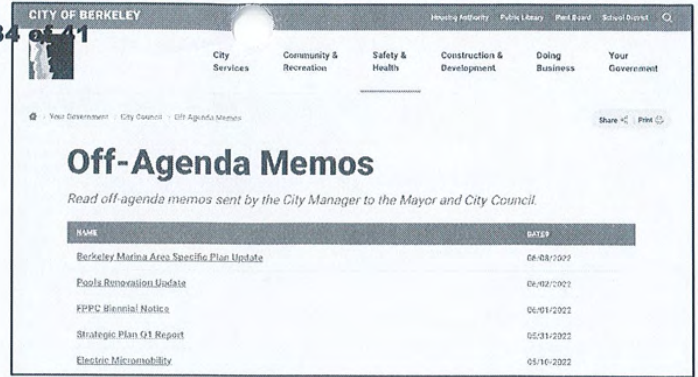
**Results**

| Sc... | Name                                                                                                           |
|-------|----------------------------------------------------------------------------------------------------------------|
| 78.49 | 12/4/2018; CLK - Agenda Packet (Public); City Clerk; ; REGULAR; City Council Referral Process - 2018 Interim U |
| 76.93 | 11/15/2018; CLK - Agenda Packet (Public); Parks Recreation and Waterfront; ; SPECIAL; Parks, Recreation & Wa   |
| 76.45 | 12/4/2018; CLK - Agenda Packet (Public); City Clerk; ; REGULAR; City Council Short Term Referral Process - Mo  |
| 65.14 | 12/4/2018; CLK - Agenda Packet (Public); City Manager; ; REGULAR; Structure for City Council Standing Policy C |
| 65.14 | 12/11/2018; CLK - Agenda Packet (Public); City Manager; ; REGULAR; Structure for City Council Standing Policy  |
| 64.37 | 11/28/2018; CLK - Minutes; Human Welfare and Community Action Commission; ;                                    |
| 63.59 | 11/27/2018; CLK - Agenda Packet (Public); City Clerk; ; REGULAR; Amendment: FY 2019 Annual Appropriations      |
| 63.59 | 11/27/2018; CLK - Communication; Public; ; REGULAR; Supplemental Communications 1                              |
| 54.15 | 11/13/2018; CLK - Agenda Packet (Public); Planning and Development; ; REGULAR; ZAB Appeal: 3000 Shattuck ,     |
| 54.15 | 11/27/2018; CLK - Agenda Packet (Public); Planning and Development; ; REGULAR; ZAB Appeal: 3000 Shattuck ,     |
| 49.27 | 12/11/2018; CLK - Agenda Packet (Public); Human Resources; ; REGULAR; Memorandum of Understanding: Pub         |
| 49.27 | 12/11/2018; CLK - Resolution; City Council; 68709; ; Memorandum of Understanding (MOU): Public Employees Ur    |
| 45.47 | 11/1/2018; CLK - Minutes; Landmarks Preservation Commission; ; ;                                               |
| 45.47 | 12/4/2018; CLK - Minutes; City Council; ; REGULAR;                                                             |
| 45.04 | 12/6/2018; CLK - Minutes; Landmarks Preservation Commission; ; ;                                               |
| 44.92 | 11/27/2018; CLK - Agenda Packet (Public); Human Resources; ; REGULAR; Memorandum of Understanding: Inte        |
| 44.92 | 11/27/2018; CLK - Resolution; City Council; 68670; ; Memorandum Agreement: International Brotherhood of Electr |
| 44.62 | 12/4/2018; CLK - Agenda Packet (Public); Planning and Development; ; REGULAR; Referral Response: Reclassify    |
| 44.62 | 12/11/2018; CLK - Agenda Packet (Public); Planning and Development; ; REGULAR; Referral Response: Reclassi     |
| 44.62 | 12/17/2018; CLK - Minutes; Rent Stabilization Board; ; REGULAR; Minutes                                        |
| 44.53 | 11/13/2018; CLK - Agenda Packet (Public); City Clerk; ; REGULAR; Revised Records Retention Schedule            |


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Reference Page 34 of 41




Search #7 - Try new Boolean: off AND agenda AND memo.  
Constrain date to just December 2018



## Welcome to the City of Berkeley's Records Online

Records Online contains Election Information, Ordinances, Resolutions, Staff Reports, Meeting Minutes, Contracts, Communications and other City documents. Review the date ranges of specific document types found in Records Online.

**Search Tips and Instructions:**

1. For all date fields, the proper search format is **mm/dd/yyyy**.
2. A **"full text"** query locates a specified search term in the record. The search term can be combined with other data fields associated with the document type.
3. A **"keywords"** query searches in the specified data fields associated with the document type.
4. **"Asterisks"** around a search term find that term where it is part of the data field (e.g. **"parking"** or **"signs"** or **"sidewalk"**).
5. Narrow your search as much as possible by choosing the correct record category (ordinance, contracts, etc.)
6. For full-text queries, you may use the following search tools: Exact Phrase: **"term1 term2"**; Boolean: **term1 AND term2 OR term3 NOT term4**; Soundex: **S(term)**; Fuzzy: **F(term)**; Near: **NW(term1, term2)**
7. To open a document in a new window, click the  icon.

For assistance in using Records Online, contact the City Clerk Department

### Search

**Search Type**

Public - All Records Query (Full Text) ▼

Search for documents by entering a search term and any other fields, then click Search.

**Search Term**

off AND agenda AND memo

**From Date**



12/01/2018

**To Date**

12/31/2018

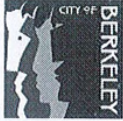
Search Reset

### Results

| Sc...                                                                                     | Name                                                                                                               |
|-------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|
|  78.49 | 12/4/2018; CLK - Agenda Packet (Public); City Clerk; ; REGULAR; City Council Referral Process - 2018 Interim Updat |
|  76.45 | 12/4/2018; CLK - Agenda Packet (Public); City Clerk; ; REGULAR; City Council Short Term Referral Process - Monthl  |



*Search #8 - Try Boolean: waterfront AND marina AND fund AND update.  
Date range November to December 2018*



Welcome to the City of Berkeley's Records Online

Records Online contains Election information, Ordinances, Resolutions, Staff Reports, Meeting Minutes, Contracts, Communications and other City documents. Review the date ranges of specific document types found in Records Online.

Search Tips and Instructions:

1. For all date fields, the proper search format is **mm/dd/yyyy**.
2. A "**full text**" query locates a specified search term in the record. The search term can be combined with other data fields associated with the document type.
3. A "**keywords**" query searches in the specified data fields associated with the document type.
4. "**Asterisks**" around a search term find that term where it is part of the data field (e.g. "parking" or "signs" or "sidewalk").
5. Narrow your search as much as possible by choosing the correct record category (ordinance, contracts, etc.)
6. For full-text queries, you may use the following search tools: Exact Phrase: "term1 term2"; Boolean: term1 AND term2 OR term3 NOT term4; Soundex: S{term}; Fuzzy: F{term}; Near: N# (term1, term2)
7. To open a document in a new window, click the icon.

For assistance in using Records Online, contact the City Clerk Department

Search

Search Type

Public - All Records Query (Full Text)

Search for documents by entering a search term and any other fields, then click Search.

Search Term

waterfront AND marina AND fund AND update

From Date

11/01/2018

To Date

12/31/2018

Search Reset

Results

| Sc... | Name                                                                                            |
|-------|-------------------------------------------------------------------------------------------------|
| 83.3  | 11/15/2018; CLK - Communication; Public; ; SPECIAL; Communications                              |
| 83.3  | 11/27/2018; CLK - Communication; Public; ; REGULAR; Communications                              |
| 82.29 | 11/15/2018; CLK - Agenda Packet (Public); Parks Recreation and Waterfront; ; SPECIAL; Parks, R  |
| 79.39 | 12/6/2018; CLK - Agenda Packet (Public); Parks Recreation and Waterfront; ; SPECIAL; Semi-Ann   |
| 79.11 | 12/6/2018; CLK - Communication; Public; ; SPECIAL; Supplemental Communications 3                |
| 78.57 | 12/4/2018; CLK - Agenda Packet (Public); City Clerk; ; REGULAR; City Council Referral Process - |



*Search #9 - New Boolean: marina AND enterprise AND fund.  
Limit date range to December 2018*



### Welcome to the City of Berkeley's Records Online

Records Online contains Election information, Ordinances, Resolutions, Staff Reports, Meeting Minutes, Contracts, Communications and other City documents. Review the date ranges of specific document types found in Records Online.

**Search Tips and Instructions:**

1. For all date fields, the proper search format is mm/dd/yyyy.
2. A "full text" query locates a specified search term in the record. The search term can be combined with other data fields associated with the document type.
3. A "keywords" query searches in the specified data fields associated with the document type.
4. "Asterisks" around a search term find that term where it is part of the data field (e.g. "parking" or "signs" or "sidewalk").
5. Narrow your search as much as possible by choosing the correct record category (ordinance, contracts, etc.)
6. For full-text queries, you may use the following search tools: Exact Phrase: "term1 term2"; Boolean: term1 AND term2 OR term3 NOT term4; Soundex: S(term); Fuzzy: F(term); Near: N#(term1, term2)
7. To open a document in a new window, click the icon.

For assistance in using Records Online, contact the City Clerk Department

#### Search

**Search Type**

Public - All Records Query (Full Text)

Search for documents by entering a search term and any other fields, then click Search.

**Search Term**

marina AND enterprise AND fund

**From Date**

12/01/2018

**To Date**

12/31/2018

**Search** **Reset**

#### Results

| Sc... | Name                                                                                                                                  |
|-------|---------------------------------------------------------------------------------------------------------------------------------------|
|       | 77.95 12/4/2018; CLK - Agenda Packet (Public); City Manager; ; REGULAR; Amendment: FY 2019 Annual Appropriations Ordinance No. 7617-N |
|       | 77.95 12/4/2018; CLK - Ordinance; City Council; 7634; ; Amending the Annual Appropriations Ordinance No. 7617-N                       |
|       | 73.52 12/11/2018; CLK - Agenda Packet (Public); City Clerk; ; REGULAR; Minutes for Approval                                           |



*Search #10 – Try exact phrase in double quotes: “marina fund update”.  
Limit date range to December 2018*



### Welcome to the City of Berkeley's Records Online

Records Online contains Election information, Ordinances, Resolutions, Staff Reports, Meeting Minutes, Contracts, Communications and other City documents. Review the date ranges of specific document types found in Records Online.

**Search Tips and Instructions:**

1. For all date fields, the proper search format is mm/dd/yyyy.
2. A **“full text”** query locates a specified search term in the record. The search term can be combined with other data fields associated with the document type.
3. A **“keywords”** query searches in the specified data fields associated with the document type.
4. \*Asterisks\* around a search term find that term where it is part of the data field (e.g. \*parking\* or \*signs\* or \*sidewalk\*).
5. Narrow your search as much as possible by choosing the correct record category (ordinance, contracts, etc.)
6. For full-text queries, you may use the following search tools: Exact Phrase: "term1 term2"; Boolean: term1 AND term2 OR term3 NOT term4; Soundex: S(term); Fuzzy: F(term); Near: N#(term1, term2)
7. To open a document in a new window, click the icon.

For assistance in using Records Online, contact the City Clerk Department

#### Search

**Search Type**

Public – All Records Query (Full Text)

Search for documents by entering a search term and any other fields, then click Search.

**Search Term**

"marina fund update"

**From Date**

12/01/2018

**To Date**

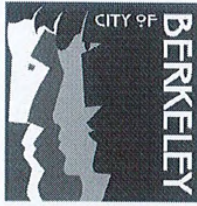
12/31/2018

**Search** **Reset**

#### Results

No documents found.





Sophie Hahn  
Councilmember  
District 5

ACTION CALENDAR

September 20, 2022

*(Continued from July 26, 2022)*

To: Honorable Mayor and Members of the City Council

From: Councilmember Sophie Hahn (Author), Councilmembers Terry Taplin, Ben Bartlett and Kate Harrison (Co-Sponsors)

Subject: Restoring and Improving Access to City of Berkeley Website and Archival Materials

RECOMMENDATION

Direct the City Manager to:

1. Restore at previous URLs all PDF documents previously hosted on the City of Berkeley website.
2. Create a publicly accessible archival copy of the City's previous website, CityofBerkeley.info, that can be accessed without logins and via internet search engines. Include a prominent disclaimer noting the date the website, page, or document was archived, with links redirecting to the active website or other responsive resource.
3. On the new website, update Commission pages to include a minimum of 2 years of historic agendas and other materials and update City Council and Council Committee pages to include at least 3 years of complete materials.
4. By July 15, 2022 develop and make available to all City staff and to the public training at beginner to expert levels on use of the City's Records Online search function and create more extensive and less technical self-help resources covering basic and expert use.
5. In recognition of increased public traffic, update the Records Online homepage to explain how the portal works and link to more robust self-help resources and alternative search functions.
6. Coordinate with agency staff to include all relevant records (agendas, minutes, etc.) from Rent Board and Housing Authority in Records Online Portal.



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7. Update any remaining 404 pages to explain that the City's website has been moved/updated, and provide links to helpful pages, search functions and/or pathways to access responsive materials. As quickly as possible, consider implementing redirects with wildcards to direct as many old links to relevant new website pages in lieu of the standard 404 page. E.g. [cityofberkeley.info/planning\\*](http://cityofberkeley.info/planning*) to the Planning Department site map/homepage, or Department Specific 404 page explaining new navigation.

Refer to the City Manager the following additional improvements to Records Online:

1. Within Records Online, provide unique archival/search categories for each City Commission, Board, Committee and Rent Board, and consider other useful categories, to assist users in narrowing results and identifying responsive materials.
2. Allow Records Online search *results* to be sorted by date and by other searchable factors. Consider means to integrate records online into default site search bar.
3. Explore and report back to Council options for improving the scope of Records Online, improving search options and sorting, and making all materials – or materials from January 1, 2000 (or an earlier recommended date) forward, searchable using internet search engines.

#### BACKGROUND

The recently launched new City Website has brought many important improvements, in particular with respect to customer/resident services. It's much easier for users to find help with important functions such as requesting a service, reporting a pothole, or paying a bill, and to learn about public-facing services and facilities. It also includes well-organized foundational information about City departments and special projects. All of this represents a huge improvement for these users and uses.

The new website's utility as a resource and archive for specialized or in-depth records and materials, however, has been severely hobbled. Staff has reported that over 15,000 pages were consolidated into 500, in an attempt to focus the website on a particular and important user experience. Unfortunately, other functionalities were severely reduced and users who have long relied on the website to access a broad range of important materials have limited opportunities to search for and find responsive documents.

Another consequence of removing the City's "old" website is that all links in plans such as the Bicycle, Pedestrian, and Vision Zero Plans, Area Plans, the SOSIP Plan, the Climate Action Plan, Electric Mobility Plan - and all other Plans generated prior to launch of the new website - are broken. Links in every item, memorandum, study,



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regulation, footnote, press release, health order, or other document or statement generated by the City prior to launch of the new website are also dead.

Materials previously accessible via simple search engine queries are no longer accessible, except via an "old school" portal that requires time and expertise to navigate. Unlike 21st Century search engines, Records Online works best when a user knows exactly what they are looking for, including the title and date a document or topic was generated, severely limiting its utility. Broader searches generate voluminous results that cannot be easily browsed, adding significant time to locate materials that previously could be identified instantaneously. For members of the public curious about a City topic or policy, and in particular for staff and Council Members involved in research or writing memos, policies, programs, plans, and other in depth items, the extra time involved searching for responsive documents can add up to hours, and important documents are likely to be missed.

Compounding this problem, website pages that previously linked to years' worth of archived documents, press releases, memos, regulations, plans and similar materials either no longer exist, or contain only shallow archives. As a result, a veritable trove of documents and reports important to understanding the history and current status of the City and its programs and policies, while technically still available via expert use of Records Online, are functionally beyond reach.

Addressing the loss of critical transparency and functionality with closure of the City's previous website requires urgent action. This item requires both interim and long term solutions to be implemented on an expedited basis.

#### FINANCIAL IMPLICATIONS

Significant reduction in staff time across the organization chasing broken links and searching for materials in Records Online. Staff time to implement requested changes and research additional solutions.

#### CURRENT SITUATION AND ITS EFFECTS

The updated website presents significant challenges for important users and uses. Members of the public, staff, and elected officials are no longer able to reliably locate or navigate current and historic materials. Critical transparency is vastly decreased, and user time across the City and among members of the public is increased, rendering both work and public participation more difficult and time consuming.



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ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

N/A

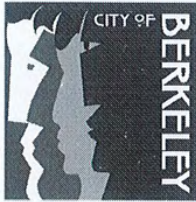
CONTACT PERSON

Councilmember Sophie Hahn    Council District 5    510-981-7150









Office of the City Manager

ACTION CALENDAR  
September 20, 2022

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

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

Subject: Extending Community Agency Contracts for One Year at Existing Levels and Postponing the Community Agency Request for Proposal (RFP) Process Until Fiscal Year 2024

RECOMMENDATION

Adopt a resolution that extends all existing community agency contracts under the community agency Request for Proposal (RFP) process for one year, at current baseline one-year funding, and postpone the four-year Community Agency's RFP process for one fiscal year, to FY2024, with new contracts to start in FY2025.

SUMMARY

This extension would apply to all community agency contracts awarded under the FY 2020-2023 RFP, released on November 19, 2018 for four-year contracts, for an additional one-year term (FY 2024) with an additional year of baseline funding. A list of the agencies and programs subject to this extension, broken down by funding source, is available in Attachment 2.

This recommendation would not include special funds awarded outside of the RFP process; such as one-time emergency relief funds due to COVID-19, the Sugar-Sweetened Beverage Product Panel of Experts RFP process, the Mental Health Service Act, and City Council priorities, etc.

Staff is asking the Council to adopt this recommendation, because undertaking a new funding allocation cycle this year poses notable challenges for both community partners and City staff and commissions. These challenges include: community agency capacity, skewed community agency outcome data due to COVID-19 impacts on services, significant City staffing shortages, and new commission configurations that have created some uncertainty regarding their purview in this process.

FISCAL IMPACTS OF RECOMMENDATION

For years the City has combined local, state, and federal funding for community services into one RFP. The next RFP is currently scheduled to be released in the fall/winter of FY 2023 for funding starting in FY 2024. In FY 2020, the City awarded



Extending Community Agency Contracts for One Year  
and Postponing the Community Agency RFP Process Until FY 2024

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approximately \$8.1 million in community agency contracts as part of the RFP process. Those contracts began in FY 2020 and will end at the end of FY 2023. Most (85%, more than \$7 million) of this funding is from local sources, primarily General Fund, including more than \$1.4 million dollars in Measure E funds (See Table 1).

**Table 1: Summary of Funding**

| # | FY 2023 Funding Source                                                         | Amount             |
|---|--------------------------------------------------------------------------------|--------------------|
| 1 | HUD: Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG) | \$1,068,938        |
| 2 | State: Community Services Block Grants (CSBG)                                  | \$160,000          |
| 3 | General Fund (GF) including Measure P                                          | \$5,249,517        |
| 4 | Local Measure E                                                                | \$1,569,911        |
| 5 | Other, Including Mental Health Services Act and Childcare Mitigation fee       | \$33,275           |
|   | <b>Total</b>                                                                   | <b>\$8,081,641</b> |

*Note: General Funds received pursuant to Measures P and U1, Sugar Sweetened Beverage funds, Childcare Mitigation fee and Mental Health Services Act funds are provided in similar contracts to community agencies but have not been included in the RFP process in the past. However, since the RFP contracts were awarded in July of 2019, some of these funding sources have been used to fund the activities of the contracts awarded as part of the RFP process.*

Adopting this resolution will keep community agency funding at the current level for another year, with no additional budget impacts.

**CURRENT SITUATION AND ITS EFFECTS**

The RFP process for community agency funding is an essential tool to ensure that City funds are allocated to agencies that address local priorities, demonstrate their service outcomes, and have the capacity to effectively manage the requirements of City funding, particularly federal funds. The complete funding allocation cycle (including RFP development, RFP release, application review by select Commissions and Council approval) lasts nine months, and is an extensive and thoughtful staff and commission review of the proposals and the organizational capacity of the agencies requesting the funds.

Undertaking a new funding allocation cycle this year poses notable challenges for both community partners and the City. These challenges are related to community agency capacity, skewed community agency outcome data due to COVID-19 impacts on services, significant City staffing shortages, and new commission configurations.

**Community Agency Capacity:** Agencies would benefit from an additional year of funding to allow them to implement ongoing service adjustments and prepare for future funding proposals as they emerge from the pandemic.



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The City's non-profit community partners have deeply felt the impacts of COVID-19 on their operations. Our partners have worked diligently during the last two years, through the COVID-19 pandemic, to meet service measures and program outcomes in the midst of very challenging and constantly changing work environments. The experience varies by agency and type of program, with some programs expanding their services and others shrinking in response to both increased need and/or increased constraints resulting from COVID-19. Programs have had to re-define how they provide services while also facing staffing shortages, supply chain issues, entering into new funder relationships, and other challenges.

As COVID-19 restrictions are lifting, programs are again needing to re-invent, re-evaluate and implement new and ever-changing protocols to address changing needs in changing conditions; all with fewer staff members due to workforce staffing shortages. Since the community agencies are facing the same labor shortages and hiring challenges as the City, their administrative capacity to respond to an RFP is also impacted.

We reached out to community agencies to get their feedback on the recommendation through an online survey and, more informally, as part of our daily discussions with them. While we received few responses to the online survey, they were all in support of the recommendation, as was the feedback we received through our daily discussions.

**Skewed Community Agency Outcome Data:** For many of the funded agencies, the service outcome and performance measure data from the last two years during COVID-19 are well outside the historical normal ranges, due to rapidly shifting conditions. Consequently, most agencies have fallen short of their goals established prior to COVID-19. This makes it challenging for the City to accurately assess the performance of community agencies.

**City Staffing Shortages:** The HHCS divisions that lead the RFP process (Housing & Community Services and the Office of the Director) are currently experiencing significant staffing shortages. Specifically, HCS has a nearly 25% staffing vacancy rate. This includes both the Community Services Specialist III (CSSIII) that manages the RFP process and the Community Services Specialist II (CSSII) that manages funding for youth-serving organizations under Vision 2020. Additionally, the HCS Manager and key staff continue to support COVID-impacted homeless services agencies, careful stewardship of millions of dollars in federal COVID relief funds, and complex affordable housing projects and new housing projects such as People's Park and BART housing developments.

**Commissions:** Four commissions in three departments have been heavily involved in the funding application review and recommendation process in the past. Currently, only three are slated to participate in the next RFP cycle:



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- 1) the Housing Advisory Commission (HAC) in HHCS,
- 2) the Human Welfare and Community Action Commission (HWCAC) in HHCS,
- 3) the Homeless Services Panel of Experts (HSPE) in the City Manager's Office.

The City has yet to determine the fourth commission which would evaluate the Vision 2020 awards for youth-serving programs. The commission that was responsible for evaluating the RFP process for these contracts previously, the Children Youth and Recreation Commission (CYRC), has since dissolved. These newly formed and existing commissions have begun to meet regularly again, after their extended suspension during COVID-19, and are working on priorities. This includes moving forward policies and programs that were temporarily stalled.

In the typical RFP process, the commissions (and staff supporting the commissions) thoroughly review all applications and make funding recommendations. This time-intensive process includes multiple subcommittee meetings that require staffing support due to the complex subject matter, and a minimum of two full commission meetings for each participating commission. Allowing the commissions one additional year to settle into restructuring and new priorities will be beneficial to future application evaluation.

HCS employees presented this recommendation at commission meetings in July and August of this year. Below is a summary of their recommendations:

**Table 3: Commission Actions and Vote**

| Name of Commission and Date of Meeting                               | Action and Vote                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|----------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Homeless Services Panel of Experts (HSPE) – 07/06/2022</b></p> | <p>Request that the City post the 2019 funding proposals for those homeless service providers whose funding was approved with additional information on the following:</p> <ul style="list-style-type: none"> <li>• Current project descriptions,</li> <li>• Current funding level,</li> <li>• Current hours of operation and location,</li> <li>• Current staffing level,</li> <li>• Current program services provided during COVID, and</li> <li>• Most recent contract monitor evaluation for each provider.</li> </ul> <p>Following this information provided, HSPE also requests COVID safe site visits.</p> <p>VOTE: M/S/C (Marasovic/Feller) Ayes: Kealoha-Blake, De la Guardia, Bookstein, Feller, Meany, Marasovic, Jones. Noes: None. Abstain: None. Absent: None</p> |



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|                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|---------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Housing Advisory Commission (HAC) –</b><br/>07/07/2022</p>    | <p>Recommend to Council that all existing community agency contracts under the Community Agency RFP process be extended for one year at the current baseline one-year funding amount, and that the four-year Community Agency RFP process be postponed for one fiscal year with a consideration that Council provide financial Cost of Living Adjustments (COLA) for the one year extension to all participating agencies.<br/>VOTE: M/S/C (Potter/Mendonca) Ayes: Lee-Egan, Mendonca, Potter, Rodriguez, and Sanidad, and Noes: None. Abstain: None. Absent: Calavita (excused), Fain (excused), Johnson (unexcused), and Simon-Weisberg (unexcused).</p>                        |
| <p><b>Human Welfare and Community Action Commission (HWCAC)</b></p> | <p>No action – Discussion only. Commission members were not in favor of the recommendation based on their discussion, but did not take a vote. They expressed a concern with the lack of funding increase to account for rising costs for well performing agencies and disappointment that some agencies they viewed as underperforming not having to go through the RFP process this year to determine if they should still receive funding from the City. Further, they had concerns about new or previously unfunded agencies not having an opportunity to apply for funding for another year, particularly those agencies that meet a high priority yet underserved need.</p> |

**Misalignment with the City’s Two-Year Budget Process:** As it stands, the RFP for community funding cycle is currently set to end (FY23) in the middle of the City’s two-year budget (FY 23/24). This creates complications for the City’s budget development and projections since the four-year contract terms will span three budget cycles rather than two. The postponement will realign these cycles.

BACKGROUND

The Housing and Community Services (HCS) Division of the Health, Housing and Community Services Department (HHCS) administers local, state, and federal funding for services to low-to-moderate income Berkeley residents through a Request for Proposals (RFP) process. Funds in the RFP support a wide range of services provided by non-profit community agencies that vary in size and capacity. The last RFP was released in FY 2019 for a four-year contract (FY 2020 – FY 2023).

The process requires that various members of HCS coordinate with HHCS Office of the Director (2020 Vision) and City Manager’s Office. It involves staff across all these divisions working with four commissions: 1) the Housing Advisory Commission (HAC) in HHCS, 2) the Human Welfare and Community Action Commission (HWCAC) in HHCS, and 3) the Homeless Services Panel of Experts (HSPE) to develop funding recommendations to the City Council in June.



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While each commission has their own approach to reviewing applications and making funding recommendations, on average they met bi-weekly for a three-month period during the last RFP process, and there is no reason to believe this cycle would be any different. Each Commission can elect to require presentations from proposers and conduct site visits. Commission members often request additional information to inform their recommendations. City staff support the commission work by scheduling and attending the meetings and site visits, taking notes, writing minutes, following up with community agencies to request information, preparing additional analyses, researching alternatives, and mediating other issues as they arise. This is a demonstrably robust, labor-intensive, and holistic process, and one that solicits diverse feedback and analysis in order to ensure that the selected agencies are prepared to meet the needs of the community.

In response to the FY 2019 RFP, HCS received an unprecedented number of applications requesting over \$20 million in support (far exceeding the available funding). There were 119 applications from 63 agencies, and new programs accounted for 27 percent of the submissions. In the end, 75 applications were recommended for the available \$8.3 million.<sup>1</sup>

At the end of the last RFP process, the City and commissions had a solid recommendation to Council that was grounded in evaluation of past performance and City priorities, and aligned funding recommendations with County-wide homeless initiatives alongside a complete overhaul of both homeless and 2020 Vision service measures and outcomes. Council adopted the City Manager recommendations in part because it was apparent how much excellent work went into ensuring the right programs were funded for the right amount of money. Adding one more year to this contract continues alignment with the priorities and budgets that have already been adopted, and ensures stability for the community agencies that are still reeling from the impacts of COVID-19.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Upon release of the RFP for CDBG, ESG, and HOME funding in FY 2019, applicants were encouraged to propose projects that meet various City-wide goals, such as the Climate Action Plan. Projects funded with CDBG, ESG, and HOME are required to follow state and local regulations, including those related to green building and energy. CDBG funding for community facility projects places a priority on projects that promote energy efficiency and improve accessibility. Single family rehabilitation, including energy efficiency, was a funding priority in the FY 2019 RFP. With this recommendation the City will continue funding both City-administered and community agency-administrated

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<sup>1</sup> Available funds, not including, CDBG funds to cover COB staff and over \$1 million for the Public Facility Notice of Funding Availability (NOFA).



Extending Community Agency Contracts for One Year  
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programs. Each program funded by HUD funds also undergoes an Environmental Review to understand and mitigate possible environmental impacts.

#### RATIONALE FOR RECOMMENDATION

Staff's recommendation effectively mitigates the current situation and its effects in the following ways:

**Community Agency Capacity:** By extending contracts for one year, community agencies will have an opportunity to adjust, stabilize, and perform at the expected levels of service with lessened impact from COVID-19 restrictions on service delivery.

**Skewed Community Agency Outcome Data:** Best practice is to have accurate data to guide future funding decisions. By postponing the RFP process, staff and commission members would have the benefit of at least a year of relatively standard performance data on current contracts, allowing better analysis of program performance.

**City Staffing Shortages:** Administering the RFP process is not feasible without sufficient staff to lead it. Administering the process with the current staffing levels would impact the administration of other high priority programs and projects.

**Commissions:** Extending the RFP one more year will allow the commissions to settle into the new routines, configurations and priorities, as well as allow newer commissioners to learn more about funded programs and the funding process.

**Misalignment with the City's Two-Year Budget Process:** Aligning the RFP for community funding with the City's budget process aids in seamless budget development and projections. Extending the contracts by one year, allows the new RFP cycle to start in FY25, with the start of the City next two-year budget (FY25/26).

#### ALTERNATIVE ACTIONS CONSIDERED

The HAC recommended adding Cost of Living Adjustments (COLAs) to the extended contracts. The HWCAC also expressed concerns about rising costs to community agencies. Staff appreciates this request given the already low wages in the nonprofit sector and the instability and difficulty posed to our valuable nonprofit partners. Council could consider adding COLAs to these contracts for one year as part of the Fiscal Year 2023 budget process.



Extending Community Agency Contracts for One Year  
and Postponing the Community Agency RFP Process Until FY 2024

ACTION CALENDAR  
September 20, 2022

CONTACT PERSON

Joshua Oehler, Community Development Project Coordinator, HHCS, (510) 981-5408

Attachments:

- 1: Resolution
- 2: List of Agencies, Programs and Their Current Funding Levels for Contracts Awarded starting in FY2020 as Part of the RFP Process



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

EXTEND COMMUNITY AGENCY CONTRACTS FOR ONE YEAR, THROUGH FISCAL YEAR 2024, AT EXISTING LEVELS AND POSTPONE THE COMMUNITY AGENCY REQUEST FOR PROPOSAL (RFP) FOR ONE YEAR, CONDUCTING THE RFP PROCESS IN FISCAL YEAR 2024 AND STARTING THE CONTRACTS IN FISCAL YEAR 2025

WHEREAS, the Housing and Community Services Division (HCS) in the Health, Housing and Community Services (HHCS) Department administers a combined Request for Proposals (RFP) for Community Agency Funding every four years, with the next RFP release scheduled to occur in the fall of FY 2023 for funding starting in FY 2024; and

WHEREAS, funding sources include Community Development Block Grant (CDBG), Community Services Block Grant (CSBG), Emergency Solutions Grants (ESG) program City of Berkeley Measure E, City of Berkeley Measure P, Mental Health Services Act and City General Funds; and

WHEREAS, the impacts of the COVID-19 pandemic have considerably impacted community agencies, including current staffing levels, resulting in reduced community agency capacity to respond to a complex RFP at pre-pandemic levels; and

WHEREAS, City staffing shortages and the ongoing COVID-related emergency services and funding pose significant challenges in coordinating an RFP review with the four commissions managed by City staff (the Housing Advisory Commission, the Human Welfare and Community Action Commission, the Parks, Recreation and Waterfront Commission, and the Homeless Commission); and

WHEREAS, in the last RFP process the City Manager and commissions' recommendation to Council included a thorough evaluation of past performance and City priority alignment; and

WHEREAS, Council adopted the City Manager's community agency funding recommendations from the last RFP; and

WHEREAS, extending the community agency contracts by one-year responds to community request, exhibits support for partner agencies, and aids in budget development and projections by aligning the community agency funding on the City's FY 2023/2024 budget cycle; and

WHEREAS, adding one more year to the current community agency contracts will continue alignment with the priorities and budgets that have already been adopted, and ensure stability for the community agencies that are still strongly experiencing the impacts of the COVID-19 pandemic.



NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to extend all existing community agency contracts under the community agency Request for Proposal (RFP) process for one year (through FY 2024), at current baseline one-year funding, and postpone the four-year Community Agency RFP process for one fiscal year, until FY 2024. A signed copy of said documents, agreements and any amendments will be kept on file in the Office of the City Clerk.

