

AGENDA



BERKELEY CITY COUNCIL MEETING

**Tuesday, January 18, 2022
6:00 PM**

JESSE ARREGUIN, MAYOR

Councilmembers:

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

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – RIGEL ROBINSON
DISTRICT 8 – LORI DROSTE

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE

Pursuant to Government Code Section 54953(e) and the state declared emergency, this meeting of the City Council will be conducted exclusively through teleconference and Zoom videoconference. The COVID-19 state of emergency continues to directly impact the ability of the members to meet safely in person and presents imminent risks to the health of attendees. Therefore, no physical meeting location will be available.

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

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/84056667405>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.

*To join by phone: Dial 1-669-900-9128 or 1-877-853-5257 (Toll Free) and enter Meeting ID: 840 5666 7405. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

Please be mindful that the teleconference will be recorded as any Council meeting is recorded, and all other rules of procedure and decorum will apply for Council meetings conducted by teleconference or videoconference.

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

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

Preliminary Matters

Roll Call:

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

1. Adjourn in memory of Aoife Beary, Berkeley Balcony Collapse Survivor

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

Public Comment on Non-Agenda Matters: *Persons will be selected to address matters not on the Council agenda. If five or fewer persons wish to speak, each person selected will be allotted two minutes each. If more than five persons wish to speak, up to ten persons will be selected to address matters not on the Council agenda and each person selected will be allotted one minute each. The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda.*

Consent Calendar

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

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

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

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

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

Consent Calendar

- 1. Amendment: FY 2022 Annual Appropriations Ordinance**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,795-N.S. amending the FY 2022 Annual Appropriations Ordinance No. 7,779–N.S. for fiscal year 2022 based upon recommended re-appropriation of committed FY 2021 funding and other adjustments authorized since July 1, 2021, in the amount of \$177,309,914 (gross) and \$163,076,585 (net).
First Reading Vote: Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None; Absent – Harrison, Droste.
Financial Implications: See report.
Contact: Rama Murty, Budget Office, (510) 981-7000
- 2. Modifying the 2022 City Council Meeting Schedule**
From: City Manager
Recommendation: Adopt a Resolution modifying the City Council regular meeting schedule for 2022, with starting times of 6:00 p.m., to account for religious and cultural holidays as determined by Resolution No. 70,066-N.S.
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
- 3. Donation to the Animal Shelter from the Stephen and Mary Birch Foundation**
From: City Manager
Recommendation: Adopt a Resolution accepting a donation from the estate of Stephen and Mary Birch in the sum of \$10,000.00.
Financial Implications: See report.
Contact: Paul Buddenhagen, City Manager's Office, (510) 981-7000
- 4. Extension of Declaration of Homeless Shelter Crisis**
From: City Manager
Recommendation: Adopt a Resolution extending Resolution No. 69,189-N.S., Declaring a Homeless Shelter Crisis until January 19, 2024
Financial Implications: See report.
Contact: Peter Radu, City Manager's Office, (510) 981-7000
- 5. Contract No. 32000117 Amendment: Berkeley Food & Housing Project for Administrative Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32000117 with Berkeley Food & Housing Project (BFHP) to administer Flexible Spending Programs for Mental Health Division (BMH) programs and to provide rental subsidies for the Russell Street Residence through June 30, 2022 in an amount not to exceed \$2,824,024. This will extend the existing contract by one year and add \$916,731 in funding.
Financial Implications: See report.
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

Consent Calendar

- 6. Contract No. 32100026 Amendment: Resource Development Associates for Results Based Accountability Evaluation**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to amend Contract No. 32100026 with Resource Development Associates (RDA) to provide additional funding in the amount of \$220,800, and extend the time period for an evaluation of mental health programs across the division utilizing the Results Based Accountability (RBA) framework, for a total not to exceed amount of \$320,700 through June 30, 2024.
Financial Implications: See report.
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 7. Contract with Options Recovery for Substance Use Disorder Services Co-location**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with Options Recovery Services (Options) for Substance Use Disorder services for a total contract limit of \$250,000 for the period beginning January 1, 2022 and ending June 30, 2023.
Financial Implications: See report.
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 8. Revenue Grant Agreement: Funding Support from the California Department of Public Health to Expand the Disease Intervention Specialist Workforce**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to accept grant funds from California Department of Public Health in the projected amount of \$465,736. This funding is to be utilized from July 1, 2021 through December 31, 2025 to expand the Disease Intervention Specialist (DIS) workforce to strengthen the public health capacity to mitigate the spread of sexually transmitted disease (STD), HIV, COVID-19 and other infections; and to execute the resultant revenue agreement, contract, and any amendments and extensions.
Financial Implications: See report.
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

Consent Calendar

9. **Revenue Grant Agreement: Funding Support from State of California Department of Justice to Design and Conduct a Program Evaluation of Programs Funded by the Sugar-Sweetened Beverage Tax**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to submit a grant application to State of California, Department of Justice, to accept the grant, execute any resultant revenue agreement and amendment, and implement the projects and appropriation of funding for related expenses to conduct program evaluation activities for the State of California, Department of Justice in the projected amount of \$19,000 for July 1, 2021 to June 30, 2023.
Financial Implications: See report.
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
10. **Referral Response: Commission Reorganization for Post-COVID-19 Budget Recovery – Sugar Sweetened Beverage Product Panel of Experts Commission and Community Health Commission**
From: City Manager
Recommendation: Adopt first reading of an Ordinance:
1. Adding Section 7.72.095 to the Berkeley Municipal Code (BMC), incorporating additional membership criteria and health equity advisory responsibilities for the Sugar Sweetened Beverage Product Panel of Experts Commission (SSBPPE), and;
2. Repealing B.M.C. Sections 3.76.010-3.76.040 which established the Community Health Commission.
Financial Implications: See report.
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
11. **Classification and Salary: Establish Limited Term Emergency Medical Technician**
From: City Manager
Recommendation: Adopt a Resolution to establish the represented classification of Limited Term EMT with a monthly salary range of \$3,466.67 to \$5,026.67.
Financial Implications: See report.
Contact: Donald E. Ellison, Human Resources, (510) 981-6800
12. **Classification and Salary: Establish Single Function Paramedic**
From: City Manager
Recommendation: Adopt a Resolution to establish the represented classification of Single Function Paramedic with a monthly salary range of \$5,200 to \$7,800.
Financial Implications: See report.
Contact: Donald E. Ellison, Human Resources, (510) 981-6800

Consent Calendar

- 13. Revise Classification and Salary: Emergency Medical Services Quality Improvement & Education Coordinator**
From: City Manager
Recommendation: Adopt a Resolution to revise the represented classification of Emergency Medical Services Quality Improvement & Education Coordinator with a monthly salary range of \$12,273.73 to \$14,000.13
Financial Implications: See report.
Contact: Donald E. Ellison, Human Resources, (510) 981-6800
- 14. Revise the Classification and Increase the Salary Schedule for Deputy Finance Director**
From: City Manager
Recommendation: Adopt a Resolution amending Resolution No. 69,967-N.S. (Classification and Salary Resolution for classifications in Executive and Confidential Management, Confidential Professional, Confidential Clerical) to increase the salary of the Deputy Finance Director from a maximum monthly salary of \$14,677.47 to \$16,120.00 per month effective January 1, 2022, to align it with other City of Berkeley Deputy Director classifications.
Financial Implications: See report.
Contact: Donald E. Ellison, Human Resources, (510) 981-6800
- 15. Recommendation to Increase the Salary Schedule for Director of Health, Housing & Community Services and Director of Parks, Recreation, & Waterfront**
From: City Manager
Recommendation: Adopt a Resolution amending Resolution No. 69,967-N.S., Classification and Salary Resolution for classifications in Executive and Confidential Management, Confidential Professional, Confidential Clerical, to increase the salary of the Director of Health, Housing & Community Services from a maximum monthly salary of \$20,151.73. to \$21,432.00, per month and amending Resolution No. 70,107-N.S., Salary Adjustment for the Department Heads of Finance, Human Resources, Information Technology, Parks, Recreation and Waterfront, Planning, Public Works and Fire Chief, to increase the salary of Director of Parks, Recreation and Waterfront from a maximum monthly salary of \$20,987.00 to \$21,432.00 to align it with other City of Berkeley Department Heads.
Financial Implications: See report.
Contact: Donald E. Ellison, Human Resources, (510) 981-6800

Consent Calendar

- 16. Commission Reorganization: Creating the Environment and Climate Commission**
From: City Manager
Recommendation:
1. Adopt an Ordinance repealing and re-enacting Berkeley Municipal Code Chapter 3.40 (formerly Zero Waste Commission) to create the Environment and Climate Commission (ECC).
 2. Adopt a Resolution rescinding Resolution No. 55,661-N.S., establishing the Berkeley Energy Commission, and Resolution 58,997-N.S., establishing the Community Environmental Advisory Commission.
- Financial Implications:** See report.
Contact: Jordan Klein, Planning and Development, (510) 981-7400

Council Consent Items

- 17. Referral to the City Manager to Establish a Marina Master Plan for Parking with a Consideration for Establishing a Waterfront Parking Benefits District**
From: Councilmember Kesarwani (Author), Mayor Arreguin (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Councilmember Robinson (Co-Sponsor)
Recommendation: Refer to the City Manager to create a Berkeley Marina Master Plan for Parking with a goal of introducing demand-based paid parking in certain areas of the waterfront as appropriate. Further, refer consideration of a Parking Benefits District (PBD) at the waterfront as a means of reinvesting net parking revenues within this area to provide a dedicated funding source for the troubled Marina Fund.
- Considerations for a Marina Master Plan for Parking should include: Conducting robust outreach to marina stakeholders in order to: gather feedback about parking needs, communicating benefits of establishing a Parking Benefits District to maintaining and upgrading marina infrastructure, and other issues as appropriate; Preparing a preliminary fiscal analysis for possible implementation, including projected revenues and expenditures; and Determining types of pay stations most appropriate for this area in addition to payment schedules, such as hourly, day passes, and/or frequent user/employee permits.
- Financial Implications:** See report.
Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110

Council Consent Items

- 18. Refer to the City Manager to Establish a Framework for Parking Benefits Districts in the Gilman and Lorin Commercial Districts**
From: Councilmember Kesarwani (Author), Councilmember Bartlett (Author), Mayor Arreguin (Co-Sponsor), Councilmember Taplin (Co-Sponsor)
Recommendation: Refer to the City Manager to create a basic framework for establishing a Parking Benefits District (PBD) in the Gilman and Lorin Commercial Districts. This framework should include:
- (a) A map establishing the boundaries of the Gilman District PBD. Suggested borders of the district should include: (1) on the west, the east side of Eastshore Highway from Page Street to the Albany border; (2) on the north, the Albany border from Eastshore Highway to the east side of San Pablo Avenue; (3) on the east, the east side of San Pablo Avenue from the Albany border to Gilman Street, both sides of Gilman Street from San Pablo Avenue to Kains, and the east side of San Pablo Avenue to the north side of Page Street; and (4) on the south, the west side of San Pablo Avenue from Page Street to Camelia Street, the north side of Camelia Street from San Pablo Avenue to Sixth Street; the west side of Sixth Street from Camelia to Page; the north side of Page Street from Sixth Street to Eastshore Highway. See map in Attachment 1.
 - (b) A map establishing the boundaries of the Lorin District PBD. Suggested borders of the district should include: (1) on the east, both sides of Shattuck Avenue from Carleton southward to Alcatraz Avenue; (2) on the south, the north side of Alcatraz Avenue from Shattuck Avenue to Martin Luther King Jr. Way; Martin Luther King Jr. Way southward to 62nd Street; 62nd Street to King Street; (3) on the west, King street to Russell Street; (4) on the north, Russell Street to Grant Street; Grant Street north to Carleton Street; and Carleton Street to Shattuck Avenue. See map in Attachment 1.
 - (c) Consideration of expanding the goBerkeley parking program to include installation of paid parking within a subsection of the defined Gilman and Lorin Parking Benefit Districts only where warranted based on parking demand using a demand-based pricing model.
 - (d) Consideration of amending the goBerkeley program to allow net parking revenues to be reinvested within the Gilman and Lorin Parking Benefits Districts where the revenue is generated for the purpose of funding improvements, such as trash removal, sidewalk cleaning, enhanced lighting, signage, beautification like landscaping or other improvements based on input from an advisory board of stakeholders—in alignment with policy requirements of PBDs.
 - (e) Consideration of transportation-related amenities targeted to employees that may include: annual transportation passes to incentivize public transit use, annual memberships in shared electric micro-mobility programs, special employee parking permits, etc.
 - (f) A strategy for conducting outreach to Gilman and Lorin Commercial District stakeholders prior to implementation, including outreach to property and business owners and employees.
- Financial Implications:** See report
Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110

Council Consent Items

- 19. Budget Referral: Allocate Projected Revenues from Voter-approved Transportation Network Company User Tax to Support Priority Mobility Infrastructure, Including Tier 1 Protected Bicycle Lanes and Crossings, Pedestrian Street Crossings, and Quick-build Public Transit Projects**
From: Councilmember Harrison (Author)

Recommendation:

1. Refer to the June FY 23-24 budget process approximately \$1.4 to \$1.8 million in projected Transportation Network Company (TNC) User Tax General Fund revenue for FY 23 and FY 24, and the actual FY 2022 TNC Tax revenues (projected at \$576,786), toward the construction and maintenance of: i. Tier 1 protected bicycle lanes and crossings identified in the 2017 Bicycle Plan, including but not limited to quick-build projects; and ii. Priority pedestrian street crossings identified in the 2020 pedestrian plan, including but not limited to quick-build projects; and iii. Priority quick-build public transit projects under the Street Repair Program.
2. Refer to the Public Works and Transportation Commissions (or Successor Commission) in consultation with City staff to provide recommendations to the Facilities, Infrastructure, Transportation, Environment, and Sustainability and Budget and Finance Policy Committees by the end of March 2022 as to the specific allocation among the priorities in Recommendation 1 to equitably maximize transportation emissions reductions and to enhance mobility and public safety.

Financial Implications: See report.

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

- 20. Resolution Reaffirming the City of Berkeley's Commitment to Roe v. Wade**
From: Councilmember Wengraf (Author), Councilmember Harrison (Co-Sponsor), Councilmember Hahn (Co-Sponsor)

Recommendation: Adopt a Resolution reaffirming the City of Berkeley's commitment to Roe v. Wade, honoring the 49th anniversary of its passage and reiterating Berkeley's resolve to be a safe harbor for women asserting their constitutional right to access reproductive health and safe abortion services. It is essential that the City of Berkeley be a model for other cities and re-state their support for women to be able to exercise their constitutional rights and continue to have access to critical health care services, including abortion.

Financial Implications: None

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

Council Consent Items

21. **OPPOSE Net Energy Metering 3.0 Proposed Decision of the CPUC and SUPPORT Net Energy Metering Policy that Continues the Growth of Local and Rooftop Solar**
From: Councilmember Wengraf (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Send the attached Resolution in opposition to the Net Energy Metering 3.0 Proposed Decision of the CPUC and supporting a Net Energy Metering Policy that continues to support the growth of local and rooftop solar to: Governor Gavin Newsom, State Senator Nancy Skinner, Assemblymember Buffy Wicks, and members of the California Public Utilities Commission Board (CPUC). The Net Energy Metering (NEM) 3.0 decision issued by the CPUC on December 13, 2021 threatens access to net energy metering and rooftop-scale solar and storage by homeowners and tenants alike, interfering with Berkeley's and California's climate action and equity goals.
Financial Implications: See report
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160

Action Calendar

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

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

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

Action Calendar – Public Hearings

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

Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.

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

Action Calendar – Public Hearings

- 22. Selected Recreation and Camps Program Fee Increases**
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion:
1. Adopt a Resolution approving new fees and increasing current fees for select Recreation Division programs and rescinding Resolution No. 69,892-N.S. and all amendatory resolutions.
2. Adopt a Resolution approving revised Policies and Procedures for Parks & Recreation Programs and Facilities, and rescinding Resolution No. 67,581-N.S. and all amendatory resolutions.
Financial Implications: See report.
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 23. Response to City Council Action on October 26, 2021 regarding Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance**
(Continued from December 14, 2021. Item contains supplemental material)
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion, adopt first reading of a local Accessory Dwelling Unit (ADU) Ordinance [Berkeley Municipal Code (BMC) Chapter 23.306] and amendments to relevant Defined Terms [BMC Chapter 23.502.020] in the Zoning Ordinance.
Financial Implications: None
Contact: Jordan Klein, Planning and Development, (510) 981-7400
- 24. Response to City Council Action on October 26, 2021 regarding Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance to Address Public Safety Concerns**
(Continued from December 14, 2021. Item contains supplemental material)
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion, adopt first reading of a local ordinance enacting Chapter 12.99 (Accessory Dwelling Units in Wildfire Hazard Areas) and amending Chapter 23.306.
Financial Implications: None
Contact: Jordan Klein, Planning and Development, (510) 981-7400

Action Calendar – New Business

- 25a. Street Maintenance and Rehabilitation Policy and Five-Year Paving Plan**
From: City Manager
Recommendation: Adopt a Resolution updating the Street Maintenance and Rehabilitation Policy and Five-Year Paving Plan.
Financial Implications: See report.
Contact: Liam Garland, Public Works, (510) 981-6300

Action Calendar – New Business

25b. Public Works Commission Recommendation for the Five-Year Paving Plan

From: Public Works Commission

Recommendation: Adopt a Resolution that recommends approval of the Five-Year Paving Plan version 12A (“Arterial Alternative”) for FY2023 to FY2027.

Financial Implications: See report.

Contact: Joe Enke, Commission Secretary, (510) 981-6300

25c. Adopt a Resolution Updating City of Berkeley Street Maintenance and Rehabilitation Policy *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee. Continued from the July 13, 2021 meeting. Item contains supplemental material)*

From: Councilmember Harrison (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Taplin (Co-Sponsor)

Recommendation:

1. Adopt a Resolution updating the City’s Street Maintenance and Rehabilitation Policy dated June 1, 2021.

2. Refer the exploration of potential bonding and funding opportunities for improving the Paving Condition Index (PCI) of streets and creating a Paving Master Plan back to the Facilities, Infrastructure, Transportation, Environment & Sustainability (FITES) Committee for further review.

Policy Committee Recommendation: To move the Public Works supplemental item “City of Berkeley Street Maintenance and Rehabilitation Policy to Council” with a positive recommendation including amendments made during the meeting today, and ask Council to refer the exploration of potential bonding and funding opportunities for improving the PCI of streets and creating a Paving Master Plan back to the FITES Committee for further review.

Financial Implications: Staff time

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

Action Calendar – New Business

26a. Adopt-a-Spot Program Development Recommendations

From: Public Works Commission and Parks and Waterfront Commission

Recommendation: That Council adopt a Resolution to support and fund two new full-time dedicated Volunteer Coordinators to run an expanded Adopt-a-Spot program and coordinate new programs for youth volunteers, and funding for operational expenses should be included.

The programs shall promote participation and civic pride by providing a unified portal for all programs across all departments, and incorporate many of the Program Elements outlined below. The Coordinators shall build on recent efforts by Public Works staff to fortify the existing programs for storm drains and traffic circles and incorporate existing programs from the Parks & Rec department. In addition, the Adopt-a-Spot program shall be expanded and improved upon to support additional community engagement opportunities that can include, but are not limited to, restoring native habitat to promote biodiversity (including a Bee City USA liaison), litter removal, vegetation maintenance, graffiti removal, tree planting/watering/monitoring, monitoring sidewalk conditions, adoption of homeless encampments, coordinating volunteers for emergency situations, beautification efforts, and other ideas that the Berkeley community may wish to support and organize around.

Some features of the program are beyond the scope of our Commissions' visibility and will need to be finalized by Council and Staff. However, the following recommendations are offered:

Budget Commitment - to ensure success, the two new positions must be dedicated to volunteer coordination. Sharing of responsibilities across staff or financing only a single or half-time position should be avoided as it likely wouldn't meet the needs of the community. If at least one dedicated position cannot be supported the role of Volunteer Coordinator should be given to a third-party or community non-profit group.

Program Design - the Volunteer Coordinators may work with interns and the community to define program features and details of implementation, which could include a phased approach (alternatively, the City could hire a consultant to outline the program),

Reporting Structure - options include Parks Rec & Waterfront, Public Works, Office of Sustainability, or the City Manager's office (alternatively, the position could be shared across departments)

Supporting Tools - begin with the fewest but most necessary initial features. For example, policies and waivers, outreach tools such as a robust city webpage presence including dynamic maps and signage to recruit, volunteer reporting mechanisms to ensure compliance and track activity, volunteer appreciation events to build community, etc.

Financial Implications: See report.

Contact: Roger Miller, Commission Secretary, (510) 981-6700, Joe Enke, Commission Secretary, (510) 981-6300

Action Calendar – New Business

26b. Companion Report: Adopt A Spot Program Development Recommendations From: City Manager

Recommendation: Staff appreciates the thoughtful and important Parks and Waterfront and Public Works Commissions (Joint Commission Report) Adopt-a-Spot recommendation and recommends referring it to the FY2023-FY2024 budget process for consideration with other worthy requests.

Financial Implications: See report.

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700, Liam Garland, Public Works, (510) 981-6300

Public Comment – Items Not Listed on the Agenda

Adjournment

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

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

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

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

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be posted on the City's website at <http://www.cityofberkeley.info>.

Agendas and agenda reports may be accessed via the Internet at <http://www.cityofberkeley.info/citycouncil>

COMMUNICATION ACCESS INFORMATION:

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at (510) 981-6418 (V) or (510) 981-6347 (TDD) at least three business days before the meeting date.



Captioning services are provided at the meeting, on B-TV, and on the Internet.

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*I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on January 6, 2022.*

Mark Numainville, City Clerk

## Communications

*Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record. Copies of individual communications are available for viewing through [Records Online](#).*

### **2021 Local Cannabis Policy Scorecard**

1. Getting it Right from the Start

### **BART Draft Environmental Impact Report**

2. David Brandon (2)
3. Leslie Valas
4. Claudia Valas
5. Rashi Kesarwani

### **Brown Act Cure and Correct Demand Letter**

6. Berkeley Progressive Alliance

### **Budget Review**

7. Marc Sapir

### **Climate Equity Fund pilot RFP**

8. Candace Hyde-Wang

### **Code Red Climate Event**

9. Lauren Weston

### **COVID-19**

10. Gary Hicks
11. David Lerman (2)
12. Blair Beekman
13. Navarre Oaks

### **Crime Suppression Unit**

14. Cheryl Davila

15. Brian Witt

**Elmwood Parking**

16. Ron Kelly

17. Fern Burch

**Emergency Shelter**

18. Elana Auerbach

19. Cheryl Davila

**Ferry Service**

20. Terry Mandel

21. Mz Suzanne Joi

**Golden Bear Inn**

22. Beth Gerstein (4)

23. Lee Bishop

**Gun Violence Crisis**

24. Moni Law

**Habitot Children's Museum**

25. Marjorie Tichenor

**HMIS Case Manager Assignments**

26. Omowale Fowles (2)

**Homeless Shelter Concerns**

27. quBit.ch@protonmail.com (3)

**Hopkins Corridor Project**

28. Donna DeDiemar

29. Garry Parrish

30. Jeffrey Kaplan (2)

**Infrastructure Survey**

31. Bob Flasher

**Interview Request**

32. Rebecca Smith

**Letters**

33. Blair Beekman

**Marin Avenue Traffic Safety**

34. Diana Damonte



- 35. Gina Rieger
- 36. Berkeley Path Wanderers Association
- 37. Farid Javandel
- 38. Janet Byron (2)
- 39. Susan Shimm
- 40. LJ Cranmer
- 41. LaTanya Bellow

### **Mosquitos**

- 42. Josh Beth

### **Newsletters**

- 43. Eden I&R (2)
- 44. Alameda County Mosquito Abatement District
- 45. Downtown Berkeley Association

### **Nilang Gor**

- 46. Karen Rubio

### **Parking (Spaces, Citations, Fees)**

- 47. Miriam Kasin
- 48. Danielle Adams
- 49. Dorothea Dorenz

### **Pedestrian Push Buttons**

- 50. Walk Bike Berkeley

### **Pedestrian Safety**

- 51. Margery Eriksson

### **Plant-Based Food Purchase Plan**

- 52. Nancy Min Ji

### **Plastic Bag Ordinance**

- 53. Similarly-worded form letters (91)

### **Police**

- 54. John Lindsay-Poland
- 55. Mike Swenson
- 56. Blair Beekman

### **Prop 68 Technical Assistance Program**

- 57. Jane Gray

### **Recent City Council Agenda Items**

- 58. Blair Beekman

**Robert's Rules**

59. Kitt Saginor

**RV Parking**

60. Jeff Vincent

61. Claire Heinzelman

62. Charlene Washington

**Secure Justice Sues Berkeley, Again**

63. Jack Kurzweil

**Security Cameras**

64. Geoff Lomax

**SF Bay Area Crime**

65. Blair Beekman (3)

**Smoking Noncompliance**

66. Carol Denney

**Social Housing Pilot Study**

67. Ryan Andresen

**Solar Energy**

68. Igor Tregub

69. Blair Beekman

**State Housing Bills**

70. Margot Smith

**Support for Budget Referrals**

71. Sierra Club

**Surveillance State**

72. Steve Martinot

**Traffic Enforcement**

73. David Lerman

74. Elisa Mikiten

**Transient Occupancy Tax**

75. Charles Koppelman

**Tree Removal**

76. Jenny Franco

77. Urban Forestry Staff

### **Upcoming Meetings**

78. East Bay Community Energy (2)

### **URLs Only**

79. Vivian Warkentin (3)

### **Vision Zero in West Berkeley**

80. Similarly-worded form letters (3)

### **Violation of Sanctuary Contracting Ordinance**

81. Elana Auerbach

### **Supplemental Communications and Reports**

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

- **Supplemental Communications and Reports 1**  
Available by 5:00 p.m. five days prior to the meeting.
- **Supplemental Communications and Reports 2**  
Available by 5:00 p.m. the day before the meeting.
- **Supplemental Communications and Reports 3**  
Available by 5:00 p.m. two days following the meeting.



## ORDINANCE NO. 7,795-N.S.

AMENDING THE ANNUAL APPROPRIATIONS ORDINANCE NO. 7,779-N.S. FOR  
FISCAL YEAR 2022

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

Section 1. That the Annual Appropriations Ordinance based on the budget for FY 2022 submitted by the City Manager and passed by the City Council be amended as follows and as summarized in Exhibit A:

|                                                |                    |
|------------------------------------------------|--------------------|
| A. General Fund (Funds 001-099)                | 268,852,977        |
| B. Special Funds (Funds 100-199)               | 164,350,818        |
| C. Grant Funds (Funds 300-399)                 | 107,330,975        |
| D. Capital Projects Funds (Funds 500-550)      | 66,241,615         |
| E. Debt Service Fund (Funds 551-599)           | 9,804,404          |
| F. Enterprise Funds (Funds 600-669)            | 159,825,171        |
| G. Internal Service Funds (Funds 146, 670-699) | 60,393,936         |
| H. Successor Agency (Funds 760-769)            | 57,120             |
| I. Agency Funds (Funds 771-799)                | 8,396,768          |
| J. Other Funds (Funds 800-899)                 | 6,862,718          |
| <u>K. Total</u>                                |                    |
| Total General Fund                             | 268,852,977        |
| Add: Total Other Than General Fund             | 583,263,525        |
| <b>Gross Revenue Appropriated</b>              | <b>852,116,502</b> |
| Less: Dual Appropriations                      | -75,174,972        |
| Less: Revolving/Internal Service Funds         | -60,393,936        |
| <b>Net Revenue Appropriated</b>                | <b>716,547,594</b> |

Section 2. The City Manager is hereby permitted, without further authority from the City Council, to make the following transfers by giving written notice to the Director of Finance:

- a. From the General Fund to the General Fund – Stability Reserve Fund; Catastrophic Reserve Fund; Paramedic Tax Fund; Health State Aid Realignment; Fair Election Fund; Capital Improvement Fund; Phone System Replacement; Equipment Replacement Fund; Public Liability Fund; Catastrophic Loss Fund; Police Employee Retiree Health Assistance Plan; Safety Members Pension Fund; and Sick Leave Entitlement Fund.
- b. To the General Fund from the General Fund – Stability Reserves Fund; Catastrophic Reserves Fund; Community Development Block Grant Fund; Street Lighting Assessment District Fund; Zero Waste Fund; Marina Operations and Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Permit Service Center Fund; Parking Meter Fund; Unified Program (CUPA); IT Cost Allocation Fund; and Health State Aid Realignment Fund.
- c. To the First Source Fund from the Parks Tax Fund; Capital Improvement Fund; and the Marina Fund.
- d. From Gilman Sports Field Fund to Gilman Field Reserve Fund
- e. From Measure FF Fund to Paramedic Tax Fund.
- f. From the American Rescue Plan Fund to the General Fund; Sports Field Fund; Playground Camp Fund; Marina Fund; Off-Street Parking Fund; and Parking Meter Fund.
- g. From Capital Improvement Fund to PERS Savings Fund; Berkeley Repertory Theater Fund; and 2010 COP (Animal Shelter) Fund.
- h. To the Public Art Fund from the Parks Tax Fund; Capital Improvement Fund; and the Marina Fund.
- i. To CFD#1 District Fire Protection Bond (Measure Q) from Special Tax Bonds CFD#1 ML-ROOS.
- j. To Private Sewer Lateral Fund from Sanitary Sewer Operation Fund.
- k. To Catastrophic Loss Fund from Permit Service Center Fund.
- l. To Catastrophic Loss Fund from Unified Program (CUPA) Fund.
- m. To the Building Purchases and Management Fund from General Fund; Health (General) Fund; Rental Housing Safety Program Fund; Measure B Local Streets & Road Fund; Employee Training Fund; Zero Waste Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Permit Service Center Fund; Off Street

Parking Fund; Parking Meter Fund; Unified Program (CUPA) Fund; Building Purchases & Management Fund; Building Maintenance Fund; Central Services Fund; and Health State Aide Realignment Trust Fund.

- n. To Equipment Replacement Fund from General Fund; Mental Health Services Act Fund; Health (Short/Doyle) Fund; Vector Control Fund; Paramedic Tax Fund; Playground Camp Fund; State Transportation Tax Fund; Rental Housing Safety Program Fund; Parks Tax Fund; Street Light Assessment District Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Permit Service Center Fund; Parking Meter Fund; Equipment Maintenance Fund; Building Maintenance Fund; and Central Services Fund.
- o. To the Equipment Maintenance Fund from General Fund; Health (General) Fund; Mental Health Services Act Fund; Health (Short/Doyle) Fund; Vector Control Fund; Paramedic Tax Fund; Library - Discretionary Fund; Playground Camp Fund; State Transportation Tax Fund; Rental Housing Safety Program Fund; Rent Stabilization Board Fund; Parks Tax Fund; Street Light Assessment District Fund; FEMA Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Permit Service Center Fund; Off Street Parking Fund; Parking Meter Fund; Equipment Maintenance Fund; Building Maintenance Fund; and Central Services Fund.
- p. To the Building Maintenance Fund from the General Fund; Health (General) Fund; Health (Short/Doyle) Fund; Measure B Local Street & Road Fund; Parks Tax Fund; Street Light Assessment District Fund; Zero Waste Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Off Street Parking Fund; Parking Meter Fund; Equipment Maintenance Fund; Building Maintenance Fund; and Mental Health State Aid Realignment Fund.
- q. To the Central Services Fund from the General Fund; First Source Fund; Health (Short/Doyle) Fund; Library-Discretionary Fund; Playground Camp Fund; Rent Stabilization Board Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation; Building Purchases & Management Fund; Building Maintenance Fund; Central Services Fund; and Mental Health State Aid Realignment Fund.
- r. To Information Technology Cost Allocation Plan Fund from General Fund; Target Case Management/Linkages Fund; Health (Short/Doyle); Library Fund; Playground Camp Fund; State Transportation Tax Fund; CDBG Fund; Rental Housing Safety Program; Rent Stabilization Board Fund; Parks Tax Fund; Street Light Assessment District Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation; Clean Storm Water Fund; Permit Service Center Fund; Off Street Parking Fund; Parking Meter Fund; Unified Program (CUPA) Fund; Equipment Maintenance Fund; Building Maintenance Fund; Information Technology Cost Allocation Plan Fund; Health

State Aid Realignment Trust Fund; and Mental Health State Aid Realignment Fund.

- s. To the Workers' Compensation Self-Insurance Fund from General Fund; Special Tax for Severely Disabled Measure E Fund; First Source Fund; HUD Fund; ESGP Fund; Health (General) Fund; Target Case Management/Linkages Fund; Mental Health Service Act Fund; Health (Short/Doyle) Fund; EPSDT Expansion Proposal Fund; Senior Nutrition (Title III) Fund; C.F.P. Title X Fund; Fund Raising Activities Fund; Berkeley Unified School District Grant; Vector Control Fund; Paramedic Tax Fund; Alameda County Grants Fund; Senior Supportive Social Services Fund; Family Care Support Program Fund; Domestic Violence Prevention – Vital Statistics Fund; Affordable Housing Mitigation; Inclusionary Housing Program; Library – Discretionary Fund; Playground Camp Fund; Community Action Program Fund; State Proposition 172 Public Safety Fund; State Transportation Tax Fund; CDBG Fund; Rental Housing Safety Program; Measure B Local State & Road Fund; Measure B Bike & Pedestrian Fund; Measure B – Paratransit Fund; Measure F Alameda County Vehicle Registration Fee Streets & Roads Fund; Measure BB – Paratransit Fund; Fair Election Fund; Measure U1 Fund; One-Time Grant: No Cap Expense Fund; Rent Stabilization Board Fund; Parks Tax Fund; Measure GG – Fire Prep Tax Fund; Street Lighting Assessment District Fund; Employee Training Fund; Private Percent – Art Fund; Measure T1 – Infrastructure & Facilities Fund; FUND\$ Replacement Fund; Capital Improvement Fund; FEMA Fund; CFD #1 District Fire Protect Bond Fund; Special Tax Bonds CFD#1 ML-ROOS Fund; Shelter+Care HUD Fund; Shelter+Care County Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Private Sewer Lateral Fund; Permit Service Center Fund; Off-Street Parking Fund; Parking Meter Fund; Unified Program (CUPA) Fund; Building Purchases & Management Fund; Equipment Replacement Fund; Equipment Maintenance Fund; Building Maintenance Fund; Central Services Fund; Workers' Compensation Fund; Public Liability Fund; Information Technology Cost Allocation Plan Fund; Health State Aid Realignment Trust Fund; Tobacco Control Trust Fund; Mental Health State Aid Realignment Fund; Alameda Abandoned Vehicle Abatement Authority; and Bio-Terrorism Grant Fund.
- t. To the Sick Leave and Vacation Leave Accrual Fund from General Fund; Special Tax for Severely Disabled Measure E Fund; First Source Fund; HUD Fund; ESGP Fund; Health (General) Fund; Target Case Management/Linkages Fund; Mental Health Service Act Fund; Health (Short/Doyle) Fund; EPSDT Expansion Proposal Fund; Senior Nutrition (Title III) Fund; C.F.P. Title X Fund; Fund Raising Activities Fund; Berkeley Unified School District Grant; Vector Control Fund; Paramedic Tax Fund; Alameda County Grants Fund; Senior Supportive Social Services Fund; Family Care Support Program Fund; Domestic Violence Prevention – Vital Statistics Fund; Affordable Housing Mitigation; Inclusionary Housing Program; Library – Discretionary Fund; Playground Camp Fund; Community Action Program Fund; State Proposition 172 Public Safety Fund; State Transportation Tax Fund; CDBG Fund; Rental Housing Safety Program; Measure B Local State & Road Fund; Measure B Bike & Pedestrian Fund; Measure B – Paratransit Fund; Measure



F Alameda County Vehicle Registration Fee Streets & Roads Fund; Measure BB – Paratransit Fund; Fair Election Fund; Measure U1 Fund; One-Time Grant: No Cap Expense Fund; Rent Stabilization Board Fund; Parks Tax Fund; Measure GG – Fire Prep Tax Fund; Street Lighting Assessment District Fund; Employee Training Fund; Private Percent – Art Fund; Measure T1 – Infrastructure & Facilities Fund; FUND\$ Replacement Fund; Capital Improvement Fund; FEMA Fund; CFD #1 District Fire Protect Bond Fund; Special Tax Bonds CFD#1 ML-ROOS Fund; Shelter+Care HUD Fund; Shelter+Care County Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Private Sewer Lateral Fund; Permit Service Center Fund; Off-Street Parking Fund; Parking Meter Fund; Unified Program (CUPA) Fund; Building Purchases & Management Fund; Equipment Replacement Fund; Equipment Maintenance Fund; Building Maintenance Fund; Central Services Fund; Workers’ Compensation Fund; Public Liability Fund; Information Technology Cost Allocation Plan Fund; Health State Aid Realignment Trust Fund; Tobacco Control Trust Fund; Mental Health State Aid Realignment Fund; Alameda Abandoned Vehicle Abatement Authority; and Bio-Terrorism Grant Fund.

- u. To the Payroll Deduction Trust Fund from General Fund; Special Tax for Severely Disabled Measure E Fund; First Source Fund; HUD Fund; ESGP Fund; Health (General) Fund; Target Case Management/Linkages Fund; Mental Health Service Act Fund; Health (Short/Doyle) Fund; EPSDT Expansion Proposal Fund; Senior Nutrition (Title III) Fund; C.F.P. Title X Fund; Fund Raising Activities Fund; Berkeley Unified School District Grant; Vector Control Fund; Paramedic Tax Fund; Alameda County Grants Fund; Senior Supportive Social Services Fund; Family Care Support Program Fund; Domestic Violence Prevention – Vital Statistics Fund; Affordable Housing Mitigation; Inclusionary Housing Program; Library – Discretionary Fund; Playground Camp Fund; Community Action Program Fund; State Proposition 172 Public Safety Fund; State Transportation Tax Fund; CDBG Fund; Rental Housing Safety Program; Measure B Local State & Road Fund; Measure B Bike & Pedestrian Fund; Measure B – Paratransit Fund; Measure F Alameda County Vehicle Registration Fee Streets & Roads Fund; Measure BB – Paratransit Fund; Fair Election Fund; Measure U1 Fund; One-Time Grant: No Cap Expense Fund; Rent Stabilization Board Fund; Parks Tax Fund; Measure GG – Fire Prep Tax Fund; Street Lighting Assessment District Fund; Employee Training Fund; Private Percent – Art Fund; Measure T1 – Infrastructure & Facilities Fund; FUND\$ Replacement Fund; Capital Improvement Fund; FEMA Fund; CFD #1 District Fire Protect Bond Fund; Special Tax Bonds CFD#1 ML-ROOS Fund; Shelter+Care HUD Fund; Shelter+Care County Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Private Sewer Lateral Fund; Permit Service Center Fund; Off-Street Parking Fund; Parking Meter Fund; Unified Program (CUPA) Fund; Building Purchases & Management Fund; Equipment Replacement Fund; Equipment Maintenance Fund; Building Maintenance Fund; Central Services Fund; Workers’ Compensation Fund; Public Liability Fund; Information Technology Cost Allocation Plan Fund; Health State Aid Realignment Trust Fund; Tobacco Control Trust Fund;

Mental Health State Aid Realignment Fund; Alameda Abandoned Vehicle Abatement Authority; and Bio-Terrorism Grant Fund.

Section 3. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on December 14, 2021, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Hahn, Kesarwani, Robinson, Taplin, Wengraf, and Arreguin.

Noes: None.

Absent: Harrison, Droste.

**Attachment for Annual Appropriations Ordinance - Fiscal Year 2022**

**REVOLVING FUNDS/INTERNAL SERVICE FUNDS**

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

**Revolving/Internal Service Funds**

|                                           |               |
|-------------------------------------------|---------------|
| Employee Training Fund                    | 961,840       |
| Equipment Replacement Fund                | 16,510,385    |
| Equipment Maintenance Fund                | 9,990,781     |
| Building Maintenance Fund                 | 4,686,074     |
| Central Services Fund                     | 388,107       |
| Workers' Compensation Fund                | 6,706,769     |
| Public Liability Fund                     | 4,212,789     |
| Information Technology Fund               | 16,937,191    |
| Subtotal Revolving/Internal Service Funds | \$ 60,393,936 |

**DUAL APPROPRIATIONS - WORKING BUDGET**

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

**Dual Appropriations**

Transfers to the General Fund

|                                       |              |
|---------------------------------------|--------------|
| <u>Indirect Cost Reimbursement</u>    |              |
| CDBG Fund                             | 138,719      |
| One-Time Grant: No Cap Exp            | 225,000      |
| Street Light Assessment District Fund | 96,775       |
| Zero Waste Fund                       | 2,001,399    |
| Marina Enterprise Fund                | 411,719      |
| Sanitary Sewer Fund                   | 992,964      |
| Clean Storm Water Fund                | 205,400      |
| Permit Service Center Fund            | 1,615,758    |
| Unified Program (CUPA) Fund           | 72,517       |
| Subtotal Transfers to General Fund:   | \$ 5,760,251 |

|                                                                                               |                       |
|-----------------------------------------------------------------------------------------------|-----------------------|
| Transfer to Safety Members Pension Fund from General Fund                                     | 551,804               |
| Transfer to Measure U1 Fund from General Fund                                                 | 5,120,350             |
| Transfer to Stability Reserve Fund from General Fund                                          | 1,375,000             |
| Transfer to Catastrophic Reserve Fund from General Fund                                       | 1,125,000             |
| Transfer to PERS Savings Fund from General Fund                                               | 2,000,000             |
| Transfer to Health State Aid Realignment from General Fund                                    | 1,953,018             |
| Transfer to Fair Election Fund from General Fund                                              | 505,002               |
| Transfer to Capital Improvement Fund (CIP) from General Fund                                  | 4,950,905             |
| Transfer to Phone System Replacement - VOIP from General Fund                                 | 449,408               |
| Transfer to Equipment Replacement Fund from General Fund                                      | 1,081,699             |
| Transfer to Public Liability Fund from General Fund                                           | 3,895,888             |
| Transfer to Catastrophic Loss Fund from General Fund                                          | 3,129,119             |
| Transfer to IT Cost Allocation Fund from General Fund                                         | 145,640               |
| Transfer to Police Employee Retiree Health Assistance Plan from General Fund                  | 400,136               |
| Transfer to Sick Leave Entitlement Fund from General Fund                                     | 201,501               |
| Transfer to Gilman Field Reserve Fund from Sports Field Fund                                  | 150,000               |
| Transfer to General Fund from Health State Aid Realignment Fund                               | 2,643,280             |
| Transfer to Paramedic Tax Fund from Measure FF - Public Safety Fund                           | 757,925               |
| Transfer to General Fund from American Rescue Plan Fund                                       | 22,969,355            |
| Transfer to Sports Field Fund from American Rescue Plan Fund                                  | 196,000               |
| Transfer to Playground Camp Fund from American Rescue Plan Fund                               | 1,035,000             |
| Transfer to Marina Fund from American Rescue Plan Fund                                        | 1,400,000             |
| Transfer to Off-Street Parking Fund from American Rescue Plan Fund                            | 3,940,000             |
| Transfer to Parking Meter Fund from American Rescue Plan Fund                                 | 4,340,000             |
| Transfer from CIP Fund to PERS Savings Fund                                                   | 151,632               |
| Transfer to Berkeley Repertory Theater Debt Service Fund from CIP Fund                        | 499,802               |
| Transfer from CIP Fund to 2010 COP (Animal Shelter) Fund                                      | 402,613               |
| Transfer to Private Sewer Lateral Fund from Sewer Fund                                        | 90,501                |
| Transfer to Catastrophic Loss Fund from Permit Service Center Fund                            | 50,555                |
| Transfer to Catastrophic Loss Fund from Unified Program (CUPA) Fund                           | 5,082                 |
| Transfer to General Fund from Parking Meter Fund                                              | 1,742,288             |
| Transfer from Special Tax Bonds CFD#1 ML-ROOS to CFD#1 District Fire Protect Bond (Measure Q) | 2,048,940             |
| Transfer to First Source Fund from Parks Tax Fund                                             | 14,093                |
| Transfer to First Source Fund from Capital Improvement Fund                                   | 26,943                |
| Transfer to First Source Fund from Marina Fund                                                | 1,875                 |
| Transfer to Public Art Fund from Parks Tax Fund                                               | 21,140                |
| Transfer to Public Art Fund from Capital Improvement Fund                                     | 40,414                |
| Transfer to Public Art Fund from Marina Fund                                                  | 2,813                 |
| Subtotal Transfers to Other Funds:                                                            | 69,414,721            |
| Sub-Total Dual Appropriations                                                                 | \$ 75,174,972         |
| <b>Grand Total Dual Appropriations</b>                                                        | <b>\$ 135,568,908</b> |

## SUMMARY OF APPROPRIATIONS BY FUND

| ERMA<br>Fund # | Fund                                    | FY 2022<br>Adopted | 1st AAO                 |                        |                      | FY 2021<br>Revised #1 |                 |
|----------------|-----------------------------------------|--------------------|-------------------------|------------------------|----------------------|-----------------------|-----------------|
|                |                                         |                    | Encumbered<br>Rollovers | Unencum.<br>Carryovers | Other<br>Adjustments |                       | Total<br>Amend. |
| 11             | General Fund Discretionary              | 234,754,491        | 8,451,781               | 4,405,774              | 12,151,842           | 25,009,397            | 259,763,888     |
| 16             | Measure U1 - Housing                    | 6,446,014          | 1,496,912               | -                      | 1,146,163            | 2,643,075             | 9,089,089       |
| 101            | Library - Tax                           | 25,037,858         | 114,282                 | -                      | -                    | 114,282               | 25,152,140      |
| 103            | Library - Grants                        | 64,889             | -                       | -                      | -                    | -                     | 64,889          |
| 104            | Library - Friends & Gift                | 150,000            | 197                     | -                      | -                    | 197                   | 150,197         |
| 105            | Library - Foundation                    | 350,000            | 46                      | -                      | -                    | 46                    | 350,046         |
| 106            | Asset Forfeiture                        | 201,000            | 13,165                  | -                      | 150,000              | 163,165               | 364,165         |
| 107            | Special Tax Measure E                   | 1,451,853          | -                       | -                      | -                    | -                     | 1,451,853       |
| 108            | First Source Fund                       | 46,675             | -                       | -                      | -                    | -                     | 46,675          |
| 110            | Sec 108 Loan Gty Asst.                  | 553,108            | -                       | -                      | -                    | -                     | 553,108         |
| 111            | Fund Raising Activities                 | 53,875             | -                       | -                      | 21,000               | 21,000                | 74,875          |
| 113            | Sports Field (Vendor Oper)              | 258,234            | 67,547                  | -                      | 300,000              | 367,547               | 625,781         |
| 114            | Gilman Fields Reserve                   | -                  | 2,694                   | -                      | -                    | 2,694                 | 2,694           |
| 115            | Animal Shelter                          | 52,480             | 5,440                   | -                      | -                    | 5,440                 | 57,920          |
| 116            | Paramedic Tax                           | 4,916,665          | -                       | -                      | -                    | -                     | 4,916,665       |
| 117            | CA Energy Commission                    | -                  | 44,249                  | -                      | -                    | 44,249                | 44,249          |
| 119            | Domestic Violence Prev - Vit Stat       | 22,587             | -                       | -                      | -                    | -                     | 22,587          |
| 120            | Affordable Housing Mitigation           | 2,716,178          | 2,657,746               | -                      | -                    | 2,657,746             | 5,373,924       |
| 121            | Affordable Child Care                   | 13,275             | -                       | -                      | -                    | -                     | 13,275          |
| 122            | Inclusionary Housing Program            | 550,501            | -                       | -                      | -                    | -                     | 550,501         |
| 123            | Condo Conversion                        | 109,617            | 997,980                 | -                      | -                    | 997,980               | 1,107,597       |
| 124            | Parking In-Lieu Fee                     | -                  | 82,010                  | -                      | -                    | 82,010                | 82,010          |
| 125            | Playground Camp                         | 13,850,034         | 11,933,425              | 1,752,661              | 2,287,295            | 15,973,381            | 29,823,415      |
| 126            | State-Prop 172 Pub.Safety               | 426,693            | 16,187                  | -                      | 500,000              | 516,187               | 942,880         |
| 127            | State Transportation Tax                | 6,009,197          | 1,764,873               | 1,359,461              | 67,502               | 3,191,836             | 9,201,033       |
| 128            | CDBG                                    | 4,576,057          | 278,782                 | -                      | -                    | 278,782               | 4,854,839       |
| 129            | Rental Housing Safety Program           | 2,230,164          | 1,689                   | -                      | -                    | 1,689                 | 2,231,853       |
| 130            | Measure B - Local St & Road             | 3,536,592          | 1,621,635               | 339,986                | 134,674              | 2,096,295             | 5,632,887       |
| 131            | Measure B - Bike and Pedestrian         | 234,330            | 54,788                  | 28,423                 | -                    | 83,211                | 317,541         |
| 132            | Measure B - Paratransit                 | 525,433            | 17,606                  | -                      | -                    | 17,606                | 543,039         |
| 133            | Measure F Alameda County VRF St & Rd    | 519,245            | 180,621                 | 186,490                | 70,200               | 437,311               | 956,556         |
| 134            | Measure BB - Local St & Road            | 4,314,642          | 3,309,843               | 1,492,470              | 1,756,350            | 6,558,663             | 10,873,305      |
| 135            | Measure BB - Bike & Pedestrian          | 124,414            | 316,130                 | 190,540                | 622,655              | 1,129,325             | 1,253,739       |
| 136            | Measure BB - Paratransit                | 447,741            | 28,420                  | -                      | -                    | 28,420                | 476,161         |
| 137            | One Time Funding                        | -                  | 19,080                  | -                      | -                    | 19,080                | 19,080          |
| 138            | Parks Tax                               | 14,402,630         | 2,166,244               | 2,171,817              | 38,535               | 4,376,596             | 18,779,226      |
| 139            | Street and Open Space Improvement       | -                  | 1,702                   | -                      | -                    | 1,702                 | 1,702           |
| 140            | Measure GG - Fire Prep Tax              | 4,897,270          | 215,209                 | -                      | 295,320              | 510,529               | 5,407,799       |
| 142            | Streetlight Assessment District         | 2,671,488          | 271,489                 | 252,991                | -                    | 524,480               | 3,195,968       |
| 143            | Berkeley Bus Ec Dev                     | 156,387            | 4,550                   | -                      | 520,000              | 524,550               | 680,937         |
| 145            | Bayer (Miles Lab)                       | 8,500              | 9                       | 943                    | -                    | 952                   | 9,452           |
| 146            | Employee Training                       | 807,304            | 154,536                 | -                      | -                    | 154,536               | 961,840         |
| 147            | UC Settlement                           | 21,219             | 8,960                   | 121,164                | 4,892,942            | 5,023,066             | 5,044,285       |
| 148            | Private Percent - Art Fund              | 20,646             | 7,493                   | 822,479                | -                    | 829,972               | 850,618         |
| 149            | Private Party Sidewalks                 | 100,000            | -                       | 150,000                | 100,000              | 250,000               | 350,000         |
| 150            | Public Art Fund                         | 64,367             | 8,000                   | 30,085                 | 52,709               | 90,794                | 155,161         |
| 152            | Vital & Health Statistics Trust Fund    | 29,813             | -                       | -                      | -                    | -                     | 29,813          |
| 156            | Hlth State Aid Realign Trust            | 3,806,205          | -                       | -                      | -                    | -                     | 3,806,205       |
| 157            | Tobacco Cont.Trust                      | 352,325            | 45,692                  | -                      | -                    | 45,692                | 398,017         |
| 158            | Mental Health State Aid Realign         | 3,182,564          | 269,404                 | -                      | -                    | 269,404               | 3,451,968       |
| 159            | Citizens Option Public Safety Trust     | 258,724            | 72,912                  | -                      | 200,000              | 272,912               | 531,636         |
| 161            | Alameda Cty Abandoned Vehicle Abatement | 96,449             | 4,148                   | -                      | -                    | 4,148                 | 100,597         |
| 162            | Shelter Operations                      | -                  | -                       | -                      | 170,953              | 170,953               | 170,953         |
| 164            | Measure FF                              | 12,750,000         | -                       | -                      | -                    | -                     | 12,750,000      |
| 165            | Fair Elections                          | 505,002            | -                       | -                      | -                    | -                     | 505,002         |
| 302            | Operating Grants - State                | 63,276             | -                       | 228,905                | -                    | 228,905               | 292,181         |
| 305            | Capital Grants - Federal                | -                  | -                       | 947,225                | 6,115,293            | 7,062,518             | 7,062,518       |
| 306            | Capital Grants - State                  | -                  | 516,627                 | 2,189,577              | 130,000              | 2,836,204             | 2,836,204       |
| 307            | Capital Grants - Local                  | -                  | 639,254                 | -                      | -                    | 639,254               | 639,254         |
| 309            | OTS DUI Enforcement Education Prg.      | 129,500            | 1,745                   | -                      | 180,000              | 181,745               | 311,245         |
| 310            | HUD/Home                                | 803,968            | 31,250                  | -                      | -                    | 31,250                | 835,218         |
| 311            | ESGP                                    | 576,637            | 1,428,661               | 2,112,000              | -                    | 3,540,661             | 4,117,298       |
| 312            | Health (General)                        | 2,054,767          | 5,440                   | -                      | 1,940,897            | 1,946,337             | 4,001,104       |
| 313            | Target Case Management Linkages         | 827,961            | 91,055                  | -                      | -                    | 91,055                | 919,016         |
| 314            | Alameda County Tay Tip                  | 35,812             | -                       | -                      | -                    | -                     | 35,812          |
| 315            | Mental Health Service Act               | 10,030,261         | 1,357,923               | -                      | 686,718              | 2,044,641             | 12,074,902      |
| 316            | Health (Short/Doyle)                    | 4,725,112          | 262,739                 | -                      | 56,040               | 318,779               | 5,043,891       |
| 317            | EPSDT Expansion Proposal                | 389,139            | -                       | -                      | -                    | -                     | 389,139         |
| 318            | Alcoholic Bev Ctr OTS/UC                | 52,804             | -                       | -                      | 72,440               | 72,440                | 125,244         |
| 319            | Youth Lunch                             | 101,900            | 252,636                 | -                      | -                    | 252,636               | 354,536         |
| 320            | Sr. Nutrition Title III                 | 107,003            | -                       | -                      | -                    | -                     | 107,003         |
| 321            | CFP Title X                             | 65,086             | 790                     | -                      | 114,914              | 115,704               | 180,790         |

## SUMMARY OF APPROPRIATIONS BY FUND

| ERMA<br>Fund # | Fund                                      | FY 2022<br>Adopted | 1st AAO                 |                        |                      |                 | FY 2021<br>Revised #1 |
|----------------|-------------------------------------------|--------------------|-------------------------|------------------------|----------------------|-----------------|-----------------------|
|                |                                           |                    | Encumbered<br>Rollovers | Unencum.<br>Carryovers | Other<br>Adjustments | Total<br>Amend. |                       |
| 324            | BUSD Grant                                | 362,343            | -                       | -                      | -                    | -               | 362,343               |
| 325            | Vector Control                            | 339,173            | 9,572                   | -                      | -                    | 9,572           | 348,745               |
| 326            | Alameda County Grants                     | 624,203            | 4,231                   | -                      | 2,884                | 7,115           | 631,318               |
| 327            | Senior Supportive Social Services         | 64,339             | -                       | -                      | -                    | -               | 64,339                |
| 328            | Family Care Support Program               | 75,212             | -                       | -                      | -                    | -               | 75,212                |
| 329            | CA Integrated Waste Management            | 5,244              | 1,703                   | -                      | 13,693               | 15,396          | 20,640                |
| 331            | Housing Mitigation                        | 1,126,763          | -                       | -                      | -                    | -               | 1,126,763             |
| 333            | CALHOME                                   | 363,100            | -                       | -                      | -                    | -               | 363,100               |
| 334            | Community Action                          | 298,878            | 5,043                   | 161,181                | 68,620               | 234,844         | 533,722               |
| 336            | One-Time Grant: No Cap Exp                | 3,043,587          | 785,965                 | 1,497,894              | 2,555,820            | 4,839,679       | 7,883,266             |
| 338            | Bay Area Air Quality Management           | 60,000             | -                       | -                      | -                    | -               | 60,000                |
| 339            | MTC                                       | 125,000            | 388,470                 | 2,665                  | 24,000               | 415,134         | 540,134               |
| 340            | FEMA                                      | 790,560            | 14,137                  | -                      | -                    | 14,137          | 804,697               |
| 341            | Alameda Cty Waste Mgt.                    | 285,000            | -                       | -                      | -                    | -               | 285,000               |
| 343            | State Dept Conserv/Recygl                 | 28,000             | -                       | -                      | -                    | -               | 28,000                |
| 344            | Caltrans Grant                            | -                  | 254,064                 | 490,789                | 7,759                | 752,612         | 752,612               |
| 345            | Meas WW - Park Bond - Grant               | -                  | 1,220                   | -                      | -                    | 1,220           | 1,220                 |
| 346            | Caltrans Safe Routes 2 Schools            | -                  | 9,757                   | -                      | -                    | 9,757           | 9,757                 |
| 347            | Shelter+Care HUD                          | 6,240,760          | -                       | -                      | 30,723               | 30,723          | 6,271,483             |
| 348            | Shelter+Care County                       | 855,792            | -                       | -                      | -                    | -               | 855,792               |
| 349            | JAG Grant                                 | 52,500             | -                       | -                      | -                    | -               | 52,500                |
| 350            | Bioterrorism Grant                        | 240,124            | 14,244                  | 114,621                | 229,931              | 358,796         | 598,920               |
| 351            | UASI Regional Fund                        | -                  | 26,510                  | -                      | 9,193                | 35,703          | 35,703                |
| 354            | ARPA - Local Fiscal Recovery Fund         | 46,300,355         | -                       | -                      | -                    | -               | 46,300,355            |
| 501            | Capital Improvement Fund                  | 8,393,901          | 3,392,733               | 5,660,850              | 53,350               | 9,106,933       | 17,500,834            |
| 502            | Phone System Replacement                  | 449,408            | 3,508                   | -                      | -                    | 3,508           | 452,916               |
| 503            | FUND\$ Replacement                        | 3,571,725          | 2,036,745               | -                      | -                    | 2,036,745       | 5,608,470             |
| 504            | PEG-Public, Education & Government        | 100,000            | -                       | -                      | -                    | -               | 100,000               |
| 506            | Meas M - Street and Watershed Imprv       | -                  | 18,119                  | 12,216                 | -                    | 30,335          | 30,335                |
| 511            | Measure T1 - Infra & Facil.               | 12,816,854         | 3,740,710               | 2,534,975              | 1,341,410            | 7,617,096       | 20,433,950            |
| 512            | Measure O                                 | 6,445,567          | 15,365,998              | 303,545                | -                    | 15,669,543      | 22,115,110            |
| 552            | 09 Measure FF Debt Service                | 1,343,638          | -                       | -                      | -                    | -               | 1,343,638             |
| 553            | 2015 GORBS                                | 2,051,966          | -                       | -                      | -                    | -               | 2,051,966             |
| 554            | 2012 Lease Revenue Bonds BJPFA            | 502,238            | -                       | -                      | -                    | -               | 502,238               |
| 555            | 2015 GORBS - 2002 G.O. Refunding Bonds    | 379,561            | -                       | -                      | -                    | -               | 379,561               |
| 556            | 2015 GORBS (2007, Series A)               | 142,865            | -                       | -                      | -                    | -               | 142,865               |
| 557            | 2015 GORBS (2008 Measure I)               | 481,286            | -                       | -                      | -                    | -               | 481,286               |
| 558            | 2010 COP (Animal Shelter)                 | 406,991            | -                       | -                      | -                    | -               | 406,991               |
| 559            | Measure M GO Street & Water Imps          | 740,738            | -                       | -                      | -                    | -               | 740,738               |
| 560            | Infrastructure & Facilities Measure T1    | 1,731,181          | -                       | -                      | -                    | -               | 1,731,181             |
| 561            | Measure O - Housing Bonds                 | 2,023,940          | -                       | -                      | -                    | -               | 2,023,940             |
| 601            | Zero Waste                                | 48,199,561         | 2,891,371               | -                      | 280,466              | 3,171,837       | 51,371,398            |
| 606            | Mar -Coastal Conservancy                  | -                  | 7,868                   | -                      | -                    | 7,868           | 7,868                 |
| 607            | Mar - Dept of Boating & Waterway          | -                  | 60,480                  | 32,980                 | -                    | 93,460          | 93,460                |
| 608            | Marina Operation                          | 7,308,402          | 2,084,891               | 2,416,629              | 341,113              | 4,842,633       | 12,151,035            |
| 611            | Sewer                                     | 30,227,353         | 14,289,703              | 333,713                | 39,493               | 14,662,909      | 44,890,262            |
| 612            | Private Sewer Lateral FD                  | 193,658            | -                       | -                      | -                    | -               | 193,658               |
| 616            | Clean Storm Water                         | 4,899,517          | 91,904                  | 903,907                | -                    | 995,811         | 5,895,328             |
| 621            | Permit Service Center                     | 20,692,553         | 1,718,551               | 186,671                | 364,010              | 2,269,232       | 22,961,785            |
| 622            | Unified Program (CUPA)                    | 821,845            | 2,359                   | -                      | 4,565                | 6,924           | 828,769               |
| 627            | Off Street Parking                        | 6,551,006          | 627,366                 | 120,300                | 6,000                | 753,666         | 7,304,672             |
| 631            | Parking Meter                             | 10,006,409         | 297,567                 | 341,236                | -                    | 638,803         | 10,645,212            |
| 636            | Building Purchases and Management         | 3,434,440          | 47,284                  | -                      | -                    | 47,284          | 3,481,724             |
| 671            | Equipment Replacement                     | 5,906,134          | 8,554,359               | 1,194,186              | 855,706              | 10,604,251      | 16,510,385            |
| 672            | Equipment Maintenance                     | 9,812,320          | 138,968                 | -                      | 39,493               | 178,461         | 9,990,781             |
| 673            | Building Maintenance Fund                 | 4,463,546          | 222,528                 | -                      | -                    | 222,528         | 4,686,074             |
| 674            | Central Services                          | 385,483            | 2,624                   | -                      | -                    | 2,624           | 388,107               |
| 676            | Workers Compensation                      | 6,593,924          | 112,845                 | -                      | -                    | 112,845         | 6,706,769             |
| 678            | Public Liability                          | 3,843,932          | 368,857                 | -                      | -                    | 368,857         | 4,212,789             |
| 680            | Information Technology                    | 14,673,515         | 1,965,926               | 297,750                | -                    | 2,263,676       | 16,937,191            |
| 762            | Successor Agency - Savo DSF               | 57,120             | -                       | -                      | -                    | -               | 57,120                |
| 776            | Thousand Oaks Underground                 | 98,448             | -                       | -                      | -                    | -               | 98,448                |
| 777            | Measure H - School Tax                    | 500,000            | 2                       | -                      | -                    | 2               | 500,002               |
| 778            | Measure Q - CFD#1 Dis. Fire Protect Bond  | 2,048,940          | 29,445                  | -                      | -                    | 29,445          | 2,078,385             |
| 779            | Spl Tax Bds. CFD#1 ML-ROOS                | 2,823,820          | -                       | -                      | -                    | -               | 2,823,820             |
| 781            | Berkeley Tourism BID                      | 181,125            | (35,954)                | -                      | 63,600               | 27,646          | 208,771               |
| 782            | Elmwood Business Improvement District     | 30,000             | 1                       | -                      | 32,388               | 32,389          | 62,389                |
| 783            | Solano Ave BID                            | 25,000             | -                       | -                      | 7,809                | 7,809           | 32,809                |
| 784            | Telegraph Avenue Bus. Imp. District       | 523,371            | -                       | -                      | 238,437              | 238,437         | 761,808               |
| 785            | North Shattuck BID                        | 210,363            | -                       | -                      | 110,972              | 110,972         | 321,335               |
| 786            | Downtown Berkeley Prop & Improv. District | 1,313,214          | -                       | -                      | 195,787              | 195,787         | 1,509,001             |
| 801            | Rent Board                                | 6,275,535          | 587,183                 | -                      | -                    | 587,183         | 6,862,718             |

## SUMMARY OF APPROPRIATIONS BY FUND

| ERMA<br>Fund # | Fund                               | 1st AAO            |                         |                        |                      | FY 2021<br>Revised #1 |                 |
|----------------|------------------------------------|--------------------|-------------------------|------------------------|----------------------|-----------------------|-----------------|
|                |                                    | FY 2022<br>Adopted | Encumbered<br>Rollovers | Unencum.<br>Carryovers | Other<br>Adjustments |                       | Total<br>Amend. |
|                | GROSS EXPENDITURE:                 | 673,601,287        | 101,434,451             | 35,389,100             | 41,691,663           | 178,515,215           | 852,116,502     |
|                | Dual Appropriations                | (74,849,421)       | -                       | -                      | (325,551)            | (325,551)             | (75,174,972)    |
|                | Revolving & Internal Service Funds | (46,486,158)       | (11,520,643)            | (1,491,936)            | (895,198)            | (13,907,778)          | (60,393,936)    |
|                | NET EXPENDITURE:                   | 552,265,708        | 89,913,808              | 33,897,163             | 40,470,914           | 164,281,886           | 716,547,594     |







Office of the City Manager

CONSENT CALENDAR  
January 18, 2022

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Mark Numainville, City Clerk  
 Subject: Modifying the 2022 City Council Meeting Schedule

RECOMMENDATION

Adopt a Resolution modifying the City Council regular meeting schedule for 2022, with starting times of 6:00 p.m., to account for religious and cultural holidays as determined by Resolution No. 70,066-N.S.

FISCAL IMPACTS OF RECOMMENDATION

None.

BACKGROUND

On September 14, 2021 the City Council adopted a meeting schedule for 2022. Subsequently, on October 12, 2021 the Council adopted Resolution No. 70,066-N.S. to avoid scheduling of meetings of the City Legislative Bodies on any religious holiday that incorporates significant work restrictions.

As directed by the resolution, staff consulted with local religious leaders to identify the significant religious holidays as identified in Attachment 1. The creation of this list requires modifications to the existing 2022 Council schedule to account for the religious holidays.

Pursuant to the Open Government Ordinance, the Council must adopt an annual regular meeting schedule with at least 24 regular meetings. The schedule generally consists of either two or three meetings per month and provides for Spring, Summer and Winter recess periods.

Six City Council Worksessions will be scheduled for 2022. This number is slightly lower than previous years due to holidays, Election Day, and the need for two meetings in December to meet the 24-meeting requirement. The Worksessions are scheduled for the following dates.

- January 20, 2022
- February 15, 2022
- March 15, 2022

- April 19, 2022
- June 21, 2022
- July 19, 2022

The Mayor or a majority of the Council may call special meetings as needed. The Council may also amend the regular meeting schedule when necessary.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

CONTACT PERSON

Mark Numainville, City Clerk, (510) 981-6900

Attachments:

- 1: List of Significant Religious and Cultural holidays
- 2: Resolution  
Exhibit A: Revised 2022 Council Calendar

Pursuant to Resolution No. 70,066-N.S., it is the policy of the City to avoid scheduling meetings of City Legislative Bodies (City Council, Commissions and Boards, Council Policy Committees, Task Forces) on religious holidays that incorporate significant work restrictions.

City legislative bodies must avoid scheduling meetings on the religious holidays listed below.

| Religion     | Holiday                          | Date                         | 2022 Date                        |
|--------------|----------------------------------|------------------------------|----------------------------------|
| Christian    | Good Friday                      | Varies (March or April)      | 4/15/22                          |
| Christian    | Easter Sunday                    | Varies (March or April)      | 4/17/22                          |
| Christian    | Christmas                        | December 25                  | 12/25/22                         |
|              |                                  |                              |                                  |
| Jewish       | Rosh Hashanah                    | Varies (Sept. or Oct.)       | 9/25/22-9/27/22                  |
| Jewish       | Yom Kippur                       | Varies (Sept. or Oct.)       | 10/4/22-10/5/22                  |
| Jewish       | Sukkot - first and last day      | Varies (Sept. or Oct.)       | 10/9/22, 10/16/22                |
| Jewish       | Shmini Atzeret                   | Varies (Sept. or Oct.)       | 10/16/22-10/18/22                |
| Jewish       | Simchat Torah                    | Varies (Sept. or Oct.)       | 10/17/22-10/18/22                |
| Jewish       | Chanukah (1 <sup>st</sup> night) | Varies (Nov. or Dec.)        | 12/18/22                         |
| Jewish       | Passover (Nights 1, 2, 7, 8)     | Varies (March or April)      | 4/15,4/16,4/22,4/23              |
| Jewish       | Shavuot                          | Varies (May or June)         | 6/4/22-6/6/22                    |
| Jewish       | Shabbat                          | Weekly                       | Friday sunset to Saturday sunset |
| Jewish*      | Purim                            | Varies (February or March)   | 3/16/22-3/17/22                  |
| Jewish*      | Tish'a B'Av                      | Varies (July or August)      | 8/5/22-8/6/22                    |
| Jewish*      | Yom HaShoah                      | Varies (April or May)        | 4/27/22-4/28/22                  |
|              |                                  |                              |                                  |
| Buddhist     | Vesak                            | Varies (April or May)        | 5/6/22                           |
|              |                                  |                              |                                  |
| Hindu        | Diwali                           | Varies (Oct. or Nov.)        | 10/24/22                         |
| Hindu        | Dussera                          | Varies (Oct.)                | 10/5/2022                        |
| Hindu        | Holi                             | Varies (March)               | 3/17-3/18                        |
| Hindu        | Makar Sankranti                  | Varies (January or February) | 1/14/2022                        |
|              |                                  |                              |                                  |
| Islam        | Eve & First Night of Ramadan     | Varies                       | 4/222 – 4/3/22                   |
| Islam        | Eid al-Fitr                      | Varies                       | 5/2/22-5/3/22                    |
| Islam        | Eid al-Adha                      | Varies                       | 7/9/22-7/10/22                   |
|              |                                  |                              |                                  |
| Shinto       | New Year                         | January 1-3                  | 1/1/22-1/3/22                    |
| Shinto       | Obon Ceremony                    | August 13-15                 | 8/13/22-8/15/22                  |
|              |                                  |                              |                                  |
| Baha'i Faith | Birth of Baja'u'llah             | Varies                       | 10/26/22-10/27/22                |
| Baha'i Faith | Birth of Bab                     | Varies                       | 10/25/22-10/26/22                |
|              |                                  |                              |                                  |
| Cultural     | Chinese New Year (Day 1-7)       | Varies (Jan. 21 – Feb. 20)   | 2/1/22-2/7/22                    |
| Cultural     | Kwanzaa                          | Dec. 26 – Dec. 31            | 12/26/22-1/1/23                  |

\* No work restriction, but avoid scheduling meetings if possible

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

ADOPTING THE CITY COUNCIL 2022 REGULAR MEETING SCHEDULE

WHEREAS, pursuant to the Open Government Ordinance, the Council must adopt an annual meeting schedule with at least 24 regular meetings; and

WHEREAS, the proposed schedule (Exhibit A) provides for regular meetings to occur with starting times of 6:00 p.m. on specified Tuesdays of each month with exceptions provided for recess periods or when a meeting would fall on a City, religious or cultural holiday or Election Day; and

WHEREAS, the Council desires to establish as part of their schedule a Winter, Spring and Summer recess period for 2022; and

WHEREAS, the Mayor or a majority of the Council may call special meetings or revise the regular meeting schedule when necessary.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council adopts the 2022 regular meeting schedule on specified Tuesdays of each month with exceptions provided for when a meeting would fall on a City, religious or cultural holiday or Election Day, at 6:00 p.m. as indicated:

Winter Recess – December 15, 2021 – January 17, 2022  
     January 18 and January 25, 2022  
     February 8 and February 22, 2022  
     March 8 and March 22, 2022  
 Spring Recess – March 23 – April 11, 2022  
     April 12 and April 26, 2022  
     May 10, May 24, and May 31, 2022  
     June 14 and June 28, 2022  
     July 12 and July 26, 2022  
 Summer Recess – July 27 – September 12, 2022  
     September 13, September 20, and September 29, 2022  
     October 6, 2022  
     November 3, November 15, and November 29, 2022  
     December 6 and December 13, 2022  
 Winter Recess – December 14, 2022 – January 16, 2023

Exhibit A: 2022 Council Calendar

## City Clerk Department 2022 Council Calendar

(Subject to change. For the latest information, please contact the City Clerk Department, 510-981-6900.)

| Date                                                 | Time      |
|------------------------------------------------------|-----------|
| <b>January</b>                                       |           |
| <b>Winter Recess (Dec. 15, 2021 – Jan. 17, 2022)</b> |           |
| Jan 18                                               | 6:00 p.m. |
| Jan 25                                               | 6:00 p.m. |
| <b>February</b>                                      |           |
| Feb 8                                                | 6:00 p.m. |
| Feb 22                                               | 6:00 p.m. |
| <b>March</b>                                         |           |
| Mar 8                                                | 6:00 p.m. |
| Mar 22                                               | 6:00 p.m. |
| <b>April</b>                                         |           |
| <b>Spring Recess (March 23 – April 11, 2022)</b>     |           |
| April 12                                             | 6:00 p.m. |
| April 26                                             | 6:00 p.m. |
| <b>May</b>                                           |           |
| May 10                                               | 6:00 p.m. |
| May 24                                               | 6:00 p.m. |
| May 31                                               | 6:00 p.m. |
| <b>June</b>                                          |           |
| June 14                                              | 6:00 p.m. |
| June 28                                              | 6:00 p.m. |
| <b>July</b>                                          |           |
| July 12                                              | 6:00 p.m. |
| July 26                                              | 6:00 p.m. |
| <b>Summer Recess (July 27 – Sept. 12, 2022)</b>      |           |
| <b>September</b>                                     |           |
| Sept 13                                              | 6:00 p.m. |
| Sept 20                                              | 6:00 p.m. |
| Sept 29 (Thu.)                                       | 6:00 p.m. |
| <b>October</b>                                       |           |
| Oct 6 (Thu.)                                         | 6:00 p.m. |
| <b>November</b>                                      |           |
| Nov 3 (Thu.)                                         | 6:00 p.m. |
| Nov 15                                               |           |
| Nov 29                                               | 6:00 p.m. |
| <b>December</b>                                      |           |
| Dec 6                                                | 6:00 p.m. |
| Dec 13                                               | 6:00 p.m. |
| <b>Winter Recess (Dec. 14, 2022 – Jan. 16, 2023)</b> |           |





03

Office of the City Manager

CONSENT CALENDAR  
JANUARY 18, 2022

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Amelia Funghi, Animal Shelter Manager

Subject: Donation to the Animal Shelter from the Stephen and Mary Birch Foundation

RECOMMENDATION

Adopt a Resolution accepting a donation from the estate of Stephen and Mary Birch in the sum of \$10,000.00.

FISCAL IMPACTS OF RECOMMENDATION

A donation in the amount of \$10,000 from The Stephen and Mary Birch Foundation to Animal Services will be used for off-site veterinary care and be deposited in the Animal Services Donation Fund. Animal Services spends approximately \$20,000 for off-site veterinary care and a \$10,000 donation will subsidize 50% of this expense.

CURRENT SITUATION AND ITS EFFECTS

Berkeley Animal Care Services (BACS) houses and cares for approximately 1,100 stray, surrendered and abandoned animals each year. Many animals arrive needing veterinary care related to injury or advanced disease processes. Animal Services strives to treat all sick and injured animals that have a good chance of recovery and adoption and uses several local veterinary clinics to provide services that cannot be provided at the shelter such as X-rays, ultrasounds and specialized surgeries. Providing this care is critical to maintaining a high live release rate and low euthanasia rate for shelter animals.

BACKGROUND

Each year starting in 2008, the Stephen and Mary Birch Foundation have generously donated money to BACS to be used for the welfare of the shelter animals. This donation has consistently been used for veterinary care of shelter animals.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACT

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

RATIONALE FOR RECOMMENDATION

Animal Services must provide essential veterinary care to shelter animals in order to maintain a high live release rate. A donation in the amount of \$10,000 will subsidize 50% of the amount Animal Services spends on off-site veterinary care annually.

ALTERNATIVE ACTIONS CONSIDERED

If the City were not to accept the \$10,000 donation from the Stephen and Mary Birch Foundation, Animal Services would need to use a comparable amount from the Animal Services Donation Fund.

CONTACT PERSON

Amelia Funghi, Animal Shelter Manager (510) 981-6603



RESOLUTION NO. -N.S.

ADOPT A RESOLUTION ACCEPTING A DONATION TO THE ANIMAL SHELTER FROM THE STEPHEN AND MARY BIRCH FOUNDATION IN THE SUM OF \$10,000

WHEREAS, The Stephen and Mary Birch Foundation has named Berkley Animal Care Services (BACS) as a recipient of a gift; and

WHEREAS, BACS houses and cares for approximately 1,100 stray, surrendered and abandoned animals each year; and

WHEREAS, the shelter treats sick and injured animals that have a good chance of recovery and adoption, and donations are often used to cover these veterinary bills; and

WHEREAS, the donation in the sum of \$10,000 will be deposited in the Animal Shelter Donation Fund.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council accepts a donation to the Animal Shelter from the Stephen and Mary Birch in the sum of \$10,000.





City Manager's Office

04

CONSENT CALENDAR

January 18, 2022

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Peter Radu, Assistant to the City Manager  
 Subject: Extension of Declaration of Homeless Shelter Crisis

RECOMMENDATION

Adopt a Resolution extending Resolution No. 69,189-N.S., Declaring a Homeless Shelter Crisis until January 19, 2024.

BACKGROUND

Before the COVID-19 pandemic, Berkeley was experiencing an acute housing crisis that has directly caused steadily increasing rates of homelessness. Between 2009 and 2017, Berkeley's homeless Point in Time Count increased at an average rate of roughly 10% every two years, and then increased nearly 14% between 2017 and 2019, the last year in which a homeless count was conducted.

In response to the severe shortage of shelter beds and housing, on January 19, 2016, the Berkeley City Council unanimously approved Resolution No. 67,746-N.S., Declaring a Shelter Crisis in Berkeley. Originally set to expire on January 19, 2017, the Resolution has been extended multiple times, most recently through Resolution No.69,189-N.S. on November 19, 2019, which extended it to January 19, 2022.

Since that time, the pandemic has exacerbated the crisis on our streets in several ways. When COVID-19 hit in March of 2020, much of the momentum to shelter homeless people and clean public areas was paused as the City scrambled to protect everyone, including our most vulnerable residents, from serious illness and death. To comply with health orders, the City was forced to reduce shelter capacity to enable greater physical distancing, reducing the number of year-round shelter beds from 256 shelter beds to 129 beds, making shelter significantly scarcer. Moreover, to comply with guidance from the CDC, which advised communities nationwide to not clear homeless encampments without first making offers of individual rooms to every resident, we paused our efforts to close even the most dangerous and entrenched encampments. The pandemic also significantly reduced staff capacity to respond to issues of homelessness. All of this happened, of

course, amidst a severe economic recession that exacerbated housing insecurity and increased the risk of homelessness for low-income communities across the Bay Area.

In response, the City shifted its winter shelter model from an inclement weather-only shelter to an every night shelter between November 30 and April 15, increasing the number of shelter beds available by 19. In July 2021 the City opened a new 50-bed shelter, the Horizon shelter, on Grayson St., and followed by opening a 40-slip Safe RV Parking program at the site in September. Staff used State and Federal emergency resources to create 18 new noncongregate shelter beds in the Berkeley Respite Shelter program. Additionally, staff supported Alameda County and Berkeley shelters to move people who met the CDC's criteria for high risk if COVID-19 positive into Project Roomkey hotels and partnered with Alameda County to establish 69 non-congregate units at two Safer Ground hotels in Berkeley. The City has also used Measure P resources to launch the Homeless Response Team, which since September has assisted over 25 encampment residents into shelter and over 15 RV residents into Safe Parking. Nevertheless, the resources at our disposal have not been enough to bring every unsheltered Berkeleyan off the streets.

In July 2021, the City Council adopted the All Home Regional Action Plan, committing the City to an ambitious 75% reduction in unsheltered homelessness over the next three years. Given the extensive remaining need on the street, and in order to meet the spirit of urgency reflected in the adoption of the Regional Action Plan, staff requests another extension of the shelter crisis declaration, which will allow the City to continue our efforts to respond quickly and efficiently to the crisis.

#### FINANCIAL IMPLICATIONS

Continuing Berkeley's shelter crisis may have the effect of expediting access and use of new and future State homelessness resources.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

An increase in interim, stable housing will reduce the impacts of temporary encampments, which will positively improve the environment.

#### CONTACT PERSON

Peter Radu                      510-981-7045

Attachments:

1: Resolution

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

EXTENSION OF DECLARATION OF HOMELESS SHELTER  
CRISIS

WHEREAS, on January 19, 2016, the City Council unanimously passed Resolution No. 67,357-N.S., Declaring a Homeless Shelter Crisis in Berkeley, which was set to expire on January 19, 2017; and

WHEREAS, on November 15, 2016, the City Council passed Resolution No. 67,746-N.S., extending the previous Resolution to January 19, 2018; and

WHEREAS, on October 31, 2017, the City Council passed Resolution No. 68,206-N.S., placing another extension until January 19, 2020; and

WHEREAS, on November 19, 2019, the City Council passed Resolution No. 69,189-N.S., extending the previous Resolution to January 2022; and

WHEREAS, according to the last EveryOne Home homeless count in January 2019, the homeless population has risen to 1,108; and

WHEREAS, this shelter crisis affects Berkeley's citizens disproportionately with more African American, Latino and elderly individuals experiencing homelessness; and

WHEREAS, the COVID-19 pandemic's economic toll has exacerbated income inequality and housing insecurity for the most marginally housed households across the region, increasing the risk of homelessness;

WHEREAS, the COVID-19 pandemic has worsened shelter bed shortages in Berkeley by forcing shelter providers to reduce bed capacity to maintain compliance with CDC physical distancing guidelines; and

WHEREAS, the current number of homeless individuals in Berkeley far outpaces the number of existing shelter beds, transitional housing or permanent supportive housing units available; and

WHEREAS, homelessness encampments have increased across parts of Berkeley within the public right of way, thus exposing homeless individuals to traffic hazards, crime, risk of death and injury, exposure to weather, lack of adequate sanitation and debris services, and other conditions that are detrimental to their health and safety; and

WHEREAS, analysis and evidence have demonstrated that providing decent, safe and stable housing combined with crucial support services are two primary components of successful transition from homelessness to a safer and healthier way of living; and

WHEREAS, this shelter crisis is not unique to Berkeley, but is evident throughout the

Bay Area, California and the United States, causing other municipalities such as Los Angeles, Portland, Oregon and Seattle, Washington to also take more immediate actions to address these conditions; and

WHEREAS, given the extent of the shelter crisis, the City Council of the City of Berkeley finds that more immediate and expeditious efforts are necessary to develop additional shelter solutions that are safe and meet basic habitability standards and that flexibility and broad based approaches are essential to increase capacity; and

WHEREAS, California Government Code Section 8698, et seq., allows the governing body of a city to declare a shelter crisis when a significant number of persons are without the ability to obtain shelter, resulting in a threat to their health and safety; and

WHEREAS, California Government Code Section 8698.1 provides that, upon a declaration of a shelter crisis, the provisions of any state or local regulatory statute, regulation or Resolution prescribing standards of housing, health, or safety, as applied to public facilities, shall be suspended to the extent that strict compliance would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis; and

WHEREAS, California Government Code Section 8698.2 provides that, upon a declaration of a shelter crisis, a city may allow persons unable to obtain housing to occupy designated public facilities (including facilities leased by the city) during the duration of the crisis.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley:

1. Finds and determines the foregoing recitals to be true and correct and hereby makes them a part of this Resolution; and
2. This Resolution shall remain in place until January 19, 2024; and
3. Finds that a significant number of persons in Berkeley are without the ability to obtain shelter, and that this situation has resulted in a threat to the health and safety of these persons, for the reasons set forth above. The Council therefore hereby declares a shelter crisis in the City of Berkeley under the authority set forth in Government Code Section 8698, et seq.; and
4. Authorizes the City Manager or her designee to allow persons unable to obtain housing to occupy designated City facilities or facilities leased by the City as shelters during the period of this crisis; and
5. Authorizes for the term of this Resolution, no planning, zoning, building, or other permit requirements for the interim establishment of shelters for the homeless shall be required to the extent that strict compliance would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis. At the City Manager's discretion and with approval by the City Council, interim municipal health and safety

provisions and land use controls may be applied to facilities ensuring minimal public health and safety standards. These interim standards shall only apply to additional public facilities open to the homeless; and

6. Authorizes the City Manager to waive non-voter approved purchasing and bid requirements for the installation of facilities and services and approve contracts that are directly related to providing temporary shelter and other related services for the homeless. At the City Manager's discretion, the waiver of purchasing and bid requirements may apply to leased assets/equipment and other services that will be provided within or to support temporary shelter facilities and other related programs and services.

7. Authorizes homeless housing projects that apply the authority provided for under this resolution shall be reviewed and approved by the City Council prior to implementation, and shall include detailed plans for the project and the standards and requirements being applied to the facility and its operation; and

8. Finds that if this Resolution is inconsistent with any other provisions of the Berkeley Municipal Code, this Resolution shall apply. This Resolution suspends contrary regulations in the Berkeley Municipal Code or requirements of the General Plan or implementing regulations; and

9. Recognizes that this Resolution is enacted pursuant to the City of Berkeley's general police powers, and Article XI of the California Constitution, as well as the other provisions of state and local law otherwise cited herein; and

10. Severability. If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Resolution and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.







Office of the City Manager

05

CONSENT CALENDAR

January 18, 2022

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Lisa Warhuus, Director, Health, Housing & Community Services

Subject: Contract No. 32000117 Amendment: Berkeley Food & Housing Project for Administrative Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32000117 with Berkeley Food & Housing Project (BFHP) to administer Flexible Spending Programs for Mental Health Division (BMH) programs and to provide rental subsidies for the Russell Street Residence through June 30, 2022 in an amount not to exceed \$2,824,024. This will extend the existing contract by one year and add \$916,731 in funding.

FISCAL IMPACTS OF RECOMMENDATION

Funds for the scope of work in the amount of \$916,731 will be provided from ERMA GL Code 315-51-503-526-2017-000-451-636110-, which comes from the Mental Health Services Act (MHSA) Community Services & Supports funding category. Funding is will be appropriated in the Second Amendment to the FY 2022 Annual Appropriations Ordinance.

CURRENT SITUATION AND ITS EFFECTS

Contract No. 32000117 has two distinct elements: Russell Street Residence (RSR) and Flexible Spending Programs (Flex Funds). Berkeley Mental Health (BMH) is proposing to add funding to subsidize costs for operating RSR, and to provide funding for Flex Funds utilized by BMH clients.

RSR is a board and care facility which provides supportive housing for high need mental health clients. A daily subsidy is needed to cover the costs of operating the program. RSR provides up to 17 beds per night for some of the most vulnerable members of our community. \$534,315 will be allocated for RSR in FY 2022. In addition, funding in the amount of \$47,716 will be used to cover rental increase backpay for FY 2021. The amounts allocated for the BMH Flex Funds will also change according to the needs of the respective programs, and a total of \$335,000 will be allocated for all Flex Funds. As a result, a total of \$916,731 will be added to the contract Not to Exceed amount.

The Flex Funds allow case managers to purchase items to support activities of daily living for BMH clients. BFHP will charge a flat fee of \$1,850 per month for administration and record keeping of these funds. In general, the amounts set aside for each program will remain similar to FY 2021. The exceptions are eliminating funding for the Homeless Outreach and Treatment Team (since that team has been discontinued) and increasing funding for the Homeless Full Service Partnership accordingly. In addition, based on staff input, Flex Funds for the Children's Full Service Partnership are being increased to \$30,000 to better meet client needs.

#### BACKGROUND

The City initially contracted with BFHP in December 2019 to provide these services and has extended and increased it twice since then. BFHP has done a satisfactory job administering these programs, and staff would like to ensure they can continue completing this necessary work to support some of the City's most vulnerable residents.

Council previously approved undertaking the Flex Funds and RSR activities in its adoption of the MHSA Three Year Program and Expenditure Plans (Three Year Plans) and Annual Updates on July 27, 2021 via Resolution No. 69,999-N.S. Funding for these services and supports has been included in the FY 2022 Budget.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

#### RATIONALE FOR RECOMMENDATION

Rental costs for Russell Street Residence increased during Fiscal Year 2021. This amendment will allow us to reimburse BFHP for costs incurred operating the RSR Board and Care for FY 2021, and to cover operating costs for FY 2022. BFHP has administered Flex Funds for many years, and these have proven invaluable in providing a wide variety of supports for mental health division clients. The amendment will also add one year of funding to the contract; ensuring no break in services and allowing a vital community organization to continue their important work.

#### ALTERNATIVE ACTIONS CONSIDERED

Staff did not identify an alternative action that would be consistent with the adopted MHSA Three-Year Plan.

#### CONTACT PERSON

Conor Murphy, Assistant Management Analyst, HHCS, 510-981-7611  
Steven Grolnic-McClurg, Manager of Mental Health Services, HHCS, 510-981-5249

#### Attachments:

1: Resolution

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

CONTRACT NO. 32000117 AMENDMENT: BERKELEY FOOD & HOUSING PROJECT  
FOR ADMINISTRATIVE SERVICES

WHEREAS, City Council approved the MHSA Plan Fiscal Year 2019-2020 Annual Update on July 23, 2019 by Resolution No. 69,033-N.S., which included funding for the programs to be included in the contract here; and

WHEREAS, City Council approved participation in the Homeless Mentally Ill Outreach and Treatment allocation funding on September 13, 2018 by Resolution No. 68,592-N.S.; and

WHEREAS, on December 3, 2019 via Resolution No. 69,192-N.S., City Council approved a contract with Berkeley Food and Housing Project for Flexible Spending Programs and the Russell Street Residence; and

WHEREAS, on May 26, 2020 via Resolution No. 69,404-N.S., City Council approved amending Contract No. 32000117; and

WHEREAS, on July 14, 2020 via Resolution No. 69,492-N.S. City Council approved amending Contract No. 32000117; and

WHEREAS, community input and stakeholder feedback has determined a need for the programs being funded; and

WHEREAS, the Berkeley Food and Housing Project has been a trusted partner in the implementation of a variety of programs in collaboration with the City; and

WHEREAS, funds in the amount of \$916,731 are available in FY2022 in ERMA GL Code 315-51-503-526-2017-000-451-636110-.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is authorized to execute an amendment to Contract No. 32000117 with the Berkeley Food and Housing Project for administrative services through June 30, 2022 in an amount not to exceed \$2,824,024. A record signature copy of said contract and any amendments to be on file in the City Clerk Department.





Office of the City Manager

06

CONSENT CALENDAR

January 18, 2022

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Lisa Warhuus, Director, Health, Housing & Community Services

Subject: Contract No. 32100026 Amendment: Resource Development Associates for Results Based Accountability Evaluation

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to amend Contract No. 32100026 with Resource Development Associates (RDA) to provide additional funding in the amount of \$220,800, and extend the time period for an evaluation of mental health programs across the division utilizing the Results Based Accountability (RBA) framework, for a total not to exceed amount of \$320,700 through June 30, 2024.

FISCAL IMPACTS OF RECOMMENDATION

Funds for this contract in the amount of \$110,400 are in the Fiscal Year 2022 (FY 2022) Mental Health Services Act (MHSA) budget in ERMA GL Code: 315-51-503-526-2017-000-451-612990. The remaining \$110,400 will be added as part of the FY 2023 budget, subject to the adoption of the Annual Appropriations Ordinance (AAO) from the same source.

CURRENT SITUATION AND ITS EFFECTS

RDA is currently providing consultation services for Results Based Accountability (RBA) evaluation of mental health services across the Mental Health Division. This amendment will provide funding for RDA to produce baseline data and reports for the developing RBA outcome measures, develop data dashboards that will allow internal and external stakeholders to track program outcomes, and provide consultation for the Mental Health Division to develop the capacity to track and monitor these outcomes in the future. RDA has performed well on their current contract deliverables. The Mental Health Division intends to augment its staffing through the MHSA FY 2023 Plan Update. At that time staff will take over the data reporting. Depending on when this staffing is approved, hired, and trained, some elements of this contract augmentation may not be required and the payments reduced accordingly.

BACKGROUND

Since 2017, the Health, Housing and Community Services Department has been implementing a long-term initiative, called Impact Berkeley, that engages staff and partners in using Results Based Accountability (RBA) to improve results for the

communities served; especially those most vulnerable. Throughout the department and with community partners, staff work hard to envision program results and then use RBA to measure and enhance progress towards those results. There have been over 40 Impact Berkeley Projects initiated to date.

RBA is a data driven, decision-making process that has a proven track record of success in improving program performance and the quality of life of program participants. The RBA Framework provides a new way of understanding the quality and impact of services provided by collecting data that answers three basic questions:

1. How much did you do?
2. How well did you do it?
3. Is anyone better off?

Among other things, RBA builds collaboration and consensus, helps groups to surface and challenge assumptions that can be barriers to innovation, and uses data and transparency to ensure accountability for program performance. RBA also provides a method and common language to better understand and communicate program results.

The Mental Health Division first implemented RBA with contract agencies that were funded with Mental Health Services Act Prevention and Early Intervention funding. Building on that successful effort, and wanting to find new ways to strengthen and report out on program performance outcomes, and to increase its impact on the community, they pursued avenues for using RBA in internal programs.

On March 10, 2020 by Resolution 69,314-N.S., Berkeley City Council authorized the City Manager or her designee to enter into a contract with RDA for RBA evaluation services for a total not to exceed \$100,000. RDA was awarded this contract after a competitive Request for Proposals was conducted.

The Mental Health Division intends to evaluate the performance of all of its mental health programs utilizing the RBA framework. Staff are now starting to finalize outcome measures for a wide variety of programs. In analyzing how to best implement these measures, it was determined that continuing to work with RDA would be the best way to create baseline and initial results, create data dashboards to communicate these measures, and to develop internal division capacity to continue this work through technical assistance.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

RATIONALE FOR RECOMMENDATION

RDA has performed well in implementing the deliverable items in this contract. Due to familiarity with the outcome measures being developed and the Mental Health Division, RDA can most efficiently perform these additional deliverables.

ALTERNATIVE ACTIONS CONSIDERED

The Mental Health Division could cease work on RBA evaluation, but that is not consistent with the City's goals of using data to evaluate impact. These additional deliverables could be solicited separately through a new Request for Proposals process, but that would result in additional staff time and effort and consultant fees to get a new consultant familiar with the division and project.

CONTACT PERSON

Steven Grolnic-McClurg, Manager of Mental Health Services, HHCS, 510-981-5249  
Conor Murphy, Assistant Management Analyst, HHCS, 510-981-7611

## Attachments:

1: Resolution

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

CONTRACT NO. 32100026 AMENDMENT: RESOURCE DEVELOPMENT ASSOCIATES (RDA) RESULTS BASED ACCOUNTABILITY EVALUATION

WHEREAS, Mental Health Services Act (MHSA) funds are allocated to mental health jurisdictions across the state for the purposes of transforming the mental health system into one that is consumer and family driven, culturally competent, wellness and recovery oriented, includes community collaboration, and implements integrated services; and

WHEREAS, MHSA includes five funding components: Community Services & Supports; Prevention & Early Intervention; Innovations; Workforce, Education & Training; and Capital Facilities and Technological Needs; and

WHEREAS, the City's Department of Health, Housing & Community Services, Mental Health Division, receives MHSA Community Services & Supports, Prevention & Early Intervention, and Innovations funds on an annual basis, and received one-time distributions of MHSA Workforce, Education & Training and Capital Facilities and Technological Needs funds; and

WHEREAS, in order to utilize funding for programs and services, the Mental Health Division must have a locally approved Plan, Annual Update, or Three Year Program and Expenditure Plan in place for the funding timeframe; and

WHEREAS, on October 30, 2018 by Resolution No: 68,639-N.S., City Council approved the FY2018-2019 MHSA Annual Update which included the use of \$100,000 in MHSA funds to hire a consultant to provide a Results Based Accountability evaluation of mental health services across the Mental Health Division; and

WHEREAS, a Request for Proposal (RFP) in the amount of \$100,000 in MHSA funds was initiated in September 2019 to hire a consultant to conduct an evaluation of mental health programs across the Division utilizing the Results Based Accountability framework; and through the RFP process, Resource Development Associates (RDA) was the chosen consultant; and

WHEREAS, on March 10, 2020 by Resolution No. 69,314-N.S., City Council approved entering into Contract No. 32100026 with RDA for Results Based Accountability.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is authorized to execute a Contract and any amendments with Resource Development Associates for Results Based Accountability evaluation services through June 30, 2024, for a total not to exceed amount of \$320,700. A record signature copy of said contract and any amendments to be on file in the City Clerk Department.





Office of the City Manager

07

CONSENT CALENDAR

January 18, 2022

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Lisa Warhuus, Director, Health, Housing & Community Services

Subject: Contract with Options Recovery for Substance Use Disorder  
Services Co-location

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with Options Recovery Services (Options) for Substance Use Disorder services for a total contract limit of \$250,000 for the period beginning January 1, 2022 and ending June 30, 2023.

FISCAL IMPACTS OF RECOMMENDATION

The total not-to-exceed amount of this contract will be \$250,000. Resources for the contract will be provided from Mental Health Services Act CSS Development funds, the funds will be appropriated into Mental Health Services Act Fund budget code 315-51-503-526-2017-000-451-636110- and appropriated as part of the Second Amendment to the FY 2022 Annual Appropriations Ordinance.

CURRENT SITUATION AND ITS EFFECTS

The Fiscal Year 2021/2022 Mental Health Services Act (MHSA) Annual Update included new funding for Substance Use Disorder (SUD) services. The additional funding and flexibility in the use of previously allocated MHSA funds will allow the mental health division (BMH) to work with a local SUD provider to co-locate SUD services at the adult clinic. This will increase the provision of SUD services for BMH clients, provide an opportunity for staff to obtain consultations on SUD services, and will make referrals into SUD services outside of the adult mental health clinic easier for consumers. Options was selected as the vendor for this program as they were the only vendor able to offer these on-site, co-located services. This is a Strategic Plan Priority Project, advancing our goal to be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community.

BACKGROUND

A large portion of individuals who currently receive services at BMH are also suffering from co-occurring disorders; experiencing both mental health and substance use disorders simultaneously. In an effort to increase the capacity to serve individuals with

substance use disorders, the MHSA FY21 Annual Update proposed funding to support co-location of a SUD specialist, which is the focus of this report.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

RATIONALE FOR RECOMMENDATION

Given their significant experience in providing SUD services, Options Recovery is uniquely qualified to perform the services required.

ALTERNATIVE ACTIONS CONSIDERED

City Council could decide not to approve the attached Resolution and the City could issue a Request for Proposals to attempt to find a different service provider. However, staff were unable to identify another provider that is qualified and able to provide the specific services needed.

CONTACT PERSON

Conor Murphy, Assistant Management Analyst, HHCS, (510) 981-7611  
Steven Grolnic-McClurg, Mental Health Manager, HHCS, (510) 981-5249

Attachments:

1: Resolution

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

CONTRACT WITH OPTIONS RECOVERY FOR SUBSTANCE USE DISORDER  
SERVICES CO-LOCATION

WHEREAS, on September 14, 2021 by Resolution No. 70,012-N.S. City Council approved the Mental Health Services Act (MHSA) Fiscal Year 2021-2022 Annual Update, which included funding for Substance Use Disorder (SUD) services; and

WHEREAS, the services in this contract will enable the Mental Health Division to work with a local SUD provider to co-locate SUD services at the Mental Health Adult clinic, increasing the provision of SUD services for our clients; and

WHEREAS, funding for this contract have been included in the FY 2022 Budget and are available in ERMA GL Code 315-51-503-526-2017-000-451-636110-, subject to approval of the Second Amendment to the FY 2022 Annual Appropriations.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to execute a contract and any amendments with Options Recovery for Substance Use Disorder services for a total contract limit of \$250,000 for the period beginning January 1, 2022 and ending June 30, 2023. A record signature copy of the contract and any amendments between the City and RDA shall be on file in the Office of the City Clerk.





Office of the City Manager

08

CONSENT CALENDAR  
January 18, 2022

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Lisa Warhuus, Director, Health, Housing & Community Services

Subject: Revenue Grant Agreement: Funding Support from the California Department of Public Health to Expand the Disease Intervention Specialist Workforce

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to accept grant funds from California Department of Public Health in the projected amount of \$465,736. This funding is to be utilized from July 1, 2021 through December 31, 2025 to expand the Disease Intervention Specialist (DIS) workforce to strengthen the public health capacity to mitigate the spread of sexually transmitted disease (STD), HIV, COVID-19 and other infections; and to execute the resultant revenue agreement, contract, and any amendments and extensions.

FISCAL IMPACTS OF RECOMMENDATION

The City of Berkeley will receive funds in the expected amount of \$116,434.00 annually from the State of California to be utilized for FY 2022 through the first half of FY 2025. This grant is not included in the adopted FY 2022 budget. These funds will be allocated to budget code 336-51-506-561-0000-000-000-431110- (CPDH-DIS-STD). There is no match requirement for this funding. Spending of referenced grant funds is subject to Council approval of the budget for each fiscal year and the Annual Appropriations Ordinance.

CURRENT SITUATION AND ITS EFFECTS

This grant will support the goal of expanding and enhancing the public health workforce, especially in communicable disease control; which has been chronically underfunded and understaffed. Funds received through this grant will allow the City to hire personnel to address projected jurisdictional sexually transmitted disease, HIV, COVID-19, and other infectious disease prevention and response activities.

As a local public health jurisdiction, the City of Berkeley provides a broad range of public health programs and services to the community; with the goals of addressing health inequities, promoting healthy environments and behaviors, protecting residents from disease, and preventing illness, disability, and premature death. Despite overall good health, Berkeley is not a city where all people are achieving the highest possible level of health. As demonstrated in the City's 2018 Health Status Report, health

inequities among African Americans and other people of color are striking and extend across a number of indicators. A truly healthy Berkeley depends on achieving and maintaining optimal health and wellness for all people regardless of their race or position in society.

The Disease Intervention Specialist Workforce Development Grant is a Strategic Plan Priority Project, advancing our goal to attract and retain a talented and diverse City government workforce.

### BACKGROUND

The City of Berkeley receives funding from many sources annually to conduct efforts towards improving the health of the community. As a local health jurisdiction, the City is entitled to specific State funding to meet core public health objectives. The Public Health Officer Unit, within the HHCS Office of the Director, is committed to providing essential services to the community to prevent the spread of disease and to promote healthy, equitable environments.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

### RATIONALE FOR RECOMMENDATION

These funds support vital services related to the City's mandates as a public health jurisdiction and local initiatives designed to address health inequities in Berkeley and improve the health of Berkeley residents. These non-competitive grants support the Department's mission and provides the City with funding to continue working to protect and improve the health of the community.

### ALTERNATIVE ACTIONS CONSIDERED

Staff did not identify an alternative action that would be consistent with the City's goals of preventing the spread of disease and promoting healthy, equitable environments.

### CONTACT PERSON

James Allard, Supervising Public Health Nurse, HHCS, PHOU, 510-981-5377

Attachments:

1: Resolution

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

GRANT AGREEMENT: CALIFORNIA DEPARTMENT OF PUBLIC HEALTH FOR  
DISEASE INTERVENTION SPECIALIST WORKFORCE DEVELOPMENT

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services works to prevent communicable diseases and to support efforts to make Berkeley a healthy city by advancing better health, better care, lower costs, and by promoting health equity, and reducing health disparities;

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services provides a broad range of needed public health program services to the community; and

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services works to promote healthy, equitable environments and behaviors, protect residents from disease, and prevent illness, disability, and premature death; and

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services seeks to eliminate health inequities; and

WHEREAS, the City of Berkeley should seek outside funding wherever possible to fund vital health services; and

WHEREAS, it is state mandated to provide prevention and control of communicable diseases such as sexually transmitted diseases, HIV, and COVID-19; and

WHEREAS, this California Department of Public Health funding will contribute toward supporting the investigation, control, and prevention of communicable diseases.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to accept grant funds from the California Department of Public Health for Fiscal Year 2022 through Fiscal Year 2025 (utilized July 1, 2021 through December 31, 2025), in the projected amount of \$465,736, to expand the Disease Intervention Specialist (DIS) workforce to strengthen the capacity to mitigate the spread of COVID-19 and other communicable diseases; and to execute any resultant revenue agreements, amendments and extensions incident thereto. Budget Codes (Revenue): 336-51-506-561-0000-000-000-431110- (CPDH-DIS-STD). A record signature copy of said agreements and any amendments shall be on file in the office of the City Clerk.







Office of the City Manager

09

CONSENT CALENDAR

January 18, 2022

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Lisa Warhuus, Director of Health, Housing and Community Services

Subject: Revenue Grant Agreement: Funding Support from State of California Department of Justice to Design and Conduct a Program Evaluation of Programs Funded by the Sugar-Sweetened Beverage Tax

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to submit a grant application to State of California Department of Justice, to accept the grant, execute any resultant revenue agreements and amendments, and implement the projects and appropriation of funding for related expenses to conduct program evaluation activities in the projected amount of \$19,000 for July 1, 2021 to June 30, 2023.

FISCAL IMPACTS OF RECOMMENDATION

The City will receive funds in the projected amount of \$19,000 for FY 2022 through the funding source listed above. These funds will be allocated to revenue budget code 421-4501-331.40-95 and will be distributed from Expenditure Budget Code: 336-51-506-507-2051-000-451-612990. There are no matching funds required by the funder.

Spending of the referenced grant funds is subject to Council approval of the budget and the Annual Appropriations Ordinances. Depending on the timing of when grants are officially awarded and the amounts are determined, the grant budgets will be adjusted as part of the Second Amendment to the FY 2022 Annual Appropriations Ordinance.

CURRENT SITUATION AND ITS EFFECTS

Berkeley voters passed a Sugar Sweetened Beverage General Tax that was implemented in 2015. At the time this legislation passed, program evaluation activities were intended and funded by the Healthy Berkeley Program (community-based organization contracts funded by this initiative and administered by the Public Health Division). Due to the prioritization of COVID-19 response activities and reductions in revenue, evaluation activities have been limited to non-existent. The funding will allow the Healthy Berkeley Program to identify best practices, program successes, and challenges experienced by community-based programming in decreasing the consumption of sugar sweetened beverages and promoting healthy behaviors.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACT

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

RATIONALE FOR RECOMMENDATION

These funds would support the identification of successful strategies, best practices, and organizational readiness criteria that would inform future investments to support community-based efforts in decreasing the consumption of sugar sweetened beverages and promoting healthy behaviors.

ALTERNATIVE ACTIONS CONSIDERED

The Public Health Division assesses each funding source to ensure that it supports the City's mission and goals. The alternative action would be to refuse the funding and eliminate any program evaluation activities for the Health Berkeley Program.

CONTACT PERSON

Janice Chin, Manager, Public Health Division, HHCS, (510) 981-5121

Attachments:

1: Resolution

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

REVENUE GRANT AGREEMENT: FUNDING SUPPORT FROM STATE OF CALIFORNIA DEPARTMENT OF JUSTICE TO DESIGN AND CONDUCT A PROGRAM EVALUATION OF PROGRAMS FUNDED BY THE SUGAR-SWEETENED BEVERAGE TAX

WHEREAS, THE City of Berkeley's Public Health Division desires to participate in the State of California, Department of Justice Youth Beverage Consumer Education and Research Fund focused on program evaluation of programs funded by the sugar-sweetened beverage tax.

WHEREAS, the City of Berkeley recognizes that there are negative health impacts due to the consumption of sugar sweetened beverages.

WHEREAS, the City of Berkeley invests over \$1 Million in community-based funding annually to address the promotion of healthy behaviors and decrease the consumption of sugar sweetened beverages.

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services seeks to eliminate health and educational inequities; and

WHEREAS, the projected amount of the grant is \$19,000 for July 1, 2021 through July 30, 2023.

WHEREAS, the City of Berkeley should seek outside funding wherever possible to fund program evaluation activities.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to submit a grant application to the State of California for July 1, 2021 – June 30, 2023 to conduct program evaluation of programs funded by the sugar-sweetened beverage tax; to accept the grant funds; execute any resultant revenue agreements and amendments in line with the grant award, which may be larger or smaller than the projected award of \$19,000; and implement the projects and appropriation of funding for related expenses, subject to securing the grant. Revenue will go into revenue budget code 421-4501-331.40-95 and will be distributed from expenditure budget code 336-51-506-507-2051-000-451-612990). A record signature copy of said agreements and any amendments shall be on file in the office of the City Clerk.

BE IT FURTHER RESOLVED that the funds received hereunder shall not be used to supplant expenditures controlled by this body

BE IT FURTHER RESOLVED that the City of Berkeley agrees to abide by the terms and conditions of the grant agreement as set forth by the State of California, Department of Justice.





Office of the City Manager

10

CONSENT CALENDAR

January 18, 2022

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Lisa Warhuus, Director, Health, Housing & Community Services

Subject: Referral Response: Commission Reorganization for Post-COVID-19 Budget Recovery – Sugar Sweetened Beverage Product Panel of Experts Commission and Community Health Commission

RECOMMENDATION

Adopt first reading of an Ordinance:

1. Adding Section 7.72.095 to the Berkeley Municipal Code (BMC), incorporating additional membership criteria and health equity advisory responsibilities for the Sugar Sweetened Beverage Product Panel of Experts Commission (SSBPPE), and;
2. Repealing B.M.C. Sections 3.76.010-3.76.040 which established the Community Health Commission.

FISCAL IMPACTS OF RECOMMENDATION

Incorporating the responsibilities of the Community Health Commission into the SSBPPE will decrease staffing costs and increase efficiencies of important commission work.

CURRENT SITUATION AND ITS EFFECTS

This report responds to referral # PRJ0032146 that originally appeared on the agenda of the June 15, 2021 Special Council meeting; authored by Councilmember Lori Droste and co-sponsored by Councilmember Rigel Robinson, Councilmember Rashi Kesarwani, and Mayor Jesse Arreguin.

At the June 15, 2021 Special Council Meeting, City Council approved a recommendation to refer to staff to develop recommendations on the transition to a new consolidated commission of the SSBPPE and the Community Health Commission to a single, 18-member commission.

In their recommendations, Councilmembers Droste, Robinson, Kesarwani, and Mayor Arreguin cited the importance of balancing the City's COVID-19 response and recovery as well as other local priorities with the scale of commission activity Citywide. In particular, the City's Health, Housing and Community Services department serves an

important role in addressing COVID-19, racial disparities, inequitable health outcomes, affordable housing, homelessness, and other important community programs in addition to currently staffing nine commissions, more than many cities of Berkeley's size. Council identified a package of changes at the June 15<sup>th</sup> meeting that will preserve critical public participation while enhancing the City's ability to address key priorities.

Civic engagement and commission work play an essential role in Berkeley. This recommendation retains each commission's functions, but centers on overall community benefit, staff productivity, and associated costs. The SSBPPE was created by BMC Section 7.72.090 which established clear requirements based on the ballot measure passed in November 2014. Staff, in consultation with the City Attorney's Office, determined that the SSBPPE, while mandated by voter approval, did not need to stand independently and could be combined with other commission activities to meet mandated goals.

The Council referral referenced an 18-member combined commission. Staff recommend keeping SSBPPE at nine members for several reasons.

1. It would be consistent with B.M.C. 7.72.090 and it would create a commission that is parallel in structure to nearly all other City commissions.
2. BMC 7.72.090 is very clear and specific about the membership requirements of SSBPPE and the fact that it consists of nine members.
3. Making the SSBPPE a formal 9-member subcommittee of a new 18-member commission is not logistically feasible. This structure would render the SSBPPE subcommittee to be a quorum of the full commission if there was just one vacancy (17 members) in the commission; making it impossible for the subcommittee to meet. This would create noticing issues and hinder the ability of the SSBPPE to complete its mandated responsibilities.
4. Having nine members of the SSBPPE conduct SSBPPE business in a meeting of the full commission would be operationally difficult and create a challenging and confusing situation for the commission and the public.
5. Larger commissions often operate at less than full membership which can impact the effectiveness and productivity of the commission. In addition, a nine-person commission will better support the type of in-depth deliberation that is needed to engage deeply in a complex issue like health equity.
6. Staffing an 18-person commission requires a disproportionately large increase in the time involved than a nine-person commission.

Considering the commission reorganization is a Strategic Plan Priority Project, advancing our goal to provide an efficient and financially-healthy City government. The

stated recommendation would fulfill the requirements for the Sugar-Sweetened Beverage Product Panel of Experts Commission as established through the passing of the general tax, address health equity impacts as intended through the Community Health Commission, increase efficiencies, and reduce City costs in supporting commissions.

### BACKGROUND

In November 2014, the City of Berkeley passed a general tax to decrease the health and economic costs of diseases associated with the consumption of sugary drinks by discouraging their distribution and consumption. The ballot measure established B.M.C. Section 7.72.090, which specifies that the panel consist of nine commissioners who must:

1. Have experience in community-based youth food and nutrition programs; or
2. Have experience in school-based food and nutrition programs and be referred by the Berkeley Unified School District; or
3. Have experience in early childhood nutrition education; or
4. Have experience in researching public health issues or evaluating public health programs related to diabetes, obesity, and sugary drink consumption; or
5. Be a licensed medical practitioner.

In addition to standard Commission operating procedures (i.e. approving bylaws, establishing regular time and place of meeting, etc.), the SSBPPE Commission is responsible to “Publish an annual report that includes the following:

- a. Recommendations on how to allocate the City's general funds to reduce the consumption of sugar sweetened beverages in Berkeley and to address the results of such consumption;
- b. Information, if available, concerning the impact of this Chapter on the public health of the residents of the City; and
- c. Any additional information that the Panel deems appropriate.”

The Community Health Commission established in B.M.C. Section 3.76.010 consists of 18 members who have diverse backgrounds and a deep understanding of the social determinants of health equity, through lived experience, and/or through professional expertise to promote health equity through the following summarized activities:

- Advising, reviewing, analyzing, and reporting back to City Council on matters pertaining to achieving health equity in Berkeley, including policies or proposals under consideration by Council;

- Contributing to priority-setting and strategic planning efforts in the City as they relate to health equity;
- Hear presentations at Commission meeting by appropriate experts, to provide pertinent information on matters affecting the health and safety of Berkeley residents, including from community groups concerned with health equity; and
- Perform such other functions and duties as may be directed by the City Council or by ordinance to promote health equity.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no significant environmental sustainability and climate impacts associated directly with the subject matter of this report. Reducing the total number of commissioners and meetings is likely to incrementally reduce paper and energy usage.

#### RATIONALE FOR RECOMMENDATION

Increasing the qualifications for membership in and responsibilities assigned to SSBPPE will give it an expanded role in advising the City Council on health equity issues while bringing in the lived experience of the CHC. This change will also bring together work on sugar sweetened beverages and broader health equity. The attached ordinance retains the requirements already established for the SSBPPE and incorporates activities of the Community Health Commission.

A nine-member Commission is consistent with the directive of the voter approved SSBPPE, aligns with the structure of nearly all commissions citywide, and is more conducive to complex deliberations than a commission double in size. Reducing the number of commissions in HHCS by one will help scale commission work to a level sustainable with existing funding.

#### ALTERNATIVE ACTIONS CONSIDERED

The City could choose not to consolidate these two commissions and not achieve the intended impact of simultaneously ensuring strong civic-engagement while right-sizing commission work in support of staff capacity to focus on critical health equity issues in the community.

#### CONTACT PERSON

Lisa Warhuus, Director, Health, Housing & Community Services, 510-981-5400

#### Attachments:

- 1: Ordinance
- 2: Original Referral Report from June 15, 2021



ORDINANCE NO. -N.S.

ADDING B.M.C. 7.72.095 ADDITIONAL REQUIREMENTS OF THE SUGAR SWEETENED BEVERAGE PRODUCT PANEL OF EXPERTS AND REPEALING BERKELEY MUNICIPAL CODE CHAPTER 3.76

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

Section 1. That Berkeley Municipal Code Section 7.72.095 is added as follows:

**7.72.095 ADDITIONAL REQUIREMENTS OF THE SUGAR SWEETENED BEVERAGE PRODUCT PANEL OF EXPERTS**

A. In addition to the requirements of Section 7.72.090, appointments to the commission should honor the mission of achieving health equity by appointing members who have a deep understanding of the social determinants of health equity, through lived experience and/or through professional expertise. Appointments to the commissioners should also include representatives of as many of the following criteria as possible:

1. Communities most affected by health inequities;
2. Community organizers;
3. Community agency representatives;
4. Health care providers;
  - a) Licensed clinicians such as nurses, physicians, etc.;
  - b) Non-licensed providers (community health workers, health navigators, etc.);
5. Behavioral health care providers;
6. Educators;
7. College Students;
8. Youth serving organizations.
9. Diversity. Commissioners should include people of varying race/ethnicity, gender, age, income, class and ability.

B. In addition to the requirements of Section 7.72.090.G. the Panel shall:

1. Advise City Council on matters pertaining to and the potential health equity impacts of proposed policies and initiatives within the Public Health Division, the Department of Health, Housing and Community Services, and other City Departments under consideration by Council.
2. Review, analyze, and report back to City Council on matters affecting the health and safety of Berkeley residents, with particular attention to differential impact on particular communities or populations to contribute to priority-setting and City strategic planning efforts
3. Perform such other functions and duties to promote the health and safety of Berkeley residents referred to the Commission by City Council, by Commissioner, by another City commission, by members of the public or recommended by City staff or prescribed or authorized by any ordinance of the City;
4. Hear presentations, at regularly scheduled commission meetings, by appropriate experts, including community residents and community groups, to provide pertinent

information on matters affecting the health and safety of Berkeley residents, including from community groups concerned with health equity

C. In prescribing the above duties and functions of the commission, it is not the intent of the Council to duplicate or overlap the functions, duties, or responsibilities heretofore or hereafter assigned to any other City board or commission or to a City department. As to such functions or responsibilities above set forth which are partially or wholly the responsibilities of another board or commission or of a department of the City, the commission will render such assistance and advice to such board, commission or department as may be requested.

Section 2. That Berkeley Municipal Code Chapter 3.76 Community Health Commission is hereby repealed.

Section 3. This ordinance will go into effect no sooner than March 1, 2022.

Section 4. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.



Lori Droste  
Berkeley Vice Mayor

**ACTION CALENDAR**

June 15, 2021

*(Continued from May 25, 2021)*

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

**From:** Councilmember Lori Droste (Author), Councilmembers Rigel Robinson (Co-Sponsor), Rashi Kesarwani (Co-Sponsor) and Mayor Jesse Arreguín (Co-Sponsor)

**Subject:** Commission Reorganization for Post-COVID19 Budget Recovery

**RECOMMENDATION**

1. Refer to the City Manager and City Attorney to bring back changes to the enabling legislation to reorganize existing commissions as proposed below in a phased approach.

*Phase 1:* Prioritize merging the Homeless Commission/Homeless Services Panel of Experts and Housing Advisory Commission/Measure O Bond Oversight Committee first, and request that the City Manager bring back changes to the enabling legislation to implement these consolidated commissions.

*Phase 2:* All other Commissions as proposed below.  
As staff is able to make recommendations on consolidation, they can bring those recommendations forward one by one.

| New Commission Name                       | Former Commissions to be Reorganized                                  |
|-------------------------------------------|-----------------------------------------------------------------------|
| Commission on Climate and the Environment | Zero Waste, Energy, Community Environmental Advisory, and Animal Care |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|
| Parks, Recreation, Waterfront (special Marina subcommittee)                                                                                                                                                                                                                                                                                                                                                                                                                          | Children, Youth, and Recreation and Parks and Waterfront                  |
| Peace, Justice, and Human Welfare <sup>1</sup>                                                                                                                                                                                                                                                                                                                                                                                                                                       | Peace and Justice and Human Welfare, Community Action Commissions         |
| Public Health Commission & Sugar Sweetened Beverage Panel of Experts                                                                                                                                                                                                                                                                                                                                                                                                                 | Community Health Commission and Sugar Sweetened Beverage Panel of Experts |
| Housing Advisory Commission                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Measure O and Housing Advisory Commission                                 |
| Homeless Services Panel of Experts                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Homeless Commission and Measure P Homeless Services Panel of Experts      |
| Public Works and Transportation                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Public Works and Transportation                                           |
| Planning                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Planning and Cannabis                                                     |
| <p><b>All other commissions will maintain their current structure:</b> Aging, Library Board of Trustees, Civic Arts, Disability, Commission on the Status of Women, Design Review Committee, Disaster and Fire Safety, BIDs, Fair Campaign Practices and Open Government, Redistricting, Landmarks Preservation, Labor, Loan Adjustments Board, Personnel, Planning, Police Review/Accountability, Reimagining Public Safety, Mental Health, Zoning Adjustments Board, and Youth</p> |                                                                           |

2. Refer to staff to develop recommendations on the transition to new consolidated commissions and the effective date of the changes.
3. Consider establishing 18 members on the new Climate and Environment Commission and establishing specific subcommittees focused on the policy areas of the merged commissions.
4. The Peace, Justice and Human Welfare Commission will be composed of only Mayor and Council appointees.
5. Refer to City Manager and Commissions the following additional considerations:
  - Federal, state or other external mandates that might be impacted, and determine how to handle.
  - Whether charters of to-be-merged Commissions were adopted by City Council, through measures or initiatives passed by voters, or are by Charter, and by what means they might be merged/adjusted

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<sup>1</sup> Members will be appointed by Council and membership should adhere to Government Code Section 12736(e); 12750(a)(2) and 12751.

- What elements of each Commission to keep, update, or retire, as well as relevant topics/issues not currently covered that might be added to a more comprehensive and/or relevant merged Commission’s charter.
- Whether the merged Commission might include 9, or a greater number of members.
- The possibility of requiring specific qualifications for appointment to the merged Commission.
- The possibility of recommended or required Standing Committees of the Merged Commission
- Volunteer workload and capacity given scope of Commission’s charter

| Policy Committee Oversight <sup>2</sup>                        | Commissions                                                                                                                                                                                                                                                                                                                                        |
|----------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Agenda and Rules                                               | <ol style="list-style-type: none"> <li>1. Fair Campaign Practices/Open Government Commission</li> <li>2. Personnel Board</li> </ol>                                                                                                                                                                                                                |
| Budget and Finance                                             | (Any legislation that requires funding)                                                                                                                                                                                                                                                                                                            |
| Public Safety                                                  | <ol style="list-style-type: none"> <li>1. Disaster and Fire Safety Commission</li> <li>2. Police Accountability Board/Police Review Commission</li> <li>3. Reimagining Public Safety Task Force</li> </ol>                                                                                                                                         |
| Facilities, Infrastructure, Transportation and the Environment | <ol style="list-style-type: none"> <li>1. Commission on the Environment</li> <li>2. Parks, Recreation and Waterfront with Marina subcommittee</li> <li>3. Public Works and Transportation</li> </ol>                                                                                                                                               |
| Land Use and Economic Development                              | <ol style="list-style-type: none"> <li>1. Measure O Housing Commission</li> <li>2. Planning Commission</li> <li>3. Labor</li> <li>4. Civic Arts Commission</li> </ol>                                                                                                                                                                              |
| Health, Equity, Life Enrichment, and Community                 | <ol style="list-style-type: none"> <li>1. Peace, Justice, and Civil Rights</li> <li>2. Health and Sugar Sweetened Beverage Panel of Experts</li> <li>3. Homeless Services Panel of Experts</li> <li>4. Mental Health Commission (state/federal mandate)</li> <li>5. Commission on the Status of Women</li> <li>6. Disability Commission</li> </ol> |

<sup>2</sup> Primary policy committee oversight but legislation may be referred to multiple policy committees.

**Other Commissions:** Zoning Adjustments Board (DRC), Landmarks Preservation, Board of Library Trustees, BIDs, Independent Redistricting Commission, Loan Administration Board

**POLICY COMMITTEE RECOMMENDATION**

On April 5, 2021, the Agenda and Rules Committee made a qualified positive recommendation to City Council to:

1. Refer to the City Manager and City Attorney to bring back changes to the enabling legislation to reorganize existing commissions as proposed below in a phased approach.

Phase 1: Prioritize merging the Homeless Commission/Homeless Services Panel of Experts and Housing Advisory Commission/Measure O Bond Oversight Committee first, and request that the City Manager bring back changes to the enabling legislation to implement these consolidated commissions.

Phase 2: All other Commissions as proposed below.  
As staff is able to make recommendations on consolidation, they can bring those recommendations forward one by one.

| <b>New Commission Name (suggested)</b>                               | <b>Former Commissions to be Reorganized</b>                                    |
|----------------------------------------------------------------------|--------------------------------------------------------------------------------|
| Commission on Climate and the Environment                            | Zero Waste, Energy, Community Environmental Advisory, and Animal Care          |
| Parks, Recreation, Waterfront (special Marina subcommittee)          | Children, Youth, and Recreation and Parks and Waterfront                       |
| Peace, Justice, and Human Welfare                                    | Peace and Justice Commission and Human Welfare and Community Action Commission |
| Public Health Commission & Sugar Sweetened Beverage Panel of Experts | Community Health Commission and Sugar Sweetened Beverage Panel of Experts      |
| Housing Advisory Commission                                          | Measure O and Housing Advisory Commission                                      |
| Homeless Services Panel of Experts                                   | Homeless Commission and Measure P Homeless Services Panel of Experts           |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| Public Works and Transportation                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Public Works and Transportation |
| Planning                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Planning and Cannabis           |
| <p><b>All other commissions will maintain their current structure:</b> Aging, Library Board of Trustees, Civic Arts, Disability, Commission on the Status of Women, Design Review Committee, Disaster and Fire Safety, BIDs, Fair Campaign Practices and Open Government, Redistricting, Landmarks Preservation, Labor, Loan Adjustments Board, Personnel, Planning, Police Review/Accountability, Reimagining Public Safety, Mental Health, Zoning Adjustments Board, and Youth</p> |                                 |

2. Refer to the Commissions impacted a process to determine the charge/responsibilities of the newly merged commissions, and bring Commission input to the appropriate Policy Committees (as proposed by Vice-Mayor Droste in 4/5/21 submittal) for further recommendations to the City Manager on revised charge/responsibilities of merged commissions.

3. Refer to staff to develop recommendations on the transition to new consolidated commissions and the effective date of the changes.

4. Consider establishing 18 members on the new Climate and Environment Commission and establishing specific subcommittees focused on the policy areas of the merged commissions.

5. The Peace, Justice and Human Welfare Commission will be comprised of only Mayor and Council appointees.

6. Refer Councilmember Hahn questions to City Manager and Commissions: “Commissions to Combine/Merge - Suggested Considerations”

- Federal, state or other external mandates that might be impacted, and determine how to handle
- Whether charters of to-be-merged Commissions were adopted by City Council, through measures or initiatives passed by voters, or are by Charter, and by what means they might be merged/adjusted
- What elements of each Commission to keep, update, or retire, as well as relevant topics/issues not currently covered that might be added to a more comprehensive and/or relevant merged Commission’s charter.
- Whether the merged Commission might include 9, or a greater number of members.
- The possibility of requiring specific qualifications for appointment to the merged Commission.
- The possibility of recommended or required Standing Committees of the Merged Commission
- Volunteer workload and capacity given scope of Commission’s charter

## **PROBLEM/SUMMARY STATEMENT**

Commissions provide an important mechanism for residents to shape public policy and provide input on City business. However, the City of Berkeley maintains far more commissions than other cities of similar size, with a significant investment of City resources to staff all 37 commissions. Some commission secretaries report spending upwards of 20+ hours per week on commission business, which takes valuable time away from addressing other pressing City priorities. The local public health emergency created by the global COVID-19 pandemic has required City staff to shift to new roles and maintain an Emergency Operations Center since January 2020; recovery from the pandemic will continue to demand the full attention of our City staff for the foreseeable future. Given the uncertainties that our City faces in recovering from the COVID-19 pandemic and the demands that this recovery places on our City staff, it is an appropriate time to consider how best to consolidate our commissions in a manner that helps the City to achieve its core mission.

## **REITERATION OF PRINCIPLES**

Commissions are a fundamental part of the City's policymaking process. Members of boards and commissions provide an invaluable service to our City. They advise the City Council on a wide variety of subjects by making recommendations on important policy matters. Without the assistance of the various boards and commissions, the City Council could give many complex and significant matters only a perfunctory review. The detailed studies and considered advice of boards and commissions are often catalysts for innovative programs and improved services. Serving on a board or commission can be a rewarding experience for community service-minded residents. It is an excellent way to participate in the functioning of local government and to make a personal contribution to the improvement of our community. Making local government effective and responsive is everybody's responsibility.

