AGENDA



BERKELEY CITY COUNCIL MEETING

Tuesday, May 28, 2019 6:00 PM

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702 TELECONFERENCE LOCATION: 712 MORENO AVENUE, LOS ANGELES, CA 90049

JESSE ARREGUIN, MAYOR Councilmembers:

DISTRICT 1 – RASHI KESARWANI

DISTRICT 5 – SOPHIE HAHN

DISTRICT 2 – CHERYL DAVILA

DISTRICT 6 – SUSAN WENGRAF

DISTRICT 7 – RIGEL ROBINSON

DISTRICT 4 – KATE HARRISON

DISTRICT 8 – LORI DROSTE

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, 981-6900.

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

Preliminary Matters

Roll Call:

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

- 1. Recognition of Affordable Housing Week
- 2. Recognition of Berkeley Green Certified Businesses

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

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

of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda. Speaker cards are not required for this second round of public comment on non-agenda matters.

Consent Calendar

The Council will first determine whether to move items on the agenda for "Action" or "Information" to the "Consent Calendar", or move "Consent Calendar" items to "Action." Items that remain on the "Consent Calendar" are voted on in one motion as a group. "Information" items are not discussed or acted upon at the Council meeting unless they are moved to "Action" or "Consent".

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

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

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

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

Consent Calendar

1. Amendment: FY 2019 Annual Appropriations Ordinance

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,652-N.S. amending the FY 2019 Annual Appropriations Ordinance No. 7,634–N.S. for fiscal year 2019 based upon other adjustments in the amount of \$22,245,802 (gross) and \$19,746,430 (net).

First Reading Vote: All Ayes.

Financial Implications: See report

Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000

2. One-Way Car Share – Transition from Pilot to Baseline Program From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,653-N.S. pursuant to Berkeley Municipal Code Chapter 14.62, deleting language that refers to the program as a limited-term "pilot" and amending language on the number of vehicle parking permits for which a one-way car share organization may apply.

First Reading Vote: Ayes – Kesarwani, Davila, Bartlett, Harrison, Hahn, Robinson, Droste, Arreguin; Noes – None; Abstain - None; Absent - Wengraf.

Financial Implications: See report

Contact: Phillip Harrington, Public Works, 981-6300

3. Residential Preferential Parking (RPP) Program Reform & Expansion Phase II: Recommendations for Increased Staffing, Enhanced Football Game Day Enforcement, and Expansion

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,654-N.S. amending Berkeley Municipal Code Chapter 14.72 to allow Residential Preferential Parking (RPP) in areas zoned Mixed Use-Light Industrial.

First Reading Vote: Ayes – Kesarwani, Davila, Bartlett, Harrison, Hahn, Robinson,

Droste, Arreguin; Noes – None; Abstain - None; Absent - Wengraf.

Financial Implications: See report

Contact: Phillip Harrington, Public Works, 981-6300

4. Minutes for Approval

From: City Manager

Recommendation: Approve the minutes for the Council meetings of April 2, 2019 (regular), April 23, 2019 (special and regular), April 29, 2019 (special closed), and April 30, 2019 (special and regular).

Financial Implications: None

Contact: Mark Numainville, City Clerk, 981-6900

5. Contract No. 10854 Amendment: Townsend Public Affairs, Inc. for Legislative and Funding Advocacy Strategy

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 10854 with Townsend Public Affairs, Inc., contract No. 10854, for an ongoing tailored legislative and funding advocacy strategy, increasing the contract amount by \$45,000, for an amount not-to-exceed \$90,000, and extending the contract from December 31, 2018 to June 30, 2020.

Financial Implications: See report

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

6. Assessments: Berkeley Tourism Business Improvement District From: City Manager

Recommendation: Adopt two Resolutions:

- 1. Approving the Annual Report of FY19 and preliminary budget for FY20 for the Berkeley Tourism Business Improvement District (BTBID) as recommended by the BTBID Owners' Association; and
- 2. Authorizing the City Manager to execute a sole source contract and any amendments with the Berkeley Convention and Visitors' Bureau, d.b.a. Visit Berkeley, for \$650,000 of BTBID funds to support tourism marketing and promotion for the period of July 1, 2019 to June 30, 2020.

Financial Implications: See report

Contact: Jordan Klein, Economic Development, 981-7530

7. Assessments: Downtown Berkeley Property Based Business Improvement District

From: City Manager

Recommendation: Adopt a Resolution approving the Downtown Berkeley Property Based Business Improvement District (DPBID) Annual Report of FY 2019 and proposed budget for FY 2020, and declaring Council's intention to levy an annual assessment for the DPBID for FY 2020

Financial Implications: See report

Contact: Jordan Klein, Economic Development, 981-7530

8. Assessments: North Shattuck Property Based Business Improvement District From: City Manager

Recommendation: Adopt a Resolution approving the North Shattuck Property Based Business Improvement District (NSBID) Annual Report of FY 2019 and proposed budget for FY 2020, and declaring Council's intention to levy an annual assessment for the NSBID for FY 2020

Financial Implications: See report

Contact: Jordan Klein, Economic Development, 981-7530

9. Assessments: Telegraph Property Based Business Improvement District From: City Manager

Recommendation: Adopt a Resolution approving the Telegraph Property Based Business Improvement District (TBID) Annual Report of FY 2019 and proposed budget for FY 2020, and declaring Council's intention to levy an annual assessment for the TBID for FY 2020.

Financial Implications: See report

Contact: Jordan Klein, Economic Development, 981-7530

10. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on May 28, 2019

From: City Manager

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

Financial Implications: See report

Contact: Henry Oyekanmi, Finance, 981-7300

11. Notice of Appropriations Limit for Fiscal Year 2020

From: City Manager

Recommendation: Adopt a Resolution providing notice that: 1) Council will adopt an appropriations limit for Fiscal Year 2020 at its meeting of June 25, 2019; and 2) the amount of the limit and the background material used in its calculation will be available for public review in the City Clerk's Office on or before June 10, 2019.

4

Financial Implications: See report

Contact: Henry Oyekanmi, Finance, 981-7300

12. Contract No. 9821 Amendment: First Alarm & Security Patrol, Inc., dba First Security Services for Citywide Unarmed Security Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to increase the not-to-exceed value of Contract No. 9821 by \$365,792 from \$2,784,798 to \$3,150,590. The additional amount is required to fund continued services until October 31, 2019, which corresponds with the projected commencement date of a new contract for Citywide Unarmed Security Services, resulting from Request for Proposal (RFP) #19-11316-C scheduled to close May 30, 2019.

Financial Implications: See report

Contact: Henry Oyekanmi, Finance, 981-7300

13. Contract: Pyro Spectaculars North, Inc. for fireworks for the Fourth of July and Winter on the Waterfront Special Events

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract with Pyro Spectaculars North, Inc. in the amount of \$82,500 for fireworks for the Fourth of July and Winter on the Waterfront special events in 2019, with an option for events in 2020 depending on the availability of funds.

Financial Implications: \$82,500.

Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700

14. Contracts: As-needed Tree Services

From: City Manager

Recommendation: Adopt four (4) Resolutions authorizing the City Manager to execute the following contracts, and any amendments, extensions, or other change orders for tree services as-needed, each for a period of May 29, 2019 to May 28, 2022:

- 1. Bay Area Tree Specialists, for an amount not to exceed \$200,000.
- 2. Hamilton Tree Service, Inc., for an amount not to exceed \$200,000.
- 3. The Professional Tree Care Company, for an amount not to exceed \$200,000.
- 4. West Coast Arborists, Inc., for an amount not to exceed \$200,000.

Financial Implications: See report

Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700

15. Contract No. 10786 (117934-1) Amendment: Redwood Engineering for Parks Playground Surfacing and Pathway Repairs

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 10786 (117934-1) with Redwood Engineering Construction for parks playground surfacing and pathway repairs, increasing the amount by \$75,000 for an amended total amount not to exceed \$274,000.

Financial Implications: Parks Tax Fund - \$75,000

Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700

Page 5

16. Contract: School Bus Transportation from First Student, Inc. for Berkeley Day Camp and Recreation Programs

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with First Student, Inc. to provide school bus transportation services for Berkeley Day Camp and other summer Recreation Division programs for a not-to-exceed total amount of \$423,000 for three years, including a one (1) year period, beginning June 10, 2019 and ending June 30, 2020, with the option to extend for up to two (2) additional years with City Manager approval, contingent upon annual budget appropriations.

Financial Implications: Various Funds - \$423,000

Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700

17. Reject Bids and Negotiate in the Open Market for the Public Safety Building Envelope Repair Project, Specification No. 18-11263-C

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to reject bids and direct staff to negotiate in the open market for construction work associated with the Public Safety Building Envelope Repair Project, Specification No. 18-11263-C in accordance with Article XI, Public Works and Supplies, Section 67 (a.) of the City Charter.

Financial Implications: See report

Contact: Phillip Harrington, Public Works, 981-6300

Council Consent Items

18. Support of SB 48 – Right to Shelter

From: Mayor Arreguin and Councilmembers Hahn and Bartlett Recommendation: Adopt a Resolution supporting SB 48 – Right to Shelter, introduced by State Senator Scott Wiener. Send a copy of the Resolution to Governor Gavin Newsom, State Senators Nancy Skinner and Scott Wiener, and Assemblymember Buffy Wicks.

Financial Implications: None

Contact: Jesse Arrequin, Mayor, 981-7100

19. Support H.R. 40 – the Commission to Study and Develop Reparation Proposals for African-Americans Act

From: Mayor Arreguin and Councilmembers Bartlett, Davila, and Harrison Recommendation: Adopt a Resolution in support of H.R. 40 – the Commission to Study and Develop Reparation Proposals for African-Americans Act, introduced by Congressperson Sheila Jackson Lee. Send a copy of the Resolution to Senators Dianne Feinstein and Kamala Harris, Congresspersons Barbara Lee and Sheila Jackson Lee, and President Donald Trump.

Financial Implications: None

Contact: Jesse Arreguin, Mayor, 981-7100

Page 6

20. Budget Referral: \$25,000 to the FY 2020-21 Budget Process for

SupplyBank.Org to Expand School Supply Distribution

From: Mayor Arreguin and Councilmember Davila

Recommendation: Refer the following to the budget process: A request for \$25,000 to expand Berkeley school supply distribution and ensure every low-income Berkeley student has the appropriate school and dental supplies they need to be successful.

Financial Implications: General Fund - \$25,000

Contact: Jesse Arreguin, Mayor, 981-7100

21. Budget Referral: \$5,000 for the César Chávez Solar Calendar

From: Mayor Arreguin

Recommendation: Refer to the FY2020-2021 budget process the allocation of

\$5,000 to the Kala Art Institute for the purpose of maintaining the Solar

Calendar/César Chávez Memorial.

Financial Implications: General Fund - \$5,000 Contact: Jesse Arreguin, Mayor, 981-7100

22. Budget Referral: \$80,000 to Support Technical Assistance for Succession

Planning, Worker Cooperative Conversion and Development

From: Mayor Arreguin

Recommendation: Refer to the budget process to extend the \$30,000 contract to Project Equity for two years and increase the amount to \$80,000 to support and build on the important work done to-date and expand the technical assistance beyond succession planning to include supporting new worker cooperative development.

Financial Implications: See report

Contact: Jesse Arreguin, Mayor, 981-7100

23. Development of the West Berkeley Service Center, 1900 6th Street, for Senior Housing with Supportive Services (Reviewed by the Land Use, Housing & Economic Development Committee)

From: Mayor Arreguin and Councilmembers Kesarwani, Wengraf, and Bartlett Recommendation: State the intent of the City Council that the West Berkeley Service Center property, 1900 6th Street, will be used for senior housing with on-site services consistent with Age Friendly Berkeley Plan recommendations, maximizing the number of affordable units.

The Berkeley Way Project, 2012 Berkeley Way, is the City's top affordable housing priority. The West Berkeley Service Center, as a City-owned property, to be developed for affordable housing falls under the "High Priority" on the list of housing initiatives passed by Council on November 28, 2017. In light of the above, refer to the City Manager to take the following actions to initiate the process of developing senior housing at the West Berkeley Service Center:

- a. Refer to the City Manager to conduct a basic analysis of the development potential for the West Berkeley Service Center site including build-out scenarios for a three-, four-, five-, six- and seven-story building at the site, using Mixed-Use Residential (MUR), West Berkeley Commercial (C-W), and Multiple-Family Residential (R-3) Development Standards. Each buildout scenario should reflect base project conditions, and conditions if a Density Bonus is granted including waivers and concessions, or if Use Permits are used to modify standards. The scenarios should also incorporate space on the ground floor for resident amenities, supportive social services, and community space. The results of the development scenarios will be presented to the City Council and Planning Commission.
- b. Refer to the Planning Commission to consider any modifications to the underlying zoning at the West Berkeley Service Center site to maximize the production of senior housing, including consideration of an overlay zone.
- c. Based on recommendations from the Health, Housing and Community Services Department, the Housing Advisory Commission, Measure O Bond Oversight Committee, Commission on Aging, and taking into consideration requirements and restrictions associated with potential funding sources, create recommendations to Council regarding levels of affordability, unit sizes, on-site services and other features to be included in a senior housing and social services development, including senior living housing types. These recommendations will be presented to the City Council to inform the issuance of an RFP.

Financial Implications: See report

Contact: Jesse Arreguin, Mayor, 981-7100

24. Berkeley Juneteenth Festival: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

From: Councilmembers Davila and Bartlett

Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember including \$500 from Councilmember Cheryl Davila, to support purchase of street-pole banners announcing the Berkeley Juneteenth Festival June 16, 2019, 11AM-7PM, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Davila, the Mayor and any other Councilmembers who would like to contribute.

Financial Implications: See report

Contact: Cheryl Davila, Councilmember, District 2, 981-7120

25. Budget Referral: Funding Stop Signs on Carleton Street and Fulton Street From: Councilmember Bartlett

Recommendation: That the Council refers to the budget process of funding a 4-way stop at the intersection of Carleton and Fulton Street in order to address inadequate traffic control and stopping, and reduce traffic accidents.

Financial Implications: See report

Contact: Ben Bartlett, Councilmember, District 3, 981-7130

26. Budget Referral: Funding for a Traffic Safety and Mitigation Study and Investments on Alcatraz Avenue

From: Councilmember Bartlett

Recommendation: That the City Council refer to the budget process funding of a traffic safety and mitigation study for Alcatraz Avenue to address the high volume of traffic accidents along this roadway due to inadequate street lighting and traffic controls. This study will determine the best methods of controlling all forms of traffic to maximize the safety of motorists, pedestrians, and bicyclists.

Financial Implications: See report

Contact: Ben Bartlett, Councilmember, District 3, 981-7130

27. Budget Referral: Funding for Street Lights Development at Martin Luther King Jr. Way and Stuart Street

From: Councilmember Bartlett, Mayor Arreguin, and Councilmembers Harrison and Wengraf

Recommendation: That the Council refers to the budget process to fund traffic lights on Martin Luther King Jr. Way and Stuart Street in order to prevent autorelated accidents and traffic deaths and injuries.

Financial Implications: See report

Contact: Ben Bartlett, Councilmember, District 3, 981-7130

28. Budget Referral: "Berkeley Inclusion in Opportunity Index" - Funding Firm to Perform Availability Study to Achieve Equity in City Contracting

From: Councilmembers Bartlett and Davila

Recommendation: That the Council refer to the 2019-2020 budget and allocate \$200,000 to fund Mason Tillman Associates Ltd (MTA) to perform an Availability Study to analyze the City's use of local, small, emerging enterprises and other enterprises with barriers to access in City construction, architecture, engineering, professional services, goods, and other services contracts.

Financial Implications: See report

Contact: Ben Bartlett, Councilmember, District 3, 981-7130

29. Referral to the Public Works Department and the City Manager: Finishing the installation of Sculpture Lighting into Adjacent Street Lights for the William Byron Rumford Statue on Sacramento and Julia St.

From: Councilmembers Bartlett, Harrison, Davila, and Mayor Arreguin Recommendation: Refer to the City Manager a request to finish the installation of sculpture lighting into adjacent street lights for the William Byron Rumford statue on Sacramento and Julia Street. Refer to the Public Works Department for its installation.

Financial Implications: See report

Contact: Ben Bartlett, Councilmember, District 3, 981-7130

30. Budget Referral: Increase Staffing Level of Transportation Division to Expedite City's Vision Zero Goal

From: Councilmembers Bartlett, Droste, and Robinson

Recommendation: That the Council adds six permanent positions to the Transportation Division as part of the city's fiscal year 2020-2021 biennial budget by referring \$1,433,310.40 to the budget process to fund these positions; the total cost of salaries without benefits is 863,440; the total cost of benefits alone is 569,870.40. These positions should include 4 Engineers, a permanent Senior Planner (to coordinate Vision Zero), and an Administrative Professional. The Transportation Division needs increased staff capacity to deliver funded capital projects and work towards the City's Vision Zero goal of eliminating fatal and severe injury collisions.

Financial Implications: See report

Contact: Ben Bartlett, Councilmember, District 3, 981-7130

31. Budget Referral: Funding for Development of a Traffic Circle at the intersection of 62nd Street and King Street

From: Councilmember Bartlett and Mayor Arreguin

Recommendation: Refer to the City Manager to conduct an analysis of the intersection of 62nd and King Streets to recommend a traffic circle or other traffic calming and public safety measures. Allocate \$50,000 to conduct this analysis. Refer to the budget process to allocate funds to implement the City Manager's recommendations.

Financial Implications: See report

Contact: Ben Bartlett, Councilmember, District 3, 981-7130

32. Resolution in Support of Full Parity for Mental Health Patients and Clinicians at Kaiser Permanente

From: Councilmembers Harrison, Davila, Mayor Arreguin, and Councilmember Robinson

Recommendation: Adopt a resolution calling for full parity for mental health patients and clinicians at Kaiser Permanente and supporting the mental health clinicians in their contract negotiations.

Financial Implications: None

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

33. Budget Referral: Solano Avenue Revitalization Plan From: Councilmembers Hahn, Wengraf, Harrison, and Mayor Arreguin Recommendation:

- 1. Refer \$300,000 to the FY2020 FY2021 Budget Process for the development of a two-part Solano Avenue "Master" Revitalization Plan; Part A for the Upper/Eastern end of Solano Avenue and Part B for mid-corridor blocks within the City of Berkeley, to coordinate with the City of Albany's mid-corridor Solano Avenue Reconfiguration Plan.
- 2. Direct the City Manager to send a letter to the City of Albany expressing Berkeley's desire to collaborate on reconfiguration and revitalization plans for the mid-corridor portion of Solano Avenue, and to initiate plans for coordination.

Financial Implications: See report

Contact: Sophie Hahn, Councilmember, District 5, 981-7150

34. Oppose AB-1356 Cannabis: local jurisdictions: retail commercial cannabis activity (Ting)

From: Councilmembers Wengraf, Hahn, Robinson, and Mayor Arreguin Recommendation: Adopt a resolution in opposition to AB 1356 to Assemblymember Philip Ting with copies to the Chair of the Assembly Appropriations Committee Assemblymember Lorena Gonzalez, Assemblymember Buffy Wicks, Senator Nancy Skinner and Governor Gavin Newsom.

Financial Implications: None

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

35. Budget Referral: Paid Internship Program for Interns of City of Berkeley Councilmembers

From: Councilmembers Robinson and Bartlett

Recommendation: Refer to the budget process to consider an office allowance which would provide stipends to City of Berkeley interns.

Financial Implications: \$15,000

Contact: Rigel Robinson, Councilmember, District 7, 981-7170

36. Support for Renters Rights Bills: SB 529, and AB 36, 724, 1481, and 1482 From: Councilmember Robinson

Recommendation: Send a letter supporting SB 529, and AB 36, 724, 1481, and 1482 to their respective authors, which would strengthen tenant organizing rights, allow rent control on certain units, provide caps for annual rent increases, protect against wrongful evictions, and create a registry of all California rental units.

Financial Implications: None

Contact: Rigel Robinson, Councilmember, District 7, 981-7170

37. Support for SB 212 (Ranked Choice Voting) and SB 641 (Special Elections: Rank Choice Voting)

From: Councilmember Robinson

Recommendation: Send a letter to Assemblymember Allen supporting SB 212, which would authorize a city, county, or local educational agency to conduct an election using ranked choice voting, and SB 641, which would authorize the Governor to require a special election to fill a vacancy in a congressional or legislative office using rank choice voting, if the jurisdiction is capable of using this voting method.

Financial Implications: None

Contact: Rigel Robinson, Councilmember, District 7, 981-7170

38. Support for ACA-6: Voting Rights for Parolees

From: Councilmembers Robinson, Harrison, Bartlett, and Davila

Recommendation: Adopt a resolution supporting ACA-6, which restores the right to

vote to citizens on parole for the conviction of a felony.

Financial Implications: None

Contact: Rigel Robinson, Councilmember, District 7, 981-7170

Action Calendar

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

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

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

Action Calendar – Public Hearings

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

Action Calendar – Public Hearings

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

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

39. Fiscal Year 2020 and Fiscal Year 2021 Proposed Budget Public Hearing #2

From: City Manager

Recommendation: Conduct a public hearing on the FY 2020 and FY 2021

Proposed Biennial Budget.

Financial Implications: See FY 2020 and FY 2021 Proposed Biennial Budget

Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000

Action Calendar – New Business

40. City Council Recommendations on the FY 2020 and FY 2021 Proposed Biennial Budget

From: City Manager

Recommendation: Provide recommendations on the FY 2020 and FY 2021

Proposed Biennial Budget.

Financial Implications: See report

Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000

Action Calendar – Public Hearings

41. Proposed Fee Increases for Engineering and Traffic Engineering Hourly Rates From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution amending Resolution No. 67,985-N.S. to amend the master fee schedule for the Planning and Development Department to increase the hourly rate for staff time not otherwise specified from \$153/hour to \$190/hour for the Engineering Division and from \$160/hour to \$200/hour for the Transportation Division for FY 2020.

Financial Implications: See report

Contact: Phillip Harrington, Public Works, 981-6300

Action Calendar - Old Business

42. Berkeley Economic Dashboards (Continued from March 26, 2019.)

From: City Manager

Contact: Jordan Klein, Economic Development, 981-7530

Action Calendar – Public Hearings

43. Rental Housing Safety Program Proposed Fee Increases

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution amending Resolution No. 67,985-N.S. to amend the master fee schedule for the Planning and Development Department to increase the Rental Housing Safety Program (RHSP) annual, reinspection and penalty fees in FY 2020 and Fiscal Year 2021.

Financial Implications: See report

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

Council Action Items

44. Tax Exemption on Federal Research Grants

From: Mayor Arreguin

Recommendation: Adopt a first reading of an Ordinance to add a subsection to Berkeley Municipal Code Section 9.04.165 to create an exemption on the taxing of business gross receipts relating to federal research grants.

Financial Implications: See report

Contact: Jesse Arreguin, Mayor, 981-7100

45. Direct City Manager to place a moratorium on enforcement of Ordinance No. 7632-N.S. (BMC Sections 14.48.160 and 14.48.170), "Miscellaneous Use of Streets and Sidewalks" / "Shared Sidewalk Policy" until a homeless response system is designed, created and implemented as stated in the "1000 Person Plan."

From: Councilmember Davila

Recommendation: Direct City Manager to place a moratorium on enforcement of Ordinance No. 7,632-N.S. (BMC Section 14.48.160 and 14.48.170) Miscellaneous Use of Streets and Sidewalks" / "Shared Sidewalk Policy" at homeless encampments until a homelessness response system is planned, created and implemented pursuant to research, findings, reports, and goals resulting from the "1000 Person Plan" report received by Council. This action is in fidelity to elements of the 2018 EveryOne Home Plan to End Homelessness adopted by Council on March 12, 2019, that clearly states at pg. 13, "Proposed Actions," that protection of the dignity of people experiencing homelessness requires municipalities to repeal or stop enforcing policies that criminalize homelessness, and instead develop a humane and consistent response to the needs of unsheltered people.

Financial Implications: None

Contact: Cheryl Davila, Councilmember, District 2, 981-7120

Council Action Items

46. Referral to Public Works Commission to Rename Harold Way to "Dalai Lama Way"

From: Councilmembers Harrison and Davila

Recommendation: Referral to the Public Works Commission requesting changing the name of Harold Way to "Dalai Lama Way" in recognition of the Dalai Lama's contributions to world peace and in recognition of the Buddhist community center at Harold Way.

Financial Implications: See report

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

Action Calendar – Public Hearings

47. ZAB Appeal: 1444 Fifth Street, Administrative Use Permit #ZP2018-0172 (Continued from May 14, 2019)

From: City Manager

Recommendation: Conduct a public hearing, and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board (ZAB) decision to approve Administrative Use Permit #ZP2018-0172 to construct four detached, three-story, approximately 1,900 square-foot, single-family dwellings, each with an average height of 33 feet, on a 5,744 square-foot vacant lot in the MU-R District, and dismiss the appeal.

Financial Implications: None

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

Information Reports

48. City Council Short Term Referral Process – Monthly Update

From: City Manager

Contact: Mark Numainville, City Clerk, 981-6900

49. Information Technology: Digital Strategic Plan (DSP), FUND\$ Replacement, and Website Update

From: City Manager

Contact: Savita Chaudhary, Information Technology, 981-6500

50. Update on Concerns about Informational Kiosks and Accessibility, Obstacles From: Commission on Disability

Contact: Dominika Bednarska, Commission Secretary, 981-6300

Public Comment – Items Not Listed on the Agenda

Adjournment

NOTICE CONCERNING YOUR LEGAL RIGHTS: If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply: 1) No lawsuit challenging a City decision to deny (Code Civ. Proc. §1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of

Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.

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

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

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

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

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

City Clerk Department Libraries:

2180 Milvia Street Main - 2090 Kittredge Street

Tel: 510-981-6900 Claremont Branch – 2940 Benvenue TDD: 510-981-6903 West Branch – 1125 University Fax: 510-981-6901 North Branch – 1170 The Alameda Email: clerk@cityofberkeley.info South Branch – 1901 Russell

COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location.

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

Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.



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

I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on May 16, 2019.



Mark Numainville, City Clerk

Communications

Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record. Copies of individual communications are available for viewing at the City Clerk Department and through Records Online.

Encampments

- 1. Richard James
- 2. Beth Gerstein
- 3. Steven Donaldson
- 4. Matthew Williams
- 5. Camerson Woo

1155-1173 Hearst Avenue

- 6. Vijay Venugopal
- 7. Teal Major
- 8. Yashu Jiang (2)
- 9. Tracey Emerson
- 10. Mary Jo Thoresen
- 11. Mark Rhoades
- 12. Rain Sussman (3)

North Berkeley BART

- 13. Harvey Smith
- 14. John Rice
- 15. Tiger Girl
- 16. Linda Schmidt
- 17. Carlo Sequin

Disaster Training Funds

18. Bob Flasher

Traffic Circle

- 19. John Steere, on behalf of Berkeley Partners for Parks
- 20. Charlene Woodcock
- 21. Steve Finacom

West Campus Pool

22. Linda Worthman

- 23. Diane Tomkins
- 24. Tobie Lurie
- 25. Karen Teitel

1911 Harmon Street

- 26. Leonard Powell
- 27. Margy Wilkinson
- 28. Samuel Kohn, Chair of the Human Welfare and Community Action Commission
- 29. Igor Tregub, Chair of the Peace and Justice Commission

311 Customer Service

- 30. Matthew Williams
- 31. Kathy Cassidy (2)
- 32. Beth Gerstein

Fireworks

33. Richard Howard

Short Term Rentals

- 34. Margy Wilkinson (2)
- 35. Bill Burke

Panoramic Hill Construction

- 36. Ryan O'Kane
- 37. Heather Rudkin

Safe Car Park Program

38. Kelly Hammargren

Rent Stabilization Board

39. Evan Meyer

62nd and King

40. Adam Wilks

Rail Safety

41 Beth Gerstein

Climate Crisis

42. Walter Wood

Measure U1

43. Thomas Lord

Marina Parking Changes

44 Barbara Baccei

Mobility Systems

45. Kathi Pugh and Josh Maddox

Pedestrian and Bike Safety

46. Robin Kibby

47. Charlene Woodcock

Affordable Housing

48. Sophia DeWitt

Charter Schools

49. Zipporah Collins

Chemical Sensitivities Month

50. Juty Blue

Cashless Businesses

51 Cassia

52. Bob Stern

SB 50

53. Hannah Norman

GigCar Rideshare

54. Cynthia Brannvall

Decriminalize Nature

55. Jessica Behrman

Supplemental Communications and Reports

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

Supplemental Communications and Reports 1

Available by 5:00 p.m. five days prior to the meeting.

Supplemental Communications and Reports 2

Available by 5:00 p.m. the day before the meeting.

Supplemental Communications and Reports 3

Available by 5:00 p.m. two days following the meeting.

ORDINANCE NO. 7,652-N.S.

AMENDING THE ANNUAL APPROPRIATIONS ORDINANCE NO. 7,634–N.S. FOR FISCAL YEAR 2019

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

A. General Fund (Funds 001-099)	226,486,009
B. Special Funds (Funds 100-199)	111,341,400
C. Grant Funds (Funds 300-399)	45,601,299
D. Capital Projects Funds (Funds 500-550)	53,930,384
E. Debt Service Fund (Funds 551-599)	11,095,081
F. Enterprise Funds (Funds 600-669)	136,786,947
G. Internal Service Funds (Funds 146, 670-699)	40,577,255
H. Successor Agency (Funds 760-769)	57,600
I. Agency Funds (Funds 771-799)	5,123,621
J. Other Funds (Funds 800-899)	5,281,752
K. Total	
Total General Fund	226,486,009
Add: Total Other Than General Fund	409,795,339
Gross Revenue Appropriated	636,281,348
Less: Dual Appropriations	-63,382,913
Less: Revolving/Internal Service Funds	
Net Revenue Appropriated	532,321,181

<u>Section 2.</u> The City Manager is hereby permitted to make the following transfers by giving written notice to the Director of Finance:

a. From the General Fund to the General Fund – Stability Reserve Fund; Catastrophic Reserve Fund; Paramedic Tax Fund; Streetlight Assessment Fund; Phone System Replacement – VOIP Fund; Capital Improvement Fund; Debt Service Fund; Clean Storm Water Fund; Equipment Replacement Fund; Sick and Vacation Payout Fund; Public Liability Fund; Catastrophic Loss Fund; Information Technology Fund; Police Employee Retiree Health Assistance Plan; Safety

- Members Pension Fund; Payroll Deduction Trust Fund; Sick Leave Entitlement Fund; and Health State Aid Realignment.
- b. To the General Fund from the Community Development Block Grant Fund; Street Lighting Assessment District Fund; Zero Waste Fund; Marina Operations and Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Permit Service Center Fund; Parking Meter Fund; Unified Program (CUPA); and Health State Aid Realignment Fund.
- c. To the First Source Fund from the Parks Tax Fund; Capital Improvement Fund; and the Marina Fund.
- d. From UC Settlement Fund to General Fund and Clean Storm Water Fund.
- e. From Capital Improvement Fund to 2012 Lease Revenue Bonds BJPFA Debt Service Fund; 2010 COP (Animal Shelter) Fund; and PERS Savings Fund.
- f. To the Public Art Fund from the Parks Tax Fund; Capital Improvement Fund; and the Marina Fund.
- g. To CFD#1 District Fire Protection Bond (Measure Q) from Special Tax Bonds CFD#1 ML-ROOS.
- h. To Private Sewer Lateral Fund from Sanitary Sewer Operation Fund.
- i. To Catastrophic Loss Fund from Permit Service Center Fund.
- j. To Catastrophic Loss Fund from Unified Program (CUPA) Fund.
- k. To the Building Purchases and Management Fund from General Fund; Health (General) Fund; Rental Housing Safety Program Fund; Measure B Local Streets & Road Fund; Employee Training Fund; Zero Waste Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Permit Service Center Fund; Off Street Parking Fund; Parking Meter Fund; Unified Program (CUPA) Fund; Building Purchases & Management Fund; Building Maintenance Fund; Central Services Fund; Health State Aide Realignment Trust Fund; and Tobacco Control Trust Fund.
- I. To Equipment Replacement Fund from General Fund; Alameda County Tay Tip Fund; Mental Health Services Act Fund; Health (Short/Doyle) Fund; Vector Control Fund; Paramedic Tax Fund; Playground Camp Fund; State Transportation Tax Fund; Rental Housing Safety Program Fund; Parks Tax Fund; Street Light Assessment District Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Permit Service Center Fund; Parking Meter Fund; Equipment Maintenance Fund; Building Maintenance Fund; and Central Services Fund.

- m. To the Equipment Maintenance Fund from General Fund; Alameda County Tay Tip Fund; Mental Health Services Act Fund; Health (Short/Doyle) Fund; Vector Control Fund; Paramedic Tax Fund; Library Discretionary Fund; Playground Camp Fund; State Transportation Tax Fund; Rental Housing Safety Program Fund; Rent Stabilization Board Fund; Parks Tax Fund; Street Light Assessment District Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Permit Service Center Fund; Off Street Parking Fund; Parking Meter Fund; Equipment Maintenance Fund; Building Maintenance Fund; and Central Services Fund.
- n. To the Building Maintenance Fund from the General Fund; Health (General) Fund; Health (Short/Doyle) Fund; Measure B Local Street & Road Fund; Parks Tax Fund; Street Light Assessment District Fund; Zero Waste Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Off Street Parking Fund; Parking Meter Fund; Equipment Maintenance Fund; Building Maintenance Fund; and Mental Health State Aid Realignment Fund.
- o. To the Central Services Fund from the General Fund; First Source Fund; Health (Short/Doyle) Fund; Library-Discretionary Fund; Playground Camp Fund; Rent Stabilization Board Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation; Building Purchases & Management Fund; Building Maintenance Fund; Central Services Fund; and Mental Health State Aid Realignment Fund.
- p. To Computer and Server Replacement Fund from General Fund; Target Case Management/Linkages Fund; Health (Short/Doyle); Library Fund; Playground Camp Fund; CDBG Fund; Rent Stabilization Board Fund; Parks Tax Fund; Employee Training Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation; Clean Storm Water Fund; Permit Service Center Fund; Unified Program (CUPA) Fund; Health State Aid Realignment Trust Fund; and Mental Health State Aid Realignment Fund.
- q. To the Workers' Compensation Self-Insurance Fund from General Fund; Special Tax for Severely Disabled Measure E Fund; First Source Fund; HUD Fund; ESGP Fund; Health (General) Fund; Target Case Management/Linkages Fund; Alameda County Tay Tip Fund; Mental Health Service Act Fund; Health (Short/Doyle) Fund; EPSDT Expansion Proposal Fund; Senior Nutrition (Title III) Fund; C.F.P. Title X Fund; Fund Raising Activities Fund; Berkeley Unified School District Grant Fund; Vector Control Fund; Paramedic Tax Fund; Alameda County Grants Fund; Senior Supportive Social Services Fund; Family Care Support Program Fund; California Energy Commission Fund; Domestic Violence Prevention Vital Statistics Fund; Library Discretionary Fund; Playground Camp Fund; Community Action Program Fund; State Proposition 172 Public Safety Fund; State Transportation Tax Fund; CDBG Fund; Rental Housing Safety Program; Measure B Local State & Road Fund; Measure B Bike & Pedestrian Fund; Measure F Alameda County Vehicle Registration Fee Streets & Roads Fund; Measure BB Paratransit Fund; One-

Time Grant: No Cap Expense Fund; Rent Stabilization Board Fund; Parks Tax Fund; Measure GG – Fire Prep Tax Fund; 1st Responder Advanced Life Support Fund; Street Lighting Assessment District Fund; Employee Training Fund; Private Percent – Art Fund; Measure T1 – Infrastructure & Facilities Fund; FUND\$ Replacement Fund; Capital Improvement Fund; FEMA Fund; Measure M General Obligation Street & Water Improvement Fund; CFD #1 District Fire Protect Bond Fund; Special Tax Bonds CFD#1 ML-ROOS Fund; Shelter+Care HUD Fund; Shelter+Care County Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Private Sewer Lateral Fund; Permit Service Center Fund; Off-Street Parking Fund; Parking Meter Fund; Unified Program (CUPA) Fund; Building Purchases & Management Fund; Equipment Replacement Fund; Equipment Maintenance Fund; Building Maintenance Fund; Central Services Fund; Workers' Compensation Fund; Public Liability Fund; Health State Aid Realignment Trust Fund; Tobacco Control Trust Fund; Mental Health State Aid Realignment Fund; Alameda Abandoned Vehicle Abatement Authority; and Bio-Terrorism Grant Fund.

To the Sick Leave and Vacation Leave Accrual Fund from General Fund; Special Tax for Severely Disabled Measure E Fund; First Source Fund; HUD Fund; ESGP Fund; Health (General) Fund; Target Case Management/Linkages Fund; Alameda County Tay Tip Fund; Mental Health Service Act Fund; Health (Short/Dovle) Fund; EPSDT Expansion Proposal Fund; Senior Nutrition (Title III) Fund; C.F.P. Title X Fund; Fund Raising Activities Fund; Berkeley Unified School District Grant Fund; Vector Control Fund; Paramedic Tax Fund; Alameda County Grants Fund; Senior Supportive Social Services Fund; Family Care Support Program Fund: California Energy Commission Fund: Domestic Violence Prevention - Vital Statistics Fund; Library - Discretionary Fund; Playground Camp Fund; CALHOME Program Fund; Community Action Program Fund; State Proposition 172 Public Safety Fund; State Transportation Tax Fund; CDBG Fund; Rental Housing Safety Program; Measure B Local State & Road Fund; Measure B Bike & Pedestrian Fund; Measure F Alameda County Vehicle Registration Fee Streets & Roads Fund; Measure BB – Paratransit Fund; One-Time Grant: No Cap Expense Fund; Rent Stabilization Board Fund; Parks Tax Fund; Measure GG – Fire Prep Tax Fund; 1st Responder Advanced Life Support Fund; Street Lighting Assessment District Fund; Employee Training Fund; Private Percent – Art Fund: Measure T1 – Infrastructure & Facilities Fund: FUND\$ Replacement Fund; Capital Improvement Fund; FEMA Fund; CFD #1 District Fire Protect Bond Fund; Special Tax Bonds CFD#1 ML-ROOS Fund; Shelter+Care HUD Fund; Shelter+Care County Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Private Sewer Lateral Fund; Permit Service Center Fund; Off-Street Parking Fund; Parking Meter Fund; Unified Program (CUPA) Fund; Building Purchases & Management Fund; Equipment Replacement Fund; Equipment Maintenance Fund; Building Maintenance Fund; Central Services Fund; Workers' Compensation Fund; Public Liability Fund; Health State Aid Realignment Trust Fund; Tobacco Control Trust Fund; Mental Health State Aid Realignment Fund;

Alameda Abandoned Vehicle Abatement Authority; and Bio-Terrorism Grant Fund.

- s. To the Payroll Deduction Trust Fund from General Fund; Special Tax for Severely Disabled Measure E Fund; First Source Fund; HUD Fund; ESGP Fund; Health (General) Fund; Target Case Management/Linkages Fund; Alameda County Tay Tip Fund; Mental Health Service Act Fund; Health (Short/Doyle) Fund; EPSDT Expansion Proposal Fund; Senior Nutrition (Title III) Fund; C.F.P. Title X Fund; Fund Raising Activities Fund; Berkeley Unified School District Grant Fund; Vector Control Fund; Paramedic Tax Fund; Alameda County Grants Fund; Senior Supportive Social Services Fund; Family Care Support Program Fund; California Energy Commission Fund; Domestic Violence Prevention – Vital Statistics Fund; Library – Discretionary Fund; Playground Camp Fund; CALHOME Program Fund; Community Action Program Fund; State Proposition 172 Public Safety Fund; State Transportation Tax Fund; CDBG Fund; Rental Housing Safety Program; Measure B Local State & Road Fund; Measure B Bike & Pedestrian Fund; Measure F Alameda County Vehicle Registration Fee Streets & Roads Fund; Measure BB - Paratransit Fund; One-Time Grant: No Cap Expense Fund; Rent Stabilization Board Fund; Parks Tax Fund; Measure GG – Fire Prep Tax Fund; 1st Responder Advanced Life Support Fund; Street Lighting Assessment District Fund; Employee Training Fund; Private Percent – Art Fund; Measure T1 – Infrastructure & Facilities Fund; FUND\$ Replacement Fund; Capital Improvement Fund; FEMA Fund; CFD #1 District Fire Protect Bond Fund; Special Tax Bonds CFD#1 ML-ROOS Fund; Shelter+Care HUD Fund; Shelter+Care County Fund; Zero Waste Fund; Marina Operations/Maintenance Fund: Sanitary Sewer Operation Fund: Clean Storm Water Fund: Private Sewer Lateral Fund: Permit Service Center Fund: Off-Street Parking Fund: Parking Meter Fund; Unified Program (CUPA) Fund; Building Purchases & Management Fund; Equipment Replacement Fund; Equipment Maintenance Fund; Building Maintenance Fund; Central Services Fund; Workers' Compensation Fund; Public Liability Fund; Health State Aid Realignment Trust Fund; Tobacco Control Trust Fund; Mental Health State Aid Realignment Fund; Alameda Abandoned Vehicle Abatement Authority; and Bio-Terrorism Grant Fund.
- t. To Parking Meter Fund from the Permit Service Center Fund.
- u. To the Information Technology Fund from State Transportation Tax Fund; Rental Housing Safety Fund; Parks Tax Fund; Streetlight Assessment District Fund; Zero Waste Fund; Marina Fund; Sewer Fund; Clean Storm Water Fund; Off Street Parking Fund; Permit Service Center Fund; Parking Meter Fund; Equipment Maintenance Fund; and Building Maintenance Fund.

<u>Section 3.</u> Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each

Page 6 of 11

branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on May 14, 2019, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Davila, Droste, Hahn, Harrison, Kesarwani, Robinson, Wengraf,

and Arreguin.

Noes: None.

Absent: None.

Attachment for Annual Appropriations Ordinance Amendment No. 2 - Fiscal Year 2019

REVOLVING FUNDS/INTERNAL SERVICE FUNDS

Appropriations are identified with revolving and internal service funds. Such funds derive revenue by virtue of payment from other fund sources as benefits are received by such funds, and the total is reflected in the "Less Revolving Funds and Internal Service Funds" in item I. The funds are:

Revolving/Internal Service Funds	
Employee Training Fund	835,695
Equipment Replacement Fund	6,454,217
Equipment Maintenance Fund	8,066,716
Building Maintenance Fund	3,780,381
Central Services Fund	385,804
Computer Replacement Fund	734,457
Workers' Compensation Fund	6,508,596
Public Liability Fund	3,697,050
Information Technology Fund	10,114,339
Subtotal Revolving/Internal Service Funds	\$40,577,255

DUAL APPROPRIATIONS - WORKING BUDGET

Dual appropriations are identified with revenues generated by one fund and transferred to another fund. Both funds are credited with the applicable revenue, and the total is reflected in the "Less Dual Appropriations" in item I. The dual appropriations are:

Transfers to the General Fund	
Indirect Cost Reimbursement	
CDBG Fund	144,970
Street Light Assessment District Fund	138,579
Zero Waste Fund	2,661,527
Marina Enterprise Fund	511,844
Sanitary Sewer Fund	1,474,789
Clean Storm Water Fund	331,157
Permit Service Center Fund	1,925,914
Unified Program (CUPA) Fund	101,259
Subtotal Transfers to General Fund:	\$ 7,290,039

Ordinance No. 7,652-N.S. Page 7 of 8

Page 8 of 11

Transfer to Safety Members Pension Fund from General Fund	551,804
Transfer to General Fund Stabilization Reserve Fund from General Fund	5,600,000
Transfer to General Fund Catastrophic Resever Fund from General Fund	4,580,000
Transfer to CA Energy Commission from General Fund	25,017
Transfer to PERS Savings Fund from General Fund	4,000,000
Transfer to Health State Aid Realignment from General Fund	1,953,018
Transfer to Paramedic Tax Fund from General Fund	612,696
Transfer to Capital Improvement Fund (CIP) from General Fund	11,759,637
Transfer to Phone System Replacement - VOIP from General Fund	163,000
Transfer to FUND\$ Replacement Fund from General Fund	1,710,000
Transfer to Equipment Replacement Fund from General Fund	823,592 1,820,339
Transfer to Workers Compensation Fund from General Fund Transfer to Public Liability Fund from General Fund	1,695,888
Transfer to Catastrophic Loss Fund from General Fund	1,351,564
Transfer to Catastrophic Loss Fund from General Fund Transfer to Information Technology Fund from General Fund	7,919,458
Transfer to Police Employee Retiree Health Assistance Plan from General Fund	400,136
Transfer to Sick Leave Entitlement Fund from General Fund	201,501
Transfer to linformation Technology Fund from State Transportation Tax Fund	30,483
Transfer to Information Technology Fund from Rental Housing Safety Fund	26,135
Transfer to Information Technology Fund from Parks Tax Fund	110,187
Transfer to Information Technology Fund from Streetlight Assessment District Fund	30,483
Transfer to General Fund from UC Settlement Fund	970,564
Transfer to Clean Storm Water Fund from UC Settlement Fund	285,153
Transfer to General Fund from Health State Aid Realignment Fund	2,643,280
Transfer from CIP Fund to PERS Savings Fund	151,065
Transfer to Berkeley Repertory Theater Debt Service Fund from CIP Fund	498,935
Transfer from CIP Fund to 2010 COP (Animal Shelter) Fund	402,913
Transfer from CIP Fund to Workers Compensation Fund	406,952
Transfer to Equipment Replacement Fund from Zero Waste Fund	1,262,247
Transfer to Information Technology Fund from Zero Waste Fund	689,398
Transfer to Information Technology Fund from Marina Fund	73,458
Transfer to Private Sewer Lateral Fund from Sewer Fund	90,501
Transfer to Information Technology Fund from Sewer Fund	467,000
Transfer to Information Technology Fund from Clean Storm Water Fund	194,022
Transfer to Catastrophic Loss Fund from Permit Service Center Fund	50,555
Transfer to Information Technology Fund from Permit Service Center Fund	450,679
Transfer to Catastrophic Loss Fund from Unified Program (CUPA) Fund	5,082
Transfer to Information Technology Fund from Off Street Parking Fund	13,475
Transfer to General Fund from Parking Meter Fund	1,742,288
Transfer to Information Technology Fund from Parking Meter Fund	39,361
Transfer to Information Technology Fund from Equipment Maintenance Fund	41,200
Transfer to Information Technology Fund from Building Maintenance Fund	41,200
Transfer from Special Tax Bonds CFD#1 ML-ROOS to CFD#1 District Fire	100,000
Protect Bond (Measure Q)	
Transfer to First Source Fund from Parks Tax Fund	11,625
Transfer to First Source Fund from Capital Improvement Fund	29,943
Transfer to First Source Fund from Marina Fund	1,875
Transfer to Public Art Fund from Parks Tax Fund	17,437
Transfer to Public Art Fund from Capital Improvement Fund	44,915
Transfer to Public Art Fund from Marina Fund	2,813
Subtotal Transfers to Other Funds:	56,092,874
Sub Total Dual Appropriations	62 202 042
Sub-Total Dual Appropriations	63,382,913
Grand Total Dual Appropriations	103,260,168
Ordinance No. 7,652-N.S.	Page 8 of 8

SUMMARY OF APPROPRIATIONS BY FUND

SUMMARY OF APPROPRIATIONS BY FUND			2nd AAO				
		FY 2019		Other	Total	FY 2019	
ERMA		Revised #1		-		0.0	
	Fund		Reappropriations	Adjustments	Amend.	Revised #2	
11	General Fund Discretionary	225,218,603	•••	1,267,406	1,267,406	226,486,009	
	Library	23,553,944			-	23,553,944	
102	Direct Loan/Inter - Library Loan	18,000			-	18,000	
103	Library Services & Technology	62,553			-	62,553	
104	Library Gift Fund	150,000			-	150,000	
105	Library Foundation	540,541			-	540,541	
106	Asset Forefeiture	201,000			-	201,000	
	Special Tax Measure E	1,520,257		(250,000)	(250,000)	1,270,257	
	First Source Fund	45,841			-	45,841	
	Sec 108 Loan Gty Asst.	544,837			-	544,837	
	Fund Raising Activities	64,149			-	64,149	
	Sports Field (Vendor Oper)	211,755		5,000	5,000	216,755	
	Gilman Fields Reserve AC	114,133		45.000	-	114,133	
	Animal Shelter	53,759		15,900	15,900	69,659	
	Paramedic Tax	3,750,649			-	3,750,649	
	California Energy Commission Domestic Violence Prev - Vit Stat	48,450 24,469			-	48,450 24,469	
	Affordable Housing Mitigation	4,688,783			-	4,688,783	
	Affordable Child Care				-	75,000	
	Inclusionary Housing Program	75,000			-	318,616	
	, , ,	318,616			-	767,391	
	Condo Conversion Program Parking In-Lieu Fee	767,391 0		82,010	82,010	82,010	
	Playground Camp	5,937,988		2,200,000		8,137,988	
	State-Prop 172 Pub.Safety	1,344,419		2,200,000	2,200,000	1,344,419	
	State Transportation Tax	8,757,837			-	8,757,837	
	CDBG	3,986,993		1,488,169	1,488,169	5,475,162	
	Rental Housing Safety Program	1,195,194		1,400,109	1,400,109	1,195,194	
	Measure B - Local St & Road	4,034,572			_	4,034,572	
	Measure B - Bike and Pedestrian	551,213			_	551,213	
	Measure B - Paratransit	522,918			_	522,918	
	Measure F Alameda County VRF St & Rd	762,658			_	762,658	
	Measure BB - Local St & Road	4,990,662			_	4,990,662	
	Meaure BB - Bike & Pedestrian	453,033			_	453,033	
	Measure BB - Paratransit	397,349			_	397,349	
	1-Time Funding: Non-Grant	461,941			_	461,941	
	Parks Tax	16,538,168		5,000	5,000	16,543,168	
	Streets & Open Space Improvements	1,140,512		-,	-	1,140,512	
	Measure GG - Fire Prep Tax	4,876,034		31,340	31,340	4,907,374	
	1st Responder Advanced Life Support	412,780		51,000	51,000	463,780	
	Streetlight Assesment District	2,748,117		•	-	2,748,117	
	Berkeley Bus Ec Dev	156,387			-	156,387	
145	Bayer (Miles Lab)	166,514			-	166,514	
146	Employee Training	835,695			-	835,695	
147	UC Settlement	1,593,079		115,108	115,108	1,708,187	
148	Private Percent - Art Fund	20,179		149,269	149,269	169,448	
149	Private Party Sidewalks	172,485			-	172,485	
150	Public Art Fund	369,378			-	369,378	
152	Vital & Health Statistics Trust Fund	29,594			-	29,594	
156	Hlth State Aid Realign Trust	3,866,474			-	3,866,474	
157	Tobacco Cont.Trust	411,398			-	411,398	
158	Mental Health State Aid Realign	4,126,538		139,400	139,400	4,265,938	
159	Citizens Option Public Safety Trust	310,690			-	310,690	
161	Alameda Cty Abandoned Vehicle Abatement	158,767			-	158,767	
162	Shelter Operations	61,206			-	61,206	
	Capital Grants - Local	1,076,792			-	1,076,792	
	OTS DUI Enforcement Education Prg.	123,500		250,000	250,000	373,500	
	HUD/Home	793,509			-	793,509	
	ESGP	228,799		17,500	17,500	246,299	
	Health (General)	2,406,682		49,028	49,028	2,455,710	
	Target Case Management Linkages	1,238,753			-	1,238,753	
	Alameda County Tay Tip	346,606			-	346,606	
	Mental Health Service Act	9,079,439		2,027,721	2,027,721	11,107,160	
	Health (Short/Doyle)	3,799,970		214,400	214,400	4,014,370	
	EUSTIL Expansion Proposal	237,277	1		-	237,277	
	EPSDT Expansion Proposal Alcoholic Bev Ctr OTS/UC	50,554				50,554	

4/24/2019 1:24 PM 29

SUMMARY OF APPROPRIATIONS BY FUND

			2nd AAO				
		FY 2019		Other	Total	FY 2019	
RMA		Revised #1					
und# F	Fund		Reappropriations	Adjustments	Amend.	Revised #2	
319 \	Youth Lunch	268,677			-	268,67	
320 8	Sr. Nutrition Title III	98,503			_	98,50	
321 (CFP Title X	130,739			_	130,73	
	BUSD Grant	295,579			_	295,57	
	Vector Control	334,739			_	334,73	
	Alameda County Grants	573,419			_	573,4	
	Senior Supportive Social Services	50,900			_	50,90	
	Family Care Support Program	71,353			_	71,3	
	CA Integrated Waste Management	42,944			_	42,94	
	Housing Mitigation	508,462			_	508,4	
	Climate Protection Campaign	15,044			_	15,0	
	CALHOME	383,100			_	383,1	
	Community Action	286,230			_	286,2	
	One-Time Grant: No Cap Exp	2,857,026		153,792	153,792	3,010,8	
	Bay Area Air Quality Management	28,606		100,702	100,702	28,6	
339 N		4,717,251			_	4,717,2	
	FEMA	1,609,425		1,501,016	1,501,016	3,110,4	
	Alameda Cty Waste Mgt.	285,000		1,501,010	1,501,010	285,0	
	State Dept Conserv/Recylg	28,000			-	28,0	
	, , , ,				-		
	CALTRANS Grant	1,801,699			-	1,801,6	
	Measure WW Park Bond Grant	1,999,513			-	1,999,5	
	CALTRANS Safe Routes 2 School	685		0.40.004	-	4 707 6	
	Shelter+Care HUD	4,360,408		346,901	346,901	4,707,3	
	Shelter+Care County	540,500		33,485	33,485	573,9	
	JAG Grant	50,000			-	50,0	
	Bioterrorism Grant	287,773			-	287,	
	Capital Improvement Fund	16,948,709		1,050,000	1,050,000	17,998,7	
	Phone System Replacement	61,737			-	61,7	
	FUND\$ Replacement	9,924,150			-	9,924,1	
504 F	PEG-Public, Education & Government	100,000			-	100,0	
506 N	Measure M GO Street & Water Imps	8,331,726			-	8,331,7	
511 N	Measure T1 - Infra & Facil.	9,949,659		7,564,403	7,564,403	17,514,0	
551 [Debt Service Fund	2,632			-	2,6	
552 (09 Measure FF Debt Service	1,618,665			-	1,618,6	
553 2	2018 GORBS	2,617,595			-	2,617,	
554 2	2012 Lease Revenue Bonds BJPFA	501,535			-	501,	
555 2	2015 GORBS - 2002 G.O. Refunding Bonds	483,543			-	483,5	
556 2	2015 GORBS (2007, Series A)	182,029			-	182,0	
557 2	2015 GORBS (2008 Measure I)	613,762			-	613,7	
	2010 COP (Animal Shelter)	404,798			-	404,	
559 N	Measure M GO Street & Water Imps	1,656,089			-	1,656,0	
	nfrastucture & Facilities Measure T1	3,014,433			_	3,014,4	
601 7	Zero Waste	47,369,313			_	47,369,	
	Coastal Conservancy	150,400			_	150,4	
	Marina Operation	7,642,469		409,188	409,188	8,051,6	
	Sewer	28,875,784		2,434,400	2,434,400	31,310,	
	Private Sewer Lateral FD	217,972		2,404,400	2,404,400	217,9	
	Clean Storm Water	4,403,844			_	4,403,8	
	Permit Service Center	19,576,072			_	19,576,0	
	Jnified Program (CUPA)	890,369			-	890,	
	BJPFA Lease Revenue Bonds	100,000			_	100,0	
				750	750		
	Off Street Parking	11,435,701		750	750	11,436,4	
	Parking Meter	9,994,373		118,430	118,430	10,112,8	
	Building Purchases and Management	3,167,882			-	3,167,8	
	Equipment Replacement	6,454,217			-	6,454,2	
	Equipment Maintenance	8,066,716			-	8,066,	
	Building Maintenance Fund	3,780,381			-	3,780,	
	Central Services	385,804			-	385,8	
675 (Computer & Server Replacement Fund	734,457			-	734,	
676 V	Workers Compensation	6,508,596			-	6,508,	
678 F	Public Liability	2,997,050		700,000	700,000	3,697,0	
680 I	Information Technology	10,114,339			-	10,114,	
	Successor Agency - Savo DSF	57,600			-	57,6	
	Sustainable Energy Fin District	28,778			_	28,7	
	Thousand Oaks Underground	97,371	1	186	186	97,5	

SUMMARY OF APPROPRIATIONS BY FUND

	FY 2019
ERMA	Revised #1
Fund # Fund	
777 Measure H - School Tax	500,000
778 Measure Q - CFD#1 Dis. Fire Protect Bond	122,589
779 Spl Tax Bds. CFD#1 ML-ROOS	875,307
781 Berkeley Tourism BID	650,000
782 Elmwood Business Improvement District	61,482
783 Solano Ave BID	35,816
784 Telegraph Avenue Bus. Imp. District	489,000
785 North Shattuck BID	174,011
786 Downtown Berkeley Prop & Improv. District	2,014,081
801 Rent Board	5,281,752
GROSS EXPENDITURE:	614,035,546
-	
Dual Appropriations	(61,583,541)
Revolving & Internal Service Funds	(39,877,255)
NET EXPENDITURE:	512,574,751

	2nd AAO		
	Other	Total	FY 2019
Reappropriations	Adjustments	Amend.	Revised #2
		-	500,000
	75,000	75,000	197,589
		-	875,307
		-	650,000
		-	61,482
		-	35,816
		-	489,000
		-	174,011
		-	2,014,081
		-	5,281,752
-	22,245,802	22,245,802	636,281,348
-	(1,799,372)	(1,799,372)	(63,382,913)
-	(700,000)	(700,000)	(40,577,255)
	19,746,430	19,746,430	532,321,181

ORDINANCE NO. 7,653-N.S.

AMENDING BERKELEY MUNICIPAL CODE SECTIONS 14.62.030 AND 14.62.090; CAR SHARING

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

<u>Section 1.</u> That Section 14.62.030 of the Berkeley Municipal Code is amended to read as follows:

Section 14.62.030 Term.

Reserved.

<u>Section 2</u>. That Section 14.62.090 of the Berkeley Municipal Code is amended to read as follows:

Section 14.62.090 Issuance of parking permits.

- A. Free-floating parking permits shall be issued by the Public Works Department in accordance with requirements set forth in this chapter.
- B. Master residential parking permits shall be issued by the Public Works Department in accordance with requirements set forth in this chapter.
- C. The Annual Bay Area parking master parking badge shall be designed to state the license number of the one-way car share vehicle upon which the badge is affixed.
- D. The Public Works Department shall issue the permits with a maximum term of one year. Permits can be granted quarterly each year through the end of the City's fiscal year.
- E. A car share organization can apply for up to 700 parking permits to be used on car share vehicles based within fifty miles of the Berkeley city limits. A car share organization may alternatively apply for up to 500 parking permits to be used on vehicles based within fifty miles of the Berkeley city limits plus up to 300 parking permits for vehicles based more than fifty miles from the Berkeley city limits. The Public Works Department will review the quantity of parking permits requested by the car share organization to balance the parking needs of the car share organization with the on-street parking needs of private residents and employees.
- F. Any free-floating and master residential preferred parking permits which are renewed shall be subject to the same conditions applicable to the permits when originally issued. The Public Works Department may attach additional conditions to a renewed permit.

The Public Works Department shall issue rules and regulations consistent with this Chapter governing issuance and display of proof that a one-way car share vehicle is owned by a qualified car share organization with a valid free-floating and/or master residential preferred parking permit.

<u>Section 3.</u> Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134

Page 2 of 2

Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on May 14, 2019, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Davila, Droste, Hahn, Harrison, Kesarwani, Robinson, and

Arreguin.

Noes: None.

Absent: Wengraf.

ORDINANCE NO. 7,654-N.S.

AMENDING BERKELEY MUNICIPAL CODE CHAPTER 14.72 TO ALLOW FURTHER EXPANSION OF THE RESIDENTIAL PREFERENTIAL PARKING (RPP) PROGRAM

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

<u>Section 1.</u> That Berkeley Municipal Code Section 14.72.030 is amended to read as follows:

14.72.030 Definitions.

- A. "Designated residential parking permit area" means any contiguous area upon which the Council imposes parking limitations pursuant to the authority granted by this chapter.
- B. "Block front" means all of the property on one side of a street between two consecutive intersecting streets.
- C. "Mixed use" means the use of a lot or building with two or more different land uses including, but not limited to, residential, commercial, retail, office or manufacturing, in a single structure of a group of physically integrated structures; in a neighborhood context, it means blocks containing single-use residences interspersed with other land uses, such as commercial or industrial.
- D. "Mixed Use-Residential" and "Mixed Use-Light Industrial" refer to the zoning designations so defined in Berkeley Municipal Code Chapters 23E.84 and 23E.80, respectively.
- E. "Assessor's Use Code" means the code used by the Alameda County Assessor to assess property for property tax purposes. These codes cover a range of building descriptions and uses, including a variety of residential uses.
- F. "Nonresidential vehicle" means a motor vehicle not eligible to be issued a residential parking permit, pursuant to the terms and conditions of this chapter, for the specific area in which it is parked. However, it could be eligible for a local business parking permit, or any other parking permit the council shall designate.
- G. "Residential parking permit" means a permit issued under this chapter which, when displayed upon a vehicle, as described herein, shall exempt said vehicle from parking time restrictions established pursuant to this chapter.
- H. "Local business parking permit" means a permit issued under this chapter which, when displayed upon a motor vehicle, shall exempt said vehicle from parking time restrictions established pursuant to this chapter.
- I. "Trapped resident" means: 1) any resident whose dwelling is on a block that may not legally opt-in because less than 80% of the block fronts are residentially zoned and either:

- a) whose address is on a block front adjacent to and/or surrounded by block fronts that are already included in the RPP program; or b) whose address is within the general boundary of a designated RPP area; or 2) any resident whose dwelling abuts controlled curb parking and either: a) whose address is on a block front adjacent to and/or surrounded by RPP areas; or b) whose address is within the general boundary of a designated RPP area.
- J. "Neighborhood-service community facility" means churches, schools and senior centers located wholly within the general boundary of an RPP designated area.
- K. "Neighborhood-serving business and establishment" means any business or establishment located in a neighborhood commercial district as defined in the Zoning Ordinance Section Cla, Clb, Clc, Clb(E).
- L. "One-day visitor permit" means a parking permit issued pursuant to this chapter or an ordinance enacted pursuant to authority granted herein, which shall exempt the vehicle from parking time restrictions pursuant to this chapter, for the date indicated upon the face of said permit.
- M. "Two-week visitor permit" shall mean a parking permit issued pursuant to this chapter or an ordinance enacted pursuant to authority granted herein, which shall exempt the vehicle from parking time restrictions established pursuant to this chapter for a period of 14 consecutive calendar days, beginning upon the date indicated upon the face of said permit.
- N. "Motor vehicle" shall be an automobile, truck, motorcycle or other self-propelled form of transportation not in excess of 8,000 pounds gross weight and not in excess of 20 feet in length. A trailer, trailer coach, utility trailer, motor home/(RV), or any other type of vehicle as defined in the California Vehicle Code that is not self-propelled, is not eligible for an RPP permit.
- O. "Controlled curb parking" means any on-street parking with existing parking limitations, such as meters, time restrictions, red zone, etc.
- P. "Schools" shall mean any school or other place of learning providing a pre-school, elementary or secondary level of study, and which regularly employs a staff of at least 15 certificated persons regularly employed as a classroom teacher.
- Q. "Senior centers" means the three senior centers affiliated with the City: North Berkeley Senior Center, South Berkeley Senior Center and the West Berkeley Senior Center.
- <u>Section 2.</u> That Berkeley Municipal Code Section 14.72.050 is amended to read as follows:

14.72.050 Designation of a residential permit parking area.

- A. There shall be two alternative processes by which City Council could consider any area for designation as a residential permit parking area:
- 1. Residents petition. The City Council shall consider for designation as a residential permit parking area any proposed area for which a petition has been submitted which meets and satisfies the following requirements:
- a. Prior to obtaining signatures, neighborhood organizers shall consult with City staff to assure that the proposed area meets guidelines set in the administrative regulations for the establishment of permit parking boundaries.
- b. The petition shall contain a description or a map showing the proposed residential permit parking area.
- c. Said description or map shall be followed in the petition by a statement describing the residential permit parking program and the current residential permit fees.
- d. The statement shall be followed by a signature, printed name, address, and date of signing of the application by a number of adult residents including at least 51% of the housing units within the area.
- e. For applicants in areas zoned Mixed Use-Residential or Mixed Use-Light Industrial, a petition shall only be deemed valid if at least 51% of the housing units on each block front have an address that has a residential Assessor's Use Code.
- f. All petitions shall be the same as the standard petition form developed by City staff. Any petition form different from the standard petition form shall be deemed invalid for the purposes of this chapter.
- g. In the proposed residential permit parking area, at least 80% of the block fronts with unlimited on-street parking must be residentially zoned, and at a minimum, 75% of all unlimited on-street parking spaces within the proposed area must be occupied during any two one-hour periods between 10:00 a.m. and 4:00 p.m.
- h. In areas zoned Mixed Use-Residential or Mixed Use-Light Industrial, at a minimum, 75% of all unlimited on-street parking spaces within the proposed area must be occupied during any two one-hour periods between 10:00 a.m. and 4:00 p.m.
- 2. City Council initiation. City Council shall consider for designation as a residential permit parking area any area for which the following requirements have been met:
- a. City Council shall initiate the area as a residential permit parking area.
- b. For areas zoned Mixed Use-Residential or Mixed Use-Light Industrial, Council shall only initiate the area as a residential permit parking area if at least 51% of the housing units on each block front have an address that has a residential Assessor's Use Code.

Ordinance No. 7,654-N.S.

- c. In the proposed residential permit parking area at least 80% of the block fronts with unlimited on-street parking must be residentially zoned, and at a minimum, 75% of all unlimited on-street parking spaces within the proposed area must be occupied during any two one-hour periods between 10:00 a.m. and 4:00 p.m. or unlimited on-street parking is projected to be impacted by parking spillover from a more congested residential permit parking area.
- d. In areas zoned Mixed Use-Residential or Mixed Use-Light Industrial, at a minimum, 75% of all unlimited on-street parking spaces within the proposed area must be occupied during any two one-hour periods between 10:00 a.m. and 4:00 p.m.
- e. A notice of intent to establish permit parking shall be sent to all addresses within the proposed residential parking permit area.
- B. Upon receipt by the City Council of a petition as described in subsection A.1 of this section, or after Council has initiated a residential permit parking area as described in subsection A.2 of this section, the Council shall:
- 1. Undertake or cause to be undertaken such surveys or studies which it deems necessary.
- 2. Cause to be drafted a resolution which would establish a residential permit parking area based upon the aforementioned proposal and studies, including all regulations and time restrictions determined by the Council to be reasonable and necessary in such area.
- C. The Council shall thereafter conduct a public hearing on said draft resolution. Notice of the hearing shall be posted at least ten days prior to the hearing on all block fronts proposed to be included in the residential permit parking area. Following the hearing, the City Council may enact, amend or reject said draft resolution in any manner, including but not limited to, modification of boundaries of the proposed area and the restrictions imposed on such proposed area. In order to grant permit parking designation, Council shall find that the designation will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing in the area of designation. In reaching this decision, consideration shall be given to the residents' support for residential permit parking, the existing parking conditions, the expected effectiveness of residential permit parking in improving parking conditions, and the location and size of the residential permit parking area.

<u>Section 3.</u> That Berkeley Municipal Code Section 14.72.090 is amended to read as follows:

14.72.090 Residential parking permit.

A. The City Manager and/or his/her designee shall issue residential parking permits with a term not to exceed one year to motor vehicles which comply with the requirements set forth in this section.

- 1. No more than three (3) permits may be purchased for each residential address. Applicants may request a waiver if additional permits are needed.
- 2. In areas zoned Mixed Use-Residential (MU-R) or Mixed Use-Light Industrial (MULI), no more than two (2) permits may be purchased for each residential address. Applicants may request a waiver if additional permits are needed.
- 3. The City Traffic Engineer is authorized to issue such rules and regulations necessary to grant waivers to the annual permit limits.
- B. A residential parking permit may be issued for a motor vehicle only upon application of the following person:
- 1. The applicant must demonstrate that he or she is currently a resident of the area for which the permit is to be issued; and
- 2. The applicant must demonstrate that he or she has ownership or continuing custody of the motor vehicle for which the permit is to be issued; and
- 3. Any motor vehicle to be issued a permit must have a vehicle registration indicating registration within the area for which the permit is to be issued.
- C. A residential parking permit may in addition be issued for any vehicle in the area regularly utilized by a person who owns or leases commercial property and actively engages in business activity within the particular residential permit parking area. However, no more than one parking permit, or any greater number which the City Council may determine appropriate for the particular residential permit parking involved area, may be issued for each business establishment for a motor vehicle registered to or under the control of such a person.
- D. A residential parking permit may be issued for any vehicle utilized in the area by a nonresidential nonbusiness enterprise, such as a church, school, or hospital, located wholly or partially within the particular residential permit parking area. However, no more than one parking permit, or any greater number which the City Council may determine appropriate for the particular permit parking area involved, may be issued for each such enterprise within each permit area for a motor vehicle registered to or under the control of such an enterprise.
- E. Any person to whom a residential parking permit has been issued pursuant to this section shall be deemed a permit holder.

<u>Section 4.</u> Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be

Ordinance No. 7,654-N.S.

Page 6 of 6

filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on May 14, 2019, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Davila, Droste, Hahn, Harrison, Kesarwani, Robinson, and

Arreguin.

Noes: None.

Absent: Wengraf.



Office of the City Manager

CONSENT CALENDAR
May 28, 2019

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Mark Numainville, City Clerk

Subject: Minutes for Approval

RECOMMENDATION

Approve the minutes for the Council meetings of April 2, 2019 (regular), April 23, 2019 (special and regular), April 29, 2019 (special closed), and April 30, 2019 (special and regular).

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

- 1. April 2, 2019–Regular City Council Meeting
- 2. April 23, 2019-Special City Council Meeting
- 3. April 23, 2019-Regular City Council Meeting
- 4. April 29, 2019-Special Closed City Council Meeting
- 5. April 30, 2019-Special City Council Meeting
- 6. April 30, 2019-Regular City Council Meeting

MINUTES

BERKELEY CITY COUNCIL MEETING

Tuesday, April 2, 2019 6:00 PM

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

JESSE ARREGUIN, MAYOR Councilmembers:

DISTRICT 1 – RASHI KESARWANI

DISTRICT 5 – SOPHIE HAHN

DISTRICT 2 – CHERYL DAVILA

DISTRICT 6 – SUSAN WENGRAF

DISTRICT 7 – RIGEL ROBINSON

DISTRICT 4 – KATE HARRISON

DISTRICT 8 – LORI DROSTE

Preliminary Matters

Roll Call: 6:12 p.m.

Present: Bartlett, Davila, Hahn, Harrison, Kesarwani, Robinson, Wengraf, Arrequin

Absent: Droste

Ceremonial Matters:

- 1. Recognition of Parkinsons Awareness Month
- 2. Recognition of the 70th Anniversary of KPFA
- 3. Adjourned in Memory of Ethel Murrey
- 4. Adjourned in Memory of Nipsey Hussle
- 5. Adjourned in Memory of persons that have died in the Right to Return Marches

City Manager Comments:

1. Berkeley Bay Festival, April 6 at 11:00am at Shorebird Park

City Auditor Comments: None

Public Comment on Non-Agenda Matters: 10 speakers.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 9 speakers.

Action: M/S/C (Harrison/Wengraf) to adopt the Consent Calendar in one motion except as indicated.

Vote: Ayes – Kesarwani, Davila, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None; Absent – Droste.

1. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on April 2, 2019

From: City Manager

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

Financial Implications: Various Fund - \$7,265,675 Contact: Henry Oyekanmi, Finance, 981-7300

Action: Approved recommendation.

2. Contract No. 9863 Amendment: Arup North America, Ltd. for Construction Support Services for the Shattuck Reconfiguration and Pedestrian Safety Project

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 9863 with Arup North America, Ltd. for Construction Support Services for the for the Shattuck Reconfiguration and Pedestrian Safety Project, increasing the contract by \$50,000, for a total amount not to exceed \$763,800, and extending the term of the contract from June 30, 2019 to June 30, 2021.

Financial Implications: Capital Improvement Fund - \$50,000

Contact: Phillip Harrington, Public Works, 981-6300

Action: Adopted Resolution No. 68,804-N.S.

Council Consent Items

3. Budget Referral: Opening the West Campus Pool Year-Round From: Mayor Arrequin and Councilmembers Davila and Hahn

Recommendation: Refer to the FY2020 Budget Process at least \$213,000 and up

to \$481,745 to reinstate the year-round opening of the West Campus Pool.

Financial Implications: See report

Contact: Jesse Arreguin, Mayor, 981-7100

Action: Approved recommendation.

- 4. Co-Sponsorship and Budget Referral for the 2019 Bay Area Book Festival From: Mayor Arreguin, and Councilmembers Wengraf, Harrison, and Davila Recommendation:
 - 1. Adopt a Resolution approving official City of Berkeley co-sponsorship of the nonprofit Bay Area Book Festival to be held from May 4-5, 2019 in Downtown Berkeley: and
 - 2. Refer an allocation of \$50,000 for the Bay Area Book Festival to the FY 2020/2021 **Budget Process.**

Financial Implications: See report

Contact: Jesse Arreguin, Mayor, 981-7100

Action: 1. Adopted Resolution No. 68,805–N.S. 2. Approved recommendation.

5. Opposition to Eliminating Settlement Conferences for Unlawful Detainer Cases From: Mayor Arreguin, and Councilmembers Bartlett, Harrison, and Robinson **Recommendation:** Adopt a Resolution urging the Alameda County Superior Court to rescind its proposal to eliminate settlement conferences for half of all unlawful detainer cases. Send a copy of the Resolution to the Presiding Judge of the Alameda County Superior Court.

Financial Implications: See report

Contact: Jesse Arreguin, Mayor, 981-7100 Action: Adopted Resolution No. 68,806–N.S.

Women's Daytime Drop-In Center: Relinquishment of Council Office Budget 6. **Funds to General Fund and Grant of Such Funds**

From: Councilmembers Davila, Hahn, Harrison, and Wengraf

Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember including \$150 from Councilmember Cheryl Davila, to the Women's Davtime Drop-In Center, for their 31st Annual Chance for Change on May 4, 2019, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Davila and any other Councilmembers who would like to contribute.

Financial Implications: Councilmember's Discretionary Funds - \$150

Contact: Cheryl Davila, Councilmember, District 2, 981-7120

Action: Adopted Resolution No. 68,807–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Hahn -\$100: Councilmember Wengraf - \$250: Councilmember Harrison - \$250: Councilmember Davila - \$250; Councilmember Robinson - \$100; Councilmember Bartlett - \$250.

Tuesday, April 2, 2019 **MINUTES** Page 3

7. Referral to the Energy Commission to Hold a Series of Public Outreach and Educational Meetings Regarding Electrification

From: Councilmembers Harrison, Davila, Robinson, and Hahn

Recommendation: Refer to Berkeley's Energy Commission to hold four separate special public outreach and educational meetings regarding electrification in new buildings:

- 1. A meeting with community members;
- 2. A meeting with building professionals and labor (buildings trades, contractors, architects, engineers etc.);
- 3. A meeting with affordable housing developers;
- 4. A meeting with market-rate developers.

Financial Implications: See report

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

Action: Approved revised recommendation as written in Supplemental

Communications Packet #2 and noted below.

Refer to Berkeley's Energy Commission to hold two separate special public outreach and educational meetings regarding electrification in new buildings by July 31, 2019:

- 1. A meeting regarding multi-family, mid/high-rise buildings, including those with ground floor commercial;
- 2. A meeting regarding commercial buildings (without housing), including manufacturing.
- 8. Proclamation in Honor of Holocaust Remembrance Day

From: Councilmembers Wengraf, Robinson, and Hahn, and Mayor Arreguin Recommendation: Adopt the Holocaust Remembrance Day Proclamation for the

17th annual Holocaust Remembrance Day program.

Financial Implications: None

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

Action: Adopted proclamation.

9. Berkeley World Music Festival: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Fund

From: Councilmembers Robinson and Davila

Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember including \$250 from Councilmember Robinson, to the Berkeley World Music Festival to assist with payment to artist fees, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Robinson and any other Councilmembers who would like to contribute.

Financial Implications: Councilmember's Discretionary Funds - \$250

Contact: Rigel Robinson, Councilmember, District 7, 981-7170

Action: Adopted Resolution No. 68,808–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Hahn - \$100; Councilmember Wengraf - \$100; Councilmember Harrison - \$100;

Councilmember Davila - \$150; Councilmember Bartlett - \$150.

10. Support for AB-969 (Collective Bargaining: Legislature)

From: Councilmembers Robinson, Harrison, and Davila

Recommendation: Send a letter to Senator Skinner and Assemblymembers Wicks and Gonzalez supporting AB-969, which would provide employees of the state legislature the right to participate in employee organizations for the purpose of collective bargaining and other aspects of employer-employee relations.

Financial Implications: None

Contact: Rigel Robinson, Councilmember, District 7, 981-7170

Action: Approved recommendation.

11. Support for SCA-1: Public Housing Projects

From: Councilmember Robinson, Mayor Arreguin, and Councilmembers Harrison and Droste

Recommendation: Adopt a resolution supporting SCA-1, which repeals Article 34 of the state constitution, requiring a citywide vote for construction of publicly funded low income housing projects. Copies of the resolution will be sent to Senator Nancy Skinner, Assemblymember Buffy Wicks, Senator Bill Allen, and Senator Scott Weiner.

Financial Implications: None

Contact: Rigel Robinson, Councilmember, District 7, 981-7170

Action: Adopted Resolution No. 68,809–N.S.

12. Adopt a Spot Initiative

From: Councilmembers Droste and Kesarwani

Recommendation: Refer to the Public Works Commission and Parks and Waterfront Commission to develop an Adopt A Spot initiative; specifically outlining potential environmental benefits, program costs, staffing. Rationale: -Adopt a Spot programs enable a network of volunteer residents to assist in city maintenance and clean up efforts which have great impact using minimal City staff/funding. -Vision 2050 will include stormwater and watershed management goals, both of which this program would support.

Financial Implications: Staff time

Contact: Lori Droste, Councilmember, District 8, 981-7180

Action: Councilmember Bartlett added as a co-sponsor. Moved to Action Calendar. Item Title changed to "Adopt a Spot Initiative for Volunteer Stewardship of Public Spaces." Item 12 held over to April 23, 2019.

Action Calendar

13. Implementation of Resolution 68,132 (Council Funding for Additional Services Amending Contracts with Eviction Defense Center ("EDC") and East Bay Community Law Center ("EBCLC") For The Period Ending June 30, 2018 From: Rent Stabilization Board

Contact: Jay Kelekian, Rent Stabilization Board, 981-7368

Action: 6 speakers. Presentation made and discussion held.

Recess 8:49 p.m. - 9:17 p.m.

Action Calendar - Public Hearings

14. New Marina Fee – South Cove Parking Lots

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution approving a new Marina Fee Schedule to include a new parking fee in the South Cove Parking lot, and rescinding Resolution No. 68,415-N.S. and all amendatory resolutions.

Financial Implications: See report

Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700

Public Testimony: The Mayor opened the public hearing. 17 speakers.

Action: M/S/C (Hahn/Harrison) to continue the public hearing to April 30, 2019. **Vote:** Ayes – Kesarwani, Davila, Bartlett, Harrison, Hahn, Wengraf, Robinson,

Arreguin; Noes – None; Abstain – None; Absent – Droste.

15. Draft Supplemental Environmental Impact Report for Upper Hearst Development and Amendment to 2020 Long Range Development Plan From: Mayor Arreguin and Councilmember Wengraf

Recommendation: Discuss the draft Supplemental Environmental Impact Report (SEIR) for the Upper Hearst Development and Minor Amendment to the 2020 Long Range Development Plan. Provide direction to the City Manager on formal comments to the Upper Hearst SEIR. Comments to be submitted to UC Berkeley by the April 8, 2019 deadline.

Financial Implications: See report

Contact: Jesse Arreguin, Mayor, 981-7100

Action: 0 speakers. Council discussed the SEIR and provided feedback to staff.

16. Cannabis Ordinance Revisions; Amending the Berkeley Municipal Code (Continued from March 12, 2019)

From: City Manager

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

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

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

Financial Implications: See report.

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

Action: M/S/C (Arreguin/Hahn) to suspend the rules and extend the meeting to 11:30 p.m., and to hold over Item #12 to April 23, 2019.

Vote: Ayes – Kesarwani, Davila, Bartlett, Harrison, Hahn, Robinson, Arreguin; Noes – Wengraf; Abstain – None; Absent – Droste.

Action: M/S/C (Arreguin/Hahn) to accept supplemental material from Councilmember Hahn on Item 16.

Vote: Ayes – Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – Davila; Abstain – None; Absent – Droste.

Action: M/S/C (Hahn/Arreguin) to suspend the rules and extend the meeting to 11:45 p.m., and to extend debate for 20 minutes.

Vote: Ayes – Kesarwani, Davila, Bartlett, Harrison, Hahn, Robinson, Arreguin; Noes – Wengraf; Abstain – None; Absent – Droste.

Action: M/S/C (Hahn/Arreguin) to suspend the rules and extend the meeting to 12:00 a.m.

Vote: Ayes – Davila, Bartlett, Harrison, Hahn, Robinson, Arreguin; Noes – Kesarwani, Wengraf; Abstain – None; Absent – Droste.

Action: M/S/C (Hahn/Arreguin) to suspend the rules and extend the meeting to 12:15 a.m.

Vote: Ayes – Kesarwani, Davila, Bartlett, Harrison, Hahn, Robinson, Arreguin; Noes – Wengraf; Abstain – None; Absent – Droste.

Action: M/S/C (Hahn/Arreguin) to suspend the rules and extend the meeting to 12:20 a.m.

Vote: Ayes – Kesarwani, Davila, Bartlett, Harrison, Hahn, Robinson, Arreguin; Noes – Wengraf; Abstain – None; Absent – Droste.

Public Testimony: The Mayor opened the public hearing. 12 speakers.

Action: M/S/C (Arreguin/Hahn) on the severed portion to state the intent of Council to limit the number of retail establishments to a total of seven (including the equity applicant) for a period of three years.

Vote: Ayes – Bartlett, Harrison, Hahn, Wengraf, Arreguin; Noes – Kesarwani, Davila, Robinson; Abstain – None; Absent – Droste.

Action: M/S/C (Arreguin/Hahn) to adopt first reading of Ordinance No. 7,645–N.S. (Amend BMC Title 12); Ordinance No. 7,646–N.S. (Add BMC Chapter 20.40); Ordinance No. 7,647–N.S. (Amend BMC Chapter 23C.25); Ordinance No. 7,648–N.S. (Amend BMC Sub-Title 23.E); and Ordinance No. 7,649–N.S. (Amend BMC Sub-Title 23F) with amendments as noted below. Second reading scheduled for April 23, 2019.

- Amend Section 12.21.040.D to state that "Cannabis Businesses shall only obtain Cannabis from licensed cultivators distributors as authorized by California law"
- Amend Section 12.22.040.F.3 to reflect the Community Health Commission recommendations regarding size of type on signage and location of signage at Retailers;
- Approve Alternative B (Cannabis Commission Recommendation) in 12.21.040.H.2 requiring Retailers, Distributors and Cultivators to have security cameras, alarms and lighting but no guards;
- Approve Alternative A (Staff Recommended Language) in 12.21.040.I.1
 requiring Retailers, Distributors and Cultivators to secure exterior windows
 and doors with bars and metal gates, or have a security guard on site during
 non-business hours;
- Amend Section 12.22.030 as recommended by staff "No Principal of any business of a certain license..."
- Strike Section 12.22.040(D) "Retailers may not distribute free samples";
- Approve Alternative A (Staff Recommended Language in 12.22.040.H.1 allowing delivery from established retailers to customer residences but prohibiting dynamic delivery;
- Strike Sections 12.22.070(4)and(5);
- Remove language in BMC Section 12.22.100 permitting Cannabis Events;
- Remove Section 20.40.130(D), "Signage may not include depictions of cannabis or cannabis products. Logos with such depictions are also prohibited on signs."

- Remove Section 23C.25.010.E regarding "No changes in ownership or approved location";
- Approve Alternative C (Planning and Cannabis Commission Recommendation) in Section 23C.25.010.B "Retail Uses", keeping existing 600 foot buffers for Retailers:
- Approve Alternative A (Staff Recommended Language) in Section 23C.25.040.B.2(b) permitting Retail Nursery Microbusinesses as of right with a Zoning Certificate in the C- and M- prefixed zones.
- Refer the Civic Arts Commission's recommended language to the Planning Commission on protecting Live Work spaces from conversion to cannabis uses
- "Delivery-Only Retailer" should be moved to a stand-alone definition in Section 12.21.020
- Include Staff Recommendation Alternative A in Section 23C.25.010.F.1 regarding a limit of six retailers
- Amend Section 12.21.090 to change nuisance to administrative citation
- Add a ban on dynamic delivery

Deferring to Phase 2 of Cannabis Ordinance amendments:

- On-site consumption of cannabis products
- Buffers for Retailers
- and Community Health Commission recommendations on health/warning signage

Stating the intent of the City Council that with the exception of a seventh Equity Retail license, that the Council will not approve any additional Retail permits for a period of three years.

Vote: Ayes – Kesarwani, Davila, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None; Absent – Droste.

Action Calendar

17. Short-term referral to City Manager and budget referral for creation of a "vehicle dweller program" in Berkeley

From: Councilmembers Davila and Harrison

Recommendation: Create a comprehensive program to support those living in their vehicles, including but not limited to RVs, to stay in Berkeley without fear of being criminalized, harassed, displaced, fined or having their vehicles confiscated, and with the support needed to have minimal impact on the neighborhoods in which they reside. The program could include: -Issuing 3-6 month permits for vehicles in running order with an option to renew if no validated complaints have been filed. -Creating a registration process that identifies any additional support needed. -Specifying a consistent, clear and transparent process for investigating complaints to determine validity and issuing warnings. -Distributing permits equally across all parking permit districts and identifying any restrictions on parking (i.e. near schools given bus access, etc.). -Creating an affordable sliding scale permit structure based on size of vehicle, weight, number of wheels, etc. -Providing pump-out services, waste disposal and social services as needed. -Creating a pump-out station for use by RVs within the City of Berkeley. -Creating a program for up to \$3,000 per a vehicle for mechanical and sanitation repairs as well as registration and offering a grace period to get vehicles into compliance for a permit. -Piloting a Safe Parking program modeled after Oakland's pilot: 4-8 sites with 6-10 vehicles parked at business, school, community or faith-based site parking lots, including support and sanitation services.

Vehicles with permits are exempt from Berkeley Municipal Code (BMC) Chapter 12.76 and BMC Section 14.40.120.

Financial Implications: See report

Contact: Chervl Davila, Councilmember, District 2, 981-7120

Action: M/S/Failed (Harrison/Davila) to refer the item, including supplemental materials, to the Health, Life Enrichment, Equity and Community Committee. **Vote:** Ayes – Bartlett, Harrison; Noes – Kesarwani, Davila, Hahn, Robinson, Arreguin; Abstain – Wengraf; Absent – Droste.

Action: 27 speakers. M/S/Carried (Arreguin/Wengraf) to refer the item, including supplemental materials, to the Agenda and Rules Committee for future scheduling. **Vote:** Ayes – Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – Davila; Absent – Droste.

Action Calendar

18a. Effective Enforcement of Safe Lead-Paint Practices

From: Community Environmental Advisory Commission

Recommendation: Direct the City Manager to prepare two ordinances as described below and return them for vote of the City Council within two months, so that when passed the city staff can effectively intervene when painters ignore safe practices they have agreed to uphold in removing lead paint from structures built before 1978:

- 1. An ordinance adding safe lead-paint practices (already mandated by the state and federal governments) to the City Code so that such practices can be regularly enforced as part of code enforcement; [this ordinance could follow the wording of an ordinance proposed in the City of Emeryville in 2017.
- 2. An ordinance in accord with California law that allows the city to be reimbursed for costs (staff time) for enforcement efforts (thus making it cost-effective for the City staff to engage in enforcement) and to automatically add fines up to \$1,000 for each day of failing to comply with orders to cease unlawful practices. This ordinance could apply generally to all municipal code violations, in addition to lead paint cleanup, to fund and reimburse stronger enforcement efforts by the City.

Financial Implications: See report

Contact: Viviana Garcia, Commission Secretary, 981-7460

18b. Companion Report: Effective Enforcement of Safe Lead-Paint Practices From: City Manager

Recommendation: Based on the intent of the recommendation from the Community Environmental Advisory Commission (CEAC) for the City to expand enforcement of unsafe lead paint practices, refer to the City Manager to: - Coordinate with the Alameda County Healthy Homes Program to clearly identify roles and responsibilities for expanding enforcement of unsafe lead practices, and to explore options for sharing resources that can support expanded local enforcement; - Identify what resources, staff capacity, and program structure would be required to expand City enforcement of unsafe lead practices; - Continue current work to educate building permit applicants and contractors about safe lead paint practices; train and certify all City of Berkeley Building and Housing Inspectors in lead paint safety; respond to, investigate, and enforce safe lead paint practices as needed; and administer the Public Health Division's Childhood Lead Poisoning Prevention Program; and - Provide an update to City Council within one-year that identifies progress and next steps for expanding enforcement of unsafe lead practices.

Financial Implications: See report

Contact: Timothy Burroughs, Planning and Development, 981-7400; Kelly Wallace, Housing and Community Services, 981-5400

Action: Moved Item 18b to Consent Calendar. Approved recommendation with the following amendments:

- Request that the City Manager return to Council as soon as possible with recommendations on staffing for robust enforcement and internal restructuring for inspections.
- Options for noticing and distributing disclosure information.
- Enforcement by the City or the County, if feasible.

Public Comment - Items Not Listed on the Agenda - 0 speakers.

Adjournment

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

Vote: Ayes – Kesarwani, Davila, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin;

Noes - None; Abstain - None; Absent - Droste.

Adjourned at 12:16 a.m.

This is to certify that the foregoing is a true and correct record of the regular meeting of April 2, 2019 as approved by the Berkeley City Council.

Mark Numainville, City Clerk

Communications

Item #16: Cannabis Ordinance Revisions; Amending the Berkeley Municipal Code

- 1. Liz Williams (2)
- 2. Carol Denney

Fair Chance Ordinance

3. Paola Laverde, Chair, Rent Stabilization Board

Blanket Upzoning

4. Zelda Bronstein

Rosa Parks 5th Grade Mock Trial

5. Ty Alper

Abe's Military Base Plan for Okinawa

6. Breanne Slimick, on behalf of the Peace and Justice Commission

Investing in the City of Berkeley

7. Dmitri Kaminski

North Berkeley BART

8. Barbara Angle

Eastbay Community Energy Default Option

9. Alan Gould

5G

10. Vivian Warkentin (2)

Climate Change

11. Thomas Lord

12. Olga Bolotina

SB 50 Bonus Densities

13. Avram Gury Arye (3)

Fiscal Responsibility

14. Bob Flasher

2701 Shattuck

15. Daniel Jurnover

Berkeley Recycling

16. Barbara Gilbert

Berkeley City Council Broadcasts

17. Barbara Gilbert

Supplemental Communications and Reports 1

Item #16: Cannabis Ordinance Revisions; Amending the Berkeley Municipal Code

18. Supplemental material, submitted by the Planning and Development Department

- 19. Llyana Landes
- 20. Elizabeth Starr

Item #17: Short-term referral to City Manager and budget referral for creation of a "vehicle dweller program" in Berkeley

21. Supplemental material, submitted by Councilmember Bartlett

Supplemental Communications and Reports 2

Item #3: Budget Referral: Opening the West Campus Pool Year-Round

- 22. David Hubbard
- 23. Kate Brubeck
- 24. Stacey Singleton
- 25. Arnold Kessler
- 26. Donna Mickleson
- 27. Will Tams
- 28. Michele Manning
- 29. Cindi Goldberg
- 30. Howard Goldberg (2)
- 31. Lydia Ruiz
- 32. Linda Worthman
- 33. Stevanne Auerbach

- 34. Summer Brenner
- 35. Rebecca Burke
- 36. Lydia Ruiz
- 37. Jane Ellis
- 38. Zee Zeleski
- 39. Helga Recke
- 40. Gael Alcock
- 41. Chuck Herndon

Item #7: Referral to the Energy Commission to Hold a Series of Public Outreach and Educational Meetings Regarding Electrification

42. Revised material, submitted by Councilmember Harrison

Item #14: New Marina Fee - South Cove Parking Lots

43 Laurin Vincent

Item #15: Draft Supplemental Environmental Impact Report for Upper Hearst Development and Amendment to 2020 Long Range Development Plan

- 44. Charlene Woodcock
- 45. Dean Hunsaker

Item #16: Cannabis Ordinance Revisions; Amending the Berkeley Municipal Code

- 46. Carol Denney
- 47. Martin Nicolaus
- 48. Oceans 3

Item #17: Short-term referral to City Manager and budget referral for creation of a "vehicle dweller program" in Berkeley

- 49. Supplemental material, submitted by Councilmember Bartlett
- 50. Revised material, submitted by Councilmember Harrison
- 51. William Tomaszewski, General Councel on behalf of Wine.com
- 52. Amber Richardson
- 53. Natasha Robinson
- 54. Gary Parsons
- 55. Ann Garbarino
- 56. April Gilbert
- 57. Stanislaw Sobolewski
- 58. Lynne Clenfield
- 59. Gene Bernardi

Item #18a: Effective Enforcement of Safe Lead-Paint Practices

60. Kelly Wong

Item #15: Draft Supplemental Environmental Impact Report for Upper Hearst Development and Amendment to 2020 Long Range Development Plan

61.72 Communications submitted via Berkeley Considers, includes summary information.

Supplemental Communications and Reports 3

Item #3: Budget Referral: Opening the West Campus Pool Year-Round

- 62. Diane Tomkins
- 63. Teal Major
- 64. Lia Olson
- 65. David Hubbard
- 66. Donna Mickleson
- 67. Amanda Berger

Item #13: Implementation of Resolution 68,132 (Council Funding for Additional Services Amending Contracts with Eviction Defense Center ("EDC") and East Bay Community Law Center ("EBCLC") For The Period Ending June 30, 2018

- 68. Presentation, submitted by Mayor Arreguin
- 69. Barbara Gilbert
- 70. Janice Greenberg
- 71. Jonathan Weldon

Item #14: New Marina Fee – South Cove Parking Lots

72. Presentation, submitted by Parks, Recreation & Waterfront

Item #16: Cannabis Ordinance Revisions; Amending the Berkeley Municipal Code

- 73. School map, submitted by Councilmember Hahn
- 74. Presentation, submitted by Planning and Development
- 75. May Simpson, Chair, Community Health Commission
- 76. Virginia Browning
- 77. James
- 78. Jodie Appell
- 79. Elena Lingas
- 80. Clifford Fred
- 81. Laurin Vincent
- 82. Friedner Wittman

Item #17: Short-term referral to City Manager and budget referral for creation of a "vehicle dweller program" in Berkeley

- 83. Carly Ebenstein
- 84. Diana Bohn
- 85. George Torgun
- 86. Stephen LaMond (2)
- 87. Councilmember Harrison
- 88. Robert Glantz
- 89. Maurice Levitch
- 90. Judith Malamut
- 91. Paul Gumpel
- 92. Colin Palmquist
- 93. Ory Sandel

Page 18 of 62

94. Erica Newton 95. Linda Dulong 96. Tom Luce

Berkeley World Music

97. Stuart Baker, on behalf of the Telegraph Business Improvement District

MINUTES SPECIAL MEETING OF THE BERKELEY CITY COUNCIL

Tuesday, April 23, 2019 4:00 P.M.

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI

DISTRICT 5 – SOPHIE HAHN

DISTRICT 2 – CHERYL DAVILA

DISTRICT 6 – SUSAN WENGRAF

DISTRICT 7 – RIGEL ROBINSON

DISTRICT 4 – KATE HARRISON

DISTRICT 8 – LORI DROSTE

Preliminary Matters

Roll Call: 4:05 p.m.

Present: Davila, Droste, Hahn, Harrison, Kesarwani, Robinson, Wengraf, Arreguin

Absent: Bartlett

Councilmember Bartlett present at 4:42 p.m.

Action Calendar - Public Hearing

1. Submission of the PY 2019 Annual Action Plan Including Allocations of Federal Funds to Community Agencies

From: City Manager

Recommendation: Conduct a public hearing on the federal Program Year (PY) 2019 Annual Action Plan (AAP) for federal funds, including the allocation of federal funding for community agencies for FYs 2020 - 2023, and upon conclusion, adopt a Resolution:

- 1. Approving proposed funding allocations under the FY 2020 Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), and Home Investment Partnerships Program (HOME); and
- 2. Authorizing the execution of resultant agreements and amendments with community agencies for the above-mentioned funds; and
- 3. Allocating 85% of the FY 2020 HOME funds to the Housing Trust Fund, up to 5% for Community Housing Development Organization (CHDO) operating funds 10% for program administration; and
- 4. Authorizing the carryover of any ESG unspent funds from FY 2018 and FY 2019 and allocate those funds to the Coordinated Entry System (CES) the HUB to be used for ESG eligible activities in FY 2020; and
- 5. Authorizing the City Manager to submit the PY 2019 Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD).

Financial Implications: See report

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

Public Testimony: The Mayor opened the public hearing. 25 speakers.

M/S/C (Bartlett/Wengraf) to close the public hearing.

Vote: All Ayes.

Action: M/S/Failed (Bartlett/Davila) to adopt the staff recommendations amended to reduce the Habitat for Humanity allocation by 50% and allocate the remaining funds to Rebuilding Together.

Vote: Ayes – Davila, Bartlett, Hahn; Noes – Kesarwani, Harrison, Wengraf,

Robinson, Droste, Arreguin.

Action: M/S/Carried (Arreguin/Hahn) to 1) adopt Resolution No. 68,810–N.S. to adopt the staff recommendations; and 2) refer the funding for Rebuilding Together to the June budget process.

Vote: Ayes – Kesarwani, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin;

Noes - Davila, Bartlett.

Adjournment

Action: M/S/C (Hahn/Robinson) to adjourn the meeting.

Vote: All Ayes.

Adjourned at 6:23 p.m.

This is to certify that the foregoing is a true and correct record of the special meeting of April 23, 2019 as approved by the Berkeley City Council.

Mark Numainville, City Clerk

Communications

None

Supplemental Communications and Reports 1

None

Supplemental Communications and Reports 2

Item #1: Submission of the PY 2019 Annual Action Plan Including Allocations of Federal Funds to Community Agencies

1. Suzanna Yeh

Supplemental Communications and Reports 3

Item #1: Submission of the PY 2019 Annual Action Plan Including Allocations of Federal Funds to Community Agencies

2. Presentation, submitted by HHCS

Page 21 of 62

- 3. Sarah McKinney, Assistant Director, Community Living at Toolworks
- 4. Cedric Rixter
- 5. Fernando "Cino" Alvarez
- 6. Marylouise Lambert
- 7. Unknown
- 8. Stella Tan

MINUTES BERKELEY CITY COUNCIL MEETING

Tuesday, April 23, 2019 6:00 PM

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

JESSE ARREGUIN, MAYOR Councilmembers:

DISTRICT 1 – RASHI KESARWANI

DISTRICT 5 – SOPHIE HAHN

DISTRICT 2 – CHERYL DAVILA

DISTRICT 6 – SUSAN WENGRAF

DISTRICT 7 – RIGEL ROBINSON

DISTRICT 4 – KATE HARRISON

DISTRICT 8 – LORI DROSTE

Preliminary Matters

Roll Call: 6:35 p.m.

Present: Bartlett, Davila, Droste, Hahn, Harrison, Kesarwani, Robinson, Wengraf,

Arreguin

Absent: None

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

- 1. Recognition of Stiles Hall Berkeley Scholars to Cal
- 2. Recognition of Osha Neumann
- 3. Holocaust Remembrance Day Event April 28, 2019, 11:30am, 2121 Allston Way
- 4. Presentation: Alameda County Mosquito Abatement District
- 5. Adjourned in Memory of Sue Hone, Former Berkeley City Councilmember

City Manager Comments: None

City Auditor Comments:

The City Auditor noted Item 5 and the importance of contracting for the needed expertise to complete the FUND\$ replacement project; Noted the progress made on audit recommendations by the IT Dept., Fire Dept., and City Manager's Office.

Public Comment on Non-Agenda Matters: 10 speakers.

Public Comment on Consent Calendar and Information Items Only: 30 speakers.

Action: M/S/C (Arreguin/Hahn) to adopt the Consent Calendar in one motion except as

indicated.

Vote: All Ayes.

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

Recommendation: Adopt second reading of Ordinance Nos. 7,645-N.S., 7,646-N.S., 7,647-N.S., 7,648-N.S., and 7,649-N.S., amending the Berkeley Municipal Code (BMC) which would:

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

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

First Reading Vote: Ayes – Kesarwani, Davila, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain - None; Absent - Droste.

Financial Implications: See report

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

Action: M/S/C (Arreguin/Davila) to accept revised material from staff on Item 1 **Vote:** Ayes – Kesarwani, Davila, Bartlett, Harrison, Hahn, Robinson, Arreguin; Noes – None; Abstain – None; Absent – Wengraf, Droste.

Councilmember Wengraf absent 8:40 p.m. – 8:44 p.m.

Councilmember Droste absent 8:40 p.m. – 8:51 p.m.

Action: Moved to Action Calendar. 5 speakers. M/S/C (Arreguin/Davila) to:

- 1) Adopt the second reading of Ordinance No. 7,646–N.S. (Add BMC Chapter 20.40); Ordinance No. 7,648–N.S. (Amend BMC Sub-Title 23.E); and Ordinance No. 7,649–N.S. (Amend BMC Sub-Title 23F);
- 2) Adopt the first reading of Ordinance No. 7,645-N.S. (Amend BMC Title 12) and Ordinance No. 7,647–N.S. (Amend BMC Chapter 23C.25) with the amendments listed below.

12.22.040.H.2 (Deliveries)

- j. A manifest must be created for each delivery or series of deliveries prior to departure from the Retailer or Delivery-Only Retailer, and the employee may not make any unnecessary stops between deliveries or deviate substantially from the manifest route, unless a stop is necessary for personal safety.
- kj. All orders to be delivered shall be packaged at the Retailer or Delivery only Retailer by the name or identification number of the Customer for whom the delivery is intended.

63

lk. The person responsible for making deliveries shall have a copy of the record of all delivery requests while making deliveries.

ml. All Retailers that provide delivery service shall maintain at all times Commercial General Liability insurance providing coverage at least as broad as ISO CGL Form 00 01 on an occurrence basis for bodily injury, including death, of one or more persons, property damage and personal injury with limits of not less than One Million Dollars (\$1,000,000) per occurrence and Comprehensive Automobile Liability (owned, non-owned, hired) providing coverage at least as broad as ISO Form CA 00 01 on an occurrence basis for bodily injury, including death, of one or more persons, property damage and personal injury, with limits of not less than One Million Dollars (\$1,000,000). The Commercial General Liability policy shall provide contractual liability, shall include a severability of interest or equivalent wording, shall specify that insurance coverage afforded to the City shall be primary, and shall name the City, its officials and employees as additional insured. Failure to maintain insurance as required herein at all times shall be grounds for immediate suspension of the privilege of providing delivery service.

23C.25.040.B (Retail Nursery Microbusinesses)

- 2. Retail Nursery Microbusinesses
- a. Two existing nurseries are permitted to convert to a Retail Nursery Microbusiness, regardless of the number of Retailers and Cultivators in the City. For purposes of this Section, "Existing Nursery" means a plant nursery in the City of Berkeley as of the effective date of the ordinance.
- b. These businesses A maximum of two Existing Nurseries are permitted to convert to Retail Nursery Microbusiness, either: 1) by right with a Zoning Certificate in C- and M-prefixed zoninges districts, if they comply with the development standards set forth in the Zoning Ordinance and in this Chapter for each activity conducted on the premises; or 2) subject to the requirement to obtain a Use Permit as set forth in Chapter 23B.32 for -
- <u>c.</u> If the existing nursery is located entirely or partially in an R-prefixed district, conversion to a Retail Nursery Microbusiness will be subject to requirements for substantial expansion or change in character to non--conforming uses in R-prefixed districts (Section 23C.04.060.B). The Zoning Certificates and/or Use Permits shall be approved notwithstanding the number of Retailers and Cultivators in the City.
- dc. Zoning Certificates and/or Use Permits shall be issued to Existing Nurseries on a first-come, first-served basis. The right to retain one of the allocated Zoning Certificates shall be determined based on the date of issuance of a concurrent Business License and establishing and continuously operating the business or, if a Use Permit is required, on the date the application for the Use Permit is deemed complete so long as the Use Permit is implemented with a Business License within 30 days of approval and establishing and continuously operating the business.
- ed. The 600-foot retail buffer shall not apply between Storefront Retailers and Retail Nursery Microbusinesses.

Vote: All Ayes.

2. Contract: Masayuki Nagase for North Berkeley Senior Center Measure T1 Public Art Commission

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract for an amount not to exceed \$100,000, and any amendments thereto, with Masayuki Nagase for a public art commission for North Berkeley Senior Center.

Financial Implications: Public Art Fund - \$100,000 Contact: Jordan Klein, Economic Development, 981-7530

Action: Adopted Resolution No. 68,811–N.S.

3. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on April 23, 2019

From: City Manager

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

Financial Implications: Various Funds - \$5,680,000

Contact: Henry Oyekanmi, Finance, 981-7300

Action: Approved recommendation.

4. Purchase Orders for Crayon Inc.: Using Riverside County's Joint Volume Licensing Program to Renew Microsoft's Enterprise Agreement From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a three-year renewal of the City's "Enterprise Agreement" (EA) for Microsoft licenses purchased through Crayon Inc., utilizing a cooperative purchasing agreement established by the County of Riverside's joint volume licensing program for the period beginning May 1, 2019 through April 30, 2022 for an amount not-to-exceed (NTE) \$2,968,000.

Financial Implications: Various Funds - \$2,968,000

Contact: Savita Chaudhary, Information Technology, 981-6500

Action: Adopted Resolution No. 68,812–N.S.

5. Contract No. 118499-1 Amendment: Civic Makers, LLC for FUND\$ Replacement Change Management Support Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 118499-1 with Civic Makers, LLC for extension of FUND\$ Replacement related Change Management Support Services, increasing the amount by \$400,000, for a total not to exceed \$529,025 from December 1, 2017 to June 30, 2021.

Financial Implications: FUND\$ Replacement Fund - \$400,000 Contact: Savita Chaudhary, Information Technology, 981-6500

Action: Adopted Resolution No. 68,813–N.S.

6. Donation: Memorial Bench at Cesar Chavez Park in memory of Julio Costa Furtado

From: City Manager

Recommendation: Adopt a Resolution accepting a cash donation in the amount of \$3,400 for a memorial bench to be placed at Cesar Chavez Park at the Berkeley Marina in memory of Julio Costa Furtado.

Financial Implications: Marina Fund - \$3,400 (donation)

Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700

Action: Adopted Resolution No. 68,814–N.S.

7. Donation: Memorial Bench at Cesar Chavez Park in memory of Barry Wofsy From: City Manager

Recommendation: Adopt a Resolution accepting a cash donation in the amount of \$3,400 for a memorial bench to be placed at Cesar Chavez Park at the Berkeley Marina in memory of Barry Wofsy.

Financial Implications: Marina Fund - \$3,400 (donation)

Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700

Action: Adopted Resolution No. 68,815–N.S.

8. Donation: Information Display Case at the Berkeley Rose Garden

From: City Manager

Recommendation: Adopt a Resolution accepting a donation of an information display case valued at \$7,429 from the Friends of the Berkeley Rose Garden.

Financial Implications: \$7,429 (donation)

Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700

Action: Adopted Resolution No. 68,816–N.S.

9. Grant Application: Cosco Busan Round 2 Grant Program from the National Fish and Wildlife Foundation

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to: submit a grant application in the amount of \$182,000 to the National Fish and Wildlife Foundation for the Cosco Busan Round 2 Grant Program; accept any grants; execute any resulting grant agreements and any amendments; and that Council authorize the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.

Financial Implications: See report

Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700

Action: Adopted Resolution No. 68,817–N.S.

10. Contract No. 9668 Amendment: Serological Research Institute for DNA Testing Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 9668 and any necessary future amendments with Serological Research Institute (SERI) for the Police Department, increasing the contract amount by \$250,000 for a total not to exceed amount of \$750,000 and a contract term extension for three additional years until June 30, 2022.

Financial Implications: State Proposition 172 Fund - \$250,000

Contact: Andrew Greenwood, Police, 981-5900 **Action:** Adopted Resolution No. 68,818–N.S.

11. Contract: Bay Cities Paving & Grading, Inc. for Street Rehabilitation & Surface Seals FY 2019 Project

From: City Manager

Recommendation: Adopt a Resolution approving plans and specifications for the Street Rehabilitation & Surface Seals Project, Specification No. 19-11271-C; accepting the bid of Bay Cities Paving & Grading, Inc. as the lowest responsive and responsible bidder; and authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications in an amount not to exceed \$5.688,307.

Financial Implications: Various Funds - \$5,688,307 Contact: Phillip Harrington, Public Works, 981-6300

Action: Adopted Resolution No. 68,819–N.S.

12. Contract No. 10276A Amendment: Interface Engineering, Inc. for On-Call Electrical Engineering Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to the contract with Interface Engineering, Inc., Contract No. 10276A, for on-call electrical engineering consulting services, increasing the contract amount by \$90,000, for an amount not-to-exceed \$220,000, and extending the contract from June 30, 2019 to June 30, 2020.

Financial Implications: Various Funds - \$90,000 Contact: Phillip Harrington, Public Works, 981-6300

Action: Adopted Resolution No. 68,820–N.S.

13. Authorize Negotiation in the Open Market for the FY2018 Measure M Low Impact Development (LID) Woolsey Street Project, Specification 18-11183-C

From: City Manager

Recommendation: Adopt a Resolution: 1. accepting staff report that no bids were received when Specification No. 18-11183-C, FY2018 Measure M Low Impact Development Woolsey Street Project was re-advertised; and 2. authorizing the City Manager to negotiate in the open market in accordance with Article XI. Public Works and Supplies, Section 67(a.) of the City Charter.

Financial Implications: See report

Contact: Phillip Harrington, Public Works, 981-6300

Action: Adopted Resolution No. 68,821–N.S.

14. Resources for Community Development's 2001 Ashby Avenue Predevelopment **Loan Application**

From: Housing Advisory Commission

Recommendation: Authorize funding for the Resources for Community

Development (RCD) predevelopment loan application for \$368,000 for its proposed

development at 2001 Ashby Avenue. Financial Implications: See report

Contact: Amy Davidson, Commission Secretary, 981-5400

Action: Approved recommendation.

15. **Senate Constitutional Amendment 1 and Assembly Bill 10**

From: Housing Advisory Commission

Recommendation: Endorse Senate Constitutional Amendment (SCA) 1 and

Assembly Bill (AB) 10.

Financial Implications: See report

Contact: Amy Davidson, Commission Secretary, 981-5400

Action: Approved recommendation revised to remove references to SCA 1 which

was previously endorsed by the City Council.

Council Consent Items

16. Authorize Sending a Letter of Support for AB-953 "Cannabis: state and local

taxes: payment by digital asset" to Assemblymember Phil Ting

From: Councilmember Bartlett

Recommendation: That the City Council authorize sending a letter of support for AB-953 to Assemblymember Ting. AB-953 will allow state and local tax authorities to collect cannabis-generated taxes via stable digital currencies. This will help to address legal cannabis businesses' underbanking problem.

Financial Implications: Minimal

Contact: Ben Bartlett, Councilmember, District 3, 981-7130

Action: Moved to Action Calendar. 0 speakers. M/S/C (Arreguin/Robinson) to

approve the recommendation.

Vote: All Aves.

17. The Center for Food, Faith, and Justice and Green the Church: Relinquishment of Council Office Budget Fund to General Fund and Grant of Such Funds From: Councilmembers Bartlett and Davila

Recommendation: Adopt a resolution approving the expenditure of an amount not to exceed \$500 per council member, including \$500 from Councilmember Bartlett, to the "Black, Green, and Traumatized: Environmental Trauma and Mental Health" event hosted by The Center for Food, Faith, and Justice and Green the Church on April 27th from 10am-3pm at McGee Avenue Baptist Church, 1640 Stuart Street, Berkeley, CA 94703. The funds will be relinquished to the city's general fund for this purpose from the discretionary council office budget of Councilmember Ben Bartlett and any other council members who would like to contribute.

Financial Implications: Councilmember's Discretionary Funds - \$500

Contact: Ben Bartlett, Councilmember, District 3, 981-7130

Action: Adopted Resolution No. 68,822–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Hahn - \$100; Councilmember Harrison - \$100; Councilmember Davila - \$250; Councilmember Robinson - \$100; Councilmember Wengraf - \$100.

18. Black Repertory Group Theater: Relinquishment of Council Office Budget Fund to General Fund and Grant of Such Funds

From: Councilmembers Bartlett and Davila

Recommendation: Adopt a resolution approving the expenditure of an amount not to exceed \$3,000 per council member, including \$3,000 from Councilmember Bartlett, to the Black Repertory Group, with funds relinquished to the city's general fund for this purpose from the discretionary council office budget of Councilmember Ben Bartlett and any other council members who would like to contribute.

Financial Implications: Councilmember's Discretionary Funds - \$3,000

Contact: Ben Bartlett. Councilmember. District 3. 981-7130

Action: Adopted Resolution No. 68,823–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Hahn - \$100; Councilmember Davila - \$250; Councilmember Robinson - \$100.

19. U1 Funds for Predevelopment Costs of Proposed Development at 2001 Ashby Avenue

From: Councilmember Bartlett and Mayor Arreguin

Recommendation: Adopt a Resolution allocating \$368,000 of General Funds from Measure U1 tax receipts to Resources for Community Development (RCD) for predevelopment costs at 2001 Ashby Avenue.

Financial Implications: See report

Contact: Ben Bartlett, Councilmember, District 3, 981-7130

Action: Adopted Resolution No. 68,824–N.S.

20. Budget Referral: Good Government Ombudsman

From: Councilmembers Harrison and Davila

Recommendation: Refer to the 2019/2020 budget process to establish a Good Government Ombudsman to facilitate enforcement of Berkeley's good government

laws through the City Clerk and City Attorney's Office.

Financial Implications: See report

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

Action: Approved recommendation.

21. Support for Zero Emission Bills

From: Councilmembers Harrison, Davila, Hahn, and Robinson Recommendation:

1. Adopt a resolution of support for two bills that will move California towards eliminating greenhouse gas emissions from the transportation sector: AB 40, which calls for all cars sold in California to be zero-emission by 2040, and AB 1418, which calls for all public school buses in California to be zero-emission by 2030.

2. Send letter of support to Senator Skinner and Assemblymember Wicks.

Financial Implications: None

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

Action: 1. Adopted Resolution No. 68,825–N.S. 2. Approved recommendation.

22. Adopt an Ordinance Adding Chapter 13.104 to the Berkeley Municipal Code Establishing a Prohibition on Contracting with Vendors Acting as U.S. Immigration and Customs Enforcement (ICE) Data Brokers, or Those Providing Extreme Vetting Services to ICE (Reviewed by the Agenda and Rules Committee) From: Councilmembers Harrison. Davila. and Bartlett

Recommendation: That the City Council adopt the attached Sanctuary Contracting Ordinance as amended. This ordinance prohibits the award of city contracts to vendors acting as U.S. Immigration and Customs Enforcement data brokers, or those providing extreme vetting services.

Financial Implications: See report

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

Action: Adopted first reading of Ordinance No. 7,650–N.S. Second reading

scheduled for May 14, 2019.

23. Resolution in Support of a Public Bank

From: Councilmembers Harrison, Davila, and Robinson, and Mayor Arreguin Recommendation: Adopt a resolution affirming Berkeley's support for public banking and send that resolution to Governor Newsom, Senator Skinner, and Assembymember Wicks urging state legislation to enable local agencies to create public banks.

Financial Implications: See report

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

Action: Adopted Resolution No. 68,826–N.S. as revised in Supplemental

Communications Packet #2 to include references to AB 857.

24. Letters In Support of SB 54 (Allen) and AB 1080 (Gonzalez)

From: Councilmember Wengraf, Mayor Arreguin, and Councilmembers Hahn and Bartlett

Recommendation: Send a letter of support for SB 54 (Allen) and AB 1080 (Gonzalez) to Senator Ben Allen and Assemblywoman Lorena Gonzalez with copies to Senator Skinner, Assembly Member Wicks and Governor Newsom

Financial Implications: None

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

Action: Approved recommendation.

25. Co-Sponsor the Screening of "Near Normal Man"

From: Councilmember Wengraf, Mayor Arreguin, and Councilmembers Bartlett and Hahn

Recommendation: That the City of Berkeley become an official co-sponsor of the screening and discussion of "Near Normal Man" on April 29th at Berkeley City College

Financial Implications: None

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

Action: Approved recommendation.

26. Support for SB 188 (Hairstyle Anti-Discrimination Law)

From: Councilmembers Robinson, Davila, and Bartlett

Recommendation: Send a letter to Senator Mitchell, Senator Skinner, and Assemblymember Wicks supporting SB 188, which would amend the California Fair Employment and Housing Act to prohibit racial discrimination on the basis of hairstyle.

Financial Implications: None

Contact: Rigel Robinson, Councilmember, District 7, 981-7170

Action: Approved recommendation.

27. Support for ACA-1: Local Government Financing: Affordable Housing and Public Infrastructure: Voter Approval

From: Councilmembers Robinson, Bartlett, and Harrison

Recommendation: Adopt a resolution supporting ACA-1, which would allow local governments to raise property taxes to fund bonds for the purposes of financing public infrastructure and affordable housing projects, as well as reducing the required vote threshold to authorize certain local special taxes for the purpose of funding public infrastructure and affordable housing. Copies of the resolution to be sent to Senator Nancy Skinner, Assemblymember Buffy Wicks, and Assemblymember Aguiar-Curry.

Financial Implications: None

Contact: Rigel Robinson, Councilmember, District 7, 981-7170

Action: Councilmember Droste added as a co-sponsor. Adopted Resolution No.

68,827-N.S.

28. Support for AB 273 and AB 44: Prohibit Fur Trapping and Sales

From: Councilmembers Robinson and Harrison

Recommendation: Adopt a resolution supporting Fish and Game Code amendment AB 273, which prohibits the trapping of fur-bearing and nongame mammals for recreational or commercial purposes, and AB 44, which amends the Fish and Game Code to prohibit the sale of fur products statewide.

Financial Implications: None

Contact: Rigel Robinson, Councilmember, District 7, 981-7170

Action: Approved recommendation as revised in Supplemental Communications

Packet #1.

29. Refer to the City Manager and the Housing Advisory Commission to Consider Reforming the Affordable Housing Mitigation Fee (Reviewed by the Land Use, Housing & Economic Development Committee)

From: Councilmembers Robinson and Hahn, Mayor Arreguin, and Councilmember Droste

Recommendation: Refer to the City Manager, the Planning Commission, and the Housing Advisory Commission to consider possible reforms to the Affordable Housing Mitigation Fee, including adopting a per-square-foot fee structure, potentially on a geographic basis.

Financial Implications: See report

Contact: Rigel Robinson, Councilmember, District 7, 981-7170

Action: Approved recommendation.

30. Relinquishment of Council Office Budget Funds: "Post-Memory: A Decade of Art and Activism in Berkeley," an art exhibit in honor of Zachary Cruz From: Councilmembers Droste, Davila, and Robinson

Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per sponsoring Councilmember, with funds relinquished from the discretionary Council Office Budgets of Councilmember Droste and any other Councilmembers who would like to contribute. Funds would go to cover the costs of the art exhibit "Post-Memory: A Decade of Art and Activism in Berkeley" at UC Berkeley. 2019 marks the ten year anniversary of the death of Zachary Cruz who died from road violence on Berkeley streets. The art exhibit will honor Zachary and raise awareness about road safety and Vision Zero in Berkeley. Additional details about the exhibit are attached. Donations will go to A to Z Families for Safe Streets, c/o Los Angeles Walks, 830 Traction Ave 3rd Floor, Los Angeles, CA 90013.

Financial Implications: Councilmember's Discretionary Funds - \$250

Contact: Lori Droste, Councilmember, District 8, 981-7180

Action: Adopted Resolution No. 68,828–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Droste - \$250; Councilmember Hahn - \$100; Councilmember Davila - \$100; Councilmember Robinson - \$100; Councilmember Wengraf - \$100.

Recess 8:30 p.m. – 8:40 p.m.

Action Calendar – Public Hearings

31. ZAB Appeal: 1722 Walnut St (Continued from March 26, 2019)

From: City Manager

Recommendation: Conduct a public hearing, and upon conclusion adopt a Resolution to affirm the Zoning Adjustments Board decision to deny Use Permit/Variance #ZP2018-0021 to legalize an unpermitted detached dwelling unit in the rear yard area of a lot legally developed with an eight-unit apartment building, and dismiss the appeal.

