



Office of the City Manager

PUBLIC HEARING

May 26, 2015

To: Honorable Mayor and Members of the City Council

From:  Christine Daniel, City Manager

Submitted by: Eric Angstadt, Director, Planning Department

Subject: Building Valuation and Permit Fees

RECOMMENDATION

Conduct a public hearing and upon conclusion adopt a Resolution 1) establishing the most recent Building Valuation Data (BVD) published by the International Code Council (ICC) as the basis for verifying building valuations for new construction in the city of Berkeley, to be updated annually after the Building Valuation Data is published each February; 2) establishing a policy of valuing remodeling or renovation projects at up to sixty percent of the value of new construction subject to the approval of the building official; and 3) rescinding Resolution No. 61,942-N.S.

SUMMARY

Using professional, independent valuations for building projects, which are updated regularly, is a practice commonly used by jurisdictions in the Bay Area and across the country. Most construction projects are submitted to the City with accurate self-valuations, and for those this action would have no effect. For projects which the building official believes are underestimated at submittal, this action would allow the use of current, industry accepted baselines instead of the outdated 2003 tables currently used. Additionally, while the City's current policy is to value remodel or renovation projects at 75% of the cost of new construction, this action would provide flexibility to staff and some fee relief to homeowners by setting the remodel or renovation valuation range at "up to sixty percent" of the ICC table rates, subject to the approval of the building official based on certain professional criteria. Finally, the proposed action would address a finding from the City Auditor's Construction Permit audit of 2014.

FISCAL IMPACTS OF RECOMMENDATION

Restructuring the current valuation table to use the most recently published ICC BVD data, as updated annually, will lead to an incremental increase in revenue from new construction projects to the Permit Service Center Enterprise Fund (833). Staff estimate the annual revenue increase from this change to the valuation of new construction projects at approximately \$300,000. Changing the valuation of remodeling projects from the current rate of exactly "seventy five percent" to the proposed flexible level of "up to sixty percent" of the value of new construction will lead to an incremental decrease in annual revenues, which staff estimate at \$300,000. The result is expected to be no net

change in fee revenues from this action. The valuation costs are used only as an aid for the building official to determine if the permit valuation is underestimated and, if necessary, to adjust the valuation.

### CURRENT SITUATION AND ITS EFFECTS

The City Auditor issued a finding in a March 2014 report on the methods by which building project values are determined. The Auditor identified that project valuations are derived from an outdated 2001 Building Valuation Table by the International Conference of Building Officials (ICBO) that the City Council adopted in 2003 as the City's building valuation basis. The Auditor recommended that staff "Submit a proposed resolution to the City Council authorizing Planning to always use a current building valuation table from a recognized industry expert, such as the International Code Council...", "Update the costs whenever the industry expert publishes updates" and select a valuation table "that allows adjustment for factors that would affect costs in Berkeley, such as regional cost adjustments." The resolution proposed with this report addresses this audit finding, adopting the most current ICC Building Valuation Data for Berkeley use, and authorizing staff to update those values as subsequent ICC valuation tables are published.

### BACKGROUND

Building permit fees are calculated based on the project valuation stated by applicants. Section 109.3 of the California Building Code requires the applicant to provide this figure on their permit application, which is to include the total of all the work, including materials and labor, for which the permit is sought. If, in the opinion of the building official, the permit valuation has been underestimated, the permit can be denied unless this issue is resolved. The Building Code charges the building official with the responsibility to set the final value. To assist in obtaining uniformity, the ICC periodically publishes Building Valuation Data, which can be used as a common base in the verification of construction valuations.

Current Resolution No. 61,942 – N.S., adopted on February 18, 2003, provides that for purposes of calculating building permit fees, the cost per square foot schedule as established by the International Conference of Building Officials (ICBO) in October 2001 shall be used by the City of Berkeley to calculate building valuations. Using building valuation data from 2001 at times results in artificially low and inaccurate construction valuations. Furthermore, the 2001 valuation data was based on the Uniform Building Code construction types that no longer exist. They have been replaced by construction types based on the International Building Code.

In 2003 the International Conference of Building Officials (ICBO) merged into the International Code Council (ICC), which now publishes the building valuation tables. It is a national average of construction costs per square foot and is widely used by other jurisdictions in the Bay Area and throughout the country.