- The Public Works Commission, for example, develops the City's five year paving plan which they then present to City Council for approval. Through extensive community outreach and research, the Commission identifies the streets most in need of repaving.
- With the passage of Measure D in 2014, a Panel of Experts on Sugar-Sweetened Beverages has guided the City's spending of over \$5 million in revenue generated from the Measure. Those dollars have bolstered local public campaigns and education initiatives.



These are merely two examples of the powerful role that Commissions play in City policymaking.

## **CURRENT SITUATION AND ITS EFFECTS**

### *Current Commission Structure*

The City of Berkeley has approximately thirty-seven commissions overseen by city administration, most of which have at least nine members and who are appointed by individual councilmembers. These commissions were intended to be a forum for public participation beyond what is feasible at the City Council, so that issues that come before the City Council can be adequately vetted.

Some commissions are required by charter or mandated by voter approval or state/federal mandate. Those commissions are the following:

1. Board of Library Trustees (charter)
2. Business Improvement Districts (state mandate)
3. Civic Arts Commission (charter)
4. Community Environmental Advisory Commission (state/federal mandate--CUPA)
5. Fair Campaign Practices Commission/Open Government (ballot measure)
6. Homeless Services Panel of Experts (ballot measure)
7. Housing Advisory Commission (state/federal mandate)
8. Human Welfare and Community Action (state/federal mandate)
9. Measure O Bond Oversight Committee (ballot measure)
10. Mental Health Commission (state/federal mandate)
11. Personnel (charter) Police Review Commission (ballot measure)
12. Sugar-Sweetened Beverages (ballot measure)

Berkeley must have its own mental health commission because of its independent Mental Health Division. In order to receive services, the City needs to have to have an advisory board. Additionally, Berkeley's Community Environmental Advisory Commission is a required commission in order to oversee Certified Unified Program Agency (CUPA) under California's Environmental Protection Agency. Additionally, some commissions serve other purposes beyond policy advisories. The Children, Youth and Recreation Commission, Housing Advisory Commission, and the Human Welfare and Community Action Commission advise Council on community agency funding. However, some of the aforementioned quasi-judicial and state/federal mandated commissions do not need to stand independently and can be combined to meet mandated goals.

### *The Importance of Commissions*

Commissions serve a vital role in the City of Berkeley's rich process of resident engagement. An analysis of agendas over the past several years shows that the commissions have created policy that have benefited the community in meaningful and important ways. In 2020, 14 of the 16 commission items submitted to Council passed. From 2016-2020, an average of 34 items were submitted by commissions to Council for consideration.

The City's Health, Housing and Community Development department serves an important role in addressing COVID-19, racial disparities, inequitable health outcomes, affordable housing, and other important community programs. Additionally, Health, Housing, and Community Development also staffs ten commissions, more than many cities of Berkeley's size. Council needs to wrestle with these tradeoffs to ensure that we seek the maximum benefit for *all* of the Berkeley community, particularly our most vulnerable.

#### *Commission Structures in Neighboring Jurisdictions*

In comparison to neighboring jurisdictions of similar size, Berkeley has significantly more commissions. The median number of commissions for these cities is 12 and the average is 15.

| Comparable Bay Area City | Population (est.) | Number of Commissions | Links                                                                                                                                                                                                         |
|--------------------------|-------------------|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Berkeley                 | 121,000           | 37                    | <a href="https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_Commissions/External%20Roster.pdf">https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_Commissions/External%20Roster.pdf</a> |
| Antioch                  | 112,000           | 6                     | <a href="https://www.antiochca.gov/government/boards-commissions/">https://www.antiochca.gov/government/boards-commissions/</a>                                                                               |
| Concord                  | 130,000           | 14                    | <a href="https://www.cityofconcord.org/264/Applications-for-Boards-Committees-Commi">https://www.cityofconcord.org/264/Applications-for-Boards-Committees-Commi</a>                                           |
| Daly City                | 107,000           | 7                     | <a href="http://www.dalycity.org/City_Hall/Departments/city_clerk/Commissions_Information/boards.htm">http://www.dalycity.org/City_Hall/Departments/city_clerk/Commissions_Information/boards.htm</a>         |
| Fairfield                | 117,000           | 7                     | <a href="https://www.fairfield.ca.gov/gov/comms/default.asp">https://www.fairfield.ca.gov/gov/comms/default.asp</a>                                                                                           |
| Fremont                  | 238,000           | 15                    | <a href="https://www.fremont.gov/76/Boards-Commissions-Committees">https://www.fremont.gov/76/Boards-Commissions-Committees</a>                                                                               |
| Hayward                  | 160,000           | 12                    | <a href="https://www.hayward-ca.gov/your-government/boards-commissions">https://www.hayward-ca.gov/your-government/boards-commissions</a>                                                                     |

|           |         |    |                                                                                                                                                           |
|-----------|---------|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| Richmond  | 110,000 | 29 | <a href="https://www.ci.richmond.ca.us/256/Boards-and-Commissions">https://www.ci.richmond.ca.us/256/Boards-and-Commissions</a>                           |
| San Mateo | 105,000 | 7  | <a href="https://www.cityofsanmateo.org/60/Commissions-Boards">https://www.cityofsanmateo.org/60/Commissions-Boards</a>                                   |
| Sunnyvale | 153,000 | 10 | <a href="https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?blobid=22804">https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?blobid=22804</a> |
| Vallejo   | 122,000 | 17 | <a href="http://www.ci.vallejo.ca.us/cms/one.aspx?pagelid=22192">http://www.ci.vallejo.ca.us/cms/one.aspx?pagelid=22192</a>                               |

To understand the impact on various departments and staffing capacity, the following table shows which departments are responsible for overseeing various commissions.

*Staffing and Resources Supporting Berkeley’s Current Commission Structure*

| Commission Name                             | Overseeing Department (Total Commissions in Department) |
|---------------------------------------------|---------------------------------------------------------|
| Animal Care Commission                      | City Manager (8)                                        |
| Civic Arts Commission                       | City Manager (8)                                        |
| Commission on the Status of Women           | City Manager (8)                                        |
| Elmwood BID Advisory Board                  | City Manager (8)                                        |
| Loan Administration Board                   | City Manager (8)                                        |
| Peace and Justice Commission                | City Manager (8)                                        |
| Solano Ave BID Advisory Board               | City Manager (8)                                        |
| Cannabis Commission                         | Planning (7)                                            |
| Community Environmental Advisory Commission | Planning (7)                                            |
| Design Review Committee                     | Planning (7)                                            |
| Energy Commission                           | Planning (7)                                            |
| Landmarks Preservation Commission           | Planning (7)                                            |
| Planning Commission                         | Planning (7)                                            |
| Zoning Adjustments Board                    | Planning (7)                                            |

|                                                               |                                                        |
|---------------------------------------------------------------|--------------------------------------------------------|
| Children, Youth, and Recreation Commission                    | Parks (3)                                              |
| Parks and Waterfront Commission                               | Parks (3)                                              |
| Youth Commission                                              | Parks (3)                                              |
| Commission on Aging                                           | Health, Housing, and Community Services (HHCS)<br>(10) |
| Commission on Labor                                           | HHCS (10)                                              |
| Community Health Commission                                   | HHCS (10)                                              |
| Homeless Commission                                           | HHCS (10)                                              |
| Homeless Services Panel of Experts                            | HHCS(10)                                               |
| Housing Advisory Commission                                   | HHCS (10)                                              |
| Human Welfare & Community Action Commission                   | HHCS (10)                                              |
| Measure O Bond Oversight Committee                            | HHCS (10)                                              |
| Mental Health Commission                                      | HHCS (10)                                              |
| Sugar-Sweetened Beverage Product Panel of Experts             | HHCS (10)                                              |
| Disaster and Fire Safety Commission                           | Fire (1)                                               |
| Commission on Disability                                      | Public Works (4)                                       |
| Public Works Commission                                       | Public Works (4)                                       |
| Transportation Commission                                     | Public Works (4)                                       |
| Zero Waste Commission                                         | Public Works (4)                                       |
| Fair Campaign Practices Commission/Open Government Commission | City Attorney (1)                                      |
| Personnel Board                                               | Human Resources (1)                                    |

|                                                      |                                                            |
|------------------------------------------------------|------------------------------------------------------------|
| Police Review Commission/Police Accountability Board | Police Review Commission/Police Accountability Board Staff |
| Reimagining Public Safety Task Force                 | City Manager *(8) and BPD (2)                              |
| Board of Library Trustees                            | Library (1)                                                |

Gray=charter  
 Red=state/federal mandate  
 Yellow=quasi-judicial  
 Blue=ballot initiative  
 Orange=state/federal mandate and quasi-judicial  
 Green=quasi-judicial and ballot initiative

The departments that staff more than five commissions are Health, Housing, and Community Services (10 commissions), Planning (7 commissions), and the City Manager’s department (8 commissions). At the same time, some smaller departments (e.g. the City Attorney’s office) may be impacted just as meaningfully if they have fewer staff and larger individual commission workloads.

*Policy Committee Structure Expands Opportunities for Public Input*

With the recent addition of policy committees, proposed legislation is now vetted by councilmembers in these forums. Each policy committee is focused on a particular content area aligned with the City of Berkeley’s strategic plan and is staffed and an advisory policy body to certain city departments. Members of the public are able to provide input at these committees as well. The policy committees currently have the following department alignment:

**Department and Policy Committee alignment**

1. **Agenda and Rules**—all departments
2. **Budget and Finance**—City Manager, Clerk, Budget, and Finance
3. **Land Use and Economic Development**—Clerk, Planning, HHCS, City Attorney, and City Manager (OED)
4. **Public Safety**—Clerk, City Manager, Police, and Fire
5. **Facilities, Infrastructure, Transportation, Environment and Sustainability** (Clerk, City Manager, Planning, Public Works, and Parks)
6. **Health, Equity, Life Enrichment, and Community** (Clerk, City Manager, HHCS)

*Staffing Costs*

Based upon preliminary calculations of staff titles and salary classifications, the average commission staff secretary makes roughly \$60-\$65/hour. Based upon recent interviews with secretaries and department heads, individual commission secretaries work

anywhere from 8-80 hours a month staffing and preparing for commission meetings. To illustrate this example, a few examples are listed below.

| Commission                        | Step 5 Rate of Pay | Reported Hours a Month | Total <b>Direct</b> Cost of Commission <b>per Month</b> |
|-----------------------------------|--------------------|------------------------|---------------------------------------------------------|
| Animal Care                       | \$70.90            | 8                      | \$567.20                                                |
| Landmarks Preservation Commission | \$57.96            | 80                     | \$4,636.80                                              |
| Design Review Commission          | \$52.76            | 60                     | \$3,165.60                                              |
| Peace and Justice                 | \$60.82            | 32                     | \$1,946.24                                              |

It is extremely challenging to estimate a specific cost of commissions in the aggregate because of the varying workload but a safe estimate of salary costs dedicated to commissions would be in the six-figure range.

Many commissions--particularly quasi-judicial and land use commissions-- require more than one staff member to be present and prepare reports for commissions. For example, Zoning Adjustment Board meetings often last five hours or more and multiple staff members spend hours preparing for hearings. The Planning Department indicates that *in addition* to direct hours, additional commission-related staff time adds an extra 33% staff time. Using the previous examples, this means that the Landmarks Preservation Commission would cost the city over \$6,000 in productivity while the Design Review Commission would cost the City over \$4,000 a month.

#### *Productivity Losses and Administrative Burden*

Current productivity losses are stark because of the sheer amount of hours of staffing time dedicated to commissions. As an example, in 2019 one of the City of Berkeley's main homeless outreach workers staffed a commission within the City Manager's department. She spent approximately 32 hours a month working directly on commission work. While this is not a commentary on a particular commission, this work directly impacted her ability to conduct homeless outreach.

#### **RATIONALE FOR RECOMMENDATION**

At a time when the City needs to demonstrate efficiency and fiscal restraint, the current commission structure is costly and duplicative. At the same time, civic engagement and commission work absolutely deserve an important role in Berkeley. Consequently, this legislation retains commissions but centers on overall community benefit, staff productivity, and associated costs. This is imperative to address, especially in light of COVID-19 and community demands for reinvestment in important social services.

**FISCAL IMPACTS**

Significant savings associated with reduced staffing.

**CONTACT**

Vice Mayor Lori Droste 510-981-7180







Office of the City Manager

11

CONSENT CALENDAR  
January 18, 2022

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Don Ellison, Interim Director of Human Resources  
 Subject: Classification and Salary: Establish Limited Term Emergency Medical Technician

RECOMMENDATION

Adopt a Resolution to establish the represented classification of Limited Term EMT with a monthly salary range of \$3,466.67 to \$5,026.67.

FISCAL IMPACTS OF RECOMMENDATION

The total cost for each position is \$119,995 and will be funded by Measure FF.

CURRENT SITUATION AND ITS EFFECTS

The Personnel Board discussed and voted to send this classification to the City Council for approval at its December 20, 2021 meeting (Vote: Ayes: Bartlow, Dixon, Lacey, Wenk Noes: None Abstains: None Absent: Gilbert, Karpinski, Wilson).

Establishing this classification advances our goal to be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community and attract and retain a talented and diverse City government workforce.

BACKGROUND

With the passage of Measure FF in November of 2020 and some complimentary internal reconfigurations, the Fire Department (Department) will be redesigning the way it provides emergency medical service to the community. This will include providing a higher level of retrospective call audits and employee education, and replacing the firefighter/paramedics that currently staff the City's ambulances with single function EMTs and Paramedics. The Department will also be deploying additional ambulances, some staffed at the basic life support (EMT) level with EMTs, which are more appropriate resource for low acuity calls.

Establishing this new EMS classification, decoupled from the firefighter rank, will allow the organization to provide entry level jobs that are attainable to local youth graduating from the highly successful Berkeley Safety Training & Education Pathway (B-STEP) program at Berkeley Unified School District, other similar vocational programs and other qualified candidates. The Limited Term EMT and Single Function Paramedic

classifications won't just provide a better, more cost-effective service to the community, but will also serve as the missing link to our local recruitment pipeline.

EMT will become the entry level classification for the emergency medical services division within the fire department. The EMT classification is a recruitment pathway for the Department and the fire service more generally and thus, is limited to a three-year contract. This model has been used successfully in Departments within California. Establishing the EMT classification will create opportunities in the Department that are more attainable to diverse workforce that is representative of the community it serves. Operationally, it moves the Department closer to being able to triage calls in the dispatch center and send the most appropriate transport resource to the call based on the patient's acuity.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

#### RATIONALE FOR RECOMMENDATION

It has been the policy of the City to create the necessary classification and salary schedule to accommodate new duties and responsibilities, reflect programmatic changes, maintain competitive salaries and, when applicable, comply with regulatory requirements.

#### ALTERNATIVE ACTIONS CONSIDERED

None.

#### CONTACT PERSON

Donald E. Ellison, Human Resources, (510) 981-6800

#### Attachments:

- 1: Resolution
- 2: Class Specification – Limited Term EMT
- 3: Fire organizational chart

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

CLASSIFICATION: LIMITED TERM EMERGENCY MEDICAL TECHNICIAN (EMT)

WHEREAS, the Human Resources Department maintains the Classification and Compensation plan for the City of Berkeley; and

WHEREAS, the Fire Department has requested the Human Resources Department establish the classification of Limited Term EMT; and

WHEREAS, the Fire Department and Human Resources Department have completed a classification review; and

WHEREAS, the Personnel Board recommended on December 20, 2021 to establish the classification of Limited Term EMT, represented by IAFF Local 1227, with a monthly salary range of \$3,466.67 to \$5,026.67, funded by Measure FF and effective February 1, 2022.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Resolution No.69,995-N.S., Classification and Salary Resolution for IAFF, is amended to establish the classification of Limited Term EMT with a monthly salary range of \$3,466.67 to \$5,026.67, and a salary step schedule that will be subject to bargaining, effective February 1, 2022.

January 18, 2022

**Attachment 2****LIMITED TERM EMERGENCY MEDICAL TECHNICIAN (EMT)****DEFINITION:**

Under general supervision, responds to medical emergencies, and other emergency and non-emergency situations, and takes appropriate action; performs various staff support assignments in addition to normal emergency response activities; performs related work as assigned.

**CLASS CHARACTERISTICS:**

This is a single level class in emergency medical services where incumbents learn and eventually independently perform all duties required to effectively respond to emergency medical situations at the basic life support level. Incumbents may be assigned to an ambulance or other specialized response unit typically in two-person crews. This class is distinguished from Paramedic in that the latter class is fully qualified to provide medical care at the advanced life support level in addition to the basic life support level.

**EXAMPLES OF DUTIES**

The following list of duties is intended only to describe the various types of work that may be performed and the level of technical complexity of the assignment(s), and is not intended to be an all-inclusive list of duties. The omission of a specific duty statement does not exclude it from the position if the work is consistent with the concept of the classification, or is similar or closely related to another duty statement.

1. Provides first responder medical emergency care at the basic life support level as defined by the State of California and Alameda County;
2. Operates ambulances and other department vehicles;
3. Operates within applicable federal, state county and city laws, regulations and guidelines including the Health Insurance Portability and Accountability Act (HIPAA);
4. Completes accurate and thorough documentation of patient care;
5. Cleans, services, and ensures operational readiness of apparatus and equipment;
6. Participates in training and maintains/improves skills;
7. Participates in various staff support assignments including but not limited to: maintenance of stations, apparatus and other facilities and performs scheduled inspections of departmental equipment;
8. Works with the community in a variety of educational, public relations, and service programs;

January 18, 2022

9. Present in a professional manner and demonstrates behavior in accordance with state, county and city policies;
10. May serve in higher level classifications on a relief basis;
11. Builds and maintains positive working relationships with co-workers, other employees and the public using principles of good customer service;
12. May be required to provide vaccinations;
13. May function in related medical capacities during public health emergencies;
14. Performs related duties as assigned.

### **KNOWLEDGE AND ABILITIES**

Note: The level and scope of the knowledge and abilities listed below are related to job duties as defined under Class Characteristics.

Knowledge of:

1. Basic principles and practices of emergency medical care at the basic life support level;
2. Safety practices and precautions pertaining to the work;
3. Applicable federal, state, county and City regulations, practices and procedures;
4. Medical terminology and documentation.

Ability to:

1. Provide first responder emergency medical response at the basic life support level
2. Safely operate emergency apparatus and equipment;
3. Follow oral and written directions;
4. Establish and maintain effective working relationships with those encountered in the course of the work;
5. Maintain accurate records and prepare clear and concise reports, and other written materials;
6. Remain calm, make sound decisions, and respond appropriately in emergency situations;
7. Maintain physical fitness consistent sufficient to perform the work to established standards;
8. Communicate clearly and concisely, orally and in writing.

### **MINIMUM QUALIFICATIONS – BY DATE OF APPLICATION**

January 18, 2022

- Graduation from high school or GED equivalent
- Valid California EMT License
- Valid California Driver's License with a satisfactory driving record
- Current American Heart Association CPR for the Healthcare Provider card
- Proof of vaccination to include: COVID-19, Tdap, TB, MMR, Hepatitis B, Varicella (Chicken Pox), and Influenza. Titers demonstrating immunity may be substituted for the proof of vaccination.

**MINIMUM QUALIFICATIONS – BY DATE OF APPOINTMENT**

- Successful completion of background investigation including a Livescan;
- Successful completion of physical ability exam according to the specifications of the fire department.

**OTHER REQUIREMENTS**

Must be able to travel within and outside the City of Berkeley to meet the program needs and to fulfil job responsibilities. The incumbent is required to maintain a valid California Class C or higher driver's license as well as a satisfactory driving record.

Must be willing to maintain facial hair in such a manner as to ensure proper fitting and operation of Cal-OSHA compliant N95 and P100 particulate respirators.

Must be willing to work shifts as structured in the Fire Department. Must successfully complete on-going assessment of health and wellness as required by the City.

Employees in the position are employed on a limited term basis, which allows for a maximum of 36 months of full-time employment. During this time, the EMTs may request to transition to part time/per diem employment for a maximum of 24 months to attend a fire academy, paramedic school or education in a related field and return to a full time schedule to complete the 36 month full time employment contract. The total employment period will not to exceed a period of 60 months.

**CLASSIFICATION HISTORY**

Title: Limited Term Emergency Medical Technician

Classification Code: TBD

Established: December 20, 2021

FLSA Status:

Admin Leave / Overtime: Overtime

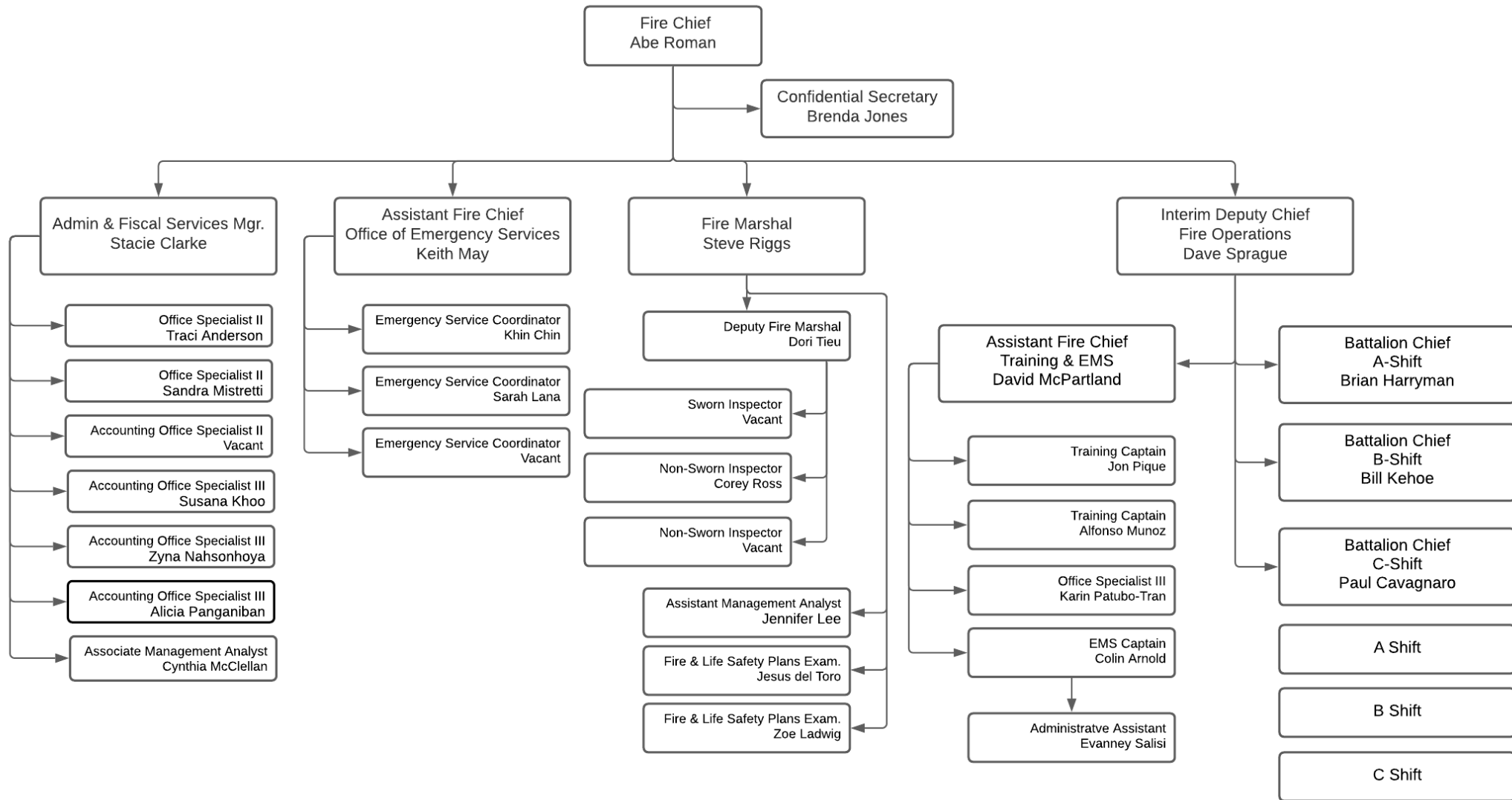
Representation Unit: IAFF Local 1227

Probationary Period: 2 years

Workers' Comp Code:

Attachment 3

Berkeley Fire Department, December 2021









Office of the City Manager

12

CONSENT CALENDAR

January 18, 2022

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Don Ellison, Interim Director of Human Resources

Subject: Classification and Salary: Establish Single Function Paramedic

RECOMMENDATION

Adopt a Resolution to establish the represented classification of Single Function Paramedic with a monthly salary range of \$5,200 to \$7,800.

FISCAL IMPACTS OF RECOMMENDATION

The total cost for each position is \$179,992.80 and will be funded by the General Fund and the Paramedic Tax (existing fire department budget).

CURRENT SITUATION AND ITS EFFECTS

The Personnel Board discussed and voted to send this classification to the City Council for approval at its December 20, 2021 meeting (Vote: Ayes: Bartlow, Dixon, Lacey, Wenk Noes: None Abstains: None Absent: Gilbert, Karpinski, Wilson).

Establishing this classification advancing our goal to be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community and attract and retain a talented and diverse City government workforce.

BACKGROUND

With the passage of Measure FF in November of 2020 and some complimentary internal reconfigurations, the Fire Department (Department) will be redesigning the way it provides emergency medical service to the community. This will include providing a higher level of retrospective call audits and employee education, and replacing the firefighter/paramedics that currently staff the City's ambulances with single function EMTs and Paramedics. The Department will also be deploying additional ambulances, some staffed at the basic life support (EMT) level with EMTs, which are more appropriate resource for low acuity calls.

Establishing this new EMS classification, decoupled from the firefighter rank, will allow the organization to provide entry level jobs that are attainable to local youth graduating from the highly successful Berkeley Safety Training & Education Pathway (B-STEP) program at Berkeley Unified School District, other similar vocational programs and other qualified candidates. The Single Function Paramedic classification won't just provide a

better, more cost-effective service to the community, but will also serve as the missing link to our local recruitment pipeline.

It is anticipated that Limited Term EMTs will be strong applicants for the position of Single Function Paramedics if they choose to apply. Single Function Paramedics will provide advanced life support services on the city's ambulances and other EMS functions as determined by the Department. Operationally, establishing this classification will allow the Department to triage calls in the dispatch center and send the most appropriate transport resource to the call based on the patient's acuity.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

#### RATIONALE FOR RECOMMENDATION

It has been the policy of the City to create the necessary classification and salary schedule to accommodate new duties and responsibilities, reflect programmatic changes, maintain competitive salaries and, when applicable, comply with regulatory requirements.

#### ALTERNATIVE ACTIONS CONSIDERED

None.

#### CONTACT PERSON

Donald E. Ellison, Human Resources, (510) 981-6800

#### Attachments:

- 1: Resolution
- 2: Class Specification – Single Function Paramedic
- 3: Fire organizational chart

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

CLASSIFICATION: SINGLE FUNCTION PARAMEDIC (EMT)

WHEREAS, the Human Resources Department maintains the Classification and Compensation plan for the City of Berkeley; and

WHEREAS, the Fire Department has requested the Human Resources Department establish the classification of Single Function Paramedic; and

WHEREAS, the Fire Department and Human Resources Department have completed a classification review; and

WHEREAS, the Personnel Board recommended on December 20, 2021 to establish the classification of Single Function Paramedic, represented by IAFF Local 1227, with a monthly salary range of \$5,200 to \$7,800, funded by the General Fund and the Paramedic Tax (existing Fire Department budget) and effective February 1, 2022; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Resolution No. 69,995 N.S., Classification and Salary Resolution for IAFF is amended to establish the classification of Single Function Paramedic with a monthly salary range of \$5,200 to \$7,800, and a salary step schedule that will be subject to bargaining, effective February 1, 2022.

January 18, 2022

**Attachment 2****PARAMEDIC****DEFINITION:**

Under general supervision, responds to medical emergencies, and other emergency and non-emergency situations, and takes appropriate action; performs various staff support assignments in addition to normal emergency response activities; performs related work as assigned.

**CLASS CHARACTERISTICS:**

This is the journey level class, fully competent to perform responsible to provide emergency medical services response, performing all duties required to effectively respond to emergency medical situations at the advanced life support level. Incumbents may be assigned to an ambulance or other specialized response unit typically in two-person crews.

**EXAMPLES OF DUTIES**

The following list of duties is intended only to describe the various types of work that may be performed and the level of technical complexity of the assignment(s), and is not intended to be an all-inclusive list of duties. The omission of a specific duty statement does not exclude it from the position if the work is consistent with the concept of the classification or is similar or closely related to another duty statement.

1. Provides first responder medical emergency care at the advanced life support level as defined by the State of California and Alameda County;
2. Operates ambulances and other department vehicles;
3. Operates within applicable federal, state county and city laws, regulations and guidelines including the Health Insurance Portability and Accountability Act (HIPAA);
4. Completes accurate and thorough documentation of patient care;
5. Cleans, services, and ensures operational readiness of apparatus and equipment;
6. Participates in training and maintains/improves skills;
7. Participates in various staff support assignments including but not limited to: maintenance of stations, apparatus and other facilities and performs scheduled inspections of departmental equipment;
8. Works with the community in a variety of educational, public relations, and service programs;
9. Presents in a professional manner and demonstrates behavior in accordance with state, county and city and department policies;

January 18, 2022

10. Builds and maintains positive working relationships with co-workers, other employees and the public using principles of good customer service;
11. May be required to provide vaccinations;
12. May function in related medical capacities during public health emergencies;
13. Performs related duties as assigned.

### **KNOWLEDGE AND ABILITIES**

Note: The level and scope of the knowledge and abilities listed below are related to job duties as defined under Class Characteristics.

Knowledge of:

1. Principles and practices of emergency medical care at the basic and advanced life support levels;
2. Safety practices and precautions pertaining to the work;
3. Applicable federal, state, county, City and department regulations, practices and procedures;
4. Medical terminology and documentation.

Ability to:

1. Provide first responder emergency medical response at the advanced life support level;
2. Safely operate emergency apparatus and equipment;
3. Follow and provide oral and written directions;
4. Establish and maintain effective working relationships with those encountered in the course of the work;
5. Maintain accurate records and prepare clear and concise reports, and other written materials;
6. Remain calm, make sound decisions, and respond appropriately in emergency situations;
7. Communicate clearly and concisely, orally and in writing;
8. Maintain physical fitness consistent sufficient to perform the work to established standards;
9. Maintain Alameda County accreditation

### **MINIMUM QUALIFICATIONS – BY DATE OF APPLICATION**

January 18, 2022

- Graduation from high school or GED equivalent
- Valid California Paramedic License
- Valid California Driver's License with a satisfactory driving record
- Current American Heart Association CPR for the Healthcare Provider, ACLS, PALS, PHTLS/ITLS (or equivalents as determined by the Fire Chief) cards
- Proof of vaccination to include: COVID-19, Tdap, TB, MMR, Hepatitis B, Varicella (Chicken Pox), and Influenza. Titers demonstrating immunity may be substituted for the proof of vaccination.

#### **MINIMUM QUALIFICATIONS – BY DATE OF APPOINTMENT**

- Successful completion of background investigation including a Livescan;
- Successful completion of physical ability exam according to the specifications of the fire department.

#### **OTHER REQUIREMENTS**

Must be able to travel within and outside the City of Berkeley to meet the program needs and to fulfil job responsibilities. The incumbent is required to maintain a valid California Class C or higher driver's license as well as a satisfactory driving record.

Must be willing to maintain facial hair in such a manner as to ensure proper fitting and operation of Cal-OSHA compliant N95 and P100 particulate respirators.

Must be willing to work shifts as structured in the Fire Department. Must successfully complete on-going assessment of health and wellness as required by the City.

#### **CLASSIFICATION HISTORY**

Title: Paramedic

Classification Code: TBD

Established: December 20, 2021

FLSA Status:

Admin Leave / Overtime: Overtime

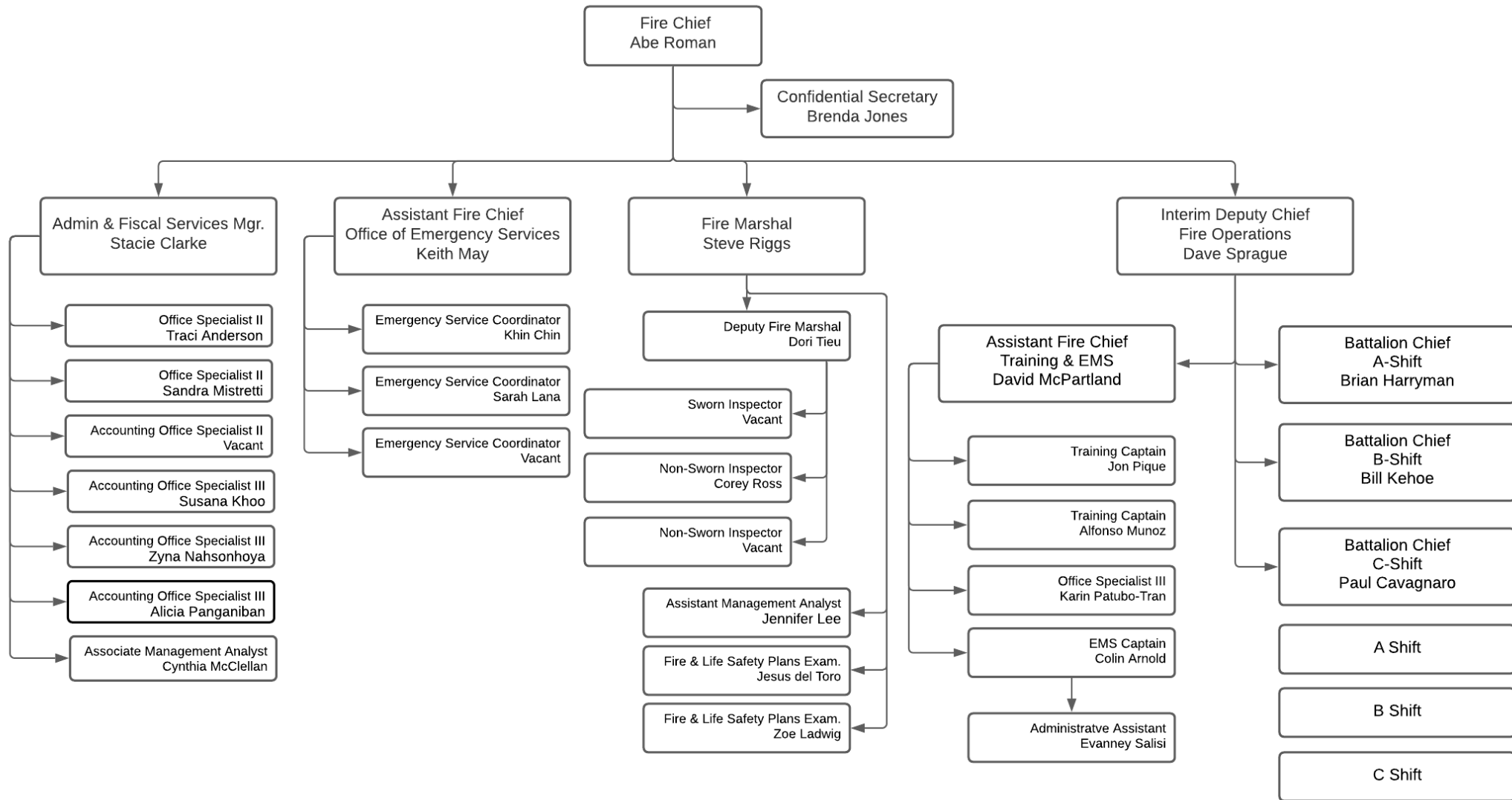
Representation Unit: B

Probationary Period: 2 years

Workers' Comp Code:

Attachment 2

Berkeley Fire Department, December 2021



January 18, 2022





Office of the City Manager

13

CONSENT CALENDAR  
January 18, 2022

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Don Ellison, Interim Director of Human Resources  
 Subject: Revise Classification and Salary: Emergency Medical Services Quality Improvement & Education Coordinator

RECOMMENDATION

Adopt a Resolution to revise the represented classification of Emergency Medical Services Quality Improvement & Education Coordinator with a monthly salary range of \$12,273.73 to \$14,000.13.

FISCAL IMPACTS OF RECOMMENDATION

The total cost for each position is \$284,676 and will be funded by Measure FF.

CURRENT SITUATION AND ITS EFFECTS

The Personnel Board discussed and voted to send this classification to the City Council for approval at its December 20, 2021 meeting (Vote: Ayes: Bartlow, Dixon, Lacey, Wenk Noes: None Abstains: None Absent: Gilbert, Karpinski, Wilson).

Establishing this classification advances our goal to be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community and attract and retain a talented and diverse City government workforce.

BACKGROUND

With the passage of Measure FF in November of 2020 and some complimentary internal reconfigurations, the Fire Department (Department) will be redesigning the way it provides emergency medical service to the community. This will include providing a higher level of retrospective call audits and employee education, and replacing the firefighter/paramedics that currently staff the City's ambulances with single function EMTs and Paramedics. The Department will also be deploying additional ambulances, some staffed at the basic life support (EMT) level with EMTs, which are more appropriate resource for low acuity calls.

This classification will manage the Departments Continuous Quality Improvement (CQI) program to include providing a higher level of retrospective call audits, data analysis and employee education. To recruit the right person for this critical job, the Department formed a labor management committee to research effective CQI programs throughout

the State. The proposed modifications to this Classification include re-naming to Fire Department EMS Coordinator and modifications to the characteristics, duties, knowledge, abilities, minimum qualifications and pay that align it with comparable classifications in other jurisdictions.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

RATIONALE FOR RECOMMENDATION

It has been the policy of the City to create the necessary classification and salary schedule to accommodate new duties and responsibilities, reflect programmatic changes, maintain competitive salaries and, when applicable, comply with regulatory requirements.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Donald E. Ellison, Human Resources, (510) 981-6800

Attachments:

- 1: Resolution
- 2: Class Specification – Emergency Medical Services Quality Improvement & Education Coordinator
- 3: Fire organizational chart

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

CLASSIFICATION: EMERGENCY MEDICAL SERVICES QUALITY IMPROVEMENT & EDUCATION COORDINATOR (EMT)

WHEREAS, the Human Resources Department maintains the Classification and Compensation plan for the City of Berkeley; and

WHEREAS, the Fire Department has requested the Human Resources Department revise the classification of Emergency Medical Services Quality Improvement & Education Coordinator; and

WHEREAS, the Fire Department and Human Resources Department have completed a classification review; and

WHEREAS, the Personnel Board recommended on December 20, 2021 to revise the classification of Emergency Medical Services Quality Improvement & Education Coordinator, represented by IAFF Local 1227, with a monthly salary range of \$12,273.73 to \$14,000.13.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Resolution No. 69,995-N.S., Classification and Salary Resolution for IAFF, is amended to revise the classification of Emergency Medical Services Quality Improvement & Education Coordinator with a monthly salary range of \$12,273.73 to \$14,000.13, and a salary step schedule that will be subject to bargaining, effective January 18, 2022.

January 18, 2022

**Attachment 2****EMERGENCY MEDICAL SERVICES QUALITY IMPROVEMENT & EDUCATION  
COORDINATOR****DEFINITION**

Under supervision of an Assistant Fire Chief in charge of Emergency Medical Services (EMS), advises fire department personnel on training and pre-hospital medical services, and participates in the emergency medical response pre-hospital care program; performs related work as assigned.

**CLASS CHARACTERISTICS**

This non-sworn classification is responsible for overseeing the fire departments and fire/ems dispatch quality assurance (QA) and quality improvement program. This classification works to ensure the department meets the requirements set forth by federal law, state law and the Alameda County Emergency Medical Services District for response to medical emergencies. This classification will coordinate services with relevant stakeholders to; provide case review and training to the department's personnel; analyze statistics and related data, oversees adherence of federal, state, local and city regulations for the department's narcotic program, and works closely with the department's personnel to provide a system of total quality management.

**EXAMPLES OF DUTIES:**

The following list of duties is intended only to describe the various types of work that may be performed and the level of technical complexity of the assignment(s) and is not intended to be an all-inclusive list of duties. The omission of a specific duty statement does not exclude it from the position if the work is consistent with the concept of the classification, or is similar or closely related to another duty statement.

1. Plans, organizes and administers a training program for personnel to maintain paramedic, Emergency Medical Technician including Cardiopulmonary Resuscitation (CPR) training in accordance with the Alameda County Emergency Medical Services District and the State of California Emergency Medical statues; and ongoing and current issues with prehospital medicine;
2. Routes specific issues to appropriate supervisors, tracks broad issues to inform department training;
3. Represents the fire department while following up on significant EMS incidents and evaluates EMS complaints and concerns;

January 18, 2022

4. Coordinates continuing education, which includes curriculum development, written and practical examinations, and development and maintenance of course completion and certification records;
5. Develops and coordinates training and system delivery programs to improve individual and departmental response capabilities;
6. Coordinates and evaluates retrospective data in order to provide statistical information required to identify and accomplish the goals of the fire department as they relate to EMS;
7. Coordinates activities with the Alameda County Emergency Medical Services District, its related committees and commissions, as well as other area medical services and the State Fire Service;
8. Participates in peer QI process;
9. May be required to provide vaccinations;
10. Develop reports, policies and procedures consistent with local, state and federal regulations;
11. Function as the departments Designated Infection Control Officer and oversees the infection control program under the supervision of a chief officer;
12. Coordinates related pilot programs the department undertakes; and
13. Performs related duties as assigned.

Knowledge and Abilities:

Note: The level and scope of the knowledge, skills and abilities listed below are related to job duties as defined under Class Characteristics.

Knowledge of:

1. Working knowledge of the fire department's roles and responsibilities as they relate to pre-hospital Basic Life Support and Advanced Life Support;
2. The legal environment that surrounds emergency medical services;
3. Emergency medical program management, training methodology and techniques;
4. Practices and techniques of case review, quality assurance systems review and data collection and analysis; and
5. Role that EMS plays in the fire service to include what the fire service role has been in the past, what it is now, and where it is going.

Skill in and ability to:

January 18, 2022

1. Plan, organize and conduct an EMS training and quality assurance plan;
2. Develop and maintain a cooperative working relationship with a variety of agencies, boards and commissions; and
3. Develop and implement program policies and procedures and to oversee, coordinate and teach continuing education and certification classes
4. Word processing, database, project management and spreadsheet software such as accounting, calendaring, referral and project management systems, and the use of personal computing equipment; and
5. Basic business controls, budget methods, business ethics, basic arithmetic and data review and reconciliation techniques.
6. Understanding of ICS and ability to fill ICS positions

#### **MINIMUM QUALIFICATIONS:**

##### **AT TIME OF APPLICATION:**

- A Bachelors degree,
- Four (4) years of clinical experience within the emergency medical field;
- Must have a paramedic certification or higher level of medical license;
- Must have a Basic Life Support (BLS - C) Instructor Certificate;
- Must maintain date certifications for Advanced Cardiac Life Support (ACLS); Pediatric Advanced Life Support (PALS) or Pediatric Education for Pre-hospital Professionals (PEPP); Pre-Hospital Trauma Life Support (PHTLS) or Basic Trauma Life Support (BTLS) or their equivalents as determined by the Alameda County Emergency Medical Services District;

#### **OTHER REQUIREMENTS**

Must be able to travel to various locations within and outside the City of Berkeley to meet the program needs and to fulfill the job responsibilities. When driving on City business, maintenance of a valid California driver's license and satisfactory driving record is required.

It is highly desirable that candidates have experience in, or substantial knowledge of 911 dispatch quality assurance programming, experience in providing EMS continuing education and training to adult learners, and have management experience of a pre-hospital care Quality Assurance Program.

#### **CLASSIFICATION HISTORY**

January 18, 2022

Title: Emergency Medical Services Quality Improvement & Education Coordinator

Classification Code: 2094

Revised: December 20, 2021

Established: October 9, 2008

FLSA Status: Non-Exempt

Admin Leave / Overtime: Overtime

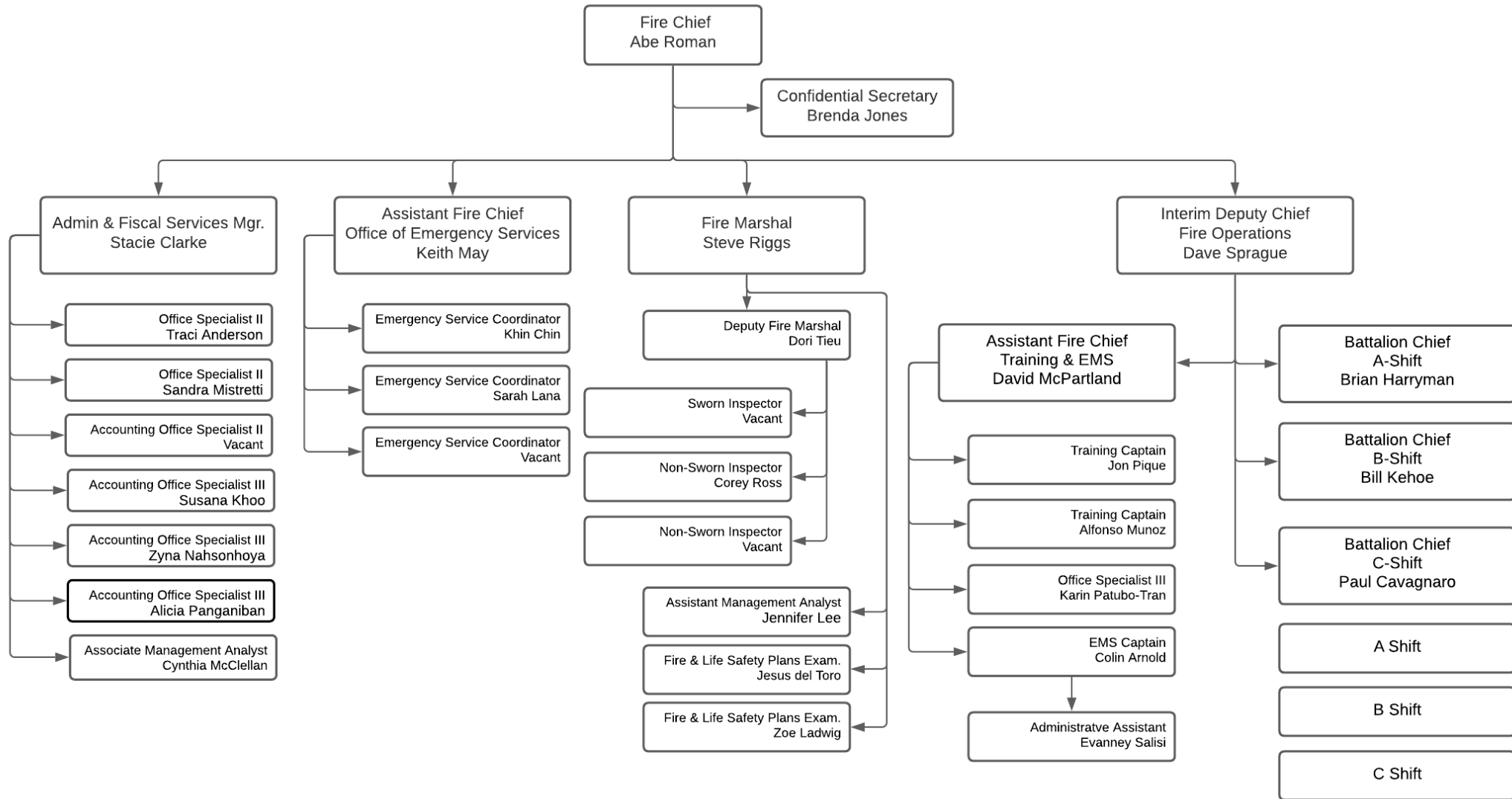
Representation Unit: Public Employees Union, Local One

Probationary Period: 1 Year

Workers' Comp Code: TBD

Attachment 3

Berkeley Fire Department, December 2021







Office of the City Manager

CONSENT CALENDAR  
January 18, 2022

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Henry Oyekanmi, Director, Finance Department  
 Subject: Revise the Classification and Increase the Salary Schedule for Deputy Finance Director

RECOMMENDATION

Adopt a Resolution amending Resolution No. 69,967-N.S. (Classification and Salary Resolution for classifications in Executive and Confidential Management, Confidential Professional, Confidential Clerical) to increase the salary of the Deputy Finance Director from a maximum monthly salary of \$14,677.47 to \$16,120.00 per month effective January 1, 2022, to align it with other City of Berkeley Deputy Director classifications.

FISCAL IMPACTS OF RECOMMENDATION

The cost of this increase will be paid from general fund.

CURRENT SITUATION AND ITS EFFECTS

The Deputy Finance Director position was established July 1, 1990 with one revision occurring in 2008. This position was last occupied in 2007 and has remained unfilled. Minor modifications have been made to the job description to more fully represent the duties performed and an increase to the salary range will bring internal equity to this classification.

The Human Resources Department contracted with Bryce Consulting to conduct a Classification and Compensation Study. Bryce Consulting is an agency that provides a variety of human resource services to non-profit and public-sector clients. After considering the internal relationships among classifications, staff is recommending a monthly salary range of \$12,226-\$16,120.

| <b>Classification</b>   | <b>Step 1</b>       |
|-------------------------|---------------------|
| Deputy Finance Director | \$70.7682-\$92.9980 |

BACKGROUND

The Personnel Board discussed and voted to send this classification to the City Council for approval at its December 20, 2021 meeting (Vote: Ayes: Bartlow, Dixon, Lacey, Wenk Noes: None Abstains: None Absent: Gilbert, Karpinski, Wilson)

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

RATIONALE FOR RECOMMENDATION

It has been the policy of the City to create the necessary classification and salary schedule to accommodate new duties and responsibilities, reflect programmatic changes, maintain competitive salaries and, when applicable, comply with regulatory requirements.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

Donald E. Ellison, Human Resources, (510) 981-6800

Attachments:

- 1: Resolution
- 2: Classification Specification
- 3: Organizational Chart

RESOLUTION NO. 69,967-N.S.

SALARY ADJUSTMENT FOR THE DEPUTY DIRECTOR OF FINANCE

WHEREAS, the Human Resources Department maintains the Classification and Compensation plan for the City of Berkeley; and

WHEREAS, the Interim Deputy City Manager and Director of Finance had recommended revising the salary and classification; and

WHEREAS, the Finance Department and Human Resources Department have completed a classification and salary review; and

WHEREAS, the Personnel Board voted on December 20, 2021 to approve the classification and salary range for the Deputy Finance Director, with a monthly salary range of \$14,677.47 to \$16,120.00, effective January 1, 2022, to align it with other City of Berkeley Deputy Director classifications.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Resolution No. 69,967-N.S., (Classification and Salary Resolution for classifications in Executive and Confidential Management, Confidential Professional, Confidential Clerical) is amended revising the Deputy Finance Director Classification and Salary, effective January 1, 2022, with a monthly salary range of \$14,677.47 to \$16,120.00.

January 18, 2022



DEP DIRECTOR OF FINANCE Class

Code: 1065

Bargaining Unit: Unrepresented Classifications

CITY OF BERKELEY  
Established Date: Jul 1, 1990  
Revision Date: ~~Oct-Dec 20, 2008~~2021

SALARY RANGE

\$64,397.7682- \$84,629.9980 Hourly  
\$5,151,205,661- \$6,769,607,440 Biweekly  
\$11,160,931,266- \$14,667,471,120 Monthly  
\$133,931,201,190- \$176,009,601,436 Annually

DESCRIPTION:  
DEFINITION

Under the general direction of the Director of Finance, organizes, supervises and directs the services and functions of the department with responsibility for fiscal, budgetary, and other supportive services; represents the department on administrative matters involving other departments and agencies; and supervises a staff of professional, technical and clerical personnel; performs related work as required.

CLASS CHARACTERISTICS

This single position class may have overall administrative and supervisory responsibility for the Finance Department functions which include the treasury, budget, business licenses and collections, accounting, real property, parking violations, pension systems administration, risk management and financial administrative services. In addition, the Deputy Director of Finance will assist in the development of new programs for equitable and adequate revenue sources. The Deputy director of Finance acts in the absence of the Director of Finance. This class differs from the Director of Finance by the latter class having overall responsibility for complex and sensitive analytical and management responsibilities in controlling the entire Finance Department.

January 18, 2022

## EXAMPLES OF DUTIES:

The following list of duties is intended only to describe the various types of work that may be performed and the level of technical complexity of the assignment(s) and is not intended to be an all inclusive list of duties. The omission of a specific duty statement does not exclude it from the position if the work is consistent with the concept of the classification, or is similar or closely related to another duty statement.

1. Provides fiscal management of the divisional programs, which includes the maintenance of a centralized accounting system and the development of fiscal procedures and policies;
2. Advises the Director and others on program implications of financial activity and prepares a variety of financial reports; maintains liaison with project staffs, and Federal and State funding agencies in matters affecting fiscal and accounting guidelines and requirements, budget changes and related activity;
3. Plans, organizes, assigns, directs, reviews and evaluates the work of assigned staff;
4. Selects personnel and provides for their training and professional development;
5. Develops and improves programs for the effective utilization of office space, forms, supplies, equipment; works closely with other project on staff development matters;
6. Completes complex administrative and management studies for the department; prepares comprehensive written narrative and statistical reports;
7. Plans and proposes modification in the structure of retirement and other employee benefit plans for labor negotiations; provides management consultation to other divisions;
8. Provides leadership and technical assistance to committees, commissions or boards, either directly or through professional and supervisory staff;
9. Attends meetings and conferences and represents the department on committees directed; participates and represents the department on administrative service matters;

January 18, 2022

10. Designs and implements an automated and integrated financial accounting system; organizes and administers effective accounts receivables and payables reporting and collection procedures;
11. Performs related duties as assigned.

### KNOWLEDGE AND ABILITIES:

Note: The level and scope of the knowledges and skills listed below are related to job duties as defined under Class Characteristics.

Knowledge of:

1. Principles and practices of effective employee supervision, including selection, training, work evaluation, and discipline;
2. Principles and practices of general, fund, and government accounting, including financial statement preparation and methods of financial reporting;
3. Principles and practices of business computer user applications;
4. Applicable city, state and federal laws and regulations;
5. Organizational planning techniques, including staffing and goals and objectives and work standards development;
6. Laws regulating the investment of public funds;
7. Administrative principles and practices, including goal setting, program and budget development and implementation and employee supervision.

Skill in:

1. Planning, organizing, assigning, directing, reviewing and evaluating the work of assigned staff;
2. Strong leadership and interpersonal relations;
3. Analyzing and making sound recommendations on complex financial data;

January 18, 2022

4. Planning, organizing and directing a wide variety of financial programs and activities;
5. Evaluating financial programs and providing recommendations for improvements;
6. Understanding, interpreting, explaining and applying city, state and federal laws regulating City financial accounting, reporting and recordkeeping, investment of funds and borrowing;
7. Developing and implementing financial procedures and controls;
8. Performing complicated mathematical calculations;
9. Evaluating the earning potential of tax-exempt investments and directing investment activities;
10. Preparing clear, concise and complete financial statements, reports and other written materials;
11. Exercising sound, independent judgment within general policy guidelines;
12. Representing the City effectively in contacts with governmental and regulatory agencies, outside consultants and counsel, and business and professional groups;
13. Establishing and maintaining effective working relationships with all levels of City management and the City Council.
14. Plans, directs, and coordinates work performed by multiple work units, including accounting, payroll, audit, budget, purchasing, and business licenses.

#### MINIMUM QUALIFICATIONS:

A TYPICAL WAY OF GAINING THE KNOWLEDGE AND SKILLS OUTLINED ABOVE IS:

Equivalent to graduation from a four-year college or university with major coursework in accounting, business administration, finance or a closely related field and six (6) years of professional experience in accounting or financial management, of which at least two (2) years included the supervision of professional level staff. Related

January 18, 2022

experience in a public agency and/or a master's degree in accounting or business administration is highly desirable.

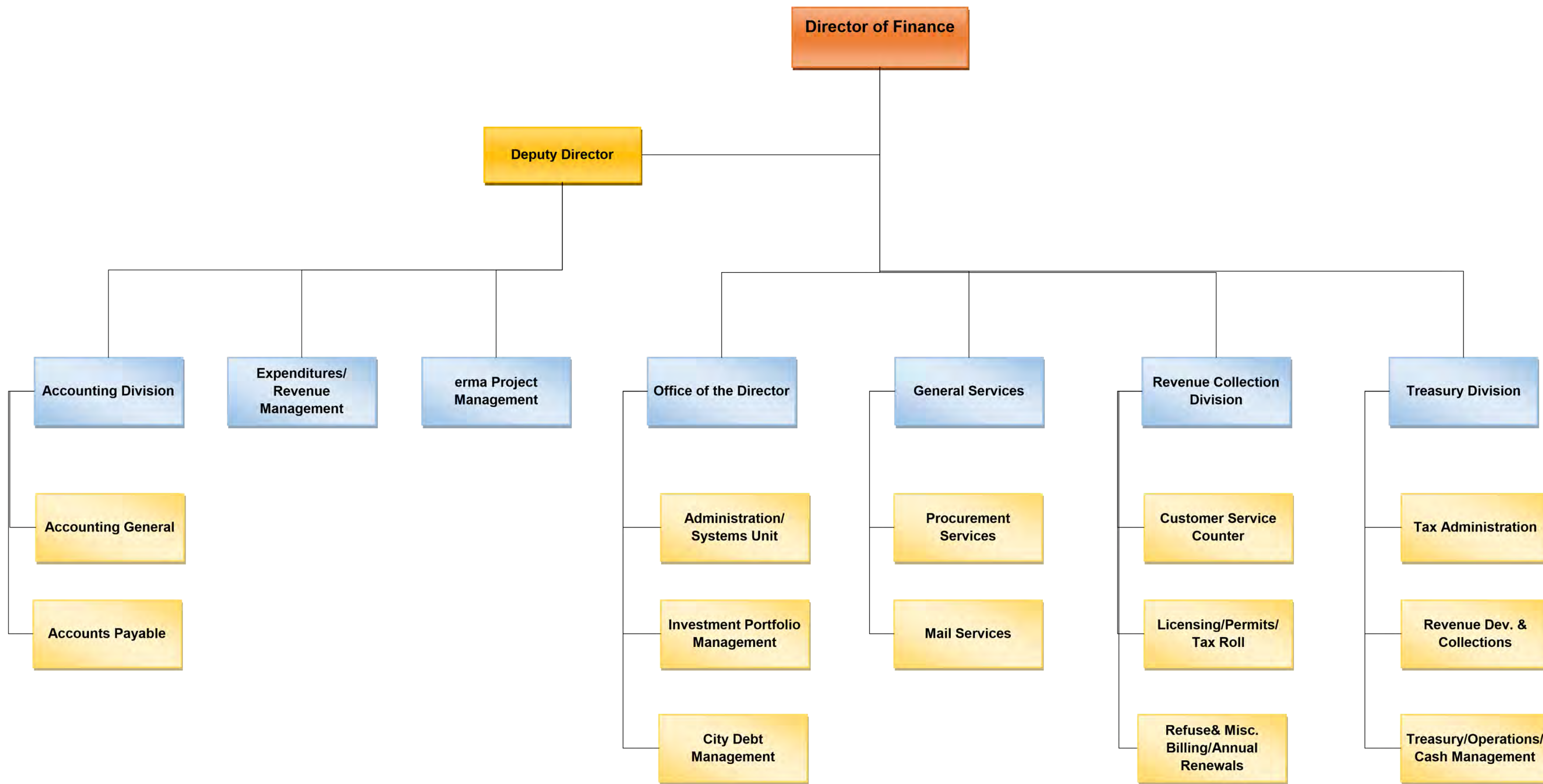
#### OTHER REQUIREMENTS

Must possess a valid California driver's license and have a satisfactory driving record.



# Finance Organization Chart (Hi-Level)

December 2021







Office of the City Manager

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CONSENT CALENDAR  
January 18, 2022

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Don Ellison, Director, Human Resources Department

Subject: Recommendation to Increase the Salary Schedule for Director of Health, Housing & Community Services and Director of Parks, Recreation, & Waterfront

RECOMMENDATION

Adopt a Resolution amending Resolution No. 69,967-N.S. (Classification and Salary Resolution for classifications in Executive and Confidential Management, Confidential Professional, Confidential Clerical) to increase the salary of the Director of Health, Housing & Community Services from a maximum monthly salary of \$20,151.73. to \$21,432.00, per month and amending Resolution No. 70,107-N.S. (Salary Adjustment for the Department Heads of Finance, Human Resources, Information Technology, Parks, Recreation and Waterfront, Planning, Public Works and Fire Chief) to increase the salary of Director of Parks, Recreation and Waterfront from a maximum monthly salary of \$20,987.00 to \$21,432.00 to align it with other City of Berkeley Department Heads.

FISCAL IMPACTS OF RECOMMENDATION

The cost of this increase will be paid from General Fund.

CURRENT SITUATION AND ITS EFFECTS

The Human Resources department conducted a Classification and Compensation study of the Director of Public Works, Director of Parks, Recreation, and Waterfront, and Director of Health, Housing, and Community Services. Based upon the Compensation study Council authorized an increase of the Director of Public Works Director by 6.35% and the Director of Parks and Recreation by 4.15%. The Director of Health, Housing and Community Services did not receive an increase as the comp study did not show below median.

In order to bring internal equity back to this classification we are proposing that we maintain the band and internal alignment and move the HHCS Director by 6.2% to achieve top step of \$21,432.00 and Parks Director by 2% to achieve top step to \$21,432.00.

**Salary for 3 Classifications prior to November 16, 2021 Council Adoption.**

| Job Description          | Salary Min. | Salary Max. |
|--------------------------|-------------|-------------|
| Director of Public Works | 14,655.33   | 20,151.73   |
| Director of Parks        | 14,655.33   | 20,151.73   |
| Director of HHCS         | 14,655.33   | 20,151.73   |

**Salary for 3 Classifications post November 16, 2021 Council Adoption.**

| Classification           | Step 1    |           |
|--------------------------|-----------|-----------|
| Director of Public Works | 14,655.33 | 21,432.00 |
| Director of Parks        | 14,655.33 | 20,987.00 |
| Director of HHCS         | 14,655.33 | 20,151.73 |

**Recommended Salary for Directors of Parks and HHCS**

| Classification           | Step 1    |           |
|--------------------------|-----------|-----------|
| Director of Public Works | 14,655.33 | 21,432.00 |
| Director of Parks        | 14,655.33 | 21,432.00 |
| Director of HHCS         | 14,655.33 | 21,432.00 |

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

RATIONALE FOR RECOMMENDATION

It has been the policy of the City to create the necessary classification and salary schedule to accommodate new duties and responsibilities, reflect programmatic changes, maintain competitive salaries and, when applicable, comply with regulatory requirements.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

Donald E. Ellison, Human Resources, (510) 981-6800

**Attachments:**

- 1: Resolution
- 2: Classification Specification
- 3: Organizational Chart

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

SALARY ADJUSTMENTS FOR THE DIRECTOR OF HEALTH, HOUSING &  
COMMUNITY SERVICES AND DIRECTOR OF PARKS, RECREATION AND  
WATERFRONT

WHEREAS, the Human Resources Department maintains the Classification and Compensation plan for the City of Berkeley; and

WHEREAS, the Interim Deputy City Manager recommended revising the salary; and

WHEREAS, the Human Resources Department completed a classification and salary review and based upon the Compensation study Council authorized an increase of the Director of Parks and Recreation by 4.15%. The Director of Health, Housing and Community Services did not receive an increase as the comp study did not show below median; and

WHEREAS, in order to bring internal equity back to this classification it is proposed to increase the HHCS Director by 6.2% to achieve top step of \$21,432.00 and Parks Director by 2% to achieve top step to \$21,432.00.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Resolution No. 69,967-N.S., Executive and Confidential Management, Confidential Professional, Confidential Clerical, is amended revising the Director of Health, Housing and Community Services salary by 6.2% to achieve top step of \$21,432.00 and Resolution No. 70,107-N.S., Salary Adjustment for the Department Head of Parks, Recreation & Waterfront, is amended revising the Director of Parks, Recreation, and Waterfront salary by 2% to achieve top step to \$21,432.00.

January 18, 2022

**Attachment A**

CITY OF BERKELEY  
 Established Date: Oct 6, 2008  
 Revision Date: January 18, 2022

## Director of Parks, Recreation and Waterfront

Class Code:  
 1083

Bargaining Unit: Unrepresented Classifications

### SALARY RANGE

\$84.55 - \$123.64 Hourly  
 \$6,764.00 - \$9,891 Biweekly  
 \$14,655.33 - \$21,431 Monthly  
 \$175,864.00 - \$257,175 Annually

## DESCRIPTION:

### DEFINITION

Under the administrative direction of the City Manager, directs the Department of Parks, Recreation and Waterfront with responsibility for the operation, planning, administration, financial management and intergovernmental relations for parks, recreation and waterfront management activities. Directs the activities of the department which include management of the City's marina and waterfront properties; the design, beautification, construction, and maintenance of the City's parks, gardens, trees, playgrounds, medians, recreation centers and wilderness camps; performs related work as assigned.

### CLASS CHARACTERISTICS

This is a department head position with responsibility for the overall planning, administration and management of all marina, waterfront, parks and forestry, recreation, camps and youth enrichment programs and subject only to the direction of the City Manager. Departmental planning and operations are coordinated with activities of other City departments and developed within the framework of City policies. The Director of Parks, Recreation and Waterfront has primary responsibility for planning and administering all aspects of the following: the City's Marina facilities, all City managed waterfront properties, lease agreements with commercial enterprises, public services, the City's recreation facilities, and all programs offered at these facilities, use of the City's camps properties, and city sponsored camps activities and all City parks and landscaped areas, including medians and City trees. The Director of Parks, Recreation and Waterfront has direct responsibility, within general policy guidelines, for dealing with difficult matters involving policy, administration and operations. This position requires considerable public contact with citizen groups, boards, commissions, other governmental agencies and other City departments and officials.

January 18, 2022

## EXAMPLES OF DUTIES:

1. Works closely with the City Manager, City Council, other City departments, other public and private organizations and agencies, and citizens groups and commissions in developing an integrated and comprehensive approach to addressing problems and formulating programs and projects for implementation;
2. Plans, organizes, coordinates, administers, and directs the work of the department through the deputy director, division and section heads; develops and directs the implementation of goals, objectives, policies, procedures, work standards, and budget for the department; directs the development and implementation of management systems, procedures, and standards for program evaluation;
3. Directs the preparation of annual and long term business plans, and proforma financial statements to analyze the feasibility of new or improved business operations; drafts business plans which include revenue and cost analysis; recommends various types of fees including fees for berths; ensures appropriate fiscal systems and controls are implemented for the sound fiscal operation of business activities;
4. Ensures compliance of parks, recreation, camps and marina activities to pertinent codes, regulations, and guidelines; monitors developments related to capital improvement projects and maintenance; evaluates their impact;
5. Prepares and directs the preparation of complex written reports and studies for the City Manager, City Council, boards and commissions, and outside funding agencies; works closely with and provides technical assistance, directly or through subordinate staff, to citizen boards and commissions;
6. Manages, plans, coordinates and integrates departmental programs, operations, and policies with other City departments and staff, outside agencies, and citizen organizations, boards and commissions, and ensures public participation in parks, recreation center and marina planning and design; develops and provides effective service standards to meet the needs of parks, recreation, camps and marina users and ensures timely delivery of service; responds to citizen complaints, initiatives, and inquiries;
7. Directs the property management functions for the leases on publicly owned land and facilities, advising the City Manager on overall strategy for public and private leases; supervises the negotiation of leases;
8. Ensures the proper management of the Landscape Special Assessment District; prepares plans for bond issues for parks and waterfront development as appropriate;
9. Reviews staff work, existing policies, and operating procedures for overall effectiveness and develops effective programmatic approaches;
10. Responsible for the selection, supervision, work evaluation, and discipline of staff and provides for their training and development; ensures effective employee relations and grievance handling by the department;



January 18, 2022

11. Oversees the planning and acquisition, layout and maintenance of new parks, or marina facilities, and the redevelopment of existing areas and recreation and camps facilities;

12. Performs related duties as assigned.

## KNOWLEDGE AND ABILITIES:

NOTE: The level and scope of the knowledge and skills listed below are related to job duties as defined under Class Characteristics.

Knowledge of:

1. Principles and methods of waterfront, marina, recreation, camps facility and parks planning and design, maintenance, operations, boating, and environmental conservation and ecology at the local and regional level;

2. Thorough knowledge of local, state, and federal laws applicable to public recreation, parks and waterfront projects;

3. Administrative principles and methods, including goal setting, employee supervision and development, personnel administration, employee relations, program development and implementation;

4. Principles and practices of budget development and administration, grant funding application and administration, cost accounting, accounts receivables, and profit/loss analysis techniques and financial record keeping;

5. Effective methods for ensuring and facilitating citizen participation in parks, recreation, camps and marina issues;

6. Principles and practices of contract administration and evaluation; and

7. Social, political and environmental issues influencing program planning and administration.

Skill in:

1. Planning, organizing, administering and coordinating a variety of complex functional specialties;

2. Analyzing complex and sensitive economic, administrative, operational, and organizational problems related to parks, recreation and waterfront issues, evaluating alternatives and reaching sound conclusions;

3. Planning, developing and implementing effective parks, recreation and waterfront programs, based upon community needs, available resources and City priorities and policies;

4. Developing and implementing goals, objectives, policies, procedures, work standards, and management controls;

January 18, 2022

5. Planning, preparing and administering the department budget;
6. Establishing and maintaining cooperative working relationships with a variety of citizens including patrons, community and private organizations, boards and commissions, and other City staff;
7. Establishing and maintaining an effective public relations program;
8. Selecting, motivating and evaluating staff and providing for their training and effective placement; ensuring the preparation of clear, concise, and complete reports and other written material and the maintenance of accurate records and files;
9. Coordinating multiple complex projects and meeting critical deadlines;
10. Exercising sound independent judgment within established guidelines;
11. Representing the City effectively in meetings with other governmental agencies, community groups, businesses, financial institutions, boards and commissions, and the public.

## MINIMUM QUALIFICATIONS:

### A TYPICAL WAY OF GAINING THE KNOWLEDGE AND SKILLS OUTLINED ABOVE IS:

Equivalent to graduation from an accredited college with a degree in business, marketing, landscape architecture, recreation, planning, public administration, or a closely related field and six (6) years of increasingly responsible professional experience in the field of recreation, forestry, parks landscaping design, planning, management analysis or marina management. At least four (4) years of this experience must have involved management of a variety of programs and supervision of professional and technical staff in the areas of parks, recreation or waterfront operations, public enterprise, destination resort management, or similar enterprises. This experience must have involved policy formation, program planning, development and implementation. Experience in providing services and facilities for fee for use by the public and in working with a variety of community organizations is desirable. A master's degree in a related field may be substituted for one year of the non-management experience.

### OTHER REQUIREMENTS

Must be willing to travel to various locations within and outside the City of Berkeley to meet the program needs and to fulfill the job responsibilities. When driving on City business, maintenance of a valid California driver's license and a satisfactory driving record is required. Must be able to respond to emergencies on a 24 hour basis and attend evening and weekend meetings and events on a regular basis.

### SPECIAL STATUS

This classification is excluded from the career service and the incumbent employed will be employed as an "AT-WILL" employee.

January 18, 2022

## CLASSIFICATION HISTORY:

Class No. 1112

Established: July 1995

Title Change: July 2001

Revised: January 2022

January 18, 2022

Attachment B



CITY OF BERKELEY  
 Established Date: Jun 12, 2012  
 Revision Date: January 18, 2022

## Director of Health, Housing and Community Services

Class Code:  
 1077

Bargaining Unit: Unrepresented Classifications

### SALARY RANGE

\$84.55 - \$123.64 Hourly  
 \$6,764.00 - \$9,891 Biweekly  
 \$14,655.33 - \$21,431 Monthly  
 \$175,864.00 - \$257,175 Annually

## DESCRIPTION:

### DEFINITION

Under the administrative direction of the City Manager, directs the Department of Health, Housing and Community Services with responsibility for the planning, organization, administration, financial management and effective operation of its programs and services. These programs and services include the promotion of the physical, emotional, environmental and social well being of the Berkeley community; performs related duties as required.

### CLASS CHARACTERISTICS

This is a department head position under direction of the City Manager, with responsibility for the overall planning, administration and operation of the Department of Health, Housing and Community Services. Departmental planning and operations are coordinated with activities of other City departments and are developed within the framework of City policies. The Director has primary responsibility for a wide variety of programs including public and mental health services; vital statistics; environmental health; community services including homeless, aging and employment services; community development block grant programs; community service contracts; and affordable housing development and rehabilitation. The Director assumes direct responsibility for dealing with difficult matters involving departmental programs, including complex funding relationships with Federal, State and County agencies, interpretation of related codes, ordinances and regulations, and for ensuring compliance with local, state and federal law in various program areas. This position requires considerable public contact with citizen groups, boards and commissions, as well as other municipalities, County, State, Federal and City departments and officials. This position may function as the Health Officer of the City.

January 18, 2022

## EXAMPLES OF DUTIES:

The following list of duties is intended only to describe the various types of work that may be performed and the level of technical complexity of the assignment(s), and is not intended to be an all inclusive list of duties. The omission of a specific duty statement does not exclude it from the position if the work is consistent with the class concept, or is similar or closely related to another duty statement.

1. Works closely with the City Manager, other City departments, boards and commissions, other public agencies and community groups and private sector representatives in developing effective programs to respond to public and community health, mental health, environmental health, affordable housing, homeless services, aging services and workforce development; assists in policy development which integrates housing development with neighborhood revitalization and economic development opportunities;
2. Provides overall direction to the work of the department through subordinate staff, encouraging the efficient and effective operations of all Department programs and services; motivates and encourages initiative and high standards of performance, productivity and accountability among the staff;
3. Develops general departmental administrative policies and procedures; reviews staff work, specific policies and operating procedures for conformance to established standards and makes decisions for the department regarding questions of interpretation of City regulations;
4. Advises the City Manager and the City Council on all aspects of community health care services in the City of Berkeley; confers with a variety of public and private officials on related issues and often serves as the City's representative to these officials;
5. Disseminates and interprets policies, laws, regulations and state and federal directives regarding medical and public health issues to physicians, department staff and representatives of hospitals, nursing homes, medical clinics and schools by written and personal contacts;
6. Oversees the Community Development Block Grant, Community Services Block Grant and Emergency Shelter Grant program planning, implementation and evaluation;
7. Works closely with and provides technical assistance, directly or through subordinate staff, to a variety of citizen boards and commissions such as the Community Health Commission, Mental Health Commission, Commission on the Status of Women, Housing Advisory Commission, Homeless Commission and Commission of Aging, Labor Commission, Peace and Justice Commission, as well as local, state and federal loan program committees and neighborhood improvement committees, and the City Council;
8. Directs the selection of supervisors and the work evaluation of departmental personnel; oversees employee relations and grievances; provides supervisory training and staff development programs;
9. Monitors developments related to the Department's service areas; evaluates their impact on City operations and implements policy and procedural improvements;
10. Coordinates the preparation of reports for the City Manager, City Council, boards and commissions, and outside funding agencies; reviews division budgets and coordinates the preparation, presentation and control of the departmental operating budget; and
11. Performs related duties as assigned.

January 18, 2022

## KNOWLEDGE AND ABILITIES:

Note: The level and scope of the knowledge and abilities listed below are related to job duties as defined under Class Characteristics.

Knowledge of:

1. Administrative principles and methods, including goal setting, program and budget development and implementation;
2. Local, state and federal laws applicable to public health, housing development, rehabilitation and subsidized housing programs;
3. Principles and practices of a wide variety of social and/or health programs in both the public and private sector, and of related resources and funding procedures;
4. Principles and practices of the interrelationships between various governmental agencies involved with housing and community development;
5. Principles and practices of community service agencies, including non-profits serving the homeless and aging populations; adult and youth workforce development; and the issues related to those services;
6. Principles and practices of budget development and administration; and contract management and evaluation;
7. Funding sources impacting program and service development;
8. Social, political and environmental issues influencing program administration; and
9. Principles and practices of effective employee supervision, including selection, training, goal setting, and positive motivational techniques.

Ability to:

1. Plan, organize, administer and coordinate a variety of large and complex City health, housing and community services and programs;
2. Plan and develop programs based upon community needs, available resources and City priorities and policies;
3. Select, motivate and evaluate staff and provide for their training and professional development;
4. Develop and implement goals, objectives, policies, procedures, work standards and internal controls;
5. Analyze complex technical and administrative problems, evaluate alternative solutions and adopt effective courses of action;
6. Prepare clear and concise reports, correspondence and other written materials;
7. Establish and maintain cooperative working relationships with a variety of citizens, public and private organizations, boards and commissions, and City staff; and
8. Exercise sound, independent judgment within general policy guidelines.

January 18, 2022

## MINIMUM QUALIFICATIONS:

### A TYPICAL WAY OF GAINING THE KNOWLEDGE AND ABILITIES IS:

Graduation from a four-year college or university with major coursework in Business or Public Administration, Health Care or Hospital Administration, Public Health Administration or a closely related field. Six (6) years of progressively responsible experience in public administration, health care management, or community development. At least four (4) years of this experience must have been at a managerial level, which included state and federally funded services; policy formation; program planning, development and implementation; and budget and personnel management. A Master's Degree in the fields noted above and experience with citizen-participation based planning efforts, citizen boards and commissions, and state and federal grant administration are highly desirable.

### OTHER REQUIREMENTS

Must be able to travel to various locations within and outside the City of Berkeley to meet the program needs and to fulfill the job responsibilities. When driving on City business, the incumbent is required to maintain a valid California driver's license as well as a satisfactory driving record. Must be able to attend evening or weekend meetings and events, as required.

If acting as City Health Officer, in addition to the qualifications outlined in the section above, must possess a valid license as a Physician and Surgeon issued by the State of California, and a current California certificate to supervise physician assistants. A Master's Degree in Public Health and Board Certification in a Medical Specialty relevant to public health are desirable.

### SPECIAL STATUS

This classification is excluded from the career service by Berkeley Municipal Code 4.04.120 and the incumbent will be an at-will employee.

## CLASSIFICATION HISTORY:

|                                                    |                      |
|----------------------------------------------------|----------------------|
| Director of Health, Housing and Community Services |                      |
| Classification Code                                | 1113                 |
| Classification Established                         | 2/2012               |
| Revised                                            | 1/2022               |
| FLSA Status                                        | Exempt               |
| Administrative Leave / Overtime                    | Administrative Leave |
| Representation Unit                                | Z1                   |
| Probationary Period                                | N/A                  |
| Workers' Compensation Code                         | 8810                 |







Office of the City Manager

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CONSENT CALENDAR  
January 18, 2022

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Jordan Klein, Director, Planning and Development Department  
 Subject: Commission Reorganization: Creating the Environment and Climate Commission

RECOMMENDATION

1. Adopt an Ordinance repealing and re-enacting Berkeley Municipal Code Chapter 3.40 (formerly Zero Waste Commission) to create the Environment and Climate Commission (ECC),
2. Adopt a Resolution rescinding Resolution No. 55,661-N.S., establishing the Berkeley Energy Commission, and Resolution 58,997-N.S., establishing the Community Environmental Advisory Commission.

FISCAL IMPACTS OF RECOMMENDATION

No direct fiscal impacts, but this reorganization is designed to reduce staff time dedicated to commission secretary activities and increase efficiency by consolidating three commissions into one.

CURRENT SITUATION AND ITS EFFECTS

At a Special Meeting on June 15, 2021, the City Council referred to the City Manager and City Attorney the reorganization of certain existing City commissions. Council asked staff to develop recommendations for the transition and effective dates of the newly consolidated commissions and return to Council with proposed changes to enabling legislation. This report and ordinance address the portion of the reorganization referral to consolidate the Energy Commission, Zero Waste Commission and the Community Environmental Advisory Commission (CEAC) into a new commission called the Environment and Climate Commission.

Integration of the three commissions that focus on energy and climate action (Energy Commission), pollution prevention and hazardous materials management (CEAC) and most efficient use of materials and waste reduction (Zero Waste) into one commission will enhance interdepartmental collaboration and help create coordinated programs and policies related to the environment and climate.

Staff met with all three commissions to discuss the consolidation and proposed functions of the new commission and the proposed timeline and implementation plan for 2022.

January

- Enabling legislation for new Environment and Climate Commission considered by Council

March

- The three existing commissions complete their regularly-scheduled meetings
- Current commission appointments expire
- Councilmembers appoint nine (9) commissioners to new commission

April

- New Environment and Climate Commission will begin to meet on a schedule which will include 10 meetings per calendar year

The proposed enabling legislation includes a provision that all prior service on the commissions now being consolidated count toward the eight-year limit of service. A body of nine commissioners meeting monthly will allow meaningful participation by all appointees while achieving the staff efficiencies intended by the referral.

As written in the proposed ordinance, the function of the new commission would be:

The Environment and Climate Commission shall be an advisory board and shall review and advise the City Council on matters related to emerging issues, policies, projects, programs, planning efforts, activities, and funding of environmental sustainability and climate change mitigation, adaptation and resilience including:

- Achieve zero waste and promote circular economy
- Advance green buildings and resource efficiency
- Decarbonize buildings and transportation
- Engage and educate the community
- Protect animal welfare
- Reduce greenhouse gas emissions
- Reduce toxics and prevent pollution
- Support environmental justice

BACKGROUND

As described in the report to Council on June 15, 2021, Commissions provide an important mechanism for residents to shape public policy and provide input on City business. However, the City of Berkeley maintains far more commissions than other cities of similar size, with a significant investment of City resources to staff all 37 commissions. Some commission secretaries report spending upwards of 20+ hours per week on commission business, which takes valuable time away from addressing other pressing City priorities. The local public health emergency created by the global COVID-19 pandemic has required City staff to shift to new roles and maintain an Emergency Operations Center since January 2020; recovery from the pandemic will continue to demand the full attention of our City staff for the foreseeable future. Given the

uncertainties that the City faces in recovering from the COVID-19 pandemic and the demands that this recovery places on City staff, Council deemed it an appropriate time to consider how best to consolidate commissions in a manner that helps the City to achieve its core mission.

Each of the affected current commissions provided feedback that was considered in the development of the functions for the CEE.

- The Zero Waste Commission provided extensive feedback, including criteria for service, definitions, goals, and detailed functions. The complete recommendations (see Attachment 2) were unanimously approved at the Commission's October 25, 2021 regular meeting. [Motion/Second: de Tournay/Poliwka. Ayes: de Tournay, Poliwka, Sherman, Doughty, Schueler, Curtis, Ulakovic; Noes: None. Abstain: None. Absent: Stein, Grubb.]

Staff did not include in the ordinance proposed for adoption with this item ZWC's complete list of recommended functions specific to zero waste policy, instead providing a more general description consistent with those provided for all functional areas. Staff incorporated a modified version of the recommended service criteria for Commissioner appointments to minimize administrative and logistical challenges for staff and Councilmembers.

- CEAC offered a number of suggestions to staff regarding consolidation and functions for the new commission. Among them, staff was able to incorporate the addition of public outreach to functions section of ordinance and the inclusion of suggested backgrounds for appointed commissioners.

At its meeting November 10, 2021, CEAC unanimously approved a motion to send its recommendations for commission reorganization to the City Council. [Motion/Second: Hetzel/Gould. Ayes: Simmons, Varnhagen, LaBonte, Guo, Hetzel, De Leon, Gould. Noes: None. Abstain: None. Absent: None.] Those recommendations, framed as a Commission report and draft ordinance, are included as Attachment 3 to this staff report.

- Energy Commission offered a number of suggestions. At its meeting on December 1, 2021, the Commission unanimously voted to support a recommendation to specify expertise and commitment for appointees, specifically, "*City Council shall appoint representatives with appropriate expertise and demonstrated commitment to the areas outlined in the functions section.*" [Motion/second: Wolf/Gil. Ayes: de Tournay Birkhahn, Paulos, Leger, Moore, Guliasi, Gil, Zuckerman. Noes: None. Abstain: None. Absent: None.] This language is included in staff's proposed ordinance.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The consolidation of the three commissions into one focusing on Environment and Climate will facilitate the development of integrated environmental programs and

policies and support interdepartmental collaboration that will help the City meet climate goals.

RATIONALE FOR RECOMMENDATION

Commission consolidation will reduce staff time dedicated to commission secretary activities, freeing up time to be allocated to implementation of Council referrals and strategic plan priority projects. The consolidation of these commissions into one will also place an emphasis on integrated environmental policies and programs.

CONTACT PERSON

Billi Romain, Manager, Office of Energy & Sustainable Development, Planning Department, 510-981-9732

Attachments:

- 1: Ordinance
2. Resolution
- 3: Recommendations from Zero Waste Commission
- 4: Recommendations from CEAC

ORDINACE NO. -N.S

REPEALING AND RE-ENACTING BERKELEY MUNICIPAL CODE CHAPTER 3.40  
CREATING THE ENVIRONMENT AND CLIMATE COMMISSION

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

**Section 1.** That Berkeley Municipal Code Chapter 3.40 is repealed and re-enacted to read as follows:

ENVIRONMENT AND CLIMATE COMMISSION

Sections:

- 3.40.010 Established--Membership--Appointment.
- 3.40.020 Council representatives – Functions.
- 3.40.030 Organization, meetings, rules and procedures.
- 3.40.040 Functions.

**3.40.010 Established--Membership--Appointment.**

A. An Environment and Climate Commission is established. The commission shall consist of nine members. Appointments to the commission shall be made, and vacancies on the commission shall be filled, in accordance with the provisions of Sections 2.04.030 through 2.04.130. City Council shall appoint representatives with appropriate expertise and demonstrated commitment to the areas outlined in the functions section 3.04.40.

B. For purposes of determining term limits under Section 3.02.040, a commissioner's service on the Zero Waste Commission, the Energy Commission or the Community Environmental Advisory Commission shall be counted toward their service upon their appointment to the Environment and Climate Commission.

**3.40.020 Council representative as commission liaison.**

The City Council may appoint one of its members to act as a non-voting, uncompensated liaison representative to the Environment and Climate Commission. The functions of such liaison representatives are:

- A. To attend meetings of said commission;
- B. To advise the Council of the background, reasons and rationale behind decisions and recommendations of said commission; and
- C. On request of any member of said commission, to advise the commission of policies, procedures and decisions of the council that may bear on matters under discussion by the commission.

**3.40.030 Organization, meetings, rules and procedures.**

A. The commission annually shall elect one of its members as the chairperson and one of its members as the vice-chairperson. One or more officers or employees of the City designated by the City Manager shall serve as secretary of the commission.

B. The commission shall establish a regular place and time for meeting. All meetings shall be noticed as required by law and shall be scheduled in a way to allow for maximum input from the public. The frequency of commission meetings shall be as determined by City Council Resolution. The scheduling of special meetings in addition to those established by City Council resolution, except special meetings that take the place of cancelled regular meetings, shall be subject to approval by the City Council. A request for a special meeting shall include the reason for the proposed meeting and should be expedited on the City Council's agenda, or in the alternative, placed before the Agenda Committee for approval.

C. The commission may make and alter rules governing its organization and procedures which are consistent with this Chapter or any other applicable ordinance of the City.

D. A majority of the members appointed to the commission shall constitute a quorum and the affirmative vote of a majority of the members appointed is required to take any action.

E. The commission shall keep an accurate record of its proceedings and transactions.

**3.40.040 Functions.**

A. The Environment and Climate Commission shall be an advisory board and shall review and advise the City Council on matters related to emerging issues, policies, projects, programs, planning efforts, activities, and funding of environmental sustainability and climate change mitigation, adaptation and resilience. Its scope will include work to advance the goals of achieving zero waste and promoting circular economy; advancing green buildings and resource efficiency; decarbonizing buildings and transportation; engaging and educating the community; protecting animal welfare; reducing greenhouse gas emissions; reducing toxics and preventing pollution; and supporting environmental justice

B. Environment and Climate Commission shall have the authority to adopt the minutes of the final meetings of the Zero Waste Commission, the Energy Commission and the Community Environmental Advisory Commission.

**Section 2.** Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed

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

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

RESCINDING RESOLUTION NO. 55,661-N.S., ESTABLISHING THE BERKELEY ENERGY COMMISSION, AND RESOLUTION 58,997-N.S., ESTABLISHING THE COMMUNITY ENVIRONMENTAL ADVISORY COMMISSION.

WHEREAS, on June 15, 2021 the City Council directed staff and the City Attorney to bring forward actions to consolidate certain existing City Boards and Commissions; and

WHEREAS, the Council asked that Berkeley's existing Zero Waste Commission, Energy Commission, and Community Environmental Advisory Commission be consolidated into one new body; and

WHEREAS, on November 27, 1990 the City Council adopted Resolution 55,661-N.S. which established the Berkeley Energy Commission; and

WHEREAS, on June 3, 1997 the City Council adopted Resolution 58,997-N.S. which established the Community Environmental Advisory Commission; and

WHEREAS, on January 18, 2022 staff brought forward an Ordinance to amend BMC Chapter 3.40 to replace the previous Zero Waste Commission with a new Environment and Climate Commission, and to also encompass the scopes of work previously under the Energy Commission and Community Environmental Advisory Commission.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Resolution No. 55,661-N.S., which established the Berkeley Energy Commission, and Resolution 58,997-N.S., which established the Community Environmental Advisory Commission, are hereby rescinded.



## **Enabling Language for the Successor Commission to the Zero Waste Commission**

### Section 1: Criteria for Service

1. Three members of the successor commission shall have at least two years (or full-time equivalent basis) of professional experience in waste reduction, reuse/repair, recycling, composting, and/or waste management.

### Section 2: “Zero Waste” shall be defined as follows:

- A. The conservation of all resources by means of responsible production, consumption, reuse, and recovery of products, packaging, and materials without burning and with no discharges to land, water, or air that threaten the environment or human health.
- B. The zero waste approach seeks to minimize waste and reduce the use of natural resources and energy by ensuring that products and packaging are made to be reused, repaired or recycled back into nature or the marketplace.
- C. Zero waste is a philosophy and design framework that promotes reuse, recycling, and conservation programs. More importantly, this framework emphasizes sustainability by considering the entire life cycle of products, processes, and systems. Zero waste does not mean blind pursuit of zero waste to landfills without attention to instances in which such pursuit inadvertently causes greater harm to land, water, air, or climate than landfilling small amounts of waste.

This comprehensive systems approach promotes waste prevention by:

- Having products and packaging designed for the environment,
  - Reducing the materials used in products and packaging,
  - Using less toxic, more benign materials in production and manufacturing, in alignment with the precautionary principle,
  - Providing longer product lives by developing more durable products, and
  - Having products that are repairable and easily disassembled at the end of their useful life.
- D. The hierarchy of zero waste approaches is set forth below:
    - a. Re-think/Re-design
    - b. Reduce
    - c. Reuse/Repair
    - d. Recycle/Compost
    - e. Materials Recovery
    - f. Residuals Management
    - g. Unacceptable

*[EDITOR'S NOTE: UNLESS THERE ARE REASONABLE OBJECTIONS, WE PROVIDE THE LONGER VERSION OF (D) HERE]*

E. The hierarchy of zero waste approaches is set forth below:

### **Rethink / Redesign**

- Design and purchase products from reused, recycled or sustainably-harvested renewable, non-toxic materials to be durable, repairable, reusable, fully recyclable or compostable, and easily disassembled
- Shift funds and financial incentives to support a circular economy, with greater economic and social equity and justice, over the harvesting and use of virgin natural resources
- Enact new incentives for cyclical use of materials, and disincentives for wasting
- Facilitate change in how end users' needs are met from "ownership" of goods to "shared" goods and provision of services
- Support and expand systems where product manufacturing considers the full life-cycle of their product in a way that follows the Zero Waste Hierarchy and moves towards more sustainable products and processes. Producers take back their products and packaging in a system that follows the Zero Waste Hierarchy.
- Identify and phase out materials that cause problems for closed loop systems.
- Facilitate and implement policies and systems to encourage and support local economies, with greater economic and social equity and justice
- Re-consider purchasing needs and look for alternatives to product ownership
- Provide information to allow for informed decision-making
- Be aware of and discourage systems that drive needless consumption

### **Reduce**

- Plan consumption and purchase of perishables to minimize discards due to spoilage and non-consumption
- Implement sustainable purchasing that supports social and environmental objectives as well as local markets where possible
- Minimize quantity and toxicity of materials used, following the precautionary principle
- Minimize ecological footprint required for product, product use, and service provision
- Choose products that maximize the usable lifespan and opportunities for continuous reuse
- Choose products that are made from easily recycled materials
- Prioritize the use of edible food for people
- Prioritize the use of edible food for animals

### **Reuse / Repair**

- Maximize reuse of materials and products
- Maintain, repair or refurbish to retain value, usefulness and function
- Remanufacture with disassembled parts; dismantle and conserve "spare" parts for repairing and maintaining products still in use
- Repurpose products for alternative uses

## **Recycle / Compost**

- Support and expand systems to keep materials in their original product loop and to protect the full usefulness of the materials
- Maintain diversion systems that allow for the highest and best use of materials, including organics
- Recycle and use materials for as high a purpose as possible
- Develop resilient local markets and uses for collected materials wherever possible
- Provide incentives to create clean flows of compost and recycling feedstock
- Support and expand composting as close to the generator as possible (prioritizing home or on site or local composting wherever possible)
- Whenever home/decentralized composting is not possible, consider industrial composting, or if local conditions require or allow, anaerobic digestion

## **Material Recovery**

- Maximize materials recovery from mixed discards and research purposes after extensive source separation
- If conditions allow, recover energy using only systems that operate at biological temperature and pressure

## **Residuals Management**

- Examine materials that remain and use this information to refine the systems to rethink, reduce, reuse, and recycle in order to prevent further discards
- Ensure minimization of impacts by means of biological stabilization of fermentable materials.
- Encourage the preservation of resources and discourage their destructive disposal or dispersal
- Plan systems and infrastructure to be adjusted as discards are reduced and its composition changes
- Minimize gas production and release and maximize gas collection
- Use existing landfill capacity and maximize its lifespan. Ensure it is responsibly managed
- Contain and control toxic residuals for responsible management

## **Unacceptable**

- Do not support policies and systems that encourage the destructive disposal of organics and/or the destruction of recyclables
- Do not support energy and destructive disposal systems that are dependent upon the continued production of discards
- Do not allow the incineration of discards
- Do not allow toxic residuals into consumer products or building materials

Section 3: In support of the City's zero waste goals, policies, programs, and infrastructure, the successor commission shall:

- A. Receive and review monthly reports concerning zero waste issues submitted by zero waste staff.
- B. Provide thought leadership, advocacy, and public engagement regarding zero waste.
- C. Develop and periodically update strategic plan, regularly review plan progress, prioritize and refine strategies as needed, and, make recommendations on an ongoing basis to the City Council concerning:
  - i. Zero waste education and outreach;
  - ii. Zero waste goals, both interim and long-term; in order to meet or exceed State of California and Alameda County requirements, such goals shall include, at minimum:
    - a. Reduction in per capita waste generation (weight basis) of 20% by 2032 over baseline of 2022
    - b. Increase in local employment in reuse/repair/upcycling businesses and enterprises by 20% by 2032 over baseline of 2022
    - c. Increase landfill diversion from residential sector to 75% by 2027
    - d. Increase landfill diversion from commercial sector to 85% by 2027
    - e. Increase landfill diversion from City government to 85% by 2027
  - iii. Zero waste policy regarding:
    - f. Infrastructure ownership, operations, and services
    - g. Capital and operations financing and rate setting
    - h. Alignment of funding for materials collection and processing, including reusables/repairables, recyclables, compostables, and residuals (to landfill), with the zero waste hierarchy
    - i. Materials collection requirements
    - j. Enforcement
  - iv. Zero waste program staffing levels and needs
  - v. Evaluation of the proper and most effective departmental roles and responsibilities, specifically regarding the appropriateness of continuing to burden the Public Works Department with carrying out tasks beyond its core mission and competency, namely,
    - a. changing the purchasing and discard behavior of residents and businesses,
    - b. formulating policy regarding product and packaging restrictions,
    - c. applying pressure and influence further upstream in the extraction, production, and distribution supply chain to reduce greenhouse gases, and
    - d. linking materials management with stimulation of local economic development and social capital.

As such, at least every five years evaluate whether these areas of responsibility should be housed in a department of the environment, office of sustainability, economic development department, energy and resource conservation office, or other department.



Community Environmental Advisory Commission

## ATTACHMENT 4

To: Berkeley City Council

From: Michelle De Leon, Chairperson, Community Environmental Advisory Commission (CEAC)  
Ben Gould, Vice Chair, CEAC  
Fred Hetzel, Commissioner, CEAC

Subject: Recommendations for commission reorganization - Environment and Climate Commission

### RECOMMENDATION

Consider the attached draft ordinance as language for the new Environment and Climate Commission (ECC), and recommend that Council adopt updates to Resolution No. 68,705-N.S. to classify the ECC as a Category A commission, able to meet on its own schedule, for the first year of operation, with review after 12 months.

### BACKGROUND

In February 2020, CEAC adopted a recommendation to City Council to update the mission and purpose of the Commission to better align with the work CEAC commissioners have been doing for the past 7+ years – a broad range of pollution management, climate mitigation, green infrastructure, and environmental justice work. With the Covid-19 pandemic, adoption of the recommendation was postponed, and City Council subsequently directed staff to merge CEAC with the Energy and Zero Waste Commissions into a new Environment and Climate Commission.

CEAC commissioners' work in developing this earlier language aligns well with the overall scope and mission of the new ECC. This draft ordinance uses the broadly encompassing language developed originally by CEAC, and adds the core responsibilities of the Zero Waste and Energy commissions.

### RATIONALE FOR RECOMMENDATION

The City of Berkeley currently benefits from a diversity of commissions dedicated to environmental issues, including the Energy Commission, which addresses energy and climate protection; the Zero Waste Commission, which addresses waste and materials management; and the Community Environmental Advisory Commission (CEAC), which, officially, addresses pollution prevention and hazardous materials management. In addition, the City of Berkeley has a Transportation Commission, which addresses transportation including public transit and shared mobility.

CEAC Recommendations for Commission reorganization:  
Environment and Climate Commission

However, the City of Berkeley has lacked a commission dedicated to addressing holistic sustainability, climate adaptation, and environmental justice issues. Over the past decade, CEAC has taken on that role, considering such range of topics as fire safety resiliency, equitable access to environmental health information, green stormwater infrastructure, local biodiversity, sustainable transportation, green buildings, and more. CEAC has successfully developed effective recommendations for Council in those areas, playing a leadership role in kick-starting Berkeley's efforts to move to gas-free new construction, supporting the expansion of free-floating car sharing in Berkeley, proposing new bird-safe building standards, and more.

CEAC's proposed ordinance incorporates the mission-critical aspects into the scope of the new ECC. CEAC's current scope includes the prevention of pollution; air, water, and soil quality; hazardous chemicals and toxics management; and outreach to, and education of, the public, small businesses, and industry about topics under its scope. CEAC's proposed expanded scope would add climate change mitigation, adaptation, and resiliency; environmental justice and health; green buildings, energy and water conservation and efficiency; stormwater management; and ecosystems, agroecology, biodiversity, green space, and wildlife.

Under the updated ECC proposal, new elements are added to incorporate the responsibilities brought from the Zero Waste and Energy commissions. These include: zero-carbon and renewable energy; zero-emission transportation; and zero waste, including the reduction, reuse, recycling, and composting of materials. Other elements of Zero Waste and Energy commissions, such as preventing pollution (through prevention of waste generation in the first place) and energy efficiency, are incorporated into some of the earlier language developed above.

The scope of ECC's outreach is expanded to incorporate all the responsibilities of the ECC, helping the new commission continue to play an important role in public engagement and input on the city's climate and environmental initiatives. This public engagement includes serving the City Manager in an advisory capacity in the development of policy, project, or programmatic proposals substantially related to climate or the environment, as well as reviewing and providing comments on staff progress reports on the implementation of such policies, projects, or programs.

CEAC's ability to address this wide range of topics has benefitted from Councilmembers appointing an interdisciplinary, intersectional, and diverse range of experts and community leaders to leverage their combined expertise. With the new combined commission and expanded scope, the commission is in even greater need of an even wider diversity of backgrounds. However, at the same time, with such a large scope it is also critical that the commission be fully appointed as much as possible. In order to balance these competing needs, section 3.40.060 of this proposed ordinance suggests Councilmembers *consider*, but not *require*, individuals with specific backgrounds in a list of topics (encompassing the full scope of the ECC's responsibilities), in order to help

CEAC Recommendations for Commission reorganization:  
Environment and Climate Commission

guide Councilmembers towards diverse appointments without risking prolonged vacancies due to challenges recruiting qualified applicants with specific expertise.

Lastly, given the scope of the commission, we recommend allowing the commission initial flexibility in experimenting with meeting frequency, subcommittees, and other structural approaches to meeting its expansive responsibilities. Resolution No. 68,705-N.S. establishes meeting limits for city commissions; to give ECC the opportunity to determine what meeting frequency works best for fulfilling its responsibilities, we suggest making it a Category A commission with the ability to meet on its own schedule, subject to review after one year to determine whether an expanded meeting schedule is required (in contrast to the 10 meetings/year restriction currently imposed on each of CEAC, Energy, and Zero Waste commissions).

#### CONTACT PERSON

Mitchelle De Leon, Chair, Community Environmental Advisory Commission

#### Attachments:

1: Ordinance No. XX,XXX-N.S. Amending BMC Title 3 to replace the Zero Waste Commission with the Environment and Climate Commission.

ORDINANCE NO. -N.S.

AMENDING BERKELEY MUNICIPAL CODE TITLE 3 TO REPEAL AND REPLACE THE ZERO WASTE COMMISSION WITH THE ENVIRONMENT AND CLIMATE COMMISSION

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

Section 1. That the Berkeley Municipal Code Chapter 3.40 is added to read as follows:

**Chapter 3.40  
ENVIRONMENT AND CLIMATE COMMISSION**

Sections:

- 3.40.010 Established – Number of members – Appointment procedure
- 3.40.020 Council liaison representative
- 3.40.030 Commission liaison representative
- 3.40.040 Officers, meetings, and procedures
- 3.40.050 Functions
- 3.40.060 Membership – criteria for guiding appointments

3.40.010 Established

A Environment and Climate Commission is established. The commission shall consist of nine members. Appointments to the commission shall be made by councilmembers and vacancies on the commission shall be filled by councilmembers in accordance with the provisions of Sections [2.04.030](#) through [2.04.130](#), enacted as Ordinance 4780-NS by the voters of the City.

3.40.020 Council liaison representative

The City Council may appoint one of its members to act as a liaison representative to the commission. The functions of such liaison representative are:

- A. To attend the meetings of the commission;
- B. To advise the Council of the background, reasons and rational behind decisions and recommendations of said commission; and
- C. On request of any member of the commission, to advise the commission of policies, procedures and decisions of the council that may bear on matters under discussion by the commission. The council liaison representative shall have no power to vote and shall receive no additional compensation. (Ord. 4576-NS § 6, 1972)

3.40.030 Commission liaison representative



CEAC Recommendations for Commission reorganization:  
Environment and Climate Commission

The Commission may designate one of its members to act as a liaison representative to any other board, commission, or committee of the City. Liaisons may:

- A. Attend meetings of such other board, commission, or committee;
- B. Advise the Commission of the actions and reasons behind those actions of such other board, commission, or committee; and
- C. Advise such other board, commission, or committee as to the decisions, discussions, and proposals of the Commission; and
- D. Establish collaborative efforts with such other board, commission, or committee in developing plans, strategies, proposals, and recommendations.

3.40.040 Officers, meetings, procedures

- A. The Commission shall elect one of its members as Chair and one of its members as Vice-Chair who shall hold office for one year and until their successors are elected unless their terms as a member of the Commission expire sooner. The Chair and Vice-Chair shall be elected at the first business meeting of the Commission, and on an annual basis thereafter.
- B. One or more officers or employees of the City, involved in the implementation of the City's climate or environmental programs, shall be designated by the City Manager as Secretary of the Commission.
- C. The commission shall establish a regular place and time for meeting. All meetings shall be noticed as required by law and shall be scheduled in a way to allow for maximum input from the public. The frequency of meetings shall be as determined by City Council resolution.
- D. The Commission may make and alter rules governing its organization and procedures which are not inconsistent with this or any other applicable resolution or ordinance of the City, or other provision of law.
- E. A majority of Commission members actually appointed shall constitute a quorum. An affirmative vote of the majority of members present at a regularly called meeting shall be required to take action. The commission secretary shall keep an accurate record of its proceedings and transactions. The commission shall submit an annual report to the City Council with a copy to the City Manager.

3.40.050 Functions

The functions of the Commission shall be as follows:

- A. Develop plans, prioritize strategies, and make recommendations to the City Manager and City Council for addressing:
  - 1. Climate change mitigation, adaptation, and resiliency; and

CEAC Recommendations for Commission reorganization:  
Environment and Climate Commission

2. Environmental justice and health; and
  3. Green buildings, energy and water conservation, and efficiency;
  4. Zero-carbon and renewable energy; and
  5. Zero-emission transportation; and
  6. Equitable access to clean energy and transportation technologies; and
  7. Zero waste, including the reduction, reuse, recycling, and composting of materials; and
  8. The prevention of pollution; and
  9. Air, water, and soil quality; and
  10. Stormwater management; and
  11. Ecosystems, agroecology, biodiversity, green space, and wildlife; and
  12. Hazardous chemicals and toxic materials; and
  13. Outreach to, and education of, the public, small businesses, and industry about environmental, sustainability, and climate issues and initiatives.
- B. Collaborate with other commissions on the development of plans, strategies, proposals, and recommendations to the City Manager and City Council.
- C. Provide for citizen input in the development of and implementation of the City's climate and environmental programs through:
1. Act in an advisory capacity to the City Manager on all proposed policies, projects, or programs, including land use and other policy or infrastructure proposals, that have the potential to substantially impact pollution, energy, waste, water, environmental health, environmental justice, climate adaptation, or resiliency.
  2. Review and comment on staff progress reports on the implementation of policies, projects, or programs related to climate or environmental efforts, including inspection activities of the major generators of hazardous waste and pollution.
- D. Maintain active communication and participation with local communities and institutions, including but not limited to UC Berkeley, Lawrence Berkeley National Laboratory, UC Berkeley student organizations, Bayer, labor organizations, and local nonprofit organizations, on environmental and sustainability issues and initiatives.
- E. Work with City staff to implement the provisions of this Section.
- F. Receive and review quarterly reports concerning hazardous material and waste issues submitted by the City Manager.
- G. Make recommendations to Council for new regulations, programs, or ordinances; conduct other activities as determined by the Commission membership consistent with the Commission's quasi-legislative duties.

3.40.060 Membership – Criteria for guiding appointments

CEAC Recommendations for Commission reorganization:  
Environment and Climate Commission

A. Each Councilmember shall appoint one member of the Environment and Climate Commission, in accordance with Ordinance No. 4780-N.S.

B. The following desirable criteria may guide, but not restrict, councilmembers in making appointments:

1. Experience in environmental justice
2. Experience in climate change mitigation, adaptation, and/or resiliency
3. Experience in renewable energy
4. Experience in zero waste
5. Experience in water management
6. Experience in ecology or biodiversity
7. Experience in green buildings
8. Experience in toxic / hazardous waste or pollution management
9. Experience in sustainable transportation





Rashi Kesarwani  
Councilmember District 1

CONSENT CALENDAR

January 18, 2022

TO: Honorable Mayor and Members of the City Council

FROM: Councilmember Rashi Kesarwani (Author), Mayor Arreguin (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Councilmember Robinson (Co-Sponsor)

SUBJECT: Referral to the City Manager to Establish a Marina Master Plan for Parking with a Consideration for Establishing a Waterfront Parking Benefits District

RECOMMENDATION

Refer to the City Manager to create a Berkeley Marina Master Plan for Parking with a goal of introducing demand-based paid parking in certain areas of the waterfront as appropriate. Further, refer consideration of a Parking Benefits District (PBD) at the waterfront as a means of reinvesting net parking revenues within this area to provide a dedicated funding source for the troubled Marina Fund.

Considerations for a Marina Master Plan for Parking should include:

- Conducting robust outreach to marina stakeholders in order to: gather feedback about parking needs, communicating benefits of establishing a Parking Benefits District to maintaining and upgrading marina infrastructure, and other issues as appropriate;
- Preparing a preliminary fiscal analysis for possible implementation, including projected revenues and expenditures;
- Determining types of pay stations most appropriate for this area in addition to payment schedules, such as hourly, day passes, and/or frequent user/employee permits.

CURRENT SITUATION AND ITS EFFECTS

While the Berkeley Marina is a beloved amenity with a high volume of users ranging from water sports enthusiasts to birders, dog-walkers and Adventure Playground goers, its infrastructure is failing with capital waterfront expenditure needs exceeding

\$100 million.<sup>1</sup> Years of deferred maintenance has resulted in current outsized needs. The Berkeley Pier is dilapidated and closed to users due to unsafe conditions. Pilings need replacing, finger docks and larger docks are in disrepair, parking lots need complete replacement and both the northern and southern entrances to the main Berkeley Marina area are in need of dredging.<sup>2</sup> While the City has been addressing some of the most significant needs over time by using various funding sources including grants, loans, and Measure T1 funds, there is currently no available dedicated funding source equipped to address the array of needs. The Marina Fund, the City's mechanism for managing all waterfront revenues and expenditures, was already struggling with a structural deficit before the pandemic. Since the start of Covid, all reserves have been drawn down exacerbating the dire fiscal circumstances.<sup>3</sup> Improvements are needed to retain the businesses and berth renters whose payments help support the Marina Fund.

Efforts to improve the Marina for all users and address the precarious condition of the Marina Fund have been several years in the making. As early as spring 2018, City staff reported to Council on the fiscal concerns at the Marina and with the supporting Marina Fund.<sup>4</sup> At that time and to this day, these concerns focus on both infrastructure and security needs. As Marina parking lots saw an increase in car break-ins and vandalism on top of the docks' disrepair, berth renters began leaving the Marina resulting in less rental fees supporting the Marina Fund. The Berkeley Marina Area Specific Plan (BMASP) Project was initiated with the goal of providing "a path for achieving a financially self-sustainable publicly owned marina that preserves and enhances infrastructure to support current and future community needs, while adapting to climate change and promoting environmental stewardship."<sup>5</sup> This process is well underway with consultants having been hired to assist with conceptual studies, designs and community outreach efforts that will extend into 2022. Concurrent to the BMASP process, the Berkeley Municipal Pier-Ferry Project has been investigating the feasibility of adding a dedicated high-capacity all-electric ferry service between Berkeley and San Francisco as an alternate form of public transit. Such a move would result in upgrades and improvements to the Berkeley Pier while making the Marina accessible for a wide range of users, both of which could potentially increase revenues into the Marina Fund.

During the September 23, 2021 Budget and Finance Committee meeting, members discussed a policy proposal to allocate revenues generated by the transient

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<sup>1</sup> See the January 28, 2021 [Berkeley Marina Area Specific Plan Community Workshop #1](#) slide presentation, p. 5

<sup>2</sup> See Councilmember Taplin's item #37 on the October 26, 2021 council agenda: Letter to Senate Budget Committee Chair Sen. Skinner Regarding Berkeley Pier, Supplemental 2 Materials, attached

<sup>3</sup> See the [Fiscal year 2022 Budget for Parks, Recreation and Waterfront Department](#) slide presentation to the Budget and Finance Committee.

<sup>4</sup> See the [April 12, 2018 Marina Fund Update](#)

<sup>5</sup> See M BMASP Community Workshop #1, *op. cit.*

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occupancy tax from the Marina hotels to the Marina Fund to help rebuild its fund balance, an idea put forward by the Parks and Waterfront Commission. While the policy committee members voted to send the item to Council with a negative recommendation, they also requested a referral to dedicate policy committee time to discuss alternate revenue streams for the Marina Fund to address the lack of reserves.<sup>6</sup> There is a widely acknowledged urgent need to establish revenue streams to build back reserves for the Marina Fund. The Marina, a hidden gem in Berkeley with a high volume of users, needs additional help.

## BACKGROUND

During the March 23, 2021 City Council meeting, Councilmembers Bartlett and Kesarwani's item number 9: Establish a Parking Benefits District (PBD) in the Adeline Corridor and Fiscal Year 2022 Budget Referral, Supplemental Packet 1 (attached) was unanimously passed on consent as amended and later funded through the FY 2022 budget process. The requested funds are to support hiring a consultant to assist in the formation of a Parking Benefits District. Parking Benefits Districts<sup>7</sup> spend meter revenue for public services and improvements within the metered areas. They are defined geographical areas typically located in commercial districts in which revenue generated from on-street and off-street parking facilities within the area is kept within the district to finance local improvements.<sup>8</sup> Reinvesting the meter revenue back into the district helps build support among community members and businesses as the economic benefits of parking can fund specific improvements within the area.

A primary goal of PBDs is to effectively manage an area's parking supply and demand, often using demand-based pricing, making parking convenient for drivers.<sup>9</sup> In early fall of 2018, transportation consultants Nelson Nygaard submitted a summary of short-term recommendations for parking management at the marina waterfront.<sup>10</sup> The consultants were hired to help manage parking demands created by the volume of users, some of whom parked all-day, all vying for parking spots in close proximity to key water sports locations, ferry services, slip holders' berths, and restaurants. One of the key proposed policy recommendations of this memorandum was to consider charging a \$10 fee for users in need of all-day parking at the South Cove Lot, a centrally-located, high demand facility. With the potential of a ferry system for transport across the bay, and the revisioning of the marina to both achieve financial sustainability and support community usage and needs, the need for enhanced parking management in this area will certainly grow. Establishing a PBD at the marina could be a way to help manage parking supply and demand while creating a dedicated source of revenue for the Marina Fund.

<sup>6</sup> See the September 23, 2021 [annotate agenda](#) for the Budget and Finance Policy Committee

<sup>7</sup> See Donald Shoup's Fall 2016 Access Magazine article: [Parking Benefit Districts](#)

<sup>8</sup> See Newport Beach's [Commercial Parking Benefit District](#) flyer

<sup>9</sup> Op cit. Newport Beach's [Commercial Parking Benefit District](#) flyer

<sup>10</sup> See the September 7, 2018 Nelson Nygaard [Memorandum: Revised Short-Term Recommendations for Waterfront Parking Management](#)

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PBDs also require a community advisory board made up of local stakeholders. In the context of the Marina, that could be representatives from various constituencies, such as sailing and yacht clubs, the Doubletree Hotel, restaurants and other business owners, live-aboards, water sports enthusiasts, merchants and employees, and non-profits. Local stakeholders convene on a regular basis to make recommendations to the City Council for funding local improvements. This advisory structure is another way to help build support for a shift to metered parking as local stakeholders have direct input into the types of improvements to be adopted. Establishing a PBD in the Marina is a long-term strategy that could at once help ease difficult parking situations while providing much needed resources to help fill funding gaps in the Marina Fund that would address ongoing infrastructure needs.<sup>11</sup>

While a PBD in Berkeley has yet to be established, funds have already been allocated to hire consultants to assist with this effort in both the Gilman and Lorin Commercial Districts. Once the ordinance language has been drafted and a PBD structure established and piloted in both these areas, extending this concept to the Marina would be within reach.

#### FISCAL IMPLICATIONS

Staff time to investigate the creation of a Berkeley Marina Master Plan on Parking. Depending on the findings and at a later point in time, a follow-up budget referral for pay-station installation and maintenance, parking enforcement staff, and potential consultant services may be necessary.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Paid parking for use of our public right of ways at the Marina could incentivize some to use alternate transportation, such as public transit, biking or micro-mobility devices to gain access to that area, thereby decreasing greenhouse gas emissions from passenger vehicles—the largest source of greenhouse gas emissions in the City, according to Berkeley’s December 6, 2018 Climate Action Plan update. Were a PBD to be established in the Marina, some of the revenues could help fund a bicycle infrastructure plan to further increase access for non-passenger vehicle transport. This aligns with the City’s Climate Action Plan goals.

#### CONTACT PERSON

Councilmember Rashi Kesarwani, District 1

(510) 981-7110

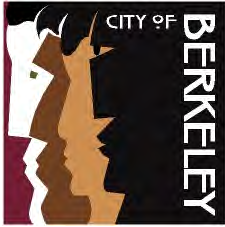
Attachments:

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<sup>11</sup> See JDSupra January 2021 blog post: [Can Parking Benefit Districts Step in as Revenue Sources Dry Up?](#)



1. Item #37, October 26, 2021 council agenda: Letter to Senate Budget Committee Chair Sen. Skinner Regarding Berkeley Pier, Supplemental 2 materials, Councilmember Taplin, author
2. Item #9, Establish a Parking Benefits District (PBD) in the Adeline Corridor and Fiscal Year 2022 Budget Referral, Supplemental Packet 1, March 23, 2021 City Council Agenda



Terry Taplin  
Councilmember District 2

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

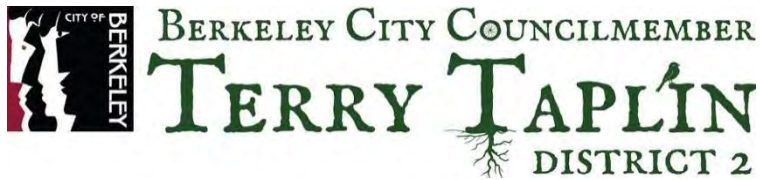
**Meeting Date:**       **October 26, 2021**

**Item Number:**       **37**

**Item Description:** **Letter to Senate Budget Committee Chair Sen. Skinner  
Regarding Berkeley Pier**

**Submitted by:**       **Councilmember Taplin**

- Letter has been updated with more detail on scope of fiscal needs at Pier.
- Assembly Budget Chair Ting added as addressee.



CONSENT CALENDAR  
Oct. 12, 2021

To: Honorable Mayor and Members of the City Council

From: Councilmember Taplin, Mayor Arreguín (co-sponsor), Councilmember Robinson (co-sponsor), Councilmember Kesarwani (co-sponsor)

Subject: Letter to Senate Budget Committee Chair Sen. Skinner Regarding Berkeley Pier

### RECOMMENDATION

Send a letter to Budget Chairs State Senator Nancy Skinner (D-Berkeley) and Assemblymember Phil Ting (D-San Francisco), ~~Chair of the Senate Budget Committee~~, requesting state budget allocations for urgent infrastructure needs at the Berkeley Municipal Pier.

### FINANCIAL IMPLICATIONS

None.

### CURRENT SITUATION AND ITS EFFECTS

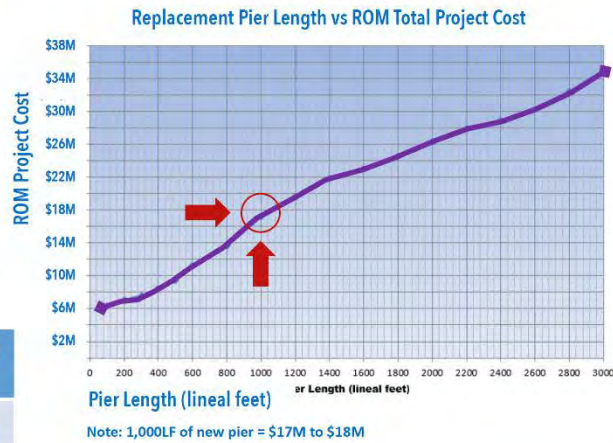
The Marina Fund is projected to exhaust all reserves in FY2022, and its operating deficit will increase to an annual \$800,000. The Berkeley Marina contains over \$200 million in infrastructure assets, with an estimated \$113 million needed in repairs, including a severely dilapidated pier. The Marina Fund has never had a permanent revenue source for capital improvements, and significant deficits have been documented as early as 1999.<sup>1</sup> Funding for infrastructure replacement has been provided in piecemeal fashion through an assortment of grants, loans, the Marina Fund when possible, and more recently, Measure T1 funds. The Berkeley Marina Area Specific Plan (BMASP) project is now underway to plan a revitalization of the area.

The City of Berkeley and Water Emergency Transportation Authority (WETA)'s Pier & Ferry Feasibility Study<sup>2</sup> estimates a \$32-44 million replacement cost of the pier for a full 70-year lifespan. Currently, proposed concepts in the Berkeley Municipal Pier-Ferry Project include a replacement pier of only one-third to one-half of the full 3000 lineal foot length of the existing pier. The currently recommended \$17.5 million covers the cost of 1,000 feet, but \$35 million would cover the cost of the full 3000 lineal feet.

<sup>1</sup> [https://www.cityofberkeley.info/uploadedFiles/Clerk/Level\\_3\\_-\\_General/Marina%20Fund%20Update%20041218.pdf](https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_General/Marina%20Fund%20Update%20041218.pdf)

<sup>2</sup> [https://www.cityofberkeley.info/uploadedFiles/Parks\\_Rec\\_Waterfront/Level\\_3\\_-\\_General/Public%202021-08-010-Pier-Ferry\\_W2.pdf](https://www.cityofberkeley.info/uploadedFiles/Parks_Rec_Waterfront/Level_3_-_General/Public%202021-08-010-Pier-Ferry_W2.pdf)

## Pier Structural Assessment – Project History



| Renovation Options       | Estimated Project Costs* (3,000 LF Pier) | Repair Interval   Longevity | Life Cycle Costs |
|--------------------------|------------------------------------------|-----------------------------|------------------|
| 1. Rehabilitation        | \$22–\$48M                               | 10 yrs   10–15 yrs          | \$2M/yr          |
| 2. Seismic Strengthening | \$41–\$65M                               | 10–15 yrs   30–50 yrs       | \$1M/yr          |
| 3. Replacement           | \$32–\$44M                               | 20+ yrs   70 yrs            | \$0.5M/yr        |

\* Escalated to Year 2023

← Recommended Option



Source: Berkeley/WETA Pier & Ferry Feasibility Study – Community Workshop #2 slides

According to Parks and Waterfront Commission Chairperson Gordon Wozniak, there is a desperate need for \$8 million to dredge the entrance to the main harbor, where boats often run aground at low tide; and the South Sailing Basin, which turns into a mud flat at low tide. With a total funding of \$35 million, the City would have two options: (1) replace the entire 3,000 ft pier, or (2) replace 2,000 ft of the existing pier and dredge both the entrance to the main harbor and the South Sailing Basin.

Funding capital improvements at the Marina Pier is a Strategic Plan Priority Project, advancing our goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

### BACKGROUND

In May 2021, Governor Gavin Newsom announced a historic \$76 billion state budget surplus, and paired it with federal aid in the SB 129 budget revision, dubbed the “California Comeback Plan.”<sup>3</sup> The budget bill, brought by Senate Budget Committee Chair Sen. Nancy Skinner, received only one line-item veto.<sup>4</sup> It contained major capital expenditures, such as \$6 billion to expand hotel acquisition through Project Homekey.

California’s large budget surplus was the result of its progressive tax structure and strong economic conditions in the face of the COVID-19 pandemic. As vaccination increases and local businesses begin reopening, it is not unreasonable to presume that

<sup>3</sup> <https://www.gov.ca.gov/2021/07/12/california-roars-back-governor-newsom-signs-100-billion-california-comeback-plan-to-accelerate-states-recovery-and-tackle-persistent-challenges/>

<sup>4</sup> <https://www.gov.ca.gov/wp-content/uploads/2021/07/SB-129-Line-Item-Veto.pdf>

this pattern may repeat itself next year. Given the Berkeley Marina's central location in the Bay Area metropolitan area, near-future plans for ferry service, and the City's many critical infrastructure needs—including an estimated \$1 billion in unfunded liabilities—the State of California must commit to allocating surplus revenues to meet one-time infrastructure replacement costs while the City develops long-term plans for operating revenues.

Replacing the full 3,000-foot pier will also ensure that the Marina can be a major source of revenue from recreational activities.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

CONTACT PERSON

Councilmember Terry Taplin      Council District 2      510-981-7120

Attachments:

1: Letter

October 26, 2021

The Honorable Nancy Skinner  
Chair, Senate Budget Committee  
California State Capitol, Room 5094  
Sacramento, CA 95814

The Honorable Phil Ting  
Chair, Assembly Budget Committee  
California State Capitol, Room 6026  
Sacramento, CA 95814

Re: 2022 Budget Request from the City of Berkeley Related to Infrastructure  
Improvements at the Berkeley Marina and Pier

Dear Senate Budget Chair Skinner and Assembly Budget Chair Ting:

On behalf of the City of Berkeley, we want to thank you both, as leaders of the Bay Area  
Caucus, for your long-standing support for open space and the environment throughout  
the region and for investing in our communities' job base and capital improvement  
projects.

As you know, the Berkeley Marina is a beloved recreational area with more than 100  
acres of open space and seven miles of trails that delight dog owners, birdwatchers,  
sailors, windsurfers, bicyclists, kite flyers, and anyone seeking to enjoy fresh air and  
expansive views of the bay. Nearly 100 years ago, the Berkeley Marina served as a  
municipal wharf and the pier offered auto ferry service to San Francisco. More recently,  
in 1991, a landfill was completely sealed and transformed into what is now known as  
Cesar Chavez Park.

The City of Berkeley now seeks to build on the historic role that the marina has played as  
both a beloved recreational area as well as a transportation hub by bringing a high-  
capacity commercial ferry to the Berkeley Marina. A high-capacity commercial ferry would  
offer our region an alternative form of transportation during peak commute times, but is  
also a matter of public safety in the event of a major earthquake that damages our  
roadways and/or Bay Area Rapid Transit tunnels and railways. Over the next decade, we  
plan to continue our ongoing partnership with the San Francisco Bay Area Water  
Emergency Transportation Authority to bring a ferry to the Berkeley Marina and restore  
our damaged pier to serve as a ferry terminal and a place for recreational fishing and  
taking in the bay view.

To realize our long-term vision for the Berkeley waterfront, we have invested over \$26  
million in local funds, grants, and a \$5.5 million state loan in recent years. With these  
resources, we are making critical capital investments, including repaving of failing streets,

replacing two full docks and a number of finger docks and pilings, making emergency electrical upgrades, and upgrading six restrooms, among other vital infrastructure improvements. We are also using a portion of these funds to plan for the future by investing in a Marina Area Specific Planning Study, a Pier-Ferry Feasibility Study, and a Marina Sea Level Rise Assessment Study.

Despite our significant investment, however, we still face more than \$100 million in unfunded infrastructure needs at the Berkeley Marina and Pier. We are committed to serving as a responsible steward of the land granted to us in trust, and believe there is tremendous potential for the Berkeley Marina to become a regional recreation and transportation hub.

We therefore respectfully request the state's support in the FY 2022-23 state budget for the following highest-priority unfunded capital improvement projects that will help to ensure the vitality and longevity of the Berkeley Marina for years to come.

1. Dredging Main Channel - \$6,000,000

Both the northern and southern entrances to the main Berkeley Marina need to be dredged. They were last partially dredged in 1989 by the Federal Emergency Management Agency after the Loma Prieta earthquake in order to allow for large ferry use. There are several spots where large boats cannot enter or exit during low tide.

2. Dock Piling Replacement - \$1,300,000

The Berkeley Marina has approximately 500 pilings. Approximately 50 percent are the original wood pilings, many of which have failed or are near failure. The City has identified \$1.2 million in City funding to replace the worst pilings, but is in need of additional funding to replace the remaining wood pilings.

3. Finger Dock Replacement - \$850,000

Various small docks next to each slip that are adjacent to each boat need to be replaced in docks K, L, M, N and O. While the main docks are in decent shape, many of the finger docks are failing.

4. J Dock Replacement - \$4,500,000

These docks are the oldest remaining unimproved docks since the initial construction in the 1960s. These docks will be converted from small boat slips to slips for medium and larger boats.

5. J and K Parking Lot - \$1,150,000

This parking lot is adjacent to the marina office, commercial fishing dock (K), a marina restaurant and the bait shop and has totally failed and needs complete replacement. This parking lot is the busiest marina parking lot and serves multiple public uses in the Berkeley waterfront.