Financial Implications: None

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

Public Testimony: The Mayor opened the public hearing. 5 speakers.

M/S/C (Hahn/Arreguin) to close the public hearing.

Vote: Ayes – Davila, Bartlett, Harrison, Hahn, Robinson, Arreguin; Noes –

Kesarwani, Wengraf, Droste.

Action: M/S/C (Bartlett/Kesarwani) to reconsider the vote to close the public hearing. **Vote:** Ayes – Kesarwani, Bartlett, Harrison, Wengraf, Robinson, Droste; Noes – Davila, Hahn, Arreguin.

Action: M/S/C (Hahn/Arreguin) to close the public hearing.

Vote: Ayes – Davila, Harrison, Hahn, Robinson, Arreguin; Noes – Kesarwani, Bartlett, Wengraf, Droste.

Action: M/S/C (Hahn/Davila) to adopt Resolution No. 68,829–N.S. affirming the Zoning Adjustments Board decision to deny Use Permit/Variance #ZP2018-0021 to legalize an unpermitted detached dwelling unit in the rear yard area of a lot legally developed with an eight-unit apartment building, and dismiss the appeal with the following conditions:

- Active enforcement for removal of the dwelling unit will not commence for six months from the date of issuance of the Notice of Decision to allow time for the property owner to find an alternative off-site location for the structure.
- The current tenant is permitted to remain for the duration of their current lease.
- After the current tenancy ends, the structure may not be occupied or rented in any manner.

73

Vote: Ayes – Davila, Bartlett, Harrison, Hahn, Robinson, Arreguin; Noes – None; Abstain – Kesarwani, Wengraf, Droste.

Action Calendar - Old Business

32. Missing Middle Housing Report (Continued from March 26, 2019. Item contains revised and supplemental material.)

From: Councilmembers Droste, Bartlett, Robinson, and Kesarwani Recommendation: Refer to the City Manager to prepare a report to the Council of examining methods, including potential revisions to the zoning code, that may foster a broader range housing types across Berkeley, particularly missing middle housing types (duplexes, triplexes/fourplexes, courtyard apartments, bungalow courts, townhouses, etc.), in areas with access to essential components of livability like parks, schools, employment, transit, and other services.

Given the range of requests included in this referral, it is expected that responding to the referral will require a combination of field research, consultation with design professionals and other cities and agencies, and community outreach and engagement. Council requests that staff initiate this work as soon as possible.

Financial Implications: See report

Contact: Lori Droste, Councilmember, District 8, 981-7180

Action: M/S/C (Hahn/Arreguin) to accept revised material from Councilmember Harrison on Item 32.

Vote: Ayes – Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – Davila.

Action: Moved to Consent Calendar. Adopted the recommendation with the revisions noted below.

The Reports should include, but is (are) not limited to:

- 1. Identifying where missing middle housing may be optimal <u>and the increase in</u> <u>density that may occur.20</u>
- 3. Evaluating Berkeley's residential areas with consideration of areas susceptible to catastrophic fire and earthquake events.
- 14. Identify barriers in the Zoning Ordinance, Municipal Code, and Rent Ordinance to creating Missing Middle housing.

Given the range of requests included in this referral, it is expected that responding to the referral will require a combination of field research, consultation with design professionals and other cities and agencies, and community outreach and engagement.

Action Calendar - Old Business

In the 1,000 Person Plan to Address Homelessness, Berkeley's Health, Housing and Community Services staff also recommend that Council prioritizes "implementing changes to Berkeley's Land Use, Zoning, Development Review Requirements for new housing with an eye toward alleviating homelessness." In the short run, to produce housing that will be immediately be affordable to rehouse the homeless and to house other very low, low, and moderate income individuals, changes to Berkeley's "Land Use, Zoning, Development Review Requirements" should prioritize measures that support the creation or retention of reserved affordable or rent controlled housing.

While this legislation aims to address the former, by definition and design, missing middle housing will alwaysseeks to be less expensive than comparable single family homes in the same neighborhood, leading to greater accessibility to those earning median, middle, or lower incomes. Currently, the median price of a single family home in Berkeley is \$1.2 million dollars, which is out of reach for the majority of working people. Approximately half of Berkeley's housing stock consists of single family units and more than half of Berkeley's residential land is zoned in ways that preclude most missing middle housing. As a result, today, only wealthy households can afford homes to newly enter the housing market in Berkeley.

Page 12

ALTERNATIVE <u>ACTIONS CONSIDERED</u>

We considered an urgency ordinance but after consultation with City of Berkeley staff, we are recommending a report to explore the possibility of on fostering a variety of housing types to inform future policy decisions and the General Plan Update, as opposed to zoning revisions.the General Plan Update and any new zoning which may flow therefrom.

IMPLEMENTATION, ADMINISTRATION, AND ENFORCEMENT

Not applicable as this item requests an analytical report. Any future implementation, administration, and enforcement should be determined by the City Manager and guided by Council policy direction. To ensure the report is accepted by policy makers and the public as a useful tool, it should be undertaken by a consulting firm selected through an RFP.

FINANCIAL IMPLICATIONS

Costs for consultants to provide a missing middle scan or an in-depth analysis range from \$25,000-\$65,000. If feasible, staff should consider adding components of this Council referral to the city's density standard study in order to accelerate the referral response, as long as it doesn't displace or delay the density standard project. Costs fpr hiring consultants to complete the study should be developed during the RFP.

Vote: Ayes – Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – Davila.

Action Calendar - Old Business

33. Adopt a Spot Initiative for Volunteer Stewardship of Public Spaces (Continued from April 2, 2019)

From: Councilmembers Droste, Kesarwani, and Bartlett

Recommendation: Refer to the Public Works Commission and Parks and Waterfront Commission to develop an Adopt A Spot initiative; specifically outlining potential environmental benefits, program costs, staffing. Rationale: -Adopt a Spot programs enable a network of volunteer residents to assist in city maintenance and clean up efforts which have great impact using minimal City staff/funding. -Vision 2050 will include stormwater and watershed management goals, both of which this program would support.

Financial Implications: Staff time

Contact: Lori Droste, Councilmember, District 8, 981-7180

Action: 1 speaker. M/S/C (Arreguin/Droste) to adopt the item with the amended title, "Adopt a Spot Initiative for Volunteer Stewardship of Public Spaces," from the Council action on April 2, 2019.

Vote: Ayes – Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arrequin; Noes – None; Abstain – Davila.

Action Calendar - New Business

34. Referral Response: Updated Policy for Emergency Standby Officers for the Mayor and Councilmembers (Reviewed by the Agenda and Rules Committee) From: City Manager

Recommendation: Adopt a Resolution updating the selection process and criteria for the appointment of Standby Officers for the Mayor and each Councilmember to serve in the event the elected official is unavailable during an emergency, and rescinding Resolution No. 57,906-N.S.

Financial Implications: None

Contact: Mark Numainville, City Clerk, 981-6900

Action: M/S/C (Davila/Arreguin) to suspend the rules and extend the meeting to 11:15 p.m.

Vote: Ayes – Kesarwani, Davila, Bartlett, Harrison, Robinson, Droste, Arreguin; Noes – Wengraf; Abstain – Hahn.

Action: 1 speaker. M/S/C (Arreguin/Wengraf) to adopt Resolution No. 68,830–N.S. amended to a new Paragraph 1 (below) in the Resolved clause and renumber the existing paragraphs.

Except as specifically provided for in this resolution, the regulations, requirements, policies, and duties of Berkeley City Council Standby Officers are governed by California Government Code Sections 8635 – 8644, as they may be amended from time to time.

76

Vote: Ayes – Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – Davila.

Council Action Items

35. Paid Family Leave Policy in Berkeley to Supplement California Paid Family Leave Program

From: Councilmembers Bartlett, Hahn, Harrison, and Davila

Recommendation: That the City Council adopt this policy and refer to the City Manager and City Attorney to amend the proposed ordinance based on the recommendations of the Paid Family Leave (PFL) Subcommittee and to conform to legal and code consistency requirements.

Financial Implications: See report

Contact: Ben Bartlett, Councilmember, District 3, 981-7130

Action: Moved to Consent Calendar with the additional request that the City

Manager conduct a legal analysis of the proposed ordinance.

36. Allocate \$400,000 from the Street and Open Space Improvement Fund for the Design and Construction of a Protected Milvia Bikeway Pilot Project between University Avenue and Allston Way

From: Councilmember Harrison and Mayor Arreguin

Recommendation: Adopt a Resolution allocating \$400,000 from the Street and Open Space Improvement Fund (SOSIF) to design and construct a protected Milvia Bikeway pilot project between University Avenue and Allston Street.

Financial Implications: See report

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

Action: Moved to Consent Calendar. Adopt Resolution No. 68,831–N.S. with the

amendment for the funds to be allocated from Measure BB funds.

Information Reports

37. Ethical Climate Audit Status Report

From: City Manager

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

Action: Received and filed.

38. Ambulance Billing Follow-up Audit Status Report

From: City Manager

Contact: David Brannigan, Fire, 981-3473

Action: Received and filed.

39. Status Report: City at Crossroads as Long-Standing Need for Structured Approach to Line of Business Experts Function Intersects with ERP Implementation

From: City Manager

Contact: Savita Chaudhary, Information Technology, 981-6500

Action: Received and filed.

Information Reports

40. LPO NOD: 2300 Shattuck Avenue, #LMSAP2019-0001

From: City Manager

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

Action: Received and filed.

41. LPO NOD: 1414 Walnut Street/#LMSAP2018-0005 for the Former Garfield

School

From: City Manager

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

Action: Received and filed.

Public Comment - Items Not Listed on the Agenda - 2 speakers.

Adjournment

Action: M/S/C (Robinson/Kesarwani) to adjourn the meeting.

Vote: All Ayes.

Adjourned at 11:03 p.m.

This is to certify that the foregoing is a true and correct record of the regular meeting of April 23, 2019 as approved by the Berkeley City Council.

Mark Numainville, City Clerk

Communications

Item #1: Cannabis Ordinance Revisions; Amending the Berkeley Municipal Code

- 1. Sameen Ahmad, on behalf of High Times
- 2. Adria-Ann McMurray

Item #36: Allocate \$400,000 from the Street and Open Space Improvement Fund for the Design and Construction of a Protected Milvia Bikeway Pilot Project between University Avenue and Allston Way

3. Tom Buoye

RV Ordinance

- 4. Colin Palmquist
- 5. Jessica Behrman
- 6. Patricia and Lee Hustead

Housing

7. Karen Westmont

Page 17

- 8. Friends of Adeline
- 9. Donald Goldmacher
- 10. Russbumper

BART

- 11. Sharon Simburg
- 12. North Berkeley Neighborhood Alliance
- 13. Barbara Fisher

Encampments

- 14. Bernice Gross
- 15. Virginia Burton
- 16. Liz Ruhland

5G

- 17. Ben Burch
- 18. Vivian Warkentin
- 19. Phoebe Anne Sorgen
- 20. Susan Brinchman
- 21. Annamarta Dostourian

Budget and Finance

- 22. Kelly Hammargren
- 23. Barbara Gilbert
- 24. Isabell Gaston (2)
- 25. Janice Greenberg (3)
- 26. Jessica Behrman

Berkeley Marina Liveaboard

27. Christina Lisac

Help Needed on Francisco Street

28. Mathew Rogers

Berkeley Green Monday

29. Amy Halpern-Laff

Lake Merritt Pollution

30. Richard Bailey

East Bay Community Energy Meetings

31. East Bay Community Energy

Bay Area Poor People's Hearing

32. Amanda Baldiga (2)

"Bordertown" Berkeley/Oakland

33. Janice Greenburg

Opportunity Zones

34. Barbara Gilbert

Healthy City for All

35. Suzanne Lennard

Fund Rebuilding Together and Inter-City Services

36. Thomas Lord

Rail Safety and Rail Transit Related Problems

37. Beth Gerstein, Legislative Aid for Councilmember Kesarwani

Global Banks and Fossil Fuels

38. Donald Goldmacher

Community Activism Ideas

39. David Dixon

Reality

40. Steve Kromer

Hit and Run at Durant and Telegraph

- 41. Max Ventura
- 42. Jonah Markowitz (2)
- 43. Christopher Kohler

Council Meeting Broadcasts

- 44. Janice Greenberg
- 45. Barbara Gilbert

City Real Estate Transfer Tax

46. Paul Weir and Maria Gimenez Cacho

Berkeley Parks Closed

47. Noah Nathan

West Campus Pool

- 48. Tobie Lurie
- 49. Francine and Gary Foltz
- 50. Donna Mickleson
- 51. Erica Buhrmann and Ron Drucker

Marina Parking

52. Jonathan Love and Satya Robinson

53. Joshua Morrill

54. Mayo & Robyn Ryan

Toxic Fire Fighting Foam

55. David Lerman

Public Health

56. Carol Denney

EV Charging

57. Elisa Mikiten

Boards and Commissions Publishing Minutes

58. Kelly Hammargren

BPD Report on Stop Data

59. Elliot Halpern

Supplemental Communications and Reports 1

Item #28: Support for AB 273 and AB 44: Prohibit Fur Trapping and Sales

60. Revised material, submitted by Councilmember Robinson

Item #32: Missing Middle Housing Report

61. Supplemental material, submitted by Councilmember Hahn

62. Barbara Gilbert

Holocaust Remembrance Day

63. Councilmember Wengraf

Supplemental Communications and Reports 2

Item #22: Adopt an Ordinance Adding Chapter 13.104 to the Berkeley Municipal Code Establishing a Prohibition on Contracting with Vendors Acting as U.S. Immigration and Customs Enforcement (ICE) Data Brokers, or Those Providing Extreme Vetting Services to ICE

64. Igor Tregub, Chairperson, Peace and Justice Commission

65. Brian Hofer, Executive Director of Secure Justice

Item #23: Resolution in Support of a Public Bank

66. Revised material, submitted by Mayor Arreguin

Item #32: Missing Middle Housing Report

67. Revised material, submitted by Councilmember Droste

68. George Porter, Chair, Commission on Aging

69. Angie Chan, on behalf of Associated Students of the University of California

70. Teresa Clarke, on behalf of South Berkley NOW

Item #33: Adopt a Spot Initiative

71. Kelly Hammargren

Item #34: Referral Response: Updated Policy for Emergency Standby Officers for the Mayor and Councilmembers

72. Kelly Hammargren

Item #36: Allocate \$400,000 from the Street and Open Space Improvement Fund for the Design and Construction of a Protected Milvia Bikeway Pilot Project between University Avenue and Allston Way

73. Tom Lent

74. Betsy Thagard

75. Charles Siegel

76. Liza Lutzker

Supplemental Communications and Reports 3

Item #1: Cannabis Ordinance Revisions; Amending the Berkeley Municipal Code 77. Revised material, submitted by Planning and Development

Item #22: Adopt an Ordinance Adding Chapter 13.104 to the Berkeley Municipal Code Establishing a Prohibition on Contracting with Vendors Acting as U.S. Immigration and Customs Enforcement (ICE) Data Brokers, or Those Providing Extreme Vetting Services to ICE

78. Councilmember Harrison

79. Phyllis Willett

80. Theo Ferguson

81. Sandra Rodriguez

82. Megan Prier (2)

83. Cecile Pineda

Item #28: Support for AB 273 and AB 44: Prohibit Fur Trapping and Sales 84. Unknown

Item #31: ZAB Appeal: 1722 Walnut St.

85. Presentation, submitted by Planning and Development

86. Alfred Twu

Item #32: Missing Middle Housing Report

87. Councilmembers Droste, Bartlett, Robinson and Kesarwani

88. Helen Guerrant Tov

89. Max Heninger

90. Sara Abdeshahian

Item #36: Allocate \$400,000 from the Street and Open Space Improvement Fund for the Design and Construction of a Protected Milvia Bikeway Pilot Project between University Avenue and Allston Way

91. Tom Lent 92. Lori Hines 93. Igor Tregub 94. Bike East Bay

Berkeley Drop-In Center

95. Alameda County Network of Mental Health Clients

South Berkeley

96. SFROW Community Project

Holocaust Remembrance Day

97. Unknown

MINUTES BERKELEY CITY COUNCIL SPECIAL MEETING MONDAY, APRIL 29, 2019 4:00 P.M.

Redwood Room - 2180 Milvia Street, Berkeley, CA

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI

DISTRICT 5 – SOPHIE HAHN

DISTRICT 2 – CHERYL DAVILA

DISTRICT 6 – SUSAN WENGRAF

DISTRICT 7 – RIGEL ROBINSON

DISTRICT 4 – KATE HARRISON

DISTRICT 8 – LORI DROSTE

Preliminary Matters

Roll Call: 4:04 p.m.

Present: Davila, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste and Arreguin

Absent: Kesarwani

Councilmember Kesarwani present at 4:15 p.m.

Public Comment - Limited to items on this agenda only – 0 speakers.

CLOSED SESSION:

The City Council convened in closed session to meet concerning the following:

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(2):

Threatened litigation – one case

No action taken.

2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(4):

Initiation of litigation – one case

Action: M/S/C (Arreguin/Wengraf) to authorize the City Attorney to initiate a lawsuit against the Regents of the University of California regarding the Upper Hearst Supplemental Environmental Impact Report (SEIR).

Vote: Ayes – Kesarwani, Davila, Harrison, Hahn, Wengraf, Robinson, Droste, and Arreguin; Noes – None; Abstain – None; Absent – Bartlett

Councilmember Bartlett absent – 6:10 p.m. – 6:25 p.m.

OPEN SESSION:

The City Council authorized the City Attorney to initiate a lawsuit against the Regents of the University of California regarding the Upper Hearst Supplemental Environmental Impact Report (SEIR)

Adjournment

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

Vote: Ayes - Kesarwani, Davila, Harrison, Hahn, Wengraf, Robinson, and Arreguin; Noes -

None; Abstain – None; Absent – Bartlett

Adjourned at 6:25 p.m.

I hereby certify that the forgoing is a true and correct record of the special closed meeting of April 29, 2019 as approved by the Berkeley City Council.

Deon Sailes, Assistant City Clerk

MINUTES SPECIAL MEETING OF THE BERKELEY CITY COUNCIL

Tuesday, April 30, 2019 4:30 P.M.

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI

DISTRICT 5 – SOPHIE HAHN

DISTRICT 2 – CHERYL DAVILA

DISTRICT 6 – SUSAN WENGRAF

DISTRICT 7 – RIGEL ROBINSON

DISTRICT 4 – KATE HARRISON

DISTRICT 8 – LORI DROSTE

Preliminary Matters

Roll Call: 4:42 p.m.

Present: Davila, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin

Absent: Kesarwani

Councilmember Kesarwani present at 4:45 p.m.

Public Comment - Limited to items on this agenda only - 20 speakers.

Action Calendar

1. Referral Response: 1000 Person Plan to Address Homelessness (Continued

from March 26, 2019) From: City Manager

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

Action: 20 speakers. Presentation made and discussion held.

Adjournment

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

Vote: All Ayes.

Adjourned at 6:34 p.m.

This is to certify that the foregoing is a true and correct record of the special meeting of April 30, 2019 as approved by the Berkeley City Council.

Mark Numainville, City Clerk

Communications

None

Supplemental Communications and Reports 1

None

Supplemental Communications and Reports 2

None

Supplemental Communications and Reports 3

Item #: Referral Response: 1000 Person Plan to Address Homelessness

- 1. Presentation, submitted by Health, Housing and Community Services
- 2. Donald Evans, Superintendent, Berkeley Unified School District

MINUTES BERKELEY CITY COUNCIL MEETING

Tuesday, April 30, 2019 6:00 PM

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

JESSE ARREGUIN, MAYOR Councilmembers:

DISTRICT 1 – RASHI KESARWANI

DISTRICT 5 – SOPHIE HAHN

DISTRICT 2 – CHERYL DAVILA

DISTRICT 6 – SUSAN WENGRAF

DISTRICT 7 – RIGEL ROBINSON

DISTRICT 4 – KATE HARRISON

DISTRICT 8 – LORI DROSTE

Preliminary Matters

Roll Call: 6:47 p.m.

Present: Kesarwani, Bartlett, Harrison, Hahn, Robinson, Droste, Arreguin

Absent: Davila, Wengraf

Councilmember Davila present at 6:50 p.m.

Councilmember Wengraf present at 6:50 p.m.

Report from Closed Session:

At the closed session meeting on April 29, 2019 the City Council voted to initiate litigation against the Regents of the University of California regarding the Upper Hearst Draft SEIR.

Ceremonial Matters:

- 1. Recognition of the Suitcase Clinic
- 2. Recognition of Mental Health Month
- 3. Recognition of the Arts and Crafts Collaborative
- 4. Adjourned the meeting in memory of:
 - a. Lori Gilbert-Kaye, Poway Synagogue Shooting Victim
 - b. Marcus Jackson, City of Berkeley Employee
 - c. Calvin Kelley, Berkeley Resident
 - d. Ellen Tauscher, Former U.S. Representative

City Manager Comments: None

City Auditor Comments: None

Public Comment on Non-Agenda Matters: 10 speakers.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 27 speakers.

Action: M/S/C (Davila/Hahn) to accept revised material from Councilmember Davila on Item 22 and from the City Manager on Item 11.

Vote: Ayes - Kesarwani, Davila, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin;

Noes – None; Abstain – None; Absent – Droste.

Councilmember Droste absent 7:20 p.m. – 7:26 p.m.

Action: M/S/C (Wengraf/Hahn) to adopt the Consent Calendar in one motion except as

indicated.

Vote: All Ayes.

1. Minutes for Approval

From: City Manager

Recommendation: Approve the minutes for the Council meetings of March 12, 2019 (regular), March 19, 2019 (special), and March 26, 2019 (special closed and regular).

Financial Implications: None

Contact: Mark Numainville, City Clerk, 981-6900

Action: Approved minutes as submitted.

2. Contract No. 10177B Amendment: Paw Fund for Spay and Neuter Services From: City Manager

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 10177B with Paw Fund (Contractor) to add \$23,812 in General Fund to provide no-cost spay and neuter surgeries to eligible pet owners, and extend the contract through June 30, 2020, for a total not to exceed amount of \$95,248.

Financial Implications: See report

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

Action: Adopted Resolution No. 68,832–N.S.

3. Public Art Guidelines Revisions

From: City Manager

Recommendation: Adopt a Resolution revising the City of Berkeley's Public Art Guidelines, modifying the Artwork Gifts and Loans Policy and adding an Artwork

Deaccession Policy and a Memorial Artwork Policy.

Financial Implications: See report

Contact: Jordan Klein, Economic Development **Action:** Adopted Resolution No. 68,833–N.S.

4. Contract No. 010568 Amendment: Berkeley Food and Housing Project From: City Manager

Recommendation: Authorize the City Manager to amend Contract No. 010568 with Berkeley Food and Housing Project by increasing the Not to Exceed (NTE) amount by \$114,000 for a total not to exceed limit of \$7,117,863 for the period July 1, 2017 through June 30, 2019 with vendor Berkeley Food and Housing Project.

Financial Implications: See report

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

Action: Adopted Resolution No. 68,834–N.S.

5. Contract No. 9655B Amendment: Socrata, Inc., Open Data Portal (ODP) Hosting and Assignment to Tyler Technologies, Inc.

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment and assignment to Contract No. 9655B with Socrata, Inc., now Tyler Technologies, Inc., for the purposes of hosting the City's Open Data Portal, increasing the amount by \$87,289 for a total contract amount not to exceed \$254,970 and extending the term through June 30, 2021.

Financial Implications: IT Cost Allocation Fund - \$87,289 Contact: Savita Chaudhary, Information Technology, 981-6500

Action: Adopted Resolution No. 68,835–N.S.

6. Contract No. 7167I Amendment: Superion, LLC for AS400 Software Maintenance and Support

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 7167I with Superion, LLC for software maintenance and support of the City's FUND\$ system on the AS400 platform, increasing the contract amount by \$271,864 for a total not-to-exceed amount of \$2,154,050 from July 1, 2006 through June 30, 2021.

Financial Implications: Various Funds - \$271,864

Contact: Savita Chaudhary, Information Technology, 981-6500

Action: Adopted Resolution No. 68,836–N.S.

7. Contract No. 7393D Amendment: Interactive Voice Response (IVR) and Interaction Web Response (IWR) System with Paymentus, Corp.

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 7393D and all associated amendments with the Paymentus Corporation for maintenance and support of the Interactive Voice Response (IVR) and Interaction Web Response (IWR) System, increasing the contract amount by \$52,500, for a contract amount not-to-exceed \$324,475.

Financial Implications: Permit Service Center Fund - \$52,500 Contact: Savita Chaudhary, Information Technology, 981-6500

Action: Adopted Resolution No. 68,837–N.S.

8. Contract: Kronos, Inc. for Fire Station Staffing Software

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Kronos, Inc. for the upgrade and software maintenance of the TeleStaff Fire Station Staffing Software, for an amount of \$64,680 from May 15, 2019 through June 30, 2022.

Financial Implications: General Fund - \$64,680

Contact: Savita Chaudhary, Information Technology, 981-6500

Action: Adopted Resolution No. 68,838–N.S.

9. Contract: Berkeley Marina Area Specific Plan (BMASP) – Hargreaves **Associates**

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with Hargreaves Associates to produce the Berkeley Marina Area Specific Plan (BMASP) in an amount not to exceed \$1,101,000.

Financial Implications: Marina Fund - \$1,101,000

Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700 **Action:** Moved to Action Calendar. Item 9 held over to May 14, 2019.

10. Contract: Lux Bus America for Charter Bus Transportation Services For Echo **Lake Camp and Select Recreation Division Summer Programs** From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Lux Bus America to provide charter bus transportation services for Echo Lake Youth Camp and other summer Recreation Division programs for a notto-exceed total amount of \$226,000 over a five year period, beginning June 1, 2019

and ending June 1, 2024, contingent upon annual budget appropriations.

Financial Implications: Various Funds - \$226,000

Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700

Action: Adopted Resolution No. 68,839–N.S.

11. Approving Proposed Projects Anticipated to be Paid for by the State's Road Maintenance and Rehabilitation Account (RMRA) Funds for FY2020 From: City Manager

Recommendation: Adopt a Resolution approving a proposed list of projects that will utilize funding from the State of California's Road Maintenance and Rehabilitation Account, and authorize the City Manager to submit the proposed list to the California Transportation Commission and receive funding.

Financial Implications: See report

Contact: Phillip Harrington, Public Works, 981-6300

Action: Adopted Resolution No. 68,840–N.S. amended to revise the dollar amount

to \$2,017,214 and other minor changes.

12. Purchase Order: Toter Inc. for Refuse, Recycling and Organic Wheeled Carts From: City Manager

Recommendation: Adopt a Resolution: 1. Authorizing the City Manager to enter into additional FY 2019 purchase orders with Toter Incorporated for refuse, recycling and organic wheeled carts, for a total FY 2019 amount not to exceed \$292,045; and 2. Authorizing the City Manager to purchase refuse, recycling and organic wheeled carts from Toter Inc. to piggy-back off of a National Intergovernmental Purchasing Alliance contract with Toter Inc., for annual expenditures not to exceed: FY2020 - \$283,155; FY2021 - \$292,484; FY2022 - \$303,020; FY2023 - \$308,068.

Financial Implications: See report

Contact: Phillip Harrington, Public Works, 981-6300

Action: Adopted Resolution No. 68,841–N.S.

13. Award of Contract: APB General Engineering for Hillview Road and Woodside Road Drainage Improvement Project

From: City Manager

Recommendation: Adopt a Resolution approving plans and specifications for Hillview Road and Woodside Road Drainage Improvement Project, Specification No. 19-11283-C; accepting the bid of APB General Engineering as the lowest responsive and responsible bidder; and authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications in an amount not to exceed \$240,000.

Financial Implications: Various Funds - \$240,000 Contact: Phillip Harrington, Public Works, 981-6300

Action: Adopted Resolution No. 68.842–N.S.

14. Contract: McLaughlin Waste Equipment, Inc. to Clean, Repair, and Paint Metal and Plastic Bins

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with McLaughlin Waste Equipment, Inc. to clean, repair, and paint metal and plastic bins for a three year period, with an option to extend the contract for two additional one year terms for a total amount not to exceed \$300,000.

Financial Implications: Zero Waste Fund - \$300,000 Contact: Phillip Harrington, Public Works, 981-6300

Action: Adopted Resolution No. 68,843–N.S.

15. Contract No. 31900046 Amendment: Harrison Engineering Inc. for On-Call Civil Engineering and Construction Management Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 31900046 with Harrison Engineering Inc. for On-Call Civil Engineering and Construction Management Services, increasing the contract by \$1,000,000, for a total amount not to exceed \$1,500,000, and extending the term of the contract from June 30, 2021 to June 30, 2022.

Financial Implications: Capital Improvement Fund - \$1,000,000

Contact: Phillip Harrington, Public Works, 981-6300

Action: Adopted Resolution No. 68,844–N.S.

16. Resolution: No U.S. intervention in Venezuela

From: Peace and Justice Commission

Recommendation: Adopt a resolution that affirms the sovereign right of the Venezuelan people to negotiate their political differences free from foreign intervention, and urges that the U.S. government withdraw its illegal, unilateral financial sanctions and refrain from military, economic, or diplomatic intervention in the internal affairs of the sovereign state of Venezuela.

Financial Implications: None

Contact: Bre Slimick, Commission Secretary, 981-7000

Action: Moved to Action Calendar. Item 16 held over to May 14, 2019.

Council Consent Items

17. Appointing an Alternate Member to the Budget and Finance Committee and 3x3 Committee

From: Mayor Arreguin

Recommendation: Adopt a Resolution approving the appointment of Mayor Jesse Arreguin as the Alternate to the Budget and Finance Policy Committee and the 3x3 Joint BHA/City Council Committee until January 2020 or until new appointments are approved.

Financial Implications: None

Contact: Jesse Arrequin, Mayor, 981-7100

Action: Moved to Action Calendar. 0 speakers. M/S/C (Hahn/Wengraf) to adopt

Resolution No. 68,845-N.S.

Vote: Ayes – Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste,

Arreguin; Noes – None; Abstain – None; Absent – Davila.

Councilmember Davila absent 11:06 p.m. – 11:08 p.m.

Council Consent Items

18. Allocation of \$150,000 to the Berkeley Unified School District for Planning/Pre-Development for Employee Housing

From: Mayor Arreguin and Councilmembers Hahn, Droste, and Harrison Recommendation: Approve the allocation of \$150,000 of General Fund revenues from Measure U1 receipts to the Berkeley Unified School District for a planning and pre-development grant for teacher/workforce housing.

Financial Implications: See report

Contact: Jesse Arreguin, Mayor, 981-7100

Action: Approved recommendation.

19. Appoint Max Levine to the Berkeley Housing Authority Board

From: Mayor Arreguin

Recommendation: Adopt a Resolution appointing Max Levine to serve a four-year

term on the Berkeley Housing Authority Board of Commissioners.

Financial Implications: None

Contact: Jesse Arreguin, Mayor, 981-7100 **Action:** Adopted Resolution No. 68,846–N.S.

20. Proclaiming May 2019 as Mental Health Month

From: Councilmember Davila and Mental Health Commission

Recommendation: Adopt a Resolution proclaiming May 2019 as Mental Health

Month in the City of Berkeley. **Financial Implications:** None

Contact: Cheryl Davila, Councilmember, District 2, 981-7120; Karen Klatt,

Commission Secretary, 981-5400

Action: Councilmember Bartlett added as a co-sponsor. Adopted Resolution No.

68,847-N.S.

Council Consent Items

21. Spiral Gardens and Movement Generation Justice & Ecology Project:
Relinquishment of Council Office Budget Funds to General Fund and Grant of
Such Funds

From: Councilmember Davila

Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember including \$250 from Councilmember Cheryl Davila, to support the Spiral Gardens and Movement Generation Justice & Ecology Project's May 11, 2019, welcoming of Leah Penniman for a wonderful talk and dialogue about Farming While Black: Soul Fire Farm's Practical Guide to Liberation on Land: her new book with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Davila and any other Councilmembers who would like to contribute.

Financial Implications: Councilmember's Discretionary Funds - \$250 Contact: Cheryl Davila, Councilmember, District 2

Action: Adopted Resolution No. 68,848–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Hahn - \$100; Councilmember Robinson - \$100; Mayor Arreguin - \$100; Councilmember Droste - \$50.

22. Refer to the Planning Commission and Housing Advisory Commission to Research and Recommend Policies to Prevent Displacement and Gentrification of Berkeley Residents of Color and African Americans

From: Councilmembers Davila and Bartlett

Recommendation: Refer to the Planning Commission and Housing Advisory Commission to research and recommend policies to prevent displacement and gentrification of Berkeley residents of color. Recommended policies should include real solutions. The Commission should do the following: - Develop a policy to address the erosion of People of Color (POC), including the African American sector of our Berkeley society. - Develop rules and regulations to halt the loss of People of Color including the African American communities. - Develop a "right to return" for Berkeley's People of Color including the African American communities who have been displaced by these economic and social developments, especially those who continue to be employed in our City, even after having to relocate beyond our boundaries. - Solicit expert and lived experience testimonies regarding displacement and gentrification. - Recommend alternatives to prevent displacement and gentrification of our valued Berkeley citizens of color and African Americans.

Financial Implications: See report

Contact: Cheryl Davila, Councilmember, District 2, 981-7120

Action: Councilmember Harrison added as a co-sponsor. Approved recommendation as amended in the revised materials submitted at the meeting. Further revised to add the request for public workshops to the recommendation.

95

Council Consent Items

23. Good Food Purchasing Program Resolution

From: Councilmember Hahn, Mayor Arreguin, and Councilmembers Davila and Robinson

Recommendation: Adopt a resolution in support of the Good Food Purchasing Program's core values and join San Francisco, Oakland, Los Angeles and Chicago as one of the first five cities nationwide to become a Good Food Purchasing partner, and refer to the City Manager to incorporate over time the vision and standards of the Good Food Purchasing Program (GFPP) into City of Berkeley food purchasing practices.

Financial Implications: See report

Contact: Sophie Hahn, Councilmember, District 5, 981-7150

Action: Adopted Resolution No. 68,849–N.S. as revised in Supplemental

Communications Packet #1.

24. Referral: Report on Public Realm Pedestrianization Opportunities

From: Councilmembers Robinson and Hahn

Recommendation: Refer to the Transportation Commission to generate a report on

potential public realm pedestrianization opportunities in Berkeley.

Financial Implications: Staff time

Contact: Rigel Robinson, Councilmember, District 7, 981-7170

Action: Councilmember Bartlett added as a co-sponsor. Approved recommendation.

Action Calendar - Public Hearings

25. FlixBus Franchise Agreement for Long-Distance Bus Service

From: City Manager

Recommendation: Pursuant to Berkeley Municipal Code Chapter 9.60, conduct a public hearing and upon conclusion, adopt the first reading of an Ordinance granting a franchise agreement between FlixBus, Inc. and the City of Berkeley to provide long distance bus service to the public.

Financial Implications: See report

Contact: Phillip Harrington, Public Works, 981-6300

Public Testimony: The Mayor opened the public hearing. 2 speakers.

M/S/C (Wengraf/Harrison) to close the public hearing.

Vote: All Ayes.

Action: M/S/C (Arreguin/Wengraf) to adopt first reading of Ordinance No. 7,651-N.S.

Second reading scheduled for May 14, 2019.

Vote: All Ayes.

Action Calendar – Public Hearings

26. New Marina Fee – South Cove Parking Lots (Continued from April 2, 2019. Item contains supplemental material.)

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution approving a new Marina Fee Schedule to include a new \$10 parking fee in the South Cove Parking lot, and rescinding Resolution No. 68,415-N.S. and all amendatory resolutions.

Financial Implications: See report

Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700

Action: 4 speakers. Item removed from the agenda by the City Manager. In lieu of a fee, half of the lot will be open from 5:00am to 9:00am for early arrivals and commuters, and the other half will be opened at 9:00am to allow access for recreational users who arrive later in the day.

Recess 8:45 p.m. – 9:04 p.m.

- 27. Appeal of ZAB Decisions: Denial of Use Permit #ZP2018-0116 (Pardee Block Parking Lot, 2700 Tenth Street), Approval of Use Permit #ZP2018-0117 (Medical Office Building, 1050 Parker Street), and Associated Environmental Review From: City Manager Recommendation:
 - 1. Adopt a Resolution that adopts an Initial Study Mitigated Negative Declaration (IS-MND) under the California Environmental Quality Act (CEQA) that determines how potential impacts are to be mitigated, concludes that all impacts of the project known as "1050 Parker," including the medical office facility and the off-site parking lot, can be reduced to a less-than-significant level under CEQA, and adopts a Mitigation Monitoring and Reporting Program that ensures the mitigation measures will be implemented.
 - 2. Conduct a public hearing and, upon conclusion, uphold the applicant's appeal and adopt a Resolution to approve Use Permit #ZP2018-0116 (Pardee Block Parking Lot, 2700 Tenth Street) for construction of a 43,847 square-foot surface parking lot based on the Findings and Conditions presented by staff to the Zoning Adjustments Board (ZAB) on January 24, 2019. A total of 123 automobile and 18 bicycle parking spaces would be provided to meet a portion of the required parking for the medical office building at 1050 Parker Street (Use Permit #ZP2018-0117); and
 - 3. Conduct a public hearing and, upon conclusion, uphold the applicant's appeal and adopt a Resolution to approve Use Permit #ZP2018-0117 (Medical Office Building, 1050 Parker Street) to allow the 60,670 square-foot building to be used entirely for medical offices based on the Findings and Conditions presented by staff to the Zoning Adjustments Board (ZAB) on January 24, 2019, for a modification to Use Permit #ZP2016-0170. Approval of Use Permit #ZP2018-0117 is contingent on approval of Use Permit #ZP2018-0116 for off-site parking.

97

Financial Implications: See report

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

Action Calendar – Public Hearings

Action: M/S/C (Arreguin/Wengraf) to suspend the rules and extend the meeting to 11:30 p.m. and hold over Items #9 and #16 to the May 14, 2019 meeting. **Vote:** Ayes – Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – Davila.

Public Testimony: The Mayor opened the public hearing. 10 speakers. M/S/C (Arreguin/Wengraf) to close the public hearing. **Vote:** Ayes – Kesarwani, Davila, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Bartlett.

Councilmember Bartlett absent 10:48 p.m. – 10:53 p.m.

Action: M/S/C (Arreguin/Robinson) to adopt the following resolutions adopting an Initial Study - Mitigated Negative Declaration, upholding the applicant's appeal on the Pardee Block Parking Lot (including the condition that the existing tenant leases are extended through October 31, 2019 and that no rent will be charged from July 1 – October 31, 2019), and upholding the applicant's appeal on the Medical Office Building.

- 1. Resolution No. 68,850–N.S. (IS-MND 1050 Parker)
- 2. Resolution No. 68,851–N.S. (Pardee Block Parking Lot, 2700 Tenth Street)
- 3. Resolution No. 68,852–N.S. (Medical Office Building, 1050 Parker Street) **Vote:** Ayes Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes None; Abstain Davila.

28. Zoning Ordinance Amendments That Apply Inclusionary Housing Regulations to Contiguous Lots under Common Control or Ownership From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt the first reading of Zoning Ordinance amendments that modify Inclusionary Housing Requirements (BMC Section 23C.12.020: Applicability of Regulations) to apply to new residential development projects on contiguous lots under common ownership or control.

Financial Implications: See report.

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

Action: Moved to Consent Calendar. Item 28 held over to June 11, 2019.

Action Calendar – New Business

29. Referral Response: Update on Various Referrals and Recommendations Regarding Stop Data Collection, Data Analysis and Community Engagement

From: City Manager

Recommendation: Review and provide feedback on the Berkeley Police Department responses to inter-related Council and Police Review Commission referrals, reports and recommendations, including the Center for Policing Equity report recommendations, regarding stop data collection, data analysis, community engagement, and related topics.

Financial Implications: See report

Contact: Andrew Greenwood, Police, 981-5900

Action: Moved to Consent Calendar. Item 29 referred to the Public Safety Policy

Committee.

Information Reports

30. City Council Short Term Referral Process – Monthly Update

From: City Manager

Contact: Mark Numainville, City Clerk, 981-6900

Action: Received and filed.

Public Comment – Items Not Listed on the Agenda - 0 speakers.

Adjournment

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

Vote: Ayes – Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin;

Noes - None: Abstain - None: Absent - Davila.

Adjourned at 11:08 p.m.

This is to certify that the foregoing is a true and correct record of the regular meeting of April 30, 2019 as approved by the Berkeley City Council.

Mark Numainville,	City Clerk	

Communications

Encampments

- 1. Richard James (2)
- 2. Jessica Jennings
- 3. Barbara Fisher
- 4. Liz Wiener

Page 12

5. Margy Wilkinson

RV

- 6. Nigel Guest, on behalf of BCA Steering Committee
- 7. Donna Mickleson

North Berkeley BART

- 8. Naomi Pearce
- 9. Mere Ours
- 10. Lawrence Mock
- 11. Merle Weinter
- 12. Fran Smith
- 13. Joshua Schnoll
- 14. Erin Meadows
- 15. Bruce Hayes
- 16. Fran Segal
- 17. Carol Valk

Codornices Creek & Firefighting Foam

- 18. Shirley Dean & Robert Cheasty, on behalf of Citizens for East Shore Parks
- 19. Susan Schwartz, on behalf of Friends of Five Creeks

West Campus Pool

- 20. Diane Tomkins
- 21. Donna Mickleson
- 22. Stevanne Auerbach & Ralph Whitten
- 23. Chuck Herndon

5G

- 24. Gar Smith
- 25. Christopher Lewis Macy
- 26. Wanda Warkentin
- 27. Phoebe Anne Sorgen

Campaign Finance Rules

28. Barbara Gilbert

Green Infrastructure Plan

29. Nicholas Dominguez, on behalf of the Public Works Commission

Boarded Up House at 1646 Ashby

30. KF Carpenter

Bay Area Book Festival & Reception

31. Cherilyn Parsons, founder of Bay Book Fest

Use Permit for 3100 San Pablo Avenue

32. Scott Landsittel, LBA Realty

Parking Suggestion for the BPD

33. Christine Schwartz

Leases at 2435 & 2439 Channing Way

34. Kirstie Bennett, Co-Owner of Corporate Art& Framing Specialist

King Middle School Fire Alarm

35. Erika

Amending Contracts with the Eviction Defense Center

36. Shun Suzuki

Bay Area Diversified Tennis Foundation

37. Pil Orbison

Clandestine Gang Fixing Rome Illegally

38. Mary Ann Brewin

Civility at Council Meetings

39. Eric Friedman

40. Nick

Supplemental Communications and Reports 1

Item #18: Allocation of \$150,000 to the Berkeley Unified School District for Planning/Pre-Development for Employee Housing

41. Xavier Johnson, Chairperson, Housing Advisory Commission

Item #23: Good Food Purchasing Program Resolution

42. Revised material, submitted by Councilmember Hahn

Supplemental Communications and Reports 2

Item #16: Resolution: No U.S. intervention in Venezuela

43. Topher Brennan

Item #25: FlixBus Franchise Agreement for Long-Distance Bus Service

44. David Sorrell

Item #26: New Marina Fee – South Cove Parking Lots

45. Jonathan Love

Item #28: Zoning Ordinance Amendments That Apply Inclusionary Housing Regulations to Contiguous Lots under Common Control or Ownership

46. Supplemental material, submitted by Councilmember Harrison

- 47. Elisa Mikiten
- 48. Greenfire Law, PC on behalf of Oceanview Neighborbood Council

Supplemental Communications and Reports 3

Item #11: Approving Proposed Projects Anticipated to be Paid for by the State's Road Maintenance and Rehabilitation Account (RMRA) Funds for FY2020

49. Revised material, submitted by Public Works

Item #22: Refer to the Planning Commission and Housing Advisory Commission to Research and Recommend Policies to Prevent Displacement and Gentrification of Berkeley Residents of Color and African Americans

50. Revised material, submitted by Councilmembers Davila and Bartlett

Item #25: FlixBus Franchise Agreement for Long-Distance Bus Service

51. Presentation, submitted by the Transportation Division

Item #27: Appeal of ZAB Decisions: Denial of Use Permit #ZP2018-0116 (Pardee Block Parking Lot, 2700 Tenth Street), Approval of Use Permit #ZP2018-0117 (Medical Office Building, 1050 Parker Street), and Associated Environmental Review

52. Presentation, submitted by Planning and Development

53. Jeffrey Collins, Senior Vice President and Area Manager of Kaiser Permanente

Item #28: Zoning Ordinance Amendments That Apply Inclusionary Housing Regulations to Contiguous Lots under Common Control or Ownership 54. Greenfire Law, PC, on behalf of Oceanview Neighborhood Council

Item #29: Referral Response: Update on Various Referrals and Recommendations Regarding Stop Data Collection, Data Analysis and Community Engagement 55. Elliot Halper, Board Member of ACLU

Miscellaneous Communications

May is Mental Health Month

56. City of Berkeley Mental Health



Office of the City Manager

CONSENT CALENDAR May 28, 2019

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Paul Buddenhagen, Deputy City Manager

Subject: Contract No. 10854 Amendment: Townsend Public Affairs, Inc. for Legislative

and Funding Advocacy Strategy

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 10854 with Townsend Public Affairs, Inc., contract No. 10854, for an ongoing tailored legislative and funding advocacy strategy, increasing the contract amount by \$45,000, for an amount not-to-exceed \$90,000, and extending the contract from December 31, 2018 to June 30, 2020.

FISCAL IMPACTS OF RECOMMENDATION

The proposed amendment increases the Townsend Public Affairs, Inc. contract amount by \$45,000 from \$45,000 to a not to exceed amount of \$90,000. The funding source for the amendment is 011-99-900-900-0000-000-412-612990.

CURRENT SITUATION AND ITS EFFECTS

The City Manager's Office requires legislative information and support that includes the following:

- Review of legislation to determine potential beneficial or adverse impacts to the City and recommend appropriate responses.
- Monitoring, analysis, and reporting on selected legislative and agency hearings that have impact on the City's priorities.
- Facilitating participation of City representatives in the legislative process, including: Arranging and preparing legislative testimony, participating in informational hearings as expert witnesses, coordinating meetings and written communications with legislators and agency officials.
- Coordinating, building, and leveraging coalitions with other cities and interest groups with similar legislative needs in order to advance mutual priorities.

Amendment to Contract No. 10854, Townsend Public Affairs, Inc., for Legislative and Funding Advocacy Strategy

 Coordinating a minimum of one advocacy trip each year to Sacramento as requested, including client briefing, documentation, decision-maker briefing, meeting staffing, and follow up.

The current not to exceed amount of \$45,000 was depleted at the end of December 2018, and the City Manager issued an extension of the contract. The contract will require additional funding to provide coverage for an additional 18 months of service.

BACKGROUND

On November 1, 2009, the City entered into agreement with Townsend Public Affairs, Inc., to have legislative representation in Washington, D.C. to further strengthen the community's access to federal agencies and legislators, as well as to obtain information about local government funding opportunities. The City is interested in having its representative continue to track funding requests and support the City's efforts to secure additional funding for a variety of programs and services.

ENVIRONMENTAL SUSTAINABILITY

There are no anticipated negative environmental effects of this action.

RATIONALE FOR RECOMMENDATION

Townsend Public Affairs, Inc. has provided excellent legislative and policy advocacy at the Federal level for the City of Berkeley.

ALTERNATIVE ACTIONS CONSIDERED

There are no proposed alternatives to consider.

CONTACT PERSON

Paul Buddenhagen, Deputy City Manager, (510) 981-7014 Melanie E. McLean, Administrative Assistant to the Deputy City Manager, (510) 981-7005

Attachments:

1: Resolution

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

CONTRACT NO. 10276 AMENDMENT: TOWNSEND PUBLIC AFFAIRS, INC. FOR LEGISLATIVE AND FUNDING ADVOCACY STRATEGY

WHEREAS, on November 1, 2009, the City entered into Agreement with Townsend Public Affairs, Inc. to have legislative representation in Washington, D.C. to further strengthen the community's access to federal agencies and legislators, and to obtain information about local government funding opportunities; and

WHEREAS, the City and Townsend Public Affairs, Inc. have historically entered in to a new contract at or near the end of each term, with each new term ranging between 12 and 18 months, and to date, new contracts have been executed on five occasions, as follows: November 1, 2009, July 1, 2011, July 1, 2012, July 1, 2015, and July 1, 2017; and

WHEREAS, on December 3, 2018, the City Manager approved an extension to the term of the contract from December 31, 2018 to June 30, 2020; and

WHEREAS, the extension effectively requires an increase in the not-to-exceed amount, from \$45,000 to \$90,000, which reflects an additional 18 months at a cost of \$2,500 per month; and

WHEREAS, the City's General Services Division has mandated that an Amendment to the most recent contract be produced and submitted to Council for approval and Resolution; and

WHEREAS, Townsend Public Affairs, Inc. has provided excellent legislative and policy advocacy at the Federal level for the City of Berkeley.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute an amendment to Contract No. 10854 with Townsend Public Affairs, Inc., for an ongoing tailored legislative and funding advocacy strategy, increasing the contract amount by \$45,000, for an amount not-to-exceed \$90,000, and extending the contract from December 31, 2018 to June 30, 2020.



CONSENT CALENDAR May 28, 2019

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Jordan Klein, Manager, Office of Economic Development

Subject: Assessments: Berkeley Tourism Business Improvement District

RECOMMENDATION

Adopt two Resolutions: 1) Approving the Annual Report of FY19 and preliminary budget for FY20 for the Berkeley Tourism Business Improvement District (BTBID) as recommended by the BTBID Owners' Association; and 2) Authorizing the City Manager to execute a sole source contract and any amendments with the Berkeley Convention and Visitors' Bureau, d.b.a. Visit Berkeley, for \$650,000 of BTBID funds to support tourism marketing and promotion for the period of July 1, 2019 to June 30, 2020.

FISCAL IMPACTS OF RECOMMENDATION

The BTBID levies an annual assessment of one percent (1%) of gross short term room rental revenue for lodging establishments. The revenues are collected and the funds are expended from the Berkeley Tourism BID Fund (Fund 971). The budget code for the revenue is 781-21-208-251-0000-000-412110 and the budget code for the expenditures is 781-21-208-251-0000-000-446-636110. Based on the proposed budget revenue projections for the companion Transient Occupancy Tax for FY 2020, staff estimates that the Tourism BID assessment will raise an equivalent amount of approximately \$650,000 in FY 2020 (see Proposed Budget FY 2020). The contract will be with the Berkeley Convention and Visitors' Bureau, d.b.a. Visit Berkeley and will be entered into the City's contract management database from budget code 781-21-208-251-0000-000-446-636110. The City retains a fee equal to one percent (1%) of the amount of assessment collected to cover its costs of collection and administration.

At the end of FY 2019 there is not anticipated to be a carryover fund balance in the BTBID account. However, the exact amount of any BTBID fund balance will only be known with certainty in August 2019. This is because the City collects BTBID assessments on a monthly basis along with Transient Occupancy Taxes. As a result, the finance department will only know the receipts for June 2019 after those assessments are collected at the beginning of July 2019. If revenues come in higher than anticipated, the Office of Economic Development will determine the amount and add the carryover fund balance from the prior fiscal year into Fund 971 to the BTBID contract for the current fiscal year. The appropriation of these additional funds will be

included as a one-time "true up" payment with the amount articulated and authorized in the First Amendment to the FY 2020 Annual Appropriations Ordinance (November 2019).

CURRENT SITUATION AND ITS EFFECTS

Under the Property and Business Improvement District Law of 1994 (California Streets and Highways Code section 36600 et.seq.) the City Council may approve an Annual Report prepared by the Business Improvement District Owners' Association with a proposed budget for the next year. Accordingly, at its meeting on May 1, 2019, the BTBID Owners' Association voted to recommend that the City Council approve the Annual Report for FY19 and budget for BTBID's Fiscal Year 2020. Council can adopt the recommended resolutions which will confirm the TBID assessment and implementation contract with Visit Berkeley, and thus enable continuous BID operations for another year.

The Management District Plan that was adopted by Council in 2017 as part of the reestablishment of the District provides a framework and budget for the Tourism BID's activities. In FY 2020, the Tourism BID will continue its ongoing services including visitor attraction, event destination marketing, and other marketing/promotional activities including visitor center operations. The Tourism BID will also continue to liaise and coordinate with other business district organizations, the Chamber of Commerce, the Berkeley Business District Network, and OED to communicate Visit Berkeley's destination marketing campaigns and activities.

Currently, the Convention and Visitors Bureau known as Visit Berkeley has an active contract with the City to implement the Management District Plan for the Tourism Business Improvement District for FY 2019. Council approval is now requested for the City Manager to authorize and execute a sole source contract and any amendments with the Berkeley Convention and Visitors' Bureau, d.b.a. Visit Berkeley, for \$650,000 of BTBID funds to support tourism marketing and promotion for the period of July 1, 2019 to June 30, 2020.

BACKGROUND

The Berkeley Tourism Business Improvement District includes all lodging businesses with five (5) rooms or more, available for public occupancy within the boundaries of the City of Berkeley. The City is responsible for collecting the assessment on a monthly basis from each lodging business with five (5) rooms or more located in the District boundaries. The City forwards the assessments to Visit Berkeley, which has the responsibility of managing District programs as provided in the Management District Plan.

The Berkeley Tourism BID was first established for a period of five years on September 18, 2012 to raise revenues to finance marketing and sales promotions, increase

tourism, and promote Berkeley hotels as tourist, meeting, and event destinations. The Berkeley Municipal Code was amended on November 27, 2012 to modify its definition of room rent that so that BTBID assessments passed through to guests are exempt from the Transient Occupancy Tax (TOT) which is also applied to room rent. A portion of TOT revenue also funds the Berkeley Convention and Visitors Bureau, but under a separate contract. On April 25, 2017, Council approved Resolution No. 67,926-N.S. reestablishing the Tourism BID starting on July 1, 2017 for an additional 10 years, expiring in 2027. The Tourism BID is authorized through June 30, 2027 unless action is taken to disestablish it.

ENVIRONMENTAL SUSTAINABILITY

The BTBID works to promote the Bay Area Green Business certification program with Berkeley's hotel owners, thereby encouraging the local lodging industry to take considerable action to meet environmental sustainability objectives.

RATIONALE FOR RECOMMENDATION

The State Property and Business Improvement District Law of 1994 requires that the City Council accept an annual report from the Owners' Association for each fiscal year in which assessments are to be levied. The report shall include any proposed changes in the boundaries of the district, the activities proposed for the year, and an estimate of the cost for providing them. Visit Berkeley was designated as the BTBID Owners' Association in the 2017 Management District Plan for the Tourism BID. As such, the California Streets and Highways Code Section 36623 requires the City to contract with this designated non-profit corporation to provide these services. Council action is required to approve the Tourism BID's Annual Report, and authorize a sole source contract with Visit Berkeley. This will, in turn, confirm disbursement of Tourism BID assessment revenue to Visit Berkeley. This private/public partnership generates significant resources for the City, indirectly enhancing sales tax, business license tax, and other business-related City revenue sources such as transit occupancy tax.

ALTERNATIVE ACTIONS CONSIDERED

No alternative actions were considered.

CONTACT PERSON

Elizabeth Redman Cleveland, Economic Development Project Coordinator, Office of Economic Development, (510) 981-7532

Attachments:

- 1: Resolution: Annual Report and Proposed Budget Exhibit A: 2018-2019 Annual Report and proposed FY20 budget of the Berkeley Tourism Business Improvement District
- 2: Resolution: Contract with Berkeley Convention and Visitors' Bureau dba Visit Berkeley

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

APPROVING THE 2018-2019 ANNUAL REPORT AND PROPOSED FY 2020 BUDGET OF THE BERKELEY TOURISM BUSINESS IMPROVEMENT DISTRICT

WHEREAS, Property and Business Improvement District Law of 1994 (California Streets and Highways Code section 36600 et.seq.) authorizes cities to establish business improvement districts for the purpose of imposing assessments on businesses for certain purposes; and

WHEREAS, on April 25, 2017, the Berkeley City Council re-established such a district known as the Berkeley Tourism Business Improvement District (the "District"); and

WHEREAS, the City Council designated the Berkeley Tourism Business Improvement District Owners' Association (Owners' Association) to oversee the activities of the District; and

WHEREAS, the Owners' Association has submitted an Annual Report to the Berkeley City Council that outlines the activities of the District proposed for fiscal year (FY) 2020 and a budget for providing them, as required by the California Streets and Highways Code Section 36650; and

WHEREAS, the Annual Report is clear and complete and found to comply with the interests of the District assesses; and

WHEREAS, the Annual Report proposes no changes to rates, boundaries or services to the Business Improvement District.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council of the City of Berkeley hereby approves the Berkeley Tourism Business Improvement District Annual Report for 2018-19 and budget for FY2020 (Exhibit A) as submitted to the City Clerk by the Berkeley Tourism Business Improvement District Owners' Association.

Exhibit A: 2018-2019 Annual Report and Proposed FY2020 Budget of the Berkeley Tourism Business Improvement District

Page 5 of 11

2019-20 Annual Planning Report

Berkeley Tourism Business Improvement District Marketing Plan

District Name: This report is for the Berkeley Tourism Business Improvement District

Fiscal Year of Report: This report applies to the fiscal year 2020 (July 1, 2019 – June 30, 2020) and proposes a budget for fiscal year 2020 (July 1, 2019 – June 30, 2020).

Background:

The Berkeley TBID is a benefit assessment district created in 2012 by a group of hoteliers to fund marketing and promotional efforts for Berkeley lodging businesses. The first 5-year agreement with the City of Berkeley was from November 1, 2012 to October 31, 2017. However, on November 18, 2014, the Berkeley City Council approved the transition of the BTBID to a fiscal year contract effective 2015-16. On April 25, 2017 City Council adopted the renewal of the Berkeley Tourism Business Improvement District for a ten (10) year term to maintain a revenue source devoted to marketing and promoting specific hotel-serving activities, beginning July 1, 2017 through June 30, 2027.

Boundaries:

The Berkeley TBID includes all hotels with five or more rooms, existing and in the future, available for public occupancy within the boundaries of the City of Berkeley.

The boundary is estimated to include approximately 25 hotel businesses. One new property is slated to open in Summer 2019.

There are no proposed changes to the boundaries for fiscal year 2019.

Improvements and Activities for 2019-20:

This planning report is provided for informational purposes. Actual projects are subject to approval by the BTBID Committee and the Visit Berkeley board. Below are the improvements and activities planned for fiscal year 2020. The ideas presented below are subject to change during the course of the year depending on circumstances and availability of funds. The budget is \$650,000.00.

1) Sales & Marketing: (99%)

The marketing and sales portion shall be 99% of the assessment that is estimated to be \$643,500.00 in fiscal year 2020.

Visit Berkeley will continue with our strategic plan that is guided by four core objectives and key strategies.

Objective 1: Development and promote Berkeley as a desirable travel destination that delivers quality visitor experiences.

Strategy: Continue to market the city to regional, domestic and international travelers. Visit Berkeley will continue to work with U.S. Travel Association, Visit California, and San Francisco Travel Association to access markets and attract travelers that would otherwise be beyond our marketing reach. We will continue to expand the distribution efforts of the 2020-21 Berkeley Visitor Guide with the continued contract with Certified Folder Display that provides this service throughout California as well as continuing the existing distribution to Berkeley hotels, airports, the SF Visitor Center, CA Welcome Center at Pier 39, as well as other high traffic hubs in Berkeley and beyond. The new Visitor Guides will be translated into 7 additional languages and available in a digital format on our website. We will continually update and improve our Website (www.visitberkeley.com), the official travel website that provides essential visitor information in a branded format that features hotels, a reservation system, local attractions, comprehensive meeting and event facility information, a robust Calendar of Events and social media tools. We will continue to create highly targeted advertising and promotional opportunities for our hotels, attend trade shows and work with travel media.

Objective 2: Generate visitor-related economic impact for Berkeley. Strategy: Continue to market three Berkeley "products" in order to drive more overnight hotel stays.

- a. **Small convention and meetings market** (trade shows, targeted collateral, client familiarization tours that will increase hotel sales that will increase sales leads and bookings)
- b. **Tourism** (regional, domestic and international travel) includes trade shows, advertising and familiarization trips to group tour wholesalers, receptive-inbound operators
- c. Leisure Travel (individual travelers) through social media channels, consumer advertising, online-packaging and specials)

Objective 3: Foster positive relationships with our stakeholders that includes hotels, city departments and officials, tourism-related businesses and transportation providers.

Strategy: Continue to develop and manage positive relationships with stakeholders to ensure the organization has the resources and support needed to successfully execute the TBID mission. Continue to advocate for the local lodging and hospitality industry, promoting facilities infrastructure development to enhance the visitor experience, supporting transportation policies and programs facilitating travel to and within the city, increasing the overall safety and "hygiene" of Berkeley's streetscape.

Objective 4: Promote the long-term development of the destination.

Strategy: Continue to focus on the long-term planning that will positively impact the visitor industry. Visit Berkeley is committed to continually improving Berkeley's image and visitor amenities to ensure long-term success as a meeting and leisure travel destination. Support, enhance and expand the Visit Berkeley brand strategy, "Come for the Culture, Stay for the Food". We will advocate for new lodging and conference facilities and infrastructure development to enhance the visitor experience. Identify and support major sporting events and special events that drive economic impact.

2. City Collections Costs (1%)

The City of Berkeley shall be paid a fee equal to 1% of the amount of assessment collected to cover its costs of collection and administration. The estimated costs for fiscal year 2020 is \$6500.00.

Total Estimate of Costs for Fiscal 2019-20:

A breakdown of the total estimated \$650,000.00 budget for fiscal year 2020 is attached to this report as Appendix A: *Total Estimated Costs and Revenue for the Berkeley Tourism Business Improvement District (BTBID) Fiscal Year 2020 (July 1, 2019 to June 30, 2020).*

Method and Basis of Assessment:

The annual assessment rate is one percent (1%) of gross short term (stays less than 30 days) room rental revenue for hotels. Based on the benefit received, assessments will not be collected: on stays of more than thirty (30) consecutive days; on stays by any officer or employee of government who is exempt by express provisions of federal international treaty; or on stays by any customer of a bed and breakfast establishment as defined in Section 23F.94.010 of the Berkeley Municipal Code, which is located in a residential zoning district, has been in consistent operation as of January 1, 2003, and the continued operation of which is permitted under Chapter 23C.06 of the Berkeley Municipal Code. (See Appendix B: *Map of the Berkeley Tourism Business Improvement District (BTBID)*).

Amount of Surplus/Deficit from previous Fiscal Year:

The BTBID assessment was estimated to bring in approximately \$650,000.00 in revenues. As Berkeley TOT has consistently increased year to year, we may anticipate an additional surplus at the end of fiscal year 2019. This surplus will be rolled over to the 2019-20 fiscal year operating budget. There are no deficit revenues from Fiscal 2018-19 to be carried over.

Amount of Contributions from other sources:

There are no plans to apply for funding from other sources.

Thank you for the opportunity to present our Annual Planning Report for fiscal year 2020. If you have any questions regarding this report, please call Barbara Hillman, President/CEO of Visit Berkeley at (510) 549-7040.

Page 8 of 11

Appendix A: Total Estimated Costs and Revenue for the Berkeley Tourism Business Improvement District (BTBID) Fiscal Year 2020 (July 1, 2019 to June 30, 2020)

Revenues

2019-20 Assessments	\$650,000.00
2018-19 Carryover	TBA
Total Estimated Revenues	\$650,000.00

Expenditures

Sales and Marketing (Trade Shows, Site Inspections, Advertising, Fam Trips, Brochures, Promotional Programing)	\$643,500.00
City of Berkeley Collection Costs	\$6500.00
2018-19 Carryover (estimated)	TBA
Total Estimated Expenditures	\$650,000.00
Total 2019-20 BTBID Budget	\$650,000.00

Appendix B: Map of the Berkeley Tourism Business Improvement District (BTBID)

Note: The BTBID will include all hotels with five or more rooms, existing and in the future, available for public occupancy within the boundaries of the City of Berkeley. The boundary currently includes 25 hotels. Please see the map below.

Source: Berkeley Tourism Business Improvement District Management District Plan (2017)



Page 10 of 11

APPENDIX C – ASSESSED BUSINESSES

Business Name	Address	City, State	ZIP
Bancroft Hotel	2680 Bancroft Way	Berkeley, CA	94704
Berkeley City Club	2315 Durant Ave.	Berkeley, CA	94704
Berkeley Inn (Ganga	1720 San Pablo Ave.	Berkeley, CA	94702
Holdings, LLC)			
Berkeley Travelodge	1820 University Ave.	Berkeley, CA	94703
Cal Hotel	2008 Shattuck Ave.	Berkeley, CA	94704
Church Divinity School of	2451 Ridge Road	Berkeley, CA	94709-
the Pacific			1211
Doubletree Berkeley Marina	200 Marina Blvd.	Berkeley, CA	94710
Downtown Berkeley Inn	2001 Bancroft Way	Berkeley, CA	94704
Golden Bear Inn	1620 San Pablo Ave.	Berkeley, CA	94702
Holiday Inn Express	1175 University Ave.	Berkeley, CA	94702
Hotel Durant	2600 Durant Ave.	Berkeley, CA	94704
Hotel Shattuck Plaza	2086 Allston Way	Berkeley, CA	94704
Knight's Inn	1512 University Ave.	Berkeley, CA	94702
La Quinta University Inn	920 University Ave.	Berkeley, CA	94710
Marina Lodge	975 University Ave.	Berkeley, CA	94710
Nash Hotel	2045 University Ave.	Berkeley, CA	94704
Pacific School of Religion	1798 Scenic Ave.	Berkeley, CA	94703
Prima Donna Hotels Inc.,	1540 Shattuck Ave.	Berkeley, CA	94709
dba Sens Hotel & Bistro			
Berkeley			
Rose Garden Inn	2740 Telegraph Ave.	Berkeley, CA	94705
Shree Jalasai Lodge,	1461 University Ave.	Berkeley, CA	94702
dba Roadway Inn			
Super 8	1619 University Ave.	Berkeley, CA	94703
University Hotel	2057 University Ave.	Berkeley, CA	94704
Vista Inn & Suites, dba	1761 University Ave.	Berkeley, CA	94703
Quality Inn			
YMCA of the Central Bay Area	2001 Allston Way	Berkeley, CA	94704
Best Western	1499 University Ave	Berkeley, CA	94702

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

CONTRACT: BERKELEY CONVENTION AND VISITORS' BUREAU (DBA VISIT BERKELEY) TO IMPLEMENT THE BERKELEY TOURISM BUSINESS IMPROVEMENT DISTRICT

WHEREAS, Visit Berkeley (VB) has proven to be an effective partner with the City of Berkeley in implementing hotel and tourism marketing and promotions; and

WHEREAS, VB is the one private sector organization that is taking comprehensive action to improve the economic vitality of the hotel sector across Berkeley, as reflected in VB's long history of supporting the hotel and tourism sector; and

WHEREAS, on April 25, 2017, the City Council held a public hearing, after which it adopted Resolution No. 67,926 -N.S. establishing the Berkeley Tourism Business Improvement District (BTBID) starting July 1, 2017 and ending June 30, 2027 and levying an assessment to be collected on a monthly basis; and

WHEREAS, on May 1, 2019, the Owners' Association of the Berkeley Tourism Business Improvement District approved an annual report as required by California Streets and Highway Code 36650; and

WHEREAS, this contract has been entered into the City's contract management database; and

WHEREAS, on May 28, 2019, the City Council approved the Annual Report prepared by the Owners' Association.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized to execute a sole source contract and any amendments with Visit Berkeley in the amount of \$650,000 from budget code 971-8703-465-3510 for the purpose of implementation of the BTBID for the period of July 1, 2019 to June 30, 2020. A record signature copy of said contract and any amendments are to be on file in the Office of the City Clerk.

NOW THEREFORE, BE IT FURTHER RESOLVED by the Council of the City of Berkeley that if any residual revenue above the amount stated above is realized from the BTBID, said amount (the "true up payment") will be paid on a one-time purchase order (PO) at the close of the fiscal year to the vendor.



CONSENT CALENDAR May 28, 2019

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Jordan Klein, Economic Development Manager

Subject: Assessments: Downtown Berkeley Property Based Business Improvement

District

RECOMMENDATION

Adopt a Resolution approving the Downtown Berkeley Property Based Business Improvement District (DPBID) Annual Report of FY 2019 and proposed budget for FY 2020, and declaring Council's intention to levy an annual assessment for the DPBID for FY 2020.

<u>SUMMARY</u>

The Downtown Berkeley Property Based Business Improvement District (DPBID, "Downtown BID" or "the District") provides cleaning, hospitality and marketing services for Berkeley's central business district. In May of 2016 the DPBID was geographically expanded and renewed for a ten year period, authorizing operations through December 31, 2026, and designating the Downtown Berkeley Association (DBA) as the District's Owners' Association. Annually, Council must approve the DPBID's annual report and proposed budget and declare its intention to levy an annual assessment.

The City of Berkeley owns eleven parcels within the boundaries of the DPBID and is required by state law to pay the associated assessments. The assessment payment will be \$130,195 in FY 2020; in addition, the City will pay the General Benefit portion of the DPBID costs. The engineer's report commissioned for the reestablishment of the Downtown BID in 2016 calculated that the general benefit for the district is \$16,814 annually. In 2011, the City increased parking meter rates (see Ordinance No. 7,183-N.S.) in the Downtown area to fund payment of the general benefit fees.

FISCAL IMPACTS OF RECOMMENDATION

Assessments levied in the Downtown Berkeley Property Based Business Improvement District (DPBID) support a package of improvements and activities approved by the property owners and the City Council when the District was renewed for a ten year period on May 31, 2016 (Resolution No. 67,520-N.S.). Assessment funds are collected by Alameda County, relayed to the City of Berkeley, and disbursed through a contract with the Downtown Berkeley Association (DBA), a private owners' association that was established to implement the Management District Plan.

In May of 2016, the City Council authorized the City Manager to execute a contract and any amendments with the DBA, not to exceed \$3,940,625 of BID revenues, to implement the Downtown Berkeley Management District Plan for the period January 1, 2017 to December 31, 2019, with the option to extend the contract for two additional years (Contract No. 10462). Staff will implement that extension, increasing the contract's total amount to \$6,907,039. In addition, the University of California has agreed to a voluntary contribution to the DPBID of \$91,934 for FY 2020. Overall the budget of the DPBID for FY 2020 is approximately \$1,561,712 inclusive of taxable and non-taxable parcels and private donations, and net of the County 1.7% collection fee on private parcels. The DPBID Assessment Revenue amount articulated in Exhibit A (\$1,639,366) is slightly different (\$77,654) to account for uncollectable property tax and funds that will be carried forward from the prior year.

The assessment billing for private commercial property, including properties billed on the utility roll, less the county collection fee (approximately \$21,600), is expected to be \$1,265,782 in FY 2020. Annual and accrued assessment funds are deposited in the Downtown Property Based Business Improvement District (DPBID) Fund (786-21-208-251-0000-000-412110) and expended from fund number 786-21-208-251-0000-000-446-636110. These totals reflect no assessment increase, as determined at the DBA Board of Directors meeting on March 21, 2019. Per the Management District Plan, an annual increase of 5% is allowable to cover inflation costs if approved by a majority of the Owners' Association Board of Directors.

Under the provisions of Proposition 218 in the California Constitution, government agencies must pay assessments on properties they own in property based business improvement districts, just like private property owners, unless they receive no benefit. Payment is collected from private property owners through property tax bills near the end of the calendar year. Payments are due from non-property tax-paying entities concurrently. The City of Berkeley owns eleven parcels within the DBPID boundaries; the City's assessment payment in FY 2020 would be \$130,195.

The City also pays the "general benefit" portion of the PBID budget, or roughly \$16,814.10 for fiscal year 2020. "General benefits" represent that small portion of the overall benefits generated by a PBID which are found to accrue to the general public who are not assessed and do not participate in the economic or social activities of the district. In total, the City is responsible for a contribution of \$147,009.10 to the DPBID in FY 2020. This amount is billed directly to the City and paid through the Off-Street Parking Fund (627-54-622-665-3002-000-474-639990). On June 14, 2011, Council adopted Ordinance No. 7,183-N.S. increasing parking meter rates in the Downtown to fund payment of these fees.

By financing improvements, maintenance and welcoming activities for the City's central business district, the DPBID indirectly enhances sales tax, business license tax and other business-related City revenue sources.

CURRENT SITUATION AND ITS EFFECTS

State legislation that authorizes formation of property-based BIDs (*California Streets and Highways Code*, Sections 36600 et. seq.) requires that the BID governing body submit an Annual Report on operations and a budget proposal to the City Council each year. The City Council may approve the report with a Resolution to reauthorize the annual assessments.

The Board of Directors of the Downtown Berkeley Association met in a publicly noticed meeting on March 21, 2019 to review the Annual Report for the DPBID for FY 2019 and budget for FY 2020 (Exhibit A). The Board of Directors voted to recommend no increase (0%) in the assessment for FY20, and to approve the proposed budget for FY 2020 and the Annual Report for FY 2019. The Board recommended that the FY 2019 Annual Report and Proposed Budget for FY 2020 be approved by the City Council. There were no recommended changes to the DPBID boundaries nor changes to the assessment formula as established during the district renewal in 2016. Council can adopt the recommended Resolution which will confirm the DPBID assessment, and thus enable continuous BID operations for another year.

BACKGROUND

The DPBID is a benefit assessment district that provides cleaning, hospitality and marketing services for Downtown Berkeley. The DPBID was created in 2011 pursuant to California's "Property and Business Improvement District Law of 1994" to provide needed improvements and activities to assessed property owners. The DPBID was reestablished and expanded by Resolution of the Berkeley City Council on May 31, 2016 (Resolution No. 67,520-N.S.) for the ten-year term beginning July 1, 2016 and ending June 30, 2026, with operations to occur over the ten year calendar year period beginning January 1, 2017 and ending December 31, 2026.

The DPBID finances services and improvements that maintain and improve the district's streetscape and public areas, improve the pedestrian experience for workers, visitors and residents, and attract new businesses and development. Key services include hospitality and cleaning ambassador teams, beautification projects, business attraction and retention, marketing and events. The improvements and activities that the DPBID finances to enhance Downtown Berkeley's environment for property owners, residents, workers and visitors include:

Environmental Enhancements:

 Maintenance teams sweep, scrub, and pressure wash sidewalks, remove litter and graffiti, and increase the frequency of trash removal and maintain landscaping throughout the District.

- Hospitality Ambassadors provide visitor information, safety escorts, merchant outreach, liaison activities with city services, event support, homeless services outreach and referrals, and coordinate work with local police, businesses and property owners to prevent crime and address quality of life issues.
- Beautification and place-making improvements that make Downtown Berkeley more attractive, including enhanced landscaping, holiday décor, way-finding signage, trash receptacles, planters, urban design plans, bike racks, programming of BART Plaza and other public spaces, etc.

Economic Enhancements:

- Promote and support local business through providing liaison services with City staff, and attracting new businesses and investment that further the strategic goals of the Downtown.
- Advance Downtown Berkeley's evolution as a regional destination for arts, culture and entertainment.
- Marketing and communications to support DPBID activities and improvements
- Strategies to improve the parking and transit experience to support local businesses, residents, and arts/culture/civic destinations.
- Leadership through research and community education to represent the Downtown community with one clear voice.

Due to high levels of pedestrian traffic in the core of the Downtown and the attendant need for higher levels of service there, the DPBID has three benefit zones as delineated in the 2016 District Management Plan. There is a two-tiered core service zone and a third zone which covers the three block 2016 expansion area along the southern portion of Shattuck Avenue.

ENVIRONMENTAL SUSTAINABILITY

By maintaining and enhancing the DPBID, the DBA creates shopping opportunities for residents and visitors alike while encouraging alternative forms of transportation. The District encompasses the area surrounding the Downtown BART Station and several AC Transit lines that provide easy accessibility for visitors coming to and from this popular regional destination. The DPBID's ambassadors and environmental enhancements such as low water median plantings and hanging succulent flower baskets all contribute to making the Downtown a more pleasant destination. Because the District is well served by public transportation and biking infrastructure, these services indirectly support environmental sustainability goals of encouraging alternative transportation choices.

RATIONALE FOR RECOMMENDATION

Property and Business Improvement District Law of 1994 requires that the BID Board prepare an Annual Report for each fiscal year in which assessments are to be levied. Council action is required to approve the BID's Annual Report and declare its intent to levy assessments.

This private/public partnership will continue to provide significant resources for revitalization of the Downtown Core Commercial District, which has had a transformational effect on the physical and economic health of the City of Berkeley. Each dollar of the City of Berkeley's financial contribution to the DPBID will leverage over nine dollars of investment from the University and the private sector.

ALTERNATIVE ACTIONS CONSIDERED

The DBA Board of Directors considered an increase in assessment rates, up to the allowable 5%, but instead decided on no increase, determining that the current rates sufficiently cover the slate of services outlined in the FY2020 budget and work plan.

CONTACT PERSON

Eleanor Hollander, Economic Development Project Coordinator, Office of Economic Development, 981-7536

Attachments:

1: Resolution: Confirm Downtown Property Based Business Improvement District (DPBID) Annual Report and Levy Annual Assessment

Exhibit A: DPBID Annual Report for FY 2019 and Proposed Budget for FY 2020

Exhibit B: DPBID FY 2020 Assessment Roll

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

APPROVING THE ANNUAL REPORT OF THE DOWNTOWN PROPERTY BASED BUSINESS IMPROVEMENT DISTRICT AND LEVYING ASSESSMENTS FOR FY 2020

WHEREAS, the Property and Business Improvement District Law of 1994 as amended (California Streets and Highways Code Section 36600 et.seq.) authorizes cities, with the consent of property owners, to fund property-related improvements, maintenance and activities through the levy of assessments upon the real property that benefits from the improvements, maintenance and activities; and

WHEREAS, the City Council renewed the Downtown Property Based Business Improvement District (hereafter, "the District") by Resolution No. 67,520 -N.S. on May 31, 2016; and

WHEREAS, the City Council has now received the *Annual Report of the Downtown Property Based Business Improvement District for FY 2019* (Annual Report, attached as Exhibit A) from the Downtown Business Association, the governing body for the District, that describes the operations of the District in FY 2019, recommends services for FY 2020 and proposes a budget for FY 2020.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that pursuant to provisions of Section 36600 et. seq. of the California Streets and Highways Code, the City Council approves the Annual Report for FY 2019 and declares its intent to levy special assessments on property within the boundaries of the District for FY2020.

BE IT FURTHER RESOLVED that that the boundaries of the District and the method and basis for the assessment remain the same as those set forth and approved in the *Downtown Business Improvement District Management Plan* (Plan) which was made part of Resolution No. 67,520 -N.S., renewing the District.

BE IT FURTHER RESOLVED that the improvements and activities to be provided are those described in the Plan and the Annual Report and that the cost of providing the improvements and activities is as described in the budget attached to the Annual Report.

BE IT FURTHER RESOLVED that to finance these improvements and activities, the Annual Report and Budget includes no increase in assessment rates. Following adoption of this resolution, the City Council may confirm the Annual Report and levy assessments for FY 2020 and confirm disbursement of DPBID assessment revenue to the Downtown Berkeley Association provided for in Contract No.10462.

Exhibits

A: DPBID Annual Report for FY 2019 and Proposed Budget for FY 2020

B: DPBID Assessment Roll FY 2020

EXHIBIT A 2019 ANNUAL REPORT OF THE DOWNTOWN BERKELEY PROPERTY-BASED BUSINESS IMPROVEMENT DISTRICT (PBID)

By the Downtown Berkeley Association

The Downtown Berkeley Property-Based Business Improvement District (DBPBID), managed by the Downtown Berkeley Association (DBA) was approved for a ten-year period by an affirmative vote of the property owners of the Downtown Berkeley commercial district by mail-in ballot during the spring 2016. This vote was affirmed without protest by City Council on May 31, 2016. The DBPID commenced operations on January 1, 2017, and the DBA operates on a calendar year basis. In accordance with 36650 (b) of the Streets and Highway Code for the State of California, the DBA affirms the following:

- 1. The DBA proposes no changes in PBID boundaries for the 2020 fiscal/calendar vear.
- 2. The DBA will continue with the same services as has been outlined in the Management District Plan Final Plan of May 30, 2016. These services include Environmental Enhancements such as Ambassador hospitality services, cleaning services, beautification, and landscaping; as well as Economic Enhancements such as district marketing, promotion, event, and business attraction and retention.
- 3. The budget approved on February 6, 2019 the DBA Board of Directors calls for expenditures in the FY/CY 2020/19 to be \$1,835,992.
- 4. On March 28, 2019, the DBA Board approved a 0% assessment rate increase for FY2020, because of large reserves/assets at year-end 2018.
- 5. The 2019 budget (FY20) approved to the DBA Board of Directors includes a carry forward of \$767,604 in assets.
- 6. The approved 2019 budget envisions a loss of (\$177,425) to be incurred to the carry forward funds of \$767,604, resulting in a year-end balance of \$590,179.
- 7. In addition to assessments levied on real property, the 2019 (FY20) budget envisions \$18,000 additional revenue will be derived from a contract for ambassador and cleaning, \$60,000 in event sponsorship revenue, as well as, de minimis interest earned of \$1,200 due to low interest rates currently paid by financial institutions.

Fiscal Year 2020 (FY20) and Calendar Year 2019 (CY19) BUDGET OF THE DOWNTOWN BERKELEY PROPERTY-BASED BUSINESS IMPROVEMENT DISTRICT (PBID)

By the Downtown Berkeley Association

REVENUE

PBID Assessment Revenue	\$1,639,366
Contract Services	\$18,000
Interest Income and Other Revenue	\$1,200
Total Revenue	\$1,658,566
EXPENSES	
Environmental Enhancement Services*	\$1,244,077
Marketing & Economic Enhancement Services	\$397,889
General Administrative and Operating Expenses	194,026
Total Expenses	\$1,835,992

^{*}Environmental enhancements include cleaning, hospitality, landscaping, and homeless outreach.

Exhibit B: DOWNTOWN BERKELEY PBID ASSESSMENT ROLL FY 2020

Prepared April 2019 for Fiscal Year 2020

				FY 2020 Assessment				
450	0	04- 1	l don a c	Priva	te Parcels	Tax Exempt	Utility	/ Roll
APN	Owner	Site Ac		Φ.	0.000.70		1	
0572016-021-01	1812 University Ave LLC	1810 UNIVERSITY		\$	2,020.76			
0572059-009-00	1915 UNIVERSITY AVENUE PARTNER		SITY AVE	\$	1,413.42			
0572024-007-01	1935 ADDISON STREET LLC	1935 ADDISC		\$	3,819.56			
0572060-001-00 0572053-002-00	1950 MLK LLC		G JR WAY	\$	19,296.72			
0572053-002-00 0572025-010-01	1974 SHATTUCK AVENUE LLC 2001 ADDISON STREET LLC	1974 SHATTU 2001 ADDISC	JCK AVE	\$	2,122.22			
				\$	10,375.92			
0572034-010-00	2015 SHATTUCK LLC		JCK AVE	\$	14,763.88			
0551894-014-01	2025 DURANT AVENUE LLC	2025 DURAN		\$	12,357.70			
0551822-009-01	2035 BLAKE STREET LLC	2035 BLAKE		\$	3,415.82			
0572025-017-03	2054 UNIVERSITY LLC		SITY AVE	\$	8,699.94			
0572026-004-12	2068 CENTER FAMILY LIMITED PAR	2068 CENTER		\$	2,035.92			
0572023-001-00	2100 SHATTUCK AVE LP		JCK AVE	\$	12,574.80			
0551890-012-01	2107 DWIGHT WAY LLC	2107 DWIGHT WA		\$	6,357.88			
0572030-001-00	2108 ALLSTON LLC	2108 ALLSTO		\$	10,309.08			
0572029-013-00	2110 KITTREDGE LLC	2110 KITTRE		\$	8,820.80			
0572023-014-00	2115 MILVIA ASSOCIATES LLC	2115 MILVIA		\$	4,620.82			
0551893-006-01	2125 DURANT AVENUE LLC	2125 DURAN		\$	351.92			
0572031-011-00	2130 CENTER LLC	2130 CENTER		\$	6,025.72			
0551894-017-04	2322 SHATTUCK AVENUE LLC		JCK AVE	\$	17,815.78			
0551893-019-00	A T & T CO 279-1-12-6	0 DURANT AVE						5,806.22
0551893-020-00	A T & T CO 279-1-12-6	0 BANCROFT WA					\$	954.7
0572024-016-02	AARONIAN INVESTMENTS LLC		SITY AVE	\$	556.04			
0572060-022-00	ACAMPORA ANTHONY & MARGARET R		SITY AVE 301	\$	170.26			
0572060-046-00	ACAMPORA ANTHONY & MARGARET R		SITY AVE 309	\$	170.26			
0572046-008-04	ACHENSON COMMONS LP	2125 UNIVERSITY		\$	13,932.74			
0572033-004-00	ADDISON BUILDING LLC	82 SHATTU		\$	5,672.56			
0572022-014-01	ADDISON LLC	1912 ADDISC		\$	909.08			
0572029-014-00	AGOSTINI WARREN TR	2124 KITTRE		\$	2,893.48			
0572060-041-00	ALBANESE ANDRES & CELINA		SITY AVE 407	\$	170.26			
0551823-011-01	ALTA BATES CORPORATION	2104 DWIGH		\$	6,188.54			
0572050-031-01	AMISTAD HOUSE LLC		JCK AVE	\$	4,685.92			
0551821-026-00	AMPRI INVESTMENTS INC	2030 BLAKE		\$	219.50			
0551821-027-00	AMPRI INVESTMENTS INC	2030 BLAKE		\$	219.06			
0572060-048-00	ANJANEYAR LLC	1801 UNIVER	SITY AVE 210	\$	170.26			,
0572028-013-00	AOCHI FUSAKO J TR	2000 KITTRE		\$	3,337.16			
0572060-050-03	AREFI EHSAN & AREFY KATRIN		SITY AVE	\$	95.20			,
0572049-024-00	ATKINS GEORGE C	1849 SHATTU	JCK AVE 404	\$	85.96			,
0572059-007-00	AYYAD FRED & MONA		SITY AVE	\$	1,333.36			
0551893-013-00	BAKER EDWARD L		JCK AVE	\$	299.80			
0572032-005-03	BANK OF AMERICA NATIONAL TRUST	2119 CENTER	R ST	\$	12,312.18			
0572046-001-00	BAY PROPERTIES INC	2108 BERKEI	EY WAY	\$	8,166.94			
0551821-025-00	BELGROVE ANGELA M & SWINDERMAN	2030 BLAKE	ST D	\$	588.12			
0572026-007-02	BERKELEY 2000 LLC	2175 MILVIA	ST	\$	14,652.26			
	BERKELEY CHAMBER OF COM	1834 UNIVER	SITY AVE	\$	899.74		1	

Page 1 of 7 127

		_		FY 2020 Assessment			t	
APN	Owner		Site Address	Priva	ate Parcels	Та	x Exempt	Utility Roll
0551824-015-00	BERKELEY FREE MARKET LLC	2567	SHATTUCK AVE	\$	4,964.46			
0572028-011-00	BERKELEY INN LLC	2001	BANCROFT WAY	\$	3,468.66			
0572025-024-00	BERKELEY JOINT POWERS FINANCIN	2015	ADDISON ST			\$	11,177.60	
0572029-004-00	BERKELEY LODGE NO 270 I O O F	2288	FULTON ST	\$	4,319.00			
0572025-005-03	BERKELEY REPERTORY THEATRE	2071	ADDISON ST	\$	822.92			
0572025-008-00	BERKELEY REPERTORY THEATRE	2025	ADDISON ST	\$	3,925.26			
0572025-023-00	BERKELEY REPERTORY THEATRE	2009	ADDISON ST	\$	1,912.62			
0572032-018-00	BERKELEY STATION PARTNERS LLC	134	BERKELEY SQ	\$	1,027.58			
0572023-021-02	BERKELEY TRADITIONAL MUSIC FOU	2026	ADDISON ST	\$	2,000.28			
0572023-021-03	BERKELEY TRADITIONAL MUSIC FOU	2020	ADDISON ST	\$	2,192.58			
0551894-007-02	BERKELEY UNIFIED SCHOOL DISTRI	2000	BANCROFT WAY			\$	2,440.44	
0572020-004-00	BERKELEY UNIFIED SCHOOL DISTRI	1980	ALLSTON WAY			\$	3,149.76	
0572020-005-03	BERKELEY UNIFIED SCHOOL DISTRI	2223	M L KING JR WAY			\$	18,661.94	
0572026-015-00	BERKELEY YOUNG MENS CHRISTIAN	2001	ALLSTON WAY	\$	18,052.62			
0572022-018-00	BERKELEYALBANY YMCA TEEN CENTE	2109	M L KING JR WAY	\$	1,786.24			
0572032-010-00	BETTENCOURT CHARLES A & JEANNE	2109	SHATTUCK AVE	\$	6,269.26			
0572060-024-00	BHULLAR SANTOKH & JASPREET	1801	UNIVERSITY AVE 202	\$	170.26			
0572060-023-00	BIGGS RALPH E	1801	UNIVERSITY AVE 401	\$	170.26			
0572049-017-00	BLANCHARD WILLIAM J	1849	SHATTUCK AVE 302	\$	85.96			
0572023-004-00	BOLLIBOKKA SHATTUCK LLC	2144	SHATTUCK AVE	\$	22,200.78			
0572027-008-00	BPR PROPERTIES BERKELEY LLC	2060	ALLSTON WAY C	\$	29,202.24			
0572060-050-01	BROWNING ROBERT P & MAIO LINDA	1801	UNIVERSITY AVE A	\$	95.04			
0551892-001-01	BUDDHIST CHURCHES OF AMERICA	2140	DURANT AVE	\$	3,724.20			
0572022-008-00	BUTLER LARRY TR	1907	CENTER ST	\$	1,346.76			
0551893-005-03	BVP FULTON LLC	2310	FULTON ST	\$	9,309.56			
0572023-003-00	C & V SHATTUCK LLC	2120	SHATTUCK AVE	\$	1,543.48			
0572031-009-00	C S COMPANY	2161	SHATTUCK AVE	\$	10,178.46			
0572034-007-00	CALIF STATE EMPL CR UN	2033	SHATTUCK AVE	\$	1,474.30			
0551893-011-00	CALIFORNIA FIRST BANK	2107	DURANT AVE	\$	954.70			
0551893-012-00	CALIFORNIA FIRST BANK	2333	SHATTUCK AVE	\$	4,023.26			
0572060-030-00	CALOCA ROSA N	1801	UNIVERSITY AVE 204	\$	170.26			
0572031-014-00	CENTER GALLERY LP	2136	CENTER ST	\$	2,705.88			
0551891-012-00	CHAN FAT & KUM L TRS	2429	SHATTUCK AVE	\$	4,266.58			
0572032-012-00	CHENG FRANK & DOROTHY	2112	ADDISON ST	\$	4,319.48			
0572016-003-00	CHENG TE C TR	2070	M L KING JR WAY	\$	725.58			
0572049-031-00	CHITRCHARATN NIRAMOL	1849	SHATTUCK AVE 207	\$	85.96			
0572060-028-00	CHUA SHIRLEY C & SUISUILYN	1801	UNIVERSITY AVE 303	\$	170.26			
0551896-002-00	CHUN S R & DORIS S TRS & FUJIK	2414	SHATTUCK AVE	\$	341.20			
0572017-016-01	CITY OF BERKELEY	2100	M L KING JR WAY			\$	17,577.66	
0572021-001-00	CITY OF BERKELEY	2180	MILVIA ST			\$	15,240.08	
0572021-002-00	CITY OF BERKELEY	0	CENTER ST			\$	15,975.46	
0572022-006-00	CITY OF BERKELEY	1947	CENTER ST			\$	8,871.74	
0572022-020-00	CITY OF BERKELEY	0	CENTER ST			\$	3,819.42	
0572023-020-03	CITY OF BERKELEY	2033	CENTER ST			\$	42,495.10	
0572028-005-00	CITY OF BERKELEY	2031	BANCROFT WAY			\$	2,902.60	
0572028-017-01	CITY OF BERKELEY	2090	KITTREDGE ST			\$	13,161.86	
0572053-022-01	CITY OF BERKELEY		KELEY WAY			\$	2,692.92	
0572118-001-00	CITY OF BERKELEY	2200	FULTON ST	1		\$	_,552.52	
0572119-001-00	CITY OF BERKELEY	2200	FULTON ST A			\$	7,458.06	
0572026-013-00	CONSTITUTION SQUARE LLC	2168	SHATTUCK AVE	\$	12,720.90	Ψ	7,430.00	
0551822-003-02	CRESTON DEVELOPMENTS LLC	2514	SHATTUCK AVE	\$	1,665.74	 		
0572023-026-00	CVBAF ACQ LLC	2055	CENTER ST	\$	37,866.76	-		
0551821-024-02	CYH COMPANY INC	2034	BLAKE ST	\$	3,554.88	-		
	DAVID BROWER CENTER	2150	ALLSTON WAY	\$	6,216.64			
057 2420 004 00								
0572120-001-00 0572049-020-00	DELBONTA MATTHEW A	1849	SHATTUCK AVE 303	\$	85.96			

Page 2 of 7 128

				FY 2020 Assessment				
				T I ZUZU AUGUSINENT		<u></u>		
				Private Pa	roolo	Tay Evampt	Hillity Ball	
4.50	•		0'' 4 1 1	Private Pa	rceis	Tax Exempt	Utility Roll	
APN	Owner		Site Address	-		1		
0551892-015-00	DURANT BERKELEY PARTNERS LP	2367	SHATTUCK AVE		628.88			
0551892-016-00	DURANT BERKELEY PARTNERS LP	2349	SHATTUCK AVE		749.56			
0572024-004-00	EAST BAY MEDIA CENTER	1939	ADDISON ST		555.82			
0572024-008-01	EAST END INVESTORS GROUP INC	1950	UNIVERSITY AVE		824.70			
0551892-013-01	EASTBOROUGH PROPERTIES LP	2399	SHATTUCK AVE		926.86			
0572045-005-00	EQR ACHESON COMMONS LP		ALNUT ST		330.48			
0572046-011-01	EQR ACHESON COMMONS LP	1987	SHATTUCK AVE		224.70			
0572023-017-01	EQR ARTECH BERKELEY LP	2101	MILVIA ST		535.82			
0572046-009-00	EQR BACHENHEIMER BERKELEY LP	2119	UNIVERSITY AVE		877.06			
0572047-002-01	EQR BERKELEYAN BERKELEY LP	1910	OXFORD ST		353.46			
0551890-013-02	EQR FINE ARTS BERKELEY LP	2451	SHATTUCK AVE		311.38			
0572030-002-00	EQR GAIA BERKELEY LP	2116	ALLSTON WAY		538.50			
0572025-014-00	EQR TOURIEL BERKELEY LP	2004	UNIVERSITY AVE		746.18			
0572049-014-00	FARRAR CHARLES R JR TR	1849	SHATTUCK AVE 301	\$	85.96			
0572053-003-01	FIFTH KEIL CO	1998	SHATTUCK AVE	, ,	815.22			
0572053-003-02	FIFTH KEIL CO	1984	SHATTUCK AVE		042.12			
0551894-006-00	FIGUEROA XAVIER & JOSEFINA J	2017	DURANT AVE		909.00			
0572022-003-01	FIRST MILVIA LLC	2108	MILVIA ST		020.82			
0572022-017-01	FIRST MILVIA LLC	2100	MILVIA ST		049.04			
0572026-002-01	FIRST SHATTUCK LLC	2150	SHATTUCK AVE		462.62			
0572026-005-01	FIRST SHATTUCK LLC	2043	ALLSTON WAY		220.66			
0572026-012-03	FIRST SHATTUCK LLC	2052	CENTER ST		209.74			
0572060-040-00	FONG ANDREW	1801	UNIVERSITY AVE 307		170.26			
0572028-002-00	FU JIHWA & JI H TRS	2270	SHATTUCK AVE	\$ 2,	026.32			
0551895-015-01	GENIRBERG SIBLINGS LLC	2000	DURANT AVE	\$ 4,	401.10			
0572049-022-00	GIEBELER PERSIS A	1849	SHATTUCK AVE 204	\$	85.96			
0572049-026-00	GILMOUR SUSAN R & THOMAS S	1849	SHATTUCK AVE 305	\$	85.96			
0551896-004-00	GIOTINIS E C & A TRS & GIOTINI	2428	SHATTUCK AVE	\$ 1,	183.40			
0551822-005-00	GIOTINIS ERNIE C & ANDRIA TRS	2524	SHATTUCK AVE	\$ 1,	575.12			
0572025-004-00	GLYNN EDITH W TR	2020	SHATTUCK AVE	\$ 2,	802.04			
0572053-004-02	GLYNN EDITH W TR	2071	UNIVERSITY AVE	\$ 2,	486.18			
0572025-019-00	GOODWILL INDUSTRIES OF THE GRE	2058	UNIVERSITY AVE	\$ 2,	218.22			
0551892-014-00	GORDON JOHN K & MITCHELL JANIS	2375	SHATTUCK AVE	\$	798.00			
0551897-006-00	GORDON JOHN K & MITCHELL JANIS	2450	SHATTUCK AVE	\$ 4,	119.92			
0572024-021-01	GORDON JOHN K & MITCHELL JANIS	1952	UNIVERSITY AVE	\$ 4,	188.52			
0572025-005-02	GORDON JOHN K & MITCHELL JANIS	2024	SHATTUCK AVE	\$ 5,	514.02			
0572025-006-00	GORDON JOHN K & MITCHELL JANIS	2036	SHATTUCK AVE	\$ 5,	067.80			
0572025-022-00	GORDON JOHN K & MITCHELL JANIS	2014	SHATTUCK AVE		543.48			
0572030-011-00	GORDON JOHN K & MITCHELL JANIS	2225	SHATTUCK AVE		004.38			
0572028-014-02	GRANITE LIBRARY GARDENS LP	2022	KITTREDGE ST		364.38			
0572024-015-03	GREENLINING INSTITUTE	1916	UNIVERSITY AVE		271.88			
0572029-012-00	H DRAKE CORPORATION	2271	SHATTUCK AVE		396.58			
0551821-028-00	HA YANGWON K	2030	BLAKE ST A		237.90			
0572016-027-02	HADJIAN SIMIN & PAYVAND ETAL	1840	UNIVERSITY AVE		136.72			
0572060-036-00	HAMMOND LUCIA	1801	UNIVERSITY AVE 206		170.26			
0572059-006-00	HAN CHANG S & YOON J	1941	UNIVERSITY AVE		756.82			
0572060-043-00	HART ELIZABETH	1801	UNIVERSITY AVE 308		170.26			
0572027-002-02	HEAD LAMA TIBETAN NYINGMA MEDI	2210	HAROLD WAY		641.60			
0572027-002-02	HEAD LAMA TIBETAN NYINGMA MEDI	2018	ALLSTON WAY		497.58			

Page 3 of 7 129

				FY 2020 Assessment			
APN	Owner		Site Address	Private Parcels	Tax Exempt	Utility Roll	
0572027-004-00	HEAD LAMA TIBETAN NYINGMAPA ME	2222	HAROLD WAY	\$ 8,205.08			
0572046-002-00	HEDGEMON REAL LLC	2120	BERKELEY WAY	\$ 3,303.46			
0572060-037-00	HERNANDEZ KARYN L	1801	UNIVERSITY AVE 306	\$ 170.26			
0572034-006-00	HIGHWAY 61	2037	SHATTUCK AVE	\$ 6,988.32			
0572031-006-00	HIRAHARA FAMILY LIMITED PARTNE	2187	SHATTUCK AVE	\$ 5,285.64			
0572025-002-00	HO MENG H & SHIN J TRS & HO MI	2008	SHATTUCK AVE	\$ 4,647.78			
0572027-006-00	HSR BERKELEY INVESTMENTS LLC	2060	ALLSTON WAY A	\$ 29,549.30			
0572027-007-00	HSR BERKELEY INVESTMENTS LLC	2070	ALLSTON WAY	\$ 10,451.64			
0572049-015-00	HU VICTORIA L	1849	SHATTUCK AVE 401	\$ 85.96			
0572060-034-00	HUANG SCOTT & EVA	1801	UNIVERSITY AVE 305	\$ 170.26			
0572059-010-00	HULTGREN ROBERT P & SUSAN S TR	1909	UNIVERSITY AVE	\$ 1,419.14			
0572049-019-00	HUYNH MATTHEW & REGINA TRS	1849	SHATTUCK AVE 203	\$ 85.96			
0572032-015-00	JANTA REALTY INC & BATRA MANJU	100	BERKELEY SQ	\$ 1,460.24			
0572030-010-00	JEON ROBERT S & JUNE I	2231	SHATTUCK AVE	\$ 6,143.72			
0572053-001-00	JLLJAR LLC	1950	SHATTUCK AVE	\$ 3,182.42			
0572030-009-00	JOHNSON CECILIA & LENT ROBIN V	2115	KITTREDGE ST	\$ 6,320.24			
0551821-003-00	JOHNSTON STEWART L	2558	SHATTUCK AVE	\$ 1,761.50			
0551821-004-00	JOHNSTON STEWART L	2576	SHATTUCK AVE	\$ 1,012.88			
0572031-004-00	JUDAH L MAGNES MUSEUM INC	2121	ALLSTON WAY	\$ 5,875.34			
0572049-023-00	KALOFONOS ANGELIKI & MARIA S	1849	SHATTUCK AVE 304	\$ 85.96			
0572025-016-00	KAM YIU LAM & SHUN TO LO LAM L	2042	UNIVERSITY AVE	\$ 3,404.08			
0572032-011-00	KAMENY HARVEY TR	2104	ADDISON ST	\$ 3,853.56			
0572060-006-00	KAMI BARRY G & CATHY J TRS	1813	UNIVERSITY AVE	\$ 1,985.64			
0572060-004-00	KANG BU U & JEONG H ETAL	1823	UNIVERSITY AVE	\$ 1,543.24			
0572060-005-00	KANG BU U & JEONG H ETAL	1821	UNIVERSITY AVE	\$ 1,228.64			
0572030-008-00	KAO ROGER Y	2117	KITTREDGE ST	\$ 2,364.22			
0572032-019-00	KAPLAN EDUCATIONAL CENTERS INC	150	BERKELEY SQ	\$ 3,625.84			
0572031-002-00	KASHANI NASSER & PAMELA L TRS	2171	ALLSTON WAY	\$ 9,133.10			
0572025-013-00	KASHEF M MEHDI & KATHERINE TRS	2000	UNIVERSITY AVE	\$ 2,278.18			
0572060-031-00	KEAS MABEL E	1801	UNIVERSITY AVE 304	\$ 170.26			
0572060-044-00	KEHRET JOSEPH G	1801	UNIVERSITY AVE 408	\$ 170.26			
0572049-037-00	KENNEDY PATRICK C & JULIE M TR	1849	SHATTUCK AVE C1	\$ 101.64			
0572049-038-00	KENNEDY PATRICK C & JULIE M TR	1849	SHATTUCK AVE C2	\$ 288.34			
0572060-050-05	KENNEDY PATRICK C & JULIE M TR	1809	UNIVERSITY AVE	\$ 93.28			
0572060-050-06	KENNEDY PATRICK C & JULIE M TR	1807	UNIVERSITY AVE	\$ 99.58			
0572060-050-07	KENNEDY PATRICK C & JULIE TRS	1807	UNIVERSITY AVE A	\$ 29.52			
0572049-034-00	KHO ERIC L	1849	SHATTUCK AVE 208	\$ 85.96			
0572060-003-00	KLATT PETER & JOAN C TRS	1849	UNIVERSITY AVE	\$ 1,841.86			
0572030-012-00	KOOYMAN STEVEN P	2219	SHATTUCK AVE	\$ 2,346.90			
0572049-016-00	LAI ROGER Y	1849	SHATTUCK AVE 202	\$ 85.96			
0551893-015-01	LAKIREDDY PRASAD R & SANTI	2323	SHATTUCK AVE 202	\$ 2,954.72			
0572024-018-01	LAKIREDDY PRASAD R & SANTI	1942	UNIVERSITY AVE	\$ 5,189.64			
0551897-002-00	LAKIREDDY PRASAD R & SANTI & H	2484	SHATTUCK AVE	\$ 8,455.46			
0572024-014-00	LAKIREDDY VIJAY	1900	UNIVERSITY AVE	\$ 3,646.74			
0572059-008-00	LAM PAULINE P ETAL	1921	UNIVERSITY AVE	\$ 1,169.90			
0572023-012-00	LANGUAGE STUDIES INC	2015	CENTER ST	\$ 4,100.70			
0572025-012-00	LAUSON LLC	2000	SHATTUCK AVE	\$ 4,100.70			
0572025-001-00	LE MICHAEL K	2000	UNIVERSITY AVE				
		2007					
0551894-002-00	LEE JANICE & YI JONG KU		DURANT AVE	\$ 3,772.70			
0572024-011-00	LEE SANG H & CHUNG EUNJUNG	1915	ADDISON ST	\$ 1,938.64			
0572049-021-00	LEUNG STEVEN T & PHOEBE	1849	SHATTUCK AVE 403	\$ 85.96			
0572060-042-00	LEY CHARLOTTE	1801	UNIVERSITY AVE 208	\$ 170.26			
0551894-016-00	LI JULIAN J & SOPHIA Y	2030	BANCROFT WAY	\$ 1,100.54			
0572034-011-00	LIU JIM K	2138	UNIVERSITY AVE	\$ 2,579.04			
0572050-005-00	MALIN ROBERT O INC	1848	SHATTUCK AVE	\$ 1,194.42			
0572029-011-00	MALNICK EDITH TR	2277	SHATTUCK AVE	\$ 2,170.08			

Page 4 of 7 130

				FY 2020 Assessment				nt
APN	Owner		Site Address	Private	Parcels	Та	x Exempt	Utility Roll
0572060-025-00	MAO YULI	1801	UNIVERSITY AVE 302	\$	170.26			
0572031-005-00	MARTIN DAVID J & MARILYN R TRS	2115	ALLSTON WAY	\$	2,109.10			
0572031-007-00	MARTIN DAVID J & MARILYN R TRS	2181	SHATTUCK AVE	\$	2,396.36			
0572031-008-00	MARTIN DAVID J & MARILYN R TRS	2171	SHATTUCK AVE	\$	4,148.06			
0572051-004-00	MARTIN DAVID J & MARILYN R TRS	1920	SHATTUCK AVE	\$	925.48			
057-2051-053-00	MARTIN REID & JOHN	1912	SHATTUCK AVE	\$	720.38			
0572029-009-00	MASONIC LLC	2105	BANCROFT WAY		10,901.42			
0572049-036-00	MEJIA CESAR A	1849	SHATTUCK AVE 408	\$	85.96			
0572060-026-00	MICHAELS MARY F & CORR JAMES C	1801	UNIVERSITY AVE 402	\$	170.26			
0551822-002-01	MMP CHESTNUT LLC	2506	SHATTUCK AVE	\$	1,188.10			
0572033-001-01	MO SHATTUCK LLC	48	SHATTUCK SQ	\$	8,088.14			
0572016-002-00	MOAVEN SAGHI	2054	M L KING JR WAY	\$	330.34			
0572049-029-00	MODERT DAVID T & LIU AMY H	1849	SHATTUCK AVE 306	\$	85.96			
0572051-006-01	MORAN EVERETT S JR & CATHARINE	1936	SHATTUCK AVE	\$	2,192.90			
0572049-030-00	NAKAMURA ROY M & TOSHIKO TRS	1849	SHATTUCK AVE 406	\$	85.96			
0551821-001-01	NATURAL GREEN CORPORATION	2550	SHATTUCK AVE	\$	4,121.10			
0572022-005-01	NEW MILVIA PROPERTY LLC	2118	MILVIA ST	\$	5,470.32			
0572051-005-00	NINETEEN HUNDRED TWENTY SIX SH	1926	SHATTUCK AVE	\$	893.46			
0572049-032-00	NISEN FREDERICK P	1849	SHATTUCK AVE 307	\$	85.96			
0572060-047-00	NOONE GLORIA M & OLSON STEPHEN	1801	UNIVERSITY AVE 409	\$	170.26			
0572016-024-01	OHAY PHILIP L & BARBARA L TRS	1824	UNIVERSITY AVE	\$	3.052.12			
0572120-002-00	OXFORD COMMERCIAL LLC	2200	FULTON ST C	\$	3,625.30			
0572031-001-01	OXFORD DEVELOPMENT GROUP LP	2128	OXFORD ST	\$	4,669.60			
0572031-013-00	OXFORD DEVELOPMENT GROUP LP	2142	CENTER ST	\$	8,062.34			
0572121-001-00	OXFORD PLAZA LP	2175	KITTREDGE ST		16,007.34			
0572016-018-01	P P M&B BERKELEY LLC	1800	UNIVERSITY AVE	\$	2,495.60			
0551820-001-01	PARKERSHATTUCK OWNER LLC	2600	SHATTUCK AVE		12,927.86			
0551821-005-00	PARKERSHATTUCK OWNER LLC	2598	SHATTUCK AVE	\$	1,138.32			
0572028-004-00	PASAND COURTYARD LLC	2276	SHATTUCK AVE		10,915.26			
0572026-010-00	PERALTA COMMUNITY COLLEGE DIST	2016	CENTER ST	φ	10,915.20	\$	1,281.50	
0572026-014-00	PERALTA COMMUNITY COLLEGE DIST	2018	CENTER ST			\$	24,307.26	
0551894-003-01	PERSIAN CENTER	2029	DURANT AVE	\$	928.14	φ	24,307.20	
0572029-016-00	PLAZA 5TH AVENUE PARTNERS	2150	KITTREDGE ST	\$	8,200.22			
0551894-015-00	POTTEBAUM JANE TR	2028	BANCROFT WAY	\$	719.92			
0572053-006-00	REDDY HANUMANDLA J & HANUMANDL	2057	UNIVERSITY AVE	\$	5,639.26			
0572055-006-00	REDDY HANUMANDLA R & HANUMANDL	2066	UNIVERSITY AVE	\$	5,039.20			
		2401		φ	5,956.96	r.	6 440 76	
0551891-014-01 0572029-007-02	REGENTS OF THE UNIVERSITY OF C REGENTS OF THE UNIVERSITY OF C	2113	SHATTUCK AVE BANCROFT WAY			\$	6,143.76 4,281.84	
0572029-007-02	REGENTS OF THE UNIVERSITY OF C	2120	OXFORD ST			\$	13,386.20	
0572034-003-00	REGENTS OF THE UNIVERSITY OF C		SON ST	1		\$	725.53	
				<u> </u>				
0572034-004-00 0572034-012-00	REGENTS OF THE UNIVERSITY OF C REGENTS OF THE UNIVERSITY OF C	2123 2154	ADDISON ST UNIVERSITY AVE			\$	240.26 3,988.10	
0572034-012-00								
	REGENTS OF THE UNIVERSITY OF C	2199	ADDISON ST			\$	65.86	
0572034-014-03 0572045-002-00	REGENTS OF THE UNIVERSITY OF C	2199 1952	ADDISON ST OXFORD ST			\$	26,441.48 1,945.94	
0572045-002-00 0572045-003-00	REGENTS OF THE UNIVERSITY OF C REGENTS OF THE UNIVERSITY OF C	1952	OXFORD ST					
0572045-003-00	REGENTS OF THE UNIVERSITY OF C		VALNUT ST	1		\$	838.68 378.96	
		1925 V						
0572047-001-05	REGENTS OF THE UNIVERSITY OF C		OXFORD ST			\$	803.72	
0572054-012-01	REGENTS OF UNIVERSITY CALIFORN	1995	UNIVERSITY AVE			\$	15,964.36	
0572045-004-00	REGENTS UNIVERSITY OF CALIFORN	2161	UNIVERSITY AVE			\$	2,455.72	
0572047-003-02	REGENTS UNIVERSITY OF CALIFORN	0 HEAI			4.000.00	\$	14,273.62	
0572023-002-00	RHODES MARIETTA E & MICHAEL L	2116	SHATTUCK AVE	\$	1,280.38			
0572023-023-00	RILCO ADDISON LLC	2030	ADDISON ST		10,650.50			
0572023-024-00	RILCO ADDISON LLC	2040	ADDISON ST	\$	4,568.06			
0572023-025-00	RUEGG & ELLSWORTH	2072	ADDISON ST	\$	4,773.24			

Page 5 of 7 131

		_		FY 2020 Assessment			nt
APN	Owner		Site Address	Private Parc	els	Tax Exempt	Utility Roll
0572049-033-00	RYU DAVID J	1849	SHATTUCK AVE 407	\$ 8	5.96		
0572030-003-00	SALDANA JORGE U TR & CERFAM LL	2134	ALLSTON WAY		2.16		
0551895-018-01	SATELLITE FIRST COMMUNITIES L	2020	DURANT AVE	, , , , , ,	1.30		
0572049-040-00	SC HILLSIDE BERKELEY INC		ELAWARE ST		7.62		
0551896-003-00 0572049-028-00	SCHIPANI JOHN & ANNA SCHIRLE ANN M	2420 1849	SHATTUCK AVE SHATTUCK AVE 206		9.78		
0572049-026-00	SCHNEIDER STEPHEN E TR	2138	KITTREDGE ST		5.96 9.38		
0572024-010-02	SEAGATE PROMENADE PARTNERS L P	1936	UNIVERSITY AVE		8.24		
0551893-016-00	SEGERBERG MAURICE & YVONNE & K	2301	SHATTUCK AVE		1.96		
0572022-009-02	SHAMSZAD SASHA G & MERIDETH B	2105	M L KING JR WAY		2.96		
0572022-013-04	SHAMSZAD SASHA G & MERIDETH B	1900	ADDISON ST	\$ 3,76	1.68		
0572024-002-02	SHAMSZAD SASHA G & MERIDETH B	2020	MILVIA ST		5.52		
0572033-003-00	SHAMSZAD SASHA G & MERIDETH B	64	SHATTUCK SQ		3.24		
0551891-013-01	SHATTUCK SENIOR HOMES ASSOCIAT	2421	SHATTUCK AVE		2.04		
0551897-001-03	SHATTUCK WICKS PARTNERSHIP LTD	2480	SHATTUCK AVE		6.04		
0551822-006-00 0572029-002-04	SHEN TSUI Y & WU YEU B SHIMEK MICHAEL R & KATHERINE S	2530 2176	SHATTUCK AVE KITTREDGE ST		7.38 0.96		
0572029-002-04	SHOJI JOSEPH	1801	UNIVERSITY AVE 406		0.96		
0572006-036-00	SHREE LAXMI LLC	1822	UNIVERSITY AVE		3.20		
0572053-014-02	SHRIMATIS LIMITED INC	2011	UNIVERSITY AVE		8.86		
0572060-045-00	SIKAFFY AMAL	1801	UNIVERSITY AVE 209		0.26		
0572023-016-01	SILVEIRA J W & BARBARA O TRS	0 MILV	IA ST		2.72		
0572026-004-05	SOMERASANSOME VENTURES I LLC	2190	SHATTUCK AVE	\$ 17,43			
0551824-016-00	SOUTHWICK TIMOTHY K & SUSAN E	2555	SHATTUCK AVE		8.18		
0551892-018-01	SOUTHWICK TIMOTHY K & SUSAN E	2110	DURANT AVE		4.12		
0551896-001-00	SOUTHWICK TIMOTHY K & SUSAN E	2410	SHATTUCK AVE		4.36		
0572060-002-00	SOUTHWICK TIMOTHY SR & SUSAN T SPI CA BRAINTREE, LP & BVP ALL	1865	UNIVERSITY AVE		9.82		
0572031-003-00 0572032-016-00	SPITZER NORMAN S & MARY J TRS	2161 115	ALLSTON WAY BERKELEY SQ	\$ 10,18 \$ 1,42	1.32		
0572024-001-02	STONEFIRE PARTNERS LLC	1974	UNIVERSITY AVE		4.24		
0572049-035-00	SU FU & CHUANG C ETAL	1849	SHATTUCK AVE 308		5.96		
0572060-035-00	SWANSON LINDA L	1801	UNIVERSITY AVE 405		0.26		
0572049-025-00	SWEENEY ZEPHYR	1849	SHATTUCK AVE 205	\$ 8	5.96		
0551896-005-00	T J WHITTEN FAMILY LLC	2440	SHATTUCK AVE		5.74		
0572053-012-00	TAKAGI TANI H & DANA Y TRS RES	1949	MILVIA ST		6.54		
0572053-008-01	TALAI MOHAMMAD E & KOKAB S TRS	2035	UNIVERSITY AVE		9.32		
0572060-033-00	TAVAKOLIZADEH MEHDI	1801	UNIVERSITY AVE 205		0.26		
0551824-014-00 0572060-027-00	THALLAUG KIRSTEN L & HAAKON E THEVANAYAGAM SABANAYAGAM & VAS	2105 1801	PARKER ST UNIVERSITY AVE 203		3.24 0.26		
0572000-027-00	THOMPSON DON J & AUDREY A & KI	2099	M L KING JR WAY		5.22		
0572049-018-00	TIPHANE GUY TR	1849	SHATTUCK AVE 402		5.96		
0572051-051-00	TIPPING STEVEN B & ZENIADA L T	1900	SHATTUCK AVE		2.64		
057-2051-052-00	TIPPING STEVEN B & ZENIADA L T	1908	SHATTUCK AVE		9.20		
0572053-007-00	TRILINK REAL ESTATE INVESTMENT	2041	UNIVERSITY AVE	\$ 7,13	5.36		
0572025-015-00	U C STUDIOS LLC	2018	UNIVERSITY AVE	\$ 11,99	2.20		
05720270-05-00	UNITED STATES POSTAL SERVICE	0 MILV			7 10	\$ 12,782.70	
0551825-015-02	VALIYEE REZA	2621	SHATTUCK AVE		7.42		
0551825-019-00 0572024-012-00	VALIYEE REZA VEDENSKY PROPERTIES LLC	2609 1911	SHATTUCK AVE ADDISON ST		6.98 5.76		
0572024-012-00	VENTRI LLC	2352	SHATTUCK AVE	\$ 2,46			
0551893-007-01	VERO PROPERTIES LLC		CROFT WAY (2124)		6.14		
0551893-018-00	VERO PROPERTIES LLC	2126	BANCROFT WAY		6.26		
0572051-007-00	VINLAND PROPERTY INVETMENT LL		ERKELEY WAY		8.60		
0572028-003-00	WADE WILLIAM J TR	2274	SHATTUCK AVE	\$ 13,49			
0572060-039-00	WAGELE NICHOLAS	1801	UNIVERSITY AVE 207		0.26		
0572028-012-00	WANDER ROBERT H & INGRID	2235	MILVIA ST		8.22		
0572045-001-00	WATERBURY PROPERTIES INC		/ALNUT ST		3.68		
0572022-015-00 0572022-019-01	WESTWOOD BAYROCK ADDISON LP WESTWOOD BAYROCK ADDISON LP	1916 1950	ADDISON ST ADDISON ST		1.44		
0572022-019-01	WILLIAMS JAMES J & LOUISE A TR	2001	CENTER ST	\$ 5,54 \$ 10,23	0.66 7.54		
0572060-029-00	WONG BING & MEI	1801	UNIVERSITY AVE 403		0.26		
0012000-028-00	WONO DINO & WILI	1001	CIVITAVE 403	17 با	J.ZU	l .	l

Page 6 of 7 132

				FY 2020 Assessment					
APN	Owner		Site Address	Pr	ivate Parcels	Т	ax Exempt		Utility Roll
	******	10-00							
0551822-001-00	WONG HENRY F & MARY S TRS & WO	2500	SHATTUCK AVE	\$	1,635.10				
0572034-008-00	WONG WENG KONG & WENG KONG ETA	2023	SHATTUCK AVE	\$	1,705.98				
0572025-012-00	WOO JAMES B & VIVIAN TRS	2001	MILVIA ST	\$	850.78				
0572031-010-00	WU SHU F TR	2124	CENTER ST	\$	3,272.22				
0572034-009-00	XUE DE Z & ZHENG JIAN X	2017	SHATTUCK AVE	\$	1,668.72				
0572049-027-00	YANG JUDY C TR & YANG LUCINDA	1849	SHATTUCK AVE 405	\$	85.96				
0572034-005-00	YANIV GERSHON & DAPHNA R ETAL	2119	ADDISON ST	\$	5,048.28				
0572060-049-00	YASUMOTO JOHN & CHITOSE TRS	1801	UNIVERSITY AVE 310	\$	170.26				
0572059-011-00	YEARWOOD J HOMERO E & INES L T	1901	UNIVERSITY AVE	\$	1,462.64				
0572053-011-00	YEE DAVID	2017	UNIVERSITY AVE	\$	3,241.96				
0572049-013-00	YEE MAXINE Y & LELAND Y	1849	SHATTUCK AVE 201	\$	85.96				
0572060-021-00	YEH JENG R & YANG CHINGMEI	1801	UNIVERSITY AVE 201	\$	170.26				
0572029-010-02	YOUNG JAMES C & EDDIE JR	2281	SHATTUCK AVE	\$	913.62				
0572029-010-01	YOUNG JAMES C & YOUNG EDDIE JR	2283	SHATTUCK AVE	\$	684.28				
0551893-001-00	YU CHING H & INN N TRS	2190	BANCROFT WAY	\$	1,930.58				
0551822-004-00	YU WAH Y & RUICHAN	2520	SHATTUCK AVE	\$	705.02				
0572032-017-00	ZEMEL ARTHUR & LEVIN DOROTHY T	130	BERKELEY SQ	\$	1,236.30				
0572060-032-00	ZOBRIST ALBERT L & TERESA T	1801	UNIVERSITY AVE 404	\$	170.26				
TOTAL:				\$	1,270,622.19	\$	295,930.15	\$	16,760.92
				Р	rivate Parcels	T	ax Exempt		Utility Roll
Count of Properties	•				304		33		2
		County Fee	@1.7% (on Private Parcels):					\$	21,600.58
	Ne	et Assessmen	t Revenue (Private Parcels):					\$	1,249,021.61

Total Assessment Revenue:

Note: Data for APN, Owner, and Land Use from the City's Land Management System is current as of March 29, 2019. Updated data for the County as of December 31, 2018, will be available in July 2019.

