

AGENDA



BERKELEY CITY COUNCIL MEETING

Tuesday, December 1, 2020

6:00 PM

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

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

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

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/85819230242> 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: 858 1923 0242. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

To submit an e-mail comment during the meeting to be read aloud during public comment, email clerk@cityofberkeley.info with the Subject Line in this format: "PUBLIC COMMENT ITEM ##." Please observe a 150 word limit. Time limits on public comments will apply. Written comments will be entered into the public record.

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.

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.*

1. Recognition of outgoing City Councilmembers
2. Recognition of Pam Grossman, Berkeley Volunteer
3. Adjourn in memory of Dr. Steven Rader, Berkeley Resident

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. Lease for 5385 Cazadero Hwy, Cazadero, CA 95421 – Cazadero Performing Arts Camp (CPAC)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,737-N.S. authorizing the City Manager to execute a lease agreement and necessary amendments with Cazadero Performing Arts Camp, at 5385 Cazadero Hwy, Cazadero, CA 95421 for a term of twenty-five (25) years, with an option to renew for ten (10) years.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 2. Closure of the crossing at Camelia Street/Union Pacific (UP) Railroad Corridor; Amending Berkeley Municipal Code Chapter 14.24**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,738-N.S. amending Berkeley Municipal Code Chapter 14.24, to close the existing Union Pacific (UP) railroad crossing at Camelia Street to all traffic.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
- 3. Mental Health Services Act (MHSA) Fiscal Years 2020/2021 – 2022/2023 Three Year Program and Expenditure Plan**
From: City Manager
Recommendation: Adopt a Resolution approving the Mental Health Services Act (MHSA) Fiscal Years 2020/2021 – 2022/2023 Three Year Program and Expenditure Plan (MHSA Three Year Plan), which provides information on current and proposed uses of funds for mental health programming, and forwarding the MHSA Three Year Plan to appropriate state officials.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 4. Contract: Resource Development Associates for Specialized Care Unit**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with Resource Development Associates (RDA) to facilitate the design of a Specialized Care Unit (SCU) for a total contract limit of \$185,000 for the period beginning January 1, 2021 and ending June 30, 2022. The contract will serve the City of Berkeley by analyzing the current mental health crisis system, engaging community members in visioning an improved system, researching best practice models and gathering local data, and developing a program to re-assign non-criminal police service calls to a Specialized Care Unit (SCU) that will respond without law enforcement.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

Consent Calendar

- 5. Contract Amendment: Fred Finch Youth Center for Turning Point Transitional Housing for Transition Age Youth**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend an existing contract with Fred Finch Youth Center (“Fred Finch”) for their Turning Point Transitional Housing Program (“Turning Point”), adding \$200,000 total for fiscal years 2021 and 2022, at a rate of \$100,000 per year, to enable Fred Finch to sustain the Turning Point program.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 6. Amending Berkeley Municipal Code Chapter 11.28 – Food Establishments**
From: City Manager
Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapter 11.28, Section 11.28.010 Statutory Provisions, Section 11.28.020 Definitions and adding Section 11.28.370 Microenterprise Home Kitchen Operation (MHKO).
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 7. Grant Application: FEMA Hazard Mitigation Program for Seismic Retrofit of Martin Luther King (MLK) Jr. Youth Services Center/Young Adult Project (YAP)**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to submit a grant application to FEMA for funds in the amount not to exceed of \$1,237,500 for the seismic retrofit of the Martin Luther King (MLK) Jr. Youth Services Center/Young Adult Project (YAP); authorizing the City Manager to accept the grant; to execute any resultant revenue agreement and amendments; and authorizing the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.
Financial Implications: \$1,237,500 in revenue
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 8. Grant Application: the San Francisco Restoration Authority Measure AA Grant Program for Technical Feasibility Studies of Potential Improvement Projects at Aquatic Park**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to: submit a grant application in the amount of \$897,000 to the San Francisco Restoration Authority Measure AA Grant Program to conduct feasibility studies for improvements at Aquatic Park; accept any grants; execute any resulting grant agreements and any amendments; and that Council authorize the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Consent Calendar

- 9. Grant Application: the California Proposition 68 Statewide Parks Program for new park development at selected Santa Fe Right-of-Way parcels**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to: submit a grant application in the amount of up to \$8,000,000 to the California Proposition 68 Statewide Parks Program for new park development at selected Santa Fe Right-of-Way parcels; accept any grants; execute any resulting grant agreements and any amendments; and that Council authorize the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 10. Contract No. 31900040 Amendment: Freitas Landscaping and Maintenance for Hazardous Vegetation Reduction Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to amend Contract No. 31900040 with Freitas Landscaping and Maintenance for additional reduction of hazardous vegetation in high-risk areas of City-owned parks, pathways and landscaped areas during high-risk fire season, by increasing the contract by \$410,000 for a not-to-exceed amount of \$1,235,000.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 11. Measure T1 Loan**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to loan \$198,400 from the Mental Health Realignment Fund balance to complete the Phase 1 Mental Health Adult Clinic renovation project and that authorizes the City Manager to repay the loan to the Mental Health Realignment Fund balance from the Phase 2 Measure T1 bond proceeds once they are available.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700; Teresa Berkeley-Simmons, City Manager's Office, (510) 981-7000; Liam Garland, Public Works, (510) 981-6300
- 12. Donation: Regan Nursery Rose Bushes**
From: City Manager
Recommendation: Adopt a Resolution accepting a donation of 44 potted roses from Regan Nursery, valued at \$1099.78, for replacement of roses stolen from the Berkeley Rose Garden.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Consent Calendar

- 13. Proposed Amendments to the Building Energy Saving Ordinance (BESO)**
From: City Manager
Recommendation: Adopt first reading of amendments to the Building Energy Saving Ordinance (BESO), Chapter 19.81 of the Berkeley Municipal Code, to align with building electrification goals, leverage upcoming rebates and incentives, improve transparency in real estate sales process, and develop mandatory energy requirements to be phased in.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
- 14. Revenue Grant: Reach Code support from East Bay Community Energy**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager, or her designee, to submit a grant agreement and accept a \$10,000 grant award from East Bay Community Energy (EBCE) for reach code support.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
- 15. Lease Agreement: Berkeley Housing Authority at 1947 Center Street, Fifth Floor, Southwest Corner**
From: City Manager
Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute a lease agreement with Berkeley Housing Authority to use and occupy the City property at 1947 Center Street, 5th floor Southwest Corner for a ten-year lease term with an option to extend for two additional ten-year terms.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
- 16. Final Map of Tract 8533: 1500 San Pablo Avenue**
From: City Manager
Recommendation: Adopt a Resolution approving the final map of Tract Map 8533, a one hundred seventy-five (175) unit condominium project consisting of one hundred seventy (170) residential units and five (5) commercial units at 1500 San Pablo Avenue.
Financial Implications: None
Contact: Liam Garland, Public Works, (510) 981-6300

Consent Calendar

- 17. Contract: Andes Construction, Inc. for Sanitary Sewer Rehabilitation at Various Locations**
From: City Manager
Recommendation: Adopt a Resolution approving plans and specifications for the Sanitary Sewer Project, located on Ashby Avenue, MLK Jr. Way, Benvenue Avenue, Hillegass Avenue, Parker Street, Telegraph Avenue, Bowditch Street, College Avenue, Spruce Street, and Keith Avenue; accepting the bid of the lowest responsive and responsible bidder, Andes Construction, Inc.; and authorizing the City Manager to execute a contract and any amendments, extensions, or other change orders until completion of the project in accordance with the approved plans and specifications, in an amount not to exceed \$4,968,764, which includes a 10% contingency of \$451,706.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
- 18. Contract: Glosage Engineering Inc. for Sanitary Sewer Rehabilitation at Walnut Street, Vine Street, Rose Street, Spruce Street, and Glen Avenue**
From: City Manager
Recommendation: Adopt a Resolution approving plans and specifications for the Sanitary Sewer Rehabilitation at Walnut Street, Vine Street, Rose Street, Spruce Street, and Glen Avenue; accepting the bid of the lowest responsive and responsible bidder, Glosage Engineering, Inc. (Glosage) and authorizing the City Manager to execute a contract and any amendments, extensions, or other change orders until completion of the project in accordance with the approved plans and specifications, in an amount not to exceed \$2,711,556, which includes a 10% contingency of \$246,505.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
- 19. Grant Applications: Highway Safety Improvement Program Cycle 10**
From: City Manager
Recommendation: Adopt Resolutions authorizing the City Manager to submit grant applications to the California Highway Safety Improvement Program Cycle 10 for the following projects: Protected Left-Turn Signals at multiple signalized intersections for up to \$6 million and Sacramento Street Pedestrian Crossings for up to \$250,000; accept the grants awarded; and execute any resultant agreements and amendments. This item updates resolutions previously approved by the Berkeley City Council on the July 28, 2020 Consent Calendar in order to increase the grant funds requested to improve more intersections and enhance the pedestrian safety treatments proposed.
Financial Implications: See Report
Contact: Liam Garland, Public Works, (510) 981-6300

Consent Calendar

20. **Appointment of boona cheema and Margaret Fine to Mental Health Commission**
From: Mental Health Commission
Recommendation: Adopt a Resolution appointing: boona cheema as a representative of the Special Public Interest Category (family), to complete her second 3- year term beginning December 2, 2020 and ending December 1, 2023; and Margaret Fine as a representative of the General Public Interest Category, to complete her second 3-year term beginning December 2, 2020 and ending December 1, 2023.
Financial Implications: None
Contact: Jamie Works-Wright, Commission Secretary, (510) 981-5400

Council Consent Items

21. **State Alignment on the Treaty on the Prohibition of Nuclear Weapons**
From: Mayor Arreguin (Author), Councilmember Hahn (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)
Recommendation: Adopt a Resolution calling on the California State Legislature to introduce a bill to align the State with the UN Treaty on the Prohibition of Nuclear Weapons by creating a non-partisan, advisory Prohibition of Nuclear Weapons Citizens Commission. Copies of this resolution will be sent to Governor Gavin Newsom, Senator Nancy Skinner and Assemblymember Buffy Wicks.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, (510) 981-7100
22. **Urgency Ordinance Amending Berkeley Municipal Code 13.111.020(a) (Ordinance No. 7,727-N.S.) to Further Limit Third-Party Food Delivery Service Fees**
From: Councilmember Kesarwani (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt an Urgency Ordinance amending Berkeley Municipal Code Section 13.111.020(a) (Ordinance No. 7,727-N.S.)—which establishes a temporary limit on the charges imposed by third-party delivery services on retail food establishments for the duration of the declared COVID-19 local state of emergency—by reducing the delivery fee cap from 15 percent to 10 percent, while maintaining the limit on other fees, commissions, or costs at 5 percent.
Financial Implications: See report
Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110

Council Consent Items

- 23. Budget Referral to Prioritize Enhanced Lighting in Areas of Elevated Violent Crime**
From: Councilmember Kesarwani (Author), Mayor Arreguin (Co-Sponsor), and Councilmember Bartlett (Co-Sponsor)
Recommendation: In an effort to immediately address safety concerns in blocks where elevated levels of violent crime--including robbery, aggravated assault (including shootings), rape, and homicide--have occurred during the COVID-19 pandemic, adopt the recommendations listed below:
1. Refer to the City Manager to prioritize resident requests for enhanced lighting when such requests come from blocks where elevated violent crime has occurred during the COVID-19 pandemic.
 2. Refer to the City Manager to perform an environmental safety assessment of areas where gun violence has been concentrated specifically in South and West Berkeley, including but not limited to:
 - a) Tenth, Ninth, Eighth, and Seventh Streets between Bancroft Way and Dwight Way;
 - b) Residential streets in the area from Russell Street to Carrison/Tyler Streets between San Pablo Avenue and California Street;
 - c) Other blocks where elevated violent crime is found to have occurred during the period from March to November 2020 based on Berkeley Police data.
 3. Refer costs for additional lighting and environmental safety assessments to the mid-year budget process for FY 2020-21.
- Financial Implications:** None
Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110
- 24. Striking Racially Restrictive Covenants in Certain Property Deeds**
From: Councilmember Davila (Author), Councilmember Kesarwani (Co-Sponsor), Councilmember Harrison (Co-Sponsor)
Recommendation: Adopt a Resolution and send a letter to the Alameda County Board of Supervisors and the Governor of California with the following actions:
1. The City calls upon the County of Alameda to determine which parcels of real property have deeds that have racially restrictive covenants associated with them and to proactively strike from those covenants the racially restrictive language, thereby relieving homeowners of the burden of removing such language.
 2. The City urges the California legislature and governor to pass legislation requiring the same actions in every California county.
- Financial Implications:** See report
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120

Council Consent Items

- 25. Personal Liability Protection for Small Businesses**
From: Councilmember Hahn (Author), Councilmember Wengraf (Co-Sponsor)
Recommendation: 1. Direct the City Manager and City Attorney to draft and submit to the City Council for consideration an emergency ordinance to prohibit the enforcement of personal liability provisions in commercial leases and commercial rental agreements in the City of Berkeley for lessees/renters who have experienced financial impacts related to the Covid-19 pandemic.
2. Direct the City Manager to conduct outreach to all commercial tenants regarding any protections enacted by the City Council, with a particular focus on businesses that were required to stop serving food or beverages (e.g., restaurants, bars); close to the public (e.g., hair salons, barbershops, tattoo parlors); cease operations (e.g., gyms, fitness centers); or sharply limit operations (e.g., schools, retail shops, nurseries) due to the COVID-19 crisis.
Financial Implications: See report
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150
- 26. Resolution calling on the BUSD Board and Superintendent to Consider Renaming Thousand Oaks Elementary to Kamala Harris Elementary School**
From: Councilmember Hahn (Author)
Recommendation: Adopt a Resolution calling on the Berkeley Unified School District (BUSD) Board and Superintendent to consider initiating a process, pursuant to BUSD Board Policy and Administrative Regulation 7310, to rename Thousand Oaks Elementary School to Kamala Harris Elementary School in honor of Vice President-Elect Kamala Harris.
Financial Implications: None
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150
- 27. California Recycling and Plastic Pollution Reduction Act: Endorsement of the 2022 Ballot Initiative**
From: Councilmember Wengraf (Author), Councilmember Hahn (Co-sponsor)
Recommendation: Approve the Resolution endorsing the "California Recycling and Plastic Pollution Reduction Act of 2020", also referred to as "Plastics Free California" so the Ballot Measure campaign can include the City of Berkeley in its list of supporters in campaign literature from now until the 2022 election.
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160

Council Consent Items

28. Referral: Commission Low-Income Stipend Reform From: Councilmember Robinson (Author)

Recommendation: Refer to the City Manager to develop and return to Council with a plan to improve equity, accessibility, and representation in City of Berkeley commissions by modernizing the low-income stipend program, and in doing so consider:

1. Increasing the annual household income cap for stipend eligibility from \$20,000 to align with the 50% Area Median Income (AMI) guidelines for Alameda County and reflect household size, and updating it annually with the latest HUD data.
2. Increasing the low-income stipend from \$40 to \$78 per meeting, and updating it annually with the City of Berkeley minimum wage to correspond to compensation for 2.5 hours of work.

Financial Implications: See report

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

Action Calendar

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

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. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.

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

Action Calendar – Public Hearings

29. **Correction to Fee Increases for Traffic Engineering Hourly Rates**
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution amending Resolution No. 68,939-N.S. to include the rates discussed in the accompanying report in Chapter E of Attachment A that was inadvertently omitted during production of the agenda item.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
30. **Referral Response: Zoning Ordinance Amendments that Reform Residential Off-Street Parking; Amending Berkeley Municipal Code Title 14 and Title 23**
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion select among proposed ordinance language options and take the following action:
Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Title 14 and Title 23 which would:
1. Modify Minimum Residential Off-street Parking Requirements
2. Impose Residential Parking Maximums in Transit-rich Areas
3. Amend the Residential Preferential Parking (RPP) Permit Program
4. Institute Transportation Demand Management (TDM) Requirements
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400

Information Reports

31. **City Council Short Term Referral Process – Quarterly Update**
From: City Manager
Contact: Mark Numainville, City Clerk, (510) 981-6900
32. **LPO NOD: 2136-2154 San Pablo Avenue/#LMIN2020-0004**
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400

Public Comment – Items Not Listed on the Agenda

Adjournment

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

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

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

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

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

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

COMMUNICATION ACCESS INFORMATION:

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



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

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*I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on November 19, 2020.*

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

Mark Numainville, City Clerk

## Communications

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

**Item #4: Contract: Resource Development Associates for Specialized Care Unit**

1. Cindy Shamban

**Item #14: Revenue Grant: Reach Code Support from East Bay Community Energy**

2. Tom Kelly, on behalf of Kyoto USA (2)

**Dumpster at University and Frontage Road**

3. Janet Cobb
4. Helen and Paul Canin

### **North Berkeley BART Development**

5. Melissa and Michael Fitzgerald
6. Junko and Robert Kenmotsu

### **T-1 Phase 2**

7. John Caner, on behalf of Citizens for a Cultural Civic Center (2)
8. Ben, Liza, Chuck and Karen, on behalf of Walk Bike Berkeley
9. Kelly Hammargren

### **UC Berkeley's Policing**

10. Russbumper

### **Constructive Fraud in Berkeley**

11. Arthur Stopes III (2)

### **Agenda Deficiency – Financial Implications**

12. Barbara Gilbert

### **Meth in Encampments**

13. Eric Friedman

### **Council Meeting Concerns**

14. Holly Marlin
15. Michai Freeman

### **5G**

16. Vivian Warkentin (2)

### **Another Horse Fatality at the Golden Gate Fields**

17. Joe Kaplan

### **Homeless Pooping in Front of Commercial Kitchen – Need Porta Potties**

18. Marie and Tom Banis, owners of Certified Kitchens (2)
19. Councilmember Harrison (3)

### **Support the African-American Holistic Resource Center**

20. C.W. Devers
21. Carol Perez

### **PG&E's Misdeeds**

22. Sheila Goldmacher

### **Police Budget/Reimagining Community Safety**

23. Tryn Brown
24. Elana Auerbach

## **OpenGov/Berkeley Considers**

25. Jack Litewka

### **Supplemental Communications and Reports**

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

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



ORDINANCE NO. 7,737-N.S.

LEASE AGREEMENT WITH CAZADERO PERFORMING ARTS CAMP FOR THE PROPERTY AT 5385 CAZADERO HWY, CAZADERO, CA 95421

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

Section 1.

The City Manager or designee is hereby authorized to execute a twenty five-year lease agreement with a ten-year option, including and any amendments necessary, with Cazadero Performing Arts Camp, for the property at 5385 Cazadero Hwy, Cazadero, CA 95421. Such lease shall be on substantially the same terms as set forth in Exhibit A.

Section 2.

The rent will be \$45,000/year, and increase annually based on CPI. Cazadero Performing Arts Camp will complete capital and ADA improvements to the property estimated at \$800,000 for the first 10 years, and will invest at similar levels in future years. Tenant will complete tree maintenance up to \$15,000/year. Tenant will also offer \$10,000-\$20,000 in scholarships. Revenue from this lease will be deposited into the Camps Fund, budget code 330-5995-363.30-01.

Section 3.

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

At a regular meeting of the Council of the City of Berkeley held on November 10, 2020, this Ordinance was passed to print and ordered published by posting by the following vote:

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

Noes: None.

Absent: None.



ORDINANCE NO. 7,738-N.S.

CLOSURE OF CAMELIA STREET AT UNION PACIFIC RAILROAD CROSSING;  
AMENDING BERKELEY MUNICIPAL CODE CHAPTER 14.24

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

Section 1. That Berkeley Municipal Code Section 14.24.240 is added to read as follows:

**Section 14.24.240 Closure of Camelia Street at Union Pacific Railroad Crossing**

As part of the safety improvements for I-80 Gilman Interchange Project the at-grade crossing of Union Pacific railroad corridor at Camelia Street is permanently closed to all traffic, allowing the City to bank credits towards a possible railroad quiet zone in the future.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on November 17, 2020, this Ordinance was passed to print and ordered published by posting by the following vote:

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

Noes: None.

Absent: None.







Office of the City Manager

03

CONSENT CALENDAR  
December 1, 2020

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Lisa Warhuus, Director, Health, Housing & Community Services  
 Subject: Mental Health Services Act (MHSA) Fiscal Years 2020/2021 – 2022/2023  
 Three Year Program and Expenditure Plan

RECOMMENDATION

Adopt a Resolution approving the Mental Health Services Act (MHSA) Fiscal Years 2020/2021 – 2022/2023 Three Year Program and Expenditure Plan (MHSA Three Year Plan), which provides information on current and proposed uses of funds for mental health programming, and forwarding the MHSA Three Year Plan to appropriate state officials.

SUMMARY

MHSA revenues are allocated to mental health jurisdictions across the state on an annual basis to transform the mental health system into one that is consumer and family driven, culturally competent, wellness and recovery oriented, collaborative with community partners, and inclusive of integrated services. MHSA includes five funding components: Community Services and Supports; Prevention & Early Intervention; Innovations; Workforce, Education & Training; and Capital Facilities Technological Needs. In order to utilize funds, local stakeholder informed and Council approved MHSA Three Year Program and Expenditure Plans and Annual Updates are required.

FISCAL IMPACTS OF RECOMMENDATION

Approval of the MHSA Three Year Plan enables funding for MHSA programs and services. The City of Berkeley receives funding from MHSA revenues on a monthly basis from the State of California. The total MHSA funding amount the City will receive on an annual basis is unknown until the end of the year, therefore MHSA Plans and Annual Updates must approximate revenues and expenditures in a given year. This MHSA Three Year Plan includes the following estimated revenue and expenditures in each MHSA component:

| MHSA FUNDING COMPONENT        | FY2021                  |                       |                        |
|-------------------------------|-------------------------|-----------------------|------------------------|
|                               | Estimated Unspent Funds | Estimated New Funding | Estimated Expenditures |
| Community Services & Supports | \$7,590,361             | \$4,637,431           | \$8,478,587            |

|                                          |                                |                              |                               |
|------------------------------------------|--------------------------------|------------------------------|-------------------------------|
| Prevention & Early Intervention          | \$1,828,732                    | \$1,159,358                  | \$1,740,972                   |
| Innovations                              | \$1,694,385                    | \$305,094                    | \$851,546                     |
| Workforce, Education & Training          | \$40,157                       | \$0                          | \$40,157                      |
| Capital Facilities & Technological Needs | \$87,405                       | \$0                          | \$87,405                      |
| <b>TOTALS</b>                            | <b>\$11,241,040</b>            | <b>\$6,101,883</b>           | <b>\$11,198,667</b>           |
| <b>FY2022</b>                            |                                |                              |                               |
| <b>MHSA FUNDING COMPONENT</b>            | <b>Estimated Unspent Funds</b> | <b>Estimated New Funding</b> | <b>Estimated Expenditures</b> |
| Community Services & Supports            | \$3,709,048                    | \$4,412,313                  | \$8,061,983                   |
| Prevention & Early Intervention          | \$1,247,118                    | \$1,103,079                  | \$1,801,830                   |
| Innovations                              | \$1,147,933                    | \$290,284                    | \$265,526                     |
| Workforce, Education & Training          | \$0                            | \$0                          | \$0                           |
| Capital Facilities & Technological Needs | \$0                            | \$0                          | \$0                           |
| <b>TOTALS</b>                            | <b>\$6,104,099</b>             | <b>\$5,805,676</b>           | <b>\$10,129,339</b>           |
| <b>FY2023</b>                            |                                |                              |                               |
| <b>MHSA FUNDING COMPONENT</b>            | <b>Estimated Unspent Funds</b> | <b>Estimated New Funding</b> | <b>Estimated Expenditures</b> |
| Community Services & Supports            | \$59,378                       | \$3,331,746                  | \$7,959,983                   |
| Prevention & Early Intervention          | \$548,367                      | \$832,937                    | \$1,791,024                   |
| Innovations                              | \$1,172,691                    | \$219,194                    | \$215,526                     |
| Workforce, Education & Training          | \$0                            | \$0                          | \$0                           |
| Capital Facilities & Technological Needs | \$0                            | \$0                          | \$0                           |
| <b>TOTALS</b>                            | <b>\$1,780,436</b>             | <b>\$4,383,877</b>           | <b>\$9,966,533</b>            |

Per the estimated revenues and expenditures, if all programs are fully in operation each year within the three year timeframe, by FY2023 the Division will be overspending in some of the MHSA funding components. As with every year, there are many variables that will affect the program budgets. MHSA revenues may be more than estimated, and programs may not utilize all projected expenditures for various reasons, which will enable program savings. Given the widespread financial impacts of Covid-19 it is also possible that the City may receive less MHSA revenues than projected. If this is the case, the Division may elect to access the local MHSA Prudent Reserve to support crucial programs and services. MHSA revenues could also be more than anticipated during the Three Year Timeframe. If that occurs it will potentially cover any projected shortfall in funds.

With the uncertainties around MHSA revenues, it would seem to be more prudent to avoid any new expenditures in this Three Year Plan. However, the few additions that are being proposed will be responsive to public input around assisting some of the most vulnerable populations in Berkeley during the pandemic, including homeless individuals and communities of color. The Division will closely monitor the City of Berkeley MHSA allotments and expenditures to assess whether program changes are needed in the

future. Any proposed program changes will be vetted for community input and reflected in Annual Updates during the Three Year timeframe.

### CURRENT SITUATION AND ITS EFFECTS

The MHSA Three Year Plan is the local plan, informed by area stakeholders, that provides an update to the previously approved MHSA FY2017/2018 – 2019/2020 Three Year Program and Expenditure Plan (and the Annual Updates that occurred over the previous three year period). The Three Year Plan details current mental health programs and services, proposes areas of new programming and/or increased staffing and includes the state required MHSA FY2019 Prevention and Early Intervention Annual Evaluation Report and the FY2019 Innovations Annual Evaluation Report. Per state legislation, MHSA Plans and Annual Updates must include the following: Conducting a community program planning process with the involvement of area stakeholders; writing a draft plan; initiating a 30-day public review on the Draft Plan; and conducting a public hearing at a Mental Health Commission meeting.

Development of this City of Berkeley MHSA Three Year Plan included a community program planning process to obtain input via multiple Zoom meetings and through the Berkeley Considers forum; producing a draft plan; incorporating feedback from the planning process; a 30-day Public Review from August 25 through September 23; and a Public Hearing on the evening of September 24 before the Mental Health Commission. Input received during the 30-day Public Review and/or at the Public Hearing was as follows:

- Increase funding for the Bay Area Hearing Voices Network for outreach to educate the community on available services; dispel stigma around individuals who have voice hearing, vision or other unique experiences; and expand the number of support groups.
- The pandemic and all that has followed has exacerbated the wellness of children who are anxious and depressed. Make the Wellness Center a safe place that deals with Adverse Childhood Events (ACES), where child-parent therapy can happen. Children's resiliency is increased when there is an adult in their lives who offers unconditional love and support.
- Create a collaboration with the Wright Institute, which provides a number of clinical services, including a new older adult program.
- Expand substance abuse treatment and support as even more services and connections are necessary during these difficult times.
- Develop a liaison with Berkeley Bipolar Bears, which provide support for people with affective disorders such as bipolar and depression.
- It seems that families have difficulty accessing care for their family members. Family members need someone to call who can help them access long-term care.

- Access to counseling and medication optimization, possibly in a residential setting is needed. This should then be followed by supportive housing in the community. Having this available when the disease first becomes evident would prevent homelessness and possibly addiction.
- We at least need more emergency beds to get people off the streets and perhaps more aggressive prioritizing of those who have continuing problems. This needs to be a regional, statewide and national effort.
- There should be a Drop-In Center where people can access information on various services and resources including housing, and have public access to computers.
- I am concerned that BMH is engaging in services that sound good, but don't provide culturally responsive and/or qualified staff with the ability to deliver the services to Ethnic groups. I hope we are not doing more harm than good with some of these services that are being overseen and operated by people outside of the specific ethnic groups that are receiving services.
- The African American community would like for BMH to provide MHSA funding towards the development of the African American Holistic Center in Berkeley.
- BMH Consumers/Peers: Especially those with co-occurring disorders would be supported in their treatment if BMH had acupuncture services as part of the service delivery at least 2 days a week on site at the clinics.
- Services should be provided to all residents of Berkeley irrespective of their Insurance Plans because Doctors are so expensive and not everyone can afford it.
- Office hours at BMH should be until 4-5pm, not until 1pm.
- There should be a multidisciplinary program under one roof so it is easier to take advantage of the program. It should include: Psychiatrists, Psychologists; Dieticians; Small farm where patients can learn how to grow and cook veggies; Exercise; Yoga; Meditation; Acupuncturist and Massage Therapy. Patients should be introduced to all services at their first visit.
- If patients are not treated as a whole, these patients will not be able to recover to their full potential and we will be losing a big chunk of our population who are highly educated, are very bright, but have not recovered mentally.
- Increase the resource allocation for the LGBTQIA+ population and ensure the Division is collecting monthly data on this population.
- Address the new Senate Bill 855. Push for equity of burden of Mental Health.
- For the Community Education & Supports project Request for Proposal process, ensure the Division is engaging the communities that will be served through this project to include input on services needed.

Below are some of the input received through letters provided by the "Women's Daytime Drop-In Center" and "Friends of Adeline". Both letters are included in the Appendix C – Public Comments of the MHSA Three Year Plan.

Women's Daytime Drop-In Center Letter:

- The Women's Daytime Drop-In Center which provides services to some of the most vulnerable women in Berkeley: appreciates that there is a focus on equity and the impact of stress on female clients who are Black, Indigenous and People of Color in the MHSA Plan; applauds the creation of the Homeless FSP; is concerned about how MHSA funds and Berkeley Mental Health supports the mental health needs of unhoused women especially with the ending of the HOTT program as HOTT supported many individuals in emergency situations.

"Friends of Adeline" Letter:

- It is particularly important that Berkeley recognize the devastating effects that racism has had on the population. Not only the racism that exists within our communities but the long time, foundational 'systemic' racism at the root of the fabric of the Nation. Policies such as red-lining, restrictive bank loans encouraging development by developers only interested in profits have weakened and decimated African Americans and other populations of color.
- Berkeley also has some of the worst outcomes in educational disparities in the country for African Americans. Additionally, large Health Disparities have been documented since 1999 in the City of Berkeley Health Status Report.
- Friends of Adeline is asking that the African American Holistic Resource Center be included in the MHSA Three Year Plan under the following funding areas: Community Services and Supports; Prevention and Early Intervention; and Capital Facilities.
- We support the African American Holistic Resource Center as it will provide culturally responsive resources for whole person care across the life span as well as an array of other mental health, educational, legal, health, and social/cultural programming.
- The importance of the funding and continuing support of the African American Holistic Health Center should be understood as a recognition of the continuing importance of the African American community to Berkeley.

All input received will be utilized to inform this Three Year Plan and future MHSA Plans and updates. Following the Public Hearing the Mental Health Commission passed the following motion on the African American Holistic Resource Center:

M/S/C (Davila, Hawkins) Motion to include the African American Holistic Resource Center, to adjust the budget to fund the program of \$250,000.

Ayes: Davila, Hawkins, Kealoha-Blake, Moore, Opton, Pritchett; Noes: None; Abstentions: None; Absent: None.

The African American Holistic Resource Center (AAHRC) will include the use of culturally congruent practices, embedded in an integrated service delivery system, which would help to decrease inequities and disparities in the African American

community in Berkeley. The City of Berkeley has located a city owned building in South Berkeley for the location of the AAHRC and currently funding is being sought to construct the center.

The Mental Health Division is very interested in supporting the African American Holistic Resource Center, and will work with the planning group for the AAHRC to obtain a specific proposal. The Mental Health Division intends to work with the planning group to propose funding for the AAHRC in the FY21/22 Plan Update, once the specific needs and appropriate funding categories are determined.

After the Public Hearing the Mental Health Commission made the following motion regarding the Three Year Plan:

M/S/C (Pritchett, Davila) Motion to approve the report and forward to the City Council for approval.

Ayes: Davila, Hawkins, Kealoha-Blake, Moore, Opton, Pritchett; Noes: None; Abstentions: None; Absent: None.

#### ENVIRONMENTAL SUSTAINABILITY

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

#### BACKGROUND

California voters adopted the Mental Health Services Act (Proposition 63 - MHSA) on November 2, 2004. The Act places a 1% tax on every dollar of personal income over \$1 million. MHSA revenues are allocated to mental health jurisdictions across the state to transform the mental health system into one that is consumer and family driven, culturally competent, wellness and recovery oriented, collaborative with community partners, and inclusive of integrated services. MHSA includes the following five funding components:

- Community Services and Supports: Primarily for treatment services and supports for Severely Mentally Ill Adults and Seriously Emotionally Disturbed Children.
- Prevention & Early Intervention: For strategies to prevent mental illnesses from becoming severe and disabling.
- Innovations: For short-term pilot projects designed to increase new learning in the mental health field.
- Workforce, Education & Training: Primarily for strategies to identify and remedy mental health occupational shortages, promote cultural competency, and promote the employment of mental health consumers and family members.
- Capital Facilities and Technological Needs: For capital projects on owned buildings and on mental health technology projects.

MHSA also provides funding for local housing development; collaborative programs for suicide prevention, school mental health, programs that combat stigma and discrimination; and training and technical assistance in the areas of cultural competency

and prevention/early intervention. Three of the funding components are allocated annually and may be spent over a three-year timeframe. These are Community Services & Supports, Prevention & Early Intervention, and Innovations. Workforce, Education & Training and Capital Facilities and Technological Needs funds were awarded with expenditure timeframes of 10 years each, and had to be utilized by the end of FY2018 or FY2019. Per the City Council approved AB114 Reversion Expenditure Plan some CFTN and WET projects were continued past the original timeframes.

This Three Year Plan is required by the state to provide an update to the previously approved FY2017/18 – 2019/20 Three Year Program and Expenditure Plan and Annual Updates within that three year timeframe. Since the inception of MHSA, funds have been utilized to transform the mental health service delivery system to better meet the needs of underserved and inappropriately served communities, among others. This initiative has also provided the opportunity for BMH to further develop and expand the system of care by adding new programs within the division and utilizing non-profit providers in the planning and delivery of comprehensive mental health services.

Prior to July 2012, draft MHSA plans had to be approved by the State Department of Mental Health (DMH) after the community review process had been completed. The passage of AB1467 in July 2012 requires the local governing board, Berkeley City Council, to approve MHSA Plans and Annual Updates before submitting to the State. An exception is Innovation Plans, which must be approved by City Council as well as the State Mental Health Oversight and Accountability Commission (MHSOAC) when requesting funds for new Innovations programs.

#### Past Council Action

Since the inception of the MHSA program in 2006, Council has taken actions to approve all MHSA Plans and Annual Updates. The most recent actions taken on MHSA Three Year Plans or Annual Updates are as follows:

- May 26, 2015, approval of the MHSA Fiscal Years 2015/2016 – 2017/2018 Three Year Program and Expenditure Plan.
- June 28, 2016, approval of the MHSA Fiscal Year 2015 – 2016 Annual Update.
- January 24, 2017, approval of the MHSA Fiscal Year 2016 – 2017 Annual Update.
- July 25, 2017, approval of the MHSA Fiscal Years 2017/2018 – 2019/2020 Three Year Program and Expenditure Plan.
- October 30, 2018, approval of the MHSA Fiscal Year 2018– 2019 Annual Update.
- July 23, 2019, approval of the MHSA Fiscal Year 2019 – 2020 Annual Update.

Council has also previously approved the initial MHSA component plans, Innovation Plans, and the uses of MHSA funding for local housing development projects and

contracts with community-based agencies to implement mental health services and supports, housing and vocational services, and translation services.

RATIONALE FOR RECOMMENDATION

State legislation requires mental health jurisdictions to create MHSA Three Year Plans and to provide updates on MHSA Plans on an annual basis. The legislation also requires local approval on MHSA Plans and Annual Updates. Approval of this MHSA Three Year Plan will fulfill state requirements

ALTERNATIVE ACTIONS CONSIDERED

As obtaining approval on MHSA Plans and Annual Updates by the local governing body is a state requirement, no other alternative action was considered.

CONTACT PERSON

Karen Klatt, Community Services Specialist III, HH&CS, 981-7644

Attachments:

1: Resolution

Exhibit A: MHSA Fiscal Years FY2020/21 – 2022/23 Three Year Program and Expenditure Plan



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

MENTAL HEALTH SERVICES ACT (MHSA) FISCAL YEARS 2020/21 – 2022/23  
THREE YEAR PROGRAM AND EXPENDITURE PLAN

WHEREAS, Mental Health Services Act (MHSA) funds are allocated to mental health jurisdictions across the state for the purposes of transforming the mental health system into one that is consumer and family driven, culturally competent, wellness and recovery oriented, includes community collaboration, and implements integrated services; and

WHEREAS, MHSA includes five funding components: Community Services & Supports; Prevention & Early Intervention; Innovations; Workforce, Education & Training; and Capital Facilities and Technological Needs; and

WHEREAS, the City's Department of Health, Housing & Community Services, Mental Health Division, receives MHSA Community Services & Supports, Prevention & Early Intervention, and Innovations funds on an annual basis, and received one-time distributions of MHSA Workforce, Education & Training and Capital Facilities and Technological Needs funds; and

WHEREAS, in order to utilize funding for programs and services, the Mental Health Division must have a locally approved Plan, Annual Update, or Three Year Program and Expenditure Plan in place for the funding timeframe; and

WHEREAS, on May 7, 2013 by Resolution No. 66,107-N.S., the City Council authorized the City Manager to approve the MHSA Fiscal Year 2012 through 2013 Annual Update; and

WHEREAS, on June 24, 2014 by Resolution No. 66,668-N.S., the City Council authorized the City Manager to approve the MHSA Fiscal Year 2013 through 2014 Annual Update; and

WHEREAS, on May 26, 2015 by Resolution No. 67,026-N.S., the City Council authorized the City Manager to approve the MHSA Fiscal Years 2015 through 2017 Three Year Program and Expenditure Plan; and

WHEREAS, on June 28, 2016 by Resolution No. 67,552-N.S., the City Council authorized the City Manager to approve the MHSA Fiscal Year 2015 through 2016 Annual Update; and

WHEREAS, on January 24, 2017 by Resolution No. 67,799-N.S., the City Council authorized the City Manager to approve the MHSA Fiscal Years 2016 through 2017 Annual Update; and

WHEREAS, on July 25, 2017 by Resolution No. 68,109-N.S., the City Council authorized the City Manager to approve the MHSA Fiscal Years 2017/18 - 2019/20 Three Year Program and Expenditure Plan; and

WHEREAS, on October 30, 2018 by Resolution No. 68,639-N.S., the City Council authorized the City Manager to approve the MHSA Fiscal Year 2018 through 2019 Annual Update; and

WHEREAS, on July 23, 2019 by Resolution No. 69,033-N.S., the City Council authorized the City Manager to approve the MHSA Fiscal Year 2019 through 2020 Annual Update; and

WHEREAS, City Council has previously approved MHSA funding for local housing development projects and for contracts with community-based agencies to implement: mental health services and supports; housing and vocational services, and translation services; and

WHEREAS, in order to comply with state requirements the MHSA Fiscal Years 2020/2021 – 2022/2023 Three Year Program and Expenditure Plan must be approved by City Council.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the MHSA Fiscal Years 2020/2021 – 2022/2023 Three Year Program and Expenditure Plan that, incorporated herein as Exhibit A, is hereby approved.

BE IT FURTHER RESOLVED that the City Manager is authorized to forward the MHSA Fiscal Years 2020/21 – 2022/23 Three Year Program and Expenditure Plan to appropriate state officials.

Exhibit A: MHSA FY2020/21 – 2022/23 Three Year Program and Expenditure Plan

# **City of Berkeley Mental Health Mental Health Services Act (MHSA)**



## **FY2020/21 - 2022/23 Three Year Program and Expenditure Plan**

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## BACKGROUND AND OVERVIEW

California voters passed Proposition 63, the Mental Health Services Act (MHSA), in November 2004, to expand and transform the public mental health system. This legislation places a 1% tax on personal incomes above \$1 million dollars. Funds are deposited into the MHSA State Treasury Fund and allocations per each mental health jurisdiction are determined based on the total population in a given area.

Through the following five funding components, the MHSA was designed to create the capacity for a broad continuum of prevention, early intervention and treatment services along with the necessary infrastructure, technology, and training elements to support effective mental health system transformation:

- Community Services & Supports (CSS): Primarily provides treatment services and supports for Severely Mentally Ill Adults and Seriously Emotionally Disturbed Children and Youth.
- Prevention & Early Intervention (PEI): For strategies to recognize early signs of mental illness and to improve early access to services and programs, including the reduction of stigma and discrimination and for strategies to prevent mental illness from becoming severe and disabling.
- Innovations (INN): For short-term pilot projects designed to increase new learning in the mental health field.
- Workforce, Education & Training (WET): Primarily for strategies to identify and remedy mental health occupational shortages, promote cultural competency and the employment of mental health consumers and family members in the workplace.
- Capital Facilities and Technological Needs (CFTN): For capital projects on owned buildings and on mental health technology projects.

Among other things, the MHSA provides enhanced services and supports for Seriously Emotionally Disturbed children, youth and Transition Age Youth (TAY), adults, and older adults suffering from Severe Mental Illness through a “no wrong door” approach and aims to move public mental health service delivery from a “disease oriented” system to one that is culturally responsive, consumer informed, and wellness recovery oriented. This is accomplished through implementing programs that focus on the following major components:

- Wellness, recovery and resilience;
- Cultural competency;
- Consumer/family driven services;
- Consumer/family member integration in the mental health system; and
- Community collaboration.

The MHSA also strives to improve and increase services and supports for individuals and families from cultural and ethnic populations that are traditionally unserved and underserved in the mental health system. In Berkeley these have included: Asian Pacific Islanders (API); Latinos; Lesbian,

Gay, Bi-Sexual, Transgender, Queer/Questioning, Inter-Sexed, Agender, Plus others (LGBTQIA+); Senior Citizens; and Transition Age Youth (TAY). African Americans have been an additional population of focus as data indicates they are overrepresented in the mental health system and hence “inappropriately served”, which could be due to being provided services that are not culturally responsive and/or appropriate.

In order to access MHSAs funds, a stakeholder informed plan outlining how funds will be utilized must be developed and locally approved. Development of an MHSAs Plan includes: community program planning with the involvement of area stakeholders, writing a draft plan, initiating a 30-day public review, conducting a public hearing at a Mental Health Commission meeting, and obtaining approval on the plan from City Council. The Community Services & Supports, Prevention & Early Intervention, and Innovation funding components are the only re-occurring monies that are allocated annually and may be spent over a set period, three years for CSS and PEI and five years for INN funds. Workforce, Education & Training and Capital Facilities and Technological Needs funds had initial expenditure time periods of 10 years each, and had to be utilized by the end of Fiscal Year 2018 or 2019. Per the City Council approved [MHSA AB114 Reversion Expenditure Plan](#) some CFTN and WET projects were continued past the original timeframes.

MHSA legislation requires mental health jurisdictions to provide updates on MHSAs Plans on an annual basis and an integrated Program and Expenditure Plan must also be developed every three years. Currently, the City of Berkeley Mental Health (BMH) Division has an approved MHSAs FY2017/18 - 2019/20 Three Year Program and Expenditure Plan and Annual Updates to that plan in place which covers each funding component. Since 2006, as a result of the City’s approved MHSAs plans, a number of new services and supports have been implemented to address the various needs of the residents of Berkeley including the following:

- Intensive services for Children, TAY, Adults and Older Adults;
- Multi-Cultural Outreach engagement, trainings, projects and events;
- Mental health services and supports for homeless TAY;
- Wellness Recovery services and activities;
- Family Advocacy, Housing services and supports, and Benefits Advocacy;
- Trauma services and short term projects to increase service access and/or improve mental health outcomes for unserved, underserved and inappropriately served populations;
- Increased mental health prevention, and intervention services for children and youth in area schools and communities;
- Augmented Homeless Outreach and treatment services;
- A Transitional Outreach Team; and
- Funding for increased services for Senior Citizens and the API population.

Additionally, an outcome of the implementation of the MHSA is that mental health consumers, family members and other stakeholders now regularly serve on several of BMH internal decision making committees. These individuals share their “lived experience” and provide valuable input which has become an integral component that informs the Division on the implementation of MHSA services and supports. Even prior to the passage of Proposition 63, BMH convened (and has since maintained) an MHSA Advisory Committee which serves in an advisory capacity on MHSA programs and is comprised of mental health consumers, family members, and individuals from unserved, underserved and inappropriately served populations, among other community stakeholders.

MHSA funding is based on a percentage of the total population in a given area. The amount of MHSA funds the City of Berkeley receives is comprised of a calculation based on the total population in Berkeley. MHSA funding have been utilized to provide mental health services and supports in Berkeley. Additionally, since Fiscal Year 2011 (FY11), the City of Berkeley has also utilized a portion of MHSA funds to provide services in the City of Albany, although Albany is a part of the Alameda County total population. As agreed to in contract negotiations, with the Alameda County Behavioral Health Care Services (ACBHCS), beginning in FY21 the City of Berkeley will only be using MHSA funds for services and supports in Berkeley. Going forward, ACBHCS will provide MHSA funded services in Albany.

This City of Berkeley MHSA FY2020/2021 – 2022/2023 Three Year Program and Expenditure Plan (Three Year Plan) is a stakeholder informed plan that provides an update to previously approved MHSA Plans and Updates. This Three Year Plan summarizes proposed program changes and additions, includes descriptions and updates of currently funded MHSA services, and provides a reporting on FY2018/19 (FY19) program data.

Community program planning for this Three Year Plan was conducted during a global pandemic and public outcry for racial justice and police reform following the murder of George Floyd. Both crises have further exposed the pervasive racial, social and health inequities that exist and detrimentally impact African Americans and other communities of color.

In response to public input received through MHSA Community Program Planning and from a variety of other local gatherings and venues, one of the additions the Division is proposing through this Three Year Plan is to increase funding in the Prevention and Early Intervention Community Education and Supports program to provide additional services for the African American, Latinx, and LGBTQIA+ populations. Information on public comments received can be found in the Community Program Planning section, and the proposed program addition can be located in the Proposed Addition section of this Three Year Plan.

## MESSAGE FROM THE MENTAL HEALTH MANAGER

The MHSA FY21, FY22, and FY23 Three Year Plan comes at a time when we are facing unprecedented challenges and some unique opportunities to improve care. The Covid-19 pandemic has upended so many parts of everyone's lives, and has caused both the Mental Health Division and our contracted providers to quickly pivot to new ways of providing services. At the same time, the murder of George Floyd and the subsequent Black Lives Matter protests have led to a huge amount of community input into the need to remove law enforcement from mental health services and the need to provide better supports and services for communities of color. This input echos many years of input from the community about devastating racial health inequities. It has been a period of needing to both take swift action to revise services, and to carefully listen to the voices of those whose communities require new and improved services.

The Covid-19 pandemic has deeply impacted the economy, and in Mental Health, much of our revenue is tied to the taxes in California. The MHSA funds are incredibly sensitive to the income of the most well off residents of California, and we are looking at several years of uncertainty regarding the amount of funding we will receive. While we include the most recent projections of MHSA funds for the City of Berkeley for FY 21, 22, and 23, it is not clear how accurate these projections will be. In this three year plan we are increasing spending even though our funding is projected to decrease over these three years, and we will have to closely monitor both expenditures and revenue and adjust as needed in the MHSA Plans for FY22 and FY23. That said, given the huge need, we are increasing funding in several areas in an effort to be responsive to community need.

Several programs and processes funded through previous MHSA Plans have begun or will begin in the coming year. Notably, the Berkeley Wellness Center is now operating; the Adult Mental Health Clinic renovation will be completed and the building at 2640 Martin Luther King will begin providing services in FY21; the Mental Health Division will be developing Results Based Accountability (RBA) outcome measures for all programs in FY21; and the Homeless Full Service Partnership will be providing intensive wraparound services for homeless individuals in FY21. The projects all reflect a commitment to provide welcoming, consumer focused services in a way that is transparent to the community.

The mental health division presents the City of Berkeley's MHSA FY21, FY22, and FY23 Three Year Plan with gratitude for all the hard work that went into the programs it describes. Our community partners, consumers, Mental Health Commission, and City staff all deserve appreciation for their efforts, input, and partnership.



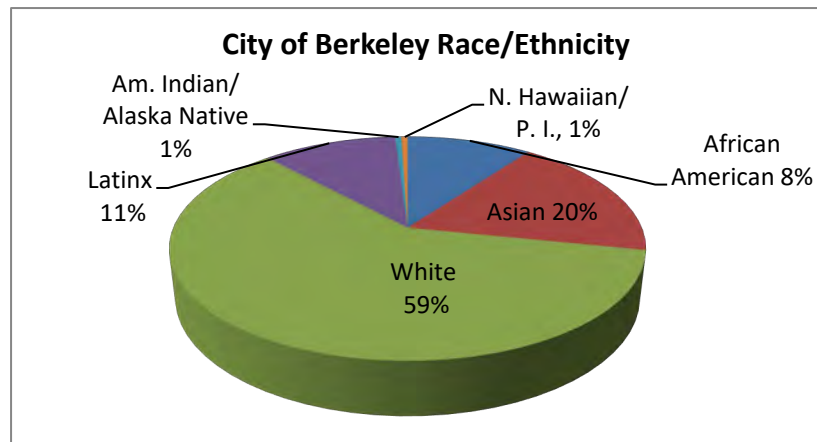
## DEMOGRAPHICS

### Description

Situated in the heart of the San Francisco Bay area, and home to the University of California, Berkeley is an urban city, located in northern Alameda County. With a combined land mass of around 12.2 miles and a total population of 122,667 the City of Berkeley is densely populated and larger than 23 of California's small counties.

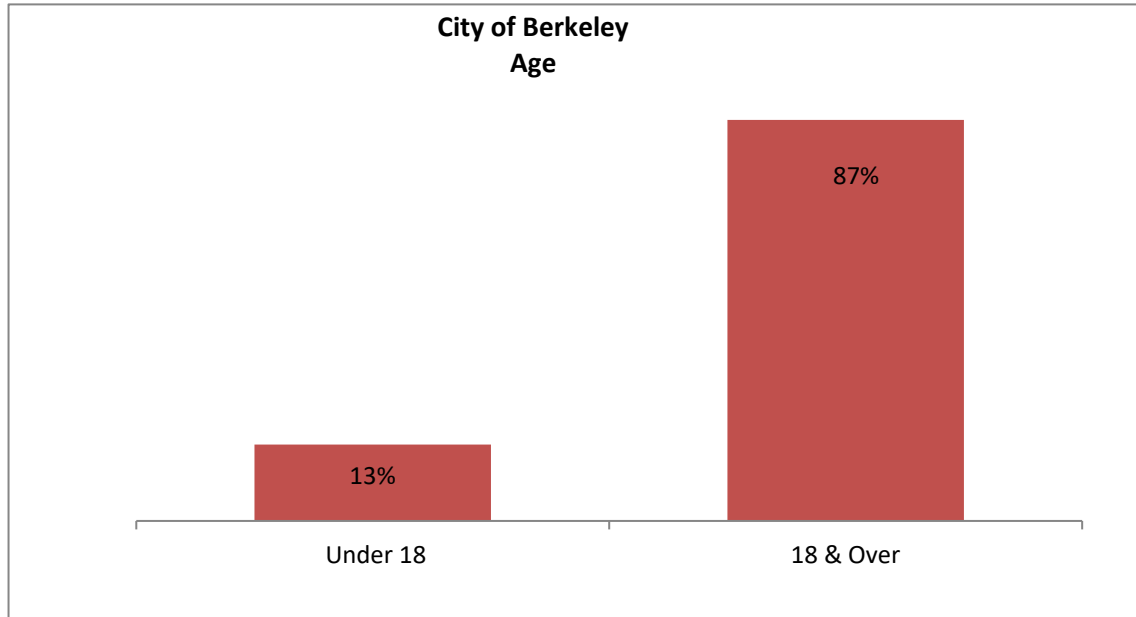
### Race/Ethnicity

Berkeley is a diverse community with changing demographics. The African American population has decreased in recent years while the Latino and Asian populations have both increased. Berkeley has a large student population, which provides housing for many of University of California's foreign students and their families. Threshold languages include English, Spanish, Farsi, Cantonese, and Vietnamese, and approximately 29% of Berkeley residents speak a language other than English at home. Berkeley is comprised of the following racial and ethnic demographics: African American; Asian; Latinx; White; American Indian/Alaska Native; and Native Hawaiian/Pacific Islander (P.I.). Demographics are outlined below:

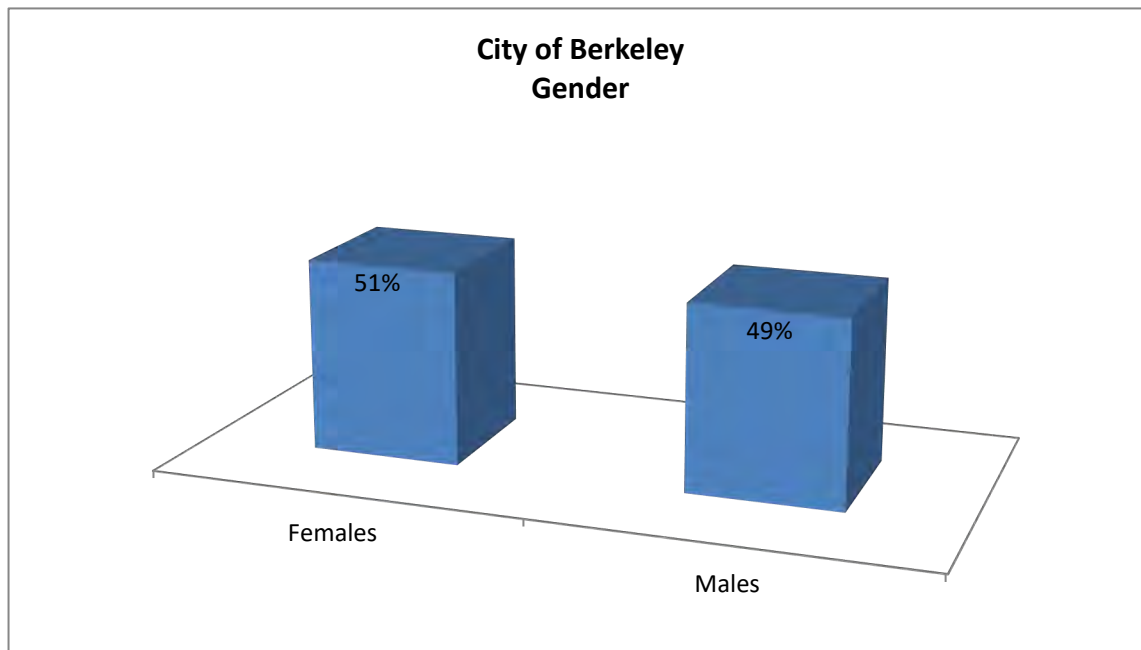


### Age/Gender

As depicted in the table below, a large percentage of individuals in Berkeley are over the age of eighteen:



Gender demographics are as follows:



**Lesbian, Gay, Bisexual, Transgender, Queer/Questioning, Intersexed, Agender, Plus (LGBTQIA+) Population**

Based on a Gallop Survey of interviews conducted during the timeframe of 2012-2014, the San Francisco Bay Area has the highest LGBTQIA+ population (6.2%) of any of the top 50 United States metropolitan areas. Additionally, according to Williams Institute, in a survey of Cities with 50+ same-sex couples (ranked by same-sex couples per 1,000 households) conducted in 2010, the City of Berkeley ranked number 13 in the State of California and number 48 among 1,415 United States

cities. The City of Berkeley had 2.1% same-sex households according to the 2010 United States Census and the City of Albany had 1.7% same-sex households.

### **Income/Housing**

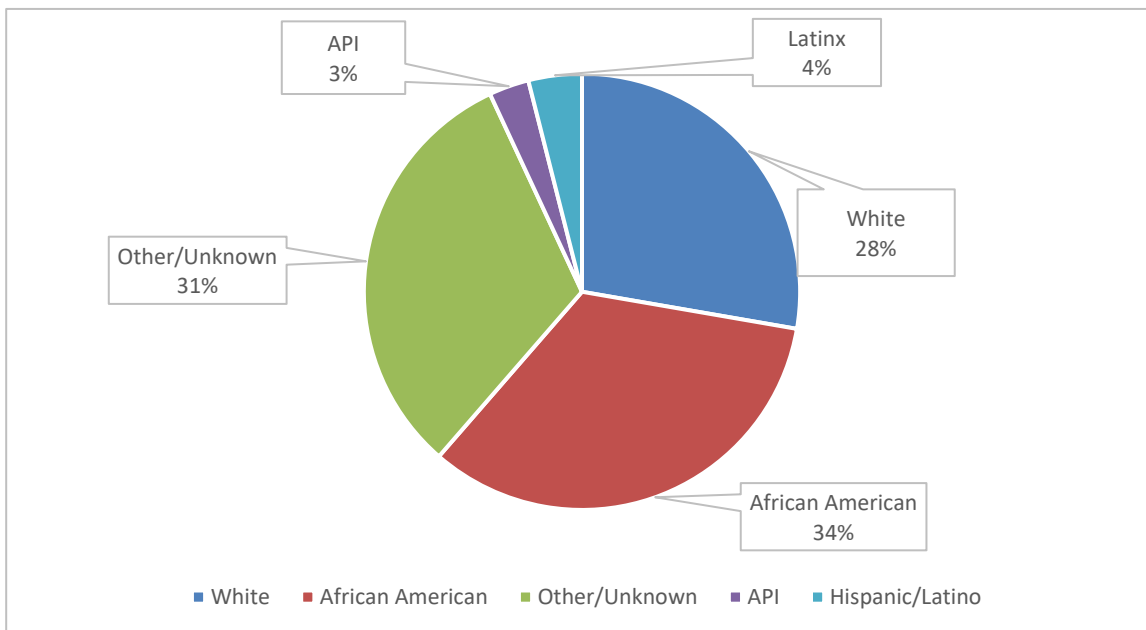
With some of the highest housing costs in the Bay Area, the Berkeley median household income is \$80,912. Nearly 20% of Berkeley residents live below the poverty line and approximately 42% of Berkeley children qualify for free and reduced lunches. While 43% of Berkeley residents own their own homes, there are many homeless individuals including women, TAY, and Older Adults. In Berkeley, approximately 46% of the homeless population meets the federal definition for chronic homelessness (adults unaccompanied by children, who have at least one disability and have been homeless for over a year or four or more times in the last year). This is a disproportionately high percentage compared to other municipalities, and a sub-group with higher rates of both mental illness and substance abuse.

### **Education**

Berkeley has a highly educated population: 97% of individuals aged 25 or older are high school graduates; and approximately 73% possess a bachelor's degree or higher.

### **System Organization**

Berkeley Mental Health (BMH), one of two city-based public mental health programs in the state, provides services for residents in Berkeley. It is a Division of the City of Berkeley Health, Housing & Community Services (HHCS) Department. Services are provided at multiple clinic sites and in the field. BMH has several units providing services: Access; Family, Youth & Children; and Adult Services. Services include: assessment, assertive community treatment, individual and group therapy, case management and crisis intervention. In addition to offering homeless outreach and support, some services are provided through a variety of community-based agencies and at school sites. As part of the Access unit, a Mobile Crisis Response Team operates seven days a week. The majority of mental health services provided by BMH are aimed towards the Medi-Cal and uninsured population; as such it is important to note the ways in which the Medi-Cal population demographics differ from the overall demographics in Berkeley. Using data available from Alameda County, the Medi-Cal population in Berkeley in 2019 was as follows:



### Community Program Planning (CPP)

Community Program Planning (CPP) for this City of Berkeley MHSAs Three Year Plan was conducted over a three-month period to enable opportunities for input from MHSAs Advisory Committee members, consumers, family members, representatives from community-based organizations, individuals from unserved, underserved and inappropriately served populations, BMH Staff, City Commissioners, and other MHSAs Stakeholders. During this process, one MHSAs Advisory Committee meeting and three Community Input meetings were initially held. Following community input requesting information regarding the MHSAs budget, four additional Community Input Meetings and one MHSAs Advisory Committee meeting were held which included the requested information. Due to local and state mandates on social distancing amid the Covid-19 Public Health Emergency, all meetings were conducted through the Zoom platform. A copy of the presentation that was conducted during community meetings was also posted on the City of Berkeley MHSAs Webpage in Spanish and English.

As with previous MHSAs Plans and Annual Updates, the methodology utilized for conducting CPP for the Three Year Plan was implemented to enable a collaborative process to occur between BMH staff, MHSAs Advisory Committee members and other MHSAs stakeholders. Development of the MHSAs Three Year Plan began with an internal examination of existing programs, unaddressed needs, and available funding which included a review of input received during previous MHSAs planning processes. Following an internal review, proposed ideas and potential programs were vetted through the MHSAs Advisory Committee prior to engaging other stakeholders.

Proposed additions that were considered in this process included:

- Increase funds for the Berkeley Food and Housing Project, Russell Street Residence;
- Addition of a full-time Mental Health Nurse Supervisor for the Medical Unit;
- Increase the Psychiatrist on the Homeless Full Service Partnership (FSP) to half-time;
- Provide funding for the Greater Bay Area Workforce, Education and Training Regional Partnership;
- Receive Unreimbursed/Unexpended MHSAs Housing Funds from the State and utilize the funds locally;
- Align amounts in contracts that serve FSP clients to the FSP funding component;
- Do a Request for Proposal (RFP) for the Transition Age Youth Support Services Contract;

Input received during Community Program Planning Zoom meetings largely supported the proposed additions. Additional input received during community meetings and/or through email that was not specific to the proposed additions is categorized below:

Comments on New or Increased Programs/Services

- Provide specific services and supports for individuals with Dissociative (DID) Identity Disorder such as: A Peer Plural Warm Line, DID Peer Support Groups, and Trainings by Consumers for the Mental Health Community;
- Provide more supports for communities of color who have enormous needs;

- Add services and supports for the Berkeley general population who are in need of mental health services and supports due to the pandemic;
- Provide mental health services and supports for individuals who have limited or no insurance;
- Enable a community member with the interest in doing so, to work alongside a mental health clinician to implement Restorative Justice Circles and or Support Groups for teenage girls;
- Implement Consumer-led Expressive Arts and Movement/Nature activities;
- The Dynamic Mindfulness program should be made pervasively available to students and the adults around them to help develop stress resilience, healthy behaviors and heal primary and secondary trauma.
- Provide data collection on costs per client to assess the financial impact;
- Add more funding for Wellness and Recovery Programs;
- Examine ways to develop community engagement and transportation strategies;
- Provide Mental Health services, supports and collaborations for Women at Black Infant Health;
- Ensure that the staff person hired to provide services for individuals with Substance Use Disorders has experience with Harm Reduction;
- Utilize all available MHSA unspent funds this year on mental health needs in the community;
- Add Peer Support Specialists at Drop-In Centers.

Additional Comments and Input:

- The long-term trauma of police violence is a mental health issue;
- Pain is different for people of color, instead of people who are white;
- Very little information is available to the community on police violence, the pandemic, etc.;
- We must make changes when things are not working, don't want to rely on mental health programs that aren't working;
- Glad to hear about the plan of expanding and increasing services for the Mobile Crisis model;
- Community members are isolated from services;
- We are only looking at what's funded from MHSA for Berkeley programs. It would be good if the community was able to look at the whole Mental Health funding/services picture;
- Homeless Outreach feels non-existent;
- Ingenuity is needed to solicit community feedback;
- Want to thank the City of Berkeley for the Mental Health Consultations that are conducted at Head Start sites, the BMH Clinician who conducts them is doing a phenomenal job.

Some of the questions during community meetings were regarding various BMH services, strategic planning, data collection, program evaluation, and protocols implemented for Covid-19. Many of the questions were addressed by the Mental Health Manager or the MHSA Coordinator. One repeated inquiry was around Mobile Crisis services and the involvement of Police in the crisis response. MHSA funds provide a small portion of monies for Mobile Crisis services. However, per public comments received during this and previous MHSA Plan processes, Mental Health Commission meetings, City Council meetings and through other local venues, there is a strong interest in how Mobile Crisis services are provided in Berkeley.

As a result of input received from a variety of stakeholders for a mental health crisis response that does not so heavily involve law enforcement, the Division recently executed a Request for Proposal (RFP) process to hire a Consultant who will: Conduct a stakeholder process involving a variety of constituents to obtain input on the strengths and opportunities for improvement in the current mental health system; obtain suggestions through the stakeholder process, of possible alternative mental health crisis response systems in Berkeley; research mental health crisis response systems, including those that utilize little or no law enforcement involvement, and identify best practices in mental health crisis response and care; identify the pros and cons of crisis response models including the one Berkeley uses; provide information that would allow the Division to evaluate the costs of alternative models or a combination of models to provide effective mental health crisis care; and make recommendations about possible changes to the current mental health crisis system that would lead to better outcomes while maintaining safety for both consumers and staff. The consultant will be hired in FY21, and work will soon begin. On July 14, 2020 City Council passed Resolution No, 69,501-N.S., to “Transform Community Safety and Initiate a Robust Community Engagement Process”. Results of this process may likely impact the Division’s Mobile Crisis services.

In addition to the Community Input Meetings, in an effort to increase community input on this Three Year Plan through implementing additional ways that the community could inform the MHSA process, three questions were put up on the Berkeley Considers Forum for public input during the month of May. Berkeley Considers is an online forum for civic engagement. It is run by OpenGov a non-partisan company whose mission is to broaden civic engagement and build public trust in government. As with any public comment process, participation in Berkeley Considers is voluntary. Questions that were put on the Berkeley Considers forum to inform the Three Year Plan were as follows:

- 1.) What are the most pressing unmet Mental Health needs in the City of Berkeley?
- 2.) What are your ideas on best ways to address these needs?
- 3.) Is there anything else you would like to share regarding Mental Health services and needs in the City of Berkeley?

In all a total of 24 individuals provided input on the three Mental Health Needs questions through the Berkeley Considers forum. The top 5 recurring themes in the responses to the first two questions are outlined below:

| Responses on most pressing unmet Mental Health needs in the City of Berkeley                                                                                                                                                                                                                                                                                                                                                                                                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>• Need for more health, mental health and housing services for homeless individuals who are living with mental health or co-occurring disorders;</li> <li>• Services for people who don’t have insurance, and/or of whom need mental health services and supports especially during the pandemic;</li> <li>• Need for more Psychiatrists for medication management services</li> <li>• Need more mental health services for Senior Citizens and teens;</li> </ul> |

- Need for services for individuals who have mental health issues and aren't able to advocate for themselves.

Responses regarding ideas on best ways to address unmet mental health needs

- Provide more outreach, connections, resources, and counseling on the street for the Homeless population;
- Do a better job of informing residents of the services that already exist and how to access them such as through advertising and educational campaigns, etc.
- Implement larger scale supports to help a broader range of the population, including those who are marginally employed, or who have limited healthcare, etc.
- Explore the implementation of Supportive Housing or Transitional Housing Models geared towards individuals who are in need of mental health services and are not able to advocate for themselves:
- Conduct some kind of organized times when housed and unhoused individuals can come together to understand what the needs are when it is safe to do so, given Covid-19. We are all learning there are resources that can be shared and we are all interconnected.

Some of the responses to the third question included the following:

Responses on anything else regarding Mental Health services and needs in the City of Berkeley

- Mental health services are undervalued and underfunded, especially in times like these. Make the most of resources and volunteers and don't forget the young and the elderly. Work with Berkeley Commissions who are also trying to help these populations.
- Bring mental health professionals into college student group housing sites to meet with students where they are. The students could meet with representatives and learn about how to access available services;
- Stop referring to the mentally ill as a "homeless" problem. Providing someone a home does not fix alcoholism, other drug addictions and mental health issues which need treatment.
- Despite available City services there are individuals who still face loads of anxiety. Do some Zoom events Berkeley style, with music, comedy, art, some natural beauty, new age stuff, live talk. If we draw together, things get better.
- People cannot achieve mental health, safety and stability while still homeless;
- There is a need to address long-term housing;
- The treatment at Herrick/Sutter inpatient and outpatient is stellar...a model program. The demand exceeds the capacity. The need for these services is growing due to the pandemic.

Utilizing Zoom and the Berkeley Considers Forum proved to be valuable community program planning activities for increasing input into the Three Year Plan, especially during the pandemic. All input received through the community program planning process will be utilized to inform current and proposed mental health programs through this Three Year Plan, and future MHSA Plans and updates. Some substantive comments received during community program planning for this Three Year Plan that have been repeated through previous MHSA planning processes and other local gatherings and City meeting venues, around the need for more services and supports for various cultural and ethnic populations warranted a proposed change in this Three Year Plan to the MHSA PEI Community Education and Supports Program.



A 30-Day Public Review was held from Tuesday, August 25<sup>th</sup> through Wednesday, September 23<sup>rd</sup> to invite input on this MHSA Three Year Plan. A copy of the Plan was posted on the BMH MHSA website. An announcement of the 30-Day Public Review was mailed and/or emailed to community stakeholders. A Public Hearing was held at 7:00pm on Thursday, September 24<sup>th</sup> during a Mental Health Commission meeting which was held on the Zoom platform. Comments received during the 30-Day Public Review or Public Hearing were as follows:

- Increase funding for the Bay Area Hearing Voices Network for outreach to educate the community on available services; dispel stigma around individuals who have voice hearing, vision or other unique experiences; and expand the number of support groups.
- The pandemic and all that has followed has exacerbated the wellness of children who are anxious and depressed. Make the Wellness Center a safe place that deals with Adverse Childhood Events (ACES), where child-parent therapy can happen. Children's resiliency is increased when there is an adult in their lives who offers unconditional love and support.
- Create a collaboration with the Wright Institute, which provides a number of clinical services, including a new older adult program.
- Expand substance abuse treatment and support as even more services and connections are necessary during these difficult times.
- Develop a liaison with Berkeley Bipolar Bears, which provide support for people with affective disorders such as bipolar and depression.
- It seems that families have difficulty accessing care for their family members. Family members need someone to call who can help them access long-term care.
- Access to counseling and medication optimization, possibly in a residential setting is needed. This should then be followed by supportive housing in the community. Having this available when the disease first becomes evident would prevent homelessness and possibly addiction.
- We at least need more emergency beds to get people off the streets and perhaps more aggressive prioritizing of those who have continuing problems. This needs to be a regional, statewide and national effort.
- There should be a Drop-In Center where people can access information on various services and resources including housing, and have public access to computers.
- I am concerned that BMH is engaging in services that sound good, but don't provide culturally responsive and/or qualified staff with the ability to deliver the services to Ethnic groups. I hope we are not doing more harm than good with some of these services that are being overseen and operated by people outside of the specific ethnic groups that are receiving services.
- The African American community would like for BMH to provide MHSA funding towards the development of the African American Holistic Center in Berkeley.
- BMH Consumers/Peers: Especially those with co-occurring disorders would be supported in their treatment if BMH had acupuncture services as part of the service delivery at least 2 days a week on site at the clinics.
- Services should be provided to all residents of Berkeley irrespective of their Insurance Plans because Doctors are so expensive and not everyone can afford it.
- Office hours at BMH should be until 4-5pm, not until 1pm.
- There should be a multidisciplinary program under one roof so it is easier to take advantage of the program. It should include: Psychiatrists, Psychologists; Dieticians; Small farm where patients can learn how to grow and cook veggies; Exercise; Yoga; Meditation; Acupuncturist and Massage Therapy. Patients should be introduced to all services at their first visit.

- If patients are not treated as a whole, these patients will not be able to recover to their full potential and we will be losing a big chunk of our population who are highly educated, are very bright, but have not recovered mentally.
- Increase the resource allocation for the LGBTQIA+ population and ensure the Division is collecting monthly data on this population.
- Address the new Senate Bill 855. Push for equity of burden of Mental Health.
- For the Community Education & Supports project Request for Proposal process, ensure the Division is engaging the communities that will be served through this project to include input on services needed.

Below are some of the input received through letters provided by the “Women’s Daytime Drop-In Center” and “Friends of Adeline”. Both letters are included in the Appendix C – Public Comments. Women’s Daytime Drop-In Center Letter:

- The Women’s Daytime Drop-In Center which provides services to some of the most vulnerable women in Berkeley: appreciates that there is a focus on equity and the impact of stress on female clients who are Black, Indigenous and People of Color in the MHSA Plan; applauds the creation of the Homeless FSP; is concerned about how MHSA funds and Berkeley Mental Health supports the mental health needs of unhoused women especially with the ending of the HOTT program as HOTT supported many individuals in emergency situations.

“Friends of Adeline” Letter:

- It is particularly important that Berkeley recognize the devastating effects that racism has had on the population. Not only the racism that exists within our communities but the long time, foundational ‘systemic’ racism at the root of the fabric of the Nation. Policies such as red-lining, restrictive bank loans encouraging development by developers only interested in profits have weakened and decimated African Americans and other populations of color.
- Berkeley also has some of the worst outcomes in educational disparities in the country for African Americans. Additionally, large Health Disparities have been documented since 1999 in the City of Berkeley Health Status Report.
- Friends of Adeline is asking that the African American Holistic Resource Center be included in the MHSA Three Year Plan under the following funding areas: Community Services and Supports; Prevention and Early Intervention; and Capital Facilities.
- We support the African American Holistic Resource Center as it will provide culturally responsive resources for whole person care across the life span as well as an array of other mental health, educational, legal, health, and social/cultural programming.
- The importance of the funding and continuing support of the African American Holistic Health Center should be understood as a recognition of the continuing importance of the African American community to Berkeley.

All input received will be utilized to inform this Three Year Plan and future MHSA Plans and updates. Following the Public Hearing the Mental Health Commission passed the following motion on the African American Holistic Resource Center:

M/S/C (Davila, Hawkins) Motion to include the African American Holistic Resource Center, to adjust the budget to fund the program of \$250,000.

Ayes: Davila, Hawkins, Kealoha-Blake, Moore, Opton, Pritchett; Noes: None; Abstentions: None; Absent: None.

## **African American Holistic Resource Center (AAHRC)**

The African American/Black community in Berkeley has the highest rate of morbidity and mortality of any racial/ethnic group. According to the City of Berkeley's *Health Status Summary Report 2018*, "African Americans are 2.3 times more likely to die in a given year from any condition compared to Whites, and the COVID-19 virus has increased the morbidity and mortality rates for this population.

Socioeconomic factors, birth outcomes, and morbidity rates that stretch across the life span of African Americans indicates they are not thriving in the City of Berkeley. Therefore, it is essential that a paradigm shift take place for this population in the delivery of care and services. Culturally Centered Engagement System of Care that is effective in welcoming, supporting, healing, and empowering the Black community in the City of Berkeley must be developed.

In April 2011, the African American/Black Professionals & Community Network (AABPCN) crafted the report titled *A Community Approach for African American/Black Culturally Congruent Services*. In the AABPCN report it identified challenges that the African American community faces in areas of education, employment, health, and mental health, housing, and community relationships.

A vision and framework were provided in the report for the development of an African American Holistic Resource Center (AAHRC) in South Berkeley. The center would include the use of culturally congruent practices, embedded in an integrated service delivery system, which would help to decrease inequities and disparities in the African American community in Berkeley.

The AAHRC facility as outlined in the Feasibility Study, 2018 is stated to be a state-of-the-art green building ranging in size of 6,000 Square feet, that includes but is not limited to a multipurpose room, library, medical screening room, two therapy offices, two classrooms, dance studio, game room, kitchen, offices with a reception area, and a yard/garden area. The delivery of culturally congruent services at the AAHRC will provide African Americans with the support they need to decrease inequities and disparities, and build community.

The City of Berkeley has located a city owned building in South Berkeley for the location of the AAHRC and currently funding is being sought to construct the center. The AAHRC will be a beacon of light and hope for Berkeley's African American community when it is developed.

*(Some information was taken from the A Community Approach for African American/Black Culturally Congruent Services and the African American Holistic Resource Center Feasibility Study, 2018 reports).*

The Mental Health Division is very interested in supporting the African American Holistic Resource Center, and will work with the planning group for the AAHRC to obtain a specific proposal. The Mental Health Division intends to work with the planning group to propose funding for the AAHRC in the FY21/22 Plan Update, once the specific needs and appropriate funding categories are determined.

Following the Public Hearing the Mental Health Commission made the following motion regarding the Three Year Plan:

M/S/C (Pritchett, Davila) Motion to approve the report and forward to the City Council for approval. Ayes: Davila, Hawkins, Kealoha-Blake, Moore, Opton, Pritchett; Noes: None; Abstentions: None; Absent: None.

## COVID-19 PUBLIC HEALTH EMERGENCY

The Covid-19 crisis has caused an unprecedented, unstable time where individuals are experiencing a variety of physical health, mental health and financial needs. The State and local suspension of all but essential business operations for a period of time, in response to the Covid-19 crisis has had a significant impact on the economy and the sales and tax revenues the City receives. MHSA is funded through California millionaires who aren't immune from losses to their income. As such, at the minimum over the next couple of years, MHSA funding will be unstable. As with all MHSA Plans and Annual Updates, revenue and expenditures in this Three Year Plan are estimates. The Division will be closely monitoring the City of Berkeley's MHSA funding allotments and expenditures to assess whether program changes are needed in the future. Any proposed program changes will be vetted for community input and reflected in Annual Updates during the Three Year timeframe.

**MHSA Flexibilities** - New regulations were passed on July 1<sup>st</sup>, 2020 to provide various flexibilities with MHSA funding as a result of the Covid-19 Public Health Emergency:

- **Three Year Program and Expenditure Plan Extension:** If a County/City is unable to complete and submit a Three Year Program and Expenditure Plan for the year beginning FY20/21 due to the Covid-19 Public Health Emergency, they may extend their current approved plan. The new due date for the FY20/21 – 22/23 Three Year Program and Expenditure Plan has been extended to July 1, 2021.
- **Prudent Reserve:** Per MHSA legislation mental health jurisdictions are required to maintain a local Prudent Reserve to be able to fund the most crucial support services in the event there is a downturn in the amount of MHSA revenues received. MHSA regulations require the State to determine when Prudent Reserve funds can be locally accessed. New MHSA flexibilities allow mental health jurisdictions to determine when Prudent Reserve funds are needed for local use, and enables the transfer of funds into their CSS and PEI components to meet local needs, without a determination or initiation from the State.
- **CSS Allocations:** MHSA Generally requires at least 51% of CSS funds to be allocated to Full Service Partnership (FSP) programs. To allow more flexibility in allocating CSS funding according to local needs during the Public Health Emergency, counties can determine the allocation percentages across the three CSS funding components: Full Service Partnership; General System Development and Outreach and Engagement.
- **Reversion Extension:** In order to avoid being subject to reversion, MHSA funds are required to be expended by certain specified timeframes, that are determined by each funding component. New flexibilities allow an extension for the reversion date of MHSA funds. The reversion date for unspent funds originally subject to reversion on July 1, 2019 and July 1, 2020, including the AB114 Reversion funds, has been extended to July 1, 2021.

As with other Behavioral Health program and policy allowances the State has executed in response to Covid-19, it is possible that additional MHSA Flexibilities will be implemented over the next year that could likely affect how MHSA funds are able to be utilized to meet local needs during the pandemic.

### **Local MHSA Services During the Pandemic**

Through the implementation of social distancing protocol, and utilizing phone and Zoom technologies, local MHSA funded programs and services have largely continued during the Covid-19 Public Health Emergency. As this Three Year Plan requires reporting on programs in FY19, data and information on programs and services in operation in FY20, during the pandemic, will be reported in the FY22 Annual Update.

### **MHSA FY20/21 - 22/23 Three Year Plan**

This City of Berkeley's MHSA FY20/21 – 22/23 Three Year Program and Expenditure Plan (Three Year Plan) is a stakeholder informed plan that provides an update to previously approved MHSA Plans and Updates. The Three Year Plan summarizes proposed program changes and additions, includes descriptions and updates of currently funded MHSA services that are proposed to be continued in the next three years, and a reporting on FY19 program data. Additionally, per state regulations, this Three Year Plan includes the FY19 Prevention and Early Intervention (PEI) Annual Evaluation Report (Appendix A) and the FY19 Innovations (INN) Annual Evaluation Report (Appendix B).

While some MHSA programs have collected outcome and client self-report measures, the majority of the data currently being collected is more process related. However, as reported in previous MHSA Plans and Updates, there are a few initiatives that are currently underway to evaluate the outcomes of several MHSA programs including the following:

- Impact Berkeley: In FY18, the City of Berkeley introduced a new initiative in the Health Housing and Community Services (HHCS) Department called "Impact Berkeley". Central to this effort is using a highly regarded framework called Results Based Accountability (RBA) to account for the work of the Department. RBA provides a new way of understanding the quality and impact of services provided by collecting data that answer three basic questions:
  1. How much did you do?
  2. How well did you do it?
  3. Is anyone better off?

RBA has been incorporated into selected programs within the Department. This has included community agency programs funded through the MHSA Prevention & Early Intervention (PEI) Community Education & Supports program. Through this initiative the Department worked with each contractor to envision, clarify and develop measures on the outcomes and results each program is seeking to achieve, and used a rigorous framework to begin measuring and enhancing progress towards these results. Page 55 of this Three Year Plan provides an aggregated summary of some of the results of this initiative. The full report on the Impact Berkeley PEI program results can be accessed on the MHSA website: [MHSA Plans and Updates - City of Berkeley, CA](#)

- Homeless Outreach & Treatment Team: This pilot project supports homeless mentally ill individuals in Berkeley/Albany engaging them in mental health services. A local consultant, Resource Development Associates (RDA), was hired to measure the outcomes and effectiveness of this pilot project. In late FY20, the [Homeless Outreach and Treatment Team Final Evaluation Report](#) was released. Some of the many results of this evaluation can be reviewed in the PEI Section of this Three Year Plan.
- PEI Data Outcomes: Per MHPA PEI regulations, all PEI funded programs have to collect additional state identified outcome measures (specific to the category of services provided) as well as detailed demographic information. Beginning in FY19, PEI Evaluations were required to be included in each MHPA Annual Update or Three Year Plan. See Appendix A for the Fiscal Year 2019 Prevention & Early Intervention Annual Evaluation Report.
- INN Data Outcomes: Per MHPA INN regulations, all INN funded programs have to collect additional state identified outcome measures and detailed demographic information. Beginning in FY19, INN Evaluations were required to be included in each MHPA Annual Update or Three Year Plan. See Appendix B for the Fiscal Year 2019 Innovations Annual Evaluation Report.
- Results Based Accountability Evaluation for all BMH Programs: Through the approved FY19 Annual Update the Division executed a Request for Proposal (RFP) process to hire a consultant who will implement a Results Based Accountability Evaluation for all programs across the Division, and Resource Development Associates (RDA) was the chosen vendor. In FY21, work on this evaluation will begin.

Future MHPA Plans and Updates will continue to include reporting on the progress of these initiatives.

### PROPOSED NEW FUNDING ADDITIONS

A review of proposed staffing and services to be added through this MHPA Three Year Plan, are outlined below:

- **Increase Funding for the Berkeley Food & Housing Project, Russell Street Residence**  
The Berkeley Food & Housing Project (BFHP) operates the Russell Street Residence (RSR) which provides permanent supportive housing for seventeen formerly homeless adults diagnosed with serious and persistent mental illness. Residents at RSR receive the following services: meals; therapeutic groups, activities and outings; transportation to medical appointments; assistance with daily activities including laundry and personal hygiene.

BMH has provided funding to the BFHP for many years, to operate the RSR which provides housing to clients served by the Division. In FY19, BFHP lost funding from the Department of Housing and Urban Development (HUD), for the RSR, creating a large gap in funds. At that time, BFHP presented BMH with a budget that showed the required funding that was necessary to keep the RSR program in operation. In FY20, BMH was not able to provide all of the requested funding to fill the gap. As such, through this Three Year Plan, the Division is

proposing to utilize CSS System Development monies to increase funding for the BFHP RSR to sustain ongoing operations. The total proposed amount of the increase in FY21 is \$312,345 (which includes a one-time funding increase of \$106,000 to cover the shortfall in FY20). For FY22 and FY23, the proposed increase is \$206,245, to the base contract amount each year.

- **Add a full-time Mental Health Nurse Supervisor**

The BMH Medical Unit currently has nurses that provide services and supports for clients. Through this Three Year Plan, the Division proposes to utilize \$227,309 of MHSA CSS System Development funds to hire a Mental Health Nurse Supervisor who will oversee the services and supervise nursing staff. With current hiring freezes in place due to losses in City revenue as a result of the Covid-19 Pandemic, the determination of whether this position may be added during the three-year timeframe will be decided through a separate City review and approval process.

- **Increase Psychiatric Support on the Homeless Outreach Full Service Partnership**

Through the approved MHSA FY20 Annual Update, the Homeless Outreach and Treatment Pilot Project will transition to a Full Service Partnership (FSP). In July FY20 the new Homeless Outreach FSP will begin. Current approved staffing for the Homeless FSP includes a .25 Psychiatrist position. Through this Three Year Plan, the Division proposes to utilize \$145,457 of CSS Full Service Partnership funds to increase the Psychiatrist to a .50 position. This will provide increased supports for program participants. With current hiring freezes in place due to losses in City revenue as a result of the Covid-19 Pandemic, the determination of whether this position may be added during the three-year timeframe will be decided through a separate City review and approval process.

- **Provide funding for the Greater Bay Area Workforce, Education & Training Regional Partnership**

The Office of Statewide Health Planning and Development (OSHPD) is allocating \$40 million in Workforce, Education and Training funds for Regional Partnerships across the state for various mental health workforce strategies that will be implemented in FY20-FY25.

Each Regional Partnership will be able to decide which strategies they want to allocate funds for to benefit the local area. Strategies include:

Pipeline Development: Introduce the public mental health system to kindergarten through 12<sup>th</sup> grades, community colleges, and universities. Ensure that these programs incorporate developmentally appropriate concepts of mental health needs, self-care, and de-stigmatization and target resources at educational institutions with underrepresented communities. The Regional Partnerships would conduct pipeline activities to identify student scholarship and stipend candidates.

Undergraduate College and University Scholarships: Provide scholarships to undergraduate students in exchange for service learning received in a public mental health system.

Clinical Master and Doctoral Graduate Education Stipends: This program would provide funding for post-graduate clinical master and doctoral education service performed in a local public mental health system.

Loan Repayment Program: Provide educational loan repayment assistance to public mental health system professionals that the local jurisdiction identifies as serving in hard-to-fill and hard-to-retain positions.

Retention: Increase the continued employment of public mental health system personnel identified as high priority by county behavioral health agencies, by increasing and enhancing evidence-based and community-identified practices.

The Division has participated in meetings with representatives from the other counties in the Greater Bay Area Regional Partnership. All participating counties have decided to allocate these funds for the Loan Repayment program. This program will enable funds in the amount of \$12,000 - \$15,000 to be made available to repay a portion of student loans for a given number of staff who are in hard-to-fill positions, in exchange for a number of years served in the Public Mental Health system.

OSHPD is requesting that each Regional Partnership contribute an additional portion of local funds towards this initiative. For the Bay Area Regional Partnership, the total amount of the contribution is \$2.6 million, and the proposed contribution from Berkeley is \$40,127. Through this Three Year Plan, the Division is proposing to transfer CSS Funds to the Workforce, Education and Training (WET) funding component to participate in this initiative, through the following process:

*Per MHPA Statute, (Welfare and Institutions Code, Section 5892 (b)): "In any year after 2007 -08, programs for services pursuant to Part 3 (commencing with Section 5800), and Part 4 (commencing with Section 5850) of this division may include funds for technological needs and capital facilities, human resource needs, and a prudent reserve to ensure services do not have to be significantly reduced in years in which revenues are below average of previous years. The total allocation for purposes authorized by this subdivision shall not exceed 20 percent of the average amount of funds allocated to that county for the previous five years pursuant to this section."*

- **Receive and utilize Unreimbursed/Unexpended State MHPA Housing Funds**  
Previously in order to utilize a one-time allotment of dedicated MHPA Housing Funds received from the state, mental health jurisdictions had to reallocate the funds to the California Housing and Finance Agency (CalHFA). Once funds were reallocated and a housing development project had been identified through a local process, area developers would work directly with CalHFA through the Special Needs Housing Program. Through this process, BMH previously allocated funding to the local Harmon Gardens and University Avenue Homes housing development projects



CalHFA has recently discontinued the Special Needs Housing Program, and Berkeley has a small amount of housing funds in the amount of \$25,623. Through this Three Year Plan the Division will be requesting that the remaining amount of housing funds (and any additional accrued interest and/or future residual receipts) be returned to the City to be utilized locally on housing supports.

- **Align Contract Expenditures for FSP Program to MHSA FSP Component**

Through previous approved MHSA Three Year Plans and Annual Updates, the Division has added funding for contracted services for clients across the system, via the CSS System Development funding component. In order to properly align expenditures on contracts, the Division is proposing through this Three Year Plan to align the amounts in contracts that serve FSP clients, to the FSP funding component.

- **Re-issue Request For Proposal for Transition Age Youth Support Services Project**

To ensure fair contracting practices, the City re-issues Requests For Proposals (RFP) on contracts that have been in place with the same contractor for five or more years. As such, the Division will be executing an RFP process for the Transition Age Youth Support Services Project. This contract is currently contracted to Covenant House. The Division is proposing to continue the current contract with Covenant House through 3/31/21 to ensure the seamless continuance of services while the RFP process is executed. The chosen vendor from the RFP process will begin providing services in April 2021.

- **Increase Funding for the Community Education and Supports Program**

Since 2011, the Community Education & Supports program has been implemented through the Prevention Early Intervention (PEI) funding component. This program provides culturally-responsive, psycho-educational trauma support services for individuals in various cultural, ethnic and age specific populations that are unserved, underserved and inappropriately served in Berkeley including: African Americans; Asian Pacific Islanders; Latinx; Lesbian, Gay, Transgender, Queer, Intersex, Agender, Plus (LGBTQIA+); TAY; and Senior Citizens. Currently, \$192,276 MHSA PEI funds are utilized on an annual basis for this program, which amounts to \$32,046 per each population served. All services have been conducted through local community-based organizations.

As a result of public input received through this Three Year Plan and from a variety of other local gatherings and venues around the need for increased supports for various populations the Division is proposing to increase program amounts allocated for services for the African American, Latinx, and LGBTQIA+ populations to \$100,000 each.

Input received during community program planning for this Three Year Plan and previous MHSA planning processes, as well as from other local gatherings and City meeting venues, has repeatedly resounded the need for health and racial equity for African Americans and communities of color. According to the [Berkeley Health Status Report 2018](#), that was written by the Berkeley Public Health Division, health disparities remain prevalent for African Americans and communities of color. Health disparities can be directly tied to the economic,

social, and environmental inequities that can be found in certain neighborhoods in Berkeley (in particular West, South and Central Berkeley). Residents of these communities are predominately people of color and low income. Some of the disparities outlined in the report are as follows:

- African Americans and other people of color die prematurely and are more likely than White people to experience a wide variety of adverse health conditions throughout their lives;
- Berkeley's African American population experiences inequitably high rates of hospitalization due to uncontrolled diabetes and long-term complications, such as kidney, eye, neurological and circulatory complications;
- African Americans die younger (prematurely) than any other racial/ethnic group in Berkeley. The death rate for African Americans in Berkeley is twice the death rates of Whites, and the gap has remained consistent over time;
- Compared to White families, the proportion of families living in poverty is 8 times higher among African American families, 5 times higher among Latino families and 3 times higher among Asian families;
- African American high school students are 1.4 times more likely than White students to drop out of high school;
- African Americans are 2.8 times less likely, Latinx are 1.6 times less likely and Asians are 1.1 times less likely than Whites to have a bachelor's degree or higher.
- A higher incidence of disease is linked to neighborhoods that have been historically under-resourced and overexposed to unhealthy conditions. These neighborhoods have more people living in poverty and more people of color than surrounding neighborhoods.

As a response to the Health Status Report, the Public Health Division engaged in a strategic planning Community Health Assessment process that involved community and stakeholder engagement. The goal for the community engagement process was to supplement the findings in the Health Status Report by hearing directly from the community about the challenges they face as well as their identified needs. Specific community populations who have experienced historical and sustained impacts of health inequities, and therefore would have valuable knowledge and input, were identified to help shape the direction of the Division and in turn, improve the health of all the communities in Berkeley.

As part of this process, in October 2018, Berkeley initiated community engagement activities which included a community health survey, community focus groups, and a partner convening. The community and partner engagement process also explored the impact of identified health issues among specific vulnerable populations who have experienced historically, disproportionate poorer health outcomes and faced challenges across multiple health needs. Populations were as follows: African American, Latinx; Older Adult (Age 65+); Youth (Age 10-24); Persons experiencing homelessness; Lesbian, Gay, Bisexual, Transgender, Queer/Questioning, Intersexed, Asexual (LGBTQIA); Day Laborers; Persons with Disabilities; and the South and West Berkeley Neighborhoods.

According to the Community Health Assessment, Mental Health was identified as the top

health need across the majority of community groups. Per the Assessment, when participants spoke about mental health, they were referring primarily to depression and/or anxiety, not necessarily severe mental illness (SMI). Additional health needs identified by the majority of community members included diabetes, substance abuse/tobacco use, and violence/crime. During the community partner roundtable event, mental health was also identified as the greatest health impact experienced by the communities they serve. When survey respondents were asked to suggest two services they would like to see the Public Health Clinic provide, mental health was reported as the top service. This data suggests that mental health is the top need of Berkeley communities.

Identified health disparities that have long been prevalent due to social, economic, environmental factors, etc., as well as the deleterious effects of racism, are also currently being evidenced on the local, State and National levels during the pandemic. Data has shown among the vulnerable populations who are being hardest hit by Covid-19 are individuals from communities of color, such as Latinx and African Americans.

Repeated input over time regarding the need for increased services and supports for the LGBTQIA+ population, has also been provided through various MHSa planning processes. The diverse LGBTQIA+ community includes individuals from a multitude of racial, ethnic and age specific populations. LGBTQIA+ individuals often feel disenfranchised and are either afraid to seek the mental health services they need, and/or for fear of stigma and discrimination, may not represent themselves fully in the services they do receive, and are often invisible within the system.

In an effort to be responsive to input on the need to provide increased services and supports for these populations, the Division is proposing through this Three Year Plan, to increase the program amounts allocated for services for the African American, Latinx, and LGBTQIA+ populations to \$100,000 each. For the remaining populations served through this program the Division is proposing the following:

- Senior Citizens: Funding for Senior Citizens will remain at the current level of \$32,046, as through the FY20 Annual Update, up to \$150,000 MHSa CSS monies were allocated for additional services and supports for this population;
- TAY: Funding for the TAY population will remain at the current level of \$32,046, as through previous MHSa Plans and Annual Updates a total amount of \$222,856 of CSS funds has been allocated to implement services for this population through community partners;
- API: Services for the API community will no longer be provided through this project, beginning in FY21, as through the MHSa FY19 Annual Update, \$100,000 MHSa CSS Funds were allocated for services and supports for this population.

While the full array of MHSa services are available to individuals meeting program criteria from all populations in Berkeley, allocating funding in the proposed manner will ensure each unserved, underserved and inappropriately served population has at least \$100,000 (or more) of dedicated MHSa funds for services and supports. The Division will continue to assess the needs of each population to evaluate whether additional changes will be needed in the future.

## **PROGRAM DESCRIPTIONS AND FY19 DATA BY FUNDING COMPONENT**

Outlined in this section per each funding component are descriptions of current City of Berkeley MHSa services along with FY19 program data. Across all MHSa funded programs, in FY19, a total of 6,459 individuals participated in some level of services and supports. Additionally, a total of 817 individuals attended BMH Diversity and Multi-cultural trainings aimed at transforming the system of care, and 2,070 individuals attended BMH Diversity and Multicultural events. Some of the FY19 MHSa funded program highlights include: A reduction in psychiatric inpatient hospital and/or incarceration days for severely mentally ill clients; a decrease in the number of days severely mentally ill clients spent homeless; step down to a lower level of care for some clients; services and supports for homeless or marginally housed TAY who are suffering from mental illness; services and supports for family members; multicultural trainings, projects and events; consumer driven wellness recovery activities; housing, and benefits advocacy services and supports for clients; augmented prevention and intervention services for children and youth in the schools and community; increased outreach, and support services for homeless TAY, Adults and Older Adults and individuals in unserved, underserved and inappropriately served cultural and ethnic populations.

### **COMMUNITY SERVICES & SUPPORTS (CSS)**

Following a year-long community planning and plan development process, the initial City of Berkeley CSS Plan was approved by the California Department of Mental Health (DMH) in September 2006. Updates to the original plan were subsequently approved in September 2008, October 2009, April 2011, May 2013, May 2014, May 2015, June 2016, January 2017, July 2017, October 2018, and July 2019. From the original CSS Plan and/or through subsequent plan updates, the City of Berkeley has provided the following services:

- Wrap-around Services for Children and their families;
- TAY, Adult and Older Adult Intensive Treatment Services;
- Multi-cultural Outreach & Engagement;
- TAY Support Services;
- Consumer Advocacy;
- Wellness and Recovery Services;
- Family Advocacy;
- Housing Services and Supports;
- Homeless Outreach Services;
- Benefits Advocacy; and
- Transitional Outreach Services.

Descriptions and updates for each CSS funded program and FY19 data are outlined below

**FULL SERVICE PARTNERSHIPS (FSP)**

**Children/Youth Intensive Support Services Full Service Partnership**

The Intensive Support Services Full Service Partnership (FSP) is for children ages 0-25 and their families. This program is for children, youth and their families who would benefit from, and are interested in participating in a program designed to address the total needs of a family whose child (and possibly other family members) is experiencing significant emotional, psychological or behavioral problems that are interfering with their wellbeing.

Priority populations include children and youth who:

- have substantial impairment in self-care, school functioning, family relationships, the ability to function in the community, and are at risk of or have already been removed from the home and have a mental health disorder and/or impairments that have presented for more than six months or are likely to continue for more than one year without treatment;
- OR
- display psychotic features, or a history of hospitalization due to Danger to Self, Danger to Others, Grave Disability or a recent attempt within the last six months from the date of referral.

The Children/Youth FSP program utilizes wraparound as the treatment model. Wraparound differs from many service delivery strategies, in that it provides a comprehensive, holistic, youth and family-driven way of responding when children or youth experience serious mental health or behavioral health challenges. The model puts the child or youth and family at the center. With the help of the FSP team, the family and young person take the lead in deciding their vision and goals. Team member’s work together to put the goals into an action plan, monitor how well it is working, and make changes to it as needed.

In FY19, a total of 34 children/youth and their families were served through this program. Demographics on those served were as follows:

| <b>CLIENT DEMOGRAPHICS N=34</b> |                      |                   |
|---------------------------------|----------------------|-------------------|
| <i>Client Gender</i>            | <i>Number Served</i> | <i>% of total</i> |
| Male                            | 21                   | 62%               |
| Female                          | 13                   | 38%               |
| <b>Race/Ethnicity</b>           |                      |                   |
| <i>Client Race/Ethnicity</i>    | <i>Number Served</i> | <i>% of total</i> |
| African American                | 15                   | 44%               |
| Asian Pacific Islander          | 3                    | 9%                |
| Caucasian                       | 4                    | 12%               |
| Latinx                          | 4                    | 12%               |
| Mixed Race                      | 7                    | 20%               |
| Unknown                         | 1                    | 3%                |

Children/youth outcomes were as follows: 11 clients reached 100% of their treatment goals and their cases were closed; 12 clients stepped down to a lower level of care; 8 client cases were closed due to low/no engagement; 6 clients moved out of the area; 11 clients were placed on 5150/5585 hold; 1 client was placed out of the home.

### TAY, Adult and Older Adult Full Service Partnership

This FSP program provides intensive support services to TAY, Adults and Older Adults with severe mental illness using an Assertive Community Treatment (ACT) approach. The program focuses on serving individuals who have had difficulty with obtaining or maintaining housing; frequent and/or lengthy psychiatric hospitalizations; and/or frequent or lengthy incarcerations. Priority populations also include individuals from un-served, underserved and inappropriately served cultural communities.

The team utilizes an ACT approach which maintains a low staff-to-client ratio (12:1) that allows for frequent and intensive support services. Clients are provided assistance with finding appropriate housing and in some cases may qualify for temporary financial assistance. A full range of mental health services are provided by a team comprised of 1 Clinical Supervisor, 5 masters level Behavioral Health Clinicians, 1 Social Services Specialist, 1 Registered nurse and a ½ time psychiatrist. The primary goals of the program are to engage clients in their treatment and to reduce days spent homeless, psychiatrically hospitalized and/or incarcerated. Goals also include increasing employment and educational readiness; self-sufficiency; and wellness and recovery. The program serves up to 60-70 clients at a time.

In FY19 a total of 63 TAY, Adults, and Older Adults completed at least 1 year of service in the program. Demographics on those served include the following:

| <b>CLIENT DEMOGRAPHICS N=63</b> |                      |                   |
|---------------------------------|----------------------|-------------------|
| <i>Client Gender</i>            | <i>Number Served</i> | <i>% of total</i> |
| Male                            | 38                   | 60%               |
| Female                          | 25                   | 40%               |
| <b>Race/Ethnicity</b>           |                      |                   |
| <i>Client Race/Ethnicity</i>    | <i>Number Served</i> | <i>% of total</i> |
| African American                | 31                   | 49%               |
| Asian Pacific Islander          | 2                    | 3%                |
| Caucasian                       | 24                   | 38%               |
| Latinx                          | 6                    | 10%               |
| <b>Age Category</b>             |                      |                   |
| <i>Client Age Category</i>      | <i>Number Served</i> | <i>% of total</i> |
| Transition Age Youth            | 5                    | 8%                |
| Adult                           | 44                   | 70%               |
| Older Adult                     | 14                   | 22%               |

TAY, Adult and Older Adult client outcomes included the following: 11 partners were dis-enrolled from the program during FY19, 8 partners met treatment goals and graduated to lower levels of care (73% dis-enrolled from services), 2 partners moved out of the county (18% of those dis-enrolled from services), 1 partner was unable to be located (9% of those dis-enrolled); 18 new partners were enrolled and completed 1 year of service during the course of the fiscal year. There were 63 FSP program participants in FY19 who completed at least 1 full year of service in the program and are included in the program outcome report data. There were positive outcomes with regard to reductions in days spent homeless, in psychiatric hospital settings and/or incarcerated. There was a **42.2% reduction in days spent homeless**. Partners spent 5,783 days homeless (on the street, couch surfing and in shelters) the year before program enrollment and 3,344 days homeless during the first year of program participation. There was an **85.6%**

**reduction in days spent in psychiatric hospital settings** (Psychiatric Emergency, acute inpatient, IMDs, MHRCs and state psychiatric hospitals) during the first year of program participation. Partners spent 4,522 days in psychiatric hospital settings the year before program enrollment and 651 days in these settings during the first year of program participation. There was a **72.7% reduction of days spent incarcerated** during the first year of program participation. Partners spent 1,566 days incarcerated (jail and prison) the year prior to program enrollment as compared with 427 days incarcerated during the first year of program participation.

Program challenges: Finding safe and affordable housing in the Bay Area is becoming increasingly difficult as housing prices continue to rise and are among the most expensive in the Country. Additionally, Licensed Board & Cares that provide clients 24/7 support and monitor medication adherence have been closing down. Single Room Occupancy Hotels have also been raising their monthly rates such that clients are not able to afford staying there without housing subsidies. The program has also struggled with how to better serve individuals with severe substance abuse problems who are unwilling to address or sometimes even acknowledge that they have substance abuse issues. Going forward the Team will continue to develop staff expertise in treating Substance Use Disorders by providing ongoing training in Motivational Interviewing. The Team will also continue to work on increasing fidelity to the ACT Model. If BMH is able to do so, given current City hiring freezes, an additional Behavioral Health Clinician will be added in FY21 to increase program capacity.

## **MULTI-CULTURAL OUTREACH AND ENGAGEMENT**

### **Diversity & Multicultural Services**

The Diversity & Multicultural Coordinator (DMC) provides leadership in identifying, developing, implementing, monitoring, and evaluating services and strategies that lead to continuous cultural, ethnic, and linguistic improvements within the organization's system of care, with a special emphasis on unserved, underserved, inappropriately served, and emerging populations. The DMC also collaborates with the state, regional counties, other city divisions, local agencies, and community groups in order to address mental health inequities and disparities for targeted populations and communities, and the community-at-large in Berkeley.

The Diversity & Multicultural Coordinator accomplishes these goals by:

- Providing cultural competency training to all behavioral health, community partners, and all stakeholders in Berkeley and other geographic locations in the region as a collaborative partner;
- Performing outreach and engagement to unserved, underserved, inappropriately served and emerging communities and populations;
- Developing long and short term goals and objectives to promote cultural/ethnic and linguistic competency within our system of care;
- Developing an annual training plan and budget;
- Chairing the agency's Diversity and Multicultural Committee;
- Attending continuous trainings in the areas of cultural competency;
- Monitoring Interpreter and Translation Services for the agency;

- Collaborating with State, Regional, County, and local groups and organizations, and
- Developing and updating BMH's Cultural Competency Plan as needed.

Participants involved in Berkeley Mental Health's trainings, committees, groups, cultural/ethnic community events and activities are city staff, community providers, consumers/clients, family members, and residents from diverse groups and populations. There is a focus on improving services for unserved, underserved, inappropriately served, and emerging populations and communities throughout Berkeley, and other areas within the region.

Program services, events and activities conducted in FY19, are summarized below:

**Diversity & Multicultural Conferences and Trainings:**

**Beyond Diversity: White Privilege** – September 18, 2018 – (Approximately 88 individuals attended the training) – Attendees included staff, consumers, family members, community partners, and students.

**Cultural Competency Summit** – African American Women's Presentation – October 22, 2018 – (Approximately 60 individuals attended the presentation) – Attendees included staff and community partners from throughout the State. This was a statewide collaboration with County Behavioral Health Care Services agencies.

**Alameda County Behavioral Health Care Services (BHCS) and City of Berkeley Annual Black History Month Conference** – Commemorating 400 Years of Enslavement – February 22, 2019 – (Approximately 200 individuals attended this event) – Attendees included staff, consumers/clients, family members, community partners, students, teachers, and residents. This conference collaboration was with Alameda County BHCS, the City of Berkeley, and the Pool of Consumer Champions.

**Black History Month** – Black History Month Spirituality Training - February 28, 2019 – (Approximately 30 individuals attended this event) – Attendees included clergy, consumers/clients, family members, and community partners. This collaboration was with NAMI Contra Costa County and Church of ME.

**PRIDE Annual Conference – Diverse Lives:** Learning from the LGBTQQI2-S Community – June 13, 2019 – (Approximately 70 individuals attended the training) – Attendees included staff, consumers/clients, family members, community providers, and students. The collaboration was with the City of Berkeley, the Pacific Center of Human Growth, NAMI Contra Costa County, and other community partners.

**Cultural/Ethnic and Community Events:**

**Dia de Los Murtos Event** – Latino community Health Fair – November 2, 2018 – (Approximately 350 individuals attended the event) – Attendees included residents, consumers/clients, family



members, youth, children, and community partners. This collaboration was with the City of Berkeley, BAHIA, Inc., RISE, and other community partners.

**Black History Month Event** – Black History Month Event, Berkeley High School – February 20, 2019 - (Approximately 80 individuals attended this event) – Attendees included students, staff, consumers/clients, family members, community partners, teachers and residents. This collaboration was with BUSD.

**African American/Black Educational Event** – May 10, 2019 – (Approximately 200 individuals attended the event) – Attendees included students, staff, family members, and community residents. This collaboration was with BUSD.

**May Is Mental Health Month Event** – May 16, 2019 – (Approximately 40 individuals attended the event) – Attendees included staff, consumers, family members, students, community partners, and residents.

**Gay Prom** – Sponsorship for Horizon Services, Eden Project – June 1, 2019 – (Approximately 300 individuals attended this event) – Attendees included students, staff, consumers, family members, community partners, and residents.

**Latino Educational Event** – June 8, 2019 – (Approximately 100 individuals attended the event) – Attendees included students, staff, family members, and community residents. This collaboration was with BUSD.

**City of Berkeley Juneteenth Festival** – June 16, 2019 – (Approximately 1000 plus individuals attended this event) – Attendees included a diverse group of residents and stakeholders from throughout the region.

**Committees/Groups:**

- BMH Diversity & Multicultural Committee, Chair
- BMH Staff Training Committee, Chair
- Alameda County BHCS PRIDE Committee Member
- Alameda County BHCS Cultural Responsiveness Committee Member
- Statewide Spirituality Liaison, Spirituality Initiative Committee Member
- State and County Ethnic Services Managers/Cultural Competency Coordinators, Committee Member
- Alameda County BHCS African American Steering Committee for Health and Wellness, Committee Member
- BMH Health Equity Committee – Co-Chair
- African American Holistic Resource Center, Community Leadership Committee, Co-Chair

**Outreach and Engagement:**

- NAMI – Mental Health Family Members
- Berkeley Drop-In – Homeless Population
- McGee Baptist Church – African American Community

- Church of ME – Mental Health Population
- ROOTS – Re-entry population
- Village Connect, Inc., African American Population
- Eden Project – LGBTQI2-S – TAY
- Pacific Center – LGBTQI2-S Community
- South Berkeley Community Church – Faith-based Population
- BAHIA, Inc. – Latino Community
- Healthy Black Families – African American Women & Children Population
- BUSD – Staff, Students, and Families
- Options Recovery Services - Substance Use Disorder Population

**Transition Age Youth (TAY) Support Services**

Implemented through Covenant House, the Transition Age Youth (TAY) Support Services program provides outreach, services, supports, and/or referrals to TAY with serious mental health issues who are homeless or marginally housed and not currently receiving services. Priority is given to youth coming out of foster care and/or the juvenile justice system and particular outreach strategies are utilized to engage youth from various ethnic communities, including Asian and Latinx populations, among others. Program services include: culturally appropriate outreach and engagement; peer counseling and support; assessment; individual and group therapy; family education; case management, coaching, ancillary program referrals and linkages. Also provided are services in housing attainment and retention, financial management, employment, schooling, and community involvement. Services are designed to be culturally relevant, tailored to each individual’s needs, and delivered in multiple, flexible environments. The main goals of the program are to increase outreach, treatment services, and supports for mentally ill TAY in need, and to promote self-sufficiency, resiliency and wellness. This program serves 15-20 youth at a time. In FY19, a total of 76 TAY between the ages of 18-24 were served. Demographics on TAY served were as follows:

| <b>CLIENT DEMOGRAPHICS N=76</b>  |                      |                   |
|----------------------------------|----------------------|-------------------|
| <i>Client Gender</i>             | <i>Number Served</i> | <i>% of Total</i> |
| Male                             | 36                   | 47%               |
| Female                           | 28                   | 37%               |
| Transgender                      | 6                    | 8%                |
| Genderqueer                      | 3                    | 4%                |
| Questioning or Unsure            | 3                    | 4%                |
| <b>Race/Ethnicity</b>            |                      |                   |
| <i>Client Race/Ethnicity</i>     | <i>Number Served</i> | <i>% of Total</i> |
| African American                 | 27                   | 35%               |
| Asian Pacific Islander           | 2                    | 3%                |
| Caucasian                        | 34                   | 45%               |
| Latinx                           | 17                   | 22%               |
| Native Hawaiian or Alaska Native | 3                    | 4%                |
| Bi-racial/Multi-racial           | 6                    | 8%                |
| Other                            | 4                    | 5%                |

| <b>Age Category</b>       |                      |                   |
|---------------------------|----------------------|-------------------|
| <i>Client Age</i>         | <i>Number Served</i> | <i>% of Total</i> |
| Transition Age Youth      | 76                   | 100%              |
| <b>Sexual Orientation</b> |                      |                   |
| Gay or Lesbian            | 13                   | 17%               |
| Heterosexual or Straight  | 52                   | 68%               |
| Bisexual                  | 10                   | 13%               |
| Questioning or Unsure     | 1                    | 1%                |
| Queer                     | 1                    | 1%                |

During FY19, 421 outreach activities were conducted with a total of 11,384 duplicated contacts and 76 individuals received engagement and ongoing program services. Weekly support groups were also offered to youth in this program on the following topics: Coping Skills; Creative Expression; Harm Reduction; and Mindfulness. During the reporting timeframe approximately 20% of youth participated in ongoing Mental Health services and 92% participated in weekly support groups. There were 483 referrals to the following services and supports: 88 Mental Health; 90 Physical Health; 119 Social Services; 59 Housing; and 127 other unspecified services. Per a Satisfaction Survey that was administered, youth participants reported the following: 100% indicated satisfaction with the treatment services they received; 17% exited the program into stable housing; and 39% became employed or entered into school.

**SYSTEM DEVELOPMENT**

System Development includes Wellness Recovery Support Services that are intended to expand collaboration with stakeholders, promote the values of wellness, recovery and resilience, and move the Division towards a more consumer and family member driven system. Services are comprised of the following main components: Wellness/Recovery System Integration; Family Advocacy Services; Employment/Educational services. Together, each ensures that consumers and family members are informed of, and able to be involved in, opportunities to provide input and direction in the service delivery system and/or to participate in recovery-oriented or other supportive services of their choosing. Strategies designed to reach program goals include: developing policies that facilitate the Division in becoming more Wellness & Recovery oriented and consumer/family member driven; outreach to, and inclusion of, consumers and family members on Division committees; provision of family support & education; supported employment and vocational services; wellness activities; peer supportive services; and client advocacy. Some of the additional services and supports that CSS System Development provides funding for are as follows: Housing Services and Supports, Benefits Advocacy; Wellness Recovery Center; Counseling Services for Senior Citizens; Youth Case Management Services; Hearing Voices Groups; Homeless Outreach and Treatment Team; Transitional Outreach Team; Flex Funds and Sub-representative Payee Services for clients, etc.

**Wellness Recovery System Integration**

The BMH Wellness Recovery Team works with staff, stakeholders, community members and clients to advance the goals of Wellness and Recovery on a system wide level. In order to

accomplish these goals, some of the various tasks include: recruiting consumers for Division committees; convening committees around Wellness Recovery system initiatives; oversight/administration of peer stipends; convening and conducting meetings for the Berkeley "Pool of Consumer Champions (POCC)"; working with staff to develop various Wellness and Recovery related policy and procedures; and oversight of the Division's "Wellness Recovery Activities". The Consumer Liaison is also a resource person around "Mental Health Advance Directives" for consumers desiring to express their treatment preferences in advance of a crisis; and is a participant on a number of local MHSAs initiatives. In FY19, these individual and system-level initiatives impact approximately 419 clients.

In FY19 some of the various activities of the Wellness Recovery Team that were conducted under the direction of the Consumer Liaison included:

### **Berkeley Pool of Consumer Champions (POCC)**

During FY19, 12 meetings were held which included: Sponsoring a South Berkeley Art Walk; presenting about their work at the Alameda County POCC Steering Committee; and creating a space at the Alameda County POCC Holiday Party and POCC Barbeque for people to make cards for individuals in locked facilities. The Berkeley POCC also; co-hosted an orientation to inform individuals about what it does, and to recruit more individuals in the area; tabled at the "Eight Dimensions of Wellness, 10x10, We Move for Health" event for mental health awareness in May; continued to discuss updates for the POCC Action Plan; helped revise the "Guidelines for Respectful Engagement". An average of 4-5 individuals attended each meeting for a total of 12 unduplicated people attending over the course of the year.

### **Wellness Recovery Activities**

Designed with, and building on the talents of consumers, the BMH Wellness Recovery activities included workshops, trainings and ongoing health groups. Light refreshments were served at each activity. In FY19, a total of 25 unduplicated consumers attended this program, facilitating peer led activities, which included:

- Facilitated Discussions - Topics included: Ways to Reduce Stress; Our Values; Watching and Discussing the Video Mind Games; Plans for Summer; What to do When You Are Down; Progress On Your Goals; Things to do to Stay Well.
- Creative Writing - Topics included: Writing a story about a picture; Highs and Lows of Recovery; Description of yourself- Your Wishes and Dreams; Gratitude list; Three Truths and a Lie; What Helps and What Doesn't; Goal Setting; Your Recovery Journey; Recovery Essay; Letters to our Younger Selves; Things You Like About Yourself; What to do When Someone is Rude; The Ups and Downs of the Past Week; Your Most Memorable Walk.
- Creating – Mandalas; Greeting Cards; "Wreck This Paper Art"; Origami Cranes for "Day of the Dead" Altar; Using Dots to Create Art; Choices You Regret and What to do About it; Valentine and Christmas Cards; Cards to our Future Selves.
- Exercise – Yoga; Stretching; Meditation; Catching balls; Chi Gung; Walking to the park, and Mindful walking.
- Games - Wellness Tools Hangman; Moods; Creating a Dinner for Under \$30 from Ads; Recovery Hangman; Stress Reduction Hangman; Life Stories; Boggle and Jenga!

- Drawing – Including: Nature scenes; A summer day; Coloring mandalas; Outlining objects to create a composition; Using Lines; Shared Drawing; Creating Art with Stray Lines; Abstract drawing.

#### Field Trips

In FY19 a total of 8 field trips were offered with 34 participants. Peer led field trips at the museums and in nature incorporating expressive arts included trips to: Berkeley Marina; Berkeley Rose Garden; Codornices Park; the San Francisco Museum Of Modern Art; South Berkeley Art Walk; Berkeley Art Museum; and a trip to 4<sup>th</sup> Street in Berkeley to see the Holiday lights and the local Open Art studios; and a tour of the Berkeley Main Library.

#### Card Party Groups

In FY19 a total of 29 Card Party groups were offered to inspire consumers to create inspirational cards for individuals in psychiatric hospitals. This program is modeled after the Do-Send-A-Card program created by the San Francisco Mental Health Association. BMH Wellness Recovery staff partnered with the Alameda Network of Mental Health Clients' Reach Out Program to distribute the cards that were created from the Card Party groups when they visit the hospitals throughout the County. Patients can choose the card they want to receive. Through this program over 175 cards, were sent to the Reach Out Program.

#### Mood Groups

The Mood Group is designed for people to share their thoughts and feelings in a safe place where support is also offered. In FY19, the weekly support group focused on mood scales and enabled time for participants to share freely among non-judgmental peers. There were 33 groups with an average of 15 participants at each group.

#### Mental Health Advance Directives

This consultation was offered on a drop-in basis. As a result of these meeting sessions, recommendations were made to the existing Mental Health Advance Directive policy and procedure. In FY19, 9 sessions were offered on-site at BMH, and 3 were offered off-site at a community-based organization, and 10 individuals dropped in for consultations.

The Wellness Recovery Team also conducted or participated in the following activities during the reporting timeframe: Developed a monthly color calendar of activities that was sent to approximately 150 individuals via mail and another 130 individuals via email; worked on an introductory letter about the Wellness Recovery Team to be given to consumers; worked on the development of a Mission Statement for the Wellness Recovery Team; participated in the planning and implementation of the May is Mental Health Month event in Berkeley; co-facilitated 1 Adult Mental Health First Aid training and 1 Youth Mental Health First Aid training; participated on the Berkeley Wellness Center Task Force; conducted Consumer Perception surveying in November and May during the State survey period, including recruiting, training and supervising surveyors as well as submitting completed surveys to the state; ministered the Consumer and Family Member Stipend Program and continued work on updating the Stipend Policy; assisted consumers to the POCC Barbeque and tabled the event with cards and information about BMH; participated in the

planning of the 10 x 10 Eight Dimensions of Wellness, “We Move For Health”, and attended the following conferences – POCC 2019 Annual Conference and the Spirituality Conference.

**Hearing Voices Support Group**

The Hearing Voices Support Group is offered through a contract with the Bay Area Hearing Voices Network. The weekly free drop-in Support Group is for adults who experience voices, visions, special messages, unusual beliefs or extreme states of consciousness. The support group is co-facilitated by trained group leaders both of whom have lived experience in the mental health system. Per the approved MHSA FY20 Annual Update, two additional new support groups were implemented through this program in December 2019, one for Transition Age Youth and one for Family Members of individual participants.

In FY19, a total of 504 individuals were served through weekly support groups. There was an increase of 139 individuals served through this project over the previous year. According to the program report, this increase demonstrates the community need for these kinds of groups as well as successful outreach efforts. Outreach efforts included: Posting and distributing leaflets; conducting visits to shelters, housing for the homeless, area hospitals, and the Berkeley Public Library; and conducting presentations on the Hearing Voices Network services at mental health clinics. During the program a survey was administered to the Adult Support Group participants and their family members. Survey questions and some of the responses are outlined below:

| <b>QUESTIONS ASKED TO ADULT SUPPORT GROUP MEMBERS<br/>AND SOME OF THE PARTICIPANTS RESPONSES</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>How has the group helped you?</b><br/>                     “It helps me to listen to and talk to others who also have to deal with the cultural stigma of hearing voices.”<br/>                     “It helps me appreciate my own uniqueness and provides opportunities to hear from others what its like for them to live with voices”.<br/>                     “I still cannot talk to most people about the voices, including family and friends, so this organization makes me realize others are also going through this daily experience.”<br/>                     “Listening to other group members share their experiences has given me hope, not in the sense that my experiences will stop necessarily, but in learning about the similar burdens that others have been carrying longer than me, I feel that mine has lightened.”<br/>                     “The group has helped me function at work and find a job.”</p> |
| <p><b>What do you like about the group?</b><br/>                     “I like the group’s sense of humor.”<br/>                     “I feel that other group members have good intentions and a desire to help.”<br/>                     “I like a small group and I am able to express what the voices say and deal with it.”<br/>                     “The group has allowed me a forum to talk about my experiences that are not allowed in society. I like it that it’s not judgmental.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <p><b>How has the group changed your life?</b><br/>                     “When I think about how my group has changed my life, I think about the sense of belonging I feel.”<br/>                     “It is the first community I have found in my life that I feel I can not only merge with, but help define.”<br/>                     “I don’t isolate myself like I used to. We meet after group and have coffee and talk about experiences, which I really like.”<br/>                     “I feel very supported since group members are about the only people who understand other voice hearers.”<br/>                     “I was already blogging about my experience in the voice/avatar world, but to talk about my experience has allowed me to go further with the work.”</p>                                                                                                                                                  |

|                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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| <p><b>How have you seen your life improve since you started the group?</b></p> <p>“The group has given me a place to be.”</p> <p>“It has given me new friends, improved my social life and given me a connection to something greater than myself.”</p> <p>“It’s easier to accept myself because I see and hear from others who hear voices and we are not crazy.”</p> <p>“My experience in the group has been freeing and discerning”.</p> |
| <p><b>Do you feel safe in the group? Why?</b></p> <p>“Yes, I feel safe in the group. Our moderators encourage and try to give everyone the chance to speak”</p> <p>“I feel I will have support if I come to my group with a problem.”</p>                                                                                                                                                                                                   |
| <p><b>Do you connect with other members of the group? During group, or after group?</b></p> <p>“I connect with other group members both during and outside of group.”</p>                                                                                                                                                                                                                                                                   |
| <p><b>Do you feel supported in the group? Why?</b></p> <p>“Yes, I do feel supported in my group. Other group members are more than willing to share their advice, even if it’s just someone relating to something I am experiencing.”</p> <p>“</p>                                                                                                                                                                                          |
| <p><b>Has the group helped you deal with stigma?</b></p> <p>“Within the group I do not feel the stigma that exists in broader society.”</p> <p>“Talking to other group members who also experience life in ways that are socially stigmatized has given me an escape from that constant negativity.</p>                                                                                                                                     |
| <p><b>What is your experience like in the group?</b></p> <p>“As I’ve gotten to know the group members better, my experience in the group has shifted. When I first started coming to the group I didn’t know anyone and I felt a little shy, but also excited.”</p> <p>“Although I’ve only been coming to the group for about a year, it has forever changed my life, and I can’t see myself leaving.”</p>                                  |

| <p><b>QUESTIONS ASKED TO FAMILY MEMBERS OF ADULT SUPPORT GROUP PARTICIPANTS AND SOME OF THE FAMILY MEMBER RESPONSES</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>How has the group helped your loved one?</b></p> <p>“My wife felt immediately welcomed by the group.”</p> <p>“Members and facilitators understand the situation better than the public, and perhaps even the medical community.”</p> <p>“It has been very valuable for my son to have a place he can go to every week and be with people who have shared experiences, where he can express things that he would not be comfortable sharing with others.”</p> <p>“The group has benefitted my family member in a number of ways. The group provides him with a safe place and a feeling of sanctuary where he knows he will be welcome on his good days and not-so-good days.”</p> <p>“He is grateful for the support other group members have given him and to one another. The group gives him a feeling of contribution when he can support others.”</p>                                                                                                                                                                     |
| <p><b>What positive changes have you seen in your loved one/friend?</b></p> <p>“He feels good about being able to share his experiences in a way that may help others. He speaks about them a little more easily with me than he used to as well.”</p> <p>“He has made friends in the group, people he is comfortable being around.”</p> <p>“Attending group gives structure to my family member’s day and week.”</p> <p>“Because of my family member’s participation in he group, his sense of isolation (of being the only one to experience his experiences) has greatly diminished.”</p> <p>“This is most significant—my family member watched how this group was organized – from the facilitators to the participants – and decided that he wanted to become a peer counselor. He completed a multi-month course as well as an intensive 4-day workshop on peer counseling, and he worked as an intern at a wellness center. He now has a profession complete with a training certificate and employment recommendations.”</p> |

**Are you happy that your friend or loved one attends the group? Why?**

"I'm very happy that my family member attends the group, it has been a positive and helpful experience for him."

"I'm very happy that my family member attends the group. Discovering a community and participating in it is an affirming activity. The group has also provided my family member the opportunity to expand their social world by making numerous friends who also attend the group. This is most important because in years past my family member has felt socially isolated."

**Do you support him/her attending the group? Why?**

"I absolutely support my family member attending the group."

"I totally support my family member attend the group. The benefits have been many."

**Family Support Services**

The Family Service Specialist works with family members, staff, community-based organizations etc. to improve services and supports for BMH clients and their family members on a system-wide level. Services provide both individual family services and supports, and system-wide change initiatives. This family/caregiver-centered program provides information, education, advocacy and support for family/caregivers of children, adolescents, TAY, adults and older adults with serious emotional disturbance or severe mental illness. Services are provided in a culturally responsive manner providing outreach to people of various ethnicities and language groups.

The Family Services Specialist serves as a point of contact for family members who are currently accessing or attempting to access services and/or who have questions and concerns about the mental health system, providing them with supports, and as needed, referrals to additional community resources. Outreach is provided to families through existing BMH family support groups, NAMI of the East Bay, community clinics and the Alameda County Family Education Resource Center (FERC). Additionally, the Family Services Specialist coordinates forums for family members to share their experiences with the system; recruit's family members to serve on BMH committees; supports family members through a "Warm line"; conducts a Family Support Group; and creates training opportunities to educate mental health staff on how to effectively work with families. The combination of individual services and system-level initiatives impact approximately 419 clients and their family members a year.

In FY19 under the direction of the Family Services Specialist, the following individual or group services and supports were conducted through this program:

**Warm Line Phone Support:** A phone Warm Line provided a sympathetic resource for family members needing information, referrals, supports, and assistance in navigating the complex mental health system. Through the Warm Line, the Family Services Specialist helped families find services and resources as needed.

**Family Support Group:** An English speaking Family Support group was offered to parents, children, siblings, spouses, significant others or caregivers. The group met twice a month for two hours.



**Individual Support:** The Family Services Specialist met with families as needed, to provide personal support to help them prioritize their needs, connect them with appropriate resources and supports, assist them in navigating the Mental Health system and to provide coping skills for dealing with the high level of stress that can ensue from the impact of mental illness in the family.

In April 2019 the Family Services Specialist position became vacant. During FY19 a total of 69 family members were served. Demographics of individuals served are outlined below:

| <b>CLIENT DEMOGRAPHICS N=69</b> |                      |                                       |
|---------------------------------|----------------------|---------------------------------------|
| <i>Client Gender</i>            | <i>Number Served</i> | <i>Percent of Total Number Served</i> |
| Male                            | 53                   | 77%                                   |
| Female                          | 16                   | 23%                                   |
| <b>Race/Ethnicity</b>           |                      |                                       |
| <i>Client Race/Ethnicity</i>    | <i>Number Served</i> | <i>Percent of Total Number Served</i> |
| African American                | 7                    | 10%                                   |
| Asian Pacific Islander          | 13                   | 19%                                   |
| Caucasian                       | 40                   | 58%                                   |
| Latinx                          | 5                    | 7%                                    |
| Declined to Answer/Unknown      | 4                    | 6%                                    |
| <b>Age Category</b>             |                      |                                       |
| <i>Client Age in Years</i>      | <i>Number Served</i> | <i>Percent of Total Number Served</i> |
| 26-55 years                     | 18                   | 26%                                   |
| 56+ years                       | 33                   | 48%                                   |
| Declined to Answer/Unknown      | 18                   | 26%                                   |

**Employment Services**

Previously, a BMH Employment Specialist provided services to support consumers in job readiness and accessing employment opportunities. It was envisioned that these services would at a minimum, create and nurture supported vocational, educational and volunteer “try-out” opportunities in the community; build employment and educational readiness; and increase the numbers of consumers who are gainfully employed and/or engaging in other meaningful activities such as school or volunteer work. Different strategies were implemented along the way including utilizing the Dartmouth model of supported employment. The Dartmouth model helps to promote wellness and recovery by enabling clients to work alongside other non-mentally ill workers in a competitive environment in their community. In this model, employment supports were provided to clients from multiple sources including the following: Employment Specialist; Case Manager; Psychiatrist; and any involved Family Members. The Employment Specialist also: provided supports to clients who were interested in starting their own business by guiding them through the necessary steps of getting a license, advertising, etc.; assisted clients who weren’t quite ready to obtain employment, in becoming involved in volunteer opportunities; connected clients with the Department of Rehabilitation for computer skills training; worked with staff to ensure clients were

adhering to their medication regimen; and supported clients in filling out job applications and or practicing their interview skills.

Although various strategies were implemented over the years, client participation and employment outcomes remained low through FY12, followed in FY13, with an unexpected vacancy in the Employment Specialist position. Low client outcomes coupled with a vacancy in the position prompted BMH to evaluate current best practices for mental health client employment. Additionally, input received during various MHS Community Program Planning processes, provided recommendations on strategies to better support clients in reaching their employment goals, such as: assisting clients on interviews and on what to share with an employer regarding reasonable accommodations; providing mentoring and job shadowing; implementing technology training for clients; having services be integrated and supported, and implementing evidence based practices.

A new Employment Specialist position was proposed through a previously approved Three Year Plan. It was envisioned that once hired, the Employment Specialist would be focused on utilizing an evidenced based model for supporting individuals with serious mental illness in obtaining and retaining competitive employment. The hiring process for this position has not occurred yet, as the City of Berkeley has been evaluating whether the best use of funds would be to hire the full-time position, or to contract the services out to a local organization that focuses on employment services and supports for mental health consumers. As a decision on the best approach had not been finalized yet, in the previously approved MHS FY19 Annual Update, the Division requested to have flexibility on how to best utilize funds allocated for the Employment Services Specialist position.

### **Housing Services and Supports**

Previously a Housing Specialist worked with clients and staff throughout the Division to provide Housing Resources, with the aim of increasing housing opportunities for clients and increasing housing retention. In FY13 the Housing Specialist Position became vacant. Up until early FY18, although clients continued to receive housing support from case managers and/or through Shelter Plus Care personnel, there was not a dedicated staff member in place to focus solely on this aspect of the work. The vacancy in the Housing Specialist position allowed BMH to re-assess where staff expertise would be most beneficial in supporting mental health clients with their housing needs. Additionally, input received during the FY14 and previous MHS Community Program Planning processes included concerns around the lack of affordable housing in Berkeley and echoed the need for additional supports to assist clients in maintaining their housing.

In FY17, BMH began interviewing for the Housing Specialist position and the position was filled in early FY18. The current Housing Specialist has been involved in: providing housing resource services for clients; working with landlords to increase housing opportunities; collaborating with case management staff, landlords, and Board & Care Managers to provide additional supports for clients who are already housed; and working in tandem with the City of Berkeley HHCS Department Hub (which serves as a single entry point into emergency shelter and transitional housing, where clients are triaged based on their housing and service needs).

### Benefits Advocacy Services

Through this project a community-based organization, the Homeless Action Center (HAC), assists clients in obtaining public benefits. Services are provided for approximately 10 BMH clients a year. In FY19, 16 clients were served through this agency. Demographics on those served were as follows:

| <b>CLIENT DEMOGRAPHICS N=16</b> |                      |                                       |
|---------------------------------|----------------------|---------------------------------------|
| <i>Client Gender</i>            | <i>Number Served</i> | <i>Percent of Total Number Served</i> |
| Male                            | 10                   | 62.5%                                 |
| Female                          | 6                    | 37.5%                                 |
| <b>Race/Ethnicity</b>           |                      |                                       |
| <i>Client Race/Ethnicity</i>    | <i>Number Served</i> | <i>Percent of Total Number Served</i> |
| African American                | 5                    | 31%                                   |
| Caucasian                       | 9                    | 56%                                   |
| Mixed                           | 1                    | 6%                                    |
| Other                           | 1                    | 6%                                    |
| <b>Age Category</b>             |                      |                                       |
| <i>Client Age in Years</i>      | <i>Number Served</i> | <i>Percent of Total Number Served</i> |
| 18-24 years                     | 1                    | 6.25%                                 |
| 25-44 years                     | 4                    | 25%                                   |
| 45-54 years                     | 3                    | 18.75%                                |
| 55-61 years                     | 4                    | 25%                                   |
| 62 & over                       | 4                    | 25%                                   |

### Flexible Funds for Level One Clients

A contract with the community-based organization, Berkeley Food & Housing Project, enables flexible funds to be used with clients across the system for supports such as housing, clothing assistance, food, transportation, etc. This use of flexible funds aids individuals in achieving better stability in areas where they are less capable of addressing their daily living needs.

### Mobile Crisis Team (MCT) Expansion

Through the previously approved MHSA FY14/15 - 16/17 Three Year Plan, and as a result of staff and community input on increasing and improving services for those experiencing a mental health crisis, the following additions to BMH have been or are in the process of being implemented through CSS System Development funds:

- Increase in staff to expand the Mobile Crisis Team (MCT) capacity and hours of operation;
- Mental Health First Aid Trainings to teach community members how to assist individuals who are in crisis or are showing signs and symptoms of a mental illness;
- A Consumer/Family Member Satisfaction Survey for Crisis services.

### Transitional Outreach Team (TOT)

The Transitional Outreach Team (TOT) was added thru the previously approved FY16 MHSA Annual Update to support Crisis Services, through interventions that address issues individuals experience either immediately prior to, or following a mental health crisis. This team, follows up

with individuals and families that have had a recent crisis. The goal of the team is brief outreach and engagement to assist the individual and/or family get connected to the resources they may need.

In FY19, 321 individuals were served through this project. Demographics on those served were as follows:

| <b>CLIENT DEMOGRAPHICS N=321</b> |                      |                                       |
|----------------------------------|----------------------|---------------------------------------|
| <i>Client Gender</i>             | <i>Number Served</i> | <i>Percent of Total Number Served</i> |
| Male                             | 162                  | 50%                                   |
| Female                           | 153                  | 48%                                   |
| Transgender                      | 2                    | 1%                                    |
| Unknown                          | 4                    | 1%                                    |
| <b>Client Race/Ethnicity</b>     |                      |                                       |
| <i>Client Race/Ethnicity</i>     | <i>Number Served</i> | <i>Percent of Total Number Served</i> |
| African American                 | 86                   | 27%                                   |
| Asian                            | 17                   | 5%                                    |
| Caucasian                        | 114                  | 36%                                   |
| Latinx                           | 23                   | 7%                                    |
| More than One Race               | 4                    | 1%                                    |
| Other                            | 77                   | 24%                                   |
| <b>Age Category</b>              |                      |                                       |
| <i>Client Age in Years</i>       | <i>Number Served</i> | <i>Percent of Total Number Served</i> |
| 0-15                             | 25                   | 8%                                    |
| 16-25                            | 59                   | 18%                                   |
| 26-59                            | 151                  | 47%                                   |
| 60+                              | 24                   | 8%                                    |
| Unknown                          | 62                   | 19%                                   |

Services provided by this team are subject to the number of referrals that are generated by the Mobile Crisis Team crisis calls. Clients served by TOT often enter the crisis system with fewer resources such as collateral supports, lack of insurance, etc. In FY19, staff turnover and hiring challenges resulted in continuous hiring and training for portions of the reporting timeframe.

Outcomes of the program during the reporting timeframe included:

- Connected many individuals and families to needed mental health care, housing, literacy services, family services, emergency medications;
- Built relationships with various individuals and agencies in the Crisis system;
- Provided options for hospitals, John George and other facilities to follow up regarding discharge planning;
- Offered intensive short term support to individuals and families who experienced a mental health crisis, including referrals, linkage, psycho-education, and active support in connecting with needed services in Berkeley or elsewhere in the Alameda County system of care;
- Provided in person outreach and engagement to individuals in inpatient settings who needed assistance connecting to treatment and were unlikely to make it to the clinic for an intake;
- Strengthened the transitions between hospitalized crisis clients and intakes at BMH;

- Coordinated with other programs within the City's Mental Health Division, including the Crisis/Assessment/Triage (CAT) On Duty staff, field based services such as Mobile Crisis (MCT) and the Homeless Outreach and Treatment Team (HOTT), and with the case management teams at the Adult and Children's clinics;
- Created more flexible opportunities for clients exiting various systems (jail, mental health rehabilitation, hospital, etc.) to connect with the long term mental health system and enter care if desired.

### **Sub-Representative Payee Program**

In the previously approved MHSA FY2014/15 – 2016/17 Three Year Plan the Division proposed to use a portion of CSS System Development funds to outsource Sub-Representative Payee services, as the practice for many years at the BMH Adult Clinic has been for clinicians to act as representative payees, managing client's money. While on some levels this practice has improved clients' attendance at regular appointments, it has also presented an array of other challenges around the dual role of clinician/money manager.

In FY19, Sub-Representative Payee services was contracted out to Building Opportunities for Self Sufficiency (BOSS) who were chosen through a competitive RFP process. BOSS began providing Sub-Representative Payee Services in April 2019. Approximately 79 individuals receive services a year.

### **Wellness Recovery Center**

Per previously approved MHSA Plans the City of Berkeley has allotted \$450,000 of CSS System Development funds annually to pool with Alameda County BHCS monies to fund a local Wellness Recovery Center. In FY16, a Memorandum of Agreement (MOU) with Alameda County BHCS was finalized. Alameda County BHCS executed an RFP process and Bonita House was the chosen community-based organization to implement the Wellness Center, which opened in November 2019.

### **BMH Peer and Family Member Positions**

Since the first MHSA Plan, BMH has included positions for peers and family members with lived experience to be added to various programs throughout the Division. The BMH Division utilizes existing City job classifications to create an employment track for peer or family member providers. The entry level position is Community Health Worker, the mid-level is Assistant Mental Health Clinician, and the top-level is Social Services Specialist. All of these classifications are used broadly for differing purposes throughout the City. For the specific positions where the MHSA Plan envisioned utilizing peer or family providers, BMH has had success in establishing employment lists where there are applicants who describe themselves as peer providers or family member providers. In early August 2018, a Peer Specialist was hired to support the Wellness Recovery services work. It is anticipated that BMH will continue to increase the number of peer and family member providers in the future.

### **Homeless Outreach and Treatment Team (HOTT)**

The Homeless Outreach and Treatment Team (HOTT) program was established out of an effort to address the homeless crisis, and as a result of input received through various MHS Community Program Planning processes. Utilizing a portion of PEI and CSS funds, blended with realignment and general funds this pilot program was created to support homeless mentally ill individuals in Berkeley and to connect them into the web of services that currently exist within the system of care. Key program components include the following: Persistent and Consistent Outreach; Supportive Case Management; Linkage to Care; and Treatment.

In FY19, 147 individuals were served through this program. A local consultant, Resource Development Associates (RDA), conducted an evaluation of this project. In late FY20, the [Homeless Outreach and Treatment Team Final Evaluation Report](#) was released. As this program is funded in both the CSS and PEI MHS components, demographics on individuals served and program outcomes are outlined in the PEI section of this Three Year Plan. In FY21, HOTT will continue to be in operation until the Homeless FSP is fully implemented.

### **Case Management for Youth and Transition Age Youth**

In response to a high need for additional services and supports for youth and TAY who are suffering from mental health issues and may be homeless or marginally housed, case management services for TAY are provided through a local community partner, Youth Spirit Artworks (YSA). This project serves approximately 50 youth a year.

Program services began in January 2019. During the reporting timeframe, program start-up, outreach, and case management activities were conducted. In the start-up period, prior to hiring a Lead Case Manager/Social Worker, both the YSA Executive Director and the Program Director and two of the YSA Lead Artists provided outreach to homeless youth, assisted new participants with intake and orientation to program activities, and provided participants with care coordination, appointment reminders, connections, transportation to services, and one-on-one support. Outreach activities included conducting presentations and site visits, and making phone calls, sending emails, and distributing brochures to inform the community about YSA Case Management services. The Program Director worked with YSA youth to include them in outreach activities for Peer to Peer engagement, and to accompany them to various community agencies and shelters where outreach was being conducted.

A Lead Case Manager/Social Worker was hired on contract in March, while YSA continued to recruit for a permanent staff person in this position. An Outreach Worker was hired in May, to conduct outreach for 5 to 10 hours a week. In addition to case management services, several workshops and Art Therapy sessions were conducted for youth participants, as well as a picnic to honor graduating youth. In FY19, a total of 31 youth were served through this project. Demographic data on youth participants below is shown in monthly totals, as unduplicated data was not provided:

| <b>Youth Case Management Program Monthly Demographics</b> |                                           |                                                                                                                                                |                            |
|-----------------------------------------------------------|-------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| <i>Month/Total Served</i>                                 | <i>Gender</i>                             | <i>Race/Ethnicity</i>                                                                                                                          | <i>Age</i>                 |
| January: 14                                               | Male – 36%<br>Female – 43%<br>Other – 21% | African American – 43%; Caucasian – 7%;<br>Asian Pacific Islander – 21%;<br>Native American – 7%; Other – 22%<br>Ethnicity: Latinx - 29%       | 16-20 – 79%<br>21-25 – 21% |
| February: 16                                              | Male – 50%<br>Female – 31%<br>Other – 19% | African American – 31%; Caucasian – 12.5%;<br>Asian Pacific Islander – 19%;<br>Native American – 12.5; Other – 25%:<br>Ethnicity: Latinx – 38% | 16-20 – 81%<br>21-25 – 19% |
| March: 13                                                 | Male – 38%<br>Female – 38%<br>Other – 24% | African American – 23%; Caucasian – 8%;<br>Asian Pacific Islander – 23%;<br>Native American – 8%; Other – 38%<br>Ethnicity: Latinx – 38%       | 16-20 – 85%<br>21-25 – 15% |
| April: 18                                                 | Male – 56%<br>Female – 39%<br>Other – 5%  | African American – 44%; Caucasian – 17%;<br>Asian Pacific Islander – 6%;<br>Other – 33%;<br>Ethnicity: Latinx – 22%;                           | 16-20 – 78%<br>21-25 – 22% |
| May: 19                                                   | Male – 63%<br>Female – 32%<br>Other – 5%  | African American – 53%; Caucasian – 5%;<br>Asian Pacific Islander – 5%;<br>Native American – 5%; Other – 32%<br>Latinx – 21%;                  | 16-20 – 79%<br>21-25 – 21% |
| June: 14                                                  | Male – 64%<br>Female – 29%<br>Other – 7%  | African American – 57%; Caucasian – 7%;<br>Asian Pacific Islander – 7%;<br>Native American – 7%; Other – 22%;<br>Latinx - 2 – 14%;             | 16-20 – 79%<br>21-25 – 21% |

Demographics on sexual orientation of Youth participants were as follows: 29% Heterosexual; 19% Bi-sexual; 3% Gay; 10% A-sexual; 39% Unknown or Declined to State.

Program outcomes during the reporting timeframe were as follows:

- Two youth secured employment;
- One youth secured long-term housing;
- Several youth graduated from High School;
- Several youth applied for post-secondary education;
- Youth provided verbal feedback to program staff that “they were pleased to have caring adults in their lives who keep their word and follow through”.

### **Albany Community Resource Center – Albany CARES**

Through previously approved MHSA plans the City of Berkeley allocated funding to support the City of Albany Community Resource Center. The Albany Community Resource Center was initially a short-term pilot project that offered residents a one-stop venue to learn about and receive referrals and resources to assist with a range of social and economic needs. The Community Resource Center was staffed by a half-time Community Resource Center Director. In early 2018, due to a loss of staffing the Albany Community Resource Center closed prematurely. In March 2018, the

Albany City Council authorized the development of a Human Services Resource Linkage Program which was subsequently named “Albany CARES.”

The Albany CARES program provides outreach, assistance and referrals to resources and services that support Albany’s most vulnerable and low-income residents. The programs drop-in hours provide a welcoming environment where services are tailored to each client’s unique needs.

In FY19, 118 individuals received services or supports through this program. Demographics on those served were as follows:

| <b>CLIENT DEMOGRAPHICS N=118</b> |                      |                                       |
|----------------------------------|----------------------|---------------------------------------|
| <i>Client Gender</i>             | <i>Number Served</i> | <i>Percent of Total Number Served</i> |
| Male                             | 83                   | 70%                                   |
| Female                           | 33                   | 28%                                   |
| Non-binary                       | 2                    | 2%                                    |
| <b>Client Race/Ethnicity</b>     |                      |                                       |
| <i>Client Race/Ethnicity</i>     | <i>Number Served</i> | <i>Percent of Total Number Served</i> |
| African American                 | 18                   | 15%                                   |
| Asian                            | 16                   | 14%                                   |
| Caucasian                        | 43                   | 36%                                   |
| Latinx                           | 10                   | 8%                                    |
| Other                            | 8                    | 7%                                    |
| Unknown                          |                      | 19%                                   |
| <b>Age Category</b>              |                      |                                       |
| <i>Client Age in Years</i>       | <i>Number Served</i> | <i>Percent of Total Number Served</i> |
| Under 18                         | 2                    | 2%                                    |
| 18-25                            | 2                    | 2%                                    |
| 26-39                            | 6                    | 5%                                    |
| 40-49                            | 10                   | 8%                                    |
| 50-61                            | 19                   | 16%                                   |
| 62-79                            | 42                   | 36%                                   |
| 80+                              | 14                   | 12%                                   |
| Unknown                          | 23                   | 19%                                   |

During the reporting timeframe, twelve outreach presentations were conducted and program fliers were posted at various locations. The top areas of concern of individuals served through the program included: housing (finding housing, landlord/tenant issues, repairs); medical (mental health support, homecare, insurance); financial (tax exemptions, legal, utilities, employment); and needing conversation and support. The provision of referrals and assistance for Albany residents were able to continue on an interim basis at the Albany Senior Center by Resource Center volunteers. Through on-site support provided from both Berkeley Food and Housing Project and BMH, individuals were able to be connected to resources that they would otherwise never access. Individuals were able to receive immediate assistance from staff assigned to Albany Project HOPE. At times this saved an entire family from crisis, where they would have been homeless and continued to decline without the service. Beginning in FY21, the City of Albany will be funded under Alameda County’s MHSAP Plan.



### **Additional Services for Asian Pacific Islanders**

The Asian Pacific Islander (API) population is significantly underserved in the mental health system. In an effort to better meet the needs of this underserved population, BMH proposed through the previously approved MHSA FY19 Annual Update to allocate CSS System Development funds to contract with a local community-based organization or to partner with Alameda County BHCS to increase funding for a contractor selected for similar purposes. It was envisioned that the contractor would provide access to additional services and supports for this population. In FY20 two separate RFP processes were executed to find a community partner that the Division could contract with who would provide these services, however the Division was unable to secure a Contractor. As a result, during the Three Year timeframe the Division will be re-assessing the best way to provide additional services and supports for the API population.

### **Results Based Accountability Evaluation**

Feedback received over the past several years regarding program outcomes has been largely focused on implementing evaluative measures that help BMH, MHSA Stakeholders and community members more fully understand and determine how well programs are meeting participant and community needs. Integral to this type of outcome measure is to engage the voice of the program participant around the services they received. Despite best intentions of staff there is simply not the time or expertise to effectively accomplish this and the specialized skills of a consultant will ensure the most successful outcome.

In response to this input, BMH proposed through the previously approved MHSA FY19 Annual Update to allocate CSS System Development funds for a Consultant who will conduct an evaluation on all BMH programs across the system utilizing the "Results Based Accountability" (RBA) framework. The RBA framework will measure how much was done, how well it was done, and whether individuals are better off as a result of the services they received. In FY19 a competitive RFP process was executed, and Resource Development Associates (RDA) was the chosen consultant. In FY20 the RBA evaluation framework will be implemented across the mental health system.

### **Counseling Services at Senior Centers**

Seniors who only have Medicare insurance currently have great difficulty accessing mental health services, despite consistent input on the need for mental health services for this population. In an effort to increase mental health services and supports for senior citizens, the Division allocated up to \$150,000 in the approved FY20 MHSA Annual Update to support this population. MHSA funds will be transferred to the Aging Services Division of HHCS, to implement counseling services at Senior Center sites.

## **PREVENTION & EARLY INTERVENTION (PEI)**

The original City of Berkeley Prevention & Early Intervention (PEI) Plan was approved by DMH in April 2009. Subsequent Plan Updates were approved in October 2010, April 2011, May 2013, May 2014, May 2015, June 2016, January 2017, July 2017, October 2018 and July 2019. From

the original approved PEI Plan and/or through Plan Updates, the City of Berkeley has provided the following services through this funding component:

- An early identification, assessment, treatment and referral program for children (0-5 years old) and their families;
- Prevention and short-term intervention services in the Berkeley school system;
- Trauma support services for youth, adults and older adults in unserved, underserved and inappropriately served populations;
- An anti-stigma support program for mental health consumers and family members;
- Intervention services for at-risk children; and
- Increased homeless outreach services for TAY, adults, and older adults.

### **PEI Reporting Requirements**

Per MHSA PEI regulations, all PEI funded programs must collect specified state identified outcome measures and detailed demographic information. MHSA also requires Evaluation Reports for PEI funded programs. Beginning in FY19, PEI Evaluations were required to be included in each MHSA Annual Update or Three Year Plan. See Appendix A for the Fiscal Year 2019 Prevention & Early Intervention Annual Evaluation Report.

### **Impact Berkeley**

In FY18, the City of Berkeley introduced a new initiative in the HHCS Department called “Impact Berkeley”. Central to this effort is using a highly regarded framework called Results Based Accountability (RBA) to account for the work of the Department. RBA provides a new way of understanding the quality and impact of services provided by collecting data that answer three basic questions:

- How much did you do?
- How well did you do it?
- Is anyone better off?

RBA has been incorporated into selected programs within the Department. Beginning in FY18, this included community agency programs funded through the MHSA Prevention & Early Intervention Community Education & Supports program. Through this initiative the Department worked with each contractor to envision, clarify and develop measures on the outcomes and results each program is seeking to achieve, and used a rigorous framework to begin measuring and enhancing progress towards these results. Page 55 of this Three Year Plan provides an aggregated summary of some of the results of this initiative. The full report on the Impact Berkeley PEI program results can be accessed on the MHSA website: [MHSA Plans and Updates - City of Berkeley, CA](#)

### **New PEI Regulations**

Beginning January 1, 2020, per Senate Bill (SB) 1004, Welfare and Institutions Code (WIC) 5840.7 (a) directed the Mental Health Oversight and Accountability Commission (MHSOAC) to establish

priorities for the use of MHSA PEI funds. Section 5840.7 (d)(1) states that mental health jurisdictions shall, through their MHSA Three Year Program and Expenditure Plans and Annual Updates, focus use of their PEI funds on the Commission-established priorities or other priorities as determined through their respective, local stakeholder processes. If a mental health jurisdiction chooses to focus on priorities other than or in addition to those established by the Commission, “the plan shall include a description of why those programs are included and metrics by which the effectiveness of those programs is to be measured” (WIC Section 5840.7 (d)(1)).

At the time of the writing of this Three Year Plan, the MHSAOAC had not established additional priorities to the following specifically enumerated required priorities in WIC Section 5840.7 (a) for the use of PEI funding:

- Childhood trauma prevention and early intervention to deal with the early origins of mental health needs;
- Early psychosis and mood disorder detection and intervention, and mood disorder and suicide prevention programming that occurs across the lifespan;
- Youth outreach and engagement strategies that target secondary school and transition age youth, with a priority on partnership with college mental health programs;
- Culturally competent and linguistically appropriate prevention and intervention;
- Strategies targeting the mental health needs of older adults;
- Early identification programming of mental health symptoms and disorder, including but not limited to, anxiety, depression, and psychosis.

In order to meet the requirements, each mental health jurisdiction is required to show in the PEI Component of the FY20/21 – 22/23 Three Year Plan the following:

- Which specific PEI priorities the mental health jurisdictions plan addresses, an estimate of the share of PEI funding allocated to each priority, and an explanation of how stakeholder input contributed to those allocations;
- If the mental health jurisdiction has determined to pursue alternative or additional priorities to those listed in Section 5840.7(a), how the determinations were made through its stakeholder process;
- For any alternative or additional priority identified by the mental health jurisdiction, what metric or metrics relating to assessment of the effectiveness of programs intended to address that priority the county will measure, collect, analyze, and report to the Commission, in order to support statewide learning.

All MHSA programs and projected funding amounts were vetted through the Community Program Planning process for this Three Year Plan. Many PEI projects meet multiple established priorities. Per new PEI regulations, outlined below are the City of Berkeley PEI Programs, Priorities and Projected funding amounts:

| CITY OF BERKELEY PEI PROGRAMS                                                                                                                                                                                            | PEI PRIORITIES                                                                                                                                                                                                                                                                                                        | Approximate Projected Funding Per Priority |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|
| <ul style="list-style-type: none"> <li>• Be A Star</li> <li>• Community Based Child &amp; Youth Risk Prevention Program</li> <li>• Supportive Schools</li> </ul>                                                         | Childhood trauma prevention and early intervention to deal with the early origins of mental health needs.                                                                                                                                                                                                             | \$172,656                                  |
| <ul style="list-style-type: none"> <li>• High School Youth Prevention Project</li> <li>• Mental Health Peer Mentor Program</li> <li>• Dynamic Mindfulness Program</li> <li>• African American Success Project</li> </ul> | Youth Engagement and Outreach Strategies that target secondary school and transition age youth, with a priority on partnership with college mental health programs.<br><br>Early identification programming of mental health symptoms and disorders, including but not limited to, anxiety, depression, and psychosis | \$445,976<br><br>\$445,976                 |
| <ul style="list-style-type: none"> <li>• Community Education &amp; Supports</li> </ul>                                                                                                                                   | Culturally competent and linguistically appropriate prevention and intervention;<br><br>Youth Engagement and Outreach Strategies that target secondary school and transition age youth;<br><br>Strategies targeting the mental health needs of older adults.                                                          | \$300,000<br><br>\$32,046<br><br>\$32,046  |
| <ul style="list-style-type: none"> <li>• Homeless Outreach and Treatment Team</li> </ul>                                                                                                                                 | Early identification programming of mental health symptoms and disorder, including but not limited to, anxiety, depression, and psychosis;<br><br>Early psychosis and mood disorder detection and intervention, and mood disorder and suicide prevention programming that occurs across the lifespan.                 | \$28,446<br><br>\$28,445                   |

Programs and services funded with PEI funds are as follows:

**PEI Funded Children and Youth and TAY Services**

Per MHPA regulations 51% of PEI funds are to be used on services and supports for Children, Youth, and TAY. Small counties, of which the City of Berkeley is considered, may elect to forego this regulation as long as a community vetted, locally approved justification is provided as to why children and youth services are funded at a lower level. Since the initial PEI Plan, the City of Berkeley has allocated more than 51% of PEI funds to services and supports for children, youth and TAY as the majority of PEI funds has been utilized to serving these populations.

Currently, eight out of ten local PEI programs provide services for children and youth, 5 of which are in the Berkeley Unified School District (BUSD). Programs are as follows: Behavioral-Emotional Assessment, Screening, Treatment and Referral (BE A STAR); Community-Based Child/Youth Risk

Prevention Program; Supportive Schools Project; Mental Emotional Education Team (MEET); Dynamic Mindfulness (DMIND); African American Success Project; High School Youth Prevention Project, and the TAY Trauma Support Project. Additionally, from FY11 through FY20, the City of Berkeley utilized a portion of PEI funds to provide services for children, youth and TAY in the Albany Unified School District, through the Albany Trauma Project.

### **Behavioral-Emotional Assessment, Screening, Treatment, and Referral (BE A STAR)**

The Be A Star program is a collaboration with the City of Berkeley's Public Health Department providing a coordinated system in Berkeley and Albany that identifies children birth to age five and their parents, who are at risk of childhood development challenges including developmental, social, emotional, and/or behavioral concerns. The program specifically targets low income families, including those with teen parents, who are homeless, substance abusing, or in danger of foster care. Services include triage, assessment, treatment and referrals to appropriate community-based or specialist services as needed. Children and families are accessed through targeted efforts at the following: Black Infant Health; Vera Casey Teenage Parenting programs; Child Health and Disability Prevention programs, Pediatric providers, and through state-subsidized Early Childhood Development Centers. The goals of the program are to identify, screen and assess families early, and connect them with services and supports as needed. The program uses the "Ages and Stages Questionnaires" (ASQ) screening tool to assess children in need. The ASQ consists of a series of 20 questionnaires that correspond to age intervals from birth to 6 years designed to help parents check their child's development. Each questionnaire contains simple questions for parents to answer that reflect developmental milestones for each age group. Answers are scored and help to determine whether the child's development is on schedule or whether the child should be referred for a developmental checkup with a professional. Over 400 children are assessed each year.

**PEI Goals:** The goal of this program is to bring about mental health, including the reduction of school failure and the removal of children from their homes.

In FY19, there were vacancies in staff, as such program data for the reporting timeframe is unavailable.

### **Community-Based Child & Youth Risk Prevention Program**

This program targets children (aged 0-5) who are impacted by multiple risk factors including trauma, family or community violence, familial distress, and/or family substance abuse, (among other issues). A BMH clinician serves as the Mental Health Consultant on this project providing information, services and supports to teachers and parents at the YMCA Head Start program in South Berkeley. Services include individual case consultation for teachers and parents, group consultations, classroom observations and interventions, assessments, brief treatment, and referrals to other resources as needed. The main goals are to reduce risk factors or other stressors, and promote positive cognitive, social, and emotional well-being. This program serves approximately 50 Children & Youth a year.

**PEI Goals:** The goal of this program is to bring about mental health including the reduction of school failure and the removal of children from their homes.

In FY19, the following services were provided:

- Fifteen Early Childhood Mental Health Reflective Case Consultation groups for five classrooms;
- General Classroom Consultations in five classrooms;
- Individual and group consultations to the Center Program Supervisor, 15-18 Childhood Teachers, and two Family Advocates;
- Coordinated with the “Inclusion Program” which includes Inclusion Specialists and a Speech Pathologist to help observation and assessment efforts that facilitate early intervention screenings and referrals to BUSD and Regional Center;
- Planning and assistance with implementation of behavior plans for children with behavioral and social-emotional needs;
- Direct interventions including providing visuals and classroom tools to help teach children self-regulation skills, social skills, and skills to help with transitions and to improve the overall functioning of individual children in the classroom setting;
- Mental Health consultations to 15 parents which included a variety of direct psycho-education around developmental concerns, social-emotional issues/behavioral concerns, parenting issues, providing information regarding mental health services as well as information regarding community services as as: First 5 Alameda, Help Me Grow, Regional Center, BUSD, and Primary Care physicians; and
- Co-facilitated monthly Resiliency Circles to promote self-care and trauma informed care principles with teaching staff.

According to the HeadStart Center Supervisor, the consistency with the current Mental Health Consultant has allowed for relationship building and establishing rapport with teachers and their families, which are essential to providing successful and effective mental health consultation.

In FY19, 54 children were served through this program. Demographics on those served is as follows:

| <b>PARTICIPANT DEMOGRAPHICS N=54</b> |      |
|--------------------------------------|------|
| <b>Age Groups</b>                    |      |
| 0-15 (Children/Youth)                | 100% |
| <b>Race</b>                          |      |
| Asian                                | 6%   |
| Black or African American            | 55%  |
| White                                | 4%   |
| Other                                | 33%  |
| More than one Race                   | 2%   |
| <b>Ethnicity: Hispanic or Latino</b> |      |
| Mexican/Mexican-American/Chicano     | 33%  |

| Ethnicity: Non-Hispanic or Non-Latino |      |
|---------------------------------------|------|
| Declined to Answer (or Unknown)       | 67%  |
| Primary Language                      |      |
| Declined to Answer (or Unknown)       | 100% |
| Disability                            |      |
| Declined to Answer (or Unknown)       | 100% |
| Gender: Assigned sex at birth         |      |
| Declined to Answer (or Unknown)       | 100% |
| Current Gender Identity               |      |
| Declined to Answer (or Unknown)       | 100% |

**Berkeley Unified School District PEI Funded Children/Youth Programs**

Since the very first MHSA PEI Plan the City of Berkeley has provided MHSA funding to Berkeley Unified School District (BUSD) to implement mental services and supports for children and youth. Currently, MHSA PEI funds, support five programs that provide school-based mental health services and supports for BUSD students. Descriptions of each program and FY19 data are outlined below:

**Supportive Schools Program**

Through this program leveraged MHSA PEI funds support the provision of mental health prevention and early intervention services at each of the Elementary Schools in Berkeley. Services include: outreach; mental health programming; classroom, group, and one-on-one psycho-social education and support; and consultation with parents and/or teachers.

**PEI Goals:** The goal of this program is to bring about mental health, including the reduction of school failure and the removal of children from their homes.

In FY19, BUSD sub-contracted with the following local agencies to provide services: Bay Area Community Resources (BACR), Child Therapy Institute (CTI), and LifeLong Medical Care. Agency and district staff providers led social skills groups, provided early intervention social and emotional support services, playground social skills, “check in/check out,” individual counseling, and support for parents and guardians from diverse backgrounds. As aligned with priority and focus on equity, providers participated in Coordination of Services Team (COST) meetings, and linked parents and guardians with resources at the school, within the school district, and in the community. A total of 1,065 elementary age students were served through this program.

**Mental and Emotional Education Team (MEET)**

Through the previously approved MHSA FY19 Annual Update BMH provides PEI funds to support the BUSD MEET Program. This program implements a peer-to-peer mental health education curriculum to 9<sup>th</sup> graders and an internship program for a cohort of high school students to serve as peers to their fellow students. The goals of the program are to increase student awareness of

common mental health difficulties, resources, and healthy coping and intervention skills. Through this program, students are trained by a licensed BUSD clinician to conduct class presentations covering common mental health disorders, on and off campus resources, and basic coping and intervention skills.

**PEI Goals:** The goal of this program is to bring about mental health, including the reduction of school failure and the removal of children from their homes.

In FY19, a Berkeley High School (BHS) Counselor, led and facilitated weekly MEET trainings throughout the school year for thirteen high school students for the purpose of establishing and implementing a peer-led mental health education curriculum. Weekly trainings prepared MEET students to provide classroom presentations. Seven pairs of MEET students provided a total of twenty-eight psycho-educational presentations in 9<sup>th</sup> grade classes. The presentations aimed to reduce mental health stigma, teach coping skills, create awareness about depression and anxiety, and demonstrate to students how to access mental health resources on campus and in the community. A total of 882 students were served. Four encore follow-up presentations were provided to 108 students in the 10<sup>th</sup> grade. Additional MEET student accomplishments were as follows:

- Provided stress management tips through interactive presentations in ten classrooms, before the 1<sup>st</sup> semester exams to assist 271 students in increasing stress reduction strategies;
- Assisted in designing surveys to measure students' knowledge before and after the classroom presentations;
- Conducted lunch-time meetings to assist 11 students through peer-to-peer services and supports;
- Distributed 1000 bookmarks with Crisis Services on them to 9<sup>th</sup> graders and other high school students;
- Assisted in designing mental health survey questions that were used in the school-wide Berkeley High School Student (BHS) Survey;
- Created videos to promote mental health awareness: "MEET Members Speak Out", "Mental Health and Homeless Youth", and "Welcome to the Health Center";
- Assisted in designing a MEET Website with a resources page;
- Created a MEET Instagram account, promoting mental health awareness;
- Participated in the school-run podcast, "The BHS Jacket";
- Attended the BMH MHSA Advisory Committee meeting to voice the need and advocate for increased funding for mental health resources at Berkeley public schools; and
- Hosted a panel discussion to help incoming seniors manage stress.

MEET conducted two surveys to measure learning outcomes of the 9<sup>th</sup> grade classroom presentations. A pre and post test was conducted. A majority of the 9<sup>th</sup> graders surveyed improved their scores from pre to post-test. Areas measured was as follows:

1. Knowledge of mental health resources – where to find them
2. Identifying symptoms of anxiety and depression
3. Mental health stigma – willingness to talk about mental health
4. Learning mental health coping strategies
5. How to respond to a mental health crisis, especially suicidal ideation



Program outcomes showed that numerous 9<sup>th</sup> grade student participants as well as 100% of 9<sup>th</sup> grade teachers, verbally reported being satisfied with MEET's classroom presentations. The BHS Health Center also reported a correlative increase in student self-referrals after MEET's presentations. Students often arrived at the Health Center holding a Crisis Resource Bookmark, of which MEET distributed. Demographics on the 13 students who were in the MEET program were as follows: 31% Male; 69% Female; 15% African American; 15% Asian; 46% Caucasian; 8% Latinx; 16% mixed race. A total of 1,285 students participated in prevention services offered by MEET. Demographics on student participants were as follows: 16% African American; 19% Asian; 29% Caucasian; 18% Latinx; and 18% were of mixed race or did not specify race or ethnicity.

### **Dynamic Mindfulness Program (DMind)**

Through the previously approved MHSA FY19 Annual Update BMH allocated PEI funds to support the BUSD Dynamic Mindfulness (DMind) Program. DMind is an evidence-based trauma-informed program implemented in BUSD middle and high schools. Validated by independent researchers as a transformative program for teaching children and youth, skills for optimal stress resilience and healing from trauma, the DMind program integrates mindful action, breathing, and centering into an intervention are implemented in the classroom in 5-15 minute sessions, 3 to 5 times a week. This program has proven to be successful with vulnerable students who are exhibiting signs of chronic stress/trauma/PTSD from Adverse Childhood Experiences (ACEs), and/or disengagement from school, chronic absences, and significant behavioral challenges, including emotion regulation, impulse control, anger management, and/or getting frequent referrals/suspensions and at high risk of school failure. DMind also enables teacher and staff well-being, which has been shown to enhance student learning. Program components include in-class and after-school DMind sessions for students, student peer leadership development, training and coaching of school staff, and program evaluation. This program is currently provided by Niroga Institute.

**PEI Goals:** The goal of this program is to bring about mental health, including the reduction of school failure and the removal of children from their homes.

In FY19, planning, design and customization of DMind for each school site was conducted. DMind training for staff was provided, as well as post-training follow-up supports. Niroga Instructors provided in-classroom DMind instruction. DMind curriculum supports, including the DMind video library was also made available.

According to the DMind program report, specific program outcomes were as follows:

- School Administrators and staff, as well as students, enthusiastically embraced the DMind program;
- Special Education students seemed to especially take to DMind. In addition to other classrooms, 13 Special Education classes were provided with the DMind program;
- The DMind program for chronic absentees led to a 1.8% increase in attendance.

A total of 520 students and 117 staff were served through this program in FY19, as follows:

| School                           | # of Students Served | # of Staff Served |
|----------------------------------|----------------------|-------------------|
| Berkeley High School             | 125                  | 75                |
| Berkeley Technology Academy      | 28                   | 25                |
| Martin Luther King Middle School | 215                  | 6                 |
| Williard Middle School           | 152                  | 11                |
| TOTAL                            | 520                  | 117               |

Data provided by BUSD, which combined demographics for the Supportive Schools Project, the MEET Program, and DMind, is outlined below:

| <b>PARTICIPANT DEMOGRAPHICS N= 3,065</b> |     |
|------------------------------------------|-----|
| <b>Age Group</b>                         |     |
| 0-15 (Children/Youth)                    | 81% |
| 16-25 (Transition Age Youth)             | 13% |
| 26-59 (Adult)                            | 6%  |
| Ages 60+ (Older Adult)                   | <1% |
| <b>Race</b>                              |     |
| American Indian or Alaska Native         | 1%  |
| Asian                                    | 11% |
| Black or African American                | 19% |
| Native Hawaiian/Pacific Islander         | <1% |
| White                                    | 41% |
| Other                                    | 1%  |
| More than one race                       | 4%  |
| Declined to Answer (or Unknown)          | 9%  |
| <b>Ethnicity: Hispanic or Latino</b>     |     |
| Mexican/Mexican-American/Chicano         | 14% |
| <b>Primary Language Used</b>             |     |
| English                                  | 86% |
| Spanish                                  | 7%  |
| Mandarin                                 | 1%  |
| Declined to Answer (or Unknown)          | 6%  |

| <b>Sexual Orientation</b>                                                                                                             |      |
|---------------------------------------------------------------------------------------------------------------------------------------|------|
| Gay or Lesbian                                                                                                                        | 7%   |
| Heterosexual or Straight                                                                                                              | 49%  |
| Bisexual                                                                                                                              | 2%   |
| Questioning or unsure of sexual orientation                                                                                           | <1%  |
| Queer                                                                                                                                 | <1%  |
| Declined to Answer (or Unknown)                                                                                                       | 41%  |
| <b>Disability</b>                                                                                                                     |      |
| Mental domain not including a mental illness (including but not limited to a learning disability, developmental disability, dementia) | 9%   |
| Physical/mobility domain                                                                                                              | <1%  |
| <b>Veteran Status</b>                                                                                                                 |      |
| Declined to Answer (or Unknown)                                                                                                       | 100% |
| <b>Gender: Assigned sex at birth</b>                                                                                                  |      |
| Male                                                                                                                                  | 58%  |
| Female                                                                                                                                | 42%  |
| <b>Current Gender Identity</b>                                                                                                        |      |
| Male                                                                                                                                  | 54%  |
| Female                                                                                                                                | 39%  |
| Transgender                                                                                                                           | <1%  |
| Questioning or unsure of gender identity                                                                                              | <1%  |
| Another gender identity (Non-Binary)                                                                                                  | <1%  |
| Declined to Answer (or Unknown)                                                                                                       | 6%   |

### **African American Success Project**

The African American Success Project (AASP) was first implemented in FY19 in four Berkeley Unified School District Schools (King, Longfellow, Willard and Berkeley High School). Closely aligned with the work of Berkeley's 2020 Vision, the AASP works with African American youth and their families to actively engage students in the classroom and school life while creating a pathway for their long-term success. The project implements a three-pronged approach that includes case management and mentorship (which are individualized and tailored to meet each student's needs), community building, and family engagement. Through this approach a case manager engages and works with each student on school success planning. This work includes establishing student check-ins, family connections, teacher and staff collaborations, advocacy, and community building sessions. The project supports students who have disproportionately faced barriers in Berkeley public schools to promote an individual's learning, mental, and socio-emotional well-being. During the first year the project team worked with 84 students and their

families while assessing the effectiveness of the project and identifying ways to strengthen the service model. One key finding was that the project could only have limited impact when staff were spread across four school sites.