6. Cesar Chavez Perimeter Path - \$1,000,000This failing one-mile pathway needs to be widened to meet Bay Trail standards and there are several locations that do not meet current ADA standards.7. Marina Office Piling Replacement - \$200,000The twenty wood pilings which hold up the marina office/public restroom and related platform are near failure and need immediate replacement.Thank you for your consideration and we look forward to working in partnership on these critical improvements.The Honorable Nancy Skinner, Chair  
Standing Committee on Budget and Fiscal Review  
State Capitol, Room 5019  
Sacramento, CA 95814October 12, 2021Dear Senator Skinner:

~~As you may know, the City of Berkeley's Municipal Pier urgently needs replacement. However, the City and the Water Emergency Transportation Authority (WETA) lack sufficient funds for a full replacement to accommodate all recreational activities as well as plans for a new ferry. Therefore, we humbly request that the California State Senate consider an appropriation of at least \$17.5 million in the next budget to match the City's recommendation and fund a full replacement of the Marina Pier.~~

~~The City of Berkeley and WETA's Pier & Ferry Feasibility Study estimates a \$32-44 million replacement cost of the pier for a full 70-year lifespan. Currently, proposed concepts in the Berkeley Municipal Pier Ferry Project include a replacement pier of only one-third to one-half of the full 3000 lineal foot length of the existing pier. \$17.5 million covers the cost of 1,000 feet, but \$35 million would cover the cost of the full 3,000 lineal feet.~~

~~Additionally, there is a desperate need for \$8 million to dredge the entrance to the main harbor, where boats often run aground at low tide, and the South Sailing Basin, which turns into a mud flat at low tide. Even a State contribution of \$8 million would allow a 2,000 ft long replacement pier to be built, which would accommodate substantially more recreation and pedestrian usage. A longer pier that enables more recreational uses also increases potential revenue for the City.~~

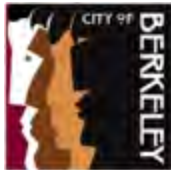
~~In your capacity as Chair of the State Senate's Standing Committee on Budget and Fiscal Review, we ask you to consider allocating state funds for infrastructure~~



~~replacement at the Berkeley Pier. This would go a long way toward restoring a vital public resource in our community, while also guaranteeing future revenue potential and stability for the City's Marina Fund. Thank you very much for your tireless service for the people of Senate District 9.~~

Respectfully yours,

City Council, City of Berkeley  
2180 Milvia St  
Berkeley, CA 94704



October 26, 2021

The Honorable Nancy Skinner  
Chair, Senate Budget Committee  
California State Capitol, Room 5094  
Sacramento, CA 95814

The Honorable Phil Ting  
Chair, Assembly Budget Committee  
California State Capitol, Room 6026  
Sacramento, CA 95814

**Re: 2022 Budget Request from the City of Berkeley Related to Infrastructure Improvements at the Berkeley Marina and Pier**

Dear Senate Budget Chair Skinner and Assembly Budget Chair Ting:

On behalf of the City of Berkeley, we want to thank you both, as leaders of the Bay Area Caucus, for your long-standing support for open space and the environment throughout the region and for investing in our communities' job base and capital improvement projects.

As you know, the Berkeley Marina is a beloved recreational area with more than 100 acres of open space and seven miles of trails that delight dog owners, birdwatchers, sailors, windsurfers, bicyclists, kite flyers, and anyone seeking to enjoy fresh air and expansive views of the bay. Nearly 100 years ago, the Berkeley Marina served as a municipal wharf and the pier offered auto ferry service to San Francisco. More recently, in 1991, a landfill was completely sealed and transformed into what is now known as Cesar Chavez Park.

The City of Berkeley now seeks to build on the historic role that the marina has played as both a beloved recreational area as well as a transportation hub by bringing a high-capacity commercial ferry to the Berkeley Marina. A high-capacity commercial ferry would offer our region an alternative form of transportation during peak commute times, but is also a matter of public safety in the event of a major earthquake that damages our roadways and/or Bay Area Rapid Transit tunnels and railways. Over the next decade, we plan to continue our ongoing partnership with the San Francisco Bay Area Water Emergency Transportation Authority to bring a ferry to the Berkeley Marina and restore our damaged pier to serve as a ferry terminal and a place for recreational fishing and taking in the bay view.

To realize our long-term vision for the Berkeley waterfront, we have invested over \$26 million in local funds, grants, and a \$5.5 million state loan in recent years. With these resources, we are making critical capital investments, including repaving of failing streets, replacing two full docks and a number of finger docks and pilings, making emergency electrical upgrades, and upgrading six restrooms, among other vital infrastructure improvements. We are also using a portion of these funds to plan for the future by investing in a Marina Area Specific Planning Study, a Pier-Ferry Feasibility Study, and a Marina Sea Level Rise Assessment Study.

Despite our significant investment, however, we still face more than \$100 million in unfunded infrastructure needs at the Berkeley Marina and Pier. We are committed to serving as a responsible steward of the land granted to us in trust, and believe there is tremendous potential for the Berkeley Marina to become a regional recreation and transportation hub.

We therefore respectfully request the state's support in the FY 2022-23 state budget for the following highest-priority unfunded capital improvement projects that will help to ensure the vitality and longevity of the Berkeley Marina for years to come.

**1. Dredging Main Channel - \$6,000,000**

Both the northern and southern entrances to the main Berkeley Marina need to be dredged. They were last partially dredged in 1989 by the Federal Emergency Management Agency after the Loma Prieta earthquake in order to allow for large ferry use. There are several spots where large boats cannot enter or exit during low tide.

**2. Dock Piling Replacement - \$1,300,000**

The Berkeley Marina has approximately 500 pilings. Approximately 50 percent are the original wood pilings, many of which have failed or are near failure. The City has identified \$1.2 million in City funding to replace the worst pilings, but is in need of additional funding to replace the remaining wood pilings.

**3. Finger Dock Replacement - \$850,000**

Various small docks next to each slip that are adjacent to each boat need to be replaced in docks K, L, M, N and O. While the main docks are in decent shape, many of the finger docks are failing.

**4. J Dock Replacement - \$4,500,000**

These docks are the oldest remaining unimproved docks since the initial construction in the 1960s. These docks will be converted from small boat slips to slips for medium and larger boats.

**5. J and K Parking Lot - \$1,150,000**

This parking lot is adjacent to the marina office, commercial fishing dock (K), a marina restaurant and the bait shop and has totally failed and needs complete replacement. This parking lot is the busiest marina parking lot and serves multiple public uses in the Berkeley waterfront.

**6. Cesar Chavez Perimeter Path - \$1,000,000**

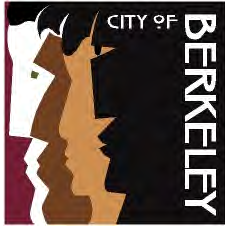
This failing one-mile pathway needs to be widened to meet Bay Trail standards and there are several locations that do not meet current ADA standards.

**7. Marina Office Piling Replacement - \$200,000**

The twenty wood pilings which hold up the marina office/public restroom and related platform are near failure and need immediate replacement.

Thank you for your consideration and we look forward to working in partnership on these critical improvements.

Respectfully,  
Berkeley City Council



Rashi Kesarwani  
Councilmember District 1

## **REVISED AGENDA MATERIAL for Supplemental Packet 1**

**Meeting Date:** March 23, 2021

**Item Number:** 9

**Item Description:** Establish a Parking Benefits District (PBD) in the Adeline Corridor and Fiscal Year 2022 Budget Referral

**Submitted by:** Councilmember Rashi Kesarwani

The item has been amended to include the Gilman District and update the Fiscal Impact to reflect the cost of consulting services for two business districts. Additional edits are included to provide more detail about the concept of a Parking Benefit District, and Councilmember Rashi Kesarwani is added as a co-author.



CONSENT CALENDAR  
March 23, 2021

To: Honorable Mayor and Members of the City Council  
 From: Councilmember Ben Bartlett (Author), Councilmember Rashi Kesarwani (Co-Author), & Mayor Jesse Arreguin and Councilmember Terry Taplin (co-sponsors)  
 Subject: Budget Referral: Establish a Parking Benefits Districts (PBD) in the Adeline Corridor and Gilman District and Refer Funding to the Fiscal Year 2022 Budget Referral Process

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**RECOMMENDATION**

Refer to the City Manager to establish a Parking Benefits Districts (PBDs) in the (1) Adeline Corridor and (2) Gilman District in order to finance and support neighborhood improvements--such as landscaping; enhanced lighting; security ambassadors; enhanced street sweeping and sidewalk cleaning; bike, pedestrian, micromobility, and public transit infrastructure; marketing and promotion of the commercial areas, and other potential enhancements to be determined and more--in South and West Berkeley, and

Further, refer to the Fiscal Year 2022 budget process \$50,000 \$75,000 for city staff to hire and manage a seek consulting services to assist in the formation and establishment of the PBDs.

**CURRENT SITUATION**

Outlined in the Lorin Business Association's vision for South Berkeley and the Adeline Corridor draft plan is a business improvement district (BID).<sup>1</sup> A BID uses fees from businesses and/or property owners to support physical improvements, special events, public safety, street cleanliness/maintenance, and programming. The Lorin Business Association has already spent five years advocating for a BID in South Berkeley but such a district has yet to be established in this community. Thus, the City can take a critical step in supporting innovative revitalization activities in South Berkeley by establishing a Parking Benefits District (PBD) to help the City improve the Adeline Corridor. In addition, the parking revenue generated within the PBD should fund designated neighborhood improvements.

The Gilman District has a similar need for a mechanism to fund necessary streetscape improvements. Establishing a PBD is a financing tool in which revenue is reinvested within the business district in order to fund necessary investments that encourage placemaking and a safe, clean, and pleasant experience for workers and visitors. The Gilman District is home to an eclectic mix of businesses and non-profits, such as art galleries, wineries, breweries, biotech, office space, and an educational farm and community center, among other varied enterprises.

<sup>1</sup> <https://www.cityofberkeley.info/council3/adeline/>

**BACKGROUND**

The Covid-19 pandemic and resulting Shelter-In-Place orders have had a devastating impact on the vitality of our business districts. The development of a Parking Benefit District (PBD) within a business district is a long-term strategy for establishing a dedicated source of revenue to can enhance and reinvest in a commercial area as it seeks to recover from the economic recession resulting from the pandemic.

Parking benefits districts (PBDs) are defined geographic areas, typically along commercial corridors, in which revenue generated from on-street and off-street parking facilities within the district is returned to the district to finance neighborhood improvements. A PBD ties the economic benefits of parking directly to improving the quality of life in the immediate area.<sup>2</sup>

PBDs specifically require local parking revenue to stay local, while financing neighborhood improvements. PBDs allow local merchants, organizations, property owners, residents and visitors to clearly see that the monies collected are being spent for the benefit of their district, on projects that they have chosen. In turn, they become willing to support, and often advocate on behalf of the needs of the residents and patrons who utilize the parking.

To improve our commercial districts and expand investments in our neighborhoods, the Council should adopt this item creating a South and West Berkeley PBD with the specific requirement that parking revenues generated in the district is be used for neighborhood improvements. Funds from a PBD could be used in critically important ways, such as hiring full-time staff to manage the following activities: landscaping and streetscape improvementscreening, street cleaning, transit and pedestrian infrastructure, street furniture, marketing of local businesses, management activities, and visitor and security ambassadors.

Determination of how to allocate and use the funds could be managed by a Parking Advisory Committee, a group of representatives from the commercial district, that would make recommendations to City staff on how the revenues would best support the vibrancy of the business district.

In establishing the PBDs, the City should consider a separate permitting system for the benefit of employees of local businesses in order to enable access to parking within reasonable proximity to their place of employment at a fair price. In such a system, local businesses could purchase a certain number of annual permits for employees at a rate that is different from the rate charged to hourly visitors. Fee structures for employee permits versus hourly visitors could initially be determined with the help of the hired consultant.

The request for a PBD is an innovative approach to a real problem in South and West Berkeley. Constituents in both areas have faced many generations of neglect in this

<sup>2</sup> See Donald Shoup's Fall 2016 Access Magazine's article: *Parking Benefit Districts*: <https://www.accessmagazine.org/wp-content/uploads/sites/7/2016/11/access49-web-almanac.pdf>

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~~neighborhood~~. A PBD brings equity, a leg up for ~~our~~ commercial districts to develop in a cohesive, community-oriented way. It also gives ~~our~~ neighborhoods an opportunity to work ~~together communally~~ on issues of mutual interest ~~to South Berkeley in each locale~~, while receiving the resources necessary to improve the quality of life ~~of its for~~ constituents. ~~The establishment of these PBDs could potentially lead to the establishment of PBDs in other areas of the City, adding to the value of this effort.~~

A successful PBD ~~in South Berkeley~~ would also incorporate a number of other key elements that the ~~City Manager Council~~ should ~~also~~ consider:

- Creation of a governing ~~and oversight body~~ Parking Advisory Committee to ~~recommend appropriate uses~~ develop an approved program of revenue ~~generated by the PBD. expenditures, subject to final approval by City Council.~~ This body could take one of several potential forms, such as: ~~A~~ an appointed or volunteer advisory board, which could include residents, property owners, ~~businesses~~ owners and other community organizations operating within South ~~and West Berkeley~~, ~~residents~~ and ~~eCity~~ staff;
- Implementation of parking meters and pricing structures that facilitate demand-based pricing, ~~with employees of local businesses potentially receiving access to permits that are provided at a different rate from the parking rate charged to hourly visitors;~~
- Adoption of a defined list of PBD revenue expenditures;
- Development of a coordinated public relations plan, which ~~w~~ could use wayfinding, signage, and public outreach to explain the role of demand-based pricing and articulate how parking revenue is being utilized to benefit the two districts;
- ~~signage, and public outreach to explain the role of demand-based pricing and articulate how parking revenue is being utilized to benefit South Berkeley;~~
- Ongoing evaluation and management of PBD policies and expenditures; and
- City reporting on the funds generated.

#### REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, AND LAWS

A PBD is a well established concept used in municipalities around the United States. In California, Pasadena<sup>3</sup> and Newport Beach<sup>4</sup> have used their ~~ir~~ PBDs to support revitalization needs. Parking management is an issue often overlooked in a neighborhood's development plan. While it may seem like a secondary concern in the quest for economic development, parking management directly impacts accessibility to businesses, customer willingness to travel to certain areas, and the quality of life experienced by residents. Studies have shown that a smart, proactive parking policy can revitalize a neighborhood. South ~~and West Berkeley is-a~~ are prime neighborhoods for this type of engagement.

<sup>3</sup> See Donald Shoup's Fall 2003 Access Magazine article focusing on Old Pasadena: <https://www.accessmagazine.org/wp-content/uploads/sites/7/2016/02/Access-23-02-Small-Change-into-Big-Change.pdf>

<sup>4</sup> See this promotional flyer from Newport Beach: <https://www.newportbeachca.gov/Home/ShowDocument?id=11814>

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CONSULTATION OVERVIEW

The District 3 Office consulted with leaders of the Lorin Business Association. Their advocacy has informed this recommendation. The District 1 office has conducted outreach to the Gilman District.

RATIONALE FOR RECOMMENDATION

The Council should promote equity by establishing a Parking Benefits Districts (PBDs) in the Adeline Corridor and Gilman District to finance and support neighborhood improvements in South and West Berkeley. In comparison to the ways the City has invested in other districts, South and West Berkeley ~~has~~ have often been neglected. The Lorin Business Association has long advocated for the establishment of a traditional business improvement district, but such a district has yet to be established in this community. The Gilman District also is in need of additional investment. The Council now has the opportunity to support the ~~se South Berkeley~~ commercial districts and improve the quality of life for ~~its~~ their constituents by establishing a PBD in each business district and dedicating parking revenue funding in the PBD to local neighborhood improvements, such as landscaping, lighting, cleaning, security ambassadors, publicity and promotion, pedestrian and transit infrastructure, and other things that City residents benefit from.

FISCAL IMPACTS

~~Rather than accruing to the City, if the PBD is established, all or a portion of revenue generated from on street and off parking facilities will be utilized to finance neighborhood improvements, thereby improving the quality of life in the business district and surrounding area.~~ In order to form the PBDs, a one-time allocation of ~~resources, estimated at approximately \$50,000 \$75,000~~ is ~~required and being~~ referred to the FY 2022 budget process for consulting services for the following activities:

- Working with key stakeholders to help define the general parameters of the PBDs;
- Developing each respective PBD's boundaries, which revenues would be utilized, a draft budget for expenditures, a description of any new meters or other facilities that need be installed, and a timeline;
- Assigning of responsibilities to various organizations and creation of a new non-profit corporation, if needed;
- Development of a timeline with specific tasks and deadlines; and
- Writing of an Ordinance for Council consideration and presentation to the City Council.

~~–Likely A~~additional costs to establish new meters or other facilities would be identified by the consultant and could potentially be covered by the resulting revenues from the PBD. ~~fiscal impacts, if any, to the City will be analyzed in depth should City Council approve the referral along with the requested budget allocation when the FY 2022 budget is adopted.~~

ENVIRONMENTAL SUSTAINABILITY

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Providing parking for free or below the price that customers are willing to pay unnecessarily subsidizes a carbon-intensive mode of transportation. The City of Berkeley has declared a climate emergency, and it reflects the principles of environmental sustainability to impose a parking fee for the negative externality of greater greenhouse gas emissions emitted by non-electric cars compared to other modes of transportation, such as micromobility devices, public transit, biking or walking.

**CONTACT PERSON**

|                               |                                                                                  |
|-------------------------------|----------------------------------------------------------------------------------|
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| James Chang                   | <a href="mailto:jchang@cityofberkeley.info">jchang@cityofberkeley.info</a>       |
| Councilmember Rashi Kesarwani | 510-981-7111                                                                     |
| Beth Gerstein                 | <a href="mailto:bgerstein@cityofberkeley.info">bgerstein@cityofberkeley.info</a> |

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# BEN BARTLETT

CITY COUNCILMEMBER, DISTRICT 3

## CONSENT CALENDAR

March 23, 2021

To: Honorable Mayor and Members of the City Council  
 From: Councilmember Ben Bartlett (Author), Councilmember Rashi Kesarwani (Co-Author), Mayor Jesse Arreguin and Councilmember Terry Taplin (co-sponsors)  
 Subject: Budget Referral: Establish Parking Benefit Districts in the Adeline Corridor and Gilman District and Refer Funding to the Fiscal Year 2022 Budget Process

### RECOMMENDATION

Refer to the City Manager to establish Parking Benefit Districts (PBDs) in the (1) Adeline Corridor and (2) Gilman District in order to finance and support neighborhood improvements--such as landscaping; enhanced lighting; security ambassadors; enhanced street sweeping and sidewalk cleaning; bike, pedestrian, micromobility, and public transit infrastructure; marketing and promotion of the commercial areas, and other potential enhancements to be determined -- in South and West Berkeley.

Further, refer to the Fiscal Year 2022 budget process \$75,000 for city staff to seek consulting services to assist in the formation and establishment of the PBDs.

### CURRENT SITUATION

Outlined in the Lorin Business Association's vision for South Berkeley and the Adeline Corridor draft plan is a business improvement district (BID).<sup>1</sup> A BID uses fees from businesses and/or property owners to support physical improvements, special events, public safety, street cleanliness/maintenance, and programming. The Lorin Business Association has already spent five years advocating for a BID in South Berkeley but such a district has yet to be established in this community. Thus, the City can take a critical step in supporting innovative revitalization activities in South Berkeley by establishing a Parking Benefits District (PBD) to help the City improve the Adeline Corridor. In addition, the parking revenue generated within the PBD should fund designated neighborhood improvements.

The Gilman District has a similar need for a mechanism to fund necessary streetscape improvements. Establishing a PBD is a financing tool in which revenue is reinvested within the business district in order to fund necessary investments that encourage placemaking and a safe, clean, and pleasant experience for workers and visitors. The Gilman District is home to an eclectic mix of businesses and non-profits, such as art

<sup>1</sup> <https://www.cityofberkeley.info/council3/adeline/>

galleries, wineries, breweries, biotech, office space, and an educational farm and community center, among other varied enterprises.

## BACKGROUND

The Covid-19 pandemic and resulting Shelter-In-Place orders have had a devastating impact on the vitality of our business districts. The development of a Parking Benefit District (PBD) within a business district is a long-term strategy for establishing a dedicated source of revenue to can enhance and reinvest in a commercial area as it seeks to recover from the economic recession resulting from the pandemic.

Parking benefit districts (PBDs) are defined geographic areas, typically along commercial corridors, in which revenue generated from on-street and off-street parking facilities within the district is returned to the district to finance neighborhood improvements. A PBD ties the economic benefits of parking directly to improving the quality of life in the immediate area.<sup>2</sup> PBDs specifically require local parking revenue to stay local, while financing neighborhood improvements. PBDs allow local merchants, organizations, property owners, residents and visitors to clearly see that the monies collected are being spent for the benefit of their district, on projects that they have chosen. In turn, they become willing to support, and often advocate on behalf of the needs of the residents and patrons who utilize the parking.

To improve our commercial districts and expand investments in our neighborhoods, the Council should adopt this item creating a South and West Berkeley PBD with the specific requirement that parking revenues generated in the district be used for neighborhood improvements. Funds from a PBD could be used in critically important ways, such as hiring full-time staff to manage the following activities: landscaping and streetscape improvements, street cleaning, transit and pedestrian infrastructure, street furniture, marketing of local businesses, management activities, and visitor and security ambassadors.

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In establishing the PBDs, the City should consider a separate permitting system for the benefit of employees of local businesses in order to enable access to parking within reasonable proximity to their place of employment at a fair price. In such a system, local businesses could purchase a certain number of annual permits for employees at a rate that is different from the rate charged to hourly visitors. Fee structures for employee permits versus hourly visitors could initially be determined with the help of the hired consultant.

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The request for a PBD is an innovative approach to a real problem in South and West Berkeley. Constituents in both areas have faced many generations of neglect. A PBD brings equity, a leg up for commercial districts to develop in a cohesive, community-oriented way. It also gives neighborhoods an opportunity to work communally on issues of mutual interest in each locale, while receiving the resources necessary to improve the quality of life for constituents. The establishment of these PBDs could potentially lead to the establishment of PBDs in other areas of the City, adding to the value of this effort.

A successful PBD would also incorporate a number of other key elements that the City Manager should consider:

- Creation of a governing Parking Advisory Committee to recommend appropriate uses of revenue generated by the PBD. This body could take one of several potential forms, such as: an appointed or volunteer advisory board, which could include residents, property owners, business owners and other community organizations operating within South and West Berkeley, and City staff;
- Implementation of parking meters and pricing structures that facilitate demand-based pricing, with employees of local businesses potentially receiving access to permits that are provided at a different rate from the parking rate charged to hourly visitors;
- Adoption of a defined list of PBD revenue expenditures;
- Development of a coordinated public relations plan, which could use wayfinding, signage, and public outreach to explain the role of demand-based pricing and articulate how parking revenue is being utilized to benefit the two districts;
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### REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, AND LAWS

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### CONSULTATION OVERVIEW

The District 3 Office consulted with leaders of the Lorin Business Association. Their advocacy has informed this recommendation. The District 1 office has conducted outreach to the Gilman District.

### RATIONALE FOR RECOMMENDATION

The Council should promote equity by establishing Parking Benefit Districts (PBDs) in the Adeline Corridor and Gilman District to finance and support neighborhood improvements in South and West Berkeley. In comparison to the ways the City has invested in other districts, South and West Berkeley have often been neglected. The Lorin Business Association has long advocated for the establishment of a traditional business improvement district, but such a district has yet to be established in this community. The Gilman District also is in need of additional investment. The Council now has the opportunity to support these commercial districts and improve the quality of life for their constituents by establishing a PBD in each business district and dedicating parking revenue funding in the PBD to local neighborhood improvements, such as landscaping, lighting, cleaning, security ambassadors, publicity and promotion, pedestrian and transit infrastructure, and other things that City residents benefit from.

### FISCAL IMPACTS

In order to form the PBDs, a one-time allocation of approximately \$75,000 is referred to the FY 2022 budget process for consulting services for the following activities:

- Working with key stakeholders to help define the general parameters of the PBDs;
- Developing each respective PBD's boundaries, which revenues would be utilized, a draft budget for expenditures, a description of any new meters or other facilities that need be installed, and a timeline;
- Assigning of responsibilities to various organizations and creation of a new non-profit corporation, if needed;
- Development of a timeline with specific tasks and deadlines; and
- Writing of an Ordinance for Council consideration and presentation to the City Council.

Likely additional costs to establish new meters or other facilities would be identified by the consultant and could potentially be covered by the resulting revenues from the PBD.

### ENVIRONMENTAL SUSTAINABILITY

Providing parking for free or below the price that customers are willing to pay unnecessarily subsidizes a carbon-intensive mode of transportation. The City of Berkeley has declared a climate emergency, and it reflects the principles of environmental sustainability to impose a parking fee for the negative externality of

greater greenhouse gas emissions emitted by non-electric cars compared to other modes of transportation, such as micromobility devices, public transit, biking or walking.

CONTACT PERSON

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Councilmember Rashi Kesarwani  
Beth Gerstein

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Rashi Kesarwani  
Councilmember District 1

CONSENT CALENDAR

January 18, 2022

TO: Honorable Mayor and Members of the City Council

FROM: Councilmember Rashi Kesarwani (Co-Author), Councilmember Ben Bartlett (Co-Author), Mayor Arreguin (Co-Sponsor), Councilmember Taplin (Co-Sponsor)

SUBJECT: Refer to the City Manager to Establish a Framework for Parking Benefits Districts in the Gilman and Lorin Commercial Districts

RECOMMENDATION

Refer to the City Manager to create a basic framework for establishing a Parking Benefits District (PBD) in the Gilman and Lorin Commercial Districts. This framework should include:

- A map establishing the boundaries of the Gilman District PBD. Suggested borders of the district should include: (1) on the west, the east side of Eastshore Highway from Page Street to the Albany border; (2) on the north, the Albany border from Eastshore Highway to the east side of San Pablo Avenue; (3) on the east, the east side of San Pablo Avenue from the Albany border to Gilman Street, both sides of Gilman Street from San Pablo Avenue to Kains, and the east side of San Pablo Avenue to the north side of Page Street; and (4) on the south, the west side of San Pablo Avenue from Page Street to Camelia Street, the north side of Camelia Street from San Pablo Avenue to Sixth Street; the west side of Sixth Street from Camelia to Page; the north side of Page Street from Sixth Street to Eastshore Highway. See map in Attachment 1.
- A map establishing the boundaries of the Lorin District PBD. Suggested borders of the district should include: (1) on the east, both sides of Shattuck Avenue from Carleton southward to Alcatraz Avenue; (2) on the south, the north side of Alcatraz Avenue from Shattuck Avenue to Martin Luther King Jr. Way; Martin Luther King Jr. Way southward to 62nd Street; 62nd Street to King Street; (3) on the west, King street to Russell Street; (4) on the north, Russell Street to Grant Street; Grant Street north to Carleton Street; and Carleton Street to Shattuck Avenue. See map in Attachment 1.

- Consideration of expanding the goBerkeley parking program<sup>1</sup> to include installation of paid parking *within a subsection* of the defined Gilman and Lorin Parking Benefit Districts *only where warranted based on parking demand using a demand-based pricing model*.
- Consideration of amending the goBerkeley program to allow net parking revenues to be reinvested within the Gilman and Lorin Parking Benefits Districts where the revenue is generated for the purpose of funding improvements, such as trash removal, sidewalk cleaning, enhanced lighting, signage, beautification like landscaping or other improvements based on input from an advisory board of stakeholders—in alignment with policy requirements of PBDs.
- Consideration of transportation-related amenities targeted to employees that may include: annual transportation passes to incentivize public transit use, annual memberships in shared electric micro-mobility programs, special employee parking permits, etc.
- A strategy for conducting outreach to Gilman and Lorin Commercial District stakeholders prior to implementation, including outreach to property and business owners and employees.

#### CURRENT SITUATION AND ITS EFFECTS

***The Gilman District is home to an eclectic range of businesses, services and amenities that attract visitors from across the Bay Area.*** The Gilman District, situated in the northwest section of Berkeley, is a dynamic mix of manufacturing, light industry, office and studio space, retail and food establishments, in addition to other services and amenities. It is home to recreational sports fields, for instance, and a flourishing urban farm, Urban Adamah, that hosts various family and community programs. Over the last couple of decades new and exciting businesses have settled into this district that are highly attractive to consumers throughout the Bay Area and have helped make this area a vibrant commercial district. These include food-related production and services such as Whole Foods, Philz Coffee, Fra'Mani handcrafted foods, Boichik Bagels (opening a warehouse in 2022); wineries such as Donkey and Goat and Broc Cellars as well as breweries such as Fieldwork and Gilman Brewing Company. The Tesla Service Center and other automotive services and industries are located in the same vicinity as community non-profit collaborative art spaces such as The Potters' Studio.

***Availability of parking is an issue in the Gilman District.*** Between the many employees and visitors, there is a large volume of stakeholders who frequent this area on a daily basis. Despite the popularity of this area, this district is hard to access via public transit. Currently only the 72 AC Transit lines (72, 72R, 72M) travel back

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<sup>1</sup> This program uses demand-based parking management practices in which staff periodically analyze parking activity to adjust meter pricing in order to improve parking availability and turnover.

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and forth along San Pablo Avenue and the closest bike share stop is eight blocks away, at Tenth and University Ave. The closest BART stations are close to a mile and a half away. Unless people access the Gilman District by foot, bike or micro-mobility device, they are likely driving into the area. The resulting high volume of single-occupancy vehicles impacts parking and exacerbates greenhouse gas emissions. The few metered blocks in the Gilman District are clustered around the large high-volume retail establishments REI and Whole Foods, leaving the vast majority of the district without an effective means to regulate parking and ensure adequate availability. Gilman District stakeholders can park their vehicles all day for free, and many of them do. Finding a place to park in the Gilman District can be challenging because the city does not currently have a mechanism to consider expansion of the goBerkeley parking program to this area.

***The Lorin District is one of the most diverse, artistic and transit accessible commercial districts in the City of Berkeley.*** The Lorin District is home to the South Berkeley Farmers' Market, boasts a thriving arts and antiques cluster, and is home to Shotgun Players and Berkeley Black Repertory Theater. It is also fast becoming an emerging food scene with an impressive assortment of new eating and drinking establishments. The Lorin is the southernmost gateway into the City. With direct access to Highway 24 from Adeline Street and Interstate 80 from Ashby Avenue, the district boasts an intermodal array of options for visitors including the Ashby BART and AC Transit bus lines, including Transbay bus stops with direct access to San Francisco. The Lorin Business Association includes businesses, nonprofits, artists, and property owners located along Adeline Street from Ashby Avenue to the Oakland border. The Association seeks to promote economic vitality by promotion of positive business and commercial activity, streetscape improvements and the arts. The consideration of additional paid parking in this area could encourage employees and customers to utilize alternative transportation options.

***The Gilman & Lorin Business Districts have a significant number of unhoused individuals.*** In addition to parking challenges, both Districts struggle with a high number of unhoused individuals living on the sidewalk. Many of these encampments have also become sites of illegally dumped materials, and excessive trash and debris have attracted vermin. Hazardous materials such as human waste and used needles are frequently found at these sites. Unlike many other business districts in Berkeley, both Districts lack the structure and resources of a Business Improvement District (BID)—an entity that could provide services to benefit the commercial area and promote and maintain a cleaner environment. In short, these areas need additional resources to acquire street and landscape improvements, cleaning services, and amenities such as bike and pedestrian infrastructure to make the districts easy for everyone to access. These types of services are beyond what the City can currently provide.

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***Parking Benefit Districts (PBDs) are a way to boost economic vitality while addressing parking challenges.*** Parking Benefit Districts<sup>2</sup> spend meter revenue for public services in the metered areas. They are defined geographical areas typically located in commercial districts in which revenue generated from on-street and off-street parking facilities within the area is kept within the district to finance neighborhood improvements.<sup>3</sup> A primary goal of PBDs is to effectively manage an area's parking supply and demand, often using demand-based pricing, making parking convenient for drivers.<sup>4</sup> Reinvesting the meter revenue back into the district helps build support among community members and businesses as the economic benefits of parking can fund local improvements within the area.

***A PBD is led by a Community Advisory Board.*** PBDs also require a community advisory board made up of local merchants, employees, organizations, property owners and other stakeholders to convene on a regular basis to make recommendations to the City Council for funding improvements. This advisory structure is another way to help build support for a shift to metered parking as local stakeholders have direct input into the types of improvements to be adopted. Establishing a PBD in the Gilman and Lorin Commercial Districts is a long-term strategy that could at once help ease the difficult parking situation district stakeholders experience daily while providing much needed resources to help fill in funding gaps that could address cleanliness, safety, and quality of life improvements, such as additional trash removal, sidewalk cleaning, enhanced lighting, beautification such as landscaping, or other improvements.<sup>5</sup>

***Other cities have established PBDs with great success.*** A PBD is a well-established concept used in cities within California and throughout the United States. Pasadena was an early adopter of a PBD in 1993.<sup>6</sup> According to one legal publishing service, "In its first year, the PBD saw a 100 percent increase in sales tax revenue and in two decades, Old Pasadena became a popular shopping attraction, where just 21 square blocks raised \$6.4 million for local investments in a five-year period."<sup>7</sup> San Diego was soon to follow in 1997 with now six distinct PBDs,<sup>8</sup> and nearby Redwood City established one in 2017.<sup>9</sup> All districts have successfully used revenues for street and sidewalk cleaning as well as improvements such as:

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<sup>2</sup> See Donald Shoup's Fall 2016 Access Magazine article: [Parking Benefit Districts](#)

<sup>3</sup> See Newport Beach's [Commercial Parking Benefit District](#) flyer

<sup>4</sup> Op cit. Newport Beach's [Commercial Parking Benefit District](#) flyer

<sup>5</sup> See JDSupra January 2021 blog post: [Can Parking Benefit Districts Step in as Revenue Sources Dry Up?](#)

<sup>6</sup> See Douglas Kolozsvari and Donald Shoup's Fall 2003 Access Magazine article: [Turning Small Change into Big Changes](#)

<sup>7</sup> JDSupra January 2021 blog post, *Op. Cit.*

<sup>8</sup> See Main Street America's blog post: [Parking Benefit Districts Case Study: San Diego California](#)

<sup>9</sup> See Redwood City's webpage [Community Benefit Improvement District](#)

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- Infrastructure enhancements to its historic district, including vehicular and pedestrian wayfinding signs and neighborhood banners (San Diego)<sup>10</sup>
- Sidewalk operations and beautification projects including murals, shadow art stencils, umbrellas and table and seating areas (Redwood City)<sup>11</sup>
- Installation of historic light fixtures and street furniture, and tree planting (Old Pasadena)<sup>12</sup>

Other cities outside of California have successfully adopted PBDs as well. In Austin, Texas, for instance, a PBD was established in 2005 using Environmental Protection Agency funding that was so successful that it later established several more, raising \$1.87 million for local improvement projects.<sup>13</sup> Other geographically dispersed cities such as Houston, Texas<sup>14</sup>; Portland, Oregon<sup>15</sup>; and Washington, D.C.<sup>16</sup> have similarly established PBDs as a way to revitalize a neighborhood, address parking management issues, and combat greenhouse gas emissions. It is a concept gaining traction throughout the country.

**Examples of employee parking accommodations.** Cities have used a variety of approaches to specifically address workers' needs. Some cities, such as Boulder, Colorado have established PBDs that use some of the revenues to assist workers while disincentivizing single-occupancy vehicle transportation into the district. Boulder's Central Area General Improvement District (CAGID) dedicates funds for the Denver-Boulder transit agency Eco-Pass Program<sup>17</sup> providing thousands of workers free unlimited-ride transit passes annually. Boulder additionally invested \$50,000 in the BCycle Bikeshare program as another way to incentivize alternate methods of transportation for workers.<sup>18</sup> In Houston, Texas, the Washington Avenue Parking Benefit District has created a permitting system allowing each commercial property to purchase an annual permit for parking in a designated area.<sup>19</sup> The City of Berkeley, too, has a precedent of addressing merchant and employee parking needs as made evident in our Berkeley Municipal Code 14.72.100 - Local Business Parking Permits, which allows issuing a permit to business owners or lessees of commercial establishments located in designated commercial zoning districts within the City for use during the business activity of the establishment. Such a permitting program

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<sup>10</sup> See Main Street America's blog post, *op. cit.*

<sup>11</sup> See Redwood City's [Annual Report from the Redwood City Improvement Association, December 1, 2016 - November 30, 2017](#)

<sup>12</sup> Kolozsvari and Shoup, *Op. Cit.*

<sup>13</sup> JDSupra blog post, *Op. Cit.*

<sup>14</sup> See City of Houston Webpage: [Park Houston](#)

<sup>15</sup> See City of Portland's [Meter District](#) webpage

<sup>16</sup> See Washington, D.C. press release regarding the [Launch of New Parking Program Downtown](#)

<sup>17</sup> See [RTD EcoPass](#)

<sup>18</sup> See SmartcitiesDive blog post: [Parking as an Economic Development Tool in Boulder](#)

<sup>19</sup> See the parking website [ParkHouston](#) for details on this PBD

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could easily be incorporated within the structure of a PBD, should the stakeholder advisory group opt to do so.

**Existing meters in Gilman and Lorin Districts provide revenue to our Parking Meter Fund.** Pre-pandemic, normal parking operations throughout the City yielded healthy revenues in excess of expenditures and contributed to the City's Parking Enterprise Fund. These funds were intended to help cover the Center Street Garage bond debt service payment and for upgrades to the City's parking meters.<sup>20</sup> While the City paused fee collection at all meters and off-street parking facilities during the shelter-in-place order, revenue collection resumed later in 2020 and on and off-street parking revenues are again slowly beginning to climb. Currently, a limited number of blocks in the Gilman District have parking meters, with the Lorin District containing slightly more metered streets (see Attachment 1 maps). In both districts, meters are clustered around the high-volume retail and food establishments: REI and Whole Foods in the Gilman District and Berkeley Bowl in the Lorin District. Exhibit 1 shows the revenues for the meters in these two districts over the past few years.

**Exhibit 1: Limited Number of Gilman and Lorin District Parking Meters Generated a Total of \$162,323 in FY 2019-20**

|              | Total Revenue    |                 |                                  | Hourly Rate         |                     |                     |
|--------------|------------------|-----------------|----------------------------------|---------------------|---------------------|---------------------|
|              | FY 2019-20       | FY 2020-21      | FY 2021-22<br>(Jul-Sept<br>2021) | FY 2019-20          | FY 2020-21          | FY 2021-22          |
| Lorin        | \$94,410         | \$23,025        | \$7,695                          | \$86<br>(\$1.50/hr) | \$17<br>(\$0.50/hr) | \$24<br>(\$0.50/hr) |
| Gilman       | \$67,913         | \$23,771        | \$10,689                         | \$65<br>(\$1.50/hr) | \$17<br>(\$0.50/hr) | \$31<br>(\$0.50/hr) |
| <b>Total</b> | <b>\$162,323</b> | <b>\$46,796</b> | <b>\$18,384</b>                  |                     |                     |                     |

Source: Transportation Division, City of Berkeley

Note: During the period of March 20, 2020 through May 31, 2020 fees were not collected at any meters due to the shelter-in-place order.

**The goBerkeley parking program uses demand-based management.** In 2013, Berkeley began piloting the goBerkeley parking program in three commercial areas: Downtown Berkeley, the Elmwood, and Southside/Telegraph, as a way to support their economic vitality and reduce congestion and emissions. In short, this program uses demand-based parking management practices in which staff periodically analyze parking activity to adjust meter pricing in order to improve parking availability and turnover. The program targets the availability of 1-2 open parking spaces (65-85 percent occupancy) on most block faces in a given area. If this target is reached, no adjustments are made. If blocks are too full, prices are increased; if they are too empty, prices are decreased accordingly. The meter time limits reinforce parking turnover in select areas or incentivize drivers to park in areas with longer time limits.

<sup>20</sup> See Public Works Director Liam Garland's report to the Budget and Finance Policy committee: [Parking Funds-Public Works Balancing Proposal](#)

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This parking program strategy reduces vehicle emissions as the need to circle an area in pursuit of parking is reduced, and improves pedestrian and bicyclist safety by reducing driver distractedness while looking for parking. The January 14, 2020 program update to the Berkeley City Council (attached) noted the success of this program and the City's intent to eventually transition all of our metered parking to this program, pursuant to robust community outreach and engagement with merchants and residents alike. This Council item recommends consideration of expanding this program to the Gilman and Lorin Districts once PBDs are established in order to help manage parking issues and fill in funding gaps for neighborhood improvements in these distinct areas.

### BACKGROUND

Every year, funds from net parking revenues are set aside to fund meter replacement, help pay down the Center Street Garage general obligation bond and contribute to the General Fund for other ongoing City programs. Pre-pandemic, the Parking Meter Fund paid \$1.9M annually towards the Center Street Garage bond obligation. Also pre-pandemic, the City's FY 2019-20 projections for on-street parking fund revenues were roughly \$9.3 million, with a monthly average of \$779,285.<sup>21</sup> When Covid hit, parking revenue was severely impacted. The Parking Meter Fund received a loan from the General Fund, but is still not solvent. Revenues from on-street parking are steadily climbing, although they have still not returned to their pre-pandemic level.<sup>22</sup> Operational costs of parking meter maintenance, enforcement, and staffing are considerable, as shown in Exhibit 2, and it will take additional time before our Parking Fund is once again yielding revenues in excess of expenditures.

### **Exhibit 2: Parking Infrastructure Costs**

| <b>Equipment</b>               | <b>One-Time Cost</b>                                  | <b>Ongoing Cost</b>         |
|--------------------------------|-------------------------------------------------------|-----------------------------|
| Parking Pay Station (unit)     | \$5,700 purchase, \$300 install                       | \$660/year connectivity fee |
| Single Space Meter (unit)      | \$575 purchase                                        | \$69/year connectivity      |
| Single Space Meter post (unit) | \$300; variable installation cost by Streets Division | N/A                         |

Source: Transportation Division, City of Berkeley

Additional costs include maintenance and staffing.

- Staff time for collections and maintenance citywide is roughly \$714,300 annually.
- Expansion to the Lorin and Gilman Districts would require 0.5 full-time equivalent (FTE) Meter Mechanic and 0.5 FTE Meter Collector.

During the March 23, 2021 City Council meeting, Councilmembers Bartlett and Kesarwani's Item Number 9: Establish a Parking Benefits District (PBD) in the

<sup>21</sup> See Director Garland's November 12, 2020 report to the Budget and Finance committee, *Op. Cit.*

<sup>22</sup> Communications with City of Berkeley Parking Services Manager, Danette Perry, Dec. 8, 2021.  
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Adeline Corridor and Fiscal Year 2022 Budget Referral, Supplemental Packet 1 (see Attachment 3) was unanimously passed on consent as amended and later funded through the FY 2022 budget process. The requested funds were to support hiring a consultant to assist in the formation of a Parking Benefits District. In preparation for bringing a consultant on board, the City's Office of Economic Development staff began working with a UC Berkeley graduate student intern studying City Planning at the College of Environmental Design to develop an existing conditions report for both districts, and to research and evaluate regional Parking Benefit District policies to recommend cities' best practices that would be compatible with Berkeley's local context. This council item is another step towards establishing PBDs in Berkeley as it provides additional direction to staff specifically for the Gilman and Lorin Districts pertaining to drawing defined district boundaries, expanding the City's already established parking program, directing staff to determine the block faces for meter installation, seeking ways to minimize impacts on employees, and requesting outreach efforts with Gilman and Lorin District stakeholders. Once the PBDs' structure has been established and a consultant hired to assist creating an ordinance and begin its formation, staff can work on calculations to determine the percentage of net revenue from these districts' meters to be reinvested back into the district. One of the likely final steps in this process will be a budget referral for meter purchasing and installation and hiring additional parking enforcement staff.

#### FISCAL IMPACTS

Staff Time to determine block faces to be metered and recommend pricing levels specific to each district. Staff time will also be required to administratively address an expansion of the goBerkeley parking program. Lastly, staff time will be necessary to devise and conduct community stakeholder outreach within both the Gilman and Lorin Commercial Districts.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

According to Berkeley's December 6, 2018 Climate Action Plan update, transportation is the largest source of greenhouse gas emissions in the City, mostly generated from passenger vehicles. Installing meters and a demand pricing parking management system will reduce greenhouse gas emissions as it reduces the likelihood of drivers circling blocks in pursuit of parking and lessen traffic congestion. Additionally, charging drivers for use of our public right of ways can be an effective way to disincentivize driving, providing another way to reduce greenhouse gas emissions. This aligns with the City's Climate Action Plan goals.

#### CONTACT PERSON

Councilmember Rashi Kesarwani, District 1

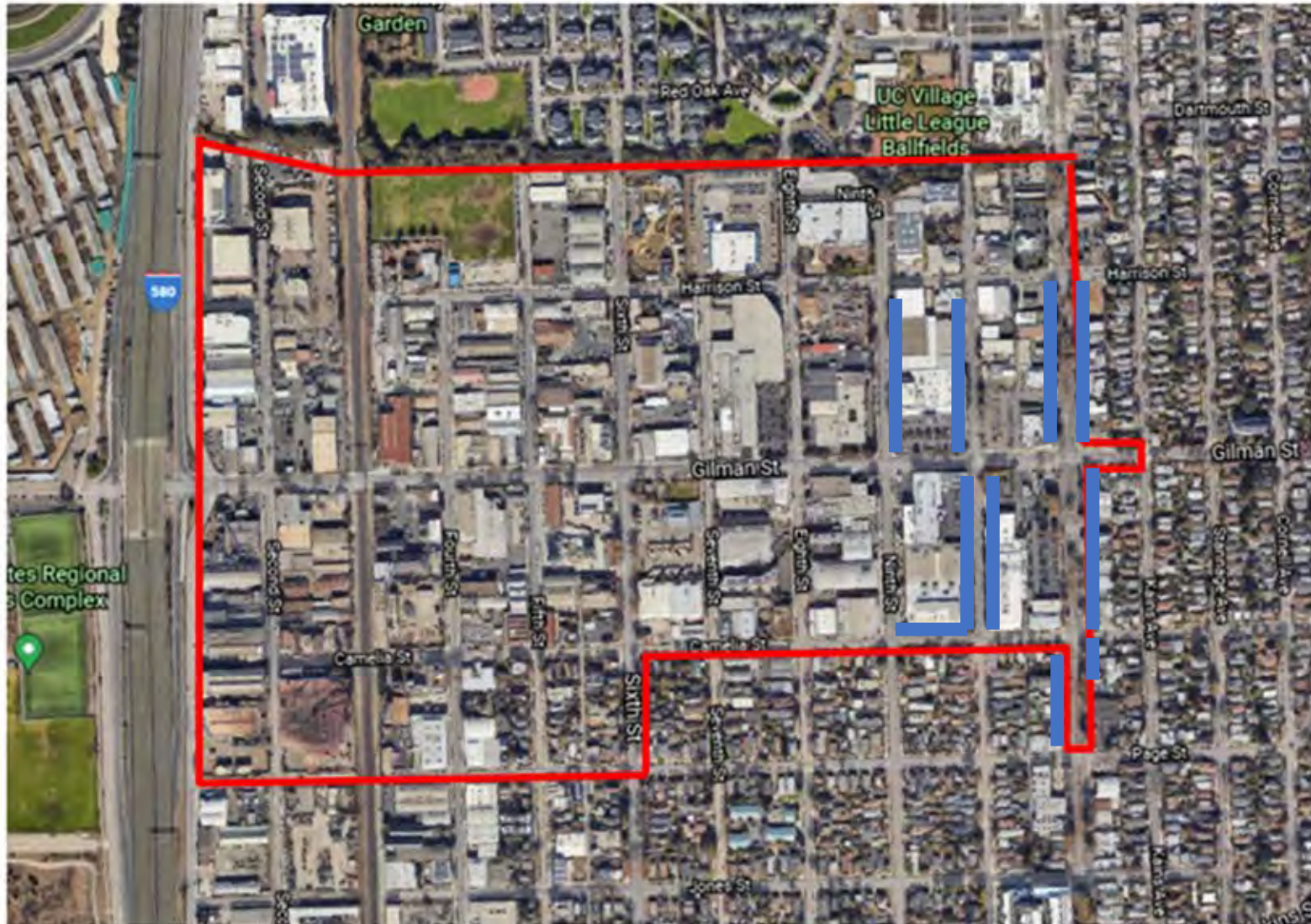
(510) 981-7110

Attachments:

1. Proposed maps of Gilman and Lorin Parking Benefit Districts
2. goBerkeley Program Update - January 14, 2020 Council Worksession
3. Item #9: Establish a Parking Benefits District (PBD) in the Adeline Corridor and Fiscal Year 2022 Budget Referral, Supplemental Packet 1, March 23, 2021 City Council Agenda

# Proposed Gilman Parking Improvement District Boundary

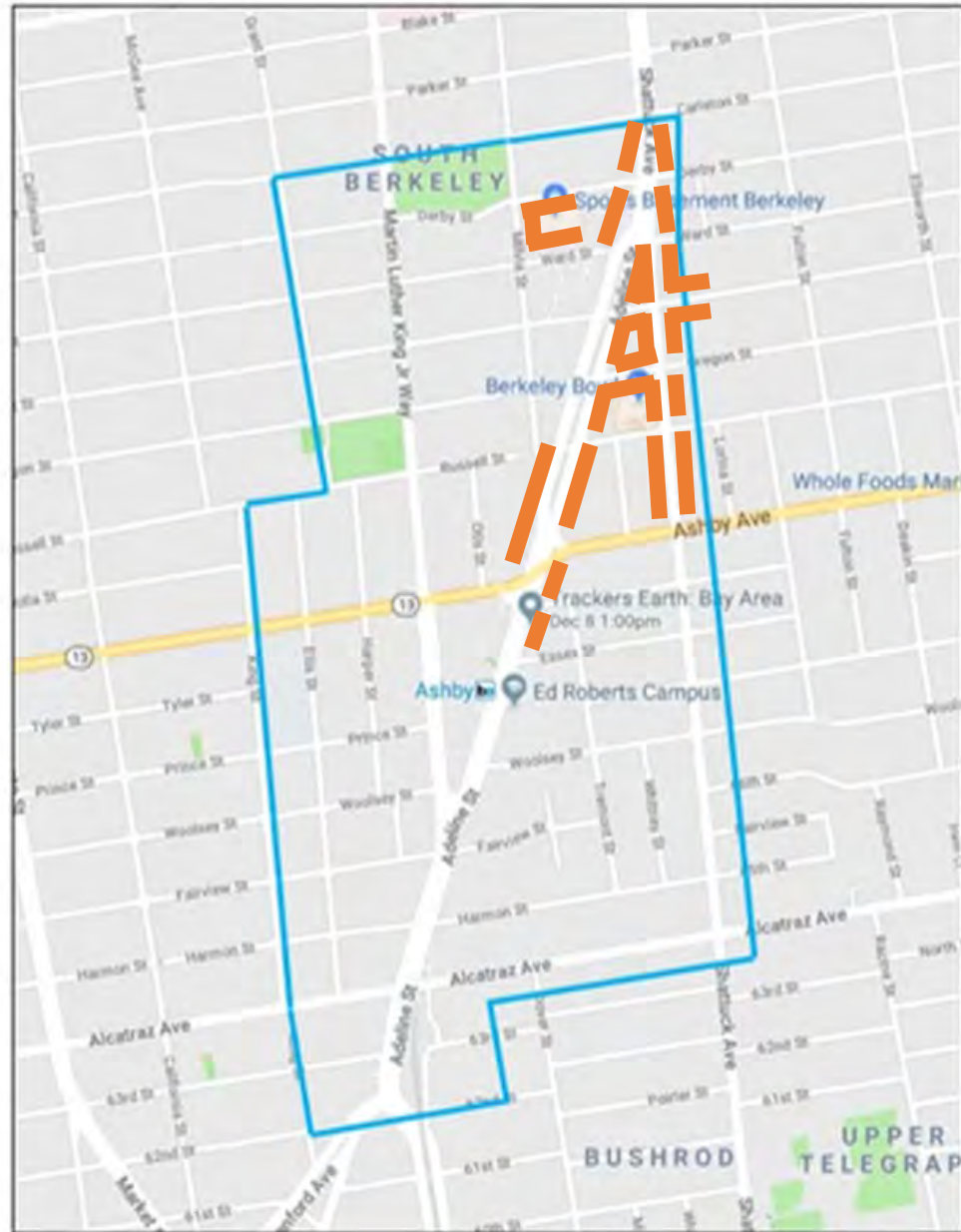
Existing  
metered  
parking





# Proposed Lorin Parking Improvement District Boundary

Existing  
metered  
parking





Office of the City Manager

WORKSESSION  
January 14, 2020

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Phillip L. Harrington, Director, Public Works  
 Subject: goBerkeley Program Update – January 2020

INTRODUCTION

goBerkeley is a baseline program comprising parking management strategies and projects that support economic vitality and reduce greenhouse gas emissions in the City of Berkeley. This report provides an update on current and future goBerkeley activities and initiatives, including the grant-funded Residential Shared Parking Pilot project.

CURRENT SITUATION AND ITS EFFECTS

Operationally, goBerkeley's primary tool is demand-responsive parking pricing. Staff periodically analyze parking activity to verify that there are at least 1-2 open spaces (or 65-85% occupied) on most block faces<sup>1</sup> in an area. If this target is reached, then no price adjustments are needed. If blocks are too full, then prices need to be increased; if blocks are too empty, then prices need to be lowered. As a secondary tool, time limits are used to reinforce turnover in some areas or entice a shift of demand to areas with longer time limits.

As of January 2020, goBerkeley activities include initiating the grant-funded Residential Shared Parking Pilot project, expanding the existing demand-responsive parking program to other commercial districts, and evaluating evening and special event pricing to address high parking demand after 6 p.m.

**goBerkeley Residential Shared Parking Pilot**

The goBerkeley Residential Shared Parking Pilot (RSPP) is a grant-funded pilot project with goals of increasing parking availability, reducing greenhouse gas emissions, and improving travel and mobility in the Elmwood and Southside/Telegraph neighborhoods.<sup>2</sup> Inspired by feedback received during the initial goBerkeley pilot, the project is designed to support several groups of people currently sharing residential parking during the day, including residents, local employees, business owners, and visitors. While existing Residential Preferential Parking (RPP) restrictions may work well for residents, the two-

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<sup>1</sup> Block face - one side of one block, e.g., the north side of Center Street between Milvia Street and Shattuck Avenue.

<sup>2</sup> February 23, 2016 Council Meeting: <http://bit.ly/2me6EHN>

hour time limits are challenging for people who need to stay longer, and some non-permitted users move their car every two hours to avoid a citation. This practice causes traffic congestion in neighborhoods, frustration and lost productivity for employees and their employers, and increased pollution from circling for parking, even in areas that have adequate parking availability.

The RSPB project is currently in its information gathering stage, with a consultant team supporting data collection, public outreach, and communication efforts.<sup>3</sup> In fall 2019, staff held the first meeting of a Technical Advisory Committee (TAC), which provides feedback on the operational feasibility of the project. The City has also created a brand identity for the project, *goBerkeley SmartSpace*, and a project website is now available at <http://smartspace.goberkeley.info>. In January 2020, staff will convene a Community Advisory Group (CAG), providing opportunities for local neighborhood groups and other representatives to help shape and evaluate the pilot project. Staff will also use a range of public outreach tools to ensure that all voices are heard so the pilot best responds to community needs.

Broader community outreach will occur this spring. With assistance from the CAG, staff will develop a set of pilot recommendations for Council approval this summer and implementation in fall 2020.

### **Managing goBerkeley in Existing Areas**

goBerkeley currently manages public parking resources in the Downtown Berkeley, Southside/Telegraph, Northside (Euclid/Hearst), North Shattuck, and Elmwood commercial districts, including three City-owned parking garages and two off-street parking lots. The expansion to Northside in fall 2018 was the first since the pilot program was made permanent in 2015. On January 1, 2020, the North Shattuck parking meter district joined the goBerkeley program.

The next set of price and time limit adjustments, resulting from data collected in fall 2019, will go into effect February 1, 2020.<sup>4</sup>

### **Expanding Demand-Responsive Parking Management**

Staff are currently working to expand demand-responsive pricing under the goBerkeley program to the Fourth Street and University/San Pablo commercial areas. Each expansion effort includes an analysis of parking occupancy rates to determine where price adjustments may be needed, coupled with in-depth outreach to the local business community to ensure that goBerkeley policies reflect the unique needs of each district. Ultimately, staff are prepared to expand goBerkeley to all metered commercial districts in the City where merchants express interest in better parking demand management.

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<sup>3</sup> July 24, 2018 Council Meeting: <http://bit.ly/2me7og3>

October 2, 2018 Council Meeting: <http://bit.ly/2lOz4bf>

<sup>4</sup> December 10, 2019 Council Meeting: <http://bit.ly/37rnogQ>

### **Evaluating Parking Management for Evenings and Special Events**

On-street parking meters in both goBerkeley and non-goBerkeley areas operate from 9 a.m. to 6 p.m., Monday through Saturday. Parking occupancy studies for recent goBerkeley program adjustments have consistently shown that demand in Downtown Berkeley, Southside/Telegraph, and Elmwood is very high after 6 p.m., particularly on Saturdays, as restaurants, event venues, and other attractions continue to generate demand well after meters are no longer enforced. With off-street parking facilities continuing to charge for parking until midnight or later, drivers are incentivized to circle to find free parking on-street. This is the opposite of the goBerkeley model, which strategically prices public parking garages and lots lower than on-street rates to reduce circling for a spot. Recognizing the need for parking management in the evening, other cities in the Bay Area charge for on-street parking after 6 p.m., including Santa Cruz, Santa Rosa, and Walnut Creek (until 8 p.m.); and certain areas of Sacramento and San Francisco (until 10 p.m.).

Likewise, during evening special events such as UC Berkeley concerts and sporting events, parking in localized areas near event venues becomes difficult to find and may also lead to circling for a spot, which increases greenhouse gas emissions. Several cities in the region have instituted special event pricing at on-street parking meters, including Sacramento, San Francisco, and San Jose.

In 2014, staff conducted a survey to better understand evening parking needs in goBerkeley areas, and concluded that in some cases, employees were parking in front of businesses after 6 p.m. This information was shared with merchants, which generated interest in an evening metering pilot in Downtown Berkeley and the Elmwood but a pilot was not pursued at that time. However, the demand for parking after 6 p.m. in certain areas remains. Staff will evaluate the need for and merchant interest in evening and special event pricing at on-street meters and expect to bring a proposal to Council in 2020.

Finally, expanding the goBerkeley Program is a Strategic Plan Priority Project, advancing our goals to:

- Provide state-of-the-art, well-maintained infrastructure, amenities, and facilities;
- Foster a dynamic, sustainable, and locally-based economy;
- Be a global leader in addressing climate change, advancing environmental justice, and protecting the environment; and
- Be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community.

### **BACKGROUND**

In 2015, the City was awarded a \$950,000 grant from the Metropolitan Transportation Commission (MTC) for the goBerkeley Residential Shared Parking Pilot (Resolution No. 67,382–N.S.). The pilot will test policies to increase parking availability for residents, employees, and visitors; reduce circling for parking; and expand access to non-

motorized means of transportation within Residential Preferential Parking (RPP) areas in the Southside and Elmwood neighborhoods.

The goBerkeley program comprises a suite of strategies and initiatives designed to improve economic vitality and reduce greenhouse gas emissions. goBerkeley features improved parking availability that in turn improves pedestrian and bicyclist safety by reducing the likelihood of incidents of distracted driving as drivers search for parking. Clearer signage and longer on-street parking time limits also provide better customer service.

#### ENVIRONMENTAL SUSTAINABILITY

According to the State of California Legislative Analyst's Office, transportation was the largest source of greenhouse gas emissions in California in 2016, with 69% of these emissions generated by passenger vehicles.<sup>5</sup> Reducing greenhouse gas emissions produced by vehicular traffic is one of the City's 2009 Climate Action Plan goals. Parking management based on user demand should ultimately improve parking availability in commercial and residential areas, and lessen traffic congestion and vehicle emissions as drivers are anticipated to spend less time searching for available parking spaces.

#### POSSIBLE FUTURE ACTION

Staff will manage the goBerkeley Program, including the Residential Shared Parking Pilot project, as described above and will return to Council for input, updates, and/or approval of new programs and initiatives as needed.

#### FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

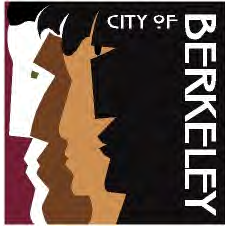
Precise fiscal impacts depend on the nature and scope of future goBerkeley expansions and/or new programs. In most cases, these actions will require their own Council Reports to implement, and fiscal impacts will be presented to Council as part of these efforts. In general, however, fiscal impacts are difficult to forecast as demand-responsive parking pricing may result in increased or decreased parking rates in different areas, and parking behaviors resulting from these price adjustments may vary.

#### CONTACT PERSON

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Danette Perry, Parking Services Manager, Public Works, 981-7057  
Gordon Hansen, Senior Planner, Public Works, 981-7064

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<sup>5</sup> Legislative Analyst's Office Report, December 21, 2018 *Assessing California's Climate Policies—Transportation*: <http://bit.ly/2kKfcFN>



Rashi Kesarwani  
Councilmember District 1

## **REVISED AGENDA MATERIAL for Supplemental Packet 1**

**Meeting Date:** March 23, 2021

**Item Number:** 9

**Item Description:** Establish a Parking Benefits District (PBD) in the Adeline Corridor and Fiscal Year 2022 Budget Referral

**Submitted by:** Councilmember Rashi Kesarwani

The item has been amended to include the Gilman District and update the Fiscal Impact to reflect the cost of consulting services for two business districts. Additional edits are included to provide more detail about the concept of a Parking Benefit District, and Councilmember Rashi Kesarwani is added as a co-author.



CONSENT CALENDAR  
March 23, 2021

To: Honorable Mayor and Members of the City Council  
 From: Councilmember Ben Bartlett (Author), Councilmember Rashi Kesarwani (Co-Author), & Mayor Jesse Arreguin and Councilmember Terry Taplin (co-sponsors)  
 Subject: Budget Referral: Establish a Parking Benefits Districts (PBD) in the Adeline Corridor and Gilman District and Refer Funding to the Fiscal Year 2022 Budget Referral Process

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**RECOMMENDATION**

Refer to the City Manager to establish a Parking Benefits Districts (PBDs) in the (1) Adeline Corridor and (2) Gilman District in order to finance and support neighborhood improvements--such as landscaping; enhanced lighting; security ambassadors; enhanced street sweeping and sidewalk cleaning; bike, pedestrian, micromobility, and public transit infrastructure; marketing and promotion of the commercial areas, and other potential enhancements to be determined and more--in South and West Berkeley, and

Further, refer to the Fiscal Year 2022 budget process \$50,000 \$75,000 for city staff to hire and manage a seek consulting services to assist in the formation and establishment of the PBDs.

**CURRENT SITUATION**

Outlined in the Lorin Business Association's vision for South Berkeley and the Adeline Corridor draft plan is a business improvement district (BID).<sup>1</sup> A BID uses fees from businesses and/or property owners to support physical improvements, special events, public safety, street cleanliness/maintenance, and programming. The Lorin Business Association has already spent five years advocating for a BID in South Berkeley but such a district has yet to be established in this community. Thus, the City can take a critical step in supporting innovative revitalization activities in South Berkeley by establishing a Parking Benefits District (PBD) to help the City improve the Adeline Corridor. In addition, the parking revenue generated within the PBD should fund designated neighborhood improvements.

The Gilman District has a similar need for a mechanism to fund necessary streetscape improvements. Establishing a PBD is a financing tool in which revenue is reinvested within the business district in order to fund necessary investments that encourage placemaking and a safe, clean, and pleasant experience for workers and visitors. The Gilman District is home to an eclectic mix of businesses and non-profits, such as art galleries, wineries, breweries, biotech, office space, and an educational farm and community center, among other varied enterprises.

<sup>1</sup> <https://www.cityofberkeley.info/council3/adeline/>

**BACKGROUND**

The Covid-19 pandemic and resulting Shelter-In-Place orders have had a devastating impact on the vitality of our business districts. The development of a Parking Benefit District (PBD) within a business district is a long-term strategy for establishing a dedicated source of revenue to can enhance and reinvest in a commercial area as it seeks to recover from the economic recession resulting from the pandemic.

Parking benefits districts (PBDs) are defined geographic areas, typically along commercial corridors, in which revenue generated from on-street and off-street parking facilities within the district is returned to the district to finance neighborhood improvements. A PBD ties the economic benefits of parking directly to improving the quality of life in the immediate area.<sup>2</sup>

PBDs specifically require local parking revenue to stay local, while financing neighborhood improvements. PBDs allow local merchants, organizations, property owners, residents and visitors to clearly see that the monies collected are being spent for the benefit of their district, on projects that they have chosen. In turn, they become willing to support, and often advocate on behalf of the needs of the residents and patrons who utilize the parking.

To improve our commercial districts and expand investments in our neighborhoods, the Council should adopt this item creating a South and West Berkeley PBD with the specific requirement that parking revenues generated in the district is be used for neighborhood improvements. Funds from a PBD could be used in critically important ways, such as hiring full-time staff to manage the following activities: landscaping and streetscape improvementscreening, street cleaning, transit and pedestrian infrastructure, street furniture, marketing of local businesses, management activities, and visitor and security ambassadors.

Determination of how to allocate and use the funds could be managed by a Parking Advisory Committee, a group of representatives from the commercial district, that would make recommendations to City staff on how the revenues would best support the vibrancy of the business district.

In establishing the PBDs, the City should consider a separate permitting system for the benefit of employees of local businesses in order to enable access to parking within reasonable proximity to their place of employment at a fair price. In such a system, local businesses could purchase a certain number of annual permits for employees at a rate that is different from the rate charged to hourly visitors. Fee structures for employee permits versus hourly visitors could initially be determined with the help of the hired consultant.

The request for a PBD is an innovative approach to a real problem in South and West Berkeley. Constituents in both areas have faced many generations of neglect in this

<sup>2</sup> See Donald Shoup's Fall 2016 Access Magazine's article: *Parking Benefit Districts:*  
<https://www.accessmagazine.org/wp-content/uploads/sites/7/2016/11/access49-web-almanac.pdf>

Office of Councilmember Ben Bartlett

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~~neighborhood~~. A PBD brings equity, a leg up for ~~our~~ commercial districts to develop in a cohesive, community-oriented way. It also gives ~~our~~ neighborhoods an opportunity to work ~~together communally~~ on issues of mutual interest ~~to South Berkeley in each locale~~, while receiving the resources necessary to improve the quality of life ~~of its for~~ constituents. ~~The establishment of these PBDs could potentially lead to the establishment of PBDs in other areas of the City, adding to the value of this effort.~~

A successful PBD ~~in South Berkeley~~ would also incorporate a number of other key elements that the ~~City Manager Council~~ should ~~also~~ consider:

- Creation of a governing ~~and oversight body~~ Parking Advisory Committee to ~~recommend appropriate uses~~ develop an approved program of revenue ~~generated by the PBD. expenditures, subject to final approval by City Council.~~ This body could take one of several potential forms, such as: ~~A~~ an appointed or volunteer advisory board, which could include residents, property owners, ~~businesses~~ owners and other community organizations operating within South ~~and West Berkeley~~, ~~residents~~ and ~~eCity~~ staff;
- Implementation of parking meters and pricing structures that facilitate demand-based pricing, ~~with employees of local businesses potentially receiving access to permits that are provided at a different rate from the parking rate charged to hourly visitors;~~
- Adoption of a defined list of PBD revenue expenditures;
- Development of a coordinated public relations plan, which ~~w~~ could use wayfinding, signage, and public outreach to explain the role of demand-based pricing and articulate how parking revenue is being utilized to benefit the two districts;
- ~~signage, and public outreach to explain the role of demand-based pricing and articulate how parking revenue is being utilized to benefit South Berkeley;~~
- Ongoing evaluation and management of PBD policies and expenditures; and
- City reporting on the funds generated.

#### REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, AND LAWS

A PBD is a well established concept used in municipalities around the United States. In California, Pasadena<sup>3</sup> and Newport Beach<sup>4</sup> have used their ~~ir~~ PBDs to support revitalization needs. Parking management is an issue often overlooked in a neighborhood's development plan. While it may seem like a secondary concern in the quest for economic development, parking management directly impacts accessibility to businesses, customer willingness to travel to certain areas, and the quality of life experienced by residents. Studies have shown that a smart, proactive parking policy can revitalize a neighborhood. South ~~and West Berkeley is-a~~ are prime neighborhoods for this type of engagement.

<sup>3</sup> See Donald Shoup's Fall 2003 Access Magazine article focusing on Old Pasadena: <https://www.accessmagazine.org/wp-content/uploads/sites/7/2016/02/Access-23-02-Small-Change-into-Big-Change.pdf>

<sup>4</sup> See this promotional flyer from Newport Beach: <https://www.newportbeachca.gov/Home/ShowDocument?id=11814>

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CONSULTATION OVERVIEW

The District 3 Office consulted with leaders of the Lorin Business Association. Their advocacy has informed this recommendation. The District 1 office has conducted outreach to the Gilman District.

RATIONALE FOR RECOMMENDATION

The Council should promote equity by establishing a Parking Benefits Districts (PBDs) in the Adeline Corridor and Gilman District to finance and support neighborhood improvements in South and West Berkeley. In comparison to the ways the City has invested in other districts, South and West Berkeley ~~has~~ have often been neglected. The Lorin Business Association has long advocated for the establishment of a traditional business improvement district, but such a district has yet to be established in this community. The Gilman District also is in need of additional investment. The Council now has the opportunity to support the ~~se South Berkeley~~ commercial districts and improve the quality of life for ~~its~~ their constituents by establishing a PBD in each business district and dedicating parking revenue funding in the PBD to local neighborhood improvements, such as landscaping, lighting, cleaning, security ambassadors, publicity and promotion, pedestrian and transit infrastructure, and other things that City residents benefit from.

FISCAL IMPACTS

~~Rather than accruing to the City, if the PBD is established, all or a portion of revenue generated from on street and off parking facilities will be utilized to finance neighborhood improvements, thereby improving the quality of life in the business district and surrounding area.~~ In order to form the PBDs, a one-time allocation of ~~resources, estimated at approximately \$50,000 \$75,000~~ is ~~required and being~~ referred to the FY 2022 budget process for consulting services for the following activities:

- Working with key stakeholders to help define the general parameters of the PBDs;
- Developing each respective PBD's boundaries, which revenues would be utilized, a draft budget for expenditures, a description of any new meters or other facilities that need be installed, and a timeline;
- Assigning of responsibilities to various organizations and creation of a new non-profit corporation, if needed;
- Development of a timeline with specific tasks and deadlines; and
- Writing of an Ordinance for Council consideration and presentation to the City Council.

~~Likely A~~additional costs to establish new meters or other facilities would be identified by the consultant and could potentially be covered by the resulting revenues from the PBD. ~~fiscal impacts, if any, to the City will be analyzed in depth should City Council approve the referral along with the requested budget allocation when the FY 2022 budget is adopted.~~

ENVIRONMENTAL SUSTAINABILITY

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Providing parking for free or below the price that customers are willing to pay unnecessarily subsidizes a carbon-intensive mode of transportation. The City of Berkeley has declared a climate emergency, and it reflects the principles of environmental sustainability to impose a parking fee for the negative externality of greater greenhouse gas emissions emitted by non-electric cars compared to other modes of transportation, such as micromobility devices, public transit, biking or walking.

**CONTACT PERSON**

|                               |                                                                                  |
|-------------------------------|----------------------------------------------------------------------------------|
| Councilmember Ben Bartlett:   | 510-981-7130                                                                     |
| James Chang                   | <a href="mailto:jchang@cityofberkeley.info">jchang@cityofberkeley.info</a>       |
| Councilmember Rashi Kesarwani | 510-981-7111                                                                     |
| Beth Gerstein                 | <a href="mailto:bgerstein@cityofberkeley.info">bgerstein@cityofberkeley.info</a> |

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# BEN BARTLETT

CITY COUNCILMEMBER, DISTRICT 3

## CONSENT CALENDAR

March 23, 2021

To: Honorable Mayor and Members of the City Council  
 From: Councilmember Ben Bartlett (Author), Councilmember Rashi Kesarwani (Co-Author), Mayor Jesse Arreguin and Councilmember Terry Taplin (co-sponsors)  
 Subject: Budget Referral: Establish Parking Benefit Districts in the Adeline Corridor and Gilman District and Refer Funding to the Fiscal Year 2022 Budget Process

### RECOMMENDATION

Refer to the City Manager to establish Parking Benefit Districts (PBDs) in the (1) Adeline Corridor and (2) Gilman District in order to finance and support neighborhood improvements--such as landscaping; enhanced lighting; security ambassadors; enhanced street sweeping and sidewalk cleaning; bike, pedestrian, micromobility, and public transit infrastructure; marketing and promotion of the commercial areas, and other potential enhancements to be determined -- in South and West Berkeley.

Further, refer to the Fiscal Year 2022 budget process \$75,000 for city staff to seek consulting services to assist in the formation and establishment of the PBDs.

### CURRENT SITUATION

Outlined in the Lorin Business Association's vision for South Berkeley and the Adeline Corridor draft plan is a business improvement district (BID).<sup>1</sup> A BID uses fees from businesses and/or property owners to support physical improvements, special events, public safety, street cleanliness/maintenance, and programming. The Lorin Business Association has already spent five years advocating for a BID in South Berkeley but such a district has yet to be established in this community. Thus, the City can take a critical step in supporting innovative revitalization activities in South Berkeley by establishing a Parking Benefits District (PBD) to help the City improve the Adeline Corridor. In addition, the parking revenue generated within the PBD should fund designated neighborhood improvements.

The Gilman District has a similar need for a mechanism to fund necessary streetscape improvements. Establishing a PBD is a financing tool in which revenue is reinvested within the business district in order to fund necessary investments that encourage placemaking and a safe, clean, and pleasant experience for workers and visitors. The Gilman District is home to an eclectic mix of businesses and non-profits, such as art

<sup>1</sup> <https://www.cityofberkeley.info/council3/adeline/>

galleries, wineries, breweries, biotech, office space, and an educational farm and community center, among other varied enterprises.

## BACKGROUND

The Covid-19 pandemic and resulting Shelter-In-Place orders have had a devastating impact on the vitality of our business districts. The development of a Parking Benefit District (PBD) within a business district is a long-term strategy for establishing a dedicated source of revenue to can enhance and reinvest in a commercial area as it seeks to recover from the economic recession resulting from the pandemic.

Parking benefit districts (PBDs) are defined geographic areas, typically along commercial corridors, in which revenue generated from on-street and off-street parking facilities within the district is returned to the district to finance neighborhood improvements. A PBD ties the economic benefits of parking directly to improving the quality of life in the immediate area.<sup>2</sup> PBDs specifically require local parking revenue to stay local, while financing neighborhood improvements. PBDs allow local merchants, organizations, property owners, residents and visitors to clearly see that the monies collected are being spent for the benefit of their district, on projects that they have chosen. In turn, they become willing to support, and often advocate on behalf of the needs of the residents and patrons who utilize the parking.

To improve our commercial districts and expand investments in our neighborhoods, the Council should adopt this item creating a South and West Berkeley PBD with the specific requirement that parking revenues generated in the district be used for neighborhood improvements. Funds from a PBD could be used in critically important ways, such as hiring full-time staff to manage the following activities: landscaping and streetscape improvements, street cleaning, transit and pedestrian infrastructure, street furniture, marketing of local businesses, management activities, and visitor and security ambassadors.

Determination of how to allocate and use the funds could be managed by a Parking Advisory Committee, a group of representatives from the commercial district, that would make recommendations to City staff on how the revenues would best support the vibrancy of the business district.

In establishing the PBDs, the City should consider a separate permitting system for the benefit of employees of local businesses in order to enable access to parking within reasonable proximity to their place of employment at a fair price. In such a system, local businesses could purchase a certain number of annual permits for employees at a rate that is different from the rate charged to hourly visitors. Fee structures for employee permits versus hourly visitors could initially be determined with the help of the hired consultant.

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The request for a PBD is an innovative approach to a real problem in South and West Berkeley. Constituents in both areas have faced many generations of neglect. A PBD brings equity, a leg up for commercial districts to develop in a cohesive, community-oriented way. It also gives neighborhoods an opportunity to work communally on issues of mutual interest in each locale, while receiving the resources necessary to improve the quality of life for constituents. The establishment of these PBDs could potentially lead to the establishment of PBDs in other areas of the City, adding to the value of this effort.

A successful PBD would also incorporate a number of other key elements that the City Manager should consider:

- Creation of a governing Parking Advisory Committee to recommend appropriate uses of revenue generated by the PBD. This body could take one of several potential forms, such as: an appointed or volunteer advisory board, which could include residents, property owners, business owners and other community organizations operating within South and West Berkeley, and City staff;
- Implementation of parking meters and pricing structures that facilitate demand-based pricing, with employees of local businesses potentially receiving access to permits that are provided at a different rate from the parking rate charged to hourly visitors;
- Adoption of a defined list of PBD revenue expenditures;
- Development of a coordinated public relations plan, which could use wayfinding, signage, and public outreach to explain the role of demand-based pricing and articulate how parking revenue is being utilized to benefit the two districts;
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### REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, AND LAWS

A PBD is a well established concept used in municipalities around the United States. In California, Pasadena<sup>3</sup> and Newport Beach<sup>4</sup> have used their PBDs to support revitalization needs. Parking management is an issue often overlooked in a neighborhood's development plan. While it may seem like a secondary concern in the quest for economic development, parking management directly impacts accessibility to businesses, customer willingness to travel to certain areas, and the quality of life experienced by residents. Studies have shown that a smart, proactive parking policy can revitalize a neighborhood. South and West Berkeley are prime neighborhoods for this type of engagement.

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### CONSULTATION OVERVIEW

The District 3 Office consulted with leaders of the Lorin Business Association. Their advocacy has informed this recommendation. The District 1 office has conducted outreach to the Gilman District.

### RATIONALE FOR RECOMMENDATION

The Council should promote equity by establishing Parking Benefit Districts (PBDs) in the Adeline Corridor and Gilman District to finance and support neighborhood improvements in South and West Berkeley. In comparison to the ways the City has invested in other districts, South and West Berkeley have often been neglected. The Lorin Business Association has long advocated for the establishment of a traditional business improvement district, but such a district has yet to be established in this community. The Gilman District also is in need of additional investment. The Council now has the opportunity to support these commercial districts and improve the quality of life for their constituents by establishing a PBD in each business district and dedicating parking revenue funding in the PBD to local neighborhood improvements, such as landscaping, lighting, cleaning, security ambassadors, publicity and promotion, pedestrian and transit infrastructure, and other things that City residents benefit from.

### FISCAL IMPACTS

In order to form the PBDs, a one-time allocation of approximately \$75,000 is referred to the FY 2022 budget process for consulting services for the following activities:

- Working with key stakeholders to help define the general parameters of the PBDs;
- Developing each respective PBD's boundaries, which revenues would be utilized, a draft budget for expenditures, a description of any new meters or other facilities that need be installed, and a timeline;
- Assigning of responsibilities to various organizations and creation of a new non-profit corporation, if needed;
- Development of a timeline with specific tasks and deadlines; and
- Writing of an Ordinance for Council consideration and presentation to the City Council.

Likely additional costs to establish new meters or other facilities would be identified by the consultant and could potentially be covered by the resulting revenues from the PBD.

### ENVIRONMENTAL SUSTAINABILITY

Providing parking for free or below the price that customers are willing to pay unnecessarily subsidizes a carbon-intensive mode of transportation. The City of Berkeley has declared a climate emergency, and it reflects the principles of environmental sustainability to impose a parking fee for the negative externality of

greater greenhouse gas emissions emitted by non-electric cars compared to other modes of transportation, such as micromobility devices, public transit, biking or walking.

CONTACT PERSON

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Councilmember Rashi Kesarwani  
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Kate Harrison  
Councilmember District 4

19

CONSENT CALENDAR  
January 18, 2022

To: Honorable Mayor and Members of the City Council

From: Councilmember Harrison (Author)

Subject: Budget Referral: Allocate Projected Revenues from Voter-approved Transportation Network Company User Tax to Support Priority Mobility Infrastructure, Including Tier 1 Protected Bicycle Lanes and Crossings, Pedestrian Street Crossings, and Quick-build Public Transit Projects

RECOMMENDATION

1. Refer to the June FY 23-24 budget process approximately \$1.4 to \$1.8 million in projected Transportation Network Company (TNC) User Tax General Fund revenue for FY 23 and FY 24, and the actual FY 2022 TNC Tax revenues (projected at \$576,786), toward the construction and maintenance of:
  - i. Tier 1 protected bicycle lanes and crossings identified in the 2017 Bicycle Plan, including but not limited to quick-build projects; and
  - ii. Priority pedestrian street crossings identified in the 2020 pedestrian plan, including but not limited to quick-build projects; and
  - iii. Priority quick-build public transit projects under the Street Repair Program.
2. Refer to the Public Works and Transportation Commissions (or Successor Commission) in consultation with City staff to provide recommendations to the Facilities, Infrastructure, Transportation, Environment, and Sustainability and Budget and Finance Policy Committees by the end of March 2022 as to the specific allocation among the priorities in Recommendation 1 to equitably maximize transportation emissions reductions and to enhance mobility and public safety.

CURRENT SITUATION AND RATIONALE FOR RECOMMENDATION

A Metropolitan Transportation Commission report warns that Berkeley's overall paving condition is "At Risk," meaning on the cusp of falling into "Failing" category.<sup>1</sup> The current five-year paving plan is the result of historic deferred maintenance and an underfunded,

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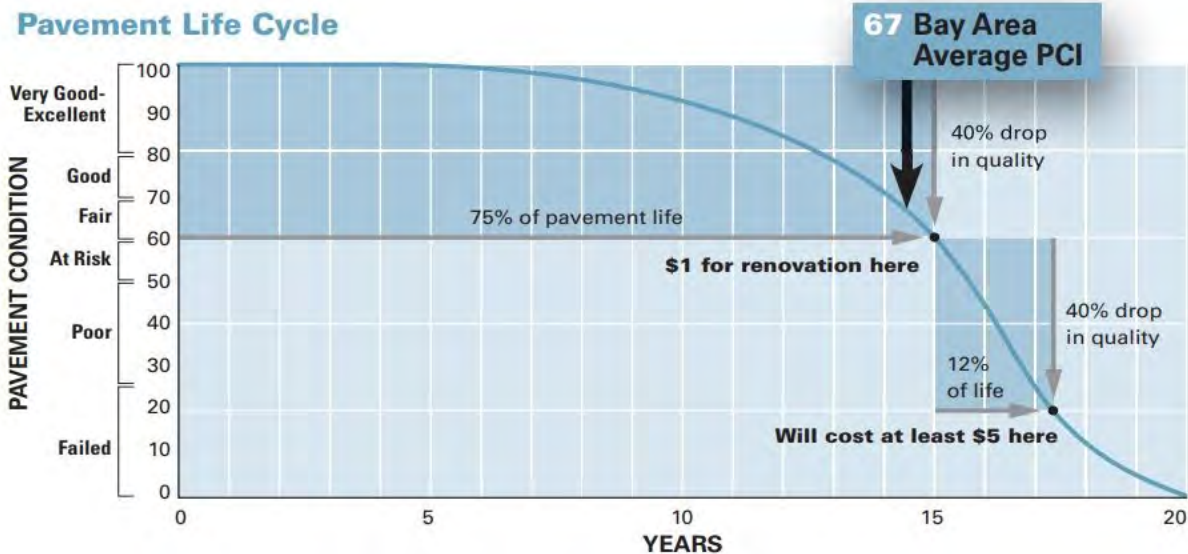
<sup>1</sup> "The Pothole Report: Bay Area Roads At Risk," Bay Area Metropolitan Transportation Commission, September 2018, [https://mtc.ca.gov/sites/default/files/Pothole%20Report%20III\\_September%202018.pdf](https://mtc.ca.gov/sites/default/files/Pothole%20Report%20III_September%202018.pdf)

Budget Referral: Allocate Projected Revenues from Voter-approved Transportation Network Company User Tax to Support Priority Mobility Infrastructure, Including Tier 1 Protected Bicycle Lanes and Crossings, Pedestrian Street Crossings, and Quick-build Public Transit Projects

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imperfect and complex balance between arterial, collector and residential streets distributed across Council districts. Residential streets across the entire city are largely categorized as failing and bicycle, pedestrian, and Vision Zero projects are severely underfunded. Meanwhile, neighboring cities in the Bay Area, such as Richmond, El Cerrito, San Francisco have “Excellent/Very Good” to “Fair/Good” street conditions.

To date, mobility infrastructure upgrades have generally competed for the same funding sources as automobiles. The Public Works Department has advised that ongoing funding under the rolling 5-Year Street Plan will not be enough to stabilize Berkeley’s streets let alone provide for the desperately needed bicycle, pedestrian and transit upgrades contemplated under the city’s various strategic plans. In fact, if street investment is not increased, Public Works warns that the City could face \$1 billion in future repair costs as the cost of deferred paving maintenance increases exponentially each year.



Since January 2020, the Facilities, Infrastructure, Transportation, Environment, & Sustainability Committee has been working with the Public Works Department and Public Works Commission to explore funding opportunities to enhance the Paving Condition Index (PCI) of Berkeley’s streets. In addition, it has been reviewing the City’s Paving Policy, which was last updated in 2009, and which is expected to be updated with a more equitable framework in early 2022.

However, to stabilize and improve street conditions, reduce greenhouse gas emissions, enhance public safety, and improve mobility, the City will likely need to pursue a combination of investment strategies ranging from increasing General Fund allocations,

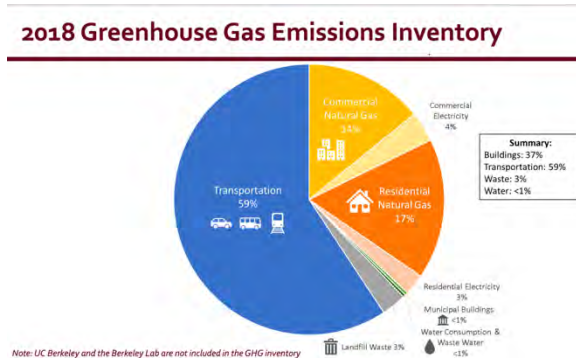
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initiating transfers from waste and sewer accounts, and initiating fees in response to heavy vehicle use, and potentially issuing bonds. Before going to voters for new bonds, it is critical that the Council leverage the proceeds of existing tax revenues with a nexus to mobility such as the TNC Tax.

## BACKGROUND

A recent University of Oxford study concluded that even partial substitution of vehicle travel with walking, cycling or e-biking are critical strategies for addressing climate change and lower mobility-related lifecycle CO<sub>2</sub>, and that cyclers have 84% lower CO<sub>2</sub> emissions impact as compared to non-cyclers.<sup>2</sup> According to the study, urban residents substituting one vehicle trip per day with cycling reduced their carbon footprint by 0.5 tons per year, and “[i]f just 10% of the population were to change travel behaviour, the emissions savings would be around 4% of lifecycle CO<sub>2</sub> emissions from all car travel.”



Berkeley voters overwhelmingly passed the TNC User Tax (Measure GG) in 2020 with a 50-cent fee per rideshare trip specifically in order to generate “at least \$900,000 annually to support general municipal services like paving streets and improving pedestrian and bicycle infrastructure.”<sup>3</sup> Before the global pandemic, City staff estimated the tax would bring in approximately \$910,000 per year.<sup>4</sup>

<sup>2</sup> “Study Shows Walking, Cycling, & e-Biking Make Significant Impact On Carbon Emissions,” CleanTechnica, February 3, 2021, <https://cleantechnica.com/2021/02/03/study-shows-walking-cycling-e-biking-make-significant-impact-on-carbon-emissions/>.

<sup>3</sup> “Argument in Favor of Measure GG,” Berkeley City Clerk, August 2020, <https://www.cityofberkeley.info/uploadedFiles/Clerk/Elections/GG%20-%20Primary%20in%20Favor%20-%20FINAL.pdf>

<sup>4</sup> “Placing a Tax Measure on the November 3, 2020 Ballot to Adopt a Tax on Transportation Network Companies,” Berkeley City Clerk, July 21, 2020, [https://www.cityofberkeley.info/Clerk/City\\_Council/2020/07\\_Jul/Documents/2020-07-21\\_\(4pm\)\\_Special\\_Item\\_04\\_Placing\\_a\\_Tax\\_Measure\\_on\\_the\\_November\\_pdf.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2020/07_Jul/Documents/2020-07-21_(4pm)_Special_Item_04_Placing_a_Tax_Measure_on_the_November_pdf.aspx)

Budget Referral: Allocate Projected Revenues from Voter-approved Transportation Network Company User Tax to Support Priority Mobility Infrastructure, Including Tier 1 Protected Bicycle Lanes and Crossings, Pedestrian Street Crossings, and Quick-build Public Transit Projects

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This item proposes to allocate FY 2022 and FY 2023-2024 TNC tax revenues directly to projects aimed at building out mobility infrastructure that offsets vehicle miles travelled and paving impacts, enhances public safety, and lowers greenhouse gas emissions, to include the following priority projects:

- Tier 1 priority protected bicycle lanes and crossings, including but not limited to quick-build projects, which will enhance bicycle and micro mobility safety; and
- Priority pedestrian street crossings identified in the 2020 pedestrian plan, including but not limited to quick-build projects; and
- Priority quick-build public transit projects under the Street Repair Program.

This item also proposes to refer to the Public Works and Transportation Commissions (or Successor Commission) in consultation with City staff to provide recommendations to the FITES and Budget and Finance Policy Committees by the end of March 2022 as to the specific allocation among the three priorities to equitably maximize transportation emissions reductions and to enhance mobility and public safety.

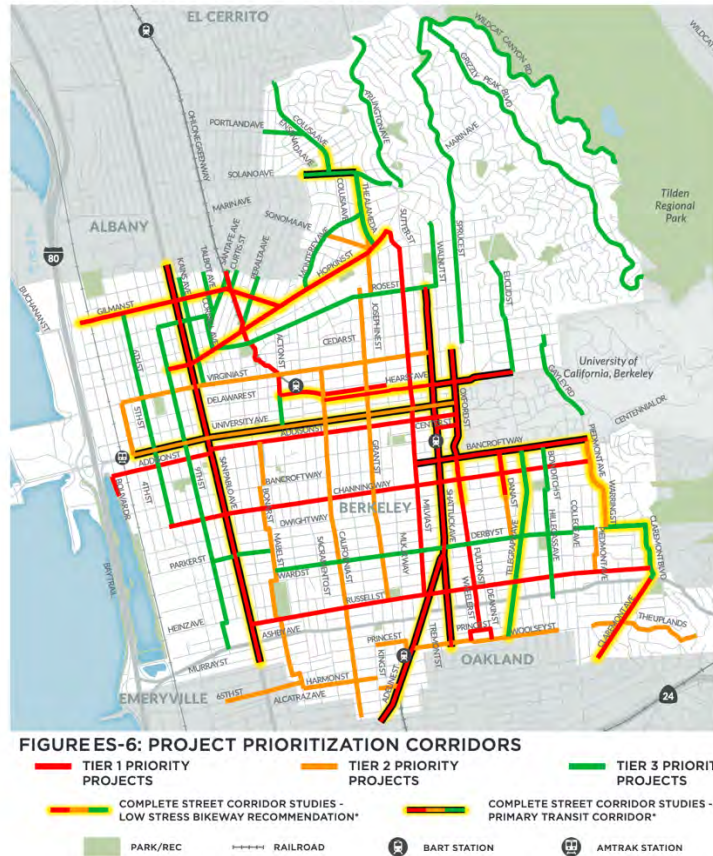
The TNC tax first went into effect during the second half of FY 2021 (January 1, 2021), during which the City received approximately \$178,138. Unfortunately, Council did not specifically allocate these revenues for mobility purposes and they were folded into the General Fund.

Finance Department staff report that the City collected approximately \$144,196.50 for the first quarter of FY 2022. Projected forward, the latest collection indicates growth as compared to FY 21—likely the result of the deployment of vaccines, relative economic recovery, and an easing in pandemic restrictions. If the TNC performs at the same rate for FY 2022 quarters 2-4, the City could see approximately \$576,786 in total TNC Tax revenue for FY 2022. Therefore, the item refers the actual FY 2022 revenues to the FY 2022 May AAO #2 budget process to help fund the three priority projects.

In addition, this item assumes that TNC Tax revenues will continue to recover throughout FY 23 to 24, conservatively bringing revenues closer to City staff's yearly revenue estimate provided before the pandemic (approximately \$910,000 per year) and refers those amounts to the FY 23 and 24 biannual budget process.

Budget Referral: Allocate Projected Revenues from Voter-approved Transportation Network Company User Tax to Support Priority Mobility Infrastructure, Including Tier 1 Protected Bicycle Lanes and Crossings, Pedestrian Street Crossings, and Quick-build Public Transit Projects

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\*Complete Street Corridor Studies are proposed multimodal transportation studies, not planned projects. Class IV Cycle Tracks and other bikeway types that might impact transit operations, parking, or roadway capacity will not be implemented without Complete Street Corridor Studies that will include a traffic study, environmental analysis, public process, and coordination with all affected State, County, and local transit agencies. Potential bikeways to be considered as part of future Complete Street Corridor Studies will be evaluated in the context of the modal priorities established by the Berkeley General Plan Transportation Element and the Alameda County Transportation Commission Countywide Multimodal Arterial Plan, as well as recommendations from AC Transit's Major Corridors Study. For further information, see Section 5.7 of the Berkeley Bicycle Plan.

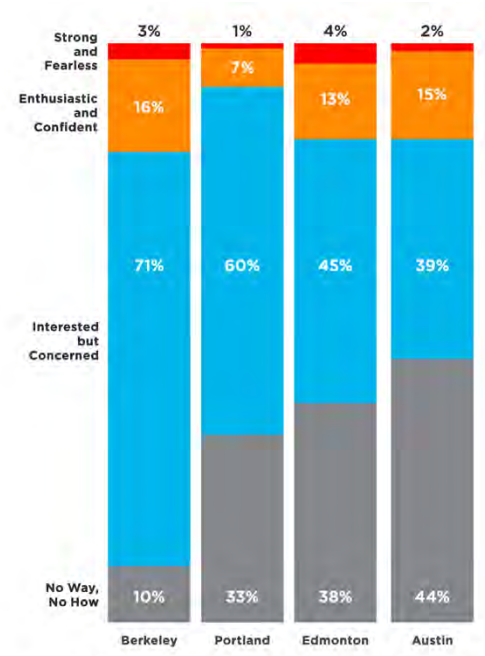
**Tier 1 Priority Projects Highlighted in Red**

Surveys conducted as part of the 2017 Berkeley Bicycle Plan provided key data about the eagerness of Berkeley residents to bicycle or use other forms of mobility, assuming the City provides safe infrastructure and routes. An astonishing 70% of Berkeley residents expressed interest in bicycling but were concerned about safety. The 2017 Plan concluded: “90 percent of Berkeley residents already bicycle or would consider bicycling if the right bikeway facility or roadway conditions were available. That is a larger percentage than any other city that has conducted a similar study, including Portland, as shown at right.”<sup>5</sup>

<sup>5</sup> “City of Berkeley Bicycle Plan,” May 2, 2017, [https://www.cityofberkeley.info/uploadedFiles/Public\\_Works/Level\\_3\\_-\\_Transportation/Berkeley-Bicycle-Plan-2017-Executive%20Summary.pdf](https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_-_Transportation/Berkeley-Bicycle-Plan-2017-Executive%20Summary.pdf)

Budget Referral: Allocate Projected Revenues from Voter-approved Transportation Network Company User Tax to Support Priority Mobility Infrastructure, Including Tier 1 Protected Bicycle Lanes and Crossings, Pedestrian Street Crossings, and Quick-build Public Transit Projects

CONSENT CALENDAR  
January 18, 2022



Roger Geller's "Four Types of Transportation Cyclists" distribution for Berkeley, Portland, OR, Edmonton, AB, and Austin, TX.

Berkeley has struggled to address its transportation GHG emissions, but the data suggest that biking and mobility options could dramatically offset vehicle miles travelled. It is in the public interest to invest General Fund revenue, namely TNC Tax revenue, in street enhancements that can encourage mode shifts from vehicles to carbon-free transportation.

For example, if Council were to allocate the TNC Tax accordingly over next ten years, the period scientists consider critical to meet global emissions reductions targets, the City could fund 50% of the total "Class 4: Cycletrack" costs provided in the Bike Plan, and thus maximize the number of Berkeleyans who deem the streets safe enough to ride. Certainly, the expenditures proposed herein will not be enough to adequately fund Berkeley's entire bike network, but they represent an important down payment.

Budget Referral: Allocate Projected Revenues from Voter-approved Transportation Network Company User Tax to Support Priority Mobility Infrastructure, Including Tier 1 Protected Bicycle Lanes and Crossings, Pedestrian Street Crossings, and Quick-build Public Transit Projects

CONSENT CALENDAR  
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**Table ES-3: Summary of Project Recommendations and Cost Estimates**

| TYPE                                          | MILEAGE           | COST ESTIMATE       |
|-----------------------------------------------|-------------------|---------------------|
| Class 1A: Paved Path                          | 1.5 miles         | \$5,285,700         |
| Class 2A: Standard Bike Lane                  | 0.1 miles         | \$10,700            |
| Class 2B: Upgraded Bike Lane                  | 3.0 miles         | \$541,500           |
| Class 3C: Sharrows                            | 13.9 miles        | \$71,600            |
| Class 3E: Bicycle Boulevard                   | 12.4 miles        | \$621,900           |
| Class 4: Cycletrack                           | 18.4 miles        | \$9,903,300         |
| Complete Street Corridor Interim Treatments   | 17.0 miles        | \$1,181,400         |
| Intersection and Traffic Calming Improvements | -                 | \$16,855,000        |
| <b>Total</b>                                  | <b>66.3 miles</b> | <b>\$34,471,100</b> |

In addition, expanding reliability and access to public transit is also key to lowering GHG emissions and improving quality of life. Revenue generated from the TNC user tax should benefit bus transit performance and the transit rider experience since transit has been particularly impacted by the influx in TNC volume and use. To demonstrate the immediate benefits of these funds to transit, projects should be implemented with AC Transit's Quick-build framework structure as pilot and demonstration projects that could be implemented in under 18 months.

The City, AC Transit and local Business Improvement Districts are developing a list of City infrastructure improvements to support transit use with a focus on prioritizing transit, including dedicated bus lanes, bulb outs and paving treatments, and improving transit rider access and experience. For example, the City could add transit shelter canopies at the stops near senior centers and enhancing benefits for nearby businesses through building parklets and other customer amenities that serve both business patrons and bus riders, with the goal of encouraging patrons to visit businesses via public transit. In addition, funding could be dedicated to a quick-build transit lane along Durant Street, as this project has been evaluated by AC Transit and City of Berkeley Transportation staff. Since preliminary coordination has been done, using these funds to augment this project would realize an immediate impact.

Any allocation will be overseen by a joint working group of AC Transit and City of Berkeley staff to quickly realize the benefits to transit. Out-years projects will be determined by the City of Berkeley Transportation Commission, or another process deemed appropriate by the City Council.

Budget Referral: Allocate Projected Revenues from Voter-approved Transportation Network Company User Tax to Support Priority Mobility Infrastructure, Including Tier 1 Protected Bicycle Lanes and Crossings, Pedestrian Street Crossings, and Quick-build Public Transit Projects

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The item also includes consideration of priority pedestrian projects identified by the 2020 Pedestrian Plan consistent with Vision Zero, climate, and equity goals.<sup>6</sup>

FIGURE 14: MAP OF PRIORITY STREETS



TABLE 7: PRIORITY STREET SEGMENTS

| SEGMENT                           | EXTENTS                         |
|-----------------------------------|---------------------------------|
| Adeline Street                    | Ashby to Southern City Limits   |
| Alcatraz Avenue                   | Sacramento to Adeline           |
| Ashby Avenue                      | San Pablo to Shattuck           |
| Cedar Street                      | Sixth to Stannage               |
| Martin Luther King Jr Way (North) | Hearst to Dwight                |
| Martin Luther King Jr Way (South) | Dwight to Adeline               |
| Sacramento Street                 | Dwight to Southern City Limits  |
| San Pablo Avenue                  | University To Dwight            |
| Shattuck Avenue                   | Adeline to Southern City Limits |
| University Avenue                 | San Pablo to Oxford             |

<sup>6</sup> 2020 City of Berkeley Pedestrian Plan, Transportation Division, [https://www.cityofberkeley.info/uploadedFiles/Public\\_Works/Level\\_3\\_-\\_Transportation/2020%20Pedestrian%20Plan%20FULL%20adopted.pdf](https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_-_Transportation/2020%20Pedestrian%20Plan%20FULL%20adopted.pdf)



Budget Referral: Allocate Projected Revenues from Voter-approved Transportation Network Company User Tax to Support Priority Mobility Infrastructure, Including Tier 1 Protected Bicycle Lanes and Crossings, Pedestrian Street Crossings, and Quick-build Public Transit Projects

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Prioritization criteria for the 2020 Plan included citywide “[project] improvements and countermeasures identified for the top ten high-injury street segments.” The prioritization also includes important equity criteria, including consideration of underserved neighborhoods and redlining maps. Most priority streets are located in West, South, and Central Berkeley, while simultaneously serving citywide purposes.

TABLE 6: PRIORITIZATION FACTORS AND CRITERIA

| FACTOR               | CRITERIA                                                                                                                     | WEIGHT | NOTES                                                                                                                                                                                           |
|----------------------|------------------------------------------------------------------------------------------------------------------------------|--------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Safety</b>        | Concentration of fatal and severe collisions                                                                                 | 30%    | Captures locations with a high concentration of pedestrian fatalities, injuries, and collisions, as noted City priority.                                                                        |
| <b>Equity</b>        | Locations in historically underserved neighborhoods (shown in <b>Figure 13</b> )                                             | 30%    | Uses historic redlining maps with adjustments based on most recent (2010) Census data, current property values, and locations of community centers serving historically redlined neighborhoods. |
| <b>Connectivity</b>  | Pedestrian Demand: Land uses attracting most pedestrian trips including BART and Amtrak stations (High Demand Intersections) | 13.5%  | Uses pedestrian demand estimates to identify where pedestrians are walking. Top 30% of intersections are used, with each top 10% intersection group by demand receiving a different weight.     |
|                      | Transit Access: Proximity to major bus lines                                                                                 | 6.5%   | Uses distance of 0.25-mile from major AC Transit routes as defined in the AC Transit Major Corridors Study completed in 2016.                                                                   |
| <b>Existing Plan</b> | Unbuilt projects from 2010 Pedestrian Plan                                                                                   | 20%    | Recognizes existing work from the 2010 Berkeley Pedestrian Plan.                                                                                                                                |

Given that voters in 2020 overwhelmingly supported the tax on the condition that it would improve mobility infrastructure in Berkeley and help offset externalities caused by TNC companies, it is in the public interest to allocate the TNC Tax revenues in FY22-24 for priority mobility projects. In addition, it is in the public interest to ask the City’s Public Works and Transportation Commission to consult the Council Committees as to the specific allocation among the priorities listed in Recommendation 1. a. in order to equitably maximize transportation emissions reductions and to enhance mobility and public safety.

FINANCIAL IMPLICATIONS

The item would have a net zero impact on the General Fund after considering the estimated \$576,786 revenue credited from the TNC Tax in FY 2022 and \$1.4 to 1.8 million in FY 23-24.

ENVIRONMENTAL SUSTAINABILITY

Reducing carbon emissions at an emergency and equitable pace is a necessary step to meet the goals of the Climate Action Plan and Climate Emergency Declaration.

JUST TRANSITION

Substituting automobile vehicle miles travelled with low-carbon mobility can help reduce

Budget Referral: Allocate Projected Revenues from Voter-approved Transportation Network Company User Tax to Support Priority Mobility Infrastructure, Including Tier 1 Protected Bicycle Lanes and Crossings, Pedestrian Street Crossings, and Quick-build Public Transit Projects

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greenhouse gas emissions and air pollution, which disproportionately impact frontline communities.

The item considers priority pedestrian projects identified by the 2020 Pedestrian plan using various equity criteria, including historically redlined, underserved and senior neighborhoods. The item also refers to the Public Works and Transportation Commissions (or Successor Commission) to equitably consider how to best allocate TNC revenues across each of the priority categories.

Consistent with City values and equity initiatives, project investments should benefit unionized and minority-owned contractors.

CONTACT PERSON

Councilmember Kate Harrison, Council District 4, 510-981-7140



Susan Wengraf  
Councilmember District 6

CONSENT CALENDAR  
January 18, 2022

To: Honorable Mayor and Members of the City Council

From: Councilmember Wengraf (Author), Councilmember Harrison (Co-Sponsor),  
and Councilmember Hahn (Co-Sponsor)

Subject: Resolution Reaffirming the City of Berkeley's Commitment to Roe v. Wade

RECOMMENDATION

Adopt a Resolution reaffirming the City of Berkeley's commitment to Roe v. Wade, honoring the 49<sup>th</sup> anniversary of its passage and reiterating Berkeley's resolve to be a safe harbor for women asserting their constitutional right to access reproductive health and safe abortion services. It is essential that the City of Berkeley be a model for other cities and re-state their support for women to be able to exercise their constitutional rights and continue to have access to critical health care services, including abortion.

FINANCIAL IMPLICATIONS

None

BACKGROUND

Forty-nine years ago, on January 22, 1973, the U.S. Supreme Court announced its decision in Roe v. Wade, a challenge to a Texas statute that made it a crime to perform an abortion unless a woman's life was at stake. The case had been filed by "Jane Roe," an unmarried woman who wanted to safely and legally end her pregnancy. Siding with Roe, the court struck down the Texas law. In a ruling, the court recognized that the constitutional right to privacy "is broad enough to encompass a woman's decision whether or not to terminate her pregnancy" (Roe v. Wade, 1973).

Roe has come to be known as the case that legalized abortion nationwide. At the time the decision was handed down, nearly all states outlawed abortion. Roe rendered these laws unconstitutional, making abortion services safer and more accessible to all women throughout the country.

However, in recent years, reproductive health, including the right to choose, has been under relentless attack. The Trump administration shut down reproductive health services for women in every way possible — in presidential budgets, health care reform bills, tax reform legislation, and federal resolutions and regulations, as well as by nominating anti-abortion judges to the Supreme Court. Access to care at health centers, including many serving people who have nowhere else to go for basic health services, has been restricted.

This year, the U.S. Supreme Court is reviewing a direct challenge to the long-standing legal protections of abortion services under Roe v. Wade. Should the Court overturn Roe or allow a pre-viability ban to remain in place, people in over half of the states in the country – over 36 million women and other people who may become pregnant - will lose access to abortion care. It is already happening. People in Texas have lost the protections under Roe when Senate Bill (S.B) 8 went into effect on September 1, 2021. If Roe v. Wade is overturned or gutted, 26 states are likely to ban abortion, increasing the number of out-of-state patients who would find their nearest clinic in California from 46,000 to 1.4 million – a nearly 3,000 percent increase.

In 2019, Governor Newsom signed a [Proclamation on Reproductive Freedom](#) reaffirming California's commitment to protecting women's reproductive choices. The Governor has advanced investments to expand access to reproductive and sexual health care and signed multiple bills protecting reproductive freedom, including [SB 374](#) earlier this year and [SB 24 and AB 1264](#) in 2019.

January 22, 2022 will mark the 49<sup>th</sup> anniversary of the decision that effectively legalized abortion in the United States. The City of Berkeley has consistently passed resolutions in continued support of access to all reproductive healthcare services and all reproductive healthcare providers. The City also adopted a Resolution against proposed funding cuts to the Title X Family Planning program, the only federal program dedicated solely to providing low income women and men with comprehensive family planning and related preventive health services. On October 12, 2021, the Berkeley City Council adopted a Resolution "Denouncing Texas Anti-Abortion Law (SB8) and Re-affirming the City's Commitment to Reproductive Health."

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

N/A

#### CONTACT PERSON

Councilmember Susan Wengraf, Council District 6, 510-981-7160

#### Attachments:

1: Resolution

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

REAFFIRMING THE CITY OF BERKELEY'S COMMITMENT TO ROE V. WADE AND  
ACCESS to SAFE REPRODUCTIVE HEALTH SERVICES

WHEREAS, Prior to 1973, the year when Roe v. Wade was enacted, women faced significant obstacles to safe reproductive health services, resulting in widespread loss of life and serious illness; and

WHEREAS, The right to safe, legal and accessible abortion continues to be undermined by legal challenges, threatening the health and safety of women's lives, including the most marginalized women: low-income women, women of color, refugee and immigrant women; and

WHEREAS, The City of Berkeley is in full support of the State of California's resolve to uphold women's equality and liberty by protecting their reproductive freedom, educating Californians about their rights to reproductive freedom, welcoming women to California to fully exercise their reproductive rights and acting as a model for other states that want to ensure full reproductive freedom for women.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF BERKELEY that we RECOGNIZE AND CELEBRATE THE 49<sup>th</sup> ANNIVERSARY OF ROE V. WADE and praise the perilous and self-sacrificing work of the healthcare providers who face threats and violence for providing safe and legal health services to women throughout the Bay Area.

NOW FURTHER BE IT RESOLVED that the City of Berkeley re-affirms its commitment to the human rights afforded to all women under Roe v. Wade, regardless of socioeconomic, ethnic, racial, cultural or religious background, age or sexual orientation and to opposing any laws or regulations that pose a threat to abortion, reproductive rights, sexual freedom and/or self-determination.





Susan Wengraf  
Councilmember District 6

21

CONSENT CALENDAR  
Jan 18, 2022

To: Honorable Mayor and Members of the City Council  
From: Councilmember Wengraf (Author) and Councilmember Hahn (Co-Sponsor)  
Subject: OPPOSE Net Energy Metering 3.0 Proposed Decision of the CPUC and SUPPORT Net Energy Metering Policy that Continues the Growth of Local and Rooftop Solar

RECOMMENDATION

Send the attached Resolution in opposition to the Net Energy Metering 3.0 Proposed Decision of the CPUC and supporting a Net Energy Metering Policy that continues to support the growth of local and rooftop solar to: Governor Gavin Newsom, State Senator Nancy Skinner, Assemblymember Buffy Wicks, and members of the California Public Utilities Commission Board (CPUC). The Net Energy Metering (NEM) 3.0 decision issued by the CPUC on December 13, 2021 threatens access to net energy metering and rooftop-scale solar and storage by homeowners and tenants alike, interfering with Berkeley's and California's climate action and equity goals.

FINANCIAL IMPLICATIONS

Limited staff time associated with sending a letter to designated recipients.

BACKGROUND

Customers who install small solar, wind, biogas, and fuel cell generation facilities to serve all or a portion of onsite electricity needs are eligible for the state's Net Energy Metering (NEM) program. NEM allows customers who generate their own energy to receive a financial credit on their electric bills for any surplus energy fed back to their utility.

The current NEM program was adopted by the California Public Utilities Commission (CPUC) in Decision (D.)16-01-044 on January 28, 2016. The program provides customer-generators rate credits for energy exported to the grid and requires them to pay charges that align NEM customer costs more closely with non-NEM customer costs. NEM is designed to support the installation of renewable energy generation.

In early 2021, the CPUC launched a formal proceeding to update the current NEM structure. The new rulemaking is referred to as NEM 3.0 because this is the third iteration of the NEM program. Over 17 proposals were submitted to the CPUC for consideration, including a joint proposal from the state's big three investor-owned utilities (IOUs); Pacific Gas & Electric (PG&E), Southern California Edison (SCE), and

San Diego Gas & Electric (SDG&E). There is concern that the joint proposal will hinder the state's highly successful rooftop solar market which is a key strategy in the state reaching its clean energy and environmental goals.

On December 13, 2021, the CPUC issued a Proposed Decision (PD) that is very similar to the "big three" proposal.<sup>1</sup>

Notable elements of it include the following:

### **Credit Value of Excess Energy Saved and Exported to the Grid is Slashed by Nearly 80%**

- There is no transition glidepath, so the full reduction would take effect as soon as NEM 3.0 is implemented.
- The PD suggests values for each hour of the day rather than consistent values within time-of-use periods.
- The numbers vary for each of California's 16 climate zones.

### **Inadequate Market Transition Credits are Proposed**

- Under the PD, customers would be locked into a credit level from year of installation for ten years. This credit level would decline to zero over four years.
- There would be no credit incentive for SDG&E customers.
- There would be no incentive for commercial customers, including small businesses, schools, places of worship, and non-profits
- There would be no incentive for new home construction, thus further exacerbating the unaffordability of the statewide real estate market and interfering with California's Title 24 goals, particularly its solar mandate for residential customers.
- A new fund of \$150 million per year would be created to fund solar for the lowest-income customers. The PD proposes no further specifics, with details promised to be worked out later.

### **Eligibility Term Reduced for Existing (NEM 1.0 and NEM 2.0) Solar Customers**

- The PD proposes that the current 20-year eligibility period for NEM 1.0 and NEM 2.0 would be reduced to 15 years for residential non-California Alternate Rates for Energy (CARE)<sup>2</sup> customers.

<sup>1</sup> <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M430/K903/430903088.PDF>

<sup>2</sup> <https://www.cpuc.ca.gov/care/>



- The PD proposes to also slash the term to 15 years for all customers submitting applications under NEM 2.0 between the NEM 3.0 decision date and implementation of NEM-3. Under the PD the CPUC makes no exceptions for commercial and low-income customers.

### **Dramatic Increases in Payback Periods for Rooftop Solar Systems**

- Under the current NEM 2.0 rate design, the payback period for a typical residential rooftop solar system is estimated to range between 5 and 9 years.
- Under the PD, the residential simple payback period for market-rate customers would increase to 16.0 years for PG&E customers, 18.6 years for SCE customers, and 9.3 years for SDG&E customers. The residential simple payback period for lower-income customers would increase to 11.6 years for PG&E customers, 11.2 years for SCE customers, and 12.2 years for SDG&E customers.

The PD violates the following key goals and themes that are consistent with what the City of Berkeley has supported in the past.

These include:

- Protecting and expanding rooftop solar via a strong succeeding NEM tariff and expanding clean energy access by making it easier, not harder, for people to adopt rooftop solar and energy storage in order to meet California's ambitious clean energy targets and deploy solar in all communities and households, particularly those struggling to pay for electricity; and
- Expressing its support for the items as stated above, including urging the CPUC to:
  - (i) strengthen NEM to expand access to all households, particularly of low-and-moderate income customers;
  - (ii) expand access to other clean energy technologies that pair with solar, such as batteries;
  - (iii) ensure that the solar installations continue to grow in order to meet State and City climate goals; and
  - (iv) exclude provisions set forth in both the PD and the IOUs' Proposal such as high monthly fixed fees and reducing or eliminating credits for sharing electricity with the power grid.

A consensus is emerging that a fair and effective rooftop solar policy must share its benefits with low-income and disadvantaged communities that have previously been left out. The PD further exacerbates these inequities.

ENVIRONMENTAL SUSTAINABILITY

Passage of the IOUs' proposal is likely to squelch the deployment of rooftop-scale solar and storage in the City of Berkeley, which would interfere with a key strategy in the realization of Berkeley's Climate Action goals.

CONTACT PERSON

Councilmember Wengraf

Council District 6

510-981-7160

Attachments:

1: Resolution

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

OPPOSITION TO NET ENERGY METERING 3.0 PROPOSED DECISION  
SUPPORT NET ENERGY METERING POLICY THAT CONTINES THE GROWTH OF  
LOCAL AND ROOFTOP SOLAR

WHEREAS, Net Energy Metering (NEM) is designed to support the installation of customer-sited renewable energy generation; and

WHEREAS, NEM allows customers to receive bill credits for power generated by their solar system and shared with the power grid and ultimately save money on their utility bills; and

WHEREAS, NEM is what has allowed solar to become increasingly accessible to low- and moderate-income households; and

WHEREAS, the California Public Utilities Commission (CPUC) has launched a formal proceeding to update the current NEM structure to be introduced in 2022 as NEM 3.0 and a number of parties have submitted their proposal for what they believe NEM 3.0 should look like; and

WHEREAS, the California Investor Owned Utilities (IOUs), Pacific Gas and Electric, San Diego Gas & Electric and Southern California Edison, have submitted a joint proposal (the "IOU Proposal") that calls for drastic changes to NEM that would make customer-sited renewable energy more expensive, increase the amount of time it takes for customers to pay off their systems, and ground to a halt the installation of distributed solar in California; and

WHEREAS, The IOU Proposal would make it impossible for customer-sited renewables to continue to grow sustainably as mandated by law as a result of high monthly fixed fees for all solar installations, and slashing credits customers receive for sharing their excess electricity with the power grid; and

WHEREAS, proposals submitted to CPUC by Protect Our Communities Foundation, California Solar & Storage Association, Vote Solar, GRID Alternatives, Solar Energy Industries Association, and others not only would encourage new solar adoption but also include additional subsidies for low income customers; and

WHEREAS, California cannot meet its clean energy targets in time with utility scale solar alone and needs to triple the amount of rooftop solar, as reported by the California Energy Commission 2021 SB 100 Joint Agency Report Summary; and

WHEREAS, protecting rooftop solar and expanding access to rooftop solar in communities of concern will help California as well as our own city to move toward 100 percent clean energy, lessen the impacts of the climate crisis, and reduce climate injustices from dirty energy; and

WHEREAS, on December 13, 2021, the CPUC issued a Proposed Decision (PD) that is very similar to the IOUs' proposal. Notable elements of it include the following:

- Credit Value of Excess Energy Saved and Exported to the Grid is Slashed by Nearly 80%
- Inadequate Market Transition Credits
- Eligibility Term Reduced for Existing (NEM 1.0 and NEM 2.0) Solar Customers
- Dramatic Increases in Payback Periods for Rooftop Solar Systems; and

WHEREAS, the climate crisis requires that the transition to clean energy be more accessible.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it supports protecting and expanding rooftop solar via a strong NEM tariff and expanding clean energy access by making it easier, not harder, for people to adopt rooftop solar and energy storage in order to meet California's ambitious clean energy targets and deploy solar in all communities and households, particularly those struggling to pay for electricity.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley urges the CPUC to reject the Net Energy Metering 3.0 Proposed Decision issued on December 13, 2021 and instead to:

- (i) strengthen NEM to expand access to all households, particularly of low-and-moderate income;
- (ii) expand access to other clean energy technologies that pair with solar, such as batteries;
- (iii) ensure that the solar installations continue to grow in order to meet State and City climate goals; and
- (iv) exclude provisions set forth in the IOU Proposal such as high monthly fixed fees, and reducing or eliminating credits for sharing electricity with the power grid.

BE IT FURTHER RESOLVED that copies of this Resolution shall be sent to Governor Gavin Newsom, State Senator Skinner, Assemblymember Wicks and members of the California Public Utilities Commission Board.



Office of the City Manager

22

PUBLIC HEARING  
January 18, 2022

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Scott Ferris, Director, Parks, Recreation and Waterfront  
 Subject: Selected Recreation and Camps Program Fee Increases

### RECOMMENDATION

Conduct a public hearing and upon conclusion:

1. Adopt a resolution approving new fees and increasing current fees for select Recreation Division programs and rescinding Resolution No. 69,892-N.S. and all amendatory resolutions.
2. Adopt a resolution approving revised Policies and Procedures for Parks & Recreation Programs and Facilities, and rescinding Resolution No. 67,581-N.S. and all amendatory resolutions.

### FISCAL IMPACTS OF RECOMMENDATION

The Camps Fund is a self-supporting fund, with revenues expected to cover expenditures. The proposed new fees and fee increases will provide additional revenue to cover the cost of delivering these programs.

New Tuolumne Camp fees would raise an estimated \$1,446,900 in annual revenue for the Camps Fund, assuming 75% occupancy in summer 2022, with anticipated expenses of \$1,419,000.

Increases to the non-resident fees at Echo Lake Camp are projected to generate an additional \$18,750 in annual revenue for the Camps Fund. These fees help the City cover the costs to operate the camps and camp programs, (see Table 1).

Existing 100% scholarships are aligned with “extremely low income” HUD levels; and 50% scholarships are aligned with “very low income” HUD levels.

The proposed changes to the scholarship program are to expand eligibility for 100% scholarships from “extremely low income” to “very low income” HUD levels for Berkeley residents, adding between \$19,150 and \$36,150 in gross family income. Additionally, we are expanding the threshold for 50% scholarships from “very low income” to “very low income” plus the difference between the “very low income” and “extremely low income” thresholds, (see Table 2).

This recommendation would significantly increase scholarship program eligibility to Berkeley residents. The fiscal impact of this recommendation would be a decrease in General Fund and Camps Fund revenue.

**General Fund Scholarships**

In 2021, the City provided \$129,589 in scholarships for Recreation Division General Fund programs. City staff anticipate that this recommendation would result in an increase of 134 annual scholarships awarded to attend Recreation Division General Fund programs, resulting in a decrease in revenue of \$38,877 to General Fund programs for a projected annual scholarship value of \$168,466 for General Fund programs, (see Table 3).

**Camps Fund Programs**

This recommendation would make scholarships available for most Camps Fund programs, including new Tuolumne Camp programs. In 2021, the Camps Fund provided \$52,870 in scholarships to Berkeley Residents for Echo Lake Camp and Berkeley Day Camp programs. With the addition of new Tuolumne Family Camp scholarships this summer, this recommendation would result in an additional decrease in revenue of \$97,400 to Camps Fund programs for a projected annual scholarship value of \$247,130 for Camps Fund programs, (see Table 3).

Echo Lake and Tuolumne Camp traditionally offer several heavily subsidized or free programs (i.e. Teen and Pre-K Tots Weekends; and Echo Lake Youth Camp, Family Camp and CIT program scholarships) each season to historically underserved participants. This year, we are expanding these programs to include BUSD Bears and New Camper Weekends focused on historically underserved populations and we are adding 6 scholarships per week for Tuolumne Camp family camp programs.

The expense associated with offering these new programs in FY22-23 is projected at \$85,360, and is included in the value of Camps Fund scholarships shown in Table 3. The \$202,868 projected deficit in the Camps Fund is inclusive of \$247,130 in 2022 planned scholarships. This deficit could be remedied by donations and a General Fund allocation in FY23.

Table 1 - Impact of New Fees and Program Changes on the Camps Fund

| <b>Program Year 2022-23</b>            | <b>Without new fees</b> | <b>With new fees</b> |
|----------------------------------------|-------------------------|----------------------|
| Total Revenues*                        | \$791,717               | \$ 2,257,333         |
| Total Expenditures*                    | \$955,842               | \$2,374,842          |
| Costs for Expanded Subsidized Programs |                         | (\$85,360)           |
| Net Revenue (Deficit)**                | (\$164,125)             | (\$202,868)          |

\*Includes \$97,400 in 6 new scholarships per Tuolumne Family Camp week. \*\*Excludes Cazadero and Tuolumne Camp capital projects.

Table 2. Proposed Scholarship Income Thresholds

| <i>Number of Household members</i> |                          | 1      | 2      | 3      | 4      | 5       | 6       | 7       | 8       |
|------------------------------------|--------------------------|--------|--------|--------|--------|---------|---------|---------|---------|
| Qualifies for 50%                  | New calculated figure    | 67,100 | 76,700 | 86,300 | 95,900 | 103,600 | 111,300 | 118,900 | 126,600 |
| Qualifies for 100%                 | HUD Very Low Income      | 47,950 | 54,800 | 61,650 | 68,500 | 74,000  | 79,500  | 84,950  | 90,450  |
|                                    | HUD Extremely Low Income | 28,800 | 32,900 | 37,000 | 41,100 | 44,400  | 47,700  | 51,000  | 54,300  |
|                                    | Difference               | 19,150 | 21,900 | 24,650 | 27,400 | 29,600  | 31,800  | 33,950  | 36,150  |

\*Income thresholds are updated annually based on HUD low-income guidelines. Thresholds above reflect HUD 2021 gross household income.

Table 3. Value of Recreation Division Scholarships 2019-2022

| <b>Recreation Division Scholarships</b> | <b>General Fund Programs</b> |              | <b>Camps Fund Programs</b>         |              | <b>Combined</b>        |              |
|-----------------------------------------|------------------------------|--------------|------------------------------------|--------------|------------------------|--------------|
|                                         | <i># of recipients</i>       | <i>Value</i> | <i># of recipients</i>             | <i>Value</i> | <i># of recipients</i> | <i>Value</i> |
| 2019                                    | 241                          | \$84,911     | 289                                | \$81,345     | 530                    | \$166,256    |
| 2020                                    | 122                          | \$52,162     | <i>No Programs due to COVID-19</i> |              | 122                    | \$52,162     |
| 2021                                    | 445                          | \$129,589    | 126                                | \$52,870     | 571                    | \$182,459    |
| 2022 (projected)                        | 579                          | \$168,466    | 325                                | \$247,130    | 904                    | \$415,596    |

**CURRENT SITUATION AND ITS EFFECTS**

On June 28, 2016, Berkeley City Council adopted the Policies and Procedures for Parks and Recreation Programs and Facilities (Resolution No. 67,581- N.S.). On May 25, 2021, Council adopted an updated Fee Schedule for the Recreation Division programs (Resolution No. 69,892-N.S.). The City periodically reviews all recreation fees in an effort to keep programs and facilities accessible to residents while accounting for increased costs to deliver those services.

The Parks Recreation & Waterfront Department is taking steps to improve accessibility to Recreation Division Programs for Berkeley Residents. This includes:

- Focusing on improving diverse and equitable access to programs
- Offering priority registration to scholarship recipients
- Increasing the number of scholarships
- Adding new camp programs for historically underserved participants
- Increasing community outreach efforts.

In addition to these steps, we are recommending making changes to the Policies and Procedures for Parks and Recreation Programs and Facilities to increase Berkeley Resident scholarship program access and expand scholarship program offerings.

## Changes to Policy & Procedures

The Policies and Procedures for Parks & Recreation Programs and Facilities were last revised in 2016. This recommendation proposes changes to the Policies & Procedures to make Recreation Division programs more accessible and align the policies with new fees. The most significant proposed changes are:

*Revision of the Scholarship Policy* – This change is recommended to increase access to Recreation Division scholarships for Berkeley Residents, and to streamline the scholarship application process. The City awards scholarships to every applicant who meets the eligibility requirements, which include Berkeley residency. Income eligibility is based on the Federal Housing and Urban Development (HUD) Low-Income Guidelines. Qualifying recipients receive either a 50% fee reduction or a 100% fee waiver.

The Recreation Division recommends making changes to the scholarship application process to increase scholarship eligibility and reduce barriers to access. The proposed changes to the Recreation Policies include increasing the income threshold for scholarship eligibility to align with the HUD “very low-income” threshold instead of the “extremely low-income” threshold, (see Table 2).

### *Other Changes*

In addition, City staff recommend making changes to align the Camps Program Policy with the introduction of new Tuolumne Camp Fees, and providing account credits when the Recreation Division cancels a program, reservation, or permit or when a customer requests an account credit.

## Camps Fund Programs

The Camps Fund is comprised of four program areas:

- Berkeley Day Camp, a 9-week summer day camp program offered in City Parks;
- Berkeley Cazadero Camp, operated by Cazadero Performing Arts Camp and offering music and performing arts programs, located in Sonoma County;
- Berkeley Echo Lake Camp, offering Family Camp Youth Camp, adult, teen, tots, and other programs, located near South Lake Tahoe, CA; and
- Berkeley Tuolumne Camp. Berkeley Tuolumne Camp is scheduled to reopen this summer for the first time in nine years following the destruction of the facility by a wildfire in 2013. The City is preparing to welcome Campers back to this newly reconstructed facility.

The Camps Fund is a self-supporting fund, with revenues expected to cover expenditures. The total annual revenue for this fund is projected at \$2,257,333 for the FY22-23 program year. The Recreation Division needs to establish new Tuolumne Camp program fees, and is recommending making minor changes to fees at Echo Lake Camp. The proposed fee increases and new fees will help to cover the costs of these programs and allow the City to continue to make these programs more accessible to Berkeley Residents.

Fee changes are proposed to go into effect January 19, 2022.

Fee increases and new fee schedules are proposed to the following programs. The proposed changes are detailed in Attachment 1, with fee comparisons in Attachment 2.



### Berkeley Echo Lake Camp

*Non-Resident Fees* – Current Echo Lake Camp non-resident fees are 10% higher than Berkeley Resident fees. All other Recreation Division non-resident fees are 20% higher than Berkeley Resident fees. This proposal would increase all Echo Lake Camp non-resident fees to 20% higher than Berkeley Resident fees.

*50 & Better Camp* – The current fee schedule includes a 4-day and weekend fee for 50 & Better Camp. This proposal would introduce a new 5-day session length and define 50 & Better Camp additional camper fees for each session length.

*Family Camp Session Fees* – Current Echo Lake Family Camp fees include only a 5-day and 7-day session length. This proposal includes single-day and 4-day session length fees.

### *Group Rental Fees*

This proposal recommends an increase of approximately 12.5% to Echo Lake Camp Group Rental Fees. This increase is required to cover the direct program expenditures associated with offering Group Rentals.

### *New Camper Welcome Weekend Program*

This discounted fee is proposed to offer inclusive and welcoming opportunities to new campers who are interested in attending Echo Lake & Tuolumne Camp programs but have not participated in the past.

### *School Outdoor Education*

These fees are proposed to offer school outdoor education programs at Echo Lake Camp and Tuolumne Camp to Bay Area school districts, with a particular emphasis on Berkeley Schools.

### *Shoulder Season Rentals*

This fee category has been developed to offer occasional rentals to small groups or individuals during non-programmed periods at the Camp. These rentals would offer limited accommodations and require minimal programming.

*Surcharges* – This proposal recommends adoption of a \$500 Family Camp Program Deposit payment. This will allow Family Campers to make a deposit payment to hold their registration, and make final payment at a later date closer to their program.

