



**BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE
SPECIAL MEETING**

MONDAY, APRIL 10, 2023

2:30 P.M.

2180 Milvia Street, 6th Floor, Berkeley, CA 94704 – Redwood Room

1404 Le Roy Ave, Berkeley, CA 94708 – Teleconference Location

Committee Members:

Mayor Jesse Arreguin, Councilmembers Sophie Hahn and Susan Wengraf

Alternate: Councilmember Ben Bartlett

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

Remote participation by the public is available through Zoom. To access the meeting remotely using the internet: Join from a PC, Mac, iPad, iPhone, or Android device: Use URL - <https://cityofberkeley-info.zoomgov.com/j/1615250967>. 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 on the screen. To join by phone: Dial **1-669-254-5252 or 1-833-568-8864 (Toll Free)** and Enter Meeting ID: **161 525 0967**. 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 a written communication for the Committee's consideration and inclusion in the public record, email policycommittee@cityofberkeley.info.

Written communications submitted by mail or e-mail to the Agenda & Rules Committee by 5:00 p.m. the Friday before the Committee meeting will be distributed to the members of the Committee in advance of the meeting and retained as part of the official record.

AGENDA

Roll Call

Public Comment

Review of Agendas

- 1. Approval of Minutes: March 29, 2023**
- 2. Review and Approve Draft Agenda:**
 - a. 4/25/23 – 6:00 p.m. Regular City Council Meeting
- 3. Selection of Item for the Berkeley Considers Online Engagement Portal**
- 4. Adjournments In Memory**

Scheduling

- 5. Council Worksessions Schedule**
- 6. Council Referrals to Agenda Committee for Scheduling**
- 7. Land Use Calendar**

Referred Items for Review

- 8a. Discussion Regarding Impact of COVID-19 (novel coronavirus) on Meetings of Legislative Bodies**
- 8b. Analysis of Return to In-Person Meetings of City Legislative Bodies**

Unscheduled Items

- 9. Discussion of Potential Changes and Enhancements to the City Council Legislative Process including the concepts referred by Council at the March 14, 2023 meeting**
- 10. Modifications or Improvements to City Council Meeting Procedures (referred by Council at the March 14, 2023 meeting)**
- 11. Strengthening and Supporting City Commissions: Guidance on the Development of Legislative Proposals**
- 12. Discussion Regarding Design and Strengthening of Policy Committee Process and Structure (Including Budget Referrals)**

Items for Future Agendas

- Requests by Committee Members to add items to future agendas

Adjournment – Next Meeting Monday, April 24, 2023

Additional items may be added to the draft agenda per Council Rules of Procedure.

Rules of Procedure as adopted by Council resolution, Article III, C3c - Agenda - Submission of Time Critical Items

Time Critical Items. A Time Critical item is defined as a matter that is considered urgent by the sponsor and that has a deadline for action that is prior to the next meeting of the Council and for which a report prepared by the City Manager, Auditor, Mayor or council member is received by the City Clerk after established deadlines and is not included on the Agenda Committee's published agenda.

If the Agenda Committee finds the matter to meet the definition of Time Critical, the Agenda Committee may place the matter on the Agenda on either the Consent or Action Calendar.

The City Clerk shall not accept any item past the adjournment of the Agenda Committee meeting for which the agenda that the item is requested to appear on has been approved.

Written communications addressed to the Agenda Committee and submitted to the City Clerk Department by 5:00 p.m. the Friday before the Committee meeting, will be distributed to the Committee prior to the meeting.

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

COMMUNICATION ACCESS INFORMATION:



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

I hereby certify that the agenda for this special meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on Thursday, April 6, 2023.

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

Mark Numainville, City Clerk

Communications

Communications submitted to City Council Policy Committees are on file in the City Clerk Department at 2180 Milvia Street, 1st Floor, Berkeley, CA, and are available upon request by contacting the City Clerk Department at (510) 981-6908 or policycommittee@cityofberkeley.info.

BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE SPECIAL MEETING MINUTES

WEDNESDAY, MARCH 29, 2023

2:00 P.M.

2180 Milvia Street, 6th Floor, Berkeley, CA 94704 – Redwood Room

1404 Le Roy Ave, Berkeley, CA 94708 – Teleconference Location

2140 Shattuck Avenue, 6th Floor, Berkeley, CA 94704 – Teleconference Location

806 15th Street NW, 20005 Washington, DC – Teleconference Location

Committee Members:

Mayor Jesse Arreguin, Councilmembers Sophie Hahn and Susan Wengraf

Alternate: Councilmember Ben Bartlett

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Remote participation by the public is available through Zoom. To access the meeting remotely using the internet: Join from a PC, Mac, iPad, iPhone, or Android device: Use URL - <https://cityofberkeley-info.zoomgov.com/j/1617314166>. 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 on the screen. To join by phone: Dial **1-669-254-5252 or 1-833-568-8864 (Toll Free)** and Enter Meeting ID: **161 731 4166**. 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 a written communication for the Committee's consideration and inclusion in the public record, email policycommittee@cityofberkeley.info.

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Roll Call: 2:01 p.m. Present: Bartlett (for Hahn), Wengraf, Arreguin

Public Comment – 2 speakers

Review of Agendas

1. Approval of Minutes: March 6, 2023

Action: M/S/C (Arreguin/Wengraf) to approve the minutes of 3/6/23.

Vote: All Ayes.

2. Review and Approve Draft Agenda:

a. 4/11/23 – 6:00 p.m. Regular City Council Meeting

Action: M/S/C (Arreguin/Wengraf) to approve the agenda of 4/11/23 with the changes noted below.

- *Item 16 Support AB 40 (Arreguin) – Councilmember Bartlett added as a co-sponsor*
- *Item 17 Support AB 1001 (Arreguin) – Councilmember Bartlett added as a co-sponsor*
- *Item 18 Support AB 1690 (Taplin) – Mayor Arreguin and Councilmembers Bartlett and Harrison added as co-sponsors*
- *Item 19 Support AB 362 (Taplin) – Councilmembers Bartlett and Harrison added as co-sponsors*
- *Item 20 Berkeley Community Media (Harrison) – Councilmember Bartlett added as a co-sponsor*
- *Item 22 Social Workers (Harrison) – revised item submitted*
- *Item 25 Mural Project (Harrison) – Councilmember Bartlett added as a co-sponsor*
- *Item 29 Housing Element Budget Referral (Hahn) – Referred to the Land Use Housing and Economic Development Committee*
- *Item 32 Pedestrian Paths (Wengraf) – Councilmember Taplin added as a co-sponsor*
- *Item 35 Labor Peace (Harrison) – Late revision submitted*
- *Item 37 Proposition 218 (City Manager) – rescheduled to April 25*
- *Item 40 a\b Sugar-Sweetened Beverages (Commission & City Manager) – Moved to Consent Calendar*
- *Item 41 Memorial Bench (Arreguin) – Moved to Consent Calendar*
- *Care First, Jails Last Commission Item extended for 60 days to June 27*

Order of Action Items

Item 35 Labor Peace

Item 36 Unfunded Liability

Item 38 a\b RV Lots

Item 39 Health Educators

Vote: All Ayes.

3. Selection of Item for the Berkeley Considers Online Engagement Portal

- None Selected

4. Adjournments In Memory – None

Scheduling

5. Council Worksessions Schedule

- Add Climate Update and Economic Dashboards to May 16 Worksession

6. Council Referrals to Agenda Committee for Scheduling

Action: M/S/C (Arreguin/Wengraf) to schedule the Climate update and Economic Dashboards presentations for May 16, 2023.

Vote: All Ayes.

7. Land Use Calendar – received and filed

Referred Items for Review

- None

Unscheduled Items

8a. Discussion Regarding Impact of COVID-19 (novel coronavirus) on Meetings of Legislative Bodies

8b. Analysis of Return to In-Person Meetings of City Legislative Bodies

Action: 2 speakers. Discussion held.

9. Discussion of Potential Changes and Enhancements to the City Council Legislative Process including the concepts referred by Council at the March 14, 2023 meeting

10. Modifications or Improvements to City Council Meeting Procedures (referred by Council at the March 14, 2023 meeting)

11. Strengthening and Supporting City Commissions: Guidance on the Development of Legislative Proposals

12. Discussion Regarding Design and Strengthening of Policy Committee Process and Structure (Including Budget Referrals)

Items for Future Agendas

- None

Adjournment

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

Vote: All Ayes.

Adjourned at 2:53 p.m.

I hereby certify that the foregoing is a true and correct record of the Agenda & Rules Committee meeting held on March 29, 2023.

Mark Numainville, City Clerk

Communications

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DRAFT AGENDA
BERKELEY CITY COUNCIL MEETING
Tuesday, April 25, 2023
6:00 PM

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702
 TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY 94708

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

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

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

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

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

Preliminary Matters

Roll Call:

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

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

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

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

Consent Calendar

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

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

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

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

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

Consent Calendar

1. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on April 25, 2023

From: City Manager

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

Financial Implications: See report

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

2. Grant Application: Funding from the Federal Emergency Management Agency (FEMA) to Hire Additional Firefighters

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to apply for and accept a grant, and any amendments, from FEMA for up to \$5,093,748 with no matching City funds to hire six additional firefighters to help the City meet the National Fire Protection Association (NFPA) 1710 Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments and to partially accomplish one of the recommendations from the City Gate, LLC Standards of Coverage and Community Risk Assessment.

Financial Implications: See report

Contact: David Sprague, Fire, (510) 981-3473

3. Extension of the Alameda County Abandoned Vehicle Abatement Program

From: City Manager

Recommendation: Adopt a Resolution approving the extension of the Alameda County Abandoned Vehicle Abatement Program through May 31, 2033, and directing the City Manager to take any actions necessary, including executing any resultant agreements, to extend this program and secure related funding.

Financial Implications: See report

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

Consent Calendar

- 4. Revenue Contract: Alameda County for Vector Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Alameda County for the Vector Program in the Environmental Health Division of the Health, Housing, and Community Services Department; to accept the grant funds; execute any resultant revenue agreements and amendments in line with the grant award, which may be larger or smaller than the projected award of \$1,050,000 for FY2022 through FY2024 to be deposited in Fund 325 (Vector Control); and implement the projects and appropriation of funding for related expenses, subject to securing the grant.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 5. Contracts: Freitas Landscaping and Pacific Site Management for On-Call Vegetation Management Services**
From: City Manager
Recommendation: Adopt two Resolutions authorizing the City Manager or her designee to execute the following contracts and any amendments for on-call landscape vegetation management and removal in City-owned parks, pathways, and landscaped areas over a period of three years, with an option to extend the contract for two additional one-year terms, for a total amount not to exceed \$1,200,000: 1. Freitas Landscaping and Maintenance, for an amount not to exceed \$600,000; and 2. Pacific Site Management, for an amount not to exceed \$600,000.
Financial Implications: Various Funds - \$1,200,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 6. Contracts: Redwood Engineering and OBS Engineering for As-Needed Irrigation Services**
From: City Manager
Recommendation: Adopt two Resolutions authorizing the City Manager to execute contracts and any amendments with the following firms for irrigation repair and improvement services as-needed, for contract periods of May 15, 2023 to May 15, 2026: 1. Redwood Engineering Construction, for an amount not to exceed \$100,000; and 2. OBS Engineering Incorporated, for an amount not to exceed \$100,000.
Financial Implications: Various Funds - \$200,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 7. Contract No. 32200178 Amendment: Mountain Valley Environmental Services for Chief Water Plant Operator Services for Berkeley Tuolumne Camp**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32200178 with Mountain Valley Environmental Services for Chief Water Plant Operator Services for Berkeley Tuolumne Camp, increasing the amount by \$120,000 for a total not-to-exceed contract amount of \$169,900.
Financial Implications: Camps Fund - \$120,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Consent Calendar

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

Consent Calendar

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

Consent Calendar

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

Council Consent Items

16. **Resolution to Support AB 441**
From: Mayor Arreguin (Author)
Recommendation: Adopt a Resolution in support of Assembly Bill 441, introduced by Assembly Member Matt Haney, and send a copy of the Resolution to Governor Gavin Newsom, State Senator Nancy Skinner, and Assembly Members Matt Haney and Buffy Wicks.
Financial Implications: Staff time
Contact: Jesse Arreguin, Mayor, (510) 981-7100
17. **Budget Referral: Berkeley Marina J&K Parking Lot**
From: Councilmember Taplin (Author)
Recommendation: Refer to the Fiscal Year 2024 budget process \$1.5 million for design and implementation of the Marina's J&K Parking Lot reconstruction.
Financial Implications: General Fund - \$1,500,000
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
18. **Budget Referral: Berkeley Waterfront Bike Park**
From: Councilmember Taplin (Author)
Recommendation: Refer to the Fiscal Year 2024 budget process \$800,000 to design and implement the construction of a Berkeley Waterfront Bike Park
Financial Implications: General Fund - \$800,000
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
19. **Budget Referral: Dreamland for Kids Playground Design**
From: Councilmember Taplin (Author)
Recommendation: Refer to the Fiscal Year 2024 budget process \$300,000 for the conceptual design of the reconstruction of the Dreamland for Kids Playground at Aquatic Park.
Financial Implications: General Fund - \$300,000
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

Council Consent Items

- 20. Budget Referral: Shorebird Park Playground Design**
From: Councilmember Taplin (Author)
Recommendation: Refer to the Fiscal Year 2024 budget process \$200,000 for the conceptual design of the reconstruction of the Shorebird Park Playground.
Financial Implications: General Fund - \$200,000
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 21. Celebración Cultural Sylvia Mendez (Spring Cultural Celebration) by the Sylvia Mendez School PTA: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Councilmember Bartlett (Author)
Recommendation: Approve the expenditure of funds, including \$1,000 from the discretionary council office budget of Vice Mayor Ben Bartlett, to the Sylvia Mendez Elementary School PTA to host a Spring Cultural Celebration event on April 30, 2023, in the courtyard on campus. The funds will be relinquished to the City's General Fund from the discretionary council office budget of Vice Mayor Ben Bartlett and the discretionary council office budgets of any other City Councilmembers who would like to contribute.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
- 22. Referring \$372,000 to the June 2023 Budget Process for Staffing Costs Associated with Administering the Empty Homes Tax**
From: Councilmember Harrison (Author)
Recommendation: Refer \$372,000 to the June 2023 Budget Process for annual City staffing costs to administer the Empty Homes Tax: Accounting Office Specialist III (Finance) 0.25 FTE - \$38,750; Associate Planner (Rent Stabilization Board) 1 FTE - \$185,670; Office Specialist II (Rent Stabilization Board); 1 FTE - \$115,000 Mailing Costs for Outreach and Noticing (Rent Stabilization Board) \$10,000; 7.4% Overhead Costs for Counselors, General Counsel, and Office of Executive Director (Rent Stabilization Board) \$22,250.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
- 23. Letter in Support of AB 73 (Idaho Stop)**
From: Councilmember Robinson (Author), Mayor Arreguin (Co-Sponsor)
Recommendation: Send a letter to Assemblymember Tasha Boerner Horvath (cc: Governor Gavin Newsom, Senator Nancy Skinner, Assemblymember Buffy Wicks) in support of AB 73, which would allow bicyclists 18 years of age and older to treat all-way stop signs as yield signs.
Financial Implications: See report
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

Action Calendar

The public may comment on each item listed on the agenda for action. 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 during one of the Action Calendar public comment periods on the item. Public comment will occur for each Action item (excluding public hearings, appeals, and/or quasi-judicial matters) in one of two comment periods, either 1) before the Action Calendar is discussed; or 2) when the item is taken up by the Council.

A member of the public may only speak at one of the two public comment periods for any single Action item.

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

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

Action Calendar – Scheduled Public Comment Period

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

Action Calendar – New Business

24. **Proposition 218 Procedures and Five Year Zero Waste Rate Schedule** **From: City Manager**

Recommendation: Adopt a Resolution approving initiation of the Proposition 218 procedures for the proposed Zero Waste Fund Five Year Rate Schedule and adding Zero Waste customers to the City's Very Low Income Refund program.

Financial Implications: See report

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

Action Calendar – New Business

25. **Referral Response: Responsible Psychedelic Drug Policy Reform in Berkeley**
From: Community Health Commission
Recommendation: Adopt a Resolution that refers to the City Manager a program to: a) work with external organizations providing psychedelic harm reduction, education, and support resources to the Berkeley Community, b) work with City Departments and external organizations to create, and return to the City Council with a policy for collecting public health data on psychedelic drug use in the City, and c) deprioritizes the enforcement of laws that impose criminal penalties for the possession of psychedelic drugs for personal use (with the exception of Peyote), and laws that impose criminal penalties for the cultivation, processing, and preparation of psychedelic-containing plants and fungi for personal use (with the exception of Peyote).
Financial Implications: See report
Contact: Roberto Terrones, Commission Secretary, (510) 981-5400

Action Calendar – Policy Committee Track Items

26. **Project Manager/Coordinator for potential Alta Bates Hospital Closure**
From: Mayor Arreguin (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Direct the City Manager to enter into a contract with CONCUR in an amount of \$35,000 to support a Project Manager/Coordinator for the purpose of creating a strategic plan to engage Sutter Health, healthcare expertise and regional communities to alleviate the health impacts as identified in the Health Impact Analysis (HIA), completed by the Institute of Urban and Regional Development, University of California Berkeley in December 2018, by the proposed closure of Alta Bates Hospital. The contract term will be for four (4) months and will be funded from the Mayor's Office Personnel Budget.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, (510) 981-7100

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.*

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

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Tel: 510-981-6900, TDD: 510-981-6903, Fax: 510-981-6901
Email: clerk@cityofberkeley.info

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

COMMUNICATION ACCESS INFORMATION:

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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.

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

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Office of the Mayor

CONSENT CALENDAR

April 25, 2023

To: Members of the City Council

From: Mayor Jesse Arreguín

Subject: Resolution to Support AB 441

RECOMMENDATION

Adopt a Resolution in support of Assembly Bill 441, introduced by Assembly Member Matt Haney, and send a copy of the Resolution to Governor Gavin Newsom, State Senator Nancy Skinner, and Assembly Members Matt Haney and Buffy Wicks.

SUMMARY

If adopted, Assembly Bill 441 would authorize the Franchise Tax Board to provide advance monthly payments to tax filers who are eligible for \$1,000 or greater in combined tax credits from the CalEITC, Young Child Tax Credit and Foster Youth Tax Credit, offer direct deposit whenever possible, and increase protections for filers to maintain their eligibility. This change would provide allow eligible low-income residents to receive more frequently by instructing the State to deliver these tax credits on a monthly instead of lump-sum, yearly basis.

BACKGROUND

California's refundable tax credits, which include the California Earned Income Tax Credit (CalEITC), Young Child Tax Credit, and Former Foster Youth Tax Credit, has been shown to increase the economic well-being of low-income, tax-paying Californians by returning \$1 billion into their pocketbooks each year<sup>1</sup>. As 3 in 4 eligible Californians are people of color<sup>2</sup>, these tax credits can be a helpful tool in supporting economic racial equity across the State. While these programs are rightfully celebrated as among our state's most effective tools to helping people meet their basic needs, their impact could be expanded by paying out tax credits as they are earned, on a monthly basis, instead of paid out once a year.

Returning tax credits to low-income residents on a monthly basis will provide financial security by way of delivering stable monthly payments. These payments can help mitigate the risk of financial volatility experienced by 30% of California households<sup>3</sup>.

<sup>1</sup> Governor Newsom raised the State's level of investment for CalEITC from \$400M to \$1B in 2020. <https://www.csd.ca.gov/Pages/CalEITC.aspx>

<sup>2</sup> According to All Home California. <https://www.allhomeca.org/wp-content/uploads/2023/03/AB-441-Monthly-Payments-Background.pdf>

<sup>3</sup> Source: Prosperity Now Scorecard via U.S. Census. <https://scorecard.prosperitynow.org/reports#report-state-profile/6>

With one in three Bay Area residents<sup>4</sup> consistently depleting their income before the end of the month, our low-income neighbors across and around Berkeley are regularly faced with making difficult decisions to afford their basic needs. This reality has been further exasperated by the economic side effects experienced in our society from COVID-19. The City's remains committed to ensuring its residents have access to the means of securing a safe, enriching, and healthy life, and seeks to remove any barriers to this charge through equitable manners whenever possible.

AB 441 would work to remove obstacles for the City's low-income residents, safeguard them from economic volatility, offer greater control over their tax liability for these residents and those caring for our disenfranchised youth, and help expand the impact of the State's tax credit program. In addition, AB 441 would also offer pragmatic benefits, such as protecting taxpayers and the State from overpayments, streamlining the process for taxpayers to receive credits, give recipients greater flexibility in managing their eligibility, and protect a taxpayer's federal and state benefits. AB 441 would advance monthly payments to tax filers who are eligible for \$1,000 or greater in combined tax credits from the CalEITC, Young Child Tax Credit and Foster Youth Tax Credit and:

- deliver advanced monthly payments equal to 80% of the estimated total credit amount to each eligible tax filer, with the other 20% of the credits made available upon tax filing;
- pay taxpayers more immediately via direct deposit where possible, or otherwise deliver payments via check or debit card;
- allow recipients to opt out of payments and make any changes affecting their eligibility for the credits on the State's myFTB platform on an ad hoc basis;
- prevent monthly payments of tax credits from being counted as regular income for the purpose of determining state benefits;
- require the clarification of any federal tax law impacting one's eligibility to be made clear before providing advanced monthly payments; and
- require the Franchise Tax Board to request any federal agency waivers that are necessary to protect a taxpayers' federal benefits.

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<sup>4</sup> Source: 2020 "Taking Count" study conducted by Tipping Point and the Othering and Belonging Institute at UC Berkeley. <https://tippingpoint.org/wp-content/uploads/2020/07/Taking-Count-2020-A-Study-on-Poverty-in-the-Bay-Area.pdf>

As demonstrated through the passage of the nation's most expansive Fair Work Week Ordinance<sup>5</sup>, expansion of our shelter and services through Measure P<sup>6</sup>, and commitment to protecting our undocumented residents as a Sanctuary City<sup>7</sup>, the City of Berkeley remains committed to supporting our most vulnerable residents. AB 441 is in-line with this commitment, as it aims to support low-income families, those at risk of living in or returning to poverty, children supported by the foster care system, and one missed payment away from losing their housing and/or maintaining a safe, enriching, and healthy life.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

No environmental impact.

#### CONTACT PERSON

Mayor Jesse Arreguín, 510-981-7100  
Anthony Rodriguez, Senior Legislative Assistant

#### Attachments:

- 1: Resolution (SUPPORT OF CALIFORNIA ASSEMBLY BILL 441)
- 2: Text of AB 441 (as of March 29, 2023)

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<sup>5</sup> On November 21, 2022 the City Council passed the Fair Work Week Ordinance, adding to the City's municipal code Chapter 13.102 during a Special City Council meeting. In it, the City mandated large employers give lower-wage workers their shift schedules at least two weeks in advance, with a pay bonus given if they call employees in or cancel their shifts on short notice.

<sup>6</sup> The City's voter passed Measure P in November of 2018, providing \$10M in funding to pay for homeless services from a property transfer tax. Passed with 72.4% of the vote, these services, among many, include navigation centers, mental health support, rehousing.

<sup>7</sup> On February 13, 2018 the City Council passed the Sanctuary City Ordinance, followed by the Sanctuary City Contracting Ordinance on December 13, 2019. Both offer protections to undocumented immigrants by way of limiting the City's ability to provide information on the citizenship status to the United States Immigration and Customs Enforcement (USICE) agency, and engaging in a new, amended, or extended contract or agreement with any entity that provides USICE with data broker or extreme vetting services.

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

SUPPORTING ASSEMBLY BILL 441

WHEREAS, the California Earned Income Tax Credit (CalEITC), Young Child Tax Credit, and Former Foster Youth Tax Credit have been shown to increase the economic well-being of low-income, tax-paying Californians by returning \$1 billion to them each year; and

WHEREAS, All Home California notes 3 in 4 eligible Californians who receive one or more of these tax credits are people of color whom could benefit from this tool in providing economic racial equity across the State; and

WHEREAS, the Propensity Now Scorecard prepared using U.S. Census data shows that tax credits given to these recipients can help mitigate the risk of financial volatility experienced by 30% of California households; and

WHEREAS, the “Taking Count” study conducted by Tipping Point and the Othering and Belonging Institute at UC Berkeley found one in three Bay Area residents consistently deplete their income before the end of the month, rendering them vulnerable to making difficult decisions that limit their ability to meet their basic needs; and

WHEREAS, Assembly Bill 441, introduced by Assembly Member Matt Haney, would remove obstacles for the City’s low-income residents, safeguard them from economic volatility, offer greater control over their tax liability for these residents and those caring for our disenfranchised youth, and help expand the impact of the State’s tax credit program; and

WHEREAS, Assembly Bill 441 would offer pragmatic benefits, such as protecting taxpayers and the State from overpayments, streamlining the process for taxpayers to receive credits, give recipients greater flexibility in managing their eligibility, and protect a taxpayer’s federal and state benefits; and

WHEREAS, Assembly Bill 441 would advance monthly payments to tax filers who are eligible for \$1,000 or greater in combined tax credits from the CalEITC, Young Child Tax Credit and Foster Youth Tax Credit; and

WHEREAS, the City of Berkeley believes Assembly Bill 441 is in-line with its commitment, to supporting low-income families, those at risk of living in or returning to poverty, children supported by the foster care system, and those vulnerable to financial volatility; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it hereby supports AB 441.



BE IT FRUTHER RESOLVED that copies of the Resolution be sent to Governor Gavin Newsom, State Senator Nancy Skinner, and Assembly Members Matt Haney and Buffy Wicks.

AMENDED IN ASSEMBLY MARCH 29, 2023

AMENDED IN ASSEMBLY MARCH 9, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

**ASSEMBLY BILL**

**No. 441**

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**Introduced by Assembly Member Haney**

February 6, 2023

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An act to amend Sections 17052, 17052.1, and 17052.2 of, and to add Section 17052.3 to, the Revenue and Taxation Code, relating to taxation, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 441, as amended, Haney. Earned Income Tax Credit: young child tax credit: foster youth tax credit: periodic payments.

The Personal Income Tax Law, in modified conformity with federal income tax laws, allows an earned income tax credit against personal income tax and a payment from the continuously appropriated Tax Relief and Refund Account for an allowable credit in excess of tax liability to an eligible individual that is equal to that portion of the earned income tax credit allowed by federal law, as determined by the earned income tax credit adjustment factor, as specified. The Personal Income Tax Law also allows a young child tax credit and a foster youth tax credit against the taxes imposed by that law, and a payment from the Tax Relief and Refund Account for allowable credits in excess of tax liability to a qualified individual, as defined.

This bill would require the Franchise Tax Board to establish a program for making periodic payments from the Tax Relief and Refund Account to qualified taxpayers, as defined. The bill would require the aggregate of these periodic payments in any calendar year to be equal to 80% of

the estimated total amount allowed to the taxpayer as an earned income tax credit, a young child tax credit, and a foster youth tax credit. The bill would define “qualified taxpayer” for these purposes to mean a taxpayer that is eligible to receive an earned income tax credit, a young child tax credit, or a foster youth tax credit, but only if the combined total of ~~such~~ *those* credits allowed to the taxpayer in the applicable year is \$1,000 or more. The bill would reduce the amount allowed as an earned income tax credit, young child tax credit, or foster youth tax credit ~~credit~~ *credit, but not below zero*, to the extent the taxpayer received any periodic payments related to those credits. The bill would require the Franchise Tax Board to allow a qualified taxpayer to report changes to their income, household size, filing status, or any other personal information relevant to estimating the amount of any credit allowed to the taxpayer, and would authorize the Franchise Tax Board to modify the estimated value of credits allowed to the taxpayer. The bill would further allow the Franchise Tax Board to adjust the periodic payments, as necessary, to account for any modification to the estimated value of credits allowed to a qualified taxpayer. *The bill would require the Franchise Tax Board, upon receiving a tax return from a qualified taxpayer, to compare the aggregate amount of periodic payments received during the relevant calendar year to the aggregate total of tax credits the taxpayer was allowed. In the case that the amount of the periodic payments received by the taxpayer exceeds the total of tax credits the taxpayer was allowed by more than \$300, the bill would require the taxpayer to repay so much of the difference that exceeds \$300.* The bill would require the Controller to make transfers from the Personal Income Tax Fund to the Tax Relief and Refund Account as required to make the estimated payments. By authorizing additional payments from a continuously appropriated fund, this bill would make an appropriation.

*This bill would also require the Franchise Tax Board, in coordination with the State Department of Public Health, the State Department of Social Services, and any other relevant state agency, to request a waiver from any federal agency that administers specified benefits programs to exclude any amount paid in monthly advance payments authorized by the bill from income in determining eligibility for, or calculation of benefits under, those benefit programs. The bill would state its provisions would only become operative upon the enactment of federal legislation, promulgation of federal regulation, or similar guidance from federal agencies, that the advance payments authorized by the bill*

would be excluded from income for purposes of determining eligibility for, or the calculation of benefits under, those federal benefit programs.

Vote: 2/3. Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 17052 of the Revenue and Taxation Code  
2 is amended to read:

3 17052. (a) (1) For each taxable year beginning on or after  
4 January 1, 2015, there shall be allowed against the “net tax,” as  
5 defined by Section 17039, an earned income tax credit in an amount  
6 equal to an amount determined in accordance with Section 32 of  
7 the Internal Revenue Code, relating to earned income, as applicable  
8 for federal income tax purposes for the taxable year, except as  
9 otherwise provided in this section.

10 (2) (A) The amount of the credit determined under Section 32  
11 of the Internal Revenue Code, relating to earned income, as  
12 modified by this section, shall be multiplied by the earned income  
13 tax credit adjustment factor for the taxable year.

14 (B) Unless otherwise specified in the annual Budget Act, the  
15 earned income tax credit adjustment factor for a taxable year  
16 beginning on or after January 1, 2015, shall be 0 percent.

17 (C) The earned income tax credit authorized by this section  
18 shall only be operative for taxable years for which resources are  
19 authorized in the annual Budget Act for the Franchise Tax Board  
20 to oversee and audit returns associated with the credit.

21 (3) The amount of the credit allowed pursuant to this section  
22 shall be ~~reduced~~ *reduced, but not below zero dollars (\$0)*, by any  
23 amount received by the eligible individual pursuant to Section  
24 17052.3 that relates to an estimated allowance of a credit under  
25 this section.

26 (b) (1) In lieu of the table prescribed in Section 32(b)(1) of the  
27 Internal Revenue Code, relating to percentages, the credit  
28 percentage and the phaseout percentage shall be determined as  
29 follows:

|    |                                       |                |                |
|----|---------------------------------------|----------------|----------------|
| 30 |                                       |                |                |
| 31 | In the case of an eligible individual | The credit     | The phaseout   |
| 32 | with:                                 | percentage is: | percentage is: |
| 33 | No qualifying children                | 7.65%          | 7.65%          |

|   |                               |     |     |
|---|-------------------------------|-----|-----|
| 1 | 1 qualifying child            | 34% | 34% |
| 2 | 2 qualifying children         | 40% | 40% |
| 3 | 3 or more qualifying children | 45% | 45% |

4

5 (2) (A) In lieu of the table prescribed in Section 32(b)(2)(A)  
 6 of the Internal Revenue Code, the earned income amount and the  
 7 phaseout amount shall be determined as follows:

8

|    |                                       |                   |              |
|----|---------------------------------------|-------------------|--------------|
| 9  | In the case of an eligible individual | The earned income | The phaseout |
| 10 | with:                                 | amount is:        | amount is:   |
| 11 | No qualifying children                | \$3,290           | \$3,290      |
| 12 | 1 qualifying child                    | \$4,940           | \$4,940      |
| 13 | 2 or more qualifying children         | \$6,935           | \$6,935      |

14

15 (B) Section 32(b)(2)(B) of the Internal Revenue Code, relating  
 16 to joint returns, shall not apply.

17 (c) (1) Section 32(c)(1)(A)(ii)(I) of the Internal Revenue Code  
 18 is modified by substituting “this state” for “the United States.”

19 (2) For each taxable year beginning on or after January 1, 2018,  
 20 Section 32(c)(1)(A)(ii)(II) of the Internal Revenue Code is modified  
 21 by deleting “25 but not attained age 65” and inserting in lieu thereof  
 22 the following: “18.”

23 (3) Section 32(c)(2)(A) of the Internal Revenue Code is modified  
 24 as follows:

25 (A) Section 32(c)(2)(A)(i) of the Internal Revenue Code is  
 26 modified by deleting “plus” and inserting in lieu thereof the  
 27 following: “and only if such amounts are subject to withholding  
 28 pursuant to Division 6 (commencing with Section 13000) of the  
 29 Unemployment Insurance Code.”

30 (B) Section 32(c)(2)(A)(ii) of the Internal Revenue Code shall  
 31 not apply.

32 (4) For taxable years beginning on or after January 1, 2017,  
 33 paragraph (3) shall not apply and in lieu thereof Section 32(c)(2)(A)  
 34 of the Internal Revenue Code is modified as follows:

35 (A) Section 32(c)(2)(A)(i) of the Internal Revenue Code is  
 36 modified by deleting “plus” and inserting in lieu thereof the  
 37 following: “and only if such amounts are subject to withholding  
 38 pursuant to Division 6 (commencing with Section 13000) of the  
 39 Unemployment Insurance Code, plus.”

1 (B) Section 32(c)(2)(A)(ii) of the Internal Revenue Code shall  
2 apply.

3 (5) Section 32(c)(3)(C) of the Internal Revenue Code, relating  
4 to place of abode, is modified by substituting “this state” for “the  
5 United States.”

6 (d) Section 32(i)(1) of the Internal Revenue Code is modified  
7 by substituting “\$3,400” for “\$2,200.”

8 (e) (1) In lieu of Section 32(j) of the Internal Revenue Code,  
9 relating to inflation adjustments, for taxable years beginning on  
10 or after January 1, 2016, the amounts specified in paragraph (2)  
11 of subdivision (b) and in subdivision (d) shall be recomputed  
12 annually in the same manner as the recomputation of income tax  
13 brackets under subdivision (h) of Section 17041.

14 (2) For each taxable year beginning on or after January 1, 2018,  
15 and before January 1, 2019, when recomputing the amounts  
16 referenced in paragraph (1), the percentage change in the California  
17 Consumer Price Index shall be deemed to be the greater of 3.1  
18 percent or the percentage change in the California Consumer Price  
19 Index as calculated under subdivision (h) of Section 17041 for that  
20 taxable year.

21 (3) For each taxable year beginning on or after January 1, 2019,  
22 and before January 1, 2020, when recomputing the amounts  
23 referenced in paragraph (1), the percentage change in the California  
24 Consumer Price Index shall be deemed to be the greater of 3.5  
25 percent or the percentage change in the California Consumer Price  
26 Index as calculated under subdivision (h) of Section 17041 for that  
27 taxable year.

28 (f) If the amount allowable as a credit under this section exceeds  
29 the tax liability computed under this part for the taxable year, the  
30 excess shall be credited against other amounts due, if any, and the  
31 balance, if any, shall be paid from the Tax Relief and Refund  
32 Account and refunded to the taxpayer.

33 (g) (1) The Franchise Tax Board may prescribe rules,  
34 guidelines, procedures, or other guidance to carry out the purposes  
35 of this section. Chapter 3.5 (commencing with Section 11340) of  
36 Part 1 of Division 3 of Title 2 of the Government Code shall not  
37 apply to any rule, guideline, or procedure prescribed by the  
38 Franchise Tax Board pursuant to this section.

39 (2) (A) The Franchise Tax Board may prescribe any regulations  
40 necessary or appropriate to carry out the purposes of this section,

1 including any regulations to prevent improper claims from being  
2 filed or improper payments from being made with respect to net  
3 earnings from self-employment.

4 (B) The adoption of any regulations pursuant to subparagraph  
5 (A) may be adopted as emergency regulations in accordance with  
6 the rulemaking provisions of the Administrative Procedure Act  
7 (Chapter 3.5 (commencing with Section 11340) of Part 1 of  
8 Division 3 of Title 2 of the Government Code) and shall be deemed  
9 an emergency and necessary for the immediate preservation of the  
10 public peace, health and safety, or general welfare. Notwithstanding  
11 Chapter 3.5 (commencing with Section 11340) of Part 1 of Division  
12 3 of Title 2 of the Government Code, these emergency regulations  
13 shall not be subject to the review and approval of the Office of  
14 Administrative Law. The regulations shall become effective  
15 immediately upon filing with the Secretary of State, and shall  
16 remain in effect until revised or repealed by the Franchise Tax  
17 Board.

18 (h) Notwithstanding any other law, amounts refunded pursuant  
19 to this section shall be treated in the same manner as the federal  
20 earned income refund for the purpose of determining eligibility to  
21 receive benefits under Division 9 (commencing with Section  
22 10000) of the Welfare and Institutions Code or amounts of those  
23 benefits.

24 (i) (1) For the purpose of implementing the credit allowed by  
25 this section for the 2015 taxable year, the Franchise Tax Board  
26 shall be exempt from the following:

27 (A) Special Project Report requirements under State  
28 Administrative Manual Sections 4819.36, 4945, and 4945.2.

29 (B) Special Project Report requirements under Statewide  
30 Information Management Manual Section 30.

31 (C) Section 11.00 of the 2015 Budget Act.

32 (D) Sections 12101, 12101.5, 12102, and 12102.1 of the Public  
33 Contract Code.

34 (2) The Franchise Tax Board shall formally incorporate the  
35 scope, costs, and schedule changes associated with the  
36 implementation of the credit allowed by this section in its next  
37 anticipated Special Project Report for its Enterprise Data to  
38 Revenue Project.

39 (j) (1) In accordance with Section 41, the purpose of the  
40 California Earned Income Tax Credit is to reduce poverty among

1 California's poorest working families and individuals. To measure  
2 whether the credit achieves its intended purpose, the Franchise  
3 Tax Board shall annually prepare a written report on the following:

- 4 (A) The number of tax returns claiming the credit.  
5 (B) The number of individuals represented on tax returns  
6 claiming the credit.  
7 (C) The average credit amount on tax returns claiming the credit.  
8 (D) The distribution of credits by number of dependents and  
9 income ranges. The income ranges shall encompass the phase-in  
10 and phaseout ranges of the credit.  
11 (E) Using data from tax returns claiming the credit, including  
12 an estimate of the federal tax credit determined under Section 32  
13 of the Internal Revenue Code, an estimate of the number of families  
14 who are lifted out of deep poverty by the credit and an estimate of  
15 the number of families who are lifted out of deep poverty by the  
16 combination of the credit and the federal tax credit. For the  
17 purposes of this subdivision, a family is in "deep poverty" if the  
18 income of the family is less than 50 percent of the federal poverty  
19 threshold.

20 (2) The Franchise Tax Board shall provide the written report to  
21 the Senate Committee on Budget and Fiscal Review, the Assembly  
22 Committee on Budget, the Senate and Assembly Committees on  
23 Appropriations, the Senate Committee on Governance and Finance,  
24 the Assembly Committee on Revenue and Taxation, and the Senate  
25 and Assembly Committees on Human Services.

26 (k) The tax credit allowed by this section shall be known as the  
27 California Earned Income Tax Credit.

28 (l) The amendments made to this section by Chapter 722 of the  
29 Statutes of 2016 shall apply to taxable years beginning on or after  
30 January 1, 2016.

31 (m) (1) For each taxable year beginning on or after January 1,  
32 2017, and before January 1, 2018, if the amount of credit computed  
33 pursuant to subdivisions (a) and (b) is less than or equal to one  
34 hundred dollars (\$100) multiplied by the ratio of the earned income  
35 tax credit adjustment factor for that taxable year divided by 0.85  
36 for an eligible individual with no qualifying children, or less than  
37 or equal to two hundred fifty dollars (\$250) multiplied by the ratio  
38 of the earned income tax credit adjustment factor for that taxable  
39 year divided by 0.85 for an eligible individual with one or more  
40 qualifying children, and the earned income amount is greater than



1 or equal to the corresponding amount in the table set forth in  
2 paragraph (2) below, then in lieu of the table prescribed in  
3 paragraph (1) of subdivision (b), the credit percentage and the  
4 phaseout percentage shall be determined as follows:

|    |                                             |                           |                             |
|----|---------------------------------------------|---------------------------|-----------------------------|
| 5  |                                             |                           |                             |
| 6  | In the case of an eligible individual with: | The credit percentage is: | The phaseout percentage is: |
| 7  |                                             |                           |                             |
| 8  | No qualifying children                      | 2.20%                     | 1.22%                       |
| 9  | 1 qualifying child                          | 3.10%                     | 2.29%                       |
| 10 | 2 qualifying children                       | 2.13%                     | 3.45%                       |
| 11 | 3 or more qualifying children               | 2.12%                     | 3.49%                       |
| 12 |                                             |                           |                             |

13  
14 (2) For each taxable year beginning on or after January 1, 2017,  
15 and before January 1, 2018, if the amount of credit computed  
16 pursuant to subdivisions (a) and (b) is less than or equal to one  
17 hundred dollars (\$100) multiplied by the ratio of the earned income  
18 tax credit adjustment factor for that taxable year divided by 0.85  
19 for an eligible individual with no qualifying children, or less than  
20 or equal to two hundred fifty dollars (\$250) multiplied by the ratio  
21 of the earned income tax credit adjustment factor for that taxable  
22 year divided by 0.85 for an eligible individual with one or more  
23 qualifying children, then in lieu of the table prescribed in  
24 subparagraph (A) of paragraph (2) of subdivision (b), the earned  
25 income amount and the phaseout amount shall be determined as  
26 follows:

|    |                                             |                              |                         |
|----|---------------------------------------------|------------------------------|-------------------------|
| 27 |                                             |                              |                         |
| 28 | In the case of an eligible individual with: | The earned income amount is: | The phaseout amount is: |
| 29 |                                             |                              |                         |
| 30 | No qualifying children                      | \$5,354                      | \$5,354                 |
| 31 | 1 qualifying child                          | \$9,484                      | \$9,484                 |
| 32 | 2 qualifying children                       | \$13,794                     | \$13,794                |
| 33 | 3 or more qualifying children               | \$13,875                     | \$13,875                |
| 34 |                                             |                              |                         |

35  
36 (n) (1) For each taxable year beginning on or after January 1,  
37 2018, and before January 1, 2019, if the amount of credit computed  
38 pursuant to subdivisions (a) and (b) is less than or equal to one  
39 hundred three dollars (\$103) multiplied by the ratio of the earned  
40 income tax credit adjustment factor for that taxable year divided

1 by 0.85 for an eligible individual with no qualifying children, or  
 2 less than or equal to two hundred fifty-eight dollars (\$258)  
 3 multiplied by the ratio of the earned income tax credit adjustment  
 4 factor for that taxable year divided by 0.85 for an eligible individual  
 5 with one or more qualifying children, and the earned income  
 6 amount is greater than or equal to the corresponding amount in  
 7 the table set forth in paragraph (2) below, then in lieu of the table  
 8 prescribed in paragraph (1) of subdivision (b), the credit percentage  
 9 and the phaseout percentage shall be determined as follows:

10

|    |                                             |                           |                             |
|----|---------------------------------------------|---------------------------|-----------------------------|
| 11 | In the case of an eligible individual with: | The credit percentage is: | The phaseout percentage is: |
| 12 |                                             |                           |                             |
| 13 | No qualifying children                      | 2.20%                     | 1.08%                       |
| 14 | 1 qualifying child                          | 3.10%                     | 2.00%                       |
| 15 | 2 qualifying children                       | 2.13%                     | 2.82%                       |
| 16 | 3 or more qualifying children               | 2.12%                     | 2.85%                       |
| 17 |                                             |                           |                             |

18

19 (2) For each taxable year beginning on or after January 1, 2018,  
 20 and before January 1, 2019, if the amount of credit computed  
 21 pursuant to subdivisions (a) and (b) is less than or equal to one  
 22 hundred three dollars (\$103) multiplied by the ratio of the earned  
 23 income tax credit adjustment factor for that taxable year divided  
 24 by 0.85 for an eligible individual with no qualifying children, or  
 25 less than or equal to two hundred fifty-eight dollars (\$258)  
 26 multiplied by the ratio of the earned income tax credit adjustment  
 27 factor for that taxable year divided by 0.85 for an eligible individual  
 28 with one or more qualifying children, then in lieu of the table  
 29 prescribed in subparagraph (A) of paragraph (2) of subdivision  
 30 (b), the earned income amount and the phaseout amount shall be  
 31 determined as follows:

32

|    |                                             |                              |                         |
|----|---------------------------------------------|------------------------------|-------------------------|
| 33 | In the case of an eligible individual with: | The earned income amount is: | The phaseout amount is: |
| 34 |                                             |                              |                         |
| 35 | No qualifying children                      | \$5,520                      | \$5,520                 |
| 36 | 1 qualifying child                          | \$9,778                      | \$9,778                 |
| 37 | 2 qualifying children                       | \$14,222                     | \$14,222                |
| 38 | 3 or more qualifying children               | \$14,305                     | \$14,305                |
| 39 |                                             |                              |                         |

40

1 (o) (1) For each taxable year beginning on or after January 1,  
 2 2019, if the amount of credit computed pursuant to subdivisions  
 3 (a) and (b) is less than or equal to two hundred dollars (\$200)  
 4 multiplied by the ratio of the earned income tax credit adjustment  
 5 factor for that taxable year divided by 0.85 for an eligible individual  
 6 with no qualifying children, or less than or equal to five hundred  
 7 five dollars (\$505) multiplied by the ratio of the earned income  
 8 tax credit adjustment factor for that taxable year divided by 0.85  
 9 for an eligible individual with one or more qualifying children,  
 10 and the earned income amount is greater than or equal to the  
 11 corresponding amount in the table set forth in paragraph (2) below,  
 12 then in lieu of the table prescribed in paragraph (1) of subdivision  
 13 (b), the credit percentage and the phaseout percentage shall be  
 14 determined as follows:

15

|    |                                             |                           |                             |
|----|---------------------------------------------|---------------------------|-----------------------------|
| 16 | In the case of an eligible individual with: | The credit percentage is: | The phaseout percentage is: |
| 17 |                                             |                           |                             |
| 18 | No qualifying children                      | 5.43%                     | 0.92%                       |
| 19 | 1 qualifying child                          | 6.33%                     | 2.88%                       |
| 20 | 2 qualifying children                       | 4.20%                     | 3.75%                       |
| 21 | 3 or more qualifying children               | 4.15%                     | 3.78%                       |

22

23

24 (2) For each taxable year beginning on or after January 1, 2019,  
 25 if the amount of credit computed pursuant to subdivisions (a) and  
 26 (b) is less than or equal to two hundred dollars (\$200) multiplied  
 27 by the ratio of the earned income tax credit adjustment factor for  
 28 that taxable year divided by 0.85 for an eligible individual with  
 29 no qualifying children, or less than or equal to five hundred five  
 30 dollars (\$505) multiplied by the ratio of the earned income tax  
 31 credit adjustment factor for that taxable year divided by 0.85 for  
 32 an eligible individual with one or more qualifying children, then  
 33 in lieu of the table prescribed in subparagraph (A) of paragraph  
 34 (2) of subdivision (b), the earned income amount and the phaseout  
 35 amount shall be determined as follows:

36

|    |                                             |                              |                         |
|----|---------------------------------------------|------------------------------|-------------------------|
| 37 | In the case of an eligible individual with: | The earned income amount is: | The phaseout amount is: |
| 38 |                                             |                              |                         |
| 39 | No qualifying children                      | \$4,334                      | \$4,334                 |
| 40 | 1 qualifying child                          | \$9,381                      | \$9,381                 |

|   |                       |          |          |
|---|-----------------------|----------|----------|
| 1 | 2 qualifying children | \$14,137 | \$14,137 |
| 2 | 3 or more qualifying  | \$14,302 | \$14,302 |
| 3 | children              |          |          |

4

5 (3) For taxable years beginning on or after January 1, 2020, and  
6 until and including the taxable year in which the minimum wage,  
7 as defined in paragraph (1) of subdivision (b) of Section 1182.12  
8 of the Labor Code, is set at fifteen dollars (\$15) per hour, both of  
9 the following shall occur:

10 (A) The amounts in paragraphs (1) and (2) shall be recomputed  
11 annually in the same manner as the recomputation of income tax  
12 brackets under subdivision (h) of Section 17041.

13 (B) The phaseout percentage for each of the four categories of  
14 eligible individuals shall be recalculated by the Franchise Tax  
15 Board in such a manner that, for a taxpayer with an earned income  
16 of thirty thousand dollars (\$30,000), the calculated amount of credit  
17 is equal to zero.

18 (4) (A) For taxable years beginning after the taxable year in  
19 which the minimum wage, as defined in paragraph (1) of  
20 subdivision (b) of Section 1182.12 of the Labor Code, is set at  
21 fifteen dollars (\$15) per hour, the amounts in paragraphs (1) and  
22 (2) shall be recomputed annually in the same manner as the  
23 recomputation of income tax brackets under subdivision (h) of  
24 Section 17041.

25 (B) For taxable years beginning after the taxable year in which  
26 the minimum wage, as defined in paragraph (1) of subdivision (b)  
27 of Section 1182.12 of the Labor Code, is set at fifteen dollars (\$15)  
28 per hour, the phaseout percentages for the prior taxable year, as  
29 recalculated under subparagraph (B) of paragraph (3), shall apply.

30 (p) For each taxable year beginning on or after January 1, 2020,  
31 Section 32(m) of the Internal Revenue Code, relating to  
32 identification numbers, is modified as follows:

33 (1) By deleting “(other than a social security number issued  
34 pursuant to clause (II) (or that portion of clause (III) that relates  
35 to clause (II)) of section 205(c)(2)(B)(i) of the Social Security  
36 Act.”

37 (2) By substituting “federal individual taxpayer identification  
38 number or a social security number” for “social security number.”

1 (q) An eligible individual, eligible individual's spouse, or  
2 qualifying child using a federal individual taxpayer identification  
3 number as authorized under subdivision (p) shall:

4 (1) Upon request of the Franchise Tax Board, provide:

5 (A) Identifying documents acceptable for purposes of obtaining  
6 a California driver's license or identification card as authorized  
7 by subdivisions (a), (b), and (c) of Section 12801.9 of the Vehicle  
8 Code and related regulations adopted for purposes of establishing  
9 documents acceptable to prove identity.

10 (B) Identifying documents used to report earned income for the  
11 taxable year.

12 (2) Upon receiving a valid social security number issued to that  
13 individual by the Social Security Administration, notify the  
14 Franchise Tax Board, in the time and manner prescribed by the  
15 Franchise Tax Board.

16 (r) The Legislature finds and declares that, to the extent they  
17 are otherwise qualified for a credit under this section,  
18 undocumented persons are eligible for the tax credit authorized  
19 by this section within the meaning of subsection (d) of Section  
20 1621 of Title 8 of the United States Code.

21 SEC. 2. Section 17052.1 of the Revenue and Taxation Code  
22 is amended to read:

23 17052.1. (a) (1) For each taxable year beginning on or after  
24 January 1, 2019, there shall be allowed against the "net tax," as  
25 defined by Section 17039, a young child tax credit to a qualified  
26 taxpayer, in an amount as determined under paragraph (2).

27 (2) (A) (i) The amount of the young child tax credit shall be  
28 equal to one thousand one hundred seventy-six dollars (\$1,176),  
29 multiplied by the earned income tax credit adjustment factor for  
30 the taxable year as specified for in Section 17052.

31 (ii) The amount of the young child tax credit specified under  
32 clause (i) shall be recomputed annually in the same manner as the  
33 recomputation of income tax brackets under subdivision (h) of  
34 Section 17041.

35 (B) The young child tax credit allowable in any taxable year to  
36 any qualified taxpayer shall be limited to the maximum amount  
37 specified in clause (i) of subparagraph (A) as recomputed under  
38 clause (ii) of subparagraph (A).

39 (C) (i) The young child tax credit shall be reduced by twenty  
40 dollars (\$20) for each one hundred dollars (\$100), or fraction

1 thereof, by which the qualified taxpayer's earned income, as  
2 defined in Section 17052, exceeds the "threshold amount." For  
3 purposes of this section, the "threshold amount" shall be  
4 twenty-five thousand dollars (\$25,000).

5 (ii) (I) For each taxable year beginning on or after January 1,  
6 2022, and before January 1, 2023, the twenty dollars (\$20) in clause  
7 (i) shall be recomputed annually in the same manner as the  
8 recomputation of income tax brackets under subdivision (h) of  
9 Section 17041, except that the resulting products shall be rounded  
10 off to the nearest cent.

11 (II) For taxable years beginning after the taxable year in which  
12 the minimum wage, as defined in paragraph (1) of subdivision (b)  
13 of Section 1182.12 of the Labor Code, is set at fifteen dollars (\$15)  
14 per hour, the amount calculated under subclause (I) shall substitute  
15 for the twenty dollars (\$20) in clause (i).

16 (iii) For taxable years beginning after the taxable year in which  
17 the minimum wage, as defined in paragraph (1) of subdivision (b)  
18 of Section 1182.12 of the Labor Code, is set at fifteen dollars (\$15)  
19 per hour, the "threshold amount" in this subparagraph shall be  
20 recomputed annually in the same manner as the recomputation of  
21 income tax brackets under subdivision (h) of Section 17041.

22 (D) The young child tax credit authorized by this section shall  
23 only be operative for taxable years for which resources are  
24 authorized in the annual Budget Act for the Franchise Tax Board  
25 to oversee and audit returns associated with the credit allowed  
26 under Section 17052.