Following FY19, the project was only going to be implemented at Longfellow. A second key learning was that services could be strengthened if they were integrated into the school day through a class that African American students could elect to take that would provide a safe space to focus on ongoing social and emotional development, skill-building, habits and mindsets that enable self-regulation, interpersonal skills, and perseverance and resilience. The class would be facilitated by a Counselor/Instructor who would follow-up with students in one-on-one counseling sessions on issues of concern that are raised in class and would provide referrals to mental health services and supports as needed. To support the implementation of this additional component, through the FY20 Annual Update the Division allocated PEI funds to support this project.

**PEI Goals:** The goal of this program is to bring about mental health, including the reduction of school failure and the removal of children from their homes.

Project updates and outcomes from FY20, will be reported in the next MHSA Annual Update.

### **High School Youth Prevention Program**

This program operates in conjunction with other health related services offered at Berkeley High School (BHS) and Berkeley Technology Academy (BTA) to provide young people with the information and individual support they need to make positive and healthy decisions in their lives. The program includes: outreach activities designed to provide students with basic information around the risks of certain behaviors, and ways to protect themselves and make positive and safer decisions; classroom presentations to enable students to receive more in-depth information around a variety of health topics and available resources, and provide the opportunity for students to do a personal assessment of risk and current lifestyle choices; drop-in crisis, counseling services; individual appointments to identify young people who may need more intensive intervention; and short-term treatment. The individual appointments, held at the school-based health center, provide young people with the opportunity to hold very in-depth discussions around the choices they are making and the risks that are involved in their choices. They receive guidance about changes they can make to reduce or eliminate their risks, and are given the opportunity to identify barriers that might exist for them that prevent them from making healthier choices. In addition, they complete a 40 question, in-depth HEADSSS (Home, Education, Activities, Drugs/Alcohol, Sexuality, Safety, and Suicidality) assessment. Based on the outcome of the individual appointment and/or assessment, a young person may be referred to either a medical or mental health professional for follow-up care and intervention and/or treatment. Approximately 2600 Berkeley High School Students and 100 B-Tech students receive some level of outreach, counseling, individual or group services through this program each year.

This program was implemented in FY13 and has become a successful partnership between BUSD and the Public Health and Mental Health Divisions of Berkeley's HHCS Department. As the program has developed, the staffing structure for the program has increased and evolved to better meet the needs of the participants of both BHS and B-Tech. Additionally, BMH has been involved in implementing and assessing the Cognitive, Behavioral, and Intervention for Trauma in Schools

(CBITS) as a model of care at these locations. The need for additional supports and resources for this program will continue to be accessed and adjusted accordingly.

**PEI Goals:** The goal of this program is to bring about mental health, including the reduction of school failure or dropout.

In FY19, approximately 1,059 students at Berkeley High School (BHS) and Berkeley Technology Academy (B-Tech) received services at the school’s Student Health Center, with 1,511 visits for Behavioral Health Individual sessions, and 321 visits for Behavioral Health Group sessions. Demographics on youth served are outlined below:

| <b>PARTICIPANT DEMOGRAPHICS N=1,059</b>      |      |
|----------------------------------------------|------|
| <b>Age Groups</b>                            |      |
| 0-15 (Children/Adult)                        | 6%   |
| 16-25 (Transition Age Youth)                 | 13%  |
| Declined to Answer (or Unknown)              | 81%  |
| <b>Race</b>                                  |      |
| Asian                                        | 7%   |
| Black or African American                    | 20%  |
| White                                        | 33%  |
| More than one Race                           | 17%  |
| Declined to Answer (or Unknown)              | 7%   |
| <b>Ethnicity: Hispanic or Latino</b>         |      |
| Mexican/Mexican-American/Chicano             | 16%  |
| <b>Ethnicity: Non-Hispanic or Non-Latino</b> |      |
| Declined to Answer (or Unknown)              | 84%  |
| <b>Primary Language</b>                      |      |
| Declined to Answer (or Unknown)              | 100% |
| <b>Sexual Orientation</b>                    |      |
| Declined to Answer (or Unknown)              | 100% |
| <b>Disability</b>                            |      |
| Declined to Answer (or Unknown)              | 100% |
| <b>Veteran Status</b>                        |      |
| No                                           | 100% |
| <b>Gender: Assigned sex at birth</b>         |      |
| Male                                         | 66%  |
| Female                                       | 34%  |

| Current Gender Identity |     |
|-------------------------|-----|
| Male                    | 66% |
| Female                  | 34% |

**Adult and Older Adult and Additional TAY PEI Funded Programs**

**Community Education & Supports**

The Community Education & Supports program implements culturally-responsive psycho-educational trauma support services for individuals (18 and above) in various cultural, ethnic and age specific populations that are unserved, underserved and inappropriately served in Berkeley including: African Americans; Asian Pacific Islanders; Latinx; LGBTQIA+; TAY; and Senior Citizens. All services are conducted through area community-based organizations. In FY19 each of the Community Education & Supports program contractors participated in the HHCS Results-Based Accountability (RBA) Evaluation. RBA implementation results were presented in an aggregated format aggregated across all programs as follows:

| How Much Did We Do?                                                                                                                                                                                                                                                                  | How Well Did We Do It?                                                                                                                                                                                                                                                                                                             | Is Anyone Better Off?                                                                                                                                                                                                                                                                                                                                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>• 651 Support Groups/Workshops</li> <li>• 3,524 Support Groups/Workshop Encounters</li> <li>• 203 Individual Contacts/Individuals</li> <li>• 419 Outreach Activities</li> <li>• 6,938 Outreach Contacts</li> <li>• 1,308 Referrals</li> </ul> | <ul style="list-style-type: none"> <li>• 7 Support groups or workshop sessions attended on average per person</li> <li>• 96% Survey respondents were satisfied with services</li> <li>• Referrals by type:<br/>251 Mental Health<br/>240 Social Services<br/>227 Physical Health<br/>156 Housing<br/>434 Other Services</li> </ul> | <ul style="list-style-type: none"> <li>• 92% of program participants reported an increase in social supports or trusted people they can turn to for help (3 of 5 projects reported in this measure).</li> <li>• 88% of program participants reported positive changes in terms of coping strategies, feeling anxious or overwhelmed (4 out of 5 programs reported on this measure).</li> </ul> |

For additional details, definition of terms, and technical notes on how various data variables were quantified and for full reporting on other data elements, access the full report on the Impact Berkeley PEI program results on the MHSA website: [MHSA Plans and Updates - City of Berkeley, CA](#)

**Re-Issue Requests for Proposals**

To ensure fair contracting practices in the City the Division proposed in the approved FY20 MHSA Annual Update, to execute a new Request for Proposal (RFP) process for all PEI contracts that have been in place for five or more years. It was anticipated that the RFP process would be executed in the Spring of FY20. Due to Covid-19 the Division decided it would be best to delay this RFP Process until the Fall of FY21. MHSA PEI funded contracts that have been in place for five or more years, and are continuing in FY21, will be renewed through March 31, 2021. During

FY21, new RFP's will be executed for these services and the chosen vendor will begin providing services on 4/1/21.

Per the Proposed Additions section of this Three Year Plan, in an effort to ensure each unserved, underserved and inappropriately served population has an equitable amount of dedicated MHSA funds for programs and services, the Division will be making the following changes to this program in FY21: Increasing the amount up to \$100,000 per each of the following populations, African Americans, Latinx and LGBTQIA+; and no longer funding the API population in this program, as the Division is providing \$100,000 of dedicated CSS funds for services and supports for this community.

Descriptions for each project within the Community Education & Supports program are outlined below:

### **Albany Trauma Project**

Implemented through Albany Unified School District this project provides trauma support services to Latinx, Asian Pacific Islanders and African American TAY, and Adults. Through various supports the project: provides helpful information and coping strategies around the effects of trauma; offers interventions to keep at-risk individuals and families from developing serious mental health symptoms and behaviors; provides a forum for clinicians to monitor trauma-exposed individuals and families who may need more intensive mental health services; and creates a venue to explore trauma and stress management through symbols of healing, artwork, and alternative coping strategies. Services include: Adult one-on-one outreach and engagement and support groups in the Elementary and High School in Albany. Additional one time cultural activities to promote healing through reflection groups and art projects are also conducted throughout the year. This project annually serves approximately 40-55 children/youth and 25-45 adults. Descriptions of services provided and numbers served through this project are outlined below:

**Adult Support Groups:** This project used to implement outreach and engagement activities and support groups to Latino immigrant adults dealing with trauma issues, who live and work the backstretch of Golden Gate Field's race track as groomers; exercise jockeys and caretakers of the horses. Over the years this project has migrated to more of a one-on-one engagement project to support individuals in need, with occasional cultural and strength building group activities.

**PEI Goals:** The goal of this project is to address and promote recovery and related functional outcomes for a mental illness early in its emergence, including the prevention of suicide.

In FY19, 24 individuals received supports through one-on-one engagement sessions. Eleven referrals were provided, 1 to Physical Health services, 3 for Legal services, 1 for Tax Preparation, and 6 to other unspecified supports.

**Children/Youth Support Groups:** Young children and high school youth experiencing trauma are unlikely to seek services at traditional mental health clinics. Schools are an essential vehicle of treatment for trauma exposed individuals and their families. By aiming psycho-educational interventions for elementary age children and high school youth, it is possible to introduce youth and their families to information about trauma, coping mechanisms, and to combat the isolation that trauma brings.

The purpose of the groups is to reduce at-risk behaviors, reduce a sense of alienation, and increase a sense of belonging among group members. Various psycho-educational techniques are used to achieve these goals, such as improving communication skills, using role modeling and feedback, increasing empathy by encouraging self-disclosure and emotional engagement in the group, and developing trust via positive interactions in the group. The support group program: provides information about the effects of trauma, and helpful coping strategies; serves a preventive function by offering interventions that will keep at-risk individuals and families from developing serious symptoms and behaviors; provides a forum for clinicians to monitor trauma-exposed individuals and families who may need more intensive mental health services; and creates a venue to explore trauma and stress management through symbols of healing, artwork, and alternative coping strategies.

**PEI Goals:** The goal of this program is to address and promote recovery and related functional outcomes for a mental illness early in its emergence, including the reduction of school failure or drop out.

**Elementary School Support Groups:** Through this project, Support Groups are provided to Elementary aged students to reduce children's negative responses to trauma, correct maladaptive beliefs and attributions, and build resilience and reduce anxiety. Student participants are referred from parents, teachers or school staff. Students with experiences of community violence, physical assault, significant separations, witness to domestic or sexual violence, and lack of food, clothing, or shelter are invited to attend groups. As these experiences can lead to the child's regulatory capacity being overwhelmed, his or her daily life behaviors, school performance, attention, self-perception and emotional regulation may all be affected. Support Groups provide psycho-education, coping skills, and a safe environment in which to address and process traumatic experiences.

In FY19, 18 support groups were provided to a total of 10 participants. Each group met for 1-2 hours in duration. There were two referrals for additional mental health services. Fifty-one outreach activities were also conducted. From teacher, school staff, and parental report, outcomes for students participating in support groups were as follows: 60% took a more active role in learning; 90% received increased positive attention from peers; and 80% exhibited less anxiety in the classroom.

**Youth Support Groups:** The use of Support Groups or Group Therapy are considered to be a highly effective and preferred intervention for adolescents who tend to be more likely to accept feedback from their peers than from adults. Through this project, separate weekly therapeutic support groups are provided at Albany High School for Asian Pacific Islander, Latinx, and African American youth. Groups meet for 1-2 hours a week throughout the school year and are focused on helping participants process various traumatic events through the development of trust, close connections to each other, and creating a safe space for the expression and understanding of feelings.

In FY19, three separate support groups were held at Albany high School. Each group met weekly for 1 hour and continued until the end of the school year. Students were assigned to three groups based on racial or ethnic identity: Latinx, African-American, and Asian-American. This was done in order to help promote connection, identification and group cohesion. Students that participated in



the trauma groups at Albany High School were initially recommended by counselors, mental health coordinators, or administrators who believed that these selected students may have experienced trauma in their lives. These students were then interviewed individually to assess and determine if they wished to participate in the groups. Forty-five students were interviewed and assessed for all three groups. Of those 45 students, 32 students attended at least 1 group session, and 22 students continued in group for 6 or more sessions. The initial group meeting was set up specifically as a way to allow prospective members to experience group and to determine if they wanted to participate. After the initial group sessions, students were asked to either commit to attend group for 8 sessions or to opt out. As expected, some students who attended the initial group chose not to participate in the groups, while most students signed up for 8 initial sessions and then continued to attend groups through the remainder of the year. In aggregate, there were a total of 58 individual meetings with students and 63 group sessions. The 45 students served by this program received 422 total contacts, and there were 4 referrals for additional mental health services.

A pre-test questionnaire was administered at the 2nd group meeting, and a post-test questionnaire was administered at the last group meeting. The pre-test was completed by 25 students and the post-test was completed by 19 students. Several group members were unable to complete the post-test due to not being able to attend the final group session. Student responses on the pre-test questionnaire are outlined below:

| QUESTIONNAIRE RESULTS N = 25                                                                                             |                                                                         |
|--------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|
| QUESTIONS                                                                                                                | PARTICIPANT RESPONSES                                                   |
| Have you lost someone close to you?                                                                                      | Yes – 64%<br>No – 36%                                                   |
| Have you witnessed violence in your family?                                                                              | Yes – 52%<br>No – 48%                                                   |
| Have you witnessed violence in your home?                                                                                | Yes – 7 – 28%<br>No – 18 – 72%                                          |
| Have you been a victim of violence or abuse?                                                                             | Yes – 72%<br>No – 28%                                                   |
| If yes, have you spoken to anyone about this?                                                                            | Yes – 100%<br>No – 0%                                                   |
| Do you feel that you've had the support in your life to cope effectively with the painful things you've experienced?     | Rarely – 8%<br>Sometimes – 48%<br>Most of the Time – 44%                |
| Do you use healthy ways to cope with stress in your life?                                                                | Never – 4%<br>Rarely – 20%<br>Sometimes – 32%<br>Most of the Time – 44% |
| Do you use drugs or alcohol to help cope with your feelings, i.e. relax, calm down, quiet your mind, reduce anger, etc.? | Never – 48%<br>Rarely – 20%<br>Sometimes – 24%<br>Most of the Time – 8% |
| Are there adults at your school who you can talk openly to about personal issues?                                        | Yes – 76%<br>No – 24%                                                   |

Pre-test results indicated that many of the group members had experienced significant trauma in their lives. Other traumas experienced by group members that were discussed in group included institutionalized racism, unjust police practices, poverty, immigration, parental incarceration, death of a family member, parental substance abuse, mental illness of a parent, and physical/emotional abuse. Student responses on the post-test questionnaire were as follows:

| QUESTIONNAIRE RESULTS N = 19                                                                                                                                                         |                                                                                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| QUESTIONS or STATEMENTS                                                                                                                                                              | PARTICIPANT RESPONSES                                                                                        |
| I felt welcomed into group.                                                                                                                                                          | Strongly Disagree – 0%<br>Disagree – 0%<br>Neutral – 0%<br>Agree – 37%<br>Strongly Agree – 63%<br>N/A – 0%   |
| I felt the group was a place I could express my feelings.                                                                                                                            | Strongly Disagree – 0%<br>Disagree – 0%<br>Neutral – 0%<br>Agree – 53%<br>Strongly Agree – 47%<br>N/A – 0%   |
| I felt supported by other group members.                                                                                                                                             | Strongly Disagree – 0%<br>Disagree – 0%<br>Neutral – 0%<br>Agree – 32%<br>Strongly Agree – 68%<br>N/A – 0%   |
| As a direct result of participating in the group, I feel like I have more support to help me deal with challenges.                                                                   | Strongly Disagree – 0%<br>Disagree – 0%<br>Neutral – 11%<br>Agree – 63%<br>Strongly Agree – 26%<br>N/A – 0%  |
| As a direct result of participating in the group, I cope with stress in healthier ways.                                                                                              | Strongly Disagree – 0%<br>Disagree – 5%<br>Neutral – 32%<br>Agree – 32%<br>Strongly Agree – 26%<br>N/A – 5%  |
| As a direct result of participating in the group, I have reduced the use of drugs and/or alcohol to cope with difficult feelings.                                                    | Strongly Disagree – 0%<br>Disagree – 5%<br>Neutral – 11%<br>Agree – 21%<br>Strongly Agree – 5%<br>N/A – 58%  |
| As a direct result of participating in the group, I would consider seeking help from a mental health professional in the future for a personal problem that was really bothering me. | Strongly Disagree – 0%<br>Disagree – 5%<br>Neutral – 32%<br>Agree – 11%<br>Strongly Agree – 26%<br>N/A – 26% |

|                                             |                       |
|---------------------------------------------|-----------------------|
| Would you recommend this group to a friend? | Yes – 100%<br>No – 0% |
|---------------------------------------------|-----------------------|

Post-test results suggested that all group members reported a positive experience in the support groups. All students who completed the post-test responded that they felt welcomed into the group, felt that the group was a place where they could express their feelings, and felt supported by the other group members. Additionally, all students who completed the post-test responded “Yes” to the question, “Would you recommend this group to a friend?” Group members also reported significant improvements in various metrics related to their coping skills as outlined below:

- 89% felt more supported in dealing with challenges;
- 72% indicated that they coped with stress in healthier ways;
- 63% reported a reduction in their use of drugs and alcohol to cope with difficult feelings;
- 71% expressed willingness to seek help from a mental health professional in the future.

The sole adverse finding from the post-test results was related to school truancy. Among the 19 students who participated in support group sessions, school truancy increased by 90% between the FY18 academic year (31 unexcused absences) to the FY19 academic year (59 unexcused absences). According to the AUSD program report, several factors may account for this surprising finding. First, the groups were disproportionately comprised of seniors (16 of the 19 students), many of whom spoke repeatedly in group about their “senioritis” and corresponding lack of motivation to attend school. Additionally, a small number of students (4) accounted for 31 of the 59 unexcused absences for the current school year. The truancy of these 4 students – which resulted from a complicated series of factors (e.g., adverse changes in one student’s home environment; a bout of clinical depression for another student) – likely skewed the overall data. If the attendance numbers of these 4 students were removed from the analyses, the difference in school truancy between the FY18 academic year (20 unexcused absences) and the FY19 academic year (28 unexcused absences) would be much less pronounced.

Among all services conducted for children, youth and Adults through the Albany Trauma Project, a total of 79 individuals were served. Demographics on individuals served were as follows:

| <b>PARTICIPANT DEMOGRAPHICS N=79</b> |     |
|--------------------------------------|-----|
| <b>Age Group</b>                     |     |
| 0-15                                 | 13% |
| 16-25                                | 58% |
| 26-59                                | 20% |
| 60+                                  | 9%  |
| <b>Race</b>                          |     |
| Asian                                | 20% |
| Black or African American            | 15% |

|                                              |     |
|----------------------------------------------|-----|
| Native Hawaiian or other Pacific Islander    | 1%  |
| White                                        | 32% |
| Other                                        | 24% |
| More than one race                           | 8%  |
| <b>Ethnicity: Hispanic or Latino</b>         |     |
| Central American                             | 6%  |
| Mexican/Mexican-American/Chicano             | 44% |
| South American                               | 3%  |
| <b>Ethnicity: Non-Hispanic or Non-Latino</b> |     |
| African                                      | 14% |
| Asian Indian/South Asian                     | 5%  |
| Chinese                                      | 4%  |
| European                                     | 1%  |
| Filipino                                     | 6%  |
| Japanese                                     | 1%  |
| More than one ethnicity                      | 8%  |
| Other                                        | 3%  |
| Declined to Answer (or Unknown)              | 5%  |
| <b>Primary Language Used</b>                 |     |
| English                                      | 72% |
| Spanish                                      | 28% |
| <b>Sexual Orientation</b>                    |     |
| Gay or Lesbian                               | 3%  |
| Heterosexual or Straight                     | 57% |
| Bisexual                                     | 3%  |
| Declined to Answer (or Unknown)              | 37% |
| <b>Disability</b>                            |     |
| Difficulty Seeing                            | 1%  |
| Mental (not mental health)                   | 1%  |
| Physical/Mobility Disability                 | 1%  |
| No Disability                                | 42% |

| Veterans Status               |      |
|-------------------------------|------|
| No                            | 100% |
| Gender: Assigned sex at birth |      |
| Male                          | 61%  |
| Female                        | 39%  |
| Current Gender Identity       |      |
| Male                          | 61%  |
| Female                        | 39%  |

Beginning in FY21, Albany services will be funded through Alameda County MHSA Funds.

**Transition Age Youth Trauma Support Project**

Implemented through the Covenant House, Youth Engagement Advocacy Housing (YEAH!) program, this project provides supportive services for Transition Age Youth (TAY) who are suffering from the impact of trauma and/or other life stressors and are homeless, marginally housed, or housed but in need of supports. The project serves a wide range of youth from various cultural and ethnic backgrounds who share the common goal of living lives less impacted by trauma and more impacted by wellness. The project consists of the following four components: One-on-one sessions that assess individuals needs around trauma supports and support group readiness; psycho-educational support groups; youth social outings that provide TAY with exposure to healthy settings designed to enhance life skills and choices; and youth celebratory events that are held monthly to convene youth around a positive occasion to acknowledge the various small and large accomplishments of TAY participants, and build trust and community. Approximately 30-35 TAY receive services through this project a year.

**PEI Goals:** The goal of this program is to address and promote recovery and related functional outcomes for a mental illness early in its emergence, including the prevention of suicide.

In FY19, 142 TAY participated in one or more program services. A total of 141 TAY participated in support groups over the year. Support Group sessions included: Harm Reduction and Substance Use; Mindfulness; Coping Skills; Creative Expression, among others. Twelve Youth Social Outings included 48 TAY participants, and 123 TAY, participated in 21 Youth Celebratory Events. Demographics on youth served were as follows:

| CLIENT DEMOGRAPHICS N = 142  |      |
|------------------------------|------|
| Age Group                    |      |
| 16-25 (Transition Age Youth) | 100% |
| Race                         |      |
| Asian                        | 1%   |

|                                              |     |
|----------------------------------------------|-----|
| Black or African American                    | 46% |
| Native Hawaiian or Other Pacific Islander    | 1%  |
| White                                        | 33% |
| Other                                        | 4%  |
| More than one Race                           | 13% |
| Decline to State (or Unknown)                | 2%  |
| <b>Latino Ethnicity</b>                      |     |
| Central American                             | 16% |
| Mexican/Mexican-American                     | 74% |
| South American                               | 10% |
| <b>Ethnicity: Non-Hispanic or Non-Latino</b> |     |
| African                                      | 34% |
| Asian Indian/South Asian                     | 1%  |
| Eastern European                             | 6%  |
| European                                     | 14% |
| Filipino                                     | 2%  |
| More than one Ethnicity                      | 14% |
| Other                                        | 1%  |
| Declined to Answer (or Unknown)              | 28% |
| <b>Primary Language Used</b>                 |     |
| English                                      | 91% |
| Spanish                                      | 8%  |
| Other                                        | 1%  |
| <b>Sexual Orientation</b>                    |     |
| Gay or Lesbian                               | 14% |
| Heterosexual or Straight                     | 48% |
| Bisexual                                     | 8%  |
| Questioning or Unsure                        | 4%  |
| Queer                                        | 1%  |
| Decline to State                             | 25% |

| Disability                                     |      |
|------------------------------------------------|------|
| Difficulty Hearing or Having Speech Understood | 1%   |
| Mental (not mental health)                     | 33%  |
| Physical/Mobility Disability                   | 5%   |
| Chronic Health Condition                       | 5%   |
| Other Disability                               | 44%  |
| No Disability                                  | 11%  |
| Decline to State                               | 1%   |
| Veteran Status                                 |      |
| No                                             | 100% |
| Gender: Assigned sex at birth                  |      |
| Male                                           | 58%  |
| Female                                         | 42%  |
| Current Gender Identity                        |      |
| Male                                           | 50%  |
| Female                                         | 36%  |
| Transgender                                    | 9%   |
| Genderqueer                                    | 1%   |
| Other                                          | 4%   |

During the reporting timeframe 246 outreach activities were conducted, with 4,930 duplicated contacts. There were 405 referrals for additional services and supports. The number and type of referrals was as follows: 68 Mental Health; 71 Physical Health; 116 Social Services; 49 Housing; 101 other unspecified services. A total of 23% of program participants received individual counseling through this program; 20% exited the program into stable housing; and 24% obtained employment or entered school during the program. Per participant feedback, 83% reported being satisfied with program services.

**Living Well Project**

Implemented through Center for Independent Living, this project provides services for Senior Citizens (aged 50 and over) who are coping with trauma and/or mental health issues associated with acquired disabilities. Senior Citizens with acquired disabilities are one of the most difficult groups to reach with disability services. It is similarly difficult to intervene with this group’s developing mental health issues related to aging and the traumatic impact of acquiring one or

more disabilities (such as loss of mobility, vision, hearing, et al). The core of the project is a wellness workshop series entitled “Living Well with a Disability”. Through a combination of education, goal setting, group and peer counseling, the workshop series is designed to promote positive attitudinal shifts in a population who, despite the tremendous need for care, are often typically not responsive to mental health intervention. The workshop series includes a 10 week, one to two-hour class conducted by Peer Facilitators, and an optional 30-minute counseling session. Counseling sessions are designed to monitor curriculum impact and continually assess individual goals and resource needs. This project serves up to 150 Older Adults a year.

PEI Goals: The goal of this program is to address and promote recovery and related functional outcomes for a mental illness early in its emergence, including the prevention of suicide.

In FY19, 52 Living Well workshops were conducted. Each Living Well Workshop series included the following sessions: Orientation; Goal Setting; Problem Solving; Healthy Reactions; Beating the Blues (Depression and Moods); Healthy Communication; Seeking Information; Physical Activity; Eating Well (Nutrition); Advocacy (Self and Systems Change); and Maintenance. Topics of Grief and Loss, Depression, Retirement, and Senior Invisibility were also incorporated into the program. In all 118 Senior Citizens participated in the Living Well Workshops. Demographics of Workshop participants are outlined below:

| <b>PARTICIPANT DEMOGRAPHICS N=118</b>     |     |
|-------------------------------------------|-----|
| <b>Age Groups</b>                         |     |
| 26-59 (Adult)                             | 4%  |
| Age 60+ (Older Adult)                     | 94% |
| Decline to state                          | 2%  |
| <b>Race</b>                               |     |
| Asian                                     | 6%  |
| Black or African American                 | 46% |
| Native Hawaiian or Other Pacific Islander | 1%  |
| White                                     | 35% |
| Other                                     | 3%  |
| Declined to Answer (or Unknown)           | 9%  |
| <b>Ethnicity: Hispanic or Latino</b>      |     |
| Caribbean                                 | 2%  |
| Central American                          | 2%  |
| Mexican/Mexican-American/Chicano          | 7%  |
| Declined to Answer (or Unknown)           | 89% |



| Ethnicity: Non-Hispanic or Non-Latino          |     |
|------------------------------------------------|-----|
| African                                        | 20% |
| Chinese                                        | 3%  |
| European                                       | 8%  |
| Filipino                                       | 3%  |
| Japanese                                       | 1%  |
| Other                                          | 3%  |
| Declined to Answer (or Unknown)                | 62% |
| Primary Language Used                          |     |
| English                                        | 90% |
| Spanish                                        | 2%  |
| Other                                          | 1%  |
| Declined to Answer (or Unknown)                | 7%  |
| English                                        | 90% |
| Sexual Orientation                             |     |
| Gay or Lesbian                                 | 3%  |
| Heterosexual or Straight                       | 75% |
| Other                                          | 1%  |
| Declined to Answer (or Unknown)                | 21% |
| Gay or Lesbian                                 | 3%  |
| Disability                                     |     |
| Difficulty seeing                              | 5%  |
| Difficulty hearing or Having Speech Understood | 10% |
| Mental (not mental health)                     | 5%  |
| Physical/mobility disability                   | 12% |
| Chronic health condition                       | 15% |
| No Disability                                  | 11% |
| Declined to Answer (or Unknown)                | 42% |
| Veteran Status                                 |     |
| Yes                                            | 3%  |
| No                                             | 94% |
| Declined to Answer (or Unknown)                | 3%  |

| Gender: Assigned sex at birth   |     |
|---------------------------------|-----|
| Male                            | 20% |
| Female                          | 77% |
| Declined to Answer (or Unknown) | 3%  |
| Current Gender Identity         |     |
| Male                            | 20% |
| Female                          | 76% |
| Transgender                     | 1%  |
| Declined to Answer (or Unknown) | 4%  |

During the reporting timeframe 16 outreach and informational events were conducted reaching 317 individuals, with 249 individuals receiving further engagement services. There were 640 referrals for additional services and supports. The number and type of referrals was as follows: 121 Mental Health; 137 Physical Health; 109 Social Services; 101 Housing; 172 other unspecified services. A total of 39% of program participants completed a Living Well Workshop Series. The workshop series received very positive feedback per participant self-report. Program participants reported 100% on all of the measures outlined below: feeling satisfied with the workshops; improvement in feeling satisfied in general; increased feeling of social supports; preparedness to make positive changes; and feeling less overwhelmed and helpless. Some of the participant statements were as follows:

- “I’ve gained a sense of trust and belonging during the workshops”.
- “I want to be with people who do things, I want to go places”.
- “I used to not say nothing, stay to myself, but I’m not that person anymore...I am not afraid.”

### **Harnessing Hope Project**

Implemented through GOALS for Women this project provides community-based, culturally competent, outreach and support services for African Americans residing in the South and West Berkeley neighborhoods who have experienced traumatic life events including racism and socioeconomic oppression and have unmet mental health support needs. The primary goals of the project are to normalize stress responses and empower families through psycho-education, consciousness raising, strength-based coping skills, and supportive services through the following: Outreach through community presentations and “Mobile Tenting”; one-on-one supportive engagement services; screening and assessment; psycho-education; family education; support groups such as “Kitchen Table Talk groups (non-stigmatizing, culturally responsive, peer centered groups) and “Just Like Sunday Dinners” ( a space for African Americans from all generations to come together to gain supports from one another); workshops and classes; mental health referrals and community linkages; peer counseling and support. A key component of this project is to train and mentor community leaders to become Peer Facilitators of Kitchen Table Talk and Just Like Sunday Dinner groups. This project serves approximately 50-130 individuals a year. PEI Goals: The goal of this program is to address and promote recovery and related functional outcomes for a mental illness early in its emergence including the prevention of suicide.

In FY19, 29 individuals were served through this project. Demographics on individuals served were as follows:

| <b>PARTICIPANT DEMOGRAPHICS N=29</b>         |     |
|----------------------------------------------|-----|
| <b>Age Groups</b>                            |     |
| 0-15 (Children/Youth)                        | 3%  |
| 16-25 (Transition Age Youth)                 | 17% |
| 26-59 (Adult)                                | 69% |
| Ages 60+ (Older Adult)                       | 11% |
| <b>Race</b>                                  |     |
| American Indian or Alaska Native             | 3%  |
| Black or African American                    | 38% |
| White                                        | 7%  |
| Other                                        | 14% |
| More than one Race                           | 28% |
| Declined to Answer (or Unknown)              | 10% |
| <b>Ethnicity: Hispanic or Latino</b>         |     |
| Caribbean                                    | 4%  |
| Mexican/Mexican-American/Chicano             | 7%  |
| Other                                        | 3%  |
| Declined to Answer (or Unknown)              | 3%  |
| <b>Ethnicity: Non-Hispanic or Non-Latino</b> |     |
| African                                      | 3%  |
| Asian Indian/South Asian                     | 7%  |
| More than one Ethnicity                      | 10% |
| Other                                        | 10% |
| Declined to Answer (or Unknown)              | 52% |
| <b>Primary Language Used</b>                 |     |
| English                                      | 86% |
| Spanish                                      | 10% |
| Other                                        | 4%  |

| <b>Sexual Orientation</b>            |     |
|--------------------------------------|-----|
| Heterosexual or Straight             | 62% |
| Queer                                | 3%  |
| Other                                | 10% |
| Declined to Answer (or Unknown)      | 25% |
| <b>Disability</b>                    |     |
| Chronic Heart Condition              | 7%  |
| Other Disability                     | 3%  |
| No Disability                        | 62% |
| Declined to Answer (or Unknown)      | 28% |
| <b>Veteran Status</b>                |     |
| No                                   | 55% |
| Declined to Answer (or Unknown)      | 45% |
| <b>Gender: Assigned sex at birth</b> |     |
| Male                                 | 28% |
| Female                               | 62% |
| Declined to Answer (or Unknown)      | 10% |
| <b>Current Gender Identity</b>       |     |
| Male                                 | 28% |
| Female                               | 62% |
| Genderqueer                          | 3%  |
| Declined to Answer (or Unknown)      | 7%  |

During the reporting timeframe 8 outreach presentations were conducted reaching 58 individuals, 29 of whom received supportive engagement services. Five facilitators were also trained. Primary services included psycho-education and promotion of mental health through one-on-one and telephone engagement, networking supports, and referrals. One Just Like Sunday Dinner group was held for 15 participants. There were 25 referrals for additional services and supports. The number and type of referrals were as follows: 6 Mental Health; 1 Physical Health; 2 Social Services; 2 Housing; 14 other unspecified services. Lower numbers this year were due to a variety of staffing, and unforeseen programmatic constraints.

On a Satisfaction Survey that was conducted, program participants reported 100% on all of the following measures: Felt respected; would return if they or their family member needed help; experienced increased awareness of community services and supports; and improved their skills in coping with challenges. MHSA funded services will not be continuing with GOALS in FY21, as

the program will no longer be in operation. An RFP process will be executed in FY21 for these services.

**Trauma Support Project for LGBTQIA+ Population**

Implemented through the Pacific Center for Human Growth, this project provides outreach, engagement and support group services for individuals (18 and above) in the LGBTQIA+ community who are suffering from the impact of oppression, trauma and other life stressors. Particular emphasis is on outreaching and providing supportive services to identified underserved populations within the local LGBTQIA+ community. Approximately 12-15 weekly or bi-weekly support groups are held throughout the year targeting various populations and needs within the LGBTQIA+ community. Support groups are led by Peer Facilitator community volunteers who are trained in Group Facilitation/Conflict Resolution and who have opportunities to participate in additional Skill Building workshops in order to share methods used to address group challenges and to learn new facilitator techniques. Approximately 250 individuals a year are served through this project.

**PEI Goals:** The goal of this program is to address and promote recovery and related functional outcomes for a mental illness early in its emergence, including the prevention of suicide.

In FY19, 40 outreach activities reached approximately 1,572 duplicated individuals. Outreach was provided at various locations including Street Fairs, Community Agencies, and area events. Through 15 Peer Support groups, 446 weekly or bi-weekly sessions were conducted which were all led by a trained facilitator. Peer Support Groups were as follows: Female to Male; Women Coming Out of Straight Marriage; Married/Once Married Gay/Bisexual Men’s Group; Queer Femmes; Transgender Support Group; Lesbian & Queer Women of Color; Partners of Trans and Gender Non-Conforming Folk; Middle Eastern Femmes; Senior Gay Men’s Group; Bi-sexual Women; Primetime Men (40’s-50’s); LezBold (old lesbians); Wicked Transcendent Folk; R.E.A.L. Queer (TAY), and QPAD – for Queer Men in their 20’s and 30’s. A total of 168 individuals participated in support groups throughout the year. Demographics on individuals served include the following:

| PARTICIPANT DEMOGRAPHICS N=168  |     |
|---------------------------------|-----|
| Age Groups                      |     |
| 16-25 (Transition Age Youth)    | 32% |
| 26-59 (Adult)                   | 54% |
| Ages 60+ (Older Adult)          | 13% |
| Declined to Answer (or Unknown) | 1%  |

| <b>Race</b>                                  |     |
|----------------------------------------------|-----|
| American Indian or Alaska Native             | 2%  |
| Asian                                        | 8%  |
| Black or African American                    | 4%  |
| Native Hawaiian or Other Pacific Islander    | 63% |
| White                                        | 1%  |
| More than one race                           | 16% |
| American Indian or Alaska Native             | 2%  |
| Asian                                        | 8%  |
| Black or African American                    | 4%  |
| Native Hawaiian or Other Pacific Islander    | 63% |
| Declined to Answer (or Unknown)              | 6%  |
| <b>Ethnicity: Hispanic or Latino</b>         |     |
| Caribbean                                    | 8%  |
| Central American                             | 21% |
| Mexican/Mexican-American/Chicano             | 38% |
| Puerto Rican                                 | 13% |
| South American                               | 8%  |
| Other                                        | 8%  |
| Declined to Answer (or Unknown)              | 4%  |
| Caribbean                                    | 8%  |
| Central American                             | 21% |
| <b>Ethnicity: Non-Hispanic or Non-Latino</b> |     |
| African                                      | 4%  |
| Asian Indian/South Asian                     | 3%  |
| Chinese                                      | 3%  |
| Eastern European                             | 10% |
| European                                     | 26% |
| Filipino                                     | 3%  |
| Japanese                                     | 1%  |
| Korean                                       | 1%  |
| Middle Eastern                               | 4%  |
| Vietnamese                                   | 1%  |
| African                                      | 4%  |
| Asian Indian/South Asian                     | 3%  |
| More than one Ethnicity                      | 12% |
| Other                                        | 4%  |

|                                                |     |
|------------------------------------------------|-----|
| Declined to Answer (or Unknown)                | 28% |
| <b>Primary Language Used</b>                   |     |
| English                                        | 96% |
| Spanish                                        | 1%  |
| Mandarin                                       | 1%  |
| Other                                          | 1%  |
| Declined to Answer (or Unknown)                | 1%  |
| <b>Sexual Orientation</b>                      |     |
| Gay or Lesbian                                 | 24% |
| Heterosexual or Straight                       | 4%  |
| Bisexual                                       | 20% |
| Questioning or Unsure                          | 5%  |
| Queer                                          | 27% |
| Other                                          | 15% |
| Declined to Answer (or Unknown)                | 5%  |
| <b>Disability</b>                              |     |
| Difficulty Hearing or Having Speech Understood | 2%  |
| Mental (not Mental Health)                     | 6%  |
| Physical/Mobility Disability                   | 3%  |
| Chronic Health Condition                       | 6%  |
| Other Disability                               | 2%  |
| No Disability                                  | 80% |
| Declined to Answer (or Unknown)                | 1%  |
| <b>Veteran Status</b>                          |     |
| Yes                                            | 5%  |
| No                                             | 91% |
| Declined to Answer (or Unknown)                | 4%  |
| <b>Gender: Assigned sex at birth</b>           |     |
| Male                                           | 24% |
| Female                                         | 36% |
| Declined to Answer (or Unknown)                | 40% |
| <b>Current Gender Identity</b>                 |     |
| Male                                           | 18% |
| Female                                         | 32% |
| Transgender                                    | 9%  |
| Genderqueer                                    | 11% |
| Questioning or Unsure                          | 8%  |
| Other                                          | 18% |

|                                 |    |
|---------------------------------|----|
| Declined to Answer (or Unknown) | 4% |
|---------------------------------|----|

During the reporting timeframe 16 new Peer Facilitators were trained, 98% of whom went on to facilitate peer group sessions. The offering of Skills Building Workshops was expanded to include trainings on: Nonviolent Communication; Crisis Intervention; and Implicit Bias as it Relates to Race and workshops were provided to 51 Peer Facilitator participants. There were 221 referrals for additional services and supports. The number and type of referrals was as follows: 50 Mental Health; 17 Physical Health; 13 Social Services; 4 Housing; 137 other unspecified services. To assess the project services, a self-administered Peer Support Group Survey was distributed to all peer group members. A total of 123 Peer Support Group members (or 72%) completed the survey. Survey results were as follows:

- 100% indicated they would recommend the organization to a friend or family member;
- 94% felt like staff and facilitators were sensitive to their cultural background;
- 81% reported they deal more effectively with daily problems;
- 84% indicated they have trusted people they can turn to for help;
- 87% felt like they belong in their community.

A vast majority of individuals who completed the survey reported having improved social connections and community-building, and a deep gratitude for a safe environment to freely express and explore their authentic self.

**Social Inclusion Program**

The Social Inclusion program was created to combat stigma, attitudes and discrimination around individuals with mental health issues. Through this program, a “Telling Your Story” group provides mental health consumers with opportunities to be trained, compensated and empowered to share their stories of healing in a supportive peer environment. When they feel ready, consumers can elect to be community presenters, sharing their inspirational stories at pre-arranged local public venues to dispel myths and educate others. This program serves approximately 10-20 individuals a year.

**PEI Goals:** To reduce negative feelings, attitudes, beliefs, perceptions, stereotypes and/or discrimination related to being diagnosed with a mental illness, having a mental illness, or to seeking mental health services and to increase acceptance, dignity, inclusion, and equity for individuals with mental illness, and members of their families. To create changes in attitude, knowledge and/or behaviors related to seeking mental health services or related to mental illness.

In FY19, the “Telling Your Story” group met 24 times with 20 unduplicated persons attending for a total of 144 visits. Groups averaged 6 attendees.

Due to a vacancy in the Consumer Liaison position until February 2019, demographic data for this program during the reporting timeframe.

**Homeless Outreach and Treatment Team (HOTT)**

The Homeless Outreach and Treatment Team (HOTT) program was established out of an effort to address the homeless crisis, and as a result of input received through various MHSA



community program planning processes. Utilizing a portion of PEI and CSS funds, blended with realignment and general funds HOTT is a pilot program to support homeless mentally ill individuals in Berkeley and to connect them into the web of services that currently exist within the system of care. Key program components include the following: Persistent and Consistent Outreach; Supportive Case Management; Linkage to Care; and Treatment.

**PEI Goals:** The goal of this program is to connect individuals who have severe mental illnesses as early in the onset of these conditions as practicable, to medically necessary care and treatment, including but not limited to, care provided by county mental health programs.

A local consultant, Resource Development Associates (RDA), was hired to conduct a dedicated independent evaluation to assess the program accomplishments and to ascertain whether HOTT should continue past the initial funding period. The initial report on FY18 showed many positive findings including the following:

- HOTT is serving as an important resource for the local community and homeless service continuum;
- The program had been very effective in persistent and consistent outreach, especially for chronically homeless individuals with a history of refusing services;
- HOTT meets people where they are, in parks, encampments, motels;
- The program had successfully connected homeless individuals to critical resources and service linkages.

In FY19, 147 individuals were served through this program. Demographics on individuals that received services through this pilot project were as follows:

| <b>PARTICIPANT DEMOGRAPHICS N= 147</b>       |     |
|----------------------------------------------|-----|
| <b>Age Groups</b>                            |     |
| 16-25 (Transition Age Youth)                 | 4%  |
| 26-59 (Adult)                                | 41% |
| Ages 60+ (Older Adult)                       | 14% |
| Declined to Answer (or Unknown)              | 41% |
| <b>Race</b>                                  |     |
| Asian                                        | 3%  |
| Black or African American                    | 42% |
| White                                        | 40% |
| Other                                        | 15% |
| <b>Ethnicity: Hispanic or Latino</b>         |     |
| Mexican/Mexican-American/Chicano             | 7%  |
| <b>Ethnicity: Non-Hispanic or Non-Latino</b> |     |
| Non-Hispanic or Non-Latino                   | 8%  |

| Primary Language Used           |      |
|---------------------------------|------|
| Declined to Answer (or Unknown) | 100% |
| Sexual Orientation              |      |
| Declined to Answer (or Unknown) | 100% |
| Disability                      |      |
| Declined to Answer (or Unknown) | 100% |
| Veteran Status                  |      |
| Declined to Answer (or Unknown) | 100% |
| Gender: Assigned sex at birth   |      |
| Declined to Answer (or Unknown) | 100% |
| Current Gender Identity         |      |
| Male                            | 57%  |
| Female                          | 42%  |
| Declined to Answer (or Unknown) | 1%   |

Due to the nature of the many brief interactions attempting to engage with clients, as well as trying to not put up barriers to bringing clients into services, some data wasn't able to be collected in order to best support effective service provision.

The RDA [Homeless Outreach and Treatment Team Final Evaluation Report](#) which covered the timeframe from January 2018 – February 2020, showed the following outcomes:

- A total of 4,435 total encounters were conducted with individuals who were either enrolled or non-enrolled in the program, averaging 171 encounters per month;
- The number of contacts provided in-person in the field was 73%, while 26% were provided by phone;
- A total of 81% of HOTT encounters were with clients who were enrolled in the program;
- Enrolled clients had an average of 20 total encounters with HOTT staff, with an average of 4 encounters per month;
- During encounters, HOTT staff provided at least 1,845 material supports and services (including food, transportation or BART or bus passes, Hygiene Kits, Emergency Housing Vouchers, Blankets, etc.); to respond to clients' immediate and longer-term needs;
- During 488 encounters, HOTT provided emergency or temporary housing vouchers (e.g., for a motel) to individuals who required immediate shelter;
- Approximately three-quarters of enrolled clients (75%) and over a third of non-enrolled individuals (38%) were referred or connected to housing support services;
- In addition to connecting individuals to housing services, HOTT also connected individuals to other supportive services to help reduce or address initial barriers to obtaining housing;

- Approximately 27% of HOTT clients and 6% of non-enrolled individuals successfully enrolled in social service benefits. In comparison, only 9% of HOTT clients and 1% of non-enrolled clients ultimately enrolled in mental health services;
- Over 58% of all HOTT clients, and 9% of non-enrolled individuals obtained emergency or temporary housing (e.g., motel or shelter) at some point during their engagement with HOTT. In comparison, 12% of HOTT clients and 1% of non-enrolled individuals obtained permanent housing;
- To assess changes in self-sufficiency, HOTT staff completed a Client Self-Sufficiency Matrix (SSM) on enrolled clients at program intake, on a quarterly basis after program enrollment, and/or at program discharge. Overall, HOTT clients' SSM scores remained relatively unchanged from baseline to follow-up.

During interviews that were conducted with several HOTT existing and previous clients regarding their experience with the program, interviewees reported the following:

- "They help people, not just me. I introduce people on the street to them, and I say you can talk to the HOTT team and they will help you."
- "I really didn't expect anything, but when I called the City, they said someone [from HOTT] would meet me right then. They got me a hotel room that day. I wasn't expecting the City to help."
- "They were so helpful. I felt like if I didn't get the hotel room, they would have let me stay at their personal house."

In addition to these interviews, RDA conducted focus groups with HOTT clients during a previous year of the evaluation, and developed brief client impact stories based on clients' experiences. In one of the impact stories, client self-report was as follows:

"I would still be on the streets and probably dead if it wasn't for HOTT. I could have died and no one would have cared. Doctors told me I had months to live and I gave up on living. I gave up on everything for help. No one cared but the HOTT team did care. I'm the type of person that never asks for help, and here they were offering to help and they never gave up on me. I lived on the same spot for six years and never got medical care. They checked up on me and came back multiple times, even though I was turning them away in the beginning. I figured HOTT team was just like the other programs where they would just disappear after the first meeting. But I know the HOTT team is there. And everything the HOTT team said they would do came true. Now I am in hospice care getting the care that I need. I don't know how much longer I have to live, but it's a hell of a lot longer than a couple months which is what the doctors said. This gives me the opportunity to live my life with dignity. The HOTT team provided me with the positive energy just like hospice care that is so needed for people like me."

In FY21, HOTT will continue to be in operation until the Homeless FSP is fully implemented.

### **California Mental Health Services Authority (CalMHSA) PEI Statewide Projects**

In 2009, California's counties formed the California Mental Health Services Authority (CalMHSA) as a Joint Powers Authority to implement PEI statewide program initiatives. With an approved combined funding level of \$40 million per year for four years during the timeframe of 2011 through 2015, CalMHSA implemented statewide initiatives in the following areas: Suicide

Prevention, Stigma and Discrimination Reduction, and Student Mental Health. Following 2015, funding for PEI Statewide projects was generated through pooled contributions from individual counties. Contributing counties are members of a CalMHSA board that provides direction into the types of initiatives that are implemented. In order to continue to sustain programming, CalMHSA previously asked counties to allocate 4% of their annual local PEI allocation each year from FY2018 – FY2020 to these statewide initiatives. In the City of Berkeley, this has varied from year to year to between \$42,000 - \$55,000 depending on the amount of PEI revenue received. Through the previously approved Three Year Plan the City of Berkeley allocated PEI funds for one year towards this statewide initiative, and for the remaining two years, elected to assess on an annual basis whether or not to continue to allocate funds to this initiative.

In FY19, through this initiative resources on Suicide Prevention, Student Mental Health and Stigma and Discrimination reached an excess amount of 1,546 individuals. Additionally, an excess of 1,315 pamphlets and resources on Suicide Prevention, Student Mental Health and Stigma and Discrimination were distributed in local schools and the community. BMH also participated in the CalMHSA “Each Mind Matters” campaign and distributed materials and giveaways at the local “May is Mental Health Month” event.

### **INNOVATIONS (INN)**

The City of Berkeley’s initial INN Plan was approved in February 2012. Subsequent updates to the initial plan were approved in May 2013, January 2014, June 2014 and January 2015. Per the initial INN Plan and/or through Plan Updates the following seven pilot projects were implemented from June 2012 – June 2015 through this funding component:

- A Community Empowerment project for African Americans;
- Services and supports for Ex-offenders re-entering the community, Veterans returning home from being deployed or at war, and their families;
- Cultural Wellness strategies for Asian Pacific Islanders;
- A Holistic Health care project for TAY;
- Technology Support Groups for senior citizens;
- Nutrition, Healthy Meal Preparation, and Exercise classes for Board and Care residents;
- Mental Health services and supports for LGBTQI located in community agencies.

Since the initial plan was approved, INN requirements were changed to require approvals from the State Mental Health Services Oversight and Accountability Commission (MHSOAC) in addition to local approval.

In May 2016, the second MHSA INN Plan was approved by the MHSOAC. This plan implemented a Trauma Informed Care project in BUSD for students, educators, and school staff. An update to this plan was subsequently approved by the MHSOAC in December 2018 which added funds to the project and switched the initial target population from BUSD students and staff to children, teachers and parents YMCA Head Start sites in Berkeley. In September

2018, BMH also received approval from the MHSOAC for a third INN project that would allocate funds to join the Technology Suite Multi-County Collaborative.

### **INN Reporting Requirements**

Per MHSOAC INN regulations, all INN funded programs have to collect additional state identified outcome measures and detailed demographic information. Beginning in FY19, INN Evaluations were required to be included in each MHSOAC Annual Update or Three Year Plan. See Appendix B for the Fiscal Year 2019 Innovations Annual Evaluation Report.

A description of the currently funded INN programs and project updates are outlined below:

#### **Early Childhood Trauma Resiliency (ECTR) - Trauma Informed Care Project**

In May 2016, the City of Berkeley received approval from the MHSOAC to implement a Trauma Informed Care (TIC) for Educators project into several BUSD schools to assess whether educators who are trained to become aware of their own trauma and trauma triggers (and how to address them), are better equipped to recognize and make appropriate decisions on how to help students who are exhibiting trauma symptoms, and assist them in accessing the mental health services and supports they may need.

The project was implemented through the 20/20 Vision Program which is operated out of the City of Berkeley, City Manager's Office. After a year of the TIC Project being executed, there were two vacancies in the 20/20 Vision Program which impacted the ability to continue the implementation of the TIC Project. The project was only able to be implemented for one year in FY17 and during that timeframe an evaluation was conducted by Hatchuel Tabernik & Associates on the project outcomes. The report is part of the larger "City of Berkeley Mental Health Services Act (MHSOAC) Fiscal Year 2017 Innovations Evaluation Report" referenced above.

In FY18, due to staffing vacancies the TIC project was not able to be implemented. When staffing vacancies were filled in mid FY18, meetings were held with several BUSD principals who indicated that although their schools received a lot of positive benefits out of the TIC project, additional training requirements within the school system had been added for teachers and administrators that needed to be fulfilled over the next couple of years. As a result, the TIC Project would not be able to be prioritized within the school system at that time. In light of the changes in the school system, staff conducted outreach and found that area YMCA Head Start Centers were interested in executing the same TIC Project for their early childhood educators and staff, to impact the children and families who are served at the centers. As such, proposed changes to the population and funding amount of the original TIC Plan were vetted through community program planning, and an update to the TIC Plan underwent a 30 Day Public Review and Public Hearing process. The TIC Plan Update was approved through City Council in October 2018 and by the MHSOAC in December 2018. The modified project implements TIC Training for Educators and interested parents in four local Head Start sites.

The new TIC modified project, "Early Childhood Trauma and Resiliency" (ECTR) began in January 2019 at four YMCA Head Start sites located in Berkeley: Ocean View, South YMCA, Vera Casey, and West YMCA. The project provides training and supports to enable Head Start staff to recognize trauma and its effects on themselves and the children and families they serve, and to integrate trauma and resiliency informed approaches into their work. The project provides training, coaching and peer support to staff and parents who have children enrolled in Head Start and advances Berkeley's 2020 Vision priority, that all Berkeley children enter kindergarten ready to learn.

The learning objectives of this project are:

- To create a change in the way Head Start educators and staff view and handle challenging student and parent behaviors (which often mask trauma);
- To create an increase in access to mental health services and supports for children/families in need;
- To promote better mental health outcomes by increasing child/family referrals to “appropriate” mental health services.

In FY19, the project utilized a lead trainer, Julie Kurtz, MS, LMFT, to conduct trauma training, coaching and guidance to the ECTR project. Two trainings, one for all Head Start staff and one for the Head Start Leadership Team, were conducted. A “Resiliency Champion” component of the project was created to establish and maintain a trauma-informed care environment at Head Start Sites. Resiliency Champions are program staff and family advocates that serve as internal leaders and future trainers of the trauma informed curriculum to new staff. Fifteen Resiliency Champions were recruited, selected, and provided training, and twelve were still active by the end of the reporting timeframe. The Resiliency Champion role requires a significant commitment (30+ hours, excluding reading and homework assignments) and involves emotional work, both internally and with others. Anticipating that some turnover would occur, Dr. Anita Smith, Head Start’s ECTR Project Coordinator, recruited a higher number of Champions than were necessary. Dr. Smith reports that the remaining Resiliency Champions are highly committed and engaged in the project. A total of 197 children were impacted by the ECTR project.

Per a report received from the City of Berkeley 2020 Vision Program Manager, who oversees this project, the most notable change that occurred since the start of this project is that in the summer 2019, Pamm Shaw, Vice President of Early Childhood Impact with the YMCA of the East Bay, officially retired. Following approval from the Mental Health Oversight and Accountability Commission (MHSOAC) of this MHSA TIC Modified Project, Ms. Shaw co-developed it with Berkeley’s 2020 Vision. Her expertise and passion are critical to the formation and successful early implementation of this project. Fortunately, in FY20 Ms. Shaw was able to continue on as a consultant on the ECTR project.

Challenges reported included the general sensitivity of trauma-related topics. Many of the Head Start staff are former parents from the program. They and many non-alumni staff members have often experienced their own trauma. In order to equip them to work effectively on the trauma experienced by their students and students’ families, they have to recognize their own trauma and how they might be triggered by others. This is hard, deep work. It is also important to make sure that staff trauma does not over-shadow student trauma.

A final challenge involved defining “appropriate” and “successful” mental health referrals. The Berkeley 2020 Vision Program Manger worked closely with Dr. Smith and Hatchuel, Tabernik & Associates (HTA), an Independent Contractor on this project, to identify a means for assessing whether students and their families are being referred to the most suitable providers based on each family’s specific needs (including provider specialty and expertise, cultural appropriateness, hours, location, etc.). Additional issues were around how to measure whether a mental health referral is successful, examining factors such as family follow through, sessions provided, family feedback, provider assessment, etc.

An evaluation was conducted by HTA), on the FY19 project outcomes. Below are demographics of individuals impacted by this program and outcomes. The full evaluation is attached to this report.

| <b>PARTICIPANT DEMOGRAPHICS N=197</b>        |      |
|----------------------------------------------|------|
| <b>Age Groups</b>                            |      |
| 0-15 (Children)                              | 100% |
| <b>Race</b>                                  |      |
| American Indian or Alaska Native             | 2%   |
| Asian                                        | 5%   |
| Black or African American                    | 42%  |
| White                                        | 11%  |
| Other                                        | 27%  |
| More than one Race                           | 12%  |
| Declined to Answer (or Unknown)              | 1%   |
| <b>Ethnicity: Hispanic or Latino</b>         |      |
| Caribbean                                    | 1%   |
| Central American                             | 1%   |
| Mexican/Mexican-American/Chicano             | 30%  |
| Puerto Rican                                 | 1%   |
| South American                               | 1%   |
| Other                                        | 1%   |
| More than one ethnicity                      | 4%   |
| Declined to Answer (or Unknown)              | 3%   |
| <b>Ethnicity: Non-Hispanic or Non-Latino</b> |      |
| African                                      | 61%  |
| Asian Indian/south Asian                     | 2%   |
| Cambodian                                    | 1%   |
| Chinese                                      | 1%   |
| European                                     | 1%   |
| Filipino                                     | 1%   |
| Korean                                       | 4%   |
| Middle Eastern                               | 8%   |
| Other                                        | 5%   |
| More than one ethnicity                      | 4%   |
| Declined to Answer (or Unknown)              | 8%   |

| Gender                                           |     |
|--------------------------------------------------|-----|
| Female                                           | 49% |
| Male                                             | 51% |
| Primary Language                                 |     |
| English                                          | 66% |
| Spanish                                          | 21% |
| Urdu                                             | 3%  |
| Arabic                                           | 2%  |
| French                                           | 2%  |
| American Sign Language                           | 1%  |
| Berber                                           | 1%  |
| Mongolian                                        | 1%  |
| Punjabi                                          | 1%  |
| Tigrina                                          | 1%  |
| Chinese                                          | 1%  |
| Laotian                                          | 1%  |
| Russian                                          | 1%  |
| Disability                                       |     |
| Communication: other, speech/language impairment | 20% |
| Mental domain                                    | 2%  |
| Physical/mobility domain                         | 2%  |
| Chronic health condition                         | 6%  |
| Other                                            | 6%  |

From evaluation forms on the Staff Training some of the feedback was as follows:

- “I feel this is the best training that I have ever had in my life. It has helped me see a lot of things about myself.”
- “We love it! I want more training about TRAUMA.”

Participants also reported their appreciation on learning about the impact of trauma on the brain, gaining tools to bring back to their classrooms and beginning to understand how to look at children and their families through a trauma-informed lens.

### **Help@Hand - Technology Suite Project**

In September 2018, following a four-month community planning process and approval from City Council, the City of Berkeley Technology Suite Project was approved by the MHSOAC. This project allocates a total of \$462,916 to join a Statewide Collaborative with other California counties



to pilot a Mental Health Technology Project that will make various technology-based mental health services and supports available locally in Berkeley. The proposed INN project will seek to learn whether the Technology Suite Project will increase access to mental health services and supports; and whether it will increase the quality of mental health services, including leading to better outcomes.

Since plan approval the City of Berkeley has been working both internally and with the State collaborative on various aspects of this project to prepare for citywide implementation. In keeping with changes made via the Technology Suite multi-county collaborative, the new name of this project has been changed to "Help@Hand". As a result of competitive recruitment processes that were conducted in FY20, two consultants were hired for the Project Coordination and Evaluation work on this project. Resource Development Associates (RDA) is conducting the Project Coordination work, and Hatchuel, Tabernik and Associates (HTA) will be conducting the Project Evaluation. Pre-work for the implementation of this project is currently underway. It is envisioned that the technology suite apps will be locally available in FY21 in Berkeley.

### **New INN Projects**

In FY21, BMH will begin the community planning process for the next round of INN funded Projects. In the approved FY19 Annual Update the funding amount allocated for this next round of MHSA INN Projects was \$400,000, an additional \$300,000 will be added to that amount for a total amount of \$700,000 to be utilized on a new INN project (or projects) over the next several years.

In order to obtain a new INN project(s), a community program planning process will be conducted in FY21, by Resource Development Associates (RDA), who was chosen through a competitive recruitment process. Based on community input received during the community program planning for this Three Year Plan and through previous MHSA planning processes, around the need for more services and supports for homeless individuals who have mental health needs, the project will pilot test a yet to be determined innovative strategy for the homeless population.

### **WORKFORCE, EDUCATION & TRAINING (WET)**

The City of Berkeley WET Plan was approved in July 2010. A subsequent update was approved in May 2013. Specific programs in the approved WET Plan include:

- Peer Leadership Coordination;
- Staff Development and MHSA Training;
- High School Career Pathways Program;
- Graduate Level Training Stipend Program;
- Peer Leader Stipend Program.

WET programs were funded for an initial period through FY18 and FY19, and per the local [MHSA AB114 Reversion Expenditure Plan](#) one WET program was extended through FY20.

### **Greater Bay Area Workforce, Education & Training Regional Partnership**

The Office of Statewide Health Planning and Development (OSHPD) is allocating \$40 million in Workforce, Education and Training funds for Regional Partnerships across the state for mental health workforce strategies that will be implemented in FY20-FY25. Each Regional Partnership will be able to decide which strategies they want to allocate funds for to benefit the local area. Strategies include:

Pipeline Development: Introduce the public mental health system to kindergarten through 12<sup>th</sup> grades, community colleges, and universities. Ensure that these programs incorporate developmentally appropriate concepts of mental health needs, self-care, and de-stigmatization and target resources at educational institutions with underrepresented communities. The Regional Partnerships would conduct pipeline activities to identify students as potential scholarship and stipend candidates.

Undergraduate College and University Scholarships: Provide scholarships to undergraduate students in exchange for service learning received in a public mental health system.

Clinical Master and Doctoral Graduate Education Stipends: This program would provide funding for post-graduate clinical master and doctoral education service performed in a local public mental health system.

Loan Repayment Program: Provide educational loan repayment assistance to public mental health system professionals that the local jurisdiction identifies as serving in hard-to-fill and hard-to-retain positions.

Retention: Increase the continued employment of public mental health system personnel identified as high priority by county behavioral health agencies, by increasing and enhancing evidence-based and community-identified practices.

The Division has participated in meetings with representatives from the other counties in the Greater Bay Area Regional Partnership. All participating counties have decided to allocate these funds for the Loan Repayment program. This program will enable funds in the amount of approximately \$12,000 to \$15,000 to be made available to repay a portion of student loans for a given number of staff who are in hard-to-fill positions, in exchange for a number of years served in the Public Mental Health system.

OSHPD is requesting that each Regional Partnership contribute an additional portion of local funds towards this initiative. For the Bay Area Regional Partnership, the total amount of the contribution is \$2.6 million, and the proposed contribution from Berkeley is \$40,127. Through this Three Year Plan, the Division is proposing to transfer CSS Funds to the WET funding component to participate in this initiative, through the following process:

*Per MHSA Statute, (Welfare and Institutions Code, Section 5892 (b)): "In any year after 2007 - 08, programs for services pursuant to Part 3 (commencing with Section 5800), and Part 4 (commencing with Section 5850) of this division may include funds for technological needs and capital facilities, human resource needs, and a prudent reserve to ensure services do not have*

*to be significantly reduced in years in which revenues are below average of previous years. The total allocation for purposes authorized by this subdivision shall not exceed 20 percent of the average amount of funds allocated to that county for the previous five years pursuant to this section.”*

### **Previously Funded WET Programs/Services**

Descriptions of previously funded WET programs and FY19 data are outlined below:

#### **Peer Leadership Coordination**

The Peer Leadership program trained mental health consumers to be providers of mental health services, and to provide leadership within the mental health consumer community. Per the approved WET plan, the Peer Leader Coordinator provided and coordinated training for consumers, including those from culturally and linguistically diverse communities to increase the necessary skills that would enable participants to secure consumer positions in the mental health system as they became available; and to participate on BMH committees and Boards. In this capacity, the Peer Leader Coordinator, in partnership with the Alameda County Network of Mental Health Clients' BESTNow! program, developed a Facilitation Training to train peers as co-facilitators of support and self-help groups. There is a great need for self-help and support groups in the mental health system and consumers hired as peer specialists often are required to co-facilitate groups as part of their job duties. After completing the 12-week classroom course, participants gave a small presentation about their group to the BMH staff. Participants received stipends through BESTNow! for co-facilitating and providing outreach for their group for six months. This enabled Peer led activities and groups to be offered and increased attendance at the existing Wellness Recovery Activities group.

Through this program the Peer Leader Coordinator researched local organizations in the Bay Area that could offer training and stipends for the Peer Leadership program. As staff on all BMH treatment teams identified the need for support groups for their clients, and group facilitation as an important Peer Specialist skill, a contract was developed with the Alameda County Network of Mental Health Clients BESTNOW! Program to offer Facilitation Training in Berkeley for up to 10 consumers. The training included 12 weeks of classroom instruction in support group facilitation and an internship co-facilitating a support group. Two new peer led groups were implemented during this timeframe: "Dancing Voices", which offered a variety of creative activities such as dance, poetry, and visual arts to explore identity and wellness; and "Getting on Track", which was geared towards elders and offered activities and education related to healthy living. Other attendees were able to facilitate existing BMH wellness recovery groups and activities.

Some of the challenges of this project included establishing the groups and ensuring they were well-attended. Another challenge was that participants had contrasting expectations for the training. Some expected to become employed through this project, while others were looking to enhance their own wellness and skill sets. Some participants felt that the training should have included longer term paid placement opportunities outside the one group of which a stipend was offered. This at times impacted class agendas and trainers worked to address the various

concerns. In order to avoid this type of conflict in any future program, it's important to ensure the goals and limitations of the project are clearly communicated.

Overall, this project was very successful in training participants and offering peer-led groups. The trainers witnessed significant personal development and growth among participants and a number of them gained confidence and sought out paid work. Others became increasingly comfortable in their developing facilitation skills and showed increased engagement in class. The positive changes in the participants highlighted the value of peer-led and peer-focused trainings. This program was funded through FY18.

### **Staff Development and MHS Training**

This WET component implements training for BMH staff and those from affiliated community agencies in an effort to transform the system of care. A BMH Staff Training Coordinator prepares, facilitates, presents, monitors, evaluates and documents training activities for BMH's system of care. The Training Coordinator also collaborates with staff from state, counties, local agencies and community groups in order to enhance staff development of employees in Berkeley and other areas in the region.

The Training Coordinator accomplishes these goals by:

- Providing staff training in the area of behavioral health to all stakeholders in Berkeley and other geographic locations in the region as a collaborative partner;
- Developing long and short term goals and objectives to promote staff development and competencies within our system of care;
- Developing an annual budget;
- Chairing the BMH Staff Training Committee;
- Attending continuous trainings in the areas of behavioral health services and other trainings as needed;
- Collaborating with State, Regional, County, and local groups and organizations; and
- Developing a two-year staff training work plan.

In FY19, the Training Coordinator implemented the following trainings through this component:

**Autism Training** – September 28, 2018 – (43 individuals attended the training). Attendees included staff and community partners.

**Addressing Emotional Dysregulation through Energy Medicine and Energy Psychology with Adults and Older Adults** – December 7, 2018 – (13 individuals attended the training). Attendees included staff and community partners.

**Motivational Interviewing: An Introduction Training** – January 9, 2019 and **Motivational Interviewing: An Advanced Training** – January 10, 2019 – (115 individuals attended the two day training). Attendees included staff and community partners.

**Law and Ethics for Mental Health, Behavioral Health and Health Care Providers** – February 13, 2019 – (48 individuals attended this training.) Attendees included staff and community partners.

**Anxiety in Children and Teens: How will I Recognize It and What Can I do to Help?** – March 13, 2019 – (11 individuals attended the training). Attendees included BMH staff.

**Motivational Interviewing: An Introduction Training** – April 3, 2019 and **Motivational Interviewing: An Advanced Training** – April 4, 2019 – (119 individuals attended the two day training). Attendees included staff and community partners.

**Treating Sex Offenders in the Community** – May 1, 2019 – (20 individuals attended the training). Attendees included BMH staff.

The MHSW WET component funded training services through 6/30/19. Training services continue to be funded through the CSS component.

### **High School Career Pathways Program**

Through this program BUSD implemented a curriculum and mentoring program for youth designed to provide opportunities that support student's interest in pursuing a career in the mental health field. This project was implemented in FY15. During this timeframe, BMH FYC, provided internships to two Berkeley High School students. In FY18 there was a vacancy in the school personnel who had oversight of this program, therefore there were not any student internships in that reporting timeframe and the project was not continued.

### **Graduate Level Training Stipend Program**

Per the original WET Plan, this program offered stipends to Psychologists, Social Workers, Marriage and Family Therapists and other counseling trainees and interns who have cultural and linguistic capabilities. Guidelines were developed and a system was implemented to recruit and provide incentives to those meeting criteria, thereby allowing BMH to attract a more culturally and linguistically diverse pool of graduate level trainees and interns. In FY19 this program provided stipends to all 8 counseling trainees and interns at BMH. In FY20, through the approved City of Berkeley MHSW AB114 Reversion Expenditure Plan, the remaining WET funds were expended on this program. Funding for Graduate Level Training Stipends will continue through other, non-MHSW Mental Health funds.

### **Peer Leader Stipend Program**

Under the direction of the Peer Leader Coordinator, this program provided opportunities for peer leaders to take active roles on Division committees, and/or serve in direct service positions in the clinics. As part of participating in various leadership or peer positions, consumers and family members were offered stipends. These opportunities helped to prepare consumers and their family members for roles within the public mental health system. BESTNow! also offered stipends to individuals who participated in the internship program in partnership with BMH through the Peer Leadership Coordination program. This program was funded through 6/30/18.

### **CAPITAL FACILITIES AND TECHNOLOGICAL NEEDS (CFTN)**

The original City of Berkeley CFTN Plan was approved by DMH in April 2011, with updates to the plan in May 2015, June 2016, January 2017. Through previously approved MHSA Plans and/or Annual Updates, BMH has allocated a total of \$3,773,811 towards the renovation of the Adult Mental Health Clinic.

The Adult Clinic serves Berkeley's most at-risk and fragile population through crisis intervention, case management, individual/or group therapy, and psychiatric medication support, FSP/Intensive Case Management Teams, Clinical services, Mobile Crisis, and Homeless Outreach. In its previous condition, use of the Adult Clinic space was inefficient and inadequately aligned with MHSA goals, including that of creating welcoming spaces for client and family centered wellness and recovery programs and services. In addition to electrical, HVAC and other environmental upgrades, it was originally envisioned that CFTN funds would be used to re-configure shared work spaces to increase safety; improve clinical, wellness/recovery, support services, and administrative functions; and support the implementation of electronic health records and other emerging technologies. In FY18, renovation on the Adult Clinic was in the design and pre-construction phase. In FY19 construction on the Adult Clinic began and in FY21, it is anticipated that the reconstruction of the Adult Clinic will be complete.

**FY19 AVERAGE COST PER CLIENT\***

\*(Includes programs that utilized MHPA funds in FY19)

| <b>COMMUNITY SERVICES &amp; SUPPORTS</b>                                                                                                                                                                              |                             |              |                                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|--------------|-------------------------------------------|
| <b>Program Name</b>                                                                                                                                                                                                   | <b>Approx. # of Clients</b> | <b>Cost</b>  | <b>Average Cost Per Client</b>            |
| Children and Youth Intensive Support Services FSP                                                                                                                                                                     | 34                          | \$453,268    | \$13,331                                  |
| TAY, Adult & Older Adult FSP                                                                                                                                                                                          | 63                          | \$1,448,506  | \$22,992                                  |
| TAY Support Services                                                                                                                                                                                                  | 76                          | \$122,856    | \$1,617                                   |
| System Development (includes: Wellness Recovery Services; Family Support Services; Employment/Educational Services; Housing Services and Supports; Crisis Services; HOTT, TAY Case Management Services, Albany CARES) | 419                         | \$1,200,091* | \$2,864                                   |
| TAY Case Management Services*                                                                                                                                                                                         | 31                          | \$100,000    | *Costs included in CSS System Development |
| Albany CARES*                                                                                                                                                                                                         | 118                         | \$50,000     | *Same as Above                            |
| Benefits Advocacy*                                                                                                                                                                                                    | 16                          | \$20,000     | *Same as Above                            |
| <b>PREVENTION &amp; EARLY INTERVENTION</b>                                                                                                                                                                            |                             |              |                                           |
| BE A STAR                                                                                                                                                                                                             | Unknown                     | \$33,489     | Unknown                                   |
| Supportive Schools Program                                                                                                                                                                                            | 1,065                       | \$55,000     | \$52                                      |
| Albany Trauma Project                                                                                                                                                                                                 | 79                          | \$53,040     | \$671                                     |
| Living Well Project                                                                                                                                                                                                   | 118                         | \$32,046     | \$272                                     |
| Harnessing Hope Project                                                                                                                                                                                               | 29                          | \$32,046     | \$1,105                                   |
| LGBTQI Trauma Project                                                                                                                                                                                                 | 168                         | \$32,046     | \$191                                     |
| TAY Trauma Project                                                                                                                                                                                                    | 142                         | \$32,046     | \$226                                     |
| High School Youth Prevention Program                                                                                                                                                                                  | 1,059                       | \$383,879    | \$362                                     |
| Social Inclusion Program                                                                                                                                                                                              | 20                          | \$3,000      | \$150                                     |
| Homeless Outreach and Treatment Team                                                                                                                                                                                  | 147                         | \$201,528    | \$1,371                                   |
| Child And Youth at Risk Project                                                                                                                                                                                       | 54                          | \$20,730     | \$384                                     |
| Mental Emotional Education Team                                                                                                                                                                                       | 1,285                       | \$46,839     | \$36                                      |
| Dynamic Mindfulness                                                                                                                                                                                                   | 520                         | \$45,000     | \$87                                      |
| <b>INNOVATION</b>                                                                                                                                                                                                     |                             |              |                                           |
| Trauma Informed Care Project                                                                                                                                                                                          | 197                         | \$41,097     | \$209                                     |

## BUDGET NARRATIVE

As with all MHSA Plans and Annual Updates, revenue and expenditures in this Three Year Plan are estimates. Enclosed budgets reflect the total costs of each program if it was fully operable. Per the budgets, if all programs are fully in operation each year, and the revenue is as indicated, then within the Three Year timeframe, the Division will be overspending in some of the MHSA funding components. However, as with every year, there are many variables that will affect the actual budgets, as MHSA revenues may be more than estimated, and programs may not utilize all projected expenditures for various reasons including the following:

- Due to Covid-19 there is a City-wide hiring freeze in place. Any new or currently vacant positions will need to undergo a separate internal City approval process before staff can be hired;
- New internal programs often take awhile to become operable, even factoring out the time needed to hire staff;
- New contracted programs and services often take awhile to become fully operable, while RFP and contracting processes are executed.

Delays in each of these processes will enable program savings.

Given the widespread financial impacts of Covid-19 it is also possible that the City may receive less MHSA revenues than projected. If this is the case, the Division may elect to access the local MHSA Prudent Reserve to sustain crucial programs and services. Given the uncertainties around revenues and available funding, it would be more conservative to avoid any new expenditures in this Three Year Plan. However, the additions in that are being proposed in this Three Year Plan will assist some of the most vulnerable populations in Berkeley, especially during the pandemic. It is also possible, that MHSA revenues will be more than anticipated during the Three Year Timeframe, which if that is the case, would possibly cover any potential shortfall in funds. The Division will closely monitor the City of Berkeley MHSA allotments and expenditures to assess whether program changes are needed in the future. Any proposed program changes will be vetted for community input and reflected in Annual Updates during the Three Year timeframe.



# PROGRAM BUDGETS

1A

**FY 2020-21 Through FY 2022-23 Three-Year Mental Health Services Act Expenditure Plan  
Funding Summary**

County: City of BerkeleyDate: 8/12/20

|                                                    | MHSA Funding                    |                                   |            |                                  |                                            |                 |
|----------------------------------------------------|---------------------------------|-----------------------------------|------------|----------------------------------|--------------------------------------------|-----------------|
|                                                    | A                               | B                                 | C          | D                                | E                                          | F               |
|                                                    | Community Services and Supports | Prevention and Early Intervention | Innovation | Workforce Education and Training | Capital Facilities and Technological Needs | Prudent Reserve |
| <b>A. Estimated FY 2020/21 Funding</b>             |                                 |                                   |            |                                  |                                            |                 |
| 1. Estimated Unspent Funds from Prior Fiscal Years | 7,590,361                       | 1,828,732                         | 1,694,385  |                                  | 87,405                                     | 1,237,629       |
| 2. Estimated New FY2020/21 Funding                 | 4,637,431                       | 1,159,358                         | 305,094    |                                  |                                            |                 |
| 3. Transfer in FY2020/21 <sup>a/</sup>             | (40,157)                        |                                   |            | 40,157                           |                                            |                 |
| 4. Access Local Prudent Reserve in FY2020/21       |                                 |                                   |            |                                  |                                            |                 |
| 5. Estimated Available Funding for FY2020/21       | 12,187,635                      | 2,988,090                         | 1,999,479  | 40,157                           | 87,405                                     | 1,237,629       |
| <b>B. Estimated FY2020/21 MHSA Expenditures</b>    | 8,478,587                       | 1,740,972                         | 851,546    | 40,157                           | 87,405                                     |                 |
| <b>C. Estimated FY2021/22 Funding</b>              |                                 |                                   |            |                                  |                                            |                 |
| 1. Estimated Unspent Funds from Prior Fiscal Years | 3,709,048                       | 1,247,118                         | 1,147,933  | 0                                | 0                                          | 1,237,629       |
| 2. Estimated New FY2021/22 Funding                 | 4,412,313                       | 1,103,079                         | 290,284    |                                  |                                            |                 |
| 3. Transfer in FY2021/22 <sup>a/</sup>             |                                 |                                   |            |                                  |                                            |                 |
| 4. Access Local Prudent Reserve in FY2021/22       |                                 |                                   |            |                                  |                                            | 0               |
| 5. Estimated Available Funding for FY2021/22       | 8,121,361                       | 2,350,197                         | 1,438,217  | 0                                | 0                                          | 1,237,629       |
| <b>D. Estimated FY2021/22 Expenditures</b>         | 8,061,983                       | 1,801,830                         | 265,526    | 0                                | 0                                          |                 |
| <b>E. Estimated FY2022/23 Funding</b>              |                                 |                                   |            |                                  |                                            |                 |
| 1. Estimated Unspent Funds from Prior Fiscal Years | 59,378                          | 548,367                           | 1,172,691  | 0                                | 0                                          | 1,237,629       |
| 2. Estimated New FY2022/23 Funding                 | 3,331,746                       | 832,937                           | 219,194    |                                  |                                            |                 |
| 3. Transfer in FY2022/23 <sup>a/</sup>             | 0                               |                                   |            |                                  |                                            |                 |
| 4. Access Local Prudent Reserve in FY2022/23       |                                 |                                   |            |                                  |                                            | 0               |
| 5. Estimated Available Funding for FY2022/23       | 3,391,124                       | 1,381,304                         | 1,391,885  | 0                                | 0                                          | 1,237,629       |
| <b>F. Estimated FY2022/23 Expenditures</b>         | 7,959,983                       | 1,791,024                         | 215,526    | 0                                | 0                                          |                 |
| <b>G. Estimated FY2022/23 Unspent Fund Balance</b> | (4,568,859)                     | (409,720)                         | 1,176,359  | 0                                | 0                                          | 1,237,629       |

| <b>H. Estimated Local Prudent Reserve Balance</b>             |           |
|---------------------------------------------------------------|-----------|
| 1. Estimated Local Prudent Reserve Balance on June 30, 2020   | 1,237,629 |
| 2. Contributions to the Local Prudent Reserve in FY 2020/21   | 0         |
| 3. Distributions from the Local Prudent Reserve in FY 2020/21 | 0         |
| 4. Estimated Local Prudent Reserve Balance on June 30, 2021   | 1,237,629 |
| 5. Contributions to the Local Prudent Reserve in FY 2021/22   | 0         |
| 6. Distributions from the Local Prudent Reserve in FY 2021/22 | 0         |
| 7. Estimated Local Prudent Reserve Balance on June 30, 2022   | 1,237,629 |
| 8. Contributions to the Local Prudent Reserve in FY 2022/23   | 0         |
| 9. Distributions from the Local Prudent Reserve in FY 2022/23 | 0         |
| 10. Estimated Local Prudent Reserve Balance on June 30, 2023  | 1,237,629 |

a/ Pursuant to Welfare and Institutions Code Section 5892(b), Counties may use a portion of their CSS funds for WET, CFTN, and the Local Prudent Reserve. The total amount of CSS funding used for this purpose shall not exceed 20% of the total average amount of funds allocated to that County for the previous five years.

**FY 2020-21 Through FY 2022-23 Three-Year Mental Health Services Act Expenditure Plan  
Community Services and Supports (CSS) Component Worksheet**

County: City of Berkeley

Date: 8/12/20

|                                                 | Fiscal Year 2020/21                              |                          |                           |                               |                                                 |                            |
|-------------------------------------------------|--------------------------------------------------|--------------------------|---------------------------|-------------------------------|-------------------------------------------------|----------------------------|
|                                                 | A                                                | B                        | C                         | D                             | E                                               | F                          |
|                                                 | Estimated Total<br>Mental Health<br>Expenditures | Estimated CSS<br>Funding | Estimated Medi<br>Cal FFP | Estimated 1991<br>Realignment | Estimated<br>Behavioral<br>Health<br>Subaccount | Estimated<br>Other Funding |
| <b>FSP Programs</b>                             |                                                  |                          |                           |                               |                                                 |                            |
| 1. TAY, Adult & Older Adult FSP                 | 2,574,710                                        | 2,574,710                |                           |                               |                                                 |                            |
| 2. Children's FSP                               | 562,943                                          | 562,943                  |                           |                               |                                                 |                            |
| 3. Homeless FSP                                 | 911,132                                          | 911,132                  |                           |                               |                                                 |                            |
| 4.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 5.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 6.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 7.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 8.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 9.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 10.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 11.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 12.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 13.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 14.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 15.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 16.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 17.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 18.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 19.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| <b>Non-FSP Programs</b>                         |                                                  |                          |                           |                               |                                                 |                            |
| 1. Multicultural Outreach & Engagement          | 409,485                                          | 409,485                  |                           |                               |                                                 |                            |
| 2. System Development, Wellness & Recovery, HO  | 3,024,596                                        | 3,024,596                |                           |                               |                                                 |                            |
| 3. Fitness to Independence                      | 36,934                                           | 36,934                   |                           |                               |                                                 |                            |
| 4. Crisis Services                              | 292,177                                          | 292,177                  |                           |                               |                                                 |                            |
| 5.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 6.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 7.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 8.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 9.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 10.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 11.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 12.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 13.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 14.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 15.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 16.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 17.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 18.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 19.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| <b>CSS Administration</b>                       | 666,610                                          | 666,610                  |                           |                               |                                                 |                            |
| <b>CSS MESA Housing Program Assigned Funds</b>  | 25,623                                           | 25,623                   |                           |                               |                                                 |                            |
| <b>Total CSS Program Estimated Expenditures</b> | 8,478,587                                        | 8,478,587                | 0                         | 0                             | 0                                               | 0                          |
| <b>FSP Programs as Percent of Total</b>         | 47.8%                                            |                          |                           |                               |                                                 |                            |

**FY 2020-21 Through FY 2022-23 Three-Year Mental Health Services Act Expenditure Plan  
Community Services and Supports (CSS) Component Worksheet**

County: City of Berkeley

Date: 8/12/20

|                                                 | Fiscal Year 2021/22                              |                          |                           |                               |                                                 |                            |
|-------------------------------------------------|--------------------------------------------------|--------------------------|---------------------------|-------------------------------|-------------------------------------------------|----------------------------|
|                                                 | A                                                | B                        | C                         | D                             | E                                               | F                          |
|                                                 | Estimated Total<br>Mental Health<br>Expenditures | Estimated CSS<br>Funding | Estimated Medi<br>Cal FFP | Estimated 1991<br>Realignment | Estimated<br>Behavioral<br>Health<br>Subaccount | Estimated<br>Other Funding |
| <b>FSP Programs</b>                             |                                                  |                          |                           |                               |                                                 |                            |
| 1. TAY, Adult & Older Adult FSP                 | 2,574,710                                        | 2,574,710                |                           |                               |                                                 |                            |
| 2. Children's FSP                               | 562,943                                          | 562,943                  |                           |                               |                                                 |                            |
| 3. Homeless FSP and Outreach Team               | 1,184,175                                        | 1,184,175                |                           |                               |                                                 |                            |
| 4.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 5.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 6.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 7.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 8.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 9.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 10.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 11.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 12.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 13.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 14.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 15.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 16.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 17.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 18.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 19.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| <b>Non-FSP Programs</b>                         |                                                  |                          |                           |                               |                                                 |                            |
| 1. Multicultural Outreach & Engagement          | 409,485                                          | 409,485                  |                           |                               |                                                 |                            |
| 2. System Development, Wellness & Recovery      | 2,334,949                                        | 2,334,949                |                           |                               |                                                 |                            |
| 3. Fitness to Independence                      | 36,934                                           | 36,934                   |                           |                               |                                                 |                            |
| 4. Crisis Services                              | 292,177                                          | 292,177                  |                           |                               |                                                 |                            |
| 5.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 6.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 7.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 8.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 9.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 10.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 11.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 12.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 13.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 14.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 15.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 16.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 17.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 18.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 19.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| <b>CSS Administration</b>                       | 666,610                                          | 666,610                  |                           |                               |                                                 |                            |
| <b>CSS MHA Housing Program Assigned Funds</b>   | 0                                                |                          |                           |                               |                                                 |                            |
| <b>Total CSS Program Estimated Expenditures</b> | 8,061,983                                        | 8,061,983.00             | 0                         | 0                             | 0                                               | 0                          |
| <b>FSP Programs as Percent of Total</b>         | 53.6%                                            |                          |                           |                               |                                                 |                            |

**FY 2020-21 Through FY 2022-23 Three-Year Mental Health Services Act Expenditure Plan  
Community Services and Supports (CSS) Component Worksheet**

County: City of Berkeley

Date: 8/12/20

|                                                 | Fiscal Year 2022/23                              |                          |                           |                               |                                                 |                            |
|-------------------------------------------------|--------------------------------------------------|--------------------------|---------------------------|-------------------------------|-------------------------------------------------|----------------------------|
|                                                 | A                                                | B                        | C                         | D                             | E                                               | F                          |
|                                                 | Estimated Total<br>Mental Health<br>Expenditures | Estimated CSS<br>Funding | Estimated Medi<br>Cal FFP | Estimated 1991<br>Realignment | Estimated<br>Behavioral<br>Health<br>Subaccount | Estimated<br>Other Funding |
| <b>FSP Programs</b>                             |                                                  |                          |                           |                               |                                                 |                            |
| 1. TAY, Adult & Older Adult FSP                 | 2,574,710                                        | 2,574,710                |                           |                               |                                                 |                            |
| 2. Children's FSP                               | 562,943                                          | 562,943                  |                           |                               |                                                 |                            |
| 3. Homeless FSP and Outreach Team               | 1,184,175                                        | 1,184,175                |                           |                               |                                                 |                            |
| 4.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 5.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 6.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 7.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 8.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 9.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 10.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 11.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 12.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 13.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 14.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 15.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 16.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 17.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 18.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 19.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| <b>Non-FSP Programs</b>                         |                                                  |                          |                           |                               |                                                 |                            |
| 1. Multicultural Outreach & Engagement          | 409,485                                          | 409,485                  |                           |                               |                                                 |                            |
| 2. System Development, Wellness & Recovery      | 2,234,949                                        | 2,234,949                |                           |                               |                                                 |                            |
| 3. Fitness to Independence                      | 34,934                                           | 34,934                   |                           |                               |                                                 |                            |
| 4. Crisis Services                              | 292,177                                          | 292,177                  |                           |                               |                                                 |                            |
| 5.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 6.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 7.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 8.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 9.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 10.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 11.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 12.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 13.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 14.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 15.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 16.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 17.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 18.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 19.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| <b>CSS Administration</b>                       | 666,610                                          | 666,610                  |                           |                               |                                                 |                            |
| <b>CSS MHA Housing Program Assigned Funds</b>   | 0                                                |                          |                           |                               |                                                 |                            |
| <b>Total CSS Program Estimated Expenditures</b> | 7,959,983                                        | 7,959,983                | 0                         | 0                             | 0                                               | 0                          |
| <b>FSP Programs as Percent of Total</b>         | 54.3%                                            |                          |                           |                               |                                                 |                            |

**FY 2020-21 Through FY 2022-23 Three-Year Mental Health Services Act Expenditure Plan  
Prevention and Early Intervention (PEI) Component Worksheet**

County: City of Berkeley

Date: 8/12/20

|                                                 | Fiscal Year 2020/21                              |                          |                           |                               |                                                 |                            |
|-------------------------------------------------|--------------------------------------------------|--------------------------|---------------------------|-------------------------------|-------------------------------------------------|----------------------------|
|                                                 | A                                                | B                        | C                         | D                             | E                                               | F                          |
|                                                 | Estimated Total<br>Mental Health<br>Expenditures | Estimated PEI<br>Funding | Estimated Medi<br>Cal FFP | Estimated 1991<br>Realignment | Estimated<br>Behavioral<br>Health<br>Subaccount | Estimated<br>Other Funding |
| <b>PEI Programs - Prevention</b>                |                                                  |                          |                           |                               |                                                 |                            |
| 1. High School Prevention Program               | 300,057                                          | 300,057                  |                           |                               |                                                 |                            |
| 2. Social Inclusion                             | 9,000                                            | 9,000                    |                           |                               |                                                 |                            |
| 3. African American Success Project             | 37,500                                           | 37,500                   |                           |                               |                                                 |                            |
| 4. Cal MHSA                                     | 46,375                                           | 46,375                   |                           |                               |                                                 |                            |
| 5. Dynamic Mindfulness                          | 71,250                                           | 71,250                   |                           |                               |                                                 |                            |
| 6. Mental Health Peer Education Program (MEE)   | 35,129                                           | 35,129                   |                           |                               |                                                 |                            |
| 7.                                              |                                                  |                          |                           |                               |                                                 |                            |
| 8.                                              |                                                  |                          |                           |                               |                                                 |                            |
| 9.                                              |                                                  |                          |                           |                               |                                                 |                            |
| 10.                                             |                                                  |                          |                           |                               |                                                 |                            |
| <b>PEI Programs - Early Intervention</b>        |                                                  |                          |                           |                               |                                                 |                            |
| 11. BE A STAR                                   | 52,285                                           | 52,285                   |                           |                               |                                                 |                            |
| 12. Community Education & Supports              | 244,092                                          | 244,092                  |                           |                               |                                                 |                            |
| 13. High School Prevention Program              | 300,057                                          | 300,057                  |                           |                               |                                                 |                            |
| 14. Community Based Children & Youth Risk       | 65,371                                           | 65,371                   |                           |                               |                                                 |                            |
| 15. African American Success Project            | 112,500                                          | 112,500                  |                           |                               |                                                 |                            |
| 16. Homeless Outreach & Treatment Team          | 56,891                                           | 56,891                   |                           |                               |                                                 |                            |
| 17. Dynamic Mindfulness                         | 23,750                                           | 23,750                   |                           |                               |                                                 |                            |
| 18. Mental Health Peer Education Program (MEE)  | 11,710                                           | 11,710                   |                           |                               |                                                 |                            |
| 19. Supportive Schools                          | 55,000                                           | 55,000                   |                           |                               |                                                 |                            |
| <b>PEI Administration</b>                       | 320,005                                          | 320,005                  |                           |                               |                                                 |                            |
| <b>PEI Assigned Funds</b>                       | 0                                                |                          |                           |                               |                                                 |                            |
| <b>Total PEI Program Estimated Expenditures</b> | 1,740,972                                        | 1,740,972                | 0                         | 0                             | 0                                               | 0                          |

**FY 2020-21 Through FY 2022-23 Three-Year Mental Health Services Act Expenditure Plan  
Prevention and Early Intervention (PEI) Component Worksheet**

County: City of BerkeleyDate: 8/12/20

|                                                 | Fiscal Year 2021/22                              |                          |                           |                               |                                                 |                            |
|-------------------------------------------------|--------------------------------------------------|--------------------------|---------------------------|-------------------------------|-------------------------------------------------|----------------------------|
|                                                 | A                                                | B                        | C                         | D                             | E                                               | F                          |
|                                                 | Estimated Total<br>Mental Health<br>Expenditures | Estimated PEI<br>Funding | Estimated Medi<br>Cal FFP | Estimated 1991<br>Realignment | Estimated<br>Behavioral<br>Health<br>Subaccount | Estimated<br>Other Funding |
| <b>PEI Programs - Prevention</b>                |                                                  |                          |                           |                               |                                                 |                            |
| 1. High School Prevention Program               | 300,057                                          | 300,057                  |                           |                               |                                                 |                            |
| 2. Social Inclusion                             | 9,000                                            | 9,000                    |                           |                               |                                                 |                            |
| 3. African American Success Project             | 37,500                                           | 37,500                   |                           |                               |                                                 |                            |
| 4. Cal MHSA                                     | 44,124                                           | 44,124                   |                           |                               |                                                 |                            |
| 5. Dynamic Mindfulness                          | 71,250                                           | 71,250                   |                           |                               |                                                 |                            |
| 6. Mental Health Peer Education Program (MEE)   | 35,129                                           | 35,129                   |                           |                               |                                                 |                            |
| 7.                                              |                                                  |                          |                           |                               |                                                 |                            |
| 8.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 9.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 10.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| <b>PEI Programs - Early Intervention</b>        |                                                  |                          |                           |                               |                                                 |                            |
| 11. BE A STAR                                   | 52,285                                           | 52,285                   |                           |                               |                                                 |                            |
| 12. Community Education & Supports              | 364,092                                          | 364,092                  |                           |                               |                                                 |                            |
| 13. High School Prevention Program              | 300,057                                          | 300,057                  |                           |                               |                                                 |                            |
| 14. Community Based Children & Youth Risk       | 65,371                                           | 65,371                   |                           |                               |                                                 |                            |
| 15. African American Success Project            | 112,500                                          | 112,500                  |                           |                               |                                                 |                            |
| 16. Dynamic Mindfulness                         | 23,750                                           | 23,750                   |                           |                               |                                                 |                            |
| 17. Mental Health Peer Education Program (MEE)  | 11,710                                           | 11,710                   |                           |                               |                                                 |                            |
| 18. Supportive Schools                          | 55,000                                           | 55,000                   |                           |                               |                                                 |                            |
| 19.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| <b>PEI Administration</b>                       | 320,005                                          | 320,005                  |                           |                               |                                                 |                            |
| <b>PEI Assigned Funds</b>                       | 0                                                |                          |                           |                               |                                                 |                            |
| <b>Total PEI Program Estimated Expenditures</b> | 1,801,830                                        | 1,801,830                | 0                         | 0                             | 0                                               | 0                          |

**FY 2020-21 Through FY 2022-23 Three-Year Mental Health Services Act Expenditure Plan  
Prevention and Early Intervention (PEI) Component Worksheet**

County: City of Berkeley

Date: 8/12/20

|                                                 | Fiscal Year 2022/23                              |                          |                           |                               |                                                 |                            |
|-------------------------------------------------|--------------------------------------------------|--------------------------|---------------------------|-------------------------------|-------------------------------------------------|----------------------------|
|                                                 | A                                                | B                        | C                         | D                             | E                                               | F                          |
|                                                 | Estimated Total<br>Mental Health<br>Expenditures | Estimated PEI<br>Funding | Estimated Medi<br>Cal FFP | Estimated 1991<br>Realignment | Estimated<br>Behavioral<br>Health<br>Subaccount | Estimated<br>Other Funding |
| <b>PEI Programs - Prevention</b>                |                                                  |                          |                           |                               |                                                 |                            |
| 1. High School Prevention Program               | 300,057                                          | 300,057                  |                           |                               |                                                 |                            |
| 2. Social Inclusion                             | 9,000                                            | 9,000                    |                           |                               |                                                 |                            |
| 3. African American Success Project             | 37,500                                           | 37,500                   |                           |                               |                                                 |                            |
| 4. Dynamic Mindfulness                          | 71,250                                           | 71,250                   |                           |                               |                                                 |                            |
| 5. Mental Health Peer Education Program (MEE)   | 35,129                                           | 35,129                   |                           |                               |                                                 |                            |
| 6. Cal MHSA                                     | 33,318                                           | 33,318                   |                           |                               |                                                 |                            |
| 7.                                              |                                                  |                          |                           |                               |                                                 |                            |
| 8.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 9.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 10.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| <b>PEI Programs - Early Intervention</b>        |                                                  |                          |                           |                               |                                                 |                            |
| 11. BE A STAR                                   | 52,285                                           | 52,285                   |                           |                               |                                                 |                            |
| 12. Community Education & Supports              | 364,092                                          | 364,092                  |                           |                               |                                                 |                            |
| 13. High School Prevention Program              | 300,057                                          | 300,057                  |                           |                               |                                                 |                            |
| 14. Community Based Children & Youth Risk       | 65,371                                           | 65,371                   |                           |                               |                                                 |                            |
| 15. African American Success Project            | 112,500                                          | 112,500                  |                           |                               |                                                 |                            |
| 16. Dynamic Mindfulness                         | 23,750                                           | 23,750                   |                           |                               |                                                 |                            |
| 17. Mental Health Peer Education Program (MEE)  | 11,710                                           | 11,710                   |                           |                               |                                                 |                            |
| 18. Supportive Schools                          | 55,000                                           | 55,000                   |                           |                               |                                                 |                            |
| 19.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 20.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| <b>PEI Administration</b>                       | 320,005                                          | 320,005                  |                           |                               |                                                 |                            |
| <b>PEI Assigned Funds</b>                       | 0                                                |                          |                           |                               |                                                 |                            |
| <b>Total PEI Program Estimated Expenditures</b> | 1,791,024                                        | 1,791,024                | 0                         | 0                             | 0                                               | 0                          |



**FY 2020-21 Through FY 2022-23 Three-Year Mental Health Services Act Expenditure Plan  
Innovations (INN) Component Worksheet**

County: City of Berkeley

Date: 8/12/20

|                                                 | Fiscal Year 2020/21                              |                          |                           |                               |                                                 |                            |
|-------------------------------------------------|--------------------------------------------------|--------------------------|---------------------------|-------------------------------|-------------------------------------------------|----------------------------|
|                                                 | A                                                | B                        | C                         | D                             | E                                               | F                          |
|                                                 | Estimated Total<br>Mental Health<br>Expenditures | Estimated INN<br>Funding | Estimated Medi<br>Cal FFP | Estimated 1991<br>Realignment | Estimated<br>Behavioral<br>Health<br>Subaccount | Estimated<br>Other Funding |
| <b>INN Programs</b>                             |                                                  |                          |                           |                               |                                                 |                            |
| 1. Trauma Informed Care Project                 | 169,682                                          | 169,682                  |                           |                               |                                                 |                            |
| 2. Techonology Suite Project                    | 431,864                                          | 431,864                  |                           |                               |                                                 |                            |
| 3. New INN Programs                             | 250,000                                          | 250,000                  |                           |                               |                                                 |                            |
| 4.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 5.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 6.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 7.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 8.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 9.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 10.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 11.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 12.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 13.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 14.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 15.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 16.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 17.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 18.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 19.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 20.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| <b>INN Administration</b>                       |                                                  |                          |                           |                               |                                                 |                            |
| <b>Total INN Program Estimated Expenditures</b> | 851,546                                          | 851,546                  | 0                         | 0                             | 0                                               | 0                          |

**FY 2020-21 Through FY 2022-23 Three-Year Mental Health Services Act Expenditure Plan  
Innovations (INN) Component Worksheet**

County: City of Berkeley

Date: 8/12/20

|                                                 | Fiscal Year 2021/22                              |                          |                           |                               |                                                 |                            |
|-------------------------------------------------|--------------------------------------------------|--------------------------|---------------------------|-------------------------------|-------------------------------------------------|----------------------------|
|                                                 | A                                                | B                        | C                         | D                             | E                                               | F                          |
|                                                 | Estimated Total<br>Mental Health<br>Expenditures | Estimated INN<br>Funding | Estimated Medi<br>Cal FFP | Estimated 1991<br>Realignment | Estimated<br>Behavioral<br>Health<br>Subaccount | Estimated<br>Other Funding |
| <b>INN Programs</b>                             |                                                  |                          |                           |                               |                                                 |                            |
| 1. Techonology Suite Project                    | 15,526                                           | 15,526                   |                           |                               |                                                 |                            |
| 2. New INN Programs                             | 250,000                                          | 250,000                  |                           |                               |                                                 |                            |
| 3.                                              |                                                  |                          |                           |                               |                                                 |                            |
| 4.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 5.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 6.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 7.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 8.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 9.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 10.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 11.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 12.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 13.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 14.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 15.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 16.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 17.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 18.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 19.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 20.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| <b>INN Administration</b>                       |                                                  |                          |                           |                               |                                                 |                            |
| <b>Total INN Program Estimated Expenditures</b> | 265,526                                          | 265,526                  | 0                         | 0                             | 0                                               | 0                          |

**FY 2020-21 Through FY 2022-23 Three-Year Mental Health Services Act Expenditure Plan  
Innovations (INN) Component Worksheet**

County: City of Berkeley

Date: 8/12/20

|                                                 | Fiscal Year 2022/23                              |                          |                           |                               |                                                 |                            |
|-------------------------------------------------|--------------------------------------------------|--------------------------|---------------------------|-------------------------------|-------------------------------------------------|----------------------------|
|                                                 | A                                                | B                        | C                         | D                             | E                                               | F                          |
|                                                 | Estimated Total<br>Mental Health<br>Expenditures | Estimated INN<br>Funding | Estimated Medi<br>Cal FFP | Estimated 1991<br>Realignment | Estimated<br>Behavioral<br>Health<br>Subaccount | Estimated<br>Other Funding |
| <b>INN Programs</b>                             |                                                  |                          |                           |                               |                                                 |                            |
| 1. Techonology Suite Project                    | 15,526                                           | 15,526                   |                           |                               |                                                 |                            |
| 2. New INN Programs                             | 200,000                                          | 200,000                  |                           |                               |                                                 |                            |
| 3.                                              |                                                  |                          |                           |                               |                                                 |                            |
| 4.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 5.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 6.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 7.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 8.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 9.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 10.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 11.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 12.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 13.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 14.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 15.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 16.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 17.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 18.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 19.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 20.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| <b>INN Administration</b>                       |                                                  |                          |                           |                               |                                                 |                            |
| <b>Total INN Program Estimated Expenditures</b> | 215,526                                          | 215,526                  | 0                         | 0                             | 0                                               | 0                          |

**FY 2020-21 Through FY 2022-23 Three-Year Mental Health Services Act Expenditure Plan  
Workforce, Education and Training (WET) Component Worksheet**

County: City of Berkeley

Date: 8/12/20

|                                                 | Fiscal Year 2020/21                              |                          |                           |                               |                                                 |                            |
|-------------------------------------------------|--------------------------------------------------|--------------------------|---------------------------|-------------------------------|-------------------------------------------------|----------------------------|
|                                                 | A                                                | B                        | C                         | D                             | E                                               | F                          |
|                                                 | Estimated Total<br>Mental Health<br>Expenditures | Estimated WET<br>Funding | Estimated Medi<br>Cal FFP | Estimated 1991<br>Realignment | Estimated<br>Behavioral<br>Health<br>Subaccount | Estimated<br>Other Funding |
| <b>WET Programs</b>                             |                                                  |                          |                           |                               |                                                 |                            |
| 1. Greater Bay Area Worforce Partnership        | 40,157                                           | 40,157                   |                           |                               |                                                 |                            |
| 2.                                              |                                                  |                          |                           |                               |                                                 |                            |
| 3.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 4.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 5.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 6.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 7.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 8.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 9.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 10.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 11.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 12.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 13.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 14.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 15.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 16.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 17.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 18.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 19.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 20.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| <b>WET Administration</b>                       | 0                                                |                          |                           |                               |                                                 |                            |
| <b>Total WET Program Estimated Expenditures</b> | 40,157                                           | 40,157                   | 0                         | 0                             | 0                                               | 0                          |

**FY 2020-21 Through FY 2022-23 Three-Year Mental Health Services Act Expenditure Plan  
Workforce, Education and Training (WET) Component Worksheet**

County: City of Berkeley

Date: 8/12/20

|                                                 | Fiscal Year 2021/22                              |                          |                           |                               |                                                 |                            |
|-------------------------------------------------|--------------------------------------------------|--------------------------|---------------------------|-------------------------------|-------------------------------------------------|----------------------------|
|                                                 | A                                                | B                        | C                         | D                             | E                                               | F                          |
|                                                 | Estimated Total<br>Mental Health<br>Expenditures | Estimated WET<br>Funding | Estimated Medi<br>Cal FFP | Estimated 1991<br>Realignment | Estimated<br>Behavioral<br>Health<br>Subaccount | Estimated<br>Other Funding |
| <b>WET Programs</b>                             |                                                  |                          |                           |                               |                                                 |                            |
| 1.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 2.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 3.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 4.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 5.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 6.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 7.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 8.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 9.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 10.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 11.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 12.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 13.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 14.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 15.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 16.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 17.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 18.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 19.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 20.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| <b>WET Administration</b>                       | 0                                                |                          |                           |                               |                                                 |                            |
| <b>Total WET Program Estimated Expenditures</b> | 0                                                | 0                        | 0                         | 0                             | 0                                               | 0                          |

**FY 2020-21 Through FY 2022-23 Three-Year Mental Health Services Act Expenditure Plan  
Workforce, Education and Training (WET) Component Worksheet**

County: City of Berkeley

Date: 8/12/20

|                                                 | Fiscal Year 2022/23                              |                          |                           |                               |                                                 |                            |
|-------------------------------------------------|--------------------------------------------------|--------------------------|---------------------------|-------------------------------|-------------------------------------------------|----------------------------|
|                                                 | A                                                | B                        | C                         | D                             | E                                               | F                          |
|                                                 | Estimated Total<br>Mental Health<br>Expenditures | Estimated WET<br>Funding | Estimated Medi<br>Cal FFP | Estimated 1991<br>Realignment | Estimated<br>Behavioral<br>Health<br>Subaccount | Estimated<br>Other Funding |
| <b>WET Programs</b>                             |                                                  |                          |                           |                               |                                                 |                            |
| 1.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 2.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 3.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 4.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 5.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 6.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 7.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 8.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 9.                                              | 0                                                |                          |                           |                               |                                                 |                            |
| 10.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 11.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 12.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 13.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 14.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 15.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 16.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 17.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 18.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 19.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| 20.                                             | 0                                                |                          |                           |                               |                                                 |                            |
| <b>WET Administration</b>                       | 0                                                |                          |                           |                               |                                                 |                            |
| <b>Total WET Program Estimated Expenditures</b> | 0                                                | 0                        | 0                         | 0                             | 0                                               | 0                          |

**FY 2020-21 Through FY 2022-23 Three-Year Mental Health Services Act Expenditure Plan  
Capital Facilities/Technological Needs (CFTN) Component Worksheet**

County: City of Berkeley

Date: 8/12/20

|                                                     | Fiscal Year 2020/21                              |                           |                           |                               |                                                 |                            |
|-----------------------------------------------------|--------------------------------------------------|---------------------------|---------------------------|-------------------------------|-------------------------------------------------|----------------------------|
|                                                     | A                                                | B                         | C                         | D                             | E                                               | F                          |
|                                                     | Estimated Total<br>Mental Health<br>Expenditures | Estimated CFTN<br>Funding | Estimated Medi<br>Cal FFP | Estimated 1991<br>Realignment | Estimated<br>Behavioral<br>Health<br>Subaccount | Estimated<br>Other Funding |
| <b>CFTN Programs - Capital Facilities Projects</b>  |                                                  |                           |                           |                               |                                                 |                            |
| 1. Adult Mental Health Clinic                       | 87,405                                           | 87,405                    |                           |                               |                                                 |                            |
| 2.                                                  | 0                                                |                           |                           |                               |                                                 |                            |
| 3.                                                  | 0                                                |                           |                           |                               |                                                 |                            |
| 4.                                                  | 0                                                |                           |                           |                               |                                                 |                            |
| 5.                                                  | 0                                                |                           |                           |                               |                                                 |                            |
| 6.                                                  | 0                                                |                           |                           |                               |                                                 |                            |
| 7.                                                  | 0                                                |                           |                           |                               |                                                 |                            |
| 8.                                                  | 0                                                |                           |                           |                               |                                                 |                            |
| 9.                                                  | 0                                                |                           |                           |                               |                                                 |                            |
| 10.                                                 | 0                                                |                           |                           |                               |                                                 |                            |
| <b>CFTN Programs - Technological Needs Projects</b> |                                                  |                           |                           |                               |                                                 |                            |
| 11.                                                 | 0                                                |                           |                           |                               |                                                 |                            |
| 12.                                                 | 0                                                |                           |                           |                               |                                                 |                            |
| 13.                                                 | 0                                                |                           |                           |                               |                                                 |                            |
| 14.                                                 | 0                                                |                           |                           |                               |                                                 |                            |
| 15.                                                 | 0                                                |                           |                           |                               |                                                 |                            |
| 16.                                                 | 0                                                |                           |                           |                               |                                                 |                            |
| 17.                                                 | 0                                                |                           |                           |                               |                                                 |                            |
| 18.                                                 | 0                                                |                           |                           |                               |                                                 |                            |
| 19.                                                 | 0                                                |                           |                           |                               |                                                 |                            |
| 20.                                                 | 0                                                |                           |                           |                               |                                                 |                            |
| <b>CFTN Administration</b>                          | 0                                                |                           |                           |                               |                                                 |                            |
| <b>Total CFTN Program Estimated Expenditures</b>    | 87,405                                           | 87,405                    | 0                         | 0                             | 0                                               | 0                          |

**FY 2020-21 Through FY 2022-23 Three-Year Mental Health Services Act Expenditure Plan  
Capital Facilities/Technological Needs (CFTN) Component Worksheet**

County: City of Berkeley

Date: 8/12/20

|                                                     | Fiscal Year 2021/22                              |                           |                           |                               |                                                 |                            |
|-----------------------------------------------------|--------------------------------------------------|---------------------------|---------------------------|-------------------------------|-------------------------------------------------|----------------------------|
|                                                     | A                                                | B                         | C                         | D                             | E                                               | F                          |
|                                                     | Estimated Total<br>Mental Health<br>Expenditures | Estimated CFTN<br>Funding | Estimated Medi<br>Cal FFP | Estimated 1991<br>Realignment | Estimated<br>Behavioral<br>Health<br>Subaccount | Estimated<br>Other Funding |
| <b>CFTN Programs - Capital Facilities Projects</b>  |                                                  |                           |                           |                               |                                                 |                            |
| 1.                                                  | 0                                                |                           |                           |                               |                                                 |                            |
| 2.                                                  | 0                                                |                           |                           |                               |                                                 |                            |
| 3.                                                  | 0                                                |                           |                           |                               |                                                 |                            |
| 4.                                                  | 0                                                |                           |                           |                               |                                                 |                            |
| 5.                                                  | 0                                                |                           |                           |                               |                                                 |                            |
| 6.                                                  | 0                                                |                           |                           |                               |                                                 |                            |
| 7.                                                  | 0                                                |                           |                           |                               |                                                 |                            |
| 8.                                                  | 0                                                |                           |                           |                               |                                                 |                            |
| 9.                                                  | 0                                                |                           |                           |                               |                                                 |                            |
| 10.                                                 | 0                                                |                           |                           |                               |                                                 |                            |
| <b>CFTN Programs - Technological Needs Projects</b> |                                                  |                           |                           |                               |                                                 |                            |
| 11.                                                 | 0                                                |                           |                           |                               |                                                 |                            |
| 12.                                                 | 0                                                |                           |                           |                               |                                                 |                            |
| 13.                                                 | 0                                                |                           |                           |                               |                                                 |                            |
| 14.                                                 | 0                                                |                           |                           |                               |                                                 |                            |
| 15.                                                 | 0                                                |                           |                           |                               |                                                 |                            |
| 16.                                                 | 0                                                |                           |                           |                               |                                                 |                            |
| 17.                                                 | 0                                                |                           |                           |                               |                                                 |                            |
| 18.                                                 | 0                                                |                           |                           |                               |                                                 |                            |
| 19.                                                 | 0                                                |                           |                           |                               |                                                 |                            |
| 20.                                                 | 0                                                |                           |                           |                               |                                                 |                            |
| <b>CFTN Administration</b>                          | 0                                                |                           |                           |                               |                                                 |                            |
| <b>Total CFTN Program Estimated Expenditures</b>    | 0                                                | 0                         | 0                         | 0                             | 0                                               | 0                          |



**FY 2020-21 Through FY 2022-23 Three-Year Mental Health Services Act Expenditure Plan  
Capital Facilities/Technological Needs (CFTN) Component Worksheet**

County: City of Berkeley

Date: 8/12/20

|                                                     | Fiscal Year 2022/23                              |                           |                           |                               |                                                 |                            |
|-----------------------------------------------------|--------------------------------------------------|---------------------------|---------------------------|-------------------------------|-------------------------------------------------|----------------------------|
|                                                     | A                                                | B                         | C                         | D                             | E                                               | F                          |
|                                                     | Estimated Total<br>Mental Health<br>Expenditures | Estimated CFTN<br>Funding | Estimated Medi<br>Cal FFP | Estimated 1991<br>Realignment | Estimated<br>Behavioral<br>Health<br>Subaccount | Estimated<br>Other Funding |
| <b>CFTN Programs - Capital Facilities Projects</b>  |                                                  |                           |                           |                               |                                                 |                            |
| 1.                                                  | 0                                                |                           |                           |                               |                                                 |                            |
| 2.                                                  | 0                                                |                           |                           |                               |                                                 |                            |
| 3.                                                  | 0                                                |                           |                           |                               |                                                 |                            |
| 4.                                                  | 0                                                |                           |                           |                               |                                                 |                            |
| 5.                                                  | 0                                                |                           |                           |                               |                                                 |                            |
| 6.                                                  | 0                                                |                           |                           |                               |                                                 |                            |
| 7.                                                  | 0                                                |                           |                           |                               |                                                 |                            |
| 8.                                                  | 0                                                |                           |                           |                               |                                                 |                            |
| 9.                                                  | 0                                                |                           |                           |                               |                                                 |                            |
| 10.                                                 | 0                                                |                           |                           |                               |                                                 |                            |
| <b>CFTN Programs - Technological Needs Projects</b> |                                                  |                           |                           |                               |                                                 |                            |
| 11.                                                 | 0                                                |                           |                           |                               |                                                 |                            |
| 12.                                                 | 0                                                |                           |                           |                               |                                                 |                            |
| 13.                                                 | 0                                                |                           |                           |                               |                                                 |                            |
| 14.                                                 | 0                                                |                           |                           |                               |                                                 |                            |
| 15.                                                 | 0                                                |                           |                           |                               |                                                 |                            |
| 16.                                                 | 0                                                |                           |                           |                               |                                                 |                            |
| 17.                                                 | 0                                                |                           |                           |                               |                                                 |                            |
| 18.                                                 | 0                                                |                           |                           |                               |                                                 |                            |
| 19.                                                 | 0                                                |                           |                           |                               |                                                 |                            |
| 20.                                                 | 0                                                |                           |                           |                               |                                                 |                            |
| <b>CFTN Administration</b>                          | 0                                                |                           |                           |                               |                                                 |                            |
| <b>Total CFTN Program Estimated Expenditures</b>    | 0                                                | 0                         | 0                         | 0                             | 0                                               | 0                          |

**APPENDIX A**  
Fiscal Year 2019  
Prevention and Early  
Intervention  
Annual Evaluation Report

# City of Berkeley Mental Health Services Act (MHSA)



## Fiscal Year 2019 Prevention and Early Intervention Annual Evaluation Report



WELLNESS • RECOVERY • RESILIENCE

## **INTRODUCTION**

Mental Health Services Act (MHSA) Prevention and Early Intervention (PEI) funds are used to prevent mental illnesses from becoming severe and disabling. Programs funded under the MHSA PEI component are focused on individuals across the life span and should emphasize improving timely access to services for underserved populations. Programs shall also include the following components:

- Outreach to increase knowledge and recognition of the early signs of mental health challenges or potentially severe and disabling mental illnesses.
- Reduction in stigma associated with either having or being diagnosed with a mental illness or seeking mental health services.
- Reduction in discrimination against people with mental health challenges or mental illness.
- Access and linkages to necessary medical care for those in need of additional services.
- Emphasis on strategies to reduce the following negative outcomes that may result from untreated mental health challenges and mental illness: Suicide; Incarcerations; School failure or dropout; Unemployment; Prolonged suffering; Homelessness; Removal of children from their homes.

Beginning in 2017, per MHSA State requirements, Mental Health jurisdiction must submit a Prevention and Early Intervention (PEI) Evaluation Report to the Mental Health Services Oversight and Accountability Commission (MHSOAC) on an annual basis. Additionally, beginning December 2018, a Three Year PEI Evaluation Report is due to the MHSOAC every three years. Regulations also require mental health jurisdictions to submit either a Three Year Evaluation Report or an Annual Evaluation Report to the State each fiscal year. The PEI Evaluation Report should be included with the MHSA Annual Update or Three Year Program and Expenditure Plan and undergo a 30 Day Public Comment period and approval from the local governing board. In FY21, the Fiscal Year 2019 (FY19) PEI Annual Evaluation Report that covers data from FY19 is due.

This FY19 PEI Annual Evaluation Report provides descriptions of currently funded MHSA services, and reports on FY19 program and demographic data to the extent possible. The main obstacles in collecting data for this PEI Annual Evaluation Report continue to be with limited staffing and resources both within the City and at Contractor sites to implement and oversee all the necessary data collection requirements. While, it may be a multi-year process before the City of Berkeley will be able to present a complete data set for each PEI Program on an Annual basis, ongoing efforts will continue towards accomplishing this goal.

### **Impact Berkeley Initiative**

In FY18, the City of Berkeley introduced a new initiative in the Health Housing and Community Services (HHCS) Department called “Impact Berkeley”. Central to this effort is using a highly regarded framework called Results Based Accountability (RBA) to account for the work of the Department. RBA provides a new way of understanding the quality and impact of services provided by collecting data that answer three basic questions:

1. How much did you do?
2. How well did you do it?
3. Is anyone better off?

RBA has been incorporated into selected programs within the Department. Since FY18 this has included community agency programs funded through the MHSA Prevention & Early Intervention Community Education & Supports program. Through this initiative the Department worked with each contractor to envision, clarify and develop measures on the outcomes and results each program is seeking to achieve, and used a rigorous framework to begin measuring and enhancing progress towards these results. Page 27 of this Annual Evaluation Report provides an aggregated summary of some of the results of this initiative. The report on the results can be accessed on the MHSA website: [MHSA Plans and Updates - City of Berkeley, CA](#)

### **BACKGROUND**

In 2007, the California Department of Mental Health (DMH) issued State Requirements (through DMH Information Notice 07-17) outlining how Mental Health Services Act (MHSA) Prevention and Early Intervention (PEI) funds were to be used for local programs. Through these requirements, PEI Programs were to be utilized on the following Key Community Mental Health Needs and Priority Populations:

Key Community Mental Health Needs:

- Disparities in Access to Mental Health Services – Reduce disparities in access to early mental health interventions due to stigma, lack of knowledge about mental health services or lack of suitability (i.e., cultural competency) of traditional mainstream services.
- Psycho-Social Impact of Trauma – Reduce the negative psycho-social impact of trauma on all ages.
- At-Risk Children, Youth and Young Adult Populations – Increase prevention efforts and response to early signs of emotional and behavioral health problems among specific at-risk populations.
- Stigma and Discrimination – Reduce stigma and discrimination affecting individuals with mental illness and mental health problems.
- Suicide Risk – Increase public knowledge of the signs of suicide risk and appropriate actions to prevent suicide.

PEI Priority Populations:

- Underserved Cultural Populations – Projects that address individuals who are unlikely to seek help from any traditional mental health services whether because of stigma, lack of knowledge, or other barriers (such as members of ethnically/racially diverse communities, members of gay, lesbian, bisexual, transgender communities, etc.) and would benefit from PEI programs and interventions.
- Individuals Experiencing Onset of Serious Psychiatric Illness – Individuals identified by providers, including but not limited to primary health care, as presenting signs of mental illness first break, including individuals who are unlikely to seek help from any traditional mental health service.
- Children and Youth in Stressed Families – Children and youth placed out-of-home or individuals in families where there is substance abuse or violence, depression or other mental illnesses or lack of caregiving adults (e.g., as a result of a serious health condition or incarceration), rendering the children and youth at high risk of behavioral and emotional problems.
- Trauma-Exposed – Individuals who are exposed to traumatic events or prolonged traumatic conditions including grief, loss and isolation, including individuals who are unlikely to seek help from any traditional mental health service.

- Children and Youth at Risk for School Failure – Due to unaddressed emotional and behavioral problems.
- Children and Youth at Risk of or Experiencing Juvenile Justice Involvement – Individuals with signs of behavioral/emotional problems who are at risk of or have had any contact with any part of the juvenile justice system, and who cannot be appropriately served through MHSA Community services and Supports funded services.

In April 2009, following a nine-month long Community Planning Process, the original City of Berkeley Prevention and Early Intervention plan was approved. Subsequent updates to the original plan were approved in October 2010, April 2011, May 2013, May 2014, June 2016, January 2017, July 2017, October 2018 and July 2019. Based on the DMH Regulations, through the original PEI Plan (or subsequent updates) programs were created to address Key Community Mental Health Needs and PEI Priority Populations as follows:

| PEI Programs                                                                                                                                                                                                                                           | Key Community Mental Health Needs                                                                                                                                                                            | PEI Priority Populations                                                                                                                                                                                                   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Behavioral-Emotional Assessment, Screening, Treatment and Referral – (BE A STAR) Program<br><br>Supportive Schools Program (originally named “Building Effective Schools Together”- BEST)<br><br>Community Based Child & Youth Risk Prevention Program | <ul style="list-style-type: none"> <li>➤ At-Risk Children, Youth and Young Adult Populations</li> </ul>                                                                                                      | <ul style="list-style-type: none"> <li>• Children and Youth in Stressed Families</li> <li>• Children and Youth at Risk for School Failure</li> <li>• Underserved Cultural Populations</li> </ul>                           |
| High School Youth Prevention Project<br><br>Mental Health Peer Mentor Program<br><br>Dynamic Mindfulness Program<br><br>African American Success Project                                                                                               | <ul style="list-style-type: none"> <li>➤ At-Risk Children, Youth and Young Adult Populations</li> <li>➤ Disparities in Access to Mental Health services</li> <li>➤ Psycho-social Impact of Trauma</li> </ul> | <ul style="list-style-type: none"> <li>• Trauma Exposed</li> <li>• Children and Youth in Stressed Families</li> <li>• Children and Youth at Risk for School Failure</li> <li>• Underserved Cultural Populations</li> </ul> |
| Community Education & Supports                                                                                                                                                                                                                         | <ul style="list-style-type: none"> <li>➤ Psycho-social Impact of Trauma</li> <li>➤ At-Risk Children, Youth and Young Adult Populations</li> </ul>                                                            | <ul style="list-style-type: none"> <li>• Trauma Exposed</li> <li>• Underserved Cultural Populations</li> <li>• Children/Youth in Stressed Families</li> <li>• Children and Youth at Risk for School Failure</li> </ul>     |
| Homeless Outreach & Treatment Team (HOTT)                                                                                                                                                                                                              | <ul style="list-style-type: none"> <li>➤ Psycho-social Impact of Trauma</li> </ul>                                                                                                                           | <ul style="list-style-type: none"> <li>• Underserved Cultural Populations</li> </ul>                                                                                                                                       |

| PEI Programs     | Key Community Mental Health Needs                                                                        | PEI Priority Populations                             |
|------------------|----------------------------------------------------------------------------------------------------------|------------------------------------------------------|
|                  | ➤ Disparities in Access to Mental Health services<br>At-Risk Children, Youth and Young Adult Populations | • Trauma Exposed                                     |
| Social Inclusion | ➤ Stigma and Discrimination<br>Psycho-social Impact of Trauma                                            | • Trauma Exposed<br>Underserved Cultural Populations |

On October 6, 2015, updated PEI regulations designed by the Mental Health Services Oversight and Accountability Commission (MHSOAC) became effective. The updated regulations changed the PEI requirements. Per new PEI State Regulations, Mental Health jurisdictions are to utilize PEI funds to implement all of the following programs: Prevention, Early Intervention, Access and Linkage to Treatment, Stigma and Discrimination Reduction, and Outreach for Increasing Recognition of Early Signs of Mental Illness. Jurisdictions may also opt to utilize some PEI funds to implement a Suicide Prevention program. The definitions of each program are outlined below:

### PREVENTION

Activities to reduce risk factors for developing a potentially serious mental illness and to build protective factors.

### EARLY INTERVENTION

Treatment and other services and interventions, to address and promote recovery and related functional outcomes for a mental illness early in its emergence, including the applicable negative outcomes that may result from untreated mental illness.

### ACCESS and LINKAGE to TREATMENT

Connecting children who are seriously emotionally disturbed, and adults and seniors with severe mental illness as early in the onset of these conditions as practicable, to medically necessary care and treatment, including but not limited to care provided by county mental health programs.



**STIGMA and DISCRIMINATION REDUCTION**

Activities to reduce negative feelings, attitudes, beliefs, perceptions, stereotypes and/or discrimination related to being diagnosed with a mental illness, having a mental illness, or to seeking mental health services and to increase acceptance, dignity, inclusion, and equity for individuals with mental illness, and members of their families.

**OUTREACH FOR INCREASING RECOGNITION OF EARLY SIGNS OF MENTAL ILLNESS**

Engaging, encouraging, educating, and/or training, and learning from potential responders about ways to recognize and respond effectively to early signs of potentially severe and disabling mental illness.

**OPTIONAL - SUICIDE PREVENTION**

Activities to prevent suicide as a consequence of mental illness.

Within each PEI program the following strategies must also be implemented: Access and Linkage, Improve Timely Access, and Reduce and Circumvent Stigma. The definitions of each strategy are outlined below:

| Access and Linkage                                                                                                                                                                                                                            | Improve Timely Access                                                                                                                                                                                                                                           | Reduce and Circumvent Stigma                                                                                                                                                                                                                                      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>• Activities that engage and connect youth, adults, and seniors with severe mental illness, as early in the onset of the condition as practicable, to medically necessary care and treatment.</li></ul> | <ul style="list-style-type: none"><li>• Improve timely access to mental health services for underserved populations through accessibility, cultural and language appropriateness, transportation, family focus, hours available, and cost of services</li></ul> | <ul style="list-style-type: none"><li>• Reduce and circumvent stigma, including self-stigma, and discrimination related to being diagnosed with a mental illness, or seeking mental health services. Make services accessible, welcoming, and positive.</li></ul> |

The new PEI Regulations, also included program and demographic data requirements that are to be reported to the MHSOAC through Annual and Triennial PEI Evaluation Reports. The following pages outline the PEI Program and Demographic reporting requirements:

### PEI PROGRAM REQUIREMENTS

| PROGRAM TYPE                        | PROGRAM DEFINITION                                                                                                                                                                                                                                                                               | PROGRAM AND DATA COLLECTION REQUIREMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Prevention                          | A set of related activities to reduce risk factors for developing a potentially serious mental illness and to build protective factors.                                                                                                                                                          | <ul style="list-style-type: none"> <li>➤ Describe the target population- type of risk(s) and the criteria used for establishing/identifying those at risk</li> <li>➤ Measure the impact of one or more of the negative outcomes listed in the MHSA (suicide, incarcerations, school failure or dropout, unemployment, homelessness, and removal of children from their homes)</li> <li>➤ Demonstrate the use of an evidence-based or promising practice or a community or practice-based evidence standard*</li> <li>➤ Collect all PEI demographic variables</li> </ul>                                                                                                                                     |
| Early Intervention                  | Treatment and other services and interventions, including relapse prevention, to address and promote recovery and related functional outcomes for a mental illness early in its emergence, including the applicable negative outcomes that may result from untreated mental illness.             | <ul style="list-style-type: none"> <li>➤ Provide services that do not exceed 18 months</li> <li>➤ Program may include services to parents, caregivers, and other family members of the person with early onset of a mental illness.</li> <li>➤ Program may be combined with a Prevention program</li> <li>➤ Measure the impact of one or more of the negative outcomes listed in the MHSA (suicide, incarcerations, school failure or dropout, unemployment, homelessness, removal of children from their homes).</li> <li>➤ Demonstrate the use of an evidence-based or promising practice or a community or practice-based evidence standard*</li> <li>➤ Collect all PEI demographic variables</li> </ul> |
| Access and Linkage to Treatment     | Connecting children who are seriously emotionally disturbed, and adults and seniors with severe mental illness as early in the onset of these conditions as practicable, to medically necessary care and treatment, including but not limited to care provided by county mental health programs. | <ul style="list-style-type: none"> <li>➤ Collect # of unduplicated individuals served</li> <li>➤ Collect # of unduplicated referrals made to a Treatment program (and type of program)</li> <li>➤ Collect # of individuals who followed through (participated at least once in Treatment)</li> <li>➤ Measure average time between referral and engagement in services per each individual</li> <li>➤ Measure duration of untreated mental illness (interval between onset of symptoms and start of treatment)per each individual</li> <li>➤ Collect all PEI demographic variables</li> </ul>                                                                                                                |
| Stigma and Discrimination Reduction | Direct activities to reduce negative feelings, attitudes, beliefs, perceptions, stereotypes and/or discrimination related to being diagnosed with a mental illness,                                                                                                                              | <ul style="list-style-type: none"> <li>➤ Collect the number of individuals reached by activity (e.g., # who participated in each service or activity)</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

| PROGRAM TYPE                                                         | PROGRAM DEFINITION                                                                                                                                                                                                        | PROGRAM AND DATA COLLECTION REQUIREMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|----------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                      | having a mental illness, or to seeking mental health services and to increase acceptance, dignity, inclusion, and equity for individuals with mental illness, and members of their families.                              | <ul style="list-style-type: none"> <li>➤ Measure changes in attitude, knowledge, and/or behavioral related to seeking mental health services or related to mental illness</li> <li>➤ Collect all PEI demographic variables</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Outreach for Increasing Recognition of Early Signs of Mental Illness | A process of engaging, encouraging, educating, and/or training, and learning from potential responders about ways to recognize and respond effectively to early signs of potentially severe and disabling mental illness. | <ul style="list-style-type: none"> <li>➤ May include reaching out to individuals with signs and symptoms of a mental illness, so they can recognize and respond to their own symptoms.</li> <li>➤ May be a stand-alone program, a strategy within a Prevention program, a strategy within an Early Intervention program, a strategy within another program funded by PEI funds, or a combination thereof.</li> <li>➤ Unduplicated # of individual potential responders</li> <li>➤ The types of potential responders engaged in each setting (e.g., nurses, principals, parents, etc.)</li> <li>➤ The # and kind of settings in which the potential responders were engaged</li> <li>➤ Measure impact to 1 or more of the negative outcomes listed in the Act (suicide, incarcerations, school failure or dropout, unemployment, homelessness, and removal of children from their homes)</li> <li>➤ Collect all demographic variables for all unduplicated individual potential responders</li> </ul> |
| <u>OPTIONAL</u><br>Suicide Prevention                                | Activities to prevent suicide as a consequence of mental illness.                                                                                                                                                         | <ul style="list-style-type: none"> <li>➤ Collect available #of individuals reached</li> <li>➤ Collect # of individuals reached by activity (ex. # trained, # who accessed website)</li> <li>➤ Select and use a validated method to measure changes in attitudes, knowledge and/or behavior regarding suicide related mental illness</li> <li>➤ Collect all PEI demographic variables for all individuals reached</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

\* Evidence-based practice standard: Activities for which there is scientific evidence consistently showing improved mental health outcomes for the intended population, including, but not limited to, scientific peer-reviewed research using randomized clinical trials.

Promising practice standard: Programs and activities for which there is research showing positive outcomes, but the research does not meet the standards used to establish evidence-based practices and does not have enough research or replication to support generalizable positive public health outcomes.

Community and/or practice-based evidence standard: A set of practices that communities have used and determined to yield positive results by community consensus over time, which may or may not have been measured empirically. Takes a number of factors into consideration, including worldview, historical, and social contexts of a given population or community, which are culturally rooted.

## PEI Demographic Reporting Requirements

For the information reported under the various program categories, each program will need to report disaggregate numbers served, number of potential responders engaged, and number of referrals for treatment and other services by:

**(A) The following Age groups:**

- 0-15 (children/youth)
- 16-25 (transition age youth)
- 26-59 (adult)
- ages 60+ (older adults)
- Number of respondents who declined to answer the question

**(B) Race by the following categories:**

- American Indian or Alaska Native
- Asian
- Black or African American
- Native Hawaiian or other Pacific Islander
- White
- Other
- More than one race
- Number of respondents who declined to answer the question

**(C) Ethnicity by the following categories:**

**(i) Hispanic or Latino as follows**

- Caribbean
- Central American
- Mexican/Mexican-American/Chicano
- Puerto Rican
- South American
- Other
- Number of respondents who declined to answer the question

**(ii) Non-Hispanic or Non-Latino as follows**

- African
- Asian Indian/South Asian
- Cambodian
- Chinese
- Eastern European
- European
- Filipino
- Japanese
- Korean
- Middle Eastern
- Vietnamese
- Other
- Number of respondents who declined to answer the question
- More than one ethnicity

**(D) Primary language used listed by threshold languages for the individual county**

- English
- Spanish
- Number of respondents who declined to answer the question

**(E) Sexual orientation**

- Gay or Lesbian
- Heterosexual or Straight
- Bisexual
- Questioning or unsure of sexual orientation
- Queer
- Another sexual orientation
- Number of respondents who declined to answer the question

**(F) Disability**, defined as a physical or mental impairment or medical condition lasting at least six months that substantially limits a major life activity, which is not the result of a severe mental illness

- If Yes, report the number that apply in each domain of disability(ies)
  - Communication domain separately by each of the following:
    - difficulty seeing,
    - difficulty hearing, or having speech understood)
    - other, please specify
  - Mental domain not including a mental illness (including but not limited to a learning disability, developmental disability, dementia)
  - Physical/mobility domain
  - Chronic health condition (including but not limited to chronic pain)
  - Other (specify)
- No
- Number of respondents who declined to answer the question

**(G) Veteran Status,**

- Yes
- No
- Number of respondents who declined to answer the question

**(H) Gender**

- (i) Assigned sex at birth:
  - (a) Male
  - (b) Female
  - (c) Number of respondents who declined to answer the question
- (ii) Current gender identity:
  - (a) Male
  - (b) Female
  - (c) Transgender
  - (d) Genderqueer
  - (e) Questioning or unsure of gender identity
  - (f) Another gender identity
  - (g) Number of respondents who declined to answer the question

Effective July 2018 amended PEI regulations specified the following:

- For projects/programs serving children or youth younger than 18 years of age, the demographic information collected and reported should only be done so to the extent permissible by privacy laws.
- For projects/programs serving minors younger than 12 years of age, demographic information shall be collected and reported, except for sexual orientation, current gender identity, and veteran status.
- Information that cannot be obtained directly from the minor may be obtained from the minor’s parent, legal guardian, or other authorized source.

**CITY OF BERKELEY PEI PROGRAMS**

Upon the release of the 2018 PEI Regulations, the City of Berkeley programs were reviewed to evaluate whether programs that were already funded would fit into the new required PEI Program definitions. As a result, local PEI funded programs were re-classified from the previous construct, into the following:

| STATE REQUIRED PEI PROGRAMS                                          | CITY OF BERKELEY PEI PROGRAMS                                                                                                                                                                                                                                                                                            |
|----------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Combined Prevention and Early Intervention                           | <ul style="list-style-type: none"> <li>• Be A Star</li> <li>• High School Youth Prevention Project</li> <li>• Community Based Child &amp; Youth Risk Prevention Program</li> <li>• Mental Health Peer Education Program*</li> <li>• Dynamic Mindfulness Program*</li> <li>• African American Success Project*</li> </ul> |
| Early Intervention                                                   | <ul style="list-style-type: none"> <li>• Supportive Schools Program</li> <li>• Community Education &amp; Supports Projects</li> </ul>                                                                                                                                                                                    |
| Access and Linkage to Treatment                                      | <ul style="list-style-type: none"> <li>• Homeless Outreach &amp; Treatment Team</li> </ul>                                                                                                                                                                                                                               |
| Stigma and Discrimination Reduction                                  | <ul style="list-style-type: none"> <li>• Social Inclusion Project</li> </ul>                                                                                                                                                                                                                                             |
| Outreach for Increasing Recognition of Early Signs of Mental Illness | <ul style="list-style-type: none"> <li>• High School Youth Prevention Project</li> </ul>                                                                                                                                                                                                                                 |

\*This project was added through the MHSA FY19 or FY20 Annual Update

The City then assessed the current capacity both internal and at Contractor sites that would be necessary to collect and evaluate the new PEI Data and quickly realized there were very limited resources and staffing available. Beginning in FY18, as a measure to provide resources to assist with the collection of data at Contractor sites, additional funds were added to each PEI funded contract.

Additionally, within FY18, the City of Berkeley Health, Housing and Community Services (HHCS) Department began the roll-out of “Impact Berkeley” in various Public Health and Mental Health programs. “Impact Berkeley” is an evaluation that utilizes the methodology of “Results Based Accountability” (RBA), which seeks to answer how many individuals are being served, how well the program is providing services, and whether participants are better off as a result of participating in the program, or receiving services. Through this initiative the Department envisioned, clarified, and developed a common language about the

outcomes and results that each program seeks to achieve, and then began implementing a rigorous framework to measure and enhance programs towards these results. The first part of this roll-out included the PEI Community Education & Supports Program contracted services. In FY18, staff began working with PEI funded Contractors both on establishing measures for “Impact Berkeley” and for PEI program requirements. Results of the FY19 RBA Evaluation are captured in this report and will continue to be reported in future PEI Evaluation Reports.

This FY19 Annual PEI Evaluation Report documents program measures and demographic elements to the extent data was available. While, it may be a multi-year process before the City of Berkeley will be able to present a complete data set for each PEI Program on an Annual basis, ongoing efforts will continue towards accomplishing this goal.

### **PEI Funded Children and Youth and TAY Services**

Per MHSR regulations 51% of PEI funds are to be used on services and supports for Children, Youth, and TAY. Small counties, of which the City of Berkeley is considered, may elect to forego this regulation as long as a community vetted, locally approved justification is provided as to why children and youth services are funded at a lower level. Since the initial PEI Plan, the City of Berkeley has allocated more than 51% of PEI funds to services and supports for children, youth and TAY as the majority of PEI funds has been utilized to serving these populations.

Currently, eight out of 10 local PEI programs provide services for children and youth, 5 of which are in the Berkeley Unified School District (BUSD). Programs are as follows: Behavioral-Emotional Assessment, Screening, Treatment and Referral (BE A STAR); Community-Based Child/Youth Risk Prevention Program; Supportive Schools Project; Mental Emotional Education Team (MEET); Dynamic Mindfulness (DMIND); African American Success Project; High School Youth Prevention Project, and the TAY Trauma Support Project. Additionally, from FY11 through FY20, the City of Berkeley utilized a portion of PEI funds to provide services for children, youth and TAY in the Albany Unified School District, through the Albany Trauma Project.



# PREVENTION AND EARLY INTERVENTION COMBINED PROGRAMS



### **Behavioral-Emotional Assessment, Screening, Treatment, and Referral (BE A STAR)**

The Be A Star program is a collaboration with the City of Berkeley's Public Health Department providing a coordinated system in Berkeley and Albany that identifies children birth to age five and their parents, who are at risk of childhood development challenges including developmental, social, emotional, and/or behavioral concerns. The program specifically targets low income families, including those with teen parents, who are homeless, substance abusing, or in danger of foster care. Services include triage, assessment, treatment and referrals to appropriate community-based or specialist services as needed. Children and families are accessed through targeted efforts at the following: Black Infant Health; Vera Casey Teenage Parenting programs; Child Health and Disability Prevention programs, Pediatric providers, and through state-subsidized Early Childhood Development Centers. The goals of the program are to identify, screen and assess families early, and connect them with services and supports as needed. The program uses the "Ages and Stages Questionnaires" (ASQ) screening tool to assess children in need. The ASQ consists of a series of 20 questionnaires that correspond to age intervals from birth to 6 years designed to help parents check their child's development. Each questionnaire contains simple questions for parents to answer that reflect developmental milestones for each age group. Answers are scored and help to determine whether the child's development is on schedule or whether the child should be referred for a developmental checkup with a professional. Over 400 children are assessed each year.

**PEI Goals:** The goal of this program is to bring about mental health, including the reduction of school failure and the removal of children from their homes.

In FY19, there were vacancies in staff, as such program data for the reporting timeframe is unavailable.

### **Community-Based Child & Youth Risk Prevention Program**

This program targets children (aged 0-5) who are impacted by multiple risk factors including trauma, family or community violence, familial distress, and/or family substance abuse, (among other issues). A BMH clinician serves as the Mental Health Consultant on this project providing information, services and supports to teachers and parents at the YMCA Head Start program in South Berkeley. Services include individual case consultation for teachers and parents, group consultations, classroom observations and interventions, assessments, brief treatment, and referrals to other resources as needed. The main goals are to reduce risk factors or other stressors, and promote positive cognitive, social, and emotional well-being. This program serves approximately 50 Children & Youth a year.

**PEI Goals:** The goal of this program is to bring about mental health including the reduction of school failure and the removal of children from their homes.

In FY19, the following services were provided:

- Fifteen Early Childhood Mental Health Reflective Case Consultation groups for five classrooms;
- General Classroom Consultations in five classrooms;
- Individual and group consultations to the Center Program Supervisor, 15-18 Childhood Teachers, and two Family Advocates;
- Coordinated with the "Inclusion Program" which includes Inclusion Specialists and a Speech Pathologist to help observation and assessment efforts that facilitate early intervention screenings and referrals to BUSD and Regional Center;

- Planning and assistance with implementation of behavior plans for children with behavioral and social-emotional needs;
- Direct interventions including providing visuals and classroom tools to help teach children self-regulation skills, social skills, and skills to help with transitions and to improve the overall functioning of individual children in the classroom setting;
- Mental Health consultations to 15 parents which included a variety of direct psycho-education around developmental concerns, social-emotional issues/behavioral concerns, parenting issues, providing information regarding mental health services as well as information regarding community services as as: First 5 Alameda, Help Me Grow, Regional Center, BUSD, and Primary Care physicians; and
- Co-facilitated monthly Resiliency Circles to promote self-care and trauma informed care principles with teaching staff.

According to the HeadStart Center Supervisor, the consistency with the current Mental Health Consultant has allowed for relationship building and establishing rapport with teachers and their families, which are essential to providing successful and effective mental health consultation.

In FY19, 54 children were served through this program. Demographics on those served is as follows:

| <b>PARTICIPANT DEMOGRAPHICS N=54</b>         |      |
|----------------------------------------------|------|
| <b>Age Groups</b>                            |      |
| 0-15 (Children/Youth)                        | 100% |
| <b>Race</b>                                  |      |
| Asian                                        | 6%   |
| Black or African American                    | 55%  |
| White                                        | 4%   |
| Other                                        | 33%  |
| More than one Race                           | 2%   |
| <b>Ethnicity: Hispanic or Latino</b>         |      |
| Mexican/Mexican-American/Chicano             | 33%  |
| <b>Ethnicity: Non-Hispanic or Non-Latino</b> |      |
| Declined to Answer (or Unknown)              | 67%  |
| <b>Primary Language</b>                      |      |
| Declined to Answer (or Unknown)              | 100% |
| <b>Disability</b>                            |      |
| Declined to Answer (or Unknown)              | 100% |
| <b>Gender: Assigned sex at birth</b>         |      |
| Declined to Answer (or Unknown)              | 100% |

| Current Gender Identity         |      |
|---------------------------------|------|
| Declined to Answer (or Unknown) | 100% |

### High School Youth Prevention Program

This program operates in conjunction with other health related services offered at Berkeley High School (BHS) and Berkeley Technology Academy (BTA) to provide young people with the information and individual support they need to make positive and healthy decisions in their lives. The program includes: outreach activities designed to provide students with basic information around the risks of certain behaviors, and ways to protect themselves and make positive and safer decisions; classroom presentations to enable students to receive more in-depth information around a variety of health topics and available resources, and provide the opportunity for students to do a personal assessment of risk and current lifestyle choices; drop-in crisis and counseling services; individual appointments to identify young people who may need more intensive intervention; and short-term treatment. The individual appointments, held at the school-based health center, provide young people with the opportunity to hold very in-depth discussions around the choices they are making and the risks that are involved in their choices. They receive guidance about changes they can make to reduce or eliminate their risks, and are given the opportunity to identify barriers that might exist for them that prevent them from making healthier choices. In addition, they complete a 40 question, in-depth HEADSSS (Home, Education, Activities, Drugs/Alcohol, Sexuality, Safety, Suicidality) assessment. Based on the outcome of the individual appointment and/or assessment, a young person may be referred to either a medical or mental health professional for follow-up care and intervention and/or treatment. Approximately 2600 Berkeley High School Students and 100 B-Tech students receive some level of services through this program each year.

This program was implemented in FY13 and has become a successful partnership between BUSD and the Public Health and Mental Health Divisions of Berkeley's HHCS Department. As the program has developed, the staffing structure for the program has increased and evolved to better meet the needs of the participants of both BHS and B-Tech. Additionally, BMH has been involved in implementing and assessing the Cognitive, Behavioral, Intervention for Trauma in Schools (CBITS) as a model of care at these locations. The need for additional supports and resources for this program will continue to be accessed and adjusted accordingly.

**PEI Goals:** The goal of this program is to bring about mental health, including the reduction of school failure or dropout.

In FY19, approximately 1,059 students at Berkeley High School (BHS) and Berkeley Technology Academy (B-Tech) received services at the school's Student Health Center, with 1,511 visits for Behavioral Health Individual sessions, and 321 visits for Behavioral Health Group sessions. Demographics on youth served are outlined below:

| PARTICIPANT DEMOGRAPHICS N=1,059 |     |
|----------------------------------|-----|
| Age Groups                       |     |
| 0-15 (Children/Adult)            | 6%  |
| 16-25 (Transition Age Youth)     | 13% |

|                                              |      |
|----------------------------------------------|------|
| Declined to Answer (or Unknown)              | 81%  |
| <b>Race</b>                                  |      |
| Asian                                        | 7%   |
| Black or African American                    | 20%  |
| White                                        | 33%  |
| More than one Race                           | 17%  |
| Declined to Answer (or Unknown)              | 7%   |
| <b>Ethnicity: Hispanic or Latino</b>         |      |
| Mexican/Mexican-American/Chicano             | 16%  |
| <b>Ethnicity: Non-Hispanic or Non-Latino</b> |      |
| Declined to Answer (or Unknown)              | 84%  |
| <b>Primary Language</b>                      |      |
| Declined to Answer (or Unknown)              | 100% |
| <b>Sexual Orientation</b>                    |      |
| Declined to Answer (or Unknown)              | 100% |
| <b>Disability</b>                            |      |
| Declined to Answer (or Unknown)              | 100% |
| <b>Veteran Status</b>                        |      |
| No                                           | 100% |
| <b>Gender: Assigned sex at birth</b>         |      |
| Male                                         | 66%  |
| Female                                       | 34%  |
| <b>Current Gender Identity</b>               |      |
| Male                                         | 66%  |
| Female                                       | 34%  |

### **Mental Health Peer Education Program**

The Mental Health Peer Education Program was added through the MHSA FY19 Annual Update. This program implements a mental health curriculum for 9th graders, and an internship program for a cohort of high school students, in Berkeley Unified School District (BUSD), in an effort to increase student awareness of common mental health difficulties, resources, and healthy coping and intervention skills. Through this program students are trained by a licensed BUSD clinician to conduct class presentations covering common mental health disorders, on and off campus resources, as well as basic coping and intervention skills.

PEI Goals: The goal of this program is to bring about mental health, including the reduction of school failure or dropout.

In FY19, a Berkeley High School (BHS) Counselor, led and facilitated weekly MEET trainings throughout the school year for thirteen high school students for the purpose of establishing and implementing a peer-led mental health education curriculum. Weekly trainings prepared MEET students to provide classroom presentations. Seven pairs of MEET students provided a total of twenty-eight psycho-educational presentations in 9<sup>th</sup> grade classes. The presentations aimed to reduce mental health stigma, teach coping skills, create awareness about depression and anxiety, and demonstrate to students how to access mental health resources on campus and in the community. A total of 882 students were served. Four encore follow-up presentations were provided to 108 students in the 10<sup>th</sup> grade. Additional MEET student accomplishments were as follows:

- Provided stress management tips through interactive presentations in ten classrooms, before the 1<sup>st</sup> semester exams to assist 271 students in increasing stress reduction strategies;
- Assisted in designing surveys to measure students' knowledge before and after the classroom presentations;
- Conducted lunch-time meetings to assist 11 students through peer-to-peer services and supports;
- Distributed 1000 bookmarks with Crisis Services on them to 9<sup>th</sup> graders and other high school students;
- Assisted in designing mental health survey questions that were used in the school-wide Berkeley High School Student (BHS) Survey;
- Created videos to promote mental health awareness: "MEET Members Speak Out", "Mental Health and Homeless Youth", and "Welcome to the Health Center";
- Assisted in designing a MEET Website with a resources page;
- Created a MEET Instagram account, promoting mental health awareness;
- Participated in the school-run podcast, "The BHS Jacket";
- Attended the BMH MHSA Advisory Committee meeting to voice the need and advocate for increased funding for mental health resources at Berkeley public schools; and
- Hosted a panel discussion to help incoming seniors manage stress.

MEET conducted two surveys to measure learning outcomes of the 9<sup>th</sup> grade classroom presentations. A pre and post test was conducted. A majority of the 9<sup>th</sup> graders surveyed improved their scores from pre to post-test. Areas measured was as follows:

1. Knowledge of mental health resources – where to find them
2. Identifying symptoms of anxiety and depression
3. Mental health stigma – willingness to talk about mental health
4. Learning mental health coping strategies
5. How to respond to a mental health crisis, especially suicidal ideation

Program outcomes showed that numerous 9<sup>th</sup> grade student participants as well as 100% of 9<sup>th</sup> grade teachers, verbally reported being satisfied with MEET's classroom presentations. The BHS Health Center also reported a correlative increase in student self-referrals after MEET's presentations. Students often arrived at the Health Center holding a Crisis Resource Bookmark, of which MEET distributed. Demographics on the 13 students who were in the MEET program were as follows: 31% Male; 69%

Female; 15% African American; 15% Asian; 46% Caucasian; 8% Latinx; 16% mixed race. A total of 1,285 students participated in prevention services offered by MEET. Demographics on student participants were as follows: 16% African American; 19% Asian; 29% Caucasian; 18% Latinx; and 18% were of mixed race or did not specify race or ethnicity. Additional demographics on PEI funded programs at BUSD were provided in aggregate format for the following programs: MEET, Dynamic Mindfulness (DMind), African America Success Project and Supportive Schools. Demographics are provided following the DMind program.

### **Dynamic Mindfulness Program (DMind)**

The Dynamic Mindfulness (DMind) program was added through the MHSA FY19 Annual Update. DMind is an evidence-based trauma-informed program in each of the BUSD middle and high schools. Validated by independent researchers as a transformative program for teaching children and youth, skills for optimal stress resilience and healing from trauma, the DMind program integrates mindful action, breathing, and centering into an intervention that can be implemented in the classroom in 5-15 minute sessions, 3 to 5 times a week. This program has proven to be successful with vulnerable students who are exhibiting signs of trauma/PTSD from Adverse Childhood Experiences (ACEs), and/or disengagement from school, chronic absences, and significant behavioral challenges, including emotion regulation, impulse control, and anger management. DMind also enables teacher well-being, which has been shown to enhance student learning. The program components will include in-class and after-school DMind sessions for students, student peer leadership development, training and coaching of school staff, and program evaluation.

PEI Goals: The goal of this program is to bring about mental health, including the reduction of school failure or dropout and the removal of children from their homes.

In FY19, planning, design and customization of DMind for each school site was conducted. DMind training for staff was provided, as well as post-training follow-up supports. Niroga Instructors provided in-classroom DMind instruction. DMind curriculum supports, including the DMind video library was also made available.

According to the DMind program report, specific program outcomes were as follows:

- School Administrators and staff, as well as students, enthusiastically embraced the DMind program;
- Special Education students seemed to especially take to DMind. In addition to other classrooms, 13 Special Education classes were provided with the DMind program;
- The DMind program for chronic absentees led to a 1.8% increase in attendance.

A total of 520 students and 117 staff were served through this program in FY19, as follows:

| School                           | # of Students Served | # of Staff Served |
|----------------------------------|----------------------|-------------------|
| Berkeley High School             | 125                  | 75                |
| Berkeley Technology Academy      | 28                   | 25                |
| Martin Luther King Middle School | 215                  | 6                 |
| Williard Middle School           | 152                  | 11                |
| TOTAL                            | 520                  | 117               |

Data provided by BUSD, which combined demographics for the Supportive Schools Project, the MEET Program, and DMind, is outlined below:

| <b>PARTICIPANT DEMOGRAPHICS N= 3,065</b>    |     |
|---------------------------------------------|-----|
| <b>Age Group</b>                            |     |
| 0-15 (Children/Youth)                       | 81% |
| 16-25 (Transition Age Youth)                | 13% |
| 26-59 (Adult)                               | 6%  |
| Ages 60+ (Older Adult)                      | <1% |
| <b>Race</b>                                 |     |
| American Indian or Alaska Native            | 1%  |
| Asian                                       | 11% |
| Black or African American                   | 19% |
| Native Hawaiian/Pacific Islander            | <1% |
| White                                       | 41% |
| Other                                       | 1%  |
| More than one race                          | 4%  |
| Declined to Answer (or Unknown)             | 9%  |
| <b>Ethnicity: Hispanic or Latino</b>        |     |
| Mexican/Mexican-American/Chicano            | 14% |
| <b>Primary Language Used</b>                |     |
| English                                     | 86% |
| Spanish                                     | 7%  |
| Mandarin                                    | 1%  |
| Declined to Answer (or Unknown)             | 6%  |
| <b>Sexual Orientation</b>                   |     |
| Gay or Lesbian                              | 7%  |
| Heterosexual or Straight                    | 49% |
| Bisexual                                    | 2%  |
| Questioning or unsure of sexual orientation | <1% |
| Queer                                       | <1% |



|                                                                                                                                             |      |
|---------------------------------------------------------------------------------------------------------------------------------------------|------|
| Declined to Answer (or Unknown)                                                                                                             | 41%  |
| <b>Disability</b>                                                                                                                           |      |
| Mental domain not including a mental illness<br>(including but not limited to a learning disability,<br>developmental disability, dementia) | 9%   |
| Physical/mobility domain                                                                                                                    | <1%  |
| <b>Veteran Status</b>                                                                                                                       |      |
| Declined to Answer (or Unknown)                                                                                                             | 100% |
| <b>Gender: Assigned sex at birth</b>                                                                                                        |      |
| Male                                                                                                                                        | 58%  |
| Female                                                                                                                                      | 42%  |
| <b>Current Gender Identity</b>                                                                                                              |      |
| Male                                                                                                                                        | 54%  |
| Female                                                                                                                                      | 39%  |
| Transgender                                                                                                                                 | <1%  |
| Questioning or unsure of gender identity                                                                                                    | <1%  |
| Another gender identity (Non-Binary)                                                                                                        | <1%  |
| Declined to Answer (or Unknown)                                                                                                             | 6%   |



### African American Success Project

The African American Success Project (AASP) was first implemented in FY19 in four Berkeley Unified School District Schools (King, Longfellow, Willard and Berkeley High School). Closely aligned with the work of Berkeley's 2020 Vision, the AASP works with African American youth and their families to actively engage students in the classroom and school life while creating a pathway for their long-term success. The project implements a three-pronged approach that includes case management and mentorship (which are individualized and tailored to meet each student's needs), community building, and family engagement. Through this approach a case manager engages and works with each student on school success planning. This work includes establishing student check-ins, family connections, teacher and staff collaborations, advocacy, and community building sessions. The project supports students who have disproportionately faced barriers in Berkeley public schools to promote an individual's learning, mental, and socio-emotional well-being. During the first year the project team worked with 84 students and their families while assessing the effectiveness of the project and identifying ways to strengthen the service model. One key finding was that the project could only have limited impact when staff were spread across four school sites.

Following FY19, the project was only going to be implemented at Longfellow. A second key learning was that services could be strengthened if they were integrated into the school day through a class that African American students could elect to take that would provide a safe space to focus on ongoing social and emotional development, skill-building, habits and mindsets that enable self-regulation, interpersonal skills, and perseverance and resilience. The class would be facilitated by a Counselor/Instructor who would follow-up with students in one-on-one counseling sessions on issues of concern that are raised in class and would provide referrals to mental health services and supports as needed. To support the implementation of this additional component, through the FY20 Annual Update the Division allocated PEI funds to support this project.

**PEI Goals:** The goal of this program is to bring about mental health, including the reduction of school failure and the removal of children from their homes.

Project updates and outcomes from FY20, will be reported in the next MHSA Annual Update.



## EARLY INTERVENTION (ONLY) PROGRAMS



### Supportive Schools Program

Through this program leveraged MHSA PEI funds provide resources to support mental health prevention and intervention services in the Berkeley Elementary schools. Services include: outreach; mental health programming; classroom, group, and one-on-one psycho-social education and support; and consultation with parents and/or teachers.

**PEI Goals:** The goal of this program is to address and promote recovery and related functional outcomes for a mental illness early in its emergence, including the reduction of school failure and the removal of children from their homes.

In FY19, BUSD sub-contracted with the following local agencies to provide services: Bay Area Community Resources (BACR), Child Therapy Institute (CTI), and LifeLong Medical Care. Agency and district staff providers led social skills groups, provided early intervention social and emotional support services, playground social skills, “check in/check out,” individual counseling, and support for parents and guardians from diverse backgrounds. As aligned with priority and focus on equity, providers participated in Coordination of Services Team (COST) meetings, and linked parents and guardians with resources at the school, within the school district, and in the community. A total of 1,065 elementary age students were served through this program.

Data provided by BUSD, which combined demographics for the Supportive Schools Project, the MEET Program, and DMind, is outlined below:

| <b>PARTICIPANT DEMOGRAPHICS N= 3,065</b> |     |
|------------------------------------------|-----|
| <b>Age Group</b>                         |     |
| 0-15 (Children/Youth)                    | 81% |
| 16-25 (Transition Age Youth)             | 13% |
| 26-59 (Adult)                            | 6%  |
| Ages 60+ (Older Adult)                   | <1% |
| <b>Race</b>                              |     |
| American Indian or Alaska Native         | 1%  |
| Asian                                    | 11% |
| Black or African American                | 19% |
| Native Hawaiian/Pacific Islander         | <1% |
| White                                    | 41% |
| Other                                    | 1%  |
| More than one race                       | 4%  |
| Declined to Answer (or Unknown)          | 9%  |
| <b>Ethnicity: Hispanic or Latino</b>     |     |
| Mexican/Mexican-American/Chicano         | 14% |

| <b>Primary Language Used</b>                                                                                                                |      |
|---------------------------------------------------------------------------------------------------------------------------------------------|------|
| English                                                                                                                                     | 86%  |
| Spanish                                                                                                                                     | 7%   |
| Mandarin                                                                                                                                    | 1%   |
| Declined to Answer (or Unknown)                                                                                                             | 6%   |
| <b>Sexual Orientation</b>                                                                                                                   |      |
| Gay or Lesbian                                                                                                                              | 7%   |
| Heterosexual or Straight                                                                                                                    | 49%  |
| Bisexual                                                                                                                                    | 2%   |
| Questioning or unsure of sexual orientation                                                                                                 | <1%  |
| Queer                                                                                                                                       | <1%  |
| Declined to Answer (or Unknown)                                                                                                             | 41%  |
| <b>Disability</b>                                                                                                                           |      |
| Mental domain not including a mental illness<br>(including but not limited to a learning disability,<br>developmental disability, dementia) | 9%   |
| Physical/mobility domain                                                                                                                    | <1%  |
| <b>Veteran Status</b>                                                                                                                       |      |
| Declined to Answer (or Unknown)                                                                                                             | 100% |
| <b>Gender: Assigned sex at birth</b>                                                                                                        |      |
| Male                                                                                                                                        | 58%  |
| Female                                                                                                                                      | 42%  |
| <b>Current Gender Identity</b>                                                                                                              |      |
| Male                                                                                                                                        | 54%  |
| Female                                                                                                                                      | 39%  |
| Transgender                                                                                                                                 | <1%  |
| Questioning or unsure of gender identity                                                                                                    | <1%  |
| Another gender identity (Non-Binary)                                                                                                        | <1%  |
| Declined to Answer (or Unknown)                                                                                                             | 6%   |

### Community Education & Supports Program

The Community Education & Supports program implements culturally-responsive psycho-educational trauma support services for individuals (18 and above) in various cultural, ethnic and age specific populations that are unserved, underserved and inappropriately served in Berkeley and Albany including: African Americans; Asian Pacific Islanders; Latinos; LGBTQIA+; TAY; and Senior Citizens. All services are conducted through area community-based organizations.

In FY19 each of the Community Education & Supports contractors participated in the HHCS Results-Based Accountability (RBA) Evaluation. Some of the results are presented in an aggregated format aggregated across all programs as follows:

| How Much Did We Do?                                                                                                                                                                                                                                                                 | How Well Did We Do It?                                                                                                                                                                                                                                                                                                             | Is Anyone Better Off?                                                                                                                                                                                                                                                                                                                                                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>• 651 Support Groups/Workshops</li> <li>• 3,524 Support Groups/Workshop Encounters</li> <li>• 203 Individual Supports/Encounters</li> <li>• 419 Outreach Activities</li> <li>• 6,938 Outreach Contacts</li> <li>• 1,308 Referrals</li> </ul> | <ul style="list-style-type: none"> <li>• 7 Support groups or workshop sessions attended on average per person</li> <li>• 96% Survey respondents were satisfied with services</li> <li>• Referrals by type:<br/>251 Mental Health<br/>240 Social Services<br/>227 Physical Health<br/>156 Housing<br/>434 Other Services</li> </ul> | <ul style="list-style-type: none"> <li>• 92% of program participants reported an increase in social supports or trusted people they can turn to for help (3 of 5 projects reported in this measure).</li> <li>• 88% of program participants reported positive changes in terms of coping strategies, feeling anxious or overwhelmed (4 out of 5 programs reported on this measure).</li> </ul> |

For additional detail on how various data variables were quantified and for full reporting on other data elements, access the full [MHSA Plans and Updates - City of Berkeley, CA](#)

Descriptions of services provided and numbers served through this project are outlined below:

#### Albany Trauma Project

Implemented through Albany Unified School District this project provides trauma support services to Latinx, Asian Pacific Islanders and African American TAY, and Adults. Through various supports the project: provides helpful information and coping strategies around the effects of trauma; offers interventions to keep at-risk individuals and families from developing serious mental health symptoms and behaviors; provides a forum for clinicians to monitor trauma-exposed individuals and families who may need more intensive mental health services; and creates a venue to explore trauma and stress management through symbols of healing, artwork, and alternative coping strategies. Services include: Adult one-on-one outreach and engagement and support groups in the Elementary and High School in Albany. Additional one time cultural activities to promote healing through reflection groups and art projects are also conducted throughout the year. This project annually serves approximately 40-55 children/youth and 25-45 adults.

Descriptions of services provided and numbers served through this project are outlined below:

**Adult Support Groups:** This project used to implement outreach and engagement activities and support groups to Latinx immigrant adults dealing with trauma issues, who live and work the backstretch of Golden Gate Field’s race track as groomers; exercise jockeys and caretakers of the horses. Over the years this



project has migrated to more of a one-on-one engagement project to support individuals in need, with occasional cultural and strength building group activities.

**PEI Goals:** The goal of this project is to address and promote recovery and related functional outcomes for a mental illness early in its emergence, including the prevention of suicide.

In FY19, 24 individuals received supports through one-on-one engagement sessions. Eleven referrals were provided, 1 to Physical Health services, 3 for Legal services, 1 for Tax Preparation, and 6 to other unspecified supports.

**Children/Youth Support Groups:** Young children and high school youth experiencing trauma are unlikely to seek services at traditional mental health clinics. Schools are an essential vehicle of treatment for trauma exposed individuals and their families. By aiming psycho-educational interventions for elementary age children and high school youth, it is possible to introduce youth and their families to information about trauma, coping mechanisms, and to combat the isolation that trauma brings.

The purpose of the groups is to reduce at-risk behaviors, reduce a sense of alienation, and increase a sense of belonging among group members. Various psycho-educational techniques are used to achieve these goals, such as improving communication skills, using role modeling and feedback, increasing empathy by encouraging self-disclosure and emotional engagement in the group, and developing trust via positive interactions in the group. The support group program provides information about the effects of trauma, and helpful coping strategies; serves a preventive function by offering interventions that will keep at-risk individuals and families from developing serious symptoms and behaviors; provides a forum for clinicians to monitor trauma-exposed individuals and families who may need more intensive mental health services; and creates a venue to explore trauma and stress management through symbols of healing, artwork, and alternative coping strategies.

**PEI Goals:** The goal of this program is to address and promote recovery and related functional outcomes for a mental illness early in its emergence, including the reduction of school failure or drop out.

**Elementary School Support Groups:** Through this project, Support Groups are provided to Elementary aged students to reduce children's negative responses to trauma, correct maladaptive beliefs and attributions, and build resilience and reduce anxiety. Student participants are referred from parents, teachers or school staff. Students with experiences of community violence, physical assault, significant separations, witness to domestic or sexual violence, and lack of food, clothing, or shelter are invited to attend groups. As these experiences can lead to the child's regulatory capacity being overwhelmed, his or her daily life behaviors, school performance, attention, self-perception and emotional regulation may all be affected. Support Groups provide psycho-education, coping skills, and a safe environment in which to address and process traumatic experiences.

In FY19, 18 support groups were provided to a total of 10 participants. Each group met for 1-2 hours in duration. There were two referrals for additional mental health services. Fifty-one outreach activities were also conducted. From teacher, school staff, and parental report, outcomes for students participating in support groups were as follows: 60% took a more active role in learning; 90% received increased positive attention from peers; and 80% exhibited less anxiety in the classroom.

**Youth Support Groups:** The use of Support Groups or Group Therapy are considered to be a highly effective and preferred intervention for adolescents who tend to be more likely to accept feedback from their peers than from adults. Through this project, separate weekly therapeutic support groups are provided at

Albany High School for Asian Pacific Islander, Latinx, and African American youth. Groups meet for 1-2 hours a week throughout the school year and are focused on helping participants process various traumatic events through the development of trust, close connections to each other, and creating a safe space for the expression and understanding of feelings.

In FY19, three separate support groups were held at Albany high School. Each group met weekly for 1 hour and continued until the end of the school year. Students were assigned to three groups based on racial or ethnic identity: Latinx, African-American, and Asian-American. This was done in order to help promote connection, identification and group cohesion. Students that participated in the trauma groups at Albany High School were initially recommended by counselors, mental health coordinators, or administrators who believed that these selected students may have experienced trauma in their lives. These students were then interviewed individually to assess and determine if they wished to participate in the groups. Forty-five students were interviewed and assessed for all three groups. Of those 45 students, 32 students attended at least 1 group session, and 22 students continued in group for 6 or more sessions. The initial group meeting was set up specifically as a way to allow prospective members to experience group and to determine if they wanted to participate. After the initial group sessions, students were asked to either commit to attend group for 8 sessions or to opt out. As expected, some students who attended the initial group chose not to participate in the groups, while most students signed up for 8 initial sessions and then continued to attend groups through the remainder of the year. In aggregate, there were a total of 58 individual meetings with students and 63 group sessions. The 45 students served by this program received 422 total contacts, and there were 4 referrals for additional mental health services.