### *Wedding Rental Fee*

Echo Lake and Tuolumne Camp are beautiful outdoor locations, ideal for wedding venues. This fee is proposed to offer wedding parties the opportunity to get married at Camp as part of a day use agreement. Wedding parties that wish to extend their stay for an overnight experience would be required to complete a group rental permit.

### Berkeley Tuolumne Camp

Berkeley Tuolumne Camp was destroyed by a wildfire in 2013. The City is nearing completion of reconstruction, and the facility is scheduled to reopen in Summer 2022. The proposed fees are recommended to allow the Recreation Division to begin accepting camper registrations for various programs.

Most proposed fees are scheduled per tent, per group, per session. These proposed fees allow for more stable grouping during each session, allow for online registration, and reduce administrative management. See Attachment 2, Table 1 for fee comparisons.

- Most proposed fees are per-tent and are all-inclusive for each session for 2 to 3 total guests and include meals, lodging, and all programs.
- Additional Campers (more than 2 guests for 50 & Better Camp, or more than 3 guests for Family Camp) may be added to Standard Occupancy Tent Cabin registrations for a per-person fee (Not applicable for infants under age 3).
- A limited number of Low-Occupancy Tents will be available to groups comprised of one adult and two children under the age of 14 only. These tents are available on a first come first served basis. Guests with different group sizes or age ranges must register for one of our Standard Occupancy Tent Cabins.

The current fee schedule doesn't have any fees for Tuolumne Camp programs, and this proposal would establish new fees for the following program areas:

- *50 & Better Camp* – This proposal recommends weekend, 4-day, and 5-day 50 & Better Camp fees, and defines 50 & Better Camp additional camper fees for each session length.
- *Family Camp Session Fees* – This proposal recommends single-day, 4-day, 5-day, and 7-day Family Camp session fees to accommodate a variety of programs planned for Tuolumne Camp in future seasons.
- *Group Rental Fees* - This proposal recommends adopting new group rental fees for Tuolumne
- *New Camper Welcome Weekend Program* - This fee is proposed to offer inclusive and welcoming opportunities to new campers who are interested in attending Echo Lake & Tuolumne Camp programs but have not participated in the past.
- *School Outdoor Education* - These fees are proposed to offer school outdoor education programs at Echo Lake Camp and Tuolumne Camp to Bay Area school districts, with a particular emphasis on Berkeley Schools.
- *Shoulder Season Rentals* - This fee category has been developed to offer occasional rentals to small groups or individuals during non-programmed periods at the Camp. These rentals would offer limited accommodations and require minimal programming.
- *Surcharges* – This proposal recommends adopting similar surcharges to those already in use at Echo Lake Camp.
- *Wedding Rental Fee* - Echo Lake and Tuolumne Camp are beautiful outdoor locations, ideal for wedding venues. This fee is proposed to offer wedding parties the opportunity to get married at Camp as part of a day use agreement. Wedding parties that wish to extend their stay for an overnight experience would be required to complete a group rental permit.

*Non-Resident Fees* – These fees include fees for non-residents that are 20% higher than Berkeley resident fees.

#### BACKGROUND

All camp programs are run out of the Camps Fund which requires all expenditures be recovered by program revenue. New fees are required to run Berkeley Tuolumne Camp programs, and recommended fee increases are required to cover program expenditures.

### ENVIRONMENTAL SUSTAINABILITY

The proposed fee increases will support sustainability in these camp programs which provide direct and indirect environmental benefits. Camp programs connect the community with the environment, emphasize the importance of environmental stewardship, and teach youth and community members about local environmental resources and how to preserve them.

### CONTACT PERSON

Christina Erickson, Deputy Director, 510-981-6703

Denise Brown, Youth and Recreation Services Manager, 510-981-6707

### Attachments:

1. Recreation Fees: Current vs. Proposed
2. Fee Comparisons
3. Resolution
  - Exhibit A: Recreation Fee Schedule
  - Exhibit B: Policies and Procedures for Parks and Recreation Programs and Facilities
4. Notice of Public Hearing

## Recreation Fee Schedule: Current vs. Proposed

| Program Area                                                                                                                                                                          | Unit of Measure | Resident     | PROPOSED Resident | Non-Resident | PROPOSED Non-Resident |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|--------------|-------------------|--------------|-----------------------|
| <b>I. DIRECTOR'S AUTHORITY TO IMPLEMENT NEW FEES</b>                                                                                                                                  |                 |              |                   |              |                       |
| The Director of Parks Recreation and Waterfront, or his/her designee, reserves the right to establish fees for new Recreation programs based on comparison with other municipalities. |                 |              |                   |              |                       |
| Various                                                                                                                                                                               | Various         | Up to \$350  |                   | Up To \$420  |                       |
| <b>II. FACILITY RENTAL CHARGES</b>                                                                                                                                                    |                 |              |                   |              |                       |
| <b>1. Room Rentals - Regular Hours (1 hour minimum); Non-Regular Hours (2 hour minimum)</b>                                                                                           |                 |              |                   |              |                       |
| James Kenney (JK) Live Oak (LO)<br>Frances Albrier (FA), Martin Luther King (MLK)                                                                                                     |                 |              |                   |              |                       |
| <b>A. Youth, Senior, Disabled</b>                                                                                                                                                     |                 |              |                   |              |                       |
| Regular Hours                                                                                                                                                                         | Hour            | \$41.00      |                   | \$49.00      |                       |
| Non-Regular Hours                                                                                                                                                                     | Hour            | \$61.00      |                   | \$73.00      |                       |
| <b>B. All Other</b>                                                                                                                                                                   |                 |              |                   |              |                       |
| <b>Auditorium (FA) &amp; Social Hall (LO)</b>                                                                                                                                         |                 |              |                   |              |                       |
| Regular Hours                                                                                                                                                                         | Hour            | \$67.00      |                   | \$80.00      |                       |
| Non-Regular Hours                                                                                                                                                                     | Hour            | \$82.00      |                   | \$98.00      |                       |
| <b>Fireside Room (LO), Community Room (JK)</b>                                                                                                                                        |                 |              |                   |              |                       |
| Regular Hours                                                                                                                                                                         | Hour            | \$52.00      |                   | \$62.00      |                       |
| Non-Regular Hours                                                                                                                                                                     | Hour            | \$67.00      |                   | \$80.00      |                       |
| <b>Game Room (FA, MLK) Arts &amp; Crafts Room (FA, JK, LO) Meeting Room (JK, LO, MLK)</b>                                                                                             |                 |              |                   |              |                       |
| Regular Hours                                                                                                                                                                         | Hour            | \$46.00      |                   | \$55.00      |                       |
| Non-Regular Hours                                                                                                                                                                     | Hour            | \$62.00      |                   | \$74.00      |                       |
| <b>C. Multi Room Discount</b>                                                                                                                                                         |                 |              |                   |              |                       |
| 2nd room                                                                                                                                                                              | Rental          | 25% discount |                   | 25% discount |                       |
| 3rd room, each additional room                                                                                                                                                        | Rental          | 50% discount |                   | 50% discount |                       |
| <b>D. Gym Rentals (JK, MLK)</b>                                                                                                                                                       |                 |              |                   |              |                       |
| Regular Hours                                                                                                                                                                         | Hour            | \$64.00      |                   | \$77.00      |                       |
| Non-Regular Hours                                                                                                                                                                     |                 | \$75.00      |                   | \$90.00      |                       |
| <b>E. Filming Fee</b>                                                                                                                                                                 |                 |              |                   |              |                       |

| Program Area                                                                                                                  | Unit of Measure          | Resident   | PROPOSED Resident | Non-Resident | PROPOSED Non-Resident |
|-------------------------------------------------------------------------------------------------------------------------------|--------------------------|------------|-------------------|--------------|-----------------------|
| Parks and Facilities                                                                                                          | ½ Day                    | \$400.00   |                   | \$400.00     |                       |
|                                                                                                                               | Full Day                 | \$800.00   |                   | \$800.00     |                       |
| <b>F. Surcharges</b>                                                                                                          |                          |            |                   |              |                       |
| Table & Chair Set-Up                                                                                                          | Rental                   | \$63.00    |                   | \$76.00      |                       |
| Kitchen Use                                                                                                                   | Rental                   | \$86.00    |                   | \$103.00     |                       |
| Small Storage Room                                                                                                            | Month                    | \$21.00    |                   | \$25.00      |                       |
| Large Storage Room                                                                                                            | Month                    | \$31.00    |                   | \$37.00      |                       |
| Stage Use w/Room Rental                                                                                                       | Hour                     | \$26.00    |                   | \$31.00      |                       |
| P/A system & staff operation                                                                                                  | Hour                     | \$42.00    |                   | \$50.00      |                       |
| Cleaning/Damage Deposit All Rentals (Refundable)                                                                              | Rental                   | \$200.00   |                   | \$200.00     |                       |
| <b>2. City Athletic Fields</b>                                                                                                |                          |            |                   |              |                       |
| <b>A. Cedar Rose, Codornices, Glendale-LaLoma, Grove, James Kenney, Ohlone, San Pablo, Willard, Rosa Parks, Thousand Oaks</b> |                          |            |                   |              |                       |
| Youth non-profit leagues                                                                                                      | 2-Hours                  | \$36.00    |                   | \$43.00      |                       |
| Adults, for-profits, private schools                                                                                          | 2-Hours                  | \$72.00    |                   | \$86.00      |                       |
| Maintenance Deposit                                                                                                           |                          | 40% of fee |                   |              |                       |
| <b>B. Gabe's Fields at Harrison Park, Natural Turf</b>                                                                        |                          |            |                   |              |                       |
| Youth non-profit leagues                                                                                                      | 2-Hours                  | \$29.00    |                   | \$35.00      |                       |
| Adults, for-profits, private schools                                                                                          | 2-Hours                  | \$72.00    |                   | \$86.00      |                       |
| <b>C. Gilman Fields, Natural Turf</b>                                                                                         |                          |            |                   |              |                       |
| Youth non-profit leagues                                                                                                      | 2-Hours                  | \$29.00    |                   | \$35.00      |                       |
| Adults, for-profits, private schools                                                                                          | 2-Hours                  | \$72.00    |                   | \$86.00      |                       |
| <b>D. Gilman Fields, Synthetic Turf</b>                                                                                       |                          |            |                   |              |                       |
| Youth non-profit leagues                                                                                                      | 2-Hours                  | \$40.00    |                   | \$48.00      |                       |
| Adults, for-profits, private schools                                                                                          | 2-Hours                  | \$91.00    |                   | \$109.00     |                       |
| <b>E. Sports Field User Fines (Policy Violations: Applicable to All Athletic Fields)</b>                                      |                          |            |                   |              |                       |
| Playing on Closed Grass Fields                                                                                                | 1st Offense              | \$250.00   |                   | \$250.00     |                       |
|                                                                                                                               | 2nd Offense              | \$500.00   |                   | \$500.00     |                       |
| Running practices in main goal areas                                                                                          | 1st Offense within 12 mo | \$50.00    |                   | \$50.00      |                       |
|                                                                                                                               | 2nd Offense within 12 mo | \$100.00   |                   | \$100.00     |                       |
|                                                                                                                               | 3rd Offense within 12 mo | \$200.00   |                   | \$200.00     |                       |

| Program Area                                                                                                                            | Unit of Measure | Resident | PROPOSED Resident | Non-Resident | PROPOSED Non-Resident |
|-----------------------------------------------------------------------------------------------------------------------------------------|-----------------|----------|-------------------|--------------|-----------------------|
| Dogs, Alcohol, Trash, Wheeled vehicles                                                                                                  | Incident        | \$100.00 |                   | \$100.00     |                       |
| Field Monitor                                                                                                                           | Hourly          | \$25.00  |                   | \$25.00      |                       |
| <b>F. Additional Rules (Applicable to all athletic fields)</b>                                                                          |                 |          |                   |              |                       |
| Weekday slots used before 3:30pm throughout the year are discounted 50%                                                                 |                 |          |                   |              |                       |
| Weekday slots 5:30pm-7:00pm are charged as full two-hour slot                                                                           |                 |          |                   |              |                       |
| All other slots are pro-rated in 30 minute increments                                                                                   |                 |          |                   |              |                       |
| <b>3. Skate Park Rental (only available AM hours)</b>                                                                                   |                 |          |                   |              |                       |
| <b>A. Morning Hours (includes 2 staff members)</b>                                                                                      | Hour            | \$250.00 |                   | \$300.00     |                       |
| <b>B. Birthday Party (includes 2 staff members &amp; lesson)</b>                                                                        | Hour            | \$350.00 |                   | \$420.00     |                       |
| Cleaning/Damage Deposit (refundable)                                                                                                    | Rental          | \$200.00 |                   | \$200.00     |                       |
| <b>4. Tennis Courts</b>                                                                                                                 |                 |          |                   |              |                       |
| <b>A. Day Use (All Courts): Cedar Rose, Grove, James Kenney, Live Oak, Rose Garden, Roy Oakes, San Pablo, Strawberry Creek, Willard</b> |                 |          |                   |              |                       |
| Adult                                                                                                                                   | Hour            | \$7.00   |                   | \$8.00       |                       |
| Youth, Senior, Disabled                                                                                                                 | Hour            | \$5.00   |                   | \$6.00       |                       |
| <b>B. Night Use/Lighted Courts: Cedar Rose, Grove, James Kenney, Live Oak, San Pablo, Strawberry Creek, Willard</b>                     |                 |          |                   |              |                       |
| Adult                                                                                                                                   | Hour            | \$10.00  |                   | \$12.00      |                       |
| Youth, Senior, Disabled                                                                                                                 | Hour            | \$8.00   |                   | \$10.00      |                       |
| <b>5. Swim Centers (1-hour minimum) King, West Campus</b>                                                                               |                 |          |                   |              |                       |
| 1-35 people                                                                                                                             | Hour            | \$100.00 |                   | \$120.00     |                       |
| 36-70 people                                                                                                                            | Hour            | \$145.00 |                   | \$174.00     |                       |
| 71-100 people                                                                                                                           | Hour            | \$177.00 |                   | \$212.00     |                       |
| 101-150 people                                                                                                                          | Hour            | \$217.00 |                   | \$260.00     |                       |
| Cleaning/Damage Deposit (refundable)                                                                                                    | Rental          | \$200.00 |                   | \$200.00     |                       |
| <b>6. Picnic Areas (4-hour minimum)</b>                                                                                                 |                 |          |                   |              |                       |
| <b>A. Aquatic Park</b>                                                                                                                  | 4-hours         | \$45.00  |                   | \$54.00      |                       |
| <b>B. Cedar Rose</b>                                                                                                                    | 4-hours         | \$30.00  |                   | \$36.00      |                       |

| Program Area                                                                                    | Unit of Measure | Resident | PROPOSED Resident | Non-Resident | PROPOSED Non-Resident |
|-------------------------------------------------------------------------------------------------|-----------------|----------|-------------------|--------------|-----------------------|
| <b>C. Codornices Park Area 1</b>                                                                | 4-hours         | \$75.00  |                   | \$90.00      |                       |
| <b>D. Codornices Park Area 2</b>                                                                | 4-hours         | \$60.00  |                   | \$72.00      |                       |
| <b>E. Cragmont</b>                                                                              | 4-hours         | \$45.00  |                   | \$54.00      |                       |
| <b>F. Grove</b>                                                                                 | 4-hours         | \$30.00  |                   | \$36.00      |                       |
| <b>G. James Kenney</b>                                                                          | 4-hours         | \$45.00  |                   | \$54.00      |                       |
| <b>H. King School</b>                                                                           | 4-hours         | \$30.00  |                   | \$36.00      |                       |
| <b>I. Live Oak Park (Areas 1 &amp; 2)</b>                                                       | 4-hours         | \$60.00  |                   | \$72.00      |                       |
| <b>J. Ohlone Park @ McGee</b>                                                                   | 4-hours         | \$45.00  |                   | \$54.00      |                       |
| <b>K. San Pablo Park</b>                                                                        | 4-hours         | \$30.00  |                   | \$36.00      |                       |
| <b>L. Strawberry Creek</b>                                                                      | 4-hours         | \$30.00  |                   | \$36.00      |                       |
| <b>M. Shorebird Park: Areas 1, 2</b>                                                            | 4-hours         | \$60.00  |                   | \$60.00      |                       |
| <b>N. Shorebird Park: Area 3</b>                                                                | 4-hours         | \$45.00  |                   | \$45.00      |                       |
| <b>O. Cesar Chavez: Area 1</b>                                                                  | 4-hours         | \$45.00  |                   | \$45.00      |                       |
| <b>P. Cesar Chavez: Area 2 (large picnic area)</b>                                              | 4-hours         | \$200.00 |                   | \$200.00     |                       |
| <b>Q. Bounce House Permit</b>                                                                   | Per Use         | \$20.00  |                   | \$25.00      |                       |
| <b>7. Parks &amp; Open Space (not athletic fields)</b>                                          |                 |          |                   |              |                       |
| <b>A. Special Events</b>                                                                        |                 |          |                   |              |                       |
| 1-99 Participants                                                                               | Day             | \$180.00 |                   | \$350.00     |                       |
| 100-249 Participants                                                                            | Day             | \$270.00 |                   | \$500.00     |                       |
| 250-499 Participants                                                                            | Day             | \$350.00 |                   | \$700.00     |                       |
| 500+ Participants                                                                               | Day             | \$550.00 |                   | \$1,000.00   |                       |
| Cleaning/Damage Deposit (refundable)                                                            | Day             | \$700.00 |                   | \$700.00     |                       |
| <b>Special Events – Additional Days</b>                                                         |                 |          |                   |              |                       |
| 1-99 Participants                                                                               | Day             | \$170.00 |                   | \$340.00     |                       |
| 100-249 Participants                                                                            | Day             | \$230.00 |                   | \$460.00     |                       |
| 250-499 Participants                                                                            | Day             | \$250.00 |                   | \$600.00     |                       |
| 500+ Participants                                                                               | Day             | \$450.00 |                   | \$900.00     |                       |
| <b>B. John Hinkel Amphitheater</b>                                                              | Day             | \$120.00 |                   | \$144.00     |                       |
| Cleaning/Damage Deposit (refundable)                                                            |                 | \$350.00 |                   | \$350.00     |                       |
| <b>C. Camp Day Use Fee</b>                                                                      |                 |          |                   |              |                       |
| 1-50 Participants                                                                               | Day             | \$50.00  |                   | \$50.00      |                       |
| 51-100 Participants                                                                             | Day             | \$100.00 |                   | \$100.00     |                       |
| 101-150 Participants                                                                            | Day             | \$150.00 |                   | \$150.00     |                       |
| <b>D. Small Turf Areas in Parks (Ages 8 yrs &amp; under; Mon-Fri only; Max 3 days per week:</b> |                 |          |                   |              |                       |

| Program Area                                                                             | Unit of Measure | Resident   | PROPOSED Resident | Non-Resident | PROPOSED Non-Resident |
|------------------------------------------------------------------------------------------|-----------------|------------|-------------------|--------------|-----------------------|
| Ohlone Park, Aquatic Park, James Kenney Park, Live Oak Park                              |                 |            |                   |              |                       |
|                                                                                          | 2-Hours         | \$25.00    |                   | \$30.00      |                       |
| <b>8. Weddings (4-hour minimum)</b>                                                      |                 |            |                   |              |                       |
| <b>A. Rose Garden</b>                                                                    | 4-Hours         | \$1,000.00 |                   | \$1,200.00   |                       |
| Each Additional Hour (after 4 hours)                                                     | Hour            | \$170.00   |                   | \$204.00     |                       |
| <b>B. Cragmont, Live Oak Park, &amp; John Hinkel (outside areas)</b>                     | 4-Hours         |            |                   |              |                       |
|                                                                                          |                 | \$450.00   |                   | \$540.00     |                       |
| Each Additional Hour (after 4 hours)                                                     | Hour            | \$75.00    |                   | \$90.00      |                       |
| <b>C. Spinnaker Way Vista</b>                                                            | 4-Hours         | \$750.00   |                   | \$750.00     |                       |
| Each Additional Hour (after 4 hours)                                                     | Hour            | \$170.00   |                   | \$170.00     |                       |
| <b>D. Yacht Club Point</b>                                                               | 4-Hours         | \$750.00   |                   | \$750.00     |                       |
| Each Additional Hour (after 4 hours)                                                     | Hour            | \$170.00   |                   | \$170.00     |                       |
| Cleaning/Damage Deposit (refundable)                                                     | Rental          | \$700.00   |                   | \$700.00     |                       |
| <b>III. SWIM CENTER FEES</b>                                                             |                 |            |                   |              |                       |
| <b>1. Admissions (Public &amp; Family Swim, Laps)</b>                                    |                 |            |                   |              |                       |
| Adult (Drop-in)                                                                          | Swim            | \$6.00     |                   | \$6.00       |                       |
| Adult (10-Swim Card)                                                                     | 10-Swims        | \$51.00    |                   | \$51.00      |                       |
| Adult (Monthly)                                                                          | Month           | \$73.00    |                   | \$73.00      |                       |
| Youth, Senior, Disabled (Drop-In)                                                        | Swim            | \$3.00     |                   | \$3.00       |                       |
| Youth Senior Disabled (10-Swim Card)                                                     | 10-Swims        | \$22.00    |                   | \$22.00      |                       |
| Youth Senior Disabled (Monthly Card)                                                     | Month           | \$37.00    |                   | \$37.00      |                       |
| <b>2. Red Cross Swim Sessions</b>                                                        |                 |            |                   |              |                       |
| Adult                                                                                    | Session         | \$75.00    |                   | \$90.00      |                       |
| Youth, Senior, Disabled                                                                  | Session         | \$72.00    |                   | \$84.00      |                       |
| Organized Youth Groups (Residents only)                                                  |                 |            |                   |              |                       |
| 10-15 participants                                                                       | Session         | \$65.00    |                   | -            |                       |
| 16-21 participants                                                                       | Session         | \$62.00    |                   | -            |                       |
| 22-32 participants                                                                       | Session         | \$54.00    |                   | -            |                       |
| 33-43 participants                                                                       | Session         | \$48.00    |                   | -            |                       |
| 44-54 participants                                                                       | Session         | \$39.00    |                   | -            |                       |
| 55+ participants                                                                         | Session         | \$37.00    |                   | -            |                       |
| <b>3. Premium Classes</b>                                                                |                 |            |                   |              |                       |
| Continuous & Coached Workouts: water aerobics, parent/tot, stroke technique, Master Swim |                 |            |                   |              |                       |
| Adult (Drop-in)                                                                          | Swim            | \$7.00     |                   | \$7.00       |                       |



| Program Area                                      | Unit of Measure | Resident | PROPOSED Resident | Non-Resident | PROPOSED Non-Resident |
|---------------------------------------------------|-----------------|----------|-------------------|--------------|-----------------------|
| Adult (10-Swim Card)                              | 10-Swims        | \$66.00  |                   | \$66.00      |                       |
| Adult (Monthly)                                   | Month           | \$82.00  |                   | \$82.00      |                       |
| Youth, Senior, Disabled (Drop-In)                 | Swim            | \$5.00   |                   | \$5.00       |                       |
| Youth Senior Disabled (10-Swim Card)              | 10-Swims        | \$40.00  |                   | \$40.00      |                       |
| Youth Senior Disabled (Monthly Card)              | Session         | \$57.00  |                   | \$57.00      |                       |
| <b>4. Private Swim Lessons (1/2 hour session)</b> |                 |          |                   |              |                       |
| Individual (One-on-One)                           | Lesson          | \$30.00  |                   | \$36.00      |                       |
| Semi-Private Lesson (2 or more Participants)      | Lesson          | \$50.00  |                   | \$60.00      |                       |
| <b>IV. RECREATION PROGRAMS</b>                    |                 |          |                   |              |                       |
| <b>1. Sports</b>                                  |                 |          |                   |              |                       |
| <b>A. Adult Softball League</b>                   |                 |          |                   |              |                       |
| 4 Game Season                                     | Team            | \$320.00 |                   | \$384.00     |                       |
| 8 Game Season                                     | Team            | \$640.00 |                   | \$715.00     |                       |
| 10 Game Season                                    | Team            | \$800.00 |                   | \$875.00     |                       |
| <b>B. Adult Basketball League</b>                 |                 |          |                   |              |                       |
| 8 Game Season                                     | Team            | \$560.00 |                   | \$635.00     |                       |
| 10 Game Season                                    | Team            | \$700.00 |                   | \$775.00     |                       |
| <b>C. Adult Volleyball League</b>                 |                 |          |                   |              |                       |
| 8 Game Season                                     | Team            | \$320.00 |                   | \$384.00     |                       |
| 10 Game Season                                    | Team            | \$400.00 |                   | \$475.00     |                       |
| 12 Game Season                                    | Team            | \$480.00 |                   | \$555.00     |                       |
| 15 Game Season                                    | Team            | \$600.00 |                   | \$675.00     |                       |
| <b>D. Open Gym Volleyball</b>                     | Drop-In         | \$5.00   |                   | \$5.00       |                       |
| <b>E. Youth Baseball</b>                          |                 |          |                   |              |                       |
| Individual                                        | Session         | \$51.00  |                   | \$61.00      |                       |
| <b>F. Youth Hoops League</b>                      |                 |          |                   |              |                       |
| Individual                                        | Session         | \$30.00  |                   | \$36.00      |                       |
| <b>G. Youth Twilight Basketball</b>               |                 |          |                   |              |                       |
| Individual                                        | Session         | \$27.00  |                   | \$32.00      |                       |
| <b>H. Youth Flag Football League</b>              |                 |          |                   |              |                       |
| Individual                                        | Session         | \$30.00  |                   | \$36.00      |                       |
| <b>I. Tennis Lessons</b>                          |                 |          |                   |              |                       |
| Youth                                             | Session         | \$73.00  |                   | \$88.00      |                       |
| Adult                                             | Session         | \$107.00 |                   | \$128.00     |                       |
| <b>J. Skate Park Lessons &amp; Classes</b>        |                 |          |                   |              |                       |
| Full Day                                          | Session         | \$258.00 |                   | \$310.00     |                       |
| 1/2 Day Camp                                      | Session         | \$195.00 |                   | \$234.00     |                       |
| Park Introduction                                 | Session         | \$11.00  |                   | \$13.00      |                       |

| Program Area                                                                    | Unit of Measure | Resident                               | PROPOSED Resident | Non-Resident                           | PROPOSED Non-Resident |
|---------------------------------------------------------------------------------|-----------------|----------------------------------------|-------------------|----------------------------------------|-----------------------|
| Trick Clinic                                                                    | Session         | \$11.00                                |                   | \$13.00                                |                       |
| Private Lessons                                                                 | Hour            | \$43.00                                |                   | \$52.00                                |                       |
| Group Lessons                                                                   | Session         | \$108.00                               |                   | \$130.00                               |                       |
| <b>2. Programs at Centers</b>                                                   |                 |                                        |                   |                                        |                       |
| <b>A. After School Program Registration Fee (Frances Albrier, James Kenney)</b> |                 |                                        |                   |                                        |                       |
| Individual                                                                      | Week            | \$25.00                                |                   | \$30.00                                |                       |
| <b>B. Community Center Camp Programs (Winter, Spring, Summer)</b>               |                 |                                        |                   |                                        |                       |
| Core                                                                            | 30 hours        | \$101.00                               |                   | \$121.00                               |                       |
| AM Extended Care                                                                | 5 hours         | \$10.00                                |                   | \$12.00                                |                       |
| PM Extended Care                                                                | 15 hours        | \$30.00                                |                   | \$36.00                                |                       |
| <b>3. Camp Programs</b>                                                         |                 |                                        |                   |                                        |                       |
| <b>A. Berkeley Day Camp</b>                                                     |                 |                                        |                   |                                        |                       |
| Youth Core Program                                                              | 5-Days          | \$240.00                               |                   | \$288.00                               |                       |
| AM Extended Care                                                                | 5-Days          | \$51.00                                |                   | \$61.00                                |                       |
| PM Extended Care                                                                | 5-Days          | \$79.00                                |                   | \$95.00                                |                       |
| Counselor-In-Training                                                           | 10-Days         | \$194.00                               |                   | \$232.00                               |                       |
| <b>Surcharges</b>                                                               |                 |                                        |                   |                                        |                       |
| Changed reservation                                                             | Per Change      | \$0.00                                 |                   | \$0.00                                 |                       |
| Cancelled Reservation                                                           | Session         | 25% of reservation not to exceed \$150 |                   | 25% of reservation not to exceed \$150 |                       |
| <b>B. Echo Lake Camp</b>                                                        |                 |                                        |                   |                                        |                       |
| <b>50 &amp; Better Camp</b>                                                     |                 |                                        |                   |                                        |                       |
| 50 & Better Camp (per camper)                                                   | 4-Day           | \$290.00                               | Eliminated        | \$320.00                               | Eliminated            |
| 50 & Better Camp (per camper)                                                   | Weekend         | \$230.00                               | Eliminated        | \$254.00                               | Eliminated            |
| 50 & Better Camp Tent (up to 2 campers)                                         | 5-Day           |                                        | \$730.00          |                                        | \$876.00              |
| 50 & Better Camp Tent (up to 2 campers)                                         | 4-Day           |                                        | \$580.00          |                                        | \$696.00              |
| 50 & Better Camp Tent (up to 2 campers)                                         | Weekend         |                                        | \$460.00          |                                        | \$552.00              |
| 50 & Better Camp Additional Camper                                              | 1-Day           |                                        | \$40.00           |                                        | \$48.00               |
| <b>Counselor-In-Training</b>                                                    |                 |                                        |                   |                                        |                       |
| Counselor-In-Training                                                           | 2-Week          | \$400.00                               |                   | \$440.00                               | \$480.00              |
| Counselor-In-Training                                                           | 1-Week          | \$275.00                               |                   | \$300.00                               | \$330.00              |
| <b>Family Camp</b>                                                              |                 |                                        |                   |                                        |                       |
| Full-Week Standard Tent (up to 3 campers)                                       | 7-Day           | \$1,675.00                             |                   | \$1,842.50                             | \$2,010.00            |

| Program Area                                              | Unit of Measure | Resident   | PROPOSED Resident | Non-Resident | PROPOSED Non-Resident |
|-----------------------------------------------------------|-----------------|------------|-------------------|--------------|-----------------------|
| Full-Week Low-Occupancy Tent                              | 7-Day           | \$1,450.00 |                   | \$1,600.00   | \$1,740.00            |
| 5-Day Session - Standard Tent (up to 3 campers)           | 5-Day           | \$1,100.00 | \$1,375.00        | \$1,100.00   | \$1,650.00            |
| 5-Day Session - Low Occupancy tent                        | 5-Day           | \$1,000.00 | \$1,206.25        | \$1,200.00   | \$1,447.50            |
| Weekend Standard Tent (up to 3 campers)                   | 4-Day           |            | \$1,225.00        |              | \$1,470.00            |
| Weekend Low-Occupancy Tent                                | 4-Day           |            | \$1,075.00        |              | \$1,290.00            |
| Mid-Week Standard Tent (up to 3 campers)                  | 4-Day           |            | \$1,100.00        |              | \$1,320.00            |
| Mid-Week Low-Occupancy Tent                               | 4-Day           |            | \$965.00          | \$0.00       | \$1,158.00            |
| Additional Camper Fee                                     | 1-Day           |            | \$65.00           | \$0.00       | \$78.00               |
| Additional Camper Fee                                     | 5-Day Session   | \$250.00   | Eliminated        | \$275.00     | Eliminated            |
| Additional Camper Fee                                     | 7-Day Session   | \$375.00   | Eliminated        | \$415.00     | Eliminated            |
| <b>Day Use Fees</b>                                       |                 |            |                   |              |                       |
| Adult (15+) Day Use                                       | 1-Day           | \$108.00   |                   | \$120.00     | \$129.60              |
| Youth (7-14) Day Use                                      | 1-Day           | \$72.00    |                   | \$80.00      | \$86.40               |
| Child (3-6) Day Use                                       | 1-Day           | \$54.00    |                   | \$60.00      | \$64.80               |
| <b>Group Rental Rates</b>                                 |                 |            |                   |              |                       |
| Adult (15+)                                               | 1-Day           | \$76.00    | \$85.00           | \$84.00      | \$102.00              |
| Youth (7-14)                                              | 1-Day           | \$65.00    | \$71.50           | \$71.00      | \$85.80               |
| Child (3-6)                                               | 1-Day           | \$48.00    | \$52.80           | \$42.00      | \$63.36               |
| Infant (0-3)                                              | 1-Day           | \$0.00     | \$0.00            | \$0.00       | \$0.00                |
| <b>New Camper Welcome Weekend</b>                         | Weekend         |            | \$195.00          |              | \$234.00              |
| <b>School Outdoor Education</b>                           |                 |            |                   |              |                       |
| Teachers & Adult Chaperones                               | 1-Day           |            | \$60.00           |              | \$72.00               |
| Youth Participants                                        | 1-Day           |            | \$45.00           |              | \$54.00               |
| <b>Shoulder Season Rentals</b>                            |                 |            |                   |              |                       |
| Shoulder Season Tent Rental (no meals, up to 3 campers)   | 1-Night         |            | \$97.75           |              | \$117.30              |
| Shoulder Season Tent Rental (with meals, up to 3 campers) | 1-Night         |            | \$195.50          |              | \$234.60              |
| <b>Work Weekend</b>                                       | Weekend         | \$0.00     |                   | \$0.00       |                       |
| <b>Youth Camp</b>                                         |                 |            |                   |              |                       |
| 5-Day Program                                             | 5-Days          | \$600.00   |                   | \$660.00     | \$720.00              |
| 7-Day Program                                             | 7-Days          | \$840.00   |                   | \$924.00     | \$1,008.00            |
| Per Day Fee                                               | 1-Day           |            | \$120.00          |              | \$144.00              |
| <b>Wedding Rental</b>                                     |                 |            |                   |              |                       |
| Wedding Rental                                            | 4-Hours         |            | \$750.00          |              | \$900.00              |

| Program Area                                          | Unit of Measure | Resident | PROPOSED Resident | Non-Resident | PROPOSED Non-Resident |
|-------------------------------------------------------|-----------------|----------|-------------------|--------------|-----------------------|
| Wedding Rental - Each Additional Hour (after 4 hours) | Hour            |          | \$125.00          |              | \$150.00              |
| <b>C. Tuolumne Camp</b>                               |                 |          |                   |              |                       |
| <b>50 &amp; Better Camp</b>                           |                 |          |                   |              |                       |
| 50 & Better Camp Tent (up to 2 campers)               | 5-Day           |          | \$900.00          |              | \$1,080.00            |
| 50 & Better Camp Tent (up to 2 campers)               | 4-Day           |          | \$720.00          |              | \$864.00              |
| 50 & Better Camp Tent (up to 2 campers)               | Weekend         |          | \$540.00          |              | \$648.00              |
| 50 & Better Camp Additional Camper per day            | 1-Day           |          | \$45.00           |              | \$54.00               |
| <b>Counselor-In-Training</b>                          |                 |          |                   |              |                       |
| Counselor-In-Training                                 | 2-Week          |          | \$415.00          |              | \$498.00              |
| Counselor-In-Training                                 | 1-Week          |          | \$275.00          |              | \$330.00              |
| <b>Family Camp</b>                                    |                 |          |                   |              |                       |
| Full-Week Standard Tent (up to 3 campers)             | 1-Week          |          | \$1,995.00        |              | \$2,394.00            |
| Full-Week Low-Occupancy Tent                          | 1-Week          |          | \$1,715.00        |              | \$2,058.00            |
| Weekend Standard Tent (up to 3 campers)               | 4-Day           |          | \$1,460.00        |              | \$1,752.00            |
| Weekend Low-Occupancy Tent                            | 4-Day           |          | \$1,280.00        |              | \$1,536.00            |
| Mid-Week Standard Tent (up to 3 campers)              | 4-Day           |          | \$1,300.00        |              | \$1,560.00            |
| Mid-Week Low Occupancy Tent                           | 4-Day           |          | \$1,100.00        |              | \$1,320.00            |
| <b>Family Camp Day Use Fees</b>                       |                 |          |                   |              |                       |
| Adult (15+) Day Use                                   | 1-Day           |          | \$135.00          |              | \$162.00              |
| Youth (7-14) Day Use                                  | 1-Day           |          | \$90.00           |              | \$108.00              |
| Child (3-6) Day Use                                   | 1-Day           |          | \$68.00           |              | \$81.60               |
| Additional Camper Fee                                 | 1-Day           |          | \$75.00           |              | \$90.00               |
| <b>Group Rental Rates</b>                             |                 |          |                   |              |                       |
| Adult (15+)                                           | 1-Day           |          | \$110.00          |              | \$132.00              |
| Youth (7-14)                                          | 1-Day           |          | \$93.00           |              | \$111.60              |
| Child (3-6)                                           | 1-Day           |          | \$78.00           |              | \$93.60               |
| Infant (0-3)                                          | 1-Day           |          | \$0.00            |              | \$0.00                |
| <b>New Camper Welcome Weekend</b>                     | Weekend         |          | \$195.00          |              | \$234.00              |
| <b>School Outdoor Education</b>                       |                 |          |                   |              |                       |
| Adult Chaperones                                      | 1-Day           |          | \$75.00           |              | \$90.00               |
| Youth Participants                                    | 1-Day           |          | \$56.00           |              | \$67.20               |
| <b>Shoulder Season Rentals</b>                        |                 |          |                   |              |                       |
| Shoulder Season Tent Rental (no meals)                | 1-Night         |          | \$115.00          |              | \$138.00              |
| Shoulder Season Tent Rental (with meals)              | 1-Night         |          | \$230.00          |              | \$276.00              |

| Program Area                                                                                     | Unit of Measure                               | Resident  | PROPOSED Resident      | Non-Resident | PROPOSED Non-Resident  |
|--------------------------------------------------------------------------------------------------|-----------------------------------------------|-----------|------------------------|--------------|------------------------|
| <b>Work Weekend</b>                                                                              | Weekend                                       | \$0.00    | \$0.00                 | \$0.00       | \$0.00                 |
| <b>Youth Camp</b>                                                                                |                                               |           |                        |              |                        |
| 5-Day Program                                                                                    | 5-Days                                        |           | \$750.00               |              | \$900.00               |
| 7-Day Program                                                                                    | 7-Days                                        |           | \$1,050.00             |              | \$1,260.00             |
| Per Day Fee                                                                                      | 1-Day                                         |           | \$150.00               |              | \$180.00               |
| <b>Wedding Rental</b>                                                                            |                                               |           |                        |              |                        |
| Wedding Rental                                                                                   | 4-Hours                                       |           | \$1,000.00             |              | \$1,200.00             |
| Wedding Rental - Each Additional Hour (after 4 hours)                                            | Hour                                          |           | \$150.00               |              | \$180.00               |
| <b>D. Resident Camp Surcharges</b>                                                               |                                               |           |                        |              |                        |
| Family Camp Program Deposit Payment                                                              |                                               |           | \$500 per registration |              | \$500 per registration |
| Late Fee                                                                                         | \$75 if balance is not paid by date specified |           |                        |              |                        |
| Cleaning / Damage Deposit                                                                        | Rental                                        | \$300.00  |                        | \$300.00     |                        |
| Changes to Reservation resulting in reduction in length of stay (30 days or more before arrival) | Reservation                                   | \$100.00  |                        | \$100.00     |                        |
| Cancel Reservation (30 days or more before arrival)                                              | 25% of reservation not to exceed \$150        |           |                        |              |                        |
| Cancel Reservation (due to emergency or illness, with Dr's excuse)                               | Reservation                                   | No Charge |                        | No Charge    |                        |
| <b>4. Waterfront Programs</b>                                                                    |                                               |           |                        |              |                        |
| <b>A. Adventure Playground</b>                                                                   |                                               |           |                        |              |                        |
| Individual Admission (anyone over 1 year old)                                                    | Day                                           | \$1.00    |                        | \$1.00       |                        |
| Group size 5-10                                                                                  | 2-hours                                       | \$75.00   |                        | \$75.00      |                        |
| Group size 11-20                                                                                 | 2-hours                                       | \$105.00  |                        | \$105.00     |                        |
| Group size 21-30                                                                                 | 2-hours                                       | \$150.00  |                        | \$150.00     |                        |
| Group size 31-40                                                                                 | 2-hours                                       | \$180.00  |                        | \$180.00     |                        |
| <b>B. Education Programs</b>                                                                     |                                               |           |                        |              |                        |
| Animal                                                                                           | Session                                       | \$200.00  |                        | \$200.00     |                        |
| Low Tide                                                                                         | Session                                       | \$200.00  |                        | \$200.00     |                        |
| Research Boat Trip                                                                               | Session                                       | \$225.00  |                        | \$225.00     |                        |
| Sail Boat Trip                                                                                   | Session                                       | \$255.00  |                        | \$255.00     |                        |
| Docent Training                                                                                  | Session                                       | \$65.00   |                        | \$65.00      |                        |
| Special Program Request                                                                          | Hour                                          | \$65.00   |                        | \$65.00      |                        |

| <b>Program Area</b> | <b>Unit of Measure</b> | <b>Resident</b> | <b>PROPOSED Resident</b> | <b>Non-Resident</b> | <b>PROPOSED Non-Resident</b> |
|---------------------|------------------------|-----------------|--------------------------|---------------------|------------------------------|
| Marine Biology      | 4-Days                 | \$75.00         |                          | \$75.00             |                              |
| Marine Biology      | 8-Days                 | \$150.00        |                          | \$150.00            |                              |
| Boating             | 4-Days                 | \$150.00        |                          | \$150.00            |                              |
| Canoeing            | 3-Days                 | \$55.00         |                          | \$55.00             |                              |

**ATTACHMENT 2****Table 1: Family Camp Program Fees – Per Session Fee Comparison**

Note: This analysis compares the total combined fee for a Family Camp stay during primary program periods for a 7-day stay for a family of four Berkeley Residents. Other Camp programs have fee models that differ from the City of Berkeley's, which may include separate meal plans, capital improvement recovery surcharges, and fees for electricity or other special accommodations. This analysis assumes base program accommodations with meal plan for length of stay. Session fees are pro-rated or extended where applicable.

| <b>Agency</b>                                                 | <b>Fee</b>     |
|---------------------------------------------------------------|----------------|
| City of Sacramento Family Camp                                | \$1,706        |
| City of San Jose - Family Camp at Yosemite (2020 fees)        | \$1,710        |
| City of San Francisco - Camp Mather                           | \$1,723        |
| <b>Berkeley Echo Lake Family Camp (proposed)</b>              | <b>\$2,065</b> |
| <b>Berkeley Tuolumne Camp (proposed)</b>                      | <b>\$2,445</b> |
| UC Berkeley - Lair of the Bear                                | \$2,900        |
| City of Concord - Camp Concord (30-person minimum group rate) | \$2,952        |

**Table 2: Adult Camp Program (50 & Better) Fees – Per Session Fee Comparison**

Note: This analysis compares the per tent fee for a 4-day stay for two adult Residents at an adult (50+) Camp program. Other Camps have various fee models which may include separate meal plans, capital improvement recovery surcharges, and fees for electricity or other special accommodations. This analysis assumes base program accommodations with meal plan for length of stay.

| <b>Agency</b>                             | <b>Fee</b>   |
|-------------------------------------------|--------------|
| <b>Berkeley Echo Lake Camp (proposed)</b> | <b>\$580</b> |
| Camp Concord                              | \$582        |
| Camp Sacramento (2020 fees)               | \$700        |
| <b>Berkeley Tuolumne Camp (proposed)</b>  | <b>\$720</b> |

**Table 3: Group Rental Fees – Per Person Fee Comparison**

Note: This analysis compares the per person fee for a 1-day stay for a private group rental program. Other Camps have various fee models which may include separate meal plans, capital improvement recovery surcharges, and fees for electricity or other special accommodations. This analysis assumes base program accommodations with meal plan for length of stay.

| <b>Agency</b>                             | <b>Adult (15+)</b> | <b>Youth</b> | <b>Child (6-8)</b> | <b>Child (3-5)</b> | <b>Infant (0-2)</b> |
|-------------------------------------------|--------------------|--------------|--------------------|--------------------|---------------------|
| <b>Berkeley Echo Lake Camp (proposed)</b> | <b>\$85</b>        | <b>\$72</b>  | <b>\$53</b>        | <b>\$53</b>        | <b>\$0</b>          |
| <b>Berkeley Tuolumne Camp (Proposed)</b>  | <b>\$110</b>       | <b>\$93</b>  | <b>\$78</b>        | <b>\$78</b>        | <b>\$0</b>          |
| Camp Sacramento (2019 fees)               | \$89               | \$69         | \$59               | \$49               | \$0                 |
| Camp Concord (2021 fees)                  | \$123              | \$123        | \$123              | \$123              | \$0                 |

**ATTACHMENT 2****Table 4: School Outdoor Education – Per Person Fee Comparison**

Note: This analysis compares the Resident per person fee for a 1-day stay for a School Outdoor Education Program. Other Camps have various fee models which may include separate program and meal plans, capital improvement recovery surcharges, and fees for electricity or other special accommodations. This analysis assumes base program accommodations with meal plan for length of stay.

| <b>Agency</b>                             | <b>Teachers / Chaperones</b> | <b>Youth Participants</b> |
|-------------------------------------------|------------------------------|---------------------------|
| <b>Berkeley Echo Lake Camp (proposed)</b> | <b>\$60</b>                  | <b>\$45</b>               |
| <b>Berkeley Tuolumne Camp (Proposed)</b>  | <b>\$75</b>                  | <b>\$56</b>               |
| Nature Bridge Yosemite                    | \$105                        | \$108                     |
| Walker Creek Ranch                        | \$76.40                      | \$76.40                   |



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

APPROVING NEW FEES AND INCREASING CURRENT FEES FOR SELECT RECREATION  
DIVISION PROGRAMS

WHEREAS, on June 28, 2016, Berkeley City Council adopted the Policies and Procedures for Parks and Recreation Programs and Facilities (Resolution No. 67,581-N.S.); and

WHEREAS, on May 25, 2021, Council adopted the new Fee Schedule for Recreation Division programs (Resolution No. 69,892-N.S.); and

WHEREAS, the Policies and Procedures for Parks and Recreation Programs and Facilities has been revised to change the Recreation Division Scholarship Application process and to align the Camps Program Policies with the introduction of new Tuolumne Camp Fees; and

WHEREAS, the proposed Echo Lake and Tuolumne new fees and fee increases will provide additional revenue to the Camps Fund which will help cover the cost of delivering programs; and

WHEREAS, the expansion of subsidized programs will improve access to camp and recreation programs for underserved participants; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the rates and charges set forth in Exhibit A are hereby fixed and established for the parks and recreation programs and facilities and shall be effective January 19, 2022, unless otherwise noted in Exhibit A, and that the Policies and Procedures for Parks and Recreation Programs and Facilities are revised as set forth in Exhibit B and shall be effective January 19, 2022.

BE IT FURTHER RESOLVED that Resolution No. 69,892-N.S. and all amendatory resolutions are hereby rescinded.

BE IT FURTHER RESOLVED that Resolution No. 67,581-N.S. is hereby rescinded.

Exhibit A: Recreation Fee Schedule

Exhibit B: Policies and Procedures for Parks and Recreation Programs and Facilities

**Recreation Fee Schedule**

Effective January 19, 2022 (unless otherwise noted below)

| <b>Program Area</b>                                                                                                                                                                   | <b>Unit of Measure</b> | <b>Resident</b> | <b>Non- Resident</b> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|-----------------|----------------------|
| <b>I. DIRECTOR'S AUTHORITY TO IMPLEMENT NEW FEES</b>                                                                                                                                  |                        |                 |                      |
| The Director of Parks Recreation and Waterfront, or his/her designee, reserves the right to establish fees for new Recreation programs based on comparison with other municipalities. |                        |                 |                      |
| Various                                                                                                                                                                               | Various                | Up to \$350     | Up To \$420          |
| <b>II. FACILITY RENTAL CHARGES</b>                                                                                                                                                    |                        |                 |                      |
| <b>1. Room Rentals - Regular Hours (1 hour minimum); Non-Regular Hours (2 hour minimum)</b>                                                                                           |                        |                 |                      |
| James Kenney (JK) Live Oak (LO) Frances Albrier (FA), Martin Luther King (MLK)                                                                                                        |                        |                 |                      |
| <b>A. Youth, Senior, Disabled</b>                                                                                                                                                     |                        |                 |                      |
| Regular Hours                                                                                                                                                                         | Hour                   | \$41.00         | \$49.00              |
| Non-Regular Hours                                                                                                                                                                     | Hour                   | \$61.00         | \$73.00              |
| <b>B. All Other</b>                                                                                                                                                                   |                        |                 |                      |
| <b>Auditorium (FA) &amp; Social Hall (LO)</b>                                                                                                                                         |                        |                 |                      |
| Regular Hours                                                                                                                                                                         | Hour                   | \$67.00         | \$80.00              |
| Non-Regular Hours                                                                                                                                                                     | Hour                   | \$82.00         | \$98.00              |
| <b>Fireside Room (LO), Community Room (JK)</b>                                                                                                                                        |                        |                 |                      |
| Regular Hours                                                                                                                                                                         | Hour                   | \$52.00         | \$62.00              |
| Non-Regular Hours                                                                                                                                                                     | Hour                   | \$67.00         | \$80.00              |
| <b>Game Room (FA, MLK) Arts &amp; Crafts Room (FA, JK, LO) Meeting Room (JK, LO, MLK)</b>                                                                                             |                        |                 |                      |
| Regular Hours                                                                                                                                                                         | Hour                   | \$46.00         | \$55.00              |
| Non-Regular Hours                                                                                                                                                                     | Hour                   | \$62.00         | \$74.00              |
| <b>C. Multi Room Discount</b>                                                                                                                                                         |                        |                 |                      |
| 2nd room                                                                                                                                                                              | Rental                 | 25% discount    | 25% discount         |
| 3rd room, each additional room                                                                                                                                                        | Rental                 | 50% discount    | 50% discount         |
| <b>D. Gym Rentals (JK, MLK)</b>                                                                                                                                                       |                        |                 |                      |
| <b>Program Area</b>                                                                                                                                                                   | <b>Unit of Measure</b> | <b>Resident</b> | <b>Non- Resident</b> |
| Regular Hours                                                                                                                                                                         | Hour                   | \$64.00         | \$77.00              |
| Non-Regular Hours                                                                                                                                                                     |                        | \$75.00         | \$90.00              |
| <b>E. Filming Fee</b>                                                                                                                                                                 |                        |                 |                      |
| Parks and Facilities                                                                                                                                                                  | ½ Day                  | \$400.00        | \$400.00             |

| <b>Program Area</b>                                                                                                                   | <b>Unit of Measure</b>      | <b>Resident</b> | <b>Non- Resident</b> |
|---------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|-----------------|----------------------|
|                                                                                                                                       | Full Day                    | \$800.00        | \$800.00             |
| <b>F. Surcharges</b>                                                                                                                  |                             |                 |                      |
| Table & Chair Set-Up                                                                                                                  | Rental                      | \$63.00         | \$76.00              |
| Kitchen Use                                                                                                                           | Rental                      | \$86.00         | \$103.00             |
| Small Storage Room                                                                                                                    | Month                       | \$21.00         | \$25.00              |
| Large Storage Room                                                                                                                    | Month                       | \$31.00         | \$37.00              |
| Stage Use w/Room Rental                                                                                                               | Hour                        | \$26.00         | \$31.00              |
| P/A system & staff operation                                                                                                          | Hour                        | \$42.00         | \$50.00              |
| Cleaning/Damage Deposit All Rentals<br>(Refundable)                                                                                   | Rental                      | \$200.00        | \$200.00             |
| <b>2. City Athletic Fields</b>                                                                                                        |                             |                 |                      |
| <b>A. Cedar Rose, Codornices, Glendale-LaLoma,<br/>Grove, James Kenney, Ohlone, San Pablo,<br/>Willard, Rosa Parks, Thousand Oaks</b> |                             |                 |                      |
| Youth non-profit leagues                                                                                                              | 2-Hours                     | \$36.00         | \$43.00              |
| Adults, for-profits, private schools                                                                                                  | 2-Hours                     | \$72.00         | \$86.00              |
| Maintenance Deposit                                                                                                                   |                             | 40% of fee      |                      |
| <b>B. Gabe's Fields at Harrison Park, Natural Turf</b>                                                                                |                             |                 |                      |
| Youth non-profit leagues                                                                                                              | 2-Hours                     | \$29.00         | \$35.00              |
| Adults, for-profits, private schools                                                                                                  | 2-Hours                     | \$72.00         | \$86.00              |
| <b>C. Gilman Fields, Natural Turf</b>                                                                                                 |                             |                 |                      |
| Youth non-profit leagues                                                                                                              | 2-Hours                     | \$29.00         | \$35.00              |
| Adults, for-profits, private schools                                                                                                  | 2-Hours                     | \$72.00         | \$86.00              |
| <b>D. Gilman Fields, Synthetic Turf</b>                                                                                               |                             |                 |                      |
| Youth non-profit leagues                                                                                                              | 2-Hours                     | \$40.00         | \$48.00              |
| Adults, for-profits, private schools                                                                                                  | 2-Hours                     | \$91.00         | \$109.00             |
| <b>E. Sports Field User Fines (Policy Violations:<br/>Applicable to All Athletic Fields)</b>                                          |                             |                 |                      |
| Playing on Closed Grass Fields                                                                                                        | 1st Offense                 | \$250.00        | \$250.00             |
|                                                                                                                                       | 2nd Offense                 | \$500.00        | \$500.00             |
| Running practices in main goal areas                                                                                                  | 1st Offense within<br>12 mo | \$50.00         | \$50.00              |
|                                                                                                                                       | 2nd Offense within<br>12 mo | \$100.00        | \$100.00             |
|                                                                                                                                       | 3rd Offense within<br>12 mo | \$200.00        | \$200.00             |
| Dogs, Alcohol, Trash, Wheeled vehicles                                                                                                | Incident                    | \$100.00        | \$100.00             |
| Field Monitor                                                                                                                         | Hourly                      | \$25.00         | \$25.00              |

| <b>Program Area</b>                                                                                                                     | <b>Unit of Measure</b> | <b>Resident</b> | <b>Non- Resident</b> |
|-----------------------------------------------------------------------------------------------------------------------------------------|------------------------|-----------------|----------------------|
| <b>F. Additional Rules (Applicable to all athletic fields)</b>                                                                          |                        |                 |                      |
| Weekday slots used before 3:30pm throughout the year are discounted 50%                                                                 |                        |                 |                      |
| Weekday slots 5:30pm-7:00pm are charged as full two-hour slot                                                                           |                        |                 |                      |
| All other slots are pro-rated in 30 minute increments                                                                                   |                        |                 |                      |
| <b>3. Skate Park Rental (only available AM hours)</b>                                                                                   |                        |                 |                      |
| <b>A. Morning Hours (includes 2 staff members)</b>                                                                                      | Hour                   | \$250.00        | \$300.00             |
| <b>B. Birthday Party (includes 2 staff members &amp; lesson)</b>                                                                        | Hour                   | \$350.00        | \$420.00             |
| Cleaning/Damage Deposit (refundable)                                                                                                    | Rental                 | \$200.00        | \$200.00             |
| <b>4. Tennis Courts</b>                                                                                                                 |                        |                 |                      |
| <b>A. Day Use (All Courts): Cedar Rose, Grove, James Kenney, Live Oak, Rose Garden, Roy Oakes, San Pablo, Strawberry Creek, Willard</b> |                        |                 |                      |
| Adult                                                                                                                                   | Hour                   | \$7.00          | \$8.00               |
| Youth, Senior, Disabled                                                                                                                 | Hour                   | \$5.00          | \$6.00               |
| <b>B. Night Use/Lighted Courts: Cedar Rose, Grove, James Kenney, Live Oak, San Pablo, Strawberry Creek, Willard</b>                     |                        |                 |                      |
| Adult                                                                                                                                   | Hour                   | \$10.00         | \$12.00              |
| Youth, Senior, Disabled                                                                                                                 | Hour                   | \$8.00          | \$10.00              |
| <b>5. Swim Centers (1-hour minimum) King, West Campus</b>                                                                               |                        |                 |                      |
| 1-35 people                                                                                                                             | Hour                   | \$100.00        | \$120.00             |
| 36-70 people                                                                                                                            | Hour                   | \$145.00        | \$174.00             |
| 71-100 people                                                                                                                           | Hour                   | \$177.00        | \$212.00             |
| 101-150 people                                                                                                                          | Hour                   | \$217.00        | \$260.00             |
| Cleaning/Damage Deposit (refundable)                                                                                                    | Rental                 | \$200.00        | \$200.00             |
| <b>6. Picnic Areas (4-hour minimum)</b>                                                                                                 |                        |                 |                      |
| <b>A. Aquatic Park</b>                                                                                                                  | 4-hours                | \$45.00         | \$54.00              |
| <b>B. Cedar Rose</b>                                                                                                                    | 4-hours                | \$30.00         | \$36.00              |
| <b>C. Codornices Park Area 1</b>                                                                                                        | 4-hours                | \$75.00         | \$90.00              |
| <b>D. Codornices Park Area 2</b>                                                                                                        | 4-hours                | \$60.00         | \$72.00              |
| <b>E. Cragmont</b>                                                                                                                      | 4-hours                | \$45.00         | \$54.00              |
| <b>F. Grove</b>                                                                                                                         | 4-hours                | \$30.00         | \$36.00              |
| <b>G. James Kenney</b>                                                                                                                  | 4-hours                | \$45.00         | \$54.00              |

| <b>Program Area</b>                                                                                                                                         | <b>Unit of Measure</b> | <b>Resident</b> | <b>Non- Resident</b> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|-----------------|----------------------|
| <b>H. King School</b>                                                                                                                                       | 4-hours                | \$30.00         | \$36.00              |
| <b>I. Live Oak Park (Areas 1 &amp; 2)</b>                                                                                                                   | 4-hours                | \$60.00         | \$72.00              |
| <b>J. Ohlone Park @ McGee</b>                                                                                                                               | 4-hours                | \$45.00         | \$54.00              |
| <b>K. San Pablo Park</b>                                                                                                                                    | 4-hours                | \$30.00         | \$36.00              |
| <b>L. Strawberry Creek</b>                                                                                                                                  | 4-hours                | \$30.00         | \$36.00              |
| <b>M. Shorebird Park: Areas 1, 2</b>                                                                                                                        | 4-hours                | \$60.00         | \$60.00              |
| <b>N. Shorebird Park: Area 3</b>                                                                                                                            | 4-hours                | \$45.00         | \$45.00              |
| <b>O. Cesar Chavez: Area 1</b>                                                                                                                              | 4-hours                | \$45.00         | \$45.00              |
| <b>P. Cesar Chavez: Area 2 (large picnic area)</b>                                                                                                          | 4-hours                | \$200.00        | \$200.00             |
| <b>Q. Bounce House Permit</b>                                                                                                                               | Per Use                | \$20.00         | \$25.00              |
| <b>7. Parks &amp; Open Space (not athletic fields)</b>                                                                                                      |                        |                 |                      |
| <b>A. Special Events</b>                                                                                                                                    |                        |                 |                      |
| 1-99 Participants                                                                                                                                           | Day                    | \$180.00        | \$350.00             |
| 100-249 Participants                                                                                                                                        | Day                    | \$270.00        | \$500.00             |
| 250-499 Participants                                                                                                                                        | Day                    | \$350.00        | \$700.00             |
| 500+ Participants                                                                                                                                           | Day                    | \$550.00        | \$1,000.00           |
| Cleaning/Damage Deposit (refundable)                                                                                                                        | Day                    | \$700.00        | \$700.00             |
| <b>Special Events – Additional Days</b>                                                                                                                     |                        |                 |                      |
| 1-99 Participants                                                                                                                                           | Day                    | \$170.00        | \$340.00             |
| 100-249 Participants                                                                                                                                        | Day                    | \$230.00        | \$460.00             |
| 250-499 Participants                                                                                                                                        | Day                    | \$250.00        | \$600.00             |
| 500+ Participants                                                                                                                                           | Day                    | \$450.00        | \$900.00             |
| <b>B. John Hinkel Amphitheater</b>                                                                                                                          | Day                    | \$120.00        | \$144.00             |
| Cleaning/Damage Deposit (refundable)                                                                                                                        |                        | \$350.00        | \$350.00             |
| <b>C. Camp Day Use Fee</b>                                                                                                                                  |                        |                 |                      |
| 1-50 Participants                                                                                                                                           | Day                    | \$50.00         | \$50.00              |
| 51-100 Participants                                                                                                                                         | Day                    | \$100.00        | \$100.00             |
| 101-150 Participants                                                                                                                                        | Day                    | \$150.00        | \$150.00             |
| <b>D. Small Turf Areas in Parks (Ages 8 yrs &amp; under; Mon-Fri only; Max 3 days per week: Ohlone Park, Aquatic Park, James Kenney Park, Live Oak Park</b> |                        |                 |                      |
|                                                                                                                                                             | 2-Hours                | \$25.00         | \$30.00              |
| <b>8. Weddings (4-hour minimum)</b>                                                                                                                         |                        |                 |                      |
| <b>A. Rose Garden</b>                                                                                                                                       | 4-Hours                | \$1,000.00      | \$1,200.00           |
| Each Additional Hour (after 4 hours)                                                                                                                        | Hour                   | \$170.00        | \$204.00             |

| Program Area                                                                             | Unit of Measure | Resident | Non- Resident |
|------------------------------------------------------------------------------------------|-----------------|----------|---------------|
| <b>B. Cragmont, Live Oak Park, &amp; John Hinkel (outside areas)</b>                     | 4-Hours         |          |               |
|                                                                                          |                 | \$450.00 | \$540.00      |
| Each Additional Hour (after 4 hours)                                                     | Hour            | \$75.00  | \$90.00       |
| <b>C. Spinnaker Way Vista</b>                                                            | 4-Hours         | \$750.00 | \$750.00      |
| Each Additional Hour (after 4 hours)                                                     | Hour            | \$170.00 | \$170.00      |
| <b>D. Yacht Club Point</b>                                                               | 4-Hours         | \$750.00 | \$750.00      |
| Each Additional Hour (after 4 hours)                                                     | Hour            | \$170.00 | \$170.00      |
| Cleaning/Damage Deposit (refundable)                                                     | Rental          | \$700.00 | \$700.00      |
| <b>III. SWIM CENTER FEES</b>                                                             |                 |          |               |
| <b>1. Admissions (Public &amp; Family Swim, Laps)</b>                                    |                 |          |               |
| Adult (Drop-in)                                                                          | Swim            | \$6.00   | \$6.00        |
| Adult (10-Swim Card)                                                                     | 10-Swims        | \$51.00  | \$51.00       |
| Adult (Monthly)                                                                          | Month           | \$73.00  | \$73.00       |
| Youth, Senior, Disabled (Drop-In)                                                        | Swim            | \$3.00   | \$3.00        |
| Youth Senior Disabled (10-Swim Card)                                                     | 10-Swims        | \$22.00  | \$22.00       |
| Youth Senior Disabled (Monthly Card)                                                     | Month           | \$37.00  | \$37.00       |
| <b>2. Red Cross Swim Sessions</b>                                                        |                 |          |               |
| Adult                                                                                    | Session         | \$75.00  | \$90.00       |
| Youth, Senior, Disabled                                                                  | Session         | \$72.00  | \$84.00       |
| Organized Youth Groups (Residents only)                                                  |                 |          |               |
| 10-15 participants                                                                       | Session         | \$65.00  | -             |
| 16-21 participants                                                                       | Session         | \$62.00  | -             |
| 22-32 participants                                                                       | Session         | \$54.00  | -             |
| 33-43 participants                                                                       | Session         | \$48.00  | -             |
| 44-54 participants                                                                       | Session         | \$39.00  | -             |
| 55+ participants                                                                         | Session         | \$37.00  | -             |
| <b>3. Premium Classes</b>                                                                |                 |          |               |
| Continuous & Coached Workouts: water aerobics, parent/tot, stroke technique, Master Swim |                 |          |               |
| Adult (Drop-in)                                                                          | Swim            | \$7.00   | \$7.00        |
| Adult (10-Swim Card)                                                                     | 10-Swims        | \$66.00  | \$66.00       |
| Adult (Monthly)                                                                          | Month           | \$82.00  | \$82.00       |
| Youth, Senior, Disabled (Drop-In)                                                        | Swim            | \$5.00   | \$5.00        |
| Youth Senior Disabled (10-Swim Card)                                                     | 10-Swims        | \$40.00  | \$40.00       |
| Youth Senior Disabled (Monthly Card)                                                     | Session         | \$57.00  | \$57.00       |
| <b>4. Private Swim Lessons (1/2 hour session)</b>                                        |                 |          |               |
| Individual (One-on-One)                                                                  | Lesson          | \$30.00  | \$36.00       |

| <b>Program Area</b>                                                                 | <b>Unit of Measure</b> | <b>Resident</b> | <b>Non- Resident</b> |
|-------------------------------------------------------------------------------------|------------------------|-----------------|----------------------|
| Semi-Private Lesson (2 or more Participants)                                        | Lesson                 | \$50.00         | \$60.00              |
| <b>IV. RECREATION PROGRAMS</b>                                                      |                        |                 |                      |
| <b>1. Sports</b>                                                                    |                        |                 |                      |
| <b>A. Adult Softball League</b>                                                     |                        |                 |                      |
| 4 Game Season                                                                       | Team                   | \$320.00        | \$384.00             |
| 8 Game Season                                                                       | Team                   | \$640.00        | \$715.00             |
| 10 Game Season                                                                      | Team                   | \$800.00        | \$875.00             |
| <b>B. Adult Basketball League</b>                                                   |                        |                 |                      |
| 8 Game Season                                                                       | Team                   | \$560.00        | \$635.00             |
| 10 Game Season                                                                      | Team                   | \$700.00        | \$775.00             |
| <b>C. Adult Volleyball League</b>                                                   |                        |                 |                      |
| 8 Game Season                                                                       | Team                   | \$320.00        | \$384.00             |
| 10 Game Season                                                                      | Team                   | \$400.00        | \$475.00             |
| 12 Game Season                                                                      | Team                   | \$480.00        | \$555.00             |
| 15 Game Season                                                                      | Team                   | \$600.00        | \$675.00             |
| <b>D. Open Gym Volleyball</b>                                                       | Drop-In                | \$5.00          | \$5.00               |
| <b>E. Youth Baseball</b>                                                            |                        |                 |                      |
| Individual                                                                          | Session                | \$51.00         | \$61.00              |
| <b>F. Youth Hoops League</b>                                                        |                        |                 |                      |
| Individual                                                                          | Session                | \$30.00         | \$36.00              |
| <b>G. Youth Twilight Basketball</b>                                                 |                        |                 |                      |
| Individual                                                                          | Session                | \$27.00         | \$32.00              |
| <b>H. Youth Flag Football League</b>                                                |                        |                 |                      |
| Individual                                                                          | Session                | \$30.00         | \$36.00              |
| <b>I. Tennis Lessons</b>                                                            |                        |                 |                      |
| Youth                                                                               | Session                | \$73.00         | \$88.00              |
| Adult                                                                               | Session                | \$107.00        | \$128.00             |
| <b>J. Skate Park Lessons &amp; Classes</b>                                          |                        |                 |                      |
| Full Day                                                                            | Session                | \$258.00        | \$310.00             |
| 1/2 Day Camp                                                                        | Session                | \$195.00        | \$234.00             |
| Park Introduction                                                                   | Session                | \$11.00         | \$13.00              |
| Trick Clinic                                                                        | Session                | \$11.00         | \$13.00              |
| Private Lessons                                                                     | Hour                   | \$43.00         | \$52.00              |
| Group Lessons                                                                       | Session                | \$108.00        | \$130.00             |
| <b>2. Programs at Centers</b>                                                       |                        |                 |                      |
| <b>A. After School Program Registration Fee<br/>(Frances Albrier, James Kenney)</b> |                        |                 |                      |
| Individual                                                                          | Week                   | \$25.00         | \$30.00              |
| <b>B. Community Center Camp Programs (Winter,<br/>Spring, Summer)</b>               |                        |                 |                      |

| <b>Program Area</b>                             | <b>Unit of Measure</b> | <b>Resident</b>                        | <b>Non- Resident</b>                   |
|-------------------------------------------------|------------------------|----------------------------------------|----------------------------------------|
| Core                                            | 30 hours               | \$101.00                               | \$121.00                               |
| AM Extended Care                                | 5 hours                | \$10.00                                | \$12.00                                |
| PM Extended Care                                | 15 hours               | \$30.00                                | \$36.00                                |
| <b>3. Camp Programs</b>                         |                        |                                        |                                        |
| <b>A. Berkeley Day Camp</b>                     |                        |                                        |                                        |
| Youth Core Program                              | 5-Days                 | \$240.00                               | \$288.00                               |
| AM Extended Care                                | 5-Days                 | \$51.00                                | \$61.00                                |
| PM Extended Care                                | 5-Days                 | \$79.00                                | \$95.00                                |
| Counselor-In-Training                           | 10-Days                | \$194.00                               | \$232.00                               |
| <b>Surcharges</b>                               |                        |                                        |                                        |
| Changed reservation                             | Per Change             | \$0.00                                 | \$0.00                                 |
| Cancelled Reservation                           | Session                | 25% of reservation not to exceed \$150 | 25% of reservation not to exceed \$150 |
| <b>B. Echo Lake Camp</b>                        |                        |                                        |                                        |
| <b>50 &amp; Better Camp</b>                     |                        |                                        |                                        |
| 50 & Better Camp Tent (up to 2 campers)         | 5-Day                  | \$730.00                               | \$876.00                               |
| 50 & Better Camp Tent (up to 2 campers)         | 4-Day                  | \$580.00                               | \$696.00                               |
| 50 & Better Camp Tent (up to 2 campers)         | Weekend                | \$460.00                               | \$552.00                               |
| 50 & Better Camp Additional Camper              | 1-Day                  | \$40.00                                | \$48.00                                |
| <b>Counselor-In-Training</b>                    |                        |                                        |                                        |
| Counselor-In-Training                           | 2-Week                 | \$400.00                               | \$480.00                               |
| Counselor-In-Training                           | 1-Week                 | \$275.00                               | \$330.00                               |
| <b>Family Camp</b>                              |                        |                                        |                                        |
| Full-Week Standard Tent (up to 3 campers)       | 7-Day                  | \$1,675.00                             | \$2,010.00                             |
| Full-Week Low-Occupancy Tent                    | 7-Day                  | \$1,450.00                             | \$1,740.00                             |
| 5-Day Session - Standard Tent (up to 3 campers) | 5-Day                  | \$1,375.00                             | \$1,650.00                             |
| 5-Day Session - Low Occupancy tent              | 5-Day                  | \$1,206.25                             | \$1,447.50                             |
| Weekend Standard Tent (up to 3 campers)         | 4-Day                  | \$1,225.00                             | \$1,470.00                             |
| Weekend Low-Occupancy Tent                      | 4-Day                  | \$1,075.00                             | \$1,290.00                             |
| Mid-Week Standard Tent (up to 3 campers)        | 4-Day                  | \$1,100.00                             | \$1,320.00                             |
| Mid-Week Low-Occupancy Tent                     | 4-Day                  | \$965.00                               | \$1,158.00                             |
| Additional Camper Fee                           | 1-Day                  | \$65.00                                | \$78.00                                |
| <b>Day Use Fees</b>                             |                        |                                        |                                        |
| Adult (15+) Day Use                             | 1-Day                  | \$108.00                               | \$129.60                               |
| Youth (7-14) Day Use                            | 1-Day                  | \$72.00                                | \$86.40                                |
| Child (3-6) Day Use                             | 1-Day                  | \$54.00                                | \$64.80                                |
| <b>Group Rental Rates</b>                       |                        |                                        |                                        |
| Adult (15+)                                     | 1-Day                  | \$85.00                                | \$102.00                               |



| <b>Program Area</b>                                       | <b>Unit of Measure</b> | <b>Resident</b> | <b>Non- Resident</b> |
|-----------------------------------------------------------|------------------------|-----------------|----------------------|
| Youth (7-14)                                              | 1-Day                  | \$71.50         | \$85.80              |
| Child (3-6)                                               | 1-Day                  | \$52.80         | \$63.36              |
| Infant (0-3)                                              | 1-Day                  | \$0.00          | \$0.00               |
| <b>New Camper Welcome Weekend</b>                         | Weekend                | \$195.00        | \$234.00             |
| <b>School Outdoor Education</b>                           |                        |                 |                      |
| Teachers & Adult Chaperones                               | 1-Day                  | \$60.00         | \$72.00              |
| Youth Participants                                        | 1-Day                  | \$45.00         | \$54.00              |
| <b>Shoulder Season Rentals</b>                            |                        |                 |                      |
| Shoulder Season Tent Rental (no meals, up to 3 campers)   | 1-Night                | \$97.75         | \$117.30             |
| Shoulder Season Tent Rental (with meals, up to 3 campers) | 1-Night                | \$195.50        | \$234.60             |
| <b>Work Weekend</b>                                       | Weekend                | \$0.00          | \$0.00               |
| <b>Youth Camp</b>                                         |                        |                 |                      |
| 5-Day Program                                             | 5-Days                 | \$600.00        | \$720.00             |
| 7-Day Program                                             | 7-Days                 | \$840.00        | \$1,008.00           |
| Per Day Fee                                               | 1-Day                  | \$120.00        | \$144.00             |
| <b>Wedding Rental</b>                                     |                        |                 |                      |
| Wedding Rental                                            | 4-Hours                | \$750.00        | \$900.00             |
| Wedding Rental - Each Additional Hour (after 4 hours)     | Hour                   | \$125.00        | \$150.00             |
| <b>C. Tuolumne Camp</b>                                   |                        |                 |                      |
| <b>50 &amp; Better Camp</b>                               |                        |                 |                      |
| 50 & Better Camp Tent (up to 2 campers)                   | 5-Day                  | \$900.00        | \$1,080.00           |
| 50 & Better Camp Tent (up to 2 campers)                   | 4-Day                  | \$720.00        | \$864.00             |
| 50 & Better Camp Tent (up to 2 campers)                   | Weekend                | \$540.00        | \$648.00             |
| 50 & Better Camp Additional Camper per day                | 1-Day                  | \$45.00         | \$54.00              |
| <b>Counselor-In-Training</b>                              |                        |                 |                      |
| Counselor-In-Training                                     | 2-Week                 | \$415.00        | \$498.00             |
| Counselor-In-Training                                     | 1-Week                 | \$275.00        | \$330.00             |
| <b>Family Camp</b>                                        |                        |                 |                      |
| Full-Week Standard Tent (up to 3 campers)                 | 1-Week                 | \$1,995.00      | \$2,394.00           |
| Full-Week Low-Occupancy Tent                              | 1-Week                 | \$1,715.00      | \$2,058.00           |
| Weekend Standard Tent (up to 3 campers)                   | 4-Day                  | \$1,460.00      | \$1,752.00           |
| Weekend Low-Occupancy Tent                                | 4-Day                  | \$1,280.00      | \$1,536.00           |
| Mid-Week Standard Tent (up to 3 campers)                  | 4-Day                  | \$1,300.00      | \$1,560.00           |
| Mid-Week Low Occupancy Tent                               | 4-Day                  | \$1,100.00      | \$1,320.00           |
| <b>Family Camp Day Use Fees</b>                           |                        |                 |                      |
| Adult (15+) Day Use                                       | 1-Day                  | \$135.00        | \$162.00             |
| Youth (7-14) Day Use                                      | 1-Day                  | \$90.00         | \$108.00             |

| <b>Program Area</b>                                                                              | <b>Unit of Measure</b>                        | <b>Resident</b>        | <b>Non- Resident</b>   |
|--------------------------------------------------------------------------------------------------|-----------------------------------------------|------------------------|------------------------|
| Child (3-6) Day Use                                                                              | 1-Day                                         | \$68.00                | \$81.60                |
| Additional Camper Fee                                                                            | 1-Day                                         | \$75.00                | \$90.00                |
| <b>Group Rental Rates</b>                                                                        |                                               |                        |                        |
| Adult (15+)                                                                                      | 1-Day                                         | \$110.00               | \$132.00               |
| Youth (7-14)                                                                                     | 1-Day                                         | \$93.00                | \$111.60               |
| Child (3-6)                                                                                      | 1-Day                                         | \$78.00                | \$93.60                |
| Infant (0-3)                                                                                     | 1-Day                                         | \$0.00                 | \$0.00                 |
| <b>New Camper Welcome Weekend</b>                                                                | Weekend                                       | \$195.00               | \$234.00               |
| <b>School Outdoor Education</b>                                                                  |                                               |                        |                        |
| Adult Chaperones                                                                                 | 1-Day                                         | \$75.00                | \$90.00                |
| Youth Participants                                                                               | 1-Day                                         | \$56.00                | \$67.20                |
| <b>Shoulder Season Rentals</b>                                                                   |                                               |                        |                        |
| Shoulder Season Tent Rental (no meals)                                                           | 1-Night                                       | \$115.00               | \$138.00               |
| Shoulder Season Tent Rental (with meals)                                                         | 1-Night                                       | \$230.00               | \$276.00               |
| <b>Work Weekend</b>                                                                              | Weekend                                       | \$0.00                 | \$0.00                 |
| <b>Youth Camp</b>                                                                                |                                               |                        |                        |
| 5-Day Program                                                                                    | 5-Days                                        | \$750.00               | \$900.00               |
| 7-Day Program                                                                                    | 7-Days                                        | \$1,050.00             | \$1,260.00             |
| <b>Wedding Rental</b>                                                                            |                                               |                        |                        |
| Wedding Rental                                                                                   | 4-Hours                                       | \$1,000.00             | \$1,200.00             |
| Wedding Rental - Each Additional Hour (after 4 hours)                                            | Hour                                          | \$150.00               | \$180.00               |
| <b>D. Resident Camp Surcharges</b>                                                               |                                               |                        |                        |
| Family Camp Program Deposit Payment                                                              |                                               | \$500 per registration | \$500 per registration |
| Late Fee                                                                                         | \$75 if balance is not paid by date specified |                        |                        |
| Cleaning / Damage Deposit                                                                        | Rental                                        | \$300.00               | \$300.00               |
| Changes to Reservation resulting in reduction in length of stay (30 days or more before arrival) | Reservation                                   | \$100.00               | \$100.00               |
| Cancel Reservation (30 days or more before arrival)                                              | 25% of reservation not to exceed \$150        |                        |                        |
| Cancel Reservation (due to emergency or illness, with Dr's excuse)                               | Reservation                                   | No Charge              | No Charge              |
| <b>4. Waterfront Programs</b>                                                                    |                                               |                        |                        |
| <b>A. Adventure Playground</b>                                                                   |                                               |                        |                        |
| Individual Admission (anyone over 1 year old)                                                    | Day                                           | \$1.00                 | \$1.00                 |
| Group size 5-10                                                                                  | 2-hours                                       | \$75.00                | \$75.00                |
| Group size 11-20                                                                                 | 2-hours                                       | \$105.00               | \$105.00               |
| Group size 21-30                                                                                 | 2-hours                                       | \$150.00               | \$150.00               |
| Group size 31-40                                                                                 | 2-hours                                       | \$180.00               | \$180.00               |

| <b>Program Area</b>          | <b>Unit of Measure</b> | <b>Resident</b> | <b>Non- Resident</b> |
|------------------------------|------------------------|-----------------|----------------------|
| <b>B. Education Programs</b> |                        |                 |                      |
| Animal                       | Session                | \$200.00        | \$200.00             |
| Low Tide                     | Session                | \$200.00        | \$200.00             |
| Research Boat Trip           | Session                | \$225.00        | \$225.00             |
| Sail Boat Trip               | Session                | \$255.00        | \$255.00             |
| Docent Training              | Session                | \$65.00         | \$65.00              |
| Special Program Request      | Hour                   | \$65.00         | \$65.00              |
| Marine Biology               | 4-Days                 | \$75.00         | \$75.00              |
| Marine Biology               | 8-Days                 | \$150.00        | \$150.00             |
| Boating                      | 4-Days                 | \$150.00        | \$150.00             |
| Canoeing                     | 3-Days                 | \$55.00         | \$55.00              |

## **Policies and Procedures for Parks and Recreation Programs and Facilities**

### I. CLASSIFICATION AND DEFINITION OF USER GROUPS

The following classifications and definitions are established for the purpose of determining recreation facility priority use and rental charges (exception: Athletic Fields).

User Groups may be required to provide insurance, (as a condition of facility use) as determined by the City of Berkeley Risk Manager.

1. City of Berkeley: Any department of the City of Berkeley using the facility for recreational or educational purposes.
2. Public Agencies: Agencies, such as Berkeley Unified School District, State of California, County, or University of California, providing a service to the City of Berkeley. (For example, the University providing tutoring to City recreation program participants.)
3. Resident Groups Serving Berkeley Residents With Disabilities: Per subtitle A of title II of the Americans with Disabilities Act of 1990 (42 U.S. C. 12131), the term "disability" means, with respect to an individual:
  - a. A physical or mental impairment that substantially limits one or more major life activities of such individual;
  - b. A record of such impairment; or
  - c. Being regarded as having such impairment.
4. Resident Youth Groups: Any organized non-profit resident youth group that meets the following criteria:
  - a. A majority of the members are 17 years of age or under;
  - b. There are adult leaders, advisors and/or chaperones that are present during events at COB facilities;
  - c. The group has documentation of non-profit status and adheres to all applicable rules and laws for non-profits including established meeting schedule, board of directors, and by-laws;
  - d. The group/non-profit organization does not discriminate on the basis of race, color, religion, ancestry, national origin, age, sex, sexual orientation, marital status, political affiliation, veterans' status, disabilities (physical and mental), and medical condition (including cancer and HIV status);
  - e. The group's activities are recreational and/or educational in nature;
  - f. At least 50% of the membership are residents of the City of Berkeley
5. Resident Senior Citizen Groups: Any organized adult group meeting the requirements listed under Resident Youth Groups in Section 4. above, except for numbers 4.a. and 4.b., and at least 75% of the membership is comprised of persons 65 years of age or older.
6. Residents: Persons who can prove Berkeley residency as noted below in Section II.1 and whose event/rental is not open to the public. (For example. Wedding receptions or parties.) Liability and/or other insurance may be required as determined by the City's Risk Manager. Resident must be at least 21 years old to rent facility.
7. Non-Resident: Persons residing outside of Berkeley. Non-resident must be at least 21 years old to rent a facility.
8. Non-resident Fees
  - a. Rental Fees for facilities, fields, and picnic areas are Resident Rate + 20% of Resident Rate

- b. Program Fees for swim lessons, youth sports, tennis lessons, Skate Camp/Lessons, Recreation Center Afterschool Programs and Day Camp and Summer Fun Camps are Resident Rate + 20% of ResidentRate
- c. Adult Sports Team Fees are Resident Rate+ 20% of Resident Rate (\$75 cap per team per season)
- d. Berkeley Tuolumne Camp and Echo Lake Camp are Resident Rate + 20% of Resident Fees

## II. ELIGIBILITY REQUIREMENTS

1. Residency: Proof of residency is required to receive the resident rate. A recent utility bill (within the past two months) is required for verification. Youth attending Berkeley Public Schools are eligible for the resident rate with current school photo identificationcard, and/or letter from school.
2. Age: New program participants may be required to provide proof of age at the time of registration to receive a youth discount. A copy of birth or baptismal certificate is acceptable proof.

## III. BERKELEY TUOLUMNE CAMP AND ECHO LAKE CAMP

### Fee Classifications

Fees for Echo Lake Camp and Tuolumne Camp Programs are scheduled in various ways depending on the program.

### Family Camp:

Some programs utilize a per-tent, per-group fee for up to 3 campers. Group sizes larger than 3 may add campers for an additional fee per person, per night or session.

Some programs utilize a per-person, per-night fee. Per-person fees may vary depending on the age of participants, as shown below (note: ages at arrival to camp):

- Adult (ages 15+)
- Youth (Ages 7-14)
- Child (Ages 3-6)
- Infants (under 3) stay free of charge

### Special Discounted Programs for Tuolumne and Echo Lake Camps

The Department Director or designee may establish a discount during low attendance periods or during times when no formal camp is in session as a method to increase camp use. A discount of up to 40% may be given provided there is a clear benefit to the City of Berkeley and/or the City's Camp Fund.

### Shoulder Season Use

Shoulder Season rates are applied when there is no program occurring at the Camp. (Shoulder-season individuals or groups may use the campgrounds, tents, cots with mattresses, and facilities, including food service, after payment of applicable fee.)

### Camp Reservations

- The City may cancel a reservation if the balance due is not paid by the payment deadline, or the following business day, should the deadline be a non-business day.

- Any change that results in a reduction in a reservation must be requested at least 30 days or more prior to camp arrival date.
- A maximum of two cabins can be reserved under a single name.
- An accommodation may be made for large group reservations.

### Camps Service Charges

Changing Reservation: All changes must be made in writing at least 30 days prior to arrival date. No charges will be incurred for adding people, dates, or meals to an existing reservation. Changes resulting in a reduction of the reservation will result in a service charge according to the prevailing fee schedule. Additions may be made less than 30 days in advance as space allows.

Camp Closure Due to Emergency or Illness: In the event of an emergency or illness which leads to closure of camp, the Department Director, or designee may waive any unused portion of the reservation fee.

Cancel Reservation: A fee will be incurred for cancellations. Payments will be forfeited if cancelation is less than 30 days in advance of arrival date. See Refunds Policy. (Section VI)

### Group Rentals – Camps

1. Exclusive use of **Echo Lake Camp** requires a minimum of 60 people. Exclusive use of **Tuolumne Camp** requires a minimum of 150 people.
2. Groups of less than the minimum may rent space at the camp, but use will not be permitted exclusive use.
3. Certificate of Insurance showing evidence of liability insurance in limits of not less than \$1,000,000 and naming the City of Berkeley as an additional insured, is required for exclusive use group rentals only.
4. Groups Rentals are required to pay a 10% non-refundable deposit upon submission of the rental agreement to the City.
5. Group Rentals are required to pay an additional 20% non-refundable deposit at least 30 days prior to camp arrival date.
6. Group Rentals are required to pay the remaining balance due upon arrival at camp.
7. Group Rentals do not include access to the kitchen for meal preparation.
8. Groups must provide one dedicated medical staff at the user group's expense.
9. Groups must provide lifeguards, at the user group's expense. The number of lifeguards is based on the number of participants as determined by the Camp Manager.
10. A \$300 cleaning deposit is required. Deposit will be returned if the camp has been left in the same condition as before the rental, as determined by the Camp Manager.

## IV. LOW-INCOME FEE SUPPORT/SCHOLARSHIPS

Low-income fee support/scholarships are available to Berkeley residents who meet Federal Low-income Guidelines. The City of Berkeley offers partial (50%) or full (100%) scholarships to Berkeley Residents for a wide variety of Recreation Division programs. Scholarship eligibility is based upon Housing and Urban Development (HUD) income thresholds, and applicants must submit documents to verify their proof of residency and gross household income or submit a low-income affidavit form to qualify.

Table 1. Scholarship Income Thresholds for Calendar Year 2021

| <i>Number of Household members</i> |                          | 1      | 2      | 3      | 4      | 5       | 6       | 7       | 8       |
|------------------------------------|--------------------------|--------|--------|--------|--------|---------|---------|---------|---------|
| Qualifies for 50%                  | New calculated figure    | 67,100 | 76,700 | 86,300 | 95,900 | 103,600 | 111,300 | 118,900 | 126,600 |
| Qualifies for 100%                 | HUD Very Low Income      | 47,950 | 54,800 | 61,650 | 68,500 | 74,000  | 79,500  | 84,950  | 90,450  |
|                                    | HUD Extremely Low Income | 28,800 | 32,900 | 37,000 | 41,100 | 44,400  | 47,700  | 51,000  | 54,300  |
|                                    | Difference               | 19,150 | 21,900 | 24,650 | 27,400 | 29,600  | 31,800  | 33,950  | 36,150  |

\*Updates annually based on HUD low-income guidelines.

Low-income fee support/scholarship availability in each program area may vary based on maximum capacities and enrollments. The Recreation Division reserves scholarship spaces in many program areas and provides priority registration opportunities to scholarship recipients. Participants must re-apply for scholarships annually.

The Department Director, or his/her designee, can approve low-income fee support/scholarships for the program categories below. Low-income fee support/scholarships eligibility may vary for each of these categories.

#### **CATEGORY A: General Fund Recreation Division Programs**

General Fund programs have no limitations on the frequency of use, or the number of sessions attended by each scholarship recipient each calendar year. There are no scholarships for Drop-In programs. General Fund Programs include but are not limited to:

*Afterschool Programs*  
*Community Center Summer Fun Camps*  
*Skate Park Camps*  
*Special Events*  
*Swim Lessons*

#### **CATEGORY B: Camps Fund - Resident & Day Camp Programs**

Camp Fund programs have some limitations to the frequency of use, or the number of sessions attended by each scholarship recipient each calendar year. Scholarships are based on the operating fund's ability to sustain them. The following Resident and Day Camp Programs operating out of the Camps Fund are eligible for scholarship use with some limitations:

##### ***Tuolumne Camp***

Family Camp Programs  
Youth Camp Programs  
Counselor-In-Training Programs  
Teen Leadership Programs

##### ***Echo Lake Camp***

Family Camp Programs

Youth Camp Programs  
 Counselor-In-Training Programs  
 Teen Leadership Programs

**Berkeley Day Camp**

Core Program Enrollments  
 Counselor-In-Training Programs

**In-Town Specialty Camp Programs**

Echo Lake and Tuolumne Camp Year-Round Teen Leadership Programs

50 & Better Camp programs are not eligible for scholarships, as they are already offered at a discounted price.

Youth Camp and Counselor-In-Training (CIT) Programs:

Participants are allowed to apply their scholarship or hardship waiver to one (1) remote residential (sleepaway) Youth Camp or Counselor-In-Training session each calendar year, regardless of which Camp location is chosen (Echo or Tuolumne Camp). Camp sessions may vary in length and program offerings each season and at each Camp location. Due to capacity limitations, scholarship space may be limited for these programs.

Family Camp Programs:

Participants are allowed to apply their scholarship or hardship waiver to one (1) Family Camp session each calendar year, regardless of which Camp program is chosen (Echo or Tuolumne Camp). Family Camp sessions may vary in length and program offerings each season. Due to capacity limitations, scholarship space may be limited for these programs.

**CATEGORY C: Self-supporting or Fee Based Recreation Programs**

These programs may vary annually. Limitations to the number of sessions, frequency of use, and scholarship amount awarded may apply. Scholarships are based on the operating fund's ability to sustain them. There are no scholarships for Drop-In programs. Additional specialty programs may be eligible for scholarships at the discretion of the Parks Recreation Waterfront Director or their designee, and may include:

*Third-party contractor offered specialty classes and sports programs*

*Recreation Division specialty instructional programs and courses*

*Other programs as determined annually and at the discretion of the PRW Director*

**CATEGORY D: Marina Fund Program**

Marina Programs do not require Berkeley residency, however, individuals or groups requesting low-income fee support for these programs are required to show proof that gross household income meets Federal Low-Income Guidelines:

*Marine Biology and Boating Classes: A 50% discount from the standard/core fee. Eligible program participants will receive one discount per class per year.*

*Docent Training Programs: A 50% discount from the standard/core fee. Eligible program participants will receive one discount per class per year.*

*Classroom Field Trips to the Nature Center or Adventure Playground: A 50% discount from the standard/core fee will be allowed for qualifying classrooms. To qualify, teachers must first send a letter with proof that a minimum of 50% of the class (s) qualify for the school's free lunch program.*



Letter must be directed to:

City of Berkeley Recreation Administration  
 c/o: Recreation & Youth Services Manager  
 1720 8<sup>th</sup> Street.  
 Berkeley, CA 94710  
 (510) 981-5150  
[recreation@cityofberkeley.info](mailto:recreation@cityofberkeley.info)

### **ANNUAL RENEWAL PROCESS**

Following initial approval for a scholarship, applicants must renew their scholarship eligibility annually by submitting current proof of Berkeley residency and income. City of Berkeley Recreation Administration staff will reach out to scholarship recipients annually to request renewal documentation.

### **SCHOLARSHIP DONATIONS**

The City of Berkeley accepts donations from individuals who would like to contribute to offset the costs of operating the Recreation Division scholarship program. Direct questions about donating to support this program to the Recreation Administration office at (510) 981-5150 or e-mail: [recreation@cityofberkeley.info](mailto:recreation@cityofberkeley.info).

## **V. FEE WAIVERS**

### Hardship Waiver Eligibility

In a limited number of cases, fees may be waived altogether for participants who would otherwise not be able to participate in the program due to extreme financial, familial, or other hardship. The Director of Parks Recreation and Waterfront, or his/her designee will evaluate requests for waivers.

Applicant must submit a written request for a hardship waiver to the Parks Recreation Waterfront Director (or their designee) explaining the extreme financial, familial, or other hardship.

Recipients of waivers are required to demonstrate proof of Berkeley residency and legal guardianship. Proof of residency may include a letter of verification on a homeless services agency's letterhead

Additional documentation may include a court order letter regarding Foster Care.

Camp Service Providers: Nurses and Independent Contractors are paid for their services and may receive a waiver of all camp fees while they are providing this service. One additional adult or two children under the age of fifteen, accompanying the camp service provider, may receive a waiver of all camp fees. Up to three additional family members, accompanying the camp service provider, may receive a waiver up to 80%, provided they use one tent cabin.

Artists-in-Residence: Artists-in-Residence are volunteers and are not paid for their services. They may receive a waiver of all camp fees while they are providing this service. One additional adult or two children under the age of fifteen, accompanying the artist-in-residence, may also receive a waiver. Up to three additional family members may receive a waiver up to 80%, provided they use one tent cabin.

Camp Volunteers: Volunteers may receive a fee waiver of all camp fees if all of the following applies: 1) must be a previous City of Berkeley or Tuolumne or Echo Lake Camp employee or have a skilled service that is deemed a necessity by the Parks Recreation & Waterfront Director; 2) must be over 18; and 3) no guests of volunteers are allowed during organized volunteer / workweekends.

## VI. REFUNDS/ACCOUNT CREDITS

All requests for refunds or account credits must be directed to the Recreation & Youth Services Manager, Recreation Division, 1720 8<sup>th</sup> Street, Berkeley, CA 94710 or email Recreation@cityofberkeley.info. The original receipt must be submitted with a written request for a refund or account credit. The request must state the reason for the refund or account credit, and the date, time and location of the program, and the amount requested. The Recreation and Youth Services Manager will render a decision to either: 1) refund the fee; 2) issue an account credit; 3) pro-rate the fee; 4) apply the fees to another session or program (not applicable to sports field permits); or 5) deny the request.

Recreation and Marina Programs and Facility Rentals/Reservations: This policy includes but is not limited to Recreation Programs, Recreation Facilities, Picnic Site Reservations, Tennis/Pickleball Reservations, Camp Day Use Permits, Adventure Playground, and Marina Programs. No refunds or credit will be granted without 7-days-notice prior to date of reservation, except for rainouts or poor air quality. The City will deduct 25% of the amount paid from the refund or credit to cover administrative expenses or will deduct a minimum \$10.00 service charge. The Administration Fee is not to exceed \$150.00.

In the event of a rainout or poor air quality on the date of reservation, customer may request to change the reservation to a later date, subject to availability. If no other date is available or desirable, customer may request to apply the fees toward another Recreation program or request a refund or account credit. Rainout or poor air quality requests must be made in writing no later than 72 hours after the date of reservation. The Recreation and Youth Services Manager will render a decision to either: 1) refund the fee; 2) issue an account credit; 3) pro-rate the fee; 4) apply the fees to another program or reservation; or 5) deny the request.

Camp Programs (Tuolumne Camp and Echo Lake Camp): No refunds or credit will be provided if cancellation is made less than 30 days before camp arrival date. A refund or account credit will be provided if the entire reservation is cancelled not less than 30 calendar days prior to arrival date, less a 25% administration fee not to exceed \$150.

Emergency, Illness and/or Bereavement Refund Request: The Department Director, or designee, may refund the reservation fee on a prorated basis in the event of an emergency, illness or bereavement of an immediate family member occurring after registering for a program. A written request must be submitted no later than 30 days after the date of the event and must include the reason a refund is being requested and a copy of a written doctor's verification for medical reasons, or a copy of the obituary or memorial service program for bereavement reasons.

Sports Field Permits: A refund may be requested for any time that a City field is not used due to circumstances beyond the control of the permit holder (e.g., weather). To request a refund, a letter must be sent to the City's Recreation Division Manager for approval at their

discretion. The letter must contain the following items: the dates and times and amounts requested, along with a copy of the permit and the City-issued payment receipt number. Refunds for full season permits shall be issued for field closures that happen on the third or more closure that occurs in subsequent and separate weeks (e.g., the third Monday out of three rained out Mondays would be refunded) and are processed at the end of each season. Refunds for spot bookings are refunded in the full amount upon request and are processed throughout the season.

Account Credits: The Recreation Division of the Parks, Recreation and Waterfront Department (PRW) may issue Account Credits when the Recreation Division cancels a program, reservation, or permit. PRW may also issue a credit when a customer requests an Account Credit for a program that they have paid for but do not participate in, or for a reservation, or permit that they have paid for but do not use.

Definition: Account Credit – reversal of a customer payment, which is applied to their account for future use in the Recreation Division.

Account Credits must be cleared before the end of each fiscal year. Any customer that has an Account Credit of \$10 or more will be automatically issued a refund check beginning May 1st of that current fiscal year. Refunds may take up to 10 – 12 weeks to process.

Per Department policy, checks will not be issued for refunds for less than \$10.00. Account Credits under \$10.00 will roll into the next fiscal year.

Special Requests: Customers may request a refund of their Account Credit in writing to the Recreation Customer Service Hub. The decision to issue a refund of an Account Credit will be determined by the Recreation and Youth Services Manager or their designee.

## VII. SPECIAL USE RENTAL POLICY

### 1. Purpose

A primary goal of the City's Community Centers is to become a "hub" of resources and referrals for neighborhoods by establishing a relationship of mutual support and trust. Through this trust, we promote safe neighborhoods and opportunities for families and youth to be engaged in activities that enhance the community and support the goals of the Parks Recreation and Waterfront Department. Each year the Parks Recreation and Waterfront Department receives numerous requests from community groups to meet at its Community Centers as well as the Berkeley Marina Conference Room for no fee. As a way to cultivate community relationships and respond to community requests for free meeting space, the City has created a policy whereby qualified local groups (e.g., neighborhood, Community Agency Contract, or non-profit groups that comply with this policy) are allowed to hold meetings, free of charge, at the City's Community Centers and the Berkeley Marina Conference Room during normal business hours.

### 2. Application Process

A completed application and attachments must be submitted before a reservation is confirmed. Groups applying for a Special Use Rental must support and benefit the goals of the City of Berkeley Parks Recreation and Waterfront Department ("PRW"). The department is committed to administering excellent recreation programs at our community centers, camps, marina and parks; developing new programs that improve access for

historically underserved participants; maintaining our trees and municipal urban forest, landscaping and infrastructure; and, developing Capital Projects with community input to improve and enhance residents' park and facility experience.

All interested groups must submit a completed Special Use Rental application on an annual basis, with all of the following attached:

- Proof that membership has approved meetings (either by providing a Board resolution, Agendas, or Minutes).
- A \$200 Cleaning/Damage Deposit(Refundable).
- A written statement that the group/non-profit organization does not discriminate on the basis of race, color, religion, ancestry, national origin, age, sex, sexual orientation, marital status, political affiliation, veterans' status, disabilities (physical and mental), and medical condition (including cancer and HIV status).
- A written statement describing the group's goals and how they support and benefit the goals of the City of Berkeley Parks Recreation and Waterfront Department.

In addition to the above requirements that apply to all interested groups, Community Agency Contract and non-profit groups must also submit:

- List of membership roster with names, addresses, and phone numbers
- Proof of non-profit status (required for non-profit groups)
- At least 14 days before the date of the first meeting, qualified groups must provide a valid Certificate of Insurance (COI) containing the City's minimum liability requirements, and naming the city of Berkeley as additional insured on separate Endorsement. This COI must cover all of the group's reserved dates for the year. If the COI is not provided at least 14 days prior to the first reserved date, the reservation will be cancelled.

PRW will not begin to review the application until the application is complete, including all required information and attachments. A reservation is not confirmed until the applicant receives written notice of approval from PRW.

Applications may be picked up at: 1) any Recreation Center; 2) Recreation Division Office, 1720 8<sup>th</sup> St., Berkeley, CA 94710; 3) Berkeley Marina Office; or 4) City of Berkeley website: [www.cityofberkeley.info/parks](http://www.cityofberkeley.info/parks)

Approval of applications is at the discretion of the Recreation and Youth Services Manager or designee; a decision denying the application is final and not subject to appeal. If PRW denies the fee waiver application, the interested group may apply to rent the room for the standard fee.

**Qualified Groups:** In order to qualify for this policy, groups must comply with all of the requirements set forth above in section I. In addition, groups must support and benefit the goals of the City of Berkeley Parks Recreation and Waterfront Department and groups must be one of the following:

**Neighborhood Groups:** Any group living in a specific area of Berkeley that comes together to either exchange ideas for neighborhood improvement and community building, or to help solve neighborhood problems or issues.

**Non-profit Groups:** Any organized non-profit group that meets at least quarterly.

Community Agency Contract Groups: Any City of Berkeley Community Agency Contract group that serves youth under 18 years of age.

There must be adult leaders, advisors and/or chaperones attending each meeting.

### 3. Limitations

- Qualified groups may hold a regular meeting of up to two hours at a specified meeting room in a Community Center or the Marina Conference Room for up to eight (8) times per year during regular operating hours.
- Exception: The Community Room, Auditorium, or Social Hall at each Community Center may be used for one additional "larger scale" meeting, such as a banquet or social event, each year.
- Meetings must be open to the public.
- Regular Business Operating Hours are when the Community Center or Marina Office is open (Hours may vary for each facility based on its regular schedule of use).
- Qualified groups may not conduct the following activities: for-profit business or commercial activities; campaign activities; private instruction; or fundraising (unless fundraising proceeds are devoted solely to municipal recreation and park improvements, which must be demonstrated with a written request to the Recreation and Youth Services Manager/designee).
- A reservation for the qualified group may be scheduled a maximum of 180 days in advance and a minimum of 14 days in advance, and must not conflict with ongoing programs, paid rentals, or classes.
- A qualified group is required to do set-up, takedown and cleanup.
- Any additional fees other than the waived rental fee (e.g., kitchen use, stage, set-up/take down, etc.) shall apply and are the sole financial responsibility of the qualified group
- The City has the right to cancel a reservation at anytime.
- Groups cancelling a reservation must give at least 72-hours-notice. If proper notice of cancellation is not given, the City reserves the right to revoke the group's reservations for the entire year, or any part of the year. The City may revoke the group's reservations for the entire year, or any part of the year for any of the following reasons: if the group fails to abide by any of the information in its application; the group fails to comply with any of the Rules and Regulations of the City's Facility Rental Policy.

## VIII. IMPLEMENTATION OF NEW FEES

The Director of Parks Recreation and Waterfront, or his/her designee, reserves the right to establish fees for new Recreation programs up to \$350 for Berkeley residents and \$420 for non-residents based on comparison with other municipalities.

## NOTICE OF PUBLIC HEARING

### NOTICE OF PUBLIC HEARING BERKELEY CITY COUNCIL

#### Recreation Division Fee Increases

Notice is hereby given by the City Council of the City of Berkeley that a public hearing will be conducted by said city council of the City of Berkeley at which time and place all persons may attend and be heard upon the following:

The Department of Parks, Recreation & Waterfront is proposing to increase selected fees, as contained in the attached Recreation Fee Schedule and excerpted below:

| Program Area                                         | Unit of Measure | Resident   | Resident (proposed) | Non-Resident | Non-Resident (proposed) |
|------------------------------------------------------|-----------------|------------|---------------------|--------------|-------------------------|
| <b>3. Camp Programs</b>                              |                 |            |                     |              |                         |
| <b>B. Echo Lake Camp</b>                             |                 |            |                     |              |                         |
| <b>50 &amp; Better Camp</b>                          |                 |            |                     |              |                         |
| 50 & Better Camp (per camper)                        | 4-Day           | \$290.00   | Eliminated          | \$320.00     | Eliminated              |
| 50 & Better Camp (per camper)                        | Weekend         | \$230.00   | Eliminated          | \$254.00     | Eliminated              |
| 50 & Better Camp Tent (up to 2 campers)              | 5-Day           |            | \$730.00            |              | \$876.00                |
| 50 & Better Camp Tent (up to 2 campers)              | 4-Day           |            | \$580.00            |              | \$696.00                |
| 50 & Better Camp Tent (up to 2 campers)              | Weekend         |            | \$460.00            |              | \$552.00                |
| 50 & Better Camp Additional Camper                   | 1-Day           |            | \$40.00             |              | \$48.00                 |
| <b>Counselor-In-Training</b>                         |                 |            |                     |              |                         |
| Counselor-In-Training                                | 2-Week          | \$400.00   |                     | \$440.00     | \$480.00                |
| Counselor-In-Training                                | 1-Week          | \$275.00   |                     | \$300.00     | \$330.00                |
| <b>Family Camp</b>                                   |                 |            |                     |              |                         |
| Full-Week Standard Tent                              | 7-Day           | \$1,675.00 |                     | \$1,842.50   | \$2,010.00              |
| Full-Week Low-Occupancy Tent (up to 2 campers)       | 7-Day           | \$1,450.00 |                     | \$1,600.00   | \$1,740.00              |
| 5-Day Session - Standard Tent (up to 3 campers)      | 5-Day           | \$1,100.00 | \$1,375.00          | \$1,100.00   | \$1,650.00              |
| 5-Day Session - Low Occupancy tent (up to 2 campers) | 5-Day           | \$1,000.00 | \$1,206.25          | \$1,200.00   | \$1,447.50              |

| Program Area                                              | Unit of Measure | Resident | Resident (proposed) | Non-Resident | Non-Resident (proposed) |
|-----------------------------------------------------------|-----------------|----------|---------------------|--------------|-------------------------|
| Weekend Standard Tent (up to 3 campers)                   | 4-Day           |          | \$1,225.00          |              | \$1,470.00              |
| Weekend Low-Occupancy Tent (up to 2 campers)              | 4-Day           |          | \$1,075.00          |              | \$1,290.00              |
| Mid-Week Standard Tent (up to 3 campers)                  | 4-Day           |          | \$1,100.00          |              | \$1,320.00              |
| Mid-Week Low-Occupancy Tent (up to 2 campers)             | 4-Day           |          | \$965.00            | \$0.00       | \$1,158.00              |
| Additional Camper Fee                                     | 1-Day           |          | \$65.00             | \$0.00       | \$78.00                 |
| Additional Camper Fee                                     | 5-Day Session   | \$250.00 | Eliminated          | \$275.00     | Eliminated              |
| Additional Camper Fee                                     | 7-Day Session   | \$375.00 | Eliminated          | \$415.00     | Eliminated              |
| <b>Day Use Fees</b>                                       |                 |          |                     |              |                         |
| Adult (15+) Day Use                                       | 1-Day           | \$108.00 |                     | \$120.00     | \$129.60                |
| Youth (7-14) Day Use                                      | 1-Day           | \$72.00  |                     | \$80.00      | \$86.40                 |
| Child (3-6) Day Use                                       | 1-Day           | \$54.00  |                     | \$60.00      | \$64.80                 |
| <b>Group Rental Rates</b>                                 |                 |          |                     |              |                         |
| Adult (15+)                                               | 1-Day           | \$76.00  | \$85.00             | \$84.00      | \$102.00                |
| Youth (7-14)                                              | 1-Day           | \$65.00  | \$71.50             | \$71.00      | \$85.80                 |
| Child (3-6)                                               | 1-Day           | \$48.00  | \$52.80             | \$42.00      | \$63.36                 |
| Infant (0-3)                                              | 1-Day           | \$0.00   | \$0.00              | \$0.00       | \$0.00                  |
| <b>New Camper Welcome Weekend</b>                         | Weekend         |          | \$195.00            |              | \$234.00                |
| <b>School Outdoor Education</b>                           |                 |          |                     |              |                         |
| Teachers & Adult Chaperones                               | 1-Day           |          | \$60.00             |              | \$72.00                 |
| Youth Participants                                        | 1-Day           |          | \$45.00             |              | \$54.00                 |
| <b>Shoulder Season Rentals</b>                            |                 |          |                     |              |                         |
| Shoulder Season Tent Rental (no meals, up to 3 campers)   | 1-Night         |          | \$97.75             |              | \$117.30                |
| Shoulder Season Tent Rental (with meals, up to 3 campers) | 1-Night         |          | \$195.50            |              | \$234.60                |
| <b>Work Weekend</b>                                       | Weekend         | \$0.00   |                     | \$0.00       |                         |
| <b>Youth Camp</b>                                         |                 |          |                     |              |                         |
| 5-Day Program                                             | 5-Days          | \$600.00 |                     | \$660.00     | \$720.00                |
| 7-Day Program                                             | 7-Days          | \$840.00 |                     | \$924.00     | \$1,008.00              |
| Per Day Fee                                               | 1-Day           |          | \$120.00            |              | \$144.00                |

| Program Area                                          | Unit of Measure | Resident | Resident (proposed) | Non-Resident | Non-Resident (proposed) |
|-------------------------------------------------------|-----------------|----------|---------------------|--------------|-------------------------|
| <b>Wedding Rental</b>                                 |                 |          |                     |              |                         |
| Wedding Rental                                        | 4-Hours         |          | \$750.00            |              | \$900.00                |
| Wedding Rental - Each Additional Hour (after 4 hours) | Hour            |          | \$125.00            |              | \$150.00                |
| <b>C. Tuolumne Camp</b>                               |                 |          |                     |              |                         |
| <b>50 &amp; Better Camp</b>                           |                 |          |                     |              |                         |
| 50 & Better Camp Tent (up to 2 campers)               | 5-Day           |          | \$900.00            |              | \$1,080.00              |
| 50 & Better Camp Tent (up to 2 campers)               | 4-Day           |          | \$720.00            |              | \$864.00                |
| 50 & Better Camp Tent (up to 2 campers)               | Weekend         |          | \$540.00            |              | \$648.00                |
| 50 & Better Camp Additional Camper per day            | 1-Day           |          | \$45.00             |              | \$54.00                 |
| <b>Counselor-In-Training</b>                          |                 |          |                     |              |                         |
| Counselor-In-Training                                 | 2-Week          |          | \$415.00            |              | \$498.00                |
| Counselor-In-Training                                 | 1-Week          |          | \$275.00            |              | \$330.00                |
| <b>Family Camp</b>                                    |                 |          |                     |              |                         |
| Full-Week Standard Tent (up to 3 campers)             | 1-Week          |          | \$1,995.00          |              | \$2,394.00              |
| Full-Week Low-Occupancy Tent (up to 2 campers)        | 1-Week          |          | \$1,715.00          |              | \$2,058.00              |
| Weekend Standard Tent (up to 3 campers)               | 4-Day           |          | \$1,460.00          |              | \$1,752.00              |
| Weekend Low-Occupancy Tent (up to 2 campers)          | 4-Day           |          | \$1,280.00          |              | \$1,536.00              |
| Mid-Week Standard Tent (up to 3 campers)              | 4-Day           |          | \$1,300.00          |              | \$1,560.00              |
| Mid-Week Low Occupancy Tent (up to 2 campers)         | 4-Day           |          | \$1,100.00          |              | \$1,320.00              |
| <b>Family Camp Day Use Fees</b>                       |                 |          |                     |              |                         |
| Adult (15+) Day Use                                   | 1-Day           |          | \$135.00            |              | \$162.00                |
| Youth (7-14) Day Use                                  | 1-Day           |          | \$90.00             |              | \$108.00                |
| Child (3-6) Day Use                                   | 1-Day           |          | \$68.00             |              | \$81.60                 |
| Mid-Week Low-Occupancy Tent                           | 4-Day           |          | \$1,140.00          |              | \$1,368.00              |
| Additional Camper Fee                                 | 1-Day           |          | \$75.00             |              | \$90.00                 |



| Program Area                                                                                     | Unit of Measure                               | Resident | Resident (proposed)    | Non-Resident | Non-Resident (proposed) |
|--------------------------------------------------------------------------------------------------|-----------------------------------------------|----------|------------------------|--------------|-------------------------|
| <b>Group Rental Rates</b>                                                                        |                                               |          |                        |              |                         |
| Adult (15+)                                                                                      | 1-Day                                         |          | \$110.00               |              | \$132.00                |
| Youth (7-14)                                                                                     | 1-Day                                         |          | \$93.00                |              | \$111.60                |
| Child (3-6)                                                                                      | 1-Day                                         |          | \$78.00                |              | \$93.60                 |
| Infant (0-3)                                                                                     | 1-Day                                         |          | \$0.00                 |              | \$0.00                  |
| <b>New Camper Welcome Weekend</b>                                                                | Weekend                                       |          | \$195.00               |              | \$234.00                |
| <b>School Outdoor Education</b>                                                                  |                                               |          |                        |              |                         |
| Adult Chaperones                                                                                 | 1-Day                                         |          | \$75.00                |              | \$90.00                 |
| Youth Participants                                                                               | 1-Day                                         |          | \$56.00                |              | \$67.20                 |
| <b>Shoulder Season Rentals</b>                                                                   |                                               |          |                        |              |                         |
| Shoulder Season Tent Rental (no meals)                                                           | 1-Night                                       |          | \$115.00               |              | \$138.00                |
| Shoulder Season Tent Rental (with meals)                                                         | 1-Night                                       |          | \$230.00               |              | \$276.00                |
| <b>Work Weekend</b>                                                                              | Weekend                                       | \$0.00   | \$0.00                 | \$0.00       | \$0.00                  |
| <b>Youth Camp</b>                                                                                |                                               |          |                        |              |                         |
| 5-Day Program                                                                                    | 5-Days                                        |          | \$750.00               |              | \$900.00                |
| 7-Day Program                                                                                    | 7-Days                                        |          | \$1,050.00             |              | \$1,260.00              |
| Per Day Fee                                                                                      | 1-Day                                         |          | \$150.00               |              | \$180.00                |
| <b>Wedding Rental</b>                                                                            |                                               |          |                        |              |                         |
| Wedding Rental                                                                                   | 4-Hours                                       |          | \$1,000.00             |              | \$1,200.00              |
| Wedding Rental - Each Additional Hour (after 4 hours)                                            | Hour                                          |          | \$150.00               |              | \$180.00                |
| <b>D. Resident Camp Surcharges</b>                                                               |                                               |          |                        |              |                         |
| Family Camp Program Deposit Payment                                                              |                                               |          | \$500 per registration |              | \$500 per registration  |
| Late Fee                                                                                         | \$75 if balance is not paid by date specified |          |                        |              |                         |
| Cleaning / Damage Deposit                                                                        | Rental                                        | \$300.00 |                        | \$300.00     |                         |
| Changes to Reservation resulting in reduction in length of stay (30 days or more before arrival) | Reservation                                   | \$100.00 |                        | \$100.00     |                         |
| Cancel Reservation (30 days or more before arrival)                                              | 25% of reservation not to exceed \$150        |          |                        |              |                         |

| Program Area                                                       | Unit of Measure | Resident  | Resident (proposed) | Non-Resident | Non-Resident (proposed) |
|--------------------------------------------------------------------|-----------------|-----------|---------------------|--------------|-------------------------|
| Cancel Reservation (due to emergency or illness, with Dr's excuse) | Reservation     | No Charge |                     | No Charge    |                         |

The hearing will be held on January 18, 2022, at 6:00 p.m. in the School District Board Room, 1231 Addison Street.

For further information, please contact **Denise Brown at 510-981-6707**.

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 **January 18, 2022**.

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.