Attachment 2: List of Agencies, Programs and Their Current Funding Levels for Contracts Awarded starting in FY2020 as Part of the RFP Process



| Attachment 2 - List of Agencies, Programs and Their Current Funding Levels for Contracts Awarded starting in FY20 as Part of the RFP Process |                    |                  |                  |                  |                    |                |                  |                              |                    |
|----------------------------------------------------------------------------------------------------------------------------------------------|--------------------|------------------|------------------|------------------|--------------------|----------------|------------------|------------------------------|--------------------|
| Agency - Program                                                                                                                             | FY 2023 Adopted    | CDBG             | CSBG             | ESG              | GF Measure P       | GF Measure III | GF Other         | GF Mayor's Reimagining Funds | Other Funds        |
| <b>Childcare</b>                                                                                                                             |                    |                  |                  |                  |                    |                |                  |                              |                    |
| Bay Area Hispano Institute for Advancement - Child Development Program                                                                       | \$82,143           |                  |                  |                  |                    |                | \$82,143         |                              |                    |
| <b>Bananas Inc.:</b>                                                                                                                         |                    |                  |                  |                  |                    |                |                  |                              |                    |
| Child Care Subsidies                                                                                                                         | \$283,110          |                  |                  |                  |                    |                | \$269,835        |                              | \$13,275           |
| Play & Learn Playgroups                                                                                                                      | \$10,527           |                  |                  |                  |                    |                | \$10,527         |                              |                    |
| QRIS Services                                                                                                                                | \$95,000           |                  |                  |                  |                    |                | \$95,000         |                              |                    |
| Ephesians Children's Center - Childcare Program                                                                                              | \$45,507           |                  |                  |                  |                    |                | \$45,507         |                              |                    |
| Healthy Black Families, Inc. - Sisters Together Empowering Parents (STEP)                                                                    | \$43,808           |                  |                  |                  |                    |                | \$43,808         |                              |                    |
| Nia House Learning Center                                                                                                                    | \$39,999           |                  |                  |                  |                    |                | \$39,999         |                              |                    |
| <b>Childcare Total</b>                                                                                                                       | <b>\$600,094</b>   |                  |                  |                  |                    |                | <b>\$586,619</b> |                              | <b>\$13,275</b>    |
| <b>Disability Programs</b>                                                                                                                   |                    |                  |                  |                  |                    |                |                  |                              |                    |
| Bay Area Outreach and Recreation Program - Recreational Services for the Disabled                                                            | \$43,592           |                  |                  |                  |                    |                | \$43,592         |                              |                    |
| Bonita House - Creative Wellness Center                                                                                                      | \$15,324           |                  |                  |                  |                    |                | \$15,324         |                              |                    |
| Center for Independent Living - Residential Access Program                                                                                   | \$159,660          | \$159,660        |                  |                  |                    |                |                  |                              |                    |
| Easy Does It                                                                                                                                 | \$1,569,911        |                  |                  |                  |                    |                |                  |                              | \$1,569,911        |
| Through the Looking Glass                                                                                                                    | \$27,206           |                  |                  |                  |                    |                | \$27,206         |                              |                    |
| <b>Disability Programs Total</b>                                                                                                             | <b>\$1,815,693</b> | <b>\$159,660</b> |                  |                  |                    |                | <b>\$86,122</b>  |                              | <b>\$1,569,911</b> |
| <b>Employment Training</b>                                                                                                                   |                    |                  |                  |                  |                    |                |                  |                              |                    |
| Bread Project                                                                                                                                | \$57,850           |                  |                  |                  |                    |                | \$57,850         |                              |                    |
| Intra-City Services                                                                                                                          | \$101,351          |                  |                  |                  |                    |                | \$101,351        |                              |                    |
| Multicultural Institute Lifeskills Program                                                                                                   | \$68,136           |                  |                  |                  |                    |                | \$68,136         |                              |                    |
| Rising Sun - Green Energy Training Services                                                                                                  | \$67,828           |                  |                  |                  |                    |                | \$67,828         |                              |                    |
| <b>Employment Training Total</b>                                                                                                             | <b>\$295,165</b>   |                  |                  |                  |                    |                | <b>\$295,165</b> |                              |                    |
| <b>Health</b>                                                                                                                                |                    |                  |                  |                  |                    |                |                  |                              |                    |
| Lifelong Medical Care:                                                                                                                       |                    |                  |                  |                  |                    |                |                  |                              |                    |
| Access for Uninsured (BPC, WBFP, Uninsured, Acupuncture Detox)                                                                               | \$189,855          |                  | \$160,000        |                  |                    |                | \$29,855         |                              |                    |
| Geriatric Care/Hypertension                                                                                                                  | \$114,543          |                  |                  |                  |                    |                | \$114,543        |                              |                    |
| Berkeley Free Clinic - Free Women and Transoandrar Health Care Service                                                                       | \$15,858           |                  |                  |                  |                    |                | \$15,858         |                              |                    |
| <b>Health Total</b>                                                                                                                          | <b>\$320,256</b>   |                  | <b>\$160,000</b> |                  |                    |                | <b>\$160,256</b> |                              |                    |
| <b>Homeless Services</b>                                                                                                                     |                    |                  |                  |                  |                    |                |                  |                              |                    |
| Alameda County Homeless Action Center:                                                                                                       |                    |                  |                  |                  |                    |                |                  |                              |                    |
| SSI Advocacy                                                                                                                                 | \$129,539          |                  |                  |                  | \$109,539          |                |                  |                              | \$20,000           |
| Rapid Rehousing for Homeless Elders Project                                                                                                  | \$68,220           |                  |                  |                  | \$68,220           |                |                  |                              |                    |
| Alameda County Network of Mental Health Clients:                                                                                             |                    |                  |                  |                  |                    |                |                  |                              |                    |
| Daytime Drop-In                                                                                                                              | \$ 35,721          |                  |                  |                  | \$ 35,721          |                |                  |                              |                    |
| Representative Payee Services                                                                                                                | \$ 32,016          |                  |                  |                  | \$ 32,016          |                |                  |                              |                    |
| Bay Area Community Services:                                                                                                                 |                    |                  |                  |                  |                    |                |                  |                              |                    |
| North County HRC                                                                                                                             | \$1,081,785        | \$248,419        |                  | \$0              | \$833,366          |                |                  |                              |                    |
| STAIR Pathways                                                                                                                               | \$205,357          |                  |                  | \$205,357        |                    |                |                  |                              |                    |
| Berkeley Food & Housing Project:                                                                                                             |                    |                  |                  |                  |                    |                |                  |                              |                    |
| Case Management Tied to Permanent Housing                                                                                                    | \$100,190          |                  |                  |                  | \$100,190          |                |                  |                              |                    |
| Men's Shelter                                                                                                                                | \$170,502          | \$170,502        |                  |                  |                    |                |                  |                              |                    |
| Women's Shelter                                                                                                                              | \$119,963          |                  |                  |                  | \$119,963          |                |                  |                              |                    |
| Bonita House - Case Management Tied to Permanent Housing                                                                                     | \$24,480           |                  |                  |                  | \$24,480           |                |                  |                              |                    |
| Building Opportunities for Self Sufficiency:                                                                                                 |                    |                  |                  |                  |                    |                |                  |                              |                    |
| BOSS House Navigation Team                                                                                                                   | \$86,831           |                  |                  |                  | \$86,831           |                |                  |                              |                    |
| Representative Payee Services                                                                                                                | \$52,440           |                  |                  |                  | \$52,440           |                |                  |                              |                    |
| Ursula Sherman Village Families Program                                                                                                      | \$51,383           |                  |                  |                  | \$51,383           |                |                  |                              |                    |
| Ursula Sherman Village Singles Shelter                                                                                                       | \$104,662          |                  |                  |                  | \$104,662          |                |                  |                              |                    |
| Dorothy Day - Berkeley Emergency Storm Shelter                                                                                               | \$30,101           |                  |                  |                  | \$30,101           |                |                  |                              |                    |
| Larkin Street - Turning Point Program                                                                                                        | \$407,643          |                  |                  |                  | \$407,643          |                |                  |                              |                    |
| Lifelong Medical Care:                                                                                                                       |                    |                  |                  |                  |                    |                |                  |                              |                    |
| Case Management Tied to Permanent Housing                                                                                                    | \$163,644          |                  |                  |                  | \$163,644          |                |                  |                              |                    |
| Supportive Housing Program UA Homes                                                                                                          | \$55,164           |                  |                  |                  | \$55,164           |                |                  |                              |                    |
| Options Recovery Services - Detox Services & Day Treatment - Transitional Housing and Case Management                                        | \$50,000           |                  |                  |                  | \$50,000           |                |                  |                              |                    |
| The Suitcase Clinic                                                                                                                          | \$9,828            |                  |                  |                  | \$9,828            |                |                  |                              |                    |
| Toolworks, Inc. Supportive Housing                                                                                                           | \$47,665           |                  |                  |                  | \$47,665           |                |                  |                              |                    |
| Women's Daytime Drop-In Center:                                                                                                              |                    |                  |                  |                  |                    |                |                  |                              |                    |
| Bridget Transitional House Case Management                                                                                                   | \$118,728          |                  |                  |                  | \$118,728          |                |                  |                              |                    |
| Daytime Drop-In Services                                                                                                                     | \$48,153           |                  |                  |                  | \$48,153           |                |                  |                              |                    |
| Homeless Case Management - Housing Retention                                                                                                 | \$100,190          |                  |                  |                  | \$100,190          |                |                  |                              |                    |
| <b>Homeless Services Total</b>                                                                                                               | <b>\$3,294,205</b> | <b>\$418,921</b> |                  | <b>\$205,357</b> | <b>\$2,649,927</b> |                |                  |                              | <b>\$20,000</b>    |
| <b>Housing Development &amp; Rehabilitation</b>                                                                                              |                    |                  |                  |                  |                    |                |                  |                              |                    |
| Bay Area Community Land Trust                                                                                                                | \$5,200            |                  |                  |                  |                    |                | \$5,200          |                              |                    |
| CHDO Programs                                                                                                                                | Refer to HTP/CHDO  |                  |                  |                  |                    |                |                  |                              |                    |
| Habitat for Humanity East Bay/Silicon Valley - Housing Rehabilitation Grant Program                                                          | \$250,000          | \$250,000        |                  |                  |                    |                |                  |                              |                    |
| <b>Housing Development &amp; Rehabilitation Total</b>                                                                                        | <b>\$255,200</b>   | <b>\$250,000</b> |                  |                  |                    |                | <b>\$5,200</b>   |                              |                    |
| <b>Legal/Advocacy</b>                                                                                                                        |                    |                  |                  |                  |                    |                |                  |                              |                    |
| East Bay Community Law Center - Consumer Justice Clinic/Housing Advocacy                                                                     | \$33,644           |                  |                  |                  |                    |                | \$33,644         |                              |                    |
| Eden Council for Hope and Opportunity                                                                                                        | \$35,000           | \$35,000         |                  |                  |                    |                |                  |                              |                    |
| Eviction Defense Center - Housing Retention                                                                                                  | \$250,000          |                  |                  |                  | \$250,000          |                |                  |                              |                    |
| Family Violence Law Center - Domestic Violence & Homelessness Prevention Project                                                             | \$61,842           |                  |                  |                  |                    |                | \$61,842         |                              |                    |
| <b>Legal/Advocacy Total</b>                                                                                                                  | <b>\$380,486</b>   | <b>\$35,000</b>  |                  |                  | <b>\$250,000</b>   |                | <b>\$95,486</b>  |                              |                    |
| <b>Other</b>                                                                                                                                 |                    |                  |                  |                  |                    |                |                  |                              |                    |
| Berkeley Community Gardening Collaborative                                                                                                   | \$11,895           |                  |                  |                  |                    |                | \$11,895         |                              |                    |
| McGee Avenue Baptist Church                                                                                                                  | \$17,844           |                  |                  |                  |                    |                | \$17,844         |                              |                    |
| SEEDS Community Resolution Center                                                                                                            | \$22,553           |                  |                  |                  |                    |                | \$22,553         |                              |                    |
| <b>Other Total</b>                                                                                                                           | <b>\$52,292</b>    |                  |                  |                  |                    |                | <b>\$52,292</b>  |                              |                    |
| <b>Recreation</b>                                                                                                                            |                    |                  |                  |                  |                    |                |                  |                              |                    |

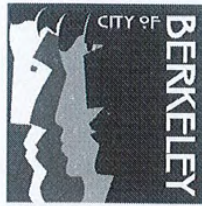
NOTE: Funding sources for these amounts may differ from funding sources used in the original award amount



| Agency - Program                                                           | FY 2023 Adopted    | CDBG             | CSBG             | ESG              | GF Measure P       | GF Measure 111 | GF Other           | GF Mayor's Reimagining Funds | Other Funds        |
|----------------------------------------------------------------------------|--------------------|------------------|------------------|------------------|--------------------|----------------|--------------------|------------------------------|--------------------|
| Ephesians Children's Center - Greg Brown Park Supervision                  | \$18,573           |                  |                  |                  |                    |                | \$18,573           |                              |                    |
| <b>Recreation Total</b>                                                    | <b>\$18,573</b>    |                  |                  |                  |                    |                | <b>\$18,573</b>    |                              |                    |
| <b>Seniors</b>                                                             |                    |                  |                  |                  |                    |                |                    |                              |                    |
| J-Sei                                                                      | \$9,110            |                  |                  |                  |                    |                | \$9,110            |                              |                    |
| <b>Seniors Total</b>                                                       | <b>\$9,110</b>     |                  |                  |                  |                    |                | <b>\$9,110</b>     |                              |                    |
| <b>Youth</b>                                                               |                    |                  |                  |                  |                    |                |                    |                              |                    |
| Bay Area Community Resources - School Based Behavioral Health Services     | \$94,964           |                  |                  |                  |                    |                | \$94,964           |                              |                    |
| Bay Area Hispano Institute for Advancement - Out of School Time Programs   | \$21,447           |                  |                  |                  |                    |                | \$21,447           |                              |                    |
| Berkeley High School Bridge Program                                        | \$79,000           |                  |                  |                  |                    |                | \$79,000           |                              |                    |
| <b>Berkeley Youth Alternatives:</b>                                        |                    |                  |                  |                  |                    |                |                    |                              |                    |
| Afterschool Program                                                        | \$30,000           |                  |                  |                  |                    |                | \$30,000           |                              |                    |
| Counseling                                                                 | \$30,000           |                  |                  |                  |                    |                | \$30,000           |                              |                    |
| Biotech Partners - Biotech Academy at Berkeley High                        | \$91,750           |                  |                  |                  |                    |                | \$91,750           |                              |                    |
| Ephesians School-Age Program                                               | \$39,840           |                  |                  |                  |                    |                | \$39,840           |                              |                    |
| Lifelong Medical Care - Rosa Parks Collaborative                           | \$44,804           |                  |                  |                  |                    |                | \$44,804           |                              |                    |
| Multicultural Institute Youth Mentoring                                    | \$33,603           |                  |                  |                  |                    |                | \$33,603           |                              |                    |
| Pacific Center for Human Growth - Safer Schools Project                    | \$23,245           |                  |                  |                  |                    |                | \$23,245           |                              |                    |
| RISE Program                                                               | \$216,039          |                  |                  |                  |                    |                | \$216,039          |                              |                    |
| Silles Hall                                                                | \$90,000           |                  |                  |                  |                    |                | \$90,000           |                              |                    |
| Through The Looking Glass - Parenting Education and Kindergarten Readiness | \$25,000           |                  |                  |                  |                    |                | \$25,000           |                              |                    |
| <b>UC Berkeley</b>                                                         |                    |                  |                  |                  |                    |                |                    |                              |                    |
| BUILD Literacy/Cal Corp                                                    | \$95,360           |                  |                  |                  |                    |                | \$95,360           |                              |                    |
| Bridging Berkeley                                                          | \$34,640           |                  |                  |                  |                    |                | \$34,640           |                              |                    |
| <b>YMCA of the East Bay - Y-Scholars Program</b>                           |                    |                  |                  |                  |                    |                |                    |                              |                    |
| Y-Scholars Program                                                         | \$40,000           |                  |                  |                  |                    |                | \$40,000           |                              |                    |
| School Readiness Program                                                   | \$50,875           |                  |                  |                  |                    |                | \$50,875           |                              |                    |
| <b>Youth Total</b>                                                         | <b>\$1,040,567</b> |                  |                  |                  |                    |                | <b>\$1,040,567</b> |                              |                    |
| <b>TOTAL COMMUNITY AGENCY</b>                                              | <b>\$8,081,841</b> | <b>\$923,587</b> | <b>\$180,000</b> | <b>\$205,357</b> | <b>\$2,899,927</b> | <b>\$0</b>     | <b>\$2,339,590</b> | <b>\$0</b>                   | <b>\$1,603,786</b> |

NOTE: Funding sources for these amounts may differ from funding sources used in the original award amount





Office of the City Manager

ACTION CALENDAR  
September 20, 2022

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Peter Radu, Assistant to the City Manager  
Subject: Audit Status Report Response: Code Enforcement Resources Significantly  
Constrained and Improvements Needed in Case Management and  
Oversight

INTRODUCTION

On June 26th, 2018, the City Auditor submitted a Code Enforcement Unit (CEU) audit report<sup>1</sup>, with recommendations to improve operational efficiencies and implement a resource analysis process. The purpose of this report is to update City Council on the status of implementing the audit report's recommendations. This is the fourth status report regarding this audit.<sup>2</sup>

CURRENT SITUATION AND ITS EFFECTS

The audit report contains twelve recommendations. During the previous update presented to Council on February 25, 2020, five of the recommendations were implemented, five were partially implemented, and two not implemented. As of this report, there are two updates: two recommendations that had been partially implemented are now fully implemented, and one recommendation that had not been implemented is now partially implemented. Very shortly after the last staff report on implementation progress, the COVID-19 pandemic led the declaration of a local emergency, which had the effect of dramatically re-prioritizing staff resources and time. As a result of this (as well as ongoing staffing challenges and staff turnover), no additional audit recommendations have updates at this time. The attachment provides a detailed table of audit report recommendations, corrective action plans, and implementation progress updates.

The next status report to Council is expected to be presented in March of 2023.

<sup>1</sup> Audit: Code Enforcement Resources Significantly Constrained and Improvements Needed in Case Management and Oversight: <https://berkeleyca.gov/sites/default/files/2022-01/Code%20Enforcement%20Resources%20Significantly%20Constrained%20Fiscal%20Year%202018.pdf>

<sup>2</sup> For the most recent status report to Council, please see: <https://records.cityofberkeley.info/PublicAccess/api/Document/Acyyy0z%C3%89f6BGxyqYOKilwnT5xY%C3%81vvTsWjQcJOn8rLKhGzqxHKZqhnd6zucp3%C3%81MkrR3HB1Rs4ykdL%C3%815PMYmmf2iA%3D/>



Audit Status Report Response: Code Enforcement Resources  
Significantly Constrained and Improvements Needed in  
Case Management and Oversight

ACTION CALENDAR  
September 20, 2022

### BACKGROUND

The Neighborhood Services Code Enforcement Unit's goal is to provide a clean and safe environment for all Berkeley residents, workers, and visitors. The CEU is responsible for the enforcement of administrative violations of the Berkeley Municipal Code and some provisions of California State codes related to building, zoning, and housing. The City Manager's Office oversees the CEU, which now consists of three full-time staff: one Code Enforcement Supervisor and two Code Enforcement Officer IIs. As of this writing, one of the two Code Enforcement Officer II positions is vacant and hiring is underway.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

### POSSIBLE FUTURE ACTION

The City Manager's Office will continue to work with the Code Enforcement Unit to address the recommendations. This includes exploring third-party services for outsourcing administrative functions of the CEU (such as citations), which would create efficiencies and free up staff time to focus on field inspections, follow up with property owners, etc.

### CONTACT PERSON

Jeff Conner, Neighborhood Services Code Enforcement Supervisor, 510-981-2492.

### Attachments:

1: Audit Findings, Recommendations, and Management Response Summary Table



| Audit Title: Code Enforcement Resources Significantly Constrained and Improvements Needed in Case Management and Oversight |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Issue Date | Closed Date | Department        | Last Period: Status | This Period: Status | This Period: Update                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|----------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|-------------|-------------------|---------------------|---------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Finding                                                                                                                    | Recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Issue Date | Closed Date | Department        | Last Period: Status | This Period: Status | This Period: Update                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Code Enforcement Unit resources are insufficient to meet demand.                                                           | <p>Implement a resource analysis process by which proposed legislation is discussed with City management to evaluate the impact on current City resources and determine the feasibility of making the intended impact. The analysis should take place before the policy is presented to Council for adoption and include considerations of:</p> <ul style="list-style-type: none"> <li>Staff time and other City resource needs, including the fiscal impact of those resource needs</li> <li>Opportunity cost, i.e., consideration of other activities that will be deprioritized in order to meet new demands</li> <li>Feasibility impact to determine how best to rollout out new legislation</li> </ul> <p>1.1</p> | 6/26/2018  | 6/30/2022   | Mayor and Council | Partly Implemented  | Implemented         | <p>Council continues to utilize the standing policy committees to consider the impact of select proposed legislation on City resources; City staff regularly attend the committee meetings and advise Council on the city staff time and opportunity cost implications of proposed policies. To the extent this process has now become a regular feature of Council policy development, we consider the recommendation fully implemented at this time.</p> |
| Code Enforcement Unit resources are insufficient to meet demand.                                                           | <p>Require that the Agenda Committee ensure ordinances have undergone a resource analysis as described in Recommendation 1.1 when necessary and, if not, are returned to the appropriate City Council member for further 1.2 assessment before being passed into local law.</p> <p>1.2</p>                                                                                                                                                                                                                                                                                                                                                                                                                             | 6/26/2018  | 1/29/2019   | Mayor and Council | Implemented         | Implemented         | <p>Due to continued significant staff turnover and the re-prioritization of city resources and efforts during the COVID-19 pandemic, this work has not been completed. Ongoing vacancies in the unit have prevented commencement of this work. Staff plan to revisit the recommendation after vacant existing positions are backfilled.</p>                                                                                                                |
| Code Enforcement Unit resources are insufficient to meet demand.                                                           | <p>Conduct a staffing analysis to determine the appropriate staffing level needed for the Code Enforcement Unit to effectively enforce City codes. In conducting the analysis, include an assessment of the workload impact created by the codes for which the CEU is solely responsible as well as those created by the 1.3 codes for which CEU shares responsibility with other enforcement units.</p> <p>1.3</p>                                                                                                                                                                                                                                                                                                    | 6/26/2018  |             | City Manager      | Not Started         | Not Started         |                                                                                                                                                                                                                                                                                                                                                                                                                                                            |



|                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                  |                     |                           |                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|---------------------|---------------------------|---------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Code Enforcement Unit resources are insufficient to meet demand.</p> | <p>Use the staffing analysis performed in response to Recommendation 1.3 to:</p> <ul style="list-style-type: none"> <li>Quantify the full burden cost of additional staff</li> <li>Determine if sufficient budgetary funding is available for additional staff</li> <li>Request additional staffing from Council during the annual appropriations process</li> </ul> <p>1.4</p>                                                                                                                                                                                                                                                                                                                                                                                                                      | <p>6/26/2018</p> | <p>City Manager</p> | <p>Not Started</p>        | <p>Partly Implemented</p> | <p>the analysis recommended in Recommendation 1.3, staff recognize the shortcomings of current staffing levels and the effects that this has had on NSCEU response times. NSCEU's goal for this metric is 10-day average to acquire cases created. As of June 2022, our YTD average days to acquire cases is 29 days. These averages are without being fully staffed (two Code Officers in the Unit) in May and June; prior to these last two months when we were fully staffed with two Code Officers, the average was as low as 15-day average. With this in mind, the City Manager has recommended to the Council, for inclusion in the FY23-24 Biennial Budget, one additional FTE Code Enforcement Officer 1 position, which will help the supervisor and existing Enforcement Officers reduce response times, increase their presence in the community, and implement Council policy</p> |
| <p>Code Enforcement Unit resources are insufficient to meet demand.</p> | <p>If budgetary constraints prevent additional staffing or if Council does not approve the budget needed to fund additional staffing, report to Council the restrictions placed on the Code Enforcement Unit's ability to effectively enforce City codes. Include information explaining the hindrance this will cause for any new ordinances the City Council may want to pass in the future. Provide this information regularly, for example, annually as part of the budget process, to keep Council informed of the CEU's capacity restrictions. See also Recommendation 1.7.</p> <p>1.5</p>                                                                                                                                                                                                     | <p>6/26/2018</p> | <p>City Manager</p> | <p>Partly Implemented</p> | <p>Implemented</p>        | <p>We are marking this as implemented based on the 6/27/2022 status update and based on the inclusion of 1 Code Enforcement Officer in the 2023/24 budget book (pg. 399) to 'reduce response time to complaints.'</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <p>Code Enforcement Unit resources are insufficient to meet demand.</p> | <p>Assess Berkeley municipal codes to identify the codes for which the CEU is solely responsible and those for which the CEU has a shared role with other work units. Use the results of the assessment to:</p> <ul style="list-style-type: none"> <li>Create process workflows showing shared work unit responsibilities</li> <li>Create written guidance describing work unit responsibilities</li> </ul> <p>1.6</p>                                                                                                                                                                                                                                                                                                                                                                               | <p>6/26/2018</p> | <p>City Manager</p> | <p>Implemented</p>        | <p>Implemented</p>        | <p>The vendor selection process for Planning Department software, originally initiated in July 2019, was put on pause by the COVID-19 pandemic's significant impacts on City finances and priorities. If and as that process restarts, NSCEU staff will continue to be included in the software selection process.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <p>Code Enforcement Unit resources are insufficient to meet demand.</p> | <p>Implement code enforcement software that:</p> <ul style="list-style-type: none"> <li>Identifies case assignment to CEU officers and other work units</li> <li>Prioritizes cases, in particular high-risk cases posing health and safety risks</li> <li>Captures pertinent case dates, e.g., opened, notice of violation, citation issuance, and closed</li> <li>Tracks enforcement actions taken within the CEU and other work units</li> <li>Quantifies citations issued and collected</li> <li>Allows for readily identifying repeat offenders</li> <li>Includes performance measurement tools, e.g., turnaround times within defined specifications (see Recommendation 2.2)</li> <li>Allows for uploading information from mobile technologies (see Recommendation 1.8)</li> </ul> <p>1.7</p> | <p>6/26/2018</p> | <p>City Manager</p> | <p>Partly Implemented</p> | <p>Partly Implemented</p> | <p>The vendor selection process for Planning Department software, originally initiated in July 2019, was put on pause by the COVID-19 pandemic's significant impacts on City finances and priorities. If and as that process restarts, NSCEU staff will continue to be included in the software selection process.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

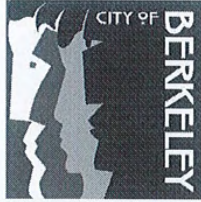


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|-------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|
| <p>Code Enforcement Unit resources are insufficient to meet demand.</p>                                     | <p>Implement mobile computers and printers to allow Code Enforcement Officers to complete more work in the field, thus improving their time spent in the community and reducing time in the office. Mobile computers should have the capacity to interface with the code enforcement case management software</p> <p>1.8. Implemented in response to Recommendation 1.7.</p> <p>Develop and issue written procedures for code enforcement operations that:</p> <ul style="list-style-type: none"> <li>• Reflect current practices and management expectations.</li> <li>• Describe the tiered prioritization system giving attention to cases based on risk levels of high, moderate, and standard. Require adherence to a uniform technology policy, which includes:             <ul style="list-style-type: none"> <li>o Assigning unique numbers to cases</li> <li>o Recording all pertinent case data timely, e.g., within two business days of receipt</li> <li>o Using a single, centralized system to record, manage, and monitor case information.</li> <li>o Using case file management standards so that pertinent data are captured uniformly.</li> </ul> </li> <li>• Inform staff that preferential treatment should not be given to complaints made or referred by City Council members, Council staff, and City management. Those complaints should be prioritized based on established objectives and channeled through the appropriate supervisor.</li> <li>• Describe processes for issuing citations in a consistent and equitable manner.</li> <li>• Include beat assignments once feasible to do so, i.e., after the CEU addresses 2.1 the backlog and receives adequate software tools.</li> </ul> <p>Process modifications and increased oversight needed to ensure equity, efficiency, and effectiveness</p> | <p>6/26/2018</p> <p>City Manager</p> <p>Partly Implemented</p> |
| <p>Process modifications and increased oversight needed to ensure equity, efficiency, and effectiveness</p> | <p>Implement performance metrics and goals to:</p> <ul style="list-style-type: none"> <li>• Assess the effectiveness of code enforcement operations and goal achievement</li> <li>• Identify constraints preventing goal attainability.</li> <li>• Submit regular reports, e.g., biannually, to City management on performance.</li> </ul> <p>Include a metric to provide at least some proactive code enforcement activities. Develop this metric after implementing the process and system improvement recommendations made in this report.</p> <p>2.2. recommendations made in this report.</p> <p>Assess the feasibility of using complaint thresholds and self certifying techniques for standard priority violations. For example, wait to receive at least two complaints about a standard level violation before performing an investigation, and allow a code violator to self-report on a standard level violation to remove the need for reinspection. If feasible, implement the techniques to give code enforcement officers more time on field inspections of high-risk cases.</p> <p>2.3. high-risk cases.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p>6/26/2018</p> <p>City Manager</p> <p>Partly Implemented</p> |
| <p>Process modifications and increased oversight needed to ensure equity, efficiency, and effectiveness</p> | <p>NSCEU has resumed use of performance measures. The most recent annual performance measures were reported to the Council in the FY23-24 Budget Book, and staff used the performance measures (specifically, the discrepancy between the Unit's goal response time of 10 days to acquire new cases, against the CY21 measure of 53 days), in part to justify the City Manager's recommendation that the Council include one additional FTE Code Enforcement Officer I position in the Unit as part of the FY23-24 Biennial Budget adoption.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p>6/26/2019</p> <p>City Manager</p> <p>Implemented</p>        |



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|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|
| <p>Develop procedures for monitoring staffs' work and addressing weaknesses that may prevent goal achievement, such as conflicts of interest. For example:</p> <ul style="list-style-type: none"> <li>• Review Form 700s to identify property owned by CEU personnel before assigning cases to officers.</li> <li>• Randomly select case records to look for: <ul style="list-style-type: none"> <li>o Indicators that case action did not progress as required or expected suggesting favoritism or kickbacks.</li> <li>o Properties with closed cases that continue to receive complaints for the same issue. This could indicate a repeat offender as well as a failure to take appropriate actions against a code violator.</li> </ul> </li> </ul> <p>The Assistant to the City Manager for Neighborhood Services should perform this oversight of the Code Enforcement Unit Supervisor, and the Code Enforcement Supervisor should perform this oversight of Code Enforcement Officers and the Assistant Planner.</p> | <p>Process modifications and increased oversight needed to ensure equity, efficiency, and effectiveness</p> |
| <p>6/26/2018</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p>6/26/2018</p>                                                                                            |
| <p>City Manager</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <p>Implemented</p>                                                                                          |





Office of the City Manager

INFORMATION CALENDAR  
September 20, 2022

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Jennifer Louis, Interim Chief of Police  
Subject: Update on the Implementation of Fair and Impartial Policing Task Force Recommendations

INTRODUCTION

On February 23<sup>rd</sup>, 2021 during a City Council Special Meeting, Council referred the recommendations from the Mayor's Fair and Impartial Policing (FIP) Task Force to the Berkeley Police Department for implementation. Quarterly updates were requested by Council and the last quarterly update was provided on June 14, 2022.

CURRENT SITUATION AND ITS EFFECTS

This report provides a quarterly update on the implementation of the Task Force recommendations. Implementation of the FIP Task Force recommendations remains a priority of the Berkeley Police Department. The Professional Standards Division is responsible for managing the project of implementing the recommendations.

Implementation of the recommendations has necessitated the amendment of departmental policies and establishment of new protocols. As part of the process, members of BPD have met on several occasions with Council and Mayor representatives, Police Review Commission and now Police Accountability Board members, FIP Task Force members, and the Police Accountability Board Subcommittee on FIP recommendation implementation. During these meetings, the substance and progress on the implementation of the recommendations were discussed and BPD has been provided feedback and background on the various intentions with each respective recommendation.



The following outlines the specific Task Force recommendations and the respective progress:

### **Implement a New Evidence-Based Traffic Enforcement Model**

#### **Task Force Recommendations:**

- **Focusing the basis for traffic stops on safety**

#### **Implementation:**

Officers have been provided data regarding primary collision factors and have been directed to enforce those violations wherever they are observed. In addition to focusing on enforcement of primary collision factor violations, sworn personnel are also expected to make investigative stops related to criminal intelligence and information brought forth by the community or our investigations. BPD has implemented and conducted departmental training on a three-prong approach that focuses on primary collision factors, community member reports of dangerous driving or safety issues and community caretaking. Community caretaking considers safety violations that aren't always noted as the primary collision factor but can be a significant contributing factor in serious collisions.

#### **Status:**

Recommendation implementation complete and evaluation and transparency efforts are ongoing. Training for all sworn personnel has concluded. The Traffic Division and the National Highway Traffic Safety Administration continuously collect and provide the Berkeley Police Department with data on primary collision factors and statistics on violations that impact public safety. This data provides officers with current information on what to educate the community on and what violations to focus enforcement towards. The department will continue to review and evaluate data on traffic offenses that affect community safety. This will drive the primary focus on ongoing enforcement and education efforts. Information related to this recommendation will also be shared in the near future with the public via BPD's Transparency Hub. Additionally, the focus of traffic enforcement will be formalized as a departmental directive via relevant policy updates.

#### **Task Force Recommendation:**

- **Use a clear, evidence-based definition for stops of criminal suspects**

#### **Implementation:**

The Police Department is establishing a precision based policing model that considers data and public safety. This model aims to reduce the number of stops that studies have shown had minimal impact on public safety.

Data driven-tools that enable close to real-time dashboard tracking of calls for service demands have been provided to the Community Services Bureau and Patrol Watch Commanders to help guide officers in their enforcement focus.



During this reporting period, the Department implemented a system that employs a feedback loop with information flowing both ways. The system provides the tracking of calls for service with the goal of call analysis for patrol deployment strategies and also allows officers in the field to communicate their observations to the Community Service Bureau. This feedback loop provides information back to the Community Services Bureau and creates an accountability measure so strategies can be evaluated.

**Status:**

Recommendation implementation complete and ongoing efforts include the development of data-driven tools to enhance a precision-based policing model and approach to enforcement stops. The goal is to have data-driven approaches to violence prevention programs and real time crime and call analysis for patrol deployment strategies. Ensuring that we implement approaches that identify and work to reduce racial disparities will be a cornerstone to our evidence-based approaches. The Berkeley Police Department will continue to only use race and ethnicity as determining factors in stops only when paired with clear, evidence-based criteria. The Transparency Hub streamlines the collection and dissemination of police data. This system allows for exploration of different evidence-based approaches.

**Task Force Recommendation:**

- **Reaffirming and clarifying that the Berkeley Police Department will only use race and ethnicity as determining factors in stops only when paired with clear, evidence-based criteria.**

**Implementation:**

Penal code 13519.4 is existing California law that prohibits racial profiling. BPD Policy 401 (Fair and Impartial Policing) also prohibits racial profiling. Section 401.2 explicitly states, "Officers shall not consider race, ethnicity, national origin, gender, age, religion, sexual orientation/identity or socio-economic status in establishing either reasonable suspicion or probable cause, or when carrying out other law enforcement activities..."

The above policies were reviewed in light of the task force recommendations and found to affirm and clarify police officer responsibilities in stops.

**Status:**

Recommendation implementation complete and ongoing efforts include: BPD will continue to conduct ongoing training in topics such as implicit bias, racial profiling, and procedural justice concepts. BPD will hold all members to Departmental Policies, especially those strictly and clearly prohibiting racial profiling. Further, stops will be information and evidence based. The BPD Data Analyst Team will continue to develop tools to focus internal efforts using



evidence and information and share data publicly about enforcement and related results.

### **Implement Procedural Justice Reforms**

#### **Task Force Recommendation:**

- **Refer amendments to existing BPD policy and the creation of an Early Intervention System (EIS) related to traffic, bike and pedestrian stops.**

#### **Implementation:**

The current Early Warning System was originally issued in 2004 and revised in 2008. The system mandates the monitoring of officer's behavior and performance to include, but not limited to attendance, complaints, use of force incidents, and other factors. The Early Warning System serves as a program that identifies and address behavior or training issues before they become a disciplinary matter. Amendments have been made to the Department's Early Warning System policy (Policy 1041) to include the monitoring of stop data for individual officers.

#### **Status:**

Implementation complete via issuance of updated policy reflecting recommendations. Pursuant to the FIP recommendation and after meeting with the FIP task Force stakeholders, language was added to the current Early Warning System policy to include data around traffic, bicycle, and pedestrian stops as a category that supervisors will consider for early intervention if merited. Ongoing efforts include implementing new systems for the monitoring of officer's individual stop data by their respective supervisors. The Audits and Inspections Sergeant will also conduct separate and random quarterly audits of officer's stop data, complaints, uses of force incidents and other factors and report the findings to the Chief of Police. The first of these audits is slated to occur this Fall and the results will be provided to the Police Accountability Board.

#### **Task Force Recommendation:**

- **Adopt a policy to require written consent for all vehicle and residence searches and update the consent search form in alignment with best practice and community feedback.**

#### **Implementation:**

A revised written consent form has been created and amendments have been made to our existing search and seizure policy to require written consent for all consent searches. The Department implemented a redesigned Consent Search Form incorporating the collaborative feedback from multiple discussions with the Police Accountability Board.



**Status:**

Implementation completed via issuance of updated form reflecting recommendations.

**Task Force Recommendation:**

- **Limit warrantless searches of individuals on supervised release status such as Post Release Community Supervision (PRCS), probation, or parole.**

**Implementation:**

On February 10, 2021, updates were completed on Policy 311. Sections 311.5 and 311.6 were modified to reflect the above limitations to warrantless searches. The above policies were reviewed and modified in line with the task force recommendations and departmental goals to build trust and collaborate with the community to address crime and safety concerns.

**Status:**

Recommendation implemented. The update to Policy 311 limits the searches conducted on individuals on supervised release status. On April 18, 2022, the Public Safety Committee made a recommendation for a policy change to this recommendation. On July 26<sup>th</sup>, 2022 the City Council approved Policy 311 and on August 2<sup>nd</sup>, 2022 the policy was updated and released. The Department has trained on these updates and will continue to assess and review the impacts of these searches in consideration and support of the tenets of FIP.

**Task Force Recommendation:**

- **Address Profiling by Proxy (PAB Policy Development, Dispatcher Training).**

**Implementation:**

The Communications Center Operation Manual has been amended to address handling cases involving profiling by proxy. All dispatchers have reviewed the amended manual and are instructed to be cognizant and screen for profiling by proxy calls.

**Status:**

Recommendation implemented. Berkeley Police Department will continue to educate and train dispatchers on how to identify and address biased based reporting. Officers and supervisors are also expected to screen profiling by proxy calls. The Department as a whole will continue to seek out and train on anti-bias, implicit bias, and profiling by proxy topics to strengthen our ability to identify and address biased based reporting.



**Task Force Recommendation:**

- **Fire racist police officers identified through social media and other media screens.**

**Implementation:**

The following existing policies dictate procedures for investigating employees in this area; these policies adhere to due process and Government Section 3300:

*Policy 1029 (Employee Speech, Expression and Social Networking) provides accountability to employee personal social media posts. Section 1029.4(b) states "Speech or expression that, while not made pursuant to an official duty, is significantly link to, or related to, the Berkeley Police Department and tends to compromise or damage the mission, function, or reputation of professionalism of the Berkeley police Department or its employee.*

*PR 232 (Controversial Discussion), PR 235 (Acts –Statements-By employees), PR 238 (Organizational Membership), and PR 250 (enforcement of Law, Impartiality) are also policies that provide accountability for any racist behaviors.*

The above policies were reviewed in light of the task force recommendations and found to provide necessary authority to investigate allegations of racism. Departmental policy clearly identifies discrimination based upon a person's race as misconduct, and requires reporting and prompt investigating of any allegation of racism. Any employee who becomes aware of or observes any discrimination on the basis of a protected class is required to notify a supervisor by the end of their shift or within 24 hours if they are off duty.

**Status:**

Recommendation implemented, however the Berkeley Police Department is committed to continuing to explore additional lawful methods to identify and address potentially racist behaviors or actions by our members. If at any time the police department becomes aware of any issues related to these concerns, the matter would be thoroughly investigated and employees will be held accountable.

**Task Force Recommendation:**

- **Require regular analysis of BPD stop, search, and use of force data;**

**Implementation:**

The Open Data Portal (ODP) is a public facing website that gives the public access to police data and is accessible through the City's website. This allows for open and independent analysis and review to foster police accountability and transparency.



The Department will not only collect and report on stop, search and use of force data, but will regularly analyze the data via the Data Analyst Team. That analysis will at a minimum help direct policy, training, and resource allocation.

**Status:**

Implementation of recommendation complete and the Department will continue ongoing evaluation and data sharing. BPD is committed to transparency and is continuously exploring different ways to provide the public with access to more police data. The Data and Policy Analysis Team developed a Transparency Hub that will facilitate independent review and analysis of police data. This hub was launched after several community and internal stakeholder groups had an opportunity to view and collaborate on design. The Transparency Hub hosts BPD's Open Data Portal along with tools to help the public visualize and analyze the department's data, including interactive dashboards summarizing stop and search data, calls for service, and use of force data. The Transparency Hub updates in near-real time and gives the public access to datasets reaching further back in time than had been available. In the next phase of implementation there will be a 'Crime Mapper' page on the Transparency Hub that will include additional data on cases.

**Task Force Recommendations:**

- **Make resources on police-civilian encounters more publicly available such as through RAHEEM.org;**
- **For any individual detained, BPD officers shall provide a business card with information on the commendation and complaint process with the Police Accountability Board and the Berkeley Police Department, Internal Affairs Bureau.**

**Implementation:**

BPD Officers provide business cards to all detained individuals with information, a QR code and links to the BPD website which provide community members with information on making a commendation or complaint about an interaction with BPD. In addition to the information on how to make a complaint, a link is provided to the ACLU webpage containing information on police-civilian encounters.

**Status:**

Recommendation implemented. All business cards will continue to be printed with the above information. These resources ensure police accountability as well as provide ways the community can comment on the service BPD has provided.



**Refer the following recommendations summarized below to the Reimagine Public Safety process****Task Force Recommendations:**

- **Create a formalized feedback system to gauge community response to ongoing reforms and ensure this constructive input system is institutionalized with the Police Review Commission or its successor and includes a basic report card and quarterly neighborhood check-ins; Conduct a baseline community survey**

**Implementation:**

BPD actively supported and participated in the work of the Reimagine Public Safety Task Force by providing data and information, answering questions, providing hands-on experience and discussing opportunities, impacts and effects of recommendations. Several community surveys were conducted by consultants as part of the overall Reimagine Public Safety process.

