

TAX RATE STATEMENT FOR MEASURE I

An election will be held in the City of Berkeley on November 5, 2002, for the purpose of submitting to the electors of the City, the question of incurring a bonded indebtedness of the City in a principal amount not to exceed \$7,200,000. It is expected that bonds would be issued in a single series. The following estimated projections are made assuming said bonds are sold in a single series with an annual interest rate of 6% and using 2001-2002 assessed valuation of the City of Berkeley, County of Alameda, California as the base year. If such bonds are authorized and sold, the principal thereof and interest thereon will be payable from the proceeds of tax levies made upon the taxable property of the City. The following information regarding tax rates is given to comply with Sections 5301 and 5304 of the California Elections Code. Such information is based upon the best estimates and projections presently available from official sources, upon experience within the City, and other demonstrable factors.

Based upon the foregoing and projections of the City's assessed valuation, and assuming the entire debt service will be amortized through property taxation:

1. The best estimate of the tax which would be required to be levied to fund the bond issue during the first fiscal year after the sale of the first series of bonds, based on estimated assessed valuations available at the time of filing of this statement is 0.66 cents per 100 dollars assessed valuation.
2. The best estimate of the tax rate which would be required to be levied to fund the bond issue during the first fiscal year after the sale of the last series of bonds and an estimate of the year in which that rate will apply, based on estimated assessed valuation available at the time of filing this statement, is 0.66 cents per 100 dollars assessed valuation for the year 2003/2004.
3. The best estimate of the highest tax rate which would be required to be levied to fund the bond issue and an estimate of the year in which that rate will apply, based on estimated assessed valuation available at the time of filing this statement is 0.66 cents per 100 dollars assessed valuation for the year 2003/2004.

Attention of all voters is directed to the fact that the foregoing information is based upon projections and estimates only, which are not binding upon the City. The actual times of sales of said bonds and the amount sold at any given time will be governed by the needs of the City and other factors. The actual interest rates at which the bonds will be sold, which in any event will not exceed 12%, will depend upon the bond market at the time of each bond sale. Actual assessed valuation in future years will depend upon the value of property within the City as determined in the assessment and the equalization process. Hence, the actual tax rates and the years in which such rates are applicable may vary from those presently estimated stated above.

s/PHIL KAMLARZ

Deputy City Manager, City of Berkeley

ARGUMENT IN FAVOR OF MEASURE I

Vote YES on Measure I, to replace the antiquated Berkeley Animal Shelter. City Council voted unanimously to put this bond measure on the ballot because they know how decrepit this public facility is.

The Animal Shelter is 'Berkeley's dirty little secret', according to one former employee. It was built in the 1940's when the 'dogcatcher' picked up strays and killed them soon after. But new State laws require that animals be held for longer periods, that they receive medical care if sick or injured, and may not be killed if they can become healthy. State law also requires that animals be spayed or neutered before leaving the Shelter.

The building wasn't built to meet these demands, and cannot.
It is unsafe for everyone - staff, volunteers, visitors and the animals.

Raw sewage backs up in the kennels. The electrical system is a fire hazard and there is no sprinkler system should a fire break out. There is no space to separate sick and contagious animals from healthy ones, so disease spreads quickly. The dark & gloomy chain link kennels discourage adoptions. Rodent infestation is chronic.

Almost every other city in the Bay Area has built a new shelter. Berkeley lags behind.

We must build a Shelter Berkeley can be proud of - which meets the legal and medical requirements, provides a safe working environment for our staff and a community friendly facility for the public.

Our plan includes a vet clinic to provide low income residents, seniors and the disabled affordable medical care for their animals. Low cost spay/neuter surgeries will stem the flow of unwanted animals into our shelter, saving the city money.

Alameda County Supervisor Keith Carson and Nancy Hair, Co-Chair of the Berkeley Citizens Humane Commission join other community leaders urging you to VOTE YES ON MEASURE I.

s/Shirley Dean, Mayor
s/Tom Bates, Former State Assemblyman
s/Shirley Issel, President, Berkeley School Board
s/Betty Olds, Councilmember
s/Dona Spring, Councilmember

TAX RATE STATEMENT FOR MEASURE J

An election will be held in the City of Berkeley on November 5, 2002, for the purpose of submitting to the electors of the City, the question of incurring a bonded indebtedness of the City in a principal amount not to exceed \$21,500,000. It is expected that bonds would be issued in a single series. The following estimated projections are made assuming said bonds are sold in a single series with an annual interest rate of 6% and using 2001-2002 assessed valuation of the City of Berkeley, County of Alameda, California as the base year. If such bonds are authorized and sold, the principal thereof and interest thereon will be payable from the proceeds of tax levies made upon the taxable property of the City. The following information regarding tax rates is given to comply with Sections 5301 and 5304 of the California Elections Code. Such information is based upon the best estimates and projections presently available from official sources, upon experience within the City, and other demonstrable factors.

Based upon the foregoing and projections of the City's assessed valuation, and assuming the entire debt service will be amortized through property taxation:

1. The best estimate of the tax which would be required to be levied to fund the bond issue during the first fiscal year after the sale of the first series of bonds, based on estimated assessed valuations available at the time of filing of this statement is 2.48 cents per 100 dollars assessed valuation.
2. The best estimate of the tax rate which would be required to be levied to fund the bond issue during the first fiscal year after the sale of the last series of bonds and an estimate of the year in which that rate will apply, based on estimated assessed valuation available at the time of filing this statement, is 2.48 cents per 100 dollars assessed valuation for the year 2003/2004.
3. The best estimate of the highest tax rate which would be required to be levied to fund the bond issue and an estimate of the year in which that rate will apply, based on estimated assessed valuation available at the time of filing this statement is 2.48 cents per 100 dollars assessed valuation for the year 2003/2004.

Attention of all voters is directed to the fact that the foregoing information is based upon projections and estimates only, which are not binding upon the City. The actual times of sales of said bonds and the amount sold at any given time will be governed by the needs of the City and other factors. The actual interest rates at which the bonds will be sold, which in any event will not exceed 12%, will depend upon the bond market at the time of each bond sale. Actual assessed valuation in future years will depend upon the value of property within the City as determined in the assessment and the equalization process. Hence, the actual tax rates and the years in which such rates are applicable may vary from those presently estimated stated above.

s/PHIL KAMLARZ

Deputy City Manager, City of Berkeley

ARGUMENT IN FAVOR OF MEASURE J

Vote Yes to save Old City Hall

From our treasured Maybeck and Julia Morgan buildings to our stately Victorians, Berkeley's many architectural treasures make our city unique and beautiful. Among these, Old City Hall is a unique emblem of civic pride. But it is fragile, unprotected against the damage and destruction of a major earthquake. This proposed bond measure would secure the building seismically using a base isolation design, the most effective protection against earthquake damage available today.

Vote Yes to protect people in Old City Hall

The danger that Berkeley could lose this lovely building is reason enough to protect it, but even more compelling is the danger to the people who use it. Board of Education employees, from the Superintendent of Schools to the managers and clerks of the District, work in the building every day of the week. In addition, hundreds of Berkeley residents take part in Berkeley's civic life in Old City Hall by attending meetings of the City Council, Board of Education, Rent Board, and Commission meetings. All of their lives are at risk in this building.

Vote Yes to make Old City Hall fully accessible

Today, Old City Hall does not meet the requirements of the Americans with Disabilities Act. For example, in an earthquake, the spiral staircase would be the only exit from the second floor. Seniors and disabled persons could be trapped. The retrofit will solve these problems.

Vote Yes for a cost-effective retrofit

Property owners will pay about the cost of a cup of coffee each week to guarantee the safety of our landmark Old City Hall and the people who use it. Retrofitting is far more cost-effective than attempting to restore the building after an earthquake.

s/Shirley Dean, Mayor

s/Miriam Hawley, Councilmember

s/Margaret Breland, Councilmember

s/Russell Kilday-Hicks, Chair, Disaster Council

s/Burton Peek Edwards, member and past Chair of Landmarks Preservation Commission and Design Review Committee

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE J

Vote NO. Why pay almost one million dollars per employee working in the building? This measure costs \$21.5 million plus 26 million in interest. Why pay \$47,000,000 to NOT make council chambers fully wheelchair accessible, REDUCE the number of people who can attend City Council meetings, and make homeowners annually pay more than all of the other ballot measures put together? Let's prepare a more cost effective plan to preserve this beautiful old building and return during a healthier economy with a plan increasing democratic participation, and providing full disabled access. Let's do it the right way at the right time, not the wrong way -right now.

Vote NO. This is an imprudent use of taxpayers' dollars.

Previous Berkeley bond measure retrofit projects put before the voters have gone millions of dollars over budget. The Public Safety Building was supposed to cost 12.8 million but ended up costing 20 million, the retrofit of the Civic Center building was supposed to cost under 30 million and ended up costing more than 45 million.