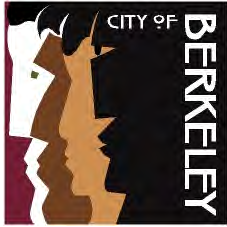
Communications to the Berkeley City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication 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:** January 10 and January 17, 2022 – The Berkeley Voice  
Published pursuant to Government Code 6062a

~~~~~  
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 the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on January XX, 2022.

Mark Numainville, City Clerk



Rashi Kesarwani
Councilmember District 1

23

SUPPLEMENTAL AGENDA MATERIAL for Supplemental Packet 2

Meeting Date: December 14, 2021

Item Number: 46

Item Description: Response to City Council Action on October 26, 2021 regarding Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance

Submitted by: Councilmember Rashi Kesarwani

The purpose of this supplemental report is to provide minor clarifying changes to the proposed ADU Ordinance in order to ensure its consistency with Council's direction on October 26, 2021 and with state Government Code Section 65852.2 and 22.



Rashi Kesarwani
Councilmember District 1

CONSENT CALENDAR
December 13, 2021

TO: Honorable Mayor and Members of the City Council

FROM: Councilmember Rashi Kesarwani (Author)

SUBJECT: Response to City Council Action on October 26, 2021 regarding Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance (Item #46)

The purpose of this supplemental report is to provide minor clarifying changes to the proposed ADU Ordinance in order to ensure its consistency with Council's direction on October 26, 2021 and with state Government Code Section 65852.2 and 22. Each proposed change is described below, followed by an amended ADU Ordinance.

1. Further restrict areas in multi-family buildings that may be converted to ADUs in order to protect non-habitable space that may be within a tenant's dwelling unit. (23.102.020.B.3.b)

The proposed zoning ordinances states that "non-habitable" portions of multi-family buildings may be converted to ADUs. State law, however, applies a different standard—that the area must be *outside a dwelling unit*. "Non-habitable space" can occur both inside and outside of dwelling units. To protect the non-habitable space that may be within a tenant's dwelling unit, it is proposed that Berkeley specify that these spaces be outside the walls of a dwelling unit to qualify for conversion.

Berkeley's Baseline Zoning Ordinance states that storage areas are not habitable space.¹ If it's within a dwelling unit, it *may not be converted* to an ADU according to State law; if it's *outside of a dwelling unit*, it may. State law allows conversion of areas "that are not used as livable space" but it does not define "livable space." To resolve this problem, the state's Housing and Community Development Department (HCD) has interpreted "livable space" in this case to mean "outside the walls of the living area."²

¹ See Berkeley Baseline Zoning Ordinance Section 23.502.020.H.1. *Habitable Space*. A space in a building which is used or designed to be used for living, sleeping, eating or cooking, but not including garages, bathrooms, utility, storage and laundry rooms, halls or closets.

² HCD Official Correspondence 22: Livable space is the area within a building that is within the walls of an individual dwelling unit. Unused non-livable space may be converted to ADUs in multi-family buildings. Note: "Habitable space," as defined in the Building Code, is not the appropriate term in this case because it excludes spaces such as baths, kitchens, hallways, etc. These excluded areas—called non-habitable

2. Clarify rules that apply to Accessory Structures being converted into ADUs.

The footnotes in Table 23.306-1 ADU and JADU Development Standards explain how the development standards apply to accessory structures under different circumstances. The three minor proposed changes here seek simply to clarify when these standards apply.

- **In Footnote #1, delete date “prior to December 1, 2021” so that all legally-established accessory structures are eligible to be converted into a full size ADU (850 or 1,000 square feet).** Footnote #1 specifies that only accessory structures built before December 1, 2021 may be converted into full-sized ADUs (850 or 1,000 square feet). This arbitrary date would go against the spirit of Council’s direction on October 26, 2021 that all legally-established existing accessory structures should be able to be converted into ADUs.
- **In Footnote #2, clarify that only accessory structures that exceed the development standards in the table are limited to a physical addition of no more than 150 square feet.** Footnote #2 currently refers to “non-compliant” accessory structures, which is not as clear as specifying that the footnote is only applicable to accessory structures that “exceed” the development standards specified in the table.
- **In Footnote #4, clarify that replacement parking for ADUs and JADUs is optional.** Footnote #4 is not clear that replacement parking is not required. A sentence has been added to specify that replacement parking is not required.

3. Clarify owner occupancy requirement for JADUs

The language requiring owner-occupancy for properties with a JADU mentions that the owner may occupy either the JADU or the main dwelling. Since a single-family parcel may include an ADU and a JADU, it is recommended that the language clarify that they owner may also occupy an ADU on the same property. The modification applies to the language required for the Deed Restriction and the language in the definition of a JADU:

- 23.306.050 Deed Restrictions
- 23.502.020.J.1 Junior Accessory Dwelling Unit (JADU)

4. Modify noticing requirements for tenants and neighbors (23.306.060)

The proposed noticing requirement applies to ADUs proposed for both single-family homes and multi-family properties. It requires noticing of both tenants and neighbors before the owner has submitted the ADU application. The purposes of these notices differ. For tenants, it is to ensure that they are aware of the changes proposed so any

space—may not be converted to an ADU if they are within an individual dwelling unit (Last Modified: 2021-08-27). State Government Code Section 65852.20(e)(1)(C)(i) reads, “Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings” (Last Modified: 2020-01-01).

problems that tenants might encounter may be resolved early in the permit process. For the neighbors, it is to provide a courtesy notice about pending construction, the rules that apply, and the name and phone number of someone to contact in case there are problems.

Given these differences, we propose two notices that differ in timing, content, and recipients.

- The notice to tenants should be given before the application is submitted and should be submitted to tenants of the subject property.
- The notice to neighbors should be given before construction begins and should be submitted to owners and occupants of both the subject and neighboring properties.

CONTACT PERSON

Councilmember Rashi Kesarwani, District 1

(510) 981-7110

ORDINANCE NO. -N.S.

AMENDMENTS TO THE ACCESSORY DWELLING UNIT (ADU) ORDINANCE (BMC 23.306) AND DEFINED TERMS (BMC 23.502.020) RELATING TO ADUS

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

Section 1. That Berkeley Municipal Code 23.306 is amended to read as follows:

23.306 Accessory Dwelling Units**Sections:**

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23.306.040– Development Standards

23.306.050– Deed Restrictions

23.306.060– Neighborhood Noticing

23.102.010 – Purposes

The purposes of this Chapter are to:

- A. Implement California Government Code Section 65852.2 and 65852.22.
- B. Increase overall supply and range of housing options in Berkeley.
- C. Expedite small-scale infill development.
- D. Support Housing Element goals of facilitating construction of accessory dwelling units and increasing the number of housing units that are more affordable to Berkeley residents.
- E. Encourage development of accessory dwelling units in zoning districts with compatible land uses and infrastructure.
- F. Reduce potential impacts of new development in high fire severity areas and the Hillside Overlay District due to unique conditions and hazards within these areas that require additional restrictions on ADUs and JADUs because of impacts of traffic flow and public safety, consistent with Government Code 65852.2, subdivision (a)(1)(A), which allows local agencies to regulate ADUs based on "adequacy of water and sewer service, and the impacts of traffic flow and public safety."

23.102.020 – Applicability

- A. The provisions of this chapter apply to zoning districts where residential uses are permitted, on lots that have at least one existing or proposed Dwelling Unit or Group Living Accommodation that is not a Fraternity House, Sorority House or Dormitory.
1. Exceptions. The provisions of this chapter that permit ADUs and JADUs do not apply to lots in the R-1H (Single-Family Residential—Hillside Overlay), R-2H (Restricted Two-Family Residential—Hillside Overlay), or R-2AH (Restricted Multiple-Family Residential—Hillside Overlay) Districts. In such districts, ADUs and JADUs shall only be permitted to the extent required by subdivision (e)(1) of Government Code Section 65852.2.
- B. Number of ADUs and JADUs Permitted Per Lot.
1. Lot with one Single Family Dwelling: One ADU and/or one JADU.
 2. Lot with more than one Single Family Dwelling: One ADU.
 3. Lot with a Duplex or Multi-Family Dwelling, either:
 - a. Up to two detached ADUs; or
 - b. At least one ADU converted from non-habitable portions of the existing Main Building that are not within the living space of a dwelling unit (e.g. basement, attic, garages, storage room). The maximum number of ADUs converted from ~~non-habitable~~ portions of the existing Main Building that are not within the living space of a dwelling unit shall not exceed 25% of the total number of existing Dwelling Units on the lot.
 4. Lot with a Group Living Accommodation that is not a Fraternity House, Sorority House or Dormitory: One ADU.

23.102.030 – Permit Procedures

- A. Zoning Certificate. An application for an ADU or JADU shall be allowed with a Zoning Certificate. Review must be completed within 60 days of submission of a completed application. A completed application must include evidence of compliance with this Chapter, including Development Standards, Deed Restrictions, and Neighborhood Noticing.
1. If an application to create an ADU or JADU is submitted as part of a project that requires discretionary review, a Zoning Certificate for a Building Permit shall not be issued for the ADU or JADU until the discretionary approval(s) has/have been granted and any applicable appeal periods have expired.
 2. Issuance of a Zoning Certificate shall not be denied for the construction or conversion of an ADU or JADU that complies with the requirements of Government Code Section 65852.2(e)(1).

3. Issuance of a Zoning Certificate for the construction or conversion of an ADU or JADU shall not be denied based on the failure of an applicant to correct a nonconforming zoning condition.

23.306.040 Development Standards

A. Basic Standards. See Table 23.306-1: ADU and JADU Development Standards.

TABLE 23.306-1 ADU AND JADU DEVELOPMENT STANDARDS

	ADU¹	JADU
Maximum Size ²		500 sf
Studio or 1 bedroom	850 sf	N/A
2 + bedrooms	1000 sf	
Maximum Height	20 ft.	
Front Yard Setback	Same as underlying district	
Rear Setback	4 ft ³	
Side Setback	4 ft ³	
Required Off-Street Parking	None ⁴	
<p>[1] An ADU converted from an Accessory Building or Accessory Structure legally established prior to December 1, 2021 that does not comply with the Maximum Height, Size, and/or Rear and Side Setback requirements is allowed to maintain non-conformity to the same dimensions of the existing Accessory Building or Accessory Structure. Any physical additions to the existing Accessory Building or Accessory Structure shall comply with the development standards in this table.</p> <p>[2] An ADU created entirely through conversion, with no modifications to the existing building envelope that exceeds is non-compliant with the development standards in this table is allowed a physical addition of no more than 150 square feet. The addition must that <u>complies</u> with Maximum Height and Setback requirements in this table.</p> <p>[3] If there is a lesser setback allowed for a comparable Accessory Building or Accessory Structure in the underlying zoning district, that setback shall apply.</p> <p>[4] <u>Replacement parking is not required.</u> Replacement of off-street parking for the Main Building is allowed and does not need to comply with Parking Maximums (BMC 23.322.070) nor Parking Layout and Design (BMC 23.322.080).</p>		

B. Projections. Architectural features (Chimneys, Water Heater Enclosures, Flues, Heating and Cooling Equipment, Eaves, Cornices, Canopies, Awnings) may project two feet into the required setbacks, so long as there remains at least a two-foot setback from property lines. Bay windows may not project into a setback.

23.306.050 - Deed Restrictions

A. The property owner shall file a deed restriction with the Alameda County Recorder which states:

1. The JADU shall not be sold separately from the Main Building;
 2180 Milvia Street, Berkeley, CA 94704 • Tel: (510) 981-7110 • Fax: (510) 981-7111
 E-Mail: rkesarwani@cityofberkeley.info

2. The ADU shall not be sold separately from the Main Building unless the conditions of BMC 23.306.050 B are met;
3. The ADU and/or JADU shall not be rented for a term that is shorter than 30 days; and
4. If the property includes a JADU, the JADU, ~~or~~ the Single Family Dwelling in which the JADU is located, or an ADU shall be owner-occupied.

B. ADUs Developed by a Qualified Nonprofit Developer. An ADU built or developed by a “qualified nonprofit corporation” may be sold or conveyed separately from the Main Building to a “qualified buyer,” as such terms are defined in subdivision (b) of Section 65852.26 of the California Government Code. The ADU must be held pursuant to a recorded tenancy in common agreement recorded on or after December 31, 2021 that includes the following elements:

1. Delineation of all areas of the property that are for the exclusive use of a cotenant;
2. Delineation of each cotenant’s responsibility for the costs of taxes, insurance, utilities, general maintenance and repair, and improvements associated with the property;
3. Procedures for dispute resolution among cotenants before resorting to legal action;
4. Allocates to each qualified buyer an undivided, unequal interest in the property based on the size of the dwelling each qualified buyer occupies;
5. A repurchase option that requires the qualified buyer to first offer the qualified nonprofit corporation to buy the ADU or primary dwelling if the buyer desires to sell or convey the property;
6. A requirement that the qualified buyer occupy the ADU or primary dwelling as the buyer’s principal residence; and
7. Affordability restrictions on the sale and conveyance of the ADU or primary dwelling that ensure the ADU and primary dwelling will be preserved for low-income housing for 45 years for owner-occupied housing units and will be sold or resold to a qualified buyer.
8. If requested by a utility providing service to the primary residence, the ADU shall have a separate water, sewer, or electrical connection to that utility.

23.306.060 – Neighbor Noticing

A. ~~A.~~ Tenant Notices

1. ~~Scope and Timing of Notice.~~ Notice of an ADU application on a multi-family parcel shall be mailed to ~~owners and~~ tenants of the subject, ~~adjacent, confronting and abutting~~ property~~ies~~ within ten working days of submission to the Planning Department.

2. ~~B.~~ Content of Notice. Notice shall provide the address of the project, allowable hours of construction, and a link to the City’s ADU webpage.

B. Neighbor Notices

1. Scope and Timing of Notice. Notice of an ADU application shall be mailed to owners and tenants of the subject, adjacent, confronting and abutting properties when the Building Permit is issued.

2. Content of Notice. Notice shall provide the address of the project, allowable hours of construction, and a link to the City's ADU webpage.

C. Mailing Fees. The applicant shall be responsible for the cost of materials, postage and staff time necessary to process and mail notices.

Section 2. That the definition of Accessory Dwelling Unit in Berkeley Municipal Code Chapter 23.502.020.A.4 is amended to read as follows:

23.502.020.A.4

Accessory Dwelling Unit. A secondary dwelling unit that is located on a lot in a zoning district where residential uses are permitted with a proposed or existing Single Family Dwelling, Duplex, Multi-Family Dwelling Use or Group Living Accommodation. An Accessory Dwelling Unit must comply with local building, housing, safety and other code requirements, except as expressly modified in Chapter 23.306, and provide the following features independent of the primary dwelling unit: 1) exterior or independent access to Accessory dwelling unit; 2) living and sleeping quarters; 3) a full kitchen; and 4) a full bathroom. An Accessory Dwelling Unit also includes the following:

- a. An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.
- b. A manufactured home, as defined in Section 18007 of the Health and Safety Code.

Section 3. That the definition of Primary Dwelling Unit in Berkeley Municipal Code Chapter 23.502.020.P.16 is rescinded.

23.502.020.P.16

~~**Primary Dwelling Unit:** A legally established Single Family Dwelling that is on a lot with an Accessory Dwelling Unit.~~

Section 4. That the definition of Efficiency Kitchen is adopted in Berkeley Municipal Code Chapter 23.502.020.E.1 as follows:

23.502.020.E.1

Efficiency Kitchen: A kitchen that includes a sink, a cooking facility with appliances (e.g. microwave, toaster, oven, hot plate), and food preparation counter space and cabinets.

Section 5. That the definition of Junior Accessory Dwelling Unit (JADU) is adopted in Berkeley Municipal Code Chapter 23.502.020.J.1 as follows:

23.502.020.J.1

1. **Junior Accessory Dwelling Unit (JADU):** A unit that is contained entirely within the walls of a Single Family Dwelling. A JADU must include a separate exterior entrance and an Efficiency Kitchen with a working refrigerator. A JADU may include separate sanitation facilities or may share sanitary facilities with a Single Family Dwelling. The property-owner must reside in ~~either~~ the Single Family Dwelling, ~~or~~ the JADU, or an ADU on the property.

Section 6. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.



Office of the City Manager

PUBLIC HEARING

January 18, 2022

(Continued from December 14, 2021)

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Jordan Klein, Director, Planning and Development Department
Subject: Response to City Council Action on October 26, 2021 regarding Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance

RECOMMENDATION

Conduct a public hearing and upon conclusion, adopt first reading of a local Accessory Dwelling Unit (ADU) Ordinance [Berkeley Municipal Code (BMC) Chapter 23.306] and amendments to relevant Defined Terms [BMC Chapter 23.502.020] in the Zoning Ordinance.

FISCAL IMPACTS OF RECOMMENDATION

None

CURRENT SITUATION AND ITS EFFECTS

A local ADU Ordinance is a Strategic Plan Priority Project, advancing our goal to create affordable housing and housing support service for our most vulnerable community members. Over the past five years, Berkeley has adopted three comprehensive ADU Ordinance amendments in order to maintain compliance with changing State ADU law. The most recent round of State regulations, which came into effect on January 1, 2020, replaced Berkeley's ADU Ordinance and significantly reduced jurisdictions' abilities to regulate ADU development.

Jurisdictions are authorized to adopt local ordinances that are more expansive than State law. Over the past year, Planning Commission and City Council have been discussing options for a local ADU Ordinance. On October 26, 2021, City Council considered Planning Commission's recommendations (*see Attachment 2: Staff Report from October 26, 2021 City Council Meeting*) and requested modifications to the ADU Ordinance that allow greater flexibility across the city. At that same meeting, City Council directed the City Manager to develop a set of narrowly-focused public safety regulations that address public safety issues that arise from new development in fire-prone areas. Those regulations will be considered separate from the local ADU Ordinance presented in this report.

Below is a summary of the regulations found in the local ADU Ordinance. These regulations reflect City Council's direction from the October 26th meeting (see *Attachment 3: Annotated Agenda from October 26, 2021 City Council Meeting*):

1. New BMC Style, Formatting, and Numbering

On December 1, 2021 the newly formatted BMC (resulting from the Zoning Ordinance Revision Project) will take effect. The writing style, formatting and numbering of the local ADU Ordinance is consistent with the new BMC.

2. Applicability

City Council will be considering a second ordinance that address public safety issues in fire-prone areas. In the interim, the local ADU Ordinance allows ADUs and JADUs in the R-1H (Single-Family Residential—Hillside Overlay), R-2H (Restricted Two-Family Residential—Hillside Overlay), and R-2AH (Restricted Multiple-Family Residential—Hillside Overlay) Districts that comply with subdivision(e)(1) of Government Code Section 65852.2. Outside of the aforementioned districts, the local ADU Ordinance applies to lots with at least one existing or proposed Dwelling Unit in zoning districts where residential uses are allowed. ADUs are not allowed on lots with Dormitories, Fraternities or Sororities.

3. Number of ADUs Allowed on a Lot

Berkeley's local ADU Ordinance follows State law for the number of ADUs and JADUs allowed on a lot with one exception: lots with Group Living Accommodations (GLAs) are allowed one ADU. ADUs must be rented to a single household and may not be rented by the bed.

4. Maximum Size of ADUs

Berkeley's local ADU Ordinance follows State guidance for maximum ADU size based on bedroom count (850 square feet for studio and one-bedroom ADUs and 1,000 square feet for ADUs with more than two bedrooms). Berkeley's local ADU Ordinance is more expansive than State law, allowing ADUs created by conversions of legally non-conforming Accessory Buildings and Accessory Structures to expand to the maximum allowable size. Additions to existing building envelopes (i.e. walls and roof) must meet development standards of Chapter 23.306.

The maximum size of a JADU is 500 square feet.

5. Maximum Height

Berkeley's local ADU Ordinance is more expansive than State ADU law, allowing ADUs a maximum height of 20 feet.

6. Rear and Side Setbacks

Berkeley’s local ADU Ordinance follows State law, requiring 4-foot rear and side setbacks, but also allows projects to use a lesser side and rear setback if established by the underlying district.

7. Front Yard Setbacks

Berkeley’s local ADU Ordinance utilizes the front yard setback of the underlying zoning district.

8. Off-street Parking

Off-street parking is not required for ADUs or JADUs. If off-street parking for the Main Building is removed due to ADU or JADU construction, flexible replacement off-street parking will be accommodated.

9. Projections into Setbacks

Projections of up to two-feet are allowed in the rear and side setbacks for mechanical and other buildings features, such as heating or cooling equipment, eaves and awnings. Bay windows cannot project into setbacks.

10. Noticing of ADU Applications Submitted to Planning Department

State Law does not allow for public input on by-right ADU applications; however, Berkeley’s local ADU Ordinance adds an administrative process for notifying neighbors when an ADU application is submitted. Noticing will go out to owners and tenants of subject, adjacent and abutting properties.

BACKGROUND

In the past six years, Berkeley’s ADU Ordinance has been modified multiple times to conform to State law and to facilitate the construction of ADUs. State law that came into effect on January 1, 2020 requires increased flexibility and streamlines the ADU permitting process significantly. The number of building permits issued for ADUs in Berkeley has increased steadily over the past five years, as illustrated in Table 1.

Table 1. City of Berkeley ADU Building Permits Issued, 2016-2020

Year	2016	2017	2018	2019	2020
#	16	74	80	96	119

Local jurisdictions have the ability to adopt local regulations that go beyond State law to further facilitate ADU development. Planning Commission and City Council have been discussing a local ADU Ordinance since October 2020, when California Department of Housing and Community Development (HCD) released guidance on State ADU law.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

ADUs are generally low impact infill development that have the potential to decrease vehicles miles traveled and greenhouse gas emissions and increase availability of

housing near various community amenities, the university campus, transit services and employment opportunities.

RATIONALE FOR RECOMMENDATION

The local ADU Ordinance clarifies and expands on State ADU law to meet the needs of Berkeley residents.

ALTERNATIVE ACTIONS CONSIDERED

Council could take no action and continue to utilize State ADU regulations, with no local modifications.

CONTACT PERSON

Jordan Klein, Director, Planning and Development Department, (510) 981-7400
Steven Buckley, Land Use Planning Manager, Planning and Development Department, (510) 981-7411
Alene Pearson, Principal Planner, Planning and Development Department, (510) 981-7489

Attachments:

- 1: Ordinance
- 2: Staff Report from October 26, 2021 City Council Meeting
- 3: Annotated Agenda from October 26, 2021 City Council Meeting
- 4: Public Hearing Notice

ORDINANCE NO. -N.S.

AMENDMENTS TO THE ACCESSORY DWELLING UNIT (ADU) ORDINANCE (BMC 23.306) AND DEFINED TERMS (BMC 23.502.020) RELATING TO ADUS

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

Section 1. That Berkeley Municipal Code 23.306 is amended to read as follows:

23.306 Accessory Dwelling Units

Sections:

23.102.010– Purposes

23.102.020– Applicability

23.102.030– Permit Procedures

23.306.040– Development Standards

23.306.050– Deed Restrictions

23.306.060– Neighborhood Noticing

23.102.010 – Purposes

The purposes of this Chapter are to:

- A. Implement California Government Code Section 65852.2 and 65852.22.
- B. Increase overall supply and range of housing options in Berkeley.
- C. Expedite small-scale infill development.
- D. Support Housing Element goals of facilitating construction of accessory dwelling units and increasing the number of housing units that are more affordable to Berkeley residents.

E. Encourage development of accessory dwelling units in zoning districts with compatible land uses and infrastructure.

E.F. Reduce potential impacts of new development in high fire severity areas and the Hillside Overlay District due to unique conditions and hazards within these areas that require additional restrictions on ADUs and JADUs because of impacts of traffic flow and public safety, consistent with Government Code 65852.2, subdivision (a)(1)(A), which allows local agencies to regulate ADUs based on "adequacy of water and sewer service, and the impacts of traffic flow and public safety."

23.102.020 – Applicability

A. The provisions of this chapter apply to zoning districts where residential uses are permitted, on lots that have at least one existing or proposed Dwelling Unit or Group Living Accommodation that is not a Fraternity House, Sorority House or Dormitory.

1. Exceptions. The provisions of this chapter that permit ADUs and JADUs do not apply to lots in the R-1H (Single-Family Residential—Hillside Overlay), R-2H (Restricted Two-Family Residential—Hillside Overlay), or R-2AH (Restricted Multiple-Family Residential—Hillside Overlay) Districts. In such districts, ADUs and JADUs shall only be permitted to the extent required by subdivision (e)(1) of Government Code Section 65852.2.

B. Number of ADUs and JADUs Permitted Per Lot.

1. Lot with one Single Family Dwelling: One ADU and/or one JADU.

2. Lot with more than one Single Family Dwelling: One ADU.

3. Lot with a Duplex or Multi-Family Dwelling, either:

a. Up to two detached ADUs; or

b. At least one ADU converted from non-habitable portions of the existing Main Building (e.g. basement, attic, storage room). The maximum number of ADUs converted from non-habitable portions of the existing Main Building shall not exceed 25% of the total number of existing Dwelling Units on the lot.

4. Lot with a Group Living Accommodation that is not a Fraternity House, Sorority House or Dormitory: One ADU.

23.102.030 – Permit Procedures

A. Zoning Certificate. An application for an ADU or JADU shall be allowed with a Zoning Certificate. Review must be completed within 60 days of submission of a completed application. A completed application must include evidence of compliance with this Chapter, including Development Standards, Deed Restrictions, and Neighborhood Noticing.

1. If an application to create an ADU or JADU is submitted as part of a project that requires discretionary review, a Zoning Certificate for a Building Permit shall not be issued for the ADU or JADU until the discretionary approval(s) has/have been granted and any applicable appeal periods have expired.

2. Issuance of a Zoning Certificate shall not be denied for the construction or conversion of an ADU or JADU that complies with the requirements of Government Code Section 65852.2(e)(1).

4.3. Issuance of a Zoning Certificate for the construction or conversion of an ADU or JADU shall not be denied based on the failure of an applicant to correct a nonconforming zoning condition.

23.306.040 Development Standards

A. Basic Standards. See Table 23.306-1: ADU and JADU Development Standards.

TABLE 23.306-1 ADU AND JADU DEVELOPMENT STANDARDS

	<u>ADU¹</u>	<u>JADU</u>
<u>Maximum Size²</u>		<u>500 sf</u>
<u>Studio or 1 bedroom</u>	<u>850 sf</u>	<u>N/A</u>
<u>2 + bedrooms</u>	<u>1000 sf</u>	
<u>Maximum Height</u>	<u>20 ft.</u>	
<u>Front Yard Setback</u>	<u>Same as underlying district</u>	
<u>Rear Setback</u>	<u>4 ft³</u>	
<u>Side Setback</u>	<u>4 ft³</u>	
<u>Required Off-Street Parking</u>	<u>None⁴</u>	
<p><u>[1] An ADU converted from an Accessory Building or Accessory Structure legally established prior to December 1, 2021 that does not comply with the Maximum Height, Size, and/or Rear and Side Setback requirements is allowed to maintain non-conformity to the same dimensions of the existing Accessory Building or Accessory Structure. Any physical additions to the existing Accessory Building or Accessory Structure shall comply with the development standards in this table.</u></p> <p><u>[2] An ADU created entirely through conversion, with no modifications to the existing building envelope that is non-compliant with the development standards in this table is allowed a physical addition of no more than 150 square feet that complies with Maximum Height and Setback requirements in this table.</u></p> <p><u>[3] If there is a lesser setback allowed for a comparable Accessory Building or Accessory Structure in the underlying zoning district, that setback shall apply.</u></p> <p><u>[4] Replacement of off-street parking for the Main Building is allowed and does not need to comply with Parking Maximums (BMC 23.322.070) nor Parking Layout and Design (BMC 23.322.080).</u></p>		

DB. Projections. Architectural features (Chimneys, Water Heater Enclosures, Flues, Heating and Cooling Equipment, Eaves, Cornices, Canopies, Awnings) may project two feet into the required setbacks, so long as there remains at least a two-foot setback from property lines. Bay windows may not project into a setback.

23.306.050 - Deed Restrictions

A. The property owner shall file a deed restriction with the Alameda County Recorder which states:

1. The JADU shall not be sold separately from the Main Building;
2. The ADU shall not be sold separately from the Main Building unless the conditions of BMC 23.306.050 B are met;
3. The ADU and/or JADU shall not be rented for a term that is shorter than 30 days; and
4. If the property includes a JADU, the JADU, or the Single Family Dwelling in which the JADU is located, shall be owner-occupied.

B. ADUs Developed by a Qualified Nonprofit Developer. An ADU built or developed by a “qualified nonprofit corporation” may be sold or conveyed separately from the Main Building to a “qualified buyer,” as such terms are defined in subdivision (b) of Section 65852.26 of the California Government Code. The ADU must be held pursuant to a recorded tenancy in common agreement recorded on or after December 31, 2021 that includes the following elements:

1. Delineation of all areas of the property that are for the exclusive use of a cotenant;
2. Delineation of each cotenant’s responsibility for the costs of taxes, insurance, utilities, general maintenance and repair, and improvements associated with the property;
3. Procedures for dispute resolution among cotenants before resorting to legal action;
4. Allocates to each qualified buyer an undivided, unequal interest in the property based on the size of the dwelling each qualified buyer occupies;
5. A repurchase option that requires the qualified buyer to first offer the qualified nonprofit corporation to buy the ADU or primary dwelling if the buyer desires to sell or convey the property;
6. A requirement that the qualified buyer occupy the ADU or primary dwelling as the buyer’s principal residence; and
7. Affordability restrictions on the sale and conveyance of the ADU or primary dwelling that ensure the ADU and primary dwelling will be preserved for low-income housing for 45 years for owner-occupied housing units and will be sold or resold to a qualified buyer.
8. If requested by a utility providing service to the primary residence, the ADU shall have a separate water, sewer, or electrical connection to that utility.

23.306.060 – Neighbor Noticing

A. Scope and Timing of Notice. Notice of an ADU application shall be mailed to owners and tenants of the subject, adjacent, confronting and abutting properties within ten working days of submission to the Planning Department.

B. Content of Notice. Notice shall provide the address of the project, allowable hours of construction, and a link to the City's ADU webpage.

C. Mailing Fees. The applicant shall be responsible for the cost of materials, postage and staff time necessary to process and mail notices.

Section 2. That the definition of Accessory Dwelling Unit in Berkeley Municipal Code Chapter 23.502.020.A.4 is amended to read as follows:

23.502.020.A.4

Accessory Dwelling Unit. A secondary dwelling unit that is located on a lot in a zoning district where residential uses are permitted with a proposed or existing Single Family Dwelling, Duplex, Multi-Family Dwelling Use or Group Living Accommodation. ~~which is occupied by one legally established single-family dwelling that conforms to the standards of Chapter 23.306.~~ An Accessory Dwelling Unit must comply with local building, housing, safety and other code requirements, except as expressly modified in Chapter 23.306, and provide the following features independent of the single-family primary dwelling unit: 1) exterior or independent access to Accessory dwelling unit; 2) living and sleeping quarters; 3) a full kitchen; and 4) a full bathroom. An Accessory Dwelling Unit also includes the following:

- a. An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.
- b. A manufactured home, as defined in Section 18007 of the Health and Safety Code.

Section 3. That the definition of Primary Dwelling Unit in Berkeley Municipal Code Chapter 23.502.020.P.16 is rescinded.

23.502.020.P.16

~~**Primary Dwelling Unit:** A legally established Single Family Dwelling that is on a lot with an Accessory Dwelling Unit.~~

Section 4. That the definition of Efficiency Kitchen is adopted in Berkeley Municipal Code Chapter 23.502.020.E.1 as follows:

23.502.020.E.1

~~**Efficiency Kitchen:** A kitchen that includes a sink, a cooking facility with appliances (e.g. microwave, toaster, oven, hot plate), and food preparation counter space and cabinets.~~

Section 5. That the definition of Junior Accessory Dwelling Unit (JADU) is adopted in Berkeley Municipal Code Chapter 23.502.020.J.1 as follows:

23.502.020.J.1

1. **Junior Accessory Dwelling Unit (JADU):** A unit that is contained entirely within the walls of a Single Family Dwelling. A JADU must include a separate exterior entrance and an Efficiency Kitchen with a working refrigerator. A JADU may include separate sanitation facilities or may share sanitary facilities with a Single Family Dwelling. The property-owner must reside in either the Single Family Dwelling or the JADU.

Section 6. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.



Kate Harrison
Councilmember
District 4

SUPPLEMENTAL 3 AGENDA MATERIAL

Meeting Date: October 12, 2021

Item Number: 28

Item Description: Response to Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance to Address Public Safety Concerns; Amending BMC Chapters 23C.24 and 23F.04

Submitted by: Harrison

“Good of the City” Analysis:

The analysis below must demonstrate how accepting this supplement/revision is for the “good of the City” and outweighs the lack of time for citizen review or evaluation by the Council.

This supplemental makes only one clarifying edit to Subsection A of 23C.24.040 (Development Standards) regarding applicable state law.

Consideration of supplemental or revised agenda material is subject to approval by a two-thirds vote of the City Council. (BMC 2.06.070)

A *minimum* of **42 copies** must be submitted to the City Clerk for distribution at the Council meeting. This completed cover page must accompany every copy.

Copies of the supplemental/revised agenda material may be delivered to the City Clerk Department by 12:00 p.m. the day of the meeting. Copies that are ready after 12:00 p.m. must be delivered directly to the City Clerk at Council Chambers prior to the start of the meeting.

Supplements or Revisions submitted pursuant to BMC § 2.06.070 may only be revisions of the original report included in the Agenda Packet.

ORDINANCE NO. -N.S.

ACCESSORY DWELLING UNIT ORDINANCE

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

Section 1. That Berkeley Municipal Code Chapter 23C.24 is amended to read as follows:

**Chapter 23C.24
Accessory Dwelling Units**

Sections:

- 23C.24.010 Applicability of Regulations
- 23C.24.020 Purposes
- 23C.24.030 Permit Procedures
- 23C.24.040 Development Standards
- 23C.24.050 Special Provisions

23C.24.010 Applicability of Regulations

- A. The provisions of this Chapter apply to all lots that have at least one existing or proposed Dwelling Unit or Group Living Accommodation that is not a Fraternity House, Sorority House or Dormitory.
- B. ADUs and JADUs are allowed on lots as follows:
 - a. One ADU and/or one JADU is allowed on a lot with one Single Family Dwelling.
 - b. One ADU is allowed on a lot with multiple Single Family Dwellings.
 - c. For lots with a Duplex or Multiple Dwelling Uses, one of the following is allowed:
 - i. Up to two detached ADUs; or
 - ii. At least one ADU created from non-habitable portions of the existing dwelling structure (e.g. basement, attic, storage room). The maximum number of ADUs created from non-habitable portions of the existing dwelling structure shall not exceed 25% of the number of existing Dwelling Units on the lot.
 - d. One ADU is allowed on a lot with a Group Living Accommodation that is not a Fraternity House, Sorority House or Dormitory.

23C.24.020 Purposes

The purposes of this Chapter are to:

- A. Implement California Government Code Section 65852.2 and 65852.22.
- B. Increase overall supply and range of housing options in Berkeley.
- C. Expedite small-scale infill development.
- D. Support Housing Element goals of facilitating construction of Accessory Dwelling Units and increasing the number of housing units that are more affordable to Berkeley residents.
- E. Encourage development of Accessory Dwelling Units in zoning districts with compatible land uses and infrastructure.
- F. Reduce potential impacts of new development in high fire hazard severity areas.

23C.24.030 Permit Procedures

- A. An application for an ADU or JADU is subject to ministerial review. Review must be completed within 60 days of submission of a complete application.
- B. If an application to create an ADU or JADU is submitted as part of a project that requires discretionary review, a building permit shall not be issued for the ADU or JADU until the discretionary approval(s) has/have been granted and any applicable appeal periods have expired.

23C.24.040 Development Standards

- A. Development Standards in Paragraphs B through G, below, apply as follows:
 1. Nothing in this Chapter shall preclude the application of Objective Development Standards, once adopted, to ADU's that do not fall under Gov. Code § 65852.2(e).
 2. Detached New Construction. A detached, new construction ADU is subject to Development Standards for ADUs. A detached, new construction ADU is defined as having a 3-foot separation from a Main Building per Section 23E.04.030.
 3. Converted or Rebuilt Entirely from an Existing Building or Structure. An ADU converted or rebuilt entirely from an existing building or structure, in the same location with the same dimensions and roof height, is not subject to Development Standards for ADUs. These include:
 - a. An ADU created entirely within an existing Single Family Dwelling.
 - b. An ADU created entirely within the existing non-habitable space of a Duplex or Multiple Dwelling Use.
 - c. An ADU created entirely within an existing detached Accessory Building or Accessory Structure.
 - d. An ADU created entirely within an existing Accessory Building or

Accessory Structure that is demolished and rebuilt.

4. Addition to an Existing or Rebuilt Building or Structure. An ADU, fully or partially created by an addition of square footage to or changes in roof height is subject to Development Standards for ADUs. Paragraph B applies to the ADU's maximum size and Paragraphs C through G apply to the added square footage and roof design. These include:
 - a. An ADU created by an addition or roof change to an existing Single Family Dwelling.
 - b. An ADU created by an addition or roof change to an existing detached Accessory Building or Accessory Structure.
 - c. An ADU created by an addition or roof change to an existing Accessory Building or Accessory Structure that is demolished and rebuilt.
5. Notwithstanding any other provision of this Chapter, no ADU is permitted to be built in the Hillside Overlay or Environmental Safety Residential (ES-R) districts unless it complies with the requirements of Government Code section 65852.2(e)(1).
6. A JADU is subject to applicable Development Standards in Paragraphs B and G.

B. Maximum Size

1. A detached, new construction ADU or an ADU fully or partially created by addition to an existing or proposed Single Family Dwelling is subject to the following maximum size limits:
 - a. 850 square feet for a studio or one-bedroom ADU.
 - b. 1000 square feet for an ADU with two or more bedrooms.
2. An ADU created from an existing Accessory Building or Accessory Structure or a portion of the existing building that does not conform to the Development Standards in Paragraphs C and D may extend beyond the physical dimensions of the existing building or structure as long as the new construction is outside the four-foot setback and conforms to all other conditions herein. Additions shall conform with the Development Standards in this Chapter
3. An ADU created from an existing Accessory Building or Accessory Structure that conforms to the Development Standards in Paragraphs C and D must comply with one of the following:
 - a. May include an expansion of not more than 150 square feet beyond the same physical dimensions of the existing building or structure; or
 - b. 850 square feet for a studio or one-bedroom ADU; or
 - c. 1000 square feet for an ADU with two or more bedrooms.
4. The maximum size of a JADU is 500 square feet.

Deleted: include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing building or structure

C. Maximum Height is applied to ADUs as follows. See Chapter 23F.04 for definition.

1. Maximum Height of a detached, new construction ADU is 18 feet.
2. Maximum Height of new square footage added to a Single Family Dwelling, Accessory Building or Accessory Structure to create an ADU is 18 feet.

D. Rear and Side Setbacks. The required rear and side setbacks for a detached, new construction ADU or addition to an existing building or structure are 4 feet,

unless a lesser setback is allowed for a comparable Accessory Building or Accessory Structure in the underlying zoning district.

E. Front Yard Setback. The required front yard setback is the same as is established in the underlying zoning district.

F. Parking

- 1. Off-street parking is not required.
- 2. Replacement parking is not required, but is allowed if in compliance with Chapter 23D.12 and/or Chapter 23E.28.

G. Nothing in this Chapter shall preclude the issuance of Zoning Certificate for the construction or conversion of an ADU or JADU that complies with the requirements of Government Code section 65852.2(e)(1). The City shall not apply the Development Standards in this Chapter to the extent they are inconsistent with the requirements of Government Code sections 65852.2 and 65852.22.

H. A Zoning Certificate for the construction of an ADU or JADU may not be denied based on the failure of the applicant to correct a nonconforming zoning condition.

23C.24.050 Special Provisions

A. A JADU must be owner-occupied. For purposes of this paragraph, "owner-occupied" means that a person with legal title to the property must reside in either the Single Family Dwelling or the JADU as their legal permanent residence.

B. The property owner shall file a deed restriction with the County Recorder providing that:

- 1. The ADU and/or JADU shall not be sold separately from the Dwelling Unit.
- 2. The ADU and/or JADU shall not be rented for a term that is shorter than 30 days.

Deleted: Projections. Architectural features (Chimneys, Water Heater Enclosures, Flues, Heating and Cooling Equipment, Eaves, Cornices, Canopies, Awnings and Bay Window) may project two feet into the required setbacks, so long as there remains at least a two-foot setback from property lines.

Deleted: A rooftop deck may be established provided that the entire roof, deck and railing comply with Development Standards for ADUs in Section 23C.24.040 Paragraphs C through G.

3. The JADU or the Single Family Dwelling in which the JADU is located shall be owner-occupied per the definition in Section 23F.04.010

Section 2. That the definition for Accessory Dwelling Unit in Berkeley Municipal Code Chapter 23F.04.010 is amended to read as follows:

Accessory Dwelling Unit (ADU): A secondary Dwelling Unit that is located on a lot with a proposed or existing Single Family Dwelling, Duplex, Multiple Dwelling Use, or Group Living Accommodation, ~~which is occupied by one legally established Single Family Dwelling that conforms to the standards of Section 23C.24.~~ An Accessory Dwelling Unit must comply with local building, housing, safety and other code requirements unless the City is prohibited from applying such requirements by Government Code Section 65852.2 or 65852.22 and provide the following features independent of the Single Family Dwelling, Duplex, Multiple Dwelling Use, or Group Living Accommodation: 1) exterior or independent access to Accessory Dwelling Unit; 2) living and sleeping quarters; 3) a full kitchen; and 4) a full bathroom. An Accessory Dwelling Unit also includes the following:

- A. An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.
- B. A manufactured home, as defined in Section 18007 of the Health and Safety Code.

Section 3. That the definition for Primary Dwelling Unit in Berkeley Municipal Code Chapter 23F.04.010 is rescinded:

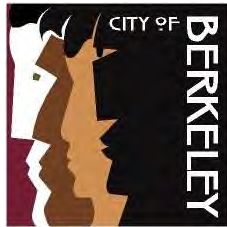
~~**Primary Dwelling Unit:** A legally established Single Family Dwelling that is on a lot with an Accessory Dwelling Unit.~~

Section 4. That the following two definitions are adopted into Berkeley Municipal Code Chapter 23F.04.010:

Efficiency Kitchen: A kitchen that includes a sink, a cooking facility with appliances (e.g. microwave, toaster, oven, hot plate), and food preparation counter space and cabinets.

Junior Accessory Dwelling Unit (JADU): A unit that is contained within the walls of a Single Family Dwelling and includes a separate exterior entrance. A JADU may not be located in an Accessory Building or an Accessory Structure. A JADU may include separate sanitation facilities, or may share sanitary facilities with a Single Family Dwelling. At a minimum, a JADU shall include an Efficiency Kitchen with a working refrigerator.

Section 5. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.



Kate Harrison
Councilmember District 4

SUPPLEMENTAL AGENDA MATERIAL

Meeting Date: September 28, 2021

Item Number: 29

Item Description: Response to Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance to Address Public Safety Concerns; Amending BMC Chapters 23C.24 and 23F.04

Submitted by: Councilmember Kate Harrison

The attached revised document contains four revisions to the item's attached revisions to BMC Chapter 23C.24:

1. Rewrites 23C.24.040 (Development Standards) subsection B. 2. to remove the 150-ft² limit on extensions to ADUs created from existing building or structures, provided that the extensions still conform to all other conditions, to strengthen the financial feasibility of potential ADUs.
2. Adds to 23C.24.040 (Development Standards) section A.1. to reaffirm that Objective Design Standards will guide ADU development.
3. Removes 23C.24.040 (Development Standards) subsection F, which allowed for some protrusions into the four-foot setback by right. Many of the items named for the intrusion into the setback would create noise or privacy concerns. Any protrusion into the four-foot setback would remain eligible for a case-by-case approval.
4. Removes 23C.24.050 (Special Provisions) subsection A, which allowed for rooftop decks by right. Rooftop decks are still possible with case-by-case approval but a by-right approval creates many concerns with fire safety, noise, and privacy.

ORDINANCE NO. -N.S.

ACCESSORY DWELLING UNIT ORDINANCE

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

Section 1. That Berkeley Municipal Code Chapter 23C.24 is amended to read as follows:

**Chapter 23C.24
Accessory Dwelling Units**

Sections:

- 23C.24.010 Applicability of Regulations
- 23C.24.020 Purposes
- 23C.24.030 Permit Procedures
- 23C.24.040 Development Standards
- 23C.24.050 Special Provisions

23C.24.010 Applicability of Regulations

- A. The provisions of this Chapter apply to all lots that have at least one existing or proposed Dwelling Unit or Group Living Accommodation that is not a Fraternity House, Sorority House or Dormitory.
- B. ADUs and JADUs are allowed on lots as follows:
 - a. One ADU and/or one JADU is allowed on a lot with one Single Family Dwelling.
 - b. One ADU is allowed on a lot with multiple Single Family Dwellings.
 - c. For lots with a Duplex or Multiple Dwelling Uses, one of the following is allowed:
 - i. Up to two detached ADUs; or
 - ii. At least one ADU created from non-habitable portions of the existing dwelling structure (e.g. basement, attic, storage room). The maximum number of ADUs created from non-habitable portions of the existing dwelling structure shall not exceed 25% of the number of existing Dwelling Units on the lot.
 - d. One ADU is allowed on a lot with a Group Living Accommodation that is not a Fraternity House, Sorority House or Dormitory.

23C.24.020 Purposes

The purposes of this Chapter are to:

- A. Implement California Government Code Section 65852.2 and 65852.22.
- B. Increase overall supply and range of housing options in Berkeley.
- C. Expedite small-scale infill development.
- D. Support Housing Element goals of facilitating construction of Accessory Dwelling Units and increasing the number of housing units that are more affordable to Berkeley residents.
- E. Encourage development of Accessory Dwelling Units in zoning districts with compatible land uses and infrastructure.
- F. Reduce potential impacts of new development in high fire hazard severity areas.

23C.24.030 Permit Procedures

- A. An application for an ADU or JADU is subject to ministerial review. Review must be completed within 60 days of submission of a complete application.
- B. If an application to create an ADU or JADU is submitted as part of a project that requires discretionary review, a building permit shall not be issued for the ADU or JADU until the discretionary approval(s) has/have been granted and any applicable appeal periods have expired.

23C.24.040 Development Standards

- A. Development Standards in Paragraphs B through G, below, apply as follows:
 - 1. Nothing in this Chapter shall preclude the application of Objective Development Standards, once adopted, to ADU's.
 - 1.2. Detached New Construction. A detached, new construction ADU is subject to Development Standards for ADUs. A detached, new construction ADU is defined as having a 3-foot separation from a Main Building per Section 23E.04.030.
 - 2.3. Converted or Rebuilt Entirely from an Existing Building or Structure. An ADU converted or rebuilt entirely from an existing building or structure, in the same location with the same dimensions and roof height, is not subject to Development Standards for ADUs. These include:
 - a. An ADU created entirely within an existing Single Family Dwelling.
 - b. An ADU created entirely within the existing non-habitable space of a Duplex or Multiple Dwelling Use.
 - c. An ADU created entirely within an existing detached Accessory Building or Accessory Structure.
 - d. An ADU created entirely within an existing Accessory Building or

Accessory Structure that is demolished and rebuilt.

3-4. Addition to an Existing or Rebuilt Building or Structure. An ADU, fully or partially created by an addition of square footage to or changes in roof height is subject to Development Standards for ADUs. Paragraph B applies to the ADU's maximum size and Paragraphs C through G apply to the added square footage and roof design. These include:

- a. An ADU created by an addition or roof change to an existing Single Family Dwelling.
- b. An ADU created by an addition or roof change to an existing detached Accessory Building or Accessory Structure.
- c. An ADU created by an addition or roof change to an existing Accessory Building or Accessory Structure that is demolished and rebuilt.

4-5. Notwithstanding any other provision of this Chapter, no ADU is permitted to be built in the Hillside Overlay or Environmental Safety Residential (ES-R) districts unless it complies with the requirements of Government Code section 65852.2(e)(1).

5-6. A JADU is subject to applicable Development Standards in Paragraphs B and G.

B. Maximum Size

1. A detached, new construction ADU or an ADU fully or partially created by addition to an existing or proposed Single Family Dwelling is subject to the following maximum size limits:
 - a. 850 square feet for a studio or one-bedroom ADU.
 - b. 1000 square feet for an ADU with two or more bedrooms.
2. An ADU created from an existing Accessory Building or Accessory Structure or a portion of the existing building that does not conform to the Development Standards in Paragraphs C and D may ~~include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing building or structure~~ extend beyond the physical dimensions of the existing building or structure as long as the new construction is outside the four-foot setback and conforms to all other conditions herein. Additions shall conform with the Development Standards in this Chapter
3. An ADU created from an existing Accessory Building or Accessory Structure that conforms to the Development Standards in Paragraphs C and D must comply with one of the following:
 - a. May include an expansion of not more than 150 square feet beyond the same physical dimensions of the existing building or structure; or
 - b. 850 square feet for a studio or one-bedroom ADU; or
 - c. 1000 square feet for an ADU with two or more bedrooms.
4. The maximum size of a JADU is 500 square feet.

C. Maximum Height is applied to ADUs as follows. See Chapter 23F.04 for definition.

1. Maximum Height of a detached, new construction ADU is 18 feet.
2. Maximum Height of new square footage added to a Single Family Dwelling, Accessory Building or Accessory Structure to create an ADU is 18 feet.

D. Rear and Side Setbacks. The required rear and side setbacks for a detached,

new construction ADU or addition to an existing building or structure are 4 feet, unless a lesser setback is allowed for a comparable Accessory Building or Accessory Structure in the underlying zoning district.

- E. Front Yard Setback. The required front yard setback is the same as is established in the underlying zoning district.

~~Projections, Architectural features (Chimneys, Water Heater Enclosures, Flues, Heating and Cooling Equipment, Eaves, Cornices, Canopies, Awnings and Bay Window) may project two feet into the required setbacks, so long as there remains at least a two-foot setback from property lines.~~

- F. Parking
 - 1. Off-street parking is not required.
 - 2. Replacement parking is not required, but is allowed if in compliance with Chapter 23D.12 and/or Chapter 23E.28.
- G. Nothing in this Chapter shall preclude the issuance of Zoning Certificate for the construction or conversion of an ADU or JADU that complies with the requirements of Government Code section 65852.2(e)(1). The City shall not apply the Development Standards in this Chapter to the extent they are inconsistent with the requirements of Government Code sections 65852.2 and 65852.22.
- H. A Zoning Certificate for the construction of an ADU or JADU may not be denied based on the failure of the applicant to correct a nonconforming zoning condition.

23C.24.050 Special Provisions

~~A. A rooftop deck may be established provided that the entire roof, deck and railing comply with Development Standards for ADUs in Section 23C.24.040 Paragraphs C through G.~~

B.A. A JADU must be owner-occupied. For purposes of this paragraph, “owner-occupied” means that a person with legal title to the property must reside in either the Single Family Dwelling or the JADU as their legal permanent residence.

C.B. The property owner shall file a deed restriction with the County Recorder providing that:

- 1. The ADU and/or JADU shall not be sold separately from the Dwelling Unit.
- 2. The ADU and/or JADU shall not be rented for a term that is shorter than 30 days.

3. The JADU or the Single Family Dwelling in which the JADU is located shall be owner-occupied per the definition in Section 23F.04.010

Section 2. That the definition for Accessory Dwelling Unit in Berkeley Municipal Code Chapter 23F.04.010 is amended to read as follows:

Accessory Dwelling Unit (ADU): A secondary Dwelling Unit that is located on a lot with a proposed or existing Single Family Dwelling, Duplex, Multiple Dwelling Use, or Group Living Accommodation, ~~which is occupied by one legally established Single Family Dwelling that conforms to the standards of Section 23C.24.~~ An Accessory Dwelling Unit must comply with local building, housing, safety and other code requirements unless the City is prohibited from applying such requirements by Government Code Section 65852.2 or 65852.22 and provide the following features independent of the Single Family Dwelling, Duplex, Multiple Dwelling Use, or Group Living Accommodation: 1) exterior or independent access to Accessory Dwelling Unit; 2) living and sleeping quarters; 3) a full kitchen; and 4) a full bathroom. An Accessory Dwelling Unit also includes the following:

- A. An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.
- B. A manufactured home, as defined in Section 18007 of the Health and Safety Code.

Section 3. That the definition for Primary Dwelling Unit in Berkeley Municipal Code Chapter 23F.04.010 is rescinded:

~~**Primary Dwelling Unit:** A legally established Single Family Dwelling that is on a lot with an Accessory Dwelling Unit.~~

Section 4. That the following two definitions are adopted into Berkeley Municipal Code Chapter 23F.04.010:

Efficiency Kitchen: A kitchen that includes a sink, a cooking facility with appliances (e.g. microwave, toaster, oven, hot plate), and food preparation counter space and cabinets.

Junior Accessory Dwelling Unit (JADU): A unit that is contained within the walls of a Single Family Dwelling and includes a separate exterior entrance. A JADU may not be located in an Accessory Building or an Accessory Structure. A JADU may include separate sanitation facilities, or may share sanitary facilities with a Single Family Dwelling. At a minimum, a JADU shall include an Efficiency Kitchen with a working refrigerator.

Section 5. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.



REVISED AGENDA MATERIAL

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Jordan Klein, Director, Planning and Development Department
Subject: Response to Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance to Address Public Safety Concerns

SUMMARY

At its April 7, 2021 meeting, Planning Commission recommended that the maximum height of ADUs be increased to 18 feet. The Zoning Ordinance amendment initially submitted with this staff report would limit the maximum height of an ADU located in the Hillside Overlay or the Environmental Safety (ES-R) zoning districts to 16 feet. The supplemental material updates the draft Zoning Ordinance amendment (Attachment), permitting a maximum height of 18 feet for all new ADUs city-wide, to more accurately reflect the Planning Commission's recommendation.

ORDINANCE NO. -N.S.

ACCESSORY DWELLING UNIT ORDINANCE

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

Section 1. That Berkeley Municipal Code Chapter 23C.24 is amended to read as follows:

**Chapter 23C.24
Accessory Dwelling Units**

Sections:

[23C.24.010](#) Applicability of Regulations

[23C.24.020](#) Purposes

[23C.24.030](#) Permit Procedures

[23C.24.040](#) ~~Repealed by Ord. 7683-NS.~~

[23C.24.050](#) ~~Repealed by Ord. 7683-NS.~~

[23C.24.060](#) ~~Repealed by Ord. 7683-NS.~~

[23C.24.070](#) ~~Repealed by Ord. 7683-NS.~~

23C.24.010 Applicability of Regulations

~~The provisions of this Chapter apply to all lots that are zoned for residential use except 1) in the following zoning districts: Environmental Safety Residential (ES-R), Manufacturing (M), Mixed Manufacturing (MM), Mixed Use Light Industrial (MU-LI), and Unclassified (U); and 2) on a lot with frontage on a roadway with less than 26 feet in pavement width in the Hillside Overlay.~~

- A. ~~The provisions of this Chapter apply to all lots that have at least one existing or proposed Dwelling Unit or Group Living Accommodation that is not a Fraternity House, Sorority House or Dormitory.~~
- B. ~~ADUs and JADUs are allowed on lots as follows:~~
 - 1. ~~One ADU and/or one JADU is allowed on a lot with one Single Family Dwelling.~~
 - 2. ~~One ADU is allowed on a lot with multiple Single Family Dwellings.~~
 - 3. ~~For lots with a Duplex or Multiple Dwelling Uses, one of the following is allowed:~~
 - a. ~~Up to two detached ADUs; or~~
 - b. ~~At least one ADU created from non-habitable portions of the existing dwelling structure (e.g. basement, attic, storage room). The maximum number of ADUs created from non-habitable portions of the existing dwelling structure shall not exceed 25% of the number of existing Dwelling Units on the lot.~~
 - 4. ~~One ADU is allowed on a lot with a Group Living Accommodation that is not a Fraternity House, Sorority House or Dormitory.~~

23C.24.020 Purposes

The purposes of this Chapter are to:

- A. Implement California Government Code Section [65852.2](#) and [65852.22](#).
- B. Increase overall supply and range of housing options in Berkeley.
- C. Expedite small-scale infill development.
- D. Support Housing Element goals of facilitating construction of Accessory Dwelling Units and increasing the number of housing units that are more affordable to Berkeley residents.
- E. Encourage development of Accessory Dwelling Units in zoning districts with compatible land uses and infrastructure.
- F. Reduce potential impacts of new development in high fire hazard severity areas.

23C.24.030 Permit Procedures

~~Zoning Certificates will be issued for Accessory Dwelling Units and Junior Accessory Dwelling Units per California Government Code Section [65852.2](#) and [65852.22](#).~~

- A. An application for an ADU or JADU is subject to ministerial review. Review must be completed within 60 days of submission of a complete application.
- B. If an application to create an ADU or JADU is submitted as part of a project that requires discretionary review, a building permit shall not be issued for the ADU or JADU until the discretionary approval(s) has/have been granted and any applicable appeal periods have expired.

23C.24.040 Special Provisions Development Standards

~~Repealed by Ord. 7683-NS.~~

- A. Development Standards in Paragraphs B through G, below, apply as follows:
 1. Detached New Construction. A detached, new construction ADU is subject to Development Standards for ADUs. A detached, new construction ADU is defined as having a 3-foot separation from a Main Building per Section [23E.04.030](#).
 2. Converted or Rebuilt Entirely from an Existing Building or Structure. An ADU converted or rebuilt entirely from an existing building or structure, in the same location with the same dimensions and roof height, is not subject to Development Standards for ADUs. These include:
 - a. An ADU created entirely within an existing Single Family Dwelling.
 - b. An ADU created entirely within the existing non-habitable space of a Duplex or Multiple Dwelling Use.
 - c. An ADU created entirely within an existing detached Accessory Building or Accessory Structure.
 - d. An ADU created entirely within an existing Accessory Building or

Accessory Structure that is demolished and rebuilt.

3. Addition to an Existing or Rebuilt Building or Structure. An ADU, fully or partially created by an addition of square footage to or changes in roof height is subject to Development Standards for ADUs. Paragraph B applies to the ADU's maximum size and Paragraphs C through G apply to the added square footage and roof design. These include:
 - a. An ADU created by an addition or roof change to an existing Single Family Dwelling.
 - b. An ADU created by an addition or roof change to an existing detached Accessory Building or Accessory Structure.
 - c. And ADU created by an addition or roof change to an existing Accessory Building or Accessory Structure that is demolished and rebuilt.
4. Notwithstanding any other provision of this Chapter, no ADU is permitted to be built in the Hillside Overlay or Environmental Safety Residential (ES-R) districts unless it complies with the **maximum size and setback** requirements of Government Code section 65852.2(e)(1).
5. A JADU is subject to applicable Development Standards in Paragraphs B and G.

B. Maximum Size

1. A detached, new construction ADU or an ADU fully or partially created by addition to an existing or proposed Single Family Dwelling is subject to the following maximum size limits:
 - a. 850 square feet for a studio or one-bedroom ADU.
 - b. 1000 square feet for an ADU with two or more bedrooms.
2. An ADU created from an existing Accessory Building or Accessory Structure that does not conform to the Development Standards in Paragraphs C and D may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing building or structure. Additions shall conform with the Development Standards in this Chapter
3. An ADU created from an existing Accessory Building or Accessory Structure that conforms to the Development Standards in Paragraphs C and D must comply with one of the following:
 - a. May include an expansion of not more than 150 square feet beyond the same physical dimensions of the existing building or structure; or
 - b. 850 square feet for a studio or one-bedroom ADU; or
 - c. 1000 square feet for an ADU with two or more bedrooms.
4. The maximum size of a JADU is 500 square feet.

C. Maximum Height is applied to ADUs as follows. See Chapter 23F.04 for definition.

1. Maximum Height of a detached, new construction ADU is 18 feet.
2. Maximum Height of new square footage added to a Single Family Dwelling, Accessory Building or Accessory Structure to create an ADU is 18 feet.

- D. Rear and Side Setbacks. The required rear and side setbacks for a detached, new construction ADU or addition to an existing building or structure are 4 feet, unless a lesser setback is allowed for a comparable Accessory Building or Accessory Structure in the underlying zoning district.
- E. Front Yard Setback. The required front yard setback is the same as is established in the underlying zoning district.
- F. Projections. Architectural features (Chimneys, Water Heater Enclosures, Flues, Heating and Cooling Equipment, Eaves, Cornices, Canopies, Awnings and Bay Window) may project two feet into the required setbacks, so long as there remains at least a two-foot setback from property lines.
- G. Parking
 - 1. Off-street parking is not required.
 - 2. Replacement parking is not required, but is allowed if in compliance with Chapter 23D.12 and/or Chapter 23E.28.
- H. Nothing in this Chapter shall preclude the issuance of Zoning Certificate for the construction or conversion of an ADU or JADU that complies with the requirements of Government Code section 65852.2(e)(1). The City shall not apply the Development Standards in this Chapter to the extent they are inconsistent with the requirements of Government Code sections 65852.2 and 65852.22.
- I. A Zoning Certificate for the construction of an ADU or JADU may not be denied based on the failure of the applicant to correct a nonconforming zoning condition.

23C.24.050 Development Standards Special Provisions

~~Repealed by Ord. 7683-NS.~~

- A. A rooftop deck may be established provided that the entire roof, deck and railing comply with Development Standards for ADUs in Section 23C.24.040 Paragraphs C through G.
- B. A JADU must be owner-occupied. For purposes of this paragraph, "owner-occupied" means that a person with legal title to the property must reside in either the Single Family Dwelling or the JADU as their legal permanent residence.
- C. The property owner shall file a deed restriction with the County Recorder providing that:
 - 1. The ADU and/or JADU shall not be sold separately from the Dwelling Unit.
 - 2. The ADU and/or JADU shall not be rented for a term that is shorter than 30 days.

3. The JADU or the Single Family Dwelling in which the JADU is located shall be owner-occupied per the definition in Section 23F.04.010

~~**23C.24.060 Modification of Development Standards with an Administrative Use Permit**~~

~~Repealed by Ord. 7683-NS.~~

~~**23C.24.070 Findings**~~

~~Repealed by Ord. 7683-NS.~~

Section 2. That the definition for Accessory Dwelling Unit in Berkeley Municipal Code Chapter 23F.04.010 is amended to read as follows:

Accessory Dwelling Unit (ADU): A secondary Dwelling Unit that is located on a lot ~~with a proposed or existing Single Family Dwelling, Duplex, Multiple Dwelling Use, or Group Living Accommodation, which is occupied by one legally established Single Family Dwelling that conforms to the standards of Section 23C.24.~~ An Accessory Dwelling Unit must comply with local building, housing, safety and other code requirements ~~unless the City is prohibited from applying such requirements by Government Code Section 65852.2 or 65852.22~~ and provide the following features independent of the Single Family Dwelling, ~~Duplex, Multiple Dwelling Use, or Group Living Accommodation~~: 1) exterior ~~or independent~~ access to Accessory Dwelling Unit; 2) living and sleeping quarters; 3) a full kitchen; and 4) a full bathroom. An Accessory Dwelling Unit also includes the following:

- A. An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.
- B. A manufactured home, as defined in Section 18007 of the Health and Safety Code.

Section 3. That the definition for Primary Dwelling Unit in Berkeley Municipal Code Chapter 23F.04.010 is rescinded:

~~**Primary Dwelling Unit:** A legally established Single Family Dwelling that is on a lot with an Accessory Dwelling Unit.~~

Section 4. That the following two definitions are adopted into Berkeley Municipal Code Chapter 23F.04.010:

~~**Efficiency Kitchen:** A kitchen that includes a sink, a cooking facility with appliances (e.g. microwave, toaster, oven, hot plate), and food preparation counter space and cabinets.~~

~~**Junior Accessory Dwelling Unit (JADU):** A unit that is contained within the walls of a Single Family Dwelling and includes a separate exterior entrance. A JADU may not be located in an Accessory Building or an Accessory Structure. A JADU may include separate sanitation facilities, or may share sanitary facilities with a Single Family Dwelling. At a minimum, a JADU shall include an Efficiency Kitchen with a working refrigerator.~~

Section 5. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.



Office of the City Manager

PUBLIC HEARING

October 26, 2021

(Continued from October 12, 2021)

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Jordan Klein, Director, Planning and Development Department

Subject: Response to Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance to Address Public Safety Concerns; Amending BMC Chapters 23C.24 and 23F.04

RECOMMENDATION

Conduct a public hearing and, upon conclusion, adopt the first reading of a local Accessory Dwelling Unit (ADU) Ordinance [Berkeley Municipal Code (BMC) Chapter 23C.24] and amendments to relevant Definitions [BMC Chapter 23F.04] in the Zoning Ordinance.

SUMMARY

This report responds to a City Council referral from January 26, 2021, which requested a new local ADU Ordinance to provide public safety measures as allowed by State ADU law [Government Code Sections 65852.2 and 65852.22]. This report also provides background on State ADU regulations, explains where jurisdictions have flexibility to adopt local ordinances, and outlines the proposed Zoning Ordinance amendments recommended by Planning Commission for adoption by Council.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

A local ADU Ordinance is a Strategic Plan Priority Project, advancing our goal to create a resilient, safe, connected, and prepared city. Over the past five years, Berkeley has adopted three comprehensive ADU Ordinance amendments in order to maintain compliance with changing State ADU law. The most recent round of State regulations, which came into effect on January 1, 2020, replaced Berkeley’s ADU Ordinance and significantly reduced jurisdictions’ abilities to regulate ADU development.

State ADU Law

ADUs are recognized as low cost, low impact, infill development. As such, they provide much needed housing to the community. State law mandates a streamlined, ministerial permit process that removes barriers to ADU development. State law requires all

jurisdictions to issue ministerial or “by-right” building permits for ADUs in accordance with the regulations listed below. Jurisdictions can develop more lenient local ordinances to encourage ADU development but they cannot be more restrictive nor limit ADU development.

- Issue over-the-counter building permits for ADUs that comply with State regulations.
- Apply the following development standards:
 - Maximum size of no less than 800 to 1200 square feet (allowable scenarios are discussed below);
 - Maximum height of no less than 16 feet; and
 - Rear and side setbacks of no more than 4 feet.
- Allow at least one ADU on every lot that has an existing or proposed dwelling unit. More specifically, allow:
 - One ADU and one JADU on a lot with a Single Family Dwelling.
 - One ADU on a lot with multiple Single Family Dwellings.
 - At least two detached or at least one interior ADU on a lot with a Duplex or a Multifamily Dwelling or a mixed-use project.
- Allow ADUs created by conversions or re-construction of existing buildings or structures (such as garages and sheds) on a lot, even if existing structures don't conform to maximum size, maximum height and required setback (mentioned above) for ADUs.
- Require fire sprinklers only if the primary dwelling unit(s) has or requires fire sprinklers.
- Do not require off-street parking for the ADU if within a half-mile of public transit.
- Do not require off-street parking for the primary dwelling unit if the proposed ADU requires removal of existing off-street parking.
- Do not require owner occupancy of ADUs or associated primary dwelling units except in the case of a JADU, where an owner must live in either the primary unit or the JADU.
- Do not allow short term rentals of ADUs.

There are additional regulations in State law that dictate how ADUs can be created (e.g., by conversion, by new construction, by addition to existing structures), where they can be created (e.g., attached to primary dwelling units, within the walls of an existing structure, free-standing on a lot), and when and how fees can be assessed. In order to communicate the nuances of State ADU law, the Planning Department prepared a table of State ADU regulations (see Attachment 2). In the absence of a local ADU Ordinance, Berkeley has been and will continue to issue building permits for ADUs according to the State's regulations.

Public Safety

In previous versions of Berkeley's ADU Ordinance, the City took steps to ensure public safety in fire-prone areas such as the Environmental Safety Residential district (Berkeley's Fire Zone 3) and lots with frontage on narrow roads in the Hillside Overlay district (Berkeley's Fire Zone 2). See Attachment 3 for a map of Berkeley's Fire Zones.

In previous iterations of the ADU Ordinance, the City addressed safety concerns by requiring an Administrative Use Permit (AUP) in Fire Zones 2 and 3 with required findings for minimum fire safety requirements. An AUP is a discretionary permit that allows public review and evaluations by staff in the Planning Department. This involves consultation with other departments, including the Fire Department, to identify detrimental impacts of projects and require mitigation measures, such as requiring fire sprinklers, adjusting the location of the ADU on the lot, and/or requiring off-street parking.

New State ADU regulations require the City to issue over-the-counter building permits for ADUs, removing the City's authority to require discretionary permits, such as AUPs. Recognizing public safety issues in Berkeley's most severe fire hazard districts, the City prohibited ADUs in Fire Zones 2 and 3 via an Urgency Ordinance adopted in December 2019 and extended in January 2020. This prohibition was rescinded in September 2020, when the California Department of Housing and Community Development (HCD) published guidance on State ADU law (see Attachment 4) stating that geographic prohibitions for public safety reasons could not be exercised through land use regulation. Guidance from the State clarified that public safety measures are only available through local amendments to the Fire Code, which limits the range of measures that can be utilized, particularly regarding the location of the unit and the provision of off-street parking.

To address this, City Council referred to the City Manager amendments to the Zoning Ordinance and the Fire Code aimed at reducing impacts of additional density in Fire Zones 2 and 3. The Disaster and Fire Safety Commission (DFSC) made separate recommendations to City Council in a Memorandum submitted on March 24, 2021 that addresses emergency access and egress impacts of on-street parking and fire sprinkler requirement. The Planning Commission is recommending modifications to development standards to limit ADU size and ADU placement in these areas.

Options for a Local ADU Ordinance

State law establishes a maximum size for all ADUs at 1,200 square feet, which can be reduced in a local ordinance to 850 square feet if designed as a studio or one-bedroom and 1,000 square feet if designed with two or more bedrooms¹.

¹ ADUs created by conversion of an existing building or structure (e.g. conversion of an attic or basement, conversion of a detached garage) can exceed maximum size requirements per State law. ADUs created in this manner are allowed no more than a 150 square foot addition, intended for ingress and egress.

State law also provides that the local development standards of underlying zoning districts do not apply to ADUs unless explicitly codified in a local ADU ordinance, and only for particular elements such as usable open space, lot coverage, front yard setbacks and design criteria, as long as these standards do not make ADU development “infeasible.” In other words, local ordinances must allow for an ADU of 800 square feet, with a height of 16 feet and side and rear setbacks of 4 feet, on all lots zoned for residential use with at least one proposed or existing dwelling unit, even if the project does not comply with objective development standards in the local ADU ordinance.

Planning Commission Recommendation

On January 26, 2021 City Council referred to the City Manager development of Zoning Ordinance amendments and Fire Code amendments that address emergency access and egress challenges created by new State ADU laws (see Attachment 5). Requested amendments to the Zoning Ordinance involve limitations on the base maximum size of an ADU and required compliance with objective development standards such as front yard setbacks, open space and/or lot coverage.

On April 7, 2021, Planning Commission discussed amendments that responded to Council’s short-term referral. At that meeting, Planning Commission discussed State ADU regulations and focused on allowable modifications to ADU size and height limits. Planning Commission unanimously voted to recommend a set of Zoning Ordinance amendments that update BMC Chapter 23C.24 [Accessory Dwelling Units] and related definitions in BMC Chapter 23F.04 [Definitions] (see Attachment 1). The proposed Zoning Ordinance amendments provide a new ADU Ordinance that is intuitive and written with language that is clear and easy to understand. The bullets below provide rationale where elements of the proposed ordinance are more lenient than State ADU law or involve a level of complexity that benefits from explanation:

- ***The Maximum Size:*** The referral asks that Berkeley implement size restrictions on ADUs. With no local ordinance, ADUs with a maximum size of 1200 square feet are allowed by State law. **The proposed ADU Ordinance allows a maximum size of 850 square feet for studio and one-bedroom ADUs and 1000 square feet for ADUs with two or more bedrooms. Maximum size is further limited to 800 square feet if a project is located in Fire Zones 2 or 3 or if a project cannot meet front yard setbacks.**
- ***Maximum Height:*** State law allows a maximum height of 16 feet for ADUs. **The proposed ADU Ordinance allows an 18-foot maximum height** to allow flexibility in ADU design. An 18-foot structure can accommodate two stories, thereby resulting in a possible 50% reduction in building footprint. Planning Commission’s recommendation helps achieve the referral’s goals of preserving open space and minimizing lot coverage, and providing flexibility in design.

- ***Objective Development Standards:*** The referral asks that Berkeley introduce objective standards for open space and lot coverage to control the maximum size of ADUs. Size controls were requested to ensure lots with ADUs maintain space for emergency access and egress in the event of a disaster. Instead of using open space and lot coverage as metrics, **the proposed ADU Ordinance uses a limit in the number of bedrooms (as explained above) and the location of the lot in Fire Zones 2 and 3 to control ADU size.** The proposal to use the location of lots in State-designated fire-prone area as an objective standard is a simple and intuitive way to limit ADU size for public safety reasons. This eliminates the need to calculate open space and/or lot coverage for proposed projects and provides a direct connection between fire-safety concerns and infill development.
- ***Setbacks:*** The referral asks that Berkeley introduce objective standards to provide guidance on setbacks. State law explicitly states that side and rear setback requirements can be no more than 4 feet and is silent on front yard setbacks. **The proposed ADU Ordinance utilizes setbacks of the underlying zoning district as an objective standard.**
 - The proposed ADU Ordinance is more lenient than the State if the underlying zoning district has a rear or side setback of less than four feet, such as in some mixed-use districts, where comparable accessory buildings may have a reduced setback requirement.
 - Front yard setbacks are applied in the draft ordinance as they would be in the underlying zoning district. These standards will not limit the ability for a property owner to build an ADU; instead they require objective standards for placement of the ADU. If there is no other location suited to placement of the ADU, then the maximum ADU size will be limited to minimize the impacts to the front yard.
- ***ADUs on lots with Group Living Accommodations:*** **The draft Zoning Ordinance amendments allow one ADU on lots with GLAs.** The State is silent on whether or not ADU Law applies to GLAs. Over the past year, the Zoning Officer interpreted State ADU law to extend to GLAs (excluding Fraternity Houses, Sorority Houses or Dormitories) by allowing one ADU per lot with a GLA, similar to the regulations for multifamily properties. GLAs are a common residential use in Berkeley and this interpretation is consistent with the State's direction to encourage ADU development. ADUs on lots with GLAs must not be offered for rent as an extension of the GLA, but rented as an independent unit, per State ADU law.

In addition to the items listed above, the proposed amendments include modifications to the ADU and JADU definitions to comply with State law and maintain consistency with the BMC. BMC Chapter 23C.24 is re-written to reflect the requirements of Government

Code Section 65852.2 and 65852.22 in as clear and concise a manner as possible. The proposed ADU Ordinance has been developed with feedback from members of the public, the ADU Task Force, Berkeley Planning staff, and colleagues from other jurisdictions. If City Council adopts the new ADU Ordinance, Planning staff will publish updated documentation, such as FAQs, a flow chart and a table of regulations. These will explain in non-technical language the regulations in Berkeley’s local ADU Ordinance.

BACKGROUND

In the past six years, Berkeley’s ADU Ordinance has been modified multiple times to conform to State law and to facilitate the construction of ADUs. Prior to the latest revisions to the State’s ADU regulations, Planning Commission was considering other amendments to the local ADU Ordinance to facilitate the construction of ADUs. However, State law that came into effect on January 1, 2020 requires increased flexibility, has rescinded the AUP process for ADUs, and streamlined the ADU permitting process significantly. In addition, the number of building permits issued for ADUs in Berkeley has increased steadily over the past five years, as illustrated in Table 1. For these reasons, and because of the short-term nature of this referral, the focus of this referral response is narrow and the need for additional amendments will be assessed (and implemented) as part of the Housing Element update.

Table 1. City of Berkeley ADU Building Permits Issued, 2016-2020

Year	2016	2017	2018	2019	2020
#	16	74	80	96	119

ENVIRONMENTAL SUSTAINABILITY

ADUs are generally low impact infill development that have the potential to decrease vehicles miles traveled and greenhouse gas emissions and increase availability of housing near various community amenities, the university campus, transit services and employment opportunities.

RATIONALE FOR RECOMMENDATION

State ADU law restricts the City from utilizing discretionary processes that mitigate public safety concerns associated with infill development. Ordinance amendments reduce ADU footprints, which will increase the possibility of better ingress, egress and emergency access in the event of a disaster.

ALTERNATIVE ACTIONS CONSIDERED

Council could take no action and continue to utilize State ADU regulations, with no local modifications.

CONTACT PERSON

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Katrina Lapira, Assistant Planner, Planning & Development Department, (510) 981-7488

Attachments:

- 1: Ordinance
- 2: Table of State ADU Regulations
- 3: Map of Berkeley's Fire Zones
- 4: HCD's ADU Guidance Document
- 5: Council Referral from January 26, 2021
- 6: April 7, 2021 Planning Commission Meeting Final Minutes
- 7: Public Hearing Notice

ORDINANCE NO. -N.S.

ACCESSORY DWELLING UNIT ORDINANCE

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

Section 1. That Berkeley Municipal Code Chapter 23C.24 is amended to read as follows:

**Chapter 23C.24
Accessory Dwelling Units**

Sections:

[23C.24.010](#) Applicability of Regulations

[23C.24.020](#) Purposes

[23C.24.030](#) Permit Procedures

[23C.24.040](#) ~~Repealed by Ord. 7683-NS.~~

[23C.24.050](#) ~~Repealed by Ord. 7683-NS.~~

[23C.24.060](#) ~~Repealed by Ord. 7683-NS.~~

[23C.24.070](#) ~~Repealed by Ord. 7683-NS.~~

23C.24.010 Applicability of Regulations

~~The provisions of this Chapter apply to all lots that are zoned for residential use except 1) in the following zoning districts: Environmental Safety Residential (ES-R), Manufacturing (M), Mixed Manufacturing (MM), Mixed Use Light Industrial (MU-LI), and Unclassified (U); and 2) on a lot with frontage on a roadway with less than 26 feet in pavement width in the Hillside Overlay.~~

- A. ~~The provisions of this Chapter apply to all lots that have at least one existing or proposed Dwelling Unit or Group Living Accommodation that is not a Fraternity House, Sorority House or Dormitory.~~
- B. ~~ADUs and JADUs are allowed on lots as follows:~~
 - 1. ~~One ADU and/or one JADU is allowed on a lot with one Single Family Dwelling.~~
 - 2. ~~One ADU is allowed on a lot with multiple Single Family Dwellings.~~
 - 3. ~~For lots with a Duplex or Multiple Dwelling Uses, one of the following is allowed:~~
 - a. ~~Up to two detached ADUs; or~~
 - b. ~~At least one ADU created from non-habitable portions of the existing dwelling structure (e.g. basement, attic, storage room). The maximum number of ADUs created from non-habitable portions of the existing dwelling structure shall not exceed 25% of the number of existing Dwelling Units on the lot.~~
 - 4. ~~One ADU is allowed on a lot with a Group Living Accommodation that is not a Fraternity House, Sorority House or Dormitory.~~

23C.24.020 Purposes

The purposes of this Chapter are to:

- A. Implement California Government Code Section [65852.2](#) and [65852.22](#).
- B. Increase overall supply and range of housing options in Berkeley.
- C. Expedite small-scale infill development.
- D. Support Housing Element goals of facilitating construction of Accessory Dwelling Units and increasing the number of housing units that are more affordable to Berkeley residents.
- E. Encourage development of Accessory Dwelling Units in zoning districts with compatible land uses and infrastructure.
- F. Reduce potential impacts of new development in high fire hazard severity areas.

23C.24.030 Permit Procedures

~~Zoning Certificates will be issued for Accessory Dwelling Units and Junior Accessory Dwelling Units per California Government Code Section [65852.2](#) and [65852.22](#).~~

- A. An application for an ADU or JADU is subject to ministerial review. Review must be completed within 60 days of submission of a complete application.
- B. If an application to create an ADU or JADU is submitted as part of a project that requires discretionary review, a building permit shall not be issued for the ADU or JADU until the discretionary approval(s) has/have been granted and any applicable appeal periods have expired.

23C.24.040 Special Provisions Development Standards

~~Repealed by Ord. 7683-NS.~~

- A. Development Standards in Paragraphs B through G, below, apply as follows:
 1. Detached New Construction. A detached, new construction ADU is subject to Development Standards for ADUs. A detached, new construction ADU is defined as having a 3-foot separation from a Main Building per Section [23E.04.030](#).
 2. Converted or Rebuilt Entirely from an Existing Building or Structure. An ADU converted or rebuilt entirely from an existing building or structure, in the same location with the same dimensions and roof height, is not subject to Development Standards for ADUs. These include:
 - a. An ADU created entirely within an existing Single Family Dwelling.
 - b. An ADU created entirely within the existing non-habitable space of a Duplex or Multiple Dwelling Use.
 - c. An ADU created entirely within an existing detached Accessory Building or Accessory Structure.
 - d. An ADU created entirely within an existing Accessory Building or

Accessory Structure that is demolished and rebuilt.

3. Addition to an Existing or Rebuilt Building or Structure. An ADU, fully or partially created by an addition of square footage to or changes in roof height is subject to Development Standards for ADUs. Paragraph B applies to the ADU's maximum size and Paragraphs C through G apply to the added square footage and roof design. These include:
 - a. An ADU created by an addition or roof change to an existing Single Family Dwelling.
 - b. An ADU created by an addition or roof change to an existing detached Accessory Building or Accessory Structure.
 - c. And ADU created by an addition or roof change to an existing Accessory Building or Accessory Structure that is demolished and rebuilt.
4. Notwithstanding any other provision of this Chapter, no ADU is permitted to be built in the Hillside Overlay or Environmental Safety Residential (ES-R) districts unless it complies with the requirements of Government Code section 65852.2(e)(1).
5. A JADU is subject to applicable Development Standards in Paragraphs B and G.

B. Maximum Size

1. A detached, new construction ADU or an ADU fully or partially created by addition to an existing or proposed Single Family Dwelling is subject to the following maximum size limits:
 - a. 850 square feet for a studio or one-bedroom ADU.
 - b. 1000 square feet for an ADU with two or more bedrooms.
2. An ADU created from an existing Accessory Building or Accessory Structure that does not conform to the Development Standards in Paragraphs C and D may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing building or structure. Additions shall conform with the Development Standards in this Chapter
3. An ADU created from an existing Accessory Building or Accessory Structure that conforms to the Development Standards in Paragraphs C and D must comply with one of the following:
 - a. May include an expansion of not more than 150 square feet beyond the same physical dimensions of the existing building or structure; or
 - b. 850 square feet for a studio or one-bedroom ADU; or.
 - c. 1000 square feet for an ADU with two or more bedrooms.
4. The maximum size of a JADU is 500 square feet.

C. Maximum Height is applied to ADUs as follows. See Chapter 23F.04 for definition.

1. Maximum Height of a detached, new construction ADU is 18 feet.
2. Maximum Height of new square footage added to a Single Family Dwelling, Accessory Building or Accessory Structure to create an ADU is 18 feet.

- D. Rear and Side Setbacks. The required rear and side setbacks for a detached, new construction ADU or addition to an existing building or structure are 4 feet, unless a lesser setback is allowed for a comparable Accessory Building or Accessory Structure in the underlying zoning district.
- E. Front Yard Setback. The required front yard setback is the same as is established in the underlying zoning district.
- F. Projections. Architectural features (Chimneys, Water Heater Enclosures, Flues, Heating and Cooling Equipment, Eaves, Cornices, Canopies, Awnings and Bay Window) may project two feet into the required setbacks, so long as there remains at least a two-foot setback from property lines.
- G. Parking
 - 1. Off-street parking is not required.
 - 2. Replacement parking is not required, but is allowed if in compliance with Chapter 23D.12 and/or Chapter 23E.28.
- H. Nothing in this Chapter shall preclude the issuance of Zoning Certificate for the construction or conversion of an ADU or JADU that complies with the requirements of Government Code section 65852.2(e)(1). The City shall not apply the Development Standards in this Chapter to the extent they are inconsistent with the requirements of Government Code sections 65852.2 and 65852.22.
- I. A Zoning Certificate for the construction of an ADU or JADU may not be denied based on the failure of the applicant to correct a nonconforming zoning condition.

23C.24.050 Development Standards Special Provisions

~~Repealed by Ord. 7683-NS.~~

- A. A rooftop deck may be established provided that the entire roof, deck and railing comply with Development Standards for ADUs in Section 23C.24.040 Paragraphs C through G.
- B. A JADU must be owner-occupied. For purposes of this paragraph, "owner-occupied" means that a person with legal title to the property must reside in either the Single Family Dwelling or the JADU as their legal permanent residence.
- C. The property owner shall file a deed restriction with the County Recorder providing that:
 - 1. The ADU and/or JADU shall not be sold separately from the Dwelling Unit.
 - 2. The ADU and/or JADU shall not be rented for a term that is shorter than 30 days.

3. The JADU or the Single Family Dwelling in which the JADU is located shall be owner-occupied per the definition in Section 23F.04.010

~~**23C.24.060 Modification of Development Standards with an Administrative Use Permit**~~

~~Repealed by Ord. 7683-NS.~~

~~**23C.24.070 Findings**~~

~~Repealed by Ord. 7683-NS.~~

Section 2. That the definition for Accessory Dwelling Unit in Berkeley Municipal Code Chapter 23F.04.010 is amended to read as follows:

Accessory Dwelling Unit (ADU): A secondary Dwelling Unit that is located on a lot ~~with a proposed or existing Single Family Dwelling, Duplex, Multiple Dwelling Use, or Group Living Accommodation, which is occupied by one legally established Single Family Dwelling that conforms to the standards of Section 23C.24.~~ An Accessory Dwelling Unit must comply with local building, housing, safety and other code requirements ~~unless the City is prohibited from applying such requirements by Government Code Section 65852.2 or 65852.22~~ and provide the following features independent of the Single Family Dwelling, ~~Duplex, Multiple Dwelling Use, or Group Living Accommodation~~: 1) exterior ~~or independent~~ access to Accessory Dwelling Unit; 2) living and sleeping quarters; 3) a full kitchen; and 4) a full bathroom. An Accessory Dwelling Unit also includes the following:

- A. An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.
- B. A manufactured home, as defined in Section 18007 of the Health and Safety Code.

Section 3. That the definition for Primary Dwelling Unit in Berkeley Municipal Code Chapter 23F.04.010 is rescinded:

~~**Primary Dwelling Unit:** A legally established Single Family Dwelling that is on a lot with an Accessory Dwelling Unit.~~

Section 4. That the following two definitions are adopted into Berkeley Municipal Code Chapter 23F.04.010:

~~**Efficiency Kitchen:** A kitchen that includes a sink, a cooking facility with appliances (e.g. microwave, toaster, oven, hot plate), and food preparation counter space and cabinets.~~

~~**Junior Accessory Dwelling Unit (JADU):** A unit that is contained within the walls of a Single Family Dwelling and includes a separate exterior entrance. A JADU may not be located in an Accessory Building or an Accessory Structure. A JADU may include separate sanitation facilities, or may share sanitary facilities with a Single Family Dwelling. At a minimum, a JADU shall include an Efficiency Kitchen with a working refrigerator.~~

Section 5. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.









ACCESSORY DWELLING UNIT ORDINANCE SUMMARY

Effective December 20, 2020

Processing + Land Use Development Standards

Ministerial land use approval for ADUs will be issued within **60-days** of receiving a **complete** building permit application.

	JADU ¹	ADU on LOT WITH SINGLE FAMILY DWELLING(S)			ADU on LOT WITH MULTI-FAMILY DWELLING(S)	
ADU Type	 Conversion JADU² <i>[interior conversion of some portion of a single-family dwelling]</i>	 Conversion ADU^{2&3} <i>[interior conversion of existing habitable or non-habitable area within a single-family dwelling, or conversion of a legally built detached accessory structure or accessory building]</i>	 Detached ADUs <i>[new construction]</i>	 Attached ADU <i>[addition/new construction]</i>	 Conversion ADU² <i>[interior conversion of existing non-habitable area of multifamily structures]</i>	 Detached ADUs <i>[new construction]</i>
Lot	A JADU may be established on a lot with one single family dwelling.	An ADU may be established on a lot that has an existing or proposed single-family or multi-family dwelling.				
Number of Accessory Units	1 ⁴	1 ⁵			Interior Conversion ADU: At least one and no more than 25% of the existing unit count in multifamily building. ⁶ OR Detached ADU: 2	
Maximum Size (Square Feet²)	500	N/A	1,200	1,200	N/A	1,200
Maximum Height (Feet)	N/A	N/A	16		N/A	16
Side Setbacks (Feet)	N/A	N/A	4		N/A	4
Rear Setbacks (Feet)	N/A	N/A	4		N/A	4
Entrance(s)	Exterior entrance required.	Exterior entrance required.			Independent entrance required. ⁷	
Kitchen	Efficiency kitchen required. ⁸	Full kitchen required. ⁹				
Parking Requirements	JADUs created in the attached garage are not subject to the same parking protections as ADUs.	No parking required for ADUs. Replacement parking for existing dwelling unit(s) not required when a garage, carport, covered parking structure, or designated uncovered parking area is physically replaced by an accessory dwelling unit.				
Deed Restrictions	The owner of the property must record a deed restriction to include the requirements listed in Government Sections 65852.2 and 658582.22.	The owner of the property must record a deed restriction with Alameda County that restricts the sale of the ADU from the existing dwelling unit(s) and prohibits Short Term Rentals.				
Owner Occupancy	Required for either single-family dwelling or JADU.	Not required for ADUs permitted between January 1, 2020 and January 1, 2025.				
Natural Gas Prohibition	Does not Apply	May Apply ¹⁰	Applies	Does not Apply	Does not Apply	Applies
Short Term Rentals	Prohibited					
Impact Fees	None	ADUs Less than 750 SF- None ADUs Equal to or Greater than 750 SF- Impact fees collected must be proportional to square footage of existing dwelling unit(s).				
Utility Fees and Connections	No connection fee or capacity charge and no direct line required between ADU or JADU and utility unless in conjunction with a new single-family dwelling.	Connection fee or capacity charge "proportionate to the burden" of the ADU and may require new or separate utility connections.				

¹ A Junior ADU (JADU) is a small dwelling unit created from some portion of a single family dwelling. These units can have their own bathroom facilities or share with the single family dwelling.

² Conversions do not allow modifications to building footprint/ dimensions of legally built structures or buildings, except where sufficient egress and ingress requires modifications -- in which case, an expansion of up to 150 square feet is allowed for ADUs on lots with single family dwellings.

³ A Conversion ADU is permitted in an existing accessory structure on both single/multi-family lot.

⁴ Lots with multiple detached single-family dwellings may only have one ADU.

⁵ Both a JADU and an ADU may exist on a lot zoned with one single-family dwelling.

⁶ When calculating, round up to the nearest integer.

⁷ Exterior entrance not required, but independent entrance (e.g. off hallway, stairwell or other common space) is required.

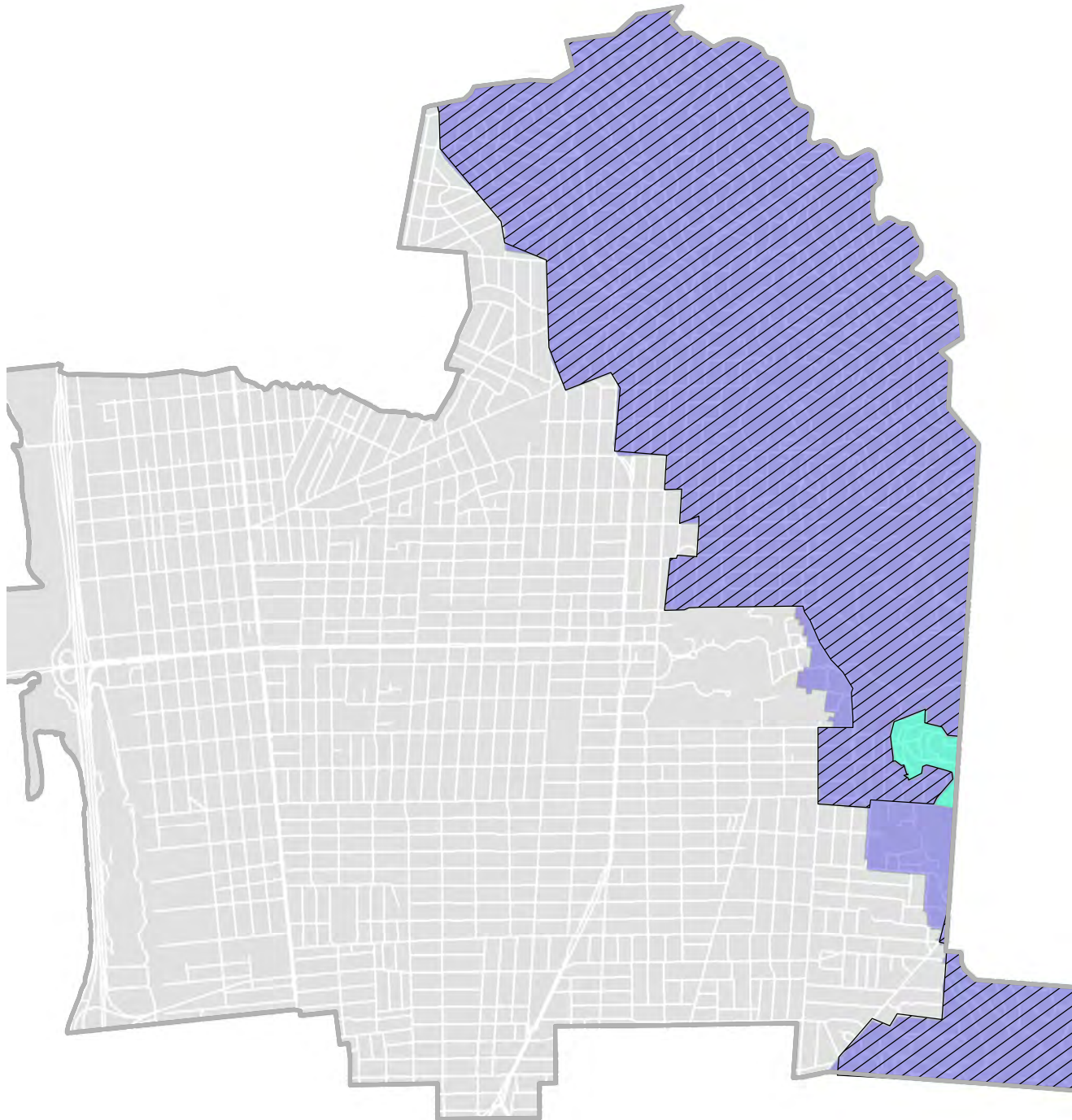
⁸ An efficiency kitchen includes 1) a sink; 2) a cooking facility with appliances; and 3) food preparation counter and storage cabinets.

⁹ A full kitchen requires habitable space used for preparation of food that contains at least a sink, a refrigerator of no less than 10 cubic feet, and either a cooktop and an oven, or a range.




¹⁰ Conversions of detached Accessory Buildings or Accessory Structures that involve Demolition are subject to the Natural Gas Prohibition.

N/A = not applicable SF = square feet

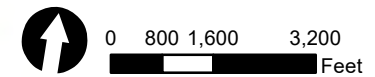
Hillside Overlay and Fire Zones 2 and 3




Legend

-  Hillside Overlay
-  Berkeley Fire Zone 2
-  Berkeley Fire Zone 3

Updated:
November 14, 2019



 **CITY OF BERKELEY**
Land Use Planning Division
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2120 Milvia Street, 2nd Floor
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California Department of Housing and
Community Development

Accessory Dwelling Unit Handbook



Where foundations begin

Updated December 2020



California Department of Housing and
Community Development

Accessory Dwelling Unit Handbook

December 2020



Where foundations begin

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Understanding Accessory Dwelling Units (ADUs) and Their Importance



California's housing production is not keeping pace with demand. In the last decade, less than half of the homes needed to keep up with the population growth were built. Additionally, new homes are often constructed away from job-rich areas. This lack of housing that meets people's needs is impacting affordability and causing average housing costs, particularly for renters in California, to rise significantly. As affordable housing becomes less accessible, people drive longer distances between housing they can afford and their workplace or pack themselves into smaller shared spaces, both of which reduce quality of life and produce negative environmental impacts.

Beyond traditional construction, widening the range of housing types can increase the housing supply and help more low-income Californians thrive. Examples of some of these housing types are Accessory Dwelling Units (ADUs - also referred to as second units, in-law units, casitas, or granny flats) and Junior Accessory Dwelling Units (JADUs).

What is an ADU?

An ADU is an accessory dwelling unit with complete independent living facilities for one or more persons and has a few variations:

- Detached: The unit is separated from the primary structure.
- Attached: The unit is attached to the primary structure.
- Converted Existing Space: Space (e.g., master bedroom, attached garage, storage area, or similar use, or an accessory structure) on the lot of the primary residence that is converted into an independent living unit.
- Junior Accessory Dwelling Unit (JADU): A specific type of conversion of existing space that is contained entirely within an existing or proposed single-family residence.

ADUs tend to be significantly less expensive to build and offer benefits that address common development barriers such as affordability and environmental quality. Because ADUs must be built on lots with existing or proposed housing, they do not require paying for new land, dedicated parking or other costly infrastructure required to build a new single-family home. Because they are contained inside existing single-family homes, JADUs require relatively

modest renovations and are much more affordable to complete. ADUs are often built with cost-effective one or two-story wood frames, which are also cheaper than other new homes. Additionally, prefabricated ADUs can be directly purchased and save much of the time and money that comes with new construction. ADUs can provide as much living space as apartments and condominiums and work well for couples, small families, friends, young people, and seniors.

Much of California's housing crisis comes from job-rich, high-opportunity areas where the total housing stock is insufficient to meet demand and exclusionary practices have limited housing choice and inclusion. Professionals and students often prefer living closer to jobs and amenities rather than spending hours commuting. Parents often want better access to schools and do not necessarily require single-family homes to meet their needs. There is a shortage of affordable units, and the units that are available can be out of reach for many people. To address our state's needs, homeowners can construct an ADU on their lot or convert an underutilized part of their home into a JADU. This flexibility benefits both renters and homeowners who can receive extra monthly rent income.

ADUs also give homeowners the flexibility to share independent living areas with family members and others, allowing seniors to age in place as they require more care, thus helping extended families stay together while maintaining privacy. The space can be used for a variety of reasons, including adult children who can pay off debt and save up for living on their own.

New policies are making ADUs even more affordable to build, in part by limiting the development impact fees and relaxing zoning requirements. A 2019 study from the Turner Center on Housing Innovation noted that one unit of affordable housing in the Bay Area costs about \$450,000. ADUs and JADUs can often be built at a fraction of that price and homeowners may use their existing lot to create additional housing, without being required to provide additional infrastructure. Often the rent generated from the ADU can pay for the entire project in a matter of years.

ADUs and JADUs are a flexible form of housing that can help Californians more easily access job-rich, high-opportunity areas. By design, ADUs are more affordable and can provide additional income to homeowners. Local governments can encourage the development of ADUs and improve access to jobs, education, and services for many Californians.

Summary of Recent Changes to Accessory Dwelling Unit Laws



In Government Code Section 65852.150, the California Legislature found and declared that, among other things, allowing accessory dwelling units (ADUs) in zones that allow single-family and multifamily uses provides additional rental housing, and is an essential component in addressing California's housing needs. Over the years, ADU law has been revised to improve its effectiveness at creating more housing units. Changes to ADU laws effective January 1, 2021, further reduce barriers, better streamline approval processes, and expand capacity to accommodate the development of ADUs and junior accessory dwelling units (JADUs).

ADUs are a unique opportunity to address a variety of housing needs and provide affordable housing

options for family members, friends, students, the elderly, in-home health care providers, people with disabilities, and others. Further, ADUs offer an opportunity to maximize and integrate housing choices within existing neighborhoods.

Within this context, the California Department of Housing and Community Development (HCD) has prepared this guidance to assist local governments, homeowners, architects, and the general public in encouraging the development of ADUs. The following is a summary of recent legislation that amended ADU law: AB 3182 (2020) and SB 13, AB 68, AB 881, AB 587, AB 670, and AB 671 (2019). Please see Attachment 1 for the complete statutory changes for AB 3182 (2020) and SB 13, AB 68, AB 881, AB 587, AB 670, and AB 671 (2019).

AB 3182 (Ting)

Chapter 198, Statutes of 2020 (Assembly Bill 3182) builds upon recent changes to ADU law (Gov. Code, § 65852.2 and Civil Code Sections 4740 and 4741) to further address barriers to the development and use of ADUs and JADUs.

This recent legislation, among other changes, addresses the following:

- States that an application for the creation of an ADU or JADU shall be *deemed approved* (not just subject to ministerial approval) if the local agency has not acted on the completed application within 60 days.
- Requires ministerial approval of an application for a building permit within a residential or mixed-use zone to create one ADU *and* one JADU per lot (not one or the other), within the proposed or existing single-family dwelling, if certain conditions are met.
- Provides for the rental or leasing of a separate interest ADU or JADU in a common interest development, notwithstanding governing documents that otherwise appear to prohibit renting or leasing of a unit, *and* without regard to the date of the governing documents.

- Provides for not less than 25 percent of the separate interest units within a common interest development be allowed as rental or leasable units.

AB 68 (Ting), AB 881 (Bloom), and SB 13 (Wieckowski)

Chapter 653, Statutes of 2019 (Senate Bill 13, Section 3), Chapter 655, Statutes of 2019 (Assembly Bill 68, Section 2) and Chapter 659 (Assembly Bill 881, Section 1.5 and 2.5) build upon recent changes to ADU and JADU law (Gov. Code § 65852.2, 65852.22) and further address barriers to the development of ADUs and JADUs.

This legislation, among other changes, addresses the following:

- Prohibits local agencies from including in development standards for ADUs requirements on minimum lot size (Gov. Code, § 65852.2, subd. (a)(1)(B)(i)).
- Clarifies areas designated by local agencies for ADUs may be based on the adequacy of water and sewer services as well as impacts on traffic flow and public safety (Gov. Code, § 65852.2, subd. (a)(1)(A)).
- Eliminates all owner-occupancy requirements by local agencies for ADUs approved between January 1, 2020, and January 1, 2025 (Gov. Code, § 65852.2, subd. (a)(6)).
- Prohibits a local agency from establishing a maximum size of an ADU of less than 850 square feet, or 1,000 square feet if the ADU contains more than one bedroom and requires approval of a permit to build an ADU of up to 800 square feet (Gov. Code, § 65852.2, subs. (c)(2)(B) & (C)).
- Clarifies that when ADUs are created through the conversion of a garage, carport or covered parking structure, replacement of offstreet parking spaces cannot be required by the local agency (Gov. Code, § 65852.2, subd. (a)(1)(D)(xi)).
- Reduces the maximum ADU and JADU application review time from 120 days to 60 days (Gov. Code, § 65852.2, subd. (a)(3) and (b)).
- Clarifies that “public transit” includes various means of transportation that charge set fees, run on fixed routes and are available to the public (Gov. Code, § 65852.2, subd. (j)(10)).
- Establishes impact fee exemptions and limitations based on the size of the ADU. ADUs up to 750 square feet are exempt from impact fees (Gov. Code § 65852.2, subd. (f)(3)); ADUs that are 750 square feet or larger may be charged impact fees but only such fees that are proportional in size (by square foot) to those for the primary dwelling unit (Gov. Code, § 65852.2, subd. (f)(3)).
- Defines an “accessory structure” to mean a structure that is accessory or incidental to a dwelling on the same lot as the ADU (Gov. Code, § 65852.2, subd. (j)(2)).
- Authorizes HCD to notify the local agency if HCD finds that their ADU ordinance is not in compliance with state law (Gov. Code, § 65852.2, subd. (h)(2)).
- Clarifies that a local agency may identify an ADU or JADU as an adequate site to satisfy Regional Housing Needs Allocation (RHNA) housing needs (Gov. Code, §§ 65583.1, subd. (a), and 65852.2, subd. (m)).
- Permits JADUs even where a local agency has not adopted an ordinance expressly authorizing them (Gov. Code, § 65852.2, subs. (a)(3), (b), and (e)).

- Allows a permitted JADU to be constructed within the walls of the proposed or existing single-family residence and eliminates the required inclusion of an existing bedroom or an interior entry into the single-family residence (Gov. Code § 65852.22, subd. (a)(4); former Gov. Code § 65852.22, subd. (a)(5)).
- Requires, upon application and approval, a local agency to delay enforcement against a qualifying substandard ADU for five (5) years to allow the owner to correct the violation, so long as the violation is not a health and safety issue, as determined by the enforcement agency (Gov. Code, § 65852.2, subd. (n); Health & Safety Code, § 17980.12).

AB 587 (Friedman), AB 670 (Friedman), and AB 671 (Friedman)

In addition to the legislation listed above, AB 587 (Chapter 657, Statutes of 2019), AB 670 (Chapter 178, Statutes of 2019), and AB 671 (Chapter 658, Statutes of 2019) also have an impact on state ADU law, particularly through Health and Safety Code Section 17980.12. These pieces of legislation, among other changes, address the following:

- AB 587 creates a narrow exemption to the prohibition for ADUs to be sold or otherwise conveyed separately from the primary dwelling by allowing deed-restricted sales to occur if the local agency adopts an ordinance. To qualify, the primary dwelling and the ADU are to be built by a qualified nonprofit corporation whose mission is to provide units to low-income households (Gov. Code, § 65852.26).
- AB 670 provides that covenants, conditions and restrictions (CC&Rs) that either effectively prohibit or unreasonably restrict the construction or use of an ADU or JADU on a lot zoned for single-family residential use are void and unenforceable (Civ. Code, § 4751).
- AB 671 requires local agencies' housing elements to include a plan that incentivizes and promotes the creation of ADUs that can offer affordable rents for very low, low-, or moderate-income households and requires HCD to develop a list of state grants and financial incentives in connection with the planning, construction and operation of affordable ADUs (Gov. Code, § 65583; Health & Safety Code, § 50504.5).

Frequently Asked Questions: Accessory Dwelling Units¹

1. Legislative Intent

a. Should a local ordinance encourage the development of accessory dwelling units?

Yes. Pursuant to Government Code Section 65852.150, the California Legislature found and declared that, among other things, California is facing a severe housing crisis and ADUs are a valuable form of housing that meets the needs of family members, students, the elderly, in-home health care providers, people with disabilities and others. Therefore, ADUs are an essential component of California's housing supply.

ADU law and recent changes intend to address barriers, streamline approval,

Government Code 65852.150:

(a) *The Legislature finds and declares all of the following:*

(1) *Accessory dwelling units are a valuable form of housing in California.*

(2) *Accessory dwelling units provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others, at below market prices within existing neighborhoods.*

(3) *Homeowners who create accessory dwelling units benefit from added income, and an increased sense of security.*

(4) *Allowing accessory dwelling units in single-family or multifamily residential zones provides additional rental housing stock in California.*

(5) *California faces a severe housing crisis.*

(6) *The state is falling far short of meeting current and future housing demand with serious consequences for the state's economy, our ability to build green infill consistent with state greenhouse gas reduction goals, and the well-being of our citizens, particularly lower and middle-income earners.*

(7) *Accessory dwelling units offer lower cost housing to meet the needs of existing and future residents within existing neighborhoods, while respecting architectural character.*

(8) *Accessory dwelling units are, therefore, an essential component of California's housing supply.*

(b) *It is the intent of the Legislature that an accessory dwelling unit ordinance adopted by a local agency has the effect of providing for the creation of accessory dwelling units and that provisions in this ordinance relating to matters including unit size, parking, fees, and other requirements, are not so arbitrary, excessive, or burdensome so as to unreasonably restrict the ability of homeowners to create accessory dwelling units in zones in which they are authorized by local ordinance.*

¹ Note: Unless otherwise noted, the Government Code section referenced is 65852.2.

and expand potential capacity for ADUs, recognizing their unique importance in addressing California's housing needs. The preparation, adoption, amendment, and implementation of local ADU ordinances must be carried out consistent with Government Code, Section 65852.150 and must not unduly constrain the creation of ADUs. Local governments adopting ADU ordinances should carefully weigh the adoption of zoning, development standards, and other provisions for impacts on the development of ADUs.

In addition, ADU law is the statutory minimum requirement. Local governments may elect to go beyond this statutory minimum and further the creation of ADUs. Many local governments have embraced the importance of ADUs as an important part of their overall housing policies and have pursued innovative strategies. (Gov. Code, § 65852.2, subd. (g)).

2. Zoning, Development and Other Standards

A) Zoning and Development Standards

- **Are ADUs allowed jurisdiction wide?**

No. ADUs proposed pursuant to subdivision (e) must be considered in any residential or mixed-use zone. For other ADUs, local governments may, by ordinance, designate areas in zones where residential uses are permitted that will also permit ADUs. However, any limits on where ADUs are permitted may only be based on the adequacy of water and sewer service, and the impacts on traffic flow and public safety. Further, local governments may not preclude the creation of ADUs altogether, and any limitation should be accompanied by detailed findings of fact explaining why ADU limitations are required and consistent with these factors.

Examples of public safety include severe fire hazard areas and inadequate water and sewer service and includes cease and desist orders. Impacts on traffic flow should consider factors like lesser car ownership rates for ADUs and the potential for ADUs to be proposed pursuant to Government Code section 65852.2, subdivision (e). Finally, local governments may develop alternative procedures, standards, or special conditions with mitigations for allowing ADUs in areas with potential health and safety concerns. (Gov. Code, § 65852.2, subd. (e))

Residential or mixed-use zone should be construed broadly to mean any zone where residential uses are permitted by-right or by conditional use.

- **Can a local government apply design and development standards?**

Yes. A local government may apply development and design standards that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Resources. However, these standards shall be sufficiently objective to allow ministerial review of an ADU. (Gov. Code, § 65852.2, subd. (a)(1)(B)(i))

ADUs created under subdivision (e) of Government Code 65852.2 shall not be subject to design and development standards except for those that are noted in the subdivision.

What does objective mean?

“objective zoning standards” and “objective design review standards” mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. Gov Code § 65913.4, subd. (a)(5)

ADUs that do not meet objective and ministerial development and design standards may still be permitted through an ancillary discretionary process if the applicant chooses to do so. Some jurisdictions with compliant ADU ordinances apply additional processes to further the creation of ADUs that do not otherwise comply with the minimum standards necessary for ministerial review. Importantly, these processes are intended to provide additional opportunities to create ADUs that would not otherwise be permitted, and a discretionary process may not be used to review ADUs that are fully compliant with ADU law. Examples of these processes include areas where additional health and safety concerns must be considered, such as fire risk.

- **Can ADUs exceed general plan and zoning densities?**

Yes. An ADU is an accessory use for the purposes of calculating allowable density under the general plan and zoning that does not count toward the allowable density. For example, if a zoning district allows one unit per 7,500 square feet, then an ADU would not be counted as an additional unit. Further, local governments could elect to allow more than one ADU on a lot, and ADUs are automatically a residential use deemed consistent with the general plan and zoning. (Gov. Code, § 65852.2, subd. (a)(1)(C).)

- **Are ADUs permitted ministerially?**

Yes. ADUs must be considered, approved, and permitted ministerially, without discretionary action. Development and other decision-making standards must be sufficiently objective to allow for ministerial review. Examples include numeric and fixed standards such as heights or setbacks, or design standards such as colors or materials. Subjective standards require judgement and can be interpreted in multiple ways such as privacy, compatibility with neighboring properties or promoting harmony and balance in the community; subjective standards shall not be imposed for ADU development. Further, ADUs must not be subject to a hearing or any ordinance regulating the issuance of variances or special use permits and must be considered ministerially. (Gov. Code, § 65852.2, subd. (a)(3).)

- **Can I create an ADU if I have multiple detached dwellings on a lot?**

Yes. A lot where there are currently multiple detached single-family dwellings is eligible for creation of one ADU per lot by converting space within the proposed or existing space of a single-family dwelling or existing structure or a new construction detached ADU subject to certain development standards.

- **Can I build an ADU in a historic district, or if the primary residence is subject to historic preservation?**

Yes. ADUs are allowed within a historic district, and on lots where the primary residence is subject to historic preservation. State ADU law allows for a local agency to impose standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Resources. However, these standards do not apply to ADUs proposed pursuant to Government Code section 65852.2, subdivision (e).

As with non-historic resources, a jurisdiction may impose objective and ministerial standards that are sufficiently objective to be reviewed ministerially and do not unduly burden the creation of ADUs. Jurisdictions are encouraged to incorporate these standards into their ordinance and submit these standards along with their ordinance to HCD. (Gov. Code, § 65852.2, subs. (a)(1)(B)(i) & (a)(5).)

B) Size Requirements

- **Is there a minimum lot size requirement?**

No. While local governments may impose standards on ADUs, these standards shall not include minimum lot size requirements. Further, lot coverage requirements cannot preclude the creation of a statewide exemption ADU (800 square feet ADU with a height limitation of 16 feet and 4 feet side and rear yard setbacks). If lot coverage requirements do not allow such an ADU, an automatic exception or waiver should be given to appropriate development standards such as lot coverage, floor area or open space requirements. Local governments may continue to enforce building and health and safety standards and may consider design, landscape, and other standards to facilitate compatibility.

What is a statewide exemption ADU?

A statewide exemption ADU is an ADU of up to 800 square feet, 16 feet in height, as potentially limited by a local agency, and with 4 feet side and rear yard setbacks. ADU law requires that no lot coverage, floor area ratio, open space, or minimum lot size will preclude the construction of a statewide exemption ADU. Further, ADU law allows the construction of a detached new construction statewide exemption ADU to be combined on the same lot with a JADU in a single-family residential zone. In addition, ADUs are allowed in any residential or mixed uses regardless of zoning and development standards imposed in an ordinance. See more discussion below.

- **Can minimum and maximum unit sizes be established for ADUs?**

Yes. A local government may, by ordinance, establish minimum and maximum unit size requirements for both attached and detached ADUs. However, maximum unit size requirements must be at least 850 square feet and 1,000 square feet for ADUs with more than one bedroom. For local agencies without an ordinance, maximum unit sizes are 1,200 square feet for a new detached ADU and up to 50 percent of the floor area of the existing primary dwelling for an attached ADU (at least 800 square feet). Finally, the local agency must not establish by ordinance a minimum square footage requirement that prohibits an efficiency unit, as defined in Health and Safety Code section 17958.1.

The conversion of an existing accessory structure or a portion of the existing primary residence to an ADU is not subject to size requirements. For example, an existing 3,000 square foot barn converted to an ADU would not be subject to the size requirements, regardless if a local government has an adopted ordinance. Should an applicant want to expand an accessory structure to create an ADU beyond 150 square feet, this ADU would be subject to the size maximums outlined in state ADU law, or the local agency’s adopted ordinance.

- **Can a percentage of the primary dwelling be used for a maximum unit size?**

Yes. Local agencies may utilize a percentage (e.g., 50 percent) of the primary dwelling as a maximum unit size for attached or detached ADUs but only if it does not restrict an ADU’s size to less than the standard of at least 850 square feet (or at least 1000 square feet for ADUs with more than one bedroom). Local agencies must not, by ordinance, establish any other minimum or maximum unit sizes, including based on

a percentage of the primary dwelling, that precludes a statewide exemption ADU. Local agencies utilizing percentages of the primary dwelling as maximum unit sizes could consider multi-pronged standards to help navigate these requirements (e.g., shall not exceed 50 percent of the dwelling or 1,000 square feet, whichever is greater).

• **Can maximum unit sizes exceed 1,200 square feet for ADUs?**

Yes. Maximum unit sizes, by ordinance, can exceed 1,200 square feet for ADUs. ADU law does not limit the authority of local agencies to adopt less restrictive requirements for the creation of ADUs (Gov. Code, § 65852.2, subd. (g)).

Larger unit sizes can be appropriate in a rural context or jurisdictions with larger lot sizes and is an important approach to creating a full spectrum of ADU housing choices.

C) Parking Requirements

• **Can parking requirements exceed one space per unit or bedroom?**

No. Parking requirements for ADUs shall not exceed one parking space per unit or bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway. Guest parking spaces shall not be required for ADUs under any circumstances.

What is Tandem Parking?

Tandem parking means two or more automobiles that are parked on a driveway or in any other location on a lot, lined up behind one another. (Gov. Code, § 65852.2, subs. (a)(1)(D)(x)(l) and (j)(11).)

Local agencies may choose to eliminate or reduce parking requirements for ADUs such as requiring zero or half a parking space per each ADU.

• **Is flexibility for siting parking required?**

Yes. Local agencies should consider flexibility when siting parking for ADUs. Offstreet parking spaces for the ADU shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made. Specific findings must be based on specific site or regional topographical or fire and life safety conditions.

When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU, or converted to an ADU, the local agency shall not require that those offstreet parking spaces for the primary unit be replaced. (Gov. Code, § 65852.2, subd. (a)(D)(xi).)

• **Can ADUs be exempt from parking?**

Yes. A local agency shall not impose ADU parking standards for any of the following, pursuant to Government Code section 65852.2, subdivisions (d)(1-5) and (j)(10).

(1) Accessory dwelling unit is located within one-half mile walking distance of public transit.

- (2) Accessory dwelling unit is located within an architecturally and historically significant historic district.
- (3) Accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.
- (4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
- (5) When there is a car share vehicle located within one block of the accessory dwelling unit.

Note: For the purposes of state ADU law, a jurisdiction may use the designated areas where a car share vehicle may be accessed. Public transit is any location where an individual may access buses, trains, subways and other forms of transportation that charge set fares, run on fixed routes and are available to the general public. Walking distance is defined as the pedestrian shed to reach public transit. Additional parking requirements to avoid impacts to public access may be required in the coastal zone.

D) Setbacks

- **Can setbacks be required for ADUs?**

Yes. A local agency may impose development standards, such as setbacks, for the creation of ADUs. Setbacks may include front, corner, street, and alley setbacks. Additional setback requirements may be required in the coastal zone if required by a local coastal program. Setbacks may also account for utility easements or recorded setbacks. However, setbacks must not unduly constrain the creation of ADUs and cannot be required for ADUs proposed pursuant to subdivision (e). Further, a setback of no more than four feet from the side and rear lot lines shall be required for an attached or detached ADU. (Gov. Code, § 65852.2, subd. (a)(1)(D)(vii).)

A local agency may also allow the expansion of a detached structure being converted into an ADU when the existing structure does not have four-foot rear and side setbacks. A local agency may also allow the expansion area of a detached structure being converted into an ADU to have no setbacks, or setbacks of less than four feet, if the existing structure has no setbacks, or has setbacks of less than four feet. A local agency shall not require setbacks of more than four feet for the expanded area of a detached structure being converted into an ADU.

A local agency may still apply front yard setbacks for ADUs, but front yard setbacks cannot preclude a statewide exemption ADU and must not unduly constrain the creation of all types of ADUs. (Gov. Code, § 65852.2, subd. (c).)

E) Height Requirements

- **Is there a limit on the height of an ADU or number of stories?**

Not in state ADU law, but local agencies may impose height limits provided that the limit is no less than 16 feet. (Gov. Code, § 65852.2, subd. (a)(1)(B)(i).)

F) Bedrooms

- **Is there a limit on the number of bedrooms?**

State ADU law does not allow for the limitation on the number of bedrooms of an ADU. A limit on the number of bedrooms could be construed as a discriminatory practice towards protected classes, such as familial status, and would be considered a constraint on the development of ADUs.

G) Impact Fees

- **Can impact fees be charged for an ADU less than 750 square feet?**

No. An ADU is exempt from incurring impact fees from local agencies, special districts, and water corporations if less than 750 square feet. Should an ADU be 750 square feet or larger, impact fees shall be charged proportionately in relation to the square footage of the ADU to the square footage of the primary dwelling unit.

What is “Proportionately”?

“Proportionately” is some amount that corresponds to a total amount, in this case, an impact fee for a single-family dwelling. For example, a 2,000 square foot primary dwelling with a proposed 1,000 square foot ADU could result in 50 percent of the impact fee that would be charged for a new primary dwelling on the same site. In all cases, the impact fee for the ADU must be less than the primary dwelling. Otherwise, the fee is not calculated proportionately. When utilizing proportions, careful consideration should be given to the impacts on costs, feasibility, and ultimately, the creation of ADUs. In the case of the example above, anything greater than 50 percent of the primary dwelling could be considered a constraint on the development of ADUs.

For purposes of calculating the fees for an ADU on a lot with a multifamily dwelling, the proportionality shall be based on the average square footage of the units within that multifamily dwelling structure. For ADUs converting existing space with a 150 square foot expansion, a total ADU square footage over 750 square feet could trigger the proportionate fee requirement. (Gov. Code, § 65852.2, subd. (f)(3)(A).)

- **Can local agencies, special districts or water corporations waive impact fees?**

Yes. Agencies can waive impact and any other fees for ADUs. Also, local agencies may also use fee deferrals for applicants.

- **Can school districts charge impact fees?**

Yes. School districts are authorized but do not have to levy impact fees for ADUs greater than 500 square feet pursuant to Section 17620 of the Education Code. ADUs less than 500 square feet are not subject to school impact fees. Local agencies are encouraged to coordinate with school districts to carefully weigh the importance of promoting ADUs, ensuring appropriate nexus studies and appropriate fees to facilitate construction or reconstruction of adequate school facilities.

- **What types of fees are considered impact fees?**

Impact fees charged for the construction of ADUs must be determined in accordance with the Mitigation Fee Act and generally include any monetary exaction that is charged by a local agency in connection with the approval of an ADU, including impact fees, for the purpose of defraying all or a portion of the cost of public facilities relating to the ADU. A local agency, special district or water corporation shall not consider ADUs as a new residential use for the purposes of calculating connection fees or capacity charges for

utilities, including water and sewer services. However, these provisions do not apply to ADUs that are constructed concurrently with a new single-family home. (Gov. Code, §§ 65852.2, subd. (f), and 66000)

- **Can I still be charged water and sewer connection fees?**

ADUs converted from existing space and JADUs shall not be considered by a local agency, special district or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, unless constructed with a new single-family dwelling. The connection fee or capacity charge shall be proportionate to the burden of the proposed ADU, based on its square footage or plumbing fixtures as compared to the primary dwelling. State ADU law does not cover monthly charge fees. (Gov. Code, § 65852.2, subd. (f)(2)(A).)

H) Conversion of Existing Space in Single Family, Accessory and Multifamily Structures and Other Statewide Permissible ADUs (Subdivision (e))

- **Are local agencies required to comply with subdivision (e)?**

Yes. All local agencies must comply with subdivision (e). This subdivision requires the ministerial approval of ADUs within a residential or mixed-use zone. The subdivision creates four categories of ADUs that should not be subject to other specified areas of ADU law, most notably zoning and development standards. For example, ADUs under this subdivision should not have to comply with lot coverage, setbacks, heights, and unit sizes. However, ADUs under this subdivision must meet the building code and health and safety requirements. The four categories of ADUs under subdivision (e) are:

- b. One ADU and one JADU are permitted per lot within the existing or proposed space of a single-family dwelling, or a JADU within the walls of the single family residence, or an ADU within an existing accessory structure, that meets specified requirements such as exterior access and setbacks for fire and safety.**
- c. One detached new construction ADU that does not exceed four-foot side and rear yard setbacks. This ADU may be combined on the same lot with a JADU and may be required to meet a maximum unit size requirement of 800 square feet and a height limitation of 16 feet.**
- d. Multiple ADUs within the portions of multifamily structures that are not used as livable space. Local agencies must allow at least one of these types of ADUs and up to 25 percent of the existing multifamily structures.**
- e. Up to two detached ADUs on a lot that has existing multifamily dwellings that are subject to height limits of 16 feet and 4-foot rear and side yard setbacks.**

The above four categories are not required to be combined. For example, local governments are not required to allow (a) and (b) together or (c) and (d) together. However, local agencies may elect to allow these ADU types together.

Local agencies shall allow at least one ADU to be created within the non-livable space within multifamily dwelling structures, or up to 25 percent of the existing multifamily dwelling units within a structure and may also allow not more than two ADUs on the lot detached from the multifamily dwelling structure. New detached units are subject to height limits of 16 feet and shall not be required to have side and rear setbacks of more than four feet.

The most common ADU that can be created under subdivision (e) is a conversion of proposed or existing space of a single-family dwelling or accessory structure into an ADU, without any prescribed size limitations, height, setback, lot coverage, architectural review, landscape, or other development standards. This would enable the conversion of an accessory structure, such as a 2,000 square foot garage, to an ADU without any additional requirements other than compliance with building standards for dwellings. These types of ADUs are also eligible for a 150 square foot expansion (see discussion below).

ADUs created under subdivision (e) shall not be required to provide replacement or additional parking. Moreover, these units shall not, as a condition for ministerial approval, be required to correct any existing or created nonconformity. Subdivision (e) ADUs shall be required to be rented for terms longer than 30 days, and only require fire sprinklers if fire sprinklers are required for the primary residence. These ADUs shall not be counted as units when calculating density for the general plan and are not subject to owner-occupancy.

- **Can I convert my accessory structure into an ADU?**

Yes. The conversion of garages, sheds, barns, and other existing accessory structures, either attached or detached from the primary dwelling, into ADUs is permitted and promoted through the state ADU law. These conversions of accessory structures are not subject to any additional development standard, such as unit size, height, and lot coverage requirements, and shall be from existing space that can be made safe under building and safety codes. A local agency should not set limits on when the structure was created, and the structure must meet standards for health and safety. Finally, local governments may also consider the conversion of illegal existing space and could consider alternative building standards to facilitate the conversion of existing illegal space to minimum life and safety standards.

- **Can an ADU converting existing space be expanded?**

Yes. An ADU created within the existing or proposed space of a single-family dwelling or accessory structure can be expanded beyond the physical dimensions of the structure. In addition, an ADU created within an existing accessory structure may be expanded up to 150 square feet without application of local development standards, but this expansion shall be limited to accommodating ingress and egress. An example of where this expansion could be applicable is for the creation of a staircase to reach a second story ADU. These types of ADUs shall conform to setbacks sufficient for fire and safety.

A local agency may allow for an expansion beyond 150 square feet, though the ADU would have to comply with the size maximums as per state ADU law, or a local agency's adopted ordinance.

As a JADU is limited to being created within the walls of a primary residence, this expansion of up to 150 square feet does not pertain to JADUs.

I) Nonconforming Zoning Standards

- **Does the creation of an ADU require the applicant to carry out public improvements?**

No physical improvements shall be required for the creation or conversion of an ADU. Any requirement to carry out public improvements is beyond what is required for the creation of an ADU, as per state law. For example, an applicant shall not be required to improve sidewalks, carry out street improvements, or access improvements to create an ADU. Additionally, as a condition for ministerial approval of an ADU, an applicant shall not be required to correct nonconforming zoning conditions. (Gov. Code, § 65852.2, subd. (e)(2).)

J) Renter and Owner-occupancy

- **Are rental terms required?**

Yes. Local agencies may require that the property be used for rentals of terms longer than 30 days. ADUs permitted ministerially, under subdivision (e), shall be rented for terms longer than 30 days. (Gov. Code, § 65852.2, subs. (a)(6) & (e)(4).)

- **Are there any owner-occupancy requirements for ADUs?**

No. Prior to recent legislation, ADU laws allowed local agencies to elect whether the primary dwelling or ADU was required to be occupied by an owner. The updates to state ADU law removed the owner-occupancy allowance for newly created ADUs effective January 1, 2020. The new owner-occupancy exclusion is set to expire on December 31, 2024. Local agencies may not retroactively require owner occupancy for ADUs permitted between January 1, 2020, and December 31, 2024.

However, should a property have both an ADU and JADU, JADU law requires owner-occupancy of either the newly created JADU, or the single-family residence. Under this specific circumstance, a lot with an ADU would be subject to owner-occupancy requirements. (Gov. Code, § 65852.2, subd. (a)(2).)

K) Fire Sprinkler Requirements

- **Are fire sprinklers required for ADUs?**

No. Installation of fire sprinklers may not be required in an ADU if sprinklers are not required for the primary residence. For example, a residence built decades ago would not have been required to have fire sprinklers installed under the applicable building code at the time. Therefore, an ADU created on this lot cannot be required to install fire sprinklers. However, if the same primary dwelling recently undergoes significant remodeling and is now required to have fire sprinklers, any ADU created after that remodel must likewise install fire sprinklers. (Gov. Code, § 65852.2, subs. (a)(1)(D)(xii) and (e)(3).)

Please note, for ADUs created on lots with multifamily residential structures, the entire residential structure shall serve as the “primary residence” for the purposes of this analysis. Therefore, if the multifamily structure is served by fire sprinklers, the ADU can be required to install fire sprinklers.

L) Solar Panel Requirements

- **Are solar panels required for new construction ADUs?**

Yes, newly constructed ADUs are subject to the Energy Code requirement to provide solar panels if the unit(s) is a newly constructed, non-manufactured, detached ADU. Per the California Energy Commission (CEC), the panels can be installed on the ADU or on the primary dwelling unit. ADUs that are constructed within existing space, or as an addition to existing homes, including detached additions where an existing detached building is converted from non-residential to residential space, are not subject to the Energy Code requirement to provide solar panels.

Please refer to the CEC on this matter. For more information, see the CEC's website www.energy.ca.gov. You may email your questions to: title24@energy.ca.gov, or contact the Energy Standards Hotline at 800-772-3300. CEC memos can also be found on HCD's website at <https://www.hcd.ca.gov/policy-research/AccessoryDwellingUnits.shtml>.

3. Junior Accessory Dwelling Units (JADUs) – Government Code Section 65852.22

- **Are two JADUs allowed on a lot?**

No. A JADU may be created on a lot zoned for single-family residences with one primary dwelling. The JADU may be created within the walls of the proposed or existing single-family residence, including attached garages, as attached garages are considered within the walls of the existing single-family residence. Please note that JADUs created in the attached garage are not subject to the same parking protections as ADUs and could be required by the local agency to provide replacement parking.

JADUs are limited to one per residential lot with a single-family residence. Lots with multiple detached single-family dwellings are not eligible to have JADUs. (Gov. Code, § 65852.22, subd. (a)(1).)

- **Are JADUs allowed in detached accessory structures?**

No, JADUs are not allowed in accessory structures. The creation of a JADU must be within the single-family residence. As noted above, attached garages are eligible for JADU creation. The maximum size for a JADU is 500 square feet. (Gov. Code, § 65852.22, subds. (a)(1), (a)(4), and (h)(1).)

- **Are JADUs allowed to be increased up to 150 square feet when created within an existing structure?**

No. Only ADUs are allowed to add up to 150 square feet “beyond the physical dimensions of the existing accessory structure” to provide for ingress. (Gov. Code, § 65852.2, subd. (e)(1)(A)(i).)

This provision extends only to ADUs and excludes JADUs. A JADU is required to be created within the single-family residence.

- **Are there any owner-occupancy requirements for JADUs?**

Yes. There are owner-occupancy requirements for JADUs. The owner must reside in either the remaining portion of the primary residence, or in the newly created JADU. (Gov. Code, § 65852.22, subd. (a)(2).)

4. Manufactured Homes and ADUs

- **Are manufactured homes considered to be an ADU?**

Yes. An ADU is any residential dwelling unit with independent facilities and permanent provisions for living, sleeping, eating, cooking and sanitation. An ADU includes a manufactured home (Health & Saf. Code, § 18007).

Health and Safety Code section 18007, subdivision (a): **“Manufactured home,”** for the purposes of this part, means a structure that was constructed on or after June 15, 1976, is transportable in one or more sections, is eight body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected on site, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. “Manufactured home” includes any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C., Sec. 5401, and following).

5. ADUs and the Housing Element

- **Do ADUs and JADUs count toward a local agency’s Regional Housing Needs Allocation?**

Yes. Pursuant to Government Code section 65852.2 subdivision (m), and section 65583.1, ADUs and JADUs may be utilized towards the Regional Housing Need Allocation (RHNA) and Annual Progress Report (APR) pursuant to Government Code section 65400. To credit a unit toward the RHNA, HCD and the Department of Finance (DOF) utilize the census definition of a housing unit. Generally, an ADU, and a JADU with shared sanitation facilities, and any other unit that meets the census definition, and is reported to DOF as part of the DOF annual City and County Housing Unit Change Survey, can be credited toward the RHNA based on the appropriate income level. The housing element or APR must include a reasonable methodology to demonstrate the level of affordability. Local governments can track actual or anticipated affordability to assure ADUs and JADUs are counted towards the appropriate income category. For example, some local governments request and track information such as anticipated affordability as part of the building permit or other applications.

- **Is analysis required to count ADUs toward the RHNA in the housing element?**

Yes. To calculate ADUs in the housing element, local agencies must generally use a three-part approach: (1) development trends, (2) anticipated affordability and (3) resources and incentives. Development trends must consider ADUs permitted in the prior planning period and may also consider more recent trends. Anticipated affordability can use a variety of methods to estimate the affordability by income group. Common approaches include rent surveys of ADUs, using rent surveys and square footage assumptions and data available through the APR pursuant to Government Code section 65400. Resources and incentives include policies and programs to encourage ADUs, such as prototype plans, fee waivers, expedited procedures and affordability monitoring programs.

- **Are ADUs required to be addressed in the housing element?**

Yes. The housing element must include a description of zoning available to permit ADUs, including development standards and analysis of potential constraints on the development of ADUs. The element must include programs as appropriate to address identified constraints. In addition, housing elements must

include a plan that incentivizes and promotes the creation of ADUs that can offer affordable rents for very low, low-, or moderate-income households and requires HCD to develop a list of state grants and financial incentives in connection with the planning, construction and operation of affordable ADUs. (Gov. Code, § 65583 and Health & Saf. Code, § 50504.5.)

6. Homeowners Association

- **Can my local Homeowners Association (HOA) prohibit the construction of an ADU or JADU?**

No. Assembly Bill 670 (2019) and AB 3182 (2020) amended Section 4751, 4740, and 4741 of the Civil Code to preclude common interest developments from prohibiting or unreasonably restricting the construction or use, including the renting or leasing of, an ADU on a lot zoned for single-family residential use. Covenants, conditions and restrictions (CC&Rs) that either effectively prohibit or unreasonably restrict the construction or use of an ADU or JADU on such lots are void and unenforceable or may be liable for actual damages and payment of a civil penalty. Applicants who encounter issues with creating ADUs or JADUs within CC&Rs are encouraged to reach out to HCD for additional guidance.

7. Enforcement

- **Does HCD have enforcement authority over ADU ordinances?**

Yes. After adoption of the ordinance, HCD may review and submit written findings to the local agency as to whether the ordinance complies with state ADU law. If the local agency's ordinance does not comply, HCD must provide a reasonable time, no longer than 30 days, for the local agency to respond, and the local agency shall consider HCD's findings to amend the ordinance to become compliant. If a local agency does not make changes and implements an ordinance that is not compliant with state law, HCD may refer the matter to the Attorney General.

In addition, HCD may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify ADU law.

8. Other

- **Are ADU ordinances existing prior to new 2020 laws null and void?**

No. Ordinances existing prior to the new 2020 laws are only null and void to the extent that existing ADU ordinances conflict with state law. Subdivision (a)(4) of Government Code Section 65852.2 states an ordinance that fails to meet the requirements of subdivision (a) shall be null and void and shall apply the state standards (see Attachment 3) until a compliant ordinance is adopted. However, ordinances that substantially comply with ADU law may continue to enforce the existing ordinance to the extent it complies with state law. For example, local governments may continue the compliant provisions of an ordinance and apply the state standards where pertinent until the ordinance is amended or replaced to fully comply with ADU law. At the same time, ordinances that are fundamentally incapable of being enforced because key provisions are invalid -- meaning there is not a reasonable way to sever conflicting provisions and apply the remainder of an ordinance in a way that is consistent with state law -- would be fully null and void and must follow all state standards until a compliant ordinance is adopted.

- **Do local agencies have to adopt an ADU ordinance?**

No. Local governments may choose not to adopt an ADU ordinance. Should a local government choose to not adopt an ADU ordinance, any proposed ADU development would be only subject to standards set in state ADU law. If a local agency adopts an ADU ordinance, it may impose zoning, development, design, and other standards in compliance with state ADU law. (See Attachment 4 for a state standards checklist.)

- **Is a local government required to send an ADU ordinance to the California Department of Housing and Community Development (HCD)?**

Yes. A local government, upon adoption of an ADU ordinance, must submit a copy of the adopted ordinance to HCD within 60 days after adoption. After the adoption of an ordinance, the Department may review and submit written findings to the local agency as to whether the ordinance complies with this section. (Gov. Code, § 65852.2, subd. (h)(1).)

Local governments may also submit a draft ADU ordinance for preliminary review by HCD. This provides local agencies the opportunity to receive feedback on their ordinance and helps to ensure compliance with the new state ADU law.

- **Are charter cities and counties subject to the new ADU laws?**

Yes. ADU law applies to a local agency which is defined as a city, county, or city and county, whether general law or chartered. (Gov. Code, § 65852.2, subd. (j)(5)).

Further, pursuant to Chapter 659, Statutes of 2019 (AB 881), the Legislature found and declared ADU law as “...a matter of statewide concern rather than a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution” and concluded that ADU law applies to all cities, including charter cities.

- **Do the new ADU laws apply to jurisdictions located in the Coastal Zone?**

Yes. ADU laws apply to jurisdictions in the Coastal Zone, but do not necessarily alter or lessen the effect or application of Coastal Act resource protection policies. (Gov. Code, § 65852.22, subd. (l)).

Coastal localities should seek to harmonize the goals of protecting coastal resources and addressing housing needs of Californians. For example, where appropriate, localities should amend Local Coastal Programs for California Coastal Commission review to comply with the California Coastal Act and new ADU laws. For more information, see the [California Coastal Commission 2020 Memo](#) and reach out to the locality’s local Coastal Commission district office.

- **What is considered a multifamily dwelling?**

For the purposes of state ADU law, a structure with two or more attached dwellings on a single lot is considered a multifamily dwelling structure. Multiple detached single-unit dwellings on the same lot are not considered multifamily dwellings for the purposes of state ADU law.

Resources



Attachment 1: Statutory Changes (Strikeout/Italics and Underline)

GOV. CODE: TITLE 7, DIVISION 1, CHAPTER 4, ARTICLE 2

Combined changes from (AB 3182 Accessory Dwelling Units)

and (AB 881, AB 68 and SB 13 Accessory Dwelling Units)

(Changes noted in ~~strikeout~~, underline/*italics*)

Effective January 1, 2021, Section 65852.2 of the Government Code is amended to read:

65852.2.

- (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use. The ordinance shall do all of the following:
- (A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. A local agency that does not provide water or sewer services shall consult with the local water or sewer service provider regarding the adequacy of water and sewer services before designating an area where accessory dwelling units may be permitted.
- (B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Resources. These standards shall not include requirements on minimum lot size.
- (ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.
- (C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.
- (D) Require the accessory dwelling units to comply with all of the following:
- (i) The accessory dwelling unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.
- (ii) The lot is zoned to allow single-family or multifamily dwelling residential use and includes a proposed or existing dwelling.
- (iii) The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.
- (iv) If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing primary dwelling.
- (v) The total floor area for a detached accessory dwelling unit shall not exceed 1,200 square feet.
- (vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.
- (vii) No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.
- (viii) Local building code requirements that apply to detached dwellings, as appropriate.
- (ix) Approval by the local health officer where a private sewage disposal system is being used, if required.
- (x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.
- (II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.
- (III) This clause shall not apply to an accessory dwelling unit that is described in subdivision (d).
- (xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the local agency shall not require that those offstreet parking spaces be replaced.
- (xii) Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

- (2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.
- (3) A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. *If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved.* A local agency may charge a fee to reimburse it for costs incurred to implement this paragraph, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.
- (4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. If a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.
- (5) No other local ordinance, policy, or regulation shall be the basis for the delay or denial of a building permit or a use permit under this subdivision.
- (6) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be used or imposed, including any owner-occupant requirement, except that a local agency may require that the property be used for rentals of terms longer than 30 days.
- (7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.
- (8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.
- (b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a). The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved.
- (c) (1) Subject to paragraph (2), a local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units.
- (2) Notwithstanding paragraph (1), a local agency shall not establish by ordinance any of the following:
- (A) A minimum square footage requirement for either an attached or detached accessory dwelling unit that prohibits an efficiency unit.

(B) A maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than either of the following:

- (i) 850 square feet.
- (ii) 1,000 square feet for an accessory dwelling unit that provides more than one bedroom.

(C) Any other minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, and minimum lot size, for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit that is at least 16 feet in height with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

- (1) The accessory dwelling unit is located within one-half mile walking distance of public transit.
- (2) The accessory dwelling unit is located within an architecturally and historically significant historic district.
- (3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.
- (4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
- (5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e) (1) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following:

(A) One accessory dwelling unit ~~or~~ *and* one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:

(i) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

(ii) The space has exterior access from the proposed or existing single-family dwelling.

(iii) The side and rear setbacks are sufficient for fire and safety.

(iv) The junior accessory dwelling unit complies with the requirements of Section 65852.22.

(B) One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subparagraph (A). A local agency may impose the following conditions on the accessory dwelling unit:

(i) A total floor area limitation of not more than 800 square feet.

(ii) A height limitation of 16 feet.

(C) (i) Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

(ii) A local agency shall allow at least one accessory dwelling unit within an existing multifamily dwelling and shall allow up to 25 percent of the existing multifamily dwelling units.

(D) Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limit of 16 feet and four-foot rear yard and side setbacks.

(2) A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.

(3) The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence.

(4) A local agency shall require that a rental of the accessory dwelling unit created pursuant to this subdivision be for a term longer than 30 days.

(5) A local agency may require, as part of the application for a permit to create an accessory dwelling unit connected to an onsite wastewater treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years.

(6) Notwithstanding subdivision (c) and paragraph (1) a local agency that has adopted an ordinance by July 1, 2018, providing for the approval of accessory dwelling units in multifamily dwelling structures shall ministerially consider a permit application to construct an accessory dwelling unit that is described in paragraph (1), and may impose standards including, but not limited to, design, development, and historic standards on said accessory dwelling units. These standards shall not include requirements on minimum lot size.

- (f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).
- (2) An accessory dwelling unit shall not be considered by a local agency, special district, or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed with a new single-family dwelling.
- (3) (A) A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.
- (B) For purposes of this paragraph, "impact fee" has the same meaning as the term "fee" is defined in subdivision (b) of Section 66000, except that it also includes fees specified in Section 66477. "Impact fee" does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.
- (4) For an accessory dwelling unit described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge, unless the accessory dwelling unit was constructed with a new single-family home.
- (5) For an accessory dwelling unit that is not described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.
- (g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.
- (h) (1) A local agency shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. After adoption of an ordinance, the department may submit written findings to the local agency as to whether the ordinance complies with this section.
- (2) (A) If the department finds that the local agency's ordinance does not comply with this section, the department shall notify the local agency and shall provide the local agency with a reasonable time, no longer than 30 days, to respond to the findings before taking any other action authorized by this section.
- (B) The local agency shall consider the findings made by the department pursuant to subparagraph (A) and shall do one of the following:
- (i) Amend the ordinance to comply with this section.
- (ii) Adopt the ordinance without changes. The local agency shall include findings in its resolution adopting the ordinance that explain the reasons the local agency believes that the ordinance complies with this section despite the findings of the department.
- (3) (A) If the local agency does not amend its ordinance in response to the department's findings or does not adopt a resolution with findings explaining the reason the ordinance complies with this section and addressing the department's findings, the department shall notify the local agency and may notify the Attorney General that the local agency is in violation of state law.
- (B) Before notifying the Attorney General that the local agency is in violation of state law, the department may consider whether a local agency adopted an ordinance in compliance with this section between January 1, 2017, and January 1, 2020.
- (i) The department may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, and standards set forth in this section. The guidelines adopted pursuant to this subdivision are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.
- (j) As used in this section, the following terms mean:
- (1) "Accessory dwelling unit" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:
- (A) An efficiency unit.
- (B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

- (2) "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.
- (3) "Efficiency unit" has the same meaning as defined in Section 17958.1 of the Health and Safety Code.
- (4) "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.
- (5) "Local agency" means a city, county, or city and county, whether general law or chartered.
- (6) "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.
- (7) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.
- (8) "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
- (9) "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
- (10) "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.
- (k) A local agency shall not issue a certificate of occupancy for an accessory dwelling unit before the local agency issues a certificate of occupancy for the primary dwelling.
- (l) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.
- (m) A local agency may count an accessory dwelling unit for purposes of identifying adequate sites for housing, as specified in subdivision (a) of Section 65583.1, subject to authorization by the department and compliance with this division.
- (n) In enforcing building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code for an accessory dwelling unit described in paragraph (1) or (2) below, a local agency, upon request of an owner of an accessory dwelling unit for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with Section 17980.12 of the Health and Safety Code:
- (1) The accessory dwelling unit was built before January 1, 2020.
- (2) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.
- (o) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.
(Becomes operative on January 1, 2025)

Section 65852.2 of the Government Code is amended to read (changes from January 1, 2021 statute noted in underline/italic):

65852.2.

- (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use. The ordinance shall do all of the following:
- (A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. A local agency that does not provide water or sewer services shall consult with the local water or sewer service provider regarding the adequacy of water and sewer services before designating an area where accessory dwelling units may be permitted.
- (B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Resources. These standards shall not include requirements on minimum lot size.
- (ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.
- (C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

- (i) The accessory dwelling unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.
 - (ii) The lot is zoned to allow single-family or multifamily dwelling residential use and includes a proposed or existing dwelling.
 - (iii) The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.
 - (iv) If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing primary dwelling.
 - (v) The total floor area for a detached accessory dwelling unit shall not exceed 1,200 square feet.
 - (vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.
 - (vii) No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.
 - (viii) Local building code requirements that apply to detached dwellings, as appropriate.
 - (ix) Approval by the local health officer where a private sewage disposal system is being used, if required.
 - (x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.
 - (II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.
 - (III) This clause shall not apply to an accessory dwelling unit that is described in subdivision (d).
 - (xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the local agency shall not require that those offstreet parking spaces be replaced.
 - (xii) Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.
- (2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.
- (3) A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. *If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved.* A local agency may charge a fee to reimburse it for costs incurred to implement this paragraph, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.
- (4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. If a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.
- (5) No other local ordinance, policy, or regulation shall be the basis for the delay or denial of a building permit or a use permit under this subdivision.
- (6) (A) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed

accessory dwelling unit on a lot that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be used or ~~imposed, including any owner-occupant requirement, except that~~ imposed except that, subject to subparagraph (B), a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or that the property be used for rentals of terms longer than 30 days.

(B) Notwithstanding subparagraph (A), a local agency shall not impose an owner-occupant requirement on an accessory dwelling unit permitted between January 1, 2020, to January 1, 2025, during which time the local agency was prohibited from imposing an owner-occupant requirement.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a). The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved.

(c) (1) Subject to paragraph (2), a local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units.

(2) Notwithstanding paragraph (1), a local agency shall not establish by ordinance any of the following:

(A) A minimum square footage requirement for either an attached or detached accessory dwelling unit that prohibits an efficiency unit.

(B) A maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than either of the following:

(i) 850 square feet.

(ii) 1,000 square feet for an accessory dwelling unit that provides more than one bedroom.

(C) Any other minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, and minimum lot size, for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit that is at least 16 feet in height with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

(1) The accessory dwelling unit is located within one-half mile walking distance of public transit.

(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.

(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e) (1) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following:

(A) One accessory dwelling unit ~~or~~ and one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:

(i) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not

more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

(ii) The space has exterior access from the proposed or existing single-family dwelling.

(iii) The side and rear setbacks are sufficient for fire and safety.

(iv) The junior accessory dwelling unit complies with the requirements of Section 65852.22.

(B) One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subparagraph (A). A local agency may impose the following conditions on the accessory dwelling unit:

(i) A total floor area limitation of not more than 800 square feet.

(ii) A height limitation of 16 feet.

(C) (i) Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

(ii) A local agency shall allow at least one accessory dwelling unit within an existing multifamily dwelling and shall allow up to 25 percent of the existing multifamily dwelling units.

(D) Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limit of 16 feet and four-foot rear yard and side setbacks.

(2) A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.

(3) The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence.

(4) A local agency may require owner occupancy for either the primary dwelling or the accessory dwelling unit on a single-family lot, subject to the requirements of paragraph (6) of subdivision (a).

~~(4)~~ (5) A local agency shall require that a rental of the accessory dwelling unit created pursuant to this subdivision be for a term longer than 30 days.

~~(5)~~ (6) A local agency may require, as part of the application for a permit to create an accessory dwelling unit connected to an onsite wastewater treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years.

~~(6)~~ (7) Notwithstanding subdivision (c) and paragraph (1) a local agency that has adopted an ordinance by July 1, 2018, providing for the approval of accessory dwelling units in multifamily dwelling structures shall ministerially consider a permit application to construct an accessory dwelling unit that is described in paragraph (1), and may impose standards including, but not limited to, design, development, and historic standards on said accessory dwelling units. These standards shall not include requirements on minimum lot size.

(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) An accessory dwelling unit shall not be considered by a local agency, special district, or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed with a new single-family dwelling.

(3) (A) A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

(B) For purposes of this paragraph, "impact fee" has the same meaning as the term "fee" is defined in subdivision

(b) of Section 66000, except that it also includes fees specified in Section 66477. "Impact fee" does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.

(4) For an accessory dwelling unit described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge, unless the accessory dwelling unit was constructed with a new single-family ~~home-~~ dwelling.

(5) For an accessory dwelling unit that is not described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the

Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h) (1) A local agency shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. After adoption of an ordinance, the department may submit written findings to the local agency as to whether the ordinance complies with this section.

(2) (A) If the department finds that the local agency's ordinance does not comply with this section, the department shall notify the local agency and shall provide the local agency with a reasonable time, no longer than 30 days, to respond to the findings before taking any other action authorized by this section.

(B) The local agency shall consider the findings made by the department pursuant to subparagraph (A) and shall do one of the following:

(i) Amend the ordinance to comply with this section.

(ii) Adopt the ordinance without changes. The local agency shall include findings in its resolution adopting the ordinance that explain the reasons the local agency believes that the ordinance complies with this section despite the findings of the department.

(3) (A) If the local agency does not amend its ordinance in response to the department's findings or does not adopt a resolution with findings explaining the reason the ordinance complies with this section and addressing the department's findings, the department shall notify the local agency and may notify the Attorney General that the local agency is in violation of state law.

(B) Before notifying the Attorney General that the local agency is in violation of state law, the department may consider whether a local agency adopted an ordinance in compliance with this section between January 1, 2017, and January 1, 2020.

(i) The department may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, and standards set forth in this section. The guidelines adopted pursuant to this subdivision are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

(j) As used in this section, the following terms mean:

(1) "Accessory dwelling unit" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(2) "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.

(3) "Efficiency unit" has the same meaning as defined in Section 17958.1 of the Health and Safety Code.

(4) "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

(5) "Local agency" means a city, county, or city and county, whether general law or chartered.

(6) "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.

(7) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(8) "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

(9) "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

(10) "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(k) A local agency shall not issue a certificate of occupancy for an accessory dwelling unit before the local agency issues a certificate of occupancy for the primary dwelling.

(l) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit

applications for accessory dwelling units.

(m) A local agency may count an accessory dwelling unit for purposes of identifying adequate sites for housing, as specified in subdivision (a) of Section 65583.1, subject to authorization by the department and compliance with this division.

(n) In enforcing building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code for an accessory dwelling unit described in paragraph (1) or (2) below, a local agency, upon request of an owner of an accessory dwelling unit for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with Section 17980.12 of the Health and Safety Code:

(1) The accessory dwelling unit was built before January 1, 2020.

(2) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.

(o) This section shall ~~remain in effect only until January 1, 2025, and as of that date is repealed.~~ *become operative on January 1, 2025.*

Effective January 1, 2021, Section 4740 of the Civil Code is amended to read (changes noted in ~~strikeout~~, underline/italics) (AB 3182 (Ting)):

4740.

(a) An owner of a separate interest in a common interest development shall not be subject to a provision in a governing document or an amendment to a governing document that prohibits the rental or leasing of any of the separate interests in that common interest development to a renter, lessee, or tenant unless that governing document, or amendment thereto, was effective prior to the date the owner acquired title to ~~his or~~ *her* ~~their~~ separate interest.

~~(b) Notwithstanding the provisions of this section, an owner of a separate interest in a common interest development may expressly consent to be subject to a governing document or an amendment to a governing document that prohibits the rental or leasing of any of the separate interests in the common interest development to a renter, lessee, or tenant.~~

~~(c)~~ *(b)* For purposes of this section, the right to rent or lease the separate interest of an owner shall not be deemed to have terminated if the transfer by the owner of all or part of the separate interest meets at least one of the following conditions:

(1) Pursuant to Section 62 or 480.3 of the Revenue and Taxation Code, the transfer is exempt, for purposes of reassessment by the county tax assessor.

(2) Pursuant to subdivision (b) of, solely with respect to probate transfers, or subdivision (e), (f), or (g) of, Section 1102.2, the transfer is exempt from the requirements to prepare and deliver a Real Estate Transfer Disclosure Statement, as set forth in Section 1102.6.

~~(d)~~ *(c)* Prior to renting or leasing ~~his or her~~ *their* separate interest as provided by this section, an owner shall provide the association verification of the date the owner acquired title to the separate interest and the name and contact information of the prospective tenant or lessee or the prospective tenant's or lessee's representative.

~~(e)~~ *(d)* Nothing in this section shall be deemed to revise, alter, or otherwise affect the voting process by which a common interest development adopts or amends its governing documents.

~~(f) This section shall apply only to a provision in a governing document or a provision in an amendment to a governing document that becomes effective on or after January 1, 2012.~~

Effective January 1, 2021 of the *Section 4741 is added to the Civil Code, to read (AB 3182 (Ting)):*

4741.

(a) An owner of a separate interest in a common interest development shall not be subject to a provision in a governing document or an amendment to a governing document that prohibits, has the effect of prohibiting, or unreasonably restricts the rental or leasing of any of the separate interests, accessory dwelling units, or junior accessory dwelling units in that common interest development to a renter, lessee, or tenant.

(b) A common interest development shall not adopt or enforce a provision in a governing document or amendment to a governing document that restricts the rental or lease of separate interests within a common interest to less than 25 percent of the separate interests. Nothing in this subdivision prohibits a common interest development from adopting or enforcing a provision authorizing a higher percentage of separate interests to be rented or leased.

(c) This section does not prohibit a common interest development from adopting and enforcing a provision in a

governing document that prohibits transient or short-term rental of a separate property interest for a period of 30 days or less.

(d) For purposes of this section, an accessory dwelling unit or junior accessory dwelling unit shall not be construed as a separate interest.

(e) For purposes of this section, a separate interest shall not be counted as occupied by a renter if the separate interest, or the accessory dwelling unit or junior accessory dwelling unit of the separate interest, is occupied by the owner.

(f) A common interest development shall comply with the prohibition on rental restrictions specified in this section on and after January 1, 2021, regardless of whether the common interest development has revised their governing documents to comply with this section. However, a common interest development shall amend their governing documents to conform to the requirements of this section no later than December 31, 2021.

(g) A common interest development that willfully violates this section shall be liable to the applicant or other party for actual damages, and shall pay a civil penalty to the applicant or other party in an amount not to exceed one thousand dollars (\$1,000).

(h) In accordance with Section 4740, this section does not change the right of an owner of a separate interest who acquired title to their separate interest before the effective date of this section to rent or lease their property.

Effective January 1, 2020, Section 65852.22 of the Government Code is was amended to read (AB 68 (Ting)):
65852.22.

(a) Notwithstanding Section 65852.2, a local agency may, by ordinance, provide for the creation of junior accessory dwelling units in single-family residential zones. The ordinance may require a permit to be obtained for the creation of a junior accessory dwelling unit, and shall do all of the following:

- (1) Limit the number of junior accessory dwelling units to one per residential lot zoned for single-family residences with a single-family residence built, or proposed to be built, on the lot.
 - (2) Require owner-occupancy in the single-family residence in which the junior accessory dwelling unit will be permitted. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.
 - (3) Require the recordation of a deed restriction, which shall run with the land, shall be filed with the permitting agency, and shall include both of the following:
 - (A) A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.
 - (B) A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this section.
 - (4) Require a permitted junior accessory dwelling unit to be constructed within the walls of proposed or existing single-family residence.
 - (5) Require a permitted junior accessory dwelling to include a separate entrance from the main entrance to the proposed or existing single-family residence.
 - (6) Require the permitted junior accessory dwelling unit to include an efficiency kitchen, which shall include all of the following:
 - (A) A cooking facility with appliances.
 - (B) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
- (b) (1) An ordinance shall not require additional parking as a condition to grant a permit.
(2) This subdivision shall not be interpreted to prohibit the requirement of an inspection, including the imposition of a fee for that inspection, to determine if the junior accessory dwelling unit complies with applicable building standards.
- (c) An application for a permit pursuant to this section shall, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, be considered ministerially, without discretionary review or a hearing. The permitting agency shall act on the application to create a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family dwelling on the lot. If the permit application to create a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. A local agency may charge a fee to reimburse the local agency for costs incurred in connection with the issuance of a permit pursuant to this section.

(d) For purposes of any fire or life protection ordinance or regulation, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit. This section shall not be construed to prohibit a city, county, city and county, or other local public entity from adopting an ordinance or regulation relating to fire and life protection requirements within a single-family residence that contains a junior accessory dwelling unit so long as the ordinance or regulation applies uniformly to all single-family residences within the zone regardless of whether the single-family residence includes a junior accessory dwelling unit or not.

(e) For purposes of providing service for water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.

(f) This section shall not be construed to prohibit a local agency from adopting an ordinance or regulation, related to parking or a service or a connection fee for water, sewer, or power, that applies to a single-family residence that contains a junior accessory dwelling unit, so long as that ordinance or regulation applies uniformly to all single-family residences regardless of whether the single-family residence includes a junior accessory dwelling unit.

(g) If a local agency has not adopted a local ordinance pursuant to this section, the local agency shall ministerially approve a permit to construct a junior accessory dwelling unit that satisfies the requirements set forth in subparagraph (A) of paragraph (1) of subdivision (e) of Section 65852.2 and the requirements of this section.

(h) For purposes of this section, the following terms have the following meanings:

(1) "Junior accessory dwelling unit" means a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

Effective January 1, 2020 Section 17980.12 is added to the Health and Safety Code, immediately following Section 17980.11, to read (SB 13 (Wieckowski)):

17980.12.

(a) (1) An enforcement agency, until January 1, 2030, that issues to an owner of an accessory dwelling unit described in subparagraph (A) or (B) below, a notice to correct a violation of any provision of any building standard pursuant to this part shall include in that notice a statement that the owner of the unit has a right to request a delay in enforcement pursuant to this subdivision:

(A) The accessory dwelling unit was built before January 1, 2020.

(B) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.

(2) The owner of an accessory dwelling unit that receives a notice to correct violations or abate nuisances as described in paragraph (1) may, in the form and manner prescribed by the enforcement agency, submit an application to the enforcement agency requesting that enforcement of the violation be delayed for five years on the basis that correcting the violation is not necessary to protect health and safety.

(3) The enforcement agency shall grant an application described in paragraph (2) if the enforcement determines that correcting the violation is not necessary to protect health and safety. In making this determination, the enforcement agency shall consult with the entity responsible for enforcement of building standards and other regulations of the State Fire Marshal pursuant to Section 13146.

(4) The enforcement agency shall not approve any applications pursuant to this section on or after January 1, 2030. However, any delay that was approved by the enforcement agency before January 1, 2030, shall be valid for the full term of the delay that was approved at the time of the initial approval of the application pursuant to paragraph (3).

(b) For purposes of this section, "accessory dwelling unit" has the same meaning as defined in Section 65852.2.

(c) This section shall remain in effect only until January 1, 2035, and as of that date is repealed.

GOV. CODE: TITLE 7, DIVISION 1, CHAPTER 4, ARTICLE 2
AB 587 Accessory Dwelling Units

Effective January 1, 2020 Section 65852.26 is was added to the Government Code, immediately following Section 65852.25, to read (AB 587 (Friedman)):

65852.26.

(a) Notwithstanding clause (i) of subparagraph (D) of paragraph (1) of subdivision (a) of Section 65852.2, a local agency may, by ordinance, allow an accessory dwelling unit to be sold or conveyed separately from the primary residence to a qualified buyer if all of the following apply:

- (1) The property was built or developed by a qualified nonprofit corporation.
- (2) There is an enforceable restriction on the use of the land pursuant to a recorded contract between the qualified buyer and the qualified nonprofit corporation that satisfies all of the requirements specified in paragraph (10) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code.
- (3) The property is held pursuant to a recorded tenancy in common agreement that includes all of the following:
 - (A) The agreement allocates to each qualified buyer an undivided, unequal interest in the property based on the size of the dwelling each qualified buyer occupies.
 - (B) A repurchase option that requires the qualified buyer to first offer the qualified nonprofit corporation to buy the property if the buyer desires to sell or convey the property.
 - (C) A requirement that the qualified buyer occupy the property as the buyer's principal residence.
 - (D) Affordability restrictions on the sale and conveyance of the property that ensure the property will be preserved for low-income housing for 45 years for owner-occupied housing units and will be sold or resold to a qualified buyer.
- (4) A grant deed naming the grantor, grantee, and describing the property interests being transferred shall be recorded in the county in which the property is located. A Preliminary Change of Ownership Report shall be filed concurrently with this grant deed pursuant to Section 480.3 of the Revenue and Taxation Code.
- (5) Notwithstanding subparagraph (A) of paragraph (2) of subdivision (f) of Section 65852.2, if requested by a utility providing service to the primary residence, the accessory dwelling unit has a separate water, sewer, or electrical connection to that utility.

(b) For purposes of this section, the following definitions apply:

- (1) "Qualified buyer" means persons and families of low or moderate income, as that term is defined in Section 50093 of the Health and Safety Code.
- (2) "Qualified nonprofit corporation" means a nonprofit corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under Section 214.15 of the Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program.

CIVIL CODE: DIVISION 4, PART 5, CHAPTER 5, ARTICLE 1
AB 670 Accessory Dwelling Units

Effective January 1, 2020, Section 4751 is was added to the Civil Code, to read (AB 670 (Friedman)):

4751.

- (a) Any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a planned development, and any provision of a governing document, that either effectively prohibits or unreasonably restricts the construction or use of an accessory dwelling unit or junior accessory dwelling unit on a lot zoned for single-family residential use that meets the requirements of Section 65852.2 or 65852.22 of the Government Code, is void and unenforceable.
- (b) This section does not apply to provisions that impose reasonable restrictions on accessory dwelling units or junior accessory dwelling units. For purposes of this subdivision, "reasonable restrictions" means restrictions that do not unreasonably increase the cost to construct, effectively prohibit the construction of, or extinguish the ability

to otherwise construct, an accessory dwelling unit or junior accessory dwelling unit consistent with the provisions of Section 65852.2 or 65852.22 of the Government Code.

GOV. CODE: TITLE 7, DIVISION 1, CHAPTER 3, ARTICLE 10.6

AB 671 Accessory Dwelling Units

Effective January 1, 2020, Section 65583(c)(7) of the Government Code is was added to read (sections of housing element law omitted for conciseness) (AB 671 (Friedman)):

65583(c)(7).

Develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent, as defined in Section 50053 of the Health and Safety Code, for very low, low-, or moderate-income households. For purposes of this paragraph, "accessory dwelling units" has the same meaning as "accessory dwelling unit" as defined in paragraph (4) of subdivision (i) of Section 65852.2.

Effective January 1, 2020, Section 50504.5 is was added to the Health and Safety Code, to read (AB 671 (Friedman)):

50504.5.

(a) The department shall develop by December 31, 2020, a list of existing state grants and financial incentives for operating, administrative, and other expenses in connection with the planning, construction, and operation of an accessory dwelling unit with affordable rent, as defined in Section 50053, for very low, low-, and moderate-income households.

(b) The list shall be posted on the department's internet website by December 31, 2020.

(c) For purposes of this section, "accessory dwelling unit" has the same meaning as defined in paragraph (4) of subdivision (i) of Section 65852.2 of the Government Code.

Attachment 2: State Standards Checklist

YES/NO	STATE STANDARD*	GOVERNMENT CODE SECTION
	Unit is not intended for sale separate from the primary residence and may be rented.	65852.2(a)(1)(D)(i)
	Lot is zoned for single-family or multifamily use and contains a proposed, or existing, dwelling.	65852.2(a)(1)(D)(ii)
	The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure, or detached from the proposed or existing dwelling and located on the same lot as the proposed or existing primary dwelling.	65852.2(a)(1)(D)(iii)
	Increased floor area of an attached accessory dwelling unit does not exceed 50 percent of the existing primary dwelling but shall be allowed to be at least 800/850/1000 square feet.	65852.2(a)(1)(D)(iv), (c)(2)(B) & C
	Total area of floor area for a detached accessory dwelling unit does not exceed 1,200 square feet.	65852.2(a)(1)(D)(v)
	Passageways are not required in conjunction with the construction of an accessory dwelling unit.	65852.2(a)(1)(D)(vi)
	Setbacks are not required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.	65852.2(a)(1)(D)(vii)
	Local building code requirements that apply to detached dwellings are met, as appropriate.	65852.2(a)(1)(D)(viii)
	Local health officer approval where a private sewage disposal system is being used, if required.	65852.2(a)(1)(D)(ix)
	Parking requirements do not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on an existing driveway.	65852.2(a)(1)(D)(x)(I)

Attachment 3: Bibliography

[ACCESSORY DWELLING UNITS: CASE STUDY](#) (26 pp.)

By the United States Department of Housing and Urban Development, Office of Policy Development and Research. (2008)

Introduction: Accessory dwelling units (ADUs) — also referred to as accessory apartments, ADUs, or granny flats — are additional living quarters on single-family lots that are independent of the primary dwelling unit. The separate living spaces are equipped with kitchen and bathroom facilities and can be either attached or detached from the main residence. This case study explores how the adoption of ordinances, with reduced regulatory restrictions to encourage ADUs, can be advantageous for communities. Following an explanation of the various types of ADUs and their benefits, this case study provides examples of municipalities with successful ADU legislation and programs. Section titles include: History of ADUs; Types of Accessory Dwelling Units; Benefits of Accessory Dwelling Units; and Examples of ADU Ordinances and Programs.

[THE MACRO VIEW ON MICRO UNITS](#) (46 pp.)

By Bill Whitlow, et al. – Urban Land Institute (2014)
Library Call #: H43 4.21 M33 2014

The Urban Land Institute Multifamily Housing Councils were awarded a ULI Foundation research grant in fall 2013 to evaluate from multiple perspectives the market performance and market acceptance of micro and small units.

[SECONDARY UNITS AND URBAN INFILL: A Literature Review](#) (12 pp.)

By Jake Wegmann and Alison Nemirow (2011)
UC Berkeley: IURD
Library Call # D44 4.21 S43 2011

This literature review examines the research on both infill development in general, and secondary units in particular, with an eye towards understanding the similarities and differences between infill as it is more traditionally understood – i.e., the development or redevelopment of entire parcels of land in an already urbanized area – and the incremental type of infill that secondary unit development constitutes.

[RETHINKING PRIVATE ACCESSORY DWELLINGS](#) (5 pp.)

By William P. Macht. Urbanland online. (March 6, 2015)
Library Location: Urbanland 74 (1/2) January/February 2015, pp. 87-91.

One of the large impacts of single-use, single-family detached zoning has been to severely shrink the supply of accessory dwellings, which often were created in or near primary houses. Detached single-family dwelling zones—the largest housing zoning category—typically preclude more than one dwelling per lot except under stringent regulation, and then only in some jurisdictions. Bureaucratically termed “accessory dwelling units” that are allowed by some jurisdictions may encompass market-derived names such as granny flats, granny cottages, mother-in-law suites, secondary suites, backyard cottages, casitas, carriage flats, sidekick houses, basement apartments, attic apartments, laneway houses, multigenerational homes, or home-within-a-home.

[Regulating ADUs in California: Local Approaches & Outcomes](#) (44 pp.)

By Deidra Pfeiffer
 Turner Center for Housing and Innovation, UC Berkeley

Accessory dwelling units (ADU) are often mentioned as a key strategy in solving the nation's housing problems, including housing affordability and challenges associated with aging in place. However, we know little about whether formal ADU practices—such as adopting an ordinance, establishing regulations, and permitting—contribute to these goals. This research helps to fill this gap by using data from the Turner California Residential Land Use Survey and the U.S. Census Bureau to understand the types of communities engaging in different kinds of formal ADU practices in California, and whether localities with adopted ordinances and less restrictive regulations have more frequent applications to build ADUs and increasing housing affordability and aging in place. Findings suggest that three distinct approaches to ADUs are occurring in California: 1) a more restrictive approach in disadvantaged communities of color, 2) a moderately restrictive approach in highly advantaged, predominately White and Asian communities, and 3) a less restrictive approach in diverse and moderately advantaged communities. Communities with adopted ordinances and less restrictive regulations receive more frequent applications to build ADUs but have not yet experienced greater improvements in housing affordability and aging in place. Overall, these findings imply that 1) context-specific technical support and advocacy may be needed to help align formal ADU practices with statewide goals, and 2) ADUs should be treated as one tool among many to manage local housing problems.

[ADU Update: Early Lessons and Impacts of California's State and Local Policy Changes](#) (8 p.)

By David Garcia (2017)
 Turner Center for Housing and Innovation, UC Berkeley

As California's housing crisis deepens, innovative strategies for creating new housing units for all income levels are needed. One such strategy is building Accessory Dwelling Units (ADUs) by private homeowners. While large scale construction of new market rate and affordable homes is needed to alleviate demand-driven rent increases and displacement pressures, ADUs present a unique opportunity for individual homeowners to create more housing as well. In particular, ADUs can increase the supply of housing in areas where there are fewer opportunities for larger-scale developments, such as neighborhoods that are predominantly zoned for and occupied by single-family homes.

In two of California's major metropolitan areas -- Los Angeles and San Francisco -- well over three quarters of the total land area is comprised of neighborhoods where single-family homes make up at least 60 percent of the community's housing stock. Across the state, single-family detached units make up 56.4 percent of the overall housing stock. Given their prevalence in the state's residential land use patterns, increasing the number of single-family homes that have an ADU could contribute meaningfully to California's housing shortage.

[Jumpstarting the Market for Accessory Dwelling Units: Lessons Learned from Portland, Seattle and Vancouver](#) (29 pp.)

By Karen Chapple et al (2017)
 Turner Center for Housing and Innovation, UC Berkeley

Despite government attempts to reduce barriers, a widespread surge of ADU construction has not materialized. The ADU market remains stalled. To find out why, this study looks at three cities in the Pacific Northwest of the United States and Canada that have seen a spike in construction in recent years: Portland, Seattle, and Vancouver. Each city has adopted a set of zoning reforms, sometimes in combination with financial incentives and outreach programs, to spur ADU construction. Due to these changes, as well as the acceleration of the housing crisis in each city, ADUs have begun blossoming.

[Accessory Dwelling Units as Low-Income Housing: California's Faustian Bargain](#) (37 pp.)

By Darrel Ramsey-Musolf (2018)

University of Massachusetts Amherst, ScholarWorks@UMass Amherst

In 2003, California allowed cities to count accessory dwelling units (ADU) towards low-income housing needs. Unless a city's zoning code regulates the ADU's maximum rent, occupancy income, and/or effective period, then the city may be unable to enforce low-income occupancy. After examining a stratified random sample of 57 low-, moderate-, and high-income cities, the high-income cities must proportionately accommodate more low-income needs than low-income cities. By contrast, low-income cities must quantitatively accommodate three times the low-income needs of high-income cities. The sample counted 750 potential ADUs as low-income housing. Even though 759 were constructed, no units were identified as available low-income housing. In addition, none of the cities' zoning codes enforced low-income occupancy. Inferential tests determined that cities with colleges and high incomes were more probable to count ADUs towards overall and low-income housing needs. Furthermore, a city's count of potential ADUs and cities with high proportions of renters maintained positive associations with ADU production, whereas a city's density and prior compliance with state housing laws maintained negative associations. In summary, ADUs did increase local housing inventory and potential ADUs were positively associated with ADU production, but ADUs as low-income housing remained a paper calculation.

ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING
Tuesday, January 26, 2021
6:00 PM

JESSE ARREGUIN, MAYOR

Councilmembers:

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

DISTRICT 5 – SOPHIE HAHN
 DISTRICT 6 – SUSAN WENGRAF
 DISTRICT 7 – RIGEL ROBINSON
 DISTRICT 8 – LORI DROSTE

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this meeting of the City Council will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive Order and the Shelter-in-Place Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, there will not be a physical meeting location available.

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

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/87354849181>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.

*To join by phone: Dial 1-669-900-9128 or 1-877-853-5257 (Toll Free) and enter Meeting ID: 873 5484 9181. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

To submit an e-mail comment during the meeting to be read aloud during public comment, email clerk@cityofberkeley.info with the Subject Line in this format: "PUBLIC COMMENT ITEM ##." Please observe a 150 word limit. Time limits on public comments will apply. Written comments will be entered into the public record.

Please be mindful that the teleconference will be recorded as any Council meeting is recorded, and all other rules of procedure and decorum will apply for Council meetings conducted by teleconference or videoconference.

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

Council Consent Items

10. **Budget Referral to Reinstate Partial Funding for the Gun Buyback Program Previously Authorized by City Council** *(Continued from November 10, 2020)*
From: Councilmember Kesarwani (Author), Mayor Arreguin (Co-Sponsor), Councilmember Davila (Co-Sponsor)
Recommendation: Refer to the FY 2020-21 November Amendment to the Annual Appropriations Ordinance (AAO #1) \$40,000 to reinstate partial funding for the Gun Buyback Program—originally proposed by Councilmember Cheryl Davila and authorized by the City Council on Nov. 27, 2018.
Financial Implications: \$40,000
 Contact: Rashi Kesarwani, Councilmember, District 1 (510) 981-7110
Action: Approved recommendation revised to be a referral to the FY 2022 budget process.
11. **Short Term Referral to City Manager, Disaster and Fire Safety Commission and Planning Commission to Amend Local Accessory Dwelling Unit (ADU) Zoning Ordinance and Berkeley's Fire Code**
From: Councilmember Wengraf (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Refer to the City Manager, the Disaster and Fire Safety Commission and the Planning Commission to evaluate and recommend to Council within 90 days, a set of ordinance amendments and implementation programs to address emergency access and egress, parking and objective development standards to address the constraints presented by high fire hazard conditions and narrow and curving roadways in Fire Zones 2 and 3. (Attachment 1 to the report). Recommendations to Additional Objective Development Standards in Zones 2 and 3:
 -Zone 2 and 3 - limit the base maximum size of newly constructed, detached ADUs to 850 sq. feet. -Zone 2 and 3 – require compliance with front yard, side yard and open space and coverage requirements of the applicable zoning district.
 Recommendations to amend the Fire Code: -Prohibit parking on streets where egress and ingress will be adversely impacted by additional vehicles and increased population. -Require sprinklers in new construction, consistent with local Fire Code. - Explore their authority under California Health and Safety Code Sec. 13869.7 to mitigate the adverse impacts of ADU creation in requiring safe and adequate ingress and egress routes and sufficient off-street parking.
Financial Implications: Staff time
 Contact: Susan Wengraf, Councilmember, District 6 (510) 981-7160
Action: Approved recommendation revised to add the underlined phrase, “...and objective development standards for ADUs in all districts with expedited consideration to address the constraints presented by high fire hazard conditions and narrow and curving roadways in Fire Zones 2 and 3.”



Planning Commission

FINAL MINUTES OF THE REGULAR PLANNING COMMISSION MEETING APRIL 7, 2021

The meeting was called to order at 7:02 p.m.

Location: Virtual meeting via Zoom

1. ROLL CALL:

Commissioners Present: Janis Ching, Barnali Ghosh, Savlan Hauser, Robb Kapla, Shane Krpata, Christine Schildt, Jeff Vincent, and Brad Wiblin.

Commissioners Absent: Benjamin Beach and Mary Kay Lacey.

Staff Present: Secretary Alene Pearson, Katrina Lapira, Steve Buckley, Chris Jensen, Paola Boylan, and Kieron Slaughter.

2. **ORDER OF AGENDA:** No changes.

3. **PUBLIC COMMENT PERIOD:** 1

4. **PLANNING STAFF REPORT:**

- Please refer to information items.

Information Items:

- City Council – Objective Standards Recommendations for Density, Design and Shadows
- City Council – Initiation of Public Process and Zoning Concepts for 2023-2031 Housing Element

Communications:

- March 30 – CA Department of Food and Agriculture – Cannabis Appellations Program
- March 31 – Business Owner – Berkeley Marina Kosher Market

Late Communications: *See agenda for links.*

- Supplemental Packet One
- Supplemental Packet Two
- Supplemental Packet Three

5. **CHAIR REPORT:**

- None.

6. COMMITTEE REPORT: Reports by Commission committees or liaisons. In addition to the items below, additional matters may be reported at the meeting.

- BART Community Advisory Group (CAG) – Held a meeting on March 22 to further the discussion about the vision and priorities document. A draft zoning document is now available for public review on the CAG website. The next meeting will be about access planning to the respective BART sites.

7. APPROVAL OF MINUTES:

Motion/Second/Carried (Wiblin/Krpata) to approve the Planning Commission Meeting Minutes from March 17, 2021, with incorporated amendments to lines 82 and 90.

Ayes: Ghosh, Hauser, Kapla, Krpata, Schildt, and Wiblin. Noes: None. Abstain: Vincent and Ching. Absent: Beach. (6-0-2-1)

8. FUTURE AGENDA ITEMS AND OTHER PLANNING:

- May 5
 - Re-zone of Parcels to Commercial Adeline Corridor (C-AC)
 - Presentation on City-Wide Affordable Housing Requirements by Rick Jacobus

AGENDA ITEMS

9. Action: Response to Short Term Referral for Amendments to the ADU Ordinance and Related Definitions to Address Public Safety Concerns

Staff shared the proposed amendments to the local ADU Ordinance in response to the Council’s Short Term referral. The proposed amendments focused on codifying State ADU regulations and modifications to ADU size and front yard setbacks to address public safety concerns. Commission discussion focused primarily on clarification of State ADU law and options for local changes to ADU size, setbacks, height and neighbor noticing. An additional two feet of height was incorporated into the final motion for Council consideration to allow design flexibility. The rationale for a Maximum Height of 18 feet -- without an increase in Maximum Size – is that two-story ADUs reduce the ADU footprint, increasing Open Space, decreasing Lot Coverage and allowing flexible configurations on smaller lots.

Motion/Second/Carried (Barnali/Vincent) to close the public hearing on the Response to Short Term Referral for Amendments to the ADU Ordinance and Related Definitions to Address Public Safety at 8:55pm.

Ayes: Ching, Ghosh, Hauser, Kapla, Krpata, Schildt, Vincent, and Wiblin. Noes: None. Abstain: None. Absent: Beach. (8-0-0-1)

Motion/Second/Carried (Kapla/Schildt) to adopt staff's recommendation with the following edits and a request to add neighbor notification of Building Permit issuance to the administrative process of application approval:

- Amend 23C.24.010.B.1 to read: *One ADU and/or one JADU is allowed on a lot with one Single Family Dwelling.*
- Delete 23C.24.010.B.5: *One JADU is allowed on a lot with one Single Family Dwelling.*
- Add 23C.24.040.A.6 to read: *A JADU is subject to the Development Standards in paragraph B and G.*
- Amend 23C.24.040.C to read:
 1. *Maximum Height of a ~~free-standing detached~~, new construction ADU is 16-18 feet.*
 2. *Maximum Height of new square footage added to a Single Family Dwelling, Accessory Building or Accessory Structure to create an ADU is 16 18 feet.*

Ayes: Ching, Ghosh, Hauser, Kapla, Krpata, Schildt, Vincent, and Wiblin. Noes: None. Abstain: None. Absent: Beach. (8-0-0-1)

Public Comments: 10

10. Action: Response to Support Small Businesses Referral: Amendments to the Sign Ordinance to Establish a Master Sign Program

Staff presented proposed modifications to the Sign Ordinance, which included establishing a Master Sign Program, clarifying ordinance language, and exempting in-kind replacement of signs. The Commission discussed minor amendments to the Zoning Ordinance to maintain consistency with the Sign Ordinance. Corresponding references to the Zoning Ordinance were highlighted by staffs and commission discussion centered on clarifying ordinance language to improve readability.

Motion/Second/Carried (Wiblin/Krpata) to adopt staff's recommendations with suggested edits to 23E.08.020.C [Applicability] as follows:

C. Permits Zoning Certificates, Administrative Use Permits, Use Permits, and Variances for projects that are subject to design review ~~may not be issued without design review approval, except that they may be issued~~ may be approved conditional upon final design review such approval occurring before the issuance a building permit or for a permit for a sign permit (as set forth in BMC Chapter 20.12.010 ~~(of the Sign Ordinance)~~).

Ayes: Ching, Ghosh, Hauser, Kapla, Krpata, Schildt, Vincent, and Wiblin. Noes: None. Abstain: None. Absent: Beach (8-0-0-1)

Public Comments: 1

Motion/Second/Carried (Kapla/Ghosh) to adjourn the Planning Commission meeting at 10:10pm.

Ayes: Ching, Ghosh, Hauser, Kapla, Krpata, Schildt, Vincent, and Wiblin. Noes: None.
Abstain: None. Absent: Beach (8-0-0-1)

Members in the public in attendance: 23

Public Speakers: 11 speakers

Length of the meeting: 3hr 8 minutes

**NOTICE OF PUBLIC HEARING - BERKELEY CITY COUNCIL
AMENDMENTS TO ACCESSORY DWELLING UNIT (ADU) ORDINANCE TO ADDRESS
PUBLIC SAFETY CONCERNS**

The Department of Planning and Development is proposing that the City Council adopt a local Accessory Dwelling Unit (ADU) Ordinance that complies with State ADU law. The proposed Zoning Ordinance amendments are consistent with Government Code Sections 65852.2 and 65852.22 and include local regulations for the size, location, and other development standards for ADUs. The proposed Zoning Ordinance amendments also address public safety measures to the extent they are allowable by State law.

Public Hearing Information

The hearing will be held on September 28, 2021 at 6:00 p.m. The hearing will be held via videoconference pursuant to Governor’s Executive Order N-29-20.

A copy of the agenda material for this hearing will be available on the City’s website at www.CityofBerkeley.info as of **September 16, 2021. Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology.**

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

For further information, please contact Alene Pearson, Principal Planner, Planning and Development Department at (510) 981-7489.

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. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at 981-6900 or clerk@cityofberkeley.info for further information.

Published: September 3, 2021 – The Berkeley Voice

City Clerk shall publish a notice at least 10 days prior to the date of the public hearing with the date, hour, and place of the public hearing for annual levy and collection of assessments in accordance with Streets and Highway Code Sections 22625, 22626, 22552, and 22553 and Section 6061 of the Government Code.