A pre-test questionnaire was administered at the 2nd group meeting, and a post-test questionnaire was administered at the last group meeting. The pre-test was completed by 25 students and the post-test was completed by 19 students. Several group members were unable to complete the post-test due to not being able to attend the final group session. Student responses on the pre-test questionnaire are outlined below:

| <b>QUESTIONNAIRE RESULTS N = 25</b>                                                                                  |                                                                         |
|----------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|
| <b>QUESTIONS</b>                                                                                                     | <b>PARTICIPANT RESPONSES</b>                                            |
| Have you lost someone close to you?                                                                                  | Yes – 64%<br>No – 36%                                                   |
| Have you witnessed violence in your family?                                                                          | Yes – 52%<br>No – 48%                                                   |
| Have you witnessed violence in your home?                                                                            | Yes – 7 – 28%<br>No – 18 – 72%                                          |
| Have you been a victim of violence or abuse?                                                                         | Yes – 72%<br>No – 28%                                                   |
| If yes, have you spoken to anyone about this?                                                                        | Yes – 100%<br>No – 0%                                                   |
| Do you feel that you've had the support in your life to cope effectively with the painful things you've experienced? | Rarely – 8%<br>Sometimes – 48%<br>Most of the Time – 44%                |
| Do you use healthy ways to cope with stress in your life?                                                            | Never – 4%<br>Rarely – 20%<br>Sometimes – 32%<br>Most of the Time – 44% |



|                                                                                                                          |                                                                         |
|--------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|
| Do you use drugs or alcohol to help cope with your feelings, i.e. relax, calm down, quiet your mind, reduce anger, etc.? | Never – 48%<br>Rarely – 20%<br>Sometimes – 24%<br>Most of the Time – 8% |
| Are there adults at your school who you can talk openly to about personal issues?                                        | Yes – 76%<br>No – 24%                                                   |

Pre-test results indicated that many of the group members had experienced significant trauma in their lives. Other traumas experienced by group members that were discussed in group included institutionalized racism, unjust police practices, poverty, immigration, parental incarceration, death of a family member, parental substance abuse, mental illness of a parent, and physical/emotional abuse. Student responses on the post-test questionnaire were as follows:

| <b>QUESTIONNAIRE RESULTS N = 19</b>                                                                                               |                                                                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|
| <b>QUESTIONS or STATEMENTS</b>                                                                                                    | <b>PARTICIPANT RESPONSES</b>                                                                                |
| I felt welcomed into group.                                                                                                       | Strongly Disagree – 0%<br>Disagree – 0%<br>Neutral – 0%<br>Agree – 37%<br>Strongly Agree – 63%<br>N/A – 0%  |
| I felt the group was a place I could express my feelings.                                                                         | Strongly Disagree – 0%<br>Disagree – 0%<br>Neutral – 0%<br>Agree – 53%<br>Strongly Agree – 47%<br>N/A – 0%  |
| I felt supported by other group members.                                                                                          | Strongly Disagree – 0%<br>Disagree – 0%<br>Neutral – 0%<br>Agree – 32%<br>Strongly Agree – 68%<br>N/A – 0%  |
| As a direct result of participating in the group, I feel like I have more support to help me deal with challenges.                | Strongly Disagree – 0%<br>Disagree – 0%<br>Neutral – 11%<br>Agree – 63%<br>Strongly Agree – 26%<br>N/A – 0% |
| As a direct result of participating in the group, I cope with stress in healthier ways.                                           | Strongly Disagree – 0%<br>Disagree – 5%<br>Neutral – 32%<br>Agree – 32%<br>Strongly Agree – 26%<br>N/A – 5% |
| As a direct result of participating in the group, I have reduced the use of drugs and/or alcohol to cope with difficult feelings. | Strongly Disagree – 0%<br>Disagree – 5%<br>Neutral – 11%<br>Agree – 21%<br>Strongly Agree – 5%<br>N/A – 58% |

|                                                                                                                                                                                      |                                                                                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| As a direct result of participating in the group, I would consider seeking help from a mental health professional in the future for a personal problem that was really bothering me. | Strongly Disagree – 0%<br>Disagree – 5%<br>Neutral – 32%<br>Agree – 11%<br>Strongly Agree – 26%<br>N/A – 26% |
| Would you recommend this group to a friend?                                                                                                                                          | Yes – 100%<br>No – 0%                                                                                        |

Post-test results suggested that all group members reported a positive experience in the support groups. All students who completed the post-test responded that they felt welcomed into the group, felt that the group was a place where they could express their feelings, and felt supported by the other group members. Additionally, all students who completed the post-test responded “Yes” to the question, “Would you recommend this group to a friend?” Group members also reported significant improvements in various metrics related to their coping skills as outlined below:

- 89% felt more supported in dealing with challenges;
- 72% indicated that they coped with stress in healthier ways;
- 63% reported a reduction in their use of drugs and alcohol to cope with difficult feelings;
- 71% expressed willingness to seek help from a mental health professional in the future.

The sole adverse finding from the post-test results was related to school truancy. Among the 19 students who participated in support group sessions, school truancy increased by 90% between the FY18 academic year (31 unexcused absences) to the FY19 academic year (59 unexcused absences). According to the AUSD program report, several factors may account for this surprising finding. First, the groups were disproportionately comprised of seniors (16 of the 19 students), many of whom spoke repeatedly in group about their “senioritis” and corresponding lack of motivation to attend school. Additionally, a small number of students (4) accounted for 31 of the 59 unexcused absences for the current school year. The truancy of these 4 students – which resulted from a complicated series of factors (e.g., adverse changes in one student’s home environment; a bout of clinical depression for another student) – likely skewed the overall data. If the attendance numbers of these 4 students were removed from the analyses, the difference in school truancy between the FY18 academic year (20 unexcused absences) and the FY19 academic year (28 unexcused absences) would be much less pronounced.

Among all services conducted for children, youth and Adults through the Albany Trauma Project, a total of 79 individuals were served. Demographics on individuals served were as follows:

| PARTICIPANT DEMOGRAPHICS N=79 |     |
|-------------------------------|-----|
| Age Group                     |     |
| 0-15                          | 13% |
| 16-25                         | 58% |
| 26-59                         | 20% |
| 60+                           | 9%  |

| <b>Race</b>                                  |     |
|----------------------------------------------|-----|
| Asian                                        | 20% |
| Black or African American                    | 15% |
| Native Hawaiian or other Pacific Islander    | 1%  |
| White                                        | 32% |
| Other                                        | 24% |
| More than one race                           | 8%  |
| <b>Ethnicity: Hispanic or Latino</b>         |     |
| Central American                             | 6%  |
| Mexican/Mexican-American/Chicano             | 44% |
| South American                               | 3%  |
| <b>Ethnicity: Non-Hispanic or Non-Latino</b> |     |
| African                                      | 14% |
| Asian Indian/South Asian                     | 5%  |
| Chinese                                      | 4%  |
| European                                     | 1%  |
| Filipino                                     | 6%  |
| Japanese                                     | 1%  |
| More than one ethnicity                      | 8%  |
| Other                                        | 3%  |
| Declined to Answer (or Unknown)              | 5%  |
| <b>Primary Language Used</b>                 |     |
| English                                      | 72% |
| Spanish                                      | 28% |
| <b>Sexual Orientation</b>                    |     |
| Gay or Lesbian                               | 3%  |
| Heterosexual or Straight                     | 57% |
| Bisexual                                     | 3%  |
| Declined to Answer (or Unknown)              | 37% |
| <b>Disability</b>                            |     |
| Difficulty Seeing                            | 1%  |

|                                      |      |
|--------------------------------------|------|
| Mental (not mental health)           | 1%   |
| Physical/Mobility Disability         | 1%   |
| No Disability                        | 42%  |
| <b>Veterans Status</b>               |      |
| No                                   | 100% |
| <b>Gender: Assigned sex at birth</b> |      |
| Male                                 | 61%  |
| Female                               | 39%  |
| <b>Current Gender Identity</b>       |      |
| Male                                 | 61%  |
| Female                               | 39%  |

### **Transition Age Youth Trauma Support Project**

Implemented through the Covenant House, Youth Engagement Advocacy Housing (YEAH!) program, this project provides supportive services for Transition Age Youth (TAY) who are suffering from the impact of trauma and/or other life stressors and are homeless, marginally housed, or housed but in need of supports. The project serves a wide range of youth from various cultural and ethnic backgrounds who share the common goal of living lives less impacted by trauma and more impacted by wellness. The project consists of the following four components: One-on-one sessions that assess individuals needs around trauma supports and support group readiness; psycho-educational support groups; youth social outings that provide TAY with exposure to healthy settings designed to enhance life skills and choices; and youth celebratory events that are held monthly to convene youth around a positive occasion to acknowledge the various small and large accomplishments of TAY participants, and build trust and community. Approximately 30-35 TAY receive services through this project a year.

**PEI Goals:** The goal of this program is to address and promote recovery and related functional outcomes for a mental illness early in its emergence, including the prevention of suicide.

In FY19, 142 TAY participated in one or more program services over the year. Support Group sessions included: Harm Reduction and Substance Use; Mindfulness; Coping Skills; Creative Expression, among others. Twelve Youth Social Outings included 48 TAY participants, and 123 TAY, participated in 21 Youth Celebratory Events. Demographics on youth served were as follows:

|                                    |      |
|------------------------------------|------|
| <b>CLIENT DEMOGRAPHICS N = 142</b> |      |
| <b>Age Group</b>                   |      |
| 16-25 (Transition Age Youth)       | 100% |
| <b>Race</b>                        |      |
| Asian                              | 1%   |

|                                              |     |
|----------------------------------------------|-----|
| Black or African American                    | 46% |
| Native Hawaiian or Other Pacific Islander    | 1%  |
| White                                        | 33% |
| Other                                        | 4%  |
| More than one Race                           | 13% |
| Decline to State (or Unknown)                | 2%  |
| <b>Latino Ethnicity</b>                      |     |
| Central American                             | 16% |
| Mexican/Mexican-American                     | 74% |
| South American                               | 10% |
| <b>Ethnicity: Non-Hispanic or Non-Latino</b> |     |
| African                                      | 34% |
| Asian Indian/South Asian                     | 1%  |
| Eastern European                             | 6%  |
| European                                     | 14% |
| Filipino                                     | 2%  |
| More than one Ethnicity                      | 14% |
| Other                                        | 1%  |
| Declined to Answer (or Unknown)              | 28% |
| <b>Primary Language Used</b>                 |     |
| English                                      | 91% |
| Spanish                                      | 8%  |
| Other                                        | 1%  |
| <b>Sexual Orientation</b>                    |     |
| Gay or Lesbian                               | 14% |
| Heterosexual or Straight                     | 48% |
| Bisexual                                     | 8%  |
| Questioning or Unsure                        | 4%  |
| Queer                                        | 1%  |
| Decline to State                             | 25% |

| Disability                                     |      |
|------------------------------------------------|------|
| Difficulty Hearing or Having Speech Understood | 1%   |
| Mental (not mental health)                     | 33%  |
| Physical/Mobility Disability                   | 5%   |
| Chronic Health Condition                       | 5%   |
| Other Disability                               | 44%  |
| No Disability                                  | 11%  |
| Decline to State                               | 1%   |
| Difficulty Hearing or Having Speech Understood | 1%   |
| Veteran Status                                 |      |
| No                                             | 100% |
| Gender: Assigned sex at Birth                  |      |
| Male                                           | 58%  |
| Female                                         | 42%  |
| Gender Identity                                |      |
| Male                                           | 50%  |
| Female                                         | 36%  |
| Transgender                                    | 9%   |
| Genderqueer                                    | 1%   |
| Other                                          | 4%   |

During the reporting timeframe 246 outreach activities were conducted, with 4,930 duplicated contacts. There were 405 referrals for additional services and supports. The number and type of referrals was as follows: 68 Mental Health; 71 Physical Health; 116 Social Services; 49 Housing; 101 other unspecified services. A total of 23% of program participants received individual counseling through this program; 20% exited the program into stable housing; and 24% obtained employment or entered school during the program. Per participant feedback, 83% reported being satisfied with program services.

### Living Well Project

Implemented through Center for Independent Living, this project provides services for Senior Citizens (aged 50 and over) who are coping with trauma and/or mental health issues associated with acquired disabilities. Senior Citizens with acquired disabilities are one of the most difficult groups to reach with disability services. It is similarly difficult to intervene with this group's developing mental health issues related to aging and the traumatic impact of acquiring one or more disabilities (such as loss of mobility, vision, hearing, et al). The core of the project is a wellness workshop series entitled "Living Well with a Disability". Through a combination of education, goal setting, group and peer counseling, the workshop series is designed to promote positive attitudinal shifts in a population who, despite the tremendous need for

care, are often typically not responsive to mental health intervention. The workshop series includes a 10 week, one to two-hour class conducted by Peer Facilitators, and an optional 30-minute counseling session. Counseling sessions are designed to monitor curriculum impact and continually assess individual goals and resource needs. This project serves up to 150 Older Adults a year.

**PEI Goals:** The goal of this program is to address and promote recovery and related functional outcomes for a mental illness early in its emergence, including the prevention of suicide.

In FY19, 52 Living Well workshops were conducted. Each Living Well Workshop series included the following sessions: Orientation; Goal Setting; Problem Solving; Healthy Reactions; Beating the Blues (Depression and Moods); Healthy Communication; Seeking Information; Physical Activity; Eating Well (Nutrition); Advocacy (Self and Systems Change); and Maintenance. Topics of Grief and Loss, Depression, Retirement, and Senior Invisibility were also incorporated into the program. In all 118 Senior Citizens participated in the Living Well Workshops. Demographics of Workshop participants are outlined below:

| <b>PARTICIPANT DEMOGRAPHICS N=118</b>     |     |
|-------------------------------------------|-----|
| <b>Age Groups</b>                         |     |
| 26-59 (Adult)                             | 4%  |
| Age 60+ (Older Adult)                     | 94% |
| Decline to State (or Unknown)             | 2%  |
| <b>Race</b>                               |     |
| Asian                                     | 6%  |
| Black or African American                 | 46% |
| Native Hawaiian or Other Pacific Islander | 1%  |
| White                                     | 35% |
| Other                                     | 3%  |
| Declined to Answer (or Unknown)           | 9%  |
| <b>Ethnicity: Hispanic or Latino</b>      |     |
| Caribbean                                 | 2%  |
| Central American                          | 2%  |
| Mexican/Mexican-American/Chicano          | 7%  |
| Declined to Answer (or Unknown)           | 89% |

| <b>Ethnicity: Non-Hispanic or Non-Latino</b>   |     |
|------------------------------------------------|-----|
| African                                        | 20% |
| Chinese                                        | 3%  |
| European                                       | 8%  |
| Filipino                                       | 3%  |
| Japanese                                       | 1%  |
| Other                                          | 3%  |
| Declined to Answer (or Unknown)                | 62% |
| <b>Primary Language Used</b>                   |     |
| English                                        | 90% |
| Spanish                                        | 2%  |
| Other                                          | 1%  |
| Declined to Answer (or Unknown)                | 7%  |
| English                                        | 90% |
| <b>Sexual Orientation</b>                      |     |
| Gay or Lesbian                                 | 3%  |
| Heterosexual or Straight                       | 75% |
| Other                                          | 1%  |
| Declined to Answer (or Unknown)                | 21% |
| Gay or Lesbian                                 | 3%  |
| <b>Disability</b>                              |     |
| Difficulty seeing                              | 5%  |
| Difficulty hearing or Having Speech Understood | 10% |
| Mental (not mental health)                     | 5%  |
| Physical/mobility disability                   | 12% |
| Chronic health condition                       | 15% |
| No Disability                                  | 11% |
| Declined to Answer (or Unknown)                | 42% |



| Veteran Status                  |     |
|---------------------------------|-----|
| Yes                             | 3%  |
| No                              | 94% |
| Declined to Answer (or Unknown) | 3%  |
| Gender: Assigned sex at birth   |     |
| Male                            | 20% |
| Female                          | 77% |
| Declined to Answer (or Unknown) | 3%  |
| Current Gender Identity         |     |
| Male                            | 20% |
| Female                          | 76% |
| Transgender                     | 1%  |
| Declined to Answer (or Unknown) | 4%  |

During the reporting timeframe 16 outreach and informational events were conducted reaching 317 individuals, with 249 individuals receiving further engagement services. There were 640 referrals for additional services and supports. The number and type of referrals was as follows: 121 Mental Health; 137 Physical Health; 109 Social Services; 101 Housing; 172 other unspecified services. A total of 39% of program participants completed a Living Well Workshop Series. The workshop series received very positive feedback per participant self-report. Program participants reported 100% on all of the measures outlined below: feeling satisfied with the workshops; improvement in feeling satisfied in general; increased feeling of social supports; preparedness to make positive changes; and feeling less overwhelmed and helpless.

### **Harnessing Hope Project**

Implemented through GOALS for Women this project provides community-based, culturally competent, outreach and support services for African Americans residing in the South and West Berkeley neighborhoods who have experienced traumatic life events including racism and socioeconomic oppression and have unmet mental health support needs. The primary goals of the project are to normalize stress responses and empower families through psycho-education, consciousness raising, strength-based coping skills, and supportive services through the following: Outreach through community presentations and “Mobile Tenting”; one-on-one supportive engagement services; screening and assessment; psycho-education; family education; support groups such as “Kitchen Table Talk groups (non-stigmatizing, culturally responsive, peer centered groups) and “Just Like Sunday Dinners” ( a space for African Americans from all generations to come together to gain supports from one another); workshops and classes; mental health referrals and community linkages; peer counseling and support. A key component of this project is to train and mentor community leaders to become Peer Facilitators of Kitchen Table Talk and Just Like Sunday Dinner groups. This project serves approximately 50-130 individuals a year.

PEI Goals: The goal of this program is to address and promote recovery and related functional outcomes for a mental illness early in its emergence including the prevention of suicide.

In FY19, 29 individuals were served through this project. Demographics on individuals served were as follows:

| <b>PARTICIPANT DEMOGRAPHICS N=29</b>         |     |
|----------------------------------------------|-----|
| <b>Age Groups</b>                            |     |
| 0-15 (Children/Youth)                        | 3%  |
| 16-25 (Transition Age Youth)                 | 17% |
| 26-59 (Adult)                                | 69% |
| Ages 60+ (Older Adult)                       | 11% |
| <b>Race</b>                                  |     |
| American Indian or Alaska Native             | 3%  |
| Black or African American                    | 38% |
| White                                        | 7%  |
| Other                                        | 14% |
| More than one Race                           | 28% |
| Declined to Answer (or Unknown)              | 10% |
| <b>Ethnicity: Hispanic or Latino</b>         |     |
| Carribbean                                   | 4%  |
| Mexican/Mexican-American/Chicano             | 7%  |
| Other                                        | 3%  |
| Declined to Answer (or Unknown)              | 3%  |
| <b>Ethnicity: Non-Hispanic or Non-Latino</b> |     |
| African                                      | 3%  |
| Asian Indian/South Asian                     | 7%  |
| More than one Ethnicity                      | 10% |
| Other                                        | 10% |
| Declined to Answer (or Unknown)              | 52% |
| <b>Primary Language Used</b>                 |     |
| English                                      | 86% |
| Spanish                                      | 10% |
| Other                                        | 4%  |

| <b>Sexual Orientation</b>            |     |
|--------------------------------------|-----|
| Heterosexual or Straight             | 62% |
| Queer                                | 3%  |
| Other                                | 10% |
| Declined to Answer (or Unknown)      | 25% |
| <b>Disability</b>                    |     |
| Chronic Heart Condition              | 7%  |
| Other Disability                     | 3%  |
| No Disability                        | 62% |
| Declined to Answer (or Unknown)      | 28% |
| <b>Veteran Status</b>                |     |
| No                                   | 55% |
| Declined to Answer (or Unknown)      | 45% |
| <b>Gender: Assigned sex at birth</b> |     |
| Male                                 | 28% |
| Female                               | 62% |
| Declined to Answer (or Unknown)      | 10% |
| <b>Current Gender Identity</b>       |     |
| Male                                 | 28% |
| Female                               | 62% |
| Genderqueer                          | 3%  |
| Declined to Answer (or Unknown)      | 7%  |

During the reporting timeframe 8 outreach presentations were conducted reaching 58 individuals, 29 of whom received supportive engagement services. Five facilitators were also trained. Primary services included psycho-education and promotion of mental health through one-on-one and telephone engagement, networking supports, and referrals. One Just Like Sunday Dinner group was held for 15 participants. There were 25 referrals for additional services and supports. The number and type of referrals were as follows: 6 Mental Health; 1 Physical Health; 2 Social Services; 2 Housing; 14 other unspecified services. Lower numbers this year were due to a variety of staffing, and unforeseen programmatic constraints.

On a Satisfaction Survey that was conducted, program participants reported 100% on all of the following measures: Felt respected; would return if they or their family member needed help; experienced increased awareness of community services and supports; and improved their skills in coping with challenges.

### Trauma Support Project for LGBTQIA+ Population

Implemented through the Pacific Center for Human Growth, this project provides outreach, engagement and support group services for individuals (18 and above) in the LGBTQIA+ community who are suffering from the impact of oppression, trauma and other life stressors. Particular emphasis is on outreaching and providing supportive services to identified underserved populations within the local LGBTQIA+ community. Approximately 12-15 weekly or bi-weekly support groups are held throughout the year targeting various populations and needs within the LGBTQIA+ community. Support groups are led by Peer Facilitator community volunteers who are trained in Group Facilitation/Conflict Resolution and who have opportunities to participate in additional Skill Building workshops in order to share methods used to address group challenges and to learn new facilitator techniques. Approximately 250 individuals a year are served through this project.

**PEI Goals:** The goal of this program is to address and promote recovery and related functional outcomes for a mental illness early in its emergence, including the prevention of suicide.



In FY19, 40 outreach activities reached approximately 1,572 duplicated individuals. Outreach was provided at various locations including Street Fairs, Community Agencies, and area events. Through 15 Peer Support groups, 446 weekly or bi-weekly sessions were conducted which were all led by a trained facilitator. Peer Support Groups were as follows: Female to Male; Women Coming Out of Straight Marriage; Married/Once Married Gay/Bisexual Men's Group; Queer Femmes; Transgender Support Group; Lesbian & Queer Women of Color; Partners of Trans and Gender Non-Conforming Folk; Middle Eastern Femmes; Senior Gay Men's Group; Bi-sexual Women; Primetime Men (40's-50's); LezBold (old lesbians); Wicked Transcendent Folk; R.E.A.L. Queer (TAY), and QPAD – for Queer Men in their 20's and 30's. A total of 168 individuals participated in support groups throughout the year. Demographics on individuals served include the following:

| <b>PARTICIPANT DEMOGRAPHICS N=168</b>        |     |
|----------------------------------------------|-----|
| <b>Age Groups</b>                            |     |
| 16-25 (Transition Age Youth)                 | 32% |
| 26-59 (Adult)                                | 54% |
| Ages 60+ (Older Adult)                       | 13% |
| Declined to Answer (or Unknown)              | 1%  |
| <b>Race</b>                                  |     |
| American Indian or Alaska Native             | 2%  |
| Asian                                        | 8%  |
| Black or African American                    | 4%  |
| Native Hawaiian or Other Pacific Islander    | 63% |
| White                                        | 1%  |
| More than one race                           | 16% |
| American Indian or Alaska Native             | 2%  |
| Asian                                        | 8%  |
| Black or African American                    | 4%  |
| Native Hawaiian or Other Pacific Islander    | 63% |
| Declined to Answer (or Unknown)              | 6%  |
| <b>Ethnicity: Hispanic or Latino</b>         |     |
| Caribbean                                    | 8%  |
| Central American                             | 21% |
| Mexican/Mexican-American/Chicano             | 38% |
| Puerto Rican                                 | 13% |
| South American                               | 8%  |
| Other                                        | 8%  |
| Declined to Answer (or Unknown)              | 4%  |
| Caribbean                                    | 8%  |
| Central American                             | 21% |
| <b>Ethnicity: Non-Hispanic or Non-Latino</b> |     |
| African                                      | 4%  |
| Asian Indian/South Asian                     | 3%  |
| Chinese                                      | 3%  |
| Eastern European                             | 10% |
| European                                     | 26% |
| Filipino                                     | 3%  |
| Japanese                                     | 1%  |

|                                                |     |
|------------------------------------------------|-----|
| Korean                                         | 1%  |
| Middle Eastern                                 | 4%  |
| Vietnamese                                     | 1%  |
| African                                        | 4%  |
| Asian Indian/South Asian                       | 3%  |
| More than one Ethnicity                        | 12% |
| Other                                          | 4%  |
| Declined to Answer (or Unknown)                | 28% |
| <b>Primary Language Used</b>                   |     |
| English                                        | 96% |
| Spanish                                        | 1%  |
| Mandarin                                       | 1%  |
| Other                                          | 1%  |
| Declined to Answer (or Unknown)                | 1%  |
| <b>Sexual Orientation</b>                      |     |
| Gay or Lesbian                                 | 24% |
| Heterosexual or Straight                       | 4%  |
| Bisexual                                       | 20% |
| Questioning or Unsure                          | 5%  |
| Queer                                          | 27% |
| Other                                          | 15% |
| Declined to Answer (or Unknown)                | 5%  |
| <b>Disability</b>                              |     |
| Difficulty Hearing or Having Speech Understood | 2%  |
| Mental (not Mental Health)                     | 6%  |
| Physical/Mobility Disability                   | 3%  |
| Chronic Health Condition                       | 6%  |
| Other Disability                               | 2%  |
| No Disability                                  | 80% |
| Declined to Answer (or Unknown)                | 1%  |
| <b>Veteran Status</b>                          |     |
| Yes                                            | 5%  |
| No                                             | 91% |
| Declined to Answer (or Unknown)                | 4%  |
| <b>Gender: Assigned sex at birth</b>           |     |
| Male                                           | 24% |
| Female                                         | 36% |

| Declined to Answer (or Unknown) | 40% |
|---------------------------------|-----|
| Current Gender Identity         |     |
| Male                            | 18% |
| Female                          | 32% |
| Transgender                     | 9%  |
| Genderqueer                     | 11% |
| Questioning or Unsure           | 8%  |
| Other                           | 18% |
| Declined to Answer (or Unknown) | 4%  |

During the reporting timeframe 16 new Peer Facilitators were trained, 98% of whom went on to facilitate peer group sessions. The offering of Skills Building Workshops was expanded to include trainings on: Nonviolent Communication; Crisis Intervention; and Implicit Bias as it Relates to Race and workshops were provided to 51 Peer Facilitator participants. There were 221 referrals for additional services and supports. The number and type of referrals was as follows: 50 Mental Health; 17 Physical Health; 13 Social Services; 4 Housing; 137 other unspecified services. To assess the project services, a self-administered Peer Support Group Survey was distributed to all peer group members. A total of 123 Peer Support Group members (or 72%) completed the survey. Survey results were as follows:

- 100% indicated they would recommend the organization to a friend or family member;
- 94% felt like staff and facilitators were sensitive to their cultural background;
- 81% reported they deal more effectively with daily problems;
- 84% indicated they have trusted people they can turn to for help;
- 87% felt like they belong in their community.

A vast majority of individuals who completed the survey reported having improved social connections and community-building, and a deep gratitude for a safe environment to freely express and explore their authentic self.

## *ACCESS AND LINKAGE TO TREATMENT PROGRAM*





### Homeless Outreach and Treatment Team (HOTT)

The Homeless Outreach and Treatment Team (HOTT) program was established out of an effort to address the homeless crisis, and as a result of input received through various MHSA community program planning processes. Utilizing a portion of PEI and CSS funds, blended with realignment and general funds HOTT is a pilot program to support homeless mentally ill individuals in Berkeley and to connect them into the web of services that currently exist within the system of care. Key program components include the following: Persistent and Consistent Outreach; Supportive Case Management; Linkage to Care; and Treatment.

**PEI Goals:** The goal of this program is to connect individuals who have severe mental illnesses as early in the onset of these conditions as practicable, to medically necessary care and treatment, including but not limited to, care provided by county mental health programs.

A local consultant, Resource Development Associates (RDA), was hired to conduct a dedicated independent evaluation to assess the program accomplishments and to ascertain whether HOTT should continue past the initial funding period. The initial report on FY18 showed many positive findings including the following:

- HOTT is serving as an important resource for the local community and homeless service continuum;
- The program had been very effective in persistent and consistent outreach, especially for chronically homeless individuals with a history of refusing services;
- HOTT meets people where they are, in parks, encampments, motels;
- The program had successfully connected homeless individuals to critical resources and service linkages.

In FY19, 147 individuals were served through this program. Demographics on individuals that received services through this pilot project were as follows:

| <b>PARTICIPANT DEMOGRAPHICS N= 147</b>       |     |
|----------------------------------------------|-----|
| <b>Age Groups</b>                            |     |
| 16-25 (Transition Age Youth)                 | 4%  |
| 26-59 (Adult)                                | 41% |
| Ages 60+ (Older Adult)                       | 14% |
| Declined to Answer (or Unknown)              | 41% |
| <b>Race</b>                                  |     |
| Asian                                        | 3%  |
| Black or African American                    | 42% |
| White                                        | 40% |
| Other                                        | 15% |
| <b>Ethnicity: Hispanic or Latino</b>         |     |
| Mexican/Mexican-American/Chicano             | 7%  |
| <b>Ethnicity: Non-Hispanic or Non-Latino</b> |     |
| Non-Hispanic or Non-Latino                   | 8%  |

| Primary Language Used           |      |
|---------------------------------|------|
| Declined to Answer (or Unknown) | 100% |
| Sexual Orientation              |      |
| Declined to Answer (or Unknown) | 100% |
| Disability                      |      |
| Declined to Answer (or Unknown) | 100% |
| Veteran Status                  |      |
| Declined to Answer (or Unknown) | 100% |
| Gender: Assigned sex at birth   |      |
| Declined to Answer (or Unknown) | 100% |
| Current Gender Identity         |      |
| Male                            | 57%  |
| Female                          | 42%  |
| Declined to Answer (or Unknown) | 1%   |

Due to the nature of the many brief interactions attempting to engage with clients, as well as trying to not put up barriers to bringing clients into services, some data wasn't able to be collected in order to best support effective service provision.

The RDA [Homeless Outreach and Treatment Team Final Evaluation Report](#) which covered the timeframe from January 2018 – February 2020, showed the following outcomes:

- A total of 4,435 total encounters were conducted with individuals who were either enrolled or non-enrolled in the program, averaging 171 encounters per month;
- The number of contacts provided in-person in the field was 73%, while 26% were provided by phone;
- A total of 81% of HOTT encounters were with clients who were enrolled in the program;
- Enrolled clients had an average of 20 total encounters with HOTT staff, with an average of 4 encounters per month;
- During encounters, HOTT staff provided at least 1,845 material supports and services (including food, transportation or BART or bus passes, Hygiene Kits, Emergency Housing Vouchers, Blankets, etc.); to respond to clients' immediate and longer-term needs;
- During 488 encounters, HOTT provided emergency or temporary housing vouchers (e.g., for a motel) to individuals who required immediate shelter;
- Approximately three-quarters of enrolled clients (75%) and over a third of non-enrolled individuals (38%) were referred or connected to housing support services;
- In addition to connecting individuals to housing services, HOTT also connected individuals to other supportive services to help reduce or address initial barriers to obtaining housing;

- Approximately 27% of HOTT clients and 6% of non-enrolled individuals successfully enrolled in social service benefits. In comparison, only 9% of HOTT clients and 1% of non-enrolled clients ultimately enrolled in mental health services;
- Over 58% of all HOTT clients, and 9% of non-enrolled individuals obtained emergency or temporary housing (e.g., motel or shelter) at some point during their engagement with HOTT. In comparison, 12% of HOTT clients and 1% of non-enrolled individuals obtained permanent housing;
- To assess changes in self-sufficiency, HOTT staff completed a Client Self-Sufficiency Matrix (SSM) on enrolled clients at program intake, on a quarterly basis after program enrollment, and/or at program discharge. Overall, HOTT clients' SSM scores remained relatively unchanged from baseline to follow-up.

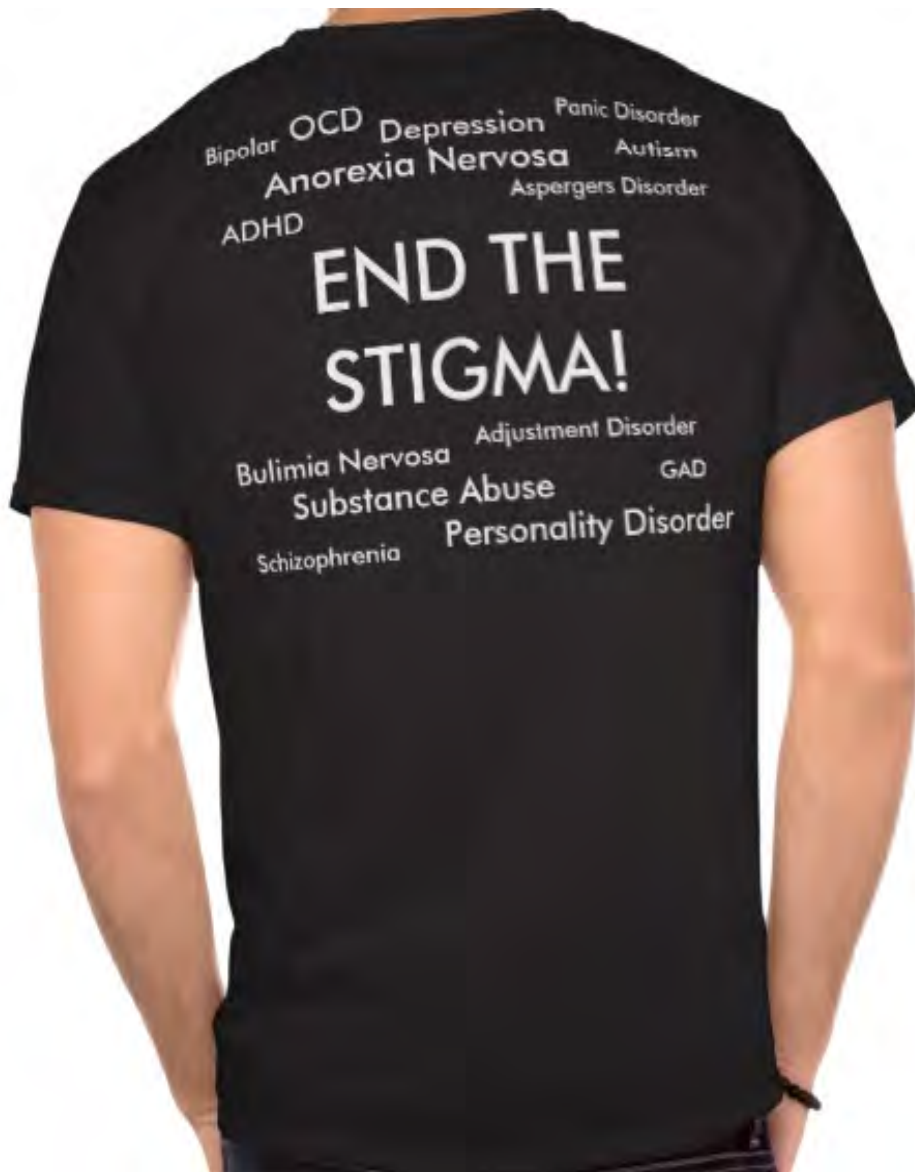
During interviews that were conducted with several HOTT existing and previous clients regarding their experience with the program, interviewees reported the following:

- “They help people, not just me. I introduce people on the street to them, and I say you can talk to the HOTT team and they will help you.”
- “I really didn't expect anything, but when I called the City, they said someone [from HOTT] would meet me right then. They got me a hotel room that day. I wasn't expecting the City to help.”
- “They were so helpful. I felt like if I didn't get the hotel room, they would have let me stay at their personal house.”

In addition to these interviews, RDA conducted focus groups with HOTT clients during a previous year of the evaluation, and developed brief client impact stories based on clients' experiences. In one of the impact stories, client self-report was as follows:

“I would still be on the streets and probably dead if it wasn't for HOTT. I could have died and no one would have cared. Doctors told me I had months to live and I gave up on living. I gave up on everything for help. No one cared but the HOTT team did care. I'm the type of person that never asks for help, and here they were offering to help and they never gave up on me. I lived on the same spot for six years and never got medical care. They checked up on me and came back multiple times, even though I was turning them away in the beginning. I figured HOTT team was just like the other programs where they would just disappear after the first meeting. But I know the HOTT team is there. And everything the HOTT team said they would do came true. Now I am in hospice care getting the care that I need. I don't know how much longer I have to live, but it's a hell of a lot longer than a couple months which is what the doctors said. This gives me the opportunity to live my life with dignity. The HOTT team provided me with the positive energy just like hospice care that is so needed for people like me.”

## STIGMA AND DISCRIMINATION REDUCTION PROGRAM



### Social Inclusion Program

The Social Inclusion program was created to combat stigma, attitudes and discrimination around individuals with mental health issues. Through this program, a “Telling Your Story” group provides mental health consumers with opportunities to be trained, compensated and empowered to share their stories of healing in a supportive peer environment. When they feel ready, consumers can elect to be community presenters, sharing their inspirational stories at pre-arranged local public venues to dispel myths and educate others. This program serves approximately 10-20 individuals a year.

**PEI Goals:** To reduce negative feelings, attitudes, beliefs, perceptions, stereotypes and/or discrimination related to being diagnosed with a mental illness, having a mental illness, or to seeking mental health services and to increase acceptance, dignity, inclusion, and equity for individuals with mental illness, and members of their families. To create changes in attitude, knowledge and/or behaviors related to seeking mental health services or related to mental illness.

In FY19, the “Telling Your Story” group met 24 times with 20 unduplicated persons attending for a total of 144 visits. Groups averaged 6 attendees.

Due to a vacancy in the Consumer Liaison position until February 2019, demographic data for this program during the reporting timeframe is not available..



## *OUTREACH FOR INCREASING RECOGNITION OF EARLY SIGNS OF MENTAL ILLNESS*



Per PEI State Regulations in addition to having the required “Outreach for Increasing Recognition of Early Signs of Mental Illness Program”, mental health jurisdictions may also offer required Outreach for Increasing Recognition of Early Signs of Mental Illness as: a strategy within a Prevention program, a strategy within an Early Intervention program, a strategy within another program funded by PEI funds, or a combination thereof. Additionally, an Outreach for Increasing Recognition of Early Signs of Mental Illness program, may be provided through other MHSA components as long as it meets all of the program requirements.

### **High School Youth Prevention Project**

The High School Youth Prevention Project which is also classified as a Prevention and Early Intervention program. The data elements for the “Outreach for Increasing Recognition of Early Signs of Mental Illness” component of this program were not collected in the reporting timeframe.

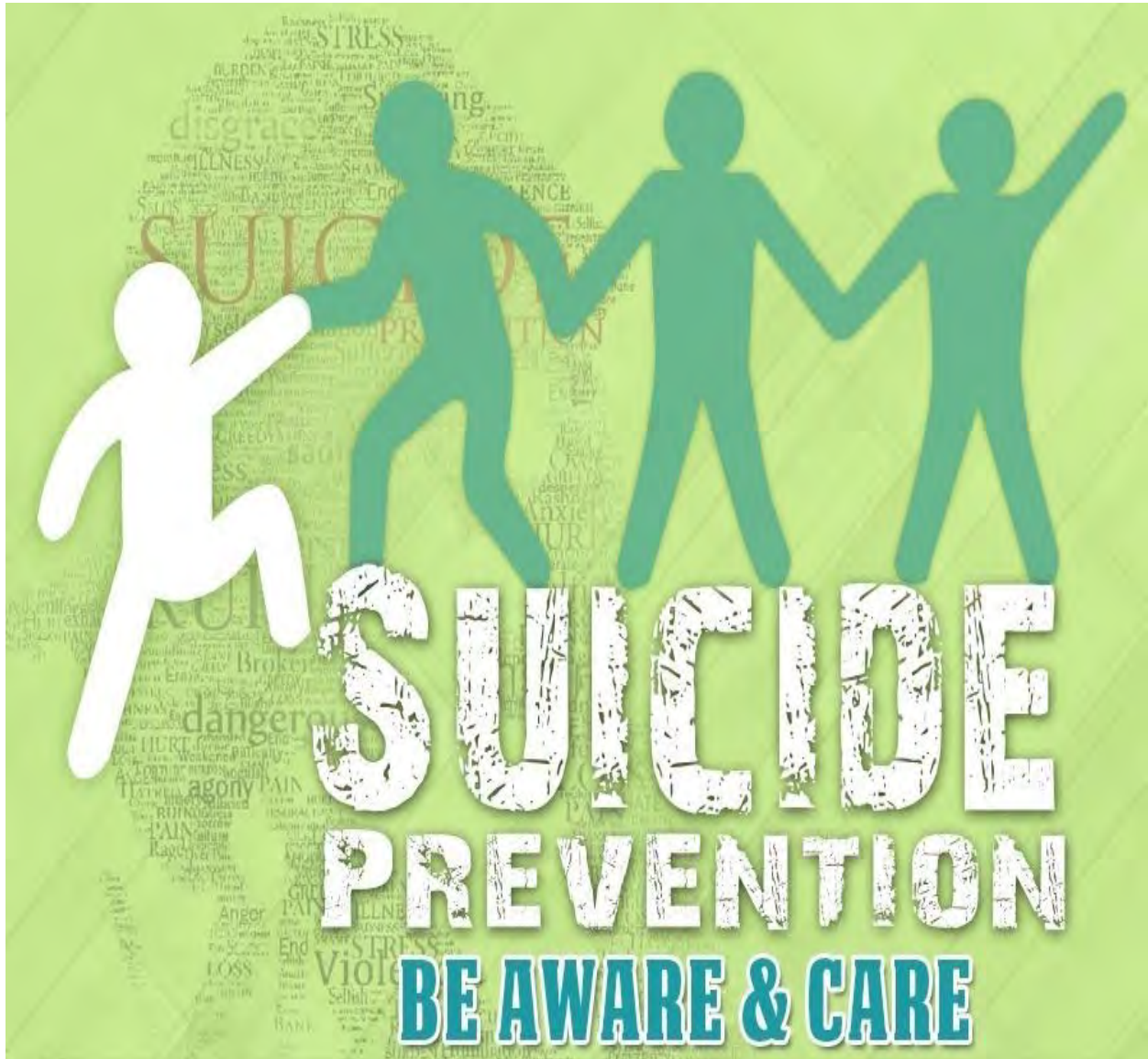
### **Mental Health First Aid**

City of Berkeley Mental Health staff provide Mental Health First Aid training throughout the year. Mental Health First Aid is a groundbreaking public education program that helps the public identify, understand, and respond to signs of mental health issues and substance use disorders. Mental Health First Aid presents an overview of mental health issues and substance use disorders and introduces participants to risk factors and warning signs of mental health problems, builds understanding of their impact, and provides an overview of common treatments. Through this training a five step action plan is taught that encompasses the skills, resources and knowledge to help an individual in crisis connect with appropriate professional, peer, social, and self-help care. The required data elements for the “Outreach for Increasing Recognition of Early Signs of Mental Illness” component of this program were not collected in the reporting timeframe,





**SUICIDE PREVENTION  
(OPTIONAL PEI PROGRAM)**





Per PEI State Regulations Mental Health Jurisdictions have an option on whether to utilize MHSA PEI funds on Suicide Prevention programs. While the City of Berkeley has not previously chosen to utilize PEI funds to implement a local Suicide Prevention program, in FY18 Berkeley Mental Health began contributing funding to the California Mental Health Services Authority (CalMHSA) PEI Statewide Projects in order to obtain State resources locally on Suicide Prevention, Student Mental Health, and Stigma and Discrimination. Additionally, in FY18 the City of Berkeley began work on a local Suicide Prevention Plan.

In FY19, through the CalMHSA Statewide Projects initiative resources on Suicide Prevention, Student Mental Health and Stigma and Discrimination reached an excess amount of 1,546 individuals. Additionally, an excess of 1,315 pamphlets and resources on Suicide Prevention, Student Mental Health and Stigma and Discrimination were distributed in local schools and the community. BMH also participated in the CalMHSA “Each Mind Matters” campaign and distributed materials and giveaways at the local “May is Mental Health Month” event.



**APPENDIX B**  
Fiscal Year 2019  
Innovation Annual  
Evaluation Report

# City of Berkeley Mental Health Services Act (MHSA)



## Fiscal Year 2019 Innovation Annual Evaluation Report



WELLNESS • RECOVERY • RESILIENCE

## INTRODUCTION

Mental Health Services Act (MHSA) Innovation (INN) funds are to be utilized for short-term projects that contribute to new learning in the mental health field. This MHSA component provides the opportunity to pilot test and evaluate new strategies that can inform future practices in communities/or mental health settings. INN projects can target any population and any aspect of the mental health system as long as the strategies or approaches that are being implemented address at least one of the following areas:

- Increase access to mental health services;
- Increase access to mental health services for underserved groups;
- Increase the quality of mental health services, including better outcomes;
- Promote interagency collaboration.

INN projects should also have one of the following primary practices: introduce new mental health practices or approaches that have never been done before; or make changes to existing mental health practices/approaches, including adapting them to a new setting or community; or introduce a new promising community-driven practice/approach that has been successful in non-mental health contexts or settings.

Per Mental Health Services Act (MHSA) State requirements, Mental Health jurisdictions are to submit an Innovation (INN) Evaluation Report to the Mental Health Services Oversight and Accountability Commission (MHSOAC) on an annual basis. INN Regulations released in 2018 also require mental health jurisdictions to submit an Annual Evaluation Report to the State each fiscal year. The Evaluation Report should be included with the MHSA Annual Update or Three Year Program and Expenditure Plan and undergo a 30 Day Public Comment period and approval from the local governing board. Per state regulations in in 2021, the Fiscal Year 2019 (FY19) INN Annual Evaluation Report that covers data from FY19 is due.

This FY19 INN Annual Evaluation Report provides descriptions of currently funded MHSA INN services, and reports on FY19 program and demographic data to the extent possible. While, it may be a multi-year process before the City of Berkeley will be able to present a complete data set for each INN Program on an Annual basis, ongoing efforts will continue towards accomplishing this goal.

## **BACKGROUND**

On October 6, 2015, updated INN regulations designed by the Mental Health Services Oversight and Accountability Commission (MHSOAC) became effective. The new INN Regulations, included program and demographic data requirements that are to be reported to the MHSOAC through INN Annual Evaluation Reports. Per the new requirements, Mental Health Jurisdictions should report on the following INN Program and Demographic elements.

- Name of the Innovative Project.
- Whether and what changes were made to the Innovative Project during the reporting period and the reasons for the changes.
- Available evaluation data, including outcomes of the Innovative Project and information about which elements of the Project are contributing to outcomes.
- Program information collected during the reporting period, including for applicable Innovative Projects that serve individuals, number of participants served.
- All Demographic Data as applicable per project. (as outlined below)

### **INN Demographic Reporting Requirements**

For the information reported under the various program categories, each program will need to report disaggregate numbers served, number of potential responders engaged, and number of referrals for treatment and other services by:

**(A) The following Age groups:**

- 0-15 (children/youth)
- 16-25 (transition age youth)
- 26-59 (adult)
- ages 60+ (older adults)
- Number of respondents who declined to answer the question

**(B) Race by the following categories:**

- American Indian or Alaska Native
- Asian
- Black or African American
- Native Hawaiian or other Pacific Islander
- White
- Other
- More than one race
- Number of respondents who declined to answer the question

**(C) Ethnicity by the following categories:**

**(i) Hispanic or Latino as follows**

- Caribbean
- Central American
- Mexican/Mexican-American/Chicano
- Puerto Rican
- South American
- Other
- Number of respondents who declined to answer the question

**(ii) Non-Hispanic or Non-Latino as follows**

- African
- Asian Indian/South Asian
- Cambodian
- Chinese
- Eastern European
- European
- Filipino
- Japanese
- Korean
- Middle Eastern
- Vietnamese
- Other
- Number of respondents who declined to answer the question
- More than one ethnicity
- Number of respondents who declined to answer the question

**(D) Primary language used listed by threshold languages for the individual county**

- English
- Spanish
- Number of respondents who declined to answer the question

**(D) Primary language used listed by threshold languages for the individual county**

- English
- Spanish
- Number of respondents who declined to answer the question

**(E) Sexual orientation**

- Gay or Lesbian
- Heterosexual or Straight
- Bisexual
- Questioning or unsure of sexual orientation
- Queer
- Another sexual orientation
- Number of respondents who declined to answer the question

**(F) Disability**, defined as a physical or mental impairment or medical condition lasting at least six months that substantially limits a major life activity, which is not the result of a severe mental illness

- If Yes, report the number that apply in each domain of disability(ies)
  - Communication domain separately by each of the following:
    - difficulty seeing,
    - difficulty hearing, or having speech understood)
    - other, please specify
  - Mental domain not including a mental illness (including but not limited to a learning disability, developmental disability, dementia)
  - Physical/mobility domain
  - Chronic health condition (including but not limited to chronic pain)
  - Other (specify)
- No
- Number of respondents who declined to answer the question

**(G) Veteran Status,**

- Yes
- No
- Number of respondents who declined to answer the question

**(H) Gender**

- (i) Assigned sex at birth:
  - (a) Male
  - (b) Female
  - (c) Number of respondents who declined to answer the question
- (ii) Current gender identity:
  - (a) Male
  - (b) Female
  - (c) Transgender
  - (d) Genderqueer
  - (e) Questioning or unsure of gender identity
  - (f) Another gender identity
  - (g) Number of respondents who declined to answer the question.

Effective July 2018 amended INN regulations specified the following:

- For projects/programs serving children or youth younger than 18 years of age, the demographic information collected and reported should only be done so to the extent permissible by privacy laws;
- For projects/programs serving minors younger than 12 years of age, demographic information shall be collected and reported, except for sexual orientation, current gender identity, and veteran status;
- Information that cannot be obtained directly from the minor may be obtained from the minor's parent, legal guardian, or other authorized source.

## **CITY OF BERKELEY INN PROGRAMS**

### **Help@Hand - Technology Suite Project**

In September 2018, following a four-month community planning process and approval from City Council, the City of Berkeley Technology Suite Project was approved by the MHSOAC. This project allocates a total of \$462,916 to join a Statewide Collaborative with other California counties to pilot a Mental Health Technology Project that will make various technology-based mental health services and supports available locally in Berkeley. The proposed INN project will seek to learn whether the Technology Suite Project will increase access to mental health services and supports; and whether it will increase the quality of mental health services, including leading to better outcomes.

Since plan approval the City of Berkeley has been working both internally and with the State collaborative on various aspects of this project to prepare for citywide implementation. In keeping with changes made via the Technology Suite multi-county collaborative, the new name of this project has been changed to "Help@Hand". As a result of competitive recruitment processes that were conducted in FY20, two consultants were hired for the Project Coordination and Evaluation work on this project. Resource Development Associates (RDA) is conducting the Project Coordination work, and Hatchuel, Tabernik and Associates (HTA) will be conducting the Project Evaluation. Pre-work for the implementation of this project is currently underway. It is envisioned that the technology suite apps will be locally available in FY21 in Berkeley.

### **Early Childhood Trauma Resiliency (ECTR) - Trauma Informed Care Project**

In May 2016, the City of Berkeley received approval from the MHSOAC to implement a Trauma Informed Care (TIC) for Educators project into several BUSD schools to assess whether educators who are trained to become aware of their own trauma and trauma triggers (and how to address them), are better equipped to recognize and make appropriate decisions on how to help students who are exhibiting trauma symptoms, and assist them in accessing the mental health services and supports they may need.



The project was implemented through the 20/20 Vision Program which is operated out of the City of Berkeley, City Manager's Office. After a year of the TIC Project being executed, there were two vacancies in the 20/20 Vision Program which impacted the ability to continue the implementation of the TIC Project. The project was only able to be implemented for one year in FY17 and during that timeframe an evaluation was conducted by Hatchuel Tabernik & Associates on the project outcomes.

In FY18, due to staffing vacancies the TIC project was not able to be implemented. When staffing vacancies were filled in mid FY18, meetings were held with several BUSD principals who indicated that although their schools received a lot of positive benefits out of the TIC project, additional training requirements within the school system had been added for teachers and administrators that needed to be fulfilled over the next couple of years. As a result, the TIC Project would not be able to be prioritized within the school system at that time. In light of the changes in the school system, staff conducted outreach and found that area YMCA Head Start Centers were interested in executing the same TIC Project for their early childhood educators and staff, to impact the children and families who are served at the centers. As such, proposed changes to the population and funding amount of the original TIC Plan were vetted through community program planning, and an update to the TIC Plan underwent a 30 Day Public Review and Public Hearing process. The TIC Plan Update was approved through City Council in October 2018 and by the MHSOAC in December 2018. The modified project implements TIC Training for Educators and interested parents in local Head Start sites.

The new TIC modified project, "Early Childhood Trauma and Resiliency" (ECTR) began in January 2019 at four YMCA Head Start sites located in Berkeley: Ocean View, South YMCA, Vera Casey, and West YMCA. The project provides training and supports to enable Head Start staff to recognize trauma and its effects on themselves and the children and families they serve, and to integrate trauma and resiliency informed approaches into their work. The project provides training, coaching and peer support to staff and parents who have children enrolled in Head Start and advances Berkeley's 2020 Vision priority, that all Berkeley children enter kindergarten ready to learn.

The learning objectives of this project are:

- To create a change in the way Head Start educators and staff view and handle challenging student and parent behaviors (which often mask trauma);
- To create an increase in access to mental health services and supports for children/families in need;
- To promote better mental health outcomes by increasing child/family referrals to "appropriate" mental health services.

In FY19, the project utilized a lead trainer, Julie Kurtz, MS, LMFT, to conduct trauma training, coaching and guidance to the ECTR project. Two trainings, one for all Head Start staff and one

for the Head Start Leadership Team, were conducted. A “Resiliency Champion” component of the project was created to establish and maintain a trauma-informed care environment at Head Start Sites. Resiliency Champions are program staff and family advocates that serve as internal leaders and future trainers of the trauma informed curriculum to new staff. Fifteen Resiliency Champions were recruited, selected, and provided training, and twelve were still active by the end of the reporting timeframe. The Resiliency Champion role requires a significant commitment (30+ hours, excluding reading and homework assignments) and involves emotional work, both internally and with others. Anticipating that some turnover would occur, Dr. Anita Smith, Head Start’s ECTR Project Coordinator, recruited a higher number of Champions than were necessary. Dr. Smith reports that the remaining Resiliency Champions are highly committed and engaged in the project. A total of 197 children were impacted by the ECTR project.

Per a report received from the City of Berkeley 2020 Vision Program Manager, who oversees this project, the most notable change that occurred during the reporting timeframe is that in the summer 2019, Pamm Shaw, Vice President of Early Childhood Impact with the YMCA of the East Bay, officially retired. Following approval of the MHSA INN TIC Modified Project from the Mental Health Oversight and Accountability Commission (MHSOAC), Ms. Shaw co-developed it with Berkeley’s 2020 Vision. Her expertise and passion are critical to the formation and successful early implementation of this project. Fortunately, in FY20 Ms. Shaw was able to continue on as a consultant on the ECTR project.

Challenges reported included the general sensitivity of trauma-related topics. Many of the Head Start staff are former parents from the program. They and many non-alumni staff members have often experienced their own trauma. In order to equip them to work effectively on the trauma experienced by their students and students’ families, they have to recognize their own trauma and how they might be triggered by others. This is hard, deep work. It is also important to make sure that staff trauma does not over-shadow student trauma.

A final challenge involved defining “appropriate” and “successful” mental health referrals. The Berkeley 2020 Vision Program Manger worked closely with Dr. Smith and Hatchuel, Tabernik & Associates (HTA), an Independent Contractor on this project, to identify a means for assessing whether students and their families are being referred to the most suitable providers based on each family’s specific needs (including provider specialty and expertise, cultural appropriateness, hours, location, etc.). Additional issues were around how to measure whether a mental health referral is successful, examining factors such as family follow through, sessions provided, family feedback, provider assessment, etc.

An evaluation was conducted by HTA on the FY19 project outcomes. Below are demographics of individuals impacted by this program and outcomes. The full evaluation is attached to this report.

| <b>PARTICIPANT DEMOGRAPHICS N=197</b>        |      |
|----------------------------------------------|------|
| <b>Age Groups</b>                            |      |
| 0-15 (Children)                              | 100% |
| <b>Race</b>                                  |      |
| American Indian or Alaska Native             | 2%   |
| Asian                                        | 5%   |
| Black or African American                    | 42%  |
| White                                        | 11%  |
| Other                                        | 27%  |
| More than one Race                           | 12%  |
| Declined to Answer (or Unknown)              | 1%   |
| <b>Ethnicity: Hispanic or Latino</b>         |      |
| Caribbean                                    | 1%   |
| Central American                             | 1%   |
| Mexican/Mexican-American/Chicano             | 30%  |
| Puerto Rican                                 | 1%   |
| South American                               | 1%   |
| Other                                        | 1%   |
| More than one ethnicity                      | 4%   |
| Declined to Answer (or Unknown)              | 3%   |
| <b>Ethnicity: Non-Hispanic or Non-Latino</b> |      |
| African                                      | 61%  |
| Asian Indian/south Asian                     | 2%   |
| Cambodian                                    | 1%   |
| Chinese                                      | 1%   |
| European                                     | 1%   |
| Filipino                                     | 1%   |
| Korean                                       | 4%   |
| Middle Eastern                               | 8%   |
| Other                                        | 5%   |
| More than one ethnicity                      | 4%   |
| Declined to Answer (or Unknown)              | 8%   |

| Gender                                           |     |
|--------------------------------------------------|-----|
| Female                                           | 49% |
| Male                                             | 51% |
| Primary Language                                 |     |
| English                                          | 66% |
| Spanish                                          | 21% |
| Urdu                                             | 3%  |
| Arabic                                           | 2%  |
| French                                           | 2%  |
| American Sign Language                           | 1%  |
| Berber                                           | 1%  |
| Mongolian                                        | 1%  |
| Punjabi                                          | 1%  |
| Tigrina                                          | 1%  |
| Chinese                                          | 1%  |
| Laotian                                          | 1%  |
| Russian                                          | 1%  |
| Disability                                       |     |
| Communication: other, speech/language impairment | 20% |
| Mental domain                                    | 2%  |
| Physical/mobility domain                         | 2%  |
| Chronic health condition                         | 6%  |
| Other                                            | 6%  |

From evaluation forms on the Staff Training some of the feedback was as follows:

- “I feel this is the best training that I have ever had in my life. It has helped me see a lot of things about myself.”
- “We love it! I want more training about TRAUMA.”

Participants also reported their appreciation on learning about the impact of trauma on the brain, gaining tools to bring back to their classrooms and beginning to understand how to look at children and their families through a trauma-informed lens.

A 60-item online survey was administered to teachers and staff at each site. The survey will be administered annually to assess change in how staff understand how their own past trauma impacts their work, how staff view children and families who have experienced trauma that impacts their behavior, and how staff approach children. The first survey employed a retrospective pre-post survey design where respondents were asked to respond to a set of questions that describes their work during a period before the ECTR program began and then, in the survey, were asked to respond to the same set of questions after the program started. Survey responses indicated there was growth in all but two program areas (which remained the same), between the pre and post surveys. The greatest changes included staff who “saw ways that ‘class disruptions’ or ‘behavior problems’ could be related to trauma” (increase from 67% to 74%); and staff who “saw improvements in children’s behavior after I used trauma-informed strategies” (increase from 46% to 59%).

The number of referrals to mental health referrals slightly decreased from the previous baseline of 9 children referred in FY18, to 4 children referred in FY19. The number of referrals, is expected to increase as more staff understand their role in identifying and supporting access to children’s mental health services.

# Early Childhood Trauma and Resiliency Project (ECTR)

City of Berkeley, Berkeley's 2020 Vision

Year One Evaluation Report (January 1 – June 30, 2019)

September 2019



**Prepared by**  
Ruthie Chang, EdM  
Sophie Lyons, MPH, MSW  
Hatchuel Tabernik and Associates

## Project Description

### Overview

Berkeley's 2020 Vision is a citywide partnership that strives to eliminate racial disparities in Berkeley's public education system, with a primary focus on African American and Latinx children and their families. Berkeley's 2020 Vision advances the following City of Berkeley's strategic plan goal: to champion and demonstrate social and racial equity.

In December 2019, Berkeley's 2020 Vision was awarded \$336,825 in Mental Health Services Act (MHSA) funding through June 30<sup>th</sup>, 2021, to implement the Early Childhood Trauma and Resiliency (ECTR) Project in partnership with the YMCA of the East Bay. The ECTR project advances Berkeley's 2020 Vision priority that all Berkeley children enter kindergarten ready to learn.

The ECTR Project provides training, coaching, and peer support to staff and parents with children enrolled in YMCA's four Head Start sites located in Berkeley: Ocean View, South YMCA, Vera Casey, and West YMCA. This project's core strategy is to build the capacity of YMCA Head Start staff to recognize trauma and its effects on themselves, children, and families, and integrate a trauma- and resiliency-informed approach into their work with children and families. The ultimate goal of this project is to improve mental health care access and outcomes for children, ages 0 through 5 years old, enrolled at each of the YMCA's four sites.

### Theory of Change

The underlying theory of change creates a chain of reasoning from resources to outcomes that is used to test assumptions and inform the evaluation. ECTR's theory of change is as follows:

- Trauma has a significant impact on the mental health of Head Start students, parents/guardians, educators and staff.
- Introducing a trauma-informed approach and strategies to Head Start educators and staff will enable them to better recognize their own trauma and triggers.
- This knowledge will help educators and staff approach students and parents/guardians from a trauma-informed perspective (including shifting from "What's wrong with you?" to "What happened to you?").
- Supported by agency-wide trainings, peer support learning circles and in-class coaching, teachers and staff will develop more positive, empathic relationships with students and their parents/guardians helping them to better identify trauma in the children/families they serve.
- Equipped with trauma-informed tools and stronger relationships with students and parents, educators will make more successful and "appropriate" mental health referrals.
- This project will build Head Start's in-house capacity to lead trainings, facilitate peer support circles, and onboard new staff to ensure sustainability beyond the current funding term.

## Implementation

### Key Partners

Nina Goldman of Berkeley's 2020 Vision is managing this project on behalf of the City of Berkeley. Anita Smith, Ph.D., who oversees the work of Head Start's mental health services, is the Project Coordinator of the ECTR Project on behalf of the YMCA of the East Bay. Dr. Smith works closely

with Pamm Shaw, who is responsible for early childhood development programs at YMCA of the East Bay. Head Start has contracted with Julie Kurtz, MS, LMFT, to conduct trauma training, coaching and guidance to the ECTR Project. Ms. Kurtz is a private consultant and author with extensive expertise in trauma, early childhood development, training, and curriculum development. She co-authored the book, **Trauma-Informed Practices for Early Childhood Educators**, published in 2019. Before opening her consulting practice, Ms. Kurtz served as Co-Director of Trauma-Informed Practices in Early Childhood Education at WestEd's Center for Child & Family Studies. Berkeley's 2020 Vision has contracted with Hatchuel Tabernik and Associates (HTA) to lead the evaluation of the ECTR project.

### Implementation Activities to Date

This report covers program activities and outcomes from January 1<sup>st</sup> through June 30<sup>th</sup>, 2019. Head Start kicked off the ECTR project in February 15<sup>th</sup>, 2019 with its first all-staff (e.g., teachers, counselors, administrators) training, **“Understanding Trauma Informed Practices for Early Childhood Programs: Creating Strength-Based Environments to Support Children’s Health and Healing”** (also referred to as “Trauma Informed Care 101”). Ms. Kurtz led and designed this full-day training, with guidance from Head Start. The training covered topics, including: defining trauma, the impact of trauma, strategies to support children through relationships as well as environments, sensory/body awareness, strengthening emotional literacy, and managing strong emotions. Sixty-two staff from the four YMCA sites attended (see Table 1 below).

The goal of this initial training was to lay the foundation for a successful ECTR project, by imparting information about trauma and resiliency, and engaging Head Start staff across varying levels, backgrounds, and cultures. This training was enthusiastically received by participants. As one participant wrote on her evaluation form: “I feel [this] is the best training that I have ever had in my life. It has helped me see a lot of things about myself.” Participants particularly appreciated learning about the impact of trauma on the brain, gaining tools to bring back to their classrooms and beginning to understand how to look at children and families through a trauma-informed lens. Another participant wrote on her evaluation: “We love it! I want more training about TRAUMA.”

The subsequent training was designed for Head Start’s leadership team in order to begin preparing management staff to effectively guide their teams/supervisees through culture change -- the shift to a trauma-informed approach in the day-to-day work of Head Start. This three-hour training, **“Kick-off and Leadership Reflective Practices”**, on June 10<sup>th</sup>, 2019 specifically focused on how to create a safe and strong supervisor-supervisee relationship through a reflective practice. Topics covered included: power differentials, the three R’s of Reflective Inquiry (repeat, restate, reconnect), self-awareness, and strength-based approaches. Seventeen Head Start staff participated in this training, including center directors and managers.

The **Resiliency Champion** component of this project is designed to help establish and maintain a trauma-informed care environment at the Head Start Centers by developing staff leadership and putting in place a mechanism to onboard new staff to trauma-informed practices quickly and effectively. Dr. Smith recruited and selected a group of 15 “Resiliency Champions” to serve as internal leaders and future trainers of the trauma-informed curriculum to new staff. Resiliency Champions include program managers, area managers, workforce development staff, health specialists, family advocates, a center director, and a lead teacher.



The Resiliency Champion trainings launched on June 10<sup>th</sup>, 2019. By the end of June, Champions had attended two out of 10 three-hour training sessions planned through October 21<sup>st</sup>, 2019. Training sessions are facilitated by Julie Kurtz and Dr. Smith. According to trainer documents, the purpose of the Resiliency Champions meetings is “to reflect and go deeper in discussion about how to practically apply social-emotional and trauma sensitive strategies to the work we do with each other, families and children every day. To seek to understand human behavior so that we can grow in our awareness and help make our own lives, others and the planet a more humane place to live in. To take an inquiry stance where we are eager to learn and seek to understand. Growth comes from self-reflection and self-awareness.”

The first few sessions cover the following topics: Understanding the Neurobiology of Trauma, Foundations of Trauma-Informed Practices for Early Childhood Education, and Trauma Sensitive Early Childhood Programs. The text for these sessions is a book co-authored by Julie Kurtz, Trauma Informed Practices for Early Childhood Educators: Relationship-Based Approaches that Support Healing and Build Resilience in Young Children. The Resiliency Champions are also learning and practicing delivery of three new staff trainings developed by Ms. Kurtz for this project, each with its own PowerPoint slide deck. Following this preparation, the Resiliency Champions are expected to begin co-leading staff “Resiliency Circles” and/or new staff trainings on trauma-informed care.

As of the writing of this report, another all-staff training was held on August 22<sup>nd</sup>, 2019. This four-hour training, **Self-Care: Getting a PhD in You**, focused on provider self-care while doing trauma-informed work.

**Table 1. Training Sessions and Attendance**

| Training Name                                                                           | Date                  | Length  | # Attendees |
|-----------------------------------------------------------------------------------------|-----------------------|---------|-------------|
| <b><i>Trainings to Date</i></b>                                                         |                       |         |             |
| <b>Understanding Trauma Informed Practices for Early Childhood Programs (All Staff)</b> | Feb 15 <sup>th</sup>  | 8 hours | 62          |
| <b>Kick-off and Leadership Reflective Practices</b>                                     | June 10 <sup>th</sup> | 3 hours | 17          |
| <b>Resiliency Champion Meeting 1</b>                                                    | June 10 <sup>th</sup> | 3 hours | 15          |
| <b>Resiliency Champion Meeting 2</b>                                                    | June 24 <sup>th</sup> | 3 hours | 15          |
| <b><i>Upcoming Trainings</i></b>                                                        |                       |         |             |
| <b>Resiliency Champion Meeting 3</b>                                                    | July 1 <sup>st</sup>  | 3 hours | -           |
| <b>Resiliency Champion Meeting 4</b>                                                    | July 15 <sup>th</sup> | 3 hours | -           |
| <b>Resiliency Champion Meeting 5</b>                                                    | Aug 8 <sup>th</sup>   | 3 hours | -           |
| <b>Resiliency Champion Meeting 6</b>                                                    | Aug 19 <sup>th</sup>  | 3 hours | -           |
| <b>Self-Care (All Staff)</b>                                                            | Aug 22 <sup>nd</sup>  | 4 hours | -           |
| <b>Resiliency Champion Meeting 7</b>                                                    | Sept 9 <sup>th</sup>  | 3 hours | -           |
| <b>Resiliency Champion Meeting 8</b>                                                    | Sept 21 <sup>st</sup> | 3 hours | -           |
| <b>Resiliency Champion Meeting 9</b>                                                    | Oct 7 <sup>th</sup>   | 3 hours | -           |
| <b>Resiliency Champion Meeting 10</b>                                                   | Oct 21 <sup>st</sup>  | 3 hours | -           |

Source: ECTR program documents

## Evaluation

### Overview

The overall purpose of this evaluation is to determine the impact of the ECTR model implementation on the way that Head Start educators and staff view trauma, how they handle challenging behavior, and their capacity to provide “appropriate” mental health referrals. Through a mixed-methods, collaborative, and client-centered approach, HTA uses a **utilization-focused approach** for the ECTR evaluation, combining surveys, focus groups, and archival data to address the impact of the program on participants and mental health referrals. Utilization-based evaluation is an approach whereby the evaluation activities from beginning to end are focused on the intended use by the intended users.<sup>1</sup> HTA also takes into account the developmental nature of the program as it is designed and continues to evolve while the evaluation is underway.

The following research questions (RQs) were developed to help guide the evaluation goals and data collection activities.

#### ***Project Goal 1: To create a change in the way Head Start educators and staff view and handle challenging student and parent behaviors (which often mask trauma)***

**RQ1:** What is the impact of the ECTR model on participants (Head Start staff and educators, resiliency champions, peer support learning circle participants)?

Specifically, do they view themselves, the parents, and children they work with differently? Do they view student behavior issues differently? When parents attend trainings, what is the impact on them?

#### ***Project Goal 2: To create an increase in access to mental health services and supports for children/families in need***

**RQ2:** What is the impact on Head Start families’ and children’s access to mental health services?

Specifically, are Head Start educators and staff more comfortable talking about mental health with families, both before and after referrals are made? Do they see themselves as allies in helping families access mental health services? Do Head Start educators and staff feel better equipped to utilize the mental health referral process? Is there a change in the number of mental health referrals?

#### ***Project Goal 3: To promote better mental health outcomes by increasing child/family referrals to “appropriate” mental health services***

**RQ3:** Is there an increase in the number of “appropriate” mental health referrals from Head Start educators and staff?

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<sup>1</sup> Patton, M.Q. (2012). *Essentials of Utilization-Focused Evaluation*. Thousand Oaks, CA: SAGE Publications, Inc.

In order to answer the evaluation questions, HTA is collecting the following data from ECTR program staff and developing instruments (e.g., staff survey, focus group protocols) as needed.

**Table 2. ECTR Data Sources**

| <b>Data Source</b>                           | <b>Description of Data Source</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|----------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Training attendance sheets</b>            | Collected by YMCA at each training, these attendance sheets indicate all YMCA staff who attended the training. Attendance sheets include training date, training location, names, job titles, and sites.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Pre and post participant survey</b>       | Online survey completed by YMCA staff annually. The survey was developed by HTA in collaboration with ECTR program leaders adapting some questions from existing surveys from the City of Berkeley’s 2016-17 Trauma-Informed Systems pilot program and a trauma-informed practices self-assessment from <a href="http://defendingchildhoodoregon.org">defendingchildhoodoregon.org</a> . Topics covered include how staff better understand how their own past trauma impacts their work, how staff view students and families who have experienced trauma that impacts their behavior, and how staff approach behavioral issues. The same survey will be completed each year to see change over time. |
| <b>YMCA Child Plus</b>                       | YMCA database with demographics of children for MHSA reporting requirements.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>YMCA supplemental demographics survey</b> | YMCA survey administered at the door to families to collect missing MHSA demographic data in year 1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Program Information Reports (PIR)</b>     | YMCA Mental Health Consultants complete this worksheet on a monthly basis for submission to the Program Manager. This worksheet reports mental health referrals to agencies outside of the YMCA Head Start program.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Mental health referral follow-up form</b> | HTA will help the YMCA develop this form. Mental Health Consultants will complete this form (or section of an existing form) to document “appropriateness” of referral, in other words, whether they contacted referral agencies before the referral, whether families utilized the referral, and whether it met their needs.                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Focus groups</b>                          | Focus groups will be conducted with staff from each site annually beginning in the second year. Focus groups will gather information about how educators and staff view themselves, children, and parents, how they handle challenging behaviors, and changes to their capacity to make referrals.                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>Post-training surveys</b>                 | Post-training surveys developed by trainers and administered post-training via paper surveys to measure understanding and satisfaction.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

## Demographic Data

While the ECTR program activities are aimed at teachers and staff, the ultimate long-term goal of the program is to improve the lives of the children they serve. We therefore consider children the primary participants of the program and provide their demographics below. Demographic data was collected from Head Start's ChildPlus system as well as a supplemental parent/guardian survey for demographics not collected in ChildPlus (e.g., MHSA ethnicity categories). The program's Theory of Change posits that more immediate changes will first occur in teachers and staff, as described in the graphic in Figure 1 later in the report.

### Child (Participant) Demographics

As of Spring 2019, The ECTR program serves 197 children at the four program sites (Table 3). Black/African American children are the largest ethnic/racial group served (42%). Two thirds of the children's primary language is English, and 21% primarily speak Spanish. There are approximately the same percentage of male (51%) and female (49%) children. All children are in the 0-15 age group. The most common disability among the children is a speech/language impairment (20%).

**Table 3. ECTR Child Demographics<sup>2</sup>**

|                                                         | n   | %    |
|---------------------------------------------------------|-----|------|
| <b>Site</b>                                             |     |      |
| <i>Oceanview</i>                                        | 49  | 25%  |
| <i>South YMCA</i>                                       | 69  | 35%  |
| <i>Vera Casey</i>                                       | 16  | 8%   |
| <i>West YMCA</i>                                        | 63  | 32%  |
| <b>Gender (assigned at birth)</b>                       |     |      |
| <i>Female</i>                                           | 97  | 49%  |
| <i>Male</i>                                             | 100 | 51%  |
| <b>Age</b>                                              |     |      |
| <i>0-15</i>                                             | 197 | 100% |
| <b>Primary Language</b>                                 |     |      |
| <i>English</i>                                          | 130 | 66%  |
| <i>Spanish</i>                                          | 41  | 21%  |
| <i>Urdu</i>                                             | 5   | 3%   |
| <i>Arabic</i>                                           | 4   | 2%   |
| <i>French</i>                                           | 4   | 2%   |
| <i>American Sign Language</i>                           | 2   | 1%   |
| <i>Berber</i>                                           | 2   | 1%   |
| <i>Mongolian</i>                                        | 2   | 1%   |
| <i>Punjabi</i>                                          | 2   | 1%   |
| <i>Tigrina</i>                                          | 2   | 1%   |
| <i>Chinese</i>                                          | 1   | 1%   |
| <i>Laotian</i>                                          | 1   | 1%   |
| <i>Russian</i>                                          | 1   | 1%   |
| <b>Disability</b>                                       |     |      |
| <i>Communication: difficulty seeing</i>                 | 0   | 0%   |
| <i>Communication: difficulty hearing</i>                | 0   | 0%   |
| <i>Communication: other, speech/language impairment</i> | 39  | 20%  |
| <i>Mental domain</i>                                    | 4   | 2%   |
| <i>Physical/mobility domain</i>                         | 3   | 2%   |

<sup>2</sup> The MHSA categories of sexual orientation, veteran status, and current gender identity are excluded as instructed.

|                                                  | n   | %    |
|--------------------------------------------------|-----|------|
| <i>Chronic health condition</i>                  | 11  | 6%   |
| <i>Other</i>                                     | 11  | 6%   |
| <b>Race</b>                                      | 154 | 100% |
| <i>American Indian or Alaska Native</i>          | 3   | 2%   |
| <i>Asian</i>                                     | 8   | 5%   |
| <i>Black or African American</i>                 | 64  | 42%  |
| <i>Native Hawaiian or other Pacific Islander</i> | 0   | 0%   |
| <i>White</i>                                     | 17  | 11%  |
| <i>Other</i>                                     | 42  | 27%  |
| <i>More than one race</i>                        | 18  | 12%  |
| <i>Declined to answer</i>                        | 2   | 1%   |
| <b>Ethnicity: Hispanic or Latino</b>             | 62  | 40%  |
| <i>Caribbean</i>                                 | 1   | 1%   |
| <i>Central American</i>                          | 2   | 1%   |
| <i>Mexican/Mexican-American/Chicano</i>          | 46  | 30%  |
| <i>Puerto Rican</i>                              | 1   | 1%   |
| <i>South American</i>                            | 1   | 1%   |
| <i>Other</i>                                     | 1   | 1%   |
| <i>More than one ethnicity</i>                   | 6   | 4%   |
| <i>Declined to answer</i>                        | 4   | 3%   |
| <b>Ethnicity: Non-Hispanic or Non-Latino</b>     | 96  | 62%  |
| <i>African</i>                                   | 61  | 40%  |
| <i>Asian Indian/ South Asian</i>                 | 2   | 1%   |
| <i>Cambodian</i>                                 | 1   | 1%   |
| <i>Chinese</i>                                   | 1   | 1%   |
| <i>Eastern European</i>                          | 0   | 0%   |
| <i>European</i>                                  | 1   | 1%   |
| <i>Filipino</i>                                  | 1   | 1%   |
| <i>Japanese</i>                                  | 0   | 0%   |
| <i>Korean</i>                                    | 4   | 3%   |
| <i>Middle Eastern</i>                            | 8   | 5%   |
| <i>Vietnamese</i>                                | 0   | 0%   |
| <i>Other</i>                                     | 5   | 3%   |
| <i>More than one ethnicity</i>                   | 4   | 3%   |
| <i>Declined to answer</i>                        | 8   | 5%   |

Source: ChildPlus Data N=197; ECTR Supplemental MHSA Race/Ethnicity Survey n=154

### Staff Demographics

A total of 60 staff who work at the four Berkeley YMCA Head Start sites responded to an online survey in the summer of 2019 for the evaluation. As the survey was sent to 75 YMCA Head Start staff, a high response rate (80%) was achieved.

Survey respondents in the ECTR program work at West YMCA (43%), South YMCA (30%), Oceanview (17%), and Vera Casey (8%). (See Table 4 below). Approximately one-third of participants have worked at YMCA for fewer than two years (34%), one third from three to eight years (33%), and the last third greater than nine years (35%). Participants include teachers (22%) and teacher assistants (30%), mental health consultants (5%), family advocates (5%) and administrative staff including center directors (5%) and managers. The great majority are female (77%), and nearly half identified as either Hispanic/Latinx (30%) or Black/African-American (18%).

Table 4. Demographics of ECTR Staff Surveyed

|                                                  | n  | %   |
|--------------------------------------------------|----|-----|
| <b>Site</b>                                      |    |     |
| <i>Oceanview</i>                                 | 10 | 17% |
| <i>South YMCA</i>                                | 18 | 30% |
| <i>Vera Casey</i>                                | 5  | 8%  |
| <i>West YMCA</i>                                 | 25 | 43% |
| <i>Other ("all sites")</i>                       | 1  | 2%  |
| <b>Length of time at YMCA</b>                    |    |     |
| <i>Less than one year</i>                        | 7  | 12% |
| <i>1-2 years</i>                                 | 13 | 22% |
| <i>3-5 years</i>                                 | 12 | 20% |
| <i>6-8 years</i>                                 | 7  | 12% |
| <i>More than 9 years</i>                         | 21 | 35% |
| <b>Job Title/Role</b>                            |    |     |
| <i>Teacher Assistant</i>                         | 18 | 30% |
| <i>Teacher/Head Teacher</i>                      | 22 | 37% |
| <i>Area Manager</i>                              | 3  | 5%  |
| <i>Center Director</i>                           | 3  | 5%  |
| <i>Coach</i>                                     | 1  | 2%  |
| <i>Family Advocate</i>                           | 3  | 5%  |
| <i>Mental Health Consultant</i>                  | 3  | 5%  |
| <i>Program Assistant</i>                         | 2  | 3%  |
| <i>Other Manager</i>                             | 4  | 7%  |
| <i>Other</i>                                     | 1  | 2%  |
| <b>Sex</b>                                       |    |     |
| <i>Female</i>                                    | 46 | 77% |
| <i>Male</i>                                      | 3  | 5%  |
| <i>Missing/Declined to answer</i>                | 11 | 18% |
| <b>Race</b>                                      |    |     |
| <i>American Indian or Alaska Native</i>          | 1  | 2%  |
| <i>Asian</i>                                     | 4  | 7%  |
| <i>Black or African American</i>                 | 11 | 18% |
| <i>Native Hawaiian or other Pacific Islander</i> | 0  | 0%  |
| <i>White</i>                                     | 3  | 5%  |
| <i>Hispanic or Latinx</i>                        | 18 | 30% |
| <i>Other</i>                                     | 3  | 5%  |
| <i>More than one race</i>                        | 2  | 3%  |
| <i>Missing/Declined to answer</i>                | 18 | 30% |

Source: ECTR Evaluation Staff Survey N=60, June/July 2019

### Staff Views and Perceptions

HTA developed a 60-item online survey in collaboration with ECTR program leaders and administered it to teachers and staff at the four sites in the summer of 2019. The survey was developed by HTA in collaboration with ECTR program leaders adapting some questions from existing surveys from the City of Berkeley's 2016-17 Trauma-Informed Systems pilot program and a 2016 trauma-informed practices self-assessment from [defendingchildhoodoregon.org](http://defendingchildhoodoregon.org). The survey will be administered annually to assess change in how staff understand how their own past trauma

impacts their work, how staff view children and families who have experienced trauma that impacts their behavior, and how staff approach children. This first survey employed a retrospective pre post survey design where respondents were asked to respond to a set of questions that describes their work during a period before the ECTR program began (the first half of the 2018-19 school year) and then, in the same survey, were then asked to respond to the same set of questions after the program started (in the past 30 days).

The majority (65%) of participants in the staff survey expressed that prior to these trainings, they were somewhat familiar with trauma-informed approaches while 18% of participants expressed that they were “very” familiar. (See Table 5 below). Over a third of participants (37%) stated that they had attended another trauma-related training outside of YMCA.

**Table 5. Staff Familiarity with Trauma Trainings**

| Before December 2018, how familiar were you with trauma-informed approaches to support children/families | n  | %   |
|----------------------------------------------------------------------------------------------------------|----|-----|
| <b>Very familiar</b>                                                                                     | 11 | 18% |
| <b>Somewhat familiar</b>                                                                                 | 39 | 65% |
| <b>Not at all familiar</b>                                                                               | 7  | 12% |
| <b>Not Sure</b>                                                                                          | 1  | 2%  |
| <b>No response</b>                                                                                       | 2  | 3%  |

Source: ECTR Evaluation Staff Survey N=60, June/July 2019

As staff attend trainings and learn about recognizing trauma, their own triggers, and strategies to working with children and families struggling with trauma, the theory of change posits the first change to occur will be that staff change their own perceptions and feelings about trauma through reflections of their own lives and how that affects the way they work with children. Subsequently, they would begin to approach students and parents/guardians from a trauma-informed perspective (including shifting their framing from “What’s wrong with you?” to “What happened to you?”) and develop more positive, empathic relationships with students and their parents/guardians helping them to better identify trauma in the children/families they serve. Ultimately, staff then change their actions and behaviors as it relates to children and families, and make more successful and “appropriate” mental health referrals. (See Figure 1 below).

Figure 1. ECTR Theory of Change for Staff



Source: Adapted from the ECTR Theory of Change

In the survey responses, the majority of staff expressed that they feel that they are able to maintain a positive classroom and have confidence that their actions have a positive effect on children. One in four respondents reported that “challenging behavior issues prevented me from maintaining a positive classroom environment” (21% to 26%) and most “felt confident that my actions had the ability to help a child who has been exposed to trauma” (76% to 81%), though this change was not found to be statistically significant. See Table 6 below.

Table 6. Staff Self-Perception

|                                                                                                 | n  | Pre % “Often” or “Always” | Post % “Often” or “Always” |
|-------------------------------------------------------------------------------------------------|----|---------------------------|----------------------------|
| I felt I could handle every serious emotional or behavioral issue in my classroom by myself     | 40 | 38%                       | 43%                        |
| I reflected on my own trauma and triggers                                                       | 45 | 38%                       | 67%*                       |
| I could tell when I felt triggered by a child’s behavior or actions                             | 43 | 51%                       | 70%*                       |
| I knew how to use strategies rooted in trauma informed practices                                | 43 | 67%                       | 79%                        |
| I felt confident in using trauma informed strategies I have learned at work                     | 42 | 69%                       | 74%                        |
| Challenging behavior issues prevented me from maintaining a positive classroom environment      | 38 | 21%                       | 26%                        |
| I felt confident that my actions had the ability to help a child who has been exposed to trauma | 42 | 76%                       | 81%                        |

Source: ECTR Evaluation Staff Survey N=60, June/July 2019

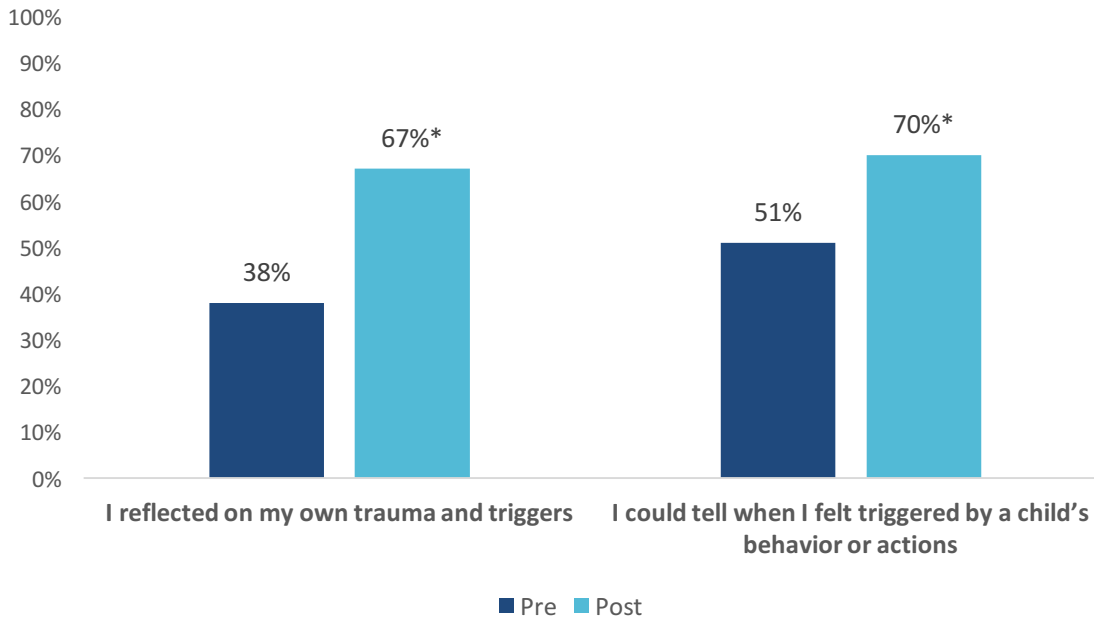
Note: \* denotes statistically significant change  $p < .05$

Using McNemar’s Test to assess for change among those who responded to the item in both the pre- and post- survey periods, the change from before the program to after was statistically significant in two instances: staff who reflected on their own trauma and triggers (38% to 67%) as well as those who could identify when they felt triggered by a child’s behavior or actions (51% to 70%). (See Figure 2 below). This is in line with the program’s theory of change that posits that



changes will first occur within staff themselves, before they change their perceptions of other or their behaviors. Though not statistically significant, there also was growth in all responses from before the program began to after. HTA will conduct four focus groups in the fall, one per site, to further understand the stories behind these findings.

**Figure 2. Statistically Significant Growth in Staff Self-Perceptions**



For the survey items regarding staff perceptions of students and parents, staff sentiment about children and their future remained generally very positive. (See Table 7 below). Few staff “felt that a child’s actions/behavior made me irritated” (11% to 14%) and most felt generally hopeful about the lives of the children” (81% to 84%).

There is growth in all areas from prior to the program start to after except two where the percentage remained the same. While not statistically significant,<sup>3</sup> the greatest changes included staff who “saw ways that ‘class disruptions’ or ‘behavior problems’ could be related to trauma” (increase from 67% to 74%) and staff who “saw improvements in children’s behavior after I used trauma-informed strategies” (increase from 46% to 59%). As the program continues into its second year, we anticipate seeing greater changes in perceptions as staff increase their knowledge and familiarity with trauma-informed strategies with children and families.

<sup>3</sup> Using McNemar’s test to assess for change among those who responded to the item in both the pre and post survey periods

Table 7. Changes in Perceptions of Students and Parents

|                                                                                                                          | n  | Pre<br>% “Often” or<br>“Always” | Post<br>% “Often” or<br>“Always” |
|--------------------------------------------------------------------------------------------------------------------------|----|---------------------------------|----------------------------------|
| <b>A child’s actions/behavior made me irritated</b>                                                                      | 44 | 11%                             | 14%                              |
| <b>I saw ways children at my site have been impacted by trauma</b>                                                       | 42 | 67%                             | 69%                              |
| <b>I saw ways parents have been impacted by trauma</b>                                                                   | 44 | 66%                             | 66%                              |
| <b>I saw ways that “class disruptions” or “behavior problems” could be related to trauma the student has experienced</b> | 43 | 67%                             | 74%                              |
| <b>I saw improvements in children’s behavior after I used trauma-informed strategies</b>                                 | 39 | 46%                             | 59%                              |
| <b>I felt generally hopeful about the lives of the children</b>                                                          | 43 | 81%                             | 84%                              |
| <b>I understand why families may not seek out or accept mental health services/programs they need</b>                    | 44 | 70%                             | 70%                              |

Source: ECTR Evaluation Staff Survey N=60, June/July 2019

Note: \* denotes statistically significant change  $p < .05$ , no changes were statistically significant

### Staff Behaviors

Nearly all staff (87% to 93%) report that they kept themselves “calm and regulated in moments working with a student who is challenging.” One in four respondents (21% to 28%) “felt hesitant to refer students to mental health resources.” (See Table 8 below.) Staff appear to feel that they have tools to cope with their responses to challenging behaviors.

There was growth in all areas of staff behavior as well, although none were statistically significant.<sup>4</sup> The greatest changes were the percentage of staff who “felt comfortable talking to parents about their child’s emotional, developmental, or behavioral issues” (67% to 79%), who “worked with a child’s family about a child’s emotional or behavior issues related to trauma” (63% to 75%), who “shared information about trauma and its effects on behavior with parents/caregivers” (50% to 67%), and who “shared ways that I manage challenging trauma-related behavior with parents/caregivers” (51% to 63%). While preliminary and not statistically significant, this suggests staff feel they know how to work with colleagues around children’s emotional, developmental, or behavioral issues, but as a result of the ECTR trainings, now have more or more effective tools to work with children’s parents. The evaluation of the second year of the program will continue to explore these issues.

<sup>4</sup> Using McNemar’s test to assess for change among those who responded to the item in both the pre and post survey periods

Table 1. Changes in Staff Behaviors

|                                                                                                                               | n  | Pre<br>% "Often" or<br>"Always" | Post<br>% "Often" or<br>"Always" |
|-------------------------------------------------------------------------------------------------------------------------------|----|---------------------------------|----------------------------------|
| I was able to build rapport with the majority of parents                                                                      | 43 | 79%                             | 81%                              |
| I felt comfortable talking to parents about their child's emotional, developmental, or behavioral issues                      | 43 | 67%                             | 79%                              |
| I worked with a co-worker(s) about a child with emotional or behavior issues related to trauma                                | 44 | 80%                             | 84%                              |
| I worked with a child's family about a child's emotional or behavior issues related to trauma                                 | 40 | 63%                             | 75%                              |
| I shared information about trauma and its effects on behavior with parents/caregivers                                         | 42 | 50%                             | 67%                              |
| I shared ways that I manage challenging trauma-related behavior with parents/caregivers                                       | 41 | 51%                             | 63%                              |
| I felt hesitant to refer students to mental health resources (e.g., mental health specialist, outside mental health services) | 39 | 21%                             | 28%                              |
| I knew where or to whom to go when I had questions about mental health referrals                                              | 43 | 79%                             | 81%                              |
| I kept myself calm and regulated in moments working with a student who is challenging                                         | 45 | 87%                             | 93%                              |

Source: ECTR Evaluation Staff Survey N=60, June/July 2019

Note: \* denotes statistically significant change  $p < .05$ , no changes were statistically significant

## Staff Morale

The evaluation also asked two questions to assess staff morale at the YMCA Head Start sites. While not a comprehensive review of the organizational culture of YMCA, the two questions reveal that nearly all staff enjoy working at the school, that this remained consistent over the course of the year (98% to 94%), and staff relationships are consistently positive and supportive (85%). (See Table 9 below).

As the program continues into its second and third years and staff are expected to work together to address children's mental health issues, we anticipate that staff morale and the quality of staff relationships will remain high or even increase. This is also important to monitor as staff morale could help reveal whether there are other issues impeding the program's successful implementation.

Table 2. Staff Morale

|                                                                                         | n  | Pre<br>% "Often" or<br>"Always" | Post<br>% "Often" or<br>"Always" |
|-----------------------------------------------------------------------------------------|----|---------------------------------|----------------------------------|
| The relationships among the staff at this school were generally positive and supportive | 47 | 85%                             | 85%                              |
| I enjoyed working at this school                                                        | 48 | 98%                             | 94%                              |

Source: ECTR Evaluation Staff Survey N=60, June/July 2019

Note: \* denotes statistically significant change  $p < .05$ , no changes were statistically significant

## Mental Health Referrals

### Number of Mental Health Referrals

As a critical component of the MHSA grant, mental health referrals will be tracked every year of the evaluation in order to measure change over time. Based on Program Information Reports (PIR) completed by the Mental Health Consultants and submitted to the Program Manager over the past two years, the number of mental health referrals have slightly decreased this school year compared to baseline (2017-18) (Table 10). The number of referrals, a longer-term outcome, is expected to increase as more staff understand their role in identifying and supporting access to children’s mental health services. The staff focus groups in the fall will help triangulate and explain any changes in the number of referrals.

**Table 10. Number of Mental Health Referrals**

| School Year        | # Children Referred |
|--------------------|---------------------|
| 2017-18 (baseline) | 9                   |
| 2018-19            | 4                   |

Source: YMCA Program Information Reports (PIR) forms

### Referrals to “Appropriate” Mental Health Services

ECTR program leaders are in the process of developing the Mental Health Referral Follow-up Form with the support of the evaluator in order for YMCA Mental Health Consultants to document whether they contacted referral agencies before the referral, whether families utilized the referral, and whether it met families’ needs. This form will be implemented in the fall of 2019.

## Conclusion

Even at this early stage of the ECTR program, staff are starting in a strong position in terms of feeling confident in their ability to work with the children at the four YMCA sites. With the introduction of the ECTR program, there are already statistically significant increases in self-perceptions among staff who reflected on their own trauma and triggers (38% to 67%) as well as those who could identify when they felt triggered by a child’s behavior or actions (51% to 70%). This is consistent with the theory of change which posits that first, staff perceptions around trauma, including their own trauma will shift, followed by changes in how staff perceive children and parents as it relates to trauma, and then changes in how staff interact with children and families, including referring children to mental health services. There is an upward growth trend among staff in the second two stages, but those changes are not yet statistically significant.

Further exploration in the second program year, as well as staff focus groups in the fall, will help explain and triangulate these findings as the program heads into its second year. In addition to the training for all staff on **Self Care**, upcoming programmatic activities include:

- Staff trainings on **Practical Applications of Trauma-Informed Strategies** and **Family Engagement**
- Half-day **Leadership Team Peer Support Learning Circles** will be launched in order for leaders to come together and learn, receive coaching from Julie Kurtz, and troubleshoot issues associated with implementing ECTR.
- Once Resiliency Champions complete trainings in October 2019, they will then lead monthly **Staff Resiliency Learning Circles**. Champions will co-lead circles with staff (e.g.,

teachers, family advocates etc.) focusing on their own trauma triggers and how to approach student, family, and colleague's issues from a trauma and resiliency informed perspective.

# **APPENDIX C**

## **PUBLIC COMMENTS**



# Women's Daytime Drop-in Center

*A home when there isn't one*

2218 Acton Street, Berkeley, CA 94702

(510) 548-2884

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

September 21, 2020

Dear Ms. Klatt,

Thank you for the incredible report on MHSA funding proposal and goals. There is so much important information included. We especially appreciate that there may be funding for support at Black Infant Health with whom we share some clients, and that there is a focus on equity and the impact of stress on the more than 80% of our female clients who are Black, Indigenous and People of Color.

Women's Daytime Drop-In Center is most concerned about the MHSA funding component: Community Services and Supports (CSS) and how MHSA funds in general and also Berkeley Mental Health Department supports the mental health needs of our unhoused women in Berkeley.

Many years ago we were gifted with a grant that provided on-site mental health from Berkeley Mental Health with Dr. Marilyn Senf. In the past few years we have greatly benefited from a close relationship with Homeless Outreach Team (HOTT) and also bi-monthly onsite visits from Marcella who was able to engage in relationship building with our onsite clients to destigmatize mental health services and encourage some our onsite clients to seek assistance at Berkeley Mental Health.

As a Drop-In Center for women and families we work with some of the most vulnerable women in the community. Many women are not connected to other services, visit WDDC for free meals, access to restrooms, mail, phones and safe comfort of being inside, during non-Covid times. During Covid we have been meeting with clients in the front yard and providing a lot of support on the phone for people who have them. In the best case we develop relationships that lead to people engaging in services that lead to stability and housing.

We welcome all clients who need assistance and so are the only facility where some can gather. With a client base of about 1,300 annually, we regularly see about 20 women who have serious mental health needs that require professional assistance. In many cases these people are just below the threshold that the Mobile Crisis Team would be able to hospitalize them. Also we prefer not to bring in the Berkeley Police in order to keep clients calm, and staff shortages have decreased the availability of Mobile Crisis.

We applaud the expansion of the Full Service Program--it is so needed. However the expansion of this program means the loss of the very capable Homeless Outreach Team (HOTT) who were able to assist at WDDC during many emergency situations. We are very concerned for these clients who will not be able to be served by HOTT and hope you can let us know how this service will be replaced. Otherwise the result will be more crisis in our neighborhood, more serious and traumatizing experiences for clients and ultimately more costly and upsetting interventions.

Upcoming diversion of police funding may be directed to providing these services but it is not in the near future. Also we are inspired by Oakland's CATT, an innovative pilot program created in collaboration with Alameda County Behavioral Health, Alameda County Care Connect, Alameda County Emergency Medical Services, Bonita House Inc. and Falck. CATT pairs a clinician with an EMT to respond to individuals who are experiencing a crisis due to mental health and or substance use.

Thank you for your continued collaboration. We look forward to working with you to find a solution to this issue.

Sincerely,



Leslie Berkler  
Executive Director  
510-479-4573

[leslie@womensdropin.org](mailto:leslie@womensdropin.org)

Charitable Tax I.D. 94-3123986



To: Karen Klatt, MEd  
MHSA Coordinator  
City of Berkeley Mental Health

Friends of Adeline and the MHSA

**From the Friends of Adeline Vision Statement – Beloved Community**

***WE HOLD THAT: We Shall Determine Our Own Future*** - The issues of the people in our community who most need change are our issues. We will work to develop what is good for our community, build grassroots power and leadership, and challenge those who wish to disenfranchise people in South Berkeley or profit at our expense. We will use our power to hold the City and its partners accountable to the people and ensure that development in our community is inclusive, empowering, and respectful of the diversity of the people of South Berkeley.

***WE BELIEVE THAT:*** Public, private, and nonprofit organizations and businesses in our community must be inclusive, empowering and respectful of the diversity of people of South Berkeley.

On page 2, of the *DRAFT Mental Health Services Act (MHSA) FY20/21 – 22/23 Three Year Program and Expenditure Plan* it states that: *African Americans have been an additional population of focus as data indicates they are overrepresented in the mental health system and hence “inappropriately served”, which could be due to being provided services that are not culturally responsive and/or appropriate.*

We agree with this assessment. We also agree that the COVID pandemic and the continuing racist activities by the police, have highlighted issues always recognized by the African American and other communities of color “*Both crises have further exposed the pervasive racial, social and health inequities that exist and detrimentally impact African Americans and other communities of color.*” (pg 3 MHSA rpt.)

We think that it is particularly important that Berkeley recognize the devastating effects that racism has had on the population. We are not only talking about the individual racism that exists within our communities but the long time, foundational 'systemic' racism at the root of the fabric of this Nation. Policies such as Red-lining, restrictive bank loans, encouraging development by developers only interested in profits have weakened and decimated the African American and other populations of people of color. It must also be recognized that Berkeley has some of the worst outcomes in educational disparities in the country for African Americans. Additionally, large health disparities have been documented by Dr. Vicki Alexander since 1999 in numerous Health Status Reports of the City of Berkeley.

Friends of Adeline calls on the City of Berkeley to recognize the obligation that it has to correct these situations. It must recognize that “citizen participation” with a devastated African American population can lead to conclusions that will only continue the same biased policies.

Friends of Adeline is asking that the African American Holistic Resource Center be included in the MHSA 3 year plan. It should be added under the following areas:

1. Community Services and Supports (CSS)
2. Prevention and Early Intervention (PEI)
3. Capital Expenditure Funding to assist with the remodeling of the building.

We support the AAHRC as it will provide culturally responsive resources for whole- person care across the life span as well as providing various services including, but not limited to:

1. Culturally responsive and congruent mental wellness services for community groups, adults, families, children, and youth who do not meet the criteria for Berkeley Mental Health level of care, including Healing Circles, group sessions, and psycho- education
2. Educational and support resources
3. Legal support
4. A community meeting space: research indicates that a culturally safe place and meaningful relationships with providers of the same racial background are very important to healing and health and educational outcomes.
5. Health and nutrition classes, including healthy cooking and lifestyle hands- on activities.
6. Social and cultural programming and activities, including a studio space for the youth and activities senior populations.
7. Referrals and support services
8. Will house the South Berkeley Legacy Project and reference library.

The importance of the funding and continuing support of the African American Holistic Resource Center should be understood as a recognition of the continuing importance of the African American community to Berkeley. The city cannot merely jump on the 'Bandwagon' of rhetoric about issues of equity while saying "Black Lives Matter". Berkeley must take actions that correct the destructive legacy of our country against African American people and their communities and prove to everyone that Black Lives Really do Matter!



Office of the City Manager

04

CONSENT CALENDAR

December 1, 2020

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

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

Subject: Contract: Resource Development Associates to Facilitate Specialized Care Unit Community Design Process

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with Resource Development Associates (RDA) to facilitate the design of a Specialized Care Unit (SCU) for a total contract limit of \$185,000 for the period beginning January 1, 2021 and ending June 30, 2022. The contract will serve the City of Berkeley by analyzing the current mental health crisis system, engaging community members in visioning an improved system, researching best practice models and gathering local data, and developing a program to re-assign non-criminal police service calls to a Specialized Care Unit (SCU) that will respond without law enforcement.

FISCAL IMPACTS OF RECOMMENDATION

The total amount of the contract is not-to-exceed \$185,000. Resources for the contract will be provided from the following funds: \$100,000 in General Funds allocated as a result of the Omnibus Public Safety package adopted by City Council on July 14, 2020 (this funding is part of AAO#1.), and \$85,000 in General Funds allocated to the Mental Health Division (this funding will be part of AAO#2).

CURRENT SITUATION AND ITS EFFECTS

On July 14, 2020, in Resolution No. 69,501-N.S., City Council passed a package of items providing direction for the development of a new paradigm of public safety in Berkeley. One of the items adopted by City Council directed the City Manager to analyze and develop a pilot program to re-assign non-criminal police service calls to a Specialized Care Unit (SCU). The SCU will consist of trained crisis-response field workers who will respond to calls that a Public Safety Communications Center evaluate as non-criminal and posing no imminent threat to the safety of community members, responding crisis workers, and/or other involved parties. The work is to include the development of a pilot model that will inform long term implementation of the program.

The Mental Health Division currently operates a Mobile Crisis Team (MCT) that primarily responds to requests from the Berkeley Police Department (BPD) for mental

health support. Community members contact BPD to intervene in a crisis, and BPD dispatches officers to respond. BPD then has the option of contacting the MCT to support the individual in crisis. In addition to contact through BPD, MCT services can also be accessed through a voicemail on which community members can leave confidential messages. MCT staff check this voicemail frequently when on shift and respond to phone messages on a rolling basis. Most messages are returned by phone call, and crisis calls are referred to BPD for cover and crisis response.

A variety of stakeholder groups (including the Berkeley Mental Health Commission) have long indicated that many community members would prefer a mental health crisis response system that does not involve law enforcement. In response, the City released a Request for Proposals (RFP) under Specification No. 20-11357-C, convened a panel of stakeholders, interviewed representatives from the highest ranked responses, and selected RDA as the most qualified bidder for this contract.

#### BACKGROUND

The Berkeley Mental Health Commission has long advocated for the need for a 24/7 crisis care program and the need to reduce the role of law enforcement in crisis response. In January of 2020, the Mental Health Division released an RFP to evaluate the current mental health crisis system in Berkeley. On July 14, 2020, City Council directed the City Manager to develop a Specialized Care Unit consisting of trained crisis-response field workers who would respond to mental health crisis occurrences that do not pose an imminent threat to safety without the involvement of law enforcement.

The action by City Council is aligned with the original scope RDA was selected to implement, but requires a deeper community process, more extensive data gathering, and alignment with the other Omnibus efforts. With input from the proposal review team, staff recommends implementing an expanded scope with RDA that incorporates feedback received by City Council.

The contract with RDA will provide for a comprehensive feasibility study, community engagement process, best practice research, data collection, program design, and implementation plan for an SCU to respond to public safety calls that do not require presence of law enforcement. This contract aligns with the Strategic Plan goal to champion and demonstrate social and racial equity.

#### ENVIRONMENTAL SUSTAINABILITY

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

RATIONALE FOR RECOMMENDATION

RDA was selected as the vendor for this contract through a competitive RFP process, and the evaluation panel for the RFP included both City Staff and community stakeholders.

ALTERNATIVE ACTIONS CONSIDERED

City Council could decide not to approve the attached Resolution and the City could restart the RFP process as the scope of the initial project has significantly expanded. This was rejected by city staff due to the amount of time it takes to complete this process, and the likelihood that similar vendors would apply for another RFP.

CONTACT PERSON

Lisa Warhuus, Director of Health Housing and Community Services, (510) 981-5404  
Steven Grolnic-McClurg, Manager of Mental Health Services, HHCS, (510) 981-5249

Attachments:

1: Resolution

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

CONTRACT: RESOURCE DEVELOPMENT ASSOCIATES FOR SPECIALIZED CARE  
UNIT

WHEREAS, on July 14, 2020, the City Council of the City Berkeley passed a package of items providing direction for the development of a new paradigm of public safety in Berkeley that included direction to the City Manager to analyze and develop a pilot program to re-assign non-criminal police service calls to a Specialized Care Unit (SCU); and

WHEREAS, City of Berkeley community members would prefer a 24/7 mental health crisis response system that does not so heavily involve law enforcement; and

WHEREAS, Resource Development Associates will conduct a comprehensive feasibility study, program design and implementation plan for an SCU to respond to public safety calls that do not require presence of law enforcement; and

WHEREAS, Resource Development Associates' services align with the Strategic Plan goal to champion and demonstrate social and racial equity; and

WHEREAS, Resource Development Associates was selected through a competitive Request for Proposals process; and

WHEREAS, funds for the contract with RDA will be appropriated in Annual Appropriations Ordinance Number One and Annual Appropriations Ordinance Number Two.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley:

Section 1. The City Manager or her designee is hereby authorized to execute a contract and any amendments with Resource Development Associates (RDA) for the design of a Specialized Care Unit (SCU) for a total contract limit of \$185,000 for the period beginning January 1, 2021 and ending June 30, 2022.

Section 2. A record signature copy of the contract and any amendments between the City and RDA shall be on file in the Office of the City Clerk.



Health, Housing & Community Services

CONSENT CALENDAR  
December 1, 2020

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Lisa Warhuus, Director, Health, Housing & Community Services  
Department

Subject: Contract Amendment: Fred Finch Youth Center for Turning Point Transitional  
Housing for Transition Age Youth

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend an existing contract with Fred Finch Youth Center (“Fred Finch”) for their Turning Point Transitional Housing Program (“Turning Point”), adding \$200,000 total for fiscal years 2021 and 2022, at a rate of \$100,000 per year, to enable Fred Finch to sustain the Turning Point program.

FISCAL IMPACTS OF RECOMMENDATION

The total cost of the additional funding is \$200,000. This amount is available in the community agency budget code 011-51-507-506-0000-000-459-636110, and would be allocated as a one-time cost from the City’s General Fund. Due to the COVID-19 pandemic, certain community agencies were unable to expend all City funding allocated to their contracts for FY2020, and repaid those unspent funds. Funding will be added to Contract Number 31900257, increasing the not-to-exceed contract amount to \$557,020 for the period of FY 20 to FY 23.

CURRENT SITUATION AND ITS EFFECTS

Fred Finch Turning Point is a Strategic Plan Priority Project, advancing our goal to affordable housing and housing support service for our most vulnerable community members.

Turning Point is a transitional housing program located at 3404 King Street designed to assist young adults experiencing homelessness to obtain and maintain independent permanent housing. Program participants may reside in the program for up to 24 months depending on their needs. The program is supported through a mix of private, federal, and local funds. Both the federal HUD and local funding have remained essentially flat since 2006, despite living wage and operational cost increases. The program has been running a deficit and Fred Finch, the service provider, can no longer support it without additional financial resources.

In the fall of 2019, Fred Finch recommended to City staff that it support transitioning the HUD grant to Covenant House California. Covenant House operates the YEAH! shelter (YEAH!) for transition-age youth and was interested in assuming the grant and transitioning it to a scattered-site model. Covenant House intended to relocate to the YEAH! Shelter to 3404 King Street, which required the city to utilize the emergency shelter ordinance due to zoning restrictions. City staff recommended that Council approve this change in the fall of 2019. Covenant House determined not to proceed given the mixed support from the neighborhood and the associated lack of certainty regarding their ability to gain permanent authorization to operate a shelter at that location.

Should Council approve an augmentation of funding for Fred Finch Turning Point as proposed, City staff would have two additional years in which to identify another provider to assume the HUD grant and the property to avoid loss of this critical housing resource for young adults.

#### BACKGROUND

The Department of Housing and Urban Development (HUD), the City of Berkeley, and Fred Finch have been funding and operating the Turning Point project since 2003. The project has been instrumental in serving the City of Berkeley's transition age youth by providing housing and services to get youth permanently housed.

HUD funding for transitional housing generally remains stagnant and does allow for increases in cost of living expenses. Additionally, local funding has remained stagnant for this program. For these reasons, Fred Finch has been running the program on a deficit and has determined that they can no longer sustain the loss.

The additional funds will be used to cover expenses such as food, utilities, maintenance/repair, transportation, phones, security, COVID-19 related supplies, furnishings, and administrative costs. By allocating additional funds, it will ensure Fred Finch can afford to meet the Berkeley living wage requirement, fully staff the program so that someone is on site 24/7 to respond both to youth needs and neighborhood concerns, and maintain best practices on COVID-19 prevention.

#### ENVIRONMENTAL SUSTAINABILITY

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

#### RATIONALE FOR RECOMMENDATION

Fred Finch's Turning Point is the only transitional housing program targeted to serve Transitional Age Youth within the City of Berkeley. Because of increasing costs with stagnant budgets, they have been running in a deficit and have informed the city that they will no longer be able to run the program. If additional funding is not secured, Fred Finch will not submit an application to continue their HUD funding, and the project will close at the end of their current HUD-funded grant.



ALTERNATIVE ACTIONS CONSIDERED

Following Covenant House's decision not to acquire the property, Fred Finch identified an alternate provider for the HUD grant, which would operate the transitional housing using a peer based service model. This provider, however, was not approved by the Continuum of Care and no other providers of services have been identified yet to take over the grant.

CONTACT PERSON

Josh Jacobs, Homeless Services Coordinator, HHCS, (510) 981-5435

Attachments:

1: Resolution

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

CONTRACT AMENDMENT FRED FINCH CENTER TURNING POINT

WHEREAS, Fred Finch Turning Point is a Strategic Plan Priority Project, advancing our goal to create affordable housing and housing support service for our most vulnerable community members; and

WHEREAS, the program has been running a deficit and Fred Finch, the service provider, can no longer support it without additional financial resources; and

WHEREAS, \$200,000 is available in the community agency budget fund (011-51-507-506-0000-000-459-636110 add budget code here) and would be allocated as a one-time cost from the City's General Fund; and

WHEREAS, the additional funds will be used to cover expenses such as food, utilities, transportation, phones, security, COVID-19 related supplies, and furnishings; and

WHEREAS, if additional funding is not secured, Fred Finch will not submit an application to continue their HUD funding, and the project will close imminently.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to amend an existing contract with Fred Finch Youth Center ("Fred Finch") for their Turning Point Transitional Housing Program ("Turning Point"), adding \$200,000 total for fiscal years 2021 and 2022, at a rate of \$100,000 per year, and increasing the not-to-exceed contract amount to \$557,020 for the period of FY 20 to FY 23. A record copy of said agreement is on file with the City Clerk Department.



Office of the City Manager

06

CONSENT CALENDAR

December 1, 2020

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

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

Subject: Amending Berkeley Municipal Code Chapter 11.28 – Food Establishments

RECOMMENDATION

Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapter 11.28, Section 11.28.010 Statutory Provisions, Section 11.28.020 Definitions and adding Section 11.28.370 Microenterprise Home Kitchen Operation (MEHKO).

FISCAL IMPACTS OF RECOMMENDATION

If MEHKOs are authorized in the City of Berkeley (City), the fiscal impacts are difficult to estimate. Currently, the only jurisdiction to authorize MEHKOs is Riverside County, and it is difficult to make predictions based on comparing the City of Berkeley to Riverside County as a whole. However, according to Riverside County there are approximately 34 permitted MEHKOs and 24 pending permits as of the date of this report.

By law, MEHKOs are restricted to selling a maximum of 30 meals per day or 60 meals per week, with an annual gross sales cap of \$50,000.

Despite the lack of existing jurisdictions for comparison, it is clear that there will be additional work requirements for the Environmental Health Division (EHD). No additional funds are being requested at this time, however, as the program is implemented and the staffing needs are more clearly understood we may need to return to council for additional funds. Anticipated new workload requirements include but are not limited to:

- *Program development;*
- *Development of standard operating procedures;*
- *Conducting inspections (initial and annual);*
- *Issuance of permits; and*
- *Investigation of complaints and/or conduct foodborne illness investigations.*

EHD has received input on the proposed amendments from Planning, Zero Waste, Fire, Finance and other Divisions within HHCS and has addressed identified concerns through the proposed amendments to the BMC where appropriate. EHD has also

received input from C.O.O.K. Alliance (Creating Opportunities, Opening Kitchens), an advocacy group in support of MEHKOs.

#### CURRENT SITUATION AND ITS EFFECTS

AB 626 went into effect on January 1, 2019. This bill amended the California Health and Safety Code to establish a “Microenterprise Home Kitchen Operation” (MEHKO) as a new type of retail food facility that will allow an individual to essentially operate a restaurant in their private residence. A subsequent “clean-up” bill (AB 377) was later adopted on 10/07/2019, which clarified inspections, banned dairy products such as cheese and ice cream, and allowed for restricted third-party delivery services to deliver food from a MEHKO to individuals with mental and/or physical conditions.

The bills require the governing body of the jurisdiction to first authorize these types of operations via *Resolution or Ordinance* before they can be issued a permit to operate in that jurisdiction.

EHD has reached out to other City departments to solicit input on some concerns and implications should the City Council opt-in. The concerns raised are ‘mitigatable’ through the nuisance enforcement provisions as outlined in AB 377/626. Staff recommend more clearly specifying what would constitute a nuisance from a MEHKO such as that in the draft ordinance revision attached.

It is important to note that this item was originally scheduled to be presented to Council in June 2020. However, timing did not seem appropriate at that time, as the Council, City leadership and staff were focused on COVID-19 related concerns.

Should the Council approve these new types of food businesses, appropriate COVID restrictions could be imposed; not unlike other food facilities that have had to modify their practices to minimize further spread of the virus; for example limiting operations to curbside pick-up. Regarding staff safety concerns, EHD is developing a video inspection protocol as an option for conducting “virtual” inspections at food facilities which present a higher potential for contracting the virus. This type of inspection procedure would eliminate the need for direct contact with operators in situations where appropriate, and it is currently being used successfully in several other jurisdictions throughout the country.

#### BACKGROUND

On October 15, 2019, City Council directed staff to move forward with developing an Ordinance/Resolution to present to Council at a future date.

#### ENVIRONMENTAL SUSTAINABILITY

MEHKOs could increase access to locally sourced and produced food made right in one’s neighborhood; however, there are no incentives in AB 626 and/or AB 377 that it be healthy nor affordable.

RATIONALE FOR RECOMMENDATION

MEHKOs may provide significant entry-level opportunities and exposure to home-based cooks that would not otherwise be able to enter the market due to very high costs of start-up.

Although AB 626 and AB 377 significantly restricts the ability of jurisdictions to limit where MEHKOS can operate, and exempts them from conditions other than those required of typical residences, the law does allow for the enforcement of nuisances. Traffic issues, smoke from wood-burning ovens, attracting rodents from improper grease and refuse storage, and other conditions creating a nuisance, can be sufficiently mitigated through BMC 1.24 and 1.26, especially when such conditions are specifically identified as nuisances by ordinance

ALTERNATIVE ACTIONS CONSIDERED

Council could decide to not approve moving forward with MEHKOs in Berkeley and that activity would remain illegal.

CONTACT PERSON

Ronald Torres, Environmental Health Manager, HHCS, 510.981.5261

Attachments:

- 1: Ordinance – Track changes
- 2: Ordinance – Clean copy
- 3: Report to Council from October 15, 2019 – Assembly Bill 626 – Microenterprise Home Kitchen Operations



ORDINANCE NO. -N.S.

AMENDING BERKELEY MUNICIPAL CODE CHAPTER 11.28 FOOD ESTABLISHMENTS TO UPDATE SECTION 11.28.010 STATUTORY PROVISIONS, SECTION 11.28.020 DEFINITIONS AND ADDING SECTION 11.28.370 MICROENTERPRISE HOME KITCHEN OPERATION (MHKO)

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

Section 1. That Section 11.28.010 of the Berkeley Municipal Code is amended to read as follows:

**Section 11.28.010 Statutory provisions adopted.**

~~The California Health and Safety Code, Division 104. Environmental Health, Part 7. California Retail Food Code as amended from time to time, California Health and Safety Code Division 5, Part 1, Chapter 6, Sections 4000 through 4009.5 (Sanitation Relating to Ice); Division 22, Chapter 6, Sections 28190 through 28216 (California Bakery Sanitation Law), Chapter 7, Article 1, 2, and 3, Sections 28280 through 28325 (Food Sanitation Relating to Food Processing Establishment, Food Containers, and Closed Containers); Chapter 11, Sections 28520 through 28696 (Sanitation of Restaurants, Itinerant Restaurants, Vehicles and Vending Machines); Chapter 14, Sections 28800 through 28868 (Retail Food Production and Marketing Establishments Law); and California Administrative Code, Title 17, Chapter 5, Sub-Chapter 2, Group 1, Article 6, Sections 12000 through 12001 (Bakery Sanitation Regulations); Article 7, Sections 12200 through 12315 (Food Sanitation Regulations); Article 10, Sections 13600 through 13609 (Mobile Food Preparation Units); and Article 10.1, Sections 13611 through 13616 (Commissaries Servicing Mobile Food Preparation Units) are~~ is adopted as part of this title. (Ord. 4883-NS § 1 Exhibit A, Ch. 7 Art. 1 § 1, 1976, Ord. xxxx-NS § 2020)

Section 2. That Section 11.28.020 of the Berkeley Municipal Code is amended to read as follows:

**Section 11.28.020 Definitions.**

A. "Boardinghouse" means any building or structure occupied or intended, arranged or designed for occupation by five or more guests where rooms and meals are provided for compensation. The term "boardinghouse" includes "fraternity," "sorority," "guesthouse," "residence club," "lodge," and any of its variants.

A.B. "Cottage Food Operation" means that as defined in the California Retail Food Code (CalCode)

B.C. "Employee" means any person working in an operation covered by this chapter who engages, with or without pay, in the dispensing, processing or other preparation or handling of food and beverages or in the cleaning of equipment and utensils used therein.

C.D. "Food establishment" means any restaurant, vehicle, itinerant restaurant, mobile food-preparation unit, vending machine, bakery, food processing establishment, delicatessen, grocery, confectionery, meat market or plant, meat jobber, food jobber,

microenterprise home kitchen, cottage food operation, and any other establishment or place, or portion thereof, maintained, used or operated for the purpose of commercially storing, packaging, displaying, making, cooking, baking, mixing, processing, bottling, canning, slaughtering or otherwise preparing or handling food or beverage.

D.E. "Food or beverage" includes all articles used for food, drink, confectionery or condiment, whether simple or compound, and all substances and ingredients used in the preparation thereof for human consumption. The term "food or beverage" includes ice.

E.F. "Imminent health hazard" means any condition in a food establishment that can cause food infection, food intoxication, or disease transmission, including, but not limited to improper temperature controls, sewage contamination, and employees that are carriers of communicable diseases.

F.G. "Meat" means and shall be construed to include all sorts of meats or meat food products kept or exposed for sale for human food, such as the flesh of any cattle, hogs, sheep, swine, goats, poultry or rabbits, or any other animal, poultry, fish or shellfish, except horsemeat.

H. "Mechanical refrigeration" means a unit which extracts heat from an area by means of liquification and evaporation of a fluid by means of compressor or flame, or by means of a thermoelectric device. Acceptable mechanical refrigeration shall also include cold plates.

G.I. "Microenterprise Home Kitchen Operation" means that as defined by the CalCode.

H.J. "Potentially hazardous food" means food or beverage which is capable of supporting rapid and progressive growth of pathogenic microorganisms which can cause food infections or intoxications, or which is otherwise subject to spoilage by reason of lack of refrigeration. "Potentially hazardous food" shall include but not be limited to custard- and cream-filled pastries; prepared salads with dressing; sandwiches using mayonnaise, salad or butter dressings; precooked meat, not hermetically sealed; fresh meats, dairy products; and all processed and packaged food and beverage labeled "frozen" or whose label indicates that the product must be kept under refrigeration.

I.K. "Process" means and includes the manufacture, preparation, storing, packaging, packing, making, cooking, mixing, processing, compounding, portioning, bottling, canning, slaughtering, or any similar activity related to the preparing or handling of food. (Ord. 4883-NS § 1 Exhibit A, Ch. 7 Art. 2 §§ 1--9, 1976)

Section 3. That Section 11.28.370 is added to the Berkeley Municipal Code to read as follows:

**Section 11.28.370 Microenterprise Home Kitchen Operation (MHKO)**

A. Definitions: The definitions set forth in the California Health and Safety Code are incorporated by reference in this ordinance. The following terms are consistent with California Health and Safety Code Section 113825 and shall have the following meanings:

1. "Enforcement Agency" means the Environmental Health Division (EHD) of the Health, Housing, and Community Services Department (the Department).



2. "Microenterprise Home Kitchen Operator" means the Resident of a Private Home that is responsible for operation and permit.

3. "Resident of a Private Home" means an individual who primarily resides in that private home.

B. Restrictions and conditions:

1. Commercial retail food establishment equipment not intended for use in a residence must first be approved by the City of Berkeley Fire Marshall.

2. As specified in the California Retail Food Code regarding MHKOs, the number of meals served per day may be restricted based on the safe food storage and holding capacity of food ingredients that are to be prepared and served the same day.

3. EHD may request the assistance of a Berkeley Fire Department (BFD) Fire Inspector and conduct a re-inspection according to CalCode section 114367.3(3) should the enforcement officer suspect a fire hazard exists.

C. Nuisances: Nuisances shall be abated according to BMC 1.24 and 1.26. In addition to the procedures outlined in BMC 1.24 and 1.26, failure to abate a nuisance may result in the suspension and/or revocation of the MHKO Operating Permit. In addition to any nuisance defined elsewhere in City ordinances or State laws, it shall be deemed a nuisance for a MHKO to:

1. Directly, or through customers and/or third-party delivery services, cause blockage and/or congestion on City thruways such that the duties of City agencies are impeded, including but not limited to maintenance, solid waste, and street sweeping, or that which results in repeated neighbor complaints by multiple neighbors, including parking congestion.

2. Store greases in such a manner as to be considered a fire hazard whether indoors or outdoors, or that which attracts vermin.

3. Dispose of greases into the municipal sewer system through a residential drain or toilet.

4. Cause a visible build-up of greases inside residential ventilation hoods and shafts, on walls, ceilings, rooftops, and/or other surfaces such that it may constitute a fire hazard or attract vermin.

5. Create nuisance smoke, odors, or noises in common areas, e.g. hallways, shared gathering areas, etc. such that multiple neighbors file complaints.

6. Operating an outdoor wood-burning oven or BBQ in a manner that may constitute a hazard, or that which creates nuisance smoke or odors to a neighboring residence.

7. Storing of refuse in an unsanitary manner or that which attracts vermin. Any refuse generated beyond the capacity of residential waste pickup shall be taken to a waste transfer facility or landfill by the MHKO Operator.

D. Permit

1. No person shall operate MHKO without holding a valid operating permit issued by the Department. Application for a permit shall be made upon a form issued by the EHD and shall be accompanied by any fees established.

2. No person shall operate a MHKO without holding a valid business license per Berkeley Municipal Code 9.04.

E. Inspections

1. The EHD shall inspect a MHKO upon the initial application, on an annual basis, due to a consumer complaint, or if there is reason to suspect that unsafe food has been produced. An inspection form provided by the EHD shall be used for all inspections. An inspection will be conducted after advanced notice is given to the Resident of a Private Home and will include Permitted Areas and vehicles used for transporting food to or from a MHKO.

2. The EHD may seek cost recovery at the current EHD hourly rate with a minimum of two hours, if additional inspections or complaint investigations are required to ensure compliance with this ordinance and/or the California Retail Food Code.

The EHD may request the assistance of the BFD to asses any conditions suspected to be a fire hazard. Such inspections shall be considered an emergency inspection as defined in the California retail Food Code with regard to MHKO inspections. BFD may seek cost recovery for such inspections.

Section 4. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

ORDINANCE NO. -N.S.

AMENDING BERKELEY MUNICIPAL CODE CHAPTER 11.28 FOOD ESTABLISHMENTS TO UPDATE SECTION 11.28.010 STATUTORY PROVISIONS, SECTION 11.28.020 DEFINITIONS AND ADDING SECTION 11.28.370 MICROENTERPRISE HOME KITCHEN OPERATION (MHKO)

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

Section 1. That Section 11.28.010 of the Berkeley Municipal Code is amended to read as follows:

**Section 11.28.010 Statutory provisions adopted.**

The California Health and Safety Code, Division 104. Environmental Health, Part 7. California Retail Food Code as amended from time to time, is adopted as part of this title. (Ord. 4883-NS § 1 Exhibit A, Ch. 7 Art. 1 § 1, 1976, Ord. xxxx-NS § 2020)

Section 2. That Section 11.28.020 of the Berkeley Municipal Code is amended to read as follows:

**Section 11.28.020 Definitions.**

A. "Boardinghouse" means any building or structure occupied or intended, arranged or designed for occupation by five or more guests where rooms and meals are provided for compensation. The term "boardinghouse" includes "fraternity," "sorority," "guesthouse," "residence club," "lodge," and any of its variants.

B. "Cottage Food Operation" means that as defined in the California Retail Food Code (CalCode)

C. "Employee" means any person working in an operation covered by this chapter who engages, with or without pay, in the dispensing, processing or other preparation or handling of food and beverages or in the cleaning of equipment and utensils used therein.

D. "Food establishment" means any restaurant, vehicle, itinerant restaurant, mobile food-preparation unit, vending machine, bakery, food processing establishment, delicatessen, grocery, confectionery, meat market or plant, meat jobber, food jobber, microenterprise home kitchen, cottage food operation, and any other establishment or place, or portion thereof, maintained, used or operated for the purpose of commercially storing, packaging, displaying, making, cooking, baking, mixing, processing, bottling, canning, slaughtering or otherwise preparing or handling food or beverage.

E. "Food or beverage" includes all articles used for food, drink, confectionery or condiment, whether simple or compound, and all substances and ingredients used in the preparation thereof for human consumption. The term "food or beverage" includes ice.

F. "Imminent health hazard" means any condition in a food establishment that can cause food infection, food intoxication, or disease transmission, including, but not limited to improper temperature controls, sewage contamination, and employees that are carriers of communicable diseases.

G. "Meat" means and shall be construed to include all sorts of meats or meat food products kept or exposed for sale for human food, such as the flesh of any cattle, hogs, sheep, swine, goats, poultry or rabbits, or any other animal, poultry, fish or shellfish, except horsemeat.

H. "Mechanical refrigeration" means a unit which extracts heat from an area by means of liquification and evaporation of a fluid by means of compressor or flame, or by means of a thermoelectric device. Acceptable mechanical refrigeration shall also include cold plates.

I. "Microenterprise Home Kitchen Operation" means that as defined by the CalCode.

J. "Potentially hazardous food" means food or beverage which is capable of supporting rapid and progressive growth of pathogenic microorganisms which can cause food infections or intoxications, or which is otherwise subject to spoilage by reason of lack of refrigeration. "Potentially hazardous food" shall include but not be limited to custard- and cream-filled pastries; prepared salads with dressing; sandwiches using mayonnaise, salad or butter dressings; precooked meat, not hermetically sealed; fresh meats, dairy products; and all processed and packaged food and beverage labeled "frozen" or whose label indicates that the product must be kept under refrigeration.

K. "Process" means and includes the manufacture, preparation, storing, packaging, packing, making, cooking, mixing, processing, compounding, portioning, bottling, canning, slaughtering, or any similar activity related to the preparing or handling of food. (Ord. 4883-NS § 1 Exhibit A, Ch. 7 Art. 2 §§ 1--9, 1976)

Section 3. That Section 11.28.370 is added to the Berkeley Municipal Code to read as follows:

**Section 11.28.370 Microenterprise Home Kitchen Operation (MHKO)**

A. Definitions: The definitions set forth in the California Health and Safety Code are incorporated by reference in this ordinance. The following terms are consistent with California Health and Safety Code Section 113825 and shall have the following meanings:

1. "Enforcement Agency" means the Environmental Health Division (EHD) of the Health, Housing, and Community Services Department (the Department).
2. "Microenterprise Home Kitchen Operator" means the Resident of a Private Home that is responsible for operation and permit.
3. "Resident of a Private Home" means an individual who primarily resides in that private home.

B. Restrictions and conditions:

1. Commercial retail food establishment equipment not intended for use in a residence must first be approved by the City of Berkeley Fire Marshall.
2. As specified in the California Retail Food Code regarding MHKOs, the number of meals served per day may be restricted based on the safe food storage and holding capacity of food ingredients that are to be prepared and served the same day.

3. EHD may request the assistance of a Berkeley Fire Department (BFD) Fire Inspector and conduct a re-inspection according to CalCode section 114367.3(3) should the enforcement officer suspect a fire hazard exists.

C. Nuisances: Nuisances shall be abated according to BMC 1.24 and 1.26. In addition to the procedures outlined in BMC 1.24 and 1.26, failure to abate a nuisance may result in the suspension and/or revocation of the MHKO Operating Permit. In addition to any nuisance defined elsewhere in City ordinances or State laws, it shall be deemed a nuisance for a MHKO to:

1. Directly, or through customers and/or third-party delivery services, cause blockage and/or congestion on City thruways such that the duties of City agencies are impeded, including but not limited to maintenance, solid waste, and street sweeping, or that which results in repeated neighbor complaints by multiple neighbors, including parking congestion.

2. Store greases in such a manner as to be considered a fire hazard whether indoors or outdoors, or that which attracts vermin.

3. Dispose of greases into the municipal sewer system through a residential drain or toilet.

4. Cause a visible build-up of greases inside residential ventilation hoods and shafts, on walls, ceilings, rooftops, and/or other surfaces such that it may constitute a fire hazard or attract vermin.

5. Create nuisance smoke, odors, or noises in common areas, e.g. hallways, shared gathering areas, etc. such that multiple neighbors file complaints.

6. Operating an outdoor wood-burning oven or BBQ in a manner that may constitute a hazard, or that which creates nuisance smoke or odors to a neighboring residence.

7. Storing of refuse in an unsanitary manner or that which attracts vermin. Any refuse generated beyond the capacity of residential waste pickup shall be taken to a waste transfer facility or landfill by the MHKO Operator.

D. Permit

1. No person shall operate MHKO without holding a valid operating permit issued by the Department. Application for a permit shall be made upon a form issued by the EHD and shall be accompanied by any fees established.

2. No person shall operate a MHKO without holding a valid business license per Berkeley Municipal Code 9.04.

E. Inspections

1. The EHD shall inspect a MHKO upon the initial application, on an annual basis, due to a consumer complaint, or if there is reason to suspect that unsafe food has been produced. An inspection form provided by the EHD shall be used for all inspections. An inspection will be conducted after advanced notice is given to the Resident of a Private Home and will include Permitted Areas and vehicles used for transporting food to or from a MHKO.

2. The EHD may seek cost recovery at the current EHD hourly rate with a minimum of two hours, if additional inspections or complaint investigations are required to ensure compliance with this ordinance and/or the California Retail Food Code.

The EHD may request the assistance of the BFD to assess any conditions suspected to be a fire hazard. Such inspections shall be considered an emergency inspection as

defined in the California retail Food Code with regard to MHKO inspections. BFD may seek cost recovery for such inspections.

Section 4. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.



Office of the City Manager

CONSENT CALENDAR  
October 15, 2019

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Kelly Wallace, Director, HHCS  
 Subject: Assembly Bill 626 – Microenterprise Home Kitchen Operations

RECOMMENDATION

Staff recommends that the Mayor and City Council consider authorizing the permitting of Microenterprise Home Kitchen Operations (MEHKOs) as provided in Assembly Bill 626 (AB 626) through a resolution or ordinance.

FISCAL IMPACTS OF RECOMMENDATION

If MEHKOs are authorized in the City of Berkeley (City), the fiscal impacts are difficult to estimate. There is no basis for comparison with similar jurisdictions - this legislation is the first of its kind in the nation. The demand for permits and the subsequent popularity of these establishments are unknowns.

MEHKOs are limited by AB 626 to a maximum of 30 meals per day or 60 meals per week, with an annual gross sales cap of \$50,000.

Upon authorization, ongoing staff time from the Environmental Health Division (EHD) will be required to review standard operating procedures, issue permits, conduct initial and annual inspections, and investigate complaints and/or conduct foodborne illness investigations. EHD estimates approximately 0.5 FTE (\$88,627) to fulfill these additional tasks.

The Planning Department estimates 80 hours of staff time to revise the zoning ordinance, draft amendments, and write the staff report. Additionally, at least one Planning Commission meeting will be needed as well as a Public Hearing.

CURRENT SITUATION AND ITS EFFECTS

AB 626 went into effect on January 1, 2019. This bill amended the California Health and Safety Code to establish a "Microenterprise Home Kitchen Operation" (MEHKO) as a new type of retail food facility that will allow an individual to operate a restaurant in their private residence. However, a governing body of a jurisdiction such as the City of Berkeley must first authorize these types of operations via *Resolution or Ordinance* before they can be issued a permit to operate in that jurisdiction.

In a recent survey conducted by Yolo County Environmental Health of 41 Environmental Health jurisdictions throughout the state, only one (1) County has opted-in (Riverside) and reports indicate that 14 MEHKOs have been permitted since granting authorization in May 2019. San Mateo County expressed support for implementation of AB 626 in San Mateo County, and appointed a subcommittee to work with staff to assess and report concerns and to develop an appropriate form of ordinance or resolution. At least 3 jurisdictions have officially opted out (City of Long Beach, Yolo and Siskiyou), and the rest of the surveyed jurisdictions are either taking “no action”, or they are taking a “wait-and-see” approach depending on the disposition of a “clean-up” bill, AB 377, which is currently awaiting the Governor’s signature. Notable jurisdictions waiting for the outcome of AB 377 include Los Angeles County and Santa Clara County. A majority of the surveyed jurisdictions simply have not received overwhelming support from the public and/or the elected officials to move forward.

The changes proposed in AB 377 should not have a significant impact on the City of Berkeley’s decision on whether to authorize MEHKOs or not, except for a provision that would allow 3<sup>rd</sup> party food delivery services to deliver food individuals who have a physical and/or mental disability which would otherwise prevent those individuals from accessing foods sold by MEHKOs. Some of the other proposed changes include: a prohibition on the production of milk and milk products, including ice cream, and cheeses.

To date, very few inquiries have been received by the Environmental Health Division as to the status of the City’s efforts to authorize MEHKOs, which may suggest that the popularity may be less than originally anticipated.

#### BACKGROUND

After several years of legislative lobbying, Assembly Members Garcia and Arambula co-sponsored AB-626. The bill was signed by the Governor in September 2018, and became effective on January 1, 2019. Before the passage of this legislation, the practice of preparing food for retail consumption from a kitchen other than a permitted commercial kitchen or permitted event was considered illegal.

#### ENVIRONMENTAL SUSTAINABILITY

MEHKOs could increase access to locally produced food made right in one’s neighborhood; however, there are no incentives in AB-626 that it be healthy nor affordable.

#### RATIONALE FOR RECOMMENDATION

Should the Mayor and City Council ultimately authorize MEHKOs some concerns to be considered in the enabling legislation include:

- Traffic and parking in congested locations and noise in otherwise ‘quiet’ neighborhoods could be exacerbated by an increased number of cars and patrons choosing to either dine-in or pick-up food from the MEHKO.



- Issues surrounding electrical wiring, natural gas, equipment/appliances, etc. - especially in older homes and apartment units, could pose safety concerns. There are no commercial ventilation requirements to remove grease-laden vapors to prevent build-up of greases on walls, ceilings, and inside residential-type stove hoods. This is a potential fire-hazard.
- The generation of fats, oils, and greases may negatively impact the sewer system.

Some critical food safety issues are mitigated by provisions in AB-626:

- Raw oysters may not be served
- Complex/critical hazard foods requiring a Hazard Analysis Critical Control Plan (HACCP) are prohibited (such as live molluscan shellfish tanks).
- Raw milk and raw milk products are prohibited.
- Same-day preparation and service are required. No cooling or reheating is allowed.
- The operator must pass an approved and accredited food safety certification exam and any individual involved in the preparation, storage, or service of food must have a current food handler card.

#### ALTERNATIVE ACTIONS CONSIDERED

Council could decide to not approve moving forward with MEHKOs in Berkeley and that activity would remain illegal.

#### CONTACT PERSON

Ronald Torres, Environmental Health Manager, HHCS, 510.981.5261

#### Attachments:

- 1: Assembly Bill 626
- 2: Assembly Bill 377

## Assembly Bill No. 626

### CHAPTER 470

An act to amend Sections 110460, 111955, 113789, and 114390 of, to add Section 113825 to, and to add Chapter 11.6 (commencing with Section 114367) to Part 7 of Division 104 of, the Health and Safety Code, relating to the California Retail Food Code.

[Approved by Governor September 18, 2018. Filed with  
Secretary of State September 18, 2018.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 626, Eduardo Garcia. California Retail Food Code: microenterprise home kitchen operations.

Existing law, the California Retail Food Code, establishes uniform health and sanitation standards for retail food facilities for regulation by the State Department of Public Health, and requires local enforcement agencies to enforce these provisions. Existing law defines "food facility" as an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption at the retail level, as specified. Existing law exempts, among others, a private home, including a registered or permitted cottage food operation, from the definition of food facility. A violation of the California Retail Food Code is generally a misdemeanor.

This bill would, among other things, include a microenterprise home kitchen operation within the definition of a food facility, and would define a microenterprise home kitchen operation to mean a food facility that is operated by a resident in a private home where food is stored, handled, and prepared for, and may be served to, consumers, and that meets specified requirements, including, among others, that the operation has no more than one full-time equivalent food employee and has no more than \$50,000 in verifiable gross annual sales. The bill would specify that the governing body of a city or county, or city and county, shall have full discretion to authorize, by ordinance or resolution, the permitting of microenterprise home kitchen operations in accordance with the provisions of this bill, except as provided. The bill would require a microenterprise home kitchen operation to be considered a restricted food service facility for purposes of certain provisions of the code, except as otherwise provided, and would exempt a microenterprise home kitchen operation from various provisions applicable to food facilities, including, among others, provisions relating to handwashing, sinks, ventilation, and animals. The bill would require the applicant for a permit to operate a microenterprise home kitchen operation to submit to the local enforcement agency written standard operating procedures that include specified information, including all food types or

products that will be handled and the days and times that the home kitchen will potentially be utilized as a microenterprise home kitchen operation.

The bill would require an Internet food service intermediary, as defined, that lists or promotes a microenterprise home kitchen operation on its Internet Web site or mobile application to, among other things, be registered with the department, to clearly and conspicuously post on its Internet Web site or mobile application the requirements for the permitting of a microenterprise home kitchen operation, as specified, prior to the publication of the microenterprise home kitchen operation's offer of food for sale, and to submit the name and permit number of a microenterprise home kitchen operation to the local enforcement agency if it receives, through its Internet Web site or mobile application, 3 or more unrelated individual food safety or hygiene complaints in a calendar year from consumers who have made a purchase through its Internet Web site or mobile application. The bill would also make related findings and declarations.

By expanding the scope of a crime, this bill would impose a state-mandated local program.

This bill would incorporate additional changes to Section 113789 of the Health and Safety Code proposed by AB 2178 and AB 2524 to be operative only if this bill and AB 2178, this bill and AB 2524, or all 3 bills are enacted and this bill is enacted last.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

*The people of the State of California do enact as follows:*

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) California is the largest agricultural producer and exporter in the United States.

(2) California is home to the "farm-to-table" movement, which embraces the idea that restaurants and other food sellers should prioritize locally and sustainably produced foods.

(3) Many cities have embraced the idea of locally grown, produced, and prepared foods. Sacramento, for example, proclaimed itself the farm-to-fork capital of America.

(4) Accordingly, Californians have shown a preference for supporting local agriculture and local business and for finding sustainable solutions to food insecurity.

(5) The retail and commercial food market is an integral part of California's economy.

(6) Small-scale, home-cooking operations can create significant economic opportunities for Californians that need them most — often women, immigrants, and people of color.

(7) Under existing law, individuals can sell food through retail food facilities or cottage food operations, the latter of which being limited to a restricted list that primarily consists of nonperishable food items that can be prepared in the home. Both of these options make it difficult for the vast majority of home cooks to independently benefit from their labor, skills, and limited resources.

(8) Because the bar for entry to restaurant ownership is high, and the cost of renting a retail kitchen is so great, an informal economy of locally produced and prepared hot foods exists in the form of meal preparation services, food carts, and communally shared meals.

(9) However, due to a lack of appropriate regulations, many experienced cooks in California are unable to legally participate in the locally prepared food economy and to earn an income legally therein.

(10) As a result, and because they feel they have no other option, thousands of private chefs, home caterers, and many other food microentrepreneurs cook out of private homes or unlicensed food facilities, with little access to education for best practices or safety guidelines.

(11) Many of these cooks are unable to enter the traditional food economy based on disability, family responsibilities, or lack of opportunity.

(12) Under existing law, preparing and selling food from a home kitchen normally can be treated as a criminal act and may be punishable as a misdemeanor.

(13) Providing guidelines, training, and safety resources to home cooks would also increase public health safeguards in existing informal food economies.

(14) The exchange of home-cooked food can also improve access to healthy foods for communities, particularly in food deserts with severely limited options.

(15) The California Retail Food Code establishes health and sanitation standards for retail food facilities. That law exempts private homes from the definition of a food facility and includes cottage food operations in that exemption.

(16) Therefore, the Legislature should create a framework that authorizes the safe preparation and sale of meals prepared in home kitchens, providing adequate regulations and requirements for food handling and safety.

(b) It is the intent of the Legislature that this act authorize the use of home kitchens for small-scale, direct food sales by home cooks to consumers, providing appropriate flexibility in food types and appropriate health and sanitation standards.

SEC. 2. Section 110460 of the Health and Safety Code is amended to read:

110460. No person shall engage in the manufacture, packing, or holding of any processed food in this state unless the person has a valid registration from the department, except those engaged exclusively in the storing, handling, or processing of dried beans. The registration shall be valid for one calendar year from the date of issue, unless it is revoked. The registration shall not be transferable. This section shall not apply to a cottage food

operation that is registered or has a permit pursuant to Section 114365 or a microenterprise home kitchen, as defined in Section 113825.

SEC. 3. Section 111955 of the Health and Safety Code is amended to read:

111955. “Food processing establishment,” as used in this chapter, shall mean any room, building, or place or portion thereof, maintained, used, or operated for the purpose of commercially storing, packaging, making, cooking, mixing, processing, bottling, canning, packing, slaughtering, or otherwise preparing or handling food except restaurants. “Food processing establishment” shall not include a cottage food operation that is registered or has a permit pursuant to Section 114365 or a microenterprise home kitchen, as defined in Section 113825.

SEC. 4. Section 113789 of the Health and Safety Code is amended to read:

113789. (a) “Food facility” means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption at the retail level, including, but not limited to, the following:

(1) An operation where food is consumed on or off the premises, regardless of whether there is a charge for the food.

(2) A place used in conjunction with the operations described in this subdivision, including, but not limited to, storage facilities for food-related utensils, equipment, and materials.

(b) “Food facility” includes permanent and nonpermanent food facilities, including, but not limited to, the following:

(1) Public and private school cafeterias.

(2) Restricted food service facilities.

(3) Licensed health care facilities, except as provided in paragraph (12) of subdivision (c).

(4) Commissaries.

(5) Mobile food facilities.

(6) Mobile support units.

(7) Temporary food facilities.

(8) Vending machines.

(9) Certified farmers’ markets, for purposes of permitting and enforcement pursuant to Section 114370.

(10) Farm stands, for purposes of permitting and enforcement pursuant to Section 114375.

(11) Fishermen’s markets.

(12) Microenterprise home kitchen operations.

(c) “Food facility” does not include any of the following:

(1) A cooperative arrangement wherein no permanent facilities are used for storing or handling food.

(2) A private home when used for private, noncommercial purposes or when used as a cottage food operation that is registered or has a permit pursuant to Section 114365.

(3) A church, private club, or other nonprofit association that gives or sells food to its members and guests, and not to the general public, at an event that occurs not more than three days in any 90-day period.

(4) A for-profit entity that gives or sells food at an event that occurs not more than three days in a 90-day period for the benefit of a nonprofit association, if the for-profit entity receives no monetary benefit, other than that resulting from recognition from participating in an event.

(5) Premises set aside for wine tasting, as that term is used in Section 23356.1 of the Business and Professions Code, or premises set aside by a beer manufacturer, as defined in Section 25000.2 of the Business and Professions Code, and in the regulations adopted pursuant to those sections, that comply with Section 118375, regardless of whether there is a charge for the wine or beer tasting, if no other beverage, except for bottles of wine or beer and prepackaged nonpotentially hazardous beverages, is offered for sale or for onsite consumption and no food, except for crackers, pretzels, or prepackaged food that is not potentially hazardous food is offered for sale or for onsite consumption.

(6) An outlet or location, including, but not limited to, premises, operated by a producer, selling or offering for sale only whole produce grown by the producer or shell eggs, or both, provided the sales are conducted at an outlet or location controlled by the producer.

(7) A commercial food processing establishment, as defined in Section 111955.

(8) A child day care facility, as defined in Section 1596.750.

(9) A community care facility, as defined in Section 1502.

(10) A residential care facility for the elderly, as defined in Section 1569.2.

(11) A residential care facility for the chronically ill, which has the same meaning as a residential care facility, as defined in Section 1568.01.

(12) (A) An intermediate care facility for the developmentally disabled, as defined in subdivisions (e), (h), and (m) of Section 1250, with a capacity of six beds or fewer.

(B) A facility described in subparagraph (A) shall report any foodborne illness or outbreak to the local health department and to the State Department of Public Health within 24 hours of the illness or outbreak.

(13) A community food producer, as defined in Section 113752.

SEC. 4.1. Section 113789 of the Health and Safety Code is amended to read:

113789. (a) "Food facility" means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption at the retail level, including, but not limited to, the following:

(1) An operation where food is consumed on or off the premises, regardless of whether there is a charge for the food.

(2) A place used in conjunction with the operations described in this subdivision, including, but not limited to, storage facilities for food-related utensils, equipment, and materials.

(b) “Food facility” includes permanent and nonpermanent food facilities, including, but not limited to, the following:

- (1) Public and private school cafeterias.
- (2) Restricted food service facilities.
- (3) Licensed health care facilities, except as provided in paragraph (12) of subdivision (c).
- (4) Commissaries.
- (5) Mobile food facilities.
- (6) Mobile support units.
- (7) Temporary food facilities.
- (8) Vending machines.
- (9) Certified farmers’ markets, for purposes of permitting and enforcement pursuant to Section 114370.

(10) Farm stands, for purposes of permitting and enforcement pursuant to Section 114375.

(11) Fishermen’s markets.

(12) Microenterprise home kitchen operations.

(c) “Food facility” does not include any of the following:

(1) A cooperative arrangement wherein no permanent facilities are used for storing or handling food.

(2) A private home when used for private, noncommercial purposes or when used as a cottage food operation that is registered or has a permit pursuant to Section 114365.

(3) A church, private club, or other nonprofit association that gives or sells food to its members and guests, and not to the general public, at an event that occurs not more than three days in any 90-day period.

(4) A for-profit entity that gives or sells food at an event that occurs not more than three days in a 90-day period for the benefit of a nonprofit association, if the for-profit entity receives no monetary benefit, other than that resulting from recognition from participating in an event.

(5) Premises set aside for wine tasting, as that term is used in Section 23356.1 of the Business and Professions Code, or premises set aside by a beer manufacturer, as defined in Section 25000.2 of the Business and Professions Code, and in the regulations adopted pursuant to those sections, that comply with Section 118375, regardless of whether there is a charge for the wine or beer tasting, if no other beverage, except for bottles of wine or beer and prepackaged nonpotentially hazardous beverages, is offered for sale or for onsite consumption and no food, except for crackers, pretzels, or prepackaged food that is not potentially hazardous food is offered for sale or for onsite consumption.

(6) An outlet or location, including, but not limited to, premises, operated by a producer, selling or offering for sale only whole produce grown by the producer or shell eggs, or both, provided the sales are conducted at an outlet or location controlled by the producer.

(7) A commercial food processing establishment, as defined in Section 111955.

(8) A child day care facility, as defined in Section 1596.750.

(9) A community care facility, as defined in Section 1502.

(10) A residential care facility for the elderly, as defined in Section 1569.2.

(11) A residential care facility for the chronically ill, which has the same meaning as a residential care facility, as defined in Section 1568.01.

(12) (A) An intermediate care facility for the developmentally disabled, as defined in subdivisions (e), (h), and (m) of Section 1250, with a capacity of six beds or fewer.

(B) A facility described in subparagraph (A) shall report any foodborne illness or outbreak to the local health department and to the State Department of Public Health within 24 hours of the illness or outbreak.

(13) A community food producer, as defined in Section 113752.

(14) A limited service charitable feeding operation, as defined in Section 113819.

SEC. 4.2. Section 113789 of the Health and Safety Code is amended to read:

113789. (a) “Food facility” means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption at the retail level, including, but not limited to, the following:

(1) An operation where food is consumed on or off the premises, regardless of whether there is a charge for the food.

(2) A place used in conjunction with the operations described in this subdivision, including, but not limited to, storage facilities for food-related utensils, equipment, and materials.

(b) “Food facility” includes permanent and nonpermanent food facilities, including, but not limited to, the following:

(1) Public and private school cafeterias.

(2) Restricted food service facilities.

(3) Licensed health care facilities, except as provided in paragraph (12) of subdivision (c).

(4) Commissaries.

(5) Mobile food facilities.

(6) Mobile support units.

(7) Temporary food facilities.

(8) Vending machines.

(9) Certified farmers’ markets, for purposes of permitting and enforcement pursuant to Section 114370.

(10) Farm stands, for purposes of permitting and enforcement pursuant to Section 114375.

(11) Fishermen’s markets.

(12) Microenterprise home kitchen operations.

(13) Catering operation.

(14) Host facility.

(c) “Food facility” does not include any of the following:

(1) A cooperative arrangement wherein no permanent facilities are used for storing or handling food.



(2) A private home when used for private, noncommercial purposes or when used as a cottage food operation that is registered or has a permit pursuant to Section 114365.

(3) A church, private club, or other nonprofit association that gives or sells food to its members and guests, and not to the general public, at an event that occurs not more than three days in any 90-day period.

(4) A for-profit entity that gives or sells food at an event that occurs not more than three days in a 90-day period for the benefit of a nonprofit association, if the for-profit entity receives no monetary benefit, other than that resulting from recognition from participating in an event.

(5) Premises set aside for wine tasting, as that term is used in Section 23356.1 of the Business and Professions Code, or premises set aside by a beer manufacturer, as defined in Section 25000.2 of the Business and Professions Code, and in the regulations adopted pursuant to those sections, that comply with Section 118375, regardless of whether there is a charge for the wine or beer tasting, if no other beverage, except for bottles of wine or beer and prepackaged nonpotentially hazardous beverages, is offered for sale or for onsite consumption and no food, except for crackers, pretzels, or prepackaged food that is not potentially hazardous food is offered for sale or for onsite consumption.

(6) An outlet or location, including, but not limited to, premises, operated by a producer, selling or offering for sale only whole produce grown by the producer or shell eggs, or both, provided the sales are conducted at an outlet or location controlled by the producer.

(7) A commercial food processing establishment, as defined in Section 111955.

(8) A child day care facility, as defined in Section 1596.750.

(9) A community care facility, as defined in Section 1502.

(10) A residential care facility for the elderly, as defined in Section 1569.2.

(11) A residential care facility for the chronically ill, which has the same meaning as a residential care facility, as defined in Section 1568.01.

(12) (A) An intermediate care facility for the developmentally disabled, as defined in subdivisions (e), (h), and (m) of Section 1250, with a capacity of six beds or fewer.

(B) A facility described in subparagraph (A) shall report any foodborne illness or outbreak to the local health department and to the State Department of Public Health within 24 hours of the illness or outbreak.

(13) A community food producer, as defined in Section 113752.

SEC. 4.3. Section 113789 of the Health and Safety Code is amended to read:

113789. (a) "Food facility" means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption at the retail level, including, but not limited to, the following:

(1) An operation where food is consumed on or off the premises, regardless of whether there is a charge for the food.

(2) A place used in conjunction with the operations described in this subdivision, including, but not limited to, storage facilities for food-related utensils, equipment, and materials.

(b) “Food facility” includes permanent and nonpermanent food facilities, including, but not limited to, the following:

- (1) Public and private school cafeterias.
- (2) Restricted food service facilities.
- (3) Licensed health care facilities, except as provided in paragraph (12) of subdivision (c).
- (4) Commissaries.
- (5) Mobile food facilities.
- (6) Mobile support units.
- (7) Temporary food facilities.
- (8) Vending machines.
- (9) Certified farmers’ markets, for purposes of permitting and enforcement pursuant to Section 114370.
- (10) Farm stands, for purposes of permitting and enforcement pursuant to Section 114375.

- (11) Fishermen’s markets.
- (12) Microenterprise home kitchen operations.
- (13) Catering operation.
- (14) Host facility.

(c) “Food facility” does not include any of the following:

- (1) A cooperative arrangement wherein no permanent facilities are used for storing or handling food.
- (2) A private home when used for private, noncommercial purposes or when used as a cottage food operation that is registered or has a permit pursuant to Section 114365.
- (3) A church, private club, or other nonprofit association that gives or sells food to its members and guests, and not to the general public, at an event that occurs not more than three days in any 90-day period.
- (4) A for-profit entity that gives or sells food at an event that occurs not more than three days in a 90-day period for the benefit of a nonprofit association, if the for-profit entity receives no monetary benefit, other than that resulting from recognition from participating in an event.

(5) Premises set aside for wine tasting, as that term is used in Section 23356.1 of the Business and Professions Code, or premises set aside by a beer manufacturer, as defined in Section 25000.2 of the Business and Professions Code, and in the regulations adopted pursuant to those sections, that comply with Section 118375, regardless of whether there is a charge for the wine or beer tasting, if no other beverage, except for bottles of wine or beer and prepackaged nonpotentially hazardous beverages, is offered for sale or for onsite consumption and no food, except for crackers, pretzels, or prepackaged food that is not potentially hazardous food is offered for sale or for onsite consumption.

(6) An outlet or location, including, but not limited to, premises, operated by a producer, selling or offering for sale only whole produce grown by the

producer or shell eggs, or both, provided the sales are conducted at an outlet or location controlled by the producer.

(7) A commercial food processing establishment, as defined in Section 111955.

(8) A child day care facility, as defined in Section 1596.750.

(9) A community care facility, as defined in Section 1502.

(10) A residential care facility for the elderly, as defined in Section 1569.2.

(11) A residential care facility for the chronically ill, which has the same meaning as a residential care facility, as defined in Section 1568.01.

(12) (A) An intermediate care facility for the developmentally disabled, as defined in subdivisions (e), (h), and (m) of Section 1250, with a capacity of six beds or fewer.

(B) A facility described in subparagraph (A) shall report any foodborne illness or outbreak to the local health department and to the State Department of Public Health within 24 hours of the illness or outbreak.

(13) A community food producer, as defined in Section 113752.

(14) A limited service charitable feeding operation, as defined in Section 113819.

SEC. 5. Section 113825 is added to the Health and Safety Code, to read:

113825. (a) "Microenterprise home kitchen operation" means a food facility that is operated by a resident in a private home where food is stored, handled, and prepared for, and may be served to, consumers, and that meets all of the following requirements:

(1) The operation has no more than one full-time equivalent food employee, not including a family member or household member.

(2) Food is prepared, cooked, and served on the same day.

(3) Food is consumed onsite at the microenterprise home kitchen operation or offsite if the food is picked up by the consumer or delivered within a safe time period based on holding equipment capacity.

(4) Food preparation does not involve processes that require a HACCP plan, as specified in Section 114419, or the production, service, or sale of raw milk or raw milk products, as defined in Section 11380 of Title 17 of the California Code of Regulations.

(5) The service and sale of raw oysters is prohibited.

(6) Food preparation is limited to no more than 30 individual meals per day, or the approximate equivalent of meal components when sold separately, and no more than 60 individual meals, or the approximate equivalent of meal components when sold separately, per week. The local enforcement agency may decrease the limit of the number of individual meals prepared based on food preparation capacity of the operation, but shall not, in any case, increase the limit of the number of individual meals prepared.

(7) The operation has no more than fifty thousand dollars (\$50,000) in verifiable gross annual sales, as adjusted annually for inflation based on the California Consumer Price Index.

(8) The operation only sells food directly to consumers and not to any wholesaler or retailer. For purposes of this paragraph, the sale of food

prepared in a microenterprise home kitchen operation through the Internet Web site or mobile application of an Internet food service intermediary, as defined in Section 114367.6, is a direct sale to consumers. An operation that sells food through the Internet Web site or mobile application of an Internet food service intermediary shall consent to the disclosures specified in paragraphs (6) and (7) of subdivision (a) of Section 114367.6.

(b) “Microenterprise home kitchen operation” does not include either of the following:

- (1) A catering operation.
- (2) A cottage food operation, as defined in Section 113758.

(c) For purposes of this section, “resident of a private home” means an individual who resides in the private home when not elsewhere for labor or other special or temporary purpose.

SEC. 6. Chapter 11.6 (commencing with Section 114367) is added to Part 7 of Division 104 of the Health and Safety Code, to read:

#### CHAPTER 11.6. MICROENTERPRISE HOME KITCHEN OPERATION

114367. (a) Except as provided in subdivision (b), the governing body of a city or county, or city and county, shall have full discretion to authorize, by ordinance or resolution, the permitting of microenterprise home kitchen operations in accordance with this chapter.

(b) A permit issued by a county that has authorized the permitting of microenterprise home kitchen operations in accordance with this chapter shall be valid in any city within the county regardless of whether the city has separately enacted an ordinance or resolution to authorize or prohibit the permitting of microenterprise home kitchen operations within that city.

114367.1. (a) A microenterprise home kitchen operation, as defined in Section 113825, shall be considered a restricted food service facility for purposes of, and subject to all applicable requirements of, Chapter 1 (commencing with Section 113700) to Chapter 9 (commencing with Section 114265), inclusive, Chapter 12.6 (commencing with Section 114377), and Chapter 13 (commencing with Section 114380), except as otherwise provided in this chapter.

(b) A microenterprise home kitchen operation shall be exempt from all of the following provisions:

(1) Handwashing facilities requirements, as required in Section 113953, provided that a handwashing sink is supplied with warm water and located in the toilet room and supplied, as specified in Section 113953.2.

(2) Any provision in this part relating to sinks, warewashing machines, and manual or machine sanitation, including but not limited to, Sections 114099, 114099.2, 114099.4, 114099.6, 114099.7, 114101.1, 114101.2, 114103, 114107, 114123, 114125, 114163, and 114279, provided that the sink in a microenterprise home kitchen operation has hot and cold water and is fully operable.

(3) Prohibition on the presence of persons unnecessary to the food facility operation in the food preparation, food storage, or warewashing areas, as specified in Section 113945.1.

(4) No smoking sign posting requirements, as specified in Section 113978.

(5) Limitations on employee consumption of food, drink, or tobacco outside of designated areas, as specified in Sections 113977 and 114256.

(6) Limitations on consumer access to the food facility through food preparation areas, as specified in Section 113984.1.

(7) Display guard, cover, and container requirements, as specified in Section 114060, provided that any food on display that is not protected from the direct line of a consumer's mouth by an effective means is not served or sold to any subsequent consumer.

(8) Limitations on outdoor display and sale of foods, as specified in Section 114069.

(9) Requirements to provide clean drinking cups and tableware for second portions and beverage refills, as specified in Section 114075.

(10) Requirements pertaining to the characteristics and certification of utensils and equipment, as specified in Sections 114130, 114130.1, and 114139, provided that utensils and equipment are designed to retain their characteristic qualities under normal use conditions.

(11) Requirements pertaining to the characteristics, construction, and multiuse of food-contact and nonfood-contact surfaces, as specified in Sections 114130.1, 114130.3, and 114130.4, provided that food contact surfaces are smooth, easily cleanable, and in good repair.

(12) Requirements pertaining to the characteristics, construction, and disassembly of clean in place (CIP) equipment, as specified in Section 114130.5.

(13) Limitations on the use of wood as a food contact surface and in connection with other equipment, as specified in Section 114132.

(14) Any provision in this part relating to ventilation, including, but not limited to, Article 2 (commencing with Section 114149) of Chapter 6, provided that gases, odors, steam, heat, grease, vapors, and smoke are able to escape from the kitchen.

(15) Requirements that cold or hot holding equipment used for potentially hazardous food be equipped with integral or permanently affixed temperature measuring device or product mimicking sensors, as specified in subdivision (c) of Section 114157.

(16) Requirements pertaining to the installation of fixed, floor-mounted, and table-mounted equipment, as specified in Section 114169.

(17) Dedicated laundry facility requirements, as specified in Section 114185.5, provided that linens used in connection with the microenterprise home kitchen operation shall be laundered separately from the household and other laundry.

(18) Requirements pertaining to water, plumbing, drainage, and waste, as specified in Sections 114193, 114193.1, and 114245.7.

(19) Any requirement that a microenterprise home kitchen operation have more than one toilet facility or that access to the toilet facility not

require passage through the food preparation, food storage, or utensil washing areas, including, but not limited to, the requirements specified in Sections 114250 and 114276.

(20) Light intensity, light source, and lightbulb requirements, as specified in Sections 114252 and 114252.1, provided that food preparation areas are well lighted by natural or artificial light whenever food is being prepared.

(21) Requirements to provide and use lockers, storage facilities, and designated dressing areas, and that food facility premises be free of litter and items that are unnecessary to the operation, as specified in Sections 114256.1 and 114257.1, provided that personal effects and clothing not ordinarily found in a home kitchen are placed or stored away from food preparation areas and dressing takes place outside of the kitchen.

(22) Limitations on the presence and handling of animals, such as domestic, service, or patrol animals, as specified in Sections 114259.4 and 114259.5, provided that all animals, other than service animals, are kept outside of the kitchen and dining areas during food service and preparation.

(23) Requirements pertaining to floor, wall, and ceiling surfaces, as specified in Sections 114268, 114269, and 114271, provided that the floor, wall, and ceiling surfaces of the kitchen, storage, and toilet areas are smooth, of durable construction, and easily cleanable with no limitations on the use of wood, tile, and other nonfiber floor surfaces ordinarily used in residential settings.

(24) Any local evaluation or grading system for food facilities, as authorized by Section 113709.

(25) All prohibitions and limitations on the use of a kitchen in a private home as a food facility, including, but not limited to, prohibitions and limitations specified in Section 114285, provided that food is not prepared in designated sleeping quarters. Open kitchens adjacent to living and sleeping areas, kitchens in efficiency, studio, and loft-style residences, and kitchens without doors at all points of ingress and egress may be used in microenterprise home kitchen operations.

(26) Planning and permitting provisions of Sections 114380, 114381, and 114381.2.

(c) A microenterprise home kitchen operation may operate an open-air barbecue or outdoor wood-burning oven, pursuant to the requirements of Section 114143.

(d) The operator of a microenterprise home kitchen operation shall successfully pass an approved and accredited food safety certification examination, as specified in Section 113947.1.

(e) Any individual, other than the operator, who is involved in the preparation, storage, or service of food in a microenterprise home kitchen operation shall be subject to the food handler card requirements specified in Section 113948.

114367.2. (a) A microenterprise home kitchen operation shall not be open for business unless it has obtained a permit issued from the local enforcement agency.

(b) The department shall post on its Internet Web site the requirements for the permitting of a microenterprise home kitchen operation, pursuant to this chapter and any ordinance, resolution, or rules adopted by any city or county, or city and county, that has authorized the permitting of microenterprise home kitchen operations, which shall be written at a high school level.

(c) The applicant shall submit to the local enforcement agency written standard operating procedures that include all of the following information:

(1) All food types or products that will be handled.

(2) The proposed procedures and methods of food preparation and handling.

(3) Procedures, methods, and schedules for cleaning utensils, equipment, and for the disposal of refuse.

(4) How food will be maintained at the required holding temperatures, as specified in Section 113996, pending pickup by consumer or during delivery.

(5) Days and times that the home kitchen will potentially be utilized as a microenterprise home kitchen operation.

(d) (1) The local enforcement agency shall issue a permit after an initial inspection has determined that the proposed microenterprise home kitchen operation and its method of operation comply with the requirements of this chapter.

(2) A local enforcement agency shall not require a microenterprise home kitchen operation to comply with food safety requirements that are different from, or in addition to, the requirements of this chapter.

(e) For purposes of permitting, the permitted area includes the home kitchen, onsite consumer eating area, food storage, utensils and equipment, toilet room, janitorial or cleaning facilities, and refuse storage area. Food operations shall not be conducted outside of the permitted areas.

(f) A local enforcement agency may require a microenterprise home kitchen operation to renew its permit annually.

(g) A permit, once issued, is nontransferable. A permit shall be valid only for the person and location specified by that permit, and, unless suspended or revoked for cause, for the time period indicated.

(h) The permit, or an accurate copy thereof, shall be retained by the operator onsite and displayed at all times the microenterprise home kitchen operation is in operation.

(i) A local enforcement agency may collect a fee for the issuance of a permit pursuant to this chapter in an amount that does not exceed the reasonable administrative costs by the local enforcement agency in issuing the permit.

(j) Notwithstanding any other law, if there are multiple local agencies involved in the issuance of any type of permit, license, or other authorization to a microenterprise home kitchen operation, the governing body of the city or county, or city and county, shall designate one lead local agency that shall be vested with the sole authority to accept all applications for, to collect all fees for, and to issue, any permit, license, or other authorization required



for a microenterprise home kitchen operation to operate in the city or county, or city and county. A local agency other than the lead local agency shall not accept any applications for, collect any fees for, nor issue, any permits for the same purpose.

114367.3. (a) Notwithstanding any other law, after the initial inspection for purposes of determining compliance with this chapter, a microenterprise home kitchen operation shall not be subject to routine inspections, except that a representative of a local enforcement agency may access, for inspection purposes, the permitted area of a microenterprise home kitchen operation after the occurrence of either of the following:

(1) The representative has provided the microenterprise home kitchen operation with reasonable advance notice.

(2) The representative has a valid reason, such as a consumer complaint, to suspect that adulterated or otherwise unsafe food has been produced or served by the microenterprise home kitchen operation, or that the microenterprise home kitchen operation has otherwise been in violation of this part.

(b) Notwithstanding any other law, a microenterprise home kitchen operation shall not be subject to more than one inspection each year by the local enforcement agency, except in cases in which the local enforcement agency has valid reason, such as a consumer complaint, to suspect that adulterated or otherwise unsafe food has been produced or served by the microenterprise home kitchen operation, or that the microenterprise home kitchen operation has otherwise been in violation of this part.

(c) The local enforcement agency shall document the reason for the inspection, keep that documentation on file with the microenterprise home kitchen operation's permit, and provide the reason in writing to the operator of the microenterprise home kitchen operation.

(d) Access provided under this section is limited to the permitted area of the microenterprise home kitchen operation, during the posted operating hours of the microenterprise home kitchen operation, and solely for the purpose of enforcing or administering this part.

(e) A local enforcement agency may seek recovery from a microenterprise home kitchen operation of an amount that does not exceed the local enforcement agency's reasonable costs of inspecting the microenterprise home kitchen operation for compliance with this part if the microenterprise home kitchen operation is found to be in violation of this part.

114367.4. (a) (1) A city, county, or city and county shall not prohibit the operation of, require a permit to operate, require a rezone of the property for, or levy any fees on, or impose any other restriction on, a microenterprise home kitchen operation in any residential dwelling for zoning purposes. A microenterprise home kitchen operation shall be a permitted use of residential property in any residential dwelling for zoning purposes if the microenterprise home kitchen operation complies with both of the following criteria:

(A) Abstain from posting signage or other outdoor displays advertising the microenterprise home kitchen operation.



(B) Be in compliance with applicable local noise ordinances.

(2) This subdivision does not supersede or otherwise limit the investigative and enforcement authority of the city, county, or city and county with respect to violations of its nuisance ordinances.

(b) The use of a residence for the purposes of a microenterprise home kitchen operation shall not constitute a change of occupancy for purposes of the State Housing Law (Part 1.5 (commencing with Section 17910) of Division 13 of the Health and Safety Code), or for purposes of local building and fire codes.

(c) A microenterprise home kitchen operation shall be considered a residence for the purposes of the State Uniform Building Standards Code and local building and fire codes.

114367.5. (a) A person delivering food on behalf of a microenterprise home kitchen operation with a permit issued pursuant to Section 114367.2 shall be an employee of the operation or a family member or household member of the permit holder, and, if the person drives a motor vehicle in the delivery of the food, the person shall have a valid driver's license.

(b) The microenterprise home kitchen operation shall keep on file a copy of the valid driver's license of a person delivering food on behalf of the operation.

114367.6. (a) An Internet food service intermediary that lists or promotes a microenterprise home kitchen operation on its Internet Web site or mobile application shall meet all of the following requirements:

(1) Be registered with the department.

(2) Prior to the listing or publication of a microenterprise home kitchen operation's offer of food for sale, clearly and conspicuously post on its Internet Web site or mobile application the requirements for the permitting of a microenterprise home kitchen specified in this chapter, which shall be written at the high school level and be provided by the department.

