



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

MONDAY, MAY 22, 2023

2:30 P.M.

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

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

Committee Members:

Mayor Jesse Arreguin, Councilmembers Sophie Hahn and Susan Wengraf

Alternate: Councilmember Ben Bartlett

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

Remote participation by the public is available through Zoom. To access the meeting remotely using the internet: Join from a PC, Mac, iPad, iPhone, or Android device: Use URL - <https://cityofberkeley-info.zoomgov.com/j/1613010148>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon on the screen. To join by phone: Dial **1-669-254-5252 or 1-833-568-8864 (Toll Free)** and Enter Meeting ID: **161 301 0148**. If you wish to comment during the public comment portion of the agenda, press *9 and wait to be recognized by the Chair.

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

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

AGENDA

Roll Call

Public Comment

Review of Agendas

- 1. Approval of Minutes: May 8, 2023**
- 2. Review and Approve Draft Agenda:**
 - a. 6/6/23 – 6:00 p.m. Regular City Council Meeting
- 3. Selection of Item for the Berkeley Considers Online Engagement Portal**
- 4. Adjournments In Memory**

Scheduling

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

Referred Items for Review

- None

Unscheduled Items

- 8a. Discussion Regarding Impact of COVID-19 (novel coronavirus) on Meetings of Legislative Bodies**
- 8b. Analysis of Return to In-Person Meetings of City Legislative Bodies**
- 9. Discussion of Potential Changes and Enhancements to the City Council Legislative Process including the concepts referred by Council at the March 14, 2023 meeting**
- 10. Modifications or Improvements to City Council Meeting Procedures (referred by Council at the March 14, 2023 meeting)**
- 11. Strengthening and Supporting City Commissions: Guidance on the Development of Legislative Proposals**

Unscheduled Items

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

Items for Future Agendas

- Requests by Committee Members to add items to future agendas

Adjournment – Next Meeting Tuesday, May 30, 2023

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

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

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

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

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

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

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



#### COMMUNICATION ACCESS INFORMATION:

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

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I hereby certify that the agenda for this special meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on Thursday, May 18, 2023.

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

Mark Numainville, City Clerk

Communications

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

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

MONDAY, MAY 8, 2023

2:00 P.M.

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

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

Committee Members:

Mayor Jesse Arreguin, Councilmembers Sophie Hahn and Susan Wengraf

Alternate: Councilmember Ben Bartlett

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

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AGENDA

Roll Call: 2:04 p.m. All present.

Public Comment – 3 speakers

Review of Agendas

1. Approval of Minutes: April 24, 2023

Action: M/S/C (Wengraf/Hahn) to approve the minutes of 4/24/23.

Vote: All Ayes.

2. Review and Approve Draft Agenda:

a. 5/23/23 – 6:00 p.m. Regular City Council Meeting

Action: M/S/C (Arreguin/Hahn) to refer Item 44 Freeway Lid to the Transportation and Infrastructure Commission and the Parks, Recreation and Waterfront Commission.

Vote: All Ayes.

Action: M/S/C (Arreguin/Wengraf) to approve the agenda of 5/23/23 revised to include the changes noted below.

- *Item Added: Berkeley Rotary Event (Harrison)*
- *Item Added: Pacific Center Event (Robinson)*
- *Item Added: Housing Element Budget Referral (Hahn)*
- *Item 16 Wildfire Protection Plan (City Manager) – moved to May 16 special meeting*
- *Item 32 Support HR603 (Wengraf) – Councilmember Hahn added as a co-sponsor*
- *Item 38 ZAB Appeal (City Manager) – moved to first public hearing*
- *Item 40 Commission Recommendation – moved to Consent Calendar*
- *Item 41 Car Thefts (Arreguin) – moved to Consent Calendar*
- *Item 42 Auditing Contract (City Manager) – moved to Consent Calendar*
- *Item 43 Cannabis Taxes (Bartlett) – moved to May 23 Action Calendar*
- *Item 44 Freeway Lid (Robinson) – referred to Transportation and Infrastructure Commission and the Parks, Recreation and Waterfront Commission*

Vote: All Ayes.

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

- None Selected

4. Adjournments In Memory – None

Scheduling

5. Council Worksessions Schedule

- Wildfire Protection Plan scheduled for May 16

Scheduling

6. Council Referrals to Agenda Committee for Scheduling

Action: M/S/C (Arreguin/Wengraf) to schedule the Unfunded Liabilities Item to a special meeting on May 23 at 4:00pm.

Vote: All Ayes.

7. Land Use Calendar – received and filed

Unscheduled Items

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

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

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

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

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

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

Items for Future Agendas

- None

Adjournment

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

Vote: All Ayes.

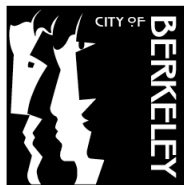
Adjourned at 2:49 p.m.

I hereby certify that the foregoing is a true and correct record of the Agenda & Rules Committee meeting held on May 8, 2023.

Mark Numainville, City Clerk

Communications

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

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

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

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

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

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

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

Preliminary Matters

Roll Call:

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

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

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

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

Consent Calendar

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

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

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

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

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

Consent Calendar

1. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on June 6, 2023

From: City Manager

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

Financial Implications: Various Funds - \$1,061,394

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

2. Shelter Plus Care Program Renewal Grants

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to receive funds and execute any agreements and amendments resulting from the renewal of the following grants: 1. Two Shelter Plus Care grants from U.S. Department of Housing and Urban Development (HUD): a) \$3,949,021 for Supportive Housing Collaborative Project (SHC) for the period June 1, 2023 through May 31, 2024; b) \$2,327,914 for COACH Project (COACH) for the period of January 1, 2023 through December 31, 2023. 2. One federal Shelter Plus Care grant received via Alameda County in a not-to-exceed amount of \$881,045 to provide tenant-based rental assistance to individuals who are chronically homeless and disabled from March 1, 2023 through February 28, 2024.

Financial Implications: See report

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

Consent Calendar

- 3. Request for Proposal for Martin Luther King, Junior (MLK) House**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to: 1. Release a Request for Proposals (RFP) seeking a new owner/operator for Martin Luther King, Junior (MLK) House currently owned by Resources for Community Development (RCD); and 2. Consider the reallocation of \$1,178,974 in 2021 Housing Trust Fund (HTF) Rehabilitation Funding initially awarded to RCD to the new owner/operator of MLK House as part of the transfer of property to help support rehabilitation of the existing housing.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 4. Grant Application: The Surrendered and Abandoned Vessel Exchange (SAVE) grant program of the California Division of Boating & Waterways**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to 1) Apply for and accept a grant in the amount of \$60,000 from the California Division of Boating & Waterways (“DBW”) Surrendered and Abandoned Vessel Exchange (SAVE) grant program for the removal and disposal of anticipated abandoned vessels located at the Berkeley Marina; 2) Execute any amendments; and 3) Authorize a local match contribution of \$6,000.
Financial Implications: Grant - \$60,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 5. Contract Amendments for As-needed Trees Services with Bay Area Tree, Hamilton Tree, Professional Tree, and West Coast Arborist**
From: City Manager
Recommendation: Adopt resolutions authorizing the City Manager to amend contracts with Bay Area Tree Specialists (31900202), Hamilton Tree Service (31900193), Professional Tree Care (31900212), and West Coast Arborists (31900218), for as-needed tree services, increasing the amount by \$250,000 each.
Financial Implications: See report.
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 6. Donation from the Bessemer Trust for Tree Planting**
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation in the amount of \$7,105 for tree planting at Indian Rock Park and John Hinkel Park from the Bessemer Trust.
Financial Implications: \$7,105 (Donation)
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Consent Calendar

- 7. Contract: Rebuilding Together East Bay North for Just Transition Pilot Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or their designee to award a contract and execute any amendments, extensions, or change orders with Rebuilding Together East Bay North (RTEBN) in an amount not to exceed \$1,500,000 to develop and implement a Just Transition Pilot Program over a two-year period.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
- 8. Contract No. 32000020 Amendment: Rincon Consultants, Inc. for On-Call Planning and Environmental Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000020 with Rincon Consultants, Inc. to prepare an addendum to the 2023-2031 Housing Element Update Environmental Impact Report (EIR) for the Southside Zoning Implementation Program, increasing the contract amount by \$61,000 to a new total not-to-exceed contract amount of \$2,061,000.
Financial Implications: See report.
Contact: Jordan Klein, Planning and Development, (510) 981-7400
- 9. 2022 Police Equipment & Community Safety Ordinance Annual Report**
From: City Manager
Recommendation: Adopt a Resolution approving the 2022 Equipment Ordinance Annual Report.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900
- 10. Berkeley City Auditor Whistleblower Program**
From: Auditor, Mayor Arreguin (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor)
Recommendation: Adopt a Resolution to support and endorse the City Auditor's plan to implement a Whistleblower Program. Consistent with the implementation plan, the City Auditor is currently requesting authorization to hire one additional Audit Manager.
Financial Implications: See report
Contact: Jenny Wong, Auditor, (510) 981-6750

Council Consent Items

- 11. Budget Referral: Additional Street Maintenance Funding to Improve Pavement Condition, Saving Tax Dollars and Our Streets** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*
From: Councilmember Kesarwani (Author), Councilmember Humbert (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)
Recommendation: Refer to the FY 2023-25 biennial budget process to further increase the street paving budget by \$4.7 million General Fund in FY 2024-25 for a total street paving budget of approximately \$20 million in FY 2024-25.
Policy Committee Recommendation: To send the item to Council with a positive recommendation.
Financial Implications: See report
Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110
- 12. Bench Donation: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Councilmember Bartlett (Author)
Recommendation: Adopt a Resolution approving the expenditure of funds, including \$3500 from Vice Mayor Bartlett for creating a community bench in memory of the efforts of community members made in 2020 on the Black Lives Matter movement, with funds relinquished to the City's General Fund for this purpose from the discretionary council office budget of Vice Mayor Bartlett and any other Councilmembers who would like to contribute.
Financial Implications: Councilmember's Discretionary Funds - \$3,500
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
- 13. Berkeley Juneteenth Festival: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Councilmember Bartlett (Author)
Recommendation: Adopt a Resolution approving the expenditure of funds, including \$1000 from Vice Mayor Bartlett for pre-planning of the Berkeley Juneteenth Festival (organized by Berkeley Juneteenth Association, Inc. 501(c)3), with funds relinquished to the City's General Fund for this purpose from the discretionary council office budget of Vice Mayor Bartlett and any other Councilmembers who would like to contribute.
Financial Implications: Councilmember's Discretionary Funds - \$1,000
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
- 14. Refer \$7,000 to the June 2023 Budget Process to Purchase Marking Equipment to Engrave Identification Numbers onto Catalytic Converters**
From: Councilmember Harrison (Author)
Recommendation: Referral to the June 2023 Budget Process for \$7,000 to purchase marking equipment to engrave identification numbers onto catalytic converters to deter theft and assist with investigations and recovery efforts.
Financial Implications: \$7,000
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

Council Consent Items

15. Referring \$15,000 to the June 2023 Budget Process for a City Recreational Vehicle Pump-Out Station

From: Councilmember Harrison (Author)

Recommendation: Refer \$15,000 to the June 2023 Budget Process in Measure P funds for City recreational vehicle pump-out station, including minimal staffing costs, liability, maintenance, and replacement costs to allow individuals to discharge effluent waste directly into the City's sewer system.

Financial Implications: \$15,000

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

16. Support for SB-233 (Skinner)

From: Councilmember Wengraf (Author)

Recommendation: Approve a letter to Senator Skinner in support of SB-233 (Skinner) Electric vehicles and electric vehicle supply equipment: bidirectional capability, and send copies to Assemblymember Wicks and Governor Newsom.

Financial Implications: None

Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160

Action Calendar

The public may comment on each item listed on the agenda for action. For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again during one of the Action Calendar public comment periods on the item. Public comment will occur for each Action item (excluding public hearings, appeals, and/or quasi-judicial matters) in one of two comment periods, either 1) before the Action Calendar is discussed; or 2) when the item is taken up by the Council.

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

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

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

Action Calendar – Scheduled Public Comment Period

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

Action Calendar – Public Hearings

Staff shall introduce the public hearing item and present their comments. For certain hearings, 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, or use the "raise hand" function in Zoom, to be recognized and to determine the number of persons interested in speaking at that time.

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

When applicable, 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.

17. Bird Safe Building Requirements; Adding Berkeley Municipal Code Section 23.304.150

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt first reading of an ordinance adding Berkeley Municipal Code Section 23.304.150 establishing Bird Safe Building requirements ("bird safe requirements") for projects that require a building permit.

Financial Implications: See report

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

Council Action Items

18. **Referral to City Manager and City Attorney: Tenant Habitability Plan and Amendments to Relocation Ordinance** *(Reviewed by the Land Use, Housing, & Economic Development Committee)*

From: Mayor Arreguin (Author)

Recommendation:

1. Refer to the City Manager and City Attorney to review and develop proposed amendments to the Berkeley Municipal Code to require a Tenant Habitability Plan for major construction or renovation at tenant occupied properties. Proposed language modeled after the City of Los Angeles' Tenant Habitability Plan requirements is attached for consideration. The City Manager should also return with information on the costs and staffing needs for implementation for future budget discussions.
2. Refer to the City Manager and City Attorney recommendations from the 4x4 City Council/Rent Board Joint Committee on Housing for amendments to the City's Relocation Ordinance, BMC Chapter 13.84 to strengthen and improve enforcement of the ordinance.

Policy Committee Recommendation: Forward the item to Council with a positive recommendation that the City Council approve the item with the Author's updated recommendations as follows:

1. *Refer to the City Manager and City Attorney to review and develop proposed amendments to the Berkeley Municipal Code to require a Tenant Habitability Plan for major construction or renovation at tenant occupied properties. Proposed language modeled after the City of Los Angeles' Tenant Habitability Plan requirements is attached for consideration. The City Manager should also return with information on the costs and staffing needs for implementation for future budget discussions. The committee further recommends that the City Manager establish an interdepartmental working group, including staff from Planning, HHCS, and the Rent Board.*
2. *Refer to the City Manager and City Attorney recommendations from the 4x4 City Council/Rent Board Joint Committee on Housing for amendments to the City's Relocation Ordinance, BMC Chapter 13.84 to strengthen and improve enforcement of the ordinance.*

Financial Implications: See report

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

Action Calendar – Policy Committee Track Items

19. **Amendments to the COVID-19 Emergency Response Ordinance**

From: Mayor Arreguin (Author), Councilmember Harrison (Author), Councilmember Hahn (Author), Councilmember Robinson (Author)

Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Chapter 13.110, the COVID-19 Emergency Response Ordinance to adjust the required timeline to provide documentation proving that non-payment of rent was for a Covered Reason for Delayed Payment if an Unlawful Detainer is served.

Financial Implications: None

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

Information Reports

20. Police Overtime Audit Report Wins National Recognition

From: Auditor

Contact: Jenny Wong, Auditor, (510) 981-6750

Public Comment – Items Not Listed on the Agenda

Adjournment

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

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

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

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CONSENT CALENDAR

June 6, 2023

**To:** Honorable Mayor and Members of the City Council

**From:** Auditor Jenny Wong (Author), Mayor Jesse Arreguin (Co-Sponsor), Councilmember Rashi Kesarwani (Co-Sponsor)

**Subject:** Berkeley City Auditor Whistleblower Program

RECOMMENDATION

Adopt a resolution to support and endorse the City Auditor’s plan to implement a Whistleblower Program. Consistent with the implementation plan, the City Auditor is currently requesting authorization to hire one additional Audit Manager.

FISCAL IMPACTS OF RECOMMENDATION

The fully burden costs for a full time Audit Manager is between \$219,629 and \$287,525. Initial costs associated with hiring an Audit Manager are offset by salary savings within the Auditor’s budget, resulting in no net increase to the Fiscal Years 2023 and 2024 Adopted Budget. The ongoing costs of increased personnel, as well as other resources required to effectively implement a Whistleblower Program, will be presented to Council as part of the Fiscal Year 2025-2026 budget.

A whistleblower program could reduce the financial impacts associated with undetected fraud in the City. The City Auditor shall explore options for expanding the general fund budget to support start-up and ongoing costs, which will vary based on the City’s desired level of service. Budget expansions would come from the general fund, as hotline operations will be overseen by the City Auditor.

CURRENT SITUATION AND ITS EFFECTS

Currently, there is no formal avenue available to Berkeley residents to report concerns regarding City fraud, waste, and/or abuse. While City employees can file claims of fraud, waste, and/or abuse to a hotline or Ethics Committee managed by Human Resources, the current structure lacks independence. Without an independent body to oversee this process, employees may be hesitant to come forward.

BACKGROUND

State legislation encourages cities to specifically focus on fraud, waste, and/or misuse of city resources through whistleblower programs led by City Auditors. In 2009, California Government Code Section 53087.6 went into effect, which enabled local government auditors to establish whistleblower programs and to provide whistleblower protections. Local auditors are authorized under Section 53087.6 to create whistleblower programs with the approval of their respective legislative bodies, and have discretion in how to operate their programs. The code

does not authorize an Ethics Committee or Human Resources to manage whistleblower complaints.

California cities have established whistleblower programs including Oakland, San Francisco, Sacramento, San Diego, and Long Beach, with information publicly available. Each city has a webpage where people can find information such as how to submit a complaint, and what happens to a complaint once submitted.

A whistleblower program could significantly reduce costs associated with fraud and increase the City's accountability for taxpayer money. The Association of Certified Fraud Examiners' (ACFE) 2020 Report to the Nations on Occupational Fraud and Abuse maintains that a typical organization is estimated to lose 5 percent of its annual revenues to fraud.<sup>1</sup> If City losses due to fraud align with these estimates, fraud may have cost the City as much as \$21.4 million in revenue per year from 2012 to 2021. The City's actual loss due to fraud is unknown; however, the longer fraud remains undetected, the greater the financial losses.

#### ENVIRONMENTAL SUSTAINABILITY

Opportunities to lessen environmental impacts could result from detection of fraud, waste, or misuse in Berkeley government.

#### RATIONALE FOR RECOMMENDATION

The Auditor's Office is uniquely positioned to manage a whistleblower program. The Berkeley City Auditor maintains a level of structural independence well-suited for a whistleblower program, as they are elected by the public and do not report to the City Manager or Council. The City Auditor is well-positioned due to their role in providing objective information on the operations of government programs, assisting managers in carrying out their responsibilities, and helping ensure full accountability to the public, among other reasons.

The addition of an Audit Manager position within the City Auditor's Office would allow the Auditor to devote resources to begin implementing a Whistleblower Program.

#### CONTACT PERSON

Jenny Wong, City Auditor, City Auditor's Office, 510-981-6750

#### Attachments:

1: Resolution

2: City Auditor's Whistleblower Program Implementation Plan

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<sup>1</sup><https://acfepublic.s3-us-west-2.amazonaws.com/2020-Report-to-the-Nations.pdf>, pages 4 and 14

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

BERKELEY CITY AUDITOR WHISTLEBLOWER PROGRAM

WHEREAS, it is critical for the City of Berkeley to implement a Whistleblower Program to aid in identifying, reducing, and preventing fraud, waste, and abuse of City resources.

WHEREAS, The Auditor's Office is uniquely positioned to manage a whistleblower program due to the independence of the office.

WHEREAS, California Government Code Section 53087.6 enables local government auditors to establish whistleblower programs and to provide whistleblower protections with the approval of their respective legislative bodies.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley to adopt a resolution to support and endorse the City Auditor's plan to implement a Whistleblower Program, which will establish an independent mechanism for employees and the public to report complaints of fraud, waste, and abuse of city resources and resources for the Auditor to respond to alleged complaints.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley authorized the City Auditor to hire one Audit Manager to oversee the Whistleblower Program.

# Berkeley City Auditor Whistleblower Program Implementation Plan

|          |                                                                                                | Phase 1                                                                                                       | Phase 2                                                                         | Phase 3                                                                                                        | Phase 4                                                                                                                                                            | Phase 5 |
|----------|------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| Activity | <b>Resources</b>                                                                               | <b>Reporting Mechanism</b>                                                                                    | <b>Response Mechanism</b>                                                       | <b>Education and Awareness</b>                                                                                 | <b>Program Launch</b>                                                                                                                                              |         |
|          | Hire Whistleblower Program Manager                                                             | Determine appropriate methods and platforms for whistleblower reporting                                       | Design a process for responding to and referring complaints                     | Develop written procedures and educational material                                                            | Receive and respond to complaints according to established procedures                                                                                              |         |
|          | Determine funding needed for remaining steps of the implementation plan and ongoing operations | Design intake forms and procedures                                                                            | Obtain necessary access rights to data systems for investigations               | Disseminate educational materials                                                                              | Develop mechanisms for ongoing assessments of program effectiveness including the development of metrics to benchmark across time or against similar organizations |         |
| Outcome  | <b>Resources</b>                                                                               | <b>Reporting Mechanism</b>                                                                                    | <b>Response Mechanism</b>                                                       | <b>Education and Awareness</b>                                                                                 | <b>Program Launch</b>                                                                                                                                              |         |
|          | Staff and funding secured to successfully manage program                                       | Multiple channels for employees and outside parties to report complaints 24 hours a day, 365 days of the year | Ability to prioritize, investigate, refer, and follow up on complaints received | Potential whistleblowers understand how the program works, why it is important, and how they will be supported | A more accountable Berkeley government through the prevention and investigation of suspected fraud, waste, and abuse.                                              |         |





Rashi Kesarwani  
Councilmember, District 1

CONSENT CALENDAR

June 6, 2023

TO: Honorable Mayor and Members of the City Council

FROM: Councilmember Rashi Kesarwani (Author) and Councilmembers Mark Humbert, Terry Taplin, and Susan Wengraf (Co-Sponsors)

SUBJECT: Budget Referral: Additional Street Maintenance Funding to Improve Pavement Condition, Saving Tax Dollars and Our Streets

RECOMMENDATION

Refer to the FY 2023-25 biennial budget process to further increase the street paving budget by \$4.7 million General Fund in FY 2024-25 for a total street paving budget of approximately \$20 million in FY 2024-25.

On July 26, 2022, the City Council unanimously passed a policy ensuring an adequate annual General Fund contribution for street maintenance that amounts to a total of \$15.3 million annually plus inflation—the amount needed to maintain (although not improve) the pavement condition.<sup>1</sup> This budget request for an additional \$4.7 million builds on the streets fiscal policy by seeking to increase the street paving budget further in FY 2024-25 *to begin to improve the pavement condition*.

We note that the City Council already approved a \$9 million increase to the street paving budget for FY 2023-24 for a total of \$16.3 million in FY 2023-24.

A dollar of maintenance early in a street's life-cycle saves \$8 later in the street's life-cycle due to avoided rehabilitation and/or reconstruction costs associated with failing streets, making this budget request an urgent matter of fiscal oversight.<sup>2</sup> Further, the

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<sup>1</sup> Arreguín, Jesse, Kesarwani, Rashi, Taplin, Terry, and Wengraf, Susan, [Establishing Policy for Adequate Annual General Fund Contribution for Street Maintenance to Prevent Deterioration of Pavement Condition](#), Special City Council Meeting July 26, 2022, Item #3 and Pavement Engineering Inc., City of Berkeley 2020/21 Pavement Management System Update, p. 8, Jan. 2021

<sup>2</sup> L. Galehouse, J. S. Moulthrop, and R. G. Hicks, "Principles of pavement preservation: definitions, benefits, issues, and barriers," TR News, pp. 4–15, 2003 as cited in City Manager, *Discuss Vision 2050, Infrastructure Priorities, Stakeholder and Community Engagement, and City's Bonding Capacity*;

defeat of the Measure L general obligation bond on the November 8, 2022 ballot means that the City currently lacks significant resources to fully address deferred street maintenance, requiring the City Council to add additional resources from the General Fund in order to make steady progress towards improving the average pavement condition.

#### POLICY COMMITTEE RECOMMENDATION

On May 4, 2023, the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee adopted the following action: M/S/C (Robinson/Taplin) to send the item to Council with a positive recommendation. Vote: All Ayes.

#### CURRENT SITUATION AND ITS EFFECTS

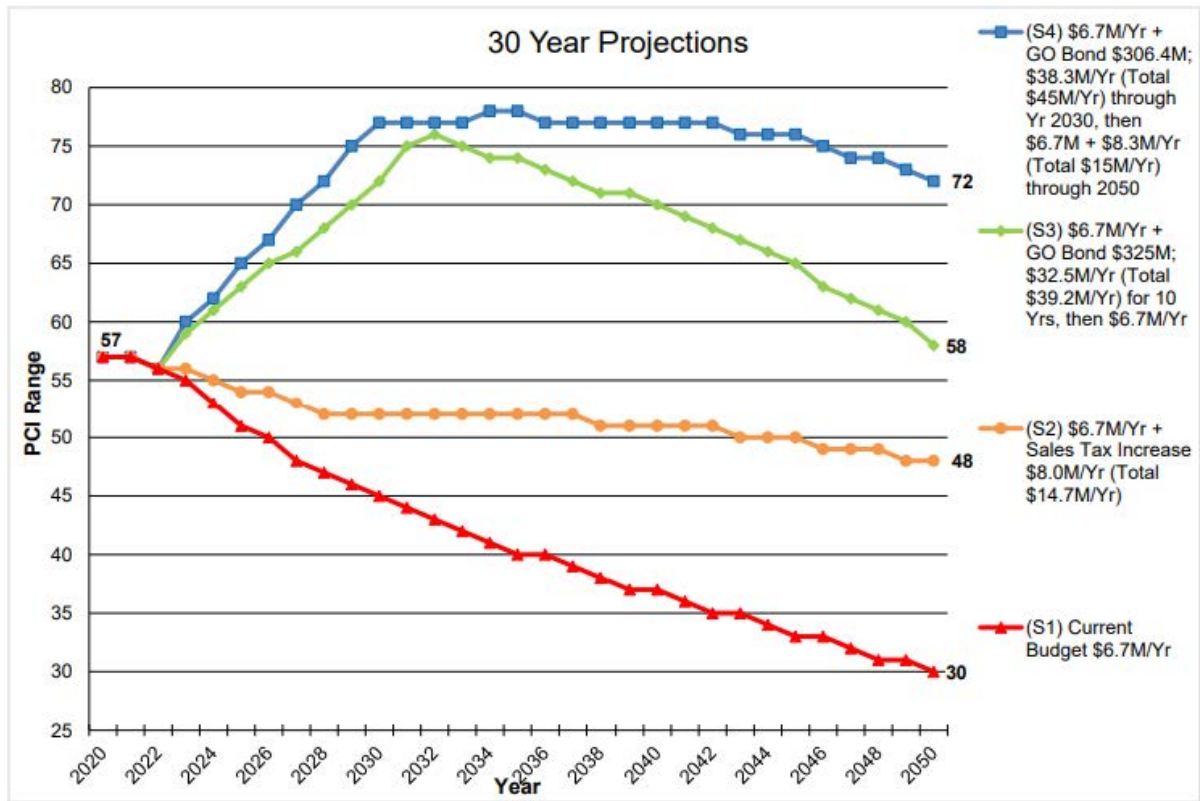
***Without A General Obligation Bond, City's Streets Will Decline In the Long Run Even with Higher Maintenance Budget of \$15.3 Million Annually.*** The defeat of Measure L, which would have provided \$231 million to address deferred street maintenance, means that the City does not have a major funding source for addressing this liability. In Exhibit 1, a 30-year projection for various funding scenarios shows that the City's streets will continue to deteriorate in the absence of a large general obligation bond—even with a higher maintenance budget of \$15.3 million annually plus inflation. For the biennial FY 2022-24 budget, a total of \$14 million in new street paving funds was added—\$5 million added (for a total of \$12.3 million) in FY 2022-23 and \$9 million added (for a total of \$16.3 million) in FY 2023-24. Further, the City Council passed a streets fiscal policy in July 2022 committing \$15.3 million plus inflation to street paving annually.<sup>3</sup> However, even if these higher funding levels are maintained, our pavement condition will continue to deteriorate due to the inability to address the significant backlog of deferred maintenance, mirroring the orange scenario (S2) in Exhibit 1 shown below.

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and Seek Direction on November 2022 Revenue Measure(s) Presentation slide 4, City Council Worksession Item 1, Jan. 20, 2022

<sup>3</sup> Arreguín, Jesse, Kesarwani, Rashi, Taplin, Terry, and Wengraf, Susan, [Establishing Policy for Adequate Annual General Fund Contribution for Street Maintenance to Prevent Deterioration of Pavement Condition](#), Special City Council Meeting July 26, 2022, Item #3

**Exhibit 1: Without A General Obligation Bond, City's Streets Will Decline In the Long Run Even with Higher Maintenance Budget of \$15.3 Million Annually (S2 Orange Scenario)**



Source: Pavement Engineering Inc., City of Berkeley 2020/21 Pavement Management System Update, <https://berkeleyca.gov/sites/default/files/2022-02/Pavement-Management-Update-2020.pdf>, p. 19, Jan. 2021

**Berkeley's Streets Are Rated Among the Worst in the Bay Area, Costing Motorists an Extra \$1,049 Annually for Vehicle Repair and Increasing Risk of Injury for Bicyclists and Pedestrians.** Compared to other jurisdictions in the Bay Area, Berkeley has the 15th worst Pavement Condition Index (PCI) rating out of 101 cities in the nine-county jurisdiction covered by the Metropolitan Transportation Commission, the federally designated transportation planning organization for the Bay Area.<sup>4</sup> The general condition of streets is measured by PCI, a numerical rating from 0 to 100, as shown in Exhibit 2. Berkeley's streets were rated in 2021 at an average of 56 out of 100, meaning they are "at risk"—defined as deteriorated pavement that requires immediate attention, including rehabilitative work. At this rating, ride quality is significantly inferior compared to better pavement ratings, impacting all roadway users including pedestrians, bicyclists, public transit riders, and motorists. At-risk pavement conditions make it more likely for bicyclists and

<sup>4</sup> Berkeley City Auditor, [Rocky Road: Berkeley Streets at Risk and Significantly Underfunded](#), p. 2, Nov. 19, 2020

pedestrians to suffer injuries. For drivers, at-risk conditions cost \$1,049 annually, according to TRIP, a national transportation research group, due to vehicle repair costs, accelerated vehicle deterioration and depreciation, increased maintenance costs, and additional fuel consumption.<sup>5</sup> This pavement condition disproportionately harms lower-income residents for whom extra vehicle costs consume a greater share of income. During the heavy winter storms, in which Berkeley received 20 inches of rain in December 2022 and January 2023, many streets that developed the most potholes had poor quality pavement to start.<sup>6</sup> In Attachment 1, we include a list of all City streets and their respective PCI rating in 2020, provided by the Public Works Department.

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<sup>5</sup> Berkeley City Auditor, [Rocky Road: Berkeley Streets at Risk and Significantly Underfunded](#), p. 3, Nov. 19, 2020

<sup>6</sup> Markovich, Ally, *January was Berkeley's worst month for potholes on record*, <https://www.berkeleyside.org/2023/02/19/january-was-berkeleys-worst-month-for-potholes-on-record>, Feb. 19, 2023.



**Exhibit 2: Pavement Condition Index (PCI) is a Numerical Rating for the General Condition of Streets**

| Very Good-Excellent (100-80)                                                                                                                                                                                    | Good (79-70)                                                                                                                                                                                                                                                           | Fair (69-60)                                                                                                                                                                                                                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Pavements are newly constructed or resurfaced and have few if any signs of distress.</p> <p>Photo: PCI 98, Arterial</p>                                                                                      | <p>Pavements require mostly preventive maintenance and have only low levels of distress, such as minor cracks or spalling, which occurs when the top layer of asphalt begins to peel or flake off as a result of water permeation.</p> <p>Photo: PCI 74, Collector</p> | <p>Pavements at the low end of this range have significant levels of distress and may require a combination of rehabilitation and preventive maintenance to keep them from deteriorating rapidly.</p> <p>Photo: PCI 63, Collector</p> |
|                                                                                                                               |                                                                                                                                                                                      |                                                                                                                                                   |
| At Risk (59-50)                                                                                                                                                                                                 | Poor (49-25)                                                                                                                                                                                                                                                           | Failed (24-0)                                                                                                                                                                                                                         |
| <p>Pavements are deteriorated and require immediate attention including rehabilitative work. Ride quality is significantly inferior to better pavement categories.</p> <p>Photo: PCI 50, Residential Street</p> | <p>Pavements have extensive amounts of distress and require major rehabilitation or reconstruction. Pavements in this category affect the speed and flow of traffic significantly.</p> <p>Photo: PCI 39, Residential Street</p>                                        | <p>Pavements need reconstruction and are extremely rough and difficult to drive.</p> <p>Photo: PCI 20, Residential/Bike Boulevard</p>                                                                                                 |
|                                                                                                                              |                                                                                                                                                                                     |                                                                                                                                                  |

Source: Berkeley City Auditor, [Rocky Road: Berkeley Streets at Risk and Significantly Underfunded](#), p. 5, Nov. 19, 2020

**Historically, Berkeley Has Inadequately Funded Street Paving.** In recent fiscal years, the total annual amount that the City of Berkeley has budgeted for street maintenance has fluctuated from \$4.9 million in FY 2018-19 to as much as \$11.3 million in FY 2015-16, as shown in Exhibit 3.<sup>7</sup> The City has added one-time bond funding to enhance the annual street paving budget through Measures M and T1 in recent fiscal years. However, the General Fund contribution to street maintenance remained flat at just \$1.9 million from FY 2013-14 through FY 2019-20, shown as Capital Improvement Fund in Exhibit 3.

**Exhibit 3: General Fund Contribution to Street Maintenance Remained Flat at \$1.9 Million From FY 2013-14 through FY 2019-20 (Dollars in Millions)**

| Funding Source                        | FY 2013-14   | FY 2014-15    | FY 2015-16    | FY 2016-17    | FY 2017-18   | FY 2018-19   | FY 2019-20   | Total         |
|---------------------------------------|--------------|---------------|---------------|---------------|--------------|--------------|--------------|---------------|
| <b>Non-Recurring Funding</b>          | <b>\$2.5</b> | <b>\$6.0</b>  | <b>\$6.1</b>  | <b>\$6.0</b>  | <b>\$4.4</b> |              | <b>\$2.8</b> | <b>\$27.8</b> |
| Measure M                             | \$2.5        | \$6.0         | \$6.0         | \$6.0         | \$4.4        |              |              | \$24.9        |
| Measure T1                            |              |               |               |               |              |              | \$2.6        | \$2.6         |
| Measure T1 - AAO #1                   |              |               |               |               |              |              | \$0.3        | \$0.3         |
| Successor Agency - WBIP               |              |               | \$0.1         |               |              |              |              | \$0.1         |
| <b>Recurring Funding</b>              | <b>\$3.5</b> | <b>\$4.0</b>  | <b>\$5.2</b>  | <b>\$5.2</b>  | <b>\$4.3</b> | <b>\$4.9</b> | <b>\$7.0</b> | <b>\$34.1</b> |
| State Transportation Tax Fund         | \$0.8        | \$0.8         | \$0.8         | \$0.8         | \$0.5        | \$0.5        | \$0.5        | \$4.7         |
| State Transportation Tax Fund - SB1   |              |               |               |               |              |              | \$1.5        | \$1.5         |
| Measure B                             | \$0.7        | \$0.7         | \$0.7         | \$0.7         | \$0.7        | \$0.7        | \$0.7        | \$5.0         |
| Measure BB                            |              |               | \$1.6         | \$1.6         | \$1.1        | \$1.6        | \$2.2        | \$8.1         |
| Measure F                             | \$0.1        | \$0.6         | \$0.2         | \$0.2         |              | \$0.2        | \$0.2        | \$1.3         |
| Capital Improvement Fund <sup>1</sup> | \$1.9        | \$1.9         | \$1.9         | \$1.9         | \$1.9        | \$1.9        | \$1.9        | \$13.5        |
| <b>Total</b>                          | <b>\$6.0</b> | <b>\$10.0</b> | <b>\$11.3</b> | <b>\$11.2</b> | <b>\$8.7</b> | <b>\$4.9</b> | <b>\$9.8</b> | <b>\$61.9</b> |

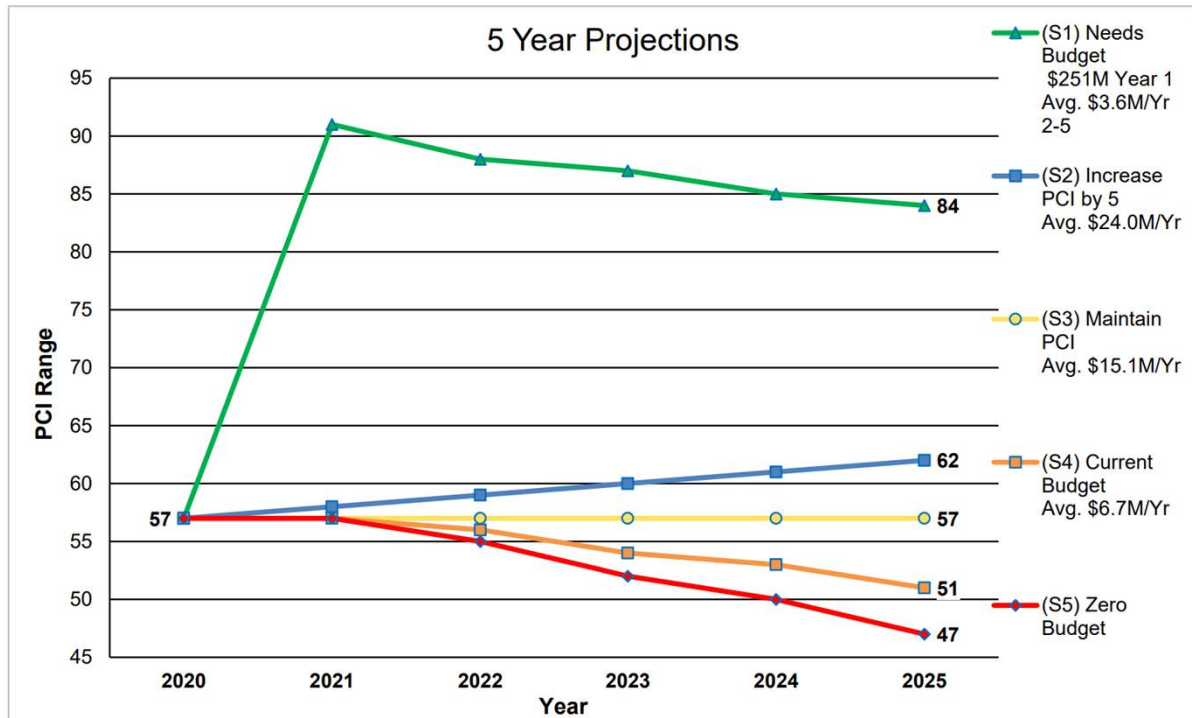
<sup>1</sup>Capital Improvement Fund is from the City's General Fund.

Source: Berkeley City Auditor

The City Council has made progress in adding resources to the City's street paving budget, particularly with the July 2022 streets fiscal policy that commits \$15.3 million plus inflation annually. Significantly, even if this level of funding is maintained through 2025, the PCI will not increase, as shown in Exhibit 4 (see S3 Yellow Line).

<sup>7</sup> Berkeley City Auditor, [Rocky Road: Berkeley Streets at Risk and Significantly Underfunded](#), p. 6, Nov. 19, 2020.

#### Exhibit 4: Even If Streets Are Funded at \$15.3 Million Annually, the Pavement Condition Will Not Improve By 2025 (S3 Yellow Line)



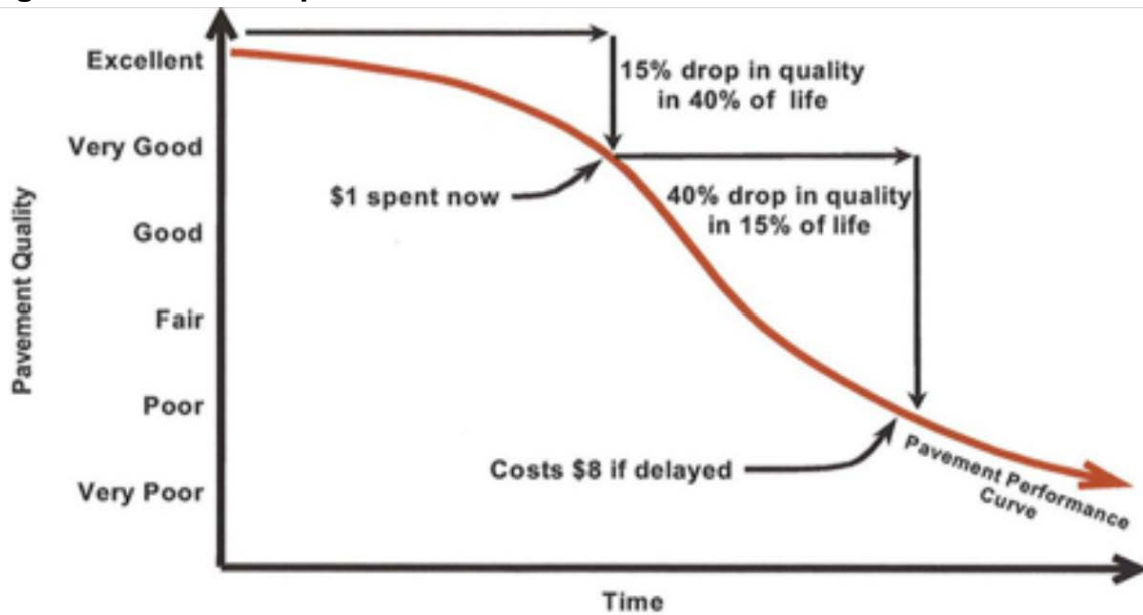
Source: Pavement Engineering Inc., City of Berkeley 2020/21 Pavement Management System Update, <https://berkeleyca.gov/sites/default/files/2022-02/Pavement-Management-Update-2020.pdf>, p. 9, Jan. 2021

**Deferring Street Maintenance Makes Street Paving and Repair Eight Times More Expensive Later.** The City's inability to adequately maintain a street early in its life-cycle leads to escalating costs that are eight times higher later in a street's life-cycle, as shown in Exhibit 5.<sup>8</sup> In the case of arterial streets that are receiving significantly less attention under the current street paving plan, a predictable outcome is that they will deteriorate precipitously due to lack of investment and costs to repair them will rise exponentially, *absent additional resources for street maintenance*.<sup>9</sup>

<sup>8</sup> L. Galehouse, J. S. Moulthrop, and R. G. Hicks, "Principles of pavement preservation: definitions, benefits, issues, and barriers," TR News, pp. 4–15, 2003 as cited in City Manager, *Discuss Vision 2050, Infrastructure Priorities, Stakeholder and Community Engagement, and City's Bonding Capacity; and Seek Direction on November 2022 Revenue Measure(s)* Presentation slide 4, City Council Worksession Item 1, Jan. 20, 2022

<sup>9</sup> Garland, Liam, [Street Maintenance and Rehabilitation Policy and Five-Year Paving Plan](#) pgs. 9-11, City Council Meeting Jan. 25, 2022, Item Aa

### Exhibit 5: Conducting Street Paving and Repair Later in a Street's Life Cycle is Eight Times More Expensive



Source: L. Galehouse, J. S. Moulthrop, and R. G. Hicks, "Principles of pavement preservation: definitions, benefits, issues, and barriers," TR News, pp. 4–15, 2003 as cited in City Manager, *Discuss Vision 2050, Infrastructure Priorities, Stakeholder and Community Engagement, and City's Bonding Capacity; and Seek Direction on November 2022 Revenue Measure(s)* Presentation slide 4, City Council Worksession Item 1, Jan. 20, 2022

***Inadequate Street Paving Budget Has Led to an Estimated \$286 Million in Deferred Maintenance and Growing.*** Because the City's street paving budget has historically been underfunded for the last 15 years, a significant backlog of deferred street maintenance has accumulated that is now estimated at about \$286 million.<sup>10</sup> This amount is larger than the City's entire revised General Fund budget for FY 2021-22 of \$269 million.<sup>11</sup> Deferred street maintenance has grown exponentially over the last decade. In a 2011 audit *Failing Streets: Time to Change Direction to Achieve Sustainability*, the City Auditor found that Berkeley needed an estimated total of \$54 million to address the backlog of street maintenance and improve the average PCI

<sup>10</sup> Pavement Engineering Inc., City of Berkeley 2020/21 Pavement Management System Update, <https://berkeleyca.gov/sites/default/files/2022-02/Pavement-Management-Update-2020.pdf>, p. 14, Jan. 2021. We note that the estimate of \$286 million in deferred street maintenance only accounts for paving, not other "Complete Streets" infrastructure.

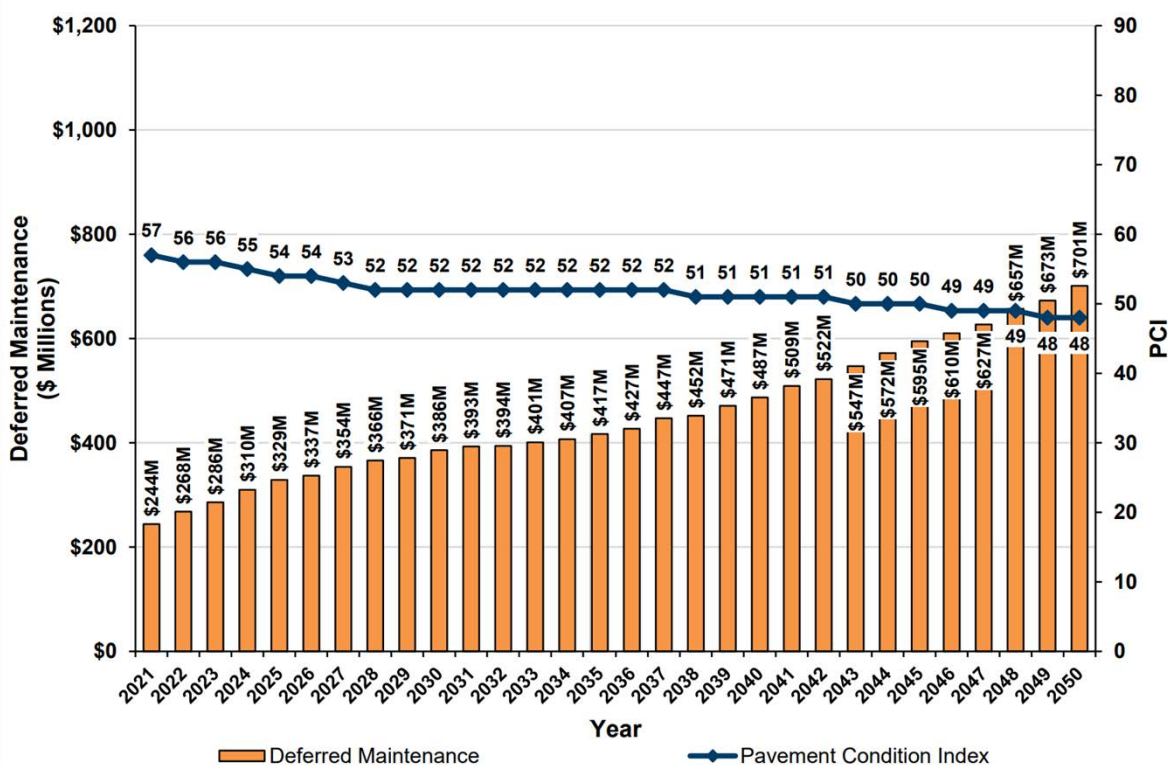
<sup>11</sup> City Manager, *Amendment: FY 2022 Annual Appropriations Ordinance*, City Council Meeting Dec. 14, 2021, Item 45, Revised Material (Supp 3), <https://berkeleyca.gov/sites/default/files/documents/2021-12-14%20Item%2045%20Amendment%20%20FY%202022%20Annual%20Appropriations%20Ordinance%20-%20Rev%20CMO.pdf>



from 58 to 75.<sup>12</sup> Over the past 12 years, that amount has grown by more than five times to a \$286 million unfunded liability in 2023 and will continue to grow precipitously in the future, even with a \$15 million contribution annually:

- In five years in 2028, deferred street maintenance is estimated to total \$366 million.
- In 10 years in 2033, deferred street maintenance is estimated to total \$401 million.
- By 2050, deferred street maintenance is estimated to total \$701 million, as shown in Exhibit 6.

**Exhibit 6: If \$15 Million Funding Level Continues, Deferred Street Maintenance Still Grows to More than \$700 Million by 2050**



Source: Pavement Engineering Inc., City of Berkeley 2020/21 Pavement Management System Update, <https://berkeleyca.gov/sites/default/files/2022-02/Pavement-Management-Update-2020.pdf>, p. 14, Jan. 2021

**BACKGROUND**

**Lessons Learned from 2012 Measure M for Streets.** Measure M raised \$30 million in general obligation bond funds for street maintenance, falling short of the \$54

<sup>12</sup> Hogan, Anne-Marie, [Failing Streets: Time to Change Direction to Achieve Sustainability](#), Nov. 15, 2011

million of identified deferred maintenance.<sup>13</sup> A Complete Streets approach was also applied, which—at the time—funded sidewalk repair, green infrastructure, as well as bike and pedestrian improvements. This approach meant that about 75 to 85 percent of the \$30 million went toward street paving, with the remaining funds paying for Complete Streets improvements. Because the funding was inadequate to fully clear the backlog of deferred street paving, and additional annual maintenance funding was not added to the budget, Measure M only succeeded in temporarily stalling the decline in the City’s pavement condition. Today, sidewalk improvements are budgeted separately from street paving, and the City has a clear understanding of the cost of funding Bicycle and Pedestrian Plan upgrades; however, the cost of green infrastructure improvements are harder to predict. The City should be aware of the additional costs associated with green infrastructure as well as the Bicycle Plan and Pedestrian Plan when planning and budgeting for deferred street maintenance.

### FISCAL IMPACT

#### ***City Would Need to Budget \$24 Million Annually to Improve Pavement***

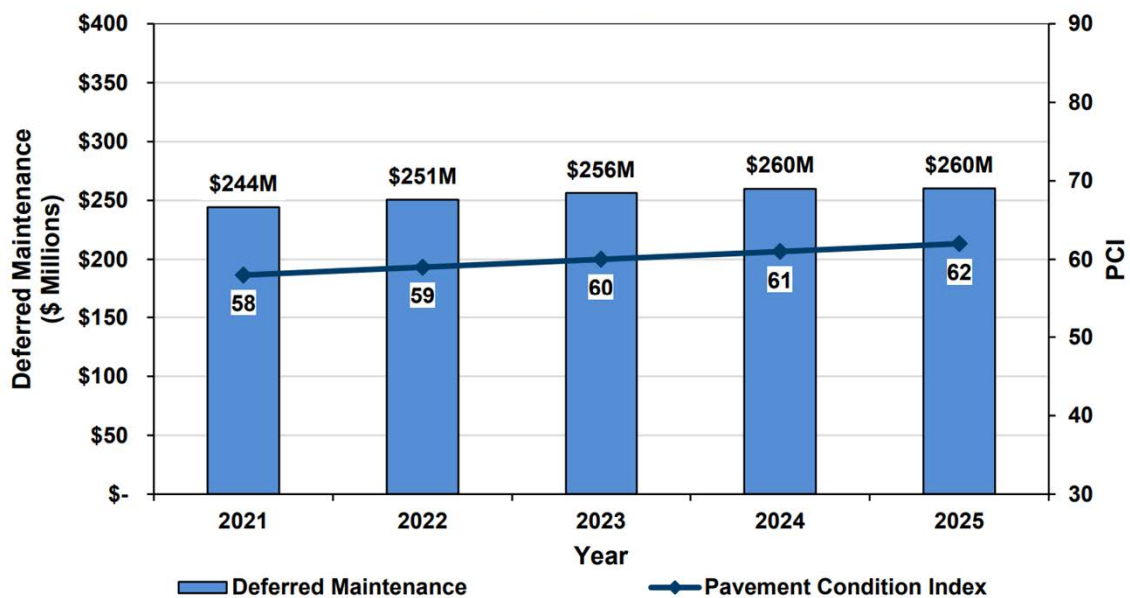
**Condition.** The City needs to continue to address the shortfall of street maintenance funds. To increase the PCI by 5 points from 57 to 62, it is projected by Pavement Engineering Inc. that an average funding level of \$24 million annually would be needed, as shown in Exhibit 7.<sup>14</sup> At this funding level, the backlog of deferred street maintenance still grows—from \$244 million in 2021 to \$260 million in 2025—albeit at a slower rate of 7 percent (when compared to budgeting \$15.1 million annually for street paving). This budget referral recognizes that there are numerous competing priorities for General Fund resources, including the Measure T1 infrastructure funding shortfall, allocation to the Section 115 Trust for unfunded pension liabilities, among other priorities. We request an augmentation of \$4.7 million General Fund to reach a total street paving budget of approximately \$20 million in FY 2024-25 so that the City moves beyond the minimum amount to simply maintain the existing PCI of roughly 57.

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<sup>13</sup> City Auditor Report, [Rocky Road: Berkeley Streets at Risk and Significantly Underfunded](#), p. 13, Nov. 19, 2020

<sup>14</sup> Pavement Engineering Inc., City of Berkeley 2020/21 Pavement Management System Update, <https://berkeleyca.gov/sites/default/files/2022-02/Pavement-Management-Update-2020.pdf>, p. 11, Jan. 2021

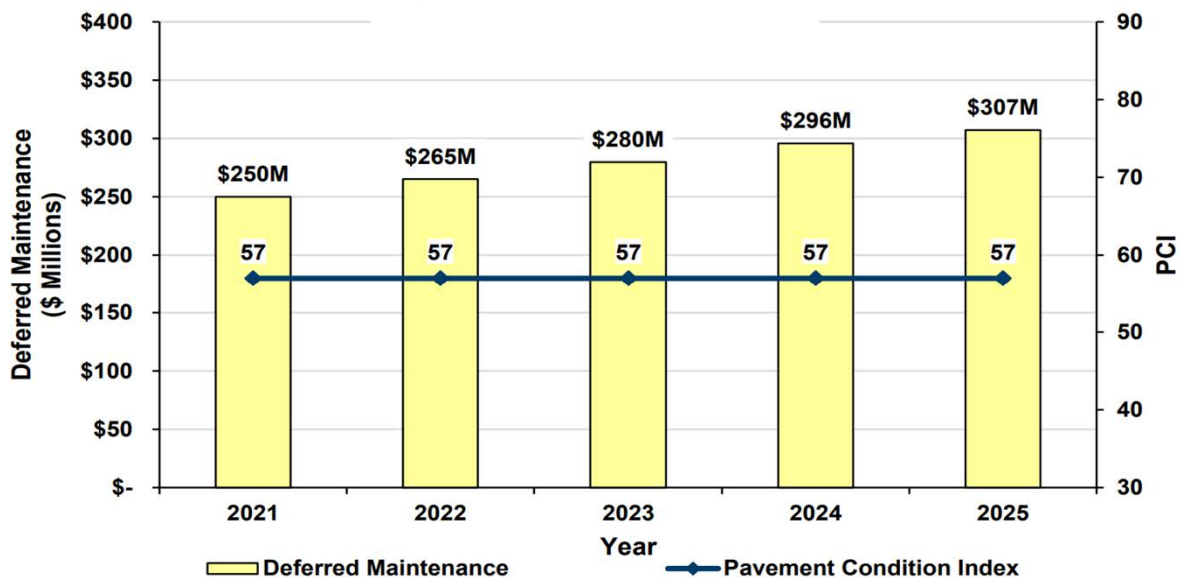
**Exhibit 7: \$24 Million Annually Leads to a 5-Point Increase in Pavement Condition Index and Slower Rate of Deferred Maintenance Growth**



Source: Pavement Engineering Inc., City of Berkeley 2020/21 Pavement Management System Update, <https://berkeleyca.gov/sites/default/files/2022-02/Pavement-Management-Update-2020.pdf>, p. 11, Jan. 2021

**\$15.1 Million Annually Maintains Current Pavement Condition, But Deferred Maintenance Grows By 23 Percent.** To maintain a PCI of 57, it is projected by Pavement Engineering Inc. that an average funding level of \$15.1 million annually is needed, as shown in Exhibit 8. At this funding level, the backlog of deferred street maintenance grows from \$250 million in 2021 to \$307 million in 2025, an increase of 23 percent.

**Exhibit 8: \$15.1 Million Annually Maintains Pavement Condition, But Leads to Faster Deferred Maintenance Growth**



Source: Pavement Engineering Inc., City of Berkeley 2020/21 Pavement Management System Update, <https://berkeleyca.gov/sites/default/files/2022-02/Pavement-Management-Update-2020.pdf>, p. 11, Jan. 2021

**Street Paving and Maintenance is a Core Service that Aligns with our Strategic Plan.** Providing state-of-the-art, well-maintained infrastructure, amenities, and facilities is one of the priorities articulated in our Strategic Plan, adopted in January 2018. This plan sets forth the long-term goals that Berkeley City government will achieve on behalf of its residents and acts as a conceptual guide to help ensure these goals are met.<sup>15</sup>

**ENVIRONMENTAL IMPACTS**

Good street conditions will improve safety for pedestrians, cyclists, users of micro-mobility devices, and public transit users. Using alternatives to driving cars will

<sup>15</sup> See City of Berkeley 2018-2019 Strategic Plan presented to Berkeley City Council on January 16, 2018.

decrease our greenhouse gas emissions, which aligns with another of the City's Strategic Plan priorities to be a global leader in addressing climate change, protecting the environment, and advancing environmental justice.