27 (3) The amount of the credit allowed pursuant to this section  
28 shall be ~~reduced~~ *reduced, but not below zero dollars (\$0)*, by any  
29 amount received by the qualified taxpayer pursuant to Section  
30 17052.3 that relates to an estimated allowance of a credit under  
31 this section.

32 (b) (1) "Qualified taxpayer" means an eligible individual who  
33 has at least one qualifying child and who satisfies either of the  
34 following:

35 (A) Has been allowed a tax credit under Section 17052.

36 (B) Meets all of the following requirements:

37 (i) Would otherwise have been allowed a tax credit under  
38 Section 17052, but has earned income, as defined in Section  
39 32(c)(2) of the Internal Revenue Code, as modified by Section  
40 17052, of zero dollars (\$0) or less.

1 (ii) Does not have net losses in excess of thirty thousand dollars  
2 (\$30,000) in the taxable year.

3 (iii) Does not have wages, salaries, tips, and other employee  
4 compensation in excess of thirty thousand dollars (\$30,000) in the  
5 taxable year.

6 (2) For each taxable year beginning on or after January 1, 2022,  
7 the amounts specified under clauses (ii) and (iii) of subparagraph  
8 (B) shall be recomputed annually in the same manner as the  
9 recomputation of income tax brackets under subdivision (h) of  
10 Section 17041.

11 (c) “Qualifying child” shall have the same meaning as under  
12 Section 17052, except that the child shall be younger than six years  
13 of age as of the last day of the taxable year.

14 (d) (1) The Franchise Tax Board may prescribe rules,  
15 guidelines, procedures, or other guidance to carry out the purposes  
16 of this section. Chapter 3.5 (commencing with Section 11340) of  
17 Part 1 of Division 3 of Title 2 of the Government Code shall not  
18 apply to any rule, guideline, or procedure prescribed by the  
19 Franchise Tax Board pursuant to this section.

20 (2) (A) The Franchise Tax Board may prescribe any regulations  
21 necessary or appropriate to carry out the purposes of this section,  
22 including any regulations to prevent improper claims from being  
23 filed or improper payments from being made with respect to net  
24 earnings from self-employment.

25 (B) The adoption of any regulations pursuant to subparagraph  
26 (A) may be adopted as emergency regulations in accordance with  
27 the rulemaking provisions of the Administrative Procedure Act  
28 (Chapter 3.5 (commencing with Section 11340) of Part 1 of  
29 Division 3 of Title 2 of the Government Code) and shall be deemed  
30 an emergency and necessary for the immediate preservation of the  
31 public peace, health and safety, or general welfare. Notwithstanding  
32 Chapter 3.5 (commencing with Section 11340) of Part 1 of Division  
33 3 of Title 2 of the Government Code, these emergency regulations  
34 shall not be subject to the review and approval of the Office of  
35 Administrative Law. The regulations shall become effective  
36 immediately upon filing with the Secretary of State, and shall  
37 remain in effect until revised or repealed by the Franchise Tax  
38 Board.

39 (e) If the amount allowable as a credit under this section exceeds  
40 the tax liability computed under this part for the taxable year, the

1 excess shall be credited against other amounts due, if any, and the  
2 balance, if any, shall be paid from the Tax Relief and Refund  
3 Account and refunded to the qualified taxpayer.

4 (f) Notwithstanding any other law, amounts refunded pursuant  
5 to this section shall be treated in the same manner as the federal  
6 earned income refund for the purpose of determining eligibility to  
7 receive benefits under Division 9 (commencing with Section  
8 10000) of the Welfare and Institutions Code or amounts of those  
9 benefits.

10 (g) (1) In accordance with Section 41, the purpose of the Young  
11 Child Tax Credit is to reduce poverty among California's poorest  
12 working families and young children. To measure whether the  
13 credit achieves its intended purpose, the Franchise Tax Board shall  
14 annually prepare a written report on the following:

15 (A) The number of tax returns claiming the credit.

16 (B) The number of qualifying children represented on tax returns  
17 claiming the credit.

18 (C) The average credit amount on tax returns claiming the credit.

19 (2) The Franchise Tax Board shall provide the written report to  
20 the Senate Committee on Budget and Fiscal Review, the Assembly  
21 Committee on Budget, the Senate and Assembly Committees on  
22 Appropriations, the Senate Committee on Governance and Finance,  
23 the Assembly Committee on Revenue and Taxation, and the Senate  
24 and Assembly Committees on Human Services.

25 (h) The Legislature finds and declares that, to the extent they  
26 are otherwise qualified for a credit under this section,  
27 undocumented persons are eligible for the tax credit authorized  
28 by this section within the meaning of subsection (d) of Section  
29 1621 of Title 8 of the United States Code.

30 (i) The amendments made to this section by the act adding this  
31 subdivision shall apply for taxable years beginning on or after  
32 January 1, 2022, except as provided in subparagraph (C) of  
33 paragraph (2) of subdivision (a).

34 SEC. 3. Section 17052.2 of the Revenue and Taxation Code  
35 is amended to read:

36 17052.2. (a) (1) For each taxable year beginning on or after  
37 January 1, 2022, there shall be allowed against the "net tax," as  
38 defined by Section 17039, a foster youth tax credit to a qualified  
39 taxpayer, in an amount as determined under paragraph (2).



1 (2) (A) The amount of the foster youth tax credit shall be equal  
2 to one thousand one hundred seventy-six dollars (\$1,176),  
3 multiplied by the earned income tax credit adjustment factor for  
4 the taxable year, as specified in Section 17052.

5 (B) For taxable years beginning on or after January 1, 2022, the  
6 amount in subparagraph (A) shall be recomputed annually in the  
7 same manner as the recomputation of income tax brackets under  
8 subdivision (h) of Section 17041.

9 (C) (i) The foster youth tax credit shall be reduced by twenty  
10 dollars (\$20) for each one hundred dollars (\$100), or fraction  
11 thereof, by which the qualified taxpayer's earned income, as  
12 defined in Section 17052, exceeds the threshold amount.

13 (ii) (I) For taxable years beginning on or after January 1, 2022,  
14 and before January 1, 2023, the twenty dollars (\$20) in clause (i)  
15 shall be recomputed in the same manner as the recomputation of  
16 income tax brackets under subdivision (h) of Section 17041, except  
17 that for purposes of this clause, subparagraph (B) of paragraph (2)  
18 of subdivision (h) of Section 17041 shall be modified by  
19 substituting "nearest cent" for "nearest one dollar (\$1)."

20 (II) For taxable years beginning after the taxable year in which  
21 the minimum wage, as defined in paragraph (1) of subdivision (b)  
22 of Section 1182.12 of the Labor Code, is set at fifteen dollars (\$15)  
23 per hour, the amount calculated under subclause (I) shall substitute  
24 for the twenty dollars (\$20) in clause (i).

25 (iii) For taxable years beginning after the taxable year in which  
26 the minimum wage, as defined in paragraph (1) of subdivision (b)  
27 of Section 1182.12 of the Labor Code, is set at fifteen dollars (\$15)  
28 per hour, the threshold amount shall be recomputed annually in  
29 the same manner as the recomputation of income tax brackets  
30 under subdivision (h) of Section 17041.

31 (3) The amount of the credit allowed pursuant to this section  
32 shall be ~~reduced~~ *reduced, but not below zero dollars (\$0)*, by any  
33 amount received by the qualified taxpayer pursuant to Section  
34 17052.3 that relates to an estimated allowance of a credit under  
35 this section.

36 (b) The foster youth tax credit authorized by this section shall  
37 only be operative for taxable years for which resources are  
38 authorized in the annual Budget Act for the Franchise Tax Board  
39 to oversee and audit returns associated with the earned income tax  
40 credit allowed under Section 17052.

1 (c) For purposes of this section, the following definitions shall  
2 apply:

3 (1) “Qualified taxpayer,” means an individual who satisfies all  
4 of the following:

5 (A) Has been allowed a tax credit under Section 17052 for the  
6 taxable year.

7 (B) Is 18 to 25 years of age, inclusive, as of the last day of the  
8 taxable year.

9 (C) Was in foster care while 13 years of age or older in an  
10 AFDC-FC placement, as described in Section 11402 of the Welfare  
11 and Institutions Code, including a tribally approved home, as  
12 defined in subdivision (r) of Section 224.1 of the Welfare and  
13 Institutions Code, or Approved Relative Caregiver Funding  
14 Program eligible placement, as described in Article 6 (commencing  
15 with Section 11450) of Chapter 2 of Part 3 of Division 9 of the  
16 Welfare and Institutions Code, by a Title IV-E agency, pursuant  
17 to a voluntary placement agreement or a juvenile court order.

18 (2) “Threshold amount” shall be twenty-five thousand dollars  
19 (\$25,000).

20 (3) “Title IV-E agency” means either of the following:

21 (A) A county child welfare agency or probation department that  
22 administers foster care placements under Title IV-E of the federal  
23 Social Security Act (Part E (commencing with Section 670) of  
24 Subchapter IV of Chapter 7 of Title 42 of the United States Code).

25 (B) An Indian tribe, tribal organization, or tribal consortium  
26 located in California or with lands that extend into the state that  
27 has an agreement with the State Department of Social Services  
28 pursuant to Section 10553.1 of the Welfare and Institutions Code  
29 to administer foster care placement under Title IV-E of the federal  
30 Social Security Act (Part E (commencing with Section 670) of  
31 Subchapter IV of Chapter 7 of Title 42 of the United States Code).

32 (d) (1) As provided for in Section 10850.8 of the Welfare and  
33 Institutions Code, and subject to federal approvals or waivers, the  
34 State Department of Social Services shall provide to the Franchise  
35 Tax Board the data regarding a qualified taxpayer placed by a Title  
36 IV-E agency that may be necessary to verify that an individual  
37 qualifies for the foster youth tax credit. The data provided shall  
38 remain confidential and shall be used only for purposes directly  
39 connected with the foster youth tax credit.

1 (2) In the event federal approval or waivers pursuant to  
2 paragraph (1) are not provided, the Franchise Tax Board and the  
3 State Department of Social Services shall explore alternative  
4 methods to verify foster care status for individuals described in  
5 paragraph (1) of subdivision (c) in a manner consistent with state  
6 and federal law.

7 (3) The State Department of Social Services shall seek all  
8 appropriate federal waivers or approvals for the implementation  
9 of this subdivision as necessary. This subdivision shall be  
10 implemented only if necessary federal waivers or approvals are  
11 granted.

12 (e) (1) The Franchise Tax Board may prescribe rules, guidelines,  
13 procedures, or other guidance to carry out the purposes of this  
14 section.

15 (2) The Franchise Tax Board may prescribe any regulations  
16 necessary or appropriate to carry out the purposes of this section,  
17 including any regulations to prevent improper claims from being  
18 filed or improper payments from being made with respect to net  
19 earnings from self-employment.

20 (3) Chapter 3.5 (commencing with Section 11340) of Part 1 of  
21 Division 3 of Title 2 of the Government Code shall not apply to  
22 any regulation, guideline, or procedure prescribed by the Franchise  
23 Tax Board pursuant to this section.

24 (f) If the amount allowable as a credit under this section exceeds  
25 the tax liability computed under this part for the taxable year, the  
26 excess shall be credited against other amounts due, if any, and the  
27 balance, if any, shall be paid from the Tax Relief and Refund  
28 Account and refunded to the qualified taxpayer.

29 (g) Notwithstanding any other law, amounts refunded pursuant  
30 to this section shall be treated in the same manner as the federal  
31 earned income refund for the purpose of determining eligibility to  
32 receive benefits under Division 9 (commencing with Section  
33 10000) of the Welfare and Institutions Code or amounts of those  
34 benefits.

35 (h) Notwithstanding any other law, the payment authorized  
36 pursuant to this section shall not be taken into account as income,  
37 and shall not be taken into account as resources for a period of 12  
38 months from receipt, for purposes of determining the eligibility  
39 of ~~such~~ *the* individual, or any other individual, for benefits or  
40 assistance or the amount or extent of benefits or assistance under

1 any state or local program not covered in subdivision (g). With  
2 respect to a state or local program, this subdivision shall only be  
3 implemented to the extent that it does not conflict with federal law  
4 relating to that program, and that any required federal approval or  
5 waiver is first obtained for that program.

6 (i) The Legislature finds and declares that, to the extent they  
7 are otherwise qualified for a credit under this section,  
8 undocumented persons are eligible for the tax credit authorized  
9 by this section within the meaning of subsection (d) of Section  
10 1621 of Title 8 of the United States Code.

11 (j) (1) In accordance with Section 41, the purpose of the Foster  
12 Care Tax Credit is to reduce poverty among California's young  
13 adults who have been in the foster care program. To measure  
14 whether the credit achieves its intended purpose, the Franchise  
15 Tax Board shall annually prepare a written report on the following:

16 (A) The number of tax returns claiming the credit.

17 (B) The average credit amount on tax returns claiming the credit.

18 (2) The Franchise Tax Board shall provide the written report,  
19 in compliance with Section 9795 of the Government Code, to the  
20 Senate Committee on Budget and Fiscal Review, the Assembly  
21 Committee on Budget, the Senate and Assembly Committees on  
22 Appropriations, the Senate Committee on Governance and Finance,  
23 the Assembly Committee on Revenue and Taxation, and the Senate  
24 and Assembly Committees on Human Services.

25 (3) The disclosure provisions of this subdivision shall be treated  
26 as an exception to Section 19542 under Article 2 (commencing  
27 with 19542) of Chapter 7 of Part 10.2.

28 SEC. 4. Section 17052.3 is added to the Revenue and Taxation  
29 Code, to read:

30 17052.3. (a) For purposes of this section, the following  
31 definitions apply:

32 (1) "Annual advance amount" means, with respect to a qualified  
33 taxpayer for any calendar year, the amount, if any, that the  
34 Franchise Tax Board estimates is equal to 80 percent of the  
35 aggregate amount allowed as a credit under Sections 17052,  
36 17052.1, and 17052.2 for the qualified taxpayer's taxable year that  
37 begins in that calendar year.

38 (2) (A) "Qualified taxpayer" means an eligible individual, as  
39 that term is defined in Section 17052, or a qualified taxpayer as  
40 that term is defined in either Section 17052.1 or 17052.2.

1 (B) Notwithstanding subparagraph (A), “qualified taxpayer”  
2 does not include a taxpayer if the combined total amount allowed  
3 as a credit to the taxpayer under Sections 17052, 17052.1, and  
4 17052.2 is less than one thousand dollars (\$1,000) for the  
5 applicable taxable year.

6 (b) (1) The Franchise Tax Board shall establish a program for  
7 making periodic payments to qualified taxpayers from the Tax  
8 Relief and Refund Account.

9 (2) The combined total of all periodic payments made to a  
10 qualified taxpayer during any calendar year shall equal the annual  
11 advance amount determined with respect to that taxpayer.

12 (c) The Franchise Tax Board may modify the annual advance  
13 amount with respect to a qualified taxpayer for a calendar year to  
14 take into account information made available to the Franchise Tax  
15 Board that may lead to a change in the annual advance amount,  
16 including, but not limited to, a tax return filed by the qualified  
17 taxpayer. In the case of any modification of the annual advance  
18 amount pursuant to this subdivision, the Franchise Tax Board may  
19 adjust the amount of any periodic payment made after the date of  
20 the modification to properly adjust the amount by which any prior  
21 periodic payments were greater than or less than the amount the  
22 payment would have been based on the modified annual advance  
23 amount.

24 ~~(d) The Franchise Tax Board shall distribute periodic payments~~  
25 ~~of the annual advance amount by direct deposit if possible or by~~  
26 ~~debit card or paper check if direct deposit is not possible. Upon~~  
27 ~~receiving a tax return from a qualified taxpayer, the Franchise~~  
28 ~~Tax Board shall determine the aggregate amount allowed to the~~  
29 ~~taxpayer as a credit under Sections 17052, 17052.1, and 17052.2~~  
30 ~~for the taxable year.~~

31 *(1) In the event the advance monthly payments made to a*  
32 *qualified taxpayer exceed the aggregate amount allowed as*  
33 *determined by this subdivision by more than three hundred dollars*  
34 *(\$300), the qualified taxpayer shall be liable to repay the portion*  
35 *of the difference that is in excess of three hundred dollars (\$300).*  
36 *The qualified taxpayer shall repay that amount within three taxable*  
37 *years after receiving notice from the Franchise Tax Board of the*  
38 *excess payment.*

39 *(2) In the event that the advance monthly payments already paid*  
40 *to a qualified taxpayer under this section exceed the qualified*

1 *taxpayer's calculated aggregate amount by less than three hundred*  
2 *dollars (\$300), the taxpayer shall not be liable to repay that*  
3 *amount.*

4 (e) The Franchise Tax Board, through its internet website, shall  
5 allow a qualified taxpayer to report changes to their income,  
6 household size, filing status, or any other personal information  
7 that the Franchise Tax Board deems relevant to the calculation of  
8 the annual advance amount.

9 (1) The Franchise Tax Board shall send at least two annual  
10 reminders to people likely to be qualified taxpayers to record any  
11 changes to relevant personal information.

12 (2) Tax filers shall be allowed to decline participation in periodic  
13 payments at any time through the Franchise Tax Board's internet  
14 website.

15 (f) (1) The Franchise Tax Board may prescribe any regulations  
16 necessary or appropriate to carry out the purposes of this section,  
17 including any regulations to prevent improper claims from being  
18 filed or improper payments from being made.

19 (2) The Franchise Tax Board may prescribe rules, guidelines,  
20 procedures, or other guidance to carry out the purposes of this  
21 section. Chapter 3.5 (commencing with Section 11340) of Part 1  
22 of Division 3 of Title 2 of the Government Code shall not apply  
23 to any rule, guideline, or procedure prescribed by the Franchise  
24 Tax Board pursuant to this section.

25 (g) Notwithstanding any other law, amounts distributed pursuant  
26 to this section shall be treated in the same manner as the federal  
27 earned income refund for the purpose of determining eligibility to  
28 receive benefits under Division 9 (commencing with Section  
29 10000) of the Welfare and Institutions Code or amounts of those  
30 benefits.

31 (h) The Controller shall transfer, as needed, to the Tax Relief  
32 and Refund Account, from the Personal Income Tax Fund, an  
33 amount necessary to make the estimated payments provided for  
34 under subdivision (b).

35 (i) *The Franchise Tax Board, in coordination with the State*  
36 *Department of Public Health, the State Department of Social*  
37 *Services, and any other relevant state agency, shall request a*  
38 *waiver from any federal agency that administers benefits, for which*  
39 *eligibility, or calculation of which, is based on a recipient's*  
40 *monthly income, to exclude from income any amount paid in*

1 *monthly advance payments authorized under this section for*  
2 *purposes of determining eligibility for, or calculation of benefits*  
3 *under, those programs, including, but not limited to, the following:*

- 4 (1) *Federal childcare assistance.*
- 5 (2) *Federal housing assistance.*
- 6 (3) *Low Income Home Energy Assistance Program (LIHEAP).*
- 7 (4) *Medicaid.*
- 8 (5) *Supplemental Nutrition Assistance Program (SNAP).*
- 9 (6) *Supplemental Security Income.*
- 10 (7) *Temporary Assistance for Needy Families (TANF).*
- 11 (8) *The Special Supplemental Nutrition Program for Women,*  
12 *Infants, and Children (WIC).*

13 (j) *This section shall be operative for taxable years beginning*  
14 *on or after January 1 of the year that includes the date on which*  
15 *either of the following occurs:*

16 (1) *The federal government enacts legislation declaring that*  
17 *periodic payments of specified state tax credits, including the*  
18 *credits allowed under Sections 17052, 17052.1, and 17052.2, shall*  
19 *be excluded from the definition of income for the purpose of*  
20 *determining eligibility for, or calculation of benefits under, any*  
21 *federal public assistance program, eligibility for which is*  
22 *dependent upon a recipient's monthly income, including, but not*  
23 *limited to, federal childcare assistance, federal housing assistance,*  
24 *LIHEAP, Medicaid, SNAP, Supplemental Security Income, TANF,*  
25 *or WIC.*

26 (2) *The publication of regulations, guidelines, memoranda, or*  
27 *letters to a state agency official by any relevant federal agency*  
28 *declaring that periodic payments of specified state tax credits,*  
29 *including the credits allowed under Sections 17052, 17052.1, and*  
30 *17052.2, shall be excluded from the definition of income for the*  
31 *purpose of determining eligibility for, or calculation of benefits*  
32 *under, any federal public assistance program, including, but not*  
33 *limited to, federal childcare assistance, federal housing assistance,*  
34 *LIHEAP, Medicaid, SNAP, Supplemental Security Income, TANF,*  
35 *or WIC.*

O







Consent Calendar  
April 25, 2023

To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin

Subject: Budget Referral: Berkeley Marina J&K Parking Lot

### RECOMMENDATION

Refer to the Fiscal Year 2024 budget process \$1.5 million for design and implementation of the Marina's J&K Parking Lot reconstruction.

### FINANCIAL IMPLICATIONS

\$1.5 million in General Fund impact.

### BACKGROUND

The J&K Parking Lot is utilized by residents and community members to access stored boats, commercial fishing and tour boats, and to destinations including v Hana Japan Steak and Seafood, the Berkeley Marina Sportsmans Center, the Berkeley Marina Office, and more. Without necessary improvements, visitors will be deterred, resulting in a further loss of revenue and increase of blight. The vast majority of the existing infrastructure at the Berkeley Marina, including its parking lots, was originally constructed in the 1960s and 1970s, has reached the end of its useful life, and is starting to fail. If investments are not made as soon as possible, it will cost the city more, whether through forced implementation of emergency funding or by forced closures.

The Marina Fund manages all Waterfront revenues and expenditures, but is projected to be insolvent in the next budget cycle due to a decline in revenue as a result of safety and security concerns, failing infrastructure, and the pandemic. Although the city is working on a long-term planning effort to achieve financial viability, there remains a need to address an estimated \$146 million in infrastructure repairs, according to the city's Adopted Budget for Fiscal Year 2023 and 2024<sup>1</sup> as well as the Adopted Fiscal Year 2023 - Fiscal Year 2027 Capital Improvement Plan<sup>2</sup>. The City of Berkeley's Marina Master Plan<sup>3</sup> includes a guiding principle of maintaining and upgrading infrastructure, including parking lots.

### CONTACT

Councilmember Terry Taplin, District 2, (510) 981-7120, [TTaplin@cityofberkeley.info](mailto:TTaplin@cityofberkeley.info)

<sup>1</sup> <https://berkeleyca.gov/sites/default/files/documents/FY-2023-2024-Adopted-Budget-Book.pdf>

<sup>2</sup> [https://berkeleyca.gov/sites/default/files/documents/FY-23-27-Capital-Improvement-Program\\_0.pdf](https://berkeleyca.gov/sites/default/files/documents/FY-23-27-Capital-Improvement-Program_0.pdf)

<sup>3</sup> <https://berkeleyca.gov/sites/default/files/2022-02/Berkeley-Marina-Master-Plan-1.pdf>





Consent Calendar  
April 25, 2023

To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin

Subject: Budget Referral: Berkeley Waterfront Bike Park

RECOMMENDATION

Refer to the Fiscal Year 2024 budget process \$800,000 to design and implement the construction of a Berkeley Waterfront Bike Park

FINANCIAL IMPLICATIONS

\$800,000 in General Fund impact.

BACKGROUND

Since April of 2022, city staff have been collecting community input to inform the conceptual design for a bike park near the entrance of the Berkeley Marina between University Avenue and the San Francisco Bay Trail (north/south) and between Frontage Road and Marina Boulevard (west/east). In addition to various comments shared via email and phone, the community input process has included a focus group, a questionnaire, and three community workshops garnering feedback from residents and community members, including youth and young adults, mountain bikers, BMX bikers, adaptive cyclists, and more.

City staff has estimated the total design and construction cost to be \$1.6 million. The \$800,000 in allocated funds will enable city staff to leverage additional funding that requires the city to match 50% of the total project cost.

CONTACT

Councilmember Terry Taplin, District 2, (510) 981-7120, [TTaplin@cityofberkeley.info](mailto:TTaplin@cityofberkeley.info)

ATTACHMENTS

- 1 - First Community Workshop Notes
- 2 - Public Email Comments
- 3 - Questionnaire Results
- 4 - Second Community Workshop Concept Plans
- 5 - Second Community Workshop Presentation

## UNIVERSITY AVE BIKE PARK

### COMMUNITY WORKSHOP #1 NOTES

April 28, 2022

#### Project Team:

Zach Wormhoudt/ Lief McKay/ Julian Simeoni / Ali Endress / Scott Ferris

Attendees: Vivian Dai, Seth Watchel / Hannah from Waterside Workshops / Anton Migdal / Alex Fowler / Skate Xp / Carlos Moria-Arias / Leif Carlson / Diego Melo / Danielle / Diago Melo / Chris Spencer / Michael Camp / Chris Spencer / Travis R / Sam B / Christina Erickson Dept Director / Sam / Vivian Dai / Tetsu Tokunaga / Seth Watchel / Sierra / Ryan Majors / Nagar Gabby / Mike / Mike M – Oakland Pumptrack / Mara Mahmood / Peter / Sam / Nicolas / Sebastian / Aaron / + others.....

- Are skateboard elements a consideration?
- A skatepark would be great, there is one in Berkeley but its not street skating. There is a regional park for mountain biking 2 miles away.
- Advocating for skate plaza, hard to skate at Berkley park.. closed part of year. Want a street plaza... even if bike majority, some street skating plaza would be beneficial.
- Advocating for skate in new site. Berkeley Skate Park is dated. Skate park of all ages and walks of life can all convene at a skate park. Consider having a street skate course at the site. Using existing skate park for bmx, work with Tony Hawk.
- BMX street park wanted, plus pump track. City does not have dedicated bmx park and is needed.
- Right off Bay trail, people are already there on bikes.
- Build a new skate park, existing skate park takes a long time to dry.
- Skateboarding – Berkeley skate park is too far from house, too many people, and no street elements.
- Support for bike park, mountain biking birth place was here, mountain biking not represented. Would like a pump track for kids. Place for high schoolers to train to build skills for high school students, Marin high schoolers have great skills. Need training opportunities.
- Had bmx jumps on water, torn down 15 years ago, asphalt preferred for little to no maintenance. If asphalt, skate boarders could use it.
- Skate Park for quad skates. Straight skating with street elements. Hybrid park? Bikes / skateboards / quad skates
- Like downwind flow. Work with wind. Drop zones.... Ladder drops.... Build up skills
- Any park is awesome, long linear shape means for breaking up into areas.... Paved area for biking and skateboarding.
- Seating and other furnishings could be skate elements. Ledges.. drops, Places to sit and skate.
- Want a bike park, not a skate park. Bay area has hardly any biking, skating can go anywhere. Mixing skating and biking would make the park too complicated.
- 2 daughters 7 and 12, advocating for skating friendly skate park or multi use like the one in Vallejo. Have to drive far to a skate park. Skate park is family friendly. Skating for different levels.

- Earth based features, progressive jumps, shade for resting. Should be dedicated space for bikes.
- Mixed use space – paved pump track for bike and skates. Biking at Berkley skate park not allowed. Small area for ledges for skaters and possibly bikers. Paved area preferred for maintenance reasons.
- Skateboard features liked, all inclusive space for mainly mountain bikes. No street features at Berkeley skate park. Park for all users.
- Has 7 year old skater, and is a life long skater. Want little pump track for mountain bikers but want also want skate parks.
- Excited for a new park, ...neighbor on 5<sup>th</sup> street. Concern for dirt park... more people that can use it for skaters and bikers. Emeryville has a long and narrow park with combined features .
- Pump track preferred, paved pump track can be used by skateboarders and rollerbladers could be sued. Wooden skinny features are fun and other bike specific features.
- Bike specific park preferred. Already quite a lot of opportunities for skateboarders. Advocate for pump track plus ramps, tables, gaps etc.
- Skate park essential for Berkeley community, some skate park should be included.
- New skate park needed.
- Existing skate park has rough concrete. Smooth concrete for skate boarders is essential.
- Want skate and bike park. Include some skate park, very supportive of it being a skate park. Do go to other areas for dirt. Want comfortable area for parents to watch with shade, shelter from wind, drink fountains. Upgrade existing Berkeley skate park.
- Started this process a few years ago... other park went away, Hooked up with professor Watchel landscape arch professor, had students to design.... They came up with 3 parks for students and adults and little kids (east end), larger area in middle for adult and big kids adventure.. west end to include for adaptive cycling... this would be unique, very inclusive to have these 3 spaces. As a narrow space, lends itself to 3 spaces.
- Want more skate parks in Berkeley, existing one ok, but heavily used, need 1 or 2 more. Parking and accessibility need to be considered in this area, as well as drainage.
- Son loves skateboarding, not a lot of opportunities for street skating. Skating has uplifted many kids in pandemic, opportunity for another environment, share space for whole community
- Berkeley skate park, enjoyed time, but has fallen there... but compared to other space... other parks a little something for everyone. Berkeley skate park takes too long to dry. No street skating at Berkeley skate park. Doesn't want to drive too far to other skate park.
- Roller skaters in Bay Area. Like mini half park at other park, and is very smooth. No skate park close to them that is smooth. A lot more roller skaters now, would like half pipe.
- Mountain biker, mountain biker coach. City should fix Berkeley skate park. Narrow space, not a lot of options, jump line would work well. Breaking up into 3 zones would work. Need more bike access.
- Skateboarder advocating for skateboarding, existing park very rough. Berkeley doesn't have any street skating.
- Want street skate park. Berkeley is just a few bowls.
- Shade for parents, Stafford lake did a good job on elevated wood features, wide features not too tall for learning like Stafford lake.

## Bike Park Comments Received: May – July 2022

**From:** Chris Spencer <chris@nationalmtb.org>  
**Sent:** Thursday, May 12, 2022 2:18 PM  
**To:** Endress, Alexandra <AEndress@cityofberkeley.info>  
**Subject:** Berkeley Bike Park- Awareness of Limited Vehicle Parking

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hello,

As a Berkeley resident, member of the Cal Sailing Club, Member of the Berkeley Paddling and Rowing Club and also a mountain biker, I do want to bring attention to the limited parking at the Berkeley Marina. A benefit of a bike-only park will be that cyclists can ride using the existing bike path to the bike park. A concern I have if the park is to be made for uses requiring car-transportation, is adding to the already congested vehicle traffic at the marina. Thanks for your consideration.

-Chris

--

**Chris Spencer** | Director of Outcomes, Risk and Safety  
He, Him, His.  
National Interscholastic Cycling Association

2414 Sixth Street, Berkeley, CA 94710  
d 510.524.5464 Ext. 705  
[www.nationalmtb.org](http://www.nationalmtb.org)



*We build strong minds, bodies, character, and communities through cycling.*



**From:** Ben Paulos <benpaulos@gmail.com>  
**Sent:** Thursday, June 2, 2022 11:38 AM  
**To:** Endress, Alexandra <AEndress@cityofberkeley.info>; Ferris, Scott <SFerris@cityofberkeley.info>  
**Subject:** Other examples of bike parks

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Ali and Scott,

I got an email from other fans of bike parks, with a couple examples of state-of-the-art bike parks built in Bentonville, Arkansas. (If only we had a massive global corporation headquartered in Berkeley to pay for nice things! And plenty of free space!)

<https://www.thejonescenter.net/bike-park>

<https://americanrampcompany.com/projects/runway-bike-park-springdale-ar/>

Note that the The Jones Center park has three separate areas: Pump Track, Skills Course, and Bicycle Playground.

Note too that their pump track is paved — "one of the largest asphalt tracks in North America." I have the suspicion you are going to be less interested in a pure dirt facility, given the maintenance needs and proximity to the Bay water. I wonder if crushed granite would be a nicer surface for biking, giving it more of an off-road feel without as much maintenance or damage when wet. Though I have no idea of the durability or maintenance of that (or any other) surface, so I leave it to you experts.

(By the way, you may have heard that Dirt World in Richmond got a big state grant. I assume they are going to spend it on some better surface. You might see what they are planning.)

I slightly prefer making the big kids & adults part a "skills park" rather than a "pump track" since it gives more of biking experience. But I am strongly in favor of a bicycle playground for little kids on the east end of the parcel, and an adaptive cycling area on the west end, as Seth Wachtel & students laid out in their plan. I think those parts are excellent and are very responsive to Berkeley needs and values of inclusivity and access.

We certainly heard a lot at the meeting from the skaters and skateboarders about a "street skating" setup. I can see why they would want that but I don't see how the bike park can serve both purposes. It is quite far away from where anyone lives, which means most or all of the skaters will drive or be driven there, which goes against City goals to reduce car emissions and traffic. The only parking will be in the new Brickyard Cove lot. Bikers can of course bike there along the Bay Trail. And in basic terms of fairness, we already have a skatepark, even if it is not their favorite; and we have no bike park.

On a more symbolic level — the City is building more protected bike lines, recently on Milvia, coming soon on Hopkins and the San Pablo Corridor. The ballot measure this fall may put significant money into Complete Streets, which will accelerate pursuit of the bike master plan. I see the bike park as part of that future vision, to promote a non-car culture for our low-carbon future. The bike park is the playful part of the vision. So I see it as more than just a fun thing for kids, but as part of how we instill values in future generations. I don't see where skaters fit in that bigger vision.

But, given the smaller footprint of a street skating facility, like the one in Emeryville, I wonder if it can be located somewhere in the center of town, like near a school or pool or existing park. (San Pablo?) I'll let them scout out spots, I've been through that with the bike park.







**Pete Martin**

Senior, Brand & Product Marketing  
Cruise

**From:** Julian Henry Alcala <zenloop@gmail.com>  
**Sent:** Friday, May 13, 2022 11:30 AM  
**To:** Endress, Alexandra <AEndress@cityofberkeley.info>  
**Subject:** Berkeley Bike Park

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hi Ali,

I cannot tell you how excited I am about this project. Do you know the timeline on such a project? What completion date would be? Also can you speak to the interest of this project? I know many people who have filled out the survey. Do you have a count on responses? Would love for this project to gain traction. Anything cyclists in Berkeley can do to help make this a reality? Thanks again.  
-Julian Alcala

**From:** Joel Shrock <joel@shrockie.com>  
**Sent:** Thursday, May 12, 2022 2:47 PM  
**To:** Endress, Alexandra <AEndress@cityofberkeley.info>  
**Subject:** Bike park ideas - Images

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hi Ali,

The meeting went great last night. I'm pretty sure the goal was to discuss design of the bike park and not to rally for the cause, so we didn't blast it out to the 10,000 members in our Bay Area Mountain Biking group. I figured it would be better to have more focused design input.

I guess I should have stated in my intro that I'm the advocacy lead for the 10K member group to help add perspective to the skateboarders requests. It seems it got out into some local skate groups and I can hardly blame them for wanting another facility to use.

I've been working up a list of design ideas/ guidelines that I think would help position the park for success. I've been to a lot of bike parks. Pleasanton, Lake Stafford, Truckee (the best in the US), Incline village, Bellingham, Whistler, Lake Cunningham and have learned a fair bit from each of them. Here's an outline of what would be nice to have in the park and different skill zones.

Overall needs:

- Sitting area with shade for parents/ grandparents to watch over their rider (not mixed with skateboards)
- Bathroom
- Water
- Jump lines flow eastward, down wind.

Green zone: (push bikes/ early riders)

- Easy pump track. Paved is nice, like at dirt world. A little bigger though.
- Easy features, like a 2"x6" "Skinny" laying on the ground.

Blue Zone: Progressing intermediate riders

- Intro jump line(s): (see Pleasanton Bmx park blue zone)
  - Roll-in to gain speed. wood or dirt.
  - 2-4 jumps in a line. 2'-3' high with 3'-4' table tops
  - All dirt lips and landings okay, wood lips hold shape better.
  - Berm at the end to turn back to the start
- drop zone: (see Truckee bike park drop zone)
  - Could use the same roll-in as jumps
  - 4 drop options. 6", 9", 12", 15"
    - Could be rock drop, or wood ladder
- Balance Skills: ( Stafford Lake skill zone is great)
  - 20" wide wood features to ride over (could be on the way back to the roll-in)
    - Rollers
    - Angle up/down
    - Teeter totter
    - turning pathway with a drop

Black zone: Advanced riders

- Roll-in, if dirt, please add steps. Wood is okay too.
- Jump line. (see incline village bike park)
  - Wood lips are much better. kids trample dirt lips and wear them down.
  - 4' -5' lips, 5'-10' tables. Dirt landings
- Larger drop zone would be cool.
  - 2', 3', 4' drops
  - Downhill dirt landings
  - Could have a ramp to landing, so riders can build up
    - Rollable (both wheels), manual (rear wheel), send (air over ramp)
  - The ride back area to the roll-in could have pumpable rollers on it, like an in-line pump track.

Construction: Good dirt is crucial, and hard to assess some times. Dirt world struggles, There's not enough clay in their dirt so it crumbles and causes loss of traction. They had to do a treatment, like watered down Elmer's glue, but I think it was only marginally successful.

Paving the pump track with blacktop is a way to ensure it holds up well, as well as Wood lips for jumps. I highly recommend wood lips for the black zone. Kids smash the lips at dirt world by walking on them. Many ride the gaps like rollers, just to see if they can.. It destroys the jumps.

Compacted gravel with cement mixed in is something new.. The waterfront bike park in Bellingham, where it rains a lot, was constructed with this method. It really helps hold things in place. If you would like, I can get you the actual material content there, as my buddy Eric Brown runs the Whatcom County Mountain Bike Alliance that got it approved and built.

I've attached some photos to show the wood lips at Incline, the drop zone at Truckee and the balance skills at Lake Stafford.

I hope all of this is helpful! Please let me know if I can help out in any way.

Best,

Joel

---

Joel Shrock  
415-225-6420  
Shrockie LLC  
6050 Lowell St. #112  
Oakland, CA 94608







-----Original Message-----

From: RobinKibby <robinkibby@gmail.com>

Sent: Thursday, May 12, 2022 3:27 PM

To: Endress, Alexandra <AEndress@cityofberkeley.info>

Subject: Berkeley Bike Park-hooray!

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hi

I'm so happy Berkeley is evaluating a dirt park for bike riding.

Our middle schooler recently joined Oakland Devo bike club and the pump track has been helpful for beginners to practice and build confidence and have fun on a mountain bike. Our younger child loves it too! Biking is good for their mental and physical health, and I hope more kids have access to this great sport.

Having a park in central Berkeley would make the sport more accessible since it's easier to get there, than up into the hills, and more kids and adults can get outside.

Oakland Devo said the JMP pump track build was quick, but permitting took 5 years! I encourage you to talk to them to find out how to expedite the process. The sooner kids can ride the better.

I hope you'll also consider how to protect the area from crime, given the recent gunpoint robberies.

Sincerely  
Robin Kibby  
Berkeley

**From:** Scott Bartlebaugh <sbartlebaugh@sbcglobal.net>  
**Sent:** Thursday, May 12, 2022 1:38 PM  
**To:** Endress, Alexandra <AEndress@cityofberkeley.info>  
**Subject:** Support for Berkeley Waterfront park

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Ali,

I'm writing to provide support for the Berkeley Waterfront Bike Park Project on behalf of the Bicycle Trails Council of the East Bay and our 300+ members. A bike park at the waterfront would be a great asset to the youth and adults of Berkeley providing a safe place to ride, recreate, receive benefits to physical and mental health, build community, and conserve the environment with a planned park in a designated location.

Some key features to consider including:

- Provide a progression of features to enable safe experiences for new riders to begin and build their skills with progressively more challenging features. Unplanned jump lines or features often progress a builder's skills and don't provide as safe an experience for new users. A planned and designated area has the advantage of providing a range of experiences to match varied skills and allow development in a safe manner.

- Consider a paved facility for features that allow it such as pump track features. While the initial cost of construction is more than dirt features a paved track provides and more consistent and lower maintenance facility and better serves the community with a long term lower cost of ownership and better experience.
- Consider a 'bicycle playground' area that is geared to the very youngest of riders that are on 'strider' type bikes. This can be a very small footprint but is an excellent way to connect with the youngest members of our community and better serve families with children of all ages.
- I've heard there is interest from the skate community on having access. Where possible to design such that features are accessible to both skaters and bikes it would help serve a broader segment of the overall community. Many paved pump tracks also find interest from riders on scooters as well expanding the range of users.

We thank the City of Berkeley for considering this project and hope it becomes a reality. If there is some way the Bicycle Trails Council of the East Bay can help out please contact us. We have been active for decades doing trail work in Joaquin Miller Park in Oakland and in the East Bay Regional Park District. We are also active in the Oakland Pump Track at Joaquin Miller Park and have contributed volunteer maintenance days at Dirt World in Richmond.

Regards

Scott Bartlebaugh

Advocacy Director, Bicycle Trails Council of the East Bay  
[www.btceb.org](http://www.btceb.org)



**From:** Heath Maddox <heathmaddox@gmail.com>  
**Sent:** Thursday, May 12, 2022 11:49 AM  
**To:** Endress, Alexandra <AEndress@cityofberkeley.info>  
**Subject:** Community Bike Park

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hi, this is something I've been trying to follow, but finding it challenging! I was just forwarded your survey by the head coach for Wildcat Composite MTB Club, the Berkeley/Albany/El Cerrito middle school team, but it was just to the survey and had very little info.

I think he probably got a tip from BTCEB. I started googling and searching on the City's website and came up with this [stakeholder interest form](#) which has your contact info, but was very sorry to learn that I and presumably all the families of the Wildcat team who live in Berkeley missed public workshop #1 yesterday. These families are your prime audience and should be involved! Also, the Bike Park Project Info link on the stakeholder interest form ([https://www.cityofberkeley.info/PRW\\_CIP/](https://www.cityofberkeley.info/PRW_CIP/)) is broken, so there's no way for people to find out more about the project online!



Thanks,

Heath Maddox  
1565 Rose St, Berkeley, CA 94703

**From:** David Taylor <djoelt1@hotmail.com>  
**Sent:** Thursday, May 12, 2022 9:03 AM  
**To:** Endress, Alexandra <AEndress@cityofberkeley.info>  
**Subject:** Bike Park Comments

Hi Ali,

I was on the call last night but when you called on me I had my microphone turned off!

Just wanted to get my comments in here.

I'm an avid mountain biker and have been to 5 different mountain bike parks.

Progressive drops that get higher with sloped runout would be great – these can't go to a flat landing.

Jump lines that get progressively longer/higher would be great, but again, there needs to be a pretty high starting ramp to gain speed, and that speed will dissipate over the flat ground there so there needs to be room to pedal between jumps or there needs to be another ramp after, say, 3 jumps. That is, you start down a ramp (dirt or wood), go over a few jumps, then bike up a gradual ramp to another drop in.

IN the bike parks I've been to, the difference between easy and intermediate is immense. More gradations would be helpful! Also, the South Lake Tahoe mountain bike park has a stand alone tall jump similar to those on the advanced line that has a run out on the back covered in deep wood chips. This was useful in transitioning from the beginner jumps to the more advanced ones.

The biggest obstacle with the jump lines in the flat ground - all jump lines I've seen slope downward to help the rider maintain speed. Think about how the rider will maintain speed down the track.

That's it! Great idea and will love to see it built.

-David Taylor

From: Endress, Alexandra  
Sent: Wednesday, May 11, 2022 1:51 PM  
To: Kate Campbell King <kate@northberkeleywealth.com>  
Subject: RE: Bike Park question: skate area?

Hi Kate,

Thanks for reaching out. Skateboard elements are on the table for discussion, but the highest priority goal for this space is to accommodate mountain bikers and BMXers, given that the City already has an existing Skateboard park.

From: Kate Campbell King <kate@northberkeleywealth.com>  
Sent: Wednesday, May 11, 2022 1:30 PM  
To: Endress, Alexandra <AEndress@cityofberkeley.info>  
Subject: Bike Park question: skate area?

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I am interested to know if there will be a portion of this area allocated to skaters (skateboarders, inline skaters, etc). We have nearly no resources in the Berkeley park system for skaters, and there are more and more kids getting into these sports.

Please let me know how I could get involved with the overall design to make space for skaters, too.

Kate

Kate King  
2001 Los Angeles Avenue  
510-219-2861  
Kate.campbell.king@gmail.com

**From:** Kevin Brown <kevinubrown1223@gmail.com>  
**Sent:** Friday, April 22, 2022 7:12 AM  
**To:** Endress, Alexandra <AEndress@cityofberkeley.info>  
**Subject:** Bike park

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hi I'm happy to hear that the city of Berkeley is going to get a very much needed bike park! I'm hoping there will be a large section of jobs very similar to what the city of Berkeley tore down that the high school kids built? Is there a reason the focus group is only for young kids when there are tons of adults in the bay area in Berkeley that need a bike park? I am a volunteer bike park builder so I would very much like to be involved with the design. Please let me know any more info you can provide me with and how I can be involved. Thank you.

-Kevin

-----Original Message-----

From: Aleta Abrams <aleta\_abrams@pacbell.net>  
Sent: Thursday, April 21, 2022 5:49 PM  
To: Endress, Alexandra <AEndress@cityofberkeley.info>  
Subject: Berkeley Waterfront Bike Park

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Good idea! Can you please add me to your emailing list?

-----Original Message-----

From: Aleta Abrams <aleta\_abrams@pacbell.net>  
Sent: Thursday, April 21, 2022 5:49 PM  
To: Endress, Alexandra <AEndress@cityofberkeley.info>  
Subject: Berkeley Waterfront Bike Park

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Good idea! Can you please add me to your emailing list?



## City of Berkeley ~ Waterfront Bike Park Design Questionnaire Results

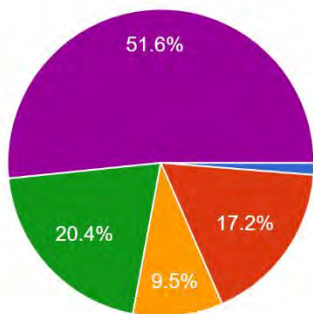
The City of Berkeley is partnering with RRM Design Group and Wormhoudt Incorporated to develop a new Bike Park along University Avenue and the San Francisco Bay Trail, between Frontage Road and Marina Boulevard.

An online Design Questionnaire gathered participant demographics and solicited input for the design of the Bike Park and related site improvements. The Questionnaire was accessible to the public from April 20, 2022 through May 15, 2022. The Questionnaire had 402 total participants. The results of the questionnaire are documented on the following pages.



How old are you?

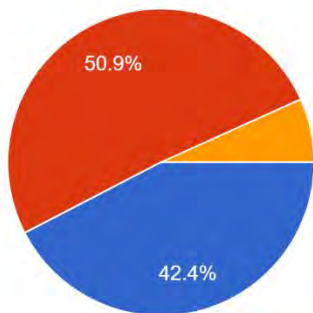
401 responses



- 1-10 years old
- 11-20 years old
- 21-30 years old
- 31-40 years old
- 41 plus years old

Where do you live?

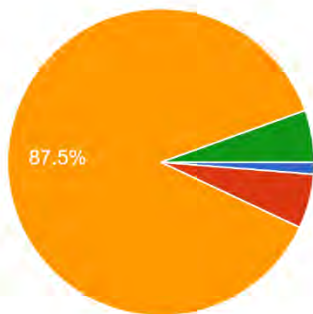
401 responses



- Live within the City of Berkeley
- Live within 15 miles of Berkeley
- Live further than 15 miles of Berkeley

What kind of bike do you ride?

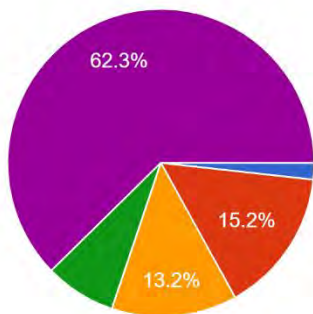
401 responses



- BMX
- Dirt Jumper
- Mountain Bike
- Cyclo-Cross

How many years have you been riding?

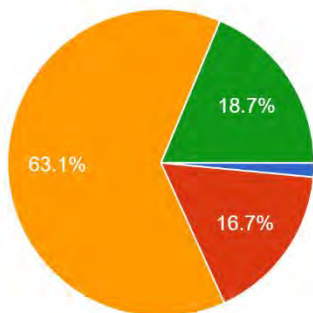
401 responses



- 0-1 years
- 2-3 years
- 4-6 years
- 7-10 years
- 10+ years

How often do you ride?

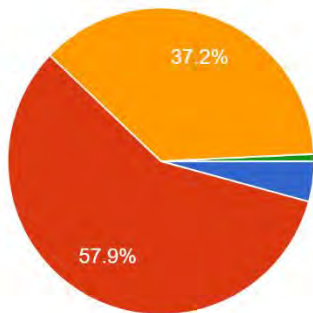
401 responses



- I do not currently ride, but interested in the project
- I ride a few times a month
- I ride a few days a week
- I ride every day.

Describe your skill level?

