AGENDA

BERKELEY CITY COUNCIL MEETING

Tuesday, April 29, 2025
6:00 PM

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

TELECONFERENCE LOCATION - 17900 JAMBOREE RD, IRVINE, CA 92614

ADENA ISHII, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – IGOR TREGUB
DISTRICT 5 – SHOSHANA O'KEEFE
DISTRICT 6 – BRENT BLACKABY
DISTRICT 7 – CECILIA LUNAPARRA
DISTRICT 8 – MARK HUMBERT

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. Live captioned broadcasts of Council meetings are available on B-TV (Channel 33) and via internet video stream at http://berkeley.granicus.com/MediaPlayer.php?publish_id=1244. All Council meetings are recorded.

*To access the meeting remotely use this URL: https://cityofberkeley-info.zoomgov.com/j/1613068832. To request to speak, use the "raise hand" function in Zoom. To join by phone: Dial **1-669-254-5252 or 1-833-568-8864 (Toll Free)** and enter **Meeting ID: 161 306 8832** To provide public comment, Press *9 and wait to be recognized by the Chair. To submit a written communication for the public record, email council@berkeleyca.gov.*

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting, however, if you are feeling sick, please do not attend the meeting in person. The City Council may take action related to any subject listed on the Agenda.

Pursuant to the City Council Rules of Procedure and State Law, the presiding officer may remove, or cause the removal of, an individual for disrupting the meeting. Prior to removing an individual, the presiding officer shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The presiding officer may then remove the individual if they do not promptly cease their disruptive behavior. "Disrupting" means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, a failure to comply with reasonable and lawful regulations adopted by a legislative body, or engaging in behavior that constitutes use of force or a true threat of force.

***Government Code Section 84308 (Levine Act)** - Parties to a proceeding involving a license, permit, or other entitlement for use are required to disclose if they made contributions over $500 within the prior 12 months to any City employee or officer. Parties and participants with a financial interest are prohibited from making more than $500 in contributions to a decisionmaker for the 12 months after the final decision is rendered on the proceeding. The above contribution disclosures and restrictions do not apply when the proceeding is competitively bid, or involves a personnel or labor contract. For more information, see Government Code Section 84308.*

Preliminary Matters

Roll Call:

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

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

1. Adjourn in memory of Mary Wainwright, former Berkeley Councilmember
2. Adjourn in memory of Bill Chapman, League of Women Voters
3. Adjourn in memory of David "Chicken" Nesmith, Environmental Activist

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: *Up to ten persons will be selected to address matters not on the Council agenda. If five or fewer persons are identified to provide non-agenda comment, each person selected will be allotted two minutes each. If more than five persons are selected to address matters not on the Council agenda, each person selected will be allotted one minute each.*

In-person attendees wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a speaker card to the City Clerk in person at the meeting location and prior to the moment that the Presiding Officer calls for public comment on non-agenda items. Remote attendees must raise their hand in the videoconference application when the Presiding Officer calls for non-agenda speakers. The first five raised hands on the videoconference application will be selected to speak and the first five cards drawn at the meeting will be selected to speak. The number of in-person and remote speakers selected may be adjusted by the Presiding Officer if fewer than five speakers from either format are identified.

The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda.

Public Comment by Employee Unions (first regular meeting of the month): *This period of public comment is reserved for officially designated representatives of City of Berkeley employee unions, with five minutes allocated per union if representatives of three or fewer unions wish to speak and up to three minutes per union if representatives of four or more unions wish to speak.*

Consent Calendar

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

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

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

Public Comment on Consent Calendar and Information Items Only: *The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. If ten or fewer persons are interested in speaking on an individual agenda item, each speaker 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. 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. Minutes for Approval
From: City Manager
Recommendation: Approve the minutes for the Council meetings of March 10, 2025 (closed), March 11, 2025 (special and regular), March 18, 2025 (special and regular), March 25, 2025 (special and regular).
Financial Implications: None.
Contact: Mark Numainville, City Clerk, (510) 981-6900

2. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on April 29, 2025
From: City Manager
Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300

Consent Calendar

3. Contract: Public Consulting Group for Professional Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to enter into a contract with Public Consulting Group (PCG) for professional services related to the Ground Emergency Medical Transport (GEMT), Quality Assurance Fee (QAF), Intergovernmental Transfer (IGT), and Public Provider Ground Emergency Medical Transport (PP-GEMT) programs using the General Services Agency's (GSA) contract No. 47QTCA20D004Y for an amount not to exceed $200,000 in the base term from April 1, 2025 through March 31, 2027 with two (2), two (2) year extensions to March 31, 2031 in an amount not to exceed $600,000 in total.
Financial Implications: See report
Contact: David Sprague, Fire, (510) 981-3473

4. Amend Berkeley Police Association (BPA) MOU Section 19.5 Administrative Leave for Captains (50 hours increased to 60 hours)
From: City Manager
Recommendation: Adopt a Resolution amending Memorandums of Understanding (MOUs) for Berkeley Police Association (BPA) MOU Section 19.5 Administrative Leave for Captains to increase administrative leave from 50 to 60 hours.
Financial Implications: See report
Contact: Monica Walker, Human Resources, (510) 981-6800

5. Contract No. 31900270 Amendment: Dell Marketing LP ("Dell")
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 31900270 with Dell Marketing LP ("Dell") for the purchase of hardware, software, and related services utilizing the County of Riverside Agreement 8084445, for an additional $2,786,057 for a total not to exceed value of $8,197,733 for the period commencing on November 1, 2019 and through October 31, 2027.
Financial Implications: See report
Contact: Kevin Fong, Information Technology, (510) 981-6500

6. New Contract: New Contract: Tyler Technologies, Inc. for Open Data Portal (ODP) Hosting Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a new contract with Tyler Technologies, Inc., for the purposes of hosting the City's Open Data Portal, in an amount not to exceed $171,323 for the period commencing on July 1, 2024 through June 30, 2027.
Financial Implications: See report
Contact: Kevin Fong, Information Technology, (510) 981-6500

Consent Calendar

7. Adjustment to Police Accountability Board Stipend Cap Following AAO #1 Carryover Approval
From: Director of Police Accountability
Recommendation: Adopt a resolution temporarily increasing the stipend cap for Police Accountability Board (PAB) members to ensure the distribution of previously approved funds and provide compensation for meetings that exceeded the existing monthly cap.
Financial Implications: See report
Contact: Hansel Aguilar, Office of Director of Police Accountability, (510) 981-4950

8. Contract No. 32200208 Amendment: West Coast Code Consultants for Plan Checking Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32200208 with West Coast Code Consultants (WC3) to add additional funds, increasing the contract amount by $100,000 to a new total not-to-exceed contract amount of $1,600,000
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400

9. Contract No. 32200207 Amendment: Telesis for Plan Checking Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32200207 with Telesis to add additional funds, increasing the contract amount by $100,000 to a new total not-to-exceed contract amount of $1,600,000.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400

10. Purchase Order Amendment: Braun Northwest Inc. for Two (2) 2025 Ford F-450 North Star Engine Remount of Ambulance Bodies to New Chassis
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend the purchase order with Braun Northwest, Inc. to purchase two (2) 2025 Ford F-450 North Star Ambulance chassis by increasing the purchase order spend amount by $75,000 for a total not-to-exceed spending amount of $505,000.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300

11. Final Map of Tract 8717: 805 Jones Street
From: City Manager
Recommendation: Adopt a Resolution approving the final map of Tract Map 8717 for a 7-unit condominium project consisting of 6 residential units and 1 commercial unit at 805 Jones Street.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300

Consent Calendar

12. Contract: Bay Cities Paving & Grading, Inc. for FY 2025 Street Maintenance and Rehabilitation Project
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving plans and specifications for the FY 2025 Street Maintenance and Rehabilitation Project, Specification No. 25-11690-C; 2. Accepting the bid of Bay Cities Paving & Grading, Inc. as the lowest, responsive and responsible bidder; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project, in accordance with the approved plans and specifications in an amount not to exceed $12,323,848.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300

13. Contract: Terocons Inc. for South Berkeley Bikeway and Bus Stop Improvements Project
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving plans and specifications for the South Berkeley Bikeway and Bus Stop Improvements Project, Specification No. 25-11716-C; 2. Accepting the bid of Terocons Inc., the lowest, responsive and responsible bidder; and 3. Authorizing the City Manager to execute a contract with Terocons Inc. and any amendments, extensions, and/or change orders until completion of the Project in accordance with the approved plans and specifications, in an amount not to exceed $4,208,200, which includes a 10% contingency for unforeseen circumstances.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300

14. Contracts: M&A Towing and City Towing for Towing Services
From: City Manager
Recommendation: Adopt two Resolutions authorizing the City Manager to:
1. Execute a contract with any amendments with M&A Towing to provide towing services for a three (3) year period from May 1, 2025, to May 1, 2028 in an amount not to exceed $150,000, with an option to extend for two (2) additional one (1) year terms.
2. Execute a contract with any amendments with City Towing to provide towing services for a three (3) year period from May 1, 2025, to May 1, 2028 in an amount not to exceed $150,000, with an option to extend for two (2) additional one (1) year terms.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300

Council Consent Items

15. Budget Referral Funding Afterschool Program Expansion
From: Councilmember Taplin (Author), Councilmember Bartlett (Co-Sponsor), Councilmember O'Keefe (Co-Sponsor)
Recommendation: Refer $300,000 to fund afterschool program expansion to the Fiscal Year 26 Mid-Biennial Budget Update.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

16. Budget Referral Funding F and G Dock Deck Replacement
From: Councilmember Taplin (Author)
Recommendation: Refer $250,000 for F and G dock replacement funding to the Fiscal Year 26 Mid-Biennial Budget Update.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

17. Berkeley Juneteenth Festival: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds
From: Councilmember Bartlett (Author)
Recommendation: Approve the expenditure of funds, including $2500 from Councilmember Bartlett for pre-planning of the Berkeley Juneteenth Festival (organized by Berkeley Juneteenth Association, Inc. 501(c)3), with funds relinquished to the City's General Fund for this purpose from the discretionary council office budget of Councilmember Bartlett and any other Councilmembers who would like to contribute.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

Council Consent Items

18. Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds to Bay Area Robotics Education Sustainability Alliance for the 2025 Berkeley High Robotics Team's East Bay Regional Robotics Competition.
From: Councilmember Tregub (Author), Councilmember O'Keefe (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Mayor Ishii (Co-Sponsor)
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed $250 per member of the City Council from the D13 Discretionary Accounts of members of the Berkeley City Council, including $250 from Mayor Ishii and Councilmembers O'Keefe, Taplin, and Tregub, and inviting other members of the City Council to contribute, to support the Berkeley High Robotics Team (Berkelium 5419) in hosting the East Bay Regional FIRST Robotics Competition . Funds will be transferred to the City's general fund and to Bay Area Robotics Education Sustainability Alliance, a fiscal agent for the 2025 Berkeley High Robotics Team's East Bay Regional Robotics Competition to support this valuable community event. The relinquishment of funds from the respective discretionary Council Office Budgets of such members of the Berkeley City Council who wish to contribute will support this important initiative, fostering STEM education, student leadership, and international collaboration.
Financial Implications: See report
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140

19. Resolution: Opposition to Police Brutality and Use of Force on Nonviolent Protesters (*Reviewed by the Public Safety Policy Committee*)
From: Councilmember Harrison (Author)
Recommendation: Adopt a Resolution reaffirming the City of Berkeley's opposition to and condemning police brutality towards nonviolent protesters and discouraging use of "less-lethal" weapons for crowd control.
Policy Committee Recommendation: To send item to City Council with a negative recommendation.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

20. Letter in Support of SB 456: Muralist Exemption
From: Councilmember O'Keefe (Author)
Recommendation: Send a letter to Senator Angelique Ashby (cc: Governor Gavin Newsom, Senator Jesse Arreguín, Assemblymember Buffy Wicks) in support of Senate Bill 456, which would exempt muralists from having to obtain a contractor's license through the Contractors State Licensing Board (CSLB) before being commissioned for public and private art projects.
Financial Implications: None
Contact: Shoshana O'Keefe, Councilmember, District 5, (510) 981-7150

Council Consent Items

21. Budget Referral: Deportation Defense Legal and Education Funds
From: Councilmember Blackaby (Author), Councilmember Lunaparra (Co-Sponsor), Councilmember Tregub (Co-Sponsor), Mayor Ishii (Co-Sponsor)
Recommendation: Refer to the Fiscal Year 2026/2027 Budget Process an allocation of $200,000 for Deportation Defense Legal and Education Funds.
Financial Implications: See report
Contact: Brent Blackaby, Councilmember, District 6, (510) 981-7160

22. Adding ADA expertise to the SAFE STREETS Citizen Oversight Committee
From: Councilmember Blackaby (Author), Councilmember Tregub (Co-Sponsor)
Recommendation: Approve an amendment to the Measure FF SAFE STREETS Citizen Oversight Committee (SSCOC) Resolution and Ordinance approved for establishment at the March 18, 2025 Council Meeting, to add an additional qualifying skillset for appointment: a background in ADA compliance and the accessible infrastructure challenges that seniors and disabled community members face.
Financial Implications: None
Contact: Brent Blackaby, Councilmember, District 6, (510) 981-7160

23. Amend AB-645 (2023-2024) to add the City of Berkeley to California's Automated Speed Enforcement Pilot
From: Councilmember Blackaby (Author), Councilmember Taplin (Co-Sponsor), Councilmember O'Keefe (Co-Sponsor), Councilmember Humbert (Co-Sponsor)
Recommendation: Adopt a Resolution to send to Assemblymember Buffy Wicks and Senator Jesse Arreguín, requesting that the Legislature amend AB-645 (Friedman) Vehicles: Speed Safety Pilot Program (2023-2024), in order to add the City of Berkeley to the pilot.
Financial Implications: None
Contact: Brent Blackaby, Councilmember, District 6, (510) 981-7160

24. Refer $25,000 to the June 2025 Mid-Biennial Budget Process to Partially Cover Street Spirit's Operational and Programming Costs
From: Councilmember Lunaparra (Author)
Recommendation: Refer $25,000 to the June 2025 Mid-Biennial budget process to subsidize the cost of running Street Spirit's drop-in center and vendor coordination program.
Financial Implications: See report
Contact: Cecilia Lunaparra, Councilmember, District 7, (510) 981-7170

25. Supporting State and Regional Funding for Bay Area Public Transit
From: Councilmember Lunaparra (Author)
Recommendation: Adopt a resolution Supporting State and Regional Funding for Bay Area Public Transit.
Financial Implications: None
Contact: Cecilia Lunaparra, Councilmember, District 7, (510) 981-7170

Council Consent Items

26. Resolution Supporting a State Budget Request for the CalFresh Fruit and Vegetable EBT Program and Endorsing AB 936 (CalFresh Fruit and Vegetable Supplemental Benefits Program)
From: Councilmember Lunaparra (Author), Councilmembers Humbert (Co-Sponsor), Councilmembers Bartlett (Co-Sponsor), Mayor Ishii (Co-Sponsor)
Recommendation: Adopt a resolution supporting a State Budget Request to reinstate CalFresh Fruit and Vegetable EBT Program and endorsing AB 936.
Financial Implications: None
Contact: Cecilia Lunaparra, Councilmember, District 7, (510) 981-7170

27. Defer $150,000 referral for Round Park from Nov 2024 FY2025 AAO#1
From: Councilmember Humbert (Author)
Recommendation: Place a hold on or otherwise defer the FY2025 $150,000 budget referral from the November 2024 AAO#1 budget, which set aside funding for initiating a process to potentially convert the median informally known as “Round Park” (and possibly other nearby medians) to an official City park in District 8.
Financial Implications: See report
Contact: Mark Humbert, Councilmember, District 8, (510) 981-7180

Action Calendar

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

The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise hand" function in Zoom, to determine the number of persons interested in speaking at that time. If ten or fewer persons are interested in speaking on an individual agenda item, each speaker 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.

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

Action Calendar – Public Hearings

Staff shall introduce the public hearing item and present their comments. For certain hearings, this is followed by five-minute presentations each by first the appellant and then the applicant. The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise hand" function in Zoom, to be recognized and to determine the number of persons interested in speaking at that time.

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

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

Action Calendar – Public Hearings

28. Submission of the 2025-2030 Consolidated Plan and Program Year 2025 Annual Action Plan
From: City Manager
Recommendation: Conduct a public hearing on the 2025-2030 Consolidated Plan and Program Year (PY) 2025 Annual Action Plan (AAP), including allocations of federal Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), and HOME Investment Partnership Grant (HOME); and upon conclusion, adopt a Resolution authorizing the City Manager to:
1. Execute any resultant agreements and amendments for agencies receiving funding under the CDBG, ESG, or HOME Program in accordance with the proposal approved hereunder. If the federal government does not allocate sufficient funds to cover the allocations attached to this resolution in this year or subsequent years, the City may either terminate the resultant agreements with agencies without any liability occurring to the City. A record copy of said contracts and any amendments are on file in the Office of the City Clerk; and
2. Allocate 20% of the PY 2025 (FY26) CDBG funds to the Planning and Administration, up to 17.83% for public services, and the remaining to be distributed to Housing Services and Community Facility Improvements as outlined in Exhibit A with the Public Facility Improvements being a flexible line item should the HUD allocation differ than the amount currently allocated; and
3. Allocate the allowable 10% of PY 2025 (FY26) HOME funds for program administration, up to the allowable 5% for CHDO operating support, and allocate the remainder to the Housing Trust Fund; and
4. Allocate the allowable 7.5% of the PY 2025 (FY 2026) ESG to Administration, $6,676 to the HMIS system and the remaining amount to Rapid Rehousing, and shelter activities (not to exceed 60% of PY25 ESG entitlement); and
5. Carry over any ESG earlier unspent funds from PY 2024 (FY 2025) into PY 2025 (FY 2026) and allocate those funds to the Stair Navigation Center operator (currently Bay Area Community Services (BACS)) for ESG eligible activities (e.g., rapid re-housing). The BACS Stair Center has used ESG funding for shelter operations and rapid rehousing activities for the past few years and is well-equipped to meet HUD's program and administrative requirements. These funds will be included in the First Amendment to the FY 2026 Annual Appropriations Ordinance; and
6. Finalize the 2025-2030 Consolidated Plan, including the PY 2025 Annual Action Plan, and the Regional Analysis of Impediments, including responses to public comments received until April 29, 2025 adding required U.S. Department of Housing and Urban Development (HUD) application forms and certifications, and including other HUD required information, submit it to HUD, and execute all documents necessary to receive the City's entitlement grants under the CDBG, ESG and HOME Programs.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

Action Calendar – Public Hearings

29. Implement Residential Preferential Parking (RPP) Program on the 1500 Block of Virginia Street
From: City Manager
Recommendation: Conduct a public hearing and upon its conclusion, adopt a Resolution amending Resolution No. 56,508-N.S. Section 25P by adding a subsection to implement Residential Preferential Parking (RPP) on the south side of Virginia Street, between California and Eola streets (1528-1546 Virginia Street) in RPP Area N.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300

30. Zoning Ordinance and General Plan Amendments Relating to Middle Housing
From: City Manager
Recommendation: Conduct a public hearing, and upon conclusion:
1. Adopt first reading of an Ordinance amending Berkeley Municipal Code Title 23 (Zoning Ordinance) and the Zoning Map, for the purposes of encouraging development of "middle housing" in areas currently zoned R-1, R-1A, R-2, R-2A and MU-R ("low-density residential districts"), with an effective date of September 1, 2025; and
2. Adopt a Resolution amending the General Plan for the same purpose.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400

Information Reports

31. 2025 Police Accountability Board Workplan
From: Police Accountability Board
Contact: Hansel Aguilar, Commission Secretary, (510) 981-4950

32. Restaurant Inspections Audit Report Wins National Recognition
From: Auditor
Contact: Jenny Wong, Auditor, (510) 981-6750

Public Comment – Items Not Listed on the Agenda

Adjournment

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

Archived indexed video streams are available at:
https://berkeleyca.gov/your-government/city-council/city-council-agendas.
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 made available for public inspection at the public counter at the City Clerk Department located on the first floor of City Hall located at 2180 Milvia Street, and through the City's online records portal: https://records.cityofberkeley.info/.

Agendas, agenda reports, and revised/supplemental material may be accessed via the online agenda for this meeting at:
https://berkeleyca.gov/your-government/city-council/city-council-agendas
and may be accessed at reference desks at the following locations:

City Clerk Department - 2180 Milvia Street, First Floor
Tel: 510-981-6900, TDD: 510-981-6903, Fax: 510-981-6901
Email: clerk@berkeleyca.gov

Libraries: Main – 2090 Kittredge Street,
Claremont Branch – 2940 Benvenue, West Branch – 1125 University,
North Branch – 1170 The Alameda, Tarea Hall Pittman South Branch – 1901 Russell

COMMUNICATION ACCESS INFORMATION:
This meeting is being held in a wheelchair accessible location.
To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at ada@berkeleyca.gov, (510) 981-6418 (V), or (510) 981-6347 (TDD) at least three business days before the meeting date.

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



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

Questions regarding public participation may be addressed to the City Clerk Department (510) 981-6900 or by email at clerk@berkeleyca.gov.

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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 April 17, 2025.



Mark Numainville, City Clerk

Communications

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

Item #30: Zoning Ordinance and General Plan Amendments Relating to Middle Housing

1. Margot Smith
2. Eric James Schroeder
3. Gael Alcock
4. Gary Parsons
5. Susan Taylor
6. Curtis Manning
7. Janet Stephens
8. Laura Klein
9. Leah Kaizer
10. David Whipple
11. Vicki Sommer
12. Ondine Norman
13. Ellen Kramer
14. Eric King
15. Carol Hirth (2)
16. John Brogan
17. DP Neyhart
18. Dr. Anne Boersma
19. Lisa Bruce
20. Brandon Yung (2)
21. Dr. Amanda Le
22. Anne Weinberger
23. Cece Littlepage
24. Sabina McMurtry
25. Dawn Thomas
26. Andrea Yankowski
27. Steven Douglas
28. Lynn Sherrell
29. Victoria Kahn
30. Alison Monroe

31. Vincent Casalaina
32. Alisa Foster
33. Rachel Bradley

Item #32: Restaurant Inspections Audit Report Wins National Recognition
34. Liz Ruhland

Berkeley Green New Deal
35. EJ Cire

2024 Annual Report
36. Jennifer Cogley

Ohlone Greenway
37. Erik Dreher
38. Alastair MacDowell
39. Wei-Bing Chen
40. Susan Springborg and Greg Martin
41. Lynn Jones
42. Greg Gurnick
43. Karen Dabrusin

Proposed Unhoused Location
44. Tim Sakhuja
45. Todd Jersey
46. Aimee & Meryl, Beautiful San Pablo
47. Terry Betts
48. Andrew Johnson
49. Karina Racz
50. Sara Jusseame
51. Calvin Collier
52. Jan Dizon and Matthew Noah
53. Patricia Erwin
54. Orion Fulton

Berkeley Advanced Biomaterials
55. Terry Albury

Moellering Field Plan
56. Charles Siegal on behalf of Walk Bike Berkeley
57. Wahid Amiri

Housing Market Practices
58. LiJia Gong, Angelo Pis-Dudot, Lee Hepner, and Leah Simon-Weisberg

Work From Home Concern
59. Pgcountymd63

Encampments
60. Amber Richardson
61. Nigel

Project @ 3000 Shattuck Ave
62. Sallie Hanna-Rhyne and Neighbors
63. Alisha Pember

Thank You
64. John Craner
65. Martin Bourque (2)

Claim Update
66. Eid (2)

Ada/California Street
67. Shirley Kirsten (2)
68. Emily Brandt

Caltrans Ribbon Cutting Ceremony
69. Terrance Davis

Surveillance
70. Lavell Young

Government Concerns
71. Josh Atwood

Fair Housing Conference
72. Caroline Peattie

ICE Concerns
73. Alex S. Merenkov (2)

Columbus Statue in Brooklyn Borough Hall Plaza
74. Alex Judah (2)

Rides for Seniors
75. Barbara Gilbert
76. Ben Buettner
77. Vanessa Arrendondo
78. Daveed Mandell

Housing
79. S. Entwistle

Citizen Concern
80. Inetjalopy

Green Cans
81. Karen Ball

Plans
82. Tillymaui

Fines
83. Cecelia Mautner

Ordinance No. 7,681 PRA Concern
84. Cassia Stepak

Use of Resources
85. Lavell Young

Low Density
86. Richard Boubelik

Multistory Apartments
87. David Lerman

Harrison Street
88. Magnus Flying Colors Racing

Berkeley Branch Closure
89. Erika Shore

E-Scooters
90. Robert Borghese (2)

Police Alternative
91. Moni T. Law

Mental Health Needs
92. Jenean Fear

Nevada Cares Campus
93. John Craner

Screenshots
94. Lavell Young
95. Josh Atwood

Forwards
96. Russbumper (4)
97. Josh Atwood
98. Maxina Ventura

URL's
99. Russbumper (13)
100. Josh Atwood
101. Lavell Young (4)

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.

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Office of the City Manager

CONSENT CALENDAR
April 29, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Mark Numainville, City Clerk

Subject: Minutes for Approval

RECOMMENDATION

Approve the minutes for the Council meetings of March 10, 2025 (closed), March 11, 2025 (special and regular), March 18, 2025 (special and regular), March 25, 2025 (special and regular).

CONTACT PERSON

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

Attachments:
1. March 10, 2025 – Special Closed City Council Meeting
2. March 11, 2025 – Special City Council Meeting
3. March 11, 2025 – Regular City Council Meeting
4. March 18, 2025 – Special City Council Meeting
5. March 18, 2025 – Regular City Council Meeting
6. March 25, 2025 – Special City Council Meeting
7. March 25, 2025 – Regular City Council Meeting

Attachment 1

BERKELEY CITY COUNCIL
SPECIAL MEETING MINUTES

MONDAY, MARCH 10, 2025

4:30 P.M.

2180 MILVIA STREET, BERKELEY, CA 94702

TELECONFERENCE LOCATION - 1619 EDITH STREET, BERKELEY, CA 94703

ADENA ISHII, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – IGOR TREGUB
DISTRICT 5 – SHOSHANA O'KEEFE
DISTRICT 6 – BRENT BLACKABY
DISTRICT 7 – CECILIA LUNAPARRA
DISTRICT 8 – MARK HUMBERT

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation.

*To access the meeting remotely use this URL: https://cityofberkeley-info.zoomgov.com/j/1613989284. To request to speak, use the "raise hand" function in Zoom. To join by phone: Dial **1-669-254-5252 or 1-833-568-8864 (Toll Free)** and enter Meeting ID: **161 398 9284**. To provide public comment, Press *9 and wait to be recognized by the Chair. To submit a written communication for the public record, email council@berkeleyca.gov.*

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting, however, if you are feeling sick, please do not attend the meeting in person. The City Council may take action related to any subject listed on the Agenda.

Pursuant to the City Council Rules of Procedure and State Law, the presiding officer may remove, or cause the removal of, an individual for disrupting the meeting. Prior to removing an individual, the presiding officer shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The presiding officer may then remove the individual if they do not promptly cease their disruptive behavior. "Disrupting" means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, a failure to comply with reasonable and lawful regulations adopted by a legislative body, or engaging in behavior that constitutes use of force or a true threat of force.

***Government Code Section 84308 (Levine Act)** - Parties to a proceeding involving a license, permit, or other entitlement for use are required to disclose if they made contributions over $500 within the prior 12 months to any City employee or officer. Parties and participants with a financial interest are prohibited from making more than $500 in contributions to a decisionmaker for the 12 months after the final decision is rendered on the proceeding. The above contribution disclosures and restrictions do not apply when the proceeding is competitively bid, or involves a personnel or labor contract. For more information, see Government Code Section 84308.*

Preliminary Matters

Roll Call: 4:34 p.m.

Present: Kesarwani, Taplin, Tregub, Blackaby, Lunaparra, Ishii

Absent: Bartlett, O'Keefe, Humbert

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

CLOSED SESSION:

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

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

   a. WCAB Matter – #BER2200052; ADJ17945960

   Action: M/S/C (Tregub/Blackaby) to authorize the City Manager to settle by Compromise and Release up to $68,088.87 with a release of future medical care, as to a workers' compensation matter #BER2200052 and WCAB Case Number ADJ17945960.
   Vote: Ayes – Kesarwani, Taplin, Tregub, Blackaby, Lunaparra, Ishii; Noes – None; Abstain – None; Absent – Bartlett, O'Keefe, Humbert.

   b. WCAB Matter –#BER2400023; ADJ18246762

   Action: M/S/C (Blackaby/Lunaparra) to authorize the City Manager to settle by Compromise and Release up to $100,000 with a release of future medical care, or in the alternative, by 22% Stipulations with Request for Award with open future medical care, as to a workers' compensation matter #BER2400023 and WCAB Case Number ADJ18246762.
   Vote: Ayes – Kesarwani, Taplin, Tregub, Blackaby, Lunaparra, Ishii; Noes – None; Abstain – None; Absent – Bartlett, O'Keefe, Humbert.

   c. WCAB Matter –#BER2300048; ADJ10746024

   Action: M/S/C (Tregub/Taplin) to authorize the City Manager to settle by Compromise and Release up to $76,110 with a release of future medical care, or in the alternative, by 34% Stipulations with Request for Award with open future medical care, as to a workers' compensation matter #BER2300048 and a WCAB Case Number ADJ10746024.
   Vote: Ayes – Kesarwani, Taplin, Tregub, Blackaby, Lunaparra, Ishii; Noes – None; Abstain – None; Absent – Bartlett, O'Keefe, Humbert.

   d. WCAB Matter –# BER2100079

   Action: M/S/C (Blackaby/Lunaparra) to authorize the City Manager to settle by Stipulations at 51% = $80.982.50 with Request for Award with open future medical care, as to a workers' compensation matter #BER2100079.
   Vote: Ayes – Kesarwani, Taplin, Tregub, Blackaby, Lunaparra, Ishii; Noes – None; Abstain – None; Absent – Bartlett, O'Keefe, Humbert.

2. **CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6**

   Negotiators: Paul Buddenhagen, City Manager, David White, Deputy City Manager, Sharon Friedrichsen, Budget Manager, Monica Walker, Interim Human Resources Director, Chaka Young, Employee Relations Manager

   Action: No reportable action taken.

3. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(D)(1):**

   a. Selamawit Tezare v. City of Berkeley, Alameda Superior Court, Case No. 23CV030502

      Action: M/S/C (Tregub/Lunaparra) to approve the settlement in the amount of $287,500.
      Vote: Ayes – Kesarwani, Taplin, Tregub, Blackaby, Lunaparra, Ishii; Noes – None; Abstain – None; Absent – Bartlett, O'Keefe, Humbert.

OPEN SESSION:

The City Council met in closed session on March 10, 2025, Pursuant to Government Code Section 54956.9(d)(2) and provided directions to outside counsel and approved the following:

- A settlement by Compromise and Release with a release of future medical care, as to a workers' compensation matter #BER2200052 and a WCAB Case Number ADJ17945960.

- A settlement by Compromise and Release with a release of future medical care, or in the alternative, by Stipulations with Request for Award with open future medical care, as to a workers' compensation matter #BER2400023 and a WCAB Case Number ADJ18246762.

- A settlement by Compromise and Release with a release of future medical care, or in the alternative, by Stipulations with Request for Award with open future medical care, as to a workers' compensation matter #BER2300048 and a WCAB Case Number ADJ10746024.

- A settlement by Stipulations with Request for Award with open future medical care, as to a workers' compensation matter #BER2100079.

Council provided direction to the City Attorney pursuant to Government Code Section 54956.9(D)(1) to settle the following lawsuit in an amount not to exceed $287,500 (Tezare v. City of Berkeley, Alameda Superior Court, Case No. 23CV030502).

Adjournment

Action: M/S/C (Tregub/Blackaby) to adjourn the meeting.
Vote: Ayes – Kesarwani, Taplin, Tregub, Blackaby, Lunaparra, Ishii; Noes – None; Abstain – None; Absent – Bartlett, O'Keefe, Humbert.

Adjourned at 5:21 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on March 10, 2025.

_____
Mark Numainville, City Clerk

Internal

MINUTES
SPECIAL MEETING OF THE BERKELEY CITY COUNCIL

Tuesday, March 11, 2025
5:00 PM

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

ADENA ISHII, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – IGOR TREGUB
DISTRICT 5 – SHOSHANA O'KEEFE
DISTRICT 6 – BRENT BLACKABY
DISTRICT 7 – CECILIA LUNAPARRA
DISTRICT 8 – MARK HUMBERT

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. Live captioned broadcasts of Council meetings are available on B-TV (Channel 33) and via internet video stream at http://berkeley.granicus.com/MediaPlayer.php?publish_id=1244. All Council meetings are recorded.

*To access the meeting remotely use this URL: https://cityofberkeley-info.zoomgov.com/j/1618265658 To request to speak, use the "raise hand" function in Zoom. To join by phone: Dial **1-669-254-5252 or 1-833-568-8864 (Toll Free)** and enter **Meeting ID: 161 826 5658** provide public comment, Press *9 and wait to be recognized by the Chair. To submit a written communication for the public record, email council@berkeleyca.gov.*

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Preliminary Matters

Roll Call: 5:07 p.m.

Present: Kesarwani, Taplin, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii

Absent: Bartlett

Councilmember Bartlett present at 5:09 p.m.

Councilmember Humbert participated remotely under the Just Cause exception in the Brown Act as amended by AB 2449.

Action Calendar – New Business

1. **2025 City Council Referral Prioritization Process Using Re-Weighted Range Voting (RRV)**
From: City Manager
Recommendation:
1. Review the City Council raw scores for all outstanding City Council referrals;
2. Approve the removal of referrals that have been nominated for removal by the Council; and
3. Direct the City Manager to run the ranking algorithm and return to Council with a final ranked list of referrals for adoption.
Financial Implications: No direct fiscal impacts
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: 11 speakers. M/S/C (Tregub/O'Keefe) to:
1. Approve the removal of referrals that have been nominated for removal by the Council as revised to retain the following referrals as part of the Referral Prioritization Process:
    - Adding BMC Chapter 13.107, Helping Achieve Responsible Development with Healthcare and Apprenticeship Training Standards (HARD HATS) Ordinance (ID# DMND0004099);
    - Budget Referral: No Right on Red Signs (ID# DMND0004059);
    - Prioritizing Pedestrians at Intersections (ID# DMND0002584);
    - Berkeley Food Utility and Access Resilience Measure (FARM) (ID# DMND0004109);
    - Adopt Berkeley Municipal Code Chapter 13.89: Community/Tenant Opportunity to Purchase Act (ID# DMND0004197); and
    - Planning Commission Referral for a Pilot Density Bonus Program for the Telegraph Avenue Commercial District to Generate Revenue to House the Homeless and Extremely Low-Income Individuals (ID# DMND0004188).

2. Direct the City Manager to run the ranking algorithm and return to Council with a final ranked list of referrals for adoption.
Vote: All Ayes.

Adjournment

Action: M/S/C (Taplin/Bartlett) to adjourn the meeting.
Vote: All Ayes.

Adjourned at 6:10 p.m.

I hereby certify that the foregoing is a true and correct record of the special meeting held on March 11, 2025.

_____
Mark Numainville, City Clerk

Communications

Item #1: 2025 City Council Referral Prioritization Process Using Re-Weighted Range Voting (RRV)

1. Anna Cheyette
2. Alfred Twu
3. Ross Bernet
4. Mike Wilson
5. Julia Moss
6. Grayson Savoie
7. Sunny
8. Sarah Bell

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item #1: 2025 City Council Referral Prioritization Process Using Re-Weighted Range Voting (RRV)

9. Cameron Woo
10. Debbie Potter
11. Liz Ozol

Supplemental Communications and Reports 3

Item #1: 2025 City Council Referral Prioritization Process Using Re-Weighted Range Voting (RRV)

12. Presentation submitted by the City Clerk Department
13. Lydia Lopez
14. Aja Fasah
15. Tahirah Dean
16. Regina Mouton
17. Arianne Senten
18. Wilhelmenia Wilson on behalf of Health Black Families, Inc.
19. Rahel Smith
20. Toni Mandara
21. Chris Schildt

22. Michael Trujillo on behalf of the East Bay Community Law Center
23. Tracy Parent
24. Jonathan Bachrach
25. Aimee Baldwin
26. Kim Anno
27. Mirah Moriarty and Rodrigo Esteva
28. Rachel Katz
29. Amir Massih
30. Lanny F. DeVuono

MINUTES

BERKELEY CITY COUNCIL MEETING

Tuesday, March 11, 2025
6:00 PM

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

ADENA ISHII, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
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Preliminary Matters

Roll Call: 6:38 p.m.

Present: Kesarwani, Taplin, Bartlett, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii

Absent: None

Councilmember Humbert participated the meeting remotely under the just cause exception in the Brown Act.

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

Report from Closed Session:

The City Council met in closed session on March 10, 2025, Pursuant to Government Code Section 54956.9(d)(2) and provided directions to outside Worker's Compensation counsel and approved a settlement by Compromise and Release with a release of future medical care, as to a workers' compensation matter #BER2200052 and a WCAB Case Number ADJ17945960.

The Council also gave direction to outside Worker's Compensation counsel and approved a settlement by Compromise and Release with a release of future medical care, or in the alternative, by Stipulations with Request for Award with open future medical care, as to a workers' compensation matter #BER2400023 and a WCAB Case Number ADJ18246762.

Similarly, the Council gave direction and approved a settlement by Compromise and Release with a release of future medical care, or in the alternative, by Stipulations with Request for Award with open future medical care, as to a workers' compensation matter #BER2300048 and a WCAB Case Number ADJ10746024.

The Council also provided directions and approved a settlement by Stipulations with Request for Award with open future medical care, as to a workers' compensation matter #BER2100079.

In addition, the Council provided direction to the City Attorney pursuant to Government Code Section 54956.9(D)(1) to settle the following lawsuit in an amount not to exceed $287,500 (Tezare v. City of Berkeley, Alameda Superior Court, Case No. 23CV030502).

The City Council met in closed session on January 23, 2024, pursuant to Government Code Sections 54956.9(a) and 54956.9(d)(1), and directed the City Attorney to settle with Service

Employees International Union Local 1021, CSU/PTRLA for back pay of the remaining unpaid value of the 3% CalPERS cost sharing reduction retroactive to July 29, 2021, plus 10% simple interest.

The City Council met in closed session on December 3, 2024, pursuant to Government Code Sections 54956.9(a) and 54956.9(d)(2), and directed the City Attorney to settle with Public Employees Union Local 1 for back pay of the remaining unpaid value of the 3% CalPERS cost sharing reduction from August 8, 2021 to April 16, 2022, plus 10% simple interest.

Ceremonial Matters:

1. Recognition of American Red Cross Month, March 2025
2. Adjourned in Memory of Polly Armstrong, former District 8 City Councilmember
3. Adjourned in Memory of Mel Vapour, Berkeley Resident

City Manager Comments: None

Public Comment on Non-Agenda Matters: 10 speakers.

Public Comment by Employee Unions: 1 speaker.

Action: M/S/C (Blackaby/Tregub) to accept supplemental materials from the City Manager on Item 6 to clarify that there is just a single attachment to the item.
Vote: All Ayes.

Action: M/S/C (Tregub/Kesarwani) to accept an urgency item from Councilmember Tregub pursuant to Government Code Section 54954.2(b)(2) entitled Urgency Resolution: Condemning the recent incident, along with all acts of Islamophobia in Berkeley, and reaffirming unwavering support for the Muslim community in Berkeley and beyond.
Vote: All Ayes.