CONTACT

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Attachment:

Attachment 1 - City of Berkeley Roads (by PCI as of 2020) from Pavement Engineering Inc., City of Berkeley 2020/21 Pavement Management System Update, pgs. 39-78, Jan. 2021

| Road Name | Section ID | Beg Location                 | End Location          | Lanes | Length | Width | Funct. Class | PCI |
|-----------|------------|------------------------------|-----------------------|-------|--------|-------|--------------|-----|
| 10TH ST   | 047        | DELAWARE ST                  | UNIVERSITY AVE        | 2     | 950    | 36    | R            | 15  |
| 10TH ST   | 045        | VIRGINIA ST                  | DELAWARE ST           | 2     | 675    | 36    | R            | 16  |
| 10TH ST   | 060        | DWIGHT WAY                   | HEINZ AVE             | 2     | 2520   | 36    | R            | 19  |
| 10TH ST   | 044        | CEDAR ST                     | VIRGINIA ST           | 2     | 675    | 36    | R            | 51  |
| 10TH ST   | 042        | CAMELIA ST                   | CEDAR ST              | 2     | 1320   | 36    | R            | 68  |
| 10TH ST   | 050        | UNIVERSITY AVE               | DWIGHT WAY            | 2     | 3005   | 36    | R            | 94  |
| 10TH ST   | 030        | NORTH CITY LIMIT             | HARRISON ST           | 2     | 450    | 36    | R            | 95  |
| 10TH ST   | 033        | HARRISON ST                  | CAMELIA ST            | 2     | 1270   | 36    | R            | 95  |
| 2ND ST    | 043        | PAGE ST                      | CEDAR ST              | 2     | 820    | 40    | R            | 8   |
| 2ND ST    | 044        | CEDAR ST                     | VIRGINIA ST           | 2     | 740    | 40    | R            | 9   |
| 2ND ST    | 047        | DELAWARE ST                  | HEARST AVE            | 2     | 475    | 42    | R            | 12  |
| 2ND ST    | 040        | CAMELIA ST                   | PAGE ST               | 2     | 450    | 40    | R            | 28  |
| 2ND ST    | 048        | HEARST AVE                   | UNIVERSITY AVE        | 2     | 490    | 40    | R            | 33  |
| 2ND ST    | 050        | UNIVERSITY AVE               | ADDISON ST            | 2     | 450    | 35    | R            | 34  |
| 2ND ST    | 035        | GILMAN ST                    | CAMELIA ST            | 2     | 655    | 40    | R            | 41  |
| 2ND ST    | 045        | VIRGINIA ST                  | HEARST AVE            | 2     | 1115   | 42    | R            | 46  |
| 2ND ST    | 030        | NORTH CITY LIMIT             | GILMAN ST             | 2     | 1305   | 63    | R            | 50  |
| 4TH ST    | 054        | ADDISON ST                   | CHANNING WAY          | 2     | 1810   | 36    | C            | 33  |
| 4TH ST    | 056        | CHANNING WAY                 | DWIGHT WAY            | 2     | 615    | 36    | C            | 66  |
| 4TH ST    | 050        | UNIVERSITY AVE               | ADDISON ST            | 2     | 450    | 35    | R            | 70  |
| 4TH ST    | 044        | CEDAR ST                     | VIRGINIA ST           | 2     | 665    | 36    | R            | 73  |
| 4TH ST    | 040        | CAMELIA ST                   | CEDAR ST              | 2     | 1330   | 36    | R            | 79  |
| 4TH ST    | 030        | HARRISON ST                  | CAMELIA ST            | 2     | 1375   | 36    | R            | 82  |
| 4TH ST    | 048        | DELAWARE ST                  | UNIVERSITY AVE        | 2     | 950    | 28    | R            | 89  |
| 4TH ST    | 046        | VIRGINIA ST                  | DELAWARE ST           | 2     | 665    | 36    | R            | 90  |
| 4TH ST    | 060        | DWIGHT WAY                   | PARKER ST             | 2     | 600    | 21    | NCR          | 96  |
| 5TH ST    | 040        | CAMELIA ST                   | CEDAR ST              | 2     | 1320   | 48    | R            | 27  |
| 5TH ST    | 050        | UNIVERSITY AVE               | DWIGHT WAY            | 2     | 2990   | 34    | R            | 29  |
| 5TH ST    | 065        | END NORTH OF ANTHONY ST      | POTTER ST             | 2     | 390    | 36    | R            | 35  |
| 5TH ST    | 044        | CEDAR ST                     | VIRGINIA ST           | 2     | 675    | 44    | R            | 71  |
| 5TH ST    | 045        | VIRGINIA ST                  | UNIVERSITY AVE        | 2     | 1650   | 44    | R            | 76  |
| 5TH ST    | 030        | NORTH CITY LIMIT             | HARRISON ST           | 2     | 400    | 41    | R            | 82  |
| 5TH ST    | 033        | HARRISON ST                  | CAMELIA ST            | 2     | 1305   | 48    | R            | 86  |
| 62ND ST   | 060        | MARTIN LUTHER KING JR WAY    | CITY LIMIT (DOVER ST) | 2     | 525    | 36    | R            | 30  |
| 62ND ST   | 050        | WEST CITY LIMIT (CALIFORNIA) | ADELINE ST            | 2     | 985    | 36    | R            | 36  |
| 63RD ST   | 060        | MARTIN LUTHER KING JR WAY    | CITY LIMIT (DOVER ST) | 2     | 400    | 36    | R            | 28  |
| 63RD ST   | 050        | WEST CITY LIMIT (CALIFORNIA) | ADELINE ST            | 2     | 1220   | 36    | R            | 40  |
| 65TH ST   | 060        | ADELINE ST                   | 680' E/O ADELINE ST   | 2     | 680    | 36    | R            | 32  |
| 65TH ST   | 045        | WEST CITY LIMIT (IDAHO)      | IDAHO ST              | 2     | 191    | 33    | R            | 47  |
| 66TH ST   | 045        | WEST CITY LIMIT (MABEL)      | SACRAMENTO ST         | 2     | 1418   | 36    | R            | 54  |
| 67TH ST   | 045        | WEST CITY LIMIT (MABEL)      | SACRAMENTO ST         | 2     | 1465   | 30    | R            | 85  |
| 6TH ST    | 044        | CEDAR ST                     | VIRGINIA ST           | 4     | 675    | 59    | C            | 54  |
| 6TH ST    | 045        | VIRGINIA ST                  | UNIVERSITY AVE        | 4     | 1625   | 59    | C            | 63  |
| 6TH ST    | 040        | CAMELIA ST                   | CEDAR ST              | 2     | 1320   | 48    | C            | 75  |
| 6TH ST    | 035        | GILMAN ST                    | CAMELIA ST            | 2     | 640    | 48    | C            | 84  |
| 6TH ST    | 030        | NORTH CITY LIMIT             | GILMAN ST             | 2     | 1140   | 42    | R            | 85  |

| Road Name      | Section ID | Beg Location              | End Location              | Lanes | Length | Width | Funct. Class | PCI |
|----------------|------------|---------------------------|---------------------------|-------|--------|-------|--------------|-----|
| 6TH ST         | 050        | UNIVERSITY AVE            | ALLSTON WAY               | 2     | 1000   | 48    | C            | 93  |
| 6TH ST         | 055        | ALLSTON WAY               | DWIGHT WAY                | 2     | 1955   | 48    | C            | 97  |
| 7TH ST         | 050        | UNIVERSITY AVE            | BANCROFT WAY              | 2     | 1670   | 36    | R            | 31  |
| 7TH ST         | 055        | BANCROFT WAY              | DWIGHT WAY                | 2     | 1330   | 36    | R            | 32  |
| 7TH ST         | 045        | VIRGINIA ST               | UNIVERSITY AVE            | 2     | 1625   | 36    | R            | 36  |
| 7TH ST         | 030        | HARRISON ST               | CAMELIA ST                | 2     | 1350   | 34    | R            | 37  |
| 7TH ST         | 070        | ASHBY AVE                 | FOLGER AVE                | 2     | 364    | 34    | C            | 38  |
| 7TH ST         | 040        | CAMELIA ST                | VIRGINIA ST               | 2     | 1995   | 36    | R            | 41  |
| 7TH ST         | 060        | DWIGHT WAY                | GRAYSON ST                | 2     | 1844   | 41    | C            | 74  |
| 7TH ST         | 065        | GRAYSON ST                | HEINZ AVE                 | 2     | 690    | 41    | C            | 80  |
| 7TH ST         | 067        | HEINZ AVE                 | ASHBY AVE                 | 2     | 1010   | 46    | C            | 84  |
| 8TH ST         | 042        | PAGE ST                   | JONES ST                  | 2     | 460    | 35    | R            | 16  |
| 8TH ST         | 045        | VIRGINIA ST               | UNIVERSITY AVE            | 2     | 1625   | 37    | R            | 18  |
| 8TH ST         | 044        | JONES ST                  | VIRGINIA ST               | 2     | 1095   | 35    | R            | 19  |
| 8TH ST         | 055        | COLUMBUS SCHOOL           | DWIGHT WAY                | 2     | 1705   | 36    | R            | 20  |
| 8TH ST         | 063        | CARLETON ST               | PARDEE ST                 | 2     | 304    | 34    | R            | 25  |
| 8TH ST         | 050        | UNIVERSITY AVE            | ALLSTON WAY               | 2     | 1010   | 36    | R            | 29  |
| 8TH ST         | 034        | GILMAN ST                 | CAMELIA ST                | 2     | 625    | 35    | R            | 35  |
| 8TH ST         | 040        | CAMELIA ST                | PAGE ST                   | 2     | 440    | 34    | R            | 42  |
| 8TH ST         | 065        | PARDEE ST                 | HEINZ AVE                 | 2     | 962    | 36    | R            | 75  |
| 8TH ST         | 061        | DWIGHT WAY                | PARKER ST                 | 2     | 660    | 36    | R            | 78  |
| 8TH ST         | 062        | PARKER ST                 | CARLETON ST               | 2     | 545    | 33    | R            | 80  |
| 8TH ST         | 030        | NORTH CITY LIMIT          | GILMAN ST                 | 2     | 1185   | 36    | R            | 84  |
| 9TH ST         | 063        | PARDEE ST                 | HEINZ AVE                 | 2     | 1000   | 48    | R            | 24  |
| 9TH ST         | 048        | HEARST AVE                | UNIVERSITY AVE            | 2     | 480    | 48    | R            | 65  |
| 9TH ST         | 046        | DELAWARE ST               | HEARST AVE                | 2     | 480    | 48    | R            | 68  |
| 9TH ST         | 043        | CEDAR ST                  | DELAWARE ST               | 2     | 1330   | 48    | R            | 70  |
| 9TH ST         | 069        | ASHBY ST                  | MURRAY ST                 | 2     | 150    | 36    | R            | 79  |
| 9TH ST         | 052        | UNIVERSITY AVE            | BANCROFT WAY              | 2     | 1635   | 48    | R            | 80  |
| 9TH ST         | 056        | CHANNING WAY              | DWIGHT WAY                | 2     | 665    | 48    | R            | 85  |
| 9TH ST         | 040        | CAMELIA ST                | CEDAR ST                  | 2     | 1330   | 47    | R            | 86  |
| 9TH ST         | 060        | DWIGHT WAY                | PARDEE ST                 | 2     | 1444   | 43    | R            | 86  |
| 9TH ST         | 066        | HEINZ AVE                 | JOG JUST NORTH OF ANTHONY | 2     | 410    | 36    | R            | 87  |
| 9TH ST         | 054        | BANCROFT WAY              | CHANNING WAY              | 2     | 705    | 48    | R            | 87  |
| 9TH ST         | 030        | NORTH CITY LIMIT          | CAMELIA ST                | 2     | 1720   | 46    | R            | 89  |
| 9TH ST         | 068        | JOG JUST NORTH OF ANTHONY | ASHBY ST                  | 2     | 340    | 38    | R            | 95  |
| ACACIA AVE     | 070        | CRAGMONT AVE              | EUCLID AVE                | 2     | 500    | 22    | R            | 16  |
| ACROFT CT      | 040        | ACTON ST                  | DEAD END (ACTON ST)       | 2     | 270    | 20    | R            | 63  |
| ACTON CIRCLE   | 050        | DEAD END (ACTON CRESCENT) | ACTON CRESCENT            | 2     | 120    | 21    | R            | 29  |
| ACTON CRESCENT | 040        | ACTON ST                  | EAST DEAD END (ACTON ST)  | 2     | 470    | 21    | R            | 30  |
| ACTON ST       | 063        | PARKER ST                 | WARD ST                   | 2     | 895    | 36    | R            | 15  |
| ACTON ST       | 061        | BLAKE ST                  | PARKER ST                 | 2     | 325    | 36    | R            | 17  |
| ACTON ST       | 065        | WARD ST                   | RUSSELL ST                | 2     | 1154   | 36    | R            | 19  |
| ACTON ST       | 055        | BANCROFT WAY              | DWIGHT WAY                | 2     | 1330   | 36    | R            | 20  |
| ACTON ST       | 035        | HOPKINS ST                | ROSE ST                   | 2     | 640    | 28    | R            | 22  |
| ACTON ST       | 038        | ROSE ST                   | CEDAR ST                  | 2     | 635    | 34    | R            | 22  |

| Road Name       | Section ID | Beg Location                          | End Location                 | Lanes | Length | Width | Funct. Class | PCI |
|-----------------|------------|---------------------------------------|------------------------------|-------|--------|-------|--------------|-----|
| ACTON ST        | 052        | ADDISON ST                            | UNIVERSITY AVE               | 2     | 340    | 30    | R            | 42  |
| ACTON ST        | 060        | DWIGHT WAY                            | BLAKE ST                     | 2     | 320    | 36    | R            | 42  |
| ACTON ST        | 050        | ADDISON ST                            | BANCROFT WAY                 | 2     | 1350   | 26    | R            | 43  |
| ACTON ST        | 040        | CEDAR ST                              | UNIVERSITY AVE               | 2     | 2260   | 34    | R            | 44  |
| ACTON ST        | 030        | NORTH CITY LIMIT                      | HOPKINS ST                   | 2     | 1085   | 36    | R            | 65  |
| ACTON ST        | 069        | RUSSELL ST                            | ASHBY AVE                    | 2     | 491    | 36    | R            | 79  |
| ACTON ST        | 070        | ASHBY ST                              | 66TH ST                      | 2     | 1234   | 36    | R            | 86  |
| ADA ST          | 045        | ORDWAY ST                             | SACRAMENTO ST                | 2     | 1350   | 30    | R            | 25  |
| ADA ST          | 055        | CALIFORNIA ST                         | MC GEE ST                    | 2     | 360    | 36    | R            | 71  |
| ADA ST          | 050        | SACRAMENTO ST                         | CALIFORNIA ST                | 2     | 500    | 36    | R            | 79  |
| ADDISON ST      | 030        | 6TH ST                                | SAN PABLO AVE                | 2     | 1642   | 36    | R            | 16  |
| ADDISON ST      | 025        | 4TH ST                                | 6TH ST                       | 2     | 680    | 36    | R            | 19  |
| ADDISON ST      | 040        | SAN PABLO AVE                         | CURTIS ST                    | 2     | 730    | 36    | R            | 23  |
| ADDISON ST      | 062        | MILVIA ST                             | SHATTUCK AVE                 | 2     | 700    | 31    | R            | 35  |
| ADDISON ST      | 050        | SACRAMENTO ST                         | MARTIN LUTHER KING JR WAY    | 2     | 2620   | 36    | R            | 40  |
| ADDISON ST      | 060        | MARTIN LUTHER KING JR WAY             | MILVIA ST                    | 2     | 670    | 37    | R            | 52  |
| ADDISON ST      | 044        | BROWNING ST                           | SACRAMENTO ST                | 2     | 1900   | 36    | R            | 55  |
| ADDISON ST      | 010        | AQUATIC PARK                          | RRX                          | 2     | 466    | 36    | R            | 75  |
| ADDISON ST      | 015        | RRX                                   | 4TH ST                       | 2     | 322    | 36    | R            | 83  |
| ADDISON ST      | 066        | SHATTUCK AVE                          | OXFORD ST                    | 2     | 490    | 37    | R            | 90  |
| ADDISON ST      | 064        | SHATTUCK AVE                          | SHATTUCK AVE                 | 2     | 180    | 39    | R            | 100 |
| ADELINE (NB)    | 076        | ALCATRAZ AVE                          | MLK/ ADELINE ST              | 2     | 890    | 37    | A            | 75  |
| ADELINE ST      | 070        | ASHBY AVE                             | MLK/ ADELINE ST              | 4     | 1420   | 85    | A            | 73  |
| ADELINE ST      | 078        | ALCATRAZ AVE                          | SOUTH CITY LIMIT (KING ST)   | 5     | 1045   | 70    | A            | 75  |
| ADELINE ST      | 060        | DERBY ST                              | STUART ST                    | 4     | 750    | 85    | A            | 100 |
| ADELINE ST      | 064        | STUART ST                             | ASHBY AVE                    | 4     | 1480   | 84    | A            | 100 |
| ADELINE ST (SB) | 074        | ADELINE ST/ MARTIN LUTHER KING JR WAY | ALCATRAZ AVE                 | 2     | 945    | 36    | A            | 69  |
| AJAX PL         | 080        | AJAX LANE                             | SUMMIT RD                    | 2     | 305    | 20    | R            | 13  |
| ALAMO AVE       | 010        | SPRUCE ST                             | HALKIN LANE                  | 2     | 840    | 20    | R            | 20  |
| ALBINA AVE      | 030        | NORTH CITY LIMIT                      | HOPKINS ST                   | 2     | 730    | 32    | R            | 82  |
| ALCATRAZ AVE    | 080        | CITY LIMIT (COLLEGE AVE)              | CLAREMONT AVE                | 2     | 670    | 36    | C            | 56  |
| ALCATRAZ AVE    | 050        | SACRAMENTO ST                         | ADELINE ST                   | 2     | 1840   | 38    | C            | 65  |
| ALCATRAZ AVE    | 045        | WEST CITY LIMIT (IDAHO)               | SACRAMENTO ST                | 2     | 1225   | 38    | C            | 90  |
| ALCATRAZ AVE    | 060        | ADELINE ST                            | CITY LIMIT (DOVER ST)        | 2     | 910    | 48    | C            | 95  |
| ALLSTON WAY     | 020        | DEAD END                              | 6TH ST                       | 2     | 930    | 36    | R            | 20  |
| ALLSTON WAY     | 030        | 6TH ST                                | 9TH ST                       | 2     | 985    | 36    | R            | 21  |
| ALLSTON WAY     | 035        | 9TH ST                                | SAN PABLO AVE                | 2     | 657    | 36    | R            | 24  |
| ALLSTON WAY     | 040        | SAN PABLO AVE                         | STRAWBERRY CK PARK           | 2     | 1430   | 36    | R            | 33  |
| ALLSTON WAY     | 063        | MILVIA ST                             | SHATTUCK AVE                 | 2     | 715    | 36    | R            | 45  |
| ALLSTON WAY     | 045        | STRAWBERRY CK PARK                    | ACTON ST                     | 2     | 530    | 36    | R            | 69  |
| ALLSTON WAY     | 047        | ACTON ST                              | SACRAMENTO ST                | 2     | 640    | 36    | R            | 69  |
| ALLSTON WAY     | 050        | SACRAMENTO ST                         | MARTIN LUTHER KING JR WAY    | 2     | 2660   | 36    | R            | 90  |
| ALLSTON WAY     | 065        | SHATTUCK AVE                          | OXFORD ST                    | 2     | 590    | 32    | R            | 100 |
| ALLSTON WAY     | 060        | MARTIN LUTHER KING JR WAY             | MILVIA ST                    | 2     | 660    | 42    | R            | 100 |
| ALTA RD         | 070        | SPRUCE ST                             | CRAGMONT AVE                 | 2     | 390    | 22    | R            | 20  |
| ALVARADO RD     | 094        | BRIDGE RD                             | NORTH CITY LIMIT AB WILLOW W | 2     | 1890   | 24    | R            | 40  |



| Road Name     | Section ID | Beg Location               | End Location                | Lanes | Length | Width | Funct. Class | PCI |
|---------------|------------|----------------------------|-----------------------------|-------|--------|-------|--------------|-----|
| ALVARADO RD   | 092        | NORTH CITY LIMIT           | BRIDGE RD                   | 2     | 450    | 24    | R            | 93  |
| ALVARADO RD   | 090        | TUNNEL RD                  | NORTH CITY LIMIT            | 2     | 770    | 24    | R            | 95  |
| AMADOR AVE    | 060        | SUTTER ST                  | SHATTUCK AVE                | 2     | 920    | 32    | R            | 57  |
| ANTHONY ST    | 030        | 5TH ST                     | 7TH ST                      | 2     | 650    | 36    | R            | 19  |
| ANTHONY ST    | 040        | 7TH ST                     | 9TH ST                      | 2     | 564    | 36    | R            | 37  |
| ARCADE AVE    | 030        | GRIZZLY PEAK BLVD          | FAIRLAWN DR                 | 2     | 310    | 23    | R            | 100 |
| ARCH ST       | 030        | GLEN AVE                   | CEDAR ST                    | 2     | 1995   | 36    | R            | 11  |
| ARCH ST       | 020        | SPRUCE ST                  | EUNICE ST                   | 2     | 1175   | 35    | R            | 16  |
| ARCH ST       | 040        | CEDAR ST                   | HEARST AVE                  | 2     | 1735   | 31    | R            | 79  |
| ARDEN RD      | 050        | MOSSWOOD RD                | PANORAMIC WAY               | 2     | 610    | 15    | R            | 97  |
| ARLINGTON AVE | 010        | NORTH CITY LIMIT (BOYNTON) | THOUSAND OAKS BLVD          | 2     | 2695   | 44    | C            | 69  |
| ARLINGTON AVE | 015        | THOUSAND OAKS BLVD         | THE CIRCLE                  | 2     | 2940   | 49    | C            | 69  |
| ASHBY PL      | 080        | ASHBY AVE & ELMWOOD AVE    | ASHBY AVE & PIEDMONT AVE    | 2     | 600    | 34    | R            | 90  |
| ATHERTON ST   | 050        | CHANNING WAY               | HASTE ST                    | 2     | 325    | 35    | R            | 20  |
| ATLAS PL      | 080        | HILL RD                    | SUMMIT RD                   | 2     | 200    | 20    | R            | 10  |
| AVALON AVE    | 083        | OAK KNOLL TERR             | CLAREMONT BLVD              | 2     | 525    | 36    | R            | 28  |
| AVALON AVE    | 082        | AVALON WALK                | OAK KNOLL TERR              | 2     | 630    | 20    | R            | 30  |
| AVALON AVE    | 084        | CLAREMONT BLVD             | CLAREMONT AVE               | 2     | 300    | 25    | R            | 37  |
| AVENIDA DR    | 080        | QUEENS RD                  | GRIZZLY PEAK BLVD           | 2     | 1315   | 24    | R            | 38  |
| AVENIDA DR    | 034        | CAMPUS DR                  | QUEENS RD                   | 2     | 445    | 24    | R            | 81  |
| AVIS RD       | 060        | SAN ANTONIO AVE            | SAN LUIS RD                 | 2     | 440    | 20    | R            | 80  |
| BAKER ST      | 075        | 66TH ST                    | SOUTH CITY LIMIT (ALCATRAZ) | 2     | 1019   | 36    | R            | 62  |
| BANCROFT WAY  | 080        | PIEDMONT AVE               | COLLEGE AVE                 | 2     | 670    | 36    | C            | 26  |
| BANCROFT WAY  | 082        | PIEDMONT AVE               | WARRING ST                  | 2     | 350    | 36    | R            | 28  |
| BANCROFT WAY  | 050        | SACRAMENTO ST              | MARTIN LUTHER KING JR WAY   | 2     | 2640   | 36    | R            | 33  |
| BANCROFT WAY  | 065        | FULTON ST                  | SHATTUCK AVE                | 2     | 500    | 40    | C            | 41  |
| BANCROFT WAY  | 060        | MILVIA WAY                 | SHATTUCK AVE                | 2     | 710    | 40    | C            | 46  |
| BANCROFT WAY  | 076        | BOWDITCH ST                | TELEGRAPH AVE               | 2     | 670    | 40    | C            | 48  |
| BANCROFT WAY  | 030        | 6TH ST                     | 7TH ST                      | 2     | 660    | 36    | R            | 52  |
| BANCROFT WAY  | 078        | COLLEGE AVE                | BOWDITCH ST                 | 2     | 670    | 40    | C            | 54  |
| BANCROFT WAY  | 035        | 7TH ST                     | SAN PABLO AVE               | 2     | 1000   | 36    | R            | 55  |
| BANCROFT WAY  | 040        | SAN PABLO AVE              | WEST ST                     | 2     | 1524   | 36    | R            | 56  |
| BANCROFT WAY  | 022        | AQUATIC PARK               | 3RD ST (RR TRACKS)          | 2     | 300    | 36    | R            | 75  |
| BANCROFT WAY  | 045        | WEST ST                    | SACRAMENTO ST               | 2     | 1121   | 36    | R            | 75  |
| BANCROFT WAY  | 024        | 3RD ST (RR TRACKS)         | 6TH ST                      | 2     | 1000   | 36    | R            | 78  |
| BANCROFT WAY  | 072        | TELEGRAPH AVE              | DANA ST                     | 2     | 1200   | 48    | C            | 90  |
| BANCROFT WAY  | 074        | DANA ST                    | FULTON ST                   | 2     | 1305   | 48    | C            | 90  |
| BANCROFT WAY  | 086        | PROSPECT ST                | PANORAMIC WAY               | 2     | 135    | 30    | R            | 97  |
| BATAAN AVE    | 030        | 7TH ST                     | 8TH ST                      | 2     | 330    | 22    | R            | 16  |
| BATEMAN ST    | 070        | WEBSTER ST                 | 108 N/O PRINCE ST.          | 2     | 475    | 18    | R            | 85  |
| BATEMAN ST    | 080        | 108 N/O PRINCE ST.         | WOOLSEY                     | 2     | 323    | 20    | R            | 88  |
| BAY ST        | 010        | ASHBY AVE OVERPASS         | POTTER ST                   | 2     | 560    | 26    | A            | 95  |
| BAY VIEW PL   | 070        | SCENIC AVE                 | EUCLID AVE                  | 2     | 800    | 30    | R            | 74  |
| BELROSE AVE   | 060        | DERBY ST                   | CLAREMONT BLVD/ GARBER ST   | 2     | 650    | 40    | C            | 97  |
| BELVEDERE AVE | 035        | ROSE ST                    | CEDAR ST                    | 2     | 350    | 30    | R            | 47  |
| BELVEDERE AVE | 040        | CEDAR ST                   | VIRGINIA ST                 | 2     | 660    | 30    | R            | 48  |

| Road Name        | Section ID | Beg Location                   | End Location              | Lanes | Length | Width | Funct. Class | PCI |
|------------------|------------|--------------------------------|---------------------------|-------|--------|-------|--------------|-----|
| BENVENUE AVE     | 060        | DWIGHT WAY                     | RUSSELL ST                | 2     | 2660   | 36    | R            | 34  |
| BENVENUE AVE     | 065        | RUSSELL ST                     | ASHBY AVE                 | 2     | 530    | 36    | R            | 42  |
| BENVENUE AVE     | 070        | ASHBY AVE                      | CITY LIMIT (WOOLSEY ST)   | 2     | 1165   | 36    | R            | 47  |
| BERKELEY WAY     | 046        | WEST ST PATHWAY                | SACRAMENTO ST             | 2     | 1320   | 30    | R            | 23  |
| BERKELEY WAY     | 050        | SACRAMENTO ST                  | GRANT ST                  | 2     | 1920   | 32    | R            | 41  |
| BERKELEY WAY     | 045        | CHESTNUT ST                    | WEST ST PATHWAY           | 2     | 435    | 24    | R            | 48  |
| BERKELEY WAY     | 058        | GRANT ST                       | MARTIN LUTHER KING JR WAY | 2     | 670    | 36    | R            | 48  |
| BERKELEY WAY     | 060        | MARTIN LUTHER KING JR WAY      | MILVIA WAY                | 2     | 700    | 34    | R            | 65  |
| BERKELEY WAY     | 063        | MILVIA WAY                     | SHATTUCK AVE              | 2     | 645    | 40    | R            | 70  |
| BERKELEY WAY     | 065        | SHATTUCK AVE                   | OXFORD ST                 | 2     | 740    | 47    | R            | 76  |
| BERRYMAN ST      | 063        | MILVIA ST                      | HENRY ST                  | 2     | 303    | 36    | R            | 57  |
| BERRYMAN ST      | 064        | HENRY ST                       | SHATTUCK AVE              | 2     | 367    | 36    | R            | 76  |
| BERRYMAN ST      | 055        | WEST END                       | MARTIN LUTHER KING JR WAY | 2     | 495    | 36    | R            | 80  |
| BERRYMAN ST      | 060        | MARTIN LUTHER KING JR WAY      | MILVIA ST                 | 2     | 640    | 36    | R            | 82  |
| BEVERLY PL       | 050        | WEST CITY LIMIT COP W/O MONTER | HOPKINS ST                | 2     | 1830   | 36    | R            | 68  |
| BLAKE ST         | 063        | MILVIA ST                      | SHATTUCK AVE              | 2     | 688    | 48    | R            | 19  |
| BLAKE ST         | 060        | MARTIN LUTHER KING JR WAY      | MILVIA ST                 | 2     | 665    | 48    | R            | 19  |
| BLAKE ST         | 040        | SAN PABLO AVE                  | SACRAMENTO ST             | 2     | 2442   | 36    | R            | 19  |
| BLAKE ST         | 070        | FULTON ST                      | TELEGRAPH AVE             | 2     | 1910   | 36    | R            | 20  |
| BLAKE ST         | 055        | MC GEE ST                      | MARTIN LUTHER KING JR WAY | 2     | 1280   | 36    | R            | 20  |
| BLAKE ST         | 065        | SHATTUCK AVE                   | FULTON ST                 | 2     | 575    | 36    | R            | 34  |
| BLAKE ST         | 050        | SACRAMENTO ST                  | MC GEE ST                 | 2     | 1270   | 36    | R            | 76  |
| BOISE ST         | 075        | 66TH ST                        | HARMON ST                 | 2     | 505    | 36    | R            | 65  |
| BONAR ST         | 051        | UNIVERSITY AVE                 | ADDISON ST                | 2     | 314    | 36    | R            | 97  |
| BONAR ST         | 053        | ADDISON ST                     | ALLSTON WAY               | 2     | 670    | 36    | R            | 97  |
| BONAR ST         | 055        | ALLSTON WAY                    | DWIGHT WAY                | 2     | 1982   | 36    | R            | 97  |
| BONITA AVE       | 040        | CEDAR ST                       | VIRGINIA ST               | 2     | 670    | 36    | R            | 19  |
| BONITA AVE       | 034        | ROSE ST                        | VINE ST                   | 2     | 660    | 36    | R            | 26  |
| BONITA AVE       | 036        | VINE ST                        | CEDAR ST                  | 2     | 655    | 36    | R            | 78  |
| BONITA AVE       | 032        | BERRYMAN ST                    | ROSE ST                   | 2     | 665    | 36    | R            | 79  |
| BONITA AVE       | 030        | YOLO AVE                       | BERRYMAN ST               | 2     | 745    | 30    | R            | 82  |
| BONITA AVE       | 045        | UNIVERSITY AVE                 | NORTH END                 | 2     | 210    | 36    | R            | 87  |
| BONITA AVE       | 055        | DELAWARE ST                    | SOUTH END                 | 2     | 180    | 36    | R            | 92  |
| BONITA AVE       | 050        | BERKLEY WAY                    | NORTH OF HEARST           | 2     | 475    | 36    | R            | 93  |
| BONNIE LANE      | 010        | HILLDALE AVE                   | MARIN AVE                 | 2     | 750    | 21    | R            | 61  |
| BOWDITCH ST      | 050        | BANCROFT WAY                   | DURANT AVE                | 2     | 330    | 36    | R            | 20  |
| BOWDITCH ST      | 052        | DURANT AVE                     | HASTE ST                  | 2     | 660    | 36    | R            | 23  |
| BOWDITCH ST      | 056        | HASTE ST                       | DWIGHT WAY                | 2     | 330    | 36    | R            | 40  |
| BOYNTON AVE      | 015        | COLORADO AVE                   | FLORIDA AVE               | 2     | 280    | 26    | R            | 59  |
| BOYNTON AVE (NB) | 010        | ARLINGTON AVE                  | COLORADO AVE              | 2     | 1540   | 16    | R            | 42  |
| BOYNTON AVE (SB) | 011        | COLORADO AVE                   | ARLINGTON AVE             | 2     | 1540   | 16    | R            | 44  |
| BRET HARTE RD    | 070        | KEITH AVE                      | CREGMONT AVE              | 2     | 300    | 21    | R            | 65  |
| BRET HARTE RD    | 075        | CRAGMONT AVE                   | KEELER RD                 | 2     | 750    | 22    | R            | 79  |
| BRIDGE RD        | 070        | ALVARADO RD                    | TUNNEL RD                 | 2     | 450    | 24    | R            | 95  |
| BROOKSIDE AVE    | 080        | CLAREMONT AVE                  | DEAD END (CLAREMONT AVE)  | 2     | 425    | 26    | R            | 95  |
| BROOKSIDE CT     | 070        | DEAD END NR BROOKSIDE DR       | BROOKSIDE DR              | 2     | 110    | 24    | R            | 95  |

| Road Name       | Section ID | Beg Location               | End Location               | Lanes | Length | Width | Funct. Class | PCI |
|-----------------|------------|----------------------------|----------------------------|-------|--------|-------|--------------|-----|
| BROOKSIDE DR    | 070        | CLAREMONT AVE              | CLAREMONT AVE              | 2     | 535    | 24    | R            | 95  |
| BROWNING ST     | 050        | ADDISON ST                 | DWIGHT WAY                 | 2     | 2650   | 36    | R            | 33  |
| BUENA AVE       | 055        | MCGEE AVE                  | CYPRESS ST                 | 2     | 400    | 25    | R            | 27  |
| BUENA AVE       | 050        | WEST DEAD END (HOLLY ST)   | MCGEE AVE                  | 2     | 904    | 37    | R            | 95  |
| BUENA VISTA WAY | 078        | 260' NORTH OF PRIVATE PROP | PRIVATE PROPERTY           | 2     | 260    | 14    | R            | 8   |
| BUENA VISTA WAY | 074        | DELMAR AVE                 | 260' NORTH OF PRIVATE PROP | 2     | 470    | 22    | R            | 10  |
| BUENA VISTA WAY | 070        | EUCLID AVE                 | DEL MAR AVE                | 2     | 3775   | 30    | R            | 21  |
| BURNETT ST      | 040        | SAN PABLO AVE              | MABEL ST                   | 2     | 874    | 36    | R            | 22  |
| BURNETT ST      | 042        | MABEL ST                   | ACTON ST                   | 2     | 704    | 36    | R            | 76  |
| BYRON ST        | 055        | CHANNING WAY               | DWIGHT WAY                 | 2     | 660    | 30    | R            | 17  |
| BYRON ST        | 050        | ADDISON ST                 | BANCROFT WAY               | 2     | 1320   | 36    | R            | 85  |
| CALIFORNIA ST   | 066        | OREGON ST                  | ASHBY AVE                  | 2     | 950    | 42    | R            | 35  |
| CALIFORNIA ST   | 045        | HEARST AVE                 | UNIVERSITY AVE             | 2     | 600    | 42    | R            | 37  |
| CALIFORNIA ST   | 040        | CEDAR ST                   | OHLONE PARK                | 2     | 1455   | 42    | R            | 58  |
| CALIFORNIA ST   | 030        | ADA ST                     | CEDAR ST                   | 2     | 1405   | 45    | R            | 71  |
| CALIFORNIA ST   | 050        | UNIVERSITY AVE             | DWIGHT WAY                 | 2     | 3015   | 48    | R            | 71  |
| CALIFORNIA ST   | 072        | ASHBY AVE                  | ALCATRAZ AVE               | 2     | 2000   | 42    | R            | 77  |
| CALIFORNIA ST   | 076        | ALCATRAZ AVE               | SOUTH CITY LIMIT           | 2     | 840    | 42    | R            | 77  |
| CALIFORNIA ST   | 020        | HOPKINS ST                 | ADA ST                     | 2     | 345    | 40    | R            | 83  |
| CALIFORNIA ST   | 060        | DWIGHT WAY                 | OREGON ST                  | 2     | 2270   | 42    | R            | 83  |
| CAMELIA ST      | 024        | 3RD ST (RR TRACKS)         | 4TH ST                     | 2     | 330    | 36    | R            | 18  |
| CAMELIA ST      | 020        | 2ND ST                     | 3RD ST (RR TRACKS)         | 2     | 345    | 35    | R            | 19  |
| CAMELIA ST      | 034        | 8TH ST                     | SAN PABLO AVE              | 2     | 1030   | 36    | R            | 19  |
| CAMELIA ST      | 030        | 6TH ST                     | 8TH ST                     | 2     | 620    | 36    | R            | 27  |
| CAMELIA ST      | 026        | 4TH ST                     | 6TH ST                     | 2     | 637    | 36    | R            | 48  |
| CAMELIA ST      | 040        | SAN PABLO AVE              | SANTA FE AVE               | 2     | 1050   | 36    | R            | 89  |
| CAMPUS DR       | 030        | SHASTA RD                  | QUAIL AVE                  | 2     | 370    | 22    | R            | 42  |
| CAMPUS DR       | 032        | QUAIL AVE                  | GLENDALE AVE               | 2     | 450    | 24    | R            | 46  |
| CAMPUS DR       | 033        | GLENDALE AVE               | DELMAR AVE                 | 2     | 1090   | 24    | R            | 79  |
| CAMPUS DR       | 035        | DELMAR AVE                 | AVENIDA DRIVE              | 2     | 525    | 22    | R            | 85  |
| CAMPUS DR       | 036        | AVENIDA DR                 | PARNASSUS RD               | 2     | 540    | 22    | R            | 93  |
| CAMPUS DR       | 037        | PARNASSUS RD               | DEAD END, U C PLOT 82      | 2     | 760    | 19    | R            | 93  |
| CANYON RD       | 080        | PANORAMIC WAY              | RIM ROAD (UC CAMPUS)       | 2     | 275    | 30    | R            | 97  |
| CANYON RD       | 085        | RIM ROAD (UC CAMPUS)       | DEAD END                   | 2     | 583    | 15    | R            | 97  |
| CAPISTRANO AVE  | 050        | PERALTA AVE                | THE ALAMEDA                | 2     | 2645   | 26    | R            | 38  |
| CAPISTRANO AVE  | 060        | THE ALAMEDA                | CONTRA COSTA AVE           | 2     | 340    | 19    | R            | 74  |
| CARLETON ST     | 070        | FULTON ST                  | TELEGRAPH AVE              | 2     | 1720   | 36    | R            | 16  |
| CARLETON ST     | 060        | MARTIN LUTHER KING JR WAY  | MILVIA ST                  | 2     | 665    | 42    | R            | 24  |
| CARLETON ST     | 042        | MATHEWS ST                 | SACRAMENTO ST              | 2     | 1912   | 36    | R            | 28  |
| CARLETON ST     | 078        | TELEGRAPH AVE              | DEAD END ABOVE TELEGRAPH A | 2     | 160    | 27    | R            | 29  |
| CARLETON ST     | 050        | 7TH ST                     | SAN PABLO                  | 2     | 1330   | 36    | R            | 33  |
| CARLETON ST     | 050        | SACRAMENTO ST              | MARTIN LUTHER KING JR WAY  | 2     | 2540   | 36    | R            | 35  |
| CARLETON ST     | 063        | MILVIA ST                  | SHATTUCK AVE               | 2     | 675    | 42    | R            | 57  |
| CARLETON ST     | 065        | SHATTUCK AVE               | FULTON ST                  | 2     | 622    | 36    | R            | 60  |
| CARLETON ST     | 040        | 5TH ST                     | 7TH ST                     | 2     | 615    | 36    | R            | 77  |
| CARLETON ST     | 030        | 3RD ST                     | 5TH ST                     | 2     | 630    | 36    | R            | 95  |

| Road Name        | Section ID | Beg Location                 | End Location              | Lanes | Length | Width | Funct. Class | PCI |
|------------------|------------|------------------------------|---------------------------|-------|--------|-------|--------------|-----|
| CARLETON ST      | 040        | SAN PABLO AVE                | MATHEWS ST                | 2     | 500    | 36    | R            | 82  |
| CARLOTTA AVE     | 020        | POSEN AVE                    | HOPKINS ST                | 2     | 865    | 36    | R            | 71  |
| CARLOTTA AVE     | 030        | HOPKINS ST                   | ROSE ST                   | 2     | 880    | 30    | R            | 73  |
| CARRISON ST      | 040        | SAN PABLO AVE                | ACTON ST                  | 2     | 1528   | 36    | R            | 73  |
| CATALINA AVE     | 050        | COLUSA AVE                   | THE ALAMEDA               | 2     | 980    | 27    | R            | 97  |
| CATHERINE DR     | 030        | KEONCREST DR (N)             | KEONCREST DR (S)          | 2     | 410    | 25    | R            | 20  |
| CEDAR ST         | 078        | END W/O LA VEREDA            | LA VEREDA                 | 2     | 105    | 12    | R            | 19  |
| CEDAR ST         | 020        | EAST FRONTAGE RD (STATE P/L) | 4TH ST                    | 2     | 925    | 36    | A            | 23  |
| CEDAR ST         | 050        | SACRAMENTO ST                | MARTIN LUTHER KING JR WAY | 2     | 2600   | 40    | C            | 24  |
| CEDAR ST         | 025        | 4TH ST                       | 6TH ST                    | 2     | 670    | 43    | A            | 42  |
| CEDAR ST         | 070        | SPRUCE ST                    | EUCLID AVE                | 2     | 1380   | 35    | C            | 70  |
| CEDAR ST         | 075        | EUCLID AVE                   | LA LOMA AVE               | 2     | 920    | 34    | C            | 74  |
| CEDAR ST         | 065        | OXFORD ST                    | SPRUCE ST                 | 2     | 335    | 36    | C            | 86  |
| CEDAR ST         | 063        | MILVIA ST                    | SHATTUCK AVE              | 2     | 660    | 36    | C            | 90  |
| CEDAR ST         | 060        | MARTIN LUTHER KING JR WAY    | MILVIA ST                 | 2     | 665    | 36    | C            | 91  |
| CEDAR ST         | 045        | CHESTNUT ST                  | ACTON ST                  | 2     | 1140   | 37    | C            | 93  |
| CEDAR ST         | 064        | SHATTUCK AVE                 | OXFORD ST                 | 2     | 635    | 38    | C            | 93  |
| CEDAR ST         | 040        | SAN PABLO AVE                | CHESTNUT ST               | 2     | 1485   | 37    | C            | 95  |
| CEDAR ST         | 049        | ACTON ST                     | SACRAMENTO ST             | 2     | 665    | 34    | C            | 95  |
| CEDAR ST         | 030        | 6TH ST                       | SAN PABLO AVE             | 2     | 1650   | 37    | C            | 100 |
| CEDARWOOD LANE   | 030        | HARRISON ST                  | PARK WAY                  | 2     | 330    | 36    | R            | 0   |
| CENTER ST        | 064        | SHATTUCK AVE                 | OXFORD ST                 | 2     | 620    | 47    | R            | 64  |
| CENTER ST        | 062        | MILVIA ST                    | SHATTUCK AVE              | 2     | 730    | 47    | R            | 100 |
| CENTER ST        | 060        | MARTIN LUTHER KING JR WAY    | MILVIA ST                 | 2     | 670    | 53    | R            | 100 |
| CHABOLYN TERRACE | 080        | SOUTH CITY LIMIT             | SOUTH CITY LIMIT          | 2     | 420    | 26    | R            | 90  |
| CHANNING WAY     | 060        | MARTIN LUTHER KING JR WAY    | MILVIA ST                 | 2     | 670    | 36    | R            | 17  |
| CHANNING WAY     | 057        | ROOSEVELT AVE                | MARTIN LUTHER KING JR WAY | 2     | 1000   | 36    | R            | 18  |
| CHANNING WAY     | 084        | PIEDMONT AVE                 | PROSPECT ST               | 2     | 630    | 36    | R            | 30  |
| CHANNING WAY     | 063        | MILVIA ST                    | SHATTUCK AVE              | 2     | 710    | 36    | R            | 30  |
| CHANNING WAY     | 050        | SACRAMENTO ST                | ROOSEVELT AVE             | 2     | 1620   | 36    | R            | 34  |
| CHANNING WAY     | 040        | SAN PABLO AVE                | SACRAMENTO ST             | 2     | 2775   | 36    | R            | 50  |
| CHANNING WAY     | 038        | 10TH ST                      | SAN PABLO AVE             | 2     | 330    | 36    | R            | 56  |
| CHANNING WAY     | 030        | 6TH ST                       | 10TH ST                   | 2     | 1397   | 36    | R            | 69  |
| CHANNING WAY     | 078        | BOWDITCH ST                  | COLLEGE AVE               | 2     | 670    | 37    | R            | 76  |
| CHANNING WAY     | 080        | COLLEGE AVE                  | PIEDMONT AVE              | 2     | 630    | 36    | R            | 78  |
| CHANNING WAY     | 075        | DANA ST                      | BOWDITCH ST               | 2     | 1340   | 40    | R            | 78  |
| CHANNING WAY     | 020        | 3RD ST                       | 6TH ST                    | 2     | 935    | 36    | R            | 87  |
| CHANNING WAY     | 070        | FULTON ST                    | DANA ST                   | 2     | 1340   | 36    | R            | 93  |
| CHANNING WAY     | 066        | SHATTUCK AVE                 | FULTON ST                 | 2     | 560    | 36    | R            | 93  |
| CHAUCER ST       | 040        | SAN PABLO AVE                | CURTIS ST                 | 2     | 550    | 30    | R            | 21  |
| CHERRY ST        | 065        | STUART ST                    | RUSSELL ST                | 2     | 500    | 36    | R            | 85  |
| CHESTNUT ST      | 035        | ROSE ST                      | CEDAR ST                  | 2     | 350    | 34    | R            | 20  |
| CHESTNUT ST      | 044        | VIRGINIA ST                  | UNIVERSITY AVE            | 2     | 1620   | 36    | R            | 24  |
| CHESTNUT ST      | 042        | CEDAR ST                     | VIRGINIA ST               | 2     | 650    | 36    | R            | 39  |
| CHILTON WAY      | 060        | BLAKE ST                     | PARKER ST                 | 2     | 335    | 30    | R            | 27  |
| CLAREMONT AVE    | 065        | RUSSELL ST                   | ASHBY AVE                 | 2     | 425    | 56    | R            | 44  |

| Road Name          | Section ID | Beg Location                 | End Location                | Lanes | Length | Width | Funct. Class | PCI |
|--------------------|------------|------------------------------|-----------------------------|-------|--------|-------|--------------|-----|
| CLAREMONT AVE      | 060        | EAST CITY LIMIT NR GARBER RD | RUSSELL AVE                 | 2     | 600    | 38    | C            | 27  |
| CLAREMONT AVE      | 070        | ASHBY AVE                    | SOUTH CITY LIMIT (ALCATRAZ) | 4     | 2985   | 56    | C            | 54  |
| CLAREMONT BLVD     | 060        | DERBY ST                     | CUL-DE-SAC                  | 2     | 560    | 40    | R            | 32  |
| CLAREMONT BLVD     | 065        | BELROSE AVE                  | CLAREMONT AVE               | 2     | 875    | 37    | C            | 94  |
| CLAREMONT CRESCENT | 070        | CLAREMONT AVE                | ASHBY AVE                   | 2     | 410    | 24    | R            | 90  |
| CODORNICES RD      | 030        | DEAD END (EUCLID AVE)        | EUCLID AVE                  | 2     | 600    | 15    | R            | 72  |
| COLBY ST           | 070        | ASHBY AVE                    | WEBSTER ST.                 | 2     | 299    | 36    | R            | 52  |
| COLBY ST           | 080        | WEBSTER ST.                  | END                         | 2     | 385    | 32    | R            | 80  |
| COLLEGE AVE        | 060        | DWIGHT WAY                   | DERBY ST (S)                | 2     | 1430   | 36    | A            | 40  |
| COLLEGE AVE        | 070        | ASHBY AVE                    | SOUTH CITY LIMIT (ALCATRAZ) | 2     | 2155   | 36    | A            | 42  |
| COLLEGE AVE        | 065        | DERBY ST (S)                 | ASHBY AVE                   | 2     | 1785   | 36    | A            | 45  |
| COLLEGE AVE        | 050        | BANCROFT WAY                 | DWIGHT WAY                  | 2     | 1340   | 36    | C            | 89  |
| COLORADO AVE       | 065        | VERMONT AVE                  | MICHIGAN AVE                | 2     | 260    | 24    | R            | 55  |
| COLORADO AVE       | 060        | BOYNTON AVE                  | VERMONT AVE                 | 2     | 250    | 24    | R            | 58  |
| COLUMBIA CIRCLE    | 080        | COLUMBIA PATH                | FAIRLAWN DR                 | 2     | 230    | 21    | R            | 91  |
| COLUSA AVE         | 025        | MONTEREY AVE                 | POSEN AVE                   | 2     | 1233   | 36    | C            | 23  |
| COLUSA AVE         | 026        | POSEN AVE                    | HOPKINS ST                  | 2     | 520    | 36    | C            | 25  |
| COLUSA AVE         | 010        | NORTH CITY LIMIT (VISALIA)   | SOLANO AVE                  | 2     | 3565   | 36    | C            | 37  |
| COLUSA AVE         | 022        | MARIN AVE                    | MONTEREY AVE                | 2     | 870    | 46    | C            | 56  |
| COLUSA AVE         | 020        | SOLANO AVE                   | MARIN AVE                   | 2     | 670    | 46    | C            | 73  |
| COMSTOCK CT        | 035        | JAYNES ST                    | CEDAR ST                    | 2     | 300    | 24    | R            | 80  |
| CONTRA COSTA AVE   | 010        | YOSEMITE RD                  | SOLANO AVE                  | 2     | 2375   | 20    | R            | 89  |
| CONTRA COSTA AVE   | 018        | SOLANO AVE                   | LOS ANGELES AVE             | 2     | 185    | 25    | R            | 95  |
| CORNELL AVE        | 030        | NORTH CITY LIMIT             | GILMAN ST                   | 2     | 765    | 30    | R            | 46  |
| CORNELL AVE        | 036        | PAGE ST                      | HOPKINS ST                  | 2     | 695    | 30    | R            | 72  |
| CORNELL AVE        | 035        | GILMAN ST                    | PAGE ST                     | 2     | 1000   | 30    | R            | 74  |
| CORNELL AVE        | 039        | HOPKINS ST                   | CEDAR ST                    | 2     | 345    | 29    | R            | 98  |
| CORNELL AVE        | 040        | CEDAR ST                     | VIRGINIA ST                 | 2     | 660    | 30    | R            | 98  |
| CORONA CT          | 070        | ARCH ST                      | DEAD END (ARCH ST)          | 2     | 320    | 24    | R            | 50  |
| COWPER ST          | 040        | SAN PABLO AVE                | BYRON ST                    | 2     | 370    | 30    | R            | 91  |
| CRAGMONT AVE       | 010        | GRIZZLY PEAK BLVD            | MARIN AVE                   | 2     | 4100   | 22    | C            | 38  |
| CRAGMONT AVE       | 027        | BRET HARTE RD                | SHASTA RD                   | 2     | 1625   | 21    | R            | 85  |
| CRAGMONT AVE       | 021        | MARIN AVE                    | SANTA BARBARA RD            | 2     | 1110   | 23    | R            | 87  |
| CRAGMONT AVE       | 023        | SANTA BARBARA RD             | EUCLID AVE                  | 2     | 830    | 22    | R            | 87  |
| CRAGMONT AVE       | 025        | EUCLID AVE                   | BRET HARTE RD               | 2     | 1420   | 20    | R            | 88  |
| CRESTON RD         | 020        | SUNSET LANE                  | GRIZZLY PEAK BLVD (S)       | 2     | 2699   | 22    | R            | 57  |
| CRESTON RD         | 010        | GRIZZLY PEAK BLVD (N)        | SUNSET LANE                 | 2     | 1910   | 22    | R            | 61  |
| CRYSTAL WAY        | 020        | EUCLID AVE (WEST)            | EUCLID AVE (EAST)           | 1     | 80     | 24    | R            | 37  |
| CURTIS ST          | 038        | HOPKINS ST                   | CEDAR ST                    | 2     | 370    | 30    | R            | 11  |
| CURTIS ST          | 050        | UNIVERSITY AVE               | DWIGHT WAY                  | 2     | 2990   | 36    | R            | 14  |
| CURTIS ST          | 040        | CEDAR ST                     | VIRGINIA ST                 | 2     | 660    | 30    | R            | 16  |
| CURTIS ST          | 030        | NORTH CITY LIMIT             | HOPKINS ST                  | 2     | 2400   | 29    | R            | 28  |
| CURTIS ST          | 045        | VIRGINIA ST                  | UNIVERSITY AVE              | 2     | 1615   | 36    | R            | 66  |
| CYPRESS ST         | 031        | ROSE ST                      | BUENA AVE                   | 2     | 325    | 26    | R            | 81  |
| DANA ST            | 050        | BANCROFT WAY                 | DWIGHT WAY                  | 2     | 1320   | 36    | R            | 47  |
| DANA ST            | 060        | DWIGHT WAY                   | BLAKE ST                    | 2     | 330    | 36    | R            | 45  |

| Road Name       | Section ID | Beg Location                | End Location                   | Lanes | Length | Width | Funct. Class | PCI |
|-----------------|------------|-----------------------------|--------------------------------|-------|--------|-------|--------------|-----|
| DANA ST         | 065        | BLAKE ST                    | WARD ST                        | 2     | 1320   | 36    | R            | 61  |
| DANA ST         | 070        | WEBSTER ST                  | CITY LIMIT (WOOLSEY ST)        | 2     | 765    | 32    | R            | 70  |
| DEAKIN ST       | 075        | PRINCE ST                   | CITY LIMIT (WOOLSEY ST)        | 2     | 385    | 36    | R            | 79  |
| DEAKIN ST       | 070        | ASHBY AVE                   | PRINCE ST                      | 2     | 820    | 36    | R            | 89  |
| DEAKIN ST       | 068        | RUSSELL ST                  | ASHBY AVE                      | 2     | 525    | 36    | R            | 100 |
| DEL MAR AVE     | 085        | GLENDALE AVE                | CAMPUS DR                      | 2     | 480    | 24    | R            | 12  |
| DEL MAR AVE     | 083        | BUENA VISTA WAY             | GLENDALE AVE                   | 2     | 795    | 21    | R            | 22  |
| DEL NORTE CT    | 020        | DEL NORTE ST                | DEAD END (DEL NORTE ST)        | 2     | 110    | 12    | R            | 74  |
| DEL NORTE ST    | 020        | THE CIRCLE                  | SUTTER ST                      | 2     | 690    | 28    | C            | 91  |
| DELAWARE ST     | 040        | SAN PABLO AVE               | ACTON ST                       | 2     | 2435   | 48    | C            | 28  |
| DELAWARE ST     | 060        | MARTIN LUTHER KING JR WAY   | MILVIA ST                      | 2     | 665    | 34    | R            | 38  |
| DELAWARE ST     | 063        | MILVIA ST                   | WALNUT ST                      | 2     | 975    | 34    | R            | 40  |
| DELAWARE ST     | 048        | ACTON ST                    | SACRAMENTO ST                  | 2     | 665    | 48    | C            | 57  |
| DELAWARE ST     | 030        | 6TH ST                      | 9TH ST                         | 2     | 955    | 48    | C            | 76  |
| DELAWARE ST     | 035        | 9TH ST                      | SAN PABLO AVE                  | 2     | 670    | 48    | C            | 76  |
| DELAWARE ST     | 052        | DEAD END WEST OF CALIFORNIA | CALIFORNIA ST                  | 2     | 375    | 36    | R            | 93  |
| DELAWARE ST     | 055        | CALIFORNIA ST               | MARTIN LUTHER KING JR WAY      | 2     | 2000   | 36    | R            | 97  |
| DERBY ST        | 070        | FULTON ST                   | TELEGRAPH AVE                  | 2     | 1630   | 36    | R            | 15  |
| DERBY ST        | 063        | MILVIA ST                   | SHATTUCK AVE                   | 2     | 633    | 42    | R            | 16  |
| DERBY ST        | 075        | TELEGRAPH AVE               | HILLEGASS AVE (S)              | 2     | 860    | 38    | R            | 19  |
| DERBY ST        | 050        | SACRAMENTO ST               | MARTIN LUTHER KING JR WAY      | 2     | 2510   | 36    | R            | 20  |
| DERBY ST        | 065        | SHATTUCK AVE                | FULTON ST                      | 2     | 675    | 36    | R            | 22  |
| DERBY ST        | 078        | HILLEGASS AVE (S)           | COLLEGE AVE                    | 2     | 760    | 36    | R            | 23  |
| DERBY ST        | 082        | PIEDMONT AVE                | WARRING ST                     | 2     | 322    | 37    | R            | 27  |
| DERBY ST        | 080        | COLLEGE AVE                 | PIEDMONT AVE                   | 2     | 653    | 37    | R            | 31  |
| DERBY ST        | 045        | MABEL ST                    | SACRAMENTO ST                  | 2     | 1311   | 36    | R            | 32  |
| DERBY ST        | 060        | MARTIN LUTHER KING JR WAY   | MILVIA ST                      | 2     | 665    | 42    | R            | 86  |
| DERBY ST        | 085        | WARRING ST                  | BELROSE AVE &<br>TANGLEWOOD R  | 2     | 1205   | 36    | A            | 95  |
| DERBY ST        | 042        | SAN PABLO AVE               | MATHEWS ST                     | 2     | 455    | 36    | R            | 97  |
| DERBY ST        | 044        | MATHEWS ST                  | MABEL ST                       | 2     | 608    | 36    | R            | 97  |
| DOHR ST         | 065        | WARD ST                     | RUSSELL ST                     | 2     | 1170   | 36    | R            | 19  |
| DOHR ST         | 068        | RUSSELL ST                  | ASHBY AVE                      | 2     | 489    | 22    | R            | 21  |
| DOHR ST         | 070        | ASHBY AVE                   | PRINCE ST                      | 2     | 764    | 26    | R            | 100 |
| DOMINGO AVE     | 068        | CITY LIMIT NR RUSSELL ST    | TUNNEL RD                      | 2     | 220    | 40    | R            | 39  |
| DOMINGO AVE     | 070        | TUNNEL RD                   | THE PLAZA DR                   | 2     | 1130   | 40    | R            | 73  |
| DOVER ST        | 075        | ALCATRAZ AVE                | CITY LIMIT (63RD ST)           | 2     | 130    | 32    | R            | 21  |
| DOWLING PL      | 070        | TELEGRAPH AVE               | DANA ST                        | 2     | 385    | 36    | R            | 84  |
| DURANT AVE      | 060        | MILVIA ST                   | SHATTUCK AVE                   | 2     | 710    | 47    | C            | 15  |
| DURANT AVE      | 064        | SHATTUCK AVE                | FULTON ST                      | 2     | 530    | 48    | C            | 29  |
| DURANT AVE      | 070        | FULTON ST                   | BOWDITCH ST                    | 2     | 2650   | 48    | C            | 52  |
| DURANT AVE      | 078        | BOWDITCH ST                 | COLLEGE AVE                    | 2     | 670    | 48    | C            | 64  |
| DURANT AVE      | 080        | COLLEGE AVE                 | PIEDMONT AVE                   | 2     | 640    | 33    | C            | 67  |
| DWIGHT CRESCENT | 055        | 6TH ST                      | 7TH ST                         | 2     | 420    | 45    | C            | 98  |
| DWIGHT WAY      | 020        | 4TH ST                      | 6TH ST                         | 2     | 650    | 36    | C            | 12  |
| DWIGHT WAY      | 083        | PIEDMONT AVE                | HILLSIDE AVE                   | 2     | 765    | 36    | R            | 14  |
| DWIGHT WAY      | 085        | HILLSIDE AVE                | DEAD END ABOVE HILLSIDE<br>AVE | 2     | 590    | 36    | R            | 46  |