**Status:**

Initial implementation complete. To support feedback systems, the Berkeley Police Department will be seeking ongoing community input and feedback around reform efforts via the Transparency Hub.

**Acknowledge and reaffirm the following recommendations summarized below that are already underway****Task Force Recommendation:**

- **BPD released stop, arrest, calls for service and use of force data from 2012 to present to the Working Group;**

**Implementation:**

The police department released the requested historical data in December of 2020. BPD stop, arrest, and calls for service data are regularly updated in the Open Data Portal and will be updated in near real time on the Transparency Hub.

**Status:**

Recommendation implemented.

**Task Force Recommendation:**

- **Fund and implement a specialized care unit for mental health crises;**

**Implementation:**

The City has contracted with a consulting firm, RDA Consulting, to conduct a feasibility study for a specialized care unit. The study has concluded; refer to below supporting materials for link to the final report from RDA Consulting.



**Status:**

Implementation in progress and being managed by the Health, Housing and Community Services (HHCS) Department. While the work to create a Specialized Care Unit continues, three community-based contracts managed by HHCS have been initiated to provide interim services.

**Task Force Recommendation:**

- **Conduct a Capacity Study of police calls and responses and use of officer time outside of case work.**

**Implementation:**

The City's Auditor's report was released which analyzed Computer Aided Dispatch data. Recommendations from this analysis were provided to the Police Department and findings were referred to the Reimagine Public Safety Task Force.

**Status:**

Implementation in progress. An assessment of overall staffing levels as well as patrol beat specific analysis has been referred to the budget process via the Council's direction on Reimagining Public Safety. Internally the Data Analysts Team has been directed to continue their work to refine the way and type of data that is collected, and analyze call response time to support the likely upcoming consultant work.

**ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS**

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

**POSSIBLE FUTURE ACTION**

The Police Department will continue to work toward the full implementation of the Task Force recommendations.

**FISCAL IMPACTS OF POSSIBLE FUTURE ACTION**

Staff time and additional training time to be determined at a later date.

**CONTACT PERSON**

Jennifer Louis, Interim Chief of Police, (510) 981-5700



Supporting Materials:

1: Berkeley Police Policy and Training Materials

<https://berkeleyca.gov/safety-health/police/policy-training-materials>

2: California Legislative Information

[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=13519.4.&nodeTreePath=7.5.1.2&lawCode=PEN](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=13519.4.&nodeTreePath=7.5.1.2&lawCode=PEN)

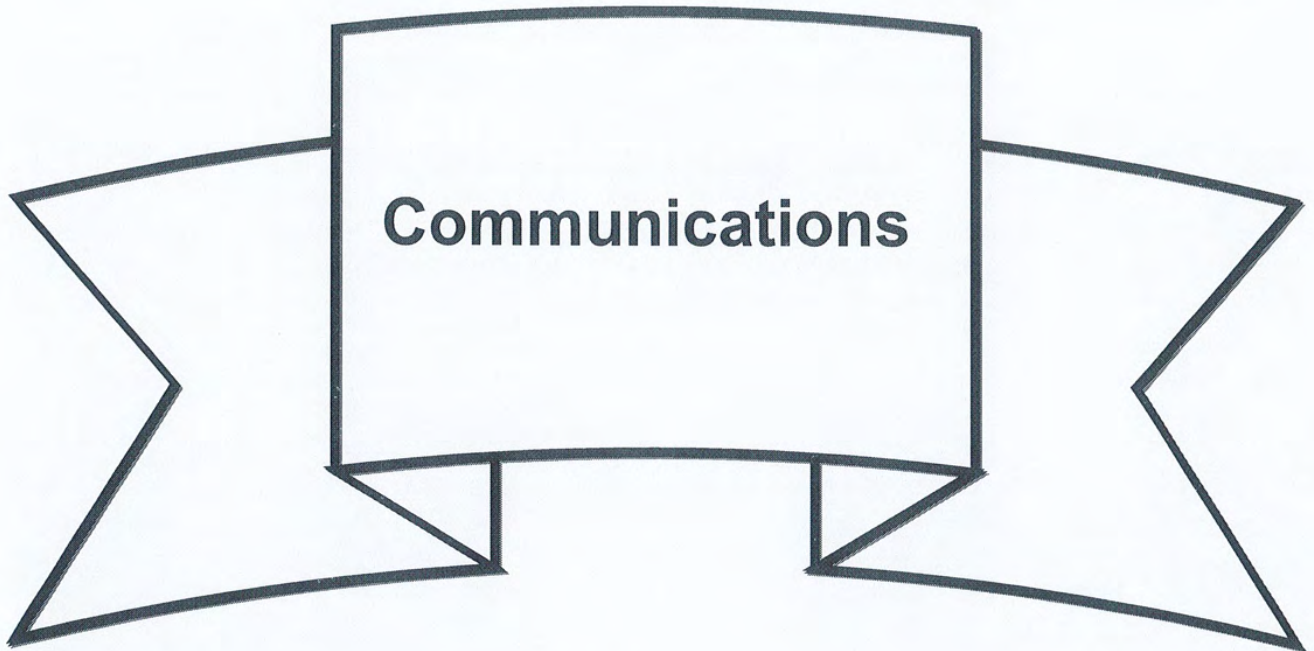
3. Reimagine Task Force and National Institute for Criminal Justice Reform (NICJR) Survey

<https://berkeley-rps.org/wp-content/uploads/2021/10/Berkeley-Community-Engagement-Report-v7.pdf>

4. RDA Consulting Final Report on Specialize Care Unit

[https://www.cityofberkeley.info/uploadedFiles/Clerk/Level\\_3\\_-\\_Commissions/Berkeley-MH-SCU\\_Final-Recommendations\\_FINAL.pdf](https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_Commissions/Berkeley-MH-SCU_Final-Recommendations_FINAL.pdf)





All communications submitted to the City Council are public record. Communications are not published directly to the City's website. Copies of individual communications are available for viewing at the City Clerk Department and through Records Online.

**City Clerk Department**  
2180 Milvia Street  
Berkeley, CA 94704  
(510) 981-6900

**Records Online**

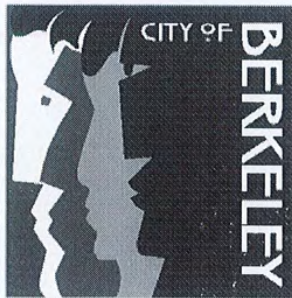
<https://records.cityofberkeley.info/>

To search for communications associated with a particular City Council meeting using Records Online:



1. Select Search Type = "Public – Communication Query (Keywords)"
2. From Date: Enter the date of the Council meeting
3. To Date: Enter the date of the Council meeting (this may match the From Date field)
4. Click the "Search" button
5. Communication packets matching the entered criteria will be returned
6. Click the desired file in the Results column to view the document as a PDF





Z O N I N G  
A D J U S T M E N T S  
B O A R D  
N O T I C E O F D E C I S I O N

**DATE OF BOARD DECISION:** September 22, 2022

**DATE NOTICE MAILED:** October 11, 2022

**APPEAL PERIOD EXPIRATION:** October 25, 2022

**EFFECTIVE DATE OF PERMIT (Barring Appeal or Certification)<sup>1</sup>:** October 26, 2022

## 2065 Kittredge Street

**Use Permit #ZP2021-0193 to demolish portions of existing City Landmark commercial buildings and construct an 8-story, mixed-use building with 187 dwelling units (including four live/work units and nine Very Low-Income units), 4,993 square feet commercial space and 43 parking spaces. Project utilizes State Density Bonus.**

The Zoning Adjustments Board of the City of Berkeley, after conducting a public hearing, **APPROVED** the following permits

- Use Permit under BMC Section 23.326.070(A) to demolish a non-residential building
- Use Permit under BMC Section 23.204.020(A) to construct a new mixed-use development
- Use Permit under BMC Section 23.204.020(A) to construct dwelling units
- Use Permit under BMC Section 23.204.030(B)(1) to create new floor area of 10,000 square feet or more
- Use Permit under BMC Section 23.204.130(E)(1) to exceed the maximum building height limits, up to 75 feet (plus 5-foot parapet, by right)

**ZONING:** C-DMU (Core) – Downtown Mixed-Use Commercial District – Core Sub-area

**APPLICANT:** Bill Schrader, 164 Oak Road, Alamo, CA 94507

**PROPERTY OWNER:** CA Student Living Berkeley, LLC, 130 Randolph Street, Suite 2100, Chicago IL, 60601

<sup>1</sup> Pursuant to BMC Section 23.410.050(C), the City Council may certify any ZAB decision for review during the 14-day appeal period after the notice of the ZAB's decision is issued. Certification has the same effect as an appeal. However, BMC Section 1.04.070 suspends or "tolls" the Council's deadline to certify when the Council is on recess. Thus, in cases where the 14-day appeal period is scheduled to *end* during a Council recess, the certification deadline is extended past the end of the recess for the remainder of the appeal period. In cases where the appeal period *begins* during a Council recess, the certification deadline is extended until 14 days after the first Council meeting after the recess. *Extension of the certification deadline has no effect on the appeal deadline.*



ZONING ADJUSTMENTS BOARD  
September 22, 2022

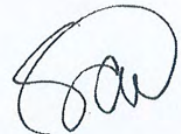
2065 KITTREDGE STREET  
Page 2 of 4

**INTERESTED PARTY:** Kelilah D. Federman, Adams Broadwell Joseph & Cardozo, 601 Gateway Boulevard, Suite 1000, South San Francisco CA 94080

**ENVIRONMENTAL REVIEW STATUS:** Adopt the Environmental Impact Report (EIR) Addendum to the certified 2211 Harold Way Mixed-Use Project Final EIR (SCH #2014052063) and Revised Mitigation Monitoring and Reporting Program (MMRP) pursuant to the California Environmental Quality Act.

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

|                    | Yes      | No       | Abstain  | Absent   |
|--------------------|----------|----------|----------|----------|
| DUFFY              | x        |          |          |          |
| KAHN               | x        |          |          |          |
| KIM                | x        |          |          |          |
| O'KEEFE            |          |          |          | x        |
| SANDERSON          | x        |          |          |          |
| THOMPSON           | x        |          |          |          |
| GAFFNEY            | x        |          |          |          |
| TREGUB             | x        |          |          |          |
| <b>BOARD VOTE:</b> | <b>7</b> | <b>0</b> | <b>0</b> | <b>1</b> |



**ATTEST:**

Samantha Updegrave, Zoning Adjustments Board  
Secretary

**PUBLICATION OF NOTICE:**

Pursuant to BMC Section 23B.32.050, this notice shall be mailed to the applicant at the mailing address stated in the application and to any person who requests such notification by filing a written request with the Zoning Officer on or before the date of the Board action. This notice shall also be filed with the City Clerk. In addition, the notice shall be forwarded to the Zoning Adjustments Board and to the Main Library. The notice shall also be posted at a bulletin board at the Zoning Counter. The City Clerk shall make the notice available to interested members of the Council and the public.

**FURTHER INFORMATION:**

Questions about the project should be directed to the project planner, Sharon Gong, at (510) 981-7429 or [sgong@cityofberkeley.info](mailto:sgong@cityofberkeley.info). All project application materials, including full-size plans, may be viewed online at: <https://aca.cityofberkeley.info/CitizenAccess/Welcome.aspx>, or in the Permit Service Center at the Zoning Counter at 1947 Center Street, Third Floor, during



ZONING ADJUSTMENTS BOARD  
September 22, 2022

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normal office hours.

**TO APPEAL THIS DECISION (see Section 23B.32.050 of the Berkeley Municipal Code):**

To appeal a decision of the Zoning Adjustments Board to the City Council you must:

1. Submit a letter clearly and concisely setting forth the grounds for the appeal to the City Clerk, located at 2180 Milvia Street, 1<sup>st</sup> Floor, Berkeley. The City Clerk's telephone number is (510) 981-6900.
2. Submit the required appeal fee (checks and money orders payable to "City of Berkeley"):
  - A. The fee for persons other than the applicant is \$1500. This fee may be reduced to \$500 if the appeal is signed by persons who lease or own at least 50 percent of the parcels or dwelling units within 300 feet of the project site, or at least 25 such persons (not including dependent children), whichever is less.
  - B. The fee for all appeals by Applicants is \$5,520.
3. The appeal must be received prior to 5:00 p.m. on the "APPEAL PERIOD EXPIRATION" date shown on page 1 (if the close of the appeal period falls on a weekend or holiday, then the appeal period expires the following business day).

If no appeal is received, the permit will be issued on the first business day following expiration of the appeal period, and the project may proceed at that time.



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**NOTICE CONCERNING YOUR LEGAL RIGHTS:**

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

1. If you challenge this decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Zoning Adjustments Board at, or prior to, the public hearing.
2. You must appeal to the City Council within fourteen (14) days after the Notice of Decision of the action of the Zoning Adjustments Board is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that ninety (90) day period will be barred.
4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a "taking" of property for public use without just compensation under the California or United States Constitutions, your appeal of this decision must include the following information:
  - A. That this belief is a basis of your appeal.
  - B. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.
  - C. All evidence and argument in support of your belief that the decision or condition constitutes a "taking" as set forth above.

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

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# ATTACHMENT 1, EXHIBIT A

## FINDINGS AND CONDITIONS

SEPTEMBER 22, 2022

### 2065 Kittredge Street

**Use Permit #ZP2021-0193 to demolish portions of existing City Landmark commercial buildings and construct an 8-story, mixed-use building with 187 dwelling units (including four live/work units and nine Very Low-Income units), 4,993 square feet commercial space and 43 parking spaces. Project utilizes State Density Bonus.**

#### PERMITS REQUIRED

- Use Permit under BMC Section 23.326.070(A) to demolish a non-residential building
- Use Permit under BMC Section 23.204.020(A) to construct a new mixed-use development
- Use Permit under BMC Section 23.204.020(A) to construct dwelling units
- Use Permit under BMC Section 23.204.030(B)(1) to create new floor area of 10,000 square feet or more
- Use Permit under BMC Section 23.204.130(E)(1) to exceed the maximum building height limits, up to 75 feet (plus 5-foot parapet, by right)

#### CONCESSIONS/WAIVERS UNDER GOVERNMENT CODE SECTION 65915-65918

- Concession to reduce the usable open space requirement – to provide 11,916 square feet where 14,960 square feet is required
- Waiver of BMC Section 23.204.130(E)(1) to exceed building height limits – to be 87 feet (plus 5-foot parapet, by right), where 75 feet is the limit (plus 5-foot parapet, by right, with a use permit)
- Waiver of BMC Section 23.204.130(E)(3) to reduce setbacks to 0 feet, where 15 feet is required, where above 75 feet in height
- Waiver of BMC Section 23.204.130(E)(3) to increase front setback maximum to 0-20 feet, where 5 feet is required, at 0-20-foot building height
- Waiver of BMC Section 23.304.090(B)(7) to reduce the landscaped usable open space to 25 percent, where from 40 percent minimum is required
- Waiver of BMC Section 23.304.050(A) to exceed building height limits with rooftop architectural elements which exceed the maximum height limit for the district
- Waiver of BMC Section 23.322.030(B)(1) to reduce the minimum commercial parking requirement to zero, where eight is required

#### I. CEQA FINDINGS

1. Pursuant to the California Environmental Quality Act (CEQA), the City prepared an EIR Addendum for this Project.
  - A. CEQA Approach: Pursuant to Section 15164 of the CEQA Guidelines, codified in Sections 15000 et seq. of Title 14 of the California Code of Regulations, a lead agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15612 calling for preparation of a subsequent



EIR have occurred. Under Section 15162(a), where an EIR has been certified for a project, no subsequent EIR shall be prepared for the project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, that there are substantial changes in the project or circumstances or substantially important new information that will cause the project to have significant new impacts or substantially increase previously identified significant impacts.

As discussed in detail in the EIR Addendum, potential impacts associated with the modified project (the proposed changes compared to the project evaluated in the Final EIR) are consistent with potential impacts characterized and mitigated for in the Final EIR. Substantive revisions to the Final EIR are not necessary because no new significant impacts or significant impacts of substantially greater severity than previously described would occur. Thus, the conditions outlined in CEQA Guidelines Section 15162(a) requiring preparation of a subsequent EIR would not be met.

- B. EIR Addendum and Revised MMRP: An Addendum to the 2211 Harold Way Mixed-Use Project (UP 13-10000010) Final EIR, which was certified in December 2015, was prepared to evaluate the potentially significant environmental impacts of the proposed project, pursuant to the California Environmental Quality Act. The Addendum considered the Final EIR and Statement of Overriding Considerations, and evaluated the modified project. The modified project was found to be smaller and less impactful than the Final EIR project. The impacts related to demolition and alteration of historic buildings, would remain significant and unavoidable, and the same overriding considerations would apply to the modified project, except that the project is no longer required to provide community benefits, and cultural resource impacts were addressed in the modified design.

The Addendum described the changes in the modified project, and addressed the following issues in detail: Air Quality, Cultural Resources, Greenhouse Gas Emissions, Noise, Transportation, and Utilities and Service Systems. All other environmental issues were evaluated for impact from the modified project as well, with the conclusion that impacts to these areas will be less than significant with mitigation, similar to the original project. For each of the above-listed areas of evaluation, the EIR Addendum findings supported the conclusion that impacts from the modified project will not result in new significant effects or a substantial increase in the severity of previously identified significant effects on the environment. Therefore, no new mitigation measures will be necessary for any of these evaluated areas. Furthermore, several mitigation measures for Cultural Resources are no longer required, as discussed below.

Cultural Resources. No new or substantially more severe significant effects will occur to cultural resources, and no new mitigation measures will be necessary. Design changes in the modified project include a reduction in building height, design strategies to break up massing with varied rooflines and materials, and the projection of the second-floor level above the double-height street level, aligning with the cornice of the 1912 portion of the Shattuck Hotel. These design modifications have responded to the design measures adopted in Mitigation Measures CR-2(a), (b) and (c) of the Final EIR; therefore the measures do not apply to the modified project. In particular, the modified project avoids impact to the Allston Way elevation, in response to Mitigation Measure CR-2(a); the redesign of the Kittredge Street "hyphen" responds to Mitigation Measure CR-2(b); and the



removal of large-scale use of aluminum glazing systems responds to Mitigation Measure CR-2(c).

In conclusion, similar to the original project, cultural resource impacts from the modified project will be less than significant with mitigation, with the exception of impacts related to demolition and alteration of historic buildings, which will remain significant and unavoidable. Mitigation Measures CR-2(a) through (c) will be removed from the Mitigation Monitoring and Reporting Program (MMRP). All other measures adopted in the Final EIR for the purposes of mitigating cultural resources impacts remain applicable.

Revisions to the project were made after the LPC meeting on August 4, 2022, including the elimination of one unit (two bedrooms), the addition of 812 square feet of commercial area, and other minor revisions. The City reviewed the revised plans and concluded that the revisions did not change the conclusions of the EIR Addendum.

Public Resources Code Section 21081.6 and CEQA Guidelines Section 15091(d) require the City to adopt a reporting or monitoring program for the changes to the project that it has adopted or made a condition of approval in order to avoid or substantially lessen significant effects on the environment. The monitoring program is designed to ensure compliance during project implementation. The MMRP for the 2211 Harold Way Mixed-Use Project Final EIR has been revised to reflect the changes to the mitigation measures that were described in the Addendum.

- C. The Zoning Adjustments Board finds that the modified project's significant environmental impacts to cultural resources are acceptable in light of the project's benefits. These benefits were set forth in the statement of overriding considerations that was adopted in connection with the 2211 Harold Way project, and, with the exception of that statement's inclusion of benefits regarding maintaining a cinema and community benefits required per BMC Section 23.E.68.090.E for the tower aspect of that project, the benefits and considerations in that statement are applicable to the modified project. The benefits set forth therein constitute overriding considerations warranting approval of the modified project, independent of the other benefits, despite each and every unavoidable impact.

The EIR Addendum, 2211 Harold Mixed-Use Project Final EIR and Statement of Overriding Considerations are available at this link: <https://aca.cityofberkeley.info/CitizenAccess/Default.aspx>. Click on Zoning tab; enter permit number ZP2021-0193; select permit ZP2021-0193; click on the "Record Info" drop down menu; click on Attachments for a list of all application materials.

## **II. DENSITY BONUS FINDINGS**

1. Pursuant to Government Code Section 65915, the Zoning Adjustments Board finds that:
  - A. Under the City's methodology for implementing density bonuses, the "base project" consists of 164 units;
  - B. The project will provide at least nine (9) Very Low-Income (VLI) qualifying units in the 163-unit "base project", as more fully set forth in Condition 70;
  - C. The project is entitled to a density increase of 20 percent 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 one



concession or incentive. This equates to a density bonus of 24 units (33 units maximum) above the Base Project, for a total of 187 units.

2. In accordance with Government Code Section 65915(d) and (k), the Zoning Adjustments Board hereby grants the following concessions in order to provide for affordable housing costs:
  - A. Concession to reduce the usable open space requirement – to provide 11,916 square feet where 14,960 square feet is required
3. 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 Zoning Adjustments Board finds that the approval of the concession is required to provide for affordable rents, as provided in Government Code Section 65915(d)(1)(A) because 1) approval of the concession will result in identifiable and actual cost reduction; 2) approval of the concession will 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) will not be contrary to State or Federal law.
4. In accordance with Government Code Section 65915(e) the Zoning Adjustments Board hereby grants the following waivers:
  - A. Waiver of BMC Section 23.204.130(E)(1) to exceed building height limits – to be 87 feet (plus 5-foot parapet, by right), where 75 feet is the limit (plus 5-foot parapet, by right, with a use permit)
  - B. Waiver of BMC Section 23.204.130(E)(3) to reduce setback to 0 feet, where 15 feet is required, where above 75 feet in height
  - C. Waiver of BMC Section 23.204.130(E)(3) to increase front setback maximum to 0-20 feet, where 5 feet is required, at 0-20 foot building height
  - D. Waiver of BMC Section 23.304.090(B)(7) to reduce the landscaped usable open space to 25 percent, where from 40 percent minimum is required
  - E. Waiver of BMC Section 23.304.050(A) to exceed building height limits with rooftop architectural elements which exceed the maximum height limit for the district
  - F. Waiver of BMC Section 23.322.030(B)(1) to reduce the minimum commercial parking requirement to zero, where 8 is required

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 Zoning Adjustments Board hereby finds that the density bonus units can best be accommodated by granting these waivers.
5. 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 Zoning Adjustments Board finds approval of waivers is required 1) construct the proposed project at the density permitted under State law; 2) approval of requested waivers will 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 will not be contrary to State or Federal law.

### **III. FINDINGS FOR APPROVAL**

6. The Housing Accountability Act §65589.5(j) requires that when a proposed housing development complies with applicable, objective general plan and zoning standards, a local



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 SEPTEMBER 22, 2022

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agency may not deny the project or approve it with reduced density unless the agency makes written findings supported by substantial evidence that:

- A. The development would have a specific adverse impact on public health or safety unless disapproved or approved at a lower density; and
- B. 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 project includes construction of 187 dwelling units. Because the base project would comply with applicable, objective general plan and zoning standards, §65589.5(j) does apply to this project. No significant, quantifiable, direct and unavoidable impacts, based on objective, identified written public health or safety standards, polices, or conditions, have been identified by staff.

- 7. As required by Section 23.406.040(E)(1) of the BMC, the project, under the circumstances of this particular case existing at the time at which the application is granted, will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City because:
  - A. The project is consistent with all applicable C-DMU District standards and qualifies for waivers and concessions for the listed district standards granted pursuant to State Density Bonus, Government Code, Section 65915;
  - B. Shadow impacts will affect commercial uses only, and will not affect residential uses; and
  - C. 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.

#### **IV. OTHER FINDINGS FOR APPROVAL**

- 8. As required by Section 23.326.070(D) of the BMC, the Zoning Adjustments Board finds that the proposed demolition of the existing building at 2065 Kittredge Street will not be materially detrimental to the commercial needs and public interest of any affected neighborhood or the City, and meets the finding that demolition is required to allow a proposed new building or other proposed new use.
- 9. As required by Section 23.204.130(I) of the BMC, the Zoning Adjustments Board finds that the proposed use or structure:
  - A. Is compatible with the purposes of the district to implement the vision and goals of the Downtown Area Plan:
    - a. Environmental Sustainability and Access: DAP Goals ES-3, UL-1 AC-1, AC-4. The project provides higher-density development in proximity to regional transit, shops and amenities, and it will improve options to increase access to Downtown on foot, by bicycle and via transit will promote transit as an efficient and attractive choice through its location and through its Transportation Demand Management Plan and other associated Conditions of Approval.



- b. Land Use: DAP Goal LU-1 (Policies LU-1.1 and LU-1.3). The Project will include residential, and commercial uses that allow people who live, work and learn in the Downtown to meet daily needs on foot.
  - c. Historic Preservation and Urban Design: The LPC referred the project to DRC for design review recommendations, and considered the project in relation to its urban context, focusing on the application of the Downtown Design Guidelines, which implement the objectives and policies of the Historic Preservation and Urban Design chapter of the DAP. The LPC approved the SAP with findings for consistency with Landmarks Preservation, the Secretary of Interior standards for rehabilitation, and DAP design review standards. (See section IV.B for details.)
  - d. Streets and Open Space: DAP Goal OS-1. The project will enhance public open spaces and streets to benefit pedestrians, improve Downtown's livability, and foster a sense of place.
  - e. Housing and Community Health and Services: DAP Goals HC-1, HC-2, HC-3. The project will encourage Downtown as a thriving, livable, diverse residential neighborhood with a mix of supportive uses, and play a significant role in meeting Berkeley's continuing need for additional housing.
  - f. Economic Development: DAP Goal ED-1. The project will serve the needs of the neighborhood and the City, make Downtown a more attractive regional destination, by promoting successful retail businesses and other attractions, with daytime and night-time populations to support them.
- B. Is compatible with surrounding uses and buildings:
- a. The project site currently includes office and retail uses. (Previous cinema and museum uses no longer occupy the site.) The proposed project will change uses on the site to ground-floor commercial (retail and food service) and residential uses above. Uses on the surrounding properties include retail, public parking, office, library, hotel, and residential. The project will not introduce new land uses that do not already exist in the Downtown, and as described above, will further the vision and goals of the DAP.
  - b. The DRC forwarded a positive recommendation for the project design, and the LPC voted to approve the SAP, with findings for consistency with Landmarks Preservation, the Secretary of Interior standards for rehabilitation, and DAP design review standards.
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## **V. 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 Mitigation Monitoring and Reporting Program Shall be Printed on Plans**  
The conditions of this Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Use Permit, under the title 'Use Permit Conditions.' *Additional sheets* may also be used if the *second* sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; 8-1/2" by 11" sheets are not acceptable.
- 2. Compliance Required (BMC Section 23.102.050)**  
All land uses and structures in Berkeley must comply with the Zoning Ordinance and all applicable City ordinances and regulations. Compliance with the Zoning Ordinance does not relieve an applicant from requirements to comply with other federal, state, and City regulations that also apply to the property.
- 3. Approval Limited to Proposed Project and Replacement of Existing Uses (BMC Sections 23.404.060.B.1 and 2)**
  - A. This Permit authorizes only the proposed project described in the application. In no way does an approval authorize other uses, structures or activities not included in the project description.
  - B. When the City approves a new use that replaces an existing use, any prior approval of the existing use becomes null and void when permits for the new use are exercised (e.g., building permit or business license issued). To reestablish the previously existing use, an applicant must obtain all permits required by the Zoning Ordinance for the use.
- 4. Conformance to Approved Plans (BMC Section 23.404.060.B.4)**  
All work performed under an approved permit shall be in compliance with the approved plans and any conditions of approval.
- 5. Exercise and Expiration of Permits (BMC Section 23.404.060.C)**
  - A. A permit authorizing a land use is exercised when both a valid City business license is issued (if required) and the land use is established on the property.
  - B. A permit authorizing construction is exercised when both a valid City building permit (if required) is issued and construction has lawfully begun.
  - C. The Zoning Officer may declare a permit lapsed if it is not exercised within one year of its issuance, except if the applicant has applied for a building permit or has made a substantial good faith effort to obtain a building permit and begin construction. The Zoning Officer may declare a permit lapsed only after 14 days written notice to the applicant. A determination that a permit has lapsed may be appealed to the ZAB in accordance with Chapter 23.410 (Appeals and Certification).
  - D. A permit declared lapsed shall be void and of no further force and effect. To establish the use or structure authorized by the lapsed permit, an applicant must apply for and receive City approval of a new permit.
- 6. Permit Remains Effective for Vacant Property (BMC Section 23.404.060.D)**



Once a Permit for a use is exercised and the use is established, the permit authorizing the use remains effective even if the property becomes vacant. The same use as allowed by the original permit may be re-established without obtaining a new permit, except as set forth in Standard Condition #5 above.

**7. Permit Modifications (BMC Section 23.404.070)**

No change in the use or structure for which this Permit is issued is permitted unless the Permit is modified by the Board. The Zoning Officer may approve changes to plans approved by the Board, consistent with the Board's policy adopted on May 24, 1978, which reduce the size of the project.

**8. Permit Revocation (BMC Section 23.404.080)**

The City may revoke or modify a discretionary permit for completed projects due to: 1) violations of permit requirements; 2) Changes to the approved project; and/or 3) Vacancy for one year or more. However, no lawful residential use can lapse, regardless of the length of time of the vacancy. Proceedings to revoke or modify a permit may be initiated by the Zoning Officer, Zoning Adjustments Board (ZAB), or City Council referral.

**9. Pay Transparency Acknowledgement (BMC Section 13.104.030)**

Prior to the issuance of a building permit for any Project subject to this Chapter:

- A. A Responsible Representative of the Permittee shall certify under penalty of perjury that: (1) the Permittee has reviewed Chapter 13.104 of the Berkeley Municipal Code; and (2) the Permittee will be responsible for demonstrating compliance with this Chapter.
- B. The Permittee shall provide to the City a Contractor Pay Transparency Acknowledgment on a form approved by the City for this purpose. A Responsible Representative of the Permittee shall certify under penalty of perjury that the Contractor and all Qualifying Subcontractors performing work on the Project will comply with Chapter 13.104 of the Berkeley Municipal Code and with Labor Code sections 226(a) and 2810.5 for each employee who works on the Project.

**10. Pay Transparency Attestations Following Project Completion (BMC Section 13.104.040)**

Within 10 days of the approved final inspection of any Project subject to this Chapter, each Permittee shall provide to the City for each Contractor and Qualifying Subcontractor a Pay Transparency Attestation on a form approved by the City. On each Pay Transparency Attestation, a Responsible Representative of the Contractor or Qualifying Subcontractor shall attest under penalty of perjury that the Contractor or Qualifying Subcontractor complied with Chapter 13.104 of the Berkeley Municipal Code and Labor Code sections 226(a) and 2810.5 for each employee who performed work on the Project. The City will maintain Pay Transparency Attestation forms for period of at least three years after their date of receipt by the City.

**11. Posting of Ordinance (BMC Section 13.104.050)**

Each day work is performed on the Project, each Permittee shall post, and keep posted in a conspicuous location where it may be easily read by employees during the hours of the workday, a notice that: (A) contains the text of Chapter 13.104 of the Berkeley Municipal Code; (B) explains that workers can report violations of Labor Code sections 226 and 2810.5 to the Labor Commissioner of the State of California; and (C) provides current contact information, including office address, telephone number, and email address of the Labor Commissioner of the State of California.







property to investigate the subsurface conditions in the vicinity of the historic Strawberry Creek channel and installing and monitoring a piezometer(s) to better document groundwater conditions before and during construction. The Final Geotechnical Report shall be compiled, signed and stamped by the Project Geotechnical Consultant and submitted to the City for review by the City Geotechnical Consultant and City Engineer as part of building permit plan check.

16. Geotechnical Plan Review. The applicant's geotechnical consultant shall review and approve all geotechnical aspects of the final project building and grading plans (i.e., site preparation and grading including removal and replacement/treatment of expansive soils, site surface and subsurface drainage improvements including site runoff discharge, and design parameters for foundations and retaining walls, etc.) to ensure that their recommendations have been properly incorporated and to ensure that the project concept has not changed significantly since preparation of their report. The results of the plan review should be summarized by the geotechnical consultant in a letter and submitted to the City Engineer for review and approval prior to issuance of building permits.
17. Vapor Intrusion. Submit a vapor intrusion report (including subslab vapor samples and indoor air samples at the northwestern portion of the basement level of the Site) to the Toxics Division for review. See the project Phase I report, dated February 5, 2021 for details on the required report scope.
18. Final Design Review. The Project requires approval of a Final Design Review application by the Design Review Committee.
19. 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 in accordance with BMC 16.28.030, and entered into the City's database after the building permit is issued but prior to final inspection.
20. 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:
  - A. Construction equipment should be well maintained and used judiciously to be as quiet as practical.
  - B. Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
  - C. 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.
  - D. 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.
  - E. Prohibit unnecessary idling of internal combustion engines.



- F. If impact pile driving is required, pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.
- G. 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.
- H. 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.
- I. Route construction related traffic along major roadways and away from sensitive receptors where feasible.

21. 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.

22. Compliance with Conditions and Environmental Mitigations. The building permit application is subject to verification of compliance to the adopted **Mitigation Monitoring and Reporting Program (Attachment - Exhibit B)**. The applicant shall be responsible for demonstrating compliance with all conditions of approval and mitigation measures per the timeline set forth by this use permit. The applicant shall deposit \$10,000 with the City, or less with the approval of the Zoning Officer, to pay for the cost of monitoring compliance with these Conditions of Approval



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and other applicable conditions and regulations. Should compliance-monitoring expenses exceed the initial deposit, the applicant shall deposit additional funds to cover such additional expenses upon the request of the Zoning Officer; any unused deposit will be refunded to the applicant.

**Prior to Issuance of Any Building & Safety Permit (Demolition or Construction)**

23. Fee Deferrals. All zoning project application fees that were deferred at the time of application submittal shall be paid in full.
24. 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 during extended work hours and reason for extended hours, (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, and (5) 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.
25. 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.
26. 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.
27. Construction and Demolition Diversion. Applicant shall submit a Construction Waste Management Plan that meets the requirements of BMC Chapter 19.37 including 100% diversion of asphalt, concrete, excavated soil and land-clearing debris and a minimum of 65% diversion of other nonhazardous construction and demolition waste.
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 2 years old\*) shall be submitted to TMD for developments for:
    - All new commercial, industrial and mixed use developments and all large improvement projects.
    - All new residential buildings with 5 or more dwelling units located in the Environmental Management Area (or EMA).



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- EMA is available online at: [http://www.cityofberkeley.info/uploadedFiles/IT/Level\\_3 - General/ema.pdf](http://www.cityofberkeley.info/uploadedFiles/IT/Level_3_-_General/ema.pdf)
- 2) Phase II ESA is required to evaluate Recognized Environmental Conditions (REC) identified in the Phase I or other RECs identified by TMD staff. The TMD may require a third party toxicologist to review human or ecological health risks that may be identified. The applicant may apply to the appropriate state, regional or county cleanup agency to evaluate the risks.
  - 3) If the Phase I is over 2 years old, it will require a new site reconnaissance and interviews. If the facility was subject to regulation under Title 15 of the Berkeley Municipal Code since the last Phase I was conducted, a new records review must be performed.
- B. Soil and Groundwater Management Plan:
- 1) A Soil and Groundwater Management Plan (SGMP) shall be submitted to TMD for all non-residential projects, and residential or mixed-use projects with five or more dwelling units, that: (1) are in the Environmental Management Area (EMA) and (2) propose any excavations deeper than 5 feet below grade. The SGMP shall be site specific and identify procedures for soil and groundwater management including identification of pollutants and disposal methods. The SGMP will identify permits required and comply with all applicable local, state and regional requirements.
  - 2) The SGMP shall require notification to TMD of any hazardous materials found in soils and groundwater during development. The SGMP will provide guidance on managing odors during excavation. The SGMP will provide the name and phone number of the individual responsible for implementing the SGMP and post the name and phone number for the person responding to community questions and complaints.
  - 3) TMD may impose additional conditions as deemed necessary. All requirements of the approved SGMP shall be deemed conditions of approval of this Use Permit.
- C. Building Materials Survey:
- 1) Prior to approving any permit for partial or complete demolition and renovation activities involving the removal of 20 square or lineal feet of interior or exterior walls, a building materials survey shall be conducted by a qualified professional. The survey shall include, but not be limited to, identification of any lead-based paint, asbestos, polychlorinated biphenyl (PBC) containing equipment, hydraulic fluids in elevators or lifts, refrigeration systems, treated wood and mercury containing devices (including fluorescent light bulbs and mercury switches). The Survey shall include plans on hazardous waste or hazardous materials removal, reuse or disposal procedures to be implemented that fully comply state hazardous waste generator requirements (22 California Code of Regulations 66260 et seq). The Survey becomes a condition of any building or demolition permit for the project. Documentation evidencing disposal of hazardous waste in compliance with the survey shall be submitted to TMD within 30 days of the completion of the demolition. If asbestos is identified, Bay Area Air Quality Management District Regulation 11-2-401.3 a notification must be made and the J number must be made available to the City of Berkeley Permit Service Center.
- D. Hazardous Materials Business Plan:
- 1) A Hazardous Materials Business Plan (HMBP) in compliance with BMC Section 15.12.040 shall be submitted electronically at <http://cers.calepa.ca.gov/> within 30 days if on-site hazardous materials exceed BMC 15.20.040. HMBP requirement can be found at <http://ci.berkeley.ca.us/hmr/>



**Prior to Issuance of Any Building (Construction) Permit**

29. Privately Owned Public Open Space (POPOS). The applicant shall submit proof of measures taken (i.e. signage, etc..) to ensure that the POPOS area at Allston and Harold Way are accessible to the public for the life of the project.
30. HVAC Noise Reduction. Prior to the issuance of building permits, the project applicant shall submit plans that show the location, type, and design of proposed heating, ventilation, and cooling (HVAC) equipment. In addition, the applicant shall provide product specification sheets or a report from a qualified acoustical consultant showing that operation of the proposed HVAC equipment will meet the City's exterior noise requirements in BMC Section 13.40.050. The City's Planning and Development Department shall review the submitted plans, including the selected HVAC equipment, to verify compliance with exterior noise standards.
31. 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.
32. Streets and Open Space Improvement Plan: Street Frontage Improvements. Streets and Open Space Improvement Plan: Street Frontage Improvements. Consistent with the Downtown Streets and Open Space Improvement Plan (SOSIP) (or subsequent iterations as adopted by the City), the developer shall construct improvements along Harold Way, Kittredge Street, and Allston Way, to the centerline. Such improvements shall be included with the building permit submittal, designed and constructed as directed by the Public Works and Fire Departments, and constructed prior to certificate of occupancy.
33. Green Building Certification. The applicant shall submit documentation demonstrating that the building will attain LEED Gold or higher, or attain a building performance equivalent to this rating that has been approved by the Zoning Officer for this project. Documentation shall include proof of payment of the registration/application fee to the organization administering the green building certification system (e.g. USGBC/GBCI for LEED, Build It Green for GreenPoint Rated, etc.), a copy of the updated green building checklist that reflects anticipated points, and a statement from the appropriate project team professional (e.g. LEED Accredited Professional, GreenPoint Rater, etc.) verifying that the project is on track for certification at the required level or above. The submitted green building checklist must be a type that is appropriate for the project and a version that is being accepted by the organization granting the green building certification at the time of building permit application. Whenever applicable, measures from the green building checklist shall be incorporated and noted on site plans.
34. Solar Photovoltaic (Solar PV). A solar PV system, on the solar zone specified in Section 110.10 of the 2019 Energy Code, shall be installed (subject to the exceptions in Section 110.10) as specified by the Berkeley Energy Code (BMC Chapter 19.36). Location of the solar PV system shall be noted on the construction plans.
35. Electric Vehicle (EV) Charging. At least 20% of the project parking spaces for residential parking shall be "EV Charger Ready": equipped with raceway, wiring, and power to allow for future Level 2 (240 Volt/40 amp) plug-in electric vehicle (EV) charging system installation, and at least 80%



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of the project parking spaces for residential parking shall be "EV Spaces Raceway Equipped": equipped with a raceway between an enclosed, inaccessible, or concealed area and an electrical service panel/subpanel as specified by the Berkeley Green Code (BMC Section 19.37.040). Any Level 2 EV charging systems installed at parking spaces will be counted toward the applicable readiness requirement. Readiness for EV charging and EV charging station installations shall be noted on the construction plans.