~~~~~  
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 the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City’s website, on September 16, 2021.

  
\_\_\_\_\_  
Mark Numainville, City Clerk

**ANNOTATED AGENDA  
BERKELEY CITY COUNCIL MEETING  
Tuesday, October 26, 2021  
6:00 PM**

JESSE ARREGUIN, MAYOR

Councilmembers:

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

DISTRICT 5 – SOPHIE HAHN  
DISTRICT 6 – SUSAN WENGRAF  
DISTRICT 7 – RIGEL ROBINSON  
DISTRICT 8 – LORI DROSTE

**PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE**

*Pursuant to Government Code Section 54953(e) and the state declared emergency, this meeting of the City Council will be conducted exclusively through teleconference and Zoom videoconference. The COVID-19 state of emergency continues to directly impact the ability of the members to meet safely in person and presents imminent risks to the health of attendees. Therefore, no physical meeting location will be available.*

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

*To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/87152148000>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.*

*To join by phone: Dial 1-669-900-9128 or 1-877-853-5257 (Toll Free) and enter Meeting ID: 871 5214 8000. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.*

*Please be mindful that the teleconference will be recorded as any Council meeting is recorded, and all other rules of procedure and decorum will apply for Council meetings conducted by teleconference or videoconference.*

*To submit a written communication for the City Council's consideration and inclusion in the public record, email [council@cityofberkeley.info](mailto:council@cityofberkeley.info).*

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

## Action Calendar – Public Hearings

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

*Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.*

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

**32. Response to Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance to Address Public Safety Concerns; Amending BMC Chapters 23C.24 and 23F.04 (Continued from October 12, 2021) (Item contains Supplemental material)**

**From: City Manager**

**Recommendation:** Conduct a public hearing and, upon conclusion, adopt the first reading of a local Accessory Dwelling Unit (ADU) Ordinance [Berkeley Municipal Code (BMC) Chapter 23C.24] and amendments to relevant Definitions [BMC Chapter 23F.04] in the Zoning Ordinance.

**Financial Implications:** None

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

**Public Testimony:** The Mayor opened the public hearing. 31 speakers.

**Action:** M/S/C (Hahn/Arreguin) to suspend the rules and extend the meeting to 11:30 p.m. and to continue Items 35, 36, and 38 to November 9, 2021.

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Wengraf) to suspend the rules and extend the meeting to 11:45 p.m.

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Kesarwani) to suspend the rules and extend the meeting to 11:50 p.m.

**Vote:** All Ayes.

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

**Vote:** All Ayes.

## Action Calendar – Public Hearings

**Action:** M/S/Failed (Hahn/Harrison) to 1) Refer the development of a local ADU Ordinance that only covers area outside of Fire Zones 2 and 3; and Zones 2 and 3 continue to be governed by state regulations at this time; Refer to the City Attorney development of a special ordinance for Zones 2 and 3 with specific findings regarding public safety needs; 2) Include 20 foot height by right and a 4 foot setback with no protrusions into the setback; 3) Prohibit roof decks; 4) Include the 3 foot setback from the proposal by Councilmember Kesarwani; 5) Do not include language regarding design standards; 6) Request staff to propose language on the notification of existing tenants; 7) Provide links to requirements in other comparable jurisdictions; 8) Consider an AUP process for ADUs that exceed standards but may still be allowed; 9) Provide information of the oak tree replacement concept.

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

**Action:** M/S/Carried (Kesarwani/Taplin) to:

- 1) Adopt the proposed recommendations from Councilmembers Kesarwani, Bartlett, Taplin, and Robinson contained in Supplemental Communications Packet #2 for area outside the Hillside Overlay District only.
- 2) Referral to the November 4 Legislative Platform Meeting, a discussion of ADU limitations in the Hillside Overlay District.
- 3) For the Hillside District, in light of the public hazards and life safety concerns, we refer to the City Manager and City Attorney for staff analysis and recommendations for a potential ordinance, Councilmember Wengraf's full list of recommendations (including the number of ADUs on a parcel) as well as the issue of ADU limitations where there is one access and egress route with a goal of returning within a month or less.
- 4) Refer to the City Manager and the City Attorney the proposal from Councilmember Robinson to consider the following language: "As part of their application, an applicant will attest to whether the lot on which the proposed ADU or JADU is to be built is occupied by tenants." Further, to consider creating a notification system for tenants of properties where an ADU is to be ministerially approved, including potentially by requiring in the code that property owners notify their tenants or by creating a staff-side notification process, and to explore other options to protect tenants, with special attention to elderly and disabled tenants.

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Hahn) to suspend the rules and extend the meeting to 12:10 a.m.

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

Councilmember Harrison absent at 11:56 p.m.

## Action Calendar – Public Hearings

### 33. Proposed Ordinance Amending Paragraph ‘NN’ of Berkeley Municipal Code Section 19.48.020

**From:** City Manager

**Recommendation:** Conduct a public hearing and, upon conclusion, adopt the second reading of Ordinance No. 7,788-N.S. which modifies the language of Paragraph ‘NN.’ of Berkeley Municipal Code Section 19.48.020 (“Amendments to the California Fire Code) by adopting a building standard which is more restrictive than that standard currently contained in the California Fire Code and which will expand the existing local code amendment that requires the installation of fire sprinklers in new structures and the retrofit fire sprinklers into existing structures that currently exists in Fire Zone 3 to include structures located in Berkeley Fire Zone 2.

**First Reading Vote:** All Ayes

**Financial Implications:** See report

Contact: Abe Roman, Fire, (510) 981-3473

**Public Testimony:** The Mayor opened the public hearing. 9 speakers.

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

**Vote:** All Ayes.

**Action:** M/S/C (Wengraf/Droste) to adopt the second reading of Ordinance No. 7,788-N.S.

**Vote:** All Ayes.

Recess 7:57 p.m. – 8:12 p.m.

## Action Calendar – Old Business

### 34. Identifying City Council Referrals for Removal (*Continued from October 12, 2021*)

**From:** City Manager

**Recommendation:** 1. Review the referrals marked as rescinded by the sponsoring Councilmember or District; 2. Consider the referrals identified by Councilmembers for further discussion; and 3. Approve the removal of referrals that have been marked as rescinded by the sponsoring Councilmember or District.

**Financial Implications:** None

Contact: Dee Williams-Ridley, City Manager, (510) 981-7000

**Action:** 4 speakers. M/S/C (Arreguin/Droste) to approve the removal of the referrals in the item with the following changes:

- 1) Remove the Fair Chance Ordinance item (Arreguin)
- 2) Keep the Racism as a Public Health Threat item (Taplin)
- 3) Keep the Referral to Prevent Displacement item (Taplin)
- 4) Remove the five items identified by Councilmember Robinson in Supplemental Communications Packet #1 (Robinson)
- 5) Keep the AC Transit MOU item (Hahn)

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

**NOTICE OF PUBLIC HEARING - BERKELEY CITY COUNCIL  
AMENDMENTS TO ACCESSORY DWELLING UNIT (ADU) ORDINANCE**

The City Council will consider adopting a local ordinance regarding Accessory Dwelling Units (ADUs). The proposed Municipal Code amendments are consistent with Government Code Sections 65852.2 and 65852.22 and include local regulations for the size, location, and other development standards for ADUs and address public safety measures in portions of the hillside area. The amendments would apply throughout the City. This action is considered exempt from the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations (CEQA Guidelines) Class 3, New Construction or Conversion of Small Structures.

The hearing will be held on **Tuesday, December 14, 2021 at 6:00 p.m.** The hearing will be held via videoconference pursuant to Government Code Section 54953(e) and the state declared emergency.

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 December 2, 2021. Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology.

Written comments should be mailed directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or emailed to [council@cityofberkeley.info](mailto:council@cityofberkeley.info) in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

For further information, please contact Alene Pearson, Principal Planner, Planning and Development Department at (510) 981-7489, or by e-mail at [apearson@cityofberkeley.info](mailto:apearson@cityofberkeley.info).

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. 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.

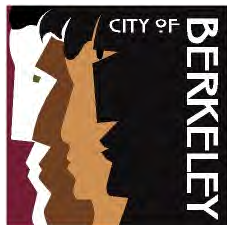
**Published:** December 3, 2021 – The Berkeley Voice

City Clerk shall publish a notice at least 10 days prior to the date of the public hearing with the date, hour, and place of the public hearing for annual levy and collection of assessments in accordance with Streets and Highway Code Sections 22625, 22626, 22552, and 22553 and Section 6061 of the Government Code.

~~~~~  
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 the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City’s website, on December 2, 2021.



Mark Numainville, City Clerk



Office of the City Manager

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REVISED AGENDA MATERIAL for Supplemental Packet 2

Meeting Date: December 14, 2021

Item Number: 47

Item Description: Response to City Council Action on October 26, 2021 regarding Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance to Address Public Safety Concerns

Submitted by: Jordan Klein, Planning & Development Director
Farimah Faiz Brown, City Attorney

This revised version of the proposed ordinance clarifies that the public safety restrictions related to wildfire evacuation risk do not apply within the following zoning districts:

R-SH (Residential High Density Subarea—Hillside Overlay), C-NSH (North Shattuck Commercial—Hillside Overlay), and C-NH (Neighborhood Commercial—Hillside Overlay)

It also removes two erroneous references to a Council referred road width threshold of 33 feet.



Office of the City Manager

PUBLIC HEARING
December 14, 2021

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Abe Roman, Fire Chief, Fire and Emergency Services Department
Jordan Klein, Director, Planning and Development Department

Subject: Response to City Council Action on October 26, 2021 regarding Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance to Address Public Safety Concerns

RECOMMENDATION

Conduct a public hearing and upon conclusion, adopt first reading of a local ordinance enacting Chapter 12.99 (Accessory Dwelling Units in Wildfire Hazard Areas) and amending Chapter 23.306.

FISCAL IMPACTS OF RECOMMENDATION

None

CURRENT SITUATION AND ITS EFFECTS

On October 26, 2021, City Council considered Planning Commission's recommendations for a local ADU Ordinance and directed the City Manager to develop a set of narrowly-focused public safety regulations that apply to Accessory Dwelling Units (ADUs). These regulations are to address public safety issues that arise from new development, residents and dwelling units in fire-prone areas.

The proposed ordinance incorporates all of the recommendations referred to the City Manager and City Attorney by the Council on October 26, 2021 in a manner that is narrowly tailored to achieve the public safety goal of preventing fatalities during a wildfire evacuation. This staff report includes an array of alternatives for consideration by the Council, should it wish to narrow or expand the scope of the proposed ordinance.

BACKGROUND

As stated in California Government Code Section 51175, the Legislature has found that wildfires pose a serious threat to the preservation of the public peace, health and safety, and that the wildfire front is not the only source of risk, since embers and firebrands travel far beyond the area impacted by the fire front, and pose a risk of ignition to structures and fuels on a site for a longer time. In that same statute the legislation has determined that it is necessary that all levels of government, including local

governments work to implement preventive measures to ensure the preservation of the public peace, health, or safety. The ability to evacuate people safely during a wildfire is a major challenge in Berkeley. The trend of increasing the density of households even in recognized Very High Fire Hazard Severity Zones as mandated by existing State ADU law demands that the City impose more restrictive fire and public safety requirements as allowed by Gov. Code 51175 and other laws in order to mitigate difficult and dangerous evacuation conditions.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Studies have shown that the total acreage of vegetation burned in California over the decades since the late 1980s has consistently increased over time. One study concluded that the estimated 7.08 million acres burned in the time period from 2009-2018 is approximately 259% more than the acreage burned during the period from 1989-1998 (2.73 million acres) (Buechi, Cameron, Heard, Plantinga, & Weber, 2021)¹. All other variables being equal, this increase in burned acreage will also equate to a corresponding increase in carbon dioxide released to the environment due to wildfires. Measures taken to prevent wildfires, slow the development of wildfires once they are ignited, make wildfires easier to suppress, or prevent the diversion of valuable firefighting resources from rescue missions and allow them to concentrate on suppressing the wildfire will have the effect of reducing this emission of carbon dioxide.

RATIONALE FOR RECOMMENDATION

The wildland fire problem throughout the State of California and the western region of the United States has become progressively worse over the past 30-40 years. The duration of what was once considered a 'wildfire season' has extended to the point that wildfire events occur throughout most of the calendar year. This tends to blur any distinct lines between adjacent fire seasons. As a result, wildfire activity has become more of a cycle and less of a 'season'. Recent wildfire incidents since 2017 have consistently set records for fire size, intensity and rate of spread. Scientific evidence suggests that our current extreme drought conditions that make vegetation more susceptible to ignition and the fire weather conditions which lead to extreme fire behavior and make fire control difficult are due in large part to global climate change.

Formal studies confirm that the overall severity of the wildfire problem in the state has steadily increased over the past 30-40 years and recent wildfire incidents in California since 2017 have consistently set records for fire size, intensity and rate of spread. The difficulty of controlling recent wildfires is evidenced by the number of structures being lost in wildfires despite the record expenditure of public funds on fire control efforts and in the anecdotal reports of experienced firefighters.

¹ Buechi, Hanna; Cameron, Dick; Heard, Sarah; Plantinga, Andrew J; Weber, Page "Long-Term Trends in Wildfire Damages in California", 2020: <https://emlab.ucsb.edu/sites/default/files/documents/wildfire-brief.pdf>

The October 20, 1991 Oakland-Berkeley firestorm (known officially as the Tunnel-Oakland Hills fire), resulted in 25 fatalities due to evacuation challenges posed by winding narrow roads in the Oakland Hills bordering Berkeley. In light of these risks, since 2007, Fire Zone 3, (which comprises the Panoramic Hill neighborhood zoned as the Environmental Safety-Residential District), has been subject to safety restrictions including requirements for the installation and retrofit of fire sprinklers. Today, the Berkeley Fire Department believes that based on deteriorating wildfire conditions throughout the state that the wildland fire problem in Fire Zone 2 is now very similar to the wildland fire problem in Fire Zone 3.

The geographic area designated as Fire Zone 2 shares most of the wildfire characteristics present within Fire Zone 3. Both areas are recognized by the City and the Director of the California Department of Forestry and Fire Protection as Very High Fire Hazard Severity Zones (VHFHSZ) and share similar fire weather. Both areas have narrow, winding and steeply graded roads and streets. Both areas have abundant vegetation intermixed with structures. The topography of both areas is steep which creates the potential for rapidly advancing slope-driven fires. The original parcel subdivisions created narrow but deep lots in both Fire Zones. This tends to crowd adjacent structures and greatly reduces the amount of defensible space available to provide for wildfire safety. Many of the streets average less than 26 feet in width, resulting in choke points where two vehicles are unable to pass each other in the presence of any parking lane. The main factor that the two areas do not share is the condition of a single means of evacuation and access by road that exists in Fire Zone 3. The majority of street segments in Fire Zone 2 have access to more than one evacuation and access route. However, given the dramatic increase in the severity of the wildfire problem it is believed that even the availability of a second or additional access routes, which is typical in Fire Zone 2, cannot mitigate all of the factors previously listed that may contribute to a catastrophic wildfire.

The hazard posed by winding, narrow streets in the wildfire-prone areas is likely to increase substantially with increased density of human life, structures and vehicles and any resulting increase in evacuation traffic. Increasing the number of households living on a given parcel is highly likely to result in an increase in the number of separate vehicles evacuating from that parcel. A parcel containing a single-family home, a JADU and an ADU, occupied by three households, is more likely to generate three separate evacuation vehicles than a single-family home occupied by a single household.

In a study performed at UC Berkeley, researchers modeled a wildfire evacuation scenario in the Berkeley Hills. According to their model, if each household in the Berkeley Hills used only one vehicle to evacuate, then the estimated evacuation time would be less than 2 hours, and 245 vehicles would be exposed to immediate fire danger. However, if each household took 1.7 vehicles to evacuate, that would increase evacuation time to three hours and expose 782 vehicles to fire. If all households evacuate with three vehicles, exposed vehicles reach 2,497 (11% of the total). The

report concluded that reducing the number of personal vehicles (and thereby reducing traffic congestion) was one of the most impactful measures that could prevent wildfire fatalities by ensuring that all households are able to evacuate safely.²

By the same reasoning, preventing an increase in the number of households living within the Very High Fire Hazard Severity Zone will have a direct impact upon the risk of exposure of evacuating vehicles to wildfire risk.

On October 26, 2021, the City Council directed the City Manager and City Attorney to take action to address these hazards as follows:

For the Hillside Overlay District (HOD), in light of the public hazards and life safety concerns, we refer to the City Manager and City Attorney for staff analysis and recommendations for a potential ordinance, Councilmember Wengraf's full list of recommendations (including the number of ADUs on a parcel) as well as the issue of ADU limitations where there is one access and egress route with a goal of returning within a month or less.

Councilmember Wengraf's Supplemental item listed the following recommendations:

1. Allow one accessory dwelling unit on parcels in the HOD by either:

A. conversion of existing space (garage, basement or attic) to an ADU no larger than 800 sq. feet

or

B. conversion of existing internal space for JADU no larger than 500 sq. feet

or

C. one detached ADU of 800 sq. feet

2. Prohibit roof-top decks and balconies for fire safety

3. Prohibit all protrusions into the four-foot rear or side setback to maintain defensible space

4. Maintain 16-foot maximum height for ADUs

5. Allow parking in the front yard setback in coordination with ministerial ADU permit

~~Additionally, on page 4 of her supplemental item, Councilmember Wengraf uses a street width narrower than 33 feet as grounds for restricting the development of multiple ADUs per parcel.~~ The proposed ordinance applies in Fire Zones 2 and 3 and incorporates all of the recommendations set forth in the Council referral. The primary effect of the

² Zhao, Bingyu, PhD Wong, Stephen D, PhD "Developing Transportation Response Strategies for Wildfire Evacuations via an Empirically Supported Traffic Simulation of Berkeley, California" 2021: <https://escholarship.org/uc/item/70p6k4rf>

proposed ordinance would be to reduce the number of ADUs per parcel from two (one ADU and one JADU) to one (either an ADU or a JADU) and thereby limit the number of separate households likely to flee a wildfire event, which would result in fewer vehicles and a lower likelihood that escaping vehicles would be exposed to wildfire risk due to traffic congestion during the evacuation. Fire Zones 2 and 3 are the formally recognized Very High Fire Hazard Severity Zone in the City of Berkeley, for purposes of Government Code 51179. Certain portions of Fire Zone 2 near the campus of the University of California are zoned for multi-family housing and do not share the narrow, winding streets and related hazardous conditions present in the hilly portions of the VHFHSZ; those areas not zoned for single-family housing are excluded to ensure that these protections are narrowly tailored.

ALTERNATIVE ACTIONS CONSIDERED

This report includes alternative options for City Council consideration. These options, which would revise the proposed language of Chapter 12.99, are outlined below, and each option could be used to further narrow the scope of the proposed ordinance. There is also an implementation concern regarding the prohibition on “rooftop decks and balconies” which are not defined terms for purposes of ministerial approval of zoning certificates.

Replace Fire Zone 2 and 3 with State Recommended VHFHSV

The proposed ordinance uses the boundary of Fire Zones 2 and 3 to designate the areas in which additional restrictions apply to the development of ADUs for wildfire safety purposes. As an alternative, the Council could narrow the applicability of the Ordinance by relying upon the State-Recommended VHFHSV boundaries, which would exclude a portion of Fire Zone 2 in the northwest corner of the locally-adopted VHFHSV.

Government Code Section 51178 requires that the state Director of Forestry and Fire Protection identify Very High Fire Hazard Severity Zones throughout the state, and submit those recommendations to the local jurisdictions where those VHFHSZs are located. Government Code Section 51179 provides that the local jurisdiction may, in turn, designate additional areas that where their inclusion within the VHFHSZ is necessary for effective fire suppression in the area. These locally-adopted VHFHSZs are then transmitted to the state and become the official VHFHSZ for the area until such time as they are modified upon review, which takes place every five years, per Government Code Section 51181.

The City lawfully exercised its authority under Government Code 51179 to modestly expand the boundary of the Very High Fire Hazard Severity Zone originally identified by the Director of Forestry and Fire Protection (adopted on January 1, 2011, repealed and re-enacted on December 3, 2019). The City’s determinations of the boundaries Fire Zones 2 and 3 were based upon substantial evidence in the record that inclusion of these areas is necessary for effective fire protection within the area.

Relying upon the state recommended VHFHSZ rather than Fire Zones 2 and 3 (the applicable and lawfully established VHFHSZ) would have the effect of excluding certain narrow streets and streets that lack two distinct means of egress that are located outside of the state-recommended VHFHSZ but within the locally-adopted VHFHSZ. It would also pose implementation problems associated with the fact that the state-recommended VHFHSZ was not adopted by the City and therefore is not in use anywhere, parcels on the boundary may dispute whether or not the state-recommended VHFHSZ does or does not apply.

Below is alternative language for Council's consideration:

BMC 12.99.020 A

A. A lot that meets the following criteria shall be subject to the provisions of this Chapter.

1. ~~Lots that are located within a very high fire hazard severity zone ("Fire Zone 2" or "Fire Zone 3") as designated in paragraph III. of Berkeley Municipal Code Section 19.48.020 as designated by the Director of Forestry and Fire Protection pursuant to California Government Code section 51178. If the California Government Code is amended such that the Director of Forestry and Fire Protection is no longer required to designate very high fire hazard severity zones, the City Manager, in consultation with the Fire Marshal, shall identify an appropriate substitute designation, which the City Manager shall cause to be published and updated on the City's website no later than June 30 of each calendar year;~~
and

2. ~~Lots that are not located within the R-2H (Restricted Two-Family Residential—Hillside Overlay), R-2AH (Restricted Multiple-Family Residential—Hillside Overlay), R-3H (Multiple-Family Residential—Hillside Overlay), or R-4H (Multi-Family Residential), R-SH (Residential High Density Subarea—Hillside Overlay), C-NSH (North Shattuck Commercial—Hillside Overlay), or C-NH (Neighborhood Commercial—Hillside Overlay) districts.~~

Further Narrow Applicability based on Street Width or Egress

The proposed ordinance would apply protections to parcels that are within the Fire Zone 2 or 3, which includes areas that contain narrow streets or have only one distinct means of egress. Council could further narrow the applicability of the fire safety restrictions by applying them only to parcels that are *both* located within Fire Zone 2 or 3 *and* where at least one other Applicability criterion is met, either the street width requirement or the absence of multiple distinct means of egress. This would reduce the number of parcels where ADUs are limited to one ADU or one JADU, thereby increasing the number of parcels with three separate dwelling units which could be occupied by three separate households in the area prone to wildfire risk.

Below is alternative language for Council's consideration:

BMC 12.99.020.A

A. A lot that meets all of the following criteria shall be subject to the provisions of this Chapter.

1. Lots that are located within a very high fire hazard severity zone ("Fire Zone 2" or "Fire Zone 3") as designated in paragraph III. Of Berkeley Municipal Code Section 19.48.020; and
2. Lots that are not located within the R-2H (Restricted Two-Family Residential—Hillside Overlay), R-2AH (Restricted Multiple-Family Residential—Hillside Overlay), R-3H (Multiple-Family Residential—Hillside Overlay), ~~or R-4H (Multi-Family Residential)~~, R-SH (Residential High Density Subarea—Hillside Overlay), C-NSH (North Shattuck Commercial—Hillside Overlay), or C-NH (Neighborhood Commercial—Hillside Overlay) districts; and
3. Either of the following:
 - a. Lots that lack distinct means of vehicular access as follows:
 - i. The two (2) distinct means of vehicular access, as measured from the lot frontage to the point of intersection with the highway, shall not overlap with each other; and
 - ii. Each distinct means of vehicular access shall contain a paved or unpaved road of at least twenty-four (24) feet in width, exclusive of sidewalks, landscaping, and parking lanes;
 - or
 - b. Lots that are on streets less than 33 feet wide.

Further Narrow Street Width

~~The Council referral used 33 feet as a threshold for street width, below which protections would apply in the Hillside District Overlay.~~ In the alternative, Council could further narrow the applicability of the fire safety restrictions by using a narrower street width criterion. City staff has mapped streets where the average width is below 26 feet, and has also mapped streets where the average width is below 24 feet. These widths were selected because they limit vehicle access when combined with a parking lane. The ordinance could impose requirements on streets where the condition and width of the road is such that a 20-foot fire lane cannot be maintained; however implementation of a street width criterion for applicability will be greatly facilitated by the use of a width that has already been mapped and is readily accessible to staff.

The use of a narrower street width as part of the criteria for applicability of the fire safety restrictions would reduce the number of parcels where ADUs are limited to one ADU or one JADU, thereby increasing the number of parcels with three separate dwelling units which could be occupied by three separate households in the area prone to wildfire risk.

Below is alternative language for Council’s consideration, using 26 feet as the street width criterion.

BMC 12.99.020.A

A. A lot that meets all of the following criteria shall be subject to the provisions of this Chapter.

1. Lots that are located within a very high fire hazard severity zone (“Fire Zone 2” or “Fire Zone 3”) as designated in paragraph III. Of Berkeley Municipal Code Section 19.48.020; and

2. Lots that are not located within the R-2H (Restricted Two-Family Residential—Hillside Overlay), R-2AH (Restricted Multiple-Family Residential—Hillside Overlay), R-3H (Multiple-Family Residential—Hillside Overlay), ~~or R-4H (Multi-Family Residential)~~, R-SH (Residential High Density Subarea—Hillside Overlay), C-NSH (North Shattuck Commercial—Hillside Overlay), or C-NH (Neighborhood Commercial—Hillside Overlay) districts; and

3. Either of the following:

a. Lots that lack distinct means of vehicular access as follows:

i. The two (2) distinct means of vehicular access, as measured from the lot frontage to the point of intersection with the highway, shall not overlap with each other; and

ii. Each distinct means of vehicular access shall contain a paved or unpaved road of at least twenty-four (24) feet in width, exclusive of sidewalks, landscaping, and parking lanes;

or

b. Lots that are on streets less than 26 feet wide.

Implementation Concerns regarding “rooftop decks and balconies”

The terms “rooftop decks and balconies” as used in the list of items referred by the City Council, do not reflect defined terms that can be used by Land Use Planning staff to ministerially approve or deny applications for zoning certificates. It is not clear whether this language is intended to include all forms of exterior elevated elements, such as attached exterior decks; if the language is not intended to incorporate what is commonly referred to as a “deck,” staff will need to devise a clearer definition distinguishing a balcony from a deck.

CONTACT PERSON

Steven Buckley, Land Use Planning Manager, Planning and Development Department, 510-981-7411

Steven Riggs, Fire Marshall, Fire Department, 510-981-5584

Attachments:

1: Ordinance

2: Public Hearing Notice

ORDINANCE NO. -N.S.

AMENDMENTS TO THE ACCESSORY DWELLING UNIT (ADU) ORDINANCE (BMC 23.306) AND ADOPTION OF A WILDFIRE HAZARD EVACUATION RISK MITIGATION ORDINANCE (BMC 12.99)

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

Section 1. Berkeley Municipal Code Chapter 23.306 is amended to read as follows (additions are shown in underlined text and deletions are shown in ~~strikethrough~~):

23.306 Accessory Dwelling Units

Sections:

- 23.306.010 Purposes
- 23.306.020 Applicability
- 23.306.030 Permit Procedures
- 23.306.040 Development Standards
- 23.306.050 Deed Restrictions
- 23.306.060 Neighborhood Noticing
- 23.306.070 Rooftop Decks and Balconies

23.306.010 Purposes

The purposes of this Chapter are to:

- A. Implement California Government Code Section 65852.2 and 65852.22.
- B. Increase overall supply and range of housing options in Berkeley.
- C. Expedite small-scale infill development.
- D. Support Housing Element goals of facilitating construction of accessory dwelling units and increasing the number of housing units that are more affordable to Berkeley residents.
- E. Encourage development of accessory dwelling units in zoning districts with compatible land uses and infrastructure.
- F. Reduce potential impacts of new development in high fire severity areas and the Hillside Overlay District (HOD) due to unique conditions and hazards within these areas that require additional restrictions on ADUs and JADUs because of impacts of traffic flow and public safety consistent with Government Code 65852.2, subdivision (a)(1)(A), which allows local agencies to regulate ADUs based on "adequacy of water and sewer service, and the impacts of traffic flow and public safety."

23.306.020 Applicability

- A. The provisions of this chapter apply to zoning districts where residential uses are permitted, on lots that have at least one existing or proposed Dwelling Unit or Group Living Accommodation that is not a Fraternity House, Sorority House or Dormitory.

~~1. **Exceptions.** The provisions of this chapter that permit ADUs and JADUs do not apply to lots in the R-1H (Single Family Residential—Hillside Overlay), R-2H (Restricted Two Family Residential—Hillside Overlay), or R-2AH (Restricted Multiple Family Residential—Hillside Overlay) districts. In such districts, ADUs and JADUs shall only be permitted to the extent required by subdivision (e)(1) of Government Code section 65852.2.~~

B. Number of ADUs and JADUs Permitted Per Lot. Except as expressly modified by Chapter 12.99, the following number of ADUs and JADUs shall be the maximum number of accessory units permitted on lots subject to this Chapter.

1. Lot with one Single Family Dwelling: One ADU and/or one JADU.
2. Lot with more than one Single Family Dwelling: One ADU.
3. Lot with a Duplex or Multiple-Family Dwelling, either:
 - a. Up to two detached ADUs; or
 - b. At least one ADU converted from non-habitable portions of the existing Main Building (e.g. basement, attic, storage room). The maximum number of ADUs converted from non-habitable portions of the existing Main Building shall not exceed 25% of the total number of existing Dwelling Units on the lot.
4. Lot with a Group Living Accommodation that is not a Fraternity House, Sorority House or Dormitory: One ADU.

23.102.010 – Permit Procedures

A. Zoning Certificate. An application for an ADU or JADU shall be allowed with a Zoning Certificate. Review must be completed within 60 days of submission of a completed application. A completed application must include evidence of compliance with this Chapter, including Development Standards, Deed Restrictions, and Neighborhood Noticing.

1. If an application to create an ADU or JADU is submitted as part of a project that requires discretionary review, a Zoning Certificate for a Building Permit shall not be issued for the ADU or JADU until the discretionary approval(s) has/have been granted and any applicable appeal periods have expired.
2. Issuance of a Zoning Certificate shall not be denied for the construction or conversion of an ADU or JADU that complies with the requirements of Government Code Section 65852.2(e)(1).

3. Issuance of a Zoning Certificate for the construction or conversion of an ADU or JADU shall not be denied based on the failure of an applicant to correct a nonconforming zoning condition.

23.306.040 Development Standards

A. **Basic Standards.** See Table 23.306-1: ADU and JADU Development Standards.

TABLE 23.306-1 ADU AND JADU DEVELOPMENT STANDARDS

	ADU ¹	JADU
Maximum Size <u>Outside of HOD</u> ^{2,5}		500 sf
Studio or 1 bedroom	850 sf	N/A
2 + bedrooms	1000 sf	
Maximum Size <u>Within HOD</u>	<u>800 sf</u>	<u>500 sf</u>
Maximum Height <u>Outside of HOD</u>	20 ft.	N/A
Maximum Height <u>Within HOD</u>	<u>16 ft.</u>	
Front Yard Setback	Same as underlying district	
Rear Setback	4 ft ³	
Side Setback	4 ft ³	
Required Off-Street Parking <u>Outside of HOD</u>	None ⁴	
Required Off-Street Parking <u>Within HOD</u>	<u>The lesser of 1 space per bedroom or ADU</u> ^{6,7}	<u>None</u> ⁷

[1] An ADU converted from an Accessory Building or Accessory Structure legally established prior to December 1, 2021 that does not comply with the Maximum Height, Size, and/or Rear and Side Setback requirements is allowed to maintain non-conformity to the same dimensions of the existing Accessory Building or Accessory Structure, provided that the existing side and rear setbacks are sufficient for fire and safety as determined by the Building Official and the Fire Marshal. Any physical additions to the existing Accessory Building or Accessory Structure shall comply with the development standards in this table.

[2] An ADU created entirely through conversion with no modifications to the existing building envelope that is non-compliant with the standards in this table is allowed a physical addition of no more than 150 square feet that complies with Maximum Height and Setback requirements in this table.

[3] If there is a lesser setback allowed for a comparable Accessory Building or Accessory Structure in the underlying zoning district, that setback shall apply.

[4] Replacement of off-street parking for the Main Building is allowed and does not need to comply with Parking Maximums (BMC 23.322.070) nor Parking Layout and Design (BMC 23.322.080).

[5] For purposes of Table 23.306-1, 'HOD' means lots that are within Fire Zones 2 or 3 (BMC 19.48.020, para. III.), but does not include lots located within the R-2H (Restricted Two-Family Residential—Hillside Overlay), R-2AH (Restricted Multiple-Family Residential—Hillside

Overlay), R-3H (Multiple-Family Residential—Hillside Overlay), ~~or~~ R-4H (Multi-Family Residential), R-SH (Residential High Density Subarea—Hillside Overlay), C-NSH (North Shattuck Commercial—Hillside Overlay), or C-NH (Neighborhood Commercial—Hillside Overlay) districts.

[6] No off-street parking shall be required for ADUs that satisfy the criteria defined in subdivision (d) of California Government Code section 65852.2 or any successor provision thereto.

[7] If an applicant provides off-street parking for an ADU or a JADU in the HOD, parking shall be allowed in any configuration on the lot, including within the front yard setback.

B. Projections.

1. Except as limited by Paragraph B.2 of this Section, architectural features (Chimneys, Water Heater Enclosures, Flues, Heating and Cooling Equipment, Eaves, Cornices, Canopies, Awnings) may project two feet into the required setbacks, so long as there remains at least a two-foot setback from property lines. Bay windows may not project into a setback.

2. No projections shall be allowed within the required setbacks on lots that are within Fire Zones 2 or 3 (BMC 19.48.020, para. III.) except on lots located within the R-2H (Restricted Two-Family Residential—Hillside Overlay), R-2AH (Restricted Multiple-Family Residential—Hillside Overlay), R-3H (Multiple-Family Residential—Hillside Overlay), ~~or~~ R-4H (Multi-Family Residential), R-SH (Residential High Density Subarea—Hillside Overlay), C-NSH (North Shattuck Commercial—Hillside Overlay), or C-NH (Neighborhood Commercial—Hillside Overlay) districts.

23.306.050 - Deed Restrictions

A. The property owner shall file a deed restriction with the Alameda County Recorder which states:

1. The JADU shall not be sold separately from the Main Building;
2. The ADU shall not be sold separately from the Main Building unless the conditions of BMC 23.306.050 B are met;
3. The ADU and/or JADU shall not be rented for a term that is shorter than 30 days; and
4. If the property includes a JADU, the JADU, or the Single Family Dwelling in which the JADU is located, shall be owner-occupied.

B. **ADUs Developed by a Qualified Nonprofit Developer.** An ADU built or developed by a “qualified nonprofit corporation” may be sold or conveyed separately from the Main Building to a “qualified buyer,” as such terms are defined in subdivision (b) of Section 65852.26 of the California Government Code. The ADU must be held

pursuant to a recorded tenancy in common agreement recorded on or after December 31, 2021 that includes the following elements:

1. Delineation of all areas of the property that are for the exclusive use of a cotenant;
2. Delineation of each cotenant's responsibility for the costs of taxes, insurance, utilities, general maintenance and repair, and improvements associated with the property;
3. Procedures for dispute resolution among cotenants before resorting to legal action;
4. Allocates to each qualified buyer an undivided, unequal interest in the property based on the size of the dwelling each qualified buyer occupies;
5. A repurchase option that requires the qualified buyer to first offer the qualified nonprofit corporation to buy the ADU or primary dwelling if the buyer desires to sell or convey the property;
6. A requirement that the qualified buyer occupy the ADU or primary dwelling as the buyer's principal residence; and
7. Affordability restrictions on the sale and conveyance of the ADU or primary dwelling that ensure the ADU and primary dwelling will be preserved for low-income housing for 45 years for owner-occupied housing units and will be sold or resold to a qualified buyer.
8. If requested by a utility providing service to the primary residence, the ADU shall have a separate water, sewer, or electrical connection to that utility.

23.306.060 – Neighbor Noticing

A. Scope and Timing of Notice. Notice of an ADU application shall be mailed to owners and tenants of the subject, adjacent, confronting and abutting properties within ten working days of submission to the Planning Department.

B. Content of Notice. Notice shall provide the address of the project, allowable hours of construction, and a link to the City's ADU webpage.

C. Mailing Fees. The applicant shall be responsible for the cost of materials, postage and staff time necessary to process and mail notices.

23.306.070 Rooftop Decks and Balconies

A. Notwithstanding any provisions of this Title to the contrary, rooftop decks and balconies shall be prohibited on lots that are within Fire Zones 2 or 3 (BMC 19.48.020, para. III.) except on lots located within the R-2H (Restricted Two-Family Residential—Hillside Overlay), R-2AH (Restricted Multiple-Family Residential—Hillside Overlay), R-3H (Multiple-Family Residential—Hillside Overlay), or R-4H (Multi-Family Residential), R-SH (Residential High Density Subarea—Hillside Overlay), C-NSH (North Shattuck

Commercial—Hillside Overlay), or C-NH (Neighborhood Commercial—Hillside Overlay) districts.

Section 2. Berkeley Municipal Code Chapter 12.99 is adopted to read as follows:

12.99 Wildfire Hazard Evacuation Risk Mitigation Ordinance

Sections

12.99.010 Title and Purposes

12.99.020 Applicability

12.99.030 Total Number of Units Permitted

12.99.010 Title and Purposes

- A. This Chapter may be referred to as the “Wildfire Hazard Evacuation Risk Mitigation Ordinance.”

- B. The purposes of this chapter are to permit and promote the construction of accessory dwelling units and junior accessory dwelling units while protecting human life and health, promoting the public health, safety, and general welfare, and minimizing public and private losses due to dangerous conditions in specific areas.

- C. Government Code 65852.2, subdivision (a)(1)(A) allows local agencies to regulate ADUs based on "adequacy of water and sewer service, and the impacts of traffic flow and public safety."

- D. The Hillside Overlay District has unique conditions and hazards that require additional restrictions on ADUs and JADUs because of impacts of traffic flow and public safety:
 - 1. Wildfires, earthquakes and landslides put residents of the Hillside Overlay District at significant risk.

 - 2. The Hayward fault bisects the Hillside Overlay District.

 - 3. Due to the maze of narrow, winding streets, the Hillside Overlay District has extremely poor emergency access and egress conditions. Safety is compromised by a substandard street infrastructure that has limited accessibility for emergency responders as well as inadequate capacity for fast and reliable escape. A majority of street widths in the North Berkeley hills have substandard widths.

 - 4. A study published by UC Berkeley researchers concluded that in the best-case scenario, if each household evacuated from the hill with one vehicle, estimated evacuation time would be two hours and 245 vehicles would be exposed to immediate fire danger. However, if each household evacuated with 1.7 vehicles,

evacuation time would increase to three hours and 782 vehicles would be exposed to immediate fire danger.

E. Increasing density and intensity by permitting both one ADU and one JADU (2 total) in addition to the primary home, on every parcel zoned residential in the Hillside Overlay District or in a very high fire hazard severity zone will seriously exacerbate the already very hazardous conditions that currently exist, necessitating reasonable limitations that reduce exposure to hazardous conditions.

12.99.020 Applicability

A. A lot that meets all of the following criteria shall be subject to the provisions of this Chapter.

1. Lots that are located within the very high fire hazard severity zone (“Fire Zone 2” or “Fire Zone 3”) as designated in paragraph III. of Berkeley Municipal Code Section 19.48.020; and

2. Lots that are not located within the R-2H (Restricted Two-Family Residential—Hillside Overlay), R-2AH (Restricted Multiple-Family Residential—Hillside Overlay), R-3H (Multiple-Family Residential—Hillside Overlay), ~~or~~ R-4H (Multi-Family Residential), R-SH (Residential High Density Subarea—Hillside Overlay), C-NSH (North Shattuck Commercial—Hillside Overlay), or C-NH (Neighborhood Commercial—Hillside Overlay) districts.

12.99.030 Total Number of Units Permitted

A. Notwithstanding any provisions of Chapter 23.306 to the contrary, no more than one ADU or JADU shall be permitted per lot that is subject to this Chapter.

Section 3. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.



Office of the City Manager

PUBLIC HEARING

January 18, 2022

(continued from December 14, 2021)

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Abe Roman, Fire Chief, Fire and Emergency Services Department
Jordan Klein, Director, Planning and Development Department

Subject: Response to City Council Action on October 26, 2021 regarding Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance to Address Public Safety Concerns

RECOMMENDATION

Conduct a public hearing and upon conclusion, adopt first reading of a local ordinance enacting Chapter 12.99 (Accessory Dwelling Units in Wildfire Hazard Areas) and amending Chapter 23.306.

FISCAL IMPACTS OF RECOMMENDATION

None

CURRENT SITUATION AND ITS EFFECTS

On October 26, 2021, City Council considered Planning Commission's recommendations for a local ADU Ordinance and directed the City Manager to develop a set of narrowly-focused public safety regulations that apply to Accessory Dwelling Units (ADUs). These regulations are to address public safety issues that arise from new development, residents and dwelling units in fire-prone areas.

The proposed ordinance incorporates all of the recommendations referred to the City Manager and City Attorney by the Council on October 26, 2021 in a manner that is narrowly tailored to achieve the public safety goal of preventing fatalities during a wildfire evacuation. This staff report includes an array of alternatives for consideration by the Council, should it wish to narrow or expand the scope of the proposed ordinance.

BACKGROUND

As stated in California Government Code Section 51175, the Legislature has found that wildfires pose a serious threat to the preservation of the public peace, health and safety, and that the wildfire front is not the only source of risk, since embers and firebrands travel far beyond the area impacted by the fire front, and pose a risk of ignition to structures and fuels on a site for a longer time. In that same statute the legislation has determined that it is necessary that all levels of government, including local

governments work to implement preventive measures to ensure the preservation of the public peace, health, or safety. The ability to evacuate people safely during a wildfire is a major challenge in Berkeley. The trend of increasing the density of households even in recognized Very High Fire Hazard Severity Zones as mandated by existing State ADU law demands that the City impose more restrictive fire and public safety requirements as allowed by Gov. Code 51175 and other laws in order to mitigate difficult and dangerous evacuation conditions.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Studies have shown that the total acreage of vegetation burned in California over the decades since the late 1980s has consistently increased over time. One study concluded that the estimated 7.08 million acres burned in the time period from 2009-2018 is approximately 259% more than the acreage burned during the period from 1989-1998 (2.73 million acres) (Buechi, Cameron, Heard, Plantinga, & Weber, 2021)¹. All other variables being equal, this increase in burned acreage will also equate to a corresponding increase in carbon dioxide released to the environment due to wildfires. Measures taken to prevent wildfires, slow the development of wildfires once they are ignited, make wildfires easier to suppress, or prevent the diversion of valuable firefighting resources from rescue missions and allow them to concentrate on suppressing the wildfire will have the effect of reducing this emission of carbon dioxide.

RATIONALE FOR RECOMMENDATION

The wildland fire problem throughout the State of California and the western region of the United States has become progressively worse over the past 30-40 years. The duration of what was once considered a 'wildfire season' has extended to the point that wildfire events occur throughout most of the calendar year. This tends to blur any distinct lines between adjacent fire seasons. As a result, wildfire activity has become more of a cycle and less of a 'season'. Recent wildfire incidents since 2017 have consistently set records for fire size, intensity and rate of spread. Scientific evidence suggests that our current extreme drought conditions that make vegetation more susceptible to ignition and the fire weather conditions which lead to extreme fire behavior and make fire control difficult are due in large part to global climate change.

Formal studies confirm that the overall severity of the wildfire problem in the state has steadily increased over the past 30-40 years and recent wildfire incidents in California since 2017 have consistently set records for fire size, intensity and rate of spread. The difficulty of controlling recent wildfires is evidenced by the number of structures being lost in wildfires despite the record expenditure of public funds on fire control efforts and in the anecdotal reports of experienced firefighters.

¹ Buechi, Hanna; Cameron, Dick; Heard, Sarah; Plantinga, Andrew J; Weber, Page "Long-Term Trends in Wildfire Damages in California", 2020: <https://emlab.ucsb.edu/sites/default/files/documents/wildfire-brief.pdf>

The October 20, 1991 Oakland-Berkeley firestorm (known officially as the Tunnel-Oakland Hills fire), resulted in 25 fatalities due to evacuation challenges posed by winding narrow roads in the Oakland Hills bordering Berkeley. In light of these risks, since 2007, Fire Zone 3, (which comprises the Panoramic Hill neighborhood zoned as the Environmental Safety-Residential District), has been subject to safety restrictions including requirements for the installation and retrofit of fire sprinklers. Today, the Berkeley Fire Department believes that based on deteriorating wildfire conditions throughout the state that the wildland fire problem in Fire Zone 2 is now very similar to the wildland fire problem in Fire Zone 3.

The geographic area designated as Fire Zone 2 shares most of the wildfire characteristics present within Fire Zone 3. Both areas are recognized by the City and the Director of the California Department of Forestry and Fire Protection as Very High Fire Hazard Severity Zones (VHFHSZ) and share similar fire weather. Both areas have narrow, winding and steeply graded roads and streets. Both areas have abundant vegetation intermixed with structures. The topography of both areas is steep which creates the potential for rapidly advancing slope-driven fires. The original parcel subdivisions created narrow but deep lots in both Fire Zones. This tends to crowd adjacent structures and greatly reduces the amount of defensible space available to provide for wildfire safety. Many of the streets average less than 26 feet in width, resulting in choke points where two vehicles are unable to pass each other in the presence of any parking lane. The main factor that the two areas do not share is the condition of a single means of evacuation and access by road that exists in Fire Zone 3. The majority of street segments in Fire Zone 2 have access to more than one evacuation and access route. However, given the dramatic increase in the severity of the wildfire problem it is believed that even the availability of a second or additional access routes, which is typical in Fire Zone 2, cannot mitigate all of the factors previously listed that may contribute to a catastrophic wildfire.

The hazard posed by winding, narrow streets in the wildfire-prone areas is likely to increase substantially with increased density of human life, structures and vehicles and any resulting increase in evacuation traffic. Increasing the number of households living on a given parcel is highly likely to result in an increase in the number of separate vehicles evacuating from that parcel. A parcel containing a single-family home, a JADU and an ADU, occupied by three households, is more likely to generate three separate evacuation vehicles than a single-family home occupied by a single household.

In a study performed at UC Berkeley, researchers modeled a wildfire evacuation scenario in the Berkeley Hills. According to their model, if each household in the Berkeley Hills used only one vehicle to evacuate, then the estimated evacuation time would be less than 2 hours, and 245 vehicles would be exposed to immediate fire danger. However, if each household took 1.7 vehicles to evacuate, that would increase evacuation time to three hours and expose 782 vehicles to fire. If all households evacuate with three vehicles, exposed vehicles reach 2,497 (11% of the total). The

report concluded that reducing the number of personal vehicles (and thereby reducing traffic congestion) was one of the most impactful measures that could prevent wildfire fatalities by ensuring that all households are able to evacuate safely.²

By the same reasoning, preventing an increase in the number of households living within the Very High Fire Hazard Severity Zone will have a direct impact upon the risk of exposure of evacuating vehicles to wildfire risk.

On October 26, 2021, the City Council directed the City Manager and City Attorney to take action to address these hazards as follows:

For the Hillside Overlay District (HOD), in light of the public hazards and life safety concerns, we refer to the City Manager and City Attorney for staff analysis and recommendations for a potential ordinance, Councilmember Wengraf's full list of recommendations (including the number of ADUs on a parcel) as well as the issue of ADU limitations where there is one access and egress route with a goal of returning within a month or less.

Councilmember Wengraf's Supplemental item listed the following recommendations:

1. Allow one accessory dwelling unit on parcels in the HOD by either:

A. conversion of existing space (garage, basement or attic) to an ADU no larger than 800 sq. feet

or

B. conversion of existing internal space for JADU no larger than 500 sq. feet

or

C. one detached ADU of 800 sq. feet

2. Prohibit roof-top decks and balconies for fire safety

3. Prohibit all protrusions into the four-foot rear or side setback to maintain defensible space

4. Maintain 16-foot maximum height for ADUs

5. Allow parking in the front yard setback in coordination with ministerial ADU permit

Additionally, on page 4 of her supplemental item, Councilmember Wengraf uses a street width narrower than 33 feet as grounds for restricting the development of multiple ADUs per parcel.

² Zhao, Bingyu, PhD Wong, Stephen D, PhD "Developing Transportation Response Strategies for Wildfire Evacuations via an Empirically Supported Traffic Simulation of Berkeley, California" 2021: <https://escholarship.org/uc/item/70p6k4rf>

The proposed ordinance applies in Fire Zones 2 and 3 and incorporates all of the recommendations set forth in the Council referral. The primary effect of the proposed ordinance would be to reduce the number of ADUs per parcel from two (one ADU and one JADU) to one (either an ADU or a JADU) and thereby limit the number of separate households likely to flee a wildfire event, which would result in fewer vehicles and a lower likelihood that escaping vehicles would be exposed to wildfire risk due to traffic congestion during the evacuation. Fire Zones 2 and 3 are the formally recognized Very High Fire Hazard Severity Zone in the City of Berkeley, for purposes of Government Code 51179. Certain portions of Fire Zone 2 near the campus of the University of California are zoned for multi-family housing and do not share the narrow, winding streets and related hazardous conditions present in the hilly portions of the VHFHSZ; those areas not zoned for single-family housing are excluded to ensure that these protections are narrowly tailored.

ALTERNATIVE ACTIONS CONSIDERED

This report includes alternative options for City Council consideration. These options, which would revise the proposed language of Chapter 12.99, are outlined below, and each option could be used to further narrow the scope of the proposed ordinance. There is also an implementation concern regarding the prohibition on “rooftop decks and balconies” which are not defined terms for purposes of ministerial approval of zoning certificates.

Replace Fire Zone 2 and 3 with State Recommended VHFHSV

The proposed ordinance uses the boundary of Fire Zones 2 and 3 to designate the areas in which additional restrictions apply to the development of ADUs for wildfire safety purposes. As an alternative, the Council could narrow the applicability of the Ordinance by relying upon the State-Recommended VHFHSV boundaries, which would exclude a portion of Fire Zone 2 in the northwest corner of the locally-adopted VHFHSV.

Government Code Section 51178 requires that the state Director of Forestry and Fire Protection identify Very High Fire Hazard Severity Zones throughout the state, and submit those recommendations to the local jurisdictions where those VHFHSZs are located. Government Code Section 51179 provides that the local jurisdiction may, in turn, designate additional areas that where their inclusion within the VHFHSZ is necessary for effective fire suppression in the area. These locally-adopted VHFHSZs are then transmitted to the state and become the official VHFHSZ for the area until such time as they are modified upon review, which takes place every five years, per Government Code Section 51181.

The City lawfully exercised its authority under Government Code 51179 to modestly expand the boundary of the Very High Fire Hazard Severity Zone originally identified by the Director of Forestry and Fire Protection (adopted on January 1, 2011, repealed and re-enacted on December 3, 2019). The City’s determinations of the boundaries Fire

Zones 2 and 3 were based upon substantial evidence in the record that inclusion of these areas is necessary for effective fire protection within the area.

Relying upon the state recommended VHFHSZ rather than Fire Zones 2 and 3 (the applicable and lawfully established VHFHSZ) would have the effect of excluding certain narrow streets and streets that lack two distinct means of egress that are located outside of the state-recommended VHFHSZ but within the locally-adopted VHFHSZ. It would also pose implementation problems associated with the fact that the state-recommended VHFHSZ was not adopted by the City and therefore is not in use anywhere, parcels on the boundary may dispute whether or not the state-recommended VHFHSZ does or does not apply.

Below is alternative language for Council's consideration:

BMC 12.99.020 A

A. A lot that meets the following criteria shall be subject to the provisions of this Chapter.

1. Lots that are located within a very high fire hazard severity zone (~~"Fire Zone 2" or "Fire Zone 3"~~) as designated in paragraph III. of Berkeley Municipal Code Section 19.48.020 as designated by the Director of Forestry and Fire Protection pursuant to California Government Code section 51178. If the California Government Code is amended such that the Director of Forestry and Fire Protection is no longer required to designate very high fire hazard severity zones, the City Manager, in consultation with the Fire Marshal, shall identify an appropriate substitute designation, which the City Manager shall cause to be published and updated on the City's website no later than June 30 of each calendar year; and

2. Lots that are not located within the R-2H (Restricted Two-Family Residential—Hillside Overlay), R-2AH (Restricted Multiple-Family Residential—Hillside Overlay), R-3H (Multiple-Family Residential—Hillside Overlay), or R-4H (Multi-Family Residential) districts.

Further Narrow Applicability based on Street Width or Egress

The proposed ordinance would apply protections to parcels that are within the Fire Zone 2 or 3, which includes areas that contain narrow streets or have only one distinct means of egress. Council could further narrow the applicability of the fire safety restrictions by applying them only to parcels that are *both* located within Fire Zone 2 or 3 *and* where at least one other Applicability criterion is met, either the street width requirement or the absence of multiple distinct means of egress. This would reduce the number of parcels where ADUs are limited to one ADU or one JADU, thereby increasing the number of parcels with three separate dwelling units which could be occupied by three separate households in the area prone to wildfire risk.

Below is alternative language for Council's consideration:

BMC 12.99.020.A

A. A lot that meets all of the following criteria shall be subject to the provisions of this Chapter.

1. Lots that are located within a very high fire hazard severity zone ("Fire Zone 2" or "Fire Zone 3") as designated in paragraph III. Of Berkeley Municipal Code Section 19.48.020; and
2. Lots that are not located within the R-2H (Restricted Two-Family Residential—Hillside Overlay), R-2AH (Restricted Multiple-Family Residential—Hillside Overlay), R-3H (Multiple-Family Residential—Hillside Overlay), or R-4H (Multi-Family Residential) districts; and
3. Either of the following:
 - a. Lots that lack distinct means of vehicular access as follows:
 - i. The two (2) distinct means of vehicular access, as measured from the lot frontage to the point of intersection with the highway, shall not overlap with each other; and
 - ii. Each distinct means of vehicular access shall contain a paved or unpaved road of at least twenty-four (24) feet in width, exclusive of sidewalks, landscaping, and parking lanes;
 - or
 - b. Lots that are on streets less than 33 feet wide.

Further Narrow Street Width

The Council referral used 33 feet as a threshold for street width, below which protections would apply in the Hillside District Overlay. In the alternative, Council could further narrow the applicability of the fire safety restrictions by using a narrower street width criterion. City staff has mapped streets where the average width is below 26 feet, and has also mapped streets where the average width is below 24 feet. These widths were selected because they limit vehicle access when combined with a parking lane. The ordinance could impose requirements on streets where the condition and width of the road is such that a 20-foot fire lane cannot be maintained; however implementation of a street width criterion for applicability will be greatly facilitated by the use of a width that has already been mapped and is readily accessible to staff.

The use of a narrower street width as part of the criteria for applicability of the fire safety restrictions would reduce the number of parcels where ADUs are limited to one ADU or one JADU, thereby increasing the number of parcels with three separate dwelling units which could be occupied by three separate households in the area prone to wildfire risk.

Below is alternative language for Council's consideration, using 26 feet as the street width criterion.

BMC 12.99.020.A

- A. *A lot that meets all of the following criteria shall be subject to the provisions of this Chapter.*
1. *Lots that are located within a very high fire hazard severity zone (“Fire Zone 2” or “Fire Zone 3”) as designated in paragraph III. Of Berkeley Municipal Code Section 19.48.020; and*
 2. *Lots that are not located within the R-2H (Restricted Two-Family Residential—Hillside Overlay), R-2AH (Restricted Multiple-Family Residential—Hillside Overlay), R-3H (Multiple-Family Residential—Hillside Overlay), or R-4H (Multi-Family Residential) districts; and*
 3. *Either of the following:*
 - a. *Lots that lack distinct means of vehicular access as follows:*
 - i. *The two (2) distinct means of vehicular access, as measured from the lot frontage to the point of intersection with the highway, shall not overlap with each other; and*
 - ii. *Each distinct means of vehicular access shall contain a paved or unpaved road of at least twenty-four (24) feet in width, exclusive of sidewalks, landscaping, and parking lanes;*
 - or*
 - b. *Lots that are on streets less than 26 feet wide.*

Implementation Concerns regarding “rooftop decks and balconies”

The terms “rooftop decks and balconies” as used in the list of items referred by the City Council, do not reflect defined terms that can be used by Land Use Planning staff to ministerially approve or deny applications for zoning certificates. It is not clear whether this language is intended to include all forms of exterior elevated elements, such as attached exterior decks; if the language is not intended to incorporate what is commonly referred to as a “deck,” staff will need to devise a clearer definition distinguishing a balcony from a deck.

CONTACT PERSON

Steven Buckley, Land Use Planning Manager, Planning and Development Department, 510-981-7411
Steven Riggs, Fire Marshall, Fire Department, 510-981-5584

Attachments:

- 1: Ordinance
- 2: Public Hearing Notice

ORDINANCE NO. -N.S.

AMENDMENTS TO THE ACCESSORY DWELLING UNIT (ADU) ORDINANCE (BMC 23.306) AND ADOPTION OF A WILDFIRE HAZARD EVACUATION RISK MITIGATION ORDINANCE (BMC 12.99)

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

Section 1. Berkeley Municipal Code Chapter 23.306 is amended to read as follows (additions are shown in underlined text and deletions are shown in ~~striketrough~~):

23.306 Accessory Dwelling Units

Sections:

- 23.306.010 Purposes
- 23.306.020 Applicability
- 23.306.030 Permit Procedures
- 23.306.040 Development Standards
- 23.306.050 Deed Restrictions
- 23.306.060 Neighborhood Noticing
- 23.306.070 Rooftop Decks and Balconies

23.306.010 Purposes

The purposes of this Chapter are to:

- A. Implement California Government Code Section 65852.2 and 65852.22.
- B. Increase overall supply and range of housing options in Berkeley.
- C. Expedite small-scale infill development.
- D. Support Housing Element goals of facilitating construction of accessory dwelling units and increasing the number of housing units that are more affordable to Berkeley residents.
- E. Encourage development of accessory dwelling units in zoning districts with compatible land uses and infrastructure.
- F. Reduce potential impacts of new development in high fire severity areas and the Hillside Overlay District (HOD) due to unique conditions and hazards within these areas that require additional restrictions on ADUs and JADUs because of impacts of traffic flow and public safety consistent with Government Code 65852.2, subdivision (a)(1)(A), which allows local agencies to regulate ADUs based on "adequacy of water and sewer service, and the impacts of traffic flow and public safety."

23.306.020 Applicability

A. The provisions of this chapter apply to zoning districts where residential uses are permitted, on lots that have at least one existing or proposed Dwelling Unit or Group Living Accommodation that is not a Fraternity House, Sorority House or Dormitory.

1. ~~**Exceptions.** The provisions of this chapter that permit ADUs and JADUs do not apply to lots in the R-1H (Single-Family Residential—Hillside Overlay), R-2H (Restricted Two-Family Residential—Hillside Overlay), or R-2AH (Restricted Multiple-Family Residential—Hillside Overlay) districts. In such districts, ADUs and JADUs shall only be permitted to the extent required by subdivision (e)(1) of Government Code section 65852.2.~~

B. Number of ADUs and JADUs Permitted Per Lot. Except as expressly modified by Chapter 12.99, the following number of ADUs and JADUs shall be the maximum number of accessory units permitted on lots subject to this Chapter.

1. Lot with one Single Family Dwelling: One ADU and/or one JADU.
2. Lot with more than one Single Family Dwelling: One ADU.
3. Lot with a Duplex or Multiple-Family Dwelling, either:
 - a. Up to two detached ADUs; or
 - b. At least one ADU converted from non-habitable portions of the existing Main Building (e.g. basement, attic, storage room). The maximum number of ADUs converted from non-habitable portions of the existing Main Building shall not exceed 25% of the total number of existing Dwelling Units on the lot.
4. Lot with a Group Living Accommodation that is not a Fraternity House, Sorority House or Dormitory: One ADU.

23.102.010 – Permit Procedures

A. Zoning Certificate. An application for an ADU or JADU shall be allowed with a Zoning Certificate. Review must be completed within 60 days of submission of a completed application. A completed application must include evidence of compliance with this Chapter, including Development Standards, Deed Restrictions, and Neighborhood Noticing.

1. If an application to create an ADU or JADU is submitted as part of a project that requires discretionary review, a Zoning Certificate for a Building Permit shall not be issued for the ADU or JADU until the discretionary approval(s) has/have been granted and any applicable appeal periods have expired.
2. Issuance of a Zoning Certificate shall not be denied for the construction or conversion of an ADU or JADU that complies with the requirements of Government Code Section 65852.2(e)(1).

3. Issuance of a Zoning Certificate for the construction or conversion of an ADU or JADU shall not be denied based on the failure of an applicant to correct a nonconforming zoning condition.

23.306.040 Development Standards

A. **Basic Standards.** See Table 23.306-1: ADU and JADU Development Standards.

TABLE 23.306-1 ADU AND JADU DEVELOPMENT STANDARDS

	ADU ¹	JADU
Maximum Size <u>Outside of HOD</u> ^{2, 5}		500 sf
Studio or 1 bedroom	850 sf	N/A
2 + bedrooms	1000 sf	
Maximum Size <u>Within HOD</u>	800 sf	500 sf
Maximum Height <u>Outside of HOD</u>	20 ft.	N/A
Maximum Height <u>Within HOD</u>	16 ft.	
Front Yard Setback	Same as underlying district	
Rear Setback	4 ft ³	
Side Setback	4 ft ³	
Required Off-Street Parking <u>Outside of HOD</u>	None ⁴	
Required Off-Street Parking <u>Within HOD</u>	The lesser of 1 space per bedroom or ADU ^{6, 7}	None ⁷

[1] An ADU converted from an Accessory Building or Accessory Structure legally established prior to December 1, 2021 that does not comply with the Maximum Height, Size, and/or Rear and Side Setback requirements is allowed to maintain non-conformity to the same dimensions of the existing Accessory Building or Accessory Structure, provided that the existing side and rear setbacks are sufficient for fire and safety as determined by the Building Official and the Fire Marshal. Any physical additions to the existing Accessory Building or Accessory Structure shall comply with the development standards in this table.

[2] An ADU created entirely through conversion with no modifications to the existing building envelope that is non-compliant with the standards in this table is allowed a physical addition of no more than 150 square feet that complies with Maximum Height and Setback requirements in this table.

[3] If there is a lesser setback allowed for a comparable Accessory Building or Accessory Structure in the underlying zoning district, that setback shall apply.

[4] Replacement of off-street parking for the Main Building is allowed and does not need to comply with Parking Maximums (BMC 23.322.070) nor Parking Layout and Design (BMC 23.322.080).

[5] For purposes of Table 23.306-1, 'HOD' means lots that are within Fire Zones 2 or 3 (BMC 19.48.020, para. III.), but does not include lots located within the R-2H (Restricted Two-Family Residential—Hillside Overlay), R-2AH (Restricted Multiple-Family Residential—Hillside

Overlay), R-3H (Multiple-Family Residential—Hillside Overlay), or R-4H (Multi-Family Residential) districts.

[6] No off-street parking shall be required for ADUs that satisfy the criteria defined in subdivision (d) of California Government Code section 65852.2 or any successor provision thereto.

[7] If an applicant provides off-street parking for an ADU or a JADU in the HOD, parking shall be allowed in any configuration on the lot, including within the front yard setback.

B. Projections.

1. Except as limited by Paragraph B.2 of this Section, architectural Architectural features (Chimneys, Water Heater Enclosures, Flues, Heating and Cooling Equipment, Eaves, Cornices, Canopies, Awnings) may project two feet into the required setbacks, so long as there remains at least a two-foot setback from property lines. Bay windows may not project into a setback.

2. No projections shall be allowed within the required setbacks on lots that are within Fire Zones 2 or 3 (BMC 19.48.020, para. III.) except on lots located within the R-2H (Restricted Two-Family Residential—Hillside Overlay), R-2AH (Restricted Multiple-Family Residential—Hillside Overlay), R-3H (Multiple-Family Residential—Hillside Overlay), or R-4H (Multi-Family Residential) districts.

23.306.050 - Deed Restrictions

A. The property owner shall file a deed restriction with the Alameda County Recorder which states:

1. The JADU shall not be sold separately from the Main Building;
2. The ADU shall not be sold separately from the Main Building unless the conditions of BMC 23.306.050 B are met;
3. The ADU and/or JADU shall not be rented for a term that is shorter than 30 days; and
4. If the property includes a JADU, the JADU, or the Single Family Dwelling in which the JADU is located, shall be owner-occupied.

B. ADUs Developed by a Qualified Nonprofit Developer. An ADU built or developed by a “qualified nonprofit corporation” may be sold or conveyed separately from the Main Building to a “qualified buyer,” as such terms are defined in subdivision (b) of Section 65852.26 of the California Government Code. The ADU must be held pursuant to a recorded tenancy in common agreement recorded on or after December 31, 2021 that includes the following elements:

1. Delineation of all areas of the property that are for the exclusive use of a cotenant;

2. Delineation of each cotenant's responsibility for the costs of taxes, insurance, utilities, general maintenance and repair, and improvements associated with the property;
3. Procedures for dispute resolution among cotenants before resorting to legal action;
4. Allocates to each qualified buyer an undivided, unequal interest in the property based on the size of the dwelling each qualified buyer occupies;
5. A repurchase option that requires the qualified buyer to first offer the qualified nonprofit corporation to buy the ADU or primary dwelling if the buyer desires to sell or convey the property;
6. A requirement that the qualified buyer occupy the ADU or primary dwelling as the buyer's principal residence; and
7. Affordability restrictions on the sale and conveyance of the ADU or primary dwelling that ensure the ADU and primary dwelling will be preserved for low-income housing for 45 years for owner-occupied housing units and will be sold or resold to a qualified buyer.
8. If requested by a utility providing service to the primary residence, the ADU shall have a separate water, sewer, or electrical connection to that utility.

23.306.060 – Neighbor Noticing

A. Scope and Timing of Notice. Notice of an ADU application shall be mailed to owners and tenants of the subject, adjacent, confronting and abutting properties within ten working days of submission to the Planning Department.

B. Content of Notice. Notice shall provide the address of the project, allowable hours of construction, and a link to the City's ADU webpage.

C. Mailing Fees. The applicant shall be responsible for the cost of materials, postage and staff time necessary to process and mail notices.

23.306.070 Rooftop Decks and Balconies

A. Notwithstanding any provisions of this Title to the contrary, rooftop decks and balconies shall be prohibited on lots that are within Fire Zones 2 or 3 (BMC 19.48.020, para. III.) except on lots located within the R-2H (Restricted Two-Family Residential—Hillside Overlay), R-2AH (Restricted Multiple-Family Residential—Hillside Overlay), R-3H (Multiple-Family Residential—Hillside Overlay), or R-4H (Multi-Family Residential) districts.

Section 2. Berkeley Municipal Code Chapter 12.99 is adopted to read as follows:

12.99 Wildfire Hazard Evacuation Risk Mitigation Ordinance

Sections

12.99.010 Title and Purposes

12.99.020 Applicability

12.99.030 Total Number of Units Permitted

12.99.010 Title and Purposes

A. This Chapter may be referred to as the “Wildfire Hazard Evacuation Risk Mitigation Ordinance.”

B. The purposes of this chapter are to permit and promote the construction of accessory dwelling units and junior accessory dwelling units while protecting human life and health, promoting the public health, safety, and general welfare, and minimizing public and private losses due to dangerous conditions in specific areas.

C. Government Code 65852.2, subdivision (a)(1)(A) allows local agencies to regulate ADUs based on "adequacy of water and sewer service, and the impacts of traffic flow and public safety."

D. The Hillside Overlay District has unique conditions and hazards that require additional restrictions on ADUs and JADUs because of impacts of traffic flow and public safety:

1. Wildfires, earthquakes and landslides put residents of the Hillside Overlay District at significant risk.

2. The Hayward fault bisects the Hillside Overlay District.

3. Due to the maze of narrow, winding streets, the Hillside Overlay District has extremely poor emergency access and egress conditions. Safety is compromised by a substandard street infrastructure that has limited accessibility for emergency responders as well as inadequate capacity for fast and reliable escape. A majority of street widths in the North Berkeley hills have substandard widths.

4. A study published by UC Berkeley researchers concluded that in the best-case scenario, if each household evacuated from the hill with one vehicle, estimated evacuation time would be two hours and 245 vehicles would be exposed to immediate fire danger. However, if each household evacuated with 1.7 vehicles, evacuation time would increase to three hours and 782 vehicles would be exposed to immediate fire danger.

E. Increasing density and intensity by permitting both one ADU and one JADU (2 total) in addition to the primary home, on every parcel zoned residential in the Hillside Overlay District or in a very high fire hazard severity zone will seriously exacerbate the already very hazardous conditions that currently exist, necessitating reasonable limitations that reduce exposure to hazardous conditions.

12.99.020 Applicability

A. A lot that meets all of the following criteria shall be subject to the provisions of this Chapter.

1. Lots that are located within the very high fire hazard severity zone (“Fire Zone 2” or “Fire Zone 3”) as designated in paragraph III. of Berkeley Municipal Code Section 19.48.020; and

2. Lots that are not located within the R-2H (Restricted Two-Family Residential—Hillside Overlay), R-2AH (Restricted Multiple-Family Residential—Hillside Overlay), R-3H (Multiple-Family Residential—Hillside Overlay), or R-4H (Multi-Family Residential) districts.

12.99.030 Total Number of Units Permitted

A. Notwithstanding any provisions of Chapter 23.306 to the contrary, no more than one ADU or JADU shall be permitted per lot that is subject to this Chapter.

Section 3. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

**NOTICE OF PUBLIC HEARING - BERKELEY CITY COUNCIL
AMENDMENTS TO ACCESSORY DWELLING UNIT (ADU) ORDINANCE**

The City Council will consider adopting a local ordinance regarding Accessory Dwelling Units (ADUs). The proposed Municipal Code amendments are consistent with Government Code Sections 65852.2 and 65852.22 and include local regulations for the size, location, and other development standards for ADUs and address public safety measures in portions of the hillside area. The amendments would apply throughout the City. This action is considered exempt from the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations (CEQA Guidelines) Class 3, New Construction or Conversion of Small Structures.

The hearing will be held on **Tuesday, December 14, 2021 at 6:00 p.m.** The hearing will be held via videoconference pursuant to Government Code Section 54953(e) and the state declared emergency.

A copy of the agenda material for this hearing will be available on the City’s website at www.CityofBerkeley.info as of December 2, 2021. Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology.

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

For further information, please contact Alene Pearson, Principal Planner, Planning and Development Department at (510) 981-7489, or by e-mail at apearson@cityofberkeley.info.

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. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at 981-6900 or clerk@cityofberkeley.info for further information.

Published: December 3, 2021 – The Berkeley Voice

City Clerk shall publish a notice at least 10 days prior to the date of the public hearing with the date, hour, and place of the public hearing for annual levy and collection of assessments in accordance with Streets and Highway Code Sections 22625, 22626, 22552, and 22553 and Section 6061 of the Government Code.

~~~~~  
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 the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City’s website, on December 2, 2021.

  
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Mark Numainville, City Clerk





Office of the City Manager

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ACTION CALENDAR

January 18, 2022

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Liam Garland, Director, Public Works

Subject: Street Maintenance and Rehabilitation Policy and Five-Year Plan

RECOMMENDATION

Adopt a Resolution updating *the Street Maintenance and Rehabilitation Policy and Five-Year Plan*.

FISCAL IMPACTS OF RECOMMENDATION

This *Five-Year Street Rehabilitation Plan* (Five Year Plan) is based on the projected budgets for Fiscal Years 2023 through 2027, and the estimated available funding levels from State Transportation (Gas) Taxes, Alameda County Transportation Sales Tax Measure BB, County Vehicle Registration Fee Measure F, and the City of Berkeley's General Fund, as laid out in Table 1.

| Table 1: Five-Year Paving Program Funding Source Allocations by Year |                  |                  |                  |                  |                  |
|----------------------------------------------------------------------|------------------|------------------|------------------|------------------|------------------|
| Fund Description                                                     | FY 2023          | FY 2024          | FY 2025          | FY 2026          | FY 2027          |
| State Transportation Tax                                             | 495,303          | 495,303          | 495,303          | 495,303          | 495,303          |
| Measure BB – Local Streets & Roads                                   | 2,700,000        | 2,700,000        | 2,700,000        | 2,700,000        | 2,700,000        |
| Measure F Vehicle - Registration Fee                                 | 155,000          | 155,000          | 155,000          | 155,000          | 155,000          |
| Capital Improvement Fund                                             | 1,925,000        | 1,925,000        | 1,925,000        | 1,925,000        | 1,925,000        |
| Road Repair and Accountability Act of 2017                           | 2,000,000        | 2,000,000        | 2,000,000        | 2,000,000        | 2,000,000        |
| <b>TOTAL</b>                                                         | <b>7,275,303</b> | <b>7,275,303</b> | <b>7,275,303</b> | <b>7,275,303</b> | <b>7,275,303</b> |

Additional funding includes \$6.9 million from Measure T1, Phase 2, and a \$1.2 million federal grant for the street rehabilitation portion of the Southside Complete Streets project.

Table 2: Other Funding Source Allocations by Year

| Fund Description | FY 2023   | FY 2024 | FY 2025 | FY 2026 | FY 2027 |
|------------------|-----------|---------|---------|---------|---------|
| Measure T1       | 6,375,000 | 246,000 | 286,000 | 0       | 0       |
| Grants           | 1,200,000 | 0       | 0       | 0       | 0       |

### CURRENT SITUATION AND ITS EFFECTS

Public Works is on track to bid and award a paving contract for FY 2022 that implements the first year of City Council's *Five Year Plan* adopted on January 26, 2021. The construction contract award will be submitted to City Council later this winter and is not affected by tonight's City Council actions.

This staff report recommends that City Council complete a long-sought update to the City's *Street Maintenance and Rehabilitation Policy* (Policy) and adopt its next *Five-Year Street Rehabilitation Plan* (Plan).

***Pavement Condition.*** The current state of Berkeley's streets is simply unacceptable. The City has 214 miles of streets with a total replacement value of over \$793 million. Our Pavement Condition Index (PCI) is at 56 out of 100, which means that the condition of our streets is very much "at risk." Total deferred maintenance in the City's streets is \$250 million, and if the status quo continues, will surpass \$1 billion by 2050.

Many of the City's streets have been neglected for so long that they are at the very expensive end of the life-cycle cost curve. At the City's currently budgeted average of \$7.2 million in baseline annual paving funding, the PCI will drop to 52 by the year 2023. To maintain our current at-risk PCI, an additional \$8 million of annual funding is required. To improve the PCI from the "at risk" category to the "good" category, the City would need an infusion of \$22 million more in annual baseline funding.

Studies have shown that \$1 invested in pavement treatments early in the pavement's useful life save \$8 spent on more expensive repairs later. With a PCI of 56, Berkeley is in the life cycle's steep decline where the cost of repairs is escalating rapidly. The proposed *Policy* and *Plan* are powerless to do anything other than tinker with this fundamental dynamic. Simply put, without a significant infusion of new revenue into street maintenance and rehabilitation, street condition will continue to deteriorate and become even more expensive to repair.

***Policies and Plans.*** Per the City's existing Policy, a *Five Year Plan* is required to be adopted by City Council annually. However, the Policy itself has not been updated since 2009. In the intervening years, City Council has adopted many plans and policies that effect the City's paving program, yet the written Policy remains exactly as it was in 2009. For this reason, the City Auditor's November 2020 audit titled, *Rocky Road, Berkeley*

*Streets at Risk and Significantly Underfunded*, identified the need to update the Policy in Finding 2.1.

The proposed, updated *Policy* at Attachment 2 simplifies the paving planning process; addresses equity and tree removals; and includes additional long-sought after initiatives, such as an emphasis on paving contiguous (as opposed to one block) segments, development of a “Dig Once” policy, and performance targets (e.g., PCIs of 70 for arterials, collectors, bus routes, low-stress bikeway network, and equity zone). The updated Policy requires exploration of new funding sources from heavy vehicles and transportation network companies, and updates and aligns to the City’s already adopted policies and plans, including the City’s Climate Action Plan, Bicycle and Pedestrian Plans, Green Infrastructure Plan, Resilience Strategy, Vision Zero Policy and Action Plan, Undergrounding Plan, Complete Streets Policy, Vision 2050 Framework, Transit First Policy, Strategic Transportation Plan, public realm plans and/or other localized transportation plans.

*Equity*. The City Council, Public Works Commission, and City Auditor have all identified the need to bring equity into the *Policy* and *5 Year Plan*. Finding 2.2 of the *Rocky Road* audit specifically identified the need to incorporate equity into the updated *Policy*.

Bringing equity into infrastructure work has the support of the community. Recent scientific surveys of residents found broad and deep support for inclusion of equity in infrastructure work. In one recent survey, 76% of residents found equity important to address in infrastructure. When respondents were offered alternative definitions of equity, 55% of respondents preferred a definition of equity where more infrastructure benefits were distributed to lower income neighborhoods and communities of color. In contrast, only 9% of respondents preferred a definition of equity focused on distribution between Berkeley’s eight Council districts. Another recent scientific survey found 76% of residents agreed with the City allocating more money for transportation improvements in lower income neighborhoods and communities of color that have historically been underfunded. Residents’ consensus on equity and its meaning align with the conceptions of equity included in the approved *Vision 2050 Framework* and *Pedestrian Plan*.

The discussion of equity in paving is not a theoretical one. As pointed out in the *Rocky Road* audit, streets in need of repair in the San Francisco Bay Area cause an additional \$1,049 in vehicle repair and other costs. These repair bills and other costs are a barrier for low-income families and their mobility, and, for some, may mean the difference between having transportation to a job or not. Similarly, for those who are disabled, mobility-impaired, use bicycles, or walk, deteriorated streets and faded pavement markings pose particular dangers.

To translate the City Council’s and public’s desire for equity into an implementable component of the paving program, staff began to consider the concept of an Equity Zone

earlier this year. Over time, the concept and methodology have been refined into a proposed Equity Zone based on three Census-based factors.

The first factor used in the analysis is the Neighborhood Socioeconomic Status (NSES) Index.<sup>1</sup> The NSES Index was selected because it includes a variety of key indicators of socioeconomic distress, including median income and population below the poverty level, low educational attainment, unemployment rate, and concentration of single-parent households headed by females. The second factor utilized is the percentage of people with one or more disabilities, with the data provided through a service called PolicyMap.<sup>2</sup> People with disabilities are disadvantaged in their ability to utilize the streets and are disproportionately impacted by poor paving quality. The final factor utilized is neighborhood redlining using historical federal Home Owners' Loan Corporation (HOLC) maps provided through the Mapping Inequality project of the University of Richmond.<sup>3</sup> This factor was included because it accounts for the entrenched and intergenerational neighborhood impact of racial segregation and exclusion from home ownership opportunities. The Equity Zone covers the Census tracts where the average scores for these factors are in the City's lowest quartile. The methodology in developing this Equity Zone is very much in line with the City's adopted Vision Zero Action Plan (2019) and Pedestrian Plan (2020). In addition, if this Equity Zone were a City Council district, it would have the lowest PCI of any district in the City.

Staff recommend this approach as it is data-based, implementable, consistent with past adopted plans and public opinion, and would be an important step in achieving the City's strategic goal of championing social and racial equity.

*Strategic Road Resurfacing Plan.* The Public Works Commission and Public Works staff have started a project to develop a Strategic Resurfacing Plan. The purpose of this plan is to take a longer view of our street rehabilitation program, review the City's approach to pavement maintenance and rehabilitation, and evaluate if there are better approaches to preserve, maintain, rehabilitate, and improve the City's decaying street system in a more efficient and environmentally friendly way.

## BACKGROUND

*Policy.* A sub quorum of the Public Works Commission and Public Works staff have been working over the past year to update the *Policy*. This work was assisted by the Facilities, Infrastructure, Transportation, Environment, and Sustainability Committee (FITES). The Public Works Commission recommended approval of the updated *Policy* in March 2021. FITES unanimously approved a positive recommendation for submission of the *Policy* to

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<sup>1</sup> [Miles, Jeremy and Weden, Margaret; Lavery, Diana; Escarce, José; Kathleen Cagney; Shih, Regina. 2016. "Constructing a Time-Invariant Measure of the Socio-Economic Status of U.S. Census Tracts." \*Journal of Urban Health\*, vol. 93, issue no.1, pp. 213-232.](#)

<sup>2</sup> <https://www.policymap.com/newmaps#/>

<sup>3</sup> <https://dsl.richmond.edu/panorama/redlining/#loc=5/39.1/-94.58>

City Council in May, and the proposed *Policy* was put on the agenda for the City Council meeting on June 1, 2021 with Councilmember Bartlett added as a co-sponsor. At that meeting, the City Council continued the item to July 13, 2021. On July 13, 2021, City Council referred the item to the Agenda and Rules Committee for future scheduling along with the annual adoption of the next *Five Year Plan*.

*PWC Recommended Five Year Plan, Arterial Alternative.* On November 4, 2021, the Public Works Commission (PWC) recommended a *5 Year Paving Plan* version 12A, included at Attachment 3 and referred to in this staff report as focusing on arterials. The PWC's recommended plan does not specifically address equity, as the PWC was operating under the constraints of the existing, out-of-date *Policy* from 2009. In other words, staff and the PWC developed this alternative to conform with existing policy and City Council directives.

PWC's recommended *Five Year Plan* distributes the paving costs and mileage as shown in the table below.

| Table 3: FY 2023-2027 Totals, Arterial Focus |         |                |       |           |
|----------------------------------------------|---------|----------------|-------|-----------|
|                                              | Mileage | Estimated Cost | %Cost | % Mileage |
| Arterials                                    | 5.99    | \$15,463,965   | 39%   | 39%       |
| Collectors                                   | 4.12    | \$12,346,983   | 31%   | 27%       |
| Residential                                  | 5.38    | \$12,216,433   | 31%   | 35%       |
| Total                                        | 15.49   | \$40,027,381   | 100%* | 100%*     |
| Bikeways**                                   | 8.05    | \$25,474,015   | 64%   | 52%       |
| Equity Zone**                                | 2.19    | \$6,490,040    | 16%   | 14%       |

\* Due to rounding, these numbers do not add up exactly to 100%.

\*\*A street segment that is on a bikeway and in the Equity Zone is counted for both, hence these categories are not mutually exclusive.

A map of this Plan is included at Attachment 4.

The PWC's recommended *Plan* addresses serious needs in our arterials, and does so by addressing the maintenance of these arterials earlier in the life cycle, thereby properly maintaining these important streets. It also focuses much of its investments in residential streets on bikeways, another important commitment. On the other hand, the *Plan* does not address equity, does much less for residential streets generally, and is not based on the proposed, updated *Policy*.

*Staff Recommended Five Year Plan with Focus on Equity.* Staff's recommended *5 Year Plan* at Attachment 5 distributes more paving dollars and miles to residential streets throughout the City, but especially so in the Equity Zone. These investments are offset by a corresponding reduction of investment in arterials.

The *Plan* also addresses the City's commitments to its low stress bicycle network, with 65% of the plans' resources dedicated to this network. Similarly, the recommended *Plan* also continues the City's commitments to Vision Zero by investing 32% of the plan's resources in collector streets, where injuries are more likely to occur. These investment levels are on par with the PWC's recommended plan, leaving the key distinction between these alternatives being the Equity Alternative's focus on the Equity Zone and residential streets.

Staff's recommendation is based on three important assumptions. First, the City is at an important historical moment where translating the commitment to equity from words into action is critical. Second, our community wants better streets. In a recent scientific survey of voters, 97% said repairing deteriorating streets was important (extremely important at 35%, very important at 38%, and somewhat important at 24%). By better streets, most community members consider the residential streets in front of or near their homes, and the equity alternative's investments in residential streets is consistent with this sentiment. Third, the equity alternative's focus on residential streets is consistent with the City's exploration of a significant infusion of new revenue into our streets, perhaps via a November 2022 revenue measure focused on infrastructure, and/or seeking federal or state grants, where applications involving arterials are more likely to be competitive.

Staff's recommended *Five Year Plan* distributes cost and mileage of paving as shown in the table below.

|               | Mileage | Estimated Cost | %Cost | % Mileage |
|---------------|---------|----------------|-------|-----------|
| Arterials     | 1.18    | \$2,915,254    | 8%    | 7%        |
| Collectors    | 4.06    | \$12,273,663   | 32%   | 25%       |
| Residentials  | 10.70   | \$23,196,396   | 60%   | 67%       |
| Total         | 15.94   | \$38,385,313   | 100%* | 100%*     |
| Bikeways**    | 9.61    | \$24,869,854   | 65%   | 60%       |
| Equity Zone** | 5.21    | \$13,866,514   | 36%   | 33%       |

\* Due to rounding, these numbers may not add up exactly to 100%.

\*\*A street segment that is on a bikeway and in the Equity Zone is counted for both, which is why these categories total more than 100%.

A map of this *Plan* is included at Attachment 6.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Streets in good condition are lower stress and improve safety for those who bike, walk, or use public transit, thus are important for promoting non-automobile trips and lowering greenhouse gas emissions consistent with the City's 2009 Climate Action Plan and Climate Emergency Declaration.



In addition, environmentally friendly pavement treatments are evaluated for use in the paving projects such as Full Depth Reclamation (FDR). FDR is used as a cost-effective alternative to traditional street reconstruction methods. It recycles much of the existing pavement on site, and incorporates it into the pavement subgrade, thereby reducing waste and reducing truck trips to and from construction sites.

The last two years of Berkeley's paving projects have included use of pervious concrete. Berkeley is one of the first cities in the San Francisco Bay Area to use this particular technology, which enables stormwater to filter through the concrete panels and save stormwater and pollution from reaching the Bay. Due to their form as panels, this technology enables lifting and removal, rather than cutting, of the panels in case underground utility work is later necessary. This technology was used last year on Ward Street adjacent to San Pablo Park, and this year on Channing Way adjacent to Berkeley High School.

#### RATIONALE FOR RECOMMENDATION

The updated *Policy* and proposed *Plan* advance the City's strategic goals, respond to prior audit findings, and are consistent with the City's already-adopted plans and priorities.

#### ALTERNATIVE ACTIONS CONSIDERED

Staff did not consider alternative actions as the City Council is required to update the *Five Year Plan* and has requested an update of the *Street Maintenance Rehabilitation Policy*. If the City Council does not adopt an update to the *Policy* and a new *Plan* tonight, staff suggest City Council provide direction to staff on both the *Policy* and *Plan*, and request staff return with updates per Council's direction at a future City Council meeting.

#### CONTACT PERSON

Liam Garland, Public Works Director, 510-981-6303

Joe Enke, Manager of Engineering, Public Works, 510-981-6411

#### Attachments:

1. Resolution
  - Exhibit A. Staff's Recommended Five Year Street Rehabilitation Plan for FY 2023 to FY 2027, Equity Alternative
  - Exhibit B. [Proposed] Street Maintenance and Rehabilitation Policy
2. [Proposed] Street Maintenance and Rehabilitation Policy
3. PWC's Recommended Five Year Street Rehabilitation Plan for FY 2023 to FY 2027, Arterial Alternative
4. PWC's Recommended Five Year Street Rehabilitation Plan Map, Arterial Alternative
5. Staff's Recommended Five Year Street Rehabilitation Plan for FY 2023 to FY 2027, Equity Alternative
6. Staff's Recommended Five Year Street Rehabilitation Plan Map, Equity Alternative

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

ADOPTION OF THE STREET REHABILITATION AND MAINTENANCE POLICY AND FIVE-YEAR STREET REHABILITATION PLAN FOR FY 2023 TO FY 2027

WHEREAS, the Street Rehabilitation Policy, Resolution No. 55,384-N.S. approved on May 22, 1990, requires a Five-Year Street Rehabilitation Plan for the entire City be adopted by the City Council;

WHEREAS, the *Five-Year Street Rehabilitation Plan* and the *Street Maintenance and Rehabilitation Policy* shall be reviewed and updated by the City Council, with advice from the Public Works Commission;

WHEREAS, the Public Works Commission reviewed and advised on both the *Five-Year Street Rehabilitation Plan* and update to the *Street Maintenance and Rehabilitation Policy*; and

WHEREAS, Public Works recommends City Council adopt both the updated *Street Maintenance and Rehabilitation Policy* and *Five-Year Street Rehabilitation Plan, Equity Alternative* for FY 2023 to FY 2027.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the *Five-Year Street Rehabilitation Plan* for FY 2023 to FY 2027, attached as Exhibit A hereof is hereby adopted, as is the *Street Maintenance and Rehabilitation Policy*, attached as Exhibit B.