Urgent Item: Urgency Resolution: Condemning the recent incident, along with all acts of Islamophobia in Berkeley, and reaffirming unwavering support for the Muslim community in Berkeley and beyond
From: Councilmember Tregub (Author), Councilmember Taplin (Co- Author) and Councilmember Lunaparra (Co- Author)
Recommendation: Adopt an Urgency Resolution condemning the recent incident, along with all acts of Islamophobia in Berkeley, and reaffirming unwavering support for the Muslim community in Berkeley and beyond.
Financial Implications: None.
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140
Action: Adopted Resolution No. 71,675–N.S.

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

Action: M/S/C (Taplin/Kesarwani) to adopt the Consent Calendar in one motion except as indicated.
Vote: All Ayes.

Consent Calendar

1. **Inclusionary Housing Ordinance In-Lieu Fee; Amending Berkeley Municipal Code Chapter 23.328**
   From: City Manager
   Recommendation: Adopt second reading of Ordinance No. 7,954-N.S. amending Berkeley Municipal Code (BMC) Chapter 23.328 (F) to remove the exemption for projects with 5,000 square feet or less of RUFA.
   First Reading Vote: All Ayes
   Financial Implications: See report
   Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400
   Action: Adopted second reading of Ordinance No. 7,954–N.S.

2. **Zoning Ordinance Amendments to Title 23 of the Berkeley Municipal Code for Consistency with State Law Related to Electric Vehicle Charging and Technical Edits**
   From: City Manager
   Recommendation: Adopt second reading of Ordinance No. 7,955-N.S. amending the following sections of the Zoning Ordinance to align the Berkeley Municipal Code (BMC) with state law related to electric vehicle charging, as well as additional non-substantive edits and corrections:
   -23.106.020 Lot Coverage
   -23.106.080 Building Separation
   -23.202.020 Allowed Land Uses (Residential Districts)
   -23.204.020 Allowed Land Uses (Commercial Districts)
   -23.204.090 C-NS North Shattuck Commercial District
   -23.204.100 C-SA South Area Commercial District
   -23.204.130 C-DMU Downtown Mixed-Use District
   -23.204.140 C-W West Berkeley Commercial District
   -23.204.150 C-AC Adeline Corridor Commercial District
   -23.206.020 Allowed Land Uses and Permit Requirements (Manufacturing Districts)
   -23.206.040 Use-Specific Regulations (Manufacturing Districts)
   -23.206.050 Protected Uses (Manufacturing)
   -23.302.070 Use-Specific Regulations (Supplemental Use Regulations)
   -23.306.010 Purpose (Accessory Dwelling Units)
   -23.306.030 Development Standards (Accessory Dwelling Units)
   -23.306.040 Permit Procedures (Accessory Dwelling Units)
   -23.310.020 General Requirements Excluding Incidental Beer and Wine
   -23.310.030 Alcohol Beverage Standards When Incidental to Food Service
   -23.322.030 Required Parking Spaces
   -23.322.080 Parking Layout and Design
   -23.334.030 Transportation Demand Management Program Requirements
   -23.502.020 Defined Terms (Glossary)
   First Reading Vote: All Ayes
   Financial Implications: None
   Contact: Jordan Klein, Planning and Development, (510) 981-7400
   Action: Adopted second reading of Ordinance No. 7,955–N.S.

Consent Calendar

3. Police Accountability Board – Appointment of New Member
From: City Manager
Recommendation: Adopt a Resolution appointing a new member to the Police Accountability Board nominated by Councilmember Humbert.
Financial Implications: See report
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Adopted Resolution No. 71,676–N.S.

4. 2025 Updated Commissioners' and Board Members' Manual
From: City Manager
Recommendation: Adopt a Resolution approving the 2025 Commissioners' and Board Members' Manual, with administrative and procedural amendments including new and reorganized commissions, ADA and teleconferencing policy changes, and gender-neutral language; and rescinding Resolution No. 69,063-N.S.
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Adopted Resolution No. 71,677–N.S.

5. Contract: Edgeworth Integration LLC to Purchase and Provide Installation of New Security System Server at Berkeley Animal Care Services
From: City Manager
Recommendation: Following a positive recommendation from the Police Accountability Board at their February 5, 2025 regular meeting, adopt a Resolution authorizing the City Manager to execute a contract and any necessary amendments with Edgeworth Integration LLC for the purchase and installation of a new security camera system server (cameras already exist) to replace an obsolete server at Berkeley Animal Care Services (BACS) for March 12, 2025, to March 11, 2026, which establishes a contract in an amount not to exceed $57,908.08.
Financial Implications: See report
Contact: Peter Radu, City Manager's Office, (510) 981-7000
Action: Adopted Resolution No. 71,678–N.S.

6. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on March 11, 2025
From: City Manager
Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Approved recommendation as clarified in the materials submitted at the meeting from the City Manager to state that there is just a single attachment to the item.

Consent Calendar

7. Annual Purchase Orders for L.N. Curtis and Sons: Fire Department
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute annual purchase orders and any amendments with L.N. Curtis and Sons for the purchases of: turnouts, and personal protective equipment (PPE) such as wildland coats and pants, gloves, helmets, hearing and eye protection, and fire boots; Firefighting tools and equipment such as firehose, fire extinguishers, foam, ladders, pumps, and related tools and equipment; and the purchase order for FY2026 shall not exceed $330,000, with an annual increase no more than 5% each year through March 27, 2028. A 20% contingency is added to cover costs arising from unforeseen incidents or operations for a total amount not to exceed (NTE) $1,040,324.
Financial Implications: See report
Contact: David Sprague, Fire, (510) 981-3473
Action: Adopted Resolution No. 71,679–N.S.

8. Contract No. 32400177 Amendment: Health Officer Coverage Contract – Dr. Lisa B. Hernandez
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or his designee to amend Contract No. 32400177 with Dr. Lisa B. Hernandez to increase by $60,000 for a total not to exceed amount (NTE) of $180,000.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 71,680–N.S.

9. Joint Homekey+ Application for MLK House at 2942-44 Martin Luther King, Jr. Way
From: City Manager
Recommendation: Adopt two Resolutions approving the following actions in support of a Homekey+ program funding allocation by:
1. Authorizing the City Manager or designee to prepare and submit a joint application with Insight Housing to the State of California Housing and Community Development (HCD) Department's Homekey+ program for the MLK House project, which will provide permanent supportive housing for veterans.
2. Authorizing the City Manager or designee to take all necessary actions for the City's participation in HCD's Homekey+ program, including entering into HCD's Standard Agreement and any amendments.
3. Authorizing the City Manager or designee to execute all original or amended documents or agreements necessary to effectuate these actions.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 71,681–N.S. (Approval to Submit Joint Application); and Resolution No. 71,682–N.S. (Authorizing Joint Application and Participation).

Consent Calendar

10. Authorize Integration of BUSD Preferences with the City of Berkeley's Housing Preference Policy for BUSD Workforce Housing Project (1701 San Pablo)
From: City Manager
Recommendation: Adopt a Resolution authorizing the Berkeley Unified School District (BUSD) Workforce Housing project (1701 San Pablo / SAHA / Abode) to apply both a set of housing preferences ("BUSD Preferences") (Exhibit A) developed by its Governance Committee and the City of Berkeley's Housing Preference Policy ("City Preferences"), integrated, with the following clarifications:

- Lottery results within BUSD preference tiers each will be re-sorted by applicant's total number of City preference points.
- Lottery results for Non-BUSD employees would also be re-sorted by applicant's total number of City preference points.
- The persons experiencing homelessness preference would be applied within the BUSD preference framework.
- Layering of City preferences onto BUSD preferences will be conditional on implementation feasibility, as determined by the City Manager.
- Prior to finalizing the Tenant Selection and Marketing Plan, the project team would need to submit a Fair Housing Analysis to the City.

Financial Implications: None
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 71,683–N.S.

11. Salary Adjustments – Deputy Director of Public Works (Unrepresented) and Deputy Director of Health, Housing, and Community Services (Unrepresented)
From: City Manager
Recommendation: Adopt a Resolution increasing the top step of the Deputy Director of Public Works classification to $110.9807 per hour and of the Deputy Director of Health, Housing, and Community Services to $107.0460 per hour to rectify compaction with salaries of classifications they supervise.
Financial Implications: See report
Contact: Monica Walker, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 71,684–N.S.

12. Berkeley Fire Fighters Association – Side Letters Pertaining to Probationary Periods, Pre-Promotional Academies, and Vacation Slots
From: City Manager
Recommendation: Adopt a Resolution approving three side letters with Berkeley Fire Fighters Association to (1) amend Section 33 of the union's Memorandum of Understanding (MOU) with the City to modify the Firefighter probationary period to 18 months; (2) amend Section 34.3.2 of the MOU to allow employees on 40-hour-week schedules to attend pre-promotional academies if placed on Outside the City status; and (3) amend Sections 19.4 and 19.5 of the MOU to create a new structure for vacation slots.
Financial Implications: None.
Contact: Monica Walker, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 71,685–N.S.

Consent Calendar

13. Berkeley Chief Fire Officers Association Side Letter – Battalion Coverage
From: City Manager
Recommendation: Adopt a Resolution approving a side letter with Berkeley Chief Fire Officers Association adding Section 2.1.14 (Battalion Coverage) to the City's Memorandum of Understanding with the union.
Financial Implications: See report
Contact: Monica Walker, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 71,686–N.S.

Council Consent Items

14. A Referral to the City Manager to make a recommendation for further Council action: Transfer Tax Exemption for 100% Affordable Housing Projects
(Reviewed by the Land Use, Housing & Economic Development Policy Committee)
From: Councilmember Tregub (Author), Councilmember Bartlett (Co-Sponsor) and Councilmember O'Keefe (Co-Sponsor)
Recommendation: Adopt a referral to the City Manager to study the fiscal impacts and feasibility of a transfer tax exemption for 100% affordable housing projects owned and operated by non-profit entities or community land trusts, including but not limited to: the rehabilitation of existing projects; acquisition, rehabilitation, and conversion of market-rate housing complexes into deed-restricted affordable housing; and land donated for the purpose of constructing deed-restricted affordable housing and make a recommendation for further Council action.
Policy Committee Recommendation: Forward item to Council with a Qualified Positive Recommendation that the Council: 1) Clarify that the rehabilitation of the restricted properties, would be included as part of the 100% affordable [housing projects]. 2) Bolster the rationale section of the report with greater detail and analysis.
Financial Implications: See report
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140
Action: Approved recommendation as recommended by the Land Use, Housing & Economic Development Policy Committee.

Council Consent Items

15. Referral to 4 x 4 Committee: Removing On-Site Manager Exemption Loophole for Certain Multi-Family Properties that are Adjacent and/or Share the Same Common Area

From: Councilmembers Igor Tregub (Author) and Terry Taplin (Co-Sponsor)

Recommendation: Refer to the 4 x 4 Committee of the Berkeley City Council and Rent Stabilization Board a proposal related to the removal of an on-site manager exemption loophole, which is currently used by certain Berkeley properties to circumvent California Code Regulation, Title 25, Paragraph 42, for certain multi-family properties that are adjacent and/or share the same common area. If the recommended regulation is enacted, it is the intent of the referral to apply it to subject properties in a prospective manner that ensures that the rights of sitting tenants continue to be fully protected (i.e., a fully occupied property will not be required to rent to an on-site manager until at least one unit becomes vacant in accordance to all applicable state and local laws governing good cause eviction protections). The referral further requests that the 4 x 4 Committee discuss and provide recommendations as to:

- Any parameters that may limit the scope of this referral, including but not limited to situations in which one or more of the subject properties are owned by limited liability corporations (LLCs) and/or owners that own multiple other properties in Berkeley, California and/or beyond, with a total number of units or properties under ownership to be determined;
- Any exemptions to the on-site manager requirement for certain circumstances, such as for hardship of the property owner and/or LLC and/or other circumstances in which the interest of justice may supersede the public interest of this requirement;
- The enforcement mechanism and enforcing jurisdiction (i.e., City of Berkeley or Berkeley Rent Stabilization Board, with compensation by the City of Berkeley) that the City of Berkeley should employ in furtherance of the recommended regulation; and
- Any other provisions pertinent to the efficient, just, and fair administration of the recommended regulation.

Financial Implications: See report

Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140

Action: Item removed from the agenda by Councilmember Tregub.

Council Consent Items

16. First Year Free - Fill Empty Storefronts Act *(Reviewed by the Land Use, Housing & Economic Development Policy Committee)*
From: Councilmember Hahn (Author)
Recommendation: Refer to the City Manager to (1) create and implement a First Year Free Program for Berkeley, modeled after San Francisco's successful program, for an initial period of 5 years and (2) study and report back to Council on other strategies to attract new businesses and fill empty storefronts.
Policy Committee Recommendation: Forward item to Council with a negative recommendation to take no action. The committee will revisit this issue at a later date with the intention of further developing the goals of the item.
Financial Implications: See report
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150
Action: Approved recommendation of the Land Use, Housing & Economic Development Policy Committee to take no action.

Recess 8:22 p.m. – 8:34 p.m.

Action Calendar – Public Hearings

17. Appeal of Special Assessment Tax Lien – 1806 Walnut St
From: City Manager
Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution rejecting the property owners' appeal, and allowing the special assessment lien for 1806 Walnut Street (APN 057-2049-004) to be recorded with the County of Alameda as written and approved by the City Manager.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400

Public Testimony: The Mayor opened the public hearing. 4 speakers.
M/S/C (Tregub/Taplin) to close the public hearing.
Vote: All Ayes.

Action: M/S/C (Tregub/Taplin) to adopt Resolution No. 71,687–N.S. as revised in Supplemental Communications Packet #1 from the City Manager to reject the appeal and record the correct the lien amount of $6,230.00.
Vote: All Ayes.

Action Calendar – New Business

18. Adopt an Ordinance to Prohibit the Sale or Use of Algorithmic Devices to Set Rents or Manage Occupancy Levels for Residential Dwelling Units *(Reviewed by the Land Use, Housing & Economic Development Policy Committee)*
From: Housing Advisory Commission
Recommendation: Adopt an ordinance amending the Municipal Code adding section 13.63 to prohibit the sale or use of algorithmic devices to set rents or manage occupancy levels for residential dwelling units.
Policy Committee Recommendation: Forward item to Council with a Qualified Positive Recommendation to Council with a request to forward to the 4x4 Committee to review the effectiveness of the implementation.
Financial Implications: See report
Contact: Mike Uberti, Commission Secretary, (510) 981-7400
Action: 13 speakers. M/S/C (Lunaparra/Tregub) to adopt first reading of Ordinance No. 7,956–N.S. as written in Supplemental Communications Packet #2 by Councilmember Lunaparra and further amended on the dais to clarify definitions and applicability. Second reading scheduled for March 25, 2025.
Vote: Ayes – Kesarwani, Taplin, Bartlett, Tregub, O'Keefe, Blackaby, Lunaparra, Ishii; Noes – Humbert; Abstain – None; Absent – None.

Information Reports

19. FY 2025 First Quarter Investment Report: Ended September 30, 2024
From: City Manager
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Received and filed.

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

Adjournment

Action: M/S/C (Taplin/Lunaparra) to adjourn the meeting.
Vote: All Ayes.

Adjourned at 9:57 p.m.

I hereby certify that the foregoing is a true and correct record of the regular meeting held on March 11, 2025.

_____
Mark Numainville, City Clerk

Communications

Item #18: Adopt an Ordinance to Prohibit the Sale or Use of Algorithmic Devices to Set Rents or Manage Occupancy Levels for Residential Dwelling Units

(Reviewed by the Land Use, Housing & Economic Development Policy Committee)

1. Krista C. Gulbransen

Civic Center Park

2. Elana Naftalin-Kelman
3. Yael Galinson
4. Ashley E. McClure
5. David Tepper
6. Lisa Lum (2)
7. Robin Kibby
8. Erik Dreher
9. Daniel Jurnove
10. Ben Buettner
11. Micky Duxbury
12. Catarina Negrin
13. Stacey Zolt Hara
14. Patrick Golier
15. David Kerr
16. Whitney Moss
17. Peggy Scott (2)
18. Lisa Mazur Librizzi
19. Elisabeth Hruska

Encampments

20. Aileen Paterson
21. Russbumper
22. Josh Atwood
23. Aimee Baldwin

Peace and Justice Commission Resolution

24. Haiganoush Preisler
25. Joseph Mutti
26. Jennifer Fechner
27. Tim O'Brien
28. Dorothea Dorenz
29. Chris Taaffe
30. Erika Andersen
31. Alexander Cruzado
32. Sam Long
33. Michael Cassidy
34. 12 Similarly worded form letters

Safety Concerns

35. Cecelia Mautner

Mailbox
36. Elsa Tranter

Public Safety Community Meeting
37. Jack Kurzweil
38. Enrique Marisol
39. Igor Tregub

Sanctuary Protocol
40. Director of Security

Plans
41. Tillymaui

Library Printing Services
42. Alex S. Merenkov
43. Bill Kolb

Daylighting Law
44. Shirley Kirsten (3)
45. Mieka Strawhorn
46. Wahid Amiri
47. Sandra Sanchez

Proposed Public Restroom
48. Aimee Baldwin
49. Wahid Amiri
50. Analisa Madron

Cesar Chavez Park
51. Maggie Dilley
52. Amy Thomson
53. Katherine Westine
54. Randall Gee
55. The Froedin-Morgensen Family
56. Antonio Guzman
57. Wini Williams
58. Lucy Thrupp
59. Save CC (2)
60. Frances Shaw
61. Cameron Woo

Round Park
62. Joseph Lee (3)

Housing Concern
63. Bing Fantasy Football (6)

Bay Wheels Station
64. Alex S. Merenkov
65. Sandra Sanchez

Speed Bumps
66. Lolita Brewster

BOTTLEBIN Smart Bin
67. Tammy E. Apple

2x2 Meeting
68. Rebecca Levenson (2)
69. Jennie Hicks and Ian Wulfson
70. Sasha Courtade

Publicize Effects
71. Kellie Stoddart

Civil Action Petition
72. Ian A. Leipper

Bicycle Plan
73. James McGrath
74. Laura Fujii
75. Octavio Raygoza

Gold Award Project
76. Ona Weiss

Business Safety
77. David Lerman

Literacy Project
78. Pat Kennedy

Up Zoning
79. Deborah Barer

Berkeley Public Eye
80. Bernard Marszalek

PG&E Gas Lines

81. David Lerman

Unit Inspections
82. Alex Merenkov
83. Manreet Gill

Golden Gate Fields
84. Roger Hooks

Intersection Safety Concern
85. Asa Bradman

Certificates
86. Justin Wong

Middle East Conflict
87. Alexander Cruzado

Red Cross Month
88. Teresa Deloach Reed

Traffic Concern
89. Shirley Kirsten (2)

URL's
90. Julie Elis
91. Flip Side
92. Nancy Fox

Forwards
93. Eid
94. Josh Atwood (2)

Mail to the Mayor
95. Eid

BESO Amendments
96. Hannah Wenrich (9)
97. Isabella Almeida (9)

Apartment Values
98. Barbara Gilbert

Healthy Foods

99. Roberto Terrones on behalf of the Sugar-Sweetened Beverage Product Panel of Experts (SSBPPE)
100. Kenneth Hecht

GOP Budget Cuts Concern
101. Kellie Stoddart

Commission Vacancies
102. Samuel J. Harvey on behalf of the Fair Campaign Practices Commission/Open Government Commission

Screenshots
103. Josh Atwood

Chess Club
104. Jesse Sheehan

2138 Kittredge St.
105. Carol A. Bagshawe

Supplemental Communications and Reports 1

Urgent Item: Urgency Resolution: Condemning the recent incident, along with all acts of Islamophobia in Berkeley, and reaffirming unwavering support for the Muslim community in Berkeley and beyond
104. Urgency item submitted by Councilmember Tregub, Councilmember Taplin and Councilmember Lunaparra

Item #2: Zoning Ordinance Amendments to Title 23 of the Berkeley Municipal Code for Consistency with State Law Related to Electric Vehicle Charging and Technical Edits
105. James M. Lloyd, on behalf of the California Housing Defense Fund ("CalHDF")

Item #14: A Referral to the City Manager to make a recommendation for further Council action: Transfer Tax Exemption for 100% Affordable Housing Projects
(Reviewed by the Land Use, Housing & Economic Development Policy Committee)
106. Tess Fruge

Item 17: Appeal of Special Assessment Tax Lien – 1806 Walnut St
107. Revised agenda material submitted by Jordan Klein, Planning & Development Director

Supplemental Communications and Reports 2

Urgent Item: Urgency Resolution: Condemning the recent incident, along with all acts of Islamophobia in Berkeley, and reaffirming unwavering support for the Muslim community in Berkeley and beyond.
108. Dorothea Dorenz

109. Berkeley Network for Palestine

Item #14: A Referral to the City Manager to make a recommendation for further Council action: Transfer Tax Exemption for 100% Affordable Housing Projects
110. Courtney Pal on behalf of Resources for Community Development

Item #15: Referral to 4 x 4 Committee: Removing On-Site Manager Exemption Loophole for Certain Multi-Family Properties that are Adjacent and/or Share the Same Common Area
111. Dan Lieberman

Item #18: Adopt an Ordinance to Prohibit the Sale or Use of Algorithmic Devices to Set Rents or Manage Occupancy Levels for Residential Dwelling Units *(Reviewed by the Land Use, Housing & Economic Development Policy Committee)*
112. Revised material, submitted by Councilmember Lunaparra
113. Hannah Holloway on behalf of TechEquity
114. David Shere

Supplemental Communications and Reports 3

Item #3: Police Accountability Board – Appointment of New Member
115. Jose D. Murrillo on behalf of the Office of the Director of the Police Accountability

Item #6: Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on March 11, 2025
116. Supplemental agenda material submitted by the City Manager's Office

Item #14: A Referral to the City Manager to make a recommendation for further Council action: Transfer Tax Exemption for 100% Affordable Housing Projects *(Reviewed by the Land Use, Housing & Economic Development Policy Committee)*
117. Lillian
118. Amie Fishman on behalf of the Non-Profit Housing Association of Northern California
119. Sophia DeWitt on behalf of East Bay Housing Organizations
120. Karen Nemsick
121. Susan Friedland

Item #17: Appeal of Special Assessment Tax Lien – 1806 Walnut St
122. Presentation submitted by the Planning & Development Department
123. Jonathan Hicks

Item #18: Adopt an Ordinance to Prohibit the Sale or Use of Algorithmic Devices to Set Rents or Manage Occupancy Levels for Residential Dwelling Units *(Reviewed by the Land Use, Housing & Economic Development Policy Committee)*
124. Presentation submitted by the Housing Advisory Commission

Attachment 4

MINUTES
SPECIAL MEETING OF THE BERKELEY CITY COUNCIL

Tuesday, March 18, 2025
4:00 PM

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

TELECONFERENCE LOCATION - 181 WELLINGTON STREET W, TORONTO, ON M5V 0A1, CANADA

TELECONFERENCE LOCATION - 2928 LINDEN AVENUE, BERKELEY, CA 94705

ADENA ISHII, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – IGOR TREGUB
DISTRICT 5 – SHOSHANA O'KEEFE
DISTRICT 6 – BRENT BLACKABY
DISTRICT 7 – CECILIA LUNAPARRA
DISTRICT 8 – MARK HUMBERT

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. Live captioned broadcasts of Council meetings are available on B-TV (Channel 33) and via internet video stream at http://berkeley.granicus.com/MediaPlayer.php?publish_id=1244. All Council meetings are recorded.

*To access the meeting remotely use this URL: https://cityofberkeley-info.zoomgov.com/j/1609781710. To request to speak, use the "raise hand" function in Zoom. To join by phone: Dial **1-669-254-5252 or 1-833-568-8864 (Toll Free)** and enter **Meeting ID: 160 978 1710**. To provide public comment, Press *9 and wait to be recognized by the Chair. To submit a written communication for the public record, email council@berkeleyca.gov.*

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting, however, if you are feeling sick, please do not attend the meeting in person. The City Council may take action related to any subject listed on the Agenda.

Pursuant to the City Council Rules of Procedure and State Law, the presiding officer may remove, or cause the removal of, an individual for disrupting the meeting. Prior to removing an individual, the presiding officer shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The presiding officer may then remove the individual if they do not promptly cease their disruptive behavior. "Disrupting" means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, a failure to comply with reasonable and lawful regulations adopted by a legislative body, or engaging in behavior that constitutes use of force or a true threat of force.

***Government Code Section 84308 (Levine Act)** - Parties to a proceeding involving a license, permit, or other entitlement for use are required to disclose if they made contributions over $500 within the prior 12 months to any City employee or officer. Parties and participants with a financial interest are prohibited from making more than $500 in contributions to a decisionmaker for the 12 months after the final decision is rendered on the proceeding. The above contribution disclosures and restrictions do not apply when the proceeding is competitively bid, or involves a personnel or labor contract. For more information, see Government Code Section 84308.*

Preliminary Matters

Roll Call: 4:07 p.m.

Present: Taplin, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii

Absent: Kesarwani, Bartlett

Councilmember Kesarwani present at 4:20 p.m.

Councilmember Bartlett present at 5:28 p.m.

Worksession

1. **2024 Berkeley Police Department Annual Report**
   From: City Manager
   Contact: Jennifer Louis, Police, (510) 981-5900
   Action: 2 speakers. Presentation made and discussion held.

Adjournment

Action: M/S/C (Taplin/Kesarwani) to adjourn the meeting.
Vote: All Ayes.

Adjourned at 6:01 p.m.

I hereby certify that the foregoing is a true and correct record of the special meeting held on March 18, 2025.

_____

Mark Numainville, City Clerk

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

- None

Supplemental Communications and Reports 3

Item #1: 2024 Berkeley Police Department Annual Report

1. Presentation submitted by the Police Department
2. Report submitted by the Police Department

Attachment 5

MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, March 18, 2025
6:00 PM

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

TELECONFERENCE LOCATION - 181 WELLINGTON STREET W, TORONTO, ON M5V 0A1, CANADA

TELECONFERENCE LOCATION - 2928 LINDEN AVENUE, BERKELEY, CA 94705

ADENA ISHII, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – IGOR TREGUB
DISTRICT 5 – SHOSHANA O'KEEFE
DISTRICT 6 – BRENT BLACKABY
DISTRICT 7 – CECILIA LUNAPARRA
DISTRICT 8 – MARK HUMBERT

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***Government Code Section 84308 (Levine Act)** - Parties to a proceeding involving a license, permit, or other entitlement for use are required to disclose if they made contributions over $500 within the prior 12 months to any City employee or officer. Parties and participants with a financial interest are prohibited from making more than $500 in contributions to a decisionmaker for the 12 months after the final decision is rendered on the proceeding. The above contribution disclosures and restrictions do not apply when the proceeding is competitively bid, or involves a personnel or labor contract. For more information, see Government Code Section 84308.*

Preliminary Matters

Roll Call: 6:19 p.m.

Present: Kesarwani, Taplin, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii

Absent: Bartlett

Councilmember Bartlett present at 6:30 p.m.

Councilmember Bartlett participated the meeting remotely under the just cause exception in the Brown Act.

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

Ceremonial Matters

1. Adjourned in Memory of Sarah Reynoso, Former City Employee

City Manager Comments: None

Public Comment on Non-Agenda Matters: 6 speakers.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 4 speakers.

Action: M/S/C (Blackaby/Lunaparra) to adopt the Consent Calendar in one motion except as indicated.
Vote: All Ayes.

Consent Calendar

1. Contract No. 31900122-1 Amendment: Rolling Orange, Inc. for Website Maintenance and Support
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 31900122-1 with Rolling Orange, Inc. for additional website maintenance and support for an amount not-to-exceed $120,000 and a total contract value not-to-exceed $794,300 from March 1, 2019 to June 30, 2027.
Financial Implications: IT Cost Allocation Fund - $120,000
Contact: Kevin Fong, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 71,688–N.S.

2. Contract: Pride Industries for Citywide Custodial Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a three-year contract and any amendments with Pride Industries to provide Citywide Custodial Services at various City facilities and locations, twenty-one (21) in total, from April 1, 2025, to March 31, 2028, for a total not to exceed of $5,500,000, with an option of two (2) one-year extensions for a maximum term of five (5) years.
Financial Implications: Various Funds - $5,500,000
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,689–N.S.

3. Contract: SubTerra Construction, Inc. for Adeline St, Shattuck Ave., Oxford St., Fulton St., University Ave., Kala Bagai Way, and Woolsey St.; Sewer Rehabilitation Project
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving plans and specifications for the Sanitary Sewer Project, located on Adeline St., Shattuck Ave., Oxford St., Fulton St., University Ave., Kala Bagai Way, and Woolsey St.; 2. Accepting the bid of the lowest responsive and responsible bidder, SubTerra Construction, Inc.; 3. Authorizing the City Manager to execute a contract and any amendments, extensions, or other change orders until completion of the project in accordance with the approved plans and specifications, in an amount not to exceed $8,962,808, which includes a 10% contingency of $814,800; and 4. Authorizing the City Manager to execute reimbursement contracts with the University of California ($210,000), Addison Labs Foundation (a 501.c.3 organization, $120,000), and Core Spaces ($120,000).
Financial Implications: Sanitary Sewer Fund - $8,962,808
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,690–N.S.

Consent Calendar

4. Contract No. 32400141 Amendment: Mercury Associates, Inc. for Fleet Consulting Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32400141 with Mercury Associates, Inc. to complete a right sizing study and provide fleet consulting services. This amendment increases the contract amount by $100,000, for a new total amount not to exceed of $225,000 for the current contract period of December 1, 2023, through December 30, 2026.
Financial Implications: Various Funds - $100,000
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,691–N.S.

5. Contract: APB General Engineering for Urgent Sewer Repair FY2025 Project
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving plans and specifications for the Urgent Sewer Repair FY2025 Project; 2. Accepting the bid of the lowest responsive and responsible bidder, APB General Engineering; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions, or other change orders until completion of the project in accordance with the approved plans and specifications, in an amount not to exceed $470,910, which includes a 10% contingency of $42,810.
Financial Implications: Sanitary Sewer Fund - $470,910
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,692–N.S.

6. Fiscal Year 2026 Street Lighting Assessments – Initiating Proceedings
From: City Manager
Recommendation: Adopt two Resolutions describing proposed improvements to be used to determine the annual assessments levied for Berkeley Street Lighting Assessment District No. 1982-1 and Street Lighting Assessment District No. 2018, and ordering the preparation of Engineer's Reports.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,693–N.S. (District No. 1982-1), and Resolution No. 71,694–N.S. (District No. 2018).

Consent Calendar

7. Establishing a Measure FF SAFE STREETS Citizen Oversight Committee
From: City Manager
Recommendation: Adopt a Resolution: 1. Establishing a SAFE STREETS Citizen Oversight Committee (SSCOC) to review expenditures and progress reports from the City Manager and City Auditor to ensure compliance with the intent of Measure FF, passed by voters on November 5, 2024, evaluating the impacts and outcomes of tax expenditures on stated goals and prepare public reports on the Committee's findings; and 2. Authorizing the City Manager to further implement Section 7.11.040 of City Ordinance 7,952-N.S, to ensure compliance with all requirements.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,695–N.S.

Council Consent Items

8. California Triathlon Club: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds
From: Councilmember Lunaparra (Author)
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed $500 per Councilmember, including $500 from Councilmember Lunaparra's discretionary fund and funds from any other Councilmembers who would like to contribute to the California Triathlon Club (Cal Tri) for the Fall 2025 Bearathlon Triathlon event with funds relinquished to the City's general fund for this purpose.
Financial Implications: Councilmember's Discretionary Fund - $500
Contact: Cecilia Lunaparra, Councilmember, District 7, (510) 981-7170
Action: Adopted Resolution No. 71,696–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Humbert - $250; Councilmember Tregub - $100; Councilmember Taplin - $500; Councilmember Blackaby - $250; Councilmember Bartlett - $250; Councilmember Kesarwani - $100; Councilmember O'Keefe - $100; Mayor Ishii - $500.

Action Calendar – Public Hearings

9. 2024 Local Hazard Mitigation Plan (LHMP)
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution adopting the 2024 Local Hazard Mitigation Plan (LHMP) and amending the General Plan to incorporate the 2024 LHMP.
Financial Implications: See report
Contact: David Sprague, Fire, (510) 981-3473

Public Testimony: The Mayor opened the public hearing. 0 speakers.
M/S/C (Taplin/Tregub) to close the public hearing.
Vote: All Ayes.

Action: M/S/C (Taplin/Tregub) to adopt Resolution No. 71,697–N.S. adopting the 2024 Local Hazard Mitigation Plan (LHMP) and amending the General Plan to incorporate the 2024 LHMP.
Vote: All Ayes.

Recess 7:33 p.m. – 7:45 p.m.

Action Calander – New Business

10. Formation of a Sex Trafficking Task Force to Address Current Sex Trafficking in Berkeley *(Reviewed by Health, Life Enrichment, Equity & Community Policy Committee)*

From: Commission on the Status of Women

Recommendation:

To recommend to Council to refer to the City Manager to form a sex trafficking task force. The Task Force's objective shall be two-fold: to develop recommendations of sex trafficking prevention strategies to be implemented including through social media and to provide recommendations for supports for women and girls seeking to exit sex trafficking.

That the Task Force be comprised as follows: 2 members of the Commission on the Status of Women (1 of whom will be a UC Berkeley student); 1-2 members of the Berkeley Police Department formerly or currently working on this issue in Berkeley as determined by the Berkeley Police Department; 2 members of the 2x2 Committee (1 of whom shall be a Councilmember and 1 of whom shall be a School Board member); 1 member of the City of Berkeley Youth Commission who is a Berkeley High School student; 1 person with knowledge and expertise in sex trafficking, prevention and resources, that person unidentified with a Berkeley City-funded agency so as to avoid any potential conflict of interest in the recommendations; 1 woman with a history of having been sex-trafficked (a stipend is recommended for that member of the Task Force); and 1 person with expertise in workplace development and related economic resources.

Policy Committee Recommendation: No final action taken. Item is automatically returning to Council agenda pursuant to the time limit for items referred to policy committees.

Financial Implications: See report

Contact: Okeya Vance-Dozier, Commission Secretary, (510) 981-7100

Action: Moved to Consent Calendar. Referred the item back to the Commission on the Status of Women to develop a subcommittee to identify recommendations for sex trafficking prevention strategies and supports for women and girls seeking to exit sex trafficking.

Vote: Ayes – Kesarwani, Taplin, Bartlett, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – Tregub.

11. Revised External Fixed Surveillance Camera Locations and Vendor Transition

From: City Manager

Recommendation: We recommend Council approve a Resolution authorizing the City Manager to begin the Surveillance Technology Ordinance (STO) process with a proposal to transition the External Fixed Video Surveillance Camera program from Edgeworth Integration, LLC to Flock Safety. This proposal also reallocates camera placements away from corridors already served by the ALPR system and positions them in areas with high pedestrian traffic. The change addresses installation challenges such as PGE power limitations and Caltrans right-of-way delays and strengthens the City's ability to respond to and investigate crime. We recommend that the resolution authorize the City Manager to execute all necessary actions to implement this transition in compliance with applicable ordinances and policies. We

Action Calander – New Business

also recommend that Council provide authorization as required by the STO to the City Manager to seek available grant funding for surveillance cameras.
The proposed camera placements result from a detailed review of key factors. We identified locations where monitoring would capture individuals entering or exiting areas of heavy pedestrian traffic. Analysis of crime trends and retail theft data revealed zones that would benefit most from surveillance. Local feedback from business districts and community meetings also indicated specific areas of concern. These considerations have led us to propose camera sites adjacent to key intersections: - Center / MLK; - College / Ashby; - Milvia / Alston; - 9th / Gilman; - Center / Shattuck; - Solano / Colusa; - University / Shattuck; - 4th / Hearst; - Cedar / Shattuck; - Adeline / Fairview; - Durant / Telegraph; - Shattuck / Ashby; - 4th / Virginia; - 62rd / King; - University / MLK; - College / Alcatraz.
In the case that additional funding becomes available and/or Council wishes to authorize more locations, we propose additional camera sites adjacent to these intersections: Ashby / Domingo, Ashby / San Pablo, Ashby / 6th and University / San Pablo.
This revision responds to two main issues. First, camera placements along Ashby and San Pablo will encounter delays due to Caltrans right-of-way challenges and Edgeworth cameras have electricity requirements that cannot be accommodated within our flat-rate contracts for traffic signals with PGE, and installing a dedicated meter would be prohibitively expensive. These challenges render the installation of Edgeworth cameras unfeasible. Second, the widespread deployment of ALPRs now covers vehicle movements, which makes the previously approved locations redundant. The new approach concentrates on high-foot-traffic areas that promise improved evidence collection during incidents.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900

Action: M/S/Failed (Lunaparra/Tregub) to:
1. Adopt a Resolution with the addition from the City Manager to cite Berkeley Municipal Code Chapter 2.99 in the first resolved clause, removal of the intersection of Telegraph Avenue & Durant Avenue from the list of proposed camera sites, and addition of the following resolved clause:

BE IT FURTHER RESOLVED THAT Flock Safety will be directed to not share information, data, or other assets from the External Fixed Video Surveillance Camera program with any personnel or agencies outside of the City of Berkeley, including in response to an administrative subpoena or other request from another government agency, unless compliance is required by court order, or other appropriate directive. Violation of this provision shall be considered grounds for termination of the contract. Flock Safety will inform the City of Berkeley immediately upon receiving any legal or other orders from other jurisdictions.

2. Refer to the City Manager to consider as part of the contracting process the language proposed by Councilmember Barlett related to liquidated damages, and data ownership, storage, and access.

Action Calander – New Business

Vote: Ayes – Bartlett, Tregub; Noes – Kesarwani, Taplin; O'Keefe, Blackaby, Humbert, Ishii; Abstain – Lunaparra.

Action: 30 speakers. M/S/Carried (Humbert/Blackaby) to adopt Resolution No. 71,698–N.S. with the addition from the City Manager to cite Berkeley Municipal Code Chapter 2.99 in the first resolved clause, and addition of the following resolved clause:

BE IT FURTHER RESOLVED THAT Flock Safety will be directed to not share information, data, or other assets from the External Fixed Video Surveillance Camera program with any personnel or agencies outside of the City of Berkeley, including in response to an administrative subpoena or other request from another government agency, unless compliance is required by court order, or other appropriate directive. Violation of this provision shall be considered grounds for termination of the contract. Flock Safety will inform the City of Berkeley immediately upon receiving any legal or other orders from other jurisdictions.

Vote: Ayes – Kesarwani, Taplin, Bartlett, Tregub, O'Keefe, Blackaby, Humbert, Ishii; Noes – Lunaparra; Abstain – None.

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

Adjournment

Action: M/S/C (Blackaby/Taplin) to adjourn the meeting.
Vote: All Ayes.

Adjourned at 10:05 p.m.

I hereby certify that the foregoing is a true and correct record of the regular meeting held on March 18, 2025.