401 responses



- I am a beginning rider
- I am an intermediate level rider
- I am an expert level rider
- I am a professional rider

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>List three (3) things you believe are important for the design of the Berkeley Bike Park (An example being: flow, separate areas for separate skill levels, built features). Any ideas are good!</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Bike Playground for little kids on the east end, close to cafe, with benches and drinking fountain. Skills park in the middle for big kids and adults. Adaptive cycling area on the west end.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Progressive drops<br>Progressive Table Tops<br>Kids Pump Track<br>Wood skills features, slightly elevated.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Prioritize as much pump track as possible over other features such as jumps or skills. I would be stoked if the whole thing is a pump track.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Pump track, tabletop line, gap line                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Nice flow. Berms that are steep enough to lean on. A assortment of table top jump sizes for intermediate riders to build confidence.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| an asphalt pump track for easy maintenance.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Skills, Flow, large pump track. Truckee bike park is a good model                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Separate skills areas                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Flow, progressive jump lines, skills areas like rock gardens, wall rides, etc                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Separate zones with a clear skills progression. Kids zone w/ picnic tables or family viewing, range of length options (pump tracks and flow trails support each other. Check out Stafford Lake for reference)                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| various areas for different skills                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Good flow. Appeals to a range of skill sets. Ability to mix and match routes to change it up.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Bike playground, pump track, jumps                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Progression features, like small to big drops<br>Pump track.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Different skill levels. Clear areas (and rules) for learners/little kids and experts -- for the safety and enjoyment of all. Water to help keep park in shape. Areas to rest (e.g., picnic tables). (Truckee California park is an EXCELLENT example of a great park).                                                                                                                                                                                                                                                                                                                                                                                                              |
| Bike parks tend to be free form, meaning you can ride them in any direction. This park should expect very high visitation due to the close proximity to a very large bike population. The bike park will thrive if it is well planned. Features that will be nice to have - The usual pump track with big berms to practice body position in addition to the bigger draw of jumping. All the kids want to jump but lets do more than create jumps. Include a Skills area, meaning raised wood planks to ride on as seen at Tamarancho and other bike parks. 2. A place for the kids and adults to sit, watch, gather. 3. Trash cans and a maintenance crew to keep it looking good. |
| Built features, range of skills, flow option                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Flow trails, a mix of technical downhill and uphill, and a pump track.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Progressive features ( sml , med, lrg).<br>Rideable on any bike, or separate areas for different disciplines.<br>Ease of maintenance.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Flow trail, pump track, small to progressively larger features                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Flow trail; jump features that vary in size (small, medium, and large sets) to help riders progress in their skills                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

|                                                                                                                                                                                                                                                                                                                                            |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Flow, pump track, progressive jumps                                                                                                                                                                                                                                                                                                        |
| pump tracks, jumps for different skill levels                                                                                                                                                                                                                                                                                              |
| A pump track, jump lines for kids, obstacles to ride over.                                                                                                                                                                                                                                                                                 |
| The fake rock garden features are truly a waste of money. Wood ramp take offs and dirt landings will be most cost effective. Modeling the park after the Lake Cunningham park and Lake Stafford park will give Berkeley youth and the surrounding mountain bike community equitable resources that are truly within a bike rides distance. |
| A variety of skill levels and the ability to work up to larger features, a flow area, shade.                                                                                                                                                                                                                                               |
| Engaging infrastructure for a variety of ages & levels                                                                                                                                                                                                                                                                                     |
| flow, separate areas for separate skill levels, built features                                                                                                                                                                                                                                                                             |
| FUN, progressive challenges, bathrooms                                                                                                                                                                                                                                                                                                     |
| Flow, jump line, skill building area                                                                                                                                                                                                                                                                                                       |
| Flow trail, table top jumps, gap jumps.                                                                                                                                                                                                                                                                                                    |
| Pump track, separate skill levels, jumps                                                                                                                                                                                                                                                                                                   |
| separate areas for separate skill levels<br>Accessibility for all kinds of bikes(not limited to BMX/DJ)<br>Fun features that aren't boring                                                                                                                                                                                                 |
| separate areas for different skill levels, pump track, jumps, water fountains                                                                                                                                                                                                                                                              |
| factor in wind, interesting features for everyone which are creative, works with long bikes                                                                                                                                                                                                                                                |
| Pump track, dirt jumps, features to challenge experienced riders                                                                                                                                                                                                                                                                           |
| multiple jump lines with varying difficulties<br>paved pump track<br>good roll in for jumps                                                                                                                                                                                                                                                |
| All different sizes if everything. Diversity of obstacles to make sure everyone feels like they can learn and improve and a friendly environment                                                                                                                                                                                           |
| Beginner, intermediate and expert area. Regular maintenance, instruction                                                                                                                                                                                                                                                                   |
| Burns, flow,                                                                                                                                                                                                                                                                                                                               |
| Fun obstacles, different area for advanced riders, jumps                                                                                                                                                                                                                                                                                   |
| Flow, different features for different skill levels                                                                                                                                                                                                                                                                                        |
| Flow, Jumps, Pump Track                                                                                                                                                                                                                                                                                                                    |
| Flow trails, pump tracks, tabletop jumps, as well as water and restrooms and a bike pump/multi tool station                                                                                                                                                                                                                                |
| Flow. Different skill levels. Practice track including turns to teach new riders                                                                                                                                                                                                                                                           |
| Drop features, jumps, pump track                                                                                                                                                                                                                                                                                                           |
| Separate areas for different skill levels, a large range of difficulty in features                                                                                                                                                                                                                                                         |
| Good transfer lines, bike handling skills obstacles, shaded resting areas                                                                                                                                                                                                                                                                  |
| Separate jumps that progress from easy to expert<br>Flowey pumptrack<br>Wind management. Marina is windy                                                                                                                                                                                                                                   |
| Definitely separate areas for separate skills/levels of competence so that riders can have a progression from easy to hard. Pump track, rollers, jump line. A water source (drinking fountain/bottle filler) would be great. Shade would be great (at the ends of jump lines where people tend to wait).                                   |
| Pump track, jumps with both gaps and tabletops, and multiple runs for different levels                                                                                                                                                                                                                                                     |



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1. Mountain bike specific jumps<br/>                 2. Pump track<br/>                 3. bmx dirt jumps</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <p>Partnership with East Bay Parks and NorCal Interscholastic Cycling Association (NICA) for enough land to open an MTB cross-country course as riding and race venue for K-12 teams (such as Berkeley High) and using the parking at the Berkeley Marina and/or Golden Gate Fields to host actual NICA races.</p>                                                                                                                                                                                                                                                 |
| <p>I believe that varying skill level jump lines are very important. The easy(green) line should be east enough for people who have ridden a bike very little, and the difficult(black or double black) line should be hard enough for advanced riders to be challenged and have a good time.</p>                                                                                                                                                                                                                                                                  |
| <p>Accessible, fun, challenging</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <p>Pump track and progressive jumps</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <p>Lots of features, skinnies, drops, etc.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p>Having it be all legal inclusive! Have set rules to help keep the bike park safe! Make sure it's super fun and has features and of course a flow trail or pump track!</p>                                                                                                                                                                                                                                                                                                                                                                                       |
| <p>I think all features should have progressions so it's easy for many types of riders to learn. Features should include flow trails, skills area, pump tracks, dual slaloms, dirt jump lines.</p>                                                                                                                                                                                                                                                                                                                                                                 |
| <p>Jumps and features</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <p>several levels of trails in order to build skills, trails with larger but forgiving features in order to build confidence</p>                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <p>flow trail, wooden features, jump line</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p>Kids flow trail, progressive jump line, and pump track</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p>Clear difficulty ratings, a variety of jumps and flowy features and a communal bike tool set near the park entrance</p>                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <p>Good sized jumps with progression from easy to hard. Mainly tables for safety</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <p>A two lane pump track like Bellingham Washington has. Progressive jumps. Accessible feature in sections so anyone can ride.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <p>Flow, built features that (for the most part) can be skipped), a way to get speed easily even if your bad at pumping (just a high elevated point), and jumps</p>                                                                                                                                                                                                                                                                                                                                                                                                |
| <p>I have been to many bike parks and the difference between intermediate level runs and beginner runs is really large. There should be smaller gradations between levels. The South Lake Tahoe mountain bike park has some tall kickers with soft mulch landings for intermediate riders to make the transition to big jumps. And finally, it's important that the jump lines slope down from the start - Dirtworld in Richmond is too flat. There needs to be a hill to descend to get speed to start, then a means of maintaining speed through the course.</p> |
| <p>Tabletop jumps, pump track, well built burmed corners</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <p>Pump track, skill building, jumps for all levels</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <p>Separate areas for different skill levels, features for experts, jumps</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p>Flow definitely. For jumps/box different skill levels: beginner, intermediate, advanced.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p>1.)Medium sized dirt flow trail<br/>                 2.)Pump tracks (one for BMX, and one for MTB)<br/>                 3.)Small to medium wooden features such as drops, kicker ramps, and rollers</p>                                                                                                                                                                                                                                                                                                                                                         |
| <p>Separate areas for differing abilities</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p>Separate areas for different skill levels including an area for kids just learning to ride</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <p>Different places for different levels, area for adults, and an area for kids</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

|                                                                                                                                                                                                                                                                                                                                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Graduated skills features (not necessarily separate - like s, m, large jumps), burmed flow trail, fun built features (skinnies, teeter totter, wall ride)                                                                                                                                                                                                                   |
| Separate skill areas, pump tracks, mix of gaps and doubles                                                                                                                                                                                                                                                                                                                  |
| it would be nice if there were special features like a whale tail, or a box jump. separate areas for different skill levels and activities would be good. flow would be wonderful, but jumps would also be really good (table tops?). skills courses with skinnies and drops would be unique.                                                                               |
| Jumps, skinnies, wall rides                                                                                                                                                                                                                                                                                                                                                 |
| Progressively more challenging features. PLEASE! include a Pump Track -easy to build, very fun for all skill levels and safe (no jumps). Come up to Joaquin Miller to see the one that we built with 100% volunteer money and labor                                                                                                                                         |
| A facility that is physically attractive to riders and non-riders alike<br>Areas that are designated by skill level<br>Combination of BMX jump/ pump track + mountain bike circuit                                                                                                                                                                                          |
| "green", "blue" and "black" rated features for progression; pump track (possibly paved for durability) suitable for mountain bikes; jump line(s)                                                                                                                                                                                                                            |
| Separate loops for different skill levels. Flow is always nice, and it's good for skill development.                                                                                                                                                                                                                                                                        |
| Well built features of ranging size                                                                                                                                                                                                                                                                                                                                         |
| Accessibility to young people and beginner riders, multiple path types: paved and dirt                                                                                                                                                                                                                                                                                      |
| It would certainly be a boon if a cyclocross track was a possibility in the design, the bay area is running out of venues for CX. I'd like pump/flow trails also. I'm CX/MTB focused.                                                                                                                                                                                       |
| Take a look at the SF McLaren Park pump track. It is a good example of a bike park that is under-utilized due to its small size and lack of variety in the experience levels of the lines (I think it only has 1 or 2 lines). I would love to have access to a bike park that encourages progression as a rider, with jump and skill lines for riders to hone their skills. |
| Areas for progressive skill learning, beginner to expert +. Ways to link several sections to create a longer course. Include a cyclocross circuit suitable for a full race (1.5 to 2 mile circuit with stairs, elevation changes.                                                                                                                                           |
| Pump track, progressive jumps, year-round riding                                                                                                                                                                                                                                                                                                                            |
| Features and Flow.                                                                                                                                                                                                                                                                                                                                                          |
| Progressive features for different skill levels                                                                                                                                                                                                                                                                                                                             |
| Progressive jump lines, Table tops, MTB challenge features                                                                                                                                                                                                                                                                                                                  |
| Dirt and Asphalt surfaces with pump track; separate courses for beginning, intermediate, advanced riders; BORP Adaptive Cycling bike park zone                                                                                                                                                                                                                              |
| Features for all skill levels and proper maintenance.                                                                                                                                                                                                                                                                                                                       |
| Children's pump track, skills area, progressive jump lines                                                                                                                                                                                                                                                                                                                  |
| Each feature should ideally have multiple skill levels (easy, intermediate, hard) so riders can progress. Mechanic station. Flow trail.                                                                                                                                                                                                                                     |
| jumps, drops, pump track                                                                                                                                                                                                                                                                                                                                                    |
| a progressive jump line to help people get better, a nice pump track, and separate lines for separate skill levels                                                                                                                                                                                                                                                          |
| I believe it should be a shared park that has room for bikes and skateboards. Berkeley needs street features and a new skate park. Look at lake Cunningham in San Jose as inspiration.                                                                                                                                                                                      |
| Good flow, progressive jump lines, sturdy construction                                                                                                                                                                                                                                                                                                                      |
| Areas for kids, all the way to advanced riders. A safe place to gather. A place to grab a coffee!                                                                                                                                                                                                                                                                           |

|                                                                                                                                                                                                                                                                                                                                                                                                      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>progression levels so all the kids have a space to progress.<br/>                 BMX and Street Skate area to be shared is needed and not supported at all in Berkeley.<br/>                 Flow trails and jumps with various features for fun.</p>                                                                                                                                            |
| <p>Decent sized jumps<br/>                 Well maintained<br/>                 Jumps for every level</p>                                                                                                                                                                                                                                                                                            |
| <p>Create a loop with various features long enough and wide that multiple skill levels can be on the course at a time and create a viewing stand so people can watch as much of the course as possible</p>                                                                                                                                                                                           |
| <p>Accessibility for multiple ages and skill levels</p>                                                                                                                                                                                                                                                                                                                                              |
| <p>Ability for riders to have fun, learn, and progress.</p>                                                                                                                                                                                                                                                                                                                                          |
| <p>1) Varying degrees of skill level, from tiny to a few really massive features, 2) Opportunity for kids to contribute to building features. (think Adventure Playground), 3) Make it flexible and evolving.</p>                                                                                                                                                                                    |
| <p>Jumps and drops with progression from beginner to advanced, separate areas for each level, more than just a pump track.</p>                                                                                                                                                                                                                                                                       |
| <p>1. full range of skill levels and progressions (please consult with riders/builders on the "advanced" areas, progressive drops, skinnies, etc.), 2. sufficient quality for holding events and races (cyclocross, BMX, pump track, maybe even short track XC), 3. water source for building dirt features and for drinking, 4. parking area within view of riding area to reduce car break-ins</p> |
| <p>Separate areas for different skill levels, a wide spectrum of features that can cater to all abilities from toddler beginners to professional dirt jumpers, food truck accommodations.</p>                                                                                                                                                                                                        |
| <p>Kid space, pump track, feature park</p>                                                                                                                                                                                                                                                                                                                                                           |
| <p>built features</p>                                                                                                                                                                                                                                                                                                                                                                                |
| <p>a separate area for young kids would help keep everyone safe</p>                                                                                                                                                                                                                                                                                                                                  |
| <p>separate areas for separate skill levels, safe access to biking lanes beyond the park for kids to be able to take advantage of the park, built features, seating / shade for parents accompanying smaller children, clean well-maintained safe bathrooms</p>                                                                                                                                      |
| <p>Rock garden; pump track area; board ramps</p>                                                                                                                                                                                                                                                                                                                                                     |
| <p>flow park w/ sufficient technical for high school riders, area for youngest riders but still banked, area for gathering post-ride and enjoying park/bay</p>                                                                                                                                                                                                                                       |
| <p>separation from hikers, features, trees</p>                                                                                                                                                                                                                                                                                                                                                       |
| <p>More than beginner level features, features and areas for all levels of riders. Easily accessible infrastructure and A safe clean environment. Progressing jump lines from green to double black, wooden features, skinnies. Drops, pumptrack. Bike only areas, free of smaller children.</p>                                                                                                     |
| <p>The most important thing is to provide progressive options for different still levels, allowing riders to move up and try more challenging features on the fly. (if you are feeling good, then take the bigger hit, if not, then stay mellow)</p>                                                                                                                                                 |
| <p>Separate skill levels, pump track</p>                                                                                                                                                                                                                                                                                                                                                             |
| <p>Flow, berms and thing to practice turns</p>                                                                                                                                                                                                                                                                                                                                                       |
| <p>separate skills areas, jumps, tabletops</p>                                                                                                                                                                                                                                                                                                                                                       |
| <p>Built features like tabletop jumps, areas for skill progression, features that are hard to find in the east bay</p>                                                                                                                                                                                                                                                                               |
| <p>Flow is very important, bikers should not be able to cross paths or ride toward each other on the same feature. Clear signs for direction of travel.</p>                                                                                                                                                                                                                                          |
| <p>A park for only bikes is needed in Berkeley area, so this is great idea!</p>                                                                                                                                                                                                                                                                                                                      |
| <p>flow</p>                                                                                                                                                                                                                                                                                                                                                                                          |

|                                                                                                                                                                                                                                                                                                                                                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Fun jumps at a variety of skill levels, from beginner to daredevil. Start with simple drops, then tabletops, then ski-jump style launches. Obstacle courses for kids to practice getting their bikes over logs, along rails, etc. Flow trail with switchbacks is also great practice, if space allows. First aid station will be critical!                                     |
| Flow. I don't think it's necessary to have a pump track (there is one in Richmond). Also, potentially a rock garden as well would be good for building skills.                                                                                                                                                                                                                 |
| separate areas for separate skill levels, flow would be fun. built features too.                                                                                                                                                                                                                                                                                               |
| flow, jump/drop progression, built features                                                                                                                                                                                                                                                                                                                                    |
| Wow, I think this would be such a great addition to Berkeley. Having a few different area/levels would be great smaller easier flow with very small or no jumps, an advanced track with beamed corners, bigger jumps. Great to have an area for practicing skinnies, logs, drops or a single jump (small/med/large). Having an arrow to keep everyone going the same direction |
| Separate areas for skill, welcoming to all levels                                                                                                                                                                                                                                                                                                                              |
| Slower zones for younger and less experienced riders Parts with not mandatory gaps Dirt                                                                                                                                                                                                                                                                                        |
| Design                                                                                                                                                                                                                                                                                                                                                                         |
| 1) progression from beginners to higher levels, 2) pump track, 3) paved to make maintenance manageable                                                                                                                                                                                                                                                                         |
| At least two pump tracks, one for beginners and one for advanced riders. Progressive jump areas, with separate lines for beginner to advanced.                                                                                                                                                                                                                                 |
| Flow, separate skill level courses,                                                                                                                                                                                                                                                                                                                                            |
| pump track, jump lines of varying difficulties with good progression, built features                                                                                                                                                                                                                                                                                           |
| separate areas for separate skill levels. Jumps. Skills sections                                                                                                                                                                                                                                                                                                               |
| Pump track in the middle, with cross country tracks on the perimeter with elevation and features                                                                                                                                                                                                                                                                               |
| Flow park, skills park, gnar                                                                                                                                                                                                                                                                                                                                                   |
| flow trails, skills section and some jumps                                                                                                                                                                                                                                                                                                                                     |
| Pump track, built features, flow trail                                                                                                                                                                                                                                                                                                                                         |
| Jump line, separate skills features                                                                                                                                                                                                                                                                                                                                            |
| Separate areas for separate skill levels, marked same way as ski runs at ski resorts;<br>Pump tracks with multiple lines;<br>Clear directional route markings on beginner lines;<br>Pave where beneficial (i.e., pump tracks by Velosolutions);<br>Clearly designated space (if any) for skateboards on any paved pump tracks                                                  |
| flow trail, features                                                                                                                                                                                                                                                                                                                                                           |
| Varied pumptrack for different disciplines of biking, ample terrain that progresses in difficulty, variety of features (rock garden, skinnies, groomed jumps/tables, etc. )                                                                                                                                                                                                    |
| Flow, features, separate areas for different skill levels, a short track course where high school teams can practice.                                                                                                                                                                                                                                                          |
| Flow trails, BMX course, and beginner area for little kids to ride                                                                                                                                                                                                                                                                                                             |
| Cyclocross course                                                                                                                                                                                                                                                                                                                                                              |
| Flow, separate skill levels, safe parking                                                                                                                                                                                                                                                                                                                                      |
| Different jump lines for different skill levels, flow, mix of features                                                                                                                                                                                                                                                                                                         |
| 1. many options for different activities, 2. flow, 3. skill based jumplines                                                                                                                                                                                                                                                                                                    |
| Separate areas for separate skill levels.                                                                                                                                                                                                                                                                                                                                      |
| Flow, big jumps, drops                                                                                                                                                                                                                                                                                                                                                         |

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| A variety of built features that would challenge and help you to train different techniques. It's important that there is a progressive level of technique and skill built into the park so users can progress through time. I think it's important that there is a clear progression through the park. Whether there is maps or some other directions so people aren't just lost. |
| Flow, separate skill levels jumps and tabletops                                                                                                                                                                                                                                                                                                                                    |
| built features, different skill areas, space for parents/non-riders                                                                                                                                                                                                                                                                                                                |
| Good for multiple skill levels. Longer trails and features, not just jumps and air. Safe and well maintained with places for people to hang out. Look to successful parks like Truckee bike park. No reason we cant do just as well here.                                                                                                                                          |
| A mix of flow/pump track with some technical challenges                                                                                                                                                                                                                                                                                                                            |
| Flow and Progressive features that allows for skill projection (ie different levels of jumps that beginners can start at the easiest and move up),                                                                                                                                                                                                                                 |
| flow, mountain bike features, kid features.                                                                                                                                                                                                                                                                                                                                        |
| Areas of different and gradual increasing difficulty; skills features; support for youth programs and development.                                                                                                                                                                                                                                                                 |
| Progressive jump lines (beginner, med, large, etc)                                                                                                                                                                                                                                                                                                                                 |
| Flow; elevation; trees/wind protection                                                                                                                                                                                                                                                                                                                                             |
| kid friendly, mtb skills course, mega jumps/ features                                                                                                                                                                                                                                                                                                                              |
| skill levels, obstacles, flow                                                                                                                                                                                                                                                                                                                                                      |
| Flow trails, park for all ages, fun features!                                                                                                                                                                                                                                                                                                                                      |
| separate areas for separate skill levels, pump track, jumps                                                                                                                                                                                                                                                                                                                        |
| Areas for intermediate level riders, I'm not a jumper and probably won't become one.                                                                                                                                                                                                                                                                                               |
| Flow, progressive features                                                                                                                                                                                                                                                                                                                                                         |
| Skills area. Skinnies. Progressive jump area.                                                                                                                                                                                                                                                                                                                                      |
| separate skill areas is paramount. benches for parents to hang out while their kids ride. enough space so that folks aren't right on top of each other.                                                                                                                                                                                                                            |
| A fun cross-country course with flowing singletrack would be great for a beginner crowd or folks who don't want to climb so much. a skills area to practice logs, teeters, jumps would be great also                                                                                                                                                                               |
| natural and built features that allow skills progression. Would prefer these to flow track style features.                                                                                                                                                                                                                                                                         |
| My suggestion is to look at other municipal bike parks that are viewed with admiration as models to emulate. The one that comes to mind is in Truckee.                                                                                                                                                                                                                             |
| Separate areas for skill levels, feature progression (ie, small, medium and large drops or jumps), and well-designed pump track                                                                                                                                                                                                                                                    |
| Features for all skill levels, kid/family friendly, built features                                                                                                                                                                                                                                                                                                                 |
| flow, different lines for different skill levels, and ease of maintenance/repair. Harvey West in Santa Cruz is a great example to follow, in my opinion.                                                                                                                                                                                                                           |
| * different sized bikes/humans require different sized features. please build for all sizes. * viewing area with seating. * SAFE and SECURE parking for bikes and vehicles.                                                                                                                                                                                                        |
| easy access, open to all levels, clean                                                                                                                                                                                                                                                                                                                                             |
| separate areas for different skill levels, flow                                                                                                                                                                                                                                                                                                                                    |
| Pump track with several loops for different skills, bridge/balance features, separate area for slower/new riders                                                                                                                                                                                                                                                                   |
| Flow and separate skill levels                                                                                                                                                                                                                                                                                                                                                     |

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| Flow trail, MTB jumps,                                                                                                                                                                                                                                                                                                                                                                      |
| Features for all skill levels including expert level with design focused on suitability for mountain bikes. Built wooden and rock features.<br>Lines that include several features in a row.                                                                                                                                                                                                |
| Flow tech and jumps                                                                                                                                                                                                                                                                                                                                                                         |
| flow, one way trails, good drainage                                                                                                                                                                                                                                                                                                                                                         |
| Safe, accessible, and educational.                                                                                                                                                                                                                                                                                                                                                          |
| Sections for different skills. Regular maintenance, different ride features                                                                                                                                                                                                                                                                                                                 |
| Progressive features (like a ski area); access to adjacent trails; pump track , jump line, and bike handling skills zones                                                                                                                                                                                                                                                                   |
| Pump track; dirt jumps with beginner to expert levels; public bathrooms and water fountains; repair station - especially tire pump.                                                                                                                                                                                                                                                         |
| 1. flow trail 2. Jump Line 2. Progressive Drops/Wooden Features                                                                                                                                                                                                                                                                                                                             |
| Green, blue, black diamond style jump lines and flow trails with varying features for each skill level                                                                                                                                                                                                                                                                                      |
| I would love a flow area, a progressive skills park and skinnies                                                                                                                                                                                                                                                                                                                            |
| Family friendly, progressive, paved pump track                                                                                                                                                                                                                                                                                                                                              |
| Parallel jump progression zone (Easy, med, hard lines) like at Stafford Lake. Dual slalom flow trail. Kids skill area (see saws, small jumps, elevated platforms...)                                                                                                                                                                                                                        |
| Jump progressions                                                                                                                                                                                                                                                                                                                                                                           |
| 1) Separate areas to build skills in stages<br>2) Variety of challenges -- Pump vs Jump vs Berm<br>3) Proximity to Picnic benches for parties                                                                                                                                                                                                                                               |
| Separate areas for different skill levels. Progression lines. And take into account the prevailing wind direction.                                                                                                                                                                                                                                                                          |
| Build features that are NOT common to make the park different, unique and attractive. Build a separate track for different skill levels.                                                                                                                                                                                                                                                    |
| Flow trail, kid friendly features and jumps, pump track                                                                                                                                                                                                                                                                                                                                     |
| Flow trail, drop/jump progression (separately), skinnies practice                                                                                                                                                                                                                                                                                                                           |
| Skills zone - progressive jumps, drops, skinnies, etc. - incorporated into a trail. Directional singletrack. Flow trail. Jump line(s).                                                                                                                                                                                                                                                      |
| Built features including wood and stone with technical riding elements like skinnies, drops large wood roller coaster. Asphalt pump track like Velosolutions. Slopestyle jump park with wood ramps like from action sports.                                                                                                                                                                 |
| 1) several different jump/table top lines: beginner, intermediate, expert, pro. Richmond's dirt world has a good layout. 2) a child/beginner pump track, and a larger pump track, 3) Consideration of wind. Currently, the jump lines at Richmond send the rider into a head wind. The direction of the jump lines should be carefully considered based on wind from the bay, freeway, etc. |
| Areas for different skill levels, pump track (fun for kids and adults!)                                                                                                                                                                                                                                                                                                                     |
| Good flow, take into account prevailing wind direction, and distinct separate areas for beginners, intermediate, and advanced                                                                                                                                                                                                                                                               |
| separate areas for skill levels seems the most politically prudent thing to do/say here (but any fun stuff would be rad!)                                                                                                                                                                                                                                                                   |
| separate skill levels, built features                                                                                                                                                                                                                                                                                                                                                       |
| Wind is a big factor. Park design should factor in usual direction of the wind so that riders aren't riding into the wind (which really saps the flow).                                                                                                                                                                                                                                     |

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| flow, jumps and skinnies                                                                                                                                                                                                                                                                                  |
| Good flow, clear skills / level progression whether through separate areas or coding, fun features                                                                                                                                                                                                        |
| Pump track, separate skills area                                                                                                                                                                                                                                                                          |
| Gotta have Flow, progression of features from beginner to pro and it would be amazing to have a dual slalom track to hold events and get more people involved.                                                                                                                                            |
| Progression- jumps for all ability levels from beginner to advanced. Safety- table top jumps for beginners. Variety- a variety of jumps and maybe more natural features                                                                                                                                   |
| Table top jumps, separate skill areas, shade / tables / seating                                                                                                                                                                                                                                           |
| A flow trail, a BMX race tracks, jumps                                                                                                                                                                                                                                                                    |
| Flow. Progressive Jumps.                                                                                                                                                                                                                                                                                  |
| Flow trails, separate areas for skill levels, built features                                                                                                                                                                                                                                              |
| Flow, challenge, progression                                                                                                                                                                                                                                                                              |
| Well maintained, places to practice technical things , pump track                                                                                                                                                                                                                                         |
| Flow. Kids flow. Graduated jump skills with more low end intro jumps.                                                                                                                                                                                                                                     |
| Accessibility, regular maintenance, professionally built lines                                                                                                                                                                                                                                            |
| Flow                                                                                                                                                                                                                                                                                                      |
| separate areas for separate skill levels                                                                                                                                                                                                                                                                  |
| flow, separate areas for separate skill levels, built features                                                                                                                                                                                                                                            |
| Flow; different tracks for different skill levels; good amount of space for a large course(s)                                                                                                                                                                                                             |
| access and flow                                                                                                                                                                                                                                                                                           |
| Asphalt surfacing to reduce maintenance, prefabricated features                                                                                                                                                                                                                                           |
| Have both big and small jump lines and pumptrack loop                                                                                                                                                                                                                                                     |
| Dual slalom, jumps, drops.                                                                                                                                                                                                                                                                                |
| Flowy jumps, areas for different skills, wooden features                                                                                                                                                                                                                                                  |
| I've only been to Dirt World in Richmond so don't have much experience but would love to have a closer place to go to.                                                                                                                                                                                    |
| <ol style="list-style-type: none"> <li>1. jumps side to side which get bigger and bigger so great to learn in</li> <li>2. drops side to side that get bigger and bigger so its easy to learn the basics</li> <li>3. one or two gap jumps so you can learn to get over big features</li> </ol>             |
| separate areas for separate skill levels, features/trails that appeal to different types of riding (MTB, bmx, cyclocross)                                                                                                                                                                                 |
| Flow section, banked turn practice, separate areas for separate skill levels.                                                                                                                                                                                                                             |
| Progressive jump/skills lines, well thought out infrastructure for bikers. And most importantly features that emphasize fun.                                                                                                                                                                              |
| Flow/pump tracks for various skill levels                                                                                                                                                                                                                                                                 |
| Pump track, Jump lines, Different areas for different skills                                                                                                                                                                                                                                              |
| Jumps, jumps and jumps.                                                                                                                                                                                                                                                                                   |
| Separate areas for different skills levels, sizable jumps, wooden features                                                                                                                                                                                                                                |
| Separate areas for skills is good,                                                                                                                                                                                                                                                                        |
| <ol style="list-style-type: none"> <li>1. Water tanks around the jumps so people can water the jumps before riding them. This is to preserve the dirt.</li> <li>2. Wooden Lips because the lip won't wear down. 3. Tables for the beginner lines but doubles for the harder lines to save dirt</li> </ol> |

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| Pump tracks, jumps, and beginner technical features like small rock gardens and logs                                                                                                                                                                                                                                                                                                                                               |
| Separate levels to show progression, flowy track, signs to make it one way.                                                                                                                                                                                                                                                                                                                                                        |
| Different speeds. Safe. Attractive.                                                                                                                                                                                                                                                                                                                                                                                                |
| Variety, progression, skill training help boards                                                                                                                                                                                                                                                                                                                                                                                   |
| Diff level areas should be separate. Place where one can watch safely without being on the way.                                                                                                                                                                                                                                                                                                                                    |
| pump track                                                                                                                                                                                                                                                                                                                                                                                                                         |
| It would be nice to have a flow track. A technical track with no big jumps. something like a XC short track of a cyclo-cross loop                                                                                                                                                                                                                                                                                                  |
| Flow, lots of line choices, rock gardens                                                                                                                                                                                                                                                                                                                                                                                           |
| I'm a beginner and my husband an expert it would be nice to have pump tracks and flow trails for different levels so families can go together, ride and then a place for people to picnic. The good thing about the pandemic is that more families are doing more healthy and active outdoor activities together. On and bathrooms & drinking water spigot. if you have to remove and plant new trees how about local fruit trees. |
| progression, opportunity, ease of maintenance                                                                                                                                                                                                                                                                                                                                                                                      |
| wide range of features; areas for beginners; seating areas for family/non-riders                                                                                                                                                                                                                                                                                                                                                   |
| Features by skill level, progressive jump line, pump track, raised bridges a la north shore, progressive ladder drops, trials park (feel free to ask me what that means)                                                                                                                                                                                                                                                           |
| Variety of features, different lines for different skill levels, Pumps & tools                                                                                                                                                                                                                                                                                                                                                     |
| Clear signage, technical DH, and Jump lines!                                                                                                                                                                                                                                                                                                                                                                                       |
| 1) Pump track 2) skills development area (jumps in increasing height, drops of increasing size, rock gardens, skinny lines, steep lines) 3) jump line                                                                                                                                                                                                                                                                              |
| Kids only section, flow section, tech section                                                                                                                                                                                                                                                                                                                                                                                      |
| I don't know how to split this into three things. My main inspiration is the Stafford Lake Bike Park. It has separate areas for skill levels but more important, it has separate things for different styles/skills. I really like the areas they have with raised ramps, small bumps, and the kids' area.                                                                                                                         |
| Progressive drops, skinnies, pump track                                                                                                                                                                                                                                                                                                                                                                                            |
| Range of areas for all skill levels, built features, Flow flow flow.                                                                                                                                                                                                                                                                                                                                                               |
| Definitely separate areas for different abilities since this is a big city. Some way to make it safe - maybe have it staffed. Large enough to not get bored quickly.                                                                                                                                                                                                                                                               |
| Inclusive for all riders, all bikes to have fun.<br>Flow trail<br>Bike teeter-totter                                                                                                                                                                                                                                                                                                                                               |
| 1) Well-built safe jumps 2) Good progression of jumps 3) Great maintenance, especially after rain                                                                                                                                                                                                                                                                                                                                  |
| Progressive difficulty                                                                                                                                                                                                                                                                                                                                                                                                             |
| Be sure to include options for very young riders (4+ years) where they are not intimidated by older riders Focus on skills over speed                                                                                                                                                                                                                                                                                              |
| I think that it will be important to have jumps for beginner level riders as well as jumps that will provide more of a challenge. I also thing that a pump track would be very important as people of all skill levels can use it.                                                                                                                                                                                                 |
| separate areas for separate skills. separate mini-features for sessioning, and a good vibe!                                                                                                                                                                                                                                                                                                                                        |
| Flow, area for spectators. Bridges and berms. rocky downhill.                                                                                                                                                                                                                                                                                                                                                                      |
| Feature progressions                                                                                                                                                                                                                                                                                                                                                                                                               |



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| 1. Pump track, 2. skills area like ledges, mini rock garden etc. 3. Separate area for different skills/ ages, i.e. have an area for 3-7 year old kids.                                                                                                                       |
| Multiple lines for different ability, progression jumps, skills area, pump track                                                                                                                                                                                             |
| Features for a range of skill levels, built rock garden, plans for regular maintenance                                                                                                                                                                                       |
| Features, flow                                                                                                                                                                                                                                                               |
| Jump trails and trails with rock gardens                                                                                                                                                                                                                                     |
| Features for all skill levels, water or mud features                                                                                                                                                                                                                         |
| flow trail                                                                                                                                                                                                                                                                   |
| Dirt jumps with progression, technical features, and a flow trail.                                                                                                                                                                                                           |
| Flow, Difficulty levels, Skill building features that translate to the trail                                                                                                                                                                                                 |
| separate areas for different skill levels, a progressive jump line and fab flow                                                                                                                                                                                              |
| High starting mound, gentle progression between lines/ features, a skills zone (with drops, teeter-totters, skinnies, etc.)                                                                                                                                                  |
| Separate skill level areas, even progression, flow                                                                                                                                                                                                                           |
| Flow, pump track, drops for different skill levels                                                                                                                                                                                                                           |
| Dirt jumps, wooden slopestyle jumps, paved pump track!                                                                                                                                                                                                                       |
| Dirt jumps with different skill areas, Slalom course, Paved pump track                                                                                                                                                                                                       |
| Separate areas, rock and dirt features, connectors to other trails                                                                                                                                                                                                           |
| Pump track. Flow trail. Separate skill level would be nice.                                                                                                                                                                                                                  |
| flow, separate areas                                                                                                                                                                                                                                                         |
| Somehow keeping off leash dogs, trash, and homeless people out.                                                                                                                                                                                                              |
| Progressive features for all skill levels (Lake Cunningham is a great example), feature maintenance, multi-disciplined (pump track, dirt jumps, slopestyle, slalom).                                                                                                         |
| Flow, built features, separate beginner/young rider area                                                                                                                                                                                                                     |
| Separate areas for different skill levels. Longer continuous rides                                                                                                                                                                                                           |
| Flow, pumps, jumps, drop practice, cornering practice                                                                                                                                                                                                                        |
| flow                                                                                                                                                                                                                                                                         |
| Separate areas for different skill levels, berms, rollers, kickers, tabletop jumps                                                                                                                                                                                           |
| Separate areas for skill level, accessible to beginners, fun for the most adventurous                                                                                                                                                                                        |
| Separate areas for risk takers                                                                                                                                                                                                                                               |
| Separate areas for various skill levels, flow and jump areas, skills/balance areas                                                                                                                                                                                           |
| Flow, separate areas, adequate shade and water fountains                                                                                                                                                                                                                     |
| Flow, separated skill level areas, large amount of space (there will be a TON of people using it!)                                                                                                                                                                           |
| Skill progression, built features, regular maintenance.                                                                                                                                                                                                                      |
| progressive design so all riders can utilize and further develop skills.                                                                                                                                                                                                     |
| Wooden features such as teeter totters, skinnys, wooden lips or drops. For every bigger feature there should be similar smaller features so that riders can warm up or practice features before they hit the big stuff. I also think a bike maintenance stand would be nice. |
| Varying levels of terrain, rest areas, bike repair area                                                                                                                                                                                                                      |
| Pump Tracks, Dirt Jumps, Flow Lines, snack shack will be nice.                                                                                                                                                                                                               |
| Drop zones, slopestyle and maybe dual slalom                                                                                                                                                                                                                                 |
| Flow, skills, and fun                                                                                                                                                                                                                                                        |

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| A few skill level flow trail with jumps on them                                                                                                                                                                                                                                                          |
| Separate areas for different skill levels, especially beginners.                                                                                                                                                                                                                                         |
| Different areas for skill levels, a separate area for young riders, challenge areas to learn skills like riding over logs                                                                                                                                                                                |
| Skills area, progressive jumps, pump track                                                                                                                                                                                                                                                               |
| Skinnies, rock gardens, unbanked downhill turns through obstacles                                                                                                                                                                                                                                        |
| Combined area for many skill levels. Inclusive for BIPOC. Build in room to improve features.                                                                                                                                                                                                             |
| No dogs, flow trail, no RC cars, simple trails for youngest newest riders                                                                                                                                                                                                                                |
| Separate areas for separate skill levels, flow, appearance                                                                                                                                                                                                                                               |
| Built features, separate skill level areas, flow                                                                                                                                                                                                                                                         |
| Variety of features                                                                                                                                                                                                                                                                                      |
| flow trail, rock garden, beginner jumps                                                                                                                                                                                                                                                                  |
| Skills, downhill, flow                                                                                                                                                                                                                                                                                   |
| Jump lines for all skill levels, pump track, and good signage with rules/etiquette.                                                                                                                                                                                                                      |
| Flow trails with progressive mortal sized kickers, rollers, jumps, and gaps.                                                                                                                                                                                                                             |
| Progression in difficulty from beginner kid friendly to expert. Gap jumps. Race course (dual slalom) to race friends and host competitions to fundraise.                                                                                                                                                 |
| beginner, intermediate and advanced jumplines.                                                                                                                                                                                                                                                           |
| Jumps, platforms, pump track                                                                                                                                                                                                                                                                             |
| flow, jumps, beginner area                                                                                                                                                                                                                                                                               |
| flow, features, cyclocross course                                                                                                                                                                                                                                                                        |
| Flow areas for separate skill levels, jumps and drops that progress in challenge, and an elevated launch/start point to allow bikers to get speed before first jump.                                                                                                                                     |
| Skill level appropriate areas, clearly marked return trails, mid-hard level areas less extreme areas.                                                                                                                                                                                                    |
| Features for all skill levels; CX features                                                                                                                                                                                                                                                               |
| Flow for cyclocross or MTB, different areas or sections for skill levels, grass track velodrome                                                                                                                                                                                                          |
| Separate skill level areas, features, pump track                                                                                                                                                                                                                                                         |
| Pump track, separate skill areas, and inclusive options for more difficult trails                                                                                                                                                                                                                        |
| Separate skill areas (like a pump track for 3-7 year old's) and a lot of similar features that get bigger so you can progress, e.g., 3 different drops, a 2 foot, a 4 foot & a 6 foot. Same idea for jumps and other "basic" features.                                                                   |
| separate area for skill levels. security. inclusive                                                                                                                                                                                                                                                      |
| Short track cross country, progressive skills areas, and design for rapid drainage to minimize rain closures.                                                                                                                                                                                            |
| Separate areas for beginners and experts. Some air time spots but I'd appreciate some bike handling challenge courses.                                                                                                                                                                                   |
| Flow track, water fountain, shade rest area                                                                                                                                                                                                                                                              |
| Separate areas for skill levels (including an area good for little kids and beginners), some nice jumps and challenging terrain for advanced riders, good signage for park rules, excellent maintenance and zero tolerance for unlawful activities (vandalism, drugs/alcohol, loitering, camping, etc.). |
| A pump track for young kids and beginners, a flow trail for intermediate riders, and a jump line for more advanced riders.                                                                                                                                                                               |
| all these ideas are good!                                                                                                                                                                                                                                                                                |

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| Don't have any ideas at this time but I think it will be a great spot for young people!                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| would love to see some progressive features, so that beginners can work up to bigger/more technical jumps                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| flow, jumps, skills area                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Features built for progression.<br>Enough variety to make it worth a trip for someone in a specific skill level.<br>Some flow trail or slalom style lines to practice cornering too, not just a bunch of steep dirt jumps                                                                                                                                                                                                                                                                                                                                                                                           |
| Year-round access, enough space for beginners and more advanced riders, programming would be great to help people learn skills with support.                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Skill level based areas/ features are a great idea. For example; I often hear people around the bay area asking where they can find drops to practice on. A small-medium-large drop progression area would be very popular.<br>Dual Slalom is gaining popularity and there are precious few tracks to ride (only one that I know of is at Stafford Lake bike park, the only other one I know of is at the Auburn Bike Park)<br>"Skinnies" are slightly elevated, very narrow paths that challenge riders balance and coordination. They are usually very low maintenance and can range from easy to very difficult. |
| Pump track, different levels for all experiences, sustainability                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| I would like a street course for skateboarding                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Drops Table tops and gap jumps                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Flow, jump lines for mountain bikes and dirt jumpers, dual slalom course.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| jumps, drops, slope, skills. advance to keep riders coming back. if too easy then people will not return.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| I just think it will be a great idea                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Berms and flow trail                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Flow trail, Separate skill building area, jumps of different heights and types.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Inclusion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Water fountain. Safe space for people to ride and have fun.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| flow, amenities (bathrooms, water fountains), areas for more experienced riders                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Flow, berms, multiple skill areas                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Progressive slopestyle jump lines for all skill levels (roller line = beginner, roller mixed with lips line = intermediate, lipped jump line = advanced), model bike park: Stafford Lake Bike Park                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Separate areas for skill levels, features, and nice flow                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Berm turns. Fun park for young kids. Jumps                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Ebike friendly<br>Good trail labels to show difficulty<br>Good mix if tech and flow                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| pump track, year-round riding, and a progressive jump series, separate areas for different skills levels                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Flow, separate areas for different skill levels                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Range of skills, good for families, safety (parking)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| All of the above ideas. But particularly important to have terrain for all levels of riders. Any course design that is kid friendly and encourages kids to learn to ride safely.                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| flow, build features, area for beginners                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Separate skills training areas graded from beginner to expert; Flow features that allow all skill levels (bypasses for difficult features); Signs showing good use practices and tips for each skill                                                                                                                                                                                                                                                                                                                                                                                                                |

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| having a BMX or pump track racecourse, so we can get the community more involved, and host weeknight races for local riders                                                                                                                                                                                                                                                                                                                                         |
| flow, rated trails ex. double black, and pump track                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Pump track, clearly marked zones for different skill levels so there aren't little kids in the way of black diamond lines, tabletop jumps so decreased risk of serious injury                                                                                                                                                                                                                                                                                       |
| Features for various levels, easy flow to get uphill, tools for riders to make repairs                                                                                                                                                                                                                                                                                                                                                                              |
| Features for all skill levels                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| A flow trail and some simple table jumps would be great! They are good for learning on but still fun for more experience folks. I would also suggest that people might want to pay a little to use it because maintenance is very important. Perhaps consider fences as well so homeless and other people don't harass kids or leave garbage.                                                                                                                       |
| Well built jumps<br>Jumps and things that everyone can ride (look at auburn and Truckee bike parks for reference)<br>And maintenance                                                                                                                                                                                                                                                                                                                                |
| separate skill levels, built features                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Separate skill levels, flow, trials.                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Stuff for all levels. Pump track. Things for kids                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Separate areas for different skill levels.                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Separate area for younger kids, shade, good variety of features                                                                                                                                                                                                                                                                                                                                                                                                     |
| Separate area for kids                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 1) Progressive features from beginner (rollers) to expert (gaps & drops); 2) kids' area with physical separation from road & barriers;                                                                                                                                                                                                                                                                                                                              |
| (Answering for my 8-year-old son). I want to learn to do bigger drops. I want to learn to do jumps. I want to practice increasingly tricky and steep downhill technical sections. I am already good with pump tracks and flow trails, but they are fun too. I've been riding in aquatic Park for 4 years on the little side trails. I like to zoom down and then back up the hills. I've often thought there should be a real bike park here for me and other kids. |
| Ca native plants, pump track, barbeque area / outdoor kitchen.                                                                                                                                                                                                                                                                                                                                                                                                      |
| flow, separate areas for separate skill levels, built features.                                                                                                                                                                                                                                                                                                                                                                                                     |
| Beginner areas and features are very important as they bring new/more people to the park but having more advanced features/areas where people can progress their skills is also a must. It would be nice to have shaded areas, tables, and bathroom facilities so the whole family can enjoy the park. Repair and first aid stations would also be helpful.                                                                                                         |
| I like the idea of a flow area and some progressive skill areas with different levels of difficulty                                                                                                                                                                                                                                                                                                                                                                 |
| Flow trails, separate areas for different skills levels, family/kid friendly area and design                                                                                                                                                                                                                                                                                                                                                                        |
| 1) Progression (Beginner up to advanced features)<br>2) Pump Track<br>3) Dual Slalom                                                                                                                                                                                                                                                                                                                                                                                |
| A progressive jump line, A dual slalom / flow trail, and A kid friendly pump track                                                                                                                                                                                                                                                                                                                                                                                  |
| Clearly labelled trails by skill level, variety of features, water stations                                                                                                                                                                                                                                                                                                                                                                                         |
| separate areas for separate skill levels, flow, built features                                                                                                                                                                                                                                                                                                                                                                                                      |
| flow, short track area, and progressive skills area                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 1. "Tabletop" jumps with no gaps 2. progressions from beginner on up 3. some shady spots and places to "hang out" between sessions.                                                                                                                                                                                                                                                                                                                                 |
| support for all skill levels. step-ups, skinnies, teeter totters, etc.                                                                                                                                                                                                                                                                                                                                                                                              |

**Do you have any ideas for the Bike Park that will make it represent Berkeley or be unique to bike parks in the Bay Area?**

The adaptive cycling area for BORP would be unique and awesome.

The location is amazing and very Berkeley.

Having a bike park at all, would be inclusive in a way that's yet to be seen in our city. Off-road cyclists are vastly underrepresented in the East Bay, considering the growth of the sport.

Make it larger than the other bike parks.

Build with progression in mind so the park can grow and evolve with riders. Good to have separate area for new riders and little kids. Clear signage indicating level of line and ride direction to avoid injury/accidents.

The bike park in Bentonville, Arkansas is a great example of a world class bike park that I would love to see in Berkeley. Lots of paved surfaces and wood ramps to minimize upkeep and maintenance.

<https://santacruztrails.org/projects/ramsay-park-pumptrack> is a great example

Naming features after Ohlone names (respectfully of course )

Wooden features would be unique and cool for Berkeley.

A truly family-friendly but still progressive and challenging bike park

There's lots of dirt around here and not a lot of constructed features. wood / concrete / dirt mixed terrain features would be amazing.

No. We have so few bike parks that this is already unique. I suppose if you could highlight the bay somehow, or integrate some of the local native plants. Celebrate some local riders or bike pioneers?

Pave the pump track. I am not aware of any bike playgrounds in the bay area

Community hang out area along with fun progression sections to learn on

Code of conduct - inclusive, supportive, help everyone progress and feel welcomed. The cycling community is actually very supportive - but it's always nice to remind people of what we stand for.

Inclusive language for all guests, not just jumping boys. Signage about local trails & paths, signage showing technique over certain obstacles (just like other exercise areas) and skills, resources for local clubs, teams, lessons and volunteer opportunities to give back.

Perhaps an inclusive/accessible bike park for ADA (TBH I don't even know what that would look like, just think that's one of city values) decorated with art by local graffiti artists

The bike park could dedicate a trail to the BHSMTB team.

Incorporate cross country style trails/ features, as space allows, for high-school and middle school race teams.

Involve the community of local mtb teams, trail builders and young riders, involve indigenous groups to acknowledge the site and name it for an inspiring Berkeleyan.

Great views of the bay; some local trees so it doesn't look barren like parks in other parts of the state

Trails should make a recognizable shape in aerial photos. Maybe a peace sign or something?

The surrounding waterfront property also lends to the potential of creating a cross country loop that goes over to Cesar Chavez park, or near the waterfront by the soccer fields.... or cross the bridge to the old golf course grass lands that could be incorporated with mountain bike features as well. Adding these loops to the park would offer not only the skill and recreation development resources, but also offer longer trails/paths to build endurance, stamina and resilience.

Having a local bike park would serve SO many youth riders who would be able to ride there to use it. Berkeley has a thriving Jr. Mt. Bike team as well as the largest high school team in California. My

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| students currently ride to other nearby towns to practice skills on their bike parks. Having a bike park here would spread out riders and offer more options for play and practice.                                                                                                                                                                                                                                                                                                     |
| With many student-athlete MTB racers in the area, practice/skills area would be a great help! Also, many adult & youth cyclocross racers are always looking hard for practice areas.                                                                                                                                                                                                                                                                                                    |
| bike only!                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| there are no bike parks!                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Having something bike only is already pretty unique to the Bay Area.                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Interesting features and a theme                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Velosolutions asphalt pump track or similar                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| If it's maintained professionally and often, it would stand out from those which aren't. Challenging features would also attract more riders.                                                                                                                                                                                                                                                                                                                                           |
| On site bike tools/pump/station, events held to bring in diversity and make it more welcoming for new riders                                                                                                                                                                                                                                                                                                                                                                            |
| community oriented and created, volunteer maintenance                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| i think volunteer build days are a great idea and a great way to include the Berkeley high mountain bike team in this project.                                                                                                                                                                                                                                                                                                                                                          |
| Plant trees and keep it alive                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Be in Berkeley                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| An area with make your own obstacles, like Adventure Playground boards, ramps, jumps you can move around and reconfigure, etc.                                                                                                                                                                                                                                                                                                                                                          |
| Jumps that are accessible to different skill levels                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Make it big?                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Berkeley built                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Cool designs or other things like that                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| having space for creative transfers and other unique lines tends to keep parks from getting stale for me                                                                                                                                                                                                                                                                                                                                                                                |
| Include expert lines. There is a huge biking community in Berkeley, and we have a lot great riders.                                                                                                                                                                                                                                                                                                                                                                                     |
| Tying the bike park to picnic or gathering areas could allow a wider group to be drawn into biking - watching can spur participation.                                                                                                                                                                                                                                                                                                                                                   |
| Some kind of club or group that meets there to work on skills and maybe build                                                                                                                                                                                                                                                                                                                                                                                                           |
| A more mountain bike focused bike park rather than BMX                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Partnership with East Bay Parks and NorCal Interscholastic Cycling Association (NICA) for enough land to open an MTB cross-country course as riding and race venue for K-12 teams (such as Berkeley High) and using the parking at the Berkeley Marina and/or Golden Gate Fields to host actual NICA races.                                                                                                                                                                             |
| I think something cool could be a park within the park. A skinny is a small board Of wood elevated a couple inches off the ground that twists and turns around. Part of the fun is you have to try multiple times to finally get it. It is like a puzzle, and there are no cool skinny's in the east bay. Another cool feature could be a concrete pump track. This way multiple types of wheel users (bikes, skateboards, scooters, and rollerblades) can have fun and share the park. |
| Drinking water would be nice. Different levels of riders. Small kids up to adults                                                                                                                                                                                                                                                                                                                                                                                                       |
| Single track loop with jumps                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| I think it should have a mural or something fun, but Berkeley is already pretty unique and adding a bike park would make it even more so!                                                                                                                                                                                                                                                                                                                                               |
| It would be nice to have a trail along the outside that has beginner features to help people learn how to mountain bike on trails. Single track, different kinds of turns, small drops, easy to med rock                                                                                                                                                                                                                                                                                |

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| gardens, a roll over or two, a skinny. Things riders can build confidence on when they are first learning.                                                                                                                                         |
| Wooden jumps and features of all levels                                                                                                                                                                                                            |
| have some jumps more designed for longer bikes like mountain bikes                                                                                                                                                                                 |
| city support                                                                                                                                                                                                                                       |
| Having a bike park would be unique                                                                                                                                                                                                                 |
| Maybe some wood features with murals or something on theme                                                                                                                                                                                         |
| Allowing night riding with lights                                                                                                                                                                                                                  |
| Honestly, just making it fun and good would be pretty unique lol, lots of community input during the whole process                                                                                                                                 |
| A community bike repair shop on site - can be staffed by volunteers.                                                                                                                                                                               |
| A dual course and large jumps                                                                                                                                                                                                                      |
| Different types of jumps                                                                                                                                                                                                                           |
| Should definitely be interesting to high skill level riders, not just little kids or beginners                                                                                                                                                     |
| Access for everyone, cleaned and maintained and we can help                                                                                                                                                                                        |
| Adding a larger and more intense dirt jump track, it's hard to find tracks like this nearby, and would really stand out to people looking for fast and high jumps.                                                                                 |
| Wall ride!                                                                                                                                                                                                                                         |
| Features from the Tilden park that was taken down!                                                                                                                                                                                                 |
| with the Oakland pump track and dirt world in Richmond, it would be nice to see a Berkeley version of Stafford lake in Marin.                                                                                                                      |
| Full size BMX race track                                                                                                                                                                                                                           |
| Include a volunteer and "maker" aspect in the spirit of the play area nearby.                                                                                                                                                                      |
| I think building fun features to attract bay trail users and passersby would be cool.                                                                                                                                                              |
| Unique Berkeley urban / hippie aesthetic accentuating the physical beauty of the Bay                                                                                                                                                               |
| maintenance and good signage seem to be lacking at some other bike parks in the area, these would be great to see at a Berkeley Bike park. I think the proximity to so many east bay residents (Oakland, Berkeley, Richmond) will be a huge asset. |
| Wooden features or more permanent features Bay Area is so dry dirt features become dust after a while                                                                                                                                              |
| Street BMX should be included to have a variety of sports included.                                                                                                                                                                                |
| Hire permanent maintenance staff to keep it pristine. Add native accent plantings to keep it pretty.                                                                                                                                               |
| Poison oak! just kidding                                                                                                                                                                                                                           |
| There is not a purpose-built cyclocross circuit anywhere in the Bay Area. It could be done by linking portions of multiple sections of the bike park.                                                                                              |
| have a designated graffiti area                                                                                                                                                                                                                    |
| It is such a narrow space, and along the water, it will be unique.                                                                                                                                                                                 |
| Make it rad                                                                                                                                                                                                                                        |
| Landmark miniature obstacles?                                                                                                                                                                                                                      |
| Annual competition similar to the annual Kite Festival and How Berkeley Can You Get parade.                                                                                                                                                        |
| Special events                                                                                                                                                                                                                                     |
| Free to use                                                                                                                                                                                                                                        |
| longer lines, and more wooden features                                                                                                                                                                                                             |

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| try new features that aren't popular or build something new every couple months to keep it new and maintain the trails well                                                                                                                                                                   |
| Yes- make it a shared bike and skate park. That also is good for parents with kids who like to do both sports- you can bring both kids and keep them engaged.                                                                                                                                 |
| Few mountain bike focused parks around here, if you focus it that way it will be unique                                                                                                                                                                                                       |
| The views!                                                                                                                                                                                                                                                                                    |
| Berkeley is about openness and opportunity for all levels and sports to enjoy themselves. It can't just be a bike park that only bikes are allowed on. We need a place for all wheeled sports to enjoy.                                                                                       |
| 'teach people to fish' - put up an instruction board on how to change a tire and other useful bike maintenance skills. Also create a women friendly feel - include celebrations of local heroes such as Kate Courtney                                                                         |
| Use the space to the Max!!!!                                                                                                                                                                                                                                                                  |
| A really good park with different options like paved pump track, dirt pumptrack, jump line, trials area, and cyclocross loop. Collaboration with bay area clubs/teams. Proper Maintenance and Security (car break ins and bike thefts at gun point are all too common these days).            |
| I think the biggest concern I have is that, since the city is involved, it will be too regulated or "safe." Use Adventure Playground and Dirt World as models: After setting up some initial features, let volunteers and kids do building, but then curate what's built to make it more fun. |
| Use the local land features, make it stand up well in dry weather.                                                                                                                                                                                                                            |
| Have an area with dirt and shovels where people are encouraged to build short-term features. Adventure playground just down the way in Berkeley Marina is the inspiration                                                                                                                     |
| Organized events led by local pro athletes.                                                                                                                                                                                                                                                   |
| a bike repair station would be great to help both the park users and other cyclists                                                                                                                                                                                                           |
| tie dye it? kidding ... can't think of anything off hand ... maybe good Bay Views                                                                                                                                                                                                             |
| include a club-house or community meeting area to support local MTB teams like Berkeley HS, middle school team-- maybe a wall or plaque area about local riders?                                                                                                                              |
| hire a landscape architect                                                                                                                                                                                                                                                                    |
| Art, or unique buildings/infrastructure that will stand out. Great features and Honestly, there are so few bike parks in the area that even building one will stand out. Anything colorful, artistic or just generally cool.                                                                  |
| Have a cyclocross race there? Dirt crits too!                                                                                                                                                                                                                                                 |
| Well, it has a view!                                                                                                                                                                                                                                                                          |
| Use re-used materials. Maybe a solar lighting system?                                                                                                                                                                                                                                         |
| Wooden features that are painted by local artists would add culture to the park                                                                                                                                                                                                               |
| Cool jumps                                                                                                                                                                                                                                                                                    |
| I really like the Richmond dirt world. I would be wonderful to have something similar in Berkeley.                                                                                                                                                                                            |
| Start a volunteer program with onsite coaches on the weekends to help develop all riders and give instruction to those who might not otherwise have access to that. Bike loaner program is also critical to kids in need who just want to have fun but who can't afford a bike.               |
| I think a flow trail within a semi-urban setting that's easily accessible would be great for riders of all skills.                                                                                                                                                                            |
| not particularly, just get good designers to make it right                                                                                                                                                                                                                                    |
| The bike parks in these pictures are beautiful. It would be amazing to have a beautiful and safe area for kids and adults to practice.                                                                                                                                                        |
| Just do it.                                                                                                                                                                                                                                                                                   |