Exhibit A: Five-Year Street Rehabilitation Plan for FY 2023 to FY 2027, Equity Alternative

Exhibit B: Street Maintenance and Rehabilitation Policy

EXHIBIT A  
5-YEAR STREET REHABILITATION PLAN FOR FY 2023 TO FY 2027, EQUITY ALTERNATIVE

Revised: 10/20/2021

| Fiscal Year | Street Name   | From          | To            | Class | Treatment (from StreetSaver) | Updated Total Cost | District                      | Equity Zone | P            | Mileage | Current PCI | Last M&R Date | Last Paved                 |
|-------------|---------------|---------------|---------------|-------|------------------------------|--------------------|-------------------------------|-------------|--------------|---------|-------------|---------------|----------------------------|
| 2023        | BANCROFT WAY  | SHATTUCK AVE  | FULTON ST     | C     | Heavy Rehab                  | \$ 341,126         | 4                             | N           | 4*, C        | 0.09    | 41          | 8/7/1997      | MILL AND OVERLAY W/FABRIC  |
| 2023        | BANCROFT WAY  | MILVIA WAY    | SHATTUCK AVE  | C     | Heavy Rehab                  | \$ 418,348         | 4                             | N           | 4*           | 0.13    | 34          | 12/1/1989     | MILL AND OVERLAY W/FABRIC  |
| 2023        | BANCROFT WAY  | TELEGRAPH AVE | BOWDITCH ST   | C     | Heavy Mtce                   | \$ 133,325         | 7                             | N           | 4*, C        | 0.13    | 63          | 12/1/1990     | MILL AND OVERLAY W/FABRIC  |
| 2023        | BANCROFT WAY  | BOWDITCH ST   | COLLEGE AVE   | C     | Heavy Mtce                   | \$ 161,036         | 7                             | N           | 3C*, C       | 0.13    | 56          | 12/1/1990     | MILL AND OVERLAY W/FABRIC  |
| 2023        | BANCROFT WAY  | COLLEGE AVE   | PIEDMONT AVE  | C     | Heavy Rehab                  | \$ 254,076         | 7                             | N           | 3C*, C       | 0.13    | 28          | 12/1/1990     | MILL AND OVERLAY W/FABRIC  |
| 2023        | CHANNING WAY  | ROOSEVELT AVE | MCKINLEY AVE  | R     | Reconstruct                  | \$ 445,230         | 4                             | N           | 3E           | 0.13    | 1           | 9/1/1991      | MILL AND OVERLAY W/FABRIC  |
| 2023        | CHANNING WAY  | SACRAMENTO ST | ROOSEVELT AVE | R     | Heavy Rehab                  | \$ 926,780         | 4                             | N           | 3E           | 0.31    | 22          | 9/1/1991      | MILL AND OVERLAY W/FABRIC  |
| 2023        | DANA ST       | BANCROFT WAY  | DWIGHT WAY    | R     | Heavy Rehab                  | \$ 458,900         | 7                             | N           | 2A to 2B*, C | 0.25    | 45          | 12/1/1989     | MILL AND OVERLAY W/FABRIC  |
| 2023        | DANA ST       | DWIGHT WAY    | BLAKE ST      | R     | Light Rehab                  | \$ 91,440          | 7                             | N           | 3E           | 0.06    | 44          | 12/1/1989     | MILL AND OVERLAY W/FABRIC  |
| 2023        | DANA ST       | BLAKE ST      | WARD ST       | R     | Light Rehab                  | \$ 466,580         | 7                             | N           | 3E*          | 0.25    | 65          | 7/30/2008     | RECONSTRUCT STRUCTURE (AC) |
| 2023        | DURANT AVE    | MILVIA ST     | SHATTUCK AVE  | C     | Reconstruct                  | \$ 693,355         | 4                             | N           | N            | 0.13    | 11          | 11/1/1992     | MILL AND OVERLAY W/FABRIC  |
| 2023        | DURANT AVE    | SHATTUCK AVE  | FULTON ST     | C     | Heavy Rehab                  | \$ 268,880         | 4                             | N           | C            | 0.10    | 32          | 8/12/1997     | MILL AND OVERLAY W/FABRIC  |
| 2023        | TELEGRAPH AVE | BANCROFT WAY  | DWIGHT WAY    | C     | Heavy Rehab                  | \$ 473,060         | 7                             | N           | 3C*, C, VZ   | 0.25    | 39          | 7/1/1988      | MILL AND OVERLAY W/FABRIC  |
| 2023        | HOPKINS ST    | GILMAN ST     | SACRAMENTO ST | R     | Heavy Rehab                  | \$ 233,942         | 5                             | N           | 3A, C        | 0.10    | 32          | 9/13/2002     | MILL AND OVERLAY W/FABRIC  |
| 2023        | HOPKINS ST    | HOPKINS CT    | MONTEREY AVE  | C     | Light Rehab                  | \$ 87,193          | 5                             | N           | 3A, C, VZ    | 0.05    | 59          | 9/13/2002     | MILL AND OVERLAY W/FABRIC  |
| 2023        | HOPKINS ST    | MONTEREY AVE  | MC GEE AVE    | C     | Heavy Rehab                  | \$ 119,167         | 5                             | N           | 2A, C        | 0.05    | 47          | 12/1/1989     | RECONSTRUCT STRUCTURE (AC) |
| 2023        | HOPKINS ST    | MC GEE AVE    | CARLOTTA AVE  | C     | Heavy Rehab                  | \$ 149,680         | 5                             | N           | 2A, C        | 0.06    | 45          | 12/1/1989     | RECONSTRUCT STRUCTURE (AC) |
| 2023        | HOPKINS ST    | CARLOTTA AVE  | JOSEPHINE ST  | C     | Heavy Rehab                  | \$ 874,580         | 5                             | N           | 2A, C        | 0.35    | 50          | 12/1/1989     | MILL AND OVERLAY           |
| 2023        | HOPKINS ST    | JOSEPHINE ST  | THE ALAMEDA   | C     | Heavy Rehab                  | \$ 216,700         | 5                             | N           | 4*, C        | 0.06    | 49          | 7/1/1991      | RECONSTRUCT STRUCTURE      |
| 2023        | HOPKINS ST    | THE ALAMEDA   | SUTTER ST     | C     | Heavy Rehab                  | \$ 876,500         | 5                             | N           | 4*           | 0.26    | 30          | 7/1/1991      | MILL AND THICK OVERLAY     |
| 2023        | HOPKINS ST    | NORTHSIDE AVE | PERALTA AVE   | R     | Light Mtce                   | \$ 239,587         | 1                             | N           | N            | 0.10    | 78          | 9/13/2002     | MILL AND OVERLAY W/FABRIC  |
| 2023        | HOPKINS ST    | PERALTA AVE   | GILMAN ST     | R     | Heavy Mtce                   | \$ 493,031         | 15                            | N           | N            | 0.27    | 58          | 9/13/2002     | MILL AND OVERLAY W/FABRIC  |
| 2023        | HOPKINS ST    | SACRAMENTO ST | HOPKINS CT    | A     | Heavy Rehab                  | \$ 101,755         | 5                             | N           | 3A, C, VZ    | 0.04    | 38          | 9/13/2002     | MILL AND OVERLAY W/FABRIC  |
| 2023        | HOPKINS ST    | SAN PABLO AVE | STANNAGE AVE  | R     | Light Mtce                   | \$ 37,188          | 1                             | N           | N            | 0.09    | 74          | 9/13/2002     | MILL AND OVERLAY W/FABRIC  |
| 2023        | HOPKINS ST    | STANNAGE AVE  | NORTHSIDE AVE | R     | Heavy Mtce                   | \$ 181,658         | 1                             | N           | N            | 0.17    | 69          | 9/13/2002     | MILL AND OVERLAY W/FABRIC  |
| 2023        | CONTINGENCY   |               |               |       |                              | \$ 874,312         |                               |             |              |         |             |               |                            |
|             | TOTAL FUNDING |               |               |       |                              | \$ 9,617,428       |                               |             |              | 3.70    |             |               |                            |
|             |               |               |               |       |                              | 57%                | bike/ped                      |             |              |         |             |               |                            |
|             |               |               |               |       |                              | 62%                | bike/ped not incl contingency |             |              |         |             |               |                            |
|             |               |               |               |       |                              | \$ 2,342,125       | additional funding from T1    |             |              |         |             |               |                            |

FISCAL YEAR 2023 TOTALS

Total Estimated Cost and Miles

\$9,617,428

3.70 miles

|                         | Mileage | Estimated Cost | % Cost | % Mileage | District | Cost        | Miles | Cost w/o Arterials | Miles w/o Arterials |
|-------------------------|---------|----------------|--------|-----------|----------|-------------|-------|--------------------|---------------------|
| Arterials               | 0.04    | \$101,755      | 1%     | 1%        | 1        | \$704,948   | 0.51  | \$704,948          | 0.51                |
| Collectors              | 1.93    | \$5,067,026    | 58%    | 52%       | 2        | \$0         | 0.00  | \$0                | 0.00                |
| Residential             | 1.74    | \$3,574,336    | 41%    | 47%       | 3        | \$0         | 0.00  | \$0                | 0.00                |
|                         |         |                |        |           | 4        | \$3,093,719 | 0.90  | \$3,093,719        | 0.90                |
| Bikeways                | 2.08    | \$5,457,408    | 62%    | 56%       | 5        | \$2,906,033 | 1.11  | \$2,804,278        | 1.07                |
| Curb Ramps              |         | \$276,000      | 3%     |           | 6        | \$0         | 0.00  | \$0                | 0.00                |
| Total                   |         | \$5,733,408    | 66%    |           | 7        | \$2,038,417 | 1.19  | \$2,038,417        | 1.19                |
|                         |         |                |        |           | 8        | \$0         | 0.00  | \$0                | 0.00                |
| Equity Zone             | 0.00    | \$0            | 0%     | 0%        |          | \$8,743,117 | 3.70  | \$8,641,362        | 3.67                |
| Equity Zone w/Arterials | 0.00    | \$0            | 0%     | 0%        |          |             |       |                    |                     |

Note: Column P denotes presence of bike facility type (1 paved path, 2A 2B bike lane, 3A sign-only, 3C Sharrows, 3E bike blvd, 4 cycle track); C for bus route; VZ for Vision Zero; and N for none.

\*Proposed bike facilities from 2017 Bike Plan.

EXHIBIT A  
5-YEAR STREET REHABILITATION PLAN FOR FY 2023 TO FY 2027

Revised: 10/20/2021

| Fiscal Year | Street Name       | From          | To                  | Class | Treatment (from StreetSaver) | Updated Total Cost | District                      | Equity Zone | P      | Mileage | Current PCI | Last M&R Date | Last Paved                 |
|-------------|-------------------|---------------|---------------------|-------|------------------------------|--------------------|-------------------------------|-------------|--------|---------|-------------|---------------|----------------------------|
| 2024        | CRESTON RD        | SUNSET LANE   | GRIZZLY PEAK BLVD   | R     | Heavy Mtce                   | \$ 116,258         | 6                             | N           | N      | 0.36    | 64          | 11/1/1988     | RECONSTRUCT SURFACE (AC)   |
| 2024        | DERBY ST          | TELEGRAPH AVE | HILLEGASS AVE       | R     | Reconstruct                  | \$ 621,503         | 8                             | N           | 3E     | 0.16    | 19          | 8/8/1997      | MILL AND OVERLAY W/FABRIC  |
| 2024        | DERBY ST          | HILLEGASS AVE | COLLEGE AVE         | R     | Reconstruct                  | \$ 577,560         | 8                             | N           | 3E*    | 0.14    | 25          | 8/8/1997      | MILL AND OVERLAY W/FABRIC  |
| 2024*       | DWIGHT WAY        | HILLSIDE AVE  | DEAD END ABOVE      | R     | Reconstruct                  | \$ 387,040         | 8                             | N           | N      | 0.11    | 22          | 9/1/1993      | RECONSTRUCT SURFACE (AC)   |
| 2024*       | DWIGHT WAY        | PIEDMONT AVE  | HILLSIDE AVE        | R     | Reconstruct                  | \$ 501,840         | 78                            | N           | N      | 0.14    | 12          | 9/1/1993      | MILL AND OVERLAY W/FABRIC  |
| 2024        | GRIZZLY PEAK BLVD | NORTH CITY    | EUCLID AVE          | C     | Reconstruct                  | \$ 794,084         | 6                             | N           | 3C     | 0.20    | 24          | 11/1/1990     | MILL AND THICK OVERLAY     |
| 2024        | GRIZZLY PEAK BLVD | EUCLID AVE    | KEELER AVE          | C     | Reconstruct                  | \$ 634,478         | 6                             | N           | 3E, C  | 0.21    | 13          | 11/1/1990     | MILL AND THICK OVERLAY     |
| 2024        | GRIZZLY PEAK BLVD | KEELER AVE    | MARIN AVE           | C     | Reconstruct                  | \$ 859,622         | 6                             | N           | 3C*, C | 0.27    | 19          | 10/1/1992     | MILL AND OVERLAY W/FABRIC  |
| 2024        | HILLEGASS AVE     | ASHBY AVE     | CITY LIMIT (WOOLSEY | R     | Light Mtce                   | \$ 76,400          | 8                             | N           | 3E     | 0.16    | 76          | 7/28/2003     | RECONSTRUCT STRUCTURE (AC) |
| 2024        | HILLEGASS AVE     | DWIGHT WAY    | ASHBY AVE           | R     | Light Mtce                   | \$ 334,500         | 8                             | N           | 3E     | 0.61    | 78          | 5/31/2000     | RECONSTRUCT STRUCTURE (AC) |
| 2024        | LATHAM LANE       | MILLER AVE    | GRIZZLY PEAK        | R     | Heavy Mtce                   | \$ 38,500          | 6                             | N           | N      | 0.10    | 59          | 6/1/1994      | RECONSTRUCT STRUCTURE (AC) |
| 2024        | MC GEE AVE        | DERBY ST      | RUSSELL ST          | R     | Light Rehab                  | \$ 551,992         | 3                             | Y           | N      | 0.25    | 59          | 12/10/1998    | RECONSTRUCT STRUCTURE (AC) |
| 2024        | MC GEE AVE        | DWIGHT WAY    | DERBY ST            | R     | Light Rehab                  | \$ 374,400         | 3                             | Y           | N      | 0.26    | 51          | 7/1/1988      | THIN OVERLAY w/FABRIC      |
| 2024        | MILLER AVE        | HILLDALE AVE  | SHASTA RD           | R     | Light Rehab                  | \$ 449,880         | 6                             | N           | N      | 0.66    | 53          | 6/1/1994      | RECONSTRUCT STRUCTURE (AC) |
| 2024        | OTIS ST           | RUSSELL ST    | ASHBY AVE           | R     | Heavy Rehab                  | \$ 224,000         | 3                             | N           | N      | 0.13    | 49          | 4/1/2001      | RECONSTRUCT STRUCTURE (AC) |
| 2024        | ROSE ST           | SACRAMENTO    | MARTIN LUTHER KING  | C     | Reconstruct                  | \$ 2,302,332       | 15                            | N           | 3E     | 0.48    | 21          | 8/1/1991      | MILL AND OVERLAY W/FABRIC  |
| 2024        | WOOLSEY ST        | HILLEGASS AVE | COLLEGE AVE         | R     | Reconstruct                  | \$ 434,534         | 8                             | N           | 3A     | 0.11    | 13          | N/A           |                            |
| 2024        | CONTINGENCY       |               |                     |       |                              | \$ 927,892         |                               |             |        |         |             |               |                            |
|             | TOTAL FUNDING     |               |                     |       |                              | \$ 10,206,815      |                               |             |        | 4.38    |             |               |                            |
|             |                   |               |                     |       |                              | 32%                | bike/ped                      |             |        |         |             |               |                            |
|             |                   |               |                     |       |                              | 35%                | bike/ped not incl contingency |             |        |         |             |               |                            |
|             |                   |               |                     |       |                              | \$ 2,931,512       | additional funding from T1    |             |        |         |             |               |                            |

\* in Fiscal Year column denotes coordination with EBMUD project

FISCAL YEAR 2024 TOTALS

Total Estimated Cost and Miles

\$10,206,815

4.38 miles

|                         | Mileage | Estimated Cost | % Cost | % Mileage | District | Cost        | Miles | Cost w/o Arterials | Miles w/o Arterials |
|-------------------------|---------|----------------|--------|-----------|----------|-------------|-------|--------------------|---------------------|
| Arterials               | 0.00    | \$0            | 0%     | 0%        | 1        | \$1,151,166 | 0.24  | \$1,151,166        | 0.24                |
| Collectors              | 1.16    | \$4,590,516    | 49%    | 26%       | 2        | \$0         | 0.00  | \$0                | 0.00                |
| Residentials            | 3.22    | \$4,688,407    | 51%    | 74%       | 3        | \$1,150,392 | 0.64  | \$1,150,392        | 0.64                |
|                         |         |                |        |           | 4        | \$0         | 0.00  | \$0                | 0.00                |
| Bikeways                | 2.35    | \$6,635,013    | 72%    | 54%       | 5        | \$1,151,166 | 0.24  | \$1,151,166        | 0.24                |
| Curb Ramps              |         | \$378,000      | 4%     |           | 6        | \$2,892,822 | 1.80  | \$2,892,822        | 1.80                |
| Total                   |         | \$7,013,013    | 76%    |           | 7        | \$250,920   | 0.07  | \$250,920          | 0.07                |
|                         |         |                |        |           | 8        | \$2,682,457 | 1.37  | \$2,682,457        | 1.37                |
| Equity Zone             | 0.51    | \$926,392      | 10%    | 12%       |          | \$9,278,923 | 4.38  | \$9,278,923        | 4.38                |
| Equity Zone w/Arterials | 0.51    | \$926,392      | 10%    | 12%       |          |             |       |                    |                     |

Note: Column P denotes presence of bike facility type (1 paved path, 2A 2B bike lane, 3A sign-only, 3C Sharrows, 3E bike blvd, 4 cycle track); C for bus route; VZ for Vision Zero; and N for none.

\*Proposed bike facilities from 2017 Bike Plan.

EXHIBIT A  
5-YEAR STREET REHABILITATION PLAN FOR FY 2023 TO FY 2027

Revised: 10/20/2021

| Fiscal Year | Street Name   | From               | To                 | Class | Treatment (from StreetSaver) | Updated Total Cost | District                      | Equity Zone | P     | Mileage | Current PCI | Last M&R Date | Last Paved                 |
|-------------|---------------|--------------------|--------------------|-------|------------------------------|--------------------|-------------------------------|-------------|-------|---------|-------------|---------------|----------------------------|
| 2025        | ALLSTON WAY   | MILVIA ST          | SHATTUCK AVE       | R     | Heavy Rehab                  | \$ 228,800         | 4                             | N           | N     | 0.14    | 37          | 11/1/1990     | MILL AND THIN OVERLAY      |
| 2025        | CURTIS ST     | UNIVERSITY AVE     | DWIGHT WAY         | R     | Reconstruct                  | \$ 2,009,440       | 2                             | Y           | N     | 0.57    | 9           | 8/18/1997     | MILL AND THICK OVERLAY     |
| 2025        | DERBY ST      | SACRAMENTO ST      | MARTIN LUTHER KING | R     | Reconstruct                  | \$ 1,688,560       | 3                             | Y           | 3E    | 0.48    | 18          | 10/1/1992     | MILL AND OVERLAY W/FABRIC  |
| 2025        | DERBY ST      | MARTIN LUTHER KING | MILVIA ST          | R     | Light Mtce                   | \$ 31,327          | 3                             | N           | 3E    | 0.13    | 86          | 10/1/1992     | MILL AND OVERLAY W/FABRIC  |
| 2025        | DERBY ST      | MILVIA ST          | SHATTUCK AVE       | R     | Reconstruct                  | \$ 490,456         | 3                             | N           | 3E    | 0.12    | 16          | 10/1/1992     | MILL AND OVERLAY W/FABRIC  |
| 2025        | DERBY ST      | SHATTUCK AVE       | FULTON ST          | R     | Reconstruct                  | \$ 478,200         | 3                             | N           | 3E    | 0.13    | 22          | 10/1/1992     | MILL AND OVERLAY W/FABRIC  |
| 2025        | DERBY ST      | FULTON ST          | TELEGRAPH AVE      | R     | Reconstruct                  | \$ 1,069,280       | 37                            | N           | 3E    | 0.31    | 13          | 10/1/1992     | MILL AND OVERLAY W/FABRIC  |
| 2025        | GILMAN ST     | SAN PABLO AVE      | SANTA FE AVE       | A     | Heavy Rehab                  | \$ 683,116         | 1                             | N           | 4*, C | 0.27    | 48          | 10/2007       | MILL AND OVERLAY           |
| 2025        | HEARST AVE    | 6TH ST             | SAN PABLO AVE      | C     | Reconstruct                  | \$ 1,306,200       | 1                             | Y           | N     | 0.31    | 25          | 10/1/1994     | MILL AND OVERLAY W/FABRIC  |
|             | CONTINGENCY   |                    |                    |       |                              | \$ 798,538         |                               |             |       |         |             |               |                            |
|             | TOTAL FUNDING |                    |                    |       |                              | \$ 8,783,917       |                               |             |       | 2.45    |             |               |                            |
|             |               |                    |                    |       |                              | 51%                | bike/ped                      |             |       |         |             |               |                            |
|             |               |                    |                    |       |                              | 56%                | bike/ped not incl contingency |             |       |         |             |               |                            |
|             |               |                    |                    |       |                              | \$ 1,510,414       |                               |             |       |         |             |               | additional funding from T1 |

FISCAL YEAR 2025 TOTALS

Total Estimated Cost and Miles

\$8,783,917

2.45 miles

|                         | Mileage | Estimated Cost | % Cost | % Mileage | District | Cost        | Miles | Cost w/o Arterials | Miles w/o Arterials |
|-------------------------|---------|----------------|--------|-----------|----------|-------------|-------|--------------------|---------------------|
| Arterials               | 0.27    | \$683,116      | 9%     | 11%       | 1        | \$1,989,316 | 0.59  | \$1,306,200        | 0.31                |
| Collectors              | 0.31    | \$1,306,200    | 16%    | 13%       | 2        | \$2,009,440 | 0.57  | \$2,009,440        | 0.57                |
| Residentials            | 1.86    | \$5,996,063    | 75%    | 76%       | 3        | \$3,223,183 | 1.00  | \$3,223,183        | 1.00                |
|                         |         |                |        |           | 4        | \$228,800   | 0.14  | \$228,800          | 0.14                |
| Bikeways                | 1.43    | \$4,440,939    | 56%    | 59%       | 5        | \$0         | 0.00  | \$0                | 0.00                |
| Curb Ramps              |         | \$228,000      | 3%     |           | 6        | \$0         | 0.00  | \$0                | 0.00                |
| Total                   |         | \$4,668,939    | 58%    |           | 7        | \$534,640   | 0.15  | \$534,640          | 0.15                |
|                         |         |                |        |           | 8        | \$0         | 0.00  | \$0                | 0.00                |
| Equity Zone             | 1.35    | \$5,004,200    | 63%    | 55%       |          | \$7,985,379 | 2.45  | \$7,302,263        | 2.17                |
| Equity Zone w/Arterials | 1.35    | \$5,004,200    | 63%    | 55%       |          |             |       |                    |                     |

Note: Column P denotes presence of bike facility type (1 paved path, 2A 2B bike lane, 3A sign-only, 3C Sharrows, 3E bike blvd, 4 cycle track); C for bus route; VZ for Vision Zero; and N for none.

\*Proposed bike facilities from 2017 Bike Plan.

EXHIBIT A  
5-YEAR STREET REHABILITATION PLAN FOR FY 2023 TO FY 2027

Revised: 10/20/2021

| Fiscal Year | Street Name  | From          | To            | Class | Treatment (from StreetSaver) | Updated Total Cost | District                      | Equity Zone | P  | Mileage | Current PCI | Last M&R Date | Last Paved                |
|-------------|--------------|---------------|---------------|-------|------------------------------|--------------------|-------------------------------|-------------|----|---------|-------------|---------------|---------------------------|
| 2026        | ADDISON ST   | 6TH ST        | SAN PABLO AVE | R     | Reconstruct                  | \$ 1,140,652       | 2                             | Y           | 3E | 0.31    | 16          | 8/27/1997     | MILL AND OVERLAY W/FABRIC |
| 2026        | ADDISON ST   | SAN PABLO AVE | CURTIS ST     | R     | Reconstruct                  | \$ 503,880         | 2                             | Y           | 3E | 0.14    | 23          | 8/18/1997     | MILL AND OVERLAY W/FABRIC |
| 2026        | DERBY ST     | MABEL ST      | SACRAMENTO ST | R     | Heavy Rehab                  | \$ 456,020         | 2                             | Y           | 3E | 0.25    | 32          | 10/1/1992     | MILL AND OVERLAY W/FABRIC |
| 2026        | CHANNING WAY | SAN PABLO AVE | SACRAMENTO    | R     | Heavy Rehab                  | \$ 914,500         | 2                             | Y           | 3E | 0.53    | 50          | 9/2/2008      | MILL AND THICK OVERLAY    |
| 2026        | MABEL ST     | DWIGHT WAY    | PARKER ST     | R     | Heavy Rehab                  | \$ 236,400         | 2                             | Y           | 3E | 0.12    | 31          | 9/1/1993      | MILL AND OVERLAY W/FABRIC |
| 2026        | MABEL ST     | PARKER ST     | DERBY ST      | R     | Reconstruct                  | \$ 468,400         | 2                             | Y           | 3E | 0.12    | 21          | 10/1/1992     | MILL AND OVERLAY W/FABRIC |
| 2026        | MABEL ST     | DERBY ST      | WARD ST       | R     | Heavy Rehab                  | \$ 97,400          | 2                             | Y           | 3E | 0.06    | 33          | 10/1/1992     | MILL AND OVERLAY W/FABRIC |
| 2026        | CAMELIA ST   | 8TH ST        | SAN PABLO AVE | R     | Reconstruct                  | \$ 697,680         | 1                             | Y           | 3E | 0.20    | 19          | 4/1/2001      | RECONSTRUCT SURFACE       |
| 2026        | 8TH ST       | GILMAN ST     | CAMELIA ST    | R     | Heavy Rehab                  | \$ 212,445         | 1                             | Y           | 3E | 0.12    | 35          | 4/1/2001      | MILL AND OVERLAY W/FABRIC |
| 2026        | 8TH ST       | CAMELIA ST    | PAGE ST       | R     | Heavy Rehab                  | \$ 144,978         | 1                             | Y           | N  | 0.08    | 42          | 4/1/2001      | MILL AND OVERLAY W/FABRIC |
| 2026        | 8TH ST       | PAGE ST       | JONES ST      | R     | Reconstruct                  | \$ 293,378         | 1                             | Y           | N  | 0.09    | 16          | 9/1/1991      | MILL AND OVERLAY W/FABRIC |
| 2026        | 8TH ST       | JONES ST      | VIRGINIA ST   | R     | Reconstruct                  | \$ 710,367         | 1                             | Y           | N  | 0.21    | 19          | 9/1/1991      | MILL AND OVERLAY W/FABRIC |
| 2026        | BATAAN AVE   | 7TH ST        | 8TH ST        | R     | Reconstruct                  | \$ 144,294         | 1                             | Y           | N  | 0.06    | 16          | N/A           |                           |
|             | CONTINGENCY  |               |               |       |                              | \$ 1,254,909       |                               |             |    |         |             |               |                           |
|             |              |               |               |       |                              | \$7,275,303        |                               |             |    | 2.28    |             |               |                           |
|             |              |               |               |       |                              | 65%                | bike/ped                      |             |    |         |             |               |                           |
|             |              |               |               |       |                              | 79%                | bike/ped not incl contingency |             |    |         |             |               |                           |

FISCAL YEAR 2026 TOTALS

Total Estimated Cost and Miles

\$7,275,303

2.28 miles

|                         | Mileage | Estimated Cost | % Cost | % Mileage | District | Cost        | Miles | Cost w/o Arterials | Miles w/o Arterials |
|-------------------------|---------|----------------|--------|-----------|----------|-------------|-------|--------------------|---------------------|
| Arterials               | 0.00    | \$0            | 0%     | 0%        | 1        | \$2,203,142 | 0.75  | \$2,203,142        | 0.75                |
| Collectors              | 0.00    | \$0            | 0%     | 0%        | 2        | \$3,817,252 | 1.52  | \$3,817,252        | 1.52                |
| Residentials            | 2.28    | \$6,020,394    | 100%   | 100%      | 3        | \$0         | 0.00  | \$0                | 0.00                |
|                         |         |                |        |           | 4        | \$0         | 0.00  | \$0                | 0.00                |
| Bikeways                | 1.84    | \$4,727,377    | 79%    | 81%       | 5        | \$0         | 0.00  | \$0                | 0.00                |
| Curb Ramps              |         | \$246,000      | 4%     |           | 6        | \$0         | 0.00  | \$0                | 0.00                |
| Total                   |         | \$4,973,377    | 83%    |           | 7        | \$0         | 0.00  | \$0                | 0.00                |
|                         |         |                |        |           | 8        | \$0         | 0.00  | \$0                | 0.00                |
| Equity Zone             | 2.28    | \$6,020,394    | 100%   | 100%      |          | \$6,020,394 | 2.28  | \$6,020,394        | 2.28                |
| Equity Zone w/Arterials | 2.28    | \$6,020,394    | 100%   | 100%      |          |             |       |                    |                     |

Note: Column P denotes presence of bike facility type (1 paved path, 2A 2B bike lane, 3A sign-only, 3C Sharrows, 3E bike blvd, 4 cycle track); C for bus route; VZ for Vision Zero; and N for none.

\*Proposed bike facilities from 2017 Bike Plan.

EXHIBIT A  
5-YEAR STREET REHABILITATION PLAN FOR FY 2023 TO FY 2027

Revised: 10/20/2021

| Fiscal Year | Street Name | From          | To             | Class | Treatment (from StreetSaver) | Updated Total Cost | District                      | Equity Zone | P     | Mileage | Current PCI | Last M&R Date | Last Paved                 |
|-------------|-------------|---------------|----------------|-------|------------------------------|--------------------|-------------------------------|-------------|-------|---------|-------------|---------------|----------------------------|
| 2027        | DERBY ST    | COLLEGE AVE   | PIEDMONT AVE   | R     | Heavy Rehab                  | \$ 268,765         | 8                             | N           | 3E    | 0.12    | 31          | 8/1/1996      | MILL AND OVERLAY W/FABRIC  |
| 2027        | DERBY ST    | PIEDMONT AVE  | WARRING ST     | R     | Heavy Rehab                  | \$ 114,903         | 8                             | N           | 3E    | 0.06    | 27          | N/A           |                            |
| 2027*       | FOREST AVE  | COLLEGE AVE   | CLAREMONT BLVD | R     | Heavy Rehab                  | \$ 618,000         | 8                             | N           | N     | 0.36    | 45          | 8/1/1996      | RECONSTRUCT STRUCTURE (AC) |
| 2027        | HARMON ST   | IDAHO ST      | SACRAMENTO     | R     | Reconstruct                  | \$ 829,900         | 2                             | Y           | 3E    | 0.36    | 15          | 9/1/1991      | MILL AND OVERLAY W/FABRIC  |
| 2027        | IDAHO ST    | 66TH ST       | ALCATRAZ AVE   | R     | Reconstruct                  | \$ 547,888         | 2                             | Y           | 3E    | 0.36    | 18          | 5/1/1996      | THIN AC OVERLAY            |
| 2027        | OREGON ST   | SAN PABLO AVE | MABEL ST       | R     | Reconstruct                  | \$ 537,740         | 2                             | Y           | 3E    | 0.36    | 18          | 11/1/1990     | MILL AND THIN OVERLAY      |
| 2027        | HASTE ST    | PIEDMONT AVE  | COLLEGE AVE    | A     | Heavy Rehab                  | \$ 270,400         | 7                             | N           | VZ    | 0.12    | 43          | 8/1/1993      | MILL AND OVERLAY W/FABRIC  |
| 2027        | HASTE ST    | COLLEGE AVE   | BOWDITCH ST    | A     | Heavy Rehab                  | \$ 313,947         | 7                             | N           | VZ    | 0.13    | 41          | 8/1/1993      | MILL AND OVERLAY W/FABRIC  |
| 2027        | HASTE ST    | BOWDITCH ST   | FULTON ST      | A     | Heavy Rehab                  | \$ 1,304,756       | 47                            | N           | VZ    | 0.51    | 35          | 8/1/1993      | MILL AND OVERLAY W/FABRIC  |
| 2027        | HASTE ST    | FULTON ST     | SHATTUCK AVE   | A     | Heavy Rehab                  | \$ 241,280         | 4                             | N           | VZ    | 0.11    | 29          | 8/1/1993      | MILL AND OVERLAY W/FABRIC  |
| 2027        | EUCLID AVE  | BAYVIEW PL    | CEDAR ST       | C     | Heavy Rehab                  | \$ 695,412         | 6                             | N           | 3C, C | 0.36    | 28          | 11/1/1990     | MILL AND OVERLAY W/FABRIC  |
| 2027        | EUCLID AVE  | CEDAR ST      | HEARST AVE     | C     | Heavy Rehab                  | \$ 614,509         | 6                             | N           | 3C, C | 0.31    | 41          | 11/1/1990     | MILL AND OVERLAY W/FABRIC  |
|             | CONTINGENCY |               |                |       |                              | \$ 917,803         |                               |             |       |         |             |               |                            |
|             |             |               |                |       |                              | \$7,275,303        |                               |             |       | 3.14    |             |               |                            |
|             |             |               |                |       |                              | 63%                | bike/ped                      |             |       |         |             |               |                            |
|             |             |               |                |       |                              | 73%                | bike/ped not incl contingency |             |       |         |             |               |                            |

\* in Fiscal Year column denotes coordination with EBMUD project

FISCAL YEAR 2027 TOTALS

Total Estimated Cost and Miles

\$7,275,303 3.14 miles

|                         | Mileage | Estimated Cost | % Cost | % Mileage | District | Cost        | Miles | Cost w/o Arterials | Miles w/o Arterials |
|-------------------------|---------|----------------|--------|-----------|----------|-------------|-------|--------------------|---------------------|
| Arterials               | 0.87    | \$2,130,383    | 34%    | 28%       | 1        | \$0         | 0.00  | \$0                | 0.00                |
| Collectors              | 0.67    | \$1,309,921    | 21%    | 21%       | 2        | \$1,915,528 | 1.07  | \$1,915,528        | 1.07                |
| Residentials            | 1.61    | \$2,917,196    | 46%    | 51%       | 3        | \$0         | 0.00  | \$0                | 0.00                |
|                         |         |                |        |           | 4        | \$893,658   | 0.36  | \$0                | 0.00                |
| Bikeways                | 1.92    | \$3,609,117    | 57%    | 61%       | 5        | \$0         | 0.00  | \$0                | 0.00                |
| Curb Ramps              |         | \$654,000      | 10%    |           | 6        | \$1,309,921 | 0.67  | \$1,309,921        | 0.67                |
| Total                   |         | \$4,263,117    | 67%    |           | 7        | \$1,236,725 | 0.50  | \$0                | 0.00                |
|                         |         |                |        |           | 8        | \$1,001,668 | 0.54  | \$1,001,668        | 0.54                |
| Equity Zone             | 1.07    | \$1,915,528    | 30%    | 34%       |          | \$6,357,500 | 3.14  | \$4,227,117        | 2.27                |
| Equity Zone w/Arterials | 1.07    | \$1,915,528    | 30%    | 34%       |          |             |       |                    |                     |

FISCAL YEAR 2023-2027 TOTALS

Total Estimated Cost and Miles

\$43,158,767 15.94 miles

|                         | Mileage | Estimated Cost | % Cost | % Mileage | District | Cost         | Miles | Cost w/o Arterials | Miles w/o Arterials |
|-------------------------|---------|----------------|--------|-----------|----------|--------------|-------|--------------------|---------------------|
| Arterials               | 1.18    | \$2,915,254    | 8%     | 7%        | 1        | \$6,048,572  | 2.09  | \$5,365,456        | 1.82                |
| Collectors              | 4.06    | \$12,273,663   | 32%    | 25%       | 2        | \$7,742,220  | 3.16  | \$7,742,220        | 3.16                |
| Residentials            | 10.70   | \$23,196,396   | 60%    | 67%       | 3        | \$4,373,575  | 1.65  | \$4,373,575        | 1.65                |
|                         |         |                |        |           | 4        | \$4,216,177  | 1.39  | \$3,322,519        | 1.03                |
| Bikeways                | 9.61    | \$24,869,854   | 65%    | 60%       | 5        | \$4,057,199  | 1.35  | \$3,955,444        | 1.31                |
| Curb Ramps              |         | \$1,782,000    | 5%     |           | 6        | \$4,202,743  | 2.47  | \$4,202,743        | 2.47                |
| Total                   |         | \$26,651,854   | 69%    |           | 7        | \$4,060,702  | 1.92  | \$2,823,977        | 1.42                |
|                         |         |                |        |           | 8        | \$3,684,125  | 1.91  | \$3,684,125        | 1.91                |
| Equity Zone             | 5.21    | \$13,866,514   | 36%    | 33%       |          | \$38,385,313 | 15.94 | \$35,470,059       | 14.76               |
| Equity Zone w/Arterials | 5.21    | \$13,866,514   | 36%    | 33%       |          |              |       |                    |                     |

Total Funding \$43,158,767

Note: Column P denotes presence of bike facility type (1 paved path, 2A 2B bike lane, 3A sign-only, 3C Sharrows, 3E bike blvd, 4 cycle track); C for bus route; VZ for Vision Zero; and N for none.

\*Proposed bike facilities from 2017 Bike Plan.

Draft 5-Year Street Rehabilitation Plan FY 2023-2027\_v11c\_equity.xlsx

# City of Berkeley Street Maintenance and Rehabilitation Policy

## Section 1. General Policy

It is the policy of the City of Berkeley to maintain our streets in safe, good condition that protects our environment and to properly maintain the existing investment in City assets. Staff will implement a Citywide road resurfacing plan that will ensure street maintenance and repair in a timely manner, reduce long term-replacement costs, and provide for the safe and efficient use of our streets. The users of the street surface in the public right-of-way include powered vehicles, bicycles, transit, and pedestrians. The right-of-way also provides for storm water conveyance and is the location of many public utilities.

The policy requires that a *5-year Street Rehabilitation Plan* for the entire City be prepared and adopted biannually in line with the City's budget process. Any changes to the *5-year Plan* made in the interim shall be reported to City Council. Streets and their surfacing treatment shall be prioritized using a multi-criteria adaptive planning framework to achieve sustainable, resilient, and integrated solutions for the City's right-of-way and the downstream environments. The criteria shall consider equity, quality of life, safety, opportunities for leadership, resource allocation, environmental impacts, and climate and resilience.

## Section 2. Assumptions

This section of the policy defines basic assumptions that inform the goals, objectives, and outcomes of the *5-year plan*.

1. This policy defines the priorities for managing the road surface infrastructure from curb to curb. This policy does not provide guidance on how to prioritize sidewalks or other infrastructure associated with complete streets planning.
2. Streets include arterial, collector, residential, and commercial/industrial streets as defined in Berkeley's General Plan.
3. Consistency with the City's General Plan policy of encouraging use of forms of transportation other than automobiles.
4. Conformance with the Regional Water Quality Control Board's stormwater permit requirements.
5. Support of the City's plans and updates thereto, including the City's Climate Action Plan, Green Infrastructure Plan, Resilience Strategy, Vision Zero Policy and Action Plan, Undergrounding Plan, Complete Streets Policy, Vision 2050 framework, Pedestrian Plan, Transit First Policy, Strategic Transportation Plan, public realm and/or other localized transportation plans, and Bicycle Plan.
6. Poorly maintained streets have a disproportionate impact on certain members of the community:
  - a) Low-income residents are more seriously impacted by higher vehicle repair costs than higher income residents;
  - b) Those with mobility or visual impairments face greater challenges of unequal access and safety compared to those without such challenges;
  - c) Bicyclists and pedestrians face greater danger than those driving; and
  - d) Poorly maintained streets in dense, more populous neighborhoods are detrimental to more users than poorly maintained streets in less dense neighborhoods.



7. Utility trench and pothole repair work shall be done in accordance with permit conditions, standard details, and/or standard operating procedures adopted by the Public Works Department.
8. To the extent practical, the City shall use life cycle cost analysis to evaluate different road surfacing options.
9. Runoff from roadways carry pollutants that negatively impact public health, creeks and streams, and the Bay.
10. Street trees are valuable part of the landscape, as they sequester carbon, soak up stormwater, improve land values, and add greenery.
11. The Metropolitan Transportation Commission requires the use of a Pavement Management Tool (such as StreetSaver). Pavement Management Tools are used to optimize road surface conditions through the use of a Pavement Condition Index (PCI) performance metric.

### **Section 3. Funding**

The *Five-year Street Rehabilitation Plan* shall identify all available funding and the sources used to deliver the proposed road improvement projects. This shall include Federal, State, County and City funding sources. In the event that the planned projects are not able to achieve the City's desired roadway condition level of service, the *Five-year Plan* should identify the level of funding and activities needed to expand roadway improvements to achieve the stated goals of this policy. Bond funds shall strive to be used for long-lasting capital improvements (projects with a useful life that meets or exceeds the duration of the bond repayment schedule) or to accelerate road work that will result in long-term cost savings for ratepayers.

### **Section 4. Specific Policy**

The Street Rehabilitation Program shall be based on the following objectives:

1. Planning
  - a) The *5-year Street Rehabilitation Plan* shall be supported by a 30-year road surfacing projection, where roadway improvement projects are forecast over a long-term planning period. The first five years of the projection will become the first draft of the *5-year Plan*.
  - b) To the extent financially practical, implementation of the paving plan shall advance plans identified in section 2.5.
  - c) Rehabilitation of contiguous sections of roadway, rather than one block at a time, shall be preferred, when feasible.
  - d) Tree removals shall only be permitted as a last resort consistent with BMC 12.44.020, with the approval of both the Director of Parks and Waterfront and Director of Public Works. If tree removal is necessary, replacement trees shall be planted where and when feasible in accordance with BMC 12.44.010.
2. Equity
  - a) The benefits of good infrastructure shall be distributed equitably throughout the entire community regardless of the income, political influence, or demographic characteristics of the residents in each area. Equity means that disadvantaged residents with more pressing needs experience benefits sooner than others, as defined by the City within the adopted *5-Year Plan*.

- b) A new *Equity Zone* shall be established. This Zone shall be prioritized to meet an average PCI of 70 sooner than the remainder of the City. This Zone contains historically underserved neighborhoods that have experienced decades of underinvestment, and the residents in this zone experience more pressing needs and receive benefits sooner.
- c) Over the longer term, road surfacing activities shall be planned within Pavement Analysis Zones. A Pavement Analysis Zone shall consist of a logical set of street segments, excluding the arterials, collectors, bus routes, bicycle boulevards and non-representative demonstration projects.
  - a. The department may revise the pavement analysis zone boundaries from time to time, consistent with the other goals of this policy. Any changes to pavement analysis units shall be proposed within the biannually updated *5-year Street Rehabilitation Plan* submitted to City Council.
  - b. It shall be the goal of the City to seek parity of street condition between pavement analysis zones, except in regards to the *Equity Zone*.

### 3. Performance Metrics

- a) The City will strive to maintain all roads within the primary transportation network at a standard no less than the following PCI targets for any stretch of roadway<sup>1</sup>:
  - a. Arterial - 70,
  - b. Collector - 70,
  - c. Bus Routes - 70,
  - d. Existing and proposed low-stress bikeway network - 70.
    - i. Bikeways shall be surfaced with a treatment that emphasizes smoothness of the road surface.
  - e. Equity Zone- 70.
- b) Funding should be prioritized towards maintenance activities to achieve the goals of item 4.2a.
- c) The biannually updated *5-year plan* shall report on these performance metrics, PCI measurements for each street segment in the City, and percent of overall funding dedicated to each of the following: arterials, collectors, bus routes, existing and proposed low-stress bikeway network, equity zone, and residential streets.

### 4. Dig Once

- a. Street rehabilitation shall conform with a dig once approach. This includes coordinating with sewer, water, electrical, telecom, undergrounding and other activities to minimize the cost and maintain the quality of the street surface.
- b. In order to protect the City's investment on street improvements, the City shall place a moratorium on recently paved streets that prohibits digging through them for up to five years, excluding emergency work<sup>2</sup>.

### 5. Demonstration Projects and Use of New Technologies

- a. To the extent practical, the City shall evaluate the use of permeable pavement, concrete pavement, and other street surface technologies using life cycle cost analysis.

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<sup>1</sup> PCI of 70 is the lower threshold of what is considered "Good." Streets that fall below a "good" condition require much more expensive repair process.

<sup>2</sup> As cited in Berkeley Municipal Code 16.12.030 and documented on the City [website](#)

- b. The use of new technologies that provide enhanced durability, lower cost, and more environmentally beneficial impacts shall be evaluated and reviewed in the biannually adopted *5 Year Street Rehabilitation Plan*.

## **Section 5. Plan and Policy Development and Update**

The plan and policy development shall be as follows:

1. Every two years, in line with the City's budgeting process, the *5-year Street Rehabilitation Plan* adopted by City Council shall include a funding sufficiency analysis based on the existing deferred maintenance at that point to determine what level of funding is required to maintain our streets in safe, good condition that protects our environment and properly maintains the existing investment in City assets.
2. Identify new funding sources such as:
  - a. Heavy vehicles, which have a disproportionate impact on the degradation of paved assets, and
  - b. Transportation Network Company (TNC) vehicles.
3. At a minimum, this *Street Maintenance and Rehabilitation Policy* shall be reviewed and adopted by the City Council every five years, with advice of the Public Works and Transportation Commission.

EXHIBIT A  
5-YEAR STREET REHABILITATION PLAN FOR FY 2023 TO FY 2027, ARTERIAL ALTERNATIVE

Revised: 10/08/2021

| Fiscal Year | Street ID | Section ID | Street Name   | From          | To                 | Class | Treatment (from Streetsaver) | Updated Total Cost | District                      | Equity Zone                | P            | Mileage | Current PCI | Last M&R Date | Last Paved                 |
|-------------|-----------|------------|---------------|---------------|--------------------|-------|------------------------------|--------------------|-------------------------------|----------------------------|--------------|---------|-------------|---------------|----------------------------|
| 2023        | 729042    | 65         | BANCROFT WAY  | SHATTUCK AVE  | FULTON ST          | C     | Heavy Rehab                  | \$ 341,126         | 4                             | N                          | 4*, C        | 0.09    | 41          | 8/7/1997      | MILL AND OVERLAY W/FABRIC  |
| 2023        | 729042    | 60         | BANCROFT WAY  | MILVIA WAY    | SHATTUCK AVE       | C     | Heavy Rehab                  | \$ 418,348         | 4                             | N                          | 4*           | 0.13    | 34          | 12/1/1989     | MILL AND OVERLAY W/FABRIC  |
| 2023        | 728042    | 76         | BANCROFT WAY  | TELEGRAPH AVE | BOWDITCH ST        | C     | Heavy Mtce                   | \$ 133,325         | 7                             | N                          | 4*, C        | 0.13    | 63          | 12/1/1990     | MILL AND OVERLAY W/FABRIC  |
| 2023        | 628042    | 78         | BANCROFT WAY  | BOWDITCH ST   | COLLEGE AVE        | C     | Heavy Mtce                   | \$ 161,036         | 7                             | N                          | 3C*, C       | 0.13    | 56          | 12/1/1990     | MILL AND OVERLAY W/FABRIC  |
| 2023        | 627042    | 80         | BANCROFT WAY  | COLLEGE AVE   | PIEDMONT AVE       | C     | Heavy Rehab                  | \$ 254,076         | 7                             | N                          | 3C*, C       | 0.13    | 28          | 12/1/1990     | MILL AND OVERLAY W/FABRIC  |
| 2023        | 728140    | 50         | DANA ST       | BANCROFT WAY  | DWIGHT WAY         | R     | Heavy Rehab                  | \$ 458,900         | 7                             | N                          | 2A to 2B*, C | 0.25    | 45          | 12/1/1989     | MILL AND OVERLAY W/FABRIC  |
| 2023        | 736140    | 60         | DANA ST       | DWIGHT WAY    | BLAKE ST           | R     | Light Rehab                  | \$ 91,440          | 7                             | N                          | 3E           | 0.06    | 44          | 12/1/1989     | MILL AND OVERLAY W/FABRIC  |
| 2023        | 736140    | 65         | DANA ST       | BLAKE ST      | WARD ST            | R     | Light Rehab                  | \$ 466,580         | 7                             | N                          | 3E*          | 0.25    | 65          | 7/30/2008     | RECONSTRUCT STRUCTURE (AC) |
| 2023        | 830155    | 050        | DWIGHT WAY    | SACRAMENTO    | MARTIN LUTHER KING | A     | Reconstruct                  | \$ 2,809,600       | 3, 4                          | N                          | C            | 0.50    | 23          | 12/10/1998    | MILL AND OVERLAY W/FABRIC  |
| 2023*       | 627155    | 85         | DWIGHT WAY    | HILLSIDE AVE  | DEAD END ABOVE     | R     | Reconstruct                  | \$ 387,040         | 8                             | N                          | N            | 0.11    | 22          | 9/1/1993      | RECONSTRUCT SURFACE (AC)   |
| 2023*       | 627155    | 83         | DWIGHT WAY    | PIEDMONT AVE  | HILLSIDE AVE       | R     | Reconstruct                  | \$ 501,840         | 7, 8                          | N                          | N            | 0.14    | 12          | 9/1/1993      | MILL AND OVERLAY W/FABRIC  |
| 2023        | 418492    | 050        | ROSE ST       | SACRAMENTO    | MARTIN LUTHER KING | C     | Reconstruct                  | \$ 2,302,332       | 1, 5                          | N                          | 3E           | 0.48    | 21          | 8/1/1991      | MILL AND OVERLAY W/FABRIC  |
| 2023        | 728584    | 50         | TELEGRAPH AVE | BANCROFT WAY  | DWIGHT WAY         | C     | Heavy Rehab                  | \$ 473,060         | 7                             | N                          | 3C*, C, VZ   | 0.25    | 39          | 7/1/1988      | MILL AND OVERLAY W/FABRIC  |
| 2023        | 319293    | 47         | HOPKINS ST    | GILMAN ST     | SACRAMENTO ST      | R     | Heavy Rehab                  | \$ 233,942         | 5                             | N                          | 3A, C        | 0.10    | 32          | 9/13/2002     | MILL AND OVERLAY W/FABRIC  |
| 2023        | 213293    | 50         | HOPKINS ST    | HOPKINS CT    | MONTEREY AVE       | C     | Light Rehab                  | \$ 87,193          | 5                             | N                          | 3A, C, VZ    | 0.05    | 59          | 9/13/2002     | MILL AND OVERLAY W/FABRIC  |
| 2023        | 213293    | 52         | HOPKINS ST    | MONTEREY AVE  | MC GEE AVE         | C     | Heavy Rehab                  | \$ 119,167         | 5                             | N                          | 2A, C        | 0.05    | 47          | 12/1/1989     | RECONSTRUCT STRUCTURE (AC) |
| 2023        | 213293    | 53         | HOPKINS ST    | MC GEE AVE    | CARLOTTA AVE       | C     | Heavy Rehab                  | \$ 149,680         | 5                             | N                          | 2A, C        | 0.06    | 45          | 12/1/1989     | RECONSTRUCT STRUCTURE (AC) |
| 2023        | 213293    | 55         | HOPKINS ST    | CARLOTTA AVE  | JOSEPHINE ST       | C     | Heavy Rehab                  | \$ 874,580         | 5                             | N                          | 2A, C        | 0.35    | 50          | 12/1/1989     | MILL AND OVERLAY           |
| 2023        | 213293    | 059        | HOPKINS ST    | JOSEPHINE ST  | THE ALAMEDA        | C     | Heavy Rehab                  | \$ 216,700         | 5                             | N                          | 4*           | 0.06    | 49          | 7/1/1991      | RECONSTRUCT STRUCTURE      |
| 2023        | 114293    | 060        | HOPKINS ST    | THE ALAMEDA   | SUTTER ST          | C     | Heavy Rehab                  | \$ 876,500         | 5                             | N                          | 4*           | 0.26    | 30          | 7/1/1991      | MILL AND THICK OVERLAY     |
| 2023        | 319293    | 45         | HOPKINS ST    | NORTHSIDE AVE | PERALTA AVE        | R     | Light Mtce                   | \$ 239,587         | 1                             | N                          | N            | 0.10    | 78          | 9/13/2002     | MILL AND OVERLAY W/FABRIC  |
| 2023        | 319293    | 46         | HOPKINS ST    | PERALTA AVE   | GILMAN ST          | R     | Heavy Mtce                   | \$ 493,031         | 1, 5                          | N                          | N            | 0.27    | 58          | 9/13/2002     | MILL AND OVERLAY W/FABRIC  |
| 2023        | 319293    | 49         | HOPKINS ST    | SACRAMENTO ST | HOPKINS CT         | A     | Heavy Rehab                  | \$ 101,755         | 5                             | N                          | 3A, C, VZ    | 0.04    | 38          | 9/13/2002     | MILL AND OVERLAY W/FABRIC  |
| 2023        | 319293    | 40         | HOPKINS ST    | SAN PABLO AVE | STANNAGE AVE       | R     | Light Mtce                   | \$ 37,188          | 1                             | N                          | N            | 0.09    | 74          | 9/13/2002     | MILL AND OVERLAY W/FABRIC  |
| 2023        | 319293    | 42         | HOPKINS ST    | STANNAGE AVE  | NORTHSIDE AVE      | R     | Heavy Mtce                   | \$ 181,658         | 1                             | N                          | N            | 0.17    | 69          | 9/13/2002     | MILL AND OVERLAY W/FABRIC  |
|             |           |            | CONTINGENCY   |               |                    |       |                              | \$ 1,240,968       |                               |                            |              |         |             |               |                            |
|             |           |            | TOTAL FUNDING |               |                    |       |                              | \$ 13,650,652      |                               |                            |              | 4.27    |             |               |                            |
|             |           |            |               |               |                    |       |                              | 40%                | bike/ped                      |                            |              |         |             |               |                            |
|             |           |            |               |               |                    |       |                              | 44%                | bike/ped not incl contingency |                            |              |         |             |               |                            |
|             |           |            |               |               |                    |       |                              | \$ 6,375,349       |                               | additional funding from T1 |              |         |             |               |                            |

\* in Fiscal Year column denotes coordination with EBMUD project

FISCAL YEAR 2023 TOTALS

|                                       |             |                     |            |            |  |
|---------------------------------------|-------------|---------------------|------------|------------|--|
| <b>Total Estimated Cost and Miles</b> |             | \$13,650,652        |            | 4.27 miles |  |
|                                       | Mileage     | Estimated Cost      | % Cost     | % Mileage  |  |
| Arterials                             | 0.53        | \$2,911,355         | 23%        | 12%        |  |
| Collectors                            | 2.18        | \$6,407,123         | 52%        | 51%        |  |
| Residentials                          | 1.56        | \$3,091,206         | 25%        | 37%        |  |
| <b>Total</b>                          | <b>4.27</b> | <b>\$12,409,684</b> |            |            |  |
| Bikeways                              | 2.57        | \$7,759,740         | 63%        | 60%        |  |
| Curb Ramps                            |             | \$468,000           | 4%         |            |  |
| <b>Total</b>                          |             | <b>\$8,227,740</b>  | <b>66%</b> |            |  |
| Equity Zone                           | 0.00        | \$0                 | 0%         | 0%         |  |

| District     | Cost                | Miles       | Cost w/o Arterials | Miles Arterials |
|--------------|---------------------|-------------|--------------------|-----------------|
| 1            | \$1,856,114         | 0.75        | \$1,856,114        | 0.75            |
| 2            | \$0                 | 0.00        | \$0                | 0.00            |
| 3            | \$1,404,800         | 0.25        | \$0                | 0.00            |
| 4            | \$2,164,274         | 0.48        | \$759,474          | 0.23            |
| 5            | \$4,057,199         | 1.35        | \$3,955,444        | 1.31            |
| 6            | \$0                 | 0.00        | \$0                | 0.00            |
| 7            | \$2,289,337         | 1.27        | \$2,289,337        | 1.27            |
| 8            | \$637,960           | 0.18        | \$637,960          | 0.18            |
| <b>Total</b> | <b>\$12,409,684</b> | <b>4.27</b> | <b>\$9,498,329</b> | <b>3.74</b>     |

Note: Column P denotes presence of bike facility type (1 paved path, 2A 2B bike lane, 3A sign-only, 3C Sharrows, 3E bike blvd, 4 cycle track); C for bus route; VZ for Vision Zero; and N for none.

\*Proposed bike facilities from 2017 Bike Plan.

EXHIBIT A  
5-YEAR STREET REHABILITATION PLAN FOR FY 2023 TO FY 2027

Revised: 10/08/2021

| Fiscal Year | Street ID | Section ID | Street Name   | From               | To                  | Class | Treatment (from StreetsSaver) | Updated Total Cost | District | Equity Zone                   | P  | Mileage | Current PCI | Last M&R Date | Last Paved                 |
|-------------|-----------|------------|---------------|--------------------|---------------------|-------|-------------------------------|--------------------|----------|-------------------------------|----|---------|-------------|---------------|----------------------------|
| 2024        |           |            | CHANNING WAY  | ROOSEVELT AVE      | MCKINLEY AVE        | R     | Reconstruct                   | \$ 445,230         | 4        | N                             | 3E | 0.13    | 1           | 9/1/1991      | MILL AND OVERLAY W/FABRIC  |
| 2024        | 830104    | 50         | CHANNING WAY  | SACRAMENTO ST      | ROOSEVELT AVE       | R     | Heavy Rehab                   | \$ 696,780         | 4        | N                             | 3E | 0.31    | 22          | 9/1/1991      | MILL AND OVERLAY W/FABRIC  |
| 2024        | 933146    | 045        | DERBY ST      | MABEL ST           | SACRAMENTO ST       | R     | Heavy Rehab                   | \$ 456,020         | 2        | Y                             | 3E | 0.25    | 32          | 10/1/1992     | MILL AND OVERLAY W/FABRIC  |
| 2024        | 834146    | 50         | DERBY ST      | SACRAMENTO ST      | MARTIN LUTHER KING  | R     | Reconstruct                   | \$ 1,688,560       | 3        | Y                             | 3E | 0.48    | 18          | 10/1/1992     | MILL AND OVERLAY W/FABRIC  |
| 2024        | 835146    | 060        | DERBY ST      | MARTIN LUTHER KING | MILVIA ST           | R     | Light Mtce                    | \$ 31,327          | 3        | N                             | 3E | 0.13    | 86          | 10/1/1992     | MILL AND OVERLAY W/FABRIC  |
| 2024        | 735146    | 063        | DERBY ST      | MILVIA ST          | SHATTUCK AVE        | R     | Reconstruct                   | \$ 490,456         | 3        | N                             | 3E | 0.12    | 16          | 10/1/1992     | MILL AND OVERLAY W/FABRIC  |
| 2024        | 735646    | 065        | DERBY ST      | SHATTUCK AVE       | FULTON ST           | R     | Reconstruct                   | \$ 478,200         | 3        | N                             | 3E | 0.13    | 22          | 10/1/1992     | MILL AND OVERLAY W/FABRIC  |
| 2024        | 736146    | 70         | DERBY ST      | FULTON ST          | TELEGRAPH AVE       | R     | Reconstruct                   | \$ 1,069,280       | 3, 7     | N                             | 3E | 0.31    | 13          | 10/1/1992     | MILL AND OVERLAY W/FABRIC  |
| 2024        | 729152    | 60         | DURANT AVE    | MILVIA ST          | SHATTUCK AVE        | C     | Reconstruct                   | \$ 693,355         | 4        | N                             | N  | 0.13    | 11          | 11/1/1992     | MILL AND OVERLAY W/FABRIC  |
| 2024        | 729152    | 64         | DURANT AVE    | SHATTUCK AVE       | FULTON ST           | C     | Heavy Rehab                   | \$ 268,880         | 4        | N                             | C  | 0.10    | 32          | 8/12/1997     | MILL AND OVERLAY W/FABRIC  |
| 2024        | 739285    | 70         | HILLEGASS AVE | ASHBY AVE          | CITY LIMIT (WOOLSEY | R     | Light Mtce                    | \$ 98,900          | 8        | N                             | 3E | 0.16    | 76          | 7/28/2003     | RECONSTRUCT STRUCTURE (AC) |
| 2024        | 736285    | 60         | HILLEGASS AVE | DWIGHT WAY         | ASHBY AVE           | R     | Light Mtce                    | \$ 312,000         | 8        | N                             | 3E | 0.61    | 78          | 5/31/2000     | RECONSTRUCT STRUCTURE (AC) |
| 2024        | 639671    | 78         | WOOLSEY ST    | HILLEGASS AVE      | COLLEGE AVE         | R     | Reconstruct                   | \$ 434,534         | 8        | N                             | 3A | 0.11    | 13          | NA            |                            |
|             |           |            | CONTINGENCY   |                    |                     |       |                               | \$ 358,176         |          |                               |    |         |             |               |                            |
|             |           |            | TOTAL FUNDING |                    |                     |       |                               | \$ 7,521,698       |          |                               |    | 2.95    |             |               |                            |
|             |           |            |               |                    |                     |       |                               |                    | 82%      | bike/ped                      |    |         |             |               |                            |
|             |           |            |               |                    |                     |       |                               |                    | 87%      | bike/ped not incl contingency |    |         |             |               |                            |
|             |           |            |               |                    |                     |       |                               | \$ 246,395         |          | additional funding from T1    |    |         |             |               |                            |

FISCAL YEAR 2024 TOTALS

Total Estimated Cost and Miles

\$7,521,698

2.95 miles

|              | Mileage | Estimated Cost | % Cost | % Mileage | District | Cost        | Miles | Cost w/o Arterials | Miles Arterials |
|--------------|---------|----------------|--------|-----------|----------|-------------|-------|--------------------|-----------------|
| Arterials    | 0.00    | \$0            | 0%     | 0%        | 1        | \$0         | 0.00  | \$0                | 0.00            |
| Collectors   | 0.23    | \$962,235      | 13%    | 8%        | 2        | \$456,020   | 0.25  | \$456,020          | 0.25            |
| Residentials | 2.72    | \$6,201,287    | 87%    | 92%       | 3        | \$3,223,183 | 1.00  | \$3,223,183        | 1.00            |
| Total        | 2.95    | \$7,163,522    |        |           | 4        | \$2,104,245 | 0.67  | \$2,104,245        | 0.67            |
| Bikeways     | 2.72    | \$6,201,287    | 87%    | 92%       | 5        | \$0         | 0.00  | \$0                | 0.00            |
| Curb Ramps   |         | \$222,000      | 3%     |           | 6        | \$0         | 0.00  | \$0                | 0.00            |
| Total        |         | \$6,423,287    | 90%    |           | 7        | \$534,640   | 0.15  | \$534,640          | 0.15            |
| Equity Zone  | 0.72    | \$2,144,580    | 30%    | 24%       | 8        | \$845,434   | 0.88  | \$845,434          | 0.88            |
|              |         |                |        |           |          | \$7,163,522 | 2.95  | \$7,163,522        | 2.95            |

Note: Column P denotes presence of bike facility type (1 paved path, 2A 2B bike lane, 3A sign-only, 3C Sharrows, 3E bike blvd, 4 cycle track); C for bus route; VZ for Vision Zero; and N for none.

\*Proposed bike facilities from 2017 Bike Plan.

Draft 5-Year Street Rehabilitation Plan FY 2023-2027\_v12aequity.xlsx

EXHIBIT A  
5-YEAR STREET REHABILITATION PLAN FOR FY 2023 TO FY 2027

Revised: 10/08/2021

| Fiscal Year | Street ID | Section ID | Street Name       | From           | To            | Class | Treatment (from StreetsSaver) | Updated Total Cost | District | Equity Zone                   | P     | Mileage | Current PCI | Last M&R Date | Last Paved                |
|-------------|-----------|------------|-------------------|----------------|---------------|-------|-------------------------------|--------------------|----------|-------------------------------|-------|---------|-------------|---------------|---------------------------|
| 2025        | 931104    | 040        | CHANNING WAY      | SAN PABLO AVE  | SACRAMENTO    | R     | Heavy Rehab                   | \$ 914,500         | 2        | Y                             | 3E    | 0.53    | 50          | 9/2/2008      | MILL AND THICK OVERLAY    |
| 2025        | 931129    | 50         | CURTIS ST         | UNIVERSITY AVE | DWIGHT WAY    | R     | Reconstruct                   | \$ 2,009,440       | 2        | Y                             | N     | 0.57    | 9           | 8/18/1997     | MILL AND THICK OVERLAY    |
| 2025        | 319241    | 40         | GILMAN ST         | SAN PABLO AVE  | SANTA FE AVE  | A     | Heavy Rehab                   | \$ 683,116         | 1        | N                             | 4*, C | 0.27    | 48          | 10/2007       | MILL AND OVERLAY          |
| 2025        | 111249    | 010        | GRIZZLY PEAK BLVD | NORTH CITY     | EUCLID AVE    | C     | Reconstruct                   | \$ 794,084         | 6        | N                             | 3C    | 0.20    | 24          | 11/1/1990     | MILL AND THICK OVERLAY    |
| 2025        | 111249    | 15         | GRIZZLY PEAK BLVD | EUCLID AVE     | KEELER AVE    | C     | Reconstruct                   | \$ 634,478         | 6        | N                             | 3C, C | 0.21    | 13          | 11/1/1990     | MILL AND THICK OVERLAY    |
| 2025        | 111249    | 17         | GRIZZLY PEAK BLVD | KEELER AVE     | MARIN AVE     | C     | Reconstruct                   | \$ 859,622         | 6        | N                             | 3C, C | 0.27    | 19          | 10/11/1992    | MILL AND OVERLAY W/FABRIC |
| 2025        | 321274    | 030        | HEARST AVE        | 6TH ST         | SAN PABLO AVE | C     | Reconstruct                   | \$ 1,306,200       | 1        | Y                             | N     | 0.31    | 25          | 10/1/1994     | MILL AND OVERLAY W/FABRIC |
|             |           |            | CONTINGENCY       |                |               |       |                               | \$ 360,072         |          |                               |       |         |             |               |                           |
|             |           |            | TOTAL FUNDING     |                |               |       |                               | \$ 7,561,512       |          |                               |       | 2.35    |             |               |                           |
|             |           |            |                   |                |               |       |                               | 41%                |          | bike/ped                      |       |         |             |               |                           |
|             |           |            |                   |                |               |       |                               | 43%                |          | bike/ped not incl contingency |       |         |             |               |                           |
|             |           |            |                   |                |               |       |                               | \$ 286,209         |          | additional funding from T1    |       |         |             |               |                           |

FISCAL YEAR 2025 TOTALS

Total Estimated Cost and Miles

\$7,561,512

2.35 miles

|             | Mileage | Estimated Cost | % Cost | % Mileage | District | Cost        | Miles | Cost w/o Arterials | Miles Arterials |
|-------------|---------|----------------|--------|-----------|----------|-------------|-------|--------------------|-----------------|
| Arterials   | 0.27    | \$683,116      | 9%     | 12%       | 1        | \$1,989,316 | 0.59  | \$1,306,200        | 0.31            |
| Collectors  | 0.98    | \$3,594,384    | 50%    | 42%       | 2        | \$2,923,940 | 1.09  | \$2,923,940        | 1.09            |
| Residential | 1.09    | \$2,923,940    | 41%    | 46%       | 3        | \$0         | 0.00  | \$0                | 0.00            |
| Total       | 2.35    | \$7,201,440    |        |           | 4        | \$0         | 0.00  | \$0                | 0.00            |
|             |         |                |        |           | 5        | \$0         | 0.00  | \$0                | 0.00            |
| Bikeways    | 1.47    | \$3,885,800    | 54%    | 63%       | 6        | \$2,288,184 | 0.67  | \$2,288,184        | 0.67            |
| Curb Ramps  |         | \$150,000      | 2%     |           | 7        | \$0         | 0.00  | \$0                | 0.00            |
| Total       |         | \$4,035,800    | 56%    |           | 8        | \$0         | 0.00  | \$0                | 0.00            |
| Equity Zone | 1.40    | \$4,230,140    | 59%    | 60%       |          | \$7,201,440 | 2.35  | \$6,518,324        | 2.08            |

Note: Column P denotes presence of bike facility type (1 paved path, 2A 2B bike lane, 3A sign-only, 3C Sharrows, 3E bike blvd, 4 cycle track); C for bus route; VZ for Vision Zero; and N for none.

\*Proposed bike facilities from 2017 Bike Plan.

EXHIBIT A  
5-YEAR STREET REHABILITATION PLAN FOR FY 2023 TO FY 2027

Revised: 10/08/2021

| Fiscal Year | Street ID | Section ID | Street Name        | From           | To               | Class | Treatment (from StreetsSaver) | Updated Total Cost | District                      | Equity Zone | P     | Mileage | Current PCI | Last M&R Date | Last Paved                |
|-------------|-----------|------------|--------------------|----------------|------------------|-------|-------------------------------|--------------------|-------------------------------|-------------|-------|---------|-------------|---------------|---------------------------|
| 2026        | 932155    | 030        | DWIGHT WAY         | 6TH ST         | 7TH ST           | C     | Heavy Rehab                   | \$ 115,320         | 2                             | Y           | N     | 0.06    | 30          | 8/31/1999     | MILL AND OVERLAY          |
| 2026        | 932155    | 032        | DWIGHT WAY         | 7TH ST         | SAN PABLO AVE    | A     | Heavy Rehab                   | \$ 597,600         | 2                             | N           | C     | 0.26    | 43          | 6/14/2000     | MILL AND OVERLAY W/FABRIC |
| 2026        | 830510    | 050        | SACRAMENTO ST      | UNIVERSITY AVE | DWIGHT WAY       | A     | Light Mtce                    | \$ 224,075         | 24                            | N           | C, VZ | 0.57    | 76          | 12/2/2011     | MILL AND THICK OVERLAY    |
| 2026        | 834510    | 060        | SACRAMENTO ST (SB) | DWIGHT WAY     | OREGON ST        | A     | Light Mtce                    | \$ 98,560          | 23                            | N           | C, VZ | 0.44    | 78          | 11/21/2011    | RECONSTRUCT STRUCTURE     |
| 2026        | 834510    | 062        | SACRAMENTO ST (NB) | OREGON ST      | DWIGHT WAY       | A     | Light Mtce                    | \$ 101,640         | 23                            | N           | C, VZ | 0.44    | 87          | 11/21/2011    | RECONSTRUCT STRUCTURE     |
| 2026        | 834510    | 064        | SACRAMENTO ST      | OREGON ST      | ASHBY AVE        | A     | Light Mtce                    | \$ 97,764          | 23                            | N           | C, VZ | 0.19    | 90          | 11/21/2011    | RECONSTRUCT STRUCTURE     |
| 2026        | 840510    | 070        | SACRAMENTO ST      | ASHBY AVE      | SOUTH CITY LIMIT | A     | Light Mtce                    | \$ 184,662         | 2                             | N           | C, VZ | 0.41    | 89          | 6/26/2013     | MILL AND OVERLAY          |
| 2026        | 417250    | 030        | MARTIN LUTHER KING | YOLO AVE       | CEDAR ST         | A     | Heavy Mtce                    | \$ 313,200         | 5                             | N           | C, VZ | 0.49    | 54          | 8/11/2008     | MILL AND THICK OVERLAY    |
| 2026        | 424250    | 040        | MARTIN LUTHER KING | CEDAR ST       | UNIVERSITY AVE   | A     | Heavy Mtce                    | \$ 496,440         | 14                            | N           | C, VZ | 0.56    | 64          | 8/11/2008     | MILL AND THICK OVERLAY    |
| 2026        | 829250    | 050        | MARTIN LUTHER KING | UNIVERSITY AVE | ALLSTON WAY      | A     | Heavy Rehab                   | \$ 693,334         | 4                             | N           | C, VZ | 0.19    | 41          | 8/11/2008     | MILL AND THICK OVERLAY    |
| 2026        | 829250    | 055        | MARTIN LUTHER KING | ALLSTON WAY    | DWIGHT WAY       | A     | Light Rehab                   | \$ 997,920         | 4                             | N           | C, VZ | 0.38    | 56          | 8/11/2008     | MILL AND THICK OVERLAY    |
| 2026        | 835250    | 060        | MARTIN LUTHER KING | DWIGHT WAY     | ASHBY AVE        | A     | Light Rehab                   | \$ 1,705,032       | 3                             | N           | C, VZ | 0.64    | 54          | 8/11/2008     | MILL AND THICK OVERLAY    |
| 2026        | 516196    | 032        | EUCLID AVE         | BAYVIEW PL     | CEDAR ST         | C     | Heavy Rehab                   | \$ 677,412         | 6                             | N           | 3C, C | 0.36    | 28          | 11/11/1990    | MILL AND OVERLAY W/FABRIC |
| 2026        | 525196    | 040        | EUCLID AVE         | CEDAR ST       | HEARST AVE       | C     | Heavy Rehab                   | \$ 590,509         | 6                             | N           | 3C, C | 0.31    | 41          | 11/1/1990     | MILL AND OVERLAY W/FABRIC |
|             |           |            | CONTINGENCY        |                |                  |       |                               | \$ 381,835         |                               |             |       |         |             |               |                           |
|             |           |            |                    |                |                  |       |                               | \$ 7,275,303       |                               |             |       | 5.29    |             |               |                           |
|             |           |            |                    |                |                  |       |                               | 17%                | bike/ped                      |             |       |         |             |               |                           |
|             |           |            |                    |                |                  |       |                               | 18%                | bike/ped not incl contingency |             |       |         |             |               |                           |

FISCAL YEAR 2026 TOTALS

Total Estimated Cost and Miles

\$7,275,303

5.29 miles

|              | Mileage     | Estimated Cost     | % Cost     | % Mileage | District | Cost               | Miles       | Cost w/o Arterials | Miles Arterials |
|--------------|-------------|--------------------|------------|-----------|----------|--------------------|-------------|--------------------|-----------------|
| Arterials    | 4.56        | \$5,510,227        | 80%        | 86%       | 1        | \$248,220          | 0.28        | \$0                | 0.00            |
| Collectors   | 0.72        | \$1,383,241        | 20%        | 14%       | 2        | \$1,158,602        | 1.54        | \$115,320          | 0.06            |
| Residentials | 0.00        | \$0                | 0%         | 0%        | 3        | \$1,854,014        | 1.17        | \$0                | 0.00            |
| <b>Total</b> | <b>5.29</b> | <b>\$6,893,468</b> |            |           | 4        | <b>\$2,051,512</b> | <b>1.13</b> | <b>\$0</b>         | <b>0.00</b>     |
| Bikeways     | 0.67        | \$1,267,921        | 18%        | 13%       | 5        | \$313,200          | 0.49        | \$0                | 0.00            |
| Curb Ramps   |             | \$48,000           | 1%         |           | 6        | \$1,267,921        | 0.67        | \$1,267,921        | 0.67            |
| <b>Total</b> |             | <b>\$1,315,921</b> | <b>19%</b> |           | 7        | <b>\$0</b>         | <b>0.00</b> | <b>\$0</b>         | <b>0.00</b>     |
|              |             |                    |            |           | 8        | <b>\$0</b>         | <b>0.00</b> | <b>\$0</b>         | <b>0.00</b>     |
| Equity Zone  | 0.06        | \$115,320          | 2%         | 1%        |          | \$6,893,468        | 5.29        | \$1,383,241        | 0.72            |

Note: Column P denotes presence of bike facility type (1 paved path, 2A 2B bike lane, 3A sign-only, 3C Sharrows, 3E bike blvd, 4 cycle track); C for bus route; VZ for Vision Zero; and N for none.

\*Proposed bike facilities from 2017 Bike Plan.

EXHIBIT A  
5-YEAR STREET REHABILITATION PLAN FOR FY 2023 TO FY 2027

Revised: 10/08/2021

| Fiscal Year | Street ID | Section ID | Street Name   | From       | To        | Class | Treatment (from StreetsSaver) | Updated Total Cost | District                      | Equity Zone | P         | Mileage | Current PCI | Last M&R Date | Last Paved                |
|-------------|-----------|------------|---------------|------------|-----------|-------|-------------------------------|--------------------|-------------------------------|-------------|-----------|---------|-------------|---------------|---------------------------|
| 2027        | 736584    | 060        | TELEGRAPH AVE | DWIGHT WAY | WARD ST   | A     | Reconstruct                   | \$ 3,187,400       | 78                            | N           | 4*, C, VZ | 0.33    | 26          | 7/31/2002     | MILL AND OVERLAY W/FABRIC |
| 2027        | 736584    | 065        | TELEGRAPH AVE | WARD ST    | ASHBY AVE | A     | Reconstruct                   | \$ 3,171,867       | 78                            | N           | 4*, C, VZ | 0.30    | 25          | 7/31/2002     | MILL AND OVERLAY W/FABRIC |
|             |           |            |               |            |           |       |                               | \$ 916,036         |                               |             |           |         |             |               |                           |
|             |           |            |               |            |           |       |                               | \$ 7,275,303       |                               |             |           | 0.63    |             |               |                           |
|             |           |            |               |            |           |       |                               | 87%                | bike/ped                      |             |           |         |             |               |                           |
|             |           |            |               |            |           |       |                               | 100%               | bike/ped not incl contingency |             |           |         |             |               |                           |

FISCAL YEAR 2027 TOTALS

|                                       |             |                    |             |             |          |                    |             |                    |                 |
|---------------------------------------|-------------|--------------------|-------------|-------------|----------|--------------------|-------------|--------------------|-----------------|
| <b>Total Estimated Cost and Miles</b> |             |                    |             | \$7,275,303 |          |                    | 0.63        | miles              |                 |
|                                       | Mileage     | Estimated Cost     | % Cost      | % Mileage   | District | Cost               | Miles       | Cost w/o Arterials | Miles Arterials |
| Arterials                             | 0.63        | \$6,359,267        | 100%        | 100%        | 1        | \$0                | 0.00        | \$0                | 0.00            |
| Collectors                            | 0.00        | \$0                | 0%          | 0%          | 2        | \$0                | 0.00        | \$0                | 0.00            |
| Residentials                          | 0.00        | \$0                | 0%          | 0%          | 3        | \$0                | 0.00        | \$0                | 0.00            |
| <b>Total</b>                          | <b>0.63</b> | <b>\$6,359,267</b> |             |             | 4        | \$0                | 0.00        | \$0                | 0.00            |
|                                       |             |                    |             |             | 5        | \$0                | 0.00        | \$0                | 0.00            |
| Bikeways                              | 0.63        | \$6,359,267        | 100%        | 100%        | 6        | \$0                | 0.00        | \$0                | 0.00            |
| Curb Ramps                            |             | \$0                | 0%          |             | 7        | \$3,179,634        | 0.31        | \$0                | 0.00            |
| <b>Total</b>                          |             | <b>\$6,359,267</b> | <b>100%</b> |             | 8        | <b>\$3,179,634</b> | <b>0.31</b> | <b>\$0</b>         | <b>0.00</b>     |
| Equity Zone                           | 0.00        | \$0                | 0%          | 0%          |          | <b>\$6,359,267</b> | <b>0.63</b> | <b>\$0</b>         | <b>0.00</b>     |

FISCAL YEAR 2023-2027 TOTALS

|                                       |              |                     |            |              |          |                     |              |                     |                 |
|---------------------------------------|--------------|---------------------|------------|--------------|----------|---------------------|--------------|---------------------|-----------------|
| <b>Total Estimated Cost and Miles</b> |              |                     |            | \$43,284,468 |          |                     | 15.49        | miles               |                 |
|                                       | Mileage      | Estimated Cost      | % Cost     | % Mileage    | District | Cost                | Miles        | Cost w/o Arterials  | Miles Arterials |
| Arterials                             | 5.99         | \$15,463,965        | 39%        | 39%          | 1        | \$4,093,650         | 1.62         | \$3,162,314         | 1.06            |
| Collectors                            | 4.12         | \$12,346,983        | 31%        | 27%          | 2        | \$4,538,562         | 2.88         | \$3,495,280         | 1.40            |
| Residentials                          | 5.38         | \$12,216,433        | 31%        | 35%          | 3        | \$6,481,997         | 2.43         | \$3,223,183         | 1.00            |
| <b>Total</b>                          | <b>15.49</b> | <b>\$40,027,381</b> |            |              | 4        | <b>\$6,320,030</b>  | <b>2.27</b>  | <b>\$2,863,719</b>  | <b>0.90</b>     |
|                                       |              |                     |            |              | 5        | <b>\$4,370,399</b>  | <b>1.84</b>  | <b>\$3,955,444</b>  | <b>1.31</b>     |
| Bikeways                              | 8.05         | \$25,474,015        | 64%        | 52%          | 6        | \$3,556,105         | 1.34         | \$3,556,105         | 1.34            |
| Curb Ramps                            |              | \$888,000           | 2%         |              | 7        | \$6,003,611         | 1.73         | \$2,823,977         | 1.42            |
| <b>Total</b>                          |              | <b>\$26,362,015</b> | <b>66%</b> |              | 8        | <b>\$4,663,028</b>  | <b>1.38</b>  | <b>\$1,483,394</b>  | <b>1.07</b>     |
| Equity Zone                           | 2.19         | \$6,490,040         | 16%        | 14%          |          | <b>\$40,027,381</b> | <b>15.49</b> | <b>\$24,563,416</b> | <b>9.50</b>     |

Total Funding \$43,284,468

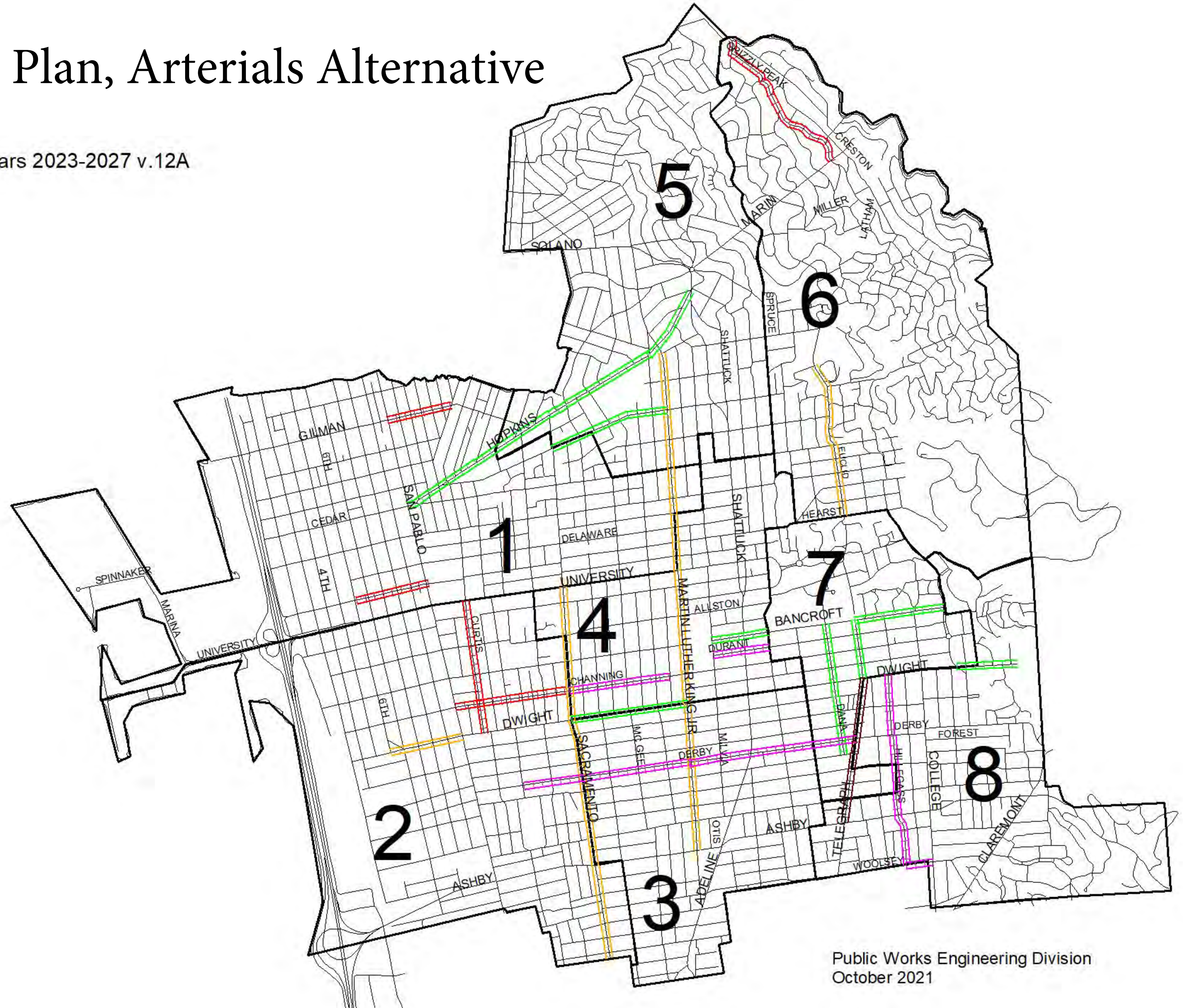
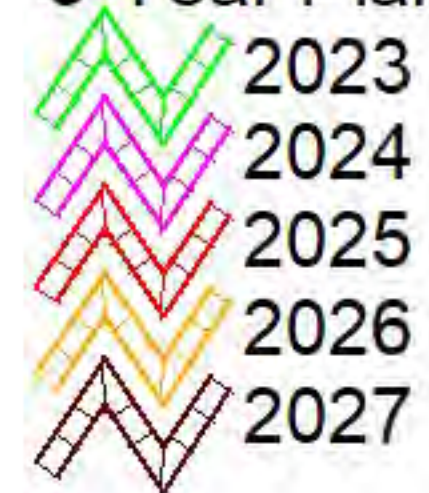
Note: Column P denotes presence of bike facility type (1 paved path, 2A 2B bike lane, 3A sign-only, 3C Sharrows, 3E bike blvd, 4 cycle track); C for bus route; VZ for Vision Zero; and N for none.

\*Proposed bike facilities from 2017 Bike Plan.



# Five Year Plan, Arterials Alternative

5-Year Plan Fiscal Years 2023-2027 v.12A



Public Works Engineering Division  
October 2021

EXHIBIT A  
5-YEAR STREET REHABILITATION PLAN FOR FY 2023 TO FY 2027, EQUITY ALTERNATIVE

Revised: 10/20/2021

| Fiscal Year | Street Name   | From          | To            | Class | Treatment (from StreetSaver) | Updated Total Cost | District                      | Equity Zone | P            | Mileage | Current PCI | Last M&R Date | Last Paved                 |
|-------------|---------------|---------------|---------------|-------|------------------------------|--------------------|-------------------------------|-------------|--------------|---------|-------------|---------------|----------------------------|
| 2023        | BANCROFT WAY  | SHATTUCK AVE  | FULTON ST     | C     | Heavy Rehab                  | \$ 341,126         | 4                             | N           | 4*, C        | 0.09    | 41          | 8/7/1997      | MILL AND OVERLAY W/FABRIC  |
| 2023        | BANCROFT WAY  | MILVIA WAY    | SHATTUCK AVE  | C     | Heavy Rehab                  | \$ 418,348         | 4                             | N           | 4*           | 0.13    | 34          | 12/1/1989     | MILL AND OVERLAY W/FABRIC  |
| 2023        | BANCROFT WAY  | TELEGRAPH AVE | BOWDITCH ST   | C     | Heavy Mtce                   | \$ 133,325         | 7                             | N           | 4*, C        | 0.13    | 63          | 12/1/1990     | MILL AND OVERLAY W/FABRIC  |
| 2023        | BANCROFT WAY  | BOWDITCH ST   | COLLEGE AVE   | C     | Heavy Mtce                   | \$ 161,036         | 7                             | N           | 3C*, C       | 0.13    | 56          | 12/1/1990     | MILL AND OVERLAY W/FABRIC  |
| 2023        | BANCROFT WAY  | COLLEGE AVE   | PIEDMONT AVE  | C     | Heavy Rehab                  | \$ 254,076         | 7                             | N           | 3C*, C       | 0.13    | 28          | 12/1/1990     | MILL AND OVERLAY W/FABRIC  |
| 2023        | CHANNING WAY  | ROOSEVELT AVE | MCKINLEY AVE  | R     | Reconstruct                  | \$ 445,230         | 4                             | N           | 3E           | 0.13    | 1           | 9/1/1991      | MILL AND OVERLAY W/FABRIC  |
| 2023        | CHANNING WAY  | SACRAMENTO ST | ROOSEVELT AVE | R     | Heavy Rehab                  | \$ 926,780         | 4                             | N           | 3E           | 0.31    | 22          | 9/1/1991      | MILL AND OVERLAY W/FABRIC  |
| 2023        | DANA ST       | BANCROFT WAY  | DWIGHT WAY    | R     | Heavy Rehab                  | \$ 458,900         | 7                             | N           | 2A to 2B*, C | 0.25    | 45          | 12/1/1989     | MILL AND OVERLAY W/FABRIC  |
| 2023        | DANA ST       | DWIGHT WAY    | BLAKE ST      | R     | Light Rehab                  | \$ 91,440          | 7                             | N           | 3E           | 0.06    | 44          | 12/1/1989     | MILL AND OVERLAY W/FABRIC  |
| 2023        | DANA ST       | BLAKE ST      | WARD ST       | R     | Light Rehab                  | \$ 466,580         | 7                             | N           | 3E*          | 0.25    | 65          | 7/30/2008     | RECONSTRUCT STRUCTURE (AC) |
| 2023        | DURANT AVE    | MILVIA ST     | SHATTUCK AVE  | C     | Reconstruct                  | \$ 693,355         | 4                             | N           | N            | 0.13    | 11          | 11/1/1992     | MILL AND OVERLAY W/FABRIC  |
| 2023        | DURANT AVE    | SHATTUCK AVE  | FULTON ST     | C     | Heavy Rehab                  | \$ 268,880         | 4                             | N           | C            | 0.10    | 32          | 8/12/1997     | MILL AND OVERLAY W/FABRIC  |
| 2023        | TELEGRAPH AVE | BANCROFT WAY  | DWIGHT WAY    | C     | Heavy Rehab                  | \$ 473,060         | 7                             | N           | 3C*, C, VZ   | 0.25    | 39          | 7/1/1988      | MILL AND OVERLAY W/FABRIC  |
| 2023        | HOPKINS ST    | GILMAN ST     | SACRAMENTO ST | R     | Heavy Rehab                  | \$ 233,942         | 5                             | N           | 3A, C        | 0.10    | 32          | 9/13/2002     | MILL AND OVERLAY W/FABRIC  |
| 2023        | HOPKINS ST    | HOPKINS CT    | MONTEREY AVE  | C     | Light Rehab                  | \$ 87,193          | 5                             | N           | 3A, C, VZ    | 0.05    | 59          | 9/13/2002     | MILL AND OVERLAY W/FABRIC  |
| 2023        | HOPKINS ST    | MONTEREY AVE  | MC GEE AVE    | C     | Heavy Rehab                  | \$ 119,167         | 5                             | N           | 2A, C        | 0.05    | 47          | 12/1/1989     | RECONSTRUCT STRUCTURE (AC) |
| 2023        | HOPKINS ST    | MC GEE AVE    | CARLOTTA AVE  | C     | Heavy Rehab                  | \$ 149,680         | 5                             | N           | 2A, C        | 0.06    | 45          | 12/1/1989     | RECONSTRUCT STRUCTURE (AC) |
| 2023        | HOPKINS ST    | CARLOTTA AVE  | JOSEPHINE ST  | C     | Heavy Rehab                  | \$ 874,580         | 5                             | N           | 2A, C        | 0.35    | 50          | 12/1/1989     | MILL AND OVERLAY           |
| 2023        | HOPKINS ST    | JOSEPHINE ST  | THE ALAMEDA   | C     | Heavy Rehab                  | \$ 216,700         | 5                             | N           | 4*, C        | 0.06    | 49          | 7/1/1991      | RECONSTRUCT STRUCTURE      |
| 2023        | HOPKINS ST    | THE ALAMEDA   | SUTTER ST     | C     | Heavy Rehab                  | \$ 876,500         | 5                             | N           | 4*           | 0.26    | 30          | 7/1/1991      | MILL AND THICK OVERLAY     |
| 2023        | HOPKINS ST    | NORTHSIDE AVE | PERALTA AVE   | R     | Light Mtce                   | \$ 239,587         | 1                             | N           | N            | 0.10    | 78          | 9/13/2002     | MILL AND OVERLAY W/FABRIC  |
| 2023        | HOPKINS ST    | PERALTA AVE   | GILMAN ST     | R     | Heavy Mtce                   | \$ 493,031         | 15                            | N           | N            | 0.27    | 58          | 9/13/2002     | MILL AND OVERLAY W/FABRIC  |
| 2023        | HOPKINS ST    | SACRAMENTO ST | HOPKINS CT    | A     | Heavy Rehab                  | \$ 101,755         | 5                             | N           | 3A, C, VZ    | 0.04    | 38          | 9/13/2002     | MILL AND OVERLAY W/FABRIC  |
| 2023        | HOPKINS ST    | SAN PABLO AVE | STANNAGE AVE  | R     | Light Mtce                   | \$ 37,188          | 1                             | N           | N            | 0.09    | 74          | 9/13/2002     | MILL AND OVERLAY W/FABRIC  |
| 2023        | HOPKINS ST    | STANNAGE AVE  | NORTHSIDE AVE | R     | Heavy Mtce                   | \$ 181,658         | 1                             | N           | N            | 0.17    | 69          | 9/13/2002     | MILL AND OVERLAY W/FABRIC  |
| 2023        | CONTINGENCY   |               |               |       |                              | \$ 874,312         |                               |             |              |         |             |               |                            |
|             | TOTAL FUNDING |               |               |       |                              | \$ 9,617,428       |                               |             |              | 3.70    |             |               |                            |
|             |               |               |               |       |                              | 57%                | bike/ped                      |             |              |         |             |               |                            |
|             |               |               |               |       |                              | 62%                | bike/ped not incl contingency |             |              |         |             |               |                            |
|             |               |               |               |       |                              | \$ 2,342,125       | additional funding from T1    |             |              |         |             |               |                            |

FISCAL YEAR 2023 TOTALS

Total Estimated Cost and Miles

\$9,617,428

3.70 miles

|                         | Mileage | Estimated Cost | % Cost | % Mileage | District | Cost        | Miles | Cost w/o Arterials | Miles w/o Arterials |
|-------------------------|---------|----------------|--------|-----------|----------|-------------|-------|--------------------|---------------------|
| Arterials               | 0.04    | \$101,755      | 1%     | 1%        | 1        | \$704,948   | 0.51  | \$704,948          | 0.51                |
| Collectors              | 1.93    | \$5,067,026    | 58%    | 52%       | 2        | \$0         | 0.00  | \$0                | 0.00                |
| Residential             | 1.74    | \$3,574,336    | 41%    | 47%       | 3        | \$0         | 0.00  | \$0                | 0.00                |
|                         |         |                |        |           | 4        | \$3,093,719 | 0.90  | \$3,093,719        | 0.90                |
| Bikeways                | 2.08    | \$5,457,408    | 62%    | 56%       | 5        | \$2,906,033 | 1.11  | \$2,804,278        | 1.07                |
| Curb Ramps              |         | \$276,000      | 3%     |           | 6        | \$0         | 0.00  | \$0                | 0.00                |
| Total                   |         | \$5,733,408    | 66%    |           | 7        | \$2,038,417 | 1.19  | \$2,038,417        | 1.19                |
|                         |         |                |        |           | 8        | \$0         | 0.00  | \$0                | 0.00                |
| Equity Zone             | 0.00    | \$0            | 0%     | 0%        |          | \$8,743,117 | 3.70  | \$8,641,362        | 3.67                |
| Equity Zone w/Arterials | 0.00    | \$0            | 0%     | 0%        |          |             |       |                    |                     |

Note: Column P denotes presence of bike facility type (1 paved path, 2A 2B bike lane, 3A sign-only, 3C Sharrows, 3E bike blvd, 4 cycle track); C for bus route; VZ for Vision Zero; and N for none.

\*Proposed bike facilities from 2017 Bike Plan.

EXHIBIT A  
5-YEAR STREET REHABILITATION PLAN FOR FY 2023 TO FY 2027

Revised: 10/20/2021

| Fiscal Year | Street Name       | From          | To                  | Class | Treatment (from StreetSaver) | Updated Total Cost | District                      | Equity Zone | P      | Mileage | Current PCI | Last M&R Date | Last Paved                 |
|-------------|-------------------|---------------|---------------------|-------|------------------------------|--------------------|-------------------------------|-------------|--------|---------|-------------|---------------|----------------------------|
| 2024        | CRESTON RD        | SUNSET LANE   | GRIZZLY PEAK BLVD   | R     | Heavy Mtce                   | \$ 116,258         | 6                             | N           | N      | 0.36    | 64          | 11/1/1988     | RECONSTRUCT SURFACE (AC)   |
| 2024        | DERBY ST          | TELEGRAPH AVE | HILLEGASS AVE       | R     | Reconstruct                  | \$ 621,503         | 8                             | N           | 3E     | 0.16    | 19          | 8/8/1997      | MILL AND OVERLAY W/FABRIC  |
| 2024        | DERBY ST          | HILLEGASS AVE | COLLEGE AVE         | R     | Reconstruct                  | \$ 577,560         | 8                             | N           | 3E*    | 0.14    | 25          | 8/8/1997      | MILL AND OVERLAY W/FABRIC  |
| 2024*       | DWIGHT WAY        | HILLSIDE AVE  | DEAD END ABOVE      | R     | Reconstruct                  | \$ 387,040         | 8                             | N           | N      | 0.11    | 22          | 9/1/1993      | RECONSTRUCT SURFACE (AC)   |
| 2024*       | DWIGHT WAY        | PIEDMONT AVE  | HILLSIDE AVE        | R     | Reconstruct                  | \$ 501,840         | 78                            | N           | N      | 0.14    | 12          | 9/1/1993      | MILL AND OVERLAY W/FABRIC  |
| 2024        | GRIZZLY PEAK BLVD | NORTH CITY    | EUCLID AVE          | C     | Reconstruct                  | \$ 794,084         | 6                             | N           | 3C     | 0.20    | 24          | 11/1/1990     | MILL AND THICK OVERLAY     |
| 2024        | GRIZZLY PEAK BLVD | EUCLID AVE    | KEELER AVE          | C     | Reconstruct                  | \$ 634,478         | 6                             | N           | 3E, C  | 0.21    | 13          | 11/1/1990     | MILL AND THICK OVERLAY     |
| 2024        | GRIZZLY PEAK BLVD | KEELER AVE    | MARIN AVE           | C     | Reconstruct                  | \$ 859,622         | 6                             | N           | 3C*, C | 0.27    | 19          | 10/1/1992     | MILL AND OVERLAY W/FABRIC  |
| 2024        | HILLEGASS AVE     | ASHBY AVE     | CITY LIMIT (WOOLSEY | R     | Light Mtce                   | \$ 76,400          | 8                             | N           | 3E     | 0.16    | 76          | 7/28/2003     | RECONSTRUCT STRUCTURE (AC) |
| 2024        | HILLEGASS AVE     | DWIGHT WAY    | ASHBY AVE           | R     | Light Mtce                   | \$ 334,500         | 8                             | N           | 3E     | 0.61    | 78          | 5/31/2000     | RECONSTRUCT STRUCTURE (AC) |
| 2024        | LATHAM LANE       | MILLER AVE    | GRIZZLY PEAK        | R     | Heavy Mtce                   | \$ 38,500          | 6                             | N           | N      | 0.10    | 59          | 6/1/1994      | RECONSTRUCT STRUCTURE (AC) |
| 2024        | MC GEE AVE        | DERBY ST      | RUSSELL ST          | R     | Light Rehab                  | \$ 551,992         | 3                             | Y           | N      | 0.25    | 59          | 12/10/1998    | RECONSTRUCT STRUCTURE (AC) |
| 2024        | MC GEE AVE        | DWIGHT WAY    | DERBY ST            | R     | Light Rehab                  | \$ 374,400         | 3                             | Y           | N      | 0.26    | 51          | 7/1/1988      | THIN OVERLAY w/FABRIC      |
| 2024        | MILLER AVE        | HILLDALE AVE  | SHASTA RD           | R     | Light Rehab                  | \$ 449,880         | 6                             | N           | N      | 0.66    | 53          | 6/1/1994      | RECONSTRUCT STRUCTURE (AC) |
| 2024        | OTIS ST           | RUSSELL ST    | ASHBY AVE           | R     | Heavy Rehab                  | \$ 224,000         | 3                             | N           | N      | 0.13    | 49          | 4/1/2001      | RECONSTRUCT STRUCTURE (AC) |
| 2024        | ROSE ST           | SACRAMENTO    | MARTIN LUTHER KING  | C     | Reconstruct                  | \$ 2,302,332       | 15                            | N           | 3E     | 0.48    | 21          | 8/1/1991      | MILL AND OVERLAY W/FABRIC  |
| 2024        | WOOLSEY ST        | HILLEGASS AVE | COLLEGE AVE         | R     | Reconstruct                  | \$ 434,534         | 8                             | N           | 3A     | 0.11    | 13          | N/A           |                            |
| 2024        | CONTINGENCY       |               |                     |       |                              | \$ 927,892         |                               |             |        |         |             |               |                            |
|             | TOTAL FUNDING     |               |                     |       |                              | \$ 10,206,815      |                               |             |        | 4.38    |             |               |                            |
|             |                   |               |                     |       |                              | 32%                | bike/ped                      |             |        |         |             |               |                            |
|             |                   |               |                     |       |                              | 35%                | bike/ped not incl contingency |             |        |         |             |               |                            |
|             |                   |               |                     |       |                              | \$ 2,931,512       | additional funding from T1    |             |        |         |             |               |                            |

\* in Fiscal Year column denotes coordination with EBMUD project

FISCAL YEAR 2024 TOTALS

Total Estimated Cost and Miles

\$10,206,815

4.38 miles

|                         | Mileage | Estimated Cost | % Cost | % Mileage | District | Cost        | Miles | Cost w/o Arterials | Miles w/o Arterials |
|-------------------------|---------|----------------|--------|-----------|----------|-------------|-------|--------------------|---------------------|
| Arterials               | 0.00    | \$0            | 0%     | 0%        | 1        | \$1,151,166 | 0.24  | \$1,151,166        | 0.24                |
| Collectors              | 1.16    | \$4,590,516    | 49%    | 26%       | 2        | \$0         | 0.00  | \$0                | 0.00                |
| Residentials            | 3.22    | \$4,688,407    | 51%    | 74%       | 3        | \$1,150,392 | 0.64  | \$1,150,392        | 0.64                |
|                         |         |                |        |           | 4        | \$0         | 0.00  | \$0                | 0.00                |
| Bikeways                | 2.35    | \$6,635,013    | 72%    | 54%       | 5        | \$1,151,166 | 0.24  | \$1,151,166        | 0.24                |
| Curb Ramps              |         | \$378,000      | 4%     |           | 6        | \$2,892,822 | 1.80  | \$2,892,822        | 1.80                |
| Total                   |         | \$7,013,013    | 76%    |           | 7        | \$250,920   | 0.07  | \$250,920          | 0.07                |
|                         |         |                |        |           | 8        | \$2,682,457 | 1.37  | \$2,682,457        | 1.37                |
| Equity Zone             | 0.51    | \$926,392      | 10%    | 12%       |          | \$9,278,923 | 4.38  | \$9,278,923        | 4.38                |
| Equity Zone w/Arterials | 0.51    | \$926,392      | 10%    | 12%       |          |             |       |                    |                     |

Note: Column P denotes presence of bike facility type (1 paved path, 2A 2B bike lane, 3A sign-only, 3C Sharrows, 3E bike blvd, 4 cycle track); C for bus route; VZ for Vision Zero; and N for none.

\*Proposed bike facilities from 2017 Bike Plan.

EXHIBIT A  
5-YEAR STREET REHABILITATION PLAN FOR FY 2023 TO FY 2027

Revised: 10/20/2021

| Fiscal Year | Street Name   | From               | To                 | Class | Treatment (from StreetSaver) | Updated Total Cost | District                      | Equity Zone | P     | Mileage | Current PCI | Last M&R Date | Last Paved                 |
|-------------|---------------|--------------------|--------------------|-------|------------------------------|--------------------|-------------------------------|-------------|-------|---------|-------------|---------------|----------------------------|
| 2025        | ALLSTON WAY   | MILVIA ST          | SHATTUCK AVE       | R     | Heavy Rehab                  | \$ 228,800         | 4                             | N           | N     | 0.14    | 37          | 11/1/1990     | MILL AND THIN OVERLAY      |
| 2025        | CURTIS ST     | UNIVERSITY AVE     | DWIGHT WAY         | R     | Reconstruct                  | \$ 2,009,440       | 2                             | Y           | N     | 0.57    | 9           | 8/18/1997     | MILL AND THICK OVERLAY     |
| 2025        | DERBY ST      | SACRAMENTO ST      | MARTIN LUTHER KING | R     | Reconstruct                  | \$ 1,688,560       | 3                             | Y           | 3E    | 0.48    | 18          | 10/1/1992     | MILL AND OVERLAY W/FABRIC  |
| 2025        | DERBY ST      | MARTIN LUTHER KING | MILVIA ST          | R     | Light Mtce                   | \$ 31,327          | 3                             | N           | 3E    | 0.13    | 86          | 10/1/1992     | MILL AND OVERLAY W/FABRIC  |
| 2025        | DERBY ST      | MILVIA ST          | SHATTUCK AVE       | R     | Reconstruct                  | \$ 490,456         | 3                             | N           | 3E    | 0.12    | 16          | 10/1/1992     | MILL AND OVERLAY W/FABRIC  |
| 2025        | DERBY ST      | SHATTUCK AVE       | FULTON ST          | R     | Reconstruct                  | \$ 478,200         | 3                             | N           | 3E    | 0.13    | 22          | 10/1/1992     | MILL AND OVERLAY W/FABRIC  |
| 2025        | DERBY ST      | FULTON ST          | TELEGRAPH AVE      | R     | Reconstruct                  | \$ 1,069,280       | 37                            | N           | 3E    | 0.31    | 13          | 10/1/1992     | MILL AND OVERLAY W/FABRIC  |
| 2025        | GILMAN ST     | SAN PABLO AVE      | SANTA FE AVE       | A     | Heavy Rehab                  | \$ 683,116         | 1                             | N           | 4*, C | 0.27    | 48          | 10/2007       | MILL AND OVERLAY           |
| 2025        | HEARST AVE    | 6TH ST             | SAN PABLO AVE      | C     | Reconstruct                  | \$ 1,306,200       | 1                             | Y           | N     | 0.31    | 25          | 10/1/1994     | MILL AND OVERLAY W/FABRIC  |
|             | CONTINGENCY   |                    |                    |       |                              | \$ 798,538         |                               |             |       |         |             |               |                            |
|             | TOTAL FUNDING |                    |                    |       |                              | \$ 8,783,917       |                               |             |       | 2.45    |             |               |                            |
|             |               |                    |                    |       |                              | 51%                | bike/ped                      |             |       |         |             |               |                            |
|             |               |                    |                    |       |                              | 56%                | bike/ped not incl contingency |             |       |         |             |               |                            |
|             |               |                    |                    |       |                              | \$ 1,510,414       |                               |             |       |         |             |               | additional funding from T1 |

FISCAL YEAR 2025 TOTALS

Total Estimated Cost and Miles

\$8,783,917

2.45 miles

|                         | Mileage | Estimated Cost | % Cost | % Mileage | District | Cost        | Miles | Cost w/o Arterials | Miles w/o Arterials |
|-------------------------|---------|----------------|--------|-----------|----------|-------------|-------|--------------------|---------------------|
| Arterials               | 0.27    | \$683,116      | 9%     | 11%       | 1        | \$1,989,316 | 0.59  | \$1,306,200        | 0.31                |
| Collectors              | 0.31    | \$1,306,200    | 16%    | 13%       | 2        | \$2,009,440 | 0.57  | \$2,009,440        | 0.57                |
| Residentials            | 1.86    | \$5,996,063    | 75%    | 76%       | 3        | \$3,223,183 | 1.00  | \$3,223,183        | 1.00                |
|                         |         |                |        |           | 4        | \$228,800   | 0.14  | \$228,800          | 0.14                |
| Bikeways                | 1.43    | \$4,440,939    | 56%    | 59%       | 5        | \$0         | 0.00  | \$0                | 0.00                |
| Curb Ramps              |         | \$228,000      | 3%     |           | 6        | \$0         | 0.00  | \$0                | 0.00                |
| Total                   |         | \$4,668,939    | 58%    |           | 7        | \$534,640   | 0.15  | \$534,640          | 0.15                |
|                         |         |                |        |           | 8        | \$0         | 0.00  | \$0                | 0.00                |
| Equity Zone             | 1.35    | \$5,004,200    | 63%    | 55%       |          | \$7,985,379 | 2.45  | \$7,302,263        | 2.17                |
| Equity Zone w/Arterials | 1.35    | \$5,004,200    | 63%    | 55%       |          |             |       |                    |                     |

Note: Column P denotes presence of bike facility type (1 paved path, 2A 2B bike lane, 3A sign-only, 3C Sharrows, 3E bike blvd, 4 cycle track); C for bus route; VZ for Vision Zero; and N for none.

\*Proposed bike facilities from 2017 Bike Plan.

EXHIBIT A  
5-YEAR STREET REHABILITATION PLAN FOR FY 2023 TO FY 2027

Revised: 10/20/2021

| Fiscal Year | Street Name  | From          | To            | Class | Treatment (from StreetSaver) | Updated Total Cost | District                      | Equity Zone | P  | Mileage | Current PCI | Last M&R Date | Last Paved                |
|-------------|--------------|---------------|---------------|-------|------------------------------|--------------------|-------------------------------|-------------|----|---------|-------------|---------------|---------------------------|
| 2026        | ADDISON ST   | 6TH ST        | SAN PABLO AVE | R     | Reconstruct                  | \$ 1,140,652       | 2                             | Y           | 3E | 0.31    | 16          | 8/27/1997     | MILL AND OVERLAY W/FABRIC |
| 2026        | ADDISON ST   | SAN PABLO AVE | CURTIS ST     | R     | Reconstruct                  | \$ 503,880         | 2                             | Y           | 3E | 0.14    | 23          | 8/18/1997     | MILL AND OVERLAY W/FABRIC |
| 2026        | DERBY ST     | MABEL ST      | SACRAMENTO ST | R     | Heavy Rehab                  | \$ 456,020         | 2                             | Y           | 3E | 0.25    | 32          | 10/1/1992     | MILL AND OVERLAY W/FABRIC |
| 2026        | CHANNING WAY | SAN PABLO AVE | SACRAMENTO    | R     | Heavy Rehab                  | \$ 914,500         | 2                             | Y           | 3E | 0.53    | 50          | 9/2/2008      | MILL AND THICK OVERLAY    |
| 2026        | MABEL ST     | DWIGHT WAY    | PARKER ST     | R     | Heavy Rehab                  | \$ 236,400         | 2                             | Y           | 3E | 0.12    | 31          | 9/1/1993      | MILL AND OVERLAY W/FABRIC |
| 2026        | MABEL ST     | PARKER ST     | DERBY ST      | R     | Reconstruct                  | \$ 468,400         | 2                             | Y           | 3E | 0.12    | 21          | 10/1/1992     | MILL AND OVERLAY W/FABRIC |
| 2026        | MABEL ST     | DERBY ST      | WARD ST       | R     | Heavy Rehab                  | \$ 97,400          | 2                             | Y           | 3E | 0.06    | 33          | 10/1/1992     | MILL AND OVERLAY W/FABRIC |
| 2026        | CAMELIA ST   | 8TH ST        | SAN PABLO AVE | R     | Reconstruct                  | \$ 697,680         | 1                             | Y           | 3E | 0.20    | 19          | 4/1/2001      | RECONSTRUCT SURFACE       |
| 2026        | 8TH ST       | GILMAN ST     | CAMELIA ST    | R     | Heavy Rehab                  | \$ 212,445         | 1                             | Y           | 3E | 0.12    | 35          | 4/1/2001      | MILL AND OVERLAY W/FABRIC |
| 2026        | 8TH ST       | CAMELIA ST    | PAGE ST       | R     | Heavy Rehab                  | \$ 144,978         | 1                             | Y           | N  | 0.08    | 42          | 4/1/2001      | MILL AND OVERLAY W/FABRIC |
| 2026        | 8TH ST       | PAGE ST       | JONES ST      | R     | Reconstruct                  | \$ 293,378         | 1                             | Y           | N  | 0.09    | 16          | 9/1/1991      | MILL AND OVERLAY W/FABRIC |
| 2026        | 8TH ST       | JONES ST      | VIRGINIA ST   | R     | Reconstruct                  | \$ 710,367         | 1                             | Y           | N  | 0.21    | 19          | 9/1/1991      | MILL AND OVERLAY W/FABRIC |
| 2026        | BATAAN AVE   | 7TH ST        | 8TH ST        | R     | Reconstruct                  | \$ 144,294         | 1                             | Y           | N  | 0.06    | 16          | N/A           |                           |
|             | CONTINGENCY  |               |               |       |                              | \$ 1,254,909       |                               |             |    |         |             |               |                           |
|             |              |               |               |       |                              | \$7,275,303        |                               |             |    | 2.28    |             |               |                           |
|             |              |               |               |       |                              | 65%                | bike/ped                      |             |    |         |             |               |                           |
|             |              |               |               |       |                              | 79%                | bike/ped not incl contingency |             |    |         |             |               |                           |

FISCAL YEAR 2026 TOTALS

Total Estimated Cost and Miles

\$7,275,303

2.28 miles

|                         | Mileage | Estimated Cost | % Cost | % Mileage | District | Cost        | Miles | Cost w/o Arterials | Miles w/o Arterials |
|-------------------------|---------|----------------|--------|-----------|----------|-------------|-------|--------------------|---------------------|
| Arterials               | 0.00    | \$0            | 0%     | 0%        | 1        | \$2,203,142 | 0.75  | \$2,203,142        | 0.75                |
| Collectors              | 0.00    | \$0            | 0%     | 0%        | 2        | \$3,817,252 | 1.52  | \$3,817,252        | 1.52                |
| Residentials            | 2.28    | \$6,020,394    | 100%   | 100%      | 3        | \$0         | 0.00  | \$0                | 0.00                |
|                         |         |                |        |           | 4        | \$0         | 0.00  | \$0                | 0.00                |
| Bikeways                | 1.84    | \$4,727,377    | 79%    | 81%       | 5        | \$0         | 0.00  | \$0                | 0.00                |
| Curb Ramps              |         | \$246,000      | 4%     |           | 6        | \$0         | 0.00  | \$0                | 0.00                |
| Total                   |         | \$4,973,377    | 83%    |           | 7        | \$0         | 0.00  | \$0                | 0.00                |
|                         |         |                |        |           | 8        | \$0         | 0.00  | \$0                | 0.00                |
| Equity Zone             | 2.28    | \$6,020,394    | 100%   | 100%      |          | \$6,020,394 | 2.28  | \$6,020,394        | 2.28                |
| Equity Zone w/Arterials | 2.28    | \$6,020,394    | 100%   | 100%      |          |             |       |                    |                     |

Note: Column P denotes presence of bike facility type (1 paved path, 2A 2B bike lane, 3A sign-only, 3C Sharrows, 3E bike blvd, 4 cycle track); C for bus route; VZ for Vision Zero; and N for none.

\*Proposed bike facilities from 2017 Bike Plan.

EXHIBIT A  
5-YEAR STREET REHABILITATION PLAN FOR FY 2023 TO FY 2027

Revised: 10/20/2021

| Fiscal Year | Street Name | From          | To             | Class | Treatment (from StreetSaver) | Updated Total Cost | District                      | Equity Zone | P     | Mileage | Current PCI | Last M&R Date | Last Paved                 |
|-------------|-------------|---------------|----------------|-------|------------------------------|--------------------|-------------------------------|-------------|-------|---------|-------------|---------------|----------------------------|
| 2027        | DERBY ST    | COLLEGE AVE   | PIEDMONT AVE   | R     | Heavy Rehab                  | \$ 268,765         | 8                             | N           | 3E    | 0.12    | 31          | 8/1/1996      | MILL AND OVERLAY W/FABRIC  |
| 2027        | DERBY ST    | PIEDMONT AVE  | WARRING ST     | R     | Heavy Rehab                  | \$ 114,903         | 8                             | N           | 3E    | 0.06    | 27          | N/A           |                            |
| 2027*       | FOREST AVE  | COLLEGE AVE   | CLAREMONT BLVD | R     | Heavy Rehab                  | \$ 618,000         | 8                             | N           | N     | 0.36    | 45          | 8/1/1996      | RECONSTRUCT STRUCTURE (AC) |
| 2027        | HARMON ST   | IDAHO ST      | SACRAMENTO     | R     | Reconstruct                  | \$ 829,900         | 2                             | Y           | 3E    | 0.36    | 15          | 9/1/1991      | MILL AND OVERLAY W/FABRIC  |
| 2027        | IDAHO ST    | 66TH ST       | ALCATRAZ AVE   | R     | Reconstruct                  | \$ 547,888         | 2                             | Y           | 3E    | 0.36    | 18          | 5/1/1996      | THIN AC OVERLAY            |
| 2027        | OREGON ST   | SAN PABLO AVE | MABEL ST       | R     | Reconstruct                  | \$ 537,740         | 2                             | Y           | 3E    | 0.36    | 18          | 11/1/1990     | MILL AND THIN OVERLAY      |
| 2027        | HASTE ST    | PIEDMONT AVE  | COLLEGE AVE    | A     | Heavy Rehab                  | \$ 270,400         | 7                             | N           | VZ    | 0.12    | 43          | 8/1/1993      | MILL AND OVERLAY W/FABRIC  |
| 2027        | HASTE ST    | COLLEGE AVE   | BOWDITCH ST    | A     | Heavy Rehab                  | \$ 313,947         | 7                             | N           | VZ    | 0.13    | 41          | 8/1/1993      | MILL AND OVERLAY W/FABRIC  |
| 2027        | HASTE ST    | BOWDITCH ST   | FULTON ST      | A     | Heavy Rehab                  | \$ 1,304,756       | 47                            | N           | VZ    | 0.51    | 35          | 8/1/1993      | MILL AND OVERLAY W/FABRIC  |
| 2027        | HASTE ST    | FULTON ST     | SHATTUCK AVE   | A     | Heavy Rehab                  | \$ 241,280         | 4                             | N           | VZ    | 0.11    | 29          | 8/1/1993      | MILL AND OVERLAY W/FABRIC  |
| 2027        | EUCLID AVE  | BAYVIEW PL    | CEDAR ST       | C     | Heavy Rehab                  | \$ 695,412         | 6                             | N           | 3C, C | 0.36    | 28          | 11/1/1990     | MILL AND OVERLAY W/FABRIC  |
| 2027        | EUCLID AVE  | CEDAR ST      | HEARST AVE     | C     | Heavy Rehab                  | \$ 614,509         | 6                             | N           | 3C, C | 0.31    | 41          | 11/1/1990     | MILL AND OVERLAY W/FABRIC  |
|             | CONTINGENCY |               |                |       |                              | \$ 917,803         |                               |             |       |         |             |               |                            |
|             |             |               |                |       |                              | \$7,275,303        |                               |             |       | 3.14    |             |               |                            |
|             |             |               |                |       |                              | 63%                | bike/ped                      |             |       |         |             |               |                            |
|             |             |               |                |       |                              | 73%                | bike/ped not incl contingency |             |       |         |             |               |                            |

\* in Fiscal Year column denotes coordination with EBMUD project

FISCAL YEAR 2027 TOTALS

Total Estimated Cost and Miles

\$7,275,303

3.14 miles

|                         | Mileage | Estimated Cost | % Cost | % Mileage | District | Cost        | Miles | Cost w/o Arterials | Miles w/o Arterials |
|-------------------------|---------|----------------|--------|-----------|----------|-------------|-------|--------------------|---------------------|
| Arterials               | 0.87    | \$2,130,383    | 34%    | 28%       | 1        | \$0         | 0.00  | \$0                | 0.00                |
| Collectors              | 0.67    | \$1,309,921    | 21%    | 21%       | 2        | \$1,915,528 | 1.07  | \$1,915,528        | 1.07                |
| Residentials            | 1.61    | \$2,917,196    | 46%    | 51%       | 3        | \$0         | 0.00  | \$0                | 0.00                |
|                         |         |                |        |           | 4        | \$893,658   | 0.36  | \$0                | 0.00                |
| Bikeways                | 1.92    | \$3,609,117    | 57%    | 61%       | 5        | \$0         | 0.00  | \$0                | 0.00                |
| Curb Ramps              |         | \$654,000      | 10%    |           | 6        | \$1,309,921 | 0.67  | \$1,309,921        | 0.67                |
| Total                   |         | \$4,263,117    | 67%    |           | 7        | \$1,236,725 | 0.50  | \$0                | 0.00                |
|                         |         |                |        |           | 8        | \$1,001,668 | 0.54  | \$1,001,668        | 0.54                |
| Equity Zone             | 1.07    | \$1,915,528    | 30%    | 34%       |          | \$6,357,500 | 3.14  | \$4,227,117        | 2.27                |
| Equity Zone w/Arterials | 1.07    | \$1,915,528    | 30%    | 34%       |          |             |       |                    |                     |

FISCAL YEAR 2023-2027 TOTALS

Total Estimated Cost and Miles

\$43,158,767

15.94 miles

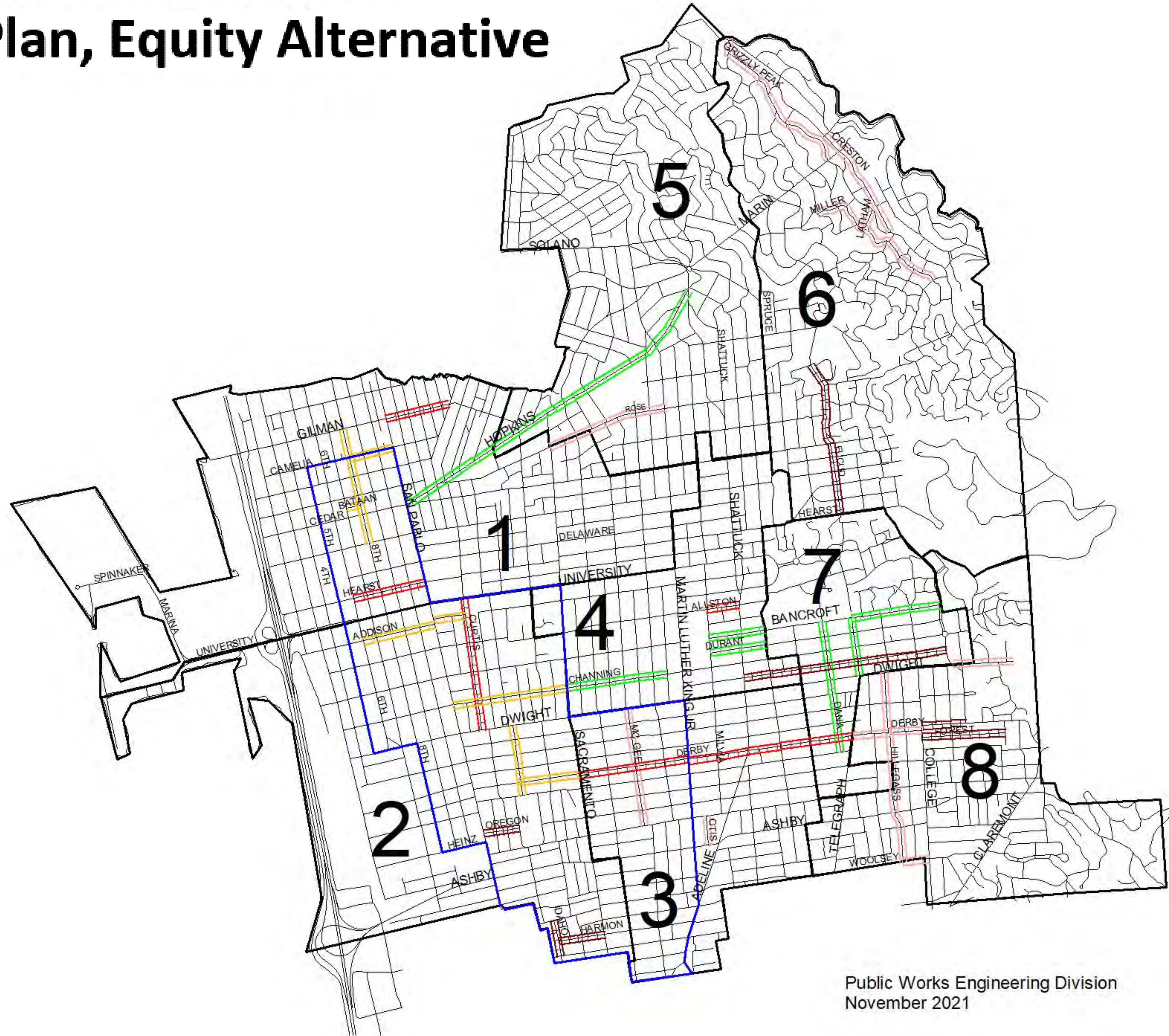
|                         | Mileage | Estimated Cost | % Cost | % Mileage | District | Cost         | Miles | Cost w/o Arterials | Miles w/o Arterials |
|-------------------------|---------|----------------|--------|-----------|----------|--------------|-------|--------------------|---------------------|
| Arterials               | 1.18    | \$2,915,254    | 8%     | 7%        | 1        | \$6,048,572  | 2.09  | \$5,365,456        | 1.82                |
| Collectors              | 4.06    | \$12,273,663   | 32%    | 25%       | 2        | \$7,742,220  | 3.16  | \$7,742,220        | 3.16                |
| Residentials            | 10.70   | \$23,196,396   | 60%    | 67%       | 3        | \$4,373,575  | 1.65  | \$4,373,575        | 1.65                |
|                         |         |                |        |           | 4        | \$4,216,177  | 1.39  | \$3,322,519        | 1.03                |
| Bikeways                | 9.61    | \$24,869,854   | 65%    | 60%       | 5        | \$4,057,199  | 1.35  | \$3,955,444        | 1.31                |
| Curb Ramps              |         | \$1,782,000    | 5%     |           | 6        | \$4,202,743  | 2.47  | \$4,202,743        | 2.47                |
| Total                   |         | \$26,651,854   | 69%    |           | 7        | \$4,060,702  | 1.92  | \$2,823,977        | 1.42                |
|                         |         |                |        |           | 8        | \$3,684,125  | 1.91  | \$3,684,125        | 1.91                |
| Equity Zone             | 5.21    | \$13,866,514   | 36%    | 33%       |          | \$38,385,313 | 15.94 | \$35,470,059       | 14.76               |
| Equity Zone w/Arterials | 5.21    | \$13,866,514   | 36%    | 33%       |          |              |       |                    |                     |

Total Funding \$43,158,767

Note: Column P denotes presence of bike facility type (1 paved path, 2A 2B bike lane, 3A sign-only, 3C Sharrows, 3E bike blvd, 4 cycle track); C for bus route; VZ for Vision Zero; and N for none.

\*Proposed bike facilities from 2017 Bike Plan.

# Five Year Plan, Equity Alternative



Public Works Engineering Division  
November 2021







25b

Public Works Commission

ACTION CALENDAR

January 18, 2022

To: Honorable Mayor and Members of the City Council

From: Public Works Commission

Submitted by: Margo Schueler, Chair, Public Works Commission

Subject: Public Works Commission Recommendation for the Five-Year Paving Plan

RECOMMENDATION

Adopt a resolution that recommends approval of the Five-Year Paving Plan version 12A (“Arterial Alternative”) for FY2023 to FY2027.