Page 7 of 7 133

1,561,712.68



CONSENT CALENDAR May 28, 2019

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Jordan Klein, Economic Development Manager

Subject: Assessments: North Shattuck Property Based Business Improvement District

RECOMMENDATION

Adopt a Resolution approving the North Shattuck Property Based Business Improvement District (NSBID) Annual Report of FY 2019 and proposed budget for FY 2020, and declaring Council's intention to levy an annual assessment for the NSBID for FY 2020.

FISCAL IMPACTS OF RECOMMENDATION

Assessments levied in the North Shattuck Business Improvement District (NSBID) support a package of improvements and activities approved by the property owners and the City Council when the District was renewed for a ten year period on May 3, 2011 (Resolution No. 65,265-N.S.). Assessment funds are collected by Alameda County, relayed to the City of Berkeley, and disbursed through a contract with the North Shattuck Association (NSA), a private owners' association that was established to implement the Management District Plan.

In May of 2016, the City Council authorized the City Manager to execute a contract and any amendments with the North Shattuck Association, not to exceed \$548,570 of BID revenues, to implement the North Shattuck Management District Plan for the period July 1, 2017 to June 30, 2019, with the option to extend the contract for two additional years (Contract No. 10326). Staff will implement that extension, increasing the contract's total amount to \$961,521. The contract, with the exercised options, will cover the years remaining in the current term of the NSBID establishment.

NSBID assessments are projected and budgeted at approximately \$182,647 in FY 2020. Assessment funds are deposited into NSBID Fund 785-21-208-251-0000-000-000-000-412110 and expended from fund 785-21-208-251-0000-000-446-636110. These totals reflect a 5% assessment increase for inflation as allowed by the Management District Plan and approved by a majority of the North Shattuck Association's Board of Directors on March 21, 2019. Project funds not spent in any given fiscal year are carried over into future years.

By financing improvements, maintenance and marketing activities for the North Shattuck business district, the NSBID indirectly enhances sales tax, business license tax and other business-related City revenue sources. No City properties have been or will be assessed in the NSBID.

CURRENT SITUATION AND ITS EFFECTS

State legislation that authorizes formation of property-based BIDs (*California Streets and Highways Code*, Sections 36600 et. seq.) requires that the BID governing body submit an Annual Report on operations and a budget proposal to the City Council each year. The City Council may approve the report with a Resolution to reauthorize the annual assessments.

The Board of Directors of the NSA met in a publicly noticed meeting on March 21, 2019 to review and approve the attached Annual Report for the NSBID for FY 2019 (Exhibit A). The report includes a budget for improvements and activities for FY 2020 and an estimated cost for providing them. The report also recommends that the assessments for FY 2020 be levied on the same basis and method, and within the same boundaries, as they were levied for FY 2019 with a 5% fee increase. See Exhibit B: North Shattuck BID FY 2020 Assessment Roll. Council can adopt the recommended resolution which will confirm the NSBID assessment, thus enabling continuous BID operations in the North Shattuck district for another year.

BACKGROUND

The NSBID was established by Resolution of the Berkeley City Council on July 10, 2001 (Resolution No. 61,168-N.S.) to implement a Management District Plan that had been developed by a steering committee of merchants and property owners. In accordance with this Management District Plan that was incorporated in Resolution No. 61,168-N.S, the NSBID had a lifetime of ten years, expiring in 2011. On May 3, 2011, Council approved Resolution No. 65,265-N.S. reestablishing the NSBID for an additional 10 years. Thus the NSBID is authorized through 2021 unless action is taken to disestablish it.

The NSBID finances special improvement, maintenance and marketing activities that benefit commercial properties and businesses in the North Shattuck District. NSBID activities are above and beyond baseline services provided by the City.

The Management District Plan that was adopted by Council in 2011 as part of the reestablishment of the District provides a framework and budget for the NSBID's activities. In FY 2020, the NSBID will continue its ongoing services including District maintenance, public improvements, holiday lighting, and marketing/promotional activities. The NSBID will continue to provide cleaning and outreach services in the public right of way. Events and activities promoting the District will continue throughout the year, including winter holiday promotions and the large Sunday Streets event held in conjunction with the Telegraph Business Improvement District and the Downtown Berkeley Association in the late summer/fall. Regular arts and events newsletters will be sent out, and ongoing marketing efforts will continue via

the NSBID website and other social media. The NSBID will also continue to liaise and coordinate with other business district organizations, Visit Berkeley, the Chamber of Commerce, and the Berkeley Business District Network (BBDN) to promote local business and economic development opportunities in Berkeley.

ENVIRONMENTAL SUSTAINABILITY

By maintaining and enhancing the District, the NSA creates shopping opportunities for residents and visitors alike while encouraging alternative forms of transportation. The District is walking distance from the North Berkeley and Downtown Berkeley BART Stations. Several AC transit lines provide easy accessibility to visitors coming to this popular regional destination. Because the District is well served by public transportation and biking infrastructure, these services support environmental sustainability goals of encouraging alternative transportation choices and reducing vehicle miles traveled.

RATIONALE FOR RECOMMENDATION

Property and Business Improvement District Law of 1994 requires that the BID Board prepare an Annual Report for each fiscal year in which assessments are to be levied. Council action is required to approve the BID's Annual Report, and declare its intent to levy assessments.

This private/public partnership generates significant resources for revitalization of the North Shattuck District has a positive effect on the physical and economic health of the City of Berkeley.

ALTERNATIVE ACTIONS CONSIDERED

The Board of the NSBID considered not opting for the allowable 5% increase in assessment rates but instead decided to levy the full 5% increase in the assessment rate, declaring that the increase would be necessary to sufficiently cover the services outlined in the FY2020 budget and work plan.

CONTACT PERSON

Eleanor Hollander, Economic Development Project Coordinator, Office of Economic Development, (510) 981-7536

Attachments:

1: Resolution: Confirm Annual Report and Levy Annual Assessment

Exhibit A: NSBID Report for FY 2019 and Proposed Budget for FY 2020

Exhibit B: North Shattuck BID FY 2020 Assessment Roll

Page 4 of 21

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

APPROVING THE ANNUAL REPORT OF THE NORTH SHATTUCK BUSINESS IMPROVEMENT DISTRICT FOR FISCAL YEAR 2019 AND DECLARING INTENT TO LEVY ASSESSMENTS FOR FISCAL YEAR 2020

WHEREAS, the Property and Business Improvement District Law of 1994 as amended (California Streets and Highways Code Section 36600 et. seq.) authorizes cities, with the consent of property owners, to fund property-related improvements, maintenance and activities through the levy of assessments upon the real property that benefit from the improvements, maintenance and activities; and

WHEREAS, after ten years of successful operation, on May 3, 2011 the Berkeley City Council reestablished the North Shattuck Business Improvement District (hereafter, "the District") for an additional ten year period by Resolution No. 65,265-N.S.; and

WHEREAS, on March 21, 2019 the Board of Directors of the North Shattuck BID adopted the *Annual Report to the City of Berkeley FY 2019* (hereafter "Annual Report") that describes the operations of the District in FY 2019, recommends services for FY 2020 and proposes a budget for FY 2020 (Exhibit A).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that pursuant to provisions of Section 36600 et. seq. of the California Streets and Highways Code, the City Council approves the Annual Report of the North Shattuck Association (Exhibit A) and declares its intent to levy special assessments on property within the boundaries of the District for FY 2020.

BE IT FURTHER RESOLVED that that the boundaries of the District and the method and basis for the assessment remain the same as those set forth and approved in the Management District Plan (Plan) that was adopted on May 3, 2011, when Council renewed the North Shattuck BID through Resolution No. 65,265-N.S.

BE IT FURTHER RESOLVED that the improvements and activities to be provided are those described in the Plan and the Annual Report.

BE IT FURTHER RESOLVED that the cost of providing the improvements and activities is as described in the budget that accompanies the Annual Report.

BE IT FURTHER RESOLVED that the Assessment Rate for FY 2020 shall increase by 5% from the rates established in FY 2019 as allowed by the District Management Plan. Following adoption of this resolution, the City Council may confirm the Annual Report and levy assessments for 2020 and confirm disbursement of NSBID assessment revenue to the North Shattuck Association provided for in Contract No.10326.

Exhibit:

A: Annual Report for FY 2019 and Proposed Budget for FY 2020

B: NSBID Assessment Roll FY 2020



NORTH SHATTUCK ASSOCIATION ANNUAL REPORT TO THE CITY OF BERKELEY FISCAL YEAR 2019

Introduction

The North Shattuck Business Improvement District (NSBID) was reestablished for a new 10-year period by the Berkeley City Council on May 3, 2011 (Resolution No. 61,168-N.S.) under provisions of the State of California Property and Business Improvement District Law of 1994. The NSBID was formed in 2001 to implement a Management District Plan developed to address the specific needs of the District, which encompasses 49 properties located on Vine Street and along Shattuck Avenue from Delaware to Rose Street. The Management District Plan sets forth the projected activities of the NSBID and the allocation of BID assessment revenues to each activity. The Management District Plan can only be changed through a formal process involving notices to all property owners and a public hearing before the City Council. The NSBID has a life of ten years from the date of establishment of the District, and operates on a July through June fiscal year.

The Property and Business Improvement District Law of 1994 requires that the owners' association that is responsible for administering a BID prepare an annual report for each fiscal year for which assessments are to be levied. The report shall include any proposed changes in the boundaries of the district, the improvements and activities for the year, an estimate of the cost of the improvements and activities, the method and basis for levying the assessment, the amount of any surplus or deficit revenues to be carried over from a previous fiscal year and the amount of any contributions from other sources. The City Council may approve the report as filed or may modify any particular section contained in the report and then approve it as modified.

This report reviews Fiscal Year 2018-2019 operations, and states goals and objectives for Fiscal Year 2019-2020 of the NSBID, which begins July 1, 2019.

Review of Prior Fiscal Years

In FY2002, the North Shattuck Association, a private 501 (c) (6) non-profit corporation, was formed to manage the NSBID, which had been established with a majority weighted vote of property owners in July 2001. The North Shattuck Association entered into a contract with the City of Berkeley administration of BID revenues, which are collected annually through Alameda County's property tax collection process and forwarded to the City. The North Shattuck Association began implementation of the approved District Management Plan for economic development organized around business assistance/attraction, marketing/promotions, and maintenance/beautification activities. Operations began late 2002 with the opening a district office, establishment of a Board of Directors, entering into a contract for regular sidewalk and public space maintenance, and installing 35 new planters and coordinating with the City of Berkeley to place 22 new "Recycliter" cans in the district. In FY2003, the Association produced public information and marketing materials including a newsletter, website, and business directory. Maintenance and beautification activities included installation of additional

March 21, 2019

landscaped planters, painting of all district area light poles, and new rack consolidation. The Association completed a holiday marketing campaign and produced the first annual Spice of Life Festival held in October 2003 to highlight the area's diverse selection of food, arts, and health and wellness resources. This signature event continued until through 2011, featuring cooking demonstrations by local chefs, gourmet food sampling, wine tasting, yoga and bodywork classes, live music, art activities and artisan booths. Local non-profit organizations and schools, along with area businesses, were highlighted during this event, which grew to draw over 10,000 people to the district.

In FY2004, the Association's Board was successfully expanded from 7 to 9 members representing properties and businesses throughout the district, and memberships in the Berkeley Chamber of Commerce and Berkeley Convention and Visitors Bureau were initiated. Association staff provided information and assistance to new and existing businesses in the district, including lobbying on behalf of use permits and other needed zoning clearances, and working with the Ecology Center to gain needed approvals to move the North Berkeley Organic Farmer's Market to a year-round street location at Rose and Shattuck.

During FY2005, a Marketing and Promotions Subcommittee oversaw the design of a new visual brand for the area capitalizing on the strength of the "Gourmet Ghetto" moniker and developed a two-year marketing strategy district to integrate the brand into general and holiday advertising, an area brochure, and the website. The strategy also included hiring a publicist to generate press releases and promote editorial pieces. The Association participated as a sponsor of the Himalayan Fair and exhibited at the Solano Stroll and the two-day Live Oak Park Fair, promoting the district's businesses, events, and website with a raffle and product giveaways.

In FY2006, the Association was active in the Berkeley Business District Network, and became a member of the California Downtown Association, a statewide network of groups focused on economic development and commercial revitalization. Maintenance and beautification activities included the coordination of the design and installation of 19 decorative banners for the North Berkeley Farmers' Market. The Association continued marketing/promotions activities, including showcasing the area and its new businesses at local festivals, and a series of general ads in local magazines and newspapers. The district was also the focus of several editorial pieces including a one-page feature on the area that appeared in the April 2006 issue of San Francisco Magazine. In late 2006, the district welcomed a host of new businesses including 8 new food related businesses in the new Epicurious Gardens development in the former Dale Sanford building.

During FY2007, the Association extended its decorative banner project to the entire district with a series of banners celebrating ACCI Gallery's 50th Anniversary. The district organized the North Berkeley ArtWALK as part of the celebration, which showcased ACCI and other local artists whose work was placed in area businesses. The event became an ongoing monthly event highlighting special exhibitions at area galleries, including the Berkeley Art Center and Firehouse North Gallery. The Association also joined the Berkeley Cultural Trust to promote arts and event development and funding in the city with other district associations and arts organizations. The Association was active in the Berkeley Business

March 21, 2019

District Network (BBDN) participating in BALLE's national economic sustainability convention held in the city in June 2007 and initiating the Buy Local Berkeley citywide marketing program.

In FY2008, a survey of business and property owners was conducted to gain input on the direction of the district's marketing activities. The results guided the Association to organize a weekly culinary/shopping tour for the district featuring area history, interviews with local shopkeepers and chefs, product sampling and a visit to the North Berkeley Organic Farmers' Market. The survey also indicated support for additional arts related events, and the Director worked with Another Bullwinkel Show to locate and produce the Chocolate and Chalk Art Festival in the North Shattuck district in May 2008 (moving it from Solano Avenue) featuring chocolate sampling and specialty products in area businesses, and a sidewalk chalk art contest.

The Association coordinated with the City on implementation of parking meter timing changes to extend meters along Shattuck to a two-hour maximum time limit and working with the owners of private lots in the area to identify monthly employee parking. The Association provided input and support for Mayor's Public Commons for Everyone Initiative and changes to existing laws to control inappropriate street behavior and ensure business vitality in the city's commercial districts, working with local service providers to develop working relationships and strategize on future improvements to social service delivery. The district also assisted businesses with several special events and fundraisers, including a fundraiser for the Berkeley High Development Group at the Cheeseboard, the Cheeseboard 30th Anniversary celebration, and Gregoire's 5th Anniversary party.

During FY2009, the Association worked with the Berkeley Business District Network (BBDN) on the Buy Local Berkeley campaign, assisting with a Holiday marketing campaign, recruitment of local businesses, ads, marketing materials, and website development. Winter Holiday promotional activities in the NSBID area included extension of holiday lighting to the sidewalk street trees for the entire length of the district, as well as lighting and decorations in median tree locations with electricity access, holiday banners, and musical performances throughout the district on Saturdays and Sundays in December. The Executive Director attended quarterly meetings with the City Manager and regularly coordinated with City of Berkeley staff to address maintenance issues and to coordinate public improvement projects, including forming a Pedestrian Safety and Transportation Working group with members of the Board of Directors, and AC Transit and City of Berkeley staff to look at potential improvements to parking, pedestrian crossings and bus stops in the area. The Association received a \$1,027 City of Berkeley Civic Arts Grant for the Chocolate and Chalk Art Festival, which again featured chocolate sampling and specialty products in area businesses, and a sidewalk chalk art contest. A new festival area was added to the event hosting chocolate and chocolate related vendors and sponsor booths. The Association also partnered on a community art project entitled "Paving the Way", which involved area businesses, ACCI Gallery, and the MLK Jr. Middle School community to create and display mosaic art tiles and raise funds for the school. The project paired volunteer artists and MLK art teachers to work with students to create over 100 tile pavers which were auctioned at a fundraising event at the Gallery that raised over \$1000 for the school's art program. The Association continued to produce a monthly Arts and Events guide, moving it to a web-based newsletter format, featuring information about exhibition openings and

March 21, 2019

special events as well as business news and shopping specials.

During FY2010, the Association formed a Stakeholder Group and undertook a selection process for hiring a BID renewal consultant, entering into a contract with New City America to complete the project. They also provided input on the City's Pedestrian Plan and supported several successful grant applications for a bicycle parking shelter at Vine St. and improvements to the Virginia street crossing at Shattuck under the "Safe Routes to Schools" program to include a beacon light and expanded curbs.

The Association assisted a local artist group, Growing Connections, to secure a mural site at Virginia Bakery, get the Berkeley Foundation for the Arts as a fiscal sponsor, solicit donations for a fundraiser at ACCI Gallery, and provided \$1500 in seed funds for the mural which featured a "Slow Food" theme. In 2010, the Association worked with the East Bay Style Collective to produce a Food, Wine and Fashion event on Saturday, July 11th on the access street north of Vine. The event featured a runway show with fashions from local boutiques and make-up and hair by the East Bay Style Collective. Food was provided by several district restaurants and local businesses. Another new event, the "Taste of North Berkeley" restaurant walk was held in early spring with the Berkeley Lion's Club to benefit their community fund. The event involved over 25 businesses and restaurants who offered tastes of their cuisine and wine tasting. The event was a sell-out, bringing over 500 people into the district, and raised over \$9,000 for the non-profit.

In FY 2011, the Association worked with BID renewal consultant New City America to successfully complete a petition drive and formal balloting for the project. The BID passed in May 2011 for another 10-year cycle with an 83.52% weighted majority vote. Assessment rates and formulas remained at the levels specified in the original 2001 Management Plan. Allocations to the program elements were changed slightly, with a reduction of 10% into Maintenance/Beautification budget which was redirected to increase the Marketing/Promotions and Organization/Administration program elements budgets by 5% each.

During this year, the Association provided input on proposed zoning amendments for the C-2 and NS-1 commercial districts governing the area including lifting limitations on medical offices, gyms, and dance uses on ground floors, provisions for exceeding use quotas, and regulations regarding amplified music in commercial establishments. The Association also participated in meetings between area businesses and property owners and the Safeway staff and project architects regarding their proposed remodel of the Shattuck store, providing input and support for the project through the City review process. The Board of Directors and AC Transit and City of Berkeley staff continued to meet to discuss improvements to parking, pedestrian crossings and bus stops in the area.

During the spring, the Association worked with area businesses, various City Departments and Councilmember Capitelli to gain approval for a weekly gourmet mobile food market in the district. "Off the Grid North Berkeley" had its kick-off in early June 2011 and garnered extensive media coverage in the lead up to the start date including various food bloggers, daily and weekly newspapers, and a national TV spot on the NBC Morning Show.

March 21, 2019

During FY 2012, "Off the Grid North Berkeley" hosted a number of area eateries in a rental food truck and their participation was part of the Association's marketing efforts around the event, along with tie-ins to local business offerings of food and drink specials, music, and art exhibits to draw event patrons into the wider area. The event continued in the area until December 2012, until it was decided to end operations because of parking concerns. The Association sponsored several art-related projects in FY2012, including a community art project entitled "Take 5: Art Break Day" held simultaneously on September 2nd, 2011 in five cities in the Bay Area. The district provided funding and hosted an art-making station at the corner of Vine and Shattuck where the public was invited to take a break and make art.

Working with LocalOn, a website update was started using their platform that allows for business listing personalization and automated social media links. The Association developed a social media presence on Facebook and Twitter, produced an updated Shopping and Dining guide/map, placed ads in the Visit Berkeley and Chamber of Commerce guides, Eco-Metro Guide, and numerous local papers highlighting events, and provided information for editorial pieces on the district.

The Association worked with elected official and City of Berkeley staff on developing a Pilot Parklets Program based on the success of the parklets created during Spice of Life Festival and on Parking Day. A group of merchants and local residents started meeting toward the creation of parklets in parking spaces at several locations to provide additional seating and bicycle facilities in the district.

During FY 2013, the Executive Director met with and made presentations to various City Commissions, community groups and the Board of Realtors about proposed City and Association sponsored public improvement projects in the district, including the grant funded bicycle parking shelter at Vine St. and improvements to the Virginia street crossing at Shattuck under the "Safe Routes to Schools" program. A plan for reconfiguration to diagonal spaces near Rose St. to create 10 more parking spaces, and the proposed parklets projects were also detailed. The Association coordinated with local businesses and the City on the installation of the grant funded bicycle shelter at Vine St. and Shattuck in April 2013.

The Association continued to work with interested businesses and local designers on a "parklets" program to provide additional seating and bicycle facilities. Meetings were held with City Departments to discuss program elements in San Francisco and Oakland and advocate for development a City program. The parklets group designed an online survey, worked with businesses and designers to develop conceptual plans for projects near interested businesses, and coordinated the placement of a demonstration parklet constructed by a local designer in the parking bay in front of Philz Coffee during Sunday Streets. The Association agreed to provide seed funds for the projects and help coordinate permitting and construction.

The Executive Director worked with the Berkeley Arts Magnet Elementary school to fundraise for short-term improvement projects and a longer-term schoolyard remodel to incorporate outdoor learning areas. The Association coordinated merchant donations of supplies and refreshments for community work days

March 21, 2019

and organized meetings to connect the PTA and BAM school administrators with the Foundation for Youth Initiatives, a non-profit funding organization, for longer term projects.

On October 17th, 2012 the Association partnered with Livable Berkeley and the Downtown Berkeley Association to produce the first Sunday Streets Berkeley, open-streets event, in lieu of the Spice of Life Festival. The event closed Shattuck from Rose to Haste Street with health and environmental activities by local organizations and businesses, and community group and non-profit information booths. No outside commercial vendors are allowed in the event, which instead features the businesses along the route. District businesses participated with outdoor yoga classes, special art exhibits and activities, sidewalk sales, etc. and restaurants brought seating into the streets.

Winter Holiday 2012 promotional activities included installation of holiday lighting in the street trees, holiday banners, ads in the Express and Chronicle newspapers, online promotion through e-blasts and Facebook, and musical performances throughout the district on Saturdays and Sundays in December. The 3rd "Snow Day in Berkeley" was held on Sunday, December 2. Other local businesses had related events that day, including M. Lowe and Co.'s "Find the Ice in the Snowball" school fundraiser and Saul's annual Latke Party. The district also participated in the Buy Local Berkeley Holiday Campaign which featured a free holiday mobile phone coupon application developed with Chinook Book offering discounts at independent businesses. The application was marketed to their 15,000 mobile app users and to the public through ads, posters, and banners promoting the mobile app and encouraging holiday shopping at locally-owned small businesses.

With the Berkeley Lion's Club, the Association again produced a Spring "Taste of North Berkeley" on the evening of May 7th with event proceeds benefitting local charities through the Lions Community Fund, and the Chocolate and Chalk Art Festival in June, with chocolate sampling and specialty products in area businesses, a sidewalk chalk art contest, a festival area with crafts, chocolate and chocolate related vendors, music, circus arts performers, and face painting, and other kid's activities.

During FY2014, The Association took a lead role in advocating for the City's Parklets Pilot Program, designing an online survey for community input, meeting with City Departments to discuss program elements and requirements, and supporting and providing input at the Commission and Council level. The Association provided seed finding to the Cheese Board for engineering review of their design and worked with Philz Coffee/Guerilla Café on revising their design and initiating a crowd-funding program to raise funds for construction. The Executive Director coordinated with the City and nearby businesses on construction issues during improvements to the Virginia street crossing at Shattuck under the "Safe Routes to Schools" program and assisted with the sidewalk seating permit and planter placement on the newly constructed bulb-out area created by the project. Other public improvements included a BID sponsored artist-designed "wrap" for the utility box at Vine and Shattuck and completion of the BID-funded reconfiguration of parking from parallel to angled in the area near Rose St. resulting in the creation of 10 new spaces including a new handicapped space with adjacent sidewalk ramp, and design and installation of new decorative lightpole banners reflecting the unique aspects of the district.

March 21, 2019

The Association provided support to the Berkeley Public Schools Cooking and Gardening Program by promoting their Berkeley Dine Out event and coordinating a Fall 2013 Taste of North Berkeley restaurant event to raise funds and awareness for the program. The Association again partnered with Livable Berkeley and the Downtown Berkeley Association to produce Sunday Streets Berkeley in October 2014, which drew over 30,000 people to Shattuck Ave. in the district and downtown. Other annual events included the Chocolate and Chalk Art Festival, the Dia de los Muertos festival and candlelight procession in October, and Snow Day in December.

Also in FY2014, the Executive Director organized training sessions for merchants on utilizing the new website platform for social media, hosted presentations by organizations for loyalty programs and other business products at general membership meetings, and coordinated district participation in the Buy Local Berkeley Holiday Campaign which featured a free holiday mobile phone coupon application developed with Chinook Book.

In FY2015, the Association assisted the Cheese Board Collective to complete the first parklet project under the approved Parklets Pilot Program and worked with businesses and local designers on the two other parklet projects underway which will provide additional public seating and bicycle facilities for the district. A demonstration parklet and fundraiser at the parklet site in front of Philz Coffee and Guerilla Café was held on Park-ing Day in September 2014 and a crowd-funding campaign was organized to raise funds for construction with gifts from local businesses. The design was revised to include a grant-funded bike "corral" which was installed by the City in April. The Association also provided seed finding to Saul's for permit fees for their application, and handled notifications of nearby business and property owners for the project.

The Association helped organize a new entity, East Bay Open Streets, to produce Sunday Streets Berkeley in October 2015, under the auspices of the non-profit Walk Oakland Bike Oakland (WOBO). District businesses participated with outdoor yoga classes, special art exhibits and activities, sidewalk sales, etc. and restaurants brought seating into the streets. A pop-up art gallery was established in the vacant Black Oak Books space and the Association again produced the companion Vine Street Block Party event, which created a picnic area and beer/wine garden hosted by the Vintage Berkeley wine shop along with business and artisan crafts booths.

Other special events in this fiscal year included the Dia de los Muertos festival and candlelight procession on November 2, and "Snow Day in Berkeley" in early December as a kick off to the holiday shopping season and promotional activities. The annual Valentine's Wine Walk paired local wineries with shops and galleries for an evening of shopping and wine tasting as a fundraiser for the Berkeley Public School Gardening and Cooking Program. With the Berkeley Lion's Club, the Association again produced the "Taste of North Berkeley" in early May. The Association provided marketing and support to new businesses opening in the area this year including Kamado Sushi and a UPS Store in the 1400 Shattuck building, Tiger Lily in Epicurious Garden, Mission Heirloom Garden Café on Vine St., and Books Inc., which relocated from 4th St. to the former Black Oak Books site.

March 21, 2019

During FY2016, the Association worked with Saul's Deli to complete a second parklet project in front of their business under the approved Parklets Pilot Program coordinating the city permitting process and business and property owner notifications. The Executive Director also worked with City staff, nearby businesses and the Ecology Center's market managers on the reconfiguration of the North Berkeley Farmers Market into the service road, including merchant relations, organization of a grand re-opening event, parking signage, and operational issues.

The Association assisted Andronico's to organize a "Fit Faire" at their Shattuck store in August which featured classes and bodywork demonstrations by neighborhood practitioners. The Association also produced annual special events including Sunday Streets Berkeley, the Dia de los Muertos festival, Snow Day, the Valentines Wine Walk, and the Taste of North Berkeley.

During the 2017 Fiscal Year, the Association continued marketing and promotion of area businesses through regular e-newsletters, social media, and events, and worked with the East Bay Express to produce the Shattuck Street Guide, a district shopping and dining guide to be distributed to Visit Berkeley, local hotels, UC Berkeley Faculty, and Culinary Tour attendees, etc. The Association also worked with the Ecology Center to organize a series of monthly events during the summer of 2016 at the Farmers Market called "Thirsty Third Thursdays" which included a beer/wine garden hosted by Saul's Deli and business information tables. The Executive Director also worked with Buy Local Berkeley Program to leverage their media presence for our businesses and events, and to promote shopping at local independent businesses through the Small Business Saturday and the citywide Holiday marketing campaign. The Association also again promoted participating area businesses for Berkeley Restaurant Week in conjunction with Visit Berkeley

Throughout the year, the Association coordinated area cleaning and maintenance of our landscaped planters and worked with city departments on major sewer replacement projects, tree trimming, and other sidewalk and street issues. The district hosted Gig Car Share to discuss the roll out of their program in Berkeley, and Bay Area Bike Share to discuss their East Bay bike share network and stations planned for the district. The Executive Director also worked with merchants, property owners, BPD, and homeless service providers to address trespassing and illegal dumping issues on private property and sleeping during the day in the public right of way.

The district provided marketing and support to several new businesses opening during the fiscal year including AgroDolce Osteria, Berkeley Running Company, Spokes Bike Shop, Safeway Community Market, and Guacamole 61 in the Epicurious Garden food hall.

In Fiscal Year 2018, the Association coordinated a larger Sunday Streets Berkeley event including Telegraph Ave. as well as downtown and North Berkeley. The event had to be rescheduled due to poor air quality from the North bay wildfires from Oct. 2017 to June 2018. Working with businesses and property owners, two Bay Area Bike Share stations were installed in the district, on Vine St. at Mission Heirloom and on Virginia below Shattuck Ave.

March 21, 2019

Winter Holiday 2017 promotional activities included the "Snow Day in Berkeley" event in early December, participation in the national Small Business Saturday local shopping promotion which provides a marketing kit with tote bags, signage, doormats, and banners that were featured at a district event hosted by M. Lowe & Co. with music and giveaways, and the Saul's Deli Latke Party, which ran two weekends with fresh latkes prepared in a tent adjacent to the parklet with beer, wine and live music. The district also participated in the Buy Local Berkeley Holiday Campaign which again featured a free holiday mobile phone shopping application developed with Chinook Book supported by gift guide e-blasts, ads, posters, and banners encouraging the public to shop at locally owned small businesses for the holidays. The Gourmet Ghetto Wine Walk was held in March 2018, pairing local and North Bay wineries with a portion of the proceeds benefitting the wildfire relief fund at Habitat for Humanity of Sonoma County.

The Executive Director continued working with the Berkeley Business District Network (BBDN) on various issues related to economic development in the district, providing input on the Small Business Support package of planning and zoning changes, and installation of digital information kiosks. The district provided market and support to new businesses opening in the area this year including Vitality Bowl, Peter Engel Architecture, and Heart Source Center.

Fiscal Year 2019 Summary

Budget

The budget for Fiscal Year 2019 included BID assessments which resulted in new revenue of \$173,950 slightly lower than projected, and the following table shows the carryforward/deficit from FY 2018, the 2019 Budget Allocations by category and percentages as well as the estimated expenditures to June 30, 2019.

	Allowable	Carry	Actual	2019 Budget	Fiscal Year
NORTH SHATTUCK	% of	Forward	Fiscal Year	with Carry	2019
ASSOCIATION	Annual	from Fiscal	2019	Forward &	Expenditures
Service/Expense Category	Budget	Year 2018	Assessment	New Revenue	(Estimated to
		(Actual)	Revenue		6/30/19)
Maintenance/Beautification	40%	\$(88)	\$69,580	\$69,492	\$69,218
Marketing/Promotion	25%	\$1,031	\$43,488	\$44,519	\$43,693
Organization/Administration	30%	\$(1436)	\$52,185	\$50,749	\$50,637
Contingency	5%	\$1	\$8,697	\$8,698	\$8,698
Total Budget	100%	\$(492)	\$173,950	\$173,458	\$172,246

March 21, 2019

Accomplishments

During Fiscal Year 2019, the North Shattuck Association continued implementation of the activities and services outlined in the Management District Plan. Activities of the district are organized around: Organization/Administration, Marketing and Promotion, Beautification and Design, and Economic Development. Accomplishments in each area are summarized below.

Organization/Administration

- Maintained a district office to facilitate ongoing communications with businesses and provide on-site supervision of contractors and district operations.
- Meetings of the Board of Directors and General Association meeting with merchants, property owners, and community members were held regularly during the year to further the goals and objectives of the Association as set forth in the District Management Plan.
- The Association continued its involvement with the Berkeley Chamber of Commerce, Visit Berkeley, and the Berkeley Business District Network (BBDN) with the Executive Director attending its quarterly meetings with the City Manager to deal with citywide issues, and providing input on the City's Small Business Support package.
- Worked with Board and merchants to analyze designs and locations for the IKE digital kiosks in the district. Supported this Visit Berkeley initiated program at City Council.
- Disseminated information on the Disposable-Free Dining Ordinance put forth by The Ecology Center to eateries in the district for comment and provided support for approval to City Council.
- Coordinated meetings of merchants, property owners, BPD, and the City's new HOTT team to
 deal with mental and homeless issues, trespassing and illegal dumping issues on private property
 and sleeping during the day in the public right of way.
- Coordinated with the City and the non-profit Streets Team to start a volunteer Streets Team clean-up crew to assist with area clean-up.
- Coordinated presentations by Project Equity and Uptima Business Bootcamp, the new business
 assistance and succession planning consultants under contract with the City of Berkeley to area
 merchants at the April 2019 General Association meeting.
- Organized the annual free art-making station at the corner of Vine and Shattuck for the Art is Moving "Take 5: Art Break Day", a national community art project in September 2018.
- The Executive Director worked with City staff, nearby businesses and the Ecology Center's market managers on operation and promotion enhancements for the North Berkeley Farmers Market, including the Thirsty Third Thursday summer events.
- Coordinated partnership with The Berkeley Public Schools Fund for the spring 2019 Gourmet Ghetto Wine Walk and Taste of North Berkeley events.
- Served as the fiscal agent for the Sunday Streets Berkeley event and coordinated recruitment of sponsors and activity leaders for the June 2019 event.

Maintenance and Beautification

• The Association provided funding and oversight for a regular maintenance program for sidewalks, public spaces, and public property including sidewalk and gutter sweeping, weeding of tree wells, and maintenance of over 150 landscaped ceramic planters at sites throughout the

March 21, 2019

District.

- Coordinated with the City and the non-profit Streets Team to start a volunteer Streets Team clean-up crew to assist with area clean-up for a few hours each week.
- The Executive Director attended quarterly meetings with the City Manager and regularly coordinated with City of Berkeley staff to address maintenance issues including street tree replacements, graffiti abatement, sidewalk steam cleaning and repair, trash receptacle maintenance and sewer and street repair projects.
- Continued to assist owners and neighbors with vacant property and lot maintenance, trespassing issues and illegal dumping.
- Holiday lighting was installed for the entire length of the district for the winter holiday season in the sidewalk street trees as well as in median tree locations with electricity access.
- Worked with Councilmember Hahn to develop strategy and identify funding for median improvements to be coordinated with planned roadway resurfacing along Shattuck Ave.

Marketing and Promotion

- Winter Holiday 2018 promotional activities included the "Snow Day in Berkeley" event in early December, and the Saul's Deli Latke Party, which ran two weekends with fresh latkes prepared in a tent adjacent to the parklet with beer, wine and live music. The district supported these events and business promotions with digital ads on Berkeleyside.com and eastbayexpress.com, in the Express Gift Guide edition, and online promotion through e-blasts and social media.
- Organized the Gourmet Ghetto Wine Walk in April 2019, pairing local and wineries and artisan food producers with area shops for an evening of shopping and wine tasting in area businesses, and the 10th annual "Taste of North Berkeley" in in May 2019, both as fundraisers for The Berkeley Public Schools Fund, which provides classroom grants to teacher across the city.
- Coordinated the Sunday Streets Berkeley event in June 2019. Organized the district's activities, including the Cheese Board Collective's 50th anniversary activities and music, a cooking demo tent, a bike rodeo, etc. and the Vine Street Block Party event, which creates a picnic area and beer/wine garden hosted by the Vintage Berkeley wine shop along with business and artisan crafts booths.
- Worked with the Ecology Center to organize and promote another series of "Thirsty Third Thursdays" which took place monthly from June through October 2018 with a beer & wine garden hosted by Saul's, a cooking demo tent staffed by Kitchen on Fire, and various local business tabling and activities.
- Coordinated the 2018 Chocolate & Chalk Art Festival in August, including outreach to businesses for participation in chocolate tasting aspect of the event, organization of an association festival booth, a beer and wine garden on Vine St. and judging of the Chalk Art contest.
- The Association promoted participating area businesses for Berkeley Restaurant Week in conjunction with Visit Berkeley, with ACCI Gallery hosting for the kick-off party.
- Assisted the ACCI Gallery to organize and market an author talk and raw oyster event tasting event promoting a new art book about oysters in January 2019.
- The Association continued to produce a monthly Arts and Events e-newsletter and did regular

March 21, 2019

Facebook posts featuring our local galleries' monthly exhibition openings and artist receptions, information about business openings/events, and special events in the district and at nearby venues, including the Jewish Community Center, Theatre First, Berkeley Art Center, and the Hillside Club.

- Exhibited throughout the year at events including the North Berkeley Farmers Market, and the annual Solano Stroll to promote the district's businesses, events, and website with marketing materials, raffles, and product giveaways.
- Continued development of a new district website with a searchable business directory and links to events, classes, and information about district activities.
- Produced press releases, placed ads in the Visit Berkeley and Chamber of Commerce guides, the Chinook Book sustainable business guide, and numerous local papers highlighting events, and provided information for editorial pieces on the district.

Economic Development

- The Association continued to maintain an inventory of all businesses and vacant retail and office space in the district, including square footage, lease rates, and broker contact information. The director provided information to the City's Economic Development office and conducted site visits of the district and vacant properties for prospective new businesses.
- Provided information and assistance to new and existing businesses in the district, including marketing, lobbying on behalf of use permits, sidewalk encroachment permits, and other needed planning and zoning clearances.
- Organized General Meetings with presentations on City programs and initiatives, organizations
 providing loyalty programs and other business products, and training sessions and for merchants
 on alternative loan programs, green business certifications, best practices for social media, etc.
- The Executive Director continued to work with the Berkeley Business District Network (BBDN) on various issues related to economic development in the district, providing input on the Small Business Support package of planning and zoning changes.
- The Association provided market and support to new businesses and new owners in the area this year including Left Margin Lit, Poulet, and Wrecking Ball Coffee.

Fiscal Year 2020

Work Plan

The North Shattuck Association will continue implementation of the activities initiated in previous fiscal years as outlined in the Management District Plan. Funds not expended in previous years will again be carried forward in addition to estimated Fiscal Year 2020 revenues. The work of the Association will continue to be guided by the Board of Directors and its committees. The goals and objectives for Fiscal Year 2020 are organized as follows:

Organization/Administration

Goals: General oversight and direction of district activities; development of relations and coordination with outside groups and agencies, coordination of projects and programs, management of sponsorships and volunteers

March 21, 2019

Objectives:

- 1) Oversee development of annual District work plan and detailed budgets, financial records and annual tax returns.
- 2) Conduct property owner outreach, property owner and business input to the Management Plan and various programs and activities.
- 3) Attend needed City of Berkeley Council and Commission meetings and prepare all required reports related to the annual City of Berkeley contract with the Association.
- 4) Prepare correspondence, letters of support, and grant applications with the City of Berkeley and other agencies, present testimony at meetings as needed.
- 5) Coordinate Board elections in August 2019 including nominations and property owner balloting.
- 6) Liaison with property owners, merchants, City of Berkeley, Chamber of Commerce, Visit Berkeley, Berkeley Cultural Trust, Event Producers Group, local schools, and neighborhood groups.
- 7) Develop and distribute quarterly e-mail newsletter to merchants and neighborhood groups with service accomplishments, event information, issue updates, and new business contacts. Continue to connect with outside groups and promote activities through various social media.
- 8) Continue to review and evaluate proposed City policy changes, public improvement projects, planning changes and zoning amendments relevant to the commercial district including the Small Business Support package. Coordinate with district businesses and property owners to develop appropriate responses and present to City Council and Commissions.
- 9) Investigate grant funding opportunities and provide coordination between area businesses and property owners, City Departments, and outside agencies towards implementation of district-initiated projects and programs towards pedestrian safety, improved bike facilities, and parking.
- 10) Work with City on roadway repaying project and seek funds through the UC Berkeley Chancellor's Grant for median improvements as part of the improvement program.
- 11) Prepare funding application for Sunday Streets event through the City's Festival Grant program.
- 12) Coordinate participants, volunteers and business sponsors for community events, activities, and fundraisers, and other special events by local schools and organizations.
- 13) Work with the Berkeley Public Education Foundation, local schools and the Berkeley Business District Network, strategize on additional fundraising events to provide funding for classroom grants, for theater, science, art and gardening programs.
- 14) Prepare for renewal of the North Shattuck BID by June 30, 2021. Hire renewal consultant, connect with new property owners and key stakeholders.

Marketing and Promotion

Goals: Create a unified, quality image for the district and implement promotion strategies that capitalize on the unique aspects of the area, including advertising, social media, brochures, special events, holiday promotions, etc.

Objectives:

1) Oversee implementation of the marketing and promotions strategy including designer/consultant selections, design processes, budgeting, and advertising placements.

March 21, 2019

- 2) Manage and promote the special events calendar and institute new events to further the image and various market segments of the district, including apparel, culinary, healthy living, and the arts.
- 3) Integrate existing businesses into special events and marketing campaigns through various means, including sponsorship, participation, promotional tie-ins, etc.
- 4) Coordinate public relations for the district and special events as needed. Generate press releases and promote editorial pieces on commercial and retail developments in the area.
- 5) Market the district to hospitality industry and regional/national/international audiences working with Visit Berkeley through editorial placements, the shopping/dining guide, and promotion of special events and the weekly Farmers' Market and Culinary Tour.
- 6) Continue regular updates of the district website with business information and upcoming classes, special events, etc., produce a monthly Constant Contact e-newsletter, and maintain regular Facebook and other social media entries promoting business activities and press coverage.
- 7) Work to produce a Sunday Streets event in July/August 2019. Manage district sponsorships, merchant activities, notifications and promotion. Prepare application to City's new festival grants program forFY2020/21 funding of the event.
- 8) Coordinate and promote summer 2019 monthly "Market Days" to coincide with the Farmers Market and the Thirsty Third Thursdays event with activities throughout the district including local galleries and restaurants, and retailers.
- 9) Coordinate the 2019 Chocolate & Chalk Art Festival in August, including outreach to businesses for participation in chocolate tasting aspect of the event, organization of an association festival booth, and judging of the Chalk Art contest. Work with event producer to identify funding through the City's new Festival Grants process.
- 10) Organize promotional events at the winter holidays including musical performances, "Snow Day in Berkeley" and other neighborhood celebrations.
- 11) Identify a partner and produce a spring 2020 Wine Walk fundraiser event, coordinating wineries, business participation, and marketing.
- 12) Produce the "Taste of North Berkeley" restaurant walk in spring 2020 to benefit local charities and highlight neighborhood shops and restaurants.
- 13) Organize Association booths/tables at the weekly Farmers' Market and other fairs and festivals such as the Solano Stroll to promote the district.
- 14) Promote events at nearby venues such as Live Oak Park, the Jewish Community Center, Berkeley Arts Center, Theatre First and the Hillside Club. Work with producers to tie in district businesses through advertising and promotions.

Beautification and Design

Goals: Address issues related to cleaning and maintenance of the district; design and implement landscaping and other streetscape improvements; provide design input on development projects. *Objectives*:

1) Provide ongoing maintenance monitoring, needs assessment, and coordination with appropriate city departments and contractors on projects including bicycle racks/facilities placement, street tree replacements and median landscaping as needed.

March 21, 2019

- 2) Oversee contractor services in completing regular sidewalk cleaning and special projects as needed.
- 3) Coordinate work of the City funded Downtown Streets Team to assist with area clean-up.
- 4) Investigate design and finding possibilities for a median landscaping improvement project to coincide with the Shattuck Ave. roadway repair project, including City funding and a UC Berkeley Chancellor's Grant.
- 5) Work with property owners and appropriate city departments to address signage conditions and the appearance of empty storefronts and vacant properties in the district.
- 6) Oversee installation of annual winter holiday street tree lighting throughout the district.
- 7) Work with appropriate City departments, interested business and property owners, contractors, and volunteers to complete a third parklet project in the district through the City's Parklets Program if possible.
- 8) Work with ACCI Gallery, artists, and local schools on projects in the district including rotating storefront exhibits, art projects, temporary mural projects, etc.

Economic Development

Goals: Business retention and recruitment; business education; address issues related to security, parking, and transportation improvements.

Objectives:

- 1) Maintain inventory and lease information for vacant retail and office space in the District, current information for zoning regulations/amendments, and work with property owners to fill currently vacant commercial space in the district.
- 2) Liaison with City and commercial brokers to attract and assist new businesses.
- 3) Serve on the Chamber of Commerce's Governmental Affairs and Board of Directors (ex-officio) to provide input on business district issues.
- 4) Market the Uptima Boot Camp and Project Equity business support services available through the City as part of the Small Business Support package.
- 5) Identify and address security and safety issues working with the Berkeley Police Department. Organize meetings of district businesses with patrol officers including walk-throughs and at general meetings, etc.
- 6) Continue to work on parking issues in the district including meter timing, improved usage of existing private parking resources, and identification of spaces in private lots for paid employee parking.
- 7) Work with the City and Ecology Center on issues related to the Farmers Market operations.
- 8) Identify opportunities for better utilization of public transportation resources in the district and financing and operation options for alternative transportation including shuttles.
- 9) Continue to work with the Chamber of Commerce and the Berkeley Restaurant Action Group on issues related to alcohol service controls, minimum wage, and other issues.
- 10) Identify and act on any business education/assistance needs for business retention.

Budget

BID collections for Fiscal Year 2020 are estimated to be \$182,648 with the approved 5% increase in the

March 21, 2019

current assessments. A projected carryforward of \$1,214 from Fiscal Year 2019 will result in a total estimated budget of \$183,860 for Fiscal Year 2020. BID assessment revenues will be spent in accordance with the Management District Plan as follows:

NORTH SHATTUCK	Projected	Fiscal Year	Allowable	Estimated
ASSOCIATION	Fiscal Year	2020	% of Annual	Total Fiscal
Service/Expense Category	2019 Carry	Projected	Budget	Year 2020
	Forward	Revenues		Budget
Maintenance and	\$274	\$73,059	40%	\$73,333
Beautification				
Marketing and Promotion	\$826	\$45,661	25%	\$46,488
Organization/Administration	\$112	\$54,794	30%	\$54,906
Contingency	\$1	\$ 9,132	5%	\$9,133
Total Estimated Budget	\$1,213	\$182,648	100%	\$183,860

The above budget is based upon the maximum amount of BID assessment revenues that could be collected in the District. Actual BID revenues may be lower if some assessments are not paid within the Fiscal Year. No changes are proposed in the boundaries of the district or the method and basis for levying the BID assessments. A listing of Fiscal Year 2020 assessments is attached as Exhibit B to this report.

Approved by:

Approved by the Board of Directors Cathy Goldsmith, President, North Shattuck Association On March 21, 2019

Prepared by: Heather E. Hensley, Executive Director, North Shattuck Association

North Shattuck Business Improvement District FY 2020 Assessment Roll

		FY 2020 Assessment			
APN	Owner Name	Site Address	Private Parcels	Public / Exempt	Utilities
58 2173 002 03	1600 SHATTUCK ASSOCIATES	1600 SHATTUCK AVE	\$ 8,253.24		
58 2173 004 00	MACMILLAN FAMILY PROPERTIES	1620 SHATTUCK AVE	\$ 842.28		
58 2173 005 00	MATHIS DAVID A	1650 SHATTUCK AVE	\$ 1,980.94		
58 2174 001 00	ARTS & CRAFTS COOPERATIVE INC	1652 SHATTUCK AVE	\$ 1,515.58		
058 2174 002 00	NIEL JOE R & CAROL L	1654 SHATTUCK AVE	\$ 1,137.30		
058 2174 003 00	SATAKE 1 LLC	1662 SHATTUCK AVE	\$ 1,058.50		
058 2174 004 01	1995 KAM Y LAM & SHUN FAMILY TRS	1670 SHATTUCK AVE	\$ 1,094.46		
058 2174 006 02	ERDMAN JOHN C & ANNE M TRS	1690 SHATTUCK AVE	\$ 4,949.34		
058 2175 001 01	SCHWARTZ MICHELL J	1700 SHATTUCK AVE	\$ 3,628.86		
058 2175 003 00	BLUME JAMES & FRANK KATHRYN W	1708 SHATTUCK AVE	\$ 1,373.62		
058 2175 004 00	ROBINSON SCOTT & CHRISTINA C	1720 SHATTUCK AVE	\$ 740.60		
058 2175 005 00	WARSZAWA BUILDING PARTNERSHIP	1730 SHATTUCK AVE	\$ 1,095.72		
058 2175 006 00	YI CHONG S	1748 SHATTUCK AVE	\$ 1,247.88		
058 2176 001 01	CAMPUS AUTO CARE	1752 SHATTUCK AVE	\$ 2,619.32		
058 2176 003 01	SHATTUCK INVESTMENT GROUP LLC	2083 DELAWARE ST	\$ 7,928.96		
058 2177 015 01	SC HILLSIDE BERKELEY INC	1797 SHATTUCK AVE	\$ 9,761.88		
058 2177 015 01	AMERICAN COMMONWEALTH ASSOC.	2109 VIRGINIA ST	\$ 9,761.88		
058 2178 018 00	DELANDA PAUL & SUSAN/KENDALL BETTY L	1619 SHATTUCK AVE			
	· ·				
058 2178 024 01	CP SHATTUCK LLC	1607 SHATTUCK AVE	\$ 8,645.30		
058 2178 026 00	1625 SHATTUCK AVENUE INVESTORS LLC 1625 SHATTUCK AVENUE INVESTORS LLC	1625 SHATTUCK AVE-1st	\$ 1,393.24 \$ 2,182.46		
058 2178 027 00		1625 SHATTUCK AVE-2nd			
058 2178 028 00	1625 SHATTUCK THIRD FLOOR LLC	1625 SHATTUCK AVE-3rd	\$ 2,182.46		
059 2260 001 00	CONNOLLY ALLEN & CHRISTINE	2100 VINE ST	\$ 3,540.04		
059 2260 002 01	WALNUT SQUARE CENTER LP	2110 VINE ST	\$ 7,641.46		
59 2260 015 01	LE MICHAEL K/XAYAVONG DAOVONE	1549 SHATTUCK AVE	\$ 1,264.04		
59 2260 015 02	MANN MELVIN M TR	1543 SHATTUCK AVE	\$ 1,726.10		
59 2260 016 00	GOODMAN CAROL E TRS ETAL	1537 SHATTUCK AVE	\$ 1,831.42		
059 2260 017 00	GACH MICHAEL R	1533 SHATTUCK AVE	\$ 1,533.12		
59 2260 018 00	LAM KELVIN S & JACKIE S/LAM GRACE & ALICE	1531 SHATTUCK AVE	\$ 2,605.50	ļ	
59 2260 019 00	MEYER PATRICIA L TRS & WARD DAW	1525 SHATTUCK AVE	\$ 2,221.52		
59 2260 020 03	APTE ROBERT Z & EVELYN L FAMILY	1519 SHATTUCK AVE	\$ 2,706.46	ļ	
059 2260 021 00	PAGNOL ET CIE INC	1517 SHATTUCK AVE	\$ 1,097.62		
59 2260 022 01	WONG WILLIAM H	1515 SHATTUCK AVE	\$ 1,020.44		
059 2260 022 02	ELITE PROPERTIES LLC	1511 SHATTUCK AVE	\$ 3,114.72		
)59 2261 001 02	RUE ELL ENTERPRISES INC	1451 SHATTUCK AVE	\$ 10,660.08		
059 2261 004 03	WOLAN STEVEN C & LINDA J	1444 WALNUT ST	\$ 1,748.28		
59 2261 005 00	RUEGG & ELLSWORTH	2113 VINE ST	\$ 1,072.98		
59 2261 006 00	RUEGG & ELLSWORTH	2111 VINE ST	\$ 1,822.32		
59 2261 007 00	RUEGG & ELLSWORTH	1495 SHATTUCK AVE	\$ 2,593.70		
59 2261 008 00	DEROIA VIRGINIA M TR ETAL	1481 SHATTUCK AVE	\$ 1,122.52		
59 2261 009 00	LATKE ENTERPRISES LLC	1475 SHATTUCK AVE	\$ 1,352.78		1
59 2261 010 00	WONG WILLIAM H & HENRY F	1463 SHATTUCK AVE	\$ 2,318.08		
59 2262 001 00	SHATTUCK ROSE L P	1400 SHATTUCK AVE	\$ 5,249.76		
59 2262 005 00	HIRAHARA BRIAN & TAMURA RAYMOND	1480 SHATTUCK AVE	\$ 3,013.38		
59 2262 006 00	RIPSTEEN RYAN & ARLINGTON INVESTMENT CO	2085 VINE ST	\$ 1,213.70		
59 2262 021 02	SAFEWAY INC	1444 SHATTUCK AVE	\$ 22,290.74		
59 2263 003 01	HEFTER & MURPHY LLC	2044 VINE ST	\$ 4,303.84		
59 2263 006 01	BANK OF AMERICA NATIONAL TRUST	1516 SHATTUCK AVE	\$ 4,204.38		
059 2263 009 00	ESPRESSO ROMA CORPORATION	1540 SHATTUCK AVE	\$ 1,587.14		
59 2263 010 01	BERKELEY BAZAAR PARTNERS	1550 SHATTUCK AVE	\$ 17,651.66		
059 2263 024 01	BANK OF AMERICA NATIONAL TRUST	1536 SHATTUCK AVE	\$ 2,422,50		
		Totals	Private Parcels	Public / Exempt	Utilities
		Revenues	\$185,805.00		

County Collection Fee @ 1.7%: \$ 3,158.69 Net Assessment Revenue: \$182,646.32

Note: Data for APN, Owner and Land Use from the City's Land Management System is current as of March 26, 2019. Updated data from the County current as of December 31, 2018, will be available in July 2019.



CONSENT CALENDAR May 28, 2019

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Jordan Klein, Economic Development Manager

Subject: Assessments: Telegraph Property Based Business Improvement District

RECOMMENDATION

Adopt a Resolution approving the Telegraph Property Based Business Improvement District (TBID) Annual Report of FY 2019 and proposed budget for FY 2020, and declaring Council's intention to levy an annual assessment for the TBID for FY 2020.

SUMMARY

The Telegraph Property Based Business Improvement District (TBID or "the District") provides cleaning, hospitality and marketing services for Berkeley's Telegraph Avenue commercial district. In May of 2017 the TBID was geographically expanded and renewed for a ten year period, authorizing operations through December 31, 2027, and designating the Telegraph Property and Business Management Corporation (TPBMC) as the District's Owners' Association. Annually, Council must approve the TBID's annual report and proposed budget and declare its intention to levy an annual assessment.

The City of Berkeley owns one parcel (the Telegraph Channing Parking Garage at 2431 Channing Way) within the boundaries of the TBID and is required by state law to pay the associated assessments. The assessment payment will be \$46,968 in FY 2020; in addition, the City will pay the General Benefit portion of the TBID costs, or roughly \$28,520. The City already makes an annual grant to TBID, through the Public Commons for Everyone Initiative, which exceeds this amount, so there will be no new fiscal impacts related to funding the general benefit.

FISCAL IMPACTS OF RECOMMENDATION

Assessments levied in the Telegraph Property Based Business Improvement District (TBID or "the District") support a package of improvements and activities approved by the property owners and the City Council when the District was renewed for a ten year period on May 2, 2017 (Resolution No. 67,940-N.S.). Assessment funds are collected by Alameda County, relayed to the City of Berkeley, and disbursed through a contract with the Telegraph Property and Business Management Corporation (TPBMC), a private owners' association that was established to implement the Management District Plan. TPBMC has an active contract with the City, not to exceed \$7,410,024 of BID

revenues, to implement the Telegraph Management District Plan for the period January 1, 2018 to December 31, 2027 (Contract No. 10835).

Collections from private parcel assessments are projected and budgeted at approximately \$515,637 in FY 2020. Collections from tax exempt parcels (owned by the Regents of the University of California and the City of Berkeley) are projected and budgeted at approximately \$171,810 in FY 2020. Annual and accrued private parcel assessment funds are deposited into Telegraph BID Fund 784-33-324-342-0000-000-000-412110 and expended from fund 784-21-208-251-0000-000-446-612990. These totals reflect a 3% assessment increase for inflation, as allowed by the Management District Plan and approved by a majority of the TPBMC's Board of Directors on March 12, 2019. Project funds not spent in any given fiscal year are carried over into future years. TPBMC collects assessments directly from the University of California with no involvement from the City.

Under the provisions of Proposition 218 in the California Constitution, government agencies must pay assessments on properties they own in property based business improvement districts, just like private property owners, unless they receive no benefit. Payment is collected from private property owners through property tax bills near the end of the calendar year. Payments are due from non-property tax-paying entities concurrently. The City's assessment payment in FY 2020 would be \$46,968 (an increase of \$1,368, or 3%, over the FY2019 assessment). The City's assessment is paid annually through the Off-Street Parking Fund (627-54-622-665-3002-000-474-639990).

The City also pays for the "general benefit" portion of the TBID budget. "General benefits" represent that small portion of the overall benefits generated by a TBID which are found to accrue to the general public who are not assessed and do not participate in the economic or social activities of the district. The engineer's report commissioned for the reestablishment of the TBID in 2017 calculated that the general benefit for the district would be approximately \$27,689 annually. The City already makes annual grants to the TBID which exceed this amount, so there will be no new fiscal impacts related to funding the general benefit.

By financing improvements, maintenance and welcoming activities for the City's central business district, the TBID indirectly enhances sales tax, business license tax and other business-related City revenue sources.

CURRENT SITUATION AND ITS EFFECTS

State legislation that authorizes formation of property-based business improvement districts (BIDs) (*California Streets and Highways Code*, Sections 36600 et. seq.) requires that the BID governing body submit an Annual Report on operations and a budget proposal to the City Council each year. The City Council may approve the report with a Resolution to reauthorize the annual assessments.

The Board of Directors of the Telegraph Property and Business Management Corporation (TPBMC), the non-profit that manages the TBID, met in a publicly noticed meeting on March 12, 2019 to review and approve the attached Annual Report for the TBID for FY 2019 (Exhibit A). The report includes a budget for improvements and activities for FY 2020 and an estimated cost for providing them. The report also recommends that the assessments for FY 2020 be levied on the same basis and method, and within the same boundaries, as they were levied for FY 2019, with a 3% fee increase (Exhibit B: Telegraph BID FY 2020 Assessment Roll). Council can adopt the recommended Resolution which will confirm the TBID assessment, and thus enable continuous BID operations for another year.

BACKGROUND

The TBID is a benefit assessment district that provides cleaning, hospitality and marketing services for Berkeley's Telegraph Avenue commercial district. The TBID was created in 1998 pursuant to California's "Property and Business Improvement District Law of 1994" to provide needed improvements and activities to assessed property owners. Since the initial five year term, the TBID has been renewed for a second five year term in 2003, a ten year term in 2008, and underwent an expansion and ten-year renewal in 2017. As such, the TBID is authorized through 2027 unless action is taken to disestablish it.

In FY 2020, the District should generate approximately \$687,447 for the provision of "Clean, Safe, and Beautification" services, communications and economic development, and related management and administration. The Management District Plan that was adopted by Council in 2017 as part of the reestablishment of the District provides a framework and budget for the TBID's activities, assessment method, and illustrates the TBID boundary and benefit zones. The Management District Plan provides for services above and beyond those provided by the City of Berkeley. Under "The Right to Vote on Taxes Act" (also known as Proposition 218) all public agencies are required to pay the same assessments for public property that apply to private property. The City owns one property within the district: the Telegraph Channing Garage at 2431 Channing Way. The FY20 assessment for that property will be \$46,968 which represents an increase of \$1,368 (3%) over the FY2019 assessment (\$45,600).

In FY 2020, the TBID will continue its ongoing "clean safe and beautification" activities, including ambassador services, graffiti and sticker removal, manual sidewalk cleaning and sidewalk pressure washing, hazardous waste cleanup, gutter and storm drain cleaning, street sweeping, litter removal, enhanced landscaping and landscape maintenance, small infrastructure improvements, tree lights, place-making activities, seasonal decorations, and other special projects. The TBID will also continue its program of "communications and economic development" to provide a unified voice to represent the best interests of the assessed parcels, and fulfill a slate of stakeholder communications that support the District's agenda and attract visitors via email newsletters, social media, a proactive public relations strategy, and a comprehensive

District website. Communications and economic development funds are not be used for lobbying efforts such as attempting to influence legislation or candidates for office. The TBID will also continue to liaison and coordinate with other business district organizations, Visit Berkeley, the Chamber, and the Berkeley Business District Network to promote local business and economic development opportunities in Berkeley.

ENVIRONMENTAL SUSTAINABILITY

By maintaining and enhancing the district, the TBID creates shopping opportunities for residents and visitors while encouraging alternative forms of transportation. The District includes the area immediately south of the University of California, Berkeley campus and therefore provides essential commercial goods and services to the student body. The District is also served by several AC Transit lines and BART, which provide access to visitors from around the region. TBID ambassadors and environmental enhancements such as median plantings all contribute to making the Telegraph district a more pleasant destination. Because the District is well served by public transportation and biking infrastructure, these services indirectly support environmental sustainability goals of encouraging alternative transportation choices.

RATIONALE FOR RECOMMENDATION

Property and Business Improvement District Law of 1994 requires that the BID Board prepare an Annual Report for each fiscal year in which assessments are to be levied. Council action is required to approve the BID's Annual Report, and declare its intent to levy assessments.

This private/public partnership will continue to provide significant resources for Telegraph area revitalization, which has had a positive effect on the physical and economic health of the district. The City contribution will leverage substantial funds from the private sector and the University of California at a ratio of approximately 14 to 1.

ALTERNATIVE ACTIONS CONSIDERED

The Board of the TBID considered opting for a smaller 2% increase in assessment rates but instead decided to opt for a 3% increase (the maximum allowable) to its existing assessment rate, declaring that the maximum amount was needed to sufficiently cover the slate of services outlined in the FY2020 budget and work plan.

CONTACT PERSON

Eleanor Hollander, Economic Development Project Coordinator, (510) 981-7536

Attachments:

1: Resolution Confirm Annual Report and Levy Annual Assessment of the Telegraph Property and Business Improvement District

Exhibit A: Telegraph Property and Business Improvement District: Annual Report 2019 and Budget FY 2020

Exhibit B: Telegraph Property and Business Improvement District FY2020 Assessments

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

APPROVING THE ANNUAL REPORT OF THE TELEGRAPH BUSINESS IMPROVEMENT DISTRICT FOR FISCAL YEAR 2019 AND DECLARING INTENT TO LEVY ASSESSMENTS FOR FISCAL YEAR 2020

WHEREAS, the Property and Business Improvement District Law of 1994 (California Streets and Highways Code section 36600 et Seq., hereafter the "Act") authorizes cities to fund property related improvements, maintenance and activities through the levy of assessments upon the real property that benefits from those assessments; and

WHEREAS, after ten years of successful operation, on May 2, 2017 the Berkeley City Council reestablished the Telegraph Business Improvement District (hereafter, "the District") for an additional ten year period by Resolution No. 67,940-N.S.; and

WHEREAS, on March 12, 2019 the Board of Directors of the Telegraph BID adopted the *Annual Report to the City of Berkeley FY 2020* (hereafter "Annual Report") that describes the operations of the District in FY 2019, recommends services for FY 2020 and proposes a budget for FY 2020 (Exhibit A); and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that pursuant to provisions of Section 36600 et. seq. of the California Streets and Highways Code, the City Council approves the Annual Report (Exhibit A) and declares its intent to levy special assessments on property within the boundaries of the District for FY 2020.

BE IT FURTHER RESOLVED that that the boundaries of the District and the method and basis for the assessment remain the same as those set forth and approved in the Management District Plan (Plan) that was adopted on May 2, 2017, when Council renewed the Telegraph BID through Resolution No. 67,940-N.S.

BE IT FURTHER RESOLVED that the improvements and activities to be provided are those described in the Plan and the Annual Report.

BE IT FURTHER RESOLVED that the cost of providing the improvements and activities is as described in the budget that accompanies the Annual Report.

BE IT FURTHER RESOLVED that to finance these improvements and activities, the Annual Report and Budget includes a three percent (3.0%) increase as authorized by the Management Plan. Following adoption of this resolution, the City Council may confirm the Annual Report and levy assessments for 2020 and confirm disbursement of TBID assessment revenue to the Telegraph Property and Business Management Corporation provided for in Contract No.10835.

Exhibits:

A: TBID Annual Report for FY 2019 and Proposed Budget for FY 2020

B: TBID Assessment Roll FY 2020

2018-19 (FY19) Annual Report and 2019-20 (FY20) Budget of the Telegraph Property and Business Improvement District

The Telegraph Property and Business Improvement District (TBID), managed by the Telegraph Property and Business Management Corporation (TPBMC), was renewed for a ten-year period by an affirmative vote of the property owners of the Telegraph commercial district by mail-in ballot during spring 2017. This vote was affirmed without protest by City Council on May 2, 2017. This report is for the fiscal year starting July 1, 2018 and ending June 30, 2019 of this ten-year period.

In accordance with 36650 (b) of the Streets and Highway Code for the State of California, the TPBMC affirms the following:

- 1. The TPBMC proposes no changes in TBID boundaries for the 2019-20 fiscal year (abbreviated "FY" and includes the time period from July 1, 2019 to June 30, 2020).
- The TPBMC will continue to provide the same services as has been outlined in the Management District Plan of September 21, 2016. These services include street and sidewalk cleaning and beautification, marketing and promotions, decoration, and maintenance of a district office.
- 3. The budget submitted to the TPBMC Board of Directors calls for expenditures in the FY 2019-2020 to be \$745,914.
- 4. On March 12, 2019, the TPBMC Board of Directors approved a 3% assessment rate increase for FY 2019-20, as allowed in the Management District Plan.
- 5. The FY 2019-2020 budget was approved by the TPBMC Board of Directors on March 12, 2019. Any unspent funds in FY19 will carry forward into FY 2020.
- 6. In addition to assessments levied on real property, including the City-owned Telegraph Channing Garage, FY20 income will be derived from the following sources: (1) an annual contribution from University of California of \$124,842; (2) PCEI (Public Commons for Everyone Initiative) grant funds from the City of Berkeley for the host/ambassador program; and (3) anticipated grants and private donations, for special programs.

Accomplishments in 2018-2019 [See embedded photos]

Based on the TBID Strategic Plan that was developed in 2016 and updated in 2018, the TBID has five main strategic goals. The following is a summary of the activities that the TBID undertook in 2018-19 to further these five goals.

- 1. Improve the pedestrian environment
 - CPTED (Crime Prevention Through Environmental Design). We received a grant for the
 Chancellor's Community Partnership Fund to produce and help implement considerations
 from the report to improve safety in and around People's Park. As a result of the report,
 we worked with the City to produce the plan to convert parking on Haste to improve the
 sightline into the park. This also resulted in reactivation of park lighting.

2018-19 (FY19) Annual Report and 2019-20 (FY20) Budget of the Telegraph Property and Business Improvement District

- Worked to improve the Telegraph Channing garage mall, a major first impression of the District for visitors: TBID arranged for colorful painting of ceiling pipes and a "Welcome to Telegraph" mural across from the elevators.
- This was our first year directly involved in the UC Move-out process-with the newly BID, expanded we worked together with the City neighborhood services/code enforcement and University. very positive response was received regarding the results from both the and City campus stakeholders.
- Created and installed
 Code of Conduct
 signage, with the goal to
 express an expected
 norm of community

TBID Capital Improvements 2018-9: The Year of Art...

An intimate sculpture for the Dwight Triangle [picture before the stand is created]

8 Mosaic trash cans with Telegraph themes

8 Self-watering Eco Planters installed

Mural inside the city-owned T. Channing Garage

12 Solar-lit Telegraph Historical Walking Tour Markers

behavior. The signs were installed in September with the support of the City's Public Works and Transportation Departments. There are five signs in the 'first four' (northernmost) blocks of Telegraph Avenue.

Added eight artistic mosaic trash cans along the Avenue as well as one permanent
mural and four temporary construction murals. Got approval to install a small donated
sculpture ("Cat Stack") in the Dwight Triangle. Worked with the Civic Arts Commission on
subject matter.

2. Support District merchants

- Continued a very successful partnership with the University on the New Student Dine-Around, where over 5,000 meals were served in Telegraph area restaurants in August 2018. This effort supported local independent Berkeley businesses with an \$85,000 budget paid for by the University. We had another, smaller event in January at the start of the second semester.
- **Metered loading zone parking** was installed in the first four blocks. Worked with the City on outreach and implementation.

2018-19 (FY19) Annual Report and 2019-20 (FY20) Budget of the Telegraph Property and Business Improvement District

- Successfully coordinated with the City on streamlining the overall permitting process
 for small businesses, which passed City Council this January. The first success was an
 over-the-counter permit issued for an axe-throwing entertainment venture at Telegraph
 and Blake that is popular in other west coast college districts. This compares to a 6-9
 month wait for commercial recreation permitting in the past.
- 3. Make the District more accessible
 - Thirteen additional Peace Symbol bike racks are installed and gracing the new areas within our new boundary.
 - We completed and funded a pilot project with the City on porous paving in tree wells on Durant. This will improve both aesthetics and safety.

4. Market the District

- Unveiled the Telegraph
 Historical Walking Tour
 on March 21st 2018 at
 Moe's Books. Currently
 working on Historical
 Walking Tour markers at
 each location, paid for
 with capital
 improvements funding.
- Streets event connecting Telegraph to the rest of Berkeley, through Durant up to North Shattuck (via Downtown) on June 3rd 2019. While the event

In partnership with developers purchase 14 additional peace symbol Bike racks lots of new murals, both construction and permanent

was well-enough attended, we plan to modify it this year to be more compact.

5. Advocate for the District

- Built a positive and strong relationship with our new councilmember Rigel Robinson. We jointly hired an intern (Angie Chan) to get more UC student involvement in the District.
- Continued coordination of the Southside Safety Committee whose 35 members supports activities that make the District safer.
- Began advocacy work with both the City and University for a 24-hour restroom facility in the District.

Page 10 of 17

EXHIBIT A

2018-19 (FY19) Annual Report and 2019-20 (FY20) Budget of the Telegraph Property and Business Improvement District

 Supported the housing developments in the district, through maintaining a communication channel with the developer on logistics, being a liaison with the City, and coordinating construction murals to improve the pedestrian experience.

Since its inception, the TBID's Management District Plan has stated that TBID would provide full-time staff to clean the sidewalks, remove graffiti, power wash the district, and general beautification. Previously this has been provided through a contract with the Downtown Berkeley Association, which contracts with the Block by Block. Now with the TBID's increased size and budget, we are contracting directly with Block by Block. We now have a full time Operations Manager. By far, this clean-and-safe work is the single largest item in our annual budget, comprising roughly 70%.

In all of this, our annual objectives support the overarching goal to have a thriving commercial district and a welcoming southern entry to the UC campus. This includes TBID's coordination of the weekly Telegraph team meetings that bring together the TBID, ambassadors, University staff, City Mental Health (HOTT team) and Berkeley Police Department staff, and UCPD staff to encourage interdepartmental communication on any pressing situations. The TBID greatly appreciates our close working relationship with the City's Public Works Department and the Berkeley Police Department, whose support is crucial towards our goal to keep the District clean and safe.

2018-19 (FY19) Annual Report and 2019-20 (FY20) Budget of the Telegraph Property and Business Improvement District

FY2019-2020 Budget of the Telegraph Property and Business Improvement District (Adopted 3/12/19)

Revenue *	
BID Assessment Revenue	\$498,780
City Garage Assessment	\$45,600
UC Contribution	\$115,914
Interest	\$10
City of Berkeley (PCEI, Events)	\$64,125
Solano BID fiscal sponsorship	\$2,158
Historical Walking Tour sponsorships	\$5,000
Total Revenue	\$731,587
Expenses	
Administration	\$203,640
Maintenance	\$419,356
Marketing	\$20,450
Revitalization Efforts	\$55,000
Events	\$18,000
Contingency	\$14,000
Total Expenses	\$730,446

^{*} Select revenue projections assume a conservative position (assuming a 4% uncollectable rate) on private and tax-exempt parcel assessment collection in FY20.

Exhibit B:
Telegraph Business Improvment District (TBID) FY2020 Assessments

APN	OWNER NAME	STREET NUMBER	STREET NAME	AS	SESSMENT
055 188600300	2312 ELLSWORTH LLC	2312	ELLSWORTH ST	\$	874.54
055 187601200	2369 TELEGRAPH LLC	2369	TELEGRAPH AVE	\$	1,603.94
055 188300500	2414 DANA ST L P	2414	DANA ST	\$	790.48
055 186801100	2415COLLEGE LLC	2415	COLLEGE AVE	\$	3,129.08
055 188101800	2442 HASTE STREET LLC	2442	HASTE ST	\$	1,923.04
055 184600101	2501 BENVENUE LLC	2501	BENVENUE AVE	\$	3,363.46
055 187701100	2509 DURANT LLC	2347	TELEGRAPH AVE	\$	4,283.14
055 187701400	2522 BANCROFT WAY LLC	2522	BANCROFT WAY	\$	1,411.88
055 183902000	2539 TELEGRAPH LLC	2539	TELEGRAPH AVE	\$	3,520.02
055 183901901	2565 TELEGRAPH LLC &	2587	TELEGRAPH AVE	\$	7,037.28
	2588 TELEGRAPH AVENUE LLC & LARIZADEH				,
055 183700300	MAHMOUD TR	2590	TELEGRAPH AVE	\$	3,473.16
055 183600802	2614 TELEGRAPH LLC	2614	TELEGRAPH AVE	\$	780.34
055 183603100	2616 TELEGRAPH AVENUE LLC	2616	TELEGRAPH AVE	\$	2,517.72
055 183503400	2628 TELEGRAPH AVE ASSOCIATION	2628	TELEGRAPH AVE	\$	544.90
055 184600300	2644 DWIGHT WAY LLC	2644	DWIGHT WAY	\$	2,593.48
055 183802300	A & A BERKELEY PARTNERS LLC	2501	DANA ST	\$	156.46
055 186901100	ALPHA BETA HALL	2345	COLLEGE AVE	\$	1,632.28
055 184302603	AM BAPTIST SEMINARY OF WEST	2511	HILLEGASS AVE	\$	6,220.88
055 187100103	AMI LLC ETAL	2680	BANCROFT WAY	\$	2,804.88
055 187100203	AMI LLC ETAL	2310	COLLEGE AVE	\$	1,422.02
055 187102000	AMI LLC ETAL	2680	BANCROFT WAY	\$	754.48
055 183503300	ANANTHARAM VENKATACHALAM	2628	TELEGRAPH AVE	\$	130.98
055 188200200 055 184200100	ANDREONI THOMAS L & STANTON KAREN J TRS ARANGUREN MARY L & JACKSON ALEX ETAL	2440 2503	DANA ST REGENT ST	\$	792.36 555.40
055 188303000	AYSOY SUKRAN TR	2406	DANA ST	\$	159.04
055 187800200	AYYAD FUAD & MUNA I	2312	TELEGRAPH AVE	\$	2,933.52
055 187000900	BALAJI EQUITY MANAGEMENT LLC	2319	COLLEGE AVE	\$	1,441.14
055 187802000	BBT BERKELEY LLC	2462	BANCROFT WAY	\$	4,306.36
055 186801300	BEAR HAVEN LLC	2409	COLLEGE AVE	\$	2,209.92
055 187000800	BERG D G & MARY L TRS ETAL	2701	DURANT AVE	\$	2,039.26
055 188401500	BERKELEY ARCHITECTURAL HERITAGE ASSOCIATION	2318	DURANT AVE	\$	1,437.18
055 188500800	BERKELEY CANTERBURY FOUNDATION INC	2334	BANCROFT WAY	\$	1,373.70
055 188500201	BERKELEY CITY CLUB	2315	DURANT AVE	\$	1,371.78
055 188500202 055 183500700	BERKELEY CITY CLUB BERKELEY TELEGRAPH LLC & 2640 TELEGRAPH AVE LLC	2315 2640	TELEGRAPH AVE	\$	8,167.52 1,113.48
055 183503200	BHAGAT DEEPAK & SHASHI ETAL	2628	TELEGRAPH AVE	\$	130.98
055 183502600	BUNIMOVITZ ILAN & DIANA TRS	2628	TELEGRAPH AVE	\$	130.98
055 183801300	CABRERA ROBERT TR	2410	DWIGHT WAY	\$	1,287.52
055 184002401	CALIF ANN CONF METH CH	2655	TELEGRAPH AVE	\$	7,805.70
055 187900400	CAMOU TELEGRAPH AVENUE PROPERTIES LLC	2386	TELEGRAPH AVE	\$	949.70
055 187500800	CHANNING WAY 2003 LLC	2508	CHANNING WAY	\$	3,872.24
055 183802200	CHIN JACKSON	2501	DANA ST	\$	149.98
055 187602200	CHITRCHARATN NIRAMOL	2511	CHANNING WAY	\$	1,903.62
055 184200500	CHIU EDMUND S & BONNETTE S	2532	DWIGHT WAY	\$	778.02
055 183900400	CHU FAMILY LLC	2517	TELEGRAPH AVE	\$	5,772.06
055 183502400	CHUANG PATRICK C & HSIUNG YINGSHENG	2628	TELEGRAPH AVE	\$	130.98
055 188200100	CHURCH IN BERKELEY	2430	DANA ST	\$	1,926.38
055 187900601	CITY OF BERKELEY	2431	CHANNING WAY	\$	46,968.38

Page 1 of 6 168

Exhibit B:
Telegraph Business Improvment District (TBID) FY2020 Assessments

APN	OWNER NAME	STREET NUMBER	STREET NAME	AS	SESSMENT
055 183902100	CLAHAN DAVID TR	2593	TELEGRAPH AVE	\$	4,928.52
055 183901502	CLARA&SONIA LLC	2529	TELEGRAPH AVE	\$	2,481.04
055 188300100	COLLIER PAMELA & BATTI GREG TRS	2400	DANA ST	\$	669.50
055 188303300	COMMON AREA OF PM 6816 30 THRU 32	2406	DANA ST	\$	335.14
055 187802700	COMMON AREA OF PM 7559 23 THRU 26	2415	DURANT AVE	\$	512.58
055 184005500	COMMON AREA OF TR 6567 35 THRU 54	2615	TELEGRAPH AVE	\$	734.40
	CORKINS A A, RUSHTON R P, MISHRA S K, BROWN				
055 187100401	C E TR	2639	DURANT AVE	\$	1,045.98
055 188000400	CREATIVE PROPERTY TELEGRAPH LLC	2426	TELEGRAPH AVE	\$	943.16
	DABEL GRETCHEN W TR BYPASS TRUST & DABEL				
055 187900500	GRET ETAL	2392	TELEGRAPH AVE	\$	1,084.34
055 183802900	DAI GEORGE S. & LUNA Y TRS & DAI CORNELIA	2501	DANA ST	\$	187.14
055 184005200	DELENGOCKY TAYSON	2615	TELEGRAPH AVE	\$	125.22
055 187100300	DELTA DEUTERON BLDG ASN	2647	DURANT AVE	\$	2,000.78
055 186701300	DISANO JOSEPH R & ADELAIDE L TRS	2435	COLLEGE AVE	\$	1,081.46
055 184200401	DOTP 2530 LLC	2526	DWIGHT WAY	\$	2,006.22
055 187800100	DOWNEY NANCY B TR & ROUSH VIRGINIA B TR	2310	TELEGRAPH AVE	\$	4,304.26
055 187700200	DOYLE ELAINE M TR	2310	BOWDITCH ST	\$	862.86
055 183502300	DU LIMING	2628	TELEGRAPH AVE	\$	130.98
055 187700900	DURANT PLACE	2517	DURANT AVE	\$	3,147.30
055 183801600	DWIGHT BLAKE APARTMENTS	2420	DWIGHT WAY	\$	964.68
055 183803100	DWIGHT DANA PARTNERSHIP	2501	DANA ST	\$	804.98
055 187001000	EDR BERKELEY LP	2700	BANCROFT WAY	\$	5,485.58
055 184004300	ELA PROPERTIES LLC	2615	TELEGRAPH AVE	\$	120.18
055 188000501	ENT KENNETH E & GREGORY W TRS	2432	TELEGRAPH AVE	\$	9,814.68
055 188000700	ENT KENNETH E & GREGORY W TRS	2435	HASTE ST	\$	947.72
055 187101300	ESLAMI AHMAD A	2311	BOWDITCH ST	\$	342.40
055 184600400	FERGUSON JAMES I & ARLENE M TRS	2646	DWIGHT WAY	\$	940.54
055 187401200	FIRST CHURCH CHRIST SCIENTIST	2619	DWIGHT WAY	\$	1,729.32
055 188001100	FIRST CHURCH FOUNDATION	2423	HASTE ST	\$	578.50
055 188400100	FIRST CONG CH OF BERK	2345	CHANNING WAY	\$	5,637.60
055 188401600	FIRST CONGREGATIONAL CHURCH OF BERKELEY	2326	DURANT AVE	\$	685.90
055 188401700	FIRST CONGREGATIONAL CHURCH OF BERKELEY	2330	DURANT AVE	\$	967.64
055 188401800	FIRST CONGREGATIONAL CHURCH OF BERKELEY	2334	DURANT AVE	\$	256.28
055 188001502	FIRST PRESBYTERIAN CHURCH OF BERKELEY	2407	DANA ST	\$	9,169.78
055 183500402	FITZER TIMOTHY A	2636	TELEGRAPH AVE	\$	1,365.36
055 187800400	FORTUNEWORLD INC	2439	DURANT AVE	\$	3,393.80
055 187601100	FUENTES JENNAN K	2375	TELEGRAPH AVE	\$	6,630.18
055 184005000	FUJISAKA THOMAS K TR	2615	TELEGRAPH AVE	\$	120.18
055 187502500	GEE JEW Y TR	2509	DWIGHT WAY	\$	1,327.02
055 183502500	GEORGE ASHIQ M	2628	TELEGRAPH AVE	\$	130.98
055 184003200	GIORDANO ARLENE A	2435	CARLETON ST	\$	1,217.94
055 183800201	GLENN BUILDING	2430	DWIGHT WAY	\$	11,432.32
055 184003800	GOFF EDWARD V	2615	TELEGRAPH AVE	\$	82.56
055 183502000	GOLD BONNIE & PAYNE DAVID E	2628	TELEGRAPH AVE	\$	130.98
055 187701003	GOODHUE NEIL B & DIANE C TRS	2513	DURANT AVE	\$	1,103.76
055 187701006	GOODHUE NEIL B & DIANE C TRS	2515	DURANT AVE	\$	1,708.40
055 183900102	GORDON JOHN K & MITCHELL JANIS L TRS	2502	DWIGHT WAY	\$	2,362.22
333 10330010Z	CONDON JOHN K & WILL CHELL JAINIO L 11(3)	2502	REGENT ST	\$	1,766.10

Page 2 of 6 169

Exhibit B:
Telegraph Business Improvment District (TBID) FY2020 Assessments

		STREET			
APN	OWNER NAME	NUMBER	STREET NAME	ASS	SESSMENT
055 183901601	GORDON JOHN K & MITCHELL JANIS L TRS	2513	TELEGRAPH AVE	\$	2,020.32
055 187700600	GROWERS PROPERTIES NO 52	2533	DURANT AVE	\$	4,348.70
055 188300200	GUERARD JACQUES	2402	DANA ST	\$	636.54
055 184600500	HAKAM ALAEDDIN & FOUDEH SAEED TR	2504	COLLEGE AVE	\$	783.38
055 184004100	HAROUN ANSAR M & NASRA TRS	2615	TELEGRAPH AVE	\$	114.10
055 188200300	HASHEMI HOMAYOUN & GOVASHIRI HOMA TRS	2446	DANA ST	\$	814.36
055 183802800	HOANG THANH T	2501	DANA ST	\$	178.70
055 183802600	HOANG VY T & LYNH T	2501	DANA ST	\$	193.04
055 188300600	HON HENRY D & SYLVIA TRS	2418	DANA ST	\$	155.04
055 184003600	HSIA SAMSON & ALICIA TRS	2615	TELEGRAPH AVE	\$	120.18
055 184004700	HU HANG L & TYNG J	2615	TELEGRAPH AVE	\$	116.94
055 184004700	HU TYNG J & HANG L	2615	TELEGRAPH AVE	\$	
055 184004800	HUANG LI L	2615	TELEGRAPH AVE		114.10
055 183502100	HUNG EDWARD & SCOGGINS SUZANNE E	2628		\$	110.00
			TELEGRAPH AVE		130.98
055 187802200	HUNOLT JAMES B TR & THOMAS E TR	2480	BANCROFT WAY	\$	2,616.96
055 187701201	JANGMI LLC	2327	TELEGRAPH AVE	\$	2,121.00
055 183802500	KARIM SHAKIR	2501	DANA ST	\$	155.28
055 187900100	KICK-AXE PROPERTIES	2350	TELEGRAPH AVE	\$	4,368.42
055 184004600	KPARTNERS LLC	2615	TELEGRAPH AVE	\$	129.10
055 188303200	KU KAREN	2406	DANA ST	\$	159.04
055 187801900	KUANG DIANA Q ETAL	2456	BANCROFT WAY	\$	2,439.04
055 187700500	KURDYS DOUGLAS & SHAWVER LOIS	2539	DURANT AVE	\$	2,725.50
055 184003900	KWOK VICTOR Y	2615	TELEGRAPH AVE	\$	129.10
055 187700700	LANDIS JUDSON R & SHERON C TRS	2525	DURANT AVE	\$	4,790.16
055 187801000	LANDIS JUDSON R & SHERON C TRS	2419	DURANT AVE	\$	2,313.70
055 187801200	LANDIS JUDSON R & SHERON C TRS	2411	DURANT AVE	\$	1,014.36
055 188401400	LEONG CAROLYN P TR	2312	DURANT AVE	\$	848.82
055 184005300	LEUNG VELIA N	2615	TELEGRAPH AVE	\$	109.96
055 184005400	LEUNG VELIA N	2615	TELEGRAPH AVE	\$	78.62
055 188100500	LI ZHAOYANG & WAN KE	2437	DWIGHT WAY	\$	2,241.92
055 184000101	LIEBERT BRUCE E TR & CARLYN M TR	2601	TELEGRAPH AVE	\$	1,248.32
055 183502900	LIM ING Y & KANWIT ELIZABETH D TRS	2628	TELEGRAPH AVE	\$	130.98
055 188100300	LIPPETT PETER E TR	2476	TELEGRAPH AVE	\$	3,407.94
055 183502800	LIU JEA S & WANG JENNY C ETAL	2628	TELEGRAPH AVE	\$	130.98
055 187800701	LIVING CITY INVESTMENTS LLC	2425	DURANT AVE	\$	1,588.52
055 183801800	LUNDIN JANE M TR	2428	DWIGHT WAY	\$	935.66
055 183801700	LUNDIN JANE TR	2424	DWIGHT WAY	\$	917.72
055 187602000	LYMAN JOHN T & MARLEY	2538	DURANT AVE	\$	2,849.92
055 187602100	LYMAN JOHN T & MARLEY	2542	DURANT AVE	\$	1,327.90
055 188303100	MA JANICE L & KENNETH	2406	DANA ST	\$	159.04
055 184004500	MAKHIJANI MEENA S	2615	TELEGRAPH AVE	\$	82.56
055 187701902	MARK AT BERKELEY LLC	2580	BANCROFT WAY	\$	12,320.56
055 184005100	MAUS MARLON TR	2615	TELEGRAPH AVE	\$	151.10
055 187502700	MILANO PROPERTIES LTD LLC	2475	TELEGRAPH AVE	\$	1,215.62
055 183800102	MILANO ROGERIO & MAJIDI SHAHLA TRS	2500	TELEGRAPH AVE	\$	5,322.96
055 186801400	MIN YOUNG K & KYU J TRS	2700	CHANNING WAY	\$	559.50
055 187701601	MIOTTEL W J JR TR	2530	BANCROFT WAY	\$	8,532.54
055 183501900	MIRZA IQBAL	2628	TELEGRAPH AVE	\$	130.98
055 183802700	MITINA SOFIA TR	2501	DANA ST	\$	193.92
055 183503000	NAGEL GARY D	2628	TELEGRAPH AVE	\$	130.98
055 186701400	NATEGHIAN FARAMARZ TRUST	2431	COLLEGE AVE	\$	914.68

Page 3 of 6 170

Exhibit B:
Telegraph Business Improvment District (TBID) FY2020 Assessments

ADNI	OWNED NAME	STREET	CTDEET NAME	A.C.	ASSESSMENT	
APN	OWNER NAME	NUMBER	STREET NAME	AS	DESSIVIEIN I	
055 184003700	NAVARROCACERES LILIANA	2615	TELEGRAPH AVE	\$	83.04	
055 184200200	NCR PROPERTIES LLC	2524	DWIGHT WAY	\$	918.22	
055 187100600	OPHCA LLC	2637	DURANT AVE	\$	1,626.76	
055 183802100	P G & E CO 135-1-12-2	2540	TELEGRAPH AVE	\$	1,537.04	
	PAIGE ROGER & NORMA TRS & HERBERT JOSEPH				•	
055 187802400	& CA ETAL	2415	DURANT AVE	\$	242.40	
055 187802300	PAIGE ROGER & NORMA TRS ETAL	2415	DURANT AVE	\$	245.02	
055 187802500	PAIGE ROGER & NORMA TRS ETAL	2417	DURANT AVE	\$	162.84	
055 187802600	PAIGE ROGER & NORMA TRS ETAL	2417	DURANT AVE	\$	162.84	
055 188401300	PAULOS NICHOLAS J & CORALYN M	2310	DURANT AVE	\$	1,313.94	
055 187502802	PELLEGRINO PASQUALE TR	2461	TELEGRAPH AVE	\$	2,195.70	
055 187201100	RAAJ BERKELEY OWNER LLC	2613	CHANNING WAY	\$	735.50	
055 187201300	RAAJ BERKELEY OWNER LLC	2323	BOWDITCH ST	\$	949.70	
055 187201400	RAAJ BERKELEY OWNER LLC	2600	DURANT AVE	\$	18,119.02	
055 184003500	RAJAH KINGSLEY & GERALDINE R TRS	2615	TELEGRAPH AVE	\$	110.00	
055 188500900	RECTORS ETC OF ST MARKS	2300	BANCROFT WAY	\$	1,475.78	
055 188501000	RECTORS ETC OF ST MARKS	2301	DURANT AVE	\$	5,775.08	
055 186901301	REGENTS OF THE UNIVERSITY OF CALIFORNIA	2333	COLLEGE AVE	\$	2,657.28	
055 187101901	REGENTS OF THE UNIVERSITY OF CALIFORNIA	2630	BANCROFT WAY	\$	6,781.24	
055 187202101	REGENTS OF THE UNIVERSITY OF CALIFORNIA		COLLEGE AVE	\$	17,447.78	
055 187300101	REGENTS OF THE UNIVERSITY OF CALIFORNIA		CHANNING WAY	\$	8,483.08	
055 187301500	REGENTS OF THE UNIVERSITY OF CALIFORNIA	2411	BOWDITCH ST	\$	305.58	
055 187301600	REGENTS OF THE UNIVERSITY OF CALIFORNIA	2409	BOWDITCH ST	\$	231.64	
055 187301700	REGENTS OF THE UNIVERSITY OF CALIFORNIA	2405	BOWDITCH ST	\$	246.44	
055 187301800	REGENTS OF THE UNIVERSITY OF CALIFORNIA	2550	CHANNING WAY	\$	174.48	
055 187301900	REGENTS OF THE UNIVERSITY OF CALIFORNIA	2612	CHANNING WAY	\$	12,142.76	
055 187402301	REGENTS OF THE UNIVERSITY OF CALIFORNIA	2612	HASTE ST	\$	17,548.28	
055 187500901	REGENTS OF THE UNIVERSITY OF CALIFORNIA	0	CHANNING WAY	\$	12,787.82	
055 187504001	REGENTS OF THE UNIVERSITY OF CALIFORNIA	2556	HASTE ST	\$	4,790.62	
055 187600901	REGENTS OF THE UNIVERSITY OF CALIFORNIA	2535	CHANNING WAY	\$	4,604.68	
055 187801601	REGENTS OF THE UNIVERSITY OF CALIFORNIA	2418	BANCROFT WAY	\$	1,019.56	
055 187902203	REGENTS OF THE UNIVERSITY OF CALIFORNIA	2436	DURANT AVE	\$	12,485.36	
055 188002103	REGENTS OF THE UNIVERSITY OF CALIFORNIA	55	HASTE ST	\$	2,779.94	
055 188002104	REGENTS OF THE UNIVERSITY OF CALIFORNIA	2433	HASTE ST	\$	372.60	
055 188100700	REGENTS OF THE UNIVERSITY OF CALIFORNIA	2427	DWIGHT WAY	\$	712.04	
055 188101701	REGENTS OF THE UNIVERSITY OF CALIFORNIA	2400	HASTE ST	\$	4,391.40	
055 188601703	REGENTS OF THE UNIVERSITY OF CALIFORNIA	2200	BANCROFT WAY	\$	1,328.36	
055 188602501	REGENTS OF THE UNIVERSITY OF CALIFORNIA	2214	BANCROFT WAY	\$	4,035.60	
055 187801800	REGENTS OF THE UNIVERSITY OF CALIFORNIA	2436	BANCROFT WAY	\$	9,515.58	
000 107 001000	RICHELIEU FRED A & RITA V TRS & ELRICH HELEN			7	3,010.00	
055 188600100	B TR	2300	ELLSWORTH ST	\$	1,332.96	
	RIPSTEEN RYAN TR & GORDON JOHN K &			1	_,	
055 188100200	MITCHELL J ETAL	2470	TELEGRAPH AVE	\$	4,152.30	
	ROMAN CATHOLIC WELFARE CORPORATION OF				,	
055 186701200	OAKLAND		DWIGHT WAY	\$	1,068.42	
055 187201200	ROYSTON APARTMENT LP	2601	CHANNING WAY	\$	3,067.10	
055 187601302	RP CAMBRIDGE LP	2500	DURANT AVE	\$	9,885.16	
055 187701300	RSGF GRANADA BUILDING LLC	2301	TELEGRAPH AVE	\$	11,320.28	
055 187301400	RUBENSTEIN MICHAEL & POLLAK STEVEN TRS	2605	HASTE ST	\$	851.28	
055 187500600	RUE ELL ENTERPRISES INC	2411	TELEGRAPH AVE	\$	1,836.08	
055 187601600	RUE ELL ENTERPRISES INC	2520	DURANT AVE	\$	3,411.12	
055 187700800	RUE ELL ENTERPRISES INC	2519	DURANT AVE	\$	4,158.84	

Page 4 of 6 171

Exhibit B:

Telegraph Business Improvment District (TBID) FY2020 Assessments

APN	OWNER NAME	STREET NUMBER	STREET NAME	AS	SESSMENT
055 187800501	RUE ELL ENTERPRISES INC	2433	DURANT AVE	\$	7,789.02
055 187900300	RUE ELL ENTERPRISES INC	2380	TELEGRAPH AVE	\$	949.70
055 183802000	RUEELL ENTERPRISES INC	2434	DWIGHT WAY	\$	1,365.46
055 187601901	RUEELL ENTERPRISES INC	2534	DURANT AVE	\$	4,088.98
055 187802100	RUEELL ENTERPRISES INC	2470	BANCROFT WAY	\$	4,089.18
055 187601500	RUEGG & ELLSWORTH	2516	DURANT AVE	\$	7,847.70
055 187601700	RUEGG & ELLSWORTH	2526	DURANT AVE	\$	2,190.00
055 187602300	RUEGG & ELLSWORTH	2510	DURANT AVE	\$	3,535.00
055 187700100	RUEGG & ELLSWORTH & LEWIS SANDRA TR	2590	BANCROFT WAY	\$	5,604.08
055 187502900	RYDER WAYNE C & JOANN TRS ETAL	2455	TELEGRAPH AVE	\$	3,203.66
055 187500300	SARACHAN KENNETH	2509	HASTE ST	\$	1,086.24
055 187500400	SARACHAN KENNETH	2503	HASTE ST	\$	1,857.20
055 187500700	SARACHAN KENNETH	2409	TELEGRAPH AVE	\$	5,630.66
055 187900200	SARACHAN KENNETH	2360	TELEGRAPH AVE	\$	3,359.82
055 187500500	SARACHAN KENNETH & BROWN LAURIE	2433	TELEGRAPH AVE	\$	2,131.54
055 188100100	SARACHAN KENNETH & BROWN LAURIE	2464	TELEGRAPH AVE	\$	3,803.24
055 184200600	SATELLITE AFFORDABLE HOUSING ASSOCIATES	2500	HILLEGASS AVE	\$	1,674.16
055 183801400	SCHLAFFER LANCE TR	2414	DWIGHT WAY	\$	928.16
055 188600200	SCHOEN BERKELEY LIMITED PARTNERSHIP	2306	ELLSWORTH ST	\$	1,542.00
055 183803000	SHYR JURIYAN & HOU DANIEL	2501	DANA ST	\$	193.52
055 184004900	SIRIVANSANTI VEERA & SUVANNEE TRS	2615	TELEGRAPH AVE	\$	145.02
055 183500901	SONIAS SUSHICAKES LLC	2650	TELEGRAPH AVE	\$	1,442.80
055 187700300	ST JOSEPH ARIM FOUND	2316	BOWDITCH ST	\$	1,449.26
055 187700400	ST JOSEPH ARIM FOUND	2543	DURANT AVE	\$	666.04
055 187801400	STILES HALL	2400	BANCROFT WAY	\$	20,044.58
055 187502400	SUM YUN C & NGAN C TRS	2511	DWIGHT WAY	\$	4,617.66
055 183502200	SUN CHII YUN & KAREN K	2628	TELEGRAPH AVE	\$	130.98
055 183501800	TAM RICHARD W & ZHANG TAO T ETAL	2628	TELEGRAPH AVE	\$	172.52
055 188002201	TAYLOR SPRINGS MANAGEMENT LLC	2414	TELEGRAPH AVE	\$	8,457.72
055 187503001	TEJADA MARIO C & ROSALINDA G TRS	2506	HASTE ST	\$	1,830.38
055 183700100	TELEGRAPH BLAKE LLC	2556	TELEGRAPH AVE	\$	4,292.86
055 188000100	TELEGRAPH COMMONS L P	2486	CHANNING WAY	\$	6,001.46
055 187502600	TELEGRAPH PARTNERS LLC	2499	TELEGRAPH AVE	\$	2,095.68
055 183900500	TELEGRAPH REGENT LLC	2512	REGENT ST	\$	3,155.32
055 188101200	TOWN & GOWN CLUB	2401	DWIGHT WAY	\$	1,299.92
	TRINITY UNITED METHODIST CHURCH OF				·
055 188500102	BERKELEY	2362	BANCROFT WAY	\$	1,234.62
	TRINITY UNITED METHODIST CHURCH OF				
055 188500104	BERKELEY	2362	BANCROFT WAY	\$	4,698.28
	TRUST BENEFIT CHRISTIAN SCIENCE				·
055 187101200	ORGANIZATION UC BE	2601	DURANT AVE	\$	666.26
055 188401200	TWENTY THREE HUNDRED DURANT PARTNERSHIP	2300	DURANT AVE	\$	2,067.82
	UNIVERSITY LUTHERAN CHAPEL OF BERKELEY				
055 186801000	CALIF	2425	COLLEGE AVE	\$	681.82
055 187101501	UNIVERSITY Y W C A	2600	BANCROFT WAY	\$	2,404.78
055 187801700	VALHAUS LP	2430	BANCROFT WAY	\$	3,425.26
055 183801500	VALUES INC INVESTMENT CO	2418	DWIGHT WAY	\$	1,585.36
055 187401300	VEDANTA SOCIETY BERKELEY	2455	BOWDITCH ST	\$	916.30
055 188600400	VERO PROPERTIES LLC	2241	DURANT AVE	\$	1,568.02
055 187600100	VESTED INCOME PROPERTIES LLC	2328	BOWDITCH ST	\$	1,561.72
055 188100400	VIRGINIA COLLEGE ASSOCIATES LP	2482	TELEGRAPH AVE	\$	6,390.64

Page 5 of 6 172

Exhibit B:
Telegraph Business Improvment District (TBID) FY2020 Assessments

APN	OWNER NAME	STREET NUMBER	STREET NAME	A	SSESSMENT
055 188300400	WEN WILLIAM K ETAL	2410	DANA ST	\$	839.68
055 188500103	WESLEY HOUSE BERKELEY LLC	2398	BANCROFT WAY	\$	2,399.02
055 183600603	WONG WILLIAM H & FRANKLIN C & HENRY F	2600	TELEGRAPH AVE	\$	1,570.90
055 183802400	WONG WILSON K & CALVIN	2501	DANA ST	\$	153.70
055 184600200	WU SEN T & SU H TRS	2640	DWIGHT WAY	\$	1,949.84
055 183503100	XIA JING	2628	TELEGRAPH AVE	\$	130.98
055 187101100	YEE FAYE & DAVID	2605	DURANT AVE	\$	927.30
055 184004000	YU JULIA & YU JEAN J TR	2615	TELEGRAPH AVE	\$	116.94
055 187800300	ZEMEL ARTHUR & LEVIN DOROTHY TRS ETAL	2328	TELEGRAPH AVE	\$	10,562.88
055 184004400	ZHANG YINGQUN & WANG NAIRU	2615	TELEGRAPH AVE	\$	83.04
055 183502700	ZILBERMAN DANIEL	2628	TELEGRAPH AVE	\$	130.98
055 183700200	ZION PROPERTIES LLC	2566	TELEGRAPH AVE	\$	3,399.92
		Totals	253 Parcels		\$696,364.92

	Tax Exempt	Private Parcels
	22	231
County Fee @1.7% (on Private Parcels):		\$ 8,917.43
Net Assessment Revenue (Private Parcels):		\$ 515,637.01
Total Assessment Revenue:		\$ 687,447.49

Note: Data for APN, Owner, and Land Use from the City's Land Management System is current as of March 27, 2019. Updated data for the County as of December 31, 2018, will be available in July 2019.

Page 6 of 6 173



CONSENT CALENDAR May 28, 2019

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Henry Oyekanmi, Director, Finance

Subject: Formal Bid Solicitations and Request for Proposals Scheduled for Possible

Issuance After Council Approval on May 28, 2019

RECOMMENDATION

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

FISCAL IMPACTS OF RECOMMENDATION

Total estimated cost of items included in this report is \$2,565,376.

<u>PROJECT</u>	<u>Fund</u>	<u>Source</u>	<u>Amount</u>
Nurse Registry	316	Health	\$228,800
		Park Tax	
	138	Income Housing	
Facility Condition Assessment	510	Fund	Фоло ооо
	608	Marina Operations	\$350,000
	673	Building Maintenance	
	616	Clean Storm Water	
On-Call Environmental Services	601	Zero Waste	\$200,000
	011	General Fund	

Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on May 28, 2019

CONSENT CALENDAR May 28, 2019

Total:			\$2,565,376
Queueing Software	621	Permit Service Center	\$60,000
Southside Zoning Ordinance Initial Study and EIR	621	Permit Service Center	\$200,000
Digital Permitting System	621	Permit Service Center	\$200,000
Ninth Street Pathway – Phase II	135 344 307	Measure BB CalTrans Grant Capital Grant	\$1,326,576
	133	Measure F	
	672	Equipment Maintenance	
	627	Off Street Parking Fund	

CURRENT SITUATION AND ITS EFFECTS

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

BACKGROUND

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

ENVIRONMENTAL SUSTAINABILITY

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

CONTACT PERSON

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

Page 3 of 7

Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on May 28, 2019 CONSENT CALENDAR May 28, 2019

Attachments:

- 1: Formal Bid Solicitations and Request for Proposals Scheduled For Possible Issuance After Council Approval on May 28, 2019
 - a) Nurse Registry
 - b) Facility Condition Assessment
 - c) On-Call Environmental Services
 - d) Ninth Street Pathway Phase II
 - e) Digital Permitting System
 - f) Southside Zoning Ordinance Initial Study and EIR
 - g) Queueing Software

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

Page 4 pafy 7

DATE SUBMITTED: May 28, 2019

SPECIFICATION NO.	DESCRIPTIO N OF GOODS / SERVICES BEING PURCHASED		APPROX. BID OPENING DATE	INTENDED USE	ESTIMATED COST	BUDGET CODE TO BE CHARGED	DEPT. / DIVISION	CONTACT NAME & PHONE
19-11326-C	Nurse Registry	5/29/2019	6/27/2019	Mental Health Nursing Services	\$228,800	HHMMCT1901-NONPERSONN- CONTRSERVI-MISCPROFSV (50%) – ERMA: 612990-316-51-503-521- 2007-000-451 HHMRFP1901-NONPERSONN- CONTRSERVI-MISCPROFSV (50%)	HHCS/ Mental Health	Conor Murphy 981-7611
DEPT. TOTAL					\$228,800			
19-11328-C	Facility Condition Assessment	5/29/2019		Inspection, assessment, and cost for City Facilities of maintenance needs for City owned buildings. 3-yr on-call contract.	\$350,000	20% Park, Rec, Water Front (Parks Tax Fund 138, CIP Fund 510, Marina Operations/Maintenance Fund 608) 80% Public Works (CIP Fund 501, Building Maintenance Fund 673)	PW/Facilities	Elmar Kapfer 981-6435

Page 5 DAYS

DATE SUBMITTED: May 28, 2019

SPECIFICATION NO.	DESCRIPTIO N OF GOODS / SERVICES BEING PURCHASED		APPROX. BID OPENING DATE	INTENDED USE	ESTIMATED COST	BUDGET CODE TO BE CHARGED	DEPT. / DIVISION	CONTACT NAME & PHONE
19-11329-C	On-Call Environmental Services	5/29/2019	7/2/2019	3 year On Call Contract for Environmental Consulting Services including; stormwater sampling and analysis for Industrial NPDES permit, and as needed environmental consulting services including subjects such as soil and groundwater sampling guidance, procedure and protocol, recommendations, analytical interpretation assistance, defensive environmental practices that lower potential liability, and general recommendations concerning compliance with applicable State and Federal and Local regulations. Multiple Contract Awards This is a citywide contract that can be used by any Department/Division with PW oversight.	\$200,000	Storm 616 (831) Zero Waste 601 (820) General Fund 011 (010) And 627, 672, 673, 133. Individual Divisions /Departments will be billed as needed.	PW/Env. Compl	Joy Brown 981-6629

DATE SUBMITTED: May 28, 2019

SPECIFICATION NO.	DESCRIPTIO N OF GOODS / SERVICES BEING PURCHASED		APPROX. BID OPENING DATE	INTENDED USE	ESTIMATED COST	BUDGET CODE TO BE CHARGED	DEPT. / DIVISION	CONTACT NAME & PHONE
19-11331-C	Ninth Street Pathway - Phase II	6/24/2019	7/30/2019	Contractor will perform construction of off-street pathway and installation of landscaping on City property to complete the 9th St. Bicycle Boulevard/Emeryville Greenway gap. Contractor will also perform construction of pathway improvements across Ashby Avenue (near 9th Street) in the State right-of-way.	\$1,326,576	135-54-622-668-0000-000-431-665110- (\$35,879) 344-54-622-668-0000-000-431-665110- (677,697) 307-54-622-668-0000-000-431-665110- (\$613,000) (For reference, FUND\$ project code: 17BP07)	Public Works - Transportation	Ken Jung 981-7028 Farid Javandel 981-7061
DEPT. TOTAL					\$1,876,576			
	Digital Permitting System	5/29/2019		Procure commercial- off-the-shelf Digital Permitting System	\$200,000	621-53-585-634-0000-000-472-612990	Planning/Bldg & Safety	Nishil Bali 981-7462
19-11332-C	Zoning Ordinance Initial Study and EIR	5/29/2019	6/27/2019	Preparation of an Initial Study and Environmental Impact Report to evaluate proposed changes, identified in collaboration with City staff, of Zoning Ordinance development standards in the Southside neighborhood.	\$200,000	621-53-584-622-0000-000-472-612990	Planning and Development/ Land Use	Elizabeth Greene 981-7484 Nishil Bali 981-7462
19-11335-C	Queueing Software	6/17/2019	7/18/2019	Upgrade Planning's Queueing software	\$60,000	621-53-585-634-0000-000-472-612990-	Planning and Development/ Building & Safety	Nishil Bali 981-7462
DEPT. TOTAL					\$460,000			400
GRAND TOTAL					\$2,565,376			180

Page 7 of 7



To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Henry Oyekanmi, Director, Finance Department

Subject: Notice of Appropriations Limit for Fiscal Year 2020

RECOMMENDATION

Adopt a Resolution providing notice that: 1) Council will adopt an appropriations limit for Fiscal Year 2020 at its meeting of June 25, 2019; and 2) the amount of the limit and the background material used in its calculation will be available for public review in the City Clerk's Office on or before June 10, 2019.

FISCAL IMPACTS OF RECOMMENDATION

On June 25, 2019, the Council will set the Fiscal Year 2020 appropriations limit. The amount of appropriations subject to the limit is the budgeted proceeds of taxes (e.g., all taxes levied; transfers from an enterprise fund to the extent those transfers exceed the cost of providing the services; discretionary state subventions; interest earned from the investment of proceeds of taxes, etc.), and the total of these budgeted revenues cannot exceed the total appropriations limit. The City's actual appropriations in each fiscal year have been significantly below the limit, as they will be for Fiscal Year 2020. Thus, there are no present fiscal implications of establishing the limit.

CURRENT SITUATION AND ITS EFFECTS

Senate Bill 1352 requires that 1) the governing body of each local jurisdiction shall, by a legislative action, establish its appropriations limit at a regularly scheduled or special meeting and that documentation used in the determination of the appropriations limit shall be made available to the public fifteen days before that meeting. Government Code Section 7910 requires that the City adopt its appropriations limit prior to the beginning of each fiscal year.

This Resolution gives public notice of Council's intent to adopt an appropriations limit for Fiscal Year 2019 at its meeting of June 25, 2019, and that the documents used in calculating the limit will be available for public review on or before June 10, 2019. Proposition 4, approved by the electorate of the State of California via a special election held on November 6, 1979, added Article XIII B to the constitution of the state. It

requires local governments to adopt yearly appropriation limits according to specified formulas, and allows for specified, yearly adjustments of the limit. Proposition 111, approved by the voters June 5, 1990, and changed the Proposition 4 adjustment formulas. Senate Bill 152, Government Code Sections 7900, et. seq, enacted by the Legislature of the State of California, provided for the implementation of Article XIII B defining various terms used in this article and prescribing procedures to be used in implementing specific provisions of the Article.

ENVIRONMENTAL SUSTAINABILITY

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

BACKGROUND

The Finance Department of the City of Berkeley compiles the data and makes calculations incident to the determination of the XIII B appropriations limit. The amount of the Fiscal Year 2020 appropriations limit and the documentation incident to the determination thereof will be available for review by the public in the Office of the City Clerk on or before June 10, 2019, at least fifteen days prior to the Council's scheduled adoption of the appropriation limit, as required by law.

RATIONALE FOR RECOMMENDATION

This is a state law.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Henry Oyekanmi, Director, Finance Department, 981-7326

Attachments:

1: Resolution

PROVIDING NOTICE OF SCHEDULED ADOPTION OF APPROPRIATIONS LIMIT FOR FISCAL YEAR 2020 PURSUANT TO ARTICLE XIII B OF THE CONSTITUTION OF THE STATE OF CALIFORNIA

WHEREAS, on November 6, 1979, the citizens of the State of California approved Proposition 4, which added Article XIII B to the Constitution of the State of California to place various limitations on the fiscal powers of State and local government; and

WHEREAS, Senate Bill 1352, Government Code Section 7900, et. seq. enacted by the Legislature of the State of California, provides for the implementation of Article XIII by defining various terms in this article; and

WHEREAS, the governing body of each jurisdiction is required to establish its appropriations limit at a regularly scheduled meeting or noticed special meeting; and

WHEREAS, 15 days prior to such meeting, the documentation used in the determination of the appropriations limit shall be made available to the public.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council does hereby give notice that it will, at its meeting of June 25, 2019, adopt a Resolution which establishes the appropriations limit for the 2019 Fiscal Year pursuant to Article XIII B of the Constitution of the State of California.

BE IT FURTHER RESOLVED that the documentation used in the determination of the appropriation limit for Fiscal Year 2020 shall be made available for public review in the Office of the City Clerk of the City of Berkeley, 2180 Milvia Street, Berkeley, California, on or before June 10, 2019.



To: Honorable Mayor and Members of the City Council

From: Dee-Williams Ridley, City Manager

Submitted by: Henry Oyekanmi, Director Finance

Subject: Contract No. 9821 Amendment: First Alarm & Security Patrol, Inc., dba

First Security Services for Citywide Unarmed Security Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to increase the not-to-exceed value of Contract No. 9821 by \$365,792 from \$2,784,798 to \$3,150,590. The additional amount is required to fund continued services until October 31, 2019, which corresponds with the projected commencement date of a new contract for Citywide Unarmed Security Services, resulting from Request for Proposal (RFP) #19-11316-C scheduled to close May 30, 2019.

FINANCIAL IMPLICATIONS

On November 18, 2014 Council authorized the City Manager to execute a citywide contract with First Alarm Security & Patrol, Inc., dba First Security Services (First Security) to provide unarmed security services at various City locations and facilities. The original contract term was 2.5-years with the option to extend the term for two additional one-year periods for a maximum 4.5 years, until June 30, 2019. The maximum expenditure authorized was \$2,334,798.

On November 13, 2018 Council authorized the City Manager to increase the not-to-exceed value of the contract from \$2,334,798 to \$2,784,798 to cover anticipated expenditures of Fiscal Year 2019.

As of 31 January 2019, the total outlays for unarmed security services had reached \$2,673,887.22 with an average monthly expenditure of \$60,965. Considering this trend, the estimated expenditures until October 31, 2019 correspond to \$3,150,590, leaving a gap of \$365,792.

The following City departments and locations use the security services subject matter of Contract No. 9821:

PUBLIC WORKS						
1947 Center Street Berkeley, CA 94704	Public Works Building					
2180 Milvia Street	Civic Center Building					
1326 Allston Way	Corporation Yard					
1201 Second Street	Zero Waste/Transfer Station					
2939 Ellis Street	South Senior Center					
1900 Sixth Street	West Senior Center					
PARKS, RECREATION AND WATERFRONT						
201 University Avenue	City of Berkeley Marina					
HEALTH, HOUSING AND COMMUNITY SERVICES						
1521 University Avenue	Mental Health Division					
1890 Alcatraz Avenue Berkeley	Adult Day Health					

The funds for this contract are available in each individual department's budget.

The contract has been used also to provide additional, unanticipated security services to homeless programs on an as-needed basis, as well as coverage for evening commission meetings at the 2180 Milvia and 1947 Center street buildings following the closure of the North Berkeley Senior Center. The Berkeley Public Library receives services from First Security under a separate contract.

CURRENT SITUATION AND ITS EFFECTS

Contract No. 9821 with First Security for Citywide Unarmed Security Guard Services was executed as the result of Request for Proposal (RFP) #14-10839-C, released in March 2014, and Resolution No. 66,839-N.S. The initial contract term was set at 2.5 years, beginning on January 1, 2015 with options to extend the term for two additional 12 months periods. Extensions were optioned allowing service coverage until June 30, 2019.

On November 13, 2018 Council adopted Resolution No. 68,662-N.S. increasing the contract not to exceed value from \$2,334,798 to \$2,784,798. The increase became necessary due to an expanded scope of services that included coverage of homeless shelter facilities, Mental Health facility moves and evening commission meetings at 2180 Milvia and 1947 Center Street buildings. The expanded scope of services, along

with the increases in the City of Berkeley's Living Wage affected the expenditures under contract No. 9821, depleting the initial authorized expenditure amounts.

On April 2, 2019 Council approved the recommendation to issue Request for Proposal (RFP) No. 19-11316-C in order to award a new contract for citywide unarmed security guard services. The General Services Division released RFP 19-11316-C on April 4, 2019 with submission deadline on May 30, 2019. Considering the current solicitation lead times and taking into account Council's summer recess, the new contract for citywide unarmed security guard services will be foreseeably awarded in October 2019.

In order to secure the continuity of citywide security services through the execution of a new contract pursuant to RFP 19-11316-C, authorization to expend an additional \$365,792 is needed, increasing the total authorized expenditure to \$3,150,590 for the 4.5 year period.

BACKGROUND

The City has contracted with various security service companies over the years. The City has neither the internal capacity nor the expertise to insource services of this nature; therefore, outsourcing continues to represent the best solution in terms of efficiency, economy and flexibility. Additionally, the option of a citywide contract that aggregates departments' needs under one comprehensive contract elicits benefits that result from: having a single point of contact and accountability, quarterly performance reports that help target problem areas and versatility in shift rotations and shift management.

ENVIRONMENTAL SUSTAINABILITY

First Security minimized the distribution of paper reports catering to City's sustainability goals.

RATIONALE FOR RECOMMENDATION

An increase in the not to exceed value is necessary to secure continuity of services until 31 October 2019, when RFP 19-11316-C is expected to conclude and a new contract is established.

ALTERNATIVE ACTIONS

Alternatives would induce discontinuity of services.

CONTACT PERSON

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

Attachments:

1: Resolution

CONTRACT NO. 9821 AMENDMENT: FIRST ALARM SECURITY & PATROL, INC., DBA FIRST SECURITY SERVICES FOR CITYWIDE SECURITY SERVICES

WHEREAS, security services are required at various City locations and facilities; and

WHEREAS, in March 2014, the City issued a Request for Proposal ("RFP") for Citywide Security Services; and

WHEREAS, of the twenty-two (22) responsive proposals submitted First Alarm Security & Patrol, Inc., dba First Security Services (First Security) offered, based on the selection criteria of the RFP, the best overall value to the City; and

WHEREAS, on November 18, 2014 Council adopted Resolution No. 66,839 and authorized the City Manager to execute a contract with First Security; and

WHEREAS, on November 13, 2018 Council adopted Resolution No. 68,662-N.S. increasing the contract not to exceed value from \$2,334,798 to \$2,784,798; and

WHEREAS, on April 2, 2019 Council approved the issuance of RFP No. 19-11316-C in order to source and award a new contract for citywide unarmed security guard services as of November 1, 2019; and

WHEREAS, funds for this contract will be made available in each using department's budget for the FY2020 and subsequent periods.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to amend Contract No. 9821 with First Alarm Security & Patrol, Inc., dba First Security Services for citywide security services to increase the not to exceed value of the contract, from \$2,784,798 to \$3,150,590 to cover anticipated expenditures until October 31, 2019.



To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Scott Ferris, Director, Parks, Recreation, and Waterfront

Subject: Contract: Pyro Spectaculars North, Inc. for fireworks for the Fourth

of July and Winter on the Waterfront Special Events

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to execute a contract with Pyro Spectaculars North, Inc. in the amount of \$82,500 for fireworks for the Fourth of July and Winter on the Waterfront special events in 2019, with an option for events in 2020 depending on the availability of funds.

FISCAL IMPACTS OF RECOMMENDATION

The total not-to-exceed cost for fireworks displays over the next two years is \$82,500. Funding for the first year costs (\$41,000) is available in the FY 2019 budget, Marina Fund (608) and the General Fund (011). The second year costs (\$41,500) are included as an option, and will be exercised depending on funding availability and appropriated in the annual appropriations ordinance in FY 2020.

CURRENT SITUATION AND ITS EFFECTS

On April 5, 2019, the City published a Request for Proposals (RFP) for fireworks displays at the Berkeley Waterfront (Specification number 19-113311). No responses were received. As a result, staff contacted the previous vendor for this service, Pyro Spectaculars North, Inc., and negotiated an appropriate contract and scope of services to provide fireworks for the Fourth of July and Winter on the Waterfront events at the Berkeley Waterfront in 2019, with an option for events in 2020 depending on the availability of funds.

BACKGROUND

For many years, the Parks, Recreation, and Waterfront Department has contracted with a vendor for the fireworks show for the Fourth of July Celebration at the Berkeley Waterfront. In the past two years, the Department has also had a fireworks show at a new event called Winter on the Waterfront. These events are free to the general public and are well attended.