36. Water Efficient Landscaping. Landscaping, totaling 500 square feet of more of new landscaping or 2,500 square feet or more of renovated irrigated area, shall comply with the State's Model Water Efficient Landscape Ordinance (MWELo). MWELo-compliant landscape documentation including a planting, grading, and irrigation plan shall be included in site plans. Water budget calculations are also required for landscapes of 2,500 square feet or more and shall be included in site plans. The reference evapotranspiration rate (ET<sub>o</sub>) for Berkeley is 41.8.
37. Prohibition of Natural Gas Infrastructure in New Buildings. The project shall comply with the City of Berkeley Prohibition of Natural Gas Infrastructure in New Buildings (BMC Chapter 12.80).
38. 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).
39. 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.
40. Required Parking Spaces for Persons with Disabilities. Per BMC Section 23.322.040.H of the Zoning Ordinance, "If the number of required off-street parking spaces in a non-residential district is reduced as allowed by this chapter, the number of required parking spaces for persons with disabilities shall be calculated as if there had been no reduction in required spaces."

**Prior to Demolition or Start of Construction:**

41. 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:**

42. 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.
43. 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.

44. 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.
45. 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.
46. 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 Land Use Planning Division for review and approval prior to the issuance of building permits; or
  - 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



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(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.
47. Construction and Demolition Diversion. Divert debris according to your plan and collect required documentation. Get construction debris receipts from sorting facilities in order to verify diversion requirements. Upload recycling and disposal receipts if using Green Halo and submit online for City review and approval prior to final inspection. Alternatively, complete the second page of the original Construction Waste Management Plan and present it, along with your construction debris receipts, to the Building Inspector by the final inspection to demonstrate diversion rate compliance. The Zoning Officer may request summary reports at more frequent intervals, as necessary to ensure compliance with this requirement.
48. Low-Carbon Concrete. The project shall maintain compliance with the Berkeley Green Code (BMC Chapter 19.37) including use of concrete mix design with a cement reduction of at least 25%. Documentation on concrete mix design shall be available at all times at the construction site for review by City Staff.
49. 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.
50. 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.
51. 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.
52. 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.

53. 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.
54. 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.
55. 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.
56. 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.
57. 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.
58. 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.
59. 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.
60. 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.
61. 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:**

62. Compliance with Conditions and Environmental Mitigations. 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. Occupancy is subject to verification of compliance to the Mitigation Monitoring and Reporting Program.



63. 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 **September 1, 2022**, except as modified by conditions of approval.
64. Geotechnical Construction Inspections. The geotechnical consultant shall inspect, test (as needed), and approve all geotechnical aspects of the project construction. The inspections shall include, but not necessarily be limited to: site preparation and grading including the removal and replacement of undocumented fill, site surface and subsurface drainage improvements, and excavations for foundations and other improvements prior to the placement of steel and concrete. The Consultant should be allowed to inspect site excavations to confirm areas of undocumented fill including areas of potential fill associated with the historic alignment of Strawberry Creek. The results of these inspections and the as-built conditions of the project shall be described by the geotechnical consultant in a letter and submitted to the City Engineer for review prior to final (granting of occupancy) project approval.
65. Transportation Demand Management. Prior to issuance of a Certificate of Occupancy, the property owner shall facilitate a site inspection by Land Use Division staff to confirm that the physical improvements required in BMC Section 23.322.060 have been installed. A Parking and Transportation Demand Management (PTDM) compliance report documenting that the programmatic measures required in BMC Section 23.322.060 are implemented shall be submitted to the Land Use Division prior to occupancy, and on an annual basis thereafter, which demonstrates that the project is compliant with the applicable requirements in this section:
- A. New construction that results in an off-street total of more than 25 publicly available parking spaces shall install dynamic signage to Transportation Division specifications, including real-time garage occupancy signs at the entries and exits to the parking facility with vehicle detection capabilities and enabled for future connection to the regional 511 Travel Information System; or equivalent, as determined by the Land Use Division in consultation with the Transportation Division. The information panels shall be shown in the construction drawings and shall be installed prior to occupancy.
  - B. For any new building with residential units or structures converted to a residential use, required parking spaces shall be leased or sold separate from the rental or purchase of dwelling units for the life of the dwelling units. The property owner shall notify all residents 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 Certificate of Occupancy or final inspection.
  - C. For new structures or additions over 20,000 square feet, the property owner shall provide transportation benefits at no cost to every employee, residential unit, and/or group living accommodation resident, one pass for unlimited local bus transit service; or (subject to the review and approval of the Zoning Officer in consultation with the Transportation Division) a functionally equivalent transit benefit in an amount at least equal to the price of a non-discounted adult monthly local bus pass. A notice describing these transportation benefits shall be posted in a location or locations visible to all employee and residents.
  - D. For residential structures constructed or converted from a non-residential use that provide off-street parking, vehicle sharing spaces shall be provided in the amounts shown in BMC Table 23.322-6, to be offered to vehicle sharing service providers at no cost, for as long as providers request the spaces, and otherwise consistent with BMC Section 23.322.060(D).



66. Green Building Certification. The applicant shall submit updated documentation demonstrating that the building will attain LEED Gold or higher, or attain a building performance equivalent to this rating that has been approved by the Zoning Officer for this project. Documentation expected at this stage includes proof of submission of the final application materials and payment of the certification fee. If this submission has not yet occurred, a detailed explanation and timeline indicating when it will happen must be submitted to the Zoning Officer for review and approval. Once awarded by the organization administering the green building certification system, the applicant shall forward a copy of the certification award to the Zoning Officer.

#### **BELOW MARKET RATE UNITS**

67. Number of Below Market Rate Units. The project shall provide **nine (9) Very Low-Income** 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.
68. 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. The applicant shall submit the Regulatory Agreement to the Housing and Community Services Department (HHCS) via email to [affordablehousing@cityofberkeley.info](mailto:affordablehousing@cityofberkeley.info) for review and approval.
69. 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.
70. 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  |

71. 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.
72. Percent for Public 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.
73. Affordable Housing Mitigation Fee: Consistent with BMC §22.20.065, and fee resolution applicable to this project, the applicant shall 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.
74. Streets and Open Space Improvement Plan: Impact Fee: As required by BMC Section 23.204.130.F, the project shall pay an impact fee to implement the Streets and Open Space Improvement Plan (SOSIP) per the fee schedule adopted by the Council by resolution. The City shall deposit this payment into the Downtown Streets and Open Space Improvement Fund (SOSIF), or its equivalent, to pay for the design and construction of the SOSIP Major Projects. The fee shall apply to the project's "Gross Floor Area" as defined in BMC Section 23.502, less any existing Gross Floor Area removed as part of the project.

**At All Times:**

75. Transportation Demand Management Compliance. The property owner shall submit to the Land Use Division annual PTDM Compliance Reports, subject to the review and oversight of Land Use Division staff.
76. 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.
77. Rooftop Projections. No additional rooftop or elevator equipment shall be added to exceed the approved maximum roof height without submission of an application for a Use Permit Modification, subject to Board review and approval.
78. Design Review. Signage and any other exterior modifications, including but not limited to landscaping and lighting, shall be subject to Landmarks Preservation Commission approval.



79. 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.
80. Electrical Meter. Only one electrical meter fixture may be installed per dwelling unit.
81. 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.
82. Residential Permit Parking. No Residential Permit Parking (RPP) permits shall be issued to project residents, nor shall commercial placards be issued to non-residential occupants and/or users of the site. The project planner shall notify the Finance Department, Customer Service Center, to add these addresses to the list of addresses ineligible for RPP permits. The property owner shall notify all tenants of rental units, and/or buyers of condominium units, of this restriction in leases and/or contracts, and shall provide sample leases and/or contracts including such notification to the project planner prior to issuance of an occupancy permit or final inspection.
83. 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.
84. 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.
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# EXHIBIT B

## MITIGATION MONITORING & REPORTING PROGRAM – JULY 2015

*REVISED JULY 2022*

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This Draft Mitigation Monitoring and Reporting Program (MMRP) was formulated based upon the findings of the Environmental Impact Report (EIR) and Infill Initial Study Checklist prepared for the 2211 Harold Way Mixed-Use Project. The MMRP, which is provided in Tables 1 and 2 of this section, lists mitigation measures recommended in the EIR and the Infill Checklist for the proposed Project and identifies mitigation monitoring requirements. The Final MMRP must be adopted when the City makes a final decision on the project.

This MMRP has been prepared to comply with the requirements of State law (Public Resources Code Section 21081.6). State law requires the adoption of an MMRP when mitigation measures are required to avoid significant impacts. The MMRP is intended to ensure compliance during implementation of the project.

The MMRP is organized in a matrix format. The first column identifies the impact and the second column identifies the mitigation measure that will be implemented for each project impact. The third column, entitled "Monitoring Responsibility," refers to the agency responsible for oversight or ensuring that the mitigation measure is implemented. The fourth column, entitled "Monitoring Timing," refers to when the monitoring will occur to ensure that the mitigation action is completed. The lead agency will provide verification that the measures have been implemented. These mitigation measures include any minor revisions made as a result of the Response to Comments Document.

July 27, 2022

*This MMRP was revised to reflect the findings in the EIR Addendum prepared for the 2065 Kittredge Mixed-Use Project (ZP2021-0193 & LMSAP2021-0004). Specifically, Cultural Resource Mitigation Measures CR-2(a) through (c) were deleted (because they no longer apply due to changes in the project design).*

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MITIGATION MONITORING AND REPORTING PROGRAM  
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**Table 1: 2211 Harold Way Mixed-Use Project EIR Mitigation Monitoring and Reporting Program**

| Impact Statement                                                                                                                                                                                                                                                                 | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Monitoring Responsibility                                      | Monitoring Timing                                   | Verification (Date and Initials) |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|-----------------------------------------------------|----------------------------------|
| <p><b>I. CULTURAL RESOURCES</b></p> <p><b>CR-1</b> The proposed project would involve demolition of the 1926 addition to the Hotel. Both of these additions contribute to the hotel's historical significance and are included in the property's local landmark designation.</p> | <p><b>CR-1(a) Documentation.</b> In consultation with the City of Berkeley Planning and Development, the project applicant shall complete Historic American Building Survey (HABS) Level II documentation of the Shattuck Hotel and its setting. This documentation shall include drawings, photographs, and a historical narrative.</p> <ul style="list-style-type: none"> <li>Drawings: Existing historic drawings of the Shattuck Hotel (including the original 1910 building and the 1912, 1913, and 1926 additions), if available, shall be photographed with large-format negatives or photographically reproduce on Mylar. In the absence of existing drawings, full-measured drawings of the complex's plan, exterior elevations, and courtyard elevations should be prepared.</li> <li>Photographs: Photo-documentation of the Shattuck Hotel (including the original 1910 building and the 1912, 1913 and 1926 additions) shall be prepared to HABS standards for archival photography. HABS standards require large-format black-and-white photography, with the original negatives having a minimum size of 4 x 5 inches. Digital photography, roll film, film packs, and electronic manipulation of images are not acceptable. All film prints, a minimum of 4 x 5 inches, must be hand-processed according to the manufacturer's specifications and printed on fiber base single weight paper and dried to a full gloss finish. A minimum of 12</li> </ul> | <p>City of Berkeley Planning Department, Land Use Division</p> | <p>Prior to the issuance of a demolition permit</p> |                                  |



**MITIGATION MONITORING AND REPORTING PROGRAM**  
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| Impact Statement | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Monitoring Responsibility | Monitoring Timing | Verification (Date and Initials) |
|------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|-------------------|----------------------------------|
|                  | <p>photographs must be taken, detailing the site, building exteriors, and building interiors. Photographs must be identified and labeled using HABS standards. Color 35mm non-archival photographs of the historical building and grounds shall be taken to supplement the limited number of archival photographs required under the HABS standards described above. Photographs should include overall views of the site; individual views of important building features; exterior elevations of each façade of the complex; views of interior courtyard spaces; and detail views of specific materials or elements.</p> <ul style="list-style-type: none"> <li>Historical Overview: In consultation with the City of Berkeley Planning and Development Department, a qualified historian or architectural historian shall assemble historical background information relevant to the Shattuck Hotel and its setting. Much of this information may be drawn from the Historic Context Report that architecture + history LLC has prepared for the property. The project applicant shall submit three hard copies and six electronic copies of the drawings and historical overview, along with two sets of photographic negatives, to the City of Berkeley. To ensure its public accessibility, the City of Berkeley will distribute the documentation to the Berkeley Public Library, UC Berkeley's Environmental Design Archives, Berkeley Architectural Heritage Association, the Berkeley Historical Society, and the Northwest</li> </ul> |                           |                   |                                  |



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| Impact Statement | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Monitoring Responsibility                                      | Monitoring Timing                                                                                     | Verification (Date and Initials) |
|------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|----------------------------------|
|                  | <p>Information Center of the California Historical Resources Information System (CHRIS).</p> <p><b>CR-1(b) Salvage.</b> The project applicant shall salvage materials from the 1913 and 1926 additions to the Shattuck Hotel for reuse on-site if feasible, as determined by the Zoning Officer, and given local historical societies the opportunity to salvage remaining materials for public information or reuse in other locations. This effort is expected to focus on the additions' multi-pane, metal-sash windows (currently painted over) as well as the ceiling plasterwork in the entry arcade. All salvaged materials shall be stripped of lead-based paint using safe handling methods. If, after 30 days, none of the societies is able and willing to salvage the materials, the materials shall be offered to local architectural salvage companies by placing an advertisement in a website and newspaper of general circulation for at least 30 days. Demolition may proceed only after any significant historic features or materials have been identified (at the applicant's cost) and their removal completed, unless none of the above organizations are interested in salvaging the materials.</p> | <p>City of Berkeley Planning Department, Land Use Division</p> | <p>Prior to the issuance of a demolition permit</p>                                                   |                                  |
|                  | <p><b>CR-1(c) Onsite Interpretation.</b> The project applicant shall incorporate a wall display featuring historic photos of the Shattuck Hotel property and a description of its historical significance into the publicly accessible portion of any subsequent development on the site. This display shall be developed by professionals meeting the Secretary of the Interior's Professional Qualifications (as verified by City of Berkeley planning staff) and experienced in creating such historical exhibits, with the assistance of City of Berkeley planning staff.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p>City of Berkeley Planning Department, Land Use Division</p> | <p>Plans for the exhibit shall be approved by the LPC prior to the issuance of a building permit.</p> |                                  |



MITIGATION MONITORING AND REPORTING PROGRAM

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| Impact Statement                                                                                                                                                                                                                                                                                                                                                                                        | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Monitoring Responsibility                                                                                                     | Monitoring Timing                                                                                                                                                                                           | Verification (Date and Initials) |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| <p><b>CR-2</b> The proposed project would alter the setting of historic landmarks adjacent to and facing the project, including the Shattuck Hotel, the Public Library, and the former Elks Lodge and Armstrong College buildings because the project's design elements would be partially inconsistent with the Secretary of the Interior's Standards and the Downtown Berkeley Design Guidelines.</p> | <p><b>CR-1(d) Contribution to the Historic Preservation Fund.</b> The project applicant shall contribute funds to the City to be applied to future historic preservation activities within Downtown Berkeley, including survey work; property research; and evaluation in accordance with the Secretary of the Interior's Standards.</p> <p><b>CR-2(a) Allston-Way Elevation.</b> New construction on the Allston-Way elevation shall incorporate horizontal façade elements that reference the roofline of the adjacent 1912 restaurant addition to the Shattuck Hotel. Specifically, new construction shall incorporate a horizontal belt course along its Allston-Way façade that corresponds to the cornice and parapet of the 1912 addition. This belt course shall include a cornice element or other horizontal embellishment that projects from the face of the building. (This element could consist of a simple projecting molding, for example, that is stylistically in keeping with the contemporary design of the proposed project.) By incorporating this belt course, the proposed project, despite being considerably taller than the Shattuck Hotel, would better maintain the scale and feel of the historic building frontage along Allston-Way.</p> | <p>City of Berkeley Planning Department, Land Use Division</p> <p>City of Berkeley Planning Department, Land Use Division</p> | <p>Prior to the issuance of a building permit.</p> <p>Plans and designs for the Allston-Way elevation shall be approved by LPC in Final Design Review (FDR) prior to the issuance of a building permit.</p> |                                  |



MITIGATION MONITORING AND REPORTING PROGRAM  
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| Impact Statement                                                                                                                                                                                               | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Monitoring Responsibility                                                              | Monitoring Timing                                                                                                                                                                                         | Verification (Date and Initials) |
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|                                                                                                                                                                                                                | <p><b>CR-2(b) Kittredge Street Elevation.</b> At the Kittredge Street elevation, the proposed project includes a two-story "hyphen" that separates the Shattuck Hotel from the 12- and 18-story portions of the project to the west. Project drawings show the Kittredge Street façade of this portion of the project as a blank wall, potentially covered in vegetation. Such wall treatment is incompatible with the historic setting. Perforations (such as a door or windows) or other architectural elements shall be incorporated into the design of this wall so as to maintain an active street frontage that is more in keeping with the ground floors of the nearby historical resources and the larger Shattuck Avenue Commercial Corridor.</p>                | <p>Final Design Review<br/>City of Berkeley Planning Department, Land Use Division</p> | <p>Plans and designs for the Kittredge Street elevation with architectural elements to maintain an active street frontage shall be approved by LPC in FDR prior to the issuance of a building permit.</p> |                                  |
|                                                                                                                                                                                                                | <p><b>CR-2(c) Glazed Aluminum Window Wall Systems.</b> While the glazed aluminum window wall systems proposed for much of the project would clearly differentiate the proposed project from nearby historical resources, the design of these wall systems needs to be modified to make them more compatible with these resources. The proportion and pattern of void to wall in the wall treatments of the proposed project shall be modified to more closely match Library, the former Elks Lodge and the former Armstrong College building. Potential ways to achieve this include replacing the window wall systems with punched curtain wall systems similar to those used elsewhere in the project, or breaking up the window wall systems with windowless bays.</p> | <p>City of Berkeley Planning Department, Land Use Division</p>                         | <p>Plans and designs for the glazed aluminum window wall systems with translucent panels shall be approved by LPC in FDR prior to the issuance of a building permit.</p>                                  |                                  |
| <p><b>CR-4</b> Construction activities associated with demolition of the 1959 Hink's building and the 1926 addition to the Shattuck Hotel, and partial removal of the 1913 addition to the Shattuck Hotel,</p> | <p><b>CR-4(a) Foundations Investigation.</b> A registered structural engineer with a minimum of 5 years of experience in the rehabilitation and restoration of historic buildings, meeting the Secretary of the Interior's Professional Qualifications, shall investigate the existing relationship of the foundations of the</p>                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>Applicant's historical architecture and structural engineering consultants</p>      | <p>Prior to the issuance of a demolition permit</p>                                                                                                                                                       |                                  |



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| Impact Statement                                                                                                                                                              | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Monitoring Responsibility                                                                                                                                          | Monitoring Timing | Verification (Date and Initials) |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|----------------------------------|
| <p>could produce ground vibration or soil movement under the existing foundation of nearby historic resources, compromising the historic building's structural stability.</p> | <p>various portions of the Shattuck Hotel property. Any required test excavations shall be performed only in the presence of the structural engineer. The structural engineer shall prepare a report of findings that specifies modifications to the project design and/or associated construction activities that are necessary to retain the structural integrity of the Shattuck Hotel (including the original 1910 building, the 1912 addition, and the portion of the 1913 addition proposed for retention).</p> <p>In consultation with a historic preservation architect meeting the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation, Professional Qualifications Standards, the structural engineer (with geotechnical consultation as necessary) shall determine whether, due to the nature of the excavations, soils, method of soil removal and the existing foundations of the Shattuck Hotel, the potential for settlement would require underpinning and/or shoring. If underpinning and/or shoring is determined to be necessary, appropriate designs shall be prepared and submitted for review and approval.</p> <p>Foundation and shoring shall not use driven or vibration piles. Only cast-in-place or auger piles or micropiles shall be used for shoring, underpinning, and/or new foundations. The existing structure shall be shored at each side of the location where the western portion of the hotel is to be demolished. After the existing structure is shored, an air gap shall be cut between the building to remain and the portion of the building to be demolished at the roof, floor levels and through the above grade walls prior to the demolition of the western portion of the building. The air gap shall</p> | <p>City of Berkeley<br/>                     Planning<br/>                     Department,<br/>                     Land Use<br/>                     Division</p> |                   |                                  |



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| Impact Statement | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Monitoring Responsibility                                                                                                                          | Monitoring Timing                                   | Verification (Date and Initials) |
|------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|----------------------------------|
|                  | <p>be a minimum of 12 inches wide and also be wide enough that no debris can lodge in the gap and transfer vibrations into the portion of the building to remain. The contractor may elect to demolish an entire bay of the existing structure between two column lines so that additional shoring may be minimized or eliminated. This will prevent the transmission of vibrations from the demolition through the existing structural members and, therefore, limit the potential for structural damage due to the vibrations from the demolition. Any debris that becomes lodged in the gap shall be removed as soon as is safely possible.</p> <p>All documents prepared in accordance with this Measure shall be submitted to the City of Berkeley Planning and Development Department for approval, and all work required by this Measure shall be at the project sponsor's expense</p> <p><b>CR-4(b) Construction Monitoring.</b> Prior to demolition, the historic preservation architect and structural engineer referenced in Mitigation Measures CR-4(a) shall undertake an existing condition study of the Shattuck Hotel, including the location and extent of any visible cracks or spalls. Any existing damage to the hollow clay tile that could cause structural damage due to construction vibrations shall be noted. This initial survey will serve as a baseline to determine if any damage would occur during demolition or construction of the new building. The documentation shall take the form of written descriptions and photographs, and shall include those physical characteristics of the resource that conveys its historic significance and that justify its inclusion on the local register. The documentation shall be reviewed and</p> | <p>Applicant's historical architecture and structural engineering consultants<br/><br/>City of Berkeley Planning Department, Land Use Division</p> | <p>Prior to the issuance of a demolition permit</p> |                                  |



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| Impact Statement | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Monitoring Responsibility | Monitoring Timing | Verification (Date and Initials) |
|------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|-------------------|----------------------------------|
|                  | <p>approved by the City of Berkeley Planning and Development Department.</p> <p>The historical architect and structural engineer shall monitor the Shattuck Hotel during construction and report any changes to existing conditions, including, but not limited to, expansion of existing cracks, new spalls, or other exterior deterioration. Any new cracks, new spalls, or other exterior deterioration shall be repaired to the pre-existing condition as indicated at the end of this section. Monitoring reports shall be submitted to the City of Berkeley Planning and Development Department on a periodic basis. The structural engineer shall consult with the historic preservation architect, especially if any problems with character-defining features of a historic resource are discovered. If in the opinion of the structural engineer, in consultation with the historic preservation architect, substantial adverse impacts to historic resources related to construction activities are found during construction, the historical architect and structural engineer shall so inform the project sponsor or sponsor's designated representative responsible for construction activities.</p> <p>Vibrations shall be limited during demolition of the existing below grade wall and foundation concrete so as not to transmit significant vibrations to the remaining structures. The use of jackhammers and smaller hoe-rams with lower impact force shall be used wherever possible to limit vibrations. Larger hoe-rams (rated at greater than 2,000 foot-pounds) shall not be used without a written determination by a qualified testing agency that such rams will not cause vibrations greater than 0.2 inches per second of</p> |                           |                   |                                  |



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| Impact Statement | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Monitoring Responsibility | Monitoring Timing | Verification (Date and Initials) |
|------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|-------------------|----------------------------------|
|                  | <p>vertical movement at the existing hotel. Measurements for vibrations shall be taken at the same distance to the vibration source as the Shattuck Hotel building will be from the source during use for construction or demolition. The testing agency used for measuring vibrations shall be experienced in measuring vibrations, as determined by the City of Berkeley Planning and Development Department.</p> <p>The areas where the demolition will be closest to the existing building and therefore most likely to propagate vibrations to the remaining structures are: demolition of the eastern end of the existing cinema building along Kittredge Street; demolition for the new construction below the hotel at the corner of Shattuck Avenue and Kittredge Street; and demolition of the eastern portion of the former Hink's Department Store addition at Alston Way and Harold Way. At these areas where demolition of below grade concrete will be close to the remaining structures, the concrete shall be demolished using methods that limit vibrations, such as the use of jackhammers and small hoe-rams with lower impact force, even if it is determined that larger hoe-rams can be used elsewhere on the site.</p> <p>The structural engineer shall consult with the historic preservation architect, especially if any problems with character-defining features of a historic resource are discovered. Because of the inherent unpredictability of large-scale excavation and construction, there is an unlikely but possible chance that unforeseen damage would occur. If substantial adverse impacts to historic resources related to construction activities are found during construction, and if in the opinion of the structural engineer, in consultation with the historic</p> |                           |                   |                                  |



MITIGATION MONITORING AND REPORTING PROGRAM  
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| Impact Statement | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Monitoring Responsibility | Monitoring Timing | Verification (Date and Initials) |
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|                  | <p>preservation architect, the historical architect and the structural engineer (monitoring team) shall so inform the project sponsor or sponsor's designated representative responsible for construction activities. The historical architect and the structural engineer shall make specific recommendations to the project sponsor, including whether work should stop and whether construction activities should be modified.</p> <p>Once the historic architect and the structural engineer inform the project sponsor, the project sponsor shall adhere to the monitoring team's recommendations for corrective measures, including halting construction or using methods which cause less vibration, in situations where construction activities would imminently endanger historic resources. The City of Berkeley Planning and Development Department shall establish the frequency of monitoring and reporting. The project sponsor shall respond to any claims of damage by inspecting the affected property promptly, but in no case more than 5 working days after the claim was filed and received by the project sponsor. A sign shall be posted in a visible place onsite and a letter shall be sent to the hotel owner or manager specifying the monitoring team's contact information prior to the start of construction activities.</p> <p>Any new cracks or other changes in the Shattuck Hotel shall be compared to pre-construction conditions and a determination made as to whether the proposed project could have caused such damage. In the event that the project is demonstrated to have caused any damage, such damage shall be repaired to the pre-existing condition. Site visit reports and documents associated with claims processing shall be provided to</p> |                           |                   |                                  |



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| Impact Statement                                                                                                                                                                    | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Monitoring Responsibility                                                                                                                          | Monitoring Timing                                     | Verification (Date and Initials) |
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|                                                                                                                                                                                     | <p>the City of Berkeley Planning and Development Department.</p> <p>Monitoring reports shall be submitted to the City of Berkeley Planning and Development Department on a periodic basis. All work required by this Measure shall be at the project sponsor's expense.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                    |                                                       |                                  |
|                                                                                                                                                                                     | <p><b>CR-4(c) Training Program.</b> The historic preservation architect referenced in Mitigation Measures CR-4(a) shall establish a training program for construction workers involved in the project that emphasizes the importance of protecting historic resources. This program shall include information on recognizing historic fabric and materials, and directions on how to exercise care when working around and operating equipment near the Shattuck Hotel, including storage of materials away from the historic building. It shall also include information on means to reduce vibrations from demolition and construction, and monitoring and reporting any potential problems that could affect the historic resource. A provision for establishing this training program shall be incorporated into the general contractor's contract with the project applicant regarding construction of the project, and the contract provisions shall be reviewed and approved by the City of Berkeley Planning and Development Department. All work required by this Measure shall be at the project sponsor's expense.</p> | <p>Applicant's preservation architecture and structural engineering consultants</p> <p>City of Berkeley Planning Department, Land Use Division</p> | <p>Prior to the issuance of a demolition permit</p>   |                                  |
| <p><b>II. TRANSPORTATION/TRAFFIC</b></p>                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                    |                                                       |                                  |
| <p><b>T-2</b> Development facilitated by the proposed project would increase future (years 2020 and 2035) traffic levels on the local circulation system. One of the 10 studied</p> | <p><b>T-2 Dedicated Right-Turn Pocket at Shattuck Avenue/Durant Avenue Intersection.</b> The northbound outside lane at the intersection of Shattuck Avenue and Durant Avenue shall be restriped to</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p>Applicant shall obtain a permit for the restriping of this intersection</p>                                                                     | <p>Prior to issuance of Certificate of Occupancy.</p> |                                  |



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| intersections would operate at levels of service that exceed its performance standards under the Year 2035 scenario. | provide a dedicated right-turn pocket by the applicant prior to issuance of Certificate of Occupancy. | City of Berkeley Public Works Department to review |                   |                                  |



**Table 2: 2211 Harold Way Mixed-Use Project Infill Checklist Mitigation Monitoring and Reporting Program**

| Impacts                                                                                                                                                                                                                                                             | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Monitoring Responsibility                                                                         | Monitoring Timing                                                   | Verification (Date and Initials) |
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| <b>I. AIR QUALITY</b>                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                   |                                                                     |                                  |
| <p><b>AIR-2</b> This proposed project may expose sensitive receptors to TACs or odors through development of new residential units near non-residential development that may be sources of TACs or odors near existing residences or other sensitive receptors.</p> | <p><b>AIR-2 Buffer TAC and Odor Emission Sources and Sensitive Land Uses.</b> Consider potential air pollution and odor impacts from future development that may emit pollution and/or odors when locating (a) air pollution sources, and (b) residential and other pollution-sensitive land uses in the vicinity of air pollution sources (which may include areas where buses idle, diesel generators, parking garage vents, restaurants, and other similar uses). Buffer sensitive receptors from TACs whenever possible, and if buffering is not feasible, apply appropriate mitigation to reduce impacts to a less than significant level, such as air filtration systems or other technologies.</p> | <p>Applicant and Architect<br/>City of Berkeley Planning Department, Division of Public Works</p> | <p>Prior to the issuance of Building Permit</p>                     |                                  |
| <p><b>AIR-3</b> The proposed project would result in temporary emissions of dust and diesel exhaust that may result in both nuisance and health impacts.</p>                                                                                                        | <p><b>AIR-3 Implement BAAMD-Recommended Measures to Control PM<sub>10</sub> Emissions during Construction.</b> Measures to reduce diesel particulate matter and PM<sub>10</sub> from construction are recommended to ensure that short-term health impacts to nearby sensitive receptors are avoided.</p> <p><b>Dust (PM<sub>10</sub>) Control Measures:</b></p> <ul style="list-style-type: none"> <li>Water all active construction areas at least twice daily and more often during windy periods. Active areas adjacent to residences should be kept damp at all times.</li> <li>Cover all hauling trucks or maintain at least two feet of freeboard.</li> </ul>                                      | <p>Construction Contractor<br/>City of Berkeley Planning Department, Division of Public Works</p> | <p>During demolition, site preparation and project construction</p> |                                  |



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| Impacts | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Monitoring Responsibility | Monitoring Timing | Verification (Date and Initials) |
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|         | <ul style="list-style-type: none"> <li>• Pave, apply water at least twice daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas.</li> <li>• Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas and sweep streets daily (with water sweepers) if visible soil material is deposited onto the adjacent roads.</li> <li>• Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (i.e., previously-graded areas that are inactive for 10 days or more).</li> <li>• Enclose, cover, water twice daily, or apply (non-toxic soil binders to exposed stockpiles.</li> <li>• Limit traffic speeds on any unpaved roads to 15 mph.</li> <li>• Replant vegetation in disturbed areas as quickly as possible.</li> <li>• Suspend construction activities that cause visible dust plumes to extend beyond the construction site.</li> </ul> <p><b>Measures to Reduce Diesel Particulate Matter and PM<sub>2.5</sub>:</b></p> <ul style="list-style-type: none"> <li>• Clear signage at all construction sites will be posted indicating that diesel equipment standing idle for more than five minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate, or other bulk materials. Rotating drum concrete trucks</li> </ul> |                           |                   |                                  |



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| Impacts                                                                                                                                                                                             | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Monitoring Responsibility                                                                  | Monitoring Timing                                                                                                                                                    | Verification (Date and Initials) |
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|                                                                                                                                                                                                     | <p>could keep their engines running continuously as long as they were onsite or adjacent to the construction site.</p> <ul style="list-style-type: none"> <li>• Opacity is an indicator of exhaust particulate emissions from off-road diesel powered equipment. The project shall ensure that emissions from all construction diesel powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately.</li> <li>• The contractor shall install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g., compressors).</li> <li>• Properly tune and maintain equipment for low emissions.</li> </ul> |                                                                                            |                                                                                                                                                                      |                                  |
| <p><b>II. CULTURAL RESOURCES</b></p>                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                            |                                                                                                                                                                      |                                  |
| <p><b>CR-3</b> The proposed project would result in the destruction or disturbance of unidentified subsurface archaeological resources, which would represent a potentially significant impact.</p> | <p><b>CR-3 Halt Work/Archaeological Evaluation/Site-Specific Mitigation.</b> If archaeological resources are uncovered during construction activities, all work within 50 feet of the discovery shall be redirected until a qualified archaeologist can be contacted to evaluate the situation, determine if the deposit qualifies as an archaeological resource, and provide recommendations. If the deposit does not qualify as an archaeological resource, then no further protection or study is necessary. If the deposit does qualify as an archaeological</p>                                                                                                                                                                                                                                               | <p>Construction Contractor<br/>City of Berkeley Planning Department, Land Use Division</p> | <p>Throughout site preparation and ground disturbing activities of project construction, and in the event that archaeological resources are encountered on-site.</p> |                                  |