Vote NO. This version is poorly planned, and too expensive, while unemployment rises and residents are suffering substantial losses. Show some mercy on the taxpayers. Show some compassion for the disabled. Show some COMMON SENSE. Use your head. Use your heart. Use your vote. Send this back to the drawing board to DO IT RIGHT

s/Dona Spring, Councilmember

s/John G. Cecil

s/Art Goldberg, Former Chair, Citizens Budget Commission

s/George S. Oram, Jr.

s/Alvin R. Warwas, Neighborhood Activist

ARGUMENT AGAINST MEASURE J

VOTE NO on Measure J. Making Old City Hall safer is desirable for 48 employees, but **THIS MEASURE IS INADEQUATE.** After committing to pay off \$21 million (plus interest) over the next 30 years, this proposal will leave us with grossly inadequate public meeting space. The consultants' report said: "By the early 1990's, the council chamber was inadequate in size and design for current staff and community needs." But **THIS PROPOSAL WILL LEAVE US WITH A SMALLER PUBLIC MEETING SPACE THAN WE ALREADY HAVE!** The council could've selected other options that would have retrofitted and added a 10,000 sq. ft. addition to the building containing a large, fully accessible, modern meeting space seating over 200 people which could be used for all kinds of community events. This poorly thought-out proposal has no way to create a bigger common meeting room because of the building's configuration. At best, the remodeled chambers will be extremely crowded and have only 80 to 60 seats for the public depending on whether two or four aisles are made passable by two wheelchairs and what other accommodations are made. We currently have 110 seats and at many meetings, the fire marshal locks members of the public outside because the entire building is overcrowded. This proposal will allow seating for only four wheelchair users in the room when at many meetings more than 6 wheelchair users try unsuccessfully to get into the room to participate. The corridor to the chamber will remain cramped and dangerous for the disabled. **The Council ignored the consultants' recommendation,** "further study, public review, and more in-depth site investigations will be required to arrive at the optimum strategy for seismic strengthening and best use of Old City Hall." **Support public participation in local government. RETURN THIS TO COUNCIL FOR FURTHER REVIEW. VOTE NO.**

s/Dona Spring, Councilmember

s/Kriss Worthington, Councilmember

s/Karen Rose, Disability Commissioner

s/Jonathan Gold, Disabled Healthcare Advocate

s/Blane Beckwith, Disabled Rights Advocate

REBUTTAL TO ARGUMENT AGAINST MEASURE J

Measure J will preserve Old City Hall and protect not only the lives of those who work in the building, but also the thousands who attend civic meetings there. Measure J has been carefully planned to accomplish these purposes without placing an undue and unnecessary burden on Berkeley taxpayers.

This project will not change the size of the Council chambers. Any addition to the project for a large, new Council chamber would be costly and unnecessary. On the few occasions each year when an overflow crowd is anticipated, the Council can relocate its meeting to a larger auditorium. This practice has worked well for the Council and for the public. In addition, the retrofitted building can include an overflow room where people can watch meetings on a large television and go to the nearby chamber to speak.

Accommodations for disabled persons will completely conform to all federal and state standards and codes. Wheelchairs will have priority for four spaces; more can be accommodated. The Council chamber will adequately meet the needs of disabled persons.

VOTE YES ON J for a cost effective project. The team that skillfully managed the splendid retrofit of the Civic Center building at 2180 Milvia Street will manage this project. The seismic retrofitting at 2180 Milvia was completed on time and within budget, and with FEMA help added extra features.

VOTE YES to preserve Old City Hall as a landmark of pride for all of us and for future generations.

s/ Linda Maio, Councilmember

s/ Margaret Breland, Councilmember

s/ Shirley Dean, Mayor

s/ Linda Perry, Vice Chair, Public Works Commission

s/ Norman Rabkin, Member, Commission on Disability

- D. The City Council of Berkeley is authorized and directed to increase the tax rates authorized by this chapter by the greater of the cost of living in the immediate San Francisco Bay Area, or personal income growth in the state, as verified by official United States Bureau of Labor statistics. If either index is discontinued, the City shall use any successor index specified by the applicable agency, or if there is none, the most similar existing index then in existence.

Section 4. Definitions.

For purposes of this chapter, the following terms shall be defined as set forth below:

- A. "Building" means any structure having a roof supported by columns or by walls and designed for the shelter or housing of any person, chattel or property of any kind. The word "building" includes the word "structure."
- B. "Improvements" means all buildings or structures erected or affixed to the land.
- C. "Maintenance" includes purchasing electricity for the illumination of both existing and new street lights.
- D. "Parcel" means a unit of real estate in one ownership as shown on the most current official assessment role of the Alameda County Assessor.
- E. "Square footage" means the total gross horizontal areas of all floors, including usable basement and cellars, below the roof and within the outer surface of the main walls of buildings (or the center lines of party walls separating such buildings or portions thereof) or within lines drawn parallel to and two feet within the roof line of any building or portion thereof without walls (which includes, notwithstanding subsection 3 of this definition, the square footage of all porches), and including pedestrian access walkways or corridors, but excluding the following:
1. Areas used for off-street parking spaces or loading berths and driveways and maneuvering aisles relating thereto.
 2. Areas which are outdoor or semi-outdoor areas included as part of the building to provide a pleasant and healthful environment for the occupants thereof and the neighborhood in which the building is located. This exempted area is limited to stoops, balconies and to natural ground areas, terraces, pools and patios which are landscaped and developed for active or passive recreational use, and which are accessible for use by occupants of the building.
 3. Arcades, porticoes, and similar open areas which are located at or near street level, which are accessible to the general public, and which are not designed or used as sales, display, storage, service or production areas.

- F. “Structure” means anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

Section 5. Authority of the City Manager.

It shall be the duty of the City Manager's staff to collect and receive all taxes imposed by this chapter, and to keep an accurate record thereof. The City Manager is charged with the enforcement of this chapter, except as otherwise provided herein, and may prescribe, adopt and enforce rules and regulations relating to the administration and enforcement of this chapter, including provisions for the re-examination and correction of returns and payments. The City Manager may prescribe the extent to which any ruling or regulation shall be applied without retroactive effect.

Section 6. Interest and penalties.

- A. The City Council is authorized to have the taxes imposed by this chapter collected by the county of Alameda in conjunction with the county's collection of property tax revenues for the City. In the event that the county of Alameda collects the taxes imposed by this chapter, the imposition of penalties, additional fees and interest upon persons who fail to remit any tax imposed by this chapter, or who fail to remit any delinquent remittance under this chapter, shall be subject to and governed by the rules, regulations and procedures utilized by the county in its collection of property taxes for the City, and in its collection of this additional tax for the City.
- B. Every penalty imposed and such interest as accrues under the provisions of this chapter shall become a part of the tax herein required to be paid.

Section 7. Refunds.

Whenever the amount of any tax, penalty or interest has been paid more than once or has been erroneously or illegally collected or received by the City under this chapter, it may be refunded as provided in Chapter 7.20 of the Berkeley Municipal Code.

Section 8. Collection.

The amount of any tax, penalty, and interest imposed under the provisions of this chapter shall be deemed a debt to the City. Any person owing money under the provisions of this chapter shall be liable to an action brought in the name of the City for the recovery of such amount.

Section 9. Savings clause.

The provisions of this chapter shall not apply to any person, association, corporation or to any property as to whom or which it is beyond the power of the City Council to impose the tax herein provided. If any sentence, clause, section or part of this chapter, or any tax against any individual or any of the several groups specified herein is found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall affect only such clause, sentence, section or part of this chapter and shall not affect or impair any of the remaining provisions, sentences, clauses, sections or other parts of this chapter. It is declared to be the intention of the City Council of the City of Berkeley that this chapter would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 10. Violation--Penalty.

Any person who fails to perform any duty or obligation imposed by this chapter shall be guilty of an infraction as set forth in Chapter 1.20 of the Berkeley Municipal Code. The penalties provided in this section are in addition to the several remedies provided in this chapter.

Section 11. Increase appropriations limit.

Pursuant to California Constitution Article XIII B, the appropriations limit for the City is increased by the aggregate sum authorized to be levied by this special tax for each of the four fiscal years from 2003-04 through 2006-07.

ARGUMENT IN FAVOR OF MEASURE L

Berkeley can and must reduce its excessive pedestrian injury rates

Berkeley has a higher per capita pedestrian injury rate than other major California cities and has the two most dangerous intersections in the entire East Bay. Pedestrian injuries nearly doubled during the nineties, even while walking to work and school declined.

The citywide pedestrian safety improvements necessary to change this picture benefit everyone. Reducing conflicts with cars makes walking and driving safer. Safety improvements for persons with disabilities are essential to ensure citywide accessibility. Making walking safer encourages the use of public transportation. Walking does not generate noise or air pollution or require parking space and is healthy! It is in everybody's interest to make walking safe.

Berkeley has a comprehensive Safety Plan developed by a citizens' task force which evaluated 1994-98 injuries, identified vulnerable populations, located dangerous intersections, and recommended integrating education, enforcement, engineering and planning solutions. The Safety Plan needs substantial funding. The engineering solutions are particularly costly, since a set of fully accessible, new traffic signals for a single intersection costs approximately \$200,000. The City's budget allows only one new set of signals per year, with nothing for needed safety improvements.

This special tax provides dedicated funds for appropriate one time only pedestrian safety improvements such as sidewalk extensions, sidewalk to crosswalk ramp alignments, traffic circles, lighted crosswalks, as well as other access and signal upgrades at dangerous locations in every part of the City.

A small tax (less than \$25 a year on average) for a limited time (10 years) can construct important and lasting safety improvements benefiting the whole community for generations.

Also supported by Councilmembers Kriss Worthington, Polly Armstrong, Margaret Breland, Linda Maio and Maudelle Shirek.