Since the building valuation used to calculate building permit fees is based on the higher of the estimated permit valuation provided by the applicant or the permit

valuation based on the adopted building valuation unit costs per square foot, the proposed resolution will provide staff with updated tools to determine if the valuation stated in the application is underestimated. This is consistent with the recommendation in the Construction Permit Audit that staff shall “verify permit applicants’ stated project valuations and always use the higher valuation to calculate fees, unless the Building official provides a reasonable basis for exceptions, such as when the permit applicant can show detailed estimates.”

Applicants who are constructing custom buildings with upgraded materials and advanced building components, which require more extensive services, often declare a valuation higher than the simplified average valuation unit costs per square foot, thereby consenting to a higher permit fee. The resolution proposed with this report does not prevent this. Building permit valuations can be adjusted as appropriate based on the characteristics of the project.

With respect to remodeling and renovation projects, current Resolution No. 61,942 – N.S. provides that the building valuation for remodeling and renovation projects shall be seventy-five percent of the value of new construction, subject to the approval of the building official. This provision implies that services required by remodeling and renovation projects are 75% of those required for new construction, which is hardly ever the case. The current Resolution fails to recognize that the scope of remodeling or renovations to existing buildings varies greatly from minor interior alterations to major alterations impacting building structural and fire/life safety systems. The flat value based on seventy-five percent of the value of new construction does not reflect accurate values for that purpose and does not provide staff with the necessary discretion to establish the value based on the actual scope of remodeling or renovation work. As a result, the policy is seldom used by staff due to its lack of flexibility.

Changing Berkeley’s policy of valuing remodeling or renovation projects to “up to sixty percent of the value of new construction, subject to the approval of the Building Official” will lead to more accurate and reasonable valuations for renovations, alterations, tenant improvements, and similar projects. The new policy provides flexibility for the Building and Safety Division to evaluate the scope of work in the submitted plans to determine or verify a building permit valuation. Minor interior renovations could be valued in the 20% range of the value of new construction, tenant improvement build-outs in the 40% range, while major alterations which impact building structural and fire/life safety systems could be valued as high as 60% of the value of new construction. In addition to the scope of work, criteria including but not limited to the types of finishes, the type and quality of the materials, and the amount of customized versus standard work all have a large impact on the cost of a particular renovation or repair project.

In the past, the ICBO included a regional modifier, to be used with the valuation tables. The ICC does not include a regional modifier and leaves the selection of regional modifier to local jurisdictions. The last regional modifier published by ICBO in 2002

indicated a modifier for the San Francisco Bay area of 1.16. RSMeans, a well known cost estimating organization used by construction companies, shows a 2015 regional modifier of 16.8 for Berkeley in their Masterformat City Cost Indexes. The 2015 Blue Book Guide to Construction Costs, which is commonly used by architects, engineers, and contractors, indicates a regional modifier of 1.24. The Building and Safety Division proposes to continue using a regional modifier of 1.16.

#### ENVIRONMENTAL SUSTAINABILITY

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

#### RATIONALE FOR RECOMMENDATION

The values used as the basis for calculating permit fees have not been updated since 2003. To avoid the need to return to Council to update these fees in the future, this resolution enables the Building and Safety Division to update the values annually using the ICC Building Valuation Data, as recommended by the City Auditor. This resolution is not a change in the building permit rates or the methodology for calculating permit fees. Rather, it is a correction of a reference that has become outdated.

Changing Berkeley's policy of valuing remodel or renovation projects from seventy-five percent to "up to sixty percent of the value" will lead to more accurate valuations for renovations, alterations, tenant improvements, and similar projects.

#### ALTERNATIVE ACTIONS CONSIDERED

Staff considered different ways to calculate a regional modifier and whether or not to use one.

#### CONTACT PERSON

Alex Roshal, Building Official, Planning Department, 981-7445

#### Attachments:

1: Resolution

Exhibit A: ICC Building Validation Data – February 2015

2: Public Hearing Notice

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

ESTABLISHING THE MOST RECENT BUILDING VALUATION DATA PUBLISHED BY THE INTERNATIONAL CODE COUNCIL AS THE BASIS FOR VERIFYING BUILDING VALUATIONS FOR NEW CONSTRUCTION IN THE CITY OF BERKELEY, TO BE UPDATED ANNUALLY AFTER THE BUILDING VALUATION DATA IS PUBLISHED EACH FEBRUARY; ESTABLISHING A POLICY OF VALUING REMODELING OR RENOVATION PROJECTS AT UP TO SIXTY PERCENT OF THE VALUE OF NEW CONSTRUCTION SUBJECT TO THE APPROVAL OF THE BUILDING OFFICIAL