Page 2 of 3

Contract with Pyro Spectacular, Inc for Fireworks at July 4th and Winter on the Waterfront events

CONSENT CALENDAR May 28, 2019

ENVIRONMENTAL SUSTAINABILITY

There are no environmental impacts associated with this contract.

RATIONALE FOR RECOMMENDATION

The City has contracted with Pyro Spectacular, Inc. for fireworks shows at the Berkeley Waterfront for many years. The contractor consistently provides quality shows that are safe and cost effective.

CONTACT PERSON

Alexandra Endress, Waterfront Manager, 981-6737 Stephen Bogner, Waterfront Supervisor, 981-6744

Attachments:

1. Resolution

CONTRACT: PYRO SPECTACULARS NORTH, INC. FOR THE FOURTH OF JULY AND WINTER ON THE WATERFRONT SPECIAL EVENTS IN 2019, WITH AN OPTION FOR EVENTS IN 2020 DEPENDING ON THE AVAILABILITY OF FUNDS

WHEREAS, for many years, the Parks, Recreation, and Waterfront Department has contracted with a vendor for the fireworks show for the Fourth of July Celebration at the Berkeley Waterfront. In the past two years, the Department has also had a fireworks show at a new event called Winter on the Waterfront. These events are free to the general public and are well attended; and

WHEREAS, on April 5, 2019, the City published a Request for Proposals (RFP) for fireworks displays at the Berkeley Waterfront (Specification number 19-113311). No responses were received. As a result, staff contacted the previous vendor for this service, Pyro Spectaculars North, Inc., and negotiated an appropriate contract and scope of services to provide fireworks for the Fourth of July and Winter on the Waterfront events at the Berkeley Waterfront in 2019, with an option for events in 2020 depending on the availability of funds; and

WHEREAS, the total not-to-exceed cost for fireworks displays over the next two years is \$82,500. Funding for the first year costs (\$41,000) is available in the FY19 budget, Marina Fund (608) and the General Fund (011). The second year costs (\$41,500) are included as an option, and will be exercised depending on funding availability and will be appropriated in the annual appropriations ordinance in FY20.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to execute a contract and any amendments with Pyro Spectacular, Inc. in the amount of \$82,500 for fireworks for the Fourth of July and Winter on the Waterfront special events in 2019, with an option for events in 2020 depending on the availability of funds. A record signature copy of said contract will be on file in the Office of the City Clerk.



To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Scott Ferris, Director, Parks Recreation & Waterfront

Subject: Contracts: As-needed Tree Services

RECOMMENDATION

Adopt four (4) Resolutions authorizing the City Manager to execute the following contracts, and any amendments, extensions, or other change orders for tree services as-needed, each for a period of May 29, 2019 to May 28, 2022:

- 1. Bay Area Tree Specialists, for an amount not to exceed \$200,000.
- 2. Hamilton Tree Service, Inc., for an amount not to exceed \$200,000.
- 3. The Professional Tree Care Company, for an amount not to exceed \$200,000.
- 4. West Coast Arborists, Inc., for an amount not to exceed \$200,000.

FISCAL IMPACTS OF RECOMMENDATION

Funding is available in the Fiscal Year (FY) 2020 budget in the Parks Tax Fund (138-52-542-566-0000-000-461-612990) and the Fire Fuel Abatement Fund (011-52-542-567-0000-000-461-612990).

CURRENT SITUATION AND ITS EFFECTS

As-needed tree services are needed from qualified contractors at various parks and pathways. These services include tree and stump removals, pruning, and fire fuel and other brush clearing, all of which may need to be timely, especially after storms. The trees may be located in difficult to access locations, be exceptionally large, require road closures or utility services to be interrupted, or need to be removed in a timely manner to reduce fire fuel volumes.

BACKGROUND

The Urban Forestry Unit of the Parks, Recreation and Waterfront Department contracts with private companies for the removal of public trees that are dead, diseased, dying, hazardous to life or property, or causing substantial property damage; and the

pruning of specific public trees to improve their safety. On Thursday, April 11, 2019, the City published a Request for Qualifications (RFQ) seeking qualified firms or individuals to provide tree services on an as-needed basis (Specification No. 19-11309-C).

On May 2, 2019, the City received Statements of Qualifications (SOQs) from seven (7) tree services firms. A panel of City staff reviewed the SOQs and selected Bay Area Tree Specialists, Hamilton Tree Service, Inc., The Professional Tree Care Company, and West Coast Arborists, Inc. as the best qualified firms to meet the City's needs.

ENVIRONMENTAL SUSTAINABILITY

Section D.2 in chapter 3 of the City's **Climate Action Plan** seeks to promote tree planting, landscaping, and the creation of green and open space that is safe and attractive and that helps to restore natural processes with significant environmental benefits in the form of carbon dioxide absorption and oxygen production as well as storm water retention, and climate control. These services contracts are an essential component in the proper maintenance of the City's urban forest.

RATIONALE FOR RECOMMENDATION

The Parks, Recreation and Waterfront Department has evaluated the ongoing needs for tree removal and pruning services and has determined that Bay Area Tree Specialists, Hamilton Tree Service, Inc., The Professional Tree Care Company, and West Coast Arborists, Inc. best meets the requirements as set out in the bid specification (19-11309-C). Additionally, these contracts will expand the City's capacity to respond to emergencies, such as extreme or prolonged storms, that might otherwise exceed the capacity of limited City Urban Forestry resources.

ALTERNATIVE ACTIONS CONSIDERED

No alternative actions were considered. The City needs assistance from tree contractors to provide as-needed services quickly and safely.

CONTACT PERSON

Scott Ferris, Director, Parks Recreation & Waterfront, 981-6700 Dan Gallagher, Senior Forestry Supervisor, PRW, 981-6687

Attachments:

- 1. Resolution: Contract with Bay Area Tree Specialists
- 2. Resolution: Contract with Hamilton Tree Service, Inc.
- 3. Resolution: Contract with The Professional Tree Care Company
- 4. Resolution: Contract with West Coast Arborists, Inc.

CONTRACT: BAY AREA TREE SPECIALISTS FOR AS-NEEDED TREE SERVICES

WHEREAS, the Urban Forestry Unit of the Parks, Recreation and Waterfront Department contracts with private companies for the removal of public trees that are dead, diseased, dying, hazardous to life or property, or causing substantial property damage; and the pruning of specific public trees to improve their safety; and

WHEREAS, on April 11, 2019, the City published a Request for Qualifications seeking firms or individuals to provide as-needed tree services (Specification No. 19-11309-C); and

WHEREAS, on May 2, 2019, the City received seven (7) submissions, which were reviewed and rated; and

WHEREAS, Bay Area Tree Specialists was determined to be fully qualified and responsive to the City's request; and

WHEREAS, the desired tree services firms will be available on an as-needed basis over a three-year period for an amount not to exceed \$200,000; and

WHEREAS, funding is available in the Fiscal Year (FY) 2020 budget from the Parks Tax Fund (138) and the Fire Fuel Abatement Fund (011).

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley authorizes the City Manager to execute a contract and any amendments, extensions, or change orders with Bay Area Tree Specialists for as-needed tree services for the contract period of May 29, 2019 through May 28, 2022 in an amount not to exceed \$200,000. A record signature copy of the agreement and any amendments to be on file in the Office of the City Clerk.

CONTRACT: HAMILTON TREE SERVICE, INC. FOR AS-NEEDED TREE SERVICES

WHEREAS, the Urban Forestry Unit of the Parks, Recreation and Waterfront Department contracts with private companies for the removal of public trees that are dead, diseased, dying, hazardous to life or property, or causing substantial property damage; and the pruning of specific public trees to improve their safety; and

WHEREAS, on April 11, 2019, the City released a Request for Qualifications (Specification No. 19-11309-C) seeking firms or individuals to provide as-needed tree services; and

WHEREAS, on May 2, 2019, the City received seven (7) submissions, which were reviewed and rated; and

WHEREAS, the submission from Hamilton Tree Service, Inc. was determined to be fully qualified and responsive to the City's request; and

WHEREAS, the desired tree services firms will be available on an as-needed basis over a three-year period for an amount not to exceed \$200,000; and

WHEREAS, funding is available in the Fiscal Year (FY) 2020 budget from the Parks Tax Fund (138) and the Fire Fuel Abatement Fund (011).

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley authorizes the City Manager to execute a contract and any amendments, extensions, or change orders with Hamilton Tree Service, Inc. for as-needed tree services for the contract period of May 29, 2019 through May 28, 2022 in an amount not to exceed \$200,000. A record signature copy of the agreement and any amendments to be on file in the Office of the City Clerk.

CONTRACT: THE PROFESSIONAL TREE CARE COMPANY FOR AS-NEEDED TREE SERVICES

WHEREAS, the Urban Forestry Unit of the Parks, Recreation and Waterfront Department contracts with private companies for the removal of public trees that are dead, diseased, dying, hazardous to life or property, or causing substantial property damage; and the pruning of specific public trees to improve their safety; and

WHEREAS, on April 11, 2019, the City released a Request for Qualifications (Specification No. 19-11309-C) seeking firms or individuals to provide as-needed tree services; and

WHEREAS, on May 2, 2019, the City received seven (7) submissions, which were reviewed and rated; and

WHEREAS, the submission from The Professional Tree Care Company was determined to be fully qualified and responsive to the City's request; and

WHEREAS, the desired tree services firms will be available on an as-needed basis over a three-year period for an amount not to exceed \$200,000; and

WHEREAS, funding is available in the Fiscal Year (FY) 2020 budget from the Parks Tax Fund (138) and the Fire Fuel Abatement Fund (011).

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley authorizes the City Manager to execute a contract and any amendments, extensions, or change orders with The Professional Tree Care Company for as-needed tree services for the contract period of May 29, 2019 through May 28, 2022 in an amount not to exceed \$200,000. A record signature copy of the agreement and any amendments to be on file in the Office of the City Clerk.

CONTRACT: WEST COAST ARBORISTS, INC. FOR AS-NEEDED TREE SERVICES

WHEREAS, the Urban Forestry Unit of the Parks, Recreation and Waterfront Department contracts with private companies for the removal of public trees that are dead, diseased, dying, hazardous to life or property, or causing substantial property damage; and the pruning of specific public trees to improve their safety; and

WHEREAS, on April 11, 2019, the City released a Request for Qualifications (Specification No. 19-11309-C) seeking firms or individuals to provide as-needed tree services; and

WHEREAS, on May 2, 2019, the City received seven (7) submissions, which were reviewed and rated; and

WHEREAS, the submission from West Coast Arborists, Inc. was determined to be fully qualified and responsive to the City's request; and

WHEREAS, the desired tree services firms will be available on an as-needed basis over a three-year period for an amount not to exceed \$200,000; and

WHEREAS, funding is available in the Fiscal Year (FY) 2020 budget from the Parks Tax Fund (138) and the Fire Fuel Abatement Fund (011).

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley authorizes the City Manager to execute a contract and any amendments, extensions, or change orders with West Coast Arborists, Inc. for as-needed tree services for the contract period of May 29, 2019 through May 28, 2022 in an amount not to exceed \$200,000. A record signature copy of the agreement and any amendments to be on file in the Office of the City Clerk.



Office of the City Manager

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Scott Ferris, Director, Parks Recreation & Waterfront

Subject: Contract No. 10786 (117934-1) Amendment: Redwood Engineering for

Parks Playground Surfacing and Pathway Repairs

RECOMMENDATION

Adopt a resolution authorizing the City Manager to amend Contract No. 10786 (117934-1) with Redwood Engineering Construction for parks playground surfacing and pathway repairs, increasing the amount by \$75,000 for an amended total amount not to exceed \$274,000.

FISCAL IMPACTS OF RECOMMENDATION

Funding for this contract amendment of \$75,000 is available in the FY 2019 budget in the Parks Tax Fund (budget code 138-52-545-000-0000-000-461-663110).

Current contract not-to-exceed (NTE) amount.	\$199,000
Parks Tax Fund (Fund 138)	\$75,000
Total construction cost	\$274,000

CURRENT SITUATION AND ITS EFFECTS

The City currently has a contract with Redwood Engineering to repair play surfaces and pathways at various parks throughout the City (Contract No. 10786 (117934-1). Todate, staff has identified additional parks where safety repairs to play surfaces and pathways are needed: Glendale La Loma Park, Strawberry Creek Park, and Aquatic Park, and has identified Parks Tax funds to cover this work. A contract amendment (change order) for this work will bring the contract total above the \$200,000 threshold for construction contracts and therefore requires Council approval.

BACKGROUND

In October 2017, the City solicited quotes for the Parks Playground Surfacing and Pathway Repair Project. On November 30, 2017, the City determined that Redwood Engineering was the lowest responsive and responsible bidder, and executed contract No. 117934-1 (No. 10786). To-date, the contractor has done repairs at the following parks: Strawberry Creek Park; Civic Center Park; Thousand Oaks Park playstructure;

Page 2 of 3

Contract No. 10786 (117934-1): Redwood Engineering – Parks Playground Surfacing and Pathway Repairs

CONSENT CALENDAR May 28, 2019

Cedar Rose Park pathway and playstructures; Grove Park pathway and playstructure; and King School Park pathway and playstructure.

ENVIRONMENTAL SUSTAINABILITY

The construction contract includes requirements to comply with the City's Environmentally Preferable Purchasing Policy. The project involves repairs to existing parks and therefore will not negatively affect natural habitat.

RATIONALE FOR RECOMMENDATION

Staff has identified cost savings in other parks projects and has identified additional repairs needed at parks playground surfacing and pathways. Redwood Engineering is currently under an existing contract and has performed these repairs in City parks in a cost-effective and efficient manner. The City does not have the in-house labor or equipment resources to complete these construction repair activities.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

Scott Ferris, Director, Parks Recreation & Waterfront, 981-6700 Bruce Pratt, Senior Building Maintenance Supervisor, PRW, 981-6632

Attachments:

1: Resolution

Page 3 of 3

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

CONTRACT NO. 10786 (117934-1) AMENDMENT: REDWOOD ENGINEERING FOR PARKS PLAYGROUND SURFACING AND PATHWAY REPAIRS

WHEREAS, in October 2017, the City solicited quotes for the Parks Playground Surfacing and Pathway Repair Project; and

WHEREAS, on November 30, 2017, the City determined that Redwood Engineering was the lowest responsive and responsible bidder, and executed contract no. 10786 (117934-1); and

WHEREAS, to-date, staff has identified additional parks where safety repairs to play surfaces and pathways are needed: Glendale La Loma Park, Strawberry Creek Park, and Aquatic Park, and has identified Parks Tax funds to cover this work; and

WHEREAS, funding for this contract amendment of \$75,000 is available in the FY 2019 budget in the Parks Tax Fund (budget code 138-52-545-000-0000-000-461-663110).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute an amendment to Contract No. 10786 (117934-1) with Redwood Engineering for parks playground surfacing and pathway repairs, increasing the amount by \$75,000 for an amended total amount not to exceed \$274,000.



Office of the City Manager

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Scott Ferris, Director of Parks Recreation & Waterfront

Subject: Contract: School Bus Transportation from First Student, Inc. for

Berkeley Day Camp and Recreation Programs

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a contract with First Student, Inc. to provide school bus transportation services for Berkeley Day Camp and other summer Recreation Division programs for a not-to-exceed total amount of \$423,000 for three years, including a one (1) year period, beginning June 10, 2019 and ending June 30, 2020, with the option to extend for up to two (2) additional years with City Manager approval, contingent upon annual budget appropriations.

FISCAL IMPACTS OF RECOMMENDATION

Funds in the amount of \$141,000/year are budgeted for FY20 and FY21 in the Camps Fund (Fund 125) and General Fund (Fund 011). The balance will be included as needed in the FY22 budget.

CURRENT SITUATION AND ITS EFFECTS

In March 2019, the City conducted a Request For Proposal process for School Bus Transportation Services For Berkeley Day Camp and Select Recreation Division Summer Programs and Field Trips, including Teens, Pre-K, Community Centers, and summer camps. 30 vendors were invited to submit proposals, but no proposals were received by the initial deadline. City Staff then negotiated with First Student, Inc., and determined their services would meet City needs. As a result, staff recommends Council approval of a contract for a not-to-exceed total amount of \$423,000 for three years, including a one-year period beginning June 1, 2019 and ending June 1, 2020, with the option to extend for up to two (2) additional years with City Manager approval.

BACKGROUND

The City of Berkeley Day Camp Program, Teen Programs, Pre-K Programs, Community Centers, and other Summer Camps offer bus transportation as part of the program to and from program sites during summer programs and throughout the year. The City has previously entered into contract for school bus transportation services for these programs. In 2014, the City released a Request For Proposal (RFP), obtained quotes, and selected Berkeley Unified School District (BUSD) for school bus transportation

Contract: Bus Service for Berkeley Day Camp

CONSENT CALENDAR May 28, 2019

contract services. Berkeley Unified School District did not submit a proposal for this service in 2019.

ENVIRONMENTAL SUSTAINABILITY

By providing bus transportation to and from camp, the number of cars on the road is reduced as are carbon emissions. First Student is committed to maintaining carbon-competitive services by consistently and continuously pursuing new and expanded green initiatives. Their key climate change commitments include:

- Working actively with suppliers to improve the fuel efficiency of vehicles.
- Reporting annually on greenhouse gas emissions from all owned vehicles and property.
- Actively promote improved energy efficiency and fuel efficiency.
- Supporting research into transportation policy and the use of alternative fuels, staying abreast of alternative fuel developments, and assessing their commercial viability.

RATIONALE FOR RECOMMENDATION

First Student, Inc. was determined to be a responsive and responsible bidder for school bus transportation services for the City's Berkeley Day Camp and other Recreation Division programs. First Student's proposal best meets the needs of the City.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Denise Brown, Recreation and Youth Services Manager, 981-6707

Attachments:

1: Resolution

RESOLUTION NO. -N.S.

CONTRACT: SCHOOL BUS TRANSPORTATION SERVICES FROM FIRST STUDENTS, INC. FOR BERKELEY DAY CAMP AND OTHER RECREATION DIVISION PROGRAMS INCLUDING TEENS, PRE-K, COMMUNITY CENTERS, SHOREBIRD NATURE CENTER, AND SUMMER CAMPS

WHEREAS, the Parks Recreation & Waterfront Department provides bus transportation services for Berkeley Day Camp, Teen Programs, Pre-K programs, community center programs, summer field trips, summer camps, and other Recreation Division programs; and

WHEREAS, in March 2019, the City conducted a Request For Proposal process for School Bus Transportation Services for Berkeley Day Camp and other Select Recreation Division Programs and no proposals were received, and the City negotiated with First Student, Inc. who was determined to be a responsive and responsible bidder; and

WHEREAS, funds in the amount of \$141,000/year are budgeted for FY20 and FY21 in the Camps Fund (Fund 125) and General Fund (Fund 011); and additional amounts will be budgeted in future years.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized to execute a contract with First Student, Inc. to provide school bus transportation for Berkeley Day Camp, Teen Programs, Pre-K programs, community center programs, summer field trips, summer camps, and other Recreation Division programs for a not-to-exceed total amount of \$423,000 over three years, including a one-year period, beginning, June 10, 2019 and ending June 30, 2020, with the option to extend for up to two (2) additional years with City Manager approval, contingent upon annual budget appropriations. A record signature copy of said contract amendment to be on file in the Office of the City Clerk.



To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Phillip L. Harrington, Director, Public Works

Subject: Reject Bids and Negotiate in the Open Market for the Public Safety Building

Envelope Repair Project, Specification No. 18-11263-C

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to reject bids and direct staff to negotiate in the open market for construction work associated with the Public Safety Building Envelope Repair Project, Specification No. 18-11263-C in accordance with Article XI, Public Works and Supplies, Section 67 (a.) of the City Charter.

FISCAL IMPACTS OF RECOMMENDATION

Funding is available from the Capital Improvement Fund. There are no fiscal impacts until a contract is negotiated, but the estimated budget is \$139,066.

CURRENT SITUATION AND ITS EFFECTS

The Public Safety Building Envelope Repair Project was advertised for bids on August 16, 2018, and the bid opening was on September 13, 2018. One bid of \$178,000 was received from Ashron Construction and Restoration, Inc. (Ashron). The bid amount submitted by Ashron exceeds the City's construction budget of \$139,066. Staff believes the project can be negotiated in the open market in accordance with the City Charter Article XI, Public Works and Supplies, Section 67(a.).

BACKGROUND

The Public Safety Building has had a long history of water intrusion along the south wall, which causes water damage in the affected area. Comprehensive inspections and leak investigations were performed in June 2016. The investigations determined the leak source to be defective plastic cement finish around the windows and the main door. Public Works staff worked with a consultant to develop a leak repair design to address this issue.

The Public Safety Building leak repair project is part of the Strategic Plan. This project supports the Strategic Plan goals of creating a resilient, safe, connected, and prepared city and state-of-the-art, well-maintained infrastructure, amenities, and facilities.

CONSENT Calendar May 28, 2019

ENVIRONMENTAL SUSTAINABILITY

There are no anticipated negative environmental effects of this action. The leak upgrades will reduce energy consumption due to improved insulation of the walls and windows.

RATIONALE FOR RECOMMENDATION

The City cannot accept the bid from Ashron Construction and Restoration because it exceeds the City's cost estimate and entire budget for the project. The City does not have the available in-house work force to perform the construction services required for this type of project.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Andrew Brozyna, Deputy Director, Public Works (510) 981-9396 Elmar Kapfer, Supervising Civil Engineer, Public Works (510) 981-6435

Attachments:

1. Resolution

REJECT BIDS AND NEGOTIATE IN THE OPEN MARKET FOR THE PUBLIC SAFETLY BUILDING ENVELOPE REPAIR PROJECT, SPECIFICATION NO. 18-11263-C

WHEREAS, the Public Safety Building Envelope Repair Project is necessary to address the leaks at south wall of the Public Safety Building; and

WHEREAS, the City does not have the in-house labor necessary to construct the Public Safety Building Envelope Repair Project; and

WHEREAS, plans and specifications were released for bid on August 16, 2018, and on September 13, 2018 one bid was received, which exceeded the City's cost estimate and available budget for the project; and

WHEREAS, staff is recommending Council reject the one bid, and authorize the City Manager to negotiate the project in the open market in accordance with the City Charter Article XI, Public Works and Supplies, Section 67(a); and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the bid received for Specification No.18-11263-C, Public Safety Building Envelope Repair Project is rejected.

BE IT FURTHER RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to negotiate on the open market with contractors for the Public Safety Building Envelope Repair Project.



To: Honorable Mayor and Members of the City Council

From: Mayor Jesse Arreguín and Councilmembers Sophie Hahn and Ben Bartlett

Subject: Support of SB 48 – Right to Shelter

RECOMMENDATION

Adopt a Resolution supporting SB 48 – Right to Shelter, introduced by State Senator Scott Wiener. Send a copy of the Resolution to Governor Gavin Newsom, State Senators Nancy Skinner and Scott Wiener, and Assemblymember Buffy Wicks.

BACKGROUND

It is undeniable that California is in a homeless crisis. While the state accounts for around 15% of the country's population, it is home to about a quarter of the country's homeless population. According to the Public Policy Institute of California, California is home to about half of the nation's unsheltered homeless population, showing that California is far behind other states in its ability to provide shelters. In fact, as of 2018, 69% of California's homeless were unsheltered, compared to a nationwide average of 35%.

According to the 2017 EveryOne Home survey, Berkeley's homeless population was 972, with 68% being unsheltered. While the City has expanded the number of shelters and beds since 2017, a City report from March 2019 concludes that over the course of a year, up to 2,000 people experience homelessness of some duration in Berkeley. In January 2016, the Berkeley City Council declared a Homeless Shelter Crisis (Resolution No. 67,357-N.S.) which waived permitting requirements to the creation of new shelters among other points. The declaration was renewed in October 2017 (Resolution No. 68,206–N.S.), extending it to January 2020. In February 2019, the Council voted to call upon the State of California to declare a statewide homeless crisis (Resolution No. 68,792-N.S.).

A recent high profile battle over the creation of shelters took place in San Francisco, where opponents of the proposed Embarcadero Navigation Center raised over \$100k on GoFundMe to fight the project (only to be outdone by a competing GoFundMe by supporters of the project). While the San Francisco Port Commission unanimously approved the project on April 23rd, nearby condo owners are threatening litigation to stop the project going forward. This example highlights the painful divisions in society on how to deal with the homeless crisis and shows the major hurdles that can take place to move forward on the creation of new shelters.

SB 48, introduced by State Senator Scott Wiener, would allow for by-right approval of shelters. Beyond being in compliance with state and local building and health and safety codes, such shelters must allow for the storage of possessions, allow individuals to remain with partners and pets, provide accommodations for those with disabilities, and provide services to connect people with permanent housing. Additionally, the bill would prohibit the use of parking requirements for shelters.

FINANCIAL IMPLICATIONS

None

ENVIRONMENTAL SUSTAINABILITY

The creation of more emergency shelters would reduce the number of people living on the streets, therefore reducing the environmental health impacts associated with such conditions.

CONTACT PERSON

Mayor Jesse Arreguín 510-981-7100

Attachments:

- 1: Resolution
- 2: Text of SB 48
- 3: SB 48 Factsheet

IN SUPPORT OF SB 48 - RIGHT TO SHELTER

WHEREAS, despite accounting for around 15% of the country's population, California is home to about a quarter of the nation's homeless population and half of the unsheltered homeless population; and

WHEREAS, in 2018, 69% of California's homeless population was unsheltered, compared to a nationwide average of 35%, showing that California is far behind other states in its ability to provide shelters; and

WHEREAS, in January 2016, the Berkeley City Council approved Resolution No. 67,357-N.S., declaring a Homeless Shelter Crisis which waived permitting requirements to the creation of new shelters among other points; and

WHEREAS, this declaration was renewed in October 2017 under Resolution No. 68,206–N.S., extending it to January 2020; and

WHEREAS, in February 2019, the Council approved Resolution No. 68.792-N.S., calling upon the State of California to declare a statewide homeless crisis; and

WHEREAS, the opening of new shelters to provide reprieve to the state's growing homeless population has come across challenges, most notably the fight to open San Francisco's largest navigation shelter at the Embarcadero; and

WHEREAS, the struggle to open up new shelters shows that major hurdles are in place which must be addressed in order to meet the needs of the unsheltered population; and

WHEREAS, SB 48, introduced by State Senator Scott Wiener, would allow for by-right approval of shelters; and

WHEREAS, such shelters must allow for the storage of possessions, allow individuals to remain with partners and pets, provide accommodations for those with disabilities, and provide services to connect people with permanent housing; and

WHEREAS, SB 48 would ensure that shelters are available throughout the entire state, creating a geographically equitable approach while addressing the needs of the unsheltered population.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it hereby supports SB 48 – Right to Shelter.

BE IT FURTHER RESOLVED that copies of this Resolution be sent to Governor Gavin Newsom, State Senators Nancy Skinner and Scott Wiener, and Assemblymember Buffy Wicks.

AMENDED IN SENATE APRIL 29, 2019 AMENDED IN SENATE MARCH 25, 2019 AMENDED IN SENATE MARCH 6, 2019

SENATE BILL

No. 48

Introduced by Senator Wiener

December 3, 2018

An act to amend Section 65583 of, and to add *and repeal* Article 12 (commencing with Section 65660) to of Chapter 3 of Division 1 of Title 7 of, the Government Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

SB 48, as amended, Wiener. Interim—housing shelter intervention developments.

(1) The Planning and Zoning Law requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city that includes a housing element. Existing law requires that the housing element identify adequate sites for housing, including rental housing, factory-built housing, mobilehomes, and emergency shelters, and to make adequate provision for the existing and projected needs of all economic segments of a community. Existing law requires that supportive housing be a use by right, as defined, in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses, if the proposed housing development meets specified requirements.

This bill would revise the requirements of the housing element, as described above, in connection with the identification of zones where emergency shelters are allowed as a permitted used with a conditional use or other discretionary permit. The bill would generally require that

 $SB 48 \qquad \qquad -2-$

emergency shelters be in areas that allow residential use, including mixed-use areas, but would permit designation in industrial zones if a local government can demonstrate that the zone is connected to specified amenities and services. The bill would remove the authorization granted to local government to require off-street parking, as specified, in connection with standards applied to emergency shelters. The bill would require that zones where emergency shelters are allowed include sites that meet at least one of certain prescribed standards.

(2) The Planning and Zoning Law requires that supportive housing be a use by right, as defined, in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses, if the proposed housing development meets specified requirements.

This bill would require that an interim shelter intervention development be a use by right, as defined, in areas zoned for mixed uses if it meets specified requirements. The bill would define "interim shelter intervention" as housing or shelter in which a resident may live temporarily while waiting to move into permanent housing. The bill would authorize these developments to include recuperative or respite care, motel vouchers, navigation centers, transitional housing, and emergency shelters. The bill would define the term "use by right" in this context-would to mean that the local government's review of the interim shelter intervention may not impose certain requirements, such as a conditional use permit or other discretionary-local government review or approval could not be imposed on an interim shelter intervention if it meets specified requirements. approval. The bill would require that an interim shelter intervention development meet state and local health and safety requirements and state and local building codes and, among other things, that it allow for the presence of partners, pets, and the storage of possessions. The bill also would require that an interim shelter intervention development provide accommodations for people with-disabilities, disabilities and services to connect people to permanent housing. The bill would prohibit a local jurisdiction from imposing parking requirements on an interim shelter intervention development.

The bill would prescribe requirements for notifying a developer that its application for an interim housing intervention is complete and for the local jurisdiction to complete its review of the application. The bill would declare that interim housing intervention developments are essential tools for alleviating the homelessness crisis in this state and

-3-**SB 48**

are a matter of statewide concern and thus applicable to charter cities. The bill would make legislative findings and declarations.

The bill would repeal these provisions as of January 1, 2027. -By

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- (3) By increasing the duties of local planning officials, this bill would impose a state-mandated local program.
- (2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

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

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

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

- 1 SECTION 1. The Legislature finds and declares all of the 2 following:
 - (a) Homelessness in California is no longer confined to urban corridors. It pervades both urban and rural communities across the state and puts stress on local resources, from emergency rooms to mental health and social services programs to jails.
 - (b) California has a growing homelessness crisis. Homelessness is a diverse problem, but one glaring aspect of the problem is the number of unsheltered homeless in our state. California accounts for about one-half of all unsheltered homeless in the nation, despite having about 15 percent of our nation's homeless population. Further, of the 130,000 homeless people living in California, 69 percent are unsheltered.
 - (c) The homelessness crisis is driven by the lack of affordable rental housing for people with lower incomes. The state recognizes that while shelter solves sleep, only permanent housing solves homelessness.
 - (d) People experiencing homelessness deserve to be treated with dignity and respect, and to have access to decent, affordable places to live. Interim interventions, like shelters and navigation centers, allow people to access services more easily and connect to permanent housing. Therefore, it is the intention of the Legislature to create permanent solutions for California's homeless population by promoting interim housing intervention developments that

SB 48 —4—

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provide residents both shelter and access to the services necessary
 to get permanent housing.

- SEC. 2. Section 65583 of the Government Code is amended to read:
- 65583. The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, mobilehomes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community. The element shall contain all of the following:
- (a) An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs. The assessment and inventory shall include all of the following:
- (1) An analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected housing needs for all income levels, including extremely low income households, as defined in subdivision (b) of Section 50105 and Section 50106 of the Health and Safety Code. These existing and projected needs shall include the locality's share of the regional housing need in accordance with Section 65584. Local agencies shall calculate the subset of very low income households allotted under Section 65584 that qualify as extremely low income households. The local agency may either use available census data to calculate the percentage of very low income households that qualify as extremely low income households or presume that 50 percent of the very low income households qualify as extremely low income households. The number of extremely low income households and very low income households shall equal the jurisdiction's allocation of very low income households pursuant to Section 65584.
- (2) An analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition.
- 39 (3) An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and

5 SB 48

demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites.

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- (4) (A) The identification of a zone or zones within zones that allow residential use, including mixed-use areas, where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. A local government may designate zones for emergency shelters in an industrial zone if the local government demonstrates that the zone is connected to amenities and services that serve people experiencing homelessness. Shelters shall include other interim interventions, including, but not limited to, navigation centers, bridge housing, and respite or recuperative care. The identified zone or zones shall include sufficient capacity to accommodate the need for emergency shelter identified in paragraph (7), except that each local government shall identify a zone or zones that can accommodate at least one year-round emergency shelter. If the local government cannot identify a zone or zones with sufficient capacity, the local government shall include a program to amend its zoning ordinance to meet the requirements of this paragraph within one year of the adoption of the housing element. The local government may identify additional zones where emergency shelters are permitted with a conditional use permit. The local government shall also demonstrate that existing or proposed permit processing, development, and management standards are objective and encourage and facilitate the development of, or conversion to, emergency shelters. Emergency shelters shall only be subject to those development and management standards that apply to residential or commercial development within the same zone except that minimum parking requirements shall not be imposed. A local government may apply the following written, objective standards to emergency shelters:
- (i) The maximum number of beds or persons permitted to be served nightly by the facility.
- (ii) The size and location of exterior and interior onsite waiting and client intake areas.
 - (iii) The provision of onsite management.
- (iv) The proximity to other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart.
 - (v) The length of stay.

 $SB 48 \qquad -6-$

(vi) Lighting.

- (vii) Security during hours that the emergency shelter is in operation.
- (B) The permit processing, development, and management standards applied under this paragraph shall not be deemed to be discretionary acts within the meaning of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).
- (C) A local government that can demonstrate to the satisfaction of the department the existence of one or more emergency shelters either within its jurisdiction or pursuant to a multijurisdictional agreement that can accommodate that jurisdiction's need for emergency shelter identified in paragraph (7) may comply with the zoning requirements of subparagraph (A) by identifying a zone or zones where new emergency shelters are allowed with a conditional use permit.
- (D) A local government with an existing ordinance or ordinances that comply with this paragraph shall not be required to take additional action to identify zones for emergency shelters. The housing element must only describe how existing ordinances, policies, and standards are consistent with the requirements of this paragraph.
- (E) A zone or zones where emergency shelters are allowed, as described in subparagraph (A), shall include sites that meet at least one of the following standards:
 - (i) Vacant sites zoned for residential use.
- (ii) Vacant sites zoned for nonresidential use that allows residential development. Shelters may be permitted in a vacant industrial zone if the local government can demonstrate how the zone is connected to amenities and services that serve people experiencing homelessness.
- (iii) A nonvacant site, provided that a description is provided of the use of each property at the time it is identified with an analysis of how the local jurisdiction will ensure the site is adequate for use as a shelter, while meeting all of the state and local health, safety, habitability, and building requirements necessary for any other residential development.
- (5) An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in

__7__ SB 48

paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, local processing and permit procedures, and any locally adopted ordinances that directly impact the cost and supply of residential development. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Section 65584 and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7).

- (6) An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, the cost of construction, the requests to develop housing at densities below those anticipated in the analysis required by subdivision (c) of Section 65583.2, and the length of time between receiving approval for a housing development and submittal of an application for building permits for that housing development that hinder the construction of a locality's share of the regional housing need in accordance with Section 65584. The analysis shall also demonstrate local efforts to remove nongovernmental constraints that create a gap between the locality's planning for the development of housing for all income levels and the construction of that housing.
- (7) An analysis of any special housing needs, such as those of the elderly; persons with disabilities, including a developmental disability, as defined in Section 4512 of the Welfare and Institutions Code; large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter. The need for emergency shelter shall be assessed based on annual and seasonal need. The need for emergency shelter may be reduced by the number of supportive housing units that are identified in an adopted 10-year plan to end chronic homelessness and that are either vacant or for which funding has been identified to allow construction during the planning period. An analysis of special housing needs by a city or county may include an analysis of the need for frequent user coordinated care housing services.

SB 48 -8-

- (8) An analysis of opportunities for energy conservation with respect to residential development. Cities and counties are encouraged to include weatherization and energy efficiency improvements as part of publicly subsidized housing rehabilitation projects. This may include energy efficiency measures that encompass the building envelope, its heating and cooling systems, and its electrical system.
- (9) An analysis of existing assisted housing developments that are eligible to change from low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of restrictions on use. "Assisted housing developments," for the purpose of this section, shall mean multifamily rental housing that receives governmental assistance under federal programs listed in subdivision (a) of Section 65863.10, state and local multifamily revenue bond programs, local redevelopment programs, the federal Community Development Block Grant Program, or local in-lieu fees. "Assisted housing developments" shall also include multifamily rental units that were developed pursuant to a local inclusionary housing program or used to qualify for a density bonus pursuant to Section 65916.
- (A) The analysis shall include a listing of each development by project name and address, the type of governmental assistance received, the earliest possible date of change from low-income use, and the total number of elderly and nonelderly units that could be lost from the locality's low-income housing stock in each year during the 10-year period. For purposes of state and federally funded projects, the analysis required by this subparagraph need only contain information available on a statewide basis.
- (B) The analysis shall estimate the total cost of producing new rental housing that is comparable in size and rent levels, to replace the units that could change from low-income use, and an estimated cost of preserving the assisted housing developments. This cost analysis for replacement housing may be done aggregately for each five-year period and does not have to contain a project-by-project cost estimate.
- (C) The analysis shall identify public and private nonprofit corporations known to the local government that have legal and managerial capacity to acquire and manage these housing developments.

9 SB 48

(D) The analysis shall identify and consider the use of all federal, state, and local financing and subsidy programs that can be used to preserve, for lower income households, the assisted housing developments, identified in this paragraph, including, but not limited to, federal Community Development Block Grant Program funds, tax increment funds received by a redevelopment agency of the community, and administrative fees received by a housing authority operating within the community. In considering the use of these financing and subsidy programs, the analysis shall identify the amounts of funds under each available program that have not been legally obligated for other purposes and that could be available for use in preserving assisted housing developments.

- (b) (1) A statement of the community's goals, quantified objectives, and policies relative to the maintenance, preservation, improvement, and development of housing.
- (2) It is recognized that the total housing needs identified pursuant to subdivision (a) may exceed available resources and the community's ability to satisfy this need within the content of the general plan requirements outlined in Article 5 (commencing with Section 65300). Under these circumstances, the quantified objectives need not be identical to the total housing needs. The quantified objectives shall establish the maximum number of housing units by income category, including extremely low income, that can be constructed, rehabilitated, and conserved over a five-year time period.
- (c) A program that sets forth a schedule of actions during the planning period, each with a timeline for implementation, that may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element through the administration of land use and development controls, the provision of regulatory concessions and incentives, the utilization of appropriate federal and state financing and subsidy programs when available, and the utilization of moneys in a low- and moderate-income housing fund of an agency if the locality has established a redevelopment project area pursuant to the Community Redevelopment Law (Division 24 (commencing with Section 33000) of the Health and Safety Code). In order to make adequate provision for the housing needs of all economic

SB 48 — 10 —

segments of the community, the program shall do all of the following:

- (1) Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing.
- (A) Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, rezoning of those sites, including adoption of minimum density and development standards, for jurisdictions with an eight-year housing element planning period pursuant to Section 65588, shall be completed no later than three years after either the date the housing element is adopted pursuant to subdivision (f) of Section 65585 or the date that is 90 days after receipt of comments from the department pursuant to subdivision (b) of Section 65585, whichever is earlier, unless the deadline is extended pursuant to subdivision (f). Notwithstanding the foregoing, for a local government that fails to adopt a housing element within 120 days of the statutory deadline in Section 65588 for adoption of the housing element, rezoning of those sites, including adoption of minimum density and development standards, shall be completed no later than three years and 120 days from the statutory deadline in Section 65588 for adoption of the housing element.
- (B) Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, the program shall identify sites that can be developed for housing within the planning period pursuant to

—11— SB 48

subdivision (h) of Section 65583.2. The identification of sites shall include all components specified in Section 65583.2.

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- (C) Where the inventory of sites pursuant to paragraph (3) of subdivision (a) does not identify adequate sites to accommodate the need for farmworker housing, the program shall provide for sufficient sites to meet the need with zoning that permits farmworker housing use by right, including density and development standards that could accommodate and facilitate the feasibility of the development of farmworker housing for low- and very low income households.
- (2) Assist in the development of adequate housing to meet the needs of extremely low, very low, low-, and moderate-income households.
- (3) Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. Transitional housing and supportive housing shall be considered a residential use of property and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. Supportive housing, as defined in Section 65650, shall be a use by right in all zones where multifamily and mixed uses are permitted, as provided in Article 11 (commencing with Section 65650).
- (4) Conserve and improve the condition of the existing affordable housing stock, which may include addressing ways to mitigate the loss of dwelling units demolished by public or private action.
- (5) Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2), Section 65008, and any other state and federal fair housing and planning law.

SB 48 — 12 —

(6) Preserve for lower income households the assisted housing developments identified pursuant to paragraph (9) of subdivision (a). The program for preservation of the assisted housing developments shall utilize, to the extent necessary, all available federal, state, and local financing and subsidy programs identified in paragraph (9) of subdivision (a), except where a community has other urgent needs for which alternative funding sources are not available. The program may include strategies that involve local regulation and technical assistance.

- (7) Include an identification of the agencies and officials responsible for the implementation of the various actions and the means by which consistency will be achieved with other general plan elements and community goals.
- (8) Include a diligent effort by the local government to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort.
- (9) (A) Affirmatively further fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2. The program shall include an assessment of fair housing in the jurisdiction that shall include all of the following components:
- (i) A summary of fair housing issues in the jurisdiction and an assessment of the jurisdiction's fair housing enforcement and fair housing outreach capacity.
- (ii) An analysis of available federal, state, and local data and knowledge to identify integration and segregation patterns and trends, racially or ethnically concentrated areas of poverty, disparities in access to opportunity, and disproportionate housing needs within the jurisdiction, including displacement risk.
- (iii) An assessment of the contributing factors for the fair housing issues identified under clause (ii).
- (iv) An identification of the jurisdiction's fair housing priorities and goals, giving highest priority to those factors identified in clause (iii) that limit or deny fair housing choice or access to opportunity, or negatively impact fair housing or civil rights compliance, and identifying the metrics and milestones for determining what fair housing results will be achieved.
- (v) Strategies and actions to implement those priorities and goals, which may include, but are not limited to, enhancing

—13— SB 48

mobility strategies and encouraging development of new affordable housing in areas of opportunity, as well as place-based strategies to encourage community revitalization, including preservation of existing affordable housing, and protecting existing residents from displacement.

- (B) A jurisdiction that completes or revises an assessment of fair housing pursuant to Subpart A (commencing with Section 5.150) of Part 5 of Subtitle A of Title 24 of the Code of Federal Regulations, as published in Volume 80 of the Federal Register, Number 136, page 42272, dated July 16, 2015, or an analysis of impediments to fair housing choice in accordance with the requirements of Section 91.225 of Title 24 of the Code of Federal Regulations in effect prior to August 17, 2015, may incorporate relevant portions of that assessment or revised assessment of fair housing or analysis or revised analysis of impediments to fair housing into its housing element.
- (C) The requirements of this paragraph shall apply to housing elements due to be revised pursuant to Section 65588 on or after January 1, 2021.
- (d) (1) A local government may satisfy all or part of its requirement to identify a zone or zones suitable for the development of emergency shelters pursuant to paragraph (4) of subdivision (a) by adopting and implementing a multijurisdictional agreement, with a maximum of two other adjacent communities, that requires the participating jurisdictions to develop at least one year-round emergency shelter within two years of the beginning of the planning period.
- (2) The agreement shall allocate a portion of the new shelter capacity to each jurisdiction as credit toward its emergency shelter need, and each jurisdiction shall describe how the capacity was allocated as part of its housing element.
- (3) Each member jurisdiction of a multijurisdictional agreement shall describe in its housing element all of the following:
- (A) How the joint facility will meet the jurisdiction's emergency shelter need.
- (B) The jurisdiction's contribution to the facility for both the development and ongoing operation and management of the facility.
- (C) The amount and source of the funding that the jurisdiction contributes to the facility.

SB 48 — 14 —

(4) The aggregate capacity claimed by the participating jurisdictions in their housing elements shall not exceed the actual capacity of the shelter.

- (e) Except as otherwise provided in this article, amendments to this article that alter the required content of a housing element shall apply to both of the following:
- (1) A housing element or housing element amendment prepared pursuant to subdivision (e) of Section 65588 or Section 65584.02, when a city, county, or city and county submits a draft to the department for review pursuant to Section 65585 more than 90 days after the effective date of the amendment to this section.
- (2) Any housing element or housing element amendment prepared pursuant to subdivision (e) of Section 65588 or Section 65584.02, when the city, county, or city and county fails to submit the first draft to the department before the due date specified in Section 65588 or 65584.02.
- (f) The deadline for completing required rezoning pursuant to subparagraph (A) of paragraph (1) of subdivision (c) shall be extended by one year if the local government has completed the rezoning at densities sufficient to accommodate at least 75 percent of the units for low- and very low income households and if the legislative body at the conclusion of a public hearing determines, based upon substantial evidence, that any of the following circumstances exist:
- (1) The local government has been unable to complete the rezoning because of the action or inaction beyond the control of the local government of any other state, federal, or local agency.
- (2) The local government is unable to complete the rezoning because of infrastructure deficiencies due to fiscal or regulatory constraints.
- (3) The local government must undertake a major revision to its general plan in order to accommodate the housing-related policies of a sustainable communities strategy or an alternative planning strategy adopted pursuant to Section 65080.

The resolution and the findings shall be transmitted to the department together with a detailed budget and schedule for preparation and adoption of the required rezonings, including plans for citizen participation and expected interim action. The schedule shall provide for adoption of the required rezoning within one year of the adoption of the resolution.

SB 48

(g) (1) If a local government fails to complete the rezoning by the deadline provided in subparagraph (A) of paragraph (1) of subdivision (c), as it may be extended pursuant to subdivision (f), except as provided in paragraph (2), a local government may not disapprove a housing development project, nor require a conditional use permit, planned unit development permit, or other locally imposed discretionary permit, or impose a condition that would render the project infeasible, if the housing development project (A) is proposed to be located on a site required to be rezoned pursuant to the program action required by that subparagraph and (B) complies with applicable, objective general plan and zoning standards and criteria, including design review standards, described in the program action required by that subparagraph. Any subdivision of sites shall be subject to the Subdivision Map Act (Division 2 (commencing with Section 66410)). Design review shall not constitute a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.

- (2) A local government may disapprove a housing development described in paragraph (1) if it makes written findings supported by substantial evidence on the record that both of the following conditions exist:
- (A) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.
- (B) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.
- (3) The applicant or any interested person may bring an action to enforce this subdivision. If a court finds that the local agency disapproved a project or conditioned its approval in violation of this subdivision, the court shall issue an order or judgment compelling compliance within 60 days. The court shall retain

 $SB 48 \qquad -16-$

jurisdiction to ensure that its order or judgment is carried out. If the court determines that its order or judgment has not been carried out within 60 days, the court may issue further orders to ensure that the purposes and policies of this subdivision are fulfilled. In any such action, the city, county, or city and county shall bear the burden of proof.

- (4) For purposes of this subdivision, "housing development project" means a project to construct residential units for which the project developer provides sufficient legal commitments to the appropriate local agency to ensure the continued availability and use of at least 49 percent of the housing units for very low, low-, and moderate-income households with an affordable housing cost or affordable rent, as defined in Section 50052.5 or 50053 of the Health and Safety Code, respectively, for the period required by the applicable financing.
- (h) An action to enforce the program actions of the housing element shall be brought pursuant to Section 1085 of the Code of Civil Procedure.
- SEC. 3. Article 12 (commencing with Section 65660) is added to Chapter 3 of Division 1 of Title 7 of the Government Code, to read:

Article 12. Interim Shelter Interventions

65660. For purposes of this article:

- (a) "Interim shelter intervention" means housing or shelter in which a resident may live temporarily while waiting to move into permanent housing. "Interim shelter intervention" shall be flexible to address the resident's household needs and may include, but is not limited to, recuperative or respite care, motel vouchers, navigation centers, transitional housing used as an interim intervention, and emergency shelters. "Interim shelter intervention" shall not require a resident to pay more than 30 percent of the resident's monthly household income for housing costs, shall be low barrier and culturally competent, and shall be focused on providing support for moving people out of crisis and into permanent housing as quickly as possible.
- (b) "Use by right" has the meaning defined in subdivision (i) of Section 65583.2.

—17— SB 48

65662. (a) An interim shelter intervention development is a use by right in zones where residential use is a permitted use, including areas zoned for mixed use, if it meets the requirements of this article. A local jurisdiction shall permit an interim shelter intervention development provided that the development meets the following requirements:

- (1) It meets all applicable state and local health and safety requirements and state and local building codes.
- (2) It allows for the presence of partners, pets, and the storage of possessions.
 - (3) It provides privacy.

- (4) It has accommodations for people with disabilities.
- (5) It offers services to connect people to permanent housing through a services plan that identifies services staffing.
- (6) It is linked to a coordinated entry system, so that staff in the interim facility or staff who colocate in the facility, may conduct assessments and provide services to connect people to permanent housing. "Coordinated entry system" means a centralized or coordinated assessment system developed pursuant to Section 576.400(d) or Section 578.7(a)(8), as applicable, of Title 24 of the Code of Federal Regulations, as those sections read on January 1, 2020, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.
- (7) It is low-barrier and does not deny entry based on use of drugs or alcohol, a history of justice involvement or poor credit, or refusal to participate in services or a program.
- (8) It complies otherwise with the core components of Housing First identified in Section 8255 of the Welfare & Institutions Code.
- (9) It has on-site staff, including a manager, at all times while the shelter is open.
- (b) A local jurisdiction shall not impose parking requirements on an interim housing intervention development.
 - 65664. Within 30 days of receipt of an application for an interim housing intervention development, the local jurisdiction shall notify a developer whether the developer's application is complete. Within 60 days of receipt of a completed application for an interim housing intervention development, the local jurisdiction shall complete its review of the application.
- 65666. The Legislature finds and declares that interim housing intervention developments are essential tools for alleviating the

SB 48 —18—

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homelessness crisis in this state and are a matter of statewide
 concern and not a municipal affair as that term is used in Section
 of Article XI of the California Constitution. Therefore, this article
 shall apply to all cities, including charter cities.

65668. This article shall remain in effect only until January 1, 2027, and as of that date is repealed.

5 2027, and as of that date is repealed.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIIIB of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

O



Senator Scott Wiener, 11th Senate District

Senate Bill 48 – Right to Shelter

SUMMARY

SB 48 seeks to expand shelter access in California, as a means of ensuring homeless people have a safe place to be and as a way of helping homeless people transition off the streets and into permanent housing.

As we look at the issues impacting our state, the lack of access to shelter, services, and permanent housing for our unhoused residents is a place where we must do more. It should not depend on what city or county you live in. All of our residents deserve access to clean and safe shelter that will give them the opportunity to attain permanent housing or services they need.

BACKGROUND/EXISTING LAW

California has a growing homelessness crisis. Homelessness is a diverse problem, but one glaring aspect of the problem is the number of unsheltered homeless in our state. California accounts for about half of all unsheltered homeless in the nation, despite having about 15% of our nation's population.

We must do more to shelter our unhoused population - to ensure people have a safe and humane place to be, with a goal of transitioning people off the streets and into permanent housing.

While some California counties do a very good job sheltering homeless residents, in various counties, there are either no shelter beds at all, only a tiny number, only seasonally available shelter, or no shelter access specific to youth. Additionally, some counties leave over 75 percent of their homeless residents unsheltered. California's homeless population and the percentage of that population which is unsheltered remains the highest in the nation.

PROBLEM

The U.S. Department of Housing and Urban Development estimates that in 2017 California accounted for nearly half of all unsheltered people in the country (49% or 91,642 people). This means,

unequivocally, that California is failing to provide the services and resources necessary to care for thousands of people, night after night, year after year. Given the size of our homeless population, it is critical that the state play a role in ensuring all of our residents have access to shelter.

SOLUTION

SB 48, currently an intent bill, seeks to expand shelter access in California and to do so in a geographically equitable way.

SB 48 does *not* seek to establish a New York City-style ever-growing right to shelter, since an overly aggressive right to shelter can perpetuate homelessness and divert resources from permanent housing.

SB 48's goal is to expand shelter access and to ensure expanded shelter access dovetails with and complements California's paramount goal: to transition homeless people into permanent housing.

FOR MORE INFORMATION

Brayden Borcherding, *Legislative Director* Email: Brayden.Borcherding@sen.ca.gov

Phone: (916) 651-4011



CONSENT CALENDAR May 28, 2019

To: Honorable Mayor and Members of the City Council

From: Mayor Jesse Arrequín and Councilmembers Bartlett, Davila, and Harrison

Subject: Support H.R. 40 – the Commission to Study and Develop Reparation Proposals

for African-Americans Act

RECOMMENDATION

Adopt a Resolution in support of H.R. 40 – the Commission to Study and Develop Reparation Proposals for African-Americans Act, introduced by Congressperson Sheila Jackson Lee. Send a copy of the Resolution to Senators Dianne Feinstein and Kamala Harris, Congresspersons Barbara Lee and Sheila Jackson Lee, and President Donald Trump.

BACKGROUND

The first Africans to be captured and forced to work as slaves in the American colonies took place in 1619, with approximately 4,000,000 Africans and their descendants being enslaved in the colonies and the United States between 1619-1865. Slavery was constitutionally sanctioned by the United States government between 1789 and 1865, allowing for the inhumane suppression of their life, liberty, and cultural heritage. Even after the abolition of slavery after the end of the Civil War, federal, state and local laws such as Jim Crow, redlining and segregation has led to continual economic, educational and health hardships we see today. For example, African Americans make up 40% of the incarcerated population despite making up 13% of the country's population. The African American unemployment rate is double that of whites, and on average have 1/16th the wealth of white families.

H.R. 40, introduced by Congressperson Sheila Jackson Lee, calls for the creation of a commission to study and develop Reparation proposals for African Americans. Specifically, the commission will look into how slavery, both from the Trans-Atlantic and domestic "trades", along with the de jure and de facto discrimination faced by the African American community from the end of the Civil War to the present has impacted their livelihoods, and recommend appropriate remedies.

This proposal was originally introduced by Congressperson John Conyers in previous sessions of Congress, but he has since retired. While originally introduced in 1989, the idea has been gaining traction in recent years, and the once fringe topic is now becoming a mainstream conversation. In April, Senator Cory Booker introduced a companion bill to H.R. 40 in the Senate.

Support of H.R. 40 – Reparations Study

CONSENT CALENDAR May 28, 2019

FINANCIAL IMPLICATIONS

None.

ENVIRONMENTAL SUSTAINABILITY

No environmental impacts.

CONTACT PERSON

Mayor Jesse Arreguín 510-981-7100

Attachments:

- 1: Resolution
- 2: Text of H.R. 40

Page 2 238

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

IN SUPPORT OF H.R. 40 – THE COMMISSION TO STUDY AND DEVELOP REPARATION PROPOSALS FOR AFRICAN-AMERICANS ACT

WHEREAS, slavery was introduced to the American colonies in 1619, resulting in the enslavement of 4,000,000 Africans and their descendants between 1619 and the end of the Civil War in 1865; and

WHEREAS, slavery was constitutionally sanctioned by the United States government, allowing for the inhumane suppression of their life, liberty, and cultural heritage; and

WHEREAS, federal, state and local laws that were passed after the abolition of slavery, such as Jim Crow, redlining and segregation has led to continual economic, educational and health hardships we see today; and

WHEREAS, in 2018, African Americans made up 40% of the incarcerated population in the United States, despite making up 13% of the country's population; and

WHEREAS, the African American unemployment rate is double that of whites, and on average have 1/16th the wealth of white families; and

WHEREAS, there is growing momentum on the topic of reparations for the African American community as a result of the history of slavery and discrimination; and

WHEREAS, H.R. 40, introduced by Congressperson Sheila Jackson Lee, calls for the creation of a commission to study and develop Reparation proposals for African Americans; and

WHEREAS, the commission will look into how slavery, both from the Trans-Atlantic and domestic "trades", along with the de jure and de facto discrimination faced by the African American community from the end of the Civil War to the present has impacted their livelihoods, and recommend appropriate remedies.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it hereby supports H.R. 40 - the Commission to Study and Develop Reparation Proposals for African-Americans Act.

BE IT FURTHER RESOLVED that copies of this Resolution be sent to Senators Dianne Feinstein and Kamala Harris, Congresspersons Barbara Lee and Sheila Jackson Lee, and President Donald Trump.



Ι

116TH CONGRESS 1ST SESSION

H.R.40

To address the fundamental injustice, cruelty, brutality, and inhumanity of slavery in the United States and the 13 American colonies between 1619 and 1865 and to establish a commission to study and consider a national apology and proposal for reparations for the institution of slavery, its subsequent de jure and de facto racial and economic discrimination against African-Americans, and the impact of these forces on living African-Americans, to make recommendations to the Congress on appropriate remedies, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

January 3, 2019

Ms. Jackson Lee (for herself, Mr. Serrano, Mr. Cohen, Mr. Khanna, Mr. Meeks, Ms. Moore, Ms. Jayapal, Mr. Johnson of Georgia, Mr. Payne, Ms. Clarke of New York, Ms. Johnson of Texas, Mrs. Beatty, Ms. Schakowsky, Mr. Thompson of Mississippi, Ms. Lee of California, Mr. Green of Texas, Ms. Norton, Mr. Rush, Mr. Nadler, Mr. Danny K. Davis of Illinois, Mr. Engel, Mr. Richmond, Ms. Bass, and Mr. Evans) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To address the fundamental injustice, cruelty, brutality, and inhumanity of slavery in the United States and the 13 American colonies between 1619 and 1865 and to establish a commission to study and consider a national apology and proposal for reparations for the institution of slavery, its subsequent de jure and de facto racial and economic discrimination against African-Americans, and the impact of these forces on living African-Americans,

to make recommendations to the Congress on appropriate remedies, and for other purposes.

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,
- 3 SECTION 1. SHORT TITLE.
- 4 This Act may be cited as the "Commission to Study
- 5 and Develop Reparation Proposals for African-Americans
- 6 Act".

7 SEC. 2. FINDINGS AND PURPOSE.

- 8 (a) FINDINGS.—The Congress finds that—
- 9 (1) approximately 4,000,000 Africans and their
- descendants were enslaved in the United States and
- 11 colonies that became the United States from 1619 to
- 12 1865;
- 13 (2) the institution of slavery was constitu-
- tionally and statutorily sanctioned by the Govern-
- ment of the United States from 1789 through 1865;
- 16 (3) the slavery that flourished in the United
- 17 States constituted an immoral and inhumane depri-
- vation of Africans' life, liberty, African citizenship
- rights, and cultural heritage, and denied them the
- 20 fruits of their own labor;
- 21 (4) a preponderance of scholarly, legal, commu-
- 22 nity evidentiary documentation and popular culture
- 23 markers constitute the basis for inquiry into the on-
- 24 going effects of the institution of slavery and its leg-

1	acy of persistent systemic structures of discrimina-
2	tion on living African-Americans and society in the
3	United States; and
4	(5) following the abolition of slavery the United
5	States Government, at the Federal, State, and local
6	level, continued to perpetuate, condone and often
7	profit from practices that continued to brutalize and
8	disadvantage African-Americans, including share
9	cropping, convict leasing, Jim Crow, redlining, un-
10	equal education, and disproportionate treatment at
11	the hands of the criminal justice system; and
12	(6) as a result of the historic and continued dis-
13	crimination, African-Americans continue to suffer
14	debilitating economic, educational, and health hard-
15	ships including but not limited to having nearly
16	1,000,000 black people incarcerated; an unemploy-
17	ment rate more than twice the current white unem-
18	ployment rate; and an average of less than $\frac{1}{16}$ of
19	the wealth of white families, a disparity which has
20	worsened, not improved over time.
21	(b) Purpose.—The purpose of this Act is to estab-
22	lish a commission to study and develop Reparation pro-
23	posals for African-Americans as a result of—
24	(1) the institution of slavery, including both the
25	Trans-Atlantic and the domestic "trade" which ex-

1	isted from 1565 in colonial Florida and from 1619
2	through 1865 within the other colonies that became
3	the United States, and which included the Federa
4	and State governments which constitutionally and
5	statutorily supported the institution of slavery;
6	(2) the de jure and de facto discrimination
7	against freed slaves and their descendants from the
8	end of the Civil War to the present, including eco-
9	nomic, political, educational, and social discrimina-
10	tion;
11	(3) the lingering negative effects of the institu-
12	tion of slavery and the discrimination described in
13	paragraphs (1) and (2) on living African-Americans
14	and on society in the United States;
15	(4) the manner in which textual and digital in-
16	structional resources and technologies are being used
17	to deny the inhumanity of slavery and the crime
18	against humanity of people of African descent in the
19	United States;
20	(5) the role of Northern complicity in the
21	Southern based institution of slavery;
22	(6) the direct benefits to societal institutions
23	public and private, including higher education, cor-
24	porations, religious and associational;

1	(7) and thus, recommend appropriate ways to
2	educate the American public of the Commission's
3	findings;
4	(8) and thus, recommend appropriate remedies
5	in consideration of the Commission's findings on the
6	matters described in paragraphs (1), (2), (3), (4),
7	(5), and (6); and
8	(9) submit to the Congress the results of such
9	examination, together with such recommendations.
10	SEC. 3. ESTABLISHMENT AND DUTIES.
11	(a) Establishment.—There is established the Com-
12	mission to Study and Develop Reparation Proposals for
13	African-Americans (hereinafter in this Act referred to as
14	the "Commission").
15	(b) Duties.—The Commission shall perform the fol-
16	lowing duties:
17	(1) Identify, compile and synthesize the relevant
18	corpus of evidentiary documentation of the institu-
19	tion of slavery which existed within the United
20	States and the colonies that became the United
21	States from 1619 through 1865. The Commission's
22	documentation and examination shall include but not
23	be limited to the facts related to—
24	(A) the capture and procurement of Afri-
25	cans;

1	(B) the transport of Africans to the United
2	States and the colonies that became the United
3	States for the purpose of enslavement, including
4	their treatment during transport;
5	(C) the sale and acquisition of Africans as
6	chattel property in interstate and intrastate
7	commerce;
8	(D) the treatment of African slaves in the
9	colonies and the United States, including the
10	deprivation of their freedom, exploitation of
11	their labor, and destruction of their culture,
12	language, religion, and families; and
13	(E) the extensive denial of humanity, sex-
14	ual abuse and the chatellization of persons.
15	(2) The role which the Federal and State gov-
16	ernments of the United States supported the institu-
17	tion of slavery in constitutional and statutory provi-
18	sions, including the extent to which such govern-
19	ments prevented, opposed, or restricted efforts of
20	formerly enslaved Africans and their descendants to
21	repatriate to their homeland.
22	(3) The Federal and State laws that discrimi-
23	nated against formerly enslaved Africans and their
24	descendants who were deemed United States citizens
25	from 1868 to the present.

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1	(4) The other forms of discrimination in the
2	public and private sectors against freed African
3	slaves and their descendants who were deemed
4	United States citizens from 1868 to the present, in-
5	cluding redlining, educational funding discrepancies,
6	and predatory financial practices.
7	(5) The lingering negative effects of the institu-
8	tion of slavery and the matters described in para-
9	graphs (1), (2), (3), (4), (5), and (6) on living Afri-
10	can-Americans and on society in the United States.
11	(6) Recommend appropriate ways to educate
12	the American public of the Commission's findings.
13	(7) Recommend appropriate remedies in consid-
14	eration of the Commission's findings on the matters
15	described in paragraphs (1), (2), (3), (4), (5), and
16	(6). In making such recommendations, the Commis-
17	sion shall address among other issues, the following
18	questions:
19	(A) How such recommendations comport
20	with international standards of remedy for
21	wrongs and injuries caused by the State, that
22	include full reparations and special measures,
23	as understood by various relevant international

protocols, laws, and findings.

1	(B) How the Government of the United
2	States will offer a formal apology on behalf of
3	the people of the United States for the per-
4	petration of gross human rights violations and
5	crimes against humanity on African slaves and
6	their descendants.
7	(C) How Federal laws and policies that
8	continue to disproportionately and negatively
9	affect African-Americans as a group, and those
10	that perpetuate the lingering effects, materially
11	and psycho-social, can be eliminated.
12	(D) How the injuries resulting from mat-
13	ters described in paragraphs (1), (2), (3), (4),
14	(5), and (6) can be reversed and provide appro-
15	priate policies, programs, projects and rec-
16	ommendations for the purpose of reversing the
17	injuries.
18	(E) How, in consideration of the Commis-
19	sion's findings, any form of compensation to the
20	descendants of enslaved African is calculated.
21	(F) What form of compensation should be
22	awarded, through what instrumentalities and
23	who should be eligible for such compensation.
24	(G) How, in consideration of the Commis-
25	sion's findings, any other forms of rehabilita-

1	tion or restitution to African descendants is
2	warranted and what the form and scope of
3	those measures should take.
4	(c) Report to Congress.—The Commission shall
5	submit a written report of its findings and recommenda-
6	tions to the Congress not later than the date which is one
7	year after the date of the first meeting of the Commission
8	held pursuant to section 4(c).
9	SEC. 4. MEMBERSHIP.
10	(a) Number and Appointment.—(1) The Commis-
11	sion shall be composed of 13 members, who shall be ap-
12	pointed, within 90 days after the date of enactment of this
13	Act, as follows:
14	(A) Three members shall be appointed by the
15	President.
16	(B) Three members shall be appointed by the
17	Speaker of the House of Representatives.
18	(C) One member shall be appointed by the
19	President pro tempore of the Senate.
20	(D) Six members shall be selected from the
21	major civil society and reparations organizations
22	that have historically championed the cause of
23	reparatory justice.
24	(2) All members of the Commission shall be persons
25	who are especially qualified to serve on the Commission

- 1 by virtue of their education, training, activism or experi-
- 2 ence, particularly in the field of African-American studies
- 3 and reparatory justice.
- 4 (b) Terms.—The term of office for members shall
- 5 be for the life of the Commission. A vacancy in the Com-
- 6 mission shall not affect the powers of the Commission and
- 7 shall be filled in the same manner in which the original
- 8 appointment was made.
- 9 (c) First Meeting.—The President shall call the
- 10 first meeting of the Commission within 120 days after the
- 11 date of the enactment of this Act or within 30 days after
- 12 the date on which legislation is enacted making appropria-
- 13 tions to carry out this Act, whichever date is later.
- 14 (d) Quorum.—Seven members of the Commission
- 15 shall constitute a quorum, but a lesser number may hold
- 16 hearings.
- 17 (e) Chair and Vice Chair.—The Commission shall
- 18 elect a Chair and Vice Chair from among its members.
- 19 The term of office of each shall be for the life of the Com-
- 20 mission.
- 21 (f) Compensation.—(1) Except as provided in para-
- 22 graph (2), each member of the Commission shall receive
- 23 compensation at the daily equivalent of the annual rate
- 24 of basic pay payable for GS-18 of the General Schedule
- 25 under section 5332 of title 5, United States Code, for each

- 1 day, including travel time, during which he or she is en-
- 2 gaged in the actual performance of duties vested in the
- 3 Commission.
- 4 (2) A member of the Commission who is a full-time
- 5 officer or employee of the United States or a Member of
- 6 Congress shall receive no additional pay, allowances, or
- 7 benefits by reason of his or her service to the Commission.
- 8 (3) All members of the Commission shall be reim-
- 9 bursed for travel, subsistence, and other necessary ex-
- 10 penses incurred by them in the performance of their duties
- 11 to the extent authorized by chapter 57 of title 5, United
- 12 States Code.
- 13 SEC. 5. POWERS OF THE COMMISSION.
- 14 (a) Hearings and Sessions.—The Commission
- 15 may, for the purpose of carrying out the provisions of this
- 16 Act, hold such hearings and sit and act at such times and
- 17 at such places in the United States, and request the at-
- 18 tendance and testimony of such witnesses and the produc-
- 19 tion of such books, records, correspondence, memoranda,
- 20 papers, and documents, as the Commission considers ap-
- 21 propriate. The Commission may invoke the aid of an ap-
- 22 propriate United States district court to require, by sub-
- 23 poena or otherwise, such attendance, testimony, or pro-
- 24 duction.

- 1 (b) Powers of Subcommittees and Members.—
- 2 Any subcommittee or member of the Commission may, if
- 3 authorized by the Commission, take any action which the
- 4 Commission is authorized to take by this section.
- 5 (c) Obtaining Official Data.—The Commission
- 6 may acquire directly from the head of any department,
- 7 agency, or instrumentality of the executive branch of the
- 8 Government, available information which the Commission
- 9 considers useful in the discharge of its duties. All depart-
- 10 ments, agencies, and instrumentalities of the executive
- 11 branch of the Government shall cooperate with the Com-
- 12 mission with respect to such information and shall furnish
- 13 all information requested by the Commission to the extent
- 14 permitted by law.

15 SEC. 6. ADMINISTRATIVE PROVISIONS.

- 16 (a) STAFF.—The Commission may, without regard to
- 17 section 5311(b) of title 5, United States Code, appoint and
- 18 fix the compensation of such personnel as the Commission
- 19 considers appropriate.
- 20 (b) Applicability of Certain Civil Service
- 21 Laws.—The staff of the Commission may be appointed
- 22 without regard to the provisions of title 5, United States
- 23 Code, governing appointments in the competitive service,
- 24 and without regard to the provisions of chapter 51 and
- 25 subchapter III of chapter 53 of such title relating to classi-

- 1 fication and General Schedule pay rates, except that the
- 2 compensation of any employee of the Commission may not
- 3 exceed a rate equal to the annual rate of basic pay payable
- 4 for GS-18 of the General Schedule under section 5332
- 5 of title 5, United States Code.
- 6 (c) Experts and Consultants.—The Commission
- 7 may procure the services of experts and consultants in ac-
- 8 cordance with the provisions of section 3109(b) of title 5,
- 9 United States Code, but at rates for individuals not to
- 10 exceed the daily equivalent of the highest rate payable
- 11 under section 5332 of such title.
- 12 (d) Administrative Support Services.—The
- 13 Commission may enter into agreements with the Adminis-
- 14 trator of General Services for procurement of financial
- 15 and administrative services necessary for the discharge of
- 16 the duties of the Commission. Payment for such services
- 17 shall be made by reimbursement from funds of the Com-
- 18 mission in such amounts as may be agreed upon by the
- 19 Chairman of the Commission and the Administrator.
- 20 (e) Contracts.—The Commission may—
- 21 (1) procure supplies, services, and property by
- contract in accordance with applicable laws and reg-
- 23 ulations and to the extent or in such amounts as are
- provided in appropriations Acts; and

Page 17 of 17

14

1	(2) enter into contracts with departments,
2	agencies, and instrumentalities of the Federal Gov-
3	ernment, State agencies, and private firms, institu-
4	tions, and agencies, for the conduct of research or
5	surveys, the preparation of reports, and other activi-
6	ties necessary for the discharge of the duties of the
7	Commission, to the extent or in such amounts as are
8	provided in appropriations Acts.

9 SEC. 7. TERMINATION.

- The Commission shall terminate 90 days after the 11 date on which the Commission submits its report to the
- 12 Congress under section 3(c).

13 SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

To carry out the provisions of this Act, there are authorized to be appropriated \$12,000,000.

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To: Honorable Members of the City Council

From: Mayor Jesse Arreguín and Councilmember Cheryl Davila

Subject: Budget Referral: \$25,000 to the FY 2020-21 Budget Process for

SupplyBank.Org to Expand School Supply Distribution

RECOMMENDATION

Refer the following to the budget process: A request for \$25,000 to expand Berkeley school supply distribution and ensure every low-income Berkeley student has the appropriate school and dental supplies they need to be successful.

BACKGROUND

The City of Berkeley has consistently funded the K to College program, now known as Supplybank.org, to provide Berkeley's low-income students school supplies and dental kits. Supplybank.org is an Oakland-based nonprofit organization founded by a group of UC Berkeley students that realized they could positively impact low-income and at-risk youth by purchasing school supplies directly from the manufacturers and strategically distributing them at key locations. Piloted in Berkeley in 2009, the program now reaches students in need in more than 300 school districts in California.

The mission of Supplybank.org is to provide homeless and other underserved children with the tangible resources they need to achieve. Supplybank.org operates the School Supply and Dental Kit Initiatives, intended for low-income students to help ensure that they are able to start the school year off on equal footing as their counterparts and provides the basic oral healthcare necessities: a toothbrush, toothpaste, and floss to ensure that oral health issues do not stand in the way of student's academic success.

The amount being requested is \$25,000, which is approximately 7% of the total project budget. Every dollar contributed by the City will also be matched by at least 100% by corporate partners, which is a commitment that has been made by Give Something Back Office Supplies' President and Founder Mike Hannigan.

FINANCIAL IMPLICATIONS

\$25,000 from the General Fund

ENVIRONMENTAL SUSTAINABILITY

No adverse effects to the environment.

CONTACT PERSON

Jesse Arreguin, Mayor 510-981-7100



To: Honorable Mayor and Members of the City Council

From: Mayor Jesse Arrequín

Subject: Budget Referral: \$5,000 for the César Chávez Solar Calendar

RECOMMENDATION

Refer to the FY2020-2021 budget process the allocation of \$5,000 to the Kala Art Institute for the purpose of maintaining the Solar Calendar/César Chávez Memorial.

BACKGROUND

The César Chávez Memorial Solar Calendar Project is meant to provide an outdoor classroom to study science, math and culture, as well as create a tranquil space for reflection in the midst of a busy urban environment. Central to the project is honoring the work, life, and values of César Chávez.

César Chávez Memorial Solar Calendar Project needs \$5,000 from the City to continue its maintenance of the site. It receives matching funds through other grants. For the Chávez/Huerta Commemorative Period of March 20th - April 10, 2020, they plan on creating a new design for the site as well as a museum-like mobile tour of the park and memorial. The Kala is the fiscal sponsor of the Solar Calendar – a César Chávez Memorial.

FINANCIAL IMPLICATIONS

\$5,000 from the General Fund.

ENVIRONMENTAL SUSTAINABILITY

None.

CONTACT PERSON

Mayor Jesse Arreguín 510-981-710



To: Honorable Members of the City Council

From: Mayor Jesse Arrequín

Subject: Budget Referral: \$80,000 to Support Technical Assistance for Succession

Planning, Worker Cooperative Conversion and Development

RECOMMENDATION

Refer to the budget process to extend the \$30,000 contract to Project Equity for two years and increase the amount to \$80,000 to support and build on the important work done to-date and expand the technical assistance beyond succession planning to include supporting new worker cooperative development.

BACKGROUND

In 2018, the Office of Economic Development identified funding for a pilot to support technical assistance for worker cooperative conversion and succession planning¹. The contract moved forward and the work is being carried out by Project Equity. In February 2019, the council voted to "Refer to the budget process to continue the technical assistance process for Fiscal Years 2020-2021" but did not specify the amount². The work currently underway is described below. Expanding this contract amount to \$80,000 would allow for a contractor to, not only provide support for succession planning but, also support the development of new worker cooperatives.

Beginning in January 2019, OED has engaging Project Equity, a nonprofit organization that is dedicated to advancing worker cooperatives, to provide technical aid to businesses looking to transition to a worker-ownership model. OED is also working to increase staff capacity and knowledge of issues that specifically impact worker-owned cooperatives to provide more targeted assistance going forward. Project Equity will take a multi-phase approach to support Berkeley businesses interested in the worker cooperative ownership model.

First, they will conduct a business retention data study, to provide a better understanding of which of the City's businesses are at risk of closure and may be candidates for conversion to worker ownership. Second, they'll perform broad outreach and direct engagement to educate business owners about the worker cooperative model. OED will then subsidize the cost of working with up to four businesses to transition to worker ownership, including a feasibility study and transition plan.

¹ Jordan Klein <u>,Economic Development Worksession: Small Business Support</u>, January 16, 2018.

² Annotated Agenda, Berkeley City Council Meeting February 26, 2019.

Martin Luther King Jr. Civic Center Building ◆ 2180 Milvia Street, 5th Floor, Berkeley, CA 94704 ◆ Tel: (510) 981-7100

Fax: (510) 981-7199 ◆ TDD: (510) 981-6903 ◆ E-Mail: mayor@cityofberkeley.info ◆ Web: www.jessearreguin.com

In addition, Project Equity will prepare a communications plan, outreach and intake materials, educational materials for economic development professionals and regulators, and training for City staff on the worker cooperative model. In February 2019, OED and Project Equity will host a free training for staff from the City of Berkeley, neighboring municipalities, and other partners on providing support for worker cooperatives and how traditional businesses can convert to co-ops. Particular attention will be paid to succession planning for business owners who are wishing to retire and may want to sell their business to their employees. The communications and outreach for the program has already benefited from local media coverage in the San Francisco Chronicle³ and Huffington Post⁴.

FINANCIAL IMPLICATIONS

\$80,000 annually to support business development and retention focused on worker cooperatives.

ENVIRONMENTAL SUSTAINABILITY

No adverse effects to the environment.

CONTACT PERSON

Jesse Arreguin, Mayor 510-981-7100

³ Otis Taylor Jr., <u>Nonprofit helps employees take hold of reins as business owners retire</u>, San Francisco Chronicle, November 29, 2018.

⁴ Robert Raymond, This City Has A Radical Plan To Get Rid Of Bosses, Huffington Post, May 2, 2019



To: Members of the City Council

From: Mayor Jesse Arreguín and Councilmembers Kesarwani, Wengraf, and Bartlett

Subject: Development of the West Berkeley Service Center, 1900 6th Street, for Senior

Housing with Supportive Services

RECOMMENDATION

State the intent of the City Council that the West Berkeley Service Center property, 1900 6th Street, will be used for senior housing with on-site services consistent with Age Friendly Berkeley Plan recommendations, maximizing the number of affordable units.

The Berkeley Way Project, 2012 Berkeley Way, is the City's top affordable housing priority. The West Berkeley Service Center, as a City-owned property, to be developed for affordable housing falls under the "High Priority" on the list of housing initiatives passed by Council on November 28, 2017. In light of the above, refer to the City Manager to take the following actions to initiate the process of developing senior housing at the West Berkeley Service Center:

- a. Refer to the City Manager to conduct a basic analysis of the development potential for the West Berkeley Service Center site including build-out scenarios for a three-, four-, five-, six- and seven-story building at the site, using Mixed-Use Residential (MUR), West Berkeley Commercial (C-W), and Multiple-Family Residential (R-3) Development Standards. Each buildout scenario should reflect base project conditions, and conditions if a Density Bonus is granted including waivers and concessions, or if Use Permits are used to modify standards. The scenarios should also incorporate space on the ground floor for resident amenities, supportive social services, and community space. The results of the development scenarios will be presented to the City Council and Planning Commission.
- b. Refer to the Planning Commission to consider any modifications to the underlying zoning at the West Berkeley Service Center site to maximize the production of senior housing, including consideration of an overlay zone.
- c. Based on recommendations from the Health, Housing and Community Services Department, the Housing Advisory Commission, Measure O Bond Oversight Committee, Commission on Aging, and taking into consideration requirements and restrictions associated with potential funding sources, create

recommendations to Council regarding levels of affordability, unit sizes, on-site services and other features to be included in a senior housing and social services development, including senior living housing types. These recommendations will be presented to the City Council to inform the issuance of an RFP.

POLICY COMMITTEE RECOMMENDATION

On April 25, 2019, the Land Use, Housing and Economic Development Committee adopted the following action: M/S/C (Droste/Hahn) to send the item to the full Council with a Positive Recommendation. Vote: All Ayes.

BACKGROUND

The population of Berkeley residents 65 years and older has steadily increased in recent years. In 2017, older adults were estimated to make up 13.5% of our community – an increase of approximately 2% from the 2010 Census (11.7%) and approximately 3% from the 2000 Census (10.2%). Recent projections from multiple sources, including the Alameda County Plan for Older Adults, show that by 2030 one in five residents (20.5%) in Berkeley will be over 65, nearly doubling the current population. Advances in medicine and the spike of 'baby boomers' born after World War II have resulted in a late-twentieth century demographic phenomenon, popularly referred to as the 'silver tsunami', that cities across the country are similarly anticipating.

Based on surveys completed by AARP (2012) and the Age Friendly Berkeley Initiative (2018) we know that older adults increasingly prefer to age in their communities, which tells us we need a continuum of housing options for this growing population, in tandem with services. We also know that housing affordability and availability, along with transit access, are major areas of concern, especially for low-income respondents. In 2014, 23% of Berkeley residents 60 years and older were living under 200% of the Federal Poverty Level, according to the American Community Survey. As of July 2018, there were 738 dedicated affordable units for seniors, with a waitlist of 6-8 years. Amidst the current affordability crisis, low- and fixed-income seniors are struggling just to stay housed, let alone receive the care they require.

In an effort to respond to current and future needs, the Berkeley Age Friendly Continuum was formed out of conversations between residents and those providing and working in aging services across the city. The goal of this work is to strengthen Berkeley as a place to age, and ensure implementation of an integrated, person-centered, replicable, continuum of supports and services for older adults and those with disabilities as they navigate transitions of aging. This effort is now supported by the City of Berkeley, Kaiser, Sutter and AARP, and is heavily informed by the Age Friendly Cities and Communities effort led by the World Health Organization. Their three-year Action Plan will soon be released, focusing on how we can move forward aging standards, and ensure ours is a livable community where all generations thrive.

While the initial work of the Age Friendly Continuum has been focused on conducting a comprehensive needs assessment, setting priorities, articulating an organizational structure, and developing a 3-year plan, their longer term goal has always included piloting a senior housing and services facility that could be a model for the future of aging in place in Berkeley. One of the recommendations from their soon to be released Age Friendly Berkeley Action Plan under Housing and Economic Security, is to "develop a continuum of affordable, accessible housing options for older adults to age in their community regardless of their health or financial status".

In April 2016, the City Council passed a referral to identify City owned properties that have the potential to be used for affordable housing sites. An information report with the referral response was presented in February 2017, with the West Berkeley Service Center (WBSC) identified as a potential site for future development. In May 2017, Council then passed a budget referral for a feasibility study for the construction of affordable senior housing, specifically mentioning the WBSC along with the North and South Berkeley Senior Centers. Located at 1900 6th Street, the WBSC is an approximately 31,000 square foot parcel situated in a Mixed Used Residential (MUR) zone. Public transit accessibility is plentiful, with several high-frequency AC Transit routes and Amtrak located within half a mile. In addition, the 4th Street shopping corridor, and community health care facilities are nearby. The site is currently home to several tenants that provide a variety of services, including the City of Berkeley Aging Services, the Black Infant Health Program, Public Health Nurses and the Meals on Wheels program. It is also covering services provided by the North Berkeley Senior Center (NBSC) for the next 18-24 months until renovations at the NBSC are completed.

Initial plans were to keep the WBSC under the scope of the Measure T1 process. Measure T1, passed by Berkeley voters in 2016, is a \$100 million bond for rebuilding and renovating the City's aging infrastructure, including City owned facilities. Yet what this site needs is beyond an infrastructure upgrade, and its history as a hub for senior services presents an opportunity. West Berkeley has an extremely limited number of affordable housing units for seniors, despite being in a location that is easily accessible to various medical and aging services. And thanks to the passage of Measure O, a \$135 million dollar housing bond, combined with other funding opportunities, it could now be possible to fund the development of a senior housing and services facility modeled after the work of Age Friendly Berkeley, that becomes the gold standard for aging in place in our community, and the region.

Such a development would be consistent with the West Berkeley Plan, which calls for the residential development of MUR zones to facilitate the activation of such blocks while also maintaining a high level of services for the diverse population of West Berkeley. Additionally, the Plan calls for the development of housing, which provides onsite supportive services, as an explicit goal. However, to fully understand the possibilities of potential development of the site, the Planning Commission will need to consider several zoning options to find the optimal conditions.

After any rezoning is approved and recommendations on the development program are made by relevant City Commissions and the Council, the next step is to issue an RFP for development of the WBSC. We recommend consideration of the following criteria:

- Focuses on universally designed, affordable housing for older adults
- Incorporates the latest in technology and aging
- Functions both as services linked to housing and as a community hub of activity
- Reserves a portion of the units for assisted living and memory care
- Consistency with the recommendations of the Age Friendly Berkeley Initiative
- Maximize sustainability and energy efficiency

Any proposed development could have access to various forms of funding, including but not limited to Measure O (which explicitly mentions senior housing), new markets and low-income tax credits, local/regional/state funding such as U1, A1, and Prop 63/MHSA, along with private foundations.

RATIONALE FOR RECOMMENDATION

With Berkeley's senior population expected to skyrocket over the next decade, steps must be made to increase housing and services. There is currently a lack of senior housing in Northwest Berkeley, despite being in close proximity to various healthcare, shopping, and transit options. Affordable housing is particularly limited with wait lists for some senior housing projects between 6-8 years. There is also a need for a neighborhood hub for access to information and activities for older people in the area, along with meeting rooms and event space.

In 2017, Council voted to look into the feasibility of developing housing at Berkeley's senior centers, as recommended by the community. There are limitations to providing services at the North and South Berkeley Senior Centers due to their current R-2A residential zoning, and site constraints exist at the North Center due to the proximity of the BART tunnel. The development of WBSC for senior housing and services is consistent with both zoning regulations and the West Berkeley Plan. Such a development is also consistent with the Age Friendly Continuum.

Developing the former West Berkeley Senior Center into senior housing and services would uphold and honor the legacy of elder advocates who championed the creation of the Center to serve the needs of the West Berkeley Community, and would be consistent with its long-standing use.

FINANCIAL IMPLICATIONS

Staff time to conduct the analysis of development potential at the West Berkeley Service Center site, prepare reports for Council and Planning Commission discussion, and to work with City Commissions to create recommendations on the development program for a senior housing project. According to the staff memo dated March 7, 2019 "Process for Considering Proposals to Develop the West Berkeley Senior Center Site for Senior

Housing", city staff estimate that the analysis of development potential will take approximately 40-60 hours of staff time.

ENVIRONMENTAL SUSTAINABILITY

Not applicable.

CONTACT PERSON

Mayor Jesse Arreguín	510-981-7100
Councilmember Rashi Kesarawni	510-981-7110
Councilmember Susan Wengraf	510-981-7160
Councilmember Ben Bartlett	510-981-7130

Attachments:

- 1. Age Friendly Initiative, HHCS Presentation, City Council Worksession on July 17, 2018
- Referral Response: Analysis of City-Owned Property for Potential Housing Development, February 14, 2017
- 3. Budget Referral: Feasibility Study For The Construction Of Affordable Senior Housing, May 16, 2017
- 4. Staff Report to the Land Use, Housing, an Economic Development Committee: Process for Considering Proposals to Develop the West Berkeley Senior Center Site for Senior Housing, March 7, 2019



WORKSESSION
July 17, 2018

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Paul Buddenhagen, Director, Health, Housing & Community Services

Subject: Berkeley Age Friendly Initiative

SUMMARY

At the request of City Council, the Health, Housing and Community Services Department is providing an overview and update on the Age Friendly Berkeley initiative. Helping Berkeley's older adults remain in Berkeley and live long, healthy and fulfilled lives is the goal of the Age-Friendly Berkeley initiative. It's a collaborative effort between the City of Berkeley, Lifelong Medical Care, the Center for Independent Living, and Ashby Village. This report provides information on the key findings from a community survey that was conducted in March and April 2018 to help plan the work. This report also provides highlights from informational interviews that were conducted with City staff from various Departments to identify projects that City Departments have completed, or are considering, that consider the needs of older adults as they age in Berkeley.

The community survey and the informational interviews are strategies used to inform the development of the City of Berkeley Aging Friendly City Plan. This Plan will include recommended actions to achieve the goal of creating a livable community for all Berkeley residents, and will be submitted to the World Health Organization in November 2018. This report provides Council with information to inform the discussion on better serving our seniors.

The community survey gathered input from Berkeley community members age 50 and over. The purpose of the survey was to identify their priorities as they age in the Berkeley community. Survey results indicate that residents prioritize affordable senior housing, transportation services, and outdoor spaces that are walkable.

CURRENT SITUATION AND ITS EFFECTS

Many cities are experiencing rapid increases in the proportion of people aged 60 and over. In Berkeley, the population over age 65 is expected to nearly double from 12% in 2010 to 21% in 2030.

The World Health Organization (WHO) recognizes that older people are a resource for their families, communities and economies in supportive living environments. Older

people in particular often require supportive and enabling living environments to compensate for physical and social changes associated with aging. Thus, in order to retain a vibrant and enriching population of older adults, cities must provide the structures and services to support their wellbeing and productivity. Making cities more age-friendly is a necessary and logical response to promote the wellbeing and contributions of older urban residents and keep cities thriving (Global Age-Friendly Cities: A Guide, WHO, 2007).

The WHO has developed an active aging framework that outlines how cities can improve opportunities for health, participation and security in order to enhance quality of life for elders as they age. In an age-friendly city, policies, services, settings and structures support and enable people to age actively. Active and healthy aging depends on a variety of influences or determinants that surround individuals, families and nations. These determinants are reflected in the eight domain, or topic areas, identified by the AARP in previous research with older people on the characteristics of elderly-friendly communities:

- 1. Outdoor Spaces
- 2. Transportation
- 3. Housing
- 4. Social Participation
- 5. Respect & Social Inclusion
- 6. Civic Participation & Employment
- 7. Communication & Participation
- 8. Community and Health Services

Berkeley must complete an Aging Friendly Plan to be recognized by the WHO as an Age-Friendly City. To develop this Plan, public input was gathered from Berkeley community members through a community survey developed and implemented in partnership with AARP. The survey was distributed by mail to AARP members in Berkeley. Hard copies of the survey were also made available at the senior centers, libraries, and partner agencies such as churches and senior housing facilities. Funding for the development and analysis of the community survey was provided by a grant from the Pilgrimage Foundation.

AGING SERVICES DIVISION

The City of Berkeley's Aging Services Division aims to promote a dignified and healthy quality of life for older adults by offering connections to community, services & resources through two vibrant senior centers (North Berkeley Senior Center and South Berkeley Senior Center) and a multi-resource center (West Berkeley Service Center). Our programs touch the lives of older adults each year by serving as a resource for recreation, group meals, health & wellness education and other supportive services for adults 55 and older.

Aging Services Division
Health. Housing and Community Services Department

WORKSESSION July 17, 2018

At our senior centers, staff provide local resources and provide individualized assistance to seniors and caregivers. Classes provided through the Berkeley Adult School, and other enrichment activities, are scheduled daily at the Centers. Lunchtime dining for senior center members is provided at a reasonable price (often free) at both senior centers; approximately 200 members are fed each day (over 40,000 meals per year).

Our Social Services staff provides consultation, referral, and case management for seniors in distress. Services include, but are not limited to, transportation, housing, food accessibility, access to healthcare, and legal assistance.

The Division's Meals on Wheels staff and volunteers provides approximately 60,000 home-delivered, well balanced meals to homebound seniors, 60 years of age or older, in Berkeley, Albany and Emeryville.

Berkeley senior centers provide transportation and access to recreational and educational activities in the community. Our paratransit services assist Berkeley residents with disabilities, and those 70 years of age or older, by providing taxi scrip and van voucher programs that enhance access to things seniors need and want. In FY17, over 13,400 taxi rides were provided to taxi scrip users, and over 1,200 van vouchers were used.

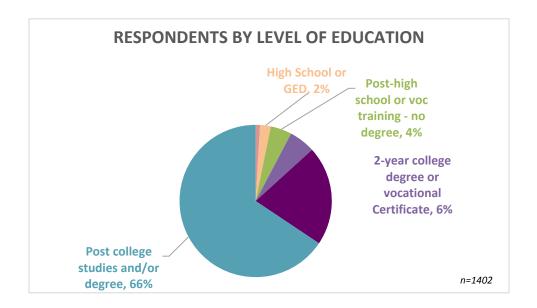
Finally, the Aging Services Division provides many opportunities for volunteers to support seniors, and thereby remain engaged in our community. Each year, hundreds of volunteers support the activities and services provided at the North and South Berkeley Senior Centers and help to deliver thousands of meals for the Meals on Wheels program.

SURVEY RESULTS

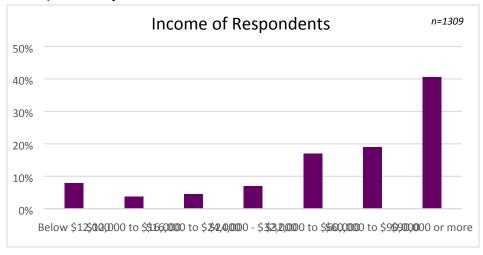
Respondent Characteristics

A total of 1416 surveys from Berkeley adults age 50 and over were received and analyzed in April 2018. 30% of the respondents are between the ages of 50-64, 57% between ages 65-79, and 13% age 80 or more. 73% of those surveyed are female.

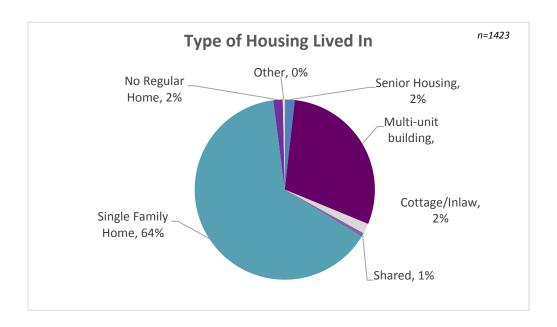
Approximately 66% of the respondents indicated a post-college level of education.



Approximately 60% of the survey respondents reported an income of \$60,000 or more in the previous year.



A majority of the survey respondents indicated that they live in single family homes. One-third of the respondents indicated living in multi-unit housing complexes.

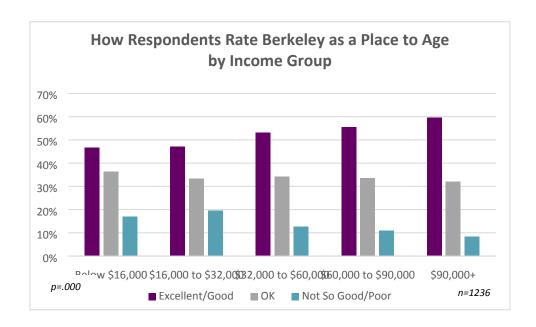


Key Survey Findings

The community survey included various questions that address each domain. As mentioned previously, survey respondents highlighted concerns and priorities under the housing, transportation, and outdoor spaces domain areas. These findings are summarized below, by domain area:

Housing

The majority of the survey respondents in each income group indicated that Berkeley was an "Excellent" or "Good" city to age in. However, over 30% of respondents reporting an income of \$32,000 or below in the previous year indicated that Berkeley is a "Not so good/poor" place to age.



When asked about main reasons for their rating of Berkeley as a place to age, respondents indicated that they appreciated the availability of low-income and senior housing in the City. However, respondents also pointed out that the availability of such housing was low, and that housing and property tax costs are too high. These reasons, along with mentions of gentrification and homelessness, support respondents' indication of Berkeley as a "Not so good/poor" place to age.

It is important to note that those survey respondents in the \$16,000-\$32,000 income bracket rate Berkeley the lowest for aging. As income increases, the number of respondents indicating that Berkeley is an "Excellent/Good" place to age also increases. The chart above highlights the income disparities that exist in Berkeley; as mentioned in the Health Status Report, the environments and neighborhoods in which people live, work, learn, and raise their families impact their access to resources such as effective health care, and ultimately affect their overall quality of life.

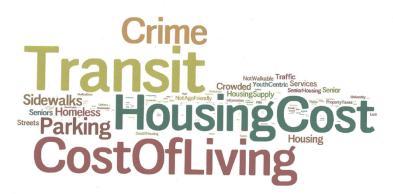
Additionally, survey respondents were asked about factors that would influence their decision to move out of Berkeley. Over 60% of respondents identified their need for housing to live independently, lowering the cost of living overall, and needing a less expensive home, as their top three influencing factors.

Outdoor Spaces

Word clouds were created to illustrate the most frequently mentioned positive reasons from those survey respondents who reported the City of Berkeley to be an "Excellent" or "Good" place to age (55% overall):



Word clouds were also created to illustrate the most frequently mentioned negative reasons from those survey respondents who reported the City of Berkeley to be a be "Not So Good" or "Poor" place to age (11% overall):

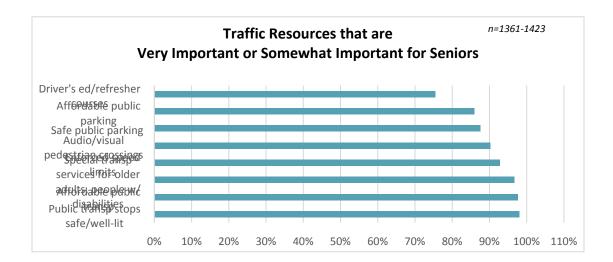


While respondents acknowledge that the City of Berkeley is an accessible community that is resource and activity-rich, they also identified affordable housing, transportation services, and safety as significant needs in the Berkeley community.

Transportation

Respondents were asked how they get around for things like shopping, visiting the doctor, running errands or socializing. While the majority drive themselves, a large percentage rely on walking, and half report using public transit. Fewer than 30% use a taxi or ride service, but they may not know about the transportation and paratransit services that the City, and other City partners, offer.

Survey respondents were also asked about the importance of certain traffic resources:



Transportation is a high priority for older adults with nearly all wanting more transit enhancements. Approximately 100% state that the following are very important: Public transportation stops are safe and well lit, public transportation is affordable, and special transportation for seniors.

Key Interview Findings

In addition to the community survey, a total of 18 informational interviews with City staff from 9 City Departments were conducted. Data on projects that have been completed and are currently being planned/pursued that address relevant older adult issues and concerns was collected. The following list summarizes these projects by domain area.

Housing

Projects/Elements currently in place

- Senior and disabled home loan rehab program: long term, low interest loans to fix houses of low income seniors so they can age in place.
- Short term rental application support/workshops through Finance Department
- Housing Assistance is available through the Berkeley Housing Authority, Center for Independent Living, ECHO housing (fair house counseling), NID (housing counseling Agency focused on foreclosure counseling) and the Unity Council (foreclosure workshops)
- 738 dedicated, affordable senior housing units in Berkeley, but with wait lists of 6-8 years

Projects in process with Age Friendly Elements

- Disability Commission and Planning Commission considering amendments to ADU's - goals is to increase housing stock that is accessible.
- Expansion of City Planning's housing safety program with intent to proactively protect low-income housing stock.

WORKSESSION July 17, 2018

Outdoor Spaces

Projects/Elements currently in place

- Recreational programs through the Parks & Rec department now offering more adult classes: painting, yoga, aquatics, Tai Chi, etc.
- 52 Parks as well as trails and community gardens are available
- Sidewalks, curb cuts, street lighting, benches, & traffic calming devices are well developed in most of the city
- New developments & redevelopments, including businesses & housing developments, are required to build or remodel according to ADA standards

Projects in process with Age Friendly Elements

- Parks & Rec Department considering adding paid classes and programs targeting the older adult population
- City Planning Department using "Crime Prevention through Environmental Design" to address safety issues, uncomfortable spaces, dark alleys, etc.
- Measure T1 holding public hearings; goal to improve existing infrastructure and facilities

Transportation

Projects/Elements currently in place

- Strategic Transportation Plan strives to enable equal access for Berkeley community members of any age, background, and ability to move throughout City
- Paratransit, senior shuttle, and taxi scrip services available through City's Aging Services Division

Projects in process with Age Friendly Elements

- Planning, Public Works Departments developing master pedestrian plan in commercial areas; safety, walkability, lighting, etc.
- Planning, Public Works Departments reviewing sidewalks in poor condition, which have been an issue for people with disabilities and elders who are challenged by broken sidewalks
- Aging Services transportation services to implement mobility management and travel training for seniors

POSSIBLE FUTURE ACTION

The recommendations listed below were developed by the Age Friendly Berkeley collaborative. These recommendations align with both the key findings from the community survey and the City staff informational interviews.

Housing

- Incorporate universal design into new building codes
- Support efforts to overturn policy that allows people to raise the rent to market when someone in a rent-controlled space moves out
- Create a publicly accessible, understandable database where seniors can see rental opportunities rather than the need to call each establishment individually

WORKSESSION July 17, 2018

- Allow & promote a mix of uses in buildings and neighborhoods through zoning codes and planning tools to provide access to necessary services (grocery stores, pharmacies, etc.) with multiple transportation options in neighborhoods
- Work with additional personnel and leadership outside government agencies to help coordinate housing needs along a continuum, from shared housing to assisted living

Outdoor Spaces

- Include input from older adults while developing the master pedestrian plan for input about cleanliness, wayfinding, safety, walkability, etc.
- Improve park bathrooms and facilities in general for the older population
- Create safe routes to common destinations (e.g., community centers, libraries)

Transportation

- Advance the affordability, availability, reliability, frequency, and travel destinations for public transit
- Allocate additional funding to improve transportation infrastructure (benches, shelters, traffic signals, and pavement on pedestrian sidewalks
- Extend educational programs to help individuals learn about public transit options

The City's Aging Services Division remains committed to promoting quality services and resources to encourage active aging for Berkeley's older adults. The Division is also committed to working with partners to create sustainable age-friendly elements in the Berkeley community that enable access to resources which support a full and healthy life for everyone. As our older adult population increases, it is important for the city to continue to focus on their needs, and provide accessible and affordable opportunities for them to participate actively in our community.

BACKGROUND

To become a member of the World Health Network, the City completed an application that demonstrated Berkeley's commitment to older adults. Through the City's dedicated services to older adults, its robust non-profit sector, and innovative planning, the City demonstrated Berkeley's commitment to the older adult community and was accepted into the World Health Network in November 2016.

ENVIRONMENTAL SUSTAINABILITY

There are no environmental sustainability impacts as part of this report.

CONTACT PERSON

Tanya Bustamante, Aging Services Manager, HHCS, (510) 981-5178



INFORMATION CALENDAR February 14, 2017

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Paul Buddenhagen, Director, Health, Housing and Community Services

Subject: Referral Response: Analysis of City-Owned Property for Potential for

Housing Development

<u>SUMMARY</u>

On April 5, 2016 City Council requested an inventory of City-owned properties in order to evaluate their potential for affordable housing development. In the past, the City has sold (for example, for Oxford Plaza and Harper Crossing) and leased (in the case of William Byron Rumford Senior Plaza) City-owned property to support affordable housing.

The City owns 119 properties scattered throughout Berkeley. (In many cases, these properties are made up of multiple legal parcels.) Staff reviewed the inventory and assessed each site's development potential, based on criteria prioritizing sites that are mostly likely to accommodate a multifamily rental project and most competitive for affordable housing funding. HHCS staff reviewed the sites' zoning designation, square footage, current use, and whether or not properties were protected as parks or open space under Measure L, the Berkeley Public Parks and Open Space Preservation Ordinance. Six properties were identified citywide that met the basic criteria. One is the Berkeley Way parking lot, currently the subject of an agreement with BRIDGE Housing related to its development as affordable housing. The other five all had other significant challenges to development. All would require more review before taking any further action.

Staff did not review properties for the potential to sell. Oakland's housing plan, Oakland at Home, recommended selling City-owned properties not suitable for affordable housing development and placing 30% of the proceeds in a housing trust fund.

CURRENT SITUATION AND ITS EFFECTS

This report responds to a referral that originally appeared on the April 5, 2016 Council agenda and was sponsored by Councilmember Wengraf.

For this project, HHCS staff started with a detailed list of City-owned parcels that had been compiled by the Public Works Department from multiple sources, and updated it with information from the Berkeley Municipal Code as well as internal records. The

complete list is attached (see Attachment 3). It is the most comprehensive list that has been compiled to date.

Initial Assessment: Selected Properties

HHCS staff identified six properties that met basic criteria for housing development suitability and grouped them in three categories, based on the criteria briefly described above, and described in depth in the Background section of this report. The following describes the six properties which best met the criteria identified. None of these sites were identified as housing opportunity sites in the Housing Element, primarily because of existing City uses and zoning constraints. The City already has an agreement with BRIDGE Housing for the development of Berkeley Way, and the other five have significant challenges to development. These sites are also listed in Attachment 1.

Group 1. Two properties met all basic criteria. They are: 1) located within zones allowing multifamily development; 2) larger than 15,000 square feet; 3) not protected under Measure L; and 4) have no existing structures.

• Berkeley Way Parking Lot (2012 Berkeley Way):

The City and BRIDGE Housing have a Disposition and Development Agreement for a project on this site that will incorporate affordable housing, permanent supportive housing, transitional housing, homeless services, and replacement public parking. On September 27, 2016, City Council awarded \$835,897 in Housing Trust Funds to support additional predevelopment activities, including architectural work, environmental studies, and planning fees.

Elmwood Parking Lot (2642 Russell Street)

Five City-owned parcels could be merged to create a 27,000 square foot lot. The parcels currently form a narrow parking lot situated between a row of shops facing College Avenue, and a residential neighborhood composed primarily of 1-2 story single family homes and small multifamily buildings. This parking lot supports the Elmwood commercial area. At a minimum, this site would need to be rezoned to support multifamily housing development at a large enough scale to make affordable housing feasible.

While the square footage of the parcel initially seemed promising, several of the adjacent residential buildings are situated on the lot lines, and the businesses use the City's property for trash pickup and delivery access. Setbacks would likely be required on one if not both sides. In addition, the lot's irregular shape and proximity to existing commercial and residential uses would constrain its footprint and height to the point at which an affordable development may be infeasible, particularly with replacement parking for the commercial district. Combined, these limitations are likely to make affordable housing development infeasible at this time.

Group 2. Two additional properties are 1) located within zones allowing multifamily development; 2) larger than 15,000 square feet; and 3) not protected under Measure L; but they have active City uses. A third property, Center Street Garage, also met these criteria but was not considered because it is currently under construction.

• West Berkeley Service Center (1900 Sixth Street). The West Berkeley Service Center is located on a parcel that is 31,000 square feet, in an area that is a mix of commercial, industrial, and residential. Some of the parking spots are currently being used for City vehicles. The neighboring buildings are 1-2 stories tall, but 4-5 story buildings are located one block away along University Avenue. Though the existing zoning (MUR - Mixed Use Residential) permits multifamily development, changing the zoning could help maximize the site's development potential. Demolishing and replacing the service center, currently used for senior social services, the Black Infant Health Program, Public Health Nurses and the Meals on Wheels program, would add significantly to the cost of housing development at the site.

• Telegraph-Channing Garage and Shops (2425 Channing Way)

This six-story parking garage also includes retail spaces on the ground floor. Built in the late 1960s, the garage provides parking for the stores and restaurants along Telegraph Avenue near the UC Berkeley campus. Conceivably, the site could be redeveloped to include replacement commercial spaces and parking with housing over it.

However, since the structure is a key resource for local businesses, the costs of temporary commercial relocation during construction, and the costs of replacing parking and commercial spaces would make development very costly and could be infeasible in combination with affordable housing. In order to also add new residential units, the replacement structure would likely need to be several stories taller than the current structure, which is already among the tallest buildings in the neighborhood. These issues present significant challenges to using the site for affordable housing in the foreseeable future.

Group 3. These properties are both larger than 15,000 square feet and vacant, but would require zoning changes before multifamily housing could be constructed and have constraints from Measure L. The North Bowling Green is protected from development under Measure L, and would require a vote of the people to change its designation and make it legal to develop. The Santa Fe Right of Way requires further analysis to determine Measure L's applicability. Unlike other parcels protected under Measure L, both of these properties are fenced off from the public and not in active use.

North Bowling Green (1324 Allston Way)

Within the Corp Yard, along Allston Way, the North Bowling Green is a vacant lot of approximately 21,000 square feet that is not actively used by the City. The site

was used as a lawn bowling green starting in 1929, but has not been maintained as such since 2008. This site, along with the South Bowling Green and clubhouse, is leased to the Berkeley Lawn Bowling Club, though Parks is negotiating a new lease that will not include the North Bowling Green. The site contains elevated levels of pesticides and metals, and the contaminated soil would need to be excavated or encapsulated prior to active use or development, which does not rule out affordable housing development but would add to the cost. The entire Corp Yard site is within an R-2 zone, so the North Bowling Green would need to be split from the Corp Yard parcel and rezoned to allow for multifamily housing. The 150-unit Strawberry Creek Lodge (affordable senior housing) is located within a block of the vacant site, though the immediately adjacent residential units are single-family homes.

Santa Fe Right of Way

The City owns six vacant, non-contiguous parcels that were part of the right of way for the former Santa Fe Railroad. The lots cut through the middle of blocks at a diagonal, and are separated by several streets: Ward, Derby, Carleton, Parker and Blake. Collectively, the parcels comprise approximately 75,000 square feet of undeveloped land. The parcels are zoned R-1 and R-2, which do not permit multifamily construction. The neighborhood is primarily single family homes with a few 2-story multifamily buildings. Although it could be possible to combine these sites into a single scattered site project, it would be difficult to achieve the density required to make a scattered site project large enough to be competitive for tax credit and other affordable housing funding.

BACKGROUND

The initial data collection resulted in a list of 229 individual parcels, which was reduced to 119 after staff analysis. Several Berkeley Housing Authority and BUSD properties associated with Berkeley 75, former public housing, were removed from consideration, and adjacent parcels were combined into single entries to better assess their development potential. Staff then researched each property for specific data, including zoning and property square footage.

From the list of 119 parcels, some City-owned properties were excluded from further analysis because they were not available or clearly not suitable for development as housing. Sites not considered for future housing development included City offices at Center and Milvia, street segments, sidewalks, fire and police facilities, and sites leased to existing affordable housing projects.

The City owns approximately one acre of air rights to develop over the western parking lot at Ashby BART, which is zoned C-SA. The site was not included in this report because it is being analyzed as part of the Adeline Corridor planning process. The City does not own air rights at North Berkeley BART.

Methodology and Criteria

The remaining 92 properties were then ranked based on a set of criteria established to identify the sites with the greatest development potential (and fewest development barriers). The following criteria were used:

Zoning

Given the City of Berkeley's general plan and municipal code, multi-family housing can only be built within certain zones¹. Properties outside these zones were ranked lower since they would require zoning changes in order to be suitable for higher density development.

Size of parcel/ability to support 50+ units of housing

Staff prioritized sites that can accommodate 50+ units of housing for affordable housing development. In this analysis, we looked at sites of 15,000 square feet as having the greatest potential, and gave consideration to sites over 10,000 square feet. Sites smaller than this are unsuitable for affordable multifamily housing development because:

- Even with greatly reduced or donated land, affordable housing development requires public funding. There are limited funding sources for affordable housing, and most multifamily housing developers pursue Low Income Housing Tax Credits as a significant source. Tax credit funding is highly competitive, and nontax credit projects can be difficult to finance. California intends to start incentivizing larger developments by awarding higher points to projects with 50 or more units. Staff estimated that sites under 15,000 square feet would not allow for the density required to meet the 50-unit minimum for a competitive project. Sites between 10,000 and 15,000 were included but ranked lower, as they could be combined for a scattered site project.
- The long length of time required for obtaining financing for Harper Crossing (41 units) and Grayson Street Apartments (23 units) are probably at least partially related to their small size. Smaller projects are generally less competitive for housing funds because of their higher per unit costs and, in the case of the Affordable Housing and Sustainable Communities program, due to their smaller impact on reducing greenhouse gas emissions.
- Similarly, Oakland's housing plan recommended using sites that can accommodate 50+ units for affordable housing, and selling the others for revenue to support housing.
- One local affordable housing developer, when asked about minimum size, said "we've found that in higher-density areas (like Berkeley) sites should be at least 15,000 sq ft. We will look at smaller sites if there are special circumstances but as a rule of thumb it is hard to create a feasible multifamily rental project on a site

¹ Zones that allow multifamily housing are R-3, R-4, R-5, C-1, C-N, C-E, C-NS, C-SA, C-T, C-SO, C-W, C-DMU, and MU-R

under that size." Another emphasized the need to look at the development capacity, citing a project on 13,000 square foot plot with 62 one-bedrooms, feasible only because it has 6 stories (typically not possible in Berkeley).

Parks and open spaces, restricted by Measure L

In 1986, Berkeley residents passed Measure L, the Berkeley Public Parks and Open Space Preservation Ordinance, ensuring that all existing City open space would be preserved (not developed). Measure L requires a vote of the people to use or to develop a public open space or park for any purpose other than public parks or open space, unless a State of Emergency has been declared. In this context, the Homeless Shelter Crisis declared by City Council in 2016 does not qualify as a State of Emergency, and would not supersede Measure L. Staff consulted with Parks to confirm that 23 properties larger than 10,000 square feet are restricted under Measure L. Staff did not ask Parks to review the following properties in hillside zones due to topographical constraints on development: Grotto Rock Park, Indian Rock Park, Remillard Park, Cragmont Park, and Great Stone Face Park.

Current Use

Berkeley is largely built out, and most City-owned properties have buildings and active uses. Staff prioritized properties that do not have any structures, followed by properties that are active City facilities, and finally properties leased to non-City entities. Staff did not review the 21 leases noted in the property inventory, and did not assess the development potential of the sites once the leases expire, as that was beyond the scope of the current analysis.

Properties Less Suitable for Development

The remaining 113 properties were considered less suitable for development because they did not meet enough of the priority criteria. More than half of the remaining properties were eliminated because they fell below the threshold of 10,000 square feet (49 properties) or because they are actively used open space or parks and are protected under Measure L (22 properties, excluding the Santa Fe ROW). Other properties were eliminated because of their current use, including a number of City facilities on lots larger than 15,000 square feet. Attachment 2 includes a list of every City-owned property over 15,000 square feet in area.

ENVIRONMENTAL SUSTAINABILITY

Any site would require environmental analysis to assess its suitability for development, and identify contaminants or issues needing remediation.

POSSIBLE FUTURE ACTION

Staff will continue to work with BRIDGE Housing and the Berkeley Food and Housing Project on the redevelopment of the Berkeley Way Parking Lot. Staff plan to report back to City Council with a recommendation on the disposition of two former

INFORMATION CALENDAR February 14, 2017

Referral Response: Analysis of City-Owned Property for Potential for Housing Development

Redevelopment Agency properties the City owns on 5th Street. Staff welcome any additional information that could further update the property information shown in Attachment 3.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Fiscal impacts of future action will depend on the course of action identified. Developing new affordable housing on City-owned land will require additional City funding contributions.

CONTACT PERSON

Jenny Wyant, Community Development Project Coordinator, HHCS, 510-981-5228

Attachments:

- 1: Selected Property List
- 2. City Properties Larger Than 15,000 SF
- 3. Inventory of City Properties
- 4. Original Referral Report from April 5, 2016

Ragge 23 off 277 Attachment 1:

Selected Property List

Priority Group	Name (Address)	Zoning	Lot SF	Current Use	Image	Bldg SF
1	Berkeley Way Parking Lot (2012 Berkeley Way)	C-DMU Buffer	40,945	Parking Lot		
1	Elmwood Parking Lot (2642 Russell, 5 parcels)	C-E	27,374	Parking Lot	0 2910 0 2910	
2	Telegraph-Channing Garage and Shops (2425 Channing Way)	С-Т	32,685	Parking Garage		189,867
2	West Berkeley Service Center (1900 Sixth St)	MUR	31,020	City Facility		
3	North Bowling Green (portion of City Corp Yard, 1324 Allston)	R-2	21,000	City Facility	Allston Way	46,604
3	Santa Fe Right of Way (Ward, Derby, Carleton, and Blake, 6 parcels)	R-1/R-2	75,086	ROW		

Attachment 2: All City-Owned Properties Larger Than 15,000 SF

City Facilities

- Berkeley Fire Station Number 5 (2680 Shattuck Ave)
- Berkeley Fire Station Number 6 (999 Cedar St)
- Berkeley Fire Warehouse (1011 Folger Ave)
- Berkeley Police Department / Old City Hall (2100 / 2134 MLK Jr. Way)
- Berkeley Public Library Central Branch (2090 Kittredge St)
- Berkeley Public Library-North Branch (1170 The Alameda)
- Berkeley Transfer Station (1201 Second St)
- City Corp Yard (1326 Allston Way)
- City Office Building (1947 Center St.)
- Civic Center Building (2180 Milvia St)
- Fire Department Station No.2 (2029 Berkeley Way)
- Firehouse Number 7 (3000 Shasta Ave)
- North Berkeley Senior Center (1901 Hearst Ave)
- North Bowling Green (part of City Corp Yard, 1324 Allston)
- South Berkeley Senior Center (2939 Ellis St)
- West Berkeley Service Center (1900 Sixth St)

Existing Affordable Housing

- Oceanview Garden Apartments (1816 Sixth St)
- University Avenue Cooperative Homes Apartments (Addison at Sacramento)
- William Byron Rumford Senior Plaza (3012 Sacramento St)

Leased Properties

- Berkeley Black Repertory Group Theater (3201 Adeline St)
- Berkeley Recycling Center (669 Gilman St)
- Nia House Learning Center (2234 Ninth St)
- Veterans Memorial Building (1931 Center St)
- Women's Daytime Drop-In Center (2218 Acton St)

Parking Lots/Garages

- Berkeley Way Parking Lot (2012 Berkeley Way)
- Center Street Garage (2025 Center St)
- Elmwood Parking Lot (2642 Russell)
- Oxford Plaza Parking Garage (2165 Kittredge)
- Telegraph-Channing Garage and Shops (2425 Channing Way)

Parks and Open Space

- Aquatic Park* (80 Bolivar Dr)
- Berkeley Way Mini Park (1294 Berkeley Way)
- Cedar Rose Park* (1300 Rose St)
- Codornices Park and Berkeley Rose Garden (1201 Euclid Ave)
- Community Garden (1308 Bancroft Way)
- Cragmont Rock Park (960 Regal Rd)
- Dorothy Bolte Park (540 Spruce St)
- George Florence Park (2121 Tenth St)
- Glendale- La Loma Park (1310 La Loma Ave)
- Great Stoneface park (1930 Thousand Oaks Blvd)
- Greg Brown Park (1907 Harmon St)
- Grotto Rock Park (879 Santa Barbara Rd)
- Grove Park (1730 Oregon St)
- Harrison Park (1100 Fourth St)
- Hillside Open Space on Euclid Ave
- Indian Rock Park (950 Indian Rock Ave)
- James Kenney Park* (1720 Eighth St)
- John Hinkel Park (41 Somerset PI)
- Live Oak Park* (1301 Shattuck Ave)
- Marina*/Cesar Chavez Park (11 Spinnaker Way)
- MLK Jr. Civic Center Park (2151 Martin Luther King Jr Way)
- Ohlone Park (1701 Hearst Ave)
- Remillard Park (80 Poppy Ln)
- San Pablo Park (2800 Park St)
- Strawberry Creek Park (1260 Allston Way)
- Terrace View Park (1421 Queens Rd)
- Virginia-McGee Totland (1644 Virginia St)
- Willard Park (2730 Hillegass Ave)

Other

- Santa Fe Right of Way (approx. 1400 Carleton)
- Sidewalk and Road (Ashby between Harper and MLK Jr. Way)
- Roundabout (Parkside Dr)
- Sojourner Truth Court (former Santa Fe ROW)
- West St (between Lincoln and Delaware)

^{*}A portion of the property is leased to a local organization.