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| Impacts                                                                                                                                                                   | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Monitoring Responsibility                                                                                       | Monitoring Timing                                                                                                                                                     | Verification (Date and Initials) |
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|                                                                                                                                                                           | <p>resource, then the impacts to the deposit shall be avoided by project activities. If the deposit cannot be avoided, adverse impacts to the deposit must be mitigated. Mitigation may include, but is not limited to, archaeological data recovery. Upon completion of the archaeologist's assessment, a report should be prepared documenting the methods, findings and recommendations. The report should be submitted to the City, the project proponent and the NWIC.</p>                                                                                                                                                                                                                                                    |                                                                                                                 |                                                                                                                                                                       |                                  |
| <p><b>CR-4</b> The proposed project could result in the destruction of unidentified subsurface paleontological resources.</p>                                             | <p><b>CR-4 Halt Work/Paleontological Evaluation/Site-Specific Mitigation.</b> Should paleontological resources be encountered during construction or site preparation activities, such works shall be halted in the vicinity of the find. A qualified paleontologist shall be contacted to evaluate the nature of the find and determine if mitigation is necessary. All feasible recommendations of the paleontologist shall be implemented. Mitigation may include, but is not limited to, in-field documentation and recovery of specimen(s), laboratory analysis, the preparation of a report detailing the methods and findings of the investigation, and curation at an appropriate paleontological collection facility.</p> | <p>Construction Contractor<br/>                     City of Berkeley Planning Department, Land Use Division</p> | <p>Throughout site preparation and ground disturbing activities of project construction, and in the event that paleontological resources are encountered on-site.</p> |                                  |
| <p><b>CR-5</b> The proposed project could result in the disturbance of unidentified subsurface human remains, which would represent a potentially significant impact.</p> | <p><b>CR-5 Halt Work/Coroner's Evaluation/Native American Heritage Consultation/Compliance with Most Likely Descendent Recommendations.</b> If human remains are encountered during construction activities, all work within 50 feet of the remains should be redirected and the County Coroner notified immediately. At the same time, an archaeologist shall be contacted to assess the situation. If the</p>                                                                                                                                                                                                                                                                                                                    | <p>Construction Contractor<br/>                     City of Berkeley Planning Department, Land Use Division</p> | <p>Throughout site preparation and ground disturbing activities of project construction, and in the event that unidentified subsurface human remains are</p>          |                                  |



| Impacts                                                                                                                                                                                                                                                                                                                                                                                                                         | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Monitoring Responsibility                               | Monitoring Timing                        | Verification (Date and Initials) |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p>human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Native American Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and any associated grave goods. The archaeologist shall recover scientifically-valuable information, as appropriate and in accordance with the recommendations of the MLD. Upon completion of the archaeologist's assessment, a report should be prepared documenting methods and results, as well as recommendations regarding the treatment of the human remains and any associated archaeological materials. The report should be submitted to the City, the project proponent and the NWIC.</p> |                                                         | encountered on-site.                     |                                  |
| <p><b>III. NOISE</b></p> <p><b>NOI-1</b> The proposed project under the DAP could be exposed to excessive noise levels, noise levels along many Downtown Area roadways would exceed those considered compatible with exterior residential land uses. This would represent a potentially significant impact. Where exterior noise levels exceed 70 dBA Ldn, such as along University Avenue and Shattuck Avenue, residential</p> | <p><b>NOI-1 Site-Specific Noise Studies/Site Planning/Noise Control Treatments.</b> Future residential units proposed under the DAP would be exposed to outdoor noise levels in excess of 60 dBA Ldn and indoor noise levels in excess of 45 dBA Ldn, which would exceed the City's and state's established land use compatibility thresholds. In areas where residential development would be exposed to an Ldn of greater than 60 dBA, site-specific noise studies should be conducted to determine the area of impact and to present appropriate mitigation measures, which may include the following:</p>                                                                                                                                                                                                                                            | City of Berkeley Planning Department, Land Use Division | Prior to the issuance of Building Permit |                                  |



| Impacts                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Monitoring Responsibility | Monitoring Timing | Verification (Date and Initials) |
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| <p>units would not be able to meet the 45-dBA Ldn interior standard simply through typical construction methods. This would be a potentially significant impact. Retail units developed under the DAP along most of the area roadways would meet the exterior commercial land use compatibility guideline of 70 dBA Ldn established in the Noise Element. Exterior noise levels would exceed 70 dBA Ldn along University Avenue and Shattuck Avenue. This would be a potentially significant impact.</p> | <ul style="list-style-type: none"> <li>Utilize site planning to minimize noise in shared residential outdoor activity areas by locating these areas behind the buildings, in courtyards, or orienting the terraces to alleyways rather than streets, whenever possible.</li> <li>The California Building Code and the City of Berkeley require project specific acoustical analyses to achieve interior noise levels of 45 dBA Ldn or lower in residential units exposed to exterior noise levels greater than 60 dBA Ldn. Building sound insulation requirements would need to include the provision of forced-air mechanical ventilation in noise environments exceeding 70 dBA Ldn so that windows could be kept closed at the occupant's discretion to control noise. Special building construction techniques (e.g., sound-rated windows and building façade treatments) may be required where exterior noise levels exceed 65 dBA Ldn. These treatments include, but are not limited to, sound rated windows and doors, sound rated exterior wall assemblies, acoustical caulking, etc. The specific determination of what treatments are necessary will be conducted on a unit-by-unit basis during project design. Result of the analysis, including the description of the necessary noise control treatments, will be submitted to the City along with the building plans and approved prior to issuance of a building permit. Feasible construction techniques</li> </ul> |                           |                   |                                  |



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| Impacts                                                                                                                                                                                                                                                                                                         | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Monitoring Responsibility                                      | Monitoring Timing                                 | Verification (Date and Initials) |
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| <p><b>NOI-5</b> The proposed project would intermittently expose businesses and residences throughout the Downtown Area to high levels of noise throughout the planning horizon. Construction would elevate noise levels at adjacent businesses and residences by 15 to 20 dBA or more, significant impact.</p> | <p>such as these would adequately reduce interior noise levels to 45 dBA Ldn or lower. Implementation of the above measure would reduce the impact to a level of less than significant.</p> <p><b>NOI-5 Develop Site-Specific Noise-Reduction Programs and Implement Noise Abatement Measures During Construction.</b><br/>Prior to the issuance of building permits, 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 appropriate time limits for construction (7:00 AM to 7:00 PM on weekdays and between the hours of 9:00 AM and 8:00 PM on weekends or holidays) as well as technically and economically feasible controls to meet the requirements of the Berkeley Municipal Code. 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:</p> <ul style="list-style-type: none"> <li>• Construction equipment should be well maintained and used judiciously to be as quiet as practical.</li> <li>• Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.</li> <li>• Utilize “quiet” models of air compressors and other stationary noise sources where technology exists.</li> </ul> | <p>City of Berkeley Planning Department, Land Use Division</p> | <p>Prior to the issuance of a Building Permit</p> |                                  |



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| Impacts | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Monitoring Responsibility | Monitoring Timing | Verification (Date and Initials) |
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|         | <p>Select hydraulically or electrically powered equipment and avoid pneumatically powered equipment where feasible.</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• Prohibit unnecessary idling of internal combustion engines.</li> <li>• If impact pile driving is required, pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.</li> <li>• 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.</li> <li>• 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.</li> </ul> |                           |                   |                                  |



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| Impacts                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Monitoring Responsibility                                              | Monitoring Timing                                 | Verification (Date and Initials) |
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| <p><b>NOI-6</b> The proposed project would expose residences, businesses, and historic structures within or in the vicinity of the Downtown Area to construction-related vibration during the excavation and foundation work of the buildings constructed during the DAP, a significant impact.</p>                                                                                                                                                                                                                                                                                                                                                                                      | <ul style="list-style-type: none"> <li>Route construction related traffic along major roadways and away from sensitive receptors where feasible</li> <li>Businesses, residences or other noise-sensitive land uses within 500 feet of construction sites should be notified of the construction schedule in writing prior to the beginning of construction. Designate a “construction liaison” that would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the liaison at the construction site.</li> </ul> | <p>City of Berkeley<br/>Planning Department,<br/>Land Use Division</p> | <p>Prior to the issuance of a Building Permit</p> |                                  |
| <p><b>NOI-6 Avoidance of Pile-Driving/Site-Specific Vibration Studies/Monitoring/Contingency Planning.</b> The following measures are recommended to reduce vibration from construction activities:</p> <ul style="list-style-type: none"> <li>Avoid impact pile-driving where possible. Drilled piles causes lower vibration levels where geological conditions permit their use.</li> <li>Avoid using vibratory rollers and tampers near sensitive areas.</li> <li>In areas where project construction is anticipated to include vibration generating activities, such as pile-driving in close proximity to existing structures, site-specific vibration studies should be</li> </ul> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                        |                                                   |                                  |



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| Impacts | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Monitoring Responsibility | Monitoring Timing | Verification (Date and Initials) |
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|         | <p>conducted to determine the area of impact and to present appropriate mitigation measures that may include the following:</p> <ul style="list-style-type: none"> <li>o Identification of sites that would include vibration compaction activities such as pile-driving and that have the potential to generate groundborne vibration, and the sensitivity of nearby structures to groundborne vibration. Vibration limits should be applied to all vibration-sensitive structures located within 200 feet of the project. A qualified structural engineer should conduct this task.</li> <li>o Development of a vibration monitoring and construction contingency plan to identify structures where monitoring would be conducted, set up a vibration monitoring schedule, define structure-specific vibration limits, and address the need to conduct photo, elevation, and crack surveys to document before and after construction conditions</li> <li>o Construction contingencies would be identified for when vibration levels approached the limits.</li> <li>o At a minimum, vibration monitoring should be conducted during initial demolition activities and during pile-driving activities. Monitoring results</li> </ul> |                           |                   |                                  |



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|         | <p>may indicate the need for more or less intensive measurements.</p> <ul style="list-style-type: none"> <li>○ When vibration levels approach limits, suspend construction and implement contingencies to either lower vibration levels or secure the affected structures.</li> <li>○ Conduct post-survey on structure where either monitoring has indicated high levels or complaints of damage has been made. Make appropriate repairs or compensation where damage has occurred as a result of vibration.</li> </ul> |                           |                   |                                  |

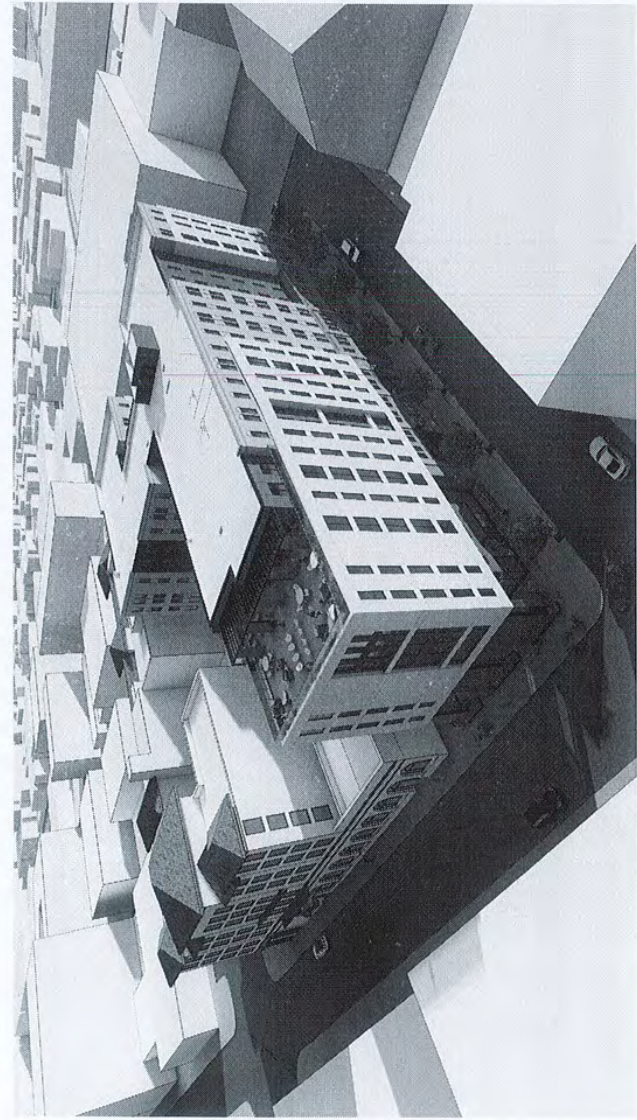






**BERKELEY PLAZA**  
2065 KITTREDGE ST, BERKELEY, CA 94704  
CA STUDENT LIVING BERKELEY, LLC

PLANS APPROVED BY ZONING ADJUSTMENTS BOARD  
September 22, 2022  
DATE  
SIGNATURE  
\* Findings and Conditions Attached



**SHEET LIST**

- A0-000 COVER SHEET
- A0-001 EXISTING SITE PHOTOS
- A0-002 EXISTING SITE PHOTOS
- A0-003 EXISTING SITE PHOTOS
- A0-004 DEMO SITE PLAN EXHIBIT
- A0-005 PROJECT STATS
- A0-006 ZONING AND CODE INFO
- A0-007 DENSITY BONUS PLANS - BASE
- A0-008 DENSITY BONUS PLANS - PROPOSED
- A0-009 DENSITY BONUS MODEL
- A0-010 SITE DIAGRAMS
- A1-001 SITE PLAN EXISTING- LEVEL U1
- A1-002 SITE PLAN EXISTING- LEVEL 1
- A1-003 SITE PLAN PROPOSED- LEVEL U1
- A1-004 SITE PLAN PROPOSED- LEVEL 1
- A1-100 ELECTRICAL ROOM DEMO, PLAN, SECTION
- A1-101 PLAN- LEVEL U1
- A1-111 PLAN- LEVEL 1
- A1-112 PLAN- LEVEL 1 ENLARGED
- A1-121 PLAN- LEVEL 2
- A1-131 PLAN- LEVEL 3
- A1-141 PLAN- LEVEL 4-7
- A1-181 PLAN- LEVEL 8
- A1-191 PLAN- ROOF
- A1-201 NEW SERVICE HALL/ ELECTRICAL ROOM PLAN
- A1-301 LANDSCAPE CONCEPT PLAN
- A3-001 ELEVATIONS- WEST (HAROLD WAY)
- A3-002 ELEVATIONS- SOUTH (KITTREDGE ST.)
- A3-003 ELEVATIONS- NORTH (ALLSTON WAY)
- A3-004 ELEVATIONS- NORTH (HIDDEN)
- A3-005 ELEVATIONS- EAST (HIDDEN)
- A3-006 ELEVATIONS- SOUTH ENLARGED (KITTREDGE ST.)
- A3-101 BUILDING SECTION
- A3-102 BUILDING SECTION
- A3-201 PERSPECTIVES
- A3-202 PERSPECTIVES
- A3-301 SHADOW STUDIES - JUNE 21
- A3-302 SHADOW STUDIES - DEC 21
- A3-303 SHADOW STUDIES - DEC 10
- A3-304 STREET STRIP ELEVATIONS
- A3-305 MATERIAL BOARDS
- A5-001 SAMPLE UNITS

PROJECT #: 121246  
DRAWN BY: TF  
CHECKED BY: JMA

**NILES BOLTON ASSOCIATES**  
3066 Peachtree Rd. N.W.,  
Suite 600  
Atlanta, GA 30305  
T 404 365 7600  
www.nilesbolton.com

APPLICANT:  
BILL SCHROEDER  
T 925 538 8782

**BERKELEY PLAZA**  
2065 KITTREDGE ST  
BERKELEY, CA 94704  
CENT LIVING BERKELEY, LLC

| NO. | DESCRIPTION             | DATE     |
|-----|-------------------------|----------|
| 1   | USE PERMIT              | 10/29/21 |
| 2   | USE PERMIT RESUBMISSION | 10/29/21 |
| 3   | USE PERMIT RESUBMISSION | 10/29/21 |
| 4   | USE PERMIT RESUBMISSION | 10/29/21 |
| 5   | USE PERMIT RESUBMISSION | 10/29/21 |
| 6   | USE PERMIT RESUBMISSION | 10/29/21 |
| 7   | USE PERMIT RESUBMISSION | 10/29/21 |
| 8   | USE PERMIT RESUBMISSION | 10/29/21 |
| 9   | USE PERMIT RESUBMISSION | 10/29/21 |
| 10  | USE PERMIT RESUBMISSION | 10/29/21 |
| 11  | USE PERMIT RESUBMISSION | 10/29/21 |
| 12  | USE PERMIT RESUBMISSION | 10/29/21 |
| 13  | USE PERMIT RESUBMISSION | 10/29/21 |
| 14  | USE PERMIT RESUBMISSION | 10/29/21 |
| 15  | USE PERMIT RESUBMISSION | 10/29/21 |
| 16  | USE PERMIT RESUBMISSION | 10/29/21 |
| 17  | USE PERMIT RESUBMISSION | 10/29/21 |
| 18  | USE PERMIT RESUBMISSION | 10/29/21 |
| 19  | USE PERMIT RESUBMISSION | 10/29/21 |
| 20  | USE PERMIT RESUBMISSION | 10/29/21 |
| 21  | USE PERMIT RESUBMISSION | 10/29/21 |
| 22  | USE PERMIT RESUBMISSION | 10/29/21 |
| 23  | USE PERMIT RESUBMISSION | 10/29/21 |
| 24  | USE PERMIT RESUBMISSION | 10/29/21 |
| 25  | USE PERMIT RESUBMISSION | 10/29/21 |
| 26  | USE PERMIT RESUBMISSION | 10/29/21 |
| 27  | USE PERMIT RESUBMISSION | 10/29/21 |
| 28  | USE PERMIT RESUBMISSION | 10/29/21 |
| 29  | USE PERMIT RESUBMISSION | 10/29/21 |
| 30  | USE PERMIT RESUBMISSION | 10/29/21 |
| 31  | USE PERMIT RESUBMISSION | 10/29/21 |
| 32  | USE PERMIT RESUBMISSION | 10/29/21 |
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| 34  | USE PERMIT RESUBMISSION | 10/29/21 |
| 35  | USE PERMIT RESUBMISSION | 10/29/21 |
| 36  | USE PERMIT RESUBMISSION | 10/29/21 |
| 37  | USE PERMIT RESUBMISSION | 10/29/21 |
| 38  | USE PERMIT RESUBMISSION | 10/29/21 |
| 39  | USE PERMIT RESUBMISSION | 10/29/21 |
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| 41  | USE PERMIT RESUBMISSION | 10/29/21 |
| 42  | USE PERMIT RESUBMISSION | 10/29/21 |
| 43  | USE PERMIT RESUBMISSION | 10/29/21 |
| 44  | USE PERMIT RESUBMISSION | 10/29/21 |
| 45  | USE PERMIT RESUBMISSION | 10/29/21 |
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| 47  | USE PERMIT RESUBMISSION | 10/29/21 |
| 48  | USE PERMIT RESUBMISSION | 10/29/21 |
| 49  | USE PERMIT RESUBMISSION | 10/29/21 |
| 50  | USE PERMIT RESUBMISSION | 10/29/21 |

**DEVELOPER**  
CA STUDENT LIVING BERKELEY, LLC  
130 E RANDOLPH STREET  
CHICAGO, IL 60601  
CONTACT: JESSICA LEO  
PHONE: (314) 238-4745

**ARCHITECTURE**  
NILES BOLTON ASSOCIATES  
3066 PEACHTREE RD. N.W.  
SUITE 600  
ATLANTA, GA 30305  
CONTACT: MOHAMED MOHSEN  
PHONE: (404) 365-7600

**CIVIL ENGINEERING**  
LANGAN ENGINEERING AND ENVIRONMENTAL SERVICES, INC.  
135 MAIN STREET  
SAN FRANCISCO, CA 94105  
CONTACT: JASON JOH  
PHONE: (415) 955-5200

**LANDSCAPE ARCHITECTURE**  
THOMAS BARK AND ASSOCIATES, LLP  
100 NORTH MAIN STREET  
SUITE 100  
WALNUT CREEK, CA 94596  
CONTACT: RICK STOVER  
PHONE: (925) 933-2383

**STRUCTURAL ENGINEERING**  
DCI ENGINEERS  
135 MAIN STREET  
SAN FRANCISCO, CA 94105  
CONTACT: MICHAEL BAUER  
PHONE: (415) 638-8913

**INTERIOR DESIGN**  
KUCHAR THIBBARD  
SUITE 100  
CHICAGO, IL 60622  
CONTACT: SARAH KUCHAR-PARKER  
PHONE: (312) 624-9206

**GENERAL CONTRACTOR**  
WEST BUILDERS, INC.  
120 BALDADO AVENUE  
POINT RICHMOND, CA 94801  
CONTACT: SEAN KIRBY  
PHONE: (510) 307-6078

DOCUMENT ISSUANCES:

- 09-16-21 SCHEMATIC DESIGN
- 10-25-21 USE PERMIT
- 12-10-21 USE PERMIT RESUBMISSION
- 12-22-21 STRUCTURAL ALTERATION PERMIT
- 01-11-22 USE PERMIT RESUBMISSION
- 02-25-22 USE PERMIT RESUBMISSION DRAFT
- 03-17-22 USE PERMIT RESUBMISSION
- 03-23-22 SAP RESUBMISSION
- 04-11-22 DBC MEETING - APRIL 21ST, 2022
- 05-10-22 LANDMARK MEETING - JUNE 2ND, 2022
- 07-01-22 STAFF REVIEW PACKAGE
- 08-22-22 USE PERMIT RESUBMISSION

SHEET TITLE:  
COVER SHEET

SHEET NUMBER:  
A0-000

NOT RELEASED FOR CONSTRUCTION



NOT RELEASED FOR CONSTRUCTION

PROJECT #: 121246  
 DRAWN BY: TF  
 CHECKED BY: AM

**NILES BOLTON ASSOCIATES**  
 3060 Peachtree Rd. N.W.  
 Suite 600  
 Atlanta, GA 30305  
 T 404.365.7600  
 www.nilsbolton.com

APPLICANT:  
 BILL SCHRAMER  
 T 925.638.8782

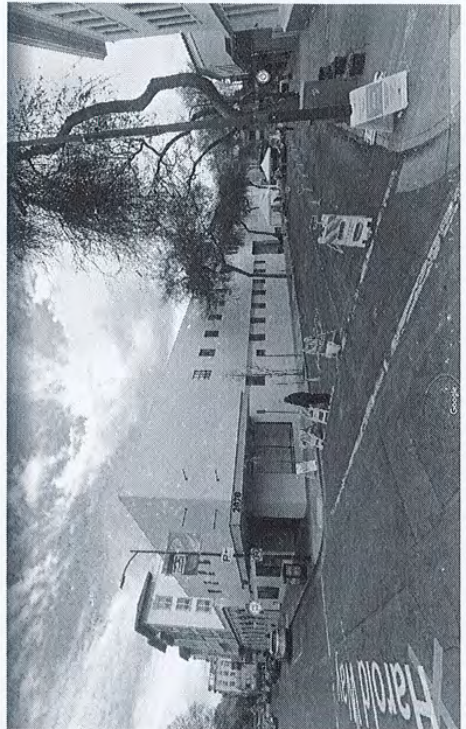
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| 2   | ISSUE PERMIT     | 12/16/21 |
| 3   | ISSUE PERMIT     | 12/17/21 |
| 4   | ISSUE PERMIT     | 12/17/21 |
| 5   | ISSUE PERMIT     | 12/17/21 |
| 6   | ISSUE PERMIT     | 12/17/21 |
| 7   | ISSUE PERMIT     | 12/17/21 |
| 8   | ISSUE PERMIT     | 12/17/21 |
| 9   | ISSUE PERMIT     | 12/17/21 |
| 10  | ISSUE PERMIT     | 12/17/21 |

**BERKELEY PLAZA**  
 2065 KITTREDGE ST  
 BERKELEY, CA 94704

**CENT LIVING BERKELEY, LLC**

SHEET TITLE:  
 EXISTING SITE  
 PHOTOS

SHEET NUMBER:  
**A0-001**



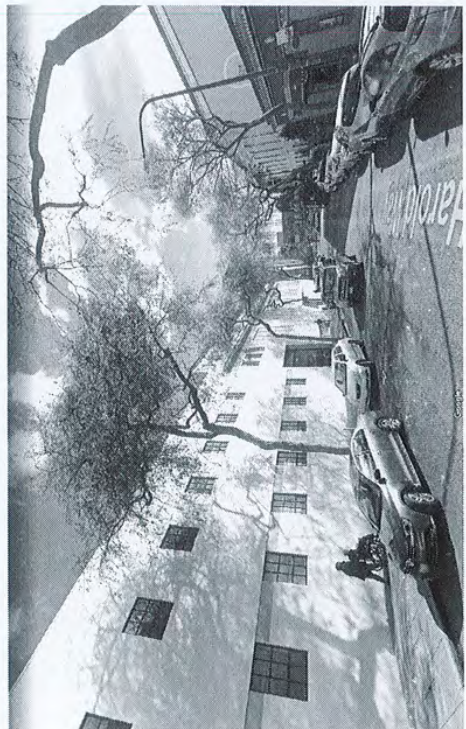
2 SITE PHOTO - ALSTON WAY AND HAROLD WAY - LOOKING EAST  
 12" x 1'-0"



4 SITE PHOTO - KITTREDGE ST - LOOKING WEST  
 12" x 1'-0"



1 SITE PHOTO - KITTREDGE ST AND HAROLD WAY - LOOKING EAST  
 12" x 1'-0"



3 SITE PHOTO - HAROLD WAY - LOOKING SOUTH  
 12" x 1'-0"



NOT RELEASED FOR CONSTRUCTION

PROJECT #: 121246  
 Author:  
 Checker:  
**NILES BOLTON ASSOCIATES**  
 2060 Peachtree Rd., N.W.  
 Suite 600  
 Atlanta, GA 30305  
 T 404.365.7600  
 www.nilesbolton.com  
 APPLICANT:  
 BILL SCHRAGER  
 T 925.638.8282

| No. | Description   | Date     |
|-----|---------------|----------|
| 1   | APP PROVISION | 12/27/12 |
| 2   | APP PROVISION | 12/27/12 |
| 3   | APP PROVISION | 12/27/12 |
| 4   | APP PROVISION | 12/27/12 |
| 5   | APP PROVISION | 12/27/12 |
| 6   | APP PROVISION | 12/27/12 |
| 7   | APP PROVISION | 12/27/12 |
| 8   | APP PROVISION | 12/27/12 |
| 9   | APP PROVISION | 12/27/12 |
| 10  | APP PROVISION | 12/27/12 |

BERKELEY PLAZA  
 2065 KITTRIDGE ST  
 BERKELEY, CA 94704  
 DENT LIVING BERKELEY, LLC

SHEET TITLE:  
 EXISTING SITE  
 PHOTOS  
 SHEET NUMBER:  
**A0-002**



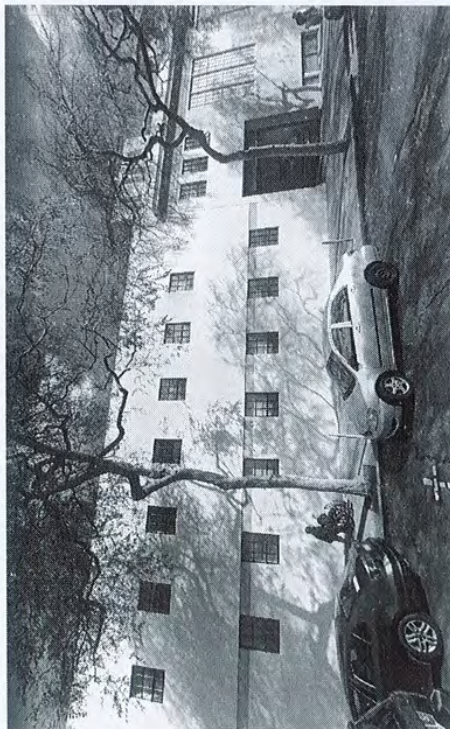
4 SITE PHOTO - KITTRIDGE ST FACADE  
 (A-20) 12' x 11'



3 SITE PHOTO - HAROLD WAY SOUTH FACADE  
 (A-20) 12' x 11'



1 SITE PHOTO - ALLSTON WAY FACADE  
 (A-20) 12' x 11'



2 SITE PHOTO - HAROLD WAY NORTH FACADE  
 (A-20) 12' x 11'



NOT RELEASED FOR CONSTRUCTION

PROJECT #: 121246  
 DRAWN BY: Author  
 CHECKED BY: Checker  
**NILES BOITON ASSOCIATES**  
 3060 Peachtree Rd. N.W.,  
 Suite 600  
 Atlanta, GA 30305  
 T 404 365 7600  
 www.nilesboiton.com  
 APPLICANT:  
 BILL SCHROEDER  
 T 925 638 8282

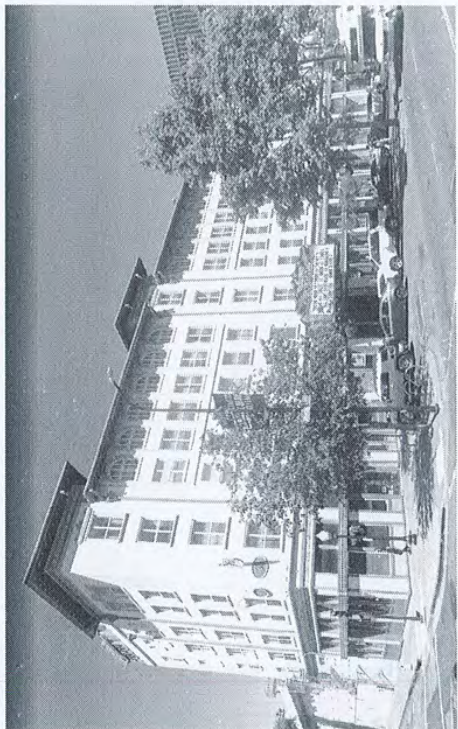
| No. | Description   | Date     |
|-----|---------------|----------|
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| 2   | APP. REVISION | 11/13/12 |
| 3   | APP. REVISION | 11/13/12 |
| 4   | APP. REVISION | 11/13/12 |
| 5   | APP. REVISION | 11/13/12 |
| 6   | APP. REVISION | 11/13/12 |
| 7   | APP. REVISION | 11/13/12 |
| 8   | APP. REVISION | 11/13/12 |
| 9   | APP. REVISION | 11/13/12 |
| 10  | APP. REVISION | 11/13/12 |
| 11  | APP. REVISION | 11/13/12 |
| 12  | APP. REVISION | 11/13/12 |
| 13  | APP. REVISION | 11/13/12 |
| 14  | APP. REVISION | 11/13/12 |
| 15  | APP. REVISION | 11/13/12 |
| 16  | APP. REVISION | 11/13/12 |
| 17  | APP. REVISION | 11/13/12 |
| 18  | APP. REVISION | 11/13/12 |
| 19  | APP. REVISION | 11/13/12 |
| 20  | APP. REVISION | 11/13/12 |

BERKELEY PLAZA  
 2065 KITTREDGE ST  
 BERKELEY, CA 94704  
 CENT LIVING BERKELEY, LLC

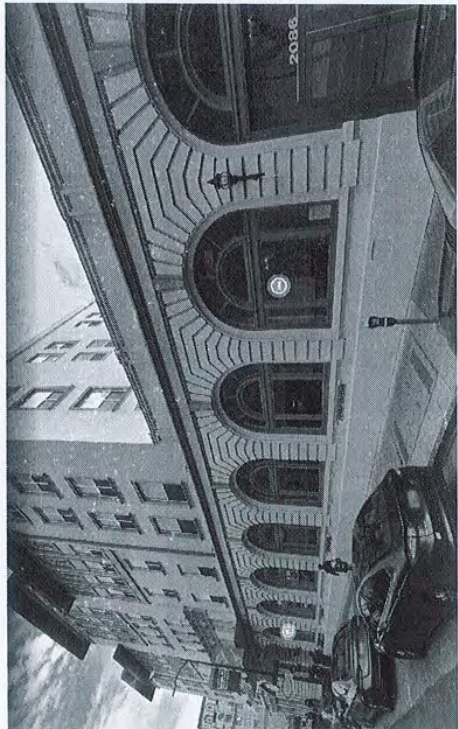
SHEET TITLE:  
 EXISTING SITE  
 PHOTOS  
 SHEET NUMBER:  
**A0-003**



2. SITE PHOTO - SHATTUCK AVE - EXISTING HOTEL  
 6-200 12" x 1'-0"



4. SITE PHOTO - SHATTUCK AVE AND KITTREDGE ST - EXISTING HOTEL  
 6-200 12" x 1'-0"



1. SITE PHOTO - ALLSTON WAY - EXISTING HOTEL  
 6-200 12" x 1'-0"



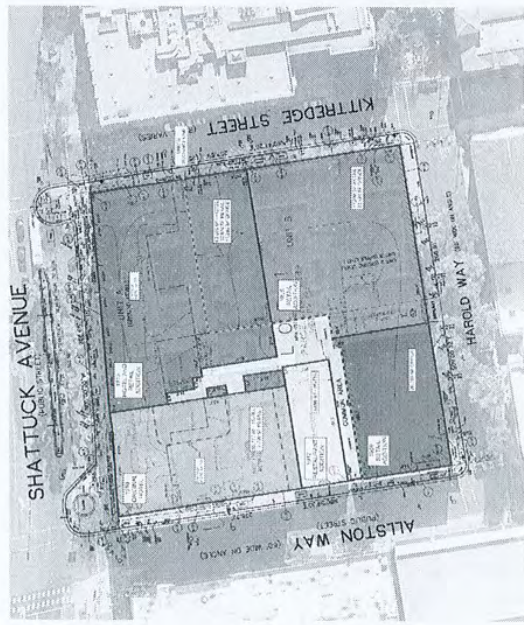
3. SITE PHOTO - SHATTUCK AVE AND ALLSTON WAY - EXISTING HOTEL  
 6-200 12" x 1'-0"



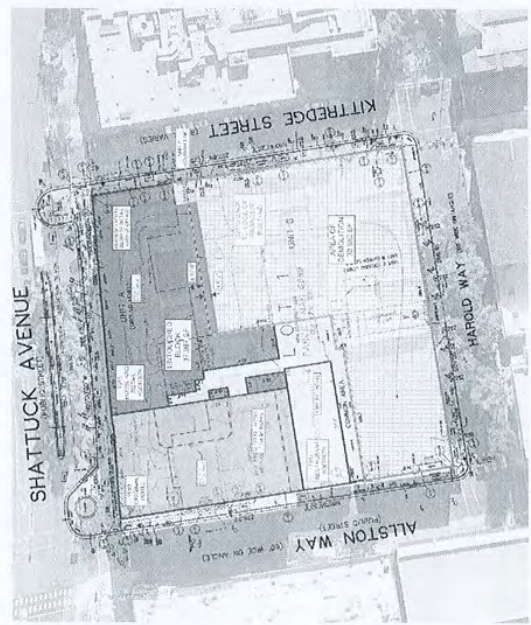
NOT RELEASED FOR CONSTRUCTION

|                                                                                                                                                                                            |                                                       |                                                                                                                   |                                                                                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|
| PROJECT #: 121246<br>DRAWN BY: TT<br>CHECKED BY: AM<br><b>NILES BOLTON ASSOCIATES</b><br>300 Peachtree Rd. N.W.<br>Suite 600<br>Atlanta, GA 30305<br>T: 404.385.7600<br>www.nilsbolton.com | APPLICANT:<br><b>BILL SCHRAGER</b><br>T: 925.438.8782 | BERKELEY PLAZA<br>2065 KITTRIDGE ST<br>BERKELEY, CA 94704<br>C O N S U L T I N G<br>BERKELEY LIVING BERKELEY, LLC | SHEET TITLE:<br><b>DEMO SITE PLAN EXHIBIT</b><br>SHEET NUMBER:<br><b>A0-004</b> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|

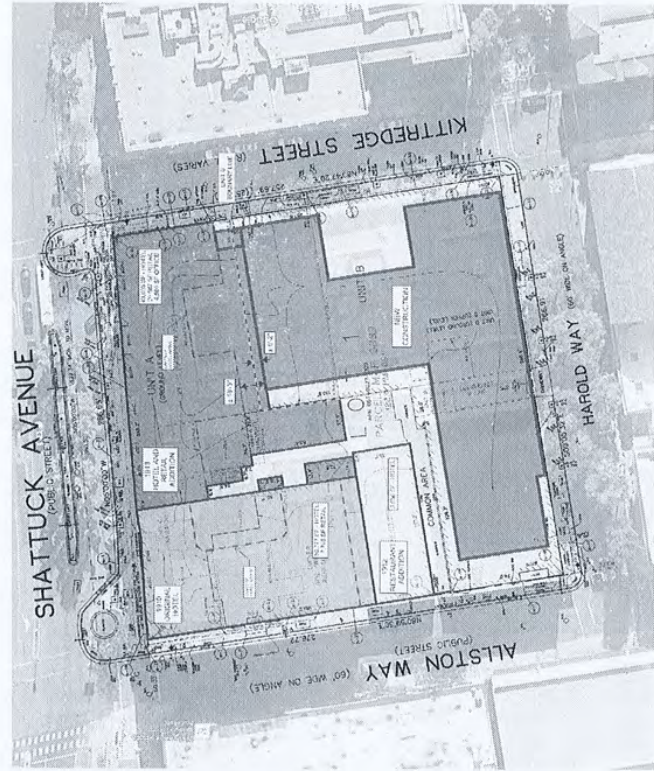
| NO. | DESCRIPTION      | DATE     |
|-----|------------------|----------|
| 1   | ISSUE FOR PERMIT | 10/27/21 |
| 2   | ISSUE FOR PERMIT | 10/27/21 |
| 3   | ISSUE FOR PERMIT | 10/27/21 |
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| 8   | ISSUE FOR PERMIT | 10/27/21 |
| 9   | ISSUE FOR PERMIT | 10/27/21 |
| 10  | ISSUE FOR PERMIT | 10/27/21 |



EXISTING DIAGRAM



DEMO DIAGRAM



PROPOSED CONSTRUCTION DIAGRAM

1 DEMO SITE PLAN EXHIBIT  
NOT TO SCALE











### BASE PROJECT TABULATION FORM

PROJECT ADDRESS: 2065 KITTREDGE ST DATE: 08-22-22  
APPLICANT NAME: BILL SCHRAMER ZONING DISTRICT: CDMU CORE

| UNIT, PARKING SPACES, AND BEDROOMS                                                                                                    | Existing  | Proposed   | Permitted/Required                            |
|---------------------------------------------------------------------------------------------------------------------------------------|-----------|------------|-----------------------------------------------|
| NUMBER OF PARKING SPACES                                                                                                              | 0         | 161        | NA                                            |
| NUMBER OF BIKE PARKING SPACES                                                                                                         | 0         | 35         | 0 MIN<br>81 MAX                               |
| NUMBER OF BIKE PARKING SPACES<br>1.5 MIN (100 SPACES PER 100 BEDROOMS + 49 SPACES)<br>1.5 MIN (100 SPACES PER 40 BEDROOMS + 7 SPACES) | 0         | 122        | 96                                            |
| YARDS AND HEIGHTS                                                                                                                     |           |            |                                               |
| FRONT YARD SETBACK (FT)                                                                                                               | 0'        | 0'         | 6' MIN (0-75' HEIGHT)<br>15' MIN (75+ HEIGHT) |
| BUILDING HEIGHT (STORIES)                                                                                                             | 3         | 7          | 7 MAX (7-50' HEIGHT)                          |
| MAXIMUM (FT)                                                                                                                          | 25'       | 75'        | -                                             |
| AREAS                                                                                                                                 |           |            |                                               |
| LOT AREA                                                                                                                              | 33,582 SF | 33,582 SF  | -                                             |
| TOTAL GROSS FLOOR AREA                                                                                                                | 92,531 SF | 162,119 SF | -                                             |
| TOTAL AREA COVERED BY ALL FLOORS                                                                                                      | 33,582 SF | 27,619 SF  | -                                             |
| BUILDING FOOTPRINT                                                                                                                    | 100%      | 82%        | -                                             |
| LOT COVERAGE                                                                                                                          | 0         | 13,721 SF  | 12,880 SF                                     |
| USABLE OPEN SPACE                                                                                                                     |           |            |                                               |
| PER 50' OF USABLE OPEN SPACE PER UNIT                                                                                                 | 2.8:1     | 4.8:1      | -                                             |