WHEREAS, construction costs in the Bay Area have increased since the City of Berkeley established the 2003 International Conference of Building Officials (ICBO) cost per square foot schedule as the basis for calculating building valuation and permit fees for new construction; and

WHEREAS, the building valuation data (BVD) published by the International Code Council (ICC) is widely used and accepted by other jurisdictions in the Bay Area and has superseded data formerly published by the International Conference of Building Officials (ICBO) for determining value-based permit fees; and

WHEREAS, it is more accurate to value remodel or renovation projects up to 60% of the value of new construction and not at 75% of the value, as established by a 2003 City of Berkeley resolution.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the most recent building valuation data, as published by the International Code Council and attached hereto as Exhibit A, will be used by the City of Berkeley to verify building valuations, with the costs updated annually after the ICC publishes new Building Valuation Data every February.

BE IT FURTHER RESOLVED that a regional modifier of 1.16 is adopted for use with the ICC Building Valuation Data, which may be modified on an annual basis by the Building and Safety Division, if recognized industry sources indicate this is warranted.

BE IT FURTHER RESOLVED that the building valuation for construction projects determined to be a remodel, or renovation shall be up to sixty percent of the value of new construction, subject to the approval of the building official based on factors including but not limited to scope and scale of the project, quality of finishes, type and quality of materials, and amount of customized work included.

BE IT FURTHER RESOVLED that Resolution No. 61,942-N.S. is hereby rescinded.

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## Exhibit A: ICC Building Validation Data – February 2015

The following building valuation data represents average valuations for most buildings. In conjunction with International Building Code Section 109.3, this data is offered as an aid for the building official to determine if the permit valuation is underestimated. These are “average” costs based on typical construction methods for each occupancy group and type of construction. The average costs include foundation work, structural and nonstructural building components, electrical, plumbing, mechanical and interior finish material. The data is a national average and does not take into account any regional cost differences. The use of Regional Cost Modifiers is subject to the authority having jurisdiction.

### Square Foot Construction Costs <sup>a, b, c, d, e</sup>

Group (2012 International Building Code)	IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
A-1 Assembly, theaters, with stage	229.03	221.51	216.10	207.06	194.68	189.07	200.10	177.95	171.21
A-1 Assembly, theaters, without stage	209.87	202.35	196.94	187.90	175.62	170.01	180.94	158.89	152.15
A-2 Assembly, nightclubs	177.89	172.85	168.07	161.49	151.98	147.78	155.80	137.68	132.99
A-2 Assembly, restaurants, bars, banquet halls	176.89	171.85	166.07	160.49	149.98	146.78	154.80	135.68	131.99
A-3 Assembly, churches	211.95	204.43	199.02	189.98	177.95	172.34	183.02	161.22	154.48
A-3 Assembly, general, community halls, libraries, museums	176.88	169.36	162.95	154.91	141.73	137.12	147.95	125.00	119.26
A-4 Assembly, arenas	208.87	201.35	194.94	186.90	173.62	169.01	179.94	156.89	151.15
B Business	182.89	176.17	170.32	161.88	147.55	142.00	155.49	129.49	123.76
E Educational	195.85	189.10	183.56	175.25	163.21	154.58	169.21	142.63	137.99
F-1 Factory and industrial, moderate hazard	108.98	103.99	97.83	94.17	84.37	80.56	90.16	69.50	65.44
F-2 Factory and industrial, low hazard	107.98	102.99	97.83	93.17	84.37	79.56	89.16	69.50	64.44
H-1 High Hazard, explosives	102.01	97.02	91.86	87.20	78.60	73.79	83.19	63.73	N.P.
H-2/3/4 High Hazard	102.01	97.02	91.86	87.20	78.60	73.79	83.19	63.73	58.67
H-5 HPM	182.89	176.17	170.32	161.88	147.55	142.00	155.49	129.49	123.76
I-1 Institutional, supervised environment	180.72	174.14	169.28	161.12	149.06	145.04	161.12	133.69	129.43
I-2 Institutional, hospitals	308.50	301.79	295.93	287.50	272.14	N.P.	281.10	254.09	N.P.
I-2 Institutional, nursing homes	213.56	206.85	200.99	192.56	179.22	N.P.	186.16	161.17	N.P.
I-3 Institutional, restrained	208.37	201.66	195.80	187.37	174.54	167.98	180.97	156.48	148.74
I-4 Institutional, day care facilities	180.72	174.14	169.28	161.12	149.06	145.04	161.12	133.69	129.43
M Mercantile	132.61	127.57	121.79	116.21	106.35	103.15	110.52	92.05	88.36
R-1 Residential, hotels	182.28	175.70	170.83	162.68	150.87	146.84	162.68	135.49	131.23
R-2 Residential, multiple family	152.86	146.27	141.41	133.25	122.04	118.01	133.25	106.66	102.41
R-3 Residential, one- and two-family	143.93	139.97	136.51	132.83	127.95	124.61	130.57	119.73	112.65
R-4 Residential, care/assisted living facilities	180.72	174.14	169.28	161.12	149.06	145.04	161.12	133.69	129.43
S-1 Storage, moderate hazard	101.01	96.02	89.86	86.20	76.60	72.79	82.19	61.73	57.67
S-2 Storage, low hazard	100.01	95.02	89.86	85.20	76.60	71.79	81.19	61.73	56.67
U Utility, miscellaneous	77.10	72.64	68.12	64.64	58.13	54.28	61.62	45.49	43.33