(3) Clearly and conspicuously post on its Internet Web site or mobile application the fees associated with using its platform in a manner that allows both the consumer and the microenterprise home kitchen operation to see and understand the amount being charged for the services provided by the Internet food service intermediary. The Internet food service intermediary shall notify microenterprise home kitchen operations of any changes to these fees exceeding a 2-percent increase in writing and no later than one month before the changes take effect.

(4) Clearly and conspicuously post on its Internet Web site or mobile application whether or not it has liability insurance that would cover any incidence arising from the sale or consumption of food listed or promoted on its Internet Web site or mobile application.

(5) Provide a dedicated field on its platform for a microenterprise home kitchen operation to post the permit number, and shall provide notice to the microenterprise home kitchen operation of the requirement that the permit number be updated annually.

(6) Clearly and conspicuously post on its Internet Web site or mobile application how a consumer can contact the Internet food service

intermediary through its Internet Web site or mobile application if the consumer has a food safety or hygiene complaint and a link to the department's Internet Web site that contains information for how to file a complaint with the local enforcement agency.

(7) Submit the name and permit number of a microenterprise home kitchen operation to the local enforcement agency if it receives, through its Internet Web site or mobile application, three or more unrelated individual food safety or hygiene complaints in a calendar year from consumers that have made a purchase through its Internet Web site or mobile application. The Internet food service intermediary shall submit this information to the local enforcement agency within two weeks of the third complaint received.

(8) If it is notified by the local enforcement agency of significant food safety related complaints from a verified consumer that has made a purchase through its Internet Web site or mobile application, submit to the local enforcement agency the name and permit number of microenterprise home kitchen operation where the food was purchased, and a list of consumers who purchased food on the same day from that microenterprise home kitchen operation through its Internet Web site or mobile application.

(9) Prior to the listing or publication of a microenterprise home kitchen operation's offer of food for sale, obtain consent from the microenterprise home kitchen operation to make the disclosures to government entities required pursuant to this section.

(b) For purposes of this chapter, an "Internet food service intermediary" means an entity that provides a platform on its Internet Web site or mobile application through which a microenterprise home kitchen operation may choose to offer food for sale and from which the Internet food service intermediary derives revenues, including, but not limited to, revenues from advertising and fees for services offered to a microenterprise home kitchen operation. Services offered by an Internet food service intermediary to a microenterprise home kitchen operation may include, but are not limited to, allowing a microenterprise home kitchen operation to advertise its food for sale and providing a means for potential consumers to arrange payment for the food, whether the consumer pays directly to the microenterprise home kitchen operation or to the Internet food service intermediary. Merely publishing an advertisement for the microenterprise home kitchen operation or food cooked therein does not make the publisher an Internet food service intermediary.

SEC. 7. Section 114390 of the Health and Safety Code is amended to read:

114390. (a) Enforcement officers shall enforce this part and all regulations adopted pursuant to this part.

(b) (1) For purposes of enforcement, any authorized enforcement officer may, during the facility's hours of operation and other reasonable times, enter, inspect, issue citations to, and secure any sample, photographs, or other evidence from a food facility, cottage food operation, or any facility suspected of being a food facility or cottage food operation, or a vehicle transporting food to or from a retail food facility, when the vehicle is

stationary at an agricultural inspection station, a border crossing, or at any food facility under the jurisdiction of the enforcement agency, or upon the request of an incident commander.

(2) If a food facility is operating under an HACCP plan, the enforcement officer may, for the purpose of determining compliance with the plan, secure as evidence any documents, or copies of documents, relating to the facility's adherence to the HACCP plan. Inspection may, for the purpose of determining compliance with this part, include any record, file, paper, process, HACCP plan, invoice, or receipt bearing on whether food, equipment, or utensils are in violation of this part.

(3) The enforcement officer may, for the purpose of determining compliance with the gross annual sales requirements for operating a microenterprise home kitchen operation or a cottage food operation, require those operations to provide copies of documents related to determining gross annual sales.

(c) Notwithstanding subdivision (a), an employee may refuse entry to an enforcement officer who is unable to present official identification showing the enforcement officer's picture and enforcement agency name. In the absence of the identification card, a business card showing the enforcement agency's name plus a picture identification card such as a driver's license shall meet this requirement.

(d) It is a violation of this part for any person to refuse to permit entry or inspection, the taking of samples or other evidence, access to copy any record as authorized by this part, to conceal any samples or evidence, withhold evidence concerning them, or interfere with the performance of the duties of an enforcement officer, including making verbal or physical threats or sexual or discriminatory harassment.

(e) A written report of the inspection shall be made, and a copy shall be supplied or mailed to the owner, manager, or operator of the food facility.

SEC. 8. (a) Section 4.1 of this bill incorporates amendments to Section 113789 of the Health and Safety Code proposed by both this bill and Assembly Bill 2178. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2019, (2) each bill amends Section 113789 of the Health and Safety Code, (3) Assembly Bill 2524 is not enacted or as enacted does not amend that section, and (4) this bill is enacted after Assembly Bill 2178, in which case Sections 4, 4.2, and 4.3 of this bill shall not become operative.

(b) Section 4.2 of this bill incorporates amendments to Section 113789 of the Health and Safety Code proposed by both this bill and Assembly Bill 2524. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2019, (2) each bill amends Section 113789 of the Health and Safety Code, (3) Assembly Bill 2178 is not enacted or as enacted does not amend that section, and (4) this bill is enacted after Assembly Bill 2524, in which case Sections 4, 4.1, and 4.3 of this bill shall not become operative.

(c) Section 4.3 of this bill incorporates amendments to Section 113789 of the Health and Safety Code proposed by this bill, Assembly Bill 2178,

and Assembly Bill 2524. That section of this bill shall only become operative if (1) all three bills are enacted and become effective on or before January 1, 2019, (2) all three bills amend Section 113789 of the Health and Safety Code, and (3) this bill is enacted after Assembly Bill 2178 and Assembly Bill 2524, in which case Sections 4, 4.1, and 4.2 of this bill shall not become operative.

SEC. 9. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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**Assembly Bill No. 377**

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Passed the Assembly September 9, 2019

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*Chief Clerk of the Assembly*

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Passed the Senate September 5, 2019

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2019, at \_\_\_\_\_ o'clock \_\_\_\_M.

\_\_\_\_\_  
*Private Secretary of the Governor*

CHAPTER \_\_\_\_\_

An act to amend Sections 113825, 114367.1, 114367.2, 114367.5, and 114367.6 of, and to repeal and add Sections 114367 and 114367.3 of, the Health and Safety Code, relating to retail food facilities, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL’S DIGEST

AB 377, Eduardo Garcia. Microenterprise home kitchen operations.

(1) The California Retail Food Code (code) authorizes the governing body of a city, county, or city and county, by ordinance or resolution, to permit microenterprise home kitchen operations if certain conditions are met. The code requires a microenterprise home kitchen operation, as a restricted food service facility, to meet specified food safety standards. A violation of the code is generally a misdemeanor.

This bill would prohibit a microenterprise home kitchen operation from producing, manufacturing, processing, freezing, or packaging milk or milk products, including, but not limited to, cheese and ice cream. The bill would modify the conditions for a city, county, or city and county to permit microenterprise home kitchen operations within its jurisdiction. The bill would modify the inspections and food safety standards applicable to microenterprise home kitchen operations. The bill would prohibit an internet food service intermediary or a microenterprise home kitchen operation from using the word “catering” or any variation of that word in a listing or advertisement of a microenterprise home kitchen operation’s offer of food for sale. The bill would require a microenterprise home kitchen operation to include specific information, including its permit number, in its advertising. The bill would prohibit a third-party delivery service from delivering food produced by a microenterprise home kitchen operation, except to an individual who has a physical or mental condition that is a disability which limits the individual’s ability to access the food without the assistance of a third-party delivery service. By

expanding the scope of a crime for a violation of the code, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

*The people of the State of California do enact as follows:*

SECTION 1. Section 113825 of the Health and Safety Code is amended to read:

113825. (a) “Microenterprise home kitchen operation” means a food facility that is operated by a resident in a private home where food is stored, handled, and prepared for, and may be served to, consumers, and that meets all of the following requirements:

(1) The operation has no more than one full-time equivalent food employee, not including a family member or household member.

(2) Food is prepared, cooked, and served on the same day.

(3) Food is consumed onsite at the microenterprise home kitchen operation or offsite if the food is picked up by the consumer or delivered within a safe time period based on holding equipment capacity.

(4) Food preparation does not involve processes that require a HACCP plan, as specified in Section 114419, or the production, service, or sale of raw milk or raw milk products, as defined in Section 11380 of Title 17 of the California Code of Regulations.

(5) The service and sale of raw oysters is prohibited.

(6) The production, manufacturing, processing, freezing, or packaging of milk or milk products, including, but not limited to, cheese, ice cream, yogurt, sour cream, and butter, is prohibited.

(7) Food preparation is limited to no more than 30 individual meals per day, or the approximate equivalent of meal components when sold separately, and no more than 60 individual meals, or the approximate equivalent of meal components when sold separately, per week. The local enforcement agency may decrease

the limit of the number of individual meals prepared based on food preparation capacity of the operation, but shall not, in any case, increase the limit of the number of individual meals prepared.

(8) The operation has no more than fifty thousand dollars (\$50,000) in verifiable gross annual sales, as adjusted annually for inflation based on the California Consumer Price Index.

(9) The operation only sells food directly to consumers and not to any wholesaler or retailer. For purposes of this paragraph, the sale of food prepared in a microenterprise home kitchen operation through the internet website or mobile application of an Internet food service intermediary, as defined in Section 114367.6, is a direct sale to consumers. An operation that sells food through the internet website or mobile application of an Internet food service intermediary shall consent to the disclosures specified in paragraphs (6) and (7) of subdivision (a) of Section 114367.6.

(b) “Microenterprise home kitchen operation” does not include either of the following:

(1) A catering operation.

(2) A cottage food operation, as defined in Section 113758.

(c) For purposes of this section, “resident of a private home” means an individual who resides in the private home when not elsewhere for labor or other special or temporary purpose.

SEC. 2. Section 114367 of the Health and Safety Code is repealed.

SEC. 3. Section 114367 is added to the Health and Safety Code, to read:

114367. The governing body of a city, county, or city and county that is designated as the enforcement agency, as defined in Section 113773, may authorize, by ordinance or resolution, within its jurisdiction the permitting of microenterprise home kitchen operations in accordance with this chapter. If a governing body of a city, county, or city and county authorizes the permitting of microenterprise home kitchen operations, the authorization shall apply to all areas within its jurisdiction, including being applicable to all cities within a county that authorizes microenterprise home kitchen operations, regardless of whether each city located within the jurisdiction of the county separately authorizes them.

SEC. 4. Section 114367.1 of the Health and Safety Code is amended to read:



114367.1. (a) A microenterprise home kitchen operation, as defined in Section 113825, shall be considered a restricted food service facility for purposes of, and subject to all applicable requirements of, Chapter 1 (commencing with Section 113700) to Chapter 9 (commencing with Section 114265), inclusive, and Chapter 13 (commencing with Section 114380), except as otherwise provided in this chapter.

(b) A microenterprise home kitchen operation shall be exempt from all of the following provisions:

(1) Handwashing facilities requirements, as required in Section 113953, provided that a handwashing sink is supplied with warm water and located in the toilet room and supplied, as specified in Section 113953.2.

(2) Any provision in this part relating to sinks, warewashing machines, and manual or machine sanitation, including, but not limited to, Sections 114099, 114099.2, 114099.4, 114101.1, 114101.2, 114103, 114107, 114123, 114125, 114163, and 114279, provided that all of the following conditions are met:

(A) Utensils and equipment are able to be properly cleaned and sanitized.

(B) The sink in a microenterprise home kitchen operation has hot and cold water and is fully operable.

(C) If a dishwasher is used, it shall be operated in accordance with the manufacturer's specifications.

(3) Prohibition on the presence of persons unnecessary to the food facility operation in the food preparation, food storage, or warewashing areas, as specified in Section 113945.1, provided that the permitholder takes steps to avoid any potential contamination to food, clean equipment, utensils, and unwrapped single-service and single-use articles and prevents a person suffering from symptoms associated with acute gastrointestinal illness or person known to be infected with a communicable disease that is transmissible through food to enter the food preparation area while food is being prepared as part of a microenterprise home kitchen operation.

(4) No smoking sign posting requirements, as specified in Section 113978.

(5) Limitations on employee consumption of food, drink, or tobacco outside of designated areas, as specified in Sections 113977 and 114256, provided that the permitholder takes steps to avoid

any potential contamination to food, clean equipment, utensils, and unwrapped single-service and single-use articles and prevents a person suffering from symptoms associated with acute gastrointestinal illness or person known to be infected with a communicable disease that is transmissible through food to enter the food preparation area while food is being prepared as part of a microenterprise home kitchen operation.

(6) Limitations on consumer access to the food facility through food preparation areas, as specified in Section 113984.1, provided that the permitholder takes steps to avoid any potential contamination to food, clean equipment, utensils, and unwrapped single-service and single-use articles and prevents a person suffering from symptoms associated with acute gastrointestinal illness or person known to be infected with a communicable disease that is transmissible through food to enter the food preparation area while food is being prepared as part of a microenterprise home kitchen operation.

(7) Display guard, cover, and container requirements, as specified in Section 114060, provided that any food on display that is not protected from the direct line of a consumer's mouth by an effective means is not served or sold to any subsequent consumer.

(8) Requirements to provide clean drinking cups and tableware for second portions and beverage refills, as specified in Section 114075.

(9) Requirements pertaining to the characteristics and certification of utensils and equipment, as specified in Sections 114130 and 114139, provided that utensils and equipment are designed to retain their characteristic qualities under normal use conditions.

(10) Requirements pertaining to the characteristics, construction, and multiuse of food-contact and nonfood-contact surfaces, as specified in Sections 114130.3 and 114130.4, provided that food contact surfaces are smooth, easily cleanable, and in good repair.

(11) Requirements pertaining to the characteristics, construction, and disassembly of clean in place (CIP) equipment, as specified in Section 114130.5.

(12) Limitations on the use of wood as a food contact surface and in connection with other equipment, as specified in Section

114132, provided that hard maple or equivalent wood is approved for use in direct contact with food during preparation.

(13) Any provision in this part relating to ventilation, including, but not limited to, Article 2 (commencing with Section 114149) of Chapter 6, provided that gases, odors, steam, heat, grease, vapors, and smoke are able to escape from the kitchen.

(14) Requirements that cold or hot holding equipment used for potentially hazardous food be equipped with integral or permanently affixed temperature measuring device or product mimicking sensors, as specified in subdivision (c) of Section 114157.

(15) Requirements pertaining to the installation of fixed, floor-mounted, and table-mounted equipment, as specified in Section 114169.

(16) Dedicated laundry facility requirements, as specified in Section 114185.5, provided that linens used in connection with the microenterprise home kitchen operation shall be laundered separately from the household and other laundry.

(17) Requirements pertaining to water, plumbing, drainage, and waste, as specified in Sections 114193, 114193.1, and 114245.7.

(18) Any requirement that a microenterprise home kitchen operation have more than one toilet facility or that access to the toilet facility not require passage through the food preparation, food storage, or utensil washing areas, including, but not limited to, the requirements specified in Sections 114250 and 114276.

(19) Light intensity, light source, and lightbulb requirements, as specified in Sections 114252 and 114252.1, provided that food preparation areas are well lighted by natural or artificial light whenever food is being prepared.

(20) Requirements to provide and use lockers, storage facilities, and designated dressing areas, and that food facility premises be free of litter and items that are unnecessary to the operation, as specified in Sections 114256.1 and 114257.1, provided that personal effects and clothing not ordinarily found in a home kitchen are placed or stored away from food preparation areas and dressing takes place outside of the kitchen.

(21) Limitations on the presence and handling of animals, such as domestic, service, or patrol animals, as specified in Sections 114259.4 and 114259.5, provided that all animals are kept outside of the kitchen during food service and preparation.

(22) Requirements pertaining to floor, wall, and ceiling surfaces, as specified in Sections 114268, 114269, and 114271, provided that the floor, wall, and ceiling surfaces of the kitchen, storage, and toilet areas are smooth, of durable construction, and easily cleanable with no limitations on the use of wood, tile, and other nonfiber floor surfaces ordinarily used in residential settings.

(23) Any local evaluation or grading system for food facilities, as authorized by Section 113709.

(24) All prohibitions and limitations on the use of a kitchen in a private home as a food facility, including, but not limited to, prohibitions and limitations specified in Section 114285, provided that food is not prepared in designated sleeping quarters. Open kitchens adjacent to living and sleeping areas, kitchens in efficiency, studio, and loft-style residences, and kitchens without doors at all points of ingress and egress may be used in microenterprise home kitchen operations.

(25) Planning and permitting provisions of Sections 114380 and 114381.2.

(c) A microenterprise home kitchen operation may operate an open-air barbecue or outdoor wood-burning oven, pursuant to the requirements of Section 114143.

(d) The operator of a microenterprise home kitchen operation shall successfully pass an approved and accredited food safety certification examination, as specified in Section 113947.1.

(e) Any individual, other than the operator, who is involved in the preparation, storage, or service of food in a microenterprise home kitchen operation shall be subject to the food handler card requirements specified in Section 113948.

(f) A microenterprise home kitchen operation shall only offer for sale or sell food that was prepared during a food demonstration or preparation event to a consumer who was present at that food demonstration or preparation event.

SEC. 5. Section 114367.2 of the Health and Safety Code is amended to read:

114367.2. (a) A microenterprise home kitchen operation shall not be open for business unless it has obtained a permit issued from the enforcement agency.

(b) The department shall post on its internet website the requirements for the permitting of a microenterprise home kitchen operation, pursuant to this chapter and any ordinance, resolution,

or rules adopted by any city, county, or city and county, that has authorized the permitting of microenterprise home kitchen operations, which shall be written at a high school level.

(c) The applicant shall submit to the enforcement agency written standard operating procedures that include all of the following information:

- (1) All food types or products that will be handled.
- (2) The proposed procedures and methods of food preparation and handling.
- (3) Procedures, methods, and schedules for cleaning utensils, equipment, and for the disposal of refuse.
- (4) How food will be maintained at the required holding temperatures, as specified in Section 113996, pending pickup by consumer or during delivery.
- (5) Days and times that the home kitchen may potentially be utilized as a microenterprise home kitchen operation. The stated days and times are not binding on the permit holder and shall be used for information purposes only.

(d) (1) The enforcement agency shall issue a permit after an initial inspection has determined that the proposed microenterprise home kitchen operation and its method of operation comply with the requirements of this chapter.

(2) An enforcement agency shall not require a microenterprise home kitchen operation to comply with food safety requirements that are different from, or in addition to, the requirements of this chapter.

(e) For purposes of permitting, the permitted area includes the home kitchen, onsite consumer eating area, food storage, utensils and equipment, toilet room, janitorial or cleaning facilities, and refuse storage area. Food operations shall not be conducted outside of the permitted areas.

(f) An enforcement agency may require a microenterprise home kitchen operation to renew its permit annually.

(g) A permit, once issued, is nontransferable. A permit shall be valid only for the person and location specified by that permit, and, unless suspended or revoked for cause, for the time period indicated.

(h) The permit, or an accurate copy thereof, shall be retained by the operator onsite and displayed at all times the microenterprise home kitchen operation is in operation.

(i) An enforcement agency may collect a fee for the issuance of a permit pursuant to this chapter in an amount that does not exceed the reasonable administrative costs by the enforcement agency in issuing the permit.

SEC. 6. Section 114367.3 of the Health and Safety Code is repealed.

SEC. 7. Section 114367.3 is added to the Health and Safety Code, to read:

114367.3. (a) Notwithstanding any other law, a microenterprise home kitchen operation shall only be subject to the three following types of inspections by the enforcement agency:

(1) A routine inspection for the purpose of allowing the enforcement agency to observe the permitholder engage in the usual activities of a microenterprise home kitchen operation, including, but not limited to, active food preparation. The enforcement agency shall provide notice to a permitholder before a routine inspection and shall conduct the routine inspection at a mutually agreeable date and time. A microenterprise home kitchen operation shall not be subject to more than one routine inspection within 12 months. This paragraph shall not be deemed to require the enforcement agency to conduct a routine inspection.

(2) An investigation inspection for the purpose of allowing the enforcement agency to perform an inspection when the enforcement agency has just cause that adulterated or otherwise unsafe food has been produced or served by the microenterprise home kitchen operation or that the permitholder has otherwise violated this part. One or more consumer complaints may constitute just cause for an investigation inspection. The enforcement agency shall provide notice to a permitholder before an investigation inspection and shall conduct the investigation inspection at a mutually agreeable date and time.

(3) An emergency inspection for the purpose of allowing the enforcement agency to perform a limited inspection when the enforcement agency has just cause that the microenterprise home kitchen operation poses a serious hazard or immediate threat to public health. To the extent that notice of an emergency inspection is reasonable under the circumstances, the enforcement agency shall provide notice to a permitholder before an emergency inspection. The scope of emergency inspection shall be limited in duration and scope to address the facts giving just cause that the

microenterprise home kitchen operation poses a serious hazard or immediate threat to public health.

(b) The enforcement agency shall only inspect the permitted area of the microenterprise home kitchen operation for the purpose of enforcing or administering this part.

(c) The enforcement agency may seek recovery from a microenterprise home kitchen operation of an amount that does not exceed the enforcement agency's reasonable costs of inspecting the microenterprise home kitchen operation for compliance with this part if the microenterprise home kitchen operation is found to be in violation of this part.

SEC. 8. Section 114367.5 of the Health and Safety Code is amended to read:

114367.5. (a) A person delivering food on behalf of a microenterprise home kitchen operation with a permit issued pursuant to Section 114367.2 shall be an employee of the microenterprise home kitchen operation or a family member or household member of the permitholder.

(b) (1) Except as provided in paragraph (2), food produced in a microenterprise home kitchen operation shall not be delivered by a third-party delivery service.

(2) (A) Food produced in a microenterprise home kitchen operation may be delivered by a third-party delivery service to an individual who has a physical or mental condition that is a disability which limits the individual's ability to access the food without the assistance of a third-party delivery service.

(B) A microenterprise home kitchen operation or an internet food service intermediary that offers or facilitates food delivery pursuant to subparagraph (A) shall do all of the following:

(i) Record and maintain a record of the number and dates of food deliveries made pursuant to subparagraph (A). A microenterprise home kitchen operation shall make the record available to an enforcement agency pursuant to any inspection authorized pursuant to Section 114367.3. An internet food service intermediary shall make the record available to an enforcement agency upon request.

(ii) Clearly and conspicuously post on its internet website or mobile application alongside any mention of third-party delivery options a notice that a third-party delivery service is prohibited from delivering food except to an individual who has a physical

or mental condition that is a disability which limits the individual's ability to access the food without the assistance of a third-party delivery service.

(C) Food delivery by a third-party delivery service pursuant to subparagraph (A) does not apply to dine-in meals sold for consumption on the premises of a microenterprise home kitchen or to cooking classes or demonstrations.

SEC. 9. Section 114367.6 of the Health and Safety Code is amended to read:

114367.6. (a) An internet food service intermediary that lists or promotes a microenterprise home kitchen operation on its internet website or mobile application shall meet all of the following requirements:

(1) Be registered with the department. A registration, once issued, is nontransferable. A registration shall be valid only for the person and type of business specified by that registration, and unless suspended or revoked for cause by the department.

(2) Prior to the listing or publication of a microenterprise home kitchen operation's offer of food for sale, clearly and conspicuously post on its internet website or mobile application the requirements for the permitting of a microenterprise home kitchen specified in this chapter, which shall be written at the high school level and be provided by the department.

(3) Clearly and conspicuously post on its internet website or mobile application the fees associated with using its platform and fees associated with third-party delivery service pursuant to paragraph (2) of subdivision (b) of Section 114367.5 in a manner that allows both the consumer and the microenterprise home kitchen operation to see and understand the amount being charged for the services provided by the internet food service intermediary. The internet food service intermediary shall notify the microenterprise home kitchen operation of any changes to these fees exceeding a 2-percent increase in writing and no later than one month before the changes take effect.

(4) Clearly and conspicuously post on its internet website or mobile application whether or not it has liability insurance that would cover any incidence arising from the sale or consumption of food listed or promoted on its internet website or mobile application.



(5) Provide a dedicated field on its platform for a microenterprise home kitchen operation to post the permit number and the name of the enforcement agency that issued the permit.

(6) Clearly and conspicuously post on its internet website or mobile application how a consumer can contact the internet food service intermediary through its internet website or mobile application if the consumer has a food safety or hygiene complaint and a link to the department's internet website that contains information for how to file a complaint with the enforcement agency.

(7) Submit the name and permit number of a microenterprise home kitchen operation to the enforcement agency that issued the permit to the microenterprise home kitchen operation if the internet food service intermediary receives, through its internet website or mobile application, three or more unrelated individual food safety or hygiene complaints in a calendar year from consumers that have made a purchase through its internet website or mobile application. The internet food service intermediary shall submit this information to the enforcement agency within two weeks of the third complaint received.

(8) If it is notified by the enforcement agency of significant food safety related complaints from a verified consumer that has made a purchase through its internet website or mobile application, submit to the enforcement agency the name and permit number of the microenterprise home kitchen operation where the food was purchased, and a list of consumers who purchased food on the same day from that microenterprise home kitchen operation through its internet website or mobile application.

(9) Prior to the listing or publication of a microenterprise home kitchen operation's offer of food for sale, obtain consent from the microenterprise home kitchen operation to make the disclosures to government entities required pursuant to this section.

(10) Shall not permit the use of the word "catering" or any variation of that word in a listing or publication of a microenterprise home kitchen operation's offer of food for sale.

(11) Shall not use, or knowingly facilitate the use of, a third-party delivery service for food produced by the microenterprise home kitchen operation, except as authorized pursuant to paragraph (2) of subdivision (b) of Section 114367.5.

(b) For purposes of this chapter, an “internet food service intermediary” means an entity that provides a platform on its internet website or mobile application through which a microenterprise home kitchen operation may choose to offer food for sale and from which the internet food service intermediary derives revenues, including, but not limited to, revenues from advertising and fees for services offered to a microenterprise home kitchen operation. Services offered by an internet food service intermediary to a microenterprise home kitchen operation may include, but are not limited to, allowing a microenterprise home kitchen operation to advertise its food for sale and providing a means for potential consumers to arrange payment for the food, whether the consumer pays directly to the microenterprise home kitchen operation or to the internet food service intermediary. Merely publishing an advertisement for the microenterprise home kitchen operation or food cooked therein does not make the publisher an internet food service intermediary.

(c) (1) A microenterprise home kitchen operation that advertises to the public, including, but not limited to, advertising by website, internet, social media platform, newspaper, newsletter, or other public announcement, shall include all of the following within the advertisement:

(A) Name of the enforcement agency that issued the permit.

(B) Permit number.

(C) Statement that the food prepared is “Made in a Home Kitchen” in a clear and conspicuous font and location within a written advertisement and an audible and comprehensible manner in a verbal advertisement.

(2) A microenterprise home kitchen operation shall not use the word “catering” or any variation of that word in an advertisement relating to the microenterprise home kitchen operation’s offer of food for sale.

SEC. 10. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within

the meaning of Section 6 of Article XIII B of the California Constitution.

SEC. 11. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

To ensure a uniform implementation of the health and food safety responsibilities of microenterprise home kitchen operations throughout the state, it is necessary that this act take effect immediately.

Approved \_\_\_\_\_, 2019

\_\_\_\_\_  
*Governor*



Office of the City Manager

07

CONSENT CALENDAR  
December 1, 2020

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Scott Ferris, Director, Parks, Recreation & Waterfront

Subject: Grant Application: FEMA Hazard Mitigation Program for Seismic Retrofit of Martin Luther King (MLK) Jr. Youth Services Center/Young Adult Project (YAP)

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to submit a grant application to FEMA for funds in the amount not to exceed of \$1,237,500 for the seismic retrofit of the Martin Luther King (MLK) Jr. Youth Services Center/Young Adult Project (YAP); authorizing the City Manager to accept the grant; to execute any resultant revenue agreement and amendments; and authorizing the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.

FISCAL IMPACTS OF RECOMMENDATION

The FEMA grant of \$1,237,500 covers 75% of the total project cost, and requires a 25% City match; a not to exceed amount of \$412,500, for a total project cost of \$1,650,000. The local City match for the FEMA grant application will come from either Measure T1 Phase 2 Bond funds (if approved by City Council) or Parks Tax funds.

CURRENT SITUATION AND ITS EFFECTS

As a result of a major disaster declaration by the President of the United States, the State of California is eligible for Hazard Mitigation Grant Program (HMGP) funding for hazard mitigation activities aimed at reducing or eliminating damages to life and improved property. Activities include cost effective hazard mitigation projects, and hazard mitigation planning activities approvable by the Federal Emergency Management Agency (FEMA).

Based on a seismic evaluation of the MLK Jr. Youth Services Center/YAP; prepared by an independent engineering firm, the City submitted a Notice of Interest (NOI) to FEMA for a seismic retrofit and renovation of the building. After FEMA review of the NOI, the City was invited to submit a full application to compete for HMGP funding. This funding will cover the seismic mitigation work identified in the seismic evaluation, which will reduce the chance of building collapse and loss of life in the event of a moderate or major earthquake.

BACKGROUND

Built in 1950, the MLK Jr. Youth Services Center/YAP is located at 1730 Oregon Street across from Grove Park. The building is approximately 9,700 square feet and houses

various after school/summer recreation programs such as tutoring, violence prevention, and leadership development for teens and young adults. The Center has been designated as a care and shelter site in the event of a major natural disaster.

ENVIRONMENTAL SUSTAINABILITY

The City's Resilience Strategy outlines a plan to upgrade City community and senior centers, which serve as care and shelter sites in the event of a disaster. These upgrades involve improvements for greater savings and efficiencies in the use of utilities, which make the facility more resilient to disasters, safer, and greener.

RATIONALE FOR RECOMMENDATION

This project supports a key mitigation strategy identified in the City 2019 Local Hazard Mitigation Plan to strengthen critical City buildings to ensure that the community can be served adequately after a disaster.

ALTERNATIVE ACTIONS CONSIDERED

The alternative action of not applying for these funds would delay project until alternate funding is available.

CONTACT PERSON

Scott Ferris, Director, Parks, Recreation, & Waterfront, (510) 981-6700.

Attachments:

- 1: Resolution

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

## REVENUE GRANT: AUTHORIZING THE CITY MANAGER TO SUBMIT A GRANT APPLICATION TO FEMA FOR FUNDS IN THE AMOUNT NOT TO EXCEED \$1,237,500 FOR THE MARTIN LUTHER KING (MLK) JR. YOUTH SERVICES CENTER/ YOUNG ADULT PROJECT (YAP) SEISMIC RETROFIT PROJECT

WHEREAS, as the result of a major disaster declaration by the President of the United States, the State of California is eligible for Hazard Mitigation Grand Program (HMGP) funding for hazard mitigation activities aimed at reducing or eliminating damages to life and improved property. Activities include cost effective hazard mitigation projects, and hazard mitigation planning activities approvable by the Federal Emergency Management Agency (FEMA); and

WHEREAS, certain federal financial assistance is available under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act; and

WHEREAS, the HMGP grant requires a minimum of 25% local match funds for the project, and the matching funds must be from a non-federal source and must be committed by the authorized agent on agency letterhead at the time of application submittal; and

WHEREAS, the FEMA grant in an amount not to exceed \$1,237,500 covers 75% of the total project cost, and requires a 25% City match in an amount not to exceed \$412,500, for a total project cost of \$1,650,000. The local City match for the FEMA grant application will come from either Measure T1 Phase 2 Bond funds (if approved by City Council) or Parks Tax funds.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to submit a grant application for FEMA funds in an amount not to exceed \$1,237,500 for the MLK Jr. Youth Services Center/YAP Seismic Retrofit Project; to accept the grant; to execute any resultant revenue agreements and amendments; to provide a Letter of Local Match Commitment; to provide a Letter of Maintenance Commitment; to provide for all matters pertaining to such state disaster assistance the assurances and agreements required; and the City Council authorizes an amount not to exceed \$412,500 in either Measure T1 Phase 2 Bond funds (if approved by City Council) or Parks Tax funds as local match, and authorizes the implementation of the project and appropriation of the funding for related expenses, subject to securing the grant.

BE IT FURTHER RESOLVED THAT a record signature copy of said agreements and any amendments shall be on file in the office of the City Clerk.







Office of the City Manager

08

CONSENT CALENDER

December 1, 2020

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Scott Ferris, Director, Parks Recreation & Waterfront

Subject: Grant Application: the San Francisco Restoration Authority Measure AA Grant Program for Technical Feasibility Studies of Potential Improvement Projects at Aquatic Park

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to: submit a grant application in the amount of \$897,000 to the San Francisco Restoration Authority Measure AA Grant Program to conduct feasibility studies for improvements at Aquatic Park; accept any grants; execute any resulting grant agreements and any amendments; and that Council authorize the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.

FISCAL IMPACTS OF RECOMMENDATION

The Measure AA grant program administered by the San Francisco Restoration Authority does not require local matching funds. If awarded, the City will assign City staff to manage the project as an in-kind match to the grant, at a value of \$129,950.

CURRENT SITUATION AND ITS EFFECTS

In the spring of 2020, the San Francisco Bay Restoration Authority released a call for proposals for Measure AA's 2020 Grant Round and Community Grants Program. The Authority can fund proposals that are 1) habitat projects that aim to restore, protect, or enhance natural habitats on the shoreline in the San Francisco Bay Area; 2) flood management projects that are part of habitat projects; or 3) public access projects that will provide or improve access or recreational amenities that are part of habitat projects. The Authority is particularly interested in supporting projects that address equity and include benefits to economically disadvantaged communities. The City's Parks, Recreation & Waterfront identified Aquatic Park as an appropriate location that could best meet the criteria in the Measure AA grant program. Because of the complex nature of the hydrology, habitat, and recreational features at Aquatic Park, the grant proposal will request funds for technical feasibility studies on projects that would improve habitat enhancements as well as hydrology infrastructure (e.g., tide tubes, storm inlets, etc.)

BACKGROUND

Completed in 1937, Aquatic Park was created as part of the construction of the Bayside Freeway. Aquatic Park has three lagoons: the Main Lagoon (ML), the Model Yacht

Basin (MYB), and the Radio Tower Pond (RTP). The entire park is 102 acres and includes: 68.0 acres of open water in the three lagoons, 0.7 acres of salt/brackish wetlands, 1.1 acres of freshwater wetlands, 11.0 acres of lawn, 7.0 acres of roads and trails, and 14.0 acres of buildings and uplands. The lagoons are connected to the Bay by small 24 inch culverts (“tide tubes”), many of which are deteriorating. The five main tide tubes were recently cleaned (October 2020) after being clogged for several decades; and while they currently provide full functionality, they show signs of deterioration and in need of reinforcement. The Model Yacht Basin tide tube is buried in sand on the bay side. The Radio Tower Pond tide tube has collapsed under the frontage road and appears to have separated on the bay side. The primary type of habitat in Aquatic Park is shallow subtidal aquatic habitat in the three lagoons. In San Francisco Bay shallow subtidal habitat is a highly productive zone which supports a nursery for many marine crustaceans and fish.

ENVIRONMENTAL SUSTAINABILITY

As a technical study project, there are no environmental impacts associated with this project. The study will provide the technical documentation needed for the environmental review (CEQA) of future improvement projects that may be identified.

RATIONALE FOR RECOMMENDATION

These grant funds will allow the City to conduct technical studies to see which projects would be the most feasible in order to improve the hydrology, habitat, and recreational features at Aquatic Park.

CONTACT PERSON

Scott Ferris, Director, PRW, 981-6700

Nelson Lam, Supervising Civil Engineer, PRW, 981-6395

Attachments:

1: Resolution

RESOLUTION NO. -N.S

GRANT APPLICATION: THE SAN FRANCISCO RESTORATION AUTHORITY  
MEASURE AA GRANT PROGRAM FOR TECHNICAL FEASIBILITY STUDIES OF  
POTENTIAL IMPROVEMENT PROJECTS AT AQUATIC PARK

WHEREAS, in the spring of 2020, the San Francisco Bay Restoration Authority released a call for proposals for Measure AA's 2020 Grant Round and Community Grants Program; and

WHEREAS, the Authority can fund proposals that are 1) habitat projects that aim to restore, protect, or enhance natural habitats on the shoreline in the San Francisco Bay Area; 2) flood management projects that are part of habitat projects; or 3) public access projects that will provide or improve access or recreational amenities that are part of habitat projects. The Authority is particularly interested in supporting projects that address equity and include benefits to economically disadvantaged communities; and

WHEREAS, the City's Parks, Recreation & Waterfront identified Aquatic Park as an appropriate location that could best meet the criteria in the Measure AA grant program; and

WHEREAS, because of the complex nature of the hydrology, habitat, and recreational features at Aquatic Park, the grant proposal will request funds for technical feasibility studies on projects that would improve habitat enhancements as well as hydrology infrastructure (e.g., tide tubes, storm inlets, etc.) at a cost of \$897,000; and

WHEREAS, the Measure AA grant program administered by the San Francisco Restoration Authority does not require local matching funds. If awarded, the City will assign City staff to manage the project as an in-kind match to the grant, at a value of \$129,950.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is authorized to: submit a grant application in the amount of \$897,000 to the San Francisco Restoration Authority Measure AA grant program; accept any grants; execute any resulting grant agreements and any amendments; and that Council authorize the implementation of the project and appropriation of funding for related expenses, subject to securing the grant. A record signature copy of said agreements and any amendments to be on file in the Office of the City Clerk.





Office of the City Manager

09

CONSENT CALENDER

December 1, 2020

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Scott Ferris, Director, Parks Recreation & Waterfront  
 Subject: Grant Application: the California Proposition 68 Statewide Parks Program for new park development at selected Santa Fe Right-of-Way parcels

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to: submit a grant application in the amount of up to \$8,000,000 to the California Proposition 68 Statewide Parks Program for new park development at selected Santa Fe Right-of-Way parcels; accept any grants; execute any resulting grant agreements and any amendments; and that Council authorize the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.

FISCAL IMPACTS OF RECOMMENDATION

The California State Parks Prop 68 Statewide Parks Program does not require local matching funds. If awarded, the City will assign City staff to manage the project as an in-kind match to the grant, at a value of approximately 10% of the grant, or up to \$800,000, over the duration of the project.

CURRENT SITUATION AND ITS EFFECTS

In July of 2020, the California Proposition 68 Statewide Parks Program announced a call for proposals, due in December of 2020. This grant program provides funding for projects that involve the creation of new parkland or the improvement of existing parks. The program is extremely competitive in that all proposals are ranked in terms of the median household income (MHI) and the shortage of parkland acreage, with the lowest measures receiving the highest scores. In addition, the grant requires an extensive community process to demonstrate how the project would help address local community challenges. The City's Parks, Recreation & Waterfront Department evaluated a number of potential parks projects and determined that the creation of new parkland at selected Santa Fe Right-of-Way parcels would be the most competitive project in Berkeley.

BACKGROUND

In 1980, the City acquired 3.5 miles of linear right-of-way parcels from the Santa Fe Railroad. In the early 1980's, after extensive planning efforts on how to use these parcels, the City constructed two senior housing developments via the Berkeley Housing Authority, two city parks (Cedar Rose and Strawberry Creek), two community gardening projects, and there are currently six undeveloped parcels south of University Ave). Over the past several years, the City and School District have made concerted attempts to consider these parcels for potential housing and other projects, but projects

have not been implemented due to several constraints (e.g., the small linear parcels are not financially feasible for typical housing construction, etc.) In addition, as the former site of the Santa Fe railroad bed, the parcels likely have some soil contamination that could need remediation before new uses could be implemented. With an upper grant limit of \$8 million, this Prop 68 grant program could potentially provide sufficient funds to remediate selected Santa Fe Right-of-Way parcels and create much-needed new parkland for the community.

ENVIRONMENTAL SUSTAINABILITY

This project will help the City promote two goals contained in the City's Climate Action Plan: Goal 2 of Chapter 3 involves increasing access to parks and plazas; and Goal 1 of Chapter 6 involves making Berkeley resilient to the impacts of climate change by designing public improvements such as parks for retention and infiltration of stormwater.

RATIONALE FOR RECOMMENDATION

These grant funds could potentially allow the City to create new parkland in Southwest Berkeley.

CONTACT PERSON

Scott Ferris, Director, PRW, 981-6700

Evelyn Chan, Supervising Civil Engineer, PRW, 981-6430

Attachments:

1: Resolution

RESOLUTION NO. -N.S

GRANT APPLICATION: THE CALIFORNIA PROPOSITION 68 STATEWIDE PARKS PROGRAM FOR NEW PARK DEVELOPMENT AT SELECTED SANTA FE RIGHT-OF-WAY PARCELS

WHEREAS, in July of 2020, the California Proposition 68 Statewide Parks Program announced a call for proposals, due in December of 2020. This grant program provides funding for projects that involve the creation of new parkland or the improvement of existing parks; and

WHEREAS, the program is extremely competitive in that all proposals are ranked in terms of the median household income (MHI) and the shortage of parkland acreage. In addition, the grant requires an extensive community process to demonstrate how the project would help address local community challenges; and

WHEREAS, the City's Parks, Recreation & Waterfront Department evaluated a number of potential projects and determined that the creation of new parkland at selected Santa Fe Right-of-Way parcels would be the most competitive project in Berkeley; and

WHEREAS, these grant funds could potentially allow the City to create new parkland in Southwest Berkeley; and

WHEREAS, the California State Parks Prop 68 Statewide Parks Program does not require local matching funds. If awarded, the City will assign City staff to manage the project as an in-kind match to the grant, at a value of approximately 10% of the grant, or up to \$800,000, over the duration of the project.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is authorized to: submit a grant application in the amount of up to \$8 million to the California Proposition 68 Statewide Parks Program; accept any grants; execute any resulting grant agreements and any amendments; and that Council authorize the implementation of the project and appropriation of funding for related expenses, subject to securing the grant. A record signature copy of said agreements and any amendments to be on file in the Office of the City Clerk.







Office of the City Manager

10

CONSENT CALENDAR

December 1, 2020

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Scott Ferris, Director, Parks Recreation and Waterfront

Subject: Contract No. 31900040 Amendment: Freitas Landscaping and Maintenance for Hazardous Vegetation Reduction Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to amend Contract No. 31900040 with Freitas Landscaping and Maintenance for additional reduction of hazardous vegetation in high-risk areas of City-owned parks, pathways and landscaped areas during high-risk fire season, by increasing the contract by \$410,000 for a not-to-exceed amount of \$1,235,000.

FISCAL IMPACTS OF RECOMMENDATION

Funding in the amount of \$155,000 is available in the FY 2021 budget in the Parks Tax Fund and \$10,000 in the Marina Fund. Funds will be budgeted and appropriated annually at these levels for a not to exceed contract amount of \$1,235,000.

CURRENT SITUATION AND ITS EFFECTS

The City has a current contract with Freitas Landscaping and Maintenance (contract no. 31900040) for the reduction of hazardous vegetation services in the amount of \$825,000 for three years with two one-year options to extend. In 2020, staff has identified the need for addition hazardous vegetation removal services in high-risk areas throughout the City during high-risk fire season, and therefore recommends amending the current contract for these services.

BACKGROUND

On June 9, 1992, the City Council of the City of Berkeley authorized the creation of the Fire Fuel Management Program for public properties in response to the Oakland Hills Firestorm Disaster of October 1991. The program objectives are to remove hazardous vegetation accumulations in high-risk areas of City owned parks, pathways, and landscaped areas. The City does not have the resources to accomplish this work using in-house staff, and therefore uses contracted services.

On July 27, 2018, to prepare for a new contract for these services, the City conducted a competitive bidding process to solicit proposals for the removal of hazardous vegetation accumulations in high-risk areas of City-owned parks, pathways and landscaped areas

(Specification No. 18-11225-C). This process resulted in a contract with Freitas Landscaping and Maintenance in the amount of \$825,000 for a three year period, with two one-year options to extend (Resolution No. 68,629).

ENVIRONMENTAL SUSTAINABILITY

Chapter 1 of the City's Climate Action Plan acknowledges that California will experience a rise in wildfires due to climate change. Additionally, this program preserves natural habitat by removing unwanted invasive plant species and vegetative debris that are recycled and converted into usable compost. This service contract is an essential component in the proper maintenance of the City's numerous green and open spaces.

RATIONALE FOR RECOMMENDATION

The Parks, Recreation and Waterfront Department has evaluated the ongoing need for hazardous vegetation in high-risk areas of City-owned parks, pathways and landscaped areas during high-risk fire season and Freitas Landscaping has consistently provide excellent, cost effective and timely professional hazardous vegetation removal service for the City. The City does not have the resources to accomplish this work using in-house staff.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Scott Ferris, Director, Parks, Recreation & Waterfront Department, 981-6700  
Bruce Pratt, Parks Superintendent, 981-6700

Attachments:

1: Resolution

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

CONTRACT NO. 31900040 AMENDMENT: FREITAS LANDSCAPING & MAINTENANCE FOR ADDITIONAL HAZARDOUS VEGETATION REDUCTION SERVICES.

WHEREAS, on June 9, 1992, the City Council of the City of Berkeley authorized the creation of the Fire Fuel Management Program for public properties in response to the Oakland hills Firestorm Disaster of October 1991; and

WHEREAS, the program objectives are to remove hazardous vegetation accumulations in high-risk areas of City owned parks, pathways, and landscaped areas. The City does not have the resources to accomplish this work using in-house staff, and therefore uses contracted services; and

WHEREAS, on July 27, 2018, to prepare for a new contract for these services, the City conducted a competitive bidding process to solicit proposals for the removal of hazardous vegetation accumulations in high-risk areas of City-owned parks, pathways and landscaped areas (Specification No. 18-11225-C). this process resulted in a contract with Freitas Landscaping and Maintenance in the amount of \$825,000 for a three year period, with two one-year options to extend (Resolution No. 68,629); and

WHEREAS, in 2020, staff has identified the need for addition hazardous vegetation removal services in high-risk areas throughout the City during high-risk fire season, and therefore recommends amending the current contract for these services; and

WHEREAS, funding in the amount of \$155,000 is available in the FY 2021 budget in the Parks Tax Fund and \$10,000 in the Marina Fund. Funds will be budgeted annually at these levels for a not to exceed \$1,235,000.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to amend Contract No. 31900040 with Freitas Landscaping & Maintenance for additional removal of hazardous vegetation accumulations in high-risk areas of City-owned parks, pathways and landscaped areas by increasing the contract amount by \$410,000 for a not-to-exceed amount of \$1,235,000. A record signature copy of said contract amendment to be on file in the Office of the City Clerk.





Office of the City Manager

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CONSENT CALENDAR

December 1, 2020

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Teresa Berkeley-Simmons, Budget Manager  
Scott Ferris, Director, Parks Recreation and Waterfront  
Liam Garland, Director, Public Works

Subject: Measure T1 Loan

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to loan \$198,400 from the Mental Health Realignment Fund balance to complete the Phase 1 Mental Health Adult Clinic renovation project and authorizing the City Manager to repay the loan to the Mental Health Realignment Fund balance from the Phase 2 Measure T1 bond proceeds once they are available.

FISCAL IMPACTS OF RECOMMENDATION

The resolution approves a loan of \$198,400 in FY 2021 to the Measure T1 Fund from the Mental Health Realignment Fund balance in order to ensure that the T1 fund has adequate cash on hand to complete the project. This \$198,400 will be appropriated as part of the First Amendment to the FY 2021 Annual Appropriations Ordinance. A rescheduled acceleration of the Phase 2 bond sale from November 2021 to spring of 2021 will allow these funds to be reimbursed within the same fiscal year (bond offering will be conditioned on the market dynamics at that time and will follow the city's debt policy).

CURRENT SITUATION AND ITS EFFECTS

Due to a number of unforeseen issues discovered during the extensive renovation of the Mental Health Adult Clinic at 2640 Martin Luther King Jr Way, costs for the total project exceed currently budgeted funds by \$198,400. The cost to complete all Phase 1 T1 projects is approximately \$42.7 million. The City's T1 cash is \$36.7 million, which includes \$35 million in bonds sold and \$1.7 million of estimated earned interest. This leaves an estimated funding gap of \$6.0 million. In March 2019, Council authorized a \$5.3 million loan from the General Fund in FY 2021 to cover the gap and complete the Phase 1 projects. Additionally, \$700,000 is needed to cover unforeseen construction costs, COVID-19 issues and delayed construction costs at the Adult Mental Health Services Center (MHSC), North Berkeley Senior Center (NBSC) and the Marina Streets projects. This amount is an estimate, contingent on final costs to complete the two

largest remaining Phase 1 projects, NBSC and Marina Streets Projects. Additional overages in these projects may impact available phase 2 funds.

With the advent of COVID-19 pandemic emergency the City faced a \$39 million FY 2021 General Fund budget shortfall that made it necessary to use the \$5.3 million that was planned as a T1 loan for other operational needs. With the budget shortfall and the need for \$5.3 million to be used for FY 2021 operational needs, staff had to develop alternative strategies to fund T1 Phase 1 projects without drawing on the additional General Fund allocation. These strategies included delaying selected Phase 1 projects, borrowing funding from Parks, Recreation & Waterfront (“PRW”) Department and Public Works (“PW”) Department special funds to be reimbursed by the Phase 2 bond sale, and accelerating the Phase 2 public process and bond sale. Even with these measures there is not enough cash on hand to support the additional \$198,400 for the Mental Health Adult Clinic renovation.

On December 13, 2016, Council approved Resolution 67,781-N.S. authorizing the City to use bond proceeds to reimburse project expenditures that occurred prior to the bond sale. The Resolution did not limit this to the General Fund, it applies to any funding source used for T1 project costs.

Authorizing a loan of \$198,400 and completing this important Phase 1 Measure T1 project is a Strategic Plan Priority Project, advancing our goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities as well as improving social and racial equity.

ENVIRONMENTAL SUSTAINABILITY

The new center will be nearly zero net emissions which will reduce greenhouse gasses and be a model for future facilities in Berkeley.

RATIONALE FOR RECOMMENDATION

The recommendation allows the City to more quickly support people with serious mental illness in a beautifully renovated center that is one of the T1 projects.

CONTACT PERSON

Teresa Berkeley-Simmons, Budget Manager, City Manager’s Office, 981-7000  
Rama Murty, Senior Management Analyst, City Manager’s Office, 981-7000  
Scott Ferris, Director, Parks, Recreation and Waterfront, 981-6700

Attachments:  
1: Resolution

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

MEASURE T1 FUND LOAN FROM PARKS TAX FUND AND MEASURE BB – LOCAL  
STREETS & ROADS FUND

WHEREAS, Expenses to complete the extensive renovation of the Mental Health Adult Clinic have risen substantially leaving a gap of \$198,400; and

WHEREAS, in March 2019, Council authorized \$5.3 million from the General Fund for FY 2021 to cover the gap and complete Phase 1 projects; and

WHEREAS, with the advent of COVID-19 pandemic emergency, the City faced a \$39 million FY 2021 General Fund budget shortfall that made it necessary to use the \$5.3 million for other operational needs; and

WHEREAS, staff had to develop alternative strategies to fund Phase 1 projects without drawing on the additional General Fund allocation including delaying selected Phase 1 projects, borrowing funding from PRW and PW special funds to be reimbursed by the Phase 2 bond sale, and accelerating the Phase 2 public process and bond sale; and

WHEREAS, On December 13, 2016, Council approved Resolution 67,781-N.S. authorizing the City to use bond proceeds to reimburse project expenditures that occurred prior to the bond sale and did not limit this to the General Fund but applies to any funding source for T1 projects; and

WHEREAS, the T1 program will not have sufficient cash on hand to cover the additional \$198,400 need in FY 2021 to complete Phase 1 Mental Health Adult Clinic renovation project; and

WHEREAS, the Mental Health Realignment Fund balance is an allowable source for loan funds for this Phase 1 Project; and

WHEREAS, an appropriation of \$198,400 from the Mental Health Realignment Fund balance will be included in the First Amendment to the FY 2021 Annual Appropriations Ordinance; and

WHEREAS, a rescheduled acceleration of the Phase 2 bond sale from November 2021 to spring of 2021 will allow these funds to be reimbursed within the same fiscal year so that there would be minimal impact on fund forecasts and budget projections (bond offering will be conditioned on the market dynamics at that time and will follow the city's debt policy).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to loan \$198,400 from the Mental Health Realignment Fund

December 1, 2020

balance to the Measure T1 Fund to complete the Phase 1 Mental Health Adult Clinic renovation project.

BE IT FURTHER RESOLVED that the City Manager is authorized to repay the loans to the Mental Health Realignment Fund balance from the Phase 2 Measure T1 bond proceeds once they are available.





Office of the City Manager

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CONSENT CALENDAR  
December 01, 2020

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Scott Ferris, Director, Parks Recreation & Waterfront  
 Subject: Donation: Regan Nursery Rose Bushes

RECOMMENDATION

Adopt a Resolution accepting a donation of 44 potted roses from Regan Nursery, valued at \$1099.78, for replacement of roses stolen from the Berkeley Rose Garden.

FISCAL IMPACTS OF RECOMMENDATION

Regan Nursery would like to donate 44 potted roses at a value of \$1,099.78 to the City of Berkeley to help replace rose bushes that were stolen and vandalized in the spring and summer months of 2020. Many of the donated plants will be used in areas of the Rose Garden where existing plants are failing due to disease.

CURRENT SITUATION AND ITS EFFECTS

The Berkeley Rose Garden features over 200 varieties of roses. Some of these varieties are rare and possess high monetary value, making them a target for thieves. Over a six-month period, 25 rose bushes were stolen from the Berkeley Rose Garden resulting in several bare and colorless planting sites. Fall is the ideal time to replace the stolen roses and replace those that lack vigor due to age or disease. Regan Nursery has generously offered to donate 44 potted roses to help with this restoration.

BACKGROUND

The City's Open Governance Ordinance (OGO) requires City Council disclosure and approval of any gift to the City in excess of \$1,000 (BMC Section 2.06.150, Ord. 7,166-N.S.)

The Berkeley Rose Garden was one of the first Civil Works Progress Project built under the Works Progress Administration (WPA). It was conceived in 1933 and completed and dedicated for public use in September 1937. East Bay rose societies and community members donated hundreds of hours of volunteer time. The terraced amphitheater and 220-foot-long redwood pergola were suggested by architect Bernard Maybeck; the final design and execution were the work of landscape architect Vernon M. Dean and rose specialist C. V. Covell.

The Berkeley Rose Garden is considered by many to be the finest rose garden in northern California.

ENVIRONMENTAL SUSTAINABILITY

There are no negative environmental impacts associated with this action. Replacing roses will increase native insect populations and encourage pollinators.

CONTACT PERSON

Scott Ferris, Director, Parks, Recreation & Waterfront, 981-6700.

Attachments:

1: Resolution

RESOLUTION NO. -N.S.

DONATION: REGAN NURSERY ROSE BUSHES

WHEREAS, the City's Open Governance Ordinance (OGO) requires City Council disclosure and approval of any gift to the City in excess of \$1,000 (BMC Section 2.06.150, Ord. 7,166-N.S.); and

WHEREAS, Regan Nursery wishes to donate 44 potted roses to replace the roses that were stolen, vandalized or declining due to age or disease, at a value of \$1,099.78; and

WHEREAS, The Berkeley Rose Garden features over 200 varieties of rare and valuable rose bushes; and

WHEREAS, the Berkeley Rose Garden was one of the first Civil Works Progress Project built under the Works Progress Administration (WPA). It was conceived in 1933 and completed and dedicated for public use in September 1937. East Bay rose societies and community members donated hundreds of hours of volunteer time. The terraced amphitheater and 220-foot-long redwood pergola were suggested by architect Bernard Maybeck; the final design and execution were the work of landscape architect Vernon M. Dean and rose specialist C. V. Covell.; and

WHEREAS, The Berkeley Rose Garden is considered by many to be the finest rose garden in northern California.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that a donation of 44 potted roses, valued at \$1099.78, from Regan Nursery is hereby accepted.





Office of the City Manager

13

CONSENT CALENDAR

December 1, 2020

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Jordan Klein, Interim Director, Planning and Development Department

Subject: Proposed Amendments to the Building Energy Saving Ordinance (BESO)

RECOMMENDATION

Adopt first reading of amendments to the Building Energy Saving Ordinance (BESO), Chapter 19.81 of the Berkeley Municipal Code, to align with building electrification goals, leverage upcoming rebates and incentives, improve transparency in real estate sales process, and develop mandatory energy requirements to be phased in.

FISCAL IMPACTS OF RECOMMENDATION

BESO's compliance software and online application platform will require an update to accommodate the ordinance amendments. Those costs will not exceed \$50,000. Recovering this cost will be addressed when an updated BESO fee structure is brought to Council in 2021. Additionally, there may be fiscal impacts to building owners who are subject to BESO when mandatory energy requirements are phased in. Staff will return to City Council with an analysis of costs and benefits of any mandatory energy requirements to the City and to Berkeley property owners prior to their adoption.

CURRENT SITUATION AND ITS EFFECTS

BESO (Berkeley Municipal Code Chapter 19.81) requires building owners to complete and publicly report energy efficiency assessments and energy scores, to motivate efficiency improvements and reduce emissions. Over the past year an extensive evaluation of the BESO program was conducted. It identified several improvements to BESO to increase its effectiveness in decreasing building emissions and advancing Berkeley's goal to become fossil fuel free (Attachment 2).

The proposed amendments respond to the BESO Evaluation Report and are designed to align with building electrification and emissions reduction goals, leverage upcoming rebates and incentives, streamline requirements for small and medium-sized buildings, and allow for the development of energy upgrade requirements that are effective and consistent with State and Federal law.

Proposed changes to the ordinance include:

- Update the purpose and name of BESO to the *Building Emissions Saving Ordinance* to prioritize emissions reductions and resilience to better align with the City's goals.

- Change the energy assessment compliance due date to time of listing rather than time of sale, while maintaining the current deferral option, to increase transparency and information sharing in the sales process.
- Shorten existing deferral period to six months instead of 12 months to increase utilization of rebate/incentive programs and decrease administrative burdens.
- Require the disclosure of the fuel source for all major energy systems and appliances for a building at time of listing, accompanied by information on current or upcoming electrification requirements and available incentives.
- Streamline requirements for small and medium-sized buildings to require energy assessment at time of listing, eliminate assessments every 10 years, and expand requirements for annual benchmarking reporting for medium-sized buildings.
- Convene expert advisory teams to develop energy upgrade requirements for different building types, which leverage rebates, guarantee outcomes, and do not conflict with Federal and State laws.

#### BACKGROUND

On March 10, 2015, the Berkeley City Council adopted BMC Chapter 19.81, the Building Energy Saving Ordinance, with the goal of accelerating energy savings in Berkeley's existing buildings. BESO is a Strategic Plan Priority Project, advancing the City's goal of being a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

Since BESO's adoption, more than 1,600 BESO assessments have been completed, more than 1,400 residential units completed an energy upgrade program, and more than 100 large buildings have been regularly tracking and reporting their energy use. However, BESO has relied on voluntary uptake of the assessment recommendations and to achieve Berkeley's climate action goals. Updates to the ordinance are needed to promote electrification and decrease emissions from existing buildings.

The proposed amendments were informed by the BESO Evaluation Report, multiple meetings with technical advisors and other stakeholders, and input from the Berkeley Energy Commission. They were further reviewed and refined by City Council's Policy Committee on Facilities, Infrastructure, Transportation, Environment, and Sustainability (FITES Committee).

- On July 21, 2020, the BESO evaluation and staff recommendation, supported by the Energy Commission, were considered by the City Council and referred to the FITES Committee for review.
- On September 16, 2020, the FITES Committee reviewed draft amendments to BESO and suggested edits.

- On October 7, 2020, the FITES Committee reviewed the updated BESO amendments and gave them a unanimous positive recommendation for consideration by the full City Council.

The proposed BESO amendments would be implemented in a phased approach, requiring the development of energy upgrade requirements created through a stakeholder process. This will allow for a thorough analysis of cost impacts, impacts to equity, and numerous other intended and unintended impacts. If these amendments are adopted, staff will return to Council with energy upgrade requirements and further enhancements to BESO for consideration.

#### ENVIRONMENTAL SUSTAINABILITY

The adoption of BESO was a key implementation action of the Climate Action Plan (CAP). Existing buildings are the second largest source of greenhouse gas (GHG) emissions and account for 37% of GHGs in Berkeley's most recent emission inventory. Updating BESO to better align with electrification and resilience goals, leverage rebates and incentives, and increase the number of energy upgrades in buildings would further Berkeley's environmental sustainability and climate goals, including the goal of becoming a Fossil Fuel Free City.

#### RATIONALE FOR RECOMMENDATION

The City's climate goals have expanded to incorporate electrification as a main strategy to decrease building emissions by eliminating emissions from fossil fuels. The Natural Gas Prohibition, passed in 2019, decreases building emissions and fossil fuels from newly constructed buildings. BESO is one of the best tools for addressing emissions from existing buildings. By updating the ordinance, the City can further support these goals.

The proposed amendments to BESO will improve the program administration and customer service, increase the number of building upgrades, and ensure that building owners understand the benefits of electrification and the path to electrify their building.

#### ALTERNATIVE ACTIONS CONSIDERED

The Council could choose to take no action on these proposals to accelerate greenhouse gas reductions and support the City's goals of electrification.

#### CONTACT PERSON

Billi Romain, Sustainability Manager, Planning & Development Department, 510-982-7432

#### Attachments:

- 1: Ordinance
- 2: July 21, 2020 Staff Report on the Evaluation and Recommended Updates to BESO

ORDINANCE NO. XXXX-N.S.

AMENDMENTS TO THE BERKELEY MUNICIPAL CODE TO UPDATE THE BUILDING ENERGY SAVING

ORDINANCE (BESO)

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

Section 1. That Berkeley Municipal Code Chapter 19.81 is amended to read as follows:

**Chapter 19.81**  
**BUILDING ~~ENERGY EMISSIONS~~ SAVING**

Sections:

- [19.81.010](#) Purpose.
- [19.81.020](#) Applicability.
- [19.81.030](#) Definitions.
- [19.81.040](#) Large Buildings.
- [19.81.050](#) Medium and Small Buildings.
- [19.81.060](#) Single Family Buildings
- [19.81.070](#) ~~Early Compliance.~~
- [19.81.080](#) Incentives.
- [19.81.090](#) Exceptions, Deferrals and Extensions.
- [19.81.100](#) Responsibilities.
- [19.81.110](#) Administration and Enforcement.
- [19.81.120](#) Fees.
- [19.81.130](#) Enforcement.
- [19.81.140](#) Violation--Penalty.
- [19.81.150](#) ~~Appeals.~~
- [19.81.160](#) Severability.
- [19.81.170](#) ~~Chapter Review and Reconsideration.~~

**19.81.010 Purpose.**

The purpose of this chapter is to reduce energy use, and water consumption, and greenhouse gas emissions in existing buildings. These efficiency and emission



reduction improvements will lower energy and water costs, transition buildings away from the use of fossil fuels, and greenhouse gas emissions citywide and increase comfort, safety and health for building occupants. The provisions of the ordinance will inform decision makers about energy and emissions performance and improvement opportunities. (Ord. 7397-NS § 5 (part), 2015)

#### **19.81.020 Applicability.**

The requirements of this Chapter shall apply to all buildings that are located in whole or in part within the City. However, it shall not apply to agencies that are not subject to City authority. (Ord. 7397-NS § 5 (part), 2015)

#### **19.81.030 Definitions.**

A. "Administrator" means the Director of Planning and ~~Community~~ Development or their designee.

B. "Building Owner" means the owner of record of a building. In the case of a building held in cooperative or condominium form of ownership, the term "Building Owner" shall refer to the board of managers, board of directors, homeowners association, or other representative body of the jointly-owned building with authority to make decisions about building assessments and alterations.

C. "Building Energy Score" means a measurement of how efficiently a building uses energy and/or water based on modeled simulations or actual energy use of the building over time compared to similar buildings, which can be in the form of a performance score, asset score or other comparable metric that meets standards and formats established by the Administrator.

D. "Electrification" means the transition of building systems and appliances away from natural gas to electricity as the source of energy.

E. "Energy Report" means a report submitted by a Registered Service Provider that identifies existing conditions, opportunities for water and energy efficiency in a building, opportunities to transition off fossil fuels, greenhouse gas emissions reductions, and available incentives and financing, as well as any applicable Building Energy Score, in accordance with the standards and formats established by the Administrator.

**FE.** "ENERGY STAR Performance Report" means an ENERGY STAR Portfolio Manager Benchmark report generated by the on-line tool developed by the U.S. Environmental Protection Agency that determines energy use intensity and an Energy Star Performance Score for a building based on utility usage data.

**G.** "Energy Upgrade" means the installation or completion of recommended measure(s) that improve the building's energy efficiency, increases the building's resilience, supports the transition off fossil fuels, or decreases the building's greenhouse gas emissions.

**HF.** "Extensive Renovation" means any project that replaces all building space heating, cooling, and ventilation equipment and replaces at least half of the building envelope, in accordance to standards established by the Administrator.

**I.** "Green Building Rating" means an approved rating by a green building verification system consistent with standards identified by the Energy Efficiency Standardization Coordination Collaborative (EESCC) of the American National Standards Institute (ANSI), including, but not limited to the following: Build It Green (BIG) GreenPoint Rated Existing Building; US Green Building Council Leadership in Energy and Environmental Design Existing Building Operation and Maintenance (USGBC LEED-EBOM); Passive House Institute (PHI) Certified Passive House and EnerPHit; Passive House Institute US (PHIUS) PHIUS+ Certified Project; and the International Living Future Institute Zero Net Energy Building and Living Building Challenge Certification; or any other rating demonstrating approved levels of energy efficiency, as determined by the Administrator.

**HJ.** "Gross Floor Area" means the total size, as measured between the principal exterior surfaces of the enclosed fixed walls of the building(s). This includes all areas inside the building(s) such as: occupied tenant areas, common areas, meeting areas, break rooms, restrooms, elevator shafts, mechanical equipment areas, and storage rooms. Gross Floor Area should not include interstitial plenum space between floors, which may house pipes and ventilation.

**HK.** "Large Building" means any building with 25,000 square feet or more of Gross Floor Area.

JL. "Medium Building" means any building with between 15,000 and 24,999 square feet of Gross Floor Area, excluding Single Family Buildings.

M. "Real Estate Listing" means any listing of a building for sale in the City of Berkeley. "Real Estate Listings" include listing a building for sale by a property owner or by a licensed agent. "Real Estate Listings" include any listing for sale by any advertisement, internet posting, or publicly displayed sign.

NK. "Registered Service Provider" means an entity that has been registered by the Administrator to provide an Energy Report and/or Building Energy Score as required by this ordinance.

OL. "Sale" means the conveyance of title to real property as a result of the execution of a real property sales contract as defined in Section 2985 of the California Civil Code as well as any change of ownership described in subdivision (c) of Section 61 and subdivision (c) of Section 64 of the California Revenue and Taxation Code. "Sale" does not include transfer of title pursuant to inheritance, involuntary transfer of title resulting from default on an obligation secured by real property, change of title pursuant to marriage or divorce, condemnation, or any other involuntary change of title affected by operation of law.

PM. "Single Family Building" means any building comprised solely of 1 to 4 residential units, regardless of size.

QN. "Small Building" means any building with less than 15,000 square feet of Gross Floor Area, excluding Single Family Buildings. (Ord. 7397-NS § 5 (part), 2015)

#### **19.81.040 Large Buildings.**

##### **A. Annual ENERGY STAR Performance Report**

Owners of Large Buildings shall submit to the Administrator an ENERGY STAR Performance Report on an annual basis in accordance with the phase-in schedule below and no later than July 1 each year thereafter.

##### **B. Energy Report**

Owners of Large Buildings shall have a Registered Service Provider prepare and submit to the Administrator an Energy Report as specified in the phase-in schedule below and by July 1 every five years thereafter.

C. Disclosure

The most recent ENERGY STAR Performance Report and a summary version of the most recent Energy Report including a Building Energy Score, when available, shall be made publicly available by the Administrator and shall be provided by the Building Owner to existing lessees and to prospective lessees and buyers prior to execution of a lease or contract for sale.

D. Phase-in and Reporting Cycle Schedule

Owners of Large Buildings shall be in compliance with the requirements of this section by the dates specified below.

1. July 1, 2018 for buildings with 50,000 or more square feet of Gross Floor Area, with an annual ENERGY STAR Performance Reporting cycle and a 5 year Energy Report reporting cycle thereafter.
2. July 1, 2019 for buildings with 25,000 or more square feet of Gross Floor Area with an annual ENERGY STAR Performance Reporting cycle and a 5 year Energy Report reporting cycle thereafter. (Ord. 7477-NS § 1, 2016; Ord. 7397-NS § 5 (part), 2015)

E. Evaluate and Recommend Energy Upgrades Requirements

The Administrator of this Chapter shall develop recommendations for Energy Upgrade requirements for Large Buildings based on building performance that are consistent with requirements of State and Federal law. The Administrator shall identify incentives, rebates or other compliance resources to off-set the costs of the Energy Upgrade requirements. The Administrator shall then report the proposed Energy Upgrade requirements for Large Buildings to the City Council for consideration.

**19.81.050 Medium and Small Buildings.**

A. Annual ENERGY STAR Performance Report

Owners of Medium Buildings shall submit to the Administrator an ENERGY STAR Performance Report on an annual basis as of July, 1 2021, and no later than July 1 each year thereafter.

AB. Energy Report

Owners of Medium and Small Buildings shall have a Registered Service Provider prepare and submit to the Administrator an Energy Report ~~upon the earlier of:~~

1. ~~Prior to the Real Estate Listing of the building for Sale~~~~Time of building Sale~~; or
2. Within ~~12-6~~ months of a lender having acquired title due to foreclosure or deed in lieu of foreclosure; ~~or~~
3. ~~The phase-in dates and reporting cycle provided in the schedule below.~~

The requirement at ~~time of Real Estate Listing~~~~Sale~~ may be transferred to the buyer and deferred for ~~12-6~~ months under the provisions of Section [19.81.090](#).B of this Chapter.

BC. Disclosure

~~All compliance documentation, including the most recent ENERGY STAR Performance Report, if applicable, a deferral or a summary version of the most recent Energy Report including a Building Energy Score, when available, shall be made publicly available by the Administrator and shall be provided by the Building Owner to existing lessees and prospective lessees, to all licensed real estate agents working on the seller's behalf, and to prospective buyers who visit the building while it is listed publicly for sale. A summary version of the most recent Energy Report including a Building Energy Score, when available, shall be made publicly available by the Administrator and shall be provided by the Building Owner to existing lessees and to prospective lessees and buyers prior to execution of a lease or contract for sale.~~

D. Evaluate and Recommend Energy Upgrades Requirements

The Administrator of this Chapter shall develop recommendations for Energy Upgrade requirements for Small and Medium Buildings based on building performance that are consistent with State and Federal law. The Administrator shall identify incentives, rebates or other compliance resources to off-set the costs of the Energy Upgrade requirements. The Administrator shall then report the proposed Energy Upgrade requirements for Small and Medium Buildings to the City Council for consideration.

~~C. Phase-in and Reporting Cycle Schedule~~

~~Effective December 1, 2015, owners of Medium Buildings and Small Buildings shall be in compliance with the requirements of this section at time of building Sale or within 12 months when a lender acquires title, or by the dates specified below, whichever comes first. The requirement at Sale may be transferred to the buyer and deferred for 12 months under the provisions of Section 19.81.090.B of this Chapter.~~

~~1. By July 1, 2020 for Medium Buildings with 15,000 or more square feet of Gross Floor Area, and on a 10 year reporting cycle thereafter.~~

~~2. By July 1, 2021 for Medium Buildings with 5,000 or more square feet of Gross Floor Area, and on a 10 year reporting cycle thereafter.~~

~~3. By July 1, 2022 for Small Buildings with less than 5,000 square feet, and on a 10 year reporting cycle thereafter. (Ord. 7477-NS § 2, 2016; Ord. 7397-NS § 5 (part), 2015)~~

**19.81.060 Single Family Buildings**

**A. Energy Report**

Owners of Single Family Buildings shall have a Registered Service Provider prepare and submit to the Administrator an Energy Report ~~at:~~

1. Prior to the Real Estate Listing of the building for Sale~~Time of building Sale~~; or
2. Within ~~12-6~~ months of a lender having acquired title due to foreclosure or deed in lieu of foreclosure.

The requirement at time of Real Estate Listing Sale may be transferred to the buyer and deferred for ~~12-6~~ months under the provisions of Section 19.81.090.B of this Chapter.

B. Disclosure

All compliance documentation, including a deferral or A-a summary version of the most recent Energy Report including a Building Energy Score, when available, shall be made publicly available by the Administrator and shall be provided by the Building Owner to existing lessees and ~~to~~ prospective lessees, to all licensed real estate agents working on the seller's behalf, and to prospective buyers who visit the building while it is listed for sale prior to execution of a lease or contract for sale.

C. Reporting Schedule

The requirements of this Section of the ordinance shall become effective December 1, 2015. (Ord. 7397-NS § 5 (part), 2015)

D. Evaluate and Recommend Energy Upgrades Requirements

The Administrator of this Chapter shall develop recommendations for Energy Upgrade requirements for Single Family Buildings based on building performance that are consistent with requirements of State and Federal law. The Administrator shall identify incentives, rebates or other compliance resources to off-set the costs of the Energy Upgrade requirements. The Administrator shall then report the proposed Energy Upgrade requirements for Single Family Buildings to the City Council for consideration.

**19.81.070 ~~Early Compliance.~~**

~~Any Energy Report completed after April 1, 2015 which otherwise meets the requirements of this Chapter or is deemed by the Administrator as equivalent shall be considered to be an Energy Report for the first compliance period. (Ord. 7397-NS § 5 (part), 2015)~~

**19.81.080 Incentives.**

The Administrator may establish rules and regulations to encourage participation one in local, regional and statewide incentive programs and to otherwise incent property

owners to pursue early compliance and/or achieve a high performance exemption. (Ord. 7397-NS § 5 (part), 2015)

**19.81.090 Exceptions, Deferrals and Extensions.**

A. High Performance Exemption. Exemptions from the Energy Report requirements for current reporting periods may be granted for buildings that demonstrate effective and reasonably achievable level of efficiency, electrification of building systems and appliances, and/or emissions reduction, based on the specific building type, use, vintage, and condition, that supports Berkeley's commitment to become a Fossil Fuel Free City and the Berkeley Climate Action Plan (CAP) goal of 33% energy-related greenhouse gas reduction from 2000 levels by 2020 and 80% reduction by 2050. Qualified exemptions shall include, but are not limited to:

1. Any building that receives a Building Energy Score or Green Building Rating that demonstrates an effective and reasonable level of efficiency, as determined by the Administrator.
2. Any building that completes a multi-measure energy improvement project with a verified minimum improvement, as determined by Administrator.
3. Any whole building that has been served by an income-qualified Weatherization Assistance program for low-income households.
4. Any new building or Extensive Renovation with a construction completion date within ten years of the reporting deadline.

5. Any building that has electrified all building systems and appliances.

B. Deferral at Time of Real Estate ListingSale. The requirements for compliance prior to the Real Estate Listing of a buildingSale may be deferred from the seller to the buyer, and any subsequent buyers, for a period of 6 months after the original sale date. A request to defer responsibility to the buyer must be submitted to the administrator prior to the listing of the building. The deferral shall include information on the fuel source for each end use in the building and -any current or future electrification requirements and incentives. when the buyer and any subsequent buyers consent to comply with the



~~requirements within 12 months of the original sale date with an application for deferral to the Administrator prior to execution of contract of sale.~~

C. Distressed Sale Extension. A ~~126~~-month extension may be granted to a buyer of a building purchased from a lender following default or transfer by deed in lieu of foreclosure.

D. Hardship Deferral. The requirement for an ENERGY STAR Performance Report and the requirement for an Energy Report may be deferred for up to one reporting cycle in cases of financial hardship where one of the following is provided by the Building Owner and approved by the Administrator:

1. Proof of participation in an energy assistance income qualified program, administered through the State of California or the local energy utility.
2. Proof of approved participation in Property Tax Postponement or Property Tax Assistance for Senior Citizens, Blind or Disabled, or equivalent program as determined by Administrator.
3. Proof that the property qualifies for sale at public auction or acquisition by a public agency due to arrears for property taxes, within two years prior to the due date of the Energy Report.
4. Proof that a court appointed receiver is in control of the asset due to financial distress.
5. Proof that the senior mortgage is subject to a notice of default.
6. Proof that the responsible party is otherwise not able to meet the obligations of this Chapter.

Deferrals under this Section are granted to the Building Owner and are not transferrable with a building Sale, at which time compliance with this Chapter shall be required.

E. Data Unavailable. An exemption from ENERGY STAR Performance Report requirement for any current reporting period may be granted if:

1. The Building Owner demonstrates to the Administrator that they have been unable to obtain tenant authorization to obtain tenant utility data, despite a good faith effort to obtain such consent, or
2. The building occupant demonstrates to the Administrator that such disclosure may result in the release of proprietary information which can be characterized as a trade secret.

3. Any person subject to the requirements of this Chapter demonstrates to the Administrator that submission of an ENERGY STAR Performance Report would conflict with the requirements of State or Federal law

F. Deferral for Planned Demolition or Extensive Renovation. The requirements of this Chapter may be deferred for 24 months if the owner or buyer has obtained a Building Permit, Demolition Permit, or Permit under the Zoning Ordinance that includes demolition or Extensive Renovation of the subject building.

Deferrals under this ~~subdivision~~ Section are granted to the Building Owner and are not transferrable with a building Sale, at which time compliance with this Chapter shall be required.

G. Exemption for Sale of a Condominium. The requirements to submit an Energy Report with an Energy Benchmark to the Administrator shall not apply to any sale of a residential or commercial condominium that is a unit within a building and not a detached structure.

H. Low Energy Use Deferral. Buildings with low energy use based on energy billing data comparing a building to similar efficient buildings or because of operations specific to their building use, such as institutions that operate less than three days a week, may be granted a Low Energy Use deferral for the current compliance cycle.

Deferrals under this ~~subdivision~~ Section are granted to the Building Owner and are not transferrable with a building Sale, at which time compliance with this Chapter shall be required.

I. Exemption for Long-Term Tenancy under Rent Control. The requirements of this Chapter for any building which is subject to rent control in which all of the units, excluding any owner-occupied units, have leases that date prior to January 1, 1999 may be deferred until the next reporting period.

J. Unconditioned Floor Area Reclassification. The size classification of a building may be reduced by the Administrator to exclude physically separated floor area that is not served by heating, ventilation or cooling equipment.

~~K.—Phase-In.~~

~~1.—Through December 1, 2015, compliance required pursuant to a Sale may be satisfied through compliance with the requirements specified under the prior residential and commercial energy conservations ordinances, Chapters 19.16 and 19.72 of the Berkeley Municipal Code.~~

~~2.—Any buyer who, prior to June 1, 2015, has filed an acceptance of compliance responsibility pursuant to Berkeley Municipal Code 19.16.080 Section A. 3 or 19.72.120 Section B, has the option of complying either with the requirements in effect at the time of filing or the requirements of this Chapter.~~

~~LK. Small Building Exemption based on building size. Buildings 600 square feet or a higher size threshold, as determined by the Administrator, less are exempt from the requirements of this Chapter. (Ord. 7477-NS § 3, 2016; Ord. 7397-NS § 5 (part), 2015)~~

**19.81.100 Responsibilities.**

A. It shall be the responsibility of sellers, buyers, owners, real estate agents and brokers, property managers, title companies, non-residential tenants, Registered Service Providers and energy service providers to comply with the requirements of this Chapter.

B. The seller of any real property and the licensed real estate agent or broker handling a sale of real property shall be jointly responsible for disclosing to the prospective buyer the compliance status of the real property in question. (Ord. 7397-NS § 5 (part), 2015)

**19.81.110 Administration and Enforcement.**

The Administrator may adopt reasonable rules and regulations implementing the provisions and intent of this Chapter before the operative date of this Chapter and may amend these rules and regulations as needed. All rules and regulations adopted by the Administrator shall be posted on the City of Berkeley website. (Ord. 7397-NS § 5 (part), 2015)

**19.81.120 Fees.**

The City Council may set fees, by resolution, for the administration of this Chapter. (Ord. 7397-NS § 5 (part), 2015)

**19.81.130 Enforcement.**

The Administrator ~~may shall~~ issue a written Notice of Violation to any building owner determined to be in violation of any provision of this Chapter. In the event a building owner fails to file an ENERGY STAR Performance Report within 30 days after the scheduled deadline or an Energy Report within 90 days after the scheduled deadline, the Administrator shall indicate the building's compliance status via the publicly accessible electronic reporting interface. (Ord. 7397-NS § 5 (part), 2015)

**19.81.140 Violation--Penalty.**

Violations of this Chapter, if charged pursuant to Chapter [1.20](#), shall be charged as infractions. Violations of this Chapter are also punishable pursuant to Chapter [1.28](#). (Ord. 7397-NS § 5 (part), 2015)

**19.81.150 Appeals.**

~~Aggrieved persons may file appeals to the City Manager or their designee. (Ord. 7397-NS § 5 (part), 2015)~~

**19.81.160 Severability.**

If any word, phrase, sentence, part, section, subsection, or other portion of this Chapter, or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this Chapter, and all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and

effect. The City Council hereby declares that it would have passed this title, and each section, subsection, sentence, clause and phrase of this Chapter, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases is declared invalid or unconstitutional. (Ord. 7397-NS § 5 (part), 2015)

**19.81.170 Chapter Review and Reconsideration.**

~~The City Council, with advice from the Berkeley Energy Commission, shall, within 3 years of the effective date of this Chapter, evaluate implementation and outcomes and reconsider extending requirements to all Single Family Buildings starting in 2021. Implementation evaluation shall include an analysis of reporting systems and compliance rates, and outcomes evaluation shall analyze the number of energy improvements and amount of energy reduced as a result of this Chapter, and may recommend revisions and/or incentive programs to accelerate improvements to low performing buildings as it considers advisable. The Berkeley Energy Commission shall then report on its evaluation and recommendations to the City Council. (Ord. 7397-NS § 5 (part), 2015)~~



Office of the City Manager

CONSENT CALENDAR  
July 21, 2020

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Timothy Burroughs, Director, Planning and Development Department  
Subject: Evaluation and Recommended Updates to the Building Energy Savings Ordinance (BESO)

RECOMMENDATION

Refer to City Manager to amend the Building Energy Saving Ordinance (BESO), Chapter 19.81.170 of the Berkeley Municipal Code, to align with building electrification goals, leverage upcoming rebates and incentives, and develop mandatory energy requirements to be phased in.

SUMMARY

BESO is a City of Berkeley ordinance that requires building owners to complete and publicly report building-specific energy efficiency assessments and energy scores. The goal of BESO is to reduce both energy costs and greenhouse gas emissions in Berkeley's existing buildings. BESO uses energy data transparency to allow owners to better manage energy use and encourage investments in energy efficiency upgrades. BESO currently requires that large buildings benchmark energy use annually and conduct an assessment or upgrade every five years. Medium and small buildings must assess or upgrade every 10 years, and single family homes must do so at time of sale, or within one year after sale.

This report provides recommendations informed by the BESO Evaluation Report, by multiple meetings with technical advisors and other stakeholders, and by input from the Berkeley Energy Commission. It balances the urgency of the climate crisis with the economic reality created by COVID-19. In order to accelerate energy efficiency, resilience, and electrification upgrades in homes and buildings, staff propose to return to City Council with an amendment to the ordinance to make BESO better align with building electrification goals, leverage upcoming rebates and incentives, and require the development of mandatory building energy improvements to be phased-in when additional resources to off-set costs for mandatory improvements are available.

The proposed amendment to BESO would be implemented in a phased approach, requiring the development of mandatory energy improvements that would be developed with a stakeholder process. This will allow for a thorough analysis of cost impacts, impacts to equity, and numerous other intended and unintended impacts. If this

recommendation is adopted, staff will develop mandatory measures for Council consideration in the future.

### FISCAL IMPACTS OF RECOMMENDATION

There are no direct fiscal impacts to amending BESO to align with electrification goals, leverage rebates and develop mandatory energy requirements. However, there may be fiscal impacts to building owners, subject to BESO, when mandatory energy requirements are phased in. Staff will return to City Council an analysis of costs and benefits to the City and to Berkeley property owners at that time.

### CURRENT SITUATION AND ITS EFFECTS

BESO is a City of Berkeley ordinance (No. 7397-NS, Berkeley Municipal Code Chapter 19.81.170) that requires building owners to complete and publicly report energy efficiency assessments and energy scores. When the Berkeley City Council adopted BESO, it required a program evaluation three years after implementation to assess the process and outcomes. The BESO Evaluation Report was conducted by Energy Solutions, an energy consulting firm that designs, implements and evaluates energy programs. This staff report provides recommendations to update BESO informed by this report, and by multiple meetings with technical advisors and other stakeholders, and input from the Berkeley Energy Commission. Since the outreach, meetings, and BESO Evaluation Report were completed prior to the COVID-19 pandemic, staff has also balanced these recommendations with the increased importance of healthy indoor air quality as well as economic and budgetary considerations, to ensure that BESO updates are in-line with a thoughtful and resilient recovery.

#### **BESO Evaluation Report**

The BESO Evaluation Report was completed by consultants at Energy Solutions in February 2020. It assessed whether BESO is meeting its goals of being easy, affordable and valuable. As applied to BESO, these goals are 1) **easy** administrative procedures for compliance, 2) **affordable** requirements that leverage rebates and do not create an undue financial burden, and 3) **valuable** outcomes that provide benefits to building owners as well as reductions in greenhouse gas emissions. The evaluation analyzed current program administrative process and data on outcomes as well as actively engaged with key stakeholders, including participants, community partners, the real estate community, the Berkeley Energy Commission, and energy assessors. The evaluation highlighted BESO's need to make improvements to:

- Align with Berkeley's electrification and community resilience's goals
- Leverage the proposed expanded Transfer Tax Rebate Program to incentivize upgrades
- Increase the number of energy upgrades that result from the energy assessment recommendations and improve tracking
- Streamline BESO administrative processes for both staff and the public.

The full report, findings and recommendations are provided in Attachment 1.

### **Expert Technical Advisory Meetings**

Staff had multiple meetings with technical advisors and energy experts and convened technical advisory meetings in late 2019 and early 2020. These included an advisory group with representatives from Natural Resources Defense Council (NRDC), East Bay Community Energy (EBCE), equity partners representing low-income communities, the Berkeley Lab, Bay Area Regional Energy Network (BayREN), architects, contractors, energy efficiency program implementers, and the California Public Utilities Commission (CPUC). These experts weighed in on the opportunities and challenges for updating BESO to add mandatory energy upgrade requirements in addition to the currently required energy assessments. Ultimately, the technical advisory group expressed a favorable recommendation for developing mandatory requirements contingent on whether there could be sufficient rebates to lower costs. Given the rapidly evolving electric heat pump technology and upcoming rebate programs under development, there was consensus that more time was needed to determine the appropriate measures.

### **Berkeley Energy Commission**

The Berkeley Energy Commission developed a sub-committee for the BESO evaluation and updates. They met to review the BESO Evaluation Report and provide comments to staff. On February 26, 2020 the Energy Commission voted unanimously to support staff recommendations for the proposed amendments to BESO. Motion/Second to approve the proposed amendments to BESO (Bell, O'Hare). The motion carried 6-0-0-3 (Ayes: Zuckerman, Bell, Weems Paulos, Stromberg, O'Hare. Noes: None. Abstain: None. Absent: Schlachter Leger, Gil). The Commission reiterated its support for staff recommendations for a phased approach to the proposed development of mandatory upgrade requirements, in order to keep up with changes in technology, upcoming rebates, and equity considerations. In addition, the Commission recommended review of new requirements on a regular basis in light of rapidly evolving technology and changing rebates. It also suggested the inclusion of utility bill information in the energy assessments, which will be considered as part of the assessment improvement.

With BESO, Berkeley has become a leader in the home energy assessment and building labeling sphere, with cities across the nation replicating aspects of BESO in their own communities. BESO has been successful at providing data on the energy use and energy efficiency opportunities of Berkeley's existing buildings. This data is being used to inform the *Existing Building Electrification Strategy* study currently in development and scheduled for completion early 2020. The Strategy is identifying a suite of long and short-term policies to equitably transition all of Berkeley's existing buildings from fossil fuels to clean electricity. The current BESO policy allows large



building owners to access energy use trend data to help manage energy use and comply with California State law. Although there are anecdotal reports of time of sale energy assessments leading to participation in energy upgrade incentive programs, data on exact numbers of participants is not available due to utility program privacy rules.

The BESO program has also faced some challenges. Since its original development, the City's priority has shifted beyond energy efficiency, to include electrification, in response to the Climate Emergency and Fossil Fuel Free goals. Implementation has been constrained by the manual compliance system that consumes much of staff's time and does not provide publicly available building energy data to encourage energy efficiency investments. Staff is currently focused on improving compliance rates for medium and large buildings and launching an on-line application and payment portal for time of sale transactions. An additional challenge has been the inability to measure and track energy upgrade outcomes due to rules that restrict access to utility rebate program participation.

### **Proposed BESO Update**

Staff recommends developing an amendment to BESO to bring to a future Council meeting with these proposed updates:

- Integrate electrification and resilience into the energy assessments to better align with the City's goals.
- Develop new rebates when timing is appropriate and coordinate with state and regional programs to maximize available incentives to reduce costs and encourage energy efficiency and electrification upgrades.
- For all buildings that are being sold, change the energy assessment compliance due date to time of listing, rather than time of sale, and encourage inclusion of the energy report on the Multiple Listing Service (MLS) to provide transparency in the sale process and to serve as a market influence.
- Improve City systems for BESO compliance and online payment of BESO fees for better tracking and improved customer service.
- Expand annual benchmarking reporting requirements to medium-sized buildings and streamline energy assessment requirements for small and medium-sized buildings to time of listing.
- Convene expert advisory teams to develop mandatory requirements for homes (1-4 units) and large buildings (over 25,000 sqft) that leverage rebates and guarantee outcomes.

Table 1 compares the current ordinance and the proposed changes:

Table 1 Current and Proposed BESO Requirements

| Building Types              | Current                                                                                                                   | Proposed                                                                                                                                                                                                                                           |
|-----------------------------|---------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Homes 1-4 Units             | <ul style="list-style-type: none"> <li>Energy Efficiency Assessment at time of sale</li> </ul>                            | <ul style="list-style-type: none"> <li><b>Electrification assessment at time of listing</b></li> <li><b>Develop mandatory requirements for phase-in when additional rebates to off-set costs are identified</b></li> </ul>                         |
| Small Buildings (up to 15k) | <ul style="list-style-type: none"> <li>Energy Efficiency Assessments every 10 years</li> </ul>                            | <ul style="list-style-type: none"> <li><b>Electrification assessment at time of listing</b></li> </ul>                                                                                                                                             |
| Medium Buildings (15k-25k)  | <ul style="list-style-type: none"> <li>Energy Efficiency Assessment every 10 years</li> </ul>                             | <ul style="list-style-type: none"> <li><b>Electrification assessment at time of listing</b></li> <li><b>Annual Benchmarking</b></li> </ul>                                                                                                         |
| Large Buildings (25k+)      | <ul style="list-style-type: none"> <li>Energy Efficiency Assessment every 5 years</li> <li>Annual benchmarking</li> </ul> | <ul style="list-style-type: none"> <li><b>Electrification assessment every 5 years</b></li> <li>Annual benchmarking</li> <li><b>Develop mandatory requirements for phase-in when additional rebates to off-set costs are identified</b></li> </ul> |

\***Bold** text indicates new requirements.

### Developing Mandatory Energy Requirements for Phase-In

While there is agreement on the need to strengthen BESO to catalyze action in light of the climate emergency, there is not yet consensus on what building retrofit requirements would be most cost-effective for different existing building types. Staff proposes to develop mandatory requirements in consultation with experts for homes, large commercial, multifamily and mixed-use buildings. Once mandatory requirements are defined and rebates or other compliance resources to off-set costs are identified, the requirements will be brought to City Council for final approval.

A phased approach to updating the BESO program will both provide significant improvements in the promotion of building electrification in the short-term, and create a pathway to mandatory improvements, encouraging early adoption and investments in electrification. Consultation with expert advisors will allow a thorough analysis of cost impacts, evolving technology, potential impacts from refrigerants, electrical infrastructure needs, workforce capacity, changing incentives, impacts to equity and other unintended consequences. Building electrification technology is rapidly evolving, especially for the existing building retrofit market where steps to electrify differ based on building vintage and existing condition.

The integration of building electrification into the current energy efficiency assessments will require updates to the assessments, assessor training, the development of rebates

and alignment with other incentive programs. Staff has been collaborating with the local Home Energy Score partners to integrate electrification into the assessment and recommendations for single family homes, Development of electrification assessment tools for commercial and multifamily buildings requires additional research and collaboration, as well as the identification of incentives to off-set compliance costs.

Given the projected economic set-backs of COVID-19, staff will provide an analysis of financial impacts to Berkeley businesses, housing market and greater community of any proposed mandatory requirements proposed in Phase 2. The timing for the implementation of these requirements is dependent on the completion of Phase 1 training of assessors, identifying incentives to off-set compliance costs, and the development of mandatory requirements. The process for Phase 2 does not have a designated timeline. Rather, this approach will allow for thoughtful development of requirements that are effective, equitable, and do not further limit access to housing in a tight market, while sending a clear signal to the market that investments in electrification are encouraged and valuable.

### **Proposed Phases for BESO Update: Electrification with Mandatory Requirement Development**

#### **1. Commercial/Residential 15,000 sqft and above (Approx. 800 buildings)**

##### **Phase 1 – Prioritize electrification and align with rebates**

- Phase-in benchmarking requirements for 300 additional medium-sized buildings (15,000 to 25,000 square feet).
- Update energy efficiency assessment tools to prioritize electrification and include electrification recommendations.
- Train assessors in electrification best practices for commercial, multifamily and mixed-use buildings.
- Work with utility partners, regional entities, and the State to help create and promote electrification incentive programs to reduce compliance costs for building owners.

##### **Phase 2 – Develop and implement mandatory energy requirements that leverage incentives for buildings 25,000 sqft and above**

- Identify appropriate exemptions and exceptions to encourage early adaptors and advance equity.
- Develop mandatory energy requirements through a participatory stake holder process for consideration by City Council.
- Promote electrification incentive programs to offset compliance costs.

**2. Buildings being Sold** (Approx. 900 buildings per year)

**Phase 1 – Require at listing, prioritize electrification and align with rebates**

- Update compliance trigger to Time of Listing as opposed to Time of Sale using BayREN’s newly created Home Energy Score assessment registry.
- Integrate assessment with MLS to inform the sales process.
- Update the Home Energy Score assessment to include electrification recommendations.
- Train energy efficiency assessors on electrification best practices.
- Promote new electrification rebates to encourage new buyers to invest in electrification.
- Create upgrade tracking and proposed rebate processing system, leverage all available electrification incentives.

**Phase 2 – Develop and implement mandatory energy requirements that leverage incentives**

- Continue to expand strategic electrification outreach and education.
- Identify and address equity impacts that may further limit access to home purchases in Berkeley.
- Update assessment to identify mandatory measures.
- Develop workforce capacity and equipment supply chain availability.
- Develop mandatory energy requirements for homes with inclusive stakeholder process for Council consideration.
- Implement mandatory requirements that leverage rebates and incentives.

The Phase 1 expansion of assessments to include electrification and training of assessors is already underway for single family homes and could be implemented fairly quickly. The development of electrification assessments and retrofit recommendations for commercial and multifamily buildings will require additional research and vetting with stakeholders. The timing of Phase 2 will be dependent the participatory stakeholder process and on the availability of electrification incentives and financing to offset implementation costs.

Amending BESO to align with electrification and resilience goals, leverage upcoming rebates and incentives, and develop mandatory requirements for phase-in advances a number of Strategic Plan priorities, including creating a resilient, safe, connected, and prepared city, and being a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

**BACKGROUND**

On March 10, 2015 the Berkeley City Council adopted BMC Chapter 19.81 – the Building Energy Savings Ordinance, with the goal of accelerating energy savings in Berkeley’s existing buildings. BESO is a Strategic Plan Priority Project. It advances the

City's goal of being a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

When BESO was adopted, it replaced the Residential and Commercial Energy Conservation Ordinances (RECO and CECO), which required building owners to install a prescribed list of minimum energy and water saving measures at the point of sale or during significant remodels. RECO/CECO needed to be updated, as the prescriptive measures at that time did not meet the criteria of being easy, affordable and valuable. The manual compliance system was cumbersome and did not provide acceptable customer service. The required minimum measures were not affordable, as they did not align with rate-payer funded incentive programs. Finally, the list of measures was not valuable because it did not meet climate action emissions reductions targets and was out of date with building science and code requirements.

The development of BESO was conducted with a multi-year, consensus-based community engagement process that included homeowners, residents, realtors, energy professionals, and the Berkeley Energy Commission. The approach of BESO is to assess each building and determine the best strategy to reduce emissions and energy costs and make that data publicly available to encourage upgrades and inform policy development. BESO currently is required prior to sale of a house or building under 25,000 square feet, and on a phased-in schedule for large multifamily and commercial buildings. The assessments are conducted by registered energy assessors who provide building-specific recommendations on how to save energy and link building owners to incentive programs for energy efficiency upgrades; however, BESO does not currently mandate that any of the recommended upgrades be completed. Information from the building assessments, including energy efficiency scores, has been incorporated into the Berkeley Community GIS Portal, providing transparent access to building energy data.

#### ENVIRONMENTAL SUSTAINABILITY

The adoption of BESO was a key Implementation Action of the Climate Action Plan (CAP). As of the most recent emission inventory, existing buildings are the second largest greenhouse gas emitter and account for 37% of greenhouse gas emissions in Berkeley. BESO is one of the few city policies that addresses existing building greenhouse gas emissions. Updating BESO to better align with electrification and resilience goals, leverage rebates and incentives, and increase the number of energy upgrades in buildings would further the environmental sustainability and climate goals of the City.

Electrification, or switching from natural gas to highly efficient electric heat pumps is a critical climate action strategy that benefits building occupants. Gas, which is primarily used to heat indoor air and water, is responsible for over 90% of emissions from building energy use. Powering building with electricity reduces indoor pollution and increases health and safety for occupants.

### RATIONALE FOR RECOMMENDATION

Integrating building electrification into the energy efficiency assessments will accelerate the transition of buildings away from gas appliances, advancing the City's goals of reducing greenhouse gas emissions and becoming free of fossil fuels. In addition to reducing emissions, buildings that electrify have improved health, safety and occupant comfort. The importance of promoting healthy indoor air quality has been highlighted by recent occurrences such as smoke events during wildfire season and the COVID-19 pandemic.

Taking a phased approach will ensure that the updates to BESO will meet the goals of being easy, affordable and valuable. Building electrification technology is rapidly evolving, especially for the existing building retrofit market where steps to electrify differ based on building vintage and existing condition. The development of requirements that accounts for cost impacts, evolving technology, potential impacts from refrigerants, electrical infrastructure needs, workforce capacity, changing incentives, impacts to equity and other unintended consequences, will ensure policy outcomes that are **affordable** for building owners and provide **valuable** benefits to occupants and the environment.

The proposed changes to BESO will also improve program administration and customer service, meeting the criteria of making it **easy** for customers to comply. Currently BESO is administered with a manual compliance system that consumes significant staff time and does not provide publicly available data to encourage energy efficiency investments. The Office of Energy and Sustainable Development is creating its own online application and payment system to address these administrative challenges.

### ALTERNATIVE ACTIONS CONSIDERED

The BESO evaluation and technical advisory meetings identified a range of potential options, from maintaining the current policy to requiring homeowners and building owners to make mandatory upgrades.

**Alternative 1-** No action. Given the urgency of the climate crisis, this option falls short on accelerating greenhouse gas reductions and does not align with the City's goals of electrification.

**Alternative 2-** Require a more aggressive timeline for mandatory requirements for homes and large buildings. This option would have high-cost impacts for building owners, since rebates to offset upgrade costs are not yet available, and equipment costs are evolving. Given the projected economic recession due to the COVID-19 pandemic, requiring mandatory upgrades without having incentives in place to off-set costs could further financially burden Berkeley businesses and housing market. In addition, requiring mandatory upgrades too quickly would not allow adequate time to build capacity in the workforce and supply stream for emerging electrification technologies. Finally, this approach would not provide sufficient time to address equity concerns and other unintended consequences.

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Attachments:

1: BESO Evaluation Report (Energy Solutions)



# City of Berkeley Building Energy Saving Ordinance Evaluation Report

February 11<sup>th</sup>, 2020



**To: City of Berkeley**

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# 1. Executive Summary

As the effects of climate change continue to increase, local governments must enact policies that reduce greenhouse gas (GHG) emissions and encourage resilience in their communities. Buildings are the second largest greenhouse gas emitter in the City of Berkeley and approximately 80% of buildings in Berkeley were built before 1950<sup>i</sup> so addressing the existing building stock is imperative. The Building Energy Saving Ordinance (BESO) is a program designed for this purpose, and after evaluating both the outcomes achieved thus far and the current process of the BESO program, it is clear that improvements need to be made. This evaluation assessed BESO on the criteria of whether it is meeting its goals of being easy, affordable, and valuable, as well how to better align BESO with Berkeley’s policy goals of electrification and community resilience.

Overview of findings:

- BESO was originally designed to promote energy efficiency but Berkeley’s goals have expanded to include the transition of buildings from natural gas to clean electricity and resilience.
- Changes to incentive programs and privacy issues related to participation rates have hindered Berkeley being able to measure outcomes of the program accurately.
- While the BESO assessment has resulted in valuable information on existing building stock for program planning purposes, conversion rates have not been measurable and are assumed to be low.
- Implementation of BESO is a labor-intensive manual process for both City staff and the public that lacks the appropriate technology.

Based on the findings of this evaluation, a menu of recommendations made by Energy Solutions is included below. The recommendations, categorized by building type, are designed to improve both the outcomes of the program in achieving the City’s goals and the program’s administrative process. Some of these recommendations may be able to be implemented quickly while others may require more time or additional resources. Given existing staff time and resources, some of the recommendations may not be possible to implement concurrently and will need to be prioritized and phased accordingly.

| Type of Recommendation            | Recommendations                                                                                                                                            |
|-----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Outcomes for All Buildings</b> | Update the primary focus of BESO to include electrification and resilience and ensure the ordinance properly reflects the updated goals for all buildings. |
|                                   | Implement systems and requirements that allow for tracking upgrades and measuring the GHG emission savings, electrification-readiness, and resilience.     |
|                                   | Increase electrification outreach and education for all building types, including developing materials on electrification measures and costs.              |
|                                   | Consider other intervention points to target existing buildings.                                                                                           |

|                                            |                                                                                                                                                                                                                                      |
|--------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Outcomes for Homes (1-4 Units)</b>      | Update ordinance requirements to integrate the City Council-proposed expansion of the seismic transfer tax rebate (0.5% of the purchase price) and ensure alignment with efficiency and electrification upgrades.                    |
|                                            | Convene technical experts to develop performance standards for electrification upgrades and allow the use of the transfer tax rebate to offset costs and consider mandating upgrades, while addressing any potential equity impacts. |
|                                            | Consider requiring the Home Energy Score at time of listing rather than at time of sale.                                                                                                                                             |
|                                            | Continue use of Home Energy Score but require additional electrification-readiness information to be collected during the home energy assessment.                                                                                    |
|                                            | Investigate free or low-cost assessment tools that could be used for all homes not triggered by the BESO time-of-sale requirements.                                                                                                  |
| <b>Outcomes for Small/Medium Buildings</b> | Prioritize improvements for rental properties with further program development that considers incentives and/or mandatory requirements.                                                                                              |
| <b>Outcomes for Large Buildings</b>        | Develop an energy rating score card to display in the property.                                                                                                                                                                      |
|                                            | Ensure building owners have quick and easy access to the most relevant rebate program information for their potential project.                                                                                                       |
|                                            | Include requirement for no-cost/low-cost building tune-up or retro-commissioning measures and track implemented measures and savings.                                                                                                |
|                                            | Convene a group of technical experts and building owners to develop performance standards based on energy use or greenhouse gas emissions targets with a timeline for requirements.                                                  |
|                                            | Partner with Energy Service Companies (ESCOs) to deliver guaranteed savings.                                                                                                                                                         |
| <b>Process for All Buildings</b>           | Continue to build and launch integrated online application processing system for all building types.                                                                                                                                 |
|                                            | Adjust fees for cost recovery of administrative time.                                                                                                                                                                                |
| <b>Process for Homes (1-4 Units)</b>       | Formalize exemption threshold of 850 square feet in BESO to exempt buildings between 600 and 850 square feet.                                                                                                                        |
|                                            | Increase the time of sale deferral fee to cover additional administrative and enforcement costs.                                                                                                                                     |
|                                            | Implement a trade professional platform to integrate and streamline key components of the BESO process related to the delivery of assessment and energy upgrade services.                                                            |
| <b>Process for Small/Medium Buildings</b>  | Streamline small and medium building requirements by updating the building size categories.                                                                                                                                          |
| <b>Process for Large Buildings</b>         | Utilize the U.S. Department of Energy's Asset Score Reporting template as the assessment data collection tool.                                                                                                                       |

## 2. Overview

### Report Purpose

BESO's Section 19.81.170, Chapter Review and Reconsideration, stipulates that an evaluation should be completed to assess BESO's implementation process and policy outcomes, including:

- Reconsidering extending requirements to all Single Family Buildings starting in 2021;
- Analyzing reporting systems and compliance rates;
- Analyzing the number of energy improvements and amount of energy reduced; and
- Recommending revisions and/or incentive programs to accelerate improvements to low performing buildings as it considers advisable.

This report is intended to comply with the specified evaluation. The evaluation includes a review of both the policy outcomes and administrative processes to make recommendations for improvement. The objectives are summarized as follows.

- *Identify* current barriers and opportunities for BESO;
- *Analyze* the effectiveness of the BESO program for key stakeholders; and
- *Make recommendations* for improvements to both the administrative processes and policy outcomes of BESO to align with City's electrification and resilience goals.

### Introduction

On March 10, 2015, the City of Berkeley adopted Berkeley Municipal Code (BMC) 19.81 – the Building Energy Savings Ordinance (BESO) with the goal to accelerate deep energy savings in Berkeley's existing buildings. The adoption of BESO was a key Implementation Action of the Climate Action Plan (CAP). When it was passed, it replaced the Residential and Commercial Energy Conservation Ordinances (RECO and CECO).

RECO and CECO, which had been in effect since the late 1980s, required homes and buildings sold or transferred in Berkeley or undergoing renovations to meet prescriptive energy and water efficiency requirements. The static list of minimum prescriptive measures in RECO and CECO was not achieving deep energy savings and became outdated based on technology changes and code updates. Further, the measures were not tailored to individualized building conditions or designed to maximize savings. A building science approach to energy efficiency requires a performance assessment that looks at all systems within a specific building and how they interact, resulting in performance

recommendations with a specific loading order; for example, air sealing must precede attic insulation to maximize efficacy and energy savings. Additionally, as regional incentive programs underwritten by ratepayer funds transitioned to whole building performance improvements, as opposed to individual measures, the RECO and CECO measures were misaligned, potentially preventing building owners from leveraging those funds.

The development of BESO was conducted with a multi-year, consensus-based community engagement process that included realtors, energy professionals, and the Berkeley Energy Commission. BESO essentially replaced the mandatory minimum energy and water efficiency requirements in RECO and CECO with a requirement for property owners to conduct and disclose a site-specific energy efficiency opportunity assessment that provided a roadmap to improvements, incentives, and financing. BESO also included the phase-in of all buildings over 25,000 square feet by a certain date rather than at time-of-sale since these larger buildings don't often transfer ownership.

**Building energy performance reports often include:**

- Home profile (year built, area, # of bedrooms)
- Details about home's current structure and systems
- Home Energy Score or Energy Star score
- Annual energy use and cost based on energy modeling
- Home's carbon footprint
- Custom energy improvement recommendations

Many of BESO's attributes, like its annual benchmarking requirement and the phased-in compliance schedule for large buildings, and use of Home Energy Score tool<sup>1</sup> for energy assessments for homes are similar to other jurisdictions with the objective of making building energy use, costs, and efficiencies visible to owners, occupants, renters, and potential buyers. However, some programs also require existing buildings to meet specified energy or greenhouse gas (GHG) reduction targets in addition to building energy ratings, assessments, and disclosures. A summary of the different jurisdictions' programs is included in Appendices G & H.

By providing valuable information on energy savings opportunities as well as access to incentive and financing programs, the goal of BESO was to on-ramp building owners to energy efficiency performance improvement programs that are subsidized by utility rate payer funds.<sup>2</sup> Participation in these programs would lower energy costs and reduce greenhouse gas emissions citywide, while providing increased comfort, safety, and health for building occupants. However, due to a number of issues detailed in this report, the ability to track participation in these programs has not been as successful as originally intended.

---

## Climate and Decarbonization Policy Goals

As a key *Implementing Action* identified in the City's Climate Action Plan, it is important that BESO supports emissions reductions goals and resilience policies.

The Climate Action Plan calls for reducing the community's greenhouse gas (GHG) emissions by 80% below year 2000 levels by 2050. The GHG emissions associated with homes and buildings are the second largest source of GHG emissions in Berkeley. Berkeley has been very successful in reducing the amount of energy used in buildings, having achieved a 35% reduction in GHG emissions in buildings below 2000 levels as of 2016 data. Despite these efforts, buildings still account for 37% of GHG emissions in Berkeley.

Since the adoption Climate Action Plan goals in 2009, Berkeley has subsequently committed to more

ambitious goals for decarbonization including:

Thus far, Berkeley has set forth a number of policies and goals that advance decarbonization and resilience, including:

- Achieving 100% renewable electricity citywide by 2035
- Reaching the Mayor's pledge and the State's goal for net zero carbon emissions (carbon neutrality) by 2045; and
- Becoming a fossil fuel free city

In an effort to create a more resilient Berkeley in the face of challenges of climate change, the City also adopted the following resiliency goals as part of the Resilience Strategy in 2016:

- Accelerate access to reliable and clean energy
- Adapt to the changing climate

1 A sample Home Energy Score is included in Appendix D.

2 Refers to charges assessed on electric and natural gas bills that specifically fund energy efficiency programs.

By transitioning away from a reliance on natural gas to power buildings through electrification (i.e. switching out natural-gas combustion equipment and appliances for electric-powered equipment and appliances), Berkeley can further reduce GHG emissions in its buildings. Beyond GHG emission reductions, Berkeley must align its existing policies and programs within a resilient and electrification-ready framework in order to prepare the community and its infrastructure for the impacts of climate change. In addition to these goals, BESO should leverage current projects and programs, including:

**Existing Buildings Electrification Strategy:** The Office of Energy & Sustainable Development is currently working on a report focused on how to equitably transition the existing building stock in Berkeley from natural gas to 100% clean energy (i.e. to electricity).

**Transfer Tax Rebate:** City Council passed a referral on November 27, 2018 to expand the existing Seismic Transfer Tax Rebate Program<sup>3</sup> for qualifying electrification, energy efficiency, and water conservation retrofits. Staff is currently evaluating options for additional qualifying measures for electrification, resilience/safety, and energy efficiency. This incentive creates multiple opportunities to integrate with BESO that will be further discussed in Section 5.

### 3. Methodology and Evaluation Criteria

The methodology used throughout the course of this evaluation is summarized in Figure 2 below. Each of the steps is discussed in more detail below.



Figure 1: Evaluation Methodology

#### Evaluation Criteria

The evaluation is predicated on the criteria used for the development of BESO: easy, affordable, and valuable. *Easy* and *affordable* are most relevant to evaluating the administrative processes while *valuable* is most relevant to evaluating the policy outcomes. The criteria and their associated metrics are summarized in Table 1:

3 The City of Berkeley’s existing Seismic Transfer Tax Rebate program refunds one-third of the 1.5% transfer tax amount (equal to 0.5% of the value of the home) back to homeowners who make seismic upgrades to their home. More information can be found at: [https://www.cityofberkeley.info/Planning\\_and\\_Development/Building\\_and\\_Safety/Seismic\\_Transfer\\_Tax\\_Guidelines.aspx](https://www.cityofberkeley.info/Planning_and_Development/Building_and_Safety/Seismic_Transfer_Tax_Guidelines.aspx)

Table 1: Evaluation Criteria and Metrics

| Criteria   | Metric                                                                                                                                                          |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Easy       | Equitably minimize administrative burden (for City staff, building owners, and occupants)                                                                       |
| Affordable | Equitably minimize financial burden (for City staff, building owners, and occupants)                                                                            |
| Valuable   | Maximize emissions reductions<br>Equitably maximize building occupant resiliency<br>Maximize data quality<br>Maximize consistency with state & regional efforts |

## Data Collection

### DATA ON OUTCOMES

BESO outcomes should be measured by energy efficiency upgrades and their resulting GHG emissions reductions or increased resilience potential as a result of energy assessments or disclosure of energy information. The outcomes include:

1. Level of participation in verified efficiency and electrification programs; and
2. Number and extent of verified energy upgrades made to the building.

Due to privacy issues, utility and regional efficiency rebate programs are unable to share disaggregated participation data with the City of Berkeley. Therefore, in order to determine how Berkeley should improve BESO, analysis was conducted on the existing building stock. There are currently three data sources with information related to outcomes: Home Energy Score assessment data collected through BESO, building stock data collected by The Building Electrification Initiative (BEI)<sup>4</sup>, and qualitative survey data collected from this evaluation. However, while these are useful data sources, they do not give Berkeley concrete information about how many and what types of people are making upgrades based on the energy information gleaned from BESO, what types of upgrades are being made, and the resulting GHG emissions reductions associated with those upgrades.

### DATA ON PROCESS

The effectiveness of BESO is in part dependent on the effectiveness of the process for administration - compliance rates, staff and participant satisfaction, cost-effectiveness and data quality.

The evaluation team reviewed the administrative process of BESO, including workflow diagrams, and conducted an in-person review of the process. This included an overview of the BESO processes for both time of sale and large buildings, estimated staff time needed to work on various aspects of BESO,

<sup>4</sup> In 2019, Berkeley partnered with the Building Electrification Initiative (BEI) to conduct a market segmentation analysis that assessed its local building stock for overlapping opportunities to convert heating and hot water systems away from fossil fuels while also providing needed investments to improve health, quality, resiliency, and affordability. The analysis will guide Berkeley in developing new programs and revenue streams that will be needed to equitably accelerate electrification and decarbonization in its community.



and observing staff procedures, including a physical walk between City departments to manually process checks.

To better understand how the process impacted external stakeholders, a series of surveys and stakeholder meetings were conducted to collect feedback from BESO participants, energy assessors, realtors, and the Berkeley Energy Commission.

## Conduct Analyses

Once the data were collected, a holistic systems evaluation of administrative workflows were conducted, identifying the most significant challenges and impactful leverage points.

To evaluate the BESO program process, the evaluation team considered the technical, functional, and potential effectiveness to identify opportunities for improvement. Technical effectiveness determines if the system works as designed; if it is reliable, secure, and scalable for the data it currently holds. Functional effectiveness evaluates if the system contains the features and data needed to support the requirements of the program, to reduce administrative burden, and to measure the status of program goals. Functional effectiveness also accounts for whether the system is designed intuitively, or if users are properly trained to utilize its features or access the data. Potential effectiveness determines if the system can support future phases and plans for the program, expand to serve additional stakeholders as users, and if it is sustainable throughout the expected lifetime of the program data, or if the data can be thoroughly transferred to a new system.

Then, potential solutions were identified, and the pros and cons of each solution were weighed based on existing literature, existing programs in other cities, and the evaluation team's decades of institutional knowledge in energy efficiency and distributed energy resources policy and program analysis, design, and implementation, including its use of information systems to streamline and optimize workflows.



## 4. Summary of Findings

### Findings Related to Program Outcomes

In analyzing the program outcomes, the evaluation determined three overarching findings around program outcomes:

1. **Policy objective has changed from building energy efficiency to beneficial electrification.**<sup>ii</sup>

The original objective of BESO, as developed in 2015, was to reduce the use of energy use of both gas and electricity use no longer aligns with the more recently adopted Fossil Fuel Free, decarbonization and resilience goals. A policy objective that prioritizes beneficial electrification will ensure the City is resilient in the face of climate change, yet as currently structured, the program does not prioritize the transition to clean electricity or promote switching away from natural gas-based appliances. This is reflected in the fact that the focus of energy assessments for both homes and larger buildings is on energy efficiency rather than on electrification-readiness.

2. **Conversion rates from assessment to energy upgrade have been difficult to measure due to lack of available data**

BESO was designed to be an on-ramp to public benefit-funded energy upgrade rebate programs. However, lack of access to utility program participation data due to privacy protections and lack of granular building permit data make it difficult to measure specific outcomes of the current program in terms of which buildings are making upgrades, how much energy is being saved, or how many GHG emissions are being reduced. This has made it difficult to ascertain the conversion rate of buildings that progress from assessment to upgrade. However, a review of limited permit data, survey results, and anecdotal evidence indicate rates of adoption of recommended measures is low. For homes, conversion rates appear unaffected by whether the seller includes the energy assessment in the closing packet for the buyer or whether the buyer completes the assessment themselves. Survey results indicated that cost of upgrades was the main reason<sup>5</sup> why building owners did not complete the energy upgrades that were recommended in the energy assessments.

3. **Data from BESO has been useful in informing and shaping policy development.**

BESO data provides staff with an overview of their existing building conditions which can help inform proposed policies. For example, the Home Energy

**Beneficial electrification:** Switching from fossil fuels to electricity, where doing so satisfies at least one of the following conditions, without adversely affecting the others:

- Save consumers money over time;
- Benefit the environment and reduce GHGs
- Improve product quality or consumer quality of life; or
- Foster a more robust and resilient grid.

**Example of Data Collected through Home Energy Score**

| Primary Heating System Type | Count | Percent |
|-----------------------------|-------|---------|
| Baseboard                   | 19    | 1.4%    |
| Boiler                      | 42    | 3.2%    |
| Central Furnace             | 1,027 | 78.3%   |
| Heat Pump                   | 5     | 0.4%    |
| Mini Split                  | 2     | 0.2%    |
| Wall Furnace                | 213   | 16.2%   |

<sup>5</sup> 32 out of 77 BESO participants who responded to the survey indicated that the cost was a reason they had not completed any energy upgrades.

Score data provides specific building characteristics, such as the type of heating systems, efficiency of the water heater and insulation condition. The data, which can be used to identify which homes might be good candidates for upgrades. Annual benchmark data from large buildings allows staff to see monthly energy usage data, including the breakdown between natural gas and electricity usage. These data allow staff to track energy usage over time and understand the load across seasons. Collecting and reporting this data for large buildings is also a State requirement. As more homes and buildings are touched by BESO, the building inventory data will become even more valuable.

---

## Findings Related to Program Process

In analyzing the program outcomes, the evaluation determined two overarching findings around program process:

1. **BESO administrative process is staff-intensive and time consuming.**

The implementation of BESO has been hampered by a labor-intensive manual process and the lack of a reporting system. Records have been maintained in an ACCESS database that was clunky, unstable, unable to handle large data sets, and had limited reporting functions. As BESO touches more and more buildings, both through the phase-in of larger buildings and the time of sale trigger, Berkeley will continue to struggle with administering the program effectively if it doesn't change its administrative process and software programs. Not only do these issues affect staff, it also creates a less positive experience for building owners, realtors, and energy assessors. Staff is in the process of creating a BESO online application and payment portal that should help to alleviate some of the administrative process issues.

2. **Ensuring compliance is challenging.**

Enforcement for BESO compliance requires the ability to contact building owners, though staff often only have access to mailing addresses so communication is inefficient and ineffective. The enforcement of time of sale deferrals (Form C) to comply with the BESO assessment requirement after sale is low. Currently, 54% of the Form Cs that Berkeley has on file are expired and many of the mailing addresses have been returned as "undeliverable." In large buildings, building owners are often not aware of the requirements until they are out of compliance because of the difficulty of reaching the building owners by mail. Until compliance rates and communication improve, it will be difficult to add any additional requirements or increase BESO to include more buildings.

---

## Overview of Berkeley's Existing Building Stock

The City of Berkeley is receiving technical support on electrification initiatives from the Building Electrification Initiative (BEI). BEI conducted a market segmentation analysis for the City of Berkeley that took inventory of all the buildings stock in Berkeley based on number of buildings, total square footage, and greenhouse gas emissions. BEI also analyzed BESO Home Energy Score data for homes (1-4 units).

## HOMES (1-4 UNITS)

Based on BEI's analysis, there are about 30,000 homes in Berkeley with 1-4 units. These account for 86% of the total number of buildings and 51% of the total building area. All residential buildings (including those with more than 4 units) account for 48% of building-based GHG emissions.

In terms of building age, 89% of single family homes and 85% of 2-4 unit homes were built before 1950. This means that Berkeley's housing stock is largely existing, aging homes potentially with older building systems and appliances.

BEI also analyzed the BESO assessment data collected on over 1,300 homes between 2015 and 2019. The key takeaways from their analysis include:

- There is little variance in heating system type based on the building vintage.
- 78.3% of homes are using central furnaces and 16.2% of homes are using wall furnaces. Wall furnaces are estimated to use more natural gas per square foot than other heating systems.
- 97.5% of homes use natural gas as the primary heating fuel.
- 95.5% of homes do not have a cooling system.
- 98.95% of homes use natural gas for water heating.

## SMALL/MEDIUM BUILDINGS

Based on BEI data, there are approximately 3,050 buildings in Berkeley totaling 12.5 million square feet that fall into the small/medium sized building category (less than 25,000 square feet, excluding 1-4 unit homes). This accounts for about 12% of all buildings and 22% of square footage of all buildings in Berkeley. As the requirements stand, these buildings will be phased in to the BESO requirements starting July 1, 2020.

## LARGE BUILDINGS

Large buildings are defined as buildings with a gross square footage of 25,000 square feet, or greater. Based on BEI's evaluation, there are approximately 600 large buildings of 21.8 million square feet gross area in Berkeley. These account for 2% of the overall building stock and 27% of the total building area. In terms of building age, 34% of large buildings were built before 1950. All of these statistics present a unique opportunity for the City of Berkeley to upgrade aging infrastructure and they need to ensure that upgrades made by building owners and tenants are in line with the City's electrification and resiliency goals.

## 5. Analysis and Recommendations

### Program Outcome Recommendations for All Buildings



#### *Recommendation #1: Prioritize Electrification and Resilience*

*Update the primary focus of BESO to include electrification and resilience and ensure the ordinance properly reflects the updated goals for all buildings.*

BESO's primary goal of energy savings should be updated to reflect the City's decarbonization goals. Instead of focusing on energy efficiency, the goal should be expanded to include electrification, emissions reduction, safety, and resilience. BESO should be updated to prioritize beneficial electrification for all building sizes and types, where possible. This will also allow BESO to better align with upcoming state and regional rebates for electric appliances and fuel switching technologies.

Policies that promote electrification and resilience help buildings adapt to the impacts of climate change (e.g. extreme heat, flooding, and fires) as well as improve indoor air quality and overall comfort for occupants. By updating BESO to achieve multiple-benefit solutions, BESO can help Berkeley simultaneously mitigate and adapt to a changing climate.

With an updated focus, the City should also consider updating the name of the ordinance. Currently, the phrasing of an "energy saving" ordinance does not encompass the recommended update to the goals of BESO. One suggestion is the Building Resilience and Electrification Ordinance (BREO).



#### *Recommendation #2: Improve Ability to Measure Outcomes*

*Implement systems and requirements that allow for tracking upgrades and measuring the GHG emission savings, electrification-readiness, and resilience.*

The City should update assessments to ensure that they capture GHG savings, electrification, resilience, and safety benefits of the proposed recommendations listed in the report. While PG&E is not able to share participation rates due to privacy concerns, the City should partner with East Bay Community Energy, BayREN and other regional entities who may provide future electrification rebates to better align and capture conversion from assessment to upgrade.



#### *Recommendation #3: Electrification Outreach and Education*

*Increase electrification outreach and education for all building types, including developing materials on electrification measures and costs.*

It will be important to provide education to homeowners, contractors and building managers on electrification and the relevant technologies, including heat pump water heaters, heat pump air heaters, mini splits, induction stoves, and heat pump dryers. Although each building is unique, having a list of common energy upgrades and electrification technologies can provide building owners with a first step to understanding potential energy and electrification upgrades. The list can be categorized by building size/type and should include the technical and economic considerations for the each

measure and estimated costs. Appendix I provides a sample list of measures for large buildings. Similar lists could be developed for homes and other building sizes and types in order to motivate building owners to pursue energy upgrades.



#### **Recommendation #4: Consider Other Intervention Points**

*Consider other intervention points to target existing buildings.*

There are multiple intervention points in the lifespan of a building where changes can occur to target its energy consumption and related systems. BESO utilizes two intervention points – targeting homes and other small/medium buildings at time of sale and targeting all buildings that meet the size threshold of 25,000 square feet or more on a phased-in schedule. In order to accelerate building improvements, Berkeley should consider policies that leverage other intervention points including point of lease/rental, building renovation, building maintenance or major system replacement, and/or building resilience upgrade (e.g. seismic renovation, flood prevention). Other strategies that should be considered to compliment BESO include targeting by building type (e.g. schools, retail, high rise, and multifamily) or geographically targeted strategies that phase in implementation by neighborhood or business district.

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## Program Outcome Recommendations for Homes (1-4 Units)



#### **Recommendation #5: Integrate Transfer Tax Rebate with BESO**

*Update ordinance requirements to integrate the City Council-proposed expansion of the seismic transfer tax rebate (0.5% of the purchase price) and ensure alignment with efficiency and electrification upgrades.*

In November 2018, Berkeley City Council referred staff to expand the Seismic Transfer Tax Rebate Program for qualifying electrification, energy efficiency, and water conservation retrofits. This presents an important opportunity for BESO to ensure that the transfer tax rebate can be applied to upgrades recommended through the BESO assessment, especially for low performing homes. Survey results<sup>6</sup> and feedback from meetings showed strong stakeholder interest in expanding the rebate to include energy-related upgrades. By providing rebates directly, the City will be able to directly track BESO upgrades and outcomes.

The City will need to determine which measures to incentivize through the transfer tax rebate and coordinate with the home energy assessors to ensure that the opportunity for these measures is evaluated in the home energy assessment. When expanding the transfer tax rebate measures, the City should include measures that enhance resilience or promote electrification-readiness. Potential measures could include upgrading an electrical panel, replacing a gas water heater with a heat pump water heater, completing insulation and air sealing alongside a combustion safety test, or installing an automatic gas shutoff valve.

<sup>6</sup> 52 out of 77 BESO participants and 33 out of 50 realtors who responded to the survey supported or strongly supported expanding the transfer tax rebates to include energy efficiency upgrades.

Administering the expanded transfer tax rebate will take additional staff time to process the rebates. The City should ensure that it can accurately track how many home sales take advantage of the transfer tax rebate being used for electrification upgrades. It is recommended that after three years the City should analyze the data and reevaluate whether to implement mandatory requirements. This will allow staff to better understand the uptake of measures, including understanding which electrification and resilience upgrades are most common and best suited for Berkeley homes, the costs for these measures, and any challenges for implementation.



**Recommendation #6: Consider Requiring Electrification or Resilience Upgrades**

*Convene technical and trade experts to develop performance standards for electrification upgrades and allow the use of the transfer tax rebate to offset costs and consider mandating upgrades, while addressing any potential equity impacts.*

To align with Berkeley’s updated goals and catalyze electrification-readiness in homes, Berkeley could use the BESO program to require upgrades that focus on electrification, resilience, and energy efficiency and allow the transfer tax rebate to offset costs. Potential mandatory measures, as outlined in Appendix C, could include electric panel upgrades, duct sealing, upgrading insulation, pre-wiring for heat pump water heaters, etc. A home energy assessor could analyze the existing conditions to determine which of mandatory measures are best suited for a home. The homeowner would then be eligible for the transfer tax rebate to help cover the costs of the required upgrades.

Adding mandatory measures would significantly increase the requirements and costs for BESO compliance. To mitigate this, mandatory measure costs should be capped at or possibly slightly above the transfer tax rebate amount. To require mandatory upgrades, the City also needs to be able to handle the increased administrative time, as there would need to be a robust compliance, enforcement and exemption process to allow for homes that require substantial repair work and are sold “as is.” Lastly, the City would be losing the revenue associated with the transfer tax if residents were expended all these funds applying them to mandatory upgrades in all transfers. The City should consider the implications of this reduction in transfer tax revenue.



**Recommendation #7: Update Ordinance Trigger Point**

*Consider requiring the Home Energy Score at time of listing rather than at time of sale.*

Currently BESO requires a Home Energy Score report be included in the closing packet or to be deferred to the new buyer. Berkeley should consider following the examples of Portland, Oregon and the European real estate market and require a Home Energy Score be completed earlier, at the time of listing, to ensure that it is truly a disclosure and market transformation tool.

This is expected to make home energy usage and potential upgrade opportunities more visible to homebuyers. With this information available at the beginning of the process, homebuyers are able to more readily consider the financial and practical implications of upgrades along with the rest of homeownership costs and benefits, and ultimately may invest more time and money into making improvements.



A time of listing requirement would necessitate integration with the Multiple Listing Service (MLS) to make the Home Energy Score a standard metric that people see for listings, similar to a walkability score. To integrate with the MLS requires agreement and action on the part of Bridge MLS, which may be beyond control of the City.

While it is important that the Home Energy Score is visible at the time of listing, it is also important that the new home buyer, who will be living in the home and making any upgrades, engage with the report and recommendations.

Additionally, the City should ensure that the transfer tax rebate information (see Recommendation #3) along with the assessment are all available together at the time of listing so potential buyers are receiving both sets of valuable information together at once – the areas for improvement and the available rebates to offset costs. If the City decides not to move the energy assessment to time of listing, it should ensure that the online system has features to help staff better track deferrals.



#### *Recommendation #8: Update Data Collected from Energy Assessment*

*Continue use of Home Energy Score but require additional electrification-readiness information to be collected during the home energy assessment.*

Some stakeholders have expressed dissatisfaction with the Home Energy Score, in part because it does not include recommendations focused on electrification. Eliminating the requirement to conduct the assessment was considered as an option in this evaluation. Ultimately, it is recommended that the City should maintain use of the Home Energy Score for several reasons:

- It is a nationally recognized metric, that was developed by the United States Department of Energy;
- It is a consistent metric used by jurisdictions across the United States;
- It uses a scale of 1-10 which is easy to understand for consumers;
- Many assessors are already trained to evaluate homes using the Home Energy Score criteria;
- It has quality assurance built in; and
- It provides important baseline information about homes.

The most impactful change would be to augment the assessment to include additional information. Adding electrification, resilience, and safety information to the assessment would better align with Berkeley's goals and would provide homeowners with information on how to electrify and make their homes more resilient. The City should consider a tool that includes electrification when updating the energy assessment requirements or create a supplemental set of electrification recommendations that could be added to the Home Energy Score report. In order to add electrification-readiness to a report, energy assessors will need to be trained on how to add these elements to their audits and how to make informed, tailored recommendations for electrification and resilience based on the assessed existing conditions of each home.

The specific recommended energy assessment improvements, along with their pros and cons, are listed in Table 2. An example of a report that includes some of this additional information is included in Appendix E.

Table 2: Energy Assessment Improvement Recommendations

| Improvement                                                                                                     | Pros                                                                                                                                                                                                                                                                | Cons                                                                                                                                                                                                                                                                       |
|-----------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Require assessors to collect data about electrification-readiness and resilience opportunities                  | <ul style="list-style-type: none"> <li>Aggregates data about electrification potential</li> <li>Provides electrification and resilience recommendations based on building characteristics</li> </ul>                                                                | <ul style="list-style-type: none"> <li>Additional cost for assessment</li> <li>Additional training for assessors</li> </ul>                                                                                                                                                |
| Identify measures eligible for transfer tax rebate and link recommendations to any additional rebates available | <ul style="list-style-type: none"> <li>Ensures that homeowners are using the transfer tax rebate for measures deemed important for electrification and resilience</li> <li>Provides homeowners a resource to fund or partially fund recommended upgrades</li> </ul> | <ul style="list-style-type: none"> <li>Risk of defining measures too narrowly</li> <li>Additional cost for assessment</li> <li>Additional training for assessors</li> <li>Additional administrative time to disseminate updated rebate information to assessors</li> </ul> |
| Require recommendations to include range of the cost of upgrade                                                 | Makes clear for homeowners how much they might consider spending on upgrades                                                                                                                                                                                        | Costs vary widely, based on existing conditions, market, and may not be accurate                                                                                                                                                                                           |
| Estimate emission reduction from each upgrade                                                                   | Helps homeowner understand the environmental impacts they could be making                                                                                                                                                                                           | Estimate may not be accurate                                                                                                                                                                                                                                               |
| Resilience and gas appliance safety evaluation                                                                  | Provides safety information to homeowner                                                                                                                                                                                                                            | <ul style="list-style-type: none"> <li>Additional cost for assessment</li> <li>Additional training for assessors</li> </ul>                                                                                                                                                |



**Recommendation #9: Investigate Assessment Tools for All Existing Homeowners to Encourage Electrification**

*Investigate free or low-cost assessment tools that could be used for all homes not triggered by the BESO time-of-sale requirements.*

To enhance the tools available, Berkeley could research low-cost or free web-based tools that provide energy efficiency and electrification-readiness recommendations for homes. The City should consider encouraging or requiring all single family buildings, not affected by time-of-sale requirements, to use a free, customer-facing tool to understand how best to electrify their home. Tools could use customer input or publicly available data and building energy modeling to recommend a path for the home to reach zero net energy. Recommendations should be based on a home’s unique characteristics, include energy use data for the most robust recommendations, and list the most cost-effective home upgrades.



## Program Outcome Recommendations for Small/Medium Buildings



### **Recommendation #10: Consider Mandatory Requirements for Rental Properties**

*Prioritize improvements for rental properties with further program development that considers incentives and/or mandatory requirements.*

Energy-related upgrades are typically challenging to implement in rental properties because of the ‘split incentives.’ For example, building owners are responsible for purchasing and maintaining key appliances and the building envelope – e.g., heating and cooling, water heaters, insulation, windows – yet renters pay for the energy related to these building components, thereby splitting the costs and benefits across parties. Additionally, there can be a temporal split incentive where renters’ duration of occupancy deters their investment in energy reducing measures, even if contributing is possible. With these barriers to upgrades, additional level of attention is needed, especially since over 89% of 5+ unit multifamily buildings are rentals in Berkeley.<sup>7</sup>

One potential opportunity for Berkeley is programmatically integrating with the Rental Housing Safety Program currently under development. The information collected in this checklist and the energy assessments could help inform the prioritization of upgrades, and these upgrades could be implemented either through incentives and/or mandatory requirements. For example, buildings that do not successfully complete the checklist could be subject to mandatory upgrade requirements and those that do could be assigned incentives via an opt-in waiting list. The City of Berkeley staff should consider and evaluate a few potential pilot programs to ensure optimal solutions that avoid unintended consequences, such as increasing rents, displacement, or decreased safety.

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## Program Outcome Recommendations for Large Buildings



### **Recommendation #11: Introduce Energy Performance Card for Display**

*Develop an energy rating score card to display in the property.*

Requiring building owners to display a simplified building energy performance scorecard will encourage them to pursue energy efficiency upgrades and, for well-performing buildings, maintain that high performance.

Chicago’s new Energy Rating system,<sup>iii</sup> which is a zero to four-star rating system, requires building owners to post their rating in a prominent location on the property and share the rating information at the time of sale or lease listing. New York City also requires building owners to display their energy efficiency grade and score in a conspicuous location near each public entrance to the building. Implementing this program would require time and resources for City staff to determine which features would work best for Berkeley, educate building owners, and ensure compliance.

<sup>7</sup> For 5+ unit multifamily buildings, BEI data showed that 463 out of 4,126 low rise and 13 out of 245 high rise units were owner occupied.



**Recommendation #12: Educate Building Owners about Relevant Rebates and Programs to Reduce Project Costs**

*Ensure building owners have quick and easy access to the most relevant rebate program information for their potential project.*

Electrifying a building is a cost-intensive, new idea for building owners and it is important for them to understand its impact on occupant comfort as well as capital and operational cost. One of the lessons learned in various benchmarking programs is the importance of significant outreach to and education of property owners about funding opportunities to reduce project costs.<sup>iv</sup> This was also raised as a point of feedback from assessors; they noted that the City did not provide enough information about rebates but that they didn't have the time to search PG&E's website for the information. Because rebates are often changing, reliable information can be difficult to find from the various rebate providers, including PG&E, East Bay Community Energy, BayREN, and other third-party program providers. Additionally, new rebate and incentive programs, which were previously precluded by the California Public Utilities Commission three-prong test rule, will eventually become available for electrification, changing the rebate landscape even further. Once this happens, PG&E will be selecting a third-party program administrator for all their new incentive programs.

The City should work with the new program administrator and other incentive providers to identify a central location for rebate and incentive programs. Then, this central location can be shared with energy assessors and building owners to ensure that building owners are aware of all the resources available to help them make upgrades, including financing options, energy audits, and rebate guides. This information could be disseminated by regularly updating the Berkeley website with tailored links for energy assessors and building owners and/or creating handouts for energy assessors to give to building owners that are regularly updated.

Other jurisdictions have dedicated teams that coordinate meetings between building owners and utilities or protocols in place that facilitate interactions between customers and local utilities. For instance, the City of Vernon, California, offers a customer incentive program where customers who participate in the program have direct contact with the City's gas and electric department. Additionally, projects funded by the Maryland Energy Administration are mandated to participate in incentive programs which helps reduce the payback period and make even large capital investment projects attractive.

Given that the product-based rebate programs often change and run out of funding, it is important that the information provided by Berkeley be constantly monitored and kept up to date. Examples of current product- and savings-based rebates available through PG&E are listed in Appendix J.



### **Recommendation #13: Require Mandatory/Prescriptive Building Tune-Up Measures**

*Include requirement for no-cost/low-cost building tune-up or retro-commissioning measures and track implemented measures and savings.*

Per the California retro-commissioning guide,<sup>v</sup> retro-commissioning is “a systematic process for improving an existing building’s performance by identifying and implementing relatively low-cost operational and maintenance improvements, helping to ensure that the building’s performance meets owner expectations.” A typical retro-commissioning project consists of planning, investigation, implementation, and handover phases. The deliverable includes a report which includes benchmarking information, energy audit, preliminary savings with project cost, final savings with invoices and recommendations for capital investment. The energy cost savings and non-energy cost savings for retro-commissioning vary from \$0.11 to \$0.72 per sq. ft. and \$0.10 to \$0.45 per sq. ft., respectively. The retro-commissioning cost varies from \$0.13 to \$0.45/sq. ft. and typical payback is less than two years.

As building systems age there are opportunities for no-cost/low-cost measures to keep these systems running as efficiently as possible, which can reduce building energy use. Some cities have already developed or implemented policies that require mandatory retro-commissioning or building tune-ups. For example, Seattle requires building tune-ups every 5 years; New York City requires retro-commissioning every 10 years; Los Angeles and San Jose will also have similar requirements starting in 2021. Additional information on existing building requirements for various cities is provided in Appendices G & H.



### **Recommendation #14: Set Performance-Based Energy or GHG-Based Targets**

*Convene a group of technical experts and building owners to develop performance standards based on energy use or greenhouse gas emissions targets with a timeline for requirements.*

Benchmarking and energy assessments will help building owners and the City to understand the energy performance of the buildings, but in order to reduce energy use and GHG emissions, the policy should require energy upgrades and promote electrification. Other cities have developed performance-based targets, setting GHG emission thresholds or energy reduction targets based on building use types. As BESO aligns with Berkeley’s fossil fuel free future, natural gas based targets should be explored as a path to electrify Berkeley’s large building stock. Staff should convene a group of technical experts and building owners to develop performance standards based on energy use or greenhouse gas emissions targets and determine a timeline for those requirements to go into effect.



### **Recommendation #15: Team Up with Energy Service Companies**

*Partner with Energy Service Companies (ESCOs) to deliver guaranteed savings.*

Working with ESCOs<sup>vi</sup> can reduce initial costs, increase the confidence level of building owners in the economic viability of projects, and ultimately accelerate the energy savings achieved by projects. The City of Berkeley can start an initiative similar to Building Owners and Managers Association (BOMA)’s Energy Performance Contracting (BEPC) Model<sup>vii</sup> to work with ESCOs and large building owners. This type of initiative helps building owners and operators navigate the difficulties in the Energy Performance Contracts by providing information and templates when executing investment-

grade energy efficiency retrofits. These initiatives are independent of funding resources and do not require a performance guarantee to ensure the opportunity is open to all service providers, but are flexible enough to include a performance guarantee as well as measurement and verification if the building owner intends to do so.

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## Program Process Recommendations for All Buildings



### **Recommendation #16: Implement Online System**

*Continue to build and launch integrated online application processing system for all building types.*

Prior to this report being written, Berkeley had already contracted with a consultant to implement an online application and payment processing system. Berkeley should continue development of this online platform and should work to ensure the updated solution meets all of their needs, especially as requirements of the ordinance change.



### **Recommendation #17: Adjust Fees**

*Adjust fees for cost recovery of administrative time.*

Currently, the fees leveraged for BESO applications are not covering the administrative time it takes to process them, particularly for Form C deferrals. Berkeley is conducting a fee study about how to adjust the BESO fees to better reflect staff time. The City should update the fees to more accurately account for administrative time, making sure to consider the time spent on compliance as well as any time saved from the implementation of the online system.

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## Program Process Recommendations for Homes (1–4 Units)



### **Recommendation #18: Formalize Exemption Threshold**

*Formalize exemption threshold of 850 square feet in BESO to exempt buildings between 600 and 850 square feet.*

In updating BESO, Berkeley should formalize the exemption to ensure it is clear that buildings between 600 and 850 square feet are exempt from BESO requirements. This will ensure consistency across requirements and minimize the administrative burden of receiving applications for buildings that are exempt.



### **Recommendation #19: Increase the Deferral Fee to Cover Administration**

*Increase the time of sale deferral fee to cover additional administrative and enforcement costs.*

Currently, over half of the homes required to comply with BESO opt to use the deferral option (Form C) rather than complete the BESO assessment prior to the point of sale. Low compliance rates from expired deferrals are time consuming for staff.

If the City moves to time of listing, the idea is that the energy assessment information will be more readily available to home buyers and the deferral option should be discouraged. Currently, the fee for submitting a deferral is less expensive than it is to comply with BESO. It is recommended that the City make the cost of deferrals commensurate with the time it takes for staff to process and follow-up with non-compliance of deferrals in order to disincentivize deferrals.

The evaluation team also considered eliminating the deferral option for time-of-sale but concluded that it was necessary in order to not delay or derail real estate transactions. It was also noted that if the deferral option is eliminated or restricted, more staff time may be needed to process exemptions.



**Recommendation #20: Use Trade Professional Platform to Track Data**

*Implement a trade professional platform to integrate and streamline key components of the BESO process related to the delivery of assessment and energy upgrade services.*

Given that Berkeley is already implementing upgraded software systems, BESO would benefit from enhancing those upgrades to include an online trade professional platform. This platform could connect home and building owners directly with assessors, who could perform their building assessment, and contractors, who could make the improvements recommended through the BESO assessment. An outline of the workflow and details about the features are included in Appendix F.

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## Program Process Recommendations for Small/Medium Buildings



**Recommendation #21: Streamline Small and Medium Building Requirements**

*Streamline small and medium building requirements by updating the building size categories.*

Currently, small and medium building requirements are a combination of the time of sale requirements and the large building requirements. This creates an administrative burden and causes confusion for building owners. To help mitigate this, the categories should be resized and the new requirement should be:

- 850 square feet or below – exempted
- 850-14,999 square feet – time of sale requirement
- 15,000-24,999 square feet – annual benchmarking requirement

This will change the BESO requirements for some medium-sized buildings from a phase-in schedule to a time-of-sale requirement. Although there may be additional time of sale administrative work, this should be mitigated by the new online system. Additionally, it is not expected that these buildings will turn over ownership very often. The streamlined requirements would also require additional buildings to comply with an annual benchmarking requirement but lessen the assessment requirement, which can be cost-prohibitive for small and medium sized buildings. Annual benchmarking will ensure that energy data is collected about these buildings.

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## Program Process Recommendations for Large Buildings



**Recommendation #22: Standardize Data Collection to Improve Building Inventory**

*Utilize the U.S. Department of Energy’s Asset Score Reporting template as the assessment data collection tool.*

Currently, BESO allows data collected through the assessments to be submitted in a variety of tools, some of which don’t allow for mass data export. Building information and data is then not able to be aggregated and utilized for any sort of analysis. The City should standardize how data is

submitted and what fields are collected, including main business type, year built, age of the building systems, year of last energy audit, year of completed upgrades if any, primary heating and cooling equipment, primary usage, schedule, any change in building usage type and shared or dedicated meter. Berkeley should collect data from assessments through the U.S. Department of Energy's Assets Score Reporting Template since: it is a nationally used tool to collect energy assessment information, Berkeley assessors are familiar with the tool and most already are using it, and it's free and customizable allowing the City to specify the required fields.

## 6. Conclusion

In order to use BESO as a means to help achieve Berkeley's climate and decarbonization goals, the City needs to update the primary focus of the ordinance and ensure that it can better measure outcomes that target GHG emission savings, electrification-readiness, and resilience. This will require outreach and education to homeowners, contractors, and building managers.

To improve outcomes for homes, Berkeley should align BESO with the City's proposed transfer tax rebate expansion to help finance energy efficiency, electrification, and resilience upgrades and consider requiring homeowners to make mandatory upgrades. To help ensure prospective homeowners understand the energy efficiency of a home, the BESO program should consider moving the trigger point from time-of-sale to time of listing. Additionally, Berkeley should enhance the Home Energy Score report to include an electrification-readiness assessment and investigate other types of assessment tools that encourage electrification.

For small/medium buildings, Berkeley should consider mandatory requirements for rental properties in order to overcome split incentives of upgrades between building owners and building occupants.

In large buildings, Berkeley should consider requiring mandatory building tune-up measures for large buildings and/or set performance-based energy or GHG-based targets. Berkeley should develop an energy rating score card to display in properties that would make energy efficiency more conspicuous. Berkeley should also ensure building owners have quick and easy access to the most relevant rebate program information for their potential projects and would benefit from teaming up with energy service companies.

From a process standpoint, Berkeley should convene different technical experts as part of an advisory group to ensure stakeholders understand electrification and its benefits. Additionally, the City should continue to implement an integrated online application processing system and should work to adjust fees of the program to accurately recover the cost of administrative time. BESO would also benefit from the development of a knowledge database that includes the most prevalent issues and measures for implementation.

To improve specific process issues, Berkeley should formalize the exemption threshold for buildings between 600 and 850 square feet, implement a trade professional platform, update the requirements for small/medium buildings, and utilize the U.S. Department of Energy's Asset Score Reporting template for collecting data about large buildings.

Overall, the City needs to ensure that any updates made to BESO still allow the ordinance to be flexible enough to adapt to changing City goals and respond to the changing technology landscape that is inevitable as electrification becomes more commonplace.



## Appendix A: Stakeholder Outreach

The BESO evaluation relied mainly on conversations with City staff as well as stakeholder surveys and meetings. Surveys were sent to BESO participants, realtors, and energy assessors. For participants, 77 respondents answered ten questions covering:

- Building characteristics;
- Overall feedback on the program;
- How valuable the BESO information was;
- Potential updates to the program; and
- General open-ended feedback.

For realtors, 50 respondents answered ten questions covering:

- Overall feedback on the program;
- Open-ended feedback about the energy assessments;
- Energy assessors;
- Potential updates to the program; and
- General open-ended feedback.

Finally, for energy assessors, 5 home assessors and 11 commercial building assessors answered fourteen questions covering:

- Energy assessment tools;
- Overall feedback on the program;
- Value to clients;
- Time to complete an assessment;
- Potential updates to the program; and
- General open-ended feedback

After receiving the results of the surveys, it was clear that the survey questions had been more focused on process than outcomes. For future evaluations, survey questions should be better designed to understand the outcomes that have resulted from BESO.

In addition to surveys, meetings were held with realtors, energy assessors, and the Energy Commission. The realtor meeting was held on November 4, 2019 with approximately 20 realtors in attendance. It lasted for two hours and feedback was collected about what they thought was working and wasn't working with BESO, the feedback they receive directly from homeowners about the information gleaned from BESO, and their thoughts on integrating BESO with the transfer tax rebate.

The assessor meeting was held on November 15, 2019 with approximately 5 home assessors and 8 large building assessors.<sup>8</sup> This meeting also lasted for two hours where the first hour was a joint session and the second hour was split between home and large building assessors. In the home assessor session, feedback was collected about additional energy assessment tools, additional test they could perform, and ways to

<sup>8</sup> This accounts for some assessors who perform both home and large building assessments.



streamline the reporting process. In the large building assessor session, feedback focused on increasing outreach about the program, ensuring benchmarking is done by a professional, and their thoughts about improvements to the program. The presentation for the assessor meeting can be found on Berkeley's website.<sup>viii</sup>

Finally, the progress to-date was presented to the Energy Commission on December 4, 2019. There were 7 commissioners in attendance who gave feedback about the lack of outcomes achieved from BESO and the need for major changes to the ordinance.

## Appendix B: Current BESO Requirements

BESO has distinct requirements based on building type and size. For large commercial and multifamily buildings, 25,000 was determined as the minimum threshold for annual benchmarking because smaller buildings do not often have a dedicated building manager available to comply with this requirement. For 1 to 4 unit homes, 4 units was chosen as the ceiling because it is consistent with ratepayer-based public benefits funded programs for homes such as Energy Upgrade California. Finally, for small and medium commercial and multifamily buildings between 850 and 24,999 square feet, the requirement was determined to be a combination of the homes and large building requirements.

| Building Size          | Requirements                                                               |
|------------------------|----------------------------------------------------------------------------|
| 25,000+ sq. ft.        | Annual Benchmark<br>Energy Assessment every 5 years                        |
| 15,000-24,999 sq. ft.  | Time of Sale Requirement or Assessment every 8 years<br>Phase-in 7/1/2020  |
| 5,000 – 14,999 sq. ft. | Time of Sale Requirement or Assessment every 8 years<br>Phase-in 7/1/2021  |
| 850-4,999 sq. ft.      | Time of Sale Requirement or Assessment every 10 years<br>Phase-in 7/1/2022 |
| 1 - 4 unit homes       | Assessment at Time of Sale                                                 |

### 1-4 Unit Homes

When 1-4 unit residential buildings are sold, BESO requires that the seller either submit an energy assessment, apply for a deferral, or qualify for an exemption. The BESO application is the same for all cases with different compliance options listed for the applicant to choose.

If submitting an energy assessment, the applicant must hire a registered BESO energy assessor to complete the assessment. Then, the applicant must submit the energy assessment, a BESO application, and a filing fee to the City of Berkeley before receiving a Compliance Form A.

Alternatively, a seller can apply for a deferral. There are two ways to apply for a deferral:

1. **Transfer responsibility of BESO compliance from the seller to the buyer.** Submitting a BESO application and filing fee will generate a Deferral Form C that the seller needs to submit to the title company at closing. The buyer then has 12 months from the sale date to comply with BESO requirements.
2. **New or planned construction.** If the house sold is new construction or if there is an extensive renovation where all energy-related equipment and at least half the building envelope is replaced, the reporting requirements may be deferred for up to ten years. The seller must submit a BESO application and all applicable permits that will generate a Deferral Form D to be submitted to the title company at closing.

Additionally, there are three ways a seller can qualify for an exemption:

1. **Qualifying as a High Performance Building.** The seller must submit a BESO application and proof that the home has completed an energy efficiency incentive program.

2. *Being in a particular size category.* A building qualifies for an exemption if it is greater than 25,000 square feet, under 600<sup>9</sup> square feet, or a duplex with both units under 600 square feet each. The seller must submit a BESO application.
3. *Being a unit within a larger building.* Units within larger buildings, such as an individually-owned, attached condo, qualify for an exemption. The seller must submit a BESO application.

## Small/Medium Buildings

This category applies to buildings less than 25,000 square feet. The phase in schedule for requirements is as follows:

- July 1, 2020: 15,000 – 24,999 square feet
- July 1, 2021: 5,000 – 14,999 square feet
- July 1, 2022: Less than 5,000 square feet

Upon these deadlines, the buildings in each tier must complete an energy assessment performed by a registered energy assessor; this energy assessment must be completed every 10 years. However, if any of these buildings are sold prior to the phase-in deadline, they must comply with the same Time of Sale requirements to which 1-4 units are subject. To determine the type of assessment required for these buildings, consult the BESO website.<sup>ix</sup>

Buildings with an ENERGY STAR score of 80 or above are exempt from the assessment requirement.

## Large Buildings

This category applies to buildings equal to or more than 25,000 square feet. The phase in schedule for requirements is as follows:

- July 1, 2018: Greater than 50,000 square feet
- July 1, 2019: 25,000 – 49,999 square feet

Upon these deadlines, the buildings in each tier must complete an Energy Assessment every 5 years and complete an Annual Benchmarking Report through the ENERGY STAR Portfolio Manager;

This category includes certain exemptions and deferrals:

- Buildings with 50% dedicated to industrial or lab uses are exempt;
- Buildings over 25,000 ft<sup>2</sup> are exempt at time of sale;
- Verified High Performance buildings are exempt from the assessment requirement;
- Deferral for Long-Term Tenancy under Rent Control is applicable as defined in BMC chapter 13.76;
- Deferral for New Construction or Extensive Renovation is available for recently constructed or extensively renovated buildings that provide sufficient permitted evidence;
- Low Energy Use Deferral is available to large buildings with a verified or certified U.S. EPA ENERGY STAR Portfolio Manager Performance Score of 80 or greater. A verified Score requires completion of the ENERGY STAR Data Verification by a Professional Engineer or Registered Energy Assessor, excluding the Indoor Air Quality section.

<sup>9</sup> As of report writing, 600 square feet is the threshold. Berkeley plans to update this threshold to 850 square feet.

Benchmarking exemptions and deferrals:

- Exemption: If more than half of a building or campus is dedicated to scientific experiments requiring controlled environments or for manufacturing or industrial purposes, it is exempt from benchmarking requirements.
- Data Unavailable Deferral: Energy benchmarking can be deferred if:
  - a) A building has less than five residential active utility accounts and the Building Owner can demonstrate that a tenant refused data authorization OR
  - b) A building occupant demonstrates to the Administrator that such disclosure may result in the release of proprietary information which can be characterized as a trade secret.

## Appendix C: Potential Mandatory Measures for Homes (1-4 Units)

Table 3 below outlines potential mandatory measures that Berkeley could require for homes (1-4 Units).

**Table 3: Potential Mandatory Measures for Homes (1-4 Units)**

| Measure Category  | Measure                                                                                                |
|-------------------|--------------------------------------------------------------------------------------------------------|
| Electrification   | Electric service panel upgrade (200 amp)                                                               |
| Electrification   | Electrical work required to install electric appliances that replace gas appliances (e.g. 240 outlets) |
| Electrification   | Electric heat pump space heating/cooling (replacing gas on-ly)                                         |
| Electrification   | Electric heat pump water heater (replacing gas only)                                                   |
| Electrification   | Induction stove or range (replacing gas only)                                                          |
| Electrification   | Heat pump clothes dryer (replacing gas only)                                                           |
| Electrification   | Level 2 electric vehicle charging station                                                              |
| Electrification   | Solar panel installation                                                                               |
| Resilience        | Battery storage installation                                                                           |
| Resilience        | Solar + Storage                                                                                        |
| Resilience        | Combustion Safety Test                                                                                 |
| Resilience        | Automatic Gas Shutoff Valve                                                                            |
| Energy Efficiency | Upgrading insulation                                                                                   |
| Energy Efficiency | Duct sealing                                                                                           |

# Appendix D: Sample Home Energy Score



THIS HOME'S  
**HOME ENERGY SCORE**

**6** out of 10

THIS HOME'S ESTIMATED  
**ENERGY COSTS**

**\$2263** per year

**HOME PROFILE**

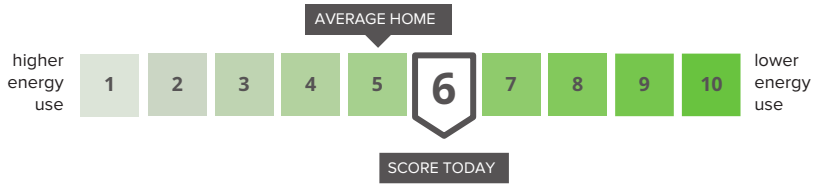
**LOCATION:**  
Berkeley, CA,94703

**YEAR BUILT:**  
1904

**HEATED FLOOR AREA:**  
2552 sq. ft.

**NUMBER OF BEDROOMS:**  
4

## Home Energy Score details



**Official Assessment | ID#296958**

Home Energy Score is an easy way to see how energy efficient this home is compared to other homes. A higher score is better. This report also contains ways you can make your home more efficient and more comfortable.

**ASSESSMENT**

**ASSESSMENT DATE:**  
10/28/2019

**ASSESSOR:**

**PHONE:**

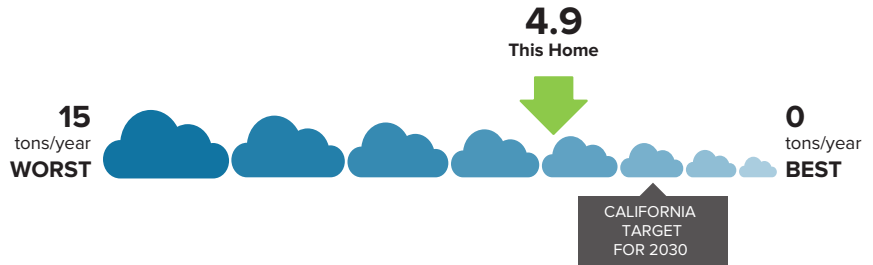
**EMAIL:**

## How much energy is this home likely to use?

|             |                 |        |
|-------------|-----------------|--------|
| Electric    | 8127 kWh/year   | \$1674 |
| Natural Gas | 419 therms/year | \$589  |

**TOTAL ESTIMATED ENERGY COSTS PER YEAR \$2263**

## This home's carbon footprint



## Tackle energy waste today!

Enjoy the rewards of a comfortable, energy efficient home that saves you money.

- Get your home energy assessment. Done!
- Choose energy improvements from the list of recommendations below.  
Need help deciding what to do first? The BayREN Home Upgrade Advisors offer free phone consults with independent expert home advisors. **Call 866-878-6008.**
- Check out [www.bayareaenergyupgrade.org](http://www.bayareaenergyupgrade.org) for information on Energy Upgrade California® programs and financing opportunities.
- Select a contractor (or two, for comparison) and obtain bids.
- Perform upgrades and enjoy a more comfortable and energy efficient home.

**SCORE TODAY**

**6**

out of 10

## Energy Improvements, customized for your home.

| FEATURE           | TODAY'S CONDITION            | RECOMMENDED IMPROVEMENTS                                   |
|-------------------|------------------------------|------------------------------------------------------------|
| Attic Insulation  | Insulated to R 11            | At least 15% leakage reduction from vintage table defaults |
| Wall Insulation   | Insulated to R 00            | Insulate ≥ R 13                                            |
| Heating Equipment | Central gas furnace 90% AFUE | Ductless heat pump ≥ 9.4 HSPF/17 SEER***                   |
| Water Heater      | Gas storage 78% EF           | Heat pump water heater ≥3.24 EF***                         |

\*\*\*Electrical panel upgrade may be required for gas to electric change-outs.

# Appendix E: Sample Energy Report with Electrification



## Your Energy Audit



1-866-NYSERDA • www.nyserda.ny.gov

### Home

Sample NYSERDA  
15 Glenwood St  
Albany, NY 12203

### Audit Date

Jul 2, 2015  
3:01 pm

### Audited By

Sandy Michaels  
New York Testing  
123 Bell Street  
Albany, NY 12203  
sandy@snugghome.com



Don & Margery -

Thank you for inviting us to do an energy audit on your beautiful home! We've kept your concerns in mind during our inspection and testing. Let's discuss the recommendations found in this report and see what works best for you.

Thanks,  
Sandy

### Inside Your Report

- Your Energy Audit
- Concerns
- Solutions for Your Home
- Upgrade details
- Health & Safety
- Additional notes
- Rebates & Incentives
- Financing
- Metrics
- Tech Specs
- Glossary

Powered by Snugg Pro



## Concerns

### We listened to you!

As our client, we want to make sure we are addressing all of your concerns for your home. If we have missed any concerns in this report, please let us know right away.

### Air Leaks

Air leaks have been noticed around the window frames, and especially around the front door.

### Heating system is old

Furnace needs to be replaced for additional comfort and health & safety issues.

### Kitchen gets too hot

The primary culprits are the large number of halogen can lights. Replacing these lights with new efficient bulbs will dramatically reduce the heat created by the lighting.





## Solutions for Your Home

### Totals

**Cost**

\$ 20,854

**Estimated Savings**

\$ 1,801 per year

This is an estimate of how much you could save starting in Year 1. Savings will only increase as energy prices rise over the years.

**Impact of upgrades**

Energy Reduction 42%  
Carbon (CO2) Savings 9 tons  
Equivalent cars removed from the road 1.9/yr

Call us today to ask a question or discuss the next step!

| Details               | Installed cost | Approximate annual savings | SIR* |
|-----------------------|----------------|----------------------------|------|
| Seal Air Leaks        | \$1,015        | \$142.43                   | 2.8  |
| Attic Improvements    | \$1,883        | \$140.17                   | 2.2  |
| Cooling System        | \$3,355        | \$183.8                    | 0.8  |
| Heating System        | \$6,288        | \$263.68                   | 0.8  |
| Thermostat Set Points | \$170          | \$197.02                   | 12.7 |
| Upgrade Water Heater  | \$1,223        | \$72.75                    | 0.9  |
| Upgrade Lighting      | \$77           | \$238.91                   | 21.9 |
| Insulate Walls        | \$5,508        | \$493.01                   | 2.7  |
| Refrigerator          | \$1,336        | \$68.86                    | 0.9  |

\* SIR is the Savings to Investment Ratio. Simply put, if the SIR is 1 or greater, then the energy savings from the item will pay for itself before it needs to be replaced again. This metric is used to help prioritize the recommendations by financial merit.

Sample NYSERDA • 15 Glenwood St Albany, NY 12203

Brought to you by Energy. Innovation. Solutions.



## Seal Air Leaks

**AIR LEAKAGE**

**Installed Cost**

\$ 1,015

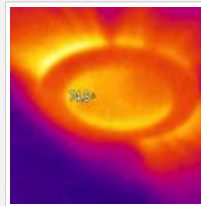
**Energy Savings**

Approx. \$ 142

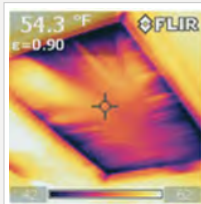
**Why it matters**

Air sealing is typically the most cost effective improvement you can make to your home. To properly seal out air leaks, a large fan called a blower door is used to depressurize your house. This makes air leaks easy to find, so corrective measures can be taken. A good air sealing job will dramatically increase the comfort of your home and help you save significant energy.

Good air-sealing and a continuous air barrier between the attic and the home's conditioned (living) space are important, not only to save energy and reduce fuel bills, but also to prevent moisture problems in the attic.



Air leakage at Can Lights:



Air leakage at Attic Hatch:



## Seal Air Leaks

### AIR LEAKAGE

#### Installed Cost

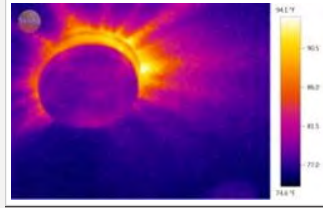
\$ 1,015

#### Energy Savings

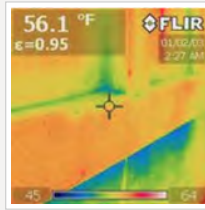
Approx. \$ 142

#### Why it matters

Air sealing is typically the most cost effective improvement you can make to your home. To properly seal out air leaks, a large fan called a blower door is used to depressurize your house. This makes air leaks easy to find, so corrective measures can be taken. A good air sealing job will dramatically increase the comfort of your home and help you save significant energy.



Air leakage at Smoke Detector:



Air leakage at Windows:

### Now & Goal

| Details                | Now                    | Goal                |
|------------------------|------------------------|---------------------|
| Blower Door Reading    | 3,628 CFM50            | 2,540 CFM50         |
| Wind Zone              | 2                      | N/A                 |
| N-Factor               | 15.0                   | N/A                 |
| Equivalent NACH        | 0.67 NACH              | 0.47 NACH           |
| Conditioned Air Volume | 21,546 ft <sup>3</sup> | N/A                 |
| Effective Leakage Area | 204 in <sup>2</sup>    | 143 in <sup>2</sup> |
| Equivalent ACH50       | 10.1 ACH50             | 7.1 ACH50           |



## Attic Improvements

### ATTIC

#### Installed Cost

\$ 1,883

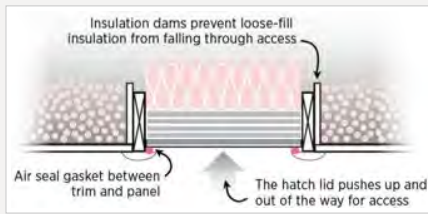
#### Energy Savings

Approx. \$ 140

#### Why it matters

Adding insulation to your attic can lead to a significant reduction in your utility bills. This process is often combined with careful air sealing of the ceiling from the attic side to ensure the new insulation perform at its maximum level.

The current level of insulation in the attic is low and uneven. Taking the R Value to a consistent 49 will vastly improve the comfort and efficiency of your home.



Insulate the Attic Hatch: Openings used for access to the attic such as access panels, doors into kneewalls, or dropdown stairs should be air sealed and insulated.

### Now & Goal

| Details                | Now                   | Goal                  |
|------------------------|-----------------------|-----------------------|
| Attic Roof Absorptance | 0.92                  | 0.92                  |
| Attic Roof Emissivity  | 0.90                  | 0.90                  |
| Modeled Attic Area     | 1,197 ft <sup>2</sup> | 1,197 ft <sup>2</sup> |
| Attic Insulation       | 10 R Value            | 49 R Value            |
| Radiant Barrier?       | No                    | No                    |



## Cooling System

### COOLING SYSTEM

#### Installed Cost

\$ 3,355

#### Energy Savings

Approx. \$ 184

#### Why it matters

Install a more efficient air conditioner or evaporative cooler. Depending on the age of the unit, substantial savings may be gained by replacing it with an Energy Star rated appliance. If it doesn't quite make sense to replace your air conditioner now, be prepared to choose a high efficiency Energy Star unit (14 SEER or higher) when it finally wears out.



If you choose to install / upgrade an AC unit, consider installing an ENERGY STAR rated or higher efficiency unit (14 to 20 SEER). Keep the pad on which the AC unit sits level, shaded and maintain at least one foot from the home and any other obstructions.

### Now & Goal

| Details                       | Now          | Goal         |
|-------------------------------|--------------|--------------|
| Cooling Equipment 1           |              | Central AC   |
| Cooling Capacity 1            | 24,000 BTU/h | 24,000 BTU/h |
| % of Total Cooling Load 1     | 100 %        | 100 %        |
| Cooling System Manufacturer 1 | Unknown      | Unknown      |
| Cooling System Efficiency 1   | 10.0 SEER    | 17.0 SEER    |
| Cooling System Model Year 1   |              | 2015         |



## Heating System

### HEATING SYSTEM

#### Installed Cost

\$ 6,288

#### Energy Savings

Approx. \$ 264

#### Why it matters

Install a more efficient furnace, boiler or heat pump. Depending on the age of the unit, substantial savings may be gained by replacing it with an Energy Star rated appliance. If you're heating with gas, look for a sealed combustion unit. They're much safer since the exhaust pathway from the unit is sealed and goes directly outside. If it doesn't quite make sense to replace your heating system now, be prepared to replace it with a high efficiency Energy Star unit when it finally wears out.



Upgrade your furnace to a 95-98% efficient, sealed combustion system. You will only be losing 2-5 cents per dollar of heating and you will reduce your risk of carbon monoxide poisoning.

### Now & Goal

| Details                       | Now                 | Goal                |
|-------------------------------|---------------------|---------------------|
| Heat Pump Inverter 1          |                     | No                  |
| Heating Equipment 1           |                     | Furnace             |
| Heating Energy Source 1       | Natural Gas         | Natural Gas         |
| % of Total Heating Load 1     | 90 %                | 90 %                |
| Heating Capacity 1            | 0 BTU/h             | 50,000 BTU/h        |
| Heating System Efficiency 1   | 68 AFUE             | 98 AFUE             |
| Heating System Manufacturer 1 | Unknown             | Unknown             |
| Heating System Model Year 1   |                     | 2015                |
| Heat Pump Inverter 2          | No                  | No                  |
| Heating Equipment 2           | Electric Resistance | Electric Resistance |
| Heating Energy Source 2       |                     | Electricity         |
| % of Total Heating Load 2     | 10 %                | 10 %                |
| Heating Capacity 2            | 100,000 BTU/h       | 100,000 BTU/h       |
| Heating System Efficiency 2   | 100 AFUE            | 100 AFUE            |
| Heating System Manufacturer 2 | Unknown             | Unknown             |
| Heating System Model Year 2   |                     | 2015                |



## Thermostat Set Points

### THERMOSTAT

#### Installed Cost

\$ 170

#### Energy Savings

Approx. \$ 197

#### Why it matters

Installing a programmable thermostat (or correctly setting the one you currently have) will help you to use less energy when you're not at home or when you're sleeping.



The location of your thermostat can affect its performance and efficiency. Read the manufacturer's installation instructions to prevent "ghost readings" or unnecessary furnace or air conditioner cycling.

To operate properly, a thermostat must be on an interior wall away from direct sunlight, drafts, doorways, skylights, windows, vents and fans. It should be located where natural room air currents—warm air rising, cool air sinking—occur. Furniture will block natural air movement, so do not place pieces in front of or below your thermostat. Also make sure your thermostat is conveniently located for programming. Energy.gov.

### Notes to Homeowners

The improved thermostat settings are the industry standard for energy efficiency. Try these settings to see how they match with your comfort zone, adjust by small degrees if necessary.