| Road Name         | Section ID | Beg Location              | End Location               | Lanes | Length | Width | Funct. Class | PCI |
|-------------------|------------|---------------------------|----------------------------|-------|--------|-------|--------------|-----|
| DWIGHT WAY        | 050        | SACRAMENTO ST             | MARTIN LUTHER KING JR WAY  | 2     | 2615   | 39    | A            | 23  |
| DWIGHT WAY        | 030        | 6TH ST                    | 7TH ST                     | 2     | 310    | 36    | C            | 30  |
| DWIGHT WAY        | 032        | 7TH ST                    | SAN PABLO AVE              | 2     | 1350   | 36    | A            | 43  |
| DWIGHT WAY        | 064        | MILVIA WAY                | SHATTUCK AVE               | 2     | 710    | 38    | A            | 57  |
| DWIGHT WAY        | 060        | MARTIN LUTHER KING JR WAY | MILVIA ST                  | 2     | 665    | 36    | A            | 59  |
| DWIGHT WAY        | 073        | DANA ST                   | TELEGRAPH AVE              | 2     | 670    | 40    | A            | 79  |
| DWIGHT WAY        | 070        | FULTON ST                 | DANA ST                    | 2     | 1325   | 40    | A            | 85  |
| DWIGHT WAY        | 075        | TELEGRAPH AVE             | BOWDITCH ST                | 2     | 660    | 36    | A            | 86  |
| DWIGHT WAY        | 066        | SHATTUCK AVE              | FULTON ST                  | 2     | 600    | 40    | A            | 91  |
| DWIGHT WAY        | 080        | COLLEGE AVE               | PIEDMONT AVE               | 2     | 775    | 36    | A            | 93  |
| DWIGHT WAY        | 078        | BOWDITCH ST               | COLLEGE AVE                | 2     | 660    | 36    | A            | 93  |
| DWIGHT WAY        | 040        | SAN PABLO AVE             | SACRAMENTO ST              | 2     | 2430   | 36    | A            | 95  |
| DWIGHT WAY        | 090        | PANORAMIC WAY             | EAST CITY LIMIT            | 2     | 100    | 28    | R            | 97  |
| EAST BOLIVAR DR   | 050        | ADDISON ST                | DEAD END NR CHANNING       | 2     | 1800   | 24    | R            | 29  |
| EAST FRONTAGE RD  | 040        | GILMAN ST                 | HEARST AVE                 | 2     | 3696   | 34    | C            | 30  |
| EAST FRONTAGE RD  | 030        | NORTH CITY LIMIT          | GILMAN ST                  | 2     | 1350   | 32    | C            | 43  |
| EAST PARNASSUS CT | 080        | PARNASSUS RD              | DEAD END (PARNASSUS RD)    | 2     | 210    | 22    | R            | 93  |
| EDITH ST          | 040        | CEDAR ST                  | VIRGINIA ST                | 2     | 638    | 30    | R            | 55  |
| EDITH ST          | 030        | ROSE ST                   | CEDAR ST                   | 2     | 1295   | 32    | R            | 71  |
| EDWARDS ST        | 055        | BANCROFT WAY              | DWIGHT WAY                 | 2     | 1330   | 36    | R            | 56  |
| EL CAMINO REAL    | 070        | DOMINGO AVE               | THE UPLANDS                | 2     | 1840   | 24    | R            | 86  |
| EL CAMINO REAL    | 075        | THE UPLANDS               | DEAD END ABOVE THE UPLANDS | 2     | 485    | 24    | R            | 87  |
| EL DORADO AVE     | 060        | THE ALAMEDA               | SUTTER ST                  | 2     | 1290   | 33    | R            | 25  |
| EL PORTAL CT      | 030        | DEAD END (LA LOMA AVE)    | LA LOMA AVE                | 2     | 250    | 18    | R            | 10  |
| ELLIS ST          | 068        | RUSSELL ST                | ASHBY AVE                  | 2     | 650    | 37    | R            | 47  |
| ELLIS ST          | 070        | ASHBY AVE                 | ALCATRAZ AVE               | 2     | 2005   | 37    | R            | 78  |
| ELLSWORTH ST      | 050        | BANCROFT WAY              | DWIGHT WAY                 | 2     | 1320   | 36    | R            | 22  |
| ELLSWORTH ST      | 062        | CARLETON ST               | WARD ST                    | 2     | 620    | 42    | R            | 87  |
| ELLSWORTH ST      | 060        | DWIGHT WAY                | CARLETON ST                | 2     | 1000   | 36    | R            | 90  |
| ELLSWORTH ST      | 065        | WARD ST                   | ASHBY AVE                  | 2     | 1520   | 42    | R            | 92  |
| ELMWOOD AVE       | 080        | ASHBY AVE & ASHBY PL      | PIEDMONT AVE               | 2     | 570    | 34    | R            | 20  |
| ELMWOOD CT        | 070        | ASHBY AVE                 | DEAD END (ASHBY AVE)       | 2     | 270    | 32    | R            | 76  |
| EMERSON ST        | 065        | SHATTUCK AVE              | WHEELER ST                 | 2     | 575    | 36    | R            | 24  |
| EMERSON ST        | 060        | ADELINE ST                | SHATTUCK AVE               | 2     | 805    | 36    | R            | 55  |
| ENCINA PL         | 070        | THE PLAZA DR              | THE UPLANDS                | 2     | 350    | 40    | R            | 93  |
| ENSENADA AVE      | 020        | SOLANO AVE                | MARIN AVE                  | 2     | 545    | 36    | R            | 27  |
| ENSENADA AVE      | 010        | PERALTA AVE               | SOLANO AVE                 | 2     | 2255   | 27    | R            | 62  |
| EOLA ST           | 040        | VIRGINIA ST               | FRANCISCO ST               | 2     | 325    | 22    | R            | 28  |
| ESSEX ST          | 064        | SHATTUCK AVE              | WHEELER ST                 | 2     | 585    | 36    | R            | 26  |
| ESSEX ST          | 062        | TREMONT ST                | SHATTUCK AVE               | 2     | 580    | 36    | R            | 61  |
| ESSEX ST          | 060        | ADELINE ST                | TREMONT ST                 | 2     | 340    | 36    | R            | 68  |
| ETNA ST           | 062        | DWIGHT WAY                | PARKER ST                  | 2     | 665    | 36    | R            | 29  |
| ETNA ST           | 064        | PARKER ST                 | DERBY ST                   | 2     | 665    | 36    | R            | 31  |
| ETON AVE          | 070        | WOOLSEY ST                | CLAREMONT AVE              | 2     | 750    | 36    | R            | 86  |
| ETON CT           | 070        | CLAREMONT AVE             | DEAD END (CLAREMONT AVE)   | 2     | 150    | 25    | R            | 25  |
| EUCALYPTUS RD     | 070        | HILLCREST RD              | SOUTH CITY LIMIT           | 2     | 440    | 25    | R            | 46  |

| Road Name       | Section ID | Beg Location              | End Location              | Lanes | Length | Width | Funct. Class | PCI |
|-----------------|------------|---------------------------|---------------------------|-------|--------|-------|--------------|-----|
| EUCLID AVE      | 032        | BAYVIEW PL                | CEDAR ST                  | 2     | 1890   | 34    | C            | 28  |
| EUCLID AVE      | 040        | CEDAR ST                  | HEARST AVE                | 2     | 1625   | 35    | C            | 41  |
| EUCLID AVE      | 015        | MARIN AVE                 | REGAL RD                  | 2     | 600    | 32    | R            | 73  |
| EUCLID AVE      | 020        | REGAL RD                  | CRAGMONT AVE              | 2     | 1475   | 40    | C            | 74  |
| EUCLID AVE      | 010        | GRIZZLY PEAK BLVD         | MARIN AVE                 | 2     | 3054   | 32    | C            | 77  |
| EUCLID AVE      | 024        | CRAGMONT AVE              | BEG OF DIVIDED ROAD       | 2     | 650    | 41    | R            | 77  |
| EUCLID AVE      | 028        | END OF DIVIDED ROAD       | EUNICE ST                 | 2     | 900    | 42    | R            | 83  |
| EUCLID AVE      | 030        | EUNICE ST                 | BAYVIEW PL                | 2     | 870    | 36    | C            | 100 |
| EUCLID AVE (NB) | 026        | BEG OF DIVIDED ROAD       | END OF DIVIDED ROAD       | 2     | 850    | 18    | R            | 82  |
| EUCLID AVE (SB) | 027        | BEG OF DIVIDED ROAD       | END OF DIVIDED ROAD       | 2     | 845    | 31    | R            | 81  |
| EUNICE ST       | 070        | SPRUCE ST                 | EUCLID AVE                | 2     | 1235   | 35    | R            | 26  |
| EUNICE ST       | 064        | HENRY ST                  | SPRUCE ST                 | 2     | 1370   | 34    | R            | 39  |
| EUNICE ST       | 060        | MILVIA ST                 | CUL-DE-SAC                | 2     | 225    | 36    | R            | 93  |
| EVELYN AVE      | 030        | NORTH CITY LIMIT          | SANTA FE AVE              | 2     | 980    | 30    | R            | 90  |
| FAIRLAWN DR     | 038        | AVENIDA DR                | OLYMPUS DR                | 2     | 615    | 23    | R            | 46  |
| FAIRLAWN DR     | 030        | QUEENS RD                 | AVENIDA DR                | 2     | 2575   | 21    | R            | 93  |
| FAIRVIEW ST     | 050        | SACRAMENTO ST             | ADELINE ST                | 2     | 2145   | 36    | R            | 23  |
| FAIRVIEW ST     | 060        | ADELINE ST                | CITY LIMIT (DOVER ST)     | 2     | 530    | 36    | R            | 27  |
| FAIRVIEW ST     | 047        | BAKER ST                  | SACRAMENTO ST             | 2     | 630    | 36    | R            | 73  |
| FLORANCE ST     | 068        | RUSSELL ST                | ASHBY AVE                 | 2     | 530    | 36    | R            | 30  |
| FLORIDA AVE     | 060        | SANTA BARBARA RD          | DEAD END (FLORIDA WALK)   | 2     | 400    | 26    | R            | 82  |
| FOLGER AVE      | 024        | HOLLIS ST                 | 7TH ST                    | 2     | 365    | 42    | C            | 86  |
| FOLGER AVE      | 025        | 7TH ST                    | SAN PABLO AVE             | 2     | 1325   | 42    | C            | 87  |
| FOLGER AVE      | 020        | WEST END                  | HOLLIS ST                 | 2     | 365    | 42    | R            | 97  |
| FOREST AVE      | 080        | COLLEGE AVE               | CLAREMONT BLVD            | 2     | 1875   | 36    | R            | 39  |
| FORREST LANE    | 073        | GRIZZY PARK               | CRESTON RD                | 2     | 337    | 22    | R            | 18  |
| FORREST LANE    | 072        | KEELER AVE                | GRIZZLY PEAK BLVD         | 2     | 615    | 22    | R            | 22  |
| FORREST LANE    | 070        | HILLDALE AVE              | KEELER AVE                | 2     | 520    | 19    | R            | 38  |
| FRANCISCO ST    | 040        | SAN PABLO AVE             | CHESTNUT ST               | 2     | 1370   | 30    | R            | 19  |
| FRANCISCO ST    | 050        | SACRAMENTO ST             | MARTIN LUTHER KING JR WAY | 2     | 2610   | 36    | R            | 21  |
| FRANCISCO ST    | 045        | CHESTNUT ST               | DEAD END                  | 2     | 1130   | 30    | R            | 25  |
| FRANCISCO ST    | 060        | MARTIN LUTHER KING JR WAY | MILVIA ST                 | 2     | 670    | 36    | R            | 27  |
| FRANCISCO ST    | 063        | MILVIA ST                 | SHATTUCK AVE              | 2     | 670    | 36    | R            | 28  |
| FRANKLIN ST     | 042        | CEDAR ST                  | FRANCISCO ST              | 2     | 1025   | 38    | R            | 80  |
| FRANKLIN ST     | 044        | FRANCISCO ST              | HEARST AVE                | 2     | 745    | 38    | R            | 87  |
| FRESNO AVE      | 022        | MARIN AVE                 | SONOMA AVE                | 2     | 1310   | 36    | R            | 33  |
| FRESNO AVE      | 020        | SOLANO AVE                | MARIN AVE                 | 2     | 900    | 36    | R            | 45  |
| FULTON ST       | 060        | DWIGHT WAY                | BLAKE ST                  | 2     | 312    | 36    | R            | 54  |
| FULTON ST       | 063        | PARKER ST                 | STUART ST                 | 2     | 1318   | 36    | R            | 54  |
| FULTON ST       | 061        | BLAKE ST                  | PARKER ST                 | 2     | 348    | 36    | R            | 63  |
| FULTON ST       | 070        | ASHBY ST                  | PRINCE ST                 | 2     | 810    | 36    | R            | 75  |
| FULTON ST       | 048        | KITTREDGE ST              | BANCROFT WAY              | 4     | 315    | 67    | A            | 83  |
| FULTON ST       | 065        | STUART ST                 | ASHBY AVE                 | 2     | 1166   | 36    | R            | 85  |
| FULTON ST       | 050        | BANCROFT WAY              | DURANT AVE                | 2     | 330    | 54    | A            | 90  |
| FULTON ST       | 052        | DURANT AVE                | DWIGHT WAY                | 2     | 990    | 36    | A            | 90  |
| GARBER ST       | 085        | WEST END                  | OAK KNOLL TERRACE         | 2     | 550    | 22    | R            | 48  |



| Road Name            | Section ID | Beg Location                  | End Location                     | Lanes | Length | Width | Funct. Class | PCI |
|----------------------|------------|-------------------------------|----------------------------------|-------|--------|-------|--------------|-----|
| GARBER ST            | 080        | COLLEGE AVE                   | EAST END                         | 2     | 1010   | 36    | R            | 33  |
| GARBER ST            | 088        | BELROSE AVE                   | EAST CITY LIMIT<br>(TANGLIWOOD)  | 2     | 450    | 24    | R            | 36  |
| GILMAN ST            | 035        | 8TH ST                        | SAN PABLO AVE                    | 2     | 995    | 48    | A            | 38  |
| GILMAN ST            | 045        | SANTA FE AVE                  | HOPKINS ST                       | 2     | 1595   | 36    | A            | 43  |
| GILMAN ST            | 040        | SAN PABLO AVE                 | SANTA FE AVE                     | 2     | 1445   | 38    | A            | 48  |
| GILMAN ST            | 015        | ENTRANCE OF FWY               | 2ND ST                           | 2     | 700    | 62    | R            | 59  |
| GILMAN ST            | 024        | 3RD ST (RR TRACKS)            | 6TH ST                           | 2     | 1000   | 48    | A            | 59  |
| GILMAN ST            | 020        | 2ND ST                        | 3RD ST (RR TRACKS)               | 2     | 485    | 48    | A            | 70  |
| GILMAN ST            | 030        | 6TH ST                        | 8TH ST                           | 2     | 655    | 48    | A            | 74  |
| GLEN AVE             | 033        | CORNER BETWEEN<br>SUMMER/ARCH | SPRUCE ST                        | 2     | 380    | 23    | R            | 12  |
| GLEN AVE             | 030        | EUNICE ST                     | CORNER BETWEEN<br>SUMMER/ARC     | 2     | 620    | 22    | R            | 14  |
| GLEN AVE             | 020        | OAK ST                        | EUNICE ST                        | 2     | 510    | 28    | R            | 90  |
| GLENDALE AVE         | 034        | LA LOMA AVE                   | DEL MAR AVE                      | 2     | 675    | 22    | R            | 31  |
| GLENDALE AVE         | 030        | CAMPUS DR                     | LA LOMA AVE                      | 2     | 640    | 32    | C            | 88  |
| GRANT ST             | 042        | VIRGINIA ST                   | FRANCISCO ST                     | 2     | 318    | 36    | R            | 25  |
| GRANT ST             | 060        | DWIGHT WAY                    | OREGON ST                        | 2     | 2266   | 36    | R            | 33  |
| GRANT ST             | 053        | ADDISON ST                    | ALLSTON WAY                      | 2     | 665    | 42    | R            | 43  |
| GRANT ST             | 061        | N. END                        | RUSSELL ST                       | 2     | 196    | 36    | R            | 43  |
| GRANT ST             | 057        | BANCROFT WAY                  | CHANNING WAY                     | 2     | 670    | 42    | R            | 45  |
| GRANT ST             | 041        | LINCOLN ST                    | VIRGINIA ST                      | 2     | 320    | 36    | R            | 48  |
| GRANT ST             | 030        | NORTH END                     | ROSE ST                          | 2     | 310    | 36    | R            | 54  |
| GRANT ST             | 040        | CEDAR ST                      | LINCOLN ST                       | 2     | 318    | 36    | R            | 56  |
| GRANT ST             | 032        | ROSE ST                       | CEDAR ST                         | 2     | 1325   | 36    | R            | 65  |
| GRANT ST             | 048        | HEARST AVE                    | UNIVERSITY AVE                   | 2     | 600    | 36    | R            | 78  |
| GRANT ST             | 059        | CHANNING WAY                  | DWIGHT                           | 2     | 665    | 42    | R            | 83  |
| GRANT ST             | 055        | ALLSTON WAY                   | BANCROFT WAY                     | 2     | 670    | 42    | R            | 90  |
| GRANT ST             | 051        | UNIVERSITY AVE                | ADDISON ST                       | 2     | 335    | 42    | R            | 93  |
| GRANT ST             | 044        | FRANCISCO ST                  | OHLONE PARK                      | 2     | 525    | 36    | R            | 97  |
| GRAYSON ST           | 020        | 3RD ST (WEST END)             | SAN PABLO AVE                    | 2     | 2568   | 36    | R            | 70  |
| GREENWOOD<br>TERRACE | 030        | ROSE ST                       | BUENA VISTA WAY                  | 2     | 850    | 17    | R            | 21  |
| GRIZZLY PEAK BLVD    | 015        | EUCLID AVE                    | KEELER AVE                       | 2     | 1250   | 30    | C            | 19  |
| GRIZZLY PEAK BLVD    | 017        | KEELER AVE                    | MARIN AVE                        | 2     | 1400   | 33    | C            | 19  |
| GRIZZLY PEAK BLVD    | 010        | NORTH CITY LIMIT (SPRUCE ST)  | EUCLID AVE                       | 2     | 1050   | 35    | C            | 24  |
| GRIZZLY PEAK BLVD    | 035        | HILL RD                       | EAST CITY LIMIT                  | 2     | 2515   | 32    | C            | 51  |
| GRIZZLY PEAK BLVD    | 029        | SHASTA RD (S)                 | ARCADE AVE                       | 2     | 1065   | 32    | C            | 76  |
| GRIZZLY PEAK BLVD    | 020        | MARIN AVE                     | SHASTA RD (S)                    | 2     | 4065   | 34    | C            | 88  |
| GRIZZLY PEAK BLVD    | 032        | ARCADE AVE                    | (EXTENSION OF EUNICE) HILL<br>RD | 2     | 785    | 32    | C            | 94  |
| HALCYON CT           | 070        | WEBSTER ST                    | PRINCE ST                        | 2     | 460    | 57    | R            | 89  |
| HALKIN LANE          | 070        | SPRUCE ST                     | CRAGMONT AVE                     | 2     | 515    | 22    | R            | 52  |
| HARDING CIRCLE       | 030        | OLYMPUS AVE                   | END                              | 2     | 65     | 38    | R            | 48  |
| HARMON ST            | 045        | IDAHO ST                      | SACRAMENTO ST                    | 2     | 1025   | 36    | R            | 15  |
| HARMON ST            | 050        | SACRAMENTO ST                 | ADELIN ST                        | 2     | 1985   | 36    | R            | 67  |
| HAROLD WAY           | 050        | ALLSTON WAY                   | KITTREDGE ST                     | 2     | 325    | 36    | R            | 53  |
| HARPER ST            | 070        | ASHBY AVE                     | WOOLSEY ST                       | 2     | 935    | 36    | R            | 64  |
| HARPER ST            | 068        | RUSSELL ST                    | ASHBY AVE                        | 2     | 665    | 36    | R            | 70  |
| HARPER ST            | 072        | WOOLSEY ST                    | FAIRVIEW ST                      | 2     | 306    | 36    | R            | 42  |

| Road Name         | Section ID | Beg Location                 | End Location              | Lanes | Length | Width | Funct. Class | PCI |
|-------------------|------------|------------------------------|---------------------------|-------|--------|-------|--------------|-----|
| HARRISON ST       | 020        | EASTSHORE HWY                | 2ND ST                    | 2     | 270    | 49    | R            | 48  |
| HARRISON ST       | 022        | 3RD ST                       | 6TH ST                    | 2     | 935    | 34    | R            | 73  |
| HARRISON ST       | 030        | 6TH ST                       | 8TH ST                    | 2     | 645    | 35    | R            | 78  |
| HARRISON ST       | 040        | SAN PABLO AVE                | STANNAGE AVE              | 2     | 495    | 36    | R            | 83  |
| HARRISON ST       | 034        | 8TH ST                       | SAN PABLO AVE             | 2     | 990    | 35    | R            | 84  |
| HARVARD CIRCLE    | 030        | FAIRLAWN DR & SENIOR AVE     | FAIRLAWN DR               | 2     | 100    | 30    | R            | 38  |
| HASKELL ST        | 040        | SAN PABLO AVE                | ACTON ST                  | 2     | 1505   | 36    | R            | 77  |
| HASTE ST          | 060        | FULTON ST                    | SHATTUCK AVE              | 2     | 580    | 36    | A            | 29  |
| HASTE ST          | 070        | BOWDITCH ST                  | FULTON ST                 | 2     | 2680   | 40    | A            | 35  |
| HASTE ST          | 078        | COLLEGE AVE                  | BODWITCH ST               | 2     | 670    | 39    | A            | 41  |
| HASTE ST          | 080        | PIEDMONT AVE                 | COLLEGE AVE               | 2     | 650    | 36    | A            | 43  |
| HASTE ST          | 065        | MILVIA ST                    | MARTIN LUTHER KING JR WAY | 2     | 670    | 36    | A            | 76  |
| HASTE ST          | 063        | SHATTUCK AVE                 | MILVIA ST                 | 2     | 705    | 36    | A            | 83  |
| HAWTHORNE TERRACE | 030        | LE ROY AVE                   | EUCLID AVE                | 2     | 365    | 24    | R            | 62  |
| HAWTHORNE TERRACE | 035        | EUCLID AVE                   | CEDAR ST                  | 2     | 1465   | 24    | R            | 87  |
| HAZEL RD          | 090        | CLAREMONT AVE                | DOMINGO AVE               | 2     | 830    | 30    | R            | 85  |
| HEARST AVE        | 030        | 6TH ST                       | SAN PABLO AVE             | 2     | 1650   | 36    | C            | 25  |
| HEARST AVE        | 045        | ACTON ST                     | SACRAMENTO ST             | 2     | 676    | 36    | R            | 26  |
| HEARST AVE        | 040        | SAN PABLO AVE                | ACTON ST                  | 2     | 2350   | 36    | R            | 29  |
| HEARST AVE        | 020        | EAST FRONTAGE RD (STATE P/L) | 6TH ST                    | 2     | 1515   | 48    | C            | 33  |
| HEARST AVE        | 060        | MARTIN LUTHER KING JR WAY    | MILVIA ST                 | 2     | 670    | 34    | A            | 47  |
| HEARST AVE        | 052        | SACRAMENTO ST                | CALIFORNIA ST             | 2     | 600    | 36    | C            | 67  |
| HEARST AVE        | 055        | MC GEE AVE                   | MARTIN LUTHER KING JR WAY | 2     | 1355   | 36    | C            | 68  |
| HEARST AVE        | 054        | CALIFORNIA ST                | MC GEE AVE                | 2     | 660    | 36    | C            | 71  |
| HEARST AVE        | 078        | HIGHLAND PL                  | DEAD END (COP @ CL)       | 2     | 140    | 23    | R            | 82  |
| HEARST AVE        | 077        | LA LOMA AVE                  | HIGHLAND PL               | 2     | 340    | 35    | A            | 83  |
| HEARST AVE        | 064        | HENRY ST                     | SHATTUCK AVE              | 2     | 330    | 55    | A            | 93  |
| HEARST AVE        | 065        | SHATTUCK AVE                 | WALNUT ST                 | 2     | 325    | 57    | A            | 93  |
| HEARST AVE        | 067        | WALNUT ST                    | OXFORD ST                 | 2     | 355    | 57    | A            | 93  |
| HEARST AVE        | 068        | OXFORD ST                    | SPRUCE ST                 | 2     | 250    | 58    | A            | 93  |
| HEARST AVE        | 070        | SPRUCE ST                    | ARCH ST                   | 2     | 425    | 56    | A            | 93  |
| HEARST AVE        | 075        | EUCLID AVE                   | LA LOMA AVE               | 2     | 975    | 39    | A            | 93  |
| HEARST AVE        | 062        | MILVIA ST                    | HENRY ST                  | 2     | 335    | 46    | A            | 100 |
| HEARST AVE (EB)   | 072        | ARCH ST                      | EUCLID AVE                | 2     | 1160   | 20    | A            | 95  |
| HEARST AVE (WB)   | 073        | EUCLID AVE                   | ARCH ST                   | 2     | 1160   | 23    | A            | 95  |
| HEINZ AVE         | 040        | 7TH ST                       | SAN PABLO AVE             | 2     | 1368   | 36    | R            | 22  |
| HEINZ AVE         | 030        | 3RD ST (WEST END)            | 7TH ST                    | 2     | 1197   | 36    | R            | 83  |
| HENRY ST          | 030        | EUNICE ST                    | ROSE ST                   | 2     | 1375   | 62    | A            | 36  |
| HENRY ST          | 045        | HEARST AVE                   | BERKELEY WAY              | 2     | 335    | 34    | R            | 73  |
| HENRY ST          | 034        | ROSE ST                      | VINE ST                   | 2     | 660    | 36    | R            | 97  |
| HENRY ST          | 035        | VINE ST                      | CEDAR ST                  | 2     | 655    | 36    | R            | 97  |
| HIGH COURT        | 020        | DEAD END                     | OAK ST                    | 2     | 645    | 24    | R            | 26  |
| HIGHLAND PL       | 040        | NORTH END                    | RIDGE RD                  | 2     | 215    | 15    | R            | 5   |
| HIGHLAND PL       | 042        | RIDGE RD                     | HEARST AVE                | 2     | 345    | 36    | R            | 97  |
| HILGARD AVE       | 070        | ARCH ST                      | SCENIC AVE                | 2     | 440    | 36    | R            | 61  |
| HILGARD AVE       | 072        | SCENIC AVE                   | EUCLID AVE                | 2     | 595    | 36    | R            | 61  |

| Road Name       | Section ID | Beg Location            | End Location              | Lanes | Length | Width | Funct. Class | PCI |
|-----------------|------------|-------------------------|---------------------------|-------|--------|-------|--------------|-----|
| HILGARD AVE     | 074        | EUCLID AVE              | LA LOMA AVE               | 2     | 1050   | 35    | R            | 88  |
| HILGARD AVE     | 078        | LA LOMA AVE             | LA VEREDA                 | 2     | 490    | 17    | R            | 93  |
| HILGARD AVE     | 080        | LA VEREDA               | DEAD END                  | 2     | 220    | 24    | R            | 97  |
| HILL CT         | 070        | EUCLID AVE              | DEAD END (EUCLID AVE)     | 2     | 310    | 15    | R            | 100 |
| HILL RD         | 025        | SHASTA RD               | DEAD END                  | 2     | 575    | 18    | R            | 9   |
| HILL RD         | 030        | DEAD END NR AJAX LANE   | GRIZZLY PEAK BLVD (SOUTH) | 2     | 945    | 20    | R            | 22  |
| HILLCREST CT    | 070        | THE FOOTWAY             | HILLCREST RD              | 2     | 190    | 20    | R            | 47  |
| HILLCREST RD    | 088        | ROANOK RD               | DEAD END ABOVE ROANOK RD  | 2     | 390    | 24    | R            | 30  |
| HILLCREST RD    | 080        | CLAREMONT AVE           | ROANOK RD                 | 2     | 3150   | 25    | R            | 45  |
| HILLDALE AVE    | 020        | MARIN AVE               | REGAL RD                  | 2     | 1265   | 20    | R            | 17  |
| HILLDALE AVE    | 010        | GRIZZLY PEAK BLVD       | MARIN AVE                 | 2     | 1870   | 21    | R            | 20  |
| HILLEGASS AVE   | 060        | DWIGHT WAY              | ASHBY AVE                 | 2     | 3200   | 36    | R            | 67  |
| HILLEGASS AVE   | 070        | ASHBY AVE               | CITY LIMIT (WOOLSEY ST)   | 2     | 855    | 36    | R            | 75  |
| HILLSIDE AVE    | 050        | PROSPECT ST             | DWIGHT WAY                | 2     | 760    | 30    | R            | 90  |
| HILLSIDE CT     | 050        | DEAD END (HILLSIDE AVE) | HILLSIDE AVE              | 2     | 290    | 16    | R            | 95  |
| HILLVIEW RD     | 020        | WOODSIDE RD             | PARK HILLS RD             | 2     | 1265   | 22    | R            | 88  |
| HOLLIS ST       | 070        | FOLGER AVE              | SOUTH CITY LIMIT          | 2     | 175    | 43    | C            | 74  |
| HOLLY ST        | 030        | ROSE ST                 | CEDAR ST                  | 2     | 910    | 36    | R            | 7   |
| HOPKINS CT      | 020        | ALBINA AVE              | HOPKINS ST                | 2     | 570    | 25    | R            | 87  |
| HOPKINS ST      | 047        | GILMAN ST               | SACRAMENTO ST             | 2     | 530    | 36    | R            | 29  |
| HOPKINS ST      | 060        | THE ALAMEDA             | SUTTER ST                 | 2     | 1375   | 60    | C            | 30  |
| HOPKINS ST      | 050        | HOPKINS CT              | MONTEREY AVE              | 2     | 250    | 36    | C            | 41  |
| HOPKINS ST      | 055        | CARLOTTA AVE            | JOSEPHINE ST              | 2     | 1525   | 45    | C            | 41  |
| HOPKINS ST      | 049        | SACRAMENTO ST           | HOPKINS CT                | 2     | 200    | 36    | A            | 45  |
| HOPKINS ST      | 053        | MC GEE AVE              | CARLOTTA AVE              | 2     | 320    | 45    | C            | 45  |
| HOPKINS ST      | 052        | MONTEREY AVE            | MC GEE AVE                | 2     | 250    | 40    | C            | 46  |
| HOPKINS ST      | 059        | JOSEPHINE ST            | THE ALAMEDA               | 2     | 335    | 60    | C            | 49  |
| HOPKINS ST      | 046        | PERALTA AVE             | GILMAN ST                 | 2     | 1442   | 36    | R            | 51  |
| HOPKINS ST      | 042        | STANNAGE AVE            | NORTHSIDE AVE             | 2     | 915    | 40    | R            | 69  |
| HOPKINS ST      | 045        | NORTHSIDE AVE           | PERALTA AVE               | 2     | 545    | 35    | R            | 72  |
| HOPKINS ST      | 040        | SAN PABLO AVE           | STANNAGE AVE              | 2     | 500    | 40    | R            | 74  |
| HOWE ST         | 070        | ELLSWORTH ST            | TELEGRAPH AVE             | 2     | 545    | 36    | R            | 23  |
| IDAHO ST        | 072        | 66TH ST                 | ALCATRAZ AVE              | 2     | 823    | 36    | R            | 18  |
| IDAHO ST        | 076        | ALCATRAZ AVE            | SOUTH CITY LIMIT          | 2     | 135    | 36    | R            | 85  |
| INDIAN ROCK AVE | 064        | SAN LUIS RD             | SANTA BARBARA RD          | 2     | 565    | 30    | R            | 20  |
| INDIAN ROCK AVE | 062        | ARLINGTON AVE           | SAN LUIS RD               | 2     | 1600   | 30    | R            | 51  |
| JAYNES ST       | 050        | CALIFORNIA ST           | EDITH ST                  | 2     | 990    | 36    | R            | 91  |
| JEFFERSON AVE   | 050        | UNIVERSITY AVE          | ADDISON ST                | 2     | 335    | 24    | R            | 35  |
| JEFFERSON AVE   | 052        | ALLSTON WAY             | DWIGHT WAY                | 2     | 2000   | 39    | R            | 35  |
| JONES ST        | 040        | SAN PABLO AVE           | STANNAGE AVE              | 2     | 505    | 36    | R            | 66  |
| JONES ST        | 030        | 6TH ST                  | SAN PABLO AVE             | 2     | 1650   | 36    | R            | 68  |
| JONES ST        | 020        | EASTSHORE HWY           | 2ND ST                    | 2     | 280    | 37    | R            | 97  |
| JONES ST        | 025        | 4TH ST                  | 6TH ST                    | 2     | 685    | 36    | R            | 97  |
| JOSEPHINE ST    | 040        | CEDAR ST                | VIRGINIA ST               | 2     | 660    | 36    | R            | 30  |
| JOSEPHINE ST    | 036        | ROSE ST                 | CEDAR ST                  | 2     | 1320   | 36    | R            | 67  |
| JOSEPHINE ST    | 032        | HOPKINS ST              | ROSE ST                   | 2     | 1290   | 36    | R            | 54  |

| Road Name         | Section ID | Beg Location         | End Location               | Lanes | Length | Width | Funct. Class | PCI |
|-------------------|------------|----------------------|----------------------------|-------|--------|-------|--------------|-----|
| JOSEPHINE ST      | 020        | THE ALAMEDA          | HOPKINS ST                 | 2     | 575    | 36    | R            | 97  |
| JUANITA WAY       | 035        | ROSE ST              | CEDAR ST                   | 2     | 595    | 25    | R            | 29  |
| JULIA ST          | 050        | SACRAMENTO ST        | KING ST                    | 2     | 1415   | 36    | R            | 80  |
| KAINS AVE         | 040        | CEDAR ST             | VIRGINIA ST                | 2     | 660    | 30    | R            | 72  |
| KAINS AVE         | 030        | NORTH CITY LIMIT     | HOPKINS ST                 | 2     | 2730   | 30    | R            | 86  |
| KALA BAGAI WAY    | 052        | ADDISON ST           | CENTER ST                  | 2     | 330    | 48    | A            | 100 |
| KALA BAGAI WAY    | 050        | UNIVERSITY AVE       | ADDISON ST                 | 3     | 356    | 50    | A            | 100 |
| KEELER AVE        | 020        | MARIN AVE            | MILLER AVE                 | 2     | 1025   | 19    | R            | 14  |
| KEELER AVE        | 023        | MILLER AVE           | POPPY LANE                 | 2     | 600    | 18    | R            | 18  |
| KEELER AVE        | 025        | STERLING AVE         | BRET HARTE RD              | 2     | 400    | 20    | R            | 46  |
| KEELER AVE        | 027        | BRET HARTE RD        | SHASTA RD                  | 2     | 1760   | 25    | R            | 55  |
| KEELER AVE        | 010        | GRIZZLY PEAK BLVD    | MARIN AVE                  | 2     | 1350   | 20    | R            | 89  |
| KEITH AVE         | 020        | SPRUCE ST            | EUCLID AVE                 | 2     | 1472   | 22    | C            | 75  |
| KEITH AVE         | 025        | EUCLID AVE           | SHASTA RD                  | 2     | 2570   | 25    | C            | 80  |
| KELSEY ST         | 060        | STUART ST            | RUSSELL ST                 | 2     | 500    | 36    | R            | 80  |
| KENTUCKY AVE      | 010        | VASSAR AVE           | MARYLAND AVE               | 2     | 475    | 26    | R            | 55  |
| KENTUCKY AVE (NB) | 015        | MARYLAND AVE         | MICHIGAN AVE               | 2     | 840    | 15    | R            | 48  |
| KENTUCKY AVE (SB) | 020        | MICHIGAN AVE         | MARYLAND AVE               | 2     | 840    | 15    | R            | 50  |
| KEONCREST DR      | 040        | ROSE ST              | ACTON ST                   | 2     | 950    | 25    | R            | 24  |
| KING ST           | 075        | FAIRVIEW ST          | SOUTH CITY LIMIT (62ND ST) | 2     | 1500   | 37    | R            | 75  |
| KING ST           | 068        | RUSSELL ST           | ASHBY AVE                  | 2     | 635    | 37    | R            | 77  |
| KING ST           | 070        | ASHBY AVE            | FAIRVIEW ST                | 2     | 1325   | 37    | R            | 78  |
| KITTREDGE ST      | 066        | SHATTUCK AVE         | FUTON ST                   | 2     | 440    | 32    | R            | 17  |
| KITTREDGE ST      | 063        | MILVIA ST            | SHATTUCK AVE               | 2     | 705    | 36    | R            | 27  |
| LA LOMA AVE       | 036        | END PCC              | BUENA VISTA WAY            | 2     | 630    | 28    | C            | 30  |
| LA LOMA AVE       | 038        | BUENA VISTA WAY      | CEDAR ST                   | 2     | 765    | 32    | C            | 34  |
| LA LOMA AVE       | 045        | VIRGINIA ST          | LA CONTE                   | 2     | 273    | 25    | C            | 40  |
| LA LOMA AVE       | 050        | LA CONTE             | HEARST AVE                 | 2     | 729    | 36    | C            | 52  |
| LA LOMA AVE       | 030        | GLENDALE AVE         | EL PORTAL CT               | 2     | 250    | 36    | C            | 71  |
| LA LOMA AVE       | 032        | EL PORTAL CT         | QUARRY RD                  | 2     | 155    | 35    | C            | 77  |
| LA LOMA AVE       | 034        | START PCC            | END PCC                    | 2     | 575    | 27    | C            | 79  |
| LA LOMA AVE       | 040        | CEDAR ST             | VIRGINIA ST                | 2     | 660    | 34    | C            | 84  |
| LA VEREDA RD      | 030        | LA LOMA AVE          | CEDAR ST                   | 2     | 550    | 18    | R            | 80  |
| LA VEREDA RD      | 040        | CEDAR ST             | DEAD END ABOVE VIRGINIA ST | 2     | 820    | 18    | R            | 93  |
| LASSEN ST         | 020        | MARIN AVE            | EL DORADO AVE              | 2     | 370    | 32    | R            | 44  |
| LATHAM LANE       | 080        | MILLER AVE           | GRIZZLY PEAK               | 2     | 485    | 21    | R            | 45  |
| LATHAM LANE       | 083        | CRESTON RD           | OVERLOOK RD                | 2     | 275    | 23    | R            | 70  |
| LAUREL LN         | 010        | CAPISTRANO AVE       | SAN PEDRO AVE              | 2     | 500    | 20    | R            | 32  |
| LAUREL ST         | 020        | OAK ST               | EUNICE ST                  | 2     | 510    | 32    | R            | 37  |
| LE CONTE AVE      | 074        | SCENIC AVE           | EAST END                   | 2     | 2147   | 36    | R            | 80  |
| LE CONTE AVE      | 072        | ARCH ST & HEARST AVE | SCENIC AVE                 | 2     | 746    | 32    | R            | 90  |
| LE ROY AVE        | 044        | CUL-DE-SAC           | RIDGE RD                   | 2     | 805    | 35    | R            | 26  |
| LE ROY AVE        | 032        | ROSE ST              | HAWTHORNE TERRACE          | 2     | 390    | 30    | R            | 51  |
| LE ROY AVE        | 040        | CEDAR ST             | HILGARD AVE                | 2     | 375    | 34    | R            | 84  |
| LE ROY AVE        | 034        | HAWTHORNE TERRACE    | CEDAR ST                   | 2     | 1235   | 30    | R            | 92  |
| LE ROY AVE        | 048        | RIDGE RD             | HEARST AVE                 | 2     | 350    | 37    | R            | 93  |

| Road Name          | Section ID | Beg Location                 | End Location                | Lanes | Length | Width | Funct. Class | PCI |
|--------------------|------------|------------------------------|-----------------------------|-------|--------|-------|--------------|-----|
| LEWISTON AVE       | 070        | WOOLSEY ST                   | ALCATRAZ AVE                | 2     | 880    | 36    | R            | 87  |
| LINCOLN ST         | 045        | ACTON ST                     | SACRAMENTO ST               | 2     | 750    | 24    | R            | 46  |
| LINCOLN ST         | 040        | CHESTNUT ST                  | DEAD END                    | 2     | 440    | 36    | R            | 47  |
| LINCOLN ST         | 050        | SACRAMENTO ST                | GRANT ST                    | 2     | 1935   | 36    | R            | 87  |
| LINCOLN ST         | 060        | MILVIA ST                    | SHATTUCK AVE                | 2     | 665    | 32    | R            | 93  |
| LINDEN AVE         | 070        | ASHBY AVE                    | WEBSTER ST                  | 2     | 660    | 27    | R            | 31  |
| LORINA ST          | 068        | RUSSELL ST                   | ASHBY AVE                   | 2     | 550    | 30    | R            | 55  |
| LOS ANGELES AVE    | 060        | THE ALAMEDA                  | CONTRA COSTA AVE            | 2     | 420    | 48    | R            | 39  |
| LOS ANGELES AVE    | 065        | THE CIRCLE                   | SPRUCE ST                   | 2     | 1755   | 30    | C            | 74  |
| LOS ANGELES AVE    | 065        | CONTRA COSTA AVE             | THE CIRCLE                  | 2     | 845    | 24    | R            | 76  |
| MABEL ST           | 062        | PARKER ST                    | DERBY ST                    | 2     | 650    | 36    | R            | 21  |
| MABEL ST           | 060        | DWIGHT WAY                   | PARKER ST                   | 2     | 645    | 36    | R            | 31  |
| MABEL ST           | 065        | WARD ST                      | RUSSELL ST                  | 2     | 1197   | 36    | R            | 31  |
| MABEL ST           | 064        | DERBY ST                     | WARD ST                     | 2     | 295    | 36    | R            | 33  |
| MABEL ST           | 067        | RUSSELL ST                   | ASHBY AVE                   | 2     | 523    | 36    | R            | 33  |
| MABEL ST           | 070        | ASHBY ST                     | 66TH ST                     | 2     | 1248   | 36    | R            | 74  |
| MADERA ST          | 050        | TULARE AVE                   | COLUSA AVE                  | 2     | 827    | 32    | R            | 75  |
| MAGNOLIA ST        | 070        | ASHBY AVE                    | WEBSTER ST                  | 2     | 660    | 24    | R            | 40  |
| MARIN AVE          | 078        | GRIZZLY PEAK BLVD            | CRESTON RD                  | 2     | 330    | 28    | R            | 19  |
| MARIN AVE          | 079        | CRESTON RD                   | DEAD END (PACIFIC LUTHERAN) | 2     | 450    | 30    | R            | 42  |
| MARIN AVE          | 074        | EUCLID AVE                   | GRIZZLY PEAK BLVD           | 2     | 1078   | 23    | C            | 45  |
| MARIN AVE          | 065        | THE CIRCLE                   | SPRUCE ST                   | 2     | 1646   | 23    | C            | 58  |
| MARIN AVE          | 070        | SPRUCE ST                    | EUCLID AVE                  | 2     | 1050   | 23    | C            | 65  |
| MARIN AVE          | 050        | WEST CITY LIMIT (TULARE AVE) | THE ALAMEDA                 | 2     | 1655   | 60    | A            | 86  |
| MARIN AVE          | 060        | THE ALAMEDA                  | THE CIRCLE                  | 2     | 1150   | 60    | A            | 87  |
| MARINA BLVD        | 010        | SPINNAKER WAY                | UNIVERSITY AVE              | 2     | 2250   | 27    | C            | 39  |
| MARIPOSA AVE       | 020        | LOS ANGELES AVE              | AMADOR AVE                  | 2     | 1070   | 36    | R            | 84  |
| MARTIN LUTHER KING | 075        | 63RD ST                      | MARTIN LUTHER KING JR WAY   | 2     | 520    | 24    | R            | 35  |
| MARTIN LUTHER KING | 050        | UNIVERSITY AVE               | ALLSTON WAY                 | 4     | 1000   | 60    | A            | 41  |
| MARTIN LUTHER KING | 030        | YOLO AVE                     | CEDAR ST                    | 2     | 2610   | 40    | A            | 54  |
| MARTIN LUTHER KING | 060        | DWIGHT WAY                   | ASHBY AVE                   | 4     | 3383   | 56    | A            | 54  |
| MARTIN LUTHER KING | 055        | ALLSTON WAY                  | DWIGHT WAY                  | 4     | 1980   | 56    | A            | 56  |
| MARTIN LUTHER KING | 040        | CEDAR ST                     | UNIVERSITY AVE              | 2     | 2955   | 56    | A            | 64  |
| MARTIN LUTHER KING | 070        | ASHBY AVE                    | WOOLSEY ST & ADELINE ST     | 2     | 985    | 65    | A            | 67  |
| MARTIN LUTHER KING | 078        | ADELINE ST                   | SOUTH CITY LIMIT            | 3     | 335    | 72    | A            | 71  |
| MARYLAND AVE       | 060        | VERMONT AVE                  | KENTUCKY AVE                | 2     | 635    | 26    | R            | 50  |
| MASONIC AVE        | 030        | NORTH CITY LIMIT             | SANTA FE AVE                | 2     | 480    | 30    | R            | 88  |
| MATHEWS ST         | 060        | DWIGHT WAY                   | PARKER ST                   | 2     | 645    | 36    | R            | 17  |
| MATHEWS ST         | 063        | PARKER ST                    | WARD ST                     | 2     | 954    | 36    | R            | 20  |
| MATHEWS ST         | 066        | WARD ST                      | RUSSELL ST                  | 2     | 1208   | 36    | R            | 29  |
| MC GEE AVE         | 035        | ROSE ST                      | CEDAR ST                    | 2     | 1105   | 36    | R            | 14  |
| MC GEE AVE         | 050        | UNIVERSITY AVE               | DWIGHT WAY                  | 2     | 3005   | 42    | R            | 32  |
| MC GEE AVE         | 040        | CEDAR ST                     | VIRGINIA ST                 | 2     | 645    | 36    | R            | 42  |
| MC GEE AVE         | 043        | VIRGINIA ST                  | OHLONE PARK                 | 2     | 848    | 36    | R            | 43  |
| MC GEE AVE         | 065        | DERBY ST                     | RUSSELL ST                  | 2     | 1343   | 36    | R            | 49  |
| MC GEE AVE         | 030        | HOPKINS ST                   | ROSE ST                     | 2     | 807    | 36    | R            | 50  |

| Road Name        | Section ID | Beg Location               | End Location            | Lanes | Length | Width | Funct. Class | PCI |
|------------------|------------|----------------------------|-------------------------|-------|--------|-------|--------------|-----|
| MC GEE AVE       | 060        | DWIGHT WAY                 | DERBY ST                | 2     | 1350   | 36    | R            | 60  |
| MC GEE AVE       | 047        | HEARST AVE                 | UNIVERSITY AVE          | 2     | 600    | 36    | R            | 63  |
| MC KINLEY AVE    | 050        | ADDISON ST                 | DWIGHT WAY              | 2     | 2670   | 42    | R            | 41  |
| MENDOCINO AVE    | 015        | ARLINGTON AVE              | LOS ANGELES AVE         | 2     | 1650   | 24    | R            | 23  |
| MENDOCINO PL     | 017        | MENDOCINO AVE              | LOS ANGELES AVE         | 2     | 110    | 26    | R            | 25  |
| MENLO PL         | 050        | THOUSAND OAKS BLVD         | SANTA ROSA AVE          | 2     | 490    | 24    | R            | 93  |
| MENLO PL         | 055        | SANTA ROSA AVE             | THE ALAMEDA             | 2     | 450    | 24    | R            | 93  |
| MERCED ST        | 020        | MADERA ST                  | SONOMA AVE              | 2     | 965    | 32    | R            | 24  |
| MICHIGAN AVE     | 010        | MARYLAND AVE               | SPRUCE ST               | 2     | 1480   | 24    | R            | 100 |
| MIDDLEFIELD RD   | 022        | THE CROSSWAYS              | THE SHORTCUT            | 2     | 360    | 21    | R            | 60  |
| MIDDLEFIELD RD   | 025        | THE SHORTCUT               | PARK HILLS RD           | 2     | 545    | 21    | R            | 82  |
| MIDDLEFIELD RD   | 020        | DEAD END                   | THE CROSSWAYS           | 2     | 415    | 18    | R            | 86  |
| MILLER AVE       | 070        | POPPY LN                   | SHASTA RD               | 2     | 3510   | 21    | R            | 45  |
| MILVIA ST        | 034        | ROSE ST                    | CEDAR ST                | 2     | 1325   | 36    | R            | 24  |
| MILVIA ST        | 040        | CEDAR ST                   | HEARST AVE              | 2     | 1665   | 36    | C            | 31  |
| MILVIA ST        | 025        | YOLO AVE                   | EUNICE ST               | 2     | 217    | 32    | R            | 53  |
| MILVIA ST        | 047        | HEARST AVE                 | UNIVERSITY AVE          | 2     | 615    | 40    | C            | 69  |
| MILVIA ST        | 058        | CHANNING WAY               | BLAKE ST                | 2     | 990    | 36    | C            | 85  |
| MILVIA ST        | 050        | UNIVERSITY AVE             | CENTER ST               | 2     | 660    | 40    | C            | 86  |
| MILVIA ST        | 052        | CENTER ST                  | CHANNING WAY            | 2     | 1655   | 51    | C            | 88  |
| MILVIA ST        | 030        | EUNICE ST                  | BERRYMAN ST             | 2     | 670    | 26    | R            | 90  |
| MILVIA ST        | 032        | BERRYMAN ST                | ROSE ST                 | 2     | 665    | 36    | R            | 90  |
| MILVIA ST        | 020        | HOPKINS ST                 | YOLO AVE                | 2     | 435    | 32    | R            | 91  |
| MILVIA ST        | 060        | BLAKE ST                   | RUSSELL ST              | 2     | 2340   | 36    | R            | 100 |
| MIRAMAR AVE      | 010        | SAN LORENZO AVE            | CAPISTRANO AVE          | 2     | 380    | 26    | R            | 40  |
| MIRAMONTE CT     | 030        | ADA ST                     | SOUTH DEAD END (ADA ST) | 2     | 180    | 21    | R            | 71  |
| MODOC ST         | 020        | SOLANO AVE                 | MARIN AVE               | 2     | 560    | 36    | R            | 97  |
| MONTEREY AVE     | 020        | MARIN AVE                  | THE ALAMEDA             | 2     | 500    | 61    | C            | 93  |
| MONTEREY AVE     | 022        | THE ALAMEDA                | HOPKINS ST              | 2     | 3035   | 48    | C            | 100 |
| MONTROSE RD      | 060        | SAN LUIS RD                | SANTA BARBARA RD        | 2     | 375    | 23    | R            | 45  |
| MONTROSE RD      | 065        | SANTA BARBARA RD           | SPRUCE ST               | 2     | 640    | 24    | R            | 51  |
| MOSSWOOD RD      | 070        | PANORAMIC WAY              | DEAD END ABOVE ARDEN RD | 2     | 800    | 15    | R            | 97  |
| MUIR WAY         | 080        | GRIZZLY PEAK BLVD          | PARK HILLS RD           | 2     | 385    | 25    | R            | 63  |
| MURRAY ST        | 030        | 7TH ST                     | SAN PABLO AVE           | 2     | 1322   | 29    | R            | 97  |
| MYSTIC ST        | 080        | ROCKWELL ST                | DEAD END NR ETON CT     | 2     | 110    | 26    | R            | 78  |
| NAPA AVE         | 060        | HOPKINS ST                 | BLOCKADE @ THE ALAMEDA  | 2     | 970    | 32    | R            | 42  |
| NEILSON ST       | 030        | NORTH CITY LIMIT           | BARTD                   | 2     | 890    | 26    | R            | 14  |
| NEILSON ST       | 035        | BARTD                      | HOPKINS ST              | 2     | 1200   | 26    | R            | 24  |
| NEILSON ST       | 010        | VISALIA AVE                | SOLANO AVE              | 2     | 2635   | 26    | R            | 71  |
| NEWBURY ST       | 068        | RUSSELL ST                 | ASHBY AVE               | 2     | 550    | 30    | R            | 55  |
| NOGALES ST       | 070        | THE PLAZA DR               | PARKSIDE DR             | 2     | 285    | 40    | R            | 77  |
| NORTH ST         | 035        | NORTH DEAD END (JAYNES ST) | JAYNES ST               | 2     | 155    | 24    | R            | 94  |
| NORTH VALLEY ST  | 050        | NORTH DEAD END (ALLSTON)   | ALLSTON WAY             | 2     | 375    | 23    | R            | 73  |
| NORTHAMPTON AVE  | 060        | SANTA BARBARA RD           | SPRUCE ST               | 2     | 1150   | 23    | R            | 27  |
| NORTHBRAE TUNNEL | 065        | CONTRA COSTA AVE           | DEL NORTE ST            | 2     | 1410   | 24    | C            | 95  |
| NORTHGATE AVE    | 080        | DEAD END (NORTHGATE PATH)  | SHASTA RD               | 2     | 880    | 21    | R            | 54  |