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| Have some murals relating to Berkeley                                                                                                                                                                                                                                                                                                                                                                                                       |
| A sign idk                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Tag it the People's Republic Bike Park                                                                                                                                                                                                                                                                                                                                                                                                      |
| Nothing specific to Berkeley, but if you made a paved pump track, that would draw riders from all over the bay area. Look up Velosolutions                                                                                                                                                                                                                                                                                                  |
| Local art, sculptures mixed in, ocean related                                                                                                                                                                                                                                                                                                                                                                                               |
| Jump lines with quality progression                                                                                                                                                                                                                                                                                                                                                                                                         |
| This park shouldn't try to be a copy of Lake Cunningham, it should stand out by offering the popular parts of it since the jumps are always the most popular, but also make up for its weaknesses such as Lake Cunningham not having enough tech and skills sections. Camp Tamarancho has a small skills section, but they have managed to fit so much into an area the size of a house and it ranges from beginner to beyond expert riding |
| make it nice and maintained. will gladly pay an entry fee                                                                                                                                                                                                                                                                                                                                                                                   |
| More bike access for parks                                                                                                                                                                                                                                                                                                                                                                                                                  |
| reach out to the High School teams to get input                                                                                                                                                                                                                                                                                                                                                                                             |
| Steep terrain would be great                                                                                                                                                                                                                                                                                                                                                                                                                |
| Model it after Cunningham BP. That's a good start.                                                                                                                                                                                                                                                                                                                                                                                          |
| Artwork by local youth only; Events put on by Street Level Cycles & Rich City Rides; LGBTQ ride events/clinics; Events connected to larger scale Berkeley events. Cycling doesn't have to stand alone as an activity/event. Berkeley is a creative place.                                                                                                                                                                                   |
| Sweet asphalt pump track like in Redmond Oregon                                                                                                                                                                                                                                                                                                                                                                                             |
| A short track long enough for short high school races where kids of all levels can practice and play.                                                                                                                                                                                                                                                                                                                                       |
| Something related to Ohlone tribal resources would be nice                                                                                                                                                                                                                                                                                                                                                                                  |
| Cyclocross course                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Have a dog park attached                                                                                                                                                                                                                                                                                                                                                                                                                    |
| mention local bike shops                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Beautiful, natural feeling.                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Have something for all levels of riders, because then the local bike teams could ride there and everyone could have fun                                                                                                                                                                                                                                                                                                                     |
| Definitely a craft coffee shop.                                                                                                                                                                                                                                                                                                                                                                                                             |
| Native trees. Integrate Berkeley art or local artist ideas. Work with local schools and teams to make it special and local. There are endless kids and coaches who will help out.                                                                                                                                                                                                                                                           |
| Progressive jumps and drops - there are not actually that many bike parks in the bay area.                                                                                                                                                                                                                                                                                                                                                  |
| Berkeley has all the resources possible to make a world class facility. Top of the list of priorities should be maintenance, community organization and support, and programs.                                                                                                                                                                                                                                                              |
| Encourage/include communities of color throughout the process, reduce barriers to entry for lower income communities                                                                                                                                                                                                                                                                                                                        |
| Colab with local artists for signs, sculptures, etc.                                                                                                                                                                                                                                                                                                                                                                                        |
| variety of features                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Provide a hang out are for people to grab a snack and take a break in between rides.                                                                                                                                                                                                                                                                                                                                                        |
| Allow the community to get involved. Volunteer efforts, efforts to promote diversity and get more people into cycling                                                                                                                                                                                                                                                                                                                       |

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| Just no. Any money spent trying to represent a signature brand/look/feel is money that would be better spend building a top-notch park (ahem, those ugly statues that have since been removed from the University Ave pedestrian bridge). Don't try to create a message, let the facility speak for itself.                                                                                                       |
| Views of the bay!                                                                                                                                                                                                                                                                                                                                                                                                 |
| skinnies and balance features in addition to jump and flow features                                                                                                                                                                                                                                                                                                                                               |
| I'd love to see our Nica high schoolers involved in the design and to host events there (I am a Nica coach and love when our riders can make a difference in their community).                                                                                                                                                                                                                                    |
| Featuring art installations/artistic representation                                                                                                                                                                                                                                                                                                                                                               |
| if there are wooden features, they could be painted by local artists                                                                                                                                                                                                                                                                                                                                              |
| Fund public art to be installed as part of the bike park. Please budget upkeep of art so it isn't removed after a decade or two.                                                                                                                                                                                                                                                                                  |
| Clif Bar should pay for the whole thing                                                                                                                                                                                                                                                                                                                                                                           |
| More wooden bridges/whale tails/wall rides                                                                                                                                                                                                                                                                                                                                                                        |
| Berkeley sign                                                                                                                                                                                                                                                                                                                                                                                                     |
| Add security cameras                                                                                                                                                                                                                                                                                                                                                                                              |
| Berkeley High was the birthplace of the high school mountain bike league and is still one of the largest teams in the country. Combined with the middle school teams and other high school teams in the East Bay, there is a high demand for a mountain bike focused park. Most other parks in the region are designed for bmx or dirt jumper bikes and not very well suited for developing mountain bike skills. |
| Make a long flow trail and make most of the illegal trails for bikes in Tilden right now legal                                                                                                                                                                                                                                                                                                                    |
| lots of trees, local art, opportunities for community involvement                                                                                                                                                                                                                                                                                                                                                 |
| Community contributions, art, etc.                                                                                                                                                                                                                                                                                                                                                                                |
| Honoring the indigenous cultures and plants indigenous to the area, incorporating the university students                                                                                                                                                                                                                                                                                                         |
| you could have publicly known dig days                                                                                                                                                                                                                                                                                                                                                                            |
| Get local corporate sponsors like GU, REI or even Mike's Bikes. This is the model the Truckee Bike park uses and that seems to work well.                                                                                                                                                                                                                                                                         |
| Bike repair station!                                                                                                                                                                                                                                                                                                                                                                                              |
| A nice area for hanging out                                                                                                                                                                                                                                                                                                                                                                                       |
| Just getting one would be unique                                                                                                                                                                                                                                                                                                                                                                                  |
| Make it bigger & better than other area parks                                                                                                                                                                                                                                                                                                                                                                     |
| Take advantage of any natural terrain or plants in the area                                                                                                                                                                                                                                                                                                                                                       |
| Have displays showcasing various riders with different backgrounds and history                                                                                                                                                                                                                                                                                                                                    |
| UCB Mountain bike team training grounds???                                                                                                                                                                                                                                                                                                                                                                        |
| Make it an indoor park with big see through panels instead of walls. This way it can be used year round and become the #1 go to destination for winter/cold/rainy season.                                                                                                                                                                                                                                         |
| Flow trail, kid friendly features and jumps, pump track                                                                                                                                                                                                                                                                                                                                                           |
| The potential view of the bridges?                                                                                                                                                                                                                                                                                                                                                                                |
| Velo solutions pump track would not require water for maintenance which seems good for drought ridden Bay Area. Any paved, non dirt pump track design might be a good fit.                                                                                                                                                                                                                                        |
| Assault pump track could include paint and mural elements that represent Berkeley. Built trail features could include sculptural elements around or on the track.                                                                                                                                                                                                                                                 |
| Maybe a tool station. Community tools seems very Berkeley. Maybe naming the jump lines very Berkeley names?                                                                                                                                                                                                                                                                                                       |

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| Build it! picnic table nearby could be nice too. I think bike parks are such a fun intro to biking without having to drive into the hills. Once you finish fundamentals, then the trails are easier to tackle. It's fun for kids just to have an open space to ride. accessible to many! There's a fun pump track In Joaquin miller park that Oakland Devo built. Please contact them for help and to expedite the bike park build. They said it took 5 years for permits!!!! Can we do it faster? |
| Collaborate with the Cal Cycling and Berkeley High Mountain Bike teams, since they are experts in the area                                                                                                                                                                                                                                                                                                                                                                                         |
| MOAR squirrels? But seriously: some food carts on the weekend would be cool. Something to draw in non-cyclists/their families. And/or a work station extension from Street Level Cycles, perhaps? As far as tools etc.                                                                                                                                                                                                                                                                             |
| Add Native names and do landscaping with native plants                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Softer dirt is nice (not rocky, if possible).                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Include a (bay) water feature!                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Have weekly races and training classes                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Dual slalom track                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Mountain bikes were invented here, a lot of UC Berkeley students were innovators in the 70s. Could be cool to embrace that legacy.                                                                                                                                                                                                                                                                                                                                                                 |
| It should host many open events with shared bikes                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Pump track with multiple lines                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Don't overthink it. Just having an awesome place for cyclists to come and practice skills and have fun, and to get more kids outside, is good enough.                                                                                                                                                                                                                                                                                                                                              |
| Provide membership model, \$ to keep it nice                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Take full advantage of views. Build skinnyies with salvaged downed redwoods to mirror out natural trail environment. Encourage and welcome non white riders in any and every way possible. Make it pretty: plants, not just raw dirt. It's the Bay after all.                                                                                                                                                                                                                                      |
| Skinny lines (ladder features) and Drop features                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| A mix of dirt and wooden features                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| get input from all ranges of cyclists!                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Wood rollercoaster sections                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Redwood accents; maybe themed features (like Golden Gate Bridge, Campanile, etc.)                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Asphalt pump track, prefabricated features, small jump line                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Have both big and small jump lines and pumptrack loop                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| View of bay.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Have a similar sized table top jump next to a gap jump. So if you can clear the table top, then you can be confident to clear the gap jump.                                                                                                                                                                                                                                                                                                                                                        |
| Have maintenance on it every week and security guards there because there is a lot of bikes getting stolen.                                                                                                                                                                                                                                                                                                                                                                                        |
| 1) make it big, 2) lots of different features/trails for different types of riding 3) combine natural and built features                                                                                                                                                                                                                                                                                                                                                                           |
| Mountain biking was invented in Marin, just a few miles away, let's lean into that native history to create the best park.                                                                                                                                                                                                                                                                                                                                                                         |
| Making unique features, stuff that we don't have in the bay area will grant this park plenty of tourism, maybe some larger wooden features/pumptrack and flow trails.                                                                                                                                                                                                                                                                                                                              |
| Really anything built up. The nearest other one is in Novato.                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| I do not. I just want it to be an inclusive and fun place.                                                                                                                                                                                                                                                                                                                                                                                                                                         |

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| Having jumps and obstacles that are big enough to be challenging to an advanced rider.                                                                                                                                                                                                                                                                                                                                                                                                           |
| It doesn't have to be unique; it just needs to be built. Anything would be great!                                                                                                                                                                                                                                                                                                                                                                                                                |
| I think that it being one of the only bike parks in the east bay will make it unique                                                                                                                                                                                                                                                                                                                                                                                                             |
| Wheelchair accessible?                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Create a fun safe environment. Work with mountain bikers when building so that proper style features can be added. Some parks like McLaren Bike Park weren't built the greatest and work only for smaller (BMX) style bikes. A sloping/down hill (dual slalom style) would be really neat if possible.                                                                                                                                                                                           |
| Plan events like races.                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Open to all bikers                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| paved pump track                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Social areas; inclusive posters that everyone is welcome. interactive sculptures that are part of the ride.                                                                                                                                                                                                                                                                                                                                                                                      |
| Not me but I'm sure lots of more experienced riders will.                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| This is a hard one. I suppose art or using redwood as a native material might help provide a tie to local materials.                                                                                                                                                                                                                                                                                                                                                                             |
| There are no dedicated trials parks in the Bay Area                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Taking into consideration the view of the bay will make it very unique                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Just be welcoming and understand the culture of the sport                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Use "ITC Rennie Mackintosh" typeface for all signage. Make is easily accessible to bike paths nearby.                                                                                                                                                                                                                                                                                                                                                                                            |
| Tie dye paint theme                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Dirtworld has mounds/jumps, but it doesn't have raised wooden rails/platforms like Stafford Lake does.                                                                                                                                                                                                                                                                                                                                                                                           |
| Maps of local trails                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| All are welcome!!! please no encampments                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Art/sculptures from local artists in areas where there is no track. Have an annual fundraising event/race for a local community organization.                                                                                                                                                                                                                                                                                                                                                    |
| Rainbow colored paths                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| No. Except it will be in Berkeley which is huge. Everything is pretty far away.                                                                                                                                                                                                                                                                                                                                                                                                                  |
| I think that a well designed bike tack(there is a nice one in JMP in Oakland), and jumps that are separate/are gaps would make it unique. From what I know dirt world is the only other real bike park nearby, but as it is in Richmond it is still not easily accessible. Having a pump track and jumps in Berkeley would also probably encourage more kids to bike, which is very important as covid as made made getting physical activity somewhat of a challenge for many kids in Berkeley. |
| Signs with short skills descriptions (how to bunny hop, etc) would help remind folks that this is an inclusive park for everyone, not just hardcore riders... (and I'm a hardcore rider!)                                                                                                                                                                                                                                                                                                        |
| Trees, streams, obstacles.                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Having any bike park will make it unique since the east bay has so few options for fun mountain biking. Build it!                                                                                                                                                                                                                                                                                                                                                                                |
| Incorporate the use of reclaimed materials. Have local artist make permanent public art on display. Take inspiration from the adventure park at the Berkeley marina.                                                                                                                                                                                                                                                                                                                             |
| Features/design that mimic the Bay geography.                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Add features that are not seen else where                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Show ohlone themed features and interpretive exhibits                                                                                                                                                                                                                                                                                                                                                                                                                                            |

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| local businesses can put their names on tactful signposts, dog waste bags, benches, water spigots, etc. (see Truckee Bike Park). |
| A paved pump track.                                                                                                              |
| name one of the pump lines after Wavy Gravey                                                                                     |
| A dual pumptrack/ dual slalom.                                                                                                   |
| Make it easily accessible                                                                                                        |
| Bathrooms                                                                                                                        |
| On the bay seems like a nice idea                                                                                                |
| Paved pump track                                                                                                                 |
| Dedicated bike access                                                                                                            |
| I don't know Berkeley well to comment on this.                                                                                   |
| have a range of features                                                                                                         |
| Sustainably built with strong community roots.                                                                                   |
| Maybe have bikes available to rent/borrow for riders who may not have a bike.                                                    |
| Love this. Let's make it happen!                                                                                                 |
| No. I guess trust the builders                                                                                                   |
| dirt mounds?                                                                                                                     |
| Rails for BMX                                                                                                                    |
| Oak trees should be prominent                                                                                                    |
| Allow dogs to run with bikers                                                                                                    |
| Tiered drop zone with escalating heights, all with sloped transition landings                                                    |
| Signs that macho misogynistic bike bro culture won't be tolerated                                                                |
| Just build it!                                                                                                                   |
| The design should be all inclusive... something for all to bring the community together.                                         |
| If you want to get really crazy you could try and shape the pumptrack in the shape of a B or a bear.                             |
| Connect it to the bay trail and a bus stop                                                                                       |
| For beginner to expert, need something at the park for everyone!                                                                 |
| Snack shack                                                                                                                      |
| Single track fun with jumps                                                                                                      |
| Sponsor and help disadvantaged youth learn to bike and get them bikes                                                            |
| Not too advanced!                                                                                                                |
| Have bikes available for people to use who cannot afford to buy a bike                                                           |
| More bears!                                                                                                                      |
| Mid park viewing stand/hillslope between park and Bay Trail.                                                                     |
| Name it "People's Bike Park"                                                                                                     |
| Features for inclusion such as family relaxation areas and info about BIPOC riders who contributed to the sport                  |
| Keep as many trees as possible for shade and beauty                                                                              |
| Drops! The closest option is San Jose and those are sketchy!                                                                     |
| a Berkeley mural?                                                                                                                |
| A large paved pump track would really set it apart. A drop zone or other technical practice features would also be unique.       |

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| Just having a bike park of this would make it unique in the East Bay, but connecting with the local NICA Junior High and High School teams to augment their training hosting practices, skill days etc. would be amazing. I can help as an official NICA coach if you reach out.                                                                                                                                                                            |
| Jumps over boats.                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| don't do half measures. if you're going to make a bike park, make it big, awesome and useable for every level of rider.                                                                                                                                                                                                                                                                                                                                     |
| Natural features like tree logs                                                                                                                                                                                                                                                                                                                                                                                                                             |
| name                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Leverage Berkeley landmarks for names of features in the park                                                                                                                                                                                                                                                                                                                                                                                               |
| Make it more than a patch of dirt! Most bike parks are simply a big dirt area and are seen by some as an eyesore. The COB had an opportunity to be a leader and reevaluate landscaping of bike parks. Could include tough/walkable/drought resistant plants, particularly in areas between things. It could be more green and look more beautiful, even including an educational component about native plants used and/or the history of the land it's on. |
| training or skills clinics                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Tree covering artwork/murals                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Some nice Berkeley trees!                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| as green as possible                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Integration with existing topography and shoreline ecosystems, rather than trying to reshape and control the place. Designing for sea level rise resilience and showcasing those design methods.                                                                                                                                                                                                                                                            |
| Nothing more Berkeley than an open and progressive bike park.                                                                                                                                                                                                                                                                                                                                                                                               |
| make it accessible                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Perhaps the park name could tip the hat to quirky Berkeley (People's Pedals, ok that's terrible but you get the idea).                                                                                                                                                                                                                                                                                                                                      |
| Views of the bay and features built with reclaimed wood.                                                                                                                                                                                                                                                                                                                                                                                                    |
| just having one would be great!                                                                                                                                                                                                                                                                                                                                                                                                                             |
| No, just get it made! The bikers will bring the uniqueness :)                                                                                                                                                                                                                                                                                                                                                                                               |
| Peace signs abound                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| bigger!<br>Depending on where the park is located, might be good to consider the wind direction when designing the lines so that it isn't dangerous when jumping                                                                                                                                                                                                                                                                                            |
| The proposed location is great and will showcase Berkeley's beautiful surroundings. Improving and make bike access a priority in the surrounding area would be great, so that people can ride to the park safely and not cause congestion/parking problems by driving.                                                                                                                                                                                      |
| A dual slalom course and or the progressive drop feature would be an easy way to stand out.                                                                                                                                                                                                                                                                                                                                                                 |
| Berkeley needs a street course for skateboarding, and an accessible park for people to learn. Berkeley Skatepark does not have these elements and is very old and not up to safety standards (concrete is cracked, the bowls are flooded when it rains, etc.)                                                                                                                                                                                               |
| A progression line                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| try to keep it close to nature...                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Add art installations from local artists                                                                                                                                                                                                                                                                                                                                                                                                                    |
| It should be advertised as diverse and inclusive in some way (and it should be those things)                                                                                                                                                                                                                                                                                                                                                                |
| unique art                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Could decorate the park with native plants.                                                                                                                                                                                                                                                                                                                                                                                                                 |

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| Allow volunteer builders and maintenance crew                                                                                                                                                                                                                                                                                                                        |
| North shore wooden features would set Berkeley Bike Park apart from any other in the Bay Area                                                                                                                                                                                                                                                                        |
| Wooded features                                                                                                                                                                                                                                                                                                                                                      |
| Make it mimic fun rides in the Berkeley hills that are closed to cyclists (like side or single-track stuff in Tilden)                                                                                                                                                                                                                                                |
| Uphill Tech trails for ebikes                                                                                                                                                                                                                                                                                                                                        |
| Have lots of trees and shade nearby, include areas for younger kids to hang out,                                                                                                                                                                                                                                                                                     |
| Pride symbolism                                                                                                                                                                                                                                                                                                                                                      |
| Provide a small indoor/outside shelter to be used for lectures, party rentals, tool storage                                                                                                                                                                                                                                                                          |
| Skills classes that are free to all.                                                                                                                                                                                                                                                                                                                                 |
| Invite the local youth bike team riders and coaches to collaborate: Berkeley High, El Cerrito High, Albany High, Wildcat Composite (middle school team).                                                                                                                                                                                                             |
| It should be inclusive - like Berkeley's skate park                                                                                                                                                                                                                                                                                                                  |
| we could have any wooden features made from locally sourced lumber from the eucalyptuses being cut down in the area off Grizzly Peak above the campus.                                                                                                                                                                                                               |
| Golden Gate replica?                                                                                                                                                                                                                                                                                                                                                 |
| Murals/native plants                                                                                                                                                                                                                                                                                                                                                 |
| Picnic tables in shaded areas for breaks                                                                                                                                                                                                                                                                                                                             |
| No                                                                                                                                                                                                                                                                                                                                                                   |
| Keeping it clean and well-kept would make it unique!!!                                                                                                                                                                                                                                                                                                               |
| Wood lips or an asphalt jump track really cut down on the maintenance.                                                                                                                                                                                                                                                                                               |
| Sculpture garden amidst the park.                                                                                                                                                                                                                                                                                                                                    |
| I'm not sure it needs to be unique. What seems to be needed is more bike parks. Build a good safe one and it will be well used.                                                                                                                                                                                                                                      |
| Would be awesome to have scheduled food truck rallies nearby.                                                                                                                                                                                                                                                                                                        |
| This is a fantastic opportunity to include local artwork & native plants alongside the bike park                                                                                                                                                                                                                                                                     |
| If manufacturers like clearly supplied loaner bikes on weekends or did special events with youth coaches on a regular basis that would be rad. The DirtKids group on Facebook just did something similar with private efforts. Also Trips for Kids type community outreach to get poor kids who don't have all the gear and equipment out riding to learn the sport. |
| Stage for live music                                                                                                                                                                                                                                                                                                                                                 |
| Dirt jumps, pump tracks, and wooden features would be nice.                                                                                                                                                                                                                                                                                                          |
| Landscape architecture could make features representative of the history of the shoreline, or local artists could be involved in some way.                                                                                                                                                                                                                           |
| I'm just happy for the possibility of having a bike park closer to home, but with the great location and such an awesome city it would be a shame if the bike park wasn't a world class park!                                                                                                                                                                        |
| Make it fun and not too serious!                                                                                                                                                                                                                                                                                                                                     |
| safe rideable routes to the bike park                                                                                                                                                                                                                                                                                                                                |
| If it's down by the water, that would be amazing. Open to all. Volunteer maintenance crew maybe? Taco truck?                                                                                                                                                                                                                                                         |
| use redwood for the features                                                                                                                                                                                                                                                                                                                                         |

| Describe any additional ideas or preferences you have for the Bike Park.                                                                                                                                                                                                                 |
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|                                                                                                                                                                                                                                                                                          |
| It would be great if we could move the Bay Trail path over toward the water as far as possible to maximize space for the bike park. The current space is kind of narrow.                                                                                                                 |
| Wood lips or blacktop are easier to maintain than dirt.                                                                                                                                                                                                                                  |
| Truly as much pump track as possible. Perhaps having two distinct sections of the pump track will allow for more users when crowded.                                                                                                                                                     |
| Fun lines: dual slalom, flow track, skills course, drop zone.                                                                                                                                                                                                                            |
| Mentioned above... big berms, nice flow, paved surfaces, wooden ramps, water system/hoses for dirt areas                                                                                                                                                                                 |
| all levels friendly including kids to teens to adults.                                                                                                                                                                                                                                   |
| There are 100s of young riders in Berkeley from MS to HS level. This would be a great resource!                                                                                                                                                                                          |
| Separate areas are encouraged. Should be bike only, suggest paving the pump track to reduce maintenance.                                                                                                                                                                                 |
| I work for City of Berkeley and would be very excited to ride this park before or after work, or on my lunch break. I hope it happens!                                                                                                                                                   |
| Keep it free and accessible to all ages and it can't fail.                                                                                                                                                                                                                               |
| Definitely look successful bike parks such as Pleasanton BMX, dirt world, and Stafford lake for the kinds of arrangements and amenities you can provide. This is going to be great and so needed!                                                                                        |
| Maybe a snack shack near by! Fun place to hang out, have lunch and have community gatherings.                                                                                                                                                                                            |
| shade. areas for spectators away from riding.                                                                                                                                                                                                                                            |
| Lights to allow play until 9 pm?                                                                                                                                                                                                                                                         |
| There will TONS of demand for this, so plan for maintenance/upkeep, recruit local teams for teen trail work                                                                                                                                                                              |
| The bike park should have a NorCal approved race track.                                                                                                                                                                                                                                  |
| The park should be catered to a diverse user group. Any bike will be fun (BMX, downhill, cross country).                                                                                                                                                                                 |
| Make it an outdoor destination for the kids in our community                                                                                                                                                                                                                             |
| Sprinkler system to control dust during the dry months                                                                                                                                                                                                                                   |
| Include picnic tables, rain shelters?                                                                                                                                                                                                                                                    |
| A place to sit and eat snacks.                                                                                                                                                                                                                                                           |
| Modeling the park resources after the Lake Cunningham would be a great start toward equitable resources in the Berkeley.                                                                                                                                                                 |
| Having intro/beginner infrastructure would be welcoming to all.                                                                                                                                                                                                                          |
| multiple features of the same type that gradually step up in skill level                                                                                                                                                                                                                 |
| Lots of local rider groups and youth mountain bike teams that would volunteer to maintain the park if they find it is a useful and valuable resource. I recommend reaching out to this committed and engaged community directly through <a href="http://norcalmtb.org">norcalmtb.org</a> |
| Separate sections for differing skill levels.                                                                                                                                                                                                                                            |
| Loaner bikes for people without a bike                                                                                                                                                                                                                                                   |
| Make park as big as possible! Also, parking close to park                                                                                                                                                                                                                                |
| Preferably near my neighborhood :)                                                                                                                                                                                                                                                       |
| progressive sets of jumps, wooden features, built to flow, a tall roll in, community gathering area/place to watch other riders while you wait for your turn.                                                                                                                            |



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| i agree that jump lines should go away from the wind                                                                                                                                                                                                                                                                |
| Lots of flow                                                                                                                                                                                                                                                                                                        |
| Flow                                                                                                                                                                                                                                                                                                                |
| In addition to an Adventure Playground-like make-your-own obstacle course: Posted riding challenges; mini Strava racecourses that change each month; events and competitions. A place to hang out when not riding tables and food. Camps and after school programs.                                                 |
| Stuff for all riders!                                                                                                                                                                                                                                                                                               |
| Make it fun                                                                                                                                                                                                                                                                                                         |
| Our current bike path along the waterfront is cherished. Used by many to learn to mtn bike, practice cornering and basic bike skills etc. yes it can be improved but over-all it is a fine practice pad. Don't over think the plan.                                                                                 |
| large roll-ins are always fun, calabazas has a really nice one right near the entrance (going into the piano keys.                                                                                                                                                                                                  |
| Shield the park from wind? The marina is very windy.                                                                                                                                                                                                                                                                |
| A do-it-yourself area (like adventure playground) where kids can build their own features.                                                                                                                                                                                                                          |
| If you could think of finding a place with wind cover because the marina often gets very windy which could blow riders away                                                                                                                                                                                         |
| Partnership with East Bay Parks and NorCal Interscholastic Cycling Association (NICA) for enough land to open an MTB cross-country course as riding and race venue for K-12 teams (such as Berkeley High) and using the parking at the Berkeley Marina and/or Golden Gate Fields to host actual NICA races.         |
| I think wooden features would be a really good addition to the bike park! For example, wooden lips and a whale tale as shown in the second picture of the form. They are really unique, and require little to no maintenance over time unlike dirt.                                                                 |
| Focus on fitness rather than risk                                                                                                                                                                                                                                                                                   |
| Open at night with lights                                                                                                                                                                                                                                                                                           |
| Big jumps                                                                                                                                                                                                                                                                                                           |
| There should be a water fountain, and also maybe a repair station like the ones along the greenway!                                                                                                                                                                                                                 |
| Family friendly. I've been to the BMX track in Napa and on the weekends you see families hanging out and taking turns riding. Stafford Bike Park in Novato is the same way. And let's not shy away from jump lines both Dirt World in Richmond and Stafford Bike Park have fun jump lines that could be an example. |
| Lots of features of different levels                                                                                                                                                                                                                                                                                |
| sick features                                                                                                                                                                                                                                                                                                       |
| I think having some larger jumps made to be done on mountain bikes, and separate smaller ones for dirt jump bikes would be good                                                                                                                                                                                     |
| Mountain bike jumps not just steep dirt jumps                                                                                                                                                                                                                                                                       |
| Having a paved pump track                                                                                                                                                                                                                                                                                           |
| Lots of community input during the whole process not just planning                                                                                                                                                                                                                                                  |
| Don't limit it to what can be made with shaped dirt - bigger parks have wood structures that increase the level of obstacles.                                                                                                                                                                                       |
| Access to everyone                                                                                                                                                                                                                                                                                                  |
| Big park                                                                                                                                                                                                                                                                                                            |
| Pump track                                                                                                                                                                                                                                                                                                          |
| A designated area for little kids                                                                                                                                                                                                                                                                                   |

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| A shaded picnic area to the side of the track, allowing for non-bikers to have a place where they can relax and enjoy the scenery or view the riders.                                                                                                                                                                                                                                                                                                                                                          |
| Nice shaded hang out zone.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Opportunity for local graffiti artists to contribute (walls etc.)                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| special hours for RC enthusiasts might be nice.                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Features for young children on push bikes                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Kids want to get big air. Don't fear jumps. If they are not here, they will build them somewhere else. Include a bathroom with running water - sink and drinking fountain. A bench.                                                                                                                                                                                                                                                                                                                            |
| A speed ramp feature would be useful. The site is flat so some sort of elevated platform could be a kind of center for all the trails. Riders would ride down the side for speed.<br>Also for road bikers maybe a mini velodrome?                                                                                                                                                                                                                                                                              |
| Hopefully not a big open dirt pit.<br>Afternoon winds will whip up dust<br>Can't be dependent on irrigation<br>Thank you for considering                                                                                                                                                                                                                                                                                                                                                                       |
| The Truckee Bike Park (Truckee, CA) is a great example of an exceptional bike park.                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Trees!                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Cool to have some jumps made for mt bikes since a lot of bike parks are made for dirt jumpers or bmx                                                                                                                                                                                                                                                                                                                                                                                                           |
| Ensure that POC users are included and have access via public transportation                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| A skills/trails section could be fun. For CX have loose gravel and a deep sand pit.                                                                                                                                                                                                                                                                                                                                                                                                                            |
| It could be interesting to have both a dirt and a paved pump track                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Viewing areas. Funding for upkeep! No camping.                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| I'd like it to be earth-based and have shade for resting. I do not think skateboarders should be allowed or take up any space.                                                                                                                                                                                                                                                                                                                                                                                 |
| Not a skate park. I prefer dirt features, environmentally they are better for runoff and nicer to fall on.                                                                                                                                                                                                                                                                                                                                                                                                     |
| Thanks for taking this on                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| BMX Jumps of varying sizes and good ways to build up skills in different zones (pump track flowing into bigger jumps)                                                                                                                                                                                                                                                                                                                                                                                          |
| Shaded bike repair zone for adjustments, tire changes; toilet facilities, shaded observation areas, lots of trees for shade and wind break.                                                                                                                                                                                                                                                                                                                                                                    |
| Make it huge!!                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Look to Valmont Bike Park                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Easy bike access from downtown Berkeley. COB skills clinics/camps to help kids grow.                                                                                                                                                                                                                                                                                                                                                                                                                           |
| i would like to have a progression line where you can go from small tabletops to bigger ones, and then onto gaps                                                                                                                                                                                                                                                                                                                                                                                               |
| good jumps, nice pump track, and cool features                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Nothing else to add except some street features for skate would be amazing.                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Progressive jump lines are really fun for all, a slalom course would be fun, and BMX features                                                                                                                                                                                                                                                                                                                                                                                                                  |
| A place to create inclusive programming.                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Bike and Skateboarding are Olympic sports now, if we don't provide a place for kids to progress, how will we expect them to have the opportunity to compete? These types of sports should be built into our public areas in order for kids to want to get outside and be active. We can't just say "we already have a skate park" we want a bike only park. How many Soccer fields do we have, how many Basketball courts or tennis courts do we have? This is an opportunity to build a great center for more |

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| than just Bikes, like the park in Napa (with a skate park and bike park right next to each other). These sports are getting more popular and more mainstream that need more accessible including environments.                                                                                                                                                                                   |
| host cyclocross races                                                                                                                                                                                                                                                                                                                                                                            |
| Have a range of options                                                                                                                                                                                                                                                                                                                                                                          |
| If you haven't already, please reach out to the Wildcat Composite Middle School (Berkeley, Albany, El Cerrito) mountain biking team. I can put you in touch with them. We have a ton of energy and a bunch of kids who would use this frequently. Great idea!                                                                                                                                    |
| I really like the Truckee bike park. You could make it similar to that.                                                                                                                                                                                                                                                                                                                          |
| Will need to proactively prevent it from turning into a homeless encampment. Is there a special park designation that would allow tighter enforcement of no-camping laws?                                                                                                                                                                                                                        |
| Water access, dog play pen?                                                                                                                                                                                                                                                                                                                                                                      |
| One that provides challenges for all ages                                                                                                                                                                                                                                                                                                                                                        |
| Please keep this opportunity open for a bike park rather than another skate park                                                                                                                                                                                                                                                                                                                 |
| Great idea to fill a growing, healthy trend!!!                                                                                                                                                                                                                                                                                                                                                   |
| Please make it accessible to all age riders, different sections for different age groups. See Truckee bike park                                                                                                                                                                                                                                                                                  |
| if there was a course for cyclocross in addition to a flow course-- that might create a lot of event opportunities and CX course would be very unique for the area.                                                                                                                                                                                                                              |
| couldn't this trail go all the way out to C. Chavez park?                                                                                                                                                                                                                                                                                                                                        |
| A clean well maintained area is clean, I'm sure riders will contribute to cleaning up. But sounds like a totally awesome project and I hope that it works out. Build it And the riders will come!                                                                                                                                                                                                |
| RC cars should not be allowed, or only during a very limited hour. Strangely, there's a dynamic at Dirtworld where adults show up with the (expensive) toy cars and kids feel too intimidated to ride. Also, the park surface should be dirt. Features made from wood are OK too, but no concrete or pavement. Note that this will require maintenance, so it needs to planned and budgeted for. |
| Have weeknight dirt crits                                                                                                                                                                                                                                                                                                                                                                        |
| Bike parks are great for getting kids on bikes and off screens. Both of my kids dramatically reduced screen time when they joined the local middle school mountain bike team. My son loves to go to Dirt World in Richmond, it would be great to have another park in the area                                                                                                                   |
| Biking is growing so fast in Berkeley, it would be great to have more spaces where my kids can work on their skills, have fun, and hang out with their friends without having to go to Richmond (Dirt World).                                                                                                                                                                                    |
| Look at the dirt jump park in Pleasanton as a model.                                                                                                                                                                                                                                                                                                                                             |
| No skateboards or hikers, only bikes!                                                                                                                                                                                                                                                                                                                                                            |
| Places for parents to hang out and watch out.                                                                                                                                                                                                                                                                                                                                                    |
| On site mechanic's station. Maybe partner with the folks at aquatic park.                                                                                                                                                                                                                                                                                                                        |
| Make it mandatory for riders to maintain the park and don't let remote-controlled mini vehicles to access it (e.g., Richmond pump track).                                                                                                                                                                                                                                                        |
| Make it dirt.                                                                                                                                                                                                                                                                                                                                                                                    |
| Since you have a large skate park nearby, it would be great if this was for bikes only. There would be less potential for accidents and arguments.                                                                                                                                                                                                                                               |
| We love the one at Stafford lake but it is too far. Something like that would be great                                                                                                                                                                                                                                                                                                           |
| Lots of jumps                                                                                                                                                                                                                                                                                                                                                                                    |

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| I've heard there's skate interest. I think it makes sense to consider incorporating aspects that provide opportunities for both bikes and skates if possible.                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Take a look at Lake Cunningham park in San Jose. They did a pretty good job for the space available.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Community involved maintenance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| The east bay desperately needs another bike park!                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Food trucks or some sort of food court or partnership with food delivery services. It's common knowledge that Berkeley has a problem with bike theft so people, me included, are unwilling to eat in town with their bikes locked up to their cars or left unattended outside of a store front, but if people could bring their bikes with them while they grab a burrito in the parking lot, they'll feel safe and encouraged to spend money inside of the city. I wish Lake Cunningham had food trucks nearby, I always have so much fun there and I leave not because I'm tired, but because I'm hungry. |
| lets ride bikes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| several unique areas, so MTBs don't pile up in waiting                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| The track should be built with maintenance by design, not as an after thought                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Secure and safe.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Go big. See Truckee Bike Park for example but included a paved pump track too.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Picnic area, access to drinking water, tool station, pumptrack tor tots                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| A short track!                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Separate beginner trail for little kids                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Cyclocross course                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Make it as accessible as possible to all riders!                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| have skill progression, and a pump track                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Take advantage of location by the bay (such as nice views).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| It would be cool to have a pump track                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| It would be awesome if there would be the ability to hold events in the future. Perhaps some manufacturer supported test rides or other events that would help to support the park and the community.                                                                                                                                                                                                                                                                                                                                                                                                       |
| Large park big jumps                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| I think this is a great idea                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Just build it and then maintain it. Do it fast and not in 10 years. This is desperately needed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| it should be rideable by all skill levels, especially kids.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| None, would just be stoked to see this happen!                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Very excited to have this project implemented!                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| I hope there is no parking lot for this park. There is plenty of parking already at the new brickyard cove, not to mention the sports complex, not to mention accessibility by BART and the new Center St parking structure. I hope no space that COULD be used for park space is instead used to store vehicles.                                                                                                                                                                                                                                                                                           |
| The ability to hold events would be awesome.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| trail and skill focused                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Some shade/coverage from the sun would be great!                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| involve volunteers.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| I am willing to back with time and financially                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| I don't, but I'm looking forward to it very much.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

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| Pump track. Skinnyies. Progressive jump lines.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| There's a pump track in Richmond. While those are great, I think a flatter x-country trail would be a more unique addition to the bay. If we could get even a 3 mile loop in the space of technical mtn biking that would be rad.                                                                                                                                                                                                                                                                                                                                                     |
| Thanks for doing this! I am in full support and can't wait to see this come to life.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| a water fountain and/or some way to refill a water bottle nearby.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| allow events to be held at the bike park.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Perhaps use certified volunteer "stewards" to help maintain the park (shaping, digging, watering etc)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| open as many hours as possible. Budget for upkeep and improvements.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Keep it alive!                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Benches sun screen storage boxes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Pave it so it will last                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Allow for park to grow and evolve rather than build an overly (and possibly poorly) designed park that might not suit the needs of the mtb community. Listen to the high school kids providing guidance.                                                                                                                                                                                                                                                                                                                                                                              |
| King flow trail                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| build it quickly and keep it open ended                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Bathrooms with good lighting and camera in parking lot.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Drops and jumps. Not many natural features to learn on in the bay area                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Ample and secure parking as as public safety come to mind. How do we avoid car break ins and bike thefts.                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Also how do we support a thriving local economy by encouraging visitors to patronize local businesses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Be close enough to parking/adequate parking                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Make it Happen!!!                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Excited for the idea!!                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| A picnic/ slag hangout area to make the park communal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Just get it done!                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Need to ensure ample nearby parking for families with younger kids that cannot ride to the ride                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Hoses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Maybe have events where a pro demonstrates how to use it?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| would love to see some nice drop progression lines!                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Organize special events to promote the space/sport                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Longer trails through the woods or perimeter                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Ensure bike infrastructure and public transit allow those without cars to access.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Built element like wood, rock and asphalt will have more longevity. Dirt tracks require more maintenance, and the track should have some local club elements to coordinate work days. Suggest having a maintenance budget and coordinating with the bay trails council easy bay. Have a hangout area with shade and tables near the jump and pump track area. Access to water for drink and trail work especially near the larger jump features. Sprinkler system can help maintain and dust suppression on flow trails. Bathrooms. Good Bike access to the park with good Bike racks |
| The jump lines should get progressively harder. So, after mastering jump line 1 (the beginner line), the rider should feel comfortable with the second line. One issue I have with JMP pump track is that the jumps are not well built. Not big enough. Also, there is only one line. 4 jump lines would be great at Berkeley bike park. The 3rd and 4th lines should have sizable jumps. Again, Dirtworld has a really good layout but the wind is terrible.                                                                                                                         |

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| Keep it fun and safe. Is there a way to<br>Keep the area protected from the recent bike armed robberies ? Or deter encampments?<br>Biking is such a great way for<br>Kids of all ages to get exercise and be outside. They should be able to use the park without fear for<br>basic safety. |
| Keep up the great work on this! I know it takes a lot to get a little done, especially in Berkeley.                                                                                                                                                                                         |
| Water fountains and trash cans and restroom facilities would be nice                                                                                                                                                                                                                        |
| Different lines with progressive difficulty would be great. Since I'm intermediate, I prefer tabletops so<br>that if I can't clear it, I can at least ride it out (instead of casing into the other side and getting<br>destroyed).                                                         |
| Have a restroom and drinking water                                                                                                                                                                                                                                                          |
| great idea for this location                                                                                                                                                                                                                                                                |
| Snack bar or food trucks                                                                                                                                                                                                                                                                    |
| Make it a place where the community can come together, and all people are welcome!                                                                                                                                                                                                          |
| Building along a gentle slope makes a HUGE difference for bikes (thanks gravity!). Biking is an all age<br>activity, so good to keep that in mind.                                                                                                                                          |
| It should be kids friendly                                                                                                                                                                                                                                                                  |
| Pump track with multiple lines                                                                                                                                                                                                                                                              |
| Food trucks are always fun                                                                                                                                                                                                                                                                  |
| Waterfront is a bit flat - why not an offroad route to grizzly peak n back?                                                                                                                                                                                                                 |
| Free tools to use, classes on bike repair etc..                                                                                                                                                                                                                                             |
| Please focus on dust control in this windy location. Limit uncovered dirt to trail only. The rest needs<br>mulch and plants.                                                                                                                                                                |
| Pump track, Jump track, and technical track                                                                                                                                                                                                                                                 |
| I have no notes but please build this                                                                                                                                                                                                                                                       |
| clinics?                                                                                                                                                                                                                                                                                    |
| Make sure it's safe enough area for kids.                                                                                                                                                                                                                                                   |
| We desperately need more bike parks in the Bay Area! We have fallen way behind other parts of<br>California and the country on interesting trails and terrain for bikers.                                                                                                                   |
| pump track                                                                                                                                                                                                                                                                                  |
| Asphalt pump track, prefabricated mtb features, small jump line                                                                                                                                                                                                                             |
| Have both big and small jump lines and pumptrack loop                                                                                                                                                                                                                                       |
| Easy access to nearby bike paths.                                                                                                                                                                                                                                                           |
| N/a                                                                                                                                                                                                                                                                                         |
| Build it and they will come!                                                                                                                                                                                                                                                                |
| I don't have any                                                                                                                                                                                                                                                                            |
| go for it!                                                                                                                                                                                                                                                                                  |
| Food truck days, community clean ups, local school integrations                                                                                                                                                                                                                             |
| A fun supportive pleasant environment, with a good deal of fun mixed in, with something for every<br>type and skill level rider. Build it and they will come!                                                                                                                               |
| Graduated drops, a jump section, safe space for spectators                                                                                                                                                                                                                                  |
| It should be welcoming and fun. I do not want something just for expert riders. I want something that<br>beginners feel welcome at too. All ages and all skill levels.                                                                                                                      |

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| It needs sufficient parking and a water supply to keep the park maintained.                                                                                                                                                                                                                                                                                                                                                                             |
| A pump track is fine, but it should be far more than that. I think many parks have pump tracks already. We need bigger jumps. There's nowhere in the Bay Area (besides Pacifica if you count that) to work on improving at higher levels of difficulty of jumps. We need big features. We already have a multitude of smaller features and pump tracks. This should be a place that challenges riders, not something that you can roll over everything. |
| Steeper jumps over longer jump. Thanks for reading my responses                                                                                                                                                                                                                                                                                                                                                                                         |
| Involve the mountain bike community and professional trail builders. Make the jumps progressive.                                                                                                                                                                                                                                                                                                                                                        |
| Gated off if possible, close it at a certain time of day. Keep it clean and safe.                                                                                                                                                                                                                                                                                                                                                                       |
| Handy restrooms                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| There should big jumps, small jumps and thing that beginners to Pro can do                                                                                                                                                                                                                                                                                                                                                                              |
| separate lines for different skill levels would be great                                                                                                                                                                                                                                                                                                                                                                                                |
| Places to sit and picnic; drinking water, ground covers. Next is the velodrome. Thank you for filling this need.                                                                                                                                                                                                                                                                                                                                        |
| Lots of tabletops for learning jumping                                                                                                                                                                                                                                                                                                                                                                                                                  |
| I would like to see jumps built with prefabricated lips, with intuitive progression between line levels of skill. I would like to see an asphalt pump track                                                                                                                                                                                                                                                                                             |
| I like parks that include features more similar to natural terrain, and not just pure pump tracks                                                                                                                                                                                                                                                                                                                                                       |
| Parking nearby would be good, and or emergency vehicle access                                                                                                                                                                                                                                                                                                                                                                                           |
| Jump line, pump track, and drops of varying sizes would be great!                                                                                                                                                                                                                                                                                                                                                                                       |
| I like berms and turtles.                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Focus on skill development and mtb centric jump lines                                                                                                                                                                                                                                                                                                                                                                                                   |
| Paid entry to keep up the track                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Lights for use at night,                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Bigger is always better. More square footage, protected bike routes to get there                                                                                                                                                                                                                                                                                                                                                                        |
| Park district classes and camps at the park!                                                                                                                                                                                                                                                                                                                                                                                                            |
| For for BMX and mountain bikes and fun for a lot of skill levels.                                                                                                                                                                                                                                                                                                                                                                                       |
| Include areas with shade for hot days                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Basically challenging jumps and a nice pump track.                                                                                                                                                                                                                                                                                                                                                                                                      |
| Multiple *explicit* entrances to riding areas (i.e. with an arch or something) - plus some benches outside the riding area, to encourage spectators                                                                                                                                                                                                                                                                                                     |
| Rather than just dirt jumping, nice to incorporate native grassy plants and features.                                                                                                                                                                                                                                                                                                                                                                   |
| The concepts look great!                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Make sure you have funding and/or a really strong commitment from local bike stores & clubs for ongoing maintenance.                                                                                                                                                                                                                                                                                                                                    |
| Repair stand with tools available, shaded seating areas, secure bike area, water fountains, bike loaner program for kids without access to bikes, scheduled coaching opportunities, community message board,                                                                                                                                                                                                                                            |
| Would be a great place to introduce people to the sport rather just be a place for expert riders                                                                                                                                                                                                                                                                                                                                                        |
| something fun for all ages & abilities                                                                                                                                                                                                                                                                                                                                                                                                                  |
| In addition to everything mentioned, drop progression would also be nice too.                                                                                                                                                                                                                                                                                                                                                                           |
| Lights in the winter would be nice                                                                                                                                                                                                                                                                                                                                                                                                                      |
| The park should be safely and easily accessible by bike and by existing bike paths.                                                                                                                                                                                                                                                                                                                                                                     |

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| Public and open to all                                                                                                                                                                              |
| Wall ride feature would be nice                                                                                                                                                                     |
| Paved pump track would be amazing, with direction marked to avoid injuries due to traffic flow.                                                                                                     |
| Kids are building features and all the city can seem to do is destroy what the kids built by hand and not to a design spec. Please take a new approach and do something positive in this direction. |
| It would be great to have a bike park.                                                                                                                                                              |
| Invite groups for skills days for all ages                                                                                                                                                          |
| Have bathrooms on site.                                                                                                                                                                             |
| Safe for lots of ages. Hang out area for resting. Electricity for music. Maybe a stage for concerts / events                                                                                        |
| Good upkeep                                                                                                                                                                                         |
| area for little kids                                                                                                                                                                                |
| Smooth dirt!                                                                                                                                                                                        |
| Make sure it's accessible to all users.                                                                                                                                                             |
| Tree lined areas s bay view's clean up the homeless camps have it patrolled                                                                                                                         |
| One-Direction pump tracks                                                                                                                                                                           |
| I'm excited                                                                                                                                                                                         |
| Again, as much space as possible to accommodate huge demand                                                                                                                                         |
| Just build it!                                                                                                                                                                                      |
| Pump track is good. But various "skills" elements will help all riders.                                                                                                                             |
| Have a water fountain/bottle refiller. I always bring 4 bottles of water to dirt world if I'm going for a whole day and carrying that in my backpack on a dirt jumper 5 miles is not fun.           |
| This is a great project, we need more bike parks.                                                                                                                                                   |
| Dual Slalom Track, XC Trail, Drop Zone, Slopestyle and more!                                                                                                                                        |
| Snack shack                                                                                                                                                                                         |
| Place where people can come out and have fun                                                                                                                                                        |
| Benches                                                                                                                                                                                             |
| Encourage girls, welcome diverse ethnicities, outreach to underserved communities and provide incentives to engage them in this sport                                                               |
| Space for food trucks to gather                                                                                                                                                                     |
| Let the community maintain the park with city help on scheduled work days. Lights for after-daylight use. Paved so that wet ground doesn't shut it down.                                            |
| Make it big and fun                                                                                                                                                                                 |
| I think it would be great to have one!                                                                                                                                                              |
| Would love it! Also was designated trails in Tilden for mountain bikers                                                                                                                             |
| Landscaping for aesthetics                                                                                                                                                                          |
| Water and bike tools are nice to have, along with a shaded spot for parents or people to rest.                                                                                                      |
| Consider adding a proper BMX track that league can use to host teams and races.                                                                                                                     |
| Keep the zones separate so children aren't in the way of the more advanced features.                                                                                                                |
| host events? and keep it maintained.                                                                                                                                                                |
| Much thanks for this initiative                                                                                                                                                                     |
| bus access                                                                                                                                                                                          |

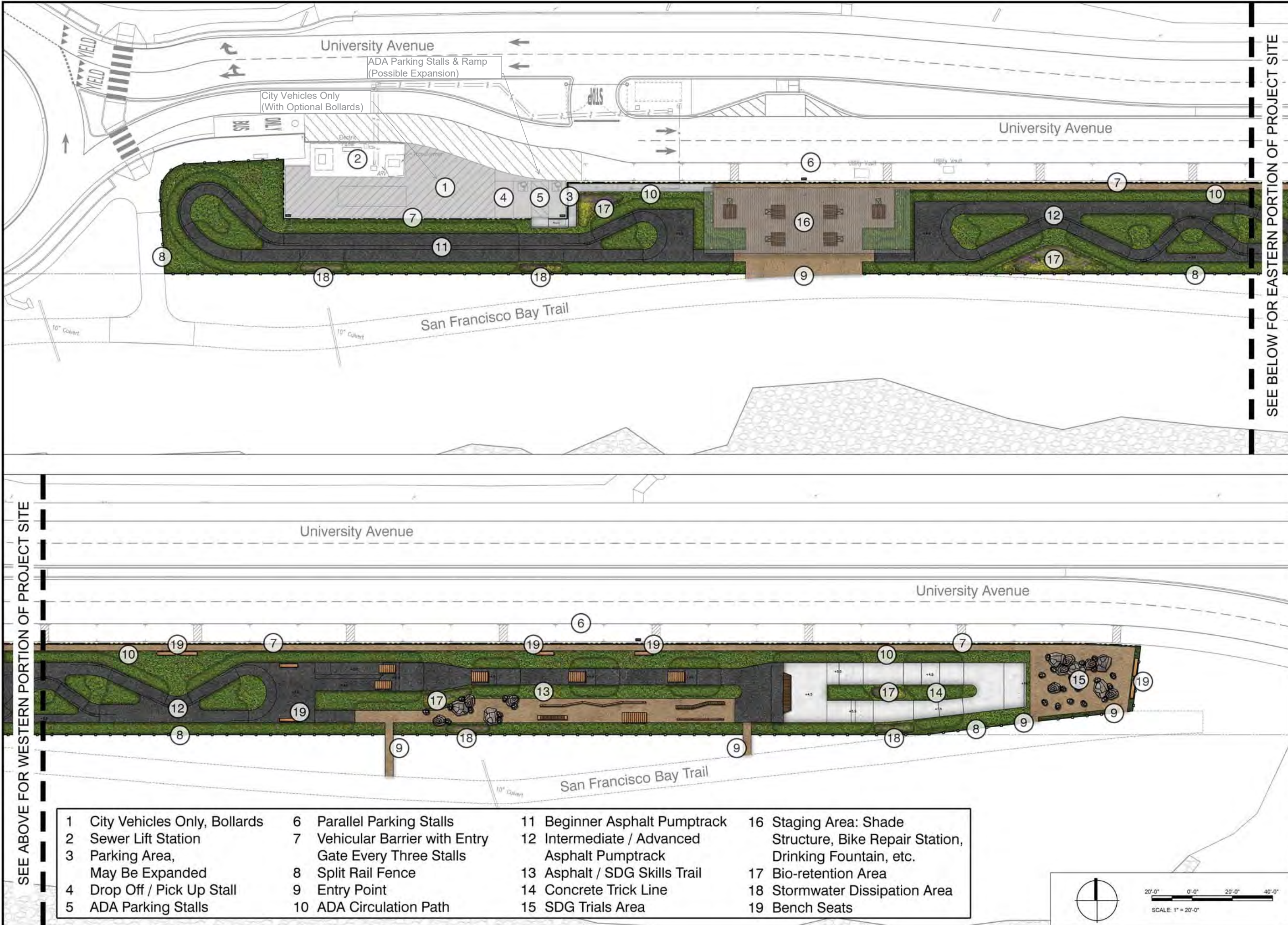


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| <p>I am a lifelong Albany/Berkeley (now Oakland) resident and previous user of the jumps that were in/near this space. I would love to be involved in whatever capacity possible.<br/>It is very important that this project caters to different skill and age levels. It respects the diversity of the area and the previous use of the land. Truckee Bike Park is a great example of this as well as Stevie Smith Bike Park in Nanaimo, BC.<br/>Please do not create yet another tiny, barely rideable pump track with nothing else!</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p>Skills instruction courses or programs</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <p>Love this idea, as someone who's ridden for decades but feels like my skills are poor I'd love a safe place for me and my kids to learn.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <p>The more riding availability in the bay area for all skill levels the better</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <p>Make a good portion of the jumps have geometry for mountain bikes (because BMX and other small bikes can easily hit these larger/longer jumps but longer bikes have trouble on the jumps made specifically for BMX)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p>more permanent than dirt</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <p>Shade structures and wind breaks for gatherings, breaks, and events.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p>Water fountains, tool area, and bathrooms.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <p>Please do not make it for skateboards - There are already multiple skate parks in Berkeley and surrounding communities</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <p>Please do it would be great for our kids!</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <p>Benches for families to rest, a water fountain, and restrooms with frequent maintenance.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <p>All these pictures look awesome!</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p>I'm sure other people have great ideas. I just think it's a wonderful thing to happen.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <p>So hopeful that this will get built- it would be amazing! Thank you!!</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <p>water fountains, bike tools</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <p>A pump track would be great</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <p>There are riders of every genre in the bay area, BMX, Dirt Jump, MTB, Gravel, Road.. probably a handful of uni-cyclists as well ( and most of us ride multiple disciplines. Park goers are usually BMX, DJ and MTB however there are always families that come out with small children, I am sure you will have no trouble sourcing ideas for the main crowd of riders but if we can, lets try and provide a quality experience for future riders and their families too.<br/>Some bike parks end up in an isolated area with no restrooms, or any other amenities near by. Somewhere to buy a snack and a drink at or near the park would be awesome.<br/>Side note:<br/>Bike parks are rare in the bay area and I am so happy to see a new one being discussed, but can someone PLEASE give a nudge to the powers that be in the eastern part of Contra Costa County? That whole area is a recreational wasteland and I am tired of driving so far away to take my kids to do something healthy and fun that the whole family can do together. Good for you Berkley for seeing the need and caring enough to fill it!</p> |
| <p>None. Thank you for this project. There are few trails for mountain biking despite so many hills in Berkeley</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <p>Berkeley needs a street course for skateboarding, and an accessible park for people to learn.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <p>A flow track through the trees</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <p>make it sustainable</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p>check out lake Cunningham they get and keep people coming back and they charge...</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

|                                                                                                                                                                                                                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A long section of flow with turns and jumps. Not short loops with no room for speed. Wood features to ride on and over. A loop to practice trail riding skills like hopping over obstacles                                                     |
| Clearly marked directional signs, no homeless encampments                                                                                                                                                                                      |
| Tool centers for fixing bike, shade and seated areas with water/vending machines nearby for quick snacks and hydration                                                                                                                         |
| Nice jumps                                                                                                                                                                                                                                     |
| Multiple level areas.                                                                                                                                                                                                                          |
| Easy access and parking                                                                                                                                                                                                                        |
| See the Auburn bike park for example of a great bike park to model the Berkeley one after                                                                                                                                                      |
| Safe for young people                                                                                                                                                                                                                          |
| It is very windy on the waterfront, consider vegetative wind break                                                                                                                                                                             |
| Picnic areas and other places for people to watch and hang out.                                                                                                                                                                                |
| viewing area for non-riders                                                                                                                                                                                                                    |
| Bike polo field; Velodrome!                                                                                                                                                                                                                    |
| i just think being able to do races would be super sick                                                                                                                                                                                        |
| trail etiquette                                                                                                                                                                                                                                |
| Flow/pump track; there aren't really opportunities to practice those skills on trails in Tilden                                                                                                                                                |
| I don't have any                                                                                                                                                                                                                               |
| If this goes well it would be wonderful to see professionals come and visit to do exhibitions. Or maybe even competitions for kids.                                                                                                            |
| As someone who has been riding BMX bikes for 30 years and mountain bikes for 10 (I'm 35 years old) the major thing I see in bike parks being built is that isn't stuff everyone especially the people at a highish level.                      |
| Snack shack.                                                                                                                                                                                                                                   |
| Please have a range of skill level features. Also how to keep it safe from thieves?                                                                                                                                                            |
| Water spigots , rest area                                                                                                                                                                                                                      |
| Please consider prevailing wind direction when designing any feature and consider using native plantings as wind screens where appropriate.                                                                                                    |
| Must have some shaded picnic areas for parents. Hopefully some parking. Get the high school teams involved with mentoring kids who need encouragement.                                                                                         |
| Incorporated under indigenous land trust, offer alternative housing / shelter / space for unhoused people                                                                                                                                      |
| A flow trail would be great.                                                                                                                                                                                                                   |
| I would just LOVE to see a mountain bike park, and more specific mountain bike-related areas, happen in Berkeley. Seems like someone is always mad at us mountain bikers, so it would be nice to have our own space to have some fun outside.  |
| 1) Price will be an important factor for me<br>2) As someone still learning jumps, beginner features (small tables, pumptrack) are important to me                                                                                             |
| Maybe a paved Pump track similar to the one they have in Temecula California?                                                                                                                                                                  |
| Make it fun and not too serious!                                                                                                                                                                                                               |
| I would look to what Santa Cruz has been doing - paving these seem to be the most resilient / sustainable: <a href="https://santacruztrails.org/projects/ramsay-park-pumptrack">https://santacruztrails.org/projects/ramsay-park-pumptrack</a> |
| plenty of mileage                                                                                                                                                                                                                              |

We have so many riders and so few places like this. What a great place for kids to be (from 3 to 80 year old kids). Love the idea!!