_____

Mark Numainville, City Clerk

Communications

Bicycle Plan
1. Marc Hedlund, with Libby Lee-Egan
2. Marla Wilson

Construction on Webster
3. Joshua Sopher

Downtown Safety Concern
4. John Craner
5. Simone Arpaio (2)
6. Javier F. Suazo
7. Eduardo D (2)

Berkeley Marina
8. Gordon Meyer

Police Accountability Newsletter
9. Hansel Alejandro Aguilar

Hopkins/McGee
10. Shirley Kirsten (3)

Battery Recycling
11. Martin Bourque (2)
12. David Lerman (2)

Community Vigil
13. Berkeley Network for Palestine (2)
14. Summer Brenner

TBS Today
15. Elsa Tranter

Berkeley Waterfront Park User Concern
16. Kirsten Mahoney

Encampments
17. Steven Donaldson
18. Joann Driscoll

UC Berkeley
19. John Craner

Housing Concern
20. Bingo Fantasy Football (3)

Public Comment Concerns
21. Jack Kurzweil
22. Summer Brenner

Aquatics Program Concerns
23. Florence Reinisch

Tree Cutting
24. Edward Brent (2)

2138 Kittredge St.
25. Sharon Gong

Proclamation Request
26. Walton Li

Use of Taxpayer Money
27. Martha Stackawicz

Street Lighting
28. David Lerman

Affordable Housing
29. Moni T. Law

Insight Housing
30. Del and Kathy Totten

Civic Center Park
31. Jill Korte
32. John Rice
33. Jason McGatlin
34. Holly Scheider
35. Peggy Scott
36. Michael O'Heaney
37. Maria Schell Hassid
38. Cara Delacroix
39. Enrique Marisol

01Peace and Justice Commission Resolution
40. Rev. Niels Teunis and Rev. Angela Jernigan
41. Angela Isaacs
42. Dan Weinberg

Blind Intersection @ Hopkins CT and Hopkins Ave
43. Wahid Amiri

Chess Club
44. Jesse Sheehan (2)

URL's
45. Russbumper

Middle East Conflict
46. Russbumper

Supplemental Communications and Reports 1

Item #11: Revised External Fixed Surveillance Camera Locations and Vendor Transition
47. Victoria Cole on behalf of SafeBears (2)

Supplemental Communications and Reports 2

Item #11: Revised External Fixed Surveillance Camera Locations and Vendor Transition
48. Sherry Perez
49. Markus Feyh
50. Enrique Marisol
51. Lisa Teague
52. Sheridan Eggers
53. Sarah Freedman
54. Mark Rhoades
55. Beth Roessner
56. David Shiver
57. Suzan Steinberg
58. 38 Similarly worded form letters

Supplemental Communications and Reports 3

Item #11: Revised External Fixed Surveillance Camera Locations and Vendor Transition
59. Tom Parrish
60. Gary E.
61. Sylvia
62. Truce Hansen
63. Nigel
64. Laksh Lakireddy
65. Fern Wildtruth
66. Jovi Vidal
67. Tobey Wiebe
68. Anthony Iacono
69. Janice Schroeder
70. Lily Simonson
71. Saanvi Arora
72. Frankie Cunningham
73. Caitlin Chan
74. Sulakshana
75. Tracy Rosenberg on behalf of Oakland Privacy
76. Simone Arpaio
77. Alberto Malvestio

78. Gregory Kalkanis
79. Amy Murray
80. Marc Steyer
81. 30 Similarly worded form letters to support
82. 60 Similarly worded form letter to oppose

Internal

MINUTES
SPECIAL MEETING OF THE BERKELEY CITY COUNCIL

Tuesday, March 25, 2025
4:00 PM

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

ADENA ISHII, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – IGOR TREGUB
DISTRICT 5 – SHOSHANA O'KEEFE
DISTRICT 6 – BRENT BLACKABY
DISTRICT 7 – CECILIA LUNAPARRA
DISTRICT 8 – MARK HUMBERT

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*To access the meeting remotely use this URL: https://cityofberkeley-info.zoomgov.com/j/1611397649. To request to speak, use the "raise hand" function in Zoom. To join by phone: Dial **1-669-254-5252 or 1-833-568-8864 (Toll Free)** and enter **Meeting ID: 161 139 7649**. To provide public comment, Press *9 and wait to be recognized by the Chair. To submit a written communication for the public record, email council@berkeleyca.gov.*

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Preliminary Matters

Roll Call: 4:09 p.m.

Present: Taplin, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii

Absent: Kesarwani, Bartlett

Councilmember Bartlett present at 4:14 p.m.

Councilmember Kesarwani present at 4:16 p.m.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 0 speakers.

Action: M/S/C (Blackaby/Lunaparra) to adopt the Consent Calendar in one motion except as indicated.
Vote: Ayes – Taplin, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – Kesarwani, Bartlett.

Consent Calendar

1. **Amend Memorandums of Understanding for Represented Employee Groups to Include Cesar Chavez Day as a Paid City Holiday**
   From: City Manager
   Recommendation: Adopt a Resolution amending Memorandums of Understanding (MOUs) for represented employee groups to include Cesar Chavez Day as a paid city holiday, to be observed on the last Monday of March beginning in 2025.
   Financial Implications: See report
   Contact: Monica Walker, Human Resources, (510) 981-6800
   Action: Adopted Resolution No. 71,699–N.S.

Action Calendar – New Business

2. **Pavement Management & Infrastructure Planning Presentation**
   From: City Manager
   Contact: Terrance Davis, Public Works, (510) 981-6300
   Action: 9 speakers. Presentation made and discussion held.

Action Calendar – New Business

3. 2025 City Council Referral Prioritization Results Using Re-Weighted Range Voting (RRV)
From: City Manager
Recommendation: Review the completed Re-Weighted Range Voting (RRV) rankings for all outstanding City Council referrals and adopt a Resolution approving the list of prioritized referrals to city staff.
Financial Implications: No direct fiscal impacts
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: 1 speaker. M/S/C (Taplin/Tregub) to adopt Resolution No. 71,700–N.S. approving the list of prioritized referrals to city staff.
Vote: All Ayes.

Adjournment

Action: M/S/C (Tregub/Humbert) to adjourn the meeting.
Vote: All Ayes.

Adjourned at 6:29 p.m.

I hereby certify that the foregoing is a true and correct record of the special meeting held on March 25, 2025.

_____
Mark Numainville, City Clerk

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

- None

Supplemental Communications and Reports 3

Item #2: Pavement Management & Infrastructure Planning Presentation
1. Presentation submitted by the Public Works Department

Item #3: 2025 City Council Referral Prioritization Results Using Re-Weighted Range Voting (RRV)
2. Presentation submitted by the City Clerk Department

MINUTES

BERKELEY CITY COUNCIL MEETING

Tuesday, March 25, 2025
6:00 PM

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

ADENA ISHII, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – IGOR TREGUB
DISTRICT 5 – SHOSHANA O'KEEFE
DISTRICT 6 – BRENT BLACKABY
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Preliminary Matters

Roll Call: 6:49 p.m.

Present: Kesarwani, Taplin, Bartlett, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii

Absent: None

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

Ceremonial Matters:

1. Recognition of National Library Week 2025
2. Adjourned in Memory of Marty Schiffenbauer, Rent Control Pioneer and Community Activist

City Manager Comments:

The City Manager noted that for Item 12 Notice of Decision, the designation has been appealed and will be scheduled for a future Council meeting.

Public Comment on Non-Agenda Matters: 10 speakers.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 3 speakers.

Action: M/S/C (Tregub/Humbert) to adopt the Consent Calendar in one motion except as indicated.
Vote: All Ayes.

Consent Calendar

1. **Proposed Amendments to the Building Emissions Saving Ordinance (BESO); Amending Berkeley Municipal Code Chapter 19.81** *(Item contains revised material)*
   From: City Manager
   Recommendation: Adopt a new first reading of Ordinance No. 7,953-N.S. amending the Building Emissions Saving Ordinance (BESO), Chapter 19.81 of the Berkeley Municipal Code, to establish a flexible resilience standard for small residential buildings containing up to four units.
   Financial Implications: See report
   Contact: Jordan Klein, Planning and Development, (510) 981-7400
   Action: Adopted first reading of Ordinance No. 7,953–N.S. Second reading scheduled for April 15, 2025.

2. **Adopt an Ordinance to Prohibit the Sale or Use of Pricing Algorithms to Set Rents or Manage Occupancy Levels for Residential Dwelling Units; Adding Berkeley Municipal Code Chapter 13.63**
   From: Housing Advisory Commission
   Recommendation: Adopt second reading of Ordinance No. 7,956-N.S. amending the Municipal Code adding Chapter 13.63 to prohibit the sale or use of pricing algorithms to set rents or manage occupancy levels for residential dwelling units.
   First Reading Vote: Ayes – Kesarwani, Taplin, Bartlett, Tregub, O'Keefe, Blackaby, Lunaparra, Ishii; Noes – Humbert; Abstain – None; Absent – None.
   Financial Implications: See report
   Contact: Mike Uberti, Commission Secretary, (510) 981-7400
   Action: Adopted second reading of Ordinance No. 7,956–N.S. with the minor clarifying addition published in Supplemental Communications Packet #2 to use the term "coordinated pricing algorithm" throughout the ordinance.

3. **Minutes for Approval**
   From: City Manager
   Recommendation: Approve the minutes for the Council meetings of February 3 (closed), February 11, 2025 (special and regular), February 25, 2025 (special and regular).
   Financial Implications: None
   Contact: Mark Numainville, City Clerk, (510) 981-6900
   Action: Approved the minutes as submitted.

Consent Calendar

4. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on March 25, 2025
From: City Manager
Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.
Financial Implications: Various Funds - $6,575,000
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Approved recommendation.

5. Contract No. 32000118 Amendment: NEXGEN Asset and Work Order Management Software Maintenance
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000118 with NEXGEN Asset Management to provide additional funding for software maintenance and professional services, increasing the amount by $1,123,457, for a total not-to-exceed amount of $2,830,366 through June 30, 2029.
Financial Implications: Various Funds - $1,123,457
Contact: Kevin Fong, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 71,701–N.S.

6. Contracts: On-Call Landscape Architectural Services for Capital Improvement Projects
From: City Manager
Recommendation: Adopt five Resolutions authorizing the City Manager to execute contracts and any amendments with the following firms for on-call landscape architectural services for capital improvement projects, for contract periods of May 1, 2025 through April 30, 2028:
1. Carducci & Associates, Inc., for an amount not to exceed $450,000.
2. Moore Iacofano Goltsman, Incorporated (MIG, Inc.), for an amount not to exceed $450,000.
3. PGAdesign, Inc., for an amount not to exceed $450,000.
4. Royston Hanamoto Alley & Abey (RHAA), for an amount not to exceed $450,000.
5. RRM Design Group, for an amount not to exceed $450,000.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 71,702–N.S. (Carducci), Resolution No. 71,703–N.S. (MIG), Resolution No. 71,704–N.S. (PGAdesign), Resolution No. 71,705–N.S. (RHAA), and Resolution No. 71,706–N.S. (RRM).

Consent Calendar

7. Adopt a Mitigated Negative Declaration for the Tom Bates Regional Sports Complex Restroom and Community Space Project
From: City Manager
Recommendation: Adopt a Resolution adopting the Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Plan (MMRP) for the Tom Bates Regional Sports Complex Restroom and Community Space Project.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 71,707–N.S.

Action Calendar – Public Hearing

8. Establishment of M-RD Zoning District, Associated General Plan and West Berkeley Plan Amendments, and Environmental Impact Report
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion:
1. Adopt the first reading of an Ordinance amending Title 23 of the Berkeley Municipal Code (BMC) and the Zoning Map to establish the Manufacturing, Research & Development (M-RD) zoning district to encourage redevelopment of the former Pacific Steel Casting (PSC) site.
2. Adopt a Resolution:
a. Approving and adopting West Berkeley Plan and General Plan amendments to be consistent with the associated Ordinance amendments; and
b. Certifying the Environmental Impact Report (EIR) (SCH#2022120549) and adopt related California Environmental Quality Act (CEQA) findings, a statement of overriding considerations, mitigation measures, and a mitigation monitoring and reporting program.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400

Public Testimony: The Mayor opened the public hearing. 2 speakers.
M/S/C (Humbert/Kesarwani) to close the public hearing.
Vote: All Ayes.

Action: M/S/C (Kesarwani/Taplin) to:
1. Adopt first reading of Ordinance No. 7,957–N.S. amending Title 23 of the Berkeley Municipal Code and the Zoning Map to establish the Manufacturing, Research & Development (M-RD) zoning district to encourage redevelopment of the former Pacific Steel Casting (PSC) site. Second reading scheduled for April 15, 2025.
2. Adopt Resolution No. 71,708–N.S. approving and adopting West Berkeley Plan and General Plan amendments to be consistent with the associated Ordinance amendments; and certifying the Environmental Impact Report (EIR) (SCH#2022120549) and adopt related California Environmental Quality Act (CEQA) findings, a statement of overriding considerations, mitigation measures, and a mitigation monitoring and reporting program.
Vote: All Ayes.

Action Calendar – Public Hearings

Recess 8:07 p.m. – 8:18 p.m.

9. ZAB Appeal: 3000 Shattuck Avenue, Use Permit #ZP2022-0046
From: City Manager
Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board (ZAB) decision to approve a Use Permit to demolish a gas station, and construct a 10-story (114 feet) mixed-use building utilizing a State Density Bonus request, with 166 dwellings, including 17 Very Low-Income units, and 1,000 square-feet of commercial space, and dismiss the appeals.
Financial Implications: None
Contact: Jordan Klein, Planning and Development, (510) 981-7400

Public Testimony: The Mayor opened the public hearing. 17 speakers.
M/S/C (Taplin/Humbert) to close the public hearing.
Vote: Ayes – Kesarwani, Taplin, Bartlett, Blackaby, Humbert, Ishii; Noes – None; Abstain – None; Absent – None; Recused – Tregub (Considered and voted on the Use Permit as a member of the Zoning Adjustments Board), O'Keefe (Considered and voted on the Use Permit as a member of the Zoning Adjustments Board), Lunaparra (Considered and voted on the Use Permit as a member of the Zoning Adjustments Board).

Action: M/S/Failed (Kesarwani/Taplin) to adopt a resolution affirming the Zoning Adjustments Board (ZAB) decision to approve a Use Permit to demolish a gas station, and construct a 10-story (114 feet) mixed-use building utilizing a State Density Bonus request, with 166 dwellings, including 17 Very Low-Income units, and 1,000 square-feet of commercial space, and dismiss the appeals.
Vote: Ayes – Kesarwani, Blackaby, Humbert, Ishii; Noes – Taplin, Bartlett; Abstain – None; Absent – None; Recused – Tregub (Considered and voted on the Use Permit as a member of the Zoning Adjustments Board), O'Keefe (Considered and voted on the Use Permit as a member of the Zoning Adjustments Board), Lunaparra (Considered and voted on the Use Permit as a member of the Zoning Adjustments Board).

The ZAB decision stands unless the Council takes up the appeal again within 30 days, under BMC 23.410.040.I.

Internal

Action Calendar – New Business

10a. Allocation of $2,294,774 Million Over 2 Years, FY 2026 and FY 2027, to Reduce Consumption and Health Impacts of Sugar-Sweetened Beverages (SSBs)
From: Sugar Sweetened Beverage Product Panel of Experts
Recommendation: Adopt a Resolution allocating $2,294,774 from the General Fund in Fiscal Year 2026 (July 1, 2025 through June 30, 2026) and Fiscal Year 2027 (July 1, 2026 through June 30, 2027) that shall be invested in a grant program administered and coordinated by the Department of Health, Housing, and Community Services' (HHCS) Public Health Division (HHCS/PHD) consistent with the Sugar-Sweetened Beverage Product Panel of Experts (SSBPPE) Commission's goals to reduce the consumption of sugar sweetened beverages (SSB) in Berkeley and to address the health effects of SSB consumption. The total of $2,294,774 million will be distributed in two installments of $1,147,387 for FY2026 and $1,147,387 for FY2027. In each of these years, the funds will be distributed as follows:
a. Direct the City Manager to award up to 42.5% of the allocated funds to Berkeley Unified School District (BUSD) through a grant to implement and enhance the BUSD cooking and gardening programs which aid in reducing the consumption of sugar-sweetened beverages (SSBs) amongst students. The BUSD funding process is separate from the RFP process for community-based organizations and shall be guided by the SSBPPE Commission's Criteria for the BUSD Funding Proposal.
b. Direct the City Manager to award at least 42.5% of the allocated funds through an RFP process managed by HHCS/PHD for grants to community- based organizations consistent with the SSBPPE Commission's goals to reduce the consumption of SSBs and to address the effects of SSB consumption. The RFP process for community-based organizations is separate from the BUSD funding process and shall be guided by the SSBPPE Commission's Selection Criteria for Community Agency Grants.
c. Direct the City Manager to utilize up to 15% of the allocated funds to support HHCS/PHD to coordinate and monitor the grant process, coordinate the overall program evaluation, and produce an annual report that disseminates process and outcome data from the epidemiologist resulting from the SSBPPE Commission funding program as well as pay certain City of Berkeley Finance Department costs related to the sugary drink tax.
Financial Implications: See report
Contact: Roberto Terrones, Commission Secretary, (510) 981-5400
Action: See action for Item 10b.

Action Calendar – New Business

10b. Companion Report: Allocation of $2,294,774 Million Over Two Years, FY2026 and FY2027, to Reduce Consumption and Health Impacts of Sugar-Sweetened Beverages (SSBs)
From: City Manager
Recommendation: Adopt a Resolution allocating $2,294,774 from the General Fund total for Fiscal Year 2026 (July 1, 2025, through June 30, 2026) and Fiscal Year 2027 (July 1, 2026, through June 30, 2027) to be invested in a grant program administered and coordinated by the Department of Health, Housing, and Community Services' (HHCS) Public Health Division (HHCS/PHD). This program will align with the Sugar-Sweetened Beverage Product Panel of Experts (SSBPPE) Commission's goals to reduce sugar-sweetened beverage (SSB) consumption in Berkeley and address the health effects of SSB consumption. The total amount will be distributed in two installments of $1,147,387 annually for FY2026 and FY2027, as follows:
A. Award up to $905,292 of the allocated amount to the Berkeley Unified School District (BUSD) for the period of July 1, 2025, to June 30, 2027, through a grant proposal process. These funds will support the reduction of SSB consumption through the implementation and enhancement of BUSD cooking and gardening programs. The BUSD funding process will be separate from the general community-based organization funding process and guided by the SSBPPE Commission's Criteria for BUSD Funding (Attachment 2 to the report).
B. Award up to $905,292 of the allocated amount for the period of July 1, 2025, to June 30, 2027, through an Request for Proposal (RFP) process managed by HHCS/PHD. These grants will be awarded to community-based organizations (CBOs) and will align with the SSBPPE Commission's goals to reduce SSB consumption and address the effects of SSB consumption. The RFP process to determine CBO funding will be separate from the BUSD funding process and guided by the SSBPPE Commission's Criteria for Community Agency Grants (Attachment 3 to the report).
C. For the period of July 1, 2025, to June 30, 2027, allocate $128,990 to the Finance Department for staffing costs and Muni-Services fees, and $355,200 to HHCS/PHD for staffing, operating, service delivery and consulting costs. HHCS/PHD will coordinate and monitor the grant process, manage awarded contracts, and provide activities aligned with the sugary beverage tax goals including providing education, outreach, and technical assistance to support local vendors as they work to comply with the Healthy Checkout ordinance and monitoring Berkeley funded hydration stations, and HHCS will provide an annual presentation to the SSBPPE Commission focused on process and outcome data and updates on Finance Department fees related to the sugary drink tax, to inform the Commission's annual report.
D. Carry over any sugary drink tax revenue received in excess of $2,294,774 during FY2026 and FY2027 to be awarded for related services in FY2027–FY2029.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300, Scott Gilman, Health, Housing, and Community Services, (510) 981-5400
Action: Moved to Consent Calendar. Adopted Resolution No. 71,709–N.S.

Information Reports

11. FY 2025 Mid-Year Budget Update Report
From: City Manager
Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000, Henry Oyekanmi, Finance, (510) 981-7300
Action: Received and filed.

12. Landmarks Preservation Ordinance Notice of Decision (LPO NOD): 2138 Kittredge Street/#LMIN2024-0006
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Received and filed.

13. Landmarks Preservation Ordinance Notice of Decision (LPO NOD): 3332 Adeline Street/#LMSAP2025-0001
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Received and filed.

Public Comment – Items Not Listed on the Agenda - 3 speakers.

Adjournment

Action: M/S/C (Taplin/Humbert) to adjourn the meeting.
Vote: Ayes – Kesarwani, Taplin, Bartlett, Blackaby, Humbert, Ishii; Noes – None; Abstain – None; Absent –Tregub, O'Keefe, Lunaparra.

Adjourned at 9:57 p.m.

I hereby certify that the foregoing is a true and correct record of the regular meeting held on March 25, 2025.

_____
Mark Numainville, City Clerk

Communications

Item #1: Proposed Amendments to the Building Emissions Saving Ordinance (BESO); Amending Berkeley Municipal Code Chapter 19.81 *(Item contains revised material)*
1. David Lerman (2)
2. Isabella Almeida (9)

Item #9: ZAB Appeal: 3000 Shattuck Avenue, Use Permit #ZP2022-0046
3. Alisha Pember

4. Larisa Cummings (2)
5. Lorrie LeLe on behalf of East Bay Residents for Responsible Development

Waterfront
6. Andrew Sullivan
7. Kirk van Moon
8. Ross Stevenson
9. Noah Sudarsky
10. Kirsten Mahoney
11. Madeleine King

Fire Zone Concerns
12. Warren & Lorna Byrne (2)
13. Deirdre Duhan
14. Evan and Erika Mills
15. Bruce H. Feingold
16. Joan Wilson

Encampments
17. Steven Donaldson
18. Steve Smith
19. Steve Martinot
20. Nigel F.

Shattuck Security System
21. Isabel Thompson

Cash in Stores
22. Max Aue

Red Cross
23. Sheryl Drinkwater

Cesar Chavez Park
24. Stefani Berger

Adult Education Week
25. Brigitte Luna

Downtown Building
26. John Rice

Housing Safety Concern
27. David Lerman
28. Constance Rivemale

Bicycles and Pedestrians

29. Lucas Miller
30. Rachel Doughty
31. Sheila Newberry
32. Beatriz Motta
33. John J. Parman
34. Lee Bishop
35. Lucas Cantor

Status of Grievance
36. Hector91 Phuentes
37. Kawal Ulanday

Towing Services
38. Andrew Paul Gutierrez

Civic Center Park
39. Libby Hruska
40. Councilmember Taplin

Relocation of People's Park
41. Richard

ICE Concerns
42. Marla Wilson

Plans
43. Tillymaui

Forwards
44. Russbumper
45. Josh Atwood

Middle East Conflict
46. Cynthia Papermaster
47. Russbumper

UC Berkeley
48. Andrey Vinogradsky

Daylighting Concern
49. Shirley Kirsten
50. Sandra Sanchez (2)

Parking Concern
51. Rolf Bell
52. Fred Botha

53. Shirley Kirsten

Chess Club
54. Jesse Sheehan

URL's
55. Josh Atwood
56. Russbumper (3)

Supplemental Communications and Reports 1

Item #9: ZAB Appeal: 3000 Shattuck Avenue, Use Permit #ZP2022-0046
57. Supplemental material, submitted by Planning & Development Department
58. Lynn Cooper

Supplemental Communications and Reports 2

Item #2: Adopt an Ordinance to Prohibit the Sale or Use of Pricing Algorithms to Set Rents or Manage Occupancy Levels for Residential Dwelling Units; Adding Berkeley Municipal Code Chapter 13.63
59. Revised agenda material submitted by Councilmember Lunaparra, Councilmember Tregub, and Councilmember Blackaby

Item #9: ZAB Appeal: 3000 Shattuck Avenue, Use Permit #ZP2022-0046
60. Dave Fogarty
61. Janis Chang
62. Allison Riemer on behalf of Amy Chang
63. Larissa Cummings
64. Reed Dillingham
65. Paul Dillingham

Supplemental Communications and Reports 3

Ceremonial Matters

66. Presentation submitted by the Berkeley Public Library

Item #8: Establishment of M-RD Zoning District, Associated General Plan and West Berkeley Plan Amendments, and Environmental Impact Report
67. Presentation submitted by the Planning and Development Department
68. Ashley James on behalf of Allan Moore
69. Christy Shirilla on behalf of Biocom California
70. Chip Harley
71. Todd Jersey
72. Darren
73. Beth Roessner
74. Jonathan Bachrach
75. Julie McCray

Item #9: ZAB Appeal: 3000 Shattuck Avenue, Use Permit #ZP2022-0046
76. Presentation submitted by the Planning and Development Department

77. Daniel Peven on behalf of Yolanda Huang
78. Yolanda Huang
79. Gregory Kalkanis
80. Alisha Pember on behalf of Appellant East Bay Residents for Responsible Development
81. Todd Darling and Linda Jensen Darling
82. Penny Dedel

Item #10a: Allocation of $2,294,774 Million Over 2 Years, FY 2026 and FY 2027, to Reduce Consumption and Health Impacts of Sugar-Sweetened Beverages (SSBs)

83. Martin Borque (2)
84. Bernard Marszalek

Item #10b: Companion Report: Allocation of $2,294,774 Million Over Two Years, FY2026 and FY2027, to Reduce Consumption and Health Impacts of Sugar-Sweetened Beverages (SSBs)

85. Holly Scheider (2)

Miscellaneous

86. Unknown

02

Office of the City Manager

CONSENT CALENDAR
April 29, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Henry Oyekanmi, Director, Finance

Subject: Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on April 29, 2025

RECOMMENDATION

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

FISCAL IMPACTS OF RECOMMENDATION

Total estimated cost of items included in this report is **$1,850,000**

PROJECT	Fund	Source	Amount
Installation of Above Ground Storage Tank and Removal of Underground Storage Tanks	601	Zero Waste	$850,000
On-Call Waterfront Engineering, Environmental, Permitting and Construction Support Services	606 608 501	Mar – Coastal Conservancy Marina Operations/Maint Capital Improvements	$1,000,000
Total:			**$1,850,000**

CURRENT SITUATION AND ITS EFFECTS

On May, 6, 2008, Council adopted Ordinance No. 7,035-N.S. effective June 6, 2008, which increased the City Manager's purchasing authority for services to $50,000. As a result, this required report submitted by the City Manager to Council is now for those purchases in excess of $100,000 for goods; and $200,000 for playgrounds and construction; and $50,000 for services. If Council does not object to these items being sent out for bid or proposal within one week of them appearing on the agenda, and upon final notice to proceed from the requesting department, the IFB (Invitation for Bid) or RFP (Request for Proposal) may be released to the public and notices sent to the potential bidder/respondent list.

BACKGROUND
On May 6, 2008, Council adopted Ordinance No. 7,035-N.S., amending the City Manager's purchasing authority for services

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
The Finance Department reviews all formal bid and proposal solicitations to ensure that they include provisions for compliance with the City's environmental policies. For each contract that is subject to City Council authorization, staff will address environmental sustainability considerations in the associated staff report to City Council.

RATIONALE FOR RECOMMENDATION
Need for the goods and/or services.

ALTERNATIVE ACTIONS CONSIDERED
None.

CONTACT PERSON
Roopreet Walia-Soorma, Senior Buyer, Finance, 510-981-7311

Attachments:
1: Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on April 29, 2025

a. Installation of Above Ground Storage Tank and Removal of Underground Storage Tanks
b. On-Call Waterfront Engineering, Environmental, Permitting and Construction Support Services

Note: Original of this attachment with live signature of authorizing personnel is on file in General Services.

SPECIFICATION NO.	DESCRIPTION OF GOODS / SERVICES BEING PURCHASED	APPROX. RELEASE DATE	APPROX. BID OPENING DATE	INTENDED USE	ESTIMATED COST	BUDGET CODE TO BE CHARGED	DEPT. / DIVISION	CONTACT NAME & PHONE
25-11730-C	Installation of Above Ground Storage Tank and Removal of Underground Storage Tanks	4/30/2025	5/1/2025	Permitting, Site Mobilization/Demobilization, Remove 2 underground storage tanks, associated piping, and two pump stations, Excavate Impacted Soil, Site Restoration, Perform environmental soil, sidewall(s) and bottom of tank sampling and analytical testing and perform groundwater sampling if encountered and analytical testing to laboratory, installation of new aboveground fuel tank and corresponding dispenser, Draft and Final UST Removal Report and obtain City of	$850,000.00	601-54-623-677-0000-000-471-663110	Public Works / Operations / Zero Waste	Robert Hernandez 981-6644 Priya Chopra 981-6338 Joy Brown 981-6629
Dept Total					**$850,000**			
25-11731-C	On-Call Waterfront Engineering, Environmental, Permitting and Construction Support Services	4/30/2025	5/1/2025	On-call services for the provision of environmental documentation, regulatory permitting, engineering and construction support services for various capital improvements at the Berkeley Waterfront.	$1,000,000.00	On-Call contract-funding will be available per fiscal year from various funding sources. State Coastal Conservancy Grant 606-52-545-000-0000-000-472-612310- Marina Fund 608-52-545-000-0000-000-472-612310- CIP Fund 501-5-545-000-0000-000-461-612310-	PRW/Capital	Nelson Lam 981-6395
Dept Total					**$1,000,000**			
TOTAL					**$1,850,000**			

03

Office of the City Manager

CONSENT CALENDAR
April 29, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: David Sprague, Fire Chief

Subject: Contract: Public Consulting Group for Professional Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to enter into a contract with Public Consulting Group (PCG) for professional services related to the Ground Emergency Medical Transport (GEMT), Quality Assurance Fee (QAF), Intergovernmental Transfer (IGT), and Public Provider Ground Emergency Medical Transport (PP-GEMT) programs using the General Services Agency's (GSA) contract No. 47QTCA20D004Y for an amount not to exceed $300,000 for the base contract period from May 1, 2025 through April 30, 2027 with one (1), two (2) year extension not to exceed $300,000 from May 1, 2027 through April 31, 2029 in an amount not to exceed $600,000 in total.

FISCAL IMPACTS OF RECOMMENDATION

PCG's compensation for contracted services are based on PCG's GSA Authorized Federal Supply Schedule Price List. In most cases, PCG is compensated once the City receives reimbursement from the California Department of Health Care Services (DHCS). The total contract with the extension, shall not exceed $600,000. Funds will be available through the General Fund.

CURRENT SITUATION AND ITS EFFECTS

California Department of Health Care Services (DHCS), in collaboration with Sacramento Metro Fire District, transitioned out of the GEMT Quality Assurance Fee (QAF) and the GEMT Certified Public Expenditure (CPE) programs. The new program, Public Provider Ground Emergency Medical Transport Intergovernmental Transfer Program (PP-GEMT IGT) went into effect on January 1, 2023 and significantly changed how supplemental payments were calculated. While the new program was being designed, the GEMT Certified Public Expenditure (CPE) program was put on hold in FY 2019 and cost reports were not being accepted by the DHCS. In order for the City to participate in the new PP-GEMT IGT program, the City is required to close out all reporting obligations that were put on hold beginning in FY 2019.

Since the GEMT program is no longer on hold, the Fire Department can receive supplemental payments from previous years. The Department must submit GEMT

reports for fiscal years 2019, 2020, 2021, 2022, and 2023. As the PP-GEMT IGT program evolves, additional work may be required from PCG to analyze City data or prepare documents related to these programs. If the PP-GEMT IGT program fails to launch, DHCS may revert back to the legacy program (GEMT-CPE) and PCG's services will be needed to assist with preparation of the required reports.

BACKGROUND
The Department provides city-wide first responder medical and transport services. When services are provided to a Medi-Cal recipient, allowable costs that are in excess of other Medi-Cal revenue received by the City qualify for supplemental payments through these programs.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
There is no environmental effect as a result of this Resolution.

RATIONALE FOR RECOMMENDATION
PCG's expertise, methodology, and approach to the report preparation is expected to yield an increase in supplemental payments compared to previous years.

ALTERNATIVE ACTIONS CONSIDERED
Staff would be required to painstakingly prepare and submit the five (5) cost-basis reports and any future reports and risk lower reimbursements to the City and a higher potential for a DHCS audit and subsequent repayment.

CONTACT PERSON
David Sprague, Fire Chief, (510) 981-3473

Attachments:
1: Resolution

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

CONTRACT: PUBLIC CONSULTING GROUP

WHEREAS, the Fire Department provides city-wide first responder medical and transport services. When services are provided to a Medi-Cal recipient, allowable costs that are in excess of other Medi-Cal revenue received by the City qualify for supplemental payments through these programs; and

WHEREAS, the California Department of Health Care Services (DHCS), in collaboration with Sacramento Metro Fire District, transitioned out of the GEMT Quality Assurance Fee (QAF) and the GEMT Certified Public Expenditure (CPE) programs, and

WHEREAS, the new program, Public Provider Ground Emergency Medical Transport Intergovernmental Transfer Program (PP-GEMT IGT) became effective January 1, 2023 and significantly changed how supplemental payments were calculated, and

WHEREAS, while the new program was being designed, the GEMT Certified Public Expenditure (CPE) program was put on hold in FY 2019 and cost reports were not being accepted by the DHCS, and

WHEREAS, in order for the City to participate in the new PP-GEMT IGT program, the City is required to close out all reporting obligations that were put on hold beginning in FY 2019, and

WHEREAS, the GEMT program is no longer on hold and to receive supplemental payments from previous years, the Fire Department must submit GEMT reports for fiscal years 2019, 2020, 2021, 2022, and 2023, and

WHEREAS, as the PP-GEMT IGT program evolves, additional work may be required from PCG to analyze City data or prepare documents related to these programs. If the PP-GEMT IGT program fails to launch, DHCS may revert back to the legacy program (GEMT-CPE), PCG's services will be needed to assist with preparation of required reports.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager enter into a contract with Public Consulting Group (PCG) for professional services related to the Ground Emergency Medical Transport (GEMT), Quality Assurance Fee (QAF), Intergovernmental Transfer (IGT), and Public Provider Ground Emergency Medical Transport (PP-GEMT) programs using the General Services Agency's (GSA) contract No. 47QTCA20D004Y for an amount not to exceed $300,000 for the base contract period from May 1, 2025 through April 30, 2027 with one (1), two (2) year extension not to exceed $300,000 from May 1, 2027 through April 31, 2029 in an amount not to exceed $600,000 in total.

Internal

04

OFFICE OF THE CITY MANAGER

CONSENT CALENDAR
April 29, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Monica Walker, Interim Director of Human Resources

Subject: Amend Berkeley Police Association (BPA) MOU Section 19.5 *Administrative Leave for Captains* (50 hours increased to 60 hours)

RECOMMENDATION

Adopt a Resolution amending Memorandums of Understanding (MOUs) for Berkeley Police Association (BPA) MOU Section 19.5 *Administrative Leave for Captains* to increase administrative leave from 50 to 60 hours.

FISCAL IMPACTS OF RECOMMENDATION

The fiscal impact for four Captains is approximately $4,422.00 annually.

CURRENT SITUATION AND ITS EFFECTS

In the most recent round of labor negotiations with Local One, the City increased the amount of administrative leave from 50 hours to 60 hours. This increase triggered a meet and confer requirement outlined in BPA MOU Section 19.5.3 which states, “During the term of this Agreement, in the event of another represented management level City employees group receive an increase to Administrative Leave resulting in greater than fifty (50) hours of Administrative Leave per year, the parties agree to meet and confer regarding comparable benefits for Police Captains.”

BACKGROUND

BPA represents Police Officers, Police Sergeants, Police Lieutenants, and Police Captains. Of these, Police Captain is the only classification designated as FLSA exempt, meaning employees in this classification do not earn overtime. In lieu of earning overtime, Police Captains have been credited with 50 hours of Administrative Leave each January.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
There is no environmental impact.

RATIONALE FOR RECOMMENDATION
Amending the BPA MOU to increase the amount of administrative leave from 50 hours to 60 hours annually fulfills the City's meet and confer requirement that was triggered by the increase of similar hours granted to Local One and awards comparable benefits for Police Captains.

ALTERNATIVE ACTIONS CONSIDERED
None.

CONTACT PERSON
Monica Walker, Interim Director of Human Resources, (510) 981-6818.

ATTACHMENTS
1. Resolution: Amend Berkeley Police Association (BPA) MOU Section 19.5 *Administrative Leave for Captains* (50 hours increased to 60 hours)
    a. Exhibit A: Side Letter Agreement Between City of Berkeley and Berkeley Police Association, Revise MOU Section 19.5 Administrative Leave for Captains (50 hours increased to 60 hours)

Consent Calendar
April 29, 2025

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

AMEND BERKELEY POLICE ASSOCIATION (BPA) MOU
SECTION 19.5 ADMINISTRATIVE LEAVE FOR CAPTAINS

WHEREAS, the Berkeley Police Association (BPA) Memorandum of Understanding (MOU) Section 19.5 *Administrative Leave for Captains* currently credits Police Captains with fifty (50) hours of Administrative Leave in lieu of overtime; and

WHEREAS, the Berkeley Police Association (BPA) Memorandum of Understanding (MOU) Section 19.5.3 states, “During the term of this Agreement, in the event of another represented management level City employees group receive an increase to Administrative Leave resulting in greater than fifty (50) hours of Administrative Leave per year, the parties agree to meet and confer regarding comparable benefits for Police Captains;” and

WHEREAS, in the most recent round of labor negotiations with Local One, the City increased the amount of administrative leave from 50 hours to 60 hours, which triggered a meet and confer requirement outlined in BPA MOU Section 19.5.3; and

WHEREAS, during the meet and confer process, the City and BPA tentatively agreed to increase the administrative leave for Police Captains from 50 hours to 60 hours.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Berkeley Police Association (BPA) MOU Section 19.5 *Administrative Leave for Captains* will be amended to increase administrative leave for Police Captains from 50 hours to 60 hours, credited every January 1 thereafter during the term of the agreement, with the balance of 10 hours for 2025 effective the first full pay period following Council authorization.

Exhibit A: Side Letter Agreement – Revise MOU Section 19.5 Administrative Leave for Captains (50 hours increased to 60 hours)

SIDE LETTER AGREEMENT
BETWEEN THE CITY OF BERKELEY AND
BERKELEY POLICE ASSOCIATION

The parties to this Side Letter Agreement are the City of Berkeley (the "City") and Berkeley Police Association (the "BPA").

The City and BPA have met and conferred and reached agreement on this Side Letter Agreement, which pertains to the Memorandum of Understanding regarding Administration Leave. In December of 2024, Local 1 and the City concluded their labor negotiations, allowing Local 1 to increase the Administrative Leave allotment from fifty (50) to sixty (60) hours.

After a review of the current language in the BPA MOU and the conclusion of the meet and confer, the Union and the City tentatively agreed that the Administrative Leave should be increased to sixty (60) hours. This Side Letter aims to clarify the language regarding Administrative Leave.

The parties hereby agree that:

19.5 Administrative Leave for Captains

19.5.1 Effective the first full pay period after City Council authorization and every January 1 each year thereafter, Captains shall be credited with sixty (60) hours of Administrative Leave. Such leave shall be in lieu of overtime earned by individuals in the ranks of Lieutenant and below. After successful completion of six (6) months of initial employment, employees are able to use Administrative Leave. Administrative Leave which is not utilized during any calendar year will be credited to the individual's vacation balance at the end of the calendar year. All rules governing vacation balances and when vacation can be scheduled in Section 22 shall apply to Administrative Leave.

WHEREFORE, the parties by and through their authorized agents and representatives agree to the terms of this Side Letter Agreement subject to adoption or ratification of this Agreement by the City Council of the City of Berkeley.

FOR BPA

By _____

Date _____

FOR THE CITY OF BERKELEY

By _____

Date _____

APPROVED AS TO FORM

_____

City Attorney

_____

Date

05

Office of the City Manager

CONSENT CALENDAR
April 29, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Kevin Fong, Information Technology Director

Subject: Contract No. 31900270 Amendment: Dell Marketing LP ("Dell")

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 31900270 with Dell Marketing LP ("Dell") for the purchase of hardware, software, and related services utilizing the County of Riverside Agreement 8084445, for an additional $2,786,057 for a total not to exceed value of $8,197,733 for the period commencing on November 1, 2019 and through October 31, 2027.