| Road Name         | Section ID | Beg Location                  | End Location               | Lanes | Length | Width | Funct. Class | PCI |
|-------------------|------------|-------------------------------|----------------------------|-------|--------|-------|--------------|-----|
| NORTHSIDE AVE     | 035        | BARTD                         | HOPKINS ST                 | 2     | 880    | 30    | R            | 27  |
| NORTHSIDE AVE     | 030        | GILMAN ST                     | BARTD                      | 2     | 430    | 30    | R            | 29  |
| OAK KNOLL TERRACE | 060        | GARBER ST                     | AVALON AVE                 | 2     | 475    | 36    | R            | 21  |
| OAK RIDGE RD      | 070        | TUNNEL RD                     | DEAD END (OAK RIDGE STEPS) | 2     | 1200   | 17    | R            | 81  |
| OAK ST            | 075        | WEST END                      | HIGH CT                    | 2     | 141    | 24    | R            | 8   |
| OAK ST            | 070        | ARCH ST                       | GLEN ANE                   | 2     | 313    | 24    | R            | 11  |
| OAKVALE AVE       | 090        | CLAREMONT AVE                 | DOMINGO AVE                | 2     | 1190   | 30    | R            | 87  |
| OLYMPUS AVE       | 035        | FAIRLAWN DR                   | DEAD END (U C PLOT 82)     | 2     | 760    | 21    | R            | 20  |
| OLYMPUS AVE       | 030        | AVENIDA DR                    | FAIRLAWN DR                | 2     | 825    | 25    | R            | 31  |
| ORDWAY ST         | 030        | NORTH CITY LIMIT              | HOPKINS ST                 | 2     | 1390   | 36    | R            | 24  |
| ORDWAY ST         | 035        | HOPKINS ST                    | ROSE ST                    | 2     | 490    | 26    | R            | 67  |
| OREGON ST         | 052        | CALIFORNIA ST                 | GRANT ST                   | 2     | 1319   | 36    | R            | 13  |
| OREGON ST         | 040        | SAN PABLO AVE                 | MABEL ST                   | 2     | 790    | 36    | R            | 18  |
| OREGON ST         | 045        | PARK ST                       | SACRAMENTO ST              | 2     | 977    | 36    | R            | 24  |
| OREGON ST         | 055        | GRANT ST                      | MARTIN LUTHER KING JR WAY  | 2     | 450    | 36    | R            | 36  |
| OREGON ST         | 060        | MARTIN LUTHER KING JR WAY     | MILVIA ST                  | 2     | 675    | 42    | R            | 39  |
| OREGON ST         | 066        | SHATTUCK AVE                  | FULTON ST                  | 2     | 850    | 36    | R            | 40  |
| OREGON ST         | 063        | MILVIA ST                     | ADELINE ST                 | 2     | 560    | 42    | R            | 60  |
| OREGON ST         | 064        | ADELINE ST                    | SHATTUCK AVE               | 2     | 262    | 42    | R            | 76  |
| OREGON ST         | 070        | FULTON ST                     | REGENT ST                  | 2     | 2050   | 36    | R            | 79  |
| OREGON ST         | 050        | SACRAMENTO ST                 | CALIFORNIA ST              | 2     | 620    | 36    | R            | 86  |
| OTIS ST           | 065        | RUSSELL ST                    | ASHBY AVE                  | 2     | 700    | 36    | R            | 40  |
| OVERLOOK RD       | 020        | END NORTH OF THE<br>CROSSWAYS | PARK HILLS RD              | 2     | 1715   | 22    | R            | 60  |
| OXFORD ST         | 010        | INDIAN ROCK AVE               | MARIN AVE                  | 2     | 975    | 23    | R            | 46  |
| OXFORD ST         | 041        | CEDAR ST                      | 161' N/O HEARST AVE        | 2     | 1326   | 43    | A            | 48  |
| OXFORD ST         | 030        | EUNICE ST                     | ROSE ST                    | 2     | 1350   | 36    | R            | 50  |
| OXFORD ST         | 035        | ROSE ST                       | CEDAR ST                   | 2     | 1318   | 33    | A            | 63  |
| OXFORD ST         | 048        | BERKELEY WAY                  | UNIVERSITY AVE             | 4     | 315    | 69    | A            | 72  |
| OXFORD ST         | 020        | MARIN AVE                     | LOS ANGELES AVE            | 2     | 1400   | 23    | R            | 76  |
| OXFORD ST         | 025        | LOS ANGELES AVE               | EUNICE ST                  | 2     | 1170   | 30    | R            | 79  |
| OXFORD ST         | 052        | UNIVERSITY AVE                | ADDISON ST                 | 4     | 350    | 64    | A            | 80  |
| OXFORD ST         | 054        | ADDISON ST                    | KITTREDGE ST               | 4     | 1015   | 62    | A            | 82  |
| OXFORD ST         | 045        | HEARST AVE                    | BERKELEY WAY               | 4     | 290    | 68    | A            | 83  |
| OXFORD ST         | 042        | 161' N/O HEARST AVE           | HEARST AVE                 | 2     | 161    | 43    | A            | 100 |
| PAGE ST           | 040        | SAN PABLO AVE                 | CORNELL AVE                | 2     | 765    | 36    | R            | 43  |
| PAGE ST           | 035        | 10TH ST                       | SAN PABLO AVE              | 2     | 335    | 36    | R            | 54  |
| PAGE ST           | 030        | 6TH ST                        | 10TH ST                    | 2     | 1335   | 30    | R            | 69  |
| PAGE ST           | 028        | 4TH ST                        | 6TH ST                     | 2     | 637    | 30    | R            | 71  |
| PAGE ST           | 020        | EAST FRONTAGE RD              | 2ND ST                     | 2     | 270    | 36    | R            | 95  |
| PAGE ST           | 022        | 2ND ST                        | RAILROAD TRACKS            | 2     | 345    | 16    | R            | 95  |
| PAGE ST           | 026        | 3RD ST                        | 4TH ST                     | 2     | 330    | 30    | R            | 97  |
| PALM CT           | 080        | KELSEY ST                     | DEAD END (KELSEY ST)       | 2     | 150    | 25    | R            | 87  |
| PANORAMIC WAY     | 082        | CANYON RD                     | 1ST TURN                   | 2     | 670    | 17    | R            | 97  |
| PANORAMIC WAY     | 084        | 1ST TURN                      | ARDEN RD                   | 2     | 1215   | 15    | R            | 97  |
| PANORAMIC WAY     | 086        | ARDEN RD                      | BEG OF PCC (DWIGHT WAY)    | 2     | 342    | 15    | R            | 97  |
| PANORAMIC WAY     | 090        | END OF PCC                    | EAST CITY LIMIT            | 2     | 836    | 15    | R            | 97  |

| Road Name         | Section ID | Beg Location                     | End Location                   | Lanes | Length | Width | Funct. Class | PCI |
|-------------------|------------|----------------------------------|--------------------------------|-------|--------|-------|--------------|-----|
| PANORAMIC WAY     | 088        | BEG OF PCC (DWIGHT WAY)          | END OF PCC (#222)              | 2     | 517    | 15    | R            | 98  |
| PARDEE ST         | 030        | 7TH ST                           | SAN PABLO AVE                  | 2     | 1330   | 30    | R            | 20  |
| PARK GATE         | 020        | PARK HILLS RD                    | SHASTA RD                      | 2     | 920    | 40    | R            | 86  |
| PARK HILLS RD     | 023        | MIDDLEFIELD RD                   | PARK GATE                      | 2     | 1305   | 22    | R            | 67  |
| PARK HILLS RD     | 025        | PARK GATE                        | SHASTA RD                      | 2     | 920    | 22    | R            | 70  |
| PARK HILLS RD     | 020        | WILDCAT CANYON RD                | MIDDLEFIELD RD                 | 2     | 850    | 22    | R            | 87  |
| PARK ST           | 065        | WARD ST                          | BURNETTE ST                    | 2     | 1363   | 36    | R            | 20  |
| PARK WAY          | 020        | 3RD ST                           | 4TH ST                         | 2     | 250    | 36    | R            | 0   |
| PARKER ST         | 078        | HILLEGASS AVE                    | COLLEGE AVE                    | 2     | 760    | 36    | R            | 8   |
| PARKER ST         | 045        | MABEL ST                         | SACRAMENTO ST                  | 2     | 1320   | 36    | R            | 20  |
| PARKER ST         | 040        | SAN PABLO AVE                    | MATHEWS ST                     | 2     | 560    | 36    | R            | 21  |
| PARKER ST         | 042        | MATHEWS ST                       | MABEL ST                       | 2     | 560    | 36    | R            | 21  |
| PARKER ST         | 074        | ELLSWORTH ST                     | DANA ST                        | 2     | 670    | 36    | R            | 28  |
| PARKER ST         | 075        | DANA ST                          | HILLEGASS AVE                  | 2     | 1175   | 36    | R            | 56  |
| PARKER ST         | 035        | 7TH ST                           | SAN PABLO AVE                  | 2     | 1350   | 36    | R            | 71  |
| PARKER ST         | 030        | 4TH ST                           | 25' W/O 7TH ST                 | 2     | 975    | 36    | NCR          | 77  |
| PARKER ST         | 050        | SACRAMENTO ST                    | MARTIN LUTHER KING JR WAY      | 2     | 2560   | 36    | R            | 78  |
| PARKER ST         | 032        | 25' W/O 7TH ST                   | 7TH ST                         | 4     | 25     | 50    | R            | 78  |
| PARKER ST         | 063        | MILVIA ST                        | SHATTUCK ST                    | 2     | 718    | 42    | R            | 81  |
| PARKER ST         | 060B       | 374' E/O MARTIN LUTHER KING JR W | MILVIA WAY                     | 2     | 291    | 42    | R            | 85  |
| PARKER ST         | 066        | SHATTUCK AVE                     | FULTON ST                      | 2     | 650    | 36    | R            | 88  |
| PARKER ST         | 072        | FULTON ST                        | ELLSWORTH ST                   | 2     | 660    | 36    | R            | 90  |
| PARKER ST         | 060A       | MARTIN LUTHER KING               | 374' E/O MARTIN LUTHER KING JR | 2     | 374    | 42    | R            | 90  |
| PARKER ST         | 085        | PIEDMONT AVE                     | WARRING ST                     | 2     | 325    | 36    | R            | 93  |
| PARKER ST         | 080        | COLLEGE AVE                      | PIEDMONT AVE                   | 2     | 665    | 36    | R            | 94  |
| PARKSIDE DR       | 080        | ENCINA PL                        | THE PLAZA DR                   | 2     | 1700   | 28    | R            | 85  |
| PARNASSUS RD      | 030        | DEL MAR AVE                      | CAMPUS DR                      | 2     | 1145   | 24    | R            | 93  |
| PERALTA AVE       | 030        | NORTH CITY LIMIT                 | HOPKINS ST                     | 2     | 1750   | 42    | R            | 23  |
| PERALTA AVE       | 010        | COLUSA AVE                       | SOLANO AVE                     | 2     | 2250   | 26    | R            | 77  |
| PIEDMONT AVE      | 070        | ASHBY AVE                        | WEBSTER ST                     | 2     | 660    | 34    | R            | 32  |
| PIEDMONT AVE      | 063        | DERBY ST                         | STUART ST                      | 2     | 825    | 36    | R            | 47  |
| PIEDMONT AVE      | 065        | STUART ST                        | RUSSELL ST                     | 2     | 455    | 36    | R            | 60  |
| PIEDMONT AVE      | 040        | AT END OF GAYLEY RD              | BANCROFT WAY                   | 2     | 723    | 46    | C            | 69  |
| PIEDMONT AVE      | 066        | RUSSELL ST                       | ASHBY AVE                      | 2     | 325    | 36    | R            | 76  |
| PIEDMONT AVE      | 060        | BANCROFT WAY                     | DWIGHT WAY                     | 2     | 1392   | 46    | C            | 82  |
| PIEDMONT AVE      | 060        | DWIGHT WAY                       | PARKER ST                      | 2     | 622    | 36    | R            | 93  |
| PIEDMONT AVE      | 062        | PARKER ST                        | DERBY ST                       | 2     | 708    | 36    | R            | 93  |
| PIEDMONT CRESCENT | 060        | DWIGHT WAY                       | WARRING ST                     | 2     | 285    | 56    | C            | 93  |
| PINE AVE          | 070        | ASHBY AVE                        | WEBSTER ST                     | 2     | 660    | 26    | R            | 29  |
| PINE AVE          | 068        | RUSSELL ST                       | ASHBY AVE                      | 2     | 325    | 32    | R            | 45  |
| POE ST            | 040        | BONAR ST                         | DEAD END (BONAR ST)            | 2     | 175    | 30    | R            | 97  |
| POPLAR ST         | 080        | EUCLID AVE                       | HILLDALE AVE                   | 2     | 575    | 20    | R            | 23  |
| POPLAR ST         | 070        | CRAGMONT AVE                     | EUCLID AVE                     | 2     | 545    | 20    | R            | 26  |
| POPPY LANE        | 070        | HILLDALE AVE                     | KEELER AVE                     | 2     | 980    | 22    | R            | 43  |
| PORTLAND AVE      | 050        | WEST CITY LIMIT (NEILSON)        | COLUSA AVE                     | 2     | 1250   | 36    | R            | 60  |
| POSEN AVE         | 050        | WEST CITY LIMIT (MONTEREY)       | COLUSA AVE                     | 2     | 683    | 49    | R            | 56  |



| Road Name     | Section ID | Beg Location                  | End Location                | Lanes | Length | Width | Funct. Class | PCI |
|---------------|------------|-------------------------------|-----------------------------|-------|--------|-------|--------------|-----|
| POTTER ST     | 030        | BAY ST                        | I-80 FREEWAY RAMP           | 2     | 700    | 23    | A            | 90  |
| POTTER ST     | 020        | 3RD ST (WESTEND)              | 9TH ST                      | 2     | 1700   | 34    | R            | 93  |
| PRINCE ST     | 070        | TELEGRAPH AVE                 | DANA ST                     | 2     | 406    | 36    | R            | 40  |
| PRINCE ST     | 050        | SACRAMENTO ST                 | MARTIN LUTHER KING JR WAY   | 2     | 2220   | 36    | R            | 45  |
| PRINCE ST     | 075        | DANA ST                       | BATEMAN ST                  | 2     | 771    | 24    | R            | 46  |
| PRINCE ST     | 045        | ACTON ST                      | STANTON ST                  | 2     | 523    | 24    | R            | 90  |
| PRINCE ST     | 080        | CLAREMONT AVE                 | COLLEGE AVE                 | 2     | 1510   | 36    | R            | 93  |
| PRINCE ST     | 065        | TREMONT ST                    | SHATTUCK AVE                | 2     | 601    | 36    | R            | 95  |
| PRINCE ST     | 067        | SHATTUCK AVE                  | TELEGRAPH AVE               | 2     | 1784   | 36    | R            | 97  |
| PROSPECT ST   | 056        | HILLSIDE AVE                  | DWIGHT WAY                  | 2     | 530    | 36    | R            | 92  |
| PROSPECT ST   | 052        | BANCROFT WAY                  | HILLSIDE AVE                | 2     | 710    | 36    | R            | 97  |
| QUAIL AVE     | 085        | CAMPUS DR                     | QUEENS RD                   | 2     | 325    | 23    | R            | 54  |
| QUAIL AVE     | 080        | NORTHGATE AVE                 | CAMPUS DR                   | 2     | 340    | 21    | R            | 82  |
| QUARRY RD     | 030        | DEAD END (LA LOMA AVE)        | LA LOMA AVE                 | 2     | 340    | 12    | R            | 39  |
| QUEENS RD     | 030        | SHASTA RD                     | QUAIL AVE                   | 2     | 640    | 22    | R            | 38  |
| QUEENS RD     | 031        | QUAIL AVE                     | FAIRLAWN DR                 | 2     | 880    | 21    | R            | 38  |
| QUEENS RD     | 033        | FAIRLAWN DR                   | AVENIDA DR                  | 2     | 975    | 21    | R            | 51  |
| REGAL RD      | 070        | SPRUCE ST                     | MARIN AVE                   | 2     | 1050   | 24    | R            | 21  |
| REGAL RD      | 075        | MARIN AVE                     | EUCLID AVE                  | 2     | 550    | 24    | R            | 32  |
| REGAL RD      | 076        | EUCLID AVE                    | CRAGMONT AVE                | 2     | 1325   | 22    | R            | 34  |
| REGENT ST     | 065        | WILLARD PARK SCHOOL (WARD ST) | ASHBY AVE                   | 2     | 1440   | 36    | R            | 32  |
| REGENT ST     | 060        | DWIGHT WAY                    | DERBY ST                    | 2     | 1345   | 36    | R            | 36  |
| REGENT ST     | 070        | ASHBY AVE                     | DEAD END                    | 2     | 720    | 36    | R            | 66  |
| REGENT ST     | 075        | DEAD END                      | CITY LIMIT (WOOLSEY ST)     | 2     | 370    | 36    | R            | 69  |
| RIDGE RD      | 070        | SCENIC AVE                    | EUCLID AVE                  | 2     | 670    | 36    | R            | 93  |
| RIDGE RD      | 072        | EUCLID AVE                    | LA LOMA AVE                 | 2     | 975    | 36    | R            | 93  |
| RIDGE RD      | 077        | LA LOMA AVE                   | HIGHLAND PL                 | 2     | 340    | 36    | R            | 93  |
| ROANOKE RD    | 070        | HILLCREST RD & THE UPLANDS    | SOUTH CITY LIMIT            | 2     | 300    | 24    | R            | 41  |
| ROBLE CT      | 090        | DEAD END (ROBLE RD)           | ROBLE RD                    | 2     | 430    | 24    | R            | 8   |
| ROBLE RD      | 070        | TUNNEL RD                     | SOUTH CITY LIMIT (ROBLE CT) | 2     | 920    | 24    | R            | 95  |
| ROCK LANE     | 010        | POPLAR ST                     | CRAGMONT AVE                | 2     | 800    | 22    | R            | 20  |
| ROOSEVELT AVE | 050        | ADDISON ST                    | CHANNING WAY                | 2     | 1995   | 42    | R            | 29  |
| ROOSEVELT AVE | 058        | CHANNING WAY                  | DWIGHT WAY                  | 2     | 660    | 42    | R            | 70  |
| ROSE ST       | 050        | SACRAMENTO ST                 | MARTIN LUTHER KING JR WAY   | 2     | 2559   | 36    | C            | 21  |
| ROSE ST       | 065        | SHATTUCK AVE                  | SPRUCE ST                   | 2     | 945    | 36    | C            | 87  |
| ROSE ST       | 040        | HOPKINS ST                    | CHESTNUT ST                 | 2     | 703    | 36    | R            | 90  |
| ROSE ST       | 070        | SPRUCE ST                     | ARCH ST                     | 2     | 315    | 36    | R            | 90  |
| ROSE ST       | 063        | MILVIA ST                     | SHATTUCK AVE                | 2     | 675    | 40    | C            | 90  |
| ROSE ST       | 072        | ARCH ST                       | SCENIC AVE                  | 2     | 455    | 24    | R            | 91  |
| ROSE ST       | 044        | CHESTNUT ST                   | ORDWAY                      | 2     | 655    | 36    | R            | 93  |
| ROSE ST       | 045        | ORDWAY ST                     | SACRAMENTO ST               | 2     | 1250   | 36    | R            | 93  |
| ROSE ST       | 060        | MARTIN LUTHER KING JR WAY     | MILVIA ST                   | 2     | 665    | 40    | C            | 93  |
| ROSE ST       | 075        | LE ROY AVE                    | EAST END                    | 2     | 750    | 18    | R            | 100 |
| ROSEMONT AVE  | 070        | CRESTON RD                    | VISTAMONT AVE               | 2     | 540    | 24    | R            | 38  |
| ROSLYN CT     | 080        | THE SOUTH CROSSWAYS           | CHABOLYN TERRACE            | 2     | 150    | 20    | R            | 90  |
| RUGBY AVE     | 010        | NORTH CITY LIMIT (VERMONT)    | VERMONT AVE                 | 2     | 210    | 25    | R            | 97  |

| Road Name          | Section ID | Beg Location                  | End Location                  | Lanes | Length | Width | Funct. Class | PCI |
|--------------------|------------|-------------------------------|-------------------------------|-------|--------|-------|--------------|-----|
| RUSSELL ST         | 040        | SAN PABLO AVE                 | PARK ST                       | 2     | 1230   | 36    | R            | 29  |
| RUSSELL ST         | 045        | PARK ST                       | SACRAMENTO ST                 | 2     | 1021   | 36    | R            | 31  |
| RUSSELL ST         | 063        | SHATTUCK AVE                  | FULTON ST                     | 2     | 855    | 36    | R            | 32  |
| RUSSELL ST         | 070        | FULTON ST                     | TELEGRAPH AVE                 | 2     | 1265   | 36    | R            | 32  |
| RUSSELL ST         | 088        | CLAREMONT BLVD                | EAST CITY LIMIT (DOMINGO AVE) | 2     | 135    | 36    | R            | 35  |
| RUSSELL ST         | 062        | ADELINE ST                    | SHATTUCK AVE                  | 2     | 465    | 36    | R            | 44  |
| RUSSELL ST         | 080        | COLLEGE AVE                   | PIEDMONT AVE                  | 2     | 585    | 36    | R            | 59  |
| RUSSELL ST         | 060        | MARTIN LUTHER KING JR WAY     | MILVIA ST                     | 2     | 715    | 36    | R            | 71  |
| RUSSELL ST         | 075        | TELEGRAPH AVE                 | HILLEGASS AVE                 | 2     | 1125   | 35    | R            | 72  |
| RUSSELL ST         | 085        | PIEDMONT AVE                  | CLAREMONT BLVD                | 2     | 1590   | 36    | R            | 73  |
| RUSSELL ST         | 076        | HILLEGASS AVE                 | BENVENUE AVE                  | 2     | 360    | 35    | R            | 76  |
| RUSSELL ST         | 077        | BENVENUE AVE                  | COLLEGE AVE                   | 2     | 360    | 35    | R            | 93  |
| RUSSELL ST         | 050        | SACRAMENTO ST                 | MARTIN LUTHER KING JR WAY     | 2     | 2375   | 36    | R            | 93  |
| RUSSELL ST         | 061        | MILVIA ST                     | ADELINE ST                    | 2     | 115    | 38    | R            | 98  |
| SACRAMENTO ST      | 035        | CEDAR ST                      | VIRGINIA ST                   | 2     | 660    | 68    | A            | 50  |
| SACRAMENTO ST      | 030        | HOPKINS ST                    | ROSE ST                       | 2     | 789    | 36    | A            | 60  |
| SACRAMENTO ST      | 034        | ROSE ST                       | CEDAR ST                      | 4     | 845    | 66    | A            | 69  |
| SACRAMENTO ST      | 050        | UNIVERSITY AVE                | DWIGHT WAY                    | 4     | 3001   | 56    | A            | 76  |
| SACRAMENTO ST      | 070        | ASHBY AVE                     | SOUTH CITY LIMIT (ALCATRAZ)   | 4     | 2164   | 64    | A            | 89  |
| SACRAMENTO ST      | 064        | OREGON ST                     | ASHBY AVE                     | 4     | 1021   | 63    | A            | 90  |
| SACRAMENTO ST      | 040        | VIRGINIA ST                   | UNIVERSITY AVE                | 2     | 1587   | 80    | A            | 93  |
| SACRAMENTO ST (NB) | 062        | OREGON ST                     | DWIGHT WAY                    | 2     | 2310   | 33    | A            | 87  |
| SACRAMENTO ST (SB) | 060        | DWIGHT WAY                    | OREGON ST                     | 2     | 2310   | 32    | A            | 78  |
| SAN ANTONIO AVE    | 062        | ARLINGTON AVE                 | 300 FT +/- EAST OF AVIS RD    | 2     | 525    | 17    | R            | 34  |
| SAN ANTONIO AVE    | 060        | SAN RAMON AVE & THE ALAMEDA   | ARLINGTON AVE                 | 2     | 865    | 24    | R            | 70  |
| SAN BENITO RD      | 020        | MARIN AVE                     | SPRUCE ST                     | 2     | 810    | 24    | R            | 61  |
| SAN DIEGO RD       | 010        | SOUTHAMPTON AVE               | INDIAN ROCK AVE               | 2     | 1850   | 19    | R            | 56  |
| SAN FERNANDO AVE   | 010        | ARLINGTON AVE                 | YOSEMITE RD                   | 2     | 1055   | 24    | R            | 87  |
| SAN JUAN AVE       | 060        | SANTA CLARA AVE               | SAN FERNANDO AVE              | 2     | 900    | 24    | R            | 91  |
| SAN LORENZO AVE    | 052        | PERALTA AVE                   | THE ALAMEDA                   | 2     | 2145   | 26    | R            | 56  |
| SAN LORENZO AVE    | 050        | WEST CITY LIMIT (NEILSON)     | PERALTA AVE                   | 2     | 370    | 26    | R            | 70  |
| SAN LUIS RD        | 010        | ARLINGTON AVE                 | INDIAN ROCK AVE               | 2     | 3430   | 22    | R            | 64  |
| SAN MATEO RD       | 010        | DEAD END (CUL-DE-SAC)         | INDIAN ROCK AVE               | 2     | 780    | 24    | R            | 18  |
| SAN MIGUEL AVE     | 010        | THOUSAND OAKS BLVD            | SANTA ROSA AVE                | 2     | 470    | 22    | R            | 88  |
| SAN PEDRO AVE      | 050        | COLUSA AVE                    | THE ALAMEDA                   | 2     | 1050   | 26    | R            | 81  |
| SAN RAMON AVE      | 060        | SAN ANTONIO AVE & THE ALAMEDA | SAN FERNANDO AVE              | 2     | 1060   | 24    | R            | 34  |
| SANTA BARBARA RD   | 025        | SPRUCE ST                     | CRAGMONT AVE                  | 2     | 605    | 24    | R            | 20  |
| SANTA BARBARA RD   | 010        | ARLINGTON AVE                 | FLORIDA AVE                   | 2     | 1040   | 26    | R            | 40  |
| SANTA BARBARA RD   | 020        | MARIN AVE                     | SPRUCE ST                     | 2     | 510    | 24    | R            | 61  |
| SANTA BARBARA RD   | 012        | FLORIDA AVE                   | MARIN AVE                     | 2     | 3250   | 26    | R            | 62  |
| SANTA CLARA AVE    | 010        | SAN RAMON AVE                 | THOUSAND OAKS BLVD            | 2     | 870    | 24    | R            | 91  |
| SANTA FE AVE       | 030        | NORTH CITY LIMIT              | GILMAN ST                     | 2     | 587    | 30    | R            | 97  |
| SANTA FE AVE       | 035        | GILMAN ST                     | CORNELL AVE & PAGE ST         | 2     | 1450   | 31    | R            | 100 |
| SANTA ROSA AVE     | 020        | THOUSAND OAKS BLVD            | SAN LORENZO AVE               | 2     | 1280   | 24    | R            | 86  |
| SANTA ROSA AVE     | 015        | MENLO PLACE                   | THOUSAND OAKS BLVD            | 2     | 455    | 22    | R            | 87  |
| SCENIC AVE         | 040        | CEDAR ST                      | HEARST AVE                    | 2     | 1600   | 36    | R            | 58  |

| Road Name           | Section ID | Beg Location                 | End Location                  | Lanes | Length | Width | Funct. Class | PCI |
|---------------------|------------|------------------------------|-------------------------------|-------|--------|-------|--------------|-----|
| SCENIC AVE          | 030        | BAYVIEW PL/ ROSE ST          | VINE ST                       | 2     | 1030   | 24    | R            | 66  |
| SCENIC AVE          | 035        | VINE ST                      | CEDAR ST                      | 2     | 645    | 36    | R            | 82  |
| SEAWALL DR          | 010        | NORTH END                    | UNIVERSITY AVE                | 2     | 1350   | 28    | R            | 22  |
| SEAWALL DR          | 020        | UNIVERSITY AVE               | SOUTH END                     | 2     | 1100   | 31    | R            | 23  |
| SENIOR AVE          | 080        | FAIRLAWN DR                  | GRIZZLY PEAK BLVD             | 2     | 700    | 24    | R            | 31  |
| SHASTA RD           | 072        | TAMALPAIS RD                 | KEITH AVE                     | 2     | 565    | 20    | R            | 51  |
| SHASTA RD           | 070        | TAMALPAIS RD AND ROSE ST     | TAMALPAIS RD                  | 2     | 1540   | 22    | R            | 51  |
| SHASTA RD           | 073        | KEITH AVE                    | CRAGMONT AVE                  | 2     | 1000   | 24    | C            | 56  |
| SHASTA RD           | 076        | QUEENS RD                    | GRIZZLY PEAK BLVD             | 2     | 1130   | 25    | C            | 75  |
| SHASTA RD           | 074        | CRAGMONT AVE                 | KEELER AVE                    | 2     | 680    | 25    | C            | 87  |
| SHASTA RD           | 075        | KEELER AVE                   | QUEENS RD                     | 2     | 1315   | 24    | C            | 90  |
| SHASTA RD           | 077        | GRIZZLY PEAK BLVD            | PARK GATE                     | 2     | 250    | 29    | C            | 100 |
| SHASTA RD           | 079        | PARK GATE                    | EAST CITY LIMIT (GOLF COURSE) | 2     | 565    | 20    | C            | 100 |
| SHATTUCK AVE        | 038        | VINE ST                      | CEDAR ST                      | 4     | 660    | 60    | A            | 23  |
| SHATTUCK AVE        | 040        | CEDAR ST                     | HEARST AVE                    | 4     | 1670   | 60    | A            | 23  |
| SHATTUCK AVE        | 036        | ROSE ST                      | VINE ST                       | 4     | 660    | 60    | A            | 33  |
| SHATTUCK AVE        | 010        | INDIAN ROCK AVE              | MARIN AVE                     | 2     | 615    | 24    | R            | 35  |
| SHATTUCK AVE        | 048        | HEARST AVE                   | UNIVERSITY AVE                | 4     | 620    | 60    | A            | 35  |
| SHATTUCK AVE        | 030        | EUNICE ST                    | ROSE ST                       | 2     | 1335   | 40    | R            | 48  |
| SHATTUCK AVE        | 050        | ALLSTON WAY                  | DWIGHT WAY                    | 4     | 1980   | 48    | A            | 49  |
| SHATTUCK AVE        | 070        | ASHBY AVE                    | CITY LIMIT (WOOLSEY ST)       | 2     | 1210   | 46    | C            | 54  |
| SHATTUCK AVE        | 060        | DWIGHT WAY                   | WARD ST                       | 4     | 1340   | 48    | A            | 57  |
| SHATTUCK AVE        | 066        | WARD ST                      | ASHBY AVE                     | 2     | 1510   | 46    | C            | 64  |
| SHATTUCK AVE        | 025        | LOS ANGELES AVE              | EUNICE ST                     | 2     | 1590   | 30    | R            | 77  |
| SHATTUCK AVE        | 020        | MARIN AVE                    | LOS ANGELES AVE               | 2     | 950    | 24    | R            | 80  |
| SHATTUCK AVE        | 055        | CENTER ST                    | ALLSTON WAY                   | 4     | 340    | 69    | A            | 100 |
| SHATTUCK AVE (SB)   | 057        | UNIVERSITY AVE               | CENTER ST                     | 3     | 660    | 52    | A            | 100 |
| SHATTUCK PL         | 030        | HENRY ST & ROSE ST           | SHATTUCK AVE                  | 4     | 525    | 61    | A            | 24  |
| SHORT ST            | 045        | DELAWARE ST                  | HEARST ST                     | 2     | 345    | 36    | R            | 23  |
| SHORT ST            | 040        | LINCOLN AVE                  | VIRGINIA ST                   | 2     | 360    | 30    | R            | 87  |
| SIERRA ST           | 020        | MADERA ST                    | SONOMA AVE                    | 2     | 940    | 30    | R            | 58  |
| SOJOURNER TRUTH CT  | 065        | WARD ST                      | CUL DE SAC                    | 2     | 440    | 30    | R            | 67  |
| SOLANO AVE          | 060        | THE ALAMEDA                  | CONTRA COSTA AVE              | 2     | 510    | 43    | C            | 71  |
| SOLANO AVE          | 055        | COLUSA AVE                   | THE ALAMEDA                   | 2     | 756    | 60    | C            | 82  |
| SOLANO AVE          | 050        | TULARE AVE                   | COLUSA AVE                    | 2     | 762    | 57    | C            | 83  |
| SOMERSET PL         | 060        | SOUTHAMPTON AVE              | DEAD END (JOHN HINKEL PARK)   | 2     | 425    | 22    | R            | 84  |
| SONOMA AVE          | 050        | WEST CITY LIMIT (TULARE AVE) | JOSEPHINE ST                  | 2     | 1975   | 36    | R            | 80  |
| SOUTH HOSPITAL DRIV | 075        | COLBY ST                     | REGENT ST                     | 2     | 300    | 30    | R            | 66  |
| SOUTHAMPTON AVE     | 068        | SAN LUIS RD                  | SANTA BARBARA RD              | 2     | 400    | 24    | R            | 76  |
| SOUTHAMPTON AVE     | 060        | ARLINGTON AVE                | SAN LUIS RD                   | 2     | 2050   | 24    | R            | 84  |
| SPAULDING AVE       | 050        | ADDISON ST                   | DWIGHT WAY                    | 2     | 2675   | 48    | R            | 36  |
| SPINNAKER WAY       | 010        | BREAKWATER DR                | MARINA BLVD                   | 2     | 1500   | 40    | R            | 18  |
| SPRING WAY          | 030        | DEAD END                     | SCENIC AVE                    | 2     | 220    | 18    | R            | 85  |
| SPRUCE ST           | 025        | ARCH ST                      | EUNICE ST                     | 2     | 980    | 37    | C            | 37  |
| SPRUCE ST           | 030        | EUNICE ST                    | ROSE ST                       | 2     | 1365   | 36    | C            | 66  |
| SPRUCE ST           | 045        | VIRGINIA ST                  | HEARST AVE                    | 2     | 1040   | 36    | R            | 59  |

| Road Name     | Section ID | Beg Location              | End Location                 | Lanes | Length | Width | Funct. Class | PCI |
|---------------|------------|---------------------------|------------------------------|-------|--------|-------|--------------|-----|
| SPRUCE ST     | 036        | VINE ST                   | CEDAR ST                     | 2     | 660    | 36    | R            | 69  |
| SPRUCE ST     | 033        | ROSE ST                   | VINE ST                      | 2     | 665    | 36    | R            | 71  |
| SPRUCE ST     | 010        | GRIZZLY PEAK AVE          | ALTA RD                      | 2     | 800    | 36    | C            | 75  |
| SPRUCE ST     | 015        | ALTA RD                   | MARIN AVE                    | 2     | 4375   | 36    | C            | 79  |
| SPRUCE ST     | 020        | MARIN AVE                 | ARCH ST                      | 2     | 1738   | 36    | C            | 85  |
| SPRUCE ST     | 040        | CEDAR ST                  | VIRGINIA ST                  | 2     | 670    | 36    | R            | 93  |
| STANNAGE AVE  | 038        | HOPKINS ST                | CEDAR ST                     | 2     | 210    | 30    | R            | 63  |
| STANNAGE AVE  | 034        | GILMAN ST                 | HOPKINS ST                   | 2     | 1685   | 30    | R            | 82  |
| STANNAGE AVE  | 040        | CEDAR ST                  | VIRGINIA ST                  | 2     | 660    | 30    | R            | 83  |
| STANNAGE AVE  | 030        | NORTH CITY LIMIT          | GILMAN ST                    | 2     | 700    | 30    | R            | 85  |
| STANTON ST    | 067        | RUSSELL ST                | ASHBY AVE                    | 2     | 560    | 26    | R            | 71  |
| STANTON ST    | 070        | ASHBY AVE                 | PRINCE ST                    | 2     | 706    | 26    | R            | 73  |
| STANTON ST    | 065        | OREGON ST                 | RUSSELL ST                   | 2     | 428    | 30    | R            | 74  |
| STATION PL    | 010        | CATALINA AVE              | SOUTH DEAD END (CATALINA AV  | 2     | 210    | 36    | R            | 97  |
| STERLING AVE  | 020        | KEELER AVE                | SHASTA RD                    | 2     | 2310   | 20    | R            | 35  |
| STEVENSON AVE | 020        | GRIZZLY PEAK BLVD         | MILLER AVE                   | 2     | 520    | 24    | R            | 49  |
| STODDARD WAY  | 020        | DEAD END                  | GRIZZLY PEAK BLVD            | 2     | 260    | 20    | R            | 24  |
| STUART ST     | 050        | SACRAMENTO ST             | MARTIN LUTHER KING JR WAY    | 2     | 2405   | 36    | R            | 20  |
| STUART ST     | 060        | MARTIN LUTHER KING JR WAY | MILVIA ST                    | 2     | 660    | 42    | R            | 28  |
| STUART ST     | 078        | HILLEGASS AVE             | COLLEGE AVE                  | 2     | 715    | 36    | R            | 30  |
| STUART ST     | 070        | FULTON ST                 | HILLEGASS AVE                | 2     | 2450   | 36    | R            | 37  |
| STUART ST     | 065        | ADELINE ST                | FULTON ST                    | 2     | 995    | 36    | R            | 43  |
| STUART ST     | 080        | COLLEGE AVE               | KELSEY ST & PALM CT          | 2     | 900    | 36    | R            | 56  |
| STUART ST     | 063        | MILVIA ST                 | ADELINE ST                   | 2     | 385    | 42    | R            | 56  |
| SUMMER ST     | 070        | SPRUCE ST                 | GLEN AVE                     | 2     | 660    | 25    | R            | 18  |
| SUMMIT LANE   | 030        | SUMMIT RD NR GRIZZLY PEAK | DEAD END                     | 2     | 180    | 6     | R            | 21  |
| SUMMIT RD     | 038        | GRIZZLY PEAK BLVD         | END SOUTH OF GRIZZLY PEAK BL | 2     | 740    | 26    | R            | 13  |
| SUMMIT RD     | 032        | ATLAS PL                  | GRIZZLY PEAK BLVD            | 2     | 2530   | 23    | R            | 18  |
| SUMMIT RD     | 030        | AJAX LANE                 | ATLAS PL                     | 2     | 240    | 20    | R            | 20  |
| SUNSET LANE   | 075        | GRIZZLY PEAK BLVD         | WOODMONT RD                  | 2     | 344    | 22    | R            | 20  |
| SUNSET LANE   | 070        | WOODMONT RD               | WILDCAT CANYON RD            | 2     | 370    | 17    | R            | 27  |
| SUTTER ST     | 020        | DEL NORTE ST              | EUNICE ST                    | 4     | 1340   | 50    | A            | 28  |
| TACOMA AVE    | 055        | COLUSA AVE                | THE ALAMEDA                  | 2     | 1010   | 26    | R            | 42  |
| TACOMA AVE    | 050        | SOLANO AVE                | COLUSA AVE                   | 2     | 1360   | 26    | R            | 73  |
| TALBOT AVE    | 030        | NORTH CITY LIMIT          | SANTA FE AVE                 | 2     | 1350   | 30    | R            | 85  |
| TAMALPAIS RD  | 030        | SHASTA RD                 | ROSE ST                      | 2     | 2075   | 22    | R            | 43  |
| TANGLEWOOD RD | 060        | BELROSE AVE               | EAST CITY LIMIT (CLAREMONT)  | 2     | 900    | 26    | R            | 39  |
| TELEGRAPH AVE | 065        | WARD ST                   | ASHBY AVE                    | 4     | 1580   | 74    | A            | 25  |
| TELEGRAPH AVE | 060        | DWIGHT WAY                | WARD ST                      | 4     | 1725   | 68    | A            | 26  |
| TELEGRAPH AVE | 050        | DWIGHT WAY                | BANCROFT WAY                 | 2     | 1320   | 31    | C            | 38  |
| TELEGRAPH AVE | 070        | ASHBY AVE                 | CITY LIMIT (WOOLSEY ST)      | 4     | 1255   | 68    | A            | 39  |
| TEVLIN ST     | 035        | WATKINS ST                | END SOUTH OF GILMAN ST       | 2     | 425    | 25    | R            | 3   |
| TEVLIN ST     | 030        | NORTH END                 | WATKINS ST                   | 2     | 300    | 21    | R            | 6   |
| THE ALAMEDA   | 028        | HOPKINS ST                | YOLO AVE                     | 2     | 210    | 66    | A            | 71  |
| THE ALAMEDA   | 015        | CAPISTRANO AVE            | TACOMA AVE                   | 2     | 245    | 36    | R            | 75  |
| THE ALAMEDA   | 012        | THOUSAND OAKS BLVD        | CAPISTRANO AVE               | 2     | 1510   | 28    | R            | 66  |

| Road Name           | Section ID | Beg Location                  | End Location                | Lanes | Length | Width | Funct. Class | PCI |
|---------------------|------------|-------------------------------|-----------------------------|-------|--------|-------|--------------|-----|
| THE ALAMEDA         | 010        | SAN ANTONIO AVE               | THOUSAND OAKS BLVD          | 2     | 1385   | 24    | R            | 78  |
| THE ALAMEDA         | 016        | TACOMA AVE                    | SOLANO AVE                  | 2     | 1250   | 36    | R            | 95  |
| THE ALAMEDA         | 018        | SOLANO AVE                    | MARIN AVE                   | 2     | 935    | 60    | A            | 95  |
| THE ALAMEDA         | 020        | MARIN AVE                     | HOPKINS ST                  | 4     | 1370   | 61    | A            | 95  |
| THE CIRCLE          | 060        | INTERSECTION MARIN AVE, ETC.  | INTERSECTION ARLINGTON AVE  | 2     | 246    | 50    | A            | 75  |
| THE CRESCENT        | 020        | PARK HILLS RD (NORTH)         | PARK HILLS RD (SOUTH)       | 2     | 1020   | 23    | R            | 88  |
| THE CROSSWAYS       | 080        | OVERLOOK RD                   | MIDDLEFIELD RD              | 2     | 230    | 21    | R            | 58  |
| THE PLAZA DR        | 080        | ENCINA PL                     | PARKSIDE DR                 | 2     | 1380   | 40    | R            | 85  |
| THE SHORT CUT       | 080        | MIDDLEFIELD RD                | PARK HILLS RD               | 2     | 200    | 22    | R            | 85  |
| THE SPIRAL          | 080        | DEAD END                      | WILDCAT CANYON RD           | 2     | 305    | 25    | R            | 93  |
| THE UPLANDS         | 099        | TUNNEL RD                     | DEAD END                    | 2     | 340    | 14    | R            | 20  |
| THE UPLANDS         | 090        | CLAREMONT AVE                 | ENCINA PL                   | 2     | 320    | 56    | R            | 39  |
| THE UPLANDS         | 093        | HILLCREST RD                  | EL CAMINO REAL              | 2     | 495    | 28    | R            | 39  |
| THE UPLANDS         | 097        | EL CAMINO REAL                | TUNNEL RD                   | 2     | 1048   | 25    | R            | 40  |
| THE UPLANDS         | 091        | ENCINA PL                     | HILLCREST RD                | 2     | 1685   | 28    | R            | 61  |
| THOUSAND OAKS BLVD  | 050        | WEST CITY LIMIT (NEILSON)     | COLUSA AVE                  | 2     | 450    | 36    | R            | 48  |
| THOUSAND OAKS BLVD  | 055        | VINCENTE AVE                  | THE ALAMEDA                 | 2     | 850    | 24    | C            | 73  |
| THOUSAND OAKS BLVD  | 053        | COLUSA AVE                    | VINCENTE AVE                | 2     | 380    | 24    | C            | 76  |
| THOUSAND OAKS BLVD  | 060        | THE ALAMEDA                   | ARLINGTON AVE               | 2     | 1605   | 26    | C            | 79  |
| TOMLEE DR           | 045        | JUANITA WAY                   | ACTON ST                    | 2     | 330    | 25    | R            | 19  |
| TREMONT ST          | 070        | EMERSON ST                    | CITY LIMIT (WOOLSEY ST)     | 2     | 925    | 34    | R            | 29  |
| TULARE AVE          | 020        | SOLANO AVE                    | SONOMA AVE                  | 2     | 1715   | 36    | R            | 95  |
| TWAIN AVE           | 070        | KEELER AVE                    | STERLING AVE                | 2     | 740    | 20    | R            | 26  |
| TYLER ST            | 050        | SACRAMENTO ST                 | KING ST                     | 2     | 1333   | 36    | R            | 29  |
| UNIVERSITY AVE      | 015        | MARINA BLVD                   | WEST FRONTAGE RD            | 2     | 1600   | 66    | C            | 8   |
| UNIVERSITY AVE      | 010        | SEAWALL DR                    | MARINA BLVD                 | 2     | 1950   | 40    | C            | 31  |
| UNIVERSITY AVE      | 060        | MARTIN LUTHER KING JR WAY     | MILVIA ST                   | 4     | 715    | 63    | A            | 36  |
| UNIVERSITY AVE      | 063        | MILVIA ST                     | SHATTUCK AVE                | 4     | 630    | 63    | A            | 37  |
| UNIVERSITY AVE      | 025        | 3RD ST                        | 5TH ST                      | 4     | 400    | 115   | A            | 52  |
| UNIVERSITY AVE      | 028        | 5TH ST                        | 6TH ST                      | 4     | 185    | 84    | A            | 52  |
| UNIVERSITY AVE      | 040        | SAN PABLO AVE                 | SACRAMENTO ST               | 4     | 2940   | 69    | A            | 54  |
| UNIVERSITY AVE      | 064        | SHATTUCK AVE                  | SHATTUCK AVE                | 4     | 260    | 70    | A            | 55  |
| UNIVERSITY AVE      | 065        | SHATTUCK AVE                  | OXFORD ST                   | 4     | 450    | 65    | A            | 59  |
| UNIVERSITY AVE      | 030        | 6TH ST                        | SAN PABLO AVE               | 4     | 1638   | 72    | A            | 66  |
| UNIVERSITY AVE      | 052        | SACRAMENTO ST                 | MCGEE AVE                   | 4     | 1325   | 73    | A            | 72  |
| UNIVERSITY AVE      | 055        | MCGEE AVE                     | MARTIN LUTHER KING JR WAY   | 4     | 1329   | 63    | A            | 72  |
| UNIVERSITY AVE OVER | 018        | I-80 ON/OFF RAMPS             | 6TH ST                      | 4     | 2100   | 52    | A            | 46  |
| VALLEJO ST          | 060        | THE ALAMEDA                   | SAN RAMON AVE               | 2     | 460    | 24    | R            | 30  |
| VALLEY ST           | 055        | NORTH DEAD END (BANCROFT)     | DWIGHT WAY                  | 2     | 1245   | 36    | R            | 45  |
| VASSAR AVE (NB)     | 010        | NORTH CITY LIMIT (KENTUCKY)   | KENTUCKY AVE                | 2     | 375    | 19    | R            | 78  |
| VASSAR AVE (NB)     | 012        | KENTUCKY AVE                  | SPRUCE ST                   | 2     | 1160   | 16    | R            | 79  |
| VASSAR AVE (SB)     | 011        | KENTUCKY AVE                  | NORTH CITY LIMIT (KENTUCKY) | 2     | 375    | 17    | R            | 78  |
| VASSAR AVE (SB)     | 013        | SPRUCE ST                     | KENTUCKY AVE                | 2     | 1160   | 14    | R            | 79  |
| VERMONT AVE         | 015        | MARYLAND AVE                  | COLORADO AVE                | 2     | 750    | 25    | R            | 27  |
| VERMONT AVE         | 010        | NORTH WEST DEAD END (RUGBY)   | MARYLAND AVE                | 2     | 770    | 23    | R            | 97  |
| VICENTE RD          | 075        | EAST CITY LIMIT NR GRAND VIEW | TUNNEL RD                   | 2     | 1310   | 24    | R            | 63  |

| Road Name        | Section ID | Beg Location                     | End Location                  | Lanes | Length | Width | Funct. Class | PCI |
|------------------|------------|----------------------------------|-------------------------------|-------|--------|-------|--------------|-----|
| VICENTE RD       | 070        | ALVARADO RD                      | EAST CITY LIMIT NR GRAND VIEW | 2     | 550    | 24    | R            | 45  |
| VINCENTE AVE     | 013        | THOUSAND OAKS BLVD               | COLUSA AVE                    | 2     | 1165   | 24    | R            | 70  |
| VINCENTE AVE     | 010        | NORTH END (VINCENTE WALK)        | THOUSAND OAKS BLVD            | 2     | 1400   | 24    | R            | 75  |
| VINCENTE AVE     | 016        | COLUSA AVE                       | PERALTA AVE                   | 2     | 1000   | 24    | R            | 77  |
| VINE ST          | 063        | MILVIA ST                        | SHATTUCK AVE                  | 2     | 670    | 36    | R            | 25  |
| VINE ST          | 055        | GRANT ST                         | MARTIN LUTHER KING JR WAY     | 2     | 665    | 36    | R            | 29  |
| VINE ST          | 060        | MARTIN LUTHER KING JR WAY        | MILVIA ST                     | 2     | 665    | 36    | R            | 32  |
| VINE ST          | 052        | EDITH ST                         | GRANT ST                      | 2     | 335    | 36    | R            | 33  |
| VINE ST          | 065        | SHATTUCK AVE                     | WALNUT ST                     | 2     | 335    | 36    | R            | 49  |
| VINE ST          | 067        | WALNUT ST                        | SPRUCE ST                     | 2     | 665    | 36    | R            | 63  |
| VINE ST          | 070        | SPRUCE ST                        | SCENIC AVE                    | 2     | 635    | 36    | R            | 68  |
| VINE ST          | 050        | MC GEE AVE                       | EDITH ST                      | 2     | 575    | 26    | R            | 91  |
| VINE ST          | 080        | SCENIC AVE                       | HAWTHORNE TERRACE             | 2     | 315    | 30    | R            | 95  |
| VIRGINIA GARDENS | 040        | NORTH DEAD END (CEDAR)           | VIRGINIA ST                   | 2     | 470    | 20    | R            | 90  |
| VIRGINIA ST      | 030        | 6TH ST                           | SAN PABLO AVE                 | 2     | 1650   | 36    | R            | 36  |
| VIRGINIA ST      | 030        | 2ND ST                           | 6TH ST                        | 2     | 1325   | 36    | R            | 39  |
| VIRGINIA ST      | 076        | EUCLID AVE                       | LA LOMA AVE                   | 2     | 1000   | 34    | R            | 47  |
| VIRGINIA ST      | 050        | SACRAMENTO ST                    | MC GEE AVE                    | 2     | 1270   | 36    | C            | 54  |
| VIRGINIA ST      | 055        | MC GEE AVE                       | GRANT ST                      | 2     | 665    | 36    | C            | 66  |
| VIRGINIA ST      | 064        | SHATTUCK AVE                     | SPRUCE ST                     | 2     | 1000   | 36    | R            | 67  |
| VIRGINIA ST      | 070        | SPRUCE ST                        | ARCH ST                       | 2     | 450    | 36    | R            | 68  |
| VIRGINIA ST      | 072        | ARCH ST                          | EUCLID AVE                    | 2     | 1060   | 36    | R            | 68  |
| VIRGINIA ST      | 060        | MARTIN LUTHER KING JR WAY        | MILVIA ST                     | 2     | 680    | 36    | R            | 71  |
| VIRGINIA ST      | 047        | ACTON ST                         | SACRAMENTO ST                 | 2     | 710    | 51    | R            | 76  |
| VIRGINIA ST      | 057        | GRANT ST                         | MARTIN LUTHER KING JR WAY     | 2     | 670    | 36    | C            | 83  |
| VIRGINIA ST      | 062        | MILVIA ST                        | SHATTUCK AVE                  | 2     | 615    | 36    | R            | 83  |
| VIRGINIA ST      | 040        | SAN PABLO AVE                    | ACTON ST                      | 2     | 2500   | 36    | R            | 85  |
| VIRGINIA ST      | 078        | LA LOMA AVE                      | DEAD END (AT LA VEREDA)       | 2     | 220    | 17    | R            | 95  |
| VIRGINIA ST      | 020        | EAST FRONTAGE RD (STATE P/L)     | 2ND ST                        | 2     | 350    | 37    | R            | 98  |
| VISALIA AVE      | 053        | WEST CITY LIMIT COP W/O NEIL SON | COLUSA AVE                    | 2     | 325    | 24    | R            | 27  |
| VISALIA AVE      | 055        | COLUSA AVE                       | VINCENTE AVE                  | 2     | 890    | 24    | R            | 48  |
| VISTAMONT AVE    | 110        | NORTH END                        | WOODMONT AVE                  | 2     | 415    | 22    | R            | 14  |
| VISTAMONT AVE    | 010        | WOODMONT AVE                     | WOODMONT AVE NR SUNSET LA     | 2     | 1340   | 22    | R            | 42  |
| WALKER ST        | 060        | DERBY ST                         | WARD ST                       | 2     | 330    | 18    | R            | 40  |
| WALLACE ST       | 065        | WARD ST                          | RUSSELL ST                    | 2     | 1220   | 35    | R            | 18  |
| WALNUT ST        | 049        | BERKELEY WAY                     | UNIVERSITY AVE                | 2     | 315    | 36    | R            | 20  |
| WALNUT ST        | 020        | SHATTUCK AVE                     | EUNICE ST                     | 2     | 900    | 33    | R            | 27  |
| WALNUT ST        | 030        | EUNICE ST                        | CEDAR ST                      | 2     | 2645   | 36    | R            | 44  |
| WALNUT ST        | 040        | CEDAR ST                         | HEARST AVE                    | 2     | 1680   | 36    | R            | 54  |
| WARD ST          | 075        | ELLSWORTH ST                     | TELEGRAPH AVE                 | 2     | 880    | 36    | R            | 14  |
| WARD ST          | 046        | ACTON ST                         | SACRAMENTO ST                 | 2     | 727    | 36    | R            | 18  |
| WARD ST          | 070        | FULTON ST                        | ELLSWORTH ST                  | 2     | 660    | 36    | R            | 21  |
| WARD ST          | 050        | SACRAMENTO ST                    | MARTIN LUTHER KING JR WAY     | 2     | 2437   | 36    | R            | 25  |
| WARD ST          | 060        | MARTIN LUTHER KING JR WAY        | MILVIA ST                     | 2     | 660    | 42    | R            | 27  |
| WARD ST          | 066        | SHATTUCK AVE                     | FULTON ST                     | 2     | 780    | 36    | R            | 30  |
| WARD ST          | 063        | MILVIA ST                        | ADELIN ST                     | 2     | 500    | 45    | R            | 62  |

| Road Name         | Section ID | Beg Location                  | End Location                   | Lanes | Length | Width | Funct. Class | PCI |
|-------------------|------------|-------------------------------|--------------------------------|-------|--------|-------|--------------|-----|
| WARD ST           | 040        | SAN PABLO AVE                 | ACTON ST                       | 2     | 1658   | 36    | R            | 100 |
| WARRING ST        | 050        | BANCROFT WAY                  | DWIGHT WAY                     | 2     | 1270   | 36    | R            | 27  |
| WARRING ST        | 060        | DWIGHT WAY                    | DERBY ST                       | 2     | 1545   | 43    | C            | 95  |
| WATKINS ST        | 040        | NEILSON ST                    | TEVLIN ST                      | 2     | 250    | 26    | R            | 21  |
| WEBSTER ST        | 078        | HILLEGASS AVE                 | COLLEGE AVE                    | 2     | 600    | 36    | R            | 59  |
| WEBSTER ST        | 074        | TELEGRAPH AVE                 | COLBY ST                       | 2     | 645    | 36    | R            | 63  |
| WEBSTER ST        | 076        | REGENT ST                     | DEAD END                       | 2     | 202    | 20    | R            | 85  |
| WEBSTER ST        | 077        | DEAD END                      | HILLEGASS AVE                  | 2     | 268    | 36    | R            | 85  |
| WEBSTER ST        | 080        | COLLEGE AVE                   | CLAREMONT AVE                  | 2     | 1760   | 36    | R            | 92  |
| WEBSTER ST        | 072        | DEAKIN ST                     | TELEGRAPH AVE                  | 2     | 670    | 36    | R            | 93  |
| WEST BOLIVAR DR   | 050        | GATE                          | END NR ANTHONY ST              | 2     | 6515   | 22    | R            | 83  |
| WEST BOLIVAR DR   | 040        | PARKER ST                     | GATE                           | 2     | 50     | 22    | R            | 89  |
| WEST FRONTAGE RD  | 040        | GILMAN ST                     | UNIVERSITY AVE                 | 2     | 4400   | 30    | C            | 55  |
| WEST FRONTAGE RD  | 050        | UNIVERSITY AVE                | OPP DWIGHT WAY                 | 2     | 3170   | 26    | C            | 59  |
| WEST FRONTAGE RD  | 060        | OPP DWIGHT WAY                | SOUTH CITY LIMIT               | 2     | 4250   | 26    | C            | 59  |
| WEST PARNASSUS CT | 080        | PARNASSUS PATH                | PARNASSUS RD                   | 2     | 230    | 22    | R            | 93  |
| WEST ST           | 053        | ADDISON ST                    | DEAD END                       | 2     | 265    | 21    | R            | 93  |
| WEST ST           | 055        | BANCROFT WAY                  | DWIGHT WAY                     | 2     | 1325   | 32    | R            | 100 |
| WHEELER ST        | 068        | RUSSELL ST                    | ASHBY AVE                      | 2     | 530    | 36    | R            | 30  |
| WHEELER ST        | 070        | ASHBY AVE                     | WOOLSEY ST                     | 2     | 1105   | 36    | R            | 72  |
| WHITAKER AVE      | 020        | MILLER AVE                    | STERLING AVE                   | 2     | 550    | 18    | R            | 35  |
| WHITNEY ST        | 070        | WOOLSEY ST                    | SOUTH CITY LIMIT               | 2     | 130    | 36    | R            | 75  |
| WILDCAT CANYON RD | 025        | THE SPIRAL                    | EAST CITY LIMIT (NR SHASTA RD) | 2     | 3590   | 28    | C            | 77  |
| WILDCAT CANYON RD | 020        | SUNSET LN                     | THE SPIRAL                     | 2     | 2400   | 27    | C            | 79  |
| WILDCAT CANYON RD | 010        | GRIZZLY PEAK BLVD             | SUNSET LANE                    | 2     | 3730   | 29    | C            | 81  |
| WILSON CIRCLE     | 080        | OLYMPUS DR                    | CUL-DE-SAC                     | 2     | 180    | 23    | R            | 40  |
| WOODMONT AVE      | 012        | WILDCAT CANYON & GRIZZLY PEAK | ROSEMONT AVE                   | 2     | 1175   | 20    | R            | 24  |
| WOODMONT AVE      | 020        | SUNSET LANE                   | DEAD END                       | 2     | 175    | 12    | R            | 43  |
| WOODMONT AVE      | 014        | ROSEMONT AVE                  | SUNSET LANE                    | 2     | 1700   | 20    | R            | 55  |
| WOODMONT CT       | 070        | WOODMONT AVE (NORTH)          | WOODMONT AVE (SOUTH)           | 2     | 285    | 23    | R            | 42  |
| WOODSIDE RD       | 020        | THE CRESCENT                  | PARK HILLS RD                  | 2     | 1450   | 24    | R            | 41  |
| WOOLSEY ST        | 078        | HILLEGASS AVE                 | COLLEGE AVE                    | 2     | 600    | 37    | R            | 18  |
| WOOLSEY ST        | 080        | COLLEGE ST                    | CLAREMONT AVE                  | 2     | 1250   | 36    | R            | 20  |
| WOOLSEY ST        | 050        | SACRAMENTO ST                 | KING ST                        | 2     | 1275   | 36    | R            | 50  |
| WOOLSEY ST        | 065        | TREMONT ST                    | SHATTUCK AVE                   | 2     | 579    | 42    | R            | 59  |
| WOOLSEY ST        | 066        | SHATTUCK AVE                  | WHEELER ST                     | 2     | 680    | 42    | R            | 63  |
| WOOLSEY ST        | 067        | WHEELER ST                    | TELEGRAPH AVE                  | 2     | 1036   | 36    | R            | 63  |
| WOOLSEY ST        | 055        | KING ST                       | MARTIN LUTHER KING JR WAY      | 2     | 905    | 36    | R            | 79  |
| WOOLSEY ST        | 072        | TELEGRAPH AVE                 | HILLEGASS AVE                  | 2     | 1555   | 36    | R            | 90  |
| WOOLSEY ST        | 060        | ADELIN ST                     | TREMONT ST                     | 2     | 600    | 42    | R            | 90  |
| YOLO AVE          | 060        | THE ALAMEDA                   | MILVIA ST                      | 2     | 570    | 36    | R            | 93  |
| YOLO AVE          | 065        | MILVIA AVE                    | SUTTER ST                      | 2     | 375    | 36    | R            | 93  |
| YOSEMITE RD       | 064        | SAN FERNANDO AVE              | CONTRA COSTA AVE               | 2     | 400    | 26    | R            | 37  |
| YOSEMITE RD       | 066        | CONTRA COSTA AVE              | ARLINGTON AVE                  | 2     | 1090   | 24    | R            | 48  |
| YOSEMITE RD       | 062        | THE ALAMEDA                   | SAN FERNANDO AVE               | 2     | 870    | 26    | R            | 91  |





**BEN BARTLETT**

VICE MAYOR

CONSENT CALENDAR

June 6, 2023

To: Honorable Mayor and Members of the City Council

From: Vice Mayor Ben Bartlett

Subject: *Bench Donation: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds*

RECOMMENDATION:

Adopt a Resolution approving the expenditure of funds, including \$3500 from Vice Mayor Bartlett for creating a community bench in memory of the efforts of community members made in 2020 on the Black Lives Matter movement, with funds relinquished to the City's General Fund for this purpose from the discretionary council office budget of Vice Mayor Bartlett and any other Councilmembers who would like to contribute.