### Now & Goal

| Details               | Now   | Goal  |
|-----------------------|-------|-------|
| Heating Setpoint High | 68 °F | 68 °F |
| Heating Setpoint Low  | 68 °F | 62 °F |
| Cooling Setpoint High | 75 °F | 85 °F |
| Cooling Setpoint Low  | 75 °F | 78 °F |



## Upgrade Water Heater

### WATER HEATER

#### Installed Cost

\$ 1,223

#### Energy Savings

Approx. \$ 73

#### Why it matters

High efficient hot water heaters save energy and are safer due to carbon monoxide. Older units run the risk of leaking. Consider replacement if your hot water heater is 13 or more years old.



Tankless water heaters are typically about 20% more efficient than tank-style heaters. If you have hard water, we do not recommend tankless units because minerals from the water can precipitate out inside the heat exchanger, leading to increased maintenance costs.

### Now & Goal

| Details           | Now                           | Goal    |
|-------------------|-------------------------------|---------|
| DHW Fuel          | Natural Gas                   |         |
| DHW Type          | Standard tank                 |         |
| DHW Age           | 21-25                         |         |
| DHW Location      | Garage or Unconditioned Space |         |
| DHW % Load        | 100 %                         | 100 %   |
| DHW Manufacturer  | Unknown                       | Unknown |
| DHW Model Year    |                               | 2015    |
| DHW Energy Factor | 56 EF                         | 82 EF   |
| DHW Energy Star   | No                            | Yes     |



## Upgrade Lighting

### LIGHTING

**Installed Cost**  
\$ 77

**Energy Savings**  
Approx. \$ 239

#### Why it matters

Replacing incandescent bulbs with CFLs or LEDs will save significant energy and replacement costs over time.



Upgrade lighting to CFLs or LEDs. Replace incandescent light bulbs used more than an hour per day with compact fluorescent light bulbs (CFLs), and replace other bulbs with lower-Wattage standard incandescent bulbs. CFLs typically reduce lighting energy use by 75%.



Can lights should be replaced with new LED lights. This will reduce heat gain, save on energy, and prevent any heat related issues with the attic insulation.

### Now & Goal

| Details            | Now  | Goal |
|--------------------|------|------|
| # of Incandescents | 38   | 4    |
| # of CFLs or LEDs  | 7    | 41   |
| % CFL or LED       | 16 % | 90 % |



## Insulate Walls

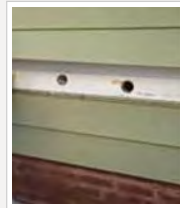
### WALLS

**Installed Cost**  
\$ 5,508

**Energy Savings**  
Approx. \$ 493

#### Why it matters

Insulating your walls can lead to a significant reduction in utility bills. This is done by drilling small holes in the wall cavities either from the inside or outside and filling the space with cellulose, fiberglass, or even foam insulation. If it's time to replace your exterior siding, then be sure to ask your contractor about adding a layer of rigid foam underneath the new sheathing of 1" or more.



Insulate exterior walls:

By "dense packing" cellulose insulation in your wall cavities, air leaks and drafts will be dramatically reduced. To install the insulation, contractors will lightly pry up a few rows of siding on your house and temporarily remove it. They will then drill a 2" hole in the sheathing for every wall cavity. A blower pushes cellulose insulation at high speed through a hose into the holes, filling the wall cavity. Great care is taken to ensure the cellulose fills into every part of the wall.

### Now & Goal

| Details                    | Now                      | Goal       |
|----------------------------|--------------------------|------------|
| Exterior Wall Siding       | Wood/Fiber Cement siding |            |
| Exterior Wall Construction | Frame                    |            |
| Wall Cavity Insulation     | 0 R Value                | 13 R Value |
| Wall Continuous Insulation | 0 R Value                | 0 R Value  |
| Modeled Wall Area          | 2,517 ft <sup>2</sup>    | N/A        |



## Refrigerator

### REFRIGERATOR

**Installed Cost**

\$ 1,336

**Energy Savings**

Approx. \$ 69

**Why it matters**

Old refrigerators can often cost twice as much to operate as a new refrigerator. Energy Star units can use half the energy as older, less efficient models.



### Now & Goal

| Details                   | Now        | Goal       |
|---------------------------|------------|------------|
| Refrigerator Energy Star  | No         | Yes        |
| Refrigerator Model Year   | 1990       | 2015       |
| Refrigerator Manufacturer | Unknown    | LG         |
| Refrigerator Usage        | 840 kWh/yr | 461 kWh/yr |
| Refrigerator Model        |            | LSFS213    |



## Health & Safety

### What's This?

These tests are recommended by the Building Performance Institute (BPI). They can help identify potential health and safety concerns in your home.



Install a Low Level Carbon Monoxide Monitor

CO detectors are highly recommended in homes with fuel-burning appliances. The detectors signal homeowners via an audible alarm when CO levels reach potentially dangerous levels.

### MOLD & MOISTURE

Moisture control is the key to mold control. Molds need both food and water to survive; since molds can digest most things, water is the factor that limits mold growth. Molds will often grow in damp or wet areas indoors. Common sites for indoor mold growth include bathroom tile, basement walls, areas around windows where moisture condenses, and near leaky water fountains or sinks. Common sources or causes of water or moisture problems include roof leaks, deferred maintenance, condensation associated with high humidity or cold spots in the building, localized flooding due to plumbing failures or heavy rains, slow leaks in plumbing fixtures, and malfunction or poor design of humidification systems. Uncontrolled humidity can also be a source of moisture leading to mold growth, particularly in hot, humid climates.

### ELECTRICAL

Have an electrician look at the wall plugs that are located near a water source, to see if a GFCI (ground-fault circuit interrupter) is recommended.

CAZ (combustion appliance zone) test results:



## Air Filters

### ADDITIONAL NOTES

#### About this section

Additional notes are miscellaneous items that deserve a mention in your home's report.

These mentioned items are not included in the cost or savings of your project.

#### Why it matters

A dirty filter will slow down air flow and make the system work harder to keep you warm or cool — wasting energy. A clean filter will also prevent dust and dirt from building up in the system — leading to expensive maintenance and/or early system failure.  
EnergyStar.gov



Check your filter every month, especially during heavy use months (winter and summer). If the filter looks dirty after a month, change it. At a minimum, change the filter every 3 months.



## Water Sense

### ADDITIONAL NOTES

#### About this section

Additional notes are miscellaneous items that deserve a mention in your home's report.

These mentioned items are not included in the cost or savings of your project.

#### Why it matters

On a national scale, if every home in the United States installed WaterSense labeled showerheads, we could save more than \$2.2 billion in water utility bills and more than 260 billion gallons of water annually. In addition, we could avoid about \$2.6 billion in energy costs for heating water.  
EPA.gov.



Save water and protect the environment by choosing WaterSense labeled products in your home.



Showering is one of the leading ways we use water in the home, accounting for nearly 17 percent of residential indoor water use—for the average family, that adds up to nearly 40 gallons per day.





## Rebates & Incentives



### The 10% cashback incentive

When you complete energy efficiency upgrades through the Home Performance with ENERGY STAR program, you will be eligible to receive 10 percent of the cost of eligible upgrades back (up to a maximum of \$3,000) after the work is complete.

Your contractor can help you verify that your upgrades qualify for this incentive.

For a full list of energy efficiency improvements that qualify for 10% cash back, download this PDF:

[bit.ly/ny-eligible-measures](http://bit.ly/ny-eligible-measures)

### Assisted Home Performance with ENERGY STAR grants

Depending on household income you can qualify for a grant of up to \$5,000 to cover up to 50 percent of the cost of energy efficiency upgrades. In most New York State counties, a family of four with a household income up to about \$65,000 will qualify.

Two- to four-unit residential buildings with additional income-eligible households can qualify for a grant of up to \$10,000.

To learn more go to: <http://bit.ly/ny-assisted-3>

### Get low-interest financing! Two options:

#### Option 1: On-Bill Recovery Loans with a 3.49% interest rate

An On-Bill Recovery Loan allows you to have your loan payments built into your utility bill. You'll have no extra bills each month and nothing new to keep track of. Even better: your monthly payments will be calculated not to exceed the expected amount your energy upgrades will save you on energy costs. So your energy savings cover most or all of your payment. Interest rates are subject to change.

When you rent or sell your home, you will have the option to transfer the unpaid balance of loan to the new owners or tenants. If you do choose to transfer the balance, you'll be required to provide notice to the new owner or tenant.

On-Bill Recovery Financing requires a declaration to be signed and filed by NYSERDA. The declaration is not a lien on the property but is recorded to provide notice to others of the obligation under the loan note.

Customers of the following utilities are eligible for On-Bill Recovery Financing: Central Hudson Gas & Electric, Con Edison, Long Island Power Authority, NYSEG, National Grid (upstate NY customers only), Orange & Rockland, and Rochester Gas & Electric.

#### Option 2: Smart Energy Loans with interest rates as low as 3.49%

Smart Energy Loans offer affordable interest rates, flexible terms and simple repayment options. Paying for a Smart Energy Loan is similar to any other conventional loan. You make monthly payments to NYSERDA's loan servicer by check or automatic bank withdrawals. The current interest rate is 3.49% if you pay via automatic bank withdrawals. Interest rates are subject to change

To apply for financing visit Energy Finance Solution: <http://bit.ly/ny-financing>



## Financing

### About financing

The loan scenario(s) listed are examples only and are not a formal offer of financing. Rates, terms and closing costs and eligibility requirements may vary.

#### Powersaver 203(k) Streamline

Mortgage loans for those looking to purchase and renovate, or refinance and renovate a home. \$3,500 of the loan has to go towards qualifying energy upgrades. Low closing costs.

#### Terms & Conditions

|                 |            |
|-----------------|------------|
| Minimum Loan    | \$ 3,500   |
| Maximum Loan    | \$ 35,000  |
| Min. Cash Down  | \$ 0       |
| Rate            | 4.00%      |
| Term            | 360 months |
| Min. FICO Score | 640        |
| Closing costs   | N/A        |

#### The Math

|                                         |           |
|-----------------------------------------|-----------|
| Job Cost                                | \$ 20,854 |
| Cash down                               | \$ 0      |
| Loan amount                             | \$ 20,854 |
| Your loan payment: (4.00% @ 360 months) | \$ 100    |
| Estimated energy savings                | \$ 150    |
| Estimated net monthly savings           | \$ 50     |

#### Elevations Loan - 5 yr

#### Terms & Conditions

|                 |           |
|-----------------|-----------|
| Minimum Loan    | \$ 500    |
| Maximum Loan    | N/A       |
| Min. Cash Down  | \$ 0      |
| Rate            | 3.80%     |
| Term            | 60 months |
| Min. FICO Score | 580       |
| Closing costs   | N/A       |

#### The Math

|                                        |           |
|----------------------------------------|-----------|
| Job Cost                               | \$ 20,854 |
| Cash down                              | \$ 0      |
| Loan amount                            | \$ 20,854 |
| Your loan payment: (3.80% @ 60 months) | \$ 382    |
| Estimated energy savings               | \$ 150    |
| Estimated net monthly cost             | \$ 232    |

Call Lindsay Olsen at 801-803-5495 or email [lindsay.olsen@wjbradley.com](mailto:lindsay.olsen@wjbradley.com) to apply today!

Free energy advising to help you through the process and low interest rates for 3,5,7,10 and 15 year terms.





## Metrics

### About the metrics

These metrics are for the whole house in a pre and post-retrofit state.

The 'Baseline' savings numbers will likely not be the same as the actual energy consumption of the home. These numbers are weather normalized and then projected based on the Typical Meteorological Year for the past 30 years (TMY30). In other words, this is the energy consumption of the home for a typical year, not the year that the utility bills were from.

| Metric                                             | Baseline                   | Improved                       | Saved |
|----------------------------------------------------|----------------------------|--------------------------------|-------|
| Fuel Energy Usage <small>therms/year</small>       | 2,602                      | 1,450                          | 1,152 |
| Electric Energy Usage <small>kWh/year</small>      | 16,252                     | 10,963                         | 5,289 |
| Total Energy Usage <small>MMBtu/year</small>       | 316                        | 182                            | 134   |
| Fuel Energy Cost <small>\$/year</small>            | 1,886                      | 1,051                          | 835   |
| Electric Energy Cost <small>\$/year</small>        | 2,968                      | 2,002                          | 966   |
| Total Energy Cost <small>\$/year</small>           | 4,853                      | 3,053                          | 1,800 |
| CO2 Production <small>Tons/year</small>            | 23.7                       | 14.4                           | 9.3   |
| Payback <small>years</small>                       |                            |                                | 10    |
| Total Energy Savings                               |                            |                                | 42%   |
| Total Carbon Savings                               |                            |                                | 39%   |
| Net Savings to Investment Ratio <small>SIR</small> |                            |                                | 1.7   |
| Net Annualized Return <small>MIRR</small>          |                            |                                | 7.0%  |
| <b>Heating &amp; Cooling Load Calculations</b>     |                            |                                |       |
| Heating Load <small>Btu/hr</small>                 | 70,003 <small>Base</small> | 51,544 <small>Improved</small> |       |
| Cooling Load: Sensible <small>Btu/hr</small>       | 40,425 <small>Base</small> | 30,096 <small>Improved</small> |       |
| Cooling Load: Latent <small>Btu/hr</small>         | 1,022 <small>Base</small>  | 1,003 <small>Improved</small>  |       |
| Winter Design Temperature                          | 7° <small>Outdoor</small>  | 70° <small>Indoor</small>      |       |
| Summer Design Temperature                          | 85° <small>Outdoor</small> | 75° <small>Indoor</small>      |       |



## Tech Specs

### Property Details

|                                |                        |
|--------------------------------|------------------------|
| Year Built:                    | 1928                   |
| Conditioned Area:              | 2,394 ft <sup>2</sup>  |
| Includes Basement:             | No                     |
| Average Wall Height:           | 8.5 ft                 |
| Floors Above Grade:            | 2.00                   |
| Number of Occupants:           | 2.0                    |
| Number of Bedrooms:            | 4.0                    |
| Type of Home:                  | Single Family Detached |
| Front of Building Orientation: | East                   |
| Shielding:                     | Normal                 |
| Tuck Under Garage:             | No                     |

### Appliances

|                             |             |
|-----------------------------|-------------|
| Dishwasher Energy Star:     | No          |
| Range Fuel Type:            | Natural Gas |
| Dryer Fuel Type:            | Electricity |
| Clothes Washer Type:        | Top Load    |
| Clothes Washer Energy Star: | No          |
| Dishwasher Installed?:      | Yes         |

### Refrigerators 1

|                           |            |
|---------------------------|------------|
| Refrigerator Age:         | 22-24      |
| Refrigerator Size:        | 19-21      |
| Refrigerator Energy Star: | No         |
| Refrigerator Usage:       | 840 kWh/yr |

### Lighting

|                         |     |
|-------------------------|-----|
| % CFLs or LEDs:         | N/A |
| Total # of Light Bulbs: | 45  |

### Attics 1

|                   |           |
|-------------------|-----------|
| Insulation Depth: | 1-3       |
| Insulation Type:  | Cellulose |

### Walls 1

|                             |                          |
|-----------------------------|--------------------------|
| Walls Insulated?:           | No                       |
| Exterior Wall Siding:       | Wood/Fiber Cement siding |
| Exterior Wall Construction: | Frame                    |

### Foundation

|                                |                                     |
|--------------------------------|-------------------------------------|
| Crawlsp                        | Crawlspace is uninsulated, open, or |
| Insulatic                      | vented                              |
| Foundation: Basement:          | 50 %                                |
| Foundation: Crawlspace:        | 50 %                                |
| Foundation Above Grade Height: | 2.0 ft                              |
| Basement Wall Insulation:      | None or Bare Walls                  |

### Windows 1

|                             |             |
|-----------------------------|-------------|
| Window Type:                | Double pane |
| Window: North Area Percent: | 20 %        |
| Window: East Area Percent:  | 20 %        |
| Window: South Area Percent: | 20 %        |
| Window: West Area Percent:  | 20 %        |
| North Overhang Depth:       | 2 ft        |
| East Overhang Depth:        | 2 ft        |
| South Overhang Depth:       | 2 ft        |
| West Overhang Depth:        | 2 ft        |

### Doors 1

|              |      |
|--------------|------|
| Door 1 Type: | Wood |
|--------------|------|

### Doors 2

|              |                 |
|--------------|-----------------|
| Door 2 Type: | Wood with Storm |
|--------------|-----------------|

### Air Leakage

|                      |             |
|----------------------|-------------|
| Blower Door Reading: | 3,628 CFM50 |
|----------------------|-------------|

### Heating & Cooling 1

|                            |                          |
|----------------------------|--------------------------|
| System Name:               | Central                  |
| System 1 Type:             | Both                     |
| Heating Energy Source:     | Natural Gas              |
| Age of Heating Equipment:  | 16-40                    |
| % of Total Heating Load:   | 90 %                     |
| Dual Equipment:            | Furnace / Central AC     |
| Age of Cooling Equipment:  | 16-20                    |
| Cooling Capacity:          | 24,000 BTU/h             |
| Heating System Efficiency: | 68 AFUE                  |
| % of Total Cooling Load:   | 100 %                    |
| Duct Location:             | Basement (unconditioned) |
| Duct Insulation:           | No Insulation            |
| Duct Leakage:              | 15% - Somewhat leaky     |

### Heating & Cooling 2

|                           |                     |
|---------------------------|---------------------|
| System Name:              | Baseboards          |
| System 2 Type:            | Heating             |
| Heating Equipment:        | Electric Resistance |
| Age of Heating Equipment: | 16-40               |
| % of Total Heating Load:  | 10 %                |
| Heating Capacity:         | 100,000 BTU/h       |



## Tech Specs

### Thermostat

|                                    |       |
|------------------------------------|-------|
| Programmable Thermostat Installed: | No    |
| Heating Setpoint High:             | 68 °F |
| Heating Setpoint Low:              | 68 °F |
| Cooling Setpoint High:             | 75 °F |
| Cooling Setpoint Low:              | 75 °F |

### Water Heating 1

|                           |                               |
|---------------------------|-------------------------------|
| DHW Fuel:                 | Natural Gas                   |
| DHW Type:                 | Standard tank                 |
| DHW Age:                  | 21-25                         |
| DHW % Load:               | 100 %                         |
| DHW Location:             | Garage or Unconditioned Space |
| DHW Temperature Settings: | High (140-150 F)              |
| DHW Energy Star:          | No                            |

### Pool & Hot Tub

|          |    |
|----------|----|
| Pool:    | No |
| Hot Tub: | No |

### Electricity

|                                       |        |
|---------------------------------------|--------|
| Provider:                             | Easter |
| Highest monthly summer electric bill: | 341    |
| Lowest monthly electric bill:         | 136    |

### Primary Fuel: Natural Gas

|                                          |             |
|------------------------------------------|-------------|
| Highest monthly winter natural gas bill: | 250 Dollars |
| Lowest monthly natural gas bill:         | 57 Dollars  |

### Contractor Contact Information

Sandy Michaels  
New York Testing  
BPI Certified  
123 Bell Street



## Glossary

**Annual Fuel Utilization Efficiency (AFUE)** The measure of seasonal or annual efficiency of a residential heating furnace or boiler. It takes into account the cyclic on/off operation and associated energy losses of the heating unit as it responds to changes in the load, which in turn is affected by changes in weather and occupant controls.

**Annualized Return** The return an investment provides over a period of time, expressed as a time-weighted annual percentage. This is the equivalent annual interest rate you would get if you put the same amount of money spent on the energy upgrade into a savings account.

**Asbestos** Asbestos is a mineral fiber that has been used commonly in a variety of building construction materials for insulation and as a fire-retardant, but is no longer used in homes. When asbestos-containing materials are damaged or disturbed by repair, remodeling or demolition activities, microscopic fibers become airborne and can be inhaled into the lungs, where they can cause significant health problems.

**British Thermal Unit (Btu)** The amount of heat required to raise the temperature of one pound of water one degree Fahrenheit; equal to 252 calories.

**Carbon Monoxide (CO)** A colorless, odorless but poisonous combustible gas with the formula CO. Carbon monoxide is produced in the incomplete combustion of carbon and carbon compounds such as fossil fuels (i.e. coal, petroleum) and their products (e.g. liquefied petroleum gas, gasoline), and biomass.

**Cashflow** When financing energy efficiency improvements, cashflow is the difference between the average monthly energy savings and the monthly loan payment.

**Combustion Appliance Zone (CAZ)** A contiguous air volume within a building that contains a combustion appliance such as furnaces, boilers, and water heaters; the zone may include, but is not limited to, a mechanical closet, mechanical room, or the main body of a house, as applicable.

**Compact Fluorescent Light bulb (CFL)** A smaller version of standard fluorescent lamps which can directly replace standard incandescent lights. These highly efficient lights consist of a gas filled tube, and a magnetic or electronic ballast.

**Cubic Feet per Minute (CFM)** A measurement of airflow that indicates how many cubic feet of air pass by a stationary point in one minute.

**Carbon Dioxide (CO<sub>2</sub>)** A colorless, odorless noncombustible gas that is present in the atmosphere. It is formed by the combustion of carbon and carbon compounds (such as fossil fuels and biomass). It acts as a greenhouse gas which plays a major role in global warming and climate change.

**Energy Efficiency Ratio (EER)** The measure of the energy efficiency of room air conditioners: cooling capacity in Btu/hr divided by the watts consumed at a specific outdoor temperature.

**Energy Factor (EF)** The measure of efficiency for a variety of appliances. For water heaters, the energy factor is based on three factors: 1) the recovery efficiency, or how efficiently the heat from the energy source is transferred to the water; 2) stand-by losses, or the percentage of heat lost per hour from the stored water compared to the content of the water; and 3) cycling losses. For dishwashers, the energy factor is the number of cycles per kWh of input power. For clothes washers, the energy factor is the cubic foot capacity per kWh of input power per cycle. For clothes dryers, the energy factor is the number of pounds of clothes dried per kWh of power consumed.

**Heating Seasonal Performance Factor (HSPF)** The measure of seasonal efficiency of a heat pump operating in the heating mode. It takes into account the variations in temperature that can occur within a season and is the average number of Btu of heat delivered for every watt-hour of electricity used.

**Heat Recovery Ventilator (HRV) / Energy Recovery Ventilator (ERV)**

A device that captures the heat or energy from the exhaust air from a building and transfers it to the supply/fresh air entering the building to preheat the air and increase overall heating efficiency while providing consistent fresh air.

**Light Emitting Diode (LED) Lighting** An extremely efficient semiconductor light source. LEDs present many advantages over incandescent light sources including lower energy consumption, longer lifetime, improved physical robustness, and smaller size.

**Modified Internal Rate of Return (MIRR)** This is your return on investment. Roughly speaking, if you invested the same amount of money for this project (listed on this report as the total cost) into a bank account, your equivalent interest rate from all of the energy savings would be the MIRR.

**N-Factor** A factor of how susceptible your house is to wind, influenced by weather patterns, location, and the number of floors in the home. Used in the calculation of NACH.

**Natural Air Changes per Hour (NACH)** The number of times in one hour the entire volume of air inside the building leaks to the outside naturally.

**Payback Period** The amount of time required before the savings resulting from your system equal the system cost.

**R-Value** A measure of the capacity of a material to resist heat transfer. The R-Value is the reciprocal of the conductivity of a material (U-Value). The larger the R-Value of a material, the greater its insulating properties.

**Radon** A naturally occurring radioactive gas found in the U.S. in nearly all types of soil, rock, and water. It can migrate into most buildings. Studies have linked high concentrations of radon to lung cancer.

**Rim Joist** In the framing of a deck or building, a rim joist is the final joist that caps the end of the row of joists that support a floor or ceiling. A rim joist makes up the end of the box that comprises the floor system.

**Seasonal Energy Efficiency Ratio (SEER)** A measure of seasonal or annual efficiency of a central air conditioner or air conditioning heat pump. It takes into account the variations in temperature that can occur within a season and is the average number of Btu of cooling delivered for every watt-hour of electricity used by the heat pump over a cooling season.

**Savings to Investment Ratio (SIR)** A ratio used to determine whether a project that aims to save money in the future is worth doing. The ratio compares the investment that is put in now with the amount of savings from the project.

# Appendix F: Potential Trade Professional Platform Workflow & Features

If a trade professional platform were implemented, a potential workflow is outlined in Figure 2 below.

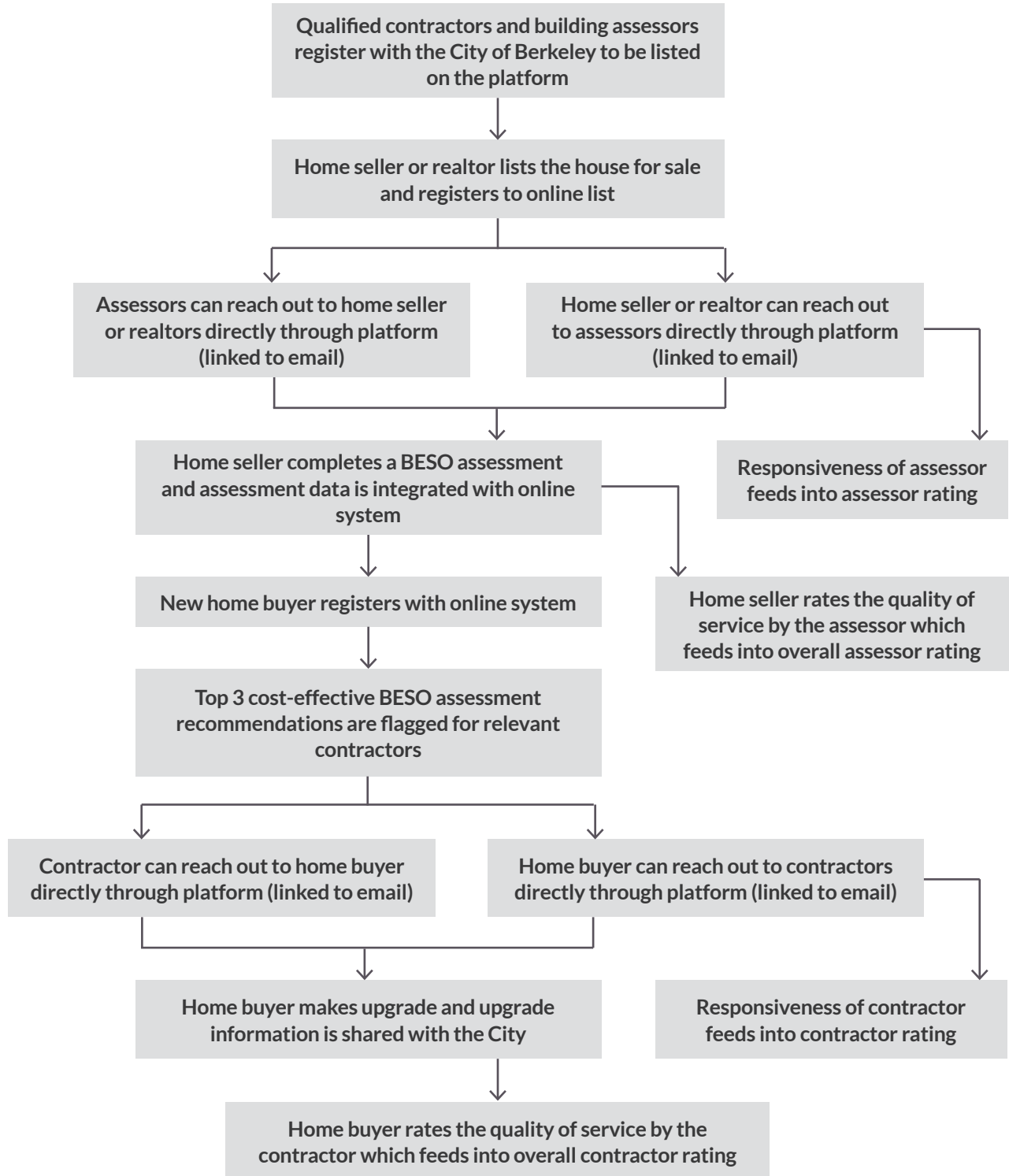


Figure 2: Potential Trade Professional Platform Workflow

Each of the potential workflow features that is associated with an online trade professional platform and their benefits are listed in Table 4 below.

**Table 4: Trade Professional Platform Features and Benefits**

| Platform Feature                                                                                             | Benefits                                                                                                                                                                                                                                                                                         |
|--------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Qualified contractors and building assessors register with the City of Berkeley to be listed on the platform | <ul style="list-style-type: none"> <li>Requires certain qualifications specified by the City</li> <li>Provides baseline level of quality</li> <li>Ensures that Berkeley can track whether there are contractors who can perform all possible upgrades recommended through BESO</li> </ul>        |
| Home seller or realtor lists the house for sale and registers to online system                               | <ul style="list-style-type: none"> <li>Homeowner or realtor registers to one platform that will contain information about assessors, the assessment completed on the home, and any potential upgrades they might want to make before selling the home</li> </ul>                                 |
| Assessors can reach out to home seller or realtor directly through platform (linked to email)                | <ul style="list-style-type: none"> <li>Minimizes homeowner or realtor effort needed to determine bid estimate</li> </ul>                                                                                                                                                                         |
| Home seller or realtor can reach out to assessors directly through platform (linked to email)                | <ul style="list-style-type: none"> <li>Allows for consumer choice when finding assessors</li> </ul>                                                                                                                                                                                              |
| Responsiveness of assessor feeds into assessor rating                                                        | <ul style="list-style-type: none"> <li>Incentivizes assessors to respond promptly</li> <li>Helps ensure home sale process is not hindered</li> </ul>                                                                                                                                             |
| Home seller completes a BESO assessment and data is integrated with online system                            | <ul style="list-style-type: none"> <li>Trade professional platform can be linked to new online application system which ensures multiple aspects of the program are integrated in one online system</li> </ul>                                                                                   |
| Home seller rates the quality of service by the assessor which feeds into overall assessor rating            | <ul style="list-style-type: none"> <li>Identifies both outstanding and underperforming assessors</li> <li>Incentivizes assessors to provide quality service</li> </ul>                                                                                                                           |
| New home buyer registers with online system                                                                  | <ul style="list-style-type: none"> <li>New homeowner can easily see home evaluation information online and the potential upgrades they can make to their home</li> <li>Ensures the data obtained by seller is consistent with the data that new homeowner receives</li> </ul>                    |
| Top 3 cost-effective BESO assessment recommendations are flagged for relevant contractors                    | <ul style="list-style-type: none"> <li>While some upgrades may be cost-effective, the upfront cost for the top 3 may vary so it is important to give a variety of options</li> <li>Using top 3 recommendations gives the home or building owner the option to do one or more upgrades</li> </ul> |
| Contractor can reach out to home buyer directly through platform (linked to email)                           | <ul style="list-style-type: none"> <li>Incentivizes another stakeholder in the BESO process to be involved</li> <li>Minimizes home or building owner effort needed to determine bid estimate</li> </ul>                                                                                          |
| Home buyer can reach out to contractors directly through platform (linked to email)                          | <ul style="list-style-type: none"> <li>Identifies home or building owners who are motivated to make upgrades</li> <li>Allows for consumer choice when finding contractors</li> </ul>                                                                                                             |
| Responsiveness of contractor feeds into contractor rating                                                    | <ul style="list-style-type: none"> <li>Incentivizes contractors to respond promptly</li> <li>Home or building owners receive prompt feedback when the BESO assessment is still fresh in their minds</li> </ul>                                                                                   |
| Home buyer makes upgrade and upgrade information is shared with the City                                     | <ul style="list-style-type: none"> <li>Building upgrade data is shared with the City</li> <li>Data can be used to calculate emissions reductions and track electrification progress</li> </ul>                                                                                                   |
| Home buyer rates the quality of service by the contractor which feeds into overall contractor rating         | <ul style="list-style-type: none"> <li>Identifies both outstanding and underperforming contractors</li> <li>Incentivizes contractors to provide quality service</li> </ul>                                                                                                                       |

## Appendix G: Benchmarking and Disclosure Programs

Table 5 below shows certain attributes of benchmarking and disclosure programs across the United States.

Table 5: Examples of Benchmarking and Disclosure Programs<sup>x</sup>

| Jurisdiction     | No. of Buildings | Area<br>(Million Sq. Ft.) | Average<br>Building size | Penalties? | Compliance<br>Rate |
|------------------|------------------|---------------------------|--------------------------|------------|--------------------|
| Atlanta          | 2,900            | 402                       | 13,862                   | Yes        | NA <sup>10</sup>   |
| Austin           | 2,800            | 113                       | 4,036                    | Yes        | NA                 |
| Berkeley         | 257              | 13.7                      | 5,331                    | No         | NA                 |
| Boston           | 1,600            | 250                       | 15,625                   | Yes        | 73%                |
| Boulder          | 475              | 26                        | 5,474                    | Yes        | NA                 |
| California       | 20,573           | 2400                      | 11,666                   | Yes        | NA                 |
| Cambridge        | 1,100            | 78                        | 7,091                    | Yes        | 95%                |
| Chicago          | 3,500            | 900                       | 25,714                   | Yes        | 84%                |
| Denver           | 3,000            | 360                       | 12,000                   | No         | NA                 |
| Evanston         | 557              | 45.6                      | 8,187                    | Yes        | NA                 |
| Kansas City      | 1,500            | 400                       | 26,667                   | Yes        | NA                 |
| Los Angeles      | 14,000           | 900                       | 6,429                    | No         | NA                 |
| New York City    | 33,147           | 2800                      | 8,447                    | Yes        | 87%                |
| Orlando          | 826              | 125.6                     | 15,206                   | No         | NA                 |
| Philadelphia     | 2,900            | 390                       | 13,448                   | Yes        | 91%                |
| Pittsburgh       | 861              | 164                       | 19,048                   | NA         | NA                 |
| Portland, ME     | 284              | NA                        | NA                       | Yes        | NA                 |
| Portland, OR     | 1024             | 87                        | 8,496                    | Yes        | NA                 |
| San Francisco    | 2312             | 203                       | 8,780                    | Yes        | NA                 |
| Seattle          | 3347             | 269                       | 8,037                    | Yes        | 99%                |
| Washington D.C.  | 2000             | 357                       | 17,850                   | Yes        | 89%                |
| Washington State | 4600             | 247                       | 5,370                    | No         | N/A                |

<sup>10</sup> Not available.

## Appendix H: Performance Requirements in Other Cities

Table 6 below outlines the performance requirements for certain cities’ programs across the United States. Berkeley could use these as a guide for requiring mandatory/prescriptive building tune-up measures.

**Table 6: Performance Requirements in Other Cities**

| City          | Requirement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Seattle       | Requires building tune-ups every five years for commercial buildings 50,000 square feet (sf) or larger, excluding parking.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Los Angeles   | Beginning in 2021, privately owned buildings more than 20,000 square feet in the City of Los Angeles must achieve certain efficiency targets or perform audits and retro-commissioning on a 5-year cycle                                                                                                                                                                                                                                                                                                                                                                                                                      |
| San Jose      | Starting in 2021, if a building demonstrates that it meets key performance standards through yearly benchmarking, it may submit a Performance Verification Report. If a building is not able to meet these standards, it can perform an energy audit, returning, or targeted efficiency upgrade to improve performance.                                                                                                                                                                                                                                                                                                       |
| Philadelphia  | Mandates all nonresidential buildings 50,000 square feet and larger to either submit a certification of high energy performance to the City’s office of Sustainability or conduct tune-up to bring existing building energy systems up to a state of good repair. They also conducted a pilot in city-owned buildings to quantify potential cost savings                                                                                                                                                                                                                                                                      |
| New York City | Requires all buildings larger than 50,000 square feet to perform an energy audit and retro-commissioning every 10 years.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Boston        | The Boston City policy requires owners of large and medium-sized buildings (>35,000 sq. ft.) to report annual energy and water use while also requiring those buildings to complete a major energy savings action or energy assessment every five years. This requires the building owners report the way they are improving their energy performance which includes by lowering their energy usage, decreasing reliance on fossil fuels or getting an energy assessment. It also requires newly constructed building’s report of its energy use for the first full calendar year after receiving a Certificate of Occupancy. |

## Appendix I: Sample Large Building Measures

Table 7 below shows various examples of large building measures that Berkeley could provide to large building owners in order to motivate them to pursue energy upgrades.

Table 7: Sample Large Building Measures

| Measure Type              | Measure Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Strategy                                                                    |
|---------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| No Cost/Low Cost          | <ul style="list-style-type: none"> <li>• Verify setpoints in consistence with facility requirement</li> <li>• Implement occupied and unoccupied set points</li> <li>• Implement reset strategies based on the space load and or outside condition</li> <li>• Check for economizer operation and modify setpoints to reflect the current facility requirement</li> <li>• Identify and arrest air, water and refrigerant leakages</li> <li>• Implement HVAC unit tune-up to increase the operating efficiency</li> <li>• Identify and implement preventive maintenance procedures</li> <li>• Install timers if appropriate</li> </ul>                                | Building Tune-up/Retune (payback less than 1 year)                          |
| Medium cost measures      | <ul style="list-style-type: none"> <li>• Rezone, combine zones or separate zones to make better use of system loading</li> <li>• Calibrate, replace and relocate sensors if necessary</li> <li>• Check and insulate/reinsulate piping and ducting</li> <li>• Install VFDs if the system operates at part load majority of the time.</li> <li>• Check building air leakage and mitigate</li> </ul>                                                                                                                                                                                                                                                                  | Large tune-up (Payback less than 3 years)                                   |
| Investment grade measures | <ul style="list-style-type: none"> <li>• Upgrade windows, add window film, add insulation</li> <li>• Conduct envelope and mechanical system air leakage testing and seal the openings.</li> <li>• Recalculate the current cooling and heating load, right size and replace aged equipment</li> <li>• Install cost effective heat recovery devices to reduce the load on the selected system</li> <li>• Install air and water source heat pumps, geothermal heat pump and heat pump water heaters.</li> <li>• Install/upgrade smart control system</li> <li>• Track energy and demand through EMS system and integrate on-demand load curtail strategies</li> </ul> | System/equipment replacement and/or ems installation (Payback over 5 years) |

## Appendix J: Sample of Current PG&E Rebates

Table 8 contains specific examples of current PG&E rebates available under various programs. This list is not exhaustive but this information is an example of what can be used to educate building owners.

Table 8: Select Examples of Current PG&E Rebates

| Incentive Type                                | Measure                                                                                                                                                                                                                                                                                                                           | Incentive Amount                                                                                                                                                                                                                                                                                                                                                                                                        |
|-----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Product-specific                              | HVAC Rebates: <ul style="list-style-type: none"> <li>VFDs for HVAC fans</li> <li>Advanced rooftop HVAC controls</li> </ul>                                                                                                                                                                                                        | <ul style="list-style-type: none"> <li>\$80/hp for VFDs</li> <li>Advanced rooftop HVAC controls: up to \$1,500 for advanced digital economizer controls; \$600 for CO2 sensors; up to \$155/ton and \$194/ton for enhanced ventilation control for packaged HVAC with and without high efficiency supply fan motors</li> </ul>                                                                                          |
|                                               | Refrigeration Rebates: <ul style="list-style-type: none"> <li>Anti-Sweat Heater controls (ASH)</li> <li>High efficiency refrigeration display cases with special doors</li> <li>Display cases for open multi-deck replacement</li> </ul>                                                                                          | <ul style="list-style-type: none"> <li>\$25/linear ft for ASH controls</li> <li>\$75/linear ft for refrigeration cases</li> <li>\$175/linear ft and \$75/linear ft for low and medium temperature open multi-deck replacements</li> </ul>                                                                                                                                                                               |
|                                               | Commercial cooling equipment: refrigerators, freezers and ice machines                                                                                                                                                                                                                                                            | Up to \$350/unit                                                                                                                                                                                                                                                                                                                                                                                                        |
|                                               | Interior high-bay and low-bay LED lighting                                                                                                                                                                                                                                                                                        | Up to \$40/ fixture                                                                                                                                                                                                                                                                                                                                                                                                     |
| Custom Retrofit <sup>xi</sup>                 | Custom incentives are based on calculated kWh, kW, and therm savings; they are determined by whether the savings are to-code, above code, or whole building normalized metered energy                                                                                                                                             | <ul style="list-style-type: none"> <li>\$0.12/kWh savings for above code and whole building normalized metered energy consumption</li> <li>\$75/kW, \$150/kW and \$200/kW savings for to code, above code, and whole building metered energy cases, respectively</li> <li>\$0.50/therm, \$1.25/therm and \$1.75/therm savings for to code, above code, and whole building metered energy cases, respectively</li> </ul> |
| Retro-commissioning <sup>xii</sup>            | One or more of the following measures is used to fine-tune building systems: <ul style="list-style-type: none"> <li>Chiller/Boiler optimization;</li> <li>Reduce ventilation;</li> <li>Decrease supply air pressure set-point and system rebalancing; and/or</li> <li>Aligning zone temperature to building's schedule</li> </ul> | <ul style="list-style-type: none"> <li>\$0.06/kWh savings</li> <li>\$0.50/therm savings</li> <li>\$75/on-peak kW savings</li> </ul>                                                                                                                                                                                                                                                                                     |
| Energy Storage and Generation <sup>xiii</sup> | Generation – three-step incentive based on total generation per site: <ul style="list-style-type: none"> <li>Waste heat to power,</li> <li>Combined heat and power (CHP)</li> <li>Fuel cell (electric only)</li> </ul>                                                                                                            | Incentive/W generation: <ul style="list-style-type: none"> <li>From waste heat: \$0.60, \$0.50 and \$0.40</li> <li>From CHP and Fuel Cell: up to \$1.20, \$1.10 and \$1.00</li> </ul>                                                                                                                                                                                                                                   |
|                                               | Storage – five-step incentive based on total storage capacity per site                                                                                                                                                                                                                                                            | Incentive/Wh storage: \$0.40, \$0.35, \$0.30, \$0.25, \$0.20                                                                                                                                                                                                                                                                                                                                                            |



## Endnotes

- i BEI Berkeley Market Segmentation Analysis and Discussion.
- ii <https://beneficialelectrification.com/faqs>.
- iii <https://www.chicago.gov/city/en/progs/env/building-energy-benchmarking---transparency.html>.
- iv <https://www.abettercity.org/docs/06.2012%20-%20Benchmarking%20report%20-%20Final.pdf>.
- v [https://www.cacx.org/resources/documents/CA\\_Commissioning\\_Guide\\_Existing.pdf](https://www.cacx.org/resources/documents/CA_Commissioning_Guide_Existing.pdf).
- vi [https://www.energy.ca.gov/reports/efficiency\\_handbooks/400-00-001D.PDF](https://www.energy.ca.gov/reports/efficiency_handbooks/400-00-001D.PDF).
- vii <https://www.boma.org/BOMA/Research-Resources/1-BOMA-Reports/BEPCResources.aspx>.
- viii [https://www.cityofberkeley.info/uploadedFiles/Planning\\_and\\_Development/Level\\_3\\_-\\_Energy\\_and\\_Sustainable\\_Development/BESO%20Evaluation%20Recommendations%20-%20Assessor%20Meeting.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Energy_and_Sustainable_Development/BESO%20Evaluation%20Recommendations%20-%20Assessor%20Meeting.pdf).
- ix [https://www.cityofberkeley.info/uploadedFiles/Planning\\_and\\_Development/Level\\_3\\_-\\_Energy\\_and\\_Sustainable\\_Development/Assessment%20Requirements%20Chart\\_current.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Energy_and_Sustainable_Development/Assessment%20Requirements%20Chart_current.pdf)
- x [https://emp.lbl.gov/sites/default/files/lbnl\\_benchmarking\\_final\\_050417\\_0.pdf](https://emp.lbl.gov/sites/default/files/lbnl_benchmarking_final_050417_0.pdf).
- xi [https://www.pge.com/en\\_US/large-business/save-energy-and-money/business-solutions-and-rebates/product-rebates.page](https://www.pge.com/en_US/large-business/save-energy-and-money/business-solutions-and-rebates/product-rebates.page).
- xii [https://www.pge.com/en\\_US/large-business/save-energy-and-money/facility-improvement/retrocommissioning.page](https://www.pge.com/en_US/large-business/save-energy-and-money/facility-improvement/retrocommissioning.page).
- xiii [https://www.pge.com/en\\_US/small-medium-business/energy-alternatives/private-solar/understand-the-solar-process.page](https://www.pge.com/en_US/small-medium-business/energy-alternatives/private-solar/understand-the-solar-process.page).





Office of the City Manager

14

CONSENT CALENDAR

December 1, 2020

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Jordan Klein, Interim Director, Planning and Development Department

Subject: Revenue Grant: Reach Code support from East Bay Community Energy

RECOMMENDATION

Adopt a Resolution authorizing the City Manager, or her designee, to submit a grant agreement and accept a \$10,000 grant award from East Bay Community Energy (EBCE) for reach code support.

FISCAL IMPACTS OF RECOMMENDATION

This grant will support Planning Department efforts to electrify the existing and newly constructed building stock in Berkeley, using existing staff resources. Funds will be deposited into a revenue grant code to be established. This grant will be included as part of the next Annual Appropriations Ordinance amendment cycle. No other costs are associated with acceptance of this grant.

CURRENT SITUATION AND ITS EFFECTS

East Bay Community Energy (EBCE) is the local not-for-profit Community Choice Energy provider, formed by Alameda County and 11 local cities in 2018. As a member city, Berkeley plays a leadership role in EBCE's efforts to provide renewable energy at competitive rates for its customers including Berkeley residents and businesses. Like the City of Berkeley, EBCE recognizes that all-electric buildings and transportation are healthier, safer, and, particularly in new construction, more cost-effective.

To encourage electrification, EBCE is supporting the development of "reach codes," local amendments to the 2019 California Energy Code (California Code of Regulations, Title 24, Part 6) that are cost-effective and accelerate the production of zero net energy buildings. For each member city that brings a reach code to their council, EBCE is providing technical assistance and a \$10,000 grant award as an incentive for the action. The City of Berkeley has utilized EBCE's free technical assistance, such as cost-effectiveness evaluations of potential reach code measures, model reach code language, and project-based support for electrification in new high-rise residential buildings. This \$10,000 grant would supplement ongoing reach code implementation and broader building electrification outreach and education prioritizing low-income households and communities of color most impacted by climate change.

## BACKGROUND

In 2019, staff coordinated with EBCE, the California Energy Codes and Standards Program, the Building Decarbonization Coalition, BayREN, and other Bay Area jurisdictions to develop an electric-favored reach code. The reach code, which has been approved by the California Energy Commission, affects all building permit applications for newly constructed buildings submitted on or after January 1, 2020. The reach code encourages all-electric construction and specifies what is required for electric-readiness to enable future electrification when natural gas appliances are utilized. The reach code also extends the solar PV requirement to nonresidential buildings, high-rise residential buildings, and hotel/motels.

The Berkeley City Council adopted the reach code, along with other local amendments to the 2019 California Building Standards Code, on December 3, 2019. The Council also adopted a local amendment to the 2019 California Green Building Code, supported by EBCE, which requires increased electric vehicle charging readiness and installation in new buildings.

On July 23, 2019, the Council also adopted a Prohibition of Natural Gas Infrastructure in New Buildings (BMC Chapter 12.80). This requires new buildings, with land use permit applications submitted on or after January 1, 2020, to be free of natural gas infrastructure, subject to limited exceptions and exemptions.

As an EBCE member city, bringing a reach code to council for consideration fulfills the grant requirements for this EBCE award. Berkeley has gone beyond this threshold with adoption of the reach code, its filing with the California Building Commission, and its approval by the California Energy Commission on February 20, 2020.

In order to receive the \$10,000 grant from EBCE, the grant agreement must be executed and award accepted by December 31, 2020. This award will enable the Planning Department to provide additional support for building electrification, particularly to meet equity goals of serving low-income residents, communities of color, and other underserved populations.

## ENVIRONMENTAL SUSTAINABILITY

Adoption of the reach code is an important step towards meeting Berkeley's Climate Action Plan and Fossil Fuel Free Berkeley goals. In particular, it makes significant gains towards reducing the greenhouse gas emissions associated with constructing and operating new buildings. The grant will support building electrification work.

## RATIONALE FOR RECOMMENDATION

Accepting this grant will support ongoing work on building electrification and can be used to further advance equity work in this domain. The City of Berkeley has already completed the requirements of this grant award; no additional staff time or commitments are needed.

ALTERNATIVE ACTIONS CONSIDERED

None considered.

CONTACT PERSON

Billi Romain, Manager, Office of Energy and Sustainable Development, Planning and Development Department, 510-981-7432

Attachments:

Resolution

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

REVENUE GRANT: REACH CODE SUPPORT FROM  
EAST BAY COMMUNITY ENERGY

WHEREAS, on June 2, 2009, the Berkeley City Council adopted the Berkeley Climate Action Plan to reduce greenhouse gas emissions by 80% of Berkeley's 2000 emissions level; and

WHEREAS, on April 1, 2016, the City of Berkeley released its Resilience Strategy; and

WHEREAS, on November 1, 2016, the Berkeley City Council approved Berkeley's participation in the East Bay Community Energy (EBCE) Authority and authorized implementation of EBCE in Berkeley; and

WHEREAS, on June 12, 2018, the Berkeley City Council declared a Climate Emergency and resolved to become a "Fossil Fuel-Free City"; and

WHEREAS, on July 23, 2019, Berkeley City Council adopted a Prohibition of Natural Gas Infrastructure in New Buildings (BMC Chapter 12.80); and

WHEREAS, on December 3, 2019, Berkeley City Council held a public hearing and adopted an electric-favored reach code to complement the Natural Gas Prohibition; and

WHEREAS, to encourage electrification, EBCE is providing technical assistance and a \$10,000 grant award to each member city that brings a reach code to their council; and

WHEREAS, the grant award will provide additional support for building electrification, particularly to meet equity goals of serving low-income residents, communities of color, and other underserved populations.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager, or her designee, is authorized to submit a grant agreement and accept a \$10,000 grant award from East Bay Community Energy (EBCE) for reach code support.



Office of the City Manager

15

CONSENT CALENDAR

December 1, 2020

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Liam Garland, Director, Public Works

Subject: Lease Agreement: Berkeley Housing Authority at 1947 Center Street, Fifth Floor

RECOMMENDATION

Adopt first reading of an Ordinance authorizing the City Manager to execute a lease agreement with Berkeley Housing Authority to use and occupy a portion of the City property at 1947 Center Street, 5<sup>th</sup> floor, for a ten-year lease term with an option to extend for two additional ten-year terms.

FISCAL IMPACTS OF RECOMMENDATION

The lease agreement anticipates total revenue of \$1,404,264 for the initial ten (10) year term for the premises consisting 2,213 square feet of office space plus 1,414 square feet of common area for a total of 3,627 square feet on the fifth (5th) floor of the Civic Center Annex Building located at 1947 Center Street, Berkeley, California, 94704. The initial monthly price per square foot is \$3.00 with an annual adjustment of 2% beginning the third year of the lease. Revenue will be deposited into the Building Purchases and Management Fund 636.

CURRENT SITUATION AND ITS EFFECTS

The Department of Public Works' Real Property staff spent more than three years in an attempt to find suitable tenants for the southwest corner of 1947 Center Street's fifth floor. After several stops and starts with potential internal tenant departments, Public Works offered the space to Berkeley Housing Authority. In June 2020, Berkeley Housing Authority (BHA) sought and received approval from its Board of Commissioners to accept the City of Berkeley's offer to rent space at 1947 Center Street. BHA's move to 1947 Center creates rental expenditure savings for that organization and locates the organization in a building where other City services and offices their clients use are located.

By administering the City's subsidized rental housing programs, Berkeley Housing Authority plays a key role in advancing our Strategic Plan Priority to create affordable housing and housing support service for our most vulnerable community members.

BACKGROUND

International Commuter Science Institute (ICSI) entered into a Lease Agreement with the City of Berkeley effective May 1, 2008 for the entire fifth and sixth floors of 1947 Center Street, also known as the Civic Center Annex Office Building. Several amendments and proposed lease amendments related to ICSI's occupancy of the fifth floor were made over the last five years. These changes were made to accommodate both ICSI's decreasing space needs and the City's need for temporary office space during major building renovations at 1947 Center Street and 2640 Martin Luther King, Jr. Way. ICSI eventually vacated the fifth floor due in part to the City's need for permanent office space for the Director of Planning's Office and Public Works and Parks, Recreation and Water T1 Bond/Facility Engineering staff.

With City Council's approval tonight, BHA will begin moving in December 16, 2020 and begin paying rent January 1, 2021.

ENVIRONMENTAL SUSTAINABILITY

Berkeley Housing Authority administers programs that provide subsidized housing and vouchers for people who might otherwise be unsheltered.

RATIONALE FOR RECOMMENDATION

Currently, the fifth floor is occupied by City staff. Operationally, it is easiest to have the remainder of the floor occupied by City staff or a program closely associated to the City. Berkeley Housing Authority is a good operational fit in that respect having once been fully apart of City operations and today continues administering housing and housing voucher programs for the City at the direction of their Board of Commissioners.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Dionne E. Early, Community Development Project Coordinator, Department of Public Works, (510) 981-6453

Attachment:

1: Ordinance

Exhibit A: Lease



ORDINANCE NO. -N.S.

LEASE AGREEMENT: BERKELEY HOUSING AUTHORITY FOR OFFICE AND PROGRAM SPACE TO ADMINISTER SUBSIDIZED HOUSING PROGRAMS LOCATED AT 1947 CENTER STREET, FIFTH FLOOR, SOUTHWEST CORNER

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

Section 1. FINDINGS:

Berkeley Housing Authority (BHA) desires to relocate to the southwest corner offices on the fifth floor of 1947 Center Street, also known as the Civic Center Annex Office Building. The building is owned by the City of Berkeley and houses the administrative and programmatic office of several City Departments. The southwest corner offices on the fifth floor have been unoccupied for approximately three years. BHA wishes to lease the Premises for the purpose of operating offices and program spaces needed to administer various HUD-subsidized rental housing programs including the Section 8 Housing Choice Voucher Program, the Project-based Section 8 Program, the Moderate Rehabilitation Program, Mainstream Vouchers, VASH Vouchers, and other housing programs. The Tenant shall also use the leased Premises in conducting business for its non-profit affiliate.

Revenue will be deposited into the Building Purchases and Management Fund 636.

Section 2. AUTHORIZATION FOR CITY MANAGER TO ENTER INTO LEASE AT 1947 CENTER STREET, FIFTH FLOOR, SOUTHWEST CORNER.

The City Manager is hereby authorized to enter into a ten (10)-year lease agreement with the option for a two additional ten (10)-year extension with Berkeley Housing Authority for real property located at 1947 Center Street, fifth floor. Such lease shall be on substantially the terms set forth in Exhibit A.

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

Exhibits  
A: Lease

## 1947 CENTER STREET LEASE

This lease is made on January 1, 2021, between the CITY OF BERKELEY ("Landlord"), a Charter City organized and existing under the laws of the State of California and BERKELEY HOUSING AUTHORITY ("Tenant"), who agree as follows:

*This lease is made with reference to the following facts and objectives:*

A. Landlord is the owner of the real property consisting of 2,213 square feet of office space plus 1,414 square feet of common area for a total of 3,627 square feet on the fifth (5<sup>th</sup>) floor of the Civic Center Annex Building located at 1947 Center Street, Berkeley, California, 94704 ("**Premises**"). Office space includes 13 private offices, a medium sized conference room, reception/mailroom, and a storage room. Common area includes nonexclusive use of one extra-large conference room (room 545 is 570 square feet), kitchenette (room 503), restrooms, hallways and the elevator lobby as depicted in Exhibit "A", attached hereto and made a part hereof. Tenant agrees to accept space in "as is" condition.

B. Tenant is willing to lease the Premises from Landlord pursuant to the provisions stated in this lease.

C. Tenant wishes to lease the Premises for the purpose of operating offices and program spaces needed to administer various HUD-subsidized rental housing programs including the Section 8 Housing Choice Voucher Program, the Project-based Section 8 Program, the Moderate Rehabilitation Program, Mainstream Vouchers, VASH Vouchers, and other housing programs. The Tenant shall also use the leased Premises in conducting business for its non-profit affiliate.

D. Tenant has examined the Premises and is fully informed of the condition thereof.

### 1. DESCRIPTION OF PREMISES

Landlord leases to Tenant and Tenant leases from Landlord the Premises described above.

### 2. TERM

The term of this lease shall be ten (10) years, with two (2) ten (10) year options to extend. The effective commencement date shall be on January 1, 2021, and expire at the end of one hundred and twenty (120) months. Landlord will grant limited access to Tenant beginning November 1, 2020 to facilitate improvements and other preparation of space prior to December 15, 2020 move in date. Landlord and Tenant agree to sign and date Exhibit B, attached hereto and acknowledge the Lease Commencement Date, Rent Commencement Date, and Expiration Date of the lease.

### 3. RENT

Tenant shall pay to Landlord \$3.00 per square foot per month rental rate, without deduction, setoff, prior notice, or demand, for Year 1 and 2 in advance on the first day of each month, commencing on the date the term commences, and continuing during the term. Beginning Year 3, the per square foot rate will increase 2.0% annually. Rent payments for Years 1 through 10 are depicted in Exhibit "C" attached hereto and made a part hereof. Monthly rent for any partial month shall be prorated at the rate of 1/30th of the monthly rent per day. All rent shall be paid to Landlord at the address to which notices to Landlord are given or other method as instructed by Landlord.

**4. PERIODIC RENT INCREASES**

The monthly rent shall be increased at the commencement of the third year of the term and each year thereafter ("the adjustment date") to the monthly rent in effect immediately preceding the adjustment date plus three percent (2%).

**5. SECURITY DEPOSIT**

a. As security for the full and faithful performance by Tenant of each and every term, provision, covenant, and condition of this lease, Tenant shall deposit with Landlord cash in an amount equal to two month's payment of rent representing first and last month's rent. Such security of \$21,762.00 shall be deposited on or before the effective date of the Ordinance authorizing this lease.

b. Tenant waives the provisions of California Civil Code section 1950.7, and all laws in force or that become in force after the date of execution of this Lease, that provide that Landlord may claim from a security deposit only those sums reasonably necessary to remedy defaults in the payment of rent, to repair damage caused by Tenant, or to clean the Premises.

c. If Tenant defaults in respect to any of the terms, provisions, covenants and conditions of this lease, including but not limited to the payment of rent, Landlord may use the security deposit or any portion of it to cure the default or compensate the Landlord for all damage sustained by Landlord resulting from Tenant's default. If Landlord so uses any portion of the security deposit, Tenant will restore the security deposit to its original amount within ten (10) days after written demand from Landlord.

d. Landlord will not be required to keep the security deposit separate from its own funds and Tenant shall not be entitled to interest on the security deposit. The security deposit will not be a limitation on Landlord's damages or other rights under this lease, or a payment of liquidated damages, or an advance payment of the rent. If Tenant pays the rent and performs all of its other obligations under this lease, Landlord shall return the unused portion of the security deposit to Tenant within sixty (60) days after the end of the term; however, if Landlord has evidence that the security deposit has been assigned to an assignee of the Tenant, Landlord shall return the security deposit to the assignee. Landlord may deliver the security deposit to a purchaser of the Premises and be discharged from further liability with respect to it.

Tenant waives the provisions of California Civil Code section 1950.7, and all laws in force or that become in force after the date of execution of this Lease, that provide that Landlord shall return the security deposit no later than thirty (30) days after the Landlord receives possession of the premises.

**6. LATE CHARGES**

Tenant acknowledges that late payment by Tenant to Landlord of rent and other sums due hereunder will cause Landlord to incur costs not contemplated by this lease, the exact amount of which will be extremely difficult to ascertain. Therefore, if any installment of rent or any other sum due from Tenant is not received by Landlord within ten (10) days after such amount is due, then, without any requirement for notice to Tenant, Tenant shall pay to Landlord a late charge equal to ten percent (10%) of such overdue amount. The parties agree that this late charge represents a fair and reasonable estimate of the costs that Landlord will incur by reason of late payment by Tenant. Acceptance of such late charge by Landlord shall in no event constitute a waiver of Tenant's default with respect to such overdue amount, nor prevent Landlord from exercising any of the other rights and remedies available to it.

**7. USE OF PREMISES; OPERATION**

a. Tenant will use the Premises for the purpose of operating offices and program spaces needed to administer subsidized rental housing in the City of Berkeley. Tenant shall also use the Premises in conducting business for its non-profit affiliate. Tenant shall not use nor permit the use of the whole or any part of the Premises for any other purpose without the Landlord's prior written consent.

b. Business may be conducted with the public on the leased Premises at any time on any day, provided that, i) hours of operation are the same or within the same hours of operation of 1947 Center Street; ii) hours of operation have been approved by the Director of Public Work or his/her designee; and iii) Tenant shall have obtained any permit required by federal, state, County, or the City of Berkeley law in accordance with the Berkeley Municipal Code.

c. All Tenant employees must wear a company I.D. and be issued an access card approved by the Executive Director of Berkeley Housing Authority and by the City of Berkeley. The first badge for each employee is included in the cost of rent. Replacement badges may require a fee be paid by Berkeley Housing Authority.

d. Tenant agrees to abide by all "Rules and Regulations," the current version of which is attached hereto as Exhibit D, as they may be amended by the City from time to time.

**8. TAXES AND ASSESSMENTS**

a. Tenant recognizes and understands that this lease may create a possessory interest subject to property taxation and assessment and utility taxation, and that the Tenant will

be responsible for the payment of any property taxes and assessments, and utility taxes levied on such interest.

b. Tenant shall pay all taxes on its personal property, fixtures and on its leasehold or possessory interest in the leased Premises and any other assessment that may be lawfully levied.

**9. UTILITIES**

a. Tenants located on floors basement, one (1), two (2), three (3) and four (4) agree to pay any and all charges for electricity, gas, heat, cooling, sewer use, water, refuse collection and other utilities and common area maintenance (CAM) charges used in the premises proportionate to occupants' space occupation and use of common areas. For utilities paid directly to the Landlord, Landlord shall adjust that rate to reflect the actual costs during the preceding year.

b. Costs associated with staff and/or business related telephone and computers administered by City of Berkeley IT Department are the sole responsibility of the Tenant.

c. Tenants located on floors five (5) and six (6), all utility charges (security, janitorial service, electricity, gas, heat, cooling, sewer use, water, refuse collection and common area maintenance (CAM) charges) are included in the per square foot lease rate.

d. The City continually monitors utility use and reserves the right to investigate unprecedented increases in use and/or cost and may require an additional payment from one or all tenants if necessary.

**10. MAINTENANCE AND REPAIR**

a. Tenant is responsible for ensuring that the Premises meet all applicable City of Berkeley codes prior to occupancy under this lease.

b. Tenant shall keep and maintain in good order, condition and repair (except for reasonable wear and tear) all portions of the Premises including without limitation, all fixtures, interior walls, floors, ceilings, plumbing, glass, roof, heating, ventilating and sewage facilities serving the leased Premises, landscaping, and the sidewalk adjacent to the Premises.

c. Tenant shall make all required repairs upon demand by Landlord. Failure to make such repairs within thirty (30) days of the Landlord's demand shall constitute a default by Tenant.

**11. IMPROVEMENTS**

a. Tenant shall not erect additions or structures nor make nor cause to be made

any alterations, improvements, additions, or fixtures that affect the exterior or interior of the Premises, nor shall Tenant mark, paint, drill or in any way deface any floors, walls, ceilings, or partitions of the Premises, without first providing thirty (30) days' written notice to Landlord. If Landlord raises no objections within thirty (30) days after receipt of such notice, Tenant may proceed.

b. Tenant shall require all contractors to provide a labor and materials bond for the full amount of the contract. Tenant shall pay, when due, all sums of money that may be due or become due for any labor, services, materials, supplies or equipment furnished to or for Tenant, in, at, upon or about the leased Premises and which may be secured by any mechanic's, materialmen's or other lien against the Premises or Landlord's interest therein.

c. All alterations, improvements or additions that are now or in the future attached permanently to the Premises shall be the property of Landlord and remain with the Premises at the termination of this lease, except that Landlord can elect within thirty (30) days of the termination of the lease to require Tenant, at its cost, to remove any alterations, improvements or additions Tenant has made to the Premises.

## **12. INDEMNIFICATION**

Tenant shall indemnify, defend and hold Landlord, its officers, agents, volunteers and employees harmless from: 1) all claims of liability for any damage to property or injury or death to any person occurring in, on, or about the Premises; 2) all claims of liability arising out of Tenant's failure to perform any provision of this lease, or any act or omission by Tenant, its agents, contractors, invitees or employees; and 3) all damages, liability, fines, penalties, and any other consequences arising from any noncompliance or violation of any laws, Ordinances, codes, or regulations, including but not limited to the Occupational Safety and Health Act of 1979 and the Americans with Disabilities Act of 1990. Except, however, that Landlord shall hold Tenant harmless from all claims of liability for damage resulting from the acts or omissions of Landlord or its authorized representatives.

## **13. INSURANCE**

a. Tenant at its cost shall maintain public liability and property damage insurance with a single combined liability limit of \$2,000,000, including glass insurance and property insurance against all risks of loss to any tenant improvements or betterments, at full replacement cost with no coinsurance penalty provision insuring against all liability of Tenant and its authorized representatives arising out of and in connection with Tenant's use or occupancy of the Premises. All such insurance shall insure performance by Tenant of the preceding indemnity provisions. All insurance shall name the City of Berkeley, its officers, agents, volunteers and employees as additional insureds and shall provide primary coverage with respect to the City.

b. If the insurance referred to above is written on a Claims Made Form, then following termination of this lease, coverage shall survive for a period of not less than five years.

Coverage shall also provide for a retroactive date of placement coinciding with the effective date of this lease.

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

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

e. Tenant shall forward all insurance documents to: Department of Public Works, Real Property Division, 1947 Center Street, Fifth Floor, Ste. 521, Berkeley, California, 94704.

#### **14. COMPLIANCE WITH LAW AND SAFETY**

a. Tenant shall observe and comply with all applicable laws, Ordinances, codes and regulations of governmental agencies, including federal, state, municipal and local governing bodies having jurisdiction over any or all of the Tenant's activities, including all provisions of the Occupational Safety and Health Act of 1979 and all amendments thereto, and all applicable federal, state, municipal, and local safety regulations. All Tenant's activities must be in accordance with these laws, Ordinances, codes, and regulations.

b. If a death, serious personal injury, or substantial property damage occurs in, on, or about the Premises, Tenant shall immediately notify the Landlord's Risk Management Office by telephone. If any accident occurs on the Premises, Tenant shall promptly submit a written report to Landlord, in such form as Landlord may require. This report shall include the following information: 1) name and address of the injured or deceased person(s), (2) name and address of Tenant's contractor, if any, (3) name and address of Tenant's liability insurance carrier, and (4) a detailed description of the accident.

c. Tenant shall report all existing hazardous materials handled at the site and any hazardous wastes generated at the site to the Toxics Management Division (TMD) on an annual basis and abide by all requirements of the TMD and other state and local environmental agencies. Upon release of hazardous materials or hazardous waste at the property or adjacent to the property, Tenant shall immediately notify the City of Berkeley Toxics Management Division. If the release is significant, the Tenant must report it to the 911 and the Office of Emergency

Services. Tenant shall not store hazardous materials or hazardous waste on the Premises without a proper permit from the City.

d. To Landlord's actual knowledge, neither the common area of the Building nor the Premises have undergone inspection by a Certified Access Specialist (CASp). The foregoing disclosure does not affect Landlord's or Tenant's respective responsibilities for compliance of construction-related accessibility standards as provided under this lease. A CASp can inspect the Premises and determine whether the Premises comply with all of the applicable construction-related accessibility standards under state law. Although state law does not require a CASp inspection of the Premises, Landlord may not prohibit Tenant from obtaining a CASp inspection of the Premises for the occupancy or potential occupancy of Tenant, if requested by Tenant. The parties shall mutually agree on the arrangements for the time and manner of the CASp inspection, the payment of the fee for the CASp inspection, and the cost of making any repairs necessary to correct violations of construction-related accessibility standards within the Premises.

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

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

b. If Tenant is or becomes a "public accommodation" as defined in Title III of the Americans with Disabilities Act of 1990, Tenant shall observe and comply with all applicable provisions of the Act and any amendments thereto, and all applicable federal, state, municipal and local laws, Ordinances, codes and regulations prohibiting discrimination on the basis of disability in the full and equal enjoyment of goods, services, facilities, privileges, advantages, or accommodations offered by the Tenant. All Tenant's activities must be in accordance with these laws, Ordinances, codes, and regulations, and Tenant shall be solely responsible for complying therewith.

16. **CITY NON-DISCRIMINATION ORDINANCE**

Tenant agrees to comply with the provisions of Berkeley Municipal Code Chapter 13.26 as amended from time to time. In the performance of this lease, the Tenant agrees as follows:

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



b. The Tenant shall permit the Landlord access to records of employment advertisements, application forms, EEO-1 forms, affirmative action plans and any other documents which, in the opinion of the Landlord, are necessary to monitor compliance with this non-discrimination provision, and will, in addition, fill-out in a timely fashion, forms supplied by the Landlord to monitor these non-discrimination provisions.

**17. NUCLEAR FREE BERKELEY**

Tenant agrees to comply with Berkeley Municipal Code Chapter 12.90, the Nuclear Free Berkeley Act, as amended from time to time.

**18. OPPRESSIVE STATES**

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

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

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

c. Tenant's failure to comply with this section shall constitute a default of this lease and Landlord may terminate this lease pursuant to Section 28. In the event that the City terminates this lease due to a default under this provision, City may deem Tenant a non-responsible bidder for five (5) years from the date this lease is terminated.

**19. BERKELEY LIVING WAGE ORDINANCE**

a. Tenant agrees to comply with Berkeley Municipal Code Chapter 13.27, the Berkeley Living Wage Ordinance. If Tenant employs six (6) or more part-time, full-time or stipend employees, and generates \$350,000 or more in annual gross receipts, Tenant will be

required to provide all eligible employees with City mandated minimum compensation during the term of this lease, as defined in B.M.C. Chapter 13.27, and well as comply with the terms enumerated herein.

b. Tenant shall be required to maintain all reasonable records and documents that would establish whether Tenant is subject to Berkeley's Living Wage Ordinance (LWO). If Tenant is subject to the LWO, as defined therein, Tenant shall be further required to maintain monthly records of those employees located on the leased Premises. These records shall include the total number of hours worked, the number of hours spent providing service on the leased property, the hourly rate paid, and the amount paid by Tenant for health benefits, if any, for each of its employees providing services under the lease. The records described in this Section shall be made available upon the City's request. The failure to produce these records upon demand shall be considered a default, subject to the provisions contained in sections 27 and 28 herein.

c. If Tenant is subject to the LWO, Tenant shall include the requirements of the Ordinance, as defined in B.M.C. Chapter 13.27, in any and all subleases in which Tenant enters with regard to the subject Premises. Subtenants shall be required to comply with this Ordinance with regard to any employees who spend 25% or more of their compensated time on the leased property.

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

Tenant's failure to comply with this Section shall constitute default of the lease, upon which City may terminate this lease pursuant to Section 28.

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

## **20. BERKELEY EQUAL BENEFITS ORDINANCE**

a. Tenant hereby agrees to comply with the provisions of the Berkeley Equal Benefits Ordinance, B.M.C. Chapter 13.29. If Tenant is currently subject to the Berkeley Equal Benefits Ordinance, Tenant will be required to provide all eligible employees with City mandated equal benefits during the term of this lease, as defined in B.M.C. Chapter 13.29, as well as comply with the terms enumerated herein.

b. If Tenant is currently or becomes subject to the Berkeley Equal Benefits Ordinance, Tenant agrees to supply the City with any records the City deems necessary to determine compliance with this provision. Failure to do so shall be a considered a default, subject to the provisions of Sections 27 and 28 of this lease.

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

Tenant's failure to comply with this Section shall constitute default of the lease, upon which City may terminate this lease pursuant to Section 28.

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

## **21. SANCTUARY CITY CONTRACTING ORDINANCE**

Tenant hereby agrees to comply with the provisions of the Sanctuary City Contracting Ordinance, B.M.C. Chapter 13.105. In accordance with this Chapter, Tenant agrees not to provide the U.S. Immigration and Customs Enforcement Division of the United States Department of Homeland Security with any Data Broker or Extreme Vetting Services as defined herein:

- a. "Data Broker" means either of the following:  
The collection of information, including personal information about consumers, from a wide variety of sources for the purposes of reselling such information to their customers, which include both private-sector business and government agencies;  
The aggregation of data that was collected for another purpose from that for which it is ultimately used.
- b. "Extreme Vetting" means data mining, threat modeling, predictive risk analysis, or other similar services. Extreme Vetting does not include:  
The City's computer-network health and performance tools;  
Cybersecurity capabilities, technologies and systems used by the City of Berkeley Department of Information Technology to predict, monitor for, prevent, and protect technology infrastructure and systems owned and operated by the City of Berkeley from potential cybersecurity events and cyber-forensic based investigations and prosecutions of illegal computer-based activity.

**22. CONFLICT OF INTEREST PROHIBITED**

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

b. In accordance with California Government Code Section 1090 and the Political Reform Act, (Government Code Section 87100 et seq.) no person who is a director, officer, partner, trustee, employee or consultant of Tenant, or immediate family member of any of the preceding, shall make or participate in a decision made by Landlord or any of its boards, commissions or committees, if it is reasonable foreseeable that the decision will have a material effect on any source of income, investment or interest in real property of that person or Tenant, except to the extent permitted by 2 California Code of Regulations, Section 18700(c)(2).

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

**23. PESTICIDES**

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

**24. SIGNS**

Tenant shall not install or letter any signs on the Premises without the prior written consent of the Director of Public Works or his/her designee. All signs on the Premises shall conform to the provisions of Berkeley Municipal Code Chapter 20.04 when applicable.

**25. DAMAGE OR DESTRUCTION**

If the Premises are totally or partially destroyed from any cause, rendering the Premises totally or partially inaccessible or unusable, Landlord may elect to terminate this lease or continue this lease in effect by giving notice to Tenant within thirty (30) days of the date of destruction. If Landlord elects to continue this lease in full force and effect, then Landlord shall restore the Premises and the rent shall be abated, from the date of destruction until the date restoration is completed, in an amount proportionate to the extent to which the destruction interferes with Tenant's use of the Premises. If Landlord fails to give notice of its decision to terminate or continue this lease within the period stated, Tenant may elect to terminate this lease.

Tenant waives the provisions of Civil Code sections 1932(2) and 1933(4) with respect to any destruction of the Premises.

**26. EMINENT DOMAIN**

If the whole or any portion of the Premises is taken by any paramount public authority under the power of eminent domain, then the rights and obligations of the parties shall be determined as follows: If the Premises are totally taken by condemnation, this lease shall terminate on the date of taking. If any portion of the Premises is taken by condemnation, Tenant shall have the right to either terminate this lease or to continue in possession of the remainder of the Premises under the terms of this lease. Such right to terminate must be exercised by notifying Landlord within thirty (30) days after possession of the part taken by eminent domain. If Tenant does not terminate this lease within the thirty (30) day period, this lease shall remain in full force and effect except that the fixed rent shall be reduced in the same proportion that the square footage of the Premises taken bears to the square footage of the Premises immediately before the taking. All damages awarded for such taking shall belong to and be the property of Landlord; provided, however, that Landlord shall not be entitled to any portion of the award made for loss of business and of business installations or improvements made by Tenant in accordance with this lease.

**27. DEFAULT BY TENANT**

a. The occurrence of any of the following shall constitute a default by Tenant:

1. Failure to pay rent when due, if the failure continues for 10 days after notice has been given to Tenant.
2. Abandonment and vacation of the Premises (failure to occupy and operate the Premises for 14 consecutive days shall be deemed an abandonment and vacation).
3. Failure to perform any other provision of this lease if the failure to perform is not cured within 30 days after notice has been given to Tenant. If the default cannot reasonably be cured within 30 days, Tenant shall not be in default of this lease if Tenant commences to cure the default within the 30-day period and diligently and in good faith continues to cure the default.

b. Notices given under this paragraph shall specify the alleged default and the applicable lease provisions, and shall demand that Tenant perform the provisions of this lease or pay the rent that is in arrears, as the case may be, within the applicable period of time, or quit the Premises. No such notice shall be deemed a forfeiture or a termination of this lease unless Landlord so elects in the notice. The purpose of the notice requirements set forth in this section is to extend the notice requirements of the unlawful detainer statutes of California.

**28. LANDLORD'S REMEDIES**

Landlord shall have the following remedies if Tenant commits a default. These remedies are not exclusive; they are cumulative in addition to any remedies now or later allowed by law.

a. Tenant's Right to Possession Not Terminated. Landlord can continue this lease in full force and effect, and the lease will continue in effect as long as Landlord does not terminate Tenant's right to possession, and Landlord shall have the right to collect rent when due. During the period Tenant is in default, Landlord can enter the Premises and relet them, or any part of them, to third parties for Tenant's account. Tenant shall be liable immediately to Landlord for all costs Landlord incurs in reletting the Premises. Reletting can be for a period shorter or longer than the remaining term of this lease. Tenant shall pay to Landlord the rent due under this lease on the dates the rent is due, less the rent Landlord receives from any reletting. No act by Landlord allowed by this paragraph shall terminate this lease unless Landlord notifies Tenant that Landlord elects to terminate this lease. After Tenant's default and for as long as Landlord does not terminate Tenant's right to possession of the Premises, Tenant shall have the right to assign or sublet its interest in this lease if Tenant obtains Landlord's consent, but Tenant shall not be released from liability.

If Landlord elects to relet the Premises as provided in this paragraph, rent that Landlord receives from reletting shall be applied to the payment of: first, any indebtedness from Tenant to Landlord other than rent due from Tenant; second, all costs, including for maintenance, incurred by Landlord in reletting; third, rent due and unpaid under this lease. After deducting the payments referred to in this paragraph, any sum remaining from the rent Landlord receives from reletting shall be held by Landlord and applied in payment of future rent as rent becomes due under this lease. In no event shall Tenant be entitled to any excess rent received by Landlord. If, on the date rent is due under this lease, the rent received from the reletting is less than the rent due on that date, Tenant shall pay to Landlord, in addition to the remaining rent due, all costs, including for maintenance, Landlord incurred in reletting that remain after applying the rent received from the reletting as provided in this paragraph.

b. Termination of Tenant's Right to Possession. Landlord can terminate Tenant's right to possession of the Premises at any time. No act by Landlord other than giving notice to Tenant shall terminate this lease. Acts of maintenance, efforts to relet the Premises, or the appointment of a receiver on Landlord's initiative to protect Landlord's interest under this lease shall not constitute a termination of Tenant's right to possession. On termination, Landlord has the right to recover from Tenant:

i. The worth, at the time of award, of the unpaid rent that had been earned at the time of termination of this lease;

ii. The worth, at the time of award, of the amount by which the unpaid rent that would have been earned after the date of termination of this lease until the time of award exceeds the amount of the loss of rent that Tenant proves could have been reasonably

avoided;

iii. The worth, at the time of award, of the amount by which the unpaid rent for the balance of the term after the time of award exceeds the amount of the loss of rent that Tenant proves could have been reasonably avoided; and

iv. Any other amount, and court costs, necessary to compensate Landlord for all detriment proximately caused by Tenant's default.

"The worth, at the time of award," as used in i and ii of this section, is to be computed by allowing interest at the maximum rate an individual is permitted by law to charge. "The worth, at the time of award," as referred to in iii of this section, is to be computed by discounting the amount at the discount rate of the Federal Reserve Bank of San Francisco at the time of the award, plus 1%.

c. Appointment of Receiver. If Tenant is in default of this lease Landlord shall have the right to have a receiver appointed to collect rent and conduct Tenant's business. Neither the filing of a petition for the appointment of a receiver nor the appointment itself shall constitute an election by Landlord to terminate this lease.

d. Landlord's Right to Cure. Landlord, at any time after Tenant commits a default, can cure the default at Tenant's cost. If Landlord at any time, by reason of Tenant's default, pays any sum or does any act that requires the payment of any sum, the sum paid by Landlord shall be due immediately from Tenant to Landlord at the time the sum is paid, and if paid at a later date shall bear interest at the maximum rate an individual is permitted by law to charge from the date the sum is paid by Landlord until Landlord is reimbursed by Tenant. The sum, together with interest on it, shall be additional rent.

## **29. ASSIGNMENT AND SUBLETTING**

Provided Tenant is current in Rent payments and is not in default of this lease, Tenant shall not voluntarily assign or encumber its interest in this lease or in the Premises, or sublease all or any part of the Premises, or allow any other person or entity (except Tenant's authorized representative) to occupy or use all or any part of the Premises, without first obtaining Landlord's consent. Any assignments, encumbrance, or sublease without Landlord's consent shall be voidable and, at Landlord's election, shall constitute a default. No consent to any assignment, encumbrance, or sublease shall constitute a further waiver of the provisions of this paragraph.

## **30. ENTRY**

Landlord and its authorized representatives shall have the right to enter the Premises at all reasonable times, provided Landlord gives a 24-hour prior notice to Tenant, for any of the following purposes: to determine whether the Premises are in good condition and

whether Tenant is complying with its obligations under the lease; to do any acts that may be necessary to protect Landlord's interest in the Premises; or to perform Landlord's duties under this lease. Landlord shall not be liable in any manner for any inconvenience, disturbance, loss of business, nuisance, or other damage arising out of Landlord's entry on the Premises as provided in this section, except damage resulting from the acts or omissions of Landlord or its authorized representatives.

**31. NOTICES**

A written notice is deemed served when a party sends the notice in an envelope addressed to the other party to this lease and either: i) deposits it with the U.S. Postal Service, registered mail, postage prepaid; or ii) emails it to the other party followed, no later than the next business day, by depositing it with the U.S. Postal Service for delivery by regular mail. For purposes of this lease, notices shall be addressed as follows, as appropriate:

To the Landlord: City of Berkeley  
Department of Public Works,  
2180 Milvia Street, Third Floor  
Berkeley, CA 94704

With a copy to: City of Berkeley  
Real Property Division  
1947 Center Street, Fifth Floor, Suite 521  
Berkeley, CA 94704  
Email Address: [real\\_property@cityofberkeley.info](mailto:real_property@cityofberkeley.info)

To the Tenant: Berkeley Housing Authority  
Executive Director: (Acting) Rachel Gonzales-Levine  
1947 Center Street, 5<sup>th</sup> Floor  
Berkeley, CA 94704  
Telephone: 510-981-5485  
Email Address: [rgonzales-levine@cityofberkeley.info](mailto:rgonzales-levine@cityofberkeley.info)

**32. WAIVER**

No delay or omission in the exercise of any right or remedy of Landlord on any default by Tenant shall impair such a right or remedy or be construed as a waiver. The receipt and acceptance by Landlord of delinquent rent shall not constitute a waiver of any other default; it shall constitute only a waiver of timely payment for the particular rent payment involved. Any waiver by Landlord of any default must be in writing and shall not be a waiver of any other default concerning the same or any other provision of the lease.

No act or conduct of Landlord, including, without limitation, the acceptance of the keys to the Premises, shall constitute an acceptance of the surrender of the Premises by



Tenant before the expiration of the term. Only a notice from Landlord to Tenant shall constitute acceptance of the surrender of the Premises and accomplish a termination of the lease.

Landlord's consent to or approval of any act by Tenant requiring Landlord's consent or approval shall not be deemed to waive or render unnecessary Landlord's consent to or approval of any subsequent act by Tenant.

**33. EXCUSABLE DELAYS**

If the performance of any act required of Landlord or Tenant is prevented or delayed by reason of strikes, lockouts, labor disputes, act of God, acts of the public enemy, fire, floods, epidemics, freight embargoes or other cause beyond the control of the party required to perform an act, the performance of such act shall be excused for the period of the delay and the period for the performance of such act shall be extended for one hundred and eighty (180) days and if the performance of such act is further delayed, Landlord or Tenant may terminate this lease by giving a thirty (30) day written notice to the other party. Prior to the Lease Commencement Date, and during any delay in performance as described above, Tenant shall be excused from the payment of any rent due under this Lease.

**34. OPTION TO RENEW**

a. Option Period. So long as Tenant is not in default under this lease, either at the time of exercise or at the time the extended term commences, Tenant will have the option to extend the initial term of this lease for up to two (2) additional ten year options to extend (the "option period") on the same terms, covenants, and conditions of this lease, except that the initial monthly rent and yearly rent increases during the option period will be determined as described below. In order to exercise this option, Tenant must give written notice of its election to do so to Landlord at least 180 days, but not more than one year, prior to the expiration date of the initial lease term. Tenant shall have no other right to extend the term beyond the option period.

b. Option Period Monthly Rent. The Monthly Rent at the commencement of the first year of each of the Option Periods and each year thereafter will be the monthly rent in effect at the end of the initial Term of this Lease plus two percent (2%).

**35. HOLDING OVER**

If Tenant remains in possession of the Premises with Landlord's consent after the expiration of the term of this lease without having exercised any option to renew this lease, or after the termination of any such option period, such possession by Tenant shall be construed to be a tenancy from month-to-month, terminable on thirty (30) days' notice given at any time by either party. All provisions of this lease, except those pertaining to term, shall apply to the month-to-month tenancy.

**36. SURRENDER OF PREMISES, REMOVAL OF PERSONAL PROPERTY**

At the termination of this lease, Tenant shall: 1) give up and surrender the Premises, in as good state and condition as reasonable use and wear and tear thereof will permit, damage by fire and the elements excepted; and 2) remove all property which is not a fixture of or permanent attachment to the Premises and which is owned and was installed by Tenant during the term of this lease.

**37. ESTOPPEL CERTIFICATE**

Upon not less than ten days prior written notice from Landlord, Tenant shall execute and deliver to Landlord, or Landlord's designee, a written statement certifying (a) that this Lease is unmodified and in full force and effect (or, if modified, stating the modifications and certifying that this Lease as modified is in full force and effect); (b) the amount of the minimum monthly rent then in effect, the current Operating Expense which Tenant is paying, and the date to which rent and Operating Expense have been paid in advance; (c) the amount of any security deposited with Landlord; (d) the Commencement Date, the Expiration Date of the Term, and the number and duration of option periods, if any; (e) whether or not there are then existing any defenses against the enforcement of any of the obligations of Tenant under this Lease (and, if so, specifying same); (f) whether or not Landlord is in default hereunder (and, if so, specifying same); and (g) such other matters as may be reasonably requested by Landlord. Any prospective purchaser, ground lessor, lender, or other interested party shall be entitled to rely on the truth of all of the matters contained in Tenant's statement. Failure to comply with the Section shall be a material breach of this Lease by Tenant; and in addition to all of Landlord's other rights and remedies hereunder, Landlord shall have the right to collect from Tenant all damages caused by the loss of a loan, sale, or other transaction which may result from Tenant's failure to comply with this Section 37.

**38. SALE OF PREMISES**

In the event of any sale of the Site, Landlord shall be and hereby is entirely freed and relieved of all further liability under any and all of its covenants and obligations contained in or derived from this Lease and the purchaser, at such sale or any subsequent sale of the Site, shall be deemed, without any further agreement between the parties or their successors in interest or between the parties and any such purchaser, to have assumed and agreed to carry out any and all of the covenants and obligations of Landlord under this Lease. If any Security Deposit or prepaid Rent has been paid by Tenant, Landlord will transfer the Security Deposit and prepaid Rent to Landlord's successor and upon such transfer, Landlord shall be relieved of any and all further liability with respect thereto.

**39. SUBORDINATION, ATTORNMENT**

This Lease is and shall be subordinate to any encumbrance now of record or recorded after the date of this Lease affecting the Building, Site, other improvements, and land of

which the Premises are a part. Such subordination is effective without any further act of Tenant. If any mortgagee, trustee, or ground lessor shall elect to have this Lease and any options granted hereby prior to the lien of its mortgage, deed of trust, or ground lease, and shall give written notice thereof to Tenant, this Lease and such options shall be deemed prior to such mortgage, deed of trust, or ground lease, whether this Lease or such options are dated prior or subsequent to the date of said mortgage, deed of trust, or ground lease, or the date of recording thereof. In the event any proceedings are brought for foreclosure, or in the event of a sale or exchange of the real property on which the Building is located, or in the event of the exercise of the power of sale under any mortgage or deed of trust made by Landlord covering the Premises, Tenant shall attorn to the purchaser upon any such foreclosure and sale and recognize such purchaser as the Landlord under this Lease.

Tenant agrees to execute any documents reasonably required to effectuate an attornment or to make this Lease or any options granted herein subordinate or prior to the lien of any mortgage, deed of trust, or ground lease, as the case may be, provided the rights of Tenant are not diminished or adversely affected as a result thereof.

Landlord agrees that Tenant's obligations to subordinate under this Section 39 to any existing and future ground lease, mortgage, or deed of trust shall be conditioned upon Tenant's receipt of a non-disturbance agreement from the party requiring such subordination (which party is referred to for the purposes of this Section 39 as the "**Superior Lienor**"). Such non-disturbance agreement shall provide that Tenant's possession of the Premises shall not be interfered with following a foreclosure, provided Tenant is not in default beyond any applicable cure periods. Landlord's obligation with respect to such a non-disturbance agreement shall be limited to making a good faith effort to obtain the non-disturbance agreement in such form as the Superior Lienor generally provides in connection with its standard commercial loans, however, Tenant shall have the right to negotiate, and Landlord shall use its good faith efforts and due diligence in assisting Tenant in the negotiation of, revisions to that non-disturbance directly with the Superior Lienor. Tenant agrees to use its good faith efforts to reach agreement with the Superior Lienor upon acceptable terms and conditions of a non-disturbance agreement.

#### **40. AUTHORITY**

If Tenant is a corporation, limited liability company, trust, or other entity, each person executing this Lease on behalf of such entity represents and warrants that he or she is duly authorized to execute and deliver this Lease on behalf of such entity, and that such person's execution of this Lease binds Tenant to its terms and conditions. If Tenant is a corporation, limited liability company, trust or other entity, Tenant shall, upon the execution of this Lease, deliver to Landlord evidence of such authority satisfactory to Landlord. Each individual or entity executing this Lease on behalf of Tenant represents and warrants that he or she or it is duly authorized to execute and deliver this Lease on behalf of Tenant and that such execution is binding upon Tenant. Landlord's authority to execute and deliver this Lease is subject to adoption by the Berkeley City Council of an enabling ordinance authorizing the City Manager to execute this Lease on the City's behalf.

**41. TERMS BINDING ON SUCCESSORS**

All the terms, covenants and conditions of this lease shall inure to the benefit of and be binding upon the successors and assigns of the parties to this lease. The provisions of this section shall not be deemed as a waiver of any of the conditions against assignment set forth above.

**42. TIME OF ESSENCE**

Time shall be of the essence of each provision of this lease.

**43. COVENANTS AND CONDITIONS**

Each term and each provision of this lease performable by Tenant shall be construed to be both a covenant and condition.

**44. GOVERNING LAW**

The laws of the State of California shall govern this lease.

**45. ENTIRE AGREEMENT, AMENDMENTS**

This lease and all exhibits attached and any documents expressly incorporated by reference contain the entire agreement between the parties regarding the lease of the Premises described herein and shall supersede any and all prior agreements, oral or written, between the parties regarding the lease of these Premises. This lease cannot be altered or otherwise modified except by a written amendment.

**46. CONSENT OF PARTIES**

Whenever consent or approval of either party is required, that party shall not unreasonably withhold such consent or approval.

**47. BUSINESS LICENSE**

Tenant certifies that it has obtained or applied for a City of Berkeley business license number as required by Berkeley Municipal Code Chapter 9.04; or Tenant claims that it is exempt from the provisions of B.M.C. Ch. 9.04 and has written below the specific B.M.C. section under which it is exempt.

**IN WITNESS WHEREOF**, Landlord and Tenant have executed this lease as of the date written on the first paragraph of this lease.

LANDLORD  
CITY OF BERKELEY

By:  
City Manager

THIS LEASE HAS BEEN  
APPROVED AS TO FORM  
BY THE CITY ATTORNEY  
OF THE CITY OF BERKELEY

Date: \_\_\_\_\_

REGISTERED BY:

City Auditor

ATTEST:

Deputy City Clerk

TENANT  
Berkeley Housing Authority

Signature  
Title: Berkeley Housing Authority, Exec. Dir

Signature  
Title: Berkeley Housing Authority, Finance Mngr

City of Berkeley Business License No. \_\_\_\_\_

### EXHIBIT A PREMISES



**EXHIBIT B**

**AGREEMENT SPECIFYING TERM OF LEASE**

Attached to and made part of the Lease dated the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between the CITY OF BERKELEY, a municipal corporation, as Landlord, and BERKELEY HOUSING AUTHORITY, as Tenant ("**Lease**").

Landlord and Tenant do hereby confirm and acknowledge the following dates:

Lease Commencement Date is \_\_\_\_\_  
Rent Commencement Date is \_\_\_\_\_  
Expiration Date is \_\_\_\_\_, subject to extension as provided in the Lease.

This Agreement shall be binding on the parties hereto, their successor and assigns and all subtenants of Tenant and any other party claiming under or through Tenant. The Lease is in full force and effect as of the date hereof in accordance with its terms, and Tenant is in possession of the Premises. Landlord has fulfilled all of its obligations under the Lease that were required to be fulfilled by Landlord on or prior to the Rent Commencement Date and Tenant has no claim or right of set-off against any Rent (as defined in the Lease) under the Lease.

This Agreement was entered into as of the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**ATTEST/WITNESS:**

**LANDLORD:**

CITY OF BERKELEY, a municipal corporation

By: \_\_\_\_\_

Its: City Manager

By: \_\_\_\_\_

Its: City Attorney

By: \_\_\_\_\_

Its: City Auditor

**ATTEST/WITNESS:**

**TENANT:**

BERKELEY HOUSING AUTHORITY

By: \_\_\_\_\_  
Berkeley Housing Authority Exec Director

By: \_\_\_\_\_  
Berkeley Housing Authority Finance Manager

Tenant: **BERKELEY HOUSING AUTHORITY**  
 Premises: 1947 Center Street, 5th (partial)  
 Lease Term: January 1, 2021 terminates after 120 months; Two 10 year options to extend.

| 1ST TEN YEAR TERM    | JAN          | FEB          | MAR          | APR          | MAY          | JUN          | JUL          | AUG          | SEP          | OCT          | NOV          | DEC          | ANNUAL          |
|----------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|-----------------|
| 2021                 | \$ 10,881.08 | \$ 10,881.08 | \$ 10,881.08 | \$ 10,881.08 | \$ 10,881.08 | \$ 10,881.08 | \$ 10,881.08 | \$ 10,881.08 | \$ 10,881.08 | \$ 10,881.08 | \$ 10,881.08 | \$ 10,881.08 | \$ 130,572.96   |
| 2022                 | \$ 10,881.08 | \$ 10,881.08 | \$ 10,881.08 | \$ 10,881.08 | \$ 10,881.08 | \$ 10,881.08 | \$ 10,881.08 | \$ 10,881.08 | \$ 10,881.08 | \$ 10,881.08 | \$ 10,881.08 | \$ 10,881.08 | \$ 130,572.96   |
| 2023                 | \$ 11,098.70 | \$ 11,098.70 | \$ 11,098.70 | \$ 11,098.70 | \$ 11,098.70 | \$ 11,098.70 | \$ 11,098.70 | \$ 11,098.70 | \$ 11,098.70 | \$ 11,098.70 | \$ 11,098.70 | \$ 11,098.70 | \$ 133,184.40   |
| 2024                 | \$ 11,320.67 | \$ 11,320.67 | \$ 11,320.67 | \$ 11,320.67 | \$ 11,320.67 | \$ 11,320.67 | \$ 11,320.67 | \$ 11,320.67 | \$ 11,320.67 | \$ 11,320.67 | \$ 11,320.67 | \$ 11,320.67 | \$ 135,848.04   |
| 2025                 | \$ 11,547.09 | \$ 11,547.09 | \$ 11,547.09 | \$ 11,547.09 | \$ 11,547.09 | \$ 11,547.09 | \$ 11,547.09 | \$ 11,547.09 | \$ 11,547.09 | \$ 11,547.09 | \$ 11,547.09 | \$ 11,547.09 | \$ 138,565.08   |
| 2026                 | \$ 11,778.03 | \$ 11,778.03 | \$ 11,778.03 | \$ 11,778.03 | \$ 11,778.03 | \$ 11,778.03 | \$ 11,778.03 | \$ 11,778.03 | \$ 11,778.03 | \$ 11,778.03 | \$ 11,778.03 | \$ 11,778.03 | \$ 141,336.36   |
| 2027                 | \$ 12,013.59 | \$ 12,013.59 | \$ 12,013.59 | \$ 12,013.59 | \$ 12,013.59 | \$ 12,013.59 | \$ 12,013.59 | \$ 12,013.59 | \$ 12,013.59 | \$ 12,013.59 | \$ 12,013.59 | \$ 12,013.59 | \$ 144,163.08   |
| 2028                 | \$ 12,253.86 | \$ 12,253.86 | \$ 12,253.86 | \$ 12,253.86 | \$ 12,253.86 | \$ 12,253.86 | \$ 12,253.86 | \$ 12,253.86 | \$ 12,253.86 | \$ 12,253.86 | \$ 12,253.86 | \$ 12,253.86 | \$ 147,046.32   |
| 2029                 | \$ 12,498.94 | \$ 12,498.94 | \$ 12,498.94 | \$ 12,498.94 | \$ 12,498.94 | \$ 12,498.94 | \$ 12,498.94 | \$ 12,498.94 | \$ 12,498.94 | \$ 12,498.94 | \$ 12,498.94 | \$ 12,498.94 | \$ 149,987.28   |
| 2030                 | \$ 12,748.92 | \$ 12,748.92 | \$ 12,748.92 | \$ 12,748.92 | \$ 12,748.92 | \$ 12,748.92 | \$ 12,748.92 | \$ 12,748.92 | \$ 12,748.92 | \$ 12,748.92 | \$ 12,748.92 | \$ 12,748.92 | \$ 152,987.04   |
| <b>Ten Year TTL:</b> |              |              |              |              |              |              |              |              |              |              |              |              | \$ 1,404,263.52 |

**EXHIBIT C**  
**PAYMENTS**



**EXHIBIT D**

**RULES, RESTRICTIONS AND PROHIBITED USES**

Tenant shall not use or permit the use of the Premises for any other business or purpose, except as set forth in this Lease and in strict accordance with the Rules and Regulations and/or the *City of Berkeley Employee Handbook: 1947 Center Street*, either of which may be periodically updated at any time by the Landlord/City of Berkeley. No part of the exterior shall be used for an automatic teller machine. No part of the Premises shall be used for any use that would increase the demand or requirement for parking in the Garage in excess of that required by the Permitted Use. No part of the Premises shall be used in a way that endangers the health or safety of any user of the Garage. **THE FOLLOWING PROHIBITIONS AND RESTRICTIONS SHALL NOT BE DEEMED TO APPLY TO LANDLORD, BUT ONLY TO TENANT UNDER THIS LEASE.** Landlord shall have the right, in Landlord's sole and absolute discretion, to waive all or any of the prohibitions set forth herein upon such matters, terms and conditions as Landlord, in its sole discretion, may determine.

**RULES AND REGULATIONS**

1. The sidewalks, entrances, Building main lobby, elevators, stairways and public corridors shall be used only as a means of ingress and egress and shall remain unobstructed at all times. Loitering in any part of the Building or obstruction of any means of ingress or egress shall not be permitted. Doors and windows shall not be covered or obstructed.
2. Plumbing fixtures shall not be used for any purposes other than those for which they were constructed and no rubbish, newspapers, trash or other substances of any kind shall be deposited therein. The use of electrical current shall not exceed safety standards established in the applicable building code. Walls, floors, and ceilings shall not be defaced in any way and no tenant shall be permitted to mark, nail, screw or drill into, paint, or in any way mark any Building surface, except that pictures, certificates, licenses and similar items normally used in Tenant's business may be carefully attached to the walls by tenant in a manner to be prescribed by Landlord. Upon removal of such items by Tenant, any damage beyond normal wear and tear to the walls or other surfaces shall be repaired by the Tenant.
3. No awning, shade, sign, advertisement or notice shall be inscribed, painted or affixed on or to any part of the outside in the common areas or inside of the Building, without prior written approval by Landlord. All tenant identification on public corridor doors, or walls will be installed by Landlord for Tenant. No lettering or signs other than the name of the Tenant and approved subtenants will be permitted on public corridor doors, or walls, with the size and type of the letters to be prescribed by Landlord. The bulletin board or directory of the Building will be provided exclusively for the display of the name and location of tenants and approved subtenants thereof, and Landlord reserves the right to exclude all other names therefrom. Landlord reserves the right to approve all listing requests.

4. The weight, size, position and installation of all safes and other unusually heavy objects used or placed in the Building shall be prescribed by Landlord. All mechanical equipment and office machines that are placed in the Building shall be installed in fittings that, in the judgment of Landlord, shall be sufficient to prevent noise, vibration and annoyance. The repair of any damage done to the Building or property therein by putting or taking out or maintaining such safes or other unusually heavy objects shall be paid for by Tenant.

5. All freight, furniture, fixtures and other personal property shall only be moved into, within, and out of the Building at all reasonable times and with Landlord's approval. In no event will Landlord be responsible for any loss or damage to such freight, furniture, and fixtures or personal property, except when caused by Landlord or its agents.

6. The storage of goods, wares, or merchandise on the Premises will not be permitted except in areas specifically designated by Landlord for storage. No auction, public or private, will be permitted on the Premises.

7. All keys to the Premises and the Building shall be obtained from the Landlord and all keys shall be returned to Landlord upon the termination of this Lease. Tenant shall not change the locks or install other locks on the doors.

8. Tenant or any of Tenant's Parties using the Premises after regular business hours or on non-business days shall secure any entrance doors to the Building used by him/her immediately after entering or leaving the Building. Tenant shall furnish Landlord with names of all persons issued a card key for the entrance door security system. Tenant shall also notify Landlord immediately of terminated employees for elimination from the entry system. Landlord shall not be liable for any damage resulting from any error in regard to the entry security system or from the admission of any unauthorized person to the Building, except for deliberate action or negligence by Landlord.

9. Except for use of the microwave stovetop and refrigerator located in Premises, Tenant shall not permit any cooking to take place in the Premises, nor shall Tenant install therein any vending machines without Landlord's written consent.

10. Landlord reserves the reasonable right at any time to change or rescind any one or more of these Rules or Regulations or to make such other and further reasonable rules and regulations as in Landlord's judgment may from time to time be necessary for the management, safety, care and cleanliness of the Building, for the preservation of good order therein, and for the convenience of other occupants and tenants therein. Landlord shall not be responsible to Tenant or to any other person for the non-observance or violation of the Rules and Regulations by any other tenant or person.

11. Tenant will be charged by Landlord for any excessive number of false alarms caused by Tenant's personnel.

12. Except for service animals, no animals of any kind are allowed in the Building or on the Premises.

**EXHIBIT E**

**ASBESTOS NOTIFICATION**

October 9, 2020

To: Berkeley Housing Authority  
From: City of Berkeley Department of Public Works

Subject: **EMPLOYEE NOTIFICATION LETTER - PRESENCE OF ASBESTOS CONTAINING BUILDING MATERIALS IN CITY OF BERKELEY BUILDINGS**

The purpose of this memorandum is to advise you of the presence of asbestos containing building materials (ACBM) in 1947 Center Street. For your information, previous surveys have detected ACBM in the original plaster ceilings, some hot water piping behind existing walls, and in some of the old floor tile throughout the building. An abatement project in the early 1990's removed the ACBM plaster ceilings and pipe insulation on the first, second, fifth, and sixth floors. The recent tenant improvement project continued this process by removing the remaining ACBM plaster ceilings on the basement, third, and fourth floors. In most cases, however, the original ACBM floor tile was contained and allowed to remain in place under the new carpeting. This is a fairly standard procedure because the carpeting effectively contains the floor tile and prevents disturbance.

Since some ACBM remains in the building SECTION 25915 of the Health and Safety Code requires that a written notification be provided to employees informing them of the presence of asbestos in buildings. To comply with this regulation, this letter is to inform you that an asbestos survey has been completed and the report confirms the presence of ACBM in this city building.

The presence of asbestos in a building does not mean that the health of building occupants is endangered. If ACBM remains in good condition and is not disturbed, exposures will be negligible. However, when ACBM is damaged or disturbed without proper controls, asbestos fibers are released into the air. These fibers may pose a threat to your health.

Airborne asbestos levels in buildings are much lower than those in industrial workplaces where serious health effects such as lung cancer and asbestosis have been observed. However, it is important for employees to follow proper work practices to minimize the potential for disturbing ACBM. Good general practice requires that employees avoid touching asbestos materials on walls, ceilings, pipes, or boilers, drilling holes, or hanging plants or other objects from walls/ceilings made of ACBM, disturbing ACBM when replacing light bulbs, and other such practices. If you find ACBM that has been damaged, report it to Public Works, at (510) 981-6620. Do not disturb damaged asbestos material or asbestos debris. Only persons authorized

and properly trained should perform any work that may disturb asbestos materials.

Any employee may review the asbestos survey reports, results of bulk sampling, or air monitoring conducted in city buildings. All asbestos data will be available between the hours of 8:00 a.m. and 5:00 p.m. Monday thru Friday.

If you have any questions please contact Human Resources at (510) 981-6800, TDD: (510)981-6830.





Office of the City Manager

CONSENT CALENDAR  
December 1, 2020

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: Final Map of Tract 8533: 1500 San Pablo Avenue

RECOMMENDATION

Adopt a Resolution approving the final map of Tract Map 8533, a one hundred seventy-five (175) unit condominium project consisting of one hundred seventy (170) residential units and five (5) commercial units at 1500 San Pablo Avenue.

FISCAL IMPACTS OF RECOMMENDATION

There is no cost to the City. The applicant paid the appropriate fees with submission of their tract map application.

CURRENT SITUATION AND ITS EFFECTS

The Planning Commission approved the tentative map on January 15, 2020, and that map is valid for twenty-four months from the approval date. Prior to the sale of any condominium units, state law and City Ordinances require the owner to submit a final map to City Council for approval. The owner duly submitted a final map for this project within the required twenty-four month timeframe, and is now seeking Council approval.

This Council action supports the City's Strategic Plan goal of being a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community

BACKGROUND

On January 15, 2020, the Planning Commission voted to approve the application of 1500 San Pablo LLC (owner of the 1500 San Pablo Avenue property) for a one hundred seventy-five (175) unit mixed-use condominium project as described above.

Section 21.20.100 of the Berkeley Municipal Code requires City Council approval of all final map subdivisions. In addition, pursuant to Section 66474.1 of Division 2 of the Government Code, a legislative body must approve such a final map if it finds it to be in substantial compliance with the approved tentative map.

All conditions of approval have been completed to the satisfaction of the City Engineer and the Planning and Development Department. Engineering Division staff have

examined the final map, and determined it to be in substantial compliance with the approved tentative map.

The final map is meant to provide a record of the underlying property survey and does not constitute approval of a proposed or existing structure upon the property. Separate action is required for this approval, which has been obtained by virtue of use permits and buildings permits.

ENVIRONMENTAL SUSTAINABILITY

This project complies with the California Green Building Standards Code (CALGreen). CALGreen is California's green building code to improve public health, safety, and general welfare through enhanced design and construction of buildings utilizing concepts which promote a positive environmental impact and sustainable construction practices. In addition, typical of projects of this size, the site utilizes flow-through planters to treat stormwater as required by section C.3 of the Municipal Regional Stormwater NPDES (National Pollutant Discharge Elimination System) permit.

RATIONALE FOR RECOMMENDATION

Pursuant to Section 66474.1 of Division 2 of the Government Code, the City Council must approve the final map if it finds it to be in substantial compliance with the approved tentative map. Staff has reviewed the map and finds it to be in substantial compliance with the tentative map.

ALTERNATIVE ACTIONS CONSIDERED

No other alternative course of action is recommended.

CONTACT PERSON

Andrew Brozyna, Deputy Director, Department of Public Works (510) 981-6396  
Joseph Enke, Acting Manager, Engineering Division (510) 981-6411  
Ron Nevels, Supervising Civil Engineer (510) 981-6439  
Vincent Chen, Associate Civil Engineer (510) 981-6409

Attachment:

1: Resolution

Exhibit A: Tract Map 8533



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

FINAL MAP OF TRACT 8533: 1500 SAN PABLO AVENUE, BERKELEY

WHEREAS, the Council of the City of Berkeley approved Use Permit #ZP2015-0043 on July 19, 2016 with Resolution No. 67,641-N.S. to allow demolition of an existing commercial structure and construction of a five (5) story mixed use building with residential and commercial uses that was granted a density bonus of 35%, subject to conditions of approval related to inclusionary units; and

WHEREAS, the Berkeley Planning Commission has determined that the tentative map of Tract 8533 conforms to the requirements of the City's subdivision Ordinance, and the California Subdivision Map Act, and approved the tentative map of Tract 8533 on January 15, 2020 subject to conditions of approval including conformance to City of Berkeley inclusionary housing requirements for rental and for-sale projects; and

WHEREAS, State law governs the percentage, pricing and level of affordability of affordable units for rental and for-sale projects that take advantage of Density Bonus (Government Code section 65915 et seq.), which differs and overlaps with local inclusionary housing requirements, and the project will remain subject to all applicable local and State provisions during the rental phase and during the for-sale phase of the development; and

WHEREAS, the City Engineer and the Planning and Development Director have certified that the final map of Tract 8533 substantially conforms to the conditionally approved tentative map, as required by the California Subdivision Map Act.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the final map of Tract 8533, a one hundred seventy-five (175) unit condominium project consisting of one hundred seventy (170) residential units and five (5) commercial units located at 1500 San Pablo Avenue, Berkeley, is hereby approved.

Exhibit A: Tract Map 8533

**OWNER'S STATEMENT**

THE UNDERSIGNED HEREBY STATES THAT 1500 SAN PABLO, LLC IS THE OWNER OF THE LAND DELINEATED AND EMBRACED WITHIN THE EXTERIOR BOUNDARY LINES ON THE HEREIN EMBODIED MAP ENTITLED TRACT MAP 8533, BERKELEY, ALAMEDA COUNTY, CALIFORNIA; THAT SAID OWNER ACQUIRED TITLE TO SAID LAND BY VIRTUE OF THE DEED RECORDED APRIL 11, 2017 UNDER SERIES NO. 2017-082002, RECORDS OF ALAMEDA COUNTY, CALIFORNIA, THAT SAID OWNER CONSENTS TO THE PREPARATION OF AND FILING OF THIS MAP.

1500 SAN PABLO LLC, A DELAWARE LIMITED LIABILITY COMPANY

\_\_\_\_\_  
MARGARET SPRIGGS, VICE PRESIDENT

**OWNER'S ACKNOWLEDGMENT**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF ALAMEDA

ON \_\_\_\_\_ BEFORE ME, \_\_\_\_\_

A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED MARGARET SPRIGGS, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME IN HER AUTHORIZED CAPACITY, AND THAT BY HER SIGNATURE ON THE INSTRUMENT THE PERSON, OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

SIGNATURE OF NOTARY PUBLIC: \_\_\_\_\_

PRINTED NAME OF NOTARY: \_\_\_\_\_

PRINCIPAL PLACE OF BUSINESS: \_\_\_\_\_

COMMISSION EXPIRES: \_\_\_\_\_

**SURVEYOR'S STATEMENT**

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF MEG SPRIGGS IN NOVEMBER OF 2018. I HEREBY STATE THAT THIS MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP, IF ANY. I HEREBY STATE THAT THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, AND THAT THE MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

\_\_\_\_\_  
JAMES S. MORAN, LS 7881

DATE: \_\_\_\_\_

**CITY CONSULTANT SURVEYOR'S STATEMENT**

THIS MAP CONFORMS TO THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCES. I, PATRICK M. REI, HEREBY STATE THAT IT HAS BEEN EXAMINED BY ME, OR UNDER MY DIRECTION BY CITY OF BERKELEY STAFF, AND AM SATISFIED THAT IT IS TECHNICALLY CORRECT.

\_\_\_\_\_  
CITY CONSULTANT SURVEYOR: PATRICK M. REI  
PLS NO.: 8178

DATE: \_\_\_\_\_

**TRACT MAP**

**BENEFICIARY'S STATEMENT**

THE UNDERSIGNED, WELLS FARGO BANK, NATIONAL ASSOCIATION, AS ADMINISTRATIVE AGENT, AS BENEFICIARY OF THE DEED OF TRUST RECORDED SEPTEMBER 29, 2017, UNDER SERIES NUMBER 2017-215540, OFFICIAL RECORDS OF ALAMEDA COUNTY, CALIFORNIA, DOES HEREBY JOIN IN AND CONSENT TO THE EXECUTION OF THE FOREGOING OWNER'S STATEMENT AND TO THE PREPARATION AND FILING OF THIS MAP AND ALL DEEDINGS AND DEDICATIONS THEREON.

WELLS FARGO BANK, NATIONAL ASSOCIATION, AS ADMINISTRATIVE AGENT

NAME: \_\_\_\_\_  
TITLE: \_\_\_\_\_

NAME: \_\_\_\_\_  
TITLE: \_\_\_\_\_

**BENEFICIARY'S ACKNOWLEDGMENT**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

ON \_\_\_\_\_ BEFORE ME, \_\_\_\_\_

A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY(IES) UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND:  
(SIGNATURE OF NOTARY PUBLIC): \_\_\_\_\_

PRINTED NAME OF NOTARY: \_\_\_\_\_

PRINCIPAL PLACE OF BUSINESS: \_\_\_\_\_

COMMISSION EXPIRES: \_\_\_\_\_

**CITY CLERK'S STATEMENT**

I, MARK NUMAINVILLE, CITY CLERK AND CLERK OF THE COUNCIL OF THE CITY OF BERKELEY, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DO HEREBY STATE THAT THE HEREIN EMBODIED MAP ENTITLED TRACT MAP 8355, BERKELEY, ALAMEDA COUNTY, CALIFORNIA WAS PRESENTED TO THE COUNCIL OF THE CITY OF BERKELEY AT A MEETING THEREOF, HELD ON \_\_\_\_\_, THAT SAID COUNCIL, BY RESOLUTION NUMBER \_\_\_\_\_, DID APPROVE SAID MAP:

THAT SAID COUNCIL FINDS THAT THE ZONING OF THIS PROPERTY PERMITS THIS USE AND THE SALE OF INDIVIDUAL UNITS WILL BE PERMITTED.

DATE: \_\_\_\_\_

\_\_\_\_\_  
MARK NUMAINVILLE, CITY CLERK AND  
CLERK OF THE COUNCIL OF THE CITY OF BERKELEY

**OWNER/SUBDIVIDER:**  
1500 SAN PABLO, LLC  
c/o SHORENSTEIN RESIDENTIAL LLC  
235 MONTGOMERY STREET, 16TH FLOOR  
SAN FRANCISCO, CA 94104

**CITY ENGINEER'S STATEMENT**

I HAVE EXAMINED THIS MAP AND THE SUBDIVISION AS SHOWN IS SUBSTANTIALLY THE SAME AS IT APPEARS ON THE TENTATIVE MAP (IF ANY) AND APPROVED ALTERATIONS THEREOF.

\_\_\_\_\_  
JOSEPH ENKE, RCE 49027  
ACTING CITY ENGINEER

DATE: \_\_\_\_\_

**CLERK OF THE BOARD OF SUPERVISORS STATEMENT**

I, ANIKA CAMPBELL-BELTON, CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DO HEREBY STATE THAT CERTIFICATES HAVE BEEN FILED AND DEPOSITS HAVE BEEN MADE IN CONFORMANCE WITH THE REQUIREMENTS OF SECTION 66492 AND 66493 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

DATE: \_\_\_\_\_

\_\_\_\_\_  
ANIKA CAMPBELL-BELTON  
CLERK OF THE BOARD OF SUPERVISORS,  
COUNTY OF ALAMEDA, STATE OF CALIFORNIA

BY: \_\_\_\_\_  
DEPUTY COUNTY CLERK

**RECORDER'S STATEMENT**

FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020, AT \_\_\_\_\_ M. IN BOOK \_\_\_\_\_ OF MAPS, AT PAGE \_\_\_\_\_, AT THE REQUEST OF FIRST AMERICAN TITLE COMPANY.

FEE: \_\_\_\_\_ INSTRUMENT NO.: \_\_\_\_\_

\_\_\_\_\_  
MELISSA WILK  
COUNTY RECORDER

BY: \_\_\_\_\_  
DEPUTY COUNTY RECORDER

**A ONE LOT SUBDIVISION FOR CONDOMINIUM PURPOSES**

LOTS 1-11 & 21-32 AND A PORTION OF VACATED ALLEY, BLOCK 60, MAP OF TRACT "B" OF THE BERKELEY LAND AND TOWN IMPROVEMENT ASSOCIATION (19 M 79) CITY OF BERKELEY, COUNTY OF ALAMEDA, CALIFORNIA JULY 2020

**MORAN ENGINEERING, INC.**

CIVIL ENGINEERS \ LAND SURVEYORS  
1930 SHATTUCK AVENUE, SUITE A  
BERKELEY, CALIFORNIA 94704  
(510) 848-1930

**T.M. 8533**

# TRACT MAP

CITY MONUMENT B0686  
BRASS DISC WITH PUNCH

S14°33'55"E

444.47' (444.45') R2

440.13'

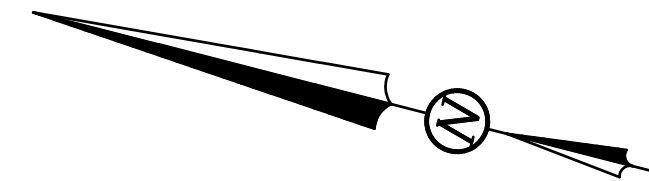
4.34' R2

CITY MONUMENT B0625  
BRASS DISC WITH PUNCH

## SAN PABLO AVENUE (WIDTH VARIES)

### JONES STREET (60' WIDE)

### CEDAR STREET (60' WIDE) (FORMERLY HOLYOKE STREET)



#### LEGEND

- FOUND CITY MONUMENT IN STANDARD CASING AS NOTED
- ⊗ SET 3/4" BRASS TAG, LS 7881, AT 5' FROM PROPERTY CORNER, ON EXTENSION OF PROPERTY LINE
- PARCEL MAP BOUNDARY
- EXISTING PARCELS / RIGHT OF WAY LINES
- ORIGINAL LOT LINES
- MONUMENT LINES
- MONUMENT TIE LINES
- ▬ BUILDING LINE

#### NOTES:

- PER EXCEPTIONS TO COVERAGE LISTED IN THE FIRST AMERICAN TITLE INSURANCE COMPANY PRELIMINARY TITLE REPORT, DATED AUGUST 20, 2019 AND UPDATED FEBRUARY 8, 2020:
- A NON-EXCLUSIVE EASEMENT EXISTS OVER THE PROPERTY IN GROSS AND RIGHT-OF-WAY FOR A BROADBAND COMMUNICATIONS SYSTEM AND INCIDENTAL PURPOSES PER INSTRUMENT NO. 2019-158185, ALAMEDA COUNTY OFFICIAL RECORDS.
- UTILITIES EASEMENTS WITHIN THE VACATED ALLEY, IF ANY EXIST.

## A ONE LOT SUBDIVISION FOR CONDOMINIUM PURPOSES

LOTS 1-11 & 21-32 AND A PORTION OF VACATED ALLEY,  
BLOCK 60, MAP OF TRACT "B" OF THE BERKELEY LAND  
AND TOWN IMPROVEMENT ASSOCIATION (19 M 79)  
CITY OF BERKELEY, COUNTY OF ALAMEDA, CALIFORNIA  
JULY 2020 SCALE: 1" = 30

### MORAN ENGINEERING, INC.

CIVIL ENGINEERS \ LAND SURVEYORS  
1930 SHATTUCK AVENUE, SUITE A  
BERKELEY, CALIFORNIA 94704  
(510) 848-1930

# T.M. 8533

#### REFERENCES:

- R1 TRACT "B" BERKELEY L.T.I. ASSOC. (19 M 79)
- R2 CITY MONUMENT CARD A58
- R3 ASSESSOR'S MAP BOOK 59 PAGE 2331

#### OWNER/SUBDIVIDER:

1500 SAN PABLO, LLC  
c/o SHORENSTEIN RESIDENTIAL LLC  
235 MONTGOMERY STREET, 16TH FLOOR  
SAN FRANCISCO, CA 94104

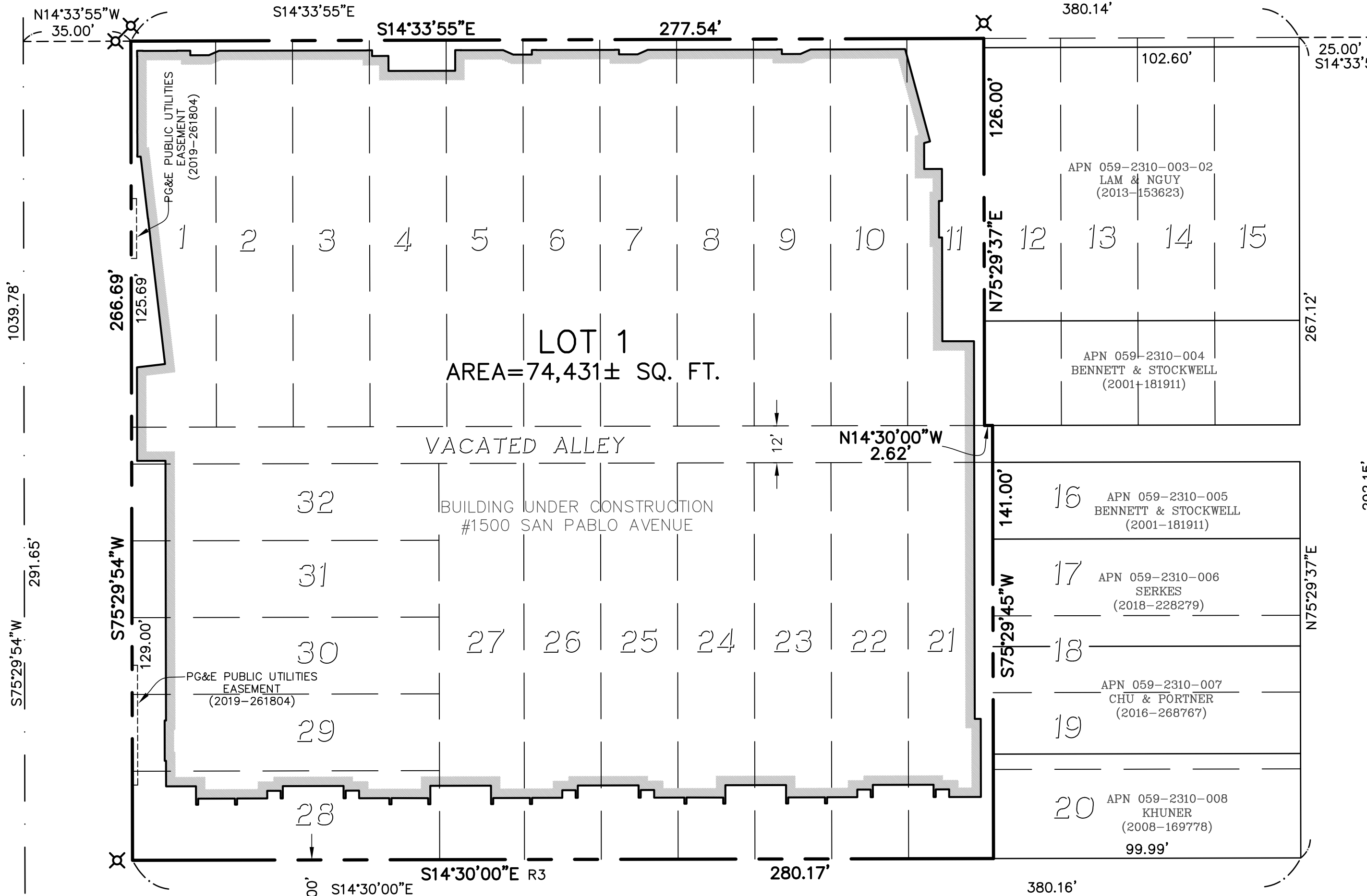
#### GRAPHIC SCALE



( IN FEET )  
1 INCH = 30 FEET

#### BASIS OF BEARINGS:

THE EASTERN RIGHT-OF-WAY OF TENTH STREET WAS  
TAKEN AS NORTH 14°30'00" WEST AS SHOWN ON  
ASSESSOR'S MAP 059-2331 (R3).



885.19'

S14°30'00"E

BASIS OF BEARINGS

## 10TH STREET (60' WIDE)

CITY MONUMENT B0623  
BRASS PIN

CITY MONUMENT B0743  
BRASS DISC WITH PUNCH  
AT CAMELIA STREET

CITY MONUMENT B0687  
IRON PIN  
AT EIGHTH STREET





Office of the City Manager

CONSENT CALENDAR  
December 1, 2020

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: Andes Construction, Inc. for Sanitary Sewer Rehabilitation at Various Locations

RECOMMENDATION

Adopt a Resolution approving plans and specifications for the Sanitary Sewer Project, located on Ashby Avenue, MLK Jr. Way, Benvenue Avenue, Hillegass Avenue, Parker Street, Telegraph Avenue, Bowditch Street, College Avenue, Spruce Street, and Keith Avenue; accepting the bid of the lowest responsive and responsible bidder, Andes Construction, Inc.; and authorizing the City Manager to execute a contract and any amendments, extensions, or other change orders until completion of the project in accordance with the approved plans and specifications, in an amount not to exceed \$4,968,764, which includes a 10% contingency of \$451,706.

FISCAL IMPACTS OF RECOMMENDATION

Funding for the project is available in the FY 2021 Sanitary Sewer Fund.

|                                     |                    |
|-------------------------------------|--------------------|
| Low bid by Andes Construction.....  | \$4,517,058        |
| <u>10% Contingency</u>              | <u>\$451,706</u>   |
| <b>Total construction cost.....</b> | <b>\$4,968,764</b> |

CURRENT SITUATION AND ITS EFFECTS

An Invitation for Bids (Specification. No. 20-11407-C) was released on September 22, 2020 and six non-local bids were received, ranging from a low of \$4,517,058 to a high of \$5,975,376 (Attachment 3, Bid Results). The engineer's estimate for the project was \$5,680,000. Andes Construction, Inc. of Oakland, California was the lowest responsive and responsible bidder with a bid of \$4,517,058. Previous work and references of Andes proved satisfactory, thus staff recommends award of the contract to Andes Construction, Inc.

This sanitary sewer project supports the City's Strategic Plan goal of providing state-

of-the-art, well-maintained infrastructure, amenities, and the goal of protecting the environment.

### BACKGROUND

To remain compliant with the September 22, 2014 Consent Decree, the City has implemented a long-term mandated Sanitary Sewer Capital Improvement Program to eliminate sanitary sewer overflows (SSOs) and to reduce storm water infiltration and inflow into the sanitary sewer system. Under this program, the City utilizes a comprehensive asset management approach based on complex and evolving hydrologic and hydraulic modeling and condition assessments to repair, replace, or upgrade the City's portion of the sanitary sewer system. Ultimately, these actions will assist East Bay Municipal Utility District (EBMUD) in their goal of eliminating discharges from their wet weather facilities by the end of 2035.

This is the sixth year of the twenty-two-year Consent Decree program, which stipulates the City shall perform collection system repair and rehabilitation to control infiltration and inflow.<sup>1</sup> This is in support of and in addition to ongoing work previously identified in the City's Sanitary Sewer Management Plan (SSMP) and Asset Management Implementation Plan (AMIP).

This sanitary sewer project is part of the City's ongoing program to rehabilitate or replace its aging sanitary sewer system, and to eliminate potential health hazards to the public. The project is located on Ashby Avenue, MLK Jr. Way, Benvenue Avenue, Hillegass Avenue, Parker Street, Telegraph Avenue, Bowditch Street, College Avenue, Spruce Street, and Keith Avenue as shown on the Location Map (Attachment 2). The sanitary sewer collection system in this area needs immediate rehabilitation to prevent pipe failures, sewer blockages, and leakage problems. Field investigations performed using a closed circuit television camera revealed deteriorated piping and pipe defects in the existing sanitary sewer mains. These conditions are similar to problems previously found in other sanitary sewer mains prior to their replacement.

Planned work entails rehabilitation of approximately 8,172 linear feet sanitary sewer mains varying in size from 8-inch to 45-inch diameter; maintenance holes rehabilitation; replacement of 4-inch and 6-inch diameter sanitary sewer laterals; and other related work. To reduce traffic impacts, minimize inconvenience to the public, and reduce cost, a majority of this sanitary sewer rehabilitation work will be performed using the pipe bursting and cured-in-place-pipe methods. These trenchless methods allow replacement of pipelines buried below street level without the need for a traditional open trench construction. These methods of pulling a new high-density polyethylene pipe (HDPE) or a new felt liner through the existing clay and concrete

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<sup>1</sup> At an average annual rate of no less than 22,120 feet of sanitary sewer mains on a three-fiscal-year rolling average.

pipes allow for cost savings and avoid street closures and traffic disruptions caused by open trenches.

The Living Wage Ordinance does not apply to this project as Department of Public Works construction contracts are subject to State prevailing wage laws. Andes Construction has submitted a Certification of Compliance with the Equal Benefits Ordinance. The Community Workforce Agreement (CWA) applies to this project because the estimated value of the project exceeds \$500,000. As a result, the contractor and all subcontractors will be required to sign an agreement to be bound by the terms of the CWA.

#### ENVIRONMENTAL SUSTAINABILITY

Improvements to the City's sanitary sewer system will help protect water quality by reducing the frequency of SSOs, and infiltration and inflow into the City's sanitary sewer system that can negatively affect the San Francisco Bay.

#### RATIONALE FOR RECOMMENDATION

Contracted services are required for the specialized services required for this project, as the City lacks in-house resources needed to complete scheduled sanitary sewer rehabilitation and replacement projects. Further, the City must take timely action to address urgent/emergent sewer repairs without delay. Finally, subject to fines and stipulated penalties, the Consent Decree demands the City to repair acute defects within one year of discovery, and complete sanitary sewer mains rehabilitation and replacement at an average annual rate of no less than 22,120 feet on a three-fiscal-year rolling average. The City will have a three-year annual average of approximately 22,160 linear feet of replaced or rehabilitated sewer through the end of FY 2021 on June 30, 2021.

#### ALTERNATIVE ACTIONS CONSIDERED

No reasonable alternative exists as the City's sanitary sewer pipelines are in poor condition and in need of timely rehabilitation to prevent an increased probability of infiltration and inflows, sanitary sewer leakages, and backup problems in the sanitary sewer system.

#### CONTACT PERSON

Joe Enke, Acting Manager of Engineering, Public Works, (510) 981-6411  
Daniel Akagi, Supervising Civil Engineer, Public Works, (510) 981-6394  
Tiffany Pham, Associate Civil Engineer, Public Works, (510) 981-6427

#### Attachments:

- 1: Resolution
- 2: Location Map
- 3: Bid Results



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

CONTRACT: ANDES CONSTRUCTION, INC. FOR SANITARY SEWER REHABILITATION - ASHBY AVENUE, MLK JR. WAY, BENVENUE AVENUE, HILLEGASS AVENUE, PARKER STREET, TELEGRAPH AVENUE, BOWDITCH STREET, COLLEGE AVENUE, SPRUCE STREET, AND KEITH AVENUE

WHEREAS, the Sanitary Sewer Project is part of the City's on-going Sanitary Sewer Capital Improvement Program to rehabilitate or replace the aging and deteriorated sanitary sewer system; and

WHEREAS, the Capital Improvement Program is a requirement of compliance with the National Pollution Discharge Elimination System Permit (NPDES) and California Regional Water Quality Control Board Consent Decree; and

WHEREAS, the City has neither the staff nor the equipment necessary to undertake this Sanitary Sewer Rehabilitation Project and other urgent/emergent sewer repairs; and

WHEREAS, on September 22, 2020 the City released an Invitation for Bids (Specification No. 20-11407-C) for sanitary sewer rehabilitation and replacement; and

WHEREAS, the City received six bids, and Andes Construction, Inc. was found to be the lowest responsive and responsible bidder; and

WHEREAS, funds are available in the FY 2021 budget Sanitary Sewer Fund 611; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Plans and Specifications No. 20-11407-C for the Sanitary Sewer Rehabilitation Project are approved.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley authorizes the City Manager to execute a contract and any amendments with Andes Construction, Inc., until completion of the project in accordance with the approved plans and specifications for the Sanitary Sewer Rehabilitation Project located on Ashby Avenue, MLK Jr. Way, Benvenue Avenue, Hillegass Avenue, Parker Street, Telegraph Avenue, Bowditch Street, College Avenue, Spruce Street, and Keith Avenue, in an amount not to exceed \$4,968,764 which includes a 10% contingency for unforeseen circumstances. A record signature copy of said agreement and any amendments will be on file in the Office of the City Clerk.



# LOCATION MAP

## SANITARY SEWER REHABILITATION PROJECT

ASHBY AVENUE, MLK JR. WAY, BENVENUE AVENUE, HILLEGASS AVENUE, PARKER STREET, TELEGRAPH AVENUE, BOWDITCH STREET, COLLEGE AVENUE, SPRUCE STREET, AND KEITH AVENUE

SPECIFICATION NO. 20-11407-C



LOCATION 1



LOCATION 2

ATTACHMENT 2 (SHEET A)

 - CONSTRUCTION AREA

# LOCATION MAP

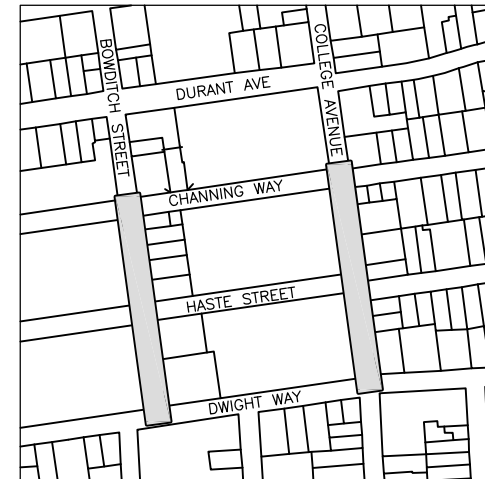
## SANITARY SEWER REHABILITATION PROJECT

ASHBY AVENUE, MLK JR. WAY, BENVENUE AVENUE, HILLEGASS AVENUE, PARKER STREET, TELEGRAPH AVENUE, BOWDITCH STREET, COLLEGE AVENUE, SPRUCE STREET, AND KEITH AVENUE

SPECIFICATION NO. 20-11407-C



LOCATION 1



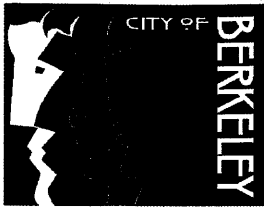
LOCATION 2



LOCATION 3

ATTACHMENT 2 (SHEET B)

█ — CONSTRUCTION AREA



City of Berkeley  
Abstract of Bid Worksheet

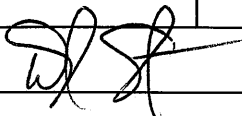
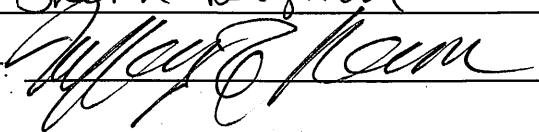
Finance Department  
General Services Division

Spec. # 20-11407-C

Bid Date:

FOR: SANITARY SEWER REHABILITATION - PARKER STREET, MLK JR. WAY ET AL.

|    | Bidders               | Base Bid                 | Alt. #1 | Alt. #2 | Alt. #3 | required w/ bid |         |    |    |    |     |    |    |
|----|-----------------------|--------------------------|---------|---------|---------|-----------------|---------|----|----|----|-----|----|----|
|    |                       |                          |         |         |         | Bid Bond        | Addenda | SC | LW | WF | EBO | OS | NF |
| 1  | Ranger Pipeline       | 5,318,273. <sup>00</sup> |         |         |         | ✓               | 1#2     | ✓  |    |    | ✓   | ✓  | ✓  |
| 2  | Precision Engineering | 5,975,376. <sup>00</sup> |         |         |         | ✓               | 1#2     | ✓  |    |    | ✓   | ✓  | ✓  |
| 3  | D'ARCY & HARDY        | 5,526,724. <sup>00</sup> |         |         |         | ✓               | 1#2     | ✓  |    |    | ✓   | ✓  | ✓  |
| 4  | GRATUS                | 5,041,868. <sup>00</sup> |         |         |         | ✓               | 1#2     | ✓  |    |    | ✓   | ✓  | ✓  |
| 5  | K J Woods Constr.     | 5,578,000. <sup>00</sup> |         |         |         | ✓               | 1#2     | ✓  |    |    | ✓   | ✓  | ✓  |
| 6  | AMDES CONSTR.         | 4,517,058. <sup>00</sup> |         |         |         | ✓               | 1#2     | ✓  |    |    | ✓   | ✓  | ✓  |
| 7  |                       |                          |         |         |         |                 |         |    |    |    |     |    |    |
| 8  |                       |                          |         |         |         |                 |         |    |    |    |     |    |    |
| 9  |                       |                          |         |         |         |                 |         |    |    |    |     |    |    |
| 10 |                       |                          |         |         |         |                 |         |    |    |    |     |    |    |

Bid Recorder: DARRYL SWEET  10/20/20  
 Bid Opener: Sharon Degner 10/20/20  
 Project Manager:  10/20/20





Office of the City Manager

CONSENT CALENDAR  
December 1, 2020

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: Glosage Engineering Inc. for Sanitary Sewer Rehabilitation at Walnut Street, Vine Street, Rose Street, Spruce Street, and Glen Avenue

RECOMMENDATION

Adopt a Resolution approving plans and specifications for the Sanitary Sewer Rehabilitation at Walnut Street, Vine Street, Rose Street, Spruce Street, and Glen Avenue; accepting the bid of the lowest responsive and responsible bidder, Glosage Engineering, Inc. and authorizing the City Manager to execute a contract and any amendments, extensions, or other change orders until completion of the project in accordance with the approved plans and specifications, in an amount not to exceed \$2,711,556, which includes a 10% contingency of \$246,505.

FISCAL IMPACTS OF RECOMMENDATION

Funding for the project is available in the FY 2021 Sanitary Sewer Fund.

|                                     |                    |
|-------------------------------------|--------------------|
| Low bid by Glosage.....             | \$2,465,051        |
| 10% Contingency                     | \$246,505          |
| <b>Total construction cost.....</b> | <b>\$2,711,556</b> |

CURRENT SITUATION AND ITS EFFECTS

An Invitation for Bids (Specification. No. 21-11410-C) was released on September 25, 2020 and eight non-local bids were received, ranging from a low of \$2,465,051 to a high of \$3,735,430 (Attachment 3, Bid Results). The engineer’s estimate for the project was \$3,714,798. Glosage Engineering Inc. (Glosage) of Richmond, California was the lowest responsive and responsible bidder with a bid of \$2,465,051. References for Glosage proved satisfactory, thus staff recommends award of the contract to Glosage.

The Sanitary Sewer Rehabilitation at Walnut Street, Vine Street, Rose Street, Spruce Street, and Glen Avenue supports the City’s Strategic Plan goal of providing state-of-the-art, well-maintained infrastructure, amenities, and the goal of protecting the environment.

BACKGROUND

To remain compliant with the September 22, 2014 Consent Decree, the City has implemented a long-term mandated Sanitary Sewer Capital Improvement Program to eliminate sanitary sewer overflows (SSOs) and to reduce storm water infiltration and inflow into the sanitary sewer system. Under this program, the City utilizes a comprehensive asset management approach based on complex and evolving hydrologic and hydraulic modeling and condition assessments to repair, replace, or upgrade the City's portion of the sanitary sewer system. Ultimately, these actions will assist East Bay Municipal Utility District (EBMUD) in their goal of eliminating discharges from their wet weather facilities by the end of 2035.

This is the sixth year of the twenty-two-year Consent Decree program, which stipulates the City shall perform collection system repair and rehabilitation to control infiltration and inflow.<sup>1</sup> This is in support of and in addition to ongoing work previously identified in the City's Sanitary Sewer Management Plan (SSMP) and Asset Management Implementation Plan (AMIP).

This sanitary sewer project is part of the City's ongoing program to rehabilitate or replace its aging sanitary sewer system, and to eliminate potential health hazards to the public. The project is located at Walnut Street, Vine Street, Rose Street, Spruce Street, and Glen Avenue as shown on the Location Map (Attachment 2). The sanitary sewer collection system in this area needs immediate rehabilitation to prevent pipe failures, sewer blockages, and leakage problems. Field investigations performed using a closed circuit television camera revealed deteriorated piping and pipe defects in the existing sanitary sewer mains. These conditions are similar to problems previously found in other sanitary sewer mains prior to their replacement.

Planned work entails rehabilitation of approximately 5,879 linear feet sanitary sewer mains varying in size from 8-inch to 20-inch diameter, maintenance hole rehabilitation, and other related work. To reduce traffic impacts, minimize inconvenience to the public, and reduce cost, a majority of this sanitary sewer rehabilitation work will be performed using the pipe bursting method. This trenchless method allows replacement of pipelines buried below street level without the need for a traditional open trench construction. This method of pulling a new high-density polyethylene pipe (HDPE) through the existing vitrified clay pipe with a cone-shaped hammerhead to "burst" the surrounding clay pipe, allows for cost savings, and avoids street closures and traffic disruptions caused by open trenches.

The Living Wage Ordinance does not apply to this project as Department of Public Works construction contracts are subject to State prevailing wage laws. Glosage has submitted a Certification of Compliance with the Equal Benefits Ordinance. The Community Workforce Agreement (CWA) applies to this project because the estimated value of the project exceeds \$500,000. As a result, the contractor and all

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<sup>1</sup> At an average annual rate of no less than 22,120 feet of sanitary sewer mains on a three-fiscal-year rolling average.

subcontractors will be required to sign an agreement to be bound by the terms of the CWA.

ENVIRONMENTAL SUSTAINABILITY

Improvements to the City’s sanitary sewer system will help protect water quality by reducing the frequency of SSOs, and infiltration and inflow into the City’s sanitary sewer system that can negatively affect the San Francisco Bay.

RATIONALE FOR RECOMMENDATION

Contracted services are required for the specialized services required for this project, as the City lacks in-house resources needed to complete scheduled sanitary sewer rehabilitation and replacement projects. Further, the City must take timely action to address urgent/emergent sewer repairs without delay. Finally, subject to fines and stipulated penalties, the Consent Decree demands the City to repair acute defects within one year of discovery, and complete sanitary sewer mains rehabilitation and replacement at an average annual rate of no less than 22,120 feet on a three-fiscal-year rolling average. The City will have a three-year annual average of approximately 22,160 linear feet of replaced or rehabilitated sewer through the end of FY 2021 on June 30, 2021.

ALTERNATIVE ACTIONS CONSIDERED

No reasonable alternative exists as the City’s sanitary sewer pipelines are in poor condition and in need of timely rehabilitation to prevent an increased probability of infiltration and inflows, sanitary sewer leakages, and backup problems in the sanitary sewer system.

CONTACT PERSON

Joe Enke, Acting Manager of Engineering, Public Works, (510) 981-6411  
Daniel Akagi, Supervising Civil Engineer, Public Works, (510) 981-6394  
Tiffany Pham, Associate Civil Engineer, Public Works, (510) 981-6427

Attachments:

- 1: Resolution
- 2: Location Map
- 3: Bid Results

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

CONTRACT: GLOSAGE ENGINEERING, INC. FOR SANITARY SEWER REHABILITATION – WALNUT STREET, VINE STREET, ROSE STREET, SPRUCE STREET, AND GLEN AVENUE

WHEREAS, the Sanitary Sewer Project is part of the City's on-going Sanitary Sewer Capital Improvement Program to rehabilitate or replace the aging and deteriorated sanitary sewer system; and

WHEREAS, the Capital Improvement Program is a requirement of compliance with the National Pollution Discharge Elimination System Permit (NPDES) and California Regional Water Quality Control Board Consent Decree; and

WHEREAS, the City has neither the staff nor the equipment necessary to undertake this Sanitary Sewer Rehabilitation and Replacement Project and other urgent/emergent sewer repairs; and

WHEREAS, on September 25, 2020 the City released an Invitation for Bids (Specification No. 21-11410-C) for sanitary sewer rehabilitation and replacement; and

WHEREAS, the City received eight bids, and Glosage Engineering, Inc. was found to be the lowest responsive and responsible bidder; and

WHEREAS, funds are available in the FY 2021 budget Sanitary Sewer Fund 611; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Plans and Specifications No. 21-11410-C for the Sanitary Sewer Rehabilitation, Walnut Street, Vine Street, Rose Street, Spruce Street, and Glen Avenue Project are approved.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley authorizes the City Manager to execute a contract and any amendments with Glosage Engineering, Inc., until completion of the project in accordance with the approved plans and specifications for the Sanitary Sewer Rehabilitation Project located on Walnut Street, Vine Street, Rose Street, Spruce Street, and Glen Avenue, in an amount not to exceed \$2,711,556 which includes a 10% contingency for unforeseen circumstances. A record signature copy of said agreement and any amendments will be on file in the Office of the City Clerk.



# LOCATION MAP

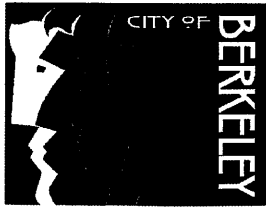
## SANITARY SEWER REHABILITATION

WALNUT STREET, VINE STREET, ROSE STREET, SPRUCE STREET, AND GLEN AVENUE  
SPECIFICATION NO. 21-11410-C



**ATTACHMENT 2 (SHEET A)**

 - CONSTRUCTION AREA



City of Berkeley  
Abstract of Bid Worksheet

Finance Department  
General Services Division

Spec. # 21-11410-C

Bid Date:

FOR: SANITARY SEWER REHABILITATION - WALNUT ST, VINE ST, ET AL.

required w/ bid

|    | Bidders               | Base Bid                 | Alt. #1 | Alt. #2 | Alt. #3 | Bid Bond | Addenda | SC | LW | WF | EBO | OS | NF |
|----|-----------------------|--------------------------|---------|---------|---------|----------|---------|----|----|----|-----|----|----|
| 1  | Andes Constr.         | 2,710,057. <sup>00</sup> |         |         |         | ✓        |         | ✓  |    |    | ✓   | ✓  | ✓  |
| 2  | Glasage Engineering   | 2,465,051. <sup>00</sup> |         |         |         | ✓        |         | ✓  |    |    | ✓   | ✓  | ✓  |
| 3  | Precision Engineering | 3,735,430. <sup>00</sup> |         |         |         | ✓        |         | ✓  |    |    | ✓   | ✓  | ✓  |
| 4  | D'ARCY & HARDY        | 2,957,920. <sup>00</sup> |         |         |         | ✓        |         | ✓  |    |    | ✓   | ✓  | ✓  |
| 5  | CRATUS, INC           | 3,355,666. <sup>00</sup> |         |         |         | ✓        |         | ✓  |    |    | ✓   | ✓  | ✓  |
| 6  | K W WOODS             | 3,478,000. <sup>00</sup> |         |         |         | ✓        |         | ✓  |    |    | ✓   | ✓  | ✓  |
| 7  | Westland Contr.       | 3,163,274. <sup>00</sup> |         |         |         | ✓        |         | ✓  |    |    | ✓   | ✓  | ✓  |
| 8  | PACIFIC Trenchless    | 3,085,685. <sup>00</sup> |         |         |         | ✓        |         | ✓  |    |    | ✓   | ✓  | ✓  |
| 9  |                       |                          |         |         |         |          |         |    |    |    |     |    |    |
| 10 |                       |                          |         |         |         |          |         |    |    |    |     |    |    |

Bid Recorder: PARRYL SWEET *PS* 10/20/2020  
 Bid Opener: Jessie Degnan 10/20/20  
 Project Manager: [Signature] 10/20/2020



Office of the City Manager

CONSENT CALENDAR  
December 1, 2020

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: Grant Applications: Highway Safety Improvement Program Cycle 10

RECOMMENDATION

Adopt Resolutions authorizing the City Manager to submit grant applications to the California Highway Safety Improvement Program Cycle 10 for the following projects: Protected Left-Turn Signals at multiple signalized intersections for up to \$6 million and Sacramento Street Pedestrian Crossings for up to \$250,000; accept the grants awarded; and execute any resultant agreements and amendments. This item updates resolutions previously approved by the Berkeley City Council on the July 28, 2020 Consent Calendar in order to increase the grant funds requested to improve more intersections and enhance the pedestrian safety treatments proposed.

FISCAL IMPACTS OF RECOMMENDATION

If awarded, these grants would provide a total of up to \$6,250,000 of competitive grant revenue to the City’s State Capital Grants Fund (Fund 306) for traffic safety improvements at multiple signalized intersections and crosswalks without traffic control starting in FY 2021. City matching funds are not required for these types of projects under the Highway Safety Improvement Program (HSIP) program. However, Public Works identified the need for \$90,000 in additional work that is not directly reimbursable by the grant but can be paid for using matching funds, which are available in the Measure B Bike and Ped Fund (Fund 131) in the FY 2021 Adopted Budget. These Measure B Bike and Ped matching funds were previously earmarked for the Milvia Bikeway Project but due to the City’s successful Affordable Housing and Sustainable Communities grant application, are now available for use for other projects.

|                                                       |             |
|-------------------------------------------------------|-------------|
| Protected Left-Turn Signals at Multiple Intersections | \$6,000,000 |
| Sacramento Street Pedestrian Crossings                | \$ 250,000  |
| Total HSIP Grant Funding Request                      | \$6,250,000 |
| Local Matching Funds                                  | \$ 90,000   |
| Total Anticipated Project Costs                       | \$6,340,000 |

CURRENT SITUATION AND ITS EFFECTS

City staff and consultants have expanded the scope of the Protected Left-Turn Signals application from 10 intersections to 13 intersections while maintaining competitiveness for grant funding. This expanded scope requires an additional \$2M in grant funding to

deliver these additional traffic safety benefits to the Berkeley community, and still requires no matching funds. Similarly, the Sacramento Street Pedestrian Crossings application was upgraded from quick-build “paint and posts” median extensions to raised concrete median extensions. This upgrade supports the City’s Vision Zero Policy by offering more protection for pedestrians while reducing long-term maintenance costs. In addition, City staff have determined that the amount of HSIP funding eligible to expend on City staff time and consultant support is insufficient. As a result, \$90,000 in local matching funds is required to design and manage construction of the improvements. This change makes the project whole and directs grant funding for the Sacramento Street Pedestrian Crossings entirely toward safety improvements. Other than these proposed enhancements to the scope of the project, the current situation and its effects remain unchanged. Please see July 28, 2020 Item 23 for more information.

This Council action supports the Strategic Plan Goal of creating a resilient, safe, connected, and prepared City.

#### BACKGROUND

Council approved the grant application for \$4,250,000 on July 28, 2020. Since that time enhancements to the scope of work have been identified to be funded by a \$2,000,000 increase in the grant request and \$90,000 in matching funds from the City as described in the Current Situation section of this report. Otherwise the background situation remains as described in the Item 23 report from July 28, 2020.

#### ENVIRONMENTAL SUSTAINABILITY

The projects in these grant applications are designed to improve traffic safety for people walking and riding bicycles for transportation, consistent with the 2009 Berkeley Climate Action Plan Policy 5.a that calls for expanding and improving Berkeley’s bicycle and pedestrian infrastructure. The Plan sets targets of reducing transportation emissions 33% below year 2000 levels by 2020, and 80% below year 2000 levels by 2050. The Plan further states that transportation modes, such as public transit, walking, and bicycling, must become the primary means of fulfilling the City’s mobility needs in order to meet these targets.

#### RATIONALE FOR RECOMMENDATION

Expanding the scope of the Protected Left-Turn Signals application from 10 intersections to 13 intersections will increase the number of safety improvements to be funded by the grant. Similarly, upgrading the Sacramento Street Pedestrian Crossings application from quick-build “paint and posts” median extensions to raised concrete median extensions offers more protection for pedestrians while reducing long-term maintenance costs.

#### ALTERNATIVE ACTIONS CONSIDERED

The City could chose to request only \$4M in grant funding for the Protected Left-Turn Signals application, and deliver these safety improvements at only 10 rather than 13 intersections. The City could chose to forego identifying \$90,000 in local matching funds for the Sacramento Street Pedestrian Crossings application. However, no alternative

funding sources has been identified to fund the City staff time and consultant support necessary to design and manage construction of the improvements.

CONTACT PERSON

Farid Javandel, Transportation Manager, Public Works, 981-7061

Beth Thomas, Principal Planner, Public Works, 981-7068

Eric Anderson, Senior Planner, Public Works, 981-7062

Attachments:

1: Resolutions

2: July 28, 2020 Berkeley City Council Meeting Item 23 Staff Report; *Grant Applications: Highway Safety Improvement Program Cycle 10*

3: July 28, 2020 Berkeley City Council Resolution 69524; *Grant Application: Highway Safety Improvement Program for Protected Left Turn Signals at Multiple Intersections*

4: July 28, 2020 Berkeley City Council Resolution 69525; *Grant Application: Highway Safety Improvement Program for Sacramento Street Pedestrian Crossings*

RESOLUTION NO. -N.S.

GRANT APPLICATION: HIGHWAY SAFETY IMPROVEMENT PROGRAM FOR  
PROTECTED LEFT TURN SIGNALS AT MULTIPLE INTERSECTIONS

WHEREAS, the overall purpose of the California Highway Safety Improvement Program is to achieve a significant reduction in traffic fatalities and serious injuries on the State's public roads through the implementation of infrastructure-related highway and street safety improvements; and

WHEREAS, funding for local agency infrastructure projects is available in Cycle 10 of the California Highway Safety Improvement Program; and

WHEREAS, permissive left turns at signalized intersections can lead to increased fatal and severe collisions; and

WHEREAS, the City has made a commitment to promoting projects that meet the City's Vision Zero Policy (Resolution No. 68,371-N.S.) goal of zero fatal and severe collisions by 2028; and

WHEREAS, signal modifications to eliminate conflicts between left-turning traffic and pedestrians are among the potential safety improvement measures proposed in the Draft 2020 Berkeley Pedestrian Plan; and

WHEREAS, if awarded, the grant funds will be placed in the City's State Capital Grants Fund (Fund 306) starting in FY 2021.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to submit a grant application to the California Highway Safety Improvement Program for traffic safety improvements at certain signalized intersections citywide for the amount of up to \$6 million, and accept the grants awarded, and execute any resultant agreements and amendments.

RESOLUTION NO. -N.S.

GRANT APPLICATION: HIGHWAY SAFETY IMPROVEMENT PROGRAM FOR  
SACRAMENTO STREET PEDESTRIAN CROSSINGS

WHEREAS, residents of South Berkeley crossing Sacramento Street on foot encounter traffic safety issues such as fast-moving, heavy vehicle traffic, trucks, buses, and lack of gaps in traffic to safely cross the street; and

WHEREAS, these traffic safety concerns have been documented in both the 2020 Berkeley Vision Zero Action Plan (Resolution No. 69,324-N.S.) and the Draft 2020 Berkeley Pedestrian Plan, wherein Sacramento Street has been identified as a high-injury street for severe and fatal traffic crashes involving pedestrians; and

WHEREAS, pedestrian crossing beacons, advance yield lines and red curbs approaching crosswalks at unsignalized intersections are among the traffic safety improvements proposed for Sacramento Street between Dwight Way and Alcatraz Avenue in the Draft 2020 Berkeley Pedestrian Plan update; and

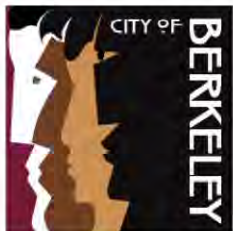
WHEREAS, Highway Safety Improvement Program Pedestrian Crossing Enhancements Set-aside funds can be used to make pedestrian traffic safety improvements; and

WHEREAS, Public Works has identified the need for \$90,000 in matching funds for City staff and consultant support, which is available starting in FY 2021 from Fund 131 (Measure B Bike and Ped); and

WHEREAS, if awarded, the grant funds will be placed in the City's State Capital Grants Fund (Fund 306) starting in FY 2021.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to submit a grant application to the California Highway Safety Improvement Program (Cycle 10) for the amount of up to \$250,000, and accept the grants awarded, and execute any resultant agreements and amendments.





Office of the City Manager

CONSENT CALENDAR  
July 28, 2020

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: Grant Applications: Highway Safety Improvement Program Cycle 10

RECOMMENDATION

Adopt two Resolutions authorizing the City Manager to submit grant applications to the California Highway Safety Improvement Program Cycle 10 for the following projects: Protected Left-turn Signals at multiple signalized intersections for up to \$4 million and Sacramento Street Pedestrian Crossings for up to \$250,000.

FISCAL IMPACTS OF RECOMMENDATION

If awarded, these grants would provide a total of up to \$4,250,000 of competitive grant revenue to the City’s State Capital Grants Fund (Fund 306) for traffic safety improvements at multiple signalized intersections and crosswalks without traffic control starting in FY 2021. City matching funds are not required for these types of projects under the California Highway Safety Improvement Program (HSIP) program.

|                                                               |             |
|---------------------------------------------------------------|-------------|
| Protected Left-turn Signals at Multiple Intersections Project | \$4,000,000 |
| Sacramento Street Pedestrian Crossings                        | \$ 250,000  |
| Total HSIP Grant Funding Request                              | \$4,250,000 |

CURRENT SITUATION AND ITS EFFECTS

The HSIP provides funding to agencies to install specific counter measures to enhance traffic safety on public streets and highways. One of these counter measures is converting left-turn phases at signalized intersections from permissive to protected. The term “permissive left-turn” refers to the situation where drivers at signalized intersections make left-turns using the same green light that is used by drivers continuing straight. This occurs in Berkeley where the signal face lacks a left-turn arrow to provide a dedicated phase for making a left-turn. Drivers making a permissive left-turn must yield to oncoming motor and bicycle traffic and pedestrians in the crosswalk that the driver’s vehicle is about to cross. Installation of signal heads with left-turn arrows allows for the provision of a “protected left-turn” wherein the driver has a dedicated signal phase for making a left-turn. The driver is protected from oncoming traffic, which is stopped at a red light on the opposite side of the intersection, and pedestrians and bicyclists are protected from left-turning traffic due to proceeding during a separate signal phase. The locations included in the City’s Protected Left-turn Signal Project would be selected based on the number of reported crashes related to left-turns, as required by the HSIP Program.



The Sacramento Street Pedestrian Crossings project is proposed to be submitted for funding under the HSIP Pedestrian Crossing Enhancements Set-aside Program. This program provides up to \$250,000 per applicant for installation of Rectangular Rapid Flashing Beacons (RRFBs), pedestrian countdown signal heads, crosswalk markings, advanced yield lines/signs, and other types of signs and pavement markings. Other work related to pedestrian crossing safety may be allowed as long as the cost is no more than 20% of the total project cost. The Sacramento Street Pedestrian Crossings Project would include allowable project elements consistent with the Berkeley Bicycle Plan (2017) and forthcoming Draft 2020 Pedestrian Plan. The project would extend between Dwight Way and Alcatraz Avenue and include the installation of Rectangular Rapid Flashing Beacons for the pedestrian crossings of Sacramento Street at Fairview, Prince, and Oregon Streets. Due to the limited amount of funding available per applicant, Pedestrian Hybrid Beacons (PHBs) are not an allowable project element, as a single PHB would exceed \$250,000 in cost. The PHBs along Sacramento Street recommended within the City’s 2017 Bicycle Plan therefore would not be included in the grant application.

**BACKGROUND**

The proposed projects are consistent with the City’s adopted Vision Zero Action Plan (Plan)<sup>1</sup>. The Plan shows violation of the pedestrian right of way at a crosswalk as the second most prevalent traffic violation associated with severe and fatal collisions in Berkeley, after unsafe speed. The Plan also shows that failure to yield while making left or U-turns is the third most prevalent traffic violation associated with severe and fatal collisions in Berkeley. By providing a dedicated signal phase for left and U turns at various locations, the Protected Left-turn Signal Project will reduce collisions caused by driver failure to yield while making these maneuvers. The Sacramento Street Pedestrian Crossings project will reduce collisions caused by driver violation of the pedestrian right of way by making pedestrians more visible as they cross the street. Sacramento Street is identified as a high-injury street in the Vision Zero Action Plan and Draft Berkeley 2020 Pedestrian Plan.

The overall purpose of the California HSIP is to achieve a significant reduction in traffic fatalities and serious injuries on all public roads through the implementation of infrastructure-related highway safety improvements. The California HSIP is part of the federal HSIP codified under 23 CFR 924.

**ENVIRONMENTAL SUSTAINABILITY**

The projects in these grant applications are designed to improve traffic safety for people walking and riding bicycles for transportation, consistent with the 2009 Berkeley Climate Action Plan Policy 5.a that calls for expanding and improving Berkeley’s bicycle and pedestrian infrastructure. The Plan sets targets of reducing transportation emissions 33% below year 2000 levels by 2020, and 80% below year 2000 levels by 2050. The Plan further states that transportation modes, such as public transit, walking, and bicycling, must become the primary means of fulfilling the City’s mobility needs in order to meet these targets. Reducing the number of collisions involving left-turn movements

<sup>1</sup> [https://www.cityofberkeley.info/uploadedFiles/Public\\_Works/Level\\_3\\_-\\_Transportation/Berkeley\\_Vision\\_Zero\\_Action\\_Plan\\_Approved\\_03102020.pdf](https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_-_Transportation/Berkeley_Vision_Zero_Action_Plan_Approved_03102020.pdf)

could also reduce the amount of automotive fluid spills that may occur after serious collisions. Spilled automotive fluid could otherwise drain to the Bay and contaminate the soil.

RATIONALE FOR RECOMMENDATION

HSIP funding allows the City to address traffic safety issues at multiple signalized intersections and along a major transportation corridor. The need for the projects in these applications has been identified in the 2019 Berkeley Vision Zero Action Plan (Resolution No. 69,324-N.S.), as well as in the Draft 2020 Berkeley Pedestrian Plan. These documents were the result of robust public engagement processes involving Transportation Commissioners and numerous other members of the Berkeley community. Not applying would mean foregoing up to \$10,000,000 in potential grant funding.

ALTERNATIVE ACTIONS CONSIDERED

The City could choose not to apply for these funds. However, no alternative funding source has been identified to complete these traffic safety projects.

CONTACT PERSON

Farid Javandel, Transportation Division Manager, Public Works, 981-7061  
Beth Thomas, Principal Planner, Public Works, 981-7068  
Eric Anderson, Associate Planner, Public Works, 981-7062

Attachments:

- 1: Resolution - Protected Left-turn Signals
- 2: Resolution - Sacramento Street Pedestrian Crossings

RESOLUTION NO. -N.S.

GRANT APPLICATION: HIGHWAY SAFETY IMPROVEMENT PROGRAM FOR  
PROTECTED LEFT-TURN SIGNALS AT MULTIPLE INTERSECTIONS

WHEREAS, the overall purpose of the California Highway Safety Improvement Program is to achieve a significant reduction in traffic fatalities and serious injuries on the State's public roads through the implementation of infrastructure-related highway and street safety improvements; and

WHEREAS, funding for local agency infrastructure projects is available in Cycle 10 of the California Highway Safety Improvement Program; and

WHEREAS, permissive left-turns at signalized intersections can lead to increased fatal and severe collisions; and

WHEREAS, the City has made a commitment to promoting projects that meet the City's Vision Zero Policy (Resolution No. 68,371-N.S.) goal of zero fatal and severe collisions by 2028; and

WHEREAS, signal modifications to eliminate conflicts between left-turning traffic and pedestrians are among the potential safety improvement measures proposed in the Draft 2020 Berkeley Pedestrian Plan; and

WHEREAS, if awarded, the grant funds will be placed in the City's State Capital Grants Fund (Fund 306) starting in FY 2021.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to submit a grant application to the California Highway Safety Improvement Program for traffic safety improvements at certain signalized intersections citywide for the amount of up to \$4 million, and accept the grants awarded, and execute any resultant agreements and amendments.



RESOLUTION NO. -N.S.

GRANT APPLICATION: HIGHWAY SAFETY IMPROVEMENT PROGRAM FOR  
SACRAMENTO STREET PEDESTRIAN CROSSINGS

WHEREAS, residents of South Berkeley crossing Sacramento Street on foot encounter traffic safety issues such as fast-moving, heavy vehicle traffic, trucks, buses, and lack of gaps in traffic to safely cross the street; and

WHEREAS, these traffic safety concerns have been documented in both the 2020 Berkeley Vision Zero Action Plan (Resolution No. 69,324-N.S.) and the Draft 2020 Berkeley Pedestrian Plan, wherein Sacramento Street has been identified as a high-injury street for severe and fatal traffic crashes involving pedestrians; and

WHEREAS, pedestrian crossing beacons, advance yield lines and red curbs approaching crosswalks at unsignalized intersections are among the traffic safety improvements proposed for Sacramento Street between Dwight Way and Alcatraz Avenue in the Draft 2020 Berkeley Pedestrian Plan update; and

WHEREAS, Highway Safety Improvement Program Pedestrian Crossing Enhancements Set-aside funds can be used to make pedestrian traffic safety improvements; and

WHEREAS, if awarded, the grant funds will be placed in the City's State Capital Grants Fund (Fund 306) starting in FY 2021.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to submit a grant application to the California Highway Safety Improvement Program (Cycle 10) for the amount of up to \$250,000, and accept the grants awarded, and execute any resultant agreements and amendments.

## RESOLUTION NO. 69,524-N.S.

GRANT APPLICATION: HIGHWAY SAFETY IMPROVEMENT PROGRAM FOR  
PROTECTED LEFT-TURN SIGNALS AT MULTIPLE INTERSECTIONS

WHEREAS, the overall purpose of the California Highway Safety Improvement Program is to achieve a significant reduction in traffic fatalities and serious injuries on the State's public roads through the implementation of infrastructure-related highway and street safety improvements; and

WHEREAS, funding for local agency infrastructure projects is available in Cycle 10 of the California Highway Safety Improvement Program; and

WHEREAS, permissive left-turns at signalized intersections can lead to increased fatal and severe collisions; and

WHEREAS, the City has made a commitment to promoting projects that meet the City's Vision Zero Policy (Resolution No. 68,371-N.S.) goal of zero fatal and severe collisions by 2028; and

WHEREAS, signal modifications to eliminate conflicts between left-turning traffic and pedestrians are among the potential safety improvement measures proposed in the Draft 2020 Berkeley Pedestrian Plan; and

WHEREAS, if awarded, the grant funds will be placed in the City's State Capital Grants Fund (Fund 306) starting in FY 2021.

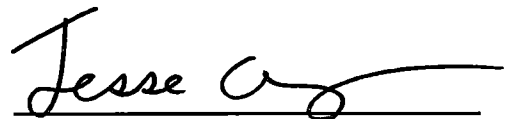
NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to submit a grant application to the California Highway Safety Improvement Program for traffic safety improvements at certain signalized intersections citywide for the amount of up to \$4 million, and accept the grants awarded, and execute any resultant agreements and amendments.

The foregoing Resolution was adopted by the Berkeley City Council on July 28, 2020 by the following vote:

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

Noes: None.

Absent: None.

  
\_\_\_\_\_  
Jesse Arreguin, Mayor

Attest:   
\_\_\_\_\_  
Mark Numainville, City Clerk

RESOLUTION NO. 69,525-N.S.

GRANT APPLICATION: HIGHWAY SAFETY IMPROVEMENT PROGRAM FOR SACRAMENTO STREET PEDESTRIAN CROSSINGS

WHEREAS, residents of South Berkeley crossing Sacramento Street on foot encounter traffic safety issues such as fast-moving, heavy vehicle traffic, trucks, buses, and lack of gaps in traffic to safely cross the street; and

WHEREAS, these traffic safety concerns have been documented in both the 2020 Berkeley Vision Zero Action Plan (Resolution No. 69,324-N.S.) and the Draft 2020 Berkeley Pedestrian Plan, wherein Sacramento Street has been identified as a high-injury street for severe and fatal traffic crashes involving pedestrians; and

WHEREAS, pedestrian crossing beacons, advance yield lines and red curbs approaching crosswalks at unsignalized intersections are among the traffic safety improvements proposed for Sacramento Street between Dwight Way and Alcatraz Avenue in the Draft 2020 Berkeley Pedestrian Plan update; and

WHEREAS, Highway Safety Improvement Program Pedestrian Crossing Enhancements Set-aside funds can be used to make pedestrian traffic safety improvements; and

WHEREAS, if awarded, the grant funds will be placed in the City's State Capital Grants Fund (Fund 306) starting in FY 2021.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to submit a grant application to the California Highway Safety Improvement Program (Cycle 10) for the amount of up to \$250,000, and accept the grants awarded, and execute any resultant agreements and amendments.

The foregoing Resolution was adopted by the Berkeley City Council on July 28, 2020 by the following vote:

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

Noes: None.

Absent: None.

  
\_\_\_\_\_  
Jesse Arreguin, Mayor

Attest:   
\_\_\_\_\_  
Mark Numainville, City Clerk







[Commission Name]

20

CONSENT CALENDAR

December 1, 2020

To: Honorable Mayor and Members of the City Council

From: Mental Health Commission

Submitted by: Andrea Prichett, Chairperson, Mental Health Commission

Subject: Appointment of boona cheema and Margaret Fine to Mental Health Commission

RECOMMENDATION

Adopt a Resolution appointing: boona cheema as a representative of the Special Public Interest Category (family), to complete her second 3- year term beginning December 2, 2020 and ending December 1, 2023; and Margaret Fine as a representative of the General Public Interest Category, to complete her second 3-year term beginning December 2, 2020 and ending December 1, 2023.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

The Mental Health Commission is authorized to be composed of thirteen members. However, there are presently seven vacancies on the Commission. These vacancies impair the Commission's ability to adequately review and evaluate the community's mental health needs, resources, and programs.

Approval of the recommended action will keep the two positions filled, and allow the Commission to move one step closer to having a full and diverse complement of commissioners to review and evaluate the community's mental health needs, resources, and programs.

BACKGROUND

California State law requires that appointments to the Mental Health Commission meet specific categories, who may serve up to nine years consecutively. The general public interest category may include anyone who has an interest in and some knowledge of mental health services. The special public interest category includes direct consumers of public mental health services and family members of consumers, which together must constitute at least fifty percent or nine of the commission seats. Direct consumers and family members shall each constitute at least 20% of the commission membership.

Boona cheema has been an active member serving as Chair for 2 years. During the Covid-19 pandemic and suspension of the Mental Health Commission she was unable to be re-appointed and her 1<sup>st</sup> term ended on April 25, 2020. She has completed the necessary paperwork and would like to re-join the commission to complete her second term as a commissioner for the Mental Health Commission.