Page 26 of 27 Inventory of City Properties

Inventory of City Properties										
Name (Address)	Zoning	Lot SF	Current Use	Notes	Image	APN	Bldg SF	Leased?	Tenant	End Lease Term
1631 5th Street	MUR	5,525	Other	Former RDA property. Vacant lot.		057 211701100				
1654 5th Street	MULI/ MUR	5,300		Former RDA property. Vacant, single- family home.		057 211602300				
1817-1819 Fourth Street	c-w	12,500	Other	2 parcels. Former RDA properties. Leased for retail.		057 209901400 057 209901500	10,070			
63rd Street Mini Park (1615 63rd St)	R-2A	8,100	Park			052 152201100				
Abandoned Rail ROW (1018 Ashby Ave)	MULI	11,450	ROW	2 parcels.		053 163300300 053 163300400				
Abandoned Rail ROW (between Heinz and Ashby, at Ninth)	MULI/ C- W	11,855	POW/	Potential extension of Emeryville Greenway?		053 165200300				
Abandoned Rail ROW (near 920 Flogr)	MULI	743	DOM/	At Berkeley- Emeryville City Line along Greenway.		052 151201002				
Ann Chandler Public Health Center (830 University Ave)	c-w	14,700	City Facility		(mental large)	056 196600100				

Page 22 of 27 Inventory of City Properties

	1	1			ventory of City Properties					
Name (Address)	Zoning	Lot SF	Current Use	Notes	Image	APN	Bldg SF	Leased?	Tenant	End Lease Term
Aquatic Park (80 Bolivar Dr)	Along MM/ MULI/C- DMU Buffer/R- 2A/No zoning available	739,878	Park	12 parcels		060 251300101 054 177100100 060 250700101 060 250700102 054 175200100 054 177200100 054 177100200 054 177100200 060 252700101 056 194900601 056 194800300		Yes, a portion	Bay Area Outreach Recreation Program; Waterside Workshop	7/31/2021
BART ROW (Adeline at Alcatraz)	Zoning not found, in between C-SA/ R- 2A	5,553	ROW			052 153200600				
BART ROW (Gilman to Neilson)	C-N/ R- 1A/ R-2	7,350	Other			060 239107502				
Bateman Mall (3027 Colby St)	R-2A/ R-3	9,501	Park		The second secon	052 157405906				
Becky Temko Tot Park (2424 Roosevelt Ave)	R-2	6,760	Park		ROMANUL AFFILE	055 190701100				
Berkeley 75 (1521 Alcatraz Ave, A,B,C,D)	R-3	7,150	Leased	scattered site affordable housing development		052 152000800		Yes	Berkeley 75 Housing Partners LP - c/o Related California	2/1/2084
Berkeley 75 (1605 Stuart St C)	R-2	6,750	Leased	scattered site affordable housing development	The same trans	054 173001400		Yes	Berkeley 75 Housing Partners LP	5/12/2083
Berkeley 75 (1812 A,B,C Fairview St)	R-2A	6,500	Leased	scattered site affordable housing development		052 153001800		Yes	Berkeley 75 Housing Partners LP	5/12/2083

Page 28 of 27 Inventory of City Properties

Name (Address)	Zoning	Lot SF	Current Use	Notes	Image	APN	Bldg SF	Leased?	Tenant	End Lease Term
Berkeley 75 (2231, 2231A, 2231B, 2235 Eighth St)	R-1A	6,500		scattered site affordable housing development		056 197001507		Yes	Berkeley 75 Housing Partners LP	5/12/2083
Berkeley 75 (3016 Harper St A, B)	R-2A	4,893	Leased	scattered site affordable housing development		053 160200600		Yes	Berkeley 75 Housing Partners LP	5/12/2083
Berkeley Adult Day Health Center (1890 Alcatraz Ave)	C-SA	9,404	Other			052 152702401	4,425			
Berkeley Black Reperatory Group Theater (3209 Adeline St)	C-SA	17,097	Leased	3 parcels		052 152902100 052 152902200 052 152902300	8,000	Yes	Black Repertory Group	5/30/2023
Berkeley Fire Station Number 1 (2442 Eighth St)	R-1A	10,260	City Facility			056 193901902	5,260			
Berkeley Fire Station Number 2 (2029 Berkeley Way)	C-DMU Buffer	23,977	City Facility			057 205100901	13,685			
Berkeley Fire Station Number 3 (2710 Russell St)	R-2	9,359	City Facility			052 156702601	5,100			
Berkeley Fire Station Number 4 (1900 Marin Ave)	R-1H/ R- 1A	12,623	City Facility			061 257302600	5,442			

Page 26 of 27 Inventory of City Properties

					ventory of City Properties					
Name (Address)	Zoning	Lot SF	Current Use	Notes	Image	APN	Bldg SF	Leased?	Tenant	End Lease Term
Berkeley Fire Station Number 5 (2680 Shattuck Ave)	C-SA	17,300	City Facility			055 181900301	9,302			
Berkeley Fire Station Number 6 (999 Cedar St)	R-1A	26,000	City Facility			059 231201200	8,346			
Berkeley Fire Station Number 7 (3000 Shasta Ave)	R-1H	129,277	City Facility	from BMC. RealQuest Pro and City site indicate that EBMUD is owner of larger parcel, not City.		063 316001305 063 316003700				
Berkeley Fire Warehouse (1011 Folger Ave)	MULI	24,425	City Facility			053 163403000	8,021			
Berkeley Police Department / Old City Hall (2100 / 2134 MLK Jr. Way)	R-2	144,480	City Facility			057 201701601	122,783		Building Opportunities for Self Sufficiency (BOSS) - McKinley House; County of Alameda; Berkeley Unified School District	6/30/2013
Berkeley Public Library - Central Branch (2090 Kittredge St)	C-DMU Corridor	25,141	City Facility			057 202801701	75,000			
Berkeley Public Library - Claremont Branch (2940 Benvenue Ave)	R-2A	11,652	City Facility	2 parcels		052 157301600, 052 157301700	7,434			
Berkeley Public Library (2031 Bancroft Way)	C-DMV Buffer/ Corridor	14,133	City Facility			057 202800500	30,000			

Page 36 of 27 Inventory of City Properties

Name (Address)	Zoning	Lot SF	Current Use	Notes	Image	APN	Bldg SF	Leased?	Tenant	End Lease Term
Berkeley Public Library-North Branch (1170 The Alameda)	R-1	17,668	City Facility			061 260503500	10,591			
Berkeley Public Library-South Branch (1901 Russell St)	R-2A	13,444	City Facility			053 167901601	5,250			
Berkeley Public Library-West Branch (1125 University Ave)	C-1	12,000	City Facility			057 208501100	9,400			
Berkeley Recycling Center (669 Gilman St)	м	48,150	Leased			060 236200110	22,595	Yes	Community Conservation Center Inc	8/31/1991
Berkeley Transfer Station (1201 Second St)	М	276,531	City Facility	5 parcels		060 238200102 060 238200303 060 236200109 060 236200111 060 236200108	51,615			
Berkeley Way Mini Park (1294 Berkeley Way)	R-2A/ C-1	18,733	Park	вмс		057 208102300	960			
Berkeley Way Parking Lot (2012 Berkeley Way)	C-DMU Buffer	40,945	Parking Lot			057 205302201				
BOSS: Harrison House/ Sankofa house (711 / 701 Harrison)	MULI	6,486	Leased	HCS Leased	A ton	060 238300102		Yes	Building Opportunities for Self Sufficiency (BOSS) - Harrison House	10/31/2013

Page 36 of 27 Inventory of City Properties

Name (Address)	Zoning	Lot SF	Current Use	Notes	Image	APN	Bldg SF	Leased?	Tenant	End Lease Term
Cedar Rose Park (1300 Rose St)	R-2	175,727	Park	9 parcels	Per tire State	060 241605800 060 241607700 059 228601900 059 228600203 059 229302001 060 242309600 059 228600103 058 213801500 059 228600104		Yes, a portion	Ala Costa Center	No End Date
Center Street Garage (2025 Center St)	C-DMU Core	34,267	Parking Garage			057 202302003	175,500			
City Corp Yard (1326 Allston Way)	R-2	250,072	City Facility			056 199301501	46,604	Yes	Berkeley Lawn Bowling	12/31/2014
City of Berkeley Animal Shelter (1 Bolivar Dr)	C-W	8,874	Leased			060 252100201		Yes	New Cingular Wireless	No End Date
City Office Building (1947 Center St)	C-DMU Buffer	18,750	City Facility			057 202200600	116,142		International Computer Science Institute; Rising Sun Energy Center	4/30/2013
Civic Center Building (2180 Milvia St)	C-DMU Buffer	38,808	City Facility			057 202100100	77,145			
Codornices Park and Berkeley Rose Garden (1201 Euclid Ave)	R-1H	470,240	Park	4 parcels		060 246800101 060 246800102 060 246800103 060 246500900				
Colby St. (between Ashby and Webster)	Next to R-	13,603	Other	вмс		052 157308706				

Page 32 of 27 Inventory of City Properties

					ventory of City Properties					
Name (Address)	Zoning	Lot SF	Current Use	Notes	Image	APN	Bldg SF	Leased?	Tenant	End Lease Term
Community Basketball Court	R-1	11,886	Open Space			058 213903108				
Community Garden (1308 Bancroft Way)	R-2	38,526	Open Space	former rail ROW		056 192203402				
Contra Costa Rock Park (869 Contra Costa Ave)	R-1H	7,456	Park			061 257605600				
Cragmont Rock Park (960 Regal Rd)	R-1H	136,458	Park	2 parcels		063 297500900 063 297501000				
Dorothy Bolte Park (540 Spruce St)	R-1H	50,516	Park			062 293902001 062 293902301				
Elmwood Parking Lot (2642 Russell St)	C-E	27,374	Parking Lot	6 parcels	0 2010	052 156800300, 052 156800501, 052 156800601, 052 156800700, 052 156800801, 052 156800401				
Epehsian's Children's Center (1907 Harmon St)	R-2A	3,000	Leased			052 152901100		Yes	Epehsian's Children's Center	No End Date
Fountain Walk (at Hopkins and El Dorado)	C-N (H)/ R- 1H	9,678	Other			061 257100200				

Page 38 of 27 Inventory of City Properties

Name (Address)	Zoning	Lot SF	Current Use	Notes	Image	APN	Bldg SF	Leased?	Tenant	End Lease Term
Frederick Mini Park (780 Arlington Ave)	R-1H	9,925	Park		Preprint Made State	062 292002300				
George Florence Park (2121 Tenth St)	R-1A	21,600	Park			056 197701900				
Glendale- La Loma Park (1310 La Loma Ave)	R-1H	129,092	Park	5 parcels		060 246904300 060 246905500 060 246904200 060 246906101 064 423201100				
Great Stone Face park (1930 Thousand Oaks Blvd)	R-1H	30,471	Park			062 292000100				
Greg Brown Park (1907 Harmon St)	R-2A	20,046	Park	2 parcels		052 152902601 052 152901002				
Grizzly Peak Park (50 Whitaker Ave)	R-1H	10,692	Park	вмс		063 298304900				
Grotto Rock Park (879 Santa Barbara Rd)	R-1H	16,867	Park			061 258204500				
Grove Park (1730 Oregon St)	R-2/R-2A	121,794	Park	3 parcels		053 167600101 053 167800101 053 167800102				

Page 39 of 27 Inventory of City Properties

Name (Address)	Zoning	Lot SF	Current Use	Notes	Image	APN	Bldg SF	Leased?	Tenant	End Lease Term
Harper Crossing (3132 MLK Jr. Way)	R-2A/ C- SA	14,585	Other	Satellite Affordable Housing Associates development	State Labor May J. Van	052 155101302				
Harrison Park (1100 Fourth St)	MULI	280,341	Park	4 parcels		060 238300102 060 238300200 060 238300300 060 238300400	9,644			
Haskell-Mabel Mini Park (1255 Haskell St)	R-2A	2,658	Park			053 162600601				
Hillside Open Space on Euclid Ave (near 660 Euclid Ave)	R-1H	21,041	Open Space	steep slope. Near 660 Euclid.		063 295601701				
Indian Rock Park (950 Indian Rock Ave)	R-1H	39,714	Park	2 parcels		061 257802100 061 258401600				
James Kenney Park (1720 Eighth St)	R-1A	159,948	Leased			058 212200100		Yes, a portion	ВАНІА	5/15/2012
John Hinkel Park (41 Somerset Ave)	R-1H	180,127	Park	3 parcels	6	061 257900200 061 257900100 061 259803300				
Live Oak Park (1301 Shattuck Ave)	R-2H/ R- 2AH	224,036	Leased			060 245503805 060 246601500		Yes	Theater First INC	1/31/2023

Page 26 of 27 Inventory of City Properties

	1	П	1		nventory of City Properties	1		1	ı	
Name (Address)	Zoning	Lot SF	Current Use	Notes	Image	APN	Bldg SF	Leased?	Tenant	End Lease Term
Lower Codornices Path (at Sixth St)	MULI	2,900	Park			060 238501000				
Marina/Cesar Chavez Park (11 Spinnaker Way)	No Zoning available	191,060,069	Leased			060 254500100 060 254000201 060 252800701 060 253400103	2,529	Yes, a portion	Berkeley yacht Club; Berkeley marine Center; Berkeley Company, Highline Kites; Cal Sailing Club; Cal adventures; Skates Restaurant; Hs Lordships; Bait Shop- oung Kim; Doubletree	12/31/2058
Mental Health Adult Clinic (2640 MLK Jr Way)	R-2A	12,314	City Facility		Martin Liather A	054 181100300	11,194			
MLK Jr. Civic Center Park (2151 Martin Luther King Jr Way)	R-3/ C- DMU Buffer	121,548	Park			057 202100200	-			
Mortar Rock Park (901 Indian Rock Ave)	X? Next to R-1H	5,174	Park			061 258305100				
Nia House Learning Center (2234 Ninth St)	R-1A	19,855	Leased			056 197000801	7,760	Yes	Nia House Learning Center	8/1/2053
North Berkeley Senior Center (1901 Hearst Ave)	R-2A	32,803	City Facility			057 205701202				
North Bowling Green (portion of City Corp Yard, 1324 Allston)	R-2	21,000	City Facility		Aliston Way	056 199301501	46,604			

Page 26 of 27 Inventory of City Properties

Name (Address)	Zoning	Lot SF	Current Use	Notes	lmage	APN	Bldg SF	Leased?	Tenant	End Lease Term
Oak Park (35 Domingo Ave)	R-1H	9,894	Park			064 424200100				
Oak Ridge Steps (between El Camino Real and Oak Ridge)	R-1H	1,408	ROW			064 424301400				
Oceanview Garden Apartments (1816 Sixth St)	MUR	115,476	Other	Oceanview Garden Apartments. Former RDA property. 2 non- contiguous parcels.		057 209801202 058 211801007				
Ohlone Park (1701 Hearst Ave)	R-2/ R-2A	300,981	Park	10 Parcels		057 206702801 057 206600601 057 206503100 057 206400702 057 205601501 057 206700700 058 255002001 060 241403102 060 241101802				
Open Space (1100 Kains Ave)	R-2, adjacent to C-W	5,200	Other	Only the open space is in Berkeley. Buildings are in Albany.		060 241000200				
Open Space (Santa Fe Ave at Albany border)	R-2	1,925	Open Space	adjacent to BART ROW		060 240906902				
Open Space on California (entrance to 1600 Addison condos)	R-2	3,322	Park			056 200500300				
Open Space (Hillcrest Rd)	R-1H	4,427	Other			064 424701600				

Page 22 of 27 Inventory of City Properties

Name (Address)	7	Lot SF	Current		ventory of City Properties	APN	nide cr	Januard 2	Toward	End Lease
Name (Address) Open Space (Sutter St at Eunice St)	Zoning R-1H	7,579	Use Open Space	Notes	Image	061 256600600	Bldg SF	Leased?	Tenant	Term
Open Space (Tamalpais Rd)	R-1H	1,760	Open Space			060 247303800				
Open Space (Twain Ave near Sterling Ave)	R-1H	3,271	Open Space			063 298400805				
Oxford Plaza Parking Garage (2165 Kittredge)	C-DMU Core	46,633	Parking Garage	2 parcels. City owns a portion of the site - parking garage. Parcel listed as 0 square feet.		057 211800100 057 211900100	46,302			
Parking Lot (Adeline and Alcatraz)	C-SA	5,831	Leased			052 152801504	-	Yes	Children's First Medical Group	No End Date
Presentation Park (2199 California st)	R-2	2,493	Park			056 200500200				
Prince Street Mini Park (1631 Prince St)	R-2A	6,750	Park			053 160601000				
Remillard Park (80 Poppy Ln)	R-1H	83,734	Park	3 parcels		063 297601201 063 297601100 063 297601203				

Page 28 of 27 Inventory of City Properties

Name (Address)	Zoning	Lot SF	Current Use	Notes	Image	APN	Bldg SF	Leased?	Tenant	End Lease Term
Roundabout (Parkside Drive)	R-1H	16,767	Open Space			064 424404200				
San Pablo Park (2800 Park st)	R-1	518,647	Park			053 166500100				
Santa Fe Right of Way (approx. 1400 Carleton)	R-1/R-2	75,086	ROW	6 parcels		054 179302700 054 178303500 054 17830360 054 179402800 054 173502000 054 179002800				
Sidewalk and Road (Ashby between Harper and MLK Jr. Way)	R-2A/ C- SA	16,500	Other			053 160100402				
Sidewalk (Le Conte Ave at La Loma Ave)	R-2AH	2,957	Other			058 220400100				
Small Parcel (Ashby Ave, between Harper and Ellis)	R-2A	222	Other			053 160200401				
small plaza (Henry and Hearst)	R-2A	1,620	Other		The state of the s	057 205101602				
Sojourner Truth Court (former Santa Fe ROW)	R-3/ R-1/ C-SA	36,110	ROW	includes some open space		054 173702000				

Page 20 of 27 Inventory of City Properties

					ventory of City Properties					
Name (Address)	Zoning	Lot SF	Current Use	Notes	Image	APN	Bldg SF	Leased?	Tenant	End Lease Term
South Berkeley Senior Center (2939 Ellis St)	R-2A	21,690	City Facility	3 parcels		053 160302100 053 160302200 053 160302300				
Spiral gardens (2850 Sacramento St)	R-1/ C-SA	12,423	Leased			053 166903000		Yes	Spiral Gardens Community Garden	6/30/2008
Strawberry Creek Park (1260 Allston Way)	R-2/ R-2A	147,999	Park	3 parcels		056 199000700 056 199100200 056 199000403				
Telegraph-Channing Garage and Shops (2425 Channing Way)	С-Т	32,685	Parking Garage			055 187900601	189,867			
Terrace View Park (1421 Queens Rd)	R-1H	39,724	Park			060 248504601				
Tevlin Street (north of Gilman)	R-1A	7,438	Other		Hara dame	060 241701900				
University Avenue Cooperative Homes Apartments (Addison at Sacramento)	R-4	50,842	Leased	Resources for Community Development affordable housing project	Add to blind	056 199600401 056 199602401 056 199601000 056 199600600 056 199600900 056 199600200 056 199602800 056 199600300		Yes	UACH, LP	11/15/2080
Veterans Memorial Building (1931 Center St)	C-DMU Buffer	24,819	Leased			057 202202000	33,254	Yes	Building Opportunities for Self-Sufficiency (BOSS); Dorothy Day House; Option Recovery Services; Berkeley Food and Housing Project; Berkeley place; American Legion Post 7; Disabled American Vets, The Ecology Center	Mo to mo

Page 26 of 27 Inventory of City Properties

				Ir	ventory of City Properties					
Name (Address)	Zoning	Lot SF	Current Use	Notes	Image	APN	Bldg SF	Leased?	Tenant	End Lease Term
Virginia-McGee Totland (1644 Virginia St)	R-2	16,248	Park			058 215700100				
West Berkeley Service Center (1900 Sixth St)	MUR	31,020	City Facility			057 209700201				
West St. (between Lincoln and Delaware)	In between R-2/ R-1	33,048	Other	BMC. 3 parcels		058 213602400 058 213701800 058 213501900				
Willard Park (2730 Hillegass Ave)	R-2	111,000	Park			054 171102700				
William B Rumford Senior Plaza (3012 Sacramento St)	C-SA	76,666	Leased	Resources for Community Development affordable housing project		053 161401800	47,424		South Berkeley Cmty Housing Dev Corp - William Byron Rumford Sr. Plaza (Resources for Community Development)	8/26/2070
Women's Day Time Drop-in Center (2213 Byron St)	R-2	4,800	Leased			056 198403000	3,173		Women's Day Time Drop-in Center	12/24/2023
Women's Daytime Drop-In Center (2218 Acton St)	R-2	21,085	Leased	Adjacent to City Corp Yard		056 199300600	594		Women's Daytime Drop In Center	2/18/2018



CONSENT CALENDAR

April 5, 2016

To: Honorable Mayor and Members of the City Council

From: Councilmember Susan Wengraf

Subject: Analyzing All City-Owned Properties for Potential for Housing Development

RECOMMENDATION

Request that the City Manager explore the opportunity for the City of Berkeley to build housing on city-owned property: conduct an inventory of city owned properties and return to City Council as soon as possible with an evaluation and analysis of those properties that are appropriate for the development of affordable housing.

BACKGROUND

Across the state of California, urban centers are experiencing a crisis in housing availability at all levels of affordability. The crisis is very severe in the Bay Area. Lack of funds and subsidies from the state and federal government has exacerbated the obstacles to developing housing at all levels of affordability. In addition, the scarcity and the high cost of land in the Bay Area and in Berkeley, specifically, is an enormous barrier to producing affordable housing. Berkeley needs to optimize its limited resources now and look to partner with housing developers to build housing on city-owned land.

The City of Berkeley has a unique opportunity. The two senior centers, "North", on MLK and Hearst, and "South" on Ellis and Ashby and the Service Center on 6th Street are all in need of significant renovation. Now is the time to evaluate these properties to determine if it is feasible to create a mixed-use, housing/community center on these sites prior to spending millions of dollars on the current structures.

All City owned properties should be explored and evaluated for their potential as sites for housing development.

In addition, the Berkeley Unified School District owns property that has the potential to be developed as housing. The City of Berkeley should work closely with the BUSD to encourage them to move forward with their own analysis of potential housing sites that are currently under- utilized.

This severe housing crisis calls for all publicly owned land to be evaluated and considered.

FINANCIAL IMPLICATIONS: Staff time

<u>CONTACT:</u> Councilmember Susan Wengraf Council District 6 510-981-7160



CONSENT CALENDAR
May 16, 2017

To: Honorable Mayor and Member of the City Council

From: Councilmembers Susan Wengraf, Kate Harrison, Linda Maio and Ben Bartlett

Subject: Budget Referral: Feasibility Study for the Construction of Affordable Senior

Housing

RECOMMENDATION:

Refer to the budget referral process a feasibility study that evaluates the financial requirements and analyzes the site/context yield of the construction of affordable housing for seniors on the sites of North Berkeley Senior Center, West Berkeley Service Center and South Berkeley Senior Center.

FINANCIAL IMPLICATIONS:

\$100,000

BACKGROUND:

The demographic for people over 65 is increasing in Berkeley. By 2030, the population of residents over 65 will be more than 26,000. The number one concern expressed by seniors is their ability to be able to stay housed in Berkeley, as they get older.

Berkeley has an opportunity to provide affordable senior housing by building over the senior or service centers. Since the city owns the land, a public/private partnership for the construction and management is an excellent possibility.

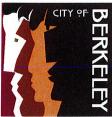
As the city moves forward with planning the expenditures from Measure T1, we should be sure that resources used on improving our current facilities do not pre-empt the possibility of future development at these three sites.

ENVIRONMENTAL SUSTAINABILITY

No adverse effect on the environment.

CONTACT PERSON

Councilmember Susan Wengraf Council District 6 510-981-7160



Planning and Development Department Health, Housing and Community Services Department

March 7, 2019

To:

Honorable Members of the Land Use, Housing, and Economic

Development Committee

From:

Timothy Burroughs, Director, Planning and Development Department

Kelly Wallace, Interim Director, Health, Housing and Community Services

Department

Subject:

Process for Considering Proposals to Develop the West Berkeley Senior

Center Site for Senior Housing

SUMMARY

The Committee is considering a referral that would direct the City Manager to issue a Request for Proposals (RFP) for the development of the West Berkeley Service Center site (located at 1900 Sixth Street) into a senior housing and services project, consistent with Age Friendly Berkeley recommendations. The Committee discussed this item at its February 20, 2019 meeting and requested that staff come to the March 7, 2019 Committee meeting with additional information.

Specifically, the Committee requested an estimate of the staff time required to conduct a basic analysis of the development potential for the West Berkeley Service Center site. The Committee also requested input from staff on the appropriate procurement process for soliciting ideas and proposals from housing developers for potential future development of the site.

STAFF TIME NEEDED:

Land Use staff recommend that the analysis of development potential at the site include build-out scenarios for a three-, four-, five- and six-story building at the site, using Mixed-Use Residential (MUR), West Berkeley Commercial (C-W), and Multiple-Family Residential (R-3) Development Standards. Each buildout scenario should reflect base project conditions, and conditions if Density Bonus waivers and concessions are requested, or if Use Permits are used to modify Development Standards. The proposed analysis would take approximately 40-60 hours of staff time.

PROCUREMENT PROCESS:

Staff recommends that Council consider:

Complete any rezoning before issuing an RFP. If the zoning changes for the site
are not yet settled, this may inhibit the number of interested developers. This
sequence would also avoid the duplicate time and expense of designing two
projects (one responding to the current zoning, one responding to the revised
zoning). Completing this process first will also mean that the RFP responses are

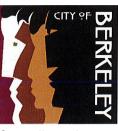
Process for Considering Proposals to Develop the West Berkeley Senior Center Site for Senior Housing

March 7, 2019

- based on more current information, since predevelopment work could proceed immediately after a contract award.
- A Request for Proposals (RFP), as opposed to a Request for Information (RFI), may be the best tool to use for soliciting development concepts from housing developers if Council wishes to use this process to award a contract, such as a Disposition and Development Agreement. An RFI is typically used to collect information from many potential bidders in anticipation of releasing a request for bids, to inform the request. An RFP is an excellent tool to use when the City wants bidders to apply their creative thinking to the proposed project and wants to award a contract. The RFP can ask the bidders to respond to multiple City priorities. Since identifying and analyzing options to develop the site will require an investment of staff time from respondents, developers are more likely to respond with more fully developed proposals if the process is used to award a contract.
- As a precursor to developing an RFP, it would help staff to understand Council's
 priorities for the site, particularly what project components are most important,
 such as maximizing the number of affordable units for seniors, providing deeply
 affordable units, inclusion of community services space, a memory care facility,
 etc. Understanding the ranking of Council priorities will help staff and bidders
 evaluate trade-offs and enable more responsive proposals, making the process
 more efficient for the City and developer alike.

CONTACT PERSONS

Timothy Burroughs, Director, Planning and Development Department, 510-981-7437 Kelly Wallace, Interim Director, Health, Housing and Community Services Department, 510-981-5107



Councilmember Cheryl Davila District 2

CONSENT CALENDAR

May 28, 2019

To: Honorable Mayor and Members of the City Council

From: Councilmember Cheryl Davila and Ben Bartlett

Subject:

Berkeley Juneteenth Festival: Relinquishment of Council Office Budget

Funds to General Fund and Grant of Such Funds

RECOMMENDATION

Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember including \$500 from Councilmember Cheryl Davila, to support purchase of street-pole banners announcing the Berkeley Juneteenth Festival June 16, 2019, 11AM-7PM, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Davila, the Mayor and any other Councilmembers who would like to contribute.

FISCAL IMPACTS OF RECOMMENDATION

No General Fund impact; \$500 is available from Councilmember Cheryl Davila's Council Office Budget discretionary account (011 11 102 000 0000 000 411).

ENVIRONMENTAL SUSTAINABILITY

Providing community support for an uplifting, historical and cultural event that memorializes the end of a tragic era in U.S. and world history and celebrates the resurgence of African American peoples.

BACKGROUND

The Emancipation Proclamation, signed by President Lincoln on January 1, 1863, freed slaves in southern states during the Civil War. However, the good news did not reach slaves in Galveston, Texas until June 19, 1865. On this date, they celebrated the final execution of the Emancipation Proclamation. June 19th was shortened to JUNETEENTH, a portmanteau of "June" and "nineteenth". Former slaves flooded the streets and rejoiced. On this day, JUNETEENTH - African Americans were finally free! Lest we forget, the first Juneteenth celebration had a bittersweet tinge: celebrating freedom, but never forgetting the nightmare of slavery. JUNETEENTH became a tradition for African American communities in the south, and as they migrated to other parts of the US, the tradition of JUNETEENTH went with them. In 1986, R.D. Bonds, Sam Dyke and other members of the Adeline-Alcatraz Merchants Association, organized to promote the economic and social well-being of residents and small

Page 2 of 3

businesses in South Berkeley, started Juneteenth in Berkeley, to highlight the Adeline Corridor, and promote community pride. Community cooperation was the objective. Berkeley Juneteenth Association, Inc. (BJAI), a nonprofit established in 1987, celebrated the first annual Berkeley Juneteenth Festival in 1987.

We are proposing that the City Council make a minimum grant of \$100 to the fund to purchase and mount banners announcing the 30th Annual Berkeley Juneteenth Festival on street-poles along Adeline Street between Alcatraz and Fairview Streets. The total estimated cost of the banners is \$5000.00.

CONTACT PERSON

Cheryl Davila, Councilmember District 2

510.981.7120

ATTACHMENTS: 1: Resolution

LINK: http://www.berkeleyjuneteenth.org/about_juneteenth.html

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

AUTHORIZING THE EXPENDITURE OF SURPLUS FUNDS FROM THE OFFICE EXPENSE ACCOUNTS OF THE MAYOR AND COUNCILMEMBERS FOR A GRANT TO PROVIDE PUBLIC SERVICES FOR A MUNICIPAL PUBLIC PURPOSE

WHEREAS, Councilmember Cheryl Davila has surplus funds in her office expenditure account (budget code 011 11 102 000 0000 000 411); and

WHEREAS, a California non-profit tax-exempt corporation Berkeley Juneteenth Festival Committee, a community-serving non-profit is seeking donations of support the purchase of street pole banners to highlight the 30th Annual Berkeley Juneteenth Festival community event on June 16, 2019; and

WHEREAS, cultural events like Chinese New Year, Saint Patrick's Day, Cinco de Mayo, and Juneteenth, celebrate our diversity and unify us as a community so that we may come together to commemorate and honor our traditions; and

WHEREAS, Berkeley Juneteenth Cultural Celebrations (BJCC) through its sponsorship and development of the Berkeley Juneteenth Festival has provided us with the opportunity to celebrate African American music, culture, and traditions; and

WHEREAS, BJCC events such as the Juneteenth Festival events us to highlight contributions African Americans have made to our community and the fabric of America as a whole;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that funds relinquished by the Mayor and Councilmembers from their Council Office Budget up to \$500 per office shall be granted to the 30th Annual Berkeley Juneteenth Celebration Event.



Councilmember Ben Bartlett

City of Berkeley, District 2180 Milvia Street, 5th Floor Berkeley, CA 94704 PHONE: 510-981-7130

EMAIL: bbartlett@cityofberkeley.info

CONSENT CALENDAR May 28th, 2019

To: Honorable Mayor and Members of the City Council

From: Councilmember Ben Bartlett

Subject: Budget Referral: Funding Stop Signs on Carleton Street and Fulton Street

RECOMMENDATION

That the Council refers to the budget process of funding a 4-way stop at the intersection of Carleton and Fulton Street in order to address inadequate traffic control and stopping, and reduce traffic accidents.

CURRENT SITUATION

The intersection at Carleton Street and Fulton Street only has two stop signs that cover Carleton while Fulton allows for the free flow of traffic. However, many drivers and pedestrians assume there are stop signs at all ends of the intersection of Carleton and Fulton, leading to many accidents and close-calls. Also, there are no funds available to construct stop signs in these neighborhoods. In order to cultivate a culture of traffic and pedestrian safety, the Council should refer to the budget process to fund a 4-way stop sign at Carleton and Fulton.

BACKGROUND

In this district, especially within streets that do not have a stop sign, cars tend to drive past the speed limit. This not only affects the safety of drivers, but children as well. Many elementary school students have to cross the intersection in order walk home from the elementary school bus stop on the corner. However, there are no crosswalks. In addition, the traffic from both ends of the intersection are nonstop as a result of the lack of stop signs. This leads to public safety issues, especially since many children are not completely aware of their surroundings and do not know when it is okay to cross.

Neighbors also constantly hear the screeching of brakes at the intersection of Carleton and Fulton where pedestrians, cyclists, and vehicles cross. The traffic increases significantly during peak commute hours of the day as well. Because of the absence of a 4-way stop sign, this residential neighborhood, which is composed of families with young children and seniors, find themselves avoiding the unsafe intersection when possible. It is absolutely crucial to take the necessary steps in improving pedestrian safety and traffic conditions at this dangerous intersection by constructing and implementing a 4-way stop sign.

REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, AND LAWS

The Council adopted a Complete Streets Policy in 2013, which intends to create and sustain street designs and repairs. This policy is determined to create "comprehensive, integrated"

Page 2 of 2

transportation network with infrastructure and design that allows safe and convenient travel" for all users. This includes pedestrians, persons with disabilities, motorists, bicyclists, users and operators of public transportation, seniors, children, youth, and families.

This Complete Streets Policy, resolves to "provide safe, comfortable, and convenient travel along and across streets." If the City is dedicated to creating a community of traffic safety that protects all pedestrians from auto-related accidents, the Council should fund the installation of a 4-way stop sign at the intersection of Carleton and Fulton.

ACTIONS/ALTERNATIVES CONSIDERED

Alternatives include installing a yield sign to let oncoming traffic know that the cross street does not have a stop sign. However, this will still require additional funding.

RATIONALE FOR RECOMMENDATION

If the Council is truly dedicated to ensuring safety in the neighborhoods for all people, they should refer to the budget process to fund the necessary 4-way stop sign at the intersection of Carleton and Fulton. There have been many auto-related accidents or close-calls throughout the City of Berkeley, especially at the relevant intersection. The Council must keep their commitment to ensuring the safety of our drivers and pedestrians by preventing future accidents from occurring through the implementation of street signs.

IMPLEMENTATION, ADMINISTRATION AND ENFORCEMENT

The Council should refer to the Department of Public Works Transportation Division to create a plan for the installation of a stop sign.

FISCAL IMPACTS OF RECOMMENDATION

Staff time and cost associated with the stop sign installation.

ENVIRONMENTAL SUSTAINABILITY

No adverse effects to the environment. Slower traffic and safer street crossings.

OUTCOMES AND EVALUATION

It is expected that the City of Berkeley will recognize the importance of funding a 4-way stop sign for the residents and children who live among these areas.

CONTACT PERSON

Councilmember Ben Bartlett 510-981-7130
Sarah Cziska 510-981-7131
Katie Ly kly@cityofberkeley.info
James Chang jchang@cityofberkeley.info

¹ https://www.cityofberkeley.info/completestreetspolicy/

²https://www.cityofberkeley.info/uploadedFiles/Public Works/Level 3 -

_Transportation/Berkeley%20Complete%20Street%20Resolution%2012%2011%2012.pdf



Councilmember Ben Bartlett

City of Berkeley, District 2180 Milvia Street, 5th Floor Berkeley, CA 94704 PHONE: 510-981-7130

EMAIL: bbartlett@cityofberkeley.info

CONSENT CALENDAR May 28th, 2019

To: Honorable Mayor and Members of the City Council

From: Councilmember Ben Bartlett

Subject: Budget Referral: Funding for a Traffic Safety and Mitigation Study and

Investments on Alcatraz Avenue

RECOMMENDATION

That the City Council refer to the budget process funding of a traffic safety and mitigation study for Alcatraz Avenue to address the high volume of traffic accidents along this roadway due to inadequate street lighting and traffic controls. This study will determine the best methods of controlling all forms of traffic to maximize the safety of motorists, pedestrians, and bicyclists.

CURRENT SITUATION

Alcatraz Avenue, which intersects the major roadways Adeline Street and California Street, suffers from poor lighting and traffic controls resulting in a high number of traffic accidents. These accidents can be easily prevented with the installation of more streetlights and effective traffic signals or signage. However, to maximize the cost-effectiveness of these improvements, a study must first be made to determine the best placement and types of lights and signals to be used. Therefore it is necessary for the City Council to fund a traffic safety and mitigation study to better protect the residents and commuters moving through this area.

BACKGROUND

In February 2019, Councilmember Bartlett's office released a survey to residents and community members of South Berkeley to receive feedback on ideal locations for streetlight and traffic control upgrades and additions. One street that was named several times was Alcatraz Avenue, which lacks adequate lighting and intersects major roadways such as Sacramento Street and Adeline Street. These intersections have been specifically named by residents as sites of high volumes of accidents. Alcatraz

Avenue itself has been described as dark and poorly lit, making it a dangerous place to walk, bike, or drive at night.

REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, AND LAWS

On December 11, 2012, Berkeley City Council adopted the Complete Streets Policy to guide future street design and repair activities. This policy outlined a comprehensive transportation network that allows safe and convenient travel along Berkeley's streets for bicyclists, pedestrians, and motorists.

In the resolution of the policy, it is stated that "the City of Berkeley expresses its commitment to creating and maintaining Complete Streets that provide safe, comfortable, and convenient travel along and across streets." If the City of Berkeley is to uphold this commitment, then funding a traffic mitigation and safety study for Alcatraz Avenue is an ideal opportunity.

ACTIONS/ALTERNATIVES CONSIDERED

Alternative actions include directly installing street lights and traffic controls without a prior safety and traffic mitigation study. However, this would still require a budget referral and funding required may vary. Outcomes from this alternative may also be less effective than ones stemming from a study.

OUTREACH OVERVIEW AND RESULTS

District 3 constituents were given a survey to help determine where to install and improve street lights and traffic controls.

RATIONALE FOR RECOMMENDATION

Ever since Berkeley adopted the Complete Streets Policy, the City has been committed to developing an integrated transportation network to promote "safe, equitable, and convenient travel for all users while preserving flexibility...using the latest and best design guidelines and standards."²

IMPLEMENTATION, ADMINISTRATION AND ENFORCEMENT

The Council should refer to the Transportation Division to create a plan for the enforcement and implementation of the study and future installation of traffic lights.

¹ https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_- Transportation/Berkeley%20Complete%20Street%20Resolution%2012%2011%2012.pdf

² https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_-Transportation/Berkeley%20Complete%20Street%20Resolution%2012%2011%2012.pdf

FISCAL IMPACTS OF RECOMMENDATION

Staff time as well as costs associated with traffic mitigation study and installation of new lights and traffic controls.

ENVIRONMENTAL SUSTAINABILITY

A traffic mitigation and safety study can lead to more efficient traffic controls that not only make the roads safer but less congested as well, reducing the carbon footprint.

OUTCOMES AND EVALUATION

It is expected that the City of Berkeley will recognize the importance of funding a traffic safety and mitigation study on Alcatraz Avenue.

CONTACT PERSON

Councilmember Ben Bartlett 510-981-7130 Brian Gan 510-981-7131



Councilmember Ben Bartlett

City of Berkeley, District 2180 Milvia Street, 5th Floor Berkeley, CA 94704

PHONE: 510-981-7130

EMAIL: bbartlett@cityofberkeley.info

CONSENT CALENDAR May 28th, 2019

To: Honorable Mayor and Members of the City Council

From: Councilmember Ben Bartlett, Mayor Jesse Arreguin, and Councilmembers

Kate Harrison and Susan Wengraf

Subject: Budget Referral: Funding for Street Lights Development at Martin Luther King

Jr. Way and Stuart Street

RECOMMENDATION

That the Council refers to the budget process to fund traffic lights on Martin Luther King Jr. Way and Stuart Street in order to prevent auto-related accidents and traffic deaths and injuries.

CURRENT SITUATION

There are currently no traffic lights at the intersection of MLK and Stuart. In addition, there are no funds allocated for improving street lighting and signs on the streets in our neighborhoods. Without street lights and visible walkways, auto-related accidents are more likely to occur throughout the City of Berkeley.

BACKGROUND

In February 2019, the District 3 Office released a street lights survey, which sought feedback from community members in the neighborhood on how to improve and where to install street lights and signs. We specifically asked survey respondents to list specific names of the cross streets that needed improvement and/or development. Out of all survey responses, the intersection at MLK and Stuart were repeated the most because of its severe lack of lighting which makes it difficult for drivers to see pedestrians at night.

REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, AND LAWS

On December 11, 2013, the Council adopted a Complete Streets Policy, which aims to create and sustain "comprehensive, integrated transportation network with infrastructure and design that allows safe and convenient travel along and across streets for all

users." These users include pedestrians, bicyclists, persons with disabilities, seniors, youth, families, and more.

In the resolution of the policy, it states that "the City of Berkeley expresses its commitment to creating and maintaining Complete Streets that provide safe, comfortable, and convenient travel along and across streets." If the City is committed to cultivating a culture of traffic safety that protects pedestrians from auto-related accidents, the Council should fund the installation of street lights at the intersection of MLK and Stuart.

ACTIONS/ALTERNATIVES CONSIDERED

Other alternatives include the installation of different types of street lights and signs. Instead of a generic traffic light, we can install hawk beacons or blinking pedestrian lights which will alert motorists. However, these other alternative street lights will still require a budget referral and the funding required may vary.

OUTREACH OVERVIEW AND RESULTS

Councilmember Bartlett has reached out to District 3 constituents in efforts to figure out where to install and improve street lights and signs through a community survey.

RATIONALE FOR RECOMMENDATION

Since December 11, 2012, the Council has committed to ensuring safe and convenient travel throughout the streets for all users. However, there have been many auto-related accidents within the City of Berkeley, especially intersections, like MLK and Stuart, that lack the necessary lighting and signs needed to create safer streets for pedestrians and drivers. The Council must uphold its commitment of cultivating a culture of traffic and pedestrian safety by referring to the budget process to fund the construction and implementation of street lights at the intersection of MLK and Stuart in order to prevent auto-related accidents from further occurring. By funding and constructing these lights (Same sentence as earlier)

IMPLEMENTATION, ADMINISTRATION AND ENFORCEMENT

The Council should refer to the Transportation Division to create a plan for the enforcement and implementation of traffic lights.

¹ https://www.cityofberkeley.info/completestreetspolicy/

https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_-Transportation/Berkeley%20Complete%20Street%20Resolution%2012%2011%2012.pdf

FISCAL IMPACTS OF RECOMMENDATION

Staff time and costs associated with the traffic lights and its association. Estimate ____.

ENVIRONMENTAL SUSTAINABILITY

No environmental sustainability impact. Slower traffic.

OUTCOMES AND EVALUATION

It is expected that the Council will stay committed to cultivating a culture of traffic and pedestrian safety by reducing traffic deaths and injuries through the installation of traffic lights at the intersection of MLK and Stuart.

CONTACT PERSON

Councilmember Ben Bartlett 510-981-7130 Katie Ly 510-981-7131

City Council Complete Streets Policy Resolution

https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_Transportation/Berkeley%20Complete%20Street%20Resolution%2012%2011%2012.pdf

Berkeley Complete Streets Policy Website

https://www.cityofberkeley.info/completestreetspolicy/



Councilmember Ben Bartlett City of Berkeley, District 2180 Milvia Street, 5th Floor Berkeley, CA 94704 PHONE: 510-981-7130

EMAIL: bbartlett@citvofberkelev.info

CONSENT CALENDAR

May 28th, 2019

To: Honorable Mayor and Members of the City Council From: Councilmember Ben Bartlett and Cheryl Davila

Subject: Budget Referral: "Berkeley Inclusion in Opportunity Index" - Funding Firm to

Perform Availability Study to Achieve Equity in City Contracting

RECOMMENDATION

That the Council refer to the 2019-2020 budget and allocate \$200,000 to fund Mason Tillman Associates Ltd (MTA) to perform an Availability Study to analyze the City's use of local, small, emerging enterprises and other enterprises with barriers to access in City construction, architecture, engineering, professional services, goods, and other services contracts.

CURRENT SITUATION

On January 24, 2017 Councilmembers Bartlett and Davila, along with former Councilmember Worthington, referred to the 2016-2017 budget and allocation to perform an Availability Study to analyze the City's use of local, small, emerging enterprises and other enterprises with barriers to access in City construction, architecture, engineering, professional services, goods and other services contracts.

Recommendations presented on June 13, 2017 included \$100,000 in FY 2018 for the Berkeley Inclusion in Opportunity Index, also referred to as the Availability Study.

On June 24, 2017, a FY 2018 and FY 2019 revised budget report was submitted to the City Council as agenda Item #47 by the Budget Manager. The report was revised to reflect the Mayor's Supplemental Budget.

Staff prepared Request for Proposal (RFP), Specification No. 18-11193-C, Availability Study for Affirmative Action in City Contracting which was released to the public in the spring of 2018. The RFP's intent was to identify and contract with a firm to conduct disparity and utilization analyses to assess the City's use of local, small, emerging, minority and women business enterprises in City construction, architecture, engineering, professional services, goods and other services contracts. Additionally, remediation recommendations to address any identified utilization gaps were requested as part of the scope of services. Specific outreach was made to 7 firms that participated in a similar request for proposal process with the City of Oakland. The RFP was posted on

the City's website and at the kiosk in front of Old City Hall. Six (6) firms submitted proposals in response to the RFP.

A panel comprised of City staff was convened to evaluate each proposal, conduct a rating and ranking process and identify the top ranked proposal. At the conclusion of the rating and ranking process the proposal submitted by Mason Tillman Associates Ltd (MTA) was deemed to provide the best overall value to the City, price and other factors considered. Particular strengths of the MTA proposal included:

- Extensive experience performing this type of work for states, cities and special districts and authorities, including the Cities of Oakland, Richmond and San Jose, San Francisco Bay Area Rapid Transit District, California High Speed Rail Authority, and Alameda County
- Clearly defined approach and proposed project plan with an estimated duration of 8 months from start to finish
- A detailing of data analysis tools and processes to be used, and
- Analysis of subcontractor awards.

BACKGROUND

The City of Berkeley and its residents have a longstanding commitment to diversity and to advancing the development of local businesses. Part of this commitment is to ensure that the City's procurement activities allow for contracting opportunities to be accessible to the entire local business community.

The purpose of an Availability Study would therefore be to examine the City's procurement activities and identify disparities in the awarding of contracts affecting local, small, emerging business enterprises and other enterprises with barriers to access. To the extent that disparities in the awarding of contracts exist, the City of Berkeley should undertake equity oriented remedies in its contracting practices. Alameda County and the City of Oakland have both performed Availability Studies, which allows these municipal entities to consider additional factors when awarding contracts and engage in more socially responsible contracting.

REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, AND LAWS

To the extent disparities in the awarding of contracts exist, the City of Berkeley is barred by Proposition 209 from undertaking race conscious, gender-conscious and other affirmative action-related remedies without first conducting an Availability Study to identify discrimination. Such remedies may not be undertaken based on broad notions of equity or general allegations of discrimination, however, they are permitted if the City identifies specific disparities in the awarding of contracts.

Alameda County and the City of Oakland have both performed an Availability Study, which therefore allows them to consider additional factors and do more socially responsible contracting. The City of Berkeley must do the same to uphold its commitment to diversity.

OUTREACH OVERVIEW AND RESULTS

Councilmember Bartlett has reached out to City staff to conduct an RPF to determine which firm would be the most qualified to perform an Availability Study for affirmative action in city contracting. The results have ranked Mason Tillman Associates Ltd as the best firm to conduct the study for the City of Berkeley.

RATIONALE FOR RECOMMENDATION

The Availability Study will allow for contracting opportunities to be accessible to the entire local business community while empowering municipal entities to engage in more socially responsible contracting.

IMPLEMENTATION, ADMINISTRATION AND ENFORCEMENT

To be determined.

FISCAL IMPACTS OF RECOMMENDATION

If passed, the financial resources necessary for funding the firm to conduct the Availability Study will be allocated from the FY2020 and FY2021 budget.

ENVIRONMENTAL SUSTAINABILITY

This proposal is aligned with the City's goal for Environmental Sustainability.

OUTCOMES AND EVALUATION

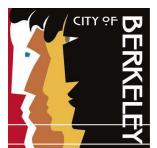
It is expected that the Council will maintain their longstanding commitment to diversity and to advancing the development of local businesses by referring to the 2019-2020 budget and allocate \$200,000 to fund a firm to conduct the Availability Study.

CONTACT PERSON

Councilmember Ben Bartlett 510-981-7130 Katie Ly 510-981-7131

https://www.cityofberkeley.info/uploadedFiles/Council_3/Level_3_-General/BINDEX.pdf

City manager results: file:///C:/Users/bbartlett/Downloads/2019-05-14%20Item%2059%20Results%20of%20RFP%20for%20Availability%20Study.pdf



Councilmember Ben Bartlett

City of Berkeley, District 3 2180 Milvia Street, 5th Floor Berkeley, CA 94704 PHONE 510-981-7130

EMAIL: bbartlett@cityofberkeley.info

CONSENT CALENDAR

May 28, 2019

To: Honorable Mayor and Members of the City Council

From: Councilmembers Ben Bartlett, Kate Harrison, Cheryl Davila, and Mayor

Jesse Arreguin

Subject: Referral to the Public Works Department and the City Manager: Finishing the

installation of Sculpture Lighting into Adjacent Street Lights for the William

Byron Rumford Statue on Sacramento and Julia St.

RECOMMENDATION: I

Refer to the City Manager a request to finish the installation of sculpture lighting into adjacent street lights for the William Byron Rumford statue on Sacramento and Julia Street. Refer to the Public Works Department for its installation.

BACKGROUND:

In July of 2016, the South Berkeley Legacy Project unveiled their statue of William Byron Rumford, a former Berkeley resident and California State Assemblymember renowned for legislation targeting housing and employment discrimination.

Currently, the statue languishes in total darkness upon nightfall. In the absence of light the statue takes on a shadowy figure, confusing passing vehicles.

FISCAL IMPACTS OF RECOMMENDATION

Staff time to compile a cost estimate and an installation plan.

ENVIRONMENTAL SUSTAINABILITY

No adverse effects to the environment

RATIONALE FOR RECOMMENDATION

By installing lightings on the sculpture of a community leader who fought for social justice, the city pays its respects to its history and tradition of political activism and civil right struggles.

By installing permanent lighting fixtures on the streetlights next to the Sacramento and Julia crosswalks, the potential for confusion of passing vehicles is eliminated. (See Attached for an illustrated diagram.)

Also, better lighting also contributes to a healthier business district. Poorly lit areas of Sacramento receive less commercial attention. By investing in a long-term, structural solution, the City will be providing City resources to an underserved geographical area.

2180 Milvia Street, Berkeley, CA 94704 ● Tel: (510) 981- ● TDD: (510) 981-6903 ● Fax: (510) 981-E-Mail: Therefore, this item requests that the City Manager and the Public Works Department lay out the procedures and finish the installation of the lightings on the statue. This item is vital toward improving safety and visibility on Sacramento Street, as well as paying tribute to the harbingers of civil rights struggles in our city's history.

CONTACT PERSON

Office of Councilmember Ben Bartlett: 510-981-7130 Yiyang Yuan yiyang.yuan@berkeley.edu

Attachments:

1. Picture





Councilmember Ben Bartlett

City of Berkeley, District 3 2180 Milvia Street, 5th Floor Berkeley, CA 94704 PHONE 510-981-7130

EMAIL: bbartlett@cityofberkeley.info

CONSENT CALENDAR

May 28th, 2019

To: Honorable Mayor and Members of the City Council

From: Councilmember Ben Bartlett, Lori Droste, and Rigel Robinson

Subject: Budget Referral: Increase Staffing Level of Transportation Division to

Expedite City's Vision Zero Goal

RECOMMENDATION

That the Council adds six permanent positions to the Transportation Division as part of the city's fiscal year 2020-2021 biennial budget by referring \$1,433,310.40 to the budget process to fund these positions; the total cost of salaries without benefits is 863,440; the total cost of benefits alone is 569,870.40. These positions should include 4 Engineers, a permanent Senior Planner (to coordinate Vision Zero), and an Administrative Professional. The Transportation Division needs increased staff capacity to deliver funded capital projects and work towards the City's Vision Zero goal of eliminating fatal and severe injury collisions.

CURRENT SITUATION

As the Mayor, Councilmembers, Transportation Commissioners, and community members have previously noted, the Transportation Division is short-staffed. Meanwhile, community concern about the safety of our streets is growing. The Transportation Division is responsible for the most important Vision Zero strategy: reengineering our streets to make them safe and attractive for people walking and biking. The Council has made Vision Zero its top priority for staff, but currently, the Transportation Division is understaffed.

BACKGROUND

Vision Zero is a data-driven road safety approach that aims to prevent all fatalities and serious, life-altering injuries. The Council has prioritized the Vision Zero initiative to respond to Berkeley's dangerous road conditions.. Traffic crashes that result in severe injuries or deaths cause obvious physical pain to survivors, but also leave survivors, caregivers, and loved ones with emotional trauma a well. Our lack of staff capacity in the Transportation Division interferes with the City's ability to effectively implement Vision Zero and prevent auto-related crashes for our communities. In addition, the lack

of project delivery capacity has pulled staff away from other core services, like installing bike racks. Finally, staffing problems will make the city less competitive for major transportation funding streams.

Attempting to prioritize Vision Zero actions, the Council referred to the budget process funds to support a Vision Zero coordinator for one year in December 2018. However, funding the coordinator for one year will not advance our Vision Zero goals. A one-year coordinator will be able to do little more than finish the Vision Zero Action Plan. Thus, the city needs a permanent full-time coordinator whose primary focus is implementing Vision Zero.

REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, AND LAWS

Vision Zero has three key elements: Engineering, Enforcement, and Education. The Engineering element focuses on traffic calming and reengineering existing streets into safer ones for all road users, but especially the most vulnerable: people who walk, bike, and take transit. Some existing plans, policies, and programs include safe routes to school, Berkeley Strategic Transportation Plan, Bicycle Plan, Pedestrian Master Plan, and Traffic Calming Program. The Enforcement element will focus on enforcement of traffic violations that cause the most injuries and deaths, like a violation of the pedestrian right of way. Lastly, the Education element serves to increase public awareness of laws related to the violations that cause the most injuries and deaths. By educating the community on traffic safety, Vision Zero aims to spread awareness on how to stay safe on Berkeley streets.

ACTIONS/ALTERNATIVES CONSIDERED

In December 2018, Council referred to the budget process funds to support a Vision Zero coordinator for one year. But, this plan is insufficient for developing, implementing, and expediting the City's Vision Zero Action Plan. To meet our Vision Zero goal, we must have enough staff to [re]engineer streets and lead a cross-department task force.

OUTREACH OVERVIEW AND RESULTS

Councilmember Bartlett has consulted with Walk Bike Berkeley, a volunteer-run group founded by Berkeley residents that advocates to make walking and biking in Berkeley safe, low-stress, and fun for people of all ages and abilities. This group strongly believes in the importance of increasing the staffing levels of the City's Transportation Division to create a healthy, just, and sustainable transportation system in Berkeley.

RATIONALE FOR RECOMMENDATION

At recent Transportation Commission meetings, staff has outlined their current staffing needs. The Transportation Division has proposed adding four engineering-focused full-time employees to ensure delivery of critical transportation capital projects. In addition, the Transportation Division needs a permanent Senior Planner to coordinate Vision Zero efforts and an administrative professional. Failure to add these six Transportation Division staff will delay the delivery of projects that would further the city's climate and Vision Zero goals, compromise our competitiveness for grants, reduce staff morale, and challenge staff retention. Thus, we need the appropriate amount of permanent staff members in the Transportation Division to make our Vision Zero goals a reality.

IMPLEMENTATION, ADMINISTRATION AND ENFORCEMENT

To be determined.

FISCAL IMPACTS OF RECOMMENDATION

If passed, the financial resources necessary for funding the six permanent positions will be allocated from the FY2020 and FY2021 biennial budget.

- Admin Staff Assistant: est. \$91,465 +66% for benefit: \$151,831.90
- Senior Planner: est. \$124,183 +66% for benefit: \$206,143.78
- Traffic Engineer (4): est. \$161,948 per position +66% for benefit: \$268,833.69 per position

The total cost of salaries without benefits is 863,440.

The total cost of benefits alone is 569,870.40.

The total cost of salaries with benefits is 1,433,410.40

ENVIRONMENTAL SUSTAINABILITY

Funding for pedestrian and bike safety would be in compliance with the City's Climate Action Plan and state policy to reduce pollution and emissions.

OUTCOMES AND EVALUATION

It is expected that the Council will strive to implement the Vision Zero initiative and cultivate a culture of traffic safety by adding and funding six permanent positions to the Transportation Division.

CONTACT PERSON

Councilmember Ben Bartlett 510-981-7130 Katie Ly 510-981-7131



Councilmember Ben Bartlett

City of Berkeley, District 2180 Milvia Street, 5th Floor Berkeley, CA 94704

PHONE: 510-981-7130

EMAIL: bbartlett@cityofberkeley.info

CONSENT CALENDAR

May 28th, 2019

To: Honorable Mayor and Members of the City Council From: Councilmember Ben Bartlett and Mayor Jesse Arreguin

Subject: Budget Referral: Funding for Development of a Traffic Circle at the

intersection of 62nd Street and King Street

RECOMMENDATION

Refer to the City Manager to conduct an analysis of the intersection of 62nd and King Streets to recommend a traffic circle or other traffic calming and public safety measures. Allocate \$50,000.00 to conduct this analysis.

Refer to the budget process to allocate funds to implement the City Manager's recommendations.

CURRENT SITUATION

The intersection of 62nd and King Streets in South Berkeley has seen a number of violent crimes and accidents in the last few years. This year alone, there have been 2 documented incidents at this intersection. Illegal activities perpetrated include "drive-by" shootings, "side-shows" which include "donuts" and other high-speed racing maneuvers, and speeding through the residential streets.

BACKGROUND

A 'drive by' shooting occurred on Wednesday, May 1st, 2019 at 6:30pm¹ - this being one of many shootings at the intersection of 62nd and King Streets that have frustrated and endangered residents along these intersecting streets. On January 28th, 2019 - police responded to gunfire at 62nd and King². In 2015 a resident of 62nd St. was shot in the leg by crossfire³ while crossing the intersection.

This intersection is also the location of many 'sideshows' (e.g., high-speed race maneuvers, such as 'donuts'). One of these sideshows resulted in a car jumping a sidewalk and crashing into a fence in 2018.

¹ https://www.berkeleyside.com/2019/05/01/after-gun-battle-in-south-berkeley-vehicles-struck-but-no-victims-or-arrests

² https://www.berkeleyside.com/2019/01/28/berkeley-police-man-driving-on-suspended-license-arrested-with-stolen-loaded-gun

https://www.berkeleyside.com/2015/03/17/police-investigate-shooting-in-south-berkeley

Perpetrators choose this intersection for "drive-by" shootings, "side-shows" and other illegal activity because of its easy access to two main roads, and ability to drive through it at high speeds. Families of young children live at this intersection and along these streets - they fear for their safety.

By implementing traffic calming measures, this intersection will be less attractive to those that would break Berkeley's laws. Therefore implementing traffic calming measures will increase both pedestrian and public safety.

This large, two-way intersection is located in a residential neighborhood, short blocks from major thoroughfares (MLK, Adeline, Stanford, Market, and Alcatraz), and is a short block to the S. Berkeley Farmers Market and other businesses. It is a bicycle boulevard that receives high bicycle traffic by commuters and families.

In 2018, at 62nd and Market - 2 short blocks west of this intersection - a 20-year old resident of this street, was murdered by gun fire⁴ while waiting for a bus. Residents are eager for solutions that make 62nd Street unattractive for crime.

As previously noted, there have been at least 3 incidents in the past 4 years that have resulted in either injury, death, or serious accident.

REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, AND LAWS

In December of 2013, the City Council adopted the Complete Streets Policy which is determined to create "comprehensive, integrated transportation network with infrastructure and design that allows safe and convenient travel" for all users. This includes pedestrians, persons with disabilities, motorists, bicyclists, users and operators of public transportation, seniors, children, youth, and families.

The Complete Streets Policy's resolution is to "provide safe, comfortable, and convenient travel along and across streets." If the City is dedicated to creating a community of traffic safety that protects all pedestrians from auto-related accidents, the Council should fund a traffic circle at the intersection of 62nd Street and King Street.

ACTIONS/ALTERNATIVES CONSIDERED

Speed bumps and pylons were considered, but a traffic circle was deemed the best option for this intersection.

OUTREACH OVERVIEW AND RESULTS

Constituents in District 3 were given a survey in order to determine where street lighting and traffic controls were in need of installation or upgrade to alleviate traffic and other residential issues.

⁴ https://www.berkeleyside.com/2018/02/05/neighbors-stunned-fatal-shooting-south-berkeley-man

⁵ https://www.cityofberkeley.info/completestreetspolicy/

⁶https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_-Transportation/Berkeley%20Complete%20Street%20Resolution%2012%2011%2012.pdf

RATIONALE FOR RECOMMENDATION

There are 4 safety-based reasons to implement a traffic circle at 62nd and King.

- **1.) To prevent 'drive-by' shootings.** This corner attracts criminal activity and has been the scene of several shootings. This intersection is 'attractive' for such crimes, as it provides easy escape routes, while also allowing the perpetrators to move very quickly through the residential streets. A traffic circle would substantially slow down traffic and make the intersection less attractive for criminal activity.
- **2.)** To prevent 'sideshows' at this intersection. The size of this intersection is quite large, and an easy on-off to major thoroughfares. As a result, it has often been used as a place to show off racing maneuvers that have no place in a residential neighborhood.
- **3.)** To slow traffic flow on King and 62nd Streets. Although these streets are residential and include bike boulevards, drivers will often use them at high speed to cut through the neighborhood to access the main thoroughfares of MLK, Adeline, Market, and Alcatraz Streets.
- **4.)** To make clear to pedestrians, bikers, and drivers the right-of-way of this intersection. Currently, 62nd St is a two-way stop with stop signs, but King has the free flow of traffic, though it seems like it should be a four-way, leading pedestrians and drivers to cross into traffic.

IMPLEMENTATION, ADMINISTRATION AND ENFORCEMENT

The Council will refer to the Department of Public Works' Transportation Division to create a plan for the installation of a traffic circle.

FISCAL IMPACTS OF RECOMMENDATION

Traffic circle installation (est. \$50,000) and associated staff time.

ENVIRONMENTAL SUSTAINABILITY

No adverse effects on the environment. Will help mitigate traffic and create a safer intersection.

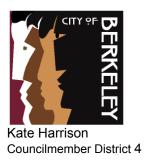
OUTCOMES AND EVALUATION

It is expected that the traffic circle will reduce the speed of motorists traveling down the bike boulevard, clarify right-of-way, and reduce criminal activity around this intersection.

CONTACT PERSON

Councilmember Ben Bartlett James Chang

510-981-7130 jchang@cityofberkeley.info



CONSENT CALENDAR May 28th, 2019

To: Honorable Mayor and Members of the City Council

From: Councilmembers Harrison, Davila, Mayor Arreguin, and Councilmember

Robinson

Subject: Resolution in Support of Full Parity for Mental Health Patients and Clinicians at

Kaiser Permanente

RECOMMENDATION

Adopt a resolution calling for full parity for mental health patients and clinicians at Kaiser Permanente and supporting the mental health clinicians in their contract negotiations.

BACKGROUND

Mental health care at Kaiser Permanente is severely understaffed, which leads to poor health outcomes for patients. More than 60,000¹ California Kaiser patients are referred to outside therapists who do not have sufficient appointments available, cannot access their patients' Kaiser charts, and cannot coordinator their care with other Kaiser health professionals, denying them the integration of health care services that Kaiser promises. In 2013, Kaiser Permanente was fined \$4 million² by the California Department of Health Care for violating the California Mental Health Parity Act, because mental health services were found to have dangerously long wait times and duplicate sets of records with contradictory information. Kaiser has since failed two more state mental health surveys in 2015 and 2017, and will remain under state-ordered monitoring of its mental health services until 2020³.

The mental health clinicians represented by the National Union of Healthcare Workers (NUHW) have led the fight to fully fund mental health care at Kaiser and provide the quality care all Californians deserve. In December 2018, NUHW clinicians held a five-day statewide strike⁴ to put pressure on Kaiser to address its failures. This strike sent a powerful message that Kaiser must finally work with clinicians to bring staffing up to needed levels and provide patients with appropriate care, but a fair contract has not yet

¹ https://calmatters.org/articles/californians-struggle-to-get-mental-health-care/

² https://www.sacbee.com/news/local/health-and-medicine/healthy-choices/article2609176.html

³ https://nuhw.org/press-release-therapists-to-strike-kaiser-mental-health-clinic-where-patients-wait-up-to-4-months-for-appointments/

⁴ https://nuhw.org/news-and-press/kaiser/

been ratified. Until then, NUHW continues to hold rallies and organize for a contract that will protect clinicians and patients alike.

May 2019 has been proclaimed Mental Health Month in Berkeley per Resolution No. 68,847—N.S. Quality mental health care requires well-paid union mental health clinicians with manageable caseloads. In honor of Mental Health Month, Berkeley must stand with NUHW clinicians and support appropriate funding and case levels.

FINANCIAL IMPLICATIONS None.

ENVIRONMENTAL SUSTAINABILITY None.

CONTACT PERSON

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

RESOLUTION NO. ##,###-N.S. RESOLUTION IN SUPPORT OF FULL PARITY FOR MENTAL HEALTH PATIENTS AND CLINICIANS AT KAISER PERMANENTE

WHEREAS, nearly 1 in 6 California adults experience a mental illness of some kind and 1 in 13 children have experienced an emotional disturbance that limits their participation in daily activities; and

WHEREAS, more than half of Californians believe that most people suffering with mental health conditions do not get the help they need, and believe that their communities do not have enough mental health providers; and\

WHEREAS, Berkeley has proclaimed May 2019 as Mental Health Month per Resolution No. 68,847-N.S.; and

WHEREAS, the Kennedy Forum, a leading mental health watchdog, has given California's mental health parity statutes an "F" grade, and Milliman, a leading actuarial firm, has found that California patients seeking mental health and addiction services are more than seven times as likely to get treatment out-of-network than patients seeking medical or surgical care; and

WHEREAS, Kaiser Permanente (Kaiser) is California's largest health insurer and provider of health care services, with more than 8.8 million covered lives statewide, and plays a leading role in driving standards of health care for California patients and caregivers; and

WHEREAS, Kaiser was fined \$4 million by the California Department of Health Care in 2013 for violations of California's Mental Health Parity Act and standards for timely access to care; and

WHEREAS, Kaiser has since failed two more state mental health surveys in 2015 and 2017, and will remain under state-ordered outside monitoring of its mental health services until 2020; and

WHEREAS, there have been multiple class action lawsuits filed over Kaiser's mental health care deficiencies and hundreds of press stories reporting on Kaiser's poor delivery of mental health care and its damaging results – including a number of suicides associated with patients allegedly experiencing delays in timely access to appropriate mental health services; and

WHEREAS, Kaiser has barely increased its ratio of 1 full-time mental health clinician to every 3,000 Kaiser Plan members; and

WHEREAS, understaffing remains so severe that more than 60,000 California Kaiser patients are being referred to outside therapists who do not have sufficient appointments available, cannot access their Kaiser charts, and cannot coordinate their care with other Kaiser health professionals, denying them the integration of health care services that Kaiser promises; and

WHEREAS, Kaiser's mental health clinicians have been denied parity with other Kaiser caregivers, losing their pension for new hires in Southern California and enduring past wage freezes; and

WHEREAS, Kaiser's \$14.4 billion in net income since 2014 and \$41.5 billion in cash and reserves as of December 2018 give it more than enough financial resources to accept and afford the implementation of reasonable proposals necessary for the benefit of its patients, including boosting staffing levels, phasing out all outsourcing of care, and providing raises to all Kaiser mental health staff; and

WHEREAS, mental health clinicians are currently voting to authorize an open-ended strike in defense of their patients, their families, and themselves if they cannot settle the fair contract they deserve;

NOW, THEREFORE BE IT RESOLVED that the Berkeley City Council strongly supports the establishment of full parity for mental health patients and clinicians at Kaiser Permanente; and

BE IT FURTHER RESOLVED that the Berkeley City Council stands in solidarity with the mental health clinicians at Kaiser represented by the National Union of Healthcare Workers in their fight to settle a fair contract.



SOPHIE HAHN

Berkeley City Council, District 5 2180 Milvia Street, 5th Floor Berkeley, CA 94704 (510) 981-7150 shahn@cityofberkeley.info

CONSENT CALENDAR

May 28, 2019

To: Honorable Mayor and Members of the City Council

From: Councilmembers Sophie Hahn, Susan Wengraf, Kate Harrison, and

Mayor Jesse Arreguin

Subject: Budget Referral: Solano Avenue Revitalization Plan

RECOMMENDATION

 Refer \$300,000 to the FY2020 - FY2021 Budget Process for the development of a two-part Solano Avenue "Master" Revitalization Plan; Part A for the Upper/Eastern end of Solano Avenue and Part B for mid-corridor blocks within the City of Berkeley, to coordinate with the City of Albany's mid-corridor Solano Avenue Reconfiguration Plan.

2. Direct the City Manager to send a letter to the City of Albany expressing Berkeley's desire to collaborate on reconfiguration and revitalization plans for the mid-corridor portion of Solano Avenue, and to initiate plans for coordination.

SUMMARY STATEMENT

Solano Avenue is a primary shopping district for much of North Berkeley, including the Thousand Oaks neighborhood and both the low and high North Berkeley hills. Revitalizing Solano Avenue as a neighborhood-serving, attractive and sustainable Main Street for North Berkeley is a key goal of local residents. Solano also has the potential to generate significantly more tax revenues for the City of Berkeley by attracting new businesses and patrons.

Upper Solano Avenue is extremely wide, with most of the right-of-way devoted to automobiles. This area presents a unique opportunity to create an enhanced sense of place for North Berkeley; to add pedestrian, landscaping and placemaking features that support a vibrant neighborhood Main Street and build community.

Solano Avenue is also the most important commercial and pedestrian-oriented street shared by Berkeley and Albany, knitting the two communities together. For approximately five blocks of mid-Solano, buildings on the North side of the street are in Berkeley, while the street, buildings on the South side of the street and *both* the North and South sidewalks are within Albany. This unusual configuration means that Albany

determines the street and sidewalk conditions for many Berkeley properties and businesses. Ensuring that mid-Solano amenities are similar and/or consistent on both the Albany and Berkeley portions of the street is thus particularly important. As a single continuous corridor, improvements to mid-Solano Avenue should be conceived and designed in a collaborative, coordinated manner.

Albany has already implemented a Complete Streets plan for lower Solano Avenue, from San Pablo Avenue to Masonic Avenue. This public investment in Albany's "downtown" at the western end of the Solano Avenue commercial corridor has triggered a notable revitalization, attracting new patrons and enlivening sidewalks.

Albany is currently discussing proposals for a second phase of their Solano Avenue Reconfiguration Plan, for the "mid-corridor" area, from Masonic Avenue to the Berkeley border. Due to an oversight, Berkeley's City Manager, Mayor and members of the City Council were not apprised of Albany's planning effort at the outset, and their visioning process has progressed without the City of Berkeley's participation.

In light of the importance of Solano Avenue to all of North Berkeley, of Albany's "head start" on planning for the mid-Solano corridor, and to encourage the necessary collaborative process between our two cities, the need to fund a study for the Berkeley portion of Solano Avenue is urgent.

This item refers \$300,000 to the FY2020 - FY 2021 Budget Process to begin development of a two-part Solano Avenue "Master" Revitalization Plan for Berkeley; Part A for the Upper/Eastern end of Solano Avenue and Part B for mid-corridor blocks within the City of Berkeley, allowing Berkeley to coordinate mid-Solano plans with Albany. This item also directs the City Manager to send a letter to the Albany City Manager, City Council and Transportation and Safety Commission expressing the City of Berkeley's desire to collaborate on important inter-City elements of Solano Avenue plans.

BACKGROUND

Since the 1920s, Solano Avenue has served as a neighborhood-serving shopping district for North Berkeley and a northern gateway for the City of Berkeley. Bordering Albany, Berkeley's Solano Avenue Commercial District is home to about 130 commercial spaces encompassing approximately 190,000 square feet of commercial space. The eastern, Berkeley portion of Solano Avenue (commonly referred to as "Upper Solano") was a key hub for a number of rail lines in the 1930s, and today is an extra-wide street largely devoted to automobiles and buses, with relatively narrow

sidewalks. Upper Solano has a number of restaurants, home goods, clothing, and other unique shops that make it a commercial hub for North Berkeley.

However, both anecdotal and quantitative data suggest that Solano Avenue is an underperforming commercial district for Berkeley. Solano is similar in neighborhood character to the Elmwood District on College Avenue, but The Elmwood earns significantly more tax revenue per block, despite the fact that the two districts are located in areas with similar home prices and populations with similar purchasing power. Despite a modest uptick, tax revenues from Solano Avenue remained relatively flat between 2010 and 2018, especially when compared to the significant increases over that same time period in other Berkeley districts¹.

In recent years, Solano Avenue has been buffeted by changing demographics, the rise of online retail, and other forces that have impacted the area's longtime shops. For nearly a decade, the prominent Oaks Theater at 1875 Solano was vacant and had difficulty attracting an appropriate tenant.² The absence of the theatre, which drew patrons throughout afternoons and evenings, has deprived the area of much needed foot traffic.

In 2018, commercial vacancy rates in the Solano District were at 5.6%. This means that of a total inventory of ground floor commercial space of approximately 191,000 square feet, about 10,696 square feet were vacant. The vacancy rate was nearly a point higher than it was the previous year, and significantly higher than in the years 2012-2015, when the vacancy rate hovered between 3.5% to 4.4%.³

Solano Avenue is also undergoing a number of changes, including the impending opening of a Touchstone Climbing Gym at the long-vacant Oaks Theatre space. Touchstone estimates several hundred visitors per day. The opening of the new gym is expected to bring many new patrons to Solano Avenue's shops and restaurants, and will also impact parking and drop off zones.

Many of Touchstone's existing patrons ride bikes to their other locations (including Ironworks Gym in Berkeley), and demand for bike parking and other bicycle amenities on Solano is expected to increase dramatically once the gym opens. Solano Avenue was identified for a future Complete Street Corridor Study in the 2017 Berkeley Bicycle

¹ Berkeley Office of Economic Development, Commercial District Dashboard, March 2019

² Berkeley Office of Economic Development, Economic Development Analysis – Solano Avenue, Feb. 2017.

³ Berkeley Office of Economic Development, Economic Dashboard, 2018.

Plan, and numerous requests for a Ford Go-Bike station on Solano Avenue have been received since the successful launch of the City's bike sharing program.

Berkeley can strengthen community, enhance commerce and public space, better serve a variety of transit modes and increase tax revenues with the prompt initiation of an aspirational visioning and planning process for Solano Avenue.

In the spring of 2018, the Albany City Council began a public process to develop and approve a Solano Avenue Complete Streets Plan for the "mid-corridor" section of Solano Avenue, from Masonic Avenue to the Berkeley City Limit just east of Ventura Avenue. Goals of the study include strategies to "improve safety for pedestrians and bicyclists; enhance access to transit; promote a cohesive streetscape; [and] support local economic activity"⁴. The study also specifically considers "street lighting, intersection alignments, signal modernization, bike facilities, sidewalk improvements, streetscape landscaping, street parking, bus stops, public art, directional signage, and gateway improvements".⁵ Finally, the study considers a number of aesthetic features and improvements including public art, signage, and intersection and roadway design.

During the February 28, 2019 meeting of Albany's Traffic & Safety Commission, the Commission recommended to the City Council adoption of the draft Solano Avenue Complete Streets Plan⁶, including an alternative community plan with different parking and bike infrastructure recommendations. To date, the Plan as recommended by the Traffic & Safety Commission has not yet been discussed by the full Albany City Council, but it is expected to be heard soon. The plan, if adopted, has no sources of funding for implementation, but will guide future improvements on Solano Avenue in Albany. Despite an uneven start, there is still time for Berkeley to "catch up" and coordinate with Albany to create a cohesive, mutually beneficial mid-Solano plan that reflects the aspirations of both communities.

The community's desire for a revitalized Solano Avenue, coupled with consideration of the need to coordinate with Albany's Solano Avenue planning process presents a unique opportunity for Berkeley to begin its own visioning process for Solano Avenue.

REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES & LAWS

Policy ED-4 *Neighborhood and Avenue Commercial Districts* of the Economic Development Element of the General Plan sets the goal of providing programs and

⁴ https://www.solanocompletestreets.org/

⁵ https://www.solanocompletestreets.org/

⁶https://static1.squarespace.com/static/5ac43de02714e5d504879d1a/t/5c6210b26e9a7f2f1c03066d/1549 930705894/Solano+Complete+Streets+Public+Review+Draft+2.11.19.pdf

services to assist neighborhood and avenue commercial districts through actions such as "enhanc[ing] the pedestrian orientation of all shopping districts".

Specifically, the City Council referred a Solano Avenue Economic Development Study to City Staff on April 25, 2017 to provide baseline information for future strategic planning and business development and initiatives. Several economic reports developed by the Office of Economic Development also demonstrate the potential for improvement to the City's tax base by working towards a thriving Solano Avenue.

ACTIONS/ALTERNATIVES CONSIDERED

The City could defer initiating a comprehensive study for Solano Avenue and take it up at a later time. However, this would preclude any collaboration in the Albany redesign process, and because it is likely that any plan or vision approved in Albany will inform future changes in Berkeley, it is important that Berkeley be involved at the earliest stage possible. Delaying the study would also further prolong improvements to the Solano Avenue commercial district. Given the length of time need to conduct a thorough community process and to complete any construction or infrastructure project that is approved, starting a process now will ultimately yield more timely results.

CONSULTATION/OUTREACH OVERVIEW & RESULTS

Councilmember Hahn's office has discussed the possibility of collaboration with Berkeley with Albany City Councilmembers and the Albany Mayor, and discussed with City Manager Dee Williams-Ridley funding for a Solano Avenue study, outreach protocols and project timing.

RATIONALE FOR RECOMMENDATION

The Albany study has been in development for nearly a year, and will soon be reviewed by the Albany City Council. Because Solano Avenue spans both Albany and Berkeley, it is imperative that Berkeley be informed of and engaged with proposed Albany improvements, and that a Berkeley study be undertaken to establish Berkeley's own objectives and preferences for Solano Avenue.

Transportation infrastructure and other changes to the Albany-side of Solano Avenue will undoubtedly influence any future transportation infrastructure on the Berkeley portion of Solano Avenue. As such, collaboration between Berkeley and Albany on the mid-corridor redesign is key to a sensible and coherent transition between the Albany and Berkeley portions of Solano Avenue.

IMPLEMENTATION, ADMINISTRATION & ENFORCEMENT

The two elements of the requested study are intended to produce inspiring plans for the Upper and mid-Solano portions of Solano Avenue in Berkeley. The Avenue should be seen first as a public space and a driver of community and economic strength; a neighborhood destination, not just a place to pass through quickly.

The goal for Upper Solano, from The Alameda to approximately Ensenada Avenue (exact western border to be determined by the study), is to create a strong and aesthetically pleasing sense of place, and to enhance the experience of the public realm. Upper Solano Avenue already serves as a Main Street for much of North Berkeley; the intent is for this area to become a more vibrant, attractive and accessible Main Street; a complete ecosystem with greater amenities for residents of all ages, and for all modes of transit. Improvements should be considered that create spaces for social interaction and define a character for the street, including but not limited to landscaping, seating, street furniture, lighting, public art and other features that invite the community to gather, linger, shop and dine more frequently.

The goal for the Berkeley portion of mid-Solano (from approximately Ensenada to where Albany picks up responsibility for the street and sidewalks) is to continue pedestrian and other amenities at a scale appropriate for the mix and concentration of retail, office and residential uses, and to coordinate with Albany to ensure a cohesive corridor.

The study should include robust community outreach and input and, at a minimum, a community survey, a public realm study, review of transit needs and pedestrian safety and crossings, a parking study, review of street and curb alignments (including possible alternatives to the Colusa Dogleg) and green infrastructure.

FISCAL IMPACTS

\$300,000 to fund a two-part Solano Avenue "Master" Revitalization Plan. Funds for implementation of the plan have not yet been identified; this is a preliminary visioning process to create a master plan from which funding needs and resources can be derived. Transit infrastructure and pedestrian accessibility improvements that may result from future implementation are intended to increase City tax revenues from Solano Avenue.

ENVIRONMENTAL SUSTAINABILITY

This recommendation is consistent with the City of Berkeley's environmental sustainability goals by encouraging biking and walking, incorporating green infrastructure, and strengthening community.

CONTACT

Sophie Hahn, District 5, (510) 981-7150

Page 7 of 10

ATTACHMENTS

- 1. Map of Solano Avenue Commercial District, OED Economic Dashboards 2019
- 2. Photos of streetscape, pedestrian, and traffic treatments on Upper Solano Ave

Attachment 1



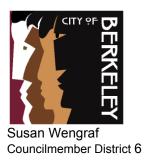
Attachment 2





Page 10 of 10





CONSENT CALENDAR May 28, 2019

To: Honorable Mayor and Members of the City Council

From: Councilmembers Wengraf, Hahn, Robinson, and Mayor Arreguin

Subject: Oppose AB-1356 Cannabis: local jurisdictions: retail commercial cannabis

activity (Ting)

RECOMMENDATION

Adopt a resolution in opposition to AB 1356 to Assemblymember Philip Ting with copies to the Chair of the Assembly Appropriations Committee Assemblymember Lorena Gonzalez, Assemblymember Buffy Wicks, Senator Nancy Skinner and Governor Gavin Newsom.

FINANCIAL IMPLICATIONS

None

BACKGROUND

Under AB 1356, if more than 50 percent of the voters of a local jurisdiction voted in favor of Proposition 64, these local jurisdictions would be required to adopt a local licensing structure for retail commercial cannabis activity. More specifically, AB 1356 requires these cities to issue a minimum of one retail cannabis license for every four liquor licenses.

AB 1356 fundamentally erodes the local regulatory authority of cities and counties on commercial cannabis, and thereby completely subverts the intent of the voters who approved Proposition 64.

The City of Berkeley just completed a very lengthy and in-depth community process to determine the number, locations and regulations for cannabis related businesses.

If passed, AB 1356 would completely erode the local control of cities and counties to regulate brick and mortar retail cannabis shops in their communities.

ENVIRONMENTAL SUSTAINABILITY

No direct correlation

CONTACT PERSON

Councilmember Wengraf Council District 6 510-981-7160

Attachments:

1: Resolution 2: AB 1356

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

OPPOSE AB-1356 (Ting)

WHEREAS, California voters approved Proposition 64 in 2018 which legalized cannabis and gave local jurisdictions regulatory authority over retail commercial cannabis activity; and

WHEREAS, AB 1356 takes away local authority by requiring cities to issue a minimum of one retail cannabis license for every four liquor licenses, if Proposition 64 passed by greater than 50% of the jurisdiction's vote; and

WHEREAS, AB 1356 subverts the intent of the voters who approved Proposition 64; and

WHEREAS, AB 1356 would completely erode the local control of cities and counties to regulate brick and mortar retail cannabis shops in their communities; and

WHEREAS, the City of Berkeley just completed a very lengthy and in-depth community process to determine the number, locations and regulations of cannabis related businesses.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it stands firmly in opposition to AB-1356.

BE IT FURTHER RESOLVED that this resolution be sent to Assemblymember Philip Ting, Chair of the Assembly Appropriations Committee Assemblymember Lorena Gonzalez, Assemblymember Buffy Wicks, Senator Nancy Skinner, and Governor Gavin Newsom.

CALIFORNIA LEGISLATURE— 2019-2020 REGULAR SESSION

ASSEMBLY BILL

No. 1356

Introduced by Assembly Member Ting

February 22, 2019

An act to amend Section 26200 of, and to add Section 26200.1 to, the Business and Professions Code, relating to cannabis.

LEGISLATIVE COUNSEL'S DIGEST

AB 1356, as amended, Ting. Cannabis: local jurisdictions: retail commercial cannabis activity. The Control, Regulate and Tax Adult Use of Marijuana Act of 2016 (AUMA), an initiative measure approved as Proposition 64 at the November 8, 2016, statewide general election, authorizes a person who obtains a state license under AUMA to engage in commercial adult-use cannabis activity pursuant to that license and applicable local ordinances. The Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), among other things, consolidates the licensure and regulation of commercial medicinal and adult-use cannabis activities, including retail commercial cannabis activity. MAUCRSA gives the Bureau of Cannabis Control in the Department of Consumer Affairs the power, duty, purpose, responsibility, and jurisdiction to regulate commercial cannabis activity in the state as provided by the act. MAUCRSA does not supersede or limit the authority of a local jurisdiction to adopt and enforce local ordinances to regulate commercial cannabis businesses within that local jurisdiction.

This bill, if more than 50% of the electorate of a local jurisdiction voted in favor of AUMA, would require a local jurisdiction to issue a minimum number of local licenses authorizing adult-use or medicinal specified retail cannabis commercial activity within that jurisdiction that would be permitted by a retailer license issued under MAUCRSA. The bill would require the minimum number of those local licenses required to be issued in that jurisdiction to be 25% of the number of currently active on-sale

Page 3 353

general licenses for alcoholic beverage sales in that jurisdiction, as specified, unless the minimum number would result in a ratio greater than one local license for retail cannabis commercial activity for every residents of the local jurisdiction, in which case the bill would require the minium minimum number to be determined by dividing the number of residents in the local jurisdiction by 10,000 and rounding down to the nearest whole number. The bill would authorize a local jurisdiction to impose a fee on licensees to cover the regulatory costs of issuing those local licenses. The bill would exempt from these provisions a local jurisdiction that, on or before January 1, 2017, and until January 1, 2020, submitted to the electorate of the local jurisdiction a specified local ordinance or resolution relating to retail cannabis commercial activity that received a specified vote of the electorate. This bill would allow any local jurisdiction subject to the requirements of this bill that wants to establish a lower amount of these local licenses to submit an ordinance or other law, that clearly specifies the level of participation in the retail commercial cannabis market it would allow, to the electorate of that local jurisdiction at the next regularly scheduled local election following the operative date of this bill. The bill would provide that the local ordinance or other local law becomes effective if approved by more than 50% of its electorate. The bill would require the local jurisdiction to issue those licenses as otherwise required by this bill within a specified period of time if a local jurisdiction subject to the requirements of this bill does not submit a local ordinance or other local law regarding the lower amount of licenses to the electorate, or that local ordinance or other local law fails to receive more than 50% of the approval of the electorate voting on the issue. The bill would provide that these provisions are prohibited from being construed to require a local jurisdiction to authorize adult-use retail cannabis commercial activity. By imposing additional requirements on local jurisdictions the 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.

AUMA authorizes the Legislature to amend its provisions with a $^2/_3$ vote of both houses to further its purposes and intent.

This bill would declare that its provisions further the purposes and intent of AUMA.

DIGEST KEY

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: yes

BILL TEXT

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1.

Section 26200 of the Business and Professions Code is amended to read:

(a) (1) This division shall not be interpreted to supersede or limit the authority of a local jurisdiction to adopt and enforce local ordinances to regulate businesses licensed under this division, including, but not limited to, local zoning and land use requirements, business license requirements, and requirements related to reducing exposure to secondhand smoke, or to completely prohibit the establishment or

Page 4 354

operation of one or more types of businesses licensed under this division within the local jurisdiction, except as provided in Section 26200.1.

- (2) This division shall not be interpreted to supersede or limit existing local authority for law enforcement activity, enforcement of local zoning requirements or local ordinances, or enforcement of local license, permit, or other authorization requirements.
- (b) This division shall not be interpreted to require a licensing authority to undertake local law enforcement responsibilities, enforce local zoning requirements, or enforce local licensing, permitting, or other authorization requirements.
- (c) A local jurisdiction shall notify the bureau upon revocation of any local license, permit, or authorization for a licensee to engage in commercial cannabis activity within the local jurisdiction. Within 10 days of notification, the bureau shall inform the relevant licensing authorities. Within 60 days of being so informed by the bureau, the relevant licensing authorities shall begin the process to determine whether a license issued to the licensee should be suspended or revoked pursuant to Chapter 3 (commencing with Section 26030).
- (d) For facilities issued a state license that are located within the incorporated area of a city, the city shall have full power and authority to enforce this division and the regulations promulgated by the bureau or any licensing authority, if delegated by the state. Notwithstanding Sections 101375, 101400, and 101405 of the Health and Safety Code or any contract entered into pursuant thereto, or any other law, the city shall assume complete responsibility for any regulatory function pursuant to this division within the city limits that would otherwise be performed by the county or any county officer or employee, including a county health officer, without liability, cost, or expense to the county.
- (e) (1) This division does not prohibit the issuance of a state temporary event license to a licensee authorizing onsite cannabis sales to, and consumption by, persons 21 years of age or older at a county fair event, district agricultural association event, or at another venue expressly approved by a local jurisdiction for the purpose of holding temporary events of this nature, provided that the activities, at a minimum, comply with all the following:
- (A) The requirements of paragraphs (1) to (3), inclusive, of subdivision (g).
- (B) All participants who are engaged in the onsite retail sale of cannabis or cannabis products at the event are licensed under this division to engage in that activity.
- (C) The activities are otherwise consistent with regulations promulgated and adopted by the bureau governing state temporary event licenses.
- (D) A state temporary event license shall only be issued in local jurisdictions that authorize such events.
- (E) A licensee who submits an application for a state temporary event license shall, 60 days before the event, provide to the bureau a list of all licensees that will be providing onsite sales of cannabis or cannabis products at the event. If any changes occur in that list, the licensee shall provide the bureau with a final updated list to reflect those changes. A person shall not engage in the onsite retail sale of cannabis or cannabis products, or in any way participate in the event, who is not included in the list, including any updates, provided to the bureau.
- (2) The bureau may impose a civil penalty on any person who violates this subdivision, or any regulations adopted by the bureau governing state temporary event licenses, in an amount up to three times the amount of the license fee for each violation, consistent with Sections 26018 and 26038.
- (3) The bureau may require the event and all participants to cease operations without delay if in the opinion of the bureau or local law enforcement it is necessary to protect the immediate public health and safety of the people of the state. The bureau may also require the event organizer to immediately expel from the event any participant selling cannabis or cannabis products without a license from the bureau that authorizes the participant to sell cannabis or cannabis products. If the unlicensed participant does not leave the event, the bureau may require the event and all participants to cease operations immediately.

Page 5 355

- (4) The order by the bureau for the event to cease operations pursuant to paragraph (3) does not entitle the event organizer or any participant in the event to a hearing or an appeal of the decision. Chapter 3 (commencing with Section 490) of Division 1.5 and Chapter 4 (commencing with Section 26040) of this division shall not apply to the order by the bureau for the event to cease operations pursuant to paragraph (3).
- (5) The smoking of cannabis or cannabis products at temporary events authorized pursuant to this subdivision is prohibited in locations where smoking is prohibited. For purposes of this section, "smoking" has the same meaning as defined in subdivision (c) of Section 22950.5.
- (f) This division, or any regulations promulgated thereunder, shall not be deemed to limit the authority or remedies of a city, county, or city and county under any provision of law, including, but not limited to, Section 7 of Article XI of the California Constitution.
- (g) Notwithstanding paragraph (1) of subdivision (a) of Section 11362.3 of the Health and Safety Code, a local jurisdiction may allow for the smoking, vaporizing, and ingesting of cannabis or cannabis products on the premises of a retailer or microbusiness licensed under this division if all of the following are met:
- (1) Access to the area where cannabis consumption is allowed is restricted to persons 21 years of age or older.
- (2) Cannabis consumption is not visible from any public place or nonage-restricted area.
- (3) Sale or consumption of alcohol or tobacco is not allowed on the premises.
- (h) This division shall not be interpreted to supersede Section 6404.5 of the Labor Code.

SEC. 2

Section 26200.1 is added to the Business and Professions Code, to read:

26200.1.

- (a) (1) Every Except as provided in subdivision (d), a local jurisdiction shall comply with the requirements of this subdivision if more than 50 percent of the electorate of that local jurisdiction, as determined using election data from the Secretary of State, voted in favor of the Control, Regulate and Tax Adult Use of Marijuana Act of 2016, an initiative measure enacted as Proposition 64 at the November 8, 2016, statewide general election.
- (2) A local jurisdiction described in paragraph (1) shall issue a minimum number of local licenses that authorize adult-use retail cannabis commercial activity or medicinal retail cannabis commercial activity activity, or a combination of medicinal retail cannabis commercial activity and adult-use retail cannabis commercial activity, within the jurisdiction that would be permitted by a retailer license described in Section 26070, as determined by paragraph (3). A local jurisdiction may impose a fee on licensees to cover the regulatory costs of issuing those local licenses.
- (3) (A) Except as provided in subparagraph (C), the minimum number of local licenses for retail cannabis commercial activity that a local jurisdiction is required to issue pursuant to paragraph (2) is 25 percent of the number of on-sale general license types for alcoholic beverage sales that are currently active in that jurisdiction, as determined pursuant to subparagraph (B).
- (B) (i) (I) If the local jurisdiction is a city, the number of on-sale general licenses for alcoholic beverages shall be determined by adding all of the currently active licenses issued in the jurisdiction that are of a license type listed in subclause (II). If the local jurisdiction is a county, the number of on-sale general licenses for alcoholic beverages shall be determined by adding all of the currently active licenses issued in the unincorporated regions of the county that are of a license type listed in subclause (II).
- (ii) The number determined in clause (i) shall be divided by four and rounded up to the nearest whole number using generally accepted mathematical rounding practices.
- (iii) If the number of local licenses for retail commercial cannabis determined in clause (ii) would result in a ratio equal to, or fewer than, one local license for retail cannabis commercial activity for every

- 10,000 residents of the local jurisdiction, the number determined in clause (ii) shall be the minimum number of local licenses the jurisdiction is required to issue pursuant to paragraph (2).
- (C) Notwithstanding subparagraphs (A) and (B), if the number of local licenses for retail commercial cannabis determined in clause (ii) of subparagraph (B) would result in a ratio greater than one local license for retail cannabis commercial activity for every 10,000 residents of the local jurisdiction, the minimum number of local licenses that the local jurisdiction is required to issue pursuant to paragraph (2) shall be determined by dividing the number of residents in the local jurisdiction by 10,000 and rounding down to the nearest whole number.
- (b) Notwithstanding subdivision (a), a local jurisdiction described in paragraph (1) of subdivision (a) that wants to establish a lower amount of local licenses for retail cannabis commercial activity than required by subdivision (a) shall do all of the following:
- (1) Create a local ordinance or other local law that clearly specifies the level of participation in the retail commercial cannabis market the local jurisdiction will allow.
- (2) Submit that ordinance or other local law to the electorate of that local jurisdiction at the next regularly scheduled local election following the operative date of this section.
- (3) If the ordinance or other local law is approved by more than 50 percent of the electorate of that local jurisdiction voting on the issue, then the new ordinance or other local law shall become effective in that local jurisdiction.
- (c) If a local jurisdiction described in paragraph (1) of subdivision (a) does not submit a local ordinance or other local law to the electorate as described in subdivision (b), or that local ordinance or other local law fails to receive more than 50 percent of the approval of the electorate of that local jurisdiction voting on the issue as described in subdivision (b), then the local jurisdiction shall have 120 days after the next regularly scheduled local election following the operative date of this section to issue local licenses in compliance with subdivision (a).
- (d) A local jurisdiction is exempt from this section if either of the following applies:
- (1) On or after January 1, 2017, and until January 1, 2020, the local jurisdiction submitted to the electorate of the local jurisdiction a local ordinance or resolution that authorizes retail cannabis commercial activity, and a majority of the electorate voted not to approve the local ordinance or resolution.
- (2) On or after January 1, 2017, and until January 1, 2020, the local jurisdiction submitted to the electorate of the local jurisdiction a local ordinance or resolution that prohibits retail cannabis commercial activity, and a majority of the electorate voted to approve the local ordinance or resolution.
- (e) For purposes of this section, all of the following shall apply:
- (1) "Electorate of a county" means the electorate of the unincorporated area of the county.
- (2) "Local jurisdiction" means a city, county, or a city and a county.
- (3) "Local license" means any license, permit, or other authorization from the local jurisdiction.
- (f) This section shall not be construed to require a local jurisdiction to authorize adult-use retail cannabis commercial activity.

SEC. 3.

No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

SEC. 4.

The Legislature finds and declares that this act furthers the purposes and intent of the Control, Regulate and Tax Adult Use of Marijuana Act as stated in subdivisions (u) and (x) of Section 3 of that act.

Page 7 357



CONSENT CALENDAR May 28th, 2019

To: Honorable Mayor and Members of the City Council

From: Councilmembers Rigel Robinson and Ben Bartlett

Subject: Budget Referral: Paid Internship Program for Interns of City of Berkeley

Councilmembers

RECOMMENDATION

Refer to the budget process to consider an office allowance which would provide stipends to City of Berkeley interns.

BACKGROUND

Despite the fact that some interns work up to 10 hours per week, under current policy, city councilmember interns employed by the City of Berkeley are not paid for their contributions. Current interns serve city councilmembers by a bringing a wide range of skills to assist the work of their office and offering an energetic outlook. While interns gain work-experience through this partnership, stipends could help supplement their contributions and increase equity.

Internships provide benefits to employers, who use interns to lower labor costs and screen trainees for potential job offers. City councilmember interns offer significant insight and lessen the labor of their offices.

As student debt continues to grow, it is less feasible for students to partake in unpaid internships in exchange for professional work experience. Students already face an average of \$37,172 in student debt, and as many as 69% of students claim they cannot afford to take an unpaid internship. Over 27 percent of Berkeley undergraduates qualify for the Pell Grant and most of these recipients are from families who make an income of less than \$30,000 a year.

Students oftentimes must choose between getting a job to financially assist their families and/or afford basic necessities and participating in an unpaid internship. Providing paid city councilmember internships to students has the potential to alleviate barriers, by providing more opportunities to first generation, low-income, or minority students, and create a more equitable workplace, by weakening the disproportional benefits in opportunity between financially advantaged and disadvantaged students.

This referral proposes to allocate \$1,500 per year to the offices of each Councilmember and \$3,000 for the office of the Mayor for intern stipends. While the specific allocation of those funds would be at the discretion of each Councilmember, that funding level is

CONSENT CALENDAR May 28th, 2019

intended to allow for \$500 for each of the Fall, Spring, and Summer academic semesters per Councilmember, and \$1,000 for the Office of the Mayor.

FINANCIAL IMPLICATIONS

The total cost of creating an office allowance to provide stipends would be approximately \$15,000 per year.

ENVIRONMENTAL SUSTAINABILITY

No impact.

CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170

Aoife Megaw and Jihee Yoon, Interns to Councilmember Rigel Robinson



CONSENT CALENDAR May 28, 2019

To: Honorable Mayor and Members of the City Council

From: Councilmember Rigel Robinson

Subject: Support for Renters Rights Bills: SB 529, and AB 36, 724, 1481, and 1482

RECOMMENDATION

Send a letter supporting SB 529, and AB 36, 724, 1481, and 1482 to their respective authors, which would strengthen tenant organizing rights, allow rent control on certain units, provide caps for annual rent increases, protect against wrongful evictions, and create a registry of all California rental units.

BACKGROUND

Recently, State Senator Maria Durazo and Assemblymembers Richard Bloom, Buffy Wicks, Rob Bonta, and David Chiu introduced five items which together constitute a package aimed at strengthening tenant protections in California.

SB-529 (Durazo) establishes a right to organize, so that tenants can form tenants associations and speak out without fear of eviction or other retaliation. This bill strengthens existing protections by requiring landlords to state the reason for eviction.

In California, the 1995 Costa Hawkins Rental Housing Act limits the ability of city governments to control rent and rental restrictions. AB 36 (Bloom) will change current state law, softening the restrictions applied by Costa-Hawkins and allowing cities to pursue rent control measures on specific buildings.

AB-724 (Wicks) addresses the lack of any statewide registry on rental units. Currently, California has no system for requiring landlords to report how many units they own, and how much rent they charge. This leaves the responsibility of collecting this information to city officials, and leaves unincorporated areas without any rental reporting oversight. AB-724 would address these issues by legally requiring landlords to report this information to the state, giving the state data on rent hikes and tenant displacement, both in areas where local authorities do not share their information with the state and in unincorporated areas without rent boards.

AB-1481 (Bonta) would enact just-cause eviction protections throughout the state of California.

AB-1482 (Chiu) would set a statewide cap on annual rental increases, helping mitigate the effects of rising rents on tenants. According to Assemblymember Chiu, the bill's

author, "millions of Californians are just one rent increase away from becoming homeless."

Together, this package of five bills would enable a much wider swath of renters' protections.

FINANCIAL IMPLICATIONS

None.

ENVIRONMENTAL SUSTAINABILITY

No impact.

CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170

Josh Lewis, Mars Svec-Burdick and Ronit Sholkoff, Interns to Councilmember Rigel Robinson

Attachments:

1: Letters to Senator Durazo, Assemblymember Wicks, Assemblymember Bloom, Assemblymember Bonta, Assemblymember Chiu

2: Bill Text: SB-529

http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB529

3: Bill Text: AB-36

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill id=201920200AB36

4: Bill Text: AB-724

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB724

5: Bill Text: AB-1481

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB1481

6: Bill Text: AB-1482

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB1482

The Honorable Maria Elena Durazo California State Senate State Capitol, Room 5066 Sacramento, CA 95814

RE: SB 529, Durazo, Right to Organize/Protect Tenant Voices Support from the Berkeley City Council

Dear Senator Durazo:

The Berkeley City Council would like to convey support for your bill SB 529, which seeks to protect tenants' right to organize without fear of retaliation.

As you are aware, the shortage of affordable housing in the Bay Area and statewide has reached the level of a crisis. In order to protect California tenants and take step towards solving systemic housing issues, it is crucial for tenants to retain the ability to form associations and engage in collective bargaining.

Under current law, landlords may evict tenants without listing a cause, leaving an opportunity for unlawful, retaliatory evictions to take place. By seeking to close this loophole, your bill would ensure a greater level of accountability on the part of landowners, and help to promote a more equitable dynamic between owners and renters.

Ultimately, SB 529 seeks to remove the barriers to participation in California tenant associations, and thereby is an important step towards a fairer statewide housing market.

Thank you for introducing this important piece of legislation, and striving to uphold tenant organizing rights.

Respectfully, The Berkeley City Council

CC: Senator Nancy Skinner
Assembly Member Buffy Wicks

The Honorable Buffy Wicks Member of the Senate State Capitol, Room 5160 Sacramento, CA 95814

Re: AB 724 (Wicks)

Support from the Berkeley City Council

Dear Assemblymember Wicks,

The Berkeley City Council would like to convey its full support for your bill AB 724, which addresses the lack of any statewide registry on rental units.

As you are aware, the shortage of affordable housing in the Bay Area and statewide has reached the level of a crisis. In order to protect California tenants and take step towards solving systemic housing issues, a greater level of transparency and data from the rental industry is needed.

Currently, California has no system for requiring landlords to report how many units they own, and how much rent they charge. This leaves the responsibility of collecting this information to city officials, and leaves unincorporated areas without any rental reporting oversight. By legally requiring landlords to report this information to the state, your bill would increase public understanding of rent hikes and tenant displacement, helping local and state organizations identify and mitigate concerning trends.

As proposed, your bill will empower state and local governments to be more effective in protecting renters, and thereby is an important step towards a fairer statewide housing market.

Thank you for introducing this important piece of legislation, and striving to help make the necessary reforms to mitigate the housing crisis.

Page 2

Respectfully, The Berkeley City Council

CC: Senator Nancy Skinner

The Honorable Richard Bloom Member of the Assembly State Capitol, Room 2003 Sacramento, CA 95814

Re: AB 36 (Bloom)

Support from the Berkeley City Council

Dear Assemblymember Bloom,

The Berkeley City Council would like to convey its full support for your bill AB 36, which relaxes Costa-Hawkins restrictions on local rent control measures.

As you are aware, the shortage of affordable housing in the Bay Area and statewide has reached the level of a crisis. In order to protect California tenants and take step towards solving systemic housing issues, it is necessary for local governments to have greater autonomy when considering mitigation of rent hikes.

Under current law, the 1995 Costa Hawkins Rental Housing Act limits the ability of city governments to control rent and rental restrictions. By softening Costa-Hawkins restrictions and allowing cities to pursue rent control measures on specific buildings, AB 36 would increase the ability of municipalities to respond more flexibly to the ongoing crisis of affordable housing.

Thank you for introducing AB-36, and striving to help cities and local governments mitigate rising rents and be more effective in protecting renters.

Respectfully, The Berkeley City Council

CC: Senator Nancy Skinner

Assembly Member Buffy Wicks

The Honorable Rob Bonta Member of the Assembly State Capitol, Room 2148 Sacramento, CA 95814

Re: AB 1481 (Bonta)

Support from the Berkeley City Council

Dear Assemblymember Bonta,

The Berkeley City Council would like to convey its full support for your bill AB 1481, which strives to guard against wrongful evictions by enacting a statewide just cause for evictions law.

As you are aware, the shortage of affordable housing in the Bay Area and statewide has reached the level of a crisis. In order to protect California tenants and take step towards solving systemic housing issues, it is necessary to enact just-cause eviction protections throughout the state of California.

While the City of Berkeley already has a strong just cause eviction program, it is imperative that similar protections be spread to the rest of the renters of the state. Security in housing is essential for basic human fulfillment, and requiring a legitimate reason for eviction is a common sense measure that will vastly improve the lives of literally millions of people in California.

Thank you for introducing AB-1481. As proposed, this bill will instate critical reforms protecting renters and striving to help mitigate the housing crisis.

Respectfully, The Berkeley City Council

CC: Senator Nancy Skinner

Assembly Member Buffy Wicks

The Honorable David Chiu Member of the Assembly State Capitol, Room 4112 Sacramento, CA 95814

Re: AB 1482 (Chiu)

Support from the Berkeley City Council

Dear Assemblymember Chiu,

The Berkeley City Council would like to convey its full support for your bill AB 1482, which strives to mitigate rent hikes.

As you are aware, the shortage of affordable housing in the Bay Area and statewide has reached the level of a crisis. In order to protect California tenants and take step towards solving systemic housing issues, it is critical to initiate a state anti-rent gouging ordinance.

By prohibiting any annual change in rental cost which exceeds 5% plus the percentage change in the cost of living, AB 1482 ensures that no resident experiences consecutive or significant rent hikes at a level which effectively forces their relocation, and protects low income residents who may be one rent hike away from experiencing homelessness. Housing is a human right, and renters should have a greater degree of security against financial displacement.

As proposed, this bill will instate critical reforms to more effectively in protect renters and mitigate rising rents.

Respectfully, The Berkeley City Council

CC: Senator Nancy Skinner

Assembly Member Buffy Wicks



CONSENT CALENDAR May 28, 2019

To: Honorable Mayor and Members of the City Council

From: Councilmember Rigel Robinson

Subject: Support for SB 212 (Ranked Choice Voting) and SB 641 (Special Elections:

Rank Choice Voting)

RECOMMENDATION

Send a letter to Assemblymember Allen supporting SB 212, which would authorize a city, county, or local educational agency to conduct an election using ranked choice voting, and SB 641, which would authorize the Governor to require a special election to fill a vacancy in a congressional or legislative office using rank choice voting, if the jurisdiction is capable of using this voting method.

BACKGROUND

Under current law, general law cities are provided with procedures with which election of candidates for elective offices, and are incapable of adopting alternative voting methods.

In multiple cities, ranked choice voting has led to greater voter participation. In 2017, four cities introduced ranked choice voting elections, and all cities had higher turnout than in prior elections. Voters using ranked choice voting have been more satisfied with candidates' conduct. According to exit polls, approximately eighty-four percent of voters who participated in ranked choice voting said the new RCV-formatted ballot was easy to complete.

Voters who use ranked choice voting system overwhelmingly vote in favor of expanding the system.⁴ The City of Berkeley has been utilizing rank choice voting since 2010.⁵ In the Bay Area specifically, rank choice voting has eliminated costly runoff elections, given more wins to women and people of color, and increased voter turnout.⁶

This amendment would grant each local jurisdiction the authority to determine the best voting method for that jurisdiction, despite general law city status.

¹ https://www.fairvote.org/the facts of ranked choice voting voters like it high turnouts are trending

² Ibid.

³ Ibid.

⁴ https://www.fairvote.org/ranked_choice_voting_again_embraced_by_bay_area_voters_and_candidates

⁵ https://www.cityofberkeley.info/rcv/

⁶ https://www.fairvote.org/ranked choice voting again embraced by bay area voters and candidates

Existing law requires the Governor to call a special election by proclamation within 14 calendar days of a vacancy within a congressional or legislative office.

SB 641 would authorize the Governor to require that a special election be conducted by rank choice voting, if the affected jurisdiction are capable of conducting elections utilizing rank choice voting and the Secretary of State approves the rank choice voting method to be used.

FINANCIAL IMPLICATIONS

None.

ENVIRONMENTAL SUSTAINABILITY

No impact.

CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170 Naomi Garcia, Intern of Councilmember Rigel Robinson

Attachments:

- 1: Letter of support to Senator Allen
- 2: Bill Text SB 212

(https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB212)

3: Bill Text - SB 641

(https://legiscan.com/CA/text/SB641/2019)

The Honorable Ben Allen Member of the Assembly State Capitol, Room 5072 Sacramento, CA 95814

Re: SB 212 – Local Voting Methods and SB 641 – Special Elections

Dear Senator Allen,

The Berkeley City Council would like to convey its full support for SB 212 and SB 641.

In multiple cities including Berkeley, ranked choice voting has led to greater voter participation. In 2017, four cities introduced ranked choice voting elections, and all cities had higher turnout than in prior elections. Voters using ranked choice voting have been more satisfied with candidates' conduct. According to exit polls, approximately eighty-four percent of voters who participated in ranked choice voting said the new RCV-formatted ballot was easy to complete.

The City of Berkeley has been utilizing rank choice voting since 2010. In the Bay Area specifically, rank choice voting has eliminated runoff elections, given more wins to women and people of color, and increased voter turnout.

Both of these bills are great steps towards achieving a more representative electoral system.

Thank you for introducing these important pieces of legislation.

Sincerely, The Berkeley City Council

CC: Senator Nancy Skinner
Assemblymember Buffy Wicks



CONSENT CALENDAR May 28, 2019

To: Honorable Mayor and Members of the City Council

From: Councilmembers Rigel Robinson, Kate Harrison, Ben Bartlett, and Cheryl

Davila

Subject: Support for ACA-6: Voting Rights for Parolees

RECOMMENDATION

Adopt a resolution supporting ACA-6, which restores the right to vote to citizens on parole for the conviction of a felony.

BACKGROUND

On January 28th, 2019, Assemblyman Kevin McCarty introduced the Free Vote Act, a plan which would restore voting rights to parolees. Currently in California, roughly 48,000 people cannot exercise their right to vote, solely because of their parole status.¹

Restoring voting rights to people on parole ensures a greater participation in civic life, and studies by groups such as the Brennan Center for Justice found that reenfranchisement leads to decreased recidivism.²

Furthermore, disenfranchisement of former prisoners and parolees is part of a long, racist history of disenfranchising the black vote. In a separate study, the Sentencing Project found that African-Americans were disproportionately disenfranchised in states with similar laws.³

The attached resolution states the City of Berkeley's endorsement of the bill and subsequent ballot measure. Copies of the resolution should be sent to Senator Nancy Skinner, Assemblymember Buffy Wicks, and the bill's author, Assemblymember Kevin McCarty.

FINANCIAL IMPLICATIONS

None.

ENVIRONMENTAL SUSTAINABILITY

Consistent with the City's climate and environmental goals.

¹ https://www.sacbee.com/news/politics-government/capitol-alert/article225198485.html

² https://www.brennancenter.org/sites/default/files/publications/Florida Voting Rights Outlier.pdf

³ https://www.sentencingproject.org/wp-content/uploads/2015/08/Felony-Disenfranchisement-Primer.pdf

CONSENT CALENDAR May 28, 2019

CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170 Ronit Sholkoff, Intern to Councilmember Rigel Robinson

Attachments:

- 1: Resolution
- 2: Bill Text ACA 1:

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200ACA1

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

RESOLUTION IN SUPPORT OF ACA-6

WHEREAS, voting is a fundamental right and pillar of American democracy, and;

WHEREAS, the right to vote enables Americans to participate in civic life and increasing enfranchisement creates a stronger, more robust democracy; and

WHEREAS, under current law, approximately 48,000 people in California are legally barred from exercising their civic duty and fundamental right to vote as a citizen of the United States; and

WHEREAS, restrictions on voting rights reinforce a systemic, racist effort to restrict and disenfranchise voters of color and limit their power in the civic process; and

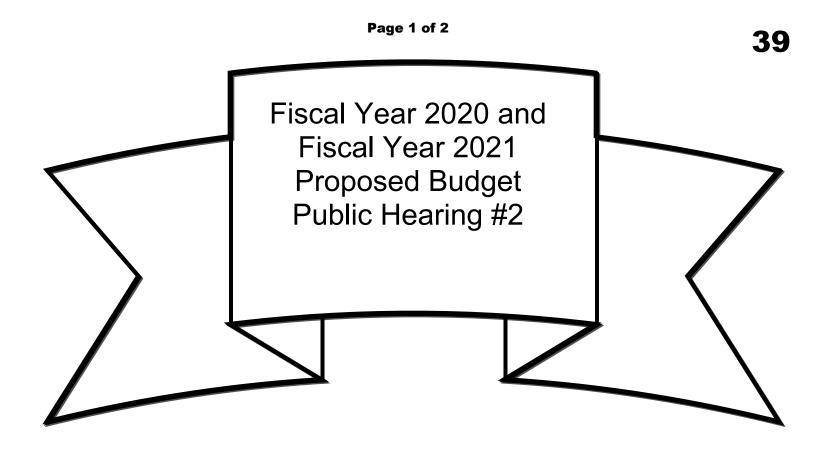
WHEREAS, restoring the right to vote to parolees supports their reintegration into society, reducing recidivism, and;

WHEREAS, ACA-6 (McCarty), also known as the Free Vote Act, will grant parolees the right to vote.

NOW THEREFORE, BE IT RESOLVED that the City of Berkeley hereby endorses ACA-6 and the ballot measure that will result from its passage; and

BE IT FURTHER RESOLVED that the City of Berkeley may be listed as a supporter of said ballot measure by the official proponents of the measure; and

BE IT FURTHER RESOLVED that copies of this resolution will be sent to Senator Nancy Skinner, Assemblymember Buffy Wicks, and Assemblymember Kevin McCarty.



Please refer to the following Agenda Packet for the material for this item.

• May 7, 2019 Agenda Packet (Worksession)

https://www.cityofberkeley.info/Clerk/City_Council/2019/05_May/City_Council_05-07-2019 - Special Meeting Agenda.aspx

This material is also on file and available for review at the City Clerk Department, or can be accessed from the City Council Website.

City Clerk Department

2180 Milvia Street Berkeley, CA 94704 (510) 981-6900

or from:

The City of Berkeley, City Council's Web site www.cityofberkeley.info/citycouncil

NOTICE OF PUBLIC HEARING BERKELEY CITY COUNCIL

FISCAL YEAR 2020 & FISCAL YEAR 2021 PROPOSED BIENNIAL BUDGET PUBLIC HEARING #2

TUESDAY, MAY 28, 2019 - 6:00 P.M.

The Berkeley City Council will conduct a second public hearing on May 28, 2019 at 6:00 p.m. at the Berkeley Unified School District Board Room located at 1231 Addison Street to discuss the FY 2020 & FY 2021 Proposed Biennial Budget.

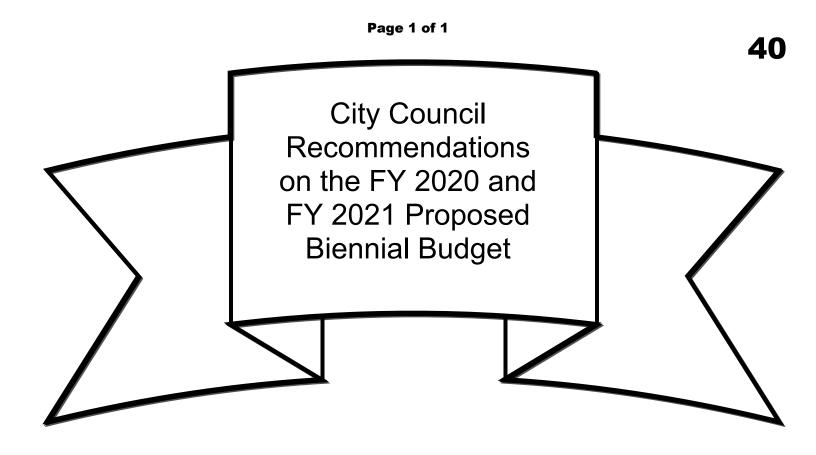
A copy of the agenda material for this hearing will be available on the City's website at www.CityofBerkeley.info as of **May 16, 2019**.

For further information, please contact Teresa Berkeley-Simmons, Budget Manager at 981-7000.

Written comments should be mailed or delivered directly to the <u>City Clerk, 2180 Milvia Street, Berkeley, CA 94704</u>, in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at 981-6900 or clerk@cityofberkeley.info for further information.

Posted:	May 16, 2019
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posted at the	tify that the Notice for this Public Hearing of the Berkeley City Council was e display case located near the walkway in front of the Maudelle Shirek 34 Martin Luther King Jr. Way, as well as on the City's website, on May 16,
Mark Numai	nville, City Clerk



Please refer to the following Agenda Packet for the material for this item.

• May 7, 2019 Agenda Packet (Worksession)

<a href="https://www.cityofberkeley.info/Clerk/City_Council/2019/05_May/City_Council_05-07-2019">https://www.cityofberkeley.info/Clerk/City_Council/2019/05_May/City_Council_05-07-2019</a> - Special Meeting Agenda.aspx

This material is also on file and available for review at the City Clerk Department, or can be accessed from the City Council Website.

**City Clerk Department** 

2180 Milvia Street Berkeley, CA 94704 (510) 981-6900

or from:

The City of Berkeley, City Council's Web site www.cityofberkeley.info/citycouncil



PUBLIC HEARING May 28, 2019

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Phillip Harrington, Director of Public Works

Subject: Proposed Fee Increases for Engineering and Traffic Engineering Hourly

Rates

#### RECOMMENDATION

Conduct a public hearing and upon conclusion, adopt a Resolution amending Resolution No. 67,985-N.S. to amend the master fee schedule for the Planning and Development Department to increase the hourly rate for staff time not otherwise specified from \$153/hour to \$190/hour for the Engineering Division and from \$160/hour to \$200/hour for the Transportation Division for FY 2020.

#### FISCAL IMPACTS OF RECOMMENDATION

The recommendations in this report to adopt increased fees will generate funds to better cover City costs associated with their respective program activities. All fees collected under these recommendations are deposited into the Permit Service Center (PSC) Fund. Attachment 1 to this staff report presents the proposed new Planning Department fee schedule, with revisions shown in track changes format. Exhibit A to the resolution (Attachment 4) shows the proposed new fee schedule in clean format.

The proposed new hourly rates of \$190 for Engineering and \$200 for Traffic Engineering, up from the current rates of \$153 and \$160, respectively, would encompass only those fees which are based on staff time. The proposed new hourly rates would help the City to recoup more of the associated staff and overhead costs.

The detailed cost calculations to support these hourly rate increases can be found in Attachments 2 and 3 to this staff report, which show that full cost recovery, even at FY 2017 rates (the rates used in these attachments), could justify rates of up to \$191.82 per hour for Engineering and up to \$234.60 per hour for Traffic Engineering. The reason for not charging the full amount is to reduce the impact to applicants. A future fee study is anticipated to address the full range of fees in the fee schedule.

The proposed new Engineering and Traffic Engineering rates are projected to generate an estimated \$230,000 in additional PSC revenue each fiscal year, assuming a similar level of permit and development application activity as has occurred recently.

The hourly rates are charged in a number of specific cases, all articulated in the respective sections of the Planning Department fee schedule, when direct work by staff is required.

#### **CURRENT SITUATION AND ITS EFFECTS**

The hourly rates for the Engineering and Transportation Divisions have not been increased since July, 2010; however, City personnel costs have increased substantially in the intervening years. By definition, fees which are based on hourly rates are incurred in activities which are staff-intensive, such as applications requiring Administrative Use Permits, Land Use Entitlements, Building Permits, Temporary Use of the Right of Way, and Utility Permits.

#### **BACKGROUND**

The Permit Service Center Fund is an enterprise fund established to be self-supporting for functions related to building permits, land use entitlements, temporary use of the right of way, and utility permits. The Engineering and Traffic Engineering hourly rates were last updated in July, 2010. Since that time, staff hourly rates and overhead costs have increased. Hourly rates are established to only recover actual staff and overhead costs.

#### **ENVIRONMENTAL SUSTAINABILITY**

Many activities administered and services provided by Engineering and Traffic Engineering support City goals for energy efficiency, reduced greenhouse gas emissions, improved storm water quality, and sustainable development.

#### RATIONALE FOR RECOMMENDATION

Current hourly rates for Engineering and Traffic Engineering services do not fully recover staff hourly rates and overhead costs. The proposed rate increases would more fully recoup the City's actual staff and overhead costs.

#### ALTERNATIVE ACTIONS CONSIDERED

Staff considered not increasing the Engineering and Traffic Engineering hourly rates, and in effect allowing the activities described to be subsidized by the City's general fund or via the existing PSC fund balance.