BACKGROUND:

In 2013, three female Black organizers — Alicia Garza, Patrisse Cullors, and Opal Tometi — created a Black-centered political project called Black Lives Matter<sup>1</sup>. It began with a social media hashtag, #BlackLivesMatter, after the acquittal of George Zimmerman in the shooting death of Trayvon Martin in 2012. The movement grew nationally in 2014 after the deaths of Michael Brown in Missouri and Eric Garner in New York. Since then, it has established itself as a worldwide movement, particularly after the death of George Floyd at the hands of police in Minneapolis, MN. Most recently, the organization has spearheaded demonstrations worldwide protesting police brutality and systematic racism that overwhelmingly affects the Black community.

In the City of Berkeley, after the death of George Floyd, community members rose and marched to address police brutality happening throughout the nation<sup>2</sup>. Amidst the pandemic in 2020, the City of Berkeley had various demonstrations expressing the importance of addressing this issue in pursuing justice and safety for all. And so, the George Floyd Community Safety Act was established in Berkeley<sup>3</sup>. Through this act, the City of Berkeley

<sup>1</sup> Campbell, Adina. "What Is Black Lives Matter and What Are the Aims?" BBC News, 12 June 2021, [www.bbc.com/news/explainers-53337780](http://www.bbc.com/news/explainers-53337780).

<sup>2</sup>Samway, Katharine Davies. "Thousands Turn out for Huge Demonstration in Berkeley for Black Lives Matter." Oakland Voices, 15 Sept. 2022, [oaklandvoices.us/2020/06/09/thousands-turn-out-for-huge-demonstration-in-berkeley-for-black-lives-matter/](http://oaklandvoices.us/2020/06/09/thousands-turn-out-for-huge-demonstration-in-berkeley-for-black-lives-matter/).

<sup>3</sup>Bartlett, Ben. "Safety for All: George Floyd Community Safety Act." Medium, 25 Sept. 2020, [medium.com/@benbartlett/safety-for-all-george-floyd-community-safety-act-8dbf9de37b89](https://medium.com/@benbartlett/safety-for-all-george-floyd-community-safety-act-8dbf9de37b89).



**BEN BARTLETT**

**VICE MAYOR**

pledged to implement initiatives and reforms to reduce the footprint of the Police Department and reassign non-criminal matters to Specialized Care Units (SCU); rectify the current aspects of the Police Department to hold better its officers accountable for their actions, and institute progressive training protocols; and invest the savings from the reduced footprint into SCU's into wellness programs addressing endemic disparities in health, housing, and education.

In commemorating tens of the thousands of Berkeley community members who marched for justice for the deaths of Black Americans who have suffered police brutality, we hope to establish a bench made in honor of all of those whose contributions have led to reform and beneficial change for our Berkeley community.

ENVIRONMENTAL SUSTAINABILITY

No negative impact.

FISCAL IMPACTS OF RECOMMENDATION

No General Fund impact; \$3500 is available from the discretionary council office budget of Councilmember Ben Bartlett.

CONTACT PERSON:

|                            |              |
|----------------------------|--------------|
| Councilmember Ben Bartlett | 510-981-7130 |
| James Chang                | 510-981-7131 |

CONTACT PERSON:

1. Resolution No. XXXXX



**BEN BARTLETT**

VICE MAYOR

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

AUTHORIZE THE EXPENDITURE OF SURPLUS FUNDS FROM THE OFFICE EXPENSE ACCOUNTS OF THE MAYOR AND COUNCIL MEMBERS FOR A DONATION TO THE BERKELEY PUBLIC SCHOOLS FUND TO PROVIDE AWARDS TO STUDENTS FOR THEIR WORK ON HIGHLIGHTING BLACK INVENTORS.

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

**WHEREAS**, The City of Berkeley Public Works will receive funds in the amount of \$3500 from Councilmember Ben Bartlett's office expenditure account; and

**WHEREAS**, the Black Lives Matter movement provided the Berkeley community with awareness and education to address police brutality; and

**WHEREAS**, the bench would provide a commemoration for the efforts of all community members who contributed to the Black Lives Movement;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Berkeley that funds relinquished by the Mayor and Councilmembers from their office budgets, of an amount to be determined by each Councilmember, shall be granted to The City of Berkeley Public Works for this purpose of providing a bench to commemorate the efforts made through the Black Lives Matter Movement.



**BEN BARTLETT**

VICE MAYOR

CONSENT CALENDAR

June 6, 2023

To: Honorable Mayor and Members of the City Council

From: Vice Mayor 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 funds, including \$1000 from Vice Mayor Bartlett for pre-planning of the Berkeley Juneteenth Festival (organized by Berkeley Juneteenth Association, Inc. 501(c)3), with funds relinquished to the City's General Fund for this purpose from the discretionary council office budget of Vice Mayor Bartlett and any other Councilmembers who would like to contribute.

BACKGROUND:

President Lincoln issued his Emancipation Proclamation on January 1, 1863, but people in bondage in Texas remained unaware of their freedom until 1865, as their captors withheld this information from them. On June 18, 1865, Major General Gordon Granger of the Union Army arrived in Galveston, Texas, with 1,800 soldiers on a mission to force the captors to release the people in bondage, whose population had swelled to over a quarter million.

And so the following year, newly-freed people in Texas flooded the streets, celebrating June 19th as their own emancipation day. Local groups kept the Juneteenth tradition alive, and in 1979, the passage of H.B. 1016 made June 19th, Black Heritage Day, an official Texas holiday. Nationwide, this date is celebrated in commemoration of the centuries of struggle and progress led by abolitionists, educators, civil rights advocates, lawyers, activists, trade unionists, religious leaders, and public officials who have brought and fought for the rights of all. Also, this date serves as a day of celebration to honor the power and resilience of Black Americans who have endured generations of oppression in the ongoing journey toward equal justice, equal dignity, equal rights, and equal opportunity in America. In June of 2021, President Biden formally declared Juneteenth a federal holiday.

The Berkeley Juneteenth Festival was founded by R.D. Bonds, Bradley Walters, and Sam Dyke. They began the Festival celebration to promote community pride and bring together South Berkeley businesses and residents to celebrate a major African American cultural event. The establishment of Berkeley Juneteenth Association, Inc. (BJAI) culminated in the first annual Festival in 1987. Former City Councilmembers Mary Wainwright and the late Maudell Shirek were instrumental in obtaining City sponsorship.

ENVIRONMENTAL SUSTAINABILITY

No negative impact.

FISCAL IMPACTS OF RECOMMENDATION

No General Fund impact; \$1000 is available from the discretionary council office budget of Vice-Mayor Ben Bartlett.

CONTACT PERSON:

|                            |              |
|----------------------------|--------------|
| Councilmember Ben Bartlett | 510-981-7130 |
| James Chang                | 510-981-7131 |

CONTACT PERSON:

1. Resolution No. XXXXX

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

AUTHORIZE THE EXPENDITURE OF SURPLUS FUNDS FROM THE OFFICE EXPENSE ACCOUNTS OF THE MAYOR AND COUNCIL MEMBERS FOR A DONATION TO THE BERKELEY PUBLIC SCHOOLS FUND TO PROVIDE AWARDS TO STUDENTS FOR THEIR WORK ON HIGHLIGHTING BLACK INVENTORS.

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

**WHEREAS**, Berkeley Juneteenth Association, a California non-profit organization, will receive funds in the amount of \$1000 from Councilmember Ben Bartlett's office expenditure account; and

**WHEREAS**, Juneteenth was established when the newly-freed people in Texas flooded the streets, celebrating June 19th as their own emancipation day; and

**WHEREAS**, the Juneteenth festival in Berkeley promotes community pride and brings together all Berkeley businesses and residents in the celebration of a major African American cultural event; and

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Berkeley that funds relinquished by the Mayor and Councilmembers from their office budgets, of an amount to be determined by each Councilmember shall be granted to Berkeley Juneteenth Association for the purpose of providing support for the celebration of the Juneteenth festival







Kate Harrison  
Councilmember, District 4

CONSENT CALENDAR  
June 6, 2023

To: Honorable Members of the City Council  
From: Councilmember Harrison  
Subject: Refer \$7,000 to the June 2023 Budget Process to Purchase Marking Equipment to Engrave Identification Numbers onto Catalytic Converters

RECOMMENDATION

Referral to the June 2023 Budget Process for \$7,000 to purchase marking equipment to engrave identification numbers onto catalytic converters to deter theft and assist with investigations and recovery efforts.

BACKGROUND

Catalytic converters are standard technology that help reduce toxic pollution from gasoline and hybrid vehicles. Catalytic converters are made from precious metals, making them targets of theft. Repair and replacement can cost owners thousands of dollars.

Nationally and locally, communities are experiencing unprecedented rates of vehicle-related crime. In Berkeley, catalytic converter theft rose 5,500% between 2017 and 2022.<sup>1</sup> Concerningly, there have been a few instances in the last year where attempted vehicle theft has turned violent and Berkeley residents have had guns pulled on and fired at them. To get at the root of the issue, it is critical to address statewide and national crime syndicates. Investigatory tools such as etching machines are critical.

One of the reasons catalytic converters are targets of theft is because most are not serialized, making it hard to trace and recover stolen converters. To address this issue, many California cities have developed public programs to offer free etching and engraving services to any resident who wants to serialize their catalytic converter. Providing a public program prevents crime by making converters identifiable and traceable, deterring theft, and providing law enforcement more tools for finding stolen catalytic converters. While etching will not ultimately eliminate property theft, it has been shown to decrease it. The California Bureau of Automotive Repair encourages etching identification numbers onto catalytic converters, considering it one of the four top

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<sup>1</sup> Raguso, Emilie. "Armed Catalytic Converter Thieves Confront Berkeley Man." The Berkeley Scanner, April 27, 2023. <https://www.berkeleyscanner.com/2023/04/27/crime/berkeley-catalytic-converter-thieves-guns-dog-walk/>.

methods of theft prevention: “Engraving or etching your catalytic converter with your vehicle identification number (VIN) or license plate number may deter theft. It may also alert a reputable scrap dealer that the device is stolen and can help to identify the owner.”<sup>2</sup> With local, state, and federal intervention, we can help protect our community from impactful, violating, and sometimes violent theft.

Los Altos, California is one of the many cities that has a free, public engraving program through the police department that assists residents in preventing car theft. Their program also partners with local autobody shops. San Jose, California is another city that has developed and implemented a catalytic converter etching program. San Jose Police Foundation President Rob Fisher states, “This program is a great example of a public-private partnership that will make a difference in the lives of San José residents.”<sup>3</sup> The San Jose Police Department owns an engraving machine that rotates between different local autobody shops, so that customers can easily request free etching while their car is already getting serviced.

#### FISCAL IMPACTS OF RECOMMENDATION

\$7,000 in General Funds for the purchase of marking equipment to engrave identification numbers onto catalytic converters to deter theft and assist with investigations and recovery efforts.

#### ENVIRONMENTAL SUSTAINABILITY

Cars without catalytic converters emit toxic gas into the atmosphere and the mining associated with and manufacture of replacing converters contributes to greenhouse gas emissions.

#### CONTACT PERSON

Councilmember Kate Harrison, (510) 981-7140

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<sup>2</sup> California, State of. “Catalytic Converter Theft and the Smog Check Program.” Bureau of Automotive Repair, March 8, 2023. <https://www.bar.ca.gov/consumer/smog-check-program/catalytic-converter-theft#:~:text=Mark%20your%20catalytic%20converter%20%E2%80%93%20Engraving,help%20to%20identify%20the%20owner.>

<sup>3</sup> “San Jose Police Unveil Catalytic Converter Etching Program to Help Deter Widespread Theft.” CBS News, February 14, 2022. [https://www.cbsnews.com/sanfrancisco/news/san-jose-police-unveil-catalytic-converter-etching-program-to-help-deter-widespread-theft/.](https://www.cbsnews.com/sanfrancisco/news/san-jose-police-unveil-catalytic-converter-etching-program-to-help-deter-widespread-theft/)



Kate Harrison  
Councilmember, District 4

CONSENT CALENDAR  
June 6, 2023

To: Honorable Mayor and Members of the City Council  
From: Councilmember Harrison  
Subject: Referring \$15,000 to the June 2023 Budget Process for a City Recreational Vehicle Pump-Out Station

RECOMMENDATION

Refer \$15,000 to the June 2023 Budget Process in Measure P funds for City recreational vehicle pump-out station, including minimal staffing costs, liability, maintenance, and replacement costs to allow individuals to discharge effluent waste directly into the City’s sewer system.

CURRENT SITUATION, EFFECTS, AND RATIONALE FOR RECOMMENDATION

This budget referral is being submitted to the June Budget Process to fund a Policy Committee item currently before the Budget Committee. The Homeless Services Panel of Experts recommended that the City “develop a waste management plan to be implemented for RVs currently on the streets” in response to the closure of the Grayson St. SPARK shelter. Staff also issued a companion report stating: “[s]taff do not disagree with the spirit of the Homeless Services Panel of Experts recommendation to...develop a management plan to be implemented for RVs currently on the streets...we recommend sending this request to the Budget and Finance Committee for consideration in the budget process.”<sup>1</sup> As detailed in the background section below, this item reflects a long legislative history by the Mayor and Council in advocating for a permanent waste pump station, including approval of an allocation in the 2020-21 budget year that was forestalled because of the need to address emergency COVID-relief programs.

It is in the public interest to implement this recommendation expeditiously to prevent effluent from entering watersheds and provide vehicle dwellers urgent and basic human services.

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<sup>1</sup> Recommendation for RV Lot and Waste Management on Streets for RVs, <https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2023-05-16%20Agenda%20Packet%20-%20Budget.pdf>. See also Companion Report to Recommendation for RV Lot and Waste Management on Streets for RVs.

**BACKGROUND**

On February 28, 2019 the City Manager's office submitted an item to Council entitled "Referral Response: Managing Recreational Vehicle (RV) Parking" outlining options to facilitate recreational vehicle waste dumping/pumping.<sup>2</sup> Staff noted in their response that they had "learned of a pump station option which could be installed for approximately \$11,000, which would allow individuals to discharge directly into the City's sewer system," for approximately 100 RVs per week with minimal to no staffing costs. They also noted that the City has capacity within its sewer system for additional waste.<sup>3</sup> The charge for dumping the sewage by East Bay Municipal Utility District (EBMUD) is calculated in proportion to the amount of fresh water used to clean and refill the tank.

Subsequently, the Mayor included \$15,000 for the pump-out facility in his FY 2020-2021 budget noting: "[w]e will also be providing \$15,000 to a recreational vehicle mobile pump-out to make sure that any sewage is properly disposed of instead of entering our creeks and Bay." His budget responded to a budget referral from Councilmembers Davila and Harrison 2019 entitled: "Short-term referral to City Manager and budget referral for creation of a 'vehicle dweller program' in Berkeley."<sup>4</sup> The City did not implement the mobile pump-out program.

However, in 2022 Rebuilding Together began managing a time limited six-week free RV pump-out trial program at the Grayson St. shelter. The program provided access to urgent basic human needs with approximately 3.5 pump-outs per week for a total of 21 vehicle dwellers, and the station likely prevented many gallons of effluent from entering watersheds such as our creeks, Aquatic Park and the Bay. Uptake during the trial was relatively limited due to the impending closure of the Grayson St. shelter. The trial also featured a mobile tank solution to assist inoperable vehicles. EBMUD provided access to sewer drains no cost with a permit for environmental mitigation. A fixed site as envisioned by this item would help facilitate easy disposal of any mobile tanks. The

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<sup>2</sup> On September 25, 2018, City Council approved a recommendation to "Refer to the City Manager to look into how other cities use permitting to manage RV parking..." On December 11, 2018 the City Council approved a recommendation to "Refer to the City Manager to establish a recreational vehicle waste discharge facility on City property and equitable administrative fee program, including consideration of method of pump out, cost, locations, and capacity, and refer costs associated with the facility to the FY 2020/21 Budget Process." See Paul Buddenhagen, Deputy City Manager, "Referral Responses: Managing Recreational Vehicle (RV)," February 28, 2019, <https://records.cityofberkeley.info/PublicAccess/api/Document/AXPchO9%C3%89LXUoVput35boN%C3%89D7pl%C3%891pCTgOP2Co5VkjvcPoiwHCaDjzPhJIRBotX5cdWEBTJK%C3%89FHycp8ckEsLZ7CQ%3D/>.

<sup>3</sup> Id.

<sup>4</sup> Councilmembers Cheryl Davila and Kate Harrison, "Short-term referral to City Manager and budget referral for creation of a "vehicle dweller program" in Berkeley," April 2, 2019, <https://records.cityofberkeley.info/PublicAccess/api/Document/AYMbvLHwd8GrqSd%C3%89DemZVY2aP9xRTIo9FZ5GjFKyy08nQNbO%C3%89ZkjiMI9k%C3%891VqS0ZS8xGf7TRvn%C3%89JNvcS6GwOn%C3%891n0%3D/>.

Referring \$15,000 to the June 2023 Budget Process for a City Recreational Vehicle  
Pump-Out Station

CONSENT CALENDAR  
June 6, 2023

Marin Sanitary Service already operates such a station, which includes a fresh water hose to clean out and refill tanks.

FISCAL IMPACTS OF RECOMMENDATION

\$15,000 in Measure P funds.

ENVIRONMENTAL SUSTAINABILITY

A dedicated pump-out would make sure that any effluent is properly disposed of instead of entering our creeks and Bay.

CONTACT PERSON

Councilmember Kate Harrison, (510) 981-7140





Susan Wengraf  
Councilmember District 6

CONSENT CALENDAR

June 6, 2023

To: Honorable Mayor and Members of the City Council

From: Councilmember Wengraf (Author)

Subject: Support for SB-233 (Skinner)

RECOMMENDATION

Approve a letter to Senator Skinner in support of SB-233 (Skinner) Electric vehicles and electric vehicle supply equipment: bidirectional capability, and send copies to Assemblymember Wicks and Governor Newsom.

FINANCIAL IMPLICATIONS

None.

BACKGROUND

SB-233 would require all new electric vehicles (EVs), beginning in model year 2027, and electric vehicle service equipment sold in California after January 1, 2027 to be capable of bidirectional charging, with limited exceptions. The bill's new definition of bidirectional charging means charging capability that enables an electric vehicle to be charged by the electrical grid, or to discharge stored battery energy to the electrical grid or to serve an adjacent home or building.

Authored by Senator Nancy Skinner and sponsored by The Climate Center and the Union of Concerned Scientists, SB 233 aims to make bidirectional charging for EVs the norm ahead of the mandate to make all new cars and light trucks sold in the state be electric by 2035.

The bill requires the State Energy Resources Conservation and Development Commission, in consultation with the State Air Resources Board, on or before June 30, 2024, to convene a stakeholder workgroup to examine challenges and opportunities associated with using an electric vehicle as a mobile battery to power a home or building or providing electricity to the electrical grid. It would also require the Energy Commission, in consultation with the stakeholder workgroup, on or before January 1, 2025, to submit a report to the Governor and Legislature that includes specified information related to the bidirectional capability of electric vehicles and electric vehicle service equipment.

Support for SB-233

CONSENT CALENDAR  
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Bidirectional charging makes it possible for electric vehicles to become “batteries on wheels” — capable of using the energy stored in their batteries to back up the power grid, homes, and businesses.

According to the California Energy Commission, the state expects to have 8 million electric vehicles on the road by 2030. Currently, only a small fraction of California’s electric vehicle fleet has bidirectional capability. By requiring that most EVs sold by 2027 are bidirectional, California can harness the momentum of a market moving swiftly toward an electrified future.

#### ENVIRONMENTAL SUSTAINABILITY

Bidirectional charging is an essential component to vehicle-to-grid (V2G) integration which provides grid resiliency by turning EV batteries into mobile storage. V2G accelerates EV adoption by lowering the total cost of ownership by enabling EV owners to earn revenue through electricity exports during times when the grid is under stress. V2G is also essential to keep the cost of energy equitable while supporting EV deployment.

#### CONTACT PERSON

Councilmember Wengraf

Council District 6

510-981-7160

Attachments:

1: Letter of Support

2: [SB-233 as amended](#)



June 6, 2023

The Honorable Nancy Skinner  
California State Senate  
State Capitol, Suite 8630  
Sacramento, CA 95814

**RE: SB-233 (Skinner) Electric vehicles and electric vehicle supply equipment:  
bidirectional capability  
Support from the Berkeley City Council**

Dear Senator Skinner:

On behalf of the Berkeley City Council, I want to express our support for SB-233 (Skinner) Electric vehicles and electric vehicle supply equipment: bidirectional capability.

SB233, addresses an urgent and important crisis in electricity reliability.

SB233 will enable California to address multiple challenges at once through harnessing the untapped battery storage capacity of electric vehicles (EVs). The electrification of transportation creates a once-in-a-generation opportunity for EVs to not only decarbonize transportation, but also keep the lights on during power outages, lower energy bills for Californians, and make our electricity system more reliable on a daily basis. EVs capable of bidirectional charging can store abundant renewable energy when it is available and provide power back to the grid at peak times when it is most needed.

Thank you for your leadership on this important policy topic.

Sincerely,

Susan Wengraf  
Councilmember  
City of Berkeley

CC: Assembly Member Buffy Wicks  
Governor Newsom

Support for SB-233

CONSENT CALENDAR  
June 6, 2023

5/15/23, 9:54 AM

Today's Law As Amended - SB-233 Electric vehicles and electric vehicle supply equipment: bidirectional capability.



*California.*  
LEGISLATIVE INFORMATION

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**SB-233 Electric vehicles and electric vehicle supply equipment: bidirectional capability. (2023-2024)**

**As Amends the Law Today**

**SECTION 1. The Legislature finds and declares all of the following:**

(a) California was the first state to adopt an energy storage procurement mandate to assist renewable energy integration and electrical grid reliability.

(b) Batteries in electric vehicles are storage resources and have the potential to be deployed to assist in renewable energy integration and electrical grid reliability and during emergencies, including power outages.

(c) Wildfires, heatwaves, and other climate change-fueled extreme weather events pose an increasing threat to the reliability of California's electrical grid.

(d) One response to power outages in California has been to rely on fossil-fueled backup generators, which contribute to the emissions of greenhouse gases and local air pollution.

(e) Development of bidirectional electric vehicle infrastructure will provide access to a significant reserve of dispatchable electricity that will help ensure continuous electrical service for California. In 2022, the State Air Resources Board adopted the Advanced Clean Cars II rule that requires 100 percent of electric vehicle sales by 2035 and, in 2020, the State Air Resources Board adopted the Advanced Clean Truck rule that requires increasing percentages of electric vehicle sales starting in 2024. These electric vehicles could provide critical electricity to the electrical grid if enabled to do so.

(f) As California builds out electric vehicle service equipment in order to meet the charging needs of an anticipated 8,000,000 electric vehicles by 2030, there is a unique opportunity to leverage significant federal, state, and private sector investments in electric vehicles and electric vehicle service equipment to ensure they are bidirectionally capable.

(g) Peak electricity demand is the primary driver behind the use of fossil fuel peaker power plants, the emissions of which disproportionately impact disadvantaged communities.

(h) The charging cycle of bidirectional-capable electric vehicles can be scheduled away from peak demand times to periods with excess and lower cost renewable electricity generation, allowing the dispatchable energy capacity of bidirectional-capable electric vehicles to serve as an alternative to fossil fuel peaker power plants, mitigating the air pollution and public health impacts on disadvantaged communities.

(i) Supporting market scalability of bidirectional charging has the potential to lower electricity costs in California and maximize reliability and resilience benefits to consumers and the electrical grid, especially when bidirectional-capable electric vehicles are collocated with distributed onsite energy resources.

**SEC. 2. Chapter 8.8 (commencing with Section 44269) is added to Part 5 of Division 26 of the Health and Safety Code, to read:**

**CHAPTER 8.8. Electric Vehicles**

**44269. (a) For purposes of this chapter, the following definitions apply:**

(1) "Beneficial bidirectional-capable use case" means the usage of bidirectional-capable electric vehicles and bidirectional electric vehicle service equipment in a manner that results in electrical reliability and resiliency benefits.

(2) "Bidirectional capable" means the ability of an electric vehicle to both charge and discharge electricity through electric vehicle service equipment, as modified pursuant to Section 44269.3.

(3) "Bidirectional charging" means charging capability that enables an electric vehicle to either be charged by the electrical grid or an onsite energy resource, or discharge stored energy capacity to the electrical grid or to serve an adjacent home or building.

[https://leginfo.ca.gov/faces/billCompareClient.xhtml?bill\\_id=202320240SB233&showamends=false](https://leginfo.ca.gov/faces/billCompareClient.xhtml?bill_id=202320240SB233&showamends=false)

1/2

5/15/23, 9:54 AM

Today's Law As Amended - SB-233 Electric vehicles and electric vehicle supply equipment: bidirectional capability.

(4) "Bidirectional electric vehicle service equipment" means electric vehicle service equipment capable of both charging and discharging electricity from an electric vehicle.

(5) "Board" means the State Air Resources Board.

(6) "Commission" means the State Energy Resources Conservation and Development Commission.

(7) "Electric vehicle" means a battery electric or hybrid vehicle that uses an electric battery and electric motor for mobility.

(8) "Electric vehicle service equipment" has the same meaning as defined in Section 44268.

(9) "Interoperability" has the same meaning as described in Section 680.108 of Title 23 of the Code of Federal Regulations.

(10) "Light-duty motor vehicle" has the same meaning as defined in Section 2211 of Title 13 of the California Code of Regulations.

(b) The definitions provided in this section may be modified or updated pursuant to Section 44269.3.

44289.1. (a) The commission, in consultation with the board, shall, on or before June 30, 2024, convene a stakeholder workgroup to examine challenges and opportunities associated with using an electric vehicle as a mobile battery to power a home (vehicle-to-home) or building (vehicle-to-building) or providing electricity to the electrical grid (vehicle-to-grid).

(b) The commission, in consultation with the stakeholder workgroup, on or before January 1, 2025, shall submit a report to the Governor and Legislature that includes all of the following:

(1) Potential costs and benefits associated with requiring bidirectional capability for electric vehicle service equipment.

(2) Mechanisms to ensure interoperability between bidirectional capable electric vehicles and bidirectional electric vehicle service equipment.

(3) The resources needed from the electricity sector to facilitate vehicle-to-building and vehicle-to-grid practices.

(c) (1) The report to be submitted pursuant to subdivision (b) shall be submitted in compliance with Section 9795 of the Government Code.

(2) Pursuant to Section 10231.5 of the Government Code, this section is repealed on January 1, 2028.

44289.3. (a) On or before December 31, 2024, the board, in consultation with the commission and the Public Utilities Commission, shall, by regulation, modify the definition of "bidirectional capable" for electric vehicles in order to specify nonproprietary technical interoperability requirements to support electrical grid reliability and resilience by providing emergency backup electricity or electrical grid services to comply with this chapter. As part of that modified definition, at the time of sale, all necessary electric vehicle components, and their operational parameters, shall be required to support and enable bidirectional capability for purposes of compliance with this chapter.

(b) The board may periodically update the definition of "bidirectional capable" and other definitions, including those provided in Section 44269, to ensure the definitions align with current technologies in bidirectional charging and account for ongoing innovation.

(c) On or before December 31, 2024, the board, in consultation with the commission and the Public Utilities Commission, shall, by regulation, modify and further clarify the definition of "beneficial bidirectional-capable use case" for electric vehicles in order to provide additional guidance for determining which electric vehicles are required to comply with Section 44269.4.

44289.4. (a) Beginning in model year 2027, all new electric vehicles sold in California shall be bidirectional capable, including light-duty motor vehicles and schoolbuses, except as specified in subdivision (b).

(b) The board may exempt from this section vehicles for which it determines there is not a likely beneficial bidirectional-capable use case.

Support for SB-233

CONSENT CALENDAR  
June 6, 2023





Office of the Mayor

ACTION CALENDAR

June 6, 2023

To: Honorable Members of the City Council

From: Mayor Jesse Arreguín

Subject: Referral to City Manager and City Attorney: Tenant Habitability Plan and Amendments to Relocation Ordinance

RECOMMENDATION

- 1) Refer to the City Manager and City Attorney to review and develop proposed amendments to the Berkeley Municipal Code to require a Tenant Habitability Plan for major construction or renovation at tenant occupied properties. Proposed language modeled after the City of Los Angeles' Tenant Habitability Plan requirements is attached for consideration. The City Manager should also return with information on the costs and staffing needs for implementation for future budget discussions.
- 2) Refer to the City Manager and City Attorney recommendations from the 4x4 City Council/Rent Board Joint Committee on Housing for amendments to the City's Relocation Ordinance, BMC Chapter 13.84 to strengthen and improve enforcement of the ordinance.

POLICY COMMITTEE RECOMMENDATION

On May 1, 2023, the Land Use, Housing, & Economic Development Committee adopted the following action: M/S/C (Robinson/Humbert) to forward the item to Council with a positive recommendation that the City Council approve the item with the Author's updated recommendations as follows:

- 1) Refer to the City Manager and City Attorney to review and develop proposed amendments to the Berkeley Municipal Code to require a Tenant Habitability Plan for major construction or renovation at tenant occupied properties. Proposed language modeled after the City of Los Angeles' Tenant Habitability Plan requirements is attached for consideration. The City Manager should also return with information on the costs and staffing needs for implementation for future budget discussions. The committee further recommends that the City Manager establish an interdepartmental working group, including staff from Planning, HHCS, and the Rent Board.
- 2) Refer to the City Manager and City Attorney recommendations from the 4x4 City Council/Rent Board Joint Committee on Housing for amendments to the City's Relocation Ordinance, BMC Chapter 13.84 to strengthen and improve enforcement of the ordinance.

Vote: All Ayes.

## BACKGROUND

### **Relocation Ordinance**

The Relocation Ordinance, Berkeley Municipal Code Chapter 13.84, which was adopted in 1986, is the primary tool for tenants who are displaced from their home due to mandated or voluntary code-compliance repairs that requires the tenant to temporarily vacate their home. After a lengthy review process which included input from community stakeholders and City commissions, the Ordinance was substantially amended in 2011. Since its inception, the purpose of the Ordinance has always been "...to provide relocation services and require property owners to make certain payments to ..tenant households temporarily relocated as a result of code enforcement...or voluntary code compliance..." (B.M.C. 13.84.010). The Ordinance applies to all residential households and provides few exceptions when work is mandated (B.M.C. 13.84.020B [definition of household and unit], 13.84.020C, 13.84.030B [definition of natural disaster which exempts property owners from complying with the Ordinance]).<sup>1</sup>

The following section describes how the Ordinance operates in theory and in practice as well as difficulties and concerns that have arisen since its most recent 2011 implementation.

#### 1. Eligibility

##### **\*Application:**

Initially, the City's Relocation Ordinance is only available to parties if either the City determines the unit cannot be safely occupied while City-mandated code compliance work is being undertaken or if it is determined that voluntary code compliance work or fumigation work initiated by the owner necessitates the tenant temporarily vacating their unit (B.M.C. 13.84.030A; 13.84.060A, C).

##### **\* Practice:**

In practice, the triggering aspect of the Ordinance is one of its greatest blind spots. It is understood throughout the City that there will hardly ever be a circumstance that, when asked, the Building Official will opine that the tenant **must** vacate in order for code compliance work to be done. This aspect of the Ordinance's administration is relevant since the scenario that usually occurs is when either the owner wishes to have the tenant vacate and the tenant doesn't want to, or the tenant wants to vacate and the owner doesn't believe the work requires the tenant to vacate. It is noted that parties are sometimes able to work out these differences and voluntarily comply with the

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<sup>1</sup> It is noted that there has been some misunderstanding of the Ordinance's applicability within the City. It is important to note that the Ordinance applies to all residential tenancies and not just those covered by the City's Rent Stabilization and Good Cause for Eviction Ordinance and that fires that are not a "natural event" such as a "forest fire" do implicate and trigger the Ordinance.



Ordinance's requirements or agree to other terms that are mutually acceptable. This is often done however after substantial counseling, guidance and direction from City staff.<sup>2</sup>

## 2. Property Owner Responsibilities

### **\*Application:**

Once the Ordinance is triggered and there is no dispute between the owner and tenant regarding the applicability of the Ordinance, the owner is responsible for providing relocation payments directly to the tenant household (13.84.040). Under the Ordinance, payments fall into one of two categories; work that is to be completed in less than thirty days and work that will take thirty days or more.

For work to be done in less than thirty days all tenant households are to receive a per diem rate currently set at anywhere from \$120 to \$166 per day depending on size of household with increases of \$15 per day for additional household members above three (13.84.070). The rate can increase per Council resolution.

For work that is anticipated to take longer than thirty days the household receives a flat \$400 dislocation allowance, moving and storage costs as well as rent differential if the tenant finds a comparable unit with a higher rent. The rent differential however may not exceed a ceiling established annually by the Rent Board and is based on the number of bedrooms in the unit (13.74.070B). In lieu of either the per diem payments or rent differential payments, the owner may offer an alternative unit to the tenant household that is comparable to the unit being vacated. The rent, when offered, cannot exceed the tenant's rent from the unit being vacated and the vacating tenant always has the right to return (13.84.070G). The landlord is not obligated to offer the tenant alternative housing and the burden in finding alternative housing lies with the tenant.

### **\*Practice:**

The primary disconnect that has surfaced regarding the distinction between the two categories of eligibility (thirty days or less versus thirty days or more) is the difficulty tenants have in actually finding short-term housing when the repairs are anticipated to take longer than thirty days. Staff has repeatedly been informed by tenants seeking short-term, temporary housing that it is scarce and hard to find. While sublets can be found, temporary housing for only a month or two is most often found within the student community and usually only for the summer months.

Another concern raised by tenants when entering the short-term housing market is the that the rental price often exceeds the rent differential ceilings established by the City. This results in the tenant paying the excess difference out of pocket. Finally, given the

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<sup>2</sup> It is noted that properties that are damaged due to fire are the exception to these scenarios since fire-damaged buildings will often be yellow or red tagged by the Fire Marshall, thus, in theory, automatically triggering the Ordinance since by the very nature of the City's actions, the unit and/or property is not currently habitable.

vagaries of the work being done at the tenants' unit, it is often difficult, if not impossible, for the tenant seeking housing to truthfully inform the new landlord just how long their tenancy is going to be. While there is no legal obligation on the part of a tenant to divulge such information prior to renting, many tenants have shared with staff the dilemma this issue often presents.

When the work is anticipated to be less than thirty days, tenants experience different difficulties. Initially, tenants state that the current per diem rates are lagging behind actual hotel rates. Staff has not been able to confirm this and a more recent survey has not been done.

Also of note is the fact that most hotel rooms do not have adequate cooking facilities thus the tenant household must rely on food that does not require full cooking facilities such as oven/stove. This results in a higher per diem expense from the household which already does not include a separate per diem for food cost. As a result of the inherent problems with tenants staying in hotels, many have turned towards short-term rentals such as Airbnb and VRBO. These however often exceed the City's per diem rate and, by their very nature, are limited to stays of fourteen days or less.<sup>3</sup>

Finally, we believe that the voluntariness of an owner offering a vacant unit to a tenant being relocated should be amended and made compulsory. Given the difficulties in finding alternative housing if an owner has a vacant unit elsewhere in the City it should be offered to the tenant as part of the Ordinance.

### 3. Challenges/Appeals

#### **\*Application:**

When the code enforcement work is mandated by the City and the City has deemed the unit uninhabitable while the work is being done, the tenant or owner may dispute this determination by seeking a hearing with the Housing Advisory Commission ("HAC") (B.M.C. 13.84.050). To the best of our knowledge appeals of this nature are extremely rare since most commonly the determination by the City in these instances often are the result of a fire at the property resulting in the building being either yellow or red tagged.

When the work is of a voluntary nature to bring the unit/property into code compliance the appeal process is more problematic.

If the tenant disagrees with a landlord contention that the tenant must vacate, or if either party disputes the amount of the relocation benefits to be paid or any other terms of the Ordinance, the parties must first engage in some form of conflict resolution/mediation. As part of its services, the Rent Board offers mediations to try and resolve Relocation Ordinance disputes (B.M.C. 13.84.100).

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<sup>3</sup> While the City's Short-term Rental Ordinance allows stays of up to 90 days, any stay longer than fourteen days converts the occupancy to a potential rent-controlled tenancy, thus many owners limit stays to fourteen days or less (B.M.C. 23C.22 et seq.)

Only after such efforts have been made with no result, an owner can seek a hearing with the Housing Advisory Commission. Such request must be filed within five days after conflict resolution has occurred (B.M.C. 13.84.100A2).

If a tenant disagrees with the owner's demand that the tenant vacates, a request is to be filed with the Building Official also within five days of completion of conflict resolution. Upon receipt, the Building Official is then empowered to determine whether relocation is necessary. That decision is final (B.M.C. 13.84.100A3).

**\*Practice:**

In practice, one of the problems lies with the fact that owner challenges to a tenant's right to relocation benefits must first flow through the HAC. Depending on when the HAC is meeting, an inordinate amount of time may pass prior to such hearing. Given the immediacy of the situation, with a tenant moving out, either into a hotel or longer-term temporary housing and seeking immediate relocation payments to cover the move, this built-in delay creates extreme burdens on the tenant household if the owner is, in fact, challenging the tenants' right to the benefits.

The central concern however with the appeal process lies in the fact that, in most cases, if a tenant wishes to move but the owner feels such a move is not necessary, there is no mechanism for a tenant to seek that type of determination. The actual issue of relocation only rises to the forefront when the owner claims it is necessary when obtaining permits to do the work.<sup>4</sup>

When the Ordinance was last discussed in detail at this committee, former Rent Board commissioner Igor Tregub raised a number of salient points on this issue. Mr. Tregub voiced concerns, which are shared by us, that there are many scenarios wherein a tenant would need to vacate even though the work contemplated could, technically, be done with the tenant remaining in the unit. Mr. Tregub offered compelling hypotheticals such as a tenant who is suffering from illness or severe allergies to dust or mold but is still forced to remain in the unit; a tenant who works from home but now cannot since the repair work would severely disrupt the tenant's use during the day; a senior or disabled tenant whose daily life would be severely impacted if they had to remain in the unit while such substantial repair work was done.

We have heard from staff working on the Ordinance that these are real-life situations which have occurred over the years and is one of the central driving forces behind this effort to revamp and reimagine how the Ordinance operates.

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<sup>4</sup> One of the flaws of the Ordinance and the City's processes is that while certain permits have a small box for owners to check stating relocation is required, this box is hardly ever checked and owners then unilaterally proceed to demand the tenant move. In addition, City staff has made clear that they do not have the resources to review permits in order to ascertain whether relocation would be required. Thus, the entire Ordinance and its administration appears to be hamstrung right at the offset since owners rarely trigger it at the time required, the City doesn't review the permits in real time to determine relocation and the tenant has no recourse under the Ordinance to seek relocation if the owner isn't requesting it.

#### 4. City Involvement in Relocation Payments

##### **\*Application:**

While the Ordinance anticipates City involvement for issues such as actual determination of the need to vacate, setting the relocation rates and building in an appeal process, enforcement of the Ordinance largely remains up to the parties.

In cases where an owner fails to make required relocation benefits to the tenant, the City may provide such payment and then seek reimbursement from the owner (B.M.C. 13.84.080). Should this occur, the City is then able to assess a lien on the owner's property in order to recover the costs incurred (B.M.C. 13.84.080A).

##### **\*Practice:**

In practice this have never happened. We are aware of at least one case where the owner acknowledged the application of the Ordinance, made some initial payments but then refused to continue as required. Tenants in this building asked the City to provide payment as allowed under the Ordinance but the City balked claiming there was no money in the City's budget to allow for such disbursement. This is problematic and is also one of the points raised when the Ordinance was last discussed in detail. We believe that, at a minimum, this should change and the City should be either be mandated to make payments or the funds need to be provided to make payments when determined. The City, through its assessments and liens is in a much better place to recover these funds than a tenant who is in the midst of relocating, not having the bare resources to pay for such moving expenses and is thus compelled to file a lawsuit which can take years to collect what is legally owed them.

#### **Overview**

A review of the Relocation Ordinance shows an Ordinance that was improved back in 2011 but through design and administration has several crucial flaws that need addressing. The actual benefits need to be increased, offering another vacant unit to a displaced tenant should be compulsory, the City should provide payments when the owner refuses, tenants should have a mechanism to trigger the ordinance as opposed to just owners and the requirements for a tenant vacating need to be drastically expanded to cover scenarios other than the technical nature of the work being contemplated.

In response a staff proposal making fixes to the Relocation Ordinance, in December 2019, the 4x4 Joint Committee on Housing made the following recommendation:

**Amendments to Relocation Ordinance:**  
**(Tregub/Alpert) Carried: 6-0-0-2. Absent: Robinson, Harrison.**  
**Refer to Council the following recommendations:**

- a. **Amend the Relocation Ordinance to specify and broaden the parties who can trigger the Ordinance, including tenants in question.**
- b. **Increase the per diem reimbursement rates to current market rate and index regular increases to cost of living increases.**
- c. **Institute a new, or strengthen an existing, appeals body to adjudicate appeals related to the Relocation Ordinance.**
- d. **Maintain City involvement by establishing a revolving fund, possible with U1 funds, with which the City can pay tenants' relocation costs and seek reimbursement from owners who will not pay tenants directly.**
- e. **Amend the Relocation Ordinance to consider tenants' health conditions and chemical sensitivities, and the needs of differently abled tenants in determining whether the Ordinance is triggered.**
- f. **Explore how Los Angeles created and implemented their Habitability Plan to learn about best practices that could be incorporated into Berkeley's Relocation Ordinance.**
- g. **Specify a City Department that will lead the administration, enforcement, and outreach efforts related to the Relocation Ordinance.**
- h. **Explore whether a permit form can be created or existing forms can be amended to help determine if a project triggers the Relocation Ordinance at the time project permits are applied for.**
- i. **Cross-check the Relocation Ordinance with the Demolition Ordinance to identify gaps and ensure compatibility between the two in an effort to make tenants whole.**

Despite the 4x4's vote in December 2019, the proposal never made it to Council due to the pandemic which halted pending legislation in order to focus on the City's response to COVID-19. Now that the Emergency Operations Center has disbanded and City employees have returned to their normal duties, these recommendations are being presented to Council with the goal of referring it to City staff for additional review.

### **Tenant Habitability Plan**

As mentioned in the 4x4's recommendations for amendments to the Relocation Ordinance, recommendation (f) calls for learning how to incorporate a Tenant Habitability Plan (THP). This will help resolve concerns about disputes on when a tenant needs to temporarily vacate a unit by establishing objective standards and processes for such an action. This can also be used as a tool to mitigate impacts on adjacent residences in infill developments, which are becoming more commonplace.

A THP would be required for construction and substantial repairs, such as the replacement of any structural, electrical, plumbing or mechanical system that requires a permit under the Berkeley Municipal Code. It also includes abatement of hazardous materials, such as lead paint and asbestos, and repairs required by a Building Official in Notice of Violation. This work is most likely to restrict use, access, and peaceful enjoyment of the property.

A THP would provide general identification information for the property owner, general contractor, and affected tenants to maintain proper communication. It will provide a description of the scope of work to be undertaken, including an estimate timeline of the project and its impacts on each unit, and how it would impact each unit (including impacts on personal property, such as the removal of furniture to complete the project). It will identify mitigation measures that would be adopted. If tenants are to remain in place, the landlord shall voluntarily reduce the tenants' rent to compensate for any disruption. If a tenant is not satisfied with the outcome, they can file a petition to the City.

There are several Departments that could administer the THP requirements, including the Permit Service Center, Housing Code Enforcement/Rental Housing Safety Program Staff, HHCS, and the Rent Board. The City Manager should review what Department is best suited to be the main point of reference as a part of this referral. The responsible agency would review the THP within five days. If there are deficiencies in the plan, they will provide the property owner written indications of what needs to be planned, in which the property owner would be able to make amendments. Both the property owner and tenant would have an opportunity to appeal the determining agency's determination regarding the THP. A draft of a THP, which is based off the program created by the City of Los Angeles in 2005, can be found in Attachment 1.

### FINANCIAL IMPLICATIONS

Staff time involved in reviewing the Tenant Habitability Plan proposal and amendments to the Relocation Ordinance. If adopted additional funding and increased staffing would be needed as well as coordination with other departments to implement proposals.

### ENVIRONMENTAL SUSTAINABILITY

No identifiable environmental effects

### CONTACT PERSON

Mayor Jesse Arreguín      510-981-7100

### Attachments:

- 1: Draft language of Tenant Habitability Plan
- 2: Memo Provided to 4x4 Committee on Tenant Habitability Plan (THP) Proposal
3. PowerPoint Presentation to 4x4 Committee on THP
- 4: City of Los Angeles Tenant Habitability Program, Section 152.00 of LA Municipal Code
- 5: Current Copy of the Relocation Ordinance, BMC Chapter 13.84



## DRAFT

### 19.40.125 Tenant Habitability Plan

#### 1251 – Purpose and Intent

In its adoption of Section 19.40.125 *et seq.* of this Code, the City recognizes that construction and repairs on Rental Units or adjacent to such Rental units can create hardships on tenants; especially those who are senior citizens, persons on fixed incomes and low and moderate-income households. The City also recognizes that there is a shortage of decent, safe, and sanitary affordable housing in Berkeley. The City further declares, in its adoption of section 19.40.125 *et seq.* of this Code, that it is in the public interest of the people of Berkeley to protect and promote the existence of sound and wholesome residential buildings, dwelling units, and neighborhoods by the adoption and enforcement of such standards, regulations, and procedures as will remedy the existence or prevent the development or creation of dangerous, substandard, or unsanitary and deficient residential buildings and dwelling units.

However, both preventative maintenance as well as code enforcement related maintenance sometimes involves the replacement or substantial modification of major building systems or the abatement of hazardous materials and, by its very nature, such work generally makes rental units untenable, as defined by California Civil Code Section 1941.1, on a temporary basis.

Additionally, through the passage of AB 68, AB 670, AB 881, SB 13, and SB 9 \_\_\_\_\_ the State of California has passed several laws which have streamlined the ability to build on lots and in and next to residential units that are already occupied by residential housing. These provisions have recently been extended to include not only units built in owner-occupied lots but also investment properties owned by developers who are not local to the area.

This article is adopted to facilitate landlord investment in renovations and the construction of new housing without subjecting tenants to either untenable housing conditions during such renovation work or forced permanent displacement. The tenant habitability program requires landlords to mitigate such temporary untenable conditions, either through actions to ensure that tenants can safely remain in place during construction, or through the temporary relocation of tenants to alternative housing accommodations. These two options should not be regarded as mutually exclusive but rather as complementary approaches that might be appropriate to different stages of the renovation process.

#### 1252 – Definitions

The following words and phrases, whenever used in this article, shall be construed as defined in this section. Words and phrases not defined here shall be construed as defined in Section 13.76.040 of this Code if defined in that section.

**Construction** means construction on tenant occupied buildings, lots, or adjacent units. This includes elective upgrades that do not arise to Substantial Repairs but require permits,



construction of entirely new units or division or creation of additional units from already existing residential units.

**Emergency Repairs.** Repairs that must be completed in less than 48 hours shall be exempt from the habitability plan process.

**Repairs in Response to Notice of Violation** means repairs that must be completed to correct a notice of violation.

### **Notice of Construction on Occupied Buildings**

**Notice of Substantial Repairs or Construction** means a written notice, served by the landlord upon a tenant or tenant household at least 60 days prior to the commencement of any substantial repairs or Construction that uses a form established by the [responsible agency], and advises the tenant of forthcoming Substantial Repairs or Construction, the impact of such work on the tenant, and measures the landlord will take to mitigate the impact on the tenant.

**Substantial Repairs** means work performed either on a rental unit or on the building containing the rental unit that brings the unit into compliance with the Housing Code by making substantial repairs and that cannot be made while the tenant lives there improves the property by prolonging its useful life or adding value, and involves either or both of the following:

1. Replacement or substantial modification of any structural, electrical, plumbing or mechanical system that requires a permit under the Berkeley Municipal Code.
2. Abatement of hazardous materials, such as lead-based paint and asbestos, in accordance with applicable federal, state and local laws.
3. Repairs required by Building Official in Notice of Violation pursuant to 19.40.100

**Temporary Relocation** means the payment of relocation costs or the providing of a comparable rental unit in accordance with a Tenant Habitability Plan and Berkeley's Relocation Services and Pavements For Residential Tenant Households Ordinance (Berkeley Mun. Code § 13.84.010 *et seq.*) The temporary relocation of a tenant from his/her permanent place of residence shall not constitute the voluntary vacation of the unit and shall not terminate the status and rights of a tenant, including the right to reoccupy the same unit, upon the completion of the Primary Renovation Work and any Related Work.

## **1253 – Procedure for Undertaking Substantial Repairs and Construction on Occupied Properties**

### **1253.1 Building Permits**

A. No landlord shall undertake Substantial Repairs or commence Construction on Property without first obtaining all necessary permits, pursuant to this Code.

B. The Planning Department shall only clear a landlord's application for a permit for Substantial Repairs or Construction on Occupied Properties if all of the following conditions have been met:

1. The landlord has submitted a Tenant Habitability Plan to the [responsible agency], in accordance with sections 1253.2 and 1253.3, which the [responsible agency] finds to adequately mitigate the impact of the Substantial Repairs or Construction upon affected tenants; and
2. The landlord has submitted a declaration documenting service to affected tenants of both a Notice of Substantial Repairs and a copy of the non-confidential portions of the Tenant Habitability Plan in accordance with section 1254.
3. The landlord has paid any plan submission fee established by regulation under Berkeley Municipal Code section 13.76.060(F).

### **1253.2 Tenant Habitability Plan**

A. At a minimum, a Tenant Habitability Plan shall provide the following information, together with any other information Berkeley's [responsible agency] deems necessary to ensure that the impact of Substantial Repairs and Construction or any related work upon affected tenants is adequately mitigated:

1. Identification of the landlord, the general contractor responsible for the Substantial Repairs or Construction, and any specialized contractor responsible for hazardous material abatement, including but not limited to lead-based paint and asbestos.
2. Identification of all affected tenants including the current rent each tenant pays and the date of each tenant's last rent increase. In accordance with California Civil Code Sec. 1798 et seq., information regarding tenants shall be considered confidential.
3. Description of the scope of work covering the Substantial Repairs or Construction. Such description shall address the overall work to be undertaken on all affected units and common areas, the specific work to be undertaken on each affected unit, an estimate of the total project cost and time, and an estimate of the cost and time of renovation for each affected unit.
4. Identification of the impact of the Substantial Repairs or Construction on the habitability of affected rental units, including a discussion of impact severity and duration with regard to noise, utility interruption, exposure to hazardous materials, interruption of fire safety systems, inaccessibility of all or portions of each affected rental unit, and disruption of other tenant services.

5. Identification of the mitigation measures that will be adopted to ensure that tenants are not required to occupy an untenable dwelling, as defined in California Civil Code Section 1941.1. Such measures may include the adoption of work procedures that allow a tenant to remain on-site and/or the temporary relocation of tenants. If due to a declared state of emergency, childcare, eldercare, documented disabilities or work schedule or place of work that makes 8:00 - 5:00 pm Monday through Friday a grave burden, then a reasonableness standard shall be used reflecting the tenant's specific situation.
6. Identification of the impact of the Substantial Repairs or Construction on the personal property affected tenants, including work areas which must be cleared of furnishings and other tenant property, and the exposure of tenant property to theft or damage from hazards related to work or storage.
7. Identification of the mitigation measures that will be adopted to secure and protect tenant property from reasonably foreseeable damage or loss.
8. Identification of a phone number and email address of a responsible party who will be responsive to tenant complaints regarding the execution of the Substantial Repairs.
9. If tenants are to remain in place, the landlord shall voluntarily reduce the tenants' rent to compensate the tenant for any disruption to their tenancy. If a tenant feels the landlord's rent reduction is inadequate, the tenant may file a petition with Berkeley's Rent Program under section 11.100.070(c) or pursue any other legal remedy.

### **1253.3 Plan Acceptance**

- A. The [responsible agency] shall make a determination regarding the adequacy of a landlord's Tenant Habitability Plan within five working days of the [responsible agency]'s receipt of the plan for review. The [responsible agency] shall accept those plans which meet the requirements of section 1251.2 of this section and which it determines, with reference to the standards set forth in California Civil Code Section 1941.1, and in accordance with any applicable regulations or guidelines adopted under section 13.76.060(F)., will adequately mitigate the impacts of Substantial Repairs upon tenants. The Tenant Habitability Plan may allow for the temporary disruption of major systems during the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday. While brief periods of scheduled untenability between 8:00 and 5:00 am may be acceptable, a tenant's tenancy shall not be substantially disrupted for extended periods or in a manner that would be unreasonably disruptive to the tenant. In determining whether a disruption is reasonable, the [responsible agency] shall consider any relevant issue raised by the tenant, such as the tenant working from home, sleeping during the day, etc. At no point shall tenants

be exposed to toxic or hazardous materials including, but not limited to, lead-based paint and asbestos.

- B. The [responsible agency]'s acceptance of a Tenant Habitability Plan shall be subject to the landlord having no outstanding balances due for rent registration or code enforcement fees.
- C. The [responsible agency] shall provide landlords with written indications of deficiencies which must be addressed whenever a Tenant Habitability Plan is determined to be inadequate. A landlord may submit an amended plan in order to correct identified deficiencies.
- D. Landlords and tenants may appeal the [responsible agency]'s determination regarding a Tenant Habitability Plan to a hearing officer. The appeal shall be made in writing, upon appropriate forms provided by the [responsible agency], and shall specify the grounds for appeal, such as the plan being overly disruptive or that a temporary relocation should or should not be provided. The appeal shall be filed within 15 calendar days of the service of the Building Division's determination. The requested hearing shall be held within 30 calendar days of the filing of the appeal following the procedures adopted under. The hearing officer shall issue a written decision within ten calendar days of the hearing on the appeal, with a copy of the decision served on the landlord and the tenants by first class mail, postage prepaid, or in person.