Make Berkeley a safer place to walk and live. VOTE YES ON MEASURE L.

s/Shirley Dean, Mayor

s/Tom Bates, Former State Assemblyman

s/Miriam Hawley, Councilmember

s/Dona Spring, Councilmember

s/Darryl Moore, Trustee, Peralta Community College Board

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE L

Vote No on Measure L! Pedestrian safety is a basic service which should be paid for from the annual dollars which the City receive from its' many forms of taxation

The argument in favor of Measure L completely ignores the issue of whether the tax is the most appropriate one for Berkeley. The tax is based on the square footage of buildings, as are many of the previous taxes enacted in Berkeley. Taxes on improvements penalize people for providing more housing, shops, and productive places to work. This is a needless punishment of better housing and industry.

The efficient way to pay for better civic projects and services is a tax based on the land, not on the improvements. The land is already there, so the tax does not punish folks for providing for social needs. We have a housing crisis, so why punish housing with an extra tax? Why did this tax measure not instead put the tax on the ground, based on the square footage of the land?

The Argument Against Measure L makes a good case that we don't even need this tax. But even if you think we do need it, we also need the right type of tax. **This measure should not be a tax but paid for from existing city revenues.**

Vote No on Measure L!

s/Fred Foldvary

s/Art Goldberg, former Chair, Citizens Budget Commission

s/George Oram

s/John G. Cecil

s/Alvin R. Warwas, Neighborhood Activist

ARGUMENT AGAINST MEASURE L

There is NO need for a Pedestrian Safety Tax. According to the July 28th, 2002 San Francisco Chronicle, the number of pedestrians injured in Berkeley declined by over 15% in the last calendar year. Berkeley can continue to improve pedestrian safety by utilizing existing general fund money.

Under SECTION 4 C of the proposed ordinance “Maintenance” includes purchasing electricity for the illumination of both **EXISTING** and new street lights. Yet, Berkeley already has a Street Lighting Tax. This is **DOUBLE TAXATION**. In fact the current Street Lighting Tax on our property tax bills has a cost of living escalation clause which allows the Council to increase the tax rate without going back to the voters **AND THEY HAVE INCREASED IT**.

Students, tenants and others without property tax bills should realize that city tax increases will result in rent increases making housing less affordable.

The ballot measure **DOESN'T EVEN INFORM VOTERS** how much money will be raised for paying for electricity or pedestrian safety.

Due to rising real estate prices the city collects at least \$7 million more each year in property taxes than was collected four years ago. Where is that money? It isn't going to fix streets, sewers, or sidewalks-or provide more police or fire protection. Demand an accounting before approving more indebtedness.

Vote NO on Measure L.

s/Laurie V. Bright

s/John G. Cecil

s/Art Goldberg, Former Chair, Citizens Budget Commission

s/George S. Oram, Jr.

s/ Alvin R. Warwas, Neighborhood Activist

REBUTTAL TO ARGUMENT AGAINST MEASURE L

Berkeley desperately needs a pedestrian safety program. Pedestrian deaths constitute 47% of all Berkeley traffic fatalities. Police report that pedestrians are at fault in only one of four collisions involving pedestrians. A recent 15% reduction in injuries that had doubled previously is not sufficient.

Our intersections, crosswalks and signals need remodeling. They are outdated, deteriorated and inaccessible. Constant increases in traffic volumes require additional safety efforts, including implementation of already approved, but not funded, safety and area plans. Intensified residential density, job expansions, and cultural and commercial activity require promised safety improvements.

This special safety tax is necessary and appropriate. We are faced with a mounting budget deficit, declining state and federal funding, many tax-exempt properties and shifting grant priorities away from safety to homeland security. Citywide restructuring of the public right-of-way represents a massive capital outlay that is rightfully a special tax just like other capital projects. This tax will yield approximately a million dollars for engineering safety projects while the annual budget will continue financing the Safety Plan's other essential components - education, enforcement and planning.

The City Attorney confirms that the "electricity" sentence in section 4C was erroneously retained from a prior draft and, further, that the revenue raised can be spent only for pedestrian safety improvements as defined in section 3B.

Every one can help create a safe pedestrian environment by voting YES on Measure L.

s/ Miriam Hawley, City Councilmember

s/ Mark Abrahams, member, Transportation Commission

s/ John Curl, member, Planning Commission

s/ Nancy Holland, member, Public Works Commission and
former member, Community Health Commission

s/ Allen Stross, member, Commission on Aging

AMENDMENT TO BERKELEY MUNICIPAL CODE CHAPTER 7.52 TO ADD A SPECIAL TAX TO FUND, PRESERVE AND PROTECT AFFORDABLE HOUSING

Section 7.52.041 Additional special tax imposed to fund, preserve and protect affordable housing

- A. In addition to the general tax imposed under section 7.52.040, there is hereby imposed on all transfers of lands, tenements, or other interests in real property located in the City of Berkeley a supplemental real property transfer special tax at the rate of one half of one percent (0.5%) of the value of consideration. Except as set forth in section 7.52.060, this special tax applies regardless of the method by which the transfer is accomplished or the relationship of the parties to the transfer.
- B. The supplemental special tax imposed by this section shall be used solely to fund:
 - 1. the development and preservation of safe and affordable housing, both rental and ownership, for people who live or work in Berkeley, through acquisition and rehabilitation, new construction and temporary rental assistance payments to prevent homelessness, as further defined in subsection C; and
 - 2. a comprehensive Housing Safety Program to protect housing, that is vulnerable from earthquakes and other major hazards, by developing and implementing appropriate programs to strengthen residential structures, primarily seismic upgrades in multi-unit residential properties.
- C. Development and preservation of safe and affordable housing, both rental and ownership, through acquisition and rehabilitation and new construction, within the meaning of subsection B.1 shall include:
 - 1. allocation of 50% of the proceeds of this special tax to the Housing Trust Fund for housing that will be permanently affordable; and
 - 2. allocation of 20% of the proceeds of this special tax for temporary emergency assistance to prevent homelessness.

- D. Assistance under subdivision C shall be limited to households with incomes up to 80% of the area median, as defined by the U.S. Department of Housing and Urban Development or the best available approximation of the median income for the City of Berkeley.
- E. The remainder of the proceeds of the special tax imposed by this section (30%) shall be allocated to the Housing Safety Program, authorized pursuant to subdivision B.2, which shall include, but not be limited to:
 - 1. programs to reduce the danger from earthquakes and other major hazardous conditions in residential buildings such as fee waivers, reduced interest rates, and/or loan guarantees to promote structural improvements;
 - 2. programs to reduce financial hardship and prevent displacement of low income people as a result of the Housing Safety Program.
- F. The Council may increase or decrease the percentage allocations of the proceeds of this special tax specified in subdivisions C and E of this section by up to 10% of the proceeds of this tax.
- G. The special tax imposed by this section shall not apply to purchases of owner-occupied single family properties priced at no more than \$350,000 and owner-occupied single family properties sold at 105% or less of previous sales price.
- H. No more than 15% of all amounts collected pursuant to this special tax may be spent on City administrative, technical assistance and outreach costs.

ARGUMENT IN FAVOR OF MEASURE M

According to our Housing Authority 4,687 low-income seniors, disabled residents, and families who qualify for housing assistance are unable to find affordable homes in Berkeley. This crisis is forcing many to move away, including long-time Berkeley residents who would like to raise their families here. Store clerks, child-care workers, and public-sector employees are forced to live far from their workplaces. **This measure will help them.**

In a major earthquake homes collapse and lives are lost. Berkeley has roughly four thousand seismically unsafe housing units. We are doing a good job retrofitting private homes, but residents of affordable housing remain vulnerable. **This measure will help them.**

By slightly increasing Berkeley's current tax on the sale of property, this measure will raise about \$2 million annually, helping to address these critical needs. ***You will not pay this tax unless you buy or sell property.*** This small increase in the real-estate transfer tax is a **one-time** tax. The buyer and seller will each pay only \$250 per \$100,000 of property value. Sales of less than \$350,000 are exempt. Homeowners who sell their property at a loss will not pay this increase. The measure provides for a partial rebate for those who retrofit for earthquake and other major hazards.

Funds generated by this measure will be allocated thus:

- 50% to help create new affordable housing or preserve existing affordable housing
- 20% for emergency assistance to families facing homelessness
- 30% to help owners reduce dangers from earthquakes and other major hazards, in private homes and apartment buildings, and to help those temporarily displaced by the repairs.

The Mayor and seven council members voted to place this measure before the voters.

SUPERVISOR KEITH CARSON AND THE REV. VERNON BURROUGHS URGE YOU TO VOTE YES ON MEASURE M

s/Dion Aroner, Assemblymember

s/Jacqueline Garrett, Executive Director, Center for Independent Living

s/Deborah Matthews, Housing Advisory Commissioner and Real Estate Broker

s/Charlie Betcher, Vice-chair, Commission on Aging and President, United Seniors

s/Nancy Bickel, individually and on behalf of, President, League of Women Voters of Berkeley,
Albany, Emeryville

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE M

Measure M is bad public policy. This tax is an obstacle to home ownership.

- A starter home in Berkeley costs approximately \$450,000. The transfer tax alone will be \$9,000 if Measure M passes, and it is not deductible from state or federal income taxes. Apart from Measure M, the new owners will pay more than \$6,000 per year in property taxes.
- This measure is not “slightly increasing” the tax. It is a one-third increase, which will considerably increase the cost of buying or selling a home in Berkeley. It is particularly hard on first-time home buyers.
- The property transfer tax is **not** a “one time tax.” It is paid each and every time a home is bought and sold.
- Contrary to the assertions of its proponents, Measure M will do nothing for “store clerks, child-care workers, and public-sector employees” and others similarly situated. Unfortunately, most of them fall outside assistance guidelines.
- The Housing Safety Program is so poorly defined, it’s unclear who will be helped and how. There is nothing in the Housing Safety Program that specifically targets retrofit assistance toward affordable housing.