FISCAL IMPACTS OF RECOMMENDATION

Council authority is requested to allow for continued hardware and software purchases from Dell under County of Riverside Agreement 8084445, a competitively bid cooperative purchasing agreement, to support citywide enterprise computing equipment (PC's, laptops, servers, storage, network equipment, software, etc.). Funding is available through a combination of the Department of Information Technology's Fiscal Year (FY) 2026 IT Cost Allocation Fund and various City Departments on an as-procured basis, as City Departments fund their cost for procured equipment.

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley participates in a competitively bid cooperative pricing agreement negotiated by the County of Riverside (Agreement No. 8084445) with Dell to obtain hardware, software, and related services. This agreement provides the City of Berkeley with standardized hardware and software at competitive prices and facilitates a consistent infrastructure and computing experience, as well as efficient troubleshooting and quick turnaround times for equipment replacement.

This agreement aligns with the City's strategic priority to provide "state-of-the-art, well-maintained infrastructure, amenities, and facilities".

BACKGROUND
Formally, the City utilized a cooperative purchasing agreement known as WSCA, a cooperative purchasing arm of NASPO (a conglomeration of purchasing directors from fifteen western states formed to leverage their combined purchasing power to achieve competitive pricing discounts and streamline the acquisition of quality products and services from industry-leading vendors). The WSCA NASPO cooperative agreement terminated effective July 31, 2023 and no extension is available.

As a result, the City changed its cooperative agreement to use the County of Riverside Agreement. This competitively bid, cooperative agreement is used by multiple cities and counties in the State of California, including the State itself. Leveraging this cooperative agreement provides the City the best pricing vs. all competitive bids and cost models.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
The technology equipment purchased from Dell is energy efficient and meets the standards required by law. The purchase and subsequent disposal of equipment is done responsibly using e-waste vendors and community non-profit agencies that provide technology equipment back into local communities to address the digital divide.

Additionally, keeping the City's inventory routinely updated allows the City to purchase the most energy efficient hardware to meet the City's goal of reducing energy consumption and maintaining an environmentally sound information technology infrastructure.

RATIONALE FOR RECOMMENDATION
Using competitively bid, cooperative purchasing agreements allows the City to gain greater efficiencies and economies of scale. The County of Riverside Agreement 8084445 is used by multiple cities and counties in the State of California and including the State itself.

Dell continues to provide excellent hardware and software to support the City's enterprise computing needs, including network infrastructure, servers, and desktop computers. Dell also continues to provide exemplary customer service and response times that contributes to overall employee productivity and addresses the cybersecurity requirements of the City.

ALTERNATIVE ACTIONS CONSIDERED
Staff considered issuing a specific bid for the City of Berkeley's computer hardware and software requirements, but at this time, doing so would not yield better pricing than that which is currently established through the County of Riverside Agreement 8084445.

CONTACT PERSON
Kevin Fong, Director, Information Technology Department 510-981-6541

Attachments:
1: Resolution

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

DELL MARKETING LP ("DELL"): USING COUNTY OF RIVERSIDE AGREEMENT 8084445 FOR HARDWARE AND SOFTWARE PURCHASES

WHEREAS, the City of Berkeley relies upon a technically sound and efficient computer network; and

WHEREAS, by purchasing from competitively bid, cooperative purchasing agreements such as County of Riverside to Agreement 8084445, the City of Berkeley is able to take advantage of pre-negotiated prices, economies of scale, and increased efficiencies; and

WHEREAS, hardware and software for various City-wide enterprise and infrastructure projects is purchased from Dell, and maximizes the value of the City's investment by adopting a citywide standard for equipment, such as PC's, laptops and servers; and

WHEREAS, Dell continues to offer the best overall value, reliable hardware, and excellent customer service since 1994; and

WHEREAS, enterprise funding is provided by Department of Information Technology's Fiscal Year (FY) 2026 IT Cost Allocation Fund and various city department funds on an as-procured basis, as city departments fund their cost for procured equipment;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to increase the spending authority for purchase orders for computer hardware, software, and related services from Dell utilizing pricing from the County of Riverside Agreement 8084445 by an additional amount of $2,786,057 for a total not to exceed value of $8,197,733 for the period commencing on November 1, 2019 and through October 31, 2027.

Public

06

Office of the City Manager

CONSENT CALENDAR
April 29, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Kevin Fong, Director, Information Technology

Subject: New Contract: Tyler Technologies, Inc. for Open Data Portal (ODP) Hosting Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a new contract with Tyler Technologies, Inc., for the purposes of hosting the City's Open Data Portal, in an amount not to exceed $171,323 for the period commencing on July 1, 2024 through June 30, 2027.

FISCAL IMPACTS OF RECOMMENDATION

Funding for the hosting services for $171,323 is available in the Fiscal Year (FY) 2025-2027 IT Cost Allocation Budget as itemized below, and funding for future years is subject to Council's approval of future budgets and Annual Appropriation Ordinances.

$54,345	FY 2025: Fund 680 Software Maintenance (IT Cost Allocation, Software Renewal/Maintenance)
$57,062	FY 2026: Fund 680 Software Maintenance (IT Cost Allocation, Software Renewal/Maintenance)
$59,916	FY 2027: Fund 680 Software Maintenance (IT Cost Allocation, Software Renewal/Maintenance)
$171,323	**Total FY 2025-2027 Software Maintenance**

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley's Open Data Portal (https://data.cityofberkeley.info) is a web-based presence established to serve as a single point of access for Open Data (non-confidential, public data provided in searchable formats for unrestricted use to increase transparency and civic engagement). The portal is loaded with datasets directly from city systems and ready for download in numerous formats. The portal also provides a set of basic tools to create charts, graphs, maps and other visualizations so visitors who do not want to download the data can explore it in place.

The Department of Information Technology (IT) manages the City of Berkeley's Open Data Portal. Staff throughout the City, in coordination with IT and the City Manager's Office, upload city business data to the portal for public consumption. City information is now easily accessible without requiring a Public Information Act request. The information that was regularly requested is now online on the City of Berkeley Open Data Portal, freeing staff to do other tasks.

The Open Data Portal aligns with Berkeley's strategic goal to "Be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community".

BACKGROUND

In August 2013, staff began researching and testing open data platforms to determine which would most efficiently support a pilot program for the City of Berkeley in Fiscal Year 2015, given existing citywide fiscal and staff constraints. This included Open Data Portal research, design, and documentation by interns of the Presidio Graduate School (http://www.presidio.edu/).

In November 2013, Council issued a referral requesting the creation of an Open Data Policy, citing the Federal Memorandum for Transparency and Open Government.

In June 2014, the Department of Information Technology executed a contract with Socrata, Inc. (http://www.socrata.com/) to provide an Open Data platform and cloud hosting. At the time, Socrata, Inc. was the only company whose primary focus was providing open source data services to the public sector in the United States. Also in June 2014, the Department of Information Technology partnered with UC Berkeley's School of Information (http://www.ischool.berkeley.edu/) to identify and onboard a volunteer intern Team Lead.

In November 2014, Staff provided an update to Council in City Council Information Report #45. In December 2014, the Open Data Portal pilot project went live after more than 1,500 hours of combined staff, intern, and student volunteer work. The core objective of the pilot program was to collect metrics around ODP performance, community use, and feedback from both community members and staff. During this pilot program, the City prioritized publishing datasets that community members frequently requested via Public Records Act requests, resulting in 24/7 access to this data, improved service to our community, and improved government transparency.

In 2018, Tyler Technologies, Inc. purchased the Socrata platform. Under Tyler Technologies, Socrata has kept its name and branding. In 2019, staff assigned the contract from Socrata, Inc. to Tyler Technologies, Inc. In 2025, a new contract was created with Tyler Technologies, Inc., for the purposes of hosting the City's Open Data Portal, assuming the same terms and conditions as the previous contract it superceded.

Since 2015, the City added about 77 datasets and 20 map layers on various City functions and operations, including crime incidents, 311 service requests, salaries, parcels and energy use.

ENVIRONMENTAL SUSTAINABILITY

By publishing the most frequently requested dataset requests, community members can now access this information at home and electronically, thereby decreasing contributions to global warming emissions and waste, respectively. This supports the Digital Strategic Plan goal of providing more online services and the goal of reducing greenhouse gas emissions of the City's Climate Action Plan.

RATIONALE FOR RECOMMENDATION

Tyler Technologies, Inc. offers the Socrata platform as a user friendly and cost-effective solution for sharing the city's business data across departments and with the public. This contract will enable the Department of Information Technology to continue to offer this valuable tool for an additional three years.

ALTERNATIVE ACTIONS CONSIDERED

Staff considered not renewing licenses for the Socrata platform, but doing so would yield operation inefficiencies that would affect the quality of service delivered to City staff and the community.

CONTACT PERSON

Kevin Fong, Director, Information Technology, 510-981-6525

Attachments:

1: Resolution

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

NEW CONTRACT: TYLER TECHNOLOGIES, INC. FOR OPEN DATA PORTAL (ODP) HOSTING SERVICES

WHEREAS, the City of Berkeley's Open Data Portal provides community members with access to data that is non-confidential and public provided in searchable formats for unrestricted use; and

WHEREAS, in August 2013, staff researched and tested multiple open data platforms and in November 2013, Council issued a referral requesting the creation of an Open Data Portal; and

WHEREAS, in June 2014, the Department of Information Technology executed a contract with Socrata, Inc. to provide professional and hosting services for an Open Data Portal; and in November 2014, Staff provided an update to Council with Information Report #45; and in December 2014, the Open Data Portal went live; and

WHEREAS, more City information is now easily accessible without requiring a Public Information Act request; and

WHEREAS, government transparency is improved because the portal provides members of the public with the same access to raw data that governments have; and

WHEREAS, in 2018, Tyler Technologies, Inc. purchased the Socrata platform and, in 2019, staff assigned the contract from Socrata, Inc. to Tyler Technologies, Inc. and in 2025 executed a new contract with Tyler Technologies, Inc. that supercedes the Socrata contract, but assumes the same terms and conditions; and

WHEREAS, funding for the additional hosting services for $171,323 is available in the Fiscal Year (FY) 2025-2027 IT Cost Allocation Budget, and funding for future years is subject to Council's approval of the proposed citywide Fiscal Year FY 2025-2027 Budget and Annual Appropriation Ordinances.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a new contract with Tyler Technologies, Inc., for the purposes of hosting the City's Open Data Portal, for a contract amount not to exceed $171,323 for the period July 1, 2024 through June 30, 2027.

Public

07

CONSENT CALENDAR
APRIL 29, 2025

To: Honorable Mayor Ishii and Members of the City Council

From: Office of the Director of Police Accountability (ODPA)

Submitted by: Hansel A. Aguilar, Director of Police Accountability (DPA)

Subject: Adjustment to Police Accountability Board Stipend Cap Following AAO #1 Carryover Approval

RECOMMENDATION

Adopt a resolution temporarily increasing the stipend cap for Police Accountability Board (PAB) members to ensure the distribution of previously approved funds and provide compensation for meetings that exceeded the existing monthly cap.

SUMMARY

PAB members currently receive stipends of $110 per meeting, up to four meetings per month, as established by Resolution No. 69,739-N.S., adopted on March 9, 2021. On November 19, 2024, the City Council allocated $12,000 in FY 2024 carryover funds for "PAB Committee + Training Stipends Adjustments" as part of the Annual Appropriations Ordinance #1 (AAO#1).[1] These funds were intended to compensate PAB members for their expanded workload in 2024, including increased participation in subcommittees and training sessions. A temporary adjustment to the stipend cap is necessary to equitably distribute these funds in accordance with the Berkeley City Charter. While the ODPA secured additional stipend funding in the amount of $12,000 through AAO#1, implementation of a stipend increase requires City Council action via resolution, per Berkeley City Charter Section 125(11)(b).[2]

CURRENT SITUATION AND ITS EFFECTS

Berkeley City Charter Section 125(11)(b) authorizes the City Council to adjust Board member stipends no more than once per fiscal year, and not in excess of the Bay Area cost-of-living increase as measured by official U.S. economic reports. Berkeley City Charter Section(11)(b) states:

> Adjustments to Board member stipends shall occur no more than once in a fiscal year and in no event shall an increase in Board

[1] November 19, 2024 City Council Annotated Agenda: https://berkeleyca.gov/sites/default/files/city-council-meetings/2024-11-19%20Annotated%20Agenda%20-%20Council_0.pdf
[2] Berkeley City Charter Section(11)(b): https://berkeley.municipal.codes/Charter/125(11)(b)

> member stipends exceed the change in the cost of living for the San Francisco Bay Area…

The City Clerk clarified in a March 7, 2025 correspondence that any increase in the stipend cap requires Council action through a submitted report and resolution:

> To set the new rates, the ODPA can submit an item to Council showing the authority and calculations for the new amounts. The increase should be adopted in a Council Resolution that you include with the report.

This step is necessary even though the Council approved the associated funding via the AAO#1 carryover process.

BACKGROUND

The current stipend structure was set in Resolution No. 64,831-N.S, which established a per-meeting stipend of $100 and authorized CPI-based annual increases.[3] This structure applies to the Police Accountability Board and a small number of other bodies.

The Board's 2024 Workplan included oversight responsibilities and initiatives requiring time-intensive engagement beyond regular meetings, including:

- Implementation of an Early Intervention System (EIS)
- Finalization of the PAB's and ODPA's Regulations for Handling Investigations and Complaints[4]
- Extensive review of operational manuals and policies, including updates to the BPD's Vehicle Pursuit Policy, Body-Worn Camera Policy, and other key policies.

To reflect the sustained increase in workload experienced during FY 2024, the ODPA successfully secured $12,000 in carryover funds under AAO#1 to support increased stipend costs. These funds, combined with existing budget authority, will enable the City to equitably compensate Board members once a new resolution is adopted.

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[3] March 9, 2021 Referral Response: Commission Low-Income Stipend Reform: https://berkeleyca.gov/sites/default/files/documents/2021-03-09%20Item%2003%20Referral%20Response%20Commission%20Low-Income.pdf

[4] Berkeley Charter Section 125(18)(a) requires that the Director of Police Accountability and Board adopt regulations for handling complaints filed with the Director of Police Accountability by any member of the public alleging misconduct by sworn employees of the Police Department and undertake investigations of complaints as they deem warranted. The regulations shall include the following: (1) What constitutes a complaint; and (2) A provision for voluntary mediation of complaints in lieu of an investigation.
Since the implementation of Measure II, the PAB and ODPA have been handling complaints through the Interim Regulations for Handling Complaints Against Sworn Officers of the Police Department Approved by the City Council October 5, 2021.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no environmental sustainability or climate impacts associated with this item.

POSSIBLE FUTURE ACTION

The ODPA will submit a Council item including a resolution authorizing a temporary increase in the monthly PAB stipend cap for FY 2026 should carryover funds be available. In parallel, ODPA will conduct an internal assessment of member workload and meeting demands to determine whether future workplans require a permanent stipend cap adjustment. If such a determination is made, ODPA will return to Council with a recommendation supported by a budget adjustment and appropriate legislative action in the subsequent budget review process.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Approving this cap adjustment has no fiscal impact, as the carryover funds were already approved for this purpose by the Council during the AAO process at its November 19, 2024, Regular Meeting.

CONTACT PERSON

Hansel A. Aguilar, Director of Police Accountability
Phone: (510) 981-4950
Email: HAguilar@berkeleyca.gov

Attachments:

1. Resolution AUTHORIZING A TEMPORARY ADJUSTMENT TO THE POLICE ACCOUNTABILITY BOARD STIPEND CAP FOR FISCAL YEAR 2025 PURSUANT TO BERKELEY CITY CHARTER SECTION 125(11)(b)
2. 2024 PAB Stipend History
3. FY24 Carryover Approval – AAO#1 Excerpt
4. 2025 Police Accountability Board Workplan

RESOLUTION NO. ##,###–N.S.

AUTHORIZING A TEMPORARY ADJUSTMENT TO THE POLICE ACCOUNTABILITY BOARD STIPEND CAP FOR FISCAL YEAR 2025 PURSUANT TO BERKELEY CITY CHARTER SECTION 125(11)(b)

WHEREAS, Berkeley City Charter Article XVIII, Section 125(11)(b) authorizes the City Council to adjust the stipends paid to Police Accountability Board (PAB) members no more than once in a fiscal year and not in excess of the annual change in the cost of living for the San Francisco Bay Area, as measured by official United States economic reports; and

WHEREAS, Resolution No. 69,739–N.S., adopted on March 9, 2021, established a stipend of $100 per meeting for PAB members, not to exceed four meetings per month, with future adjustments tied to the Consumer Price Index (CPI); and

WHEREAS, on November 19, 2024, the City Council approved Resolution 7,940 N.S. which authorized $12,000 in carryover funding through the FY 2024 Annual Appropriations Ordinance #1 (AAO#1) to fund additional compensation for increased participation by PAB members in subcommittee meetings and training during Fiscal Year 2025; and

WHEREAS, the Board's 2024 Workplan included oversight responsibilities and initiatives that required time-intensive engagement beyond regular meetings, including the implementation of an Early Intervention System (EIS), the finalization of the PAB's and ODPA's Regulations for Handling Investigations and Complaints, and an extensive review of operational manuals and policies, such as updates to the BPD's Vehicle Pursuit Policy, Body-Worn Camera Policy, and other key policies.

WHEREAS, the Office of the Director of Police Accountability confirms that sufficient appropriations are available in the FY 2025 budget to support this temporary stipend cap adjustment.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley temporarily increases the monthly stipend cap for eligible Police Accountability Board members to $600 for Fiscal Year 2025 only. This amount covers regular, special, and subcommittee meetings. Additionally, stipends will be retroactively adjusted for work completed during Fiscal Year 2025 if the previous $300 monthly cap was exceeded.

BE IT FURTHER RESOLVED that this stipend cap adjustment shall expire automatically at the close of Fiscal Year 2025 on June 30, 2025, unless otherwise extended or modified by further Council action.

BE IT FURTHER RESOLVED that this stipend cap adjustment shall expire automatically at the close of Fiscal Year 2025 on June 30, 2025, unless otherwise extended or modified by further Council action.

BE IT FURTHER RESOLVED that the Office of the Director of Police Accountability may assess the ongoing workload and obligations of the Police Accountability Board as outlined in current and future workplans to determine whether a permanent adjustment to the stipend cap is warranted, and if so, shall return to Council with a proposal supported by a budget adjustment and legal authority.

Reporting Period	Jan-Mar 2024								
Meeting	Meeting Type	Calavita (52951)	Harris (52946)	Leftwich (52881)	Moore (52849)	Wilson (54365)	Blackaby (54479)	Cayetano (54495)	Mozes (54766)
01-05-2024 Off-Duty Conduct Subcommittee	Subcommittee	$ -	$ 20.00	$ -	$ -	$ -	$ -	$ 20.00	$ -
01-10-2024 PAB Regular Meeting	Regular or Special Meeting	$ 110.00	$ 110.00	$ 110.00	$ 110.00	$ 110.00	$ 110.00	$ 110.00	$ 110.00
01-24-2024 PAB Regular Meeting	Regular or Special Meeting	$ 110.00	$ 110.00	$ 110.00	$ 110.00	$ 110.00	$ 110.00	$ 110.00	$ 110.00
Total for January		$ 220.00	$ 240.00	$ 220.00	$ 220.00	$ 220.00	$ 220.00	$ 240.00	$ 220.00
02-01-2024 Commendations Subcommittee	Subcommittee	$ -	$ 20.00	$ -	$ 20.00	$ -	$ 20.00	$ -	$ -
02-05-2024 Lexipol Policy Subcommittee	Subcommittee	$ -	$ -	$ 20.00	$ -	$ -	$ -	$ 20.00	$ 20.00
02-05-2024 Conflict of Interest Subcommittee	Subcommittee	$ -	$ 20.00	$ 20.00	$ -	$ 20.00	$ -	$ -	$ -
02-06-2024 Lexipol Policy Subcommittee	Subcommittee	$ -	$ -	$ 20.00	$ -	$ -	$ -	$ 20.00	$ 20.00
02-07-2024 Body-Worn Camera Subcommittee	Subcommittee	$ -	$ 20.00	$ 20.00	$ -	$ -	$ -	$ -	$ -
02-07-2024 PAB Regular Meeting	Regular or Special Meeting	$ 110.00	$ 110.00	$ 110.00	$ -	$ 110.00	$ 110.00	$ 110.00	$ 110.00
02-27-2024 Lexipol Policy Subcommittee	Subcommittee	$ -	$ -	$ 20.00	$ -	$ -	$ -	$ 20.00	$ 20.00
02-28-2024 PAB Regular Meeting	Regular or Special Meeting	$ 110.00	$ 110.00	$ 110.00	$ 110.00	$ 110.00	$ 110.00	$ 110.00	$ 110.00
Total for February		$ 220.00	$ 280.00	$ 320.00	$ 130.00	$ 240.00	$ 240.00	$ 280.00	$ 280.00
03-01-2024 Off-Duty Conduct	Subcommittee	$ -	$ 20.00	$ -	$ -	$ -	$ -	$ 20.00	$ -
03-02-2024 Strategic Planning Session (Retreat)	Regular or Special Meeting	$ 110.00	$ -	$ 110.00	$ -	$ 110.00	$ 110.00	$ 110.00	$ 110.00
03-04-2024 Body-Worn Camera Subcommittee	Subcommittee	$ -	$ -	$ 20.00	$ -	$ -	$ -	$ 20.00	$ -
03-11-2024 Lexipol Policy Subcommittee	Subcommittee	$ -	$ -	$ 20.00	$ -	$ -	$ -	$ 20.00	$ 20.00
03-13-2024 PAB Regular Meeting	Regular or Special Meeting	$ 110.00	$ -	$ 110.00	$ 110.00	$ -	$ 110.00	$ 110.00	$ 110.00
03-20-2024 FIP Subcommittee Meeting	Subcommittee	$ 20.00	$ -	$ -	$ -	$ 20.00	$ -	$ -	$ -
03-27-2024 PAB Regular Meeting	Regular or Special Meeting	$ 110.00	$ 110.00	$ 110.00	$ 110.00	$ 110.00	$ 110.00	$ -	$ 110.00
Total for March		$ 350.00	$ 130.00	$ 370.00	$ 220.00	$ 240.00	$ 330.00	$ 280.00	$ 350.00
Grand Total	*Values adjusted to $300.00 monthly cap.*	$ 740.00	$ 650.00	$ 820.00	$ 570.00	$ 700.00	$ 760.00	$ 800.00	$ 800.00

Governing Authority

City Charter Section 11(a): Each Board member is entitled to receive a stipend of $110 for each regular/special Board meeting attended, and $20 per hour for each hour of training attended as provided in Section 12 and each subcommittee meeting attended as a member of a subcommittee. Excluding participation in trainings, the total stipend paid may not exceed $300 per month per Board member.

Reporting Period	Apr - Jun 2024								
Meeting	Meeting Type	Calavita (52951)	Leftwich (52881)	Moore (52849)	Wilson (54365)	Blackaby (54479)	Cayetano (54495)	Mozes (54766)	
4/17/2024 Regular Meeting	Regular	$ -	$ 110.00	$ 110.00	$ 110.00	$ 110.00	$ 110.00	$ 110.00	
4/24/2024 Special Meeting	Special	$ 110.00	$ 110.00	$ 110.00	$ 110.00	$ 110.00	$ 110.00	$ 110.00	
4/3/2024 PAB Policy Review Subcommittee	Subcommittee		$ 20.00	$ -	$ -	$ -	$ 20.00	$ 20.00	
4/8/2024 PAB Policy Review Subcommittee	Subcommittee	$ -	$ 20.00	$ -	$ -	$ -	$ 20.00	$ 20.00	
4/18/2024 PAB Policy Review Subcommittee	Subcommittee	$ -	$ 20.00	$ -	$ -	$ -	$ 20.00	$ 20.00	
4/25/2024 PAB Policy Review Subcommittee	Subcommittee	$ -	$ 20.00	$ -	$ -	$ -	$ 20.00	$ 20.00	
Total for April		**$ 110.00**	**$ 300.00**	**$ 220.00**	**$ 220.00**	**$ 220.00**	**$ 300.00**	**$ 300.00**	
5/8/2024 Regular Meeting	Regular	$ 110.00	$ 110.00	$ 110.00	$ 110.00	$ 110.00	$ 110.00	$ 110.00	
5/22/2024 Regular Meeting	Regular	$ 110.00	$ 110.00	$ 110.00	$ 110.00	$ 110.00	$ 110.00	$ 110.00	
5/1/2024 PAB Policy Review Subcommittee	Subcommittee	$ -	$ 20.00	$ -	$ -	$ -	$ 20.00	$ 20.00	
5/15/2024 PAB Policy Review Subcommittee	Subcommittee	$ -	$ 20.00	$ -	$ -	$ -	$ 20.00	$ 20.00	
5/23/2024 PAB Policy Review Subcommittee	Subcommittee		$ 20.00	$ -	$ -	$ -	$ 20.00	$ 20.00	
5/30/2024 PAB Policy Review Subcommittee	Subcommittee	$ -	$ 20.00	$ -	$ -	$ -	$ 20.00		
Total for May		**$ 220.00**	**$ 300.00**	**$ 220.00**	**$ 220.00**	**$ 220.00**	**$ 300.00**	**$ 280.00**	
6/5/2024 Regular Meeting	Regular	$ 110.00	$ 110.00	$ -	$ 110.00	$ 110.00	$ 110.00	$ 110.00	
6/26/2024 Regular Meeting	Regular	$ -	$ 110.00	$ 110.00	$ 110.00	$ -	$ 110.00	$ -	
6/5/2024 PAB Policy Review Subcommittee	Subcommittee	$ -	$ 20.00	$ -	$ -	$ -	$ 20.00	$ -	
6/17/2024 PAB Policy Review Subcommittee	Subcommittee	$ -	$ 20.00	$ -	$ -	$ -	$ 20.00	$ -	
6/27/2024 PAB Policy Review Subcommittee	Subcommittee	$ -	$ 20.00	$ -	$ -	$ -	$ 20.00	$ -	
Total for June		**$ 110.00**	**$ 280.00**	**$ 110.00**	**$ 220.00**	**$ 110.00**	**$ 280.00**	**$ 110.00**	
Grand Total	*Values adjusted to $300.00 monthly cap.*	$ 440.00	$ 880.00	$ 550.00	$ 660.00	$ 550.00	$ 880.00	$ 690.00	

Governing Authority

City Charter Section 11(a): Each Board member is entitled to receive a stipend of $110 for each regular/special Board meeting attended, and $20 per hour for each hour of training attended as provided in Section 12 and each subcommittee meeting attended as a member of a subcommittee. Excluding participation in trainings, the total stipend paid may not exceed $300 per month per Board member.

Reporting Period	July - September 2024									
Meeting	Meeting Type	Calavita (52951)	Leftwich (52881)	Moore (52849)	Wilson (54365)	Blackaby (54479)	Cayetano (54495)	Mozes (54766)	Williams (55174)	
Wednesday, July 10, 2024	Regular	$ 110.00	$ 110.00	$ 110.00	$ 110.00	$ 110.00	$ 110.00	$ 110.00	$ 110.00	
Wednesday, July 24, 2024	Regular	$ 110.00	$ 110.00	$ 110.00	$ 110.00	$ 110.00	$ -	$ 110.00	$ -	
Monday, July 8, 2024	PAB Policy Subcommittee	$ -	$ 20.00	$ -	$ -	$ -	$ 20.00	$ -	$ -	
Wednesday, July 10, 2024	PAB Policy Subcommittee	$ -	$ 20.00	$ -	$ -	$ -	$ 20.00	$ -	$ -	
		$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	
		$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	
		$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	
Total for July		$ 220.00	$ 260.00	$ 220.00	$ 220.00	$ 220.00	$ 150.00		$ 110.00	
No Meetings		$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	
		$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	
		$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	
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		$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	
Total for August		$ -	$ -	$ -	$ -	$ -	$ -		$ -	
Wednesday, September 11, 2024		$ 110.00	$ 110.00	$ 110.00	$ 110.00	$ 110.00	$ 110.00	$ 110.00	$ 110.00	
Wednesday, September 25, 2024		$ 110.00	$ 110.00	$ 110.00	$ -	$ 110.00	$ 110.00	$ 110.00	$ -	
		$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	
		$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	
		$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	
Total for September		$ 220.00	$ 220.00	$ 220.00	$ 110.00	$ 220.00	$ 220.00		$ 110.00	
Grand Total	*Values adjusted to $300.00 monthly cap, if applicable.*	$ 440.00	$ 480.00	$ 440.00	$ 330.00	$ 440.00	$ 370.00		$ 220.00	

Governing Authority

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Reporting Period	October - February 2025									
Meeting	Meeting Type	Calavita (52951)	Leftwich (52881)	Moore (52849)	Wilson (54365)	Blackaby (54479)	Cayetano (54495)	Mozes (54766)	Williams (55174)	
Wednesday, October 9, 2024	Regular	$ 110.00	$ 110.00	$ 110.00	$ 110.00	$ 110.00	$ 110.00	$ 110.00	$ 110.00	
Wednesday, October 30, 2024	Regular	$ 110.00	$ 110.00	$ 110.00	$ 110.00	$ 110.00	$ 110.00	$ 110.00	$ 110.00	
Wednesday, October 9, 2024	Policy Review Subcommittee	$ -	$ 20.00	$ -	$ -	$ -	$ 20.00	$ -	$ -	
Tuesday, October 22, 2024	Policy Review Subcommittee	$ -	$ 20.00	$ -	$ -	$ -	$ 20.00	$ -	$ -	
Thursday, October 24, 2024	Policy Review Subcommittee	$ -	$ 20.00	$ -	$ -	$ -	$ 20.00	$ -	$ -	
Total for Oct		$ 220.00	$ 280.00	$ 220.00	$ 220.00	$ 220.00	$ 280.00	$ 220.00	$ 220.00	
Wednesday, November 13, 2024	Regular	$ 110.00	$ 110.00	$ 110.00	$ 110.00	$ 110.00	$ 110.00	$ 110.00	$ 110.00	
Thursday, November 21, 2024	Policy Review Subcommittee	$ -	$ 20.00	$ -	$ -	$ -	$ 20.00	$ -	$ -	
Tuesday, November 26, 2024	Policy Review Subcommittee	$ -	$ 20.00	$ -	$ -	$ -	$ 20.00	$ -	$ -	
Total for Nov		$ 110.00	$ 150.00	$ 110.00	$ 110.00	$ 110.00	$ 150.00	$ 110.00	$ 110.00	
Wednesday, December 11, 2024	Regular	$ 110.00	$ 110.00	$ 110.00	$ -	$ -	$ 110.00	$ -	$ 110.00	
Tuesday, December 3, 2024	Policy Review Subcommittee	$ -	$ 20.00	$ -	$ -	$ -	$ 20.00	$ -	$ -	
Total for Dec		$ 110.00	$ 130.00	$ 110.00	$ -	$ -	$ 130.00	$ -	$ 110.00	
Wednesday, January 8, 2025	Regular	$ 110.00	$ 110.00	$ 110.00	$ 110.00	$ -	$ 110.00	$ 110.00	$ -	
Wednesday, January 22, 2025	Regular	$ -	$ 110.00	$ 110.00	$ 110.00	$ -	$ 110.00	$ 110.00	$ 110.00	
Total for Jan 2025		$ 110.00	$ 220.00	$ 220.00	$ 220.00	$ -	$ 220.00	$ 220.00	$ 110.00	
Wednesday, February 5, 2025	Regular	$ 110.00	$ 110.00	$ -	$ 110.00	$ -	$ 110.00	$ 110.00	$ -	
Saturday, February 1, 2025	Special	$ -	$ 110.00	$ -	$ 110.00	$ -	$ 110.00	$ -	$ 110.00	
Wednesday, February 19, 2025	Regular	$ 110.00	$ 110.00	$ -	$ 110.00	$ -	$ 110.00	$ -	$ -	
Tuesday, February 11, 2025	Policy Review Subcommittee	$ -	$ 20.00	$ -	$ -	$ -	$ 20.00	$ -	$ -	
Total for Feb 2025		$ 220.00	$ 350.00	$ -	$ 330.00	$ -	$ 350.00	$ 110.00	$ 110.00	
CAP Adjustment for Feb 2025			$ 300.00		$ 300.00		$ 300.00			
Grand Total	*Values adjusted to $300.00 monthly cap, if applicable.*	$ 770.00	$ 1,080.00	$ 660.00	$ 850.00	$ 330.00	$ 1,080.00	$ 660.00	$ 660.00	

Governing Authority

City Charter Section 11(a): Each Board member is entitled to receive a stipend of $110 for each regular/special Board meeting attended, and $20 per hour for each hour of training attended as provided in Section 12 and each subcommittee meeting attended as a member of a subcommittee. Excluding participation in trainings, the total stipend paid may not exceed $300 per month per Board member.

FY 2024 Unencumbered Carryover and FY 2025 Adjustments (AAO#1)

Attachment 2

Fund #	Fund Name	Department	Recommended Carryover	Recommended Adjustment	Description/Project name	Budget Mod #	Updated? (Y or N)	To Budget Code	Mandated by Law	Authorized by Council	City Manager Request	Comments/Justification
011	General Fund	Office of the Director of Police Accountability	20,000		New Office Furniture (1X Expense)			011-14-000-000-0000-000-412-various-		X		Need to obtain quote based on approved office location space.
011	General Fund	Office of the Director of Police Accountability	20,000		New Office IT Reconfiguration (1X)			011-14-000-000-0000-000-412-various-		X		Carryover funding to pay for ODPA's IT reconfiguration for their new office
011	General Fund	Office of the Director of Police Accountability	20,000		New Office A/V and misc. cost			011-14-000-000-0000-000-412-various-		X		Tenant Improvement cost (AV)
011	General Fund	Office of the Director of Police Accountability	32,076		Stand-alone Website + social media program launch			011-14-000-000-0000-000-412-various-		X		Stakeholder engagement- 125(14)(m)
011	General Fund	Office of the Director of Police Accountability	58,118		VIRTRA-Virtual training simulator (1X Expense)			011-14-000-000-0000-000-412-various-		X		Training and maintaining confidentiality- 125(14)(m)
011	General Fund	Office of the Director of Police Accountability	12,000		PAB Committee + Training Stipends Adjustments			011-14-000-000-0000-000-412-various-		X		Board Member Stipends 125(11)(a)
011	General Fund	Office of the Director of Police Accountability	25,071		Outreach (Promotional materials)			011-14-000-000-0000-000-412-various-		X		Stakeholder engagement- 125(14)(m)
011	General Fund	Office of the Director of Police Accountability	24,250		Outreach (Community Engagement Meetings)			011-14-000-000-0000-000-412-various-		X		Stakeholder engagement- 125(14)(m)
011	General Fund	Office of the Director of Police Accountability	25,000		Public Safety Pulse Survey			011-14-000-000-0000-000-412-various-		X		Stakeholder engagement- 125(14)(m)
		Office of the Director of Police Accountability Total	**236,516**	-								



2025
PAB WORKPLAN

Police Accountability Board

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Mission Statement

"The purpose of the Police Accountability Board is to promote public trust through independent, objective, civilian oversight of the Berkeley Police Department, provide community participation in setting and reviewing Police Department policies, practices, and procedures, and to provide a means for prompt, impartial and fair investigation of complaints brought by members of the public against sworn employees of the Berkeley Police Department" (Berkeley City Charter Section 125(1)).

Guiding Authorities

The Police Accountability Board's (PAB) work plan is guided by Berkeley City Charter Section 125[1], ordinances enacted by City Council[2], the City of Berkeley's Commissioner's Manual[3], and the PAB's adopted standing rules. These authorities define the PAB's responsibilities, establish its procedural framework, and ensure alignment with city policies to promote effective civilian oversight of law enforcement.

Recurring Mandates

The Police Accountability Board has annual mandatory responsibilities outlined in the City Charter and the Berkeley Municipal Code.

Charter Powers and Duties

The mandatory provisions for the PAB in the City Charter deal with the composition and procedures of the PAB. Many of the provisions deal with the requirements of individual board members such as the training requirement or term limits. The active actions the PAB, as a whole, is required to take in the City Charter are:

- approve the annual report from the DPA as outlined in the Charter (Berkeley City Charter Section 125(16)(c));
- reviewing and making recommendations on newly adopted policies submitted by the Chief of Police (Berkeley City Charter Section 125(17)(a));

[1] Berkeley City Charter Section 125: https://berkeley.municipal.codes/Charter/125
[2] Currently, Berkeley Municipal Code 2.99 and 2.100 assign the PAB with additional reviews not listed in the charter: https://berkeley.municipal.codes/
[3] City of Berkeley's Commissioner's Manual: https://berkeleyca.gov/sites/default/files/2022-03/Commissioners-Manual.pdf

- adopt regulations for handling complaints filed with the DPA (Berkeley City Charter Section 125(18));
- consult with the City Manager for the hiring of a new Chief of Police during a vacancy (Berkeley City Charter Section 125(22));
- receiving information on any agreed contracts adopted by the City Council related to the PAB's work (Berkeley City Charter Section 125(25));
- creating a regular commendation program for sworn employees of the BPD (Berkeley City Charter Section 125(26)); and
- conducting a review of its internal processes every two years (Berkeley City Charter Section 125(28)).

The City Charter also puts mandatory limits of the PAB's power. The PAB is unable to limit the City Council, Chief of Police, or City Manager's authority derived from other provisions of the City Charter to act on policing matters. The PAB does not have the authority to supplant the authority of the City Manager or Chief of Police.

Requirements Under the Berkeley Municipal Code

According to Chapter 2.99 of the Berkeley Municipal Code, the PAB plays a role in reviewing the city's use of surveillance technology by:

- **Reviewing Surveillance Use Policy:** The City Manager must present a Surveillance Use Policy and report for each new surveillance technology to the PAB before it goes to the City Council for approval. (Section 2.99.030(2))
- **Providing Recommendations:** The PAB can then vote to recommend approval of the policy, object to it, suggest modifications, or take no action. However, their decision is not binding, and the City Council can still proceed with adopting the policy. (Section 2.99.030(2))

The Berkeley Municipal Code Chapter 2.100, titled "Police Equipment and Community Safety Ordinance," establishes the **PAB's** role in regulating the acquisition and use of "Controlled Equipment" by the police department. Here's how the PAB is involved:

- **Review and Recommendation:** Before the City Council approves the acquisition or use of any Controlled Equipment, the Police Department must submit a **Controlled Equipment Impact Report** and a **Controlled Equipment Use Policy** to the PAB for review and recommendation. (Section 2.100.040(A))
- **Specific Requirements:** The PAB is tasked with reviewing the proposed equipment and policy based on specific criteria, including:
    - Potential impact on the community, particularly on protected groups. (Section 2.100.050(A)(2)(a))
    - Whether alternative equipment or de-escalation tactics could achieve the same goal. (Section 2.100.050(A)(2)(b))
    - Consistency with the City's values and community policing principles. (Section 2.100.050(A)(2)(c))
- **Recommendation Outcome:** The PAB then issues a written recommendation to the City Council, which can be approval, disapproval, or suggestions for modification. However, the City Council has the final say on whether to approve the acquisition or use of the Controlled Equipment. (Section 2.100.040(A))

PAB Objectives for 2025

On February 1, 2025, the PAB held a strategic planning session at the Office of the Director of Police Accountability (ODPA). During the retreat, the Board reviewed its key strategic goals and priorities, identifying the following objectives for 2025:

No.	Objectives	Charter Section
1	Achieve full PAB staffing and enhance community participation through strengthened stakeholder engagement.	125(5)(a)
2	Oversee the effective implementation of the Early Intervention System (EIS).	125(17)(a)
3	Finalize an updated operations manual that aligns with the PAB's operational needs.	125(3)(a)(6)
4	Catalog and prioritize pending policy reviews before the PAB.	125(17)(a)
5	Expand the PAB's academic network to strengthen research capabilities and overall work product.	125(3)(a)(1)
6	Complete the review of the PAB's regulations for investigating personnel complaints.	125(18)(a)

2025 PAB Meeting Calendar

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08

Office of the City Manager

CONSENT CALENDAR
April 29, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jordan Klein, Director, Planning and Development Department

Subject: Contract No. 32200208 Amendment: West Coast Code Consultants for Plan Checking Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32200208 with West Coast Code Consultants (WC3) to add additional funds, increasing the contract amount by $100,000 to a new total not-to-exceed contract amount of $1,600,000.