SUMMARY

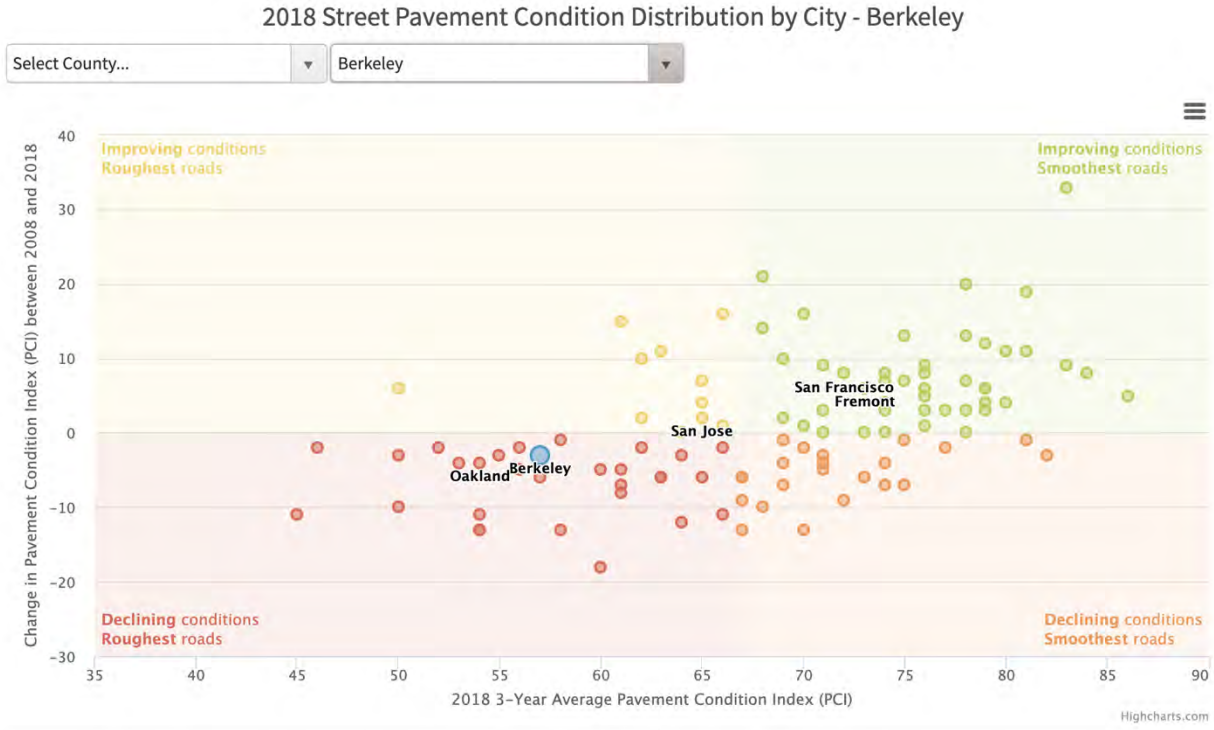
The Public Works Commission (PWC) reviewed multiple 5-year paving plan options from staff and evaluated them based on their conformance with the existing Street Rehabilitation and Repair Policy. The commission specifically looked for the greatest value to the city by focusing on long contiguous stretches of paving on the primary transportation network - arterials, collectors, bus routes and bikeways. Of the plans reviewed, Plan 12A was the most in conformance and generally consistent with the current policy.

Plan 12A funds are distributed relatively equivalently across council districts, but equity is not addressed. The 5-year plan was not evaluated with an equity lens because there is no policy or direction on what areas or model should be used. Historically, it has been the practice of the City to evaluate equity in roadway investment in terms of equivalent allocation of financial resources and miles of roadway surfaced among the Council Districts. However, this does not result in equitable outcomes across the City.

The Public Works Commission has submitted a recommendation to the FITES Committee and City Council with a proposed update to the definition of equity. The leading definition would move the Public Works Department towards a results-oriented performance evaluation, where investments of resources are allocated in a way that seeks to provide equivalent PCI outcomes across all planning areas, rather than focusing purely on the monetary inputs.

As staff has reported, our streets will be in poor condition and failing at the end of the 5-year paving plan. In 2021 the citywide average PCI was 55.8. By 2027, at the current

level of investment, the citywide PCI will be 49.1. Metropolitan Transportation Commission (MTC) defines a PCI below 50 as the lowest rating of “Poor” condition. We have among the worst road conditions in the Bay Area.



Our streets are in crisis and additional funding, innovation and clear prioritization in the management of our public right of way is critical to reversing the ever-worsening road conditions. Every year of delay or inaction the deferred maintenance is rapidly increasing the cost of roadway improvement.

The Commission continues to have significant concerns about the need to revise the policy so there is clear guidance to staff on how to prioritize the allocation of resources. The policy was last updated in 2009. It should be reviewed and updated to incorporate current thinking about using life cycle cost analysis, Vision Zero, equity, sustainable multi-benefit technologies, and other factors. With these considerations in mind, the updated policy should include new performance metrics that capture the diversity of objectives the City holds for our road network. In March 2021, PWC put forward a draft policy recommendation to FITES which we urge Council to act on in the immediate future.

The recommendation to approve the 5-year paving plan, and to forward it to Council was discussed by the Public Works Commission at its November 4, 2021 meeting.

Action: M/S/C (Erbe/Freiberg) to submit report to Council recommending approval of the Five-Year Paving Plan version 12A, for FY2023 to FY2027, as proposed by staff.

Vote: Ayes: Erbe, Freiberg, Constantine, Barnett, Hitchen, Schueler; Noes - None; Absent - None; Abstain - Nesbitt)

ALTERNATIVE ACTIONS CONSIDERED

None

CITY MANAGER REPORT

See companion report

CONTACT PERSON

Margo Schueler, Chair, Public Works Commission  
Joe Enke, Commission Secretary, (510) 981-6300

Attachments:

1. Resolution

**Attachment 1**

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

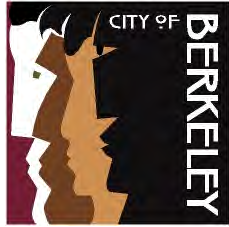
APPROVAL OF THE FIVE-YEAR PAVING PLAN FOR FY 2023 TO FY2027

WHEREAS, the Street Rehabilitation and Repair Policy, Resolution No. 55,384-N.S. approved on May 22, 1990, requires there be a Five-Year Street Paving Plan for the entire City to be adopted by the City Council, and

WHEREAS, the City Council requests advice from the Public Works Commission on the Five-Year Paving Plan; and

WHEREAS, on November 4, 2021, the Public Works Commission voted to approve the Five-Year Paving Plan, submitting the FY 2023 to FY 2027 Five-year Paving Plan to City Council;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the FY 2023 to FY2027 Five-Year Paving Plan, is hereby adopted.



Office of the City Manager

25c

## **SUPPLEMENTAL AGENDA MATERIAL for Supplemental Packet 1**

**Meeting Date:** June 1, 2021

**Item Number:** 19

**Item Description:** Adopt a Resolution Updating City of Berkeley Street Maintenance and Rehabilitation Policy

**Submitted by:** Joe Enke, Secretary, Public Works Commission

Supplemental material contains the Public Works Commission's council report entitled, Recommendation for Updates to the City of Berkeley Street Rehabilitation and Repair Policy.



Public Works Commission

May 25, 2021

To: Berkeley City Council

From: Public Works Commission (PWC)

Submitted By: Margo Schueler, Chair

Subject: Recommendation for Updates to the City of Berkeley Street Rehabilitation and Repair Policy

### RECOMMENDATION

Review and adopt updates to the Street Rehabilitation and Repair Policy (Policy).

### SUMMARY

The City's Street Rehabilitation and Repair Policy Section 5.2 provides that the Policy shall be reviewed annually and updated formally by the City Council, with advice of the Public Works Commission.

The Short-Term Paving Policy Subcommittee of the PWC developed these updates to the Policy which focus on enhancements to equity, and roadway condition performance targets achievable over time that may be tracked during staff's development of the Annual 5 Year Paving Plan.

The Subcommittee worked with City staff and applied their own extensive individual expertise to this work. The PWC reviewed and unanimously accepted these recommended updates to the Policy and forwarded them for discussion to the Facilities, Infrastructure, Transportation, Environment & Sustainability (FITES) Council Subcommittee on two occasions. PWC Director Liam Garland provided separate input and recommendations to the FITES and his staff attended both meetings, with the Council Members engaging in detailed discussion and providing input that was incorporated by PWC staff and returned to the PWC for review.

The updated policy includes changes designed to simplify planning, enhance equity of road condition across the City, identify new funding sources, enhance alignment with the City's broader infrastructure plans and environmental goals, establish roadway condition performance targets, establish a "Dig Once" policy, and leverage demonstration projects and use of new technologies.

The updates initiated by the PWC Short Term Paving Policy Subcommittee demonstrate responsiveness to issues which continue to rise in our nation and community and will

increase Berkeley's competitiveness for upcoming federal infrastructure aid. The work is responsive to analysis and recommendations made by the Auditor's Reports on Paving, are reflective of the City's Climate Change and Complete Streets Policies and reflect the values adopted by Council included in the Mayor's Vision 2050 Initiative.

### FISCAL IMPACTS OF RECOMMENDATION

The update of this policy will not result in any new costs to the City's Paving Program. The updated Policy provides new guidance on how to prioritize the allocation of resources that are available to City Staff to invest in roadway surfacing. The Policy focuses roadway improvements on roads that are shared by the largest number of the City's residents as well as neighborhoods that have historically received lower levels of investment. To achieve a "good" level of service across the City, additional funding will be needed.

### CURRENT SITUATION AND ITS EFFECTS

The current Street Repair and Maintenance Policy directs the City of Berkeley to maintain our streets in safe, good condition that protects our environment and to properly maintain the existing investment in City assets.

By clarifying and stating outright in Section 2, Assumptions, underlying assumptions will allow staff to develop priorities and metrics that will enable our Council leaders and the community to assess the success of our Paving Plans. will help inform the goals, objectives, and outcomes of the 5-year plan.

In recognition of the challenges of providing annual Policy update recommendations to the Council, the recommendation is to aim for updates every two years.

The PWC would like to acknowledge the depth and breadth of this policy update bringing input from the community through the service of expert community members appointed by Council to the PWC, the collaboration with City Public Works staff and leadership and the review and discussion during two FITES Subcommittee cycles is bringing forth a well thought out, elegant policy update achieving the balanced approach of our community through the commission process, staff input, consideration, review and augmentation followed by Council Subcommittee discussion and amendment is a remarkable achievement by our community, particularly as it has occurred during one of the longest, deepest crisis the City has managed through.

### RECOMMENDATION

The attached Update to the Policy reflects the collective efforts of the PWC, Public Works Department, and the members of the FITES to lead the City towards broader improvements in citywide roadway condition. The approach aims to achieve this goal by shifting toward maintaining the roads that serve the greatest number of residents, enhancing coordination of roadway improvements with other plans and infrastructure work, and focusing on enhancing safety and equity of outcomes for the City's residents.

The PWC recommends that Council accept the recommendation to update the 2009 Street Rehabilitation and Repair Policy.



Kate Harrison  
Councilmember District 4

ACTION CALENDAR

January 18, 2022

*(Continued from July 13, 2021)*

To: Honorable Mayor and Members of the City Council

From: Councilmember Harrison, Councilmember Bartlett, and Councilmember Taplin

Subject: Adopt a Resolution Updating City of Berkeley Street Maintenance and Rehabilitation Policy

RECOMMENDATION

1. Adopt a Resolution updating the City's Street Maintenance and Rehabilitation Policy dated June 1, 2021.
2. Refer the exploration of potential bonding and funding opportunities for improving the PCI of streets and creating a Paving Master Plan back to the FITES Committee for further review.

CURRENT SITUATION, EFFECTS, AND RATIONALE FOR RECOMMENDATION

Resolution No. 55,384-N.S. (1990) as subsequently updated by Resolution No. 64,733-N.S. (2009) authorized the Public Works Commission to work with staff to submit an annual update to the Street Repair Policy. However, the Street Paving Plan has been updated every year but the Street Repair Policy has not been updated for many years. The Public Works Department maintains 214 miles of streets in the City of Berkeley, with a replacement value of over \$793 million and Berkeley's current Pavement Condition Index is at 57, which means that the condition of our streets is very much "At-Risk." The new policy included in this item seeks to achieve improvements to PCI while ensuring equity.

It is in the public interest to adopt a new paving policy, which includes best practices and new strategies, as developed by the Public Works Commission, Public Works Department and the Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee.

It is also important for the Committee to continue its work on opportunities for improving the PCI of streets and creating a Paving Master Plan back to the FITES Committee for further review.



POLICY COMMITTEE RECOMMENDATION

Action: 1 speaker. M/S/C (Robinson/Harrison) move the Public Works supplemental item “City of Berkeley Street Maintenance and Rehabilitation Policy to Council” with a positive recommendation including amendments made during the meeting today, and ask Council to refer the exploration of potential bonding and funding opportunities for improving the PCI of streets and creating a Paving Master Plan back to the FITES Committee for further review.

Vote: All Ayes

BACKGROUND

A sub quorum of the Public Works Commission and the Public Works Department have been working intensively over the past year to revise the City of Berkeley Street Maintenance and Rehabilitation Policy to conform to best practices in other cities and to enhance equity and outcomes. The initial policy was adopted by the Council in 1990 and was subsequently updated in 2006 (see attached). For example, the current policy includes an outdated conception of equity based on Council districts, lacks PCI targets for major street types and Performance Metrics, and a “Dig Once” policy.

Amidst the backdrop of significantly deteriorating street conditions and the climate emergency, Councilmember Harrison concurrently submitted a referral to the FITES Committee to explore potential bonding and funding opportunities for improving the Paving Condition Index (PCI) of streets during the 2020 5-year paving plan adoption process. FITES spent a number of meetings discussing with Public Works staff and members of strategies to improve PCI and funding options. The Council subsequently agreed to extend the mandate of the Committee and also to expand their role to consider:

- the Public Works Commission Paving Policy, which sets criteria for determining *how* to pave streets;
- a paving master plan, which will set out *long-range financing plan* for doing so; and
- continue working with the Public Works Department and the Commission to explore potential bonding and funding opportunities to make the paving master plan a reality.

These efforts are in addition to a rolling five-year *short term paving plan* adopted by the Council to allow staff to bid out specific street segments for the next year’s work. Therefore, the Council designated the FITES committee with the task of reviewing the final version of the new Paving Policy.

### The prior Paving Policy:

- is the basis of the rolling a 5-year Street Rehabilitation Plan;
- aims to maintain a safe surface conveyance system in the public right-of-way for vehicles, bicycles, transit and pedestrians;
- breaks streets into three categories: Arterials; Collectors and Residentials
- provides that federal, state, regional and local transportation funds are to be invested as follows:
  - 10% for Arterials
  - 50% for Collectors
  - 25% for Residentials
  - 15% for Discretionary and Demonstration Projects;
- provides for direction regarding water conveyance systems, other public utilities and trenching practices.

The Public Works Commission and FITES Committee framed their work around the following key principles, including but not limited to:

- The City's climate goals, especially its transportation goals (60% of City emissions are from transport); the importance of shifting away from traditional asphalt approaches to paving in order to reduce emissions and ensure longevity;
- Issues of equity, distribution of paving and addressing that certain commercial uses have a disproportionate impact on road conditions;
- The imperative of maintaining baseline lifecycle street conditions amidst a severe lack of funding for paving maintenance.
- A more comprehensive approach to paving with regard to utility upgrades as we begin to phase out natural gas and build advanced internet communication networks;
- Rapid deployment of pedestrian, bicycle and mobility improvements, i.e., the evolving street;
- Water management best practices (permeable pavers) or landscaping that is visually pleasing, human health supportive, and plant, insect, and animal sustaining.

The updated paving policy included in this item incorporates the following assumptions:

- That there is currently not enough paving funding to stabilize PCI across all neighborhoods, especially with regard to residential streets. Rather, the policy attempts to achieve short-term stabilization of citywide arterials, collectors, bus routes, existing and proposed low-stress bikeway network. Concurrently, the Commission, staff and FITES are working on a paving master plan and funding opportunities that will adequately fund residential streets. Therefore, it is expected that the paving policy will be updated again in conjunction with the availability of new funding.
- Adopts an expanded emphasis on climate and sustainability and expanded conformance to the City's Climate Action Plan, Green Infrastructure Plan, Resilience Strategy, Vision Zero Policy and Action Plan, Phase 3 Undergrounding Study, Complete Streets Policy, Vision 2050 framework, Pedestrian Plan, Transit First Policy, Strategic Transportation Plan, public realm and/or other localized transportation plans, and Bicycle Plan;
- Recognizes that poorly maintained streets have a disproportionate impact on certain members of the community, including low-income residents; those with mobility or visual impairments who face greater access and safety challenges; bicyclists and pedestrians, who face greater danger than those driving; and dense, more populous neighborhoods with thoroughfares;
- Emphasizes using life cycle cost analysis to evaluate different road surfacing options;
- Promotes the rehabilitation of contiguous sections of roadway, rather than one block at a time, shall be preferred, when feasible;
- States that bond funds shall strive to be used for long-lasting capital improvements (projects with a useful life that meets or exceeds the duration of the bond repayment schedule) or to accelerate road work that will result in long-term cost savings for ratepayers;
- Asserts that street trees are valuable part of the landscape, as they sequester carbon, soak up stormwater, improve land values, and add greenery;
- Asserts that tree removals shall only be permitted as a last resort consistent with BMC 12.44.020, with the approval of both the Director of Parks and Waterfront and Director of Public Works. If tree removal is necessary, replacement trees shall be planted where and when feasible in accordance with BMC 12.44.010.

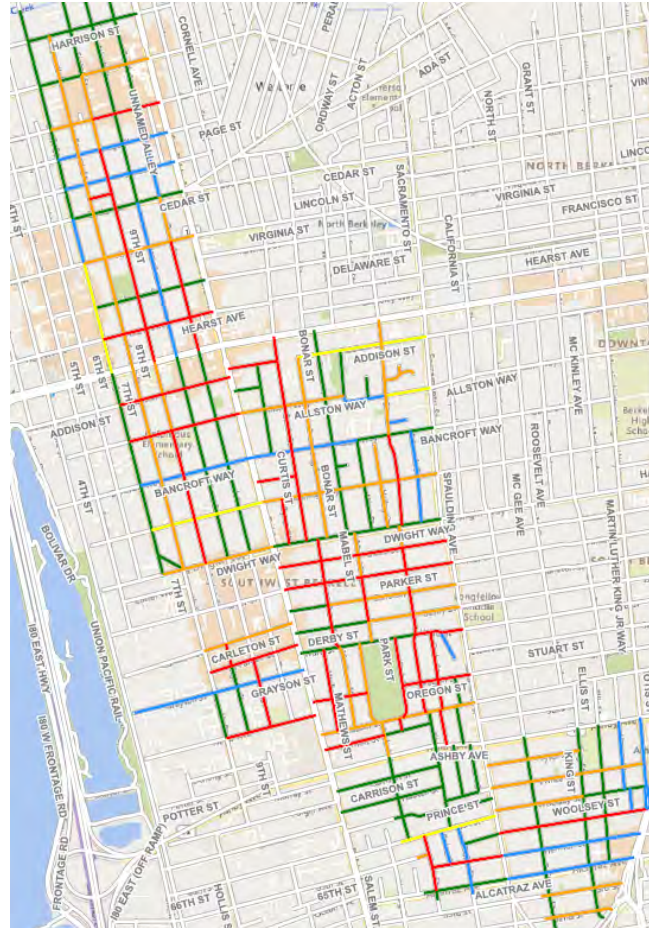
In addition, the new policy incorporates the following new policies:

- **Planning**

- The *5-year Street Rehabilitation Plan* shall be supported by a 30-year road surfacing projection, where roadway improvement projects are forecast over a long-term planning period. The first five years of the projection will become the first draft of the *5-year Plan*.

- **Equity**

- The benefits of good infrastructure shall be distributed equitably throughout the entire community regardless of the income, or demographic characteristics of the residents in each area. Equity means equity of outcomes as opposed to equity of inputs, and that disadvantaged residents with more pressing needs experience benefits sooner than others, as defined by the City within the adopted *5-Year Plan*.
- A new *Equity Zone* shall be established according to Attachment 1. This Zone shall be prioritized to meet an average PCI of 70 sooner than the remainder of the City. This Zone contains historically underserved neighborhoods that have experienced decades of underinvestment, and the residents in this zone experience more pressing needs.



- Over the longer term, road surfacing activities shall be planned within Pavement Analysis Zones. A Pavement Analysis Zone shall consist of a logical set of street segments, excluding the arterials, collectors, bus routes, bicycle boulevards and non-representative demonstration projects.
  - The department may revise the pavement analysis zone boundaries from time to time, consistent with the other goals of this policy. Any changes to pavement analysis units shall be proposed within the biannually updated 5-year *Street Rehabilitation Plan* submitted to City Council.
  - It shall be the goal of the City to seek parity of street condition between pavement analysis zones, except in regards to the *Equity Zone*.

- **Performance Metrics**

- The City will strive to maintain all roads within the primary transportation network at a standard no less than the following PCI targets for any stretch of roadway<sup>1</sup>:
    - i. Arterial - 70,
    - ii. Collector - 70,
    - iii. Bus Routes - 70,
    - iv. Existing and proposed low-stress bikeway network - 70.
      - 1. Bikeways shall be surfaced with a treatment that emphasizes smoothness of the road surface.
    - v. Equity Zone- 70.
  - The biannually updated *5-year plan* shall report on these performance metrics, PCI measurements for each street segment in the City, and percent of overall funding dedicated to each of the following: arterials, collectors, bus routes, existing and proposed low-stress bikeway network, equity zone, and residential streets.
- **Dig Once**
    - Street rehabilitation shall conform with a dig once approach. This includes coordinating with sewer, water, electrical, telecom, undergrounding and other activities to minimize the cost and maintain the quality of the street surface.
    - In order to protect the City's investment on street improvements, the City shall place a moratorium on recently paved streets that prohibits digging through them for up to five years, excluding emergency work.
  - **Demonstration Projects and Use of New Technologies**
    - To the extent practical, the City shall evaluate the use of permeable pavement, concrete pavement, and other street surface technologies using life cycle cost analysis.
    - The use of new technologies that provide enhanced durability, lower cost, and more environmentally beneficial impacts shall be evaluated and reviewed in the biannually adopted *5 Year Street Rehabilitation Plan*.

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<sup>1</sup> PCI of 70 is the lower threshold of what is considered "Good." Streets that fall below a "good" condition require much more expensive repair process.

- **Plan and Policy Development and Update**

- Every two years, in line with the City’s budgeting process, the *5-year Street Rehabilitation Plan* adopted by City Council shall include a funding sufficiency analysis based on the existing deferred maintenance at that point to determine what level of funding is required to maintain our streets in safe, good condition that protects our environment and properly maintains the existing investment in City assets.
- Identify new funding sources such as:
  - Heavy vehicles, which have a disproportionate impact on the degradation of paved assets, and
  - Transportation Network Company (TNC) vehicles.
- At a minimum, this *Street Maintenance and Rehabilitation Policy* shall be reviewed and adopted by the City Council every five years, with advice of the Public Works Commission.

It is the public interest to adopt these updates through the attached Resolution to improve the lives of Berkeleyans, protect the environment and promote equitable outcomes.

FINANCIAL IMPLICATIONS

Staff time will be necessary to implement the new paving policy.

ENVIRONMENTAL SUSTAINABILITY

Supporting low-carbon paving policies will complement and accelerate Berkeley’s ongoing efforts to reduce carbon emissions at an emergency and equitable pace in line with the Climate Action Plan and Climate Emergency Declaration.

CONTACT PERSON

Councilmember Kate Harrison, Council District 4, 510-981-7140

ATTACHMENTS

1. Resolution
2. 2006 Street Maintenance and Rehabilitation Policy

RESOLUTION NO. -N.S.

ADOPTING THE 2021 STREET MAINTENANCE AND REHABILITATION POLICY UPDATE

WHEREAS, Resolution No. 55,384-N.S. (1990) as subsequently updated by Resolution No. 64,733-N.S. (2009) authorized the Public Works Commission to work with staff to submit an annual update to the Street Repair Policy and the annual Street Paving Plan; and

WHEREAS, the Street Paving Plan has been updated every year but the Street Repair Policy has not been updated for many years; and

WHEREAS, the Public Works Department maintains 214 miles of streets in the City of Berkeley, with a replacement value of over \$793 million; and

WHEREAS, Berkeley's current Pavement Condition of Index is 57, which means that the condition of our streets is very much "At-Risk"; and

WHEREAS, the Public Workers Commission and Public Works Department established a working group to consider updates to the paving policy to improve planning outcomes, ensure equity, identify new funding sources, better align with environmental goals, implement performance metrics, establish a "Dig Once" policy, and leverage demonstration projects and use of new technologies; and

WHEREAS, on April 21, 2021 Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee moved the updated policy including amendments to the Council; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the following Street Repair Policy update dated June 2021 is hereby adopted:

## **City of Berkeley Street Maintenance and Rehabilitation Policy**

### **Section 1. General Policy**

It is the policy of the City of Berkeley to maintain our streets in safe, good condition that protects our environment and to properly maintain the existing investment in City assets. Staff will implement a Citywide road resurfacing plan that will ensure street maintenance and repair in a timely manner, reduce long term-replacement costs, and provide for the safe and efficient use of our streets. The users of the street surface in the public right-of-way include powered vehicles, bicycles, transit, and pedestrians. The right-of-way also provides for storm water conveyance and is the location of many public utilities.

The policy requires that a *5-year Street Rehabilitation Plan* for the entire City be prepared and adopted biannually in line with the City's budget process. Any changes to the *5-year Plan* made in the interim shall be reported to City Council. Streets and their surfacing treatment shall be prioritized using a multi-criteria adaptive planning framework to achieve sustainable, resilient, and integrated solutions for the City's right-of-way and the downstream environments. The criteria shall consider equity, quality of life, safety, opportunities for leadership, resource allocation, environmental impacts, and climate and resilience.



## Section 2. Assumptions

This section of the policy defines basic assumptions that inform the goals, objectives, and outcomes of the *5-year plan*.

1. This policy defines the priorities for managing the road surface infrastructure from curb to curb. This policy does not provide guidance on how to prioritize sidewalks or other infrastructure associated with complete streets planning.
2. Streets include arterial, collector, residential, and commercial/industrial streets as defined in Berkeley's General Plan.
3. Consistency with the City's General Plan policy of encouraging use of forms of transportation other than automobiles.
4. Conformance with the Regional Water Quality Control Board's stormwater permit requirements.
5. Support of the City's plans and updates thereto, including the City's Climate Action Plan, Green Infrastructure Plan, Resilience Strategy, Vision Zero Policy and Action Plan, Phase 3 Undergrounding Study, Complete Streets Policy, Vision 2050 framework, Pedestrian Plan, Transit First Policy, Strategic Transportation Plan, public realm and/or other localized transportation plans, and Bicycle Plan.
6. Poorly maintained streets have a disproportionate impact on certain members of the community:
  - a) Low-income residents are more seriously impacted by higher vehicle repair costs than higher income residents;
  - b) Those with mobility or visual impairments face greater challenges of unequal access and safety compared to those without such challenges;
  - c) Bicyclists and pedestrians face greater danger than those driving; and
  - d) Poorly maintained streets in dense, more populous neighborhoods are detrimental to more users than poorly maintained streets in less dense neighborhoods.
7. Utility trench and pothole repair work shall be done in accordance with permit conditions, standard details, and/or standard operating procedures adopted by the Public Works Department.
8. To the extent practical, the City shall use life cycle cost analysis to evaluate different road surfacing options.
9. Runoff from roadways carry pollutants that negatively impact public health, creeks and streams, and the Bay.
10. Street trees are valuable part of the landscape, as they sequester carbon, soak up stormwater, improve land values, and add greenery.
11. The Metropolitan Transportation Commission requires the use of a Pavement Management Tool (such as StreetSaver). Pavement Management Tools are used to optimize road surface conditions through the use of a Pavement Condition Index (PCI) performance metric.

## Section 3. Funding

The *Five-year Street Rehabilitation Plan* shall identify all available funding and the sources used to deliver the proposed road improvement projects. This shall include Federal, State, County and City funding sources. In the event that the planned projects are not able to achieve the City's desired roadway condition level of service, the *Five-year Plan* should identify the level of funding and activities needed to expand roadway improvements to achieve the stated goals of this policy. Bond funds shall strive to be used for long-lasting capital improvements (projects with a useful life that meets or exceeds the duration of the bond repayment schedule) or to accelerate road work that will result in long-term cost savings for ratepayers.

## Section 4. Specific Policy

The Street Rehabilitation Program shall be based on the following objectives:

1. Planning

- a) The *5-year Street Rehabilitation Plan* shall be supported by a 30-year road surfacing projection, where roadway improvement projects are forecast over a long-term planning period. The first five years of the projection will become the first draft of the *5-year Plan*.
- b) To the extent financially practical, implementation of the paving plan shall advance plans identified in section 2.5.
- c) Rehabilitation of contiguous sections of roadway, rather than one block at a time, shall be preferred, when feasible.
- d) Tree removals shall only be permitted as a last resort consistent with BMC 12.44.020, with the approval of both the Director of Parks and Waterfront and Director of Public Works. If tree removal is necessary, replacement trees shall be planted where and when feasible in accordance with BMC 12.44.010.

2. Equity

- a) The benefits of good infrastructure shall be distributed equitably throughout the entire community regardless of the income, or demographic characteristics of the residents in each area. Equity means equity of outcomes as opposed to equity of inputs, and that disadvantaged residents with more pressing needs experience benefits sooner than others, as defined by the City within the adopted *5-Year Plan*
- b) A new *Equity Zone* shall be established according to Attachment 1. This Zone shall be prioritized to meet an average PCI of 70 sooner than the remainder of the City. This Zone contains historically underserved neighborhoods that have experienced decades of underinvestment, and the residents in this zone experience more pressing needs and receive benefits sooner.
- c) Over the longer term, road surfacing activities shall be planned within Pavement Analysis Zones. A Pavement Analysis Zone shall consist of a logical set of street segments, excluding the arterials, collectors, bus routes, bicycle boulevards and non-representative demonstration projects.
  - a. The department may revise the pavement analysis zone boundaries from time to time, consistent with the other goals of this policy. Any changes to pavement analysis units shall be proposed within the biannually updated *5-year Street Rehabilitation Plan* submitted to City Council.
  - b. It shall be the goal of the City to seek parity of street condition between pavement analysis zones, except in regards to the *Equity Zone*.

3. Performance Metrics

- a) The City will strive to maintain all roads within the primary transportation network at a standard no less than the following PCI targets for any stretch of roadway<sup>1</sup>:
  - a. Arterial - 70,
  - b. Collector - 70,
  - c. Bus Routes - 70,
  - d. Existing and proposed low-stress bikeway network - 70.
    - i. Bikeways shall be surfaced with a treatment that emphasizes smoothness of the road surface.
  - e. Equity Zone- 70.
- b) Funding should be prioritized towards maintenance activities to achieve the goals of item 4.2a.
- c) The biannually updated *5-year plan* shall report on these performance metrics, PCI measurements for each street segment in the City, and percent of overall funding dedicated to each of the following: arterials, collectors, bus routes, existing and proposed low-stress bikeway network, equity zone, and residential streets.

4. Dig Once

- a. Street rehabilitation shall conform with a dig once approach. This includes coordinating with sewer, water, electrical, telecom, undergrounding and other activities to minimize the cost and maintain the quality of the street surface.

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<sup>1</sup> PCI of 70 is the lower threshold of what is considered “Good.” Streets that fall below a “good” condition require much more expensive repair process. 466

- b. In order to protect the City's investment in street improvements, the City shall place a moratorium on recently paved streets that prohibits digging through them for up to five years, excluding emergency work<sup>2</sup>.

5. Demonstration Projects and Use of New Technologies

- a. To the extent practical, the City shall evaluate the use of permeable pavement, concrete pavement, and other street surface technologies using life cycle cost analysis.
- b. The use of new technologies that provide enhanced durability, lower cost, and more environmentally beneficial impacts shall be evaluated and reviewed in the biannually adopted *5 Year Street Rehabilitation Plan*.

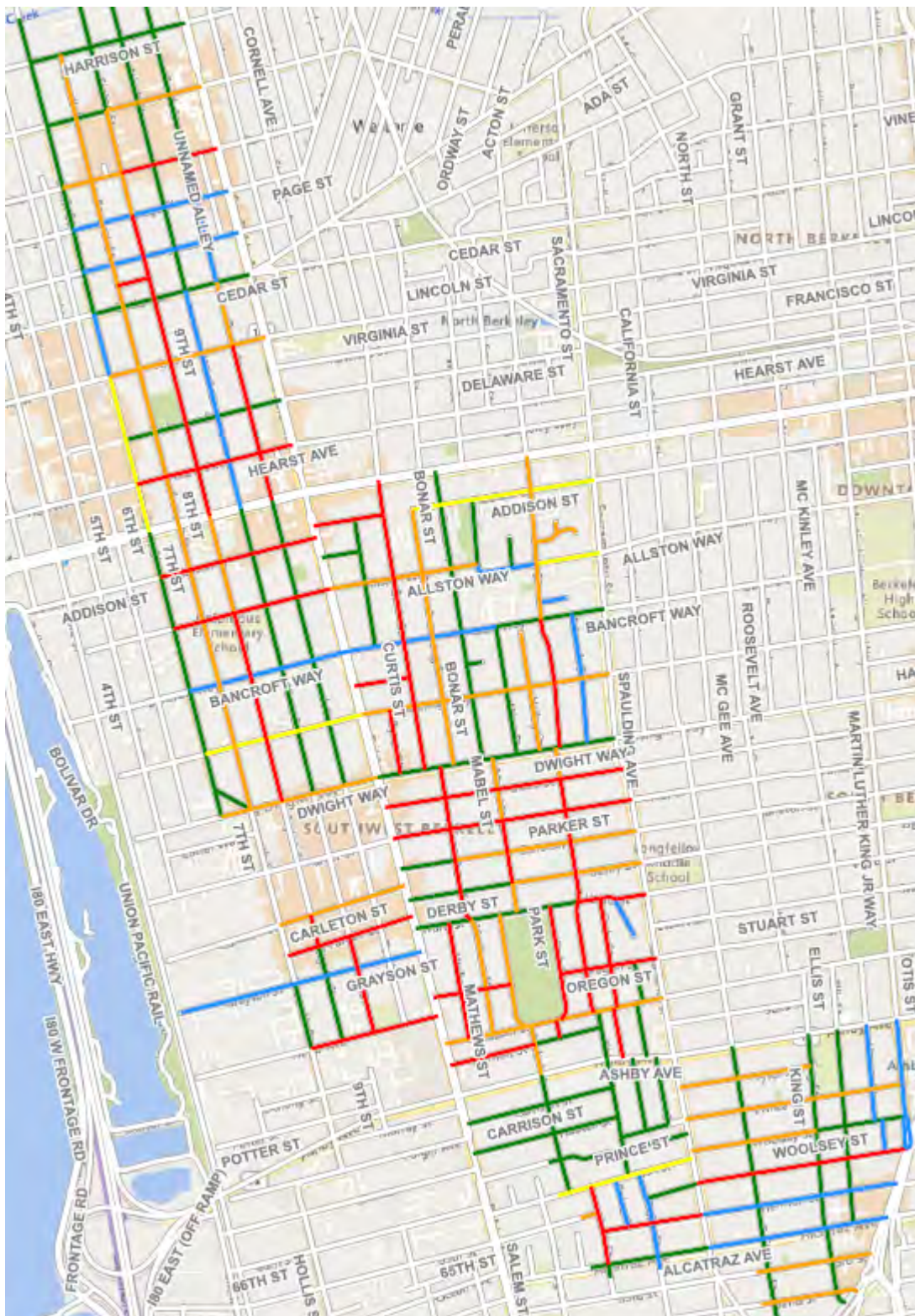
## Section 5. Plan and Policy Development and Update


The plan and policy development shall be as follows:

1. Every two years, in line with the City's budgeting process, the *5-year Street Rehabilitation Plan* adopted by City Council shall include a funding sufficiency analysis based on the existing deferred maintenance at that point to determine what level of funding is required to maintain our streets in safe, good condition that protects our environment and properly maintains the existing investment in City assets.
2. Identify new funding sources such as:
  - a. Heavy vehicles, which have a disproportionate impact on the degradation of paved assets, and
  - b. Transportation Network Company (TNC) vehicles.
3. At a minimum, this *Street Maintenance and Rehabilitation Policy* shall be reviewed and adopted by the City Council every five years, with advice of the Public Works Commission.

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<sup>2</sup> As cited in Berkeley Municipal Code 16.12.030 and documented on the City [website](#)




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## PUBLIC WORKS

Department of Public Works

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### CITY OF BERKELEY STREET REHABILITATION AND REPAIR POLICY

Updated March 2009

#### A. STREET REHABILITATION POLICY

**Section 1. General Policy**

It is the policy of the City of Berkeley that there shall be a 5-year Street Rehabilitation Plan for the entire City to be adopted by the City Council.

The primary purpose of the street rehabilitation program is to maintain a safe surface conveyance system in the public right-of-way for vehicles, bicycles, transit and pedestrians. The right-of-way also provides ancillary functions of a water conveyance system and location of public utilities.

The City shall strive to identify and implement integrated solutions that address the multiple demands on the street infrastructure that are designed for safety, environmentally sustainable and economically efficient over the long run.

The Plan shall make use of all available funding and set priorities for rehabilitation of streets in accordance with their use, as follows:

- Arterials
- Collectors
- Residentials

(Within the collectors and residential street categories, bus and bicycle routes shall be given first consideration.)

To the extent practicable, these priorities shall be consistent with:


- 1) the City's General Plan policy of encouraging use of forms of transportation other than automobiles,
- 2) the Regional Water Quality Control Board (RWQCB) goals regarding water quality, flooding potential and runoff control, and
- 3) the City's Measure G goal of an 80% reduction of greenhouse gas emissions by 2050.

**Section 2. Assumptions**

- 1) Emergency and interim work for trench and pothole repair will be done and funded outside this program.
- 2) Available funds for street rehabilitation include Gas Tax, Measure B Sales Tax, and other federal, state, and local funds appropriated by the City Council for this purpose during the annual budget process.
- 3) Additional sources of funding other than those above will be needed to ensure acceptable levels of effort in street rehabilitation.

**Section 3. Funding**

Federal and State transportation and other similar funds shall be used for repair of arterials. When all



eligible work on arterials has been completed in a certain year, these fund sources may be applied to collectors.

All Berkeley's Measure B Sales Tax funds allocated for local streets and roads, all new gas tax subventions, as much of the current gas tax subventions as available and other similar funds shall be used for street rehabilitation as follows:

- 10% for Arterials
- 50% for Collectors
- 25% for Residentials
- 15% for Discretionary and Demonstration Projects

The fees assessed to mitigate for excessive deterioration on and wear and tear of streets resulting from construction activities, public or private, shall be used for street rehabilitation.

To provide for maximizing the use of the limited funds available, the Program may provide for paving publicly owned unimproved streets in areas other than those zoned S1 (industrial and manufacturing) if at least 75% of the cost is borne by the adjacent property owners.

#### Section 4. Specific Policy

The Street Rehabilitation Program shall be based on the following criteria, listed in order of priority:

- 1) Street rehabilitation shall be coordinated with utility, sewer, water contamination runoff issues, and other underground activities to minimize the cost and maximize the effectiveness of rehabilitation and improve the environment.
- 2) Long term cost effectiveness, long term street pavement durability and aesthetics are important for priority setting and repair methodology selection.
- 3) In order to benefit the greatest number of residents, heavy street use (as indicated by traffic counts and bus routes designated in AC Transit's Comprehensive Service Plan) shall be given great consideration.
- 4) Demonstration and test projects for new technologies should be located in high visibility and heavily used areas. See attached document on background and recommendations for the trial permeable paver sites.
- 5) Rehabilitation of an entire street, rather than one block at a time, shall be scheduled as much as possible.
- 6) First hand assessment of streets, as well as computer based analysis, shall be a basis for street rehabilitation program development.

#### Section 5. Program and Policy Development and Update

The 5-year Street Rehabilitation Program shall be adopted by the City Council and the 5-year planning process shall be adopted as a City policy as follows:

- 1) Each year, the 5-year program shall be reviewed and updated formally by the City Council, with the advice of the Public Works Commission.
- 2) On an annual basis coinciding with budget preparation, the Street Rehabilitation Policy shall be reviewed and updated formally by the City Council, with advice of the Public Works Commission.
- 3) Both the 5-Year Program and the Street Rehabilitation Policy shall be reviewed and updated annually to ensure that the revolving 5-Year Street Plan is consistent with the policy stated herein and for consistency with General Plan and Area Plan policies.

### B. UTILITY TRENCH AND POTHOLE REPAIR POLICY

#### Section 1. General Policy

It is the policy of the City of Berkeley that there shall be an annual Utility Trench and Pothole Repair Program for the most heavily used streets and in the priority order, as follows:

1. Arterials
2. Collectors
3. Residentials with bus routes

Additionally, the other residential streets shall be repaired on an area by area basis at least every five (5) years. The program shall be reviewed and updated annually to ensure adherence to the City policy.

#### Section 2. Assumptions

- a. Emergency work for trench and pothole repair will be done as a part of this program.
- b. Utility company created trenches will be repaired by the respective utility company, and no City resources will be used for these purposes.

#### Section 3. Funding

- a. Gas Tax subventions and General Funds of the City shall be used for pothole repair.
- b. Sanitary sewer funds shall be used for City created sewer trench repair.

#### Section 4. Specific Policy

In addition to applicable policy under Street Rehabilitation Policy, the Utility Trench and Pothole Repair Program shall be based on the following criteria:

- a. A trench or a pothole is defined as any pavement surface irregularities with a change of elevation (plus or minus) of more than one (1) inch in twelve (12).
- b. All on-going trench and pothole repair shall use the permanent repair technique, i.e., prepare the trench or pot hole into a rectangular shape, fill with hot asphalt mix, and roll to match the grade adjacent to it.

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[Department of Public Works](#), 2180 Milvia Street, Berkeley, CA 94704

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(510) 981-CITY/2489 or 311 from any landline in Berkeley

TTY: (510) 981-6903







Public Works Commission  
Parks and Waterfront Commission

26a

ACTION CALENDER  
January 18, 2022

To: Honorable Mayor and Members of the City Council  
From: Public Works Commission  
Parks and Waterfront Commission  
Submitted by: Margo Schueler, Chairperson  
Gordon Wozniak, Chairperson  
Subject: Adopt-a-Spot program development recommendations

RECOMMENDATION

That Council adopt a Resolution to support and fund two new full-time dedicated Volunteer Coordinators to run an expanded Adopt-a-Spot program and coordinate new programs for youth volunteers, and funding for operational expenses should be included.

The programs shall promote participation and civic pride by providing a unified portal for all programs across all departments, and incorporate many of the **Program Elements** outlined below. The Coordinators shall build on recent efforts by Public Works staff to fortify the existing programs for storm drains and traffic circles and incorporate existing programs from the Parks & Rec department. In addition, the Adopt-a-Spot program shall be expanded and improved upon to support additional community engagement opportunities that can include, but are not limited to, restoring native habitat to promote biodiversity (including a Bee City USA liaison), litter removal, vegetation maintenance, graffiti removal, tree planting/watering/monitoring, monitoring sidewalk conditions, adoption of homeless encampments, coordinating volunteers for emergency situations, beautification efforts, and other ideas that the Berkeley community may wish to support and organize around.

Some features of the program are beyond the scope of our Commissions' visibility and will need to be finalized by Council and Staff. However, the following recommendations are offered:

- **Budget Commitment** - to ensure success, the two new positions must be dedicated to volunteer coordination. Sharing of responsibilities across staff or financing only a single or half-time position should be avoided as it likely wouldn't meet the needs of the community. If at least one dedicated position cannot be

supported the role of Volunteer Coordinator should be given to a third-party or community non-profit group.

- **Program Design** - the Volunteer Coordinators may work with interns and the community to define program features and details of implementation, which could include a phased approach (alternatively, the City could hire a consultant to outline the program),
- **Reporting Structure** - options include Parks Rec & Waterfront, Public Works, Office of Sustainability, or the City Manager's office (alternatively, the position could be shared across departments)
- **Supporting Tools** - begin with the fewest but most necessary initial features. For example, policies and waivers, outreach tools such as a robust city webpage presence including dynamic maps and signage to recruit, volunteer reporting mechanisms to ensure compliance and track activity, volunteer appreciation events to build community, etc.

## BACKGROUND

### **Council Referrals**

City Council has expressed strong support for a robust Adopt-a-Spot program. Beginning in fall 2019 Council introduced the first of four separate Referrals to both the Public Works and Parks & Waterfront Commissions with the following dates: (1) April 23, 2019<sup>1</sup>, (2) September 24, 2019<sup>2</sup>, (3) November 12, 2019<sup>3</sup>, and (4) February 23, 2021<sup>4</sup>. The Referrals mentioned a range of goals for the Adopt-a-Spot program, including, supporting city cleanup and maintenance efforts, addressing Vision 2050 storm water and watershed goals, promoting a thriving volunteer force to adopt and maintain traffic circles, creating and maintaining pollinator habitat and funding a City Liaison as part of a Bee City USA program, adopting encampments and street campers/RVs, and more.

### **History of Adopt-a-Park and Grant program**

Berkeley has a history of supporting programs like Adopt-a-Spot and has even provided grants to incentivize participation. For at least ten years, beginning in FY93-94 with Resolution No. 57-557<sup>5</sup>, and in response to a \$1.5M refund from PERS, a popular mini-grant program was created and later supported by funds from the Park Tax<sup>6</sup>. Small grants were allocated to volunteer groups to assist in the development of small programs, not to exceed \$3,500. The program was implemented through a Joint Committee with representatives from the Parks and Recreation Commission, Berkeley Partners for Parks and staff from the Parks and Recreation department. This mini-grant program provided a method for involving citizens and stimulating their interests in the care of parks and open space. The funds were to be used for materials, supplies and

<sup>1</sup> City Council Agenda, Regular Mtg, [April 23, 2019](#), Item 33.

<sup>2</sup> City Council Agenda, Regular Mtg, [September 24, 2019](#), Item 24.

<sup>3</sup> City Council Agenda, Special Mtg [November 12, 2019](#), Item 1a.

<sup>4</sup> City Council Agenda, Regular Mtg, [February 23, 2021](#), Item 24.

<sup>5</sup> [Resolution No. 57,557-N.S.](#), June 28, 1994

<sup>6</sup> City of Berkeley webpage, "[Parks Mini-Grant Program](#)"

general assistance. It was a very popular program that generated enthusiasm and nourished the community spirit through wide-ranging activities such as the installation of chess tables at San Pablo park, the creation of Halcyon Commons, dog waste dispensers and trail improvements in Cesar Chavez Park, a cultural exhibit on the Ohlone Greenway, and many more.

At a regular meeting of the Public Works Commission on July 1, 2021, it was M/S/C to send this item to Council for consideration: (Schuler/Erbe/U): Ayes: Barnett; Constantine; Erbe; Freiberg; Hitchen; Napoli; Nesbitt; Schuler; Noes: None; Absent: None.

At a regular meeting of the Parks and Waterfront Commission on August 11, 2021, it was M/S/C to send this item to Council for consideration: (McGrath/Wozniak/U): Ayes: Cox; Diehm; Kamen; Kawczynska; Landoni; McGrath; Srioudom; Wozniak; Noes: None; Absent: None.

## CURRENT SITUATION AND ITS EFFECTS

### **Updates in Progress**



As of June 2021 the City is working with UC Berkeley interns and currently interviewing for a CivicSpark<sup>7</sup> fellow to begin enhancing the Adopt-a-Spot program and unifying all volunteer opportunities within the City in one place. The table below outlines the current situation. However, several changes are in progress including website updates, creation of a GIS map showing all opportunities within the city (including Parks), updated volunteer agreement forms and procurement of safety vests and tools for volunteer use.

### **Current Volunteer Offerings**

Berkeley currently has a set of volunteer opportunities available to the community through Public Works and Parks & Rec. The information about available programs is located on the City's website, on three separate webpages, and through programs housed in three different divisions. Two programs have their own logo. The table below illustrates the current organization of the programs.

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<sup>7</sup> See the CivicSpark webpage for 2021-2022 Projects, "[Adopt-A-Spot: Enhancing Public Works' Community Outreach, Volunteerism And Stormwater Quality](https://civicspark.lgc.org/2021-22-projects/)" (https://civicspark.lgc.org/2021-22-projects/)

| Public Works                                                                                                                                                                                       |                                                                                                                     | Parks, Rec & Waterfront                                                                                                                                                       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Adopt-a-Spot</b>                                                                                                                                                                                |                                                                                                                     |                                                                                                                                                                               |
| <p><b>GENERAL INFORMATION</b></p> <p>General Information</p> <hr/> <p><b>Adopt-a-Spot Volunteer Program</b></p> <p><a href="#">Adopt-a-Traffic Circle</a></p> <p><a href="#">Adopt-a-Drain</a></p> |                                                                                                                     |                                                                                                                                                                               |
| <b>Traffic Circles</b>                                                                                                                                                                             | <b>Storm Drains</b>                                                                                                 | <b>PRW Volunteer</b>                                                                                                                                                          |
| <p><b>TRANSPORTATION</b></p> <p>Transportation Division</p> <hr/>                                                | <p><b>PUBLIC WORKS</b></p> <p>Department of Public Works</p> <hr/> <p><b><u>Adopt-a-Spot - Storm Drains</u></b></p> | <p><b>RECREATION</b></p> <p>Recreation Division</p> <hr/> <p>Become A PRW Volunteer!</p>  |

As illustrated in the table above, the Adopt-a-Spot program lives within the Public Works Department at this time. The top-level webpage is found on a page marked “General Information”. From there the user can click on either of two links to navigate to a webpage for Traffic Circles (which lives on a webpage of the Transportation Division) or Adopt-a-Drain (which lives on a webpage of the Public Works Department). The many programs associated with our Parks, Rec and Waterfront Department can be found on a separate webpage within the Recreation Division. Links to these webpages are listed here:

- (General Adopt-a-Spot) <https://www.cityofberkeley.info/adoptaspot.aspx>
- (Storm Drains) <https://www.cityofberkeley.info/adoptadrain.aspx>
- (Traffic Circles) <https://www.cityofberkeley.info/adoptattrafficcircle.aspx>
- (Parks, Rec & Waterfront) [https://www.cityofberkeley.info/Parks\\_Rec\\_Waterfront/Recreation/Volunteer\\_Opportunities.aspx](https://www.cityofberkeley.info/Parks_Rec_Waterfront/Recreation/Volunteer_Opportunities.aspx)

Looking at the two Adopt-a-Spot programs within Public Works, forms such as Volunteer Agreement and Waivers must be printed, scanned (or photographed), and then emailed to the address ([adoptaspot@cityofberkeley.info](mailto:adoptaspot@cityofberkeley.info)<sup>8</sup>). In addition, and in collaboration with the associated Task Force, helpful supporting materials are now

<sup>8</sup> This centralized email address, which includes a new logo, is a recent development after collaboration with the Traffic Circles Task Force.

available for Traffic Circles, including (1) a list of suggested plants (the [Planting Guide](#)), (2) the approval form for plants ([Planting List](#); waived if plants chosen from the approved Planting Guide), and (3) a map of traffic circles location and availability ([Map of Traffic Circles](#)).

The 16 volunteer opportunities [within Parks, Rec & Waterfront](#) are organized by frequency (on-going vs. annual) and also include 2 links to suggest a project, as either an All Crew Day or Create Your Own, specified for weekdays only. Printable Application and Waiver forms and a phone number is listed. An online "[Volunteer Application Form](#)" is also available, with the general parks email listed at the top for possible follow-up contact.

Updating and merging all of these programs into a unified Adopt-a-Spot program, with a single City webpage that links to all volunteer opportunities, would facilitate the user experience by creating a kind of "one stop shopping". For example, all volunteer opportunities, those under Public Works and Parks & Rec, can be listed on a single webpage. In addition, the print-and-submit forms can be replaced by online forms. The static map of traffic circle locations & availability can be replaced with a dynamic one. Once the volunteer coordinator positions are created and the City's overall website is redesigned<sup>9</sup>, additional programs and functionality can be added, as outlined in the section **Suggested Program Elements**, below.

## RATIONALE FOR RECOMMENDATION

### **Goals of Program**

The primary goal of a successful volunteer program is to positively engage the community. This can be done by creating a structure in which individuals are given the best possible opportunities to perform useful environmental maintenance work safely and efficiently, with a focus on equity. An easily accessible volunteer website which includes all participating departments, an interactive signup and data entry functions, and appropriate forms and information for the various types of tasks.

Volunteers can perform many basic maintenance tasks in our parks, on traffic circles, on landscaped areas, on drains, litter and trash pickup, and report on observed problem areas such as overgrown vegetation, and sidewalk hazards and obstructions. They can support the growing effort to provide native habitat to promote biodiversity. Youth volunteers can participate in summer job programs to gain experience and address needs identified by staff. Volunteers are not a substitute for the work of dedicated city staff, but there are often areas where additional hands can make a positive difference.

City Staff are responsible for city infrastructure and environmental features, and Volunteers clearly work under their ultimate direction. City workers already know what needs to be done, and how to do it, and they can establish clear policies and procedures for volunteers. A Volunteer program is successful when it builds upon existing staff efforts and priorities, so that the program is a clear benefit to employees.

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<sup>9</sup> City Council Agenda, Regular Meeting, [July 28, 2020](#), Item 15, [Rolling Orange Redesigning Website](#)

Risk management by the use of liability waivers, mandating best safety practices, and in some cases by direct Supervision is essential to ensure no one is injured while volunteering, and that the city has a strong legal defense if an accident were to occur.

The most successful programs actively highlight Volunteer activities, have a formal recognition component, and collect accurate data on the number of volunteer hours and projects completed to be included in official city documents and for public information. An annual event possibly including awards and prizes is a sure way to boost volunteer spirit and incentivize additional participants.

Finally, continually reaching out to the community with excellent communications, soliciting suggestions for new projects, and sincere feedback for Volunteers assures the future success of the program.

**Precedent and Research**

Our working group researched more than 30 Adopt-a-Spot programs nationwide. For each location we documented a wide variety of features. See Appendix M for the data spreadsheet. The cities we reviewed are listed below:

| <b>Adopt-a-Spot Programs Reviewed</b>                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>California</b><br/>                     Burlingame, CA<br/>                     Los Angeles, CA<br/>                     Marin County, CA<br/>                     Riverside, CA<br/>                     Santa Clara, CA<br/>                     San Francisco, CA<br/>                     San Mateo, CA<br/>                     Truckee, CA</p> | <p><b>Other U.S. Cities</b><br/>                     Boulder, CO<br/>                     Muncie, DE<br/>                     Fort Lauderdale, FL<br/>                     Carbondale, IL<br/>                     Indianapolis, IN<br/>                     Columbia, MO<br/>                     Minneapolis, MN<br/>                     Anne Arundel County, MD<br/>                     Prince George's, MD<br/>                     Minneapolis, MN<br/>                     Missoula, MT</p> | <p>Albuquerque, NM<br/>                     Santa Fe, NM<br/>                     Ferguson, PA<br/>                     Austin, TX<br/>                     Fort Worth, TX<br/>                     San Antonio, TX<br/>                     Hampton, VA<br/>                     Seattle, WA<br/>                     Madison, WI</p> <p><b>Canada</b><br/>                     Vancouver, BC</p> |

We found that many cities and local government agencies in the Bay Area and throughout the U.S. have created Adopt-a-Spot programs. San Francisco, Oakland, Marin County, City of Santa Clara, Pittsburg, and others maintain successful programs based on the basic principle of enlisting residents to volunteer and sign up for ongoing cleanup, maintenance and beautification of specific areas.

These city-led volunteer programs have many things in common, both structurally and in the type and scope of citizen participation. Logistically, the programs include a list (or clickable online map) of suggested spots, a liability waiver, a registration system, and staff support in providing tools, supplies, and waste disposal. The staff positions may be located in a variety of departments but the most common are Public Works and Parks & Rec.

Some of the most common adoptable "spots" in our peer research are listed here:

- Storm drains maintenance
- Litter & graffiti action, both patrolling and mitigating
- Greening, planting and maintenance, e.g. medians, traffic circles and street gardens
- Tree planting and watering
- Various civic art projects including decorating assets such as trash cans or utility boxes
- Trail maintenance and/or construction

When thinking about our community, programs could specifically target Berkeley's needs and values, such as:

- Installing and maintaining pollinator & native habitat gardens
- Monitoring, reporting and prioritizing found sidewalk defects
- Supporting encampments, campers and RVs
- Maintenance of off-leash dog areas
- Creation of city art, including murals

The Volunteer Coordinator can also serve as:

- Liaison for a Bee City USA program
- Liaison with the Ecology Center (e.g. Community Gardens, Recycling Efforts)
- Outreach and coordination of Cal Project Day
- Liaison with East Bay Regional Parks
- Liaison with other local non-profits

### **Suggested Program Elements**

Flexibility & adaptability is critical for ongoing success of the program. The following elements are commonly found in programs in other cities. (See the Appendices for sample images.)

#### **A. Administrative Elements**

1. **Promotion:** Promotion is an important part of any citywide volunteer program and most cities have some means of accomplishing this through their websites, community bulletin boards, social media, monthly newsletters, or signs in other public spaces like parks.
2. **Recruiting & Onboarding:** A simple streamlined application process where each volunteer receives acknowledgement and information about the citywide volunteer program is necessary for success of the program. Setting expectations for the approval process, including a checklist and typical timeline of approval, can enhance usability.

3. **Liability & Waivers:** A means of addressing legal liability for the City is required. Most jurisdictions have legal waivers for volunteers that are completed when the volunteer is onboarded.
4. **Safety Rules & Training:** Related to liability, basic rules and safety training is an element of onboarding for volunteers in many cities. (e.g. Oakland's [training](#) project coordinators for Earth Month). Provide clear and up-to-date guidelines, sometimes in the form of a Volunteer Manual, so volunteers understand the scope of their involvement and the responsibilities of their participation.
5. **Recognition:** Volunteer recognition is important for retention and builds a sense of community. Other cities use items including signage in public areas, volunteer appreciation events or annual parties, volunteer of the month or top volunteer of the year, or certificates or cards recognizing volunteer contributions. More locally, East Bay Regional Parks has given out badges for events attended.

## **B. Operational Elements**

1. **Mapping & Identification of Opportunities:** Dynamic and clickable citywide maps show “adopted” areas and those available for adoption. Layering within the maps allows volunteers to focus on different kinds of opportunities (e.g. drains vs. gardens)
2. **Single Point of Contact & Website:** Successful programs have some sort of “coordinator” position that provides a single point of contact for volunteers and this contact information is prominently listed on the website.
3. **Calendar of Events:** A centralized calendar listing volunteer events promotes participation and transparency. Calendar entries can hyperlink to event descriptions and digital sign-up. Color-coded sub-calendars by 'type' (e.g. litter, gardening, drains) can allow for easy sorting. Individual user accounts support customization.
4. **Tools, Supplies, & Support:** Tools for common programs - litter pickers, garbage bags, shovels, gloves, etc. - are often provided upon request, either for pickup or drop-off. Post-event garbage pick-up is often available, too.
5. **Tracking & Reporting:** Documenting volunteer time spent or accomplishments (e.g. # of trash bags filled) is a common feature of successful programs. These data can serve as quality control, to help ensure work is done, and quantify the total number of volunteer hours spent, which can be included in grant applications. Photos documenting regular maintenance of certain locations, like traffic circles or medians, can be submitted via a new digital portal.
6. **Problem Resolution:** With a volunteer program, problems and issues will arise and the volunteers need a means of relaying issues back to city staff. Utilization of the existing 311 or SeeClickFix could be used or another means of communication can help identify locations in need. Problem resolution between



persons, volunteers and/or the community, should be handled by a Volunteer Coordinator.

7. **Coordinating with external organizations:** Some volunteer groups and non-profits will remain independent of any City programs. The City's Volunteer Coordinators can serve as a liaison between residents with external groups, to promote volunteerism city-wide.
8. **Plant Lists and Seedlings:** A list of suggested plants can introduce volunteers to habitat plants that are native to the region, ones that meet potential requirements (e.g., height or water needs), and can facilitate approval of plant palettes. Some cities provide free plants to volunteers (and in some cases these plants are grown by other volunteers. See Appendix L, Madison WI)

### **Suggested Implementation Options**

The preferred option is for one of the two new volunteer coordinators, the senior Coordinator, to design the program, engaging the interns and CivicSpark fellows to build out desired new tools. As a second option, or in the event that additional input or resources are needed, an outside consulting firm could be engaged to more clearly define and develop the program using best practices in existing public programs.

The expansion of the programs can be done in a phased manner, starting with existing ones, for example, adding online tools and materials, and then over time adding new kinds of "spots", depending on community input and city goals.

The following departments, commissions and stakeholders should be engaged during the development of the program:

- Public Works Department
- Parks, Recreation and Waterfront Department
- Public Works Commission
- Parks and Waterfront Commission
- Traffic Circle Task Force
- Community Organizations that have historically worked with the City

### **Location of Program in the City**

The Commissions did not reach a final recommendation about the location of the new Volunteer Coordinators. Their work will span a broad range of activities, functioning as a kind of "umbrella" position, supporting the work associated with many departments. For this reason, the best place to start the Adopt-a-Spot program may be in the City Manager's Office, where the Customer Service Center and Online Service Center already exist. There is also a Fighting Graffiti program, which already solicits volunteers. On the other hand, since many of the volunteer efforts will require input from Parks or Public Works it may be best for the position to live in one of these departments or be split between them.

Not hiring dedicated coordinators and sharing the responsibilities of the program across multiple employees is greatly discouraged as some departments are short-staffed and team members already have full work loads. For comparison, the City of Oakland has four full time employees and two part-time trainees affiliated with their Adopt-a-Spot program. They are deployed by subject area, 1) parks; 2) creeks/storm drains; and 3) streets.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE CHANGE

A well-run Adopt-a-Spot program will help residents support many of the City's climate, safety and greening goals, including improving stormwater flows, reducing refuse that reaches the Bay, promoting safe and beautiful intersections, mitigating urban heat island effect, monitoring sidewalks for safety, and widespread planting of California-natives to increase urban ecology that supports pollinators and promotes public health.

### ALTERNATIVE ACTIONS CONSIDERED

The Commissions discussed taking no action to expand the Adopt-a-Spot program but concluded that the benefits from funding a more robust program, with dedicated staff positions, far outweigh the program costs.

### CITY MANAGER

Refer to the budget process.

### FINANCIAL IMPLICATIONS

#### **Funding**

To ensure a successful Adopt-a-Spot program it is essential that two dedicated FTE positions be fully funded, a Volunteer Coordinator, who will function as the manager, and an entry-level position Coordinator who can coordinate year-round youth programs, or the equivalent. In addition, funds should be allocated for supporting materials, such as tools, vests, signs, litter pick-up materials, T-shirts, and an annual recognition and awards party.

At writing, it is estimated that \$500,000 is needed to cover both fully-loaded FTEs and operational costs. There are two possible sources of funding: the General Fund and Special Revenue Funds.

At the end of FY21 the total revenue of the Discretionary General Fund was \$196M. A fee of approximately 0.25% from this fund would cover all proposed program costs. However, the General Fund is susceptible to fluctuations, which could introduce uncertainty into the long-term health of the program and is not the Commissions' first choice.

The preferred alternative is to allocate a percentage of total revenue from four Special Revenue Funds in the Public Works and Parks departments, as these funds tend to be more stable and citizen engagement will directly benefit both these departments. At the end of FY21 the total revenue of these four funds was almost \$100M. A fee of just half a percent - or 0.5% - from the four funds can cover all costs.

**Revenue Adopted Update FY21 (\$M)**

|         |             |
|---------|-------------|
| \$ 48.7 | Zero Waste  |
| 27.7    | Sewer       |
| 14.4    | Parks Tax   |
| 5.0     | Storm Water |

-----  
\$ 96M    TOTAL

0.5% of \$96M = ~\$500,000

Funding from the Special Funds is ideal because it's a more stable long-term source. But funding from the General Fund could also be a good strategy, if necessary.

**CONTACT PERSON**

Margo Schuler, Public Works Commission, (510) 528-1975  
Erin Diehm, Parks and Waterfront Commission, (510) 666-0662

**Attachments:**

- 1: Resolution
- 2: Appendices

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

APPROVAL OF AN EXPANDED AND FULLY FUNDED ADOPT-A-SPOT PROGRAM  
TO POSITIVELY ENGAGE THE COMMUNITY, PROMOTE CIVIC PRIDE, and  
SUPPORT CLIMATE ACTION GOALS

WHEREAS, beginning in fall 2019 Council introduced the first of four separate Referrals to the Public Works and Parks and Waterfront Commissions with the following dates: (1) April 23, 2019, (2) September 24, 2019, (3) November 12, 2019, and (4) February 23, 2021; and

WHEREAS, the Referrals mentioned a range of goals for the Adopt-a-Spot program, including, supporting city cleanup and maintenance efforts, addressing Vision 2050 storm water and watershed goals, promoting a thriving volunteer force to adopt and maintain traffic circles, creating and maintaining pollinator habitat and funding a City Liaison as part of a Bee City USA program, adopting encampments and street campers/RVs, and more; and

WHEREAS, Berkeley has a long history of volunteerism and community participation, it is critically important to provide a robust program to manage and facilitate citizen efforts; and

WHEREAS, the two commissions conducted research and compiled succinct data in order to determine what was necessary for the successful implementation of this program; and

WHEREAS, we found that many cities and local government agencies in the Bay Area and throughout the U.S. have created robust and comprehensive Adopt-a-Spot programs; and

WHEREAS, a well-run Adopt-a-Spot program will help residents support many of the City's climate, safety and greening goals, including improving stormwater flows, reducing refuse that reaches the Bay, promoting safe and beautiful intersections, mitigating urban heat island effect, monitoring sidewalks for safety, and widespread planting of California-natives to increase urban ecology that supports pollinators and promotes public health; and

WHEREAS, on July 1, 2021 the Public Works Commission and on August 11, 2021, the Parks and Waterfront Commission voted to approve the implementation of an expanded Adopt-A-Spot program, as described above.

NOW THEREFORE, BE IT RESOLVED, that the Council of the City of Berkeley hereby adopts an expanded Adopt-a-Spot program, including two full-time Volunteer Coordinators (2 FTEs) and associated operational costs.

BE IT FURTHER RESOLVED, that the expanded Adopt-a-Spot program shall be paid for by a 0.5% fee on four Special Revenue Funds (Zero Waste, Sewer, Parks, and Storm Water) or, as an alternative, by an approximate 0.25% fee from the General Fund.

## APPENDICES

### **Berkeley**

A: Selected Materials from Berkeley's current Adopt-a-Spot program

### **Other Cities**

B: Signage

C: Clickable Maps

D: Videos

E: Calendars

F: Brochures

G: Online Grant Application

H: Online Program Application

I: Online Reporting

J: Volunteer Handbook

K: Volunteer Appreciation

L: Native Plants

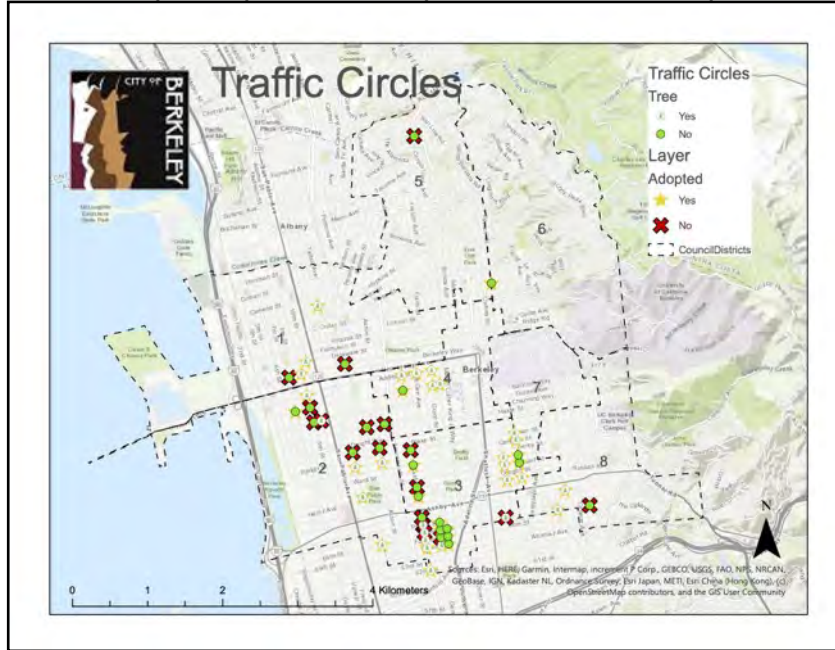
### **Research**

M: Screenshot of Google sheet with details for locations researched

## Appendix A: Selected Materials from Berkeley’s Adopt-a-Spot program for Traffic Circles

<https://www.cityofberkeley.info/adoptattrafficcircle.aspx>

Public Works staff shared some exciting news at the June 2021 meeting of the Public Works Commission. They’re working with interns and fellows to create a dynamic ArcGIS map, to update and replace the static one pictured below (due Summer 2021).



[Berkeley’s Map of Traffic Circles](#) - Identifies circles, adopted and available

**Suggested Plants for Traffic Circles – Tier One (#1-5 of 10)**











| Bloom                                                                               | Plant                                     | Scientific Name                                 | Height  | Width | Notes                                                                                                                                                                                                                                                                                             | Wildlife Supported                                                                                      |
|-------------------------------------------------------------------------------------|-------------------------------------------|-------------------------------------------------|---------|-------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|
|  | Buckwheat, Coast                          | Eriogonum arifolium                             | 12-20in | 2ft   | Compact mound of softly felted blue grey spoon shaped leaves topped by pale pink 1" clusters of flowers blooming summer into fall. Used for erosion control, drought tolerant. Ground nesting native bees scrape fuzz off leaves to use in nest. Loved by bees, butterflies and many pollinators. | <br>Acmon Blue       |
|  | Buckwheat, Naked                          | Eriogonum nudum                                 | 12-20in | 2-3ft | Another keystone Buckwheat. Late blooming, short growing. Drought tolerant, attractive to butterflies and bees.                                                                                                                                                                                   | <br>Mormon Metamark  |
|  | Buckwheat, Red                            | Eriogonum grande var. rubescens                 | 12-20in | 2-3ft | Another keystone Buckwheat. Late blooming, short growing. Drought tolerant, attractive to butterflies and bees.                                                                                                                                                                                   | <br>Silvery Blue     |
|  | California Aster, Point Saint George      | Symphoricarpos chinensis, "Point Saint George"  | 6in     | 2ft   | A low growing vigorous native perennial, reaching up to 6 inches in height and spreading widely. Covered with soft lavender daisies over a long period, summer through fall, often into winter.                                                                                                   | <br>Field Crescent   |
|  | California Lilac (low growing selections) | ex. Ceanothus heisterium - San Simeon Ceanothus | 3-12in  | 6ft   | Many species and varieties, choose low growing selections. Ceanothus heisterium is fast growing, with dark green crinkled leaves and 1" deep blue flower clusters in the spring.                                                                                                                  | <br>Pale Swallowtail |

Photo Credits (from Calphotos.org unless otherwise noted): (1) Coast Buckwheat (2013 John Doyen)/Acmon Blue (2008 Ron Wolf); (2) Naked Buckwheat (2016 Steve Matten)/Mormon Metamark (Bill Bouton); (3) Red Buckwheat (2008 Steve Matten)/Silvery Blue (2014 Ron Wolf); (4) Aster (2007 Neal Kramer)/Field Crescent (Wilmert); (5) Ceanothus (2007 Stan Shabo)/Pale Swallowtail (2013 Ron Wolf)

Suggested Plants for Traffic Circles – Tier One

[Berkeley’s Suggested plantings for traffic circles](#) (1 of 4 pages, 20 plants total)  
Focus is on CA natives that support butterflies, bees and birds.

## Appendix B: Examples of Signage

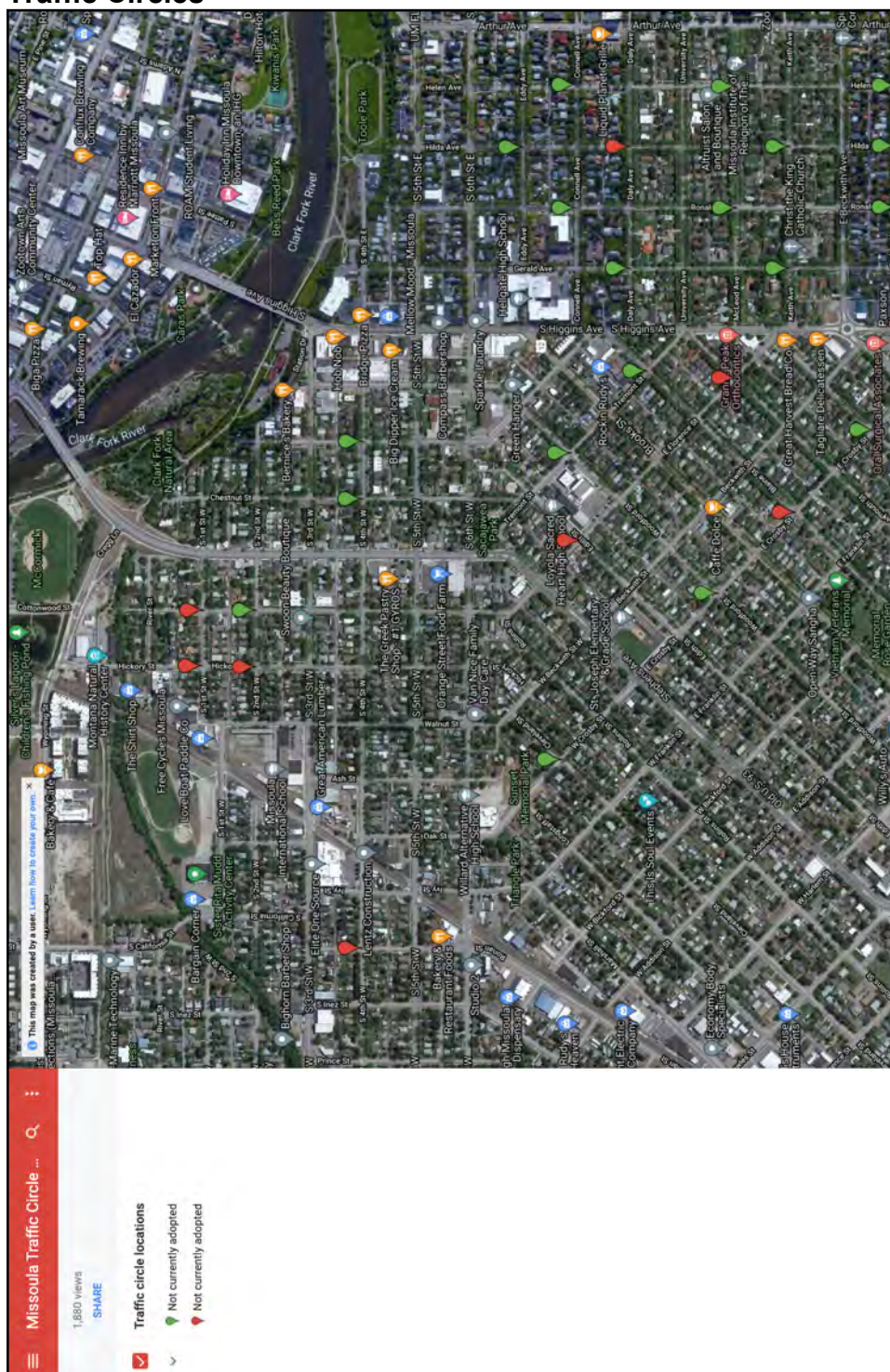
Signage identifies spots that are either available or already adopted, sometimes including the name of the adopting party. The signs are placed directly in the public space or marked on GIS maps, and help recruit new volunteers and acknowledge existing ones.

| Examples of Adopt-a-Spot Signage                                                                             |                                                                                                            |                                                                                                             |
|--------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|
| <b>Adopted</b>                                                                                               |                                                                                                            |                                                                                                             |
|  <p>Indianapolis, IN</p>    |  <p>Vancouver, Canada</p> |  <p>Muncie, DE</p>       |
| <b>Available</b>                                                                                             |                                                                                                            |                                                                                                             |
|  <p>Vancouver, Canada</p> |  <p>Truckee, CA</p>     |  <p>Greene Co., OH</p> |
|  <p>Atlanta, GA</p>       |  <p>Saginaw, TX</p>     |  <p>Marin, CA</p>      |





### Traffic Circles

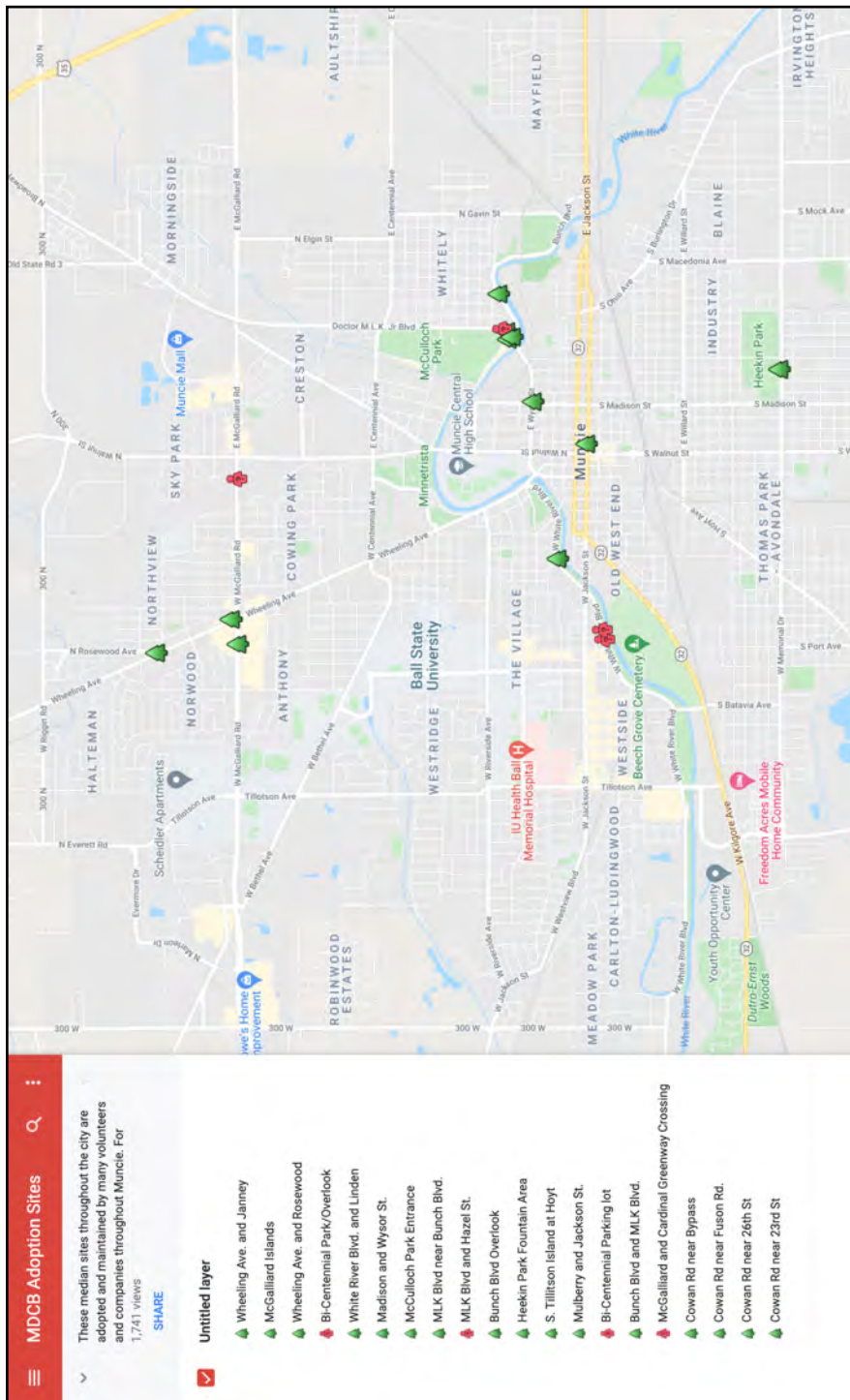


Missoula, MT - [Adopt a Traffic Circle](#)

**Green** = adopted (name of adopting party - published)

**Red** = available

## Medians



Muncie, Delaware - [Adopt a Median](#)

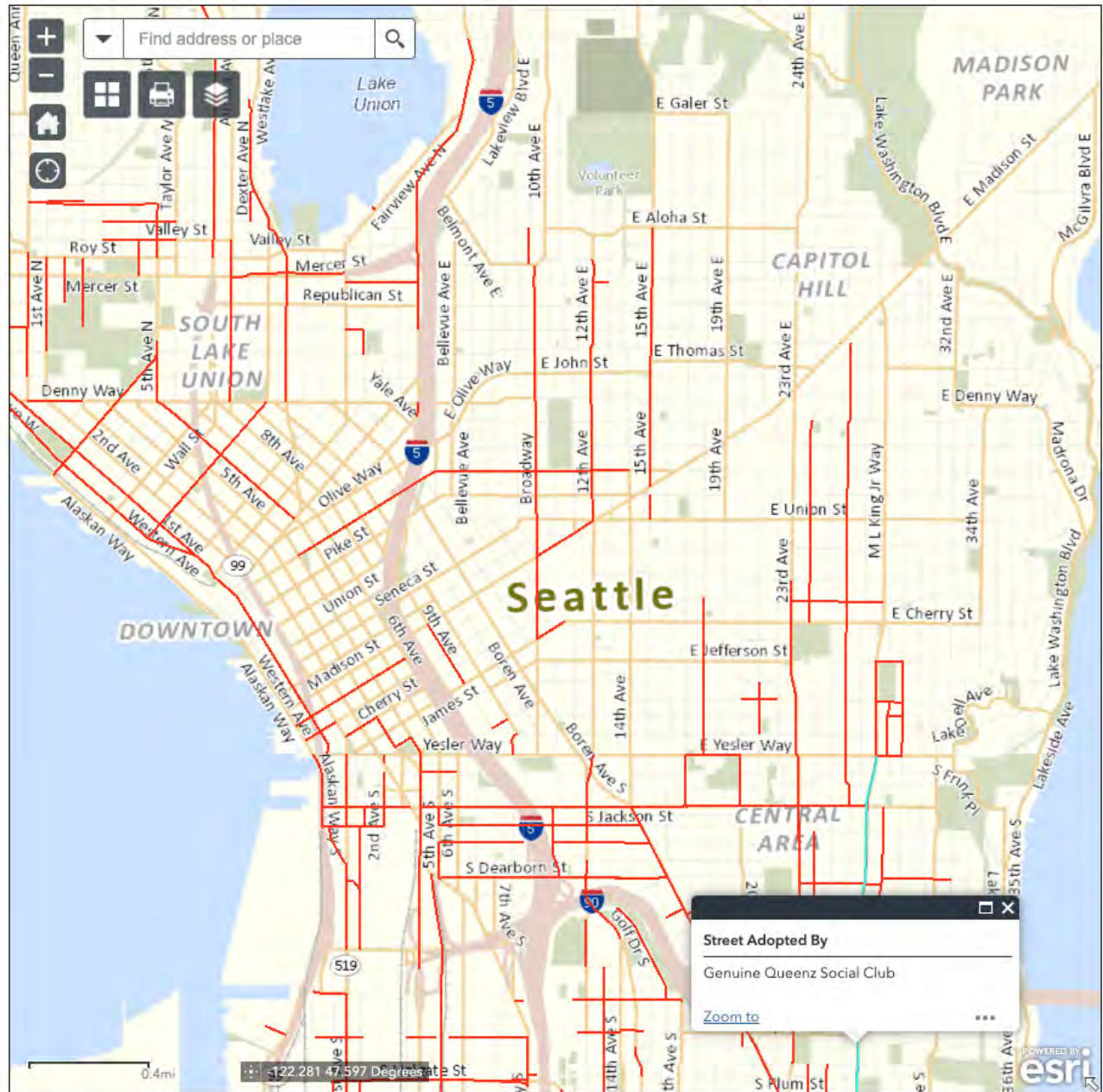
**Green** = adopted (name of adopting party - published)

**Red** = available

## Streets

# Adopted Streets

Select a section below to find out which streets have been adopted by other volunteers.



Seattle, WA - [Adopt a Street](#)

**Red** (turns **green** when clicked) = adopted (name of adopting party - published)

# Litter

The screenshot shows a Google My Maps interface for 'Keep Carbondale Beautiful'. The map displays various locations in Carbondale, IL, with colored lines and markers indicating 'Adopt A Spot' locations. The sidebar on the left lists the following groups:

- Over 60 groups have adopted spots in Carbondale. Find the spots and the groups. See also our gardens and special 3,789 views
- SHARE
- Untitled layer
  - citizen hero
  - citizen hero
- Adopt A Spot Locations
  - Sigma Pi
  - Lambda Theta Alpha
  - Phi Mu Alpha Sinfonia
  - Keith
  - Pi Sigma Epsilon
  - Available
  - Available
  - Nat'l Student Speech Language Hearing ...
  - Aur Beck
  - Gamma Phi Omega
  - Available
  - Alpha Gamma Rho
  - Sigma Kappa
  - Epiphany Lutheran Church of All Saints
  - Phi Kappa Tau
  - Available
  - Phi Iota Alpha
  - Hispanic Student Council
  - Nat'l Society of Collegiate Scholars (and ...
  - Delta Chi
  - Phi Sigma Kappa
  - First United Methodist Church
  - Rotary Club of Carbondale
  - Student Alumni Council
  - Alpha Gamma Delta
  - Farmhouse
  - IDOT says Creekside Vet Clinic
  - Beta Alpha Psi
  - Sigma Alpha Iota

Carbondale, IL - [Adopt-a-Spot](#) (Keep Carbondale Beautiful)  
Color-coded by adoptee, "Citizen Hero". Many are fraternities and sororities.

## Appendix D: Examples of Videos from Programs in Other Cities

### General (1 min.)



San Angelo, TX - [Adopt a Spot](#)  
Includes contact information for signing up

### Drains (1 min. 21 sec.)



Riverside, CA - [Adopt a Drain](#)  
Encourages volunteers to post photos to Facebook and Instagram

### Litter (1 min 5 sec)



Hampton, VA - [We Put Litter In Its Place #4](#)  
End of video gives contact information for signing up



### Medians - News Segment (2 min. 26 sec.)



Albuquerque, NM - [Adopt-a-Median](#)  
Includes city staff describing plans to expand program

## Appendix E: Examples of Calendars

### Calendar - Simple

[Home](#)   [Donate](#)   [Litter Control](#)   [Reduce, Re-...](#)   [Beautification](#)   [Education](#)   [Calendar of Events](#)   [Contact Us](#)

### Spring 2020 Calendar

Most of these events are ... cleanups (surprise!) KCB provides bags and gloves, plus a cooler of water on hot days. Dress appropriately for weather. Always wear closed-toe shoes. Bring a friend. There are no "rain dates" ... if you don't like the weather, stay home. If you think it's not that bad, show up. Someone will be there. We'll do what we can. Call or text (618) 525-5525 for more info.

— A littered site attracts more litter, so removing litter promotes beautification.

### March 2020

| Sun | Mon | Tue | Wed | Thu | Fri | Sat                                                                                                                      |
|-----|-----|-----|-----|-----|-----|--------------------------------------------------------------------------------------------------------------------------|
| 1   | 2   | 3   | 4   | 5   | 6   | 7                                                                                                                        |
| 8   | 9   | 10  | 11  | 12  | 13  | 14                                                                                                                       |
| 15  | 16  | 17  | 18  | 19  | 20  | 21<br>Cleanup @ Pyles Fork<br>Creek and Preserve<br>w/Green Earth<br>9am—12pm<br>Meet at Attucks Park<br>800 N. Wall St. |
| 22  | 23  | 24  | 25  | 26  | 27  | 28<br>Tree and Shrub Sale<br>9am-2pm<br>Town Square Pavilion<br>121 N. Illinois Ave.                                     |
| 29  | 30  | 31  |     |     |     |                                                                                                                          |

Carbondale, IL - [Keep Carbondale Beautiful](#)

### Calendar - Comprehensive

The screenshot displays a web-based calendar interface for the Boulder, CO Volunteer Cooperative. At the top, there are navigation links for Home, Calendar, and Contact Us. Below this, the user is logged in as 'City of Boulder' with a 'count me in' status. The main calendar area shows the month of June 2021, with a grid view. Events are represented by colored boxes on the calendar grid, with some labeled with dates and times. For example, on June 18th, there are events for '12:30p Used Bookstore' and '7p Mmmwah! to Flagst'. On June 20th, there are events for '10a Father's Day Fun' and '1p Your Place in the Uni'. On June 22nd, there is an event for '9:30a Used Bookstore'. On June 24th, there are events for '4:30p Used Bookstore' and '12:30p Used Bookstore'. On June 27th, there is an event for '6p Outdoors for All Real'. On June 29th, there is an event for '9a Kids' Fishing is Fun'. On June 30th, there is an event for '6:30p Rollin into the Sun'. On June 19th, there is an event for '9a East Boulder - White'. On June 19th, there is an event for '9a Flagstaff Litter Clean'. Below the calendar, there is a legend section with various categories and their corresponding color-coded boxes. The legend categories include: City Managers Office Legend (Better Together, HGA Training, National Night Out, Trainings, Volunteer Appreciation Event, Volunteer Office Assistance); EXPAND Program for People with Disabilities Legend (Adventure Outings, Community Involvement Classes, Friday Night Dance, Friday Night Fun, Journeys through EXPAND, Out on Town, Teams on the Town); Housing and Human Services Legend (COVID-19 Volunteers); Open Space Mountain Parks Legend (Activity Feedback Request, Arts & Music, Community Cleanup Month, Earth & Sky, Local History, One-Day Volunteer projects, Plants & Wildlife, Recreation & Skills, Special Events & Training, Wellness & Wonder, Your Land, Youth Projects "One-Day"); Parks and Recreation Legend (Boulder Creek Clean Up, One Day Projects, Park Clean Up, Special Event, Tree Planting, Volunteer Appreciation); Planning Legend (Palmsac Gardeners); and Public Works Legend (Adopt a Spot, Clean Up Project, Community Cleanup Month, Highlighted Opportunities, Transit Friendly Opportunities, Volunteer Appreciation).

Boulder, CO - ["Count Me In" Volunteer Cooperative](#)  
Calendar for all city-sponsored events. Filters by event type, department and activity.



## Appendix F: Examples of Brochures

### Brochure - Medians/Rain Gardens

**Adopt a Rain Garden**

Rain gardens on publicly owned land capture storm run-off water, allowing plants to filter out pollutants before the water infiltrates the ground. They are located across Madison in parks and city land.

Volunteers perform seasonal clean-up by removing dead plant material and replenishing mulch. Maintenance tasks include weeding, litter removal and planting supplemental plants provided by the City as needed.



**Benefits of Adopting a Median/Rain Garden**

- Beautify your neighborhood.
- Help the environment.
- Meet your neighbors and grow your neighborhood or homeowners' association.
- Safety vests are fashionable! Get yours for free.
- Free mulch and monetary reimbursement for qualifying plant purchases.
- Play outside!
- Makes for a great service project.

**Adopt a Median Program**

[www.cityofmadison.com/transportation/roadworks/adoptamedian](http://www.cityofmadison.com/transportation/roadworks/adoptamedian)



Johanna Johnson  
Adopt a Median Program Coordinator  
Phone: (608) 264-9274  
Fax: (608) 264-9275  
Email: [jjohnson@cityofmadison.com](mailto:jjohnson@cityofmadison.com)



City of Madison Engineering Division  
City-County Building, Room 115  
210 Martin Luther King, Jr. Blvd.  
Madison, WI 53703

Cover photo credit: Chuck Kime



**Adopt a Median / Rain Garden Volunteer Opportunity**



City of Madison Engineering Division

---

**Adopt a Median / Rain Garden**

The Adopt a Median / Rain Garden program is an opportunity for community members to make Madison beautiful and promote the environment by maintaining and modifying medians around the City. Rain gardens located on publicly owned land are also available for adoption.

Interested parties, affiliated with neighborhood associations, groups or businesses, or volunteers working on an individual basis, may apply to Adopt a Median / Rain Garden.

With approved application and waiver forms, volunteers may receive free mulch (coordinated delivery in the volunteers' neighborhood) and supplies such as safety vests and traffic cones. Some monetary reimbursement for approved plantings may also be available from the City Engineering Division.

*Safety First! Get traffic cones and safety vests from City Engineering.*

**Application Process**

1. Complete the Request for Application form. Return completed form to the City Engineering Division.
2. The Engineering Division provides the adopting group or individual with the Application and Waiver and Release form. **A waiver is required for each person working on the median/rain garden.** Return completed forms to the Engineering Division.
3. With an approved application and waivers on file, adopting groups/individuals are ready to show their medians or rain gardens a little T-L-C.

**For More Information**

Dig in! Start by filling out the Request for Application included in this brochure and return it to the City Engineering Division. Or, fill out the form online: [www.cityofmadison.com/transportation/roadworks/adoptamedian](http://www.cityofmadison.com/transportation/roadworks/adoptamedian)

*Get involved today!*

Questions? Contact Johanna Johnson, Adopt a Median Program, at (608) 264-9274.

**Adopt a Median/Rain Garden Request for Application**

Name of adopting group/organization/individual:

Name of volunteer contact who will sign the application:

Email:

Address:

Phone:

Median section(s)/lot/land location/rain garden to be adopted:

Return to: Johanna Johnson, City Engineering Division, City-County Building, Room 115, 210 Martin Luther King, Jr. Blvd., Madison, WI 53703. Email: [jjohnson@cityofmadison.com](mailto:jjohnson@cityofmadison.com)



Madison, WI - [Adopt-a-Median or Rain Garden](#)  
Tri-fold, includes application

# Brochure - Litter

https://hampton.gov/DocumentCenter/View/311/Adopt-a-spot-brochure?bid=

**Send For Adopt-A-Spot Information NOW!**

Name: \_\_\_\_\_

Group: \_\_\_\_\_

Address: \_\_\_\_\_

Zip Code: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Do you have a spot you want to adopt? If so, what is it? (Optional)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

MAIL TO:  
Hampton Clean City Commission  
22 Lincoln Street  
Hampton VA 23669

OR

FAX TO:  
727-8313

OR

E-MAIL INFORMATION ABOVE TO:  
hccc@hampton.gov

**Adopt-A-Spot Program Highlights**

Adopt-A-Spot sites are public areas within Hampton.

Groups or individuals adopt "spots". Participants younger than 15 must be supervised by adults. Adopters commit to cleaning their "spot" five times each year for two years.

HCCC provides equipment (litter sticks, safety vests, work gloves, & trash bags) for each cleanup. Supplies are picked up by participants at a central location. HCCC provides trash bag collection. Groups report the results of their cleanups when they return equipment. HCCC places a sign at the site after the first cleanup and publicizes the group's participation through various avenues. Participants also are invited to an annual Volunteer Recognition event.


**Litter! Such a Waste!**



Hampton Clean City Commission  
22 Lincoln Street  
Hampton VA 23669

Phone: 727-6394  
Fax: 727-8313  
E-Mail: hccc@hampton.gov  
Web Site: hampton.gov/hccc

**Litter! Such a Waste!**



**Adopt-A-Spot Program**

**HAMPTON**  
CLEAN CITY COMMISSION

Litter Awareness Committee

Working to Keep Hampton Clean & Beautiful

727-6394  
hccc@hampton.gov

**► It's a Dirty Job, But Someone Has To Do It!**

The Adopt-A-Spot program was established in the middle 1980s to address the litter problem in Hampton. Keep America Beautiful, Inc., a national community improvement organization, researched why people litter, and came up with three main answers:

- People litter because they feel no connection with or ownership of the areas in which they litter.
- People litter because litter has already accumulated.
- People litter because they think someone else will be paid to pick it up.

The Adopt-A-Spot program is based on combating these reasons for littering. The logic is that people may feel inhibited from littering if someone else has established "ownership" of the area, that keeping litter removed will remove the littering "trigger", and that showing that volunteers are cleaning up will elicit good will from litterers and prevent them from littering. Time has proven these ideas to be correct in many locations.



**Litter HURTS**

Litter is a blight on our landscape for many reasons:

- It is ugly and depressing to those who live around it.
- It turns people away from littered areas of the community, whether residential or commercial, and can bring down property values and deter business.
- It can injure people, animals, and property.
- It costs hundreds of thousands of public & private dollars to clean up each year, just in the City of Hampton alone.
- It clogs storm drains, causing flooding, and washes through storm drains straight into the Chesapeake Bay. Who wants to swim, fish, or boat with trash?!



**YOU Can Do Something About Litter**



You really CAN do something about litter!

First & foremost, **never litter**, not even a tiny little gum wrapper or a cigarette butt. It all messes up our local environment and has to be cleaned up by someone before it gets into our waterways.

Second, make sure your garbage is "under wraps" on collection day, so small pieces don't escape to become litter.

Third, join the Adopt-A-Spot Program in Hampton to help keep litter from piling up!

**YOU CAN MAKE A DIFFERENCE!**

**Litter! Such a Waste!**



Litter costs Hampton Roads community \$2 million dollars each year to clean up - not counting volunteer effort!

People litter cigarette butts because they think they will disintegrate into the environment—NOT TRUE! It can take seven years for cigarette butts to "go away" because they're made from synthetic materials.


## Appendix G: Example of Online Grant Application

**LITTLE BIG AWARDS (ADOPT-A-BLOCK GRANTS)**

Our Little BIG (Block Improvement Grant) Awards are grants of up to \$500 for Adopt-A-Block Captains to coordinate with each other to make their neighborhoods better. Each applicant group must include at least three Adopt-A-Block Captains. This way we can span multiple blocks and help neighbors work together.

To read the grant details and apply, please click the link below.

[LITTLE BIG GRANT APPLICATION](#)



*keep*  
**Indianapolis**  
*beautiful* INC.  
KEEP AMERICA BEAUTIFUL AFFILIATE

**The Little BIG (Block Improvement Grant)** program is a way for you and your fellow captains to get together and make your neighborhood better!

Your grant proposal can be anything that you and at least two other Adopt-A-Block Captains in your neighborhood believe will make your community better and can accomplish on your own, you just need seed money. Maybe it's adding signage, fixing up a community greenspace, or throwing a neighborhood party. We want to hear from you, what's important to you and your neighbors.

Guidelines:

1. Grant applications will be reviewed between March and October.
2. Applications will be accepted until the funding pool has been depleted.
3. Your committee must consist of at least three current Adopt-A-Block Captains within your neighborhood.
4. Awards will be *reimbursed* in the form of a check from KIB when the budgeted work has been completed.
5. Award grantees will have 120 days from the date of award notification to complete their project and submit for reimbursement.

Unused awards or awards that have not been reimbursed after 120 days, will be reassigned to the general award pool for other applicants. Award reimbursement will be dependent upon proper documentation of purchases outlined in this application **and** submission of a short write-up to Gerardo Ruiz Tovar (gruiztovar@kibi.org) with photo documentation before and after completion of the project.

I am applying as:

Adopt-A-Block Captain  
 Adopt-A-Block School

Name of 1st Committee Member \*

1st Committee Member Email \*

This should be the main contact person

Name of 2nd Committee Member \*

2nd Committee Member Email \*

Name of 3rd Committee Member \*

Neighborhood \*

General description of your project: overview, goals, and how you will accomplish this project. (500 words or less) \*

Why is this project important to the community and what does it mean for the neighborhood? \*

Are there any other stakeholders involved and what is their involvement? (Neighbors, Local Officials, Institutions, etc...)\*

Does this require city permitting? \*

Yes

No

If so, what is the current status of your permitting application?

Are you leveraging any money or services? \*

Yes

No

Indianapolis, IN - [Adopt-a-Block](#) - [apply for grant online](#) (up to \$500)

## Appendix H: Example of Online Adoption Application

**CITY OF MISSOULA** GOVERNMENT DEPARTMENTS COMMUNITY BUSINESS HOW DO I? Search

Home » Form Center

### Form Center

City of Missoula

Search Forms:

By signing in or creating an account, some fields will auto-populate with your information and your submitted forms will be saved and accessible to you.

**Traffic Circle Adoption Agreement**

Thank you for taking such a huge step into the betterment of the City of Missoula. By adopting a Traffic Circle you are not only beautifying your neighborhood, but you are also beautifying our City!

Please email us at [contact@missoula-neighborhoods.org](mailto:contact@missoula-neighborhoods.org) with any questions.

**First Name**  **Last Name**

**Address**

**City**  **State**  **Zip**

**Email Address**

**Phone Number**

**Location of Traffic Circle Request\***  
(Please be specific)

**Sponsoring Organization/Individual\***  **Can we use your name on the website as an adopter of a circle?**  
-- Select One --

By signing here you are agreeing to adopt a Traffic Circle for at least two year term.\*

Typed Name Required (You may reply following the conclusion of a two year term)

**Adopt-A-Traffic-Circle Volunteer Release and Waiver**  
Every individual participating in a City of Missoula Adopt-A-Traffic-Circle activity shall sign a copy of this agreement form and fill out the volunteer release and waiver prior to any work on City property. The forms should be returned to the Office of Neighborhoods. The individual listed below recognizes the inherent risks associated with participating in work programs such as Adopt-A-Traffic-Circle program. The individual below shall indemnify and hold harmless the City of Missoula, its officers, employees, agents and elected officials from and against any and all claims, suits, actions or liabilities of any nature, including but not limited to injury or death of any person, loss or damage to property, or any other basis whatsoever, arising out of the use of city property or participation in the Adopt-A-Park or Adopt-A-Trail program resulting from any act or omission, or thing done, permitted, or suffered to be done, by the organization/individual, except claims, suits or actions occasioned by the sole negligence of the City of Missoula.

By signing here you are agreeing to sign the "Adopt-A-Traffic Circle Volunteer's Release and Waiver"

Typed Name Required:

**Comments\***

For more information on Adopting a Traffic Calming Circle in Missoula  
Missoula Traffic Calming Circles  
Please follow the link above

protected by reCAPTCHA

Receive an email copy of this form.

**Email address**

This field is not part of the form submission.

\* indicates a required field

Missoula, MT -Traffic Circles - [Application Form](#)

## Appendix I: Example of Online Reporting

Create an Account - Increase your productivity, customize your experience, and engage in information you care about.

**HAMPTON VIRGINIA** LIVING PLAYING DOING BUSINESS GOVERNMENT HOW DO IT?

### Form Center

**Search Forms:**  
 Word or Phrase Select a Category ▾

By [signing in or creating an account](#), some fields will auto-populate with your information and your submitted forms will be saved and accessible to you.

#### Clean City Project Report Form Sign In to Save Progress

**Clean City Projects Cleanup & Beautification Report Form**  
 Clean City Project volunteers help keep our city clean and beautiful. Project volunteers clean up, beautify, and improve sites throughout the city.

\*All fields are required.

**First & Last Name\***

**Email Address\***  **Phone Number\***

**Organization Name\***  
  
 If no organization, enter NA

**Name of Spot Cleaned/Beautified/Improved\***

**Type of Project \***

|                                            |                                                        |                                                    |
|--------------------------------------------|--------------------------------------------------------|----------------------------------------------------|
| <input type="checkbox"/> Adopt-A-Spot      | <input type="checkbox"/> Clean the Bay Day             | <input type="checkbox"/> Community Garden          |
| <input type="checkbox"/> One-Time Cleanup  | <input type="checkbox"/> International Coastal Cleanup | <input type="checkbox"/> Weeding/Mulching          |
| <input type="checkbox"/> Boat Cleanup      | <input type="checkbox"/> Walk Hampton Clean            | <input type="checkbox"/> Recycling                 |
| <input type="checkbox"/> Shoreline Cleanup | <input type="checkbox"/> Tree/Flower Planting          | <input type="checkbox"/> Painting/Graffiti Removal |

**Date of Project\***  **Number of Participants\***  **How Long the Project Lasted\***   
 In hours

**How Many Bags of Trash Were Collected (Including Weeds)**  **How Many Cigarette Butts Were Collected**  **Bulk Debris (Large pieces of trash, tires, construction materials, etc.)**  **How Many Trees/Tree Seedlings Were Planted?**

Enter approximate amount (how much, volume, pickup truck load, etc.)

**Plastic Bags Recycled (in pounds)**  **Other Recycling Projects**

Please describe.

**How Many Flowers Were Planted?**  **How Much Mulch Was Spread?**  **Community Garden Project**  **Approximately How Many Square Feet Were Impacted By This Project?**

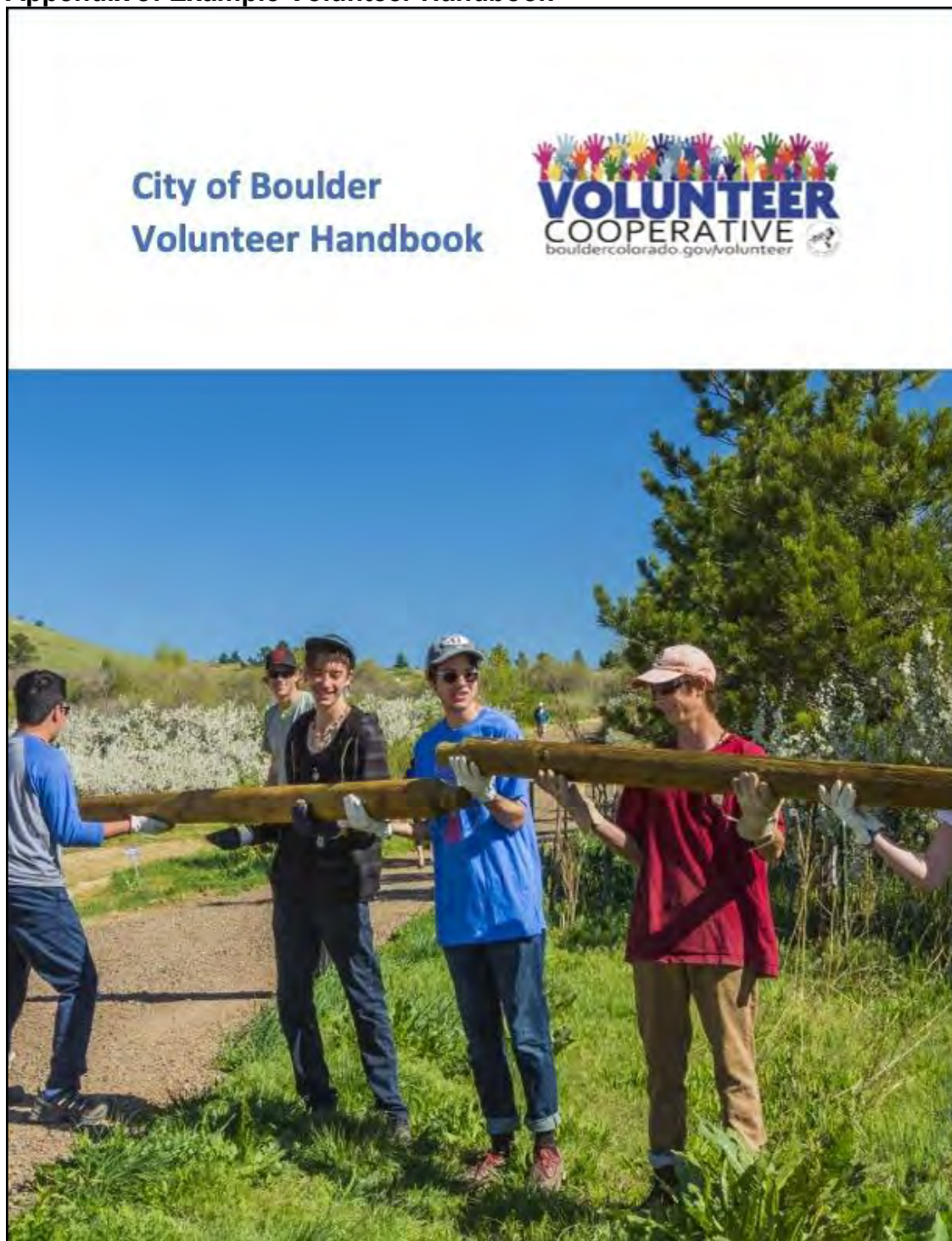
Indicate yes.

**Additional Comments**

**Photos, Maps, Other Documents You Want to Share**  
 Choose File no file selected

Hampton, VA - Adopt-a-Spot - [Reporting Form](#)  
 For 16 available programs

## Appendix J: Example Volunteer Handbook



Boulder, CO - [Volunteer Cooperative](#) - [Volunteer Handbook](#)

## Appendix K: Examples of Volunteer Appreciation

### Appreciation - Annual Party and Awards

**Volunteers make a difference**

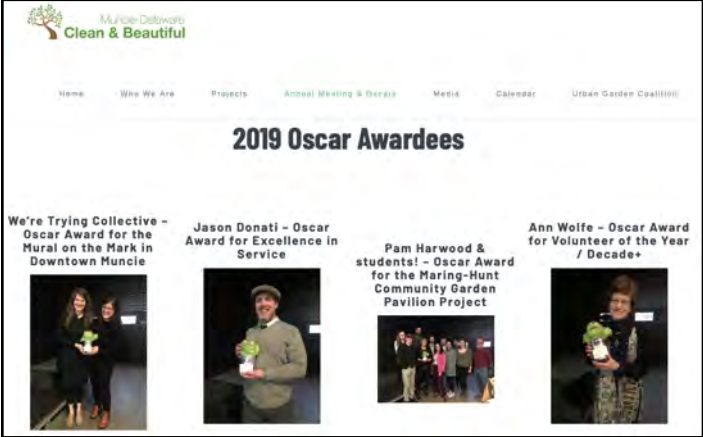


In 2019, 7,000 total volunteers contributed 80,057 hours to volunteer efforts, with an estimated financial impact worth \$2.2 million.

*Left: Volunteer award winners at the 2019 citywide volunteer appreciation event for the Alber Lifetime Achievement Award and Outstanding Departmental Volunteer Award.*

Boulder, CO - [Volunteer Appreciation](#)

### Appreciation - Annual Oscar Awards



The screenshot shows the website for Muncie-Celcewab Clean & Beautiful. The main heading is "2019 Oscar Awardees". Below this, there are four award categories with corresponding photos:

- We're Trying Collective - Oscar Award for the Mural on the Mark in Downtown Muncie** (Photo of two women)
- Jason Donati - Oscar Award for Excellence in Service** (Photo of a man in a green jacket)
- Pam Harwood & students! - Oscar Award for the Maring-Hunt Community Garden Pavilion Project** (Photo of a group of people)
- Ann Wolfe - Oscar Award for Volunteer of the Year / Decade+** (Photo of a woman holding a plant)

Muncie, DE - [Annual "Oscar" Awards and Party](#)

### Annual Beautification Party and Award



DPW&T's Beautification Award Ceremony at the Newton White Mansion on September 25, 2019 was attended by 200 participants and guests.

Prince George's County, MD - [Annual Beautification Award Ceremony \(pg. 20\)](#)



## Appreciation - Annual Award Recipients

**Volunteer Recognition Award Recipients**

The Annual Volunteer Recognition Luncheon celebrates the contributions of the County's Retired and Senior Volunteer Program (RSVP) and Foster Grandparent Program participants. Each year, the event is held in May to commemorate Older Americans Month and celebrate the achievements made by older adults.

**2019 Award Recipients**

**Grandpa Brenon Washington**  
Outstanding New Volunteer Award

Mr. Brenon Washington is a Foster Grandparent at Francis T. Evans Elementary School in Clinton, MD. He volunteers five days a week and is dedicated to making a difference in the lives of his 2nd graders, whom he works with daily, assisting them with their reading skills. The children mirror his enthusiasm for learning and are attentive when he speaks. Grandpa Washington is truly making a difference and is trying to recruit more male volunteers.

**Diane Williams**  
Outstanding Service Award

Ms. Diane Williams has been a Foster Grandparent volunteer at H. Winship Wheatley Special Center in Capitol Heights, for 12 years. Grandma Williams' Pre K class looks forward to her cheery "Good Morning" every day. She encourages the children to use their words and helps them with their social and emotional development. Ms. Williams has left a legacy that will live on in the lives of the children she has helped nurture.

**Carolyn Hammie**  
Volunteer Leadership Award

Grandma Carol volunteers at Avalon Elementary School in Fort Washington, MD, where she has helped a non-verbal student, in particular, through patience and love. Having had a daughter with developmental challenges, Grandma Carol has poured that same special grace and dedication with her student at Avalon Elementary. As a result, the student is now able to speak and form full sentences because of Ms. Hammie's efforts. Grandma Carol is truly a leader and always gives 100% to her students.

**Ms. Ernestine Vaughn**  
Ruby Peyton Award

Ms. Ernestine Vaughn volunteers at H. Wheatley Early Childhood Center in Capitol Heights and has been an active volunteer for 15 years, working mainly with children on the autism spectrum. Described by school teachers as thoughtful, compassionate, dependable, strong and hands on - Grandma Vaughn has worked in some of the most challenging classrooms. She offers words of encouragement and is known to gently redirect behavioral situations into positive outcomes. Grandma Vaughn is a team player that brings a mature structure into the classroom.

## Prince George's County, MD - [Annual Volunteer Awards](#)

## Appreciation - Monthly Recognition

COLUMBIA, MISSOURI

Search to Find It Fast!

Home Living in Columbia Doing Business in Columbia City Government Visitors CoMobile Apps

**Volunteer of the Month for May – John Mier**

Follow Us:  
f i+ s

**VOLUNTEER COLUMBIA**

P.O. Box 6015  
701 E. Broadway – 5th floor  
Columbia, MO 65205  
(573) 874-7499  
Volunteer@CoMo.gov

On the many trails that wind through Columbia, Adopt-A-Trail is not your usual litter control or cleanup volunteer program, and John Mier is not your typical volunteer. He is a heavy-weight champion in the battle to take down the invasive, non-native, bush honeysuckle that has overgrown our forests and trails.

Initially Adopt-A-Trail volunteers participate in training to learn proper tree care, trail maintenance, and the identification of invasive species in Missouri, and how to remove them. They are then assigned a quarter-mile section of trail in the city to care for. Since 2017 John has logged over 91 hours of hard work and sweat, but he doesn't mind because he says it's a great way to relieve stress. He jokingly calls the honeysuckle removal "bushwhacking," but the results are obvious. The trail opens up and looks much nicer, and clearing the honeysuckle allows for native plants to begin to grow back.

"It's all about helping," John says. He's been volunteering in some capacity for decades. "You meet new people, learn new things, and in most roles, you know you are helping." John also spends time volunteering at the St. Louis Zoo.

Thanks John for your energy, fortitude, and desire to help. If you also like helping and want to learn more about volunteering for the City's Adopt-A-Trail program, please contact [volunteer@comogov](mailto:volunteer@comogov) or call 573-874-7499.

Written by volunteer Bob Murphy.

## Columbia, MO - [Volunteer of the Month](#)

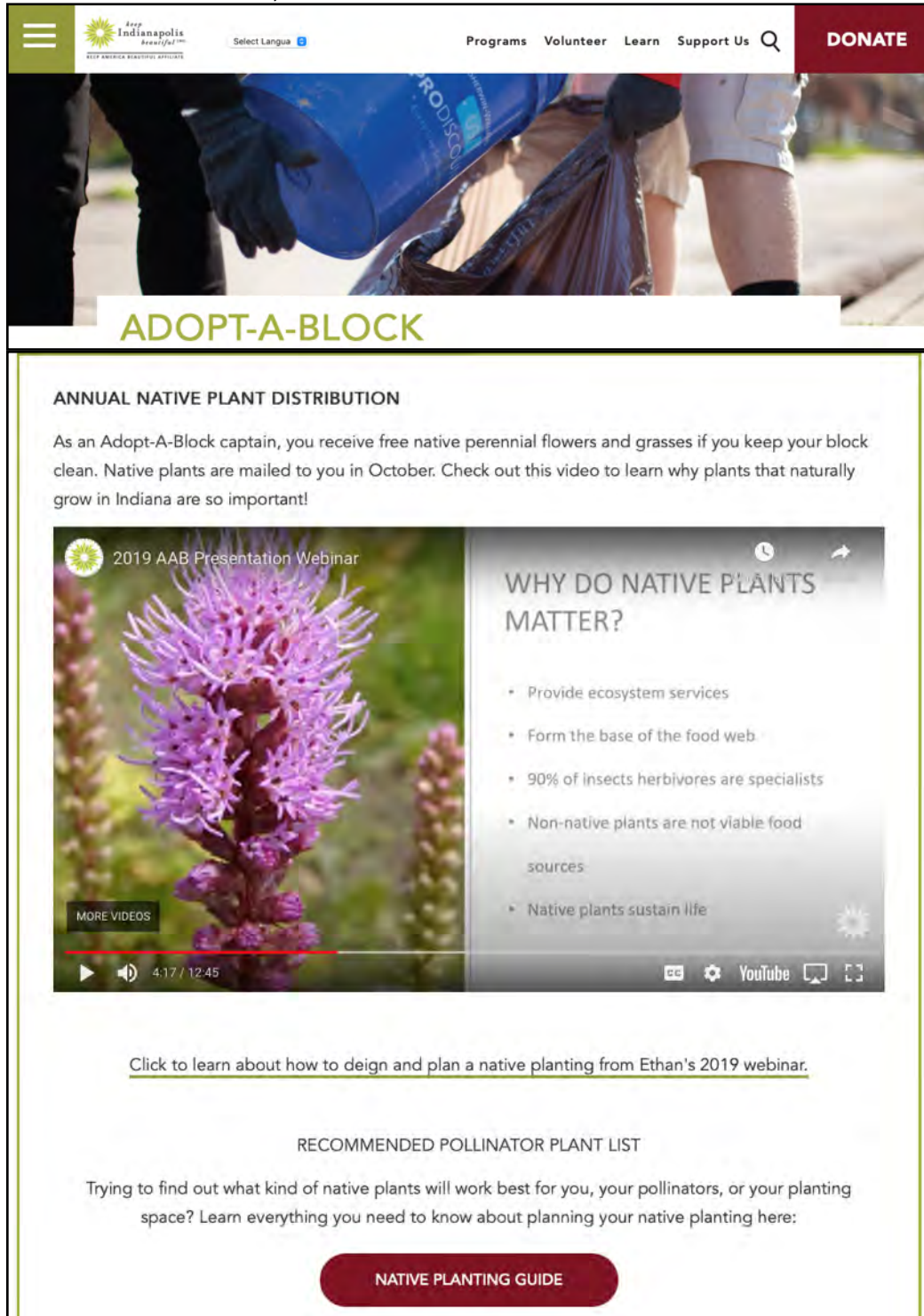
## Appreciation - Quarterly Recognition

The screenshot shows a website page with a dark blue header. The header contains the logo for 'NSFB' and navigation links for 'Programs', 'Events', 'Volunteer', 'Donate', and 'About'. On the right side of the header are icons for home, Facebook, and email. Below the header is a large banner image with the text 'Median of the Quarter Summer 2021' in white. Underneath the banner is a white section containing two logos: 'KEEP Santa Fe BEAUTIFUL' and 'Adopted MEDIAN OF THE QUARTER'. Below the logos are two side-by-side photographs of landscaped medians. The left photo shows a tree and a yellow arrow sign. The right photo shows a landscaped median with yellow flowers and a stone wall. Below the photos is a paragraph of text: 'Our summer 2021 Median-of-the-Quarter award goes to Clemens & Associates Landscape Maintenance for their beautiful medians downtown on Grant Ave/Johnson St. Congratulations and thank you for being a part of our adopters program!' followed by 'Categorised in: Uncategorized'. At the bottom of the page is a dark blue footer with links for 'Median Adoptees', 'Blog', 'Privacy Policy', 'Contact', and 'Subscribe'. Below the footer is a grey bar with the text 'HAND CRAFTED BY: mindshare labs.' and '© 2021 Copyright Keep Santa Fe Beautiful. All rights reserved.'

Santa Fe, NM - Keep Santa Fe Beautiful - [Median of the Quarter](#)

## Appendix L: Examples of Native Plants

### Native Plants - Video, Guide and Free Plants



The screenshot shows the website interface for the Adopt-A-Block program. At the top, there is a navigation bar with a menu icon, the logo for Keep Indianapolis Beautiful (Keep America Beautiful Affiliate), a language selector, and links for Programs, Volunteer, Learn, Support Us, and a search icon. A prominent red 'DONATE' button is on the right. Below the navigation is a large image of a person pouring water from a blue bucket into a black bag. A white banner with the text 'ADOPT-A-BLOCK' is overlaid on the image.

**ANNUAL NATIVE PLANT DISTRIBUTION**

As an Adopt-A-Block captain, you receive free native perennial flowers and grasses if you keep your block clean. Native plants are mailed to you in October. Check out this video to learn why plants that naturally grow in Indiana are so important!

**2019 AAB Presentation Webinar**

**WHY DO NATIVE PLANTS MATTER?**

- Provide ecosystem services
- Form the base of the food web
- 90% of insects herbivores are specialists
- Non-native plants are not viable food sources
- Native plants sustain life

Click to learn about how to design and plan a native planting from Ethan's 2019 webinar.

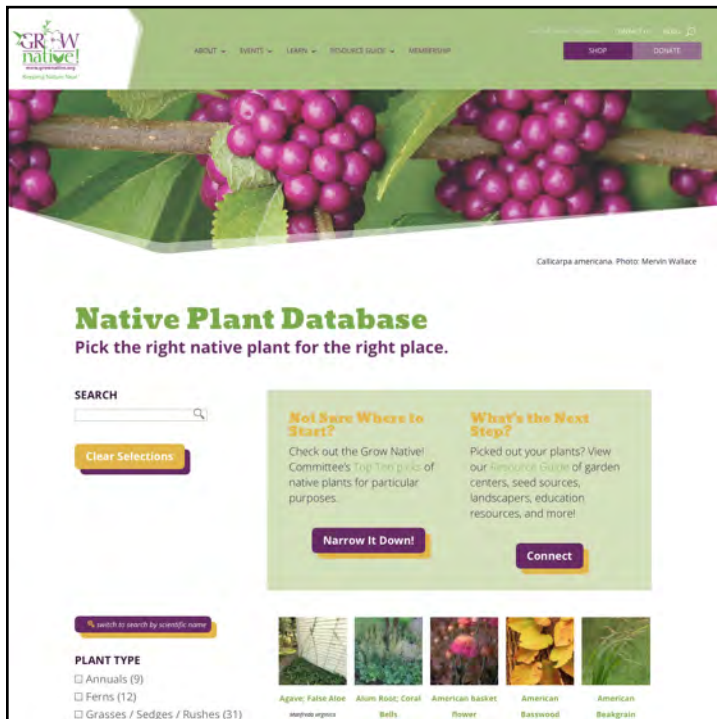
**RECOMMENDED POLLINATOR PLANT LIST**

Trying to find out what kind of native plants will work best for you, your pollinators, or your planting space? Learn everything you need to know about planning your native planting here:

**NATIVE PLANTING GUIDE**

Indianapolis, IN - Adopt a Block - [Designing a Native Plant Garden](#)

## Native Plants - Database



Columbia, MO - Adopt-a-Spot - [Resources for Native Plantings](#) - [Missouri Prairie Foundation](#)

## Native Plants - Guide



Columbia, MO - Adopt-a-Spot - [Resources for Native Plantings](#) - [Info from the Missouri Dept of Conservation](#)

Native Plants - Example of Free Plants

The screenshot shows the website for 'Ripple Effects', a program by the Dane County Land and Water Resources Department. The page features a navigation menu with options like 'Home', 'Get Involved', 'Rain Gardens', 'Home & Yard', 'For Teachers', 'Resources', and 'About Us'. A search bar is located in the top right corner. The main content area has a header with the 'Plant Dane' logo and a title: 'Native Plantings and Rain Gardens have Ripple Effects on our Waters'. Below this is a paragraph explaining the benefits of native plants, such as providing habitat for wildlife and improving water quality. A navigation bar below the text offers options: 'ORDER PLANTS', 'DONATE PLANTS', 'GROW PLANTS', 'VIRTUAL RAIN GARDEN WORKSHOP', and 'APPLY FOR FREE PLANTS'. A green banner highlights the current offer: 'We are now accepting applications for the summer/fall cycle of the Free Native Plants Program.' Below the banner, a paragraph details the program's limited supply of free native plants for school and community projects, with a deadline of July 20th, 2021. An image of a rain garden is shown to the right. The footer includes the 'Ripple Effects' logo, contact information for the Madison Area Municipal Stormwater Partnership (MAMSWaP) and Dane County Land & Water Resources Department, and a 'TRANSLATE' section with language options for English, Español, and Hmoob.

[Madison, WI - Plants for Rain Gardens \(Dane County\)](#)

Opportunities to order, grow, donate, and request free plants (above)





Office of the City Manager

26b

ACTION CALENDAR  
January 18, 2022

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Subject: Companion Report: Adopt-a-Spot Program Development Recommendations

RECOMMENDATION

Staff appreciates the thoughtful and important Parks and Waterfront and Public Works Commissions (Joint Commission Report) Adopt-a-Spot recommendation and recommends referring it to the FY2023-FY2024 budget process for consideration with other worthy requests.

FISCAL IMPACTS OF RECOMMENDATION

The Joint Commission Report recommended \$500,000 in annual recurring costs to run a new Adopt-A-Spot Volunteer Program in the City with two FTE positions and associated materials. The text of the report describes two different methods to fund the program, as follows:

There are two possible sources of funding: the General Fund and Special Revenue Funds.

At the end of FY21 the total revenue of the Discretionary General Fund was \$196M. A fee of approximately 0.25% from this fund would cover all proposed program costs. However, the General Fund is susceptible to fluctuations, which could introduce uncertainty into the long-term health of the program and is not the Commissions' first choice.

The preferred alternative is to allocate a percentage of total revenue from four Special Revenue Funds in the Public Works and Parks departments, as these funds tend to be more stable and citizen engagement will directly benefit both these departments. At the end of FY21 the total revenue of these four funds was almost \$100M. A fee of just half a percent - or 0.5% - from the four funds can cover all costs.

**Revenue Adopted Update FY21 (\$M)**

|         |             |
|---------|-------------|
| \$ 48.7 | Zero Waste  |
| 27.7    | Sewer       |
| 14.4    | Parks Tax   |
| 5.0     | Storm Water |

-----  
\$ 96M TOTAL

0.5% of \$96M = ~\$500,000

Funding from the Special Funds is ideal because it's a more stable long-term source. But funding from the General Fund could also be a good strategy, if necessary.

It should be noted that each of the four Special Funds described by the Joint Commission Report are subject to spending restrictions according to the legislative actions that established each fund. As such, any potential volunteer activities covered by these funds would be subject to the same restrictions, and a detailed analysis would be required to ascertain these restrictions, and whether it would be feasible to co-mingle these funds to cover a robust Volunteer program with wide-ranging activities. Additionally, charging a new program to these Special Funds with new FTE's when these funds do not currently adequately generate enough revenue for maintenance and capital of their associated inventory is problematic. A more straight-forward method would be to try and identify unrestricted General Funds to cover the staffing and program costs associated with the new Volunteer program.

#### CURRENT SITUATION AND ITS EFFECTS

Berkeley currently has a set of volunteer opportunities available to the community through the Public Works and Parks, Recreation, & Waterfront departments. The Public Works Department provides two volunteer opportunities: The Adopt-A-Drain program and the Adopt-A-Traffic Circle program. The PRW Department provides several volunteer opportunities for parks and shoreline cleanups, several annual special events and festivals, gardening opportunities, the monthly All-Crew Day (PRW staff), and the UC Berkeley Project Day twice a year with approximately one thousand college students. At present, these opportunities are described on two separate City webpages, Public Works and PRW, and residents typically must call City staff to link up to specific volunteer events. It is likely that access to and participation in these volunteer efforts could be improved with better and more centralized coordination, as funding allows.

#### BACKGROUND

In the summer of 2021, the Public Works and the Parks and Waterfront Commissions jointly developed a report to Council recommending the funding of a new Adopt-A-Spot Volunteer Program for the City. On September 26, 2021, the report was submitted into the agenda review process for the October 26, 2021 Council agenda. On October 12, 2021, the Council Agenda and Rules Committee acted to defer the report for 60 days to provide for City Manager companion report.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no environmental sustainability and climate impacts associated with the recommendation in this report.



RATIONALE FOR RECOMMENDATION

No funds have been identified in the FY2022 Budget to cover the cost of this new program. Revenue for these costs will need to be identified during the FY2023 – FY2024 budget process when more is known about the fiscal condition of the City.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSONS

Scott Ferris, Director, Parks, Recreation, & Waterfront Dept, (510) 981-6700  
Liam Garland, Director, Public Works Department, (510) 981- 6300





# Communications

All communications submitted to the City Council are public record. Communications are not published directly to the City's website. Copies of individual communications are available for viewing at the City Clerk Department and through Records Online.

## **City Clerk Department**

2180 Milvia Street  
Berkeley, CA 94704  
(510) 981-6900

## **Records Online**

<http://www.cityofberkeley.info/recordsonline>

To search for communications associated with a particular City Council meeting using Records Online:

1. Select Search Type = “Public – Communication Query (Keywords)”
2. From Date: Enter the date of the Council meeting
3. To Date: Enter the date of the Council meeting (this may match the From Date field)
4. Click the “Search” button
5. Communication packets matching the entered criteria will be returned
6. Click the desired file in the Results column to view the document as a PDF