Finally, Measure M proposes a “special tax,” which appears to be in violation of the California Constitution, Article 13A, Section 4 which prohibits special taxes which are “...ad valorem taxes or a transaction tax or sales tax on the sale of real property...” Vote NO on Measure M.

s/Miriam Ng, individually and on behalf of, President, Berkeley Association of Realtors
s/Karen Davis, member, Local Governmental Relations Committee, Berkeley Association of Realtors
s/Mary Canavan, Chair, Local Governmental Relations Committee, Berkeley Association of Realtors
s/Seymour Fromer
s/Diane Verducci

ARGUMENT AGAINST MEASURE M

As Real Estate Professionals we deal with buyers and sellers and housing affordability daily. We support affordable housing; however, this measure will cost too much for too little progress toward that goal. We oppose this additional sales tax on property transfers for the following reasons:

- This tax would further erode the affordability of Berkeley homes by significantly increasing the closing costs for both buyers and sellers.
- This tax expands city bureaucracy by allotting approximately \$300,000 per year, or more, according to city estimates, for administrative costs.
- According to the basic principles of economics, this tax will depreciate the value of all Berkeley property by about .5%, all other things being equal.
- This measure is vague and hastily written.
- With this tax, Berkeley would have the highest transfer tax in the state, well over double that of most of the surrounding communities.

As housing prices have doubled since 1995, the existing transfer tax has been bringing money into the city coffers at an all time high. Higher home prices have also resulted in higher property taxes. We **do not** need another tax.

s/Miriam Ng, individually and on behalf of, President, Berkeley Association of Realtors
s/Mary Canavan, Chair, Local Governmental Relations Committee, Berkeley
Association of Realtors

s/Karen Davis, member, Local Governmental Relations Committee, Berkeley Association of
Realtors

REBUTTAL TO ARGUMENT AGAINST MEASURE M

VOTE YES ON MEASURE M

If you are not buying or selling real estate, this small increase will not affect you. Buyers and sellers of real property already pay a 1-1/2% transfer tax. This measure increases that tax by 1/2%, all of which is reimbursable to homeowners who undertake earthquake repairs. The Measure exempts those least able to pay:

* If you own and occupy your single-family home and it sells for under \$350,000, you will not pay this tax.

* If you own and occupy your single-family home and it sells for under 105% of its previous sale price (a loss on the transaction) you will not pay this tax.

Proceeds target the most urgent needs. Half of this small increase goes to the Housing Trust Fund for permanently affordable housing; 20% to emergency assistance to prevent homelessness; and 30% primarily to help upgrade multi-unit housing for earthquake safety. Because we already administer a transfer tax, this measure strictly limits additional administrative costs.

Federal housing funds have declined dramatically. Other cities are placing similar transfer tax increases on the ballot. This is a **progressive tax**, making allowances for those least able to pay. Properties are changing hands at astronomical prices. **With this small increase in our existing transfer tax, we can make a huge difference for those without access to seismically safe, affordable housing.**

**JOIN THE LEAGUE OF WOMEN VOTERS, SUPERVISOR KEITH
CARSON, AND FORMER MAYOR LONI HANCOCK
Vote YES on Measure M.**

s/Rick Guzman, individually and on behalf of, President, Berkeley Fire Fighters Association
s/I. Michael Heyman, Former Chancellor, U.C. Berkeley
s/Jacqueline Garrett, Executive Director, Center for Independent Living
s/Dion Aroner, Assemblywoman
s/boona cheema, Executive Director, Building Opportunities for Self-Sufficiency
s/Miriam Hawley, Councilmember, Berkeley City Council

4. In 2002, the City completed construction of the Berkeley Bicycle-Pedestrian Overcrossing and the facility opened. This facility provides cross-freeway access from Aquatic Park to the Berkeley Waterfront and Marina. It also provides a vital link for Berkeley residents to the still-unfinished regional Bay Trail, whose right-of-way runs along the west side of the frontage road adjacent to Golden Gate Fields' Berkeley property.

E. In 1993 the City adopted the West Berkeley Plan, which is designed to foster blue-collar, industrial and manufacturing jobs in West Berkeley. Since 1986 the City's economic base has shifted toward industrial sectors engaged in environmentally-friendly production and in internet or high technology applications, with attendant changes in the character of Berkeley's economy. A high quality of life is important to these industries in attracting workers and businesses to Berkeley. In addition, the City is scheduled to adopt a revised Marina Plan in 2002.

F. In 2001 and 2002 the City adopted its first new General Plan since 1977, incorporating policies of the West Berkeley Plan.

G. Because of these and other changes in economic conditions and planning requirements, the people of the City of Berkeley declare that it is now appropriate to revisit and update the 1986 Waterfront Specific Plan, which formed the basis for Measure Q, and to authorize the City Council to undertake a comprehensive and inclusive planning process to amend the Waterfront Specific Plan, as set forth in section 2.

H. The People of the City further declare that the purpose of this measure is to authorize a comprehensive planning effort to revisit and update the 1986 Waterfront Specific Plan, while respecting the constitutional rights of the owner of the affected property.

Section 2. That Section 11.56.070 of the Berkeley Municipal Code (Ord. 5788- N.S., Section 7) is amended to read as follows:

A. No part of this chapter shall be amended or repealed, except by a vote of the people. Notwithstanding the preceding sentence, the City Council may amend this chapter and the Waterfront Specific Plan to address changed circumstances since 1986, including changing the amount and type of currently authorized land uses on the remaining privately-owned property at the Berkeley Waterfront, so long as the development potential as allowed in the current Waterfront Specific Plan is not increased. In the event that the type or amount of development authorized is changed, any amendments shall ensure that the property owner's constitutional rights are respected.

B. Any amendments adopted pursuant to this section shall be placed before the voters at the next general municipal election following adoption by the City Council. Any such amendments shall be adopted in the manner required by state and local law and that includes public and commission review. Any amendments adopted by the Council and proposed to the voters pursuant to this section shall be subject to environmental review under the California Environmental Quality Act prior to adoption.

Section 3. This ordinance shall take effect immediately upon its passage by the voters of the City of Berkeley.

ARGUMENT IN FAVOR OF MEASURE N

Measure N authorizes Berkeley to begin a planning process to amend the current waterfront plan for the remaining privately held waterfront lands in Berkeley. The Sierra Club and Citizens for the Eastshore State Park urge a YES vote for Measure N because it continues responsible waterfront planning and retains voter control over the waterfront planning process. All nine members of the Berkeley City Council voted to put this measure on the ballot.

In 1986 Berkeley voters passed Measure Q. This measure determined the amount and location of development on the waterfront lands then owned by Santa Fe Railroad. Measure Q limited development to 565,000 square feet total and located that development along the North Basin Strip and Stables area, leaving the Brickyard and Meadow protected as open space.

Magna Entertainment Corporation now owns this property. An issue has arisen over how many square feet of development is allowable under Measure Q on these lands, creating confusion for the public and planners. Moreover, Berkeley has seen many changes since 1986 resulting in the need to modify the plan then approved. In order to continue responsible waterfront planning, the city should re-evaluate the current plan for these waterfront lands to make certain the appropriate amount and type of development and that such development meets current environmental conditions not present twenty years ago.

Because Measure Q required voter approval for any changes to the waterfront plan, the voters have to first authorize the City to initiate a planning process. Measure N authorizes the City to begin a planning process that will include community input. Any changes will also have to be approved by the voters.

We urge a YES vote on Measure N so Berkeley can continue responsible waterfront planning that preserves voter control over the waterfront.

s/Shirley Dean, Mayor of Berkeley

s/Tom Bates, former State Assemblyman

s/Helen Burke, on behalf of the Sierra Club

s/Sylvia McLaughlin, Co-Founder of Save the Bay

s/Ed Bennett, on behalf of Citizens for the Eastshore State Park

Text of the Initiative

EVIDENCE RESTRICTING THE SALE OF BREWED COFFEE TO ORGANIC, FAIR-TRADE, OR SHADE-GROWN CERTIFIED COFFEE

The People of the City of Berkeley do ordain as follows:

WHEREAS, coffee growers often use synthetic chemical pesticides and fertilizers; and

WHEREAS, coffee growers often cut down trees; and

WHEREAS, the growing of coffee in the manner described above produces an adverse effect upon the environment which is injurious to the health, safety, comfort, convenience, welfare and happiness of the residents of the City of Berkeley; and

WHEREAS, the sale of the hereinafter enumerated beverages would reduce the adverse effect mentioned above and benefit the citizens of Berkeley and others outside the City of Berkeley; and

WHEREAS, the sale of the hereinafter enumerated beverages would encourage others to sell the same; and

WHEREAS, the passage of a City of Berkeley ordinance restricting the sale of brewed coffee to the hereinafter enumerated beverages would encourage others to do the same; and

WHEREAS, the regulation of the sale of brewed coffee within the City of Berkeley is a municipal affair and in the public interest.

NOW THEREFORE, BE IT ORDAINED AS FOLLOWS:

Section 1. DEFINITIONS.