#### **CONTACT PERSON**

Phillip Harrington, Director of Public Works (510) 981-6303 Andrew Brozyna, Deputy Director of Public Works, (510) 981-6396 Farid Javandel, Manager of Transportation, (510) 981-7061 Sean O'Shea, Public Works Fiscal Services Manager, (510) 981-6306

#### Attachments:

- 1: Proposed new Planning and Development Department Fee Schedule, with changes tracked
- 2: Detailed cost calculation for Engineering hourly staff time rate
- 3: Detailed cost calculation for Traffic Engineering hourly staff time rate
- 4: Resolution
  - Exhibit A: Proposed new Planning Department fee schedule, in clean format
- 5: Public Hearing Notice

		FEE TYPE / DESCRIPTION		FEE	PR	OPOSED FEE	REMARKS
E	Engir	neering Fees					
		ngineering work required for review or preparation of sewer plans and ecifications	\$	153.00	\$	190.00	per hour
:	2. Er	ngineering work required in abandonment of easement	\$	5,202.00			
;		ngineering work required in abandonment of streets, paths, walks, steps and similar public ways	\$	8,918.00			
4	wh pu	henever work is caused to be done under Federal, State or local law, nether such work is done under assessment district or improvement plan, ublic proceedings or private contract, a fee for engineering work and field spection shall be charged for the following:					
	а	Review of plans and specifications other than for sewer.	\$	153.00	\$	190.00	per hour
	b	Engineering work and inspection required for grading or regarding streets.	\$	153.00	\$	190.00	per hour
	С	. Engineering work and inspection required for concrete sidewalks, curbs and gutter.	\$	153.00	\$	190.00	per hour
	d	. Engineering work and inspection required for pavement in area of roadway.	\$	153.00	\$	190.00	per hour
	е	. Engineering work and inspection required for culverts and drainage.	\$	153.00	\$	190.00	per hour
	f.	. Engineering work and inspection required for sewers.	\$ \$	153.00	\$	190.00	per hour
	g	Engineering work and inspection required for structures of masonry construction of either brick or concrete.	\$	153.00	\$	190.00	per hour
	h	. Engineering work and inspection required for construction storm water best management practices.	\$	153.00	\$	190.00	per hour
	i.	Engineering work and inspection required for post -construction storm water best management practices	\$	153.00	\$	190.00	per hour
(	BMC	2.72.050)					
ţ		oving and replacing street monuments, the charge will be the actual cost to e City.					
(	Co	I engineering services in connection with work ordered or authorized by the buncil or other work not specifically provided for herein, an hourly fee for fice engineering and field inspection will be charged.	\$	153.00	\$	190.00	per hour
•	pa mi	henever engineering or inspection services are to be performed and fees aid therefore, as herein above provided in subsections 1, 4 and 5, a inimum fee corresponding to one hour of engineering work shall be harged.	\$	153.00	\$	190.00	per hour
		eld survey: One-person party	\$	153.00	\$	190.00	per hour/person (4 hou
		Two-person party	\$	153.00	\$	190.00	minimum) per hour/person (4 hou
		Three-person party	\$	153.00	\$	190.00	minimum) per hour/person (4 hou minimum)

	FEE TYPE / DESCRIPTION	FEE	PROPOSED FEE	REMARKS
9. F	Public consultations or assistance rendered in records examination.	No fee		
	Fees and charges provided herein for work performed on Saturdays, Sundays and holidays.	Double the fee		
(BM	C 2.72.050)			
II. SIDE	EWALK CONSTRUCTION AND REPAIR			
A. Fees	- Streets, Sidewalks and Other Public Property			
For p City:	ermits and field inspection, the following fees or charges shall be paid in adva	nce to the Planni	ing and Developn	] nent Department of the
t V	Permits: All permits shall be \$127 for each such permit issued. All permits iss here shall be no refund of the permit charge. In the exercise of his reasonable Works or his/her designee may waive or reduce the permit and inspection fees rom City owned trees.	e discretion and f	or good cause sh	own, the Director of Public
2. F	Field Inspection: The charge for field inspection shall be as follows:			
	a. Curbing	\$ 28.00		for each ten L.F. or fraction thereof
	b. Curb and Gutter	\$ 28.00		for each ten L.F. or fraction thereof
	c. Sidewalks	\$ 28.00		for each 100 sq. ft or fraction thereof
	d. Driveway approach: Same charge as for sidewalks.	\$ 28.00		per 100 sq. ft or fraction thereof
(BM	C 16.04.110)			Titlereor
B. Perm	it - Cash Deposit or Bond in Lieu Required - Conditions			
t c b	When construction is to be performed pursuant to the provisions of this chapte the Department of Planning and Development as a guaranty that all work, inclusified property in the public right-of-way including shrubs, maintenance of pedestripe done in a proper and workmanlike manner and in accordance with all City revoks or his/her designee.	uding excavation, an and vehicular	stockpiling mate safety and conve	rials, protection and repair enience, and cleanup, will
a c s	In lieu of such deposit for each permit, a surety company faithful performance and Development Department. Such bond shall be conditioned that all constructions or curbs and gutters shall be done in a proper and workmanlike manner, satisfaction of the Director of Public Works or his/her designee. Any such bond on any particular location in the City. The form of such bond shall be approved.	uction of sidewalk and in accordan d may be condition	ks, parking steps, ce with all City re oned as a continu	driveway approaches, quirements and to the
a n	In the event the work is not done in a proper and workmanlike manner, or not or any other ordinance or requirements of the City, or not done to the satisfaction may perform or cause to have performed the necessary construction work, repeated deposit or require the cost thereof to be paid by said surety company on it	of the Director o air work or clean	f Public Works or	his/her designee, the City
r fi C	n the exercise of his reasonable discretion and for good cause shown, the Director of the deposit or bond required by this section in order to encourage propor hereunder; provided, that if such work is not being performed in a satisfactor designee may order that the deposit or bond required by this section be filed a 16.04.130)	erty owners to do ory and timely ma	or cause to have inner, the Directo	e done the work provided r of Public Works or his/her
				J

			FEE TYPE / DESCRIPTION	FEE	PROPOSED FEE	REMARKS
III.	SA	NIT	ARY AND STORM DRAIN SEWERS			
Α	Sew	er a	nd Storm Drain Construction Fees			
	1.	The	following fees shall be paid to the Planning and Development Department for s	sewer and sto	orm drain constru	] ction: 1
		a.	For each permit for lateral sewer or storm drain construction within the public ri	ight-of-way o	or other public eas	sement <u>\$127</u> .
			For inspection of lateral sewer or storm drain construction within the public stre drain main \$206 for each month or fraction thereof between issuance of the perspector.			
			Inspector.			
			For inspection of construction of sewer or storm drain mains in the public right- lateral sewer or storm drain construction in the public street area, without conn			
			For engineering work and inspection required in establishing backline easemer two-hour minimum.	nts and re-us	se connections -	\$153 (\$190) per hour,
		e.	For sewer lateral capping, <u>\$153 (\$190)</u> per hour, two-hour minimum.			
		f.	For engineering work and inspection involved with mainlines and manholes, §1	153 <mark>(\$190)</mark> pe	er hour, two-hour	] <u>minimum</u> .
		corp time	any work performed, wholly or in part, without first secured the permit required loration having performed such work shall pay a permit fee which shall be five to the inspection charge for any month, or any fraction thereof, that the work hall be doubled for such inspection performed on Saturdays, Sundays and holiday	imes the per s been in pro	mit fee provided I	by this section, and five
	(BMC	C 17.	16.050)			
В	Sew	er C	onstruction, Cash Deposit or Bond in Lieu of			
	1.	be d	en a sewer or storm drain is to be installed in the public right-of-way or other pulleposited with the Planning and Development Department as a guaranty that all ng and cleanup, will be done in a proper and workmanlike manner.			
	2.	and clea	eu of such deposit for each permit, a surety company faithful performance bond Development Department. Such bond shall be conditioned that all sewer or sto nup shall be done in a proper and workmanlike manner and in accordance with ctor of Public Works or his/her designee.	orm drain wo	ork, including back	kfill, street paving and
	(BN	ИС 1	7.16.050)			
IV.	EX	CAV	/ATIONS			
Α	. Perr	nit -	Required - Application Time and Contents for Mains or Lateral Pipes			]
	or la the and ope	iteral Plan thor ning;	er any person, firm or corporation desires to open trenches in the public streets pipes or conduits, other than lateral sewers, such person, firm or corporation so ning and Development Department not less than forty-eight hours in advance o bughfares, except in case of accident or emergency, in which case written notic provided however, that if said notice cannot be given because the office is clost office which issues said permits is open for business.	shall make ap f his/her or it ce shall be gi	oplication in writing s desire to so ope ven within twenty	g and obtain a permit from en trenches in said streets -four hours after any such
	which shal	ch sa I not	lication for the permit shall give the names of the streets in which trenches are to id trenches are to be made. A permit fee of <u>\$127</u> and shall be paid for each permit be charged against any entity exempt by law from the payment of such fees. A for all inspections. (BMC 16.12.030)	ermit issued	hereunder; excep	t, however, that such fee
					L	1

	FEE TYPE / DESCRIPTION		FEE	PROPOSED FEE	REMARKS
В	Compliance with Regulations Required The permittee shall conduct all operations in a Surface Restoration in the Public Right-of-Way "Regulations.").				
С	In-lieu Fees - Required When For excavations in streets less than five (5) yearea as provided by the Regulations. At the dibe waived and the permittee shall pay an in-lie	scretion of the Director of Public Works or			
	Type of Excavation	In -lieu Fee			
	Trench (excluding new service connections)	\$4.20 per square foot of street area req	uired to be r	resurfaced by the	regulations
	Bell hole/new service connection	\$676 /bell hole or new service connection	on		
٧.	STREET AND SIDEWALK USE PERM	NIT			
Α	Permit Fees				
	<ol> <li>A permit fee of \$127 shall be charged for curb or sidewalk in areas classified as cor permit or public works permit has been iss projects located in City streets, a fee of \$</li> </ol>	nmercial, R-3, R-4 and R-5 in the zoning of sued, or for which such permit is required,	ordinance, d	uring construction	for which a building
	a. Construction where storage of materia	als, debris or equipment is involved within	the public ri	ght-of-way.	
	b. House moving.				
	c. Demolition where storage of materials	s, debris or equipment is involved within th	e public righ	nt-of-way.	
	d. Debris boxes by contractors.				
	e. Sidewalk seating, Benches and Plant	ers (BMC 14.48.200)			
	2. In the case of debris boxes used by home	owners, a fee of \$100 shall be charged, th	ne inspection	n fees shall be wa	iived.
	(BMC 16.16.030)				
	In the case of Sidewalk Seating Tables are planters or benches)	nd Chairs, a curb fee of \$7.50 per lineal foo	ot per calend	dar year (no curb	fee shall be charged for
В	Inspection Charges				
	Field inspections for the items in A1 above will the sidewalk and street areas, provided, however charge of \$153 (\$190) per hour for the first houseld be an additional charge of \$221 for each permit issued hereunder. The hourly inspection The hourly inspection charge shall be paid at the inspection service and the permittee's estimate work is unfinished at the expiration of the time estimate for completion of work.	ver, that inspection fees shall not be charg ur shall be made for such inspection service thirty days, or fraction thereof, that the per in charge for the first hour shall be doubled the time the permit is issued and shall be be of time for completion of all work, including	ed in the ca ce. If such in mittee uses for inspection pased on the ng cleanup	ase of debris boxed aspection service the streets or sidens on Saturdays of City's estimate of and clearing the p	s used by homeowners. A exceeds one hour there lewalks pursuant to the s, Sundays and holidays. of the time required for bublic right-of-way. If the
	Such charge, if not paid, shall be deducted the	surety company on its bond, if a surety be	ond has bee	en filed in lieu of t	ne required deposit.
	A permit fee of \$17 for a single trip, or an annu- overwidth vehicle or any overheight, or overwid 16.16.130)				

	FEE TYPE / DESCRIPTION	FEE	PROPOSED FEE	REMARKS
C.	Increased Fees for Work Performed or Operation of Vehicle Without Permit			
	For any work performed, wholly or in part, or for the operation on any public street of a vehicle with an overheight, overweight or overwidth load as defined the State Vehicle the provisions of this of this chapter, the person, firm or corporation having performed which shall be five times the permit fee provided by this section, and an inspection chapter. (BMC 16.16.040)	Code, without such work or	first having secur operated such vel	ed the permit required by nicle shall pay a permit fee
D.	Deposit - To Guarantee Removal of Materials or Equipment Required			
	As a guaranty to the City that such materials, appliances or other equipment so placed dirt, sand and debris of any kind to the satisfaction of the Public Works Director or his/ upon the completion of such work, or at such time prior thereto when, in the judgment public interest or convenience will be best subserved thereby, said person, firm or corp. Department the sum of \$1,376 for each permit issued under the provisions of this characteristics.	/her designee, of said Public poration shall	and will be remo Works Director o deposit with the P	ved there from immediately r his/her designee, the
E.	Deposit - Surety Bond in Lieu When - Conditions			
	In lieu of the deposit required by this chapter, a surety bond in the amount of \$11,306 Department, conditioned as a guaranty to the City that all costs for which any person, provided, will be paid upon demand therefore by the Public Works Director or his/her continuing bond and not be limited to any particular location in the City. Such bond sh 16.16.080)	firm or corporatesignee. Any	ation-shall be liab such bond may	le, as in this section be conditioned as a
F.	Waiver - Deposit and Bond In the exercise of his reasonable discretion and for good cause shown, the Public Wordeposit or bond required by this chapter, in order to encourage home owners to do or 16.16.080)		•	,
VI.	NO PARKING SIGNS			
	No parking signs will be required in conjunction with all street use permits.			
	If it is determined by the Planning and Development Department that the use of the signereal welfare, a permit will be issued for the use of such signs upon payment of a permit of the applicant agreeing to be bound by the conditions of the permit and these rules a permit fee equal to the cost of a meter in the amount of $$79$ per week shall be charged work requiring a time period of one month or more. In addition, a processing fee of \$100.	ermit fee of <u>\$3</u> and regulations d for each 20 f	<u>84</u> and upon recei s; provided, howe eet of time limit z	ving the signed statement ver, that an additional one and each meter for
	Should an applicant need to replace previously issued No Parking signs which have be paid for each re-issued sign.	een lost, stole	n or damaged, a	processing fee of \$5 shall
	Seasonal Ground Signs (in the Public right-of-way) - \$83 for the first three signs and \$ additional sign	15 for each		

	FEE TYPE / DESCRIPTION		FEE	PROPOSED FEE	REMARKS
VII.	ENCROACHMENT PERMITS				
	The following fees for encroachment permits shall be paid in advance to the Plan	ining a	nd Developn	nent Department	of the City:
	A non-refundable application fee in the amount of \$454 for each permit below	N			·
	··· —				
	a. Minor encroachment permit: \$1,228 paid upon approval of permit.				
	b. Major encroachment permit: <u>\$1,774</u> paid upon approval of permit.				
	2. Decorative non-commercial installation in a public right-of-way: a permit fee	of <u>\$12</u>	<u>7</u>		
	3. Above ground planter: <u>\$153</u>				
	4. Inspection when required by the Director of Public Works or his/her designed	e: <u>\$153</u>	3 (\$190) per	hour.	
	5. Tieback and soil nail fee for tie backs soil nails less than or equal to 12 feet deep	\$	2,100.00		per tieback or soil nail
	6. Tieback and soil nail fee for tie backs soil nails less than or equal to 24 feet deep but more than 12 feet deep	\$	1,050.00		per tieback or soil nail
	7. Tieback and soil nail fee for tie backs soil nails greater than 24 feet deep	\$	525.00		per tieback or soil nail
(	(BMC 16.18.025)				
VIII.	SUBDIVISION FEES				
	Processing and Review				
Λ.	·		4		
	The following fees or charges for processing and review of subdivision maps and be paid in advance to the Planning and Development Department of the City:	cerun	cates snaii		
	1. Lot line adjustmenst filing fee (BMC 21.32.040)	\$	1,743.00		
	2. Reversion to acreage filing fee (BMC 21.48.040)	\$	1,743.00		
	3. Parcel mergers (BMC 21.52.060)				
	Filing fee Public hearing fee	\$ \$	1,743.00 633.00		
	Correction and amendment of a recorded map filing fee (BMC 21.56.050)	\$	1,445.00		
	Certificate of compliance filing fee (BMC 21.60.050)	\$	1,743.00		
		Ψ	1,745.00		
	6. Tentative tract maps (BMC 21.16.043) Filing fee	\$	4,820.00		
	Public hearing fee	\$	633.00		
	7. Vesting tentative parcel maps filing fee (BMC 21.18.070)	\$	5,316.00		
	8. Vesting tentative tract maps (BMC 21.18.070)				
	Filing fee Public hearing fee	\$ \$	5,316.00 633.00		
	Minor amendment to approve tentative map (BMC 21.16.080)				
	Filing fee	\$	323.00		
	Records Management fee	\$	50.00		
	<ol> <li>Major amendment to approved tentative map (BMC 21.16.080)</li> <li>Filing fee</li> </ol>	¢	1,003.00		
	Public Hearing fee	\$ \$	633.00		
	Records Management fee	\$	50.00		

	FEE TYPE / DESCRIPTION		FEE	PROPOSED FEE	REMARKS
	11. Final tract maps (BMC 21.20.020)				
	Filing fee Map Checking fee	\$ \$	376.00 181.00		/lot, parcel or unit
		Ψ			not, paroor or arm
	12. Parcel maps filing fee (BMC 21.24.040)	\$	4,820.00		
	13. Office engineering fee (BMC 21.04.070)	\$	153.00	\$ 190.00	per hour
В.	Deposit - Refundable				
	A deposit in the amount of $\$588$ shall be paid at the time of filling and, in addition to	o the	filing fees, fo	or the following:	]
	Final maps; parcel maps; lot line adjustments; reversions to acreage; parcel n certificates of compliance.	nerge	ers; correction	ns and amendme	nts to recorded maps; and
	μ				
	<b>NOTE:</b> Such deposit shall be refunded upon the receipt by the City of a duplic mylar material. If receipt of said mylar map is not made within six (6) months permanently retain all of the deposit to defray the cost of obtaining a mylar co	follo	wing the date	the map was red	corded, the City will
IX.	CREEK FEES				
	CEQA compliance certification, Fish and Game approval, and Section 401 Army Cacceptance of the application by Public Works for approval.	ore o	of Engineer's	permit must be o	completed prior to
	All horizontal distances are measured on the level and all vertical distances shall	be m	easured perp	endicular to the l	evel horizontal.
Α.	Creeks identification fee	\$	495.00		
В.	Creek permit base fee	\$	988.00		
C.	CEQA review fee for open creeks	\$	741.00		
D.	Public Works Commision hearing fee	\$	741.00		
E.	Additional fees: \$153 per hour x hours required	\$	153.00	\$ 190.00	/hour
F.	Records Management fee	\$	50.00		

#### Attachment 2, Chapter D - Engineering

#### COST WORKSHEET: HOURLY COST OF ENGINEERING INSPECTION STAFF PROVIDING DIRECT SERVICES FY2017

This worksheet calculates the total hourly cost of providing engineering inspection services by attributing all associated costs to the professional staff providing direct services, such as reviewing permit applications for temporary use of the right of way, processing utility permits, and performing field inspections. Other staff and overhead are prorated to the direct service as part of their cost.

ect	

Personnel Costs	S	alary	FTE
Engineering Inspector		\$100,987.12	1.0
	Total	\$100,987.12	1.0
Add Fringe Benefits (75.32%)		\$76,063.50	)
Direct Personnel Costs		\$177,050.62	!
Engineering Non-Personnel (excludes indirect costs)		\$272,887.00	
Engineering FTE	/	38.75	i
Non-Personnel Cost/FTE		\$7,042.25	i
Direct FTE	3	1.0	
Non-Personnel Costs		\$7,042.25	i e
Total Direct Costs (Personnel + Non-Personnel)		\$184,092.86	i
Total Direct Costs		\$184,092.86	;
Staff Hours	1	1634	ļ
Direct Staff Costs per Hour		\$112.66	
Indirect Costs			_
Indirect Costs (20.44%) x salary for Direct Labor		\$20,641.77	<del>,</del>
Division Admin - Personnel Cost	+	\$105,035.71	
Department Admin & Rent prorated	+	\$3,762.12	Div rent / Div FTE x Relevant FTE (1.0)
Total Indirect Costs		\$129,439.59	
Direct Staff Hours	/	1634	ļ
Indirect Staff Costs per Hour		\$79.22	!
Total Cost Per Hour (Sum of Indirect Costs)		\$191.88	

Admin Overhead		
Engineering Overhead	Amount FTE	Salaries
City Engineer	\$7,981.68	0.05 \$159,633.55
Dep Director	\$8,435.70	0.05 \$168,714.00
Analyst	\$4,253.43	0.05 \$85,068.67
OSII	\$3,563.31	0.05 \$71,266.21
Super. Civil Engs (4)	\$29,421.23	0.2 \$147,106.13
	\$53,655.35	0.4
Add Fringe (75.32%)	\$40,413.21	
Add Indirects (20.44%)	\$10,967.15	
Total Personnel	\$105,035.71	

# Attachment 3, Chapter E - Traffic Engineering COST WORKSHEET: HOURLY COST OF ASSOCIATE CIVIL ENGINEERING STAFF PROVIDING DIRECT SERVICES FY2017

This worksheet calculates the total hourly cost of providing traffic control plan review, field inspection, and other related services, by attributing all associated costs to the professional staff providing these direct services. Other staff and overhead are prorated to the direct service as part of their cost.

_		_	
n	rect	1.0	ctc

Direct Costs			
Personnel Costs		Salary	FTE
Associate Engineer		\$135,923.01	1.0
	Total	\$135,923.01	1.0
Add Fringe Benefits (71.42%)		\$97,076.21	
Direct Personnel Costs		\$232,999.22	
Transportation Non-Personnel (excludes indirect costs)		\$351,645.00	Transportation 4000-5999 ele-ojb total
Transportation FTE	/	35	•
Non-Personnel Cost/FTE	·	\$10,047.00	
Direct FTE	х	1.0	
Non-Personnel Costs		\$10,047.00	
Total Direct Costs (Personnel + Non-Personnel)		\$243,046.22	
Total Direct Costs		\$243,046.22	
Staff Hours	/	1634	
Direct Staff Costs per Hour		\$148.74	
Indirect Costs			
Indirect Costs (20.44%) x salary for Direct Labor		\$27,782.66	-
Division Admin - Personnel Cost	+	\$108,347.93	
Department Admin & Rent prorated	+	\$4,165.20	Div rent / Div FTE x Relevant FTE (1.0)
Total Indirect Costs		\$140,295.79	-
Direct Staff Hours	/	1634	
Indirect Staff Costs per Hour		\$85.86	

#### Total Cost Per Hour (Sum of Indirect Costs)

\$234.60	

Admin Overhead			
Transportation Overhead	Amount FT	Ε	Salaries
Transportation Manager	\$8,430.00	0.05	\$168,600.00
Dep Director	\$8,435.70	0.05	\$168,714.00
Analyst	\$4,253.43	0.05	\$85,068.67
Admin Secretary	\$3,990.60	0.05	\$79,812.00
Super. Traf Eng	\$31,365.60	0.2	\$156,828.00
	\$56,475.33	0.4	
Add Fringe (71.42%)	\$40,329.04		
Add Indirects (20.44%)	\$11,543.56		
Total Personnel	\$108,347.93		

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

### FEES: DEVELOPMENT RELATED SERVICES PROVIDED BY THE PLANNING AND DEVELOPMENT DEPARTMENT

WHEREAS, on May 16, 2017, Resolution No. 67,985-N.S. established fees for development-related services provided by the Planning and Development Department; and

WHEREAS, the hourly base rate for staff services provided by the Public Works Engineering and Transportation Divisions has not been increased since 2010; and

WHEREAS, the current staff time rates of \$153/hour for Chapter D - Engineering Division and \$160/hour for Chapter E – Traffic Engineering for hourly-based services has not kept up with staff hourly rates and overhead costs incurred to deliver services since the respective dates of the previous rate adjustments; and

WHEREAS, the Council of the City of Berkeley held a public hearing on May 28, 2019 to review the proposed changes to the fee schedule, attached hereto as Exhibit A to this resolution.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the proposed fees for all development-related engineering services provided by the Planning and Development Department (Exhibit A) are adopted effective July 1, 2020, and that Resolution 67,985-N.S. is amended to incorporate the new fees.

Exhibits:

A: Fee Schedule

#### **CHAPTER D - ENGINEERING**

			FEE TYPE / DESCRIPTION	FEE	REMARKS	
I.	En	gine	eering Fees			
	1.		gineering work required for review or preparation of sewer plans and cifications	\$	190.00	per hour
	2.	Eng	gineering work required in abandonment of easement	\$	5,202.00	
	3.		gineering work required in abandonment of streets, paths, walks, steps similar public ways	\$	8,918.00	
	4.	4. Whenever work is caused to be done under Federal, State or local law, whether such work is done under assessment district or improvement plan, public proceedings or private contract, a fee for engineering work and field inspection shall be charged for the following:				
		a.	Review of plans and specifications other than for sewer.	\$	190.00	per hour
		b.	Engineering work and inspection required for grading or regarding streets.	\$	190.00	per hour
		C.	Engineering work and inspection required for concrete sidewalks, curbs and gutter.	\$	190.00	per hour
		d.	Engineering work and inspection required for pavement in area of roadway.	\$	190.00	per hour
		e.	Engineering work and inspection required for culverts and drainage.	\$	190.00	per hour
		f.	Engineering work and inspection required for sewers.	\$ \$	190.00	per hour
		g.	Engineering work and inspection required for structures of masonry construction of either brick or concrete.	\$	190.00	per hour
		h.	Engineering work and inspection required for construction storm water best management practices.	\$	190.00	per hour
		i.	Engineering work and inspection required for post -construction storm water best management practices	\$	190.00	per hour
	(BN	ЛС 2	.72.050)			
	5.		ving and replacing street monuments, the charge will be the actual cost to City.			
	6.	Cou	engineering services in connection with work ordered or authorized by the uncil or other work not specifically provided for herein, an hourly fee for the engineering and field inspection will be charged.	\$	190.00	per hour
	7.	paid min	enever engineering or inspection services are to be performed and fees d therefore, as herein above provided in subsections 1, 4 and 5, a imum fee corresponding to one hour of engineering work shall be rged.	\$	190.00	per hour
	8		d survey: one-person party	\$	190.00	per hour/person (4 hours
		Т	wo-person party	\$	190.00	minimum) per hour/person (4 hours
		Т	hree-person party	\$	190.00	minimum) per hour/person (4 hours minimum)

FEE TYPE / D	ESCRIP	TION		FEE	REMARKS

9. Public consultations or assistance rendered in records examination.

No fee

 Fees and charges provided herein for work performed on Saturdays, Sundays Double the fee and holidays.

(BMC 2.72.050)

#### II. SIDEWALK CONSTRUCTION AND REPAIR

A. Fees - Streets, Sidewalks and Other Public Property

For permits and field inspection, the following fees or charges shall be paid in advance to the Planning and Development Department of the City:

- 1. Permits: All permits shall be \$127 for each such permit issued. All permits issued hereunder shall expire ninety days after issuance and there shall be no refund of the permit charge. In the exercise of his reasonable discretion and for good cause shown, the Director of Public Works or his/her designee may waive or reduce the permit and inspection fees for sidewalk work which is necessitated by the root damage from City owned trees.
- 2. Field Inspection: The charge for field inspection shall be as follows:

	a. Curbing	\$ 28.00	for each ten L.F. or fraction thereof
	b. Curb and Gutter	\$ 28.00	for each ten L.F. or fraction thereof
	c. Sidewalks	\$ 28.00	for each 100 sq. ft or fraction thereof
	d. Driveway approach: Same charge as for sidewalks.	\$ 28.00	per 100 sq. ft or fraction thereof
(BN	MC 16.04.110)		1101001

- B. Permit Cash Deposit or Bond in Lieu Required Conditions
  - 1. When construction is to be performed pursuant to the provisions of this chapter, the sum of \$1,376 for each permit shall be deposited with the Department of Planning and Development as a guaranty that all work, including excavation, stockpiling materials, protection and repair of property in the public right-of-way including shrubs, maintenance of pedestrian and vehicular safety and convenience, and cleanup, will be done in a proper and workmanlike manner and in accordance with all City requirements and to the satisfaction of the Director of Public Works or his/her designee.
  - 2. In lieu of such deposit for each permit, a surety company faithful performance bond in the amount of \$11,305 may be filed with the Planning and Development Department. Such bond shall be conditioned that all construction of sidewalks, parking steps, driveway approaches, curbs or curbs and gutters shall be done in a proper and workmanlike manner, and in accordance with all City requirements and to the satisfaction of the Director of Public Works or his/her designee. Any such bond may be conditioned as a continuing bond and not be limited to any particular location in the City. The form of such bond shall be approved by the City Attorney.
  - 3. In the event the work is not done in a proper and workmanlike manner, or not done in accordance with the requirements of this chapter or any other ordinance or requirements of the City, or not done to the satisfaction of the Director of Public Works or his/her designee, the City may perform or cause to have performed the necessary construction work, repair work or cleanup work and deduct the cost thereof from said deposit or require the cost thereof to be paid by said surety company on its bond.
  - 4. In the exercise of his reasonable discretion and for good cause shown, the Director of Public Works or his/her designee may waive or reduce the deposit or bond required by this section in order to encourage property owners to do or cause to have done the work provided for hereunder; provided, that if such work is not being performed in a satisfactory and timely manner, the Director of Public Works or his/her designee may order that the deposit or bond required by this section be filed and the work stopped until such filing is made. (BMC 16.04.130)

#### FEE TYPE / DESCRIPTION

FEE

**REMARKS** 

#### III. SANITARY AND STORM DRAIN SEWERS

- A. Sewer and Storm Drain Construction Fees
  - 1. The following fees shall be paid to the Planning and Development Department for sewer and storm drain construction:
    - For each permit for lateral sewer or storm drain construction within the public right-of-way or other public easement \$127.
    - b. For inspection of lateral sewer or storm drain construction within the public street area and connection to the existing sewer or storm drain main \$206 for each month or fraction thereof between issuance of the permit and final inspection and approval by a City Inspector.
    - c. For inspection of construction of sewer or storm drain mains in the public right-of-way or other public easement, and for inspection of lateral sewer or storm drain construction in the public street area, without connection to main \$190 per hour.
    - d. For engineering work and inspection required in establishing backline easements and re-use connections \$190 per hour, two-hour minimum.
    - e. For sewer lateral capping, \$190 per hour, two-hour minimum.
    - f. For engineering work and inspection involved with mainlines and manholes, \$190 per hour, two-hour minimum.
  - 2. For any work performed, wholly or in part, without first secured the permit required by provisions of this section, the person firm or corporation having performed such work shall pay a permit fee which shall be five times the permit fee provided by this section, and five times the inspection charge for any month, or any fraction thereof, that the work has been in progress without a permit. All inspection fees shall be doubled for such inspection performed on Saturdays, Sundays and holidays.

(BMC 17.16.050)

- B. Sewer Construction, Cash Deposit or Bond in Lieu of
  - 1. When a sewer or storm drain is to be installed in the public right-of-way or other public easement, the sum of \$1,376 for each permit shall be deposited with the Planning and Development Department as a guaranty that all sewer or storm drain work, including backfill, street paving and cleanup, will be done in a proper and workmanlike manner.
  - 2. In lieu of such deposit for each permit, a surety company faithful performance bond in the amount of \$11,306 may be filed with the Planning and Development Department. Such bond shall be conditioned that all sewer or storm drain work, including backfill, street paving and cleanup shall be done in a proper and workmanlike manner and in accordance with all City requirements and to the satisfaction of the Director of Public Works or his/her designee.

(BMC 17.16.050)

#### IV. EXCAVATIONS

A. Permit - Required - Application Time and Contents for Mains or Lateral Pipes

Whenever any person, firm or corporation desires to open trenches in the public streets or thoroughfares for the purpose of placing therein main or lateral pipes or conduits, other than lateral sewers, such person, firm or corporation shall make application in writing and obtain a permit from the Planning and Development Department not less than forty-eight hours in advance of his/her or its desire to so open trenches in said streets and thoroughfares, except in case of accident or emergency, in which case written notice shall be given within twenty-four hours after any such opening; provided however, that if said notice cannot be given because the office is closed, then written notice shall be given within eight hours after the office which issues said permits is open for business.

The application for the permit shall give the names of the streets in which trenches are to be opened and names of the cross streets between which said trenches are to be made. A permit fee of \$127 and shall be paid for each permit issued hereunder; except, however, that such fee shall not be charged against any entity exempt by law from the payment of such fees. An inspection fee of \$190 per hour shall be charged for all inspections. (BMC 16.12.030)

#### FEE TYPE / DESCRIPTION

FEE

**REMARKS** 

#### B. Compliance with Regulations Required

The permittee shall conduct all operations in accordance with the Excavations Ordinance (BMC Chapter 16.12) and the "Trench Excavation and Surface Restoration in the Public Right-of-Way -Regulations and Requirements," promulgated pursuant to said OrdinanOrdinance (hereafter "Regulations.").

#### C. In-lieu Fees - Required When

For excavations in streets less than five (5) years from the date of application for a permit to excavate, permittee shall resurface the trenched area as provided by the Regulations. At the discretion of the Director of Public Works or his/her designee, such resurfacing requirements may be waived and the permittee shall pay an in-lieu fee as follows:

Type of Excavation In -lieu Fee

Trench (excluding new service

connections)

\$4.20 per square foot of street area required to be resurfaced by the

regulations

Bell hole/new service connection \$676 /bell hole or new service connection

#### V. STREET AND SIDEWALK USE PERMIT

#### A. Permit Fees

- 1. A permit fee of \$127 shall be charged for each street use permit issued below. In addition there shall be paid for the use of street area, curb or sidewalk in areas classified as commercial, R-3, R-4 and R-5 in the zoning ordinance, during construction for which a building permit or public works permit has been issued, or for which such permit is required, including all University of California construction projects located in City streets, a fee of \$7.50 per linear curb foot per month
  - a. Construction where storage of materials, debris or equipment is involved within the public right-of-way.
  - b. House moving.
  - c. Demolition where storage of materials, debris or equipment is involved within the public right-of-way.
  - d. Debris boxes by contractors.
  - e. Sidewalk seating, Benches and Planters (BMC 14.48.200)
- 2. In the case of debris boxes used by homeowners, a fee of \$100 shall be charged, the inspection fees shall be waived.

(BMC 16.16.030)

3. In the case of Sidewalk Seating Tables and Chairs, a curb fee of \$7.50 per lineal foot per calendar year (no curb fee shall be charged for planters or benches)

#### B. Inspection Charges

Field inspections for the items in A1 above will be made by the City to insure that the permittee is maintaining a right-of-way for public, both in the sidewalk and street areas, provided, however, that inspection fees shall not be charged in the case of debris boxes used by homeowners. A charge of \$190 per hour for the first hour shall be made for such inspection service. If such inspection service exceeds one hour there shall be an additional charge of \$221 for each thirty days, or fraction thereof, that the permittee uses the streets or sidewalks pursuant to the permit issued hereunder. The hourly inspection charge for the first hour shall be doubled for inspections on Saturdays, Sundays and holidays. The hourly inspection charge shall be paid at the time the permit is issued and shall be based on the City's estimate of the time required for inspection service and the permittee's estimate of time for completion of all work, including cleanup and clearing the public right-of-way. If the work is unfinished at the expiration of the time estimated by the permittee, the permittee shall then deposit additional inspection fees based on estimate for completion of work.

Such charge, if not paid, shall be deducted the surety company on its bond, if a surety bond has been filed in lieu of the required deposit.

A permit fee of \$17 for a single trip, or an annual fee of \$79 per year for a repetitive permit shall be charged for any overheight, overweight or overwidth vehicle or any overheight, or overwidth load being operated on any public street as defined in the State Vehicle Code. (BMC 16.16.130)

#### FEE TYPE / DESCRIPTION

FEE

**REMARKS** 

#### C. Increased Fees for Work Performed or Operation of Vehicle Without Permit

For any work performed, wholly or in part, or for the operation on any public street of an overheight, overweight or overwidth vehicle or any vehicle with an overheight, overweight or overwidth load as defined the State Vehicle Code, without first having secured the permit required by the provisions of this of this chapter, the person, firm or corporation having performed such work or operated such vehicle shall pay a permit fee which shall be five times the permit fee provided by this section, and an inspection charge fives times the inspection charge provided by this chapter. (BMC 16.16.040)

#### D. Deposit - To Guarantee Removal of Materials or Equipment Required

As a guaranty to the City that such materials, appliances or other equipment so placed or stored on any street or sidewalk will be cleaned of all dirt, sand and debris of any kind to the satisfaction of the Public Works Director or his/her designee, and will be removed there from immediately upon the completion of such work, or at such time prior thereto when, in the judgment of said Public Works Director or his/her designee, the public interest or convenience will be best subserved thereby, said person, firm or corporation shall deposit with the Planning and Development Department the sum of \$1,376 for each permit issued under the provisions of this chapter. (BMC 16.16.070)

#### E. Deposit - Surety Bond in Lieu When - Conditions

In lieu of the deposit required by this chapter, a surety bond in the amount of \$11,306 may be filed with the Planning and Development Department, conditioned as a guaranty to the City that all costs for which any person, firm or corporation-shall be liable, as in this section provided, will be paid upon demand therefore by the Public Works Director or his/her designee. Any such bond may be conditioned as a continuing bond and not be limited to any particular location in the City. Such bond shall be approved as to form by the City Attorney. (BMC 16.16.080)

#### F. Waiver - Deposit and Bond

In the exercise of his reasonable discretion and for good cause shown, the Public Works Director or his/her designee may waive or reduce the deposit or bond required by this chapter, in order to encourage home owners to do or cause to be done the work herein. (BMC 16.16.050 and 16.16.080)

#### VI. NO PARKING SIGNS

No parking signs will be required in conjunction with all street use permits.

If it is determined by the Planning and Development Department that the use of the signs applied for will not be detrimental to public safety or general welfare, a permit will be issued for the use of such signs upon payment of a permit fee of \$34 and upon receiving the signed statement of the applicant agreeing to be bound by the conditions of the permit and these rules and regulations; provided, however, that an additional permit fee equal to the cost of a meter in the amount of \$79 per week shall be charged for each 20 feet of time limit zone and each meter for work requiring a time period of one month or more. In addition, a processing fee of \$15 shall be made for each sign posted.

Should an applicant need to replace previously issued No Parking signs which have been lost, stolen or damaged, a processing fee of \$5 shall be paid for each re-issued sign.

Seasonal Ground Signs (in the Public right-of-way) - \$83 for the first three signs and \$15 for each additional sign

FEE TYPE / DESCRIPTION	FEE	REMARKS
------------------------	-----	---------

#### VII. ENCROACHMENT PERMITS

The following fees for encroachment permits shall be paid in advance to the Planning and Development Department of the City:

- 1. A non-refundable application fee in the amount of \$454 for each permit below.
  - a. Minor encroachment permit: \$1,228 paid upon approval of permit.
  - b. Major encroachment permit: \$1,774 paid upon approval of permit.
- 2. Decorative non-commercial installation in a public right-of-way: a permit fee of \$127
- 3. Above ground planter: \$153
- 4. Inspection when required by the Director of Public Works or his/her designee: \$190 per hour.
- 5. Tieback and soil nail fee for tie backs soil nails less than or equal to 12 feet \$ 2,100.00 per tieback or soil nail deep
  6. Tieback and soil nail fee for tie backs soil nails less than or equal to 24 feet \$ 1,050.00 per tieback or soil nail deep but more than 12 feet deep
  7. Tieback and soil nail fee for tie backs soil nails greater than 24 feet deep \$ 525.00 per tieback or soil nail

(BMC 16.18.025)

#### VIII. SUBDIVISION FEES

#### A. Processing and Review

The following fees or charges for processing and review of subdivision maps and certificates shall be paid in advance to the Planning and Development Department of the City:

1.	Lot line adjustmenst filing fee (BMC 21.32.040)	\$	1,743.00
2.	Reversion to acreage filing fee (BMC 21.48.040)	\$	1,743.00
3.	Parcel mergers (BMC 21.52.060) Filing fee Public hearing fee	\$ \$	1,743.00 633.00
4.	Correction and amendment of a recorded map filing fee (BMC 21.56.050)	\$	1,445.00
5.	Certificate of compliance filing fee (BMC 21.60.050)	\$	1,743.00
6.	Tentative tract maps (BMC 21.16.043) Filing fee Public hearing fee	\$ \$	4,820.00 633.00
7.	Vesting tentative parcel maps filing fee (BMC 21.18.070)	\$	5,316.00
8.	Vesting tentative tract maps (BMC 21.18.070) Filing fee Public hearing fee	\$ \$	5,316.00 633.00
9.	Minor amendment to approve tentative map (BMC 21.16.080) Filing fee Records Management fee	\$ \$	323.00 50.00
10.	Major amendment to approved tentative map (BMC 21.16.080) Filing fee Public Hearing fee Records Management fee	\$ \$ \$	1,003.00 633.00 50.00

FEE TYPE / DESCRIPTION		FEE	REMARKS
11. Final tract maps (BMC 21.20.020) Filing fee Map Checking fee	\$ \$	376.00 181.00	/lot, parcel or unit
12. Parcel maps filing fee (BMC 21.24.040)	\$	4,820.00	
13. Office engineering fee (BMC 21.04.070)	\$	190.00	per hour

#### B. Deposit - Refundable

A deposit in the amount of \$588 shall be paid at the time of filing and, in addition to the filing fees, for the following:

Final maps; parcel maps; lot line adjustments; reversions to acreage; parcel mergers; corrections and amendments to recorded maps; and certificates of compliance.

**NOTE:** Such deposit shall be refunded upon the receipt by the City of a duplicate original of the recorded subdivision map, made upon a mylar material. If receipt of said mylar map is not made within six (6) months following the date the map was recorded, the City will permanently retain all of the deposit to defray the cost of obtaining a mylar copy of the recorded map for its records.

#### IX. CREEK FEES

CEQA compliance certification, Fish and Game approval, and Section 401 Army Core of Engineer's permit must be completed prior to acceptance of the application by Public Works for approval.

All horizontal distances are measured on the level and all vertical distances shall be measured perpendicular to the level horizontal.

A. Creeks identification fee	\$ 495.00	
B. Creek permit base fee	\$ 988.00	
C. CEQA review fee for open creeks	\$ 741.00	
D. Public Works Commision hearing fee	\$ 741.00	
E. Additional fees: \$153 per hour x hours required	\$ 190.00	/hour
F. Records Management fee	\$ 50.00	

### NOTICE OF PUBLIC HEARING BERKELEY CITY COUNCIL

#### REVISIONS TO PLANNING DEPARTMENT FEE SCHEDULE

The Department of Public Works is proposing the following changes to the Department of Planning and Development master fee schedule:

- 1. Increasing the hourly rate for staff time from the Engineering Division, from \$153 per hour to \$190 per hour, for certain activities invoiced on an hourly basis.
- 2. Increasing the hourly rate for staff time from the Transportation Division, from \$160 per hour to \$200 per hour, for certain activities invoiced on an hourly basis.

The hearing will be held on May 28, 2019 at 6:00 p.m. in the School District Board Room - 1231 Addison Street, Berkeley, CA 94702.

A copy of the agenda material for this hearing will be available on the City's website at www.CityofBerkeley.info as of **May 16, 2019**.

For further information, please contact Sean O'Shea, Administrative and Fiscal Services Manager, at 510-981-6306.

Written comments should be mailed or delivered directly to the <u>City Clerk, 2180 Milvia Street, Berkeley, CA 94704</u>, in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at 981-6900 or clerk@cityofberkeley.info for further information.

Published:	May 17 and May 24, 2018 – The Berkeley Voice Published pursuant to Government Code 6062a
posted at the	tify that the Notice for this Public Hearing of the Berkeley City Council was e display case located near the walkway in front of Council Chambers, 2134 or King Jr. Way, as well as on the City's website, on May 6, 2019.
Mark Numai	nville, City Clerk



ACTION CALENDAR
May 28, 2019
(Continued from March 26, 2019)

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Jordan Klein, Economic Development Manager

Subject: Berkeley Economic Dashboards

#### INTRODUCTION

The Office of Economic Development (OED) is pleased to present the Citywide Economic Dashboard update for March 2019 (Attachment 1) and the updated Commercial District Dashboards (Attachment 2).

#### **CURRENT SITUATION AND ITS EFFECTS**

By a variety of indicators, Berkeley's economy continued to perform healthfully through 2018. However, there are also some indicators of slowed or flattening growth, such as decreasing sales tax revenues and increasing office vacancy. Recently, some Bay Area economists have pointed to regional trends that indicate that the current period of economic expansion, which has lasted for nearly a decade, has reached its apex, and a recession is likely to occur by 2022 or sooner.

#### Key findings include:

- Berkeley's sales tax performance decreased from 2017 to 2018. Annually, sales decreased 5.8% citywide from 2017 to 2018, inconsistent with the 9-county region (+0.2%) and decreasing more than the state (-1.1%). Sales tax revenues in Q2 2018 were lower than those in Q2 2017 by 2.2%, due chiefly to a decrease in sales tax generated by Retail activities (-2.2%). As of Q2 2018, the Food & Beverage Services subsector was the largest contributor to the city's sales tax revenue (34.5%), with Retail next at 28%.
- Berkeley's unemployment rate remains low. Berkeley's average unemployment rate for Q4 2018 (Oct – Dec) was 2.8 percent, up one tenth (0.1) of a percentage point from the same period during the previous year.
- Office vacancy rates in Berkeley have increased from their nadir of 2016, but remain low compared to the East Bay. Overall office availability increased six tenths of a percent from Q4 2017 (4.9%) to Q3 2018 (5.5%). However, Berkeley continues to have the lowest office availability rate of any municipality in

the immediate East Bay sub-market. This is a function of several factors, including limited inventory, high regional demand for transit-adjacent workplaces, and the quick absorption of new office space by growing Berkeley companies. The average asking rate for office space in Berkeley is \$3.40 per square foot.

- Overall citywide ground floor commercial vacancy rates was up slightly to 5.0% in Q2 2018 (from 4.6% in Q4 2017). In particular, West Berkeley and the North Shattuck districts have increased commercial vacancy rates this quarter, owing to key property turnovers that have larger square footages (2,000-10,000 square feet). The newly vacant spaces are being actively marketed for tenants and new leases are currently under development. In the majority of Berkeley's commercial districts vacancy rates have remained nearly flat, or slightly decreased. Downtown Berkeley's vacancy rate is 3.1%, the lowest rate since OED began collecting district-specific data in 2007.
- Retail in commercial districts, as a share of total square footage, continues to decline, even as vacancy rates have largely remained stable (or slightly increased). The percentage of ground floor commercial square footage occupied by retail uses has decreased from 44.8% in 2015 to 39.4% in 2018. During the same period, the overall citywide vacancy rate actually decreased nine tenths of a percent from 5.9% to 5.0%. As retail has declined, ground floor commercial spaces have been increasingly occupied by office uses, personal services, and other non-retail uses (including non-conforming uses, leased spaces and pending development projects).
- Construction activity continues to increase. Over the past three years, the number of housing units in the development pipeline has increased. As a result of this, construction activity has also increased. As of December 2018, there are 32 housing developments (with 5 or more housing units) that are entitled for development or under construction, which will contain 2,268 net new units; this represents a slight increase from the number of units that were entitled or under construction as of December 2017 (1,731). Looking ahead, an additional 1,183 net new units (in 28 distinct projects) are proposed in Berkeley.
- Housing costs in Berkeley remain high for buyers for renters, consistent with the Bay Area region overall. In 2018 Berkeley's median home sale prices remain higher than its neighborhoring communites, driven by a strong overall economy and limited housing inventory. As of December 2018 the median sale price for a single family home was \$1.24 million. Median citywide rents (including controlled units) in Berkeley have also increased slightly over the past year. Perliminary data from the City of Berkeley's Rent Stabilization Board for 2018 (anticpated release mid-March 2019) indicates the median rent for a studio is approxotmately \$1,800, up from \$1,600 in 2017.

#### **BACKGROUND**

In a December 2015 information report to City Council, OED released a set of new publications, the Citywide Economic Dashboard and Commercial District Dashboards, which analyze a wide variety of economic trends and indicators in Berkeley. The dashboards are designed to make current economic information more accessible to Council, City staff, and the broader community. This information report provides the updated dashboard documents for March 2019. OED staff updates these dashboards on a semi-annual basis, as staffing allows, and has posted the most recent version on the City's website at http://www.ci.berkeley.ca.us/oed/reports/.

To produce these publications, OED staff compiled and analyzed a wide variety of data sources including the American Community Survey (US Census Bureau), the Quarterly Census of Employment and Wages (Bureau of Labor Statistics), Monthly Labor Force Data (California Employment Development Department), commercial real estate data (Newmark Cornish & Carey), housing market MLS data (Berkeley Rent Stabalization Board, Redfin) and sales tax data (MUNI Services/Avenu Insights). Staff also analyzed data from City databases including business licenses, building permits and planning permits, and City publications such as rent board reports and start up information from the Berkeley Startup Cluster, and those of Berkeley's startup incubators and accelerators. Finally, early in the fourth quarter of 2018 OED staff updated its periodic occupancy survey of ground floor commercial spaces in commercial districts around the City. Due to a lag in availability of some data, many of the findings presented in the attached publications are most relevant to the second half of 2018, but others reflect the second quarter of 2018.

#### **ENVIRONMENTAL SUSTAINABILITY**

Many of the City's environmental sustainability goals are inextricably tied to the overall health of the City's economy. Staff believes that the continued pursuit of sustainable economic goals, represents a strength for Berkeley and demonstrates a competitive advantage of the City and the region.

#### POSSIBLE FUTURE ACTION

Staff will, as directed by Council through previous and future referral items, assist other staff sections and partners to identify and frame policy ideas that support economic development priorities for the city.

#### FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Actions that facilitate increased economic activity tend to boost revenues related to sales tax and property tax, and thus have positive fiscal impacts on the city.

#### **CONTACT PERSON**

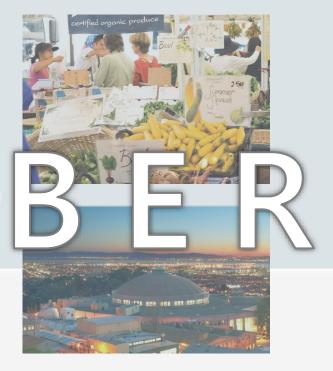
Jordan Klein, Economic Development Manager, (510) 981-7534. Eleanor Hollander, Economic Development Project Coordinator, (510) 981-7536.

ACTION CALENDAR May 28, 2019

#### Attachments:

- Citywide Economic Dashboard
   Commercial District Dashboards







### **Economic Dashboard**

March 2019

Office of Economic Development



**Disclaimer:** The City of Berkeley makes no representations about the suitability of the information contained in this document for any purpose. The information is provided "as is" without warranty, either express or implied, of any kind. The published document may contain technical inaccuracies or typographical errors. Changes are periodically added to the information herein. The City of Berkeley may make improvements and/or changes to the document at any tine 407.

# table of contents

CITYWIDE ECONOMIC DASHBOARD
<ul> <li>EMPLOYMENT</li></ul>
<ul> <li>BUSINESS DEVELOPMENT</li></ul>
<ul> <li>COMMERCIAL ACTIVITY</li></ul>
DEVELOPMENT & HOUSING

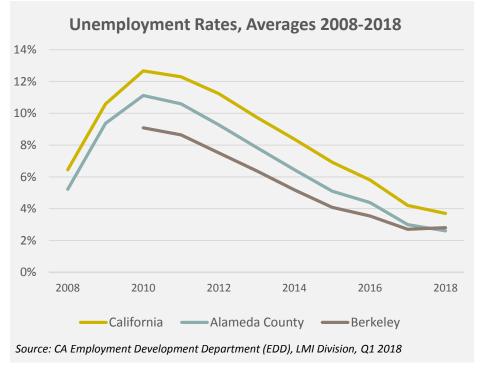
# employment

### labor force & employment figures

#### City of Berkeley Averages, 2016-2018

Year	Labor Force	Employed Residents	Unemployment Rate
2016	62,166	60,000	3.5%
2017	63,700	61,900	2.7%
2018	64,700	62,900	2.8%

Source: CA Employment Development Department, Labor Market Information Division



#### **Employment & Jobs: Fast Facts**

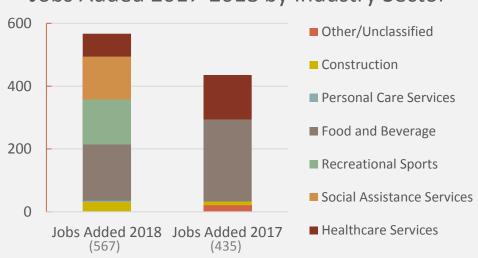
- Berkeley's average unemployment rate for 2018 was 2.8%, up from 2.7% in 2017.
- For context, Alameda County's average unemployment rate in 2018 was 2.6%, while California's was 3.7\%.
- The total number of jobs in Alameda and Contra Costa counties (combined) increased by 3,100 jobs to a total of 1,208,300 jobs.



# employment

### growth by industry sector

#### Jobs Added 2017-2018 by Industry Sector



Sector	Increase in Employment 2018	Increase in Employment 2017
Construction	5.5%	2.11%
Personal Care Services	1.7%	-0.12%
Food and Beverage	2.9%	4.37%
Recreational Sports	52.3%	27.64%
Social Assistance Services	5.0%	-1.30%
Health Care Services	1.2%	2.65%

Source: (EDD) Quarterly Census of Employment and Wages (QCEW)

#### Diversity in the Small Business Sector



Two new women-owned Berkeley- based startups established in 2018 include: From 2017 to 2018,
Berkeley has seen a growth
of (self-identified) women
and minority owned
businesses. In 2018, 42% of
all active businesses in
Berkeley identify as minority
owned (up from 37% in
2017) and nearly 20% of
startups in Berkeley have at
least one woman founder.

**LookyLoo** is an AI-Powered Social Commerce platform that helps women discover clothing that they can feel confident in. AI is named Lucy and is one of the first real female AI - conceptualized, built and trained by women.



**MentorRoom** is an open, virtual community built on the values of learning, sharing, and helping others. They aim to inspire students to follow their dreams and ambitious aspirations in life, by providing them with a virtual village of resources, tools, transparency, and extraordinary heroes.

# business development

### top employers & innovation sector

#### Berkeley's Largest 25 Employers, by Number of Employees

Ansys, Inc.	Meyer Sound Laboratories
Backroads Active Travel	OC Jones & Sons
Bayer Healthcare LLC	Siemens Corporation
Berkeley Bowl Produce	Solar Mosaic Inc.
Berkeley Cement Inc.	Sutter Bay Hospitals
Berkeley City College	Target
Berkeley Marina Doubletree	Thistle Health Inc.
Berkeley Repertory Theatre	Recreational Equipment Inc.
Berkeley Unified School District	University of California, Berkeley
City of Berkeley	US Postal Service
Genji Pacific	Whole Foods Market California Inc.
Kaiser Permanente	YMCA of the Central Bay Area
Lawrence Berkeley Laboratory	Source: EDD, QCEW Data Q1 2018

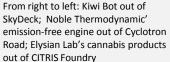
Innovation Sector Firms by Growth Stage	Number of Companies	Percentage of Overall
Startup Companies (no anticipated revenue for upcoming year)	180	56%
Emerging Companies (anticipated revenue, but no current profits)	81	25%
Established Companies (profitable, but do not necessarily have positive cash flow)	44	14%
Subsidiary Companies (owned or acquired by an established company)	15	5%
Total Start Up Firms in Berkeley	320	100%

### Innovation Ecosystem: Role of Incubators

Berkeley Incubators such as SkyDeck, Cyclotron Road, and The Foundry @ CITRIS are an invaluable resource to Berkeley's innovation sector - not only because they help startups get off the ground, but because they act as connectors for more mature companies and give founders a place to recruit new talent, share ideas, and find new sources

of funding.







To fully cultivate an innovation ecosystem, it is important for Berkeley to both enable early-stage startups to launch here and **retain** these innovation businesses as they grow to become larger, more profitable corporations. While our earliest stage startups typically employ few people, they represent a tremendous opportunity for growth and have brought more than \$1.069 billion in investment to Berkeley. The key challenges preventing this sector's growth in Berkeley are the limited availability of suitable real estate that can accommodate growth companies' needs as they employ more people, public transportation, especially to West Berkeley, and workforce411 housing affordability.

# business development

### small business revolving loan fund

The City of Berkeley's Revolving Loan Fund (RLF) provides access to capital for businesses that don't qualify for traditional commercial loans. Since the program was launched in 1980, the City has lent over \$2.4 million to 42 borrowers. There are currently 7 active loans. In Q4 2018, the Loan Administration Board (LAB) celebrated a new loan to Nabolom Bakery (see sidebar).

Portfolio Summary		
	Total Loans	<b>Active Loans</b>
Number of RLF Loans	42	7
RLF \$ Loaned	\$1,995,527.00	\$620,000
Total Non-RLF \$ Leveraged	\$7,564,140	\$2,414,543
Private Sector Jobs Created	211	57
Private Sector Jobs Saved	101	77

Source: Berkeley OED

#### **Current Borrowers Include:**











#### The Newest RLF Loan Recipient | Nabolom Bakery

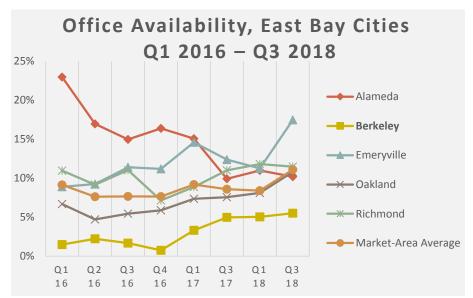


Nabolom Bakery and Pizzeria, co-owned by two East Bay natives Julia Elliot and Sabra Stepak, recently were approved for a small business loan from the Loan Administration Board to make improvements to the business and purchase new equipment. The ongoing relationship with the loan program has given them the opportunity to continue to grow their beloved Berkeley business and purchase a new pizza oven.

#### office trends & transactions

Q3 2018 Office Market, Berkeley	Indicators
Total Inventory	3,407,669 SF
Under Construction	42,000 SF
Availability Rate	5.50%
Qtr Gross Absorption	87,877
Qtr Net Absorption	11,252
YTD Net Absorption	65,467
Average Asking Rent	\$3.40 / SF

Source: Newmark Cornish & Carey, 3Q18 East Bay Office Market Report



#### Office and Industrial Updates

 In 2018, Berkeley's 3Q office availability rate increased to 5.5%, a six tenths of a percent increase from 2017's 4.9%.





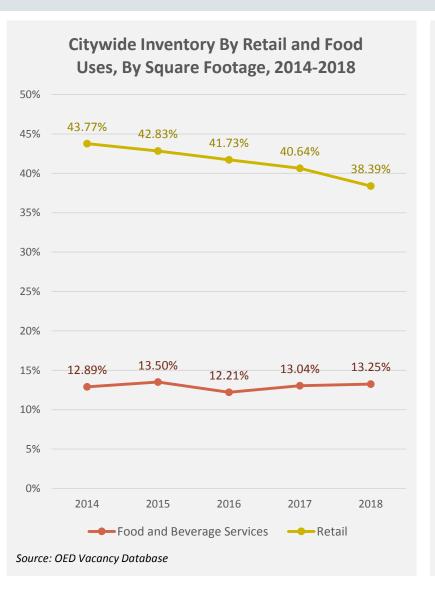




#### Notable listings:

- 600 Addison: The two-block-long swath of land along Aquatic Park has been owned by the Jones family since 1979. The site has an outstanding application for development of a premier life science research and development campus along the waterfront, and is being marketed as such.
- Pacific Steel Casting wound down its operations in summer 2018. The 8 acre site is being marketed as the 'Gilman Gateway'.

#### commercial trends & transactions



From 2014 to 2018, commercial square footage occupied by retail uses has decreased. Ground floor commercial spaces have been increasingly occupied by food and beverage services. Family-owned and legacy businesses (defined as in business for over 20 years) are active in both of these categories in Berkeley. Two are spotlighted below:



Kathmandu Imports - In 1985, Deepak Singh, the owner of Kathmandu Imports, was one of the first retailers from the Himalayan Kingdom of Nepal to open a shop in Berkeley. His family owned business has expanded to four locations and includes a restaurant and food market run by his son Darren. Kathmandu Restaurant will celebrate it's 25th anniversary in April 2019.

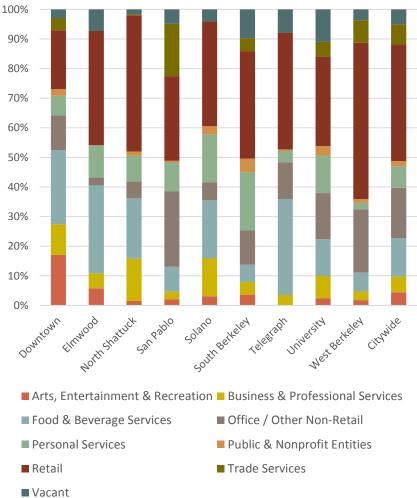
The Cheese Board Collective -The Cheese Board was established in North Berkeley in 1967 and became a collective in 1971 when the original two owners decided to sell the store, at cost, to six employees. Now it employees over 60 people with two storefronts. They celebrated their 50th anniversary in 2018, and will be expanding to a third storefront in 2019.

Images: Daily Cal August 2018 (top), Cheese Board Collective (below)



commercial districts & vacancy rates





## Vacancy Rates by District, Calculated by Square Footage, 2014 – Q4 2018

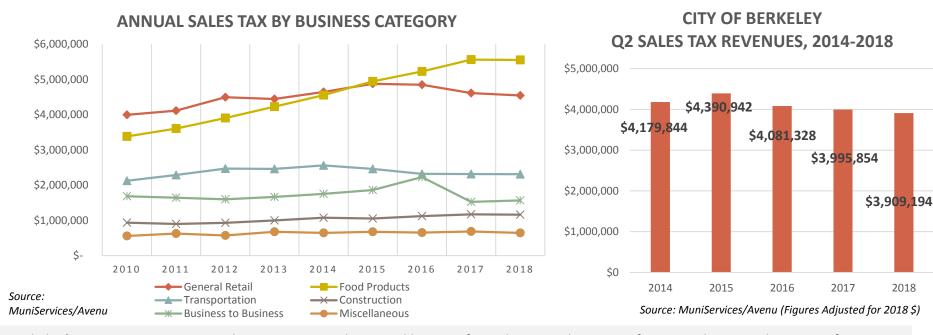
			0	,		
District	2014 Q4	2015 Q3	2016 Q3	2017 Q1	2017 Q4	2018 Q4
Downtown	11.2%	8.4%	4.7%	4.2%	4.6%	3.1%
Elmwood	2.0%	2.0%	1.5%	9.7%	5.4%	7.3%
North Shattuck	1.6%	2.1%	2.6%	0.4%	0.4%	1.7%
San Pablo	5.9%	7.3%	5.9%	6.0%	5.5%	4.9%
Solano	4.2%	3.5%	7.5%	7.0%	4.8%	4.1%
South Berkeley	8.9%	7.9%	8.2%	7.9%	9.6%	9.7%
Telegraph	12.7%	7.1%	5.1%	5.8%	7.1%	7.9%
University	4.4%	9.4%	14.2%	9.2%	12.0%	11.0%
West Berkeley	3.9%	3.3%	8.8%	2.7%	1.9%	3.7%
Citywide Avg.	6.6%	5.9%	6.5%	4.7%	4.6%	<b>5.0%</b>

Source: Berkeley OED

Citywide, the ground floor commercial vacancy rate has increased to 5.0%, a slight increase from the fourth quarter of 2017. Downtown Berkeley's vacancy rate is 3.1%, the lowest since OED began 415 collecting district-specific vacancy data in 2007.

#### sales tax revenues

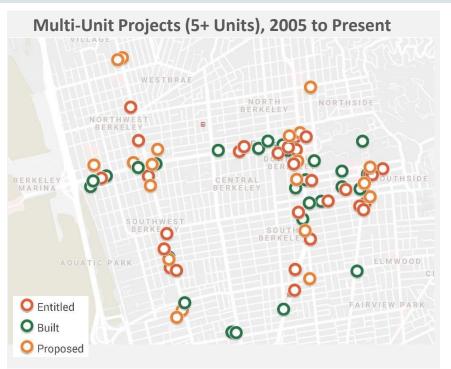
Total Annual Sales Tax Revenue - Past 4 Quarters	Q3 2016 – Q2 2017	Q3 2017- Q2 2018	Change
City of Berkeley	\$17,589,373	\$16,560,358	-5.8%
SF Bay Area (Nine County Region)	\$1,504,754,233	\$1,508,172,860	+0.2%
State of California	\$6,602,237,647	\$6,530,119,183	-1.1%



Berkeley's **quarter over quarter** sales tax revenues decreased by 2.2% from the second quarter of 2017 to the second quarter of 2018. The drop over this period was due to the 2.2% decrease in *Retail* (General Retail) sales tax collected and a 6.3% decrease in sales tax collected from the *Construction Category* (Building Material sales etc.). As of Q2 2018, the *Food and Beverage* subsector continued to be the largest contributor to the city's sales tax revenue (34.5%), with *Retail* the next largest (28.0%). The *Transportation Category* is the 416 third largest contributor providing 7.2% of the total sales tax collected in Q2 2018.

# development & housing

construction & pipeline



Data Source: City of Berkeley Planning Department (January 2019); Map: OED

As of January 2019, there are currently 32 housing developments of 5 or more units that are entitled for development or under construction, which will contain 2,268 net new units; this represents a slight increase from the number of units that were entitled or under construction as of December 2018 (1,919). An additional 1,183 units (in 28 distinct projects) are proposed. The overall trend in the last two years has been one of increasing numbers of units in the development and construction pipeline.

#### **Pipeline Project Highlights**





Images: Johnson Lyman Architects

#### The Standard on Bancroft

The Standard, at 2580 Bancroft Way, will bring new student housing right across from the campus. The project will bring 122 units for housing along with a pool, and study lounge. The new building is slated to open in 2021.

#### **Two Projects Approved through Senate Bill 35**

The law requires cities to approve compliant projects providing 50% of residential units at affordable rents within 90 days of submittal.



#### 1601 Oxford

Satellite Affordable Housing Associates will provide 37 residential units, including 34 affordable units for seniors.



Images: Leddy Maytum Stacy Architecits (left) and 1601 Oxford HKIT Architects (right).

#### 2012 Berkeley Way

This project will be the largest ever permanent housing project for homeless and low-income residents with 89 rental units affordable, 53 permanent supportive housing units for people who were previously homeless and 44 short-term shelter beds, 12 of which will be for veterans.

# development & housing

housing costs



Median Sale Price, Single-Family Homes, Dec 2018				
Alameda	\$938,000			
Albany	\$695,000			
Berkeley	\$1,240,000			
El Cerrito	\$900,000			
Emeryville	\$538,000			
Lafayette	\$990,000			
Oakland	\$677,000			
Richmond	\$551,000			
San Leandro	\$638,000			

Sources: MLS via Redfin (top), San Francisco Chronicle November 25, 2018 (bottom)

Since 2012, home sale prices have trended upward, with Berkeley outpacing its neighboring cities. Rents have also increased to \$1,800 per month for a studio in 2018.

#### Amid a slowing market, North Berkeley bungalow sells for nearly 70 percent over asking

SFGATE LOCAL NEWS SPORTS REALESTATE BUSINESS A

418

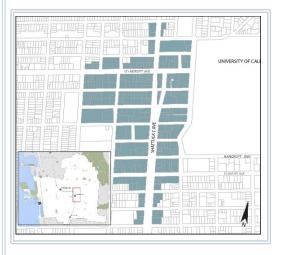
## downtown

### 2018 Q4 snapshot

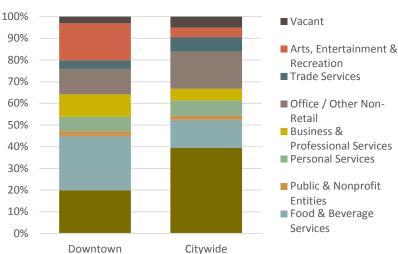


Downtown Berkeley serves as the City's core commercial district, meeting the daily needs of residents, students, workers, and visitors. The district benefits from a significant concentration of arts and entertainment uses, which occupy 17.0% of total ground floor commercial space in the district compared to 4.4% citywide. As of Q4 2018, the vacancy rate in Downtown is 3.1%, which is down from 4.6% in Q2 2018. Sales tax revenue generated in 2018 by Food & Beverage services in Downtown continues to rise coming in over one million dollars in 2018 (\$1,070,390). Sales tax revenue from Retail uses has increased as well. 2018's total is slightly up (15%) from 2017's marks to just over a half million dollars (\$542,435).

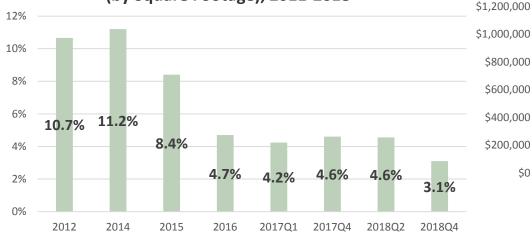
Source: Berkeley OED



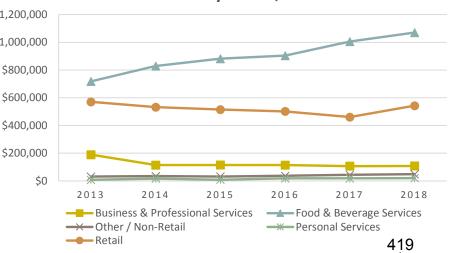
## Ground Floor Commercial Business Mix (by Square Footage), 2018 Q4



### Ground Floor Commercial Vacancy Rate (by Square Footage), 2011-2018



#### Sales Tax Revenue by Sector, 2013-2018



Source: MuniServices / Avenu

## elmwood

### 2018 Q4 snapshot

20%

10%

0%

Elmwood



**Entities** 

Services

Retail

■ Food & Beverage

Source: Berkeley OED

Elmwood is a compact three block commercial district along College Avenue near the Berkeley-Oakland border and the neighboring Rockridge shopping district. The Elmwood district is characterized by a high concentration of Food & Beverage services, and is a walkable, neighborhood-serving commercial district. As of Q4 2018, the district's vacancy rate by square footage was 7.3%, a decrease from the Q2 2018 high of 10.4%. Most of the remaining vacant storefronts in the Elmwood continue to be actively marketed for lease. Despite the lower vacancy rate this guarter, the sales tax collected from Retail and Food and Beverage uses continue to decline from the 2016 peak.

Source: Berkeley OED



#### Business Mix (by Square Footage), 2018 Q4 ■ Vacant 100% ■ Arts, Entertainment & 90% Recreation 80% ■ Trade Services 70% ■ Office / Other Non-Retail 60% Business & Professional 50% Services 40% ■ Personal Services 30% ■ Public & Nonprofit

Citywide

#### Sales Tax Revenue by Sector, 2013-2018 **Ground Floor Commercial Vacancy Rate** \$250,000 (by Square Footage), 2011-2018 12% \$200,000 10% \$150,000 8% \$100,000 6% \$50,000 10.4% 9.7% 4% 7.3% \$0 5.4% 2013 2014 2016 2017 2018 2015 2% 1.5% Business & Professional Services Food & Beverage Services 2.0% 0% → Other / Non-Retail Retail 420 Source: MuniServices/ Avenu 201804 2015 2016 201701 2017Q4 2018Q2

## north shattuck

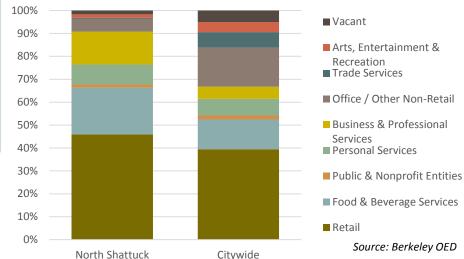
### 2018 Q4 snapshot



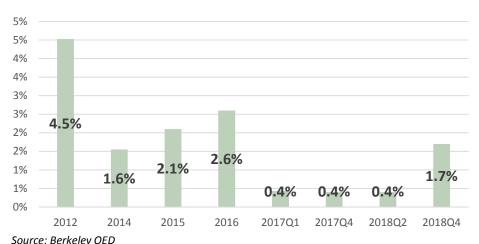
North Shattuck is one of Berkeley's oldest commercial districts, alternately known as the "Gourmet Ghetto." The district is characterized by a high concentration of well-known, longstanding, and celebrated restaurants, including Chez Panisse and the Cheeseboard. North Shattuck is both a walkable, neighborhood-serving commercial district as well as a global destination for food and dining. As of Q4 2018, the district's vacancy rate by square footage was 1.7%, which has risen since Q2 2018. While the end of this quarter saw the closing of two long-standing operations, Virginia Bakery and the Produce Center (both in business 30+ years), two new establishments to look forward to in 2019 include a Cheeseboard expansion at the corner of Shattuck and Vine Streets and Cupcakin' Bakeshop at Shattuck and Virginia Streets.



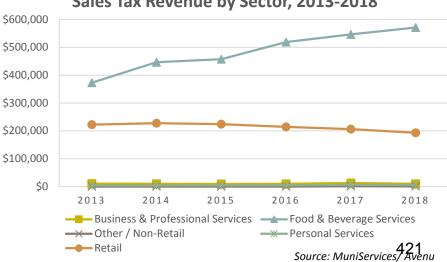
## **Business Mix (by Square Footage) 2018 Q4**



#### **Ground Floor Commercial Vacancy Rate** (by Square Footage), 2012-2018



#### Sales Tax Revenue by Sector, 2013-2018



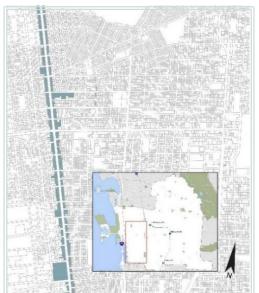
## san pablo 2018 Q4 snapshot



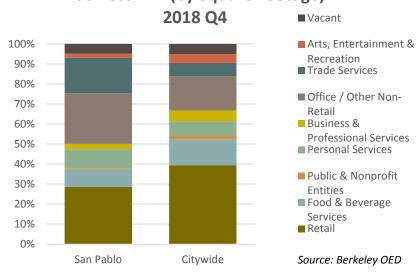
San Pablo Avenue is Berkeley's largest commercial corridor, running the entire north-south length of the City. San Pablo is characterized by a high concentration of Trade Services (17.7%), including over 60 automobile services businesses. San Pablo functions more as a regional destination for specific uses rather than a walkable, neighborhood-serving commercial district; as such, it features smaller percentages of Food & Beverage Services (8.5%) and Personal Services (9.8%).

In Q4 2018, the district's vacancy rate by square footage was 4.9%, the lowest recorded in 5 years, a slight decrease from Q2 2018. Retail Sales tax revenue has decreased by 17% in the last year but continues to be the largest source of tax revenue for the Avenue.

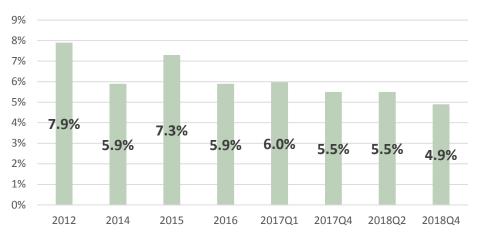
Source: Berkeley OED



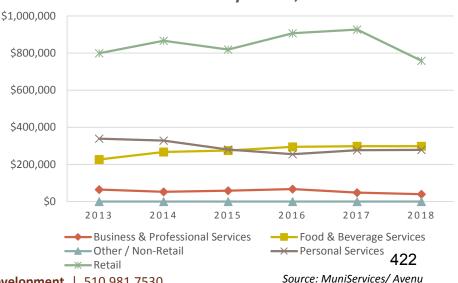
#### **Business Mix (by Square Footage)**



## Ground Floor Commercial Vacancy Rate (by Square Footage), 2012-2018



#### Sales Tax Revenue by Sector, 2013-2018



## Solano 2018 Q4 snapshot

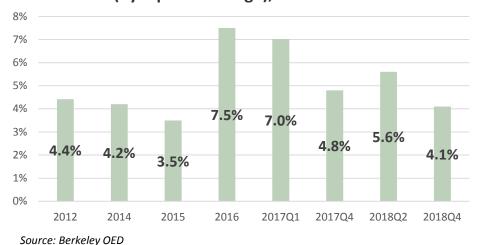


Solano is a small commercial district in North Berkeley, with a total of 130 commercial spaces and approximately 191,000 square feet of commercial space. It shares a border with Albany and is situated next to a large elementary school and an active neighborhood of single-family homes. Solano has a large key asset (the former Oaks Theatre) that is due to be occupied by a climbing gym in 2019. The district's vacancy rate by square footage was 4.1%, a decrease from Q2 2018 (5.6%). Despite the decrease in vacancy in 2018, Solano Avenue is showing a slight decrease in both Retail and Food and Beverage sales tax revenue over the same period.



#### Business Mix (by Square Footage), 2018 Q4 100% ■ Vacant 90% Arts, Entertainment & Recreation 80% ■ Trade Services 70% ■ Office / Other Non-Retail 60% ■ Business & Professional 50% Services ■ Personal Services 40% 30% ■ Public & Nonprofit **Entities** 20% ■ Food & Beverage Services 10% Retail 0% Source: Berkeley OED

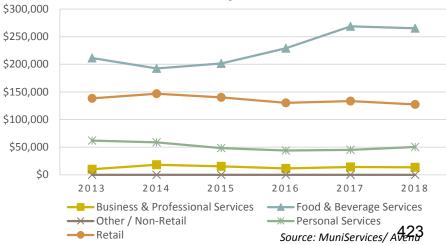
### Ground Floor Commercial Vacancy Rate (by Square Footage), 2012-2018



### Sales Tax Revenue by Sector, 2013-2018

Citywide

Solano



# south berkeley

### 2018 Q4 snapshot

South Berkeley



Retail

Source: Berkeley OED

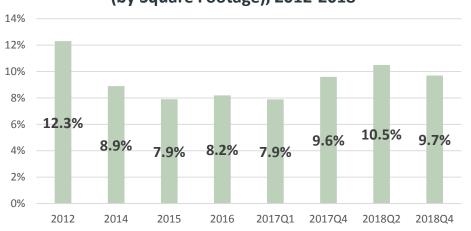
South Berkeley is a large district stretching over an area known for its cultural diversity and includes the Lorin District, the Sacramento corridor, and the South Shattuck area. South Berkeley includes several car dealerships, which accrue significant retail sales tax revenue for the City. As such, retail sales tax revenue in South Berkeley has increased steadily since 2013. The area also features a high concentration of Personal Services businesses (19.7% vs. 7.2% citywide) but is under-served by Food & Beverage services, which account for only 5.9% of ground floor commercial space, as compared to 13% citywide. As of Q4 2018, the district's vacancy rate by square footage was 9.7%, similar to the rate in 2017.

Source: Berkeley OED



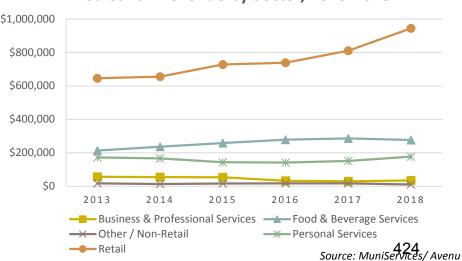
#### **Business Mix (by Square Footage)** 2018 Q4 ■ Vacant 100% 90% Arts. Entertainment & Recreation 80% ■ Trade Services 70% ■ Office / Other Non-60% Retail 50% Business & Professional Services 40% ■ Personal Services 30% ■ Public & Nonprofit 20% **Entities** 10% ■ Food & Beverage Services 0%

#### **Ground Floor Commercial Vacancy Rate** (by Square Footage), 2012-2018



#### Sales Tax Revenue by Sector, 2013-2018

Citywide



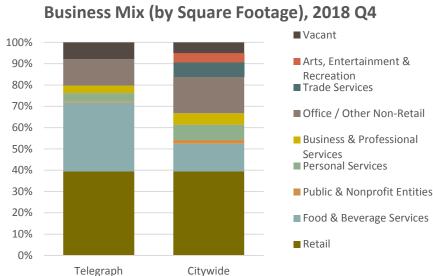
## telegraph 2018 Q4 snapshot



The Telegraph district has undergone significant change over the past several years. Food & Beverage services have shown a dramatic increase since 2012, with 32.4% of Food & Beverage services accounting for ground floor commercial space in the district, as compared to 13.0% Citywide. As of Q4 2018, the district's ground floor commercial vacancy rate is 7.9%, significantly lower than the peak of 17.9% in 2012. Looking ahead, new commercial spaces will accompany new housing developments that are anticipated to open along Telegraph Avenue in 2019, including the Nexus Building at Blake and the Enclave at Haste Street.

Source: Berkeley OED

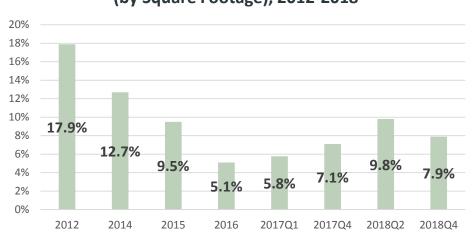




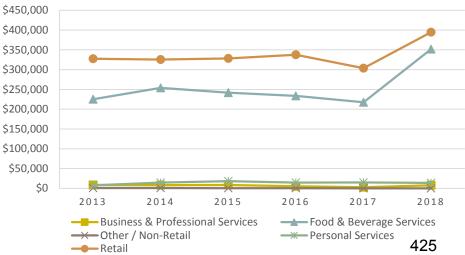
Source: Berkeley OED

Source: MuniServices/ Avenu

## Ground Floor Commercial Vacancy Rate (by Square Footage), 2012-2018



#### Sales Tax Revenue by Sector, 2013-2018



# university

### 2018 Q4 snapshot

0%

University



University Avenue, from Martin Luther King Jr Way to the waterfront, spans many of the City's neighborhoods and serves as the gateway to the UC Berkeley Campus. In 2018, Food & Beverage Services generated the most sales tax revenue for the district though Personal Services and Retail are close behind. The district is over represented in personal service (12.7% vs. 7.2% citywide) and public and non-profit uses (3.2% vs. 1.8% citywide) contributing to the atypical sales tax figures. In the last half of 2018, the vacancy rate along University Avenue decreased 4.2%, to 11% in Q4 2018.

Source: Berkeley OED



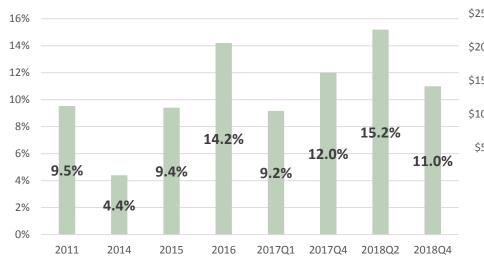
#### **Business Mix (by Square Footage)** 2018 Q4 ■ Vacant 100% Arts. Entertainment & 90% Recreation 80% ■ Trade Services 70% ■ Office / Other Non-Retail 60% Business & Professional 50% Services 40% ■ Personal Services 30% ■ Public & Nonprofit 20% **Entities** ■ Food & Beverage 10%

Source: Berkelev OED

Services

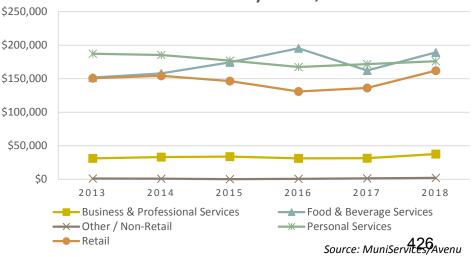
Retail

#### **Ground Floor Commercial Vacancy Rate** (by Square Footage), 2011-2018



## Sales Tax Revenue by Sector, 2013-2018

Citywide



# west berkeley

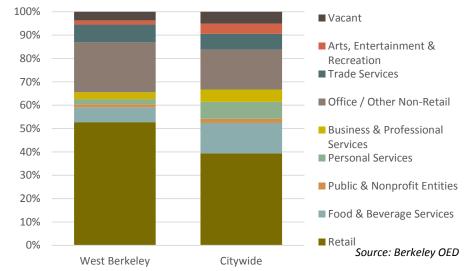
### 2018 Q4 snapshot



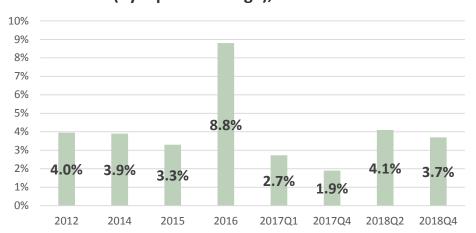
West Berkeley represents all commercial spaces west of San Pablo Avenue, including 4th Street and the Gilman Corridor. There are a number of major, large-floor-plate retailers, and a dense cluster of home supplies and construction businesses. There is also a higher percentage of non-retail commercial uses, including manufacturing and warehousing. Retail accounts for 52.7% of ground floor commercial space in the district, as compared to 39.4% citywide. The commercial vacancy rate as of Q4 2018 is 3.7%, significantly lower than 2016's high of 8.8%. New retail outlets are coming online in this area, though the sales tax revenue from retail continues to decrease from its peak in 2016 (\$4.22M).



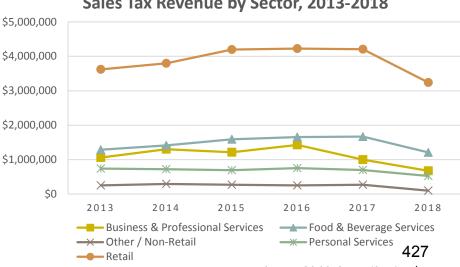
#### Business Mix (by Square Footage), 2018 Q4



#### **Ground Floor Commercial Vacancy Rate** (by Square Footage), 2011-2018



#### Sales Tax Revenue by Sector, 2013-2018



Source: Berkeley OED City of Berkeley | Office of Economic Development | 510.981.7530

Source: Q3 2018, MuniServices/Avenu



PUBLIC HEARING May 28, 2019

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Timothy Burroughs, Director, Planning and Development Department

Subject: Rental Housing Safety Program Proposed Fee Increases

#### RECOMMENDATION

Conduct a public hearing and upon conclusion, adopt a Resolution amending Resolution No. 67,985-N.S. to amend the master fee schedule for the Planning and Development Department to increase the Rental Housing Safety Program (RHSP) annual, reinspection and penalty fees in FY 2020 and Fiscal Year 2021.

#### **SUMMARY**

The Planning Department proposes increasing RHSP fees to fund the establishment of a cyclical proactive inspection program to perform habitability inspections and increase tenant safety. The Building and Safety Division will expand the program over a three-year period with the goal of conducting proactive inspections covering all residential rental units in Berkeley on a five-year cycle.

Although the costs to administer the program have increased over the last years and are projected to increase substantially with the planned expansion of the program, the reinspection fees have not been raised since 2003, the late payment fees since 2005, the administrative lien fees since 2007, and the program annual flat fees since 2009.

#### FISCAL IMPACTS OF RECOMMENDATION

Table 1 displays the current RHSP fees and those proposed for fiscal years 2020 and 2021.

Table 1: Current and Proposed Fees						
Fee Type	Last Increase	Current Fee	Proposed Fee Increase FY20	Proposed Fee Increase FY21		
Annual Flat Fees	2009					
Per Unit		\$26	\$40	\$56		
Per Room		\$13	\$20	\$28		
Inspection Service Fees	2003					
Initial Inspection		None	None			
1st Reinspection Violations Corrected		None	None			
1st Reinspection Violations not Corrected		\$300	\$400			
2nd Reinspection		\$400	\$600			
3rd and Subsequent Reinspection		\$400	\$800			
Penalty Fees						
Late Payment Fee 1-30 days delinquent	2005	10%	No change			
Late Payment Fee 31+ days delinquent	2005	20%	40%			
Administrative Lien Fee	2007	\$125	\$250			

Average rent for all units, including those not subject to rent control, has increased by 63% from 2011 to 2018 from \$1,870 to \$3,051, according to the information on the Rent Jungle website, which provides data going back to 2011.

The fee increases would cover cost increases the City has borne since the last time fees were raised in 2009, and would fund additional housing inspectors and administrative staff as well as 50% of the Resilient Buildings Program Manager position, established in 2018, which manages the RHSP. The increases would also support the additional workload of revenue collection responsibilities, which were transferred from Finance to the Rental Housing Safety Program in 2017. Additional detail on the calculations behind the proposed fee changes can be found in Attachment 2.

The operating budget for the RHSP in FY 2019 is \$1,144,021. Funds are collected and costs expensed in the Rental Housing Safety Program Enterprise Fund 375, which is an enterprise fund established to be self-supporting.

#### **CURRENT SITUATION AND ITS EFFECTS**

The Planning Department's Building and Safety Division is expanding the Rental Housing Safety Program with the goal of conducting proactive inspections of all rental units in the City of Berkeley on a cyclical five year basis. This expansion will ramp up over a three-year period. The expansion of the Rental Housing Safety Program is one of the City's Strategic Plan Priority Projects, advancing our goal to create a resilient, safe, connected, and prepared city.

Current RHSP reinspection fees were established in Resolution No. 62,230-N.S., adopted on September 16, 2003, and are charged when cited violations are not corrected within 30 days. Current late payment fees were established in Resolution No. 62,990-N.S. adopted July 12, 2005. The RHSP administrative lien fee, charged when a lien is placed on the property at the end of the fiscal year for unpaid fees, was established in Resolution No. 63,773-N.S. adopted on July 10, 2007. The current annual per room and per unit flat fees were originally established in Resolution No. 64,455-N.S. adopted on May 19, 2009. These resolutions were rescinded by resolution 66,598-N.S., when the RHSP fees were incorporated into the Planning Department's master fee schedule, effective July 1, 2014, which was updated by resolution 67,985-N.S.

RHSP fees support the enforcement of the Berkeley Housing Code (BMC 19.40), habitability inspections performed Housing Code Enforcement, and administration of the Rental Housing Safety Program (BMC 12.48). Fees fund housing inspections in response to tenant complaints, and randomly selected proactive inspections. Program staff are responsible for noticing, scheduling, and conducting investigations and reinspections, documenting and noticing code violations, conducting follow up inspections to confirm violations have been corrected, answering questions from landlords and tenants about code enforcement activities, maintaining and updating a database of property owner information, and collecting revenue.

Fees also support administration of the self-certification checklist, or Schedule A. The RHSP sends property owners information regarding the requirements of Schedule A annually and issues citations to owners who fail to provide a copy of the completed

Schedule A at the time of an inspection. Penalty fees and administrative lien fees pay for the cost of revenue collection on delinquent accounts.

Attachment 4 compares Berkeley's proposed new fees with fees charged by other California jurisdictions with rental housing safety programs. Annual fees range from \$22 to \$131 per unit: cities with lower fees typically do not proactively inspect all units in the jurisdiction. The cities of Richmond and San Pablo charge the higher fees of \$83 and \$78/unit, Santa Cruz, Los Angeles and El Cerrito charge \$50, \$43.42 and \$41/unit respectively, and Oakland and Hayward charge \$30 and \$22/unit. San Francisco's fee schedule varies based on the number of rental units, and San Jose has a tiered system charging between \$30 and \$131 depending on the number of violations found. The tier dictates the frequency of inspections and the percentage of units in the building subject to proactive inspections. Higher fees are necessary to fund sufficient staffing to conduct proactive inspections on all units.

Jurisdictions vary in the way they charge reinspection fees, by individual reinspection, by hour and by parcel. Oakland, El Cerrito and San Jose charge between \$206 and \$242 per inspection, while Santa Cruz, San Francisco and San Pablo charge between \$123 and \$158/hour. The City of Hayward is notable in the way it increases its reinspection fees to motivate compliance, from \$350/parcel to \$750 to \$1,150 to \$1,950/parcel. Higher reinspection fees for subsequent reinspections deter owners from postponing remediation work, reducing the likelihood that tenants will be exposed to potentially substandard conditions for prolonged periods of time.

#### New Staffing

Revenue from proposed fee increases will fund additional inspectors and administrative staff to increase the number of residential rental units inspected each year. RHSP staffing would increase from 6.75 to 10 full-time employees by the end of FY 2020, and to 14 FTEs by the end of FY 2021. Proposed new staff positions are:

FY 2020 1 Office Specialist III (July 2019) 2 Housing Inspectors (January 2020)

FY 2021 1 Accounting Office Specialist III (Sep 2020)

3 Housing Inspectors, including at least 1 Assistant Housing Inspector

(Feb 2021)

The current and proposed organization charts as of the end of FY 2021 are included as Attachment 3.

#### BACKGROUND

City Council adopted Ordinance No. 6,651-N.S., on August 23, 2001, establishing the RHSP. Initially, the RHSP was financed by inspection fees charged to rental property owners, with the balance subsidized by General Fund and CDBG grant funding. The purpose of the RHSP is to encourage a collaborative effort among property owners, tenants, and the City to improve the quality and safety of rental housing in Berkeley.

The RHSP incorporates state-mandated housing code inspections conducted in response to tenant complaints and proactive inspections to identify existing or potential housing code violations before they compromise the health and safety of tenants. The RHSP further requires rental property owners to annually inspect their units and certify that specific housing safety standards are being met using the City's annual self-certification safety checklist, Schedule A, as adopted in the BMC Chapter 12.48. Property owners must supply a copy of the completed checklist to the tenant annually.

In 2003, the City established a goal of making the program financially self-sufficient, eliminating the need for General Fund or CDBG grant funding to subsidize the program with Resolution No. 62,062-N.S. Currently the program is completely supported by RHSP Enterprise Fund 375.

The Rental Housing Safety Program conducts Reactive Inspections and Proactive Inspections.

#### Reactive/Complaint Inspections: Housing Code Enforcement

The reactive/complaint inspection program, also known as Housing Code Enforcement, refers to the state-mandated housing code inspections conducted in response to tenant complaints or requests made by other City Departments.

Rules governing enforcement of building standards pertaining to the maintenance, sanitation, ventilation, use, or occupancy of residential units are mandated in Title 24 of the California Code of Regulations (known as the California Building Standards Code), Title 25 Chapter 1 of the California Code of Regulations (known as State Housing Law), and the City of Berkeley's Housing Code, BMC Chapter 19.40.

Upon receiving a complaint, inspectors schedule and complete an initial inspection of the rental unit. If any code violations are identified, staff issue a notice of violation/inspection results and schedule a re-inspection within 30 working days. If there is a substantial hazard, reinspections are scheduled in a more timely manner. If the violations have been corrected at the inspector's return visit, no inspection fees are charged. For violations that have not been corrected, the property owner is assessed a \$300 re-inspection fee. Re-inspections are repeated approximately every 30 calendar days until the correction has been completed, with another \$300 fee for the second follow-up reinspection and \$400 for each subsequent reinspection. Current and proposed reinspection fee increases are detailed in Table 1 on page 2.

Property owners may request extensions from RHSP staff, during which time they are not charged reinspection fees. Common grounds for extensions include unit vacancy, unit access denied by the tenant, if the owner has applied for a permit and corrected any violations not requiring a permit, or if the owner has a signed contract with a contractor, who is not able to start work immediately. Office reviews are scheduled to monitor owner progress on correcting violations, including when permits have been issued or time extensions have been granted to ensure the

owner or property manager is progressing in a timely manner to correct the violation, and if work stops, enforcement resumes.

#### **Proactive Inspections**

The Proactive Inspection Program refers to inspections of randomly selected rental units, with the intent of identifying existing housing code violations before they become serious health and safety risks to tenants. This component was incorporated into the RHSP program (BMC Chapter 12.48), and adopted by City Council on July 24, 2002.

The Building and Safety Division's goal going forward is to conduct proactive inspections of all of Berkeley's approximately 29,000 rental units and approximately 3,600 associated common areas on a 5-year cycle. For each proactive case, based on prior experience, inspectors do an average of 2.5 inspections, including the initial investigation and 1.5 subsequent reinspections.

#### Inspections Numbers

Over the last three years Housing Code Enforcement has conducted an average of 290 reactive investigations annually, as well as 1,178 re-inspections, and 345 office reviews, and closed an average of 168 cases per year. Staff have conducted an average of 189 proactive investigations annually, 366 re-inspections, and 95 office reviews, and closed an average of 123 cases annually. Based on the current caseload, including both proactive and reactive inspections, the RHSP is inspecting 1.7% of units in Berkeley annually. The anticipated increase from 1.7% to 20% of the total rental units inspected each year will require a combination of productivity improvements and new staffing.

If the RHSP achieves efficiency improvements and reaches a productivity level where each housing inspector could conduct 8-9 inspections per day, including both initial inspections and reinspections, a team of 10 inspectors would be required to conduct proactive inspections of each rental unit on a five year cycle. In addition, two inspectors would be needed to continue responding to tenant complaints and conducting housing code enforcement for a total of 12 inspectors. A total of 9 inspectors would be required to conduct cyclical inspections on a 7-year cycle and 8 inspectors for an 8-year cycle, while maintaining housing code enforcement activities.

The two year fee increases will create a solid foundation towards establishing a 5-year cyclical inspection program. Following the implementation of efficiency and technological improvements, staff will assess in FY21 what additional fee increases and how many RHSP program staff may be needed to achieve the 5-year cycle.

As inspection volume increases and owners and property managers come to anticipate housing inspections, they may proactively improve their property maintenance. The RHSP will develop educational materials to assist owners with

preparing for inspections. Owners may also be motivated by the higher fees to correct violations more quickly. Then, a lower number of reinspections could be required and fewer than 12 inspectors needed to achieve a 5-year inspection cycle.

On December 1, 2015, the City Council referred to the City Manager a package of proposals to improve and expand the Rental Housing Safety Program¹. This included increasing fees, prioritizing proactive inspections, enhanced enforcement of Schedule A requirements, creating a mandatory cyclical inspection program, and allowing for confidential housing code complaints.

As the first step in the response, on May 5, 2016, the Planning Department submitted a report to the 4x4 Committee recommending creation of a new manager classification in the Building and Safety Division to lead the improvement and expansion of the program. In addition to supervising staff, the position would be charged with conducting a thorough assessment and ongoing evaluation of the housing inspection policies and procedures to determine how systems could be streamlined to increase productivity, performing financial planning, and researching best practices in other jurisdictions with the goal of expanding the RHSP toward a more proactive approach. Following additional presentations to the 4x4 Committee and multiple discussions and meetings with HR, this position was finally established by HR earlier in 2018 and approved by Council on September 13, 2018. On December 17, 2018, Jenny McNulty was hired as the Resilient Buildings Program Manager and immediately embarked on the task of improving and expanding the Rental Housing Safety Program.

This report represents the second step in the response, identifying changes to the fee structure to fund the establishment of a cyclical proactive inspection program. In the fall of 2019, the Planning & Development Department will provide the third report to Council to fully address all items raised in the December 1, 2015 Council referral "Revising the Rental Housing Safety Program", submitted by then-Councilmember Arreguin. In the meantime, the team is working on a number of efforts to address improvements to the program, including:

- 1. Increasing fees to fund an increased number of proactive inspections;
- 2. Revising the single position Housing Inspector classification and replacing it with a housing inspector series consisting of Assistant Housing Inspector, Housing Inspector, Housing Inspector;
- Studying best practices in other jurisdictions;
- 4. Replacing software used for program management and improving use of technology;
- 5. Evaluating workflow and making efficiency improvements;

Page | 7 435

¹ https://www.cityofberkeley.info/Clerk/City_Council/2015/12_Dec/Documents/2015-12-01_Item_28_Revising_the_Rental.aspx

- 6. Updating policies and procedures;
- 7. Developing Inspector Guidelines for conducting inspections and resolving common issues, to increase consistency among inspectors and allow for faster onboarding;
- 8. Rewriting the Housing Code;
- 9. Evaluating how to prioritize proactive inspections;
- 10. Developing educational materials for property owners explaining what to expect during a housing inspection to assist them with improving maintenance and avoiding reinspection fees;
- 11. Improving website content.

#### Commission and Committee Review and Comments

The 4x4 Committee and the Housing Advisory Commission reviewed the proposed fee increases. The 4X4 unanimously passed a motion to recommend approval of the proposed fee increases to City Council on April 4. The Housing Advisory Commission unanimously passed a motion to recommend approval of the proposed fee increases to City Council on April 7. Commissioners also provided input into program implementation. Staff also had a number of meetings and discussions with Rent Board representatives to solicit their input.

#### Berkeley Property Owner Association Review and Comments

Staff met with members of the Berkeley Property Owner Association (BPOA) for input on March 25, 2019. The original fee proposal provided to commissions and BPOA included a new \$200 reinspection fee to be established in FY21 for the first reinspection when all violations have been corrected. Currently there is no charge for the first reinspection if all violations have been corrected. BPOA members expressed opposition to the new \$200 fee for the first reinspection if all violations have been corrected. Staff heard the concern that was voiced, re-evaluated and modified the proposal to eliminate the \$200 fee. To make up for the lost revenue, the proposed annual fee has been increased to \$56/unit and \$28/room for FY21, because this was more tenable to property owners. The original proposed annual fee for FY21 was \$52/unit, \$26/room.

BPOA's notable comments and questions included the following:

- It's difficult to find tradespeople within 30 days, particularly for owners with few rental units.
- It would be helpful if the City could provide a more detailed list indicating what housing inspectors will look for.
- The program does not address issues associated with violations caused by tenants, such as situations where a tenant removes the battery from a smoke detector.
- Tenants often notify Code Enforcement of a problem without having notified the landlord first and given the landlord a chance to fix the problem.

- Stop thinking about landlords as bad guys, and start thinking about them as providing a very important service to the community.
- At times landlords believe violations noted by housing inspectors are petty and not true safety concerns.
- Owners are concerned inspectors add additional violations during follow-up reinspections.
- Could the City provide additional assistance for owners with hoarding tenants?
- Rent board regulations have resulted in thousands of residential units being removed from the rental housing stock in Berkeley.
- Could the City provide 30-60 days advance notice when scheduling proactive inspections instead of 2-4 weeks?

BPOA staff has offered to provide input and assistance into the development of educational materials to prepare landlords for housing inspections and into a revision of the Schedule A self-certification checklist.

#### **ENVIRONMENTAL SUSTAINABILITY**

Expanding the RHSP will encourage owners to invest in property maintenance, which may lead to installation of more energy efficient appliances or windows. There may be opportunities for other future potential environmental benefits, including coordinating enforcement with the Building Energy Savings Ordinance team. During inspections, inspectors verify that smoke detectors are properly installed in the required locations and that batteries are operational. This may improve the response time to fires, which would be destructive to the urban environment.

#### RATIONALE FOR RECOMMENDATION

The proposed fees will cover the costs required to maintain and expand the Rental Housing Safety Program to meet the health and safety needs of the City's rental housing stock, as previously directed by the City Council, without a General Fund subsidy. The increase in reinspection fees, particularly for 2nd, 3rd and subsequent reinspections are intended to increase compliance and allow inspectors to close cases sooner due to the disincentive to owners of facing higher fees. Currently, reactive inspections have an average of 4 reinspections and proactive inspections have an average of 1.5 reinspections. If owners were to comply sooner, inspectors could close cases more quickly and free up time to take on new cases.

Increases in penalty and administrative lien fees are intended to incentivize owners to pay their bills on time, to save the City the cost of collecting unpaid revenue, which is labor intensive, and to ensure cost recovery. If owners pay in a timely manner, this will free up administrative support staff to provide additional assistance with processing inspections. The proposed increase on the second late fee from 20% to 40% on accounts which are 31+ days delinquent will also provide consistency across City Departments, as the Finance Department charges 40% for business licenses which are

31+ days past due, whereas the RHSP currently only charges 20% for accounts which are 31+ days past due.

Established in 2003 at \$17/unit, annual RHSP fees have only been increased one time in 2009 to \$26/unit. As a percentage of average annual rent,² the \$26 fee represents 0.07% of the annual rent collected. Increasing annual fees from \$26 to \$40 to \$56/unit will result in this percentage going up to 0.11% then 0.15%, an increase of 0.08%.

#### ALTERNATIVE ACTIONS CONSIDERED

Staff considered adding a \$200 fee for the first reinspection, when all violations have been corrected. Staff considered adding a higher administrative lien fee of \$500, while studying the higher fee structure for the City of Hayward, a jurisdiction of similar size, which charges \$1,811/parcel as its administrative lien fee. Staff also considered limiting the subsequent reinspection fee to \$600, the proposed fee for the 2nd reinspection, in lieu of adding a higher 3rd and subsequent reinspection fee of \$800. Another option for funding the expansion of the RHSP would be a General Fund subsidy.

#### **CONTACT PERSON**

Jenny McNulty, Resilient Buildings Program Manager, Planning, 981-7451

#### Attachments:

1: Resolution

Exhibit A: RHSP Fee Schedule (Fiscal Year 2020) Exhibit B: RHSP Fee Schedule (Fiscal Year 2021)

- 2: Budget and Rent Tables
- 3: Organizational Chart: Current and Proposed
- 4: Comparison to Fees in Other Jurisdictions
- 5: Public Hearing Notice

-

² Per Rent Jungle, the average monthly rent in Berkeley for 2018 was \$3,051, which equates to an average annual rent of \$36,610.

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

#### RENTAL HOUSING SAFETY PROGRAM FEE INCREASES

WHEREAS, the Rental Housing Safety Program (RHSP) was established by Council per Ordinance No. 6,651-N.S. on August 23, 2001; and

WHEREAS, Council adopted the current housing code re-inspection fee per Resolution No. 62,230-N.S. on September 16, 2003, the annual flat fee per unit/room per Resolution 64,455-N.S. on May 19, 2009, the current late payment fees per Resolution No. 62,990-N.S. on July 12, 2005 and the current administrative lien fees per Resolution No. 63,773-N.S. on July 10, 2008; and

WHEREAS, these fees were incorporated into the Planning Department master fee schedule without alteration on July 1, 2014; and

WHEREAS, on May 16, 2017, Resolution No. 67,985-N.S. updated and consolidated all fees for development-related services provided by the Planning and Development Department; and

WHEREAS, the City's goal is to make the RHSP self-sufficient.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Rental Housing Safety Program fee schedule for Fiscal Year 2020 (Exhibit A) is adopted, effective July 1, 2019 and the Rental Housing Safety Program fee schedule beginning in Fiscal Year 2021 (Exhibit B) is adopted effective July 1, 2020, and that Resolution 67,985-N.S. is amended to incorporate the new fees.

#### **Exhibits**

A: Rental Housing Safety Program Fee Schedule (Fiscal Year 2020)

B: Rental Housing Safety Program Fee Schedule (Fiscal Year 2021)

# Exhibit A Rental Housing Safety Program Fee Schedule (Fiscal Year 2020)

REINSPECTION FEES			
TYPE OF INSPECTION	HOUSING CODE STATUS	AMOUNT OF FEE	
Initial Inspection	With or Without Cited Code Violations	None	
1st Reinspection	All Cited Violations Corrected	None	
·	All Cited Violations Not Corrected	\$400.00	
2nd Reinspection	Whether or Not All Cited Code Violations Corrected	\$600.00	
All Other Reinspections	Whether or Not All Cited Code Violations Corrected	\$800.00	

This fee schedule applies to each case being inspected. (Individual units, exterior/common areas in buildings and individual rooms in hotels are considered "cases" for the purposes of this resolution.)

**PLEASE NOTE:** It is the owner's responsibility to inform the tenant(s) of the scheduled inspection and arrange access to each unit to be inspected. The owner is charged <u>whether or not</u> he/she is present at the site during the scheduled inspection. However, owners may not be charged if the tenant refuses the inspector entry to the unit.

PENALTY FEES			
TYPE OF INSPECTION Late Payment Fee	HOUSING CODE STATUS  Penalty fees will be assessed for every reinspection or annual flat fee delinquent 1-30 days.	AMOUNT OF FEE 10% of the delinquent amount when 1-30 days late	
	Additional penalty fees will be assessed for every reinspection or annual flat fee delinquent 31+ days.	40% of the delinquent amount when 31+ days late	
Administration Lien Fee	Accounts which remain outstanding after 60 days from the initial billing date shall be filed with the County of Alameda as a lien on the property. The lien amount shall include an administrative processing fee in addition to the initial billing amount and applicable late payment fees.	\$250 per account	

ANNUAL FLAT PER UNIT/ROOM FEES			
FEE TYPE	RESIDENTIAL STRUCTURE	AMOUNT OF FEE	
Annual Per Unit Fee	Residential rental buildings	\$40.00 Per Unit	
Residential hotels and boarding house (with five or more			
Annual Per Room Fee rooms) \$20.00 Per Room			

Exhibit B
Rental Housing Safety Program Fee Schedule (Fiscal Year 2021)

REINSPECTION FEES			
TYPE OF INSPECTION	HOUSING CODE STATUS	AMOUNT OF FEE	
Initial Inspection	With or Without Cited Code Violations	None	
1st Reinspection	All Cited Violations Corrected	None	
	All Cited Violations Not Corrected	\$400.00	
2nd Reinspection	Whether or Not All Cited Code Violations Corrected	\$600.00	
All Other Reinspections	Whether or Not All Cited Code Violations Corrected	\$800.00	

This fee schedule applies to each case being inspected. (Individual units, exterior/common areas in buildings and individual rooms in hotels are considered "cases" for the purposes of this resolution.)

**PLEASE NOTE:** It is the owner's responsibility to inform the tenant(s) of the scheduled inspection and arrange access to each unit to be inspected. The owner is charged whether or not he/she is present at the site during the scheduled inspection. However, owners may not be charged if the tenant refuses the inspector entry to the unit.

PENALTY FEES			
TYPE OF INSPECTION	HOUSING CODE STATUS	AMOUNT OF FEE	
Late Payment Fee	Penalty fees will be assessed for every reinspection or annual flat fee delinquent 1-30 days.	10% of the delinquent amount when 1-30 days late	
	Additional penalty fees will be assessed for every reinspection or annual flat fee delinquent 31+ days.	40% of the delinquent amount when 31+ days late	
Administration Lien Fee	Accounts which remain outstanding after 60 days from the initial billing date shall be filed with the County of Alameda as a lien on the property. The lien amount shall include an administrative processing fee in addition to the initial billing amount and applicable late payment fees.	\$250 per account	

ANNUAL FLAT PER UNIT/ROOM FEES			
FEE TYPE RESIDENTIAL STRUCTURE AMOUNT OF FEE			
Annual Per Unit Fee Residential rental buildings		\$56.00 Per Unit	
Residential hotels and boarding house (with five or more			
Annual Per Room Fee rooms) \$28.00 Per Room			

### **Budget and Rent Tables**

Table 2 projects costs and revenues with all the fee increases. Costs include additional personnel and non-personnel costs to increase the number of inspections.

Table 2: Projected Costs and Revenues 2019 - 2022				
Fiscal Year	Costs (Including all Staff Increases in FY20 and FY21)  Total Revenu (Including all Fee Increases FY20 and FY2		Annual Surplus/Deficit	
FY19 (Current Budget)	1,144,021	1,175,216	31,195	
FY20 Proposed	1,802,989	1,804,857	1,868	
FY21 Proposed	2,392,482	2,421,525	29,044	

Projected revenue is broken out by fee category for the next two years in Table 3.

Table 3: Projected Revenue per Fee Type with Fee Increases			
Fee Type FY19 Fees FY20 Fees FY21 Fees			
Annual Fees	724,533	1,144,649	1,624,909
Reinspection Fees	395,520	609,944	701,064
Penalty Fees	49,440	113,863	117,041

Table 4 compares the proposed percentage increase to fees with increases in median rent for rent-controlled units and the cost of living since the time the fees were last raised.

Table 4: Comparison of Fee Increases to Rent and Cost of Living Increases				
Fee Type	Last Change	% Increase of Proposed Fee in FY20	Median Rent Increase to June 2018*	Cost of Living Increase to 2018**
Annual Flat Fee	2009	54%	52%	17%
Reinspection Fee: 1 st with Violations	2003	33%	94%	36%
Reinspection Fee: 2 nd Reinspection	2003	50%	94%	36%
Reinspection Fee: 3 rd and Subsequent	2003	100%	94%	36%
Administrative Lien Fee	2007	100%	68%	21%

^{*}For rent-controlled units only. Source: Rent Board Market Median Report "Market Medians: January 1999 through June 2018", dated Feb 21, 2019

^{**} Source: https://www.aier.org/cost-living-calculator

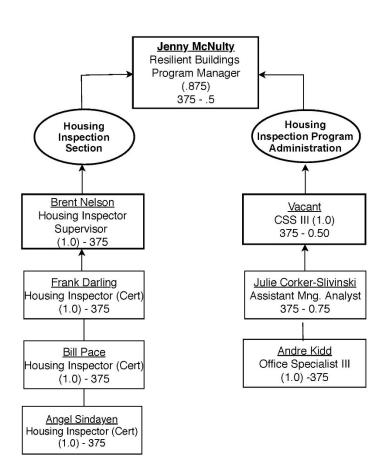


## **Planning and Development Department**

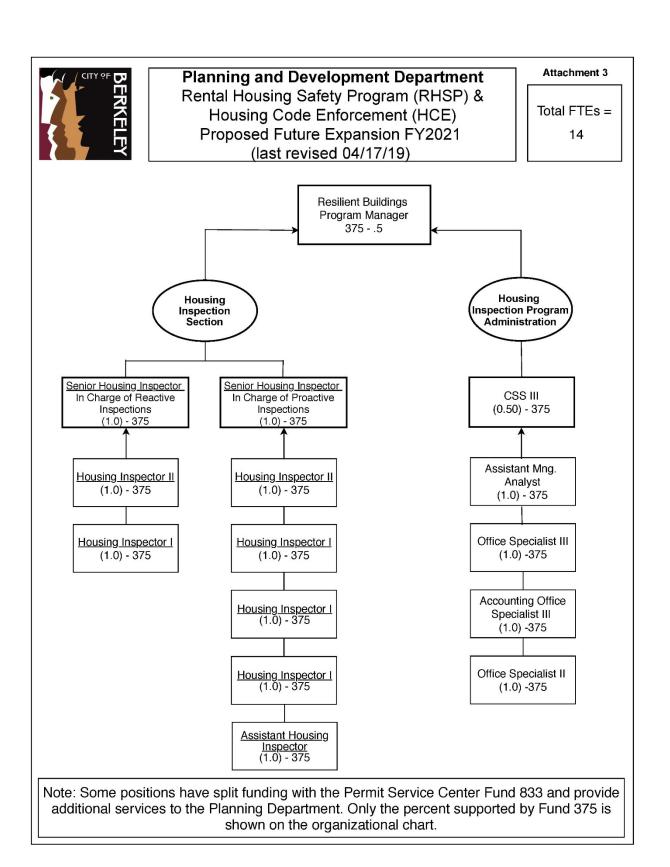
Rental Housing Safety Program (RHSP) & Housing Code Enforcement (HCE) (Existing) FY2019 (last revised 04/17/19)

#### Attachment 3

Total FTEs = 6.75



Note: Some positions have split funding with the Permit Service Center Fund 833 and provide additional services to the Planning Department. Only the percent supported by Fund 375 is shown on the organizational chart.



# Comparison to Fees in Other Jurisdictions With Proactive Inspections of a Portion of Units or All Units

City	Reinspection Fee
Berkeley Current Fee	1 st with violations not corrected: \$300 /inspection 2 nd : \$300 Subsequent: \$400
Berkeley Proposed Fee 2019	1 st with violations not corrected: \$400 /inspection 2 nd : \$600 3 rd and subsequent: \$800
Proposed New Fee 2020	1 st with violations corrected: \$200
El Cerrito	\$241 for Single Family \$211 for 1 st unit Multi-Family / \$120 for additional units
Hayward	Investigation with violations found: \$350 /parcel 1st with uncorrected violations: \$350 2nd: \$750 3rd: \$1,150 4th +: \$1,950
Los Angeles	1st: \$201.50 Subsequent: Property placed in Rent Escrow Account Program; fee of \$50/unit monthly and a 10- 50% rent reduction for tenants
Oakland	\$206 /inspection
Richmond	Initial Inspection Fee: \$157 /unit Reinspection fee: \$66 /unit
Santa Cruz	Reinspection Fee: \$123 /hour
San Francisco	\$158.10 /hour
San Jose	\$242 /inspection
San Pablo	\$126 /hour

### Page 19 of 22

City	Annual Fee
Berkeley Current Fee	\$26 /unit and \$13 /room
Berkeley Proposed 2019 Proposed 2020	\$40 /unit and \$20 /room \$52 /unit and \$26 /room
El Cerrito	\$41 /unit
Hayward	1-4 units: \$88 /building 5+ units: \$22 /unit
Los Angeles	\$43.32 /unit
Oakland	\$30 /unit
Richmond	\$83 /unit
San Francisco	Single/multifamily: \$52 /unit Apartments 3-12 units: \$326/year Apartments 13-30 units: \$488 /year Apartments additional units: \$55 /10 units
Santa Cruz	\$50/unit annual registration fee + \$22 /unit annual inspection fee. Annual Self-Certification Fee: \$22 /unit per 20% of units
San Jose	Tier 1 = \$30 /unit Tier 2 = \$65 /unit Tier 3 = \$131 /unit
San Pablo	\$391 /building \$78 /unit

City	Late Payment Fee	Administrative Lien Fee
Berkeley Current Fee	1-30 Days Delinquent: 10% 31+ Days Delinquent: 20%	\$125 /account
Berkeley Proposed 2019	1-30 Days Delinquent: 10% 31+ Days Delinquent: 40%	\$250 /account
El Cerrito	1.5%	
Hayward	Total amount past due on invoice + \$630 assessment fee + 1.7% Alameda County fee	\$1,811 /parcel
Los Angeles	Annual Fee: 100%  Reinspection Fee: 150% (Increases	
	from \$201.50 to \$503.75)	
Oakland	31-60 Days Delinquent: \$30 + 25% /unit 60+ Days Delinquent: \$30 + 50% /unit	\$125 /lien
Richmond	1-30 Days Delinquent: 10% 31-60 Days Delinquent: 25% 60+ Days Delinquent: 50%	
San Francisco	Monitoring fee (on final bill): \$52 /each month with violations unpaid or uncorrected	\$173.91 or 10% of unpaid balance including interest (whichever is greater)
Santa Cruz	30%	
San Jose	31 – 60 Days Delinquent: 25% 61 – 90 Days Delinquent 25% plus interest at a rate of 1.5% per month	
San Pablo	Delinquent charges invoiced + \$25 OR 10% amount owed (whichever is greater)	

# NOTICE OF PUBLIC HEARING BERKELEY CITY COUNCIL RENTAL HOUSING SAFETY PROGRAM FEE INCREASES

Notice is hereby given by the City Council of the City of Berkeley that a public hearing will be conducted by said city council of the City of Berkeley at which time and place all persons may attend and be heard upon the following:

The Planning Department is proposing to increase Rental Housing Safety Program annual, reinspection and penalty fees.

Table 1: Current and Proposed Fees				
Fee Type	Last Increase	Current Fee	Proposed Fee Increase FY20	Proposed Fee Increase FY21
Annual Flat Fees	2009			
Per Unit		\$26	\$40	\$56
Per Room		\$13	\$20	\$28
Reinspection Fees	2003			
Initial Investigation		None	None	
1st Reinspection Violations Corrected		None	None	
1st Reinspection Violations not Corrected		\$300	\$400	
2nd Reinspection		\$400	\$600	
3rd and Subsequent Reinspection		\$400	\$800	
Penalty Fees				
Late Payment Fee 1-30 days delinquent	2005	10%	No change	
Late Payment Fee 31+ days delinquent	2005	20%	40%	
Administrative Lien Fee	2007	\$125	\$250	

The hearing will be held on, MAY 28 at 6:00 p.m. in the School District Board Room, 1231 Addison Street.

For further information, please contact **Jenny McNulty** at 510-981-7451.

A copy of the agenda material for this hearing will be available on the City's website at <a href="https://www.CityofBerkeley.info">www.CityofBerkeley.info</a> as of **May 16, 2019** 

Written comments should be mailed or delivered directly to the <u>City Clerk, 2180 Milvia Street, Berkeley, CA 94704</u>, in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at 981-6900 or clerk@cityofberkeley.info for further information.

Published:	May 17 and May 24, 2019 – The Berkeley Voice
posted at the	ify that the Notice for this Public Hearing of the Berkeley City Council was e display case located near the walkway in front of Council Chambers, 2134 r King Jr. Way, as well as on the City's website, on May 16, 2019.
Mark Numair	ıville, City Clerk



ACTION CALENDAR May 28, 2019

To: Honorable Members of the City Council

From: Mayor Jesse Arreguín

Subject: Tax Exemption on Federal Research Grants

#### RECOMMENDATION

Adopt a first reading of an Ordinance to add a subsection to Berkeley Municipal Code Section 9.04.165 to create an exemption on the taxing of business gross receipts relating to federal research grants.

#### **BACKGROUND**

Berkeley is an attractive place for tech startups due to its proximity to San Francisco and Silicon Valley, as well as being home to the University of California, Berkeley where many of these innovative companies are conceived, often in partnership with the Lawrence Berkeley National Laboratory. The City of Berkeley is home to more than 330 innovation sector/tech companies, with more than 260 - approximately 80% - being startups. 29% of these companies are in biotech and 12% in cleantech. Both these industries often use research and development (R&D) grants to serve the public good and often receive grant opportunities from various federal sources, such as the Department of Energy, Environmental Protection Agency, National Science Foundation, and Health and Human Services. Berkeley is also home to 8 Accelerators, such as SkyDeck, QB3 East Bay Innovation Center, Bonneville Labs and CITRIS Foundry. Many companies under the accelerators are recipients of federal research grants, including cleantech companies like PolyPlus Battery, All Power Labs and Opus 12, and biotech companies like Aduro, Valitor, Newomics, and CinderBio. Many of these companies are providing public interest research, such as health, clean energy, and other social and environmental solutions, all while providing jobs and investments to our community.

In addition to a lack of adequate office and R&D space, startups that are dependent on federal R&D grants as their primary source of financing face an additional disincentive for remaining/expanding in Berkeley due to the gross receipts taxing of such grants. It creates a perception that Berkeley is not a startup-friendly city, despite its status as a hub of intellectual innovation.

Tech startups often rely heavily on federal grants for R&D. Although the City of Berkeley has a business license fee similar to other cities in the Bay Area and across the country with a high concentration of startups, such as Boulder and Cambridge, we are one of very few that taxes federal grants. Taxing these grants makes the tax burden enormously high for startups and impacts their ability to grow, which in turn limits their overall tax

ACTION CALENDAR May 28, 2019

contributions to the City. Most importantly though, it can cause businesses to move out of Berkeley.

In March 2019, the Office of Economic Development provided its economic update for the City, showing a continual trend of low vacancy for office and non-retail usage commercial space. Berkeley's unemployment rate and office space vacancy is noticeably lower than county and statewide averages, showing a desirability for businesses to take root in Berkeley. However, much of this is a result of existing businesses expanding, leaving little room for startups to flourish. With many of these emerging startups having a high probability of contributing significantly to the innovation sector, and their strong desire to stay, we must do more to make it possible for them to stay and thrive in Berkeley, where they were founded.