#### **1253.4 Notice of Substantial Repairs or Construction**

- A. Notice of Substantial Repairs or Construction shall be written in the language in which the original lease was negotiated and shall provide the following information:
  - 1. The estimated start and completion dates of any Substantial Repairs associated with the accepted Tenant Habitability Plan.
  - 2. A description of the Substantial Repairs to be performed and how it will impact that particular tenant or household.
  - 3. Whether temporary relocation will be required, and if so, a notice concerning tenants' rights under Berkeley's Fair Rent, Just Cause For Eviction and Homeowner Protection Ordinance (section 13.100 et seq.) and Berkeley's Relocation Ordinance (section 11.102 et seq.)
  - 4. Instructions that tenants with questions should consult the landlord or the Rent Board.
  - 5. Notice of a tenant's right to reoccupy the units under the existing terms of tenancy upon completion of Notice of Substantial Repairs

6. Notice that the tenant may appeal the [responsible agency]'s acceptance of a Tenant Habitability Plan provided such request is submitted within 15 days of the tenant's receipt of the Notice of Substantial Repairs
7. Notice that a tenant can make complaints to the responsible party identified in section 1253.2 (A)(1).
8. A disclaimer in at least 24 point bold font on the first page of the notice stating "THIS IS NOT AN EVICTION NOTICE. IF YOU IF YOU HAVE QUESTIONS CONCERNING YOUR RIGHTS AS A TENANT CALL 510-981-\_\_\_\_\_."

### **1254 – Notice and Service Requirements**

After the [responsible agency] accepts the Tenant Habitability Plan, a landlord shall serve a copy of the Tenant Habitability Plan, Notice of Substantial Repairs or Construction, and a summary of the provisions of this article on the tenant. Service of these items shall be provided in the manner prescribed by Section 1162 of the California Code of Civil Procedure and at least 60 days prior to the date on which the Substantial Repairs or Construction are scheduled to begin.

### **1255 - Notices of Violation**

- A. Habitability Plan submittal requirement upon finding of substandard housing pursuant to 19.40.090
  1. Building Officials shall include in Notice of Violation pursuant to 19.40.1002 whether Habitability Plan must be submitted;
  2. Building Official shall require submittal of Habitability Plan anytime owner or agent of owner has failed to apply for permits or submit a Habitability Plan when it would have been required and all Construction or repairs shall be halted until compliance is obtained.

If such pause in construction leaves the rental unit substandard, temporary relocation may be triggered.

### **1256 - Remedies**

- A. A landlord who fails to abide by the terms of an accepted Tenant Habitability Plan shall be denied individual rent adjustments under Section 13.76.120 of this Code, absent extenuating circumstances.
- B. In any action by a landlord to recover possession of a rental unit under section 13.76.130(A)(7), the tenant may raise as an affirmative defense the failure of the landlord to comply with any provisions contained in this article. It shall be a complete defense to an unlawful detainer that a tenant's appeal under section 1253.3(D) is pending at the time

of filing the unlawful detainer complaint, or was decided less than fourteen days before the filing of the Unlawful Detainer unlawful detainer complaint.

- C. Any person who willfully or knowingly with the intent to deceive, makes a false statement or representation, or knowingly fails to disclose a material fact in any plan or notice required under this article, or in any declaration, application, hearing or appeal permitted under this article, including oral or written evidence presented in support thereof, shall be guilty of a misdemeanor. Any person convicted of a misdemeanor under the provisions of this chapter shall be punished by a fine of not more than \$1,000.00 or by imprisonment in the County Jail for a period of not more than six months or both.
- D. Nothing in this article shall be construed to deprive a person of due process rights guaranteed by law, including, but not limited to, a right to appeal the [responsible agency]'s determination regarding a Tenant Habitability Plan to a hearing officer.
- E. The remedies provided by this article are in addition to any other legal or equitable remedies and are not intended to be exclusive. In addition to potentially other violations, a landlord's failure to provide, or bad faith deviation from a Tenant Habitability Plan shall be actionable as a failure to "exercise due diligence in completing repairs" pursuant to section 13.79.060(C)(7).

3.



**Jesse Arreguin**  
Mayor

**Leah Simon-Weisberg**  
Chair, Berkeley Rent Board

### Tenant Habitability Plan for City of Berkeley Proposal Discussion

#### What is the purpose of Tenant Habitability Plan:

1. Prevent permanent displacement when **substantial repairs** are needed;
2. Allow and facilitate substantial repairs while requiring mitigation of the possible negative impact on tenants of said repairs
3. Prevention of unsafe and harassing approaches to construction whether for the purposes of new construction or substantial repairs while tenants remain at property.
4. Create objective standards and processes to best prevent unsafe and harassing approaches to construction.
5. Respond to the recent phenomena of infill projects where tenants are in occupancy. (Harper Street)

#### When does a landlord need to fill out a tenant habitability plan?

##### Situations of work inside, outside or adjacent to occupied unit:

1. Planned Repair by landlord
2. Planned Construction by landlord
3. Requested Repairs by tenant
4. Emergency Repairs
5. Tenant complains about unsafe or nuisance construction

##### Timeframes for notification can be different for the different kinds of work

Option 1) An approved tenant habitability plan is required before **any work** is done to a property with a building that has one or more residential dwelling units. (Simple check-box if no buildings are tenant occupied).

Option 2) RHSP definition: An approved tenant habitability plan is required before **any work** to any dwelling which is rented, leased, let or hired out to be occupied for consideration.

**What “work” should trigger the requirement that the landlord must fill out form and provide mitigation?**

**Menu of Options:**

1. Any work requiring a permit.
2. Substantial repair and mediation: seismic retrofits, elevator repairs, and when hazardous materials such as lead paint or asbestos are being remediated.
3. Any work in the following section:

**Berkeley Code Sections Referenced:**

Berkeley Code sections that could be referenced: Title 19 – Buildings and Construction.

- Berkeley Building Code BMC Chapter 19.29
  - Berkeley Residential Code BMC Chapter 19.30
  - Berkeley Electrical Code BMC Chapter 19.32
  - Berkeley Mechanical Code BMC Chapter 19.34
  - Berkeley Plumbing Code BMC Chapter 19.36
  - BMC Chapter 19.38: Seismic Hazard Mitigation Program for Unreinforced Masonry Buildings
  - BMC Chapter 19.39: Potentially Hazardous Buildings Containing Soft, Weak, or Open Front Stories
  - BMC Chapter 19.50: Elevators-buildings with ten or more units and two or more stories
4. Requiring habitability plan submittal when a property with a tenant occupied structure receives a **notice of violation for code violations** including unpermitted work and other housing code violations. In Berkeley work without permit can be cited by either a building inspector or a housing inspector, both of which are in the Planning Department.
  5. Requiring mitigations when work is being done **adjacent to a tenant’s unit** for a sustained period of time.
  6. Requiring a habitability plan for work on properties that have a structure with a **dwelling unit will cover the ADU situations** we heard about where a tenant could not access their unit or tenant parking spaces were temporarily or

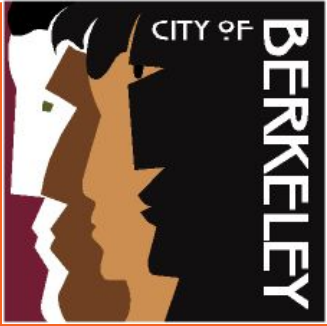


permanently removed due to ADU construction. Building permits are required for all ADUs so no specific requirement for ADUs needs to be included to cover this situation.

### **Who should Administer the program?**

Berkeley Departments that could administer habitability plan requirements:

- Permit Service Center (within Planning Department)
- Housing Code Enforcement and Rental Housing Safety Staff (both are also within Planning Department)
- HHCS (as long as they are involved in Relocation Ordinance)
- Rent Board, Rent Board Hearings unit best to assist with hearing/complaint process



# UPDATE ON TENANT HABITABILITY AND PLAN IMPLEMENTATION

**Jesse Arreguin**  
Mayor

**Leah Simon-Weisberg**  
Chair  
Berkeley Rent  
Stabilization

Revise Berkeley B.M.C. Chapter 13.84 (“Relocation Ordinance”) to better protect tenants during construction due to necessary repairs, new construction of ADUs and other additional housing units.

4x4 Housing Task Force, July 12, 2022

# REVIEW

1. We reviewed memo accessing the gaps in our relocation ordinance when tenants are facing **repairs in their units and construction**
  2. Reviewed **Recommendations**
-

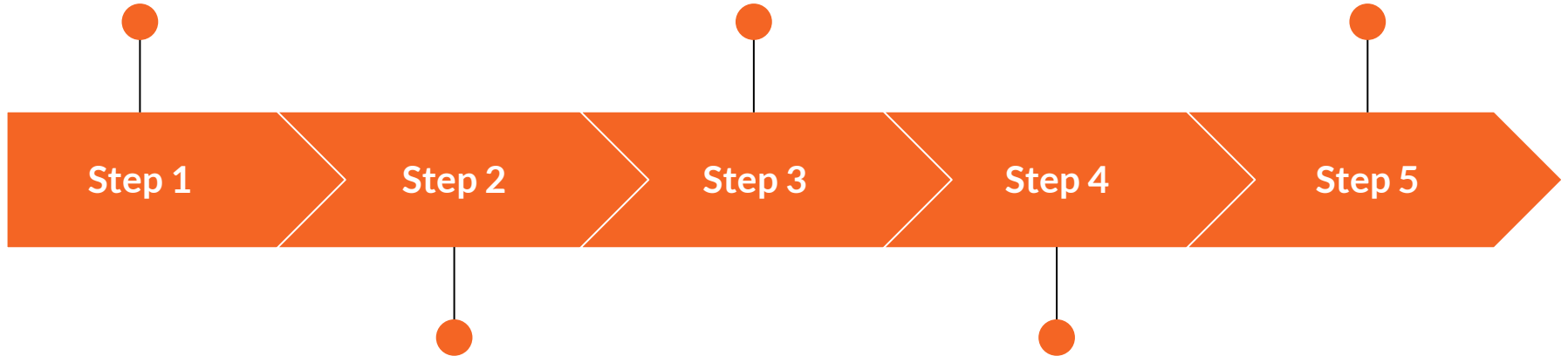
# Goals for next meeting

# Reminder of what a Tenant Habitability Plan

Provide THP to  
permitting agency

Landlord may apply for  
permit

Construction begins!



5 days for agency to  
approve or deny based  
on objective standards

Approved THP served on tenant 60 days before  
work can commence with Notice of Primary  
Renovation Work;  
THP plan, summary of plan and relocation option  
if work will last more than 30 days.

# Tenant Habitability Plan City of Berkeley Proposal

## What is the purpose of Tenant Habitability Plan:

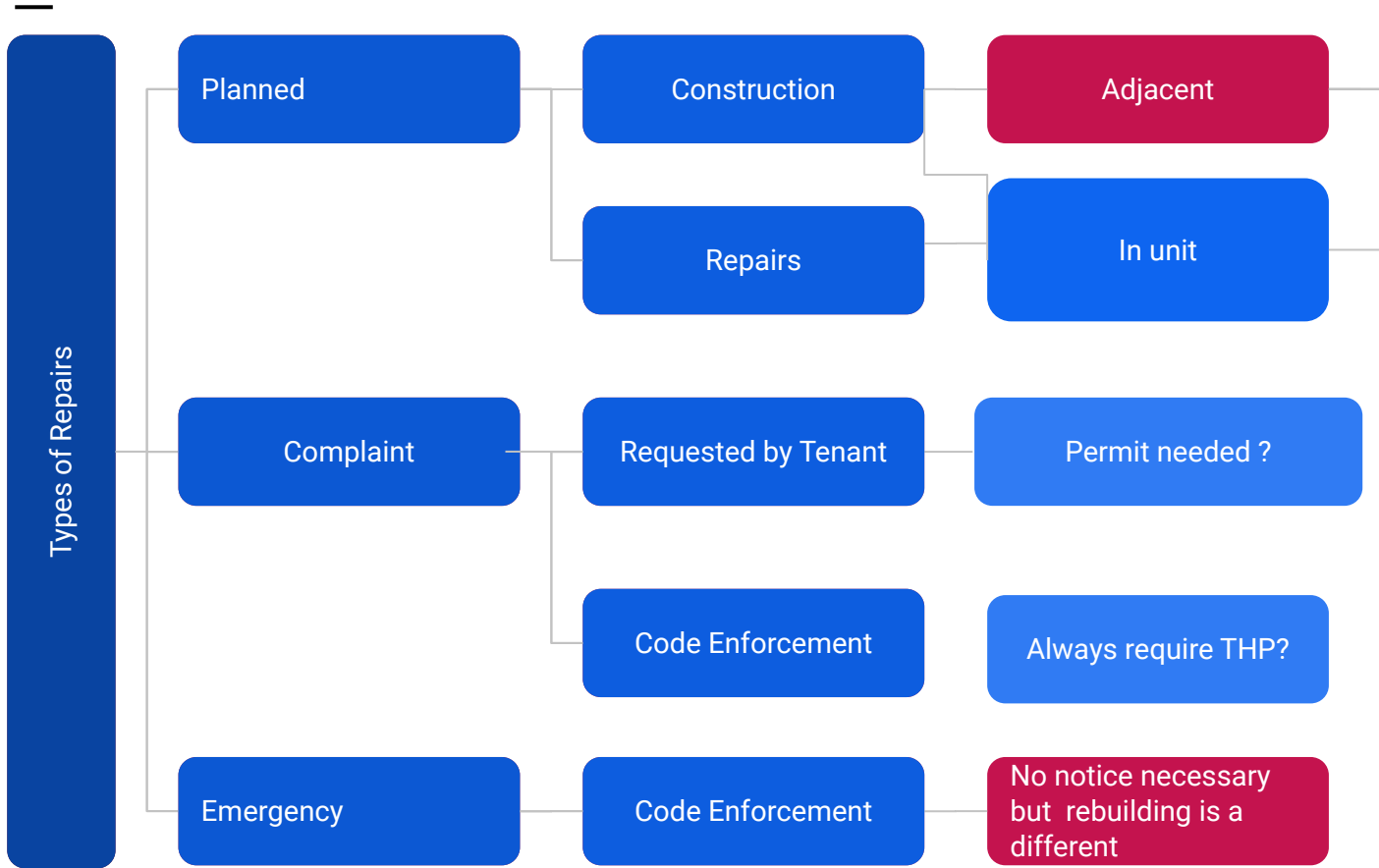
1. Prevent permanent displacement when **substantial repairs** are needed;
2. Allow and facilitate substantial repairs while requiring mitigation of the possible negative impact on tenants of said repairs
3. Prevention of unsafe and harassing approaches to construction whether for the purposes of new construction or substantial repairs while tenants remain at property.
4. Create objective standards and processes to best prevent unsafe and harassing approaches to construction.
5. Respond to the recent phenomena of \_\_\_\_\_ infill projects where tenants are in occupancy. (Harper Street)



## **Context and consideration:**

**Situations of work inside, outside or adjacent to occupied unit:**

- 1. Planned Repair by landlord**
- 2. Planned Construction by landlord**
- 3. Requested Repairs by tenant**
- 4. Emergency Repairs**
- 5. Tenant complains about unsafe or nuisance construction**



## When does a landlord need to fill out a tenant habitability plan?

### Situations of work inside, outside or adjacent to occupied unit:

1. Planned Repair by landlord
2. Planned Construction by landlord
3. Requested Repairs by tenant
4. Emergency Repairs
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### Timeframes for notification can be different for the different kinds of work

Option 1) An approved tenant habitability plan is required before **any work** is done to a property with a building that has one or more residential dwelling units. (Simple check-box if no buildings are tenant occupied).

Option 2) RHSP definition: An approved tenant habitability plan is required before **any work** to any dwelling which is rented, leased, let or hired out to be occupied for consideration.

**What “work” should trigger the requirement that the landlord must fill out form and provide mitigation?**

## Menu of Work

1. Any work requiring a permit
2. Substantial repair and mediation: seismic retrofits, elevator repairs, and when hazardous materials such as lead paint or asbestos are being remediated

### 3. Any work in the following section:

## Menu of Work

#### **Berkeley Code Sections Referenced:**

Berkeley Code sections that could be referenced: Title 19 – Buildings and Construction.

- Berkeley Building Code BMC Chapter 19.29
- Berkeley Residential Code BMC Chapter 19.30
- Berkeley Electrical Code BMC Chapter 19.32
- Berkeley Mechanical Code BMC Chapter 19.34
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- BMC Chapter 19.38: Seismic Hazard Mitigation Program for Unreinforced Masonry Buildings
- BMC Chapter 19.39: Potentially Hazardous Buildings Containing Soft, Weak, or Open Front Stories
- BMC Chapter 19.50: Elevators-buildings with ten or more units and two or more stories

# Menu

4. Requiring habitability plan submittal when a property with a tenant occupied structure receives a **notice of violation for code** violations including unpermitted work and other housing code violations. In Berkeley work without permit can be cited by either a building inspector or a housing inspector, both of which are in the Planning Department.
5. Requiring mitigations when work is being done **adjacent to a tenant's unit** for a sustained period of time.

6. Requiring a habitability plan for work on **properties that have a structure with a dwelling unit will cover the ADU situations** we heard about where a tenant could not access their unit or tenant parking spaces were temporarily or permanently removed due to ADU construction. Building permits are required for all ADUs so no specific requirement for ADUs needs to be included to cover this situation.

# Who should Administer the program?

Berkeley Departments that could administer habitability plan requirements:

- Permit Service Center (within Planning Department)
- Housing Code Enforcement and Rental Housing Safety Staff (both are also within Planning Department)
- HHCS (as long as they are involved in Relocation Ordinance)
- Rent Board, Rent Board Hearings unit best to assist with hearing/complaint process



—

# Direction for next steps?

## ARTICLE 2

# TENANT HABITABILITY PROGRAM

(Added by Ord. No. 176,544, Eff. 5/2/05.)

### Section

- 152.00 Title.
- 152.01 Declaration of Purpose.
- 152.02 Definitions.
- 152.03 Procedure for Undertaking Primary Renovation Work.
- 152.04 Notice and Service Requirements.
- 152.05 Permanent Relocation Assistance.
- 152.06 Temporary Relocation and Temporary Replacement Housing.
- 152.07 Remedies.
- 152.08 Authority of Commission to Regulate.

### SEC. 152.00. TITLE.

(Added by Ord. No. 176,544, Eff. 5/2/05.)

This article shall be known as the Tenant Habitability Program.

### SEC. 152.01. DECLARATION OF PURPOSE.

(Added by Ord. No. 176,544, Eff. 5/2/05.)

In its adoption of Section 151.00*et seq.* of this Code, the City recognized that displacement from rental housing creates hardships on renters who are senior citizens, persons on fixed incomes and low and moderate income households, particularly when there is a shortage of decent, safe and sanitary housing at affordable rent levels in the City. The City has also declared, in its adoption of Section 161.101*et seq.* of this Code, that it is in the public interest of the people of Los Angeles to protect and promote the existence of sound and wholesome residential buildings, dwelling units and neighborhoods by the adoption and enforcement of such standards, regulations and procedures as will remedy the existence or prevent the development or creation of dangerous, substandard, or unsanitary and deficient residential buildings and dwelling units.

The primary renovation program has been established to encourage landlords to extend the useful life of the rental housing stock in Los Angeles by reinvesting in the infrastructure of their properties. Through rent adjustments authorized by this chapter, landlords are able to recover a substantial portion of these renovation costs. However, Primary Renovation Work involves the replacement or substantial modification of major building systems or the abatement of hazardous materials and, by its very nature, such work generally makes rental units untenable, as defined by California Civil Code Section 1941.1, on a temporary basis.

This article is adopted to facilitate landlord investment in Primary Renovation Work without subjecting tenants to either untenable housing conditions during such renovation work or forced permanent displacement. The tenant habitability program requires landlords to mitigate such temporary untenable conditions, either through actions to ensure that tenants can safely remain in place during construction or through the temporary relocation of tenants to alternative housing accommodations. These two options should not be regarded as mutually exclusive but rather as complementary approaches that might be appropriate to different stages of the renovation process.

**SEC. 152.02. DEFINITIONS.**  
**(Added by Ord. No. 176,544, Eff. 5/2/05.)**

The following words and phrases, whenever used in this article, shall be construed as defined in this section. Words and phrases not defined here shall be construed as defined in Sections 12.03, 151.02 and 162.02 of this Code, if defined in those sections.

**Notice of Primary Renovation Work.** Written notice, served by the landlord upon a tenant or tenant household at least 60 days, or as otherwise modified pursuant to Section 152.04, prior to the commencement of any Primary Renovation Work or Related Work and using a form established by the Department, advising the tenant of forthcoming Primary Renovation Work and Related Work, the impact of such work on the tenant, and measures the landlord will take to mitigate the impact on the tenant.  
**(Amended by Ord. No. 183,893, Eff. 11/22/15.)**

**Temporary Relocation.** The moving of a tenant from the tenant's permanent residence to habitable temporary housing accommodations in accordance with a Tenant Habitability Plan. The temporary relocation of a tenant from his/her permanent place of residence shall not constitute the voluntary vacation of the unit and shall not terminate the status and rights of a tenant, including the right to reoccupy the same unit, upon the completion of the Primary Renovation Work and any Related Work, subject to any rent adjustments as may be authorized under this chapter.

**SEC. 152.03. PROCEDURE FOR UNDERTAKING PRIMARY RENOVATION WORK.**  
**(Added by Ord. No. 176,544, Eff. 5/2/05.)**

**A. Building Permits.**

1. No landlord shall undertake Primary Renovation Work without first obtaining a permit, pursuant to Sections 91.106, 92.0129, 92.0132, 93.0201, 94.103, or 95.112.2 of this Code. This requirement applies to all Primary Renovation Work, regardless of whether such work is eligible for a rent adjustment under any of the provisions of Section 151.07 A.1. of this Code and regardless of which provision of that subdivision, if any, is intended to be used as a ground for seeking a rent adjustment following the completion of the work.

2. The Department shall clear a landlord's application for a permit for Primary Renovation Work if both of the following conditions have been met:

a. The landlord has submitted a Tenant Habitability Plan which, in accordance with Subsection C. of this section, the Department finds to adequately mitigate the impact of Primary Renovation Work and any Related Work upon affected tenants; and

b. The landlord has submitted a declaration documenting service to affected tenants of both a Notice of Primary Renovation Work and a copy of the non-confidential portions of the Tenant Habitability Plan.

**B. Tenant Habitability Plan.** At a minimum, a Tenant Habitability Plan shall provide the following information, together with any other information the Department deems necessary to ensure that the impact of Primary Renovation Work and any Related Work upon affected tenants is adequately mitigated:

1. Identification of the landlord, the general contractor responsible for the Primary Renovation Work, and any specialized contractor responsible for hazardous material abatement, including but not limited to

lead-based paint and asbestos.

2. Identification of all affected tenants including the current rent each tenant pays and the date of each tenant's last rent increase. In accordance with California Civil Code Sec. 1798 *et seq.*, information regarding tenants shall be considered confidential.

3. Description of the scope of work covering the Primary Renovation Work and any Related Work. Such description shall address the overall work to be undertaken on all affected units and common areas, the specific work to be undertaken on each affected unit, an estimate of the total project cost and time, and an estimate of the cost and time of renovation for each affected unit.

4. Identification of the impact of the Primary Renovation Work and Related Work on the habitability of affected rental units, including a discussion of impact severity and duration with regard to noise, utility interruption, exposure to hazardous materials, interruption of fire safety systems, inaccessibility of all or portions of each affected rental unit, and disruption of other tenant services.

5. Identification of the mitigation measures that will be adopted to ensure that tenants are not required to occupy an untenable dwelling, as defined in California Civil Code Section 1941.1, outside of the hours of 8:00 am through 5:00 pm, Monday through Friday, and are not exposed at any time to toxic or hazardous materials including, but not limited to, lead-based paint and asbestos. Such measures may include the adoption of work procedures that allow a tenant to remain on-site and/or the temporary relocation of tenants.

6. Identification of the impact of the Primary Renovation Work and Related Work on the personal property of affected tenants, including work areas which must be cleared of furnishings and other tenant property, and the exposure of tenant property to theft or damage from hazards related to work or storage.

7. Identification of the mitigation measures that will be adopted to secure and protect tenant property from reasonably foreseeable damage or loss.

### C. Plan Acceptance.

1. The Department shall make a determination regarding the adequacy of a landlord's Tenant Habitability Plan within five working days of the Department's receipt of the plan for review. The Department shall accept those plans which meet the requirements of Subsection B. of this section and which it determines, with reference to the standards set forth in California Civil Code Section 1941.1 and in accordance with any regulations or guidelines adopted by the Commission, will adequately mitigate the impacts of Primary Renovation Work and any Related Work upon tenants. The Tenant Habitability Plan may allow for the temporary disruption of major systems during the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, without requiring the relocation of tenants in order to adequately mitigate the impacts upon the affected tenants. However tenants should not be exposed at any time to toxic or hazardous materials including, but not limited to, lead-based paint and asbestos.

2. The Department's acceptance of a Tenant Habitability Plan shall be subject to the landlord having no outstanding balances due for rent registration or code enforcement fees.

3. The Department shall provide landlords with written indications of deficiencies which must be addressed whenever a Tenant Habitability Plan is determined to be inadequate. A landlord may submit an amended plan in order to correct identified deficiencies.

4. Landlords and tenants may appeal the Department's determination regarding a Tenant Habitability Plan to a hearing officer. The appeal shall be made in writing, upon appropriate forms provided by the Department, and shall specify the grounds for appeal. The appeal shall be filed within 15 calendar days of the service of the Department's determination, as required by Section 152.04 of this Code and shall be

accompanied by the payment of an administrative fee of \$35.00. The requested hearing shall be held within 30 calendar days of the filing of the appeal following the procedures set forth in Section 151.07 A.3. of this Code. The hearing officer shall issue a written decision within ten calendar days of the hearing on the appeal, with a copy of the decision served on the landlord and the tenants by first class mail, postage prepaid, or in person.

**D. Notice of Primary Renovation Work.** Notice of Primary Renovation Work shall be written in the language in which the original lease was negotiated and shall provide the following information:

1. The estimated start and completion dates of any Primary Renovation Work and Related Work associated with a Tenant Habitability Plan accepted by the Department.
2. A description of the Primary Renovation Work and Related Work to be performed and how it will impact that particular tenant or household.
3. The details of temporary relocation, if necessitated by the Primary Renovation Work, and associated tenant rights under this article.
4. Instructions that tenants with questions should consult the landlord, the Department, or the Department's designee.
5. Notice of a tenant's right to reoccupy the units under the existing terms of tenancy upon completion of Primary Renovation Work, subject to rent adjustments as authorized under this chapter.
6. Notice that the tenant may appeal the Department's acceptance of a Tenant Habitability Plan in cases where the tenant does not agree with the landlord regarding the necessity for the tenant to either be temporarily displaced or remain in place during Primary Renovation Work, provided such request is submitted within 15 days of the tenant's receipt of the Notice of Primary Renovation Work.

#### **SEC. 152.04. NOTICE AND SERVICE REQUIREMENTS.**

**(Added by Ord. No. 176,544, Eff. 5/2/05.)**

After the Department accepts the Tenant Habitability Plan, a landlord shall serve a copy of the Tenant Habitability Plan, Notice of Primary Renovation Work, a summary of the provisions of this article and, if applicable, a permanent relocation agreement form on any tenant affected by the Primary Renovation Work. Service of these items shall be provided in the manner prescribed by Section 1162 of the California Code of Civil Procedure and at least 60 days prior to the date on which the Primary Renovation Work and any Related Work is scheduled to begin.

For purposes of the Mandatory Earthquake Reduction requirements in LAMC Sections 91.9301, *et seq.*, and 91.9501, *et seq.*, and as authorized by Section 152.08 of this article, the Commission shall have the authority by regulation to modify the service and notice requirements. **(Added by Ord. No. 183,893, Eff. 11/22/15.)**

#### **SEC. 152.05. PERMANENT RELOCATION ASSISTANCE.**

**(Added by Ord. No. 176,544, Eff. 5/2/05.)**

**A.** If the Primary Renovation Work and any Related Work will impact the tenantability of a rental unit for 30 days or more, any tenant affected by the Primary Renovation Work and Related Work shall have the option to voluntarily terminate the tenancy in exchange for permanent relocation assistance pursuant to Section 151.09 G. of this Code and the return of any security deposit that cannot be retained by the landlord under applicable law. If the Primary Renovation Work and Related Work continues for 30 days longer than the projected completion

date set forth in the later of either the Tenant Habitability Plan or any modifications thereto accepted by the Department, the tenant's option to accept permanent relocation assistance shall be renewed. **(Amended by Ord. No. 183,893, Eff. 11/22/15.)**

**B.** A tenant may request to receive permanent relocation assistance within 15 days of service of the Tenant Habitability Plan. The tenant must inform the landlord of the decision to select permanent relocation by mailing or personally delivering a completed Permanent Relocation Agreement form to the landlord or agents thereof. Thereafter, the landlord shall have 15 days to provide the tenant with relocation assistance in the manner and for the amounts set forth in Section 151.09 G. of this Code.

**C.** Nothing in this section relieves the landlord from the obligation to provide relocation assistance pursuant to an administrative agency action or any other provision of federal, state or local law. If a tenant is entitled to monetary relocation benefits pursuant thereto, such monetary benefits shall operate as credit against any other monetary benefits required to be paid to the tenant under this section.

**D.** For purposes of the Mandatory Earthquake Reduction requirements in LAMC Sections 91.9301, *et seq.*, and 91.9501, *et seq.*, and as authorized by Section 152.08 of this article, the Commission shall have the authority by regulation to extend the time provisions by up to the maximum of an additional 180 days. **(Amended by Ord. No. 183,893, Eff. 11/22/15.)**

#### **SEC. 152.06. TEMPORARY RELOCATION AND TEMPORARY REPLACEMENT HOUSING.** **(Added by Ord. No. 176,544, Eff. 5/2/05.)**

**A.** The landlord shall indicate in its Tenant Habitability Plan whether the temporary relocation of one or more tenant households is necessary. Pursuant to Section 152.03 of this Code, the Department independently may determine whether temporary relocation is necessary in conjunction with its review of the Tenant Habitability Plan. The Department may also require the temporary relocation of a tenant at any time during the project if the Department determines temporary relocation is necessary to ensure the health or safety of the tenant.

**B.** The temporary relocation of a tenant pursuant to this article shall not constitute the voluntary vacating of that rental unit and shall not terminate the status and rights of a tenant, including the right to reoccupy the tenant's rental unit upon the completion of the Primary Renovation Work and any Related Work.

**C.** A tenant who is temporarily relocated as a result of Primary Renovation Work shall continue to pay rent in the manner prescribed by any lease provision or accepted in the course of business between the landlord and the tenant.

**D.** A landlord shall pay for all temporary housing accommodation costs and any costs related to relocating the tenant to temporary housing accommodations, regardless of whether those costs exceed rent paid by the tenant. The landlord shall also pay any costs related to returning the tenant to his/her unit, if applicable. The Commission may adopt guidelines or regulations regarding the payment of moving costs.

**E.** A landlord may choose to place a tenant's rent and any other required payments in an escrow account. All costs of opening and maintaining the escrow account shall be borne by the landlord. Monies deposited into the escrow account shall be distributed in accordance with guidelines or regulations established by the Commission. The cost of opening an escrow account is not recoverable under Section 151.07 A.1.d. of this Code. **(Amended by Ord. No. 177,103, Eff. 12/18/05.)**

**F.** A landlord must temporarily relocate a tenant to habitable temporary housing accommodations if the Primary Renovation Work and any Related Work will make the rental unit an untenable dwelling, as defined in California Civil Code Section 1941.1, outside of the hours of 8:00 am through 5:00 pm, Monday through Friday, or will expose the tenant at any time to toxic or hazardous materials including, but not limited to, lead-based paint and asbestos.

**1. Temporary Replacement Housing Accommodations for 30 or more consecutive days.** If the temporary relocation lasts 30 or more consecutive days, the landlord shall make available comparable housing either within the same building or in another building. For purposes of this section, a replacement unit shall be comparable to the existing unit if both units are comparable in size, number of bedrooms, accessibility, proximity to services and institutions upon which the displaced tenant depends, amenities, including allowance for pets, if necessary, and, if the tenant desires, location within five miles of the rental unit. The landlord and tenant may agree that the tenant will occupy a non-comparable replacement unit provided that the tenant is compensated for any reduction in services.

**2. Temporary Replacement Housing Accommodations for fewer than 30 consecutive days.** If the temporary relocation lasts less than 30 consecutive days, the landlord shall make available temporary housing that, at a minimum, provides habitable replacement accommodations within the same building or rental complex, in a hotel or motel, or in other external rental housing. The Commission may adopt guidelines or regulations regarding temporary housing. If the temporary housing is in a hotel, motel or other external rental housing, it shall be located no greater than two miles from the tenant's rental unit, unless no such accommodation is available, and contain standard amenities such as a telephone.

**3. Per Diem Payment.** A landlord and tenant may mutually agree to allow the landlord to pay the tenant a per diem amount for each day of temporary relocation in lieu of providing temporary replacement housing. The agreement shall be in writing and signed by the landlord and tenant and shall contain the tenant's acknowledgment that he/she received notice of his/her rights under this section and that the tenant understands his/her rights. The landlord shall provide a copy of this agreement to the Department.

**G.** The landlord shall provide written notice, before the tenant is temporarily displaced, advising the tenant of the right to reoccupy the unit under the existing terms of tenancy once the Primary Renovation Work and any Related Work is completed. Unless the landlord provides the temporary replacement housing, the tenant shall provide the landlord with the address to be used for future notifications by the landlord. When the date on which the unit will be available for reoccupancy is known, or as soon as possible thereafter, the landlord shall provide written notice to the tenant by personal delivery, or registered or certified mail, and shall provide a copy of that notice to the Department. If the tenant was temporarily relocated for over 30 days and has a separate tenancy agreement with a third party housing provider, the landlord shall give the tenant a minimum of 30 days written notice to reoccupy. In all other cases, the landlord shall give the tenant a minimum of seven days written notice to reoccupy, unless the landlord gave the tenant written notice of the date of reoccupancy prior to the start of temporary relocation.

#### **SEC. 152.07. REMEDIES.**

**(Added by Ord. No. 176,544, Eff. 5/2/05.)**

**A.** A landlord who fails to abide by the terms of an accepted Tenant Habitability Plan shall be denied individual rent adjustments under Section 151.07 A.1.(d) of this Code, absent extenuating circumstances.

**B.** In any action by a landlord to recover possession of a rental unit, the tenant may raise as an affirmative defense the failure of the landlord to comply with any provisions contained in this article.

**C.** Any person who willfully or knowingly with the intent to deceive, makes a false statement or representation, or knowingly fails to disclose a material fact in any plan or notice required under this article, or in any declaration, application, hearing or appeal permitted under this article, including oral or written evidence presented in support thereof, shall be guilty of a misdemeanor.

Any person convicted of a misdemeanor under the provisions of this chapter shall be punished by a fine of not more than \$1,000.00 or by imprisonment in the County Jail for a period of not more than six months or both.

Each violation of any provision of this chapter and each day during which such violation is committed, or continues, shall constitute a separate offense.

D. Any person who fails to provide relocation assistance pursuant to Section 152.05 of this Code shall be liable in a civil action to the person to whom such assistance is due for damages in the amount of the unpaid relocation assistance, together with reasonable attorney's fees and costs as determined by the court.

E. Any person who breaches any duty or obligation set forth in Section 152.06 of this Code shall be liable in a civil action by any person, organization or entity, for all actual damages, special damages in an amount not to exceed the greater of twice the amount of actual damages or \$5,000, and reasonable attorney's fees and costs as determined by the court. Damages of three times the amount of the actual damages may be awarded in a civil action for willful failure to comply with the payment obligations, to provide safe, decent and sanitary temporary replacement housing, or to allow a tenant to reoccupy a rental unit once the primary work is completed.

F. Any agreement, whether written or oral, waiving any of the provisions contained in this article shall be void as contrary to public policy.

G. Nothing in this article shall be construed to deprive a person of due process rights guaranteed by law, including, but not limited to, a right to appeal the Department's determination regarding a Tenant Habitability Plan to a hearing officer.

H. The remedies provided by this article are in addition to any other legal or equitable remedies and are not intended to be exclusive.

#### **SEC. 152.08. AUTHORITY OF COMMISSION TO REGULATE.**

**(Amended by Ord. No. 183,893, Eff. 11/22/15.)**

A. The Commission shall be responsible for carrying out the provisions of this article and shall have the authority to issue orders and promulgate policies, rules and regulations to effectuate the purposes of this article. All such rules and regulations shall be published once in a daily newspaper of general circulation in the City of Los Angeles, and shall take effect upon such publication. The Commission may make such studies and investigations, conduct such hearings, and obtain such information as it deems necessary to promulgate, administer and enforce any regulation, rule or order adopted pursuant to this article.

B. In order to provide sufficient time for owners to comply with the Mandatory Earthquake Hazard Reduction requirements in LAMC Sections 91.9301, *et seq.*, and 91.9501, *et seq.*, the Commission may do the following:

1. Modify the service and notice requirements set forth in Section 152.04 this article; and/or

2. Grant, upon request by owner, an extension of up to 180 days beyond the original project completion date without triggering the permanent relocation assistance requirements set forth at Section 151.09 G. of this Code. Prior to granting an owner's request to extend project completion dates, the Commission shall notify the Department of Building and Safety of the request. If work performed pursuant to Mandatory Earthquake Hazard Reduction Requirements is not completed by the original project completion date or by a subsequent date authorized by RAC, any tenant, subtenant, lessee, sublessee, or other person(s) entitled to use and/or occupy the building or residential unit affected by such work shall have the option to voluntarily terminate the tenancy in exchange for permanent relocation assistance, pursuant to Section 151.09 G., and the return of any security deposit that cannot be retained by the owner under applicable law.

C. Before modifying service and notice requirements and/or granting time extensions under its authority in subparagraph B. of this section, the Commission shall find that the modifications and/or time extensions are necessary to carry out the purpose of the Mandatory Earthquake Hazard Reduction requirements of this Code.





**RENT**

## Primary Renovation Application Questionnaire

1. Is construction work involving repairing or replacing major building systems?  Yes  No
2. Was the work done to comply with an order issued by the Department of Building & Safety or, the LA Housing & Community Investment Department?  Yes  No
3. Does this project improve the property by: increasing its useful life, or adding value?  Yes  No

And

Involves either one or both of the following:

- a) Replacement or substantial modification of a structural, electrical, plumbing, or mechanical system (that requires a permit under LAMC)  Yes  No
- b) Abatement of hazardous materials, such as lead-based paint and asbestos?  Yes  No

4. Did a licensed contractor(s) perform the work?  Yes  No
5. Does the work involved require a permit?  Yes  No
6. Was the Tenant Habitability Plan (THP) approved prior to start of work?  Yes  No  
(If you do not have an approved THP on file, please submit Capital Improvement on-line application.)
7. Did you wait 60 days to start the work after THP approval?  Yes  No  
(If not, please submit Capital Improvement on-line application.)
8. Have you submitted a Primary Renovation (PR) application within the last 5 years?  Yes  No  
(PR Cost Recovery application submission is limited to every 5 years per APN.)

9. PR rent increase is permanent and implemented in two phases. In most cases, a PR proposed rent increase is lower than a Capital Improvement proposed rent increase based on the same amount of per unit cost.

I have read it.

10. Do you want to apply for PR?  Yes  No

For more information please call (213) 928-9063.

CONTINUE

## Chapter 13.84

### RELOCATION SERVICES AND PAYMENTS FOR RESIDENTIAL TENANT HOUSEHOLDS

Sections:

- 13.84.010 Purpose.**
- 13.84.020 Definitions.**
- 13.84.025 Notice.**
- 13.84.030 Eligibility for relocation services and assistance.**
- 13.84.040 Owner responsibilities.**
- 13.84.050 Relocation payment and appeals procedures for code enforcement activity.**
- 13.84.060 Relocation payment procedures for voluntary code compliance.**
- 13.84.070 Relocation and other payments.**
- 13.84.080 City's involvement in relocation payments.**
- 13.84.090 Move-back option.**
- 13.84.100 Conflict resolution and appeal procedures for voluntary code compliance.**
- 13.84.110 Private right of action.**
- 13.84.120 Severability.**

#### **13.84.010 Purpose.**

The purpose of this chapter is to provide relocation services and require property owners to make certain payments to residential tenant households temporarily relocated as a result of code enforcement activities or voluntary code compliance in order to alleviate hardships associated with such relocations; to facilitate the correction of code violations; and to protect the health, safety and welfare of Berkeley residents. (Ord. 7212-NS § 1 (part), 2011)

#### **13.84.020 Definitions.**

- A. "Code enforcement" or "code enforcement activity" means an activity or activities initiated by the City to require an owner to bring the property into compliance with applicable laws including, but not limited to, actions by the Building Official or Fire Marshal after a fire ordering relocation.
- B. "Household" or "tenant household" for purposes of this chapter means one or more individuals entitled to the occupancy of a rental unit or room who share living expenses.

- C. "Natural disaster" means any natural event which results in damage to property, such as, but not limited to, an earthquake, flood, or forest fire.
- D. "Owner" means a person, persons, corporation, partnership or any other entity possessing ownership of a property individually, jointly, in common or in any other manner or their agent or assignee.
- E. "Relocate" or "relocation" means the required vacating of a residential unit or room by a tenant household and the moving temporarily into another unit or room as a result of repairs required to bring the building or a portion thereof which contains a residential unit or room occupied by the tenant household into code compliance whether such repairs are undertaken because of code enforcement or through voluntary code compliance as defined below.
- F. "Residential unit" or "unit" means a building or portion of a building designed for, or occupied exclusively by, one or more persons living as a household.
- G. "Room" means a room in a hotel or boarding house or a rented room in a private dwelling occupied by a tenant household for at least thirty (30) consecutive days.
- H. "Voluntary code compliance" means actions voluntarily initiated by an owner to achieve compliance with applicable laws including, but not limited to, fumigation, as well as to seismically retrofit a building on the inventory of potentially hazardous soft story buildings established under Chapter [19.39](#) so as to remove it from such inventory under Section [19.39.080.B](#) if such retrofit is required by the City. (Ord. 7456-NS § 1, 2016; Ord. 7212-NS § 1 (part), 2011)

### **13.84.025 Notice.**

Whenever any notice or other communication is required by this chapter to be served on, provided, given or delivered to, or filed with any person, that notice or communication may be communicated by personal delivery, certified mail, first class mail, e-mail, or any other similar method that will provide a written record of the notice or communication. (Ord. 7212-NS § 1 (part), 2011)

### **13.84.030 Eligibility for relocation services and assistance.**

- A. A tenant household shall be eligible for relocation assistance and payments pursuant to this chapter if the City determines that the condition of a building or portion thereof is such that a unit or room cannot be safely occupied by that tenant household while the building or portion thereof is being brought into code compliance and if such condition was not primarily or entirely created by the tenant household occupying the unit or room.
- B. A tenant household shall not be eligible for relocation assistance and payments pursuant to this chapter if the required relocation of the tenant household is the result of an earthquake or other natural disaster. (Ord. 7212-NS § 1 (part), 2011)

### **13.84.040 Owner responsibilities.**

- A. The owner shall be responsible for providing relocation payments directly to the tenant household required to relocate pursuant to this chapter. The owner is also responsible for complying with Section [13.76.130](#) (rent stabilization and eviction for good cause ordinance).
- B. If the owner or the City determines that relocation is necessary, the owner shall provide a written notice of temporary relocation to any affected tenant households thirty (30) days in advance of the required relocation unless the City orders abatement that requires relocation in less than thirty (30) days and, in such case, the owner shall provide a notice within ten (10) days of the City's abatement order. Such notice shall summarize the repairs to be undertaken and the estimated duration of relocation. Any such notice which the owner serves upon a tenant household shall refer to and shall be accompanied by a copy of this chapter and the City's request for relocation payment form. Nothing in this section shall relieve the owner of their obligation to serve any notice that would otherwise be required pursuant to state or local law.
- C. The owner shall notify the tenant household when repairs are completed and permit the tenant household to reoccupy the residential unit or room as per Section [13.84.090](#). The tenant household shall retain all rights of tenancy that existed prior to relocation, except as set forth in Section [13.84.070.G.2](#). (Ord. 7212-NS § 1 (part), 2011)

### **13.84.050 Relocation payment and appeals procedures for code enforcement activity.**

- A. Whenever a building or portion thereof which contains a residential unit or room is declared in violation of any law, the Building Official or Fire Marshal, as appropriate, shall determine whether the repairs necessary to abate the violation(s) can reasonably be accomplished without relocation of the tenant household in possession of the unit or room. Such determination shall be served in the same manner as the notice of violation. The absence of an express determination that relocation is required shall be deemed a determination that relocation is not required.
- B. Any affected tenant household or owner who disputes a determination made by the Building Official or Fire Marshal under subsection A of this section may file a written request for a hearing by the Housing Advisory Commission. Such request for hearing must be filed within ten (10) days of the date of the notice from the Building Official or Fire Marshal.
- C. Appeals of determinations by the Building Official or Fire Marshal of the necessity to relocate due to an imminent threat to life and safety shall not delay enforcement of the vacation ordered by the Building Official or Fire Marshal.
- D. The determination by the Building Official or Fire Marshal that a tenant household is required to relocate pursuant to this chapter shall not relieve the owner of their obligation to provide a notice of temporary relocation pursuant to Section [13.84.040](#). Any such notice which the owner serves upon a tenant household shall refer to and shall be accompanied by a copy of this chapter, and the City's request for relocation payment form. Nothing in this

section shall relieve the owner of their obligation to serve any notice that would otherwise be required pursuant to state or local law.

E. Each tenant household which has been served with a notice of temporary relocation from the owner indicating that relocation is required in accordance with the notice of violation shall complete a request for relocation payment form to calculate the amount of the initial payment to which the household is entitled pursuant to Section [13.84.070](#). The tenant household shall serve the completed request for relocation payment to the owner within thirty (30) days after receipt of the notice of temporary relocation.

F. Within five business days after receipt of the tenant household's completed request for relocation payment form, the owner shall make the initial relocation payment directly to the tenant household as per Section [13.84.070](#), or follow the conflict resolution and appeal procedure as specified in Section [13.84.100](#). (Ord. 7212-NS § 1 (part), 2011)

### **13.84.060 Relocation payment procedures for voluntary code compliance.**

A. Whenever an owner applies for a building permit to bring a residential unit or room into code compliance, the owner shall be required to specify whether repairs will necessitate the tenant household occupying the unit or room to relocate.

B. The City shall provide the owner with a notice containing information about the tenant household's relocation rights pursuant to this chapter, as well as a copy of this chapter and a City contact number where additional information can be obtained.

C. If the owner determines that relocation may be necessary to undertake repairs to bring the property into code compliance or as a result of fumigation, the owner shall serve all affected tenant households with a notice of temporary relocation, a copy of this chapter, and a copy of the City's request for relocation payment form. These documents shall be provided to tenants at least thirty (30) days in advance of the required relocation. Nothing in this section shall relieve the owner of their obligation to serve any notice that would otherwise be required pursuant to state or local law.

D. If the tenant household disagrees with the owner's determination of the necessity to relocate, the tenant household may follow the conflict resolution and appeals procedure as specified in Section [13.84.100](#).

E. The Building Official must receive acknowledgment(s) of receipt by the tenant household(s) of the documents required by subsection C of this section before the City will issue the building permits necessary to undertake repairs. Such acknowledgment may be in the form of the tenant household's signature asserting receipt, or other proof substantiating that a notice was delivered to the affected tenant household(s).

F. Each tenant household which has been served with the notice required by subsection C of this section or the Building Official's determination pursuant to Section [13.84.100.A.3](#) shall complete a request for relocation payment form to calculate the amount of the initial payment to which the household is entitled pursuant to Section [13.84.070](#). The tenant household shall notify the owner of the amount of payment to which the tenant household is entitled within thirty (30) days of receipt of the notice from the owner.

G. Within ten (10) days after receipt of the tenant household's completed relocation payment form, the owner shall make the initial relocation payment directly to the tenant household as per Section [13.84.070.K](#) or follow the conflict resolution and appeal procedure as specified in Section [13.84.100](#).

H. The relocation of a tenant household pursuant to this chapter shall not terminate the tenancy of the relocated household. The relocated household shall have the right to reoccupy the unit or room from which it was relocated as soon as the unit or room is ready for reoccupancy, except as set forth in Section [13.84.070.G.2](#). (Ord. 7212-NS § 1 (part), 2011)

### **13.84.070 Relocation and other payments.**

A. Households to be relocated for twenty-nine (29) consecutive days or less, including households covered under section [13.84.040.B](#), shall be entitled to the following relocation payments:

1. A per diem payment to compensate for hotel or motel accommodations and meals. Such payment amount shall be established by City Council resolution and be based upon tenant household size.
2. Reimbursement for daily boarding costs for pets lawfully occupying the unit or room from which the tenant household was relocated at the date of relocation if the tenant household's temporary accommodation does not accept pets. The tenant household shall receive reimbursement for reasonable boarding costs. The maximum reimbursement rate shall be established by City Council resolution. The tenant household must provide proof of the actual boarding costs incurred in order to receive reimbursement from the owner. For purposes of this section, "pets" shall exclude any pet that is customarily kept in an enclosure such as a cage, terrarium or aquarium, and the number of pets lawfully occupying a unit or room shall be the number specifically permitted by written agreement.
3. The initial relocation payment shall be due within ten (10) days of the owner's receipt of the tenant household's request for relocation payment. If the period of relocation is less than ten (10) days, the initial relocation payment shall include the per diem payment for the full period. If the period of relocation exceeds ten (10) days, the initial relocation payment shall include either:
  - (a) A lump sum per diem payment for the full period of relocation; or
  - (b) The per diem payment for a minimum of ten (10) days, with subsequent payment contingent upon verification of hotel costs incurred by the tenant household. Such payments are due to the tenant household immediately upon owner's receipt of documentation verifying the household's expenses. If the tenant household does not incur hotel costs, it is only entitled to receive a meal allowance for each member of the household during the remaining period of relocation.

B. Households to be relocated for a period of thirty (30) consecutive days or longer shall be entitled to relocation payments that include all of the following:

1. A one-time dislocation allowance to help defray incidental relocation expenses. The amount of the dislocation allowance shall be established by City Council resolution.

2. The household's choice of reimbursement for actual moving and storage expenses or a fixed payment, subject to the following requirements:
    - (a) If a fixed payment is chosen, no documentation of expenses is necessary. The amount of the fixed payments shall be established by City Council resolution.
    - (b) Reimbursement for actual documented moving and storage expenses shall include both moving costs to the replacement unit(s) and moving costs back to the original unit. Moving costs shall consist of actual reasonable costs of moving, including transportation of personal property, packing and unpacking, insurance of personal property while in transit, compensation for any damage occurring during moving, storage of personal property, disconnection and reconnection of utility services and any additional reasonable costs associated with the required moving. Payments for a one-way move shall not exceed rates established in the fixed residential moving cost schedule approved by the Federal Highway Administration and published in the federal register on a periodic basis.
  3. If the rental costs incurred by the tenant household during the period of relocation exceed the amount of rent being paid on the unit or room to be vacated, the household shall be eligible for a rent differential payment. The rent differential payment shall be equal to the difference between the rent paid on the unit or room to be vacated and the rent paid for a unit or room temporarily leased during the period of relocation, with the following restrictions:
    - (a) The rent differential payment shall not exceed a ceiling established annually by the City based on the average market rent statistics gathered and published by the rent stabilization program for the prior calendar year.
    - (b) The ceiling for the rent differential payment shall be based on the bedroom size of the unit or room to be vacated, with the exception of payments for relocation from rooms which shall be calculated on the same basis as payment for relocation from a studio apartment.
    - (c) The rent differential payment for a tenant household receiving a rental subsidy shall be based on the amount of rent paid by the tenant household for the unit or room leased by the tenant household during the period of relocation. The owner may coordinate with the entity providing the subsidy to assure the continuity of the rental subsidies during the period of relocation.
  4. Reimbursement for the documented utility cost(s) that the tenant household incurs in their replacement housing, if the owner had been paying that particular utility cost for the vacated unit or room.
- C. The initial relocation payment pursuant to subsection [B](#) of this section shall be due within ten (10) days of the owner's receipt of the tenant household's request for relocation payment, and shall include:
1. The dislocation allowance;
  2. Either the fixed payment for moving and storage costs if applicable, or payment for moving costs based on a reasonable estimate from a qualified professional mover;



3. The rent differential payment for one month or, if the relocation is anticipated to exceed ninety (90) days, then the initial payment shall include the rent differential payment for the first three-month period.

D. Subsequent payments for rent differential, utilities and storage costs pursuant to subsections [B.2.b](#) through [B.4](#) of this section, when applicable, shall be made on a monthly basis thereafter. Such payments shall be made at least seven days in advance of when the tenant household's monthly rental payment is due. Instead of monthly payments the owner may make one lump sum payment for the full amount due for the rent differential payments to the tenant household. If the tenant household qualifies for reimbursement for monthly storage or utilities costs, these payments continue on a monthly basis or upon receipt by the owner of documentation that verifies the household's expenses.

E. Payments pursuant to subsections [B.2.b](#) through [B.4](#) of this section, when applicable, shall continue until such time that the unit from which the tenant household was relocated is available for occupancy or the tenant household has notified the owner of their intent to permanently vacate the unit.

F. If the tenant household has not been offered the opportunity to reoccupy the unit from which it relocated within six months from the date of their relocation, the tenant household shall be entitled to receive an additional dislocation allowance payment. The tenant household must provide written request for the additional dislocation payment to the owner which includes confirmation of their intent to reoccupy the unit. Such payment is due within ten (10) days after receipt of the tenant household's request. Acceptance of such payment does not constitute a tenant household's relinquishment of any tenancy rights.

G. 1. In lieu of the per diem payments in subsection A of this section, or rent differential and utility payments in subsections B.3 and B.4 of this section, the owner may offer an alternate rental unit or room to the tenant household that is comparable to the unit or room being vacated and is owned by the owner. The amount of rent paid by the household for such unit or room shall not exceed the rent being paid on the unit or room from which the tenant household relocated. If the tenant household accepts the owner's offer, the tenant household does not relinquish its right to reoccupy the unit or room from which it is being relocated unless the tenant household provides written notice surrendering possession of the unit or room. A tenant household that accepts an alternate unit or room is entitled to receive the dislocation allowance in subsection [B.1](#) of this section and compensation for moving and storage costs if applicable as provided in subsection [B.2](#) of this section.

2. If the tenant household does not timely notify the owner of its intent to reoccupy the unit or room under Section [13.84.090](#) and seeks to remain in its alternate unit, it thereby surrenders its right to reoccupy the unit or room from which it has relocated and terminates its tenancy of that unit or room, and the rent for the alternate unit or room shall not be limited by this chapter and may be increased to an amount otherwise permissible by Chapter [13.76](#). Nothing in this section limits the owner's right to evict a tenant household pursuant to Section [13.76.130.A.11](#).

H. A tenant household that is relocated for thirty (30) days or more shall not be responsible for any rent due on the unit or room from which it was relocated during the period of relocation and failure to pay rent during this period shall not constitute relinquishment of tenancy rights.

- I. The owner and tenant household may mutually agree upon temporary housing and relocation payments other than that provided by this chapter. Such agreement shall be in writing and signed by both the owner and tenant household with a copy provided to the City's Housing and Community Services Department.
- J. If a tenant household's actual relocation period is shorter than the period for which the owner has paid, the tenant household must repay the overpaid amount to the owner within thirty (30) days of receiving written notice from the owner of the overpayment. If the tenant household has incurred a financial obligation to pay rent, utilities, or storage costs during the remaining period of their relocation, these costs may be deducted from the amount to be repaid to the owner, subject to the provisions of subsection B of this section.
- K. All payments to tenant households under this chapter shall be made to those persons in the tenant household from whom the owner has received rental payments during the immediately preceding rental period, in the same proportion in which such payments were made. The owner shall have no liability or other obligation with respect to further division or allocation of such payments among the members of the tenant household. Nothing in this section shall be construed to affect the determination of the actual number of tenants in the tenant household for purposes of Chapter [13.76](#).
- L. The size of a tenant household shall be determined based on the number of individuals entitled to occupy the unit or room at the time a determination of the Building Official is served under Section [13.84.050](#) or a notice of temporary relocation is served under Section [13.84.060.C](#).
- M. Upon receipt of the full relocation payment under this chapter and a notice of temporary relocation, the tenant household shall relocate within thirty (30) calendar days. Failure to relocate pursuant to such notice may entitle the landlord to issue a notice to vacate and be a basis for good cause eviction pursuant to Section 13.76.130.A.7.a.
- N. The City Council shall by resolution adopt a reasonable reimbursement rate for the following based upon surveys of prevailing costs for services, subject to limitations set forth in this chapter and any additional limitations set forth in the resolution:
1. Per diem rates for hotel accommodations and meal allowance pursuant to subsections [A.1](#) and [A.3](#) of this section;
  2. Maximum boarding costs for pets pursuant to subsection [A.2](#) of this section;
  3. Dislocation allowance pursuant to subsections [B.1](#) and [F](#) of this section;
  4. Fixed payments for moving and storage pursuant to subsection [B.2](#) of this section. (Ord. 7456-NS § 2, 2016; Ord. 7212-NS § 1 (part), 2011)

### **13.84.080 City's involvement in relocation payments.**

The City may provide payment required by Section [13.84.070](#) to tenant households in situations where the owner fails or refuses to pay for required relocation costs. The City shall recover from the owner all costs incurred as a result of making such payments. In order for the City to consider such payments, a request must be made by the

tenant household to the City Manager or their designee within twenty (20) days from the owner's failure or refusal to make the required payments as required in Sections [13.84.050.F](#) and [13.84.060.G](#).