For the purposes of this ordinance, the following terms shall be defined as follows:

- a. “Brewed Coffee Beverage” shall mean all beverages brewed from coffee beans, including but not limited to café au lait, café mocha, caffè latte, cappuccino, and espresso beverages. “Brewed Coffee Beverage” shall not include dry coffee beans, either as whole beans or in ground form.

- b. “Business Vendor” shall mean any person, firm, individual, corporation, partnership, association, joint venture, vendor, or any combination thereof, selling or offering for sale brewed coffee beverages.

- c. “City” shall mean all that territory within the corporate limits of the City of Berkeley.

d. "City Manager" shall mean the City Manager of the City of Berkeley or said Manager's designated representative.

e. "Fair-Trade" shall mean Fair-Trade Certified coffee as defined by TransFair USA, 1611 Telegraph Ave., Suite 900, Oakland, CA 94612.

f. "Organic" shall mean organic as defined by the final rule establishing the National Organic Program under the direction of the Agricultural Marketing Service, an arm of the United States Department of Agriculture (USDA), located at 7 CFR Part 205, issued pursuant to the Organic Food Production Act of 1990, as amended 7 U.S.C. 6501 et seq.

g. "Sale" shall mean a commercial transaction by any person, firm, individual, corporation, partnership, or vendor, in which transaction beverages are sold directly to the public for a monetary consideration.

h. "Shade-Grown" shall mean coffee that carries either the "Bird Friendly®" seal of approval developed by the Smithsonian Migratory Bird Center, National Zoological Park, Washington, DC 20008, or the "ECO-O.K.®" mark developed by The Conservation Action Network of Rainforest Alliance, 65 Bleecker Street, New York, NY 10012.

Section 2. THE SALE OF BREWED COFFEE IS RESTRICTED TO ORGANIC, FAIR-TRADE, OR SHADE-GROWN CERTIFIED COFFEE.

a. Every brewed coffee beverage sold or offered for sale by any business vendor in the City of Berkeley shall be brewed solely from coffee beans that are either certified:

- (1) Organic, or
- (2) Fair-Trade, or
- (3) Shade Grown, or
- (4) a combination thereof.

Section 3. INSPECTION.

The City Manager or the Manager's designated representative is authorized to enter the business premises of any business vendor engaged in the sale of brewed coffee beverages in the City and which business vendor is licensed by the City to conduct a business, for the sole purpose of inspecting said premises and determining whether the business vendor is in compliance with this ordinance.

Section 4. VIOLATIONS.

Any business vendor found in violation of any provision of this ordinance shall be guilty of a misdemeanor and shall be punished by a fine not exceeding One Hundred Dollars (\$100) or imprisonment not exceeding six (6) months, or both such fine and imprisonment.

Section 5. SEVERABILITY.

The provisions of this ordinance are hereby declared to be severable and if any provision, sentence, clause, section, or part hereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this ordinance or their application to persons and circumstances.

Section 6. CONSTRUCTION.

This ordinance shall be liberally construed to advance the purposes of this ordinance as described in the Evidence section above.

Section 7. EFFECTIVE DATE.

This ordinance shall take effect three months after it has been adopted at election.

Section 8. POSTING.

Copies of this Bill are hereby ordered published by posting with the vote thereon as required by law.

ARGUMENT IN FAVOR OF MEASURE O

Berkeley voters have the unique opportunity to promote environmental protection and improve the lives of coffee farmers by ensuring that all brewed coffee sold in Berkeley is certified Fair Trade, organic, or shade-grown. Presently consumers are largely restricted to purchasing coffee that is produced under exploitative conditions and grown in a manner harmful to the environment. Meanwhile, there are hundreds of socially and environmentally responsible brands of high-quality coffee that businesses could be serving at a competitive price.

Coffee is a shrub traditionally grown under trees without chemical inputs. In the past 25 years, however, big agri-business has been clear-cutting rainforests, planting fields of only coffee directly in the sun, and applying huge quantities of chemicals. The result is mass-produced coffee that is driving down the price of coffee at the expense of small farms and the environment. Many farmers are losing their land and facing starvation. Some are turning to the cultivation of illegal drugs. Rainforests, surrounding bio-diversity, water and soil quality all suffer. Our migratory birds have been particularly hard hit.

Just as Berkeley began a national movement by divesting from apartheid in South Africa, our city can now lead the national movement for fair trade and protection of our shared environment. If the measure passes, it could pave the way for similar initiatives in other cities, bringing social and environmental justice to center stage.

By passing this initiative, you'll have the pleasure of knowing that with every cup of coffee you buy in Berkeley, you'll be upholding the dignity of coffee farmers and preserving the natural environment. Now THAT'S a good cup of coffee!

Please note that this measure affects only brewed coffee sold in Berkeley; it does not affect ground coffee or beans.

For more information, visit www.geocities.com/coffeelawinfo.

s/Rick Young, Attorney and Initiative Author

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE O

The attorney who wrote Measure O has publicly admitted, “it is not a perfect law” (August 1, 2002).

We agree. Far from perfect, Measure O is a poorly written law that could hurt the environment plus many developing world farmers and workers. Please consider the facts:

- The proponent is simply wrong that “consumers are largely restricted to purchasing coffee that is produced under exploitative conditions...” In Berkeley, our globally-concerned cafes, restaurants and coffee companies offer multiple opportunities to buy certified fair trade, organic, or shade-grown coffee.
- By stating that all non-certified coffee is produced under exploitative conditions, the proponent is attempting to mislead voters. In reality, many small farmers already meet environmental and labor standards but can’t afford the costly certification process.
- Measure O denies local consumers their freedom of choice. By restricting sales to officially certified coffee growers, Measure O prevents Berkeley residents and cafes from supporting the farmers who need our assistance to gain certification.
- If approved by voters, Measure O sets the penalty for serving an incorrect cup of coffee at UP TO SIX MONTHS IN JAIL. This overly harsh penalty equates serving the wrong coffee with much more serious crimes that carry the same maximum sentence - like possession of a weapon on school grounds or failure to report child abuse.

Don’t ban the good work that progressive Berkeley residents and businesses are doing to help the world’s small coffee farmers and their workers. Join us in voting No on Measure O—Berkeley can do better.

s/Peter Conh, Owner, The Bakeshop and Berkeley resident

s/Narsai David, Food & Wine Editor and Berkeley resident

s/Ann Lauer, Owner, Rick & Ann’s, and on behalf of, Berkeley Chamber of Commerce

s/Orrel Lanter, Uncommon Grounds Coffee, and on behalf of, Berkeley Chamber of Commerce

s/Jim Reynolds, Vice-President, Peet’s Coffee & Tea and Berkeley resident

ARGUMENT AGAINST MEASURE O

As Berkeley residents, community representatives and progressive business owners, we support fair trade, organic, and shade grown coffee- but we oppose Measure O an unfair and poorly written law.

We support coffee growers that pay a decent wage and don't damage the environment - which is why many Berkeley cafes & markets already serve coffee that meets these high standards.

However, Measure O is an unfair law that denies Berkeley residents their right to individual choice and is counterproductive to supporting developing world coffee farmers, workers, and the environment. Please consider the facts before voting:

- Many progressive Berkeley coffee companies currently buy coffee from hundreds of developing world family farms that already meet fair environmental and labor standards. Measure O would punish these farmers and thousands of workers because they cannot afford to undergo the expensive, complex process to become officially certified.
- Measure O will mean higher coffee prices in most restaurants and cafes. This is unfair to students, senior citizens, and others on fixed incomes plus it would hurt Berkeley's cafes and employees.
- Enforcement of Measure O would take Berkeley health and safety inspectors away from their regular, important duties and send them into cafes as "coffee police". The city estimates that the enforcement staff could cost taxpayers over \$100,000 annually.
- **6 months in Jail for a cup of coffee?** Measure O specifically mandates that the sale of a "violating" cup of coffee could result in six months in jail for a coffee shop owner or employee. Does the punishment fit the crime?

Voting NO on Measure O is NOT voting against Fair Trade, organic or shade grown coffee - it is a vote against a poorly written ordinance that will actually hurt many of the workers and farmers that it claims to help.

s/Polly Armstrong, Berkeley City Councilmember and resident

s/Jim Reynolds, Vice-President, Peet's Coffee & Tea and Berkeley resident

s/Dorothee Mitrani-Bell, Owner, La Note Restaurant and Berkeley resident

s/Jeremiah Pick, Owner, Jeremiah's Pick Coffee and Berkeley resident

s/Orrrel Lanter, on behalf of Uncommon Grounds Coffee and Berkeley Chamber of Commerce

REBUTTAL TO ARGUMENT AGAINST MEASURE O

Measure O is a well-crafted initiative reflecting years of hard work by a coalition of farmers, environmentalists and economists to solve the problems that plague the coffee industry. It's similar to other quality-of-life measures such as minimum wage laws and the ban on leaded gasoline that hold businesses accountable – and initially faced resistance, misleading arguments and scare tactics.

Let's set the record straight:

- Businesses can make claims – consumers need verification. Certification is so easy – and free for Fair Trade – that there are hundreds of thousands of certified small farms. Yet their products are still not widely available in Berkeley. Why cling to a damaging product when a better alternative is available?
- Measure O does not have to mean higher coffee prices for consumers. Many cafes charge the same for certified coffee, since beans are a small part of the retail price. The difference is at most pennies a cup.
- Enforcement can be accomplished efficiently and inexpensively with existing health and safety inspectors in the course of their regular duties.
- The penalty language, standard for a misdemeanor, is identical to that of a Berkeley recycling law. It simply provides a range for judicial discretion, while setting a maximum cap.