Over the past few months, the Finance Department, Office of Economic Development, and the Mayor's Office have been researching best practices and has met with various stakeholders, including local startups reliant on federal research grants. The Ordinance recommends that companies that receive less than \$100,000 in gross receipts (excluding government grants) be exempt from paying taxes on the first \$1,000,000 in federal research grants.

#### RATIONALE FOR RECOMMENDATION

Providing a tax exemption on the first \$1,000,000 for federal research grants will greatly benefit startups that rely on these grants to move their projects forward, leading to more successful outcomes. Such a change could enable some of today's smaller companies to become tomorrow's engines of the economy. It also levels the playing field, as companies do not have to pay taxes on seed money but do for federal grants. It will also provide an incentive for such business to remain in Berkeley and therefore improve our tax base in the long run, making it a smart way to invest in Berkeley's future economic vitality.

#### FINANCIAL IMPLICATIONS

Slight loss in tax revenue that will likely be recouped through more businesses remaining in Berkeley. Staff time for application of the Ordinance.

### **ENVIRONMENTAL SUSTAINABILITY**

Not applicable.

#### CONTACT PERSON

Mayor Jesse Arreguín 510-981-7100 Attachments:

1. Ordinance

Page 2 452

#### ORDINANCE NO. XXXX-N.S.

AMENDING BERKELEY MUNICIPAL CODED CHAPTER 9.04 BUSINESS LICENSES

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

<u>Section 1.</u> That Section 9.04.165 of the Berkeley Municipal Code is amended to read as follows:

#### 9.04.165 Professional--Semiprofessional--Connected business.

A. Finance, Insurance, Banking (including Savings and Loans) and Real Estate. Every person in any business, profession or occupation within the business field of finance, insurance and real estate, as described in the most practicable version of the U.S. Government Printing Office publication North American Industrial Classification System Manual, except for those persons whose business is primarily renting real property, as defined in Section 9.04.195, shall be classified as a professional-semiprofessional.

- B. Health, Veterinary, Legal, Educational, Engineering-Architectural-Surveying, Accounting-Auditing-Bookkeeping, and Miscellaneous Services Not Classified Elsewhere. Every person in any business, profession, or occupation within the business fields of health, veterinary, legal, education, engineering-architectural surveying, accounting-auditing-bookkeeping, and miscellaneous services not classified elsewhere, as described in the current U.S. Government Printing Office publication entitled North American Industrial Classification System Manual shall be classified as professional-semi-professional.
- C. Nothing contained in this section shall be deemed or construed as applying to any person engaged in any of the professions or occupations enumerated in this section solely as an employee or partner of any other person or entity conducting, managing or carrying on any such business in the City.
- D. Any person subject to a license under provisions of this section may exclude from gross receipts the portion of those receipts paid to subcontractors, providing that a list of such subcontractors and the amounts of payment are reported to the Director of Finance. The Finance Department shall pursue collection of the business license tax from all reported subcontractors.
- E. Any person subject to a license under provisions of this section with less than \$100,000 in annual gross receipts, as defined in Section 9.04.025, net of governmental research grants, may exclude from gross receipts up to \$1,000,000 received from governmental research grants, providing that a list of those grants and the amounts of payments received are reported to the City as defined by the Director of Finance.

ACTION CALENDAR May 28, 2019

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



Councilmember Cheryl Davila District 2

> ACTION CALENDAR May 28, 2019

**To:** Honorable Mayor and Members of the City Council

From: Councilmembers Cheryl Davila

**Subject:** Direct City Manager to place a moratorium on enforcement of Ordinance

No. 7632-N.S. (BMC Sections 14.48.160 and 14.48.170), "Miscellaneous Use of Streets and Sidewalks" / "Shared Sidewalk Policy" until a homeless response system is designed, created and implemented as stated in the

"1000 Person Plan."

#### RECOMMENDATION

Direct City Manager to place a moratorium on enforcement of Ordinance No. 7,632-N.S. (BMC Section 14.48.160 and 14.48.170) Miscellaneous Use of Streets and Sidewalks" / "Shared Sidewalk Policy" at homeless encampments until a homelessness response system is planned, created and implemented pursuant to research, findings, reports, and goals resulting from the "1000 Person Plan" report received by Council. This action is in fidelity to elements of the 2018 EveryOne Home Plan to End Homelessness adopted by Council on March 12, 2019, that clearly states at pg. 13, "Proposed Actions," that protection of the dignity of people experiencing homelessness requires municipalities to repeal or stop enforcing policies that criminalize homelessness, and instead develop a humane and consistent response to the needs of unsheltered people.

# FISCAL IMPACTS OF RECOMMENDATION None.

### **ENVIRONMENTAL SUSTAINABILITY**

None.

#### **BACKGROUND**

In response to growing homelessness locally and regionally, the City Council voted unanimously on January 19, 2016 to declare a Homeless Shelter Crisis.

In light of the fact that City of Berkeley officials and Berkeley Police have begun issuing notices to homeless encampments regarding to Ordinance No. 7,632-N.S. (BMC

Sections 14.48.160 and 14.48.170 Miscellaneous Use of Streets and Sidewalks" / "Shared Sidewalk Policy"), and signaled that possible enforcement by the City of Berkeley of the ordinance may be imminent, it is critical that a more humane and comprehensive housing program is designed, developed and implemented prior to such enforcement action. The City has legal duty to do so.

<u>Robert Wilson Inc. vs. the City of Boise</u> asserts that until a City can offer alternative housing, it cannot criminalize people for their attempts to shelter themselves and their children. Homeless encampments are the sole option for those who are unable to meet the high cost of housing in Berkeley, the place they call "home."

Among those living in these encampments in Berkeley are: senior citizens, families with young children (many under age 5), Berkeley Unified School District (BUSD) K-12 students, University of California at Berkeley (UCB) and Berkeley City College (BCC) alumni and current students, as well as people who are fully employed but cannot afford Berkeley's market rate rents. Those living in encampments are diverse in ethnicity, age, ability, some are unemployed, and some suffer from chronic or acute illness, including mental health illness and other disabilities. Encampment residents reflect the same diversity of our housed community and deserve to be treated with equal care and respect. All City dwellers pay taxes in Berkeley, visit our restaurants, theatres, businesses and contribute to our economy.

At its April 30, 2019, the Council received the "1000 Person Plan" report prepared and submitted by the City Manager to Council which outlines strategic goals for homelessness reduction to be initiated in 2019 and continuing through 2023.

The findings and goals of the "1000 Person Plan" developed by the City Manager and various departments can provide significant information as to how the City can best address the currently severe housing crisis in a manner that can result in added housing stock which will mitigate the homelessness problems in Berkeley, before the City begins enforcement of Ordinance No. 7,632-N.S. (BMC Sections 14.48.160 and 14.48.170) against these citizens.

It is appropriate and humane that the Council cease enforcement of the "Miscellaneous Use of Streets and Sidewalks" / "Shared Sidewalk Policy" at homeless encampments in order to receive and implement the strategic goals and recommendations of the 1000 Person Plan.

#### **CONTACTS:**

Cheryl Davila, Councilmember, District 2 510.981.7120



ACTION CALENDAR May 28th, 2019

To: Honorable Mayor and Members of the City Council

From: Councilmembers Harrison and Davila

Subject: Referral to Public Works Commission to Rename Harold Way to "Dalai Lama"

Way".

#### RECOMMENDATION

Referral to the Public Works Commission requesting changing the name of Harold Way to "Dalai Lama Way" in recognition of the Dalai Lama's contributions to world peace and in recognition of the Buddhist community center at Harold Way.

#### **BACKGROUND**

The Dalai Lamas are the spiritual leaders of Tibetan Buddhists and are believed to be the physical manifestations of the Bodhisattva of Compassion. Bodhisattvas are realized beings, inspired by the wish to attain complete enlightenment, vowed to be reborn in the world to help all living beings. The title of Dalai Lama was established in 1416, when the First Dalai Lama was 25 years old and took an oath to spread the Buddhist teachings all over Tibet. Since then, there have been 14 Dalai Lamas, each being born in the same year of the death of the previous Dalai Lama, according the belief that the Dalai Lama has a single soul reborn into 14 different bodies and will continue to be reborn as long as the Tibetan people require the institution. The current Dalai Lama, the 14th, has said "in the future, if the Dalai Lama's institution is no longer relevant or useful and our present situation changes, then the Dalai Lama will cease to exist. At the present moment, however, the Dalai Lama's institution is crucial to the Tibetan culture and to the Tibetan people."¹

The current Dalai Lama was born July 6th 1935 in a small Tibetan village of Takser. At the age of two, a search party for the next Dalai Lama came to Takser bringing possessions that had belonged to the Thirteenth Dalai Lama, together with similar items that did not belong to him. In every case, the infant correctly identified those belonging to the Thirteenth Dalai Lama saying "it's mine! It's mine." The Dalai Lama was raised in a monastery and was installed as the spiritual leader of Tibet at the age of five.

In 1950, the People's Liberation Army (PLA) of China invaded Tibet and the Dalai Lama was given full political authority over the Tibetan people. As the 15 year old leader of six million people facing the threat of war, His Holiness appointed Tibet's first Prime Ministers

https://www.dalailama.com/the-dalai-lama/biography-and-daily-life/questions-answers

and sent delegations abroad in the hope that other countries would intervene on Tibet's behalf. His pleas were not answered and he spent nine years trying to evade a full-scale military invasion by China while also placating the growing resentment against Tibetan people against the Chinese invaders. In 1959 he escaped to India and began working with the Prime Minister of India to rehabilitate Tibetan refugees, and has been in exile for the past 60 years.

From exile, the Dalai Lama instituted a democratic constitution for Tibet and an exile Parliament. In 1987 he delivered a Five Point Peace Plan for Tibet to the United States Congress. In 1989 he was awarded the Nobel Peace Prize. In 2001, the first direct democratic elections were held by the Tibetan people and he requested that his political power be dissolved in favor of democratically elected leadership. He has been a force for world peace and a political advocate and spiritual leader for the Tibetan people since 1959 despite inability to return to his country.

The Mangalam Center in Downtown Berkeley is a Buddhist community center rooted in the Tibetan Buddhist tradition. The Mangalam center offers lectures, mindfulness programs, language classes, and secular and religious ceremonies for the public. The center also "adopted" the streets surrounding their building (Harold Way, Kittredge St, and Allston Way) by painting curbs, repairing street lights, trimming and remulching trees, and more. The Mangalam Center are excellent neighbors and their work renewing Harold Way has previously been recognized by Councilmember Harrison.

When the Tibetan Association of Northern California asked the City to consider renaming a street after the Dalai Lama in recognition of his work for peace, justice, and healing, and to recognize 60 years in exile, Harold Way seemed like an ideal spot. The street has already been adopted by Berkeley's Tibetan Buddhist community and any infrastructure changes will be de minimis because the entire street exists for only one block face and would require only two new signs (at Harold and Allston and at Harold and Kittredge).

#### FINANCIAL IMPLICATIONS

Cost of creating and installing two street signs.

#### **ENVIRONMENTAL SUSTAINABILITY**

No impact.

#### **CONTACT PERSON**

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

#### **ATTACHMENTS:**

1: City Council Rules of Procedure for changing street names

# APPENDIX A. POLICY FOR NAMING AND RENAMING PUBLIC FACILITIES

#### Purpose

To establish a uniform policy regarding the naming and renaming of existing and future parks, streets, pathways and other public facilities.

#### Objective

A. To ensure that naming public facilities (such as parks, streets, recreation facilities, pathways, open spaces, public building, bridges or other structures) will enhance the values and heritage of the City of Berkeley and will be compatible with community interest.

#### Section 1 – Lead Commission

The City Council designates the following commissions as the 'Lead Commissions' in overseeing, evaluating, and ultimately advising the Council in any naming or renaming of a public facility. The lead commission shall receive and coordinate comment and input from other Commissions and the public as appropriate.

#### **Board of Library Trustees**

Parks and Recreation Commission –Parks, recreation centers, camps, plazas and public open spaces

Public Works Commission –Public buildings (other than recreation centers), streets and bridges or other structures in the public thoroughfare.

Waterfront Commission –Public facilities within the area of the City known as the Waterfront, as described in BMC 3.36.060.B.

#### Section 2 – General Policy

- A. Newly acquired or developed public facilities shall be named immediately after acquisition or development to ensure appropriate public identity.
- B. No public facility may be named for a living person, but this policy can be overridden with a 2/3 vote of the City Council.
- C. Public facilities that are renamed must follow the same criteria for naming new facilities. In addition, the historical significance and geographical reference of the established name should be considered when weighing and evaluating any name change.
- D. The City encourages the recognition of individuals for their service to the community in ways that include the naming of activities such as athletic events, cultural presentations, or annual festivals, which do not involve the naming or renaming of public facilities.
- E. Unless restricted by covenant, facilities named after an individual should not necessarily be considered a perpetual name.

#### Section 3 – Criteria for Naming of Public Facilities

When considering the naming of a new public facility or an unnamed portion or feature within an already named public facility (such as a room within the facility or a feature



PUBLIC HEARING
May 28, 2019
(Continued from May 14, 2019)

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Timothy Burroughs, Director, Planning and Development Department

Subject: ZAB Appeal: 1444 Fifth Street, Administrative Use Permit #ZP2018-0172

#### RECOMMENDATION

Conduct a public hearing, and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board (ZAB) decision to approve Administrative Use Permit #ZP2018-0172 to construct four detached, three-story, approximately 1,900 square-foot, single-family dwellings, each with an average height of 33 feet, on a 5,744 square-foot vacant lot in the MU-R District, and dismiss the appeal.

# FISCAL IMPACTS OF RECOMMENDATION None.

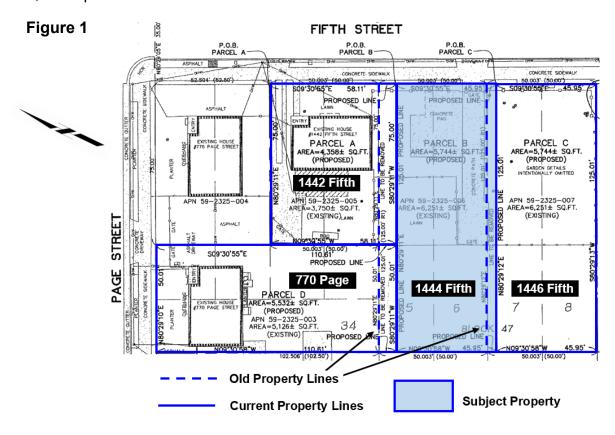
#### **CURRENT SITUATION AND ITS EFFECTS**

On January 24, 2019, the Zoning Adjustments Board (ZAB) held a public hearing and approved Administrative Use Permit (AUP) #ZP2018-0172 by a 5-1-1-1 vote (Yes: Pinkston, Clarke, Selawsky, O'Keefe, Kahn; No: Olson; Abstain: Sheahan; Absent: Tregub). On January 29, 2019, staff issued the notice of the ZAB decision, and on February 6, 2019, Jeffrey Spahn and Niels Traynor of the Ocean View Neighborhood Council filed an appeal of the ZAB decision with the City Clerk. The Clerk set the matter for review by the Council on May 14, 2019.

#### **BACKGROUND**

On December 14, 2016, Matthew Wadlund, the applicant for the current project, submitted an application for an Administrative Use Permit (AUP) and Staff Level Design Review to construct a similar four-unit development at 1446 Fifth Street, the parcel abutting the subject parcel to the south. After appeal of the staff-level approval and approval on appeal by ZAB, the City Council approved the project in July 2018. Council approval occurred after the applicant recorded a Lot Line Adjustment (LLA) to shift the shared property line between 1444 Fifth Street and 1446 Fifth Street approximately four feet to the south, and the shared property line between 1444 Fifth Street and 1442 Fifth Street and 770 Page Street approximately eight feet to the south (see Figure 1

below).^{1,2} The LLA, recorded on July 23, 2018, resulted in a decrease in parcel size of both the subject lot (1444 Fifth Street) and 1446 Fifth Street from 6,250 square feet to 5,744 square feet.



The LLA and associated decrease in parcel size affects the applicability of the Inclusionary Housing requirements in BMC Chapter 23C.12. These requirements apply to new construction of projects with five or more ownership units (e.g. condominium), or for sites whose size and zoning designation allow the construction of five or more units (BMC Section 23C.12.020.A.3). Applicable projects are required to provide either affordable units or an in-lieu fee.

The underlying Mixed Use-Residential (MU-R) zoning district has a density standard of one dwelling unit for each 1,250 feet of lot area and one additional unit for any remaining lot area which may be less than 1,250 square feet but greater than 750 square feet. Prior to the LLA, at 6,250 square feet each, both the parcels at 1444 and 1446 Fifth Street were large enough to accommodate up to five units. However, each

Page 2 462

¹ The applicant is the property owner of all four affected parcels.

² An LLA is a ministerial approval subject to specific objective standards that relate to parcel characteristics in applicable building and zoning ordinances, including minimum lot size and minimum lot frontage.

parcel now can only accommodate four dwelling units so the Inclusionary Housing requirements no longer apply.

On August 31, 2018, the applicant submitted applications for an AUP and Staff Level Design Review to construct four new single-family dwellings on the vacant lot at 1444 Fifth Street. Design Review staff determined that the project was compatible with Citywide Design Guidelines and approved the design review application on January 9, 2019. The appeal period for the design review approval ended with no appeal on January 28, 2019.

Given the level of neighborhood interest in the project, the Zoning Officer set the AUP decision before ZAB as allowed by Berkeley Municipal Code (BMC) Section 23B.28.030. At the January 24, 2019 meeting, the ZAB held a public hearing, discussed the project, and approved the project.

#### **ENVIRONMENTAL SUSTAINABILITY**

The project approved by the ZAB is in compliance with all applicable State and local environmental requirements.

#### RATIONALE FOR RECOMMENDATION

The issues raised in the appellants' letter, and staff's responses, are as follows. For the sake of brevity, the appeal issues are not re-stated in their entirety; refer to the appeal letter (Attachment 2) for full text.

- Issue 1: Lot Line Adjustment. The appellants contend that the approved Lot Line Adjustment is illegal because it required the Public Works Department to "override zoning laws," and because it allowed the applicant to "avoid inclusionary housing requirement [sic]" [p. 1 and 2 of attached appeal letter].
- Response 1: As noted above, during the review process for entitlement of the southern abutting parcel, the applicant obtained an LLA, which modified the size of both parcels. Since the LLA has already been approved and recorded, it is not relevant to the pending AUP application, which must be evaluated in terms of the newly established lot size and configuration. The LLA conforms to applicable zoning and subdivision regulations, e.g. minimum lot area and width, access, and utilities.
- Issue 2: Lot Line Adjustment. The appellants contend that the approved Lot Line Adjustment is illegal because it violates State laws: SB 35 and the Housing Accountability Act [p. 1].
- Response 2: The LLA does not violate SB 35, as the provisions of SB 35 do not apply; the developer is not requesting streamlined processing of an affordable housing project. In addition, project approval is in compliance with the

ZAB Appeal: 1446 Fifth Street Administrative Use Permit #ZP2018-0172

Housing Accountability Act as it would not involve denial of a development project or approval of such a project at a reduced density.

Issue 3: <u>Environmental Review</u>. The appellants contend that the approval of this project is "piecemeal," which subsequently "means no environmental impact study was needed," [p. 1 of attached appeal letter].

Response 3: The ZAB found that both the pending application and the project at 1446 Fifth Street are categorically exempt from additional review under the California Environmental Quality Act (CEQA) because they qualify as Infill Developments pursuant to Section 15332 of the CEQA Guidelines. The appellants refer to the approved project at 1446 Fifth Street and several other parcels on the same block that the applicant has said he plans to develop in the future, and they suggest that additional environmental impact analysis would have been required if development on all the parcels were considered together.

The CEQA Guidelines require evaluation of potential environmental impacts on a per project basis and require analysis of "the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects." Therefore, since there is no other currently pending application at a lot abutting the subject property, the City can only base its analysis for this project on the project itself, the existing neighborhood, and other pending or approved projects nearby.

Per CEQA guidelines Section 15300.2, determination that a project is categorically exempt is subject to several exceptions, including "Cumulative Impact: All exemptions...are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant." In other words, for this pending AUP application, staff considered the proposed project, the approved development at the abutting parcel, and all other proposed and approved developments in the neighboring area and ultimately determined that no significant cumulative impact would occur. Analysis of impacts from any future proposals in the area (by the applicant or anyone else) would be evaluated according to the same criteria and would therefore be required to account for impacts of the other pending development.

Moreover, to the extent that the appellants contend that additional CEQA analysis would be required if all potential development projects in the vicinity were considered to be a single project, the same infill categorical exemption is not restricted to projects of a certain size, and the City has consistently applied the exemption to other recently approved development projects in the area, including projects that are larger than

ZAB Appeal: 1446 Fifth Street Administrative Use Permit #ZP2018-0172

the proposal. For example, both 739 Channing Way, which the appellants cite and included 10 dwelling units, four live-work units, and one office space, and nearby 1500 San Pablo Avenue, which included 170 dwelling units and ground-floor commercial space, were approved as infill categorically exempt projects. Thus, even projects larger than the pending proposal could be deemed categorically exempt.

Issue 4:

<u>Traffic Impact Analysis</u>. The appellants contend that the approval of this project is "piecemeal," which subsequently "means no traffic impact analysis was needed" [p. 1 of attached appeal letter].

Response 4:

The appellants are correct that the City did not require a Traffic Impact Analysis (TIA) during the review of the proposal. Per the Zoning Project Submittal Requirements, while TIAs are typically required only for projects involving 10 or more units, the Traffic Engineer may require a TIA for any project when deemed necessary. In this case, the city Traffic Engineer reviewed both the approved project at the abutting parcel and the proposed project at the subject parcel, and in both cases, concluded that a TIA was not required given the existing neighborhood conditions and the proposed scope of work. If the applicant applies to develop another nearby parcel in the future, the Traffic Engineer will review that application in the same manner and other approved or pending projects will be considered. Thus, consideration of hypothetical future projects is unnecessary.

Issue 5:

<u>Construction Impacts</u>. The appellants contend that the approval of this project is "piecemeal," which subsequently "means 5 years of construction in our neighborhood." [p. 1 of attached appeal letter].

Response 5:

The City cannot control when entitled developments are constructed; building permit submittal and approval will not necessarily occur immediately after a developer has received land use approval, and construction timelines vary widely. However, while the City is not able to dictate when construction for approved projects occurs, it can address the appellants' concern regarding impacts from construction via standard conditions of approval.

In this case, the ZAB approved the project with several conditions of approval intended to reduce such impacts. Those conditions include the designation of a project liaison in charge of reporting construction-related complaints to the Planning Department (COA#10), a Transportation Construction Plan to help manage activities that could affect nearby sidewalks and streets (#18), and limits to the hours and days when construction activities may occur (#19). While there are no pending applications to develop abutting parcels by the applicant or anyone else,

ZAB Appeal: 1446 Fifth Street Administrative Use Permit #ZP2018-0172

if such applications are submitted, the City may impose additional conditions of approval if it found necessary to limit impacts to the neighborhood from construction activities.

Issue 6:

<u>Driveway Easement</u>. The appellants contend that "the driveway easement...is only needed because the developer reduced the lot size widths thereby making 1444 Fifth Street too narrow for a driveway" [p. 2 of attached appeal letter].

Response 6:

The site plan approved by ZAB includes a driveway serving each of the four proposed attached one-car garages at the project site, and which would occur along the north side of the property. The driveway would be part of a proposed shared access easement that would also provide access to the northern abutting parcels at 1442 Fifth Street and 770 Page Street. The City's Traffic Engineer reviewed this proposal and confirmed that the proposed parking and driveways would operate acceptably.

The appellants imply that the driveway easement is required only because the Lot Line Adjustment was approved. However, as previously stated, the LLA was a ministerial approval creating newly configured parcels, all of which meet the standards of both the Planning Department and the Public Works Department. The driveway easement is required to provide code-compliant vehicle access to the proposed garages and the existing buildings at the northern abutting parcels. Such easements, which allow shared access for vehicles in the areas between residential buildings, are common across the city, do not create detriment, and tend to result in less impermeable paving in final development.

Issue 7:

<u>Design Review Committee</u>. The appellants contend that the project should be scheduled for a meeting at the DRC because it "was never in front of DRC and thus never had public input" [p. 2 of attached appeal letter].

Response 7:

Because the project is located in the MU-R District and requires a staff level zoning permit (i.e. AUP), design review is performed at staff level. The applicant submitted a staff level design review application in conjunction with the AUP application. Design Review staff evaluated the proposal in terms of its consistency with applicable Design Guidelines and its compatibility with the massing, design, and materials of buildings in the surrounding neighborhood. Staff determined that the project meets design review requirements and posted notices of staff-level approval on the project site.

Staff Level Design Review approvals are subject to a 14-day appeal period and if appealed, are scheduled for a public meeting at the Design Review Committee (DRC). In this case, no appeal was filed during the 14-day positing period; therefore, a public meeting at the DRC was not required.

#### HOUSING ACCOUNTABILITY ACT ANALYSIS

This project complies with applicable, objective general plan and zoning standards, and thus the Housing Accountability Act (§65589.5(j)) applies. In order to deny the project or approve it at a lower density, the City Council must base its decision on written findings supported by a preponderance of the evidence that:

- 1. The development would have a specific adverse impact on public health or safety unless disapproved or approved at a lower density; and
- 2. There is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, other than the disapproval or approval at a lower density.

Staff is not aware of any basis to make the findings listed above.

#### ALTERNATIVE ACTIONS CONSIDERED

Pursuant to BMC Section 23B.32.060.D, the Council may (1) continue the public hearing, (2) reverse, affirm, or modify the ZAB's decision, or (3) remand the matter to the ZAB.

#### **CONTACT PERSON**

Timothy Burroughs, Director, Planning & Development Department, (510) 981-7437 Leslie Mendez, Senior Planner, Land Use Planning Division, (510) 981-7426

#### Attachments:

- 1: Resolution
  - Exhibit A: Findings and Conditions
  - Exhibit B: Project Plans dated January 8, 2019
- 2: Appeal Letter dated February 6, 2019
- 3: Index to Administrative Record
- 4: Administrative Record
- 5: Public Hearing Notice

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

UPHOLD THE ZONING ADJUSTMENTS BOARD (ZAB) DECISION TO APPROVE ADMINISTRATIVE USE PERMIT #ZP2018-0172 TO CONSTRUCT FOUR DETACHED, 3-STORY, APPROXIMATELY 1,900 SQUARE-FOOT, SINGLE-FAMILY DWELLINGS, EACH WITH AN AVERAGE HEIGHT OF 33 FEET, ON A 5,744 SQUARE-FOOT VACANT LOT IN THE MIXED USE-RESIDENTIAL ZONING DISTRICT, AND DISMISS THE APPEAL

WHEREAS, on August 31, 2018, 1444 5th Street LLC ("applicant") filed an application for an Administrative Use Permit and Staff Level Design Review to construct four detached, 3-story, approximately 1,900 square-foot, single-family dwellings, each with an average height of 33 feet, on a 5,744 square-foot parcel at 1444 Fifth Street ("project"); and

WHEREAS, on November 19, 2018, staff deemed this application complete and determined that the project is categorically exempt from the California Environmental Quality Act ("CEQA") under Section 15332 of the CEQA Guidelines as an infill project; and

WHEREAS, on January 14, 2019, design review staff posted the approval of the Staff Level Design Review (DRSL) Application in three locations; and

WHEREAS, on January 24, 2019, at a duly noticed public hearing, the Zoning Adjustments Board (ZAB) held a public hearing in accordance with BMC Section 23B.28.030 and approved the Administrative Use Permit application with findings and conditions; and

WHEREAS, on January 28, 2019, the posting period for the DRSL approval ended with no appeal, and the DRSL approval became effective; and

WHEREAS, on January 29, 2019, staff issued the notice of the ZAB decision; and

WHEREAS, on February 6, 2019, Jeffrey Spahn and Niels Traynor filed an appeal of the ZAB decision with the City Clerk; and

WHEREAS, on May 14, 2019, at a duly noticed public hearing, the Council held a public hearing to consider the ZAB's decision, and, in the opinion of this Council, the facts stated in, or ascertainable from the public record, including comments made at the public hearing, warrant approving the project.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Berkeley that the City Council hereby adopts the findings to approve made by the ZAB in Exhibit A,

adopts the conditions of approval in Exhibit A, dismisses the appeal, and approves Administrative Use Permit #ZP2018-0172 as shown in Exhibit B.

#### **Exhibits**

A: Findings and Conditions

B: Project Plans dated January 8, 2019

Page 2 469

### ATTA COMMENT 1, EXHIBIT A

# FINDINGS AND CONDITIONS JANUARY 24, 2019

### 1444 Fifth Street

Administrative Use Permit #ZP2018-0172 to construct four detached, 3-story, approximately 1,900 square-foot single-family dwellings, each with an average height of 33 feet, on a 5,744 square-foot vacant lot.

#### **PERMITS REQUIRED**

• Administrative Use Permit, under BMC 23E.84.030, to construct four new dwelling units.

#### I. CEQA FINDINGS

- 1. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15332 of the CEQA Guidelines ("In-Fill Development").
- 2. Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project would not affect any historical resource.

#### II. FINDINGS FOR APPROVAL

- 1. As required by Section 23B.32.040.A of the Zoning Ordinance, the project, under the circumstances of this particular case existing at the time at which the application is granted, would not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City because:
  - The proposed development on this parcel is equal to or below the Mixed-Use Residential (MU-R) standards set by BMC 23E.84.070 for maximum residential density, floor area, and height (four dwelling units on the 5,744 square-foot lot, where four dwelling units is the maximum allowed based on the size of this lot; floor area ratio of 1.3, where the maximum allowed is for residential development 1.5; average height of 33', where the maximum allowed is 35'). The proposed project also meets or exceeds the requirements for setbacks, parking, and useable open space (1 parking space per dwelling unit, and 816 square feet of useable open space, where 600 square feet is required (150 square feet per unit));
  - The proposed project retains the mixed but primarily residential character of the surrounding street and is consistent with the overall scale of the one-, two-, and three-story residences and commercial and manufacturing spaces in the neighborhood. The proposed design references the industrial context of West Berkeley and its mix of uses and aesthetics;
  - No substantial land use conflicts are expected from the project due to the site's location in a
    mixed area of commercial and residential development, because the project's density will be
    within the range of the surrounding development, and because no substantial privacy or shadow
    impacts will occur;

- Sunlight: The Board finds that the project will not result in significant loss of direct sunlight on abutting residences for several reasons. No residences occur to the west and new shadows cast towards the east will occur primarily along Fifth Street, and not any dwellings. The project will cast shadows on the northern abutting dwelling at 1442 Fifth Street during the winter solstice and on the southern abutting dwellings (currently under construction) at 1446 Fifth Street during the summer solstice. However, in both cases, shadows will only affect some windows and occur during some morning hours. Because impacts to neighboring residences will be limited to certain hours a day and certain months of the year, these shading impacts are not deemed detrimental;
- Air: The Board finds that the proposal is consistent with the existing development and buildingto-building separation patter – or air – in this MU-R neighborhood because the buildings will exceed minimum setback and useable open space requirements and will be three stories where the maximum allowed is three; and
- Views: The proposed project will not result in additional obstruction of significant views in the neighborhood because there are no significant views as defined in BMC Section 23F.04 (Definitions) available to residences in the area. The area is generally flat, developed with oneto three-story buildings, and includes mature vegetation which provides visual screening.
- 2. Pursuant to Berkeley Municipal Code Section 23E.84.090, the Zoning Adjustments Board finds that the proposed project is consistent with the purposes of the MU-R District for the following reasons:
  - The project will strengthen the residential concentration in this neighborhood. The residential use
    of the project will protect neighboring residents from the unreasonably detrimental effects of
    nonresidential uses, such as noise, vibration, odors, smoke, fumes, gases, dust, heat and glare;
  - The project is consistent with the West Berkeley Plan because the proposed massing and design is appropriate for the neighborhood and reflects the nature of the MU-R District;
  - The project is not likely, under reasonably foreseeable circumstances, to either induce or contribute to a cumulative change of use in buildings away from residential, live/work, light industrial, or arts and crafts uses because the site location is in an area of West Berkeley known for a diverse mix of land uses and because the project will continue the residential pattern on the west side of Fifth Street at this block; and
  - The proposed project is able to meet the applicable performance standards as described in BMC 23E.84.070.H because no additional performance standards are applicable to this project.

#### III. STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS

The following conditions, as well as all other applicable provisions of the Zoning Ordinance, apply to this Permit:

#### 1. Conditions Shall be Printed on Plans

The conditions of this Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Use Permit, under the title 'Use Permit Conditions'. *Additional sheets* may also be used if the *second* sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; 8-1/2" by 11" sheets are not acceptable.

#### 2. Applicant Responsible for Compliance with Conditions

The applicant shall ensure compliance with all of the following conditions, including submittal to the project planner of required approval signatures at the times specified. Failure to comply with any condition may result in construction being stopped, issuance of a citation, and/or modification or revocation of the Use Permit.

#### 3. Uses Approved Deemed to Exclude Other Uses (BMC Section 23B.56.010)

- A. This Permit authorizes only those uses and activities actually proposed in the application, and excludes other uses and activities.
- B. Except as expressly specified herein, this Permit terminates all other uses at the location subject to it.

#### 4. Modification of Permits (BMC Section 23B.56.020)

No change in the use or structure for which this Permit is issued is permitted unless the Permit is modified by the Zoning Officer.

#### 5. Plans and Representations Become Conditions (BMC Section 23B.56.030)

Except as specified herein, the site plan, floor plans, building elevations and/or any additional information or representations, whether oral or written, indicating the proposed structure or manner of operation submitted with an application or during the approval process are deemed conditions of approval.

#### 6. Subject to All Applicable Laws and Regulations (BMC Section 23B.56.040)

The approved use and/or construction is subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies. Prior to construction, the applicant shall identify and secure all applicable permits from the Building and Safety Division, Public Works Department and other affected City divisions and departments.

#### 7. Exercised Permit for Use Survives Vacancy of Property (BMC Section 23B.56.080)

Once a Permit for a use is exercised and the use is established, that use is legally recognized, even if the property becomes vacant, except as set forth in Standard Condition #8, below.

#### 8. Exercise and Lapse of Permits (BMC Section 23B.56.100)

- A. A permit for the use of a building or a property is exercised when, if required, a valid City business license has been issued, and the permitted use has commenced on the property.
- B. A permit for the construction of a building or structure is deemed exercised when a valid City building permit, if required, is issued, and construction has lawfully commenced.

C. A permit may be declared lapsed and of no further force and effect if it is not exercised within one year of its issuance, except that permits for construction or alteration of structures or buildings may not be declared lapsed if the permittee has: (1) applied for a building permit; or, (2) made substantial good faith efforts to obtain a building permit and begin construction, even if a building permit has not been issued and/or construction has not begun.

#### 9. Indemnification Agreement

The applicant shall hold harmless, defend, and indemnify the City of Berkeley and its officers, agents, and employees against any and all liability, damages, claims, demands, judgments or other losses (including without limitation, attorney's fees, expert witness and consultant fees and other litigation expenses), referendum or initiative relating to, resulting from or caused by, or alleged to have resulted from, or caused by, any action or approval associated with the project. The indemnity includes without limitation, any legal or administrative challenge, referendum or initiative filed or prosecuted to overturn, set aside, stay or otherwise rescind any or all approvals granted in connection with the Project, any environmental determination made for the project and granting any permit issued in accordance with the project. This indemnity includes, without limitation, payment of all direct and indirect costs associated with any action specified herein. Direct and indirect costs shall include, without limitation, any attorney's fees, expert witness and consultant fees, court costs, and other litigation fees. City shall have the right to select counsel to represent the City at Applicant's expense in the defense of any action specified in this condition of approval. City shall take reasonable steps to promptly notify the Applicant of any claim, demand, or legal actions that may create a claim for indemnification under these conditions of approval.

#### IV. ADDITIONAL CONDITIONS IMPOSED BY THE ZONING ADJUSTMENTS BOARD

Pursuant to BMC 23B.32.040.D, the Zoning Adjustments Board attaches the following additional conditions to this Permit:

#### **Prior to Submittal of Any Building Permit:**

10. Project Liaison. The applicant shall include in all building permit plans and post onsite the name and telephone number of an individual empowered to manage construction-related complaints generated from the project. The individual's name, telephone number, and responsibility for the project shall be posted at the project site for the duration of the project in a location easily visible to the public. The individual shall record all complaints received and actions taken in response, and submit written reports of such complaints and actions to the project planner on a weekly basis. Please designate the name of this individual below:

☐ Project Liaison		
	Name	Phone #

#### **Prior to Issuance of Any Building Permit:**

- **11.** The applicant shall file an "Address Assignment Request Application" with the Permit Service Center (1947 Center Street) for any address change or new address associated with this Administrative Use Permit. The new address(es) shall be assigned prior to issuance of a building permit.
- **12.** The applicant shall provide the recorded driveway easements, as depicted on the Site Plan, to the Zoning Officer.

- 13. Geotechnical Plan Review. The applicant shall follow all conditions and recommendations outlined in the geotechnical report and response letters prepared by Peters and Ross (December 16, 2016, May 12, 2017, and October 2018) and the peer reviews prepared by Cotton, Shires and Associates, Inc. (February 6, 2017, May 24, 2017, and October 2018). In addition, the applicant's geotechnical consultant shall review and approve all geotechnical aspects of the project building and grading plans (i.e., site preparation and grading, site drainage improvements and design parameters for foundations, retaining walls, and driveway) to ensure that their recommendations have been properly incorporated. In addition the consultant shall review project drainage and grading plans and verify that proposed site drainage discharge is acceptable from a geotechnical perspective. The results of the plan review shall be summarized by the geotechnical consultant in a letter and submitted to the City Engineer for review and approval prior to issuance of building permits.
- **14.** <u>Toxics</u>. The applicant shall contact the Toxics Management Division (TMD) at 1947 Center Street or (510) 981-7470 to determine which of the following documents are required and timing for their submittal:
  - A. Environmental Site Assessments:
    - 1) Phase I & Phase II Environmental Site Assessments (latest ASTM 1527-13). A recent Phase I ESA (less than 6 months old*) shall be submitted to TMD for developments for:
      - All new commercial, industrial and mixed use developments and all large improvement projects.
      - All new residential buildings with 5 or more dwelling units located in the Environmental Management Area (or EMA).
      - EMA is available online at:
      - http://www.cityofberkeley.info/uploadedFiles/IT/Level 3 General/ema.pdf
    - 2) Phase II ESA is required to evaluate Recognized Environmental Conditions (REC) identified in the Phase I or other RECs identified by TMD staff. The TMD may require a third party toxicologist to review human or ecological health risks that may be identified. The applicant may apply to the appropriate state, regional or county cleanup agency to evaluate the risks.
    - 3) If the Phase I is over 6 months old, it will require a new site reconnaissance and interviews. If the facility was subject to regulation under Title 15 of the Berkeley Municipal Code since the last Phase I was conducted, a new records review must be performed.
  - B. Soil and Groundwater Management Plan:
    - 1) A Soil and Groundwater Management Plan (SGMP) shall be submitted to TMD for all non-residential projects, and residential or mixed-use projects with five or more dwelling units, that: (1) are in the Environmental Management Area (EMA) and (2) propose any excavations deeper than 5 feet below grade. The SGMP shall be site specific and identify procedures for soil and groundwater management including identification of pollutants and disposal methods. The SGMP will identify permits required and comply with all applicable local, state and regional requirements.
    - 2) The SGMP shall require notification to TMD of any hazardous materials found in soils and groundwater during development. The SGMP will provide guidance on managing odors during excavation. The SGMP will provide the name and phone number of the individual responsible for implementing the SGMP and post the name and phone number for the person responding to community questions and complaints.
    - 3) TMD may impose additional conditions as deemed necessary. All requirements of the approved SGMP shall be deemed conditions of approval of this Administrative Use Permit.
  - C. Building Materials Survey:
    - 1) Prior to approving any permit for partial or complete demolition and renovation activities involving the removal of 20 square or lineal feet of interior or exterior walls, a building

materials survey shall be conducted by a qualified professional. The survey shall include, but not be limited to, identification of any lead-based paint, asbestos, polychlorinated biphenyl (PBC) containing equipment, hydraulic fluids in elevators or lifts, refrigeration systems, treated wood and mercury containing devices (including fluorescent light bulbs and mercury switches). The Survey shall include plans on hazardous waste or hazardous materials removal, reuse or disposal procedures to be implemented that fully comply state hazardous waste generator requirements (22 California Code of Regulations 66260 et seq). The Survey becomes a condition of any building or demolition permit for the project. Documentation evidencing disposal of hazardous waste in compliance with the survey shall be submitted to TMD within 30 days of the completion of the demolition. If asbestos is identified, Bay Area Air Quality Management District Regulation 11-2-401.3 a notification must be made and the J number must be made available to the City of Berkeley Permit Service Center.

- D. Hazardous Materials Business Plan:
  - A Hazardous Materials Business Plan (HMBP) in compliance with BMC Section 15.12.040 shall be submitted electronically at <a href="http://cers.calepa.ca.gov/">http://cers.calepa.ca.gov/</a> within 30 days if on-site hazardous materials exceed BMC 15.20.040. HMBP requirement can be found at http://ci.berkeley.ca.us/hmr/
- 15. The Coast Live Oak tree on the site, near the south property line, and its roots shall be protected from all injuries that could endanger survival. The applicant shall consult with the City's Arborist and, prior to excavation work or issuance of any building permit, provide a plan to protect and preserve the tree during and after construction for the City Arborist's approval. The plan shall include the following conditions for construction work:
  - The applicant shall provide an onsite sign that is visible from the street and includes the contact information of the person responsible for monitoring the site and ensuring tree protection measures are followed.
  - The applicant shall install a 6' fence, which shall remain for the duration of construction, to protect the area within the drip-line. No construction activity, including storage, may occur within the fenced area.
  - If roots are damaged, construction shall cease until a certified arborist has been contacted and comes on site and provides direction to protect the trees as necessary.
  - Failure to adequately protect the existing oak tree from damage such that one or more branch is removed through negligence or intentional action shall require corrective measures as determined by the Zoning Officer.
  - Any pruning that involves the removal of more than one-fourth of the functioning leaf, stem, or root system of a Coast Live Oak tree in any 24 month period is prohibited.
- **16.** Any proposed street tree removal shall be subject to the approval of a street tree removal permit by the City Forester.
- **17.** Any proposed new trees, including planting, irrigation and maintenance methods, in the public right of way shall be approved by the City's Arborist and the Public Works Department prior to issuance of a building permit.

#### **During Construction:**

- **18.** <u>Transportation Construction Plan</u>. The applicant and all persons associated with the project are hereby notified that a Transportation Construction Plan (TCP) is required for all phases of construction, particularly for the following activities:
  - Alterations, closures, or blockages to sidewalks, pedestrian paths or vehicle travel lanes (including bicycle lanes);
  - Storage of building materials, dumpsters, debris anywhere in the public ROW;
  - Provision of exclusive contractor parking on-street; or
  - Significant truck activity.

The applicant shall secure the City Traffic Engineer's approval of a TCP. Please contact the Office of Transportation at 981-7010, or 1947 Center Street, and ask to speak to a traffic engineer. In addition to other requirements of the Traffic Engineer, this plan shall include the locations of material and equipment storage, trailers, worker parking, a schedule of site operations that may block traffic, and provisions for traffic control. The TCP shall be consistent with any other requirements of the construction phase.

Contact the Permit Service Center (PSC) at 1947 Center Street or 981-7500 for details on obtaining Construction/No Parking Permits (and associated signs and accompanying dashboard permits). Please note that the Zoning Officer and/or Traffic Engineer may limit off-site parking of construction-related vehicles if necessary to protect the health, safety or convenience of the surrounding neighborhood. A current copy of this Plan shall be available at all times at the construction site for review by City Staff.

- **19.** Construction activity shall be limited to between the hours of 8:00 a.m. and 6:00 p.m. on Monday through Friday, and between 9:00 a.m. and noon on Saturday. No construction-related activity shall occur on Sunday or on any Federal Holiday.
- **20.** If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department and the Building & Safety Division, and carry out any necessary corrective action to their satisfaction.
- **21.** Subject to approval of the Public Works Department, the applicant shall repair any damage to public streets and/or sidewalks by construction vehicles traveling to or from the project site.
- **22.** All piles of debris, soil, sand, or other loose materials shall be covered at night and during rainy weather with plastic at least one-eighth millimeter in thickness and secured to the ground.
- **23.** All active construction areas shall be watered at least twice daily, and all piles of debris, soil, sand or other loose materials shall be watered or covered.
- **24.** Trucks hauling debris, soil, sand, or other loose materials shall be covered or required to maintain at least two feet of board.
- **25.** Public streets shall be swept (preferably with water sweepers) of all visible soil material carried from the site.
- **26.** The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way.

- **27.** The applicant shall ensure that all excavation takes into account surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.
- 28. Any construction during the wet season shall require submittal of a soils report with appropriate measures to minimize erosion and landslides, and the developer shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.
- Palt Work/Unanticipated Discovery of Tribal Cultural Resources. In the event that cultural resources of Native American origin are identified during construction, all work within 50 feet of the discovery shall be redirected. The project applicant and project construction contractor shall notify the City Planning Department within 24 hours. The City will again contact any tribes who have requested consultation under AB 52, as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.
- **30.** Archaeological Resources (*Ongoing throughout demolition, grading, and/or construction*). Pursuant to CEQA Guidelines Section 15064.5(f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore:
  - A. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist, historian or paleontologist to assess the significance of the find.
  - B. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified professional would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Berkeley. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by the qualified professional according to current professional standards.
  - C. In considering any suggested measure proposed by the qualified professional, the project applicant shall determine whether avoidance is necessary or feasible in light of factors such as the uniqueness of the find, project design, costs, and other considerations.
  - D. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation measures for cultural resources is carried out.
  - E. If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center.
- 31. Human Remains (Ongoing throughout demolition, grading, and/or construction). In the event that human skeletal remains are uncovered at the project site during ground-disturbing activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to CEQA Guidelines Section 15064.5 (e)(1). If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to Health and

Safety Code Section 7050.5(c), and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.

32. Paleontological Resources (Ongoing throughout demolition, grading, and/or construction). In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995,1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.

#### **Prior to Issuance of Occupancy Permit or Final Inspection:**

- **33.** All construction at the subject property shall substantially conform to the approved Administrative Use Permit drawings or to modifications approved by the Zoning Officer.
- **34.** All landscape, site and architectural improvements shall be completed per the attached approved drawings dated January 8, 2019.

#### At All Times (Operation):

- **35.** All exterior lighting shall be energy efficient where feasible; and shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
- **36.** <u>Drainage Patterns</u>. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way. Drainage plans shall be submitted for approval of the Building & Safety Division and Public Works Department, if required.
- **37.** Electrical Meter. Only one electrical meter fixture may be installed per dwelling unit.

STREE

JONES

RECEIVED

JAN 08 2019

LAND USE PLANNING

# 1444 5th STREET **VICINITY MAP**

WADLUND+ Design Studio 1444 5TH STREET -- AUP DECEMBER 2018

FIFTH STREET 1444

(E) SIDEWALK

STREET

PAGE



SITE PLAN WITH FIRST FLOOR

Design Studio

1444 5TH STREET -- AUP



STREET

**EXISTING WAREHOUSE FACING 4TH** 

STREET

EXISTING WAREHOUSE FACING 4TH



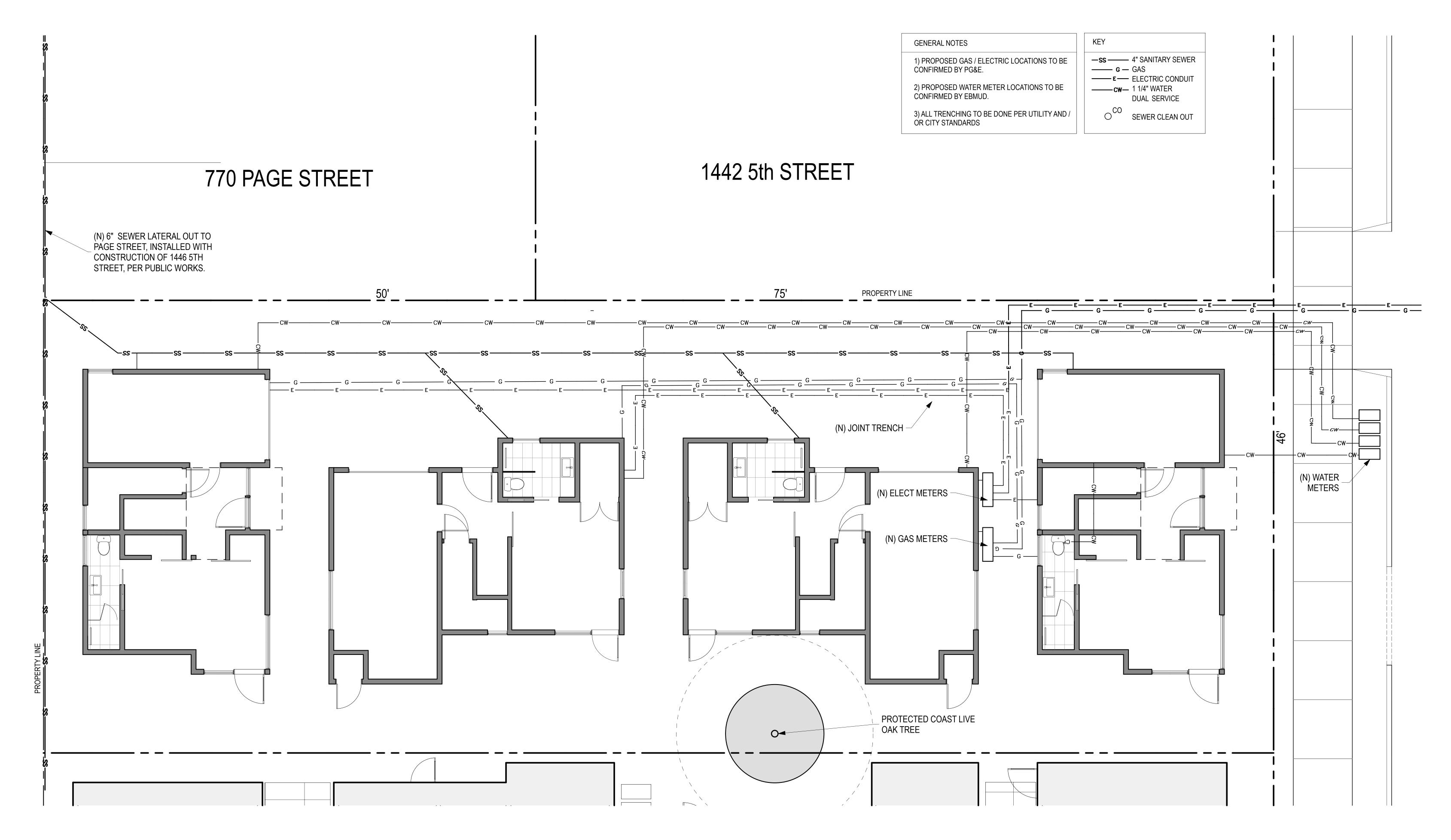


LANDSCAPE PLAN

SITE OPEN SPACE & IMPERVIOUS COVERAGE

WADLUND+

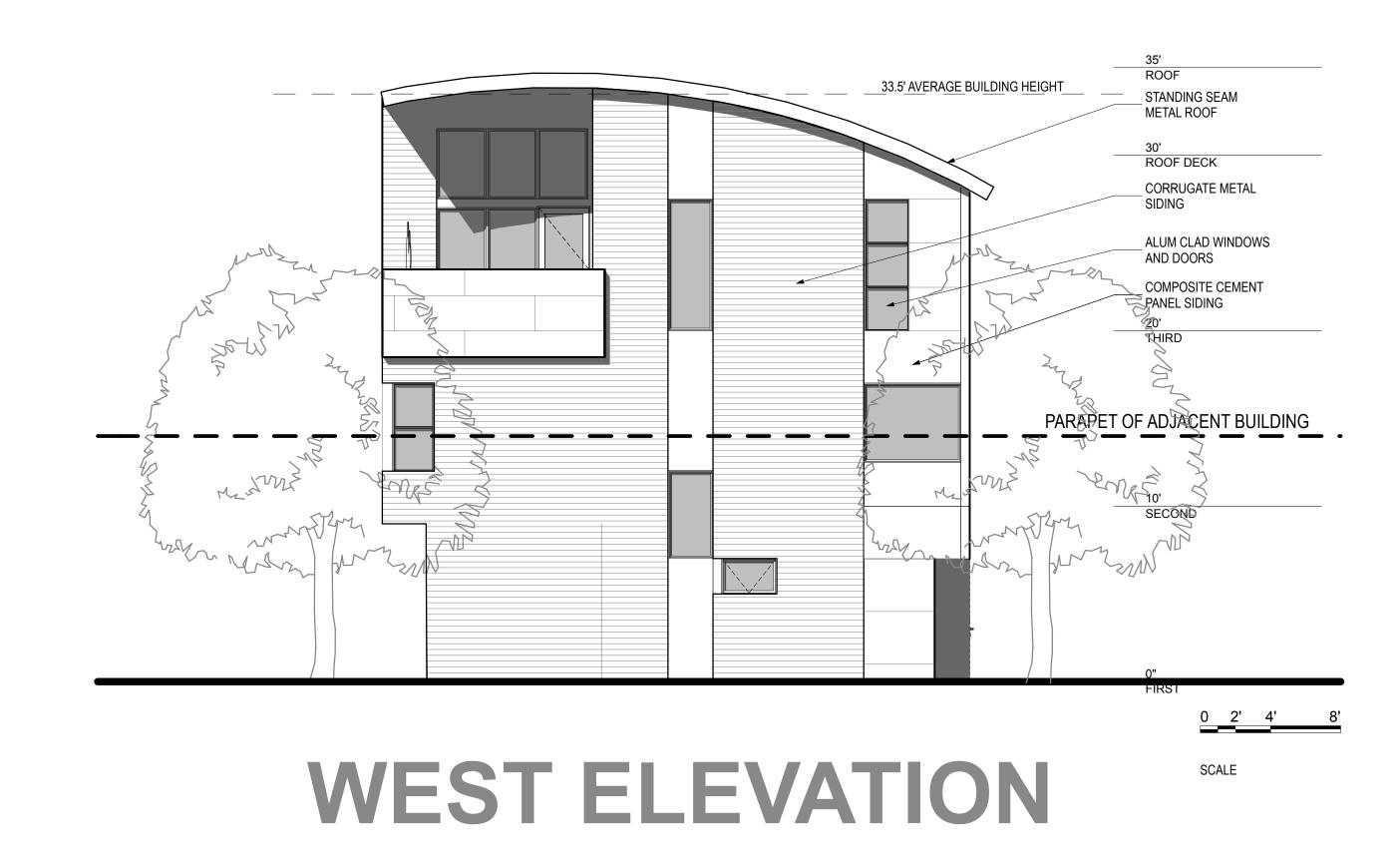
**Design Studio** 



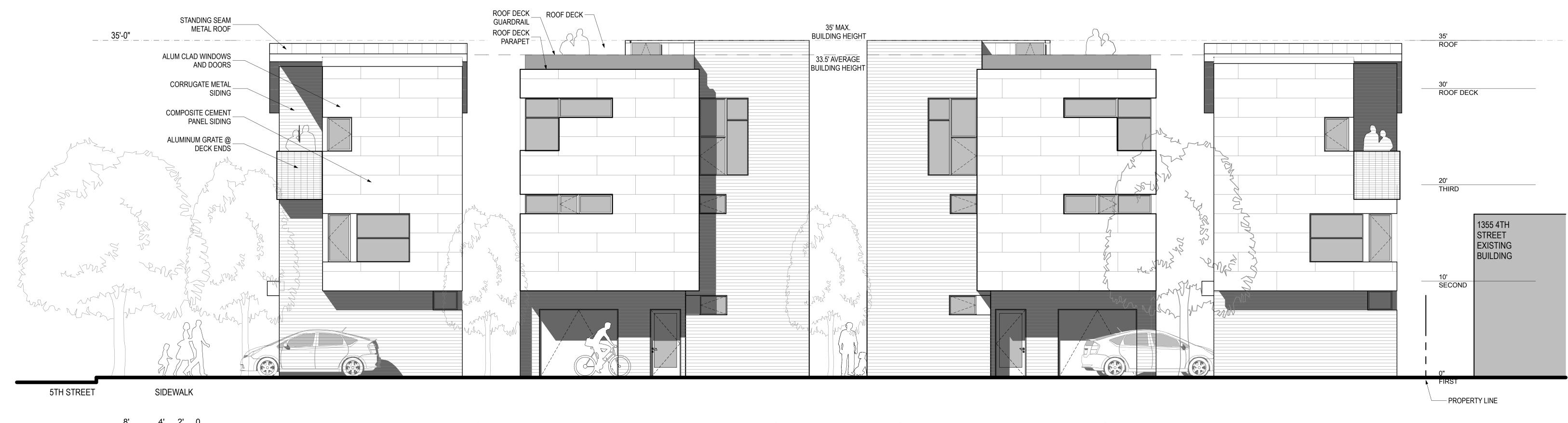












# NORTH ELEVATION - LOT INTERIOR



CITY CLERK DEPT

2/5/19

Ocean View Neighborhood Council Jeffrey Spahn and Niels Traynor 809 Page Street Berkeley,CA 94710 2019 FEB -6 PM 2: 15

To The Mayor and Berkeley City Council

Appeal of 1444 5th Street

ZP-2018-0172

Before Lot Line Adjustment by Public Works was complete,

1446 5th Street 6,251sf (size of lot can allow 5 units) 1444 5th Street 6,251sf 1442 5th Street 3,750sf 770 Page Street 5,126sf 776 Page Street 3,900sf

Total: 25,278sf Total Lot Development –

The developer disclosed that he plans to develop all 5 lots at the ZAB meeting, January 24th 2019.

#### Appeal Items:

- 1. Can Public Works override zoning laws? Should property sizes be reduced to avoid inclusionary housing requirement?
- 2. Lot Line Adjustments to reduce density is a violation of SB35. Lot Size reduction to reduce density is also a violation of the Housing Accountability Act. A city can not impose changes that reduce density or the percentage of a lot that may be occupied by a building or structure. If you allow one developer to do this then you allow anyone in the neighborhood to do this thereby eliminating the inclusionary housing. This is a major set back for affordable housing.
- 3. Piecemeal construction, with each project taking one year to complete means five years of construction in our neighborhood. This is a big negative impact on our neighborhood. It should be built all at one time.
- 4. Piecemeal development means no environmental impact study was needed.
- 5. Piecemeal development means no traffic Impact Analysis was needed, also a negative impact on our neighborhood. Unlike a very similar sized project at 739 Channing also in MUR zoning with a total combined square foot lot coverage of 16,300. This project provided a Traffic Impact Study. This project also provided/paid inclusionary housing fees. This project provided live work units which our neighborhood group requested. The developer Trachtenberg Architects worked with the neighbors to resolve conflicts. Finally this project is not being appealed.

- 6. The Driveway easement on 1442 5th and 770 Page is only needed because the developer reduced the lot size widths thereby making 1444 Fifth Street too narrow for a driveway.
- 7. We urge the city council to review, fix, and enforce 23C.12.020 inclusionary fees for ownership projects.
- 8. Add Conditional approval to Use Permit ZP-2018-0172. Approve but deny the lot line adjustments. Enforce inclusionary fees. If the fees are too high can these be negotiated with the city and paid in advance with a 20% reduction? Also please clarify if the developer does not pay the fee but they are included in the sale or escrow of the homes. Please Review this and add a piecemeal development ordinance in the future. When a developer owns contiguous lots in different LLC names they should be considered one.
- 9. Approve ZP-2018-0172 with the condition of a Traffic Impact Analysis to be done for all five projects.

Thank You. Thus veler had public input. The Design Ocean View Neighborhood Council how changed considerably since that she let augus Design impact that the developer how admitted to the larger Design impact of Replicating the designs repeatedly this has NEW Design impacts of the entire sheet view and committee that the sheet view and committee the street and Page Sheet. Thathyon.



This attachment is on file and available for review at the City Clerk Department, or can be accessed from the City Council Website. Copies of the attachment are available upon request.

> City Clerk Department 2180 Milvia Street

Berkeley, CA 94704 (510) 981-6900

or from:

The City of Berkeley, City Council's Web site <a href="http://www.cityofberkeley.info/citycouncil/">http://www.cityofberkeley.info/citycouncil/</a>

## NOTICE OF PUBLIC HEARING-BERKELEY CITY COUNCIL SCHOOL DISTRICT BOARD ROOM, 1231 ADDISON STREET

ZAB APPEAL: ADMINISTRATIVE USE PERMIT #ZP2018-0172

Notice is hereby given by the City Council of the City of Berkeley that on **TUESDAY**, **MAY 14, 2019** at **6:00 P.M.** a public hearing will be conducted to consider an appeal against a decision by the Zoning Adjustments Board's approval of Administrative Use Permit #ZP2018-0172, to construct four detached, three-story, approximately 1,900 square-foot, single-family dwellings on a 5,744 square-foot vacant lot at 1444 Fifth Street.

A copy of the agenda material for this hearing will be available on the City's website at <a href="https://www.CityofBerkeley.info">www.CityofBerkeley.info</a> as of **May 2, 2019**.

For further information, please contact <u>Leslie Mendez</u>, <u>Project Planner at (510) 981-7426</u> Written comments should be mailed or delivered directly to the <u>City Clerk</u>, <u>2180 Milvia Street</u>, <u>Berkeley</u>, <u>CA 94704</u>, in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at 981-6900 or clerk@cityofberkeley.info for further information.

Mark Numainville, City Clerk

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Mailed: April 30, 2019

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

If you challenge the above in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Berkeley at, or prior to, the public hearing. Background information concerning this proposal will be available at the City Clerk Department and posted on the City of Berkeley webpage at least 10 days prior to the public hearing.



#### INFORMATION CALENDAR May 28, 2019

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Mark Numainville, City Clerk

Subject: City Council Short Term Referral Process – Monthly Update

#### INTRODUCTION

This report is a monthly update on the status of short term (90-day) and other date-certain Council referrals.

#### CURRENT SITUATION AND ITS EFFECTS

In this context, tracking refers to a manually updated chart (Attachment 1). The May 15, 2018 Council referral establishing the monthly update includes both "short term" and "date-certain" referrals. Short term referrals are referrals that staff determines they will be able to complete in approximately three months. Date-certain referrals are those which contain a specified date of completion at the time they are approved by the City Council. Currently, the City only tracks short term referrals in an Excel spreadsheet.

Providing a monthly update on all short term and date-certain referrals will allow Council and the public to see the status of these referrals and any circumstances which lead to delays. Additionally, this update on the short term referral process helps advance our Strategic Plan goal to be a customer-focused organization that provides excellent, timely easily-accessible service and information to the community.

#### **BACKGROUND**

In 2016, the City Council adopted a system of Re-Weighted Range Voting (RRV) to prioritize the outstanding City Council referrals to staff. The RRV system enables City Council to provide direction to staff on which referrals are highest priority to the City Council. However, that process does not provide information on the status of short term or date-certain referrals. While many short term or date-certain referrals were "updated" through being completed and presented to Council as consent or information items, there was no comprehensive overview of this subset of referrals.

#### **ENVIRONMENTAL SUSTAINABILITY**

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

#### POSSIBLE FUTURE ACTION

The City Council may wish to direct staff to evaluate this process after it has been in place six months.

#### FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

No direct fiscal impact. Greater efficiencies in staff resources due to prioritization of work and alignment with budget and strategic plan goals.

#### **CONTACT PERSON**

Mark Numainville, City Clerk, 981-6900

#### Attachments:

1: Short Term and Date-Certain Referrals

## Short Term Referrals [FINAL]

ServiceNow

Mee Date	ting e	Agenda Item Number	Project Name	Recommendations	Referral by	Referral District	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned end date	Actual end date	Additional comments
			Conceptual Study for Undergrounding Utility Wires in	That Council approve the following items: 1. Conceptual Study for undergrounding										2019-04-12 15:51:40 - Melissa McDonough (Additional comments) Due date: report back after Task 5 is completed
	2018-02- 27	23	Berkeley From: Public Works Commission, Disaster and Fire Safety Commission, and Transportation Commission	utility wires in Berkeley (the "Undergrounding Plan"). 2. Proceed with Phase 3 of the Undergrounding Plan. We want to emphasize the importance for Berkeley to actively participate in the current California Public Utilities Commission review of the Rule 20 program.	Commission :			Public Works Commission	2018-05- 25 17:00:00	Public Works	Not Started	2018-05- 25 17:00:00		2019-02-05 15:55:07 - Melissa McDonough (Additional comments) Phase 3 funding not approved, to be reconsidered by City Council November 2018.
20 16	18-10-	25	Welcome to Berkeley Signage	Refer to the City Manager on a short term basis to replace all the Welcome to Berkeley signs with the Option B design per the Transportation Commission recommendation, including "Ohlone Territory" but not a second motto. Also, leave space on the sign to add a policy message and consult with Ohlone leaders on the use of the word "territory."	Councilmember	City s Council District 2	Cheryl Davila		2018-10- 16 17:00:00	Public Works	Not Started	2018-10- 16 17:00:00		
		24	Budget Referral: Increasing Safety at San Pablo Park	Request the City Manager perform traffic assessments to gather data and refer any needed improvements to the FY 2020 – FY 2021 budget process.	Councilmember	s	Cheryl Davila		2018-11- 13 17:00:00	Public Works	Not Started	2018-11- 13 17:00:00		
20 30	18-10-	20	Proposed Portland Loo Installations in Telegraph Commercial District	Short-Term Referral to the City Manager to identify costs for the installation of a "Portland Loo" type of bathroom facility in Telegraph Commercial District. Costs should be comprehensive and include, but not be limited to: the facility, infrastructure, design, construction, oversight and any contingencies.	Councilmember	s	Jesse Arreguin, Sophie Hahn		2019-01- 31 17:00:00	Public Works	Not Started	2019-01- 31 17:00:00		

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referral by	Referral District	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned end date	Actual end date	Additional comments
2018-11- 13	23	Clarifying Jurisdiction of Ohlone Greenway	Refer to the City Manager to review the recommendation to place the Ohlone Greenway under park rules and policies with the intent of revising the BMC to include the Ohlone Greenway as open space and enforce park-like rules.	Councilmember	's	Linda Maio, Sophie Hahn, Kate Harrison		2019-02- 13 17:00:00	City Attorney	Not Started	2019-02- 13 17:00:00		2019-04-24 10:04:24 - Mark Numainville (Additional comments) City Attorney provided legal opinion to PRW. PRW to report to Council.
2019-03- 26	15	Dynamex Decision Impact and Compliance on Minimum Wage Ordinance and Paid Sick Leave Ordinance	That the City Council refers to the City Manager and the Labor Commission to ensure the Berkeley Minimum Wage Ordinance (MWO) and Paid Sick Leave Ordinance are interpreted and enforced in a manner consistent with the holdings in Dynamex Operations West, Inc. v. Superior Court of Los Angeles (2018) 4 Cal.5th 903.	Councilmember	s	Ben Bartlett		2019-03- 26 17:00:00	City Attorney	Not Started	2019-03- 26 17:00:00		
2018-12- 11	26	Referral to the City Manager and Planning Commission to Update the Housing Pipeline Report to Address Timeline between Planning Entitlements and Submission of Building Permit Applications and Consider Reasons for Delay	Referral to the City Manager to include in the Housing Pipeline Report an analysis of the time between planning entitlements and building permit requests for all projects of five units or greater over the past five years. On an ongoing basis, refer to the City Manager and Planning Commission to propose changes to current Planning approval process to address the causes of delays between entitlements and building permits for construction or substantial rehabilitation of five or more dwelling units.	Councilmember	s	Kate Harrison		2018-12- 11 17:00:00	PLANNING & DEVELOPMENT	Work in Progress	2019-04- 29 16:43:23		
2018-10- 30	35	City Manager referral: Initiate a franchise agreement with FlixBus	That the Council refer to the City Manager initiation of a franchise agreement with FlixBus, requiring a permit issued by the Director of Public Works, establishing a fee for the issuance of the permit, establishing administrative penalties for failure to obtain a permit or violation of permit requirements, and providing a procedure for the assessment and collection of administrative penalties for permit violations.	Councilmember	s	Kriss Worthington		2018-10- 30 17:00:00	Public Works	Work in Progress	2019-05- 01 11:39:27		2019-04-23 11:49:56 - Mark Numainville (Additional comments) Resolution of Intent adopted on 3/26/19; Public Hearing set for 4/30/19

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referral by	Referral District	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned end date	Actual end date	Additional comments
2019-02- 19	21	Refer to the Planning Commission an amendment to BMC Chapter 23C.12.020 (Inclusionary Housing Requirements - Applicability of Regulations) and the Affordable Housing Mitigation Fee Resolution to Close a Loophole for Avoiding the Mitigation Fee through Property Line Manipulation	1) Refer to the Planning Commission an amendment to BMC Section 23C.12.020 (Inclusionary Housing Requirements – Applicability of Regulations) and BMC Section 22.20.065 (Affordable Housing Mitigation Fee) to close a loophole allowing prospective project applicants to avoid inclusionary affordable housing requirements for projects by modifying property lines so that no lot is large enough to construct five or more units; the Commission should return to Council with a report by April 30, 2019. 2) Refer to the Planning Commission to consider modifying the structure of in-lieu fees for owner-occupied developments to a flat per-unit fee, as with rental developments, or a per square foot fee; the Commission should return to Council with a report. 3) Refer to the Housing Advisory Commission to assess the appropriateness of the fee level as suggested in the proposed amendments to BMC 23C.12. 4) The Planning Commission is to consider the following language from the item submitted at the meeting: It is possible that the new fee structure will be adopted prior to the Housing Advisory Commission approving the level of the fee. In this instance, those projects that opt to pay the inlieu fee and are permitted after the new fee structure is adopted but before the new fee level is adopted shall be given the choice of paying the current fee level, or the one that is adopted.	Councilmembers	s	Kate Harrison, Rigel Robinson, Sophie Hahn		2019-05- 21 17:00:00	PLANNING & DEVELOPMENT	Work in Progress	2019-05- 21 17:00:00		2019-04-15 09:44:51 - James Bondi (Additional comments) Scheduled for Council 4/30/19.  2019-04-12 16:04:35 - Melissa McDonough (Additional comments) May be done at Council 4/30/19, pending recommendation from Planning Commission (special Public Hearing 4/3/19).
2019-03- 26	23	Referral to City Manager to Scope Process and Estimate Cost of New General Plan	Referral to the City Manager to return to City Council with an outline of the process for creating a new City of Berkeley General Plan. The cost for the first two years of work will be included in the report for consideration during the upcoming 2020-2021 Budget Process.	Councilmembers	5	Jesse Arreguin, Cheryl Davila	a.	2019-06- 21 17:00:00	PLANNING & DEVELOPMENT	Work in Progress	2019-06- 21 17:00:00		2019-04-15 09:53:31 - James Bondi (Additional comments) Scoping has begun. Off-Agenda Memo will provide answers (date TBD)

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referral by	Referral District	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned end date	Actual end date	Additional comments
2019-02- 19	16	Providing Requested Direction to the City Manager and Planning Department on the Number of Cannabis Retail Establishments and the Creation of an Equity Program	That the Council provides requested direction to the Planning Department on how to proceed with the Equity Program recommended by the Cannabis Commission in the October 9, 2018 staff report; with the following specifications: Recommendation of creating 1 new dispensary license for equity applicants. It is envisioned as new licenses are created, such as, delivery, manufacturing, and micro-business, permits will be reserved for equity applicants for each new category.	Councilmembers		Ben Bartlett, Kriss Worthington, Cheryl Davila		2019-05- 17 17:00:00	PLANNING & DEVELOPMENT	Work in Progress	2019-07- 22 12:00:00		2019-04-12 16:03:50 - Melissa McDonough (Additional comments) This will be included with the next set of Cannabis Ordinance changes, expected in summer 2019.
2019-04- 02	18	Companion Report: Effective Enforcement of Safe Lead-Paint Practices - Update on Amendments	Based on the intent of the recommendation from the Community Environmental Advisory Commission (CEAC) for the City to expand enforcement of unsafe lead paint practices, refer to the City Manager to: - Coordinate with the Alameda County Healthy Homes Program to clearly identify roles and responsibilities for expanding enforcement of unsafe lead practices, and to explore options for sharing resources that can support expanded local enforcement; - Identify what resources, staff capacity, and program structure would be required to expand City enforcement of unsafe lead practices; - Continue current work to educate building permit applicants and contractors about safe lead paint practices; train and certify all City of Berkeley Building and Housing Inspectors in lead paint safety; respond to, investigate, and enforce safe lead paint practices as needed; and administer the Public Health Division's Childhood Lead Poisoning Prevention Program; and - Provide an update to City Council within one-year that identifies progress and next steps for expanding enforcement of unsafe lead practices.  AMENDMENTS: Request that the City Manager return to Council as soon as possible with recommendations on staffing for robust enforcement and internal restructuring for inspections. Options for noticing and distributing disclosure information. Enforcement by the City or the County, if feasible.	Councilmembers				2019-06- 28 17:00:00	CITY MANAGER'S OFFICE	Work in Progress	2019-07- 23 15:28:36		
2019-03- 26	15	Ensuring the Sustainability of the Berkeley Flea Market	Short-term referral to the City Manager to provide material and strategic assistance to the Berkeley Flea Market, to sustain and enhance its ability to serve both merchant participants and the community at large.	Council member		Ben Bartlett, Sophie Hahn, Cheryl Davila		2019-05- 27 17:00:00	Office of Economic Development	Work in Progress	2019-07- 30 11:38:31		

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referral by	Referral District	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned end date	Actual end date	Additional comments
2014-04- 29	35	35. City Manager Referral: Policy for Companies Such as Airbnb to Pay Transient Occupancy Tax, as Currently Paid by Other Small Local Businesses	Refer to the City Manager creation of a policy for companies such as Airbnb to pay the Transient Occupancy Tax, as currently paid by other small local businesses.	Council member	City Council District 7	Kriss Worthington		2014-10- 24 17:00:00	PLANNING & DEVELOPMENT	Completed	2014-10- 27 08:00:00	2016- 09-07 00:00:00	
2014-12- 16	25	Reconcile the West Berkeley Plan and the Zoning Code as it Pertains to Medical Uses	Refer to the Planning Commission the task of revising the current zoning ordinance so that it reflects the West Berkeley Plan's goals of encouraging medical uses in West Berkeley.	Council member	City Council District 2			2015-06- 12 17:00:00	PLANNING & DEVELOPMENT	Completed	2015-06- 15 08:00:00	2017- 01-24 00:00:00	
2015-09- 15	43	Prohibit Sales of Tobacco Products to Persons Under the Age of 21	Direct the City Manager and Community Health Commission to draft an ordinance amending Berkeley Municipal Code Chapter 9.80 "Tobacco Retailers" to prohibit the sales of tobacco products and smoking paraphernalia to persons under the age of 21.	Council member		Jesse Arreguin		2016-03- 11 17:00:00	HEALTH, HSG & COMMUNITY SVC	Completed	2016-03- 11 17:00:00		
2015-09- 15	58	Referral to the Community Environmental Advisory Commission to Install 1.8 GPM Showerheads in All New Housing Projects or Any Renovation Over \$50,000	Refer to the Community Environmental Advisory Commission to explore requiring a maximum of 1.8 GPM low flow showerheads in new housing projects and all housing renovations exceeding \$50,000 throughout Berkeley.	Council member		Kriss Worthington		2016-03- 11 17:00:00	PLANNING & DEVELOPMENT	Completed	2016-03- 14 08:00:00	2016- 07-19 00:00:00	
2015-11- 10	1	Proposed Amendments to the Minimum Wage Ordinance; Amending Berkeley Municipal Code Chapter 13.99 (Continued from September 15, 2015)	Review and consider information regarding the activities and costs associated with implementing and enforcing the Commission on Labor's proposed amendments to the Minimum Wage Ordinance (MWO), including the potential impact of the proposed amendments on the City's minimum wage employees, employers, non-profit organizations and community-based organizations, on-call workers and youth training program workers, and either:  1. Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapter 13.99, which includes staff-recommended revisions to the Commission's proposed Ordinance; -OR-  2. Refer the MWO back to the City Manager for further analysis and revisions.					2016-05- 06 17:00:00	CITY MANAGER'S OFFICE	Completed	2016-05- 09 08:00:00	2016- 09-01 00:00:00	

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Page 6 of 29

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referral by	Referral District	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned end date	end	Additional comments
2015-11- 17	30	Fourth Ambulance Pilot Project 6-Month Update	No recommendation noted. Action: Moved to Consent Calendar and held over to January 19, 2016. Fire to report back in May 2016 for permanent program.					2016-05- 13 17:00:00	FIRE & EMERGENCY SERVICES	Completed	2016-05- 16 08:00:00	2018- 07-01 00:00:00	
2015-12- 01	22	City Manager Referral: Pilot Program to Implement Solar Trash Compactors on Telegraph Avenue and Downtown Berkeley	Refer to the City Manager to adopt a Pilot Program to implement Solar Trash Compactors on Telegraph Avenue and Downtown Berkeley.	Council member		Kriss Worthington Linda Maio, Susan Wengraf, Lori Droste		2016-05- 27 17:00:00	Public Works	Completed	2016-05- 30 08:00:00	2018- 07-24 00:00:00	2019-02-05 16:44:20 - Melissa McDonough (Additional comments) 6/2018 RFPs received; 2 solar compactors to be issued contracts.
2015-12- 01	33	City Manager and Planning Commission's Referral: Enable Implementation of Council Approved Floor Area Ratio in the Telegraph Commercial District between Dwight and Bancroft by Amending the Zoning Ordinance	Refer to the City Manager and Planning Commission an immediate implementation strategy to bring the City Zoning Ordinance in compliance with the policy adopted by City Council to increase Floor Area Ratio (FAR) in the Telegraph Commercial District between Dwight and Bancroft - COUNCIL DIRECTION ON COMMUNITY BENEFITS NEEDS FOLLOW UP WORK AND REPORT TO COUNCIL	Council member	City Council District 7	Kriss Worthington		2016-05- 27 17:00:00	PLANNING & DEVELOPMENT	Completed	2016-05- 30 08:00:00	2016- 06-28 00:00:00	
2015-12- 15	35	Amending Open Government Ordinance to Allow Submission of Revised/Supplemental Items	Refer to the City Manager and City Attorney to draft an ordinance amending Berkeley Municipal Code Section 2.06.070.E (Open Government Ordinance) to allow the submission of revised or supplemental agenda material for the Supplemental Communications Packet 2. The revised or supplemental material must be submitted no later than 12 noon the day of the City Council meeting at which the item is to be considered. The online version of the City Council agenda shall also contain a link to such items. If revised agenda material is submitted by this deadline, it would not require a two-thirds vote of the Council to accept the material.	Council member		Jesse Arreguin, Susan Wengraf, Lori Droste		2016-06- 10 17:00:00		Completed	2016-06- 10 17:00:00		

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referral by	Referral District	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned end date	Actual end date	Additional comments
2015-12- 15	54	Referral to City Manager: Establishment of Affordable Housing Small Sites Program Revised Version	Refer to the City Manager to: 1. Look into the feasibility of creating a Small Sites Program to allow non-profits to purchase small multi-family buildings (5-25 units) to create and preserve affordable housing, with an emphasis on properties with a high potential for conversion to cooperative homeownership. 2. Develop an inventory of City-owned land and other land owned by public agencies in the City of Berkeley which could potentially be used to create below-market rate housing.	Council member		Jesse Arreguin		2016-06- 10 17:00:00	HEALTH, HSG & COMMUNITY SVC	Completed	2016-06- 13 08:00:00	2016- 12-13 00:00:00	2019-02-05 16:47:39 - Melissa McDonough (Additional comments) 2 is completed. 1 was later prioritized long term as top priority of Council's housing action plan. Plan outline complete and will bring before HAC in July 2018.
2015-12- 15	30	Provide Cost  Estimates to Restore the Berkeley Pier	Refer to the City Manager to determine the cost to make the appropriate repairs so that it will be safe for public use.	Council member	City Council District 2			2016-06- 10 17:00:00	CITY MANAGER'S OFFICE	Completed	2016-06- 13 08:00:00	2017- 03-14 00:00:00	
2016-01- 19	24	Tenant Buyout  Agreement Ordinance	Refer to the City Manager and the Rent Stabilization Board to draft an ordinance regulating situations where a tenant agrees to vacate a rent-controlled unit in exchange for a sum of money, known as a buyout.	Council member		Jesse Arreguin		2016-07- 15 17:00:00	CITY MANAGER'S OFFICE	Completed	2016-07- 18 08:00:00	2016- 03-31 00:00:00	
2016-02- 09	26	Develop a Provision for the Landmarks Preservation Ordinance to Allow for the De-designation of a Landmark Designation for a Building that has been Legally Demolished (Continued from January 12, 2016)	Refer to the City Manager to develop a provision for the Landmarks Preservation Ordinance (LPO) that would allow a landmark designation to be de-designated for a building that has been previously landmarked but subsequently has been legally demolished.	Council member				2016-08- 05 17:00:00	CITY MANAGER'S OFFICE	Completed	2016-08- 08 08:00:00	2016- 05-10 00:00:00	

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referral by	Referral District	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned end date	Actual end date	Additional comments
2016-02- 09	15	Budget Referral: Including BigBelly Solar Compactor Bins Allocation in the 2016 Mid-Year Budget Process	Refer to the 2016 Mid-year budget process the purchasing of BigBelly Solar Compactor Bins in order to save money, meet zero waste goals, and reduce Berkeley's greenhouse gas emissions.	Council member		Kriss Worthington Lori Droste	,	2016-08- 05 17:00:00	Public Works	Completed	2016-08- 08 08:00:00	2018- 07-24 00:00:00	2019-02-05 16:51:37 - Melissa McDonough (Additional comments) 6/2018 RFPs received; 2 solar compactors to be issued contracts.
2016-03- 15	6	Prioritize Installation of Bicycle Lane on Fulton Street	Direct the City Manager and Transportation staff to prioritize and expedite the installation of a bicycle lane on Fulton Street between Bancroft Way and Channing Way.	Council member		Jesse Arreguin		2016-09- 09 17:00:00	Public Works	Completed	2016-09- 12 08:00:00	2016- 05-10 00:00:00	
2016-04- 05	10	Modify the Proposed Early Mitigation Fee Discount and Preserve Revenue Towards Units At Or Below 50% AMI and Add Sunset Clause (Continued from February 23, 2016)	That the City of Berkeley amend Council Item 10a to remove the option of paying a substantially-reduced mitigation fee at the issuance of a permit, and to preserve revenue from the mitigation fees to maintain or increase the funds designated towards units for incomes at or below 50% AMI, and add a sunset clause.	Council member		Kriss Worthington		2016-09- 30 17:00:00	HEALTH, HSG & COMMUNITY SVC	Completed	2016-10- 03 08:00:00	2016- 07-19 00:00:00	
2016-04- 26	31	Creation of 311 Mobile Application	Refer to the City Manager to create a mobile application for the 311 system and improve the 311 Online Service Center.	Council member		Jesse Arreguin		2016-10- 21 17:00:00	Information Technology	Completed	2016-10- 24 08:00:00	2016- 11-15 00:00:00	
2016-05- 10	21	Resolutions Consenting to Inclusion of the City of Berkeley Properties in the California Home Finance Authority PACE Programs and Associate Membership in California Home Finance Authority	ABAG has a new report and the City Council has voted twice in favor; thus, the City of Berkeley should approve and sign an agreement for collaborative services for Property Assessed Clean Energy Financing (PACE) marketplace. Also, that the City of Berkeley approve and sign acknowledgement addendum of RCSA, as executed between ABAG and RPPs.	Council member		Kriss Worthington		2016-11- 04 17:00:00	City Attorney	Completed	2016-11- 07 08:00:00	2016- 09-20 00:00:00	

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referral by	Referral District	Sponsor	Referral Commission	Original end date	Lead City Department	State	end	Actual end date	Additional comments
2016-05- 31	22	City Manager Referral: Consider Adding Energy Efficient Equity as an Additional Property Assessed Clean Energy Program	Refer to the City Manager to consider adding Energy Efficient Equity as an additional property assessed clean energy program.	Council member		Kriss Worthington		2016-11- 25 17:00:00	PLANNING & DEVELOPMENT	Completed	2016-11- 28 08:00:00	2016- 09-20 00:00:00	
2016-05- 31	20	Requesting a Comprehensive Report on the State of Homeless Services within the City of Berkeley	Request the City Manager direct staff to prepare a report outlining the details of City funded homeless services. The purpose of this report is to help Council and the community understand the various factors related to the allocation of resources to address homelessness within the City. Once the report is complete, it is requested that city staff schedule a worksession to go over the findings.	Council member	City Council District 5			2016-11- 25 17:00:00	HEALTH, HSG & COMMUNITY SVC	Completed	2016-11- 28 08:00:00	2016- 11-01 00:00:00	
2016-06- 28	47	City Manager Referral: Feasibility of Acquiring a High-Capacity Scanner for Multiple City Departments	Refer to the City Manager to consider investing in a high-capacity scanner to digitize City records for the Council and multiple City departments.	Council member		Kriss Worthington		2016-12- 23 17:00:00	Information Technology	Completed	2016-12- 26 08:00:00	2017- 12-12 00:00:00	
2016-07- 12	27	Refer to City Manager to Consider Applying for \$100,000 from the Better Together Resilient Communities Grant Program	That the City Manager consider applying for the \$100,000 grant that PG&E's Better Together Resilient Communities grant program will offer in the beginning of 2017.	Council member		Kriss Worthington		2017-01- 06 17:00:00	PLANNING & DEVELOPMENT	Completed	2017-01- 09 08:00:00	2016- 12-31 00:00:00	
2016-07- 19	41	Companion Report: Amend Berkeley Municipal Code Creating Community Health Commission	Refer to staff to write an ordinance based on the Community Health Commission (CHC) recommendation with the changes suggested by staff.		MAYOR AND COUNCIL			2017-01- 13 17:00:00	HEALTH, HSG & COMMUNITY SVC	Completed	2017-01- 16 08:00:00	2016- 11-29 00:00:00	
2016-09- 20	22	Amending Council Rules Regarding Removal of Commissioners	Direct staff to return with a policy recommendation consistent with the recommendations in this report, i.e., noting that as a matter of courtesy and respect, Councilmembers are expected to set the date a commissioner is to be replaced on a commission and communicate that date to the commissioner not less than two weeks from the official date of replacement.	Council member		Commission		2017-03- 17 17:00:00	City Clerk	Completed	2017-03- 20 08:00:00	2018- 06-12 00:00:00	2019-02-05 17:02:37 - Melissa McDonough (Additional comments) Incorporating changes from City Council.

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referral by	Referral District	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned end date	Actual end date	Additional comments
2016-09- 20	32	Implementing BigBelly	Refer to the City Manager to examine the feasibility of procuring BigBelly Solar Compactor Bins to save money, meet zero waste goals, and reduce Berkeley's greenhouse gas emissions.	Council member		Kriss Worthington Lori Droste	,	2017-03- 17 17:00:00	Public Works	Completed	2017-03- 20 08:00:00	2018- 07-24 00:00:00	2019-02-05 17:04:44 - Melissa McDonough (Additional comments) 6/2018 RFPs received; 2 solar compactors to be issued contracts.
2016-09- 20	21	City Manager Referral: Consider the Four Recommendations Contained in the Alameda County Grand Jury Report (Continued from July 19, 2016)	Refer to the City Manager to consider the four recommendations in response to the Alameda County Grand Jury Report recommendations.	Council member		Kriss Worthington		2017-03- 17 17:00:00	Information Technology	Completed	2017-03- 20 08:00:00	2016- 10-20 00:00:00	
2016-10- 18	26	Revisions to the Public Art in Private Development Program	Development Program Guide to provide the Civic Arts Commission guidance and more flexibility in the use of the Cultural Trust Fund with the language suggested in	Council member				2017-04- 14 17:00:00	Office of Economic Development	Completed	2017-04- 17 08:00:00	2016- 12-13 00:00:00	
2016-10- 18	41	City Plan for Emergency Shelter During Winter Season	Refer the following actions to the City Manager to consider in developing a plan for emergency shelter/services during the upcoming winter season. These actions will help implement Resolution No. 67,357-N.S. "Declaring a Homeless Shelter Crisis in Berkeley": 1. Allow full use of the Multi-Agency Service Center (MASC) at 1931 Center Street as a Warming Center. Direct the City Manager to study the feasibility of using the West Berkeley Senior Center as a day-time Warming Center or evening shelter. Engage in discussions with Dorothy Day House about a day-time respite center. 2. Direct staff to develop a winter shelter services program for Fall 2016-Spring 2017 with funding to increase warming centers and emergency shelter.  3. Direct staff to work with service providers and faith-based organizations who have capacity, to add shelter beds during the year. 4. Direct that all bathrooms in City-owned buildings be available to homeless people for use at the City Manager's discretion. 5. Prioritize people on the street for Housing First funds who are in frail health, disabled, or with special needs and have a source of income. Direct the City Manager to create a list of city-owned properties that could be used for a Tiny House development for the homeless, a successful and growing model for dense urban regions.	Council member		Jesse Arreguin		2017-04- 14 17:00:00	HEALTH, HSG & COMMUNITY SVC	Completed	2017-04- 17 08:00:00	2017- 06-27 00:00:00	

Page 11 of 29

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referral by	Referral District	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned end date	Actual end date	Additional comments
2016-10- 18	. 2	Amendments to BMC 23C.23.050 to Allow a Third Option to Satisfy the Private Percent for Art Requirements	, ,	Council member				2017-04- 14 17:00:00	Office of Economic Development	Completed	2017-04- 17 08:00:00	2017- 01-24 00:00:00	
2016-11- 01	. 1.	City Manager Referral: Increasing 5 Transparency in City Public Record Act Responses	Approved revised recommendation to request a report from the City Manager on how the City is using the permitted exemptions in compliance with the Public Records Act.	Council member		Kriss Worthington		2017-04- 28 17:00:00	City Attorney	Completed	2017-05- 01 08:00:00	2016- 12-13 00:00:00	
2016-12- 13	. 2	Ordinance for Standards for Testing and Certification of DAS Antennas	Request that the City Manager draft ordinance language to amend Section 16.10.100 of the Berkeley Municipal Code to include Standards for Testing and Certification of DAS Antennas and return to the City Council within 60 days.	Council member		Susan Wengraf		2017-06- 09 17:00:00	City Attorney	Completed	2017-06- 12 08:00:00	2017- 03-28 00:00:00	
2017-01- 24	3	Berkeley BABIES Initiative	Request that the City Manager create a provision and enforcement mechanism to ensure that all publically-accessible City buildings install and maintain at least one baby diaper-changing accommodation that is accessible in both men and women's restrooms or a single diaper-changing accommodation that is accessible to all genders. In addition, request that the City Manager provide recommendations to mandate all businesses to provide changing stations in either women's and men's restrooms or gender-neutral restrooms.	Councilmembers	:			2017-07- 24 08:00:00	CITY MANAGER'S OFFICE	Completed	2017-07- 24 08:00:00	2017- 07-01 00:00:00	
2017-01- 24	. 3	Berkeley Mothers Initiative	Request that the City Manager ensure that all City buildings provide and maintain at least one private place reasonably close to an employee's workspace for breastfeeding mothers to pump.	Councilmembers	;	Lori Droste		2017-07- 21 17:00:00	CITY MANAGER'S OFFICE	Completed	2017-07- 24 08:00:00	2017- 07-01 00:00:00	
2017-01- 31	. 1	Medical Cannabis Ordinance Revisions and Cultivation Application Process	Request that the City Manager provide Council with analysis of the questions presented by Councilmember Sophie Hahn.	Council member				2017-07- 28 17:00:00	PLANNING & DEVELOPMENT	Completed	2017-07- 31 08:00:00	2017- 11-07 00:00:00	
2017-02- 14	1	Updated Information Report on Measure M	Request that the City Manager return to the City Council in April with an Information Report on Measure M implementation, expenditures, projected expenses and plans.	Council member				2017-08- 11 17:00:00	Public Works	Completed	2017-08- 14 08:00:00	2017- 05-02 00:00:00	

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referral by	Referral District	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned end date	Actual end date	Additional comments
2017-03- 28	33	Referral Response: Cigarette Butt Pollution Prevention	REFER to the City Manager to enact a pilot program in downtown Berkeley with the goal of greatly reducing cigarette butt litter that accumulates on sidewalks and curbsides, in a central location. This pilot program would: a) Place a total of four receptacles for cigarette butt disposal in front of three adult schools and a bus stop where smoking behavior continues despite its prohibition. The receptacles are to be placed in front of: i. Berkeley City College, 2050 Center Street; ii. Language Studies International on 2015 Center Street; iii. Kaplan International, Berkeley, 150 Berkeley Square; and iv. a selected major bus stop in the vicinity of an entrance to the Downtown Berkeley BART station; and b) Exhibit graphics on the receptacles to remind and inform the public that tobacco litter is hazardous to the health of the Bay; and c) Enter into a partnering agreement with the Downtown Berkeley Association (DBA) for upkeep of the receptacles for the duration of the one-year pilot program, including sending collected butts to the company for recycling; and d) TerraCycle® will track the weight of butts received, and share the data with the City of Berkeley and CEAC commissioners to help track and assess the success of the pilot program; and e) Identify funding sources to expand the pilot program if successful at the end of the one year trial.				Community Environmental Advisory Commission	2017-09- 22 17:00:00	Office of Economic Development	Completed	2017-09- 25 08:00:00	2017- 05-30 00:00:00	
2017-03- 28	22	Security Camera Database	Request that the City Manager return to Council with an update on the referral to create a voluntary database of security cameras in Berkeley. With an increase in crime, residents are anxious to help the Berkeley Police Department solve cases and arrest the perpetrators - amended to include direction that guidelines protect privacy and prevent misuse of camera footage.	Council member				2017-09- 22 17:00:00	Police	Completed	2017-09- 25 08:00:00	2018- 08-15 00:00:00	
2017-07- 25	40	Expediting Elements of Previous Council Referral to Study Possible Scenarios of the Loss of Federal Funds	Direct the City Manager to expedite the compilation and delivery of a list of federal funds that the City of Berkeley receives and the programs and facilities supported by such funds.	Council member		Sophie Hahn, Jesse Arreguin, Cheryl Davila, Kate Harrison		2018-01- 19 17:00:00	HEALTH, HSG & COMMUNITY SVC	Completed	2017-10- 23 00:00:00	2018- 12-11 12:22:40	2019-02-05 17:14:03 - Melissa McDonough (Additional comments) HHCS is updating with the latest single audit findings.
2017-05- 30	53	Eliminate the Required Affidavits of Residency for Commissioners	Eliminate the requirement for Commissioners to submit Affidavits of Residency when they are appointed, and annually thereafter, in pursuit of saving time and money for the City of Berkeley.  Revised Materials -  http://www.cityofberkeley.info/Clerk/City_Council/2017/05_May/Documents/2017-05-30_Item_53_Eliminate_the_RequiredRev.aspx	Council member				2017-11- 24 17:00:00	City Clerk	Completed	2017-11- 27 08:00:00	2017- 09-12 00:00:00	

Page 13 of 29

leeting Pate	Agenda Item Number	Project Name	Recommendations	Referral by	Referral District	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned end date	Actual end date	Additional comments
2017-06- 27	32	Housing Inspection and Community Services Manager	Request the City Manager to create and fill the position of Housing Inspection and Community Services Manager.	Council member				2017-12- 22 17:00:00	PLANNING & DEVELOPMENT	Completed	2017-12- 25 08:00:00	2018- 09-13 00:00:00	2019-02-05 17:13:07 - Melissa McDonough (Additional comments) New position approved by Personnel Board. Will bring to Council for adoption by November which will complete referral.
2017-07- 25	51	Commercial Cannabis Regulations and Licensing	Refer to the City Manager and Cannabis Commission the proposed local ordinances to establish a licensing process for Commercial Cannabis operations, as permitted under Proposition 64, Adult Use of Marijuana Act. The Council requests that the City Manager and Cannabis Commission report to the City Council on its recommendations on regulations and licensing for commercial cannabis businesses before the end of 2017.	Council member				2018-01- 19 17:00:00	PLANNING & DEVELOPMENT	Completed	2018-01- 22 08:00:00	2018- 09-13 00:00:00	2019-02-05 17:15:33 - Melissa McDonough (Additional comments) Lengthy process involving 3 Commissions and many City departments. Some Ordinance changes will be at Council 9/13/18. But more will be needed. Council Worksession scheduled for 10/9/18, then adoption of more Ordinance changes expected by end of year, which will close this referral.

Meetir Date	Agend g Item Numb	ı	Project Name	Recommendations	Referral by	Referral District	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned end date	Actual end date	Additional comments
2017- 12	9-	33	Voter Registration Forms in All City Buildings on Their Main Floors	Direct the City Manager to provide voter registration forms on the main floor of all designated city buildings that are open to the public and in all Community based organizations within the city limits. Community based organizations that are funded by the City of Berkeley will be required to pick up the voter registration forms from the City Clerk's Office and that should be clearly stated in their respective contracts.	Council member		Cheryl Davila, Kate Harrison, Sophie Hahn		2018-03- 09 17:00:00	City Clerk	Completed	2018-03- 12 08:00:00	2017- 11-08 00:00:00	
2017- 03	10-	24	Parallel Permitting Process	Request that the City Manager in coordination with the Director of Planning and the Chief Building Official work to establish a voluntary parallel permitting process for applications to construct housing in the City of Berkeley.	Council member		Susan Wengraf, Linda Maio, Lori Droste, Jesse Arreguin		2018-03- 30 17:00:00	PLANNING & DEVELOPMENT	Completed	2018-04- 02 08:00:00	2017- 11-01 00:00:00	2019-02-05 17:23:50 - Melissa McDonough (Additional comments) This voluntary parallel permitting option already exists. Following October 2017 referral we advised Building staff to be sure to make option known to interested applicants.
2017- 03	10-	21	Referral to the City Manager to Provide a Public Master List of the Legislation on which the City Council Has Taken a Position	Request that the City Manager work with the City's lobbyist to create and maintain a master list of the legislation on which the City Council has taken a formal position of support or opposition through passage of an item.	Council member		Kate Harrison, Sophie Hahn, Cheryl Davila		2018-03- 30 17:00:00	City Clerk	Completed	2018-04- 02 08:00:00	2018- 01-23 00:00:00	

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referral by	Referral District	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned end date	Actual end date	Additional comments
2018-01- 23	21	Open the West Campus Pool All Year Round and Start the Shower Program at the West Campus Pool	Short Term Referral to City Manager to assess the feasibility to keep the West Campus Pool open all year round and to start COB Shower Program at the West Campus Pool. Keeping the West Campus Pool open all year round will provide equitable swimming options in both North Berkeley and in South/West Berkeley and provide another location available for our community to shower.	Council member	r			2018-07- 20 17:00:00	Recreation &	Completed	2018-04- 23 00:00:00	2018- 10-16 10:14:13	2019-02-05 17:38:54 - Melissa McDonough (Additional comments) a) On June 12, 2018, Council received an Off Agenda Memo that identifies the cost to establish a shower program at West Campus Pool. B) In mid- September 2018, Council will receive an Off Agenda Memo that describes the feasability of keeping West Campus pool open year-round.
2017-10- 31	30	Short-Term Referral to the City Manager, a Process for Relocation of a Permitted Cannabis Dispensary	Refer to the City Manager to approve a process for the relocation of Anothecarium	Council member	r			2018-04- 27 17:00:00	PLANNING & DEVELOPMENT	Completed	2018-04- 30 08:00:00	2018- 01-23 00:00:00	
2017-12- 05	18	City Manager Referral: Prioritizing New Business Before Old Business at City Council Meetings	Prioritize new business before old business at City Council Meetings by: 1. Altering the Council rules of procedure as adopted May 24, 2016 so that new business comes before old business. The reformatted section will read "The agenda for the regular business meetings shall include the following: Ceremonial; Comments from the City Manager; Comments from the Public; Consent Calendar; Action Calendar (Appeals, Public Hearings, Continued Business, New Business, Old Business); Information Reports; and Communication from the Public"; and 2. Granting explicit authorization to Agenda Committee to move new business backwards or forwards at their discretion by amending section III E of the Rules of Procedure.	Council member	r			2018-06- 01 17:00:00	City Clerk	Completed	2018-06- 04 08:00:00	2018- 01-30 00:00:00	

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referral by	Referral District	Sponsor	Referral Commission	Original end date	Lead City Department	State	end	end	Additional comments
2018-02- 13	1	Referral to the City Manager to Submit a Filing to the CPUC Recommending Adjusting Electric Rule 20 to Better Serve the City of Berkeley and Other Communities with Very High Fire Hazard Severity Zones	CPUC is considering, among other things, how the existing program is administered by the various utility companies operating in California and the definition of what projects are to be included in the public interest.	Council member		Susan Wengraf, Sophie Hahn, Jesse Arreguin, Lori Droste		2018-08- 10 17:00:00	Public Works	Completed	2018-08- 10 17:00:00		
2018-02- 13	2	Referral to the City Manager on Gender Options of the General Application for City Boards and Commissions	Refer to the City Manager to add a nonbinary gender option on the General Application for appointment to Berkeley boards and commissions.	Council member		Lori Droste, Linda Maio, Susan Wengraf, Worthignton		2018-08- 10 17:00:00	City Clerk	Completed	2018-08- 13 08:00:00	2018- 03-01 00:00:00	
2018-02- 27	2	Wildland Urban Interface Fire Safety and Fire Safety Education	Commission Referral #5 revised to read: 5. Refer to the Planning Commission to consider Accessory Dwelling Units (ADUs) in the Very High Hazard Fire Zone to review public safety issues especially relevant to the risk of WUI fires. Amend Section 23D.10 to incorporate greater public safety considerations to be met before issuing an Administrative Use Permit (AUP);		City Council and Mayor			2018-08- 24 17:00:00	FIRE & EMERGENCY SERVICES	Completed	2018-08- 24 17:00:00		
2018-03- 13	1	Referral to the Arts Commission and the City Manager: Cost Estimate and Plan for Installation of Sculpture Lighting into Adjacent Street Lights for the William Byron Rumford Statue on Sacramento and Julia St	Refer to the City Manager a request to develop a cost estimate and an installation plan for installing sculpture lighting into adjacent street lights for the William Byron Rumford statue on Sacramento and Julia Street. Refer the cost estimate and plan to the Arts Commission.	Council member				2018-09- 07 17:00:00	Public Works	Completed	2018-09- 07 17:00:00		

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referral by	Referral District	Sponsor	Referral	Original end date	Lead City Department	State	Planned end date	Actual end date	Additional comments
2018-01- 30	14	Direction and Referral to the City Manager Regarding "Premier Cru" Property	3. The Berkeley Way Affordable Housing Project is the City's top affordable housing priority. Premier Cru, as a City property, to be developed for affordable housing falls under the "High Priority" on the list of housing initiatives passed by Council on November 28, 2017. In light of the above, refer to the City Manager to take the following actions to move Premier Cru forward as a High Priority initiative: a. Based on recommendations from Health, Housing and Community Services and other Departments, the Housing Advisory Commission, and on consultation with local affordable housing providers, and taking into consideration requirements and restrictions associated with potential funding sources, create a recommendation or recommendations to Council regarding levels of affordability, unit sizes, on-site services and other features to be included in the proposed project or projects. b. Based on the above analyses and recommendations, and on Council direction, develop and issue an RFQ or RFP to affordable housing developers for proposals to develop affordable housing at the site.	Council member		Sophie Hahn, Jesse Arreguin, Linda Maio, Kate Harrison		2018-09- 07 17:00:00	PLANNING & DEVELOPMENT	Completed	2018-09- 10 08:00:00	2018- 05-29 00:00:00	
2017-12- 19	41	Companion Report: Public Works Commission Recommendation for the Five-Year Paving Plan	Adopt a Resolution updating the City's Five-Year Street Rehabilitation Plan for FY 2018 to FY 2022. The City Council may consider the information put forth by the Public Works Commission relevant to adoption of the recommended plan.					2018-09- 21 17:00:00	Public Works	Completed	2018-09- 24 08:00:00	2018- 07-24 00:00:00	
2017-12- 05	24	Ordinance Amending the Berkeley Municipal Code to Establish Ability to Pay Provisions Regarding Parking Fines and Fees in Accordance with Guidelines Established in Assembly Bill 503	to refer the item as written in Supplemental Reports Packet #2 to the City Manager to conduct an analysis of the item, including a review of current indigency procedures and coordination with similar efforts in the City of Oakland, and report back to the Council in 90 days.	Council member			Transportation Commission	2018-09- 28 17:00:00	Finance	Completed	2018-09- 28 17:00:00	2018- 07-02 00:00:00	
2017-07- 25	10	Authorizing City Manager Approval for Community Development Block Grant (CDBG) Community Facility Improvement Contracts Under \$200,000; Amending BMC Chapter 7.18	Adopt first reading of an Ordinance, by two-thirds vote of the Council, amending Chapter 7.18 of the Berkeley Municipal Code to authorize the City Manager to enter into and amend contracts of up to \$200,000 with applicants recommended for funding by staff and the Housing Advisory Commission under the City's Community Development Block Grant (CDBG) program for community facility improvements.					2018-10- 19 17:00:00	HEALTH, HSG & COMMUNITY SVC	Completed	2018-10- 22 08:00:00	2018- 04-24 00:00:00	

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referral by	Referral District	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned end date	Actual end date	Additional comments
2018-05- 15	23	Transgender Health B Access Training at City of Berkeley Clinics	Adopt a Resolution providing \$2,400 from the General Fund to support a half-day Transgender Health Access Training for City of Berkeley Public Health staff in June 2018.	Commission				2018-11- 09 17:00:00	HEALTH, HSG & COMMUNITY SVC	Completed	2018-11- 10 17:00:00	2019- 02-04 10:22:57	2019-04-15 10:25:13 - Laura Schroeder (Additional comments) On February 4, 2019 staff from public health and mental health attended a training on Transgender Access to Public Health
2018-05- 29	14	Implementation of Secure Storage Program	1. Direct the City Manager to expedite implementation of two publicly available, secure storage facilities to accommodate as many individuals as possible, based on the parameters set in staff's March 2, 2018 RFI: Downtown Homeless Storage Pilot - Staffing and Operations and on additional parameters outlined in Program Details, below. 2. Direct the City Manager to publicize the locations, hours, and rules applicable to new storage facilities through normal outreach channels (website, press release, etc.) and through direct outreach to homeless individuals by the City, community organizations (CBOs) and other partners such as the Downtown Berkeley Association and Telegraph Avenue BID. 3. Refer \$100,000 to the budget process; an added \$25,000 for the downtown storage location and \$75,000 for storage in West Berkeley.	Council member				2018-11- 23 17:00:00	HEALTH, HSG & COMMUNITY SVC	Completed	2018-11- 26 08:00:00	2018- 07-24 00:00:00	
2018-07- 10	17	Referral to City Manager to Consolidate all City Commission Workplans in One Place for Easy Access for Staff, the Public, and Elected Officials	Make a referral to the City Manager to consolidate all City Commission Workplans in one place for easy (electronic) access for staff, the public, and elected officials.	Council member				2019-01- 04 17:00:00	City Clerk	Completed	2019-01- 07 08:00:00	2018- 09-13 00:00:00	
2017-05- 02	27	, Berkeley Bicycle Plan 2018	Adopt a Resolution approving the Berkeley Bicycle Plan 2017, and directing the City Manager to pursue implementation of the Plan as funding and staffing permit.					2019-02- 15 17:00:00	Public Works	Completed	2019-02- 15 17:00:00		

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referral by	Referral District	Sponsor	Referral Commission	Original end date	Lead City Department		Planned end date	Actual end date	Additional comments
2018-11- 13	24	Budget Referral: Increasing Safety at San Pablo Park	4. Develop, implement and coordinate drills for active shooter and other emergency protocol at San Pablo Park: Create protocol with input from community partners, then orient licensed daycare providers, coaches, trainers and program staff who operate out of the park, and conduct drills with City staff operating the Center and providers in order to prepare for emergencies and how to use the Center as a shelter during or following them.	Councilmembers		Cheryl Davila	a .	2019-03- 01 17:00:00	Police	Completed	2019-03- 01 17:00:00	2019- 03-30 15:34:27	2019-04-24 15:35:06 - Melissa McDonough (Additional comments) Training class conducted March 30
2017-12- 05	17	City Manager Referral: Consider CPUC Interconnection Applications	Refer to the City Manager consideration of applying for CPUC interconnection applications.	Council member				2019-03- 04 16:00:00	Public Works	Completed	2019-03- 04 16:00:00	2018- 04-04 00:00:00	
2018-09- 13	18	Adopt a Resolution in Support of Appropriate City Enforcement Measures to Mitigate Damages Resulting from the Removal of Trees at 1698 University Avenue	Amended to be a referral to the City Manager regarding enforcement of measures to mitigate damage to the general welfare of the City and neighborhood resulting from the damage and subsequently-required removal of trees at 1698 University Avenue.	Council member		Kate Harrison		2019-03- 11 17:00:00	PLANNING & DEVELOPMENT	Completed	2019-03- 11 16:00:00	2018- 10-01 15:56:16	
2018-09- 25	22	Safe storage of firearms - Revised materials (Supp 2)	Refer to the City Manager to review draft Safe Storage of Firearms ordinance, identify and resolve issues, and return to Council within 90 days.	Council member		Susan Wengraf, Sophie Hahn		2019-03- 22 17:00:00	City Attorney	Completed	2019-03- 23 16:00:00	2018- 12-24 16:21:16	
2018-10- 02		Lobbyists Registration and Regulation Ordinance; Amendments to Existing Revolving Door Ordinance	Request an analysis from the City Manager before the November budget discussion on the administrative impacts and cost to implement the lobbyist ordinance.	Council member	MAYOR AND COUNCIL			2019-03- 29 17:00:00	City Attorney	Completed	2019-03- 30 16:00:00	2019- 01-22 12:32:26	

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referral by	Referral District	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned end date	Actual end date	Additional comments
2019-02- 19	S	Short-Term Referral: Develop Ordinance permitting Cannabis Events and designate Cesar Chavez Park as an Approved Venue	Short-Term Referral to the City Manager to develop ordinance amendments permitting up to three cannabis events per year in the first year in the City of Berkeley and designating Cesar Chavez Park as the sole approved location for cannabis events, provided such events are organized and licensed as required by the State of California. The ordinance shall: 1. reference Resolution No. 68,326-N.S., declaring that Berkeley is a sanctuary for adult use cannabis, 2. specify procedures for such events that replicate similar alcohol related event protocols. The City Council will revisit the provisions of the ordinance following the first year of implementation.	Councilmember	r's	Jesse Arreguin		2019-05- 21 17:00:00	PLANNING & DEVELOPMENT	Completed	2019-05- 22 00:00:00	2019- 04-15 09:54:32	2019-04-15 09:54:26 - James Bondi (Additional comments) Council considered and opted not to adopt policy, 4/2/19.  2019-04-12 16:02:31 - Melissa McDonough (Additional comments) Pending Council adoption of Cannabis Ordinance revisions scheduled for April 2 (second reading April 23).
2017-10- 31	17	Expanded Criteria for 7 the Installation of Stop Signs	1. Refer to the Transportation Commission consideration of additional or supplemental stop sign criteria which addresses the needs of vulnerable populations, the presence of bicycle boulevards, and the difficulty of crossing particular intersections. 2. Direct that staff consult with the Bicycle Subcommittee of the Transportation Commission when making decisions impacting bicycle boulevards, whenever possible. 3. Request that the City Manager provide an informational report on the particular state and federal warrants and local policies that prevent stop signs being used as traffic calming measures.	Council membe	r	Kate Harrison, Ben Bartlett Lori Droste	Transportation , Commission	2018-01- 29 17:00:00	Public Works	Past Due	2018-01- 29 17:00:00		2019-02-05 16:27:28 - Melissa McDonough (Additional comments) Transportation Commission formed a subcommittee and held first meeting 6/11/18, additional meetings to be planned by subcommittee.

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referral by	Referral District	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned end date	Actual end date	Additional comments
2017-07- 25		Public Toilet Policy	Refer to the City Manager to develop the following "Neighborhood Public Toilet Policy": Develop a process in which residents can obtain a permit for a neighborhood public toilet via an official petition; Residents should contact the City via 311 to obtain an official petition form to apply for a permit; In order to obtain the permit, the petition should be signed by at least 51% of residential addresses and business owners within the nearest two block radius of the proposed public toilet site; The City shall not fund or contribute to the financing of the public toilets or their maintenance.	Council member				2018-06- 29 17:00:00	CITY MANAGER'S OFFICE	Past Due	2018-06- 29 17:00:00		2019-04-24 15:13:54 - Melissa McDonough (Additional comments) Still on hold as staff attention is on RV, TNC.  2019-04-12 15:41:24 - Melissa McDonough (Additional comments) Staff transition and priority put on TNC, RV policy, and Safe Clean Streets
2018-04- 24	1	Refer the Housing Advisory Commissions Questions on the 7 Smoke-Free Residential Housing Ordinance to Staff and Berkeley Considers	Ordinance, a regulation of tobacco use, as follows: 1. By responding to the HAC's questions enumerated in the report with any readily available responsive information. 2. By facilitating the conduct of a "Berkeley Considers" questionnaire	Commission				2018-10- 19 17:00:00	& COMMUNITY	Past Due	2018-10- 19 17:00:00		

eeting ate	Agenda Item Number	Project Name	Recommendations	Referral by	Referral District	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned end date	Actual end date	Additional comments
2017-07- 25	37	, Reviewing the GIG Car Share Pilot Program	Refer to the City Manager and Transportation Department a review of the concerns emerging regarding some features of the recently implemented GIG Car Share pilot program, request adjustments before the two-year pilot program from staff.			Linda Maio, Susan Wengraf		2019-05- 28 17:00:00	Public Works	Past Due	2019-05- 28 17:00:00		2019-02-05 15:16:47 - Melissa McDonough (Additional comments) The program evaluation will be conducted in early 2019 and an action report prepared for Council to continue, modify, or discontinue the pilot.
2017-10- 33	7	Request for Information Regarding Grant Writing Services from Specialized Grant Writing Firms				Sophie Hahn, Kate Harrison, Cheryl Davila, Ben Bartlett		2018-01- 01 17:00:00	Finance	Pending Not On Schedule	2018-01- 01 17:00:00		2019-04-12 15:07:44 - Melissa McDonough (Additional comments) Issued #18-11201 Feb. 5, 2018 as an RFI (Request for information); closed March 1, 2018. Received 13 information responses for review. Next Steps: use responses to inform scope of work, then release as RFP.

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referral by	Referral District	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned end date	Actual end date	Additional comments
2017-12- 19	2:	Develop Ordinance Prohibiting Companies Participating in the Construction of a Border Wall from Contracting with the City of Berkeley	Direct the City Manager to develop an ordinance prohibiting companies involved in the construction of a border wall from contracting with the City of Berkeley. Return to Council with the proposed ordinance within 90 days.	Council member		Ben Bartlett, Sophie Hahn, Cheryl Davila		2018-07- 20 17:00:00	Finance	Pending Not On Schedule	2018-07- 20 17:00:00		
2018-04- 03	18	Supplemental Paid Family Leave	2) refer to the City Manager to draft an ordinance regarding retaliation against employees using state family leave, including a private right of action provision.	Commission				2018-09- 28 17:00:00	City Attorney	Pending Not On Schedule	2018-09- 28 17:00:00		
2018-07- 31	10	Direction to the City Manager Regarding the Community Service In Lieu of Parking Penalties Program	Direct the City Manager to amend the eligibility requirements of the Community Service In Lieu of Parking Penalties Program in order to allow all indigent individuals to be eligible to participate in the program (regardless of the registration status of a potential participant's vehicle).	Council member		Ben Bartlett, Cheryl Davila, Kate Harrison, Sophie Hahn		2018-10- 29 17:00:00	Public Works	Pending Not On Schedule	2018-10- 29 17:00:00		2019-02-05 15:38:44 - Melissa McDonough (Additional comments) Because this is a multidepartmental task assigned to Public Works, involving Finance and City Attorney, and administered by the City of Oakland, the completion date is unclear.

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referral by	Referral District	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned end date	Actual end date	Additional comments
2018-11- 13	18	Short-Term Referral to City Manager to Complete Steps Necessary to Establish Lava Mae Services in Berkeley	Short-term referral to the City Manager to coordinate with Fire, Planning and Public Works Department Heads to provide permits, identify locations and allow access to water and disposal hook-ups necessary to bring Lava Mae shower services to Berkeley's homeless populations within 90 days for a 6-8 week pilot. This includes: -Determining locations to set up portable shower; and -Identifying water source for hook ups designated to dispense water for showers, either fire hydrants (preferred) or garden hose spigots; and -Parking permits for shower trailer; and -Identifying sewage manholes designated to pump out/dump gray and black water (H2O) into the sewer system; and -Calendaring a Fire Department inspection to inspect the propane to heat up the H2O on the first day of operation or through a dry run. Starting January 2019, Lava Mae is prepared to bring shower service two days a week to two consistent locations (one day per a location) at no charge to the City of Berkeley or the users of the services. The proposal is to start with an 8-week pilot in two locations to test sites.	Councilmembers	;	Cheryl Davila, Sophie Hahn		2018-11- 13 17:00:00	CITY MANAGER'S OFFICE	Pending Not On Schedule	2018-11- 13 17:00:00		
2018-09- 13	31	Short-Term Referral to City Manager re: Emergency Standby Officers Qualifications	Referral to the City Manager to consider the following suggestions for requirements and qualifications for Emergency Standby Officers and return to Council within 90 days with recommendations. Possible requirements may include: -Trainings in roles and responsibilities to serve as a standby officer possibly including: ethics and workplace harassmentCity government experienceCouncil District residencyRequire standby officers to meet the same qualifications, including restrictions on conflict of interest, as required in the City Charter for City CouncilmembersIn addition, consider requiring Councilmembers to nominate three people in a single action.	Council member		Susan Wengraf, Jesse Arreguin, Sophie Hahn		2018-12- 11 17:00:00	City Clerk	Pending Not On Schedule	2018-12- 11 17:00:00		2019-02-05 15:21:26 - Melissa McDonough (Additional comments) Ongoing discussion with City Attorney regarding potential criteria
2018-12- 11	23	Short-term referral to City Attorney and Health Housing and Community Service to amend Berkeley Municipal Code 7,441-N.S. to expand the control of flavored tobacco across the City of Berkeley toward preventing youth and young adult tobacco use	Short-term referral to City Manager to amend Berkeley Municipal Code 7,441-N.S. according to the changes made in the attached amended ordinance to prohibit the sale of flavored tobacco products and require a minimum package size for cigars and little cigars across the City of Berkeley. The primary purpose of the amendment to the ordinance is to do more to prevent youth and young adult tobacco use.	Councilmembers	S	Cheryl Davila		2018-12- 11 17:00:00	City Attorney	Pending Not On Schedule	2018-12- 11 17:00:00		

Page 25 of 29

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referral by	Referral District	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned end date	Actual end date	Additional comments
2017-03- 14	2	Referral to Consider Caregiver Parking in Residential Shared Parking Pilot	Refer to the City Manager and Transportation Commission to consider a pilot program for caregiver parking permits in RPP zones in the goBerkeley Residential Shared Parking Pilot.	Council membe	r			2017-06- 12 17:00:00	Public Works	Pending On Schedule	2017-06- 12 17:00:00		2019-04-12 14:22:07 - Melissa McDonough (Additional comments) Ongoing, part of 3-year pilot project (Spring 2018); staff will work with consultants to collect data to determine the various needs and constraints of all residential parking users, including those with childcare needs; subsequent policy proposals will balance these needs.Contract for outreach consultant has been executed and work is starting in 2019.

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referral by	Referral District	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned end date	Actual end date	Additional comments
2018-07-	20	Refer to City Manager to look into adopting an ordinance requiring a permit process for scooter sharing companies to operate on public streets	Refer to the City manager to look into adopting an ordinance establishing a pilot Powered Scooter Share Permit Program for 24 months, requiring a permit issued to the Director of Public Works, establishing a fee for the issuance of the permit, establishing administrative penalties for failure to obtain a permit or violation of permit requirements, providing a procedure for the assessment and collection of administrative penalties for permit violations or parking or leaving standing an unpermitted powered scooter subject to the pilot Powered Scooter Share Permit Program on a sidewalk, street, or other public right-of-way.	Oy Council membe	or.	Kriss Worthingtor Sophie Hahr	Commission	2018-11- 27 17:00:00	Public Works	Pending On Schedule	2018-11- 27 17:00:00		2019-02-05 15:22:21 - Melissa McDonough (Additional comments) Council adopted tentative terms for franchise agreements on December 4, 2018 based on input from the Transportation Commission and multiple other Commissions and agencies. Transportation staff has solicited proposals from various scooter sharing companies and will return to Council with recommendations for up to 3 service providers and adoption of franchise agreements for each.