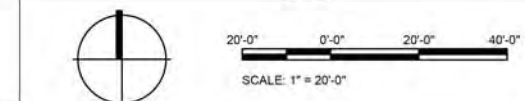
I much prefer tabletop jumps to gap jumps.



SEE ABOVE FOR WESTERN PORTION OF PROJECT SITE

SEE BELOW FOR EASTERN PORTION OF PROJECT SITE

- |                                 |                                                        |                                              |                                                                                |
|---------------------------------|--------------------------------------------------------|----------------------------------------------|--------------------------------------------------------------------------------|
| 1 City Vehicles Only, Bollards  | 6 Parallel Parking Stalls                              | 11 Beginner Asphalt Pumptrack                | 16 Staging Area: Shade Structure, Bike Repair Station, Drinking Fountain, etc. |
| 2 Sewer Lift Station            | 7 Vehicular Barrier with Entry Gate Every Three Stalls | 12 Intermediate / Advanced Asphalt Pumptrack | 17 Bio-retention Area                                                          |
| 3 Parking Area, May Be Expanded | 8 Split Rail Fence                                     | 13 Asphalt / SDG Skills Trail                | 18 Stormwater Dissipation Area                                                 |
| 4 Drop Off / Pick Up Stall      | 9 Entry Point                                          | 14 Concrete Trick Line                       | 19 Bench Seats                                                                 |
| 5 ADA Parking Stalls            | 10 ADA Circulation Path                                | 15 SDG Trials Area                           |                                                                                |



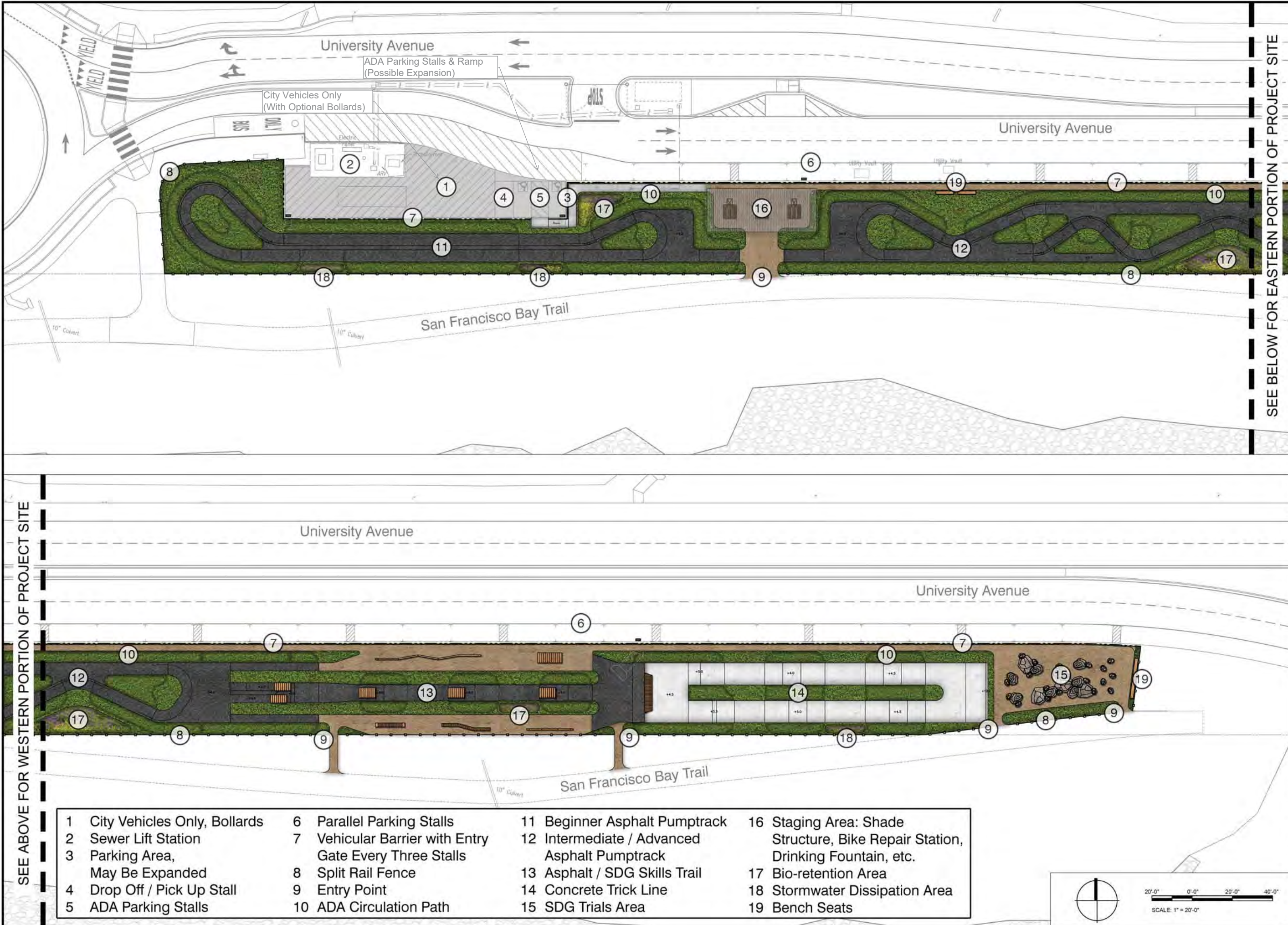
| No. | ISSUE / REVISION | DATE      | DRAWN BY | REVIEWED BY |
|-----|------------------|-----------|----------|-------------|
| 001 | CONCEPTUAL PLANS | 8/25/2022 | ZW       | KM          |
| 002 | WORKSHOP # 2     | 9/29/2022 | ZW / JS  | KM          |

PROJECT:  
BERKELEY BIKEPARK  
BERKELEY, CA

SHEET TITLE:  
CONCEPT DESIGN #1

SHEET NUMBER

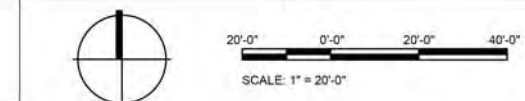
BP-1.0



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| No. | ISSUE / REVISION | DATE      | DRAWN BY | REVIEWED BY |
|-----|------------------|-----------|----------|-------------|
| 001 | CONCEPTUAL PLANS | 8/25/2022 | ZW       | ZW          |
| 002 | WORKSHOP # 2     | 9/29/2022 | KM       | ZW / JS     |

PROJECT:  
BERKELEY BIKEPARK  
BERKELEY, CA

SHEET TITLE:  
CONCEPT DESIGN #2

SHEET NUMBER

BP-2.0



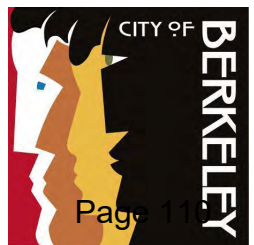
*City of Berkeley*

# WATERFRONT BIKE PARK

Design Options

Public Workshop # 2

September 29, 2022

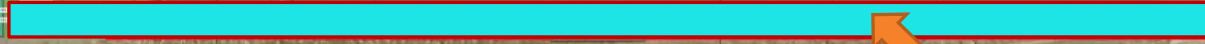


# AGENDA

- Existing Site
- Design Concepts
- Preferred Riding Features
- Preferred Site Amenities
- Open Discussion
- Next Steps



University Avenue



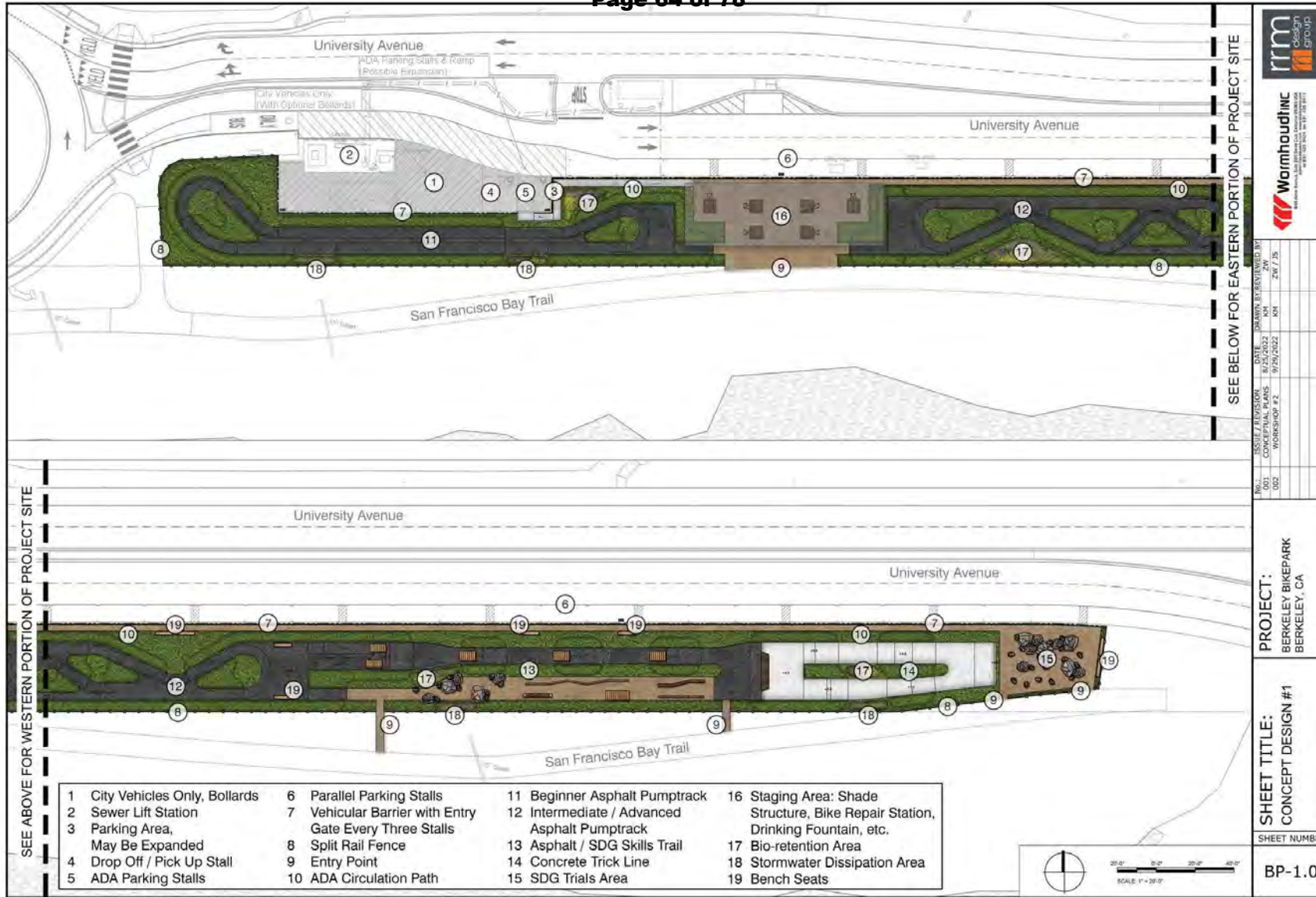
EXISTING SITE

Approximate Bike Park Area adjacent to recently renovated University Avenue Page 112





EXISTING SITE



- |                                 |                                                        |                                              |                                                                                |
|---------------------------------|--------------------------------------------------------|----------------------------------------------|--------------------------------------------------------------------------------|
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SEE BELOW FOR EASTERN PORTION OF PROJECT SITE

SEE ABOVE FOR WESTERN PORTION OF PROJECT SITE

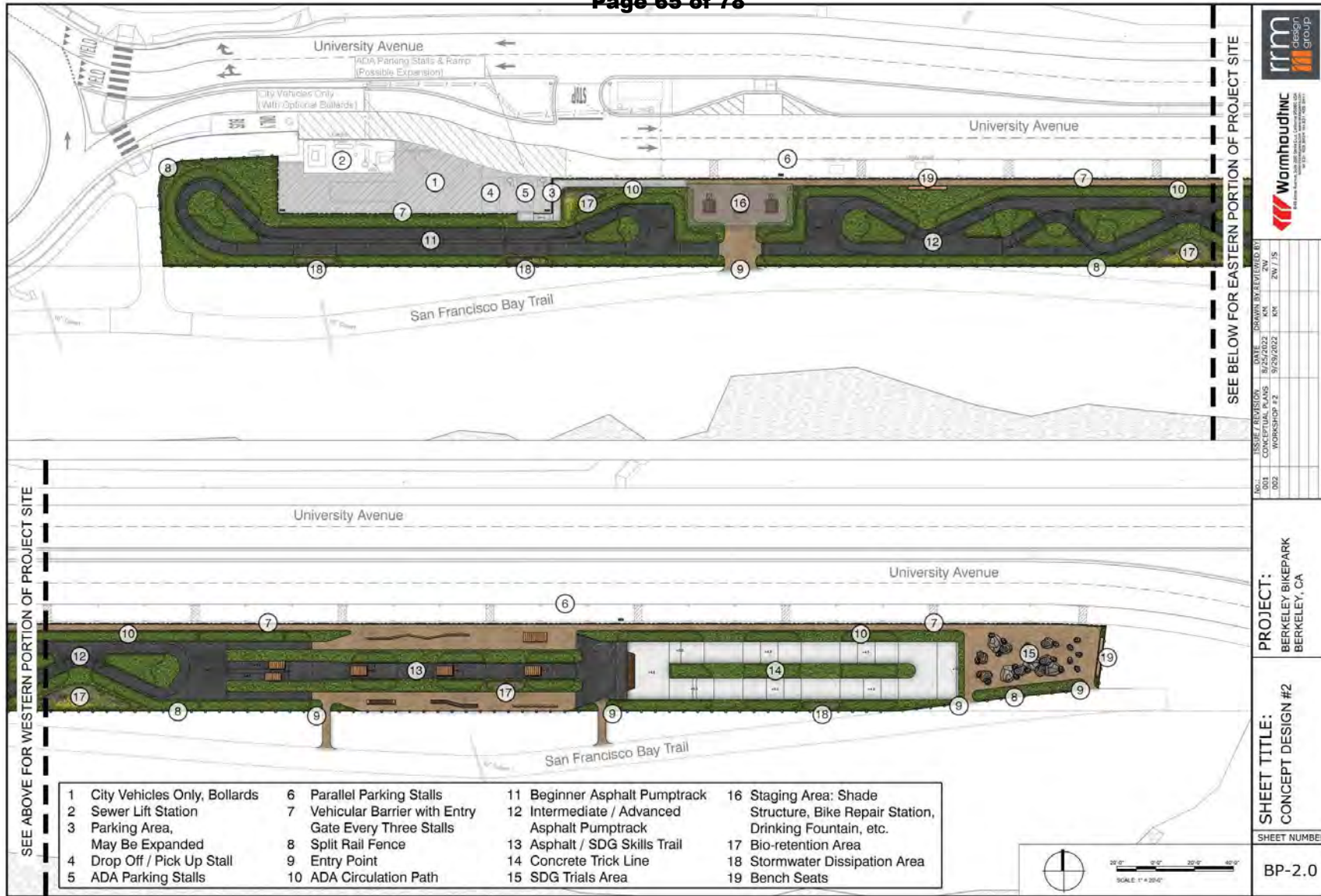


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|------------------|-----------|----------|-------------|
| ISSUE / REVISION | DATE      | DRAWN BY | REVIEWED BY |
| 001              | 8/25/2022 | NT       | ZW / JS     |
| 002              | 9/29/2022 | NT       |             |
| WORKSHOP #2      |           |          |             |

PROJECT:  
BERKELEY BIKEPARK  
BERKELEY, CA

SHEET TITLE:  
CONCEPT DESIGN #1

SHEET NUMBER  
BP-1.0



**rrm**  
design group

**Wormhoudt Inc.**  
1000 Piedmont Avenue, Suite 200, Berkeley, CA 94704  
Tel: 415.863.1000 Fax: 415.863.1001

NO. 003  
ISSUE / REVISION  
CONCEPT PLAN  
WORKSHOP 2.0

DATE  
9/26/2022

BY  
KCN

CHECKED BY  
KCN

DATE  
9/26/2022

PROJECT: BERKELEY BIKEPARK, BERKELEY, CA

SHEET TITLE: CONCEPT DESIGN #2

SHEET NUMBER: BP-2.0

# CONCEPT DESIGN #2



## Paved Pump Track

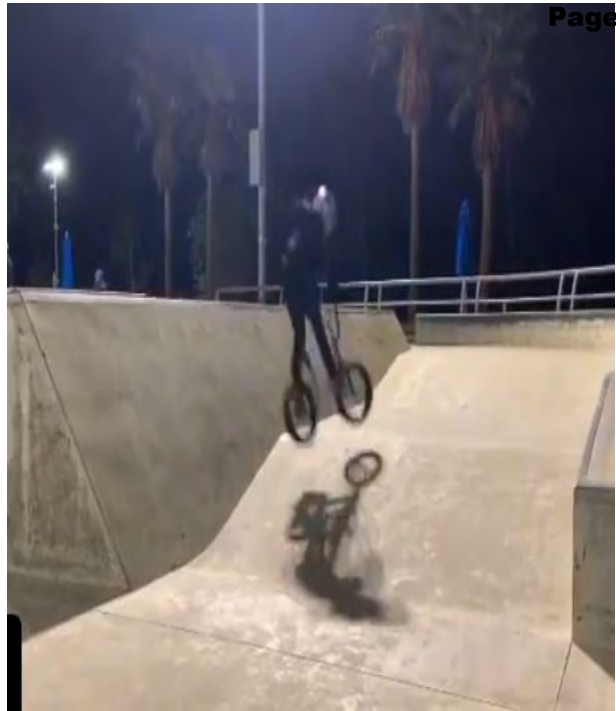


## Skills Trail Built Features

13



## Free Ride and Dirt Jump Style Features (Asphalt /SDG Skills Trail)



14

Concrete Trick Line



## Trials Course





Picnic Tables



Bench Seats



Drinking Fountain



Bike Racks



Bike Repair Station





Decompose Granite (stabilized) pathways



Bioretention Swales



Vehicular Guard Rails and Gates (between University Ave and Bike Park)



# OPEN DISCUSSION

- Which concept do you prefer and why?
- What elements do you prefer and why?
- What suggestions do you have for the final concept design?
- Any other feedback?

#1

#1

#2

#2

# COMPARISON

- |                                 |                                                        |                                              |                                                                                |
|---------------------------------|--------------------------------------------------------|----------------------------------------------|--------------------------------------------------------------------------------|
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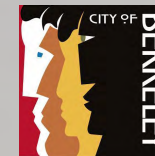


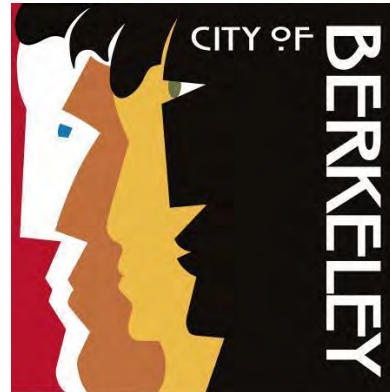
# NEXT STEPS

- Survey, Interest Form, Community Workshop #1 – Spring 2022
- Community Workshop #2 –Tonight
- Prepare Supporting Documents: Drawings / Specifications and Costing
- Community Workshop #3– Present Preferred Concept – November 2022

# THANK YOU FOR SHARING YOUR INPUT FOR THE WATERFRONT BIKE PARK CONCEPTUAL DESIGN PROJECT

- **Additional Questions & Comments:**  
[aendress@cityofberkeley.info](mailto:aendress@cityofberkeley.info)
- **Project Interest Form:**  
[www.tinyurl.com/BikeParkInterestForm](http://www.tinyurl.com/BikeParkInterestForm)
- **Additional Project Information**  
<https://berkeleyca.gov/your-government/our-work/capital-projects/berkeley-waterfront-bike-park-conceptual-design-project>











Consent Calendar  
April 25, 2023

To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin

Subject: Budget Referral: Dreamland for Kids Playground Design

#### RECOMMENDATION

Refer to the Fiscal Year 2024 budget process \$300,000 for the conceptual design of the reconstruction of the Dreamland for Kids Playground at Aquatic Park.

#### FINANCIAL IMPLICATIONS

\$300,000 in General Fund impact.

#### BACKGROUND

Dreamland is a fantasy playground with wooden towers and a forested landscape, designed in 1999 by Berkeley school children under the guidance of architect Robert Leathers and Associates, that consists of castles, slides, swings, bridges, tunnels, and more to inspire adventure and imagination.

However, several elements of the structure have failed and been removed. Additionally, the playground is currently not compliant with the Americans with Disabilities Act. The general public has indicated their desire to invest in this structure and uplift it as a destination playground. The \$300,000 in allocated funds would cover conceptual design costs through the final design and bidding process.

The City of Berkeley's General Plan's Open Space and Recreation Element<sup>1</sup> includes policies that "give highest priority to maintaining and improving the City's existing network of open space and recreation facilities" and "give high priority to providing additional facilities for populations that are disadvantaged or underserved."

#### CONTACT

Councilmember Terry Taplin, District 2, (510) 981-7120, [TTaplin@cityofberkeley.info](mailto:TTaplin@cityofberkeley.info)

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1

[https://berkeleyca.gov/sites/default/files/documents/08\\_Open%20Space%20and%20Recreation%20Element-FINAL.pdf](https://berkeleyca.gov/sites/default/files/documents/08_Open%20Space%20and%20Recreation%20Element-FINAL.pdf)





Consent Calendar  
April 25, 2023

To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin

Subject: Budget Referral: Shorebird Park Playground Design

RECOMMENDATION

Refer to the Fiscal Year 2024 budget process \$200,000 for the conceptual design of the reconstruction of the Shorebird Park Playground.

FINANCIAL IMPLICATIONS

\$200,000 in General Fund impact.

BACKGROUND

The standards of the Shorebird Park Playground's wood structure are rotting and need replacement. The \$200,000 in allocated funds would cover conceptual design costs through the final design and bidding process.

The City of Berkeley's General Plan's Open Space and Recreation Element<sup>1</sup> includes policies that "give highest priority to maintaining and improving the City's existing network of open space and recreation facilities." The City of Berkeley's Marina Master Plan<sup>2</sup> includes guiding principles of maintaining and improving infrastructure.

CONTACT

Councilmember Terry Taplin, District 2, (510) 981-7120, [TTaplin@cityofberkeley.info](mailto:TTaplin@cityofberkeley.info)

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1

[https://berkeleyca.gov/sites/default/files/documents/08\\_Open%20Space%20and%20Recreation%20Element-FINAL.pdf](https://berkeleyca.gov/sites/default/files/documents/08_Open%20Space%20and%20Recreation%20Element-FINAL.pdf)

<sup>2</sup> <https://berkeleyca.gov/sites/default/files/2022-02/Berkeley-Marina-Master-Plan-1.pdf>



**BEN BARTLETT**

VICE MAYOR

CONSENT CALENDAR

April 25, 2023

To: Honorable Mayor and Members of the City Council

From: Vice Mayor Ben Bartlett (Author)

Subject: Celebración Cultural Sylvia Mendez (Spring Cultural Celebration) by the Sylvia Mendez School PTA: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

RECOMMENDATION:

Approve the expenditure of funds, including \$1,000 from the discretionary council office budget of Vice Mayor Ben Bartlett, to the Sylvia Mendez Elementary School PTA to host a Spring Cultural Celebration event on April 30, 2023, in the courtyard on campus. The funds will be relinquished to the City's General Fund from the discretionary council office budget of Vice Mayor Ben Bartlett and the discretionary council office budgets of any other City Councilmembers who would like to contribute.

BACKGROUND:

This year, the Berkeley Unified School District's (BUSD) only Two-Way Immersion school, Sylvia Mendez Elementary (Sylvia Mendez), will host a Cultural Celebration to celebrate the global heritage, culture, and nationalities of its community. Community members are creating teams to determine the information, tastes, crafts, dress, music, and performances they would like to share at the event. The event will feature food catered by local ethnic restaurants, but teams may bring additional homemade items to share with the greater community.

This is Sylvia Mendez's inaugural Cultural Celebration, though the PTA Executive Committee hopes it will grow into an annual event. With such a diverse community, Sylvia Mendez seeks to contextualize some of our students' cultural influence and background.

To ensure the funds are properly disbursed and provided to offset some of the costs associated with this event, the funds should be sent to the Sylvia Mendez PTA organization to distribute accordingly. This parent-led committee is already funding the majority of the costs of the event and has been a reliable resource to offset budget shortfalls. The donations ultimately support the program guidelines laid out by BUSD (on the [Sylvia Mendez Elementary website](https://www.berkeleyschools.net/schools/elementary-schools/sylviamendez-elementary/)<sup>1</sup>), which is to "develop long-lasting

<sup>1</sup> <https://www.berkeleyschools.net/schools/elementary-schools/sylviamendez-elementary/>



**BEN BARTLETT**

VICE MAYOR

relationships and cultural appreciation for peers who are often separated by race and language.” This is further defined as the vision of the [school on its website](#)<sup>2</sup> “to seek to honor and understand families.”

This event is particularly important to rebuild the community, especially in light of the lack of events over the course of the last few years due to the pandemic. As our schools seek to recover from the social damage due to COVID-19, events like this help foster and build a greater understanding of the families within and the development of our community.

ENVIRONMENTAL SUSTAINABILITY:

No negative impact.

FISCAL IMPACTS OF RECOMMENDATION

No General Fund impact; \$1,000 is available from the discretionary council office budget of Vice Mayor Ben Bartlett. The cost is as follows: Sylvia Mendez School PTA: Celebración Cultural (Spring Cultural Celebration).

CONTACT PERSON:

Vice Mayor Ben Bartlett  
James Chang

bbartlett@cityofberkeley.info  
jchang@cityofberkeley.info

ATTACHMENT:

1. Resolution

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<sup>2</sup> <http://sylviamendezschool.org/en/welcome-eng>



**BEN BARTLETT**

VICE MAYOR

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

AUTHORIZE THE EXPENDITURE OF SURPLUS FUNDS FROM THE OFFICE EXPENSE ACCOUNTS OF THE MAYOR AND COUNCILMEMBERS FOR A DONATION TO THE SYLVIA MENDEZ SCHOOL PTA TO PROVIDE SUPPORT FOR A SPRING CULTURAL CELEBRATION EVENT.

**WHEREAS**, Vice Mayor Ben Bartlett has surplus funds in his office expenditure account; and

**WHEREAS**, Sylvia Mendez School PTA, a California non-profit organization, will receive funds in the amount of \$1,000 from Vice Mayor Ben Bartlett's office expenditure account; and

**WHEREAS**, the Sylvia Mendez School PTA supports equitable public education for students, families, and our community through grants and volunteer programs; and

**WHEREAS**, the provisions of such services would fulfill the municipal public purpose of providing students and the youth with opportunities through educational programs and activities to encourage them to learn and embrace cultural diversity;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Berkeley that funds relinquished by the Mayor and Councilmembers from their office budgets, of an amount to be determined by each Councilmember, shall be granted to Sylvia Mendez School PTA for this purpose of supporting students and the youth in highlighting cultural heritage that forms the community of the student body.







Kate Harrison  
Councilmember, District 4

CONSENT CALENDAR  
April 25, 2023

To: Honorable Mayor and Members of the City Council  
 From: Councilmember Harrison  
 Subject: Referring \$372,000 to the June 2023 Budget Process for Staffing Costs Associated with Administering the Empty Homes Tax

RECOMMENDATION

Refer \$372,000 to the June 2023 Budget Process for annual City staffing costs to administer the Empty Homes Tax:

|                                                                                                                  |                     |
|------------------------------------------------------------------------------------------------------------------|---------------------|
| Accounting Office Specialist III (Finance)                                                                       | 0.25 FTE - \$38,750 |
| Associate Planner (Rent Stabilization Board)                                                                     | 1 FTE - \$185,670   |
| Office Specialist II (Rent Stabilization Board)                                                                  | 1 FTE - \$115,000   |
| Mailing Costs for Outreach and Noticing (Rent Stabilization Board)                                               | \$10,000            |
| 7.4% Overhead Costs for Counselors, General Counsel, and Office of Executive Director (Rent Stabilization Board) | \$22,250            |

CURRENT SITUATION, EFFECTS, AND RATIONALE FOR RECOMMENDATION

On November 8, 2022 nearly two thirds of Berkeley voters approved Measure M, the Empty Homes Vacancy Tax, intended to incentivize owners of housing property to bring units back on the market and discourage speculation. The law will go into effect beginning January 1, 2024 and is expected to identify thousands of vacant units that could be candidates for acquisition, while also generating millions of dollars in revenue for housing acquisition and production. City staff are needed to administer the tax. As a general tax, funds from the Empty Homes Tax will be placed into the General Fund.

Section 7.54.070 of the tax specifies that “[t]he City Manager or their designee shall enforce the provisions of this Chapter and may prescribe, adopt, and enforce rules and

regulations relating to the administration and enforcement of this chapter.” Therefore, in order to implement the tax consistent with the timeline approved by voters, it is in the public interest to budget appropriate staffing to ensure the tax is operational consistent with the timeline and scope approved by voters.

### BACKGROUND

The Rent Stabilization Board is poised to handle the outreach, noticing, and customer service facing portion of the tax implementation.

As is done in neighboring cities like Oakland, it is necessary for the City to first establish and maintain a list of properties that may be subject to tax. The primary data point underpinning the Empty Homes Tax is the Rent Stabilization Board’s “not available to rent” (NAR) list. This list includes rental unit owners who have indicated to the City that they no longer intend to rent out their property, which in theory indefinitely takes it off the market and relieves them of their duty to pay Rent Board fees. In 2022, 1,128 fully or partially rent control regulated units have been classified by their owners as indefinitely removed from the market.

This budget referral includes a 1 FTE planner within the Rent Stabilization Board whose role will be helping to review the NAR list and other relevant lists, and conducting field visits as appropriate to determine and maintain a scope of potential and actual properties subject to the tax for outreach and noticing purpose. Using the list of properties potentially subject to the tax, the Planner will coordinate with the Finance Department to contact and/or notice owners up to three times about the tax rules and regulations, including exemptions, and procedures for paying the tax. The Board estimates an annual \$10,000 for mailing costs. The planner may also help coordinate and run community/townhall meetings to provide information and answer questions from affected property owners.

In addition, the Rent Stabilization Board will maintain 1 FTE Office Specialist II position to assist with administrative work, and to assist the planner and other Board staff in establishing a general interface for property owners. This interface will include a dedicated phone line that will be monitored for email/phone inquiries associated with the tax.

To calculate, assess, and collect the tax, this item includes 0.25 FTE for an Accounting Office Specialist III within the Finance Department.

As in Oakland, annual administration costs may drop after the first year.

It is in the public interest to fulfill the voters’ will as part of the June, 2023 budget process.

### FISCAL IMPACTS OF RECOMMENDATION

\$372,000 in General Funds for the first year in staffing costs to administer the Empty Homes Tax.

ENVIRONMENTAL SUSTAINABILITY

Incentivizing the restoration of underutilized existing housing stock is a lower carbon alternative to demolition and new construction.

CONTACT PERSON

Councilmember Kate Harrison, (510) 981-7140





CONSENT CALENDAR  
April 25, 2023

To: Honorable Mayor and Members of the City Council

From: Councilmember Rigel Robinson (Author), Mayor Jesse Arreguin (Co-Sponsor)

Subject: Letter in Support of AB 73 (Idaho Stop)

### RECOMMENDATION

Send a letter to Assemblymember Tasha Boerner Horvath (cc: Governor Gavin Newsom, Senator Nancy Skinner, Assemblymember Buffy Wicks) in support of AB 73, which would allow bicyclists 18 years of age and older to treat all-way stop signs as yield signs.

### BACKGROUND

AB 73 would allow bicyclists to treat stop signs as yield signs at intersections with an all-way stop. This maneuver is often referred to as an "Idaho Stop," as Idaho was the first state to allow cyclists to treat stop signs as yield signs in 1982. Currently, California Vehicle Code requires bicyclists to execute a full stop at all stop signs like motorists are required to.

AB 73 would permit cyclists 18 years of age and older to treat stop signs as yield signs. Cyclists under 18 years of age who are stopped for failing to yield at an intersection would be given a warning citation. AB 73 also requires the Commissioner of the California Highway Patrol to submit a report to the State Legislature by January 1, 2029 evaluating the impacts of implementing the Idaho Stop. The bill would sunset on January 1, 2031.

Assemblymember Tasha Boerner Horvath previously authored AB 122 (2021-2022), which was a very similar bill. AB 122 would have also legalized the Idaho Stop, but it did not include an exemption for youth under 18 years of age. Although AB 122 passed the Assembly and the State Senate, Governor Gavin Newsom vetoed it on the grounds that it would be dangerous for young cyclists under 18 years of age to be encouraged to roll through stop signs instead of fully stopping.<sup>1</sup>

In response to the veto, AB 1713 was introduced in early 2022 by Assemblymember Boerner Horvath, which incorporated the exemption for youth under 18. However, the bill was ultimately held on the Senate Floor pending further conversations with the California State Transportation Agency (CalSTA), Caltrans, and California Highway

<sup>1</sup> <https://www.gov.ca.gov/wp-content/uploads/2021/10/AB-122-1082021.pdf>

Patrol (CHP). AB 73 effectively builds upon the language of these bills, which previously were supported by the Berkeley City Council.

#### *Rationale for Recommendation*

It is common practice for bicyclists to treat stop signs as yield signs. Since bicycles do not have the same mass and size as motor vehicles, a properly executed Idaho Stop is safe for cyclists themselves and for nearby pedestrians. A 2010 UC Berkeley School of Public Health Environmental Science Division study evaluating the impacts of the “Idaho Stop” found an immediate 14.5 percent decrease in injuries in the year following the law’s implementation in Idaho.<sup>2</sup> The study found that cities in Idaho are 30.4 percent safer for cyclists overall, and researchers stated that “these inquiries strongly supported adoption of the Idaho Law, and no entity whatsoever identified any negative safety result associated with passage of the law.”

The Idaho Stop is also a racial justice issue; although existing law applies to all cyclists, people of color are disproportionately stopped by police for rolling through stop signs on bikes. Between 2016 and 2018, 59.4 percent of people stopped in bicycle traffic stops in Oakland were Black, while only comprising 23.6 percent of the total population.<sup>3</sup> Beyond disproportionately burdening people of color with fines, allowing police officers to stop cyclists simply for rolling through a stop sign creates unnecessary opportunities for police harassment that may escalate to use of force.

#### FINANCIAL IMPLICATIONS

Sending this letter has no direct financial implications. However, the passage of AB 73 would result in a very minor reduction in fine revenue for the City from traffic stops.

#### ENVIRONMENTAL SUSTAINABILITY

Sending this letter has no direct environmental sustainability implications. However, permitting the Idaho Stop would encourage cycling, a sustainable mode of transportation, by reducing the fear of being stopped by police for minor infractions — especially for people of color who are disproportionately impacted by police violence and fines.

#### CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170

Sam Greenberg, Legislative Assistant, [samgreenberg@berkeleyca.gov](mailto:samgreenberg@berkeleyca.gov)

#### Attachments:

1: Letter in Support of AB 73

2: AB 73 Bill Text 03-09-20

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<sup>2</sup><http://denver.streetsblog.org/wp-content/uploads/sites/14/2018/02/idaho-law-jasonmeggs-2010version-2.pdf>

<sup>3</sup> [Black Cyclists Are Stopped More Often Than Whites, Police Data Shows \(bicycling.com\)](#)



Assemblymember Tasha Boerner Horvath  
State Capitol  
Sacramento, CA 95814

**RE: City of Berkeley's Support for AB 73**

Dear Assemblymember Boerner Horvath,

The Berkeley City Council writes to express its strong support for AB 73, which would allow bicyclists 18 years and older to treat stop signs as yield signs at intersections with all-way stops. The "Idaho Stop" has already been proven to be a safe and effective maneuver in many states throughout the country, including Idaho, Oregon, and Arkansas.

People riding bicycles often already treat stop signs as yield signs because the Idaho Stop is safe and more efficient than a full stop. Slowing down safely instead of stopping fully allows cyclists to conserve energy, and making this safe and common maneuver legal would encourage Californians to bike to destinations instead of driving.

It is also important to acknowledge that, because current law is enforced selectively, police disproportionately stop people of color for failing to execute a full stop on a bicycle. This opportunity for racially biased policing not only leads people of color to bear a higher burden of fines for traffic violations, but also to more encounters with police and potential for use of force.

State after state is legalizing the Idaho Stop because treating cyclists the same as cars at intersections has proven to be unnecessary and counterproductive. It is time for California to do the same, and the Berkeley City Council thanks you for your leadership on this important issue.

Sincerely,  
The Berkeley City Council

cc: Governor Gavin Newsom  
Senator Nancy Skinner  
Assemblymember Buffy Wicks

AMENDED IN ASSEMBLY MARCH 9, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

**ASSEMBLY BILL**

**No. 73**

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**Introduced by Assembly Member Boerner Horvath**

December 13, 2022

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~~An act relating to vehicles.~~ *An act to amend, repeal, and add Sections 21800 and 22450 of the Vehicle Code, relating to vehicles.*

LEGISLATIVE COUNSEL'S DIGEST

AB 73, as amended, Boerner Horvath. ~~Vehicles.~~ *Vehicles: required stops: bicycles.*

*Existing law requires the driver of any vehicle, including a person riding a bicycle, when approaching a stop sign at the entrance of an intersection, to stop before entering the intersection. A violation of this requirement is an infraction.*

*This bill would require a person who is 18 years of age or older riding a bicycle upon a two-lane highway when approaching a stop sign at the entrance of an intersection with another roadway with two or fewer lanes, where stop signs are erected upon all approaches, to yield the right-of-way to any vehicles that have either stopped at or entered the intersection, or that are approaching on the intersecting highway close enough to constitute an immediate hazard, and to pedestrians, as specified, and continue to yield the right-of-way to those vehicles and pedestrians until reasonably safe to proceed. The bill would require other vehicles to yield the right-of-way to a bicycle that, having yielded as prescribed, has entered the intersection. The bill would state that these provisions do not affect the liability of a driver of a motor vehicle as a result of the driver's negligent or wrongful act or omission in the operation of a motor vehicle. The bill would impose a warning citation*



AB 73

— 2 —

for a first violation by a person who is under 18 years of age and fails to stop when approaching a stop sign at the entrance of an intersection.

The bill would also require the Commissioner of the California Highway Patrol to submit a report to the Legislature, as specified, regarding the effects of this bill.

These provisions would be repealed on January 1, 2031.

By changing the elements of an existing crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law requires the driver of any vehicle, including a person riding a bicycle, when approaching a stop sign at the entrance of an intersection, to stop before entering the intersection. A violation of this requirement is an infraction.~~

~~This bill would state the intent of the Legislature to enact legislation relating to a stop-as-yield pilot program seeking to improve the flow of traffic by allowing both drivers and bicyclists to move safely at an intersection where there is a stop sign.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 21800 of the Vehicle Code is amended to  
2 read:

3 21800. (a) The driver of a vehicle approaching an intersection  
4 shall yield the right-of-way to any vehicle ~~which~~ that has entered  
5 the intersection from a different ~~highway~~. *highway, including a*  
6 *bicycle that has entered the intersection after yielding as required*  
7 *by subdivision (d) of Section 22450.*

8 (b) (1) When two vehicles enter an intersection from different  
9 highways at the same time, the driver of the vehicle on the left  
10 shall yield the right-of-way to the vehicle on ~~his or her~~ *their*  
11 immediate right, except that the driver of any vehicle on a  
12 terminating highway shall yield the right-of-way to any vehicle  
13 on the intersecting continuing highway.

1 (2) For the purposes of this section, “terminating highway”  
 2 means a highway ~~which~~ *that* intersects, but does not continue  
 3 beyond the intersection, with another highway ~~which~~ *that* does  
 4 continue beyond the intersection.

5 (c) When two vehicles enter an intersection from different  
 6 highways at the same time and the intersection is controlled from  
 7 all directions by stop signs, the driver of the vehicle on the left  
 8 shall yield the right-of-way to the vehicle on ~~his or her~~ *their*  
 9 immediate right.

10 (d) (1) The driver of any vehicle approaching an intersection  
 11 ~~which~~ *that* has official traffic control signals that are inoperative  
 12 shall stop at the intersection, and may proceed with caution when  
 13 it is safe to do so.

14 (2) When two vehicles enter an intersection from different  
 15 highways at the same time, and the official traffic control signals  
 16 for the intersection are inoperative, the driver of the vehicle on the  
 17 left shall yield the right-of-way to the vehicle on ~~his or her~~ *their*  
 18 immediate right, except that the driver of any vehicle on a  
 19 terminating highway shall yield the right-of-way to any vehicle  
 20 on the intersecting continuing highway.

21 (e) This section does not apply to any of the following:

22 (1) Any intersection controlled by an official traffic control  
 23 signal or yield right-of-way sign.

24 (2) Any intersection controlled by stop signs from less than all  
 25 directions.

26 (3) When vehicles are approaching each other from opposite  
 27 directions and the driver of one of the vehicles intends to make,  
 28 or is making, a left turn.

29 (f) *This section shall remain in effect only until January 1, 2031,*  
 30 *and as of that date is repealed.*

31 *SEC. 2. Section 21800 is added to the Vehicle Code, to read:*

32 *21800. (a) The driver of a vehicle approaching an intersection*  
 33 *shall yield the right-of-way to any vehicle that has entered the*  
 34 *intersection from a different highway.*

35 *(b) (1) When two vehicles enter an intersection from different*  
 36 *highways at the same time, the driver of the vehicle on the left*  
 37 *shall yield the right-of-way to the vehicle on their immediate right,*  
 38 *except that the driver of any vehicle on a terminating highway*  
 39 *shall yield the right-of-way to any vehicle on the intersecting*  
 40 *continuing highway.*

1 (2) For the purposes of this section, “terminating highway”  
2 means a highway that intersects, but does not continue beyond the  
3 intersection, with another highway that does continue beyond the  
4 intersection.

5 (c) When two vehicles enter an intersection from different  
6 highways at the same time and the intersection is controlled from  
7 all directions by stop signs, the driver of the vehicle on the left  
8 shall yield the right-of-way to the vehicle on their immediate right.

9 (d) (1) The driver of any vehicle approaching an intersection  
10 that has official traffic control signals that are inoperative shall  
11 stop at the intersection, and may proceed with caution when it is  
12 safe to do so.

13 (2) When two vehicles enter an intersection from different  
14 highways at the same time, and the official traffic control signals  
15 for the intersection are inoperative, the driver of the vehicle on  
16 the left shall yield the right-of-way to the vehicle on their immediate  
17 right, except that the driver of any vehicle on a terminating  
18 highway shall yield the right-of-way to any vehicle on the  
19 intersecting continuing highway.

20 (e) This section does not apply to any of the following:

21 (1) Any intersection controlled by an official traffic control  
22 signal or yield right-of-way sign.

23 (2) Any intersection controlled by stop signs from less than all  
24 directions.

25 (3) When vehicles are approaching each other from opposite  
26 directions and the driver of one of the vehicles intends to make,  
27 or is making, a left turn.

28 (f) This section shall become operative on January 1, 2031.

29 SEC. 3. Section 22450 of the Vehicle Code is amended to read:

30 22450. (a) ~~The~~ Except as otherwise provided in subdivision  
31 (d), the driver of any vehicle approaching a stop sign at the entrance  
32 to, or within, an intersection shall stop at a limit line, if marked,  
33 otherwise before entering the crosswalk on the near side of the  
34 intersection.

35 If there is no limit line or crosswalk, the driver shall stop at the  
36 entrance to the intersecting roadway.

37 (b) The driver of a vehicle approaching a stop sign at a railroad  
38 grade crossing shall stop at a limit line, if marked, otherwise before  
39 crossing the first track or entrance to the railroad grade crossing.

1 (c) Notwithstanding any other provision of law, a local authority  
2 may adopt rules and regulations by ordinance or resolution  
3 providing for the placement of a stop sign at any location on a  
4 highway under its jurisdiction where the stop sign would enhance  
5 traffic safety.

6 (d) *A person who is 18 years of age or older riding a bicycle*  
7 *upon a two-lane highway approaching a stop sign at the entrance*  
8 *to, or within, an intersection with another roadway with two or*  
9 *fewer lanes, where stop signs are erected upon all approaches to*  
10 *the intersection shall, upon arriving at the sign, yield the*  
11 *right-of-way to any vehicles that have stopped at the entrance to*  
12 *the intersection, have entered the intersection, or that are*  
13 *approaching on the intersecting highway close enough to constitute*  
14 *an immediate hazard, and to pedestrians as required by Section*  
15 *21950, and shall continue to yield the right-of-way to those vehicles*  
16 *and pedestrians until it is reasonably safe to proceed.*

17 (e) (1) *The Commissioner of the California Highway Patrol*  
18 *shall submit a report to the Legislature, on or before January 1,*  
19 *2029, about the effects of bicycles operating under the provisions*  
20 *of subdivision (d) and subdivision (a) of Section 21800. The report*  
21 *shall include, without limitation, information about statewide*  
22 *injury and fatal traffic crash data and any associated traffic-related*  
23 *safety issues, including, but not limited to, a detailed analysis of*  
24 *the following issues:*

25 (A) *Changes in the frequency of collisions.*

26 (B) *Changes in the severity of collisions.*

27 (C) *Causes of and contributing factors in collisions.*

28 (D) *Location of collisions, including an analysis of collision*  
29 *data.*

30 (E) *Time of day of collisions.*

31 (F) *Ages of bicyclists involved, including a breakdown of minors*  
32 *versus adults.*

33 (G) *Types of bicycles involved in collisions, specifically*  
34 *differences between traditional bicycles and electric bicycles.*

35 (2) *The report required by this subdivision shall be submitted*  
36 *in compliance with Section 9795 of the Government Code.*

37 (f) *This section does not affect the liability of a driver of a motor*  
38 *vehicle as a result of the driver's negligent or wrongful act or*  
39 *omission in the operation of a motor vehicle.*

1 (g) A person who is under 18 years of age riding a bicycle who  
2 fails to stop as required in subdivision (a) shall receive a warning  
3 citation for a first violation.

4 (h) This section shall remain in effect only until January 1, 2031,  
5 and as of that date is repealed.

6 SEC. 4. Section 22450 is added to the Vehicle Code, to read:

7 22450. (a) The driver of any vehicle approaching a stop sign  
8 at the entrance to, or within, an intersection shall stop at a limit  
9 line, if marked, otherwise before entering the crosswalk on the  
10 near side of the intersection.

11 If there is no limit line or crosswalk, the driver shall stop at the  
12 entrance to the intersecting roadway.

13 (b) The driver of a vehicle approaching a stop sign at a railroad  
14 grade crossing shall stop at a limit line, if marked, otherwise before  
15 crossing the first track or entrance to the railroad grade crossing.