FISCAL IMPACTS OF RECOMMENDATION

The full costs for outside plan checking services are covered by plan check fees paid by applicants. The consultants are used on an as-needed basis, which varies based on the availability of in-house resources, as well as on the level and complexity of construction projects. The consultants invoice the City by project, based on work completed. All contract expenditures are fully covered from fees paid by project applicants.

Funding for the proposed amendment to this contract is available in the FY 2025 budget from the Permit Service Center Fund in account number 621-53-585-634-0000-000-472-612990-. No other funding is required.

CURRENT SITUATION AND ITS EFFECTS

The Building and Safety Division has issued a Request for Proposals (RFP) for a new set of plan check consultants. Staff expect this RFP process to be completed, and new contracts recommended to Council for approval, by June 2025.

Until new contracts are in place, staff propose increasing the amount of the existing contract with WC3. This will enable WC3 to continue providing plan check services for the City upon request and at project applicant expense. The services provided allow the Building and Safety Division to maintain a turnaround time for plan review that meets the City's performance objectives and the needs of the community. Consultants can be used flexibly when volume is higher than staff can handle, and to maintain necessary services in the face of unforeseeable staff shortages. Consultants also provide special expertise when needed, such as reviews for large and complex projects such as high-

rise buildings, the soft-story program, advanced or alternate building systems such as heavy timber projects and other customized construction.

BACKGROUND
On May 16, 2022, following an RFP procurement process and contract authorization by Council, the City Manager entered into a contract with WC3 to provide plan check services for a contract period of three years in amount not to exceed $1,500,000 (Resolution No. 70,231-N.S.).

On March 12, 2025, the Planning Department issued a Request for Proposals (Spec No. 25-11713-C) for plan checking services.

On March 17, 2025, the City extended the existing contract with WC3 for a period of six months, for a new termination date of September 30, 2025.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
There are no identifiable environmental effects or opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION
Without this expert help, plan review time would be increased substantially, particularly on large and complex projects, and special expertise would have to be contracted on a case-by-case basis, causing extensive delays.

The City is satisfied with the services provided by WC3 to date under this contract, and the proposed amendment will provide the consultant with additional capacity to provide the services needed while the Planning Department reviews proposals in response to the issued RFP and completes the contract process.

ALTERNATIVE ACTIONS CONSIDERED
None.

CONTACT PERSON
Jordan Klein, Director, Planning and Development Department, 510-981-7534
David Lopez, Manager, Building & Safety Division, 510-981-7441

Attachments:
1: Resolution

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

CONTRACT NO. 32200208 AMENDMENT: WEST COAST CODE CONSULTANTS FOR PLAN CHECK SERVICES

WHEREAS, the Planning Department issued a Request for Proposals on October 5, 2021 (Spec No. 22-11467-C) for plan checking services; and

WHEREAS, based on written proposals received, staff selected West Coast Code Consultants (WC3) to provide such services; and

WHEREAS, on May 16, 2022 the City Council adopted Resolution 70,231-N.S., authorizing the City manager to enter a contract in an amount not-to-exceed $1,500,000 with WC3 to provide such services; and

WHEREAS, the City extended the contract for a period of six months, for a new termination date of September 30, 2025; and

WHEREAS, expected City needs for external plan check services will require work from WC3 which exceeds its current contract not-to-exceed amount; and

WHEREAS, additional funding in the amount of $100,000 is currently available in the Permit Service Center Fund (621) for this work.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute an amendment to Contract No. 32200207 with WC3 to provide plan check services for an additional amount of $100,000, to a new total contract not-to-exceed amount of $1,600,000, for the period extending through September 30, 2025.

BE IT FURTHER RESOLVED, that a record signature copy of said contract and any amendments will be on file in the Office of the City Clerk.

09

Office of the City Manager

CONSENT CALENDAR
April 29, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jordan Klein, Director, Planning and Development Department

Subject: Contract No. 32200207 Amendment: Telesis for Plan Checking Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32200207 with Telesis to add additional funds, increasing the contract amount by $100,000 to a new total not-to-exceed contract amount of $1,600,000.

FISCAL IMPACTS OF RECOMMENDATION

The full costs for outside plan checking services are covered by plan check fees paid by applicants. The consultants are used on an as-needed basis, which varies based on the availability of in-house resources, as well as on the level and complexity of construction projects. The consultants invoice the City by project, based on work completed. All contract expenditures are fully covered from fees paid by project applicants.

Funding for the proposed amendment to this contract is available in the FY 2025 budget from the Permit Service Center Fund in account number 621-53-585-634-0000-000-472-612990-. No other funding is required.

CURRENT SITUATION AND ITS EFFECTS

The Building and Safety Division has issued a Request for Proposals (RFP) for a new set of plan check consultants. Staff expect this RFP process to be completed, and new contracts recommended to Council for approval, by June 2025.

Until new contracts are in place, staff propose increasing the amount of the existing contract with Telesis. This will enable Telesis to continue providing plan check services for the City upon request and at project applicant expense. The services provided allow the Building and Safety Division to maintain a turnaround time for plan review that meets the City's performance objectives and the needs of the community. Consultants can be used flexibly when volume is higher than staff can handle, and to maintain necessary services in the face of unforeseeable staff shortages. Consultants also provide special expertise when needed, such as reviews for large and complex projects such as high-rise buildings, the soft-story program, advanced or alternate building systems such as heavy timber projects and other customized construction.

BACKGROUND
On May 16, 2022, following an RFP procurement process and contract authorization by Council, the City Manager entered into a contract with Telesis to provide plan check services for a contract period of three years in amount not to exceed $1,500,000 (Resolution No. 70,230-N.S.).

On March 12, 2025, the Planning Department issued a Request for Proposals (Spec No. 25-11713-C) for plan checking services.

On March 17, 2025, the City extended the existing contract with Telesis for a period of six months, for a new termination date of September 30, 2025.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
There are no identifiable environmental effects or opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION
Without this expert help, plan review time would be increased substantially, particularly on large and complex projects, and special expertise would have to be contracted on a case-by-case basis, causing extensive delays.

The City is satisfied with the services provided by Telesis to date under this contract, and the proposed amendment will provide the consultant with additional capacity to provide the services needed while the Planning Department reviews proposals in response to the issued RFP and completes the contract process.

ALTERNATIVE ACTIONS CONSIDERED
None.

CONTACT PERSON
Jordan Klein, Director, Planning and Development Department, 510-981-7534
David Lopez, Manager, Building & Safety Division, 510-981-7441

Attachments:
1: Resolution

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

CONTRACT NO. 32200207 AMENDMENT: TELESIS FOR PLAN CHECK SERVICES

WHEREAS, the Planning Department issued a Request for Proposals on October 5, 2021 (Spec No. 22-11467-C) for plan checking services; and

WHEREAS, based on written proposals received, staff selected Telesis to provide such services; and

WHEREAS, on May 16, 2022 the City Council adopted Resolution 70,230-N.S., authorizing the City manager to enter a contract in an amount not-to-exceed $1,500,000 with Telesis to provide such services; and

WHEREAS, the City extended the contract for a period of six months, for a new termination date of September 30, 2025; and

WHEREAS, expected City needs for external plan check services will require work from Telesis which exceeds its current contract not-to-exceed amount; and

WHEREAS, additional funding in the amount of $100,000 is currently available in the Permit Service Center Fund (621) for this work.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute an amendment to Contract No. 32200207 with Telesis to provide plan check services for an additional amount of $100,000, to a new total contract not-to-exceed amount of $1,600,000, for the period extending through September 30, 2025.

BE IT FURTHER RESOLVED, that a record signature copy of said contract and any amendments will be on file in the Office of the City Clerk.

10

Office of the City Manager

CONSENT CALENDAR
April 29, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Terrance Davis, Director, Public Works

Subject: Purchase Order Amendment: Braun Northwest Inc. for Two (2) 2025 Ford F-450 North Star Engine Remount of Ambulance Bodies to New Chassis

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend the purchase order with Braun Northwest, Inc. to purchase two (2) 2025 Ford F-450 North Star Ambulance chassis by increasing the purchase order amount by $75,000 for a total not-to-exceed amount of $505,000.

FISCAL IMPACTS OF RECOMMENDATION

The purchase of two (2) 2025 Ford F-450 North Star ambulance chassis will not exceed $505,000.00. The increase in the not-to-exceed amount is needed as the previous authorization did not include sales tax. The funding necessary for this purchase is available in the approved FY 2025 Budget, Equipment Replacement Fund 671.

	Total
Current Purchase Order Amount	$430,000
Proposed Amendment Increase	$75,000
Total Not-To-Exceed Amount	$505,000

CURRENT SITUATION AND ITS EFFECTS

This order will replace the chassis of two ambulances (Equipment ID 19001 and 19003) that are nearing the end of their useful service life. Both vehicles were put in service in 2020 and are planned for replacement in July 2026. The average time to remount and upfit an ambulance is 12 or more months which is why the purchase is being requested at this time. One ambulance chassis was ordered with previous Council authorization on December 10, 2024, through Resolution No. 71,623-N.S.

The existing ambulance bodies are customized for optimal Fire Department use and are in good condition. These bodies will be remounted on new chassis to extend the

useful life of the vehicles. The practice of remounting ambulance bodies on new chassis rather than purchasing new ambulances is an effective cost saving measure as it will save over $100,000. This amendment is necessary as additional funding is needed to cover the sales tax for these purchases.

Both of the existing chassis will be repurposed and equipped with emergency response capabilities so that they can be used in the event of a Fire Department emergency event.

These vehicles are used 24/7 by the City's Emergency Medical Services (EMS) Division in the course of their job duties.

This purchase agreement will support the City's Strategic Plan Goal of creating a resilient, safe, connected, and prepared City.

BACKGROUND

If a purchase request exceeds $100,000.00, the Department of Finance, General Services Division may solicit bids or leverage an existing contract that was competitively bid by another entity to purchase similar goods or services.

The City has been a no-cost member of the Houston-Galveston Area Council (HGACBuy), a Cooperative Purchasing Program that has offered inter-local purchasing since 2008. HGACBuy provides procurement services that make the government procurement process more efficient by establishing competitively priced contracts for goods and services made available to local governments nationwide.

All products and services offered through HGACBuy have been subjected to a public competitive bid process. On June 9, 2023, HGACBuy released a Request for Proposal No. AM 10-23 for Ambulances, EMS and Other Special Service Vehicles. The solicitation was nationally advertised for forty-eight days (48). On August 10, 2023, twenty-three (23) proposals were submitted and reviewed. On October 1, 2023, Houston-Galveston Area Council selected Braun Northwest, Inc. as the best responsive and responsible proposers to meet the specifications, thusly awarding Contract No. AM10-23.

HGACBuy charges an order processing charge for each sale successfully completed through their contract. For this purchase, a flat fee of $4,000.00 will be paid directly to HGACBuy by Braun Northwest, Inc.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

For fleet purchases, Public Works staff researches the feasibility and availability of fully electric vehicles and hybrid-electric powertrains to support the City's transition off fossil fuels. Staff research found that there are no viable electric or hybrid electric ambulance chassis for consideration. The Fire Department would like to transition its fleet of front-line EMS vehicles to electric vehicles. This is likely to not be financially feasible until all

firehouses are remodeled/rebuilt to include the appropriate infrastructure and/or the price of electric ambulance vehicles decrease or additional revenue is identified.

RATIONALE FOR RECOMMENDATION

The vehicles are in service now and the chassis are past their useful life. These vehicle bodies are in good condition and can be remounted on new chassis. A purchase order is needed to purchase new chassis and transfer the current ambulance bodies.

Ambulances in good working condition are essential to respond, provide treatment and transport members of our community that experience medical emergencies. The existing chassis will be repurposed as utility units, equipped with emergency response capabilities and considered new to fleet emergency service vehicles.

ALTERNATIVE ACTIONS CONSIDERED

The purchase of new ambulances is cost prohibitive. The alternative would be full vehicle replacement and there is insufficient funding in the Equipment Replacement Fund 671 to accommodate that option.

CONTACT PERSON

Joy Brown, Operations Manager, (510) 981-6629
Don Colbert, Sr. Equipment Maintenance Supervisor, (510) 981-6467
David Sprague, Fire Chief (510) 981-3473

Attachment:
1: Resolution

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

PURCHASE ORDER AMENDMENT WITH BRAUN NORTHWEST, INC FOR TWO (2) 2025 FORD F-450 NORTH STAR ENGINE REMOUNTS OF AMBULANCE BODIES TO NEW CHASSIS

WHEREAS, on December 10, 2024, by Resolution No. 71,623-N.S. the City Council authorized a Purchase Order with Braun Northwest Inc. in an amount not-to-exceed $430,000 for Two (2) 2025 Ford F-450 North Star Engine remounts of ambulance bodies to new chassis; and

WHEREAS, this purchase will replace engine chassis that are nearing the end of their useful service life as front line, initial response vehicles. Ambulances in good repair are needed by the City of Berkeley Fire Department to provide ambulatory services; and

WHEREAS, the City has been a no-cost member of the Houston-Galveston Area Council (HGACBuy), a Cooperative Purchasing Program that has offered inter-local purchasing since 2008: and

WHEREAS, on June 9, 2023, HGACBuy released a Request for Proposal No. AM 10-23 for Ambulances, EMS and Other Special Service Vehicles. The solicitation was nationally advertised for forty-eight days (48). On August 10, 2023, twenty-three (23) proposals were submitted and reviewed. On October 1, 2023, HGACBuy selected Braun Northwest, Inc. as the best responsive and responsible proposers to meet the specifications, thusly awarding Contract No. AM10-23; and

WHEREAS, the current purchase order amount not-to-exceed is insufficient to pay the sales tax which was not included in the previous purchase order cost and the City has need of Braun Northwest Inc. chassis remount of ambulance bodies; and

WHEREAS, additional funding in the amount of $75,000.00 will be available in the FY 2025 baseline budget in the Equipment Replacement Fund (671).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or his designee is hereby authorized to amend the purchase order with Braun Northwest Inc. for two (2) ambulance engine remounts to new chassis in the amount not-to-exceed $505,000.00

11

Office of the City Manager

CONSENT CALENDAR
April 29, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Terrance Davis, Director of Public Works

Subject: Final Map of Tract 8717: 805 Jones Street

RECOMMENDATION
Adopt a Resolution approving the final map of Tract Map 8717 for a 7-unit condominium project consisting of 6 residential units and 1 commercial unit at 805 Jones Street.

FISCAL IMPACTS OF RECOMMENDATION
There is no cost to the City. The applicant paid the appropriate fees with the submission of their tract map application.

CURRENT SITUATION AND ITS EFFECTS
The Planning Commission approved tentative Tract Map 8717 for a 7-unit condominium project consisting of 6 residential units and 1 commercial unit at 805 Jones Street on December 4, 2024, and that map is valid for 24 months from the approval date. Prior to the sale of any condominium units, state law and City Ordinances require the owner to submit a final map to City Council for approval. The Public Works Department and the Planning and Development Department review final tract maps to determine whether they are in substantial compliance with previously approved tentative maps.

The owner duly submitted a final map for this project within the required 24-month timeframe and is now seeking Council approval.

BACKGROUND
On December 4, 2024, the Planning Commission voted to approve the application of Matthew Wadlund (owner of the 805 Jones Street property) for a 7-unit condominium project as described above.

Section 21.20.100 of the Berkeley Municipal Code requires City Council approval of all final map subdivisions. In addition, pursuant to Section 66474.1 of Division 2 of the Government Code, a legislative body must approve such a final map if it finds it to be in substantial compliance with the approved tentative map.

All conditions of approval have been completed to the satisfaction of the Public Works Department and the Planning and Development Department. Staff have examined the final map and determined it to be in substantial compliance with the approved tentative map.

The final map is meant to provide a record of the underlying property survey and does not constitute approval of a proposed or existing structure upon the property. Separate action is required for this approval, which has been obtained by virtue of use permits and building permits.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
This project complies with the California Green Building Standards Code (CALGreen). CALGreen is California's green building code to improve public health, safety, and general welfare through enhanced design and construction of buildings utilizing concepts which promote a positive environmental impact and sustainable construction practices.

RATIONALE FOR RECOMMENDATION
Pursuant to Section 66474.1 of Division 2 of the Government Code, the City Council must approve the final map if it finds it to be in substantial compliance with the approved tentative map. Staff has reviewed the map and finds it to be in substantial compliance with the tentative map.

ALTERNATIVE ACTIONS CONSIDERED
No other alternative course of action is recommended.

CONTACT PERSON
Ronald A. Nevels, Manager of Engineering, Engineering Division (510) 981-6439
Vincent Chen, Supervising Civil Engineer, Engineering Division (510) 981-6409

Attachment:
1: Resolution
Exhibit A: Tract Map 8717

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

FINAL MAP OF TRACT 8717: 805 JONES STREET

WHEREAS, the Zoning Adjustments Board approved Use Permit No. ZP2022-0162 on October 26, 2023 to construct three, two-story duplexes for a total of 6 residential units and a second-story addition to the existing commercial building; and

WHEREAS, the Berkeley Planning Commission has determined that the tentative map of Tract 8717 conforms to the requirements of the City's subdivision Ordinance, and the California Subdivision Map Act, and approved the tentative map of Tract 8717 on December 4, 2024; and

WHEREAS, the Public Works Department and the Planning and Development Department have certified that the final map of Tract 8717 substantially conforms to the conditionally approved tentative map, as required by the California Subdivision Map Act.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the final map of Tract 8717 for a 7-unit condominium project consisting of 6 residential units and 1 commercial unit at 805 Jones Street, is hereby approved.

Exhibits
A: Tract Map 8717

TRACT MAP

OWNERS' STATEMENT

THE UNDERSIGNED HEREBY STATES THAT THEY ARE THE OWNERS OF THE LAND DELINEATED AND EMBRACED WITHIN THE EXTERIOR BOUNDARY LINES ON THE HEREIN EMBODIED MAP ENTITLED TRACT MAP 8717, BERKELEY, ALAMEDA COUNTY, CALIFORNIA; THAT SAID OWNERS ACQUIRED TITLE TO SAID LAND BY VIRTUE OF THE DEEDS RECORDED JULY 29, 2019 UNDER SERIES NO. 2022–135077 AND JANUARY 31, 2024 UNDER SERIES NO. 2024–014896, RECORDS OF ALAMEDA COUNTY, CALIFORNIA, THAT SAID OWNERS CONSENT TO THE PREPARATION OF AND FILING OF THIS MAP.

805 JONES STREET, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

_____

MATTHEW WADLUND, MANAGING MEMBER

WDS JONES STREET LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

_____

MATTHEW WADLUND, MANAGER

OWNER'S ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF ALAMEDA

ON _____ BEFORE ME, _____

A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED MATTHEW WADLUND, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN HIS AUTHORIZED CAPACITY, AND THAT BY HIS SIGNATURE ON THE INSTRUMENT THE PERSON, OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND:

SIGNATURE OF NOTARY PUBLIC: _____

PRINTED NAME OF NOTARY: _____

PRINCIPAL PLACE OF BUSINESS: _____

COMMISSION EXPIRES: _____

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF MATTHEW WADLUND IN APRIL OF 2024. I HEREBY STATE THAT THIS MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP, IF ANY. I HEREBY STATE THAT THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, AND THAT THE MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

PRELIMINARY

_____

JAMES S. MORAN, LS 7881 DATE

BENEFICIARY'S STATEMENT

THE UNDERSIGNED, AS BENEFICIARY OF THE DEED OF TRUST RECORDED JANUARY 31, 2024, UNDER SERIES NUMBER 2024–014898, OFFICIAL RECORDS OF ALAMEDA COUNTY, CALIFORNIA, DOES HEREBY JOIN IN AND CONSENT TO THE EXECUTION OF THE FOREGOING OWNERS' STATEMENT AND TO THE PREPARATION AND FILING OF THIS MAP AND ALL DEEDINGS AND DEDICATIONS THEREON.

805 JONES STREET, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

_____

MATTHEW WADLUND, MANAGING MEMBER DATE

BENEFICIARY'S ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF _____

COUNTY OF _____

ON _____ BEFORE ME, _____

A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED DAVID MARGEN, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN HIS AUTHORIZED CAPACITY, AND BY HIS SIGNATURE ON THE INSTRUMENT THE PERSON, OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND:

(SIGNATURE OF NOTARY PUBLIC): _____

PRINTED NAME OF NOTARY: _____

PRINCIPAL PLACE OF BUSINESS: _____

COMMISSION EXPIRES: _____

PLANNING DIRECTOR'S STATEMENT

THIS MAP HAS BEEN APPROVED BY THE PLANNING DIRECTOR, CITY OF BERKELEY ON _____ 2025, AND WHEN RECORDED BECOMES THE OFFICIAL MAP OF THIS LAND DIVISION.

_____

JORDAN KLEIN
PLANNING DIRECTOR

CITY ENGINEER'S STATEMENT

I HAVE EXAMINED THIS MAP AND THE SUBDIVISION AS SHOWN IS SUBSTANTIALLY THE SAME AS IT APPEARS ON THE TENTATIVE MAP (IF ANY) AND ANY APPROVED ALTERATIONS THEREOF.

_____

RONALD A. NEVELS, RCE 62524
CITY ENGINEER
CITY OF BERKELEY, COUNTY OF ALAMEDA
STATE OF CALIFORNIA

DATED: _____

CITY CONSULTANT SURVEYOR'S STATEMENT

THIS MAP CONFORMS TO THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCES. I PATRICK M. REI DO HEREBY STATE THAT IT HAS BEEN EXAMINED BY ME, OR UNDER MY DIRECTION BY CITY OF BERKELEY STAFF, AND I AM SATISFIED THAT IT IS TECHNICALLY CORRECT.

_____

PARTICK M. REI, PLS 8178
CITY CONSULTANT SURVEYOR
CITY OF BERKELEY, COUNTY OF ALAMEDA
STATE OF CALIFORNIA

DATED: _____

CLERK OF THE BOARD OF SUPERVISORS STATEMENT

I, ANIKA CAMPBELL–BELTON, CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DO HEREBY STATE THAT CERTIFICATES HAVE BEEN FILED AND DEPOSITS HAVE BEEN MADE IN CONFORMANCE WITH THE REQUIREMENTS OF SECTION 66492 AND 66493 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

DATE: _____

_____

ANIKA CAMPBELL–BELTON
CLERK OF THE BOARD OF SUPERVISORS
COUNTY OF ALAMEDA, STATE OF CALIFORNIA

BY: _____
DEPUTY COUNTY CLERK

RECORDER'S STATEMENT

FILED THIS _____ DAY OF _____, 2025, AT _____ M. IN BOOK _____ OF MAPS, AT PAGES _____, AT THE REQUEST OF OLD REPUBLIC TITLE COMPANY.

FEE: _____ INSTRUMENT NO.: _____

MELISSA WILK
COUNTY RECORDER

BY: _____
DEPUTY COUNTY RECORDER

A ONE LOT SUBDIVISION FOR CONDOMINIUM PURPOSES

LOT 1, PARCEL MAP 11306 (360 PM 15–16)
CITY OF BERKELEY, COUNTY OF ALAMEDA, CALIFORNIA

MARCH 2025

OWNER/SUBDIVIDER:
805 JONES STREET, LLC
WDS JONES STREET LLC
805 JONES STREET
BERKELEY, CA 94710

MORAN ENGINEERING, INC.
CIVIL ENGINEERS \ LAND SURVEYORS
1930 SHATTUCK AVENUE, SUITE A
BERKELEY, CALIFORNIA 94704
(510) 848–1930

T.M. 8717

F.B. NO. 1881 JONES–TM.DWG JOB NO. 22–3736.1 APN 059–2326–032 SHEET 1 OF 3

TRACT MAP

TRUSTEES' STATEMENT

THE UNDERSIGNED, AS TRUSTEES OF THE DEED OF TRUST RECORDED JULY 29, 2022, UNDER SERIES NUMBER 2022–135078, OFFICIAL RECORDS OF ALAMEDA COUNTY, CALIFORNIA, DO HEREBY JOIN IN AND CONSENT TO THE EXECUTION OF THE FOREGOING OWNERS' STATEMENT AND TO THE PREPARATION AND FILING OF THIS MAP AND ALL DEEDINGS AND DEDICATIONS THEREON.

ERIC S. SCHMIER 2010 LIVING TRUST
DATED MAY 5, 2010, AS TO AN UNDIVIDED 40/100 INTEREST

_____

KENNETH J. SCHMIER, TRUSTEE DATE

KENNETH J. SCHMIER 2010 SEPERATE PROPERTY TRUST
DATED FEBRUARY 24, 2010, AS TO AN UNDIVIDED 40/100 INTEREST

_____

KENNETH J. SCHMIER, TRUSTEE DATE

ALISA LERNER SCHMIER 2010 SEPERATE PROPERTY TRUST
DATED MAY 5, 2010, AS TO AN UNDIVIDED 20/100 INTEREST

_____

ALISA LERNER SCHMIER, TRUSTEE DATE

TRUSTEES' ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF _____

COUNTY OF _____

ON _____ BEFORE ME, _____

A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED

_____

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME IN THEIR AUTHORIZED CAPACITIES, AND BY THEIR SIGNATURES ON THE INSTRUMENT THE PERSONS, OR THE ENTITIES UPON BEHALF OF WHICH THE PERSONS ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND:

(SIGNATURE OF NOTARY PUBLIC): _____

PRINTED NAME OF NOTARY: _____

PRINCIPAL PLACE OF BUSINESS: _____

COMMISSION EXPIRES: _____

TRUSTEE'S STATEMENT

THE UNDERSIGNED, AS TRUSTEE OF THE DEEDS OF TRUST RECORDED JUNE 20, 2024, UNDER SERIES NUMBER 2024–074777 AND 2024–074779, OFFICIAL RECORDS OF ALAMEDA COUNTY, CALIFORNIA, DOES HEREBY JOIN IN AND CONSENT TO THE EXECUTION OF THE FOREGOING OWNERS' STATEMENT AND TO THE PREPARATION AND FILING OF THIS MAP AND ALL DEEDINGS AND DEDICATIONS THEREON.

BANK OF SAN FRANCISCO

_____

NAME: DATE
TITLE:

_____

NAME: DATE
TITLE:

TRUSTEE'S ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF _____

COUNTY OF _____

ON _____ BEFORE ME, _____

A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY(IES) UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND:

(SIGNATURE OF NOTARY PUBLIC): _____

PRINTED NAME OF NOTARY: _____

PRINCIPAL PLACE OF BUSINESS: _____

COMMISSION EXPIRES: _____

OWNER/SUBDIVIDER:
805 JONES STREET, LLC
WDS JONES STREET LLC
805 JONES STREET
BERKELEY, CA 94710

BENEFICIARY'S STATEMENT

THE UNDERSIGNED, AS BENEFICIARY OF THE DEED OF TRUST RECORDED JANUARY 31, 2024, UNDER SERIES NUMBER 2024–014897, OFFICIAL RECORDS OF ALAMEDA COUNTY, CALIFORNIA, DOES HEREBY JOIN IN AND CONSENT TO THE EXECUTION OF THE FOREGOING OWNERS' STATEMENT AND TO THE PREPARATION AND FILING OF THIS MAP AND ALL DEEDINGS AND DEDICATIONS THEREON.

HARVEST SMALL BUSINESS FINANCE, LLC

_____

NAME: DATE
TITLE:

_____

NAME: DATE
TITLE:

BENEFICIARY'S ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF _____

COUNTY OF _____

ON _____ BEFORE ME, _____

A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED

_____

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY(IES) UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND:

(SIGNATURE OF NOTARY PUBLIC): _____

PRINTED NAME OF NOTARY: _____

PRINCIPAL PLACE OF BUSINESS: _____

COMMISSION EXPIRES: _____

A ONE LOT SUBDIVISION FOR CONDOMINIUM PURPOSES

LOT 1, PARCEL MAP 11306 (360 PM 15–16)
CITY OF BERKELEY, COUNTY OF ALAMEDA, CALIFORNIA

MARCH 2025

MORAN ENGINEERING, INC.
CIVIL ENGINEERS \ LAND SURVEYORS
1930 SHATTUCK AVENUE, SUITE A
BERKELEY, CALIFORNIA 94704
(510) 848–1930

T.M. 8717

F.B. NO. 1881 JONES–TM.DWG JOB NO. 22–3736.1 APN 059–2326–032 SHEET 2 OF 3

TRACT MAP

MONUMENT B2898
2" BRASS DISC
WITH PUNCH
AT CAMELIA STREET

MONUMENT B0687
7/8" IRON PIN
AT EIGHTH STREET

MONUMENT B0581
3/8" BRASS PIN
AT VIRGINIA STREET

S09°31'41"E 1988.86'
885.05'
1103.81'
640.00'

45.00'

SIXTH STREET (80' WIDE)

S09°31'41"E 380.00' R1
[130.00'] R1
129.99'

17 (19 M 79) 22

ALLEY (12' WIDE)

12.00'

N09°31'18"W 5.00'

N09°31'18"W 100.00'

271.89' [272.00'] R1

PAGE STREET (60' WIDE)

271.98' [272.00'] R1

77.99'

INTER-MOUNTAIN TRADING CO., LTD.
(1989-264779)
APN 059-2326-015-01

2 RESIDENTIAL UNITS
UNDER CONSTRUCTION

LOT 1
AREA=7,799± SQ.FT.

2 RESIDENTIAL UNITS
UNDER CONSTRUCTION

2 RESIDENTIAL UNITS
UNDER CONSTRUCTION

77.99'

JONES STREET (60' WIDE)

981.98'

316.98'

N80°28'42"E

S80°28'42"W

N80°28'42"E

(19 M 79)
28

EXISTING COMMERCIAL UNIT
805 JONES STREET

S09°31'04"E 100.00'

N09°31'04"W
5.00'

52.00'

PARCEL MAP 10293
(328 PM 54-55)
APNs 059-2326-019, 020, 021, 022, 023

S09°31'18"E 25.00'

N09°30'55"W 380.00' R1

25.00'

MONUMENT B0746
2" BRASS DISC
WITH PUNCH
AT CAMELIA STREET

FIFTH STREET (60' WIDE)

MONUMENT B0688
2" BRASS DISC
WITH PUNCH

N09°30'55"W BASIS OF BEARINGS 885.04'

BASIS OF BEARINGS:
THE MONUMENT LINE IN FIFTH STREET WAS TAKEN AS N09°30'55"W AS SHOWN ON PARCEL MAP 11306 (360 PM 15-16).

REFERENCES:
R1 MAP OF TRACT B OF THE BERKELEY L.T.I. ASSOCIATION (19 M 79)

LEGEND
- FOUND MONUMENT IN WELL, AS NOTED
- FOUND NAIL AND BRASS TAG, LS 7881 PER (360 PM 45-16)
- [ ] RECORD DATA PER (19 M 79)
- TRACT MAP BOUNDARY LINES
- PROPOSED NEW UNITS LINES
- EXISTING PARCEL / RIGHT-OF-WAY LINES
- ORIGINAL LOT LINE
- MONUMENT LINES
- MONUMENT TIE LINES

OWNER/SUBDIVIDER:
805 JONES STREET, LLC
WDS JONES STREET LLC
805 JONES STREET
BERKELEY, CA 94710

GRAPHIC SCALE
10 0 5 10 20 40
(IN FEET)
1 INCH = 10 FEET

A ONE LOT SUBDIVISION FOR CONDOMINIUM PURPOSES

LOT 1, PARCEL MAP 11306 (360 PM 15-16)
CITY OF BERKELEY, COUNTY OF ALAMEDA, CALIFORNIA

MARCH 2025 SCALE: 1" = 10'

MORAN ENGINEERING, INC.
CIVIL ENGINEERS \ LAND SURVEYORS
1930 SHATTUCK AVENUE, SUITE A
BERKELEY, CALIFORNIA 94704
(510) 848-1930

T.M. 8717

F.B. NO. 1881 JONES-TM.DWG JOB NO. 22-3736.1 APN 059-2326-032 SHEET 3 OF 3

12

Office of the City Manager

CONSENT CALENDAR
April 29, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Terrance Davis, Director, Department of Public Works

Subject: Contract: Bay Cities Paving & Grading, Inc. for FY 2025 Street Maintenance and Rehabilitation Project

RECOMMENDATION

Adopt a Resolution:

1. Approving plans and specifications for the FY 2025 Street Maintenance and Rehabilitation Project, Specification No. 25-11690-C;
2. Accepting the bid of Bay Cities Paving & Grading, Inc. as the lowest, responsive and responsible bidder; and
3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project, in accordance with the approved plans and specifications in an amount not to exceed $12,323,848.

FISCAL IMPACTS OF RECOMMENDATION

Funding is available as listed below. No other funding is required, and no other projects will be delayed due to this expenditure. This project is funded through the existing Five-Year Paving Plan, as adopted by Council in 2023. Revenue from the 2024 voter approved Sustainable and Accountable Funding for Equitable Street Transformation, Revitalization, Enhancements, and Essential Traffic Safety (SAFE STREETS) Initiative Parcel Tax (Measure FF) will not be available until December of 2025.

Low bid by Bay Cities Paving & Grading, Inc.	$11,203,498.17
10% Contingency	$1,120,350
Total construction cost	**$12,323,848**

FY 2025 Street Capital Improvement Program Funding

State Transportation Tax (127)	$444,303
Road Maintenance & Rehabilitation Account/SB1 (127)	$1,700,000
Measure B Local Streets & Roads (130)	$127,608
Measure F Vehicle Registration Fee (133)	$155,000
Measure BB Sales Tax (134)	$2,980,000
Capital Improvement Fund (501)	$4,791,937
Zero Waste Fund (601)	$1,000,000
Clean Storm Fund (616)	$1,125,000
Total construction funding	**$12,323,848**

CURRENT SITUATION AND ITS EFFECTS

The FY 2025 Street Maintenance and Rehabilitation Project (Specification No. 25-11690-C) was released for bids on February 13, 2025, and bids were opened on March 13, 2025. Two non-local bids were received, from a low of $11,203,498.17 to a high of $12,978,378.75 (see Attachment 3, Abstract of Bids).

The low bidder was Bay Cities Paving & Grading, Inc., with a bid of $11,203,498.17, which is below the Engineer's estimate of $13.2 million. Staff has verified that Bay Cities Paving & Grading, Inc. is the lowest, responsive and responsible bidder. This project includes a 10% contingency, which brings the total contract amount up to the requested $12,323,848. Staff recommends that a contract for this project be awarded to Bay Cities Paving & Grading, Inc.

The FY 2025 Street Maintenance and Rehabilitation Project is a Strategic Plan Priority Project, advancing our goal of providing state-of-the-art, well-maintained infrastructure, amenities, and facilities.

BACKGROUND

Several streets throughout Berkeley are scheduled for rehabilitation as part of the City's Five-year Street Rehabilitation Plan (Five-Year Plan). The City maintains a rolling Five-Year Plan for resurfacing and repaving City streets. Staff develops the plan using a Pavement Management System supported by the Metropolitan Transportation Commission (MTC). The Five-Year Plan was updated for Fiscal Years 2024 through 2028 by Resolution 71,120-N.S. adopted by Council on November 28, 2023. The Five-Year Plan aims to complete 46.73 miles of street rehabilitation with nearly $90 million in funding over five years. Funding sources primarily include the State Transportation Tax, Road Repair and Accountability Act, and Measure BB. Additionally, a new annual allocation of $1 million from the Zero Waste Fund for FY 2024 to FY 2026, increasing to $2 million for FY 2027 and FY 2028, is intended to offset the impact of Zero Waste collection vehicles on the City's pavement.

The Street Rehabilitation and Repair Policy created by Resolution 55,384-N.S. and most recently updated by 70,204-N.S. to include Equity Zone considerations, contains the essential criteria for developing the plan and consists of the following:

- To the extent financially practical, implementing the paving plan shall advance California Assembly Bill 413 (AB 413) and City plans, e.g., the Complete Streets Policy, Vision Zero Policy and Action Plan, Pedestrian Plan, and Bicycle Plan.
- Rehabilitation of contiguous sections of roadway rather than one block at a time shall be preferred when feasible.
- Strive to maintain all roads within the primary transportation network (arterials, collectors, bus routes, existing and proposed low-stress bikeway network, and equity zone) at a target Pavement Conditions Index (PCI) of 70.
- 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 of each area. The newly established Equity Zone shall be prioritized to meet an average PCI of 70 sooner than the remainder of the City.
- Coordinating sewer, water, electrical, telecom, undergrounding, and other activities.

This contract is for the paving of approximately 10 miles of City streets. It consists of rehabilitation and surface sealing of selected streets, as shown in Attachment 2: Location Map & List of Streets (taken from the City's Five-Year Plan adopted by Council in November 2023).

In addition to street pavement, the project incorporates other improvements to selected streets in compliance with California Assembly Bill 413 (AB 413), the Berkeley Complete Streets Policy (Resolution No. 65,978-N.S.), the Americans with Disabilities Act (ADA), and stormwater best management practices. Improvements implemented under AB 413 will include installation of red curbs on the approach side of the intersection. Among the improvements included in Complete Streets are the Bicycle Plan and Pedestrian Master Plan recommendations for installing a traffic circle at Harmon/Baker and Bancroft/California. Additional infrastructure repairs are also included in this project. All non-paving related costs represent approximately 10-15% of the construction costs.

The project plans and specifications underwent planning coordination with outside utility companies, preliminary cost estimates, field investigations, surveys, and extensive design before being released for bid.

The plans and specifications are on file in the Public Works Department. In accordance with the California Environmental Quality Act (CEQA) requirements, this project has been determined to be categorically exempt because it consists of maintenance of existing streets and does not expand their use beyond existing conditions.

The Living Wage Ordinance does not apply to this project since Public Works construction contracts are, pursuant to City policy, subject to State prevailing wage laws. Bay Cities Paving & Grading, Inc. has submitted a Certification of Compliance with the Equal Benefits Ordinance. The Community Workforce Agreement applies to this project because its value exceeds $500,000. As a result, the contractor and all subcontractors will be required to sign an agreement to be bound by the terms of the Agreement.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Green infrastructure improvements include maintenance and repair to the existing permeable paver roadway on Allston Way, which will improve runoff filtration. Additionally, the project includes the use of micro surfacing treatment, which lessens carbon footprint associated with pavement maintenance by enhancing the longevity of road surfaces, thereby decreasing the frequency of future repairs and the associated emissions from construction activities.

RATIONALE FOR RECOMMENDATION

This street repair project is part of the City's annual program to rehabilitate deteriorated streets. The work requires contracted services, as the City does not possess the in-house labor or equipment resources necessary to complete it.

ALTERNATIVE ACTIONS CONSIDERED

No alternative actions were considered for this pavement rehabilitation project. The City could choose not to proceed with it. However, the street pavement would then continue to deteriorate, drainage improvements would not be made, and Complete Streets, Vision Zero and bicycle and pedestrian elements would not be installed, affecting the community's and others' use of the streets.