- a. Private Garages use Utility, miscellaneous
- b. Unfinished basements (all use group) = \$15.00 per sq. ft.
- c. For shell only buildings deduct 20 percent
- d. N.P. = not permitted
- e. Cases not listed in the table shall be considered separately by the building official

## Regional Modifier

Building Valuations shall be derived from the building valuation data published by the International Code Council and adjusted by the California regional modifier for the San Francisco Bay Area (1.16).

### REGIONAL MODIFIERS

The following modifiers are recommended for use in conjunction with the building valuation data. Additionally, certain local conditions may require further modifications. To use these modifiers, merely multiply the listed cost per square foot by the appropriate regional modifier. For example, to adjust the cost of a Type III One-hour hotel building of average construction for the Iowa area, select Regional Modifier 0.80 and unit cost from valuation data, \$87.50:

$$0.80 \times 87.50 \cong \$70.00(\text{adjusted cost per square foot})$$

Eastern U.S.	Modifier	Eastern U.S. (cont.)	Modifier	Central U.S. (cont.)	Modifier	Western U.S.	Modifier
Connecticut.....	1.00	Pennsylvania		Kansas.....	0.87	Alaska.....	1.20
Delaware.....	0.93	Philadelphia.....	1.05	Kentucky.....	0.83	Arizona.....	0.87
District of Columbia.....	0.90	Other.....	0.88	Louisiana.....	0.78	California	
Florida.....	0.80	Rhode Island.....	0.97	Michigan.....	0.91	Los Angeles.....	1.00
Georgia.....	0.77	South Carolina.....	0.77	Minnesota.....	0.91	San Francisco Bay Area...	1.16
Maine.....	0.86	Vermont.....	0.88	Mississippi.....	0.74	Other.....	0.97
Maryland.....	0.86	Virginia.....	0.83	Missouri.....	0.87	Colorado.....	0.92
Massachusetts.....	0.97	West Virginia.....	0.91	Nebraska.....	0.83	Hawaii.....	1.24
New Hampshire.....	0.86			North Dakota.....	0.86	Idaho.....	0.87
New Jersey.....	1.03	<b>Central U.S.</b>		Ohio.....	0.87	Montana.....	0.84
New York		Alabama.....	0.76	Oklahoma.....	0.78	Nevada.....	0.93
New York City.....	1.20	Arkansas.....	0.75	South Dakota.....	0.84	New Mexico.....	0.79
Other.....	0.90	Illinois.....	0.97	Tennessee.....	0.79	Oregon.....	0.94
North Carolina.....	0.78	Indiana.....	0.91	Texas.....	0.77	Utah.....	0.84
		Iowa.....	0.87	Wisconsin.....	0.92	Washington.....	0.97
						Wyoming.....	0.84

## NOTICE OF PUBLIC HEARING BERKELEY CITY COUNCIL

### BUILDING VALUATION AND PERMIT FEES

The Department of Planning and Development is proposing that the City:

1. Establish the most recent Building Valuation Data (BVD) published by the International Code Council (ICC) as the basis for verifying building valuations for new construction in the city of Berkeley, to be updated annually after the Building Valuation Data is published each February; and
2. Establish a policy of valuing remodeling or renovation projects at up to sixty percent of the value of new construction subject to the approval of the building official.