16 (c) Notwithstanding any other provision of law, a local authority  
17 may adopt rules and regulations by ordinance or resolution  
18 providing for the placement of a stop sign at any location on a  
19 highway under its jurisdiction where the stop sign would enhance  
20 traffic safety.

21 (d) This section shall become operative on January 1, 2031.

22 SEC. 5. No reimbursement is required by this act pursuant to  
23 Section 6 of Article XIII B of the California Constitution because  
24 the only costs that may be incurred by a local agency or school  
25 district will be incurred because this act creates a new crime or  
26 infraction, eliminates a crime or infraction, or changes the penalty  
27 for a crime or infraction, within the meaning of Section 17556 of  
28 the Government Code, or changes the definition of a crime within  
29 the meaning of Section 6 of Article XIII B of the California  
30 Constitution.

31 ~~SECTION 1. It is the intent of the Legislature to enact~~  
32 ~~legislation relating to a stop-as-yield pilot program seeking to~~  
33 ~~improve the flow of traffic by allowing both drivers and bicyclists~~  
34 ~~to move safely at an intersection where there is a stop sign.~~

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ACTION CALENDAR

April 25th, 2023

To: Honorable Mayor and Members of the City Council

From: Community Health Commission

Submitted by: Andy Katz, Chairperson, Community Health Commission

Subject: Referral Response: Responsible Psychedelic Drug Policy Reform in Berkeley

RECOMMENDATION

Adopt a Resolution that refers to the City Manager a program to: a) work with external organizations providing psychedelic harm reduction, education, and support resources to the Berkeley Community, b) work with City Departments and external organizations to create, and return to the City Council with a policy for collecting public health data on psychedelic drug use in the City, and c) deprioritizes the enforcement of laws that impose criminal penalties for the possession of psychedelic drugs for personal use (with the exception of Peyote), and laws that impose criminal penalties for the cultivation, processing, and preparation of psychedelic-containing plants and fungi for personal use (with the exception of Peyote).

SUMMARY

- The purpose of this report is to respond to the City Council's referral requesting that the Commission make a recommendation regarding psychedelic drug policy reform in the City.
- Public perceptions of psychedelic drugs have shifted in the past few years, with mainstream media outlets reporting about the beneficial potential of psychedelic drug use (sometimes touting the substances as miracle cures or magic bullets), psychedelic drug policy reforms being proposed and often passed in various jurisdictions throughout the United States, billions of dollars of investment pouring into the psychedelic space, a trend towards increasing use of psychedelic drugs within the population, and a wave of interest in receiving psychedelic treatments. Given these rapid changes, there is a need for the provision of unbiased, evidence-informed psychedelic harm reduction, education, and support resources to the public, as well as for the collection of public health data on psychedelic drug use.
- This report recommends that the City Council adopt a resolution that refers to the City Manager to work with external organizations to provide psychedelic harm reduction, education, and support resources to the Berkeley Community, refers to the City Manager work with City Departments and external organizations to create, and return to the City Council with, a policy for collecting public health data on

psychedelic drug use in the City, and deprioritizes the enforcement of laws that impose criminal penalties for the possession of psychedelic drugs for personal use (with the exception of Peyote), and laws that impose criminal penalties for the cultivation, processing, and preparation of psychedelic-containing plants and fungi for personal use (with the exception of Peyote).

- This recommended action would help provide the needed resources to the Berkeley community, create a policy for public health data collection regarding psychedelic drug use in the City (which is particularly important for policy-tracking going forward), and prevent the possibility of individuals facing criminalization for the personal use of the substances in the City. The recommended resolution would serve as an example or template for other jurisdictions to follow.
- Implementing the recommended action would only cost the City in terms of staff time, and in terms of resources such as the use of City webpages, community spaces such as libraries, etc. All of the psychedelic harm reduction, education, and support resources would be provided to the Berkeley community for free by external organizations who are working in collaboration with the City.
- No specific funding is required for implementing the recommended action.

#### FISCAL IMPACTS OF RECOMMENDATION

- Adoption of this resolution may minimally reduce City expenditures associated with enforcement of laws imposing criminal penalties for possession of psychedelic drugs for personal use, and laws imposing criminal penalties for the cultivation, processing, and preparation of psychedelic-containing plants and fungi for personal use.
- Adoption of this resolution would decrease any present and future City expenditures associated with addressing adverse reactions to and negative health outcomes of psychedelic drug use, as a result of provision of psychedelic harm reduction, education, and support resources.
- Adoption of this resolution would require the use of City resources (including City staff time) to work with the external organizations to provide the psychedelic harm reduction, education, and support resources and to create and implement a public health data collection policy. However, because the City would be partnering with external organizations who would provide these resources (and collaborate in creating the data collection policy) for free, the costs to the City would be quite limited.

#### CURRENT SITUATION AND ITS EFFECTS

On September 20, 2019, Berkeley City Council referred to the Community Health Commission for feedback the adoption of a Resolution decriminalizing Entheogenic Plants and Fungi such as mushrooms, cacti, iboga containing plants, and/or extracted combinations of plants similar to Ayahuasca; and limited to those containing the following types of compounds: indole amines, tryptamines, phenethylamines, by restricting any city funds or resources to assist in the enforcement of laws imposing



criminal penalties for the use and possession of Entheogenic Plants by adults age 21 and over.

On November 29, 2022, the Community Health Commission approved the recommendation to the Berkeley City Council responding to the commission referral on *Decriminalizing Entheogenic Plants*.

Key elements of the recommendation include:

- 1) Work with external organizations providing psychedelic harm reduction, education, and support resources to the Berkeley community.
- 2) Work with City Departments and external organizations to create, and return to the City Council with a policy for collecting public health data on psychedelic drug use in the City.
- 3) Deprioritize the enforcement of laws that impose criminal penalties for the possession of psychedelic drugs for personal use (with the exception of Peyote),
- 4) Deprioritize the enforcement of laws that impose criminal penalties for the cultivation, processing, and preparation of psychedelic-containing plants and fungi for personal use (with the exception of Peyote)

**Action:** M/S/C (Smart/Spigner) Motion to approve the Commission recommendation (Responsible Psychedelic Drug Policy Reform in Berkeley) for City Council referral on Entheogenic Plants.

**Votes:** Ayes – Webber, Bechtolsheim, Smart, Adams, Katz, Spigner; Noes – None; Abstain – None; Absent – Rosales.

### BACKGROUND

“Psychedelic drugs” (or “classical psychedelics”) are LSD, psilocybin, DMT, mescaline, and other compounds that exert similar psychoactive effects by stimulating a specific subtype of serotonin receptor (5-HT<sub>2A</sub>) on nerve cells in the brain and elsewhere in the body.

Although ketamine, MDMA, and ibogaine are often called “psychedelic drugs,” these substances produce different psychoactive (and physiological) effects through different pharmacological mechanisms of action, and are not considered “psychedelic drugs” in this resolution.

Psychedelic drugs can induce extra-ordinary, altered states of consciousness, involving significant changes in thought, feeling, and perception, with these psychoactive effects becoming more intense and unpredictable when the drugs are taken in higher doses. Psychedelic drug use has the potential to produce positive effects and beneficial

outcomes (such as a sense of spiritual well-being, and improvements in the symptoms of mental health disorders), and to produce adverse effects and negative outcomes (such as intense confusion, fear, and panic, and even erratic behavior that can lead to harming oneself or others).

The acute effects and outcomes of psychedelic drug use are dependent in part on individual personality trait, medical health, and mental health factors. Psychedelic drug use can be beneficial for one person, but dangerous for another. Individuals with particular contraindications are known to face an increased likelihood of adverse effects and negative outcomes; for example, individuals who have a history of or predisposition to psychotic disorders are at risk for triggering the onset of psychosis as a result of psychedelic drug ingestion.

The acute effects and the outcomes of psychedelic drug use are also extremely dependent on “container,” which is the particular context/conditions/circumstances within which the substance is used. “Container” includes the user’s “Set,” which in addition to the user’s personality traits and health conditions, is all of the expectations, intentions, emotions, beliefs, etc. that the user brings to the situation, and the “Setting,” which is the physical, interpersonal, social, cultural, etc. environment, or external conditions, within which the use occurs (including what the sitter, guide, facilitator, therapist, etc. brings into the situation, if they are present in the situation).

While there is still much to learn about the factors that contribute to how individuals react to psychedelic drugs and how these factors relate to acute effects and outcomes of use, it is clear that adverse effects and negative outcomes are significantly less likely to occur and beneficial effects and outcomes are more likely to occur when psychedelic drugs are used within containers that are intentional, structured, and include the support of trained, competent, and well-intentioned sitters, guides, facilitators, therapists, etc. It is also clear that adverse effects and negative outcomes are significantly more likely, and beneficial effects and outcomes less likely, when the drugs are used outside of these containers (for example, when the user decides to use the substance spontaneously without intentional preparation, when they are alone, in a chaotic or unpredictable environment, etc.).

The outcomes of psychedelic drug use are also dependent on “integration,” which refers to the process of unpacking and exploring the meaning of one’s psychedelic experience and applying it to one’s life, with integration being vital not only because it helps one fulfill the beneficial potential of one’s experience, but also because the absence of integration can create risks and lead to negative outcomes, such as in scenarios when trauma surfaces in the experience, but is not integrated afterwards.

A variety of plants and fungi contain psychedelic drugs, and many have been used for religious and medicinal purposes by indigenous groups for at least hundreds of years. A variety of species of psilocybin-containing fungi, the LSA-containing seeds of morning

glory species (*ipomoea tricolor* and *turbina corymbosa*), Ayahuasca (a brew of DMT-containing and MAOI-containing plants, with the latter being included to allow the DMT to be absorbed through oral ingestion), and mescaline-containing cacti such as San Pedro (*echinopsis pachanoi*), Peruvian Torch (*echinopsis peruviana*), and Peyote (*lophophora williamsii*) all have well-documented histories of indigenous and syncretic traditional use in the Americas, and all continue to be used in a variety of traditional contexts to this day. This use often occurs (though not always) within highly intentional, structured, time-tested ceremonial containers that include the guidance of trained practitioners, followed by integration practices, and occurring within cultural contexts that differ quite significantly from that of contemporary American society.

Some religious groups with a history of traditional ceremonial use of psychedelic-containing plants and fungi have been granted religious-use protections in the United States, such as the Brazil-based Ayahuasca-using churches “Uniao do Vegetal” (UDV) and “Santo Daime,” and the Peyote-using Native American Church (NAC), which arose in the North American Southwest. Peyote currently only grows wild in South Texas, and the population is very fragile, which is why the National Council of Native American Churches and the Indigenous Peyote Conservation Initiative released a statement requesting that decriminalization and legalization policies do not include this species, to prevent the possibility of increased poaching threats to the wild population.

The history of psychedelic drug use in Western society is closely tied to the discovery and proliferation of LSD (lysergic acid diethylamide). The Swiss scientist Albert Hoffman accidentally discovered the psychoactive effects of the substance in 1943, in his work for Sandoz Laboratories. Following Hoffman’s discovery, Sandoz Laboratories believed that LSD had potential for clinical applications, and encouraged researchers to experiment with the substance to explore its potential. For about 15 years, LSD was the focus of extensive research and testing, but this first wave of scientific experimentation was derailed when LSD began to gain popularity among countercultural groups, and utopian-minded psychedelic-drug-use-evangelicals such as Timothy Leary began to publicly call for widespread use of the substance (and other psychedelics). As the use of LSD became more visible, associated with countercultural and activist movements, associated with recreational use, and associated with adverse reactions such as psychosis and erratic behavior, jurisdictions moved to ban the substance. In 1970, the federal government of the United States moved to classify LSD as Schedule 1, which is a category of controlled substances that supposedly have been found to have “a high potential for abuse,” “no currently accepted medical use in treatment,” and “a lack of accepted safety for use under medical supervision.” Other psychedelic drugs such as psilocybin, DMT, and mescaline, were also classified as Schedule 1 controlled substances along with LSD. For a long time after this, psychedelic drugs and psychedelic drug use became a stigmatized topic in much of Western society, and legal research ceased for many years. After psychedelic drugs became illegal and stigmatized, use of the substances continued underground, including in the context of

underground psychedelic-assisted therapy, psychedelic ceremonies, and other psychedelic practices.

While the discovery and proliferation of LSD was incredibly important to the history of psychedelic drug use in Western society (especially in that first wave from 1943 to 1970), it is important to note that Western interest in psilocybin-containing mushrooms and the traditional ceremonial use of psychedelics was invigorated by Gordon Wasson's 1957 Time article documenting his visit to the Mazatec curandera Maria Sabina, who used psilocybin-containing mushrooms in her practice. This article ultimately led to a flood of tourists visiting Maria Sabina's village and other areas of Mexico, seeking to experience psilocybin-containing mushrooms, which was not Maria Sabina's intention in sharing her knowledge with Wasson. The unwanted attention created severe problems for Maria Sabina, for her community, and for other curanderos and indigenous communities who traditionally used psilocybin-containing mushrooms. In the 1960s, however, psilocybin-containing mushrooms were not used by Westerners at anywhere near the same rate that LSD was used. LSD was being produced in massive amounts in (eventually illicit) laboratories, and was easily transported and distributed (largely because an active dose of LSD is a miniscule amount of material). Techniques for cultivating psilocybin-containing mushrooms were not developed or available until the 1970s, and foraging for the mushrooms could not create enough of a supply to in any way compete with LSD. Things have changed, however. A survey study that investigated contemporary psychedelic drug use found that psilocybin-containing mushroom use accounted for half of all psychedelic drug use reported by participants.

Legal scientific research into psychedelic drugs in the United States started up again in the 1990s when Rick Strassman was able to successfully secure approval to conduct experiments with DMT on human subjects. DMT is an endogenous compound (meaning it occurs naturally in the human body), so it was much easier to convince the appropriate authorities that this substance was worthy of scientific study (compared to LSD or other non-endogenous psychedelic drugs). Although Strassman eventually stopped his DMT research before he fully completed the project, his work was crucial to putting the gears in motion again for legal psychedelic research. After Strassman's successful securing of approval for his DMT research, "the door was open for further human experimentation with psychedelic drugs," because the FDA was now "more willing to accept protocols for psychedelic research."

In the 2000s and onward, a number of research teams began to increasingly study the therapeutic applications of psychedelic drugs, primarily psilocybin, showing promising initial results. This generated more scientific and medical interest in psilocybin and psychedelics in general, leading to more and more studies being approved, funded, and conducted. This new wave of psychedelic research was fueled in part by the availability of new tools and models for studying the pharmacology and neuroscience of psychedelic drugs, as well as by the development of new ways to collect and analyze quantifiable data about research subjects' psychedelic experiences.

In the past several years, the resurgence of psychedelic research has only accelerated. There has been an explosion of research into the use of psychedelic-assisted psychotherapies for treating mental health conditions such as major depressive disorder and substance use disorder, with a number of studies showing promising preliminary evidence for therapeutic benefits when screened, prepared patients are administered with the substances within structured, clinical containers, with the support of trained therapists, and with integration following the administration sessions. These promising preliminary findings led the FDA to issue “breakthrough therapy” designations to psilocybin-assisted treatments, expediting the process of review and approval. While psychedelic therapies have not yet been demonstrated to be safe and effective treatments for any health condition, and have not yet been approved by the FDA, this year, the federal government created an interagency task force to study and address issues related to the projected approval, rollout, and regulation of psychedelic medicine in the United States, with the goal of creating a “framework for the responsible, accountable, safe, and ethical deployment of psychedelic therapies for mental health disorders when the FDA approves their use.”

While psychedelic drug use has been highly stigmatized in Western society, especially since the beginning of the Drug War in the United States, public perceptions have shifted in the past few years, with mainstream media outlets reporting about the beneficial potential of psychedelic drug use, psychedelic drug policy reforms being proposed and often passed in various jurisdictions throughout the United States, billions of dollars of investment pouring into the psychedelic space, first from a small number of wealthy psychedelic-enthusiasts, and now increasingly from commercial/industry/venture capital interests, an observed trend towards increasing use of psychedelic drugs within the population, and a wave of interest in receiving psychedelic treatments in a medical context. This wave of interest in receiving psychedelic treatments has been in part due to the social and cultural impact of UC Berkeley Journalism Professor Michael Pollan’s books and docuseries, and is evidenced by the massive increase in the number of individuals seeking to participate in the limited number of active or recruiting psychedelic clinical trials.

David B. Yaden and some other researchers in the psychedelic research field have argued that we have become trapped in a “psychedelic hype bubble” that is “driven largely by media and industry interests.” They note that the term “bubble” is “often applied to something of value that has become overvalued in popular perception,” typically when a “rapid increase in extreme visibility and expectations” leads to “a peak of inflated expectations,” which is then followed by “an equally steep decline in which highly inflated expectations are dashed.” Yaden et al. argue that psychedelics are “currently cresting” the peak of inflated expectations, citing the observation that “in the past few years, a disturbingly large number of [mainstream media] articles have touted psychedelics as a cure or miracle drug.”

It is important to remain aware of the possibility that we are indeed in the midst of a “psychedelic hype bubble,” and of the fact that psychedelic research, and our understanding of psychedelic drugs and psychedelic practices, are still in the early stages. Psychedelic drugs are clearly very powerful tools, and contemporary American society is only beginning to understand how they work, what they are capable of, and how to use them safely, beneficially, and ethically. Psychedelics and psychedelic practices may be beneficial for some people in some contexts, and not for others in other contexts, and we must be careful about allowing expectations of the substances’ universal beneficial potential and safety to become excessively inflated.

Psychedelic drug reform policies are, in part, public health policies. In order to craft evidence-based public health policies regarding psychedelic drug use, we must look to the available scientific research into the individual and public health outcomes of psychedelic drug use, and seek accurate, comprehensive public health data, and avoid basing policy decisions on rapidly-shifting, media-influenced (and possibly, at this time, overly-enthusiastic) public perceptions of the substances’ safety and efficacy. However, we must consider public perceptions of the substances when evaluating the potential need for the provision of public health interventions indicated for psychedelic use, including promotion of harm reduction, education, and other support resources. Furthermore, we must consider long-term equitable access concerns in our psychedelic public health policy decision-making.

Psychedelic drug reform policies are also, in part, criminal justice policies. In order to promote health and safety regarding psychedelic drug use, we must take into account a number of issues, such as the current laws, the actual enforcement situation on the ground in the jurisdiction in question and its criminalization consequences for members of the community, the human rights concerns that are at stake, the actual consequences (particularly unintended consequences) of psychedelic drug reform policies in other jurisdictions, and the various (public health) trade-offs involved in different policy options.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

- Possession, cultivation, processing, and preparation of Peyote (*Lophophora williamsii*) for personal use is being omitted from this resolution’s deprioritization policy, in order to protect the sustainability of the endangered plant’s population in the Southwest. The National Council of Native American Churches and the Indigenous Peyote Conservation Initiative have asked for this plant to be excluded from psychedelic decriminalization and legalization proposals for this reason.

#### RATIONALE FOR RECOMMENDATION

This resolution deprioritizes the enforcement of laws imposing criminal penalties for the possession of psychedelic drugs for personal use (with the exception of Peyote), and laws imposing criminal penalties for the cultivation, processing, and preparation of

plants and fungi containing psychedelic drugs for personal use (with the exception of Peyote). This resolution **DOES NOT** deprioritize the enforcement of laws against giving away, sharing, distributing, transferring, dispensing, or administering of psychedelic drugs to other people, and does not authorize these activities in any way.

The decision to limit deprioritization to possession of psychedelic drugs for personal use, and cultivation, processing, and preparation of psychedelic-containing plants and fungi for personal use was informed by examining the trade-offs involved in the different policy options.

Deprioritizing the enforcement of laws against possession of psychedelic drugs for personal use in Berkeley would prevent individuals from being investigated, arrested, prosecuted, or imprisoned for engaging in this activity in Berkeley. According to reports from BPD sources (BPD was unable to provide data after a request was sent), the police department very rarely investigates or arrests individuals for offenses involving psychedelic drugs, and when this does occur, it is virtually always for commercial distribution, rather than possession for personal use, or cultivation, processing, and preparation of psychedelic-containing plants and fungi for personal use. This suggests that very few people face the risk of criminal consequences for offenses involving psychedelic drugs in Berkeley, with the main criminal liability being to those who sell the substances.

Given that very few (if any) people are already subject to investigation or arrest in Berkeley for possession of psychedelic drugs for personal use, this policy option would probably not have significant concrete criminal justice consequences for members of the Berkeley community, although it would prevent the highly unlikely (and blatantly unjust) scenario in which someone was indeed investigated and/or arrested for possession of psychedelic drugs for personal use in Berkeley. However, this policy option sends a symbolic message about the importance of decriminalizing possession of psychedelic drugs for personal use, particularly to jurisdictions where individuals actually do face a significant risk of criminalization for this activity. It may also influence a person's decision to seek medical assistance or support resources as a preventive harm reduction measure or to address acute adverse effects during use.

The deprioritization of investigation and enforcement of laws against giving away, sharing, or distributing plants containing psychedelic drugs to other individuals has, in jurisdictions such as Oakland, demonstrably led to the emergence of unregulated gray markets for psychedelic drugs. In these gray markets, we see enterprising entrepreneurs opening commercial operations such as delivery services (advertised with fliers and posters), storefront dispensaries, pop-ups, and outdoor market booths, sometimes asking for "suggested donations," and sometimes not bothering at all with the pretense that they are merely "giving away" the substances. For example, at least one convenience store in Oakland is now openly offering psilocybin mushroom chocolate bars for sale. This deprioritization policy has also demonstrably opened

access to unregulated facilitated psychedelic dosing sessions (with practitioners and groups accepting payment for their services), including one-on-one psychedelic-assisted practices and group practices such as ceremonies (often with public-facing websites and other promotional materials). It is important to carefully consider the implications and potential public health consequences of opening this kind of access to the substances at this time.

While there is much we do not know yet about the individual and public health consequences of psychedelic drug use, we do know that these are very powerful psychoactive substances (far more powerful than cannabis) that can present serious risks, especially for some individuals, and when used in different circumstances. While many of these risks can be mitigated when use occurs within an intentional, supportive, guided “container,” there is still much to learn about how specific individual and container factors are connected to safety and benefit, and about how to create safe and beneficial containers for different individuals, and for different purposes (e.g. treating depression, PTSD, etc.). Additionally, the use of psychedelic drugs under the guidance or supervision of another person places the user in a highly vulnerable position in which they are susceptible to (conscious or unconscious) manipulation, exploitation, and abuse at the hands of their sitter, facilitator, guide, therapist, etc. Without having effective safeguards in place, opening unregulated access to psychedelic drugs and psychedelic services would create a dangerous situation, particularly for individuals with contraindications, and individuals who are members of vulnerable populations.

While there is a body of promising scientific research into the potential therapeutic applications of psychedelic drugs, the findings from this research are still quite limited and preliminary. However, psychedelic drugs are increasingly perceived by the public as being safe and effective “medicines,” despite the current lack of FDA approval, and despite the large gaps in our scientific knowledge about the substances’ risk/benefit profiles and long-term effects (for different individuals and populations, when used in different contexts, and when used in the treatment of different health conditions). Governments have public health imperatives to develop and implement policies that fully acknowledge these complex (and rapidly-changing) circumstances. Policies must be developed and implemented with the understanding that psychedelic drug policy reform involves unique issues that are not present when considering (for example) methamphetamine or fentanyl policy, in part because these other substances, unlike psychedelics, are generally understood by the public as being dangerous, addictive, recreational drugs, rather than as safe and effective “medicines” that will supposedly be a magic-bullet solution to the mental health crisis.

Because psychedelic drugs are increasingly promoted as being actively beneficial substances with great therapeutic, medical, or even spiritual and societal value, this is generating significant and unique demand for psychedelic drugs and psychedelic services. Deprioritizing the enforcement of laws against giving away, sharing, distributing, transferring, dispensing, or administering of psychedelic drugs to other



people opens the door for individuals and groups to provide an unregulated supply to meet this demand. Some of these individuals and groups, even those with entirely good intentions, would likely end up presenting or marketing their goods and services in ways that are not accurate or evidence-based, and that make misleading or unfounded claims about the safety and efficacy of what they are providing. This situation, again, would be dangerous, particularly for individuals with contraindications, and for vulnerable populations (such as severely depressed people who are desperate for a solution to their suffering).

We carefully considered issues related to long-term equitable access to psychedelic drugs and psychedelic services in our policy-making decision process. One often-raised concern is that if local jurisdictions and states do not decriminalize (or even legalize) the unrestricted giving away, sharing, or administering of psychedelic drugs right now, that future regulatory frameworks will inevitably become overly-restrictive, and shaped by corporate interests, making access expensive and inequitable.

In response to this concern, we argue that immediately opening unregulated gray markets for psychedelic drugs and psychedelic services, at least without first establishing a robust and widely-accessible safety/harm reduction/education/support scaffolding, represents inequitable public health policy. For example, if unregulated gray market access was opened without any safeguards in place, individuals who have more time, education, experience, skills, resources, access to medical care, etc. to conduct their own research/educate themselves (e.g. about using psychedelics within a safe container, about contraindications, about detecting red flags that may indicate abusive guides, etc.) would likely be able to make safer and more beneficial decisions about using the substances, about selecting a guide, etc. These individuals would presumably be more likely to experience positive outcomes and less likely to experience negative outcomes from accessing psychedelic drugs or psychedelic services, which is an inequitable situation (and vulnerable populations in particular would be subject to inequitable levels of risk). This is one of the reasons it is necessary to include a safety scaffolding in psychedelic drug policy, and to fully establish this safety scaffolding before opening widespread access.

Furthermore, we are optimistic that a transparent, comprehensive public conversation about the issues, with the participation of representatives of different communities and impacted groups, a variety of interdisciplinary experts, etc. will lead to the development and implementation of psychedelic drug reform policies that promote equitable access to psychedelic drugs and psychedelic services (whatever those policies may ultimately look like). We are optimistic that the people of the State of California, either through their representatives in the legislature or through ballot initiatives, will in the future approve psychedelic drug policies that create access that is equitable, safe, beneficial, and ethical. We can learn from mistakes with cannabis policy, and work to prevent corporate and other commercial interests from shaping psychedelic policy decisions towards their own interests.

Moving on from public health concerns, we identified and analyzed several criminal justice concerns that may provide reasons in favor of deprioritizing the enforcement of laws against giving away, sharing, distributing, transferring, dispensing, or administering of psychedelic drugs to other people in the City of Berkeley. One criminal justice reason to select this policy option would be to prevent individuals from being investigated, arrested, prosecuted, and incarcerated for engaging in these activities in Berkeley. However, as stated previously, very few people are investigated or arrested in Berkeley for offenses involving psychedelic drugs, with the rare cases involving the sale of the substances. Therefore, including giving away, sharing, etc. in our deprioritization policy would not have a significant impact on keeping individuals from being criminalized for the psychedelic-involved activities they are already engaging in, because these individuals are not currently at significant risk for investigation or arrest in Berkeley. If we did include giving away, sharing, etc. in our deprioritization policy, we would, however, be actively opening the gates for a widely-accessible, but completely unregulated gray market to emerge in Berkeley. We see the need to avoid this unintended consequence (and its public health implications) as outweighing the criminal justice value of deprioritizing enforcement of laws against giving away, sharing, etc. of psychedelic drugs.

Another relevant criminal justice concern we considered is the imperative to respect and protect the right to religious freedom. It has been argued that the right to religious freedom entails that every individual has the right to use psychedelics in religious practices, particularly in community with others, free from government restriction or interference. If this is the case, then this would provide reason to deprioritize enforcement of laws against giving away, sharing, distributing, transferring, dispensing, or administering of psychedelic drugs to other people *within the context of religious practices*.

We recommend that while the right to religious freedom may entail that every individual has the right to use psychedelic drugs in religious practices, including in community with others, there are many problems involved in identifying “religious practices” and distinguishing them from other activities, such that it would be intractably difficult to write a religious use protection into the resolution without creating many ambiguities and easily-exploited loopholes (for commercial activity, insincere religious practice, etc.). Additionally, deprioritizing enforcement of laws against possession of psychedelic drugs for personal use would allow individuals to engage in psychedelic religious practices in community with others, as long as everyone brought their own substances to these gatherings. Furthermore, because psychedelic practices involve the use of powerful drugs that place users in highly vulnerable positions in which they are susceptible to (conscious or unconscious) manipulation, exploitation, and abuse, we are concerned that our attempts to specifically open the door for religious use any further at this time would open the door to these dangers, particularly when charismatic leaders and guru-figures are involved in the psychedelic practices.

When making the decision to omit giving away, sharing, distributing, transferring, dispensing, or administering of psychedelic drugs to other people from the resolution's deprioritization policy, we considered the public health concerns along with the criminal justice concerns. We determined that the public health reasons to refrain from opening unregulated gray-market access at this time (at least without first fully establishing a robust safety scaffolding) outweigh the criminal justice reasons in favor of deprioritizing enforcement of laws against giving away, sharing, administering, etc. of psychedelic drugs to other people. Legislative discussions before California State Legislature regarding the possible regulatory frameworks, consumer and client protections, licensing or certification systems for therapists and facilitators, etc., is a more appropriate venue for the conversation regarding safe distribution and access.

An essential part of this resolution refers to the City Manager direction to work with external organizations (which may include the Fireside Project, Dance Safe, and the UC Berkeley Center for the Science of Psychedelics) to provide accurate, evidence-informed, and widely-accessible psychedelic education, harm reduction, and other support resources to the Berkeley community. The goal here is to help individuals make informed and responsible decisions about using psychedelic drugs, and if they choose to use the drugs, to help them do so as safely and beneficially as possible. We see this component of the resolution as particularly important right now due to the marked shift in public perceptions of psychedelic drugs, and due to the increasing interest in and use of the substances (and unregulated gray market access in Oakland). We believe that the provision of psychedelic harm reduction, education, and support resources is essential for providing a "safety scaffolding" for psychedelic drug use within the City, and that this safety scaffolding must be fully in place before we can consider opening widespread, unregulated access to psychedelic drugs and psychedelic services.

The final element of this resolution refers to the City Manager direction to create, and return to the City Council with, a policy for collecting public health data regarding psychedelic drug use in the City. As of right now, the City of Berkeley has no policy for psychedelic drug use public health data collection, and no City department collects any of this data. There are extremely significant gaps in our knowledge of current patterns of psychedelic drug use and the public health outcomes of use generally, so improved data collection is needed to arrive at a better understanding of psychedelic drug use in the population and its effects on public health in the City, particularly for the purpose of preparing for policy tracking and for crafting evidence-based psychedelic public health policies in the future.

In creating the "safety scaffolding" and the public health data collection policy, we also aim to send a message to other jurisdictions about the necessity of including these elements in responsible psychedelic drug reform policies.

ALTERNATIVE ACTIONS CONSIDERED

- We considered the resolution that the advocacy group Decriminalize Nature proposed in 2019, which is very similar to the policy passed in Oakland, CA and a number of other jurisdictions. This proposed Berkeley resolution would have opened the door for the emergence of an unregulated gray market in Berkeley, without first establishing a safety scaffolding and a policy for public health data collection. For the reasons discussed in the above “rationale” section, we chose a different policy approach.
- We decided against the “no action” option because there is so much public interest in psychedelic drug use right now, and we believe that it is crucial for the City of Berkeley to address this topic in a responsible, public-health-focused manner.

CITY MANAGER

The City Manager [TYPE ONE] concurs with / takes no position on the content and recommendations of the Commission’s Report. [OR] Refer to the budget process.

CONTACT PERSON

Roberto Terrones, MPH, Commission Secretary, HHCS, (510) 510-981-5324

Attachments:

1: Resolution

2: References

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

RESOLUTION CALLING FOR THE PROVISION OF EVIDENCE-INFORMED PSYCHEDELIC HARM REDUCTION, EDUCATION, AND SUPPORT RESOURCES TO THE BERKELEY COMMUNITY, CALLING FOR THE CREATION OF A POLICY FOR COLLECTING PUBLIC HEALTH DATA ON PSYCHEDELIC DRUG USE IN THE CITY, AND DEPRIORITIZING THE ENFORCEMENT OF LAWS THAT IMPOSE CRIMINAL PENALTIES FOR THE POSSESSION OF PSYCHEDELIC DRUGS FOR PERSONAL USE AND LAWS THAT IMPOSE CRIMINAL PENALTIES FOR THE CULTIVATION, PROCESSING, AND PREPARATION OF PSYCHEDELIC-CONTAINING PLANTS AND FUNGI FOR PERSONAL USE

WHEREAS, “psychedelic drugs” (or “classical psychedelics”) are LSD, psilocybin, DMT, mescaline, and other compounds that exert similar psychoactive effects by stimulating a specific subtype of serotonin receptor (5-HT<sub>2A</sub>) on nerve cells in the brain and elsewhere in the body;<sup>1</sup> and

WHEREAS, psychedelic drugs can induce extra-ordinary, altered states of consciousness, involving significant changes in thought, feeling, and perception,<sup>1,2</sup> with these psychoactive effects becoming more intense and unpredictable when the drugs are taken in higher doses;<sup>1</sup> and

WHEREAS, psychedelic drugs have the potential to produce positive effects and beneficial outcomes (such as a sense of spiritual well-being, and improvements in the symptoms of mental health disorders),<sup>1-4</sup> and to produce adverse effects and negative outcomes (such as intense confusion, fear, and panic, and even erratic behavior that can lead to harming oneself or others),<sup>1-4</sup> and individuals with particular contraindications face an increased likelihood of adverse effects and negative outcomes, with those who have a history of or predisposition to psychotic disorders being at risk for triggering the onset of psychosis as a result of psychedelic drug use;<sup>4-5</sup> and

WHEREAS, the acute effects and the outcomes of psychedelic drug use are extremely dependent on “container,”<sup>1-6</sup> which is the particular context/conditions/circumstances within which the substance is used, including “Set” (the user’s expectations, intentions, mood, beliefs, medical and health conditions, etc.) and “Setting” (the physical, interpersonal, social, cultural, etc. environment within which the use occurs);<sup>1-6</sup> and

WHEREAS, while there is still much to learn about the factors that contribute to how individuals react to psychedelic drugs and how these factors relate to acute effects and outcomes of use,<sup>15</sup> it is clear that adverse effects and negative outcomes are significantly less likely to occur and beneficial effects and outcomes are more likely to occur when psychedelic drugs are used within containers that are intentional, structured, and include the support of trained, competent, and well-intentioned sitters, guides, facilitators, therapists, etc.,<sup>1-6</sup> and that adverse effects and negative outcomes are significantly more

likely, and beneficial effects and outcomes less likely, when the drugs are used outside of these containers (for example, when the user decides to use the substance spontaneously without intentional preparation, when they are alone, in a chaotic or unpredictable environment, etc.);<sup>1-6</sup> and

WHEREAS, the outcomes of psychedelic drug use are also dependent on “integration,” which refers to the process of unpacking and exploring the meaning of one’s psychedelic experience and applying it to one’s life,<sup>7</sup> with integration being vital not only because it helps one fulfill the beneficial potential of one’s experience, but also because the absence of integration can create risks and lead to negative outcomes, such as in scenarios when trauma surfaces in the experience, but is not integrated afterwards; and

WHEREAS, psychedelic-containing plants and fungi have a long history of traditional use in some indigenous societies,<sup>6,7</sup> with this use typically occurring within highly intentional, structured, time-tested ceremonial containers that include the guidance of trained practitioners, followed by integration practices, and occurring within cultural contexts that differ quite significantly from that of contemporary American society;<sup>6,7</sup> and

WHEREAS, individuals and groups use psychedelic drugs in a wide variety of ways and for a wide variety of purposes, from using them for recreational purposes, to using them as medicines for therapeutic improvement, to using them as sacraments for spiritual, religious, or “entheogenic” purposes; and

WHEREAS, in recent years, there has been resurgence of scientific research into the use of psychedelic-assisted psychotherapies for treating mental health conditions such as major depressive disorder and substance use disorder,<sup>8</sup> with a number of studies showing promising preliminary evidence<sup>15</sup> for therapeutic benefits when screened, prepared patients are administered with the substances within structured, clinical containers, with the support of trained therapists, and with integration following the administration sessions;<sup>8</sup> and

WHEREAS, at this time, while psychedelic therapies have not yet been demonstrated to be safe and effective treatments for any health condition, and have not yet been approved by the FDA,<sup>8,15</sup> the federal government has created an interagency task force to study and address issues related to the projected approval, rollout, and regulation of psychedelic medicine in the United States, with the goal of creating a “framework for the responsible, accountable, safe, and ethical deployment of psychedelic therapies for mental health disorders when the FDA approves their use;”<sup>9</sup> and

WHEREAS, while psychedelic drug use has been highly stigmatized in Western society, especially since the beginning of the Drug War in the United States, public perceptions have shifted in the past few years,<sup>8-12,15</sup> with mainstream media outlets reporting about the beneficial potential of psychedelic drug use (sometimes touting the substances as miracle cures or magic bullets),<sup>8,10-12,15</sup> psychedelic drug policy reforms being proposed

and often passed in various jurisdictions throughout the United States,<sup>7,12,15</sup> billions of dollars of investment pouring into the psychedelic space, first from a small number of wealthy psychedelic-enthusiasts and now from commercial/industry/venture capital interests,<sup>10,15</sup> a trend towards increasing use of psychedelic drugs within the population,<sup>12,13</sup> and a wave of interest in receiving psychedelic treatments,<sup>11</sup> and is evidenced by the massive increase in the number of individuals seeking to participate in the limited number of active or recruiting psychedelic clinical trials;<sup>11</sup> and

WHEREAS, given the profile of use for this class of drug, and given recent shifts in public perception and policy, the City of Berkeley has a responsibility to make efforts, through collaborations with external organizations, to provide accurate, unbiased, evidence-informed, and widely-accessible psychedelic harm reduction, education, and other support resources to the Berkeley community, to help individuals make informed and responsible decisions about using psychedelic drugs, and if they choose to use the drugs, to help them do so safely and beneficially; and

WHEREAS, there are extremely significant gaps in our knowledge of current patterns of psychedelic drug use and the public health outcomes of use,<sup>12,14,15</sup> so improved data collection is needed to arrive at a better understanding of psychedelic drug use in the population and its effects on public health, particularly for the purpose of preparing for policy tracking and for crafting evidence-based psychedelic public health policies in the future; and

WHEREAS, while the possession of psychedelic drugs for personal use is illegal at the federal level in the United States, arrests and prosecutions for engaging in psychedelic drug offenses almost always follow state law, and laws and penalties vary widely between different states, with possession of psychedelic drugs for personal use being considered in California to be a misdemeanor, punishable by up to one year of imprisonment; and

WHEREAS, arresting, prosecuting, and incarcerating people for the possession of psychedelic drugs for personal use and for the cultivation, processing, and preparation of psychedelic-containing plants and fungi for personal use is unjust, needlessly harmful to individuals and communities, represents a waste of resources, and does not promote public health; and

WHEREAS, deprioritization of investigation and enforcement of laws against giving away, sharing, or distributing psychedelic drugs to other individuals has, in jurisdictions such as Oakland, CA, demonstrably led to the emergence of unregulated gray markets for psychedelic drugs, with enterprising entrepreneurs opening (sometimes “donation”-based) commercial operations such as delivery services, storefront dispensaries, pop-ups, and outdoor market booths, and now with at least one convenience store in Oakland openly offering psilocybin mushroom chocolate bars for sale; and

WHEREAS, the deprioritization of investigation and enforcement of laws against giving away, sharing, distributing, or administering psychedelic drugs to other individuals has, in jurisdictions such as Oakland, CA, demonstrably opened access to unregulated psychedelic administration/dosing sessions (with practitioners and groups soliciting payment for their services), including one-on-one psychedelic-assisted therapy and group practices such as ceremonies (often with public-facing websites and other promotional materials), and while some of these practices appear to operate in ways that are largely safe, ethical, and responsible, others do not, and are not required to, operate by the same standards, guidelines, and procedures; and

WHEREAS, at this stage, given the present circumstances in our society, the City of Berkeley's perspective is that it is prudent public health policy to pass a psychedelic drug reform proposal that does not lead to the unintended consequences of the emergence of an unregulated gray market for psychedelic drugs and the opening of access to unregulated psychedelic administration/dosing sessions, without first fully establishing a robust psychedelic harm reduction, education, and support scaffolding, without first creating a policy for public health data collection on psychedelic drug use, and without having a transparent, comprehensive public conversation, involving a variety of interdisciplinary experts, representatives of different communities and impacted groups, etc., about opening access to psychedelic drugs in a way that is safe, beneficial, ethical, and equitable, including discussion of the potential role of religious, ceremonial, and traditional use protections, public education campaigns, harm reduction programs, possible regulatory frameworks, consumer and client protections, licensing or certification systems for therapists and facilitators etc.; and

WHEREAS, the City of Berkeley wishes to declare its desire to create a psychedelic education, harm reduction, and support scaffolding for the community, to create a policy for collecting public health data on psychedelic drug use within the community, and to not expend City resources to assist in the enforcement of laws imposing criminal penalties for the possession for personal use of psychedelic drugs, or for the cultivation, processing, and preparation of psychedelic-containing plants and fungi for personal use; and

WHEREAS, a foundational part of the psychedelic harm reduction infrastructure is the "Psychedelic Peer Support Line," – 62-FIRESIDE | 623-473-7433 - operated by a Bay Area-based nonprofit organization called Fireside Project, which has provided free, confidential peer-to-peer emotional support by phone and text message to over 5,000 people during and after psychedelic experiences, and 21% of respondents to Fireside Project's post-call survey agreed or strongly agreed that they might have called 911 or gone to the Emergency Room but for their conversation with Fireside Project, and it is imperative that every member of the Berkeley community become aware of the Psychedelic Peer Support Line before they take any psychedelic substance.



NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Mayor and City Council hereby declare that it shall be the policy of the City of Berkeley that no department, agency, board, commission, officer, or employee of the city, including without limitation, Berkeley Police Department personnel, shall use any city funds or resources to assist in the enforcement of laws imposing criminal penalties for the possession of psychedelic drugs for personal use, or laws imposing criminal penalties for the cultivation, processing, and preparation of psychedelic-drug-containing plants and fungi for personal use. For the purposes of this resolution, “psychedelic drugs” refers to the “classical psychedelics” LSD, psilocybin, DMT, mescaline, and all other compounds that exert similar psychoactive effects through stimulation of the 5-HT<sub>2A</sub> receptor. This resolution’s deprioritization policy does not apply to the mescaline-containing cactus Peyote (*Lophophora williamsii*), due to sustainability and poaching concerns raised by the National Council of Native American Churches and the Indigenous Peyote Conservation Initiative, who have released a statement requesting that decriminalization policies do not include this species.

BE IT FURTHER RESOLVED that this resolution defines the “personal use of psychedelic drugs” as an individual ingesting or self-administering psychedelic drugs.

BE IT FURTHER RESOLVED that this resolution defines “possession of psychedelic drugs for personal use” as an individual possessing psychedelic drugs for the purpose of being ingested or self-administered by that same individual, and not by any other person or people.

BE IT FURTHER RESOLVED that this resolution defines the “cultivation, processing, and preparation of psychedelic-containing plants and fungi for personal use” as an individual cultivating, processing, and preparing any of these plants and fungi for the purpose of the resulting material being ingested or self-administered by that same individual, and not by any other person or people.

BE IT FURTHER RESOLVED that this resolution does not authorize or enable any of the following activities: giving away, sharing, distributing, transferring, dispensing, or administering of psychedelic drugs to another individual.

BE IT FURTHER RESOLVED that the City of Berkeley shall, in the future, consider adopting policy that deprioritizes enforcement of laws imposing criminal penalties for the possession of MDMA, ketamine, ibogaine, and other psychedelic-adjacent compounds for personal use.

BE IT FURTHER RESOLVED that the City of Berkeley declares its support for a transparent, comprehensive public conversation about opening access to psychedelic drugs and psychedelic administration/dosing sessions in a way that is safe, beneficial, ethical, and equitable, including discussion of the potential role of religious, ceremonial, and traditional use protections, public education campaigns, harm reduction programs,

possible regulatory frameworks, consumer and client protections, licensing or certification systems for therapists and facilitators, etc., and that the City urges the California State Legislature to take part in this conversation, and consider passing legislation that addresses the relevant issues.

BE IT FURTHER RESOLVED that the City Council refers to the City Manager to work with external organizations such as non-profits and academic institutions to provide and promote unbiased, evidence-informed psychedelic harm-reduction, education, and support resources to the Berkeley community, including but not limited to the harm reduction-based drug education curriculum for high school students, Safety First, educational materials, workshops and other resources such as those provided by harm reduction resources and other organizations for adults generally, as well as for adults who use the drugs in relevant settings, such as within nightlife, at festivals, and the use of drug purity/adulteration checking technologies, etc.

BE IT FURTHER RESOLVED that the City Council refers to the City Manager to collaborate with harm reduction resource organizations to ensure that every resident of Berkeley becomes aware of peer support services before consuming psychedelic drugs. Such collaboration may include but is not limited to sharing the peer support number - with law enforcement and other City employees who may come into contact with people who may use psychedelic drugs, posting this information on City websites; encouraging schools to share this information with their students, and encouraging business such as bars, clubs, concert halls, and nightlife venues to share this information with their customers.

BE IT FURTHER RESOLVED that any organization or individual who works with the City to provide psychedelic education, harm reduction, or support resources shall not, through their work with the City, actively facilitate access to psychedelic drugs or psychedelic administration sessions, while current State law is in place. If an organization or individual is found to be acting in violation of this provision of the resolution, the City shall review the partnership with the organization or individual, and consider ending the partnership, depending on circumstances of the violation.

BE IT FURTHER RESOLVED that the City Council refers to the City Manager to collaborate with the Public Health Division, other City Departments, and external organizations and individuals to create, and return to the City Council with, a policy for collecting public health data on psychedelic use in the City.

BE IT FURTHER RESOLVED that the City of Berkeley urges other local jurisdictions to pass proposals that would establish psychedelic education, harm reduction, and support resources for their communities, create policies for collecting public health data on psychedelic drug use within their communities, and deprioritize the enforcement of laws imposing criminal penalties for the possession of psychedelic drugs (except Peyote) for

personal use, and for the cultivation, processing, and preparation of psychedelic-containing plants and fungi (except Peyote) for personal use.

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Office of the Mayor

CONSENT CALENDAR  
April 25, 2023

To: Honorable Members of the Berkeley City Council  
 From: Mayor Jesse Arreguín, Councilmember Sophie Hahn  
 Subject: Project Manager/Coordinator for potential Alta Bates Hospital Closure

RECOMMENDATION

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

BACKGROUND

In 2016, Sutter Health announced its intention to close Alta Bates hospital, the only full-service acute care hospital between Berkeley and the northern most communities of Contra Costa County, by 2030. This is in spite of Sutter's pledge to the Berkeley community to keep the hospital open after its merger with Summit in 1999. Ostensibly this is to avoid the cost of retrofitting the hospital per SB 1953 requirements.

Alta Bates, colloquially known as the Birthplace of the East Bay, has a capacity of 347 beds, and is the third largest general acute care facility in the region. Its service area includes almost 850,000 residents, of whom 44% are people of color and 36% are below 200% of the federal poverty level.

On July 12, 2016, City Council passed Resolution No. 67,615–N.S, opposing the plans to close the hospital resolving, among other things, that the Mayor and City Council would establish open forums to inform and educate Berkeley residents and ensure that the residents would be notified of any and all forums to ensure a full service acute care general hospital for future generations. The Resolution further resolved that the Mayor, City Council and City Departments pledged to cooperate fully to facilitate this process (Attachment 1).

The Alta Bates Task Force, a group of elected officials and health experts was formed in 2017, with the purpose of investigating options that would maintain a full-service acute care hospital in Berkeley and educating the public around the impacts of a potential closure

Following over two years of task force meetings, community events, and futile outreach to Sutter Health, a formal request was sent to Sutter Health on February 7, 2019 requesting that they provide a plan, in writing, for the retrofitting/rebuild of the hospital or provide their future plans for the property. Sutter Health has not provided such a plan and continues to reduce services at the Alta Bates campus and continues to imply that it will no longer be an acute care hospital after the seismic retrofit requirements are enforced in approximately 2030.

The HIA report identified potential health impacts of the closure of Alta Bates. With the hospital serving as a regional hub for pregnancy and birthing, there would be reduced high quality prenatal, birthing & neonatal care, which is alarming in a country that already has an increasing rate of maternal mortality - higher than any other developed country. A potential closure would disproportionately impact people of color and low-income/uninsured residents, many of whom are already at a higher risk of having health complications. Emergency departments in hospitals throughout the region would see increased crowding, leading to longer wait times, longer travel times, and placing additional strains on ambulances, negatively impacting both the Berkeley Fire and Police Departments. It also places the entire I-80 corridor at additional risk in the event of a disaster such as an earthquake or wildfire, with victims having less access to emergency services.

The Alta Bates Task Force, identified the need for an Outreach Coordinator/Project Manager in 2019. On October 15, 2019 City Council approved a referral to the Mid-Year Budget Process an amount of \$25,000 for Berkeley’s contribution towards a budget of \$50,000 to support an Outreach Coordinator. Commitments to fund the projects were also obtained from adjacent communities and from the Chancellor’s Grant.

Due to the impacts of the COVID-19 pandemic and the inability to effectively coordinate outreach and community education, the recruitment was put on hold. As the COVID-19 pandemic moves into the endemic phase, CONCUR has been identified as a resource for the Project Manager/Coordinator. The management of this position will be the combined responsibility of the Mayor’s Office and Councilmember Hahn. Due to the vacancy of some positions in the Mayor’s Personnel budget there are adequate resources to fund this contract.

FINANCIAL IMPLICATIONS

\$35,000 from the Mayor’s Office personnel office budget

ENVIRONMENTAL SUSTAINABILITY

Not Applicable

CONTACT PERSON

Mayor Jesse Arreguín            510-981-7100

Attachments:

- 1: Resolution 67,615

RESOLUTION NO. 67,615–N.S.

OPPOSE SUTTER HEALTH CORPORATION'S PLAN TO CEASE ACUTE CARE HOSPITAL OPERATIONS AT ALTA BATES HOSPITAL IN BERKELEY, FURTHER REQUESTING CITY DEPARTMENTS TO IDENTIFY PENDING OR FUTURE APPLICATIONS SOUGHT IN FURTHERANCE OF SUCH CLOSURE AND REPORT SUCH APPLICATIONS

WHEREAS, Alta Bates Summit Medical Center, has been providing "full service" Acute Care hospital services in Berkeley, the East Bay and in Alameda and other counties for decades, and

WHEREAS, Alta Bates Summit Medical Center is licensed for 944 acute care beds with more than half of them in Berkeley, and 347 of those at the Ashby facility; and

WHEREAS, Alta Bates Summit Medical Center's Ashby facility is crucial for providing timely healthcare services for the people of Berkeley and cities beyond Berkeley's border; and

WHEREAS, from 2002 through 2015, records from CA's Office of Statewide Health Planning and Development, OSHPD, revealed very high utilization of acute care services at Alta Bates' Berkeley facility, including over one million total days that hospital beds were occupied; which consisted in part of the following:

- 559,136 days patients were treated in Medical units;
- 228,498 days babies treated in Neonatal Intensive Care;
- 103,157 babies delivered;
- 111,946 admissions through the Emergency Departments;
- 73,612 adult Critical Care patients treated; and

WHEREAS, these numbers do not reflect the full scope of the amount of patients treated at the Berkeley facility because census data reported to CA's OSHPD agency does not include patients in "observation" status despite stays of up to 48 hours with "observation" patients; and

WHEREAS, these numbers reflect only the Ashby facility and not the Alta Bates Summit census data at the Oakland Summit site; and

WHEREAS, Sutter Health Corporation has announced its intention to dramatically reduce services by closing the Alta Bates' Berkeley facility in light of SB 1953; and

WHEREAS, the consolidation of hospital services results in loss of services as happened when Alta Bates Hospital merged with Summit Medical Center in 2000, and despite Sutter Health arguing that services would be enhanced, not reduced, when many in the community opposed the merger at that time, Alta Bates Summit afterwards experienced

the loss of many services in the past 15 years, overwhelmingly at the Alta Bates and Herrick campuses; and

WHEREAS, the national average for bed capacity per 1000 residents is 2.9 beds according to World Bank statistics. In Alameda County, the bed capacity is at 1.8 beds and neighboring Contra Costa at 1.4 beds, a figure that does not reflect the final phase of the 2015 closure of Doctor's Medical Center in San Pablo; and

WHEREAS, many hospital departments are often at capacity, and all of the local Emergency Departments already have large delays in service, which will only be exacerbated by the merging of the two full-service Acute Care Hospitals with their Emergency Departments to one Oakland location, increasing even further wait and admission times; and

WHEREAS, the University of California, has 37,581 Undergraduate and Graduate students who depend heavily on hospital services at the Alta Bates campus, including the Alta Bates Emergency Department in close proximity to campus, to address the students' life-threatening illnesses and injuries, and need for medical care; and

WHEREAS, the Berkeley, North Alameda, West Contra Costa area recently suffered the closure of an acute care hospital in San Pablo, and the loss of acute care hospital services as a result, and further, is subject to severe earthquakes, frequent urban interface with wild fires, industrial chemical releases and mass traffic casualties—all of which require emergency services; and

WHEREAS, when Berkeley's first responders are mandated to travel to Summit Campus in Oakland, they are unavailable for service for the rest of Berkeley for prolonged periods of time presenting a significant danger to the lives of Berkeley residents, and forcing an unacceptable standard of healthcare upon them; and

WHEREAS, closures and relocations of corporations on the community, impacting an array of businesses including family-owned businesses, with losses often doubling or tripling those who either lost jobs or had to relocate; and

WHEREAS, when access to healthcare is made more difficult, patients often delay healthcare but also stop seeking the care that is necessary; and

WHEREAS, the stated mission of corporate Sutter Health is to "enhance the well-being of people in the communities we serve through a not-for-profit commitment to compassion and excellences" in health care services; and

WHEREAS, Sutter Health as a non-profit corporation pays little or no property taxes for operations which are non-profit, such as its non-profit hospitals (as opposed to its for-profit operations) and is a highly profitable healthcare corporation whose total assets in the billions grow substantively each year, as shown:



- 2011: \$11,820,000,000
- 2012: \$12,390,000,000
- 2013: \$14,215,000,000
- 2014: \$14,290,000,000
- 2015: \$14,344,000,000

WHEREAS, Sutter Health needs to live up to its stated mission, be held accountable for its actions, and provide the necessary healthcare for Berkeley residents, and must not be allowed to put profits before lives nor endanger the residents of Berkeley; and

WHEREAS, the Berkeley City Council has a role and responsibility to provide resources to the public to promote and protect its health with no regional body researching the health needs of the greater community.