Measure O reflects the commitment of Berkeley residents to the environment and basic standards of fairness. In the future, we will look back with pride at Berkeley's visionary role in the transformation to a healthier environment and more just society.

Endorsed by Dolores Huerta, Co-Founder, United Farm Workers.

s/Gus Newport, Former Mayor of Berkeley

s/Simon Harris, on behalf of Organic Consumers Association

s/Medea Benjamin, Founding Director, and on behalf of, Global Exchange

s/Julia Butterfly Hill, Founder, and on behalf of, Circle of Life

s/Rick Young, Attorney and Initiative Author

CITY ATTORNEY'S ANALYSIS

The proposed ordinance affects building height limits under the Berkeley Zoning Ordinance in several respects. The initiative would reduce height limits in several commercial districts, including the downtown (except for the core area), as well as along major streets such as San Pablo, Telegraph, University and Shattuck Avenues (from Virginia to Parker Streets except in the downtown core). The initiative is likely to make developments containing ground floor retail with housing above (known as "mixed-use") less feasible. Most recent new rental housing development in Berkeley has been part of such mixed-use projects.

The initiative would not change current height limits in lower density residential districts, but would change the procedure for approval of height increases. The initiative would require public hearings before the Zoning Adjustments Board for the approval of all increases in building height over 28 feet. Under current law, such approvals are made by the Zoning Officer, and are subject to appeal to the Zoning Board and then to the City Council. Over the last two year period, the Zoning Officer considered eight requests for height increases.

The initiative would prohibit approval of any variances from the height limits specified in the Zoning Ordinance. Under current law, variances are granted on occasion only upon strict findings. The initiative would also prohibit granting height increases in a given location in exchange for reduced development at another location. This rarely, if ever, occurs under the City's current practices.

State law requires the granting of development incentives and/or concessions to developers who include a certain percentage of affordable housing (as defined by State law) in their projects. The initiative would require the City to grant height increases only after all other incentives such as reduced parking, setbacks and open space, or increased lot coverage, fee waivers or direct financial assistance, to the extent financially feasible, have been exhausted. The initiative would cap height increases to ten feet.

Because it is difficult to achieve the required level of state incentives without a height increase, the initiative will make it more difficult for the City to meet the requirements of state law concerning affordable housing and may require the City to grant developers, who provide the required percentage of affordable housing, additional financial subsidies in lieu of height increases.

The granting of incentives other than height could require the elimination of setbacks which buffer smaller adjacent residences and may require waiving open space and parking requirements for such developments. The initiative appears to be inconsistent with provisions of the City's recently adopted General Plan and Housing Element and is likely to require their revision.

The initiative could be amended by the City Council ten years after adoption or upon a two-thirds vote and written findings that it is inconsistent with area plan height standards, expressed in feet. No such area plan height standards exist.

Financial Implications

Possible but uncertain increases in administrative costs to conduct hearings before the Zoning Adjustment Board and revise the General Plan and Housing Element and in additional financial subsidies to developers for affordable housing.

Text of the Initiative – Exhibit A

Section 1. FINDINGS.

WHEREAS, Berkeley is one of the most densely populated, traffic-congested cities in Northern California, with diverse neighborhoods featuring mainly low-rise homes and apartments that would be compromised by out-of-scale developments that threaten the health and safety and general welfare of its residents, as well as the integrity and sustainability of its neighborhoods, and

WHEREAS, taller structures will:

- (a) obscure sunlight, reducing natural light and radiant heating, as well as shadow solar collectors that show promise as an important energy alternative in the future,
- (b) increase demands on the presently inadequate infrastructure supplying electric power and water,
- (c) strain an already decrepit and inadequate sanitary sewer system,
- (d) overwhelm both historic buildings and sites of historic significance,
- (e) block existing views of the Bay and hills,
- (f) create wind tunnels when streets are “canyonized” by high-rise development,
- (g) add to traffic congestion and the worsening of air quality through increases in vehicle use by inhabitants of taller structures,
- (h) increase traffic congestion adding to the hazards confronting pedestrians, cyclists and the disabled when attempting to use crowded streets,
- (i) be densely occupied, thus increasing the likelihood of casualties resulting from a seismic event and a further overburdening of Berkeley's emergency services, and

WHEREAS, plans to exceed legal height limits have impacted the affected neighborhoods, and has necessitated extraordinary volunteer efforts on the part of residents to prevent detriment to their local environment, therefore

Be It Ordained by the People of the City of Berkeley that Berkeley Municipal Code, Title 23, Zoning Ordinance is hereby amended as follows:

(Note: Additions and substitutions are indicated by single underlining; deletions are indicated by ~~strike out~~)

**MAXIMUM HEIGHT LIMIT FOR NEW DEVELOPMENT AND ADDITIONS
TO EXISTING BUILDINGS**

Section 2. That subdivision C of Section 23D.16.070, Development Standards, Single Family Residential District R-1, of the Berkeley Zoning Ordinance is hereby amended to read as follows:

C. Each Main Building shall be limited in height as follows:

<u>Zoning District</u>	<u>Height limit average (ft)</u>	<u>Stories limit (number)</u>
R-1	28*	3

* ~~The Zoning Officer may issue an Administrative Use Permit to allow Main Buildings to exceed 28 feet in average height, up to 35 feet in average height. The Zoning Adjustments Board may issue a Use Permit to allow Main Buildings to exceed twenty-eight feet (28') in average height up to thirty-five feet (35') in average height. The issuance of such Use Permit is appealable to the City Council.~~

Section 3. That subdivision C of Section 23D.20.070, Development Standards, Limited Two-Family Residential District R-1A, of the Berkeley Zoning Ordinance is hereby amended to read as follows:

C. Each Main Building shall be limited in height as follows:

<u>Zoning District</u>	<u>Height limit average (ft.)</u>	<u>Stories limit (number)</u>
R-1A	28*	3

* ~~The Zoning Officer may issue an Administrative Use Permit to allow Main Buildings to exceed 28 feet in average height, up to 35 feet in average height. The Zoning Adjustments Board may issue a Use Permit to allow Main Buildings to exceed twenty-eight feet (28') in average height up to thirty-five feet (35') in average height. The issuance of such Use Permit is appealable to the City Council.~~

Section 4. That subdivision C of Section 23D.28.070, Development Standards, Restricted Two-Family Residential R-2, of the Berkeley Zoning Ordinance is hereby amended to read as follows:

C. Each Main Building shall be limited in height as follows:

<u>Zoning District</u>	<u>Height limit average (ft.)</u>	<u>Stories limit (number)</u>
R-2	28*	3

* ~~The Zoning Officer may issue an Administrative Use Permit to allow Main Buildings to exceed 28 feet in average height, up to 35 feet in average height. The Zoning Adjustments Board may issue a Use Permit to allow Main Buildings to exceed twenty-eight feet (28') in average height up to thirty-five feet (35') in average height. The issuance of such Use Permit is appealable to the City Council.~~

Section 5. That subdivision B of Section 23E.40.070, Development Standards, Neighborhood Commercial District C-N, of the Berkeley Zoning Ordinance is hereby amended to read as follows:

B. The height for a Main Building shall not exceed the following limits and shall satisfy the following requirements:

<u>Use type</u>	<u>Height (ft.)**</u>	<u>Stories (number)</u>
Commercial only	35 <u>28</u>	2
Mixed Use	35 <u>28</u>	3*
Other Uses	35 <u>28</u>	2
Residential only	35 <u>28</u>	3

* In Mixed Use buildings, the third floor must be used for residential purposes.

** See subdivision E of Section 23C.12.050.

Section 6. That subdivision C of Section 23E.48.070, Development Standards, North Shattuck Commercial District C-NS, of the Berkeley Zoning Ordinance is hereby amended to read as follows:

C. The height for a Main Building shall be subject to the minimum and maximum specifications as follows:

<u>Use type</u>	<u>Height (max.)**</u>	<u>Stories (number)</u>	
		<u>Min.</u>	<u>Max.</u>
All	35 <u>28</u> ft.	2*	3*

* Except that basement level devoted exclusively to parking shall not be counted as a story.

** See subdivision E of Section 23C.12.050.

Section 7. That subdivision C of Section 23D.32.070, Development Standards, Restricted Multiple-Family Residential District R-2A, of the Berkeley Zoning Ordinance is hereby amended to read as follows:

C. Each Main Building shall be limited in height as follows:

<u>Zoning District</u>	<u>Height limit average (ft.)**</u>	<u>Stories limit (number)</u>
R-2A	28 *	3

* The Zoning Officer may issue an Administrative Use Permit to allow Main Buildings to exceed 28 feet in average height, up to 35 feet in average height. The Zoning Adjustments Board may issue a Use Permit to allow Main Buildings to exceed twenty-eight feet (28') in average height up to thirty-five feet (35') in average height. The issuance of such Use Permit is appealable to the City Council.