Margaret Fine has been an active member since 2017 and has served on numerous sub-committees throughout her first term and recently voted as Chair. During the Covid-19 pandemic and suspension of the Mental Health Commission she was unable to be re-appointed and her 1<sup>st</sup> term ended on June 27, 2020. She has re-applied and would like to re-join the Mental Health Commission and complete her second term as commissioner.

The Mental Health Commission passed the following motions at the September 24, 2020 meeting:

M/S/C/ (Prichett, Davila) Motion to send the nomination of boona cheema to the city council for approval and reinstatement to the mental health commission

**PASSED**

Ayes: Davila, Hawkins, Kealoha-Blake, Moore, Opton, Prichett Noes: None;  
Abstentions: None; Absent: None

M/S/C/ (Davila, Prichett) Motion to have her (Margaret Fine) join back to the mental health commission

**PASSED**

Ayes: Davila, Hawkins, Kealoha-Blake, Moore, Opton, Prichett Noes: None;  
Abstentions: None; Absent: None

ENVIRONMENTAL SUSTAINABILITY

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

RATIONALE FOR RECOMMENDATION

Approval of the recommended action will allow the Mental Health Commission to move one step closer to having a full and diverse complement of commissioners to review and evaluate the community's mental health needs, resources, and programs.

ALTERNATIVE ACTIONS CONSIDERED

None.

CITY MANAGER

The City Manager concurs with the content and recommendations of the Commission's Report.

CONTACT PERSON

Jamie Works-Wright, Commission Secretary, HHCS, 510-981-7721

Attachments:

1: Resolution

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

APPOINTMENT OF BOONA CHEEMA AND MARGARET FINE TO THE MENTAL  
HEALTH COMMISSION

WHEREAS, membership of the Mental Health Commission is composed of thirteen appointments by the City Council as a whole, including one appointment by the Mayor (*or designee*), six special public interest appointments, and four general public interest appointments; and

WHEREAS, with the ongoing implementation of the Mental Health Services Act, the City of Berkeley will need to have a full complement of diverse appointees to the Commission to review and evaluate the community's mental health needs, resources, and programs and to fulfill its mandate; and

WHEREAS, Ms. cheema has served as Chair of the Commission and

WHEREAS, Ms. Fine has been an active member and has served on numerous sub-committees throughout her first term and recently voted as Chair before she was termed out in June 2020

WHEREAS, the Mental Health Commission at its September 24, 2020 meeting recommended appointments of boona cheema and Margaret Fine.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council appoints boona cheema as a representative of the Special Public Interest Family category, to complete her second term ending December 1 2023; Margaret Fine as a representative of the General Public Interest category, to complete her second term ending December 1, 2023



Office of the Mayor

21

CONSENT CALENDAR

December 1, 2020

To: Honorable Members of the City Council

From: Mayor Jesse Arreguín (Author), Councilmember Susan Wengraf (Co-Sponsor), Councilmember Sophie Hahn (Co-Sponsor)

Subject: State Alignment on the Treaty on the Prohibition of Nuclear Weapons

RECOMMENDATION

Adopt a Resolution calling on the California State Legislature to introduce a bill to align the State with the UN Treaty on the Prohibition of Nuclear Weapons by creating a non-partisan, advisory Prohibition of Nuclear Weapons Citizens Commission. Copies of this resolution will be sent to Governor Gavin Newsom, Senator Nancy Skinner and Assemblymember Buffy Wicks.

BACKGROUND

The Treaty on the Prohibition of Nuclear Weapons, commonly referred to as the Nuclear Weapons Ban Treaty, was adopted at the United Nations on July 7, 2017. Passed by 122 nations (69 nations, including nuclear nations and all of NATO except for the Netherlands – which was the sole country opposed to it – did not participate in the vote), the Treaty prohibits the development, testing, and stockpiling of nuclear weapons with the goal of eliminating nuclear weapons.

The City of Berkeley has a long history of opposition to nuclear weapons. In 1986, Berkeley voters approved Measure K, the Nuclear Free Berkeley Act, by a supermajority. Under the Nuclear Free Berkeley Act, any work on nuclear weapons, contracts with companies working on nuclear weapons, and investments with those companies are prohibited from taking place within the City of Berkeley. In May 2018, the Berkeley City Council passed a Resolution for the City of Berkeley to Declare Itself Strongly Supportive of the UN Treaty on the Prohibition of Nuclear Weapons. Most recently, in July 2020, the City Council adopted a Resolution in opposition to nuclear warfare to mark the 75<sup>th</sup> anniversary of the nuclear bombing of Hiroshima and Nagasaki.

In September 2018, the California State Legislature passed Assembly Joint Resolution 33, calling on the federal government and the nation to embrace the UN Treaty on the Prohibition of Nuclear Weapons. The Nuclear Weapons Abolition and Economic and Energy Conversion Act was introduced in April 2019 by Eleanor Holmes Norton, who represents the District of Columbia in the House of Representatives, which has been cosponsored by Congressmember Barbara Lee. No action has been taken on that bill so far.

This Resolution calls on the California State Legislature to introduce a bill establishing a non-partisan, advisory Prohibition of Nuclear Weapons Citizens Commission to make recommendations on transitioning the state away from nuclear weapons-related state investments and public contracts.

FINANCIAL IMPLICATIONS

None

ENVIRONMENTAL SUSTAINABILITY

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

CONTACT PERSON

Mayor Jesse Arreguín      510-981-7100

Attachments:

1: Resolution

2: May 17, 2018 Resolution for the City of Berkeley to Declare itself Strongly Supportive of the UN Treaty on the Prohibition of Nuclear Weapons

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

CALLING THE CALIFORNIA LEGISLATURE TO INTRODUCE A BILL TO ALIGN THE STATE WITH THE UN TREATY ON THE PROHIBITION OF NUCLEAR WEAPONS

WHEREAS, on July 7, 2017, the United Nations Treaty on the Prohibition of Nuclear Weapons (Nuclear Weapons Ban Treaty) was adopted by 122 countries, calling for the abolition of all nuclear weapons from all countries, and establishing a legal framework for their elimination<sup>i</sup>; and

WHEREAS, on September 20, 2017, the Nuclear Weapons Ban Treaty opened for signatures, and as of August 9, 2020, 44 state parties have ratified that treaty<sup>ii</sup> out of a total of 50 ratifications needed for the treaty to enter into force; and

WHEREAS, on May 15, 2018, the Berkeley City Council passed a Resolution for the City of Berkeley to Declare Itself Strongly Supportive of the UN Treaty on the Prohibition of Nuclear Weapons<sup>iii</sup>; and

WHEREAS, on April 30, 2019, Eleanor Holmes Norton introduced the Nuclear Weapons Abolition and Economic and Energy Conversion Act in the United States Congress<sup>iv</sup>, and as of July 29, 2020, that bill has 8 co-sponsors including Congresswoman Barbara Lee;<sup>v</sup> and

WHEREAS, on September 5, 2018, the California State Legislature passed Assembly Joint Resolution 33, calling on the federal government and the nation to embrace the UN Treaty on the Prohibition of Nuclear Weapons<sup>vi</sup>; and

WHEREAS, the State of California is as much a part of the nation as any other state.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley calls on the California State Legislature to introduce a bill to create a non-partisan and advisory Prohibition of Nuclear Weapons Citizens Commission for the purpose of making recommendations on transitioning the state away from nuclear weapons-related state investments and public contracts (Exhibit A); and

BE IT FURTHER AND FINALLY RESOLVED that the Council requests that the City Clerk send this resolution and the proposed bill to Governor Newsom, Senator Skinner and Assemblymember Wicks.

Exhibits:

A: Draft State Bill Language

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<sup>i</sup> [https://www.icanw.org/the\\_treaty](https://www.icanw.org/the_treaty)

<sup>ii</sup> [https://www.icanw.org/signature\\_and\\_ratification\\_status](https://www.icanw.org/signature_and_ratification_status)

<sup>iii</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/City\\_Council\\_Agenda\\_Archive\\_Information.aspx](https://www.cityofberkeley.info/Clerk/City_Council/City_Council_Agenda_Archive_Information.aspx), 05-15 Annotated Agenda(3)pdf #25

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<sup>iv</sup> <https://norton.house.gov/media-center/press-releases/norton-introduces-nuclear-weapons-abolition-and-economic-and-energy>

<sup>v</sup> <https://www.congress.gov/bill/116th-congress/house-bill/2419/cosponsors?searchResultViewType=expanded>

<sup>vi</sup> [https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180AJR33](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AJR33)



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LEGISLATIVE COUNSEL'S DIGEST

Bill No.  
as introduced, \_\_\_\_\_.  
General Subject: Prohibition of Nuclear Weapons Citizens Commission.

Existing law authorizes contracting between state agencies and private contractors and sets forth requirements for the procurement of goods and services by state agencies. Existing law prohibits a person engaged in investment activities in Iran, as defined, from engaging in specified contracting activities with the state. Existing law establishes various commissions within state government for specified purposes.

This bill would create in state government a nonpartisan and advisory Prohibition of Nuclear Weapons Citizens Commission for the purpose of aligning California with the 2017 United Nations Treaty on the Prohibition of Nuclear Weapons. The bill would require the commission to consist of 11 appointed members. The bill would require the Governor to appoint 7 members and the Secretary of State, the Attorney General, the Speaker of the Assembly, and the Senate Rules Committee to each appoint one member. The bill would require the commission to, among other duties, file a final report with the Governor, the Senate and the Assembly, the Lieutenant Governor, and the Attorney General no later than July 31, 2021. The bill would require the report to include specified elements relating to transitioning the state away from nuclear weapons-related state investments and public contracts.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.



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An act to add Title 7.7 (commencing with Section 67410) to the Government Code, relating to state government.



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THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Title 7.7 (commencing with Section 67410) is added to the Government Code, to read:

TITLE 7.7. PROHIBITION OF NUCLEAR WEAPONS CITIZENS COMMISSION

67410. (a) For purposes of this title, the following terms have the following meanings:

(1) "The treaty" means the 2017 United Nations Treaty on the Prohibition of Nuclear Weapons.

(2) "Person" means a natural person.

(b) (1) There shall be in state government a nonpartisan and advisory Prohibition of Nuclear Weapons Citizens Commission to advance the purpose of aligning California with the treaty.

(2) The commission shall be comprised of one person who shall be appointed by the Governor, one person who shall be appointed by the Secretary of State, one person who shall be appointed by the Attorney General, one person who shall be appointed by the Speaker of the Assembly, one person who shall be appointed by the Senate Rules Committee, and six persons who shall additionally be appointed by the Governor from a group of persons nominated by nonprofit organizations dedicated to the international prohibition of the use and possession of nuclear weapons. Appointees shall serve with no compensation.

(3) The Governor shall post an application for a position on the commission on the Governor's internet website.

(4) The Governor shall solicit applications for the commission on the Governor's internet website within 30 days of January 1, 2020.

(5) The Governor shall fill all initial commission appointments within 120 days following January 1, 2020, but shall not make those appointments sooner than within 90 days of that date.

(6) All officials charged with making appointments to the commission shall consider both of the following:

(A) The nonpartisan and advisory nature of the commission.

(B) The intent of the Legislature that the commission be diverse, inclusive, and representative of the people of California.

(c) A person shall not be appointed to the commission if any of the following is true:

(1) The person has not publicly applied for an appointment to the commission.

(2) The person is a current or former employee of a company or military installation involved in the production or maintenance of nuclear weapons.

(3) The person's application does not satisfy the requirements of subdivision

(d).

(4) The application was not submitted within 60 days of the posting of the appointment opportunity on the Governor's internet website.

(d) A person's application shall include all of the following:



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- (1) A statement of the person's intent to comply with and advance the policy established by the treaty and this title.
- (2) The person's qualifications to serve on the commission.
- (3) The city where the applicant resides.
- (4) The person's employment, if applicable.
- (e) Members of the commission shall elect a chairperson by a majority vote.
- (f) The commission shall have all of the following duties:
  - (1) To regularly meet to research, gather evidence, and obtain advice in the manner members determine most conducive to accomplishing the goals of this title.
  - (2) To inform the Legislature and the public about the implications of aligning the state with the treaty.
  - (3) To file a report with the Governor, the Senate and the Assembly, the Lieutenant Governor, and the Attorney General no later than July 31, 2021, pursuant to subdivision (g).
  - (g) The final report of the commission shall include all of the following:
    - (1) An inventory of all companies, facilities, and institutions in the state involved in the nuclear weapons industry.
    - (2) An inventory of all state investments, including investments of state public pension funds, in companies involved in the nuclear weapons industry.
    - (3) An inventory of all public contracts, including the total value of those contracts, with companies involved in the nuclear weapons industry.
    - (4) Information on the economic impact of the nuclear weapons industry on the state, including, but not limited to:
      - (A) The total workforce employed by the nuclear weapons industry in the state.
      - (B) The total revenue generated in the state from the nuclear weapons industry.
      - (C) All facilities and infrastructure utilized or managed by the nuclear weapons industry within the state.
      - (D) The total number of jobs and public contracts directly related to activities prohibited by the treaty.
      - (E) An inventory of the transferable skills, technology, and infrastructure employed by the nuclear weapons industry and recommendations for how they may be repurposed to address climate change or other pressing social needs.
      - (F) An analysis of the impact that state conversion from the nuclear weapons industry to industries that address climate change and other relevant social needs will have on the state economy and the United States nuclear weapons industry, as well as a recommended timeline for that conversion.
      - (G) Recommendations for establishing procedures that screen all potential public contracts for involvement in the nuclear weapons industry.
      - (H) Recommendations for any and all additional steps the state can take to influence the federal government to sign and ratify the treaty.



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Peace and Justice  
Commission

CONSENT CALENDAR  
May 15, 2018

To: Honorable Mayor and Members of the City Council  
 From: Peace and Justice Commission  
 Submitted by: Ezekiel Gorrocino, Chairperson, Peace and Justice Commission  
 Subject: Resolution for the City of Berkeley to Declare itself Strongly Supportive of the UN Treaty on the Prohibition of Nuclear Weapons

RECOMMENDATION

Adopt a Resolution for the City of Berkeley to declare itself strongly supportive of the UN Treaty on the Prohibition of Nuclear Weapons.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

At its regular meeting on April 2, 2018, the Peace and Justice Commission unanimously adopted the following recommendation: that the City Council declare itself strongly supportive of the UN Treaty on the Prohibition of Nuclear Weapons.

M/S/C: Bohn/Meola  
 Ayes: Bohn, Gorrocino, Hariri, Lippman, Meola, Rodríguez, Watson  
 Noes: None  
 Abstain: Maran  
 Absent: Pancoast, Agrawal

BACKGROUND

See below.

ENVIRONMENTAL SUSTAINABILITY

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

RATIONALE FOR RECOMMENDATION

Resolution for the City of Berkeley to declare itself strongly supportive of the UN Treaty on the Prohibition of Nuclear Weapons.

The Peace and Justice Commission advises the City Council "...on all matters relating to the City of Berkeley's role in issues of peace and social justice, including, but not limited to the issues of ending the arms race, abolishing nuclear weapons, support for human rights and self-determination throughout the world, and the reallocation of our national resources so that money now spent on war and preparation of war is spent on fulfilling human needs and the promotion of peace."

The City of Berkeley declared itself in 1986 to be a Nuclear Free Zone and prohibited, under the Nuclear Free Berkeley Act, any work on nuclear weapons, contracts with companies working on nuclear weapons, and investments with those companies from taking place within the City of Berkeley. As of 7 July, 2017, all such activities relating to nuclear weapons are now considered illegal by the majority of the world's nations that adopted the Treaty on the Prohibition of Nuclear Weapons and opened it for signing and ratification on 20 September, 2017 to the treaty.

As the national Administration has refused to pursue nuclear disarmament or positive international relations in general, cities and states across the country have the opportunity to give moral leadership by committing to compliance with the Treaty on the Prohibition of Nuclear Weapons to the extent possible at their respective levels of authority.

ALTERNATIVE ACTIONS CONSIDERED

None.

CITY MANAGER

The City Manager takes no position on the content and recommendations of the Commission's Report.

CONTACT PERSON

Ezekiel Gorrocino, Chairperson, Peace and Justice Commission (415) 298-7120  
Shallon Allen, Peace and Justice Commission Secretary (510) 981-7071

Attachments:

1: Resolution

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

RESOLUTION FOR THE CITY OF BERKELEY TO DECLARE ITSELF STRONGLY SUPPORTIVE OF THE UN TREATY ON THE PROHIBITION OF NUCLEAR WEAPONS

WHEREAS, the Peace and Justice Commission advises the City Council "...on all matters relating to the City of Berkeley's role in issues of peace and social justice, including, but not limited to the issues of ending the arms race, abolishing nuclear weapons, support for human rights and self-determination throughout the world, and the reallocation of our national resources so that money now spent on war and preparation of war is spent on fulfilling human needs and the promotion of peace;"<sup>i</sup> and

WHEREAS, the City of Berkeley declared itself in 1986 to be a Nuclear Free Zone and prohibited, under the Nuclear Free Berkeley Act, any work on nuclear weapons, contracts with companies working on nuclear weapons, and investments with those companies from taking place within the City of Berkeley; and

WHEREAS, as of 7 July, 2017, all such activities relating to nuclear weapons are now considered illegal by the majority of the world's nations who adopted Treaty on the Prohibition of Nuclear Weapons and opened it for signing and ratification on 20 September, 2017;<sup>ii</sup> and

WHEREAS, the International Campaign to Abolish Nuclear Weapons (ICAN) won the 2017 Nobel Peace Prize "for its ground-breaking efforts to achieve a treaty-based prohibition" of nuclear weapons;<sup>iii</sup> and

WHEREAS, it has been noted by people of all nations that all of the world's nine nuclear-armed countries including the United States are so far refusing to sign the treaty;<sup>iv</sup> and

WHEREAS, when President Trump declared early in 2017 his intention to pull the US out of the Paris Climate Accord of December 2016, states and cities across the U.S. that lack legal standing to adopt an international treaty announced they would commit to complying with the terms of the Paris Climate Accord to the extent possible at their respective levels of authority;<sup>v</sup> and

WHEREAS, with reference to the action described in the previous paragraph as an example, cities, states, businesses, universities, faith communities and other organizations across the U.S. have the opportunity to similarly announce that they are committed to complying with the Treaty on the Prohibition of Nuclear Weapons to the extent possible at their respective levels of authority.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council congratulates the International Campaign to Abolish Nuclear Weapons (ICAN) for winning the Nobel Peace Prize for 2017, for its efforts leading to the creation of the Treaty on the Prohibition of Nuclear Weapons.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley proclaims itself in compliance with the Treaty on the Prohibition of Nuclear Weapons by virtue of its being a “Nuclear Free Zone”.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley calls on the U.S. government, together with the other eight nuclear-armed nations, to sign and ratify the Treaty on the Prohibition of Nuclear Weapons, and to create and implement a legally binding, time-bound plan for the verifiable and irreversible elimination of all nuclear weapons, as required by the Treaty.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley request the City Clerk to send this resolution to Senator Dianne Feinstein, Senator Kamala Harris, to Congresswoman Barbara Lee, and to the Secretary-General of the United Nations as depository of the Treaty, together with a request to have its declaration of compliance with the treaty accepted alongside the declarations of states parties to the treaty.

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<sup>i</sup> <http://www.codepublishing.com/CA/Berkeley/?Berkeley03/Berkeley0368/Berkeley0368.html3.68.070> Function A (of Functions A through M)

<sup>ii</sup> <https://news.un.org/en/.../565582-treaty-banning-nuclear-weapons-signature-un>, <http://www.icanw.org/the-treaty/>

<sup>iii</sup> [UN votes to outlaw nuclear weapons in 2017 | ICAN](http://www.icanw.org/campaign-news/un-votes-to-outlaw-nuclear-weapons-in-2017/)

[www.icanw.org/campaign-news/un-votes-to-outlaw-nuclear-weapons-in-2017/](http://www.icanw.org/campaign-news/un-votes-to-outlaw-nuclear-weapons-in-2017/)

Oct 27, 2016 - The United Nations adopted a landmark resolution on 27 October to launch negotiations in 2017 on a treaty outlawing nuclear weapons. ...

<sup>iv</sup> <https://www.un.org/disarmament/list-of-countries-which-signed-tpnw-on-opening-day-20-september-2017/>,

[https://www.nobelprize.org/nobel\\_prizes/peace/laureates/2017/press.html](https://www.nobelprize.org/nobel_prizes/peace/laureates/2017/press.html)

<sup>v</sup> <https://www.nytimes.com/2017/06/01/climate/american-cities-climate-standards.html>

Bucking Trump, These Cities, States and Companies Commit to Paris Accord, By [HIROKO TABUCHI](#) and [HENRY FOUNTAIN](#), JUNE 1, 2017. ” The unnamed group — which, so far, includes 30 mayors, three governors, more than 80 university presidents and more than 100 businesses — is negotiating with the United Nations to have its submission accepted alongside contributions to the Paris climate deal by other nations.”





Rashi Kesarwani  
Councilmember District 1

CONSENT CALENDAR  
December 1, 2020

TO: Honorable Mayor and Members of City Council

FROM: Councilmember Rashi Kesarwani (Author), Councilmember Sophie Hahn (Co-Sponsor)

SUBJECT: Urgency Ordinance Amending Berkeley Municipal Code 13.111.020(a) (Ordinance No.7,727-N.S.) to Further Limit Third-Party Food Delivery Service Fees

RECOMMENDATION

Adopt an Urgency Ordinance amending Berkeley Municipal Code Section 13.111.020(a) (Ordinance No. 7,727-N.S.)—which establishes a temporary limit on the charges imposed by third-party delivery services on retail food establishments for the duration of the declared COVID-19 local state of emergency—by reducing the delivery fee cap from 15 percent to 10 percent, while maintaining the limit on other fees, commissions, or costs at 5 percent.

FISCAL IMPACT

Limited staff time to educate retail food establishments and third-party food delivery services about the ordinance amendment.

CURRENT SITUATION AND ITS EFFECTS

Currently, Berkeley Municipal Code Section 13.111.020(a) caps third-party food delivery charges at 15 percent for delivery fees and 5 percent for all other fees, commissions, or costs.<sup>1</sup> Unlike many other jurisdictions, our ordinance intends to provide greater protection to restaurants by imposing two separate caps—one on delivery fees and another on other fees, commissions, or costs—in an effort to prevent third-party food delivery services from shifting costs and circumventing the cap on delivery fees. This approach is modeled after the ordinance in Los Angeles.<sup>2</sup> Neighboring jurisdictions

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<sup>1</sup> City of Berkeley, Urgency Ordinance Limiting Third-Party Delivery Service Fees, July 7, 2020, [https://www.cityofberkeley.info/uploadedFiles/Clerk/Level\\_3\\_-\\_City\\_Council/Urgent%20Item%20Cover%20Memo%20-%20Third-Party%20Food%20Delivery.pdf](https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_City_Council/Urgent%20Item%20Cover%20Memo%20-%20Third-Party%20Food%20Delivery.pdf).

<sup>2</sup> Los Angeles press release, “Mayor Garcetti Signs Law Limiting Delivery App Fees for Local Restaurants,” June 2020, <https://www.lamayor.org/mayor-garcetti-signs-law-limiting-delivery-app-fees-local-restaurants>.

Amending Berkeley Municipal Code 13.111.020(a) to Further Limit Third-Party Food Delivery Service Fees

including Oakland,<sup>3</sup> Hayward,<sup>4</sup> and San Leandro<sup>5</sup> have taken a slightly different approach of only imposing a cap on delivery fees at 15 percent. It has also come to our attention that Portland imposed a delivery fee cap of 10 percent in early July 2020.<sup>6</sup>

Recently on October 30, 2020, Councilmember Kesarwani hosted a restaurant roundtable to gauge restaurants' experiences with Berkeley's cap on third-party food delivery charges. In some cases, third-party food delivery services may be applying our ordinance as a total cap of 20 percent on all charges when it is actually two separate caps—15 percent on delivery fees and 5 percent on any other fees, commissions, or costs. The input we received during the restaurant roundtable indicates that a lower cap on delivery fees would help our restaurants, and the experience of Portland leads us to believe that a 10 percent cap on delivery charges is viable.

## BACKGROUND

On July 7, 2020, the Berkeley City Council unanimously passed Ordinance No. 7,727-N.S. effectively limiting the fees third-party delivery services could charge retail food establishments in Berkeley. Key elements of Berkeley's ordinance established that it was unlawful for third-party delivery services to:

- Charge a retail food establishment a delivery fee that totals more than 15 percent of the purchase price of each online order;
- Charge a retail food establishment any combination of fees, commissions, or costs for the use of the third-party food delivery service that is greater than 5 percent of the purchase price of each online order; and
- Reduce the compensation rates paid to the delivery service driver or retain any portion of amounts designated as a tip or gratuity.

Cities such as San Francisco, Seattle, New York and Los Angeles had all recently passed similar ordinances in an effort to support their struggling restaurant industries that were being harmed by unreasonably high fees that could run close to 30 percent of the total sales of an order.

Due to the pandemic and the subsequent Shelter in Place orders that began on March 16, 2020, Berkeley food establishments pivoted to takeout services exclusively in order

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<sup>3</sup> Oakland City Council's Ordinance No. 13613, July 2020, <https://cao-94612.s3.amazonaws.com/documents/Food-Service-Delivery-Fee-Cap.pdf>.

<sup>4</sup> City of Hayward press release, "Emergency Ordinance: Temporary 15% Limit on Third-Party Delivery Service Fees," Sept. 2020, <https://www.hayward-ca.gov/your-government/departments/economic-development-division/Temporary-15-percent-limit-third-party-delivery-service-fees>.

<sup>5</sup> City of San Leandro press release, "City Council directs City Manager to Order 15% Limit on Third Party Food Delivery Company Fees," July 2020, <https://www.sanleandro.org/news/displaynews.asp?NewsID=1881&TargetID=1>.

<sup>6</sup> City of Portland, Oregon press release, "City Council Unanimously Adopts Ordinance Limiting Third-Party Food Delivery Fees," July 2020, <https://www.portland.gov/eudaly/news/2020/7/8/city-council-unanimously-adopts-ordinance-limiting-third-party-food-delivery>.

Amending Berkeley Municipal Code 13.111.020(a) to Further Limit Third-Party Food Delivery Service Fees

to be in compliance with the initial Shelter In Place Order. At the same time, restaurants were forced to accept excessively high fees from third-party delivery services for a significant share of sales. As many people were reluctant to leave their homes for fear of infection, third-party delivery services became an essential option for restaurants to remain in business. In the best of times, however, restaurants operate on very slim margins of profit. The high fees charged by the third-party delivery services during the early stages of the pandemic when most restaurants had been forced to lay off staff and were fulfilling just a fraction of their previous sales resulted in restaurants at times operating at a loss. Ordinance No. 7,727-N.S. limiting the fees that third-party food delivery services can charge was a response to the economic challenges facing restaurants.

While currently some restaurants have been able to boost their sales with installations for outdoor dining and indoor dining at a limited capacity, many people remain reluctant to make use of these options particularly as recent numbers of infections have been climbing throughout the county. As of Sunday, Nov. 8, 2020, Berkeley's number of reported infections jumped by more than 50 cases<sup>7</sup> from the end of October, while cases also climbed in Alameda and neighboring counties. As it is clear that the pandemic will be with us for some time, the City must continue its efforts to further support our retail food establishments.

#### ENVIRONMENTAL SUSTAINABILITY

There is no significant impact on environmental sustainability.

#### CONTACT

Councilmember Rashi Kesarwani District 1 (510) 981-7110

Attachments:

Ordinance No. 7,727-N.S. Section 13.111.020 with Proposed Tracked Changes

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<sup>7</sup> See City of Berkeley COVID-19 Dashboard, accessed Nov. 9, 2020: <https://datastudio.google.com/u/0/reporting/5f30863b-6ba3-4fbc-9e0f-d7b573d82a32/page/azYOB?s=o8VEd87a4ow>

Amending Berkeley Municipal Code 13.111.020(a) to Further Limit Third-Party Food Delivery Service Fees

Ordinance No. 7,727-N.S. section 13.111.020 with Proposed Tracked Changes

ORDINANCE NO. X,XXX–N.S.

URGENCY ORDINANCE AMENDING THE BERKELEY MUNICIPAL CODE TO ESTABLISH A TEMPORARY LIMIT ON THE CHARGES IMPOSED BY THIRD-PARTY DELIVERY SERVICES ON RETAIL FOOD ESTABLISHMENTS DURING THE LOCAL DECLARED STATE OF EMERGENCY RESULTING FROM THE COVID-19 PANDEMIC

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

Section 1. That Berkeley Municipal Code Section 13.111.020 is amended to read as follows:

**13.111.020. Prohibitions.**

A. It shall be unlawful for a Third-Party Food Delivery Service to charge a Retail Food Establishment a Delivery Fee that totals more than 10 percent of the Purchase Price of each Online Order.

B. It shall be unlawful for a Third-Party Food Delivery Service to charge a Retail Food Establishment any amount designated as a Delivery Fee for an Online Order that does not involve the delivery of food or beverages.

C. It shall be unlawful for a Third-Party Food Delivery Service to charge a Retail Food Establishment any combination of fees, commissions, or costs for the Retail Food Establishment's use of the Third-Party Food Delivery Service that is greater than 5 percent of the Purchase Price of each Online Order. Fees, commissions, or costs do not include Delivery Fee.

D. It shall be unlawful for a Third-Party Food Delivery Service to charge a Retail Food Establishment any fee, commission, or cost other than as permitted in Subsections A through C, above.

E. It shall be unlawful for a Third-Party Food Delivery Service to charge a customer any Purchase Price for a food or beverage item that is higher than the price set by the Retail Food Establishment on the Third-Party Food Delivery Service or, if no price is set by the Retail Food Establishment on the Third-Party Food Delivery Service, the price listed on the Retail Food Establishment's own menu.

F. It shall be unlawful for a Third-Party Food Delivery service to reduce the compensation rates paid to the delivery service driver or retain any portion of amounts designated as a tip or gratuity. Any tip or gratuity shall be paid by the Third Party Delivery Service, in its entirety, to the person delivering the food or beverages.

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E-Mail: rkesarwani@cityofberkeley.info

Section 2. Severability Clause. If any subsection, sentence, clause or phrase of this article is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this article. The City Council hereby declares that it would have adopted this article and each and every subsection, sentence, clause, and phrase thereof not declared invalid or unconstitutional, without regard to whether any portion of the article would be subsequently declared invalid or unconstitutional.

Section 3. Urgency Clause. The City Council finds and declares that this ordinance is required for the immediate preservation of public health, peace and safety for the following reason: The State of California and the City of Berkeley have declared a state of emergency due to the novel COVID-19 pandemic. Residents are subject to a "Shelter in Place" Order and Retail Food Establishments are currently only able to offer limited dining options. Many Retail Food Establishments use Third-Party Food Delivery Services, and due to the high fees imposed by Third-Party Food Delivery Services, must increase food prices to stay in business. Residents who rely on food delivery may be not be able to absorb increased food prices. Also, some Retail Food Establishments being charged high fees struggle to remain financially viable. If these Retail Food Establishments close, their workers will lose employment, which affects their ability to feed and shelter their families. Based on the findings and evidence presented, the Council determines that this Ordinance is necessary for the immediate preservation of the public health, peace and safety in accordance with Article XIV Section 93 of the Charter of the City of Berkeley. This Ordinance shall go into effect immediately upon a seven-ninths vote of the City Council, in satisfaction of the Charter of the City of Berkeley.





Rashi Kesarwani  
Councilmember, District 1

CONSENT CALENDAR  
December 1, 2020

TO: Honorable Mayor and Members of the City Council

FROM: Councilmember Rashi Kesarwani (Author), Mayor Jesse Arreguin (Co-Sponsor), and Councilmember Ben Bartlett (Co-Sponsor)

SUBJECT: Budget Referral to Prioritize Enhanced Lighting in Areas of Elevated Violent Crime

RECOMMENDATION

In an effort to immediately address safety concerns in blocks where elevated levels of violent crime--including robbery, aggravated assault (including shootings), rape, and homicide--have occurred during the COVID-19 pandemic, adopt the recommendations listed below:

- Refer to the City Manager to prioritize resident requests for enhanced lighting when such requests come from blocks where elevated violent crime has occurred during the COVID-19 pandemic.
- Refer to the City Manager to perform an environmental safety assessment of areas where gun violence has been concentrated specifically in South and West Berkeley, including but not limited to:
  - Tenth, Ninth, Eighth, and Seventh Streets between Bancroft Way and Dwight Way;
  - Residential streets in the area from Russell Street to Carrison/Tyler Streets between San Pablo Avenue and California Street;
  - Other blocks where elevated violent crime is found to have occurred during the period from March to November 2020 based on Berkeley Police data.
- Refer costs for additional lighting and environmental safety assessments to the mid-year budget process for FY 2020-21.

FISCAL IMPACT

Allocate a total of \$200,000 in order to ensure that blocks where elevated violent crime has occurred may receive prioritization for enhanced lighting, if requested and if meeting the necessary threshold for neighbor agreement (100 percent of neighbors for

Budget Referral to Prioritize Enhanced Lighting in Areas of Elevated Violent Crime

a block of single-family homes and 60 percent of neighbors for a block that includes multi-unit buildings). We note that installing a streetlight on an existing pole can cost up to \$5,000, including materials, labor, and PG&E connection fees; and installing a new metal streetlight pole can cost up to \$20,000. Costs are site-specific and can vary significantly depending on the location.

Berkeley Police staff time would be needed to conduct the environmental safety assessments.

CURRENT SITUATION AND ITS EFFECTS

Following regional and national trends, the City of Berkeley is experiencing an uptick in shootings. According to Berkeleyside, Berkeley saw 20 shootings in 2018, 28 shootings in 2019, and 37 confirmed incidents of gunfire so far in 2020 with several more weeks remaining in the calendar year.<sup>1</sup> According to the 2019 Crime Report presented to the City Council on October 13, 2020, aggravated assault and homicides increased in the period from January to August 2020 compared to the same time period last year, with aggravated assault increasing 17 percent and homicides growing from zero last year to three over the first eight months of this year.<sup>2</sup>

Recent studies demonstrate that lighting can be a useful mechanism for reducing criminal activity. The United States Department of Justice Problem-Oriented Guides for Police Response published a 2008 in-depth guide noting that “reductions in crime can be achieved by improvements in street lighting and that these reductions will be most worthwhile in high-crime neighborhoods.”<sup>3</sup> Significantly, the University of Chicago’s Harris School of Public Policy conducted a randomized-control trial--considered the gold standard in scientific research--at New York City public housing projects, which found that increased levels of lighting led to a 36 percent reduction in so-called “index crimes,” a subset of serious felony crimes that include murder, robbery, and aggravated assault, as well as certain property crimes that took place outdoors at night, with an overall 4 percent reduction in index crimes (that is, crime was reduced during the day as well).<sup>4</sup>

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<sup>1</sup> “Annual crime report sees shootings rise for the third straight year,” Oct. 15, 2020, [https://www.berkeleyside.com/2020/10/15/2020-berkeley-crime-report-shootings-rise-use-of-force-stop-data?doing\\_wp\\_cron=1603673460.1734480857849121093750](https://www.berkeleyside.com/2020/10/15/2020-berkeley-crime-report-shootings-rise-use-of-force-stop-data?doing_wp_cron=1603673460.1734480857849121093750)

<sup>2</sup> Refer to the Berkeley City Council Agenda for the October, 13, 2020 Meeting, Item #19: [https://www.cityofberkeley.info/Clerk/City\\_Council/2020/10\\_Oct/City\\_Council\\_10-13-2020\\_-\\_Regular\\_Meeting\\_Agenda.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2020/10_Oct/City_Council_10-13-2020_-_Regular_Meeting_Agenda.aspx)

<sup>3</sup> Clark, Ronald V., “Improving Street Lighting to Reduce Crime in Residential Areas,” Problem-Oriented Guides for Police Response Guides Series No. 8, Dec. 2008: <https://cops.usdoj.gov/RIC/Publications/cops-p156-pub.pdf>

<sup>4</sup> Chalfin, Aaron, Hansen, Benjamin, Lerner, Jason, and Parker, Lucie, “Reducing Crime Through Environmental Design: Evidence from a Randomized Experiment of Street Lighting in New York City,” April 24, 2019, The University of Chicago Urban Labs Crime Lab, 2180 Milvia Street, Berkeley, CA 94704 • Tel: (510) 981-7110 • Fax: (510) 981-7111 E-Mail: [rkesarwani@cityofberkeley.info](mailto:rkesarwani@cityofberkeley.info)



Budget Referral to Prioritize Enhanced Lighting in Areas of Elevated Violent Crime

## BACKGROUND

Currently, the City of Berkeley's system for processing residents' requests for increased street lighting includes filling out an online application that collects information on the applicant, the proposed location for additional lighting, and a letter of approval signed by neighbors surrounding the proposed installation. The form indicates that City approval for placement of new street lighting is based in part on the following factors:

- Current existing City lighting (as measured in lumens by the City's Public Works staff)
- Condition of existing poles at the proposed location
- Pedestrian and Bicycle Traffic
- Impacts to ADA Path of Travel
- Proximity to BART, Public Transit, Schools, and Hospitals
- Utility conflicts

This item refers to the City Manager, in conjunction with the Berkeley Police Department, to map violent crime data in order to identify City blocks experiencing elevated levels of violent crime and intends to provide a mechanism for these residents to receive prioritization for enhanced lighting.

In addition to developing a mechanism for residents of high crime areas to receive prioritization for enhanced lighting, the item requests that Berkeley's Police Department conduct Crime Prevention Through Environmental Design (CPTED) assessments for specific neighborhoods experiencing elevated levels of gun violence and/or other violent crimes. Such assessments include design recommendations such as increased lighting, maintenance of properties, and landscaping and signage that can be used to deter criminal behavior. The National Institute of Crime Prevention notes: "The proper design and effective use of the built environment can lead to a reduction in the fear and incidence of crime, and to an improvement in quality of life."<sup>5</sup>

## ENVIRONMENTAL SUSTAINABILITY

This item has no impact on environmental sustainability.

## CONTACT

Councilmember Rashi Kesarwani, District 1 (510) 981-7110

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[https://urbanlabs.uchicago.edu/attachments/e95d751f7d91d0bcfeb209ddf6adcb4296868c12/store/cca92342e666b1ffb1c15be63b484e9b9687b57249dce44ad55ea92b1ec0/lights\\_04242016.pdf](https://urbanlabs.uchicago.edu/attachments/e95d751f7d91d0bcfeb209ddf6adcb4296868c12/store/cca92342e666b1ffb1c15be63b484e9b9687b57249dce44ad55ea92b1ec0/lights_04242016.pdf).

<sup>5</sup> National Institute of Crime Prevention, Crime Prevention Through Environmental Design, <https://www.cptedtraining.net/>.





Cheryl Davila  
Councilmember  
District 2

CONSENT CALENDAR  
December 1, 2020

To: Honorable Mayor and Members of the City Council

From: Councilmembers Cheryl Davila (Author), Councilmember Kesarwani (Co-Sponsor), Councilmember Harrison (Co-Sponsor)

Subject: Striking Racially Restrictive Covenants in Certain Property Deeds

RECOMMENDATION

Adopt a Resolution and send a letter to the Alameda County Board of Supervisors and the Governor of California with the following actions:

1. The City calls upon the County of Alameda to determine which parcels of real property have deeds that have racially restrictive covenants associated with them and to proactively strike from those covenants the racially restrictive language, thereby relieving homeowners of the burden of removing such language.
2. The City urges the California legislature and governor to pass legislation requiring the same actions in every California county.

BACKGROUND:

There are neighborhoods in the City of Berkeley that historically have been designated on various maps relied on by financial institutions, realtors, and governmental agencies to determine various factors affecting the value of homes in these areas, including the alleged financial risk of mortgages, and to whom such homes would be sold. This map designation is also known as "red-lining."

As a result of federal home loan policies in existence until at least 1948 and afterwards, mortgages or loan guarantees were conditioned on racially restrictive covenants being attached to deeds to homes built in redlined neighborhoods and other neighborhoods considered appropriate for moderate income homebuyers. A typical language in these covenants states: "No lot nor plot nor building in tract shall be occupied nor resided upon by persons not wholly of the white Caucasian Race except servants or domestics employed by a white Caucasian owner or tenant." Racial prejudice by individual developers may have also resulted in the establishment of these covenants.

Racially restrictive covenants violate state and federal laws and cannot be enforced by any court.

California Government Code section 12956.2 provides a process whereby a homeowner may record with the county recorder a document titled "Restrictive Covenant Modification." This process may require that the homeowner pay a fee. It also requires the county recorder to submit the modification document to the county counsel for approval.

It is critical that the vestiges of housing discrimination be eliminated as much as possible. Because the government has been historically responsible for sanctioning and enforcing racially restrictive covenants, it remains the responsibility of government, rather than of private citizens, to purge the racially restrictive provisions of all deeds within its jurisdiction.

The County of Alameda, County Recorder's Office, has custody of property deeds in the County, and has the authority to strike the language of racially restrictive covenants.

FINANCIAL IMPLICATIONS

None.

ENVIRONMENTAL SUSTAINABILITY

Protecting our communities from racially restrictive covenants during this climate and health crisis is an act of environmental sustainability and justice.

CONTACT PERSONS

Cheryl Davila  
Councilmember District 2  
510.981.7120  
[cdavila@cityofberkeley.info](mailto:cdavila@cityofberkeley.info)

ATTACHMENTS:

1. Resolution
2. Letter to Alameda County and Governor of California

RESOLUTION NO. #####

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BERKELEY, CALIFORNIA,  
STRIKING RACIALLY RESTRICTIVE COVENANTS IN CERTAIN PROPERTY DEEDS

WHEREAS, There are neighborhoods in the City of Berkeley that historically have been designated on various maps relied on by financial institutions, realtors, and governmental agencies to determine various factors affecting the value of homes in these areas, including the alleged financial risk of mortgages, and to whom such homes would be sold. This map designation is also known as "red-lining."; and

WHEREAS, As a result of federal home loan policies in existence until at least 1948 and afterwards, mortgages or loan guarantees were conditioned on racially restrictive covenants being attached to deeds to homes built in redlined neighborhoods and other neighborhoods considered appropriate for moderate income homebuyers. A typical language in these covenants states: "No lot nor plot nor building in tract shall be occupied nor resided upon by persons not wholly of the white Caucasian Race except servants or domestics employed by a white Caucasian owner or tenant." Racial prejudice by individual developers may have also resulted in the establishment of these covenants; and

WHEREAS, Racially restrictive covenants violate state and federal laws and cannot be enforced by any court; and

WHEREAS, California Government Code section 12956.2 provides a process whereby a homeowner may record with the county recorder a document titled "Restrictive Covenant Modification." This process may require that the homeowner pay a fee. It also requires the county recorder to submit the modification document to the county counsel for approval; and

WHEREAS, It is critical that the vestiges of housing discrimination be eliminated as much as possible. Because the government has been historically responsible for sanctioning and enforcing racially restrictive covenants, it remains the responsibility of government, rather than of private citizens, to purge the racially restrictive provisions of all deeds within its jurisdiction; and

WHEREAS, The County of Alameda, County Recorder's Office, has custody of property deeds in the County, and has the authority to strike the language of racially restrictive covenants.

NOW THEREFORE BE IT RESOLVED that the City Council of Berkeley, hereby support Striking Racially Restrictive Covenants in Certain Property Deeds, and send a letter to the Alameda County Board of Supervisors and the Governor of California with the following

actions:

1. The City calls upon the County of Alameda to determine which parcels of real property have deeds that have racially restrictive covenants associated with them and to proactively strike from those covenants the racially restrictive language, thereby relieving homeowners of the burden of removing such language.
2. The City urges the California legislature and governor to pass legislation requiring the same actions in every California county.

November 9, 2020

Richard Valle, Board President  
Alameda County Board of Supervisors  
1220 Oak Street, Rm. #536  
Oakland CA 94612

**RE: Elimination of Racially Restrictive Covenants from Alameda County Property Deeds**

Dear President Valle and all Members of the Board of Supervisors:

Pursuant to a resolution passed by its City Council, the City of Berkeley urges the Alameda County Board of Supervisors to take appropriate legislative or administrative action to determine which residential properties in its jurisdiction have deeds that have covenants containing racially restrictive clauses, and direct the County Recorder's office to proactively remove such language from those covenants.

Racially restrictive covenants associated with real property have been made illegal in this country and in California by U.S. Supreme Court decisions and federal and state legislation. California Government Code sec. 12956.2 establishes a procedure whereby a homeowner may request the county recorder to modify a racially restrictive covenant. Yet this process potentially requires the homeowner to pay fees, and is subject to approval by the County Counsel.

The City of Berkeley passed the attached resolution because it believes that the responsibility for eliminating this illegal language lies with governmental institutions, not on the individual homeowner.

Sincerely,

The Berkeley City Council

Cc: Melissa Wilk, Alameda County Recorder

November 9, 2020

Honorable Gavin Newsom,  
Governor, State of California  
1303 –10<sup>th</sup> St., Suite 1173  
Sacramento, CA 95814

**RE: Curing Racially Restrictive Covenants**

Dear Governor Newsom:

Since 1948 and through the years, racially restrictive covenants associated with real property have been made illegal in this country and in California by U.S. Supreme Court decisions and federal and state legislation. Yet the language of these covenants, prohibiting homeowners in certain neighborhoods to sell or rent to anyone not “of the Caucasian race” persist in covenants attached to real property deeds throughout California, including the City of Berkeley.

California Government Code sec. 12956.2 establishes a procedure whereby a homeowner may request the county recorder to modify a racially restrictive covenant. Yet this process potentially requires the homeowner to pay fees, and is subject to approval by the county counsel.

Pursuant to the attached resolution, the City of Berkeley urges the State of California to take appropriate legislative action directing all counties in the State to determine which residential properties in their jurisdictions have deeds with covenants that contain racially restrictive clauses, and require counties to proactively remove such language from those covenants.

The City of Berkeley passed the attached resolution because it believes that the responsibility for eliminating this illegal language lies with governmental institutions, not on the individual homeowner.

Sincerely,

The Berkeley City Council

Cc: State Senator Nancy Skinner  
State Assemblymember Buffy Wicks





**SOPHIE HAHN**  
Berkeley City Council, District 5  
2180 Milvia Street, 5th Floor  
Berkeley, CA 94704  
(510) 981-7150  
shahn@cityofberkeley.info

CONSENT CALENDAR  
December 1, 2020

To: Honorable Members of the City Council  
From: Vice Mayor Sophie Hahn (Author), Councilmember Wengraf (Co-Sponsor)  
Subject: Personal Liability Protection for Small Businesses

RECOMMENDATION

1. Direct the City Manager and City Attorney to draft and submit to the City Council for consideration an emergency ordinance to prohibit the enforcement of personal liability provisions in commercial leases and commercial rental agreements in the City of Berkeley for lessees/renters who have experienced financial impacts related to the Covid-19 pandemic.
  
2. Direct the City Manager to conduct outreach to all commercial tenants regarding any protections enacted by the City Council, with a particular focus on businesses that were required to stop serving food or beverages (e.g., restaurants, bars); close to the public (e.g., hair salons, barbershops, tattoo parlors); cease operations (e.g., gyms, fitness centers); or sharply limit operations (e.g., schools, retail shops, nurseries) due to the COVID-19 crisis.

BACKGROUND

The outbreak of the COVID-19 pandemic and subsequent orders to stay at home and practice social distancing have had a profound impact on Berkeley. Although Berkelyans have exercised extraordinary patience and cooperation as the City has worked to contain the coronavirus and reopen our challenged economy, the pandemic has been crushing for vulnerable families and individuals, and for small businesses, the arts sector, schools, not-for-profits, and other local organizations.

This spring, many Berkeley businesses and organizations saw a 25-75% drop in gross receipts due to the shutdown.<sup>1</sup> Unable to absorb such a steep loss of revenue, many were forced to reduce services, lay off workers, or even shutter their establishments. Some owners and organizations face the possibility that the enterprises into which they have poured their lives may never return.

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<sup>1</sup> March 13, 2020, Letter from the Berkeley Chamber, Downtown Berkeley Association, Telegraph Business Improvement District and Visit Berkeley

Small, local businesses, as well as nonprofit and arts organizations, are key to Berkeley's economic health -- not only through economic activity, but also because they give life to our community, impacting our perception of economic well being.

This spring, the Berkeley City Council acted quickly to meet the crisis, creating a tax-exempt relief fund to provide gap resources to small businesses, arts organizations, and renters significantly impacted by the COVID-19 emergency. Through this program, grants of up to \$10,000 were made available. The City's Economic Development staff worked quickly to support businesses and organizations in many other ways, including to ensure access to resources made available by the state and federal governments.

On April 14, 2020, the City Council approved the creation of a special structured financial recovery loan fund -- the Save Our Small (SOS) Business Loan Fund -- to provide a supplemental source of capital for small businesses impacted by the COVID-19 emergency. Under the SOS Business Loan Fund, the City would act as a sponsor of the fund, working with one or more financial institutions to pool capital from private investors and the City to lower the risk of the loans and support low interest rates.

The State of California has announced a statewide loan fund based on the SOS model Berkeley passed, making these kinds of loans available to small businesses across the state.

Despite these and other bold actions by the City of Berkeley, our small businesses and organizations including arts, not-for-profits and schools, continue to face extraordinary hardship. In addition to risks to their businesses and organizations, many owners and operators in Berkeley face significant personal financial risk as well. A small business owner in Downtown Berkeley, and local resident of 20 years, recently wrote to my office and lays out the situation in very stark terms:

"I own a [business] in Downtown Berkeley which has been shut since March 16<sup>th</sup> due to Covid 19 lockdown orders. While I am still hopeful that we might reopen at some point, we are very behind on rent, and the possibility of closing permanently is very real. My business partner and I, like most small tenants, were required to personally guaranty our commercial lease in order to do business with our landlord. This means that, in the event of a default, after evicting us the landlord can come after our personal assets to recover unpaid rent; we could lose what little we have left even after losing our entire business: our homes, our kids' savings, everything is at risk. And all due to no fault of our own."

Unfortunately, personal liability guarantees are all too common in small businesses leases. Such provisions mean, with respect to a commercial lease or other rental agreement, that a small business owner becomes wholly or partially personally liable for an obligation arising under the lease or agreement in the case of a default or other event.

In cases where the Covid shutdown has deprived a small business owner of sufficient revenue to keep up with rent payments, the owner might be able to access personal assets including the business owner's home and savings.

This measure will help ensure that small business owners, and arts, not-for-profit, schools and other organizations in Berkeley that are impacted by the Covid-19 health emergency do not face the potential for personal financial ruin, including loss of their homes, as a result of this pandemic.

These enterprises -- restaurants, salons, arts organizations, schools, and others -- have been damaged through no fault of their own. Protecting the owners and operators of Berkeley businesses and organizations -- and their families -- is not only fair, it is also essential to ensuring that Berkeley is able to recover from the COVID-19 emergency and economic downturn.

#### FISCAL IMPACTS

Staff time and expenses for outreach and communications to impacted businesses.

#### CONTACT INFORMATION

Vice Mayor Sophie Hahn, Council District 5, 510-682-5905 (cell)

#### ATTACHMENTS

1. [NYC Council Int. No. 1932-A](#)





**SOPHIE HAHN**  
Berkeley City Council, District 5  
2180 Milvia Street, 5th Floor  
Berkeley, CA 94704  
(510) 981-7150  
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CONSENT CALENDAR  
December 1, 2020

To: Honorable Members of the City Council  
From: Vice Mayor Sophie Hahn (Author)  
Subject: Resolution calling on the BUSD Board and Superintendent to Consider  
Renaming Thousand Oaks Elementary to Kamala Harris Elementary School

RECOMMENDATION

Adopt a Resolution calling on the Berkeley Unified School District (BUSD) Board and Superintendent to consider initiating a process, pursuant to [BUSD Board Policy and Administrative Regulation 7310](#), to rename Thousand Oaks Elementary School to Kamala Harris Elementary School in honor of Vice President-Elect Kamala Harris.

BACKGROUND

On Tuesday, November 3, 2020, Joe Biden and Kamala Harris were elected as the next President and Vice President of the United States, having received the largest number of votes in U.S. history. Vice President-Elect Harris is the first African American and Indian American woman to be elected to the Office of Vice President or President.

Kamala Harris was born in 1964 to two graduate students at the University of California, Berkeley -- her mother, Shyamala Gopalan Harris, from India and father, Donald Harris, from Jamaica. As Senator Harris said in the speech accepting the Democratic Party's nomination for Vice President, she "got a stroller's-eye view" of the civil rights movement of the 1960s as her parents marched for justice in the streets of Berkeley.

Kamala Harris grew up in West Berkeley and [attended](#) Thousand Oaks Elementary School in District 5. She was in the second class to be part of the [Berkeley school integration program](#) -- an innovative two-way busing plan designed to fully integrate Berkeley's public schools. As Vice President-Elect Harris wrote in her 2019 memoir *The Truths We Hold*, "I only learned later that we were part of a national experiment in desegregation, with working-class black children from the flatlands being bused in one direction and wealthier white children from the Berkeley hills bused in the other."

In a statement to [Berkeleyside](#), Vice President-Elect Harris credited her first grade teacher at Thousand Oaks, Mrs. Frances Wilson, with having a profound effect on her and being deeply committed to the diverse group of students in her class. She has written about her fond childhood memories of visiting the Rainbow Sign in Berkeley, where she met artists and activists, and spending afternoons cleaning test tubes at Berkeley Labs.

After moving away from Berkeley at the age of 12, Kamala Harris went to High School in Montreal, Canada and then graduated from Howard University in Washington DC and earned a

law degree from the University of California, Hastings in San Francisco. She has dedicated her career to public service, serving as a prosecutor in Alameda County, as the first African American and Indian American woman to be elected as San Francisco District Attorney, and as the first African American and Indian American woman to be elected California Attorney General.

In 2016, Kamala Harris was the first African American and Indian American woman to be elected to the U.S. Senate. Since taking office as one of California's two women Senators, Vice President-Elect Harris has served with distinction and has been a powerful voice for justice and accountability.

On November 7, 2020, Joe Biden and Kamala Harris were declared the winners of the 2020 Presidential election, winning more than the 270 electoral votes necessary to be elected as the 46th President and Vice President of the United States.

This resolution celebrates Kamala Harris, an African American and Indian American woman, daughter of immigrants, student of Berkeley Unified School District public schools, and accomplished public servant, and offers congratulations on her election as Vice President of the United States.

It further calls on the Berkeley Unified School District (BUSD) Board and Superintendent to initiate a process, pursuant to [BUSD Board Policy and Administrative Regulation 7310](#), to rename Thousand Oaks Elementary School to Kamala Harris Elementary School in honor of Vice President-Elect Kamala Harris.

#### FINANCIAL IMPLICATIONS

None.

#### CONTACT INFORMATION

Vice Mayor Sophie Hahn, Council District 5, 510-682-5905 (Cell)

#### ATTACHMENTS

1. Resolution

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

CONGRATULATING KAMALA HARRIS ON HER ELECTION

AS VICE PRESIDENT OF THE UNITED STATES AND CALLING ON THE BERKELEY UNIFIED SCHOOL DISTRICT BOARD AND SUPERINTENDENT TO CONSIDER RENAMING THOUSAND OAKS ELEMENTARY SCHOOL TO KAMALA HARRIS ELEMENTARY SCHOOL

WHEREAS, on Tuesday, November 3, 2020, Joe Biden and Kamala Harris were elected President and Vice President of the United States, having received the largest number of votes in U.S. History, over 75 Million, and winning more than the 270 electoral votes necessary to be elected;

WHEREAS, Kamala Harris is the Vice President-Elect of the United States, becoming the first Woman, the first African American, and the first South Asian-American to be elected to the office of Vice President, and the first Woman ever to be elected to the Presidential ticket;

WHEREAS, the election of Kamala Harris as Vice President is a momentous event with unprecedented historic significance, providing hope and inspiration to millions of people, and in particular to girls and young people of color, across the United States and around the world;

WHEREAS, Kamala Harris grew up in Berkeley and attended Thousand Oaks Elementary School as part of the second class to go K-12 under Berkeley Unified School District's voluntary integration program;

WHEREAS, Kamala Harris credits her first grade teacher, Mrs. Frances Wilson at Thousand Oaks Elementary School, with having a profound effect on her and being deeply committed to her diverse group of students;

WHEREAS, Kamala Harris lived in Berkeley until age 12, spending her childhood learning about activism, and spending time at The Rainbow Sign, a Black cultural center that served as a bridge across all borders—ethnic, national and political, on what is now Martin Luther King Jr Way;

WHEREAS, Thousand Oaks School has already honored Kamala Harris and other outstanding women and girls with a mural and a dedication ceremony including speeches, plays, and other commemorations for "Women and Girls Who Make an Impact";

WHEREAS, Berkeley Unified School District, in Administrative Regulation 7310, has an established process for naming schools in honor of "[i]ndividuals, living or deceased, who have made contributions of state, national or worldwide significance" and lays out a process for naming schools, "under extraordinary circumstances, after thorough review," that can be initiated by the School Board or Superintendent, among others;

WHEREAS, the BUSD process for reviewing existing names of schools includes examination of "whether the individual, on the whole, has made outstanding contributions to the community or

made contributions of state, national or worldwide significance in light of the Berkeley community's values and contemporary view on history”;

WHEREAS, Kamala Harris referenced the historic nature of her election as Vice President in her victory speech on November 7, 2020, in Wilmington Delaware, when she honored the “generations of women — Black women. Asian, White, Latina, and Native American women throughout our nation’s history who have paved the way for this moment”;

WHEREAS, Kamala Harris also spoke powerfully and directly to the children of the United States, stating that “regardless of your gender, our country has sent you a clear message: Dream with ambition, lead with conviction, and see yourself in a way that others might not see you, simply because they’ve never seen it before”;

WHEREAS, Kamala Harris referenced the need to acknowledge the contributions of all women “who fought and sacrificed so much for equality, liberty, and justice for all, including the Black women, who are too often overlooked, but so often prove that they are the backbone of our democracy”;

NOW, THEREFORE, BE IT RESOLVED THAT: The Berkeley City Council honors and celebrates the election of Kamala Harris to the Office of Vice President of the United States of America, and congratulates both President-Elect Biden and Vice President-Elect Harris for winning the 2020 Presidential Election with more votes than any ticket in the history of the United States; and

BE IT FURTHER RESOLVED THAT: The Berkeley City Council calls upon the BUSD Board and Superintendent, pursuant to BUSD Board Policy and Administrative Regulation 7310, to initiate a review of the name of Thousand Oaks Elementary School and consider renaming the school to Kamala Harris Elementary School, in honor of former student and Vice President-Elect Kamala Harris.

BE IT FURTHER RESOLVED THAT: The City Clerk is hereby directed to send a copy of this resolution to the Office of Vice President-Elect Kamala Harris, President-elect Joe Biden, Senator Dianne Feinstein, and Representative Barbara Lee.





Susan Wengraf  
Councilmember District 6

CONSENT CALENDAR  
December 1, 2020

To: Honorable Mayor and Members of the City Council  
From: Councilmember Susan Wengraf (Author), Councilmember Sophie Hahn (Co-Sponsor)  
Subject: California Recycling and Plastic Pollution Reduction Act: Endorsement of the 2022 Ballot Initiative

RECOMMENDATION

Approve the Resolution endorsing the "California Recycling and Plastic Pollution Reduction Act of 2020", also referred to as "Plastics Free California" so the Ballot Measure campaign can include the City of Berkeley in its list of supporters in campaign literature from now until the 2022 election.

FINANCIAL IMPLICATIONS

None

BACKGROUND

Global plastic production is approaching one million tons per day and is set to double by 2030. If this trend continues, experts project that by 2050 there will be more plastic in our oceans than fish. The Plastics Free California initiative aims to reduce the production of plastic and to increase recycling and restore and protect environments harmed by plastic pollution.

This initiative was originally on track to appear on the November 2020 ballot; however, safety precautions in response to COVID slowed down the process. The item is currently slated for the 2022 ballot. Upon endorsement approval, Councilmember Wengraf will complete the on-line endorsement form confirming the support of the City of Berkeley.

ENVIRONMENTAL SUSTAINABILITY

Most plastics are petrochemicals made from hydrocarbons derived from fossil fuels. Production of these materials contributes to climate change and furthers our reliance on nonrenewable resources. Litter of these plastics constitutes a form of oil pollution spilling into our oceans and contaminating our environment.

CONTACT PERSON

Councilmember Wengraf                      Council District 6                      510-981-7160

Attachments: 1: Resolution 2: Draft Initiative submitted to CA Attorney General

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

ENDORSEMENT OF THE PLASTICS FREE CA 2022 BALLOT INITIATIVE

WHEREAS, The City of Berkeley has a history of passing legislation to reduce plastic use, from its ban on Styrofoam in 1988 to its ban on single use disposable foodware in 2019; and

WHEREAS, “Nearly eight million tons of plastic enter the ocean each year, mostly from single-use plastic items like bags, bottle caps, water bottles, and Styrofoam™ cups”<sup>1</sup>; and

WHEREAS, “Consumer use of these products is measured in days or minutes, while the environmental, public health, and social costs are measured in generations or centuries”<sup>2</sup>; and

WHEREAS, “We produce about one million tons of plastic every day, and we’re on track to double that by 2030 and have more plastic than fish in our oceans by 2050”<sup>3</sup>; and

WHEREAS, The Plastics Free California initiative provides the state, and Berkeley, an opportunity to turn the tide on the seemingly intractable problem of plastic pollution.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City of Berkeley endorses the Plastics Free California 2022 Ballot Initiative.

BE IT FURTHER RESOLVED that this endorsement continues Berkeley’s commitment to environmental sustainability and the reduction of plastic use and production.

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<sup>1</sup> Linda Escalante, California Coastal Commissioner

<sup>2</sup> ibid

<sup>3</sup> Dr Caryl Hart, California Coastal Commissioner

CALIFORNIA RECYCLING AND PLASTIC POLLUTION REDUCTION ACT OF 2020

**SEC.1. Title.**

This measure shall be known and may be cited as the "California Recycling and Plastic Pollution Reduction Act of 2020."

**SEC.2. Findings and Declarations**

The People of the State of California find and declare all of the following:

(a) Annual global production of plastic has reached 335 million tons and continues to rise. In part due to increased availability of and reliance on fossil fuel resources, global plastic production is projected to more than triple by 2050, which would account for 20 percent of all fossil fuel consumption.

(b) Nearly 9 million tons of plastic enters the ocean each year globally. Without action, the amount of plastic entering the ocean each year will double by 2025. Researchers have found deadly levels of plastic pollution in the guts of seabirds, sea turtles, and marine mammals, including whales and dolphins.

(c) Most plastics are petrochemicals made from hydrocarbons derived from fossil fuels. Production of these materials contributes to climate change and furthers our reliance on nonrenewable resources. Litter of these plastics constitutes a form of oil pollution spilling into our oceans and contaminating our environment.

(d) Local taxpayers in California annually spend in excess of four hundred twenty million dollars (\$420,000,000) in ongoing efforts to clean up and prevent plastic and other litter from entering our rivers and streams and polluting our beaches and oceans.

(e) Large and small plastic particles are increasingly found in streams, rivers and coastal ecosystems degrading habitat conditions for wildlife and contaminating fish, plants and other organisms. Plastic particles have also been found in drinking water, bottled water, table salt, and fish and shellfish from local California fish markets.

(f) Disadvantaged and low-income communities are disproportionately impacted by the human health and environmental impacts of plastic pollution and fossil fuel extraction.

(g) California's commitment to recycling has created 125,000 jobs and provides the raw materials necessary to support manufacturing businesses.

(h) As the fifth largest economy in the world and a global center of innovation, California has a responsibility and ability to lead on solutions to the growing plastic pollution crisis and waste reduction generally.

(i) Further, businesses selling products in and into California have a responsibility to minimize waste and ensure their products and packaging are reusable, recyclable, or compostable and do not enter the environment.

### SEC.3. Purpose and Intent.

It is the intent of the People of the State of California to do all of the following with this measure:

(a) Reduce the sources of plastic pollution and its impacts on the state's ocean, coastal and freshwater environments and communities.

(b) Reduce the amount of single-use plastic packaging and single-use plastic foodware waste generated in the state.

(c) Reduce our reliance on fossil fuels and move towards renewable materials, including biobased products.

(d) Develop long term Incentives to maintain and increase recycling, composting, reuse, and remanufacturing infrastructure.

(e) Reduce the cost to local governments, ratepayers, and the state to achieve the state's recycling and composting goals.

(f) Promote the design and deployment of reusable and refillable systems and other innovations for packaging and single-use plastic foodware.

(g) Increase the use of recycled and renewable materials in the production of single-use foodware and single-use plastic packaging.

(h) Mitigate and abate the impacts of plastic pollution, solid waste disposal, and litter on the state's natural environment and communities.

(i) Restore and protect streams, rivers, beaches, coastal and ocean environments impacted by plastic pollution and other toxins associated with plastic materials.

U) Increase the recycling of food scraps, yard trimmings and other organic waste, recover edible food for human consumption, increase the production and use of compost, and provide financial incentives and technical assistance to deploy a diversity of healthy soils and water-smart practices, including compost applications, which increase carbon sequestration, reduce greenhouse gas emissions and provide multiple air and water quality benefits.

(k) Producers shall be responsible for ensuring that, to the maximum extent possible, single-use plastic packaging and single-use foodware pollution and waste is reduced,

recycled, or composted, and by the year 2030, the amount of California-generated single-use plastic packaging and single-use foodware waste that is disposed shall be reduced by 80 percent compared to 2020 levels, as determined by the Department.

(l) Require the producers of single-use plastic packaging to pay for cleanup of plastic pollution and management of plastic waste by imposing a fee on single-use plastic packaging and single-use plastic foodware.

(m) Relieve local governments and taxpayers from the costs of single-use plastic packaging waste by establishing a California Plastic Pollution Reduction Fund, which would support local public works infrastructure and litter abatement activities, composting, recycling, reuse, and environmental restoration.

(n) Nothing in this initiative is intended to impose new increased costs to state or local governments.

SEC. 4. Chapter 6.1 (Commencing with Section 42380) is added to Part 3 of Division 30 of the Public Resources Code, to read:

42380 For purposes of this Act, the following definitions apply:

(a) "California Plastic Pollution Reduction Fee" means the fee imposed pursuant to Section 42382(a).

(b) "Department" shall mean the California Department of Resources Recycling and **Recovery**.

(c) "Disadvantaged community" means a community identified as disadvantaged pursuant to Health and Safety Code Section 39711.

(d) "Expanded polystyrene food service container" means a container made primarily of expanded polystyrene and used in the restaurant and food service industry for serving or transporting prepared, ready-to-consume food or beverages, including, but not limited to, plates, cups, bowls, trays, and hinged containers. "Expanded polystyrene food service



container" does not include packaging for unprepared foods.

(e) "Food vendor" means an establishment that provides prepared food for public consumption on or off its premises, and includes, but is not limited to, a store, shop, sales outlet, restaurant, grocery store, supermarket, delicatessen, catering truck or vehicle, any other person who prepares prepared food, and any organization, group, or individual that provides food as part of its services.

{f) "Low-income communities" are census tracts with median household incomes at or below 80 percent of the statewide median income or with median household incomes at or below the threshold established pursuant to Health and Safety Section 50093.

(g) "Low-income households" are those with household incomes at or below 80 percent of the statewide median income or with household incomes at or below the threshold established pursuant to Health and Safety Code Section 50093.

(h) "Person" means a natural person, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, limited liability company, association, or other entity.

(i) "Plastic" means a synthetic material chemically formed by the polymerization of organic substances that can be molded or extruded at high heat into various solid forms that may be solid, porous, flexible, or rigid, including elastomers, fibers, adhesives, and surface coatings, as those terms are defined by the Department.

(j) "Priority population" means disadvantaged communities, low-income households, and low-income communities.

(k) (1) "Producer" means the person who manufactures the single-use plastic packaging or single-use plastic foodware items under that person's own name or brand or who sells or offers for sale the single-use plastic packaging or single-use plastic foodware item.

(2) If there is no person who is the producer of the single-use plastic packaging or single-use plastic foodware for purposes of paragraph (1) of this subdivision, the producer is the person who imports the single-use plastic packaging or single-use plastic foodware as the owner or licensee of a trademark or brand under which the single-use plastic packaging or single-use plastic foodware is sold or distributed in the state.

(3) If there is no person who is the producer for purposes of paragraphs (1) and (2) of this subdivision, the producer is the person that offers for sale, sells, or distributes the single-use plastic packaging or single-use plastic foodware in the state.

(1) "Single-use plastic foodware" means single-use food service ware, made partially or entirely of plastic, such as plates, hinged containers, bowls, cups, utensils, stirrers, straws and lids, and similar products as determined by the Department.

(m) "Single-use plastic packaging" means the packaging or components of packaging material, made partially or entirely of plastic, including plastic coated paper, plastic coated paperboard, and multi-layer flexible packaging containing plastic used for the containment, protection, handling, delivery, or presentation of goods by the producer for the user or consumer, ranging from raw materials to processed goods. Packaging includes, but is not limited to, all of the following:

(1) Sales packaging or primary packaging intended to constitute a sales unit to the consumer at the point of purchase and most closely contains the product, food, or beverage.

(2) Grouped packaging or secondary packaging intended to brand or display the product.

(3) Transport packaging or tertiary packaging intended to protect the product during transport.

(4) Single-use plastic packaging shall not include material used for the containment of medical devices and prescription drugs as specified in the federal Food, Drug, and Cosmetic Act (21 U.S.C. Secs. 321(h) and (g), and Sec. 353(b)(1)), infant formula, as defined in 21. U.S.C. Section 321(z), on-farm tertiary single-use plastic packaging, or reusable plastic packaging, as defined by the Department.

42381(a) The Department, in consultation with the California Environmental Protection Agency, the California Natural Resources Agency, the Ocean Protection Council, and the California Department of Tax and Finance Administration shall adopt regulations to implement and enforce this Act. Such regulations shall do all of the following:

(1) Place requirements on producers to ensure single-use plastic packaging and single-use plastic foodware is reusable, refillable, recyclable, or compostable by 2030. The Department shall, by regulation, define the terms reusable, recyclable, or compostable for purposes of this Act. In determining recyclability, the Department shall, at a minimum, consider whether a material type and form is regularly collected for recycling, sorted, and aggregated into defined streams, prior to being verifiably used in the production of new products. Combustion, fuel production, and other forms of disposal shall not constitute recycling of single-use plastic packaging and single-use plastic foodware.

(2) Place requirements on producers to reduce or prohibit single-use plastic packaging and single-use plastic foodware that the Department determines to be unnecessary for the delivery of a product or food item.

(3) Place requirements on producers to source reduce, by both weight and number of items, single-use plastic packaging and single-use plastic foodware sold in or into California to the maximum extent possible, and by no less than twenty-five percent (25%) by 2030. Source reduction shall not result in replacing a recyclable or compostable material with a nonrecyclable or noncompostable material. The Department shall, by regulation, develop a baseline by 2023 and a timeline for reduction to achieve the 2030 goal.

(4) Authorize the Department to require producers to use recycled content and renewable materials, as defined by the Department, in the production of single-use plastic packaging

and single-use plastic foodware while ensuring recyclability or compostability.

(5) Establish mechanisms for convenient consumer access to recycling, including but not limited to take-back programs and deposits.

(6) Establish and enforce labeling standards to support the proper sorting of discarded single-use plastic packaging and single-use plastic foodware.

(7) Prohibit the distribution of an expanded polystyrene food service container by a food vendor.

(8) Consider the adoption of regulations to ensure the health and safety of all single-use plastic packaging and single-use plastic foodware, consistent with but not limited to the provisions of Chapter 6, commencing with 42370, of Part 3 of Division 30 of the Public Resources Code.

(b) Nothing in this subdivision shall be construed to impose any mandate upon a local government or local recycling provider.

(c) Producers shall register with the Department and submit data to the state that the Department deems appropriate to carrying out this chapter. Producers shall be responsible for proving compliance with these mandates.

(d) If the Department determines at any point that a single-use plastic packaging and single-use plastic foodware item cannot comply with a regulation established by the Department pursuant to section (a) due to health and safety reasons, because it is unsafe to recycle, or presents unique challenges and has no alternatives, the Department may exempt or provide an extension for that single-use plastic packaging or single-use plastic foodware from that regulatory requirement.

42382(a) The Department shall establish by January 1, 2022, and a producer shall pay, a California Plastic Pollution Reduction Fee, as determined by the Department, on all single-use plastic packaging and single-use plastic foodware destined for final sale in California, Such fee shall not exceed one cent (\$0.01) per item of single-use plastic foodware or single-use plastic packaging. Beginning January 1, 2030, the Department shall adjust annually thereafter the fee for inflation based on the California Consumer Price Index. The Department shall contract with the California Department of Tax and Fee Administration to administer, collect and enforce the fee established by the Department. Costs incurred by the California Department of Tax and Fee Administration for administering, collecting and enforcing the fee shall be paid by proceeds from the fee prior to distribution pursuant to subdivision (k).

(b) In determining the amount of the fee, the Department shall rely on the average net cost of recycling each material type and form, as determined by the Department, and the amount of each material type utilized by producers. For single-use plastic packaging and single-use plastic foodware that the Department determines is not currently recyclable or compostable, the amount of the fee shall be the equivalent of one cent (\$0.01) per item. The Department may update the amount of the fee no more than annually.

(c) Single-use plastic foodware and plastic packaging that are determined by the Department to be made wholly from plastic derived from renewable materials shall be subject to a fee that shall not exceed one-half cent (\$0.005) per item of single-use plastic packaging or single-use plastic foodware. Single-use plastic foodware and single-use plastic packaging that are made primarily from plastic derived from renewable materials shall be subject to a fee that shall not exceed three-quarters of one cent (\$0.0075) per item of single-use plastic packaging or single-use plastic foodware, as determined by the Department.

(d) A producer shall remit the fee assessed pursuant to this subdivision to the California Department of Tax and Fee Administration for deposit into the California Plastic Pollution Reduction Fund, which is hereby created in the State Treasury.

(e) The amount of the California Plastic Pollution Reduction Fee shall be paid by the producer of a single-use plastic foodware or single-use plastic packaging and shall not be passed on to consumers as a separate item on a receipt or invoice.

(f) The Department may adopt regulations for determining the amount of the fee for each material type, the schedule on which the fee is to be paid by a producer, and the methodology for adjusting the fee based on changes in the net cost of recycling, recyclability, or compostability. Regulations to adjust the fee shall be deemed to meet the description in subdivision (g) of Section 11340.9 of the Government Code and may be filed by the Department pursuant to Section 11343.8 of the Government Code.

(g) The Department of Finance may authorize one or more loans to the California Plastic Pollution Reduction Fund for cashflow purposes subject to the following conditions:

(1) The loans are to allow the departments identified in this section to begin program implementation activities, including, but not limited to, drafting program guidelines and regulations.

(2) The loans are short term, and shall be repaid within 30 days after the deposit of sufficient revenues into the California Plastic Pollution Reduction Fund.

(3) Interest charges may be waived pursuant to subdivision (e) of Section 16314 of the Government Code.



(h) The Department may impose an administrative civil penalty not to exceed fifty thousand dollars (\$50,000) per day on any producer not in compliance with this Act or any of the regulations the Department adopts to implement this Act. Funds collected pursuant to this provision shall be deposited into the California Plastic Pollution Reduction Penalty Account, which is hereby created in the State Treasury. Moneys in the California Plastic Pollution Reduction Penalty Account shall be expended upon appropriation by the Legislature in the annual Budget Act.

(i) The Department shall engage an independent firm of certified public accountants to conduct an annual audit of all accounts and transactions of the Department related to this Act. The audited financial statements shall be presented to the Department and the Controller not more than 120 days after the close of the fiscal year. The independent auditor's report shall be posted on the Department website. The Controller shall conduct quarterly and annual audits and postaudits of all accounts and transactions of the Department related to this Act and other special postaudits as the Controller deems necessary. The Controller or his or her agents conducting an audit in accordance with this Act shall have access and authority to examine any and all records of the Department, the Department's contractors or any other agency or entity receiving money from the California Plastic Pollution Reduction Fund. The Controller may issue a public report of any annual postaudit, which shall be posted on the Controller's website.

U) A state entity that receives an appropriation or allocation from the California Plastic Pollution Reduction Fund pursuant to this chapter shall use no more than five percent (5%) of that appropriation or allocation for costs related to program administration, including costs associated with the annual independent financial audit, the State Controller's review of the annual independent financial audit, any additional State Controller audits based on findings from the independent financial audit or that the Controller deems necessary, and the allocation and reporting of revenues deposited in the California Plastic Pollution Reduction Fund. The administrative costs shall not include the Department's costs associated with development and implementation of the regulations adopted pursuant to Section 42381(a) and the repayment of loans made from the California Plastic Pollution Reduction Fund.

(k) After deducting costs of collection, administration and enforcement of the fee pursuant to subdivision(a), the revenues deposited into the California Plastic Pollution Reduction Fund shall be distributed as follows:

(1) Twenty percent (20%) of moneys deposited into the California Plastic Pollution Reduction Fund shall be transferred quarterly by the Controller to the Local Government Fund in the California Plastic Pollution Reduction Fund, which is hereby created in the State Treasury to be provided to local governments, upon appropriation by the Legislature in the annual Budget Act.

(A) The Local Government Fund shall invest in priority populations as follows:

(i) A minimum of twenty-five percent (25%) of the available moneys in the Local

Government Fund shall be allocated to projects located within the boundaries of, and benefiting individuals living in, disadvantaged communities.

(ii) A minimum of five percent (5%) of the available moneys in the Local Government Fund shall be allocated to projects that benefit low-income households or to projects located within the boundaries of, and benefiting individuals living in, low-income communities located anywhere in the state.

(iii) A minimum of five percent (5%) of the available moneys in the Local Government Fund shall be allocated either to projects that benefit low-income households that are outside of, but within one-half mile of, disadvantaged communities or to projects located within ,the boundaries of, and benefiting individuals living in, low-income communities that are outside of, but within one-half mile of, disadvantaged communities.

(B) The Controller shall disburse these allocations as directed by the Legislature, for the following purposes:

(i) Protect groundwater and local clean drinking water supplies from the impacts of plastic pollution.

(ii) Prevent and clean up the impacts of litter and marine plastic pollution on communities and the natural environment.

(iii) Maintain local recycling and composting programs, and increase the amount of material recycled or composted.

(iv) Educate and provide outreach to residents and businesses on waste reduction, recycling, and composting

(v) Provide grants to organizations involved in litter abatement, public education, developing community recycling and composting infrastructure, or designing and deploying reusable system alternatives to single-use plastic foodware.

(2) Fifty percent (50%) of moneys deposited into the California Plastic Pollution Reduction Fund shall be transferred quarterly by the Controller to the Recycling, Composting and Reuse Fund in the California Plastic Pollution Reduction Fund, which is hereby created in the State Treasury for use by the Department to implement and enforce this Act and to specifically support statewide reduction, recycling, and composting efforts and create a supply of recycled materials to support manufacturing of products made from recycled materials. Moneys in the Recycling, Composting and Reuse Fund shall be continuously appropriated without regard to fiscal year. The Department shall develop, and regularly update, a Plastic Pollution Reduction Fee Investment Plan to allocate this funding. The plan shall do all of the following:

(A) Create, improve, and sustain markets for recyclable and compostable materials by developing:

(i) A Plastic Recycling Market Development Program to create new domestic markets for the recycling of plastics that had previously been disposed or exported, and enhance existing plastics recycling infrastructure.

(ii) A Glass Recycling Market Development Program to maintain and increase glass recycling. Not less than half of the revenue dedicated to this program shall be used to provide non-competitive market development payments for the use of recycled cullet in the manufacturing of glass container packaging.

(iii) A Fiber Recycling Market Development Program to maintain and increase the recycling of paper, cardboard and other fiber.

(iv) An Organic Waste Market Development Program to create incentives to maintain and increase the infrastructure for composting food scraps, yard trimmings and other organic waste.

(B) Establish a Circular Economy Grant Program to fund and provide technical assistance to programs that decrease reliance on single-use plastic packaging and that contribute to increased recycling and composting in the state. The Circular Economy Grant Program shall fund:

(i) Recycling and composting infrastructure.

(ii) The deployment of reusable or refillable system alternatives to packaging and single-use plastic foodware.

(iii) Practices by farmers and ranchers that establish healthy soils and water-smart practices, including the production and use of compost, that increase carbon sequestration, reduce greenhouse gas emissions, and improve the health and climate resilience of agricultural landscapes. The Department may contract with other agencies for the distribution of these funds to ensure this program complements and does not supplant existing programs.

(iv) Practices by landowners for the use of compost to support the restoration of degraded landscapes. The Department may contract with other agencies for the distribution of these funds to ensure this program complements and does not supplant existing programs.

(v) Organizations that prevent food waste, recover edible food for human consumption, or reduce food insecurity.

(vi) Organizations that undertake research, create educational and policy programs, or develop innovative solutions aimed at reducing disposal of single-use plastic packaging or mitigating the impacts of single-use plastic packaging waste on the state's natural

environment, including streams, rivers, beaches and coastal and ocean environments.

(vii) The Circular Economy Grant Program shall invest in priority populations as follows:

(a) A minimum of twenty-five percent (25 %) of the Circular Economy Grant Program funds shall be allocated to projects located within the boundaries of, and benefiting individuals living in, disadvantaged communities.

(b) A minimum of five percent (5%) of the Circular Economy Grant Program funds shall be allocated to projects that benefit low-income households or to projects located within the boundaries of, and benefiting individuals living in, low-income communities located anywhere in the state.

(c) A minimum of five percent (5%) of the Circular Economy Grant Program funds shall be allocated either to projects that benefit low-income households that are outside of, but within one-half mile of, disadvantaged communities or to projects located within the boundaries of, and benefiting individuals living in, low-income communities that are outside of, but within one-half mile of, disadvantaged communities.

(3) (A) Thirty percent (30%) of the moneys deposited into the Fund shall be transferred quarterly by the Controller to the Environmental Mitigation Account, which is hereby established in the State Treasury, and shall be available to the Natural Resources Agency for grants to state and local public agencies to mitigate the impacts of plastic pollution, and to protect and restore wildlife and the environment including coastal and ocean ecosystems, streams, rivers, and beaches. Moneys in the Environmental Mitigation Account shall be continuously appropriated without regard to fiscal year. Funds allocated pursuant to this paragraph shall be used to restore habitat and wildlife and protect and improve public access to the state's natural resources.

(B) Funds allocated pursuant to this paragraph shall be used to increase and enhance activities described in subparagraph (A) and not replace allocation of other funding for those purposes. Accordingly, General Fund appropriations to the Department of Fish and Wildlife, California Coastal Conservancy, Wildlife Conservation Board, Ocean Protection Council, the Department of Parks and Recreation and the California Natural Resources Agency shall not be reduced below the levels provided in the Budget Act of 2019 (Chapter 40 of Statutes of 2019).

**SEC.5. Effective Date.**

This Act shall take effect upon approval by the voters of the California Recycling and Plastic Pollution Reduction Act of 2020 as provided in Article 11, Sec. 10 of the California Constitution.

**SEC. 6. Severability.**



The provisions of this Act are severable. If any portion, section, subdivision, paragraph, clause, sentence, phrase, word or application of this Act is for any reason held to be invalid by a decision of any court of competent jurisdiction, that decision shall not affect the validity

of the remaining portions of this Act. The People of the State of California hereby declare that they would have adopted this Act and each and every portion, section, subdivisions, paragraph, clause, sentence, phrase, word, and application not declared invalid.

SEC. 7. Amendment.

The Legislature may amend the Sections 42380, 42381, and 42382 of the Public Resources Code to further the purposes of the CALIFORNIA RECYCLING AND PLASTIC POLLUTION REDUCTION ACT OF 2020 by a statute passed in each house by roll call vote entered in the journal, two-thirds of the membership concurring.



CITY COUNCILMEMBER  
**RIGEL ROBINSON**  
DISTRICT 7

28

CONSENT CALENDAR  
December 1, 2020

To: Honorable Mayor and Members of the City Council  
From: Councilmember Robinson  
Subject: Referral: Commission Low-Income Stipend Reform

RECOMMENDATION

Refer to the City Manager to develop and return to Council with a plan to improve equity, accessibility, and representation in City of Berkeley commissions by modernizing the low-income stipend program, and in doing so consider:

1. Increasing the annual household income cap for stipend eligibility from \$20,000 to align with the 50% Area Median Income (AMI) guidelines for Alameda County and reflect household size, and updating it annually with the latest HUD data.
2. Increasing the low-income stipend from \$40 to \$78 per meeting, and updating it annually with the City of Berkeley minimum wage to correspond to compensation for 2.5 hours of work.

CURRENT SITUATION

Under current policy, a City of Berkeley commissioner qualifies for the low-income stipend if their combined household income is under \$20,000. The income cap does not take household size into account. The Council last updated the stipend policy in April 2010, via Resolution No. 64,831–N.S.

An eligible commissioner is authorized to receive:

- \$40 for each official meeting attended, not to exceed four meetings each month.
- Reimbursement for actual childcare expenses incurred while they attend meetings.
- Reimbursement for actual expenses paid to an attendant to provide care for a dependent elderly person while the commissioner attends meetings.
- Reimbursement for actual expenses incurred for disabled support services necessary to participate fully in board, commission, or committee meetings.

If a commissioner is paid \$600 or more in stipend payments in one calendar year, an IRS Form 1099 will be generated by the Finance Department.

To establish eligibility, commissioners must file the Annual Declaration form, found in Appendix H of the Commissioner’s Manual, with the secretary of their board, commission, or committee. Commissioners must file a new declaration form annually

prior to May 31 in order to maintain eligibility. Commissioners who are minors (under 18 years old) must have eligibility declaration forms cosigned by a parent or legal guardian attesting that the combined household income is under \$20,000.

Pursuant to Berkeley Municipal Code Section 3.32.060, Police Review Commissioners receive \$3 per hour for their time and work investigating complaints, reviewing policies and practices, and attending meetings, for a maximum compensation of \$200 per month.

### BACKGROUND

The City of Berkeley has over 35 boards and commissions, which reflects the high level of political participation from its residents. The work that these commissioners carry out is invaluable to the City Council and Berkeley at large, providing expertise and in-depth policy recommendations on a wide range of subjects that the Council would otherwise only be capable of giving cursory attention to.

Outside of the regularly scheduled meetings that low-income commissioners are compensated for, extended work hours are almost always necessary. A commissioner's financial situation should not act as a barrier to civic engagement in any capacity. This referral seeks to make commission roles more accessible by expanding stipend eligibility and implementing a cost of living adjustment.

### ***Expanding Stipend Eligibility***

The \$20,000 income cap for stipend eligibility has not been adjusted in recent memory, despite inflation and cost of living skyrocketing in Berkeley and the greater Bay Area.

According to 2019 data from the U.S. Department of Housing and Urban Development (HUD), the median income in Alameda County for a household of four is \$111,700. This means that a family of four making \$61,950 is classified as "very low-income" and is eligible for Section 8 housing. Even a commissioner in a one-person household making \$26,050, which HUD considers "extremely low-income" at 30% AMI, would not qualify for the low-income stipend with the current criteria.

In order to ensure that everyone who wants to serve on a City of Berkeley commission can afford to do so, the criteria for stipend eligibility must be expanded to show an accurate picture of costs of living. If a household qualifies for low-income housing at 50% AMI, they should also qualify for low-income commissioner stipends. Furthermore, household size should be taken into account when determining eligibility, as shown in the chart below.

### 2019 HUD Alameda County Income Guidelines

Effective April 24, 2019

| Persons in Household | Annual Income Extremely Low (30%) | Annual Very Low Income (50%) | (60%)    | Annual Low Income (80%) | Annual Income Median (100%) | Annual Income Moderate (120%) |
|----------------------|-----------------------------------|------------------------------|----------|-------------------------|-----------------------------|-------------------------------|
| 1                    | \$26,050                          | \$43,400                     | \$52,080 | \$69,000                |                             | \$104,100                     |
| 2                    | \$29,750                          | \$49,600                     | \$59,520 | \$78,850                |                             | \$118,950                     |
| 3                    | \$33,450                          | \$55,800                     | \$66,960 | \$88,700                |                             | \$133,800                     |
| 4                    | \$37,150                          | \$61,950                     | \$74,340 | \$98,550                | \$111,700                   | \$148,700                     |
| 5                    | \$40,150                          | \$66,950                     | \$80,340 | \$106,450               |                             | \$160,550                     |
| 6                    | \$43,100                          | \$71,900                     | \$86,280 | \$114,350               |                             | \$172,450                     |
| 7                    | \$46,100                          | \$76,850                     | \$92,220 | \$122,250               |                             | \$184,350                     |
| 8                    | \$49,050                          | \$81,800                     | \$98,160 | \$130,100               |                             | \$196,250                     |

#### ***Implementing Cost of Living Adjustment***

In 2010, when the Council approved the most recent version of the commissioner stipend resolution to amend the number of stipend-eligible meetings, the minimum wage in Berkeley was \$8 an hour. Today, in 2020, it is \$15.59 an hour plus CPI.

Commission meetings usually last around 3 to 5 hours, depending on the commission and the topics at hand. Additional work is needed on the part of the commissioner to prepare for the meeting by reading the agenda packet, attending subcommittee meetings, submitting items for discussion, and reaching out to stakeholders for input. In 2010, the \$40 stipend was equivalent to minimum wage pay for 5 hours of work. Today, it is only equivalent to approximately 2.5 hours of work. The equivalent stipend in today's dollars would be \$15.59 x 5, or \$77.95. For the purposes of this proposal, that number is rounded up to \$78.

#### **FINANCIAL IMPLICATIONS**

The financial implications depend on the number of commissioners who currently receive the low-income stipend, as well as the number of commissioners who would be newly eligible under the amended income caps. Costs can potentially be offset by reorganizing and consolidating commissions, as outlined in a separate Council proposal currently at the Agenda & Rules Committee.

ENVIRONMENTAL SUSTAINABILITY

None.

CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170



Office of the City Manager

PUBLIC HEARING  
December 1, 2020

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Liam Garland, Director of Public Works  
 Subject: Correction to Fee Increases for Traffic Engineering Hourly Rates

### RECOMMENDATION

Conduct a public hearing and upon conclusion, adopt a Resolution amending Resolution No. 68,939-N.S. to include the rates discussed in the accompanying report in Chapter E of Attachment 1 that was inadvertently omitted during production of the agenda item.

### FISCAL IMPACTS OF RECOMMENDATION

The previously adopted Engineering and Traffic Engineering rates are projected to generate an estimated \$230,000 in additional Permit Service Center revenue each fiscal year, assuming a similar level of permit and development application activity as has occurred recently.

The hourly rates are charged in a number of specific cases, all articulated in the respective sections of the Planning Department fee schedule, when direct work by staff is required.

### CURRENT SITUATION AND ITS EFFECTS

The hourly rates for the Engineering and Transportation Divisions had not been increased since July, 2010. On May 28 2019, City Council conducted a Public Hearing and adopted the new rates (Attachment 2). Due to a clerical error, the Traffic Engineering Hourly Rate was not included as an attachment to the resolution.

### BACKGROUND

The Permit Service Center Fund is an enterprise fund established to be self-supporting for functions related to building permits, land use entitlements, temporary use of the right of way, and utility permits. The Engineering and Traffic Engineering hourly rates were last updated in July, 2010. Since that time, staff hourly rates and overhead costs have increased. Hourly rates are established to only recover actual staff and overhead costs.

ENVIRONMENTAL SUSTAINABILITY

Many activities administered and services provided by Traffic Engineering support City goals for energy efficiency, reduced greenhouse gas emissions, improved storm water quality, and sustainable development.

RATIONALE FOR RECOMMENDATION

This Resolution corrects a clerical error that omitted the page of Traffic Engineering rates.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Liam Garland, Director of Public Works (510) 981-6303  
Andrew Brozyna, Deputy Director of Public Works, (510) 981-6396  
Farid Javandel, Manager of Transportation, (510) 981-7061  
Sean O'Shea, Public Works Fiscal Services Manager, (510) 981-6306

Attachment:

- 1: Corrected Fee Schedule including Traffic Engineering
- 2: May 28, 2019 Berkeley City Council Meeting Item 41 Public Hearing; *Proposed Fee Increases for Engineering and Traffic Engineering Hourly Rates*
3. Public Hearing Notice





**CHAPTER D - ENGINEERING**

| FEE TYPE / DESCRIPTION                                                                                                                                                                                                                                                        | FEE         | REMARKS                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-----------------------------------|
| <b>I. Engineering Fees</b>                                                                                                                                                                                                                                                    |             |                                   |
| 1. Engineering work required for review or preparation of sewer plans and specifications                                                                                                                                                                                      | \$ 190.00   | per hour                          |
| 2. Engineering work required in abandonment of easement                                                                                                                                                                                                                       | \$ 5,202.00 |                                   |
| 3. Engineering work required in abandonment of streets, paths, walks, steps and similar public ways                                                                                                                                                                           | \$ 8,918.00 |                                   |
| 4. Whenever work is caused to be done under Federal, State or local law, whether such work is done under assessment district or improvement plan, public proceedings or private contract, a fee for engineering work and field inspection shall be charged for the following: |             |                                   |
| a. Review of plans and specifications other than for sewer.                                                                                                                                                                                                                   | \$ 190.00   | per hour                          |
| b. Engineering work and inspection required for grading or regarding streets.                                                                                                                                                                                                 | \$ 190.00   | per hour                          |
| c. Engineering work and inspection required for concrete sidewalks, curbs and gutter.                                                                                                                                                                                         | \$ 190.00   | per hour                          |
| d. Engineering work and inspection required for pavement in area of roadway.                                                                                                                                                                                                  | \$ 190.00   | per hour                          |
| e. Engineering work and inspection required for culverts and drainage.                                                                                                                                                                                                        | \$ 190.00   | per hour                          |
| f. Engineering work and inspection required for sewers.                                                                                                                                                                                                                       | \$ -        |                                   |
| g. Engineering work and inspection required for structures of masonry construction of either brick or concrete.                                                                                                                                                               | \$ 190.00   | per hour                          |
| h. Engineering work and inspection required for construction storm water best management practices.                                                                                                                                                                           | \$ 190.00   | per hour                          |
| i. Engineering work and inspection required for post -construction storm water best management practices                                                                                                                                                                      | \$ 190.00   | per hour                          |
| (BMC 2.72.050)                                                                                                                                                                                                                                                                |             |                                   |
| 5. Moving and replacing street monuments, the charge will be the actual cost to the City.                                                                                                                                                                                     |             |                                   |
| 6. All engineering services in connection with work ordered or authorized by the Council or other work not specifically provided for herein, an hourly fee for office engineering and field inspection will be charged.                                                       | \$ 190.00   | per hour                          |
| 7. Whenever engineering or inspection services are to be performed and fees paid therefore, as herein above provided in subsections 1, 4 and 5, a minimum fee corresponding to one hour of engineering work shall be charged.                                                 | \$ 190.00   | per hour                          |
| 8 Field survey:                                                                                                                                                                                                                                                               |             |                                   |
| One-person party                                                                                                                                                                                                                                                              | \$ 190.00   | per hour/person (4 hours minimum) |
| Two-person party                                                                                                                                                                                                                                                              | \$ 190.00   | per hour/person (4 hours minimum) |
| Three-person party                                                                                                                                                                                                                                                            | \$ 190.00   | per hour/person (4 hours minimum) |

| FEE TYPE / DESCRIPTION                                                                      | FEE            | REMARKS |
|---------------------------------------------------------------------------------------------|----------------|---------|
| 9. Public consultations or assistance rendered in records examination.                      | No fee         |         |
| 10. Fees and charges provided herein for work performed on Saturdays, Sundays and holidays. | Double the fee |         |
| (BMC 2.72.050)                                                                              |                |         |

**II. SIDEWALK CONSTRUCTION AND REPAIR**

A. Fees - Streets, Sidewalks and Other Public Property

For permits and field inspection, the following fees or charges shall be paid in advance to the Planning and Development Department of the City:

1. Permits: All permits shall be \$127 for each such permit issued. All permits issued hereunder shall expire ninety days after issuance and there shall be no refund of the permit charge. In the exercise of his reasonable discretion and for good cause shown, the Director of Public Works or his/her designee may waive or reduce the permit and inspection fees for sidewalk work which is necessitated by the root damage from City owned trees.
2. Field Inspection: The charge for field inspection shall be as follows:
 

|                                                     |    |       |                                         |
|-----------------------------------------------------|----|-------|-----------------------------------------|
| a. Curbing                                          | \$ | 28.00 | for each ten L.F. or fraction thereof   |
| b. Curb and Gutter                                  | \$ | 28.00 | for each ten L.F. or fraction thereof   |
| c. Sidewalks                                        | \$ | 28.00 | for each 100 sq. ft or fraction thereof |
| d. Driveway approach: Same charge as for sidewalks. | \$ | 28.00 | per 100 sq. ft or fraction thereof      |

(BMC 16.04.110)

B. Permit - Cash Deposit or Bond in Lieu Required - Conditions

1. When construction is to be performed pursuant to the provisions of this chapter, the sum of \$1,376 for each permit shall be deposited with the Department of Planning and Development as a guaranty that all work, including excavation, stockpiling materials, protection and repair of property in the public right-of-way including shrubs, maintenance of pedestrian and vehicular safety and convenience, and cleanup, will be done in a proper and workmanlike manner and in accordance with all City requirements and to the satisfaction of the Director of Public Works or his/her designee.
2. In lieu of such deposit for each permit, a surety company faithful performance bond in the amount of \$11,305 may be filed with the Planning and Development Department. Such bond shall be conditioned that all construction of sidewalks, parking steps, driveway approaches, curbs or curbs and gutters shall be done in a proper and workmanlike manner, and in accordance with all City requirements and to the satisfaction of the Director of Public Works or his/her designee. Any such bond may be conditioned as a continuing bond and not be limited to any particular location in the City. The form of such bond shall be approved by the City Attorney.
3. In the event the work is not done in a proper and workmanlike manner, or not done in accordance with the requirements of this chapter or any other ordinance or requirements of the City, or not done to the satisfaction of the Director of Public Works or his/her designee, the City may perform or cause to have performed the necessary construction work, repair work or cleanup work and deduct the cost thereof from said deposit or require the cost thereof to be paid by said surety company on its bond.
4. In the exercise of his reasonable discretion and for good cause shown, the Director of Public Works or his/her designee may waive or reduce the deposit or bond required by this section in order to encourage property owners to do or cause to have done the work provided for hereunder; provided, that if such work is not being performed in a satisfactory and timely manner, the Director of Public Works or his/her designee may order that the deposit or bond required by this section be filed and the work stopped until such filing is made. (BMC 16.04.130)

| FEE TYPE / DESCRIPTION | FEE | REMARKS |
|------------------------|-----|---------|
|------------------------|-----|---------|

**III. SANITARY AND STORM DRAIN SEWERS**

A. Sewer and Storm Drain Construction Fees

1. The following fees shall be paid to the Planning and Development Department for sewer and storm drain construction:
  - a. For each permit for lateral sewer or storm drain construction within the public right-of-way or other public easement \$127.
  - b. For inspection of lateral sewer or storm drain construction within the public street area and connection to the existing sewer or storm drain main \$206 for each month or fraction thereof between issuance of the permit and final inspection and approval by a City Inspector.
  - c. For inspection of construction of sewer or storm drain mains in the public right-of-way or other public easement, and for inspection of lateral sewer or storm drain construction in the public street area, without connection to main \$190 per hour.
  - d. For engineering work and inspection required in establishing backline easements and re-use connections - \$190 per hour, two-hour minimum.
  - e. For sewer lateral capping, \$190 per hour, two-hour minimum.
  - f. For engineering work and inspection involved with mainlines and manholes, \$190 per hour, two-hour minimum.
2. For any work performed, wholly or in part, without first secured the permit required by provisions of this section, the person firm or corporation having performed such work shall pay a permit fee which shall be five times the permit fee provided by this section, and five times the inspection charge for any month, or any fraction thereof, that the work has been in progress without a permit. All inspection fees shall be doubled for such inspection performed on Saturdays, Sundays and holidays.

(BMC 17.16.050)

B. Sewer Construction, Cash Deposit or Bond in Lieu of

1. When a sewer or storm drain is to be installed in the public right-of-way or other public easement, the sum of \$1,376 for each permit shall be deposited with the Planning and Development Department as a guaranty that all sewer or storm drain work, including backfill, street paving and cleanup, will be done in a proper and workmanlike manner.
2. In lieu of such deposit for each permit, a surety company faithful performance bond in the amount of \$11,306 may be filed with the Planning and Development Department. Such bond shall be conditioned that all sewer or storm drain work, including backfill, street paving and cleanup shall be done in a proper and workmanlike manner and in accordance with all City requirements and to the satisfaction of the Director of Public Works or his/her designee.

(BMC 17.16.050)

**IV. EXCAVATIONS**

A. Permit - Required - Application Time and Contents for Mains or Lateral Pipes

Whenever any person, firm or corporation desires to open trenches in the public streets or thoroughfares for the purpose of placing therein main or lateral pipes or conduits, other than lateral sewers, such person, firm or corporation shall make application in writing and obtain a permit from the Planning and Development Department not less than forty-eight hours in advance of his/her or its desire to so open trenches in said streets and thoroughfares, except in case of accident or emergency, in which case written notice shall be given within twenty-four hours after any such opening; provided however, that if said notice cannot be given because the office is closed, then written notice shall be given within eight hours after the office which issues said permits is open for business.

The application for the permit shall give the names of the streets in which trenches are to be opened and names of the cross streets between which said trenches are to be made. A permit fee of \$127 and shall be paid for each permit issued hereunder; except, however, that such fee shall not be charged against any entity exempt by law from the payment of such fees. An inspection fee of \$190 per hour shall be charged for all inspections. (BMC 16.12.030)

| FEE TYPE / DESCRIPTION | FEE | REMARKS |
|------------------------|-----|---------|
|------------------------|-----|---------|

B. Compliance with Regulations Required  
The permittee shall conduct all operations in accordance with the Excavations Ordinance (BMC Chapter 16.12) and the "Trench Excavation and Surface Restoration in the Public Right-of-Way -Regulations and Requirements," promulgated pursuant to said Ordinance (hereafter "Regulations.").

C. In-lieu Fees - Required When  
For excavations in streets less than five (5) years from the date of application for a permit to excavate, permittee shall resurface the trenched area as provided by the Regulations. At the discretion of the Director of Public Works or his/her designee, such resurfacing requirements may be waived and the permittee shall pay an in-lieu fee as follows:

| <u>Type of Excavation</u>                  | <u>In -lieu Fee</u>                                                                |
|--------------------------------------------|------------------------------------------------------------------------------------|
| Trench (excluding new service connections) | \$4.20 per square foot of street area required to be resurfaced by the regulations |
| Bell hole/new service connection           | \$676 /bell hole or new service connection                                         |

**V. STREET AND SIDEWALK USE PERMIT**

A. Permit Fees

1. A permit fee of \$127 shall be charged for each street use permit issued below. In addition there shall be paid for the use of street area, curb or sidewalk in areas classified as commercial, R-3, R-4 and R-5 in the zoning ordinance, during construction for which a building permit or public works permit has been issued, or for which such permit is required, including all University of California construction projects located in City streets, a fee of \$7.50 per linear curb foot per month.

- a. Construction where storage of materials, debris or equipment is involved within the public right-of-way.
- b. House moving.
- c. Demolition where storage of materials, debris or equipment is involved within the public right-of-way.
- d. Debris boxes by contractors.
- e. Sidewalk seating, Benches and Planters (BMC 14.48.200)

2. In the case of debris boxes used by homeowners, a fee of \$100 shall be charged, the inspection fees shall be waived.

(BMC 16.16.030)

3. In the case of Sidewalk Seating Tables and Chairs, a curb fee of \$7.50 per lineal foot per calendar year (no curb fee shall be charged for planters or benches)

B. Inspection Charges

Field inspections for the items in A1 above will be made by the City to insure that the permittee is maintaining a right-of-way for public, both in the sidewalk and street areas, provided, however, that inspection fees shall not be charged in the case of debris boxes used by homeowners. A charge of \$190 per hour for the first hour shall be made for such inspection service. If such inspection service exceeds one hour there shall be an additional charge of \$221 for each thirty days, or fraction thereof, that the permittee uses the streets or sidewalks pursuant to the permit issued hereunder. The hourly inspection charge for the first hour shall be doubled for inspections on Saturdays, Sundays and holidays. The hourly inspection charge shall be paid at the time the permit is issued and shall be based on the City's estimate of the time required for inspection service and the permittee's estimate of time for completion of all work, including cleanup and clearing the public right-of-way. If the work is unfinished at the expiration of the time estimated by the permittee, the permittee shall then deposit additional inspection fees based on estimate for completion of work.

Such charge, if not paid, shall be deducted the surety company on its bond, if a surety bond has been filed in lieu of the required deposit.

A permit fee of \$17 for a single trip, or an annual fee of \$79 per year for a repetitive permit shall be charged for any overweight, overweight or overwidth vehicle or any overweight, or overwidth load being operated on any public street as defined in the State Vehicle Code. (BMC 16.16.130)

| FEE TYPE / DESCRIPTION | FEE | REMARKS |
|------------------------|-----|---------|
|------------------------|-----|---------|

C. Increased Fees for Work Performed or Operation of Vehicle Without Permit

For any work performed, wholly or in part, or for the operation on any public street of an overheight, overweight or overwidth vehicle or any vehicle with an overheight, overweight or overwidth load as defined the State Vehicle Code, without first having secured the permit required by the provisions of this of this chapter, the person, firm or corporation having performed such work or operated such vehicle shall pay a permit fee which shall be five times the permit fee provided by this section, and an inspection charge fives times the inspection charge provided by this chapter. (BMC 16.16.040)

D. Deposit - To Guarantee Removal of Materials or Equipment Required

As a guaranty to the City that such materials, appliances or other equipment so placed or stored on any street or sidewalk will be cleaned of all dirt, sand and debris of any kind to the satisfaction of the Public Works Director or his/her designee, and will be removed there from immediately upon the completion of such work, or at such time prior thereto when, in the judgment of said Public Works Director or his/her designee, the public interest or convenience will be best subserved thereby, said person, firm or corporation shall deposit with the Planning and Development Department the sum of \$1,376 for each permit issued under the provisions of this chapter. (BMC 16.16.070)

E. Deposit - Surety Bond in Lieu When - Conditions

In lieu of the deposit required by this chapter, a surety bond in the amount of \$11,306 may be filed with the Planning and Development Department, conditioned as a guaranty to the City that all costs for which any person, firm or corporation-shall be liable, as in this section provided, will be paid upon demand therefore by the Public Works Director or his/her designee. Any such bond may be conditioned as a continuing bond and not be limited to any particular location in the City. Such bond shall be approved as to form by the City Attorney. (BMC 16.16.080)

F. Waiver - Deposit and Bond

In the exercise of his reasonable discretion and for good cause shown, the Public Works Director or his/her designee may waive or reduce the deposit or bond required by this chapter, in order to encourage home owners to do or cause to be done the work herein. (BMC 16.16.050 and 16.16.080)

**VI. NO PARKING SIGNS**

No parking signs will be required in conjunction with all street use permits.

If it is determined by the Planning and Development Department that the use of the signs applied for will not be detrimental to public safety or general welfare, a permit will be issued for the use of such signs upon payment of a permit fee of \$34 and upon receiving the signed statement of the applicant agreeing to be bound by the conditions of the permit and these rules and regulations; provided, however, that an additional permit fee equal to the cost of a meter in the amount of \$79 per week shall be charged for each 20 feet of time limit zone and each meter for work requiring a time period of one month or more. In addition, a processing fee of \$15 shall be made for each sign posted.

Should an applicant need to replace previously issued No Parking signs which have been lost, stolen or damaged, a processing fee of \$5 shall be paid for each re-issued sign.

Seasonal Ground Signs (in the Public right-of-way) - \$83 for the first three signs and \$15 for each additional sign

| FEE TYPE / DESCRIPTION | FEE | REMARKS |
|------------------------|-----|---------|
|------------------------|-----|---------|

**VII. ENCROACHMENT PERMITS**

The following fees for encroachment permits shall be paid in advance to the Planning and Development Department of the City:

1. A non-refundable application fee in the amount of \$454 for each permit below.
  - a. Minor encroachment permit: \$1,228 paid upon approval of permit.
  - b. Major encroachment permit: \$1,774 paid upon approval of permit.
2. Decorative non-commercial installation in a public right-of-way: a permit fee of \$127
3. Above ground planter: \$153
4. Inspection when required by the Director of Public Works or his/her designee: \$190 per hour.
5. Tieback and soil nail fee for tie backs soil nails less than or equal to 12 feet deep \$ 2,100.00 per tieback or soil nail
6. Tieback and soil nail fee for tie backs soil nails less than or equal to 24 feet deep but more than 12 feet deep \$ 1,050.00 per tieback or soil nail
7. Tieback and soil nail fee for tie backs soil nails greater than 24 feet deep \$ 525.00 per tieback or soil nail

(BMC 16.18.025)

**VIII. SUBDIVISION FEES**

A. Processing and Review

The following fees or charges for processing and review of subdivision maps and certificates shall be paid in advance to the Planning and Development Department of the City:

1. Lot line adjustmenst filing fee (BMC 21.32.040) \$ 1,743.00
2. Reversion to acreage filing fee (BMC 21.48.040) \$ 1,743.00
3. Parcel mergers (BMC 21.52.060)
  - Filing fee \$ 1,743.00
  - Public hearing fee \$ 633.00
4. Correction and amendment of a recorded map filing fee (BMC 21.56.050) \$ 1,445.00
5. Certificate of compliance filing fee (BMC 21.60.050) \$ 1,743.00
6. Tentative tract maps (BMC 21.16.043)
  - Filing fee \$ 4,820.00
  - Public hearing fee \$ 633.00
7. Vesting tentative parcel maps filing fee (BMC 21.18.070) \$ 5,316.00
8. Vesting tentative tract maps (BMC 21.18.070)
  - Filing fee \$ 5,316.00
  - Public hearing fee \$ 633.00
9. Minor amendment to approve tentative map (BMC 21.16.080)
  - Filing fee \$ 323.00
  - Records Management fee \$ 50.00
10. Major amendment to approved tentative map (BMC 21.16.080)
  - Filing fee \$ 1,003.00
  - Public Hearing fee \$ 633.00
  - Records Management fee \$ 50.00

| FEE TYPE / DESCRIPTION                     | FEE         | REMARKS              |
|--------------------------------------------|-------------|----------------------|
| 11. Final tract maps (BMC 21.20.020)       |             |                      |
| Filing fee                                 | \$ 376.00   |                      |
| Map Checking fee                           | \$ 181.00   | /lot, parcel or unit |
| 12. Parcel maps filing fee (BMC 21.24.040) | \$ 4,820.00 |                      |
| 13. Office engineering fee (BMC 21.04.070) | \$ 190.00   | per hour             |

B. Deposit - Refundable

A deposit in the amount of \$588 shall be paid at the time of filing and, in addition to the filing fees, for the following:

Final maps; parcel maps; lot line adjustments; reversions to acreage; parcel mergers; corrections and amendments to recorded maps; and certificates of compliance.

**NOTE:** Such deposit shall be refunded upon the receipt by the City of a duplicate original of the recorded subdivision map, made upon a mylar material. If receipt of said mylar map is not made within six (6) months following the date the map was recorded, the City will permanently retain all of the deposit to defray the cost of obtaining a mylar copy of the recorded map for its records.

**IX. CREEK FEES**

CEQA compliance certification, Fish and Game approval, and Section 401 Army Core of Engineer's permit must be completed prior to acceptance of the application by Public Works for approval.

All horizontal distances are measured on the level and all vertical distances shall be measured perpendicular to the level horizontal.

|                                                     |           |       |
|-----------------------------------------------------|-----------|-------|
| A. Creeks identification fee                        | \$ 495.00 |       |
| B. Creek permit base fee                            | \$ 988.00 |       |
| C. CEQA review fee for open creeks                  | \$ 741.00 |       |
| D. Public Works Commission hearing fee              | \$ 741.00 |       |
| E. Additional fees: \$153 per hour x hours required | \$ 190.00 | /hour |
| F. Records Management fee                           | \$ 50.00  |       |



**CHAPTER E - TRAFFIC ENGINEERING**

**A. Applications for residential, commercial, industrial and institutional projects (up to two rounds of plan checks)**

| Project Valuation         | Per 100 value over \$3000 |
|---------------------------|---------------------------|
| Up to \$200,000           | \$90 flat fee             |
| \$200,001 - \$300,000     | \$0.18 + \$90             |
| \$300,001 - \$400,000     | \$0.30 + \$90             |
| \$400,001 - \$500,000     | \$0.42 + \$90             |
| \$500,001 - \$2,000,000   | \$0.55 + \$90             |
| \$2,000,001 - \$5,000,000 | \$0.60 + \$90             |
| Over \$5,000,000          | \$0.65 + \$90             |

**B. Miscellaneous Fees**

| FEE TYPE/DESCRIPTION |                                                                                                                            | FEE       | REMARKS                                                                                 |
|----------------------|----------------------------------------------------------------------------------------------------------------------------|-----------|-----------------------------------------------------------------------------------------|
| 1.                   | Pre-application consultation or walk-in requests for advice                                                                | \$ 200.00 | /hour (\$50 minimum under 15 minutes or each additional 15 minutes or fraction thereof) |
| 2.                   | Peer review of traffic impact studies and EIRs submitted by traffic engineering consultants for large development projects | \$ 200.00 | per staff hour                                                                          |
| 3.                   | Construction traffic plan monitoring                                                                                       | \$ 200.00 | per staff hour                                                                          |
| 4.                   | Post-construction traffic monitoring                                                                                       | \$ 200.00 | per staff hour                                                                          |
| 5.                   | Administrative Use Permits (when Traffic Engineering review is required)                                                   | \$ 400.00 | base fee for up to two staff hours                                                      |
|                      |                                                                                                                            | \$ 200.00 | per hour in excess of first two staff hours                                             |
| 6.                   | Use Permits (when Traffic Engineering review is required)                                                                  | \$ 800.00 | base fee for up to four hours                                                           |
|                      |                                                                                                                            | \$ 200.00 | per hour in excess of first four staff hours                                            |
| 7.                   | Plan checking in excess of two rounds                                                                                      | \$ 200.00 | per staff hour                                                                          |



Office of the City Manager

PUBLIC HEARING  
May 28, 2019

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Phillip Harrington, Director of Public Works  
 Subject: Proposed Fee Increases for Engineering and Traffic Engineering Hourly Rates

RECOMMENDATION

Conduct a public hearing and upon conclusion, adopt a Resolution amending Resolution No. 67,985-N.S. to amend the master fee schedule for the Planning and Development Department to increase the hourly rate for staff time not otherwise specified from \$153/hour to \$190/hour for the Engineering Division and from \$160/hour to \$200/hour for the Transportation Division for FY 2020.

FISCAL IMPACTS OF RECOMMENDATION

The recommendations in this report to adopt increased fees will generate funds to better cover City costs associated with their respective program activities. All fees collected under these recommendations are deposited into the Permit Service Center (PSC) Fund. Attachment 1 to this staff report presents the proposed new Planning Department fee schedule, with revisions shown in track changes format. Exhibit A to the resolution (Attachment 4) shows the proposed new fee schedule in clean format.

The proposed new hourly rates of \$190 for Engineering and \$200 for Traffic Engineering, up from the current rates of \$153 and \$160, respectively, would encompass only those fees which are based on staff time. The proposed new hourly rates would help the City to recoup more of the associated staff and overhead costs.

The detailed cost calculations to support these hourly rate increases can be found in Attachments 2 and 3 to this staff report, which show that full cost recovery, even at FY 2017 rates (the rates used in these attachments), could justify rates of up to \$191.82 per hour for Engineering and up to \$234.60 per hour for Traffic Engineering. The reason for not charging the full amount is to reduce the impact to applicants. A future fee study is anticipated to address the full range of fees in the fee schedule.

The proposed new Engineering and Traffic Engineering rates are projected to generate an estimated \$230,000 in additional PSC revenue each fiscal year, assuming a similar level of permit and development application activity as has occurred recently.

The hourly rates are charged in a number of specific cases, all articulated in the respective sections of the Planning Department fee schedule, when direct work by staff is required.

#### CURRENT SITUATION AND ITS EFFECTS

The hourly rates for the Engineering and Transportation Divisions have not been increased since July, 2010; however, City personnel costs have increased substantially in the intervening years. By definition, fees which are based on hourly rates are incurred in activities which are staff-intensive, such as applications requiring Administrative Use Permits, Land Use Entitlements, Building Permits, Temporary Use of the Right of Way, and Utility Permits.

#### BACKGROUND

The Permit Service Center Fund is an enterprise fund established to be self-supporting for functions related to building permits, land use entitlements, temporary use of the right of way, and utility permits. The Engineering and Traffic Engineering hourly rates were last updated in July, 2010. Since that time, staff hourly rates and overhead costs have increased. Hourly rates are established to only recover actual staff and overhead costs.

#### ENVIRONMENTAL SUSTAINABILITY

Many activities administered and services provided by Engineering and Traffic Engineering support City goals for energy efficiency, reduced greenhouse gas emissions, improved storm water quality, and sustainable development.

#### RATIONALE FOR RECOMMENDATION

Current hourly rates for Engineering and Traffic Engineering services do not fully recover staff hourly rates and overhead costs. The proposed rate increases would more fully recoup the City's actual staff and overhead costs.

#### ALTERNATIVE ACTIONS CONSIDERED

Staff considered not increasing the Engineering and Traffic Engineering hourly rates, and in effect allowing the activities described to be subsidized by the City's general fund or via the existing PSC fund balance.

#### CONTACT PERSON

Phillip Harrington, Director of Public Works (510) 981-6303  
Andrew Brozyna, Deputy Director of Public Works, (510) 981-6396  
Farid Javandel, Manager of Transportation, (510) 981-7061  
Sean O'Shea, Public Works Fiscal Services Manager, (510) 981-6306

Attachments:

- 1: Proposed new Planning and Development Department Fee Schedule, with changes tracked
- 2: Detailed cost calculation for Engineering hourly staff time rate
- 3: Detailed cost calculation for Traffic Engineering hourly staff time rate
- 4: Resolution
  - Exhibit A: Proposed new Planning Department fee schedule, in clean format
- 5: Public Hearing Notice

**CHAPTER D - ENGINEERING**

| FEE TYPE / DESCRIPTION                                                                                                                                                                                                                                                        | FEE         | PROPOSED FEE | REMARKS                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|--------------|-----------------------------------|
| <b>I. Engineering Fees</b>                                                                                                                                                                                                                                                    |             |              |                                   |
| 1. Engineering work required for review or preparation of sewer plans and specifications                                                                                                                                                                                      | \$ 153.00   | \$ 190.00    | per hour                          |
| 2. Engineering work required in abandonment of easement                                                                                                                                                                                                                       | \$ 5,202.00 |              |                                   |
| 3. Engineering work required in abandonment of streets, paths, walks, steps and similar public ways                                                                                                                                                                           | \$ 8,918.00 |              |                                   |
| 4. Whenever work is caused to be done under Federal, State or local law, whether such work is done under assessment district or improvement plan, public proceedings or private contract, a fee for engineering work and field inspection shall be charged for the following: |             |              |                                   |
| a. Review of plans and specifications other than for sewer.                                                                                                                                                                                                                   | \$ 153.00   | \$ 190.00    | per hour                          |
| b. Engineering work and inspection required for grading or regarding streets.                                                                                                                                                                                                 | \$ 153.00   | \$ 190.00    | per hour                          |
| c. Engineering work and inspection required for concrete sidewalks, curbs and gutter.                                                                                                                                                                                         | \$ 153.00   | \$ 190.00    | per hour                          |
| d. Engineering work and inspection required for pavement in area of roadway.                                                                                                                                                                                                  | \$ 153.00   | \$ 190.00    | per hour                          |
| e. Engineering work and inspection required for culverts and drainage.                                                                                                                                                                                                        | \$ 153.00   | \$ 190.00    | per hour                          |
| f. Engineering work and inspection required for sewers.                                                                                                                                                                                                                       | \$ 153.00   | \$ 190.00    | per hour                          |
| g. Engineering work and inspection required for structures of masonry construction of either brick or concrete.                                                                                                                                                               | \$ 153.00   | \$ 190.00    | per hour                          |
| h. Engineering work and inspection required for construction storm water best management practices.                                                                                                                                                                           | \$ 153.00   | \$ 190.00    | per hour                          |
| i. Engineering work and inspection required for post -construction storm water best management practices                                                                                                                                                                      | \$ 153.00   | \$ 190.00    | per hour                          |
| (BMC 2.72.050)                                                                                                                                                                                                                                                                |             |              |                                   |
| 5. Moving and replacing street monuments, the charge will be the actual cost to the City.                                                                                                                                                                                     |             |              |                                   |
| 6. All engineering services in connection with work ordered or authorized by the Council or other work not specifically provided for herein, an hourly fee for office engineering and field inspection will be charged.                                                       | \$ 153.00   | \$ 190.00    | per hour                          |
| 7. Whenever engineering or inspection services are to be performed and fees paid therefore, as herein above provided in subsections 1, 4 and 5, a minimum fee corresponding to one hour of engineering work shall be charged.                                                 | \$ 153.00   | \$ 190.00    | per hour                          |
| 8 Field survey:                                                                                                                                                                                                                                                               |             |              |                                   |
| One-person party                                                                                                                                                                                                                                                              | \$ 153.00   | \$ 190.00    | per hour/person (4 hours minimum) |
| Two-person party                                                                                                                                                                                                                                                              | \$ 153.00   | \$ 190.00    | per hour/person (4 hours minimum) |
| Three-person party                                                                                                                                                                                                                                                            | \$ 153.00   | \$ 190.00    | per hour/person (4 hours minimum) |

| FEE TYPE / DESCRIPTION                                                                      | FEE            | PROPOSED FEE | REMARKS |
|---------------------------------------------------------------------------------------------|----------------|--------------|---------|
| 9. Public consultations or assistance rendered in records examination.                      | No fee         |              |         |
| 10. Fees and charges provided herein for work performed on Saturdays, Sundays and holidays. | Double the fee |              |         |
| (BMC 2.72.050)                                                                              |                |              |         |
| <b>II. SIDEWALK CONSTRUCTION AND REPAIR</b>                                                 |                |              |         |
| <b>A. Fees - Streets, Sidewalks and Other Public Property</b>                               |                |              |         |

For permits and field inspection, the following fees or charges shall be paid in advance to the Planning and Development Department of the City:

1. Permits: All permits shall be \$127 for each such permit issued. All permits issued hereunder shall expire ninety days after issuance and there shall be no refund of the permit charge. In the exercise of his reasonable discretion and for good cause shown, the Director of Public Works or his/her designee may waive or reduce the permit and inspection fees for sidewalk work which is necessitated by the root damage from City owned trees.

2. Field Inspection: The charge for field inspection shall be as follows:

|                                                     |          |  |                                         |
|-----------------------------------------------------|----------|--|-----------------------------------------|
| a. Curbing                                          | \$ 28.00 |  | for each ten L.F. or fraction thereof   |
| b. Curb and Gutter                                  | \$ 28.00 |  | for each ten L.F. or fraction thereof   |
| c. Sidewalks                                        | \$ 28.00 |  | for each 100 sq. ft or fraction thereof |
| d. Driveway approach: Same charge as for sidewalks. | \$ 28.00 |  | per 100 sq. ft or fraction thereof      |

(BMC 16.04.110)

**B. Permit - Cash Deposit or Bond in Lieu Required - Conditions**

1. When construction is to be performed pursuant to the provisions of this chapter, the sum of \$1,376 for each permit shall be deposited with the Department of Planning and Development as a guaranty that all work, including excavation, stockpiling materials, protection and repair of property in the public right-of-way including shrubs, maintenance of pedestrian and vehicular safety and convenience, and cleanup, will be done in a proper and workmanlike manner and in accordance with all City requirements and to the satisfaction of the Director of Public Works or his/her designee.

2. In lieu of such deposit for each permit, a surety company faithful performance bond in the amount of \$11,305 may be filed with the Planning and Development Department. Such bond shall be conditioned that all construction of sidewalks, parking steps, driveway approaches, curbs or curbs and gutters shall be done in a proper and workmanlike manner, and in accordance with all City requirements and to the satisfaction of the Director of Public Works or his/her designee. Any such bond may be conditioned as a continuing bond and not be limited to any particular location in the City. The form of such bond shall be approved by the City Attorney.

3. In the event the work is not done in a proper and workmanlike manner, or not done in accordance with the requirements of this chapter or any other ordinance or requirements of the City, or not done to the satisfaction of the Director of Public Works or his/her designee, the City may perform or cause to have performed the necessary construction work, repair work or cleanup work and deduct the cost thereof from said deposit or require the cost thereof to be paid by said surety company on its bond.

4. In the exercise of his reasonable discretion and for good cause shown, the Director of Public Works or his/her designee may waive or reduce the deposit or bond required by this section in order to encourage property owners to do or cause to have done the work provided for hereunder; provided, that if such work is not being performed in a satisfactory and timely manner, the Director of Public Works or his/her designee may order that the deposit or bond required by this section be filed and the work stopped until such filing is made. (BMC 16.04.130)

| FEE TYPE / DESCRIPTION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | FEE | PROPOSED FEE | REMARKS |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|--------------|---------|
| <b>III. SANITARY AND STORM DRAIN SEWERS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |     |              |         |
| A. Sewer and Storm Drain Construction Fees                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |     |              |         |
| 1. The following fees shall be paid to the Planning and Development Department for sewer and storm drain construction:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |     |              |         |
| a. For each permit for lateral sewer or storm drain construction within the public right-of-way or other public easement <u>\$127</u> .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |     |              |         |
| b. For inspection of lateral sewer or storm drain construction within the public street area and connection to the existing sewer or storm drain main <u>\$206</u> for each month or fraction thereof between issuance of the permit and final inspection and approval by a City Inspector.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |     |              |         |
| c. For inspection of construction of sewer or storm drain mains in the public right-of-way or other public easement, and for inspection of lateral sewer or storm drain construction in the public street area, without connection to main <u>\$153 (\$190)</u> per hour.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |     |              |         |
| d. For engineering work and inspection required in establishing backline easements and re-use connections - <u>\$153 (\$190) per hour, two-hour minimum</u> .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |     |              |         |
| e. For sewer lateral capping, <u>\$153 (\$190) per hour, two-hour minimum</u> .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |     |              |         |
| f. For engineering work and inspection involved with mainlines and manholes, <u>\$153 (\$190) per hour, two-hour minimum</u> .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |     |              |         |
| 2. For any work performed, wholly or in part, without first secured the permit required by provisions of this section, the person firm or corporation having performed such work shall pay a permit fee which shall be five times the permit fee provided by this section, and five times the inspection charge for any month, or any fraction thereof, that the work has been in progress without a permit. All inspection fees shall be doubled for such inspection performed on Saturdays, Sundays and holidays.                                                                                                                                                                                                                                                                                                       |     |              |         |
| (BMC 17.16.050)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |     |              |         |
| B. Sewer Construction, Cash Deposit or Bond in Lieu of                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |     |              |         |
| 1. When a sewer or storm drain is to be installed in the public right-of-way or other public easement, the sum of <u>\$1,376</u> for each permit shall be deposited with the Planning and Development Department as a guaranty that all sewer or storm drain work, including backfill, street paving and cleanup, will be done in a proper and workmanlike manner.                                                                                                                                                                                                                                                                                                                                                                                                                                                        |     |              |         |
| 2. In lieu of such deposit for each permit, a surety company faithful performance bond in the amount of <u>\$11,306</u> may be filed with the Planning and Development Department. Such bond shall be conditioned that all sewer or storm drain work, including backfill, street paving and cleanup shall be done in a proper and workmanlike manner and in accordance with all City requirements and to the satisfaction of the Director of Public Works or his/her designee.                                                                                                                                                                                                                                                                                                                                            |     |              |         |
| (BMC 17.16.050)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |     |              |         |
| <b>IV. EXCAVATIONS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |     |              |         |
| A. Permit - Required - Application Time and Contents for Mains or Lateral Pipes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |     |              |         |
| Whenever any person, firm or corporation desires to open trenches in the public streets or thoroughfares for the purpose of placing therein main or lateral pipes or conduits, other than lateral sewers, such person, firm or corporation shall make application in writing and obtain a permit from the Planning and Development Department not less than forty-eight hours in advance of his/her or its desire to so open trenches in said streets and thoroughfares, except in case of accident or emergency, in which case written notice shall be given within twenty-four hours after any such opening; provided however, that if said notice cannot be given because the office is closed, then written notice shall be given within eight hours after the office which issues said permits is open for business. |     |              |         |
| The application for the permit shall give the names of the streets in which trenches are to be opened and names of the cross streets between which said trenches are to be made. A permit fee of <u>\$127</u> and shall be paid for each permit issued hereunder; except, however, that such fee shall not be charged against any entity exempt by law from the payment of such fees. An inspection fee of <u>\$153 (\$190)</u> per hour shall be charged for all inspections. (BMC 16.12.030)                                                                                                                                                                                                                                                                                                                            |     |              |         |

| FEE TYPE / DESCRIPTION | FEE | PROPOSED FEE | REMARKS |
|------------------------|-----|--------------|---------|
|------------------------|-----|--------------|---------|

B. Compliance with Regulations Required  
 The permittee shall conduct all operations in accordance with the Excavations Ordinance (BMC Chapter 16.12) and the "Trench Excavation and Surface Restoration in the Public Right-of-Way -Regulations and Requirements," promulgated pursuant to said Ordinance (hereafter "Regulations.").

C. In-lieu Fees - Required When  
 For excavations in streets less than five (5) years from the date of application for a permit to excavate, permittee shall resurface the trenched area as provided by the Regulations. At the discretion of the Director of Public Works or his/her designee, such resurfacing requirements may be waived and the permittee shall pay an in-lieu fee as follows:

| Type of Excavation                         | In -lieu Fee                                                                       |
|--------------------------------------------|------------------------------------------------------------------------------------|
| Trench (excluding new service connections) | \$4.20 per square foot of street area required to be resurfaced by the regulations |
| Bell hole/new service connection           | \$676 /bell hole or new service connection                                         |

**V. STREET AND SIDEWALK USE PERMIT**

A. Permit Fees

1. A permit fee of \$127 shall be charged for each street use permit issued below. In addition there shall be paid for the use of street area, curb or sidewalk in areas classified as commercial, R-3, R-4 and R-5 in the zoning ordinance, during construction for which a building permit or public works permit has been issued, or for which such permit is required, including all University of California construction projects located in City streets, a fee of \$7.50 per linear curb foot per month.

a. Construction where storage of materials, debris or equipment is involved within the public right-of-way.

b. House moving.

c. Demolition where storage of materials, debris or equipment is involved within the public right-of-way.

d. Debris boxes by contractors.

e. Sidewalk seating, Benches and Planters (BMC 14.48.200)

2. In the case of debris boxes used by homeowners, a fee of \$100 shall be charged, the inspection fees shall be waived.

(BMC 16.16.030)

3. In the case of Sidewalk Seating Tables and Chairs, a curb fee of \$7.50 per lineal foot per calendar year (no curb fee shall be charged for planters or benches)

B. Inspection Charges

Field inspections for the items in A1 above will be made by the City to insure that the permittee is maintaining a right-of-way for public, both in the sidewalk and street areas, provided, however, that inspection fees shall not be charged in the case of debris boxes used by homeowners. A charge of \$153 (~~\$190~~) per hour for the first hour shall be made for such inspection service. If such inspection service exceeds one hour there shall be an additional charge of \$221 for each thirty days, or fraction thereof, that the permittee uses the streets or sidewalks pursuant to the permit issued hereunder. The hourly inspection charge for the first hour shall be doubled for inspections on Saturdays, Sundays and holidays. The hourly inspection charge shall be paid at the time the permit is issued and shall be based on the City's estimate of the time required for inspection service and the permittee's estimate of time for completion of all work, including cleanup and clearing the public right-of-way. If the work is unfinished at the expiration of the time estimated by the permittee, the permittee shall then deposit additional inspection fees based on estimate for completion of work.

Such charge, if not paid, shall be deducted the surety company on its bond, if a surety bond has been filed in lieu of the required deposit.

A permit fee of \$17 for a single trip, or an annual fee of \$79 per year for a repetitive permit shall be charged for any overweight, overweight or overwidth vehicle or any overweight, or overwidth load being operated on any public street as defined in the State Vehicle Code. (BMC 16.16.130)



| FEE TYPE / DESCRIPTION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | FEE                                                                                                                                                                  | PROPOSED FEE | REMARKS |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|---------|
| <p>C. Increased Fees for Work Performed or Operation of Vehicle Without Permit</p> <p>For any work performed, wholly or in part, or for the operation on any public street of an overheight, overweight or overwidth vehicle or any vehicle with an overheight, overweight or overwidth load as defined the State Vehicle Code, without first having secured the permit required by the provisions of this of this chapter, the person, firm or corporation having performed such work or operated such vehicle shall pay a permit fee which shall be five times the permit fee provided by this section, and an inspection charge fives times the inspection charge provided by this chapter. (BMC 16.16.040)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <input type="text"/>                                                                                                                                                 |              |         |
| <p>D. Deposit - To Guarantee Removal of Materials or Equipment Required</p> <p>As a guaranty to the City that such materials, appliances or other equipment so placed or stored on any street or sidewalk will be cleaned of all dirt, sand and debris of any kind to the satisfaction of the Public Works Director or his/her designee, and will be removed there from immediately upon the completion of such work, or at such time prior thereto when, in the judgment of said Public Works Director or his/her designee, the public interest or convenience will be best subserved thereby, said person, firm or corporation shall deposit with the Planning and Development Department the sum of <u>\$1,376</u> for each permit issued under the provisions of this chapter. (BMC 16.16.070)</p>                                                                                                                                                                                                                                                                                                                                                                                    | <input type="text"/><br><input type="text"/>                                                                                                                         |              |         |
| <p>E. Deposit - Surety Bond in Lieu When - Conditions</p> <p>In lieu of the deposit required by this chapter, a surety bond in the amount of <u>\$11,306</u> may be filed with the Planning and Development Department, conditioned as a guaranty to the City that all costs for which any person, firm or corporation-shall be liable, as in this section provided, will be paid upon demand therefore by the Public Works Director or his/her designee. Any such bond may be conditioned as a continuing bond and not be limited to any particular location in the City. Such bond shall be approved as to form by the City Attorney. (BMC 16.16.080)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <input type="text"/><br><input type="text"/>                                                                                                                         |              |         |
| <p>F. Waiver - Deposit and Bond</p> <p>In the exercise of his reasonable discretion and for good cause shown, the Public Works Director or his/her designee may waive or reduce the deposit or bond required by this chapter, in order to encourage home owners to do or cause to be done the work herein. (BMC 16.16.050 and 16.16.080)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <input type="text"/>                                                                                                                                                 |              |         |
| <p><b>VI. NO PARKING SIGNS</b></p> <p>No parking signs will be required in conjunction with all street use permits.</p> <p>If it is determined by the Planning and Development Department that the use of the signs applied for will not be detrimental to public safety or general welfare, a permit will be issued for the use of such signs upon payment of a permit fee of <u>\$34</u> and upon receiving the signed statement of the applicant agreeing to be bound by the conditions of the permit and these rules and regulations; provided, however, that an additional permit fee equal to the cost of a meter in the amount of <u>\$79</u> per week shall be charged for each 20 feet of time limit zone and each meter for work requiring a time period of one month or more. In addition, a processing fee of \$15 shall be made for each sign posted.</p> <p>Should an applicant need to replace previously issued No Parking signs which have been lost, stolen or damaged, a processing fee of \$5 shall be paid for each re-issued sign.</p> <p>Seasonal Ground Signs (in the Public right-of-way) - \$83 for the first three signs and \$15 for each additional sign</p> | <input type="text"/><br><input type="text"/><br><input type="text"/><br><input type="text"/><br><input type="text"/><br><input type="text"/><br><input type="text"/> |              |         |

| FEE TYPE / DESCRIPTION                                                                                                                                                        | FEE         | PROPOSED<br>FEE | REMARKS                  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-----------------|--------------------------|
| <b>VII. ENCROACHMENT PERMITS</b>                                                                                                                                              |             |                 |                          |
| The following fees for encroachment permits shall be paid in advance to the Planning and Development Department of the City:                                                  |             |                 |                          |
| 1. A non-refundable application fee in the amount of <u>\$454</u> for each permit below.                                                                                      |             |                 |                          |
| a. Minor encroachment permit: <u>\$1,228</u> paid upon approval of permit.                                                                                                    |             |                 |                          |
| b. Major encroachment permit: <u>\$1,774</u> paid upon approval of permit.                                                                                                    |             |                 |                          |
| 2. Decorative non-commercial installation in a public right-of-way: a permit fee of <u>\$127</u>                                                                              |             |                 |                          |
| 3. Above ground planter: <u>\$153</u>                                                                                                                                         |             |                 |                          |
| 4. Inspection when required by the Director of Public Works or his/her designee: <u>\$153</u> ( <del>\$190</del> ) per hour.                                                  |             |                 |                          |
| 5. Tieback and soil nail fee for tie backs soil nails less than or equal to 12 feet deep                                                                                      | \$ 2,100.00 |                 | per tieback or soil nail |
| 6. Tieback and soil nail fee for tie backs soil nails less than or equal to 24 feet deep but more than 12 feet deep                                                           | \$ 1,050.00 |                 | per tieback or soil nail |
| 7. Tieback and soil nail fee for tie backs soil nails greater than 24 feet deep                                                                                               | \$ 525.00   |                 | per tieback or soil nail |
| (BMC 16.18.025)                                                                                                                                                               |             |                 |                          |
| <b>VIII. SUBDIVISION FEES</b>                                                                                                                                                 |             |                 |                          |
| A. Processing and Review                                                                                                                                                      |             |                 |                          |
| The following fees or charges for processing and review of subdivision maps and certificates shall be paid in advance to the Planning and Development Department of the City: |             |                 |                          |
| 1. Lot line adjustmenst filing fee (BMC 21.32.040)                                                                                                                            | \$ 1,743.00 |                 |                          |
| 2. Reversion to acreage filing fee (BMC 21.48.040)                                                                                                                            | \$ 1,743.00 |                 |                          |
| 3. Parcel mergers (BMC 21.52.060)                                                                                                                                             |             |                 |                          |
| Filing fee                                                                                                                                                                    | \$ 1,743.00 |                 |                          |
| Public hearing fee                                                                                                                                                            | \$ 633.00   |                 |                          |
| 4. Correction and amendment of a recorded map filing fee (BMC 21.56.050)                                                                                                      | \$ 1,445.00 |                 |                          |
| 5. Certificate of compliance filing fee (BMC 21.60.050)                                                                                                                       | \$ 1,743.00 |                 |                          |
| 6. Tentative tract maps (BMC 21.16.043)                                                                                                                                       |             |                 |                          |
| Filing fee                                                                                                                                                                    | \$ 4,820.00 |                 |                          |
| Public hearing fee                                                                                                                                                            | \$ 633.00   |                 |                          |
| 7. Vesting tentative parcel maps filing fee (BMC 21.18.070)                                                                                                                   | \$ 5,316.00 |                 |                          |
| 8. Vesting tentative tract maps (BMC 21.18.070)                                                                                                                               |             |                 |                          |
| Filing fee                                                                                                                                                                    | \$ 5,316.00 |                 |                          |
| Public hearing fee                                                                                                                                                            | \$ 633.00   |                 |                          |
| 9. Minor amendment to approve tentative map (BMC 21.16.080)                                                                                                                   |             |                 |                          |
| Filing fee                                                                                                                                                                    | \$ 323.00   |                 |                          |
| Records Management fee                                                                                                                                                        | \$ 50.00    |                 |                          |
| 10. Major amendment to approved tentative map (BMC 21.16.080)                                                                                                                 |             |                 |                          |
| Filing fee                                                                                                                                                                    | \$ 1,003.00 |                 |                          |
| Public Hearing fee                                                                                                                                                            | \$ 633.00   |                 |                          |
| Records Management fee                                                                                                                                                        | \$ 50.00    |                 |                          |

| FEE TYPE / DESCRIPTION                                                                                                                                                                                                                                                                                                                                                                                      | FEE         | PROPOSED FEE | REMARKS              |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|--------------|----------------------|
| 11. Final tract maps (BMC 21.20.020)                                                                                                                                                                                                                                                                                                                                                                        |             |              |                      |
| Filing fee                                                                                                                                                                                                                                                                                                                                                                                                  | \$ 376.00   |              |                      |
| Map Checking fee                                                                                                                                                                                                                                                                                                                                                                                            | \$ 181.00   |              | /lot, parcel or unit |
| 12. Parcel maps filing fee (BMC 21.24.040)                                                                                                                                                                                                                                                                                                                                                                  | \$ 4,820.00 |              |                      |
| 13. Office engineering fee (BMC 21.04.070)                                                                                                                                                                                                                                                                                                                                                                  | \$ 153.00   | \$ 190.00    | per hour             |
| B. Deposit - Refundable                                                                                                                                                                                                                                                                                                                                                                                     |             |              |                      |
| A deposit in the amount of <u>\$588</u> shall be paid at the time of filing and, in addition to the filing fees, for the following:                                                                                                                                                                                                                                                                         |             |              |                      |
| Final maps; parcel maps; lot line adjustments; reversions to acreage; parcel mergers; corrections and amendments to recorded maps; and certificates of compliance.                                                                                                                                                                                                                                          |             |              |                      |
| <b>NOTE:</b> Such deposit shall be refunded upon the receipt by the City of a duplicate original of the recorded subdivision map, made upon a mylar material. If receipt of said mylar map is not made within six (6) months following the date the map was recorded, the City will permanently retain all of the deposit to defray the cost of obtaining a mylar copy of the recorded map for its records. |             |              |                      |
| <b>IX. CREEK FEES</b>                                                                                                                                                                                                                                                                                                                                                                                       |             |              |                      |
| CEQA compliance certification, Fish and Game approval, and Section 401 Army Core of Engineer's permit must be completed prior to acceptance of the application by Public Works for approval.                                                                                                                                                                                                                |             |              |                      |
| All horizontal distances are measured on the level and all vertical distances shall be measured perpendicular to the level horizontal.                                                                                                                                                                                                                                                                      |             |              |                      |
| A. Creeks identification fee                                                                                                                                                                                                                                                                                                                                                                                | \$ 495.00   |              |                      |
| B. Creek permit base fee                                                                                                                                                                                                                                                                                                                                                                                    | \$ 988.00   |              |                      |
| C. CEQA review fee for open creeks                                                                                                                                                                                                                                                                                                                                                                          | \$ 741.00   |              |                      |
| D. Public Works Commission hearing fee                                                                                                                                                                                                                                                                                                                                                                      | \$ 741.00   |              |                      |
| E. Additional fees: \$153 per hour x hours required                                                                                                                                                                                                                                                                                                                                                         | \$ 153.00   | \$ 190.00    | /hour                |
| F. Records Management fee                                                                                                                                                                                                                                                                                                                                                                                   | \$ 50.00    |              |                      |

Attachment 2, Chapter D - Engineering

**COST WORKSHEET: HOURLY COST OF ENGINEERING INSPECTION STAFF PROVIDING DIRECT SERVICES  
FY2017**

This worksheet calculates the total hourly cost of providing engineering inspection services by attributing all associated costs to the professional staff providing direct services, such as reviewing permit applications for temporary use of the right of way, processing utility permits, and performing field inspections. Other staff and overhead are prorated to the direct service as part of their cost.

**Direct Costs**

|                                                     | Salary       | FTE   |
|-----------------------------------------------------|--------------|-------|
| Personnel Costs                                     |              |       |
| Engineering Inspector                               | \$100,987.12 | 1.0   |
| Total                                               | \$100,987.12 | 1.0   |
| Add Fringe Benefits (75.32%)                        | \$76,063.50  |       |
| Direct Personnel Costs                              | \$177,050.62 |       |
| Engineering Non-Personnel (excludes indirect costs) | \$272,887.00 |       |
| Engineering FTE                                     | /            | 38.75 |
| Non-Personnel Cost/FTE                              | \$7,042.25   |       |
| Direct FTE                                          | :            | 1.0   |
| Non-Personnel Costs                                 | \$7,042.25   |       |
| Total Direct Costs (Personnel + Non-Personnel)      | \$184,092.86 |       |
| Total Direct Costs                                  | \$184,092.86 |       |
| Staff Hours                                         | /            | 1634  |
| Direct Staff Costs per Hour                         | \$112.66     |       |

**Indirect Costs**

|                                                   |                |                                         |
|---------------------------------------------------|----------------|-----------------------------------------|
| Indirect Costs (20.44%) x salary for Direct Labor | \$20,641.77    |                                         |
| Division Admin - Personnel Cost                   | + \$105,035.71 |                                         |
| Department Admin & Rent prorated                  | + \$3,762.12   | Div rent / Div FTE x Relevant FTE (1.0) |
| Total Indirect Costs                              | \$129,439.59   |                                         |
| Direct Staff Hours                                | /              | 1634                                    |
| Indirect Staff Costs per Hour                     | \$79.22        |                                         |

**Total Cost Per Hour (Sum of Indirect Costs) \$191.88**

| <b>Admin Overhead</b>       |               |            |                 |
|-----------------------------|---------------|------------|-----------------|
| <b>Engineering Overhead</b> | <b>Amount</b> | <b>FTE</b> | <b>Salaries</b> |
| City Engineer               | \$7,981.68    | 0.05       | \$159,633.55    |
| Dep Director                | \$8,435.70    | 0.05       | \$168,714.00    |
| Analyst                     | \$4,253.43    | 0.05       | \$85,068.67     |
| OSII                        | \$3,563.31    | 0.05       | \$71,266.21     |
| Super. Civil Eng (4)        | \$29,421.23   | 0.2        | \$147,106.13    |
|                             | \$53,655.35   | 0.4        |                 |
| Add Fringe (75.32%)         | \$40,413.21   |            |                 |
| Add Indirects (20.44%)      | \$10,967.15   |            |                 |
| Total Personnel             | \$105,035.71  |            |                 |

Attachment 3, Chapter E - Traffic Engineering

**COST WORKSHEET: HOURLY COST OF ASSOCIATE CIVIL ENGINEERING STAFF PROVIDING DIRECT SERVICES FY2017**

This worksheet calculates the total hourly cost of providing traffic control plan review, field inspection, and other related services, by attributing all associated costs to the professional staff providing these direct services. Other staff and overhead are prorated to the direct service as part of their cost.

**Direct Costs**

|                                                        |              |                                         |     |
|--------------------------------------------------------|--------------|-----------------------------------------|-----|
| Personnel Costs                                        | Salary       | FTE                                     |     |
| Associate Engineer                                     | \$135,923.01 | 1.0                                     |     |
|                                                        | Total        | \$135,923.01                            | 1.0 |
| Add Fringe Benefits (71.42%)                           | \$97,076.21  |                                         |     |
| Direct Personnel Costs                                 | \$232,999.22 |                                         |     |
| Transportation Non-Personnel (excludes indirect costs) | \$351,645.00 | Transportation 4000-5999 ele-ojb totals |     |
| Transportation FTE                                     | /            | 35                                      |     |
| Non-Personnel Cost/FTE                                 | \$10,047.00  |                                         |     |
| Direct FTE                                             | x            | 1.0                                     |     |
| Non-Personnel Costs                                    | \$10,047.00  |                                         |     |
| Total Direct Costs (Personnel + Non-Personnel)         | \$243,046.22 |                                         |     |
| Total Direct Costs                                     | \$243,046.22 |                                         |     |
| Staff Hours                                            | /            | 1634                                    |     |
| Direct Staff Costs per Hour                            | \$148.74     |                                         |     |

**Indirect Costs**

|                                                   |                |                                         |  |
|---------------------------------------------------|----------------|-----------------------------------------|--|
| Indirect Costs (20.44%) x salary for Direct Labor | \$27,782.66    |                                         |  |
| Division Admin - Personnel Cost                   | + \$108,347.93 |                                         |  |
| Department Admin & Rent prorated                  | + \$4,165.20   | Div rent / Div FTE x Relevant FTE (1.0) |  |
| Total Indirect Costs                              | \$140,295.79   |                                         |  |
| Direct Staff Hours                                | /              | 1634                                    |  |
| Indirect Staff Costs per Hour                     | \$85.86        |                                         |  |

**Total Cost Per Hour (Sum of Indirect Costs) \$234.60**

| <b>Admin Overhead</b>          |               |            |                 |
|--------------------------------|---------------|------------|-----------------|
| <b>Transportation Overhead</b> | <b>Amount</b> | <b>FTE</b> | <b>Salaries</b> |
| Transportation Manager         | \$8,430.00    | 0.05       | \$168,600.00    |
| Dep Director                   | \$8,435.70    | 0.05       | \$168,714.00    |
| Analyst                        | \$4,253.43    | 0.05       | \$85,068.67     |
| Admin Secretary                | \$3,990.60    | 0.05       | \$79,812.00     |
| Super. Traf Eng                | \$31,365.60   | 0.2        | \$156,828.00    |
|                                | \$56,475.33   | 0.4        |                 |
| Add Fringe (71.42%)            | \$40,329.04   |            |                 |
| Add Indirects (20.44%)         | \$11,543.56   |            |                 |
| Total Personnel                | \$108,347.93  |            |                 |

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

FEES: DEVELOPMENT RELATED SERVICES PROVIDED BY THE PLANNING AND DEVELOPMENT DEPARTMENT

WHEREAS, on May 16, 2017, Resolution No. 67,985-N.S. established fees for development-related services provided by the Planning and Development Department; and

WHEREAS, the hourly base rate for staff services provided by the Public Works Engineering and Transportation Divisions has not been increased since 2010; and

WHEREAS, the current staff time rates of \$153/hour for Chapter D - Engineering Division and \$160/hour for Chapter E – Traffic Engineering for hourly-based services has not kept up with staff hourly rates and overhead costs incurred to deliver services since the respective dates of the previous rate adjustments; and

WHEREAS, the Council of the City of Berkeley held a public hearing on May 28, 2019 to review the proposed changes to the fee schedule, attached hereto as Exhibit A to this resolution.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the proposed fees for all development-related engineering services provided by the Planning and Development Department (Exhibit A) are adopted effective July 1, 2020, and that Resolution 67,985-N.S. is amended to incorporate the new fees.

Exhibits:

A: Fee Schedule

**CHAPTER D - ENGINEERING**

| FEE TYPE / DESCRIPTION                                                                                                                                                                                                                                                        | FEE         | REMARKS                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-----------------------------------|
| <b>I. Engineering Fees</b>                                                                                                                                                                                                                                                    |             |                                   |
| 1. Engineering work required for review or preparation of sewer plans and specifications                                                                                                                                                                                      | \$ 190.00   | per hour                          |
| 2. Engineering work required in abandonment of easement                                                                                                                                                                                                                       | \$ 5,202.00 |                                   |
| 3. Engineering work required in abandonment of streets, paths, walks, steps and similar public ways                                                                                                                                                                           | \$ 8,918.00 |                                   |
| 4. Whenever work is caused to be done under Federal, State or local law, whether such work is done under assessment district or improvement plan, public proceedings or private contract, a fee for engineering work and field inspection shall be charged for the following: |             |                                   |
| a. Review of plans and specifications other than for sewer.                                                                                                                                                                                                                   | \$ 190.00   | per hour                          |
| b. Engineering work and inspection required for grading or regarding streets.                                                                                                                                                                                                 | \$ 190.00   | per hour                          |
| c. Engineering work and inspection required for concrete sidewalks, curbs and gutter.                                                                                                                                                                                         | \$ 190.00   | per hour                          |
| d. Engineering work and inspection required for pavement in area of roadway.                                                                                                                                                                                                  | \$ 190.00   | per hour                          |
| e. Engineering work and inspection required for culverts and drainage.                                                                                                                                                                                                        | \$ 190.00   | per hour                          |
| f. Engineering work and inspection required for sewers.                                                                                                                                                                                                                       | \$ -        |                                   |
| g. Engineering work and inspection required for structures of masonry construction of either brick or concrete.                                                                                                                                                               | \$ 190.00   | per hour                          |
| h. Engineering work and inspection required for construction storm water best management practices.                                                                                                                                                                           | \$ 190.00   | per hour                          |
| i. Engineering work and inspection required for post -construction storm water best management practices                                                                                                                                                                      | \$ 190.00   | per hour                          |
| (BMC 2.72.050)                                                                                                                                                                                                                                                                |             |                                   |
| 5. Moving and replacing street monuments, the charge will be the actual cost to the City.                                                                                                                                                                                     |             |                                   |
| 6. All engineering services in connection with work ordered or authorized by the Council or other work not specifically provided for herein, an hourly fee for office engineering and field inspection will be charged.                                                       | \$ 190.00   | per hour                          |
| 7. Whenever engineering or inspection services are to be performed and fees paid therefore, as herein above provided in subsections 1, 4 and 5, a minimum fee corresponding to one hour of engineering work shall be charged.                                                 | \$ 190.00   | per hour                          |
| 8 Field survey:                                                                                                                                                                                                                                                               |             |                                   |
| One-person party                                                                                                                                                                                                                                                              | \$ 190.00   | per hour/person (4 hours minimum) |
| Two-person party                                                                                                                                                                                                                                                              | \$ 190.00   | per hour/person (4 hours minimum) |
| Three-person party                                                                                                                                                                                                                                                            | \$ 190.00   | per hour/person (4 hours minimum) |

| FEE TYPE / DESCRIPTION                                                                                            | FEE            | REMARKS |
|-------------------------------------------------------------------------------------------------------------------|----------------|---------|
| 9. Public consultations or assistance rendered in records examination.                                            | No fee         |         |
| 10. Fees and charges provided herein for work performed on Saturdays, Sundays and holidays.<br><br>(BMC 2.72.050) | Double the fee |         |

**II. SIDEWALK CONSTRUCTION AND REPAIR**

A. Fees - Streets, Sidewalks and Other Public Property

For permits and field inspection, the following fees or charges shall be paid in advance to the Planning and Development Department of the City:

1. Permits: All permits shall be \$127 for each such permit issued. All permits issued hereunder shall expire ninety days after issuance and there shall be no refund of the permit charge. In the exercise of his reasonable discretion and for good cause shown, the Director of Public Works or his/her designee may waive or reduce the permit and inspection fees for sidewalk work which is necessitated by the root damage from City owned trees.
2. Field Inspection: The charge for field inspection shall be as follows:
 

|                                                     |    |       |                                         |
|-----------------------------------------------------|----|-------|-----------------------------------------|
| a. Curbing                                          | \$ | 28.00 | for each ten L.F. or fraction thereof   |
| b. Curb and Gutter                                  | \$ | 28.00 | for each ten L.F. or fraction thereof   |
| c. Sidewalks                                        | \$ | 28.00 | for each 100 sq. ft or fraction thereof |
| d. Driveway approach: Same charge as for sidewalks. | \$ | 28.00 | per 100 sq. ft or fraction thereof      |

(BMC 16.04.110)

B. Permit - Cash Deposit or Bond in Lieu Required - Conditions

1. When construction is to be performed pursuant to the provisions of this chapter, the sum of \$1,376 for each permit shall be deposited with the Department of Planning and Development as a guaranty that all work, including excavation, stockpiling materials, protection and repair of property in the public right-of-way including shrubs, maintenance of pedestrian and vehicular safety and convenience, and cleanup, will be done in a proper and workmanlike manner and in accordance with all City requirements and to the satisfaction of the Director of Public Works or his/her designee.
2. In lieu of such deposit for each permit, a surety company faithful performance bond in the amount of \$11,305 may be filed with the Planning and Development Department. Such bond shall be conditioned that all construction of sidewalks, parking steps, driveway approaches, curbs or curbs and gutters shall be done in a proper and workmanlike manner, and in accordance with all City requirements and to the satisfaction of the Director of Public Works or his/her designee. Any such bond may be conditioned as a continuing bond and not be limited to any particular location in the City. The form of such bond shall be approved by the City Attorney.
3. In the event the work is not done in a proper and workmanlike manner, or not done in accordance with the requirements of this chapter or any other ordinance or requirements of the City, or not done to the satisfaction of the Director of Public Works or his/her designee, the City may perform or cause to have performed the necessary construction work, repair work or cleanup work and deduct the cost thereof from said deposit or require the cost thereof to be paid by said surety company on its bond.
4. In the exercise of his reasonable discretion and for good cause shown, the Director of Public Works or his/her designee may waive or reduce the deposit or bond required by this section in order to encourage property owners to do or cause to have done the work provided for hereunder; provided, that if such work is not being performed in a satisfactory and timely manner, the Director of Public Works or his/her designee may order that the deposit or bond required by this section be filed and the work stopped until such filing is made. (BMC 16.04.130)



| FEE TYPE / DESCRIPTION | FEE | REMARKS |
|------------------------|-----|---------|
|------------------------|-----|---------|

**III. SANITARY AND STORM DRAIN SEWERS**

A. Sewer and Storm Drain Construction Fees

1. The following fees shall be paid to the Planning and Development Department for sewer and storm drain construction:
  - a. For each permit for lateral sewer or storm drain construction within the public right-of-way or other public easement \$127.
  - b. For inspection of lateral sewer or storm drain construction within the public street area and connection to the existing sewer or storm drain main \$206 for each month or fraction thereof between issuance of the permit and final inspection and approval by a City Inspector.
  - c. For inspection of construction of sewer or storm drain mains in the public right-of-way or other public easement, and for inspection of lateral sewer or storm drain construction in the public street area, without connection to main \$190 per hour.
  - d. For engineering work and inspection required in establishing backline easements and re-use connections - \$190 per hour, two-hour minimum.
  - e. For sewer lateral capping, \$190 per hour, two-hour minimum.
  - f. For engineering work and inspection involved with mainlines and manholes, \$190 per hour, two-hour minimum.
2. For any work performed, wholly or in part, without first secured the permit required by provisions of this section, the person firm or corporation having performed such work shall pay a permit fee which shall be five times the permit fee provided by this section, and five times the inspection charge for any month, or any fraction thereof, that the work has been in progress without a permit. All inspection fees shall be doubled for such inspection performed on Saturdays, Sundays and holidays.

(BMC 17.16.050)

B. Sewer Construction, Cash Deposit or Bond in Lieu of

1. When a sewer or storm drain is to be installed in the public right-of-way or other public easement, the sum of \$1,376 for each permit shall be deposited with the Planning and Development Department as a guaranty that all sewer or storm drain work, including backfill, street paving and cleanup, will be done in a proper and workmanlike manner.
2. In lieu of such deposit for each permit, a surety company faithful performance bond in the amount of \$11,306 may be filed with the Planning and Development Department. Such bond shall be conditioned that all sewer or storm drain work, including backfill, street paving and cleanup shall be done in a proper and workmanlike manner and in accordance with all City requirements and to the satisfaction of the Director of Public Works or his/her designee.

(BMC 17.16.050)

**IV. EXCAVATIONS**

A. Permit - Required - Application Time and Contents for Mains or Lateral Pipes

Whenever any person, firm or corporation desires to open trenches in the public streets or thoroughfares for the purpose of placing therein main or lateral pipes or conduits, other than lateral sewers, such person, firm or corporation shall make application in writing and obtain a permit from the Planning and Development Department not less than forty-eight hours in advance of his/her or its desire to so open trenches in said streets and thoroughfares, except in case of accident or emergency, in which case written notice shall be given within twenty-four hours after any such opening; provided however, that if said notice cannot be given because the office is closed, then written notice shall be given within eight hours after the office which issues said permits is open for business.

The application for the permit shall give the names of the streets in which trenches are to be opened and names of the cross streets between which said trenches are to be made. A permit fee of \$127 and shall be paid for each permit issued hereunder; except, however, that such fee shall not be charged against any entity exempt by law from the payment of such fees. An inspection fee of \$190 per hour shall be charged for all inspections. (BMC 16.12.030)

| FEE TYPE / DESCRIPTION | FEE | REMARKS |
|------------------------|-----|---------|
|------------------------|-----|---------|

B. Compliance with Regulations Required  
The permittee shall conduct all operations in accordance with the Excavations Ordinance (BMC Chapter 16.12) and the "Trench Excavation and Surface Restoration in the Public Right-of-Way -Regulations and Requirements," promulgated pursuant to said Ordinance (hereafter "Regulations.").

C. In-lieu Fees - Required When  
For excavations in streets less than five (5) years from the date of application for a permit to excavate, permittee shall resurface the trenched area as provided by the Regulations. At the discretion of the Director of Public Works or his/her designee, such resurfacing requirements may be waived and the permittee shall pay an in-lieu fee as follows:

| <u>Type of Excavation</u>                  | <u>In -lieu Fee</u>                                                                |
|--------------------------------------------|------------------------------------------------------------------------------------|
| Trench (excluding new service connections) | \$4.20 per square foot of street area required to be resurfaced by the regulations |
| Bell hole/new service connection           | \$676 /bell hole or new service connection                                         |

**V. STREET AND SIDEWALK USE PERMIT**

A. Permit Fees

1. A permit fee of \$127 shall be charged for each street use permit issued below. In addition there shall be paid for the use of street area, curb or sidewalk in areas classified as commercial, R-3, R-4 and R-5 in the zoning ordinance, during construction for which a building permit or public works permit has been issued, or for which such permit is required, including all University of California construction projects located in City streets, a fee of \$7.50 per linear curb foot per month.

- a. Construction where storage of materials, debris or equipment is involved within the public right-of-way.
- b. House moving.
- c. Demolition where storage of materials, debris or equipment is involved within the public right-of-way.
- d. Debris boxes by contractors.
- e. Sidewalk seating, Benches and Planters (BMC 14.48.200)

2. In the case of debris boxes used by homeowners, a fee of \$100 shall be charged, the inspection fees shall be waived.

(BMC 16.16.030)

3. In the case of Sidewalk Seating Tables and Chairs, a curb fee of \$7.50 per lineal foot per calendar year (no curb fee shall be charged for planters or benches)

B. Inspection Charges

Field inspections for the items in A1 above will be made by the City to insure that the permittee is maintaining a right-of-way for public, both in the sidewalk and street areas, provided, however, that inspection fees shall not be charged in the case of debris boxes used by homeowners. A charge of \$190 per hour for the first hour shall be made for such inspection service. If such inspection service exceeds one hour there shall be an additional charge of \$221 for each thirty days, or fraction thereof, that the permittee uses the streets or sidewalks pursuant to the permit issued hereunder. The hourly inspection charge for the first hour shall be doubled for inspections on Saturdays, Sundays and holidays. The hourly inspection charge shall be paid at the time the permit is issued and shall be based on the City's estimate of the time required for inspection service and the permittee's estimate of time for completion of all work, including cleanup and clearing the public right-of-way. If the work is unfinished at the expiration of the time estimated by the permittee, the permittee shall then deposit additional inspection fees based on estimate for completion of work.

Such charge, if not paid, shall be deducted the surety company on its bond, if a surety bond has been filed in lieu of the required deposit.

A permit fee of \$17 for a single trip, or an annual fee of \$79 per year for a repetitive permit shall be charged for any overweight, overweight or overwidth vehicle or any overweight, or overwidth load being operated on any public street as defined in the State Vehicle Code. (BMC 16.16.130)

| FEE TYPE / DESCRIPTION | FEE | REMARKS |
|------------------------|-----|---------|
|------------------------|-----|---------|

C. Increased Fees for Work Performed or Operation of Vehicle Without Permit

For any work performed, wholly or in part, or for the operation on any public street of an overheight, overweight or overwidth vehicle or any vehicle with an overheight, overweight or overwidth load as defined the State Vehicle Code, without first having secured the permit required by the provisions of this of this chapter, the person, firm or corporation having performed such work or operated such vehicle shall pay a permit fee which shall be five times the permit fee provided by this section, and an inspection charge fives times the inspection charge provided by this chapter. (BMC 16.16.040)

D. Deposit - To Guarantee Removal of Materials or Equipment Required

As a guaranty to the City that such materials, appliances or other equipment so placed or stored on any street or sidewalk will be cleaned of all dirt, sand and debris of any kind to the satisfaction of the Public Works Director or his/her designee, and will be removed there from immediately upon the completion of such work, or at such time prior thereto when, in the judgment of said Public Works Director or his/her designee, the public interest or convenience will be best subserved thereby, said person, firm or corporation shall deposit with the Planning and Development Department the sum of \$1,376 for each permit issued under the provisions of this chapter. (BMC 16.16.070)

E. Deposit - Surety Bond in Lieu When - Conditions

In lieu of the deposit required by this chapter, a surety bond in the amount of \$11,306 may be filed with the Planning and Development Department, conditioned as a guaranty to the City that all costs for which any person, firm or corporation-shall be liable, as in this section provided, will be paid upon demand therefore by the Public Works Director or his/her designee. Any such bond may be conditioned as a continuing bond and not be limited to any particular location in the City. Such bond shall be approved as to form by the City Attorney. (BMC 16.16.080)

F. Waiver - Deposit and Bond

In the exercise of his reasonable discretion and for good cause shown, the Public Works Director or his/her designee may waive or reduce the deposit or bond required by this chapter, in order to encourage home owners to do or cause to be done the work herein. (BMC 16.16.050 and 16.16.080)

**VI. NO PARKING SIGNS**

No parking signs will be required in conjunction with all street use permits.

If it is determined by the Planning and Development Department that the use of the signs applied for will not be detrimental to public safety or general welfare, a permit will be issued for the use of such signs upon payment of a permit fee of \$34 and upon receiving the signed statement of the applicant agreeing to be bound by the conditions of the permit and these rules and regulations; provided, however, that an additional permit fee equal to the cost of a meter in the amount of \$79 per week shall be charged for each 20 feet of time limit zone and each meter for work requiring a time period of one month or more. In addition, a processing fee of \$15 shall be made for each sign posted.

Should an applicant need to replace previously issued No Parking signs which have been lost, stolen or damaged, a processing fee of \$5 shall be paid for each re-issued sign.

Seasonal Ground Signs (in the Public right-of-way) - \$83 for the first three signs and \$15 for each additional sign

| FEE TYPE / DESCRIPTION | FEE | REMARKS |
|------------------------|-----|---------|
|------------------------|-----|---------|

**VII. ENCROACHMENT PERMITS**

The following fees for encroachment permits shall be paid in advance to the Planning and Development Department of the City:

1. A non-refundable application fee in the amount of \$454 for each permit below.
  - a. Minor encroachment permit: \$1,228 paid upon approval of permit.
  - b. Major encroachment permit: \$1,774 paid upon approval of permit.
2. Decorative non-commercial installation in a public right-of-way: a permit fee of \$127
3. Above ground planter: \$153
4. Inspection when required by the Director of Public Works or his/her designee: \$190 per hour.
5. Tieback and soil nail fee for tie backs soil nails less than or equal to 12 feet deep \$ 2,100.00 per tieback or soil nail
6. Tieback and soil nail fee for tie backs soil nails less than or equal to 24 feet deep but more than 12 feet deep \$ 1,050.00 per tieback or soil nail
7. Tieback and soil nail fee for tie backs soil nails greater than 24 feet deep \$ 525.00 per tieback or soil nail

(BMC 16.18.025)

**VIII. SUBDIVISION FEES**

A. Processing and Review

The following fees or charges for processing and review of subdivision maps and certificates shall be paid in advance to the Planning and Development Department of the City:

1. Lot line adjustmenst filing fee (BMC 21.32.040) \$ 1,743.00
2. Reversion to acreage filing fee (BMC 21.48.040) \$ 1,743.00
3. Parcel mergers (BMC 21.52.060)
  - Filing fee \$ 1,743.00
  - Public hearing fee \$ 633.00
4. Correction and amendment of a recorded map filing fee (BMC 21.56.050) \$ 1,445.00
5. Certificate of compliance filing fee (BMC 21.60.050) \$ 1,743.00
6. Tentative tract maps (BMC 21.16.043)
  - Filing fee \$ 4,820.00
  - Public hearing fee \$ 633.00
7. Vesting tentative parcel maps filing fee (BMC 21.18.070) \$ 5,316.00
8. Vesting tentative tract maps (BMC 21.18.070)
  - Filing fee \$ 5,316.00
  - Public hearing fee \$ 633.00
9. Minor amendment to approve tentative map (BMC 21.16.080)
  - Filing fee \$ 323.00
  - Records Management fee \$ 50.00
10. Major amendment to approved tentative map (BMC 21.16.080)
  - Filing fee \$ 1,003.00
  - Public Hearing fee \$ 633.00
  - Records Management fee \$ 50.00

| FEE TYPE / DESCRIPTION                     | FEE         | REMARKS              |
|--------------------------------------------|-------------|----------------------|
| 11. Final tract maps (BMC 21.20.020)       |             |                      |
| Filing fee                                 | \$ 376.00   |                      |
| Map Checking fee                           | \$ 181.00   | /lot, parcel or unit |
| 12. Parcel maps filing fee (BMC 21.24.040) | \$ 4,820.00 |                      |
| 13. Office engineering fee (BMC 21.04.070) | \$ 190.00   | per hour             |

B. Deposit - Refundable

A deposit in the amount of \$588 shall be paid at the time of filing and, in addition to the filing fees, for the following:

Final maps; parcel maps; lot line adjustments; reversions to acreage; parcel mergers; corrections and amendments to recorded maps; and certificates of compliance.

**NOTE:** Such deposit shall be refunded upon the receipt by the City of a duplicate original of the recorded subdivision map, made upon a mylar material. If receipt of said mylar map is not made within six (6) months following the date the map was recorded, the City will permanently retain all of the deposit to defray the cost of obtaining a mylar copy of the recorded map for its records.

**IX. CREEK FEES**

CEQA compliance certification, Fish and Game approval, and Section 401 Army Core of Engineer's permit must be completed prior to acceptance of the application by Public Works for approval.

All horizontal distances are measured on the level and all vertical distances shall be measured perpendicular to the level horizontal.

|                                                     |           |       |
|-----------------------------------------------------|-----------|-------|
| A. Creeks identification fee                        | \$ 495.00 |       |
| B. Creek permit base fee                            | \$ 988.00 |       |
| C. CEQA review fee for open creeks                  | \$ 741.00 |       |
| D. Public Works Commission hearing fee              | \$ 741.00 |       |
| E. Additional fees: \$153 per hour x hours required | \$ 190.00 | /hour |
| F. Records Management fee                           | \$ 50.00  |       |

**NOTICE OF PUBLIC HEARING  
BERKELEY CITY COUNCIL**

**REVISIONS TO PLANNING DEPARTMENT FEE SCHEDULE**

The Department of Public Works is proposing the following changes to the Department of Planning and Development master fee schedule:

1. Increasing the hourly rate for staff time from the Engineering Division, from \$153 per hour to \$190 per hour, for certain activities invoiced on an hourly basis.
2. Increasing the hourly rate for staff time from the Transportation Division, from \$160 per hour to \$200 per hour, for certain activities invoiced on an hourly basis.