CONTACT PERSON

Wahid Amiri, Deputy Public Works Director, Public Works, (510) 981-6396
Ronald A. Nevels, Manager of Engineering, Public Works (510) 981-6439
Terrence Salonga, Associate Civil Engineer, Public Works (510) 981-6447

Attachments:
1: Resolution
2: Location Map & List of Streets for Project
3: Abstract of Bids

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

CONTRACT: BAY CITIES PAVING & GRADING, INC. FOR
FY2025 STREET MAINTENANCE AND REHABILITATION PROJECT

WHEREAS, The FY 2025 Street Maintenance and Rehabilitation Project is part of the City's ongoing Street Capital Improvement Program to rehabilitate deteriorated streets located throughout the City; and

WHEREAS, the City has neither the labor nor the equipment necessary to undertake this FY 2025 Street Maintenance and Rehabilitation Project; and

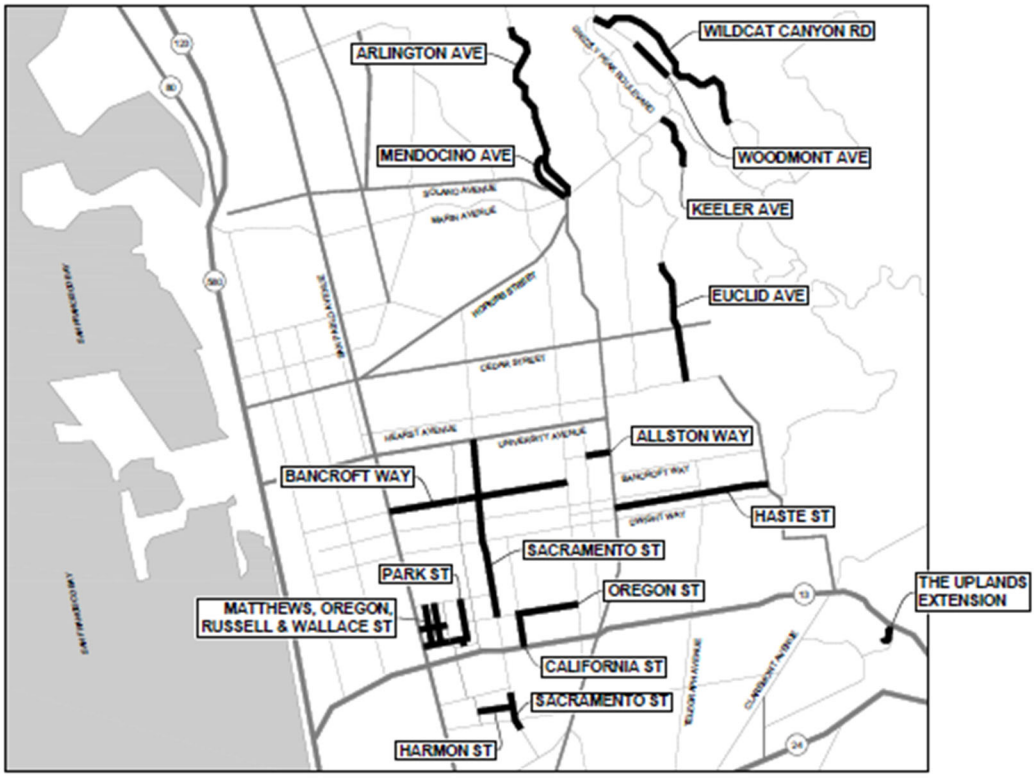
WHEREAS, an invitation for bids was duly advertised, and Bay Cities Paving & Grading, Inc. was the lowest responsive and responsible bidder; and

WHEREAS, funding is available in the FY 2025 budget in the Street Capital Improvement Program State Transportation Tax (Fund 127), Road Maintenance & Rehabilitation Account (127-SB1), Measure B Sales Tax (Fund 130), Measure F Vehicle Registration Fee (Fund 133), Measure BB Sales Tax (Fund 134), Capital Improvement Fund (Fund 501), Zero Waste Fund (Fund 601), and Clean Storm Fund (Fund 616).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Plans and Specification No. 25-11690-C for the FY 2025 Street Maintenance and Rehabilitation Project are approved.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley authorizes the City Manager to execute a contract and any amendments, extensions, or change orders until completion of the project in accordance with the approved plans and specifications with Bay Cities Paving & Grading, Inc. for the FY 2025 Street Maintenance and Rehabilitation Project, in an amount not to exceed $12,323,848, which includes a 10% contingency for unforeseen circumstances. A record signature copy of said agreement and any amendments will be on file in the Office of the City Clerk.

FY 2025 Street Maintenance & Rehabilitation Project
Attachment No. 2: Location Map & List of Streets



Street	From	To
RUSSELL ST	SAN PABLO AVE	PARK ST
PARK ST	RUSSELL ST	WARD ST
WALLACE ST	RUSSELL ST	WARD ST
MATHEWS ST	RUSSELL ST	WARD ST
OREGON ST	SAN PABLO AVE	MABEL ST
CALIFORNIA ST	ASHBY AVE	OREGON ST
OREGON ST	CALIFORNIA ST	M L KING JR WAY
HARMON ST	IDAHO ST	SACRAMENTO ST
SACRAMENTO ST	SOUTH CITY LIMIT	UNIVERSITY AVE
BANCROFT WAY	SAN PABLO AVE	M L KING JR WAY
HASTE ST	SHATTUCK AVE	PIEDMONT AVE
ALLSTON WAY	MILVIA ST	SHATTUCK AVE
EUCLID AVE	HEARST AVE	BAYVIEW PLACE
ARLINGTON AVE	THE CIRCLE	NORTH CITY LIMIT
MENDOCINO AVE	THE CIRCLE	ARLINGTON AVE
KEELER AVE	POPPY LN	MARIN AVE
WILDCAT CANYON RD	GRIZZLY PEAK BLVD	THE SPIRAL
WOODMONT AVE	ROSEMONT AVE	SUNSET LN
THE UPLANDS EXTENSION	THE UPLANDS	CUL-DE-SAC

Finance Department

General Services Division

City of Berkeley
Abstract of Bid Worksheet

FOR: FY 2025 Street Maintenance and Rehabilitation Project

Spec. # 25-11690-C Bid Date: March 13, 2025

	Bidders	Bid Part A Base Bid	Bid Part B Bid Alternate	Bid Bond (required w/ bid)	Addenda (1 & 2)	Experience-Fin. Qual	Taxpayer ID	Opp. States	Nuclear Free	EBO	Sanctuary City
1	Bay Cities Paving	11,049,111.60	154,386.57	x	x	x	x	x	x	x	x
2	Gallagher & Burk	12,798,901.75	179,477	x	x	x	x	x	x	x	x
3											
4											
5											
6											
7											
8											
9											
10											

Bid Recorder: _____ Date 03/13/2025

Bid Opener: _____ Date 03/13/2025

Project Manager: _____ Date 03/13/2025

2180 Milvia Street, Berkeley, CA 94704 Tel: 510.981.7320 TDD: 510.981.6903 Fax: 510.981.7390
E-mail: finance@ci.berkeley.ca.us

Office of the City Manager

CONSENT CALENDAR
April 29, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Terrance Davis, Director, Public Works

Subject: Contract: Terocons Inc. for South Berkeley Bikeway and Bus Stop Improvements Project

RECOMMENDATION

Adopt a Resolution:

1. Approving plans and specifications for the South Berkeley Bikeway and Bus Stop Improvements Project, Specification No. 25-11716-C;
2. Accepting the bid of Terocons Inc. the lowest, responsive and responsible bidder; and
3. Authorizing the City Manager to execute a contract with Terocons Inc. and any amendments, extensions, and/or change orders until completion of the Project in accordance with the approved plans and specifications, in an amount not to exceed $4,208,200, which includes a 10% contingency for unforeseen circumstances.

SUMMARY

In 2019 the City partnered with Resources for Community Development (RCD), the developer of the Maudelle Miller Shirek Community affordable housing residences at 2925 Adeline Street, to design and construct pedestrian, bicycle, and transit improvements as a condition of receiving grant funding from the State of California Affordable Housing and Sustainable Communities (AHSC) program for both RCD's and the City's work.

The City and RCD entered into an agreement, which defined the City's work that was formalized as the Woolsey-Fulton Bicycle Boulevard (WFBB) project and the Shattuck-MLK Bus Stops (SMBS) project. The City's work and receipt of final grant reimbursement funds must be complete by July 30, 2026, or the City will be liable for the grant costs and risk loss of grant funding for RCD's and the City's work. The work of these projects must be performed in an expedited manner to meet this deadline. If the City requests and is granted a schedule extension, it may impact the City's ability to obtain similar grant funding in the future.

The WFBB project fills a key gap in the existing Citywide bicycle network by connecting the Southside neighborhood to the Ashby BART station. The WFBB Project also includes crossing improvements at key intersections, among other pedestrian and bicycle safety improvements. The SMBS Project makes transit improvements at the intersections of Martin Luther King Jr Way & Prince Street, Shattuck Avenue & Woolsey Street, and Shattuck Avenue & Ashby Avenue. The WFBB and SMBS projects were merged into a single construction contract titled South Berkeley Bikeway and Bus Stop Improvements Project (Project) to enable City staff to more efficiently administer and oversee the design and construction process, while also streamlining the grant reimbursement process.

The City's design team developed conceptual designs, conducted public outreach, reviewed and evaluated public feedback, and finalized the design by preparing plans and specifications. The Project construction was advertised via an open competitive bid process beginning on March 6, 2025. Bids were opened on April 3, 2025 and Terocons Inc. was found to be the lowest bidder, with a bid of $3,825,633, which is within the Project budget. To keep the Project on schedule, the City should enter into a construction contract and begin construction in summer 2025.

FISCAL IMPACTS OF RECOMMENDATION

The construction budget for the South Berkeley Bikeway and Bus Stop Improvements Project is $4,208,200, including contingency. The construction contract for this Project consists of two individual design projects – the Woolsey-Fulton Bicycle Boulevard (WFBB) project and the Shattuck-MLK Bus Stops (SMBS) project. These projects are funded in part by a California Affordable Housing and Sustainable Communities (AHSC) infrastructure pass-through grant via the Maudelle Miller Shirek Community at 2925 Adeline Street being developed by Resources for Community Development (RCD). Through this grant agreement the City will be reimbursed for $2,612,543 worth of expenditures, of which $2,338,543 will be used during the construction phase. Funds are available in the FY 2025 and planned FY 2026 budgets in the funding sources indicated on the following page.

Project	AHSC Capital Grant (Fund 306)	Alameda County Measure BB – Bicycle and Pedestrian (Fund 135)	Alameda County Measure B – Streets & Roads (Fund 130)	Alameda County Measure BB – Streets and Roads (Fund 134)
Woolsey-Fulton Bicycle Boulevard	$1,790,129	$33,538	$140,865	$1,418,668
Shattuck-MLK Bus Stops	$548,414	-	-	$276,586

Low bid by Terocons Inc.	$3,825,633
10% Contingency	$382,567
Total Not-to-Exceed Construction Cost	$4,208,200

CURRENT SITUATION AND ITS EFFECTS

On April 3, 2025, five bids were opened for the Project, with bids ranging from $3,825,633.00 to $4,897,372.30. The determination of the lowest responsive and responsible bidder was based on the total bid price, as described in the bid documents. The lowest bidder is Terocons Inc. with a bid of $3,825,633. Staff have identified funding to cover the total bid price of the low bidder, plus a 10 percent contingency, as indicated above. Staff have verified that Terocons Inc.is the lowest responsive and responsible bidder.

The Living Wage Ordinance does not apply to this Project as Department of Public Works construction contracts are, pursuant to City policy, subject to State prevailing wage laws. Terocons Inc. has submitted a Certification of Compliance with the Equal Benefits Ordinance. The Community Workforce Agreement applies to this project because the estimated construction cost exceeds $500,000. As a result, the successful bidder and all subcontractors will be required to sign an agreement to be bound by the terms of the Community Workforce Agreement.

The South Berkeley Bikeway and Bus Stops Project is a Strategic Plan Priority Project, advancing our goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

BACKGROUND

Project Origins and Grant Funding

The Maudelle Miller Shirek Community at 2925 Adeline Street (originally listed as 2001 Ashby Avenue) is being constructed on the northeast corner of the intersection of Ashby Avenue & Adeline Street, developed by the nonprofit RCD. The AHSC grant funding for this community development project, which will provide 87 affordable rental homes, specifies Sustainable Transportation Infrastructure (STI) and Transit-Related Amenities (TRA) work to be performed by the City and BART. The City's STI and TRA obligations are the WFBB and SMBS projects, respectively.

RCD and City staff identified development of bike boulevards on Woolsey Street and Fulton Street as proposed in the City's Bicycle Plan, which would expand the Citywide bike network from the Ashby BART Station to the Southside neighborhood and connect to the existing Russell Street bike boulevard, the new two-way Class IV bikeway (cycletrack) on Fulton Street north of Dwight Way, and planned bike boulevards on Derby Street and Prince Street. This became the City's WFBB project, which comprises the City's STI obligations under the AHSC grant funding agreement.

The SMBS project is intended to improve transit reliability and safety for transit riders per the City's Transit-First Policy. The proposed bus stop improvements complement the STI work of the WFBB project by providing multi-modal benefits in the form of improved access to transit, increased transit reliability, and bus stop amenities. The SMBS Project comprises the City's TRA obligations under the AHSC grant funding agreement.

Previous Council Items

Resolution 69, 252-N.S. was adopted on January 21, 2020 which authorized the City to enter into an agreement with RCD to receive AHSC grant funding for the WFBB and SMBS Projects. On January 29, 2020 the City executed Revenue Contract No. 42000065 for infrastructure improvements related to the Maudelle Miller Shirek Community development. This contract commits the City to providing the WFBB and SMBS enhancements and stipulates that if these STI and TRA enhancements are not delivered by the City in a timely manner, the affordable housing developer, RCD, may not receive full grant reimbursement for the $15,797,796 of AHSC grant funding designated for construction of the Maudelle Miller Shirek Community development regardless of RCD's performance of its obligations.

Stakeholder Engagement

City staff have been actively engaging with the community and key stakeholders per the Public Works Department's Public Participation Policy, which included the following:

- Project websites were established in early January 2024, which detailed the project scope, funding, and schedule.
- The initial conceptual design drawings were posted on the project websites on January 17, 2024 for public review and comment. The comment period ended on February 14, 2024.

- On January 31, 2024 the design team, consisting of City staff from the Public Works Department and its design consultants for the projects, hosted a public information meeting in which over 2,000 nearby addresses were notified and invited to discuss and provide comments on the conceptual designs.
- On February 15, 2024 City staff presented the conceptual design to the Berkeley Transportation and Infrastructure Commission (TIC), which voted in support of the conceptual design.

Throughout the design process the design team reviewed comments from residents and businesses, City staff reviewers, and external stakeholders including AC Transit, BART, and utility companies. All comments were evaluated in the context of project goals, grant funding obligations, Citywide goals and policies, engineering design practice, management of the public right-of-way, safety, and cost. Detailed design documents were prepared in accordance with these factors. Staff believes the Project design documents best achieve these objectives.

Key Project Elements

The WFBB and SMBS projects are closely linked as they share the same funding source and construction schedule, and are in close proximity. For this reason, the two projects were designed and bid together as the South Berkeley Bikeway and Bus Stop Improvements Project. This was done to enable City staff to more efficiently administer and oversee the construction contract and to streamline the grant reimbursement process, especially since the work of both packages is funded by one AHSC grant under a single set of schedule deadlines.

The South Berkeley Bikeway and Bus Stop Improvements Project includes the following elements:

- A Class III bikeway with Bicycle Boulevard pavement markings and signage on Woolsey Street from Adeline Street to Wheeler Street, Wheeler Street from Woolsey Street to Prince Street, Prince Street from Wheeler Street to Fulton Street, and Fulton Street from Prince Street to Dwight Way;
- Pedestrian hybrid beacons (PHBs) at Martin Luther King Jr. Way & Prince Street and Shattuck Avenue & Russell Street;
- Rectangular rapid flashing beacons (RRFBs) at Adeline Street & Woolsey Street, Adeline Street & Russell Street, and Shattuck Avenue & Woolsey Street;
- Median upgrades for increased pedestrian safety at Martin Luther King Jr. Way & Prince Street and Adeline Street & Woolsey Street;
- Curb extensions at Martin Luther King Jr. Way & Prince Street, Adeline Street & Woolsey Street, Shattuck Avenue & Woolsey Street, and Shattuck Avenue & Russell Street;
- New traffic circle at Wheeler Street & Prince Street;
- Two speed tables on Fulton Street near Oregon Street;
- Upgraded lighting at Shattuck Avenue & Woolsey Street;

- Intersection improvements at major intersections including accessible curb ramps and new pavement and markings; and
- Upgrades of six bus stops at Martin Luther King Jr Way & Prince Street, Shattuck Avenue & Woolsey Street, and Shattuck Avenue & Ashby Avenue including relocation of bus stops from nearside to farside and installation of bus stop amenities where feasible.

Project Schedule

The City's contractual agreement with RCD stipulates that the City must be reimbursed for all grant-funded expenditures by July 30, 2026. The City's default would jeopardize AHSC funding for the Maudelle Miller Shirek Community. If an extension is granted by the State it may impact the City's ability to apply for similar grants in the future. Therefore, the City will need to prioritize completion of this Project or it may expose the City to liability.

Project construction is estimated to have a 9-month duration, which is scheduled to begin in summer 2025 after a construction contract is executed, and conclude in early 2026. Because the Project closeout and grant reimbursement process typically takes several months, the City estimates that construction activities should be complete by early 2026 to meet the grant reimbursement deadline. The Project construction includes the purchase of items that typically have relatively long manufacturing times, including traffic signal poles and equipment and bus stop shelters, which can take approximately ½ year to procure. For this reason, it is imperative that Council issue a resolution covering the items in this report during its April 29, 2025 meeting.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The purpose of the AHSC program is to reduce greenhouse gas emissions in California, and both the WFBB and SMBS projects will help accomplish that goal. Increasing cycling and walking in the City would help the City achieve the Berkeley Climate Action Plan greenhouse gas emission reduction targets of 80% below year 2000 levels by 2050.

The Climate Action Plan states that, in order to meet these targets, "Transportation modes such as public transit, walking and bicycling must become the primary means of fulfilling our mobility needs."

RATIONALE FOR RECOMMENDATION

Approving the plans and specifications, accepting the bid of Terocons Inc. as the lowest responsive and responsible bidder, and authorizing the City Manager to execute a contract with Terocons Inc., all for the South Berkeley Bikeway and Bus Stop Improvements Project, will help keep the Project on schedule in accordance with the grant funding agreement.

ALTERNATIVE ACTIONS CONSIDERED

If City Council chose not to take the proposed actions at this time and instead defer the item to a future Council agenda, such an action would increase (a) the risk of the City defaulting on its obligations to deliver this Project by the grant funding deadline and (b) the City's liability for a potential loss of grant funding for the Maudelle Miller Shirek Community affordable housing development if the Project is not completed on time.

CONTACT PERSON
Wahid Amiri, Deputy Director, Public Works, 510-981-6396
Kenneth Jung, Supervising Civil Engineer, Public Works, 510-981-7028
Jesse Peoples, Associate Civil Engineer, Public Works, 510-981-6449

Attachments:
1: Resolution
2: Site Map
3: Abstract of Bids

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

CONTRACT: TEROCONS INC. FOR SOUTH BERKELEY BIKEWAY AND BUS STOP IMPROVEMENTS PROJECT

WHEREAS, the South Berkeley Bikeway and Bus Stop Improvements Project (Specification No. 25-11716-C) consists of two projects:

- Woolsey-Fulton Bicycle Boulevard project and
- Shattuck-MLK Bus Stops project; and

WHEREAS, the Project fills several gaps in the existing Citywide bicycle network by connecting Ashby BART Station to the existing Russell Street bike boulevard, the new two-way Class IV bikeway (cycletrack) on Fulton Street north of Dwight Way, and planned bike boulevards on Derby Street and Prince Street; and

WHEREAS, the Project also makes modifications to six bus stops at the Martin Luther King Jr Way & Prince Street, Shattuck Avenue & Woolsey Street, and Shattuck Avenue & Ashby Avenue intersections to improve access to transit and increase reliability; and

WHEREAS, the City has received $2,612,543 in grant funding for these transportation improvements from the State of California Affordable Housing and Sustainable Communities program through a contractual agreement with Resources for Community Development, the developer of the Maudelle Miller Shirek Community affordable housing development at 2925 Adeline Street; and

WHEREAS, the contractual agreement stipulates that the City must complete these transportation improvements and receive final grant reimbursement by July 30, 2026 or it may be liable for the loss of grant funding for the City's work and the grant funding for the Maudelle Miller Shirek Community housing; and

WHEREAS, with the support of an engineering and design consultant team, City staff developed a conceptual design; obtained public input on and analyzed conceptual design options; balanced comments and concerns from the public with project goals; and completed the final design documents in the form of plans and specifications; and

WHEREAS, on March 6, 2025, the City released an Invitation for Bids (Specification No. 25-11716-C) for the work of the South Berkeley Bikeway and Bus Stop Improvements Project; and

WHEREAS, bids were opened on April 3, 2025 and TEROCONS INC. was found to be the lowest responsive and responsible bidder; and

WHEREAS, funds are available in the FY 2025 and planned FY 2026 budgets in the State Capital Grants (Fund 306), Alameda County Measure BB Local Streets & Roads

(Fund 134), Alameda County Measure BB Bicycle and Pedestrian (Fund 135), and Alameda County Measure B Bicycle and Pedestrian (Fund 131) funds; and

WHEREAS, no other funding is required, and no other project from the Public Works Department will be delayed due to this expenditure.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the plans and specifications for the South Berkeley Bikeway and Bus Stop Improvements Project (Specification No. 25-11716-C) are approved.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley accepts the bid of TEROCONS INC. as the lowest responsive and responsible bidder.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley authorizes the City Manager to execute a contract and any amendments, extensions, and/or change orders until completion of the South Berkeley Bikeway and Bus Stop Improvements Project in accordance with the approved plans and specifications with TEROCONS INC., in an amount not to exceed $4,208,200, which includes a 10 percent contingency for unforeseen circumstances. A record signature copy of said agreement and any amendments will be on file in the Office of the City Clerk.

Woolsey–Fulton Bike Boulevard and Shattuck–MLK Bus Stops Projects



Map Revised 6/4/24

Finance Department

General Services Division

City of Berkeley
Abstract of Bid Worksheet

Bid Date: 04/03/2025

Spec. # 25-11716-C

FOR: South Berkeley Bikeway and Bus Stop Improvements

	Bidders	Base Bid	Addendum 1	Experience & Fin Qual	Taxpayer ID	Nuclear Free	Oppressive States	Sanctuary City	Equal Benefits Ordinance	Bid Bond
1	Terocons	$3,825,633.00	X	X	X	X	X	X	X	X
2	Interstate Grading & Paving	$3,837,674.00	X	X	X	X	X	X	X	X
3	Ghilotti Construction	$4,304,570.00	X	X	X	X	X	X	X	X
4	Kerex Engineering	$4,897,372.30	x	x	x	x	x	x	x	X
5	Sposeto Engineering	$3,893,123.95	x	x	x	x	x	x	x	x
6										
7										
8										
9										
10										

Bid Recorder: Tanisha Gainer Date 04/03/2025

Bid Opener: RSoorma Date 04/03/2025

Project Manager: Jesse Peoples Date 04/03/2025

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E-mail: finance@ci.berkeley.ca.us

14

Office of the City Manager

CONSENT CALENDAR
April 29, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Terrance Davis, Director, Public Works

Subject: Contracts: M&A Towing and City Towing for Towing Services

RECOMMENDATION

Adopt two Resolutions authorizing the City Manager to:

1. Execute a contract with any amendments with M&A Towing to provide towing services for a three (3) year period from May 1, 2025, to May 1, 2028 in an amount not to exceed $150,000, with an option to extend for two (2) additional one (1) year terms. Rates adjusted annually in accordance with the Consumer Price Index.

2. Execute a contract with any amendments with City Towing to provide towing services for a three (3) year period from May 1, 2025, to May 1, 2028 in an amount not to exceed $150,000, with an option to extend for two (2) additional one (1) year terms. Rates adjusted annually in accordance with the Consumer Price Index.

FISCAL IMPACTS OF RECOMMENDATION

The FY25-26 Adopted Budget includes funding for fleet vehicle management, which will be used to cover the cost of towing services for City vehicles within the Public Works Department Equipment Maintenance Division (General Fund 672) budget. Additionally, funding will be appropriated for the next three fiscal years (FY 2026 to FY 2029) in the Equipment Maintenance Fund during the annual budget process.

CURRENT SITUATION AND ITS EFFECTS

The City conducted Request for Proposals Specification No. 24-11648, with proposals due no later than February 20, 2025. The City received three proposals in response. The selection committee, composed of subject matter experts from the Public Works Equipment Maintenance and Operations Divisions, evaluated the proposals.

The evaluation criteria used to rate the proposals were as follows: Project Approach (30%), Expertise and References (15%), Costs (25%), and Ability to Perform Services Listed in the Scope of Services (30%). M&A Towing and City Towing were selected as the highest-scoring vendors.

This contract will support the City's fleet and is a Strategic Plan Priority Project, advancing our goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

BACKGROUND
M&A Towing and City Towing responded to the Request for Proposal and were selected after submitting the highest-scoring bids. The selected vendors have the adequate staff and equipment necessary to service the City. The new towing services will ensure clear guidelines and standardized pricing for towing services, which is a significant expense for the Public Works Department.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
No identified environmental sustainability or climate impacts.

RATIONALE FOR RECOMMENDATION
The new towing services contracts will address the City's needs, along with stabilized costs and fees. The new contracts will clearly address the guidelines and prices for as-needed towing. The selected tow service providers will be utilized as needed to ensure the City has adequate resources available for unforeseen emergencies.

ALTERNATIVE ACTIONS CONSIDERED
None. The City does not have the resources to tow City vehicles.

CONTACT PERSON
Joy Brown, Operations Manager, (510) 981-6629
Don Colbert, Sr. Equipment Maintenance Supervisor, (510) 981-6467
Sara Rubio, Associate Management Analyst, (510) 981-5372

Attachments:
1: Resolution
2: Resolution

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

CONTRACT: M&A TOWING FOR TOWING SERVICES

WHEREAS, the City conducted RFP Solicitation No. 24-11648-C with proposals due no later than February 20, 2025; and

WHEREAS, the City received three proposals and a selection committee composed of subject matter experts from the Public Works Equipment Maintenance Division, and the Public Works Operations Division, met to evaluate the proposals, and

WHEREAS, M&A Towing and City Towing were selected as the highest scoring vendors.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a contract and any amendments with M&A Towing to provide towing services for three (3) years from May 1 2025 to May 1, 2028 for an amount not to exceed $150,000 with the option to extend for two (2) additional one-year terms. Rates adjusted annually in accordance with the Consumer Price Index.

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

CONTRACT: CITY TOWING FOR TOWING SERVICES

WHEREAS, the City conducted RFP Solicitation No. 24-11648-C with proposals due no later than February 20, 2025; and

WHEREAS, the City received three proposals and a selection committee composed of subject matter experts from Public Works Equipment Maintenance Division, and the Public Works Operations Division, met to evaluate the proposals, and

WHEREAS, M&A Towing and City Towing were selected as the highest scoring vendors.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a contract and any amendments with City Towing to provide towing services for three (3) years from May 1, 2025 to May 1, 2028 for an amount not to exceed $150,000 with the option to extend for two (2) additional one-year terms. Rates adjusted annually in accordance with the Consumer Price Index.

15

BERKELEY CITY COUNCILMEMBER
TERRY TAPLIN
DISTRICT 2

CONSENT CALENDAR
April 29, 2025

To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin (Author) Councilmember Shoshana O'Keefe (Co-Sponsor), Councilmember Bartlett (Co-Sponsor)

Subject: Budget Referral Funding Afterschool Program Expansion

RECOMMENDATION
Refer $300,000 to fund afterschool program expansion to the Fiscal Year 26 Mid-Biennial Budget Update.

FINANCIAL IMPLICATIONS
$300,000 and staff time.

CURRENT SITUATION AND ITS EFFECTS
Community members have reached out to the Berkeley Unified School District (BUSD) and the 2x2 Committee about insufficient aftercare. With the demand exceeding supply, students and families are subject to competitive enrollment and waitlists. In August, our office was informed by school board directors that there were 25 staff vacancies and hundreds of students on waitlists. With no guaranteed universal childcare, limited subsidized options, and a lack of adequate after school care, low- and middle-income families struggle to meet their childcare needs. This can cause immense and undue stress, put needed jobs at risk, and force desperate families to turn to substandard childcare arrangements. No family in Berkeley should have to sacrifice security for lack of high quality, affordable childcare.

BACKGROUND
The City of Berkeley provides quality elementary afterschool programs at multiple locations that currently serve 245 BUSD youth. The programs are subsidized by the General Fund and offer 50% and 100% scholarships to those who need them. The programs are staffed by full- and part-time employees in the Parks, Recreation, and Waterfront Department's Recreation Division.

The city's current afterschool program is at the following sites:

Live Oak Community Center (60)
James Kenney Community Center (75, includes Therapeutic Recreation Program)
Frances Albrier Community Center (65)
Willard Clubhouse (45)

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The current cost per pupil is just under $3,000 per school year. With the new Willard Clubhouse, the planned MLK Jr. Youth Services Center expansion, and an additional $300,000, the city can serve an additional 100 elementary age youth.

Live Oak Community Center (80)
James Kenney Community Center (85, includes Therapeutic Recreation Program)
Frances Albrier Community Center (75)
Willard Clubhouse (65)
MLK Jr. Youth Services Center (40)

Additionally, the city would need to come up with a plan to expand its transportation program in order to ensure students can get from their school to the program site. Attached is a press release from Zum, a student transportation provider, who announced in August that they deployed an all-electric fleet of school buses in Oakland Unified School District (OUSD), making it the first major school district in the U.S. to transition to a 100% electrified school bus system.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
N/A.

CONTACT PERSON
Councilmember Terry Taplin, District 2, 510-981-7120.

Attachments:

1 - Press Release: Zum Deploys Nation’s First 100% Electric School Bus Fleet in Oakland, California for the 2024-2025 School Year

We're hiring bus drivers and attendants for St Louis, MO and Millard, NE. Apply now!

Press Release

Share:



Zum Deploys Nation's First 100% Electric School Bus Fleet in Oakland,

California for the 2024-2025 School Year

By: Zum Community Team | August 27, 2024

Historic achievement in Oakland Unified School District will improve children's health and return energy to the grid

Oakland, Calif., August 27, 2024 – Zūm, the leader in modern student transportation, today announced that it has deployed an all-electric fleet of school buses in Oakland Unified School District (OUSD), making it the first major school district in the U.S. to transition to a 100% electrified school bus system. This first-in-the-nation EV fleet is also equipped with groundbreaking vehicle-to-grid (V2G) technology, enabling the buses to return energy to the grid at scale when not in use.

Zum is deploying a fleet of 74 electric school buses in Oakland, each with its own bidirectional charger, managed via an AI-enabled Virtual Power Plant (VPP). The all-EV fleet will decarbonize student transportation while sending 2.1 gigawatt hours of energy back to the grid annually.

"Today marks an exciting milestone in student transportation," said Ritu Narayan, Founder and CEO of Zum. "By converting Oakland Unified's school bus fleet to 100% electric, we are showing that sustainability solutions are here – and can positively impact an entire community. Electric school buses with V2G capability create cleaner transportation and send untapped energy from bus batteries back to the grid. It's a win-win for children, families, schools and drivers."

Student transportation is the largest mass transit system in the nation, moving 27 million students twice daily. Today, over 90% of the nation's 500,000 school buses run on carbon-based fuels, releasing over 8.4 million tons of greenhouse gases annually,

exposing students and communities to harmful fumes every day. Oakland's EV fleet will help remove 25,000 metric tons of greenhouse gases from the environment, which will have a major impact on the community.

"OUSD is proud to lead the way with safe and sustainable transportation for our students," said Superintendent Dr. Kyla Johnson-Trammell of Oakland Unified School District. "This is a landmark achievement, especially in Oakland, where families are disproportionately impacted by exposure to air pollution and high rates of asthma and other respiratory ailments. Zum's electric school buses provide our students quieter, cleaner rides to and from school, giving them a better chance at success in the classroom, while ensuring the District is doing its part to cut down on air pollution to the benefit of all Oakland residents."

Zum's utility partner, Pacific Gas and Electric Company, worked closely with Zum to complete the site, which involved extensive infrastructure upgrades and other equipment to power 74 bi-directional EV chargers. PG&E was able to provide 2.7 megawatts of load to Zum's Oakland EV-ready facility in record time, allowing this project to be deployed one year ahead of schedule.

"Converting to electric transportation reduces the leading cause of emissions and has the potential to offer a flexible power supply that benefits all customers. Our partnership with Zum and Oakland Unified on its fully electric school bus fleet is a blueprint for schools across California and the nation to better serve our students, local communities and, ultimately, our planet," said PG&E Corporation CEO Patti Poppe.

Other partners that have been critical to the electrification of the OUSD fleet include the Environmental Protection Agency's (EPA) Clean School Bus program, California Air Resources Board (CARB), Heavy Vehicle Incentive Program (HVIP) vouchers, Bay Area Air Quality Management District (BAAQMD) and Clean Mobility Options (CMO) programs.

"With funding to Zum of over $35 million for California school districts, EPA is proud to be advancing the rollout of electric school buses here in Oakland and across our state,

helping create a future where our children can breathe cleaner air," said EPA Pacific Southwest Deputy Regional Administrator Cheree Peterson. "I've seen firsthand the advantages of these electric buses, with the absence of noxious diesel emissions benefiting students, school staff, and neighboring communities. Thanks to the unprecedented federal investments in this technology, more zero-emissions school buses will be on the road in Oakland."

Zum has set a goal of electrifying 10,000 bidirectional school buses which will create the potential to supply 300 gigawatt hours of energy to local power grids annually. Plans are already underway for Zum to deploy 100% electric fleets across the country in the coming years.

About Zūm

Zum is a modern transportation solution transforming school transportation, the largest mass transit system in the U.S. Today, the company provides turnkey modern transportation solutions to school districts in California, Colorado, Connecticut, Illinois, Maryland, Massachusetts, Missouri, Nebraska, Pennsylvania, Tennessee, Texas, Washington, Utah, and Virginia, and is expanding rapidly nationwide. Recognized globally for its innovative transportation and energy as a service platform, Zum has been featured among Fast Company's World Changing Ideas, CNBC Disruptor 50, CNBC Changemakers, World Economic Forum and Financial Times' Fastest Growing Companies. Learn more about Zum at www.ridezum.com.

CONTACT:

Jenny Mayfield, Vice President of Communications – press@ridezum.com

Previous
Safety, Reliability and Sustainability Among Parents' Top Concerns Going Into 2024-25 School Year, Zum Survey Finds

Next
Zum CEO and Founder Ritu Narayan Named One of 2024's Most Influential Women in Bay Area Business



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BERKELEY CITY COUNCILMEMBER
TERRY TAPLIN
DISTRICT 2

CONSENT CALENDAR
April 29, 2025

To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin

Subject: Budget Referral Funding F and G Dock Deck Replacement

RECOMMENDATION

Refer $250,000 for F and G dock replacement funding to the Fiscal Year 26 Mid-Biennial Budget Update.

FINANCIAL IMPLICATIONS

$250,000 and staff time.

CURRENT SITUATION AND ITS EFFECTS

The wooden decking on the F and G docks at the Berkeley Marina is heavily worn and weathered from over 27 years of use and constant exposure to the marine environment. The average life expectancy of such wood decking is roughly 15-20 years in a non-marine environment. In the last few years, staff have received many complaints of trip hazards, splinters, and overall concern for the safety of the docks.

City maintenance staff strongly recommends that the entirety of the dock decking, consisting of 2x6 foot wooden planks, be replaced with composite decking immediately. Completing this task would also require the removal and replacement of roughly 500 cleats, 118 dock boxes, and 40 electrical pedestals.

BACKGROUND

The F and G docks were installed in 1997 in the eastern side of the basin. They are wooden docks floating on encapsulated foam tubs, held in place with concrete piles. The docks have 118 slips ranging from 22’ to 84’ which are used by fishermen, sailors and liveaboards. The docks are popular and have an occupancy rate of 91%.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

N/A

CONTACT PERSON

Councilmember Terry Taplin, District 2, 510-981-7120.

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17

BEN BARTLETT
CITY COUNCILMEMBER, DISTRICT 3

CONSENT CALENDAR
April 29, 2025

To: Honorable Mayor and Members of the City Council

From: Councilmember Ben Bartlett

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

RECOMMENDATION:
Approve the expenditure of funds, including $2500 from Councilmember Bartlett for pre-planning of the Berkeley Juneteenth Festival (organized by Berkeley Juneteenth Association, Inc. 501(c)3), with funds relinquished to the City's General Fund for this purpose from the discretionary council office budget of Councilmember Bartlett and any other Councilmembers who would like to contribute.

CURRENT SITUATION:
The 2025 Berkeley Juneteenth Festival will be held on Sunday, June 15, 2025, in the heart of South Berkeley's historic Lorin District on Adeline Street beginning at 11:00 AM, welcoming the diverse Berkeley and East Bay population. Throughout the week leading up to the Sunday celebration, which will feature local artisans, food vendors, musical, dance, and cultural presentations, and information booths staffed by local non-profit organizations, we will hold educational and cultural events at various locations, including the Ed Roberts Campus.

BACKGROUND:
President Abraham Lincoln issued the Emancipation Proclamation on January 1, 1863, declaring freedom for enslaved individuals in Confederate states. However, in Texas, enslaved people remained unaware of their freedom for more than two years, as their captors deliberately withheld this information. On June 18, 1865, Major General Gordon Granger of the Union Army arrived in Galveston, Texas, accompanied by 1,800 soldiers, to enforce the emancipation of over 250,000 enslaved people in the state.

The following year, on June 19, 1866, newly freed individuals in Texas took to the streets to commemorate their emancipation, establishing an enduring celebration tradition. Over time, local communities preserved this annual observance, and in 1979, Texas officially recognized June 19th as Black Heritage Day with the passage of H.B. 1016. Today, Juneteenth is widely celebrated nationwide as a day honoring African American culture, heritage, and resilience.

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The Berkeley Juneteenth Festival was founded by R.D. Bonds, Bradley Walters, and Sam Dyke to foster community pride and unite South Berkeley residents and businesses in celebrating this significant cultural event. The establishment of Berkeley Juneteenth Association, Inc. (BJAI) led to the first annual Festival in 1987. Former City Councilmembers Mary Wainwright and the late Maudelle Shirek played pivotal roles in securing City sponsorship, while the late Lothario Lotho and Giselle Thomas contributed over 25 years of dedicated service to the event's development.

ENVIRONMENTAL SUSTAINABILITY
No negative impact.

FISCAL IMPACTS OF RECOMMENDATION
No General Fund impact; $2500 is available from the discretionary council office budget of Councilmember Ben Bartlett.

CONTACT PERSON:
Councilmember Ben Bartlett bbartlett@berkeleyca.gov
James Chang jchang@berkeleyca.gov

ATTACHMENT:
1. Resolution to authorize the expenditure of surplus funds added.