The most current ICC BVD table is:

#### ICC Building Validation Data – February 2015

The following building valuation data represents average valuations for most buildings. In conjunction with International Building Code Section 109.3, this data is offered as an aid for the building official to determine if the permit valuation is underestimated. These are “average” costs based on typical construction methods for each occupancy group and type of construction. The average costs include foundation work, structural and nonstructural building components, electrical, plumbing, mechanical and interior finish material. The data is a national average and does not take into account any regional cost differences. The use of Regional Cost Modifiers is subject to the authority having jurisdiction.

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- e. Cases not listed in the table shall be considered separately by the building official

### Regional Modifier

Building Valuations shall be derived from the building valuation data published by the International Code Council and adjusted by the California regional modifier for the San Francisco Bay Area (1.16).

#### REGIONAL MODIFIERS

The following modifiers are recommended for use in conjunction with the building valuation data. Additionally, certain local conditions may require further modifications. To use these modifiers, merely multiply the listed cost per square foot by the appropriate regional modifier. For example, to adjust the cost of a Type III One-hour hotel building of average construction for the Iowa area, select Regional Modifier 0.80 and unit cost from valuation data, \$87.50:

$$0.80 \times 87.50 \approx \$70.00(\text{adjusted cost per square foot})$$

Eastern U.S.	Modifier	Eastern U.S. (cont.)	Modifier	Central U.S. (cont.)	Modifier	Western U.S.	Modifier
Connecticut.....	1.00	Pennsylvania		Kansas.....	0.87	Alaska.....	1.20
Delaware.....	0.93	Philadelphia.....	1.05	Kentucky.....	0.83	Arizona.....	0.87
District of Columbia.....	0.90	Other.....	0.88	Louisiana.....	0.78	California	
Florida.....	0.80	Rhode Island.....	0.97	Michigan.....	0.91	Los Angeles.....	1.00
Georgia.....	0.77	South Carolina.....	0.77	Minnesota.....	0.91	San Francisco Bay Area...	1.16
Maine.....	0.86	Vermont.....	0.88	Mississippi.....	0.74	Other.....	0.97
Maryland.....	0.86	Virginia.....	0.83	Missouri.....	0.87	Colorado.....	0.92
Massachusetts.....	0.97	West Virginia.....	0.91	Nebraska.....	0.83	Hawaii.....	1.24
New Hampshire.....	0.86			North Dakota.....	0.86	Idaho.....	0.87
New Jersey.....	1.03	<b>Central U.S.</b>		Ohio.....	0.87	Montana.....	0.84
New York		Alabama.....	0.76	Oklahoma.....	0.78	Nevada.....	0.93
New York City.....	1.20	Arkansas.....	0.75	South Dakota.....	0.84	New Mexico.....	0.79
Other.....	0.90	Illinois.....	0.97	Tennessee.....	0.79	Oregon.....	0.94
North Carolina.....	0.78	Indiana.....	0.91	Texas.....	0.77	Utah.....	0.84
		Iowa.....	0.87	Wisconsin.....	0.92	Washington.....	0.97
						Wyoming.....	0.84

The hearing will be held on May 26, 2015 at 7:00 p.m. in the City Council Chambers, 2134 Martin Luther King, Jr. Way.

A copy of the agenda material for this hearing will be available on the City's website at [www.CityofBerkeley.info](http://www.CityofBerkeley.info) as of **May 14, 2015**.

For further information, please contact Alex Roshal, Building Official, Planning and Development Department, at 510-981-7445.

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at 981-6900 or [clerk@cityofberkeley.info](mailto:clerk@cityofberkeley.info) for further information.

If you challenge the above in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Berkeley at, or prior to, the public hearing. Background information concerning this proposal will be available at the City Clerk Department and posted on the City of Berkeley webpage at least 12 days prior to the public hearing.

**Published:** May 15 and May 22, 2015 – The Berkeley Voice  
Per Government Code 6062A

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I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way, as well as on the City's website, on May 14, 2015.

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Mark Numainville, City Clerk