** See subdivision E of Section 23C.12.050.

Section 8. That subdivision B of Section 23E.64.070, Development Standards, West Berkeley Commercial District C-W, of the Berkeley Zoning Ordinance is hereby amended to read as follows:

B. The height for a main building shall not exceed the following limits and shall satisfy the following requirements:

Table 23E.64.070 Building Height Limitations *

<u>Use type</u>	<u>Height(ft.)**</u>	<u>Stories (number)</u>	<u>Special Requirements/Limitations</u>
Commercial Only	40 28	3	
Live/Work Only	40 28	3	
Mixed Use	50 28	4 <u>3</u>	The 4th floor must be used for residential or live/work purposes
Residential Only	40 28	3	

* Within designated nodes there is a minimum height requirement, see Section 23E.64.040.D

** See subdivision E of Section 23C.12.050.

Section 9. That subdivision C of Section 23D.36.070, Development Standards, Multiple-Family Residential District R-3, of the Berkeley Zoning Ordinance is hereby amended to read as follows:

C. Each Main Building shall be limited in height as follows:

<u>Zoning District</u>	<u>Height limit average (ft.)*</u>	<u>Stories limit (number)</u>
R-3	35 <u>28</u>	3

* See subdivision E of Section 23C.12.050.

Section 10. That subdivision D of Section 23E.84.070, Development Standards, Mixed Use-Residential District MU-R, of the Berkeley Zoning Ordinance is hereby amended to read as follows:

D. The height for a main building shall not exceed the following limits and satisfy the following requirements:

Table 23E.84.070 Building Height Limitations *

<u>Use type</u>	<u>Height(ft.)**</u>	<u>Stories (number)</u>	<u>Special Requirements/Limitations</u>
Art/Craft and/or Light Manufacturing (with no other non-residential uses)	35 <u>28</u>	2	3 stories permitted when on a block with no dwelling units

Live/Work	28	3	UP(PH) for a height greater than 28 ft., up to 35 ft.
Other Non-residential	35 <u>28</u>	2	
Residential*	35 <u>28</u>	3	

* For purposes of calculating the permitted number of stories, buildings in which at least 50% of the floor area is used for residential and/or live/work purposes shall be considered residential.

** See subdivision E of Section 23C.12.050.

Section 11. That subdivision C of Section 23D.40.070, Development Standards, Multiple-Family Residential District R-4, of the Berkeley Zoning Ordinance is hereby amended to read as follows:

C. Each Main Building shall be limited in height as follows:

<u>Zoning District</u>	<u>Height limit average (ft.)**</u>	<u>Stories limit (number)</u>
R-4	35*	3*

* ~~Main Buildings may exceed 35 ft. and 3 stories in height, to a height of, but not exceeding, 65 ft. and 6 stories subject to obtaining a Use Permit.~~

** See subdivision E of Section 23C.12.050.

Section 12. That subdivision B of Section 23E.36.070, Development Standards, General Commercial District C-1, of the Berkeley Zoning Ordinance is hereby amended to read as follows:

B. The height for a Main Building shall not exceed the following limits, and shall satisfy the following requirements:

<u>Use type</u>	<u>Height (ft.)**</u>	<u>Stories (number)</u>
Commercial only	40 <u>35</u>	2
Mixed use	40 <u>35</u>	3*
Mixed use with Use Permit**	50 <u>35</u>	4*
Other Use	40 <u>35</u>	2
Residential Only	35	3

*In Mixed Use buildings, the third and higher floors must be used for residential purposes.

~~**A building which is used for mixed use (commercial and residential purposes) may be constructed to the height of 4 stories and 50 ft. subject to obtaining a Use Permit. See subdivision E of Section 23C.12.050.~~

Section 13. That subdivision B of Section 23E.68.070, Development Standards, Central Commercial District C-2, of the Berkeley Zoning Ordinance is hereby amended to read as follows:

B. The height for a main building shall not exceed the following limits, and shall satisfy the following requirements:

<u>Table 23E.68.070 Height Limits (as per Downtown Plan)</u>		
<u>Downtown Plan Sub-area†</u>	<u>Base Ht. Limits</u>	<u>Max. Bonus†† Ht. Limit</u>
	<u>Ht./Stories*</u>	<u>Ht./Stories</u>
Core	65 ft/5 stories	87 ft/7 stories
North 2 (south side of University Ave.)	40 ft/3 stories	55 ft/5 stories
Oxford Edge	40 ft/3 stories	60 ft/5 stories
South	40 ft/3 stories	60 ft/5 stories
West	40 ft/3 stories	50 ft/5 stories

† See Downtown Plan Sub-area map, Figure 7.6

†† See Downtown Plan Table 7.3 for explanation of Bonuses

* See subdivision E of Section 23C.12.050

Section 14. That subdivision C of Section 23D.44.070, Development Standards, High Density Residential District R-5, of the Berkeley Zoning Ordinance is hereby amended to read as follows:

C. Each Main Building shall be limited in height as follows:

<u>Zoning District</u>	<u>Height limit average (ft.)*</u>	<u>Stories limit (number)</u>
R-5	40*	4*

~~* Main buildings may exceed 40 ft. and 4 stories in height, to a height of, but not exceeding 65 ft. and 6 stories subject to obtaining a Use Permit.~~

* See subdivision E of Section 23C.12.050

Section 15. That subdivision B of Section 23E.56.070, Development Standards, Telegraph Avenue Commercial District C-T, of the Berkeley Zoning Ordinance is hereby amended to read as follows:

B. The height for a Main Building shall not exceed the following limits and shall satisfy the following requirements:

<u>Building use</u>	<u>Height (feet)*</u>		<u>Stories (number)</u>	
	<u>Min.</u>	<u>Max.</u>	<u>Min.</u>	<u>Max.</u>
All, except below	30	50 <u>40</u>	2	4
Sather Gate Garage	--	85 <u>50</u>	--	7 <u>4</u>

* See subdivision E of Section 23C.12.050

1. In all buildings, one hundred percent (100%) of the floor area above the ground floor shall be used for Residential Use, except where the second floor is used for Commercial Use as an integral part of the ground floor establishment. In such cases, the second floor commercial space shall have no entrances or exits, other than required fire exits, which offer access independent of the interior of the ground floor space and shall not exceed the ground floor area.

Section 16. That subdivision B.1 of Section 23E.52.070, Development Standards, South Area Commercial District C-SA, of the Berkeley Zoning Ordinance is hereby amended to read as follows:

B. The height for a Main Building shall not exceed the following limits, and shall satisfy the following requirements:

1. For those portions of the District adjacent to Shattuck Avenue between Durant Avenue on the north and Parker Street on the south:

<u>Use type</u>	<u>Height (ft.)**</u>	<u>Stories (number)</u>
Commercial only	36	3
Mixed use	60 <u>40</u>	5 <u>4</u> *
Other uses	36	3
Residential only	60 <u>40</u>	5 <u>4</u>

* In Mixed Use buildings, the third ~~and fourth and fifth~~ floors shall be used for residential purposes entirely.

** See subdivision E of Section 23C.12.050

and as further described below:

Section 17. That subdivision B of Section 23E.96.070, Development Standards, Hillside Overlay District H, of the Berkeley Zoning Ordinance is hereby amended to read as follows:

B. The height for main and accessory buildings shall be limited as follows, provided, however, that the limits may be exceeded subject to obtaining ~~an AUP and~~ the required finding under Section 23E.96.090.B, and to obtaining a Use Permit from the Zoning Adjustments Board to allow Main Buildings to exceed twenty-eight feet (28') in average height up to thirty-five feet (35') in average height. The issuance of such Use Permit is appealable to the City Council. In addition, building heights shall also be subject to the limitation and exception provisions set forth in Sections 23D.04.020 and 23E.04.020, as the case may be.

1. Main buildings shall be limited in average and maximum height, and in the number of stories in accordance with the following requirements:

<u>Height limit average (ft.)*</u>			
<u>Underlying Zoning District</u>	<u>Avg</u>	<u>Max</u>	<u>Stories limit (number)</u>
R-1, R-1A, R-2, R-2A	28	35	3
R-3, R-4, R-5, C-N, C-NS	35	35	3

* See subdivision E of Section 23C.12.050

2. Accessory buildings shall be limited to twelve (12) feet in height and one (1) story, provided, however, that increased height or stories may be allowed subject to ~~obtaining an AUP and~~ making the findings required under Sections 23D.08.020.B and 23E.96.090.B, and to obtaining a Use Permit from the Zoning Adjustments Board to allow accessory buildings to exceed 12 feet in height. The issuance of such Use Permit is appealable to the City Council.

VARIANCES FROM HEIGHT LIMITS

Section 18. That Section 23B.44.010, Variances of the Berkeley Zoning Ordinance is hereby amended to read as follows:

The Board may grant Variances to vary or modify the strict application of any of the regulations or provisions of this Ordinance with reference to the use of property, ~~the height of buildings,~~ the yard setbacks of buildings, the percentage of lot coverage, the lot area requirements, or the parking space requirements of this Ordinance.

HEIGHT LIMIT EXEMPTION AS INCENTIVE

Section 19. That a new subdivision E is added to section 23C.12.050 of the Berkeley Zoning Ordinance to read as follows:

E. The use of a height limit exemption either to accommodate a density bonus or as an incentive or concession may be granted only if the Zoning Adjustments Board, or the City Council on Appeal, finds at a duly called public hearing that the applicant has demonstrated that the land cost per unit of affordable housing exceeds the financial value of all available incentives and concessions other than a height limit exemption. The determination of the Zoning Adjustments Board may be appealed to the City Council. Incentives and concessions include, but shall not be limited to the following:

1. Reduced or no setbacks from the property line;
2. Reduction of on site useable open space requirements;
3. Reduced parking space requirements for residential use;
4. Reduced parking space requirements for commercial use in a mixed-use residential/commercial project;
5. Fee waivers, tax credits or other financial incentives; and any other direct or indirect concessions or incentives satisfying applicable Statutes of the State of California.