A. Upon receipt of a request from a tenant household the City shall mail a written notice to the owner of the owner's obligation under this chapter to provide relocation assistance and payment and the time when payment is required. The notice shall also specify that failure to make required payments may result in the City making such payments and recovering the costs of doing so from the owner through a special assessment lien on the owner's property that shall include an administrative lien fee.

B. If within ten (10) days of the receipt of the notice provided pursuant to subsection A of this section the owner continues to fail or refuse to make the necessary payments, the City may make the required relocation payment to the household. The City shall then bill the owner for the amount of payment, plus any administrative and other costs it would not have otherwise incurred. If the owner does not pay the City within a thirty (30) day period, the City may recover the costs as a special assessment lien on the owner's property along with an administrative lien fee in accordance with Chapter [1.24](#). The City Manager or their designee shall notify the owner. (Ord. 7212-NS § 1 (part), 2011)

### **13.84.090 Move-back option.**

A. The relocation of a tenant household pursuant to this chapter shall not terminate the tenancy of the relocated household. The relocated household shall have the right to reoccupy the unit or room from which it was relocated as soon as the unit or room is ready for reoccupancy, and the tenant household shall retain all rights of tenancy that existed prior to the displacement.

B. If a household wishes to avail itself of this option, it must inform the owner of its current address during the period of relocation.

C. For tenant households displaced for thirty (30) consecutive days or more, owners shall notify the tenant household at least thirty (30) days in advance of the availability of the unit or room. Within ten (10) days of receipt of the notice of availability, a tenant household must notify the owner if it wishes to reoccupy the unit or room. The owner must hold the unit or room vacant at no cost to the tenant household for thirty (30) days from the date the tenant household's written notice of its intent to reoccupy the unit or room is received.

D. For households displaced for twenty-nine (29) consecutive days or less and receiving a per diem payment, owners shall notify the household at least one day in advance of the availability of the unit or room. The household shall be entitled to receive a per diem payment for up to twenty-four (24) hours after receiving such notice that the unit or room is ready for occupancy. Within ten (10) days of receipt of the notice of availability from the owner, the household must notify the owner of its intent to reoccupy the unit or room.

E. A unit or room shall be deemed to be permanently surrendered and the tenancy terminated when the tenant household provides notice in writing to the owner that it does not intend to reoccupy the unit or room from which it was relocated or does not notify the owner of its intent to reoccupy the unit or room. If the owner has not made relocation payments as required by this chapter and the unit or room becomes permanently vacated, then it shall be presumed that the surrender of the right of possession of the unit or room was involuntary unless the owner

has received a written notice from the tenant household permanently surrendering its right to their unit or room. (Ord. 7212-NS § 1 (part), 2011)

### **13.84.100 Conflict resolution and appeal procedures for voluntary code compliance.**

A. Appeals under this chapter related to voluntary code compliance shall be filed as set forth below. Appeal procedures related to code enforcement activity are addressed in Section [13.84.050](#).

1. If the tenant household disputes the owner's determination of the necessity for relocation, or either party disputes the amount of relocation payments or other terms of the relocation, the City may refer the parties to a conflict resolution or mediation service provided through the Rent Stabilization Board or any other appropriate entity upon request by both parties for such referral in lieu of an appeal to the Building Official per subsection [A.3](#) of this section. The purpose of such referral shall be the negotiation of a mutually acceptable agreement pertaining to the terms of the relocation. If no agreement is reached, then either party may follow the appeals procedure as set forth in this section. Nothing in this chapter shall preclude the parties from meeting on their own at any time, with or without a mediator, in an attempt to resolve their disagreements.

2. If the owner disagrees with the tenant household's claim for relocation payments, and such disagreement cannot be resolved through conflict resolution or mediation, then the owner may file a written request for a hearing by the Housing Advisory Commission as to the amount of the claim, or their responsibility for relocation assistance pursuant to this chapter. Such request must be filed within five business days of the conclusion of mediation or within ten (10) days of the owner's receipt of the tenant household's claim of relocation payments as set forth in Section [13.84.050.E](#) or [13.84.060.F](#), whichever comes later.

3. If the tenant household disagrees with the owner as to the necessity to relocate, and such disagreement cannot be resolved through conflict resolution or mediation, the tenant household may request in writing that the Building Official make a determination. Such request must be filed within five business days of the conclusion of mediation, or within ten (10) days of the tenant household's receipt of the relocation notice in Section [13.84.060.C](#), whichever comes later. The Building Official shall determine whether relocation is necessary and the owner shall serve all affected tenant households with a copy of the Building Official's determination. This decision shall be final.

B. All hearings conducted before the Housing Advisory Commission shall be scheduled for the next available meeting unless a postponement is agreed upon by all parties. The Commission may convene a special meeting if delay of a hearing until the next regularly scheduled meeting would create a hardship. The owner and all affected tenant households shall be notified of the time and place of the hearing at least ten (10) days before the date of hearing. The Commission shall render its decision on any such appeal within ten (10) days after the hearing on the appeal is closed. The Commission's decision shall be final.

C. Nothing in this chapter shall in any way preclude or limit any aggrieved party from seeking judicial review after such person has exhausted the administrative remedies provided by this chapter. However, it shall be conclusively

presumed that a litigant has not exhausted their administrative remedies as to any issue which is not raised in the administrative proceedings authorized herein. (Ord. 7212-NS § 1 (part), 2011)

### **13.84.110 Private right of action.**

Any tenant that believes that the provisions of this chapter have been violated shall have the right to file an action for injunctive relief and/or damages. Treble damages may be awarded for willful failure to comply with the payment obligations established by this chapter and for actual damages incurred by a household as a result of the owner's willful failure to offer the relocated household the opportunity to reoccupy the unit from which it relocated. In any action brought under this chapter, the court may award reasonable attorney fees to any prevailing party. (Ord. 7212-NS § 1 (part), 2011)

### **13.84.120 Severability.**

If any provision of this chapter is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the chapter shall not be invalidated. (Ord. 7212-NS § 1 (part), 2011)

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**The Berkeley Municipal Code is current through Ordinance 7830-NS, passed July 26, 2022.**

Disclaimer: The City Clerk's Office has the official version of the Berkeley Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.berkeleyca.gov](http://www.berkeleyca.gov)

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Office of the Mayor

ACTION CALENDAR  
June 6, 2023

To: Honorable Members of the City Council

From: Mayor Jesse Arreguín, Councilmembers Kate Harrison, Sophie Hahn, and Rigel Robinson

Subject: Amendments to the COVID-19 Emergency Response Ordinance

RECOMMENDATION

Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Chapter 13.110, the COVID-19 Emergency Response Ordinance to adjust the required timeline to provide documentation proving that non-payment of rent was for a Covered Reason for Delayed Payment if an Unlawful Detainer is served.

BACKGROUND

The City of Berkeley first declared a local emergency on March 3, 2020 in response to the COVID-19 pandemic. Shortly thereafter, Council passed BMC Chapter 13.110 - the COVID-19 Emergency Response Ordinance ("Chapter 13.110") - prohibiting most evictions in Berkeley, which has been subsequently updated over the past couple of years. Pursuant to Government Code section 8630(b) and Berkeley Municipal Code section 2.88.040.A.1, on March 10, 2020, the City Council ratified the Proclamation of Local Emergency with the passage of Resolution No. 69,312-N.S. That proclamation is set to expire on May 20, 2023.

Before May 1, 2023, the only residential evictions that could take place in the City of Berkeley were to stop an imminent threat to the health and safety of other occupants. On February 27, 2023, the City Council adopted changes to Chapter 13.110 to create a Transition Period for the Eviction Moratorium. During this Transition Period, which lasts from May 1, 2023 through August 31, 2023, two additional types of evictions are allowed: Owner move-in evictions where the owner only owns one rental property in the City of Berkeley; and evictions for non-payment of rent where the tenant has not provided documentation establishing a Covered Reason for Delayed Payment. Starting on September 1, 2023, the Eviction Moratorium will be fully lifted and all just cause evictions will be allowed.

As currently written, BMC 13.110.020.C(3) and BMC 13.110.040.C states that a tenant must provide documentation showing that they have a Covered Reason for Delayed Payment prior to the expiration of the notice to terminate tenancy. This refers to a three-day notice, meaning that the documentation must be submitted within that timeframe. In many cases, three days does not provide enough time to compile and produce such

documentation, especially in low-income households who may work multiple jobs to make ends meet. This issue was brought up at the May 2, 2023 meeting of the 4x4 Joint Committee of the City Council and Rent Board. To resolve this, references to timelines for responses are removed. Additionally, BMC 13.110.040.C is updated to encourage tenants to provide such documentation in advance. Doing so would prevent an Unlawful Detainer from being served in the first place, preventing undue stress on all parties involved. This language was modeled after the ordinance recently adopted in the City of Oakland.

Other minor amendments to Chapter 13.110 include updating the Findings and Purposes based on recent developments since Chapter 13.110 was last amended.

#### ENVIRONMENTAL SUSTAINABILITY

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

#### FISCAL IMPACTS OF RECOMMENDATION

None.

#### CONTACT PERSON

Mayor Jesse Arreguín      510-981-7100

Attachments:

1: Ordinance



ORDINANCE NO. -N.S.

ORDINANCE AMENDING CHAPTER 13.110 OF THE BERKELEY MUNICIPAL CODE,  
THE COVID-19 EMERGENCY RESPONSE ORDINANCE

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

Section 1. That Berkeley Municipal Code Chapter 13.110 is amended to read as follows:

**Chapter 13.110  
COVID-19 EMERGENCY RESPONSE ORDINANCE**

**Sections:**

- 13.110.010 Findings and Purpose**
- 13.110.020 Prohibited Conduct**
- 13.110.030 Definitions**
- 13.110.040 Collection of Back Rent and Late Fees**
- 13.110.050 Application**
- 13.-110.060 Implementing Regulations**
- 13.110.070 Waiver**
- 13.110.080 Remedies**
- 13.110.090 Severability**
- 13.110.100 Liberal Construction**

**13.110.010 Findings and Purposes**

International, national, state and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named "SARS-CoV-2." and the disease it causes has been named "coronavirus disease 2019," abbreviated COVID-19, ("COVID-19"). In response to this emergency, on March 3, 2020, the City Manager acting as the Director of Emergency Services declared a local State of Emergency based on COVID-19 (hereinafter referred to as "the Local Emergency"), which the City Council subsequently ratified on March 10, 2020. On April 21, 2020, June 16, 2020, July 28, 2020, September 22, 2020, November 17, 2020, December 15, 2020, February 9, 2021, March 30, 2021, May 25, 2021, July 20, 2021, September 14, 2021, December 14, 2021, February 8, 2022, March 22, 2022, May 10, 2022, June 28, 2022, and July 26, 2022, September 14, 2021, December 14, 2021, February 8, 2022, March 22, 2022, May 10, 2022, June 28, 2022, July 26, 2022, September 20, 2022, November 3, 2022, December 13, 2022, ~~and~~ January 31, 2023, and March 21, 2023 the council ratified an extension of the local emergency. In addition, on March 4, 2020, the Governor declared a state of emergency in California and the President of the United States declared a national state of emergency on March 13, 2020 regarding the novel coronavirus and COVID-19.

On March 16, 2020, the City of Berkeley Public Health Officer, along with several other neighboring jurisdictions issued a Shelter in Place Order directing all individuals living in the City of Berkeley to shelter at their place of residence except that they may leave to provide or receive certain essential services or engage in certain essential activities, and prohibiting non-essential gatherings and ordering cessation of non-essential travel. On March 31, 2020 this Shelter in Place Order was extended to May 3, 2020, and restricted activities further.

Furthermore, on March 16, 2020, the Governor issued Executive Order N-28-20, specifically authorizing local governments to halt evictions for commercial tenants, residential tenants, and homeowners who have been affected by COVID-19, emphasizing that the economic impacts of COVID-19 have been significant and could threaten to undermine housing security as many people are experiencing material income loss as a result of business closures, the loss of hours or wages or layoffs related to COVID-19, hindering their ability to keep up with rents, mortgages and utility bills.

The Order also stated that because homelessness can exacerbate vulnerability to COVID-19, Californians must take measures to preserve and increase housing security for Californians to protect public health and specifically stated that local jurisdictions may take measures to promote housing security beyond what the state law would otherwise allow.

On April 21, 2020, Alameda County enacted an urgency ordinance prohibiting eviction for any reason other than withdrawal of rental property under the Ellis Act or court-ordered eviction for public safety. Although the Alameda County ordinance does not have effect within the incorporated area of Berkeley, it is desirable to ensure that Berkeley residents have at least the same level of protection as the residents of unincorporated Alameda County.

During this State of Emergency and during the transition period thereafter, and in the interests of protecting the public health and preventing transmission of the COVID-19, it is essential to avoid unnecessary displacement and homelessness. It is the intent of this Ordinance to fully implement the suspension of the statutory bases for eviction for nonpayment of rent and for default in the payment of a mortgage as authorized by Executive Order N-28-20.

While COVID-19 remains prevalent in the community, the City has made significant progress in addressing the impacts of COVID-19, including a reduction in the rates of hospitalization and death, as well as a citywide vaccination rate of at least ninety-four percent (94%).

Governor Gavin Newsom has ~~also announced that ended~~ the statewide COVID-19 State of Emergency ~~will end~~ on February 28, 2023. President Joe Biden has ~~announced that ended~~ the nationwide COVID-19 State of Emergency ~~will end~~ on May 11, 2023.

Based on the current conditions in the City of Berkeley related to COVID-19, and to stay consistent with state actions, the City Manager has recommended that the City Council terminate the local emergency.

The effect of this chapter suspending the statutory basis for eviction due to nonpayment of rent remains in effect throughout the Covered Period, which concludes on the expiration of the local emergency. BMC Section 13.110.030.A allows the City Council to extend the duration of the Covered Period by resolution.

This ordinance makes further amendments to Chapter 13.110 to permit lawful owner-move in evictions pursuant to BMC Section 13.76.130.A.9 and to establish a Transition Period until August 31, 2023, during which time specified evictions would be allowed to take place.

### **13.110.020 Prohibited Conduct**

A. During the Covered Period, no Landlord or Lender shall evict or attempt to evict a Resident of residential real property, or otherwise require a residential Tenant to vacate, unless necessary to stop an imminent threat to the health and safety of other occupants. For purposes of this Ordinance, the basis for an exception to this Ordinance cannot be the Resident's COVID-19 illness or exposure to COVID-19, whether actual or suspected.

B. Residential Eviction Moratorium. It shall be a complete defense to any action for unlawful detainer that the notice upon which the action is based was served or expired, or that the complaint was filed or served, during the Covered Period, except that a Landlord may serve a lawful notice pursuant to Section 13.76.130.A.9. after March 1, 2023, and such notice may form the basis of an unlawful detainer complaint beginning May 1, 2023.

C. During the Transition Period, no Landlord or Lender shall evict or attempt to evict a Resident of residential real property, or otherwise require a residential Tenant to vacate unless at least one of the following conditions is met:

1. Recovery of possession of real property is necessary to stop an imminent threat to the health and safety of other occupants; or

2. Owner Move-in Eviction. The Landlord seeks to recover possession of a residential unit for their own use and occupancy as their principal residence and the Landlord fully complies with all "Owner Move-in Eviction" requirements set forth in Berkeley Municipal Code section 13.76.130.A.9. However, a Landlord may not recover possession of any residential unit in this manner unless the Landlord owns only one residential property in the City of Berkeley. Notice for this exclusive reason may be served beginning March 1, 2023 and may be the basis for an unlawful detainer complaint beginning May 1, 2023.; or

3. The Landlord or Lender seeks to recover possession of real property following the tenant's default in payment of rent that came due after the expiration of the Covered Period and for which tenant did not provide to the Landlord or Lender documentation establishing a Covered Reason for Delayed Payment as set forth in Berkeley Municipal Code section 13.110.040.C. Any notice to terminate tenancy served pursuant to this

section must inform the tenant of their rights to submit documentation establishing a Covered Reason for Delayed Payment as set forth in Berkeley Municipal Code section 13.110.040.C. ~~Notwithstanding any other notice requirements identified in Berkeley Municipal Code section 13.110.040.C, a~~ A tenant who asserts a Covered Reason for Delayed Payment during the Transition Period shall provide landlord all required documentation ~~prior to the expiration of the notice to terminate tenancy as set forth in Berkeley Municipal Code section 13.110.040.C.~~

D. For the duration of the Covered Period, if a residential tenant has a Covered Reason for Delayed Payment, the tenant may terminate a lease or rental agreement with 30 day notice without penalty. A tenant may also exercise rights under this subsection if the tenants or roommates of the tenants are or were registered at an educational institution that cancelled or limited in-person classes due to the COVID-19 pandemic.

### **13.110.030 Definitions**

A. "Covered Period" means the period of time beginning with March 17, 2020 and concluding at the end of April 30, 2023.

B. "Transition Period" means the period of time beginning with May 1, 2023 and ending on August 31, 2023.

C. "Covered Reason for Delayed Payment" means:

(1) The basis for the eviction is nonpayment of rent, arising out of a material decrease in household, business, or other rental unit occupant(s)'s income (including, but not limited to, a material decrease in household income caused by layoffs or a reduction in the number of compensable hours of work, or to caregiving responsibilities, or a material decrease in business income caused by a reduction in opening hours or consumer demand), or material out-of-pocket medical expenses, or a reduction in the number of tenants living in the unit (including due to difficulty finding new tenants and/or subtenants willing and able to cover a sufficient share of rent) which reduces the ability of the remaining tenants to pay rent, or a rent increase that exceeds the Annual General Adjustment for the current year; and

(2) The decrease in household, business, or other rental unit occupant's income or the expenses or reduction in number of tenants described in subparagraph (1) was caused by the impacts of COVID-19 pandemic, or by any local, state, or federal government response to COVID-19.

D. "Delayed Rent Payment Agreement" means a mutual agreement between a landlord and tenant regarding the timing and amount of payments for rent that is delayed by a Covered Reason for Delayed Payment.

E. "Homeowner" means the owner or owners of a Residential Unit subject to a mortgage or similar loan secured by the residential unit. "Homeowner" is limited to owners who reside in the unit and includes the individuals residing in the unit with the homeowner.

F. "Landlord" includes owners, lessors, or sublessors of either residential rental property, and the agent, representative, or successor of any of the foregoing.

G. "Lender" means the mortgagee of a purchase money or similar mortgage, or the holder or beneficiary of a loan secured by one or more units, which person has the right to mortgage or similar payments from the owner as mortgagor, including a loan servicer, and the agent, representative, or successor of any of the foregoing.

H. "Resident" means a Tenant, Homeowner, or their household.

I. "Tenant" includes a tenant, subtenant, lessee, sublessee, lodger or any other person entitled by written or oral rental agreement to use or occupancy of residential property. "Tenant" includes a former trustor or homeowner who has lost title the real property in which they reside after a Trustee's sale.

### **13.110.040 Collection of Back Rent and Late Fees**

A. Nothing in this Chapter shall relieve the tenant of liability for unpaid rent, which the landlord may seek after expiration of the Covered Period, or after the Transition Period if the tenant establishes a Covered Reason for Delayed Payment. ~~Notwithstanding any lease provision to the contrary, a landlord may not charge or collect a late fee, fine, or interest for rent that is delayed by a Covered Reason for Delayed Payment. Landlords are encouraged to work with local agencies that will be making rental assistance available for qualifying tenants.~~

B.

1. For rent accrued through January 31, 2021, Tenants shall have until March 31, 2022, or the date adopted by state law, as applicable, to pay rent that was delayed by a Covered Reason for Delayed Payment unless the landlord and tenant come to a mutual repayment agreement ("Delayed Rent Payment Agreement").

2. For rent accrued beginning February 1, 2021, Tenants shall have until July 31, 2023, to pay rent that was delayed by a Covered Reason for Delayed Payment, or the period of time adopted by state law, as applicable, unless the landlord and tenant come to a mutual repayment agreement ("Delayed Rent Payment Agreement").

3. Notwithstanding any lease provision to the contrary, a landlord may not charge or collect a late fee, fine, or interest for rent that is delayed by a Covered Reason for Delayed Payment.

C. ~~It is recommended, but~~A Tenant is not required ~~for a Tenant~~ to provide documentation to the Landlord in advance to qualify for the delayed repayment of rent. ~~However, upon the request of a Landlord, a Tenant shall provide such documentation to the Landlord within forty-five (45) days after the request or o~~action for possession of the subject rental unit. This provision shall not be construed to waive any obligation to respond to lawful discovery requests or to waive any right to seek additional time permitted by the California

[Code of Civil Procedure](#). A declaration sworn under penalty of perjury shall constitute documentation for the purpose of this requirement.

D. Any medical or financial information provided to the landlord shall be held in confidence, and shall not be disclosed to other entities unless such disclosure is permitted or required by the law, or unless the tenant explicitly authorizes the disclosure of the information in writing.

E. Any relief from the City of Berkeley either directly to a property owner on their own application or as a pass through for City relief payments to the tenant shall directly reduce the amount of any rent that was delayed by a Covered Reason for Delayed Payment. This requirement shall be applied into any Delayed Rent Payment Agreement, regardless of the terms of that agreement.

### **13.110.050 Application**

A. This Chapter applies to eviction notices and unlawful detainer actions based on notices served, filed, or which expire during the Covered Period and Transition Period. It does not apply to commercial leases where the term has expired and the City has issued a permit for the demolition or substantial alteration of the commercial unit, or to units ordered by the City to be vacated for the preservation of public health, including where the City deems necessary to control the spread of COVID-19.

B. Except where expressly required by state law (such as Assembly Bill 3088 or any subsequent statewide COVID-19 relief legislation), a landlord may seek rent accrued during the Covered Period as set forth in Section 13.110.040, but may not file an action pursuant to Code of Civil Procedure sections 1161(2) et seq. or otherwise seek to recover possession of a rental unit based on the failure to pay rent that accrued during the Covered Period. In any action to evict based on alleged nonpayment of rent, it shall be a complete defense to such action if any part of the rent in dispute accrued at any time during the Covered Period, or if the action otherwise demands any fees or amounts contrary to the provisions of this Chapter. A landlord shall not apply any rent payment towards rent that is delayed by a Covered Reason for Delayed Payment before applying it towards any other Rent owed without the explicit written permission of the Tenant.

C. A Landlord or Lender shall not retaliate against a Resident for exercising their rights under this Ordinance, including but not limited to shutting off any utilities reducing services or amenities, refusing to make or delaying repairs to which the Resident would otherwise be entitled, or taking actions which hurt the Resident's credit rating based on nonpayment of rent during the Covered Period as allowed under this ordinance.

D. In addition to the affirmative defenses set forth above, in any action to recover possession of a rental unit filed under Berkeley Municipal Code section 13.76.130(A)(1), it shall be a complete defense that the landlord impeded the tenant's effort to pay rent by refusing to accept rent paid on behalf of the tenant from a third party, or refusing to provide a W-9 form or other necessary documentation for the tenant to receive rental assistance from a government agency, non-profit organization, or other third party. Acceptance of



rental payments made on behalf of the tenant by a third party shall not create a tenancy between the landlord and the third party.

### **13.110.060 Implementing Regulations**

The City Manager may promulgate implementing regulations and develop forms to effectuate this Ordinance. This includes the option of requiring Landlords and Lenders to give a notice to Residents informing them of this Chapter and the right to seek the benefits of this Chapter.

### **13.110.070 Waiver.**

A. By entering into a Delayed Rent Payment Agreement, Tenants do not waive any rights under this Chapter.

B. Any agreement by a Tenant to waive any rights under this ordinance shall be void and contrary to public policy.

### **13.110.080 Remedies**

A. In the event of a violation of this Ordinance, any person or entity aggrieved by the violation may institute a civil proceeding for injunctive relief, and money actual damages as specified below, and whatever other relief the court deems appropriate.

1. An award of actual damages may include an award for mental and/or emotional distress and/or suffering. The amount of actual damages awarded to a prevailing plaintiff shall be trebled by the Court outside of the presence, and without the knowledge of, the jury, if any, if a defendant acted in knowing violation of, or in reckless disregard for, the provisions of this Chapter.

2. A defendant shall be liable for additional civil penalties of up to five thousand dollars for each violation of this Chapter committed against a person who is disabled within the meaning of California Government Code section 12926, et seq., or aged sixty-five or over.

3. In addition to the above awards of damages in a civil action under this Chapter, a prevailing plaintiff shall be entitled to an award of reasonable attorney's fees. A prevailing defendant in a civil action under this Chapter shall only be entitled to an award of attorney's fees if it is determined by the Court the action was wholly without merit or frivolous.

4. In addition, this Chapter grants a complete defense to eviction in the event that an eviction notice or unlawful detainer action is commenced, filed, or served in violation of this Chapter.

B. The protections provided by this ordinance shall be available to all Residents, regardless of any agreement wherein a Resident waives or purports to waive their rights under this Ordinance, with any such agreement deemed void as contrary to public policy.

C. A. Violations of Section 13.110.020(C) - (Commercial rent restrictions).

1. Violations of Section 13.110.020(C) may be enforced by an administrative fine of up to \$1,000 pursuant to Chapter 1.28. Each day a commercial property landlord demands rent in excess of the amount permitted pursuant to Section 13.110.020(C) is a separate violation. The City may also charge the costs of investigating and issuing any notices of violations, and any hearings or appeals of such notices.

2. The City Attorney may refer those violators of Section 13.110.020(C) to the Alameda County District Attorney for redress as a violation of Business and Professions Code section 17200, et seq. or, if granted permission by the District Attorney, may bring an action pursuant to Business and Professions Code section 17200, et seq.

D. Nonexclusive Remedies and Penalties. The remedies provided in this subdivision are not exclusive, and nothing in this Chapter shall preclude any person from seeking any other remedies, penalties or procedures provided by law.

### **13.110.090 Severability.**

If any section, subsection, sentence, clause, phrase, or word of this Chapter, or any application thereof to any person or circumstance, is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or applications of this Chapter. The Council of the City of Berkeley hereby declares that it would have passed this Chapter and each and every section, subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to whether any other portion of this Chapter or application thereof would be subsequently declared invalid or unconstitutional.

### **13.110.100 Liberal Construction**

The provisions of this Chapter shall be liberally construed so as to fully achieve its purpose and provide the greatest possible protections to tenants.

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





BERKELEY CITY AUDITOR

INFORMATION CALENDAR

June 6, 2023

To: Honorable Mayor and Members of the City Council

From: Jenny Wong, City Auditor

Subject: Police Overtime Audit Report Wins National Recognition

INTRODUCTION

The 2022 Exemplary Knighton Award for best performance audit report in the medium shop category has been awarded to the City of Berkeley Auditor's Office by the Association of Local Government Auditors (ALGA). The report, *Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities*, was judged on several key elements, such as the potential for significant impact, the persuasiveness of conclusions, the focus on improving government efficiency and effectiveness, and its clarity and conciseness.

CURRENT SITUATION AND ITS EFFECTS

Each year, local government audit organizations from around the U.S. and Canada submit their best performance audit reports for judging. The judges from peer organizations determined that our audit of the City of Berkeley's Streets was among the best of 2022.

BACKGROUND

We issued our audit report, *Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities*, on March 3, 2022.<sup>1</sup> The purpose of the audit was to determine:

1. What policing functions does BPD's use of overtime cover?
2. Does BPD regularly assess minimum staffing levels to meet community needs?
3. Is BPD's management of overtime sufficient to reduce excessive uses of overtime?
4. Are BPD's agreements to provide work for outside entities transparent and in accordance with the law?

We found that the Berkeley Police Department (BPD) relies on overtime to achieve its staffing levels, and the department does not adhere to overtime limits. In Fiscal Year (FY)

<sup>1</sup><https://berkeleyca.gov/sites/default/files/2022-04/Berkeley%20Police%20-%20Improvements%20Needed%20to%20Manage%20Overtime%20and%20Security%20Work%20for%20Outside%20Entities.pdf>

2020, nearly a quarter or \$1.3 million of BPD's overtime costs went toward backfilling officer vacancies and absences. That same year, 21 percent of sworn officers exceeded BPD's overtime limit at least once.

In addition, BPD's overtime work for outside entities more than tripled in FY 2020, and 53 percent of these hours were for the Apple store. The audit team found there are no procedures or contracts for this work, in which officers provide security for outside entities while representing BPD and the City. Under BPD's current billing structure, it is not possible to know if BPD charges these entities appropriately for their services.

We made twelve recommendations to improve the oversight, management, and transparency of BPD overtime and work for outside entities. City Management agreed to our findings, conclusions, and recommendations. Since audit issuance, BPD has made significant progress in implementing the audit recommendations.

#### ENVIRONMENTAL SUSTAINABILITY

This report is not associated with identifiable environmental effects or opportunities.

#### POSSIBLE FUTURE ACTION

We will continue to follow up on the status of audit recommendation implementation to ensure the City mitigates the risks that could prevent the City from providing efficient, effective, and equitable service delivery.

#### FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Audit work leads to new or enhanced revenue, cost recovery, and increased efficiency, with economic impact well beyond the audit costs. Long-range financial benefits of our audits result in significant improvements to internal controls and service delivery.

Ensuring timely implementation of audit recommendations could result in additional savings and risk reduction, including fraud risk. Reducing fraud risk more than protects money; it builds trust in government. Maintaining a strong audit function and prudent program and fiscal management will reduce future costs and enhance public trust.

#### CONTACT PERSON

Jenny Wong, City Auditor, 510-981-6750

Attachment:

1. 2022 Knighton Award Letter from ALGA



## Association of Local Government Auditors

April 11, 2023

Jenny Wong  
2180 Milvia St., 3rd Floor  
Berkeley, CA 94704

RE: 2022 Knighton Award Winner

Dear Jenny,

The Association of Local Government Auditors' Awards Program Committee is pleased to announce that the City of Berkeley Auditor's Office's report, "Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities," won the 2022 Exemplary Knighton Award in the medium shop category.

ALGA was founded in 1985 to serve auditors who specialize in working with local governments, and our members represent about 300 local government audit organizations across the United States and Canada. As you well know, local government auditors are committed to helping their governments provide services to the public more efficiently and effectively with the limited resources available to them.

To encourage increasing levels of excellence among local government auditors, ALGA created the Knighton Award in 1995 to recognize the best performance audit reports produced by local government audit shops in the previous year. Each year, local government audit organizations, like yours, submit their best performance audit report to be evaluated against four criteria:

- (1) An audit scope that has the potential for significant impact and is responsive to the needs and concerns of decision-makers and/or the public.
- (2) Audit conclusions that are persuasive, logical, and firmly supported by the evidence, which was gathered using appropriate research methods and tools.
- (3) Audit recommendations that are feasible and will make government programs more effective and efficient.
- (4) Audit results that are communicated clearly and concisely.

Judges from peer organizations determined your office's report was among the best of 2022.

The judges commented:

*We found Berkeley's audit of the management of overtime and security work for outside entities to be directly impactful to management and leadership. We noted the conclusions and recommendations would likely help reduce costs for the city. The report detailed the data reviewed, the testing performed, and the criteria identified. The use of*



## Association of Local Government Auditors

*graphics throughout the report made it easy to read, and the report was influential in illustrating background information and conclusions.*

Congratulations on receiving this award!

Sincerely,

Justin Anderson, President  
ALGA

Sonal Patel, Chair  
ALGA Awards Program Committee

### Upcoming Worksessions and Special Meetings

*start time is 6:00 p.m. unless otherwise noted*

| Scheduled Dates  |                                                                                                                                                                        |
|------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| June 20 (WS)     | <ol style="list-style-type: none"> <li>1. Climate Action Plan and Resilience Update</li> <li>2. Berkeley Economic Dashboards Update</li> </ol>                         |
| July 18 (WS)     | <ol style="list-style-type: none"> <li>1. Ashby BART Transit Oriented Development (TOD)</li> <li>2. City Policies for Managing Parking Around BART Stations</li> </ol> |
| July 25 (4:00pm) | <ol style="list-style-type: none"> <li>1. Draft Waterfront Specific Plan (new proposed date and time)</li> </ol>                                                       |

### Unscheduled Workshops and Special Meetings

1. Fire Dept Standards of Coverage and Community Risk Assessment
2. Dispatch Needs Assessment Presentation (requested by Public Safety Committee)

### Unscheduled Presentations (City Manager)

None

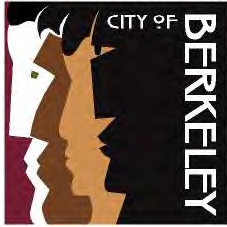
|    |                                                                                                                                                                                                                                                                                                      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

| CITY CLERK DEPARTMENT                                                    |                   |                    |                |
|--------------------------------------------------------------------------|-------------------|--------------------|----------------|
| WORKING CALENDAR FOR SCHEDULING LAND USE MATTERS BEFORE THE CITY COUNCIL |                   |                    |                |
| Address                                                                  | Board/ Commission | Appeal Period Ends | Public Hearing |
| <b>NOD – Notices of Decision</b>                                         |                   |                    |                |
| 705 Euclid Avenue (new single family dwelling)                           | ZAB               | 5/23/2023          |                |
| 2000 Milvia Street (add service of alcoholic beverages)                  | ZAB               | 5/23/2023          |                |
| 2439 Durant Avenue (construct mixed-use building)                        | ZAB               | 5/23/2023          |                |
| 2538 Durant Avenue (construct mixed-use building)                        | ZAB               | 5/23/2023          |                |
| 2555 College Avenue (construct multifamily residential building)         | ZAB               | 5/23/2023          |                |
| 2720 Hillegass Avenue - Willard Park (construct community center)        | ZAB               | 5/23/2023          |                |
| 2800 Telegraph Avenue (construct residential building)                   | ZAB               | 5/23/2023          |                |
| 3031 Telegraph Avenue (construct mixed-use building)                     | ZAB               | 5/23/2023          |                |
| <b>Public Hearings Scheduled</b>                                         |                   |                    |                |
| 469 Kentucky Avenue (single family dwelling)                             | ZAB               |                    | 5/23/2023      |
|                                                                          |                   |                    |                |
|                                                                          |                   |                    |                |
| <b>Remanded to ZAB or LPC</b>                                            |                   |                    |                |
|                                                                          |                   |                    |                |
|                                                                          |                   |                    |                |
|                                                                          |                   |                    |                |
| <b>Notes</b>                                                             |                   |                    |                |
|                                                                          |                   |                    |                |
|                                                                          |                   |                    |                |

5/18/2023







Office of the City Manager

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

**Meeting Date:** November 10, 2020

**Item Number:** 20

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

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

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



Office of the City Manager

November 9, 2020

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Attachments:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 1. Boards and Commissions

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

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

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

Category B

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



Transportation Commission  
Youth Commission  
Zero Waste Commission  
Loan Administration Board

Section 2. City Council Policy Committees

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

Section 3. City Council


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

The foregoing Resolution was adopted by the Berkeley City Council on March 17, 2020 by the following vote:

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

Noes: None.

Absent: None.

  
\_\_\_\_\_  
Jesse Arreguin, Mayor

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



Office of the City Manager

October 22, 2020

To: Berkeley Boards and Commissions

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

Subject: Commission Meetings During COVID-19 Emergency

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

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

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

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

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

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

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

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

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

Prompts for Commissions to use in work plan:

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

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

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

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

Attachments:

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

cc: Mayor and City Councilmembers  
Senior Leadership Team

RESOLUTION NO. 69,331-N.S.

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

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

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

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

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

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

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

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

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

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

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

Section 1. Boards and Commissions

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

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

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

Category B

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

Transportation Commission  
Youth Commission  
Zero Waste Commission  
Loan Administration Board

Section 2. City Council Policy Committees

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

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

Noes: None.

Absent: None.

  
\_\_\_\_\_  
Jesse Arreguin, Mayor

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









Office of the City Manager

October 31, 2022

To: Agenda & Rules Committee

From: Dee Williams-Ridley, City Manager

Subject: Return to In-Person City Council Meetings and Status of Meetings of City Legislative Bodies

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This memo provides an update regarding the return to in-person meetings by the City Council and other legislative bodies.

On October 19, 2022 the Agenda & Rules committee discussed the return to in-person meetings and recommended that the City Council return to in-person meetings starting with the December 6, 2022 meeting. The in-person meetings of the City Council will continue to allow for remote participation by the public.

Governor Newsom announced that he will end the statewide emergency declaration for COVID-19 on February 28, 2023. Rescinding the emergency declaration will end the exemptions to the Brown Act that were codified in AB 361. These exemptions allowed for remote participation by members of the legislative bodies without the need to notice the remote participation location or make the remote location accessible to the public.

In the past legislative session, AB 2449 was signed into law to extend the Brown Act exemptions in AB 361, but only for certain circumstances and for a limited duration of time. The provisions of AB 2449 are cumbersome and complicated and do not provide any long-term extension of the Brown Act exemptions used during the statewide declared emergency. A summary of AB 2449 is attached to this memo.

After February 28, 2023, if a member of the City Council participates remotely, but does not qualify for the exemptions in AB 2449, the remote location will be listed on the agenda, and the remote location must be available to the public.

### **Hybrid Meetings of the City Council**

Since the start of the pandemic in March of 2020, the City Council has held six hybrid meetings from the Boardroom. These hybrid meetings allowed for in-person participation and virtual participation for the public and the City Council. The meetings

were successful from a technology and logistics standpoint and a regular return to hybrid meetings should be manageable from a staff and meeting management perspective. Resources and processes will be continuously evaluated by staff throughout the transition to a regular hybrid meeting structure.

For the hybrid meetings staff developed meeting protocols for members of the public in attendance and the City Council. With the changing public health conditions related to COVID-19, these meeting protocols need to be reviewed and revised prior to the December 6 meeting. The current version of the protocols that were last used in June 2022 are attached for review.

City staff will continue to test the Boardroom technology with the IT Department, BUSD IT, and Berkeley Community Media to ensure smooth functionality. Communication with the public about the return to in-person (hybrid) meetings will be sent out through multiple channels in advance of December 6.

### **Status of Other Legislative Bodies**

City boards and commissions have been meeting virtual-only during the state declared emergency. When the state declared emergency expires on February 28, 2023, these bodies will return to in-person only meetings.

With over 30 commissions, there are approximately 350 commission meetings per year. Often there are multiple commissions meeting on the same day. The City does not currently have the videoconference infrastructure in place to provide for hybrid meetings for commissions. In addition, in a hybrid setting it is more difficult to manage and conduct meetings while attempting to provide meaningful participation by commissioners and the public. City staff will communicate with commission secretaries and commissioners to facilitate the transition back to in-person meetings. Staff will also analyze the costs for expanding videoconference capabilities throughout the City.

City Council policy committees may have the potential to meet in a hybrid format after February 28, 2023. In order to accommodate hybrid meetings, the videoconference capabilities in 2180 Milvia will need to be significantly expanded. This analysis is currently underway.

For both commissions and policy committees, the videoconference aspect of the meeting is for the public only. The members of the legislative bodies will be at the physical meeting location as previously discussed.

PM/  
Encl.:  
CC:

## **Summary of AB 2449 (Att. 1)**

### **Current Law**

Under current law [AB 361 (R. Rivas), Chapter 165, Statutes of 2021], The exemptions included in AB 361 only apply during a declared state of emergency as defined under the California Emergency Services Act. (Gov. Code §§ 52953(e)(1), (e)(4).) In addition, one of the following circumstances must apply:

- State or local officials have imposed or recommended measures to promote social distancing.
- The legislative body is meeting to determine whether, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
- The legislative body has determined that, as a result of the emergency, meeting in person presents imminent risks to the health or safety of attendees.

With the lifting of the State of Emergency, the provisions of AB 361 cannot be met, and therefore localities must return to pre-pandemic Brown Act provisions.

### **Recently Enacted Legislation on Remote Meetings**

The State legislature recently enacted, and the Governor signed AB 2449 (Rubio) [Chapter 285, Statutes of 2022] which provides under incredibly limited circumstances, the ability to have a minority amount of a Brown Act body members participate remotely. The measure is slated to sunset January 1, 2026.

### **General Requirements**

1. A quorum of the council must participate in person at its public meeting site within the boundaries of the jurisdiction (e.g., city hall/council chambers).
2. A member who wishes to participate remotely must have either “just cause” or “emergency circumstances.”

“Just cause” is defined as:

- A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires the councilmember to participate remotely.
- A contagious illness that prevents a member from attending in person.
- A need related to a physical or mental disability not otherwise accommodated under the ‘reasonable accommodation’ provisions of the Americans with Disabilities Act.
- Travel while on official business of the legislative body or another state or local agency.

“Emergency circumstances” is defined as “a physical or family medical emergency that prevents a member from attending in person.”

### **Procedures and Limitations**

A. When using the ‘Just cause’ exception:

1. The elected/appointed official must provide a general description of the circumstances relating to their need at the earliest opportunity possible, including at the start of the meeting.
2. A councilmember may not appear remotely due to “just cause” for more than two meetings per calendar year.

B. When using the 'emergency circumstances' exception:

1. The elected/appointed official must give a general description of the emergency circumstances, but the member is not required to disclose any medical diagnosis, disability, or personal medical information.
2. The governmental body must take action to approve the request prior to the remote participant being able to participate in any further business.

C. In all circumstances the following must occur:

1. The elected/appointed official must disclose at the meeting before any action is taken whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with any such individuals.
2. The member must participate through both audio and visual technology (e.g., the member must be on-screen).

D. Limited use despite narrow circumstances:

1. A member cannot attend meetings remotely for a period of more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year, or more than two meetings if the legislative body regularly meets fewer than 10 times per calendar year.

## Hybrid Meeting Policies for City Council Meetings Revised May 2022

The policy below covers the conduct of hybrid City Council meetings (in-person and remote participation) held in accordance with the Government Code and any relevant Executive Orders or State declared emergencies. These administrative policies supplement the City Council Rules of Procedure and Order.

City Council policy committees and city boards and commissions will continue to meet in a virtual-only setting until the City Council makes the required findings under state law that in-person meetings may resume.

### I. Vaccination Status

Prior to entry, all in-person attendees at the meeting location must present valid proof of “up-to-date” COVID-19 vaccination or a verified negative test conducted within one day prior for an antigen test or two days prior for a PCR test. An attendee is “up-to-date” with their vaccinations if:

- It has been less than 2 months after receiving the initial dose of their Johnson & Johnson Vaccine.
- It has been less than 5 months after receiving the second dose of their two-dose Pfizer or Moderna initial series.
- The attendee has received a booster.

#### *Pre-entry negative testing*

*Definition: Testing must be conducted within one day for an antigen test and within two days for a PCR test prior to entry into an event. Results of the test must be available prior to entry into the facility or venue. Children under 2 years of age are exempt from the testing requirement, consistent with [CDC guidance](#).*

*Verification: See current [CDPH Updated Testing Guidance](#) and [CDPH Over-the-Counter Testing Guidance](#) for acceptable methods of proof of negative COVID-19 test result and information on Over-the-Counter tests. Note: Self-attestation may not be used to verify negative test result, even when using Over-the-Counter (or at home tests) for entry into Indoor Mega Events.*

<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Beyond-Blueprint-Framework.aspx>

### II. Health Status Precautions

If a person who desires to attend the meeting in-person is feeling sick, including but not limited to, cough, shortness of breath or difficulty breathing,

fever or chills, muscle or body aches, vomiting or diarrhea, or new loss of taste or smell, they will be advised to attend the meeting remotely.

If an in-person attendee has been in close contact, as defined below, with a person who has tested positive for COVID-19 in the past five days, they are advised to attend the meeting remotely.

Close contact is defined as being within approximately 6 feet for greater than 15 minutes over 24 hours within 2 days before symptoms appear (or before a positive test for asymptomatic individuals); or having contact with COVID-19 droplets (e.g., being coughed on while not wearing recommended personal protective equipment).

A voluntary sign in sheet will be available at the meeting entry for in-person attendees. This will assist with contact tracing in case of COVID-19 contact resulting from the meeting.

### **III. Face Coverings/Mask**

Face coverings or masks that cover both the nose and mouth are required for all attendees at an in-person City Council meeting. Face coverings will be provided by the City and available for attendees to use at the meeting. Members of the City Council, city staff, and the public are required to wear a mask at all times, except when speaking publicly from the dais or at the public comment podium.

If an attendee at a Council meeting is not wearing a mask, a mask will be offered to them to use. If the attendee refuses to wear a mask, a recess will be called in order to provide guidance to the attendee on the requirement and their options for attending remotely and in-person.

Private security personnel will be the primary person for requesting compliance. If removal of a non-compliant person is needed, law enforcement personnel will perform this task.

### **IV. Physical Distancing**

Currently, there are no physical distancing requirements in place by the State of California or the Local Health Officer for an indoor event similar to a Council meeting.

Audience seating capacity will be at regular allowable levels per the Fire Code. The relevant capacity limits will be posted at the meeting location.

However, all attendees are requested to be respectful of the personal space of other attendees. An area of the public seating area will be designated as “distanced seating” to accommodate persons with a medical status that requires distancing and for those that choose to distance for personal health reasons.

Conference room capacity is limited to 15 persons.

City staff will present remotely in order to reduce the number of persons in the Boardroom and back conference area.

Distancing is encouraged for the dais and partitions will be used as needed for the seating positions on the dais.

**V. Protocols for Remote Participation by Mayor or Councilmembers**

Upon the repeal of the state-declared emergency, all standard Brown Act requirements will be in effect for members of the Council participating remotely. For the Mayor and Councilmembers participating remotely, the remote location must be accessible to the public and the public must be able to participate and give public comment from the remote location.

- A Councilmember at a remote location will follow the same policies as the Boardroom with regards to vaccination status and testing requirements, health status precautions, and masking requirements.
- A Councilmember at a remote location may impose reasonable capacity limits at their location.

**VI. Hand Washing/Sanitizing**

There are hand sanitizing stations placed at the entry and strategically throughout the Boardroom. The bathrooms have soap and water for handwashing.

**VII. Air Flow/Circulation/Sanitizing**

Berkeley Unified Facilities Staff performs a vigorous cleaning process after each use of the Boardroom. BUSD upgraded all HVAC filtration to MERV13, and with the inclusion of Needlepoint BiPolar Ionization, is achieving a rating that is closer to MERV18. Additionally, BUSD installed indoor air quality monitoring sensors in all facilities that constantly monitor Volatile Organic Compounds, CO<sub>2</sub>, Relative Humidity, and Temperature. The sensors and alarms allow BUSD to ensure that all systems are working properly and as

designed. If a sensor trips an alarm, a work order request is generated immediately to ensure the system is repaired expeditiously.

### **VIII. Overflow in Gymnasium**

An overflow indoor seating area will be available at the West Campus Gymnasium if staff determines that attendance is likely to exceed the capacity of the Boardroom. The capacity of the gymnasium is 200 persons. The overflow area will have a broadcast of the meeting in progress to allow participants to follow the proceedings and move to the Boardroom at the appropriate time to provide public comment if desired. This area will be monitored by the BUSD security personnel.

### **IX. In-Meeting Procedures**

#### **Revised and Supplemental Materials**

All revised and supplemental materials for items on the agenda submitted after 12:00pm (noon) the day prior to the meeting must be submitted to the City Clerk in both paper AND electronic versions.

- Paper: 42 copies delivered to the Boardroom (distributed per normal procedure)
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**IX. Food Provided for Elected Officials and Designated Staff**

- No buffet dinner provided. Box lunches only. Maximum of 16 (Mayor & Council [9], City Manager, City Attorney, City Clerk [2], Deputy City Managers [2], BCM Staff)
- Individually packaged snacks will be provided on a common table and drinks will be available in the refrigerator.

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fever or chills, muscle or body aches, vomiting or diarrhea, or new loss of taste or smell, they will be advised to attend the meeting remotely.

If an in-person attendee has been in close contact, as defined below, with a person who has tested positive for COVID-19 in the past five days, they will be advised to attend the meeting remotely.

Close contact is defined as being within approximately 6 feet for greater than 15 minutes over 24 hours within 2 days before symptoms appear (or before a positive test for asymptomatic individuals); or having contact with COVID-19 droplets (e.g., being coughed on while not wearing recommended personal protective equipment).

A voluntary sign in sheet will be available at the meeting entry for in-person attendees. This will assist with contact tracing in case of COVID-19 contact resulting from the meeting.

### **III. Face Coverings/Mask**

Face coverings or masks that cover both the nose and mouth are required for all attendees at an in-person City Council meeting. Face coverings will be provided by the City and available for attendees to use at the meeting. Members of the City Council, city staff, and the public are required to wear a mask at all times, except when speaking publicly from the dais or at the public comment podium.

If an attendee at a Council meeting is not wearing a mask, a mask will be offered to them to use. If the attendee refuses to wear a mask, a recess will be called in order to provide guidance to the attendee on the requirement and their options for attending remotely and in-person.

Private security personnel will be the primary person for requesting compliance. If removal of a non-compliant person is needed, law enforcement personnel will perform this task.

### **IV. Physical Distancing**

Currently, there are no physical distancing requirements in place by the State of California or the Local Health Officer for an indoor event similar to a Council meeting.

Audience seating capacity will be at regular allowable levels per the Fire Code. However, all attendees are requested to be respectful of the personal space of other attendees. An area of the public seating area will be designated as

“distanced seating” to accommodate persons with a medical status that requires distancing and for those that choose to distance for personal health reasons.

Conference room capacity is limited to 15 persons. The relevant capacity limits will be posted at the meeting location.

City staff will present remotely in order to reduce the number of persons in the Boardroom and back conference area.

Distancing is encouraged for the dais and partitions will be used as needed for the seating positions on the dais.

**V. Protocols for Remote Participation by Mayor or Councilmembers**

Upon the repeal of the state-declared emergency, all standard Brown Act requirements will be in effect for members of the Council participating remotely. For the Mayor and Councilmembers participating remotely, the remote location must be accessible to the public and the public must be able to participate and give public comment from the remote location.

- A Councilmember at a remote location will follow the same policies as the Boardroom with regards to vaccination status and testing requirements, health status precautions, and masking requirements.
- A Councilmember at a remote location may impose reasonable capacity limits at their location.

**VI. Hand Washing/Sanitizing**

There are hand sanitizing stations placed at the entry and strategically throughout the Boardroom. The bathrooms have soap and water for handwashing.

**VII. Air Flow/Circulation/Sanitizing**

Berkeley Unified Facilities Staff performs a vigorous cleaning process after each use of the Boardroom. BUSD upgraded all HVAC filtration to MERV13, and with the inclusion of Needlepoint BiPolar Ionization, is achieving a rating that is closer to MERV18. Additionally, BUSD installed indoor air quality monitoring sensors in all facilities that constantly monitor Volatile Organic Compounds, CO<sub>2</sub>, Relative Humidity, and Temperature. The sensors and alarms allow BUSD to ensure that all systems are working properly and as designed. If a sensor trips an alarm, a work order request is generated immediately to ensure the system is repaired expeditiously.

**VIII. Overflow in Gymnasium**

An overflow indoor seating area will be available at the West Campus Gymnasium for every meeting. The capacity of the gymnasium is 200 persons. The overflow area will have a broadcast of the meeting in progress to allow participants to follow the proceedings and move to the Boardroom at the appropriate time to provide public comment if desired. This area will be monitored by the BUSD security personnel.

**IX. Food Provided for Elected Officials and Designated Staff**

- No buffet dinner provided. Box lunches only. Maximum of 16 (Mayor & Council [9], City Manager, City Attorney, City Clerk [2], Deputy City Managers [2], BCM Staff)
- Individually packaged snacks will be provided on a common table and drinks will be available in the refrigerator.

**X. In-Meeting Procedures**

**Revised and Supplemental Materials from Staff and Council**

All revised and supplemental materials for items on the agenda submitted after 12:00pm (noon) the day prior to the meeting must be submitted to the City Clerk in both paper AND electronic versions.

- Paper: 42 copies delivered to the Boardroom (distributed per normal procedure)
- Electronic: e-mailed to the Agenda Inbox (posted online)

**Communications from the Public**

A communication submitted by the public during the City Council meeting may be shared as follows.

- Paper: If requested by the Presiding Officer, the document can be displayed in the Boardroom and screen shared on the Zoom.
- Electronic: If requested by the Presiding Officer, the document can be displayed in the Boardroom and screen shared on the Zoom.





Office of the City Attorney

Date: March 3, 2021  
To: Agenda and Rules Committee  
From: Office of the City Attorney  
Re: Continuing Use of Teleconferencing for Public Meetings

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Assembly Bill 361 amended the Ralph M. Brown act to authorize the City to continue to hold teleconferenced meetings during a Governor-declared state of emergency without complying with a number of requirements ordinarily applicable to teleconferencing. For example, under AB 361, the City may hold teleconferenced meetings without:

1. Posting agendas at all teleconference locations
2. Listing each teleconference location in the notice and agenda for the meeting
3. Allowing the public to access and provide public comment from each teleconference location
4. Requiring a quorum of the body to teleconference from locations within City boundaries

(Cal. Gov. Code § 549539(b)(3) & (e)(1).)

Under AB 361, the City can continue to hold teleconferenced meetings without adhering to the above practices as long as the state of emergency continues and either (1) “state or local officials have imposed or recommended measures to promote social distancing,” or (2) the City determines that “meeting in person would present imminent risks to the health or safety of attendees.” (Cal. Gov. Code § 54953(e)(1).)

Every thirty days, the City must review and determine that either of the above conditions continues to exist. (Cal. Gov. Code § 54953(e)(3).) Since September 28, 2021, the City Council has passed a recurring resolution every thirty days determining that both of the above conditions continue to exist and therefore teleconferencing under AB 361 is warranted. The Council may continue to renew the teleconferencing resolution every thirty days, and thereby continue to hold teleconferenced meetings under the procedures it has used throughout the pandemic, until the state of emergency ends. (See Cal. Gov. Code § 54953(e)(3)(A).)

The state of emergency for COVID-19 has been in effect since it was issued by the Governor on March 4, 2020. There is no clear end date for the state of emergency at this time. As recently as February 17, 2022, the Governor stated that, for now, the state will continue to operate under the state of emergency, but that his goal is “to unwind the state

March 2, 2022

Page 2 Re: Continuing Use of Teleconferencing for Public Meetings

of emergency as soon as possible.”<sup>1</sup> Additionally, per a February 25, 2022 *Los Angeles Times* article, Newsom administration officials have indicated that the state of emergency is necessary for the State’s continued response to the pandemic, including measures such as waiving licensing requirements for healthcare workers and clinics involved in vaccination and testing.<sup>2</sup>

On March 15, 2022, the California State Senate Governmental Organization Committee will consider a resolution (SCR 5) ending the state of emergency.<sup>3</sup> Some reporting suggests that the Republican-sponsored resolution is unlikely to pass. Notably, Senate Leader Toni Atkins’ statement on the Senate’s consideration of SCR 5 articulates strong support for the state of emergency.<sup>4</sup>

The Governor has issued an executive order (N-1-22) which extends to March 31, 2022 sunset dates for teleconferencing for state legislative bodies (under the Bagley-Keene Open Meeting Act) and student body organizations (under the Gloria Romero Open Meetings Act).<sup>5</sup> Executive Order N-1-22 does not affect the Brown Act teleconferencing provisions of AB 361, which have a sunset date of January 1, 2024. Therefore, until January 1, 2024, the City may utilize the teleconferencing provisions under AB 361 as long as the state of emergency remains in effect.

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<sup>1</sup> *New York Times*, California Lays Out a Plan to Treat the Coronavirus as a Manageable Risk Not an Emergency (Feb. 17, 2022), <https://www.nytimes.com/2022/02/18/us/california-lays-out-a-plan-to-treat-the-coronavirus-as-a-manageable-risk-not-an-emergency.html>.

<sup>2</sup> *Los Angeles Times*, Newsom scales back some special pandemic rules, but not California’s state of emergency (Feb. 25, 2022), <https://www.latimes.com/california/story/2022-02-25/newsom-scales-back-special-pandemic-rules-but-not-california-state-of-emergency>.

<sup>3</sup> Text of SCR 5 available at: [https://leginfo.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220SCR5](https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SCR5).

<sup>4</sup> Press release: Senator Toni G. Atkins, Senate Leader Atkins Issues Statement on SCR 5 and the State of Emergency (Feb. 17, 2022), <https://sd39.senate.ca.gov/news/20220217-senate-leader-atkins-issues-statement-scr-5-and-state-emergency>.

<sup>5</sup> Text of Executive Order N-1-22 available at: <https://www.gov.ca.gov/wp-content/uploads/2022/01/1.5.22-Bagley-Keene-waiver-EO.pdf>.

## Hybrid Meeting Policies for City Council Meetings Revised April 2022

The policy below covers the conduct of hybrid City Council meetings (in-person and remote participation) held in accordance with the Government Code and any relevant Executive Orders or State declared emergencies.

### I. Vaccination Status

Prior to entry, all in-person attendees at the meeting location must present valid proof of “up-to-date” COVID-19 vaccination or a verified negative test conducted within one day prior for an antigen test or two days prior for a PCR test. An attendee is “up-to-date” with their vaccinations if:

- It has been less than 2 months after receiving the initial dose of their Johnson & Johnson Vaccine.
- It has been less than 5 months after receiving the second dose of their two-dose Pfizer or Moderna initial series.
- The attendee has received a booster.