The hearing will be held on May 28, 2019 at 6:00 p.m. in the School District Board Room - 1231 Addison Street, Berkeley, CA 94702.

A copy of the agenda material for this hearing will be available on the City’s website at [www.CityofBerkeley.info](http://www.CityofBerkeley.info) as of **May 16, 2019**.

For further information, please contact Sean O’Shea, Administrative and Fiscal Services Manager, at 510-981-6306.

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City’s electronic records, which are accessible through the City’s website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at 981-6900 or [clerk@cityofberkeley.info](mailto:clerk@cityofberkeley.info) for further information.

**Published:** May 17 and May 24, 2018 – The Berkeley Voice  
Published pursuant to Government Code 6062a

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I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way, as well as on the City’s website, on May 6, 2019.

Mark Numainville, City Clerk

**NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL
REVISIONS TO PLANNING DEPARTMENT FEE SCHEDULE**

Notice is hereby given by the City Council of the City of Berkeley that a public hearing will be conducted by said city council of the City of Berkeley at which time and place all persons may attend and be heard upon the following:

The Department of Public Works is holding a hearing to correct an omission to the Department of Planning and Development master fee schedule:

1. Increasing the hourly rate for staff time from the Transportation Division, from \$160 per hour to \$200 per hour, for certain activities invoiced on an hourly basis.

The hearing will be held on December 1, 2020 at 6:00 p.m. The hearing will be held via videoconference pursuant to Governor's Executive Order N-29-20.

For further information, please contact Farid Javandel, Transportation Manager, at 510-981-7061.

A copy of the agenda material for this hearing will be available on the City's website at www.CityofBerkeley.info as of **November 19, 2020**.

Written comments should be mailed to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at 981-6900 or clerk@cityofberkeley.info for further information.

If you challenge the above in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Berkeley at, or prior to, the public hearing. Background information concerning this proposal will be available at the City Clerk Department and posted on the City of Berkeley webpage at least 12 days prior to the public hearing.

Published: November 20 and 27, 2020 – The Berkeley Voice


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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 November 19, 2020

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Mark Numainville, City Clerk





Office of the City Manager

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PUBLIC HEARING  
December 1, 2020

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Jordan Klein, Interim Director, Planning & Development Department  
Subject: Referral Response: Zoning Ordinance Amendments that Reform Residential Off-Street Parking; Amending Berkeley Municipal Code Title 14 and Title 23

RECOMMENDATION

Conduct a public hearing and upon conclusion select among proposed ordinance language options and take the following action:

Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Title 14 and Title 23 which would:

1. Modify Minimum Residential Off-street Parking Requirements
2. Impose Residential Parking Maximums in Transit-rich Areas
3. Amend the Residential Preferential Parking (RPP) Permit Program
4. Institute Transportation Demand Management (TDM) Requirements

SUMMARY

This report presents recommendations for implementing a residential off-street parking reform package. This proposal is a response to Policy 1 of the Green Affordable Housing Package (GAHP) Referral, which focuses on parking reform, and the Citywide Green Development Referral, which requests TDM for high-density residential projects. The Planning Commission met eleven times over the past four years to develop recommendations. Staff from multiple departments have been participating in an interdepartmental working group to evaluate and discuss proposals. Council is asked to consider proposals listed as Option A and Option B in the ordinance revisions.

FISCAL IMPACTS OF RECOMMENDATION

Reductions in off-street parking requirements are intended to make land and building area available, and to provide financial incentives, for additional housing units, particularly affordable units. Projects that include additional units will result in proportionally more inclusionary housing units and Affordable Housing Mitigation Fees. Otherwise, these changes are not expected to have a fiscal impact.

CURRENT SITUATION AND ITS EFFECTS

Reforming residential parking requirements and implementing a TDM program addresses Strategic Plan Priorities, advancing the City's goals to create affordable housing and to be a global leader in addressing climate change. City Council asked Planning Commission to review parking policies in 2015 and 2016 through the following two referrals (see Attachment 2):

*Green Affordable Housing Package Referral (October 27, 2015)* -- Reduce barriers to affordable housing production by researching two ideas:

Policy 1: Exchange off-street parking required for new development with affordable units and/or funding for affordable housing through the following ideas:

- Reduce/eliminate parking requirement for housing that offers TDM measures, car-sharing or shared-mobility programs.
- Implement parking maximums.
- Reduce/eliminate parking requirements for new housing that serves populations with low car ownership.
- Reduce/eliminate parking requirements for transit-intensive housing.
- Reduce parking requirements for new residential units near transit hubs.

Policy 2: Remove structural barriers to affordable housing development through improvements and streamlining of the permitting process.

*Citywide Green Development Requirements Referral (April 26, 2016)* – Apply the Commercial Downtown Mixed-Use District's (C-DMU) TDM regulations (e.g. bicycle parking, vehicle sharing spaces, RPP, unbundled parking, and transportation benefits) to projects with 75 or more units in commercial zoning districts.

Initial GAHP discussions focused on capturing affordable housing units in exchange for parking reductions, as requested in the referral. However, the passage of new State laws that mandated parking reductions near transit (see discussion of Assembly Bill 744 in staff reports provided as Links 9, 10, and 11) limited the City's ability to capture benefits. Furthermore, there were complications associated with levying a parking fee that would go towards the Housing Trust Fund (e.g., nexus fee studies required). As a result, the response to Policy 1 of GAHP was focused solely on parking reform. Policy 2 was similarly advanced as a result of new State laws, including amendments to the Housing Accountability Act, State Density Bonus law, and State ADU law and adoption of SB-35 (Streamlined Approval Process), and was addressed with City initiatives such as the Housing Action Plan, initiation of the Zoning Ordinance Revision Project, and the pending Analysis of Development Fees. These efforts are still active and are intended to reduce barriers to affordable housing development, as requested by GAHP referral Policy 2.

The Planning Commission began discussing a comprehensive parking reform package in January 2019. Between then and March 2020, it revisited this topic seven times, having focused discussions on parking minimums, parking maximums and transportation demand management requirements. Links to staff reports from these meetings (Links 2 through 7) are provided at the end of this report. Discussions began with an analysis of current regulations, recent development patterns and regulations in other cities, then moved on to analysis of research requested on specific topics to inform proposals.

The Planning Commission received presentations from City staff from Land Use Planning, Public Works Transportation, and from the non-profit organization TransForm (<https://www.transformca.org/>). The Transportation Commission, which received a presentation on the full parking reform proposal, provided feedback to planning staff at their February 20, 2020 meeting and appointed a representative to speak at the March 4, 2020 Planning Commission public hearing. AC Transit staff attended Planning Commission meetings where TDM was discussed and provided public comment on proposals.

The Transportation Division also engaged a consultant to conduct a Residential Parking Utilization Study to inform proposals (see Attachment 3). The study summarized on- and off-street parking capacity in and near multifamily residential developments of ten or more units<sup>1</sup>. The areas of the City that can accommodate ten or more units are located in the multi-family (R-3, R-4) and high density residential (R-S, R-SMU) and commercial districts. Most of these areas are within walking distance to commercial corridors, transit hubs and/or areas of the city that provide services and amenities to residents and visitors. Findings from the study suggest that on- and off-street parking for multi-family buildings of ten or more units is underutilized and that the average rate of car ownership (for buildings with ten or more units) is one car per two units, based on DMV registration information.

Attachment 4 provides “At-A-Glance Summaries” of parking reform topics that were discussed.

### Planning Commission Recommendations

After several meetings to discuss the issues and possible strategies, on March 4, 2020 the Planning Commission held a public hearing and recommended a set of draft Zoning Ordinance amendments to City Council for consideration. Minutes from that meeting are provided as Attachment 5. The Planning Commission’s recommendations are provided below. For Recommendations 1, 2 and 3, the Planning Commission’s recommendation

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<sup>1</sup> Staff chose the threshold of ten or more units for consistency with methodologies followed by King County, Washington, Washington DC, and Chicago when conducting similar parking utilization studies. Additionally, the Zoning Ordinance uses a threshold of ten or more units in higher-density residential districts for off-street parking requirements.

is indicated as Option A, and staff has provided alternate options for Council's consideration that are based on the results of the Residential Parking Utilization Study.

## 1. Modify Minimum Residential Off-Street Parking Requirements

*Option A – Eliminate off-street parking minimums for all new projects (except in ES-R and H Overlay Districts on roads less than 26 feet in width).*

*Option B – Eliminate off-street parking minimums for new projects of ten or more units in high density residential and commercial / mixed-use districts.*

Initial discussions at Planning Commission focused on staff's proposal to eliminate off-street residential parking requirements for projects with ten or more units (see Link 3). This proposal was informed by the Residential Parking Utilization Study's on- and off-street parking utilization rates and automobile registration rates in zoning districts allowing high density residential projects. The study did not include data collection or data analysis for low density residential districts (R-1, R-1A, R-2 or R-2A). Planning Commission expanded the reach of the proposal to include all units in all districts. The Transportation Commission reviewed this proposal as a discussion item at its February 20, 2020 meeting and agreed with the Planning Commission's direction. This bold move resonated with members of the public that participated in the Planning Commission and Transportation Commission meetings and requested visionary, forward-thinking policies. Option B returns to staff's initial recommendation. This option provides a more conservative approach, relying on findings in the Residential Parking Utilization Study. Extending this policy to lower density residential districts, not included in the study, may result in unintended consequences affecting the feasibility of future housing projects and/or create impacts to on-street parking.

For both options, off-street parking would still be required for projects in the Environmental Safety-Residential (ES-R) District, where preservation of off-street parking is an important factor in maintaining clear emergency access and evacuation routes. Similarly Option A applies parking minimums to projects in the Hillside Overlay (H) Districts located on roads that are less than 26 feet in width. To provide flexibility, these requirements could be waived with an AUP with Option A. Option B is more restrictive -- projects within the ES-R District and the H Districts could not reduce off-street parking requirements; however, residential projects in other districts could reduce parking minimums with an AUP.

## 2. Impose Parking Maximums in Transit-Rich Areas

*Option A – Implement parking maximums of 0.5 spaces per unit for projects with two or more units within 0.25 miles of high frequency transit<sup>2</sup> (except in ES-R and H Overlay Districts on roads less than 26 feet in width).*

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<sup>2</sup> High frequency transit includes major transit stops, as defined by Section 21064.3 of the California Public Resources Code or bus stops along a transit corridor with less than 15 minute headways during the morning and afternoon weekday peak periods.

*Option B – Implement parking maximums of 0.5 spaces per unit for projects with ten or more units within 0.25 miles of high frequency transit (except in ES-R and H Overlay Districts).*

Parking maximum proposals are often focused on transit-rich areas in order to encourage a shift from private vehicles to alternative modes where they are readily available. Proposed options would include exceptions for projects where the majority of units are deed-restricted as affordable, to ensure parking maximums would not introduce barriers to affordable housing projects due to possible financing requirements. Proposals also include an exception for projects located in the ES-R District and the H Districts -- or portions of the H Districts (for the same safety reasons stated in Recommendation 1, above). A map of Berkeley's transit-rich areas is provided in Attachment 6.

Option A applies the findings of the Residential Parking Utilization Study (see Link 3) to establish parking maximums on projects with two or more units. As stated in Recommendation 1, the parking study did not include data collection or analysis in low density residential zoning districts (R-1, R-1A, R-2 or R-2A) and did not consider impacts of parking maximums on project feasibility. Option B establishes parking maximums on projects with ten or more units – only applying the results of the Parking Utilization Study to the type and size of project that was studied.

### **3. Amend the Residential Preferential Parking (RPP) Permit Program**

*Option A: Prohibit residents of new projects of five or more units from obtaining RPP permits.*

*Option B: Prohibit residents of new projects of ten or more units from obtaining RPP permits.*

Current zoning and RPP regulations provide that residents of new projects that do not include parking in the C-DMU and the Car-Free Housing Overlay in the Southside Plan Area, as well as other projects that do not meet minimum parking requirements based on a Use Permit or Density Bonus concession, cannot obtain RPP permits. The Planning Commission expanded this element in the recommended parking reform package to exclude any new project with five or more units, in order to reduce demand for on-street parking and lessen impacts on RPP areas, which are generally located in lower density residential districts. Option B, the first proposal the Planning Commission considered, applies to projects with ten or more units, sharing the recommended threshold for the TDM proposal (see Link 1).

### **4. Institute TDM Requirements**

*Require the following TDM measures for projects of ten or more units:*

- *Provide off-street bicycle parking per the 2017 [Berkeley Bicycle Plan](#);*
- *Provide real-time transportation information displayed on monitors in project common areas;*

- Offer residents free monthly transit passes (one per bedroom, with a maximum of two passes per unit for projects with less than 100 units and one pass per bedroom for projects with 100 units or more), or equivalent Clipper Card credit, provided by the property manager for a period of ten years; and
- Require “unbundling” of off-street parking.

Many TDM options were researched and considered by the Planning Commission. Chosen measures were selected for their demonstrated effectiveness in reducing private vehicle travel and for their ease of administration (see Links 4 and 5). This proposal includes exemptions from the TDM requirements for projects with a majority of deed-restricted affordable units (for reasons stated in Recommendation 2, above) and projects located in the C-DMU District (where TDM requirements already exist) and in the Southside Plan Area (which is predominantly populated by students who receive transit passes from UC Berkeley).

Summary of Options

The table below shows how options relate to projects of different sizes:

| Regulation       | Projects Affected<br>(number of units) |             |              |             |
|------------------|----------------------------------------|-------------|--------------|-------------|
|                  | One or More                            | Two or More | Five or More | Ten or More |
| Parking Minimums | Option A                               | --          | --           | Option B*   |
| Parking Maximums | --                                     | Option A    | --           | Option B    |
| RPP              | --                                     | --          | Option A     | Option B    |
| TDM              | Option A                               |             |              |             |

\* NOTE: Option B of Parking Minimums cannot be paired with Option A of Parking Maximums because Parking Maximums is less than required Parking Minimums.

Environmental Review

Pursuant to CEQA Guidelines Sections 15378(a), 15060(c)(2) and 15064(d)(3), environmental review is not required because the proposed Zoning Ordinance amendments are not a Project. The proposed Zoning Ordinance amendments do not meet the definition of a Project under CEQA Guidelines Section 15378(a), nor do they constitute activities covered by CEQA under CEQA Guidelines Section 15060(c)(2), because passage of the amendments themselves do not constitute a direct physical impact on the environment, nor would they result in an indirect, reasonably foreseeable physical impact on the environment. Due to the city-wide nature of the proposed amendments, and the diffuse impacts, if any, of physical changes to the environment that may result from the types of development encouraged by the proposed amendments, identifying and quantifying such potential changes would be highly speculative. Underlying zoning standards for density and lot development would remain unchanged. Pursuant to CEQA Guidelines Section 15064(d)(3), any change that is



speculative is not considered reasonably foreseeable. The proposed amendments do not include any provisions that would exempt or otherwise reduce environmental review required under CEQA for individual development projects.

**BACKGROUND**

Most zoning districts in the City of Berkeley establish minimum off-street parking requirements for residential development.<sup>3</sup> Table 1 summarizes the basic parking requirements.

**Table 1 - Current Off-Street Parking Requirements**

| <b>Zone(s)</b>                                                                                                                                                                                                                                                                        | <b>Required Off-Street Parking Spaces</b>                                                                                                                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| R-1, R-1A, ES-R, R-2, R-2A                                                                                                                                                                                                                                                            | One space per unit                                                                                                                                                    |
| R-3, R-4<br>C-1, C-N, C-NS, C-SO, C-SA                                                                                                                                                                                                                                                | One space per unit for projects of 10 or fewer units <sup>a</sup> OR<br>One space per 1,000 GSF* of residential space for projects of more than 10 units <sup>a</sup> |
| C-W                                                                                                                                                                                                                                                                                   | One space per unit                                                                                                                                                    |
| C-DMU                                                                                                                                                                                                                                                                                 | One space per three units <sup>b</sup>                                                                                                                                |
| C-T                                                                                                                                                                                                                                                                                   | None                                                                                                                                                                  |
| M-UR                                                                                                                                                                                                                                                                                  | One space per unit <sup>a,b,c</sup>                                                                                                                                   |
| <sup>a</sup> 25% reduction for projects that house senior citizens<br><sup>b</sup> Can be reduced with Use Permit and TDM measures<br><sup>c</sup> May be satisfied by off-site leased parking and may be reduced 10% by providing motorcycle parking.<br>*GSF = gross square footage |                                                                                                                                                                       |

Use Permits are also available to reduce these parking requirements in most districts subject to a traffic and parking study, offsetting measures such as TDM, and findings related to the adequacy of the remaining parking, non-detriment to neighborhoods, and restrictions on the availability of RPP permits. State Density Bonus Law separately provides for reduced parking standards and for waivers and concessions that are intended to address the affordability of housing development and the provision of additional housing units.

To aid with a response to parking reform referrals, Land Use Planning convened an inter-departmental working group with staff from the Transportation Division, Office of Economic Development, Office of Energy and Sustainable Development, Office of Emergency Services, and Fire Department to discuss parking-related policies and to ground-truth proposals. This multi-departmental collaboration was extremely helpful in identifying unintentional consequences of proposals and provided additional options for City Council to consider.

**ENVIRONMENTAL SUSTAINABILITY**

Reducing minimum parking requirements and increasing the supply of housing near transit in the City of Berkeley would reduce vehicle miles traveled and greenhouse gas

<sup>3</sup> MU-LI, MM and M Districts do not permit residential development.

emissions. Instituting new TDM requirements would encourage mode shift away from private vehicle travel and towards more sustainable modes of transportation.

**RATIONALE FOR RECOMMENDATION**

Off-street parking is often underutilized and adds to the cost of new housing. Parking minimums and parking maximums, if applied appropriately, encourage a supply that meets demand. TDM requirements encourage alternatives to private vehicle use and provide support for more sustainable travel modes. The adoption of the proposed RPP restrictions would control on-street parking impacts.

The latest update to the City of Berkeley’s Climate Action Plan indicated that approximately 59% of greenhouse gas emissions in Berkeley are attributable to transportation.<sup>4</sup> In order to achieve the goals laid out in the Climate Action Plan, it is essential that we employ strategies to reduce these emissions.

**ALTERNATIVE ACTIONS CONSIDERED**

A variety of alternate options were discussed as explained in the Planning Commission Recommendation section, starting on page 3 above.

The Planning Commission also considered establishing a fee amount for the existing Transportation Services Fee (TSF), or establishing a new Transportation Impact Fee. These these ideas were not recommended as part of this package because of the time and funding needed to conduct an impact fee study. City Council could refer this as a future action if there is a desire to implement these measures.

In addition, staff considered recommending a citywide TDM program (the current recommendation excludes the C-DMU and the Southside). Staff proposed to Planning commission exempting these areas from the program – C-DMU because it operates a TDM program and Southside because the student population is provided AC Transit EZ passes. However, upon further consideration and after Planning Commission made their recommendation, staff has recognized the benefits of a citywide TDM program – the most apparent being consistency across all districts. Some of the discrepancies between the programs are listed below:

|                          | <b>C-DMU TDM Program</b>                 | <b>Parking Reform TMD Package</b>                                                                                                        |
|--------------------------|------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|
| Project Applicability    | Projects greater than 20,000 square feet | Projects with ten or more units                                                                                                          |
| Number of Transit Passes | 1 per unit                               | 1 per bedroom, with a cap of two passes per unit for projects with 100 units or fewer, and no cap for projects with more than 100 units. |

<sup>4</sup> See “Climate Action Plan and Resilience Update”, July 21, 2020.  
[https://www.cityofberkeley.info/Clerk/City\\_Council/2020/07\\_Jul/Documents/2020-07-21\\_Special\\_Item\\_05\\_Climate\\_Action\\_Plan\\_pdf.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2020/07_Jul/Documents/2020-07-21_Special_Item_05_Climate_Action_Plan_pdf.aspx)

|                                   |               |               |
|-----------------------------------|---------------|---------------|
| Duration of Transit Pass Offering | In perpetuity | For ten years |
|-----------------------------------|---------------|---------------|

Planning Commission recommended that transit passes be offered to residents for a period of ten years based on analysis provided by staff, comparing the cost of off-street parking to the cost of offering transit passes. Additionally, the ten year cap was chosen because travel behavior has evolved significantly over the past ten years -- due to car-share, bike-share and ridesharing innovations – and Planning Commission wanted flexibility to establish new TDM measures at a later date that meets future residents' needs.

To resolve this issue, City Council can refer to the Planning Commission development of amendments that apply the new TDM program citywide. These actions would need a public hearing at Planning Commission since they were not considered by Planning Commission at a previous meeting.

### CONTACT PERSONS

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Alene Pearson, Principal Planner, Planning and Development, 510-981-7489

### Attachments:

1. Zoning Ordinance Amending Title 14 And Title 23 To Modify Minimum Residential Off-street Parking Requirements, Impose Residential Parking Maximums in Transit-rich Areas, Institute Transportation Demand Management (TDM) Requirements and Amend the Residential Preferential Parking (RPP) Permit Program
2. Green Affordable Housing Referral and Citywide Green Development Standards Referral
3. Residential Parking Utilization Study
4. At-A-Glance Summaries of Parking Reform Topics under Consideration
5. Minutes from March 4, 2020 Planning Commission meeting
6. Map Identifying Areas in Berkeley 0.25 Miles from Major Transit Stops and High Quality Transit Corridors
7. Public Hearing Notice

### Links to Planning Commission Staff Reports:

1. [March 4, 2020 – Parking Reform Package Public Hearing  
https://www.cityofberkeley.info/uploadedFiles/Planning\\_and\\_Development/Level\\_3\\_-\\_Commissions/Commission\\_for\\_Planning/2020-03-04\\_Item%209\\_Staff%20Report\\_Parking%20Reform.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2020-03-04_Item%209_Staff%20Report_Parking%20Reform.pdf)

2. [January 15, 2020 – Parking Maximums](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2012-01-15_ITEM%2013_with%20all%20ATT_Parking%20Maximums%20Staff%20Report%201-15.pdf)  
[https://www.cityofberkeley.info/uploadedFiles/Planning\\_and\\_Development/Level\\_3\\_-\\_Commissions/Commission\\_for\\_Planning/2012-01-15\\_ITEM%2013\\_with%20all%20ATT\\_Parking%20Maximums%20Staff%20Report%201-15.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2012-01-15_ITEM%2013_with%20all%20ATT_Parking%20Maximums%20Staff%20Report%201-15.pdf)
3. [December 4, 2019 – TDM and Parking Requirements](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/ITEM%209%20-%20combined.pdf)  
[https://www.cityofberkeley.info/uploadedFiles/Planning\\_and\\_Development/Level\\_3\\_-\\_Commissions/Commission\\_for\\_Planning/ITEM%209%20-%20combined.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/ITEM%209%20-%20combined.pdf)
4. [October 2, 2019 – Proposed TDM Program](https://www.cityofberkeley.info/uploadedFiles/PLANNING_-_New/2019-10-02_PC_Item%209.pdf)  
[https://www.cityofberkeley.info/uploadedFiles/PLANNING\\_-\\_New/2019-10-02\\_PC\\_Item%209.pdf](https://www.cityofberkeley.info/uploadedFiles/PLANNING_-_New/2019-10-02_PC_Item%209.pdf)
5. [July 17, 2019 – TDM and Parking Requirements](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3)  
[https://www.cityofberkeley.info/uploadedFiles/Planning\\_and\\_Development/Level\\_3](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3)
6. [May 1, 2019 – Parking Referrals](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2019-05-01_PC_Item%2010.pdf)  
[https://www.cityofberkeley.info/uploadedFiles/Planning\\_and\\_Development/Level\\_3\\_-\\_Commissions/Commission\\_for\\_Planning/2019-05-01\\_PC\\_Item%2010.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2019-05-01_PC_Item%2010.pdf)
7. [February 6, 2019 – Green Affordable Housing Referral](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2019-02-6_Item_10_GAH%20.pdf)  
[https://www.cityofberkeley.info/uploadedFiles/Planning\\_and\\_Development/Level\\_3\\_-\\_Commissions/Commission\\_for\\_Planning/2019-02-6\\_Item\\_10\\_GAH%20.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2019-02-6_Item_10_GAH%20.pdf)
8. [October 18, 2017 – Consider Close-Out Referrals](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2017-10-18_Item_10_Staff_Report_Close_Out_Complete.pdf)  
[https://www.cityofberkeley.info/uploadedFiles/Planning\\_and\\_Development/Level\\_3\\_-\\_Commissions/Commission\\_for\\_Planning/2017-10-18\\_Item\\_10\\_Staff\\_Report\\_Close\\_Out\\_Complete.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2017-10-18_Item_10_Staff_Report_Close_Out_Complete.pdf)
9. [February 15, 2017 – Green Affordable Housing Package](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2017-02-15_Item%209_Green%20Affordable%20Housing-Combined.pdf)  
[https://www.cityofberkeley.info/uploadedFiles/Planning\\_and\\_Development/Level\\_3\\_-\\_Commissions/Commission\\_for\\_Planning/2017-02-15\\_Item%209\\_Green%20Affordable%20Housing-Combined.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2017-02-15_Item%209_Green%20Affordable%20Housing-Combined.pdf)
10. [October 19, 2016 – Green Affordable Housing – Refining and Focusing Direction](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2016-10-19_Item%2010-Combined.pdf)  
[https://www.cityofberkeley.info/uploadedFiles/Planning\\_and\\_Development/Level\\_3\\_-\\_Commissions/Commission\\_for\\_Planning/2016-10-19\\_Item%2010-Combined.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2016-10-19_Item%2010-Combined.pdf)
11. [September 21, 2016 – Green Affordable Housing Package](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2016-09-21_Item%209_Combined.pdf)  
[https://www.cityofberkeley.info/uploadedFiles/Planning\\_and\\_Development/Level\\_3\\_-\\_Commissions/Commission\\_for\\_Planning/2016-09-21\\_Item%209\\_Combined.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2016-09-21_Item%209_Combined.pdf)

ORDINANCE NO. -N.S.

AMENDING TITLE 14 AND TITLE 23 OF THE BERKELEY MUNICIPAL CODE TO MODIFY MINIMUM RESIDENTIAL OFF-STREET PARKING REQUIREMENTS, IMPOSE RESIDENTIAL PARKING MAXIMUMS IN TRANSIT RICH AREAS, INSTITUTE TRANSPORTATION DEMAND MANAGEMENT REQUIREMENTS AND AMEND THE RESIDENTIAL PREFERENTIAL PARKING (RPP) PERMIT PROGRAM

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

Section 1. That Berkeley Municipal Code Section 14.72.080 is amended to read as follows:

**14.72.080 Issuance of permits.**

A. Residential, local business and neighborhood-serving community facility parking permits shall be issued by the Department of Finance in accordance with requirements set forth in this chapter. Each such permit shall be designed to state or reflect thereon the identification of the particular residential, local business or neighborhood-serving community facility permit parking area for which it is issued. No more than one residential or local business parking permit shall be issued to each motor vehicle for which application is made.

B. When issuing local business and neighborhood-serving community facility permits, the Department of Finance in consultation with the traffic engineering division shall issue permits such that they will not unduly be concentrated on a specific block front in any given residential permit parking area.

C. 1. **[OPTION A]** No permits shall be issued to residents of newly constructed projects that include 5 or more dwelling units. **[OPTION B]** No permits shall be issued to residents of newly constructed projects that include 10 or more dwelling units. No permits shall be issued to residents in newly constructed residential units which do not meet the parking requirements established by the Zoning Ordinance unless a modification variance for of the parking requirements set forth in the Zoning Ordinance was issuedapproved. In the C-T Zoning District, the R-SMU Zoning District, and portions of the R-S Zoning District where no parking is required for

residential uses, no residential parking permits will be issued for occupants of residential units created after the effective date of the Southside Plan. The Current Planning division shall provide a listing of newly-constructed housing units to the Department of Finance.

2. No permits shall be issued to residents of Group Living Accommodations as defined in Chapter 23F.04 that are approved after January 1, 2012, unless the Zoning Adjustments Board specifies otherwise when it approves the GLA. The Current Planning division shall provide a listing of addresses subject to this paragraph to the Department of Finance.

3. In the R-2 and R-2A zoning districts, no permits shall be issued to residents of dwelling units with more than 5 bedrooms to which new bedrooms have been added subsequent to January 1, 2012. The Current Planning division shall provide a listing of addresses subject to this paragraph to the Department of Finance.

4. This subdivision shall not prevent issuance of permits to residents of permitted and legal nonconforming sororities, fraternities and student cooperatives who are not otherwise prohibited from obtaining them.

D. The Department of Finance and the traffic engineering division are authorized to issue such rules and regulations necessary to implement this chapter, and are not inconsistent with it.

E. Parking permits shall not be issued for vehicles for which there is any outstanding City of Berkeley notice of violation of parking rules and restrictions that are unpaid for more than 21 calendar days from the issuance of the parking violation.

Section 2. That Berkeley Municipal Code Section 23B.44.010 is amended to read as follows:

**23B.44.010 Variances**

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 off-street parking requirements of this Ordinance; provided, however, that a use permit, rather than a variance, may be approved to vary or modify the strict application of any of the regulations or provisions of this Ordinance with reference to the yard setbacks of buildings; the percentage of lot coverage; or the non-residential off-street parking space requirements of this Ordinance when development is proposed on property which is located within thirty feet of an open creek and where varying from or modifying existing regulations is necessary to enable the property owner to comply with BMC Chapter 17.08, Preservation and Restoration of Natural Watercourses.

Section 3. That Berkeley Municipal Code Chapter 23C.18 is hereby added to read as follows:

**Chapter 23C.18: Transportation Demand Management**

**Sections:**

**23C.18.010 Purpose**

**23C.18.020 Applicability of Regulations**

**23C.18.030 Transportation Demand Management Program Requirements**

**23C.18.040 Monitoring, Reporting and Compliance**

**Section 23C.18.010 Purpose**

The purpose of this chapter is to establish a Transportation Demand Management program that supports:

- A. City Transportation Element goals of reducing vehicle trips, encouraging public transit use and promoting bicycle and pedestrian safety, and
- B. City Climate Action Plan goals to reduce private vehicle travel and promote mode shift to more sustainable transportation options.

**Section 23C.18.020 Applicability of Regulations**

- A. The following types of projects must comply with the requirements of this

Chapter:

1. Residential projects, including the residential portion of mixed-use projects, that include ten or more Dwelling Units that have not been issued a Building Permit by the effective date of this ordinance.

B. The following types of projects shall be exempt from the requirements of this Chapter:

1. Residential projects, including the residential portion of mixed-use projects, located in the following locations:

- a. C-DMU Downtown Mixed Use District
- b. Southside Plan Area

2. Residential projects, including the residential portion of mixed-use projects, with the majority of the units subject to recorded affordability restrictions.

### **23C.18.030 Transportation Demand Management Program Requirements**

Any project subject to this Chapter shall:

A. Ensure that all parking spaces provided for residents be leased or sold separate from the rental or purchase of dwelling units for the life of the dwelling units, such that potential renters or buyers shall have the option of renting or buying a dwelling unit at a price lower than would be the case if there were a single price for both the dwelling unit and the parking space(s);

B. Offer at least one of the following transit benefits, at no cost to the resident, for a period of ten years after the issuance of a Certificate of Occupancy. For projects that include 99 dwelling units or fewer, the project shall provide one transit benefit per bedroom, up to a maximum of two benefits per dwelling unit. For projects of 100 dwelling units or more, the project shall provide one transit benefit for every bedroom in each dwelling unit. A notice describing these transportation benefits shall be posted in a location or locations visible to residents.

- 1. A monthly pass for unlimited local bus transit service; or
- 2. A functionally equivalent transit benefit in an amount at least equal to the price of a non-discounted unlimited monthly local bus pass. Any benefit proposed as a functionally equivalent transportation benefit shall be approved by the Zoning Officer in consultation with the Transportation Division Manager; and



B. Provide publicly-available, real-time transportation information in a common area, such as a lobby or elevator bay, on televisions, computer monitors or other displays readily visible to residents and/or visitors. Provided information shall include, but is not limited to, transit arrivals and departures for nearby transit routes.

**Section 23C.18.040 Monitoring, Reporting and Compliance**

A. For projects subject to this Chapter, prior to issuance of a Certificate of Occupancy, the property owner shall facilitate a site inspection by Planning Department staff to confirm that the physical improvements required in 23C.18.020 (C) (3) and 23D.12.065 (A) have been installed. The property owner shall also provide documentation that the programmatic measures required in 23C.18.020 (C) (1) and (2) will be implemented.

B. The property owner shall submit to the Planning Department TDM Compliance Reports in accordance with Administrative Regulations promulgated by the Zoning Officer that may be modified from time to time to effectively implement this Chapter.

C. Property owners may be required to pay administrative fees associated with compliance with this ordinance as set forth in the City's Land Use Planning Fees schedule.

Section 4. That Berkeley Municipal Code Chapter 23C.19 is hereby added to read as follows:

**Chapter 23C.19: Off-Street Parking Maximums for Residential Development**

**Sections:**

**23C.19.010 Purpose**

**23C.19.020 Applicability of Regulations**

**23C.19.030 Off-street Parking Maximums**

**23C.19.040 Excess Off-street Parking**

**Section 23C.19.010 Purpose**

The purpose of this chapter is to institute off-street parking maximums for residential development in order to achieve:

A. City Transportation Element goals of reducing vehicle trips, encouraging public transit use and promoting bicycle and pedestrian safety,

B. City Climate Action Plan goals of reducing private vehicle travel and promoting mode shift to more sustainable transportation options

C. Housing Element goals for developing housing at all affordability levels by limiting the amount of on-site vehicle parking allowed.

**Section 23C.19.020 Applicability of Regulations**

A. **[OPTION A]** The provisions of this Chapter shall apply to new residential projects that have been issued a Building Permit by the effective date of this ordinance, including the residential portion of mixed-use projects, that include two or more Dwelling Units located on a parcel, any portion of which is located within 0.25 miles of a major transit stop, as defined by Section 21064.3 of the California Public Resources Code or along a transit corridor with service at 15 minute headways during the morning and afternoon peak periods.

A. **[OPTION B]** [The provisions of this Chapter shall apply to new residential projects that have been issued a Building Permit by the effective date of this ordinance, including the residential portion of mixed-use projects, that include ten or more Dwelling Units located on a parcel, any portion of which is located within 0.25 miles of a major transit stop, as defined by Section 21064.3 of the California Public Resources Code or along a transit corridor with service at 15 minute headways during the morning and afternoon peak periods.

B. The following project types shall be exempt from the provisions of this Chapter:

1. Residential projects, including the residential portion of mixed-use projects, with the majority of the units subject to recorded affordability restrictions.

2. **[OPTION A]** Projects located on a roadway with less than 26 feet in pavement width in the Hillside Overlay.

2. **[OPTION B]** Projects located in the Hillside Overlay.

3. Projects located in the Environmental Safety-Residential District.

**Section 23C.19.030 Off-street Parking Maximums**

Any project subject to this Chapter shall not include off-street residential parking at a rate higher than 0.5 parking spaces per Dwelling Unit.

**Section 23C.19.040 Excess Off-street Parking**

A. Any request for off-street residential parking in excess of values specified in Section 23C.19.030 shall require an Administrative Use Permit.

B. In order to approve any Administrative Use Permit under this Chapter the Zoning Officer or Board shall make one the following Findings:

(i) Trips to the use or uses to be served, and the apparent demand for additional parking, cannot be satisfied by the amount of parking permitted by this Chapter, by transit service which exists or is likely to be provided in the foreseeable future, or by more efficient use of existing on-street and off-street parking available in the area; or

(ii) The anticipated residents of the proposed project have special needs or require reasonable accommodation that relate to disability, health or safety that require the provision of additional off-street residential parking.

Section 5. That Berkeley Municipal Code Section 23D.12.010 is amended to read as follows:

**23D.12.010 Purposes**

The purposes of the parking regulations contained in this Chapter are:

A. To ~~prevent the worsening of the already serious deficiency of~~ efficiently allocate parking spaces ~~existing in many areas of~~ in the City.

B. To ~~require regulate~~ the provision of off-street parking spaces ~~for traffic-generating uses of land~~ within the City.

C. To reduce the amount of on-street parking of vehicles, thus increasing the safety and capacity of the City's street system.

Section 6. That Berkeley Municipal Code Section 23D.12.020 is amended to read as follows:

**23D.12.020 Applicability**

A. The requirements of this Chapter apply to all uses commenced hereafter, to all buildings and structures hereafter constructed or moved onto a lot in an R- District and to any modifications to existing uses and structures which enlarge or increase capacity, including, but not limited to, adding or creating dwelling units, guest rooms, floor area, seats or employees, except to the extent that provisions in the individual R- District provide otherwise.

B. In addition, no building, structure, alteration, fence, landscaping or other site feature may be constructed, erected, planted or allowed to be established that would impede the access of a vehicle to any off-street parking space required under this Chapter.

C. No Zoning Certificate or Use Permit may be granted, and no permit other than a Variance from the requirements of this Chapter may be issued or approved, for any use, building or structure, unless all requirements of this Chapter are met.

~~D. In the event a Zoning Certificate is granted, the subsequent use of such building or structure is conditional upon the unqualified continuance, availability and proper maintenance of off-street parking in compliance with this Chapter.~~

Section 7. That Berkeley Municipal Code Section 23D.12.050 is amended to read as follows:

#### **23D.12.050 Number of Parking Spaces Required**

A. **[OPTION A]** Off-street parking spaces for non-residential uses may not be reduced below or, if already less than may not be further reduced below, the requirements of this chapter for similar uses or structures. Off-street parking spaces for new residential uses may be reduced below the requirements of this Chapter with issuance of an AUP.

A. **[OPTION B]** Off-street parking spaces for non-residential uses may not be reduced below or, if already less than may not be further reduced below, the requirements of this chapter for similar uses or structures. Off-street parking spaces for new residential uses maybe reduced below the requirements of the Chapter with issuance of an AUP except as provided below:

1. Projects located in the Hillside Overlay.

2. Projects located in the Environmental Safety-Residential District.

~~B. As a condition of any Permit, the Zoning Officer and Board may require more off-street parking spaces the the minimum required by the applicable residential District, if he/she or it finds that If the expected demand for parking spaces will is found to exceed the minimum requirement, additional off-street parking may be required as a condition of approval on a Permit.~~

C. When the formula for determining the number of required off-street parking spaces results in a requirement of a fractional space, any fraction below one-half shall be disregarded and fractions including and over one-half shall be counted as requiring one parking space.

~~D. No Off-street parking space requirements under this Code may be satisfied by tandem off-street parking space(s) unless with the issuance of an AUP. approved by both the City Traffic Engineer and the Board except that a tandem space may be allowed to meet the parking requirement for an Accessory Dwelling Unit.~~

~~E. An applicant may count existing off-street parking spaces towards meeting the parking requirements of this Ordinance when both the existing use or portions of the use that is to remain and the proposed use and/or structure are used in computing the required number of off-street parking spaces.~~

Section 8. That Berkeley Municipal Code Section 23D.12.065 is hereby added to read as follows:

**23D.12.065 Bicycle Parking**

A. For residential projects, including the residential portion of mixed-use projects, of five or more units, in all districts, bicycle parking shall be provided as follows:

| <u>Use</u>                           | <u>Long Term Parking<sup>1</sup> Requirement</u> | <u>Short-Term Parking<sup>1</sup> Requirement</u> |
|--------------------------------------|--------------------------------------------------|---------------------------------------------------|
| <u>Dwelling Units (1 to 4 units)</u> | <u>None required</u>                             | <u>None required</u>                              |

|                                                                                                                                                                                                                          |                                                             |                                                            |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|------------------------------------------------------------|
| <u>Dwelling Units (5 units or more)</u>                                                                                                                                                                                  | <u>1 space per 3 bedrooms</u>                               | <u>2, or 1 space per 40 bedrooms, whichever is greater</u> |
| <u>Group Living Accommodations, Dormitories, Fraternity and Sorority Houses, Rooming and Boarding Houses, Transitional Housing)</u>                                                                                      | <u>2, or 1 space per 2.5 bedrooms, whichever is greater</u> | <u>2, or 1 space per 20 bedrooms, whichever is greater</u> |
| <u><sup>1</sup> Long-Term Parking and Short-Term Parking shall meet the design standards included in Appendix F of the 2017 <i>Berkeley Bicycle Plan</i>, or as subsequently amended by the Transportation Division.</u> |                                                             |                                                            |

Section 9. That Berkeley Municipal Code Section 23D.16.080 is amended to read as follows:

**[OPTION A]**

**23D.16.080 Parking -- Number of Spaces**

A. A lot shall contain the following minimum number of Off-street Parking Spaces:

| <b>Table 23D.16.080</b>                    |                                                                                                           |
|--------------------------------------------|-----------------------------------------------------------------------------------------------------------|
| <b>Parking Required</b>                    |                                                                                                           |
| <b>Use</b>                                 | <b>Number of spaces</b>                                                                                   |
| <b>Dwellings</b>                           | <b>One per unit if project is located on a roadway less than 26 feet in width in the Hillside Overlay</b> |
| <b>Employees Community Care Facilities</b> | <b>One per two non-resident employees for a Community Care Facility*</b>                                  |

| <b>Table 23D.16.080</b>                                                                                                                                   |                                                                                                                                   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| <b>Parking Required</b>                                                                                                                                   |                                                                                                                                   |
| <b>Use</b>                                                                                                                                                | <b>Number of spaces</b>                                                                                                           |
| Libraries                                                                                                                                                 | One per 500 sq. ft. of floor area that is publicly accessible                                                                     |
| Rental of Rooms                                                                                                                                           | One per each two roomers or boarders <b>if project is located on a roadway less than 26 feet in width in the Hillside Overlay</b> |
| *This requirement does not apply to those Community Care Facilities which under state law must be treated in the same manner as a single family residence |                                                                                                                                   |

B. Other Uses requiring Use Permits, including, but not limited to, Child Care Centers, Clubs, Lodges, and Community Centers, shall provide the number of Off-street Parking Spaces determined by the Board, based on the amount of traffic generated by the particular Use and comparable with specified standards for other Uses.

C. Schools ~~with~~ having a total gross floor area exceeding 10,000 square feet, shall provide off-street loading spaces at the rates of:

1. One space for the first 10,000 square feet of gross floor area; and
2. One additional space for each additional 40,000 square feet of gross floor area.

**[OPTION B: No changes]**

Section 10. That Berkeley Municipal Code Section 23D.20.080 is amended to read as follows:

**[OPTION A]**

**23D.20.080 Parking -- Number of Spaces**

A. The following parking requirements shall apply to new floor area or conversion of space. A lot shall contain the following minimum number of Off-street Parking Spaces:

| <b>Table 23D.20.080</b>                                                                                                                                   |                                                                                                                            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|
| <b>Parking Required</b>                                                                                                                                   |                                                                                                                            |
| <b>Use</b>                                                                                                                                                | <b>Number of spaces</b>                                                                                                    |
| Dwellings                                                                                                                                                 | One per unit if project is located on a roadway less than 26 feet in width in the Hillside Overlay                         |
| Employees Community Care Facilities                                                                                                                       | One per two non-resident employees for a Community Care Facility*                                                          |
| Libraries                                                                                                                                                 | One per 500 sq. ft. of floor area that is publicly accessible                                                              |
| Rental of Rooms                                                                                                                                           | One per each two roomers or boarders if project is located on a roadway less than 26 feet in width in the Hillside Overlay |
| *This requirement does not apply to those Community Care Facilities which under state law must be treated in the same manner as a single family residence |                                                                                                                            |

B. Other Uses requiring Use Permits, including, but not limited to, Child Care Centers, Clubs, Lodges, and Community Centers, shall provide the number of Off-street Parking Spaces determined by the Board, based on the amount of traffic generated by the particular Use and comparable with specified standards for other Uses.

C. Schools having with a total gross floor area exceeding 10,000 square feet, shall provide off-street loading spaces at the rates of:

1. One space for the first 10,000 square feet of gross floor area; and
2. One additional space for each additional 40,000 square feet of gross floor area.

**[OPTION B: No changes]**

Section 11. That Berkeley Municipal Code Section 23D.28.080 is amended to read as follows:

**[OPTION A]**

**23D.28.080 Parking -- Number of Spaces**

The following parking requirements shall apply to new floor area or conversion of space



| <b>Table 23D.28.080</b>                                                                                                                                    |                                                                                                                            |
|------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|
| <b>Parking Required</b>                                                                                                                                    |                                                                                                                            |
| Use                                                                                                                                                        | Number of spaces                                                                                                           |
| Dwellings                                                                                                                                                  | One per unit if project is located on a roadway less than 26 feet in width in the Hillside Overlay                         |
| Employees Community Care Facilities                                                                                                                        | One per two non-resident employees for a Community Care Facility*                                                          |
| Libraries                                                                                                                                                  | One per 500 sq. ft. of floor area that is publicly accessible                                                              |
| Rental of Rooms                                                                                                                                            | One per each two roomers or boarders if project is located on a roadway less than 26 feet in width in the Hillside Overlay |
| *This requirement does not apply to those Community Care Facilities which under state law must be treated in the same manner as a single family residence. |                                                                                                                            |

1. Other Uses requiring Use Permits, including, but not limited to, Child Care Centers, Clubs, Lodges, and Community Centers, shall provide the number of Off-street Parking Spaces as determined by the Board, based on the amount of traffic generated by the particular Use and comparable with specified standards for other uses.

2. Schools, when having with a total gross floor area exceeding 10,000 square feet, shall satisfy the following off-street loading requirements:

- a. Off-street loading spaces at the ratio of one space for the first 10,000 square feet of gross floor area.
- b. Off-street loading spaces at the ratio of one space for each additional 40,000 square feet of gross floor area of above the first 10,000 square feet.

**[OPTION B: No changes]**

Section 12: That Berkeley Municipal Code Section 23D.32.080 is amended to read as follows:

**[OPTION A]**

**23D.32.080 Parking -- Number of Spaces**

A. The following parking requirements shall apply to new floor area or conversion of space

A. A lot shall contain, for each of the following uses, the following minimum number of Off-street Parking Spaces:

| <b>Table 23D.32.080</b>                                                                                                                                          |                                                                                                                                                                                        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Parking Required</b>                                                                                                                                          |                                                                                                                                                                                        |
| Use                                                                                                                                                              | Number of spaces                                                                                                                                                                       |
| <p><del>Dwellings, Multiple</del><br/><del>Dwellings, one and two family</del></p>                                                                               | <p><del>One per unit (75% less for seniors, see below.) if project is located on a roadway less than 26 feet in width in the Hillside Overlay</del></p> <p><del>One per unit</del></p> |
| <p><del>Employees Community Care Facilities</del></p>                                                                                                            | <p><del>One per two non-resident employees for a Community Care Facility*</del></p>                                                                                                    |
| <p>Libraries</p>                                                                                                                                                 | <p>One per 500 sq. ft. of floor area that is publicly accessible</p>                                                                                                                   |
| <p>Nursing Homes</p>                                                                                                                                             | <p>One per each five residents, plus one per each three employees</p>                                                                                                                  |
| <p>Rental of Rooms</p>                                                                                                                                           | <p>One per each two roomers or boarders if project is located on a roadway less than 26 feet in width in the Hillside Overlay</p>                                                      |
| <p>Senior Congregate Housing</p>                                                                                                                                 | <p>One per each five residents plus one for manager if project is located on a roadway less than 26 feet in width in the Hillside Overlay</p>                                          |
| <p>*This requirement does not apply to those Community Care Facilities which under state law must be treated in the same manner as a single family residence</p> |                                                                                                                                                                                        |

B. Other uses requiring Use Permits issued by the Board, including, but not limited to, Child Care Centers, Clubs, Lodges and Ceommuunity Ceenters, shall provide the number of Off-street Parking Spaces as determined by the Board based on the amount of traffic generated by the particular Use and comparable with specified standards for other Uses.

~~C. 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.~~

~~CD. Senior Congregate Housing, Nursing Homes and Schools with, when having a total gross floor area exceeding 10,000 square feet, shall satisfy the following requirements:~~

- ~~1. Off-street loading spaces at the ratio of one space for the first 10,000 square feet of gross floor area;~~
- ~~2. Off-street loading spaces at the ratio of one space for each additional 40,000 square feet of gross floor area of above the first 10,000 square feet. (Ord. 7599-NS § 11, 2018; Ord. 7426-NS § 19, 2015; Ord. 6763-NS § 19 (part), 2003; Ord. 6478-NS § 4 (part), 1999)~~

**[OPTION B: No changes]**

Section 13: That Berkeley Municipal Code Section 23D.36.080 is amended to read as follows:

**23D.36.080 Parking -- Number of Spaces**

A. The following parking requirements shall apply to new floor area or conversion of space

A lot shall contain the following minimum number of Off-street Parking Spaces:

**[OPTION A]**

Table 23D.36.080

| Parking Required                                                                                                                                           |                                                                                                                                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Use                                                                                                                                                        | Number of spaces                                                                                                                                                         |
| Dormitories; Fraternity and Sorority Houses; Rooming and Boarding Houses; and Senior Congregate Housing                                                    | One per each five residents, plus one for manager <u>if project is located on a roadway less than 26 feet in width in the Hillside Overlay</u>                           |
| Dwellings, <del>Multiple</del> (fewer than ten)                                                                                                            | One per unit <u>if project is located on a roadway less than 26 feet in width in the Hillside Overlay</u> (75% less for seniors, see below)                              |
| Dwellings, <del>Multiple</del> (ten or more)                                                                                                               | One per 1,000 sq. ft. of gross floor area (75% less for seniors, see below) <u>if project is located on a roadway less than 26 feet in width in the Hillside Overlay</u> |
| Dwellings, One and Two Family                                                                                                                              | One per unit                                                                                                                                                             |
| Employees <del>Community Care Facilities</del>                                                                                                             | One per two non-resident employees <u>for a Community Care Facility*</u>                                                                                                 |
| Hospitals                                                                                                                                                  | One per each four beds, plus one per each three employees                                                                                                                |
| Libraries                                                                                                                                                  | One per 500 sq. ft. of floor area that is publicly accessible                                                                                                            |
| Nursing Homes                                                                                                                                              | <del>One per each five residents, plus One</del> per each three employees                                                                                                |
| *This requirement does not apply to those Community Care Facilities which under state law must be treated in the same manner as a single family residence. |                                                                                                                                                                          |

[OPTION B]

Table 23D.36.080

| Parking Required                                                                                                                                           |                                                                                                                                      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| Use                                                                                                                                                        | Number of spaces                                                                                                                     |
| Dormitories; Fraternity and Sorority Houses; Rooming and Boarding Houses; and Senior Congregate Housing                                                    | One per each five residents, plus one for manager <del>if project is located in the Hillside Overlay</del>                           |
| Dwellings, <del>Multiple</del> (fewer than ten)                                                                                                            | One per unit <del>(75% less for seniors, see below)</del>                                                                            |
| Dwellings, <del>Multiple</del> (ten or more)                                                                                                               | One per 1,000 sq. ft. of gross floor area <del>(75% less for seniors, see below)</del> if project is located in the Hillside Overlay |
| Dwellings, One and Two Family                                                                                                                              | One per unit                                                                                                                         |
| Employees <del>Community Care Facilities</del>                                                                                                             | One per two non-resident employees <del>for a Community Care Facility*</del>                                                         |
| Hospitals                                                                                                                                                  | One per each four beds, plus one per each three employees                                                                            |
| Libraries                                                                                                                                                  | One per 500 sq. ft. of floor area that is publicly accessible                                                                        |
| Nursing Homes                                                                                                                                              | <del>One per each five residents, plus One</del> per each three employees                                                            |
| *This requirement does not apply to those Community Care Facilities which under state law must be treated in the same manner as a single family residence. |                                                                                                                                      |

B. Other uses requiring Use Permits, including, but not limited to, Child Care Centers, Clubs, Lodges, and ~~C~~ommunity ~~C~~enters, shall provide the number of Off-street Parking Spaces determined by the Board based on the amount of traffic generated by the particular use and comparable with specified standards for other uses.

~~C. 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.~~

~~CD.~~ Senior Congregate Housing, Hospitals, Nursing Homes, and Schools ~~with, when having~~ a total gross floor area exceeding 10,000 square feet, shall satisfy the requirements of Chapter [23E.32](#) and the following requirements:

1. Off-street loading spaces at the ratio of one space for the first 10,000 square feet of gross floor area.
2. Off-street loading spaces at the ratio of one space for each additional 40,000 square feet of gross floor area above the first 10,000 square feet.

Section 14: That Berkeley Municipal Code Section 23D.40.080 is amended to read as follows:

**23D.40.080 Parking -- Number of Spaces**

A. The following parking requirements shall apply to new floor area or conversion of space

~~A. A lot shall contain the following minimum number of Off-street Parking Spaces:~~

**[OPTION A]**

| <b>Table 23D.40.080</b>                                                                                        |                                                                                                                                                       |
|----------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Parking Required</b>                                                                                        |                                                                                                                                                       |
| <b>Use</b>                                                                                                     | <b>Number of spaces</b>                                                                                                                               |
| <b>Dormitories; Fraternity and Sorority Houses; Rooming and Boarding Houses; and Senior Congregate Housing</b> | <b>One per each five residents, plus one for manager <u>if project is located on a roadway less than 26 feet in width in the Hillside Overlay</u></b> |

Table 23D.40.080

## Parking Required

| Use                                                                                                                                                        | Number of spaces                                                                                                                                                                                  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Dwellings, Multiple (fewer than ten)                                                                                                                       | One per unit ( <del>75% less for seniors, see Section C below</del> ) if project is located on a roadway less than 26 feet in width in the Hillside Overlay                                       |
| Dwellings, Multiple (ten or more)                                                                                                                          | One per 1,000 sq. ft. of gross floor area ( <del>75% less for seniors, see Section C below</del> ) required if project is located on a roadway less than 26 feet in width in the Hillside Overlay |
| Dwellings, One and Two Family                                                                                                                              | One per unit                                                                                                                                                                                      |
| Employees Community Care Facilities                                                                                                                        | One per two non-resident employees for a Community Care Facility*                                                                                                                                 |
| Hospitals                                                                                                                                                  | One per each four beds, plus one per each three employees                                                                                                                                         |
| Hotels                                                                                                                                                     | One per each three guest rooms, plus one per each three employees                                                                                                                                 |
| Libraries                                                                                                                                                  | One per 500 sq. ft. of floor area that is publicly accessible                                                                                                                                     |
| Nursing Homes                                                                                                                                              | <del>One per each five residents, plus one</del> per each three employees                                                                                                                         |
| Offices, Medical                                                                                                                                           | One per 300 sq. ft. of gross floor area                                                                                                                                                           |
| Offices, Other                                                                                                                                             | One per 400 sq. ft. of gross floor area; (may be reduced, see Section D below)                                                                                                                    |
| *This requirement does not apply to those Community Care Facilities which under state law must be treated in the same manner as a single family residence. |                                                                                                                                                                                                   |

**[OPTION B]**

| <b>Table 23D.40.080</b>                                                                                 |                                                                                                                                                         |
|---------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Parking Required</b>                                                                                 |                                                                                                                                                         |
| Use                                                                                                     | Number of spaces                                                                                                                                        |
| Dormitories; Fraternity and Sorority Houses; Rooming and Boarding Houses; and Senior Congregate Housing | One per each five residents, plus one for manager <u>if project is located in the Hillside Overlay</u>                                                  |
| Dwellings, <del>Multiple</del> (fewer than ten)                                                         | One per unit ( <del>75% less for seniors, see Section C below</del> )                                                                                   |
| Dwellings, <del>Multiple</del> (ten or more)                                                            | One per 1,000 sq. ft. of gross floor area ( <del>75% less for seniors, see Section C below</del> ) <u>if project is located in the Hillside Overlay</u> |
| Dwellings, One and Two Family                                                                           | One per unit                                                                                                                                            |
| <del>Employees</del> Community Care Facilities                                                          | One per two non-resident employees for a Community Care Facility*                                                                                       |
| Hospitals                                                                                               | One per each four beds, plus one per each three employees                                                                                               |
| Hotels                                                                                                  | One per each three guest rooms, plus one per each three employees                                                                                       |
| Libraries                                                                                               | One per 500 sq. ft. of floor area that is publicly accessible                                                                                           |
| Nursing Homes                                                                                           | One <del>per each five residents, plus one</del> per each three employees                                                                               |
| Offices, Medical                                                                                        | One per 300 sq. ft. of gross floor area                                                                                                                 |
| Offices, Other                                                                                          | One per 400 sq. ft. of gross floor area; (may be reduced, see Section D below)                                                                          |



|                                                                                                                                                            |                         |
|------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| <b>Table 23D.40.080</b>                                                                                                                                    |                         |
| <b>Parking Required</b>                                                                                                                                    |                         |
| <b>Use</b>                                                                                                                                                 | <b>Number of spaces</b> |
| *This requirement does not apply to those Community Care Facilities which under state law must be treated in the same manner as a single family residence. |                         |

B. Other uses requiring Use Permits, including, but not limited to, Child Care Centers, Clubs, Lodges and Community Centers, shall provide the number of Off-street Parking Spaces determined by the Board based on the amount of traffic generated by the particular use and comparable with specified standards for other uses.

~~C. 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.~~

DC. For offices, other than medical offices, the Board may reduce the parking requirement from one Off-street Parking Space per 400 square feet of gross floor area to a minimum of one parking space per 800 square feet of gross floor area, subject to making the required finding under Section 23D.40.090.C. In addition, any parking supplied jointly with multiple family residential uses shall be subject to the requirements set forth in Section 23D.12.060.B.

ED. Senior Congregate Housing, Hotels, Hospitals, Nursing Homes, Offices (including Medical Offices) and Schools with, when having a total gross floor area exceeding 10,000 square feet, shall satisfy the requirements of Chapter 23E.32 and the following requirements:

1. Off-street loading spaces at the ratio of one space for the first 10,000 square feet of gross floor area.
2. Off-street loading spaces at the ratio of one space for each additional 40,000 square feet of gross floor area of above the 10,000 square feet.

Section 15: That Berkeley Municipal Code Section 23D.44.080 is amended to read as follows:

**23D.44.080 Parking -- Number of Spaces**

A. The following parking requirements shall apply to new floor area or conversion of space

A lot shall contain the following minimum number of Off-street Parking Spaces:

**[OPTION A]**

| <b>Table 23D.44.080</b>                                                                             |                                                                                                                                                                                             |
|-----------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Parking Required</b>                                                                             |                                                                                                                                                                                             |
| <b>Use</b>                                                                                          | <b>Number of spaces</b>                                                                                                                                                                     |
| Dormitories, Fraternity and Sorority Houses, Rooming and Boarding Houses, Senior Congregate Housing | One per each five residents, plus one for manager <u>if project is located on a roadway less than 26 feet in width in the Hillside Overlay</u>                                              |
| Dwellings, <del>Multiple</del> (fewer than ten)                                                     | One per unit <del>(75% less for seniors, see Section C below)</del> <u>if project is located on a roadway less than 26 feet in width in the Hillside Overlay</u>                            |
| Dwellings, <del>Multiple</del> ( <u>ten</u> or more)                                                | One per 1,200 sq ft of gross floor area <del>(75% less for seniors, see Section C below)</del> <u>if project is located on a roadway less than 26 feet in width in the Hillside Overlay</u> |
| <del>Dwellings, One and Two Family</del>                                                            | <del>One per unit</del>                                                                                                                                                                     |
| <del>Employees</del> <u>Community Care Facilities</u>                                               | One per two non-resident employees for a Community Care Facility*                                                                                                                           |
| Hospitals                                                                                           | One per each four beds, plus one per each three employees                                                                                                                                   |

| <b>Table 23D.44.080</b>                                                                                                                                   |                                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| <b>Parking Required</b>                                                                                                                                   |                                                                             |
| <b>Hotels</b>                                                                                                                                             | One per each three guest rooms, plus one per each three employees           |
| <b>Libraries</b>                                                                                                                                          | One per 500 sq ft of floor area that is publicly accessible                 |
| <b>Nursing Homes</b>                                                                                                                                      | One per each five residents, plus one per each three employees              |
| <b>Offices, Medical</b>                                                                                                                                   | One per 300 sq ft of gross floor area                                       |
| <b>Offices, Other</b>                                                                                                                                     | One per 400 sq ft of gross floor area (may be reduced, see Section D below) |
| *This requirement does not apply to those Community Care Facilities which under state law must be treated in the same manner as a single family residence |                                                                             |

**[OPTION B]**

| <b>Table 23D.44.080</b>                                                                                    |                                                                                                 |
|------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| <b>Parking Required</b>                                                                                    |                                                                                                 |
| <b>Use</b>                                                                                                 | <b>Number of spaces</b>                                                                         |
| <b>Dormitories, Fraternity and Sorority Houses, Rooming and Boarding Houses, Senior Congregate Housing</b> | One per each five residents, plus one for manager if project is located in the Hillside Overlay |
| <b>Dwellings, <del>Multiple</del> (fewer than ten)</b>                                                     | One per unit ( <del>75% less for seniors, see Section C below</del> )                           |
| <b>Dwellings, <del>Multiple</del> (ten or more)</b>                                                        | One per 1,200 sq ft of gross floor area ( <del>75% less for seniors, see Section C</del> )      |

| <b>Table 23D.44.080</b>                                                                                                                                   |                                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| <b>Parking Required</b>                                                                                                                                   |                                                                             |
|                                                                                                                                                           | below)if project is located in the Hillside Overlay                         |
| Dwellings, One and Two Family                                                                                                                             | One per unit                                                                |
| EmployeesCommunity Care Facilities                                                                                                                        | One per two non-resident employees for a Community Care Facility*           |
| Hospitals                                                                                                                                                 | One per each four beds, plus one per each three employees                   |
| Hotels                                                                                                                                                    | One per each three guest rooms, plus one per each three employees           |
| Libraries                                                                                                                                                 | One per 500 sq ft of floor area that is publicly accessible                 |
| Nursing Homes                                                                                                                                             | One per each five residents, plus one per each three employees              |
| Offices, Medical                                                                                                                                          | One per 300 sq ft of gross floor area                                       |
| Offices, Other                                                                                                                                            | One per 400 sq ft of gross floor area (may be reduced, see Section D below) |
| *This requirement does not apply to those Community Care Facilities which under state law must be treated in the same manner as a single family residence |                                                                             |

B. Other uses requiring Use Permits, including, but not limited to, Child Care Centers, Clubs, Lodges and Community Centers, shall provide the number of Off-street Parking Spaces as determined by the Board based on the amount of traffic generated by the particular use and comparable with specified standards for other uses.

~~C. For multiple dwellings where the occupancy will be exclusively for persons over the age of 62 years, 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.~~

**DC.** For offices, other than medical offices, the Board may reduce the parking requirement from one Off-street Parking Space per 400 square feet of gross floor area to a minimum of one parking space per 800 square feet of gross floor area, subject to making the required finding under Section [23D.44.090.C](#). In addition any parking supplied jointly with multiple family residential uses shall be subject to the requirements set forth in Section [23D.12.060.B](#).

**ED.** Senior Congregate Housing, Hotels, Hospitals, Nursing Homes, Offices (including Medical Offices) and Schools ~~with, when having~~ a total gross floor area exceeding 10,000 square feet, shall satisfy the requirements of Chapter [23E.32](#) and the following requirements:

1. Off-street loading spaces at the ratio of one space for the first 10,000 square feet of gross floor area.
2. Off-street loading spaces at the ratio of one space for each additional 40,000 square feet of gross floor area of above the first 10,000 square feet.

Section 16: That Berkeley Municipal Code Section 23D.48.080 is amended to read as follows:

**23D.48.080 Parking -- Number of Spaces**

**[OPTION A]**

A. All parking shall be provided in accordance with the requirements of this section and Chapter 23D.12, except as set forth in this Section.

B. The following provisions shall apply to properties within the R-S District:

1. No Off-street Parking Spaces shall be required for new Dwelling Units, Group Living Accommodations ~~rooms~~, or ~~for~~ Accessory Dwelling Units. ~~located within the Car-Free Housing Overlay. The Car-Free Housing Overlay area is as follows:~~

~~The complete block bounded by:~~

• ~~Dana, Haste, Ellsworth and Channing;~~

~~The partial blocks bounded by:~~

• ~~Bowditch, Haste, Telegraph and Channing, minus the portion of the block within 150 feet of Telegraph Avenue;~~

• ~~Dana, Channing, Ellsworth and Durant, minus the lot abutting the west side of Dana; and~~

• ~~Ellsworth, Channing, Fulton and Durant, minus the north-west corner with 130 feet of frontage along Fulton and 100 feet of frontage along Durant.~~

~~Additional properties as described below:~~

• ~~The properties abutting the east side of College Avenue between Bancroft Way and Channing Way, and including 2709 Channing Way;~~

• ~~The properties abutting both sides of Channing between Fulton and Shattuck, except those abutting Shattuck, and also excluding the parcel at 2111-2113 Channing;~~

• ~~The properties abutting the west side of Fulton Street from Channing Way extending north along Fulton 127.5 feet and extending south along Fulton 180 feet; and~~

• ~~The properties abutting the north side of Haste, beginning 150 feet west of Fulton Street, and extending an additional 200 feet west along Haste.~~

~~2. For properties not included in the Car-Free Housing Overlay, and for non-residential uses within the Car-Free Housing Overlay, Off-Street parking requirements shall be determined by the parking requirements of Section 23D.40.080 (R-4).~~

~~32. Bicycle parking spaces shall be provided at the ratio of one space per 2,000 square feet of gross floor area of commercial space, and in accordance with the requirements of Section 23E.28.070.~~

C. ~~Occupants of Dwelling Units and Group Living Accommodation rooms constructed without parking after the effective date of this Chapter shall not be entitled to receive parking permits under the Residential Permit Parking Program (RPP), under Section 14.72 of the BMC. Occupants of residential projects within the Car-Free Housing Overlay area that are constructed without parking after the effective date of this Chapter shall not be entitled to receive parking permits under the Residential Permit Parking Program (RPP), under Chapter 14.72 of the BMC.~~

D. Existing parking spaces for Main Buildings may be reduced if approved through a Use Permit with findings that the parking reduction is consistent with the purposes of the District and meets the findings in Section 23E.28.140.

E. Any construction which results in the creation of 10,000 square feet of new or additional non-residential gross floor space shall satisfy the loading space requirements of Chapter 23E.32 as follows:

1. Off-street loading spaces at the ratio of one space for the first 10,000 square feet of gross floor area of non-residential space; and
2. Off-street loading spaces at the ratio of one space for each additional 40,000 square feet of gross floor area of non-residential space above the first 10,000 square feet.

F. All Use Permits under this Chapter shall be subject to a condition of approval requiring payment of a Transportation Services Fee (TSF) if and when adopted.

**[OPTION B: No changes]**

Section 17: That Berkeley Municipal Code Section 23D.52.080 is amended to read as follows:

**[OPTION A]**

**23D.52.080 Parking -- Number of Spaces**

A. All parking shall be provided in accordance with the requirements of Chapter 23D.12 and this Section.

1. No Off-Street Parking Spaces shall be required for new Dwelling Units, or Group Living Accommodation rooms, or for Accessory Dwelling Units.

2. For non-residential uses and for Main Buildings with no Dwelling Units or Group Living Accommodations, Off-Street Parking Spaces shall be provided in accordance with the following requirements:

a. The minimum standard parking requirement for commercial floor area is two spaces per 1,000 square feet of gross floor area of commercial space. Uses listed in Table 23D.52.080 shall meet the requirements listed or the district minimum, whichever is more restrictive, for newly constructed floor area or changes of use.

**Table 23D.52.080**

| Parking Required                  |                                                                                     |
|-----------------------------------|-------------------------------------------------------------------------------------|
| Use                               | Number of spaces                                                                    |
| Hotels                            | One per each three guest/sleeping rooms or suites plus one per each three employees |
| Libraries                         | One per 500 sq. ft. of floor area that is publicly accessible                       |
| Medical Practitioner Offices      | One per 300 sq. ft. of gross floor area                                             |
| Quick or Full Service Restaurants | One per 300 sq. ft. of gross floor area                                             |
| Nursing Homes                     | <del>One per each three employees. Refer to R-3 Standards, Section</del>            |

~~b. Parking requirements for changes in use of existing floor area where the new use has a higher parking standard than the existing use may be modified as set forth in Section 23E.28.130.~~

cb. Other uses requiring Use Permits, including but not limited to, Child Care Centers, Clubs, Lodges and Community Centers, shall provide the number of



Off-Street Parking Spaces determined by the Board based on the amount of traffic generated by the particular use and comparable with specific standards for other uses.

3. For non-residential uses in Main Buildings that include Dwelling Units or Group Living Accommodations, parking requirements may be waived if approved through an Administrative Use Permit with a finding that the parking reduction is consistent with the purposes of the District.

4. Existing parking spaces for Main Buildings may be reduced if approved through a Use Permit with findings that the parking reduction is consistent with the purposes of the District and meets the findings in Section 23E.28.140.

5. Bicycle parking spaces shall be provided at the ratio of one space per 2,000 square feet of gross floor area of new commercial space, and in accordance with the requirements of Section 23E.28.070.

B. Occupants of Dwelling Units and Group Living Accommodation ~~rooms~~ constructed without parking after the effective date of this Chapter shall not be entitled to receive parking permits under the Residential Permit Parking Program (RPP), under Section 14.72 of the BMC.

C. Any new construction which results in the creation of 10,000 square feet of new or additional non-residential floor space shall satisfy the loading space requirements of Chapter 23E.32 as follows:

1. Off-street loading spaces at the ratio of one space for the first 10,000 square feet of gross floor area of non-residential space; and

2. Off-street loading spaces at the ratio of one space for each additional 40,000 square feet of gross floor area of non-residential space above the first 10,000 square feet.

D. All Use Permits under this Chapter shall be subject to a condition of approval requiring payment of a Transportation Services Fee (TSF) if and when adopted.

**[OPTION B: No changes]**

Section 18: That Berkeley Municipal Code Section 23E.28.010 is amended to read as follows:

**23E.28.010 Purposes**

The purposes of the parking regulations in this chapter are:

- A. To ~~prevent the worsening of the already serious deficiency of~~efficiently allocate parking spaces ~~in existing in many areas of~~ the City.
- B. To ~~require~~regulate the provision of off-street parking spaces for traffic-generating uses of land within the City.
- C. To reduce the amount of on-street parking of vehicles, and thus increase the safety and capacity of the City's street system.

Section 19: That Berkeley Municipal Code Section 23E.28.020 is amended to read as follows:

**23E.28.020 Applicability**

- A. The requirements of this chapter apply to all uses commenced hereafter, to all buildings and structures hereafter constructed or moved onto a lot in a C-, M- or MU-District and to any modifications to existing uses and structures which enlarge or increase capacity, including, but not limited to, adding or creating dwelling units, guest rooms, floor area, seats or employees, except to the extent that provisions in the individual C-, M- or MU- District provide otherwise.
- B. ~~N~~In addition, no building, structure, alteration, fence, landscaping or other site feature may be constructed, erected, planted or allowed to be established that would impede ~~the access of a vehicle to any~~ required off-street parking space ~~required under this Ordinance~~.
- C. ~~No Zoning Certificate or Use Permit may be granted and no permit other than a Variance from the requirements of this chapter, may be issued or approved, for any use, building or structure, unless all requirements of this chapter are met.~~

~~D. In the event a Zoning Certificate is granted, the subsequent use of such building or structure is conditional upon the unqualified continuance, availability and proper maintenance of off-street parking in compliance with this chapter.~~

Section 20: That Berkeley Municipal Code Section 23E.28.050 is amended to read as follows:

**23E.28.050 Number of Parking Spaces Required**

A. Off-street parking spaces provided in conjunction with a use or structure existing on October 1, 1959, on the same property or on property under the same ownership, may not be reduced below, or if already less than, may not be further reduced below, the requirements of this chapter for similar use or structure. However, required parking spaces may be removed to meet ADA compliance or traffic engineering standards.

~~B. In the case of an AUP, a Use Permit, or a variance the Zoning Officer and Board may require more off-street parking spaces than the minimum required by the applicable District, if they or it finds that If the expected demand for parking spaces will is found to exceed the minimum requirement, additional off-street parking may be required as a condition of approval on a Permit.~~

C. When the formula for determining the number of required off-street parking spaces results in a requirement of a fractional space, any fraction below one-half shall be disregarded, and fractions including and over one-half shall be counted as requiring one parking space.

~~D. One off-street parking space requirements may be satisfied by tandem off-street parking space(s) with the issuance of an AUP. under this Ordinance may be satisfied by a tandem off-street parking space, unless approved by both the City Traffic Engineer and the Board.~~

~~E. Existing off-street parking spaces shall be counted towards meeting the overall parking requirements where new floor area is added to an existing site or project. An applicant may count existing off-street parking spaces towards meeting the parking requirements of this Ordinance when both the existing use, or portions of the use that is~~

~~to remain, and the proposed use and/or structure are used in computing the required number of off-street parking spaces.~~

F. When the number of off-street parking spaces required ~~for a structure or use~~ is based on the number of employees, it shall be based upon the shift or employment period during which the greatest number of employees are present ~~at the structure or use~~.

G. When the number of off-street parking spaces required is based on the floor area for a specified use, the definition of Floor Area, Gross as set forth in Sub-title [23F](#) shall apply. In addition, unenclosed areas of a lot, including, but not limited to, outdoor dining areas, garden/building supply yards and other customer-serving outdoor areas for retail sales, shall also be counted toward the floor area for those commercial uses with specified off-street parking requirements.

Section 21: That Berkeley Municipal Code Section 23E.28.070 is amended to read as follows:

**23E.28.070 Bicycle Parking**

A. Bicycle parking spaces required by each District’s bicycle parking requirements shall be located in either a locker, or in a rack suitable for secure locks, and shall require location approval by the City Traffic Engineer and Zoning Officer. Bicycle parking shall be located in accordance to the design review guidelines.

B. Except in C-E and C-T Districts, Bicycle Parking shall be provided for new floor area or for expansions of existing industrial, commercial, and other non-residential buildings at a ratio of one space per 2,000 square feet of gross floor area.

C. For residential projects, including the residential portion of mixed-use projects, of five or more units, in all districts, bicycle parking shall be provided as follows:

| <u>Use</u> | <u>Long Term Parking<sup>1</sup> Requirement</u> | <u>Short-Term Parking<sup>1</sup> Requirement</u> |
|------------|--------------------------------------------------|---------------------------------------------------|
|            |                                                  |                                                   |

|                                                                                                                                                                                                                          |                                                             |                                                            |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|------------------------------------------------------------|
| <u>Dwelling Units (1 to 4 units)</u>                                                                                                                                                                                     | <u>None required</u>                                        | <u>None required</u>                                       |
| <u>Dwelling Units (5 units or more)</u>                                                                                                                                                                                  | <u>1 space per 3 bedrooms</u>                               | <u>2, or 1 space per 40 bedrooms, whichever is greater</u> |
| <u>Group Living Accommodations, Dormitories, Fraternity and Sorority Houses, Rooming and Boarding Houses, Transitional Housing)</u>                                                                                      | <u>2, or 1 space per 2.5 bedrooms, whichever is greater</u> | <u>2, or 1 space per 20 bedrooms, whichever is greater</u> |
| <u><sup>1</sup> Long-Term Parking and Short-Term Parking shall meet the design standards included in Appendix F of the 2017 <i>Berkeley Bicycle Plan</i>, or as subsequently amended by the Transportation Division.</u> |                                                             |                                                            |

DG. The Zoning Officer in consultation with the City Traffic Engineer may modify the requirement with an Administrative Use Permit for Tourist Hotels in the C-DMU District.

Section 21: That Berkeley Municipal Code Section 23E.64.080 is amended to read as follows:

**23E.64.080 Off-Street Parking and Loading Requirements**

A. All parking shall be provided in accordance with the requirements of this section and Chapter 23E.28, ~~except as set forth in this section.~~

B. The district minimum standard parking requirement for commercial floor area is two spaces per 1,000 square feet of gross floor area. Uses listed in Table 23E.64.080 shall meet the requirements listed, for newly constructed floor area, except as otherwise modified in this subsection, and Subsections F through ~~H~~ below.

**[OPTION A]**

| <b>Table 23E.64.080</b>                                                                                |                                                                                                                                                                                                                                                                                                                                                                 |
|--------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Parking Required*</b>                                                                               |                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Use</b>                                                                                             | <b>Number of spaces</b>                                                                                                                                                                                                                                                                                                                                         |
| Dormitories, Fraternity and Sorority Houses, Rooming and Boarding Houses and Senior Congregate Housing | One per each five residents; plus one for manager None required                                                                                                                                                                                                                                                                                                 |
| Dwelling Units                                                                                         | One per unit, except as modified by provisions for shared parking in Section 23E.64.080.G; 75% less for Seniors (see below). None required                                                                                                                                                                                                                      |
| Hospitals                                                                                              | One per each four beds; plus one per each three employees                                                                                                                                                                                                                                                                                                       |
| Hotels                                                                                                 | One per each three guest/sleeping rooms or suites; plus one per each three employees                                                                                                                                                                                                                                                                            |
| Libraries                                                                                              | One per 500 sq. ft. of floor area that is publicly accessible                                                                                                                                                                                                                                                                                                   |
| Live/Work Units                                                                                        | One per unit, provided, however, that if any non-resident workers and/or clients are permitted in any work area, there shall be one additional parking space for the first 1,000 sq. ft. of work area, one further additional parking space for each additional 750 sq. ft. subject to any additional requirements for parking pursuant to Section 23E.20.040.B |
| Manufacturing uses (assembly, production, storage and testing space only)                              | One per 1,000 sq. ft. of floor area                                                                                                                                                                                                                                                                                                                             |

| <b>Table 23E.64.080</b>                                                            |                                                                         |
|------------------------------------------------------------------------------------|-------------------------------------------------------------------------|
| <b>Parking Required*</b>                                                           |                                                                         |
| Use                                                                                | Number of spaces                                                        |
| Medical Practitioner Offices                                                       | One per 300 sq. ft. of floor area                                       |
| Motels                                                                             | One per each guest/sleeping room; plus one space for owner or manager** |
| Wholesale Trade                                                                    | One per 1,000 sq. ft. of floor area                                     |
| *See Subsection J-1 for substitutions of up to 10% with bicycle/motorcycle parking |                                                                         |
| **Required parking shall be on the same lot as the building it serves              |                                                                         |

**[OPTION B]**

| <b>Table 23E.64.080</b>                                                                                |                                                                                                                                        |
|--------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|
| <b>Parking Required*</b>                                                                               |                                                                                                                                        |
| Use                                                                                                    | Number of spaces                                                                                                                       |
| Dormitories, Fraternity and Sorority Houses, Rooming and Boarding Houses and Senior Congregate Housing | <del>One per each five residents; plus one for manager</del> None required                                                             |
| Dwelling Units (fewer than ten)                                                                        | <del>One per unit, except as modified by provisions for shared parking in Section 23E.64.080.G; 75% less for Seniors (see below)</del> |
| Dwelling Units (ten or more)                                                                           | None required                                                                                                                          |
| Hospitals                                                                                              | One per each four beds; plus one per each three employees                                                                              |

| <b>Table 23E.64.080</b>                                                            |                                                                                                                                                                                                                                                                                                                                         |
|------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Parking Required*</b>                                                           |                                                                                                                                                                                                                                                                                                                                         |
| <b>Use</b>                                                                         | <b>Number of spaces</b>                                                                                                                                                                                                                                                                                                                 |
| <b>Hotels</b>                                                                      | One per each three guest/sleeping rooms or suites; plus one per each three employees                                                                                                                                                                                                                                                    |
| <b>Libraries</b>                                                                   | One per 500 sq. ft. of floor area that is publicly accessible                                                                                                                                                                                                                                                                           |
| <b>Live/Work Units (fewer than ten)</b>                                            | One per unit, provided, however, that if any workers and/or clients are permitted in any work area, there shall be one additional-parking space for the first 1,000 sq. ft. of work area, one further parking space for each additional 750 sq. ft. subject to any additional requirements for parking pursuant to Section 23E.20.040.B |
| <b>Live/Work Units (ten or more)</b>                                               | If any non-resident workers and/or clients are permitted in any work area, there shall be one parking space for the first 1,000 sq. ft. of work area, one parking space for each additional 750 sq. ft. subject to any additional requirements for parking pursuant to Section 23E.20.040.B                                             |
| <b>Manufacturing uses (assembly, production, storage and testing space only)</b>   | One per 1,000 sq. ft. of floor area                                                                                                                                                                                                                                                                                                     |
| <b>Medical Practitioner Offices</b>                                                | One per 300 sq. ft. of floor area                                                                                                                                                                                                                                                                                                       |
| <b>Motels</b>                                                                      | One per each guest/sleeping room; plus one space for owner or manager**                                                                                                                                                                                                                                                                 |
| <b>Wholesale Trade</b>                                                             | One per 1,000 sq. ft. of floor area                                                                                                                                                                                                                                                                                                     |
| *See Subsection 4-1 for substitutions of up to 10% with bicycle/motorcycle parking |                                                                                                                                                                                                                                                                                                                                         |
| **Required parking shall be on the same lot as the building it serves              |                                                                                                                                                                                                                                                                                                                                         |



C. Unless otherwise specified in Subsections F-~~H~~, uses designated in this chapter as Other Industrial Uses; Automobile and Other Vehicle Oriented Uses; Outdoor Uses; Residential and Related Uses or as Miscellaneous Uses shall be required to provide the number of off-street parking spaces determined by the Zoning Officer or Board based of the amount of parking demand generated by the particular use and comparable with specified standards for other uses.

D. The number of parking spaces provided for new commercial floor area shall not exceed four spaces per 1,000 square feet of gross floor area of the commercial use, except that up to five spaces per 1,000 square feet of gross floor area of food service uses may be provided.

E. Bicycle parking spaces shall be provided for new construction at the ratio of one space per 2,000 square feet of gross floor area of non-residential space, in accordance with Section [23E.28.070](#).

F. Any automobile parking required by this section may be leased, provided that the requirements of the general regulations concerning leased parking, Section [23E.28.030](#), are met and provided that the leased parking spaces are within 500 feet of the property where the parking is required; provided that leased parking a greater distance from the property may be approved by Administrative Use Permit and that if the property is located within a designated node, the leased parking spaces are located within the same designated node as the property.

~~G. For multiple dwellings where the occupancy will be exclusively for persons over the age of 62 years, 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.~~

HG. Any mixed use building (residential and commercial) shall satisfy the off-street parking standards and requirements of this District, provided, however, that the Board or the Zoning Officer may issue a Permit to modify the off-street parking and usable open space requirements where it finds such modification promotes any of the general purposes set forth in [23E.64.020](#). The Permit required shall be an Administrative Use

Permit unless a Use Permit from the Board is required to approve the use or structure, in which case a Use Permit shall be required by the Board.

**H.** If a public parking facility available for use by all members of the public is within 1,000 feet of a proposed use, the Zoning Officer or Board may approve a Use Permit to allow that use to reduce or eliminate the otherwise required parking.

**J.** Subject to the finding in Section [23E.64.090.F](#), an Administrative Use Permit may be issued to designate up to 10% of automobile parking required for a use for bicycle and/or motorcycle parking, unless a Use Permit from the Board is required to approve any part of the application, in which case the Use Permit shall be approved by the Board. Any bicycle parking created by this designation shall be in addition to otherwise required bicycle parking.

**K.** Notwithstanding the requirements of Section [23E.28.080](#) (the general regulations concerning screening and landscaping of off-street parking), there shall be no requirement for screening or landscaping of that portion of any parking lot which is adjacent to Third Street (Southern Pacific Railroad).

**L.** No off-street automobile parking may be provided between the front property line and a main structure within a designated node. Outside of a designated node, no off-street automobile parking may be provided between the front property line and a main structure unless an Administrative Use Permit is obtained; unless a Use Permit is required to approve the use or structure, in which case the Use Permit shall be approved by the Board. In order to approve this Permit, the Zoning Officer or Board shall make the finding under Section [23E.64.090.E](#).

**M.** No building or site shall be altered in such a way as to deprive any leasable space which is used or designated to be used by any manufacturing or wholesale trade use of all loading spaces which meet the general regulations concerning Loading Spaces (Chapter [23E.32](#)).

**N.** Any construction which results in the creation of 10,000 square feet of new or additional commercial gross floor space shall satisfy the loading space requirements of Chapter [23E.32](#).

Section 23: That Berkeley Municipal Code Section 23E.68.080 is amended to read as follows:

**23E.68.080 Parking -- Number of Spaces**

A. All parking shall be provided in accordance with the requirements of this Section and Chapter 23E.28, except as set forth in this Section. No change of commercial use within the existing floor area of a building shall be required to meet the off-street parking requirements of this Section or Chapter 23E.28, unless the structure has been expanded to include new floor area.

B. The District minimum standard vehicle parking space requirement for all floor area is one and a half spaces per each 1,000 square feet of gross floor area or as required for the uses listed in the following table.

**[OPTION A]**

| Use                                                                                                | Number of Parking Spaces Required                 |
|----------------------------------------------------------------------------------------------------|---------------------------------------------------|
| Dwelling Units, Single and Multi-Family Buildings                                                  | One per three dwelling units<br>None required     |
| Hotels and Motels, Tourist (Including Inns, Bed and Breakfast and Hostels)                         | One per each three guest/sleeping rooms or suites |
| Group Living Accommodations (Including Single Room Occupancy Residential Hotels) and Nursing Homes | One per eight sleeping rooms<br>None required     |

**[OPTION B]**

| Use                                                                         | Number of Parking Spaces Required |
|-----------------------------------------------------------------------------|-----------------------------------|
| Dwelling Units, <del>Single and Multi-Family Buildings</del> fewer than ten | One per three dwelling units      |
| Dwelling Units (ten or more)                                                | None required                     |

| Use                                                                                                                 | Number of Parking Spaces Required                 |
|---------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|
| Hotels and Motels, Tourist (Including Inns, Bed and Breakfast and Hostels)                                          | One per each three guest/sleeping rooms or suites |
| Group Living Accommodations (Including Single Room Occupancy Residential Hotels) and Nursing Homes (fewer than ten) | One per eight sleeping rooms                      |
| Group Living Accommodations (Including Single Room Occupancy Residential Hotels) and Nursing Homes (ten or more)    | None required                                     |

1. Additions up to 1,000 square feet of gross floor area, or up to twenty-five percent (25%) of existing gross floor area, whichever is less, are exempt from the parking requirements for new floor area.

2. Parking spaces shall be provided on site, or off site within 800 feet subject to securing an AUP and in compliance with Section [23E.28.030](#).

C. Bicycle parking spaces shall be provided for new construction at the ratio of one space per 2,000 square feet of gross floor area of commercial space, and in accordance with the requirements of Section [23E.28.070](#).

D. The vehicle parking space requirements of this Section may be reduced or waived through payment of an in-lieu fee to be used to provide enhanced transit services, subject to securing a Use Permit subject to the finding in section [23E.68.090](#).H or modified with an AUP subject to the findings in [23E.28.140](#).

E. New construction that results in an on-site total of more than 25 publicly available parking spaces shall install dynamic signage to Transportation Division specifications, including, but not limited to, 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 Zoning Officer in consultation with the Transportation Division Manager.

F. Occupants of residential units or GLA units constructed, newly constructed or converted from a non-residential use shall not be eligible for Residential Parking Permit (RPP) permits under Chapter [14.72](#) of the BMC.

G. 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 unit, unless the Board grants a Use Permit to waive this requirement for projects which include financing for affordable housing subject to the finding in section [23E.68.090.I](#).

H. For new structures or additions over 20,000 square feet, the property owner shall provide at least one of the following transportation benefits at no cost to every employee, residential unit, and/or GLA resident. A notice describing these transportation benefits shall be posted in a location or locations visible to employees and residents.

1. A pass for unlimited local bus transit service; or
2. A functionally equivalent transit benefit in an amount at least equal to the price of a non-discounted unlimited monthly local bus pass. Any benefit proposed as a functionally equivalent transportation benefit shall be approved by the Zoning Officer in consultation with the Transportation Division Manager.

I. For residential ~~projects that provide structures constructed or converted from a non-residential use that require~~ vehicle parking ~~under Section [23E.68.080.B](#), required parking spaces shall be designated as,~~ vehicle sharing spaces shall be provided in the amounts specified in the following table. ~~If no parking spaces are provided pursuant to Section [23E.68.080.D](#), no vehicle sharing spaces shall be required.~~

| Number of Parking Spaces <u>Provided</u><br><b>Required</b> | Minimum Number of Vehicle Sharing<br>Spaces |
|-------------------------------------------------------------|---------------------------------------------|
| 0 – 10                                                      | 0                                           |
| 11 – 30                                                     | 1                                           |

| Number of Parking Spaces <u>Provided</u><br><b>Required</b> | Minimum Number of Vehicle Sharing<br>Spaces |
|-------------------------------------------------------------|---------------------------------------------|
| 30 – 60                                                     | 2                                           |
| 61 or more                                                  | 3, plus one for every additional 60 spaces  |

1. The required vehicle sharing spaces shall be offered to vehicle sharing service providers at no cost.
2. The vehicle sharing spaces required by this Section shall remain available to a vehicle sharing service provider as long as providers request the spaces. If no vehicle sharing service provider requests a space, the space may be leased for use by other vehicles. When a vehicle sharing service provider requests such space, the property owner shall make ~~the~~a space available within 90 days.

J. For residential structures constructed or converted from a non-residential use subject to Sections 23E.68.080.G, 23E.68.080.H, and 23E.68.080.I, prior to issuance of a Certificate of Occupancy, the property owner shall submit to the Department of Transportation a completed Parking and Transportation Demand Management (PTDM) compliance report on a form acceptable to the City, which demonstrates that the project is in compliance with the applicable requirements of 23E.68.080.G, 23E.68.080.H, and 23E.68.080.I. Thereafter, the property owner shall submit to the Department of Transportation an updated PTDM compliance report on an annual basis.

K. Any construction which results in the creation of more than 10,000 square feet of new or additional commercial gross floor space shall satisfy the loading space requirements of Chapter 23E.32.

Section 23: That Berkeley Municipal Code Section 23E.80.080 is amended to read as follows:

**23E.80.080 Off-Street Parking and Loading Requirements**

A. For each of the following uses the minimum number of off-street parking spaces shall be provided and in accordance with Chapter 23E.28 except as set forth in Section 23E.80.080.E. Construction of new floor area and changes of use of existing floor area shall satisfy the parking requirements of this section.

**[OPTION A]**

| <b>Table 23E.80.080</b>                                                                                             |                                                                                                                                                                                                                      |
|---------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Parking Required*</b>                                                                                            |                                                                                                                                                                                                                      |
| <b>Use</b>                                                                                                          | <b>Number of spaces</b>                                                                                                                                                                                              |
| Art/Craft Studio                                                                                                    | One per 1,000 sq. ft. of floor area                                                                                                                                                                                  |
| Laboratories                                                                                                        | One per 650 sq. ft. of floor area                                                                                                                                                                                    |
| Live/Work Units                                                                                                     | One per unit; provided however, that if any non-resident employees and/or customers and clients are permitted in any work area, there shall be one additional parking space for each 1,000 sq. ft. of such work area |
| Manufacturing uses (assembly, production, storage and testing space only), Storage, Warehousing and Wholesale Trade | One space per 1,000 sq. ft. of floor area for spaces of less than 10,000 sq. ft.; one space per 1,500 sq. ft. of floor area for spaces of 10,000 sq ft or more                                                       |
| Quick or Full Service Restaurants                                                                                   | One per 300 sq. ft. of floor area                                                                                                                                                                                    |
| All other non-residential uses, unless otherwise specified in Subsection B                                          | Two per 1,000 sq. ft. of floor area                                                                                                                                                                                  |
| * See Subsection E for substitutions of up to 10% with bicycle/motorcycle parking                                   |                                                                                                                                                                                                                      |

**[OPTION B]**

| <b>Table 23E.80.080</b>  |                         |
|--------------------------|-------------------------|
| <b>Parking Required*</b> |                         |
| <b>Use</b>               | <b>Number of spaces</b> |

|                                                                                                                     |                                                                                                                                                                                                                      |
|---------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Art/Craft Studio                                                                                                    | One per 1,000 sq. ft. of floor area                                                                                                                                                                                  |
| Laboratories                                                                                                        | One per 650 sq. ft. of floor area                                                                                                                                                                                    |
| Live/Work Units (fewer than ten)                                                                                    | One per unit; provided however, that if any non-resident employees and/or customers and clients are permitted in any work area, there shall be one additional parking space for each 1,000 sq. ft. of such work area |
| Live/Work Units (ten or more)                                                                                       | If any non-resident employees and/or customers and clients are permitted in any work area, there shall be one parking space for each 1,000 sq. ft. of such work area                                                 |
| Manufacturing uses (assembly, production, storage and testing space only), Storage, Warehousing and Wholesale Trade | One space per 1,000 sq. ft. of floor area for spaces of less than 10,000 sq. ft.; one space per 1,500 sq. ft. of floor area for spaces of 10,000 sq ft or more                                                       |
| Quick or Full Service Restaurants                                                                                   | One per 300 sq. ft. of floor area                                                                                                                                                                                    |
| All other non-residential uses, unless otherwise specified in Subsection B                                          | Two per 1,000 sq. ft. of floor area                                                                                                                                                                                  |
| * See Subsection E for substitutions of up to 10% with bicycle/motorcycle parking                                   |                                                                                                                                                                                                                      |

B. Unless otherwise specified in Subsection A, uses designated in this chapter as Other Industrial Uses; Automobile and Other Vehicle Oriented Uses; Outdoor Uses; Residential and Related Uses or as Miscellaneous Uses shall be required to provide the number of off-street parking spaces determined by the Zoning Officer or Board based of the amount of off-street parking demand generated by the particular use and comparable with specified standards for other uses.

C. Bicycle parking spaces shall be provided for new construction at the ratio of one space per 2,000 square feet of gross floor area of non-residential space, in accordance with Section [23E.28.070](#).



D. Off-street parking required by this section may be satisfied by the provision of leased spaces, provided that the requirements of Section [23E.28.030](#) are met; however, the leased parking spaces may be within 500 feet of the property it serves, provided that leased parking at a distance greater than 500 feet may be approved by an Administrative Use Permit.

E. Subject to the finding in Section [23E.80.090](#).H, an Administrative Use Permit may be issued to designate up to 10% of automobile parking required for a use for bicycle and/or motorcycle parking, unless a Use Permit from the Board is required to approve any part of the application, in which case the Use Permit shall be approved by the Board. Any bicycle parking created by this designation shall be in addition to otherwise required bicycle parking.

F. Notwithstanding the requirements of Section [23E.28.080](#) (the general regulations concerning screening and landscaping of off-street parking), there shall be no requirement for screening or landscaping of that portion of any parking lot which is adjacent to Third Street (Southern Pacific Railroad).

G. In buildings with one or more manufacturing, wholesale trade or warehouse use, all uses shall satisfy the loading space requirements of Chapter [23E.32](#). All uses which have one or more loading spaces shall retain at least one such space.

H. Any construction which results in the creation of 10,000square feet of new or additional commercial or manufacturing gross floor area shall satisfy Chapter [23E.32](#).

Section 24: That Berkeley Municipal Code Section 23E.84.080 is amended to read as follows:

**23E.84.080 Off-Street Parking and Loading Requirements**

A. Unless otherwise specified in Subsections ~~B or F~~, or in Table [23E.84.080](#), the district minimum standard parking requirement is two spaces per 1,000 square feet of gross floor area of non-residential space, in accordance with the requirements of Chapter [23E.28](#).

**[OPTION A]**

| <b>Table 23E.84.080</b>                                                          |                                                                                                                                                                                                                                                                                      |
|----------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Parking Required*</b>                                                         |                                                                                                                                                                                                                                                                                      |
| <b>Use</b>                                                                       | <b>Number of spaces</b>                                                                                                                                                                                                                                                              |
| <b>Art/Craft Studio</b>                                                          | One per 1,000 sq. ft. of floor area                                                                                                                                                                                                                                                  |
| <b>Community Care Facilities</b>                                                 | One per two non-resident employees                                                                                                                                                                                                                                                   |
| <b>Dwelling Units</b>                                                            | <del>One per unit, except as provided in Section 23E.84.080.E;</del><br>75% less for Seniors (see Subsection E)<br>None required                                                                                                                                                     |
| <b>Libraries</b>                                                                 | One per 500 sq. ft. of floor area that is publicly accessible                                                                                                                                                                                                                        |
| <b>Live/Work Units</b>                                                           | <del>One per unit; provided however, that</del> If any non-resident employees and/or clients are permitted in any work area there shall be one parking space for the first 1,000 sq. ft. of work area and one additional parking space for each additional 750 sq. ft. of work area. |
| <b>Manufacturing Uses (assembly, production, storage and testing space only)</b> | One per 1,000 sq. ft. of floor area                                                                                                                                                                                                                                                  |
| <b>Medical Practitioner Offices</b>                                              | One per 300 sq. ft. of floor area                                                                                                                                                                                                                                                    |
| <b>Nursing Homes</b>                                                             | <del>One per each five residents; plus o</del> One per each three employees                                                                                                                                                                                                          |
| <b>Restaurants and Food Service</b>                                              | One per 300 sq. ft. of floor area                                                                                                                                                                                                                                                    |
| <b>Storage, Warehousing and Wholesale Trade</b>                                  | One per 1,000 sq. ft. of floor area for spaces of less than 10,000 sq.ft.; one per 1,500 sq. ft. for spaces of 10,000 sq. ft. or more                                                                                                                                                |

|                                                                                    |                         |
|------------------------------------------------------------------------------------|-------------------------|
| <b>Table 23E.84.080</b>                                                            |                         |
| <b>Parking Required*</b>                                                           |                         |
| <b>Use</b>                                                                         | <b>Number of spaces</b> |
| *See Subsection H-G for substitutions of up to 10% with bicycle/motorcycle parking |                         |

**[OPTION B]**

|                                        |                                                                                                                                                                                                                                                                                      |
|----------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Table 23E.84.080</b>                |                                                                                                                                                                                                                                                                                      |
| <b>Parking Required*</b>               |                                                                                                                                                                                                                                                                                      |
| <b>Use</b>                             | <b>Number of spaces</b>                                                                                                                                                                                                                                                              |
| <b>Art/Craft Studio</b>                | One per 1,000 sq. ft. of floor area                                                                                                                                                                                                                                                  |
| <b>Community Care Facilities</b>       | One per two non-resident employees                                                                                                                                                                                                                                                   |
| <b>Dwelling Units (fewer than ten)</b> | One per unit, <del>except as provided in Section 23E.84.080.E; 75% less for Seniors (see Subsection E)</del>                                                                                                                                                                         |
| <b>Dwelling Units (ten or more)</b>    | None required                                                                                                                                                                                                                                                                        |
| <b>Libraries</b>                       | One per 500 sq. ft. of floor area that is publicly accessible                                                                                                                                                                                                                        |
| <b>Live/Work Units (fewer than 10)</b> | One per unit; provided however, <del>that</del> if any non-resident employees and/or clients are permitted in any work area there shall be one parking space for the first 1,000 sq. ft. of work area and one additional parking space for each additional 750 sq. ft. of work area. |
| <b>Live/Work Units (ten or more)</b>   | If any non-resident employees and/or clients are permitted in any work area there shall be one parking space for the first                                                                                                                                                           |

| <b>Table 23E.84.080</b>                                                                   |                                                                                                                                       |
|-------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|
| <b>Parking Required*</b>                                                                  |                                                                                                                                       |
| <b>Use</b>                                                                                | <b>Number of spaces</b>                                                                                                               |
|                                                                                           | 1,000 sq. ft. of work area and one additional parking space for each additional 750 sq. ft. of work area.                             |
| Manufacturing Uses (assembly, production, storage and testing space only)                 | One per 1,000 sq. ft. of floor area                                                                                                   |
| Medical Practitioner Offices                                                              | One per 300 sq. ft. of floor area                                                                                                     |
| Nursing Homes                                                                             | <del>One per each five residents; plus o</del> One per each three employees                                                           |
| Restaurants and Food Service                                                              | One per 300 sq. ft. of floor area                                                                                                     |
| Storage, Warehousing and Wholesale Trade                                                  | One per 1,000 sq. ft. of floor area for spaces of less than 10,000 sq.ft.; one per 1,500 sq. ft. for spaces of 10,000 sq. ft. or more |
| *See Subsection <u>H-G</u> for substitutions of up to 10% with bicycle/motorcycle parking |                                                                                                                                       |

B. Unless otherwise specified in Subsection H-G or in Table 23E.84.080, uses designated in this chapter as Automobile and Other Vehicle Oriented Uses; Outdoor Uses; or as Miscellaneous Uses shall be required to provide the number of off-street parking spaces determined by the Zoning Officer or Board based on the amount of parking demand generated by the particular use and comparable with specified standards for other uses.

C. Bicycle parking spaces shall be provided at the ratio of one space per 2,000 square feet of gross floor area of non-residential space, and in accordance with the requirements of Section 23E.28.070.

D. Off-street parking required by this section may be satisfied by the provision of leased spaces, provided that the requirements of Section [23E.28.030](#) are met; however, the leased parking spaces may be within 500 feet of the property it serves, provided that leased parking at a distance greater than 500 feet may be approved by an Administrative Use Permit.

~~E. 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.~~

~~FE.~~ If the Zoning Officer or Board finds that existing evening parking supply is adequate and/or that other mitigating circumstances exist on the property, the requirement for an additional off-street parking space may be waived through a Use Permit when an additional residential unit is added to a property with one or more residential units.

~~GF.~~ No off-street parking space which is required by this Ordinance, including Use Permits issued under this Ordinance, shall be removed; provided, however, any off-street parking spaces which are provided in excess of the number required at the time of application may be removed.

~~HG.~~ Subject to the finding in Section [23E.84.090.J](#), an Administrative Use Permit may be issued to designate up to 10% of automobile parking required for a use for bicycle and/or motorcycle parking, unless a Use Permit from the Board is required to approve any part of the application, in which case the Use Permit shall be approved by the Board. Any bicycle parking created by this designation shall be in addition to otherwise required bicycle parking.

~~IH.~~ In buildings with manufacturing, wholesale trade or warehouse uses, loading spaces shall be maintained so as to meet the requirements of Chapter [23E.32](#).

~~JL.~~ Any construction which results in the creation of 10,000 square feet of new or additional commercial or manufacturing gross floor area shall satisfy Chapter [23E.32](#).

Section 25. 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.

OCT 27 2015

OFFICE OF THE CITY CLERK  
CITY OF BERKELEY

ACTION CALENDAR  
October 27, 2015  
(continued from October 6, 2015)

To: Honorable Mayor and Members of the City Council  
From: Councilmember Lori Droste  
Subject: Councilmember Lori Droste's Green Affordable Housing Package - Amendments

**RECOMMENDATION**

Request that the Planning Commission and City Manager investigate the feasibility of reducing barriers for the creation of new affordable housing. City Council requests that commissions and staff address and propose solutions and/or an implementation plan using the following recommendations by October 1, 2016.

**Policy 1: Designate units and funding for affordable housing by prioritizing housing over parking spaces in new developments**

1. Reduce or eliminate minimum residential parking requirements if car-sharing spaces, shared mobility devices, or transit passes or other TDM measures are provided.
2. Consider a cap on residential parking maximums.
3. Reduce or eliminate minimum parking requirements for new housing that serves populations that do not have high rates of car ownerships.
4. Reduce or eliminate minimum parking requirements for transit-intensive housing.
  - Transit-intensive housing is defined as within 1,200 feet of a transit center or within 1,200 feet of an overlap between major transit corridor and a commercial or mixed-use district.
  - Broadly defined, a *transit corridor* generally refers to a geographic area that accommodates travel or potential travel. A transit corridor is best defined as the areas around all of the stations along a transit line that have destinations or residences within reasonable distance for walking, biking, or other transit connections. ■
  - Broadly defined, a *transit hub* refers to a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or a major bus route with frequencies of service intervals of 15 minutes or less during the morning and afternoon peak commute periods. ■
5. Re-evaluate and/or reduce parking space requirements per new residential unit in areas within ½ mile of a transit hub.

*Determine a process whereby the costs saved by parking reductions will be designated for affordable units or the Affordable Housing Trust Fund.*

*Evaluate and account for impacts of parking policies on access and routes for emergency vehicles and evacuations.*

**Policy 2: Remove the structural barriers to creating more housing**

1. Improve and streamline the development review process, particularly for permanently affordable housing projects. ~~and smaller residential housing proposals~~ Review and compare Berkeley's process to that of neighboring cities.



Jesse Arreguín  
 City Councilmember, District 4

**ACTION CALENDAR**  
 April 26, 2016

To: Honorable Mayor and Members of the City Council  
 From: Councilmember Jesse Arreguín  
 Subject: Referral to Planning Commission: City-Wide Green Development Requirements

**RECOMMENDATION**

Refer to the Planning Commission to draft an ordinance requiring the same Green Building and Transportation Demand Management (TDM) measures required in the Commercial Downtown Mixed Use District (C-DMU) for projects of 75 units or more throughout the City of Berkeley’s commercial zoning districts.

The following standards would apply to larger projects city-wide:

1. Bicycle parking spaces shall be provided for new construction at the ratio of one space per 2,000 square feet of gross floor area of commercial space, and in accordance with the requirements of Section 23E.28.070.

| <b>Number of Parking Spaces Required</b> | <b>Minimum Number of Vehicle Sharing Spaces</b> |
|------------------------------------------|-------------------------------------------------|
| 0-10                                     | 0                                               |
| 11-30                                    | 1                                               |
| 30-60                                    | 2                                               |
| 61 or more                               | 3, plus one for every additional 60 spaces      |

- For residential structures constructed or converted from a non-residential use that require vehicle parking under Section 23E.68.080.B, required parking spaces shall be designated as vehicle sharing spaces in the amounts specified in the adjacent table. If no parking spaces are provided pursuant to Section 23E.68.080.D, no vehicle sharing spaces shall be required.

- The required vehicle sharing spaces shall be offered to vehicle sharing service providers at no cost.

2. The vehicle sharing spaces required by this section shall remain available to a vehicle sharing service provider as long as providers request the spaces. If no vehicle sharing service provider requests a space, the space may be leased for use by other vehicles. When a vehicle sharing service provider requests such space, the property owner shall make the space available within 90 days.



3. Occupants of residential units or GLA units constructed, newly constructed or converted from a non-residential use shall not be eligible for Residential Parking Permit (RPP) permits under Chapter 14.72 of the BMC.
4. 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 unit, unless the Board grants a Use Permit to waive this requirement for projects which include financing for affordable housing subject to the finding in section 23E.68.090.I.
5. Construction of new developments of at least 75 units shall attain a LEED Gold rating or higher as defined by the U.S. Green Building Council (USGBC), or shall attain building performance equivalent to this rating, as determined by the Zoning Officer.
6. New developments of at least 75 units shall be required to meet all applicable standards of the Stopwaste Small Commercial Checklist, or equivalent, as determined by the Zoning Officer. The rating shall be appropriate to the use type of the proposed construction.
7. New developments of at least 75 units, the property owner shall provide at least one of the following transportation benefits at no cost to every employee, residential unit, and/or GLA resident. A notice describing these transportation benefits shall be posted in a location or locations visible to employees and residents.
  - A pass for unlimited local bus transit service; or
  - A functionally equivalent transit benefit in an amount at least equal to the price of a non-discounted unlimited monthly local bus pass. Any benefit proposed as a functionally equivalent transportation benefit shall be approved by the Zoning Officer in consultation with the Transportation Division Manager.

#### BACKGROUND:

One of the main goals of the 2012 Downtown Area Plan (DAP) is promoting sustainability in the Downtown by “*Integrat[ing] environmentally sustainable development and practices in the Downtown, and in every aspect of the Downtown Area Plan*” and to “*Model best practices for sustainability*”.<sup>1</sup>

The DAP and its implementing zoning includes a number of green building and sustainable transportation requirements for new projects throughout the Downtown. These green measures are resulting in sustainable projects with bike and car share parking, and meeting LEED Gold standards. These forward thinking policies go a long way in helping Berkeley meet its climate action goals, but they only apply to projects in the Downtown area. Large projects throughout the city should be held to the same standard. This will result in further reducing greenhouse gases from transportation and building energy use.

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<sup>1</sup> 2012 Downtown Area Plan, page IN-18

An update on the Climate Action Plan (CAP) presented to the City Council in November 2015 showed that the City is not on track to achieve the goals set by the Plan. While Berkeley has achieved more reductions compared to the rest of the State, despite population increases, it is clear that more must be done if we are to reach the targets set forward in the CAP. By holding large developments to the same standards as those in Downtown, we can achieve the goals of sustainability by reducing greenhouse gases.

FINANCIAL IMPLICATIONS:

Staff time to prepare zoning amendments for Planning Commission consideration.

ENVIRONMENTAL SUSTAINABILITY

Applying the same standards to large developments citywide can significantly improve the City's ability to meet the goals of the Climate Action Plan.

CONTACT PERSON

Jesse Arreguin, City Councilmember, District 4

510-981-7140



## MEMORANDUM

To: Justin Horner, City of Berkeley

From: Nelson\Nygaard Team

Date: November 25, 2019

Subject: Berkeley Residential Parking Capacity Study

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### INTRODUCTION AND STUDY PURPOSE

By analyzing actual usage (i.e. occupancy) of residential parking, the purpose of this study is to “right size” off-street parking requirements to meet the City of Berkeley’s goals of developing more housing at all affordability levels and encouraging more sustainable transportation modes. In addition to studying off-street parking behavior, compared to what is provided, assessing the efficiency of on-street parking facilities is intended to help meet the City of Berkeley’s goals of encouraging more sustainable transportation modes.

The overall purpose of this assessment is to analyze the parking required, provided and utilized at these buildings in order to determine how existing off-street parking regulations match actual usage.

### METHODOLOGY

#### Property Selection Process

The City identified residential properties located within a variety of neighborhoods.

City Staff made initial contact with property’s/property managers to request they take a short survey about the property and secondly confirm whether they would allow access to the property for on-site parking survey. A total of 28 survey responses were received, and of that 20 properties were selected for further data collection multi-unit residential buildings (with 10 units or more) in consultation with the city. Selection criteria included:

- Geographical distribution within multifamily zoned areas
- Mix of affordable/inclusionary and 100% market rate facilities; and
- A range of property sizes (by number of units)

**Berkeley Residential Capacity Study**  
City of Berkeley

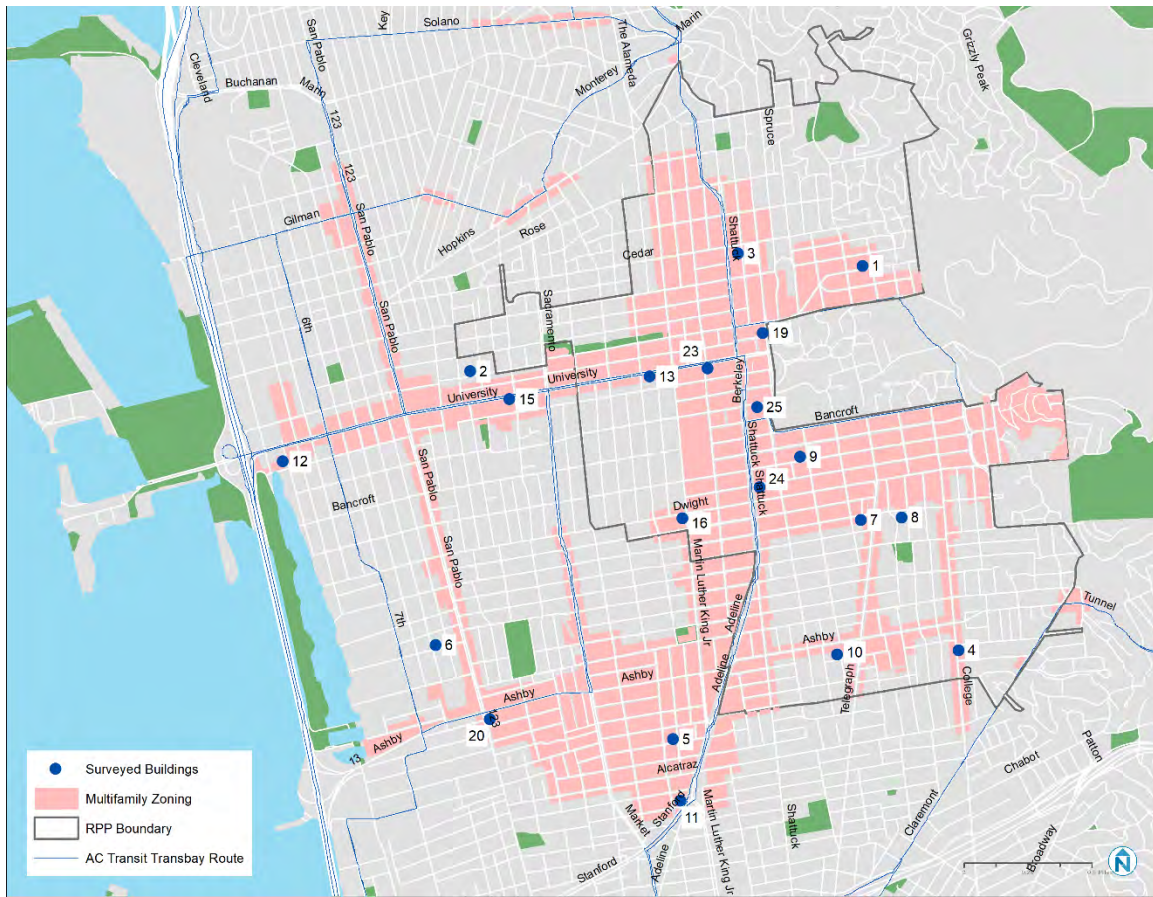
The surveyed properties are listed in Table 1 and displayed on the Figure 1 on the following page.

Table 1 - Surveyed Properties

| ID | Address                        | Total Units | % Affordable Housing |
|----|--------------------------------|-------------|----------------------|
| 1  | 2575 Le Conte Avenue           | 11          | 0%                   |
| 2  | 1277 Hearst Avenue             | 8           | 0%                   |
| 3  | 1612 Walnut Street             | 9           | 0%                   |
| 4  | 3001 College Avenue            | 10          | 0%                   |
| 5  | 3140 Ellis Street              | 10          | 0%                   |
| 6  | 2777 Ninth Street              | 21          | 0%                   |
| 7  | 2414 Parker Street             | 16          | 0%                   |
| 8  | 2610 Hillegass Avenue          | 23          | 0%                   |
| 9  | 2239 Channing Way              | 14          | 0%                   |
| 10 | 2321 Webster Street            | 18          | 0%                   |
| 11 | 3380 Adeline Street            | 14          | 0%                   |
| 12 | 651 Addison Street             | 94          | 4%                   |
| 13 | 1812 University Avenue         | 44          | 9%                   |
| 15 | 1370 University Avenue         | 71          | 97%                  |
| 16 | 2500 Martin Luther King Jr Way | 10          | 20%                  |
| 19 | 1910 Oxford Street             | 56          | 20%                  |
| 20 | 3015 San Pablo Avenue          | 98          | 15%                  |
| 23 | 2004 University Avenue         | 35          | 20%                  |
| 24 | 2110 Haste Street              | 100         | 20%                  |
| 25 | 2116 Allston Way               | 91          | 20%                  |

Berkeley Residential Capacity Study  
City of Berkeley

Figure 1 - Study Area Map



Note: The number label in each surveyed property in the map corresponds to the ID number in Table 1

**Residential Property Manager Survey**

A short on-line survey was developed and distributed for the residential property managers to get basic information about their buildings, including total units, total parking spaces, unit vacancies, the number of affordable units, unbundled parking and transportation demand management programs available to residents. A copy of the survey instrument is included in the appendix.

**Parking Data Collection**

A parking survey was conducted at each property including off-street inventory of parking spaces and total vehicles observed. The survey was conducted when UC Berkeley was in session on a typical weekday evening, between midnight and 5:00am in order to more reliably reflect a time when most residents would be at home.

On-street parking capacity (inventory and occupancy) in the areas around selected buildings was surveyed on the two blockfaces nearest the immediate pedestrian entrance

to each property.<sup>1</sup> This data was collected to help understand neighborhood parking, potential spillover and local context.

### Vehicle Registration

The City provided anonymized DMV (Department of Motor Vehicle) and RPP (Residential Parking Permits) data associated with each of the residential properties. The purpose of the analysis was to determine how many vehicles are associated with each property and how many vehicles take advantage of the available Residential Preferential Permit Program rather than parking on the property.

### Socioeconomic Assessment

In addition to the property related data collected, a socioeconomic assessment of multifamily housing was performed. It focused on aspects related to vehicle ownership and commute choices in areas zoned for multifamily housing. The team used 2017 ACS 5-year data at census block group (CBG) level and compared ownership and rental tenure, and income.

## KEY FINDINGS

### Property Survey

- Surveyed properties averaged 41.5 units per building. The median apartment building surveyed had 23 housing units.
- The residential usage rate was relatively high, ranging from 94% to 100%.
- 9 of the 20 buildings studied contained some affordable housing units, with most around 15-20% affordable.
- All 20 properties were within a reasonable walking distance (half mile or less) and 17 within very walkable distance (quarter of mile or less) of high-frequency transit service (BART or Transbay Bus).
- The average built parking ratio was 0.82 per unit.
- Properties with the fewest vehicle registrations per unit appear to be closer to downtown Berkeley.

### Parking Survey

- The average parking occupancy across all properties, both on and off-street, is 55%

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<sup>1</sup> In some cases where there were multiple entrances, the immediate blockfaces on each entrance were collected.

- There are slightly less than 0.5 vehicles registered per unit on average, yet there is an average 0.82 parking spaces per unit off-street.
- The average and median off-street occupancy for all properties is 0.45 and 0.53 per unit respectively.
- The average and median on-street occupancy for all properties was 60% and 61% respectively.

### **Socioeconomic Analysis**

- In multifamily areas less than 25% of people drive to work alone as opposed to more than 40% in single-family areas.
- In multifamily areas slightly more than 30% of people walk to work as opposed to approximately 7% in single-family areas.
- In general, the share of zero car households in multifamily areas is higher than in single family areas.
- Of the total households in multifamily areas, 40% of renter households do not own a car and about 10% of owner households do not own a car.
- There is more available on-street and off-street parking (particularly near Downtown Berkeley) in those areas that have more renters, have fewer cars and have more residents that commute either on-foot or on transit.

## PROPERTY ANALYSIS

Property managers responded to an online survey, providing relevant details for this analysis. The number of housing units in these properties ranges from 8 to 100, with an average of 41.5 units per building. The median apartment building surveyed had 23 housing units. Table 1, above, provides the number of units in each surveyed building. While there are a few vacant units in these properties, the occupancy rate is relatively high, ranging from 94% to 100%. Additionally, 9 of the 20 buildings studied contained some affordable housing units. The share of affordable housing ranged from 4% of the total units to 97%, with most around 15-20% of all units being affordable.

Ninety percent of surveyed properties had unbundled parking, meaning that the cost of parking charged separately from the apartment lease. Only two out of the twenty surveyed buildings did not charge separately for parking. Properties with unbundled parking all reported charging more than \$50 per month for a parking space.

All 20 properties were within a reasonable walking distance of high-frequency BART and AC Transit Transbay service.

Sixteen (16) of the properties included secure bike parking within their premises. The number of bicycles these facilities can store ranges from 4 (for a 10-unit apartment building) to 60 (for a 98-unit apartment building). In terms of per-unit bicycle storage, buildings that included secure parking ranged from 0.3 spaces unit to 3 spaces per unit.

All the surveyed properties include parking. The parking supply ranged from 10 parking spaces to 129 parking spaces. The following table summarizes parking supply in per-unit basis. The average built parking spaces was 0.82 per unit.

Table 2 - Built Parking Spaces per Unit

|                       | Median | Mean | Min  | Max  | 20 <sup>th</sup> percentile | 80 <sup>th</sup> percentile |
|-----------------------|--------|------|------|------|-----------------------------|-----------------------------|
| <b>Parking Spaces</b> | 0.82   | 0.84 | 0.20 | 1.70 | 0.54                        | 1.15                        |

Similarly,

summarizes DMV vehicle registrations per unit for the surveyed properties. Registrations range from 0 to 69 vehicles per property, with an average of 0.49 vehicle registrations per unit. The data indicate a wide distribution. Figure 2 illustrates the distribution of vehicle registrations per unit across the 20 study properties. Red dots indicate a property with no vehicle registrations, while a large blue dot indicates a ratio of over one (1) vehicle per unit.

Table 3 - DMV Registrations per Unit

|  | Median | Mean | Min | Max | 20 <sup>th</sup> percentile | 80 <sup>th</sup> percentile |
|--|--------|------|-----|-----|-----------------------------|-----------------------------|
|--|--------|------|-----|-----|-----------------------------|-----------------------------|



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|                              |      |      |   |      |      |      |
|------------------------------|------|------|---|------|------|------|
| <b>Vehicle Registrations</b> | 0.38 | 0.49 | 0 | 1.80 | 0.25 | 0.71 |
|------------------------------|------|------|---|------|------|------|

A handful of properties have 15 or more registrations while many have very few. Those properties with the least vehicle registrations per unit as illustrated in Figure 2 appear to be closer to downtown Berkeley.

Figure 2 – Vehicle Registrations per Unit

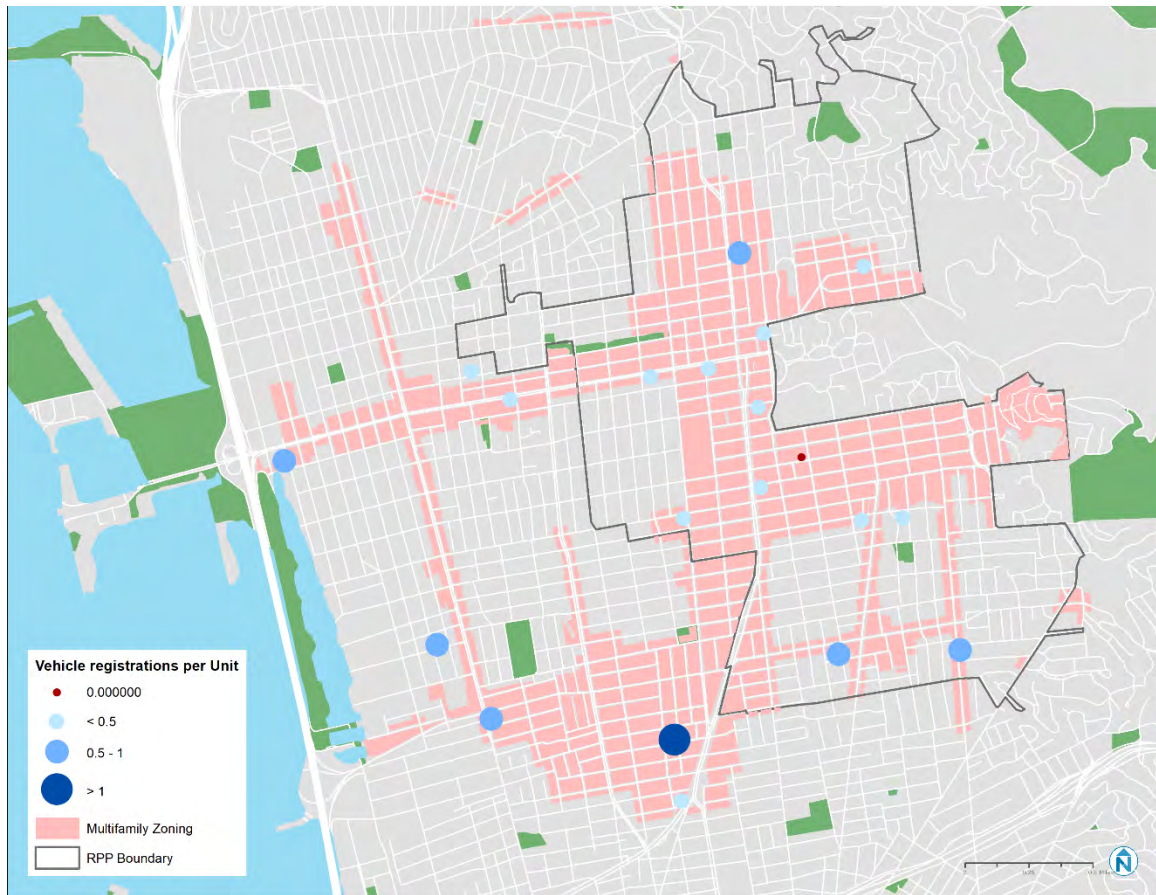
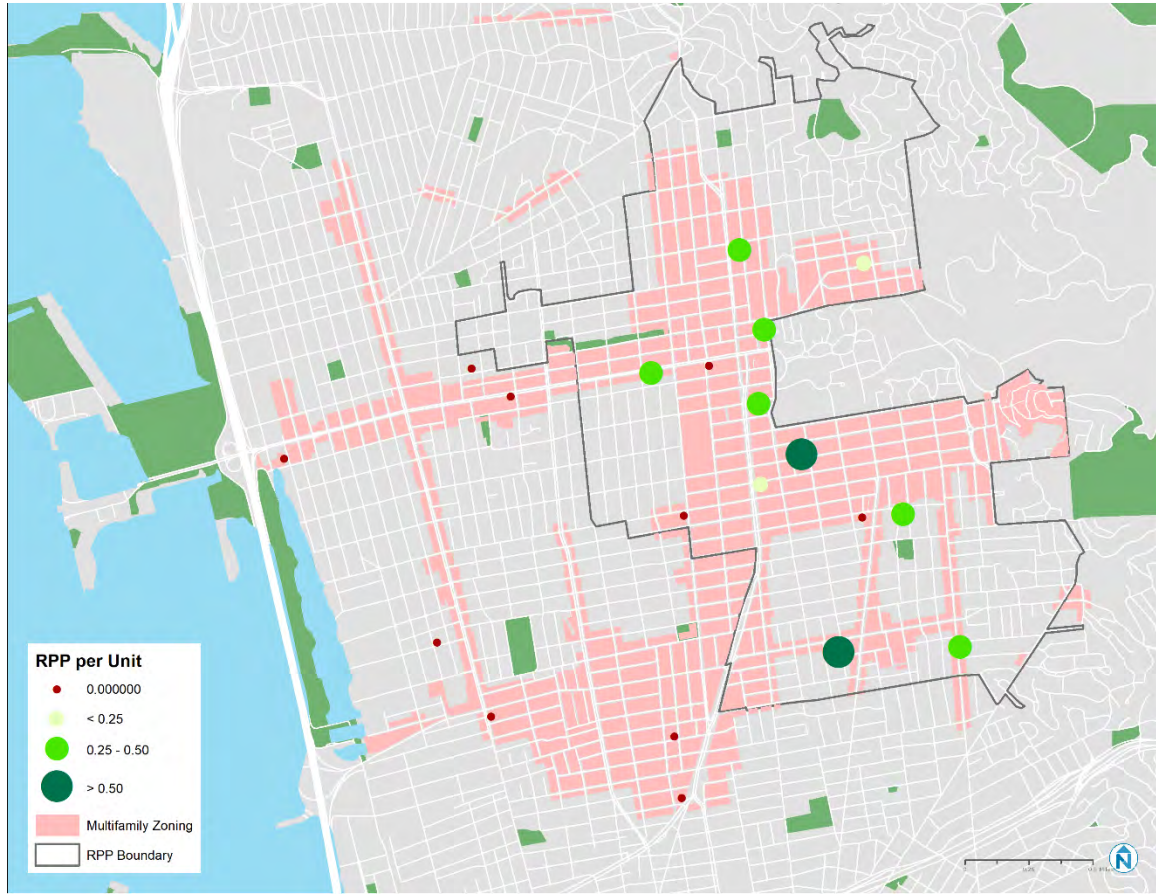


Figure 3 illustrates the distribution of residential preferential permit registrations per unit across the 20 study properties. Red dots indicate a property with no permits, while a large dark green dot indicates a ratio of more than 0.5 permit per unit. As to be expected, only properties within the RPP boundary are associated with residential permit registrations.

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Figure 3 - RPP per Unit



## PARKING ANALYSIS

The following analysis combines the different data sources and studies trends and patterns on parking supply and parking usage within the surveyed properties and their adjacent streets.

### Occupancy

The average parking occupancy across all properties is summarized in Table 4 at 55%. Diving deeper into per unit occupancy and occupancy rates illustrates greater differences in properties with affordable and market rate units.

Table 4 – Parking Occupancy Across all Properties

|                   | Total # Spaces | Occupancy | Occupancy (%) |
|-------------------|----------------|-----------|---------------|
| <b>On-Street</b>  | 448            | 297       | 61%           |
| <b>Off-Street</b> | 592            | 279       | 54%           |
| <b>Total</b>      | 1040           | 576       | 55%           |

### Off-Street

Table 5 shows parking occupancy and supply by unit. Properties with affordable units also lower occupancy across all categories as compared to purely market rate. This is corroborated with research indicating that lower income/ affordable housing residents are more transit dependent and less likely to own a vehicle.<sup>2</sup>

Table 5 – Off-Street Parking Occupancy and Supply per Unit

|                                 | Off-Street Supply | Off-Street Usage |
|---------------------------------|-------------------|------------------|
| <b>Average</b>                  | 0.84              | 0.45             |
| <b>Market rate</b>              | 0.89              | 0.55             |
| <b>Affordable/ Inclusionary</b> | 0.78              | 0.33             |

Table 6 summarizes the range of occupancies across the properties. The mean and median off-street occupancy for all properties is 0.45 and 0.54 per unit respectively.

<sup>2</sup> <https://www.jtlu.org/index.php/jtlu/article/view/1129/986>



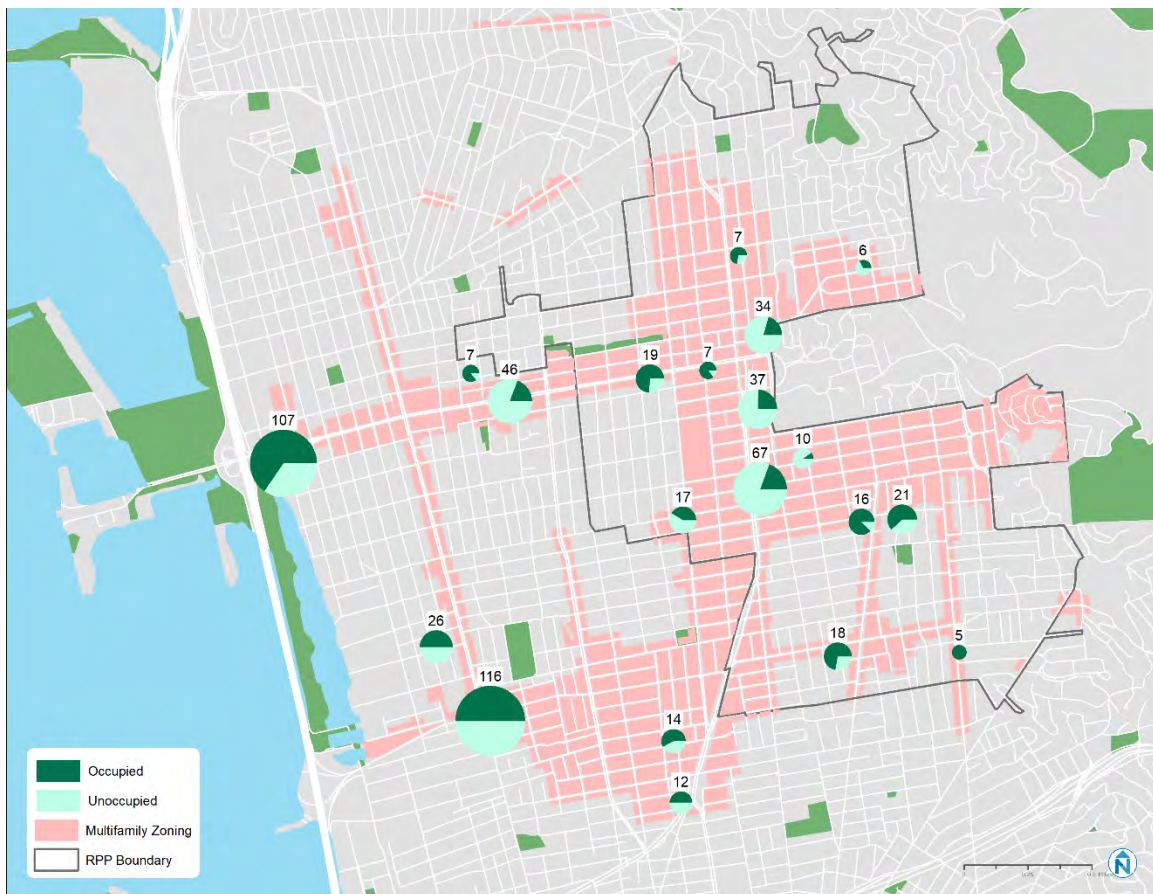
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Table 6 – Off-Street Parking Occupancy and Supply per Unit

|           | Median | Mean | Min  | Max  | 20 <sup>th</sup> percentile | 80 <sup>th</sup> percentile |
|-----------|--------|------|------|------|-----------------------------|-----------------------------|
| Supply    | 0.82   | 0.84 | 0.20 | 1.17 | 0.54                        | 1.15                        |
| Occupancy | 0.53   | 0.45 | 0.07 | 0.88 | 0.13                        | 0.73                        |

Figure 4 shows the distribution of off-street occupancy counts collected at the 20 study properties. The size of the pie chart indicates the total inventory of off-street parking available at the site and the dark green vs. light green is an indication of how much parking was occupied. There appears to be a larger proportion of unoccupied off-street parking when the buildings are located closer to UC Berkeley campus and the downtown area, which could be explained by student populations and proximity to BART.

Figure 4 - Off-Street Parking

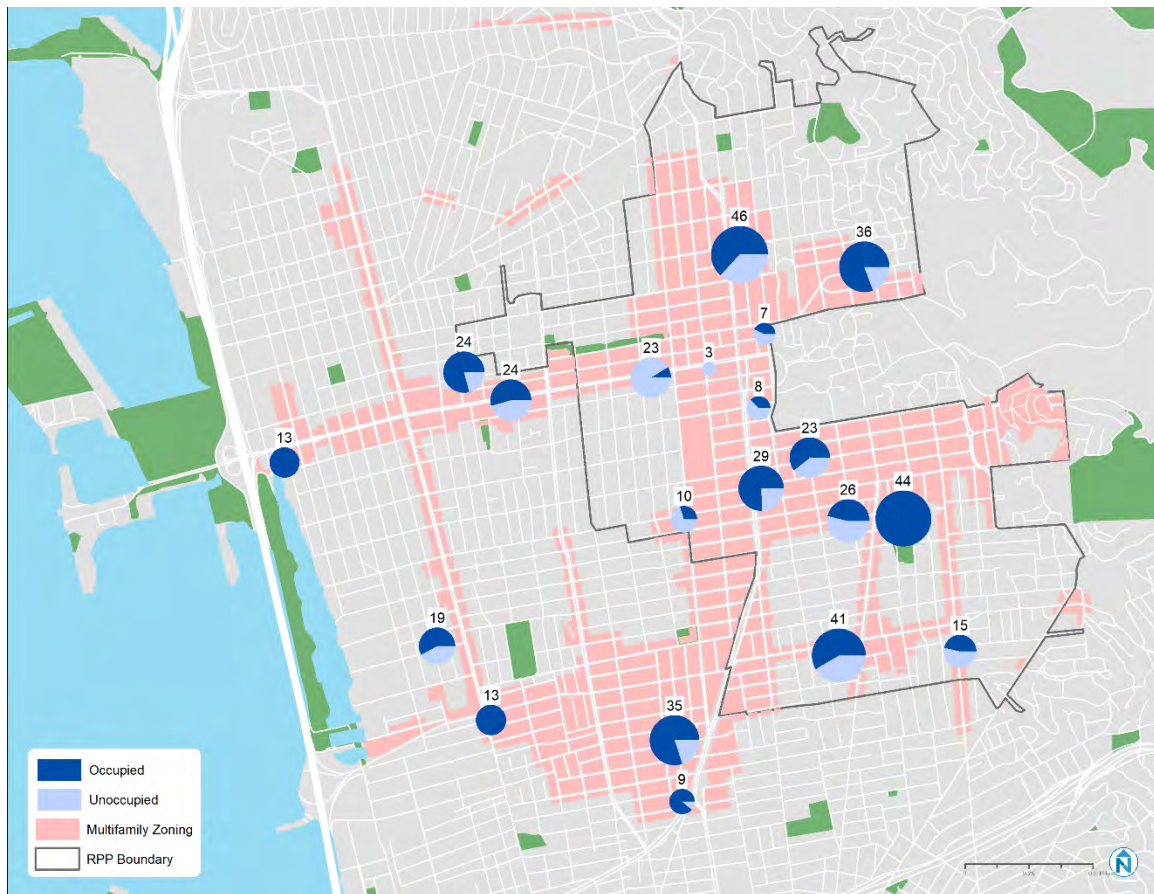


Note: Size of the pie chart and number on top indicate the total parking spaces

**On-Street**

Figure 5 shows the distribution of on-street occupancy counts collected at the 20 study properties. On-street parking capacity in the areas around selected buildings was surveyed on the two blockfaces nearest the immediate pedestrian entrance to each property.<sup>3</sup> The size of the pie chart indicates the total inventory of on-street parking counted at the site and the dark blue vs. light blue is an indication of how much parking was occupied. Table 6 summarizes the range of occupancies across the properties. The average on-street occupancy for all properties was 61%. There did not appear to be any noticeable on-street occupancy pattern based on neighborhood.

Figure 5 - On-Street Parking



Note: Size of the pie chart and number on top indicate the total parking spaces

<sup>3</sup> In some cases where there were multiple entrances, inventory and occupancy at the immediate blockfaces on each entrance were collected.

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Table 7 – On-Street Parking Occupancy and Supply (# vehicles/ # spaces %)

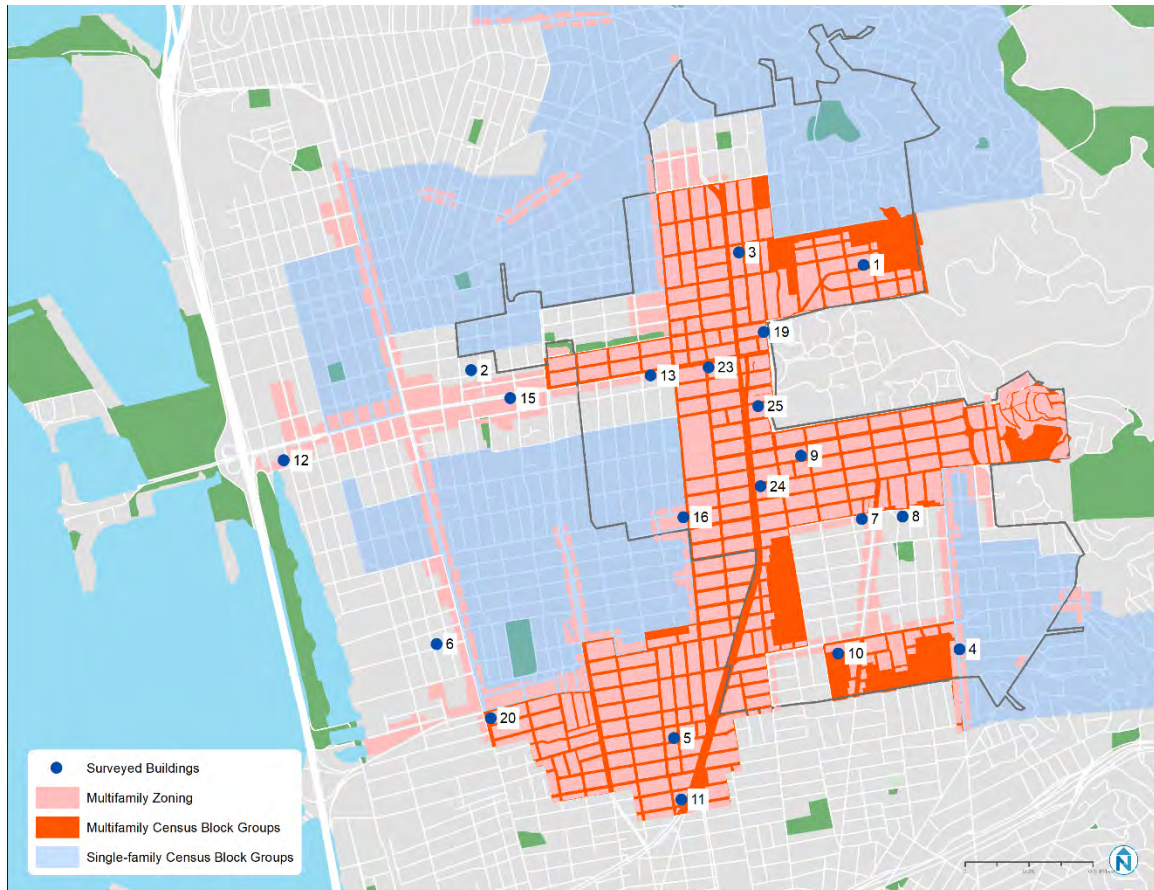
|                      | Median | Mean | Min | Max  | 20 <sup>th</sup> percentile | 80 <sup>th</sup> percentile |
|----------------------|--------|------|-----|------|-----------------------------|-----------------------------|
| <b>Supply (#)</b>    | 23     | 22   | 3   | 46   | 9.8                         | 35.2                        |
| <b>Occupancy (#)</b> | 13     | 14.9 | 0   | 44   | 3                           | 24.8                        |
| <b>Occupancy (%)</b> | 60%    | 61%  | 0%  | 100% | 42%                         | 82%                         |



## SOCIOECONOMIC ASSESSMENT

The project team evaluated characteristics of multifamily and single-family housing in Berkeley. This city-level assessment focused on aspects related to car-ownership that could provide context to the results of the parking capacity survey analysis. The team used 2017 American Community Survey (ACS) 5-year data at a census block group (CBG) level. A qualitative assessment was made to define CBGs as “multifamily housing” or “single-family housing,” based on the City of Berkeley zoning areas. CBGs were defined as either multifamily or single-family if one of the two types of land use covered most of the CBG. CBGs with an ambiguous mix of single-family and multifamily were excluded from the analysis. Figure 6 shows that most of the surveyed buildings (16) are located within multifamily zoning and in CBGs that the project team defined as multifamily. As a result, the socioeconomic assessment of the multifamily CBG (and its differences with single family areas) complement the conclusions from the survey and observation analysis.

Figure 6 – Multifamily Zoning and Census Block Groups



Note: Census block groups along the University corridor were neither defined as single nor multifamily since it was not clear the dominant zoning type in that CBG.

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Figure 7 indicates that more than 40% of workers living in single-family CBGs drive alone to work as opposed to slightly more than 20% in multifamily CBGs. ACS data also shows that the share of workers walking to work in multifamily CBGs is higher (30%) than those living in single-family areas (7%).

Figure 7 - Means of transportation to work, multifamily vs single-family CBG

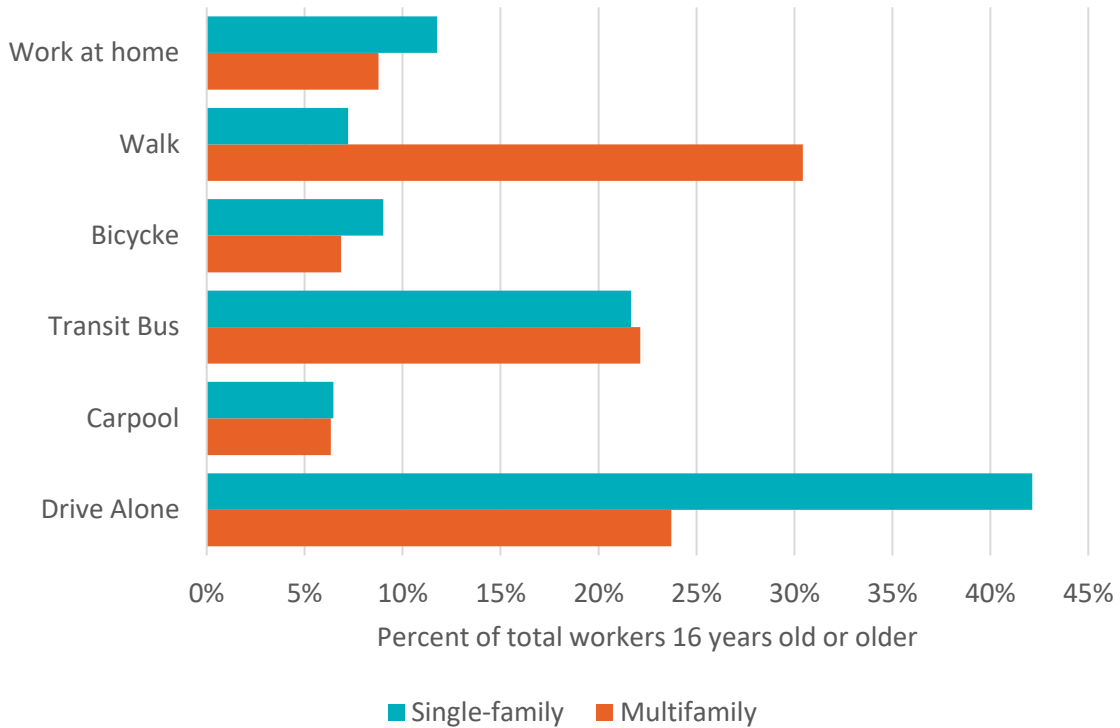


Figure 8 and Figure 9 show car-ownership by tenure in multifamily and single-family areas respectively. Approximately 40% of renters in multifamily areas do not have a car, double that of renters in single-family areas. Interestingly, homeowners show a similar car ownership pattern regardless of housing type. In multifamily housing areas, 89% of owners have at least one car, which is very close to the 95% of owners in single-family areas.



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Figure 8 – Vehicle ownership by tenure, multifamily CBG

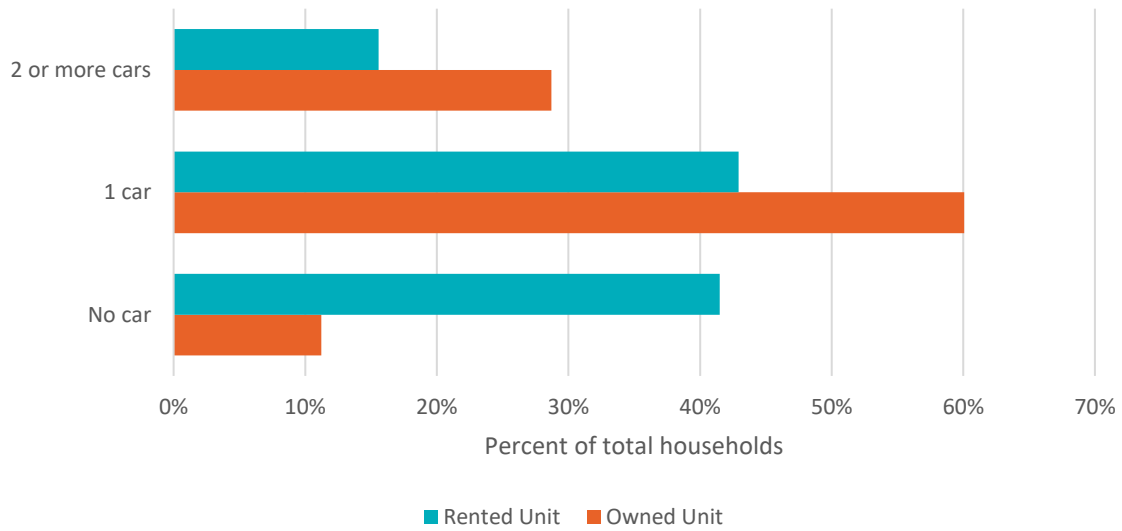
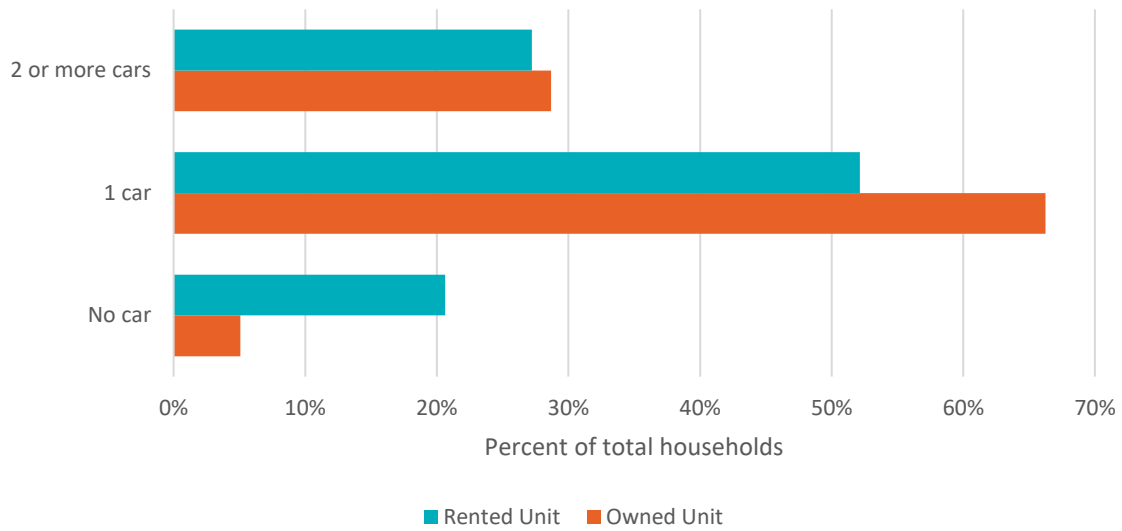


Figure 9 – Vehicle ownership by tenure, single-family CBG



## **APPENDICES**

- A. Property Survey Instrument
- B. Property Survey Parking Data



## Berkeley Parking Utilization Survey

Thank you very much for helping the Berkeley Planning Department by completing this survey. We expect this survey to only take about 5-10 minutes. After you submit the survey, we will contact you to arrange a visit to your building for a one-time parking count. If you have any questions about the survey or need any assistance, please contact Justin Horner, Associate Planner, at 510-981-7476 or [jhorner@cityofberkeley.info](mailto:jhorner@cityofberkeley.info)

\* 1. Residential Building Address

\* 2. Site Contact Name

\* 3. Site Contact Email

\* 4. Is there a Property Management Company?



## Berkeley Parking Utilization Survey

### 5. Name of the Management Company



## Berkeley Parking Utilization Survey

\* 6. Total Number of Residential Units

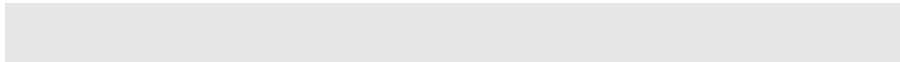
\* 7. Total Number of Occupied Residential Units

\* 8. Does this building have affordable residential units?



## Berkeley Parking Utilization Survey

\* 9. Total Number of Affordable Residential Units





## Berkeley Parking Utilization Survey

\* 10. Do you know how many residential units are occupied with residents that have vehicles?



## Berkeley Parking Utilization Survey

\* 11. Total number of residential units occupied by residents with vehicles







## Berkeley Parking Utilization Survey

\* 12. Total number of parking spaces designated for residential use

\* 13. Are there any parking spaces designated for residential use that are used by non-residents



## Berkeley Parking Utilization Survey

\* 14. Total number of spaces designated for residents that are used by non-residents



## Berkeley Parking Utilization Survey

\* 15. Do residents pay for on-site vehicle parking under separate agreement?

- Yes. Parking is rented/deeded separately
- No. Parking is free or included in rent or condo fee



## Berkeley Parking Utilization Survey

\* 16. Is the monthly cost of parking less or more than \$50/month?

- Less Than \$50
- More Than \$50
- N/A



## Berkeley Parking Utilization Survey

\* 17. Does your building offer any of the following benefits? (select all that apply)

- Secure Bike Parking
- Discounted Transit Passes for Residents
- On-site Car-share vehicles
- None of the Above
- Other (please specify)



## Berkeley Parking Utilization Survey

\* 18. What is the capacity of of your on-site bike parking (i.e. how may bikes can park)?



## Berkeley Parking Utilization Survey

\* 19. Do you think there are residents with cars who are parking off-site?

\* 20. Is there anything special or particular about residential parking in your building that you believe would be helpful for us to understand your building's situation better?

| ID | Residential Building Address              | Name of the Management Company | Total Number of Residential Units | Total Number of Occupied Residential Units | Does this building have affordable residential units? | Total Number of Affordable Residential Units | Do you know how many residential units are occupied with residents that have vehicles? | Total number of residential units occupied by residents with vehicles | Total number of parking spaces designated for residential use | Are there any parking spaces designated for residential use that are used by non-residents | Total number of spaces designated for residents that are used by non-residents | Do residents pay for on-site vehicle parking under separate agreement? | Is the monthly cost of parking less or more than \$50/month? | Does your building offer any of the following benefits? (select all that apply) |
|----|-------------------------------------------|--------------------------------|-----------------------------------|--------------------------------------------|-------------------------------------------------------|----------------------------------------------|----------------------------------------------------------------------------------------|-----------------------------------------------------------------------|---------------------------------------------------------------|--------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|------------------------------------------------------------------------|--------------------------------------------------------------|---------------------------------------------------------------------------------|
| ID | Open-Ended Response                       | Open-Ended Response            | Open-Ended Response               | Open-Ended Response                        | Response                                              | Open-Ended Response                          | Response                                                                               | Open-Ended Response                                                   | Open-Ended Response                                           | Response                                                                                   | Open-Ended Response                                                            | Response                                                               | Response                                                     | Secure Bike Parking                                                             |
| 1  | 2575 Le Conte Ave.                        | Premium Properties             | 11                                | 11                                         | No                                                    |                                              | Yes                                                                                    | 4                                                                     | 8                                                             | No                                                                                         |                                                                                | Yes. Parking is rented/d                                               | More Than \$50                                               |                                                                                 |
| 2  | 1277 Hearst St.                           | Premium Properties             | 8                                 | 8                                          | No                                                    |                                              | Yes                                                                                    | 5                                                                     | 15                                                            | No                                                                                         |                                                                                | Yes. Parking is rented/d                                               | More Than \$50                                               |                                                                                 |
| 3  | 1612 Walnut St.                           | Premium Properties             | 9                                 | 9                                          | No                                                    |                                              | Yes                                                                                    | 5                                                                     | 9                                                             | No                                                                                         |                                                                                | Yes. Parking is rented/d                                               | More Than \$50                                               | Secure Bike Parking                                                             |
| 4  | 3001 College Ave.                         | Premium Properties             | 10                                | 10                                         | No                                                    |                                              | Yes                                                                                    | 6                                                                     | 10                                                            | No                                                                                         |                                                                                | Yes. Parking is rented/d                                               | More Than \$50                                               | Secure Bike Parking                                                             |
| 5  | 3140 Ellis St.                            | Premium Properties             | 10                                | 10                                         | No                                                    |                                              | Yes                                                                                    | 5                                                                     | 7                                                             | No                                                                                         |                                                                                | Yes. Parking is rented/d                                               | More Than \$50                                               |                                                                                 |
| 6  | 2777 9th St.                              | Premium Properties             | 21                                | 21                                         | No                                                    |                                              | Yes                                                                                    | 20                                                                    | 21                                                            | No                                                                                         |                                                                                | No. Parking is free or included in rent or cond                        |                                                              | Secure Bike Parking                                                             |
| 7  | 2414 Parker St.                           | Premium Properties             | 16                                | 16                                         | No                                                    |                                              | Yes                                                                                    | 9                                                                     | 16                                                            | No                                                                                         |                                                                                | Yes. Parking is rented/d                                               | More Than \$50                                               | Secure Bike Parking                                                             |
| 8  | 2610 Hillegass Ave.                       | Premium Properties             | 23                                | 23                                         | No                                                    |                                              | Yes                                                                                    | 10                                                                    | 22                                                            | No                                                                                         |                                                                                | Yes. Parking is rented/d                                               | More Than \$50                                               | Secure Bike Parking                                                             |
| 9  | 2239 Channing Way                         | Premium Properties             | 14                                | 14                                         | No                                                    |                                              | Yes                                                                                    | 0                                                                     | 6                                                             | Yes                                                                                        | 4                                                                              | Yes. Parking is rented/d                                               | More Than \$50                                               |                                                                                 |
| 10 | 2321 Webster St.                          | Premium Properties             | 18                                | 18                                         | No                                                    |                                              | Yes                                                                                    | 13                                                                    | 18                                                            | Yes                                                                                        | 1                                                                              | Yes. Parking is rented/d                                               | More Than \$50                                               | Secure Bike Parking                                                             |
| 11 | 3380 Adeline St.                          | Premium Properties             | 14                                | 14                                         | No                                                    |                                              | Yes                                                                                    | 6                                                                     | 12                                                            | No                                                                                         |                                                                                | Yes. Parking is rented/d                                               | More Than \$50                                               | Secure Bike Parking                                                             |
| 12 | 651 Addison St, Berkeley, CA 94710        | Avalonbay Communities          | 94                                | 89                                         | Yes                                                   | 4                                            | Yes                                                                                    | 85                                                                    | 101                                                           | No                                                                                         |                                                                                | Yes. Parking is rented/d                                               | More Than \$50                                               | Secure Bike Parking                                                             |
| 13 | 1812 University Avenue Berkeley, CA 94703 | SG Real Estate                 | 44                                | 44                                         | Yes                                                   | 4                                            | No                                                                                     |                                                                       | 17                                                            | No                                                                                         |                                                                                | Yes. Parking is rented/d                                               | More Than \$50                                               | Secure Bike Parking                                                             |
| 15 | 1370 university Ave                       | Equity Residential             | 71                                | 67                                         | Yes                                                   | 69                                           | No                                                                                     |                                                                       | 61                                                            | Yes                                                                                        | 4                                                                              | Yes. Parking is rented/d                                               | More Than \$50                                               | Secure Bike Parking                                                             |
| 16 | 2500 Martin Luther King Jr., Way          |                                | 10                                | 10                                         | Yes                                                   | 2                                            | Yes                                                                                    | 9                                                                     | 10                                                            | No                                                                                         |                                                                                | No. Parking is free or included in rent or cond                        |                                                              | Secure Bike Parking                                                             |
| 19 | 1910 Oxford Street Berkeley CA 94704      | The Dinerstein Companies       | 56                                | 56                                         | Yes                                                   | 11                                           | No                                                                                     |                                                                       | 36                                                            | No                                                                                         |                                                                                | Yes. Parking is rented/d                                               | More Than \$50                                               | Secure Bike Parking                                                             |
| 20 | 3015 San Pablo Ave                        | Gerding Edlen                  | 98                                | 92                                         | Yes                                                   | 15                                           | No                                                                                     |                                                                       | 100                                                           | No                                                                                         |                                                                                | Yes. Parking is rented/d                                               | More Than \$50                                               | Secure Bike Parking                                                             |
| 23 | 2004 University Ave. Berkeley CA, 94704   | The Dinerstein Companies       | 35                                | 35                                         | Yes                                                   | 7                                            | No                                                                                     |                                                                       | 6                                                             | No                                                                                         | unknown                                                                        | Yes. Parking is rented/d                                               | More Than \$50                                               | Secure Bike Parking                                                             |
| 24 | 2110 Haste St. Berkeley CA, 94704         | The Dinerstein Companies       | 100                               | 100                                        | Yes                                                   | 20                                           | No                                                                                     |                                                                       | 64                                                            | Yes                                                                                        | unknown                                                                        | Yes. Parking is rented/d                                               | More Than \$50                                               | Secure Bike Parking                                                             |
| 25 | 2116 Allston Way                          | The Dinerstein Companies       | 91                                | 91                                         | Yes                                                   | 18                                           | No                                                                                     |                                                                       | 40                                                            | No                                                                                         |                                                                                | Yes. Parking is rented/d                                               | More Than \$50                                               | Secure Bike Parking                                                             |
| x  | 2002 Addison St, Berkeley CA, 94704       | The Dinerstein Companies       | 27                                | 27                                         | Yes                                                   | 4                                            | No                                                                                     |                                                                       | 18                                                            | No                                                                                         |                                                                                | Yes. Parking is rented/d                                               | More Than \$50                                               | Secure Bike Parking                                                             |
| x  | 2020 Bancroft Way - 2025 Durant Avenue    | Everest Properties             | 105                               | 104                                        | No                                                    |                                              | Yes                                                                                    | 51                                                                    | 106                                                           | Yes                                                                                        | 40                                                                             | Yes. Parking is rented/d                                               | More Than \$50                                               | Secure Bike Parking                                                             |
| x  | 1627 University Ave Berkeley CA 94703     | The Dinerstein Companies       | 34                                | 32                                         | Yes                                                   | 6                                            | No                                                                                     |                                                                       | 21                                                            | No                                                                                         |                                                                                | Yes. Parking is rented/d                                               | More Than \$50                                               | Secure Bike Parking                                                             |
| x  | 1901 Dwight Way Berkeley, CA 94704        | SG Real Estate                 | 21                                | 21                                         | Yes                                                   | 3                                            | Yes                                                                                    | 12                                                                    | 14                                                            | No                                                                                         |                                                                                | Yes. Parking is rented/d                                               | More Than \$50                                               |                                                                                 |
| x  | 2121 Dwight Way                           | Greystar                       | 99                                | 96                                         | Yes                                                   | 9                                            | No                                                                                     |                                                                       | 41                                                            | No                                                                                         |                                                                                | Yes. Parking is rented/d                                               | More Than \$50                                               | Secure Bike Parking                                                             |



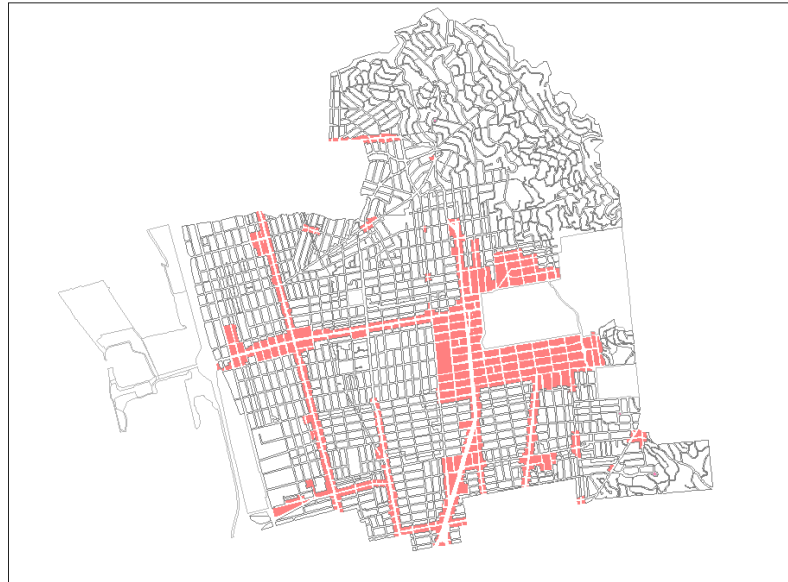
| ID | Residential Building Address              | Discounted Transit Passes for Residents | On-site Car-spaces | None of the Above | Other (please specify) | Open-Ended Response | Are there residents with cars who are parking off-site? | Is there anything special or particular about residential parking in your building that you believe would be helpful for us to understand your building's situation better? | OFF Street   | OFF Street      | ON Street    | ON Street       |
|----|-------------------------------------------|-----------------------------------------|--------------------|-------------------|------------------------|---------------------|---------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|-----------------|--------------|-----------------|
| ID | Open-Ended Response                       | Discounted Transit Passes for Residents | On-site Car-spaces | None of the Above | Other (please specify) | Open-Ended Response | Response                                                | Open-Ended Response                                                                                                                                                         | TOTAL Supply | TOTAL Occupancy | TOTAL Supply | TOTAL Occupancy |
| 1  | 2575 Le Conte Ave.                        |                                         |                    | None of the Above |                        |                     | Yes                                                     | No                                                                                                                                                                          | 6            | 2               | 36           | 29              |
| 2  | 1277 Hearst St.                           |                                         |                    | None of the Above |                        |                     | Yes                                                     | No                                                                                                                                                                          | 7            | 6               | 24           | 19              |
| 3  | 1612 Walnut St.                           |                                         |                    |                   |                        | 4-5                 | Yes                                                     | No                                                                                                                                                                          | 7            | 5               | 46           | 29              |
| 4  | 3001 College Ave.                         |                                         |                    |                   |                        | 2-3                 | Yes                                                     | No                                                                                                                                                                          | 5            | 5               | 15           | 7               |
| 5  | 3140 Ellis St.                            |                                         |                    | None of the Above |                        |                     | Yes                                                     | No                                                                                                                                                                          | 14           | 8               | 35           | 28              |
| 6  | 2777 9th St.                              |                                         |                    |                   |                        | Not sure            | Yes                                                     | No                                                                                                                                                                          | 26           | 13              | 19           | 11              |
| 7  | 2414 Parker St.                           |                                         |                    |                   |                        | Not sure            | Yes                                                     | No                                                                                                                                                                          | 16           | 14              | 26           | 12              |
| 8  | 2610 Hillegass Ave.                       |                                         |                    |                   |                        | Not sure            | Yes                                                     | No                                                                                                                                                                          | 21           | 13              | 44           | 44              |
| 9  | 2239 Channing Way                         |                                         |                    | None of the Above |                        |                     | Yes                                                     | No                                                                                                                                                                          | 10           | 1               | 23           | 14              |
| 10 | 2321 Webster St.                          |                                         |                    |                   |                        | Not sure            | Yes                                                     | No                                                                                                                                                                          | 18           | 13              | 41           | 24              |
| 11 | 3380 Adeline St.                          |                                         |                    |                   |                        | Not sure            | Yes                                                     | No                                                                                                                                                                          | 12           | 6               | 9            | 8               |
| 12 | 651 Addison St, Berkeley, CA 94710        |                                         |                    |                   |                        | 27                  | Yes                                                     | All parking spaces are in the garage & 42 are standard parking spaces with 8 spaces with EV charging stations & 59 stack parking spaces                                     | 107          | 70              | 13           | 13              |
| 13 | 1812 University Avenue Berkeley, CA 94703 |                                         |                    |                   |                        | 50                  | Yes                                                     | Thank you                                                                                                                                                                   | 19           | 14              | 23           | 2               |
| 15 | 1370 university Ave                       |                                         |                    |                   |                        | 40                  | Yes                                                     | Parking is \$150 per month in our building. Residents are all in affordable units so most residents park on the street surround building                                    | 46           | 9               | 24           | 13              |
| 16 | 2500 Martin Luther King Jr., Way          |                                         |                    |                   |                        | 30                  | We have                                                 | No                                                                                                                                                                          | 17           | 7               | 10           | 3               |
| 19 | 1910 Oxford Street Berkeley CA 94704      |                                         |                    |                   |                        | 20                  | Yes                                                     | Parking is located in the garage which is gate controlled access. We have a Klaus system that allows multiple cars to park in the same space                                | 34           | 7               | 7            | 3               |
| 20 | 3015 San Pablo Ave                        |                                         |                    |                   |                        | 60                  | Yes                                                     | matrix system - Matthews Mechanical                                                                                                                                         | 116          | 58              | 13           | 13              |
| 23 | 2004 University Ave. Berkeley CA, 94704   |                                         |                    |                   |                        | unknown             | Yes                                                     | We utilize a Klaus machine to optimize garage space                                                                                                                         | 7            | 6               | 3            | 0               |
| 24 | 2110 Haste St. Berkeley CA, 94704         |                                         |                    |                   |                        | unknown             | Yes                                                     | utilize Klaus machine to optimize space in garage                                                                                                                           | 67           | 13              | 29           | 22              |
| 25 | 2116 Allston Way                          |                                         |                    |                   |                        | unknown             | Yes                                                     | our building have a Klaus machine to optimize garage space                                                                                                                  | 37           | 9               | 8            | 3               |
| x  | 2002 Addison St, Berkeley CA, 94704       |                                         |                    |                   |                        | unknown             | Yes                                                     | We utilize a Klaus machine to optimize garage space                                                                                                                         | NA           | NA              | NA           | NA              |
| x  | 2020 Bancroft Way - 2025 Durant Avenue    |                                         |                    |                   |                        | 40                  | No                                                      | Mix of outdoor and indoor spaces.                                                                                                                                           | NA           | NA              | NA           | NA              |
| x  | 1627 University Ave Berkeley CA 94703     |                                         |                    |                   |                        | 20                  | Yes                                                     | Gated garage                                                                                                                                                                | NA           | NA              | NA           | NA              |
| x  | 1901 Dwight Way Berkeley, CA 94704        |                                         |                    | None of the       |                        |                     | Yes                                                     | Thank you                                                                                                                                                                   | NA           | NA              | NA           | NA              |
| x  | 2121 Dwight Way                           | Discounted Transit Passes for Residents |                    |                   |                        | 50 +                | Yes                                                     | spots                                                                                                                                                                       | NA           | NA              | NA           | NA              |

## Parking Minimums At-A-Glance

- Excessive off-street parking requirements in multi-unit residential buildings have been associated with:
  - [Decreased residential densities](https://www.tandfonline.com/doi/abs/10.1080/10511482.2013.767851) -- parking spaces utilize developable square footage that could be used for dwelling units  
<https://www.tandfonline.com/doi/abs/10.1080/10511482.2013.767851>;
  - [Increased development costs](http://shoup.bol.ucla.edu/HighCost.pdf) -- off-street parking can be expensive to build and adds to the overall cost of a project  
<http://shoup.bol.ucla.edu/HighCost.pdf>;
  - [Increased private vehicle ownership and use](https://nyuscholars.nyu.edu/en/publications/does-residential-parking-supply-affect-household-car-ownership-th) – convenient (and inexpensive) parking may encourage car ownership and use  
<https://nyuscholars.nyu.edu/en/publications/does-residential-parking-supply-affect-household-car-ownership-th>.
  