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

AUTHORIZE THE EXPENDITURE OF SURPLUS FUNDS FROM THE OFFICE EXPENSE ACCOUNTS OF THE MAYOR AND COUNCILMEMBERS FOR A GRANT TO PROVIDE PUBLIC SERVICES FOR A MUNICIPAL PUBLIC PURPOSE

WHEREAS, Councilmembers Bartlett has surplus funds in his office expenditure account; and

WHEREAS, a California non-profit tax-exempt corporation – Berkeley Juneteenth Association, Inc. – will receive the funds; and

WHEREAS, the provision of such services would fulfill the following municipal public purpose: Berkeley Juneteenth Association, Inc. (BJAI) Promotes greater societal cohesiveness and well-being by educating and involving the community-at-large in historical, family, and cultural activities pertaining to people of color; and

WHEREAS, BJAI hosts various activities including Black History Month Celebrations and the Berkeley Juneteenth Festival; and

WHEREAS, cultural celebrations are critical to the social and spiritual unity of our community, and are integrated into BJAI events; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that funds relinquished by the Mayor and Councilmembers from their council office budget, of an amount to be determined by each Councilmember, shall be granted to Berkeley Juneteenth Association, Inc.

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18

CONSENT CALENDAR
April 29, 2025

Adena Ishii, Mayor

Igor Tregub, Councilmember District 4

Terry Taplin, Councilmember District 2

Shoshana O'Keefe, Councilmember District 5

To: Honorable Mayor and Members of the City Council

From: Councilmembers Igor Tregub (Author), Shoshana O'Keefe (Co-Sponsor), Terry Taplin (Co-Sponsor), and Mayor Adena Ishii (Co-Sponsor)

Subject: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds to Bay Area Robotics Education Sustainability Alliance for the 2025 Berkeley High Robotics Team's East Bay Regional Robotics Competition.

RECOMMENDATION

Adopt a Resolution approving the expenditure of an amount not to exceed $250 per member of the City Council from the D13 Discretionary Accounts of members of the Berkeley City Council, including $250 from Mayor Ishii and Councilmembers O'Keefe, Taplin, and Tregub, and inviting other members of the City Council to contribute, to support the Berkeley High Robotics Team (Berkelium 5419[1]) in hosting the East Bay Regional FIRST[2] Robotics Competition[3]. Funds will be transferred to the City's general fund and to Bay Area Robotics Education Sustainability Alliance, a fiscal agent for the 2025 Berkeley High Robotics Team's East Bay Regional Robotics Competition to support this valuable community event.

The relinquishment of funds from the respective discretionary Council Office Budgets of such members of the Berkeley City Council who wish to contribute will support this important initiative, fostering STEM education, student leadership, and international collaboration.

[1] https://team5419.wixsite.com/team5419
[2] https://www.firstinspires.org/
[3] https://cafirst.org/frc/east-bay-regional/#

BACKGROUND

The East Bay Regional FIRST Robotics Competition[4], hosted annually by the Berkeley High Robotics Team (Berkelium 5419[5]), is a premier science, technology, engineering, and mathematics (STEM) event that brings together high school robotics teams from across California, the nation, and around the globe. This year, 56 teams were competing in the exciting "Reefscape" challenge at Berkeley High School, drawing students, mentors, parents, and supporters from all corners of the world.

The competition offers an unparalleled opportunity for students to engage in hands-on learning, collaboration, and friendly competition in the STEM fields. The event highlights the talents and innovations of over 80 student members of the Berkeley High Robotics Team, which is entirely student-run with invaluable guidance from volunteer mentors.

As a student-led team without the backing of corporate sponsors or paid mentors, Berkelium 5419 faces unique financial challenges. To ensure the event's success and maintain its high standards, the team is working to raise $15,000-$20,000 to cover essential costs such as event logistics, equipment, and travel expenses for both local and international teams.

The Berkeley High Robotics Team also proudly hosts participants from Hawaii, as well as other countries like Turkey, Japan, Australia, further elevating the event's prestige and showcasing the City of Berkeley’s commitment to fostering global STEM education. This event not only provides a transformative educational experience but also serves as a point of pride for the community, drawing positive attention to Berkeley as a leader in STEM innovation and collaboration.

CURRENT SITUATION AND ITS EFFECTS

The escalating costs of hosting the East Bay Regional FIRST Robotics competition have put significant financial pressure on the Berkeley High Robotics Team. These costs include expenses for the venue, essential equipment, safety measures, and travel for both local and international teams. In order to ensure the event's continued success and to provide ongoing STEM opportunities to Berkeley students, additional funding is crucial to cover the following needs:

- Event logistics and venue rental;
- Materials and equipment required for competition setup;
- Travel expenses for participating teams; and

[4] https://team5419.wixsite.com/team5419/support-us

- Support for both local and international teams, enhancing the event's diversity and scope

As the Berkeley High Robotics Team operates independently and is not categorized as a formal school "club," it does not receive regular funding from the school district. Therefore, financial support from the City Council is vital to the successful hosting of this prestigious event and to ensuring that students from all backgrounds continue to benefit from these valuable educational experiences.

FINANCIAL IMPLICATIONS

No General Fund impact. Up to $250 is available from contributing Mayor's and Councilmembers' Council Office Budget discretionary accounts.

ATTACHMENTS

#1 Resolution

CONTACT PERSON

Councilmember Igor Tregub | itregub@berkeleyca.gov | 510-981-7140

Shamaila Ahmed | Legislative Aid | sahmed@berkeleyca.gov

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

AUTHORIZING THE EXPENDITURE OF SURPLUS FUNDS FROM THE OFFICE EXPENSE ACCOUNTS OF COUNCILMEMBERS FOR A GRANT TO SUPPORT THE BERKELEY HIGH ROBOTICS TEAM'S EAST BAY REGIONAL FIRST ROBOTICS COMPETITION

WHEREAS, Mayor Ishii and Councilmembers O'Keefe, Taplin, and Tregub have surplus funds in their D13 discretionary office expenditure account and will contribute $250, and invite other Councilmembers to join in contributing; and

WHEREAS, the Berkeley High Robotics Team, "Berkelium 5419," is a fully student-led team competing in the prestigious FIRST Robotics international league, dedicated to fostering innovation, teamwork, and STEM education among high school students; and

WHEREAS, from April 3-6, 2025, Berkelium 5419, along with their newly established Freshman team, "Bearium 5499," hosted the East Bay Regional FIRST Robotics Competition at Berkeley High School, attracting 56 teams from across California and Hawaii, and the world, including international teams from Turkey, Japan, Australia, to compete in the "Reefscape" challenge; and

WHEREAS, this event brings recognition and prestige to Berkeley High School and the City of Berkeley, highlighting student achievements and fostering collaboration among local and international teams; and

WHEREAS, the successful execution of this large-scale competition requires additional funding to cover logistics, materials, equipment, and operational expenses, with an estimated funding need of $15,000 to $20,000; and

WHEREAS, as a student-run team without school district funding, the Berkeley High Robotics Team relies on community donations, sponsorships, and fundraising to cover costs associated with participation and event hosting; and

WHEREAS, the provision of such funding fulfills the municipal public purpose of supporting science, technology, engineering, and mathematics (STEM) education, youth leadership, and community engagement through a high-profile, student-led competition;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Berkeley that funds relinquished by the Mayor and Councilmembers from their discretionary office budgets, up to $250 per office, shall be granted to Bay Area Robotics Education Sustainability Alliance for the 2025 Berkeley High Robotics to support the successful hosting of the East Bay Regional FIRST Robotics Competition.

Kate Harrison
Councilmember, District 4

CONSENT CALENDAR
April 29, 2025

To: Honorable Members of the City Council

From: Councilmember Harrison

Subject: Resolution: Opposition to Police Brutality and Use of Force on Nonviolent Protesters

RECOMMENDATION

Adopt a Resolution reaffirming the City of Berkeley's opposition to and condemning police brutality towards nonviolent protesters and discouraging use of "less-lethal" weapons for crowd control.

POLICY COMMITTEE RECOMMENDATION

On March 24, 2025, the Public Safety Committee adopted the following action: M/S/C (Kesarwani/O'Keefe) to send item to City Council with a negative recommendation. Vote: All Ayes.

BACKGROUND

The City of Berkeley has a long and storied history of nonviolent protest and civil disobedience. Unfortunately, that history is coupled with one of police brutality directed at nonviolent protesters. The most infamous example of police brutality in Berkeley occurred on "Bloody Thursday" in 1969 when James Rector was murdered by the Alameda County Sheriff force and a National Guard helicopter sprayed CS (tear gas) on thousands of protesters shortly following the founding of People's Park and deputies shot birdshot and buckshot at demonstrators.

While CS gas and pepper spray are both banned in warfare by international law, police in the United States commonly use them for crowd control purposes. On June 9, 2020, the City Council unanimously passed a motion to prohibit the use of CS gas by the Berkeley Police Departments or by any agency called for mutual aid in Berkeley.[1] This motion also prohibited the use of pepper spray and smoke by the Berkeley Police Department and by any agency called for mutual aid response in Berkeley, during the

[1] https://berkeleyca.gov/sites/default/files/city-council-meetings/06-09%20Annotated%20Agenda%204pm.pdf

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E-Mail: KHarrison@cityofberkeley.info

COVID-19 pandemic and until such time that the City Council removes this prohibition.[2] The City's recent suspension of the local COVID emergency does not mean that the COVID-19 pandemic is over, nor does it overturn the Council's 2020 pepper spray and smoke prohibition policy.

Other devices can also harm people. LRADs, or Long-Range Acoustic Devices, have dire consequences for the protesters and bystanders who are exposed to them. According to the Berkeley Police Department's 2022 Police Equipment and Community Safety Annual Report, BPD currently has two LRADs in its possession. Use of LRADs in crowd control situations can be dangerous according to Physicians for Human Rights, and the City of Berkeley regulates their use. LRADs are "capable of causing not only permanent hearing loss, but also migraine, vestibular, and other auditory symptoms" and emit decibels up to 162 dB SPL (sound pressure level), exponentially higher than jet engines at 130 dB SPL, as decibel levels increase exponentially.[3]

Batons are commonly used by police to brutalize protesters, and recent legislation strongly restricts their use by the Berkeley Police Department. Under international law, "batons must never be used as a means of punishment, to disperse peaceful protests, or against people who are already restrained."[4] Yet batons were used by police forces across the United States to disperse peaceful protests during the Black Lives Matter protests of 2020, for example. During Berkeley Black Lives Matter protests in December of 2014, police forces used CS gas, blast rounds, and harmed protesters with batons to force crowds to disperse—which led to a successful civil rights lawsuit against the city.[5]

As a result, the City now is required to apply standards when less lethal weapons are used in a crowd using a standard closer to the lethal force standard. In addition, the policy requires BPD personnel to have a clear shot at an allegedly violent target to prevent injury to others, expansive use of force reporting, implementation of body worn cameras, cite and release provisions, crowd liaisons, and prohibitions on skirmish lines advancing rapidly into a crowd. Berkeley has to live up to its commitments, and other jurisdictions must adopt similar policies.

So-called less-lethal or "kinetic impact" projectiles, including rubber bullets, are used by police forces across the country against nonviolent protesters, and their use should be strongly restricted. According to Amnesty International, "there has been an alarming increase in eye injuries, including eyeball ruptures, retinal detachments and the

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[2] https://records.cityofberkeley.info/PublicAccess/api/Document/AfRL%C3%89LmUm28As5bQtd10Au1FOSJIk1QHHaoDvg0JDhYupGbecgfU%C3%89KphfxL4BQWn%C3%81GtBMi8Z0%C3%81w8NXdky5pxceo%3D/

[3] https://www.asha.org/news/2020/long-range-acoustic-devices-for-crowd-control-can-cause-serious-hearing-loss-and-harm/

[4] https://www.amnesty.org/en/latest/news/2022/06/global-20-rules-for-ending-widespread-misuse-of-police-batons/

[5] https://www.berkeleyside.org/2015/06/11/police-report-mistakes-challenges-in-berkeley-protests

complete loss of sight, as well as bone and skull fractures, brain injuries, the rupture of internal organs and hemorrhaging, punctured hearts and lungs from broken ribs, damage to genitalia, and psychological trauma" by less-lethal munitions. [6] These weapons also include hard foam, rubberized buckshot, and CS gas. Amnesty International also states that "at least 53 people died from projectiles fired by security forces, according to a peer-reviewed study based on medical literature worldwide between 1990 and June 2017. It also concluded that 300 of the 1,984 people injured suffered permanent disability." All less-lethal munitions can still be lethal, and should not be used for crowd control in Berkeley by UCPD or mutual aid agencies.

Finally, the practice of corralling, or "kettling," can pose severe dangers to nonviolent and peaceful protesters. When police corral protesters in a confined space, there is nowhere to go if police begin to use force against protesters. As nonviolent and peaceful protesters are corralled into the same confined and potentially dangerous space, protesters may become victims of excessive police force more easily. Beyond the inability to escape police use of force, corralled protesters are put in a plainly frightening situation that may cause immense psychological distress. Importantly, even if police are focused on certain protesters, kettling places all protesters, including nonviolent and peaceful protesters, into the same confined and dangerous space. The City of Berkeley should strongly discourage any police departments responding to civil disobedience and protest in Berkeley from utilizing this strategy for crowd control.

"Less-lethal," which is often erroneously described as "less-than-lethal," is only relatively so. It can maim and even kill. It is known to have a disproportionate impact on persons with both physical disabilities and mental challenges. CS can be very detrimental to persons with asthma, COVID-19 or other respiratory diseases. Crowd control is a dynamic setting, and officers' ability for precise shots is greatly impaired. The chances of hitting the intended individual with a projectile are low, and of hitting uninvolved protesters is high. Chemical munitions by their nature affect large numbers of people and even spread far beyond the immediate area. BPD Chief Meehan confirmed this in a *Berkeleyside* account from June 11, 2015:

> "Chief Meehan noted that, even when an officer is focused on an individual, the projectile does not always find its mark due to the unpredictable movements of a crowd. A similar explanation was provided regarding baton strikes. Police said they are trained to avoid areas such as the head and neck, but that blows don't always land in the right place because subjects move."[7]

[6] https://www.amnesty.org/en/latest/news/2023/03/global-dozens-killed-and-thousands-maimed-by-police-misuse-of-rubber-bullets/#:~:text=There%20has%20been%20an%20alarming,damage%20to%20genitalia%2C%20and%20psychological

[7] https://www.berkeleyside.org/2015/06/11/police-report-mistakes-challenges-in-berkeley-protests

Use of less-lethal weapons in an indiscriminate manner against a demonstration that is non-violent, or even mixed, is a denial of First Amendment rights to free speech and assembly. In fact, it is tantamount to collective punishment, a denial of due process.

In September of 2021, Governor Gavin Newsom signed AB 48, which restricts police departments use of kinetic energy projectiles and chemical agents to disperse any assembly, protest, or demonstration, and AB 481, which requires law enforcement agencies to obtain approval of military equipment. While these laws restrict the use of "less-lethal" munitions California law enforcement agencies, they also do not preclude municipalities from adopting more stringent policies or reaffirming their opposition to their use on nonviolent protesters.

This subject is of particular concern because the University of California is currently awaiting a decision by the Supreme Court in Make UC a Good Neighbor v. The Regents of University of California that could allow the University to begin building housing there, with resulting protests a likely outcome. On September 19, 2023, the City of Berkeley adopted a resolution authorizing the City Attorney to submit an amicus brief in support of the University of California Regents, defending the University's proposed development of People's Park. It is important that the Berkeley City Council immediately adopt a resolution denouncing the use of "less-lethal" devices and any police brutality against nonviolent protesters in Berkeley from any agencies and police departments, whether or not our police department participates in enforcement actions.

FISCAL IMPACTS OF RECOMMENDATION

Following Berkeley's policies on crowd control will reduce the need for resource-intensive and expensive paramedic and medical care for injured protestors.

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects or opportunities associated with adopting this recommendation.

ATTACHMENTS

1: Resolution

RESOLUTION NO. XXXX-N.S.

REAFFIRMING OPPOSITION TO AND CONDEMNING POLICE BRUTALITY TOWARDS NONVIOLENT PROTESTERS AND DISCOURAGING USE OF "LESS-LETHAL" WEAPONS FOR CROWD CONTROL

WHEREAS, Berkeley's Southside neighborhood has historically been the site of violent police use of force and brutality towards protesting students and community members, most famously during "Bloody Thursday" in 1969 where the Alameda County Sheriff force murdered James Rector and a National Guard helicopter sprayed CS (tear gas) on thousands of protesters shortly following the founding of People's Park; and

WHEREAS, the Chemical Weapons Convention and Geneva Convention prohibit CS gas and pepper spray in warfare; and

WHEREAS, the State of California recently enacted AB 481[8] and AB 48,[9] which demilitarize and regulate police departments' acquisition and use of projectiles, chemical weapons, military equipment, and others, and protect protesters' First and Fourth Amendment rights; and

WHEREAS, on April 27, 2021, the Berkeley City Council unanimously passed an ordinance to oversee and make transparent militarized police equipment used for crowd control and SWAT operations; and

WHEREAS, Berkeley Police Department's 2022 Police Equipment and Community Safety Annual Report provided an inventory of reportable equipment, including 20 Less Lethal single 40MM launchers, 2 Less Lethal Milkor LTL 40 MM multi-launchers, 724 associated 40mm rounds, 8 Less Lethal FN 303 Launchers, 5,445 associated FN rounds, 190 Oleoresin capsicum (OC spray), 204 Chlorobenzylidene Malononitrile and Oleoresin capsicum, 2 Long Range Acoustic Devices, and 195 36' batons; and

WHEREAS, on June 9, 2020,[10] the Berkeley City Council unanimously voted to prohibit the use of CS gas by the Berkeley Police Department or any outside department or agency called to respond to mutual aid in Berkeley and of pepper spray or smoke for crowd control by the Berkeley Police Department, or any outside department or agency called to respond to mutual aid in Berkeley, during the COVID-19 pandemic and beyond; and

WHEREAS, the University of California's University-wide Police Policies and Procedures[11] allow the University of California Police Department to apply intermediate force, including batons, tasers, pepper spray, chemical agents (such as CS gas), and

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[8] https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB481.
[9] https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB48.
[10] https://berkeleyca.gov/sites/default/files/city-council-meetings/06-09%20Annotated%20Agenda%204pm.pdf.
[11] https://ucnet.universityofcalifornia.edu/tools-and-services/administrators/policies/proposed/police-procedures-manual.pdf.

rubber bullets, on nonviolent protesters displaying active resistance, which is defined as intentionally and unlawfully opposing the lawful order of a peace officer in a physical manner; and

WHEREAS, on August 3, 2022, UC Berkeley police forces in riot gear confronted protesters,[12] arrested students and community members participating in civil disobedience, and allegedly forcibly shoved nonviolent defenders of the park, resulting in severe injuries;[13] and

WHEREAS, following the conflict on August 3, 2022, police forces retreated and UC Berkeley declared construction paused indefinitely; and

WHEREAS, on August 3, 2022, the Berkeley City Council called for a special meeting on August 4th, 2022 to discuss and consider the temporary suspension of the June 9, 2020 policy prohibiting the use of CS gas, smoke, and pepper spray for the duration of the City Council recess following pressure from the Alameda County Sheriff, and then canceled it on August 4, 2022 following public outrage; and

WHEREAS, in 2020, 84% of Berkeley voters[14] approved amending the city charter to establish an independent police accountability board and director to provide oversight of local law enforcement, pointing to the public's desire for police reform; and

WHEREAS, violent, less-lethal forms of crowd control used by BPD, UCPD or mutual aid agencies, include but are not limited to Long Range Acoustic Devices, plastic and rubber bullets, hard foam, batons, corralling, launch projectiles, and Active Denial Systems; and[15]

WHEREAS, less-lethal weapons and tactics deployed in crowd control have disproportionate impacts on persons with both physical disabilities and mental challenges, can have detrimental impacts to persons with asthma, COVID-19 or other respiratory diseases; and

WHEREAS, less-lethal crowd control is a dynamic operation in which officers' ability for precise shots is greatly impaired and the chances of hitting the intended individual with a projectile are low, and of hitting uninvolved protesters is high; and

WHEREAS, chemical munitions by their nature affect large numbers of people and even spread far beyond the immediate area; and

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[12] https://www.berkeleyside.org/2022/08/03/uc-berkeley-fences-off-peoples-park-begins-construction-process.

[13] https://www.instagram.com/p/ChYn3ZYrU9j/?img_index=2.

[14]https://ballotpedia.org/Berkeley,_California,_Measure_II,_Police_Accountability_Charter_Amendment_(November_2020).

[15] https://news.berkeley.edu/2020/06/05/are-crowd-control-weapons-dangerous-very-says-uc-berkeley-expert.

WHEREAS, use of less-lethal weapons or tactics in an indiscriminate manner against a demonstration that is non-violent, or even mixed, is a denial of First Amendment rights to free speech and assembly, and is tantamount to collective punishment, and a denial of due process.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley reaffirms its objection to and denounces any and all police brutality and use of force against nonviolent protesters, including those participating in nonviolent civil disobedience.

BE IT FURTHER AND FINALLY RESOLVED that the Council of the City of Berkeley strongly urges the University of California Police Department and any outside departments or agencies called to respond to mutual aid in Berkeley against using “less-lethal” weapons and tactics—including but not limited to CS gas, pepper spray, smoke, Long-Range Acoustic Devices, batons, rubber bullets, launched projectiles, and corralling—against nonviolent protesters, including those participating in nonviolent civil disobedience.



To: Honorable Mayor and Members of the City Council
From: Councilmember Shoshana O'Keefe (Author)
Subject: Letter in Support of SB 456: Muralist Exemption

RECOMMENDATION

Send a letter to Senator Angelique Ashby (cc: Governor Gavin Newsom, Senator Jesse Arreguín, Assemblymember Buffy Wicks) in support of Senate Bill 456, which would exempt muralists from having to obtain a contractor's license through the Contractors State Licensing Board (CSLB) before being commissioned for public and private art projects.

SUMMARY STATEMENT

The State of California's Contractors State Licensing Board (CSLB) oversees the state's licensing requirements for various types of contractors, including fines or misdemeanor charges for violators. Current law makes it a misdemeanor for a person to engage in the business, or act in the capacity of a contractor without a license, unless exempted.

Currently, muralists who paint their artwork on permanent structures are subject to the same licensing requirements as commercial painters under the Business and Professions Code, even though these two roles are not equivalent in a variety of important ways. This bill would exempt from that law a muralist pursuant to an agreement with a person who could legally authorize the work.

Public art and murals are proven drivers of community and economic health, attracting tourists, supporting jobs, generating revenue, and improving public safety and wellbeing. Murals are also works of art protected under federal copyright laws and are fundamentally different from the roles of other CSLB licensees.

BACKGROUND

In 2023, public notices began being issued to municipalities indicating that muralists fall within the definition of a "contractor" under Business and Professions Code section 7026. As a result, muralists must carry a contractor's license if they undertake a mural on a building for more than $500. Additionally, per Business and Professions Code section 7028.15 (e), city staff may be fined for knowingly hiring an unlicensed muralist. Due to these licensure requirements, cities across California have had to cease or stall the implementation of mural projects.

To qualify for these commercial licenses, muralists must accumulate four years of specialized experience under a licensed contractor, pass the Law and Business examination, and pay

annual licensing fees. These requirements create unnecessary barriers to work on public art projects, and expose city employees and artists to fines if such requirements are not met.

Muralists provide a fundamentally different service than a painting contractor, as their work is an artistic expression rather than addressing the structural integrity of a building. It is appropriate to provide a narrow exception to the state's licensing requirements for muralists, as SB 456 seeks to provide them with the flexibility to continue their artistic expression.

RATIONALE FOR RECOMMENDATION
Local arts activities play an important role in community life and have a positive impact on the social health and economic vitality of cities. Muralists are vital contributors to public artistic and cultural expression, especially community-based artists and others who have not found the same support in the traditional art world.

The State Legislature should create an exception for muralists under the Business and Professions code. This would help further safeguard artists and communities from potential legal issues and risk associated with practicing this valuable form of art. This would also provide the City of Berkeley with a legal path to be able to (once again) commission murals for our public spaces.

ENVIRONMENTAL SUSTAINABILITY
N/A

FISCAL IMPACTS
None.

CONTACT
Councilmember Shoshana O'Keefe, (510) 981-7150

Attachments:
1. Letter of Support
2. Senate Bill 456

The Berkeley City Council
2180 Milvia Street
Berkeley, CA 94704

April 29, 2025

The Honorable Angelique Ashby
California State Senate
1021 O Street, Suite 8620
Sacramento, CA 95814

RE: City of Berkeley's Support for SB 456

Dear Senator Ashby:

The Berkeley City Council writes to express its strong support for Senate Bill 456, which would exempt artists who draw, paint, apply, execute, restore, or conserve murals from having to obtain a contractor's license through the Contractors State Licensing Board (CSLB).

Under current law, muralists are categorized alongside commercial painters, subjecting them to licensing standards that do not reflect the nature of their work. These requirements present unnecessary barriers to artistic and creative expression. Public art and murals are proven drivers of community and economic health, attracting tourists, supporting jobs, generating revenue, and improving public safety and wellbeing. They can also be catalysts for public dialogue, and aid efforts at neighborhood revitalization and beautification.

The State Legislature should create an exception for muralists under the Business and Professions code to safeguard artists and communities from potential legal issues and risk associated with practicing this valuable form of art. The City of Berkeley strongly supports the re-creation of a viable legal pathway to commission murals for our public spaces.

We believe our community and city at large, as well as artist communities across California stand to benefit greatly from this change in law, and we thank you for your leadership.

Sincerely,
The Berkeley City Council

cc:
Governor Gavin Newsom

Senator Jesse Arreguín
Assemblymember Buffy Wicks

AMENDED IN SENATE APRIL 02, 2025

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

SENATE BILL **NO. 456**

Introduced by Senator Ashby
(Coauthor: Senator Laird)

February 19, 2025

An act to ~~amend~~ *add* Section ~~7044 of~~ *7050 to* the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 456, as amended, Ashby. Contractors: exemptions: muralists.

Existing law, the Contractors State License Law, establishes the Contractors State License Board within the Department of Consumer Affairs and sets forth its powers and duties relating to the licensure and regulation of contractors. Existing law makes it a misdemeanor for a person to engage in the business, or act in the capacity, of a contractor without a license, unless exempted. Existing law exempts from the Contractors State License Law, among other things, a nonprofit corporation providing assistance to an owner, as specified.

~~This bill would exempt from that law a muralist, as defined, who produces a mural, as defined, pursuant to an agreement with a person who could legally authorize the work.~~

This bill would exempt from that law an artist who draws, paints, applies, executes, restores, or conserves a mural, as defined, pursuant to an agreement with a person who could legally authorize the work.

Digest Key

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

Bill Text

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. *Section 7050 is added to the Business and Professions Code, to read:*

7050. (a) This chapter does not apply to an artist who draws, paints, applies, executes, restores, or conserves a mural pursuant to an agreement with a person who could legally authorize the work.

(b) For purposes of this section, "mural" means a unique work of fine art that is protected by copyright, trademark, label, or patent and that is drawn or painted by hand directly onto interior or exterior walls or ceilings, fixtures, or other appurtenances of a building or structure. "Mural" does not include painted wall signs.

~~SECTION 1.Section 7044 of the Business and Professions Code is amended to read:~~

~~7044.(a)This chapter does not apply to any of the following:~~

~~(1)An owner who builds or improves a structure on the owner's property, provided that both of the following conditions are met:~~

~~(A)None of the improvements are intended or offered for sale.~~

~~(B)The property owner personally performs all of the work or any work not performed by the owner is performed by the owner's employees with wages as their sole compensation.~~

~~(2)An owner who builds or improves a structure on the owner's property, provided that both of the following conditions are met:~~

~~(A)The owner directly contracts with licensees who are duly licensed to contract for the work of the respective trades involved in completing the project.~~

~~(B)For projects involving single-family residential structures, no more than four of these structures are intended or offered for sale in a calendar year. This subparagraph shall not apply if the owner contracts with a general contractor for the construction.~~

~~(3)A homeowner improving the homeowner's principal place of residence or appurtenances thereto, provided that all of the following conditions exist:~~

~~(A)The work is performed prior to sale.~~

~~(B)The homeowner has actually resided in the residence for the 12 months prior to completion of the work.~~

~~(C)The homeowner has not claimed the exemption in this paragraph on more than two structures more than once during any three-year period.~~

~~(4)A nonprofit corporation providing assistance to an owner-builder, as defined in subdivision (a) of Section 50692 of the Health and Safety Code, who is participating in a mutual self-help housing program, as defined in Section 50078 of the Health and Safety Code.~~

~~(5)A muralist who produces a mural.~~

~~(A)For purposes of this section, a "muralist" means an artist who draws, paints, applies, executes, restores, conserves, or affixes visual art directly onto walls, ceilings, or other fixtures of a building or structure pursuant to an agreement with a person who could legally authorize the work.~~

~~(B)For purposes of this section, a "mural" means a unique work of visual art that is protected by copyright, trademark, label, or patent and that is drawn or painted by hand directly upon, or affixed directly to, an exterior or interior wall or ceiling of a building or structure.~~

~~(b)In all actions brought under this chapter, both of the following shall apply:~~

~~(1)Except as provided in paragraph (2), proof of the sale or offering for sale of a structure by or for the owner-builder within one year after completion of the structure constitutes a rebuttable presumption affecting the burden of proof that the structure was undertaken for purposes of sale.~~

~~(2)Proof of the sale or offering for sale of five or more structures by the owner-builder within one year after completion constitutes a conclusive presumption that the structures were undertaken for purposes of sale.~~

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Brent Blackaby
Councilmember District 6

CONSENT CALENDAR
April 29, 2025

To: Honorable Mayor and Members of the City Council

From: Councilmember Blackaby (Author), Councilmember Lunaparra (Co-sponsor), Councilmember Tregub (Co-sponsor), Mayor Ishii (Co-sponsor)

Subject: Budget Referral: Deportation Defense Legal and Education Funds

RECOMMENDATION

Refer to the Fiscal Year 2026/2027 Budget Process an allocation of $200,000 for Deportation Defense Legal and Education Funds.

FINANCIAL IMPLICATIONS

$200,000 in FY 2026.

CURRENT SITUATION AND ITS EFFECTS

When President Donald Trump was elected he promised “Mass Deportations.” On his first day of office, President Trump rescinded the Biden Administration’s guidelines to not allow immigration enforcement in or near “sensitive” areas such as schools, hospitals, social service centers and places of worship, unless there are exigent circumstances. Now Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) can enter and deport Berkeley residents at those sites as well as others.

This Budget referral would fund additional legal and educational services to help protect our immigrant communities against the national mass deportation movement. Wait lists for these services are already at 200+ people at our Berkeley-based Immigration Service Providers (Social Justice Collaborative, Oasis Legal Services, Multicultural Institute, East Bay Sanctuary Covenant, East Bay Community Law Center). East Bay Sanctuary Covenant would distribute the funds among the five agencies for coordinated Legal Consultation and Support for Immigrants, including:

- Legal consultations/screenings
  - 20 min legal consultations/screenings - from trained attorney or DOJ accredited representative
  - Pro-se clinics for I-589 (affirmative asylum)
  - Virtual consultations and screenings
- Legal immigration services and limited scope representation, including limited relief and defensive relief.
- Community legal consultation events

- Know Your Rights (KYR) events
- Support Family Preparedness Preparation Trainings across the schools.
- Coordination with BUSD to implement 1-2 Train the Trainer workshops for all school staff (with follow up support).

The funding would allow our local immigration services agencies to implement urgently needed legal support services for Berkeley residents, demonstrate the City of Berkeley's commitment to protect and defend immigrant communities, and leverage additional funding. County funding recently allocated for emergency legal services is not going to any Berkeley based non-profits.

The City shall enter into a contract with East Bay Sanctuary Covenant that requests documentation at six months and 12 months to ensure that funds were used for the purpose for which they were allocated.

East Bay Sanctuary Covenant is currently seeking additional funding for coordinated legal consultation and support for immigrants through a grant from the Vera Institute of Justice SAFE Network catalyst funding of $100,000, participation in a California Funder briefing on April 17th to leverage additional funds, and partnering with county organizations like Alameda County Immigration Legal and Education Partnership.

BACKGROUND

East Bay Sanctuary Covenant has been supporting Berkeley's sanctuary movement for over 40 years. They are one of the largest affirmative-asylum programs in the U.S.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with adopting this recommendation.

CONTACT PERSON

Councilmember Brent Blackaby Council District 6 510-981-7160

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Brent Blackaby
Councilmember District 6

CONSENT CALENDAR
April 29, 2025

To: Honorable Mayor and Members of the City Council

From: Councilmember Blackaby (Author), Councilmember Tregub (Co-Sponsor)

Subject: Adding ADA expertise to the SAFE STREETS Citizen Oversight Committee

RECOMMENDATION

Approve an amendment to the Measure FF SAFE STREETS Citizen Oversight Committee (SSCOC) Resolution and Ordinance approved for establishment at the March 18, 2025 Council Meeting, to add an additional qualifying skillset for appointment: a background in ADA compliance and the accessible infrastructure challenges that seniors and disabled community members face.

FISCAL IMPACTS OF RECOMMENDATION

None

CURRENT SITUATION AND ITS EFFECTS

On March 18, 2025 City Council unanimously adopted Resolution No. 71,695–N.S. to support the establishment of a SAFE STREETS Citizen Oversight Committee (SSCOC), and authorized the City Manager to further implement Section 7.11.040 of City Ordinance 7,952-N.S, to ensure compliance with all requirements. Councilmember Blackaby stated at the meeting his interest in ensuring one of the SSCOC members have a background in ADA compliance and the accessible infrastructure challenges that seniors and disabled community members face and that he would bring an amendment to a near future meeting to do so.

Measure FF, approved by Berkeley residents on November 5, 2025, stated the SAFE STREETS Citizen Oversight Committee members must have a background in one of the following:

- civil engineering
- transportation engineering
- infrastructure program management
- implementation of municipal bond or tax measures

However, it is also critical that at least one SSCOC member have a background in ADA compliance and the accessible infrastructure challenges that seniors and disabled community members face to ensure accessible infrastructure development for all.

This item amends BMC 7.11.040 SAFE STREETS Citizen Oversight Committee to add expertise in ADA compliance and a background in senior and disability issues to the list of backgrounds necessary to be appointed to the SAFE STREETS Citizen Oversight Committee. The amended language of BMC 7.11.040 B. 2. shall read, "…Members of the public shall be required to have a background in civil engineering, transportation engineering, infrastructure program management, the implementation of municipal bond or tax measures, or ADA compliance and the accessible infrastructure challenges that seniors and disabled community members face."

This item also amends the Resolution to reflect the additional expertise requirement to the SAFE STREETS Citizen Oversight Committee.

Measure FF amendments can be made to the Ordinance without voter approval, per Section 7. of the Measure, under special circumstances, including changes that do not "reduce the public input, oversight, and accountability processes set forth in section 7.11.040 and 7.11.050."

Amending the Measure FF Ordinance to require additional expertise for Oversight Committee members does not reduce public input, oversight and accountability, rather it enshrines input representing our senior and disabled communities.

BACKGROUND

On November 5, 2025, Berkeley residents voted for Measure FF: Sidewalk and Street Repairs Parcel Tax with 60% approval. The Measure calls for a Safe Streets Citizen Oversight Committee to help oversee funding for city streets, sidewalks, pedestrian paths, and stormwater management.

On March 18, 2025, Public Works Director Terrance Davis put forward, Council Item #7, Establishing a Measure FF SAFE STREETS Citizen Oversight Committee. Council unanimously adopted Resolution No. 71,695–N.S.,

1. Establishing a SAFE STREETS Citizen Oversight Committee (SSCOC) to review expenditures and progress reports from the City Manager and City Auditor to ensure compliance with the intent of Measure FF, evaluating the impacts and outcomes of tax expenditures on stated goals and prepare public reports on the Committee's findings; and

2. Authorizing the City Manager to further implement Section 7.11.040 of City Ordinance 7,952-N.S, to ensure compliance with all requirements.

Requirements for establishing the SSCOC through Council Resolution are explicitly laid out in Section 7.11.040 of City Ordinance 7,952-N.S, with a specific membership composition detailed in Section 7.11.040 (B):

B. Composition:
1. The SSCOC shall consist of seven members, as follows:
    a. Two members of the Transportation and Infrastructure Commission
    b. One member of the Environment and Climate Commission
    c. Four members of the public who are Berkeley residents
2. SSCOC members from commissions shall be appointed by their respective bodies, and members of the public shall be appointed by the City Council as a whole. Members of the public shall be required to have a background in civil engineering, transportation engineering, infrastructure program management, or the implementation of municipal bond or tax measures.
3. The SSCOC annually shall elect one of its members as the chairperson and one of its members as the vice-chairperson.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
There are no environmental sustainability effects directly associated with the recommendations in this report.

RATIONALE FOR RECOMMENDATION
Input from the senior and disability communities.

ALTERNATIVE ACTIONS CONSIDERED
Increasing the number of members from seven to eight so that one could be appointed from the Commission on Disabilities. However, the desire to keep the Commission at seven won over with the thought that the expertise can come from one of the four members of the public.

CONTACT PERSON
Councilmember Brent Blackaby, (510) 981-7160

Attachments:
1: Resolution with Tracked Changes
2: Resolution Clean Copy
3: Ordinance Adding an Additional Qualifying Skillset for Appointment – Tracked
4: Ordinance Adding an Additional Qualifying Skillset for Appointment – Clean Copy

Attachment 1 Resolution tracked changes

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

ESTABLISHING A MEASURE FF SAFE STREETS CITIZEN OVERSIGHT COMMITTEE

WHEREAS, Measure FF, also known as the known as the Sustainable and Accountable Funding for Equitable Street Transformation, Revitalization, Enhancements, and Essential Traffic Safety (SAFE STREETS) Initiative, was passed by voters on November 5, 2025 and adopted as Ordinance 7,952-N.S. on December 10, 2025, requires the establishment of the SAFE STREETS Citizen Oversight Committee (SSCOC) in Section 7.11.040; and

WHEREAS, Implementation of SAFE STREETS Initiative will be managed by the Department of Public Works in alignment with existing City Plans, as detailed in Ordinance 7,952-N.S.; and

WHEREAS, Requirements for establishing the SSCOC are explicitly laid out in Section 7.11.040 of City Ordinance 7,952-N.S, with a specific membership composition detailed in Section 7.11.040 (B).

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Berkeley that the SAFE STREETS Citizen Oversight Committee is hereby created.

BE IT FURTHER RESOLVED, According to Ordinance 7,952-N.S., Section 7.11.040 (B):

1. The SSCOC shall consist of seven members, as follows:
    a. Two members of the Transportation and Infrastructure Commission
    b. One member of the Environment and Climate Commission
    c. Four members of the public who are Berkeley residents
2. SSCOC members from commissions shall be appointed by their respective bodies, and members of the public shall be appointed by the City Council as a whole. Members of the public shall be required to have a background in civil engineering, transportation engineering, infrastructure program management, ~~or~~ the implementation of municipal bond or tax measures, or ADA compliance and the accessible infrastructure challenges that seniors and disabled community members face.
3. The SSCOC annually shall elect one of its members as the chairperson and one of its members as the vice-chairperson.

BE IT FURTHER RESOLVED that the SSCOC is established to review expenditures and progress reports from the City Manager and City Auditor to ensure compliance with the intent of Measure FF, passed by voters on November 5, 2024, evaluating the impacts and outcomes of tax expenditures on stated goals and prepare public reports on the Committee's findings.