#### *Pre-entry negative testing*

*Definition: Testing must be conducted within one day for an antigen test and within two days for a PCR test prior to entry into an event. Results of the test must be available prior to entry into the facility or venue. Children under 2 years of age are exempt from the testing requirement, consistent with [CDC guidance](#).*

*Verification: See current [CDPH Updated Testing Guidance](#) and [CDPH Over-the-Counter Testing Guidance](#) for acceptable methods of proof of negative COVID-19 test result and information on Over-the-Counter tests. Note: Self-attestation may not be used to verify negative test result, even when using Over-the-Counter (or at home tests) for entry into Indoor Mega Events.*

<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Beyond-Blueprint-Framework.aspx>

### II. Health Status Precautions

If a person who desires to attend the meeting in-person is feeling sick, including but not limited to, cough, shortness of breath or difficulty breathing, fever or chills, muscle or body aches, vomiting or diarrhea, or new loss of taste or smell they will be advised to attend the meeting remotely.

If an in-person attendee has been in close contact, as defined below, with a person who has tested positive for COVID-19 in the past five days, they will be advised to attend the meeting remotely.

Close contact is defined as being within approximately 6 feet for greater than 15 minutes over 24 hours within 2 days before symptoms appear (or before a positive test for asymptomatic individuals); or having contact with COVID-19 droplets (e.g., being coughed on while not wearing recommended personal protective equipment relative to employees' duties and responsibilities).

A voluntary sign in sheet will be available at the meeting entry for in-person attendees. This will assist with contact tracing in case of COVID contact resulting from the meeting.

### **III. Face Coverings/Mask**

Following the State of California and Local Health Officer Guidance, face coverings or masks that cover both the nose and mouth are required for all attendees at an in-person City Council meeting. Face coverings will be provided by the City and available for attendees to use at the meeting. Members of the City Council, city staff, and the public are required to wear a mask at all times, including when speaking publicly at the meeting.

If an attendee at a Council Meeting is not wearing a mask, a mask will be offered to them to use. If the attendee refuses to wear a mask, a recess will be called in order to provide guidance to the attendee on the requirement and their options for attending remotely and in-person.

Private security personnel will be the primary person for requesting compliance. If removal of a non-compliant person is needed, law enforcement personnel will perform this task.

### **IV. Physical Distancing**

Currently, there are no physical distancing requirements in place by the State of California or the Local Health Officer for an indoor event similar to a council meeting.

Audience seating capacity will be at regular allowable levels per the Fire Code. However, all attendees are requested to be respectful of the personal space of other attendees. An area of the public seating area will be designated as "distanced seating" to accommodate persons with a medical status that requires distancing and for those that choose to distance for personal health reasons.

Conference room capacity is limited to 15 persons. The relevant capacity limits will be posted at the meeting location.

City staff will present remotely in order to reduce the number of persons in the Boardroom and back conference area.

**V. Protocols for Remote Participation by Mayor or Councilmembers**

Upon the repeal of the state-declared emergency, all standard Brown Act requirements will be in effect for members of the Council participating remotely. For the Mayor and Councilmembers participating remotely, the remote location must be accessible to the public and the public must be able to participate and give public comment from the remote location.

- A Councilmember at a remote location will follow the same policies as the Boardroom with regards to vaccination status and testing requirements, health status precautions, and masking requirements.
- A Councilmember at a remote location may impose reasonable capacity limits at their location.

**VI. Hand Washing/Sanitizing**

There are hand sanitizing stations placed at the entry and strategically throughout the Boardroom. The bathrooms have soap and water for handwashing.

**VII. Air Flow/Circulation/Sanitizing**

BUSD Facilities Staff performs a vigorous cleaning process after each use of the Boardroom. BUSD upgraded all HVAC filtration to MERV13, and with the inclusion of Needlepoint BiPolar Ionization, is achieving a rating that is closer to MERV18. Additionally, BUSD installed indoor air quality monitoring sensors in all facilities that constantly monitor VOC's CO2, Relative Humidity, and Temperature. The sensors and alarms allow BUSD to ensure that all systems are working properly and as designed. If a sensor trips an alarm, a work order request is generated immediately to ensure the system is repaired expeditiously.

**VIII. Overflow in Gymnasium**

An overflow indoor seating area will be available at the West Campus Gymnasium for every meeting. The capacity of the gymnasium is 200 persons. The overflow area will have a broadcast of the meeting in progress

to allow participants to follow the proceedings and move to the Boardroom at the appropriate time to provide public comment if desired. The broadcast audio and video will be provided to attendees in the overflow area. This area will be monitored by the BUSD security personnel.

**IX. Food Provided for Elected Officials and Designated Staff**

- No buffet dinner provided. Box lunches only. Maximum of 16 (Mayor & Council [9], City Manager, City Attorney, City Clerk [2], Deputy City Managers [2], BCM Staff)
- Individually packaged snacks will be provided on a common table and drinks will be available in the refrigerator.

## Hybrid Meeting Procedures for BUSD Boardroom (~~November 2021~~February 2022)

The policy below covers the conduct of hybrid City Council meetings (in-person and remote participation) held in accordance with the Government Code and any relevant Executive Orders or State declared emergencies.

### I. **Vaccination Status**

Prior to entry, all in-person attendees at the meeting location must present valid proof of “up-to-date” COVID-19 vaccination or a verified negative test conducted within one day prior for an antigen test or two days prior for a PCR test. An attendee is “up-to-date” with their vaccinations if:

- It has been less than 2 months after receiving the initial dose of their Johnson & Johnson Vaccine.
- It has been less than 5 months after receiving the second dose of their two-dose Pfizer or Moderna initial series.
- The attendee has received a booster.

~~No requirement for vaccination to attend a Council meeting. Staff and Officials will not inquire about vaccination status for any attendees.~~

### II. **Health ~~Check~~Status Precautions**

If an in-person attendee is feeling sick, including but not limited to, cough, shortness of breath or difficulty breathing, fever or chills, muscle or body aches, vomiting or diarrhea, or new loss of taste or smell they will be advised to attend the meeting remotely.

If an in-person attendee has been in close contact, as defined below, with a person who has tested positive for COVID-19 in the past five days, they will be advised to attend the meeting remotely.

Close contact is defined as being within approximately 6 feet for greater than 15 minutes over 24 hours within 2 days before symptoms appear (or before a positive test for asymptomatic individuals); or having contact with COVID-19 droplets (e.g., being coughed on while not wearing recommended personal protective equipment relative to employees’ duties and responsibilities).

~~A walk-up temperature check device will be located at the entry to the in-person meeting location. All persons entering the in-person meeting location are required to perform a temperature check upon entering. A handheld non-touch thermometer will be available for individuals with disabilities. Private security personnel will be at the entry location for the duration of the meeting to monitor the temperature check station and mask requirement.~~

~~Attendees showing a fever will be directed to attend the meeting via remote participation (Zoom). If an attendee refuses to have their temperature~~

## Hybrid Meeting Procedures for BUSD Boardroom (~~November 2021~~February 2022)

~~checked, guidance will be provided to the attendee on the requirement and their options for attending remotely and in-person.~~

~~Private security personnel will be the primary person for requesting compliance. If removal of a non-compliant person is needed, law enforcement personnel will perform this task.~~

### III. **Face Coverings/Mask**

Following the State of California and Local Health Officer Guidance, face coverings or masks that cover both the nose and mouth are required for all attendees at an in-person City Council meeting. Face coverings will be provided by the City and available for attendees to use at the meeting.

If an attendee at a Council Meeting is not wearing a mask, a mask will be offered to them to use. If the attendee refuses to wear a mask, a recess will be called in order to provide guidance to the attendee on the requirement and their options for attending remotely and in-person.

Members of the City Council, city staff, and the public are required to wear a mask at all times, including when speaking publicly at the meeting.

Private security personnel will be the primary person for requesting compliance. If removal of a non-compliant person is needed, law enforcement personnel will perform this task.

### IV. **Physical Distancing**

Currently, there are no physical distancing requirements in place by the State of California or the Local Health Officer for an indoor event similar to a council meeting.

Audience seating capacity will be at regular allowable levels per the Fire Code. However, all attendees are requested to be respectful of the personal space of other attendees. An area of the public seating area will be designated as "distanced seating" to accommodate persons with a medical status that requires distancing and for those that choose to distance for personal health reasons.

~~Relevant CalOSHA requirements for the workplace will be followed as is feasible. Capacity in the audience seating area (including members of the media and staff) at the BUSD Boardroom is limited to 40 persons due to~~



## Hybrid Meeting Procedures for BUSD Boardroom (~~November 2021~~February 2022)

~~uncertainty about vaccination status of attendees and limiting attendance at indoor events to ensure the comfort and safety of attendees.~~ Conference room capacity is limited to ~~42-15~~ persons. The relevant capacity limits will be posted on the city council agenda and at the meeting location.

City staff will present remotely in order to reduce the number of persons in the Boardroom and back conference area.

### V. **Protocols for Remote Participation by Mayor or Councilmembers**

Upon the repeal of the state-declared emergency, all standard Brown Act requirements will be in effect for members of the Council participating remotely. For the Mayor and Councilmembers participating remotely, the remote location must be accessible to the public and the public must be able to participate and give public comment from the remote location.

- A Councilmember at a remote location will follow the same policies as the Boardroom with regards to vaccination status and testing requirements, health status precautions, temperature checks, and masking requirements.
- A Councilmember at a remote location may impose reasonable capacity limits at their location.

### VI. **Hand Washing/Sanitizing**

There are hand sanitizing stations placed at the entry and strategically throughout the Boardroom. The bathrooms have soap and water for handwashing.

### VII. **Air Flow/Circulation/Sanitizing**

BUSD Facilities Staff performs a vigorous cleaning process after each use of the Boardroom. BUSD upgraded all HVAC filtration to MERV13, and with the inclusion of Needlepoint BiPolar Ionization, is achieving a rating that is closer to MERV18. Additionally, BUSD installed indoor air quality monitoring sensors in all facilities that constantly monitor VOC's CO2, Relative Humidity, and Temperature. The sensors and alarms allow BUSD to ensure that all systems are working properly and as designed. If a sensor trips an alarm, a work order request is generated immediately to ensure the system is repaired expeditiously.

## Hybrid Meeting Procedures for BUSD Boardroom (~~November 2021~~February 2022)

### **VIII. Overflow in Gymnasium**

An overflow indoor seating area will be available at the West Campus Gymnasium for every meeting. The capacity of the gymnasium is ~~100~~200 persons. The overflow area will have a broadcast of the meeting in progress to allow participants to follow the proceedings and move to the Boardroom at the appropriate time to provide public comment if desired. The broadcast audio and video will be provided to attendees in the overflow area. This area will be monitored by the BUSD security personnel.

### **IX. Food Provided for Elected Officials and Designated Staff**

- No buffet dinner provided.
- Box lunches only. Maximum of 16 (Mayor & Council [9], City Manager, City Attorney, City Clerk [2], Deputy City Managers [2], BCM Staff)
- Individually packaged snacks will be provided on a common table and drinks will be available in the refrigerator.

## Hybrid Meeting Procedures for BUSD Boardroom (November 2021)

The policy below covers the conduct of hybrid City Council meetings (in-person and remote participation) held in accordance with the Government Code and any relevant Executive Orders or State declared emergencies.

### **I. Vaccination Status**

No requirement for vaccination to attend a Council meeting. Staff and Officials will not inquire about vaccination status for any attendees.

### **II. Health Check**

A walk-up temperature check device will be located at the entry to the in-person meeting location. All persons entering the in-person meeting location are required to perform a temperature check upon entering. A handheld non-touch thermometer will be available for individuals with disabilities. Private security personnel will be at the entry location for the duration of the meeting to monitor the temperature check station and mask requirement.

Attendees showing a fever will be directed to attend the meeting via remote participation (Zoom). If an attendee refuses to have their temperature checked, guidance will be provided to the attendee on the requirement and their options for attending remotely and in-person.

Private security personnel will be the primary person for requesting compliance. If removal of a non-compliant person is needed, law enforcement personnel will perform this task.

### **III. Face Coverings/Mask**

Following the State of California and Local Health Officer Guidance, face coverings or masks that cover both the nose and mouth are required for all attendees at an in-person City Council meeting. Face coverings will be provided by the City and available for attendees to use at the meeting.

If an attendee at a Council Meeting is not wearing a mask, a mask will be offered to them to use. If the attendee refuses to wear a mask, a recess will be called in order to provide guidance to the attendee on the requirement and their options for attending remotely and in-person.

Members of the City Council, city staff, and the public are required to wear a mask at all times, including when speaking publicly at the meeting.

Private security personnel will be the primary person for requesting compliance. If removal of a non-compliant person is needed, law enforcement personnel will perform this task.

## Hybrid Meeting Procedures for BUSD Boardroom (November 2021)

### IV. Physical Distancing

Currently, there are no physical distancing requirements in place by the State of California or the Local Health Officer for an indoor event similar to a council meeting. Relevant CalOSHA requirements for the workplace will be followed as is feasible. Capacity in the audience seating area (including members of the media and staff) at the BUSD Boardroom is limited to 40 persons due to uncertainty about vaccination status of attendees and limiting attendance at indoor events to ensure the comfort and safety of attendees. Conference room capacity is limited to 12 persons. The relevant capacity limits will be posted on the city council agenda and at the meeting location.

### V. Protocols for Remote Participation by Mayor or Councilmembers

Upon the repeal of the state-declared emergency, all standard Brown Act requirements will be in effect for members of the Council participating remotely. For the Mayor and Councilmembers participating remotely, the remote location must be accessible to the public and the public must be able to participate and give public comment from the remote location.

- A Councilmember at a remote location will follow the same policies as the Boardroom with regards to vaccination status, temperature checks, and mask requirements.
- A Councilmember at a remote location may impose reasonable capacity limits at their location.

### VI. Hand Washing/Sanitizing

There are hand sanitizing stations placed at the entry and strategically throughout the Boardroom. The bathrooms have soap and water for handwashing.

### VII. Air Flow/Circulation/Sanitizing

BUSD Facilities Staff performs a vigorous cleaning process after each use of the Boardroom. BUSD upgraded all HVAC filtration to MERV13, and with the inclusion of Needlepoint BiPolar Ionization, is achieving a rating that is closer to MERV18. Additionally, BUSD installed indoor air quality monitoring sensors in all facilities that constantly monitor VOC's CO2, Relative Humidity, and Temperature. The sensors and alarms allow BUSD to ensure that all systems are working properly and as designed. If a sensor trips an alarm, a work order request is generated immediately to ensure the system is repaired expeditiously.

### VIII. Overflow in Gymnasium

An overflow indoor seating area will be available at the West Campus Gymnasium for every meeting. The capacity of the gymnasium is 100 persons. The overflow area will have a broadcast of the meeting in progress

## **Hybrid Meeting Procedures for BUSD Boardroom (November 2021)**

to allow participants to follow the proceedings and move to the Boardroom at the appropriate time to provide public comment if desired. The broadcast audio and video will be provided to attendees in the overflow area. This area will be monitored by the BUSD security personnel.

### **IX. Food Provided for Elected Officials and Designated Staff**

- No buffet dinner provided.
- Box lunches only. Total of 18 (Mayor & Council [9], City Manager, City Attorney, City Clerk [2], Deputy City Managers [2], BCM Staff, Extras [2])
- Individually packaged snacks will be provided on a common table and drinks will be available in the refrigerator.



# URGENT ITEM AGENDA MATERIAL

Government Code Section 54954.2(b)  
Rules of Procedure Chapter III.C.5

**THIS ITEM IS NOT YET AGENDIZED AND MAY OR MAY NOT BE ACCEPTED FOR THE AGENDA AS A LATE ITEM, SUBJECT TO THE CITY COUNCIL'S DISCRETION ACCORDING TO BROWN ACT RULES**

**Meeting Date: September 28, 2021**

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

This item is submitted pursuant to the provision checked below:

- Emergency Situation (54954.2(b)(1) - majority vote required)  
*Determination by a majority vote of the legislative body that an emergency situation exists, as defined in Section 54956.5.*
- Immediate Action Required (54954.2(b)(2) - two-thirds vote required)  
*There is a need to take immediate action and the need for action came to the attention of the local agency subsequent to the agenda for this meeting being posted.*

Once the item is added to the agenda (Consent or Action) it must be passed by the standard required vote threshold (majority, two-thirds, or 7/9).

## **Facts supporting the addition of the item to the agenda under Section 54954.2(b) and Chapter III.C.5 of the Rules of Procedure:**

Assembly Bill 361 (Rivas) was signed by the Governor on September 16, 2021. This bill allows local legislative bodies to meet using videoconference technology while maintaining the Brown Act exemptions in Executive Order N-29-20 for noticing and access to the locations from which local officials participate in the meeting. Local agencies may only meet with the exemption if there is a state declared emergency.

The bill also requires that local legislative bodies meeting only via videoconference under a state declared emergency to make certain findings every 30-days regarding the need to meet in a virtual-only setting.

The agenda for the September 28, 2021 was finalized and published prior to the Governor signing AB 361 in to law. Thus, the need to take action came to the attention of the local agency after the agenda was distributed. This item qualifies for addition to the agenda with a two-thirds vote of the Council under Government Code Section 54954.2(b)(2).



Office of the City Attorney

CONSENT CALENDAR  
September 28, 2021

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

From: Farimah Faiz Brown, City Attorney

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

RECOMMENDATION

Adopt a resolution making the required findings pursuant to Government Code Section 54953(e)(3) and determining that as a result of the continued threat to public health and safety posed by the spread of COVID-19, City legislative bodies shall continue to meet via videoconference and teleconference.

FISCAL IMPACT OF RECOMMENDATION

To be determined.

CURRENT SITUATION AND ITS EFFECTS

Pursuant to California Government Code section 8630 and Berkeley Municipal Code Chapter 2.88.040, on March 3, 2020, the City Manager, in her capacity as Director of Emergency Services, proclaimed a local emergency due to conditions of extreme peril to the safety of persons and property within the City as a consequence of the global spread of a severe acute respiratory illness caused by a novel (new) coronavirus (COVID-19), including a confirmed case in the City of Berkeley. As a result of multiple confirmed and presumed cases in Alameda County, the County has declared a local health emergency. On March 4, 2020, Governor Gavin Newsom issued a Proclamation of a State of Emergency due to the spread of COVID-19. On March 10, 2020, the City Council ratified the Proclamation of Local Emergency with the passage of Resolution No. 69-312.

On March 17, 2020, Governor Newsom signed Executive Order N-29-20, which suspended certain portions of the Ralph M. Brown Act (Cal. Gov. Code § 54950 et seq.) related to the holding of teleconferenced meetings by City legislative bodies. Among other things, Executive Order N-29-20 suspended requirements that each location from which an official accesses a teleconferenced meeting be accessible to the public.

These changes were necessary to allow teleconferencing to be used as a tool for ensuring social distancing. City legislative bodies have held public meetings via videoconference and teleconference pursuant to these provisions since March 2020. These provisions of Executive Order N-29-20 will expire on September 30, 2021.

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

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

Assembly Bill 361 (Rivas), signed into law by Governor Newsom on September 16, 2021, amended a portion of the Brown Act (Government Code Section 54953) to authorize the City Council, during the state of emergency, to determine that, due to the spread of COVID-19, holding in-person public meetings would present an imminent risk to the health or safety of attendees, and therefore City legislative bodies must continue to meet via videoconference and teleconference. Assembly Bill 361 requires that the City Council must review and ratify such a determination every thirty (30) days. Therefore, if the Council passes this resolution on September 28, 2021, the Council will need to review and ratify the resolution by October 28, 2021.

This item requests that the Council review the circumstances of the continued state of emergency posed by the spread of COVID-19, and find that the state of emergency continues to directly impact the ability of the public and members of City legislative bodies to meet safely in person, that holding public meetings of City legislative bodies in person would present imminent risks to the health and safety of attendees, and that state and local officials continue to promote social distancing, mask wearing and vaccination. This item further requests that the Council determine that City legislative bodies, including but not limited to the City Council and its committees, and all commissions and boards, shall continue to hold public meetings via videoconference and teleconference, and that City legislative bodies shall continue to comply with all provisions of the Brown Act, as amended by SB 361.

#### BACKGROUND

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



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

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

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

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

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Not applicable.

#### RATIONALE FOR RECOMMENDATION

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

#### ALTERNATIVE ACTIONS CONSIDERED

None.

#### CONTACT PERSON

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

#### Attachments:

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

RESOLUTION NO. –N.S.

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

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

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

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

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

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

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

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

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

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

WHEREAS, the City Council will need to again review the need for the continuing necessity of holding City legislative body meetings via videoconference and teleconference by October 28, 2021.

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

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

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



OFFICE OF THE GOVERNOR

June 2, 2021

**VIA EMAIL**

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RE: Transition Period Prior to Repeal of COVID-related Executive Orders

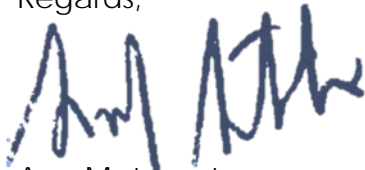
Dear Mr. Knaus, Ms. Miller, Ms. Hurst, Ms. Preston, Ms. Heaton, Ms. King, Ms. Coleman, Ms. Blacet-Hyden, Mr. McCormick, Mr. Anderson, and colleagues,

Thank you for your correspondence of May 18, 2021, inquiring what impact the anticipated June 15 termination of the Blueprint for a Safer Economy will have on Executive Order N-29-20, which provided flexibility to state and local agencies and boards to conduct their business through virtual public meetings during the COVID-19 pandemic.

Please be assured that this Executive Order Provision will not terminate on June 15 when the Blueprint is scheduled to terminate. While the Governor intends to terminate COVID-19 executive orders at the earliest possible date at which conditions warrant, consistent with the Emergency Services Act, the Governor recognizes the importance of an orderly return to the ordinary conduct of public meetings of state and local agencies and boards. To this end, the Governor's office will work to provide notice to affected stakeholders in advance of rescission of this provision to provide state and local agencies and boards time necessary to meet statutory and logistical requirements. Until a further order issues, all entities may continue to rely on N-29-20.

We appreciate your partnership throughout the pandemic.

Regards,

A handwritten signature in blue ink, appearing to read 'Ana Matosantos', written in a cursive style.

Ana Matosantos  
Cabinet Secretary



## NEWS RELEASE

Release  
Number: 2021-58

June 4, 2021

### Standards Board Readopts Revised Cal/OSHA COVID-19 Prevention Emergency Temporary Standards

**The revised Cal/OSHA standards are expected to go into effect no later than June 15**

**Sacramento** — The Occupational Safety and Health Standards Board on June 3 readopted Cal/OSHA's revised COVID-19 prevention emergency temporary standards.

Last year, the Board adopted health and safety standards to protect workers from COVID-19. The standards did not consider vaccinations and required testing, quarantining, masking and more to protect workers from COVID-19.

The changes adopted by the Board phase out physical distancing and make other adjustments to better align with the state's June 15 goal to retire the Blueprint. Without these changes, the original standards, would be in place until at least October 2. These restrictions are no longer required given today's record low case rates and the fact that we've administered 37 million vaccines.

The revised emergency standards are expected to go into effect no later than June 15 if approved by the Office of Administrative Law in the next 10 calendar days. Some provisions go into effect starting on July 31, 2021.

The [revised standards](#) are the first update to Cal/OSHA's temporary COVID-19 prevention requirements adopted in November 2020.

**The Board may further refine the regulations in the coming weeks** to take into account changes in circumstances, especially as related to the availability of vaccines and low case rates across the state.

The standards apply to most workers in California not covered by Cal/OSHA's Aerosol Transmissible Diseases [standard](#). Notable revisions include:

- **Face Coverings:**
  - Indoors, fully vaccinated workers without COVID-19 symptoms do not need to wear face coverings in a room where everyone else is fully vaccinated and not showing symptoms. However, where there is a mixture of vaccinated and unvaccinated persons in a room, all workers will continue to be required to wear a face covering.
  - Outdoors, fully vaccinated workers without symptoms do not need to wear face coverings. However, outdoor workers who are not fully vaccinated must continue to wear a face covering when they are less than six feet away from another person.
- **Physical Distancing:** When the revised standards take effect, employers can eliminate physical distancing and partitions/barriers for employees working indoors and at outdoor mega events if they provide respirators, such as N95s, to unvaccinated employees for voluntary use. After July 31, physical distancing

and barriers are no longer required (except during outbreaks), but employers must provide all unvaccinated employees with N95s for voluntary use.

- **Prevention Program:** Employers are still required to maintain a written COVID-19 Prevention Program but there are some key changes to requirements:
  - Employers must review the California Department of Public Health's [Interim guidance for Ventilation, Filtration, and Air Quality in Indoor Environments](#).
  - COVID-19 prevention training must now include information on how the vaccine is effective at preventing COVID-19 and protecting against both transmission and serious illness or death.
- **Exclusion from the Workplace:** Fully vaccinated workers who do not have COVID-19 symptoms no longer need to be excluded from the workplace after a close contact.
- **Special Protections for Housing and Transportation:** Special COVID-19 prevention measures that apply to employer-provided housing and transportation no longer apply if all occupants are fully vaccinated.

The Standards Board will file the readoption rulemaking package with the Office of Administrative Law, which has 10 calendar days to review and approve the temporary workplace safety standards enforced by Cal/OSHA. Once approved and published, the full text of the revised emergency standards will appear in the Title 8 sections [3205](#) (COVID-19 Prevention), [3205.1](#) (Multiple COVID-19 Infections and COVID-19 Outbreaks), [3205.2](#) (Major COVID-19 Outbreaks) [3205.3](#) (COVID-19 Prevention in Employer-Provided Housing) and [3205.4](#) (COVID-19 Prevention in Employer-Provided Transportation) of the [California Code of Regulations](#). Pursuant to the state's [emergency rulemaking process](#), this is the first of two opportunities to readopt the temporary standards after the initial effective period.

The Standards Board also convened a representative subcommittee to work with Cal/OSHA on a proposal for further updates to the standard, as part of the emergency rulemaking process. It is anticipated this newest proposal, once developed, will be heard at an upcoming Board meeting. The subcommittee will provide regular updates at the Standards Board monthly meetings.

The [Occupational Safety and Health Standards Board](#), a seven-member body appointed by the Governor, is the standards-setting agency within the Cal/OSHA program. The Standards Board's objective is to adopt reasonable and enforceable standards at least as effective as federal standards. The Standards Board also has the responsibility to grant or deny applications for permanent variances from adopted standards and respond to petitions for new or revised standards.

The California Division of Occupational Safety and Health, or [Cal/OSHA](#), is the division within the Department of Industrial Relations that helps protect California's workers from health and safety hazards on the job in almost every workplace. [Cal/OSHA's Consultation Services Branch](#) provides free and voluntary assistance to employers to improve their health and safety programs. Employers should call (800) 963-9424 for assistance from Cal/OSHA Consultation Services.

**Contact:** Erika Monterroza / Frank Polizzi, [Communications@dir.ca.gov](mailto:Communications@dir.ca.gov), (510) 286-1161.

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The [California Department of Industrial Relations](#), established in 1927, protects and improves the health, safety, and economic well-being of over 18 million wage earners, and helps their employers comply with state labor laws. DIR is housed within the [Labor & Workforce Development Agency](#)



Office of the City Manager

June 1, 2021

To: Agenda & Rules Committee

From: Dee Williams-Ridley, City Manager

Subject: Preliminary Analysis of Return to In-Person Meetings of City Legislative Bodies

### Introduction

This memo responds to the request from the Agenda & Rules Committee on May 17, 2021 for information from the City Manager on the options and timing for a return to in-person meetings for City legislative bodies. The analysis below is a preliminary summary of the considerations and options for returning to in-person meetings.

With the onset of the COVID-19 pandemic, the shelter-in-place order, and the issuance of Executive Order N-29-20 (“Executive Order”) in the spring of 2020, the City quickly adjusted to a virtual meeting model. Now, almost 15 months later, with the Blueprint for a Safer Economy scheduled to sunset on June 15, 2021, the City is faced with a new set of conditions that will impact how public meetings may be held in Berkeley. While the June 15, 2021 date appears to be certain, there is still a great deal of uncertainty about the fate of the Executive Order. In addition, the City is still awaiting concrete, specific guidance from the State with regards to regulations that govern public meetings and public health recommendations that will be in place after June 15, 2021.

For background, Executive Order N-29-20 allows legislative bodies to meet in a virtual setting and suspends the following Brown Act requirements:

- Printing the location of members of the legislative body on the agenda;
- Posting the agenda at the location of members of the legislative body that are remote; and
- Making publicly available remote locations from which members of the legislative body participate.



Meeting Options

There are three groups of City Legislative bodies that are considered in this memo

- City Council;
- City Council Policy Committees; and
- Boards and Commissions.

The three meeting models available are:

- In-person only;
- Virtual only; or
- Hybrid (in-person and virtual).

The scenarios below show the options available for each given set of facts.

| Summary Recommendations of Meeting Options | Physical Distancing |        |          | No Physical Distancing |        |          |
|--------------------------------------------|---------------------|--------|----------|------------------------|--------|----------|
|                                            | In-Person           | Hybrid | Virtual* | In-Person              | Hybrid | Virtual* |
|                                            | City Council        | X      | X        | X                      | X      | X        |
| Policy Committees                          |                     |        | X        | X                      |        | X        |
| Board and Commissions                      |                     |        | X        | X                      |        | X        |

\* The ability to hold virtual-only meetings is dependent on the status of Executive Order N-29-20

Currently, the Centers for Disease Control recommends physical distancing for unvaccinated persons. While the City and the community have made tremendous progress with regards to vaccination, the City would use the guidelines for unvaccinated persons when making determinations regarding public meetings.

Meeting Type Considerations

Our previous experience pre-pandemic and our experience over the past 15 months demonstrates that the City can conduct all in-person and all virtual meetings. However, the possibility of hybrid meetings presents new questions to consider. The primary concern for a return to in-person meetings using a hybrid model is the impact on the public experience and the legislative process.

*Will the legislative body be able to provide a transparent, coherent, stable, informative, and meaningful experience for the both the public in attendance and virtually?*

*Will the legislative body be able to conduct the legislative process in an efficient, coherent, and meaningful manner with the members split between in-person and virtual, and considering the additional delays and logistical challenges of allowing for public participation in a hybrid model?*

For the City Council, testing has shown that the larger space and technology infrastructure at the Boardroom will allow the Council to conduct all three types of meetings (in-person, hybrid, virtual).

For Policy Committees and Commissions, only the “all virtual” or “all in-person” meetings are recommended. Preliminary testing has shown that the audio/visual limitations of the meeting rooms available for these bodies would result in inefficient and cumbersome management of the proceedings in a hybrid model. In addition, there are considerations to analyze regarding the available bandwidth in city facilities and all members having access to adequate devices. Continuing the all virtual model for as long as possible, then switching to an all in-person model when conditions permit provides the best access, participation, and legislative experience for the public and the legislative body.

#### Other Considerations

Some additional factors to consider in the evaluation of returning to in-person or hybrid meetings are:

- How to address vaccination status for in-person attendees.
- Will symptom checks and/or temperature checks at entry points be required?
- Who is responsible for providing PPE for attendees?
- How are protocols for in-person attendees to be enforced?
- Physical distancing measures for the Mayor and City Councilmembers on the dais.
- Installation of physical barriers and other temporary measures.
- Will the podium and microphone need to be sanitized after every speaker?
- High number of touch points in meeting rooms.
- Will chairs for the public and staff need to be sanitized if there is turnover during the meeting?
- Determining the appropriate capacity for meeting locations.
- The condition and capacity of meeting room ventilation system and air cycling abilities.
- How to receive and share Supplemental Items, Revisions, Urgent Items, and submissions by the public both in-person and virtually.
- Budget including costs for equipment, physical improvements, A/V, PPE, and sanitization.

Conclusion

As stated above, conditions are changing daily, and there is a high degree of uncertainty surrounding the future guidance, regulations, and actions at the state level. Planning, testing and analysis are already underway to prepare for an eventual return to in-person meetings. Staff will continue to monitor the evolving legislative and public health circumstances and advise the committee at future meetings.

Attachment:

1. Executive Order N-29-20

**EXECUTIVE DEPARTMENT  
STATE OF CALIFORNIA**

**EXECUTIVE ORDER N-29-20**

**WHEREAS** on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

**WHEREAS** despite sustained efforts, the virus continues to spread and is impacting nearly all sectors of California; and

**WHEREAS** the threat of COVID-19 has resulted in serious and ongoing economic harms, in particular to some of the most vulnerable Californians; and

**WHEREAS** time bound eligibility redeterminations are required for Medi-Cal, CalFresh, CalWORKs, Cash Assistance Program for Immigrants, California Food Assistance Program, and In Home Supportive Services beneficiaries to continue their benefits, in accordance with processes established by the Department of Social Services, the Department of Health Care Services, and the Federal Government; and

**WHEREAS** social distancing recommendations or Orders as well as a statewide imperative for critical employees to focus on health needs may prevent Medi-Cal, CalFresh, CalWORKs, Cash Assistance Program for Immigrants, California Food Assistance Program, and In Home Supportive Services beneficiaries from obtaining in-person eligibility redeterminations; and

**WHEREAS** under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

**NOW, THEREFORE, I, GAVIN NEWSOM**, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567 and 8571, do hereby issue the following order to become effective immediately:

**IT IS HEREBY ORDERED THAT:**

1. As to individuals currently eligible for benefits under Medi-Cal, CalFresh, CalWORKs, the Cash Assistance Program for Immigrants, the California Food Assistance Program, or In Home Supportive Services benefits, and to the extent necessary to allow such individuals to maintain eligibility for such benefits, any state law, including but not limited to California Code of Regulations, Title 22, section 50189(a) and Welfare and Institutions Code sections 18940 and 11265, that would require redetermination of such benefits is suspended for a period of 90 days from the date of this Order. This Order shall be construed to be consistent with applicable federal laws, including but not limited to Code of Federal Regulations, Title 42, section 435.912, subdivision (e), as interpreted by the Centers for Medicare and Medicaid Services (in guidance issued on January 30, 2018) to permit the extension of



otherwise-applicable Medicaid time limits in emergency situations.

2. Through June 17, 2020, any month or partial month in which California Work Opportunity and Responsibility to Kids (CalWORKs) aid or services are received pursuant to Welfare and Institutions Code Section 11200 et seq. shall not be counted for purposes of the 48-month time limit set forth in Welfare and Institutions Code Section 11454. Any waiver of this time limit shall not be applied if it will exceed the federal time limits set forth in Code of Federal Regulations, Title 45, section 264.1.
3. Paragraph 11 of Executive Order N-25-20 (March 12, 2020) is withdrawn and superseded by the following text:

Notwithstanding any other provision of state or local law (including, but not limited to, the Bagley-Keene Act or the Brown Act), and subject to the notice and accessibility requirements set forth below, a local legislative body or state body is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body or state body. All requirements in both the Bagley-Keene Act and the Brown Act expressly or impliedly requiring the physical presence of members, the clerk or other personnel of the body, or of the public as a condition of participation in or quorum for a public meeting are hereby waived.

In particular, any otherwise-applicable requirements that

- (i) state and local bodies notice each teleconference location from which a member will be participating in a public meeting;
- (ii) each teleconference location be accessible to the public;
- (iii) members of the public may address the body at each teleconference conference location;
- (iv) state and local bodies post agendas at all teleconference locations;
- (v) at least one member of the state body be physically present at the location specified in the notice of the meeting; and
- (vi) during teleconference meetings, a least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction

are hereby suspended.

A local legislative body or state body that holds a meeting via teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements set forth below, shall have satisfied any requirement that the body allow

members of the public to attend the meeting and offer public comment. Such a body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

Accessibility Requirements: If a local legislative body or state body holds a meeting via teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the body shall also:

- (i) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the Americans with Disabilities Act and resolving any doubt whatsoever in favor of accessibility; and
- (ii) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to subparagraph (ii) of the Notice Requirements below.

Notice Requirements: Except to the extent this Order expressly provides otherwise, each local legislative body and state body shall:

- (i) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by the Bagley-Keene Act or the Brown Act, and using the means otherwise prescribed by the Bagley-Keene Act or the Brown Act, as applicable; and
- (ii) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in such means of public observation and comment, or any instance prior to the issuance of this Order in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of such means, a body may satisfy this requirement by advertising such means using "the most rapid means of communication available at the time" within the meaning of Government Code, section 54954, subdivision (e); this shall include, but need not be limited to, posting such means on the body's Internet website.

All of the foregoing provisions concerning the conduct of public meetings shall apply only during the period in which state or local public health officials have imposed or recommended social distancing measures.

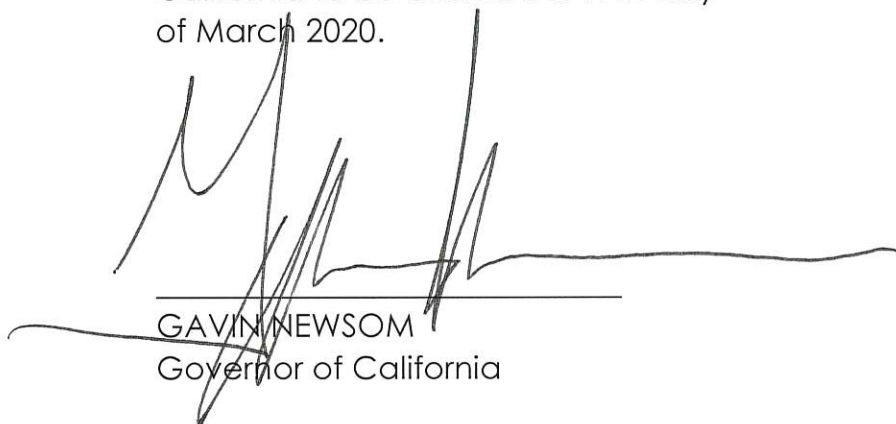


All state and local bodies are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the provisions of the Bagley-Keene Act and the Brown Act, and other applicable local laws regulating the conduct of public meetings, in order to maximize transparency and provide the public access to their meetings.

**IT IS FURTHER ORDERED** that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

**IN WITNESS WHEREOF** I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 17th day of March 2020.



\_\_\_\_\_  
GAVIN NEWSOM  
Governor of California

**ATTEST:**

\_\_\_\_\_  
ALEX PADILLA  
Secretary of State







Lori Droste  
Councilmember, District 8

On March 14, 2023, the City Council referred the relevant concepts of this item to the Agenda & Rules Committee for consideration under the existing committee agenda item regarding enhancements to the City's legislative process.

Action Calendar  
March 14, 2023

**To:** Honorable Mayor Jesse Arreguín and Members of the City Council

**From:** Councilmember Lori Droste

**Subject:** Bureaucratic Effectiveness and Referral Improvement and Prioritization Effort (BE RIPE)

### Recommendation

In order to ensure that the City focuses on high-priority issues, projects, and goals and affords them the resources and funding such civic efforts deserve, the City Council should consult with the City Manager's Office to develop and adopt a suite of revisions to the City Council Rules of Procedure and Order that would implement the following provisions:

1. Beginning in 2023, Councilmembers shall submit no more than one major legislative proposal or set of amendments to any existing ordinance per year, with the Mayor permitted to submit two major proposals, for a maximum of ten major Council items per year.
2. In 2023 and all future years, Councilmembers shall be required to submit major items before an established deadline. Council shall then prioritize any new legislative items as well as any incomplete major items from the previous year using the Reweighted Range Voting (RRV) process. This will help establish clear priorities for staff time, funding, and scheduling Council work sessions and meetings. For 2023 alone, the RRV process should include outstanding/incomplete Council items from all previous years. In 2024 and thereafter, the RRV process should only incorporate outstanding/incomplete major items from the prior year. However, Councilmembers may choose to renominate an incomplete major policy item from an earlier year as their single major item.
3. During deliberations at a special worksession, Council retreat, and/or departmental budget presentations, Council and the City Manager should develop a work plan that establishes reasonable expectations about what can be accomplished by staff given the list of priorities as ranked by RRV. Council should also consult with the City Manager and department heads, particularly the City Attorney's office, Planning Department, and Public Works Department on workload challenges (mandates outside Council priorities, etc.), impacts, reasonable staff output expectations, and potential corrective actions to ensure that mandated deadlines are met, basic services are provided, and policy proposals are effectively implemented.
4. Budget referrals and allocations from City Council must be explicitly related to a previously established or passed policy/program, planning/strategy document, and/or an external funding opportunity related to one of these. As a good government practice, councilmembers and the Mayor may **not** submit budget referrals which direct funds to a

specific organization or event. Organizations which receive City funding must submit at least annually an application detailing, at a minimum: the civic goal(s)/purpose(s) for which City funds are used, the amount of City funding received for each of the preceding five years, and quantitative or qualitative accounting of the results/outcomes for the projects that made use of those City funds. Organizations receiving more than \$20,000 in City funds should be required to provide quantitative data regarding the number of individuals served and other outcomes.

5. Ensuring that any exceptions to these provisions are designed to ensure flexibility in the face of an emergency, disaster, or urgent legal issue/liability and narrowly tailored to be consistent with the goals of enhanced efficiency, effectiveness, fairness, and focus.

### **Policy Committee Recommendation**

On February 14, 2023, the Agenda and Rules Committee adopted the following action: M/S/C (Hahn/Arreguin) to send the item to the City Council with a Qualified Positive Recommendation to refer the relevant concepts of the original item to the Agenda & Rules Committee for consideration under the existing committee agenda item regarding enhancements to the City's legislative process. Vote: All Ayes.

### **Current Situation and Its Effects**

Over the past few years (excluding the COVID-19 state of emergency), City Council has grappled with potential options to reduce the legislative workload on the City of Berkeley staff. While a significant portion of this workload is generated from non-legislative matters and staffing vacancies, it is important to recognize that staff also continue to struggle to keep up with Council directives while still accomplishing the City's core mission or providing high quality public infrastructure and services.

### **Background and Rationale**

Berkeley faces an enormous staffing crisis due in part to workload concerns; as such, Council should take steps to hone its focus on legislative priorities. [November 2022's Public Works Off-Agenda Memo](#) offers a benchmark for problems faced by City departments. Public Works staff struggles to complete its top strategic plan projects, respond to audit findings, and provide basic services, in addition to fulfilling legislative priorities by Council. While the "Top Goals and Priorities" outlined by Public Works is tied to 130+ directives by the City Council, it is not reasonable to assume that all will be implemented.

The challenges faced by the Public Works department are not an anomaly. Other departments share the same challenges. In addition to needing to ensure that the City can adopt a compliant state-mandated Housing Element, process permits, secure new grant funding, mitigate seismic risks, and advance our Climate Action Plan, Planning Department staff have been tasked with addressing multiple policy proposals from the City Council. The sheer number of referrals also impacts the ability of staff in the City Attorney's office to vet all ordinances, protect the City's interests, participate in litigation, and address the City's other various legal needs.

### **Best Practices**

A number of nearby, similarly-sized cities were contacted to request information about how these cities approach Councilmember referrals and prioritizations processes. Cities contacted

included Richmond, Vallejo, Santa Clara, Concord, and Sunnyvale. Of these cities, Santa Clara, Concord, and Sunnyvale replied.

### **Santa Clara**

Overall, Santa Clara staff indicated that—similar to Berkeley—the Council referrals and prioritization process is not especially formalized, with additional referrals being made outside of the prioritization process.

Each year, the Council holds an annual priority setting session at which the Council examines and updates priorities from the previous year and considers what progress was made toward those priorities. The prioritization process takes place in February so that any priorities that rise to the top may be considered for funding ahead of the budget process. In any given year, some priorities may go unfunded and even holding those priorities over to a second year is not necessarily a guarantee of funding.

Despite conducting this annual prioritization exercise, Councilmembers in Santa Clara often still do bring forward additional referrals outside of this process. Part of this less restricted approach in Santa Clara's 030 ("zero thirty") policy, which allows members of the the City Council to add items to the Council agenda with sufficient notice and even allows members of the public to petition to have items added to a special section of the Council agenda.

Despite the overally looseness of Santa Clara's approach. Council members still rely upon staff to provide direction with respect to what priorities are or are not feasible based upon available funding and staff bandwidth.

### **Concord**

According to Concord City staff, although Concord—like Berkeley and Santa Clara—does have a process for Councilmembers to request items be added to Council agendas, Councilmembers generally agree not to add referrals outside of the formal priority-setting process.

Concord City staff only work on "new" items/policies that are mandated by law, recommended by the City Manager, and have been recommended for review/work of some kind by a majority (three of the five members) of the City Council.

In general, Councilmembers agree to not add work items outside of the Council's formal priority setting process. The Concord City Council has a once-a-year goal setting workshop each spring where the City plans its Tier 1 and Tier 2 priorities for the year (or sometimes for a 2-year cycle). Most Councilmembers abide by this process and refrain from bringing forward additional items. However any Councilmember may put forward a referral outside of the process and use the method outlined below.

Outside of the prioritization process, Councilmembers can request that their colleagues (under Council reports at any Council meeting) support placing an item on a future Council meeting agenda for a discussion. The Concord City Attorney has advised councilmembers that they can make a three sentence statement, e.g. "I would like my colleagues' support to agendize [insert item]" or "to send [insert item] to a Council standing committee for discussion." Followed by: "This is an important item to me or a timely item for the Council because [insert reasoning]. Do I have your support?" The other Councilmembers then cannot engage in any detailed discussion or follow up, but may only vote yes or no to agendizing the item.

If two of the Councilmember's colleagues (for a total of 3 out of 5) agree to the request to have the item agendized for a more detailed discussion by Council, then the item will be added to a future agenda for fuller consideration. An additional referral outside the prioritization process is suggested perhaps once every month in Concord, but the Concord City Council usually does not provide the majority vote to agendize these additional items.

### **Sunnyvale**

Of all the cities surveyed, Sunnyvale has the most structured approach for selecting, rating, and focusing on City Council priorities. "Study issues" require support from multiple councilmembers before being included in the annual priority setting, and then must go through a relatively rigorous process to rise to the top as Council priorities. And, perhaps most importantly, policy changes *must* go through the priority setting process to be considered. The Sunnyvale City Council's Policy 7.3.26 Study Issues reads, in part:

*Any substantive policy change (large or relatively small) is subject to the study issues process (i.e. evaluated for ranking at the Council Study Issues Workshop).*

*Policy related issues include such items as proposed ordinances, new or expanded service delivery programs, changes to existing Council policy, and/or amendments to the General Plan. Exceptions to this approach include emergency issues, and urgent policy issues that must be completed in the short term to avoid serious negative consequences to the City, subject to a majority vote of Council.*

If a study issue receives the support of at least two Councilmembers, the issue will go to staff for the preparation of a study issue paper. Council-generated study issues must be submitted to staff at least three weeks ahead of the priority-setting session, with an exception for study issues raised by the public and carried by at least two Councilmembers, if the study issues hearing takes place less than three weeks before the priority setting.

At the Annual Study Issues Workshop, the Council votes whether to rank, defer, or drop study issues. If a majority votes to drop the issue, it may not return the following year; if the issue is deferred, it returns at the following year's workshop; and if a majority votes to rank an issue, it proceeds to the ranking process. Sunnyvale's process uses "forced ranking" for "departments" with ten or fewer issues and "choice ranking" for departments with eleven or more issues. (The meaning of "departments" and the process for determining the number of issues per department are not elucidated within the policy.) Forced ranking involves assigning a ranking to every policy within a given subset, while choice ranking only assigns a ranking to a third of policies within a given subset, with the others going unranked.

After the Council determines which study issues will be moving forward for the year based on the rankings, the City Manager advises Council of staff's capacity for completing ranked issues. However, if the Council provides additional funding, the number of study issues addressed may be increased.

In 2022, Sunnyvale had 24 study issues (including 17 from previous years and only 7 new ones) and **zero** budget proposals. Although Sunnyvale does consider urgency items outside the prioritization process, this generally happens only 1 to 3 times per year and usually pertains to highly urgent items, such as gun violence.

### **Status Quo and Its Effects**

Council currently uses a reweighted range proportional representation voting method to determine which priorities represent both a) a consensus and b) district/neighborhood concerns. This process allows Council to coalesce around a particular common area of concern; but if there is a specific neighborhood or district issue that is not addressed by Council consensus, it also allows for that district's councilmember's top priority to be elevated in the ratings even without broad consensus, so long as there are not multiple items designated as that councilmember's "top" item. More information about this process can be found [here](#). This [system was established](#) in 2016 due to the sheer amount of referrals by Council and the lack of cohesive direction on which of the 100+ referrals the City Manager should act upon.

Subsequent to this effort, Council created a "short-term referral" pool which was intended to be light-lift referrals that could be accomplished in less than 90 days. However, that designation was always intended to be determined by the City Manager, not Council, with respect to what was operationally feasible in terms of the 90 day window. The challenge with Council determining what is a short-term referral is that it is not always realistic given other duties that the staff has to attend to and inappropriate determinations can stymie work on other long term priorities if staff have to drop everything they are doing to attend to an "short-term" or "emergency" referral.

An added challenge is that the City Auditor [reported in 2018](#) that the City of Berkeley's Code Enforcement Unit (CEU) had insufficient capacity to enforce various Municipal Code provisions. This was due to multiple factors, including understaffing—some of which have since improved. Nevertheless, the City Auditor wrote,

*"Council passes some ordinances without fully analyzing the resources needed for enforcement and without understanding current staffing capacity. In order to enforce new ordinances, the CEU must take time away from other enforcement areas. This increases the risk of significant health and safety code violations going unaddressed. It also leads to disgruntled community members who believe that the City is failing to meet its obligations. This does not suggest that the new ordinances are not of value and needed. Council passes policy to address community concerns. However, it does mean that the City Council routinely approves policy that may never result in the intended change or protections."*

Subsequent to that report, [an update](#) was published in September of 2022. A staffing and resource analysis for Code Enforcement is still needed to ensure that the laws Council passes can be implemented.

### **Fiscal Impacts**

These reforms are likely to result in significant direct savings related to reduced staff time/overtime as well as potential decreases to costs associated with the recruitment/retention of staff.

### **Alternatives Considered**

Alternatives were considered using effectiveness and efficiency as the evaluative criteria for referrals. One missing criterion that will be necessary in developing this process will be operational considerations so the City of Berkeley can continue to deliver basic services in an efficient manner.

*All-Council determination*

Council could vote *as a body* on the top 10 legislative priorities. The drawback of this method is that it, by default, eliminates any remaining priorities that have been passed by Council. It also eliminates “minority” voices which may disproportionately impact neighborhood-specific concerns as the remainder of the Council may not value district-specific concerns outside of their council district.

*Councilmember parameters*

Councilmembers could select their top two legislative priorities (as a primary author) for the year and the Mayor could select four legislative priorities for the year for a total of 10 legislative priorities per year. These “legislative priorities” would not include resolutions of support, budget referrals for infrastructure or traffic mitigations or other non-substantive policy items.....

*Status Quo Sans Short-Term Referrals*

The status quo of rating referrals is the fairest and most equitable if Council wishes to continue to pass the same quantity of referrals; however, it does not address the overall volume and that certain legislative items skip the prioritization queue due to popularity or perceived community support. Council enacts ordinances that fall outside of the priority setting process and designates items as short-term referrals. This loophole has made this process a bit more challenging. One potential option is to continue the prioritization process but eliminate the short-term referral option unless it is undeniably and categorically an emergency or time-sensitive issue.

**Contact Person**

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**Attachments**

Update on Public Works’ Goals, Projects, Measures, and Challenges



Office of the City Manager

November 15, 2022

To: Honorable Mayor and Members of the City Council  
 From: *DWR* Dee Williams-Ridley, City Manager  
 Re: Update on Public Works' Goals, Projects, Measures, and Challenges

This memo shares an update on the department's *Performance Measures* and *FY 2023 Top Goals and Projects*, and identifies the department's highest priority challenge. I am proud of this department's work, its efforts to align its work with City Council's goals, and the department's dedication to improving project and program delivery.

#### *Performance Measures*

The department's performance measures were first placed on the department's website (<https://berkeleyca.gov/your-government/about-us/departments/public-works>) in 2020. They are updated annually in April. Progress continues in preventing trash from reaching the Bay, reducing waste, increasing bike lane miles, reducing the City fleet's reliance on gas, increasing City-owned electric chargers, expanding acres treated by green infrastructure, and reducing the sidewalk repair backlog. Challenges remain with the City's street condition and safety.

#### *Top Goals and Projects*

Public Works' top goals and projects are also on the department's website (<https://berkeleyca.gov/your-government/about-us/departments/public-works>). Department goals are developed annually. This year, after reviewing the 130+ directives from open City Council referrals, FY 2023 adopted budget referrals, audit findings, and strategic plan projects, staff matched existing resources with City Council's direction and the ability to deliver on this direction while ensuring continuity in baseline services.

The *FY 2023 Top Goals and Projects* is staff's projection of the work that the department has the capacity to advance this fiscal year. This list is intended to be both realistic and a stretch to achieve. More than three-quarters of the work on the *FY 2023 Top Goals and Projects* is tied to the existing 130+ directives from City Council referrals, budget referrals, audit findings, and strategic plan projects. The remainder are initiatives internal to the department aimed at increasing effectiveness and/or improving baseline services.

Public Works conducts quarterly monitoring of progress on the goals and projects, and status updates are shared on the department's website using a simple status reporting



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November 15, 2022

Re: Update on Public Works' Goals, Projects, Measures, and Challenges

procedure. Each goal or project is coded green, yellow, or red. A project coded green is either already completed or is on track and on budget. A project in yellow is at risk of being off track or over budget. A project in red either will not meet its milestone for this fiscal year or is significantly off track or off-budget. Where a project or goal has multiple sub-parts, an overall status is color-coded for the numbered goal and/or project, and exceptions within the subparts are identified by color-coding. Quarter 1's status update is [here](#). The 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> quarter results will be posted at the same location.

### *Challenge*

Besides the volume of direction, the most significant challenge in delivering on City Council's directions is the department's high vacancy rate. The Public Works Department is responsible for staff retention and serves as the hiring manager in the recruitment and selection process. Both retention and hiring contribute to the department's vacancy rate, and the department collaborates closely with the Human Resources Department to reduce the rate. Over the last year, the vacancy rate has ranged from 12% to 18%, and some divisions, such as Equipment Maintenance (Fleet), Transportation,<sup>1</sup> and Engineering, have exceeded 20%. While the overall vacancy rate is lower than in Oakland and San Francisco, it is higher than in Public Works Departments in Alameda, Albany, Emeryville, and San Leandro.

The high vacancy rate obviously reduces the number of services and projects that staff can deliver. It leaves little room for new direction through the course of the fiscal year and can lead to delays and diminished quality. It also detracts from staff morale as existing staff are left to juggle multiple job responsibilities over long periods with little relief. The department's last two annual staff surveys show that employee morale is in the lowest quarter of comparable public agencies and the vacancy rate is a key driver of morale.

Attachment 1 offers an excerpted list of programs and projects that the department is unable to complete or address in this fiscal year due to the elevated vacancy rate and/or the volume of directives.

Attachment 1: Selected list of program, project, referral, and audit finding impacts

cc: Paul Buddenhagen, Deputy City Manager  
 LaTanya Bellow, Deputy City Manager  
 Jenny Wong, City Auditor  
 Mark Numainville, City Clerk  
 Matthai Chakko, Assistant to the City Manager

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<sup>1</sup> Three of the City's five transportation planner positions will be vacant by December 3. Before January 1, 2023, the City Manager will share an off agenda memo that explains the impact of transportation-specific vacancies on existing projects and programs.



## **Attachment 1: Selected list of program, project, referral, and audit finding impacts**


### *Project and Program Impacts*

- Major infrastructure planning processes are 6+ months behind schedule, including comprehensive planning related to the City's Zero Waste goal, bicycle, stormwater/watershed, sewer, and streetlight infrastructure.
- Some flashing beacon installations have been delayed for more than 18 months, new traffic maintenance requests can take 2+ months to resolve, and the backlog of neighborhood traffic calming requests stretches to 2019.
- The City may lose its accreditation status by the American Public Works Association because of a lack of capacity to gain re-accreditation.
- Some regular inspections and enforcement of traffic control plans for the City's and others' work in the right of way are missed.
- Residents experience missed waste and compost pickups as drivers and workers cover unfamiliar routes and temporary assignments.
- Illegal dumping, ongoing encampment, and RV-related cleanups are sometimes missed or delayed.
- The backlog of parking citation appeals has increased.
- Invoice and contracting approvals can face months-long delays.
- The Janitorial Unit has reduced service levels and increased complaints.
- Maintenance of the City's fleet has declined, with preventative maintenance happening infrequently, longer repair response times, and key vehicles being unavailable during significant weather events.

### *Prior Direction Deferred or Delayed*

- Referral: Expansion of Paid Parking (DMND0003994)
- Referral: Long-Term Zero Waste Strategy (DMND0001282)
- Referral: Residential Permit Parking (PRJ0016358)
- Referral: Parking Benefits District at Marina (DMND0003997)
- Referral: Prioritizing pedestrians at intersections (DMND0002584)
- Referral: Parking Districts on Lorin and Gilman (DMND0003998)
- Budget Referral: Durant/Telegraph Plaza, 12/14/2021
- Referral: Traffic Calming Policy Revision (PRJ0012444)
- Referral: Public Realm Pedestrianization Opportunities (PRJ0019832)
- Referral: Long-Term Resurfacing Plan (PRJ0033877)
- Referral: Street Sweeping Improvement Plan (DMND0002583)
- Audit: Leases: Conflicting Directives Hinder Contract Oversight (2009)
- Audit: Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Toward the Year 2020 Zero Waste Goal (2014)
- Audit: Unified Vision of Zero Waste Activities Will Help Align Service Levels with Billing and Ensure Customer Equity (2016)






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