### BASE PROJECT BEDROOM MIX

| BASE PROJECT | TOTAL UNITS | TOTAL BEDROOMS |
|--------------|-------------|----------------|
| L1           | 6           | 7              |
| L2           | 26          | 42             |
| L3           | 27          | 46             |
| L4           | 27          | 46             |
| L5           | 27          | 46             |
| L6           | 27          | 46             |
| L7           | 21          | 34             |
| <b>TOTAL</b> | <b>161</b>  | <b>267</b>     |

### BASE PROJECT AREA TOTALS

| BASE PROJECT | RESIDENTIAL    | COMMON | COMMERCIAL | AMENITY | TOTAL  |
|--------------|----------------|--------|------------|---------|--------|
| L1           | 3,862          | 3,864  | 4,363      | 6,387   | 18,611 |
| L2           | 20,641         | 3,021  | 2,973      | 1,481   | 28,116 |
| L3           | 22,004         | 2,973  | 2,973      | 2,973   | 31,923 |
| L4           | 22,004         | 2,973  | 2,973      | 2,973   | 31,923 |
| L5           | 22,004         | 2,973  | 2,973      | 2,973   | 31,923 |
| L6           | 22,004         | 2,973  | 2,973      | 2,973   | 31,923 |
| L7           | 15,197         | 2,865  |            |         | 20,037 |
| <b>TOTAL</b> | <b>162,119</b> |        |            |         |        |

### BASE PROJECT FLOORPLANS

### BASE PROJECT BEDROOM MIX

| BASE PROJECT | TOTAL UNITS | TOTAL BEDROOMS |
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### BASE PROJECT FLOORPLANS

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| <b>TOTAL</b> | <b>162,119</b> |        |            |         |        |

### BASE PROJECT FLOORPLANS

### BASE PROJECT BEDROOM MIX

| BASE PROJECT | TOTAL UNITS | TOTAL BEDROOMS |
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### BASE PROJECT FLOORPLANS

### BASE PROJECT BEDROOM MIX

| BASE PROJECT | TOTAL UNITS | TOTAL BEDROOMS |
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| L3           | 22,004         | 2,973  | 2,973      | 2,973   | 31,923 |
| L4           | 22,004         | 2,973  | 2,973      | 2,973   | 31,923 |
| L5           | 22,004         | 2,973  | 2,973      | 2,973   | 31,923 |
| L6           | 22,004         | 2,973  | 2,973      | 2,973   | 31,923 |
| L7           | 15,197         | 2,865  |            |         | 20,037 |
| <b>TOTAL</b> | <b>162,119</b> |        |            |         |        |

### BASE PROJECT FLOORPLANS

### BASE PROJECT BEDROOM MIX

| BASE PROJECT | TOTAL UNITS | TOTAL BEDROOMS |
|--------------|-------------|----------------|
| L1           | 6           | 7              |
| L2           | 26          | 42             |
| L3           | 27          | 46             |
| L4           | 27          | 46             |
| L5           | 27          | 46             |
| L6           | 27          | 46             |
| L7           | 21          | 34             |
| <b>TOTAL</b> | <b>161</b>  | <b>267</b>     |

### BASE PROJECT AREA TOTALS

| BASE PROJECT | RESIDENTIAL    | COMMON | COMMERCIAL | AMENITY | TOTAL  |
|--------------|----------------|--------|------------|---------|--------|
| L1           | 3,862          | 3,864  | 4,363      | 6,387   | 18,611 |
| L2           | 20,641         | 3,021  | 2,973      | 1,481   | 28,116 |
| L3           | 22,004         | 2,973  | 2,973      | 2,973   | 31,923 |
| L4           | 22,004         | 2,973  | 2,973      | 2,973   | 31,923 |
| L5           | 22,004         | 2,973  | 2,973      | 2,973   | 31,923 |
| L6           | 22,004         | 2,973  | 2,973      | 2,973   | 31,923 |
| L7           | 15,197         | 2,865  |            |         | 20,037 |
| <b>TOTAL</b> | <b>162,119</b> |        |            |         |        |

### BASE PROJECT FLOORPLANS

### BASE PROJECT BEDROOM MIX

| BASE PROJECT | TOTAL UNITS | TOTAL BEDROOMS |
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| L6           | 27          | 46             |
| L7           | 21          | 34             |
| <b>TOTAL</b> | <b>161</b>  | <b>267</b>     |

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|--------------|----------------|--------|------------|---------|--------|
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| L4           | 22,004         | 2,973  | 2,973      | 2,973   | 31,923 |
| L5           | 22,004         | 2,973  | 2,973      | 2,973   | 31,923 |
| L6           | 22,004         | 2,973  | 2,973      | 2,973   | 31,923 |
| L7           | 15,197         | 2,865  |            |         | 20,037 |
| <b>TOTAL</b> | <b>162,119</b> |        |            |         |        |

### BASE PROJECT FLOORPLANS

### BASE PROJECT BEDROOM MIX

| BASE PROJECT | TOTAL UNITS | TOTAL BEDROOMS |
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| L1           | 6           | 7              |
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### BASE PROJECT AREA TOTALS

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|--------------|----------------|--------|------------|---------|--------|
| L1           | 3,862          | 3,864  | 4,363      | 6,387   | 18,611 |
| L2           | 20,641         | 3,021  | 2,973      | 1,481   | 28,116 |
| L3           | 22,004         | 2,973  | 2,973      | 2,973   | 31,923 |
| L4           | 22,004         | 2,973  | 2,973      | 2,973   | 31,923 |
| L5           | 22,004         | 2,973  | 2,973      | 2,973   | 31,923 |
| L6           | 22,004         | 2,973  | 2,973      | 2,973   | 31,923 |
| L7           | 15,197         | 2,865  |            |         | 20,037 |
| <b>TOTAL</b> | <b>162,119</b> |        |            |         |        |

### BASE PROJECT FLOORPLANS

### BASE PROJECT BEDROOM MIX

| BASE PROJECT | TOTAL UNITS | TOTAL BEDROOMS |
|--------------|-------------|----------------|
| L1           | 6           | 7              |
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| L3           | 27          | 46             |
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| L6           | 27          | 46             |
| L7           | 21          | 34             |
| <b>TOTAL</b> | <b>161</b>  | <b>267</b>     |

### BASE PROJECT AREA TOTALS

| BASE PROJECT | RESIDENTIAL | COMMON | COMMERCIAL | AMENITY | TOTAL  |
|--------------|-------------|--------|------------|---------|--------|
| L1           | 3,862       | 3,864  | 4,363      | 6,387   | 18,611 |
| L2           | 20,641      | 3,021  | 2,973      | 1,481   | 28,116 |
| L3           | 22,004      | 2,973  | 2,973      | 2,973   | 31,923 |
| L4           | 22,004      | 2,973  | 2,973      | 2,973   | 31,923 |
| L5           | 22,004      | 2,973  | 2,973      | 2,973   | 31,923 |
| L6           | 22,004      | 2,973  | 2,973      | 2,973   | 31,923 |
| L7           | 15,197      | 2,865  |            |         | 20,037 |



### PROPOSED PROJECT TABULATION FORM

PROJECT ADDRESS: 2065 KITTREDGE ST  
APPLICANT NAME: BILL SCHRADER

DATE: 08-22-22  
ZONING DISTRICT: C-DMU CORE

| UNIT, PARKING SPACES, AND BEDROOMS                                                                          | Existing  | Proposed   | Permitted/Required                             |
|-------------------------------------------------------------------------------------------------------------|-----------|------------|------------------------------------------------|
| NUMBER OF DWELLING UNITS                                                                                    | 0         | 187        | NA                                             |
| NUMBER OF PARKING SPACES                                                                                    | 0         | 43         | 0 MIN. PER UNIT                                |
| NUMBER OF BIKE PARKING SPACES                                                                               | 0         | 122        | 112                                            |
| <small>1 LONG TERM SPACE PER 1 BEDROOM + 104 SPACES<br/>1 SHORT TERM SPACE PER 1 BEDROOM + 1 SPACES</small> |           |            |                                                |
| <b>YARDS AND HEIGHTS</b>                                                                                    |           |            |                                                |
| FRONT YARD SETBACK (FT)                                                                                     | 0'        | 0'         | 0' MIN (0.75' HEIGHT)<br>5' MAX (0.75' HEIGHT) |
| BUILDING HEIGHT (STORIES)                                                                                   | 3         | 8          | WAVYER                                         |
| MAXIMUM (FT)                                                                                                | 25        | 87         | WAVYER                                         |
| <b>AREAS</b>                                                                                                |           |            |                                                |
| LOT AREA                                                                                                    | 33,582 SF | 33,582 SF  | -                                              |
| TOTAL GROSS FLOOR AREA                                                                                      | 92,531 SF | 186,354 SF | -                                              |
| TOTAL AREA COVERED BY ALL FLOORS                                                                            | 33,582 SF | 27,619 SF  | -                                              |
| BUILDING FOOTPRINT                                                                                          | 100%      | 82%        | -                                              |
| LOT COVERAGE                                                                                                | 0         | 11,916 SF  | 14,960 SF                                      |
| USEABLE OPEN SPACE                                                                                          | 0         | 11,916 SF  | 14,960 SF                                      |
| <small>85% OF TOTAL OPEN SPACE PER UNIT</small>                                                             |           |            |                                                |
| FLOOR AREA RATIO                                                                                            | 2.8:1     | 5.5:1      | -                                              |

PROJECT #: 121246  
SHEET OF: 17  
CHECKED BY: AM

**NILES BOLTON ASSOCIATES**  
3060 Piedmonte Blvd., N.W.,  
Suite 600  
Atlanta, GA 30305  
T 404 365 7600  
www.nilesbolton.com

APPLICANT:  
BILL SCHRADER  
T 975 638 8782

BERKELEY PLAZA  
2065 KITTREDGE ST  
BERKELEY, CA 94704

CENT LIVING BERKELEY, LLC

SHEET TITLE:  
**DENSITY BONUS PLANS - PROPOSED**

SHEET NUMBER:  
**A0-008**

### PROPOSED PROJECT BEDROOM MIX

| PROPOSED PROJECT | STUDIO | 1 BEDROOM | 2 BEDROOM | 3 BEDROOM | TOTAL UNITS | TOTAL BEDROOMS |
|------------------|--------|-----------|-----------|-----------|-------------|----------------|
| L1               | 0      | 5         | 1         | 0         | 6           | 7              |
| L2               | 6      | 4         | 13        | 0         | 23          | 36             |
| L3               | 6      | 4         | 15        | 2         | 27          | 46             |
| L4               | 6      | 4         | 15        | 2         | 27          | 46             |
| L5               | 6      | 4         | 15        | 2         | 27          | 46             |
| L6               | 6      | 4         | 15        | 2         | 27          | 46             |
| L7               | 6      | 4         | 15        | 2         | 27          | 46             |
| L8               | 5      | 5         | 12        | 1         | 23          | 37             |
| <b>TOTAL</b>     |        |           |           |           | <b>187</b>  | <b>310</b>     |

### PROPOSED PROJECT AREA TOTALS

| PROPOSED PROJECT | RESIDENTIAL | COMMON | COMMERCIAL | AMENITY | TOTAL          |
|------------------|-------------|--------|------------|---------|----------------|
| L1               | 75,987      | 2,864  | 4,883      | 5,387   | 89,121         |
| L2               | 17,542      | 2,860  |            | 2,297   | 22,707         |
| L3               | 22,034      | 2,973  |            | 25,007  | 50,014         |
| L4               | 22,034      | 2,973  |            | 25,007  | 50,014         |
| L5               | 22,034      | 2,973  |            | 25,007  | 50,014         |
| L6               | 22,034      | 2,973  |            | 25,007  | 50,014         |
| L7               | 22,034      | 2,973  |            | 25,007  | 50,014         |
| L8               | 17,745      | 2,850  |            | 956     | 21,551         |
| <b>TOTAL</b>     |             |        |            |         | <b>195,235</b> |

### PROPOSED PROJECT FLOORPLANS

1 PROPOSED PLAN - LEVEL 1  
44-509 1" = 40-0"

4 PROPOSED PLAN - LEVEL 2  
44-509 1" = 40-0"

7 PROPOSED PLAN - LEVEL 8  
44-509 1" = 40-0"

### DENSITY BONUS CALCULATIONS

Calculator

| Base Project (Base # Units) | Base Units | % Y Units | # Y Units | PdL Units | Bonus % | # DB Units | # DB Units | Total Units |
|-----------------------------|------------|-----------|-----------|-----------|---------|------------|------------|-------------|
| Base                        | 187        | 0%        | 0         | 0         | 0%      | 0          | 0          | 187         |
| Y Units                     | 43         | 23%       | 43        | 0         | 23%     | 43         | 43         | 230         |
| PdL Units                   | 0          | 0%        | 0         | 0         | 0%      | 0          | 0          | 0           |
| <b>TOTAL</b>                | <b>230</b> |           |           |           |         | <b>43</b>  | <b>43</b>  | <b>273</b>  |

**Notes:** The blue parking is excluded from the area calculations for the Base and Proposed Projects. In both Projects, the main blue room is located on level 1 on the alley at the rear of the building. In both Projects (Base & Proposed), parking and utility areas are excluded from the Residential Floor Area calculations. There are no residential floor area uses on level U1. The blue work units on Level 1 are designed according to Berkeley Zoning Code 23.312 and BC Section 410. The non-residential floor area is approximately 50% of the total unit in compliance with BC 410.1.1.

NOT RELEASED FOR CONSTRUCTION



NOT RELEASED FOR CONSTRUCTION

PROJECT #: 121246  
DRAWN BY: TF  
CHECKED BY: JMA

**NILES BOLTON ASSOCIATES**  
300 Peachtree Rd. N.W.  
Suite 600  
Atlanta, GA 30305  
T: 404 345 7400  
www.nilesbolton.com

APPLICANT:  
BILL SCHRADER  
T 925 638 8782

| REV. | DESCRIPTION      | DATE     |
|------|------------------|----------|
| 1    | ISSUE FOR PERMIT | 10/27/21 |
| 2    | ISSUE FOR PERMIT | 10/27/21 |
| 3    | ISSUE FOR PERMIT | 11/17/21 |
| 4    | ISSUE FOR PERMIT | 12/01/21 |
| 5    | ISSUE FOR PERMIT | 12/01/21 |
| 6    | ISSUE FOR PERMIT | 02/22/22 |

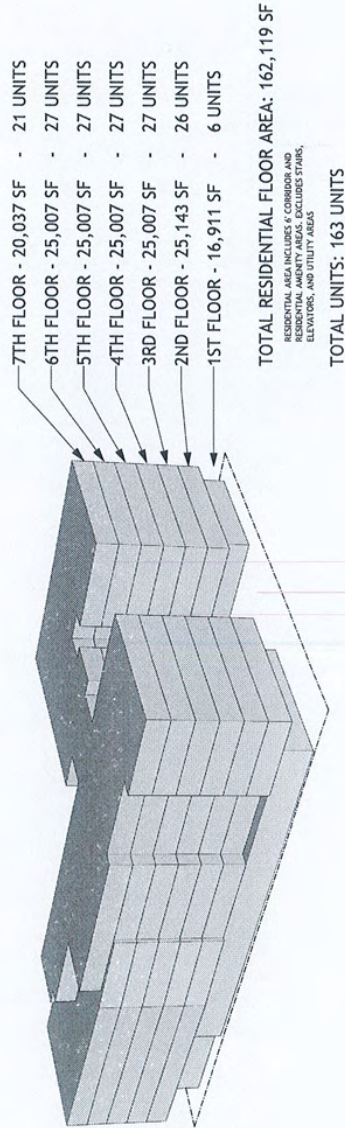
BERKELEY PLAZA  
2065 KITTRIDGE ST  
BERKELEY, CA 94704

CONSTRUCTION LIVING BERKELEY, LLC

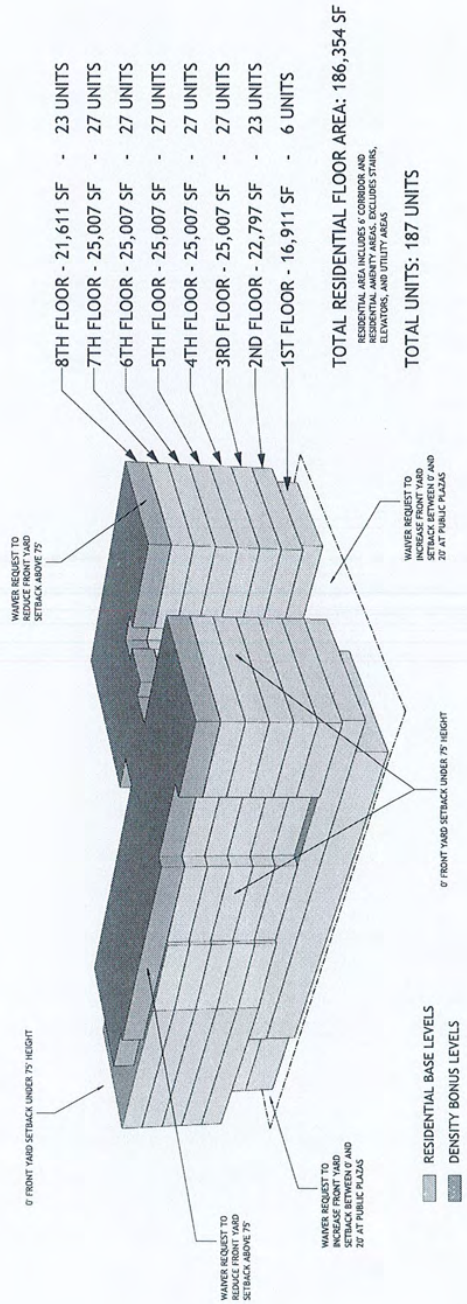
SHEET TITLE:  
DENSITY BONUS  
MODEL

SHEET NUMBER:  
A0-009

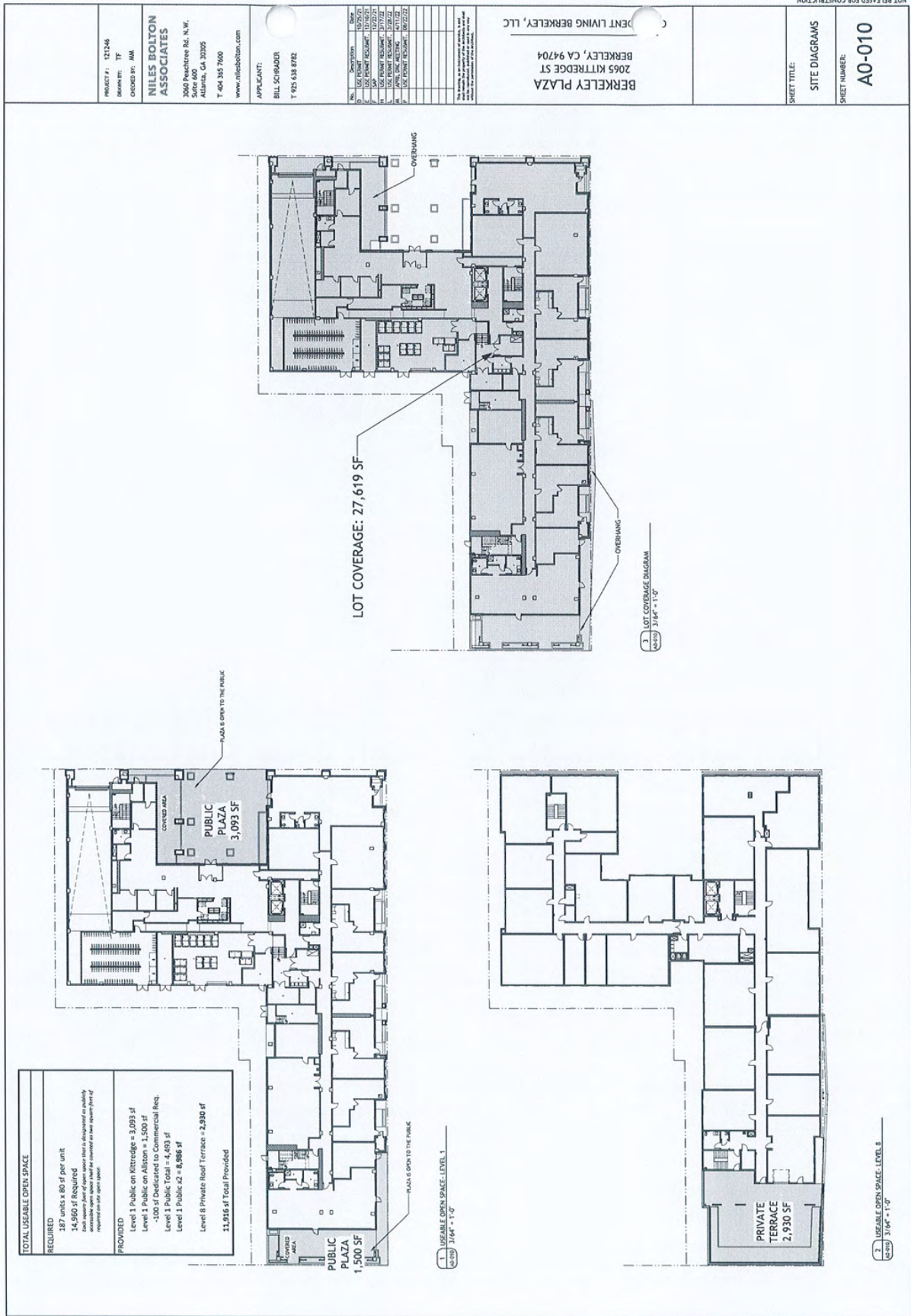
BASE PLAN MODEL



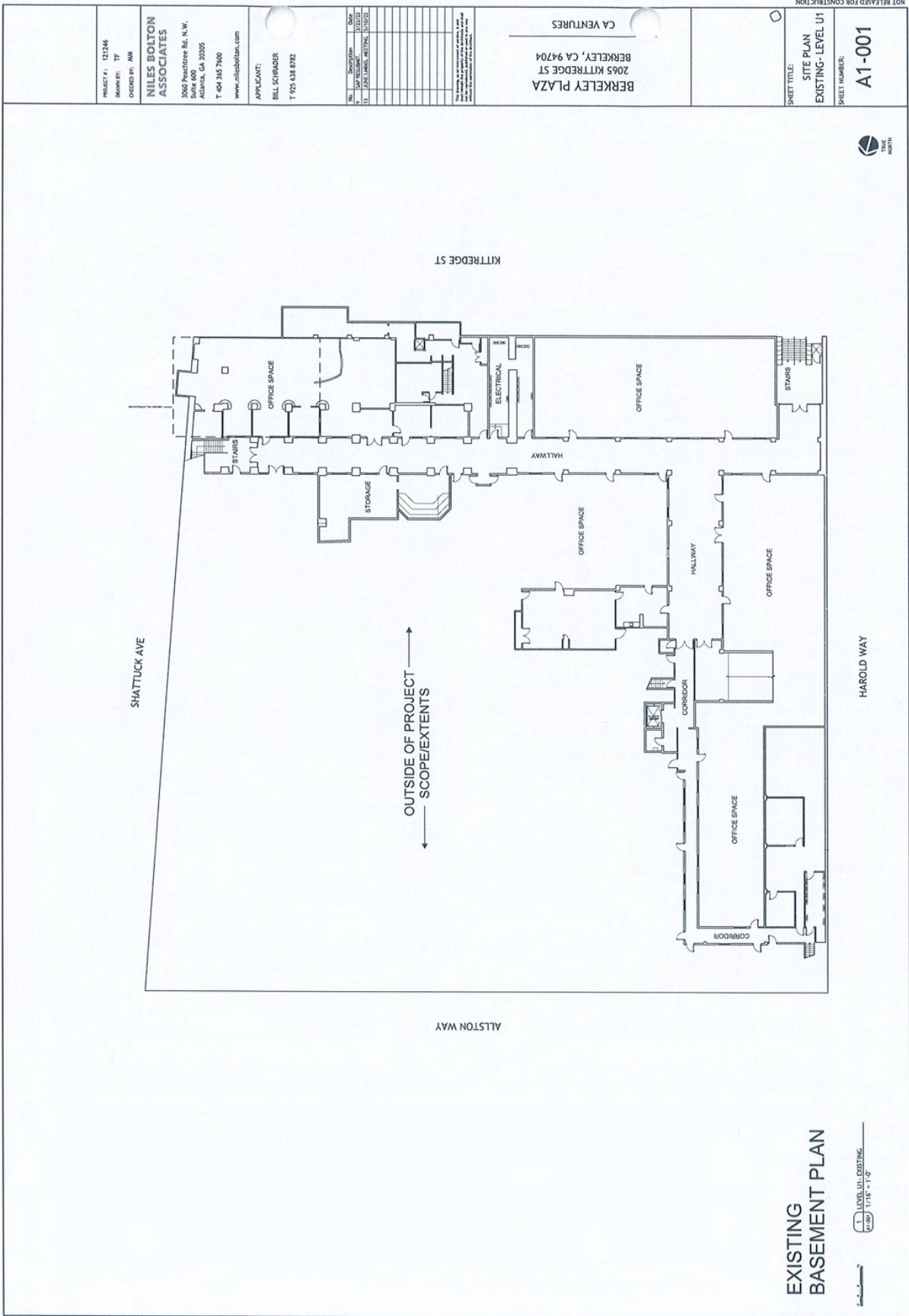
PROPOSED PLAN MODEL



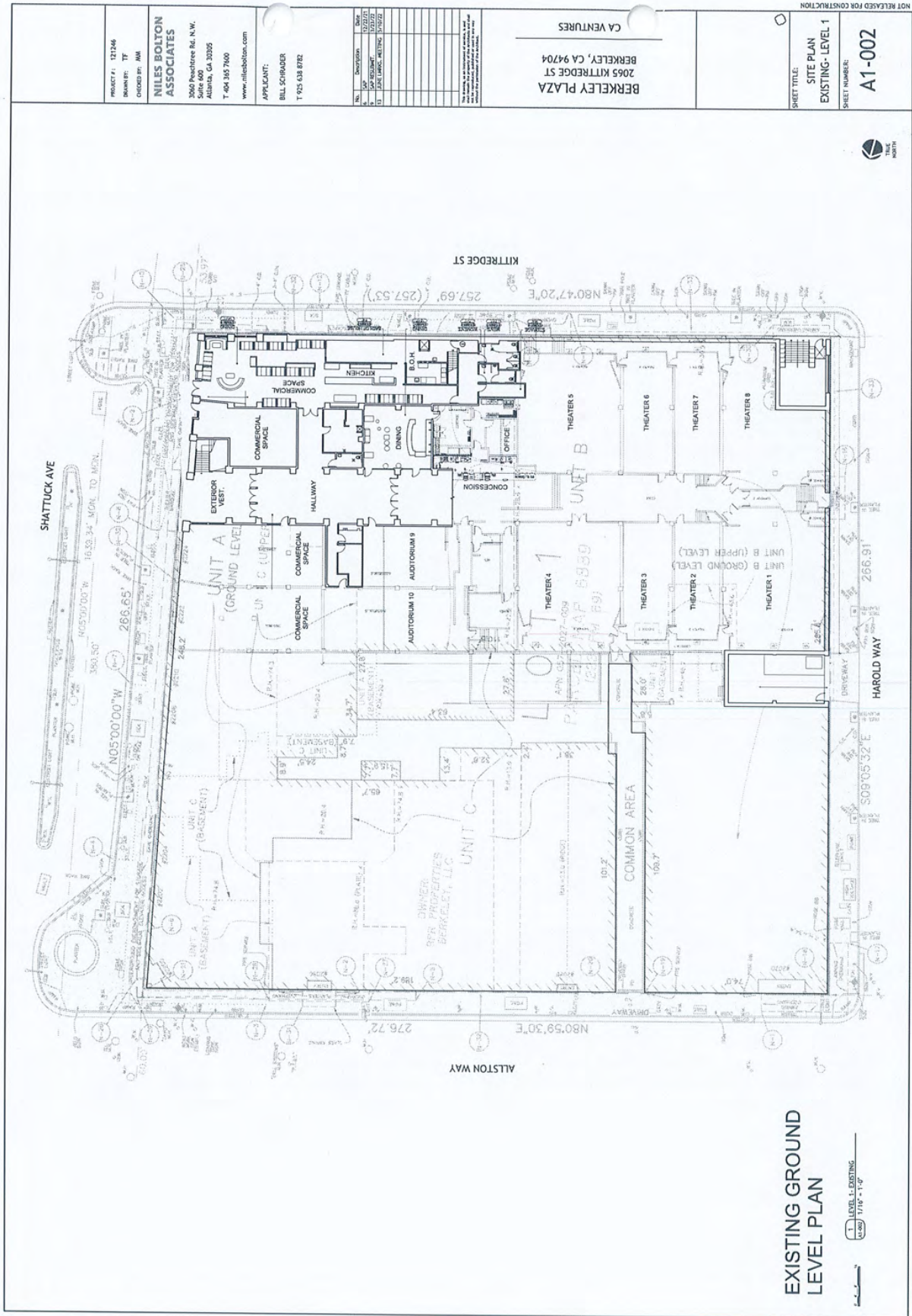












**EXISTING GROUND  
LEVEL PLAN**

LEVEL 1 - EXISTING  
SCALE: 1/16" = 1'-0"

PROJECT #: 127246  
DRAWN BY: TP  
CHECKED BY: AM  
**NILES BOLTON  
ASSOCIATES**  
3060 Peachtree Rd., N.W.  
Suite 600  
Atlanta, GA 30305  
T 404 365 7400  
www.nilesbolton.com

APPLICANT:  
**BILL SCHROEDER**  
T 925 438 8782

| NO. | DESCRIPTION       | DATE     |
|-----|-------------------|----------|
| 1   | ISSUED FOR PERMIT | 12/07/17 |
| 2   | FOR RECORD        | 01/07/18 |
| 3   | FOR RECORD        | 01/07/18 |
| 4   | FOR RECORD        | 01/07/18 |
| 5   | FOR RECORD        | 01/07/18 |
| 6   | FOR RECORD        | 01/07/18 |
| 7   | FOR RECORD        | 01/07/18 |
| 8   | FOR RECORD        | 01/07/18 |
| 9   | FOR RECORD        | 01/07/18 |
| 10  | FOR RECORD        | 01/07/18 |
| 11  | FOR RECORD        | 01/07/18 |
| 12  | FOR RECORD        | 01/07/18 |
| 13  | FOR RECORD        | 01/07/18 |
| 14  | FOR RECORD        | 01/07/18 |
| 15  | FOR RECORD        | 01/07/18 |
| 16  | FOR RECORD        | 01/07/18 |
| 17  | FOR RECORD        | 01/07/18 |
| 18  | FOR RECORD        | 01/07/18 |
| 19  | FOR RECORD        | 01/07/18 |
| 20  | FOR RECORD        | 01/07/18 |

**BERKELEY PLAZA**  
2055 KITTRIDGE ST  
BERKELEY, CA 94704  
CA VENTURES

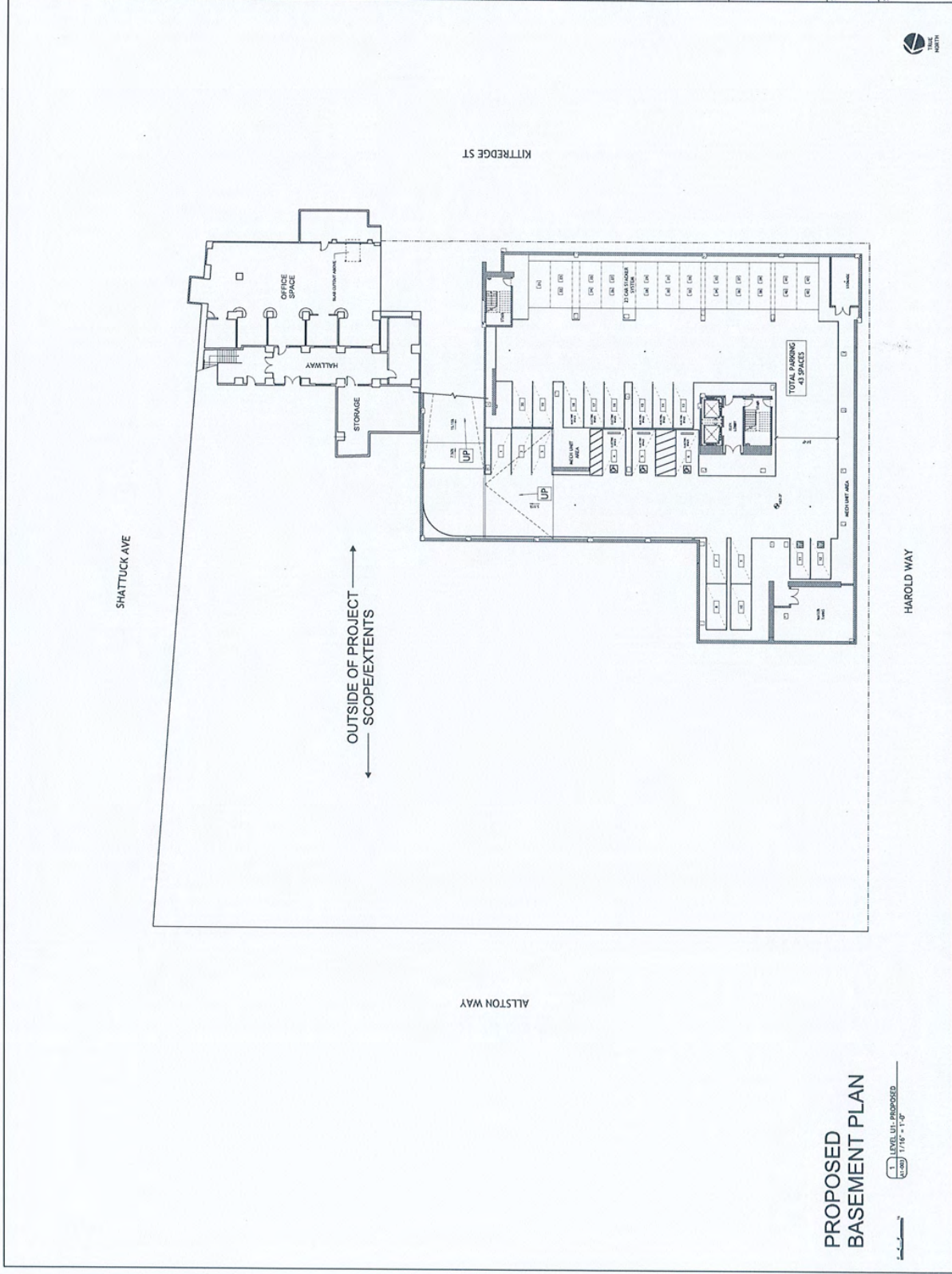
SHEET TITLE:  
**SITE PLAN  
EXISTING - LEVEL 1**  
SHEET NUMBER:  
**A1-002**

NOT RELEASED FOR CONSTRUCTION



NOT RELEASED FOR CONSTRUCTION

| PROJECT #: 121246<br>DRAWN BY: TF<br>CHECKED BY: MM | <b>NILES BOLTON ASSOCIATES</b><br>2006 Piedmonte Rd., N.W.,<br>Atlanta, GA 30305<br>T: 404 365 7000<br>www.nilbolton.com | APPLICANT:<br>BILL SCHRAUDER<br>T: 925 618 8782 | <table border="1"> <tr><th>No.</th><th>Description</th><th>Date</th></tr> <tr><td>1</td><td>ISSUE FOR PERMIT</td><td>1/13/12</td></tr> <tr><td>2</td><td>ISSUE FOR PERMIT</td><td>1/13/12</td></tr> <tr><td>3</td><td>ISSUE FOR PERMIT</td><td>1/13/12</td></tr> <tr><td>4</td><td>ISSUE FOR PERMIT</td><td>1/13/12</td></tr> <tr><td>5</td><td>ISSUE FOR PERMIT</td><td>1/13/12</td></tr> <tr><td>6</td><td>ISSUE FOR PERMIT</td><td>1/13/12</td></tr> <tr><td>7</td><td>ISSUE FOR PERMIT</td><td>1/13/12</td></tr> <tr><td>8</td><td>ISSUE FOR PERMIT</td><td>1/13/12</td></tr> <tr><td>9</td><td>ISSUE FOR PERMIT</td><td>1/13/12</td></tr> <tr><td>10</td><td>ISSUE FOR PERMIT</td><td>1/13/12</td></tr> <tr><td>11</td><td>ISSUE FOR PERMIT</td><td>1/13/12</td></tr> <tr><td>12</td><td>ISSUE FOR PERMIT</td><td>1/13/12</td></tr> <tr><td>13</td><td>ISSUE FOR PERMIT</td><td>1/13/12</td></tr> <tr><td>14</td><td>ISSUE FOR PERMIT</td><td>1/13/12</td></tr> <tr><td>15</td><td>ISSUE FOR PERMIT</td><td>1/13/12</td></tr> </table> | No. | Description | Date | 1 | ISSUE FOR PERMIT | 1/13/12 | 2 | ISSUE FOR PERMIT | 1/13/12 | 3 | ISSUE FOR PERMIT | 1/13/12 | 4 | ISSUE FOR PERMIT | 1/13/12 | 5 | ISSUE FOR PERMIT | 1/13/12 | 6 | ISSUE FOR PERMIT | 1/13/12 | 7 | ISSUE FOR PERMIT | 1/13/12 | 8 | ISSUE FOR PERMIT | 1/13/12 | 9 | ISSUE FOR PERMIT | 1/13/12 | 10 | ISSUE FOR PERMIT | 1/13/12 | 11 | ISSUE FOR PERMIT | 1/13/12 | 12 | ISSUE FOR PERMIT | 1/13/12 | 13 | ISSUE FOR PERMIT | 1/13/12 | 14 | ISSUE FOR PERMIT | 1/13/12 | 15 | ISSUE FOR PERMIT | 1/13/12 | CA VENTURES<br>BERKELEY PLAZA<br>2065 KITTREDGE ST<br>BERKELEY, CA 94704 | SHEET TITLE:<br>SITE PLAN<br>PROPOSED- LEVEL<br>U1<br>SHEET NUMBER:<br>A1-003 |
|-----------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-------------|------|---|------------------|---------|---|------------------|---------|---|------------------|---------|---|------------------|---------|---|------------------|---------|---|------------------|---------|---|------------------|---------|---|------------------|---------|---|------------------|---------|----|------------------|---------|----|------------------|---------|----|------------------|---------|----|------------------|---------|----|------------------|---------|----|------------------|---------|--------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| No.                                                 | Description                                                                                                              | Date                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |     |             |      |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |    |                  |         |    |                  |         |    |                  |         |    |                  |         |    |                  |         |    |                  |         |                                                                          |                                                                               |
| 1                                                   | ISSUE FOR PERMIT                                                                                                         | 1/13/12                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |     |             |      |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |    |                  |         |    |                  |         |    |                  |         |    |                  |         |    |                  |         |    |                  |         |                                                                          |                                                                               |
| 2                                                   | ISSUE FOR PERMIT                                                                                                         | 1/13/12                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |     |             |      |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |    |                  |         |    |                  |         |    |                  |         |    |                  |         |    |                  |         |    |                  |         |                                                                          |                                                                               |
| 3                                                   | ISSUE FOR PERMIT                                                                                                         | 1/13/12                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |     |             |      |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |    |                  |         |    |                  |         |    |                  |         |    |                  |         |    |                  |         |    |                  |         |                                                                          |                                                                               |
| 4                                                   | ISSUE FOR PERMIT                                                                                                         | 1/13/12                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |     |             |      |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |    |                  |         |    |                  |         |    |                  |         |    |                  |         |    |                  |         |    |                  |         |                                                                          |                                                                               |
| 5                                                   | ISSUE FOR PERMIT                                                                                                         | 1/13/12                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |     |             |      |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |    |                  |         |    |                  |         |    |                  |         |    |                  |         |    |                  |         |    |                  |         |                                                                          |                                                                               |
| 6                                                   | ISSUE FOR PERMIT                                                                                                         | 1/13/12                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |     |             |      |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |    |                  |         |    |                  |         |    |                  |         |    |                  |         |    |                  |         |    |                  |         |                                                                          |                                                                               |
| 7                                                   | ISSUE FOR PERMIT                                                                                                         | 1/13/12                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |     |             |      |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |    |                  |         |    |                  |         |    |                  |         |    |                  |         |    |                  |         |    |                  |         |                                                                          |                                                                               |
| 8                                                   | ISSUE FOR PERMIT                                                                                                         | 1/13/12                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |     |             |      |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |    |                  |         |    |                  |         |    |                  |         |    |                  |         |    |                  |         |    |                  |         |                                                                          |                                                                               |
| 9                                                   | ISSUE FOR PERMIT                                                                                                         | 1/13/12                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |     |             |      |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |    |                  |         |    |                  |         |    |                  |         |    |                  |         |    |                  |         |    |                  |         |                                                                          |                                                                               |
| 10                                                  | ISSUE FOR PERMIT                                                                                                         | 1/13/12                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |     |             |      |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |    |                  |         |    |                  |         |    |                  |         |    |                  |         |    |                  |         |    |                  |         |                                                                          |                                                                               |
| 11                                                  | ISSUE FOR PERMIT                                                                                                         | 1/13/12                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |     |             |      |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |    |                  |         |    |                  |         |    |                  |         |    |                  |         |    |                  |         |    |                  |         |                                                                          |                                                                               |
| 12                                                  | ISSUE FOR PERMIT                                                                                                         | 1/13/12                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |     |             |      |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |    |                  |         |    |                  |         |    |                  |         |    |                  |         |    |                  |         |    |                  |         |                                                                          |                                                                               |
| 13                                                  | ISSUE FOR PERMIT                                                                                                         | 1/13/12                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |     |             |      |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |    |                  |         |    |                  |         |    |                  |         |    |                  |         |    |                  |         |    |                  |         |                                                                          |                                                                               |
| 14                                                  | ISSUE FOR PERMIT                                                                                                         | 1/13/12                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |     |             |      |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |    |                  |         |    |                  |         |    |                  |         |    |                  |         |    |                  |         |    |                  |         |                                                                          |                                                                               |
| 15                                                  | ISSUE FOR PERMIT                                                                                                         | 1/13/12                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |     |             |      |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |   |                  |         |    |                  |         |    |                  |         |    |                  |         |    |                  |         |    |                  |         |    |                  |         |                                                                          |                                                                               |