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referral by	Referral District	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned end date	Actual end date	Additional comments
2015-11-	28	Improve Conditions on Our Community Sidewalks; Amending Berkeley Municipal Code Chapters 13.36 and 14.48	Discuss and refer the following services and ordinances to the City Manager for implementation, and adopt first reading of three Ordinaces: 1. Adding Section 13.36.085 to the Berkeley Municipal Code prohibiting urination and defecation in public places. 2. Amending Sections 14.48.020 and 14.48.170 of the Berkeley Municipal Code regulating use of sidewalks. 3. Adding Section 13.36.040 to the Berkeley Municipal Code prohibiting obstruction of City-owned planters and trees. Additional Services: 1. Create a secure storage facility for personal belongings; bins must be of adequate size, of reasonable number (estimate of 50 – 100 at the outset and ensure reasonable access, with posted hours. 2. Provide additional bathrooms in the Downtown and Telegraph areas. 3. Provide mobile showers and bathrooms for public use.	)	er	Linda Maio, Lori Droste		2019-02- 28 16:00:00	MANAGER'S	Pending On Schedule	2019-02- 28 16:00:00		2019-04-24 15:08:11 - Melissa McDonough (Additional comments) Outreach information disseminated to people on streets; another round of personal notification starts 4/16/19 and 3 person team starts 4/23/19.  2019-04-12 14:20:27 - Melissa McDonough (Additional comments) Ordinances and AR 10.2 have been updated. Homeless storage program created in October 2018. Enforcement of 10.2 has been launched as of 2/28.

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referral by	Referral District	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned end date	Actual end date	Additional comments
2018-10- 02	S	Amend BMC Chapters 6.24 and 14.52 to Authorize Paid Parking on Shattuck Avenue between Carleton Street and Ward Street and add the Northside (Euclid/Hearst) Metered Parking Area to the goBerkeley Program; and Authorize Paid Parking at the City-Owned Adeline/Alcatraz Parking Lot	Request staff to perform an analysis of the parking in the Northside area during the academic year to be completed within six months.	Council member	MAYOR AND COUNCII			2019-04- 02 17:00:00	Public Works	Pending On Schedule	2019-04- 02 17:00:00		2019-02-05 16:25:11 - Melissa McDonough (Additional comments) Per Council direction to conduct a study in 6 months, the due date should be April 2, 2019, which is 6 months from October 2, 2018.



## INFORMATION CALENDAR May 28, 2019

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Savita Chaudhary, Director, Information Technology

Subject: Information Technology: Digital Strategic Plan (DSP), FUND\$ Replacement,

and Website Update

#### INTRODUCTION

The purpose of the City of Berkeley Digital Strategic Plan & Roadmap (DSP) post implementation assessment is to take measure of the progress made since the launch of DSP in November 2016. The Digital Strategic plan was developed to fit the City of Berkeley's current and anticipated future technology needs and prioritize the initiatives based on City needs and goals. The DSP published in November 2016 identified a series of strategic business technology initiatives to be executed over a five-year timeline. The details can be found in the council presentation dated November 15, 2016, (http://www.cityofberkeley.info/Clerk/City_Council/2016/11_Nov/Documents/2016-11-15 WS Item 01 Digital Strategic Plan.aspx).

The DSP helps staff make informed decisions about where to best guide our resources most effectively, as well as outline our department goals and how we expect to measure our progress towards accomplishing them. In 2018 the City implemented the City's Strategic Plan and the DSP projects were adjusted to align with the new City's Strategic Plan. The plan serves as a crucial tool to not only measure our performance, but to push us to look at the possibilities of what we can and must be doing to continue innovating as we deliver projects and services to the City of Berkeley community.

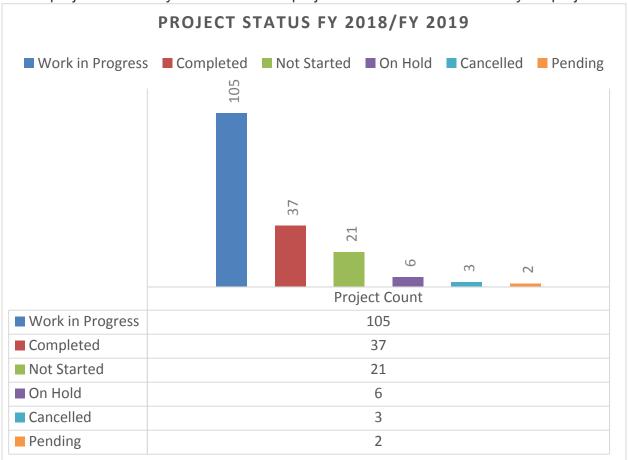
#### **CURRENT SITUATION AND ITS EFFECTS**

The Digital Strategic Plan is a Strategic Plan Priority Program, and helps to advance our City's Strategic goals.

#### FY 2018/ FY 2019

- ➤ Department of It (DoIT) is currently the lead department for 94 projects and is the Supporting multiple departments for an additional 80 projects
- ➤ This is in addition to the 5 Annual Infrastructure Replacement, 6 Annual Compliance Reporting Projects, and other baseline projects and tasks.

➤ PROJECTION: 57 Projects where DoIT is the lead department are being projected to carryforward as most projects in FY18/FY19 are multiyear projects



The implementation of various DSP projects helped improve the workforce mobility, business productivity and community access through implementation of various web portals such as Records Online, Building Eye, GIS Community Portal and added new datasets to Open Data Portal. The DoIT also implemented the practice of tracking Service Level Agreements. Some highlights for the FUND\$ replacement and Website redesign projects are mentioned below and for detailed information please refer to the comprehensive report with the performance and service level agreement metrics.

**FUND\$ Replacement**: In May 2017, the City conducted a rigorous Request for Proposal (RFP) process and selected Tyler Munis as the software to replace the Core Financial, Human Resources, and Payroll functions currently residing in FUND\$. The City also initiated the RFP process for a needs assessment to replace the remaining modules currently residing in the FUND\$ system.

**In November 2018**, the City launched the Phase IA which included Chart of Accounts / General Ledger, Requisition, Purchase Orders, Contracts, Project Ledger, Accounts Payable Modules

**Project Challenges -** The project team had few setbacks with staffing challenges due to retirements and staff moving on to new roles within the organization. There is no dedicated team for the project. The team started with 7 dedicated team members. Mitigation plans included contracting with an outside project manager to assist with Phase 1A go-live and Phase 1C implementation. Both positive and negative lessons learned from Phase 1A have been documented. Due to the age of the existing financial system, data conversion was a challenge, and a significant portion of the data needed to be converted manually. These challenges are being addressed, and a new project plan is being developed including the additional requirements from the lesson learned from Phase 1A.

**In January 2019**, the City began working with Tyler to develop a timeline which includes launching Budget prep, Accounts Receivables, General Billing and Cashiering in **FY20**.

Payroll and HR modules are expected to go-live on **January 1**, **2020**. This goal requires four consecutive successful parallel runs to test the new system.

**Website Redesign**: In February 2018, the City issued an RFP seeking a vendor to implement a complete redesign of Berkeley's website, including a new content management system and secure, high-performance offsite hosting. The RFP received a robust response, garnering over two dozen strong proposals. After three rounds of review by a multi-departmental evaluation team, the City selected Rolling Orange, Inc. to develop the new website.

The City started work with Rolling Orange in March 2019 with two full days of kickoff meetings. The vendor's team met with stakeholders representing every department, as well as City staff involved with key public service functions including 311, the Finance Customer Service Center, and Permit Service Center.

#### **BACKGROUND**

The DSP development and planning process provides a five-year roadmap, which include phased and prioritized Information Technology initiatives. The DSP development process considered various paths that might be helpful for the City of Berkeley such as Online Services, 24x7x365 Services, Cloud Computing, Open Data/Transparency, Mobile Devices and Gov 2.0 Social Media. The DSP is a living document facilitating the effective planning, procurement, implementation and management of information systems at the City of Berkeley.

The City's Department of Information Technology has experienced significant changes over the last few years in terms of technology changes, staffing, and budget resources. Over the past few years we have seen a remarkable increase in citizen demand for web, mobile, and cloud technology. The DSP specified ways in which recommended technology solutions will improve the City of Berkeley's operations and overall service delivery, streamline operations to achieve cost efficiencies,\ and increased productivity, and support open and transparent governance. To be successful on a long-term basis,

the Digital Strategic Plan acknowledges current and expected trends in order to position the City to take advantage of new and emerging technologies in a timely manner.

The goals of the Digital Strategic Plan and Roadmap are to:

- Develop high performance/reliable IT infrastructure.
- Align IT initiatives with overall City strategic goals and City's Resilience Strategy.
- Invest in IT systems based on a rational and impartial assessment of tangible and intangible benefits and a realistic assessment of project costs, benefits and risks.
- Reduce operational costs, while improving the quality of services delivered to customers
- Deliver IT services in a cost-efficient manner.

In 2018 the City implemented the City's Strategic Plan and the DSP projects were adjusted to align with the new City's Strategic Plan. The DSP will continue to be updated annually to accommodate and be in compliance with the changing laws and regulations, budget requirements, and organizational priorities which are in line with our Department's vision, mission, and values.

#### **ENVIRONMENTAL SUSTAINABILITY**

The adoption and implementation of the Digital Strategic Plan, although not directly related, will map out more mobile and web-based services for our community, which will reduce travel associated with on-site visits to City offices, and reduce the amount of paper used in place of online applications, payments, etc.

#### POSSIBLE FUTURE ACTION

Staff will provide annual updates for the Digital Strategic Plan (DSP) projects including the FUND\$ replacement, Website Upgrade and other key initiatives as identified by City's Strategic Plan progress to the Council.

#### FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

The Digital strategic plan will help City Council and staff throughout the organization to prioritize the projects scope, time, and resources to the City's Strategic Plan and the Resilience Strategy. The DSP recommends that each year's initiatives are aligned with the City's Strategic Plan, the Resilience Strategy, and the Budgeting process. The procurement process for the initiatives identified will need to follow the procedures as identified by the City Policy.

#### **CONTACT PERSON**

Savita Chaudhary, Director, Information Technology, 510-981-6525

#### Attachments:

1. Digital Strategic Plan (DSP) FY 2018 and 2019 Bi-Annual Update: Performance and Service Level Metrics

Page 5 of 68





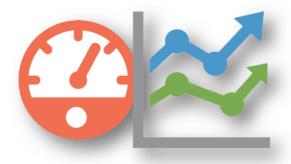


Excellence

Department of Information Technology Performance and Service Level Metrics Bi-Annual Update — FY18/FY19 May 28, 2019



# **Department of Information Technology**



# Performance and Service Level Agreements Metrics Reporting



# Table of Contents

About Us	5
Goals	5
Mission, Vision and Values	5
Guiding Principles	ε
Performance Metrics	8
Technology Administration and Customer Service 311 Call Center Measures	8
Infrastructure, Operations and Security Measures	16
Annual Infrastructure Replacement Programs Update	18
PMO and Analytics Measures	19
Open Data Portal Measures	20
Projects Performance:	22
Completed Projects FY 2018-2019 Highlights	23
Increasing Online Web Presence	24
Berkeley Community Connection Portal	24
Building Eye Portal	24
GIS Community Portal	24
Records Online Portal	25
Wireless Expansion	25
Secondary Internet Connection	26
In Progress Projects FY 2018 / FY 2019 Highlights	27
Reinventing the IT Service Model	<b>2</b> 9
Wins, Results & Transformational Change	29
IT Workforce Development: Invested more than 2,800 hours IT staff training:	29
Organizational Results	29
Industry recognition	30
Systems Results	30
Challenges	30

Serv	rice Level Agreements Metrics	34
Se	rvice Level Agreements Measures	34
Av	erage Resolution Time by Category	35
SL	A by Type by Stage	36
SL	A's Achieved by Type	37
SL	A's Breached by Type	38
SL	A's Breached Incidents Resolution	39
Con	tact US	39
Арр	endices	41
1.	FUND\$ Replacement Project	41
2.	Website Redesign Update	45
3.	Accela Civic-Platform Implementation	47
4.	Cyber Resilience Plan Update	49
5.	Business Impact Assessment (BIA)	51
6.	Geographical Information Systems (GIS) Master Plan Update	52
7.	Broadband Infrastructure Master Plan	55
8.	Upcoming Projects FY20 / FY21 (includes Carryover from FY18 /FY19)	57
**F	Refer to Project List Attached	57
IISE	FIII I INKS	57

#### **About Us**

The Department of Information Technology serves our community by exploring, developing, implementing, and supporting effective and innovative use of technology through teamwork, collaboration, innovation, and accountability to our departmental partners.

The Department strives to provide the highest level of service to its customers through innovation and teamwork. Responsibilities include the planning, development, implementation, and support of the City's technology infrastructure, while addressing the challenge of improving performance at various levels, as well as implementing next generation technologies to benefit our end users and providing excellent service to our community.

#### Goals

- Develop high performance/reliable IT infrastructure.
- Align IT initiatives with overall City strategic goals and City's Resilience Strategy.
- Invest in IT systems based on a rational and impartial assessment of tangible and intangible benefits and a realistic assessment of project costs, benefits and risks.
- Reduce operational costs, while improving the quality of services delivered to customers.
- Deliver IT services in a cost-efficient and secure manner.

# Mission, Vision and Values

#### Vision

Provide excellent customer service through innovative and intuitive solutions with a diverse workforce to enable City operations to connect and deliver quality solutions for the community.

#### **Mission**

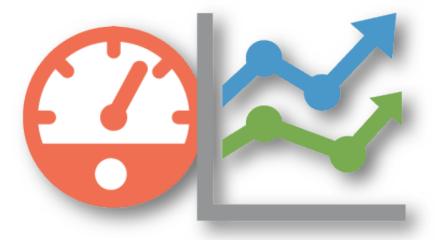
We provide cost-effective smart technology solutions to our business partners and community with integrity and commitment to excellence.

#### **Values**

Leadership in Technology	Be a Model of Customer Service
We use an enterprise approach to provide innovative technology solutions to facilitate delivery of services to the community.	We are committed to anticipate and exceed customer service needs and be flexible to address and resolve competing priorities.
Integrity	Collaboration
We are committed to transparency and respectful communication in our relationships.	We work together as a team to be a collaborative and inclusive partner with our clients and each other.
Responsiveness	Effectiveness and Efficiency
We are responsible and accountable for our actions. We follow up and follow through.	We use best practices to deliver projects on time and within budget.

# **Guiding Principles**

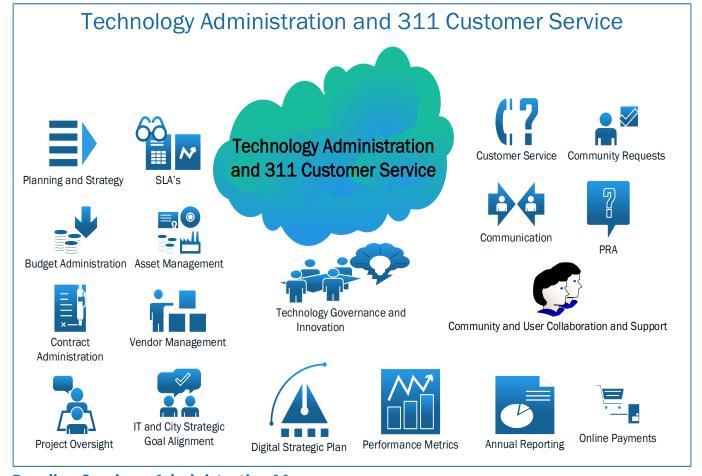
- **1. Leadership:** City management technology as a strategic enabler and utilize IT to improve the way City staff perform their jobs and deliver services to residents and businesses.
- 2. Communications: foster effective communications between the City and constituents to keep all parties involved and informed on the progress of IT initiatives via its website, Open Data/Citizen Engagement and other appropriate means.
- 3. IT Governance: adopt a formal management process to ensure that IT initiatives are properly vetted for consistency with the Digital Strategic Plan (DSP) Roadmap, IT industry trends, are fiscally sound, are effective in improving operating efficiencies and customer service prior to proceeding with IT initiatives.
- **4. Enterprise Approach**: when procuring, implementing and managing the City's Information Technologies utilize state-of-the-practice technology ensuring investments are effectively leveraged across departments, employing economies of scale wherever possible. Information Technologies will foster cost containment and/or the highest return on investments possible.
- **5. Accountability:** create an environment that encourages accountability through service level agreements, performance measures and individual responsibility, including the City contracted service providers.
- 6. **Proven Technology**: contemporary, proven technologies that maximize future options by emphasizing open standards, use Commercial Off-the-Shelf software wherever possible, and be web based, wireless ready, employing a Service Oriented Architecture, and geographic information system (GIS) enabled, where appropriate.
- **7. Efficiencies**: decisions regarding funding for technology initiatives based on a Business Process Improvement assessment producing a comprehensive business case.
- **8. Strategic Investments**: IT assets, systems, skills and support operations will be viewed as strategic investments critical in attaining City business objectives.
- **9. Partnerships:** with outside organizations to undertake collaborative efforts in the provision of information/services, and obtain expert advice and knowledge of IT trends.
- **10. Accessibility**: Implement technology that provides internal/external customers easy and timely access to information and services.



# **Performance Metrics**

#### **Performance Metrics**

Technology Administration and Customer Service 311 Call Center Measures



#### **Baseline Services: Administrative Measures**

- Completed 80+ technology contract renewals and amendments
- Initiated the Cyber Resilience Plan and Business Impact Assessment for applications
- Negotiated new three year Microsoft Enterprise Agreement
- Consolidated IT Infrastructure Asset Tracking including Software Licensing Enterprise Agreement Renewals
- Established a Cost Allocation plan for Technology Replacement Fund for technology acquisition and equipment replacement for the end of life infrastructure
- Developed budget projections for all projects identified for the Strategic Plan for FY20/FY21 and spread the cost over five years to align with City's budget cycle
- Executed the year 2 and year 3 of Digital Strategic Plan (DSP) initiatives and implemented
   Citywide project management tool including RRV prioritization methodology by collaborating with

- executive leadership and City staff across all departments to ensure its integration with the City's Strategic Goals, City's Resilience Plan and Council Priorities
- Coordinated Tech Exchange Fair to address Digital Divide with Library, Office of Economic Development and HHCS
- Readjusted DSP priorities to align with City's Strategic Plan and established a new list of 48 New Projects and 57 Carryover Projects for FY20/ FY21
- Established policies and procedures to ensure optimum and uninterrupted service delivery by deploying IT Service Management and Project Portfolio Management Software and starting Technology Governance and Innovation Committee
- Developed an IT "people strategy" in collaboration with HR that aligns with the business and IT strategy. Both teams work together to continually look for leading-edge and innovative solutions to the recruitment, development and retention of the IT workforce
- Assisted City Auditor's office with various Audits with technology component

#### • RFP's completed in the FY18 / FY19

- 1. Website Redesign
- 2. Cyber Resilience Plan
- 3. Erma Phase 2 Needs Assessment
- 4. Civic Makers (Change Management ERMA)
- 5. Broadband Infrastructure Master Plan
- 6. Irrigation Management System
- 7. Recreation Registration System
- 8. SharePoint / Intranet
- 9. O365 Email Migration / OneDrive Migration
- 10. Parking Management System
- 11. Fuel Management System
- 12. Fire EMS Billing

#### • RFP's in Progress FY18 / FY19:

- 1. Capital Improvement Plan (CIP) Project Tracking
- 2. Global Positioning / Telematics System (GPS)
- 3. Public Records Act System
- 4. FUND\$ modules replacement Work Oder including facilities management
- 5. FUND\$ modules replacement Fleet management
- 6. FUND\$ modules replacement Zero waste solution
- 7. FUND\$ modules replacement Real property/leasing management
- 8. FUND\$ modules replacement Performance and Learning management

### • RFP's Upcoming FY 20/ FY 21:

- 1. Digital Permitting System
- 2. Customer Relationship Management System
- 3. VoIP Phone System Maintenance and Support
- 4. Property Tax Assessment System
- 5. Business License Replacement
- 6. Others to be decided as budget and projects are approved for FY20/FY21
  - **Refer to Project List attached

#### **Baseline Services: Customer Service 311 Call Center Measures**

#### 311 Mission:

311 provides community members, businesses and visitors with a centralized Customer Service Center to resolve inquiries and concerns. We empower the community to easily connect with City government to obtain accurate quality information and services.

#### 311 Vision:

We strive to build a culture of "first call resolution" to resolve customer inquiries at the first point of contact through the use of advanced technology and robust municipal knowledge. We serve the community politely, accurately and comprehensively by collaborating with City departments and outside agencies to provide excellent city services.

### 311 Values:

- 1. We are customer Service <u>professionals</u>; we conduct ourselves with integrity, and a true commitment to provide satisfaction to our community members.
- 2. We take responsibility for being attentive and creating a respectful interaction with our customers, and accept the other person's ideas as true to them.
- 3. We do not ignore problems or mistakes; we work together to identify and solve them.
- 4. We help develop and support citywide policies, operational processes, and technology systems to promote value-added city services.
- 5. We get the job done!

#### 311 Performance Report - FY 2018/FY 2019

311 provides a first point of contact for City of Berkeley services and information, and was established to provide those who live, work and visit Berkeley easy City access to government service, report problems and ask general questions. Customer Service Specialists are trained across City wide services to provide answers to routine and non-routine questions, process payments and provide critical community services associated with refuse, sewer, traffic hazard incidents, environmental and much more. The 311 team has extensive knowledge of City Services, City Policy, Ordinances, Amendments, Resolutions and General Services. 311 provides excellent customer service that connects Community members with the City in a helpful and cost effective manner by using call center best practices and leading technology tools. Berkeley's 311 center is focused on maximizing productivity, managing costs, and ensuring service levels and other industry standards are met.

Service requests processed in 311 Customer Service continues to increase yearly by 2% - 5% while staffing budget remains nearly flat. 311 hired a Customer Service Specialist III (CSSIII) in December 2018, due to extensive training on city wide services she will not be fully functional for 6 – 9 mos. and will not independently answer calls until July 2019. The increase in 311 call volume comes from an engage community and are generated in part by recently passed measures, ordinances and change in business practices within City Government. Examples from the past year include answering questions about Measure U1, (5 units or more), Ordinance for STR (Short Term Rentals), and change in refuse services for commercial businesses, as well as the centralized logging of homeless complaints.

The 311 staff will respond to an estimated 118,000 service requests in FY2019. Request for services are logged by phone (79%), On-Line Service Center (9%), Email (7%), Voice Mail (3%), See Click Fix Mobile Application (1%) and Mail/Other (1%).

Table 1, Baseline Customer Service & 311 Call Center Stats

Performance Measure	FY 2017	FY 2018	FY 2019 Projection
TTL Incoming calls to 311 ¹	95,211	91,660	93,000
Calls Answered ²	81,761	77,905	79,500
Call Abandon Rate ^{2 3}	14%	15%	15%
Online Service Requests⁴	6,227	10,152	11,595
Emails, Voice Mail, Other⁵	11,230	13,487	14,184
TTL 311 incoming contacts	112,668	115,299	118,779
1 st Call Resolution ⁶	80%	84%	84%
311 CRM Cases	37,900	37,154	38,673

¹ FY18: 3.7% decrease in incoming calls due to 311 using Direct Line call answering services from 8:00 – 8:30 and 4:30 – 5:00 pm (M-F), and during 311 staff meeting, desk hours and training.

² FY18: 4.7% decrease due to reduction in overall incoming calls (see #1) and increased call lengths due to bringing commercial refuse in-house.

³ Increased abandon rate corresponds directly to extended call lengths, and staffs available to keep up with call volume with an average of 6.5 staff per day FY18. Increase in processing email and online service requests require staff time off phones to process.

⁴ Online service center contacts increased 63% with Direct Line entering Community calls on line. (4,285 cases entered in FY18).

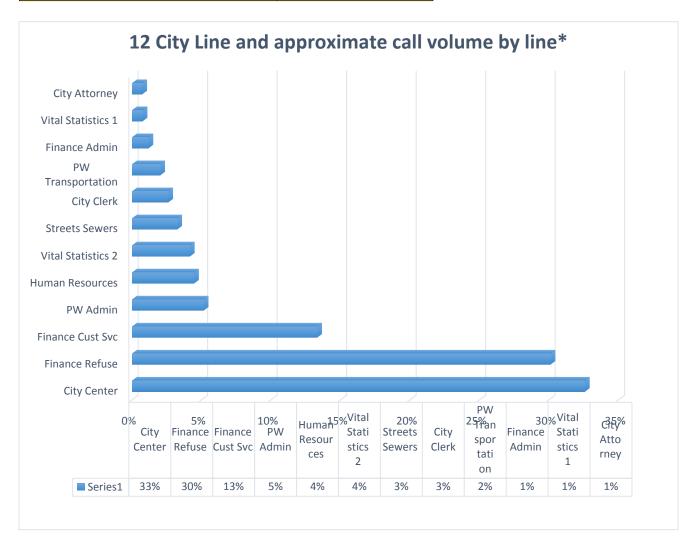
⁵ With the varied ways to contact 311, VM and email increases as options for Community to contact 311. Callers have the ability to leave a VM message during the day and after hours. Email continues to grow as a method of reporting homeless cases, 311 is copied on Council and CMO communication and SeeClickFix users send pictures via email.

⁶ First call resolution increase directly related to proactive training with Finance and PW, and consistently updating 311 Knowledge documentation.

^{*}Estimated incoming 311 calls will be reduced in FY19 and OLSC and Other volume will increase, as a result of Direct Line answering calls for 311 from 8:00am – 8:30am and 4:30pm – 5:00pm. This will allow 311 staff to work pending cases, manage the OLSC more effectively and balance credit card transactions nightly meeting audit requirements for Treasury.

Table 2: 12 City Lines and approximate call volume by line *

Department	Call Volume
City Center	33%
Finance Refuse	30%
Finance Customer Svc	13%
PW Admin	5%
Human Resources	4%
Vital Statistics 2	4%
Streets Sewers	3%
City Clerk	3%
PW Transportation	2%
Finance Admin	1%
Vital Statistics 1	1%
City Attorney	1%
FY 2018 Total Calls	100%



*Call Volume from FY 2018

# 311 Challenges:

The incoming service calls remain 311 main focus. On average 311 receives 400 calls a day. During Business License season and Residential Parking Permit (RPP) season, 311 calls will spike to 500 day. Average call length is approx. 4 – 6 minutes due to staff working in multiple systems and complexity of refuse and recycling calls. Average time to answer is 1:20 minutes, average time for customers to abandon is 1:01 minutes. Currently 311 answers 85% of all calls presented to the call center. Calls not answered will opt for voicemail or will abandon and call back at another time. FY2018 Abandon rate (Customer hangs up while waiting in phone queue) 15%, estimated FY2019 is also 15%.

- Due to lack of system integration, 311 work in nine different computer software systems to research, log and process service requests.
- Lagan cases are not always updated by COB PW, Finance, etc. teams with the status of the work being performed. Status is often done in FUND\$ or Accela only, leaving CRM incomplete.
- City online portal does not provide the Community with status of their service requests which requires them to call into the City for status.
- Council staff have requested read only access to Lagan and with current Lagan license limitations and lack of integration with WO system, Council does not have access to current CRM or status of service requests.
- On average 311 has 6.5 staff members out of 8 answering calls. 1.5 staff members a day are off
  phones with side work, breaks, and lunches or out of office/sick or vacation. Side work consists of
  311 Online Service Center Service (OLSC) requests, Customer Service email, 311 voice mail,
  SeeClickFix mobile cases, closing ZW work orders cases in FUND\$ and Lagan CRM, maintaining
  and creating new 311 Knowledge documentation used by department to promptly answer calls.

#### Risks:

- Community and businesses get frustrated with call wait times and abandon the call at about 1:00
  minute wait time. They often get busy and do not call back, resulting in missed City services such
  as free garbage pick-up for missed pick-ups called in within 2 days of scheduled service day.
- 311 cannot balance workload and service needs with current staffing levels and lack of system integration.
- Community and City Staff cannot view service request status on-line and must call 311 and wait in call queue or email Customer Service for service status.
- City has to rely on SeeClickFix for mobile application which is not the most efficient mobile application.

# **Opportunities:**

Increasing 311 staff by 1 CSR in FY2019 will improve response time, increase number of calls answered and improve overall service handling to the public and business community via our four contact methods. If additional 311 staff was added in FY2020 we could efficiently focus on both

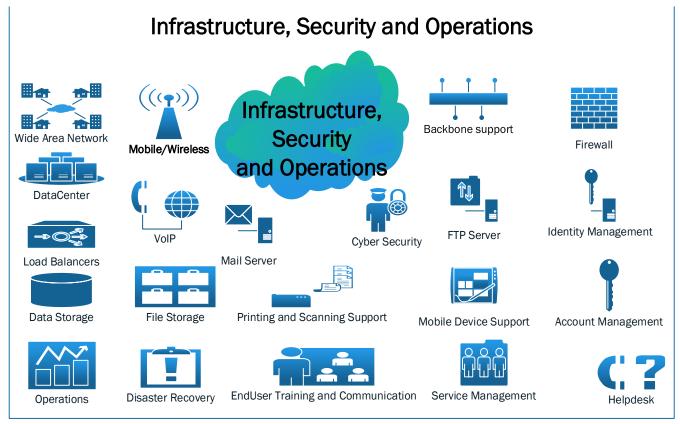
phones, (reducing abandon rate) and respond to OLSC and Customer Service email same day as received.

311 upgraded the Lagan CRM system in January 2019. The upgrade allows 311 and back office departments such as Public Works, Parks, etc. to change case classification type, reducing cases logged as Miscellaneous to streamline case handling and increase reporting accuracy. 311 will publish a request for proposal (RFP) for a new CRM system in FY2020. Requirements for new CRM will include:

- City of Berkeley branded Mobile device
- Public facing CRM portal for community and businesses to log service request via self-service portal and review status of tickets on-line
- Include future technology for option to communicate with community on-line, chat, and text if 311 is staffed accordingly
- On-line access for City Management and Council view CRM cases and work order status
- Embedded knowledge link for customer self-service and CSSIII case logging.

CRM and Work Order system(s) will be integrated for service requests and logging of service status. Integration between 311 and work orders systems will increase efficiencies for all departments, City Staff and Community.

# Infrastructure, Operations and Security Measures



# **Baseline Measures Infrastructure, Operation and Security:**

**Baseline** services are included in the IT Cost Allocation Plan, and reflect work to maintain the City's general technology infrastructure. Staff members in this unit are responsible for:

- Help Desk for 200+ Applications
- 4,000+ Workstations & Telephones
- 300+ Servers, Routers, & Switches
- 400+ Printers/Scanners/Copiers
- Network Security & Protection
- Field Services at 42 City locations
- 24 hour Police & Fire Support
- Department of Justice (DOJ) Network Testing & Documentation
- Backups & Records Retention
- Implemented Change Advisory Board (CAB) to review and monitor system changes that impact the production servers

The DoIT Service Request and network systems provide real-time data regarding incoming requests, requestors and resolutions. See Table 3 below.

**Non-baseline** projects require new funding and aim to improve a specific business process; costs are funded by the sponsoring department. Once non-baseline projects are complete, associated maintenance usually becomes part of IT baseline services.

The Department of Information Technology uses the following performance measures to manage operations:

- A. **Baseline Service Metrics**: The Department of Information Technology (DoIT) uses ServiceNow and Customer Relationship Management (CRM) tool to provide real-time data on the type of service request, how the service request was relayed, who submitted the service request, and length of resolution. See Table 5 and Table 6 below.
- B. **Server Uptime: Metrics** collected using network management tools indicates the total "uptime" of the City's server farm. See Table 5 below.
- C. Lost Time: Lost time is defined as unplanned absences, including sick leave.
- D. **Project Milestones:** The Department of Information Technology aims for a 90% rate of on-time project milestones.
- **E. Customer Service Surveys:** Reinstated in 2015, the Customer Service Surveys are automatically issued to clients whose DoIT Service Requests are completed and closed.

**TABLE 3:** Baseline Services: Network Operations & Help Desk

Performance Measure	FY 2017	FY 2018	FY 2019 Projection	FY 2020 Projection	FY 2021 Projection
Calls Answered	14,486	13,117	12,810	13,000	13,000
1 st Call Resolution	48%	44%	50%	50%	50%
Call Abandon Rate	7.18%	6.38%	7.27%	5% ³	5%
Closed Help Desk Tickets ¹	13,080	11,389	12,262	13,000	13,000
Customer Service Surveys ²	322	627	1564	1600	1600
Data Server Uptime ²	99.886%	99.886%	99.999%³	99.999%	99.999%
Phone Server Uptime ²	99.999%	99.999%	99.9999%³	99.999%	99.999%

¹ A consistent 20% vacancy rate contributed to the decrease in ticket closures in FY18 and FY19. The last half of FY19 saw a 50% decrease in vacancy rate which contributes to the stabilization of the call abandon rate and number of closed Help Desk tickets.

² Changed customer service survey delivery in January 2018, which has led to an increase in survey responses.

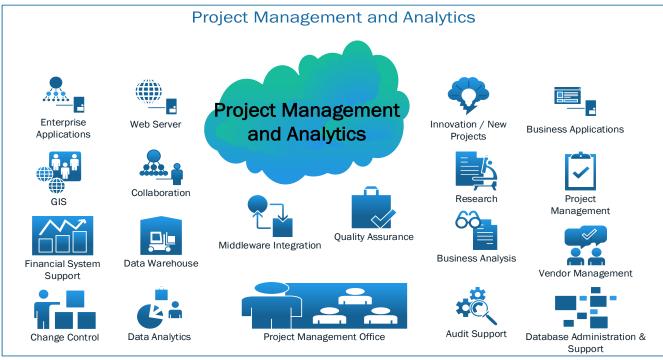
³ Industry benchmark

# Annual Infrastructure Replacement Programs Update

	Annual Infrastructure Replacement Programs				
1	Computer Replacement	FY18 – Completed			
•	1 Computer Replacement	FY 19 – In Progress			
		FY18 / FY 19 – Combined for Project " Data			
2	Server / Storage Replacement Program	Center Infrastructure Upgrade, Disaster			
		Recovery Installation and Implementation"			
3	UPS Upgrade / Replacement	FY18 – Completed			
	or o opgrade / Replacement	FY 19 – In Progress			
4	Wireless Equipment Upgrade / Replacement	FY18 – Completed			
_	Wileless Equipment Opgrade / Replacement	FY 19 – In Progress			
5	Network Devices Upgrade / Replacement	FY18 – Completed			
J	Network Bevices Opgrade / Replacement	FY 19 – In Progress			

^{**}All Non-Baseline Projects are listed under Projects Performance

# PMO and Analytics Measures



# Annual Reporting and Compliance Projects Update

- 1. Property Tax Reporting to Alameda County
- 2. Business License Renewal Cycle
- 3. HIPAA Security Risk Assessment Audits
  - a. Researched and Implemented Idera software that can provide HIPPAA-compliant audit data for our HHCS software. Idera software was successfully implemented and provides details on any data updates (who and when for any data changes were made) in our onprem software, such as the MTC incident logs.
- 4. TCM Program Cost Report Data and Audit Files
- 5. PHPIMS EHR Meaningful Use Attestation
  - a. This year efforts to document meaningful use resulted in a grant award of \$17,000.
- 6. Payment Card Industry (PCI) Compliance
- 7. Annual reporting for SB272 (Enterprise Catalogue) page on Website
- 8. Track ticket SLAs, project tasks for IT projects and project overall status for all City Strategic Plan projects and DSP projects.

^{**}All Non-Baseline Projects are listed under Projects Performance

# **Open Data Portal Measures**

Open Data Portal serves the community need for analytics with 102 Data Sets. In 2018, the most viewed and downloaded datasets are from the Berkeley Police Department. Most datasets are updated yearly or as needed. These datasets are update nightly:

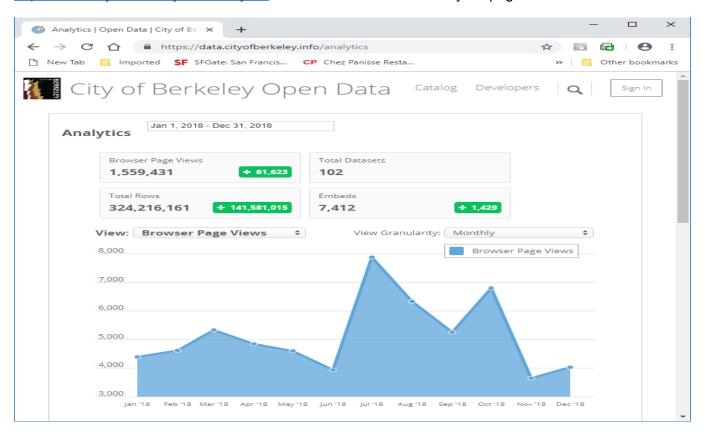
- > Berkeley PD Calls for Service
- ➤ Berkeley PD Log Arrests
- ➤ Berkeley PD Log Jail Bookings
- > 311 Cases
- Business Licenses

The Top 5 Datasets downloaded are:

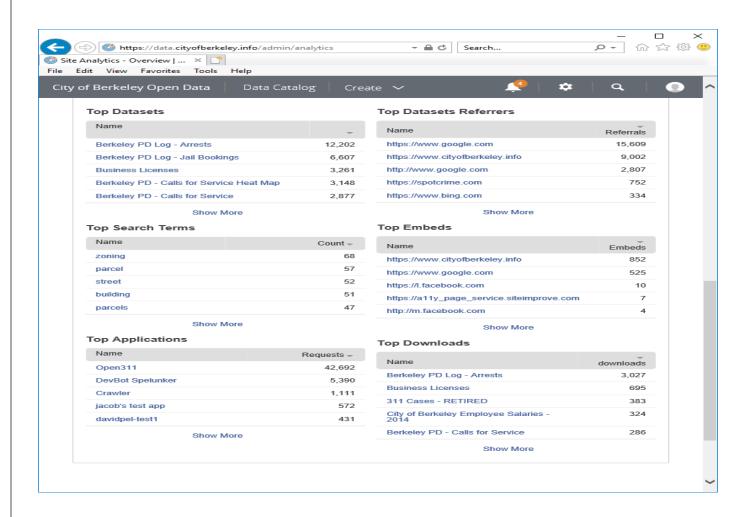
- Berkeley PD Log Arrests
- > Business Licenses
- > 311 Cases
- City of Berkeley Employee Salaries
- Berkeley PD Calls for Service

Top searches are related to Zoning, Parcels, Street, and Building

Portal usage analytics are available publicly via the Open Data Portal at <a href="https://data.cityofberkeley.info/analytics">https://data.cityofberkeley.info/analytics</a>. See screenshots from analytics page below.

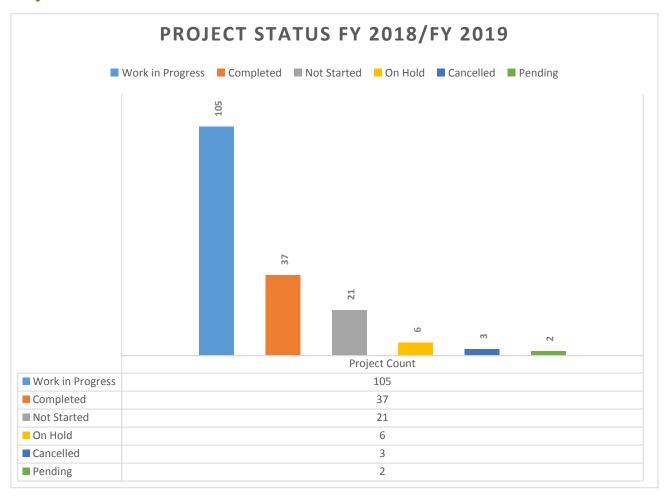


Page **20** of **64** 



# **Projects Performance:**

# **Projects Metrics**



#### FY 2018/ FY 2019

- ➤ IT is currently the lead department for 94 projects out of the 174 presented in the above chart. IT is the Supporting Department for the remaining 80 projects with other City Departments
- > This is in addition to the 5 Annual Infrastructure Replacement, 6 Annual Compliance Reporting Projects, and other baseline projects and tasks.
- PROJECTION: 57 Projects where IT is the lead department are being projected to carryforward to FY20/FY21 budget cycle

### FY 2020 / FY 2021

- ➤ IT is projected to be the lead department for 56 New and 57 Carryover Projects. Additionally, IT is the supporting department for approximately 43 additional projects with other City departments with total 156 projects.
- ➤ This is in addition to the 5 Annual Infrastructure Replacement, 6 Annual Compliance Reporting Projects, and other baseline projects and tasks.

# Completed Projects FY 2018-2019 Highlights

**New World Computer Aided Dispatch (CAD) Upgrade** – Upgrade the Computer Aided Dispatch (CAD) 911 system to Enterprise Version and to provide streamlined access to law enforcement and emergency service records, enhanced crime analysis tools, and online crime reporting services.

**Body Worn Cameras Deployment** – In collaboration with Police department acquired and installed the equipment, hardware, software and online storage necessary to implement Body Worn Cameras for Berkeley Police Officers. As of this report, we have 176 active body worn cameras.

**Vesta Upgrade** – Upgraded the Phone System from AT&T to respond to 911 calls

**Route Smart Application and Mobile Communications** – Study to determine the impact of adding commercial garbage route to the existing commercial and residential routes. Added commercial routes and updated routing pattern accordingly.

**Database of City Commissioners** – Launched a new database that enables the City to more efficiently track and update the composition of City Commissions and any vacancies.

**ServiceNow Project:** Phase I – Launched in January 2018 and implemented the following modules of the software:

- Helpdesk Modules (Incident Management, Change Management, Problem Management, Configuration Item Database)
- Service Catalog
- Knowledge Base End users can research the self-help articles for minor IT related user help
- Online Service Portal for End Users
- Enterprise Portfolio Project Management (PPM)
  - o Implemented a cloud-based enterprise wide Project Portfolio Management tool to manage project scope, timelines and budget.
  - Worked with City Clerk's office to automate RRV process for Council referral ratings
  - Uploaded City's Strategic Plan and Digital Strategic Plan Projects
  - Implemented Task Boards for Post project launch to track small projects and group tasks

The Phase 2 scheduled for FY20/FY21 will focus on the implementation of the modules: Software Asset Management, Hardware Asset Management, Resource and Release Management, Application Portfolio Management, Governance, Risk and Compliance for Cyber Security, Integration with various technology systems and Information Technology Performance Analytics.

**Lagan CRM Upgrade:** Upgraded CRM software from V7 to V14R2 provides new functionality of CRM system used by 311 and desktop light version used by City Service Departments. Twelve new features and functionality were added including reclassification of case categories, bulk add case notes, and bulk case closing, supports emails from CRM. The upgraded features improved efficiencies of case handling and reporting accuracy.

# **Increasing Online Web Presence**

# Berkeley Community Connection Portal

311 Customer Service is proud to announce the newest Open Data application powered by 311 service requests.

The new portal named, The Berkeley Community Connection uses open data, technology and innovation to help Berkeley residents understand what is going on in their neighborhoods. 311 requests for service information is provided in an easily searchable format and depicted on a city map. Our Community can search by an address or filter by neighborhood and date range, and save the search by creating an alert to monitor changes over time. Under Pins, see the trends in service requests for refuse & recycling, graffiti and vandalism, government activity (encampments inquiries) and many more service classifications. This consolidated set of interactive maps allows the public to research topics that previously required a phone call, email, or even a visit to City offices. Other documents were previously only visible as PDFs – which didn't allow the public to see how different data sets related to each other. This significant project was a joint effort between the Department of Information Technology, Public Works, Parks Recreation and Waterfront, Police and Finance Department.

Visit - https://berkeley.connect.socrata.com

# **Building Eye Portal**

The <u>Building Eye Portal</u>, launched to the public in March 2018. The portal is an online mapping solution for City-issued permits to enable community members to search and review permit details and to easily identify permitting information based on address and business type. This significant project was a joint effort between the Planning and Development Department and the Department of Information Technology.

Visit - https://berkeley.buildingeye.com/

### **GIS Community Portal**

The <u>GIS Community Portal</u>, launched to the public in January 2019. The existing GIS web page had a legacy product known as "Parcel Popper" which allowed citizens to enter an address and receive information for a given property including regulations. The new portal features a custom widget that mimics the functionality of Parcel Popper but also includes additional features.

The GIS Community Portal allows residents, businesses, city officials, and developers the ability to better understand what zoning and land use policies apply to properties of interest to them, without the need to call staff necessarily.

Visit - https://www.cityofberkeley.info/gisportal/

#### Records Online Portal

The <u>Records Online portal</u>, launched to the public in August 2018. The new portal is more reliable and provides more search criteria to make it easier to find the documents you need. This significant upgrade to the public records portal was a joint effort between the City Clerk Department and the Department of Information Technology.

Records Online provides ready and transparent access to numerous City Documents including City Council minutes, resolutions, ordinances, staff reports, commission minutes, election results and voter pamphlets, and city contracts. Minutes and ordinances in Records Online date back to the early 1900's, resolutions go back to 1984, and staff reports are available back to 2005.

Visit - https://www.cityofberkeley.info/recordsonline/paFiles/cqFiles/index.html

#### Wireless Expansion

Installed/replaced over 50 wireless access points (WAPs) across over a dozen City locations. COB laptops and City-issued cellphones will connect automatically. We also have guest Wi-Fi available for the public. Over the next two fiscal years we will be installing/upgrading WAPs at all City facilities, including adding WAPs in all conference rooms throughout the City.

Site No.	Site Name	Site Address	Quantity WAP's
1	Frances Albrier Recreation Center	2800 Park St, Berkeley, CA	2
2	Mental Health	1521 University Ave, Berkeley, CA	3
3	Mental Health	1535 University Ave, Berkeley, CA	1
4	North Berkeley Senior Center	1901 Hearst Ave, Berkeley , CA	4
5	South Berkeley Senior Center	2939 Ellis St, Berkeley, CA	3
6	West Berkeley Service Center	1900 Sixth St, Berkeley , CA	2
7	Transfer Station	1201 Second St, Berkeley, CA	3
8	Shorebird Nature Center	160 University Ave, Berkeley, CA	2
9	Public Health Clinic	830 University Ave, Berkeley, CA	3
10	MLK Youth Services (YAP)	1730 Oregon St, Berkeley, CA	2
11	Willard Swim Center	2701 Telegraph Ave, Berkeley, CA	1
12	Willard Clubhouse	2730 Hillegass St, Berkeley, CA	1
13	1947 Center Street	1947 Center St, Berkeley, CA	24

### Secondary Internet Connection

The City implemented a secondary internet connection to provide redundancy in case one internet connection fails, and to increase internet bandwidth as City staff use more web-based tools and applications. In FY 2020, the City will implement load balancing technology to improve performance by balancing internet traffic across both internet connections.

In FY 2018, the City upgraded the AT&T internet bandwidth from 250 MB to 500 MB and deployed a secondary internet connection (Towerstream) (500 MB) at the Corporation Yard to serve as a backup internet connection in the event that the primary internet connection, located at City Hall, ever went down. Department of Information Technology (DoIT) staff have successfully tested failing over to the Towerstream internet connection to demonstrate the redundancy of the new solution.

In addition, the City has setup Corporation Yard staff to use the Towerstream internet connection as their primary internet connection. The City has also implemented load balancing technology for incoming internet traffic, so that both internet connections are sharing the load of incoming traffic to the City network.

In addition, the City plans to increase the bandwidth of both internet connections to 1 Gigabyte (GB), so that if either of them go offline, the remaining internet connection will be large enough to support the demands of City staff. The resilient design of the network and the redundancy will improve the reliability of the internet connection and increase employee productivity. The delivery method is also scalable and bandwidth changes will be easier to turn-up as needs change.

# In Progress Projects FY 2018 / FY 2019 Highlights

Berkeley's 2018-2019 Strategic Plan identified the projects below to be part of the City's Digital Strategic Plan (DSP) Program under priority #9, "Be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community:"

Enterprise Resource Planning (ERP) Phase I (Core Financials and HR Payroll Modules) Implement the Tyler Munis Core Financials and HR Payroll Modules – Chart of Accounts, Accounts Payable / Accounts Receivables, Miscellaneous Billing, Contracts Management, HR Payroll, Electronic Timesheets. The core ERP Project team is also assessing current business practices, and identifying areas of business process improvement to optimize efficiency and return on investment of instituting a modern ERP.

**Website Redesign Request for Proposals (RFP) and System Selection** – In February 2018, the City issued an RFP seeking a vendor to implement a complete redesign of Berkeley's website, including a new content management system and secure, high-performance offsite hosting. The RFP received a robust response, garnering over two dozen strong proposals. After three rounds of review by a multi-departmental evaluation team, the City selected Rolling Orange, Inc. to develop the new website.

**SharePoint Intranet -** In March 2018, contracted with Emgage to design and implement design for a SharePoint intranet and provide a modern method for communications and for information sharing among City Staff. We reviewed work of four vendors and chose Emgage because of ease of use and clean design.

**Broadband Infrastructure Master Plan –** Release the RFP in Sep 2018 for engineering study, conduit assessment, evaluation of Capital Improvement Projects (CIP) and T1 Infrastructure Projects and develop a Broadband Infrastructure Master Plan and a Broadband implementation roadmap.

**Wireless Master Plan** – Expanded wireless to 13 City Sites and will be expanding to all 42 sites in the next 2 years. Public Wifi is now implemented and available at these 13 sites listed in the Appendices.

**Cyber Security Resilience Plan / Business Impact Assessment –** Develop a Cyber Resilience Plan in alignment with the City's Resilience Strategy, including software upgrade needs, policies and cyber security training for staff.

Office 365 Migration Planning and Deployment – Upgrade and migrate all City staff from current Office 2013 client to the most current Office 365 client. The project will be completed in Phases: Email, One Drive, SharePoint, Office suite. Completed the RFP Process in FY 19 and selected the vendor. In the planning phase and will be developing a project plan for migration.

**Capital Improvement Project Management Tracking –** Currently in the RFP process for vendor selection to Implement a Capital Improvement Project (CIP) tracking tool to better document and manage project implementation and related financial information.

New Irrigation Management System – Improve water efficiency by replacing 266 individual clocks/controllers for the City's irrigation system in 52 parks and medians with one remote management system. The City of Berkeley will be able to manage the irrigation controllers and the system will allow to communicate via the cloud and automatically coordinate and regulate flow levels. The solution provides control and visibility over water usage. The system takes into account weather conditions and other irrigation factors such as slope and alters watering patterns for each sprinkler accordingly.

**Recreation Registration Software** – Implement the Recreation Registration Software, an online calendar utilized for coordinating a variety of recreation programs, to a cloud-based solution and increased efficiency for registering for PRW camps, events, location reservations

**NEMO-Q Replacement** – Implement a new Ticketing Queuing System in Permit Service Center and Finance Customer Service Center to prioritize queue based on customer service request type and streamline wait times

**Accela Phase Quick Fixes Implementation –** Conduct Success visit with Accela and in collaboration with the Planning department identify the functional areas in the need of improvement and develop a list of short, medium and long term fixes to improve features and functions for improved community benefits.

# Public Records Act (PRA) response software replacement project:

The PRA software is designed to be an easy-to-use freedom of information act (FIOA) and public records portal, easily accessed by a link from the City Website. City of Berkeley PRA staff are able to receive, work and fulfill requests within a single repository. Community members and requestors can view responsive documents on file and open to the public through the self-service PRA portal, therefore reducing repetitive requests. Workflow and auto-generated reminders and redaction tools allows for better internal management and efficiencies.

**In November 2018**, the City issued an RFP seeking a vendor to implement a Public Records Act response software replacement, including a new online portal, content management system and secure, high-performance offsite hosting. The RFP received two responses. 311 Customer Service Center from Department of IT is leading this project. A project team comprised of members from City Clerk, City Attorney, Planning, Fire, Police, Public Works and IT Security have scored the proposals and participated in Software demonstration presentations. Final vendor selection will be concluded in April 2019 and will follow the City's procurement processes to get Council Spending Authority approvals.

PRA Software project will start upon completion of the signed contract, estimated for May/June 2019 and the City's PRA portal will be functional by end of the calendar year 2019.

### **Customer Relationship Management (CRM) Replacement Project:**

The RFP for CRM System is planned to be released in the summer of 2019.

# **Reinventing the IT Service Model**

The City of Berkeley has made substantial progress since the completion of Digital Strategic Plan. While this assessment primarily focused on completed DSP IT Project Initiatives, it is worth noting that the success IT has had would not have been possible without the substantial effort made to restructure, retool and further develop the IT professionals at the City. The results achieved are the byproduct of reinventing the City's IT Service Model, providing technical and customer service skillset improvement trainings in order to optimize the effectiveness of IT staff focused on measurable results, has been the foundation for the City's progress.

## Wins, Results & Transformational Change

As noted in previous sections of this Assessment, the City's IT Department has completed an a wide range of technology initiatives of varying degrees of scale and complexity projects scheduled in FY 2018 and FY 2019. The following provides a partial list of significant results and "wins" the IT organization has delivered in addition to Projects Performance:

### IT Workforce Development: Invested more than 2,800 hours IT staff training:

- 3C's City Core Curriculum Trainings
- Customer Service Training
- Project Management Institute Training
- Help Desk Institute Support Center Analyst Training
- Leadership (LDP) training
- Team Building Exercises
- Implemented Service Level Agreements with Departments
- Coaching with Consultant for management team
- Mentoring opportunities with other Directors for management team members

#### Organizational Results

- Restructured IT Organization to Service based model and Instituted cross discipline teams to reduce risk and cross trained staff to provide systems support
- **Implemented process changes** based on industry standards and current trends to align technology with new workforce and community demands
- Implemented Technology Governance and Innovation Team to track projects portfolio and implemented procedures for the intake of new projects including resource allocation tracking and reprioritization of projects portfolio to manage changing needs.
- Implemented Public Safety Technology Users Group to track projects portfolio, determine possible shared technologies and determine priorities across Public Safety
- Implemented Project Management Industry (PMI) standards based training and developed templates and standardized project implementation processes to streamline and implement project portfolio management
- Implemented Cost Allocation Plan for Technology Replacement Fund for technology acquisition and equipment replacement for the end of life infrastructure. Consolidated IT Infrastructure Asset Tracking including Software Licensing Enterprise Agreement Renewals.

### Industry recognition

The city has received the following for its innovative initiatives and exceeding high rate of success in systems deployments:

Municipal Information Systems Association of California (MISAC) Excellence Award 2017, 2018

### Systems Results

- Improvement in hardware inventory accuracy
- Increased Helpdesk coverage hours thus improving customer service for end users
- Improved workforce mobility, Business Productivity and Citizen Access via the following:
  - Implemented various web portals such as Records Online, Building Eye, GIS Community Portal and added new datasets to Open Data Portal
  - Implemented the practice of tracking Service Level Agreements
  - Skype for Business for Video Collaboration bring remote participants into meeting spaces
- Improved technology in Conference rooms Collaborated with Public Works on the technology and utilities needed for an up-to-date "conference" room. We then applied this model across the seven (7) different types of rooms the City has identified based on their size and uses. We are now preparing to pilot new technology options for four (4) rooms in Civic Center (Redwood, Cypress, Pepperwood, and Redbud). These rooms include digital whiteboards, screen share with editing, and full videoconference boards with built-in audio and video. Each room is equipped with Wi-Fi and electricity. Two will pilot a real-time scheduling pad. And, additional enhancements are scheduled during the pilot project.

# Challenges

The technological needs for the departments are growing exponentially and given this new landscape, new additional resources may be needed to provide effective implementation and ongoing support for the technology solutions deployed. Some of the other challenges are around Recruitment, Retention and Class specifications.

- Class Specifications are outdated and refer to early 1990 technologies and skill set. The Class specs don't reflect the current department skillset required and results in low retention rate for new employees
- Recruitment Statistics
  - 57 Recruitments in last 3 years for a staff of 45
  - Annual average of 11 vacant positions (24.4%)
- Staffing Challenges
  - Difficult to recruit Expectation of Class Spec, Work and Skillset do not match
  - Lack of growth opportunities for staff
  - Lack of Space impacts productivity
- Project Implementations Impact
  - New technology deployed and increased helpdesk requests
  - o Implementation of Short Term Rentals, U1 Measure, T1 Bond
  - Additional 311 calls



# **Service Level Agreements Metrics**

# **Service Level Agreements Metrics**

# Service Level Agreements Measures

**Service Now Incident Service Level Agreements -** Service Level Agreements for Incidents are derived from a combination of Impact and Urgency. Impact is defined by how many end users are affected (Single User, Workgroup, Site, or Citywide). Urgency is defined by the criticality of the issue (Low, Moderate, High, and Urgent):

Priority Resolution Times				
Priority Impact  Urgency Resolution Time	Citywide Enterprise System Down Service lost at multiple locations Service lost at critical location Citizen access down for core service	Site Department wide system down Service down at one satellite location Citizen access down for ancillary service	Workgroup Divisional system down or degraded Service down for 2-15 users	Single User 1-2 individuals impacted
Critical No viable alternate solution Caller indicates emergency Security Breach causing high risk to data integrity and infrastructure Customers unable to perform core job functions or meet deadline	P1  Response SLA: 15 min Resolution SLA: 8 hours	P1 Response SLA: 15 min Resolution SLA: 8 hours	P1  Response SLA: 15 min Resolution SLA: 8 hours	P1  Response SLA: 15 min Resolution SLA: 8 hours
High Complex alternate solution Security breach causing moderate risk to data integrity and infrastructure Significant impact to core job functions or ability to meet deadline	P1  Response SLA: 15 min Resolution SLA: 8 hours	P2  Response SLA: 1 hour  Resolution SLA: 24 hours	P2  Response SLA: 1 hour Resolution SLA: 24 hours	P2  Response SLA: 1 hour Resolution SLA: 24 hours
Moderate Alternate solution available Workaround is disruptive Significant impact to ancillary or infrequent job functions	P2  Response SLA: 1 hour Resolution SLA: 24 hours	P3  Response SLA: 2 hours Resolution SLA: 3 business days	P3  Response SLA: 2 hours Resolution SLA: 3 business days	P3  Response SLA: 2 hours Resolution SLA: 3 business days
Low Easy alternate solution Workaround is reliable and useable Failover in place Not service disrupting Customers are able to perform job functions unimpeded	P3  Response SLA: 2 hours Resolution SLA: 3 business days	P4  Response SLA: 4 hours Resolution SLA: 7 business days	P4  Response SLA: 4 hours Resolution SLA: 7 business days	P4  Response SLA: 4 hours Resolution SLA: 7 business days

# **Average Resolution Time by Category**

We are working on our reporting against SLAs, on average, we close Incidents within 3 days. See the charts below for reference:

Our average Incident Resolution Time is just under 3 days.

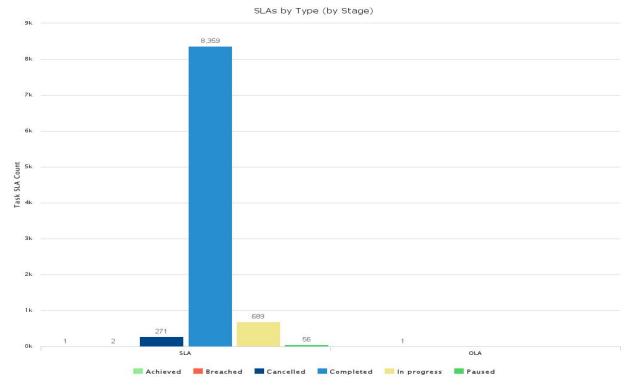
Over the period of 12 months there was a 30% SLA Breach rate. Over 80% of Incidents that have breached an SLA have been resolved

KPI - Average Incident Resolution Time by Category (All Status)

## Status

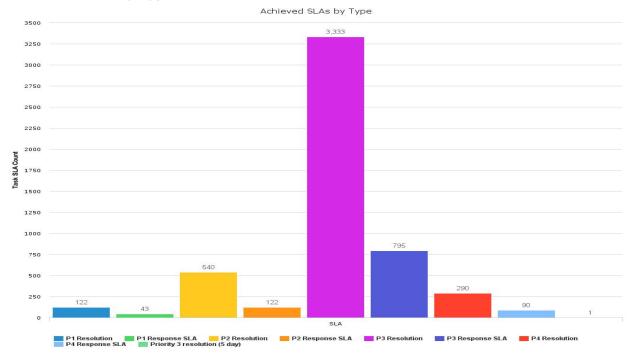
Category	New	In Progress	Closed	Average
(empty)	10 Hours 2 Minutes	6 Days 5 Hours 13 Minutes	2 Days 23 Hours 16 Minutes	2 Days 23 Hours 20 Minutes
Computer	0 Seconds	0 Seconds	5 Days 7 Hours 27 Minutes	5 Days 7 Hours 27 Minutes
Inquiry / Help	0 Seconds	0 Seconds	2 Days 14 Hours 54 Minutes	2 Days 14 Hours 54 Minutes
Network Hardware	0 Seconds	0 Seconds	16 Hours 42 Minutes	16 Hours 42 Minutes
Login/Network Access	0 Seconds	0 Seconds	4 Days 13 Hours 57 Minutes	4 Days 13 Hours 57 Minutes
Other	0 Seconds	0 Seconds	5 Days 1 Hour 31 Minutes	5 Days 1 Hour 31 Minutes
Phone	0 Seconds	0 Seconds	9 Days 1 Hour 50 Minutes	9 Days 1 Hour 50 Minutes
Printer/Scanner	0 Seconds	0 Seconds	19 Hours 43 Minutes	19 Hours 43 Minutes
request	0 Seconds	9 Hours 15 Minutes	1 Day 17 Hours 4 Minutes	1 Day 16 Hours 55 Minutes
Software	0 Seconds	0 Seconds	9 Days 6 Minutes	9 Days 6 Minutes
Average	10 Hours 2 Minutes	5 Days 1 Hour 14 Minutes	2 Days 23 Hours 43 Minutes	2 Days 23 Hours 46 Minutes





SLA definition	n Type Totals	Task SLA Count Totals	Percentage of Count
SLA Total		9,378	99.99%
OLA Total		1	0.01%
SLA definition Type	¹ Stage	Task SLA Count	Percentage of Count
	Achieved	1	0.01%
	Breached	2	0.02%
SLA	Cancelled	271	2.89%
JLA	Completed	8,359	89.13%
	In progress	689	7.35%
	Paused	56	0.6%
OLA	Breached	1	100%
Total		9,379	100%

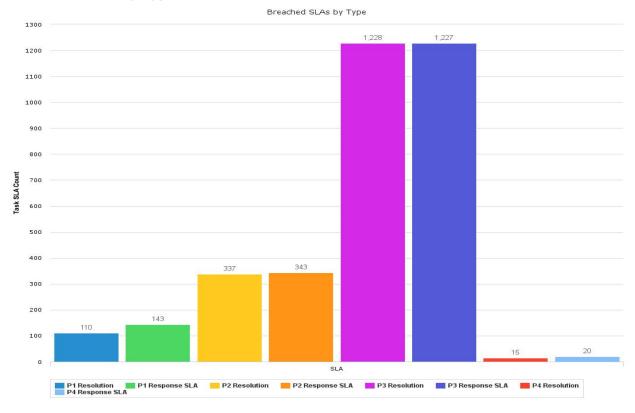
# SLA's Achieved by Type



SLA definition Type Totals	Task SLA Count Totals	Percentage of Count
SLA Total	5,336	100%

SLA definition Type	SLA definition	Task SLA Count	Percentage of Count
	P1 Resolution	122	2.29%
	P1 Response SLA	43	0.81%
	P2 Resolution	540	10.12%
	P2 Response SLA	122	2.29%
SLA	P3 Resolution	3,333	62.46%
	P3 Response SLA	795	14.9%
	P4 Resolution	290	5.43%
	P4 Response SLA	90	1.69%
	Priority 3 resolution (5 day)	1	0.02%
Total		5,336	100%

# SLA's Breached by Type

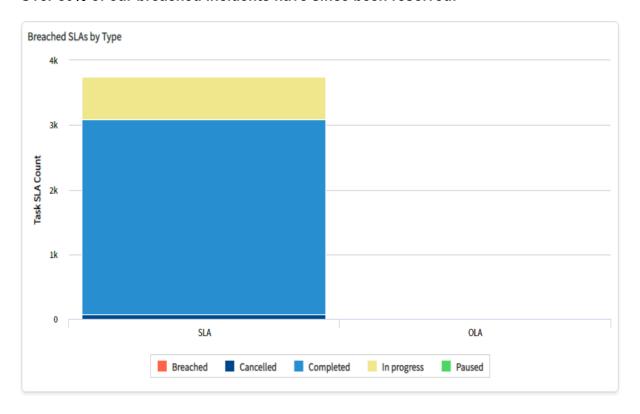


SLA definition Type Totals	Task SLA Count Totals		
SLA Total	3,423	100%	

SLA definition Type	SLA definition	Task SLA Count	Percentage of Count
	P1 Resolution	110	3.21%
	P1 Response SLA	143	4.18%
	P2 Resolution	337	9.85%
SLA	P2 Response SLA	343	10.02%
<b>JEA</b>	P3 Resolution	1,228	35.87%
	P3 Response SLA	1,227	35.85%
	P4 Resolution	15	0.44%
	P4 Response SLA	20	0.58%
Total		3,423	100%

## SLA's Breached Incidents Resolution

## Over 80% of our breached Incidents have since been resolved:



# **Contact US**

# **Hours of On-site Support:**

8:00 am- 5:00 pm Monday-Friday

# **After Hours Support:**

24 hrs. X 7 days

Critical Systems only

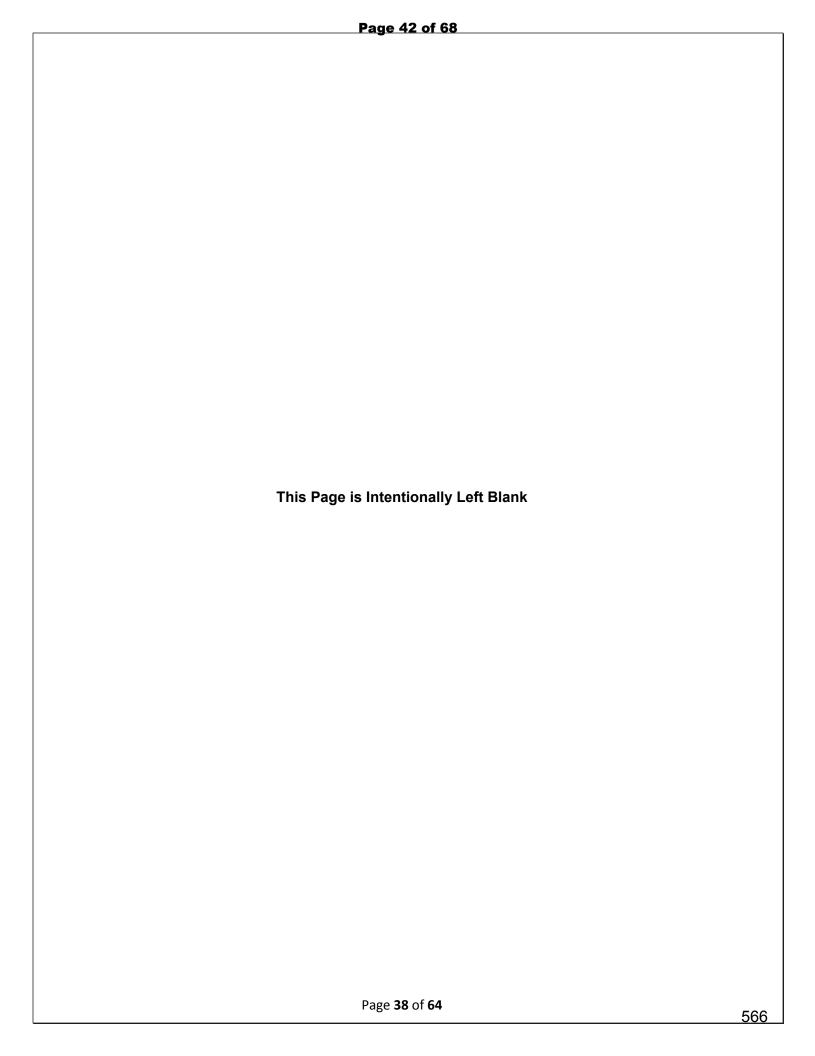
## **Self-Service Portal:**

http://cityofberkeley.service-now.com/sp

Phone: 510-981-6525

(After hours support, press 0)

Email: helpdesk@cityofberkeley.info

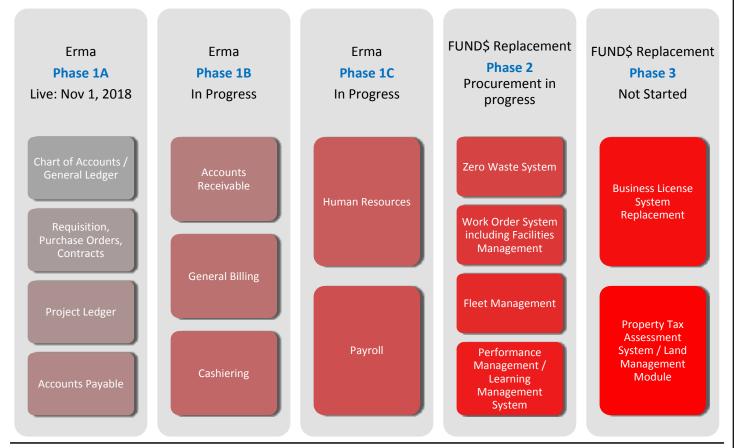


# **Appendices**

# 1. FUND\$ Replacement Project

FUND\$ Replacement Project - Phase I: Enterprise Resource Planning (ERP)

Enterprise Resource Planning (ERP) Phase 1 is scheduled to implement a new software solution to address core financials, Human Resources and Payroll services. The project plan spans 3 years of the Digital Strategic Plan (DSP) and plans to be fully implemented by the end of FY2020. Each module is defined in the narrative below.



<u>Phase I: Enterprise Resource Planning (Erma) - Core Financials and Human Resources / Payroll</u>

**In May 2015**, the City contracted with the Government Finance Officers Association (GFOA) to conduct a needs assessment of its systems and processes including a review of its current financial processes, and for identification of areas for improvement and recommended business process changes.

The City determined that a new enterprise system will improve integration, reporting and roll-up capabilities, and organizational processes, and allow for the implementation of business process best practices. Discussions with GFOA included organizational and functional scope, as well as the development of functional requirements the City should seek in the new ERP system. From the

resultant project planning activities, the City has made many strategic future business process decisions based on best practices that are to be included in a system's implementation. Accordingly, the City intends to incorporate and implement the requisite high-level processes into its new enterprise system.

**In February 2016** the City hired a Project Manager to conduct a full replacement of all modules in the current ERP system known as FUND\$.

**In May 2016**, the City released an RFP and in June the City co-located a core team of Functional Leads throughout the City to work on the project. All positions are tied to the project duration and funding.

In May 2017, The City completed a rigorous RFP and contract negotiation process and selected Tyler Munis as the software to replace core financial, Human Resources and Payroll functions currently residing in FUND\$. The limited installed functionality and lack of integration between existing systems requires that staff utilize many shadow systems to support key business processes. With this Project, the City aims to improve business processes, gain efficiencies, simplify and standardize use of systems, and install core public sector ERP functionality. The following needs statement and goals were outlined in the RFP:

The Project's key goals and success indicators include the following:

- Improvement to business processes
- Implementation of business processes based on best practices
- Implementation of grant, project and budgeting processes and functionality
- Improvements to and updating of outdated technology
- Improvements of system and data integration to stand-alone systems where possible
- Elimination of duplicate data entry
- Provide access to source data and user-friendly reporting tools
- Reduce paper use
- Broaden employee self-service capabilities
- Broaden vendor self-service capabilities

The City purchased the following Tyler Munis modules:

- Accounting
- Accounts Receivable
- CAFR Statement Builder
- Capital Assets
- Cash Management
- Contract Management
- eProcurement
- Executime Time and Attendance
- General Billing
- Human Resources & Talent Management
- IVR Gateway
- Munis Analytics & Reporting
- Payroll with Employee Self Service
- Project & Grant Accounting
- Purchasing
- Tyler Cashiering
- Tyler Content Manager
- Tyler Forms Processing

**In November 2018**, the City launched the Phase IA which included Chart of Accounts / General Ledger, Requisition, Purchase Orders, Contracts, Project Ledger, Accounts Payable Modules

**Project Challenges -** The project team had few setbacks with staffing challenges due to retirements and staff moving on to new roles within the organization. There is no dedicated team for the project. The team started with 7 dedicated team members. Mitigation plans included contracting with an outside project manager to assist with Phase 1A go-live and Phase 1C implementation. Both positive and negative lessons learned from Phase 1A have been documented. Due to the age of the existing financial system, data conversion was a challenge, and a significant portion of the data needed to be converted manually. These challenges are being addressed, and a new project plan is being developed including the additional requirements from the lesson learned from Phase 1A.

**In January 2019**, the City began working with Tyler to develop a timeline which includes launching Budget prep, Accounts Receivables, General Billing and Cashiering in **FY20**.

Payroll and HR modules are expected to go-live on **January 1**, **2020**. This goal requires four consecutive successful parallel runs to test the new system.

#### **Change Management and Training:**

The ERP team works closely with the Steering Committee, which provides leadership for the business process changes that go along with implementing a modern ERP. While many changes will coincide with the new system, the change management team in collaboration with lead departments, is working throughout implementation to identify and facilitate adoption of changes that will create immediate efficiencies. The ERP team is also engaging in focused change management initiatives to optimize City staff readiness and identify potential areas of risk or low adoption rates and working to mitigate those risks.

The City has also identified additional needs required to support the level of change the City is experiencing. To address these additional needs, Staff have engaged with a third-party vendor to assist with the development of an additional communications plan, a comprehensive and department-specific training plan relevant to the phase of the FUND\$ Replacement module which Staff are implementing, and process documentation materials that resonate with staff to address questions and business processes and support change management with specific action items to support adoption of the new ERP.

#### FUND\$ Replacement Project - Phase II

**In August 2017,** the City released and RFP for a consultant to conduct a needs assessment to guide the replacement of the additional modules in FUND\$: namely: Work Order and Asset Management, Fleet and Facilities, Real Property/Lease Management, Property Tax Software, Refuse Billing, Business licenses, Performance Management and Learning Management. The Needs Assessment includes assessment of current gaps, developing a roadmap for improved business systems to achieve operational excellence, development of requirements and scope for related RFPs and vendor analysis for applicants.

The goal of the FUND\$ Replacement project Phase II is to replace the outdated functionality of the existing FUND\$ system with contemporary and strategic application software. It represents the continuation of the ERMA/Tyler Munis Finance System implementation, except this phase focuses

on Public Works: Work Orders, Asset Management, Fleet Management, Real Property Lease Management and Human Resources: Performance/Learning Management technologies. **In February 2018**, the phase II was kicked off in parallel to the Phase I. After a RFP process Thirdwave was selected to so the needs assessment and business process requirements. The project was structured in five phases:

- 1. Ongoing Project Management
- 2. Discovery Phase
- 3. Software Requirements Gathering Phase
- 4. Request for Proposal & Procurement Phase
- 5. Vendor Selection & Contract Negotiation Phase

February 2019 through April 2018, Requirements definition included holding nineteen (19) Rapid Workflow® workshops. Staff attendance and input was outstanding. Seventy-nine (79) City staff/management representing all of the departments in the project participated, with some staff participating in numerous workshops (anywhere from 2 to 9, and IT Application Portfolio Coordinators, participating in as many as twelve (12) workshops). Consequently, total workshop participation consisted of 176 City staff, an impressive level of end user engagement. Business processes assessed in the project include those listed below:

1	Public	Works	Fleet	Work	Orders
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- 2. HR Performance Management
- 3. HR Learning Management
- 4. Public Works, Streets Work Orders
- 5. Public Works, Asset Management, Depreciation
- 6. Public Works, Traffic Meter Maint. Work Orders
- 7. Public Works, Facilities, Parks Work Orders
- 8. Public Works, Forestry Work Orders
- 9. Public Works, Vehicle Replace Internal Bill WOs
- 10. Public Works, Owned Lease Management

- 11. Public Works, Zero Waste Start Stop
- 12. Public Works Inventory Management
- 13. Public Works, Zero Waste Start Stop
- 14. Public Works, Work Order Reports
- 15. Parks Landscape Maintenance Work Orders
- 16. Public Works Interfaces
- 17. Fixed Asset Management (Equipment)
- 18. Fixed Asset Management (CIP)
- 19. HR Performance & Learning Management

# Procurement process in progress at various stages

**October 2018**, included the development and posting of four solicitations and subsequent procurement activities, including pre-bid conferences, issuance of addendum. The RFPs were posted for the following systems:

- Zero Waste System
- Work Order System including Facilities Management
- Fleet Management
- Performance Management / Learning Management System

Real Property Leasing and Management Solution

To facilitate the evaluations, cross departmental teams were created specific to the software. The vendor selection process is in progress and it is estimated that all vendors will be selected and spending authority approvals will be presented to Council by **June/July 2019**. The detailed timelines will be shared once the vendor selection process is completed.

### FUND\$ Replacement Project - Phase III

The ERMA Phase 1B and HR Payroll along with the Phase II Projects will require lot of staff time from multiple departments. The largest impact will be for the Departments of Information Technology, Public Works, Planning and Finance departments. Due to resource limitations it was decided to postpone these projects to second half of FY 2020 and FY 2021. Once HR Payroll goes live we will be conducting business requirements gathering workshops, developing timelines and working on procurement process for these projects and get back to Council with updates next year.

### **Not Started**

- Business License
- Property Tax Assessment

# 2. Website Redesign Update

Berkeley's 2018-2019 Strategic Plan identified a new City website as the first goal under priority #9, "Be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community:"

Create a new design, look and information architecture for the City website so that it is interactive and serves and prioritizes the needs of the community, including a focus on increasing the number and types of transactions and services available online.

# **FY 2018 Key Activities**

#### **Vendor Selection**

In February 2018, the City issued an RFP seeking a vendor to implement a complete redesign of Berkeley's website, including a new content management system and secure, high-performance offsite hosting. The RFP received a robust response, garnering over two dozen strong proposals. After three rounds of review by a multi-departmental evaluation team, the City selected Rolling Orange, Inc. to develop the new website.

Rolling Orange is a Bay Area company specializing in government and higher education websites. Their previous work includes websites for the <u>City of Hayward</u>, <u>BART</u>, <u>San Francisco Arts</u> <u>Commission</u>, <u>San Francisco Assessor-Recorder</u>, and <u>UC Berkeley</u>. The evaluation team was impressed with Rolling Orange's strong track record of work for other local agencies. City Council approved the contract award on October 30, 2018.

Rolling Orange is creating a new visual design and information architecture for new City website, which will run on the Drupal content management system. Drupal is widely used across all levels of government, and powers the websites of the <u>Berkeley Public Library</u>, <u>BART</u>, and <u>City and County of San Francisco</u>, to name a few.

#### **Web Content Standards**

In public outreach about the website, the top complaint from community members was the poor quality of web content. Survey respondents reported finding the City's web content too voluminous, dense, hard to read, and often outdated. To ensure that the new website is useful and helpful to visitors, the City has developed a set of policy documents that will govern management of web content going forward. These include:

- Website Policy: defines operational objectives for the City of Berkeley website, lays out clear processes governing the creation and maintenance of web content, and defines citywide digital accessibility standards.
- Content Strategy: serves as a tool to guide decisions about content throughout its lifecycle, sets standards for how web content is used to meet business objectives and satisfy community needs, and creates benchmarks against which we can measure success.

 Web Style Guide: establishes citywide standards for web content, grounded in online readability best practices and outlines core writing principles intended to ensure consistency and high quality in content throughout the website.

The draft content standards were shared with stakeholders and web contributors in every department, and are currently being revised to reflect feedback received during this review period. They are expected to be finalized in May 2019.

### **Citywide Web Content Review**

In preparation for transition to the new website, the City has embraced the opportunity for a long overdue "spring cleaning." From November 2018 through March 2019, the project team engaged in a collaborative process with staff citywide to sort through existing web content and identify what is required for the new website, and what has outlived its usefulness.

To facilitate the evaluations, the team developed a set of objective scoping criteria which was used in concert with site analytics, search data, and user feedback to make decisions on a page-by-page basis.

### **Rolling Orange kickoff**

The City started work with Rolling Orange in March 2019 with two full days of kickoff meetings. The vendor's team met with stakeholders representing every department, as well as City staff involved with key public service functions including 311, the Finance Customer Service Center, and Permit Service Center.

#### FY 2019 / FY 2020 Focus

# **Website Design**

In the coming year, Rolling Orange will be building out the new website based on the digital strategy work completed over the past year. The cornerstone of this work is a shift from an internal-focused website that is organized according to the City's bureaucratic structure to one grounded in user needs, and structured to reflect the ways community members interact will the City. Additionally, the new website will feature mobile responsive design, improved search functionality, greater ease of use for staff, and a fully incorporated calendar that allows us to better showcase the many events put on by the City.

# Launch of the new website is planned for spring of 2020.

### **Content Production**

Concurrent with the construction of the new website by Rolling Orange, the City is re-writing all its web content to conform to the newly developed web content standards. To minimize the burden on staff, most of the new content will be written by contracted web copywriters working in collaboration with department subject experts. The copywriting team is being selected through a competitive bidding process, with proposals currently under evaluation. *The content production process is expected to begin in summer 2019.* 

# 3. Accela Civic-Platform Implementation

The City of Berkeley began implementation of the Accela Civic Platform in July 2012. Accela is primarily used by the Planning (Building and Land Use), Public Works, Fire and the Finance departments. The Accela Civic-Platform Implementation will address Land Management, License and Case Management, Asset Management and Accela Citizen Access.

To date the City has implemented the following modules: Land Management, License and Case Management, Asset Management and Accela Citizen Access. Below are descriptions of each module.

Some additional enhancements were implemented such as Short Term Rental (STR) online zoning certificate application and payment, Sewer Asset Management Enhancements, Business License Renewal enhancements and Right of Way Management.

# **Land Management Module:**

- June 2013 Zoning Permits Full cycle permit workflow from initial permit application intake, to review by all agencies across the City as well as revisions, collection of all agencies fees, and zoning permit issuance.
- December 2015 Building Permits, Housing Code Enforcement, and ePlansoft Plan Check - Full cycle permit workflow from initial permit application intake, to review by all agencies across the City as well as revisions, collection of all agencies fees, and building permit issuance. Due to Challenges with Software, decommissioned ePlansoft (June 2016)
- Public Works Permits Full cycle permit workflow from initial permit application intake, to review by all agencies across the City as well as revisions, collection of all agencies fees, and public works permit issuance.
- Fire Permits Full cycle permit workflow from initial permit application intake, to review by all agencies across the City as well as revisions, collection of all agencies fees, and fire permit issuance.

#### License and Case Management (September 2013):

- Business License Registration
  - Licensing and Case Management (Licensing)
  - Integration: Business License Application w/ Lagan (decommissioned in July 2015)
  - Business License Application and renewal are processed in Accela.
- Online Business License Renewal Pilot
  - Provide the ability for one business type to renew their business license online by reporting and making payments on tax due. The pilot program is limited to one business type, the program will be re-evaluated to include additional business types.
- Tax Collections Business Licenses Renewal
  - During the business license renewal process, business are required to report and pay taxes on their gross receipts, all done in Accela.

# **Asset Management:**

- **September 2013** Sewer Asset Management implemented and Integration: Lagan (311 software)
- April 2015 City Sewer assets including Private Sewer Lateral (PSL) are managed in Accela
- Accela Mobile Office (AMO) for Sewer Asset Management Delivered on time but was abandoned about 12 months ago around April 2017 because Accela's Java Script libraries are not compatible with mobile devices web browser

### Accela Citizen Access (ACA):

- June 2014 Zoning Permit Applications and Payments thru ACA
  - Accela Citizen Access
  - Integration: Official Payments (online payment gateway)
- Enables online submission of online zoning permits including revisions and checking permit status
- Enables online submission of online building permits including revisions and checking permit status
- Online submission of Short Term Rental (STR) zoning permits
- Submission, payment and issuance of fully automated minor building permits

### In 2017 following enhancements were made to the Accela Application:

- Short Term Rental (STR) online zoning certificate application and payment
  - o Implementation of new STR ordinance, zoning permit requirement
- Sewer Asset Management Enhancements
  - Enhancements identified by staff after the initial implementation
- Business License Renewal Enhancements
  - Enhancements identified by staff after the initial implementation
- U1 Measure
  - Expand of the use of Accela Land Management Module to facilitate implementation of U1 program and tax collection
- Accela UI upgrade to v8.03 (March 2017)
- Accela Minor Permits (March 2017)
- Accela IVR (April 2017)
- Accela Ad Hoc Reporting (May 2017)
- E3 Program DocuSign, E3 built-out in AA (June 2017)

The City continues to identify areas of improvement within the Accela solution. The Department of Information Technology has worked diligently alongside client departments to identify areas of improvements, with a focus on improving the customer experience and realizing potential internal efficiencies. In early 2018, Staff engaged in a customer success visit with Accela, with the goal to review how the City of Berkeley usage of existing modules and provide recommendations for areas of improvement. Accela made 3 recommendations: Quick and Immediate Fixes, Short Term Fixes and Long Term Fixes. Staff are currently in the process of implementing Quick and Immediate fixes which has the most impact on staff and the public and these are on track to be completed by December 2019.

# 4. Cyber Resilience Plan Update

The Cyber Resilience Plan (CRP) is an important part of establishing the strategy, methodical approach, and evolving cyber-security program for the City of Berkeley. This CRP aligns with the City's vision of reducing cyber-risk exposure, maturing cyber-security capabilities, technologies and systems, and effecting efficient regulatory compliance. The new CRP shall specify ways in which recommended solutions will improve the City of Berkeley's operations and overall service delivery, streamline operations to achieve cost efficiencies and increased productivity, and support open and transparent governance.

The City's Cyber Resilience Program is to be built around five (5) core focal points: (1) the unique balance of data privacy, transparency and security that defines a California municipality and Berkeley in particular; (2) a program that is designed to include, create new and/or evolve existing functions that are key across each focal area; (3) that set of policies and rationale that facilitate a thriving and resilient cyber program; (4) the foresight, monitoring, response and mitigation that are essential in cyber incidents up through events impacting technology's role in enabling continuity of government as well as the delivery of a smart-city services; and (5) training that builds, matures and nurtures a culture of cyber reliance across all departments and levels of the municipality.

### More Specifically:

- (1) Data Transparency, Data Privacy and Data Security Creation of a program driven by a data classification and controls framework that enables uncontentious and judicious availability, access, management and monitoring of data relating to contractual, local, State and other relevant code/definitions of "private" (or "confidential") data, including but not limited to criminal, EHD and HIPAA, PII, PCI, and City of Berkeley ordinances and vehicles (e.g., Memorandums, boilerplate contracts, NDAs, business license form), and align to the California Public Records Act.
  - Will drive capability, and security, and application requirements.
  - Will address the public's right to know, data exchange (e.g., interagency) and situations where data privacy is compromised, data is stolen, held hostage, illicitly altered.
- (2) Program Functional Design Creation of a foundational program that contains the leading cyber security programmatic elements to meet today's cyber resilience needs. This focus will include strategy and objectives, the business of the cybersecurity program, its organizational structure, budgeting, process, communications plan, governance, and more. This focus area will also be designed for the evolution of the program aligned with City of Berkeley's transformation into an increasingly smart city.
- (3) Policy and Rationale Creation of a Charter for the cyber resilience organization and the set of policies, methodologies, processes which it will provide, as well as the vehicles it will execute (e.g., contract pro forma, enterprise security architecture, test plans, etc.). Will include a cyber risk assessment function which will provide the rationale for when risk assessments need to occur and the selection of controls. This focus area will plan for the establishment of the cyber resilience policy, governance surrounding the policy, cyber resilience participation and gateways in City business work efforts and projects, and cyber

resilience compliance and testing, security optimization and effectiveness metrics – e.g., Key Performance Indicators (KPI's).

- (4) Monitoring, Response & Mitigation This focus area seeks to mature and integrate the City of Berkley's cybersecurity incident response and management capabilities (IR), and support for City and Departmental emergency management plans and organizations, including but not limited to DolT's Business Continuity and Disaster Recovery, DolT's participation in City Continuity of Government (CoG)/Continuity of Operations (COOP) and Community-centric Emergency Response (DOC / EOC / OES). It will address Business Impact Analysis (BIA), Business Recovery, Resumption and Contingency, the maintenance, execution and coordination of local and regional Plans, table top and other exercises, and communications plans.
- (5) Training and Culture Creation of a security awareness program that changes the culture within and across the City of Berkeley through both basic end-user awareness training for all staff at all levels as well as IT staff. The CRP should identify the strategic benefits as well as the reasons and value factors and propositions for each department and staff member of the City of Berkeley (including "what's-in-it-for-me"). This focus area may include computer-based training (CBT) within its mix of awareness days/open-house days, Video trainings, communications schedules and campaigns, reinforcement tools/vehicles, and topical/functional sessions and workshops. And, the efforts will be designed to reduce the risk of known attacks targeting people and processes (e.g., anti-phishing training, "CEO-fraud," secure use of the Internet, etc.) as well as to provide individual and cultural-change effectiveness and optimization measuring and reporting.

The CRP will assess current gaps and evaluate the City's current cyber resilience posture, capabilities, and technology environment, including services provided, cybersecurity and application portfolio, infrastructure tools, organizational readiness, funding, product lifecycles, and service methodology. Department of IT will be evaluating the Disaster Recovery and Business Continuity Procedures and recommend the resources required.

The final task is to develop an implementation plan that addresses the most critical cyber resilience needs over the next five years, and serve as a crucial tool to not only measure our performance, but to push us to look at the possibilities of what we can and should be doing to continue innovating as we deliver projects and services to the City of Berkeley community. The CRP will be a living document which will be updated every three to five years and will help us identify the organizational priorities in line with our Department's vision, mission and values.

### 5. Business Impact Assessment (BIA)

This is the first time that the City of Berkeley has ever conducted a Business Impact Assessment (BIA). Performing a Business Impact Assessment (BIA) is a thorough and comprehensive undertaking.

The BIA looks at our city: (a) services as well as (b) the resources and technologies that we use to support those services. For example, some our city services include: answering phone calls the public safety call centers, health clinical activities, conducting building inspections, etc... And, some of the resources and technologies we use include: applications, internet access, city networks, etc... The BIA takes a look at all of these so that, in a disaster, the most critical ones are provisioned first and foremost, aiding a smoother recovery.

There are five critical questions being asked of each City Department and of senior executive team (SET) within our BIA:

- 1. What is the criticality of each the activities we do in the City of Berkeley? Which ones of yours are designated as "essential functions"?
- 2. What is your Department's and the City-wide priority to resume each of the processes listed in #1?
- 3. Following a major disruption or disaster, how soon must time-sensitive City services resume in order to avoid significant adverse impacts on the City and its community members?
- 4. What resources and technologies are needed to support the time-critical operations and minimize potential services interruption?
- 5. What are the magnitude of financial, operational, reputational, or legal impacts that arise from extended down-time?

The answers to each of these questions directly impacts the scope and priorities of the Cyber Resilience Plan (CRP) fourth focus area (monitoring, response and mitigation) and the development of disaster recovery (DR) policies, processes and metrics (a component of the third focus area of the CRP). We are also leveraging the BIA to begin to identify the sensitivity of information within the City. This collected information will, in turn, be used to inform our planned data transparency, data privacy, and data security work efforts and milestones (CRP focus area #1).

# 6. Geographical Information Systems (GIS) Master Plan Update

The Geographical Information Systems (GIS) Master Plan was developed in FY 2017 with a 5 year roadmap of GIS data assessment and data layers, to support services provided by these City of Berkeley Programs. A list of 7 projects was decided in collaboration with City departments for the FY 2018 execution.

### FY 2018 - GIS Projects Status update

#### **GIS Newsletter**

The inaugural issue of the GIS Newsletter, <u>The Pin Drop</u>, debuted this year. The next issue is due later this quarter. Topics will include the launch of the GIS Community Portal and the Esri Disaster Preparedness Workshop.

The GIS newsletter markets our successes and services and, in general, increases communications around GIS. It provides transparency and accountability by keeping stakeholders and community members in the loop through easily accessible media.

### **GIS Community Portal**

The GIS Community Portal, <a href="https://www.cityofberkeley.info/gisportal/">https://www.cityofberkeley.info/gisportal/</a>, launched to the public in January 2019. An Off Agenda Memo was shared with Council and the News Release was posted on the city website.

The existing GIS web page had a legacy product known as "Parcel Popper" which allowed citizens to enter an address and receive information for a given property including regulations. The new portal features a custom widget that mimics the functionality of Parcel Popper but also includes additional features.

The GIS Community Portal allows residents, businesses, city officials, and developers the ability to better understand what zoning and land use policies apply to properties of interest to them, without the need to call staff necessarily

### **GIS Data Assessment**

The GIS Data Assessment project was completed in June and the documents are <a href="here">here</a>. The assessment allows the City to have a comprehensive snapshot of the quality and completeness of all GIS data and establish a benchmark of data accuracy. It also allows the City to plan and prioritize improvements to its extensive data repository. The final report will include an Excel table of price estimates for improving the data layers ordered by Department.

### **GIS Mobile Plan**

The GIS Mobile Plan was completed in September. Document is <a href="here">here</a>. The mobility of GIS and the use of mobile technology to view, edit and analyze geospatial data, as well as make decisions in the field is a critical factor in building a true citywide, enterprise-wide, scalable, and enduring GIS.

### **Policies and Procedures Documentation**

The GIS Governance Policies document was completed in September. Document is <u>here</u>. The GIS Best Practices & Standard Operating Procedures was completed in December. Document is <u>here</u>.

Page **51** of **64** 

Standard operating procedures and policies detail the ways in which GIS technologies are to be manipulated in order to meet user needs. They prevent redundancy in data compilation and unnecessary effort. Adoption also decreases organizational liability.

### **GIS Department Projects**

### **Density model of Southside – Planning Department**

The GIS Intern created a density model of the zoning districts R-S and R-SMU. Land Use Planning wants to determine which buildings should be encourage to build with higher density standards.

Planning will leverage the model to analyze density and consider zoning changes and land-use options. The tool can also be used for engagement. Zoning can be complex and confusing, and this offers a way to visualize that complex information.

# Daytime Population Mapping & Statistical Analysis – Health, Housing & Community Services Department

In partnership with IT, the Public Health Division utilized the statistics tool, R, and GIS to create an interactive application of statistics and mapping of the daytime population (and daily transitions from night to day) in Berkeley.

### **Community input map – Public Works Department**

The City's Pedestrian Master Plan update process began in 2018 and continues through 2019. The Transportation Division is soliciting feedback via an interactive wikimap, <a href="http://wikimapping.com/wikimap/Berkeley-Pedestrian-Master-Plan.html#.W1EIL9hKiys">http://wikimapping.com/wikimap/Berkeley-Pedestrian-Master-Plan.html#.W1EIL9hKiys</a>. They invite the community to show us where and why you walk in Berkeley by drawing and commenting on the map.

### **Tree Inventory Project**

There was a need by the forestry folks to update tree species and their respective common names as drop down menus or picklists to an existing tree inventory application using GIS. Staff figured out how to get the data choices needed into the app in a way that makes it easy for the forestry folks to update the GIS data layer from the field.

### **GIS Trainings and Workshops**

### **GIS 101 Training**

Ten staff from across departments attended VTA class "GIS 101 for New Employees" early this year. The GIS Coordinator taught the course. Staff learn the fundamentals of GIS and how to access the city's Enterprise GIS resources.

### **GIS Orientation for new Planning staff**

Six new staff from the Planning Department attended a special GIS 101 with an emphasis on Planning GIS in June. The GIS Coordinator taught the course.

### **GIS Disaster Preparedness & Resiliency Workshop**

Co-hosted by IT and our GIS vendor, Esri, over 20 participants from cities and counties around the Bay Area joined us for a hands-on GIS disaster preparedness and resiliency workshop. We discussed recent disasters in our region and learned how to best prepare our GIS for a natural disaster.

### **Mobile GIS Training**

The GIS Coordinator participated in a hands-on Mobile GIS training in November for City staff with our GPS vendor and our Esri technical advisor. The GIS Coordinator also conducted a classroom Mobile GIS training for City staff in November.

### **Desktop training**

The GIS Coordinator led a GIS Desktop Users training in best practices and standard operating procedures in December.

### **GIS Community Portal Trainings**

The GIS Coordinator conducted hands-on training in September for City staff in Planning and Fire whose use the Parcel Conditions application.

### Census 2020

The GIS Coordinator attended the California State Data Center annual meeting in October. This year's meeting focused on the 2020 Census and provided an update on the status of LUCA for California.

### **Esri User Conference**

The GIS Coordinator and other city staff attended our GIS vendor's conference in July.

### 7. Broadband Infrastructure Master Plan

In Fall 2017, the RFP was released to develop a Broadband Infrastructure Master Plan

In parallel, October 2017 - March 2018, OED and IT engaged Marty and Nutter Consulting to undertake additional research on the nature of Berkeley's digital divide and potential solutions (as offered by local partners and other US cities). Both consultants' research findings were presented to City staff and external community partners on May 1, 2018 at a meeting hosted by OED and IT.

**March 2018**, Kimley-Horn was selected as the Broadband Infrastructure Master Plan vendor. The final plan is expected to be completed by summer 2019 and the City will have the roadmap it needs to recruit private-sector partners to assist with the build-out of the City's fiber network. The final report will include the assets the City has available and the financial models of different options for partnerships with other public and/or private entities.

**June 2018,** Department of IT and Office of Economic Development presented the findings of Marty How and Nutter Consulting to the Council in a work session.

May 2018 – Nov 2018, the consultant has reviewed the Marty and Nutter Consulting's digital divide research and gathered additional information on the broadband infrastructure needs of municipal, community, and business users through City staff workshops, business group meetings, and user surveys. Kimley-Horn has also conducted field investigation into the condition of traffic signal interconnect conduit, City facilities, and utility/street light poles for broadband network readiness and will be gathering information regarding existing and planned broadband infrastructure assets owned by the City, other public agencies, and private entities within City Limits in the months ahead.

**Mar 2019**, a draft findings and recommendations report was presented to City staff for review and feedback. The final report will include recommended network design to address user needs, identify gaps, and develop prioritized initiatives and projects, including recommendations for any revisions to existing City policies and practices. The City Staff is currently reviewing the draft report and once the details are finalized the final report will be summarized with recommendations and presented to Council in the summer of 2019.

### **Berkeley Tech Exchange FAIR**

**September 15, 2018** - Access to a computer and high-speed internet are more important than ever to the success of the Bay Area's students, job seekers and families. 53% of adults with incomes less than \$30,000 have broadband at home, compared to 93% of those with incomes above \$75,000 (Pew Research Center). In the Bay Area alone, 47% of low-income families don't have access to a computer at home.

To address this crucial need, the Berkeley Library, City of Berkeley, Tech Exchange and Comcast Internet Essentials partnered in hosting a Berkeley Tech Fair on September 15th, 2018. Library shared info about its own tech training courses.

The fair was sponsored by Comcast and Tech Exchange provided information on Training, Free refurbished computers for participants, and Information about low cost internet programs (\$10/month). The residents needed to be part of Supplemental Nutrition Assistance Program

(SNAP)*** and Cal Fresh Programs. The Berkeley Tech Fair successfully attracted an **attendance of approximately 300**. Among these, 125 attendees walked away with a high-quality refurbished computer, representing just a portion of Bay Area residents who are "digitally dark."

***SNAP offers nutrition assistance to millions of eligible, low-income individuals and families and provides economic benefits to communities.

8. Upcoming Projects FY20 / FY21 (includes Carryover from FY18 /FY19)

**Refer to Project List Attached

### **USEFUL LINKS**

- ♣ Digital Strategic Plan (DSP)
  - IT DSP Findings & Recommendations- Identify a comprehensive set of possible management, business process improvement, and Information Technology initiatives.
  - Vol 2: Implementation Roadmap Provide final proposed and prioritized initiatives, budget estimate, 5-year timeline, and cost allocation plan.
  - o Annual DSP Update 2017 Information Report Sep 19, 2017
- Berkeley Community Connection Portal City's Open Data set powered by 311 requests for service information and enables community members to search by an address or filter by neighborhood and date range, and save the search by creating an alert to monitor changes over time is provided in an easily searchable format and depicted on a city map.
- Geographical Information Systems (GIS) Master Plan The document reflects a combination of Needs and Data Assessment, Technology and Organizational Readiness Assessment, and identifying a roadmap for GIS implementation and Tactical Plan that is technologically strategic, operationally responsive, and fiscally responsible. It addresses the unique requirements of the mission critical geospatial business needs of the City and its constituents, visitors and business community as a whole.
- ➡ GIS Community Portal Provides GIS interactive maps and map pdf's. All data, information, and maps are provided "as is" without warranty or any representation of accuracy, timeliness or completeness.
- GIS Map Room City's Geographic Information System (GIS) resources via an interactive map.
- Open Data Portal- City's Open Data Portal serves community and provides 102 data sets.
- Online Permits Portal Implement an online mapping solution for City-issued permits to enable community members to search and review permit details and to easily identify permitting information based on address and business type.
- ♣ Online Services Center (311) Contains information on various online services.
- **Records Online** Records Online contains Election information, Ordinances, Resolutions, Agendas, Meeting Minutes, Contracts, Communications and other City documents.

Page 61 of 68

Goal	Supporting Department(s)	Title	Description	Planned	New or
				Start/End	Carryover
Provide an	City Attorney, City	Digital	Phase II:	Various	Both
efficient and	Clerk, City Manager's	Strategic Plan			
financially-	Office, Finance, Fire &	& Roadmap	91 projects, both new and		
healthy City	Emergency Services,		carryover		
government	Health Housing &				
	Community Services,				
	Human Resources,				
	Information				
	Technology, Parks				
	Recreation &				
	Waterfront, Planning &				
	Development, Police,				
	Public Works				
Provide an	Parks Recreation &	FUND\$	To implement the fleet	7/2019-	New
efficient and	Waterfront, Public	Replacement:	management system, customer	7/2021	
financially-	Works	Fleet	requests and work orders,		
healthy City		Management	preventive maintenance,		
government		System	resources, and inventory, best		
			practices and regulatory		
			compliance		
Provide state-	City Attorney, City	Backup	To replace our current	7/2019-	New
of-the-art,	Clerk, City Manager's	System	enterprise backup product	7/2020	
well-	Office, Finance, Fire &		(Barracuda) with a more stable		
maintained	Emergency Services,		and expandable backup		
infrastructure,	Health Housing &		solution. The need is for a		

Page 62 of 68

Goal	Supporting Department(s)	Title	Description	Planned Start/End	New or Carryover
amenities, and	Community Services,		software solution that has the		
facilities.	Human Resources,		ability to expand when needed		
	Information		and can provide very quick		
	Technology, Parks		restores.		
	Recreation &				
	Waterfront, Planning &				
	Development, Police,				
	Public Works				
Provide state-	Citywide	Data Center	To replace our current server	07/2019-	New
of-the-art,		Infrastructure	and storage infrastructure in	6/2020	
well-		Upgrade,	both the City Hall and Public		
maintained		Disaster	Safety Building Data Centers		
infrastructure,		Recovery	with a dependable, fault		
amenities, and		Installation and	tolerant, restorable and DR		
facilities.		Implementation	(disaster recovery) failover		
			solution. With a hyper-		
			converged solution we can		
			have a single solution for		
			managing the 250 virtual		
			servers in the City of Berkeley.		
			This includes combining the		
			CPU, RAM, and storage within		
			the same fully supported		
			infrastructure.		
Provide state-	Citywide	Load	To implement a load balancing	07/2019-	New

Page 63 of 68

Goal	Supporting Department(s)	Title	Description	Planned Start/End	New or Carryover
of-the-art,		Balancers	to meet common expectations	6/2020	
well-			of the end user for all		
maintained			applications – performance,		
infrastructure,			experience, quality of service –		
amenities, and			no matter whether are hosted		
facilities.			internally, externally, or in the		
			cloud through consistent,		
			dynamic, and application-		
			centric delivery of network and		
			application traffic.		
Provide an	City Attorney, City	GIS Master	Year 2 of GIS Master Plan:	07/2019-	New
efficient and	Clerk, City Manager's	Plan	Multiple projects, both new	6/2020	
financially-	Office, Finance, Fire &		and carryover, including		
healthy City	Emergency Services,		GreenCity GIS (interactive map		
government	Health Housing &		application integrated with GIS		
	Community Services,		asset management for Parks),		
	Human Resources,		Here Data (resource for base		
	Information		map data and routing for Public		
	Technology, Parks		Safety and other departments),		
	Recreation &		Panoramic – Imagery (360		
	Waterfront, Planning &		degree panoramic imagery for		
	Development, Police,		rights-of-way)		
	Public Works				
Provide an	City Attorney, City	Master	Address management system	2/2020-	New

Page 64 of 68

Goal	Supporting	Title	Description	Planned	New or
efficient and	Department(s)   Clerk, City Manager's	Address	to replace FUND\$ land	Start/End 2/2022	Carryover
financially-	Office, Finance, Fire &	Database	management module		
healthy City	Emergency Services,		geeug		
government	Health Housing &				
	Community Services,				
	Human Resources,				
	Information				
	Technology, Parks				
	Recreation &				
	Waterfront, Planning &				
	Development, Police,				
	Public Works				
Provide an	Finance	FUND\$	Implement an electronic	7/2019-	New
efficient and		Replacement:	procurement system	7/2020	
financially-		eProcurement			
healthy City					
government					
Provide an	Citywide	Analytics Now	Implement a analytics tool for	7/2019-	New
efficient and			reporting	7/2021	
financially-					
healthy City					
government					
Provide an	Citywide	KnowBe4	Provide cyber security training	7/2019-	New
efficient and			to staff	7/2021	
financially-					

Page 65 of 68

Goal	Supporting Department(s)	Title	Description	Planned	New or
				Start/End	Carryover
healthy City					
government					
Provide an	City Attorney, City	Single Sign-On	Enable end user to login from	7/2019-	New
efficient and	Clerk, City Manager's		anywhere using one login	7/2021	
financially-	Office, Finance, Fire &				
healthy City	Emergency Services,				
government	Health Housing &				
	Community Services,				
	Human Resources,				
	Information				
	Technology, Parks				
	Recreation &				
	Waterfront, Planning &				
	Development, Police,				
	Public Works				
Provide an	Health Housing &	NextGen	Implement major upgrades	07/2019-	New
efficient and	Community Services	Electronic	needed to meet changing	07/2020	
financially-		Practice	healthcare requirements &		
healthy City		Management	strategic enhancements		
government		(EPM)	targeted to improve health		
		Electronic	clinic workflow		
		Health Record			
		System			
Provide state-	Office of Economic	Broadband	Develop master plan to	3/2018-	Carryover
of-the-art,	Development, Public	Infrastructure	improve infrastructure for high	07/2019	

Page 66 of 68

Goal	Supporting Department(s)	Title	Description	Planned Start/End	New or Carryover
well- maintained infrastructure, amenities, and facilities	Works	Master Plan	speed internet citywide		
Create a resilient, safe, connected, and prepared city	City Manager's Office	Cyber Resilience Strategy	Multiple Projects related to Cyber Resilience, Cyber Security and Disaster Recovery: Develop Cyber Resilience Plan and Business Impact Assessment in alignment with City's Resilience Strategy, including software upgrade needs, policies and cyber security training for staff	07/2019- 06/2019	Both
Provide an efficient and financially-healthy City government	City Attorney, City Clerk, City Manager's Office, Finance, Fire & Emergency Services, Health Housing & Community Services, Human Resources, Information Technology, Parks Recreation &	FUND\$ Replacement: E-signatures	E-signatures and improving contract routing process for esignatures	07/2019- 07/2021	New

## Page 67 of 68

Goal	Supporting Department(s)	Title	Description	Planned Start/End	New or Carryover
	Waterfront, Planning &				
	Development, Police,				
	Public Works				
Provide state-	Citywide	Annual	5 Annual Replacement	Various	New
of-the-art,		Infrastructure	Programs for technology		
well-		Replacements	equipment replacement		
maintained					
infrastructure,					
amenities, and					
facilities.					
Provide an	Citywide	Annual	6 Annual Reporting and	Various	New
efficient and		Reporting and	Compliance Programs for		
financially-		Compliance	meeting state and grant funding		
healthy City			requirements		
government					





# INFORMATION CALENDAR May 28, 2019

To: Honorable Mayor and Members of the City Council

From: Commission on Disability

Submitted by: Alex Ghenis, Chairperson, Commission on Disability

Subject: Update on Concerns about Informational Kiosks and Accessibility, Obstacles

### **SUMMARY**

Following its meeting on February 6, 2019, the Commission on Disability submitted an item for the Information Calendar titled "Concerns about Informational Kiosks and accessibility, obstacles". (This informational item was not submitted to Council at that time, but is attached to this report for reference.) The informational item outlined the Commission's concerns about the City's plans to install informational kiosks in certain public areas of Berkeley. Namely, the Commission raised concerns about universal accessibility of the kiosks (i.e. usability and ease-of-navigation for persons with disabilities) and that the kiosks may obstruct pathways used by people with disabilities.

The Commission would like to follow up on the Information Calendar item filed earlier this year. Our main updates are to acknowledge that a representative from the Ike Kiosk manufacturer visited the Commission's March meeting and recognized accessibility concerns; he then informed the Commission that the kiosks already have some – but not all – accessibility features. We also understand that the kiosks, as a product/service, can be beneficial to individuals with disabilities in Berkeley. We finally reiterate that it is imperative for the City to ensure that all products and services in the City meet Americans with Disabilities Act (ADA) requirements; if there are not yet concrete federal regulations on specific product features, it is proper for the City to pursue maximum disability access and usability as a matter of civil rights and legal prudence.

### **CURRENT SITUATION AND ITS EFFECTS**

The kiosks are manufactured and designed by Ike and will be located in several areas of the City that serve as hubs of social and commercial activity. They are intended to provide information about Berkeley, its businesses, events, etc. As was noted in our earlier calendar item, the Commission acknowledges that there are potential benefits from kiosks, if they are accessible to all.

The Commission discussed our concerns about accessibility with Mr. Steve Jaffe, a representative from Ike Smart Cities, during the Commission on Disability meeting on March 6, 2019. Mr. Jaffe informed the Commission that Ike kiosks include certain

accessibility features, e.g. the functional area of the kiosk screen/control-pad can move down for individuals unable to reach the standard height. This feature is useful for individuals using wheelchairs or persons of short stature, among other groups.

The Commission inquired about whether kiosks are fully operable by blind/low-vision individuals, for example by having tactile buttons and audio navigation options. Mr. Jaffe confirmed that the kiosks do not currently include full accessibility for blind/low-vision individuals. Ike is exploring product updates that will allow blind/low-vision individuals to use the kiosks; however, the product as currently manufactured does not have appropriate features. The Commission remains concerned about this lack of full accessibility and that kiosk accessibility may ultimately be difficult to upgrade depending on necessary adjustments for hardware and software.

The Commission has noted a recent legal case in the Ninth Circuit, *Robles v Domino's Pizza LLC*, in which the court ruled that Domino's must redesign its website to be accessible to people with blindness who use screen-reading software. Domino's used the defense that there are not established regulations under ADA code for accessibility of websites; the court ruled that a lack of concrete regulations does not preclude the responsibility to offer full accessibility and that Domino's did not pursue due diligence in making their website universally accessible.

The aforementioned case raises concerns that the lack of universal accessibility for the proposed kiosks—including the lack of accessibility for blind/low-vision individuals—could present legal liabilities (in addition to shirking the civil rights responsibility of ensuring equal access to products and services). Claims under the ADA may carry financial penalties and/or requirements to fix accessibility shortcomings.

By licensing kiosks that are not fully accessible and entering a private/municipal collaboration, the City of Berkeley may ultimately be legally and financially liable to claims under the ADA regarding informational kiosks in Berkeley. The Commission cannot state the extent of potential liabilities but believes that it is non-negligible and may be significant.

As we noted in our previous Informational Item, the City needs to fulfill responsibilities under the Americans with Disabilities act, and council may want to further consider the nature of the private/municipal responsibilities of the collaboration in placing potentially inaccessible kiosks in a public space, and taking on potential liabilities.

Accessible Ike City Smart Kiosks are a Strategic Plan Priority Project, advancing our goal to be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community.

### **BACKGROUND**

The Commission on Disability had a presentation at the December 5, 2018 meeting, below are the minutes from that portion of the meeting:

"Ike Smart City Kiosks - Mr. Steve Jaffe (Ike Smart City Western region operations manager) presented information on kiosk ADA features and provided a handout of key features. CM Leeder inquired about any audio features and Mr. Jaffe said that IKE was experiencing challenges implementing audio features. CM Walsh requested Mr. Jaffe further research audio features and report back to the CoD. Lighthouse Center for the blind and Ed Roberts Campus may be good resources for IKE designers to tap for discussion of audio options. Discussion about people with disabilities actually using the IKE kiosks with response from Mr. Jaffe that the kiosks are currently deployed in San Antonio, Texas and are being used successfully by persons with disabilities. CM Ghenis appreciated that IKE was attempting to solve the audio challenges, but expressed concerns about possible rollout of kiosks without audio and suggestion was made to at least install a speaker for possible future upgrade to audio. Discussed timeline of kiosk installation with installation of first 15 kiosks (31 total planned/approved by City Council) likely to occur in March/April 2019. Motion to recommend council require that IKE kiosks be fully ADA compliant including blind & deaf by employing audio/tactile features (Walsh/Schwartz)" The vote was as follows: ayes—Walsh, Schwartz, Weiss, Leeder, Ramirez, Ghenis; navs—none; abstain—none; absent—Singer.)

Mr. Jaffe returned to the Commission on Disability during its meeting on March 6, 2019. (As of the writing of this Informational Item, the Commission does not have full minutes from March 6 meeting.) Mr. Jaffe noted during the meeting that Ike Kiosks have some accessibility features including a screen that can be lowered for better use by people with disabilities, such as individuals using wheelchairs and persons of short stature. Several commissioners inquired about navigation features for blind/low-vision individuals, e.g. tactile buttons and audio navigation. Mr. Jaffe noted that these features are not available on existing Ike Kiosk models. He stated that Ike Smart City is exploring audio navigation and other functions for potential future upgrades.

### Links to additional information about accessibility and kiosk concerns:

https://www.adakiosks.com (a particular company)

https://usability.com.au/2014/04/automated-kiosks-and-accessibility/ (for an international perspective

https://www.lflegal.com/2018/01/kiosks18/ (a law firm)

https://developer.paciellogroup.com/blog/2017/11/considerations-for-making-an-

accessible-kiosk/ (considerations for making a kiosk accessible)

### **ENVIRONMENTAL SUSTAINABILITY**

The Commission on Disability has no information about environmental sustainability of the kiosks.

### POSSIBLE FUTURE ACTION

Unknown.

# FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Unknown.

### Page 4 of 7

Update on Concerns about Informational Kiosks and Accessibility, Obstacles]INFORMATION CALENDAR

## **CONTACT PERSON**

Alex Ghenis, Chair, Commission on Disability
Dominika Bednarska, Disability Services Specialist, Public Works, 510-981-6418

### Attachments:

1: 2019 2.09 adopted informational item city kiosk



# INFORMATION CALENDAR (Drafted but Not Submitted)

To: Honorable Mayor and Members of the City Council

From: Commission on Disability

Submitted by: Alex Ghenis, Chairperson, Commission on Disability

Subject: Concerns about Informational Kiosks and accessibility, obstacles

### INTRODUCTION

The Commission on Disability is aware that the City of Berkeley is planning to trial/demonstrate a particular type of informational Kiosk, and wishes to share some concerns with the council regarding accessibility issues and sidewalk obstruction.

Given the planned installation and potential for ADA liabilities for the City, we are asking this informational item to be high priority. Prepared for submission and adopted by the Commission on Disability on 2019-02-06

### **CURRENT SITUATION AND ITS EFFECTS**

The kiosks under discussion may not meet accessibility needs. They are a collaborative between a private company and municipalities, and it is unclear if accessibility has been considered in the design, placement, and operation of the kiosks. For example, there is no audio navigation at this time for individuals who are blind, blind/deaf, low vision, or have cognitive or other relevant disabilities. There are other issues as well that will require review.

The Commission is recommending that kiosks need to be accessible, and accessible to all individuals with disabilities, including but not limited to: visual impairment, hearing impaired and Deaf community, and mobility impaired.

The City needs to fulfill responsibilities under the Americans with Disabilities act, and council may want to further consider the nature of the private/municipal responsibilities of the collaboration in placing potentially inaccessible kiosks in a public space, and taking on potential liabilities.

An additional ongoing concern of the Commission is sidewalk safety and obstacles, and the kiosks may impede the right of way of individuals with mobility needs or visual impairment, while not providing services to all individuals with disabilities.

The City has expressed interest in Vision Zero, and pedestrian safety is part of the vision. Pedestrian safety and accessibility is important to civic life and a constant topic of concern for the Commission on Disability. ADA accessibility is #1 of the 10 elements of vision zero streets for NYC, and they have seen a decline in pedestrian fatalities.

The commission acknowledges that there are potential benefits from kiosks if they are accessible to all, and is looking to prevent anticipatable problems with design, placement, and use.

### **BACKGROUND**

The Commission on Disability had a presentation at the December 5, 2018 meeting, below are the minutes from that portion of the meeting:

Ike Smart City Kiosks - Mr. Steve Jaffe (Ike Smart City Western region operations manager) presented information on kiosk ADA features and provided a handout of key features. CM Leeder inquired about any audio features and Mr. Jaffe said that IKE was experiencing challenges implementing audio features. CM Walsh requested Mr. Jaffe further research audio features and report back to the CoD. Lighthouse Center for the blind and Ed Roberts Campus may be good resources for IKE designers to tap for discussion of audio options. Discussion about people with disabilities actually using the IKE kiosks with response from Mr. Jaffe that the kiosks are currently deployed in San Antonio, Texas and are being used successfully by persons with disabilities. CM Ghenis appreciated that IKE was attempting to solve the audio challenges, but expressed concerns about possible rollout of kiosks without audio and suggestion was made to at least install a speaker for possible future upgrade to audio. Discussed timeline of kiosk installation with installation of first 15 kiosks (31 total planned/approved by City Council) likely to occur in March/April 2019. Motion to recommend council require that IKE kiosks be fully ADA compliant including blind & deaf by employing audio/tactile features (Walsh/Schwartz 5/0/2).

### Vision zero:

https://www.visionzerostreets.org

ADA accessibility is #1 of the 10 elements of vision zero streets for New York

https://www1.nyc.gov/office-of-the-mayor/news/016-18/vision-zero-mayor-de-blasio-pedestrian-fatalities-dropped-32-last-year-making-2017#/0

pedestrian fatalities down in NYC.

Some links about accessibility and kiosk concerns:

https://www.adakiosks.com (a particular company)

https://usability.com.au/2014/04/automated-kiosks-and-accessibility/ (an international perspective

https://www.lflegal.com/2018/01/kiosks18/(a law firm)

https://developer.paciellogroup.com/blog/2017/11/considerations-for-making-an-accessible-kiosk/ (considerations for making a kiosk accessible)

### **ENVIRONMENTAL SUSTAINABILITY**

The Commission on Disability has no information about environmental sustainability of the kiosks.

## POSSIBLE FUTURE ACTION

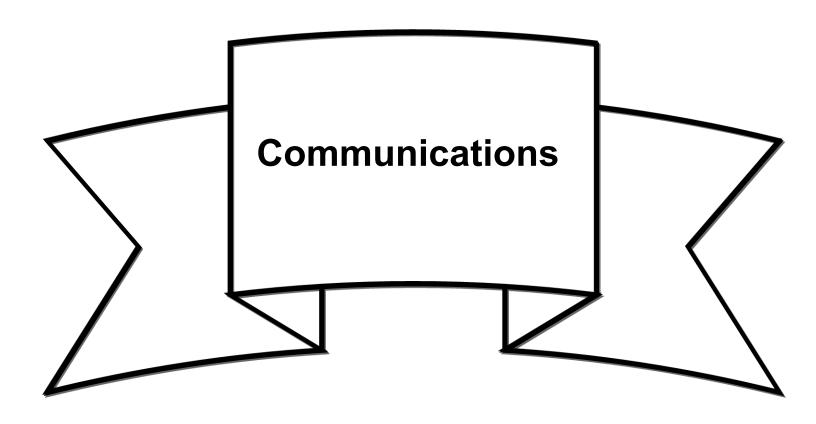
unknown

### FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Unknown

### **CONTACT PERSON**

Alex Ghenis, Chair, Commission on Disability, Joe Enke, Supervising Civil Engineer, Public Works Department, (510) 981- 6411



All communications submitted to the City Council are public record. Communications are not published directly to the City's website. Copies of individual communications are available for viewing at the City Clerk Department and through Records Online.

# **City Clerk Department**

2180 Milvia Street Berkeley, CA 94704 (510) 981-6900

# **Records Online**

http://www.cityofberkeley.info/recordsonline

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- 1. Select Search Type = "Public Communication Query (Keywords)"
- 2. From Date: Enter the date of the Council meeting
- 3. To Date: Enter the date of the Council meeting (this may match the From Date field)
- 4. Click the "Search" button
- 5. Communication packets matching the entered criteria will be returned
- 6. Click the desired file in the Results column to view the document as a PDF