In no event shall The Zoning Adjustments Board, or The City Council on appeal, grant any height limit exemption that exceeds ten feet (10') above the applicable height limit, nor shall The Zoning Adjustments Board, or City Council on appeal, permit any use other than residential or live-work on the upper floor of any building for which such height limit exemption is granted.

TRANSFER OF DEVELOPMENT RIGHTS

Section 20. That a new section 23C.24.010 be added to the Berkeley Zoning Ordinance to read as follows:

Should the transfer of development rights from one parcel of land to another be adopted by the Berkeley City Council, it shall not confer the right to construct or expand any building beyond the maximum height limit established for the Zoning District in which the project is located.

Section 21. SEVERABILITY

If any provision of this Initiative Ordinance or application thereof to any person or circumstances be held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this Ordinance are severable.

Section 22. AMENDMENT

A. Effective ten (10) years after the effective date of this Initiative Ordinance any provision of this Ordinance may be amended by duly enacted ordinance by the Berkeley City Council.

B. Any provision of this Initiative Ordinance may be amended by duly enacted ordinance by a two-thirds vote of the Berkeley City Council where the Berkeley City Council makes a written finding that the provision is inconsistent with a specific provision of a duly enacted area plan regarding the height of a building as measured in feet.

ARGUMENT IN FAVOR OF MEASURE P

In 1973 Berkeley voters overwhelmingly approved the Neighborhood Preservation Ordinance -- a grassroots initiative -- over the strong protests of big developers and local politicians. Voters acted because the character of our city and the neighborhoods' stability were being threatened.

The 1973 ordinance has served us well, but now our city and our neighborhood are under siege again. **A few favored developers, making maximum campaign contributions to City Councilmembers, have routinely been allowed to circumvent existing height limits and zoning regulations.** If this practice is allowed to continue, it will change Berkeley from a low-rise, livable city, to one that is far too dense.

Protect Berkeley's future by voting Yes on Measure P, the Berkeley Height Initiative. Measure P is a thoughtful blueprint for environmentally sensitive growth, drawn up by citizens from across Berkeley from the flatlands to the hills. It aims to keep new buildings at a height compatible with their surroundings, rising from 28 ft. in residential neighborhoods to 40 ft. in commercial areas and up to 65 ft. in the downtown core.

In most districts the specified height limits reflect the recently approved General Plan, and Measure P permits reasonable increases to the height limits. For example, a project that includes at least 20% affordable housing will be eligible for an additional 10 ft. in height if needed to accommodate the project's affordable units.

Berkeley is the third most densely populated city in California and the 20th most densely populated city in the nation. The current rash of unregulated developments aggravates existing problems with parking, traffic and infrastructure.

To keep Berkeley from being overwhelmed by out-of-scale developments, maintain the integrity of Berkeley's neighborhoods and preserve our sunlight, fresh air and marvelous views without worsening gridlock, Vote Yes on Measure P. Do the future of Berkeley a favor.

s/Martha Nicoloff, Co-Author, Neighborhood Preservation Ordinance

s/Marie Bowman, Housing Advisory Commissioner, individually and on behalf of, President,
Council of Neighborhood Associations (CNA) and Co-Captain, Blake & California Streets
Neighborhood Association

s/Timothy L. Hansen, on behalf of the Berkeley Party

s/Sally Sachs, President, and on behalf of the Berkeley Architectural Heritage Association
(BAHA)

s/George S. Oram, Jr.

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE P

VOTE NO IF YOU WANT A LIVABLE BERKELEY

Measure P is not a “thoughtful blueprint.” It is an over-reaction to a few controversial projects. It will freeze most new housing in Berkeley, crippling the city’s vitality and diversity. It eliminates opportunities for new housing and economic revitalization within commercial corridors and downtown.

Measure P reduces protections for residential neighborhoods. Our present zoning already prevents tall buildings in our neighborhoods. Measure P will force new development up to the lot line adjoining residential neighborhoods, reducing parking and open space.

Measure P will have serious negative impacts on local streets. It will create even more commuters, traffic, noise, pollution, and short-cutting through our neighborhoods.

Measure P reduces the height limit from 4 stories to 2 on major streets such as San Pablo, Shattuck, Telegraph, and University—where it is most feasible to create affordable housing.

Berkeley is not “too dense.” We have lost about 10,000 residents since 1970. But we do have more cars—because so many people who commute to Berkeley for work or school cannot find affordable housing here. **Oppose Measure P if you want more housing on major transit routes and less traffic.**

Measure P discourages good design and will force the City to pay developers for buildings that meet State housing requirements.

Join Assemblywoman Dion Aroner, former Mayor Loni Hancock, and Berkeley Federation of Teachers President Barry Fike in creating a more livable Berkeley. VOTE “NO” on Measure P.

s/Nancy Bickel, individually and on behalf of, President, League of Women Voters

s/Ira Michael Heyman, Former Chancellor, UC Berkeley

s/Jane Scantlebury, Librarian, Berkeley Public Library, SEIU 535

s/Darryl Moore, Vice President, Board of Trustees, Peralta Community College District

s/Andy Ross, Owner, Cody’s Books

ARGUMENT AGAINST MEASURE P

This initiative would harm our city. It would NOT protect neighborhoods or reduce traffic. Its unintended effects would increase the cost of housing and pack new development tightly into its lot, oppressively close to neighbors, and with little or no parking. Traffic in our neighborhoods would grow ever worse.

This measure, which reduces building heights on **our major transit corridors (including San Pablo, University, Telegraph)** would:

- increase the cost of new apartment buildings dramatically, making it harder for people who work in Berkeley--our teachers, librarians, mail carriers, clerical workers--to find housing they can afford;
- slow the revitalization of downtown and of South and West Berkeley;
- increase commute traffic, making our neighborhood streets even more dangerous;
- damage the environment by contributing to urban sprawl;
- stifle development of neighborhood shops because first-floor retail, with only one-story housing above, would not be cost effective;
- encourage ugly, boxy buildings, with insufficient parking and open space;
- make it virtually impossible to protect small homes from having bulky buildings constructed next door;
- limit our ability to get adequate off-street parking with new development;
- overturn key aspects of Berkeley's new General Plan, adopted after a three-year process in which hundreds of Berkeleyans participated;
- compromise the City's ability to meet State affordable-housing requirements;
- frustrate housing programs that help seniors and the disabled;
- retard efforts to create effective and sustainable public transit systems;
- make the building process more complex and bureaucratic;
- necessitate more City staff and increase government costs, while reducing new revenue sources.

JOIN ASSEMBLY WOMAN DION ARONER, SUPERVISOR KEITH CARSON, SENATOR
DON PERATA, REV. MARVIS V. PEOPLES, THE MAYOR,
SEVEN CITY COUNCIL MEMBERS,
AND COMMUNITY MEMBERS OF ALL POLITICAL PERSUASIONS.
VOTE NO on MEASURE P

s/Barry Fike, Berkeley Federation of Teachers

s/Marcy Greenhut, individually and on behalf of, the Berkeley Ecological and Safe
Transportation Coalition (BEST)

s/Miriam Ng, Vice Chair, Chamber of Commerce

s/Charlie Betcher, Founder, Bus Rider's Union, President, United Seniors

s/Nancy Bickel, individually and on behalf of, President, League of Women Voters

REBUTTAL TO ARGUMENT AGAINST MEASURE P

Big developers are being permitted to bend our community's land use standards beyond all reason. City bureaucrats routinely grant multiple exceptions to Zoning and General Plan standards, short-changing or ignoring environmental review.

Our opponents don't want height limits. They want taller, denser buildings that will eat up Berkeley's sky. Their arguments don't hold water: does anyone think the current unregulated situation "protect[s] small homes from having bulky buildings constructed next door," or prevents "ugly, boxy buildings with insufficient parking and open space"? **The present situation is the problem-that's why the Height Initiative received double the required signatures to qualify for the ballot!**

The OPPOSING ARGUMENTS are the same ones used against Berkeley's Neighborhood Preservation Ordinance and PROVEN WRONG. Look what happened when developers and politicians collaborated to densify San Francisco: public transit, traffic and parking got worse, without making a dent in the affordable housing problem. **Berkeley shouldn't continue down this dead end!**

Measure P makes height standards understandable to everyone, with exceptions clearly stated and the flexibility of modification through local Area Plans. **Measure P restricts developers' profits, but not affordable housing.** Berkeley is well ahead of schedule meeting regional affordable housing goals, and **the vast majority of units being approved for construction are not affordable.**

Berkeley will keep growing and changing, but we shouldn't let developers dictate our future. Developers will spend at least \$100,000 to defeat Measure P. Don't let them buy our city! **Keep Berkeley a city of neighborhoods – VOTE YES ON P.**

s/Lesley Emmington Jones, Landmarks Preservation Commissioner

s/Martha H. Jones, past President, Claremont-Elmwood Neighborhood Association (CENA),
Council of Neighborhood Associations (CNA)

s/Ted Edlin, individually and on behalf of, Vice-President, Northeast Berkeley Association
(NEBA)

s/John Denton, former City Councilmember

s/Marie Bowman, individually and on behalf of, President, Council of Neighborhood
Associations (CNA), Housing Advisory Commissioner, and Co-Captain, Blake &
California Streets Neighborhood Association