NOW THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of Berkeley oppose Sutter Health Corporation's plan to close its acute care services at Alta Bates Hospital and calls upon Sutter Health to cease and desist all actions in furtherance of any and all plans to close Alta Bates hospital.

BE IT FURTHER RESOLVED that the Mayor and City Council shall establish open forums to inform and educate Berkeley residents of the possibility of Sutter Health's seismically retrofitting Berkeley's Alta Bates facility; shall ensure the residents of Berkeley are notified of any and all forums under the City of Berkeley's purview; and ensure a full service acute care general hospital for future generations.

BE IT FURTHER RESOLVED that the Mayor, City Council, and City Departments pledge to cooperate fully to facilitate this process such that it is expedited as much is legally permitted.

The foregoing Resolution was adopted by the Berkeley City Council on July 12, 2016 by the following vote:

Ayes: Anderson, Arreguin, Capitelli, Droste, Maio, Moore, Wengraf, Worthington and Bates.

Noes: None.

Absent: None.

  
 \_\_\_\_\_  
 Tom Bates, Mayor

Attest:   
 \_\_\_\_\_  
 Mark Numairville, City Clerk



| Upcoming Worksessions and Special Meetings<br><i>start time is 6:00 p.m. unless otherwise noted</i> |                                                                                                                           |
|-----------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|
| Scheduled Dates                                                                                     |                                                                                                                           |
| Apr 25 (5:00pm)                                                                                     | 1. Results of Referral Prioritization Process (RRV)                                                                       |
| May 16 (WS)                                                                                         | 1. Climate Action Plan and Resilience Update<br>2. Berkeley Economic Dashboards Update<br>3. Fire Facilities Study Report |
| June 20 (WS)                                                                                        |                                                                                                                           |
| July 18                                                                                             | 1. Draft Waterfront Specific Plan (tentative)                                                                             |

| Unscheduled Workshops and Special Meetings |
|--------------------------------------------|
| 1. Hopkins Corridor Plan (Special Meeting) |

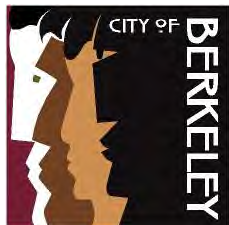
| Unscheduled Presentations (City Manager) |
|------------------------------------------|
| None                                     |

|    |                                                                                                                                                                                                                                                                                                                                               |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    | <b>City Council Referrals to the Agenda &amp; Rules Committee and Unfinished Business for Scheduling</b>                                                                                                                                                                                                                                      |
| 1. | <b>17. City Policies for Managing Parking Around BART Stations</b> <i>(Referred to the Agenda &amp; Rules Committee for scheduling on November 29, 2022.)</i><br><b>From: City Manager</b><br>Contact: Liam Garland, Public Works, (510) 981-6300<br><br><i>(Note: schedule with tentative special meeting in May 2023 on Ashby BART TOD)</i> |

| CITY CLERK DEPARTMENT                                                       |                      |                       |                   |
|-----------------------------------------------------------------------------|----------------------|-----------------------|-------------------|
| WORKING CALENDAR FOR SCHEDULING LAND USE MATTERS<br>BEFORE THE CITY COUNCIL |                      |                       |                   |
| Address                                                                     | Board/<br>Commission | Appeal Period<br>Ends | Public<br>Hearing |
| <b>NOD – Notices of Decision</b>                                            |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
| <b>Public Hearings Scheduled</b>                                            |                      |                       |                   |
| 469 Kentucky Avenue (single family dwelling)                                | ZAB                  |                       | 5/23/2023         |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
| <b>Remanded to ZAB or LPC</b>                                               |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
| <b>Notes</b>                                                                |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |

3/23/2023





Office of the City Manager

## **SUPPLEMENTAL AGENDA MATERIAL for Supplemental Packet 2**

**Meeting Date:** November 10, 2020

**Item Number:** 20

**Item Description:** Annual Commission Attendance and Meeting Frequency Report

**Submitted by:** Mark Numainville, City Clerk

The attached memo responds to issues and questions raised at the October 26 Agenda & Rules Committee Meeting and the October 27 City Council Meeting regarding the ability of city boards and commissions to resume regular meeting schedules.



Office of the City Manager

November 9, 2020

To: Mayor and Council  
From: Dee Williams-Ridley, City Manager  
Subject: Commission Meetings Under COVID-19 Emergency (Item 20)

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This memo provides supplemental information for the discussion on Item 20 on the November 10, 2020 Council agenda. Below is a summary and update of the status of meetings of Berkeley Boards and Commissions during the COVID-19 emergency declaration and the data collected by the City Manager on the ability of commissions to resume meetings in 2021.

On March 10, 2020 the City Council ratified the proclamation of the Director of Emergency Services for a state of local emergency related to the COVID-19 pandemic. The emergency proclamation has been renewed twice by the Council and remains in effect.

On March 17, 2020 the City Council adopted Resolution No. 69,331-N.S. which placed limitations of the meetings of City legislative bodies, including all boards and commissions. The resolution allows for commissions to meet to conduct time-sensitive, legally mandated business with the authorization of the City Manager. Since that time, several commissions have obtained this approval and held meetings; many other commissions have not met at all since March.

The City Manager has periodically reviewed the status of commission meetings with the City Council Agenda & Rules Committee. Recently, at the October 12, 2020 Agenda & Rules Committee meeting, the City Manager presented a proposal to allow all commissions to meet under limited circumstances. The Committee voted to endorse the City Manager's recommendation.

Effective October 12, 2020, all City boards and commissions may meet once to develop and finalize their work plan for 2021 and to complete any Council referrals directly related to the COVID-19 pandemic response. A second meeting may be held to



complete this work with specific authorization by the City Manager. It is recommended that the meeting(s) occur by the end of February 2021.

Commissions that have been granted permission to meet under Resolution No. 69,331-N.S. may continue to meet pursuant to their existing authorization, and may also meet to develop their 2021 work plan.

Commissions that have not requested meetings pursuant to the Resolution No. 69,331-N.S. may meet pursuant to the limitations listed above.

In response to questions from the Agenda & Rules Committee and the Council, the City Manager polled all departments that support commissions to obtain information on their capacity to support the resumption of regular commission meetings. The information in Attachment 1 shows the information received from the departments and notes each commission's ability to resume a regular, or semi-regular, meeting schedule in 2021.

In summary, there are 24 commissions that have staff resources available to support a regular meeting schedule in 2021. Seven of these 24 commissions have been meeting regularly during the pandemic. There are five commissions that have staff resources available to support a limited meeting schedule in 2021. There are seven commissions that currently do not have staff resources available to start meeting regularly at the beginning of 2021. Some of these seven commissions will have staff resources available later in 2021 to support regular meetings. Please see Attachment 1 for the full list of commissions and their status.

With regards to commission subcommittees, there has been significant discussion regarding the ability of staff to support these meetings in a virtual environment. Under normal circumstances, the secretary's responsibilities regarding subcommittees is limited to posting the agenda and reserving the meeting space (if in a city building). With the necessity to hold the meetings in a virtual environment and be open to the public, it is likely that subcommittee meetings will require significantly more staff resources to schedule, train, manage, and support the work of subcommittees on Zoom or a similar platform. This additional demand on staff resources to support commission subcommittees is not feasible for any commission at this time.

One possible option for subcommittees is to temporarily suspend the requirement for ad hoc subcommittees of city commissions to notice their meetings and require public participation. Ad hoc subcommittees are not legislative bodies under the Brown Act and are not required to post agendas or allow for public participation. These requirements are specific to Berkeley and are adopted by resolution in the Commissioners' Manual. If it is the will of the Council, staff could introduce an item to temporarily suspend these

requirements which will allow subcommittees of all commissions to meet as needed to develop recommendations that will be presented to the full commission.

The limitations on the meetings of certain commissions are due to the need to direct staff resources and the resources of city legislative bodies to the pandemic response. Some of the staff assigned as commission secretaries are engaged in work with the City Emergency Operations Center or have been assigned new duties specifically related to the impacts of the pandemic.

Meeting frequency for boards and commissions will continue to be evaluated on a regular basis by the City Manager and the Health Officer in consultation with Department Heads and the City Council.

Attachments:

1. List of Commissions with Meeting Status
2. Resolution 69,331-N.S.

| <u>Boards and Commissions</u>                     | <u>Meetings Held Under COVID March - Oct</u> | <u>Regular Mtg. Date</u> | <u>Secretary</u>   | <u>Dept.</u> | <u>Resume Regular Schedule in January 2021?</u> | <u>Note</u>                                       |
|---------------------------------------------------|----------------------------------------------|--------------------------|--------------------|--------------|-------------------------------------------------|---------------------------------------------------|
| Fair Campaign Practices Commission                | 9                                            | 3rd Thur.                | Sam Harvey         | CA           | YES                                             | Have been meeting regularly under COVID Emergency |
| Open Government Commission                        | 6                                            | 3rd Thur.                | Sam Harvey         | CA           | YES                                             | Have been meeting regularly under COVID Emergency |
| Animal Care Commission                            | 0                                            | 3rd Wed.                 | Amelia Funghi      | CM           | YES                                             |                                                   |
| Police Review Commission                          | 10                                           | 2nd & 4th Wed.           | Katherine Lee      | CM           | YES                                             | Have been meeting regularly under COVID Emergency |
| Disaster and Fire Safety Commission               | 4                                            | 4th Wed.                 | Keith May          | FES          | YES                                             |                                                   |
| Community Health Commission                       | 0                                            | 4th Thur.                | Roberto Terrones   | HHCS         | YES                                             |                                                   |
| Homeless Commission                               | 0                                            | 2nd Wed.                 | Josh Jacobs        | HHCS         | YES                                             |                                                   |
| Homeless Services Panel of Experts                | 5                                            | 1st Wed                  | Josh Jacobs        | HHCS         | YES                                             |                                                   |
| Human Welfare & Community Action Commission       | 0                                            | 3rd Wed.                 | Mary-Claire Katz   | HHCS         | YES                                             |                                                   |
| Mental Health Commission                          | 1                                            | 4th Thur.                | Jamie Works-Wright | HHCS         | YES                                             |                                                   |
| Sugar-Sweetened Beverage Product Panel of Experts | 0                                            | 3rd Thur.                | Dechen Tsering     | HHCS         | YES                                             |                                                   |
| Civic Arts Commission                             | 2                                            | 4th Wed.                 | Jennifer Lovvorn   | OED          | YES                                             |                                                   |
| Elmwood BID Advisory Board                        | 1                                            | Contact Secretary        | Kieron Slaughter   | OED          | YES                                             |                                                   |
| Loan Administration Board                         | 0                                            | Contact Secretary        | Kieron Slaughter   | OED          | YES                                             |                                                   |
| Solano Avenue BID Advisory Board                  | 2                                            | Contact Secretary        | Eleanor Hollander  | OED          | YES                                             |                                                   |
| Design Review Committee                           | 6                                            | 3rd Thur.                | Anne Burns         | PLD          | YES                                             | Have been meeting regularly under COVID Emergency |
| Energy Commission                                 | 0                                            | 4th Wed.                 | Billi Romain       | PLD          | YES                                             |                                                   |
| Landmarks Preservation Commission                 | 6                                            | 1st Thur.                | Fatema Crane       | PLD          | YES                                             | Have been meeting regularly under COVID Emergency |
| Planning Commission                               | 3                                            | 1st Wed.                 | Alene Pearson      | PLD          | YES                                             | Have been meeting regularly under COVID Emergency |
| Zoning Adjustments Board                          | 11                                           | 2nd & 4th Thur.          | Shannon Allen      | PLD          | YES                                             | Have been meeting regularly under COVID Emergency |
| Parks and Waterfront Commission                   | 4                                            | 2nd Wed.                 | Roger Miller       | PRW          | YES                                             |                                                   |
| Commission on Disability                          | 0                                            | 1st Wed.                 | Dominika Bednarska | PW           | YES                                             |                                                   |
| Public Works Commission                           | 4                                            | 1st Thur.                | Joe Enke           | PW           | YES                                             |                                                   |
| Zero Waste Commission                             | 0                                            | 4th Mon.                 | Heidi Obermeit     | PW           | YES                                             |                                                   |
| Commission on the Status of Women                 | 0                                            | 4th Wed.                 | Shallon Allen      | CM           | YES - LIMITED                                   | Secretary has intermittent COVID assignments      |

| <u>Boards and Commissions</u>               | <u>Meetings Held Under COVID March - Oct</u> | <u>Regular Mtg. Date</u> | <u>Secretary</u>   | <u>Dept.</u> | <u>Resume Regular Schedule in January 2021?</u> | <u>Note</u>                                            |
|---------------------------------------------|----------------------------------------------|--------------------------|--------------------|--------------|-------------------------------------------------|--------------------------------------------------------|
| Commission on Aging                         | 0                                            | 3rd Wed.                 | Richard Castrillon | HHCS         | REDUCED FREQUENCY                               | Significant Dept. resources assigned to COVID response |
| Housing Advisory Commission                 | 0                                            | 1st Thur.                | Mike Uberti        | HHCS         | REDUCED FREQUENCY                               | Significant Dept. resources assigned to COVID response |
| Measure O Bond Oversight Committee          | 0                                            | 3rd Monday               | Amy Davidson       | HHCS         | REDUCED FREQUENCY                               | Significant Dept. resources assigned to COVID response |
| Transportation Commission                   | 2                                            | 3rd Thur.                | Farid Javandel     | PW           | REDUCED FREQUENCY                               | Staff assigned to COVID response                       |
| Children, Youth, and Recreation Commission  | 0                                            | 4th Monday               | Stephanie Chu      | PRW          | NO - SEPT 2021                                  | Staff assigned to COVID response                       |
| Youth Commission                            | 0                                            | 2nd Mon.                 | Ginsi Bryant       | PRW          | NO - SEPT 2021                                  | Staff assigned to COVID response                       |
| Community Environmental Advisory Commission | 0                                            | 2nd Thur.                | Viviana Garcia     | PLD          | NO - JUNE 2021                                  | Staff assigned to COVID response                       |
| Cannabis Commission                         | 0                                            | 1st Thur.                | VACANT             | PLD          | NO - JAN. 2022                                  | Staff vacancy                                          |
| Peace and Justice Commission                | 0                                            | 1st Mon.                 | VACANT             | CM           | NO                                              | Staff vacancy                                          |
| Commission on Labor                         | 0                                            | 3rd Wed., alternate mon  | Kristen Lee        | HHCS         | NO                                              | Staff assigned to COVID response                       |
| Personnel Board                             | 1                                            | 1st Mon.                 | La Tanya Bellow    | HR           | NO                                              | Staff assigned to COVID response                       |

## RESOLUTION NO. 69,331-N.S.

RATIFYING THE RECOMMENDATIONS ISSUED BY THE DIRECTOR OF EMERGENCY SERVICES AND THE PUBLIC HEALTH OFFICER REGARDING MEETINGS OF BERKELEY LEGISLATIVE BODIES IN RESPONSE TO THE COVID-19 (NOVEL CORONAVIRUS) PANDEMIC

WHEREAS, on March 3, 2020, pursuant to Berkeley Municipal Code section 2.88.040, the City Manager, serving as the Director of Emergency Services, proclaimed the existence of a local emergency; and

WHEREAS, the proclamation was warranted by virtue of the extreme peril to the safety of persons and property in the City caused by pandemic in the form of the global spread of a severe acute respiratory illness caused by a novel (new) coronavirus ("COVID-19"), including confirmed cases in California and the San Francisco Bay Area, and presumed cases in Alameda County prompting the County to declare a local health emergency; and

WHEREAS, the proclamation of the Director of Emergency Services was ratified by the City Council on March 10, 2020; and

WHEREAS, the continued spread of COVID-19 and increase in community transmission cases in surrounding counties warrant further measures be taken by the City to protect the community; and

WHEREAS, the Public Health Officer has issued guidelines for limiting mass gatherings; and

WHEREAS, certain limitations on the meetings of legislative bodies in the City of Berkeley is warranted; and

WHEREAS, the continued essential functions of the City and certain legislative bodies must continue for time-sensitive, legally mandated actions; and

WHEREAS, the Director of Emergency Services presented recommendations to the Agenda & Rules Committee on March 12, 2020 regarding the meetings of legislative bodies; and

WHEREAS, the Agenda & Rules Committee recommended that said recommendations be forwarded to the City Council for acknowledgement and ratification.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the following recommendations issued by the Director of Emergency Services and the Public Health Officer regarding limitations and practices for legislative bodies of the City of Berkeley are hereby acknowledged and ratified:

Section 1. Boards and Commissions

Commissions listed below may continue to meet only if they have time-sensitive, legally mandated business to complete, as determined by the Director of Emergency Services. The City may consider teleconferencing for these commissions, if feasible.

Design Review Committee  
Fair Campaign Practices Commission  
Housing Advisory Commission (limited to quasi-judicial activities)  
Joint Subcommittee on the Implementation of State Housing Laws  
Landmarks Preservation Commission  
Open Government Commission  
Personnel Board  
Planning Commission  
Police Review Commission  
Zoning Adjustments Board

Commissions in Category B shall not meet for a period of 60 days. This will be re-evaluated at the Agenda & Rules Committee meeting on April 13, 2020. A Commission in Category B may convene a meeting if it has time-sensitive, legally-mandated business to complete, as determined by the Director of Emergency Services.

Category B

Animal Care Commission  
Cannabis Commission  
Civic Arts Commission  
Children, Youth, and Recreation Commission  
Commission on Aging  
Commission on Disability  
Commission on Labor  
Commission on the Status of Women  
Community Environmental Advisory Commission  
Community Health Commission  
Disaster and Fire Safety Commission  
Elmwood Business Improvement District Advisory Board  
Energy Commission  
Homeless Commission  
Homeless Services Panel of Experts  
Housing Advisory Commission  
Human Welfare and Community Action Commission  
Measure O Bond Oversight Committee  
Mental Health Commission  
Parks and Waterfront Commission  
Peace and Justice Commission  
Public Works Commission  
Solano Avenue Business Improvement District Advisory Board  
Sugar-Sweetened Beverage Product Panel of Experts

Transportation Commission  
Youth Commission  
Zero Waste Commission  
Loan Administration Board

Section 2. City Council Policy Committees

The Agenda & Rules Committee and the Budget & Finance Committee may continue to meet to fulfill their legislative and advisory responsibilities. All other Policy Committees (Facilities, Infrastructure, Transportation, Environment & Sustainability, Public Safety, Land Use, Housing & Economic Development, and Health, Life Enrichment Equity & Community) are suspended indefinitely. The 120-day deadline to consider an item will be tolled during the suspension of business.

Section 3. City Council


For City Council meetings, the City will continue to advise and implement social distancing by limiting the capacity of the Council Chambers, providing an overflow room, attempting to limit the duration of the meeting, only conducting essential business, and limiting or suspending ceremonial items. The City will adhere to and implement the provisions of the Governor's Executive Order #N-25-20 related to the Brown Act and the utilization of technology to facilitate participation.

The foregoing Resolution was adopted by the Berkeley City Council on March 17, 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 Numalville, City Clerk



Office of the City Manager

October 22, 2020

To: Berkeley Boards and Commissions

From: *DWR* Dee Williams-Ridley, City Manager

Subject: Commission Meetings During COVID-19 Emergency

This memo serves to provide a summary and update of the status of meetings of Berkeley Boards and Commissions during the COVID-19 emergency declaration.

On March 10, 2020, the City Council ratified the proclamation of the Director of Emergency Services for a state of local emergency related to the COVID-19 pandemic. The emergency proclamation has been renewed twice by the Council and remains in effect.

On March 17, 2020, the City Council adopted Resolution No. 69,331-N.S. which placed limitations of the meetings of City legislative bodies, including all boards and commissions. The resolution allows for commissions to meet to conduct time-sensitive, legally mandated business with the authorization of the City Manager. Since that time, several commissions have obtained this approval and held meetings; many other commissions have not met at all since March.

The City Manager has periodically reviewed the status of commission meetings with the City Council Agenda & Rules Committee. Recently, at the October 12, 2020, Agenda & Rules Committee meeting, the City Manager presented a proposal to allow all commissions to meet under limited circumstances. The Committee voted to endorse the City Manager's recommendation.

Effective October 12, 2020, all City boards and commissions may meet once to develop and finalize their work plan for 2021 and to complete any Council referrals directly related to the COVID-19 pandemic response. A second meeting may be held to complete this work with specific authorization by the City Manager. It is recommended that the meeting(s) occur by the end of February 2021.

Commissions that have been granted permission to meet under Resolution No. 69,331-N.S. may continue to meet pursuant to their existing authorization, and may also meet to develop their 2021 work plan.

Commissions that have not requested meetings pursuant to the Resolution No. 69,331-N.S. may meet pursuant to the limitations listed above.



Page 2  
October 22, 2020  
Re: Commission Meetings During COVID-19 Emergency

To assist commissions with the development of their work plan and to provide the City Council with a consistent framework to review the work plans, the City Manager has developed the following items to consider in developing the work plan that is submitted to the City Council agenda.

Prompts for Commissions to use in work plan:

- What commission items for 2021 have a direct nexus with the COVID-19 response or are the result of a City Council referral pertaining to COVID-19?
- What commission items for 2021 are required for statutory reasons?
- What commission items for 2021 are required for budgetary or fund allocation reasons?
- What commission items for 2021 support council-adopted or voter-adopted mission critical projects or programs?
- What are the anticipated staff demands (above and beyond baseline) for analysis, data, etc., to support commission work in 2021 (baseline duties = posting agendas, creating packets, attend meetings, minutes, etc.)?

The limitations on commission meetings are due to the need to direct staff resources and the resources of city legislative bodies to the pandemic response. Many of the staff assigned as commission secretaries are engaged in work with the City Emergency Operations Center or have been assigned new specific duties related to the impacts of the pandemic.

Meeting frequency for boards and commissions will continue to be evaluated on a regular basis by the City Manager in consultation with Department Heads and the City Council. More frequent meetings by commissions will be permitted as the conditions under COVID-19 dictate.

Thank you for your service on our boards and commissions. The City values the work of our commissions and we appreciate your partnership and understanding as we address this pandemic as a resilient and vibrant community.

Attachments:

1. Resolution 69,331-N.S.
2. List of Commissions with Meeting Data

cc: Mayor and City Councilmembers  
Senior Leadership Team

RESOLUTION NO. 69,331-N.S.

RATIFYING THE RECOMMENDATIONS ISSUED BY THE DIRECTOR OF EMERGENCY SERVICES AND THE PUBLIC HEALTH OFFICER REGARDING MEETINGS OF BERKELEY LEGISLATIVE BODIES IN RESPONSE TO THE COVID-19 (NOVEL CORONAVIRUS) PANDEMIC

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WHEREAS, the proclamation was warranted by virtue of the extreme peril to the safety of persons and property in the City caused by pandemic in the form of the global spread of a severe acute respiratory illness caused by a novel (new) coronavirus ("COVID-19"), including confirmed cases in California and the San Francisco Bay Area, and presumed cases in Alameda County prompting the County to declare a local health emergency; and

WHEREAS, the proclamation of the Director of Emergency Services was ratified by the City Council on March 10, 2020; and

WHEREAS, the continued spread of COVID-19 and increase in community transmission cases in surrounding counties warrant further measures be taken by the City to protect the community; and

WHEREAS, the Public Health Officer has issued guidelines for limiting mass gatherings; and

WHEREAS, certain limitations on the meetings of legislative bodies in the City of Berkeley is warranted; and

WHEREAS, the continued essential functions of the City and certain legislative bodies must continue for time-sensitive, legally mandated actions; and

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WHEREAS, the Agenda & Rules Committee recommended that said recommendations be forwarded to the City Council for acknowledgement and ratification.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the following recommendations issued by the Director of Emergency Services and the Public Health Officer regarding limitations and practices for legislative bodies of the City of Berkeley are hereby acknowledged and ratified:

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Transportation Commission  
Youth Commission  
Zero Waste Commission  
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Section 3. City Council


For City Council meetings, the City will continue to advise and implement social distancing by limiting the capacity of the Council Chambers, providing an overflow room, attempting to limit the duration of the meeting, only conducting essential business, and limiting or suspending ceremonial items. The City will adhere to and implement the provisions of the Governor's Executive Order #N-25-20 related to the Brown Act and the utilization of technology to facilitate participation.

The foregoing Resolution was adopted by the Berkeley City Council on March 17, 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 Numalville, City Clerk







Office of the City Manager

October 31, 2022

To: Agenda & Rules Committee

From: Dee Williams-Ridley, City Manager

Subject: Return to In-Person City Council Meetings and Status of Meetings of City Legislative Bodies

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This memo provides an update regarding the return to in-person meetings by the City Council and other legislative bodies.

On October 19, 2022 the Agenda & Rules committee discussed the return to in-person meetings and recommended that the City Council return to in-person meetings starting with the December 6, 2022 meeting. The in-person meetings of the City Council will continue to allow for remote participation by the public.

Governor Newsom announced that he will end the statewide emergency declaration for COVID-19 on February 28, 2023. Rescinding the emergency declaration will end the exemptions to the Brown Act that were codified in AB 361. These exemptions allowed for remote participation by members of the legislative bodies without the need to notice the remote participation location or make the remote location accessible to the public.

In the past legislative session, AB 2449 was signed into law to extend the Brown Act exemptions in AB 361, but only for certain circumstances and for a limited duration of time. The provisions of AB 2449 are cumbersome and complicated and do not provide any long-term extension of the Brown Act exemptions used during the statewide declared emergency. A summary of AB 2449 is attached to this memo.

After February 28, 2023, if a member of the City Council participates remotely, but does not qualify for the exemptions in AB 2449, the remote location will be listed on the agenda, and the remote location must be available to the public.

### **Hybrid Meetings of the City Council**

Since the start of the pandemic in March of 2020, the City Council has held six hybrid meetings from the Boardroom. These hybrid meetings allowed for in-person participation and virtual participation for the public and the City Council. The meetings

were successful from a technology and logistics standpoint and a regular return to hybrid meetings should be manageable from a staff and meeting management perspective. Resources and processes will be continuously evaluated by staff throughout the transition to a regular hybrid meeting structure.

For the hybrid meetings staff developed meeting protocols for members of the public in attendance and the City Council. With the changing public health conditions related to COVID-19, these meeting protocols need to be reviewed and revised prior to the December 6 meeting. The current version of the protocols that were last used in June 2022 are attached for review.

City staff will continue to test the Boardroom technology with the IT Department, BUSD IT, and Berkeley Community Media to ensure smooth functionality. Communication with the public about the return to in-person (hybrid) meetings will be sent out through multiple channels in advance of December 6.

#### **Status of Other Legislative Bodies**

City boards and commissions have been meeting virtual-only during the state declared emergency. When the state declared emergency expires on February 28, 2023, these bodies will return to in-person only meetings.

With over 30 commissions, there are approximately 350 commission meetings per year. Often there are multiple commissions meeting on the same day. The City does not currently have the videoconference infrastructure in place to provide for hybrid meetings for commissions. In addition, in a hybrid setting it is more difficult to manage and conduct meetings while attempting to provide meaningful participation by commissioners and the public. City staff will communicate with commission secretaries and commissioners to facilitate the transition back to in-person meetings. Staff will also analyze the costs for expanding videoconference capabilities throughout the City.

City Council policy committees may have the potential to meet in a hybrid format after February 28, 2023. In order to accommodate hybrid meetings, the videoconference capabilities in 2180 Milvia will need to be significantly expanded. This analysis is currently underway.

For both commissions and policy committees, the videoconference aspect of the meeting is for the public only. The members of the legislative bodies will be at the physical meeting location as previously discussed.

PM/  
Encl.:  
CC:



## Summary of AB 2449 (Att. 1)

### **Current Law**

Under current law [AB 361 (R. Rivas), Chapter 165, Statutes of 2021], The exemptions included in AB 361 only apply during a declared state of emergency as defined under the California Emergency Services Act. (Gov. Code §§ 52953(e)(1), (e)(4).) In addition, one of the following circumstances must apply:

- State or local officials have imposed or recommended measures to promote social distancing.
- The legislative body is meeting to determine whether, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
- The legislative body has determined that, as a result of the emergency, meeting in person presents imminent risks to the health or safety of attendees.

With the lifting of the State of Emergency, the provisions of AB 361 cannot be met, and therefore localities must return to pre-pandemic Brown Act provisions.

### **Recently Enacted Legislation on Remote Meetings**

The State legislature recently enacted, and the Governor signed AB 2449 (Rubio) [Chapter 285, Statutes of 2022] which provides under incredibly limited circumstances, the ability to have a minority amount of a Brown Act body members participate remotely. The measure is slated to sunset January 1, 2026.

### General Requirements

1. A quorum of the council must participate in person at its public meeting site within the boundaries of the jurisdiction (e.g., city hall/council chambers).
2. A member who wishes to participate remotely must have either “just cause” or “emergency circumstances.”

“Just cause” is defined as:

- A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires the councilmember to participate remotely.
- A contagious illness that prevents a member from attending in person.
- A need related to a physical or mental disability not otherwise accommodated under the ‘reasonable accommodation’ provisions of the Americans with Disabilities Act.
- Travel while on official business of the legislative body or another state or local agency.

“Emergency circumstances” is defined as “a physical or family medical emergency that prevents a member from attending in person.”

### Procedures and Limitations

A. When using the ‘Just cause’ exception:

1. The elected/appointed official must provide a general description of the circumstances relating to their need at the earliest opportunity possible, including at the start of the meeting.
2. A councilmember may not appear remotely due to “just cause” for more than two meetings per calendar year.

B. When using the 'emergency circumstances' exception:

1. The elected/appointed official must give a general description of the emergency circumstances, but the member is not required to disclose any medical diagnosis, disability, or personal medical information.
2. The governmental body must take action to approve the request prior to the remote participant being able to participate in any further business.

C. In all circumstances the following must occur:

1. The elected/appointed official must disclose at the meeting before any action is taken whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with any such individuals.
2. The member must participate through both audio and visual technology (e.g., the member must be on-screen).

D. Limited use despite narrow circumstances:

1. A member cannot attend meetings remotely for a period of more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year, or more than two meetings if the legislative body regularly meets fewer than 10 times per calendar year.

## Hybrid Meeting Policies for City Council Meetings Revised May 2022

The policy below covers the conduct of hybrid City Council meetings (in-person and remote participation) held in accordance with the Government Code and any relevant Executive Orders or State declared emergencies. These administrative policies supplement the City Council Rules of Procedure and Order.

City Council policy committees and city boards and commissions will continue to meet in a virtual-only setting until the City Council makes the required findings under state law that in-person meetings may resume.

### I. Vaccination Status

Prior to entry, all in-person attendees at the meeting location must present valid proof of “up-to-date” COVID-19 vaccination or a verified negative test conducted within one day prior for an antigen test or two days prior for a PCR test. An attendee is “up-to-date” with their vaccinations if:

- It has been less than 2 months after receiving the initial dose of their Johnson & Johnson Vaccine.
- It has been less than 5 months after receiving the second dose of their two-dose Pfizer or Moderna initial series.
- The attendee has received a booster.

#### *Pre-entry negative testing*

*Definition: Testing must be conducted within one day for an antigen test and within two days for a PCR test prior to entry into an event. Results of the test must be available prior to entry into the facility or venue. Children under 2 years of age are exempt from the testing requirement, consistent with [CDC guidance](#).*

*Verification: See current [CDPH Updated Testing Guidance](#) and [CDPH Over-the-Counter Testing Guidance](#) for acceptable methods of proof of negative COVID-19 test result and information on Over-the-Counter tests. Note: Self-attestation may not be used to verify negative test result, even when using Over-the-Counter (or at home tests) for entry into Indoor Mega Events.*

<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Beyond-Blueprint-Framework.aspx>

### II. Health Status Precautions

If a person who desires to attend the meeting in-person is feeling sick, including but not limited to, cough, shortness of breath or difficulty breathing,

fever or chills, muscle or body aches, vomiting or diarrhea, or new loss of taste or smell, they will be advised to attend the meeting remotely.

If an in-person attendee has been in close contact, as defined below, with a person who has tested positive for COVID-19 in the past five days, they are advised to attend the meeting remotely.

Close contact is defined as being within approximately 6 feet for greater than 15 minutes over 24 hours within 2 days before symptoms appear (or before a positive test for asymptomatic individuals); or having contact with COVID-19 droplets (e.g., being coughed on while not wearing recommended personal protective equipment).

A voluntary sign in sheet will be available at the meeting entry for in-person attendees. This will assist with contact tracing in case of COVID-19 contact resulting from the meeting.

### **III. Face Coverings/Mask**

Face coverings or masks that cover both the nose and mouth are required for all attendees at an in-person City Council meeting. Face coverings will be provided by the City and available for attendees to use at the meeting. Members of the City Council, city staff, and the public are required to wear a mask at all times, except when speaking publicly from the dais or at the public comment podium.

If an attendee at a Council meeting is not wearing a mask, a mask will be offered to them to use. If the attendee refuses to wear a mask, a recess will be called in order to provide guidance to the attendee on the requirement and their options for attending remotely and in-person.

Private security personnel will be the primary person for requesting compliance. If removal of a non-compliant person is needed, law enforcement personnel will perform this task.

### **IV. Physical Distancing**

Currently, there are no physical distancing requirements in place by the State of California or the Local Health Officer for an indoor event similar to a Council meeting.

Audience seating capacity will be at regular allowable levels per the Fire Code. The relevant capacity limits will be posted at the meeting location.

However, all attendees are requested to be respectful of the personal space of other attendees. An area of the public seating area will be designated as “distanced seating” to accommodate persons with a medical status that requires distancing and for those that choose to distance for personal health reasons.

Conference room capacity is limited to 15 persons.

City staff will present remotely in order to reduce the number of persons in the Boardroom and back conference area.

Distancing is encouraged for the dais and partitions will be used as needed for the seating positions on the dais.

**V. Protocols for Remote Participation by Mayor or Councilmembers**

Upon the repeal of the state-declared emergency, all standard Brown Act requirements will be in effect for members of the Council participating remotely. For the Mayor and Councilmembers participating remotely, the remote location must be accessible to the public and the public must be able to participate and give public comment from the remote location.

- A Councilmember at a remote location will follow the same policies as the Boardroom with regards to vaccination status and testing requirements, health status precautions, and masking requirements.
- A Councilmember at a remote location may impose reasonable capacity limits at their location.

**VI. Hand Washing/Sanitizing**

There are hand sanitizing stations placed at the entry and strategically throughout the Boardroom. The bathrooms have soap and water for handwashing.

**VII. Air Flow/Circulation/Sanitizing**

Berkeley Unified Facilities Staff performs a vigorous cleaning process after each use of the Boardroom. BUSD upgraded all HVAC filtration to MERV13, and with the inclusion of Needlepoint BiPolar Ionization, is achieving a rating that is closer to MERV18. Additionally, BUSD installed indoor air quality monitoring sensors in all facilities that constantly monitor Volatile Organic Compounds, CO<sub>2</sub>, Relative Humidity, and Temperature. The sensors and alarms allow BUSD to ensure that all systems are working properly and as

designed. If a sensor trips an alarm, a work order request is generated immediately to ensure the system is repaired expeditiously.

**VIII. Overflow in Gymnasium**

An overflow indoor seating area will be available at the West Campus Gymnasium if staff determines that attendance is likely to exceed the capacity of the Boardroom. The capacity of the gymnasium is 200 persons. The overflow area will have a broadcast of the meeting in progress to allow participants to follow the proceedings and move to the Boardroom at the appropriate time to provide public comment if desired. This area will be monitored by the BUSD security personnel.

**IX. In-Meeting Procedures**

**Revised and Supplemental Materials**

All revised and supplemental materials for items on the agenda submitted after 12:00pm (noon) the day prior to the meeting must be submitted to the City Clerk in both paper AND electronic versions.

- Paper: 42 copies delivered to the Boardroom (distributed per normal procedure)
- Electronic: e-mailed to the Agenda Inbox (posted online)

**Communications from the Public**

The public may submit communications in hard copy at the Boardroom or electronically to [clerk@cityofberkeley.info](mailto:clerk@cityofberkeley.info). To ensure that both in-person and remote Councilmembers receive the communication, the public should submit 10 copies at the Boardroom and send the electronic version to the e-mail listed above.

## Hybrid Meeting Policies for City Council Meetings Revised May 2022

The policy below covers the conduct of hybrid City Council meetings (in-person and remote participation) held in accordance with the Government Code and any relevant Executive Orders or State declared emergencies. These administrative policies supplement the City Council Rules of Procedure and Order.

City Council policy committees and city boards and commissions will continue to meet in a virtual-only setting until the City Council makes the required findings under state law that in-person meetings may resume.

### I. Vaccination Status

Prior to entry, all in-person attendees at the meeting location must present valid proof of “up-to-date” COVID-19 vaccination or a verified negative test conducted within one day prior for an antigen test or two days prior for a PCR test. An attendee is “up-to-date” with their vaccinations if:

- It has been less than 2 months after receiving the initial dose of their Johnson & Johnson Vaccine.
- It has been less than 5 months after receiving the second dose of their two-dose Pfizer or Moderna initial series.
- The attendee has received a booster.

#### *Pre-entry negative testing*

*Definition: Testing must be conducted within one day for an antigen test and within two days for a PCR test prior to entry into an event. Results of the test must be available prior to entry into the facility or venue. Children under 2 years of age are exempt from the testing requirement, consistent with [CDC guidance](#).*

*Verification: See current [CDPH Updated Testing Guidance](#) and [CDPH Over-the-Counter Testing Guidance](#) for acceptable methods of proof of negative COVID-19 test result and information on Over-the-Counter tests. Note: Self-attestation may not be used to verify negative test result, even when using Over-the-Counter (or at home tests) for entry into Indoor Mega Events.*

<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Beyond-Blueprint-Framework.aspx>

### II. Health Status Precautions

If a person who desires to attend the meeting in-person is feeling sick, including but not limited to, cough, shortness of breath or difficulty breathing,

fever or chills, muscle or body aches, vomiting or diarrhea, or new loss of taste or smell, they will be advised to attend the meeting remotely.

If an in-person attendee has been in close contact, as defined below, with a person who has tested positive for COVID-19 in the past five days, they are advised to attend the meeting remotely.

Close contact is defined as being within approximately 6 feet for greater than 15 minutes over 24 hours within 2 days before symptoms appear (or before a positive test for asymptomatic individuals); or having contact with COVID-19 droplets (e.g., being coughed on while not wearing recommended personal protective equipment).

A voluntary sign in sheet will be available at the meeting entry for in-person attendees. This will assist with contact tracing in case of COVID-19 contact resulting from the meeting.

### **III. Face Coverings/Mask**

Face coverings or masks that cover both the nose and mouth are required for all attendees at an in-person City Council meeting. Face coverings will be provided by the City and available for attendees to use at the meeting. Members of the City Council, city staff, and the public are required to wear a mask at all times, except when speaking publicly from the dais or at the public comment podium.

If an attendee at a Council meeting is not wearing a mask, a mask will be offered to them to use. If the attendee refuses to wear a mask, a recess will be called in order to provide guidance to the attendee on the requirement and their options for attending remotely and in-person.

Private security personnel will be the primary person for requesting compliance. If removal of a non-compliant person is needed, law enforcement personnel will perform this task.

### **IV. Physical Distancing**

Currently, there are no physical distancing requirements in place by the State of California or the Local Health Officer for an indoor event similar to a Council meeting.

Audience seating capacity will be at regular allowable levels per the Fire Code. The relevant capacity limits will be posted at the meeting location. However, all attendees are requested to be respectful of the personal space of other attendees. An area of the public seating area will be designated as “distanced seating” to accommodate persons with a medical status that



requires distancing and for those that choose to distance for personal health reasons.

Conference room capacity is limited to 15 persons.

City staff will present remotely in order to reduce the number of persons in the Boardroom and back conference area.

Distancing is encouraged for the dais and partitions will be used as needed for the seating positions on the dais.

**V. Protocols for Remote Participation by Mayor or Councilmembers**

Upon the repeal of the state-declared emergency, all standard Brown Act requirements will be in effect for members of the Council participating remotely. For the Mayor and Councilmembers participating remotely, the remote location must be accessible to the public and the public must be able to participate and give public comment from the remote location.

- A Councilmember at a remote location will follow the same policies as the Boardroom with regards to vaccination status and testing requirements, health status precautions, and masking requirements.
- A Councilmember at a remote location may impose reasonable capacity limits at their location.

**VI. Hand Washing/Sanitizing**

There are hand sanitizing stations placed at the entry and strategically throughout the Boardroom. The bathrooms have soap and water for handwashing.

**VII. Air Flow/Circulation/Sanitizing**

Berkeley Unified Facilities Staff performs a vigorous cleaning process after each use of the Boardroom. BUSD upgraded all HVAC filtration to MERV13, and with the inclusion of Needlepoint BiPolar Ionization, is achieving a rating that is closer to MERV18. Additionally, BUSD installed indoor air quality monitoring sensors in all facilities that constantly monitor Volatile Organic Compounds, CO<sub>2</sub>, Relative Humidity, and Temperature. The sensors and alarms allow BUSD to ensure that all systems are working properly and as designed. If a sensor trips an alarm, a work order request is generated immediately to ensure the system is repaired expeditiously.

**VIII. Overflow in Gymnasium**

An overflow indoor seating area will be available at the West Campus Gymnasium if staff determines that attendance is likely to exceed the capacity of the Boardroom. The capacity of the gymnasium is 200 persons. The

overflow area will have a broadcast of the meeting in progress to allow participants to follow the proceedings and move to the Boardroom at the appropriate time to provide public comment if desired. This area will be monitored by the BUSD security personnel.

**IX. Food Provided for Elected Officials and Designated Staff**

- No buffet dinner provided. Box lunches only. Maximum of 16 (Mayor & Council [9], City Manager, City Attorney, City Clerk [2], Deputy City Managers [2], BCM Staff)
- Individually packaged snacks will be provided on a common table and drinks will be available in the refrigerator.

**X. In-Meeting Procedures**

**Revised and Supplemental Materials**

All revised and supplemental materials for items on the agenda submitted after 12:00pm (noon) the day prior to the meeting must be submitted to the City Clerk in both paper AND electronic versions.

- Paper: 42 copies delivered to the Boardroom (distributed per normal procedure)
- Electronic: e-mailed to the Agenda Inbox (posted online)

**Communications from the Public**

The public may submit communications in hard copy at the Boardroom or electronically to [clerk@cityofberkeley.info](mailto:clerk@cityofberkeley.info). To ensure that both in-person and remote Councilmembers receive the communication, the public should submit 10 copies at the Boardroom and send the electronic version to the e-mail listed above.

## Hybrid Meeting Policies for City Council Meetings Revised May 2022

The policy below covers the conduct of hybrid City Council meetings (in-person and remote participation) held in accordance with the Government Code and any relevant Executive Orders or State declared emergencies.

City Council policy committees and city boards and commissions will continue to meet in a virtual-only setting until the City Council makes the required findings under state law that in-person meetings may resume.

### I. Vaccination Status

Prior to entry, all in-person attendees at the meeting location must present valid proof of “up-to-date” COVID-19 vaccination or a verified negative test conducted within one day prior for an antigen test or two days prior for a PCR test. An attendee is “up-to-date” with their vaccinations if:

- It has been less than 2 months after receiving the initial dose of their Johnson & Johnson Vaccine.
- It has been less than 5 months after receiving the second dose of their two-dose Pfizer or Moderna initial series.
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### II. Health Status Precautions

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fever or chills, muscle or body aches, vomiting or diarrhea, or new loss of taste or smell, they will be advised to attend the meeting remotely.

If an in-person attendee has been in close contact, as defined below, with a person who has tested positive for COVID-19 in the past five days, they will be advised to attend the meeting remotely.

Close contact is defined as being within approximately 6 feet for greater than 15 minutes over 24 hours within 2 days before symptoms appear (or before a positive test for asymptomatic individuals); or having contact with COVID-19 droplets (e.g., being coughed on while not wearing recommended personal protective equipment).

A voluntary sign in sheet will be available at the meeting entry for in-person attendees. This will assist with contact tracing in case of COVID-19 contact resulting from the meeting.

### **III. Face Coverings/Mask**

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If an attendee at a Council meeting is not wearing a mask, a mask will be offered to them to use. If the attendee refuses to wear a mask, a recess will be called in order to provide guidance to the attendee on the requirement and their options for attending remotely and in-person.

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### **IV. Physical Distancing**

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Audience seating capacity will be at regular allowable levels per the Fire Code. However, all attendees are requested to be respectful of the personal space of other attendees. An area of the public seating area will be designated as

“distanced seating” to accommodate persons with a medical status that requires distancing and for those that choose to distance for personal health reasons.

Conference room capacity is limited to 15 persons. The relevant capacity limits will be posted at the meeting location.

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**Communications from the Public**

A communication submitted by the public during the City Council meeting may be shared as follows.

- Paper: If requested by the Presiding Officer, the document can be displayed in the Boardroom and screen shared on the Zoom.
- Electronic: If requested by the Presiding Officer, the document can be displayed in the Boardroom and screen shared on the Zoom.



Office of the City Attorney

Date: March 3, 2021  
To: Agenda and Rules Committee  
From: Office of the City Attorney  
Re: Continuing Use of Teleconferencing for Public Meetings

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Assembly Bill 361 amended the Ralph M. Brown act to authorize the City to continue to hold teleconferenced meetings during a Governor-declared state of emergency without complying with a number of requirements ordinarily applicable to teleconferencing. For example, under AB 361, the City may hold teleconferenced meetings without:

1. Posting agendas at all teleconference locations
2. Listing each teleconference location in the notice and agenda for the meeting
3. Allowing the public to access and provide public comment from each teleconference location
4. Requiring a quorum of the body to teleconference from locations within City boundaries

(Cal. Gov. Code § 549539(b)(3) & (e)(1).)

Under AB 361, the City can continue to hold teleconferenced meetings without adhering to the above practices as long as the state of emergency continues and either (1) “state or local officials have imposed or recommended measures to promote social distancing,” or (2) the City determines that “meeting in person would present imminent risks to the health or safety of attendees.” (Cal. Gov. Code § 54953(e)(1).)

Every thirty days, the City must review and determine that either of the above conditions continues to exist. (Cal. Gov. Code § 54953(e)(3).) Since September 28, 2021, the City Council has passed a recurring resolution every thirty days determining that both of the above conditions continue to exist and therefore teleconferencing under AB 361 is warranted. The Council may continue to renew the teleconferencing resolution every thirty days, and thereby continue to hold teleconferenced meetings under the procedures it has used throughout the pandemic, until the state of emergency ends. (See Cal. Gov. Code § 54953(e)(3)(A).)

The state of emergency for COVID-19 has been in effect since it was issued by the Governor on March 4, 2020. There is no clear end date for the state of emergency at this time. As recently as February 17, 2022, the Governor stated that, for now, the state will continue to operate under the state of emergency, but that his goal is “to unwind the state

March 2, 2022

Page 2 Re: Continuing Use of Teleconferencing for Public Meetings

of emergency as soon as possible.”<sup>1</sup> Additionally, per a February 25, 2022 *Los Angeles Times* article, Newsom administration officials have indicated that the state of emergency is necessary for the State’s continued response to the pandemic, including measures such as waiving licensing requirements for healthcare workers and clinics involved in vaccination and testing.<sup>2</sup>

On March 15, 2022, the California State Senate Governmental Organization Committee will consider a resolution (SCR 5) ending the state of emergency.<sup>3</sup> Some reporting suggests that the Republican-sponsored resolution is unlikely to pass. Notably, Senate Leader Toni Atkins’ statement on the Senate’s consideration of SCR 5 articulates strong support for the state of emergency.<sup>4</sup>

The Governor has issued an executive order (N-1-22) which extends to March 31, 2022 sunset dates for teleconferencing for state legislative bodies (under the Bagley-Keene Open Meeting Act) and student body organizations (under the Gloria Romero Open Meetings Act).<sup>5</sup> Executive Order N-1-22 does not affect the Brown Act teleconferencing provisions of AB 361, which have a sunset date of January 1, 2024. Therefore, until January 1, 2024, the City may utilize the teleconferencing provisions under AB 361 as long as the state of emergency remains in effect.

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<sup>1</sup> *New York Times*, California Lays Out a Plan to Treat the Coronavirus as a Manageable Risk Not an Emergency (Feb. 17, 2022), <https://www.nytimes.com/2022/02/18/us/california-lays-out-a-plan-to-treat-the-coronavirus-as-a-manageable-risk-not-an-emergency.html>.

<sup>2</sup> *Los Angeles Times*, Newsom scales back some special pandemic rules, but not California’s state of emergency (Feb. 25, 2022), <https://www.latimes.com/california/story/2022-02-25/newsom-scales-back-special-pandemic-rules-but-not-california-state-of-emergency>.

<sup>3</sup> Text of SCR 5 available at: [https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220SCR5](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SCR5).

<sup>4</sup> Press release: Senator Toni G. Atkins, Senate Leader Atkins Issues Statement on SCR 5 and the State of Emergency (Feb. 17, 2022), <https://sd39.senate.ca.gov/news/20220217-senate-leader-atkins-issues-statement-scr-5-and-state-emergency>.

<sup>5</sup> Text of Executive Order N-1-22 available at: <https://www.gov.ca.gov/wp-content/uploads/2022/01/1.5.22-Bagley-Keene-waiver-EO.pdf>.



## Hybrid Meeting Policies for City Council Meetings Revised April 2022

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### I. Vaccination Status

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- It has been less than 2 months after receiving the initial dose of their Johnson & Johnson Vaccine.
- It has been less than 5 months after receiving the second dose of their two-dose Pfizer or Moderna initial series.
- The attendee has received a booster.

#### *Pre-entry negative testing*

*Definition: Testing must be conducted within one day for an antigen test and within two days for a PCR test prior to entry into an event. Results of the test must be available prior to entry into the facility or venue. Children under 2 years of age are exempt from the testing requirement, consistent with [CDC guidance](#).*

*Verification: See current [CDPH Updated Testing Guidance](#) and [CDPH Over-the-Counter Testing Guidance](#) for acceptable methods of proof of negative COVID-19 test result and information on Over-the-Counter tests. Note: Self-attestation may not be used to verify negative test result, even when using Over-the-Counter (or at home tests) for entry into Indoor Mega Events.*

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### II. Health Status Precautions

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If an in-person attendee has been in close contact, as defined below, with a person who has tested positive for COVID-19 in the past five days, they will be advised to attend the meeting remotely.

Close contact is defined as being within approximately 6 feet for greater than 15 minutes over 24 hours within 2 days before symptoms appear (or before a positive test for asymptomatic individuals); or having contact with COVID-19 droplets (e.g., being coughed on while not wearing recommended personal protective equipment relative to employees' duties and responsibilities).

A voluntary sign in sheet will be available at the meeting entry for in-person attendees. This will assist with contact tracing in case of COVID contact resulting from the meeting.

### **III. Face Coverings/Mask**

Following the State of California and Local Health Officer Guidance, face coverings or masks that cover both the nose and mouth are required for all attendees at an in-person City Council meeting. Face coverings will be provided by the City and available for attendees to use at the meeting. Members of the City Council, city staff, and the public are required to wear a mask at all times, including when speaking publicly at the meeting.

If an attendee at a Council Meeting is not wearing a mask, a mask will be offered to them to use. If the attendee refuses to wear a mask, a recess will be called in order to provide guidance to the attendee on the requirement and their options for attending remotely and in-person.

Private security personnel will be the primary person for requesting compliance. If removal of a non-compliant person is needed, law enforcement personnel will perform this task.

### **IV. Physical Distancing**

Currently, there are no physical distancing requirements in place by the State of California or the Local Health Officer for an indoor event similar to a council meeting.

Audience seating capacity will be at regular allowable levels per the Fire Code. However, all attendees are requested to be respectful of the personal space of other attendees. An area of the public seating area will be designated as "distanced seating" to accommodate persons with a medical status that requires distancing and for those that choose to distance for personal health reasons.

Conference room capacity is limited to 15 persons. The relevant capacity limits will be posted at the meeting location.

City staff will present remotely in order to reduce the number of persons in the Boardroom and back conference area.

**V. Protocols for Remote Participation by Mayor or Councilmembers**

Upon the repeal of the state-declared emergency, all standard Brown Act requirements will be in effect for members of the Council participating remotely. For the Mayor and Councilmembers participating remotely, the remote location must be accessible to the public and the public must be able to participate and give public comment from the remote location.

- A Councilmember at a remote location will follow the same policies as the Boardroom with regards to vaccination status and testing requirements, health status precautions, and masking requirements.
- A Councilmember at a remote location may impose reasonable capacity limits at their location.