- Surveys from across the country have indicated that multi-unit residential buildings generally include unused required off-street parking spaces.
  - King County, WA. [Right Sized Parking Survey](https://metro.kingcounty.gov/programs-projects/right-size-parking/pdf/rsp-final-report-8-2015.pdf): 38% of required parking was unused  
<https://metro.kingcounty.gov/programs-projects/right-size-parking/pdf/rsp-final-report-8-2015.pdf>
  - Washington DC. [Parking Utilization Study](https://planning.dc.gov/page/parking-utilization-study): 40% of required parking was unused  
<https://planning.dc.gov/page/parking-utilization-study>
  - Chicago. [Stalled Out](https://www.cnt.org/sites/default/files/publications/CNT_Stalled%20Out_0.pdf): 35% of required parking was unused  
[https://www.cnt.org/sites/default/files/publications/CNT\\_Stalled%20Out\\_0.pdf](https://www.cnt.org/sites/default/files/publications/CNT_Stalled%20Out_0.pdf)

- Berkeley conducted a [Parking Utilization Study](#) in October 2019 that focused on multi-unit residential projects of 10 or more units. These types of projects are only permitted in high-density residential districts (R-3 and above) and Commercial districts (see map below) – areas with access to transit and/or a mix of land uses and high walkability.

[https://cityofberkeley.info/uploadedFiles/PLANNING - New/Att%204\\_Parking%20Study.pdf](https://cityofberkeley.info/uploadedFiles/PLANNING_-_New/Att%204_Parking%20Study.pdf)



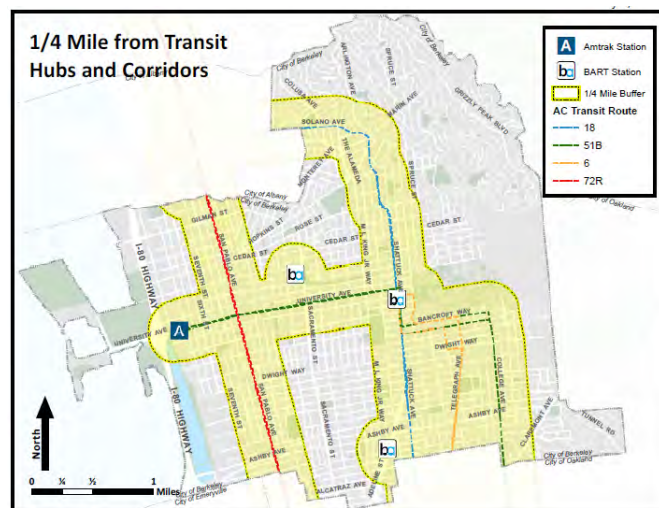
- Berkeley's *Parking Utilization Study* showed that only 54% off-street parking was occupied. It also showed that 60% of on-street parking spaces near surveyed buildings were occupied – suggesting that on-street parking “spillover” was not a concern.
- The *Parking Utilization Study* found that vehicle registration for surveyed buildings was 0.5 registrations per unit. This suggests that car-ownership in these areas of the city is lower than 1 car per unit, regardless of the number of residents in a unit.
- Reducing parking minimums does not mean that parking cannot be built; only that it is not required.

### Parking Maximums At-A-Glance

- Parking maximums limit the amount of land or building area that can be used for off-street vehicle parking. As with parking minimums, parking maximums encourage increased residential densities and can potentially lower the overall cost of development projects.
- Parking maximums are more commonly instituted for commercial development, although some jurisdictions have instituted residential parking maximums. Jurisdictions with residential parking maximums include:

| City              | Maximum                    | Notes                                                                             |
|-------------------|----------------------------|-----------------------------------------------------------------------------------|
| Minneapolis, MN   | 1.5 – 2/unit               | Maximums only apply to downtown zoning districts.                                 |
| Pasadena, CA      | 2/unit                     | Maximum only applies to Sierra Madre Villa Station TOD Area                       |
| Pasadena, CA      | 1.75/unit                  | Maximum only applies to TOD Areas and Central District                            |
| Pittsburgh, PA    | 2/unit                     | Maximum only applies to 1,000 acre Uptown Ecolnnovation District                  |
| San Francisco, CA | 0.5 -1.5/unit              | Maximum depends on zoning district. Maximum is 1.5/unit in most cases             |
| Vancouver, Canada | 125% of base zone standard | Maximums apply in Transit Overlay District only (urban centers and transit nodes) |

- There is no standard methodology for setting parking maximums, although they are typically somewhere in a range of 1.5 to 2 spaces per unit. Note that these levels generally exceed Berkeley's existing parking minimums. Donald Shoup, Professor of Urban Planning at UCLA and author of the *High Cost of Free Parking*, suggested changing off-street parking minimums to parking maximums as a simple measure to achieve more progressive parking regulations.
- Parking maximums are usually associated with specific zoning districts and/or in areas near transit. Below is a map showing areas of Berkeley within ¼ mile of high-frequency transit.



## Transportation Demand Management (TDM) At-A-Glance

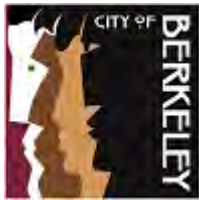
- Transportation Demand Management (TDM) measures are intended to provide sustainable transportation alternatives for residents while reducing reliance on private vehicles. TDM measures are often implemented as part of parking reform packages to encourage, incentivize and sometimes subsidize, the shift from one transportation mode to another.
- TDM measures are already required in Berkeley for projects in the C-DMU district that do not supply required off-street parking. The City Council's 2016 [Green Development Requirements](https://www.cityofberkeley.info/uploadedFiles/PLANNING_-_New/Att2_GreenDevReferral.pdf) ([https://www.cityofberkeley.info/uploadedFiles/PLANNING\\_-\\_New/Att2\\_GreenDevReferral.pdf](https://www.cityofberkeley.info/uploadedFiles/PLANNING_-_New/Att2_GreenDevReferral.pdf)) referral specifically called for the expansion of the C-DMU's TDM measures citywide on large residential projects.
- Planning Commission considered two main approaches to TDM: 1) a menu-based approach, similar to [San Francisco's TDM program](https://sfplanning.org/transportation-demand-management-program) (<https://sfplanning.org/transportation-demand-management-program>), which allows a project sponsor to pick among a number of TDM measures; and 2) a proscriptive approach, which dictates which TDM measures would be required. They also considered Transform's [GreenTRIP Certification](https://www.transformca.org/landing-page/greentrip-certification-program) (<https://www.transformca.org/landing-page/greentrip-certification-program>) program.
- Planning Commission selected a proscriptive approach that provides clarity to applicants and residents, screened the required TDM measures for effectiveness, and ensured that the program would be relatively easy for staff to administer.
- The four TDM measures proposed as part of Berkeley Parking Reform package are listed below with a brief rationale:
  - **Off-street bicycle parking will be required for residential projects.** These requirements are taken directly from the recommendations included in the adopted 2017 *Berkeley Bike Plan*.
  - **Transit passes will be required for building residents.** This TDM measure is already established in the C-DMU district. Provision of transit passes has been shown to be an [effective tool in reducing private vehicle use](http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf) (<http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>) and a welcome benefit by residents.
  - **Off-street parking will need to be "unbundled" from housing costs.** The required sale or rental of off-street parking, separate from the cost of a dwelling unit, mirrors a TDM measure already required in the C-DMU district. The City's *Parking Utilization Study* revealed that unbundled parking is a common practice among multi-unit building owners in Berkeley, but it is currently not a requirement in all projects.
  - **Real-time transportation information monitors will be required.** This is a simple, and easily implemented, low-cost method to provide transportation options to building residents and visitors using web-based information services.

## Residential Preferential Parking (RPP) Permits At-A-Glance

- The [RPP program](https://www.cityofberkeley.info/Customer_Service/Home/RPP_Residential_Preferential_Parking.aspx) is administered by the Transportation Division in the Department of Public Works. [https://www.cityofberkeley.info/Customer\\_Service/Home/RPP\\_Residential\\_Preferential\\_Parking.aspx](https://www.cityofberkeley.info/Customer_Service/Home/RPP_Residential_Preferential_Parking.aspx)
- The cost of an RPP parking permit, available to residents with cars registered to Berkeley addresses, is \$66 per year. Residents may request up to three parking permits per dwelling unit – and may request to exceed this limit through an appeal process. RPP permits are also available to merchants and in-home care providers.
- The City of Berkeley currently limits RPP permits in [BMC 14.72.080.C](https://www.codepublishing.com/CA/Berkeley/html/Berkeley14/Berkeley1472/Berkeley1472080.html#14.72.080) for projects that provide less parking than required to mitigate any potential impacts to on-street parking. <https://www.codepublishing.com/CA/Berkeley/html/Berkeley14/Berkeley1472/Berkeley1472080.html#14.72.080>
- In the C-DMU and the Car-Free Housing Overlay in the Southside Plan Area, residents of new projects that do not include parking cannot obtain RPP permits.
- If the City Council eliminates minimum parking requirements for projects of 10 or more units in high density residential and commercial districts citywide, restrictions on RPP permits should be similarly expanded to apply existing policy consistently.
- Berkeley conducted a [Parking Utilization Study](https://cityofberkeley.info/uploadedFiles/PLANNING_-_New/Att%204_Parking%20Study.pdf) (October 2019) that focused on multi-unit residential projects of 10 or more units. These types of projects are only permitted in high-density residential districts (R-3 and above) and Commercial districts (see map below) – districts with access to transit and/or a mix of land uses and high walkability. [https://cityofberkeley.info/uploadedFiles/PLANNING\\_-\\_New/Att%204\\_Parking%20Study.pdf](https://cityofberkeley.info/uploadedFiles/PLANNING_-_New/Att%204_Parking%20Study.pdf)



- Berkeley's *Parking Utilization Study* showed that only 54% off-street parking was occupied. It also showed that 60% of on-street parking spaces near surveyed buildings were occupied – suggesting that on-street parking “spillover” was not a concern when residential projects are not fully parked.



Planning Commission

**FINAL MINUTES OF THE REGULAR PLANNING COMMISSION MEETING  
March 4, 2020**

The meeting was called to order at 7:02 p.m

**Location:** South Berkeley Senior Center, Berkeley, CA

**1. ROLL CALL:**

**Commissioners Present:** Benjamin Beach (left at 9:15pm), Robb Kapla, Shane Krpata, Mary Kay Lacey, Steve Martinot, Christine Schildt (left at 9:15pm), Jeff Vincent, Brad Wiblin (arrived at 7:10), and Rob Wrenn.

**Commissioners Absent:** None.

**Staff Present:** Secretary Alene Pearson, Katrina Lapira, and Justin Horner.

**2. ORDER OF AGENDA:** No changes.

**3. PUBLIC COMMENT PERIOD:** 0

**4. PLANNING STAFF REPORT:**

- ZORP Subcommittee Meeting - February 24, 2020
- JSISHL Commission Meeting - February 26, 2020
- Next Adeline Corridor Subcommittee Meeting - March 18, 2020
- Recommended Zoning Ordinance Amendments at City Council - March 24, 2020
- Next Planning Commission Meeting - April 1, 2020
- Emergency Operations Center (EOC) activation in response to COVID- 19. Visit <https://www.cityofberkeley.info/coronavirus/> for most up-to-date information.

**Information Items:**

- Comprehensive Cannabis
  - City Council Meeting Annotated Agendas – January 28 + February 11, 2020
  - City Council Staff Report – January 28, 2020

**Communications:**

- February 6 – Dumler, Southside EIR
- February 13 – Gold, Parking Reform
- February 13 – Trauss, Southside EIR
- February 21 – Siegel, Parking Reform



- February 25 – Hyde- Wang, Parking Reform

**Late Communications** (Received after the Packet deadline): *None*.

- March 3 – UCB Democrats, Parking Reform

**Late Communications** (Received and distributed at the meeting):

- March 4 – Staff Presentation, Item 9
- March 4 – Staff Presentation, Item 10
- March 4 – Hansen, Parking Reform
- March 4 – Clarke, Parking Reform

**5. CHAIR REPORT:** *None*.

**6. COMMITTEE REPORT:** Reports by Commission committees or liaisons. In addition to the items below, additional matters may be reported at the meeting.

- Zoning Ordinance Revision Project (ZORP): February 24 meeting continued to a date to be determined in March.
- Joint Subcommittee for the Implementation of State Housing Laws (JSISHL): At the meeting on February 26, JSISHL discussed objective standards for shadows, design, and density.
- Adeline Corridor Specific Plan Subcommittee: The next meeting is on March 18.

**7. APPROVAL OF MINUTES:**

Motion/Second/Carried (Krpata/Vincent) to approve the Planning Commission Meeting Minutes from February 5, 2020 with the discussed edits to Item 9 and Item 10.

Ayes: Beach, Kapla, Krpata, Lacey, Martinot, Schildt, Vincent, Wrenn, and Wiblin. Noes: None. Abstain: None. Absent: None. (9-0-0-0)

**FUTURE AGENDA ITEMS AND OTHER PLANNING-RELATED EVENTS:** To be discussed with Item 11.

**AGENDA ITEMS**

**9. Action:** **Public Hearing: Parking Reform**

Staff discussed proposed Zoning Ordinance amendments that eliminate parking requirements, establish parking maximums, establish transportation demand management (TDM) requirements, and codify bicycle parking requirements from the 2017 Berkeley Bicycle Plan. The Commission adopted the majority of the proposed draft Zoning Ordinance amendments with modifications noted in the motions. Planning Commission asked to revisit accessibility parking requirements at a future date.

Motion/Second/Carried (Wrenn/Vincent) to adopt proposed draft Zoning Ordinance amendments to eliminate parking minimums with modifications to 1) maintain off-street parking requirements for residential projects in the Hillside Overlay on roads less than 26 feet in width; and 2) provide an option to waive these requirements with the approval of an Administrative Use Permit if conditions outlined by the Fire Department are met.

Ayes: Beach, Kapla, Krpata, Lacey, Martinot, Schildt, Vincent, Wrenn, and Wiblin. Noes: None. Abstain: None. Absent: None. (9-0-0-0)

Motion/Second/Carried (Vincent/Wrenn) to adopt proposed draft Zoning Ordinance amendments to implement parking maximums with modifications to 1) exempt projects with a majority of deed-restricted affordable units; and 2) exempt projects in the Hillside Overlay on streets that are less than 26 feet in width.

Ayes: Kapla, Krpata, Lacey, Martinot, Vincent, Wrenn, and Wiblin. Noes: None. Abstain: None. Absent: Beach and Schildt. (7-0-0-2)

Motion/Second/Carried (Wrenn/Kapla) to adopt proposed draft Zoning Ordinance amendments to implement transportation demand management (TDM) requirements with modifications to 1) require 1 monthly transit pass per bedroom, with a maximum of 2 passes for projects with less than 100 units; 2) require 1 transit pass per bedroom for projects with 100 units or more; and 3) exclude, in all zoning districts, new projects of 5 or more units from the Residential Preferential Parking (RPP) program.

Ayes: Kapla, Krpata, Lacey, Martinot, Vincent, and Wrenn. Noes: Wiblin. Abstain: None. Absent: Beach and Schildt. (6-1-0-2)

Motion/Second/Carried (Kapla/Wiblin) to adopt proposed draft Zoning Ordinance amendments to accept technical edits and minor changes to the Variance Chapter.

Ayes: Kapla, Krpata, Lacey, Martinot, Vincent, Wrenn, and Wiblin. Noes: None. Abstain: None. Absent: Beach and Schildt. (7-0-0-2)

**Public Comments: 8**

**10. Discussion: Planning Commission Workplan**

Staff gave an overview of agenda materials.

**Public Comments: 0**

**11. Discussion: May 20, 2020 Special Meeting**

Planning Commission discussed potential dates for a Special Meeting to discuss the Adeline Corridor Specific Plan. Staff will poll Commissioners and announce final date via email.

**Public Comments: 0**

Motion/Second/Carried (Kapla/Wiblin) to close the public hearing at 10:17pm.

Ayes: Kapla, Krpata, Lacey, Martinot, Vincent, Wrenn, and Wiblin. Noes: None. Abstain: None.  
Absent: Beach and Schildt. (7-0-0-2)

**The meeting was adjourned at 10:33pm**

**Commissioners in attendance: 9**

**Members in the public in attendance: 13**

**Public Speakers: 8 speakers**

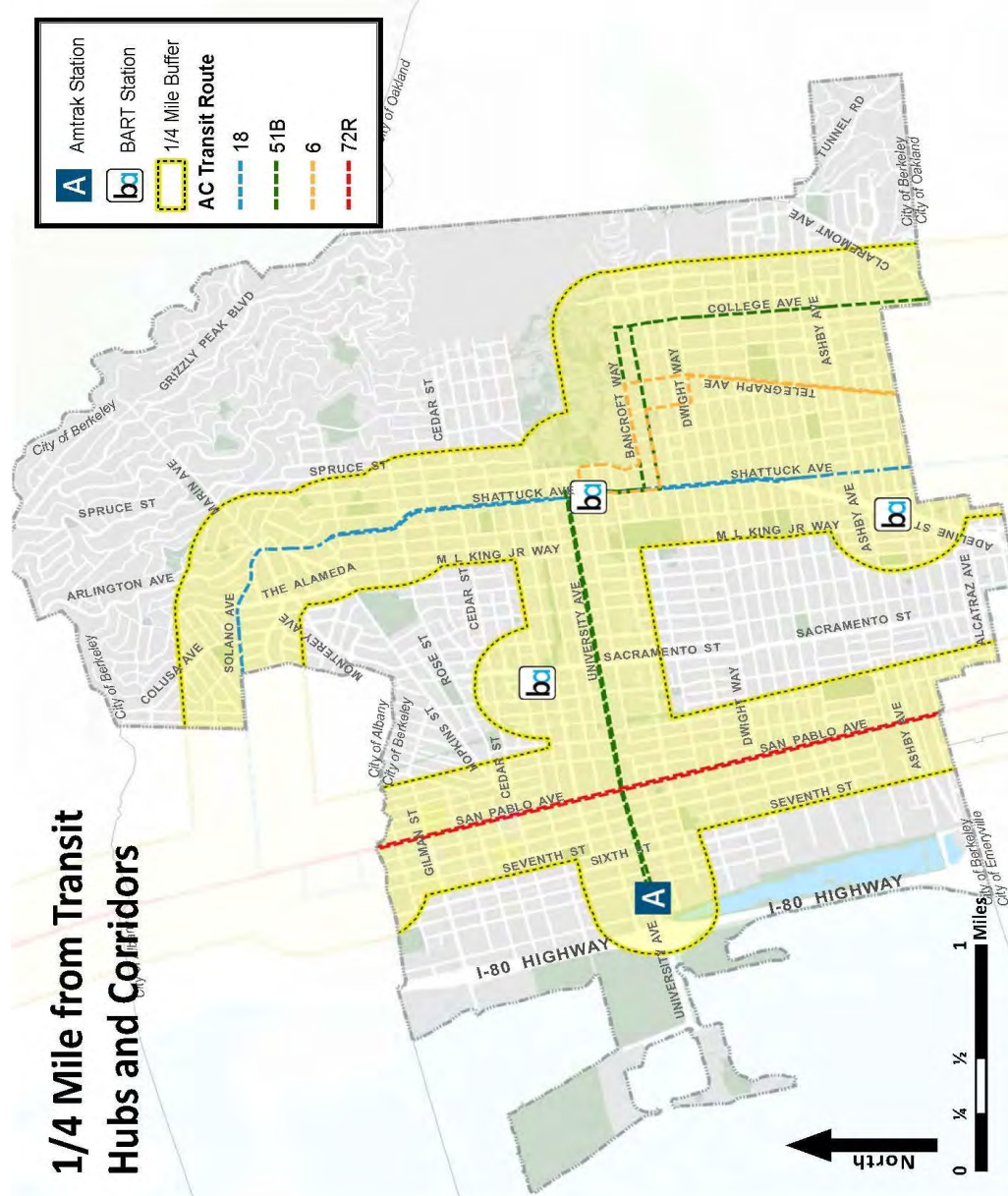
**Length of the meeting: 3 hours and 31 minutes**

**Alene Pearson**

\_\_\_\_\_  
Alene Pearson  
Planning Commission Secretary

**7/6/2020**

\_\_\_\_\_  
Date



**NOTICE OF PUBLIC HEARING  
BERKELEY CITY COUNCIL  
PUBLIC PARTICIPATION BY REMOTE VIDEO ONLY**

AMENDING TITLE 14 AND TITLE 23 TO MODIFY MINIMUM RESIDENTIAL OFF-STREET PARKING REQUIREMENTS, IMPOSE RESIDENTIAL PARKING MAXIMUMS IN TRANSIT-RICH AREAS, INSTITUTE TRANSPORTATION DEMAND MANAGEMENT (TDM) REQUIREMENTS AND AMEND THE RESIDENTIAL PREFERENTIAL PARKING (RPP) PERMIT PROGRAM

The hearing will be held on December 1, 2020 at 6:00 p.m. The hearing will be held via videoconference pursuant to Governor's Executive Order N-29-20.

The Department of Planning and Development is proposing to amend the Berkeley Municipal Code in order to encourage housing development and the use of sustainable transportation options by:

- 1) Modifying minimum residential off-street parking requirements;
- 2) Imposing parking maximums in transit-rich areas;
- 3) Instituting Transportation Demand Management (TDM) requirements; and
- 4) Amending the Residential Preferential Parking (RPP) permit program.

The ordinance would modify BMC Chapters 14.72, 23B.44, 23D.12, 23D.16, 23D.20, 23D.28, 23E.28, 23D.32, 23D.36, 23D.40, 23D.44, 23D.48, 23D.52, 23E.28, 23E.64, 23E.68, 23E.80, and 23E.84, and would create two new BMC Chapters 23C.18 [Transportation Demand Management] and 23C.19 [Off-street Parking Maximums for Residential Development].

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 **November 19, 2020**. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology.**

For further information, please contact Alene Pearson, Principal Planner, Planning and Development Department at 510-981-7489 or [apearson@cityofberkeley.info](mailto:apearson@cityofberkeley.info).

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:** November 20, 2020 – The Berkeley Voice

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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 November 19, 2020.

Mark Numainville, City Clerk



Office of the City Manager

INFORMATION CALENDAR

December 1, 2020

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Mark Numainville, City Clerk

Subject: City Council Short Term Referral Process – Quarterly Update

INTRODUCTION

This report is a quarterly update on the status of short term (90-day) and other date-certain Council referrals.

CURRENT SITUATION AND ITS EFFECTS

In this context, tracking refers to a manually updated chart (Attachment 1). The May 15, 2018 Council referral establishing the monthly update includes both “short term” and “date-certain” referrals. Short term referrals are referrals that staff determines they will be able to complete in approximately three months. Date-certain referrals are those which contain a specified date of completion at the time they are approved by the City Council. Currently, the City only tracks short term referrals in an Excel spreadsheet.

The January 21, 2020 Council consent item changed the reporting frequency from monthly to quarterly. Providing a quarterly update on all short term and date-certain referrals will allow Council and the public to see the status of these referrals and any circumstances which lead to delays.

BACKGROUND

In 2016, the City Council adopted a system of Re-Weighted Range Voting (RRV) to prioritize the outstanding City Council referrals to staff. The RRV system enables City Council to provide direction to staff on which referrals are highest priority to the City Council. However, that process does not provide information on the status of short term or date-certain referrals. While many short term or date-certain referrals were “updated” through being completed and presented to Council as consent or information items, there was no comprehensive overview of this subset of referrals.

ENVIRONMENTAL SUSTAINABILITY

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

POSSIBLE FUTURE ACTION

The City Council may wish to direct staff to evaluate this process after it has been in place six months.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

No direct fiscal impact. Greater efficiencies in staff resources due to prioritization of work and alignment with budget and strategic plan goals.

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

- 1: Short Term Referrals
- 2: Completed Short Term Referrals

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referral by	Referral District	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned end date	Actual end date	Additional comments
2018-07-10	20	Refer to City Manager to look into adopting an ordinance requiring a permit process for scooter sharing companies to operate on public streets	Refer to the City manager to look into adopting an ordinance establishing a pilot Powered Scooter Share Permit Program for 24 months, requiring a permit issued by the Director of Public Works, establishing a fee for the issuance of the permit, establishing administrative penalties for failure to obtain a permit or violation of permit requirements, providing a procedure for the assessment and collection of administrative penalties for permit violations or parking or leaving standing an unpermitted powered scooter subject to the pilot Powered Scooter Share Permit Program on a sidewalk, street, or	Council member		Kriss Worthington, Sophie Hahn	Transportation Commission	2018-11-27 17:00:00	Public Works	Pending	2018-11-27 17:00:00		2019-11-26 14:11:56 - Melissa McDonough (Additional comments) Continuing to monitor status of outstanding lawsuits against other cities re: scooters. 2019-08-07 11:03:01 - Nancy Melendez (Additional comments) City issued an RFP for Franchise applications due back by 1/25/19. A panel consisting of staff reps from Public Works, Police, 311, Economic Development and UC Berkeley scored the applications. A draft Council report was prepared to recommend the top 3 scorers when staff learned that the City of San Diego was being sued by Disability Rights California over accessibility impacts of permitted scooter sharing operations. City of Berkeley staff recommended the
2018-04-03	18	Supplemental Paid Family Leave	2) refer to the City Manager to draft an ordinance regarding retaliation against employees using state family leave, including a private right of action provision.	Commission				2019-01-31 17:00:00	City Attorney	Pending	2019-01-31 17:00:00		2019-12-16 10:27:45 - Christopher Jensen (Additional comments) City Attorney's Office is coordinating with Human Resources. 2019-09-17 11:24:26 - Christopher Jensen (Additional comments) City Attorney's Office to coordinate with Human Resources
2020-01-28	12	Cannabis Ordinance Revisions; Amending Berkeley Municipal Code Chapters 12.21, 12.22, 20.40, 23C.25, and Sub-Titles 23E and 23F	2) analyze the impacts of artificial flavorings/additives and advise if any further regulations are necessary	Councilmembers				2020-07-20 17:00:00	Health, Housing and Community Services	Pending	2020-07-20 17:00:00		

2020-02-11	2 Cannabis Ordinance Revisions; Amending Berkeley Municipal Code Chapters 12.21, 12.22, 20.40, 23C.25, and Sub-Titles 23E and 23F	2) direct the Berkeley Public Health Department to review the issue of flavored cannabis products for combustion or inhalation, and cannabis products whose names imply that they are flavored, and review any additional ingredients that may be hazardous, whether natural or artificial, including vitamin E acetate in inhalation products, and make recommendations for action.	Councilmembers	2020-07-20 17:00:00 Health, Housing and Community Services	Pending	2020-07-20 17:00:00
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2020-03-10	26 Disposition of City-Owned, Former Redevelopment Agency Property at 1631 Fifth Street	Refer the item to the City Manager to explore City uses of the property for housing and homelessness services and needs, or other uses, and review the remediation needs of the property.	Councilmembers	2020-07-20 17:00:00 HEALTH, HSG & COMMUNITY SVC	Pending	2020-07-20 17:00:00
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2020-02-11	15 Recommendation s Related to Code Enforcement and Receivership Actions	On November 25, 2019, the Health, Life Enrichment, Equity & Community Committee took action to send an item to Council with a positive recommendation that for purposes of understanding the issues and identifying potential changes to the City's codes, policies, and procedures the committee recommends the following: a. That the City Manager provide an information session to the City Council regarding the various ways in which code enforcement issues have been brought to the attention of the City over the last 5 years; b. How various code enforcement issues at	Councilmember s		2020-02-17 17:00:00 CITY MANAGER'S OFFICE	On Hold	2020-02-17 17:00:00	2020-10-21 11:12:01 - Melissa McDonough (Additional comments) The staff assigned to conduct this work has been tasked with civil enforcement of the face coverings urgency ordinance. 2020-07-20 10:49:42 - Melissa McDonough (Additional comments) Work on this project was delayed by the onset of the COVID pandemic. With the onboarding of a new Code Enforcement Supervisor, City staff has begun to compile this information.
2019-09-10	55 Game Day Parking - Minor Update to include RPP area K	Refer to the City Manager the modification of parking restrictions in specified RPP Zones on UC Berkeley home football game days as follows: establish "Enhanced Fine Areas" to prohibit parking without a valid RPP permit to include RPP Zone K; and install new RPP signs in zone K to clearly indicate UC Berkeley home football game day parking prohibitions.	Council member	Lori Droste, Jesse Arreguin	2019-09-16 17:00:00 Public Works	Not Started	2019-09-16 17:00:00	2020-06-30 15:27:04 - Nancy Melendez (Additional comments) There is no known plan for Cal Football this fall. So the program is not expected to occur this year. Work to include area K has not started. 2019-11-26 14:14:38 - Melissa McDonough (Additional comments) Scheduled for Council action spring 2020.

2019-09-10	48 Request for Information Regarding Current Status and Progress on Traffic Mitigations at Dwight Way and California Street	Refer to the City Manager a request for information regarding the current status and progress on traffic mitigations and pedestrian safety improvements at the intersection of Dwight Way and California Street.	Council member	Ben Bartlett	2019-09-16 17:00:00 Public Works	Not Started	2019-09-16 17:00:00	<p>2020-10-05 09:33:42 - Nancy Melendez (Additional comments) Received approval to fill Associate Traffic Engineer vacancy to do the work. initiating hiring process.</p> <p>2020-03-19 10:31:47 - Nancy Melendez (Additional comments) Engineering Design work is commencing now, construction expected in Spring 2021</p> <p>2019-11-26 14:16:26 - Melissa McDonough (Additional comments) Off agenda memo pending</p>
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2020-01-28	12 Cannabis Ordinance Revisions; Amending Berkeley Municipal Code Chapters 12.21, 12.22, 20.40, 23C.25, and Sub-Titles 23E and 23F	1) determine if the City can require businesses to post notices on their website	Councilmember		2020-01-30 17:00:00 City Attorney	Not Started	2020-01-30 17:00:00	
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2020-02-11	2 Cannabis Ordinance Revisions; Amending Berkeley Municipal Code Chapters 12.21, 12.22, 20.40, 23C.25, and Sub-Titles 23E and 23F	1) determine if the City can require businesses to post notices on their website	Councilmember		2020-02-17 17:00:00 City Attorney	Not Started	2020-02-17 17:00:00	
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2020-06-16	0 Urgency Item: Safety for All: The George Floyd Community Safety Act - City Attorney and Manager Analysis of Contractual and Legal Barriers to Public Safety Reform	Direct the City Manager and City Attorney to analyze contractual and legal barriers to public safety reform including police union contracts, vendor contracts, state and federal laws, to determine barriers to accountability and substantive reform. In addition, direct the City Manager and City Attorney to evaluate elements in the proposed police review commission charter amendment, that can be implemented by the City Council.	Councilmember s	Ben Bartlett, Jesse Arreguin, Kate Harrison	2020-06-24 17:00:00 CITY MANAGER'S OFFICE	Not Started	2020-06-24 17:00:00
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2020-09-15	31 Preserving Our Children's Recreation Areas	Request the City Manager implement the following recommendations for Willard Park and utilize them for other parks where appropriate: 1. Increase nighttime enforcement and enable the enforcement of park rules and ordinances. 2. Consider the presence of needles and feces a Public Health threat and enable the Public Health Department to cordon off areas of encampment for the purpose of clearing the areas of contamination and ensuring the areas are safe for public use. 3. Determine where additional signage is needed to clarify rules	Councilmember s	Lori Droste, Jesse Arreguin	2020-09-25 17:00:00 CITY MANAGER'S OFFICE	Not Started	2020-09-25 17:00:00
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2020-10-13	12 Authorize Installation of Security Cameras at the Marina and Request an Environmental Safety Assessment	Adopt the following recommendations in order to address the recent dramatic uptick in reported crime incidents at the Berkeley marina: - Request that the City Manager install security cameras and signage as expeditiously as possible as a long-term safety measure; -Refer to the City Manager to perform an environmental safety assessment of the Berkeley marina with particular attention to the berther parking areas. Cameras will not use facial recognition or biometric software.	Councilmembers	Rashi Kesarwani, Susan Wengraf	2020-10-22 17:00:00 Police	Not Started	2020-10-22 17:00:00
2020-10-13	17 Removal of Traffic Bollards on the Intersection at Fairview and California St.	Refer to the City Manager to remove the traffic bollards at the intersection at Fairview and California St. for the following reasons: 1. To allow residents, emergency responders, street cleaning and garbage disposal services, and delivery vehicles ease of access to enter and exit Fairview Street; 2. To allow residents of the 1600 block of Fairview St. access to additional parking spots because the current capacity is inadequate; and 3. To decrease illegal dumping that has been incentivized by the traffic bollards and eliminate the harborage of junk, debris, and garbage.	Ben Bartlett	2020-10-22 17:00:00 Public Works	Not Started	2020-10-22 17:00:00	

2020-10-13	18 Enforce Bi-Weekly (Once Every Two Weeks) Residential Cleaning Measures to Address Encampments and Promote Clean Streets in Berkeley	Refer to the City Manager to promote equitable street cleaning practices and require biweekly (once every two weeks), cleanings of populated encampment sites in Berkeley and adjacent residential neighborhoods. In order to determine where City Staff should prioritize residential cleaning services, the City Manager should establish a radius around the campsites. When encampments are on non-City owned property, such as Caltrans, the City should bill the appropriate agency for the cost of staff and materials.		Ben Bartlett, Sophie Hahn, Kate Harrison, Cheryl Davila	2020-10-22 17:00:00 CITY MANAGER'S OFFICE	Not Started	2020-10-22 17:00:00	<p>2020-10-16 15:22:51 - Melissa McDonough (Additional comments) Report and presentation on 10/27 City Council Meeting Agenda</p> <p>2020-07-14 14:04:25 - Melissa McDonough (Additional comments) The report on our emergency response will be provided culminating a year of activities.</p>
2020-06-16	24 Lessons Learned in Organizational Management During Crisis	Refer to the City Manager to include insights and reflections on organizational management in any comprehensive report regarding the City response to the COVID-19 Emergency. Information should include but not limited to: an overview of how the City was structured and functioned differently during activation of the Emergency Operations Center, the benefits and challenges with cross departmental collaborations, and strategies or structures worth instituting and incorporating into future day-to-day departmental actions and interactions.	Councilmembers	Jesse Arreguin, Kate Harrison, Sophie Hahn, Susan Wengraf	2021-01-15 17:00:00 CITY MANAGER'S OFFICE	Not Started	2021-01-15 17:00:00	<p>2020-10-16 15:22:51 - Melissa McDonough (Additional comments) Report and presentation on 10/27 City Council Meeting Agenda</p> <p>2020-07-14 14:04:25 - Melissa McDonough (Additional comments) The report on our emergency response will be provided culminating a year of activities.</p>

2019-09-10	53 Voluntary Time Off on Statewide Election Days for City Employees	Refer to the City Manager to designate Statewide Election Days as VTO days, and refer to the 2x2 Committee to discuss coordinating City and District policy on holidays, in particular Election Day.	Council member	Rigel Robinson, Cheryl Davila, Sophie Hahn, Lori Droste	2019-09-16 17:00:00 Human Resources	Work in Progress	2019-09-16 17:00:00	<p>2020-10-21 11:01:23 - Melissa McDonough (Additional comments) Pending draft Administrative Regulation to institute as regular practice and memo to Council to close out referral. Implemented VTO day as Election Day (Nov 3) for 2020.</p> <p>2020-04-28 09:58:54 - Melissa McDonough (Additional comments) item went to council and approved. Delayed due to COVID-19</p> <p>2019-11-06 15:47:09 - Wilhelmina Parker (Additional comments) Referred to the budget committee to provide analysis on the cost. It is also slated to be a part of labor negotiations in 2020 as it subject to meet and</p>
2019-05-28	29 Referral to the Public Works Department and the City Manager: Finishing the installation of Sculpture Lighting into Adjacent Street Lights for the William Byron Rumford Statue on Sacramento and Julia St.	Refer to the City Manager a request to finish the installation of sculpture lighting into adjacent street lights for the William Byron Rumford statue on Sacramento and Julia Street. Refer to the Public Works Department for its installation.	Councilmember s	Ben Bartlett, Kate Harrison, Cheryl Davila, Jesse Arreguin	2019-06-13 17:00:00 Public Works	Work in Progress	2019-10-01 17:00:00	<p>2020-06-30 15:29:22 - Nancy Melendez (Additional comments) PW waiting for a response from Berkeley Electric to confirm project and when they can start.</p> <p>2019-11-26 14:28:34 - Melissa McDonough (Additional comments) Project is out to bid and completion is expected by end of fiscal year.</p> <p>2019-11-26 14:19:08 - Melissa McDonough (Additional comments) Alternatives identified, final selection and implementation pending.</p>

2019-09-24	36 Companion Report: Health Study to be Conducted by the Public Health Division to Gather Data on Health Conditions, Health Disparities and Mortality Rates of Berkeley's homeless	Send a letter to Alameda County requesting data on deaths of identified homeless individuals. Contact Alameda County request that they explore the feasibility of recording homelessness as a data point in death records and/or making investments to begin tracking this information locally.	Councilmembers	Ben Bartlett	2019-10-31 17:00:00 Health, Housing and Community Services	Work in Progress	2019-11-29 17:00:00	2019-12-02 14:10:47 - Melissa McDonough (Additional comments) Disregard previous comment. Mistake. 2019-12-02 14:06:36 - Melissa McDonough (Additional comments) RFP issued, due date for responses 12/12/19
2019-03-26	15 Dynamex Decision Impact and Compliance on Minimum Wage Ordinance and Paid Sick Leave Ordinance	That the City Council refers to the City Manager and the Labor Commission to ensure the Berkeley Minimum Wage Ordinance (MWO) and Paid Sick Leave Ordinance are interpreted and enforced in a manner consistent with the holdings in Dynamex Operations West, Inc. v. Superior Court of Los Angeles (2018) 4 Cal.5th 903.	Councilmembers	Ben Bartlett	2019-11-29 17:00:00 City Attorney	Work in Progress	2020-01-31 17:00:00	2019-12-16 10:28:22 - Christopher Jensen (Additional comments) City Attorney's Office is coordinating with Human Resources. 2019-09-17 10:59:00 - Christopher Jensen (Additional comments) A draft opinion is under review in the City Attorney's office. 2019-06-18 08:04:27 - Melissa McDonough (Additional comments) The City Attorney's Office is drafting a City Attorney opinion analyzing the holding in Dynamex Operations West, Inc. v. Superior Court of Los Angeles (2018) 4Cal.5th 903 with respect to the City's MWO and PSLO. The completed memo will be referred to the City

2019-07-16	9 Referral to the City Manager to Consider Amending the Language of the City's Wireless Telecommunications Ordinance and Aesthetic Guidelines	Request that the City Manager consider amending the language of the City's Wireless Telecommunications Ordinance (BMC 23C.17) and Aesthetic Guidelines (BMC 16.10 & Aesthetic Guidelines for PROW permits) and return to City Council for adoption as soon as possible.	Councilmembers	Susan Wengraf, Jesse Arreguin, Ben Bartlett, Kate Harrison	2019-07-22 17:00:00 City Attorney	Work in Progress	2020-02-28 17:00:00	<p>2019-11-27 10:54:30 - Melissa McDonough (Additional comments) The City Attorney's Office, the City Manager's Office, Public Works, and Land Use Planning are in the process of revising an internal draft of administrative guidelines for implementing BMC 16.10 with respect to small cell wireless facilities.</p> <p>2019-09-17 11:03:27 - Christopher Jensen (Additional comments) The City Manager's Office and City Attorney's Office are coordinating with other departments to update guidelines and procedures for wireless application submittals.</p>
2019-02-19	16 Providing Requested Direction to the City Manager and Planning Department on the Number of Cannabis Retail Establishments and the Creation of an Equity Program	That the Council provides requested direction to the Planning Department on how to proceed with the Equity Program recommended by the Cannabis Commission in the October 9, 2018 staff report; with the following specifications: Recommendation of creating 1 new dispensary license for equity applicants. It is envisioned as new licenses are created, such as, delivery, manufacturing, and micro-business, permits will be reserved for equity applicants for each new category.	Councilmembers	Ben Bartlett, Kriss Worthington, Cheryl Davila	2019-05-17 17:00:00 PLANNING & DEVELOPMENT	Work in Progress	2020-10-15 12:00:00	<p>2020-04-15 11:32:41 - James Bondi (Additional comments) Planned end date moved back to Oct 2020, given delays to public processes and re-prioritization due to COVID response.</p> <p>2019-11-06 09:58:01 - James Bondi (Additional comments) Planned end date changed to 3/24/2020. Cannabis actions coming to Council in Dec 2019 will NOT include the equity program as previously thought. Equity needs more time/coordination with out City departments, Commissions, and constituencies.</p> <p>2019-04-12 16:03:50 - Melissa McDonough (Additional comments) This will be included with the rest of Cannabis</p>

2020-07-28	30 Providing our Unhoused Community in the City of Berkeley with Menstrual Products	3. Direct the City Manager to use existing homeless services funding to develop and deploy a program to provide a broad spectrum of menstrual products, including but not limited to, feminine hygiene, pads, tampons, underwear, and other related products, both through the City's outreach direct services, as well as through the community based homeless services providers. Additionally, require some elements of this program be deployed immediately, with a full program deployment within six months.	Councilmember	Cheryl Davila, Ben Bartlett, Lori Droste	2020-10-15 17:00:00	HEALTH, HSG & COMMUNITY SVC	Work in Progress	2020-10-15 17:00:00
2020-09-22	16 Healthy Checkout Ordinance	2. Refer to the City Manager to determine funding and staffing needs to implement and enforce the ordinance and sources of funding to support this program.	Councilmember	Kate Harrison, Sophie Hahn	2020-10-15 17:00:00	HEALTH, HSG & COMMUNITY SVC	Work in Progress	2020-10-15 17:00:00

2017-07-25	Public Toilet Policy	Refer to the City Manager to develop the following "Neighborhood Public Toilet Policy": Develop a process in which residents can obtain a permit for a neighborhood public toilet via an official petition; Residents should contact the City via 311 to obtain an official petition form to apply for a permit; In order to obtain the permit, the petition should be signed by at least 51% of residential addresses and business owners within the nearest two block radius of the proposed public toilet site; The City shall not fund or contribute to the financing of the public toilets or their maintenance.	Council member			2020-12-31 17:00:00 CITY MANAGER'S OFFICE	Past Due	2020-12-31 17:00:00	<p>2020-07-20 10:51:47 - Melissa McDonough (Additional comments) Response to the referral has been delayed due to the COVID-19 pandemic and its impact on available staffing to support the draft policy. In response to the pandemic, the City has placed and maintains several additional portable toilets and handwashing stations throughout the City.</p> <p>2019-08-05 09:47:54 - Melissa McDonough (Additional comments) Staff have prepared a memo which will be submitted to Council in Fall 2019.</p> <p>2019-04-24 15:13:54 - Melissa McDonough (Additional comments) Still on hold as staff</p>
2017-12-19	22 Develop Ordinance Prohibiting Companies Participating in the Construction of a Border Wall from Contracting with the City of Berkeley	Direct the City Manager to develop an ordinance prohibiting companies involved in the construction of a border wall from contracting with the City of Berkeley. Return to Council with the proposed ordinance within 90 days.	Council member	Ben Bartlett, Sophie Hahn, Cheryl Davila		2018-07-20 17:00:00 Finance	Pending Not On Schedule	2018-07-20 17:00:00	<p>2020-04-16 10:57:58 - Melissa McDonough (Additional comments) October 2019 draft ordinance was sent to City Attorney for review. Remaining at 25% complete General Services Manager to commence follow up with City Attorney's Office following COVID-19 event and Emergency Operations Center deactivation.</p> <p>2019-11-25 13:41:42 - Melissa McDonough (Additional comments) Draft ordinance sent to the City Attorney for review.</p>

2019-04-02	18 Companion Report: Effective Enforcement of Safe Lead-Paint Practices - Update on Amendments	Based on the intent of the recommendation from the Community Environmental Advisory Commission (CEAC) for the City to expand enforcement of unsafe lead paint practices, refer to the City Manager to: - Coordinate with the Alameda County Healthy Homes Program to clearly identify roles and responsibilities for expanding enforcement of unsafe lead practices, and to explore options for sharing resources that can support expanded local enforcement; - Identify what resources, staff capacity, and program structure would be required to expand City enforcement of unsafe lead practices; -	Councilmembers	2020-12-31 15:28:36 CITY MANAGER'S OFFICE	Pending Not On Schedule	2020-12-31 15:28:36	<p>2020-04-02 13:24:58 - Melissa McDonough (Additional comments) Multi-department staff resources are required and are not available to address this request right now.</p> <p>2019-10-03 13:55:00 - Melissa McDonough (Additional comments) Completed matrix</p> <p>2019-09-12 08:32:23 - Melissa McDonough (Additional comments) Convened all City divisions which touch issue (Public Health, Environmental Health, Toxics, Building & Safety, 311). Mapped existing processes. Preparing draft consolidation plan.</p> <p>2019-08-07 15:33:54 - Melissa McDonough (Additional comments)</p>
2017-03-14	24 Referral to Consider Caregiver Parking in Residential Shared Parking Pilot	Refer to the City Manager and Transportation Commission to consider a pilot program for caregiver parking permits in RPP zones in the goBerkeley Residential Shared Parking Pilot.	Council member	2020-06-12 17:00:00 Public Works	Pending On Schedule	2020-06-12 17:00:00	<p>2020-10-05 09:35:13 - Nancy Melendez (Additional comments) (no change) Due to the Shelter in Place order and temporary suspension of RPP, the schedule for this project is estimated to be delayed 6 to 12 months. The new planned end date is June 12, 2021</p> <p>2020-06-30 15:24:51 - Nancy Melendez (Additional comments) Due to the Shelter in Place order and temporary suspension of RPP, the schedule for this project is estimated to be delayed 6 to 12 months. The new planned end date is June 12, 2021</p> <p>2020-03-19 10:27:50 - Nancy Melendez (Additional comments) Consultant is beginning</p>

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referral by	Referral District	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned end date	Actual end date	Additional comments
2014-04-29	35	35. City Manager Referral: Policy for Companies Such as Airbnb to Pay Transient Occupancy Tax, as Currently Paid by Other Small Local Businesses	Refer to the City Manager creation of a policy for companies such as Airbnb to pay the Transient Occupancy Tax, as currently paid by other small local businesses.	Council member	City Council District 7	Kriss Worthington		2014-10-24 17:00:00	PLANNING & DEVELOPMENT	Completed	2014-10-27 08:00:00	2016-09-07 00:00:00	
2014-12-16	25	Reconcile the West Berkeley Plan and the Zoning Code as it Pertains to Medical Uses	Refer to the Planning Commission the task of revising the current zoning ordinance so that it reflects the West Berkeley Plan's goals of encouraging medical uses in West Berkeley.	Council member	City Council District 2			2015-06-12 17:00:00	PLANNING & DEVELOPMENT	Completed	2015-06-15 08:00:00	2017-01-24 00:00:00	
2015-09-15	43	Prohibit Sales of Tobacco Products to Persons Under the Age of 21	Direct the City Manager and Community Health Commission to draft an ordinance amending Berkeley Municipal Code Chapter 9.80 "Tobacco Retailers" to prohibit the sales of tobacco products and smoking paraphernalia to persons under the age of 21.	Council member		Jesse Arreguin		2016-03-11 17:00:00	HEALTH, HSG & COMMUNITY SVC	Completed	2016-03-11 17:00:00		

2015-09-15	55 Referral to the Community Environmental Advisory Commission to Install 1.8 GPM Showerheads in All New Housing Projects or Any Renovation Over \$50,000	Refer to the Community Environmental Advisory Commission to explore requiring a maximum of 1.8 GPM low flow showerheads in new housing projects and all housing renovations exceeding \$50,000 throughout Berkeley.	Council member	Kriss Worthington	2016-03-11 17:00:00 PLANNING & DEVELOPMENT	Completed 2016-03-14 08:00:00 2016-07-19 00:00:00
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2015-11-10	1 Proposed Amendments to the Minimum Wage Ordinance; Amending Berkeley Municipal Code Chapter 13.99 (Continued from September 15, 2015)	Review and consider information regarding the activities and costs associated with implementing and enforcing the Commission on Labor's proposed amendments to the Minimum Wage Ordinance (MWO), including the potential impact of the proposed amendments on the City's minimum wage employees, employers, non-profit organizations and community-based organizations, on-call workers and youth training program workers, and either: 1. Adopt first reading of an Ordinance amending Berkeley			2016-05-06 17:00:00 CITY MANAGER'S OFFICE	Completed 2016-05-09 08:00:00 2016-09-01 00:00:00
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2015-11-17 30 Fourth No recommendation noted. Action: 2016-05-13 17:00:00 FIRE & EMERGENCY SERVICES Completed 2016-05-16 08:00:00 2018-07-01 00:00:00
 Ambulance Pilot Project 6-Month Update Moved to Consent Calendar and held over to January 19, 2016. Fire to report back in May 2016 for permanent program.

2015-12-01 33 City Manager and Planning Commission's Referral: Enable Implementation of Council Approved Floor Area Ratio in the Telegraph Commercial District between Dwight and Bancroft by Amending the Zoning Ordinance Refer to the City Manager and Planning Commission an immediate implementation strategy to bring the City Zoning Ordinance in compliance with the policy adopted by City Council to increase Floor Area Ratio (FAR) in the Telegraph Commercial District between Dwight and Bancroft Council member City Council District 7 Kriss Worthington 2016-05-27 17:00:00 PLANNING & DEVELOPMENT Completed 2016-05-30 08:00:00 2016-06-28 00:00:00

2015-12-01 22 City Manager Referral: Pilot Program to Implement Solar Trash Compactors on Telegraph Avenue and Downtown Berkeley Refer to the City Manager to adopt a Pilot Program to implement Solar Trash Compactors on Telegraph Avenue and Downtown Berkeley. Council member Kriss Worthington, Linda Maio, Susan Wengraf, Lori Droste 2016-05-27 17:00:00 Public Works Completed 2016-05-30 08:00:00 2018-07-24 00:00:00 2019-02-05 16:44:20 - Melissa McDonough (Additional comments) 6/2018 RFPs received; 2 solar compactors to be issued contracts.

Google Translate Bar Information Technology Completed 2016-06-01 00:00:00 2016-06-01 00:00:00

2015-12-15

35 Amending Open Government Ordinance to Allow Submission of Revised/Supplemental Items
 Refer to the City Manager and City Attorney to draft an ordinance amending Berkeley Municipal Code Section 2.06.070.E (Open Government Ordinance) to allow the submission of revised or supplemental agenda material for the Supplemental Communications Packet 2. The revised or supplemental material must be submitted no later than 12 noon the day of the City Council meeting at which the item is to be considered. The online version of the City Council agenda shall also contain a link to such items. If

Council member

Jesse Arreguin, Susan Wengraf, Lori Droste

2016-06-10 17:00:00 City Clerk

Completed 2016-06-10 17:00:00

2015-12-15	54 Referral to City Manager: Establishment of Affordable Housing Small Sites Program Revised Version	Refer to the City Manager to: 1. Look into the feasibility of creating a Small Sites Program to allow non-profits to purchase small multi-family buildings (5-25 units) to create and preserve affordable housing, with an emphasis on properties with a high potential for conversion to cooperative homeownership. 2. Develop an inventory of City-owned land and other land owned by public agencies in the City of Berkeley which could potentially be used to create below-market rate housing.	Council member	Jesse Arreguin	2016-06-10 17:00:00	HEALTH, HSG & COMMUNITY SVC	Completed	2016-06-13 08:00:00	2016-12-13 00:00:00	2019-02-05 16:47:39 - Melissa McDonough (Additional comments) 2 is completed. 1 was later prioritized long term as top priority of Council's housing action plan. Plan outline complete and will bring before HAC in July 2018.
2015-12-15	30 Provide Cost Estimates to Restore the Berkeley Pier	Refer to the City Manager to determine the cost to make the appropriate repairs so that it will be safe for public use.	Council member	City Council District 2	2016-06-10 17:00:00	CITY MANAGER'S OFFICE	Completed	2016-06-13 08:00:00	2017-03-14 00:00:00	
2016-01-19	24 Tenant Buyout Agreement Ordinance	Refer to the City Manager and the Rent Stabilization Board to draft an ordinance regulating situations where a tenant agrees to vacate a rent-controlled unit in exchange for a sum of money, known as a buyout.	Council member		Jesse Arreguin	2016-07-15 17:00:00	CITY MANAGER'S OFFICE	Completed	2016-07-18 08:00:00	2016-03-31 00:00:00

2016-02-09	26 Develop a Provision for the Landmarks Preservation Ordinance to Allow for the De-designation of a Landmark Designation for a Building that has been Legally Demolished (Continued from January 12, 2016)	Refer to the City Manager to develop a provision for the Landmarks Preservation Ordinance (LPO) that would allow a landmark designation to be de-designated for a building that has been previously landmarked but subsequently has been legally demolished.	Council member		2016-08-05 17:00:00 CITY MANAGER'S OFFICE	Completed	2016-08-08 08:00:00	2016-05-10 00:00:00	
2016-02-09	15 Budget Referral: Including BigBelly Solar Compactor Bins Allocation in the 2016 Mid-Year Budget Process	Refer to the 2016 Mid-year budget process the purchasing of BigBelly Solar Compactor Bins in order to save money, meet zero waste goals, and reduce Berkeley's greenhouse gas emissions.	Council member	Kriss Worthington, Lori Droste	2016-08-05 17:00:00 Public Works	Completed	2016-08-08 08:00:00	2018-07-24 00:00:00	2019-02-05 16:51:37 - Melissa McDonough (Additional comments) 6/2018 RFPs received; 2 solar compactors to be issued contracts.
2016-03-15	6 Prioritize Installation of Bicycle Lane on Fulton Street	Direct the City Manager and Transportation staff to prioritize and expedite the installation of a bicycle lane on Fulton Street between Bancroft Way and Channing Way.	Council member	Jesse Arreguin	2016-09-09 17:00:00 Public Works	Completed	2016-09-12 08:00:00	2016-05-10 00:00:00	

2016-04-05	10 Modify the Proposed Early Mitigation Fee Discount and Preserve Revenue Towards Units At Or Below 50% AMI and Add Sunset Clause (Continued from February 23, 2016)	That the City of Berkeley amend Council Item 10a to remove the option of paying a substantially-reduced mitigation fee at the issuance of a permit, and to preserve revenue from the mitigation fees to maintain or increase the funds designated towards units for incomes at or below 50% AMI, and add a sunset clause.	Council member	Kriss Worthington	2016-09-30 17:00:00	HEALTH, HSG & COMMUNITY SVC	Completed	2016-10-03 08:00:00	2016-07-19 00:00:00
2016-04-26	31 Creation of 311 Mobile Application	Refer to the City Manager to create a mobile application for the 311 system and improve the 311 Online Service Center.	Council member	Jesse Arreguin	2016-10-24 08:00:00	Information Technology	Completed	2016-10-24 08:00:00	2016-11-15 00:00:00
2016-05-10	21 Resolutions Consenting to Inclusion of the City of Berkeley Properties in the California Home Finance Authority PACE Programs and Associate Membership in California Home Finance Authority	ABAG has a new report and the City Council has voted twice in favor; thus, the City of Berkeley should approve and sign an agreement for collaborative services for Property Assessed Clean Energy Financing (PACE) marketplace. Also, that the City of Berkeley approve and sign acknowledgement addendum of RCSA, as executed between ABAG and RPPs.	Council member	Kriss Worthington	2016-11-04 17:00:00	City Attorney	Completed	2016-11-07 08:00:00	2016-09-20 00:00:00

2016-05-31	20	Requesting a Comprehensive Report on the State of Homeless Services within the City of Berkeley	Request the City Manager direct staff to prepare a report outlining the details of City funded homeless services. The purpose of this report is to help Council and the community understand the various factors related to the allocation of resources to address homelessness within the City. Once the report is complete, it is requested that city staff schedule a worksession to go over the findings.	Council member	City Council District 5		2016-11-25 17:00:00	HEALTH, HSG & COMMUNITY SVC	Completed	2016-11-28 08:00:00	2016-11-01 00:00:00
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2016-05-31	22	City Manager Referral: Consider Adding Energy Efficient Equity as an Additional Property Assessed Clean Energy Program	Refer to the City Manager to consider adding Energy Efficient Equity as an additional property assessed clean energy program.	Council member		Kriss Worthington	2016-11-25 17:00:00	PLANNING & DEVELOPMENT	Completed	2016-11-28 08:00:00	2016-09-20 00:00:00
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2016-06-28	47	City Manager Referral: Feasibility of Acquiring a High Capacity Scanner for Multiple City Departments	Refer to the City Manager to consider investing in a high-capacity scanner to digitize City records for the Council and multiple City departments.	Council member		Kriss Worthington	2016-12-26 08:00:00	Information Technology	Completed	2016-12-26 08:00:00	2017-12-12 00:00:00
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2016-07-12	27	Refer to City Manager to Consider Applying for \$100,000 from the Better Together Resilient Communities Grant Program	That the City Manager consider applying for the \$100,000 grant that PG&E's Better Together Resilient Communities grant program will offer in the beginning of 2017.	Council member	Kriss Worthington	2017-01-06 17:00:00	PLANNING & DEVELOPMENT	Completed	2017-01-09 08:00:00	2016-12-31 00:00:00	
2016-07-19	41	Companion Report: Amend Berkeley Municipal Code Creating Community Health Commission	Refer to staff to write an ordinance based on the Community Health Commission (CHC) recommendation with the changes suggested by staff.	MAYOR AND COUNCIL		2017-01-13 17:00:00	HEALTH, HSG & COMMUNITY SVC	Completed	2017-01-16 08:00:00	2016-11-29 00:00:00	
2016-09-20	32	City Manager Referral: Implementing BigBelly Solar Compactor Bins	Refer to the City Manager to examine the feasibility of procuring BigBelly Solar Compactor Bins to save money, meet zero waste goals, and reduce Berkeley's greenhouse gas emissions.	Council member	Kriss Worthington, Lori Droste	2017-03-17 17:00:00	Public Works	Completed	2017-03-20 08:00:00	2018-07-24 00:00:00	2019-02-05 17:04:44 - Melissa McDonough (Additional comments) 6/2018 RFPs received; 2 solar compactors to be issued contracts.
2016-09-20	21	City Manager Referral: Consider the Four Recommendations Contained in the Alameda County Grand Jury Report (Continued from July 19, 2016)	Refer to the City Manager to consider the four recommendations in response to the Alameda County Grand Jury Report recommendations.	Council member	Kriss Worthington	2017-03-20 08:00:00	Information Technology	Completed	2017-03-20 08:00:00	2016-10-20 00:00:00	

2016-09-20	22 Amending Council Rules Regarding Removal of Commissioners	Direct staff to return with a policy recommendation consistent with the recommendations in this report, i.e., noting that as a matter of courtesy and respect, Councilmembers are expected to set the date a commissioner is to be replaced on a commission and communicate that date to the commissioner not less than two weeks from the official date of replacement.	Council member	Commission	2017-03-17 17:00:00	City Clerk	Completed	2017-03-20 08:00:00	2018-06-12 00:00:00	2019-02-05 17:02:37 - Melissa McDonough (Additional comments) Incorporating changes from City Council.
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Improved Emergency Notification System

Information Technology Completed 2017-04-01 00:00:00 2017-06-05 00:00:00

2016-10-18	25 Amendments to BMC 23C.23.050 to Allow a Third Option to Satisfy the Private Percent for Art Requirements	Request the City Manager draft an ordinance for Council adoption to revise BMC 23C.23.050, the One-Percent for Public Art on Private Projects Ordinance, to do the following: 1. Have 5% of the 1% requirement go directly to administration of the Public Art in Private Development program regardless of how the developer decides to satisfy the requirement;	Council member		2017-04-14 17:00:00	Office of Economic Development	Completed	2017-04-17 08:00:00	2017-01-24 00:00:00	
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2016-10-18	26 Revisions to the Public Art in Private Development Program	Request the City Manager draft a resolution to revise the Public Art in Private Development Program Guide to provide the Civic Arts Commission guidance and more flexibility in the use of the Cultural Trust Fund with the language suggested in the report.	Council member		2017-04-14 17:00:00	Office of Economic Development	Completed	2017-04-17 08:00:00	2016-12-13 00:00:00
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2016-10-18	41 City Plan for Emergency Shelter During Winter Season	Refer the following actions to the City Manager to consider in developing a plan for emergency shelter/services during the upcoming winter season. These actions will help implement Resolution No. 67,357-N.S. "Declaring a Homeless Shelter Crisis in Berkeley": 1. Allow full use of the Multi-Agency Service Center (MASC) at 1931 Center Street as a Warming Center. Direct the City Manager to study the feasibility of using the West Berkeley Senior Center as a day-time Warming Center or evening shelter. Emergency in	Council member	Jesse Arreguin	2017-04-14 17:00:00	HEALTH, HSG & COMMUNITY SVC	Completed	2017-04-17 08:00:00	2017-06-27 00:00:00
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2016-11-01	15 City Manager Referral: Increasing Transparency in City Public Record Act Responses	Approved revised recommendation to request a report from the City Manager on how the City is using the permitted exemptions in compliance with the Public Records Act.	Council member	Kriss Worthington	2017-04-28 17:00:00 City Attorney	Completed	2017-05-01 08:00:00	2016-12-13 00:00:00
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2016-12-13	29 Ordinance for Standards for Testing and Certification of DAS Antennas	Request that the City Manager draft ordinance language to amend Section 16.10.100 of the Berkeley Municipal Code to include Standards for Testing and Certification of DAS Antennas and return to the City Council within 60 days.	Council member	Susan Wengraf	2017-06-09 17:00:00 City Attorney	Completed	2017-06-12 08:00:00	2017-03-28 00:00:00
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2017-01-24	38 Berkeley Mothers Initiative	Request that the City Manager ensure that all City buildings provide and maintain at least one private place reasonably close to an employee's workspace for breastfeeding mothers to pump.	Councilmembers	Lori Droste	2017-07-21 17:00:00 CITY MANAGER'S OFFICE	Completed	2017-07-24 08:00:00	2017-07-01 00:00:00
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2017-01-24	37 Berkeley BABIES Initiative	Request that the City Manager create a provision and enforcement mechanism to ensure that all publically-accessible City buildings install and maintain at least one baby diaper-changing accommodation that is accessible in both men and women's restrooms or a single diaper-changing accommodation that is accessible to all genders. In addition, request that the City Manager provide recommendations to mandate all businesses to provide changing stations in either women's and men's restrooms or gender-neutral restrooms.	Councilmembers	2017-07-24 08:00:00	CITY MANAGER'S OFFICE	Completed	2017-07-24 08:00:00	2017-07-01 00:00:00
2017-01-31	10 Medical Cannabis Ordinance Revisions and Cultivation Application Process	Request that the City Manager provide Council with analysis of the questions presented by Councilmember Sophie Hahn.	Council member	2017-07-28 17:00:00	PLANNING & DEVELOPMENT	Completed	2017-07-31 08:00:00	2017-11-07 00:00:00
2017-02-14	11 Updated Information Report on Measure M	Request that the City Manager return to the City Council in April with an Information Report on Measure M implementation, expenditures, projected expenses and plans.	Council member	2017-08-11 17:00:00	Public Works	Completed	2017-08-14 08:00:00	2017-05-02 00:00:00

2017-03-28

22 Security Camera Database
Request that the City Manager return to Council with an update on the referral to create a voluntary database of security cameras in Berkeley. With an increase in crime, residents are anxious to help the Berkeley Police Department solve cases and arrest the perpetrators - amended to include direction that guidelines protect privacy and prevent misuse of camera footage.

Council member

2017-09-25 08:00:00 Police

Completed 2017-09-25 08:00:00 2018-08-15 00:00:00

2017-03-28	33 Referral Response: Cigarette Butt Pollution Prevention	REFER to the City Manager to enact a pilot program in downtown Berkeley with the goal of greatly reducing cigarette butt litter that accumulates on sidewalks and curbsides, in a central location. This pilot program would: a) Place a total of four receptacles for cigarette butt disposal in front of three adult schools and a bus stop where smoking behavior continues despite its prohibition. The receptacles are to be placed in front of: i. Berkeley City College, 2050 Center Street; ii. Language Studies International on 2015 Center Street; iii. Kaiser International	Commission	Community Environmental Advisory Commission	2017-09-22 17:00:00	Office of Economic Development	Completed	2017-09-25 08:00:00	2017-05-30 00:00:00	
2017-07-25	40 Expediting Elements of Previous Council Referral to Study Possible Scenarios of the Loss of Federal Funds	Direct the City Manager to expedite the compilation and delivery of a list of federal funds that the City of Berkeley receives and the programs and facilities supported by such funds.	Council member	Sophie Hahn, Jesse Arreguin, Cheryl Davila, Kate Harrison	2018-01-19 17:00:00	HEALTH, HSG & COMMUNITY SVC	Completed	2017-10-23 00:00:00	2018-12-11 12:22:40	2019-02-05 17:14:03 - Melissa McDonough (Additional comments) HHCS is updating with the latest single audit findings.

2017-05-30	53 Eliminate the Required Affidavits of Residency for Commissioners	Eliminate the requirement for Commissioners to submit Affidavits of Residency when they are appointed, and annually thereafter, in pursuit of saving time and money for the City of Berkeley. Revised Materials - http://www.cityofberkeley.info/Clerk/City_Council/2017/05_May/Documents/2017-05-30_Item_53_Eliminate_the_Required_-_Rev.aspx	Council member	2017-11-24 17:00:00 City Clerk	Completed	2017-11-27 08:00:00	2017-09-12 00:00:00	
2017-06-27	32 Housing Inspection and Community Services Manager	Request the City Manager to create and fill the position of Housing Inspection and Community Services Manager.	Council member	2017-12-22 17:00:00 PLANNING & DEVELOPMENT	Completed	2017-12-25 08:00:00	2018-09-13 00:00:00	2019-02-05 17:13:07 - Melissa McDonough (Additional comments) New position approved by Personnel Board. Will bring to Council for adoption by November which will complete referral.

2017-10-03	7 Request for Information Regarding Grant Writing Services from Specialized Grant Writing Firms	Refer to the City Manager to issue a request for information to explore grant writing services from specialized municipal grant-writing firms, and report back to Council.	Council member	Sophie Hahn, Kate Harrison, Cheryl Davila, Ben Bartlett	2018-01-01 17:00:00 Finance	Completed	2018-01-01 17:00:00	2019-09-24 12:41:03	2019-04-12 15:07:44 - Melissa McDonough (Additional comments) Issued #18-11201 Feb. 5, 2018 as an RFI (Request for information); closed March 1, 2018. Received 13 information responses for review. Next Steps: use responses to inform scope of work, then release as RFP.
2017-07-25	51 Commercial Cannabis Regulations and Licensing	Refer to the City Manager and Cannabis Commission the proposed local ordinances to establish a licensing process for Commercial Cannabis operations, as permitted under Proposition 64, Adult Use of Marijuana Act. The Council requests that the City Manager and Cannabis Commission report to the City Council on its recommendations on regulations and licensing for commercial cannabis businesses before the end of 2017.	Council member		2018-01-19 17:00:00 PLANNING & DEVELOPMENT	Completed	2018-01-22 08:00:00	2018-09-13 00:00:00	2019-02-05 17:15:33 - Melissa McDonough (Additional comments) Lengthy process involving 3 Commissions and many City departments. Some Ordinance changes will be at Council 9/13/18. But more will be needed. Council Worksession scheduled for 10/9/18, then adoption of more Ordinance changes expected by end of year, which will close this referral.

2017-10-31	17 Expanded Criteria for the Installation of Stop Signs	1. Refer to the Transportation Commission consideration of additional or supplemental stop sign criteria which addresses the needs of vulnerable populations, the presence of bicycle boulevards, and the difficulty of crossing particular intersections. 2. Direct that staff consult with the Bicycle Subcommittee of the Transportation Commission when making decisions impacting bicycle boulevards, whenever possible. 3. Request that the City Manager provide an informational report on the particular	Council member	Kate Harrison, Ben Bartlett, Lori Droste	Transportation Commission	2018-01-29 17:00:00 Public Works	Completed	2018-01-29 17:00:00	2019-11-12 17:00:00	2019-09-25 08:55:09 - Melissa McDonough (Additional comments) Commission Recommendation and City Manager Companion report are under review and tentatively scheduled for council approval in Nov 2019 2019-02-05 16:27:28 - Melissa McDonough (Additional comments) Transportation Commission formed a subcommittee and held first meeting 6/11/18, additional meetings to be planned by subcommittee.
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2017-09-12	33 Voter Registration Forms in All City Buildings on Their Main Floors	Direct the City Manager to provide voter registration forms on the main floor of all designated city buildings that are open to the public and in all Community based organizations within the city limits. Community based organizations that are funded by the City of Berkeley will be required to pick up the voter registration forms from the City Clerk's Office and that should be clearly stated in their respective contracts.	Council member	Cheryl Davila, Kate Harrison, Sophie Hahn	2018-03-09 17:00:00 City Clerk	Completed	2018-03-12 08:00:00	2017-11-08 00:00:00
2017-10-03	24 Parallel Permitting Process	Request that the City Manager in coordination with the Director of Planning and the Chief Building Official work to establish a voluntary parallel permitting process for applications to construct housing in the City of Berkeley.	Council member	Susan Wengraf, Linda Maio, Lori Droste, Jesse Arreguin	2018-03-30 17:00:00 PLANNING & DEVELOPMENT	Completed	2018-04-02 08:00:00	2017-11-01 00:00:00 2019-02-05 17:23:50 - Melissa McDonough (Additional comments) This voluntary parallel permitting option already exists. Following October 2017 referral we advised Building staff to be sure to make option known to interested applicants.

2017-10-03	21 Referral to the City Manager to Provide a Public Master List of the Legislation on which the City Council Has Taken a Position	Request that the City Manager work with the City's lobbyist to create and maintain a master list of the legislation on which the City Council has taken a formal position of support or opposition through passage of an item.	Council member	Kate Harrison, Sophie Hahn, Cheryl Davila	2018-03-30 17:00:00	City Clerk	Completed	2018-04-02 08:00:00	2018-01-23 00:00:00
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2018-01-23	27 Open the West Campus Pool All Year Round and Start the Shower Program at the West Campus Pool	Short Term Referral to City Manager to assess the feasibility to keep the West Campus Pool open all year round and to start COB Shower Program at the West Campus Pool. Keeping the West Campus Pool open all year round will provide equitable swimming options in both North Berkeley and in South/West Berkeley and provide another location available for our community to shower.	Council member	Cheryl Davila, Ben Bartlett	2018-07-20 17:00:00	Parks, Recreation & Waterfront	Completed	2018-04-23 00:00:00	2018-10-16 10:14:13	2019-02-05 17:38:54 - Melissa McDonough (Additional comments) a) On June 12, 2018, Council received an Off Agenda Memo that identifies the cost to establish a shower program at West Campus Pool. B) In mid-September 2018, Council will receive an Off Agenda Memo that describes the feasibility of keeping West Campus pool open year-round.
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2017-10-31	30 Short-Term Referral to the City Manager, a Process for Relocation of a Permitted Cannabis Dispensary	Refer to the City Manager to approve a process for the relocation of Apothecarium, a cannabis dispensary with valid permits.	Council member		2018-04-27 17:00:00	PLANNING & DEVELOPMENT	Completed	2018-04-30 08:00:00	2018-01-23 00:00:00
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2017-12-05	18 City Manager Referral: Prioritizing New Business Before Old Business at City Council Meetings	Prioritize new business before old business at City Council Meetings by: 1. Altering the Council rules of procedure as adopted May 24, 2016 so that new business comes before old business. The reformatted section will read "The agenda for the regular business meetings shall include the following: Ceremonial; Comments from the City Manager; Comments from the Public; Consent Calendar; Action Calendar (Appeals, Public Hearings, Continued Business, New Business, Old Business); Information Reports;	Council member	2018-06-01 17:00:00 City Clerk	Completed 2018-06-04 08:00:00 2018-01-30 00:00:00
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2018-02-13

17 Referral to the City Manager to Submit a Filing to the CPUC Recommending Adjusting Electric Rule 20 to Better Serve the City of Berkeley and Other Communities with Very High Fire Hazard Severity Zones
 A referral to the City Manager to submit a filing with the California Public Utilities Commission (CPUC) concerning the CPUC's current review of Electric Rule 20. The CPUC is considering, among other things, how the existing program is administered by the various utility companies operating in California and the definition of what projects are to be included in the public interest.
 Council member

Susan Wengraf, Sophie Hahn, Jesse Arreguin, Lori Droste

2018-08-10 17:00:00 Public Works

Completed 2018-08-10 17:00:00

2018-02-13

26 Referral to the City Manager on Gender Options of the General Application for City Boards and Commissions
 Refer to the City Manager to add a nonbinary gender option on the General Application for appointment to Berkeley boards and commissions.
 Council member

Lori Droste, Linda Maio, Susan Wengraf, Worthington

2018-08-10 17:00:00 City Clerk

Completed 2018-08-13 08:00:00 2018-03-01 00:00:00

2018-02-27

22 Wildland Urban Interface Fire Safety and Fire Safety Education
 Commission Referral #5 revised to read: 5. Refer to the Planning Commission to consider Accessory Dwelling Units (ADUs) in the Very High Hazard Fire Zone to review public safety issues especially relevant to the risk of WUI fires. Amend Section 23D.10 to incorporate greater public safety considerations to be met before issuing an Administrative Use Permit (AUP);

City Council and Mayor

2018-08-24 17:00:00 FIRE & EMERGENCY SERVICES

Completed 2018-08-24 17:00:00

2018-03-13

17 Referral to the Arts Commission and the City Manager: Cost Estimate and Plan for Installation of Sculpture Lighting into Adjacent Street Lights for the William Byron Rumford Statue on Sacramento and Julia St
 Refer to the City Manager a request to develop a cost estimate and an installation plan for installing sculpture lighting into adjacent street lights for the William Byron Rumford statue on Sacramento and Julia Street. Refer the cost estimate and plan to the Arts Commission.

Council member

2018-09-07 17:00:00 Public Works

Completed 2018-09-07 17:00:00

2018-01-30	14 Direction and Referral to the City Manager Regarding "Premier Cru" Property	3. The Berkeley Way Affordable Housing Project is the City's top affordable housing priority. Premier Cru, as a City property, to be developed for affordable housing falls under the "High Priority" on the list of housing initiatives passed by Council on November 28, 2017. In light of the above, refer to the City Manager to take the following actions to move Premier Cru forward as a High Priority initiative: a. Based on recommendations from Health, Housing and Community Services and other Departments, the Housing Advisory Commission and on	Council member	Sophie Hahn, Jesse Arreguin, Linda Maio, Kate Harrison	2018-09-07 17:00:00	PLANNING & DEVELOPMENT	Completed 2018-09-10 08:00:00 2018-05-29 00:00:00
2017-12-19	41 Companion Report: Public Works Commission Recommendation for the Five-Year Paving Plan	Adopt a Resolution updating the City's Five-Year Street Rehabilitation Plan for FY 2018 to FY 2022. The City Council may consider the information put forth by the Public Works Commission relevant to adoption of the recommended plan.			2018-09-21 17:00:00	Public Works	Completed 2018-09-24 08:00:00 2018-07-24 00:00:00

2017-12-05	24 Ordinance Amending the Berkeley Municipal Code to Establish Ability to Pay Provisions Regarding Parking Fines and Fees in Accordance with Guidelines Established in Assembly Bill 503	to refer the item as written in Supplemental Reports Packet #2 to the City Manager to conduct an analysis of the item, including a review of current indigency procedures and coordination with similar efforts in the City of Oakland, and report back to the Council in 90 days.	Council member	Transportation Commission	2018-09-28 17:00:00 Finance	Completed	2018-09-28 17:00:00	2018-07-02 00:00:00
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2018-04-24	17 Refer the Housing Advisory Commissions Questions on the Smoke-Free Residential Housing Ordinance to Staff and Berkeley Considers	The Housing Advisory Commission respectfully requests that the Council direct the City Manager to assist the HAC in its review of the Smoke-Free Residential Housing Ordinance, a regulation of tobacco use, as follows: 1. By responding to the HAC's questions enumerated in the report with any readily available responsive information. 2. By facilitating the conduct of a "Berkeley Considers" questionnaire about the Smoke-Free Residential Housing Ordinance, questions for which are proposed in the report	The Housing Advisory Commission		2018-10-19 17:00:00 HEALTH, HSG & COMMUNITY SVC	Completed	2018-10-19 17:00:00	2019-03-17 14:41:36
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2017-07-25	<p>10 Authorizing City Manager Approval for Community Development Block Grant (CDBG) Community Facility Improvement Contracts Under \$200,000; Amending BMC Chapter 7.18</p> <p>Adopt first reading of an Ordinance, by two-thirds vote of the Council, amending Chapter 7.18 of the Berkeley Municipal Code to authorize the City Manager to enter into and amend contracts of up to \$200,000 with applicants recommended for funding by staff and the Housing Advisory Commission under the City's Community Development Block Grant (CDBG) program for community facility improvements.</p>	<p>2018-10-19 17:00:00 HEALTH, HSG & COMMUNITY SVC</p>	<p>Completed 2018-10-22 08:00:00 2018-04-24 00:00:00</p>
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2018-07-31	10 Direction to the City Manager Regarding the Community Service In Lieu of Parking Penalties Program	Direct the City Manager to amend the eligibility requirements of the Community Service In Lieu of Parking Penalties Program in order to allow all indigent individuals to be eligible to participate in the program (regardless of the registration status of a potential participant's vehicle).	Council member	Ben Bartlett, Cheryl Davila, Kate Harrison, Sophie Hahn	2018-10-29 17:00:00 Public Works	Completed	2018-10-29 17:00:00	2019-01-19 15:21:35	2019-08-27 15:23:33 - Nancy Melendez (Additional comments) FJ/DP: Aside from the fact that Public Works is not actually involved in citations or citation payment plans or alternatives, this program exists and the FAQ at the link below was updated January 2019. https://www.cityofberkeley.info/uploadedFiles/City_Manager/Level_3_-_General/COMMUNITY%20SERVICE.pdf
2018-05-15	23 Transgender Health Access Training at City of Berkeley Clinics	Adopt a Resolution providing \$2,400 from the General Fund to support a half-day Transgender Health Access Training for City of Berkeley Public Health staff in June 2018.	Commission		2018-11-09 17:00:00 HEALTH, HSG & COMMUNITY SVC	Completed	2018-11-10 17:00:00	2019-02-04 10:22:57	2019-04-15 10:25:13 - Laura Schroeder (Additional comments) On February 4, 2019 staff from public health and mental health attended a training on Transgender Access to Public Health
	24 Budget Referral: Increasing Safety at San Pablo Park	Request the City Manager perform traffic assessments to gather data and refer any needed improvements to the FY 2020 – FY 2021 budget process.	Councilmembers	Cheryl Davila	2018-11-13 17:00:00 Public Works	Completed	2018-11-13 17:00:00	2019-05-16 00:00:00	

2018-05-29	14 Implementation of Secure Storage Program	<p>1. Direct the City Manager to expedite implementation of two publicly available, secure storage facilities to accommodate as many individuals as possible, based on the parameters set in staff's March 2, 2018 RFI: Downtown Homeless Storage Pilot - Staffing and Operations and on additional parameters outlined in Program Details, below. 2. Direct the City Manager to publicize the locations, hours, and rules applicable to new storage facilities through normal outreach channels (website, press release, etc.) and through direct</p>	Council member	2018-11-23 17:00:00 HEALTH, HSG & COMMUNITY SVC	Completed 2018-11-26 08:00:00 2018-07-24 00:00:00
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2018-09-13	31 Short-Term Referral to City Manager re: Emergency Standby Officers Qualifications	Referral to City Manager to consider the following suggestions for requirements and qualifications for Emergency Standby Officers and return to Council within 90 days with recommendations. Possible requirements may include: -Trainings in roles and responsibilities to serve as a standby officer possibly including: ethics and workplace harassment. -City government experience. -Council District residency. - Require standby officers to meet the same qualifications, including restrictions on conflict of	Council member	Susan Wengraf, Jesse Arreguin, Sophie Hahn	2018-12-11 17:00:00 City Clerk	Completed	2018-12-11 17:00:00	2019-05-02 12:02:38	2019-02-05 15:21:26 - Melissa McDonough (Additional comments) Ongoing discussion with City Attorney regarding potential criteria
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2018-12-11	23	Short-term referral to City Attorney and Health Housing and Community Service to amend Berkeley Municipal Code 7,441-N.S. to expand the control of flavored tobacco across the City of Berkeley toward preventing youth and young adult tobacco use	Short-term referral to Councilmembers City Manager to amend Berkeley Municipal Code 7,441-N.S. according to the changes made in the attached amended ordinance to prohibit the sale of flavored tobacco products and require a minimum package size for cigars and little cigars across the City of Berkeley. The primary purpose of the amendment to the ordinance is to do more to prevent youth and young adult tobacco use.	Cheryl Davila	2018-12-11 17:00:00	City Attorney	Completed	2018-12-11 17:00:00	2019-09-10 13:15:43
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2018-07-10	17	Referral to City Manager to Consolidate all City Commission Workplans in One Place for Easy Access for Staff, the Public, and Elected Officials	Make a referral to the City Manager to consolidate all City Commission Workplans in one place for easy (electronic) access for staff, the public, and elected officials.	Council member	2019-01-04 17:00:00	City Clerk	Completed	2019-01-07 08:00:00	2018-09-13 00:00:00
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2018-10-30	20 Proposed Portland Loo Installations in Telegraph Commercial District	Short-Term Referral to the City Manager to identify costs for the installation of a "Portland Loo" type of bathroom facility in Telegraph Commercial District. Costs should be comprehensive and include, but not be limited to: the facility, infrastructure, design, construction, oversight and any contingencies.	Councilmembers	Jesse Arreguin, Sophie Hahn	2019-01-31 17:00:00 Public Works	Completed	2019-01-31 17:00:00	2019-02-27 00:00:00	
2018-11-13	23 Clarifying Jurisdiction of Ohlone Greenway	Refer to the City Manager to review the recommendation to place the Ohlone Greenway under park rules and policies with the intent of revising the BMC to include the Ohlone Greenway as open space and enforce park-like rules.	Councilmembers	Linda Maio, Sophie Hahn, Kate Harrison	2019-02-13 17:00:00 City Attorney	Completed	2019-02-13 17:00:00	2019-09-17 10:57:38	2019-09-17 10:57:27 - Christopher Jensen (Additional comments) Referral response complete; Public Works is providing assistance on right-of-way issues. 2019-04-24 10:04:24 - Mark Numainville (Additional comments) City Attorney provided legal opinion to PRW. PRW to report to Council.

2017-05-02	27 Berkeley Bicycle Plan 2018	Adopt a Resolution approving the Berkeley Bicycle Plan 2017, and directing the City Manager to pursue implementation of the Plan as funding and staffing permit.			2019-02-15 17:00:00	Public Works	Completed	2019-02-15 17:00:00		
2015-11-17	28 Improve Conditions on Our Community Sidewalks; Amending Berkeley Municipal Code Chapters 13.36 and 14.48	Discuss and refer the following services and ordinances to the City Manager for implementation, and adopt first reading of three Ordinances: 1. Adding Section 13.36.085 to the Berkeley Municipal Code prohibiting urination and defecation in public places. 2. Amending Sections 14.48.020 and 14.48.170 of the Berkeley Municipal Code regulating use of sidewalks. 3. Adding Section 13.36.040 to the Berkeley Municipal Code prohibiting obstruction of City-owned planters and trees. Additional Services: 1. Create a secure storage facility for personal	Council member	Linda Maio, Lori Droste	2019-02-28 16:00:00	CITY MANAGER'S OFFICE	Completed	2019-02-28 16:00:00	2019-02-28 16:00:00	2019-10-15 14:27:16 - Melissa McDonough (Additional comments) Staff has prepared an overview of the outcomes from the pilot implementation of the Shared Sidewalk Policy , and anticipates presenting its findings to Council in Fall 2019. The ongoing program is currently in place. 2019-08-07 14:46:28 - Melissa McDonough (Additional comments) Storage is done as is mobile showers and expansion of bathrooms, 14.48 re: sidewalks is done. 2019-04-24 15:08:11 - Melissa McDonough (Additional comments) Outreach information disseminated to people

2018-11-13	24 Budget Referral: Increasing Safety at San Pablo Park	4. Develop, implement and coordinate drills for active shooter and other emergency protocol at San Pablo Park: Create protocol with input from community partners, then orient licensed daycare providers, coaches, trainers and program staff who operate out of the park, and conduct drills with City staff operating the Center and providers in order to prepare for emergencies and how to use the Center as a shelter during or following them.	Councilmembers	Cheryl Davila	2019-03-01 17:00:00 Police	Completed	2019-03-01 17:00:00	2019-03-30 15:34:27	2019-04-24 15:35:06 - Melissa McDonough (Additional comments) Training class conducted March 30
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2017-12-05	17 City Manager Referral: Consider CPUC Interconnection Applications	Refer to the City Manager consideration of applying for CPUC interconnection applications.	Council member		2019-03-04 16:00:00 Public Works	Completed	2019-03-04 16:00:00	2018-04-04 00:00:00	
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2018-09-13	18 Adopt a Resolution in Support of Appropriate City Enforcement Measures to Mitigate Damages Resulting from the Removal of Trees at 1698 University Avenue	Amended to be a referral to the City Manager regarding enforcement of measures to mitigate damage to the general welfare of the City and neighborhood resulting from the damage and subsequently-required removal of trees at 1698 University Avenue.	Council member	Kate Harrison	2019-03-11 17:00:00 PLANNING & DEVELOPMENT	Completed	2019-03-11 16:00:00	2018-10-01 15:56:16	
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2018-09-25	22 Safe storage of firearms - Revised materials (Supp 2)	Refer to the City Manager to review draft Safe Storage of Firearms ordinance, identify and resolve issues, and return to Council within 90 days.	Council member		Susan Wengraf, Sophie Hahn	2019-03-22 17:00:00 City Attorney	Completed	2019-03-23 16:00:00	2018-12-24 16:21:16	
2018-10-02	Lobbyists Registration and Regulation Ordinance; Amendments to Existing Revolving Door Ordinance	Request an analysis from the City Manager before the November budget discussion on the administrative impacts and cost to implement the lobbyist ordinance.	Council member	MAYOR AND COUNCIL		2019-03-29 17:00:00 City Attorney	Completed	2019-03-30 16:00:00	2019-01-22 12:32:26	
2018-10-02	9 Amend BMC Chapters 6.24 and 14.52 to Authorize Paid Parking on Shattuck Avenue between Carleton Street and Ward Street and add the Northside (Euclid/Hearst) Metered Parking Area to the goBerkeley Program; and Authorize Paid Parking at the City-Owned Adeline/Alcatraz Parking Lot	Request staff to perform an analysis of the parking in the Northside area during the academic year to be completed within six months.	Council member	MAYOR AND COUNCIL		2019-04-02 17:00:00 Public Works	Completed	2019-04-02 17:00:00	2019-08-01 15:29:17	2019-08-27 15:29:52 - Nancy Melendez (Additional comments) GH: Staff conducted an analysis of the parking in the Northside area in spring 2019, roughly six months after goBerkeley price and time limits went into effect on November 1, 2018. As summarized in the June 25, 2019 Information Report submitted to Council, the data showed that goBerkeley changes are working as intended to increase parking availability in the area. Two minor adjustments to prices and time limits in "Value" zones went into effect August 1, 2019
										2019-02-05 16:25:11 - Melissa McDonough (Additional comments)

2018-10-30	35 City Manager referral: Initiate a franchise agreement with FlixBus	That the Council refer to the City Manager initiation of a franchise agreement with FlixBus, requiring a permit issued by the Director of Public Works, establishing a fee for the issuance of the permit, establishing administrative penalties for failure to obtain a permit or violation of permit requirements, and providing a procedure for the assessment and collection of administrative penalties for permit violations.	Councilmembers	Kriss Worthington	2018-10-30 17:00:00	Public Works	Completed	2019-05-01 11:39:27	2019-05-23 00:00:00	2019-04-23 11:49:56 - Mark Numainville (Additional comments) Resolution of Intent adopted on 3/26/19; Public Hearing set for 4/30/19
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2018-10-16	25 Welcome to Berkeley Signage	Refer to the City Manager on a short term basis to replace all the Welcome to Berkeley signs with the Option B design per the Transportation Commission recommendation, including "Ohlone Territory" but not a second motto. Also, leave space on the sign to add a policy message and consult with Ohlone leaders on the use of the word "territory."	Councilmembers	City Council District 2	Cheryl Davila	2018-10-16 17:00:00	Public Works	Completed	2019-05-03 12:00:00	2019-02-07 00:00:00
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2019-02-19	21 Refer to the Planning Commission an amendment to BMC Chapter 23C.12.020 (Inclusionary Housing Requirements - Applicability of Regulations) and the Affordable Housing Mitigation Fee Resolution to Close a Loophole for Avoiding the Mitigation Fee through Property Line Manipulation	1) Refer to the Planning Commission an amendment to BMC Section 23C.12.020 (Inclusionary Housing Requirements – Applicability of Regulations) and BMC Section 22.20.065 (Affordable Housing Mitigation Fee) to close a loophole allowing prospective project applicants to avoid inclusionary affordable housing requirements for projects by modifying property lines so that no lot is large enough to construct five or more units; the Commission should return to Council with a report by April 30, 2019. 2) Refer to the Planning	Councilmembers	Kate Harrison, Rigel Robinson, Sophie Hahn	2019-05-21 17:00:00 PLANNING & DEVELOPMENT	Completed	2019-05-21 17:00:00 2019-06-11 09:40:07	2019-04-15 09:44:51 - James Bondi (Additional comments) Scheduled for Council 4/30/19. 2019-04-12 16:04:35 - Melissa McDonough (Additional comments) May be done at Council 4/30/19, pending recommendation from Planning Commission (special Public Hearing 4/3/19).
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2019-02-19	9 Short-Term Referral: Develop Ordinance permitting Cannabis Events and designate Cesar Chavez Park as an Approved Venue	Short-Term Referral to the City Manager to develop ordinance amendments permitting up to three cannabis events per year in the first year in the City of Berkeley and designating Cesar Chavez Park as the sole approved location for cannabis events, provided such events are organized and licensed as required by the State of California. The ordinance shall: 1. reference Resolution No. 68,326-N.S., declaring that Berkeley is a sanctuary for adult use cannabis, 2. specify procedures for such events that	Councilmembers	Jesse Arreguin	2019-05-21 17:00:00 PLANNING & DEVELOPMENT	Completed	2019-05-22 00:00:00	2019-04-15 09:54:32	2019-04-15 09:54:26 - James Bondi (Additional comments) Council considered and opted not to adopt policy, 4/2/19. 2019-04-12 16:02:31 - Melissa McDonough (Additional comments) Pending Council adoption of Cannabis Ordinance revisions scheduled for April 2 (second reading April 23).
2017-07-25	37 Reviewing the GIG Car Share Pilot Program	Refer to the City Manager and Transportation Department a review of the concerns, emerging regarding some features of the recently implemented GIG Car Share pilot program, request adjustments before the two-year pilot program from staff.	Council member	Linda Maio, Susan Wengraf	2019-05-28 17:00:00 Public Works	Completed	2019-05-28 17:00:00	2019-05-28 11:39:27	2019-02-05 15:16:47 - Melissa McDonough (Additional comments) The program evaluation will be conducted in early 2019 and an action report prepared for Council to continue, modify, or discontinue the pilot.

2019-03-26	23 Referral to City Manager to Scope Process and Estimate Cost of New General Plan	Referral to the City Manager to return to City Council with an outline of the process for creating a new City of Berkeley General Plan. The cost for the first two years of work will be included in the report for consideration during the upcoming 2020-2021 Budget Process.	Councilmembers	Jesse Arreguin, Cheryl Davila	2019-06-21 17:00:00	PLANNING & DEVELOPMENT	Completed	2019-06-21 17:00:00	2019-06-12 09:41:11	2019-04-15 09:53:31 - James Bondi (Additional comments) Scoping has begun. Off-Agenda Memo will provide answers (date TBD)
2018-12-11	26 Referral to the City Manager and Planning Commission to Update the Housing Pipeline Report to Address Timeline between Planning Entitlements and Submission of Building Permit Applications and Consider Reasons for Delay	Referral to the City Manager to include in the Housing Pipeline Report an analysis of the time between planning entitlements and building permit requests for all projects of five units or greater over the past five years. On an ongoing basis, refer to the City Manager and Planning Commission to propose changes to current Planning approval process to address the causes of delays between entitlements and building permits for construction or substantial rehabilitation of five or more dwelling units.	Councilmembers	Kate Harrison	2018-12-11 17:00:00	PLANNING & DEVELOPMENT	Completed	2019-07-16 16:43:23	2019-07-23 11:40:57	

2019-03-26	15 Ensuring the Sustainability of the Berkeley Flea Market	Short-term referral to Council member the City Manager to provide material and strategic assistance to the Berkeley Flea Market, to sustain and enhance its ability to serve both merchant participants and the community at large.	Ben Bartlett, Sophie Hahn, Cheryl Davila	2019-05-27 17:00:00 Office of Economic Development	Completed	2019-07-30 11:38:31	2019-07-30 11:38:31	<p>2019-12-25 20:59:26 - Jordan Klein (Additional comments) Info report to Council on January 21, 2020 (Referral Response: Small Business Retention Programs) includes a summary of the assistance provided to CSU / Berkeley Flea Market, and includes their new strategic plan as an attachment. OED will continue to provide support to the Flea Market, directly and through our partner organizations.</p> <p>2019-11-25 13:18:59 - Melissa McDonough (Additional comments) Community Services United (nonprofit that runs the flea market) submitted their strategic plan for the flea market to OED on</p>
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2018-11-13	18 Short-Term Referral to City Manager to Complete Steps Necessary to Establish Lava Mae Services in Berkeley	Short-term referral to Councilmembers the City Manager to coordinate with Fire, Planning and Public Works Department Heads to provide permits, identify locations and allow access to water and disposal hook-ups necessary to bring Lava Mae shower services to Berkeley's homeless populations within 90 days for a 6-8 week pilot. This includes: - Determining locations to set up portable shower; and -Identifying water source for hook ups designated to dispense water for showers, either fire hydrants (preferred) or garden hose	Cheryl Davila, Sophie Hahn	2019-09-10 17:00:00 CITY MANAGER'S OFFICE	Completed	2019-09-10 17:00:00	2019-09-12 08:29:03	2019-09-12 08:30:15 - Melissa McDonough (Additional comments) Report on Council agenda. 2019-08-07 15:07:11 - Melissa McDonough (Additional comments) Sites and hook-ups have been established.
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2019-07-16	14 Opportunity Zone Project Guidelines for the City Manager	Refer to the City Manager the priorities listed below for investment in Berkeley's Opportunity Zones for proactive outreach and marketing to investors or Opportunity Funds, and to guide any discussions or negotiations regarding development projects in Opportunity Zones. The priorities are: Construction of new Affordable Housing units or acquisition and preservation of affordable housing; Preservation of historic buildings; Cultural Institutions and Performing Arts	Councilmembers	Ben Bartlett, Kate Harrison, Jesse Arreguin, Cheryl Davila	2019-07-22 17:00:00 Office of Economic Development	Completed	2019-09-25 11:01:10	2020-01-24 10:52:16	2020-04-16 10:52:40 - Melissa McDonough (Additional comments) Off-agenda memo released on 1/24/20: https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_General/Opportunity%20Zones%20012320.pdf 2019-11-25 13:28:38 - Melissa McDonough (Additional comments) Information report postponed pending further analysis. 2019-11-05 13:31:36 - Jordan Klein (Additional comments) Information report submitted for 12/3/19 Council Meeting 2019-09-24 07:59:59 - Melissa McDonough (Additional comments)
2019-11-12	18 Request for Information: Police Dispatch	Refer to the City Manager a request for information clarifying: 1. when non-emergency phone calls to the police are directed to the Berkeley Police Department and when to the California Highway Patrol or other outside agencies, and 2. what staffing or technological changes would be needed to direct more calls to Berkeley dispatch.	Councilmembers	Kate Harrison	2019-11-20 17:00:00 Police	Completed	2019-11-20 17:00:00	2019-11-20 17:00:00	2020-10-26 10:56:20 - Melissa McDonough (Additional comments) Off agenda memo submitted 10/26 2020-08-05 09:43:23 - Melissa McDonough (Additional comments) Completion pending submittal of memo to Council documenting work.

2019-09-10	35 1281 University Avenue Request for Proposals	Refer to the City Manager to issue a Request for Proposals (RFP) for residential development at the City-owned site at 1281 University Avenue with a requirement that 100% of the on-site units to be restricted to 80% AMI or below households with at least 10% at 50% AMI, with consideration given to accommodations that serve unhoused or homeless households, including nontraditional living arrangements such as tiny homes and that Council consider interim use for the site for housing	Commission	Housing Advisory Commission	2019-11-29 17:00:00	Health, Housing and Community Services	Completed	2019-11-29 17:00:00	2019-11-29 17:00:00	2019-12-02 14:11:54 - Melissa McDonough (Additional comments) RFP issued, responses due 12/12/19
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2019-09-10	30 Referral Response: Proposed New BMC Ordinance Adding Chapter 9.26 Live Animal Sales – Disclosure Requirements	In lieu of approving the ordinance, encourage Berkeley live animal retailers to provide purchasers with information regarding the sourcing of their animals by utilizing one or two of the following designations describing the sourcing of the particular animal: 'captive bred;' 'hobby breeder' or 'licensed breeder;' 'rescue;' 'wild caught;' or 'imported.'	Commission	Animal Care Commission	2019-12-16 17:00:00 CITY MANAGER'S OFFICE	Completed	2019-12-16 17:00:00	2019-10-03 17:00:00	2019-10-15 14:28:21 - Melissa McDonough (Additional comments) Staff developed a set of standard terms and sent a letter to all animal retailers on 10/3/2019, encouraging them to use the designations. Staff has prepared and submitted a referral response via off-agenda memo.
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2020-03-10	23 Directing the City Manager to Lease Caltrans Property at University and West Frontage Road	Direct the City Manager to: 1. Negotiate a lease agreement with the California Department of Transportation (Caltrans) for the leasing of state property at University Avenue and West Frontage Road as indicated in Attachment 1. The property will be used for a temporary outdoor shelter with restrooms, hand washing stations and garbage service. The City Manager should also inquire about whether additional Caltrans parcels adjacent to those being offered are also available for lease. The City Manager should	Councilmembers	Jesse Arreguin, Rigel Robinson, Kate Harrison, Sophie Hahn	2020-03-23 17:00:00 CITY MANAGER'S OFFICE	Completed	2020-03-23 17:00:00	2020-03-23 17:00:00
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2020-04-14	0 Save Our Small (SOS) Business Loan Fund	Refer to the City Manager to rapidly explore and, if feasible, pursue the creation of a special structured financial recovery loan fund to provide a supplemental source of capital for Berkeley small businesses impacted by the COVID-19 emergency. Among other considerations, the City Manager is requested to consider whether the City of Berkeley should act as a sponsor of the fund, working with one or more financial institutions to pool capital from private investors and the City of Berkeley to lower the risk of the	Councilmembers	Sophie Hahn, Jesse Arreguin, Susan Wengraf, Kate Harrison	2020-04-16 17:00:00 CITY MANAGER'S OFFICE	Completed	2020-04-16 17:00:00	2020-04-16 17:00:00	2020-10-21 11:31:46 - Melissa McDonough (Additional comments) ee off agenda memo: (April 27) https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_General/Business%20and%20Arts%20Organization%20Continuity%20Grant%20Programs%2042720.docx.pdf
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2020-06-02	11 Berkeley Safe Open Air Dining	1. Refer to the City Manager to explore and identify, on an expedited basis, potential public locations throughout Berkeley, including but not limited to wide sidewalks, street medians, building curtilages, parking bays and strips, streets and portions of streets, parking lots, and parks, for the temporary placement of tables and chairs to be used, if and when safe and feasible, for open air dining to support restaurants, cafes, food shops, and other small businesses impacted by the COVID-19 emergency, and to increase capacity for	Councilmem bers	Sophie Hahn, Jesse Arreguin, Rigel Robinson, Kate Harrison	2020-06-10 17:00:00 CITY MANAGER'S OFFICE	Completed	2020-06-10 17:00:00	2020-06-10 17:00:00
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2020-01-21	<p>32 Short Term Referral to the City Manager: Improve and increase External Community Engagement; Identify the funding resources needed to adequately implement number 1; and 3. Implement and require all City Council items and staff reports include Climate Impacts in addition to Environmental Sustainability</p>	<p>Adopt the following amended actions 1. with a positive recommendation from the Council Facilities, Infrastructure, Transportation, Environment and Sustainability (FITES) Committee: 1. Short Term Referral to the City Manager: to look at how to improve and increase External Community Engagement – including funding for regular on- going town halls or neighborhood assemblies for external community engagement and collaboration to engage the community and allow for input on new policies and</p>	<p>Councilmembers</p>	<p>Cheryl Davila, Ben Bartlett</p>	<p>2020-01-23 17:00:00 PLANNING & DEVELOPMENT</p>	<p>Completed</p>	<p>2020-07-31 17:00:00</p>	<p>2020-07-21 17:00:00</p>	<p>2020-07-24 13:25:25 - James Bondi (Additional comments) Completed at Council 7/21/2020. Council action to accept report also created new long-term referral, to be tracked separately.</p> <p>2020-07-01 13:12:14 - James Bondi (Additional comments) Referral response scheduled for Council 7/21/20.</p> <p>2020-04-15 11:31:10 - James Bondi (Additional comments) Work has begun, draft report to Council prepared, but put on hold until budget recommendations can be considered in larger City budget context given COVID impacts.</p>
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2020-09-15	27 Outreach and Technical Assistance for Berkeley Small Businesses Eligible to Participate in the California Rebuilding Fund	Refer to the City Manager to engage in robust outreach to small businesses and organizations in Berkeley that may be eligible to participate in the California Rebuilding Fund, a new public-private partnership based on the SOS Small Business Loan model Berkeley passed in April 2020, that will leverage government backed capital to support small enterprises in California. It is our understanding that loans will be made in part on a first come, first served basis, so time is of the essence for staff to do outreach. The City Manager is	Councilmembers	Sophie Hahn	2020-09-25 17:00:00 CITY MANAGER'S OFFICE	Completed	2020-09-25 17:00:00	2020-09-25 17:00:00	2020-10-21 11:30:40 - Melissa McDonough (Additional comments) This effort will dovetail with the expanded RLF program (called "RLP", resiliency loan program) the federal funds are to be accepted and approved by council 10/27/20.
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Office of the City Manager

32

INFORMATION CALENDAR

December 1, 2020

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Jordan Klein, Interim Director, Planning and Development Department

Subject: LPO NOD: 2136-2154 San Pablo Avenue/#LMIN2020-0004

INTRODUCTION

The attached Notice of Decision (NOD) for the Landmarks Designation is presented to the Mayor and City Council pursuant to Berkeley Municipal Code/Landmarks Preservation Ordinance (BMC/LPO) Section 3.24.160, which requires that “a copy of the Notice of Decision shall be filed with the City Clerk and the City Clerk shall present said copy to the City Council at its next regular meeting.”

CURRENT SITUATION AND ITS EFFECTS

The Landmark Preservation Commission (LPO/Commission) has designated the subject property as a City Landmark.

BACKGROUND

BMC/LPO Section 3.24.190 allows the Council to review any action of the Commission in granting or denying Landmark, Structure of Merit or Historic District status. In order for Council to review the decision on its merits, Council must appeal the NOD. To do so, a Councilmember must move this Information Item to Action and then move to “certify” the decision. Such action must be taken within 15 days from the mailing of the NOD or by December 1, 2020. Such certification to Council shall stay all proceedings in the same manner as the filing of an appeal.

If the Council chooses to appeal the action of the Commission, then a public hearing will be set within 25 days pursuant to BMC/LPO Section 3.24.300. The Council must then rule on the designation within 30 days from the date that the public hearing is opened or the decision of the Commission is automatically deemed affirmed.

Unless the Council wishes to review the determination of the Commission and make its own decision, the attached NOD is deemed received and filed.

ENVIRONMENTAL SUSTAINABILITY

Landmark designation provides opportunities for the adaptive re-use and rehabilitation of historic resources within the City. The rehabilitation of these resources, rather than

their removal, achieves construction and demolition waste diversion, and promotes investment in existing urban centers.

POSSIBLE FUTURE ACTION

The Council may choose to certify or appeal the decision to grant designation status, setting the matter for public hearing at a future date.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

There are no known fiscal impacts associated with this designation action.

CONTACT PERSON

Fatema Crane, Landmarks Preservation Commission Secretary, Planning and Development, 510-981-7410

Attachments:

1: Notice of Decision – #LMIN2020-004



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

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

DATE OF BOARD DECISION: October 6, 2020

DATE NOTICE MAILED: November 16, 2020

APPEAL PERIOD EXPIRATION: December 1, 2020

EFFECTIVE DATE OF PERMIT (Barring Appeal or Certification): December 2, 2020¹

2136-54 San Pablo Avenue - The Borg Building

Landmark application (#LMSAP2020-0004) for consideration of City Landmark or Structure of Merit designation status for a single-story commercial building constructed in 1923 – APN 056-1977-011-01.

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

- City Landmark designation status, pursuant to Berkeley Municipal Code Section 3.24.110

APPLICANT: Fran Cappelletti/Berkeley Architectural Heritage Association, P. O. Box 1137, Berkeley, CA

ZONING DISTRICT: West Berkeley Commercial (C-W)

ENVIRONMENTAL REVIEW STATUS: Categorically exempt pursuant to Section 15061 of the CEQA Guidelines for Review for Exemption.

The application materials for this project are available online at:

<http://www.cityofberkeley.info/zoningapplications>

¹ Pursuant to BMC Section 3.24190, the City Council may “certify” any decision of the LPC for review, which has the same effect as an appeal. In most cases, the Council must certify the LPC decision during the 15-day appeal period. However, pursuant to BMC Section 1.04.070, if any portion of the appeal period falls within a Council recess, the deadline for Council certification is suspended until the first Council meeting after the recess, plus the number of days of the appeal period that occurred during the recess, minus one day. If there is no appeal or certification, the Use Permit becomes effective the day after the certification deadline has passed.

LANDMARKS PRESERVATION COMMISSION
NOTICE OF DECISION
City Landmark designation status - #LMIN2020-0004
2136-54 – The Borg Building
November 16, 2020
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FINDINGS, CONDITIONS AND APPROVED PLANS ARE ATTACHED TO THIS NOTICE

COMMISSION VOTE: 5-0-3-1

YES: ABRANCHES DA SILVA, ADAMS, ALLEN, ENCHILL, FINACOM

NO: None

ABSTAIN: JOHNSON, MONTGOMERY, SCHWARTZ

ABSENT: CRANDALL

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

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

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

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

OR

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

- a. Pursuant to BMC Section 3.24.300.A, an appeal may be taken to the City Council by the application of the owners of the property or their authorized agents, or by the application of at least fifty residents of the City aggrieved or affected by any determination of the commission made under the provisions of Chapter 3.24.
2. Submit the required fee (checks and money orders must be payable to 'City of Berkeley'):
 - a. The basic fee for persons other than the applicant is \$500. This fee may be reduced to \$100 if the appeal is signed by persons who lease or own at least 50 percent of the parcels or dwelling units within 300 feet of the project site, or at least 25 such persons (not including dependent children), whichever is less. Signatures collected per the filing requirement in BMC Section 3.24.300.A may be counted towards qualifying for the reduced fee, so long as the signers are qualified. The individual

LANDMARKS PRESERVATION COMMISSION
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filing the appeal must clearly denote which signatures are to be counted towards qualifying for the reduced fee.

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

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

NOTICE CONCERNING YOUR LEGAL RIGHTS:

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

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

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

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

PUBLIC COMMENT:

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

FURTHER INFORMATION:

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

ATTACHMENTS:

- 1. Findings and Conditions
- 2. Landmark application



ATTEST: _____
Fatema Crane, Secretary
Landmarks Preservation Commission

Cc: City Clerk
Fran Cappelletti/Berkeley Architectural Heritage Association, applicant
Cassandra Willis & Mary Blankstein, property owners
Justin Zucker/Reuben, Junius & Rose, LLP, property owners' representative

ATTACHMENT 1, PART 2

FINDINGS FOR DESIGNATION

OCTOBER 1, 2020

2136-2154 San Pablo Avenue – The Borg Building

Landmark application #LMIN2020-0004 for the consideration of City Landmark or Structure of Merit designation status for a single-story commercial building constructed in 1923 – APN 056-1977-011-01

PROJECT DESCRIPTION

City Landmark designation of the property at 2136-2154 San Pablo Avenue, The Borg Building

CEQA FINDINGS

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

LANDMARK PRESERVATION ORDINANCE FINDINGS

2. Pursuant to Berkeley Municipal Code (BMC) Section 3.24.110.A.1.b of the Landmarks Preservation Ordinance (LPO), the Landmarks Preservation Commission of the City of Berkeley (Commission) finds that the subject main building exhibits architectural merit as an example of the Classical Revival/Beaux-Arts architectural style during Berkeley's commercial development in the early decades of the 20th century. The extant building was constructed in 1923 and retains many of its character-defining features, including: horizontal massing; symmetrical façade; classical architectural forms and arrangements, such as pilasters featuring bases and Corinthian capitals, and a three-part decorative entablature spanning the length of the façade; ornamental building details, cast and crafted embellishments, and mosaic tile entryway floors, all reflective of classical design. The building is in fair condition and retains integrity of design, materials and workmanship.

FEATURES TO BE PRESERVED

This designation shall apply to the subject property and the following distinguishing feature of the main building shall be preserved, and missing features shall be restored to the extent possible:

1. Seven clerestory windows, six of them divided into 13 vertical rectangular panes surmounted by 13 square panes, and one divided into 7 vertical rectangular panes surmounted by 7 square panes.
2. Protruding and inset vertical and horizontal details on the front facade:
 - Nine square pilasters with Corinthian capitals and molded bases.
 - Architrave and frieze with shield motifs above the first and last pilasters and decorative festoons resembling garlands draped over rosettes above each interior pilaster.
 - Cornice element projecting across entire front of building.
3. Mosaic tile work in entryways, each with small white hexagonal tiles within a trapeze, or isosceles trapezoid-shaped, double green border containing square tiles in a Greek key pattern.
4. Storefronts 1 through 4 (2148-2154 San Pablo Avenue) should be preserved and remaining storefronts should be restored to the extent possible.

City of Berkeley Ordinance #4694 N.S.
LANDMARK APPLICATION

The Borg Building
2136-2154 San Pablo Avenue, Berkeley, CA 94702



1. Street Address: 2136 to 2154 San Pablo Avenue
County: Alameda
City: Berkeley
Zip Code: 94702
2. Assessor's Parcel Number: 56-1977-11-1
Historically (Lots 13-19, Block 101)
Tract: Allston Tract
Dimensions: 175 x 133 feet
Cross Streets: Addison Street, Allston Way
3. Is property on the State Historic Resource Inventory? No
Is property on the Berkeley Urban Conservation Survey? Yes
Neighborhood Conservation Survey, Form # 20133

4. Application for Landmark includes: Building
 - a. Building(s): Yes Garden: No Other Feature(s): No
 - b. Landscape or Open Space: No
 - c. Historic Site: No
 - d. District: No
 - e. Other: Entire Property
5. Historic Name: None
6. Date of Construction: 1923
Factual: Yes
Source: Building Permit Application Number 13361, January 27, 1923.
7. Architect: Schirmer Bugbee and Company (William E. Schirmer and Arthur S. Bugbee)
8. Builder: Christian Texdahl
9. Style: 1920s one-story Commercial with Classic Revival features
10. Original Owner: Lawrence Borg
Original Use: Commercial
11. Present Owners: Cassandra Willis, Mary Blankstein
Present Occupants: West Wind Kung-Fu Karate and Boxing, TD Garage.
12. Present Use: Commercial
Current Zoning: C-W, West Berkeley Commercial
13. Present Condition of Property:
Exterior: Fair to Good, Interior: Fair to Good, Grounds: Good
Has the property's exterior been altered? Yes

14. DESCRIPTION

This one story reinforced concrete commercial building centers the west side of San Pablo Avenue, between Allston Way and Addison Street. The building is a 1920s one-story Commercial building with Classic Revival features, more elaborate than many storefront buildings in Berkeley and unique in design.

Seven of eight original storefronts are present, with the eighth, modified in 1935, housing TD Garage, a Subaru automotive and repair shop. West Wind Kung-Fu Karate and Boxing occupies four of the storefronts and two storefronts were vacated by the Sink Factory in 2020.

No original photos are available, but color slides from 1965 and 1967 are available for comparison to 2020 photos.



1967 Photo of Borg Building, Humphrey Slide Collection, BAHA



2020 Photo of Borg Building, BAHA

With the exception of the 1967 Mustang billboard, the front façade is easily recognizable over fifty years later.

Facing the building, from left to right, south to north, the storefronts appear as follows:

- Storefronts 1 and 2 have recessed entryways with mosaic tile on the ground and display windows on each side of the doors.

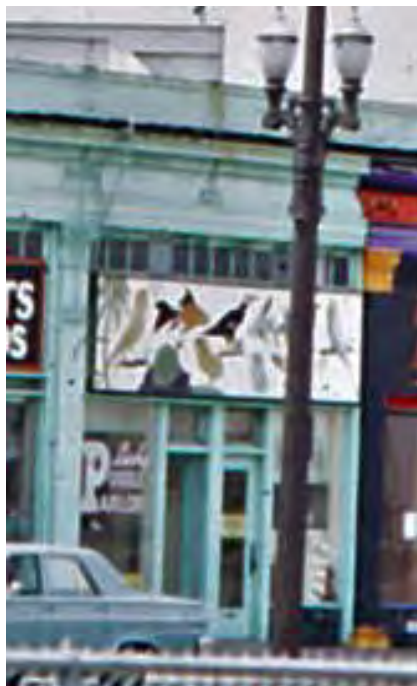


1967 view, Humphrey Slide Collection, BAHA



2020 view, Fran Cappelletti

- Storefront 3 is not recessed and has 2 doors with display windows on each side. The doors and windows are consistent in appearance from 1967 to 2020.



1967 view, Humphrey Slide Collection, BAHA



2020 view, Fran Cappelletti

- Storefront 4 has a recessed entryway with mosaic tile on the ground and display windows on each side of two doors.



1967 view, Humphrey Slide Collection, BAHA



2020 view, Fran Cappelletti

- Storefront 5 has a large garage door with vehicle access for an auto service and repair business. Windows above, present in 1967, are no longer present or are covered.
- Storefront 6 has a recessed entryway with mosaic tile on the ground and display windows on each side of two doors, each entering a different store.



1967 view, Humphrey Slide Collection, BAHA



2020 view, Fran Cappelletti

- Storefront 7 does not have a recessed entryway. There is a window set in a wood front. Mosaic tile is visible under the existing door, suggesting it was once recessed and a 1965 photo confirms this.
- Storefront 8 has a recessed entryway with mosaic tile on the ground and a wooden front covers display window space on each side of the single door. This is consistent with 1965 and 1967.



1965 view, Humphrey Slide Collection, BAHA



2020 view, Fran Cappelletti

Sets of symmetric clerestory windows, 13 vertical panes with tall and short panes for each of the eight storefronts are above the doorways for all but the auto service business. In that case, 7 of the 13 panes remain.



Window panes and storefronts 2 and 3, 2020, BAHA

Mosaic tile work is present in several doorways. Each has small white hexagonal tiles within a trapeze, or isosceles trapezoid-shaped, double green border containing square tiles in a Greek key pattern. This feature is found in a 1968 photo.



Entryway, Borg Building, 1968, Humphrey Collection, BAHA



Entryway detail, Borg Building, 2020, Fran Cappelletti



Entryway, Borg Building, 2020, Fran Cappelletti

The Borg Building has a symmetric façade. Nine pilasters appear as columns with Corinthian capitals and their traditional acanthus leaves. An entablature, consisting of architrave, frieze and cornice, tops the pilasters across the entire front. The architrave decorated with two horizontal bands. The frieze contains shield motifs above the first and last pilasters and decorative festoons resembling garlands draped over rosettes above each interior pilaster.



Pilaster, Garland and Shield on Borg Building, 2020, Fran Cappelletti

A cornice, projecting outward across the front, completes the classical theme. Such influences paid tribute to Ancient Rome, but perhaps other influences were at work, to be discussed later. Above the cornice is a simple, non-descript parapet surrounding the entire building.



Architrave and Parapet, Borg Building, 2020, Fran Cappelletti

The original building permit, number 13361, was submitted on January 27, 1923. The owner was L. Borg, architects are Schirmer and Bugbee and builder is C. Texdahl. Estimated cost was \$21,950.

Application for Building Permit.

CLASS A-B AND C BUILDING

Application is hereby made to the Department of Buildings and Inspections of the City of Berkeley for permission to build a One story 5 story room class C building.

on the W side of San Pablo Ave street 118 feet N of Alston way street.

Being Lot No. _____ Block _____ Tract _____

According to plans and specifications herewith submitted. All provisions of the Building Law will be complied with in the erection, of said building whether specified herein or not.

Estimated entire cost of building \$ 21,950 Extremes height of building 22 ft.

Size of Lot 179 by 133 feet. Size of proposed building 179 ft. by 65 ft.

Building to be occupied as Store by (No.) _____ families.

	WALLS			PIERS OR COLUMNS		JOISTS			GIRDERS													
	HEIGHT	MATERIAL	THICKNESS INCH PER FT.	MATERIAL	SIZE	MATERIAL	SIZE	LONGEST SPAN	MATERIAL	SIZE	LONGEST SPAN											
Footings	as per Plans Consult																					
Foundations																						
Basement																						
1st story	According to plans and specifications																					
2nd story																2"x8		7 ft		4"x6		7 ft
3rd story																2"x12		18				
4th story																						
5th story																						
6th story																						
7th story																						
8th story																						

Light shaft wall covering to be of _____

Roof covered with Asph & Shovel Pitch _____

Chimneys of none lined with _____ any patent flues? none

Gas grate flues to be patent chimney or brick? _____

Any dumb waiters or chutes? none Any elevator (freight or passenger) _____

Cove brackets will be sold.

Name of Owner of Ground L. Borg Res. Address _____

Name of Owner of Building same Res. Address _____

Name of Lessee of Building _____ Res. Address _____

Name of Architect or Designer Schirmer & Bugbee Address _____

Name of Builder C. Texdahl Bus Address 5375 Belgrave place

I hereby agree to save, indemnify and keep harmless the City of Berkeley against all liabilities, judgments, costs and expenses which may in any wise accrue against said City in consequence of the granting of this permit, or from the use or occupancy of any sidewalk, street or sub-sidewalk space by virtue thereof, and will in all things strictly comply with the conditions of this permit and Ordinances of the City of Berkeley.

1334-36-40-42-44-48-52-54 C. Texdahl
San Pablo Address _____
 Signature of Owner, Architect or Builder.

This Permit expires one year from date unless sooner revoked by the City Council.

Date JAN 27 1923 Permit No. 13361

Building Permit Application for the Borg Building, BAHA

A 1923 announcement in Building and Engineering News provided more details.

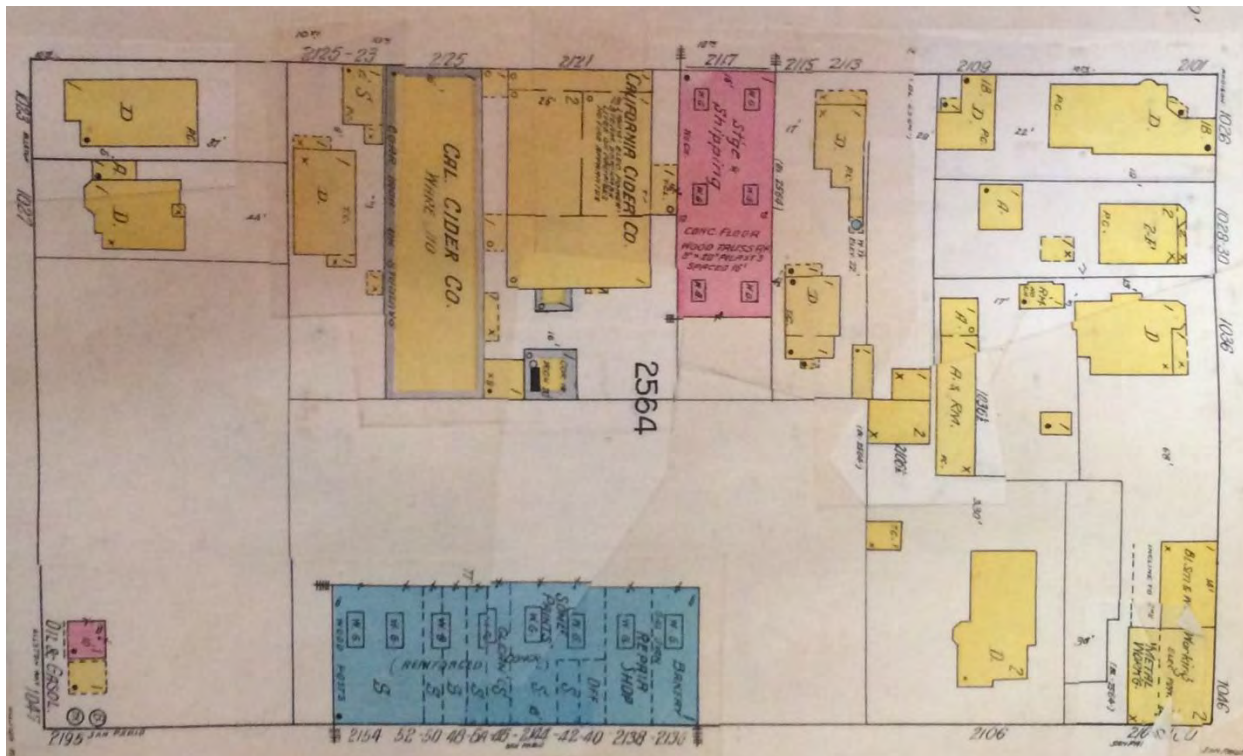
STORE BLDG.
(333) W SAN PABLO AVE 75 N Allston Way, Berkeley. All work for one-story reinforced concrete (8) store building.
Owner—Lawrence Borg, Berkeley.
Architect—Schirmer Bugbee & Co., Thayer Bldg., Oakland.
Contractor—C. Texdahl, 5375 Belgrave Place, Oakland.
Filed Jan. 24, '23. Dated Jan. 17, '23.

Form up to ceiling joists.....	\$4115.75
Poured and joists set.....	4115.75
Plastered	4115.75
Completed and accepted.....	4115.75
Usual 35 days.....	5487.50
TOTAL COST, \$21,950.00	

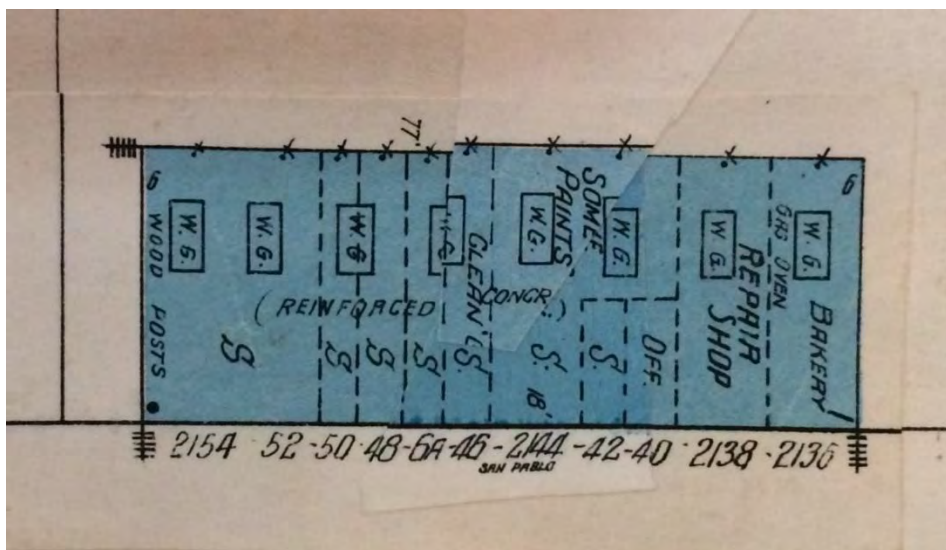
Bond, none. Limit, 100 days. Forfeit, none.- Plans and specifications filed.

Building and Engineering News, January 27, 1923, 29.

Sanborn maps provide more history of the building and its block.



1929 Sanborn map, 2100 blocks of San Pablo Avenue and 10th Street, Berkeley, CA



1929 Sanborn, 2136-2154 San Pablo Avenue, Berkeley, CA

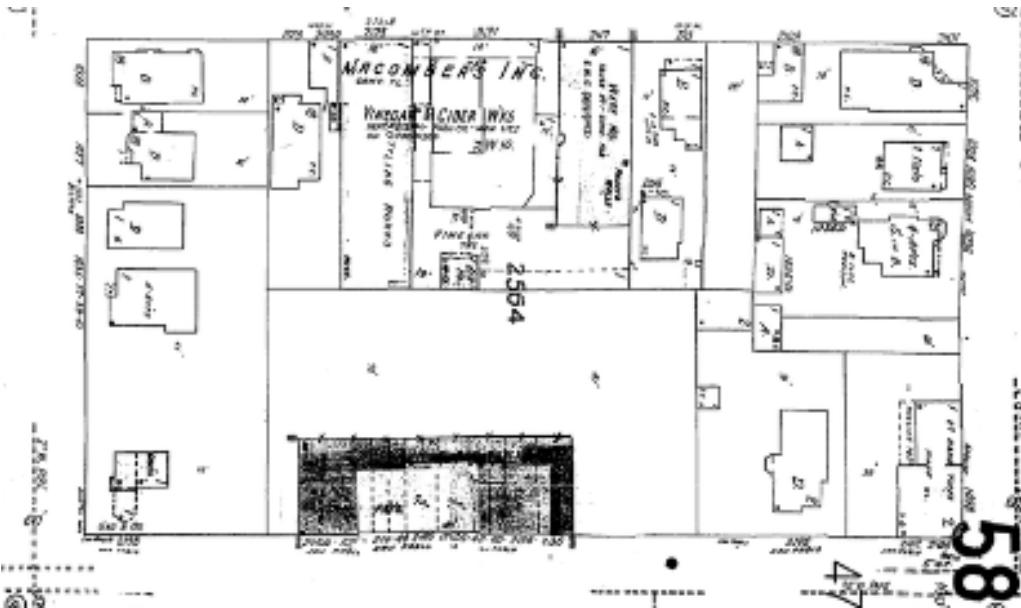
Uses included a bakery, office, repair shop and cleaners.

A 1947 aerial view shows the two blocks south of University Avenue.



Aerial photo of 2100 Block of San Pablo Avenue, Key System Transit Lines (Calif.), Clyde H. Sunderland Institute of Transportation Studies Library (Harmer E. Davis Transportation Library) at the University of California, Berkeley.

By 1950, little had changed on the block.



1950 Sanborn, 2100 blocks of San Pablo Avenue and 10th Street, Berkeley, CA

Today, the Cider Works site is George Florence Park and the corners on both sides of the Borg Building are slated for development with the demolition of a vacant U Haul location and the still-operating convenience store and family business, the St. Helena Wine Company.

Features to be Preserved

The significant features to be preserved are the following, as described below:

- Seven clerestory windows, six of them divided into 13 vertical rectangular panes surmounted by 13 square panes, and one divided into into 7 vertical rectangular panes surmounted by 7 square panes.
- Protruding and inset vertical and horizontal details on the front facade:
 - Nine square pilasters with Corinthian capitals and molded bases.
 - Architrave and frieze with shield motifs above the first and last pilasters and decorative festoons resembling garlands draped over rosettes above each interior pilaster.
 - Cornice element projecting across entire front of building.
- Mosaic tile work in entryways, each with small white hexagonal tiles within a trapeze, or isosceles trapezoid-shaped, double green border containing square tiles in a Greek key pattern.
- Storefronts 1 through 4 should be preserved and remaining storefronts should be restored to the extent possible.

15. History

The Ohlone Period

Before the arrival of Europeans, the Native Americans living in today's Berkeley and the East Bay were part of a larger group that lived for thousands of years from the San Francisco Bay to Monterey. The Spanish referred to them as Costanoan or 'Indians of the coast' and they were later termed Ohlone, the name accepted by most today. Made up of distinct groups, they had similar languages and cultures. Physical evidence of their presence in Berkeley remains in shellmounds and burial sites that range from the coast to the hills.

European arrival brought disease and displacement, with much of the population pulled into the local Missions by the early 1800s. Despite the many hardships and being labelled extinct, descendants remain throughout the San Francisco Bay Area, active in preserving their name, culture, and history.

Rancho San Antonio

According to M.W. Wood's *History of Alameda County, California*, the Rancho San Antonio, a nearly 45-thousand-acre Spanish land grant, was made to Luis María Peralta by Spanish governor Pablo Vicente de Sol on August 16, 1820. Peralta had served forty years in the Spanish military. The grant included present-day Albany, Berkeley, Oakland, and northern San Leandro. In 1842, he divided the land among his four sons. One of them, Domingo, would receive all of what is present-day Albany and Berkeley and a small portion of northern Oakland. He built an adobe house in 1841 at the present-day site of 1304 Albina and it is a California point of historic interest.

According to the Peralta Family History at <http://www.peraltahacienda.org>, annexation of California by the United States in 1848 and the Gold Rush of 1849 brought significant change. While the Peraltas and their fellow Californios were promised recognition and protection of their property rights, squatters on the land and theft of cattle became a problem as new settlers arrived from around the world. A further burden came with the 1851 U.S. Federal Land, which required the Californios to prove their land titles in court, requiring much time and expense.

In 1852-1853, Domingo started selling parcels of his land, mostly to pay off debts. The parcels were defined on a map surveyed by Julius Kellersberger, hired to survey the northern part of Rancho San Antonio. Surveyed in 1853, the map covers Albany, Berkeley, Emeryville, and part of Oakland. This view of the parcels shows the site of the building in the upper center of No. 62.



Map of the Ranchos of Vicente & Domingo Peralta. Containing 16970.68 Acres. Surveyed by Julius Kellersberger, 1853. Courtesy of Barry Lawrence Ruderman Antique Maps, Inc. <http://www.raremaps.com>

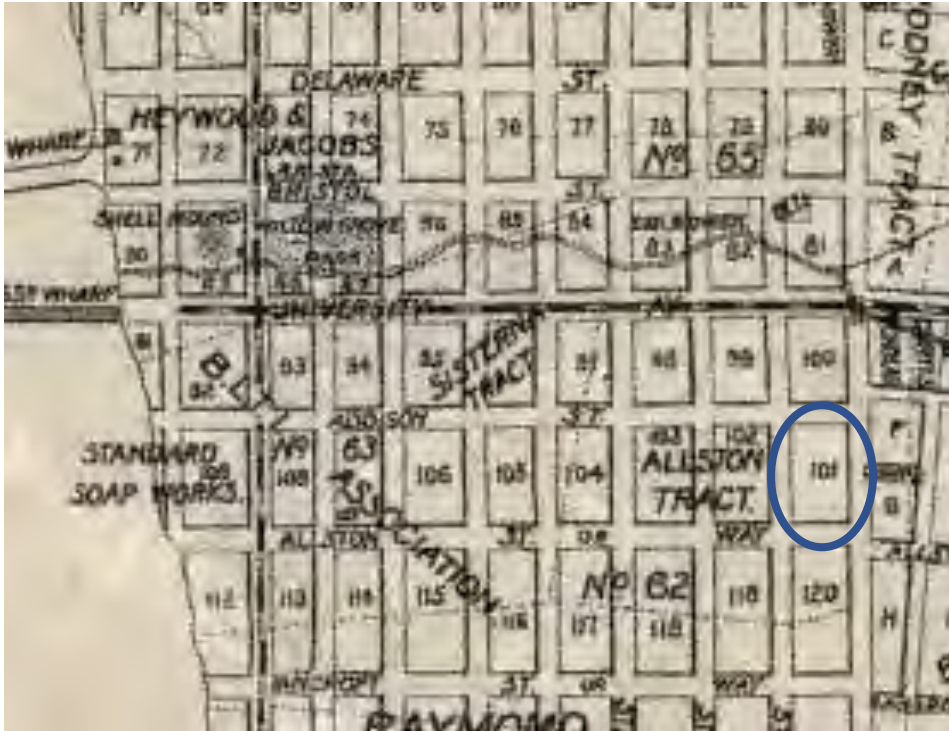
Ocean View

In 1850, early settlement included James Jacobs with his boat landing and Captain William Bowen's Inn. There soon followed Everding and Rammelsburg's Mill and Heywood's lumber yard. Residents moved in, primarily foreign-born immigrants and second-generation Americans. Growth was not dramatic until the 1873 establishment of the new campus of the University of California.

In 1874, the area was part of the Berkeley Land and Town Improvement Association. This was organized by neighborhood leaders to facilitate the further development of Ocean View, with wharf and ferry services and industrial growth. This development, along with the University, led to new factories and a ten-fold increase in population.

For a comprehensive history of Ocean View, see *Victorian Berkeley: The Community of Ocean View*, Karen Jorgensen-Esmaili and The Berkeley Historical Society, 1981.

With the joining of the two distinct communities as Berkeley in 1878, further growth followed, but the differences remained, and today's common label of West Berkeley was already established. By the 1890s, the Borg Building site was in the Allston Tract, Block 101.



Map of Oakland and vicinity, Showing Real Estate & Electric Railways, Dingee, William J., 1891.

In 1915, West Berkeley was filling in, but with room to grow.



Portion of Map of Berkeley, 1915

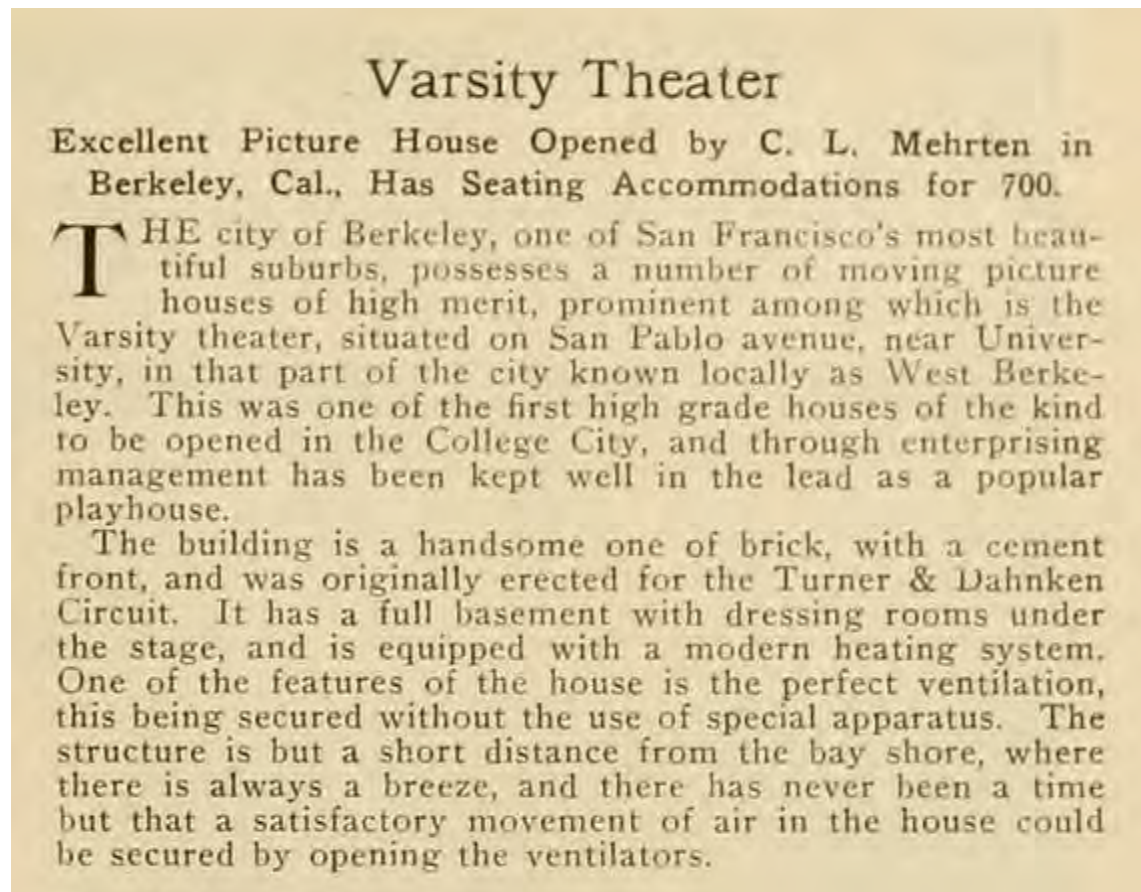
The Original Owner: Lawrence Borg

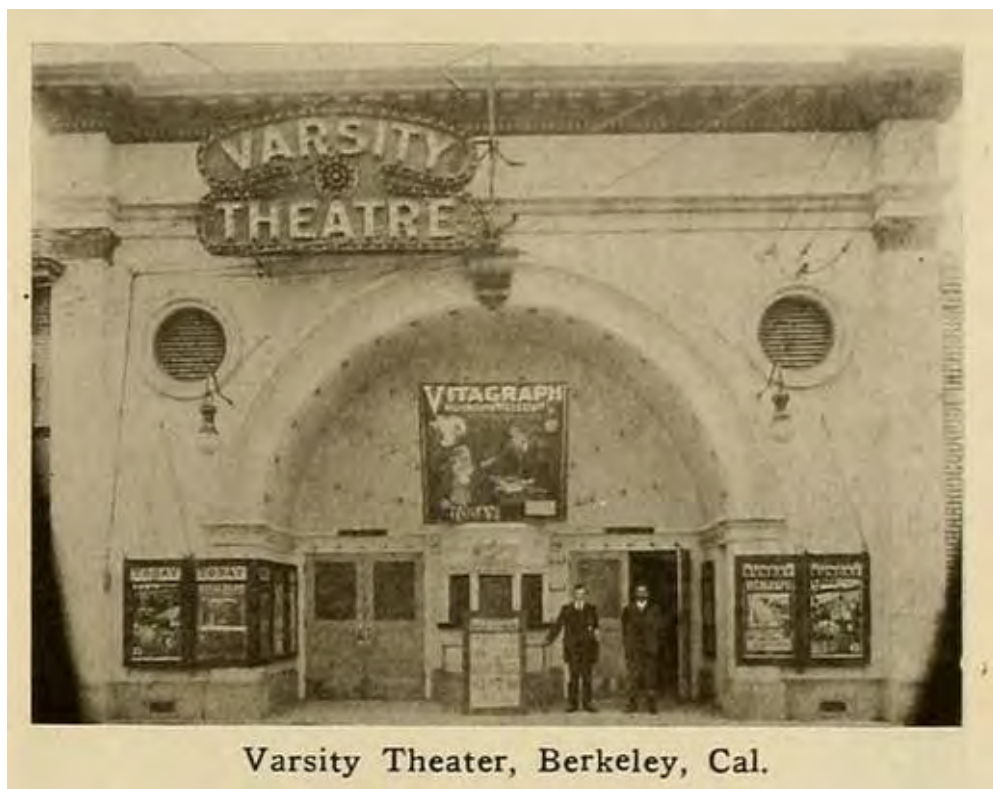
The story of Lawrence Borg is one of an immigrant arriving, working and achieving success. Born in Malta in 1890, he immigrated via Sydney, Australia, to San Francisco, California in 1916 at the age of 26. In his declaration of intention to become a U.S. citizen, he noted his occupation as a cabinet maker. Five years later he submitted his petition for naturalization, then living at 1039 Bancroft Way in Berkeley and employed in a Moving Picture House.

The U.S. Census indicates this career in moving picture showings, from listing as an exhibitor in 1920 to theatre owner by 1930. In the early 1920s, Lawrence Borg was manager of the Varsity Theatre at 2064 San Pablo Avenue. According to the publication Moving Picture World of November 6, 1920,

Lawrence Borg has taken over the Varsity Theatre at Berkeley, California, located at 2024 San Pablo street.

The Varsity has a long history in Berkeley. The Moving Picture World, an industry publication, reported on it in their September 5, 1914 issue:





Varsity Theater, Berkeley, Cal.

The Varsity theater is conducted by C. L. Mehrten, a pioneer in the moving picture business in California. That the programs are always appreciated may be judged from the fact that an addition is now being made to the rear of the building, which, when completed, will increase the seating capacity to over 700.

Fine projection and an excellent selection of pictures are two of the features that have made this house popular with amusement lovers. Mr. Mehrten is an expert operator and attends personally to this important work. The music is in charge of a splendid pianist and is one of the attractions of the place. The prices are 10 cents for adults and 5 cents for children, with occasionally a feature at 15 and 10 cents.

Mr. Mehrten enjoys the distinction of having been in the moving picture business in the State before there was a theater in either San Francisco or Los Angeles devoted exclusively to pictures. Conditions have rapidly changed during the past few years, but this exhibitor has kept pace with them and is one of the best informed men in the business. He has a wide acquaintance in the trade and his popularity is such that he has been called upon to fill the position of treasurer of the Motion Picture Exhibitors' League of California, in the work of which organization he takes a keen interest.

The Moving Picture World, September 5, 1914, 1385.

Borg was active in the West Berkeley Merchant's Association, promoting local growth in West Berkeley. Managing the theatre had its risks, as noted in a 1924 Berkeley Daily Gazette article noting that he was beaten by three youths and sent to the hospital after ejecting one from the business for creating a disturbance.

As of this writing, the building that housed the Varsity Theatre, now 2072 San Pablo Avenue, is vacant, but future development is expected. It was established in 1912 and has a storied history. Its listing in the California State Historic Resources Inventory codes the building as "Appears eligible for [listing in the] National Register of Historic Places as an individual property through survey evaluation."

Beyond managing the Varsity, Borg had designs on a theatre of his own making. That was a motivation for constructing the Borg Building, numbered 2136 to 2154 San Pablo Avenue, along with hosting other retail business.

Looking at the Varsity Theatre then and now, observe the Classical features of the two columns, likely an influence on Borg's new building.



Varsity Theatre, Early 20th Century, BAHA Block Files



Varsity Theatre, 1978, BAHA Block Files



Varsity Theatre, July 2020, Fran Cappelletti

Borg only owned his newly constructed building for a short time, selling it in late 1924 to the Walter Hardman Realty Company for \$41,500. As noted earlier, the cost of construction was approximately \$22,000. Borg abandoned plans for a theatre in part of the building, instead considered enlarging and upgrading the Varsity Theatre. An even bigger opportunity came when he invested with the Golden State Theatre Corporation in the new Rivoli Theatre two blocks north at 1931 San Pablo Avenue where he was manager and part owner.

The old Varsity Theatre in West Berkeley, for years conducted by Charles Mehrten, but more recently owned by Lawrence Borg, will shortly close its doors and will be replaced by the 1,500-seat Rivoli Theatre, nearing completion at a cost of about \$250,000. This house will be conducted by Lawrence Borg and the Golden State Theatre and Realty Corp. and will be managed by Mr. Borg personally. The location is at San Pablo and University avenues.

Closing Varsity and Opening Rivoli, The Moving Picture World, October 30, 1926, 555.

Today, the Rivoli is a 99 Cents Only store, but the original ceiling and walls are still visible above the non-descript main floor of this budget-friendly retail operation. It's life as a theatre was relatively brief as it was converted to a supermarket in the 1950s.

Beyond operating theatres, Borg invested in property throughout California. He eventually moved to the San Francisco Peninsula. He died in 1954, leaving his wife, Marjorie, and many relatives.



Consider that the Borg Building provided through its sale the start of an expansion in Borg's career as he later opened many theatres in Oakland, Richmond, San Jose, Salinas and Napa. From a small island nation in the Mediterranean to a modest house on Bancroft way in Berkeley, to San Francisco and retirement on the Peninsula, his life and career presents a true example of the "American Dream" that too often is a myth.

Lawrence and Marjorie Borg, Courtesy of Andrew DeBorgia

The Present Owners: The Pagonis Family

In 1943, the Borg Building was acquired by the Pagonis family. Headed by Miltiades, also known as Peter, and wife Katherine. Born in Greece, they moved to the United States near the turn of the 20th Century. Miltiades worked for the Southern Pacific, building and repairing train cars in the West Oakland shops. They lived on University Avenue for several years and later moved to a house in Oakland's Fruitvale District. They had three children, five grandchildren and at least eight great grandchildren.

BAHA records first show their daughter Mary listed in ownership records and she was directly involved with the San Pablo Avenue building until at least 2011 and family members still own the property at the present time.

The Architects

Schirmer and Bugbee were based in Oakland. The Borg Building is one of only a few Schirmer-Bugbee commercial buildings in Berkeley, but it was designed during a productive period for the partners, William E. Schirmer and A.S. Bugbee. Highly regarded for their residential and commercial work in the teens and twenties. Sweet's Ballroom is credited to them in the same year.

Oakland credits from 1920 to 1929 include the following buildings, courtesy of the Oakland Cultural Heritage Survey:

Schirmer-Bugbee Co

415 Euclid Ave	1920	Arthur Tucker and Edward & Pearl Nelson apt
432-50 Euclid Ave	1921	Dr. J.L. Hobbs, Neill apartments
3901-11 Piedmont Ave	1923-24	L. Jensen, apartments and stores
105-25 12 th Street	1923-24	Merguire-Ritchie Chevrolet showroom
1921-33 Broadway	1923-24	J.F. Hassler-J.J. Newberry Building
1437-45 Franklin St	1924	William Cranston-Mark Brownell Building
2343 Broadway	1924-25	Arthur Kiel auto showroom

William E. Schirmer

363-69 13 th St	1929	Central Building & Loan Association Building
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SWEET'S BALLROOM BEAUTIFUL AND BROWNLOW'S RESTAURANT



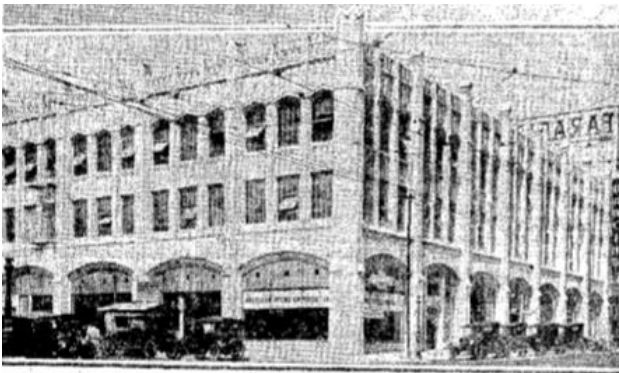
Upper Broadway Scores Again Another Splendid Addition To Oakland's New Shopping Center

BY W. E. SCHIRMER—THE ARCHITECT

Upper Broadway may well be proud of this splendid new edifice; Sweet's Ballroom Beautiful—an aesthetic monument to dancing. The following salient features are caught by even a cursory glimpse. The thick heavy rugs and draperies; the rich old tapestries, adorning the walls; the luxurious furnishings; the mirror-like floor; the indirect even lighting, flooding the rooms from above, with a businessy success effect; enriched by the deep subdued tones from the wall and center parchment shades; the long and spacious promenade and foyer; the cozy alcove—all typically French, of the Louis 14th period. The tea room and refreshery are a delightful retreat. Brownlow's restaurant downstairs, finished in Spanish effect, offers an unusual and refreshing contrast—all strictly fire-proof throughout. Sweet's Ball-Room Beautiful not unprovocably but claim to bring the Finest Ball-Room in the West.

SCHIRMER-BUGBEE CO. WERE THE ARCHITECTS

The Merguire-Ritchie building at 12th and Oak Streets, also known as the M.F. Smith Building, opened in 1924. It was a Chevrolet showroom and had the Paradise ballroom upstairs. It is now the Alameda County Law Library.



New Building and Ballroom, Oakland Tribune, June 8, 1924

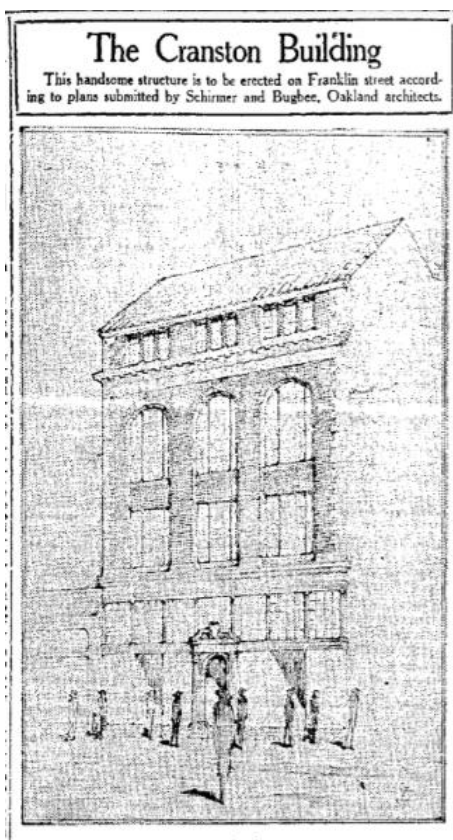


Fran Cappelletti, 2020

Two of the listed buildings are noted in the Downtown Oakland Historic District nomination document, the Cranston Building and the Central Building and Loan Building.

From 1924, 1437-45 Franklin Street is the Cranston Building. Described as a Beaux Arts derivative commercial building, this four-story store and office building of reinforced concrete construction with a somewhat Venetian façade is designed in a three-part vertical composition with a two-story shaft and a fourth-floor capital. The ground floor has two tall recessed storefront bays flanking a recessed upper floor entry. The three upper floors are clad in variegated red pressed brick with mottled terra cotta quoins and other trim. The shaft has three two-story semicircular arched bays with tripartite Chicago-type windows and diamond pattern brickwork on the spandrels. The top floor has three group of three arched windows separated by twisted engaged columns, and a dark red tile roof. Occupants of this speculative building included the Press Club and the Fifty-Fifty Club. A distinguished design of polychrome brick and terra cotta, the building harmonizes well with the arcaded Oakland Title Insurance Building next door.

At the present time, the first-floor façade has lost its original appearance due to remodeling, but the upper floors retain several original features.



Oakland Tribune, May 4, 1924



Fran Cappelletti, 2020

363-69 13th street, the Central Building and Loan Building, is a tall, narrow one-story steel-frame reinforced concrete Art Deco bank building. Designed by Schirmer in 1929, the façade is designed as a massive vault, penetrated by a tall deeply recessed entry with a semicircular compound arched top. Surface materials are cast concrete slabs with a polished black granite base. The stepped top has at its center a large square bas-relief panel depicting heroic male figures trading or doing business, and a vertically grooved frieze.

Central Building and Loan was an Alameda-based firm, founded in 1909. Its Oakland branch building, by an important Oakland architect of the Period Revival and Art Deco era, is an outstanding example of Deco design adapted to a financial institution. It is similar in size and vocabulary to the Income Securities Building a block away at 360-64 14th Street.



Fran Cappelletti, 2020

At the present time, the original Art Deco entry doors and tall multi-paned window in the arch have been replaced with an aluminum window and new entry doors. “Central Building and Loan Association” in incised Deco letters below the frieze has been plastered over.

Dave Weinstein devoted one of his many Signature Style articles in the San Francisco Chronicle to Schirmer on August 2, 2008. Titled Serious craftsmanship, it tells of Schirmer’s work and life. <https://www.sfgate.com/bayarea/article/Serious-craftsmanship-3201625.php#photo-2342216>

Schirmer designed several magnificent residences in Oakland and Piedmont. Berkeley has two fine examples, 118 Alvarado Road and 3005 Garber Road, that have been featured on past BAHA Spring House tours. Schirmer was later part of the design team for the Alameda County Courthouse.

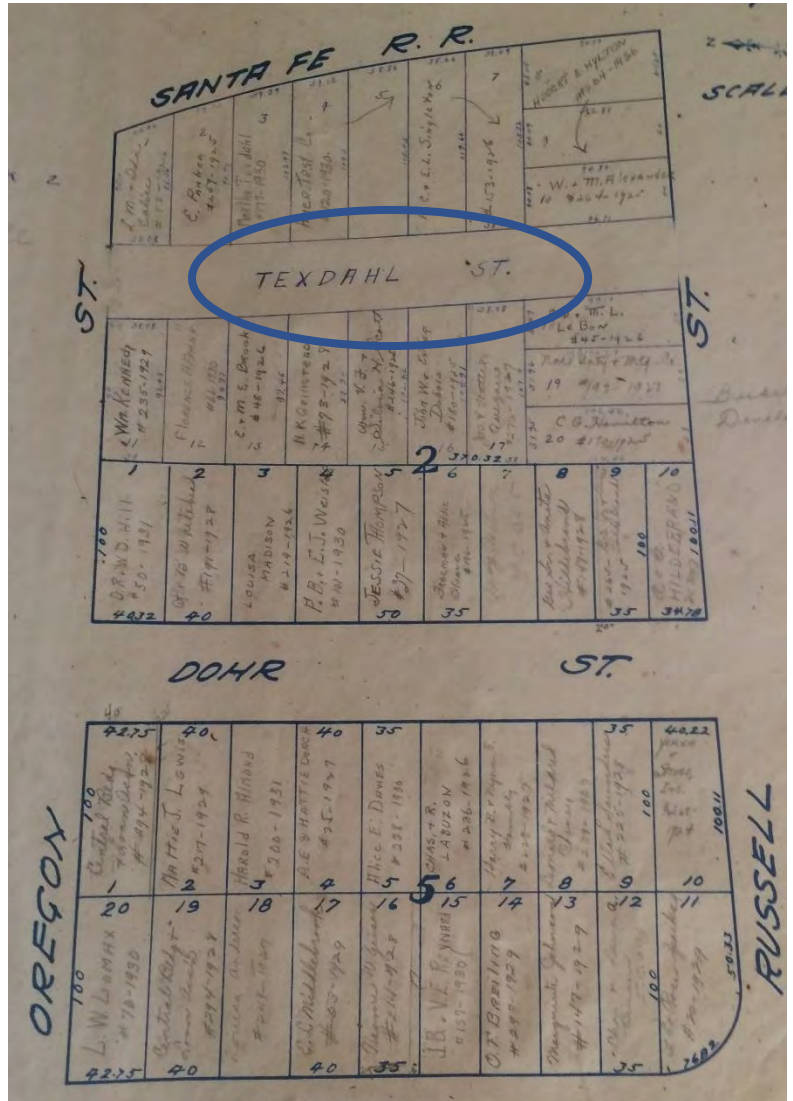
The Builder

Christian Texdahl was the builder. Born in Norway, he came to the United States. He married Martha and raised four children.

According to BAHA permit files, he built a number of houses in South Berkeley on Stanton Street, though the street was originally named Texdahl Street. Modest bungalows, they remain in place today.

Texdahl worked on larger commercial projects, too.

He built the Borg Building on San Pablo in 1923. When he died in 1924 at age 58, his son Clarence took over the business for a few years.



BAHA Block Books

The Many Tenants

After completion in 1923, businesses immediately moved in.

In 1924 Varsity Bakery was at 2136. It did make it into the Berkeley Daily Gazette in 1927 with a reported robbery in which \$8, eight pies, two cakes and a dozen doughnuts were taken. Frederick Grattan's Cleaners was at 2146.

In 1925, new businesses include the California Radio Service at 2142, Household Hardware at 2144, a branch store for the Mutual Creamery at 2152 and the Western Grocery Company, run by Frank and Joseph Ciraulo, was at 2154.

Berkeley Daily Gazette Ads, 1940s



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Mike's Hungarian Restaurant opened at 2138 in 1940, touted as West Berkeley's first Hungarian restaurant in the February 14, 1940 Berkeley Daily Gazette. Mike was Michael Hirt, a native of Vienna.

The Steppenwolf

Author Tom Dalzell noted in his Berkeley e-Plaque designation on San Pablo Avenue Folk Music Clubs, <https://berkeleyplaques.org/e-plaque/san-pablo-avenue-folk-music-clubs/> :

In 1958 Max Scherr purchased and operated a local hangout, the *Steppenwolf*, a club that dabbled in both folk music and theatre. Scherr later sold it to launch an underground newspaper, the *Berkeley Barb*.

A 1965 photo shows Casa Moreno and The Steppenwolf



Borg Building, 1965, Humphrey Slide Collection, BAHA

In 1967, Casa Moreno is gone, but The Steppenwolf is still open for business.



Borg Building, 1967, Humphrey Slide Collection, BAHA

As Nathan Spooner writes on the Berkeley E-plaque web site, <https://berkeleyplaques.org/e-plaque/steppenwolf-bar-and-music-club/> provides his first person recollection:

On the west side of San Pablo Ave., a few blocks south of University Ave., there is a one-story, nondescript building of storefronts, including the Sink Factory, now relocating a few blocks north. In the 1960s it was home of the Steppenwolf bar, a well-known night spot run by local activist [Max Scherr](#). Students, professors, chess players and whomever else wandered in were served on tables made from wood planks over barrels. Beer was \$1.25, lighting was dim, the air smoky and the classical music, loud. One night, I walked in to the emotional pleading of a Shostakovich violin concerto at full blast.

Painted on the north side of the exterior wall of the building were lines from Hermann Hesse's, *Der Steppenwolf*, referring to the sign over a door in the novel that protagonist, Henry Haller, sees during a walk in the old quarter of his town: "Magic Theatre – For Madmen Only – Price of Admission – Your Mind." The words aptly express the essence of this off-beat club which was a part of the energy of the time.

Max Scherr was best known for his *Berkeley Barb*, a counter-cultural New Left voice of everything from politics to sex to rock music that circulated both locally and nationally. [Bill Miller](#) proprietor of a Telegraph Avenue head shop, The General Store, and one-time Berkeley mayoral candidate, later managed the business.

When I worked at the Steppenwolf, Bill was the owner. [Mario Savio](#) worked there too. Mario and I had an undergraduate philosophy class together before he dropped out to become the eloquent spokesperson for the Free Speech Movement that was so much a part of the 60s paradigm shift in cultural awareness.

Over time the Steppenwolf morphed from a place to hear Shostakovich to a well-regarded popular West Coast venue for country, folk, rhythm and blues and rock—one of a number of such [clubs](#) along San Pablo Avenue. One night when I was working the door to collect a couple of dollars admission for the Loading Zone, a Berkeley rock-soul band, and jazz, whom I had unwittingly charged.

The doors of the Steppenwolf were closed by the time I left for Alaska in 1975. When I returned, I could still make out the faded letters of Hesse's works, but just barely.

At BAHA, a collection of color slides displays the 1967 interior of the Steppenwolf, further noting the atmosphere of the times.



Interior of The Steppenwolf, 1967, Humphrey Slide Collection, BAHA

The 'Room where it happened', History of the Magic Theatre, 1967

John Lion, a Graduate student at U.C. Berkeley working under the tutelage of Professor Jan Kott, directed Ionesco's *THE LESSON* at the Steppenwolf Bar.

The company named itself "Magic Theatre" from the scene in Herman Hesse's novel, *STEPPENWOLF*, where the central character Harry Haller is invited to attend an "Anarchist Evening at the Magic Theatre, For Madmen Only, Price of Admission Your Mind"

As the Finding Aid to the Magic Theatre records at the Bancroft Library notes:

The Magic Theatre was founded in 1967 in Berkeley, Calif., with a production of Eugene Ionesco's, *The Lesson*, by a group of University of California, Berkeley graduate students, headed by John Lion, who had an interest in the newly emerging, avant-garde European playwrights, including Ionesco, Genet, and Beckett. They had no intention of starting a theatre, but with the success of *The Lesson*, the company moved into the Steppenwolf Bar on San Pablo Avenue in Berkeley, and began producing plays as the Magic Theatre, a name adopted from Hesse's novel, *Steppenwolf*.

European playwrights dominated the Magic Theatre's early productions, but these were soon augmented by American authors emerging from the political, social, and artistic ferment of the 1960s, including Leroi Jones, Michael McClure, and Sam Shepard. The work of the Magic Theatre reflected the social upheaval of the time, with the intention of presenting different aspects of a chaotic world without becoming polarized to one point of view. Magic Theatre's goal was to concentrate its efforts on newly scripted works, with the purpose of developing new playwrights and giving an alternative, experimental forum to established writers. They drew not only from the theatrical community but from the talents of people in many areas of the arts -- painters, sculptors, film makers, poets, musicians, and dancers, and deliberately represented no particular political point of view except that of free expression.

Over the past twenty-five years, the Magic Theatre was housed in some ten locations, not including touring bookings. There were several stints each at Steppenwolf and Mandrake's Bars in Berkeley. They also performed at the University Art Museum, and in a theatre the staff built in an old building at the corner of University and Shattuck Avenues until 1972, when the company moved permanently to San Francisco. It was located briefly in the Firehouse Theatre (now the Lumier Cinema), the Museum of Erotic Art (now defunct), the Intersection Theatre, and the Rose and Thistle Pub on California and Polk Streets. In 1977, the Magic Theatre finally moved to a permanent home at Fort Mason, and eventually built two playhouses of its own.

From the very beginning, John Lion assumed the role of general and artistic director, and brought the theatre from a group of college students with no base and no funding to become the Bay Area's leading producer of new plays. In 1976, Lion recruited the British theatre critic and essayist, Martin Esslin, as dramaturg. His early books on Brecht, the theatre of the absurd, and avant-garde European plays had been the strongest guidelines to the originators of the Magic Theatre.



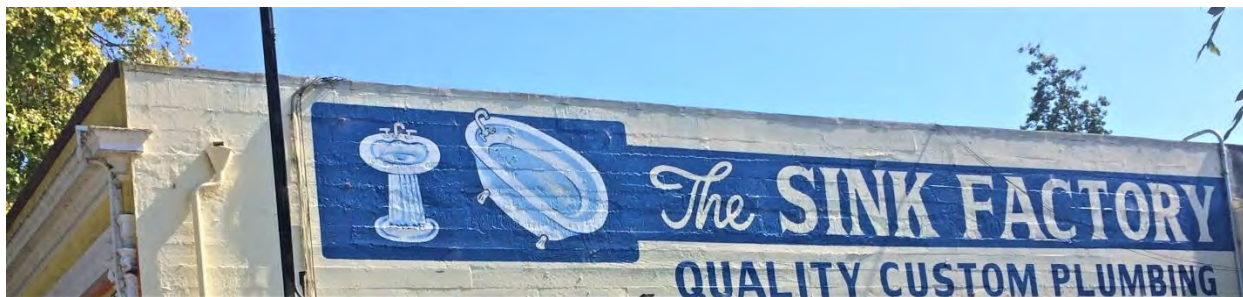
1968 Advertisement



Further changes would come in the 1950s and 1960s. The rest of the block in 1967 had the Lucky Dog Pet Shop, Zodiac, Cooper-Hawkins Refrigeration and a Barber Shop. While most would not stay, Lucky Dog would remain in place for decades, well into the 21st Century. The shop made the news in 2011 with an eviction dispute.

1957 Phone Directory Advertisement

Another venerable tenant was the Sink Factory. Founded in 1979, they were a fixture in the building for four decades.



North side of Borg Building, Fran Cappelletti, July 2020

Owner Ragnar Boreson started as an employee and became the owner in 1989. From a showroom with a range of antique and modern parts to a workshop for repair, restoration and fabrication of plumbing parts they have become a lasting part of Berkeley. A visit with Philip Maldewin at the old showroom provided a glimpse of the past with some art still on the walls. Despite the need to leave during a pandemic, they reopened 3 blocks north at 1826 San Pablo Avenue, continuing their long history in West Berkeley.

West Wind Schools, occupying several of the original storefronts, has been active in Bay Area martial arts education for over 48 years. Services include fitness, self-discipline, self-defense, whole health, boxing, weight loss, karate, balance for all ages. Their space is open and well-maintained, providing a shining example of the great potential for the building in use and appearance.

16. Significance

From Chapter 3.24 of the Landmarks Preservation Ordinance:

3.24.110 A. Landmarks and historic districts. General criteria which the commission shall use when considering structures, sites and areas for landmark or historic district designation are:

1. Architectural merit:
 - b. Properties that are prototypes of or outstanding examples of periods, styles, architectural movements or construction, or examples of the more notable works of the best surviving work in a region of an architect, designer or master builder; or
 - c. Architectural examples worth preserving for the exceptional values they add as part of the neighborhood fabric.
2. Cultural value: Structures, sites and areas associated with the movement or evolution of religious, cultural, governmental, social and economic developments of the City;
3. Educational value: Structures worth preserving for their usefulness as an educational force;
4. Historic value: Preservation and enhancement of structures, sites and areas that embody and express the history of Berkeley/Alameda County/California/United States.
5. Any property which is listed on the National Register described in Section 470A of Title 16 of the United States Code.

Under both **3.24.110 A.1.b.**, and **3.24.110 A.1.c.**, the Borg Building qualifies as a significant and meaningful example of a one-story Commercial building with Classic Revival features, designed by William Schirmer and Arthur Bugbee in their early period of work. In addition to their successful and lasting collaborations, Schirmer became famous for his residential work in Oakland, Piedmont, and Berkeley. The Borg Building exhibits several classical elements found in other Berkeley business districts and is one of a few intact examples left on an ever-changing San Pablo Avenue. While examples of their commercial work survive in Oakland, important features of two of their notable buildings in that city have been lost.

In addition to this application, the Historical Resources Inventory Form (DPR Form 523) prepared by Mark Hulbert in 2019 indicated significance under California Register criterion 3 for architecture embodying distinctive characteristics of its type and period.

While the author determined no other significance for the building, contrary to our findings of significance, we do agree with this finding.

Under **3.24.110 A.2**, the Borg Building qualifies for its cultural value and under **3.24.110 A.4** for its historic value. Culturally and historically, hosted several businesses serving local residents, the counterculture of the sixties and seventies. Built by Christian Texdahl, it was a relatively late project for a prolific Berkeley contractor. In contrast, building owner Lawrence Borg, was a young owner and manager of the well-established Varsity Theatre one block north with dreams of locating a new theatre in the structure. However, the building instead served as a wise investment, fetching nearly double the cost of the building within two years and leading to further development of West Berkeley with the Rivoli Theatre, which he owned in partnership with the Golden State chain. Many businesses came and went, including pets, paint, baked goods, and Hungarian food. From a post Free Speech Movement Mario Savio tending bar to the origination of the Magic Theatre, the Steppenwolf was one of several venues popular along the Avenue in the 1960s and 1970s for music and drama. Most recently the same space was the long-time home of the Sink Factory, relocated a few blocks north. West Wind Kung-Fu Karate and Boxing presently occupies a large portion of the building and TD Garage is still operating an essential business in a time of pandemic.

While the building has seen updates over time, the overall appearance has changed little and the building continues to provide valuable service to residents of Berkeley and the East Bay.

Period of Significance: 1923 – Present, location of several significant tenants in succession.

17. Is the property endangered? Yes

18. Photographs:

Dates: 1965, 1967, 1968, 2020

Repository: Berkeley Architectural Heritage Association (BAHA)

Photographer: Various (BAHA, Fran Cappelletti)

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Acknowledgements

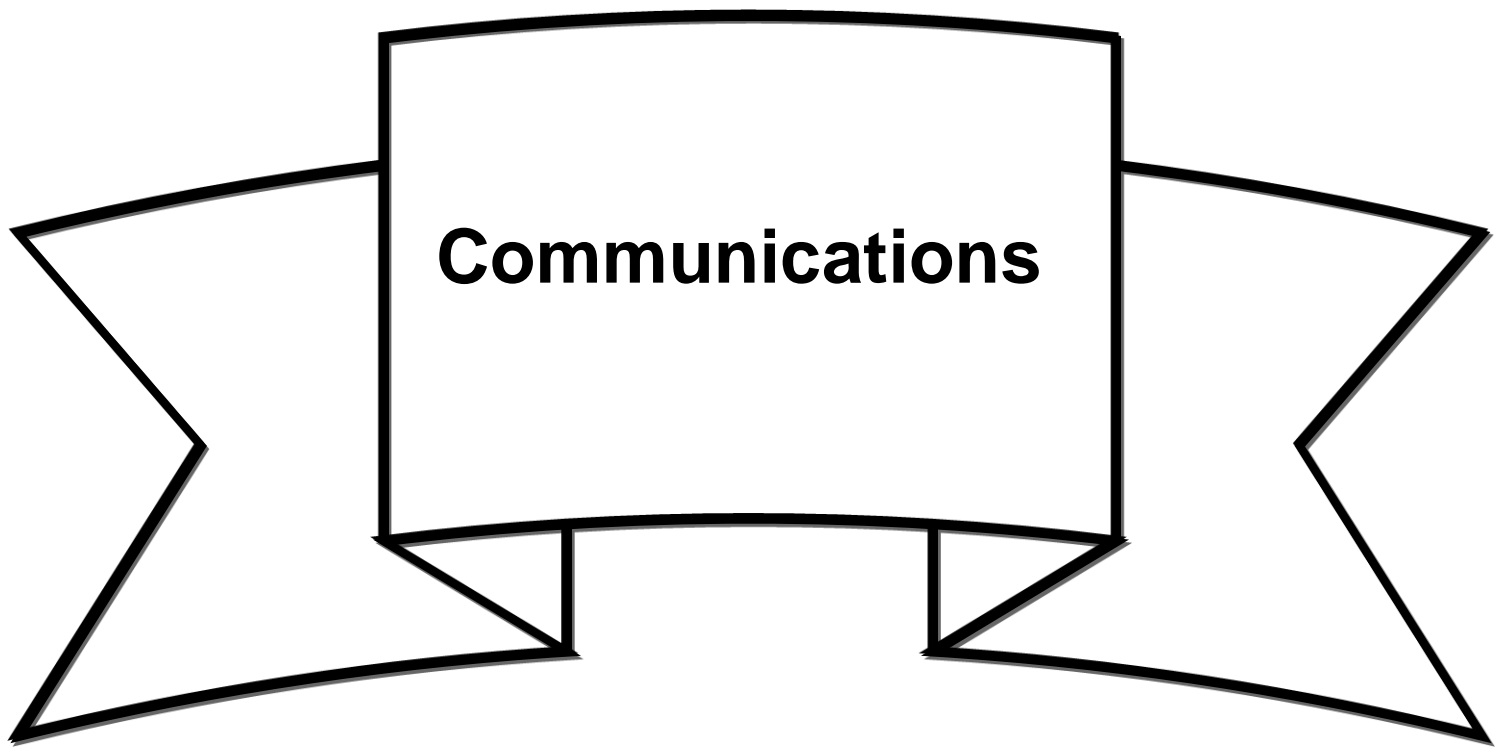
Daniella Thompson and Anthony Bruce, editorial and technical assistance

Andrew DeBorgia, photos and historical information on Lawrence Borg

The Sink Factory, historical information and inspiration

20. Recorder: Fran Cappelletti Date: August 13, 2020

Organization: Berkeley Architectural Heritage Association (BAHA)



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