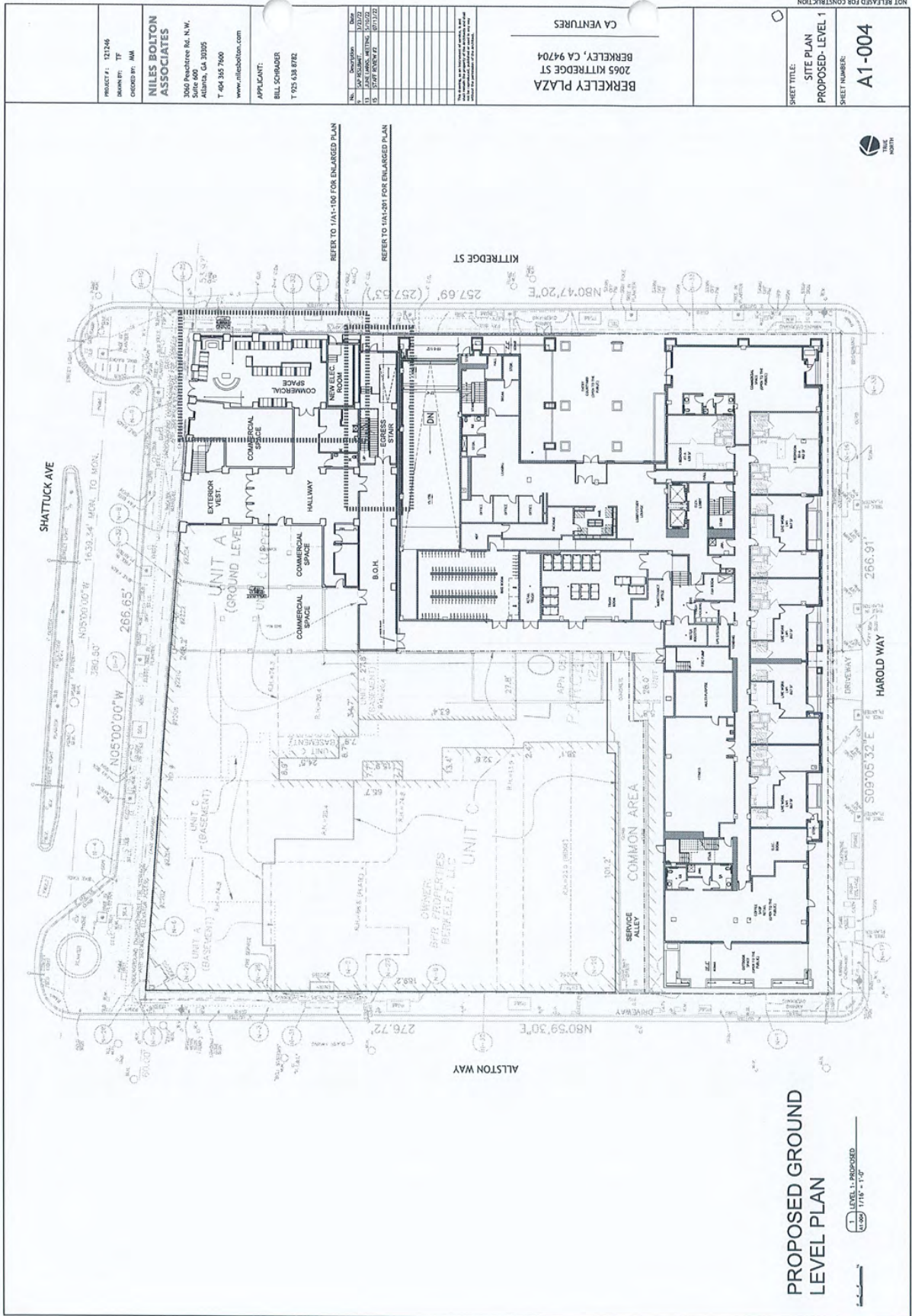


**PROPOSED  
BASEMENT PLAN**

1" = 1/16" = 1'-0"  
LEVEL U1 - PROPOSED







**PROPOSED GROUND  
LEVEL PLAN**

1. LEVEL 1 - PROPOSED  
SCALE: 1/16" = 1'-0"



PROJECT # 121246  
DRAWN BY: TF  
CHECKED BY: AM

**NILES BOLTON ASSOCIATES**  
300 Peachtree St. N.W.  
Suite 400  
Atlanta, GA 30305  
T: 404.352.7900  
www.nilesbolton.com

APPLICANT:  
BILL SCHRAEDER  
T: 925.438.8782

CA VENTURES  
BERKELEY PLAZA  
2065 KITTRIDGE ST  
BERKELEY, CA 94704

SHEET TITLE:  
SITE PLAN  
PROPOSED - LEVEL 1

SHEET NUMBER:  
**A1-004**

REFER TO 1/4"=1'-0" FOR ENLARGED PLAN  
REFER TO 1/4"=1'-0" FOR ENLARGED PLAN

NOT RELEASED FOR CONSTRUCTION







NOT RELEASED FOR CONSTRUCTION

PROJECT #: 121246  
DRAWN BY: TF  
CHECKED BY: AM

**NILES BOLTON ASSOCIATES**

3060 Peachtree Rd., N.W.  
Suite 600  
Atlanta, GA 30305  
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www.nilesbolton.com

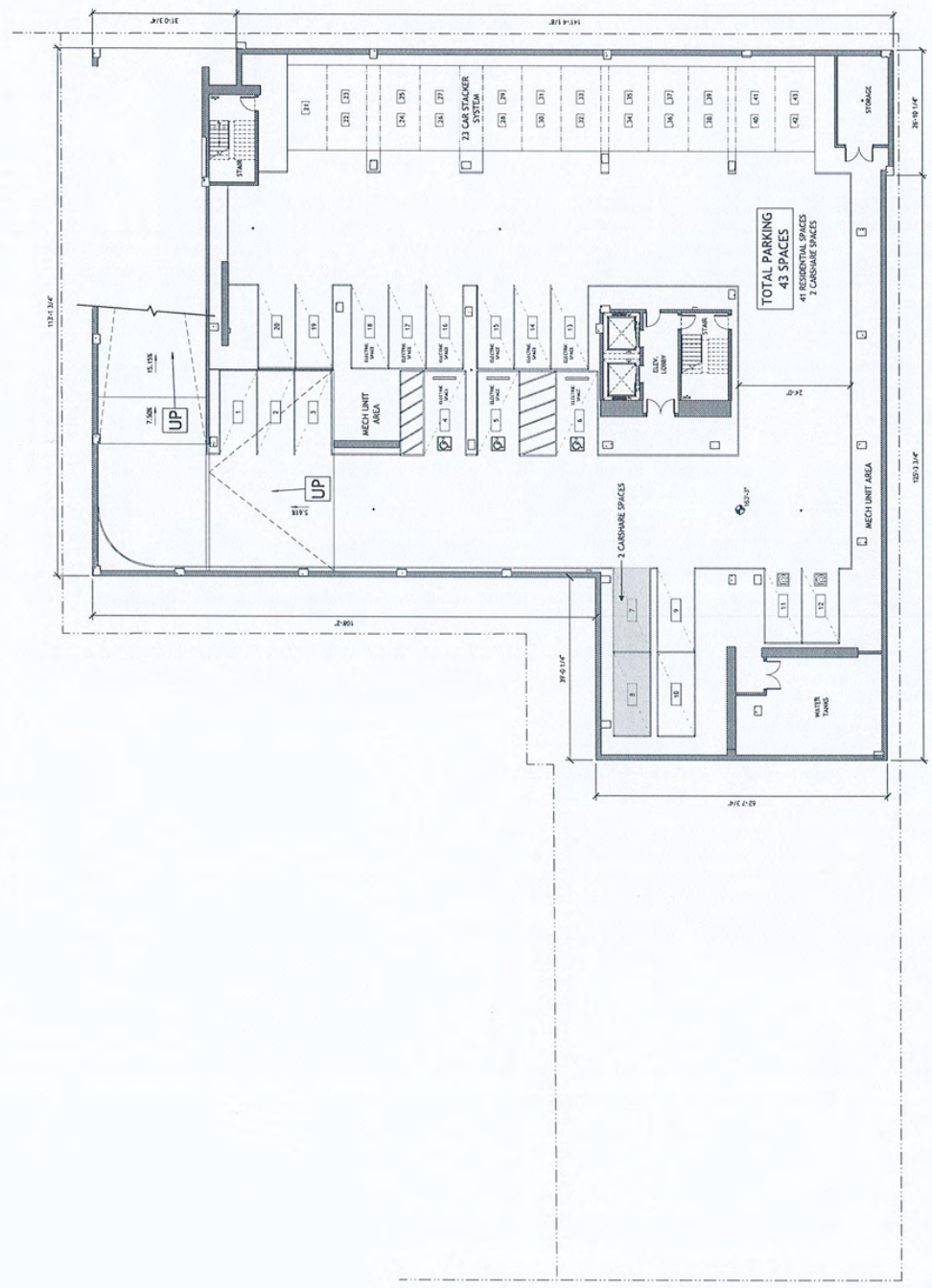
APPLICANT:

**BILL SCHWABER**  
T: 925.638.8782

| NO. | DESCRIPTION          | DATE     |
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| 100 | REVISED PER 10/13/11 | 10/14/11 |

**BERKELEY PLAZA**  
2065 HITTREDGE ST  
BERKELEY, CA 94704  
CENT LIVING BERKELEY, LLC

SHEET TITLE:  
**PLAN - LEVEL U1**  
SHEET NUMBER:  
**A1-101**



1. PRESENTATION FLOOR PLAN - LEVEL U1  
DATE: 3/27/11

Scale: 1/8" = 1'-0"



NOT RELEASED FOR CONSTRUCTION

SHEET TITLE:  
PLAN - LEVEL 1  
SHEET NUMBER:  
A1-111

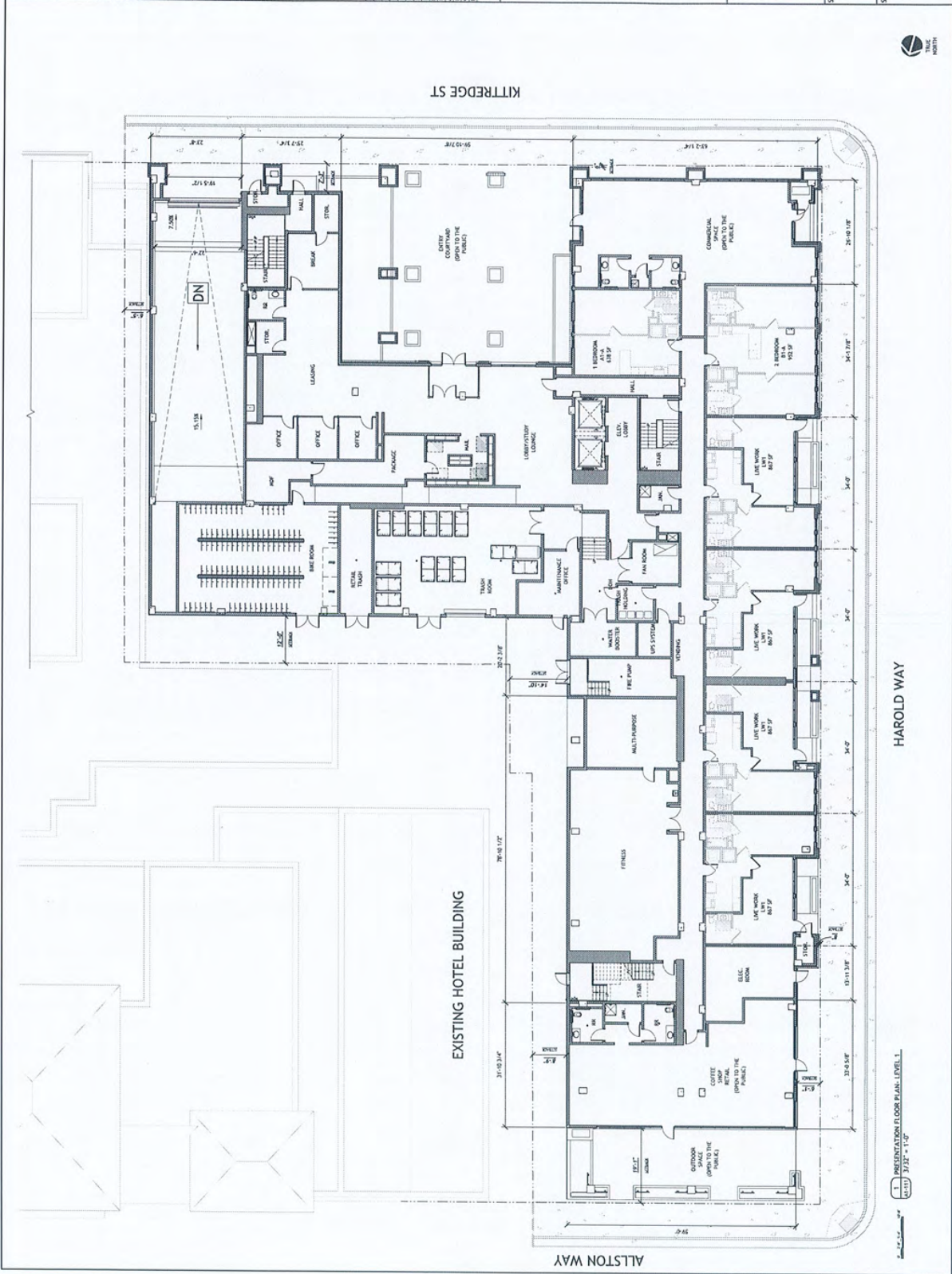
BERKELEY PLAZA  
2065 KITTRIDGE ST  
BERKELEY, CA 94704  
CENT LIVING BERKELEY, LLC

APPLICANT:  
BILL SCHMIDT  
T 925 638 8702

NILES BOLTON  
ASSOCIATES  
3245 Brentwood Rd. N.W.  
Suite 600  
Atlanta, GA 30305  
T 404 362 7400  
www.nilesbolton.com

PROJECT #1: 121246  
DRAWN BY: TF  
CHECKED BY: MA

| NO. | DESCRIPTION | DATE     |
|-----|-------------|----------|
| 1   | PRELIMINARY | 12/22/11 |
| 2   | REVISED     | 01/23/12 |
| 3   | REVISED     | 02/01/12 |
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HAROLD WAY

EXISTING HOTEL BUILDING

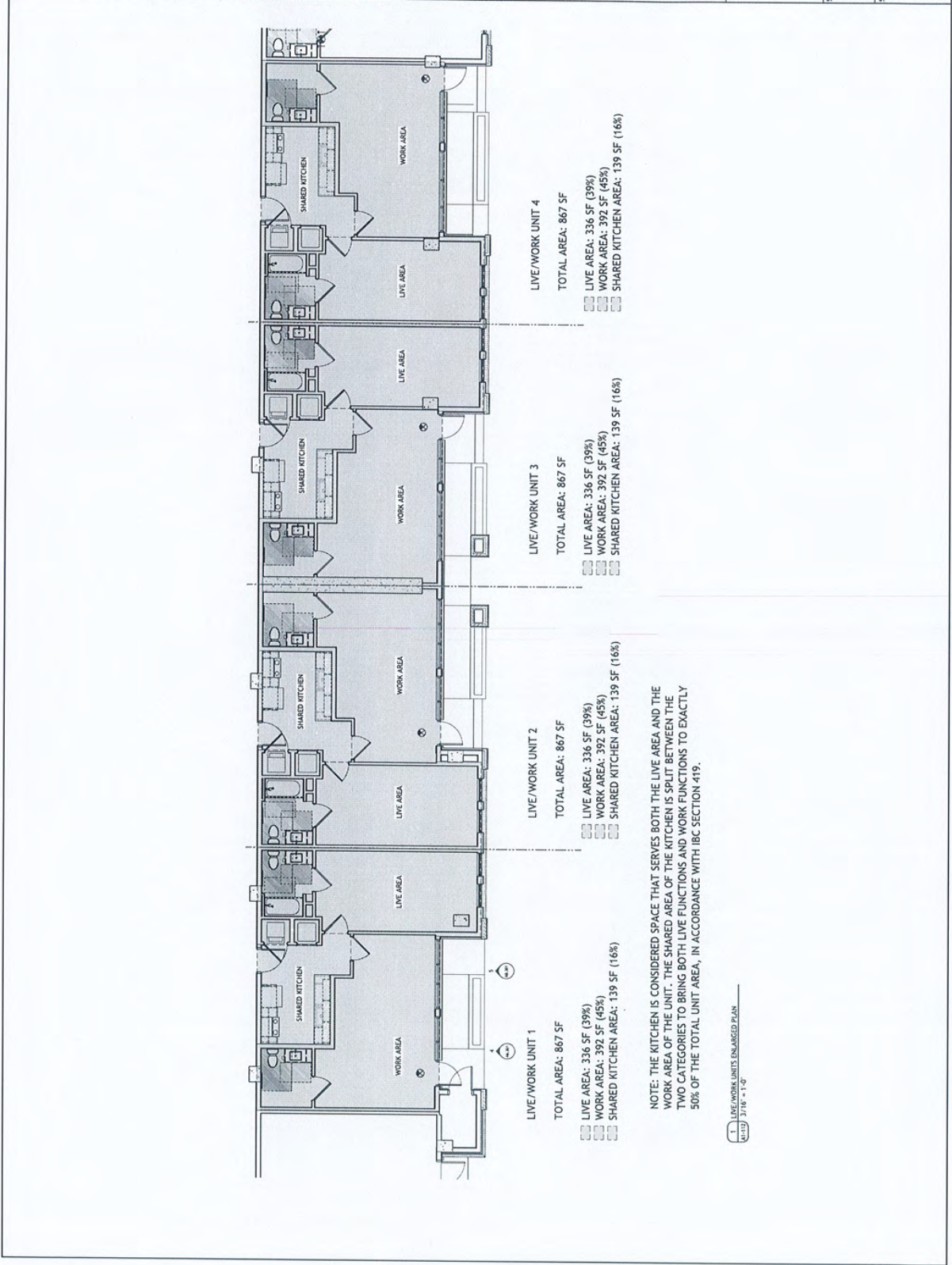
ALLSTON WAY

KITTRIDGE ST



NOT RELEASED FOR CONSTRUCTION

|                                                                                                                                                                                                       |                                                |                                                                                              |                                                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|----------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| PROJECT #: 121246<br>DRAWN BY: Arthur<br>CHECKED BY: Checker<br><b>NILES BOLTON ASSOCIATES</b><br>2006 Peachtree Rd., N.W.<br>Suite 800<br>Atlanta, GA 30305<br>T 404 363 7600<br>www.nilesbolton.com | APPLICANT:<br>BILL SCHRAUBER<br>T 925 638 8782 | CA<br>CENT LIVING BERKELEY, LLC<br>BERKELEY PLAZA<br>2065 KITTLEDGE ST<br>BERKELEY, CA 94704 | SHEET TITLE:<br>PLAN- LEVEL 1<br>ENLARGED<br>SHEET NUMBER:<br>A1-112 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|----------------------------------------------------------------------------------------------|----------------------------------------------------------------------|





NOT RELEASED FOR CONSTRUCTION



SHEET TITLE:  
**PLAN - LEVEL 2**

SHEET NUMBER:  
**A1-121**

**BERKELEY PLAZA**  
2065 KITTRIDGE ST  
BERKELEY, CA 94704

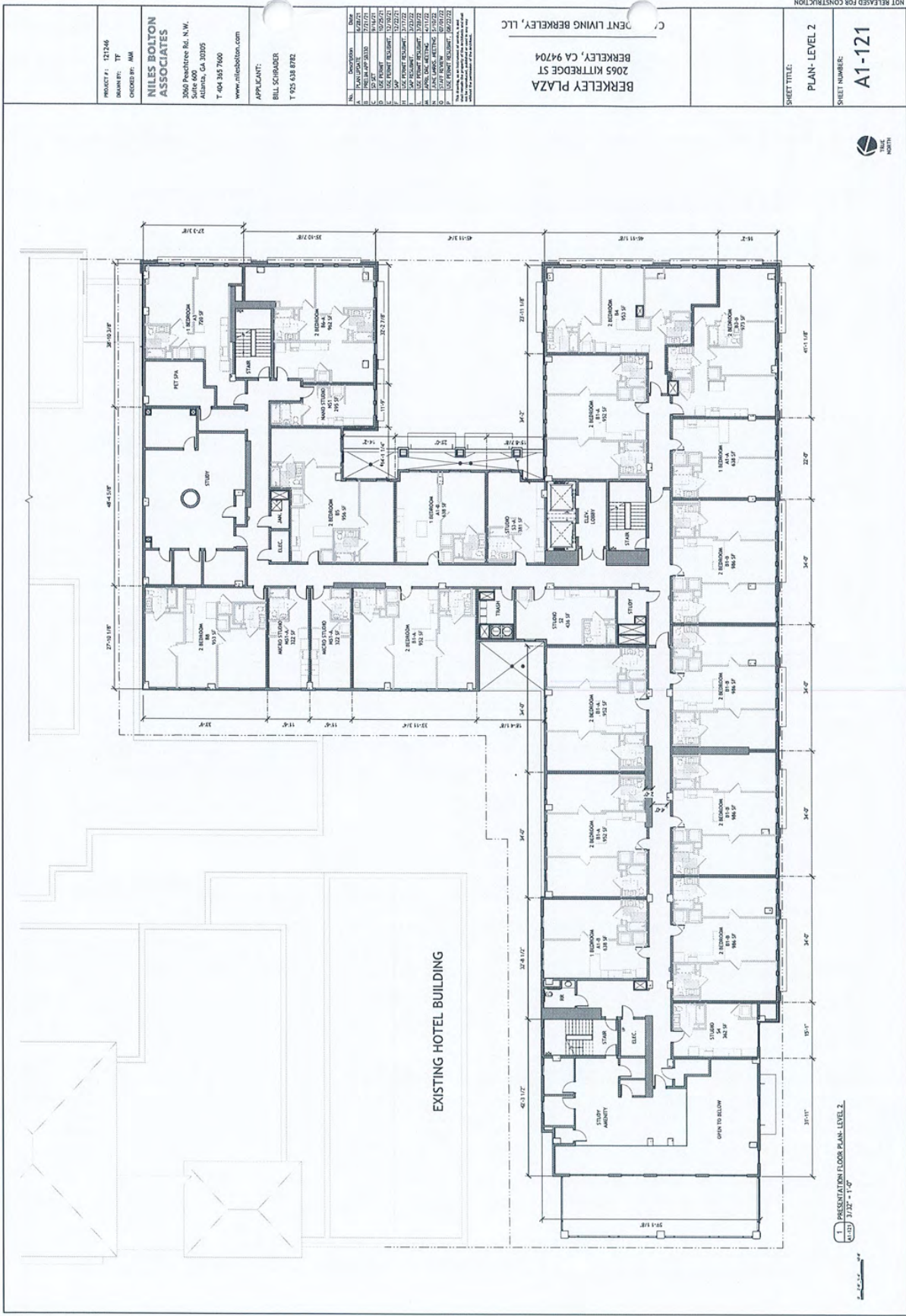
**CONCRETE LIVING BERKELEY, LLC**

APPLICANT:  
**BILL SCHROEDER**  
T 925 438 8702

**NILES BOLTON ASSOCIATES**  
2060 Redwood Rd. N.W.  
Suite 400  
Atlanta, GA 30305  
T 404 351 7600  
www.nilesbolton.com

PROJECT #: 121246  
DRAWN BY: TF  
CHECKED BY: AM

| NO. | DESCRIPTION | DATE     |
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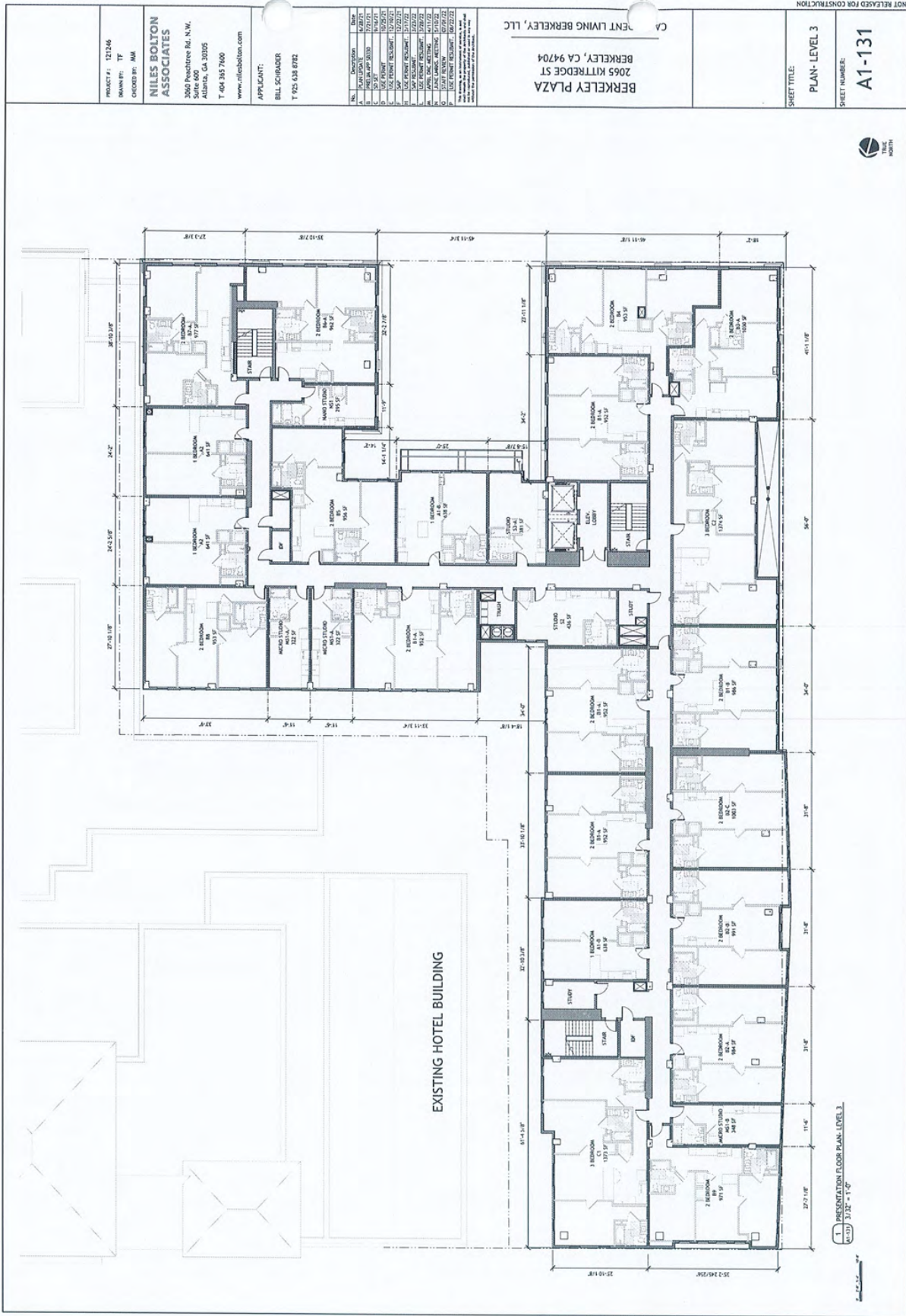
CA CENT LIVING BERKELEY, LLC  
BERKELEY, CA 94704  
BERKELEY PLAZA  
2065 KITTREDGE ST  
BERKELEY, CA 94704

PROJECT #: 121246  
DRAWN BY: TF  
CHECKED BY: AM  
**NILES BOLTON ASSOCIATES**  
2000 Peachtree Rd. N.W.  
Suite 4000  
Atlanta, GA 30305  
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www.nilesbolton.com

APPLICANT:  
BILL SCHRAEDER  
T: 925.638.8782

| NO. | DESCRIPTION | DATE     |
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| 69  | REVISED     | 08/20/17 |
| 70  | REVISED     | 09/20/17 |
| 71  | REVISED     | 10/20/17 |
| 72  | REVISED     | 11/20/17 |
| 73  | REVISED     | 12/20/17 |
| 74  | REVISED     | 01/20/18 |
| 75  | REVISED     | 02/20/18 |
| 76  | REVISED     | 03/20/18 |
| 77  | REVISED     | 04/20/18 |
| 78  | REVISED     | 05/20/18 |
| 79  | REVISED     | 06/20/18 |
| 80  | REVISED     | 07/20/18 |
| 81  | REVISED     | 08/20/18 |
| 82  | REVISED     | 09/20/18 |
| 83  | REVISED     | 10/20/18 |
| 84  | REVISED     | 11/20/18 |
| 85  | REVISED     | 12/20/18 |
| 86  | REVISED     | 01/20/19 |
| 87  | REVISED     | 02/20/19 |
| 88  | REVISED     | 03/20/19 |
| 89  | REVISED     | 04/20/19 |
| 90  | REVISED     | 05/20/19 |
| 91  | REVISED     | 06/20/19 |
| 92  | REVISED     | 07/20/19 |
| 93  | REVISED     | 08/20/19 |
| 94  | REVISED     | 09/20/19 |
| 95  | REVISED     | 10/20/19 |
| 96  | REVISED     | 11/20/19 |
| 97  | REVISED     | 12/20/19 |
| 98  | REVISED     | 01/20/20 |
| 99  | REVISED     | 02/20/20 |
| 100 | REVISED     | 03/20/20 |

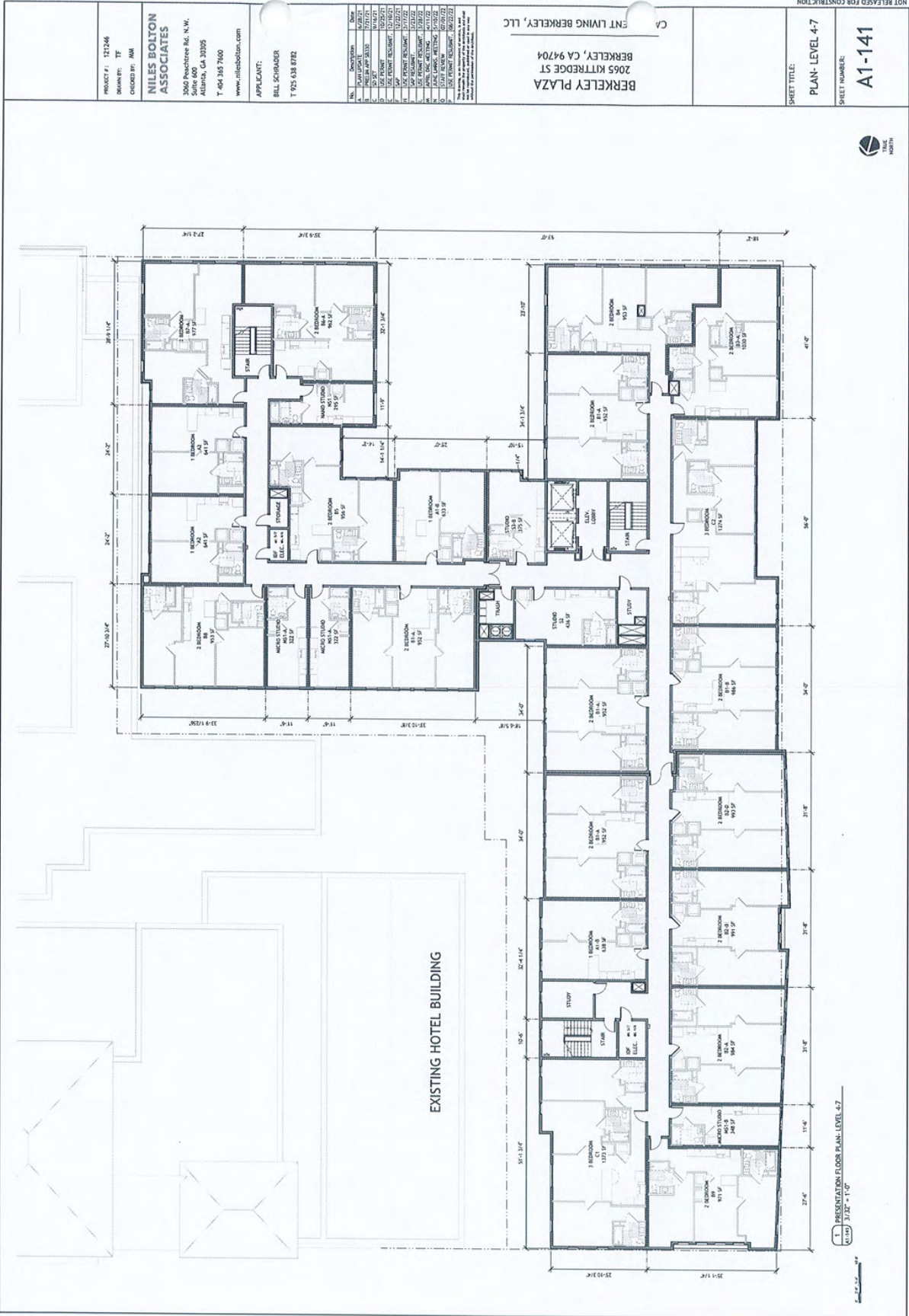
SHEET TITLE:  
**PLAN - LEVEL 3**  
SHEET NUMBER:  
**A1-131**