**VI. Hand Washing/Sanitizing**

There are hand sanitizing stations placed at the entry and strategically throughout the Boardroom. The bathrooms have soap and water for handwashing.

**VII. Air Flow/Circulation/Sanitizing**

BUSD Facilities Staff performs a vigorous cleaning process after each use of the Boardroom. BUSD upgraded all HVAC filtration to MERV13, and with the inclusion of Needlepoint BiPolar Ionization, is achieving a rating that is closer to MERV18. Additionally, BUSD installed indoor air quality monitoring sensors in all facilities that constantly monitor VOC's CO2, Relative Humidity, and Temperature. The sensors and alarms allow BUSD to ensure that all systems are working properly and as designed. If a sensor trips an alarm, a work order request is generated immediately to ensure the system is repaired expeditiously.

**VIII. Overflow in Gymnasium**

An overflow indoor seating area will be available at the West Campus Gymnasium for every meeting. The capacity of the gymnasium is 200 persons. The overflow area will have a broadcast of the meeting in progress

to allow participants to follow the proceedings and move to the Boardroom at the appropriate time to provide public comment if desired. The broadcast audio and video will be provided to attendees in the overflow area. This area will be monitored by the BUSD security personnel.

**IX. Food Provided for Elected Officials and Designated Staff**

- No buffet dinner provided. Box lunches only. Maximum of 16 (Mayor & Council [9], City Manager, City Attorney, City Clerk [2], Deputy City Managers [2], BCM Staff)
- Individually packaged snacks will be provided on a common table and drinks will be available in the refrigerator.

## Hybrid Meeting Procedures for BUSD Boardroom (~~November 2021~~February 2022)

The policy below covers the conduct of hybrid City Council meetings (in-person and remote participation) held in accordance with the Government Code and any relevant Executive Orders or State declared emergencies.

### I. **Vaccination Status**

Prior to entry, all in-person attendees at the meeting location must present valid proof of “up-to-date” COVID-19 vaccination or a verified negative test conducted within one day prior for an antigen test or two days prior for a PCR test. An attendee is “up-to-date” with their vaccinations if:

- It has been less than 2 months after receiving the initial dose of their Johnson & Johnson Vaccine.
- It has been less than 5 months after receiving the second dose of their two-dose Pfizer or Moderna initial series.
- The attendee has received a booster.

~~No requirement for vaccination to attend a Council meeting. Staff and Officials will not inquire about vaccination status for any attendees.~~

### II. **Health ~~Check~~Status Precautions**

If an in-person attendee is feeling sick, including but not limited to, cough, shortness of breath or difficulty breathing, fever or chills, muscle or body aches, vomiting or diarrhea, or new loss of taste or smell they will be advised to attend the meeting remotely.

If an in-person attendee has been in close contact, as defined below, with a person who has tested positive for COVID-19 in the past five days, they will be advised to attend the meeting remotely.

Close contact is defined as being within approximately 6 feet for greater than 15 minutes over 24 hours within 2 days before symptoms appear (or before a positive test for asymptomatic individuals); or having contact with COVID-19 droplets (e.g., being coughed on while not wearing recommended personal protective equipment relative to employees’ duties and responsibilities).

~~A walk-up temperature check device will be located at the entry to the in-person meeting location. All persons entering the in-person meeting location are required to perform a temperature check upon entering. A handheld non-touch thermometer will be available for individuals with disabilities. Private security personnel will be at the entry location for the duration of the meeting to monitor the temperature check station and mask requirement.~~

~~Attendees showing a fever will be directed to attend the meeting via remote participation (Zoom). If an attendee refuses to have their temperature~~

## Hybrid Meeting Procedures for BUSD Boardroom (~~November 2021~~February 2022)

~~checked, guidance will be provided to the attendee on the requirement and their options for attending remotely and in-person.~~

~~Private security personnel will be the primary person for requesting compliance. If removal of a non-compliant person is needed, law enforcement personnel will perform this task.~~

### III. Face Coverings/Mask

Following the State of California and Local Health Officer Guidance, face coverings or masks that cover both the nose and mouth are required for all attendees at an in-person City Council meeting. Face coverings will be provided by the City and available for attendees to use at the meeting.

If an attendee at a Council Meeting is not wearing a mask, a mask will be offered to them to use. If the attendee refuses to wear a mask, a recess will be called in order to provide guidance to the attendee on the requirement and their options for attending remotely and in-person.

Members of the City Council, city staff, and the public are required to wear a mask at all times, including when speaking publicly at the meeting.

Private security personnel will be the primary person for requesting compliance. If removal of a non-compliant person is needed, law enforcement personnel will perform this task.

### IV. Physical Distancing

Currently, there are no physical distancing requirements in place by the State of California or the Local Health Officer for an indoor event similar to a council meeting.

Audience seating capacity will be at regular allowable levels per the Fire Code. However, all attendees are requested to be respectful of the personal space of other attendees. An area of the public seating area will be designated as "distanced seating" to accommodate persons with a medical status that requires distancing and for those that choose to distance for personal health reasons.

~~Relevant CalOSHA requirements for the workplace will be followed as is feasible. Capacity in the audience seating area (including members of the media and staff) at the BUSD Boardroom is limited to 40 persons due to~~

## Hybrid Meeting Procedures for BUSD Boardroom (~~November 2021~~February 2022)

~~uncertainty about vaccination status of attendees and limiting attendance at indoor events to ensure the comfort and safety of attendees.~~ Conference room capacity is limited to 42-15 persons. The relevant capacity limits will be posted on the city council agenda and at the meeting location.

City staff will present remotely in order to reduce the number of persons in the Boardroom and back conference area.

### V. **Protocols for Remote Participation by Mayor or Councilmembers**

Upon the repeal of the state-declared emergency, all standard Brown Act requirements will be in effect for members of the Council participating remotely. For the Mayor and Councilmembers participating remotely, the remote location must be accessible to the public and the public must be able to participate and give public comment from the remote location.

- A Councilmember at a remote location will follow the same policies as the Boardroom with regards to vaccination status and testing requirements, health status precautions, temperature checks, and masking requirements.
- A Councilmember at a remote location may impose reasonable capacity limits at their location.

### VI. **Hand Washing/Sanitizing**

There are hand sanitizing stations placed at the entry and strategically throughout the Boardroom. The bathrooms have soap and water for handwashing.

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## Hybrid Meeting Procedures for BUSD Boardroom (~~November 2021~~February 2022)

### VIII. Overflow in Gymnasium

An overflow indoor seating area will be available at the West Campus Gymnasium for every meeting. The capacity of the gymnasium is ~~100~~200 persons. The overflow area will have a broadcast of the meeting in progress to allow participants to follow the proceedings and move to the Boardroom at the appropriate time to provide public comment if desired. The broadcast audio and video will be provided to attendees in the overflow area. This area will be monitored by the BUSD security personnel.

### IX. Food Provided for Elected Officials and Designated Staff

- No buffet dinner provided.
- Box lunches only. Maximum of 16 (Mayor & Council [9], City Manager, City Attorney, City Clerk [2], Deputy City Managers [2], BCM Staff)
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## Hybrid Meeting Procedures for BUSD Boardroom (November 2021)

The policy below covers the conduct of hybrid City Council meetings (in-person and remote participation) held in accordance with the Government Code and any relevant Executive Orders or State declared emergencies.

### **I. Vaccination Status**

No requirement for vaccination to attend a Council meeting. Staff and Officials will not inquire about vaccination status for any attendees.

### **II. Health Check**

A walk-up temperature check device will be located at the entry to the in-person meeting location. All persons entering the in-person meeting location are required to perform a temperature check upon entering. A handheld non-touch thermometer will be available for individuals with disabilities. Private security personnel will be at the entry location for the duration of the meeting to monitor the temperature check station and mask requirement.

Attendees showing a fever will be directed to attend the meeting via remote participation (Zoom). If an attendee refuses to have their temperature checked, guidance will be provided to the attendee on the requirement and their options for attending remotely and in-person.

Private security personnel will be the primary person for requesting compliance. If removal of a non-compliant person is needed, law enforcement personnel will perform this task.

### **III. Face Coverings/Mask**

Following the State of California and Local Health Officer Guidance, face coverings or masks that cover both the nose and mouth are required for all attendees at an in-person City Council meeting. Face coverings will be provided by the City and available for attendees to use at the meeting.

If an attendee at a Council Meeting is not wearing a mask, a mask will be offered to them to use. If the attendee refuses to wear a mask, a recess will be called in order to provide guidance to the attendee on the requirement and their options for attending remotely and in-person.

Members of the City Council, city staff, and the public are required to wear a mask at all times, including when speaking publicly at the meeting.

Private security personnel will be the primary person for requesting compliance. If removal of a non-compliant person is needed, law enforcement personnel will perform this task.

## Hybrid Meeting Procedures for BUSD Boardroom (November 2021)

### IV. Physical Distancing

Currently, there are no physical distancing requirements in place by the State of California or the Local Health Officer for an indoor event similar to a council meeting. Relevant CalOSHA requirements for the workplace will be followed as is feasible. Capacity in the audience seating area (including members of the media and staff) at the BUSD Boardroom is limited to 40 persons due to uncertainty about vaccination status of attendees and limiting attendance at indoor events to ensure the comfort and safety of attendees. Conference room capacity is limited to 12 persons. The relevant capacity limits will be posted on the city council agenda and at the meeting location.

### V. Protocols for Remote Participation by Mayor or Councilmembers

Upon the repeal of the state-declared emergency, all standard Brown Act requirements will be in effect for members of the Council participating remotely. For the Mayor and Councilmembers participating remotely, the remote location must be accessible to the public and the public must be able to participate and give public comment from the remote location.

- A Councilmember at a remote location will follow the same policies as the Boardroom with regards to vaccination status, temperature checks, and mask requirements.
- A Councilmember at a remote location may impose reasonable capacity limits at their location.

### VI. Hand Washing/Sanitizing

There are hand sanitizing stations placed at the entry and strategically throughout the Boardroom. The bathrooms have soap and water for handwashing.

### VII. Air Flow/Circulation/Sanitizing

BUSD Facilities Staff performs a vigorous cleaning process after each use of the Boardroom. BUSD upgraded all HVAC filtration to MERV13, and with the inclusion of Needlepoint BiPolar Ionization, is achieving a rating that is closer to MERV18. Additionally, BUSD installed indoor air quality monitoring sensors in all facilities that constantly monitor VOC's CO2, Relative Humidity, and Temperature. The sensors and alarms allow BUSD to ensure that all systems are working properly and as designed. If a sensor trips an alarm, a work order request is generated immediately to ensure the system is repaired expeditiously.

### VIII. Overflow in Gymnasium

An overflow indoor seating area will be available at the West Campus Gymnasium for every meeting. The capacity of the gymnasium is 100 persons. The overflow area will have a broadcast of the meeting in progress

## Hybrid Meeting Procedures for BUSD Boardroom (November 2021)

to allow participants to follow the proceedings and move to the Boardroom at the appropriate time to provide public comment if desired. The broadcast audio and video will be provided to attendees in the overflow area. This area will be monitored by the BUSD security personnel.

### **IX. Food Provided for Elected Officials and Designated Staff**

- No buffet dinner provided.
- Box lunches only. Total of 18 (Mayor & Council [9], City Manager, City Attorney, City Clerk [2], Deputy City Managers [2], BCM Staff, Extras [2])
- Individually packaged snacks will be provided on a common table and drinks will be available in the refrigerator.



# URGENT ITEM AGENDA MATERIAL

Government Code Section 54954.2(b)  
Rules of Procedure Chapter III.C.5

**THIS ITEM IS NOT YET AGENDIZED AND MAY OR MAY NOT BE ACCEPTED FOR THE AGENDA AS A LATE ITEM, SUBJECT TO THE CITY COUNCIL'S DISCRETION ACCORDING TO BROWN ACT RULES**

**Meeting Date: September 28, 2021**

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

This item is submitted pursuant to the provision checked below:

- Emergency Situation (54954.2(b)(1) - majority vote required)  
*Determination by a majority vote of the legislative body that an emergency situation exists, as defined in Section 54956.5.*
- Immediate Action Required (54954.2(b)(2) - two-thirds vote required)  
*There is a need to take immediate action and the need for action came to the attention of the local agency subsequent to the agenda for this meeting being posted.*

Once the item is added to the agenda (Consent or Action) it must be passed by the standard required vote threshold (majority, two-thirds, or 7/9).

## **Facts supporting the addition of the item to the agenda under Section 54954.2(b) and Chapter III.C.5 of the Rules of Procedure:**

Assembly Bill 361 (Rivas) was signed by the Governor on September 16, 2021. This bill allows local legislative bodies to meet using videoconference technology while maintaining the Brown Act exemptions in Executive Order N-29-20 for noticing and access to the locations from which local officials participate in the meeting. Local agencies may only meet with the exemption if there is a state declared emergency.

The bill also requires that local legislative bodies meeting only via videoconference under a state declared emergency to make certain findings every 30-days regarding the need to meet in a virtual-only setting.

The agenda for the September 28, 2021 was finalized and published prior to the Governor signing AB 361 in to law. Thus, the need to take action came to the attention of the local agency after the agenda was distributed. This item qualifies for addition to the agenda with a two-thirds vote of the Council under Government Code Section 54954.2(b)(2).



Office of the City Attorney

CONSENT CALENDAR  
September 28, 2021

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

From: Farimah Faiz Brown, City Attorney

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

RECOMMENDATION

Adopt a resolution making the required findings pursuant to Government Code Section 54953(e)(3) and determining that as a result of the continued threat to public health and safety posed by the spread of COVID-19, City legislative bodies shall continue to meet via videoconference and teleconference.

FISCAL IMPACT OF RECOMMENDATION

To be determined.

CURRENT SITUATION AND ITS EFFECTS

Pursuant to California Government Code section 8630 and Berkeley Municipal Code Chapter 2.88.040, on March 3, 2020, the City Manager, in her capacity as Director of Emergency Services, proclaimed a local emergency due to conditions of extreme peril to the safety of persons and property within the City as a consequence of the global spread of a severe acute respiratory illness caused by a novel (new) coronavirus (COVID-19), including a confirmed case in the City of Berkeley. As a result of multiple confirmed and presumed cases in Alameda County, the County has declared a local health emergency. On March 4, 2020, Governor Gavin Newsom issued a Proclamation of a State of Emergency due to the spread of COVID-19. On March 10, 2020, the City Council ratified the Proclamation of Local Emergency with the passage of Resolution No. 69-312.

On March 17, 2020, Governor Newsom signed Executive Order N-29-20, which suspended certain portions of the Ralph M. Brown Act (Cal. Gov. Code § 54950 et seq.) related to the holding of teleconferenced meetings by City legislative bodies. Among other things, Executive Order N-29-20 suspended requirements that each location from which an official accesses a teleconferenced meeting be accessible to the public.

These changes were necessary to allow teleconferencing to be used as a tool for ensuring social distancing. City legislative bodies have held public meetings via videoconference and teleconference pursuant to these provisions since March 2020. These provisions of Executive Order N-29-20 will expire on September 30, 2021.

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

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

Assembly Bill 361 (Rivas), signed into law by Governor Newsom on September 16, 2021, amended a portion of the Brown Act (Government Code Section 54953) to authorize the City Council, during the state of emergency, to determine that, due to the spread of COVID-19, holding in-person public meetings would present an imminent risk to the health or safety of attendees, and therefore City legislative bodies must continue to meet via videoconference and teleconference. Assembly Bill 361 requires that the City Council must review and ratify such a determination every thirty (30) days. Therefore, if the Council passes this resolution on September 28, 2021, the Council will need to review and ratify the resolution by October 28, 2021.

This item requests that the Council review the circumstances of the continued state of emergency posed by the spread of COVID-19, and find that the state of emergency continues to directly impact the ability of the public and members of City legislative bodies to meet safely in person, that holding public meetings of City legislative bodies in person would present imminent risks to the health and safety of attendees, and that state and local officials continue to promote social distancing, mask wearing and vaccination. This item further requests that the Council determine that City legislative bodies, including but not limited to the City Council and its committees, and all commissions and boards, shall continue to hold public meetings via videoconference and teleconference, and that City legislative bodies shall continue to comply with all provisions of the Brown Act, as amended by SB 361.

#### BACKGROUND

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

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

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

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

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

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Not applicable.

RATIONALE FOR RECOMMENDATION

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

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

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

Attachments:

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

RESOLUTION NO. –N.S.

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

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

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

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

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

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

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

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

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



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

WHEREAS, the City Council will need to again review the need for the continuing necessity of holding City legislative body meetings via videoconference and teleconference by October 28, 2021.

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

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

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



OFFICE OF THE GOVERNOR

June 2, 2021

VIA EMAIL

Graham Knaus, Executive Director  
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RE: Transition Period Prior to Repeal of COVID-related Executive Orders

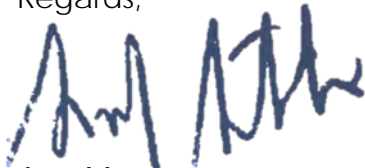
Dear Mr. Knaus, Ms. Miller, Ms. Hurst, Ms. Preston, Ms. Heaton, Ms. King, Ms. Coleman, Ms. Blacet-Hyden, Mr. McCormick, Mr. Anderson, and colleagues,

Thank you for your correspondence of May 18, 2021, inquiring what impact the anticipated June 15 termination of the Blueprint for a Safer Economy will have on Executive Order N-29-20, which provided flexibility to state and local agencies and boards to conduct their business through virtual public meetings during the COVID-19 pandemic.

Please be assured that this Executive Order Provision will not terminate on June 15 when the Blueprint is scheduled to terminate. While the Governor intends to terminate COVID-19 executive orders at the earliest possible date at which conditions warrant, consistent with the Emergency Services Act, the Governor recognizes the importance of an orderly return to the ordinary conduct of public meetings of state and local agencies and boards. To this end, the Governor's office will work to provide notice to affected stakeholders in advance of rescission of this provision to provide state and local agencies and boards time necessary to meet statutory and logistical requirements. Until a further order issues, all entities may continue to rely on N-29-20.

We appreciate your partnership throughout the pandemic.

Regards,

A handwritten signature in blue ink, appearing to read 'Ana Matosantos', written in a cursive style.

Ana Matosantos  
Cabinet Secretary



## NEWS RELEASE

Release  
Number: 2021-58

June 4, 2021

### Standards Board Readopts Revised Cal/OSHA COVID-19 Prevention Emergency Temporary Standards

**The revised Cal/OSHA standards are expected to go into effect no later than June 15**

**Sacramento** — The Occupational Safety and Health Standards Board on June 3 readopted Cal/OSHA's revised COVID-19 prevention emergency temporary standards.

Last year, the Board adopted health and safety standards to protect workers from COVID-19. The standards did not consider vaccinations and required testing, quarantining, masking and more to protect workers from COVID-19.

The changes adopted by the Board phase out physical distancing and make other adjustments to better align with the state's June 15 goal to retire the Blueprint. Without these changes, the original standards, would be in place until at least October 2. These restrictions are no longer required given today's record low case rates and the fact that we've administered 37 million vaccines.

The revised emergency standards are expected to go into effect no later than June 15 if approved by the Office of Administrative Law in the next 10 calendar days. Some provisions go into effect starting on July 31, 2021.

The [revised standards](#) are the first update to Cal/OSHA's temporary COVID-19 prevention requirements adopted in November 2020.

**The Board may further refine the regulations in the coming weeks** to take into account changes in circumstances, especially as related to the availability of vaccines and low case rates across the state.

The standards apply to most workers in California not covered by Cal/OSHA's Aerosol Transmissible Diseases [standard](#). Notable revisions include:

- **Face Coverings:**
  - Indoors, fully vaccinated workers without COVID-19 symptoms do not need to wear face coverings in a room where everyone else is fully vaccinated and not showing symptoms. However, where there is a mixture of vaccinated and unvaccinated persons in a room, all workers will continue to be required to wear a face covering.
  - Outdoors, fully vaccinated workers without symptoms do not need to wear face coverings. However, outdoor workers who are not fully vaccinated must continue to wear a face covering when they are less than six feet away from another person.
- **Physical Distancing:** When the revised standards take effect, employers can eliminate physical distancing and partitions/barriers for employees working indoors and at outdoor mega events if they provide respirators, such as N95s, to unvaccinated employees for voluntary use. After July 31, physical distancing

and barriers are no longer required (except during outbreaks), but employers must provide all unvaccinated employees with N95s for voluntary use.

- **Prevention Program:** Employers are still required to maintain a written COVID-19 Prevention Program but there are some key changes to requirements:
  - Employers must review the California Department of Public Health's [Interim guidance for Ventilation, Filtration, and Air Quality in Indoor Environments](#).
  - COVID-19 prevention training must now include information on how the vaccine is effective at preventing COVID-19 and protecting against both transmission and serious illness or death.
- **Exclusion from the Workplace:** Fully vaccinated workers who do not have COVID-19 symptoms no longer need to be excluded from the workplace after a close contact.
- **Special Protections for Housing and Transportation:** Special COVID-19 prevention measures that apply to employer-provided housing and transportation no longer apply if all occupants are fully vaccinated.

The Standards Board will file the readoption rulemaking package with the Office of Administrative Law, which has 10 calendar days to review and approve the temporary workplace safety standards enforced by Cal/OSHA. Once approved and published, the full text of the revised emergency standards will appear in the Title 8 sections [3205](#) (COVID-19 Prevention), [3205.1](#) (Multiple COVID-19 Infections and COVID-19 Outbreaks), [3205.2](#) (Major COVID-19 Outbreaks) [3205.3](#) (COVID-19 Prevention in Employer-Provided Housing) and [3205.4](#) (COVID-19 Prevention in Employer-Provided Transportation) of the [California Code of Regulations](#). Pursuant to the state's [emergency rulemaking process](#), this is the first of two opportunities to readopt the temporary standards after the initial effective period.

The Standards Board also convened a representative subcommittee to work with Cal/OSHA on a proposal for further updates to the standard, as part of the emergency rulemaking process. It is anticipated this newest proposal, once developed, will be heard at an upcoming Board meeting. The subcommittee will provide regular updates at the Standards Board monthly meetings.

The [Occupational Safety and Health Standards Board](#), a seven-member body appointed by the Governor, is the standards-setting agency within the Cal/OSHA program. The Standards Board's objective is to adopt reasonable and enforceable standards at least as effective as federal standards. The Standards Board also has the responsibility to grant or deny applications for permanent variances from adopted standards and respond to petitions for new or revised standards.

The California Division of Occupational Safety and Health, or [Cal/OSHA](#), is the division within the Department of Industrial Relations that helps protect California's workers from health and safety hazards on the job in almost every workplace. [Cal/OSHA's Consultation Services Branch](#) provides free and voluntary assistance to employers to improve their health and safety programs. Employers should call (800) 963-9424 for assistance from Cal/OSHA Consultation Services.

**Contact:** Erika Monterroza / Frank Polizzi, [Communications@dir.ca.gov](mailto:Communications@dir.ca.gov), (510) 286-1161.

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The [California Department of Industrial Relations](#), established in 1927, protects and improves the health, safety, and economic well-being of over 18 million wage earners, and helps their employers comply with state labor laws. DIR is housed within the [Labor & Workforce Development Agency](#)



Office of the City Manager

June 1, 2021

To: Agenda & Rules Committee

From: Dee Williams-Ridley, City Manager

Subject: Preliminary Analysis of Return to In-Person Meetings of City Legislative Bodies

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### Introduction

This memo responds to the request from the Agenda & Rules Committee on May 17, 2021 for information from the City Manager on the options and timing for a return to in-person meetings for City legislative bodies. The analysis below is a preliminary summary of the considerations and options for returning to in-person meetings.

With the onset of the COVID-19 pandemic, the shelter-in-place order, and the issuance of Executive Order N-29-20 (“Executive Order”) in the spring of 2020, the City quickly adjusted to a virtual meeting model. Now, almost 15 months later, with the Blueprint for a Safer Economy scheduled to sunset on June 15, 2021, the City is faced with a new set of conditions that will impact how public meetings may be held in Berkeley. While the June 15, 2021 date appears to be certain, there is still a great deal of uncertainty about the fate of the Executive Order. In addition, the City is still awaiting concrete, specific guidance from the State with regards to regulations that govern public meetings and public health recommendations that will be in place after June 15, 2021.

For background, Executive Order N-29-20 allows legislative bodies to meet in a virtual setting and suspends the following Brown Act requirements:

- Printing the location of members of the legislative body on the agenda;
- Posting the agenda at the location of members of the legislative body that are remote; and
- Making publicly available remote locations from which members of the legislative body participate.

Meeting Options

There are three groups of City Legislative bodies that are considered in this memo

- City Council;
- City Council Policy Committees; and
- Boards and Commissions.

The three meeting models available are:

- In-person only;
- Virtual only; or
- Hybrid (in-person and virtual).

The scenarios below show the options available for each given set of facts.

| Summary Recommendations of Meeting Options | Physical Distancing |        |          | No Physical Distancing |        |          |
|--------------------------------------------|---------------------|--------|----------|------------------------|--------|----------|
|                                            | In-Person           | Hybrid | Virtual* | In-Person              | Hybrid | Virtual* |
|                                            | City Council        | X      | X        | X                      | X      | X        |
| Policy Committees                          |                     |        | X        | X                      |        | X        |
| Board and Commissions                      |                     |        | X        | X                      |        | X        |

\* The ability to hold virtual-only meetings is dependent on the status of Executive Order N-29-20

Currently, the Centers for Disease Control recommends physical distancing for unvaccinated persons. While the City and the community have made tremendous progress with regards to vaccination, the City would use the guidelines for unvaccinated persons when making determinations regarding public meetings.

Meeting Type Considerations

Our previous experience pre-pandemic and our experience over the past 15 months demonstrates that the City can conduct all in-person and all virtual meetings. However, the possibility of hybrid meetings presents new questions to consider. The primary concern for a return to in-person meetings using a hybrid model is the impact on the public experience and the legislative process.

*Will the legislative body be able to provide a transparent, coherent, stable, informative, and meaningful experience for the both the public in attendance and virtually?*

*Will the legislative body be able to conduct the legislative process in an efficient, coherent, and meaningful manner with the members split between in-person and virtual, and considering the additional delays and logistical challenges of allowing for public participation in a hybrid model?*

For the City Council, testing has shown that the larger space and technology infrastructure at the Boardroom will allow the Council to conduct all three types of meetings (in-person, hybrid, virtual).

For Policy Committees and Commissions, only the “all virtual” or “all in-person” meetings are recommended. Preliminary testing has shown that the audio/visual limitations of the meeting rooms available for these bodies would result in inefficient and cumbersome management of the proceedings in a hybrid model. In addition, there are considerations to analyze regarding the available bandwidth in city facilities and all members having access to adequate devices. Continuing the all virtual model for as long as possible, then switching to an all in-person model when conditions permit provides the best access, participation, and legislative experience for the public and the legislative body.

#### Other Considerations

Some additional factors to consider in the evaluation of returning to in-person or hybrid meetings are:

- How to address vaccination status for in-person attendees.
- Will symptom checks and/or temperature checks at entry points be required?
- Who is responsible for providing PPE for attendees?
- How are protocols for in-person attendees to be enforced?
- Physical distancing measures for the Mayor and City Councilmembers on the dais.
- Installation of physical barriers and other temporary measures.
- Will the podium and microphone need to be sanitized after every speaker?
- High number of touch points in meeting rooms.
- Will chairs for the public and staff need to be sanitized if there is turnover during the meeting?
- Determining the appropriate capacity for meeting locations.
- The condition and capacity of meeting room ventilation system and air cycling abilities.
- How to receive and share Supplemental Items, Revisions, Urgent Items, and submissions by the public both in-person and virtually.
- Budget including costs for equipment, physical improvements, A/V, PPE, and sanitization.



Conclusion

As stated above, conditions are changing daily, and there is a high degree of uncertainty surrounding the future guidance, regulations, and actions at the state level. Planning, testing and analysis are already underway to prepare for an eventual return to in-person meetings. Staff will continue to monitor the evolving legislative and public health circumstances and advise the committee at future meetings.

Attachment:

1. Executive Order N-29-20

EXECUTIVE DEPARTMENT  
STATE OF CALIFORNIA

EXECUTIVE ORDER N-29-20

**WHEREAS** on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

**WHEREAS** despite sustained efforts, the virus continues to spread and is impacting nearly all sectors of California; and

**WHEREAS** the threat of COVID-19 has resulted in serious and ongoing economic harms, in particular to some of the most vulnerable Californians; and

**WHEREAS** time bound eligibility redeterminations are required for Medi-Cal, CalFresh, CalWORKs, Cash Assistance Program for Immigrants, California Food Assistance Program, and In Home Supportive Services beneficiaries to continue their benefits, in accordance with processes established by the Department of Social Services, the Department of Health Care Services, and the Federal Government; and

**WHEREAS** social distancing recommendations or Orders as well as a statewide imperative for critical employees to focus on health needs may prevent Medi-Cal, CalFresh, CalWORKs, Cash Assistance Program for Immigrants, California Food Assistance Program, and In Home Supportive Services beneficiaries from obtaining in-person eligibility redeterminations; and

**WHEREAS** under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

**NOW, THEREFORE, I, GAVIN NEWSOM**, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567 and 8571, do hereby issue the following order to become effective immediately:

**IT IS HEREBY ORDERED THAT:**

1. As to individuals currently eligible for benefits under Medi-Cal, CalFresh, CalWORKs, the Cash Assistance Program for Immigrants, the California Food Assistance Program, or In Home Supportive Services benefits, and to the extent necessary to allow such individuals to maintain eligibility for such benefits, any state law, including but not limited to California Code of Regulations, Title 22, section 50189(a) and Welfare and Institutions Code sections 18940 and 11265, that would require redetermination of such benefits is suspended for a period of 90 days from the date of this Order. This Order shall be construed to be consistent with applicable federal laws, including but not limited to Code of Federal Regulations, Title 42, section 435.912, subdivision (e), as interpreted by the Centers for Medicare and Medicaid Services (in guidance issued on January 30, 2018) to permit the extension of

otherwise-applicable Medicaid time limits in emergency situations.

2. Through June 17, 2020, any month or partial month in which California Work Opportunity and Responsibility to Kids (CalWORKs) aid or services are received pursuant to Welfare and Institutions Code Section 11200 et seq. shall not be counted for purposes of the 48-month time limit set forth in Welfare and Institutions Code Section 11454. Any waiver of this time limit shall not be applied if it will exceed the federal time limits set forth in Code of Federal Regulations, Title 45, section 264.1.
3. Paragraph 11 of Executive Order N-25-20 (March 12, 2020) is withdrawn and superseded by the following text:

Notwithstanding any other provision of state or local law (including, but not limited to, the Bagley-Keene Act or the Brown Act), and subject to the notice and accessibility requirements set forth below, a local legislative body or state body is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body or state body. All requirements in both the Bagley-Keene Act and the Brown Act expressly or impliedly requiring the physical presence of members, the clerk or other personnel of the body, or of the public as a condition of participation in or quorum for a public meeting are hereby waived.

In particular, any otherwise-applicable requirements that

- (i) state and local bodies notice each teleconference location from which a member will be participating in a public meeting;
- (ii) each teleconference location be accessible to the public;
- (iii) members of the public may address the body at each teleconference conference location;
- (iv) state and local bodies post agendas at all teleconference locations;
- (v) at least one member of the state body be physically present at the location specified in the notice of the meeting; and
- (vi) during teleconference meetings, a least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction

are hereby suspended.

A local legislative body or state body that holds a meeting via teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements set forth below, shall have satisfied any requirement that the body allow

members of the public to attend the meeting and offer public comment. Such a body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

Accessibility Requirements: If a local legislative body or state body holds a meeting via teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the body shall also:

- (i) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the Americans with Disabilities Act and resolving any doubt whatsoever in favor of accessibility; and
- (ii) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to subparagraph (ii) of the Notice Requirements below.

Notice Requirements: Except to the extent this Order expressly provides otherwise, each local legislative body and state body shall:

- (i) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by the Bagley-Keene Act or the Brown Act, and using the means otherwise prescribed by the Bagley-Keene Act or the Brown Act, as applicable; and
- (ii) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in such means of public observation and comment, or any instance prior to the issuance of this Order in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of such means, a body may satisfy this requirement by advertising such means using "the most rapid means of communication available at the time" within the meaning of Government Code, section 54954, subdivision (e); this shall include, but need not be limited to, posting such means on the body's Internet website.

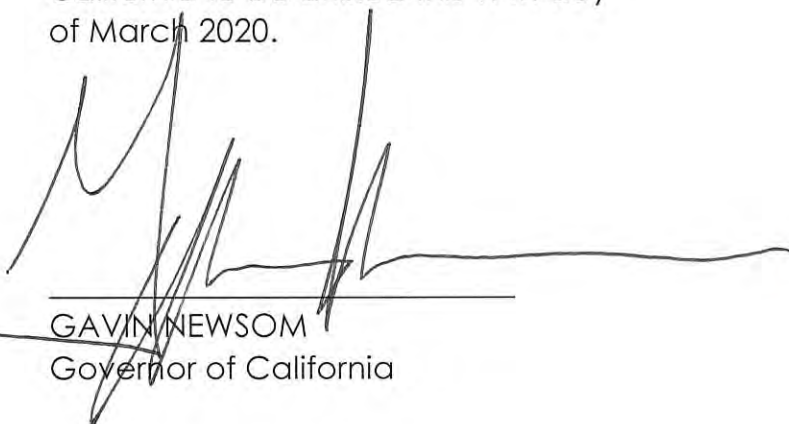
All of the foregoing provisions concerning the conduct of public meetings shall apply only during the period in which state or local public health officials have imposed or recommended social distancing measures.

All state and local bodies are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the provisions of the Bagley-Keene Act and the Brown Act, and other applicable local laws regulating the conduct of public meetings, in order to maximize transparency and provide the public access to their meetings.

**IT IS FURTHER ORDERED** that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

**IN WITNESS WHEREOF** I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 17th day of March 2020.



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GAVIN NEWSOM  
Governor of California

**ATTEST:**

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ALEX PADILLA  
Secretary of State





Lori Droste  
Councilmember, District 8

On March 14, 2023, the City Council referred the relevant concepts of this item to the Agenda & Rules Committee for consideration under the existing committee agenda item regarding enhancements to the City's legislative process.

Action Calendar  
March 14, 2023

**To:** Honorable Mayor Jesse Arreguín and Members of the City Council

**From:** Councilmember Lori Droste

**Subject:** Bureaucratic Effectiveness and Referral Improvement and Prioritization Effort (BE RIPE)

### Recommendation

In order to ensure that the City focuses on high-priority issues, projects, and goals and affords them the resources and funding such civic efforts deserve, the City Council should consult with the City Manager's Office to develop and adopt a suite of revisions to the City Council Rules of Procedure and Order that would implement the following provisions:

1. Beginning in 2023, Councilmembers shall submit no more than one major legislative proposal or set of amendments to any existing ordinance per year, with the Mayor permitted to submit two major proposals, for a maximum of ten major Council items per year.
2. In 2023 and all future years, Councilmembers shall be required to submit major items before an established deadline. Council shall then prioritize any new legislative items as well as any incomplete major items from the previous year using the Reweighted Range Voting (RRV) process. This will help establish clear priorities for staff time, funding, and scheduling Council work sessions and meetings. For 2023 alone, the RRV process should include outstanding/incomplete Council items from all previous years. In 2024 and thereafter, the RRV process should only incorporate outstanding/incomplete major items from the prior year. However, Councilmembers may choose to renominate an incomplete major policy item from an earlier year as their single major item.
3. During deliberations at a special worksession, Council retreat, and/or departmental budget presentations, Council and the City Manager should develop a work plan that establishes reasonable expectations about what can be accomplished by staff given the list of priorities as ranked by RRV. Council should also consult with the City Manager and department heads, particularly the City Attorney's office, Planning Department, and Public Works Department on workload challenges (mandates outside Council priorities, etc.), impacts, reasonable staff output expectations, and potential corrective actions to ensure that mandated deadlines are met, basic services are provided, and policy proposals are effectively implemented.
4. Budget referrals and allocations from City Council must be explicitly related to a previously established or passed policy/program, planning/strategy document, and/or an external funding opportunity related to one of these. As a good government practice, councilmembers and the Mayor may **not** submit budget referrals which direct funds to a

specific organization or event. Organizations which receive City funding must submit at least annually an application detailing, at a minimum: the civic goal(s)/purpose(s) for which City funds are used, the amount of City funding received for each of the preceding five years, and quantitative or qualitative accounting of the results/outcomes for the projects that made use of those City funds. Organizations receiving more than \$20,000 in City funds should be required to provide quantitative data regarding the number of individuals served and other outcomes.

5. Ensuring that any exceptions to these provisions are designed to ensure flexibility in the face of an emergency, disaster, or urgent legal issue/liability and narrowly tailored to be consistent with the goals of enhanced efficiency, effectiveness, fairness, and focus.

### **Policy Committee Recommendation**

On February 14, 2023, the Agenda and Rules Committee adopted the following action: M/S/C (Hahn/Arreguin) to send the item to the City Council with a Qualified Positive Recommendation to refer the relevant concepts of the original item to the Agenda & Rules Committee for consideration under the existing committee agenda item regarding enhancements to the City's legislative process. Vote: All Ayes.

### **Current Situation and Its Effects**

Over the past few years (excluding the COVID-19 state of emergency), City Council has grappled with potential options to reduce the legislative workload on the City of Berkeley staff. While a significant portion of this workload is generated from non-legislative matters and staffing vacancies, it is important to recognize that staff also continue to struggle to keep up with Council directives while still accomplishing the City's core mission or providing high quality public infrastructure and services.

### **Background and Rationale**

Berkeley faces an enormous staffing crisis due in part to workload concerns; as such, Council should take steps to hone its focus on legislative priorities. [November 2022's Public Works Off-Agenda Memo](#) offers a benchmark for problems faced by City departments. Public Works staff struggles to complete its top strategic plan projects, respond to audit findings, and provide basic services, in addition to fulfilling legislative priorities by Council. While the "Top Goals and Priorities" outlined by Public Works is tied to 130+ directives by the City Council, it is not reasonable to assume that all will be implemented.

The challenges faced by the Public Works department are not an anomaly. Other departments share the same challenges. In addition to needing to ensure that the City can adopt a compliant state-mandated Housing Element, process permits, secure new grant funding, mitigate seismic risks, and advance our Climate Action Plan, Planning Department staff have been tasked with addressing multiple policy proposals from the City Council. The sheer number of referrals also impacts the ability of staff in the City Attorney's office to vet all ordinances, protect the City's interests, participate in litigation, and address the City's other various legal needs.

### **Best Practices**

A number of nearby, similarly-sized cities were contacted to request information about how these cities approach Councilmember referrals and prioritizations processes. Cities contacted



included Richmond, Vallejo, Santa Clara, Concord, and Sunnyvale. Of these cities, Santa Clara, Concord, and Sunnyvale replied.

### **Santa Clara**

Overall, Santa Clara staff indicated that—similar to Berkeley—the Council referrals and prioritization process is not especially formalized, with additional referrals being made outside of the prioritization process.

Each year, the Council holds an annual priority setting session at which the Council examines and updates priorities from the previous year and considers what progress was made toward those priorities. The prioritization process takes place in February so that any priorities that rise to the top may be considered for funding ahead of the budget process. In any given year, some priorities may go unfunded and even holding those priorities over to a second year is not necessarily a guarantee of funding.

Despite conducting this annual prioritization exercise, Councilmembers in Santa Clara often still do bring forward additional referrals outside of this process. Part of this less restricted approach in Santa Clara's 030 ("zero thirty") policy, which allows members of the the City Council to add items to the Council agenda with sufficient notice and even allows members of the public to petition to have items added to a special section of the Council agenda.

Despite the overally looseness of Santa Clara's approach. Council members still rely upon staff to provide direction with respect to what priorities are or are not feasible based upon available funding and staff bandwidth.

### **Concord**

According to Concord City staff, although Concord—like Berkeley and Santa Clara—does have a process for Councilmembers to request items be added to Council agendas, Councilmembers generally agree not to add referrals outside of the formal priority-setting process.

Concord City staff only work on "new" items/policies that are mandated by law, recommended by the City Manager, and have been recommended for review/work of some kind by a majority (three of the five members) of the City Council.

In general, Councilmembers agree to not add work items outside of the Council's formal priority setting process. The Concord City Council has a once-a-year goal setting workshop each spring where the City plans its Tier 1 and Tier 2 priorities for the year (or sometimes for a 2-year cycle). Most Councilmembers abide by this process and refrain from bringing forward additional items. However any Councilmember may put forward a referral outside of the process and use the method outlined below.

Outside of the prioritization process, Councilmembers can request that their colleagues (under Council reports at any Council meeting) support placing an item on a future Council meeting agenda for a discussion. The Concord City Attorney has advised councilmembers that they can make a three sentence statement, e.g. "I would like my colleagues' support to agendize [insert item]" or "to send [insert item] to a Council standing committee for discussion." Followed by: "This is an important item to me or a timely item for the Council because [insert reasoning]. Do I have your support?" The other Councilmembers then cannot engage in any detailed discussion or follow up, but may only vote yes or no to agendizing the item.

If two of the Councilmember's colleagues (for a total of 3 out of 5) agree to the request to have the item agendized for a more detailed discussion by Council, then the item will be added to a future agenda for fuller consideration. An additional referral outside the prioritization process is suggested perhaps once every month in Concord, but the Concord City Council usually does not provide the majority vote to agendize these additional items.

### Sunnyvale

Of all the cities surveyed, Sunnyvale has the most structured approach for selecting, rating, and focusing on City Council priorities. "Study issues" require support from multiple councilmembers before being included in the annual priority setting, and then must go through a relatively rigorous process to rise to the top as Council priorities. And, perhaps most importantly, policy changes *must* go through the priority setting process to be considered. The Sunnyvale City Council's Policy 7.3.26 Study Issues reads, in part:

*Any substantive policy change (large or relatively small) is subject to the study issues process (i.e. evaluated for ranking at the Council Study Issues Workshop).*

*Policy related issues include such items as proposed ordinances, new or expanded service delivery programs, changes to existing Council policy, and/or amendments to the General Plan. Exceptions to this approach include emergency issues, and urgent policy issues that must be completed in the short term to avoid serious negative consequences to the City, subject to a majority vote of Council.*

If a study issue receives the support of at least two Councilmembers, the issue will go to staff for the preparation of a study issue paper. Council-generated study issues must be submitted to staff at least three weeks ahead of the priority-setting session, with an exception for study issues raised by the public and carried by at least two Councilmembers, if the study issues hearing takes place less than three weeks before the priority setting.

At the Annual Study Issues Workshop, the Council votes whether to rank, defer, or drop study issues. If a majority votes to drop the issue, it may not return the following year; if the issue is deferred, it returns at the following year's workshop; and if a majority votes to rank an issue, it proceeds to the ranking process. Sunnyvale's process uses "forced ranking" for "departments" with ten or fewer issues and "choice ranking" for departments with eleven or more issues. (The meaning of "departments" and the process for determining the number of issues per department are not elucidated within the policy.) Forced ranking involves assigning a ranking to every policy within a given subset, while choice ranking only assigns a ranking to a third of policies within a given subset, with the others going unranked.

After the Council determines which study issues will be moving forward for the year based on the rankings, the City Manager advises Council of staff's capacity for completing ranked issues. However, if the Council provides additional funding, the number of study issues addressed may be increased.

In 2022, Sunnyvale had 24 study issues (including 17 from previous years and only 7 new ones) and **zero** budget proposals. Although Sunnyvale does consider urgency items outside the prioritization process, this generally happens only 1 to 3 times per year and usually pertains to highly urgent items, such as gun violence.

### **Status Quo and Its Effects**

Council currently uses a reweighted range proportional representation voting method to determine which priorities represent both a) a consensus and b) district/neighborhood concerns. This process allows Council to coalesce around a particular common area of concern; but if there is a specific neighborhood or district issue that is not addressed by Council consensus, it also allows for that district's councilmember's top priority to be elevated in the ratings even without broad consensus, so long as there are not multiple items designated as that councilmember's "top" item. More information about this process can be found [here](#). This [system was established](#) in 2016 due to the sheer amount of referrals by Council and the lack of cohesive direction on which of the 100+ referrals the City Manager should act upon.

Subsequent to this effort, Council created a "short-term referral" pool which was intended to be light-lift referrals that could be accomplished in less than 90 days. However, that designation was always intended to be determined by the City Manager, not Council, with respect to what was operationally feasible in terms of the 90 day window. The challenge with Council determining what is a short-term referral is that it is not always realistic given other duties that the staff has to attend to and inappropriate determinations can stymie work on other long term priorities if staff have to drop everything they are doing to attend to an "short-term" or "emergency" referral.

An added challenge is that the City Auditor [reported in 2018](#) that the City of Berkeley's Code Enforcement Unit (CEU) had insufficient capacity to enforce various Municipal Code provisions. This was due to multiple factors, including understaffing—some of which have since improved. Nevertheless, the City Auditor wrote,

*"Council passes some ordinances without fully analyzing the resources needed for enforcement and without understanding current staffing capacity. In order to enforce new ordinances, the CEU must take time away from other enforcement areas. This increases the risk of significant health and safety code violations going unaddressed. It also leads to disgruntled community members who believe that the City is failing to meet its obligations. This does not suggest that the new ordinances are not of value and needed. Council passes policy to address community concerns. However, it does mean that the City Council routinely approves policy that may never result in the intended change or protections."*

Subsequent to that report, [an update](#) was published in September of 2022. A staffing and resource analysis for Code Enforcement is still needed to ensure that the laws Council passes can be implemented.

### **Fiscal Impacts**

These reforms are likely to result in significant direct savings related to reduced staff time/overtime as well as potential decreases to costs associated with the recruitment/retention of staff.

### **Alternatives Considered**

Alternatives were considered using effectiveness and efficiency as the evaluative criteria for referrals. One missing criterion that will be necessary in developing this process will be operational considerations so the City of Berkeley can continue to deliver basic services in an efficient manner.

*All-Council determination*

Council could vote *as a body* on the top 10 legislative priorities. The drawback of this method is that it, by default, eliminates any remaining priorities that have been passed by Council. It also eliminates “minority” voices which may disproportionately impact neighborhood-specific concerns as the remainder of the Council may not value district-specific concerns outside of their council district.

*Councilmember parameters*

Councilmembers could select their top two legislative priorities (as a primary author) for the year and the Mayor could select four legislative priorities for the year for a total of 10 legislative priorities per year. These “legislative priorities” would not include resolutions of support, budget referrals for infrastructure or traffic mitigations or other non-substantive policy items.....

*Status Quo Sans Short-Term Referrals*

The status quo of rating referrals is the fairest and most equitable if Council wishes to continue to pass the same quantity of referrals; however, it does not address the overall volume and that certain legislative items skip the prioritization queue due to popularity or perceived community support. Council enacts ordinances that fall outside of the priority setting process and designates items as short-term referrals. This loophole has made this process a bit more challenging. One potential option is to continue the prioritization process but eliminate the short-term referral option unless it is undeniably and categorically an emergency or time-sensitive issue.

**Contact Person**

Councilmember Lori Droste (legislative aide Eric Panzer)  
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Phone: 510-981-7180

**Attachments**

Update on Public Works’ Goals, Projects, Measures, and Challenges



Office of the City Manager

November 15, 2022

To: Honorable Mayor and Members of the City Council

From: *DWR* Dee Williams-Ridley, City Manager

Re: Update on Public Works' Goals, Projects, Measures, and Challenges

This memo shares an update on the department's *Performance Measures* and *FY 2023 Top Goals and Projects*, and identifies the department's highest priority challenge. I am proud of this department's work, its efforts to align its work with City Council's goals, and the department's dedication to improving project and program delivery.

#### *Performance Measures*

The department's performance measures were first placed on the department's website (<https://berkeleyca.gov/your-government/about-us/departments/public-works>) in 2020. They are updated annually in April. Progress continues in preventing trash from reaching the Bay, reducing waste, increasing bike lane miles, reducing the City fleet's reliance on gas, increasing City-owned electric chargers, expanding acres treated by green infrastructure, and reducing the sidewalk repair backlog. Challenges remain with the City's street condition and safety.

#### *Top Goals and Projects*

Public Works' top goals and projects are also on the department's website (<https://berkeleyca.gov/your-government/about-us/departments/public-works>). Department goals are developed annually. This year, after reviewing the 130+ directives from open City Council referrals, FY 2023 adopted budget referrals, audit findings, and strategic plan projects, staff matched existing resources with City Council's direction and the ability to deliver on this direction while ensuring continuity in baseline services.

The *FY 2023 Top Goals and Projects* is staff's projection of the work that the department has the capacity to advance this fiscal year. This list is intended to be both realistic and a stretch to achieve. More than three-quarters of the work on the *FY 2023 Top Goals and Projects* is tied to the existing 130+ directives from City Council referrals, budget referrals, audit findings, and strategic plan projects. The remainder are initiatives internal to the department aimed at increasing effectiveness and/or improving baseline services.

Public Works conducts quarterly monitoring of progress on the goals and projects, and status updates are shared on the department's website using a simple status reporting

Page 2

November 15, 2022

Re: Update on Public Works' Goals, Projects, Measures, and Challenges

procedure. Each goal or project is coded green, yellow, or red. A project coded green is either already completed or is on track and on budget. A project in yellow is at risk of being off track or over budget. A project in red either will not meet its milestone for this fiscal year or is significantly off track or off-budget. Where a project or goal has multiple sub-parts, an overall status is color-coded for the numbered goal and/or project, and exceptions within the subparts are identified by color-coding. Quarter 1's status update is [here](#). The 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> quarter results will be posted at the same location.

### *Challenge*

Besides the volume of direction, the most significant challenge in delivering on City Council's directions is the department's high vacancy rate. The Public Works Department is responsible for staff retention and serves as the hiring manager in the recruitment and selection process. Both retention and hiring contribute to the department's vacancy rate, and the department collaborates closely with the Human Resources Department to reduce the rate. Over the last year, the vacancy rate has ranged from 12% to 18%, and some divisions, such as Equipment Maintenance (Fleet), Transportation,<sup>1</sup> and Engineering, have exceeded 20%. While the overall vacancy rate is lower than in Oakland and San Francisco, it is higher than in Public Works Departments in Alameda, Albany, Emeryville, and San Leandro.

The high vacancy rate obviously reduces the number of services and projects that staff can deliver. It leaves little room for new direction through the course of the fiscal year and can lead to delays and diminished quality. It also detracts from staff morale as existing staff are left to juggle multiple job responsibilities over long periods with little relief. The department's last two annual staff surveys show that employee morale is in the lowest quarter of comparable public agencies and the vacancy rate is a key driver of morale.

Attachment 1 offers an excerpted list of programs and projects that the department is unable to complete or address in this fiscal year due to the elevated vacancy rate and/or the volume of directives.

Attachment 1: Selected list of program, project, referral, and audit finding impacts

cc: Paul Buddenhagen, Deputy City Manager  
LaTanya Bellow, Deputy City Manager  
Jenny Wong, City Auditor  
Mark Numainville, City Clerk  
Matthai Chakko, Assistant to the City Manager

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<sup>1</sup> Three of the City's five transportation planner positions will be vacant by December 3. Before January 1, 2023, the City Manager will share an off agenda memo that explains the impact of transportation-specific vacancies on existing projects and programs.

## **Attachment 1: Selected list of program, project, referral, and audit finding impacts**

### *Project and Program Impacts*


- Major infrastructure planning processes are 6+ months behind schedule, including comprehensive planning related to the City's Zero Waste goal, bicycle, stormwater/watershed, sewer, and streetlight infrastructure.
- Some flashing beacon installations have been delayed for more than 18 months, new traffic maintenance requests can take 2+ months to resolve, and the backlog of neighborhood traffic calming requests stretches to 2019.
- The City may lose its accreditation status by the American Public Works Association because of a lack of capacity to gain re-accreditation.
- Some regular inspections and enforcement of traffic control plans for the City's and others' work in the right of way are missed.
- Residents experience missed waste and compost pickups as drivers and workers cover unfamiliar routes and temporary assignments.
- Illegal dumping, ongoing encampment, and RV-related cleanups are sometimes missed or delayed.
- The backlog of parking citation appeals has increased.
- Invoice and contracting approvals can face months-long delays.
- The Janitorial Unit has reduced service levels and increased complaints.
- Maintenance of the City's fleet has declined, with preventative maintenance happening infrequently, longer repair response times, and key vehicles being unavailable during significant weather events.

### *Prior Direction Deferred or Delayed*

- Referral: Expansion of Paid Parking (DMND0003994)
- Referral: Long-Term Zero Waste Strategy (DMND0001282)
- Referral: Residential Permit Parking (PRJ0016358)
- Referral: Parking Benefits District at Marina (DMND0003997)
- Referral: Prioritizing pedestrians at intersections (DMND0002584)
- Referral: Parking Districts on Lorin and Gilman (DMND0003998)
- Budget Referral: Durant/Telegraph Plaza, 12/14/2021
- Referral: Traffic Calming Policy Revision (PRJ0012444)
- Referral: Public Realm Pedestrianization Opportunities (PRJ0019832)
- Referral: Long-Term Resurfacing Plan (PRJ0033877)
- Referral: Street Sweeping Improvement Plan (DMND0002583)
- Audit: Leases: Conflicting Directives Hinder Contract Oversight (2009)
- Audit: Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Toward the Year 2020 Zero Waste Goal (2014)
- Audit: Unified Vision of Zero Waste Activities Will Help Align Service Levels with Billing and Ensure Customer Equity (2016)








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