1. PRESENTATION FLOOR PLAN - LEVEL 3  
SCALE: 3/32" = 1'-0"



NOT RELEASED FOR CONSTRUCTION



PROJECT #: 121246  
DRAWN BY: TF  
CHECKED BY: MM

**NILES BOLTON ASSOCIATES**  
2000 Peachtree Rd., N.W.,  
Atlanta, GA 30305  
T 404.385.7000  
www.nilesbolton.com

APPLICANT:  
**BILL SCHRAEDER**  
T 925.638.8792

| NO. | DESCRIPTION | DATE    |
|-----|-------------|---------|
| A   | PLAN UPDATE | 6/29/17 |
| B   | REVISED     | 7/11/17 |
| C   | REVISED     | 7/11/17 |
| D   | REVISED     | 7/11/17 |
| E   | REVISED     | 7/11/17 |
| F   | REVISED     | 7/11/17 |
| G   | REVISED     | 7/11/17 |
| H   | REVISED     | 7/11/17 |
| I   | REVISED     | 7/11/17 |
| J   | REVISED     | 7/11/17 |
| K   | REVISED     | 7/11/17 |
| L   | REVISED     | 7/11/17 |
| M   | REVISED     | 7/11/17 |
| N   | REVISED     | 7/11/17 |
| O   | REVISED     | 7/11/17 |
| P   | REVISED     | 7/11/17 |
| Q   | REVISED     | 7/11/17 |
| R   | REVISED     | 7/11/17 |
| S   | REVISED     | 7/11/17 |
| T   | REVISED     | 7/11/17 |
| U   | REVISED     | 7/11/17 |
| V   | REVISED     | 7/11/17 |
| W   | REVISED     | 7/11/17 |
| X   | REVISED     | 7/11/17 |
| Y   | REVISED     | 7/11/17 |
| Z   | REVISED     | 7/11/17 |

**BERKELEY PLAZA**  
2065 KITTREDGE ST  
BERKELEY, CA 94704

CA  
**ERENT LIVING BERKELEY, LLC**

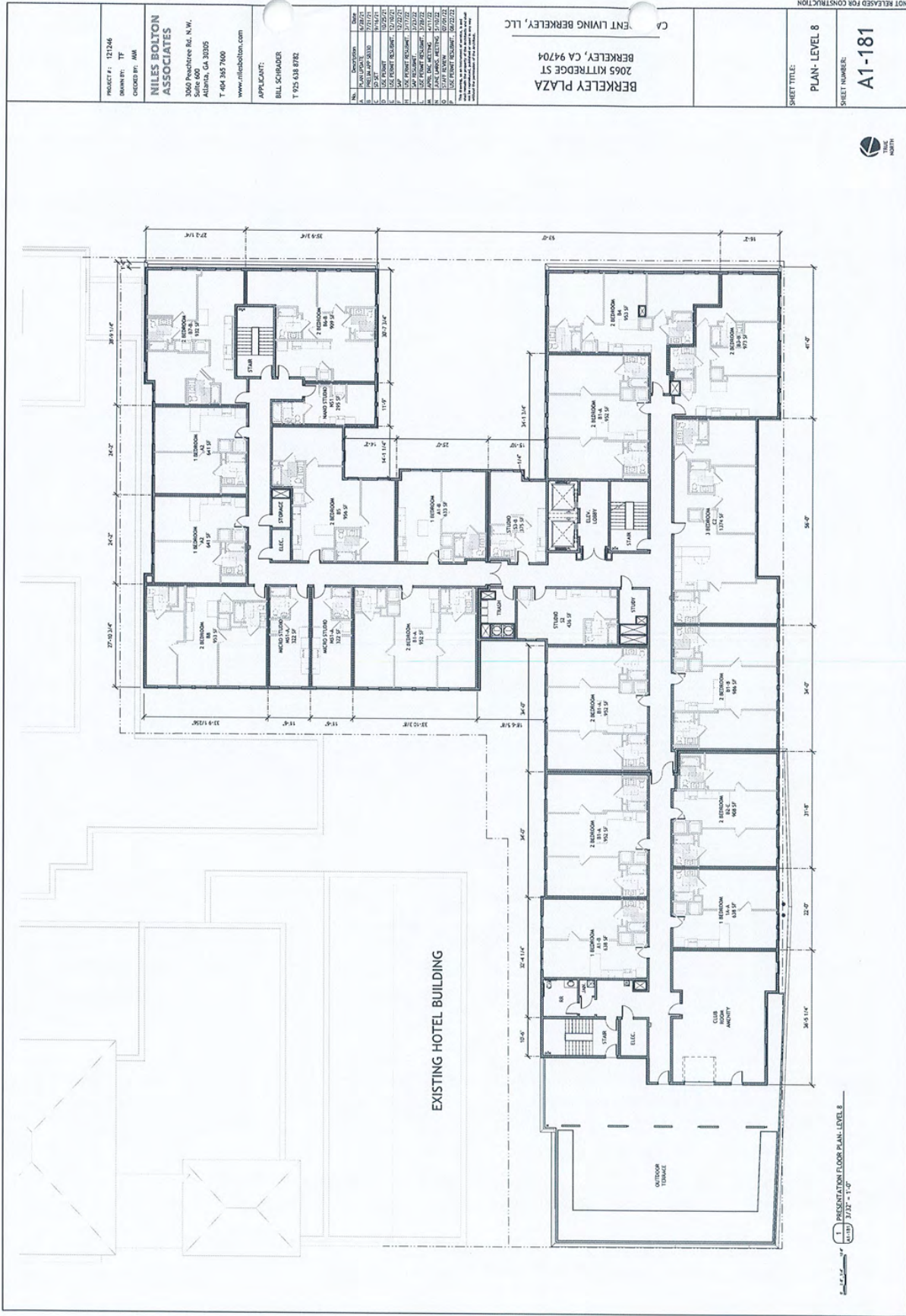
SHEET TITLE:  
**PLAN-LEVEL 4-7**

SHEET NUMBER:  
**A1-141**





NOT RELEASED FOR CONSTRUCTION



PROJECT #: 121246  
DRAWN BY: TF  
CHECKED BY: JAM

**NILES BOLTON ASSOCIATES**  
2000 Peachtree Rd., N.W.  
Atlanta, GA 30305  
T: 404 362 7000  
www.nilesbolton.com

APPLICANT:  
**BILL SCHROEDER**  
T: 925 638 8792

| NO. | DESCRIPTION  | DATE     |
|-----|--------------|----------|
| A   | PLAN LEVEL 8 | 10/22/11 |
| B   | REVISION     | 10/22/11 |
| C   | REVISION     | 10/22/11 |
| D   | REVISION     | 10/22/11 |
| E   | REVISION     | 10/22/11 |
| F   | REVISION     | 10/22/11 |
| G   | REVISION     | 10/22/11 |
| H   | REVISION     | 10/22/11 |
| I   | REVISION     | 10/22/11 |
| J   | REVISION     | 10/22/11 |
| K   | REVISION     | 10/22/11 |
| L   | REVISION     | 10/22/11 |
| M   | REVISION     | 10/22/11 |
| N   | REVISION     | 10/22/11 |
| O   | REVISION     | 10/22/11 |
| P   | REVISION     | 10/22/11 |
| Q   | REVISION     | 10/22/11 |
| R   | REVISION     | 10/22/11 |
| S   | REVISION     | 10/22/11 |
| T   | REVISION     | 10/22/11 |
| U   | REVISION     | 10/22/11 |
| V   | REVISION     | 10/22/11 |
| W   | REVISION     | 10/22/11 |
| X   | REVISION     | 10/22/11 |
| Y   | REVISION     | 10/22/11 |
| Z   | REVISION     | 10/22/11 |

**BERKELEY PLAZA**  
2065 KITTREDGE ST  
BERKELEY, CA 94704  
CA  
CENT LIVING BERKELEY, LLC

SHEET TITLE:  
**PLAN - LEVEL 8**

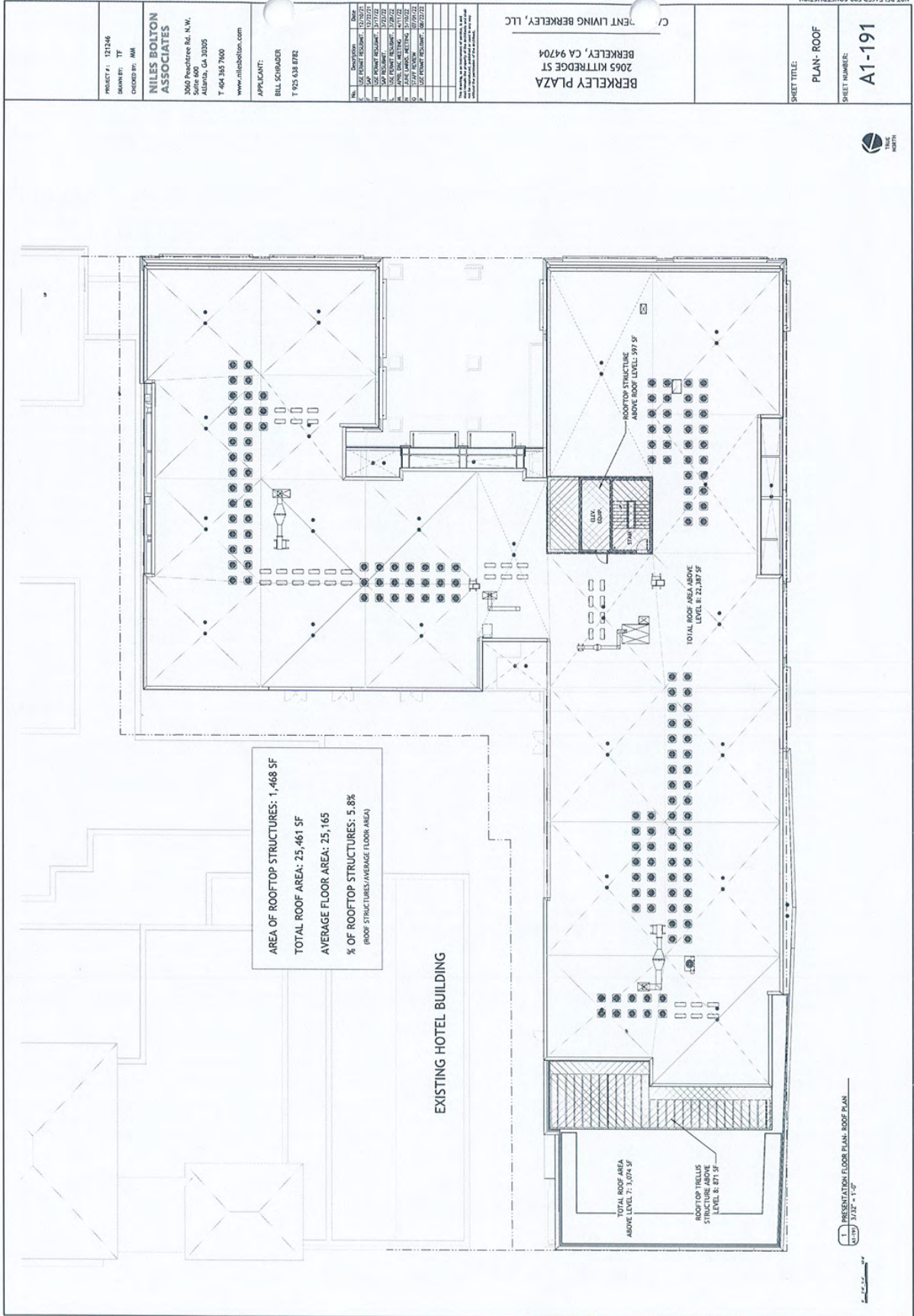
SHEET NUMBER:  
**A1-181**



1. PRESENTATION FLOOR PLAN - LEVEL 8  
DATE: 10/22/11  
SCALE: 1/32" = 1'-0"



NOT RELEASED FOR CONSTRUCTION



PROJECT #: 121246  
DRAWN BY: TF  
CHECKED BY: MA

**NILES BOLTON ASSOCIATES**  
5605 Peachtree Rd. N.W.  
Suite 600  
Atlanta, GA 30325  
T-404 365 7600  
www.nilesbolton.com

APPLICANT:  
**BILL SCHMIDT**  
T-953 638 8782

| NO. | REVISIONS               | DATE     |
|-----|-------------------------|----------|
| 1   | ISSUE PERMIT (R/S/2017) | 12/14/17 |
| 2   | ISSUE PERMIT (R/S/2017) | 12/17/17 |
| 3   | ISSUE PERMIT (R/S/2017) | 12/17/17 |
| 4   | ISSUE PERMIT (R/S/2017) | 12/17/17 |
| 5   | ISSUE PERMIT (R/S/2017) | 12/17/17 |
| 6   | ISSUE PERMIT (R/S/2017) | 12/17/17 |
| 7   | ISSUE PERMIT (R/S/2017) | 12/17/17 |
| 8   | ISSUE PERMIT (R/S/2017) | 12/17/17 |
| 9   | ISSUE PERMIT (R/S/2017) | 12/17/17 |
| 10  | ISSUE PERMIT (R/S/2017) | 12/17/17 |

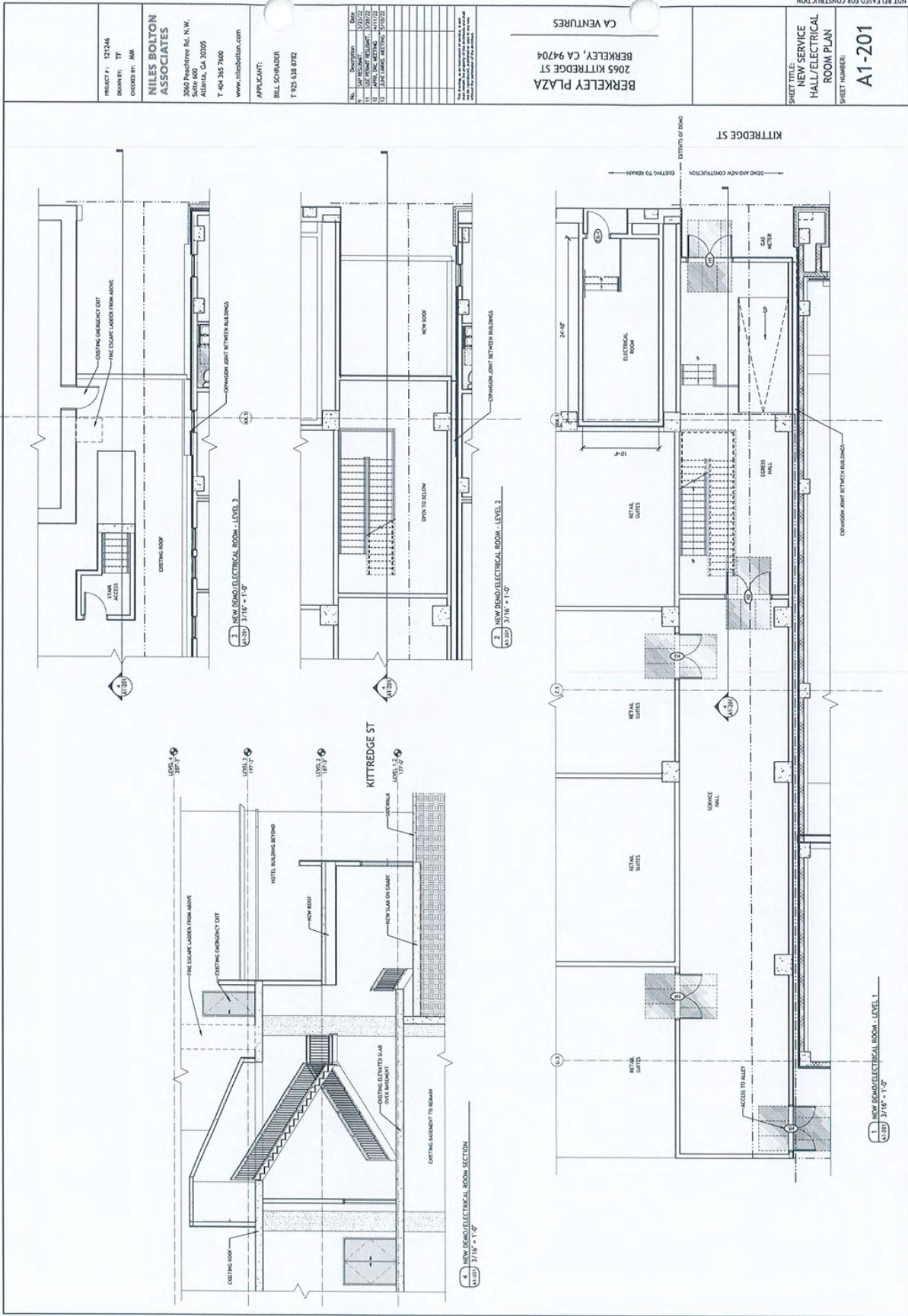
**BERKELEY PLAZA**  
2065 KITTRIDGE ST  
BERKELEY, CA 94704  
CLIENT: LIVING BERKELEY, LLC

SHEET TITLE:  
**PLAN- ROOF**

SHEET NUMBER:  
**A1-191**







PROJECT # 121246  
DRAWN BY: TF  
CHECKED BY: MM

**NILES BOLTON ASSOCIATES**  
3045 Piedmonte Rd. N.W.,  
Suite 600  
Atlanta, GA 30305  
T 404 361 7400  
www.nibolton.com

APPLICANT:  
**BILL SCHRAEDER**  
T 925 438 8782

| NO. | DESCRIPTION       | DATE     |
|-----|-------------------|----------|
| 1   | ISSUE FOR PERMITS | 11/11/12 |
| 2   | ISSUE FOR PERMITS | 11/11/12 |
| 3   | ISSUE FOR PERMITS | 11/11/12 |
| 4   | ISSUE FOR PERMITS | 11/11/12 |
| 5   | ISSUE FOR PERMITS | 11/11/12 |
| 6   | ISSUE FOR PERMITS | 11/11/12 |
| 7   | ISSUE FOR PERMITS | 11/11/12 |
| 8   | ISSUE FOR PERMITS | 11/11/12 |
| 9   | ISSUE FOR PERMITS | 11/11/12 |
| 10  | ISSUE FOR PERMITS | 11/11/12 |
| 11  | ISSUE FOR PERMITS | 11/11/12 |
| 12  | ISSUE FOR PERMITS | 11/11/12 |
| 13  | ISSUE FOR PERMITS | 11/11/12 |

**BERKELEY PLAZA**  
2065 KITTRIDGE ST  
BERKELEY, CA 94704  
CA VENTURES

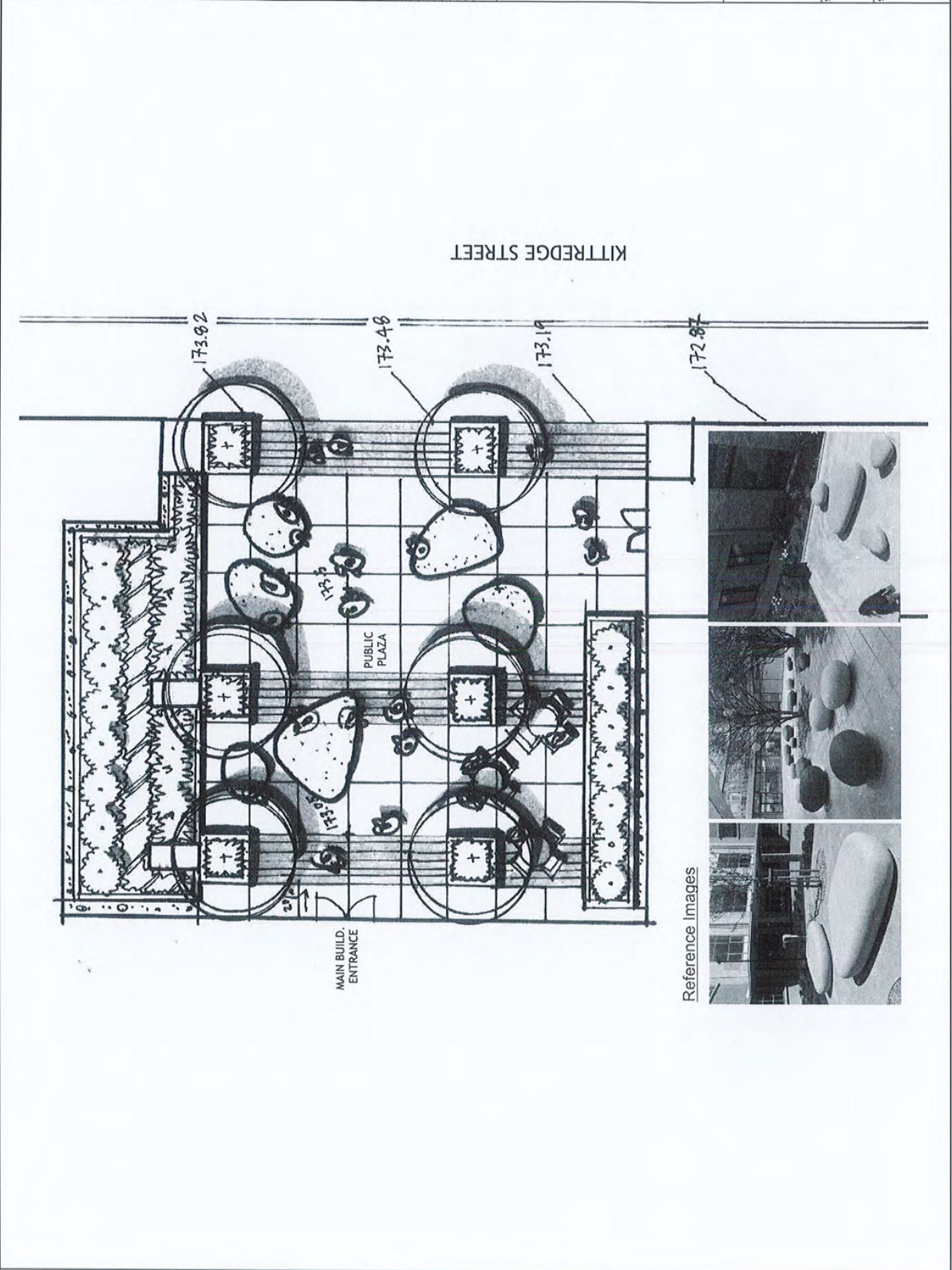
SHEET TITLE:  
**NEW SERVICE HALL/ELECTRICAL ROOM PLAN**  
SHEET NUMBER:  
**A1-201**

NOT RELEASED FOR CONSTRUCTION



NOT RELEASED FOR CONSTRUCTION

|                                                                                                                                                                                                                                                                             |                                                                                    |                                                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|
| <p>PROJECT #: 121246<br/>DRAWN BY: TF, SH<br/>CHECKED BY: MA</p> <p><b>NILES BOLTON ASSOCIATES</b><br/>5005 Piedmonte Rd., N.W.<br/>Suite 600<br/>Atlanta, Ga 30305<br/>T: 404 365 7600<br/>www.nilesbolton.com</p> <p>APPLICANT:<br/>BILL SCHMADER<br/>T: 925 438 8792</p> | <p>CA VENTURES<br/>BERKELEY PLAZA<br/>2065 KITTRIDGE ST<br/>BERKELEY, CA 94704</p> | <p>SHEET TITLE:<br/>LANDSCAPE<br/>CONCEPT PLAN</p> <p>SHEET NUMBER:<br/>A1-301</p> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|

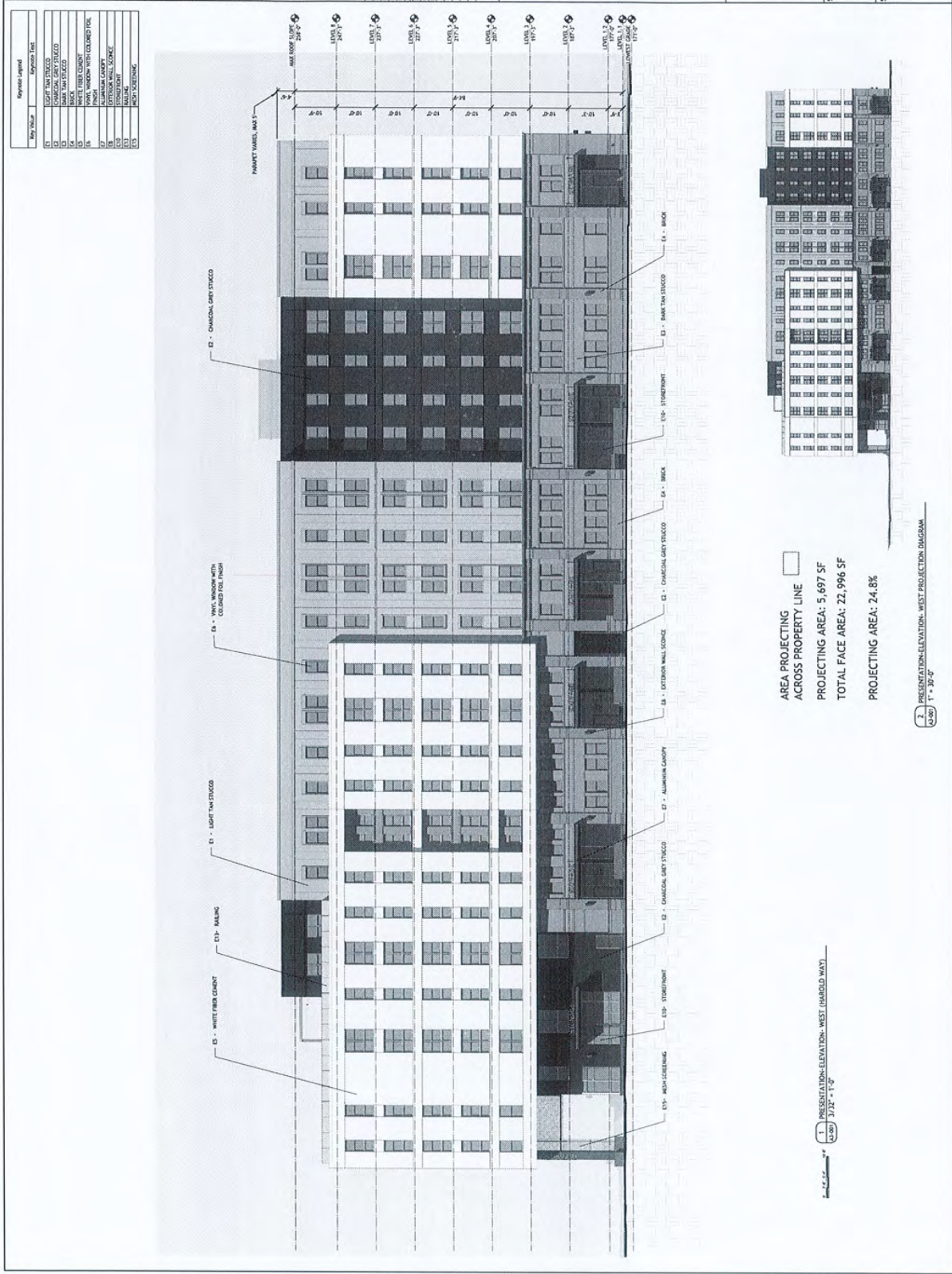


Reference Images

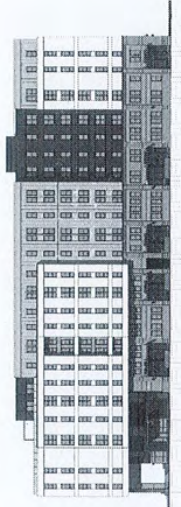


NOT RELEASED FOR CONSTRUCTION

|                                                                                                                                                                                                                                                                                 |                                                                                                         |                                                                                                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|
| <p>PROJECT # : 121246<br/>DRAWN BY : TF<br/>CHECKED BY : AM</p> <p><b>NILES BOLTON ASSOCIATES</b><br/>2040 Piedmonte Rd. N.W.<br/>Suite 600<br/>Atlanta, GA 30325<br/>T 404 367 7600<br/>www.nilesbolton.com</p> <p>APPLICANT:<br/><b>BILL SCHRAEDER</b><br/>T 925 638 8782</p> | <p><b>BERKELEY PLAZA</b><br/>2065 KITTRIDGE ST<br/>BERKELEY, CA 94704<br/>CENT LIVING BERKELEY, LLC</p> | <p>SHEET TITLE:<br/><b>ELEVATION- WEST (HAROLD WAY)</b></p> <p>SHEET NUMBER:<br/><b>A3-001</b></p> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|



| Key | Material Legend                     | Material Text                       |
|-----|-------------------------------------|-------------------------------------|
| E1  | EXTERIOR WALL SCRIBE                | EXTERIOR WALL SCRIBE                |
| E2  | ALUMINUM CANOPY                     | ALUMINUM CANOPY                     |
| E3  | BRICK                               | BRICK                               |
| E4  | CHARCOAL GRAY STUCCO                | CHARCOAL GRAY STUCCO                |
| E5  | EXTERIOR WALL SCRIBE                | EXTERIOR WALL SCRIBE                |
| E6  | WYS WINDOW WITH COLORED TINT FINISH | WYS WINDOW WITH COLORED TINT FINISH |
| E7  | WYS WINDOW WITH COLORED TINT        | WYS WINDOW WITH COLORED TINT        |
| E8  | WHITE FIBER CEMENT                  | WHITE FIBER CEMENT                  |
| E9  | LIGHT TAN STUCCO                    | LIGHT TAN STUCCO                    |
| E10 | PAVING TERRACE, MAX 3'              | PAVING TERRACE, MAX 3'              |
| E11 | HIGH-SCALE SIGN                     | HIGH-SCALE SIGN                     |



AREA PROJECTING  
ACROSS PROPERTY LINE  
PROJECTING AREA: 5,697 SF  
TOTAL FACE AREA: 22,996 SF  
PROJECTING AREA: 24.8%

1. REASURE VIEW: ELEVATION- WEST (HAROLD WAY)  
1/8" = 1'-0"

2. PRESENTATION: ELEVATION- WEST PROJECTION DIAGRAM  
1/8" = 1'-0"







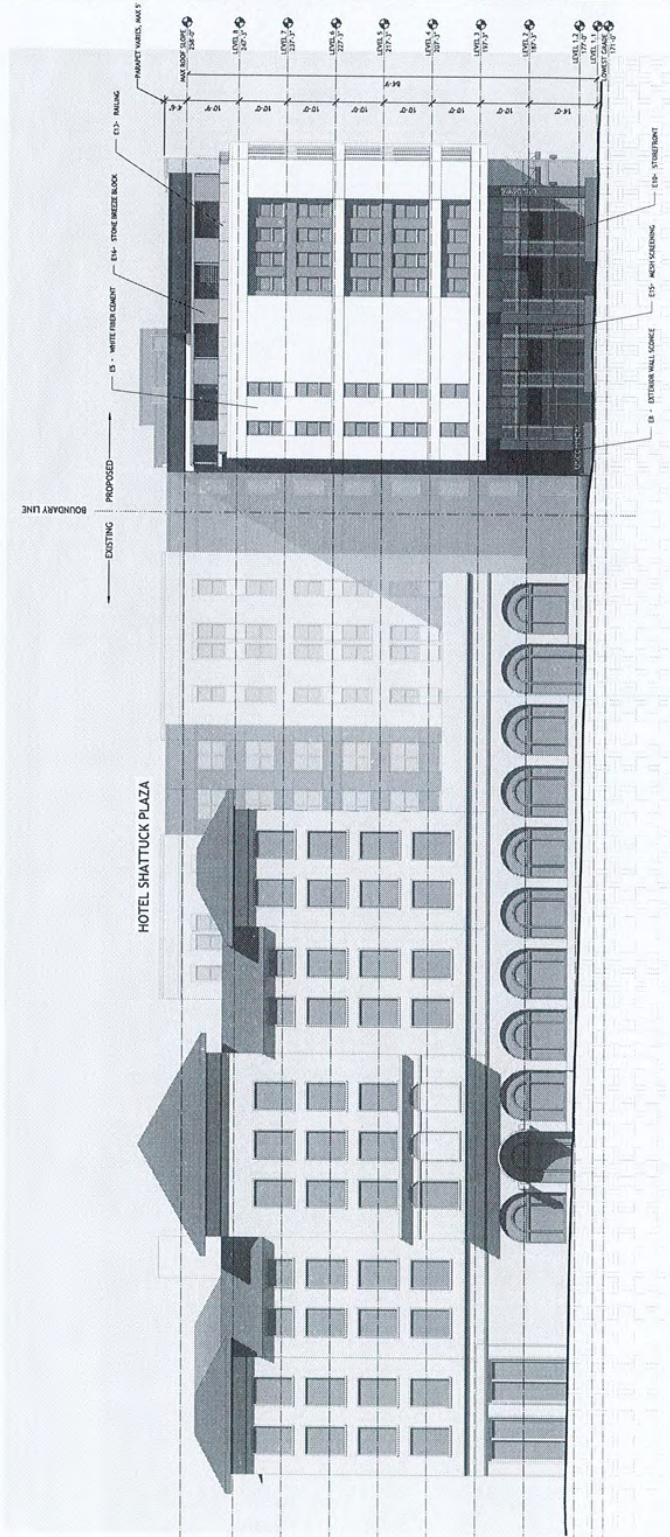
NOT RELEASED FOR CONSTRUCTION  
SHEET TITLE:  
ELEVATION - NORTH  
(ALLSTON WAY)  
SHEET NUMBER:  
A3-003

BERKELEY PLAZA  
2065 KITTREDGE ST  
BERKELEY, CA 94704  
CA  
CENT LIVING BERKELEY, LLC

APPLICANT:  
BILL SCHRAEDER  
T 925 638 8782

PROJECT #: 121246  
DRAWN BY: TP  
CHECKED BY: MM  
NILES BOLTON  
ASSOCIATES  
2060 Peachtree Rd., N.W.  
Atlanta, GA 30305  
T 404 362 7600  
www.nilesbolton.com

| Key Note | Keynote Legend       |
|----------|----------------------|
| E5       | WHITE FIBER CLONET   |
| E6       | EXTERIOR WALL SCHEME |
| E7       | CONCRETE             |
| E8       | GLASS                |
| E9       | IRON PANELING        |
| E10      | STONE BRICK BLOCK    |



1. PRESENTATION ELEVATION - NORTH (ALLSTON WAY)  
SCALE: 1/32" = 1'-0"

HOTEL SHATTUCK PLAZA



NOT RELEASED FOR CONSTRUCTION

SHEET TITLE:  
ELEVATION-NORTH  
(HIDDEN)  
SHEET NUMBER:  
A3-004

BERKELEY PLAZA  
2065 KITTRIDGE ST  
BERKELEY, CA 94704  
CENT LIVING BERKELEY, LLC

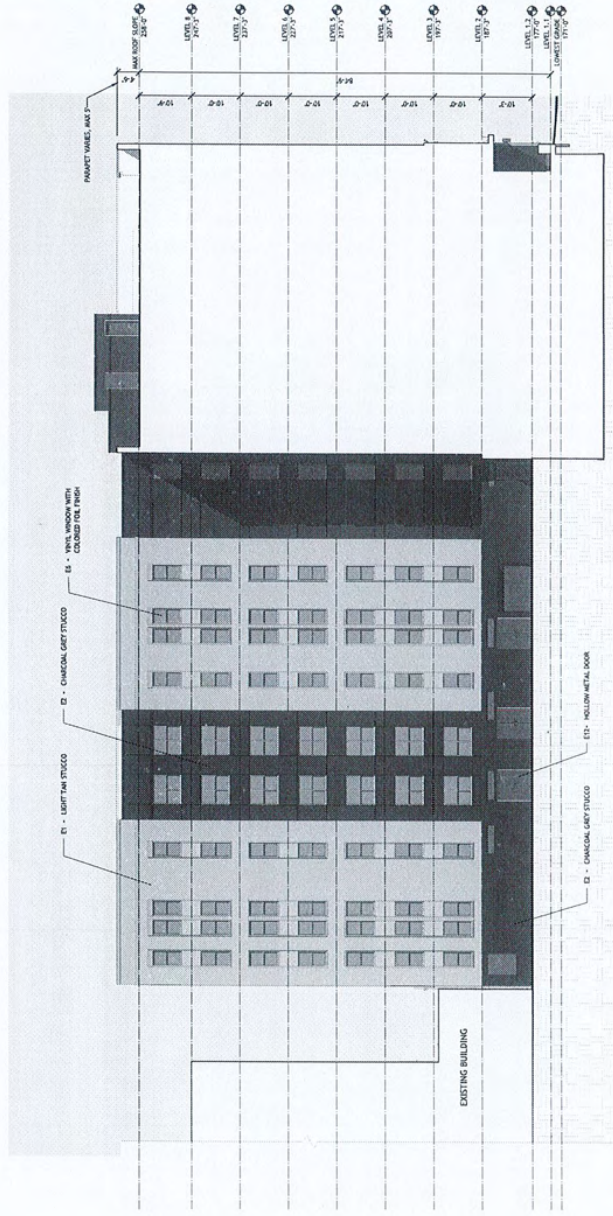
APPLICANT:  
BILL SCHUBAER  
T 925 438 8772

PROJECT #: 121246  
DRAWN BY: Author  
CHECKED BY: Checker  
**NILES BOLTON ASSOCIATES**  
2060 Peachtree Rd. N.W.  
Suite 600  
Atlanta, GA 30305  
T 404 365 7600  
www.nilesbolton.com

| NO. | REVISIONS                   | DATE     |
|-----|-----------------------------|----------|
| 1   | ISSUE FOR PERMIT (12/17/12) | 12/17/12 |
| 2   | ISSUE FOR PERMIT (12/26/12) | 12/26/12 |
| 3   | ISSUE FOR PERMIT (01/11/13) | 01/11/13 |
| 4   | ISSUE FOR PERMIT (01/11/13) | 01/11/13 |
| 5   | ISSUE FOR PERMIT (01/11/13) | 01/11/13 |
| 6   | ISSUE FOR PERMIT (01/11/13) | 01/11/13 |
| 7   | ISSUE FOR PERMIT (01/11/13) | 01/11/13 |
| 8   | ISSUE FOR PERMIT (01/11/13) | 01/11/13 |
| 9   | ISSUE FOR PERMIT (01/11/13) | 01/11/13 |
| 10  | ISSUE FOR PERMIT (01/11/13) | 01/11/13 |

Keynotes Legend

| Key Note | Description                   |
|----------|-------------------------------|
| E1       | LIGHT TAN STUCCO              |
| E2       | CHARCOAL GREY STUCCO          |
| E3       | VENEER WOOD WITH COLORED FILL |
| E12      | HOLLOW METAL DOOR             |



1. ELEVATION: NORTH (HIDDEN)  
1212-14