BE IT FURTHER RESOLVED that the committee may make and alter rules governing its organization and procedures which are consistent with this Chapter or any other applicable ordinance or resolution of the City. A majority of the members appointed to the committee shall constitute a quorum and the affirmative vote of a majority of the members appointed is required to take any action.

BE IT FURTHER RESOLVED that the Committee shall prepare an annual independent report of progress and performance. Each report shall be made publicly available on the City's website and submitted to the City Council.

BE IT FURTHER RESOLVED that the SSCOC shall sunset pursuant to BMC 7.11.030 and Section 7 of Ordinance 7,952-N.S.

BE IT FURTHER RESOLVED that if there are remaining funds or remaining reporting requirements after the completion of the SAFE STREETS implementation, completion of these requirements may be fulfilled by the SSCOC as a subcommittee to be absorbed by either the Transportation and Infrastructure Commission or the Environment and Climate Commission, or their successors, as deemed appropriate by the City Manager.

BE IT FURTHER RESOLVED that the City Manager is authorized to further implement Section 7.11.040 of City Ordinance 7,952-N.S, to ensure compliance with all requirements.

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

ESTABLISHING A MEASURE FF SAFE STREETS CITIZEN OVERSIGHT COMMITTEE

WHEREAS, Measure FF, also known as the known as the Sustainable and Accountable Funding for Equitable Street Transformation, Revitalization, Enhancements, and Essential Traffic Safety (SAFE STREETS) Initiative, was passed by voters on November 5, 2025 and adopted as Ordinance 7,952-N.S. on December 10, 2025, requires the establishment of the SAFE STREETS Citizen Oversight Committee (SSCOC) in Section 7.11.040; and

WHEREAS, Implementation of SAFE STREETS Initiative will be managed by the Department of Public Works in alignment with existing City Plans, as detailed in Ordinance 7,952-N.S.; and

WHEREAS, Requirements for establishing the SSCOC are explicitly laid out in Section 7.11.040 of City Ordinance 7,952-N.S, with a specific membership composition detailed in Section 7.11.040 (B).

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Berkeley that the SAFE STREETS Citizen Oversight Committee is hereby created.

BE IT FURTHER RESOLVED, According to Ordinance 7,952-N.S., Section 7.11.040 (B):

4. The SSCOC shall consist of seven members, as follows:
    a. Two members of the Transportation and Infrastructure Commission
    b. One member of the Environment and Climate Commission
    c. Four members of the public who are Berkeley residents
5. SSCOC members from commissions shall be appointed by their respective bodies, and members of the public shall be appointed by the City Council as a whole. Members of the public shall be required to have a background in civil engineering, transportation engineering, infrastructure program management, the implementation of municipal bond or tax measures, or ADA compliance and the accessible infrastructure challenges that seniors and disabled community members face.
6. The SSCOC annually shall elect one of its members as the chairperson and one of its members as the vice-chairperson.

BE IT FURTHER RESOLVED that the SSCOC is established to review expenditures and progress reports from the City Manager and City Auditor to ensure compliance with the intent of Measure FF, passed by voters on November 5, 2024, evaluating the impacts and outcomes of tax expenditures on stated goals and prepare public reports on the Committee’s findings.

BE IT FURTHER RESOLVED that the committee may make and alter rules governing its organization and procedures which are consistent with this Chapter or any other applicable ordinance or resolution of the City. A majority of the members appointed to the committee shall constitute a quorum and the affirmative vote of a majority of the members appointed is required to take any action.

BE IT FURTHER RESOLVED that the Committee shall prepare an annual independent report of progress and performance. Each report shall be made publicly available on the City's website and submitted to the City Council.

BE IT FURTHER RESOLVED that the SSCOC shall sunset pursuant to BMC 7.11.030 and Section 7 of Ordinance 7,952-N.S.

BE IT FURTHER RESOLVED that if there are remaining funds or remaining reporting requirements after the completion of the SAFE STREETS implementation, completion of these requirements may be fulfilled by the SSCOC as a subcommittee to be absorbed by either the Transportation and Infrastructure Commission or the Environment and Climate Commission, or their successors, as deemed appropriate by the City Manager.

BE IT FURTHER RESOLVED that the City Manager is authorized to further implement Section 7.11.040 of City Ordinance 7,952-N.S, to ensure compliance with all requirements.

Exhibits

A: Ordinance 7,952-N.S, SAFE STREETS Initiative (Adopted December 10, 2024)

ORDINANCE NO. X,XXX-N.S.

ADDING AN ADDITIONAL QUALIFYING SKILLSET FOR APPOINTMENT TO MEASURE FF SAFE STREETS CITIZEN OVERSIGHT COMMITTEE (SSCOC); AMENDING BERKELEY MUNICIPAL CODE SECTION 7.11.040

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

Section 1. That Berkeley Municipal Code Section 7.11.040 is amended to read as follows:

7.11.040 SAFE STREETS Citizen Oversight Committee

A. The City Council shall establish a SAFE STREETS Citizen Oversight Committee (SSCOC) to review expenditures and progress reports from the City Manager and City Auditor to ensure compliance with the intent of this chapter, evaluate the impacts and outcomes of tax expenditures on this chapter's stated goals, and prepare public reports on the committee's findings.

B. Composition:

1. The SSCOC shall consist of seven members, as follows:
   (a) Two members of the Transportation and Infrastructure Commission
   (b) One member of the Environment and Climate Commission
   (c) Four members of the public who are Berkeley residents

2. SSCOC members from commissions shall be appointed by their respective bodies, and members of the public shall be appointed by the City Council as a whole. Members of the public shall be required to have a background in civil engineering, transportation engineering, infrastructure program management, ~~or~~ the implementation of municipal bond or tax measures, or ADA compliance and the accessible infrastructure challenges that seniors and disabled community members face.

3. The SSCOC annually shall elect one of its members as the chairperson and one of its members as the vice-chairperson.

C. The City Manager shall designate a staff person to serve as secretary of the committee.

D. The committee 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 committee meetings shall be as determined by City Council Resolution, but no less than four per year.

E. The committee may make and alter rules governing its organization and procedures which are consistent with this Chapter or any other applicable ordinance of the City. A majority of the members appointed to the committee shall constitute a quorum and the affirmative vote of a majority of the members appointed is required to take any action.

F. The Committee shall prepare an annual independent report of progress and

performance. Each report shall be made publicly available on the City's website and submitted to the City Council.

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

ORDINANCE NO. X,XXX-N.S.

ADDING AN ADDITIONAL QUALIFYING SKILLSET FOR APPOINTMENT TO MEASURE FF SAFE STREETS CITIZEN OVERSIGHT COMMITTEE (SSCOC); AMENDING BERKELEY MUNICIPAL CODE SECTION 7.11.040

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

Section 1. That Berkeley Municipal Code Section 7.11.040 is amended to read as follows:

7.11.040 SAFE STREETS Citizen Oversight Committee

A. The City Council shall establish a SAFE STREETS Citizen Oversight Committee (SSCOC) to review expenditures and progress reports from the City Manager and City Auditor to ensure compliance with the intent of this chapter, evaluate the impacts and outcomes of tax expenditures on this chapter's stated goals, and prepare public reports on the committee's findings.

B. Composition:

1. The SSCOC shall consist of seven members, as follows:
   (a) Two members of the Transportation and Infrastructure Commission
   (b) One member of the Environment and Climate Commission
   (c) Four members of the public who are Berkeley residents

2. SSCOC members from commissions shall be appointed by their respective bodies, and members of the public shall be appointed by the City Council as a whole. Members of the public shall be required to have a background in civil engineering, transportation engineering, infrastructure program management, the implementation of municipal bond or tax measures, or ADA compliance and the accessible infrastructure challenges that seniors and disabled community members face.

3. The SSCOC annually shall elect one of its members as the chairperson and one of its members as the vice-chairperson.

C. The City Manager shall designate a staff person to serve as secretary of the committee.

D. The committee 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 committee meetings shall be as determined by City Council Resolution, but no less than four per year.

E. The committee may make and alter rules governing its organization and procedures which are consistent with this Chapter or any other applicable ordinance of the City. A majority of the members appointed to the committee shall constitute a quorum and the affirmative vote of a majority of the members appointed is required to take any

and the affirmative vote of a majority of the members appointed is required to take any action.

F. The Committee shall prepare an annual independent report of progress and performance. Each report shall be made publicly available on the City's website and submitted to the City Council.

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23

Brent Blackaby
Councilmember District 6

CONSENT CALENDAR
April 29, 2025

To: Honorable Mayor and Members of the City Council

From: Councilmember Blackaby (Author), Councilmember Taplin (Co-sponsor), Councilmember O'Keefe (Co-sponsor), Councilmember Humbert (Co-sponsor)

Subject: Amend AB-645 (2023-2024) to add the City of Berkeley to California's Automated Speed Enforcement Pilot

RECOMMENDATION

Adopt a Resolution to send to Assemblymember Buffy Wicks and Senator Jesse Arreguín, requesting that the Legislature amend AB-645 (Friedman) Vehicles: Speed Safety Pilot Program (2023-2024), in order to add the City of Berkeley to the pilot.

FINANCIAL IMPLICATIONS

None. If the City of Berkeley is selected for inclusion in the pilot, additional costs for acquiring and operating new speed cameras will be identified before implementation.

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley is densely populated with over 124,000 people living within its 10.5 square miles of land. Its community is passionate about eliminating traffic deaths and serious injuries by 2028, which is the goal of the Vision Zero plan that Berkeley enacted in 2019. Yet 2024 saw four more fatal traffic incidents than 2023 (which had zero). Unsafe speed was the leading cause of the 877 collisions in 2024, according to the 2024 Berkeley Police Department Annual Report.

Based on traffic data, the City of Berkeley believes that reducing traffic speeds will reduce collisions, injuries, and deaths. Without sufficient enforcement resources, especially in a challenging budgetary environment, speed cameras can play a crucial role.

AB-645 (Friedman), approved Oct 13, 2023, permits selected cities to establish a Speed Safety Pilot Program, to run until Jan 2032. The initial measure included six (6) cities – Los Angeles, San Jose, Oakland, Glendale, Long Beach, and the City and County of San Francisco. Berkeley requested inclusion but was not selected.

California cities not included in the Pilot are not permitted to use speed safety systems. The Legislature wants to ensure the speed safety programs meet certain requirements and are using this pilot to measure their effectiveness. The City of Berkeley, after

significant public input, has developed several strategic plans towards creating safer transit infrastructure and made progress on their implementation. These include:

- The Berkeley Strategic Transportation (BeST) Plan to improve the physical transportation infrastructure for increased access, mobility and safety for everyone traveling within our city (adopted June 2016)
- The Berkeley Bicycle Plan to make Berkeley a model bicycle-friendly city where bicycling is a safe, attractive, easy, and convenient form of transportation and recreation for people of all ages and bicycling abilities (adopted May 2, 2017)
- The Vision Zero Action Plan to eliminate traffic deaths and severe injuries on our city streets by 2028 (adopted March 10, 2019)
- The Berkeley 2020 Pedestrian Plan to move forward with pedestrian infrastructure improvements focused on safety and equity (adopted Jan 26, 2021)

The City has also taken steps to use modern technology to support safety and enforcement. Berkeley is ideally situated to implement a Speed Safety Pilot Program and to reap the benefits. Such programs offer a high rate of detection, and, in conjunction with education and traffic engineering, can significantly reduce speeding, improve traffic safety, and prevent traffic-related fatalities and injuries. Further, they can reduce disparate impacts on communities of color, and implicit or explicit racial bias in police traffic stops which put drivers of color at risk nationwide.

This item seeks to urge the State Legislature to amend AB-645 to include the City of Berkeley in the Pilot. If that is not possible, then we request Berkeley be included in the next phase of California's Speed Safety Program as soon as possible.

BACKGROUND

Adopted by the California Legislature and approved by Governor Newsom on October 13, 2023, AB-645 (Friedman) included six California Cities in its automated speed enforcement pilot: Los Angeles, San Jose, Oakland, Glendale, Long Beach, and the City and County of San Francisco. The pilot runs through January 1, 2032. The City of Berkeley requested inclusion[1] before the bill was passed, but was not selected as one of the initial six cities.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

By reducing traffic speeds, the City of Berkeley can improve traffic safety and reduce greenhouse gas emissions. Slower speeds support alternate forms of transportation such as biking and walking.

CONTACT PERSON

Councilmember Brent Blackaby Council District 6 510-981-7160

Attachments: 1: Resolution

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[1] Berkeley City Council Agenda, April 11, 2023, Sending a letter to Assemblymembers Friedman and Wicks to request Berkeley's Inclusion in AB 645

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

AMEND AB-645 (FRIEDMAN) TO ADD THE CITY OF BERKELEY TO CALIFORNIA'S SPEED SAFETY PILOT PROGRAM

WHEREAS, The City of Berkeley is densely populated with over 124,000 people living within its 10.5 square miles of land; and

WHEREAS, AB-645 (Friedman) Vehicles: Speed Safety Pilot Program was approved on October 13, 2023 and authorized six California cities to implement an automated speed enforcement pilot, but Berkeley's initial request to be included was not accepted; and

WHEREAS, the City of Berkeley saw 877 total collisions in 2024, including 4 fatal incidents, with unsafe speed the leading cause, according to the 2024 Berkeley Police Department Annual Report; and

WHEREAS, given budget constraints and hiring challenges, Berkeley does not have sufficient traffic enforcement capacity to serve speeding tickets to every unsafe driver to change behavior; and

WHEREAS, on June 1, 2016 the City Council adopted the Berkeley Strategic Transportation (BeST) Plan to improve the physical transportation infrastructure for increased access, mobility and safety for everyone traveling within our city; and

WHEREAS, on May 2, 2017, the City Council approved the Berkeley Bicycle Plan to make Berkeley a model bicycle-friendly city where bicycling is a safe, attractive, easy, and convenient form of transportation and recreation for people of all ages and bicycling abilities; and

WHEREAS, on March 10, 2019, the City Council adopted its Vision Zero Action Plan to eliminate traffic deaths and severe injuries on our city streets by 2028; and

WHEREAS, on January 26, 2021, the City Council adopted the Berkeley 2020 Pedestrian Plan to move forward with pedestrian infrastructure improvements focused on safety and equity; and

WHEREAS, on October 1, 2024 the City Council approved a controlled pilot of Automated License Plate Readers (ALPR) to support investigations and efficient response to stolen vehicles and vehicles associated with a felony; and

WHEREAS, the ALPR pilot proved successful, playing a role in 14 arrests, helping recover 10 stolen vehicles, generating 14 investigative leads, and contributing to the issuance of 2 warrants in the first three months – and led to Council approval of full roll-out of the ALPR program; and

WHEREAS, in 2025 the City of Berkeley will be installing Fixed Surveillance Cameras in intersections with high pedestrian traffic to capture incidents in real time; and

WHEREAS, the City of Berkeley has a track record of deploying modern technology to support safety and enforcement and has developed several strategic plans to create safer transit infrastructure, making significant progress on their implementation.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City of Berkeley, a densely populated city with passion and drive towards eliminating traffic deaths and serious injuries by 2028, requests that the California Legislature amend AB-645 (Friedman) Vehicles: Speed Safety Pilot Program (2023-2024) to expand the program to include the City of Berkeley.

BE IT FURTHER RESOLVED that the City of Berkeley has experience with modern technology to support safety and enforcement, and speed cameras would be a natural extension of existing investments.

BE IT FURTHER RESOLVED that if it is not deemed possible to include the City of Berkeley in the AB-645 pilot program at this time, we ask the Legislature to include Berkeley in the next phase of California’s Speed Safety Program as soon as possible.

BE IT FURTHER RESOLVED that copies of this resolution shall be transmitted to the offices of Senator Jesse Arreguín and Assemblymember Buffy Wicks to request their support in amending AB-645.

24

Cecilia Lunaparra
Councilmember Berkeley District 7

CONSENT CALENDAR
April 29, 2025

To: Honorable Members of the City Council

From: Councilmember Lunaparra

Subject: Refer $25,000 to the June 2025 Mid-Biennial Budget Process to Partially Cover Street Spirit's Operational and Programming Costs

RECOMMENDATION

Refer $25,000 to the June 2025 Mid-Biennial budget process to subsidize the cost of running Street Spirit's drop-in center and vendor coordination program.

CURRENT SITUATION AND ITS EFFECTS

In the summer of 2023, Street Spirit's non-profit parent organization had a budgetary crisis and pulled all funding overnight. In March 2024, Street Spirit waged an emergency fundraising campaign that enabled its continuation as an independent organization. It has been operating independently under a fiscal sponsor since the spring of 2024, but is still in the early stages of creating a sustainable base of funding that can keep the program alive.

As Street Spirit faces a precarious moment as an organization, our local and regional communities are similarly witnessing unprecedented challenges in the lives of unhoused individuals. With the Supreme Court's *Grants Pass* ruling and the subsequent local and regional policy amendments, the number of places where unhoused people are legally allowed to exist is steadily shrinking. Soon after moving into its new South Berkeley office in February 2024, Street Spirit became a critical resource hub for the neighborhood. As the local policy that governs homelessness becomes stricter in Berkeley, unhoused people rely on grassroots support to navigate these changes and make ends meet.

On average, 70 Street Spirit vendors visit the office each month and that number is steadily growing, according to Street Spirit's data collection. 80% of these people are African American and 76% report being born in Berkeley or Oakland. 88% are over the age of 50, and many are seniors in their 70s. 98% are either currently homeless or have moved off the streets and into housing sometime in the last 10 years. There are also numerous people who visit the office to access resources who are not enrolled in the program.

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BACKGROUND

Before Street Spirit was founded in 1995, the *Oakland Tribune* paid homeless people to sell their newspaper across the East Bay. Founders Terry Messman and Sally Hindman believed that the stories published in the *Tribune* were often degrading to unhoused people and felt that there should be a better option for people living on the street: one that uplifts their humanity and gives them space to tell their own stories. In the mid-nineties, the street newspaper movement began to blossom across America and around the world. With the help of San Francisco organizers who started Street Sheet in San Francisco, Messman and Hindman set out to launch a street newspaper for the East Bay.

Now, Street Spirit is an independent, monthly newspaper that has been dedicated to covering poverty and homelessness for 30 years. It is also a vital source of income for the homeless people who sell the paper on the streets of Berkeley, Oakland, and beyond. These people keep 100% of the money they earn selling newspapers and use the funds to cover the costs of essential resources such as food, medication, temporary lodging, transit, and more. Street Spirit provides vocational training for the people in the program, and the South Berkeley office has become a critical resource hub to distribute food, clothing, and hygiene supplies. It also provides unhoused people a healthy social environment where they can sit down and relax.

For homeless newspaper vendors, Street Spirit is an opportunity to rebuild healthy social connections; for their customers, a chance to understand the lives and experiences of a growing population of people living outside. The challenge of homelessness is no longer abstract and intractable when there is a trusted and effective channel of communication.

RATIONALE FOR RECOMMENDATION

Building and nurturing strong relationships with community partners is one of the few proven solutions to addressing the current crisis. For 30 years, Street Spirit has demonstrated unwavering passion and commitment in covering the lived experiences of unhoused individuals. With the new opportunities at hand, the organization is poised to expand its services without increasing its budget. This is possible because Street Spirit is deeply embedded in the community, engaging directly with unhoused individuals every day and understanding their needs firsthand. Through creative problem-solving in an increasingly complex funding landscape, they have remained steadfast in keeping their programs running.

A recent Street Spirit Instagram post sums up the most significant and meaningful interaction Street Spirit enables: “Street newspapers are a quiet catalyst for connection in our hectic, ever-changing cityscapes, and the vendors--the core of the street news operation–each bring different lived experiences to the task of engaging with strangers, making conversation, and forging lasting relationships that begging on the streets and sidewalks”.[1]

FISCAL IMPACTS OF RECOMMENDATION

[1] https://www.instagram.com/streetspiritnews/?hl=en

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A grant of $25,000 would provide significant support to the vendor program. While Street Spirit has received grant funding and donations from individuals to support editorial operations, carrying the financial burden of providing resources and programming to unhoused residents of the East Bay has been a challenge. $25,000 covers half of the salary and benefits cost of the vendor coordinator, who staffs the drop-in center, which is open from 10:00am-5:00pm Monday-Thursday. The vendor coordinator:

- helps both Street Spirit vendors and other unhoused community members utilize our resources, such as free clothing, hot food, coffee, hygiene supplies, a bathroom, bus passes (these are only for SS vendors) and a place to sit down;
- makes sure the space is clean and organized;
- onboards new Street Spirit vendors. This includes walking them through our vendor handbook, doing an intake form, showing them our vendor training video, and providing ongoing vocational training (where and how to sell the paper successfully;.
- resolves occasional vendor conflicts with de-escalation methods;
- organizes monthly vendor lunches;
- conducts new vendor outreach and visits The Hope Center twice a month to talk to residents about Street Spirit programming and is currently securing similar outreach projects with the Suitcase Clinic, Downtown Streets Team, and Dorothy Day House;
- organizes and facilitates poetry workshops.

Street Spirit's current structural deficit threatens the unique, life-changing, and individual-centered programming they provide. Supporting this organization impacts all who live in Berkeley by providing the tools and opportunities for people to attain and maintain security. The services and resources Street Spirit provides are vital for helping homeless residents build stability, routine, and relationships that help them transition into housing. This benefit to our community is worth far more than $25,000; if Street Spirit were to shut down operations, replacing their impact would cost the City of Berkeley exponentially more.

ENVIRONMENTAL SUSTAINABILITY

This recommendation is not expected to have any impacts on the city's environmental sustainability.

CONTACT PERSON

Councilmember Cecilia Lunaparra, 510-981-7170
Sara Cerami, Chief of Staff

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Cecilia Lunaparra
Councilmember Berkeley District 7

CONSENT CALENDAR
April 29, 2025

To: Honorable Members of the City Council

From: Councilmember Lunaparra (author)

Subject: Supporting State and Regional Funding for Bay Area Public Transit

RECOMMENDATION
Adopt a resolution Supporting State and Regional Funding for Bay Area Public Transit

BACKGROUND
Our nation has been underfunding public transit relative to other forms of transportation for decades. In particular, California, as a state, has been underfunding transit operations relative to many other states for decades. In 2019, transit agencies in the Bay Area received, on average, less than 16 percent of their operating funding from the state, compared to 21 percent state funding in Chicago, 30 percent in New York City, 44 percent in Boston, and 50 percent in Philadelphia. California spends over 80% of its transportation budget on infrastructure and services in support of personal automobiles.

The residents and economy of the City of Berkeley depend on public transit, particularly AC Transit, BART and East Bay Paratransit. BART experienced ridership of over 50 million in calendar year 2024, while AC Transit experienced ridership of nearly 40 million for fiscal year 2024. Our communities are at risk of losing public transit service and suffering fare increases, as a result of the expiration of federal operations funds for transit. Transit service is fundamental to access for affordable housing and cuts to service combined with increased fare costs impede development of new affordable housing. Reliable, frequent, affordable, safe and sustainable public transit is essential to the mobility needs of many in our community, including youth, elders, disabled people and the estimated 30% of us who do not have drivers' licenses, as well as those who simply cannot afford to own and drive an automobile.

Major cuts to public transit would cause massive ripple effects for our local economy. Without good quality public transit, fewer customers and employees will be able to access businesses, fewer fans will be able to attend concerts and sporting events, and thousands of low income people will lose their only transportation option. There are 800,000 jobs within a 15-minute walk to a BART station and major cuts to public transit could cause traffic on the Bay Bridge to increase by 72% and cause commutes for key routes connecting the East Bay to San Francisco to increase by up to 10 hours per week.

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CURRENT SITUATION AND ITS EFFECTS
BART is facing a budget shortfall of $385M and AC Transit is facing a shortfall of $60 million annually, and will face drastic service cuts by 2027. To address this, State Senator Arreguín, together with Assemblymember Gonzalez, has submitted an urgent budget request to increase public transit funding by $2 billion in the next fiscal year. Senators Arreguín and Weiner have introduced a bill to authorize a multi-county transit ballot measure, SB 63. In order to generate the needed funding on the timeline needed to avert service cuts, that bill must be signed this year, and a measure brought to the voters no later than November 2026.

FINANCIAL IMPLICATIONS
None.

ENVIRONMENTAL SUSTAINABILITY
It is crucial to our climate goals that more people use public transit to reduce vehicle miles traveled and get more people using zero-emission vehicles sooner, since public transit vehicles are required to be zero-emission earlier than any other segment. Cutting service threatens our efforts to reduce greenhouse gas emissions, while increasing traffic congestion and costs for cash-strapped households.

ATTACHMENTS
1. Resolution

CONTACT PERSON
Councilmember Cecilia Lunaparra, 510-981-7170
Jonah Gottlieb, Chief of Staff

2180 Milvia Street, Berkeley, CA 94704 ● (510) 981-7170 ● clunaparra@berkeleyca.gov

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

SUPPORTING STATE AND REGIONAL FUNDING FOR BAY AREA PUBLIC TRANSIT

WHEREAS, The residents and economy of the City of Berkeley depend on public transit, particularly AC Transit, BART and East Bay Paratransit; and

WHEREAS, Our communities are at risk of losing public transit service and suffering fare increases, as a result of the expiration of federal operations funds for transit systems; and

WHEREAS, Transit service is fundamental to access for affordable housing and cuts to service combined with increased fare costs impede development of new affordable housing; and

WHEREAS, Reliable, frequent, affordable, safe and sustainable public transit is essential to the mobility needs of many in our community, including youth, elders, disabled people and the estimated 30% of us who do not have drivers' licenses as well as those who simply cannot afford to own and drive an automobile; and

WHEREAS, It is crucial to the State's climate goals that more people use public transit to reduce vehicle miles traveled and get more people using zero-emission vehicles sooner, since public transit vehicles are required to be zero-emission earlier than any other segment; and

WHEREAS, Cutting transit service threatens our efforts to reduce greenhouse gas emissions, while increasing traffic congestion and costs for low income households; and

WHEREAS, Our nation has been underfunding public transit relative to other forms of transportation for decades and California spends over 80% of its transportation budget on infrastructure and services in support of personal automobiles; and

WHEREAS, Major cuts to public transit would cause massive ripple effects for our local economy. Without good quality public transit, fewer customers and employees will be able to access businesses, fewer fans will be able to attend concerts and sporting events, and thousands of low income people will lose their only transportation option; and

WHEREAS, There are 800,000 jobs within a 15-minute walk to a BART station and major cuts to public transit could cause traffic on the Bay Bridge to increase by 72% and cause commutes for key routes connecting the East Bay to San Francisco to increase by up to 10 hours per week; and

WHEREAS, California, as a state, has been underfunding transit operations relative to many other states for decades. In 2019, transit agencies in the Bay Area received, on average, less than 16 percent of their operating funding from the state, compared to 21 percent state funding in Chicago, 30 percent in New York City, 44 percent in Boston, and 50 percent in Philadelphia; and

WHEREAS, BART experienced ridership of over 50 million in calendar year 2024, while AC Transit experienced ridership of nearly 40 million for fiscal year 2024; and

WHEREAS, BART is facing a budget shortfall of $385M and AC Transit is facing a shortfall of $60 million annually, and will face drastic service cuts by 2027; and

WHEREAS, AC Transit plans for over $500 million over the next 25 years to make transit faster, more frequent and more reliable; and

WHEREAS, State Senator Arreguín, together with Assemblymember Gonzalez, has submitted a budget request to increase public transit funding by $2 billion in the next fiscal year; and

WHEREAS, A bill to authorize a multi-county transit ballot measure, SB 63 (Wiener, Arreguín), has been introduced in the state Legislature this year; and

WHEREAS, In order to generate the needed funding on the timeline needed to avert service cuts, that bill must be signed this year, and a measure brought to the voters no later than November 2026.

NOW THEREFORE BE IT RESOLVED, The City of Berkeley supports the vision shared by rider, climate and labor groups of a measure that (1) provides enough funding to preserve and increase transit service levels across the region and distributes the funds equitably, (2) is funded primarily with progressive sources, rather than a sales tax, to ensure that the burden of paying for improved transportation options does not fall most heavily on those with the least resources, and (3) prioritizes funding for transit operations, and does not prioritize funding for projects which could increase carbon emissions; and

BE IT FURTHER RESOLVED, The City of Berkeley urges Assemblymember Wicks and Senator Arreguín to champion a bill that achieves that vision in the Legislature this year; and

BE IT FURTHER RESOLVED, The City of Berkeley urges Assemblymember Wicks, Senator Arreguín, and their colleagues, as well as Governor Newsom, to support the current $2 billion budget request and further budget actions that significantly increase the state’s support for transit operating needs on a sustainable basis; and

FINALLY, BE IT RESOLVED, that upon passage, a copy of this Resolution be sent to Governor Gavin Newsom, State Senator Jesse Arreguín, and Assemblymember Buffy Wicks.

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Cecilia Lunaparra
Councilmember Berkeley District 7

CONSENT CALENDAR
April 29, 2025

To: Honorable Members of the City Council

From: Councilmember Lunaparra (Author), Councilmembers Humbert (Co-Sponsor), Councilmembers Bartlett (Co-Sponsor), Mayor Ishii (Co-Sponsor)

Subject: Resolution Supporting a State Budget Request for the CalFresh Fruit and Vegetable EBT Program and Endorsing AB 936 (CalFresh Fruit and Vegetable Supplemental Benefits Program)

RECOMMENDATION

Adopt a resolution supporting a State Budget Request to reinstate CalFresh Fruit and Vegetable EBT Program and endorsing AB 936

CURRENT SITUATION AND ITS EFFECTS

The CalFresh Fruit and Vegetable EBT Program was forced to shut down on January 31, 2025, due to a depletion of its funding. As a result, families experiencing food insecurity are no longer able to receive up to $60 in rebates to purchase fresh fruits and vegetables with their CalFresh benefits. Since its inception in 2023, the CalFresh Fruit and Vegetable EBT Program has been successful in subsidizing fresh fruit and vegetables to individuals and families experiencing food insecurity, making fresh and nutritious food more affordable. Research has shown that communities with limited access to fresh produce experience increased risk for chronic diseases, emphasizing the critical need for this program.

In response, Assemblymember Alex Lee submitted a budget request for $63 million for one-time funding from the State to restart the CalFresh Fruit and Vegetable Supplemental Benefits Program (previously referred to as the CalFresh Fruit and Vegetable EBT Pilot Project). This funding would allow the program to operate continuously for 12 months and expand its reach, doubling the number of households it serves each month to a total of 111,000 households statewide, making healthy food more affordable for those in need. The budget request has been endorsed by a coalition of over 60 state and local organizations with an interest in promoting healthy food access.

Additionally, Assemblymember Lee introduced AB 936, which would help make the pilot program permanent and modify its framework to allow the CalFresh Fruit and Vegetable Supplemental Benefits Program to expand its reach to additional retail locations, allowing more families across the state to participate.

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This resolution supports both the budget request and AB 936, which jointly facilitate the ongoing operations of the program.

BACKGROUND

The California Association of Foodbanks cites that as of September 2024, 22% of California households and 27% of California households with children face food insecurity, making this program crucial for reducing hardship and improving access to nutritious food for low-income residents of the state.[1] Subsidizing nutritious fruit and vegetables ensures that individuals, especially those facing financial barriers, have access to affordable, nutritious options, improving public health and reducing healthcare costs in the long term.

RATIONALE FOR RECOMMENDATION

A one-time allocation of $63 million from the state's general fund would enable the program to operate for a full year, effectively doubling its impact and expanding its reach to more retailers across California. With sufficient funding from the state budget, the program can continue to combat hunger and promote better health for CalFresh participants statewide.

FISCAL IMPACTS OF RECOMMENDATION

No fiscal impacts of the recommendation.

ENVIRONMENTAL SUSTAINABILITY

This recommendation is not expected to have any impacts on the city's environmental sustainability.

CONTACT PERSON

Councilmember Cecilia Lunaparra, 510-981-7170
Jonah Gottlieb, Chief of Staff

[1] https://www.cafoodbanks.org/hunger-data-reports/

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

SUPPORTING A STATE BUDGET REQUEST FOR THE CALFRESH FRUIT AND VEGETABLE EBT PROGRAM AND ENDORSING AB 936 (CALFRESH FRUIT AND VEGETABLE SUPPLEMENTAL BENEFITS PROGRAM)

WHEREAS, the CalFresh Fruit & Vegetable EBT Program was forced to shut down on January 31, 2025, due to a depletion of its funding; and

WHEREAS, as a result, families experiencing food insecurity have decreased access to nutritious food; and

WHEREAS, Assemblymember Alex Lee submitted a budget request for $63 million to revitalize the CalFresh Fruit & Vegetable EBT Program; and

WHEREAS, the budget request has been endorsed by over 60 state and local organizations with an interest in promoting healthy food access; and

WHEREAS, Assemblymember Lee also introduced AB 936, which would help make the CalFresh Fruit and Vegetable EBT Pilot Project permanent and modify its framework to allow the CalFresh Fruit and Vegetable Supplemental Benefits Program to expand its reach to additional retail locations, allowing more families across the state to participate; and

WHEREAS, the City of Berkeley is committed to supporting those experiencing food insecurity, as evidenced by its investment in local food banks and nonprofits that provide hot meals to individuals in our city; and

NOW BE IT RESOLVED, that the Berkeley City Council hereby declares its support for the $63 million state budget request to ensure wider access to nutritious fruits and vegetables for those in need; and

BE IT FURTHER RESOLVED, that the Berkeley City Council hereby declares its support for AB 936 to make the CalFresh Fruit and Vegetable EBT Pilot Project permanent; and

FINALLY, BE IT RESOLVED, that upon passage, a copy of this Resolution be sent to Governor Gavin Newsom, State Senator Jesse Arreguín, Assemblymember Buffy Wicks, and Assemblymember Alex Lee.

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Berkeley City Councilmember
Mark Humbert, District 8
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Berkeley, CA 94704
mhumbert@cityofberkeley.info
www.MarkHumbert.com

CONSENT CALENDAR
April 29, 2025

To: Members of the Berkeley City Council

From: Councilmember Mark Humbert (Author)

Subject: Defer $150,000 referral for Round Park from Nov 2024 FY2025 AAO#1

RECOMMENDATION: Place a hold on or otherwise defer the FY2025 $150,000 budget referral from the November 2024 AAO#1 budget, which set aside funding for initiating a process to potentially convert the median informally known as “Round Park” (and possibly other nearby medians) to an official City park in District 8.

FISCAL IMPACT: None or net positive for FY2025. The $150,000 in funds for the potential Round Park public engagement and planning process were allocated but not spent. This item seeks to defer that budget allocation while maintaining the referral among other outstanding referrals for consideration at a future budget, thereby freeing up $150,000 for other immediate FY25 budget priorities.

BACKGROUND: City Council approved this $150,000 allocation as part of its Fall 2024 Annual Appropriations Ordinance process for the FY2025 budget. The referral was initiated by Councilmember Humbert at the behest of neighbors who wished to explore this project. The budget allocation was approved at the November 19, 2024 meeting.

CURRENT SITUATION AND ITS EFFECTS: Subsequent input from neighbors revealed insufficient consensus existed for the City to move forward with further engagement and planning efforts. Additional discussion among neighbors and members of various neighborhood-level organizations is needed before the City considers next steps.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS: Since this proposal pauses a planning effort that was not yet underway, no environmental effects exist.

POSSIBLE FUTURE ACTION: The Council would need to re-approve the allocation of these funds as part of a future budget adoption/action. Upon completion of consultant work, conceptual design, and public outreach, additional Council actions and City funding would be necessary to create final designs and begin physical improvements.

CONTACT PERSON
Councilmember Mark Humbert — mhumbert@berkeleyca.gov, 510-981-7180

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Office of the City Manager

PUBLIC HEARING
April 29, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Scott Gilman, Director, Health, Housing, and Community Services

Subject: Submission of the 2025-2030 Consolidated Plan and Program Year 2025 Annual Action Plan

RECOMMENDATION

Conduct a public hearing on the 2025-2030 Consolidated Plan and Program Year (PY) 2025[1] Annual Action Plan (AAP), including allocations of federal Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), and HOME Investment Partnership Grant (HOME); and upon conclusion, adopt a Resolution authorizing the City Manager to:

1. Execute any resultant agreements and amendments for agencies receiving funding under the CDBG, ESG, or HOME Program in accordance with the proposal approved hereunder. If the federal government does not allocate sufficient funds to cover the allocations attached to this resolution in this year or subsequent years, the City may either terminate the resultant agreements with agencies without any liability occurring to the City, adjust the community agency agreement that reflects a reduced award amount, or identify other sources of funding to keep contract at original funded amount. A record copy of said contracts and any amendments are on file in the Office of the City Clerk; and

2. Allocate 20% of the PY 2025 (FY2026) CDBG funds to the Planning and Administration, up to 17.83% for public services, and the remaining to be distributed to Housing Services and Community Facility Improvements as outlined in Exhibit A with the Public Facility Improvements being a flexible line item should the HUD allocation differ than the amount currently allocated; and

3. Allocate the allowable 10% of PY 2025 (FY2026) HOME funds for program administration, up to the allowable 5% for CHDO operating support, and allocate the remainder to the Housing Trust Fund; and

[1] PY 2025 is the federal program year coinciding with the City's Fiscal Year 2026.

4. Allocate the allowable 7.5% of the PY 2025 (FY 2026) ESG to Administration, $6,676 to the HMIS system and the remaining amount to Rapid Rehousing, and shelter activities (not to exceed 60% of PY2025 ESG entitlement); and

5. Carry over any ESG earlier unspent funds from PY 2024 (FY 2025) into PY 2025 (FY 2026) and allocate those funds to the Stair Navigation Center operator (currently Bay Area Community Services (BACS)) for ESG eligible activities (e.g., rapid re-housing). The BACS Stair Center has used ESG funding for shelter operations and rapid rehousing activities for the past few years and is well-equipped to meet HUD's program and administrative requirements. These funds will be included in the First Amendment to the FY 2026 Annual Appropriations Ordinance; and

6. Finalize the 2025-2030 Consolidated Plan, including the PY 2025 Annual Action Plan, and the Regional Analysis of Impediments, including responses to public comments received until April 29, 2025 adding required U.S. Department of Housing and Urban Development (HUD) application forms and certifications, and including other HUD required information, submit it to HUD, and execute all documents necessary to receive the City's entitlement grants under the CDBG, ESG and HOME Programs.

SUMMARY

The City is required to submit a five-year Consolidated Plan, including the first year AAP, to HUD by mid-May in order to receive its annual allocation of CDBG, ESG, and HOME funds. The Consolidated Plan is a planning document that sets Strategic Plan Priority Projects, advancing the City's goals to create affordable housing and housing support services for the City's most vulnerable community members. The AAP contains the first-year funding allocations (estimates), and the City's plan to implement its housing and community development programs.

As detailed in Attachment 1, Exhibit A, for the PY 2025 AAP, the Health, Housing, and Community Services Department (HHCS) and Housing Advisory Commission (HAC), recommends allocating $2,697,750 (estimated) in CDBG funds, $1,319,637 of which would be used for housing services activities, $453,921 for public services, and $261,978 for public and community facility improvements program. HHCS also recommends allocating $237,965 (estimated) in ESG funds to support people who are homeless; and $570,245.01 (estimated) in HOME funds, $485,708 of which would be allocated to the Housing Trust Fund to support the production and preservation of affordable housing.

This report includes authorization for the required submission of the AAP (Section AP-15 through AP-85 of Attachment 2), which details the City's plans for implementing the CDBG, HOME and ESG programs in PY 2025.

FISCAL IMPACTS OF RECOMMENDATION

Approval of the Consolidated Plan and PY 2025 AAP does not have an impact on the General Fund as it is solely committing the City's entitlement grant allocations under the Federal Department of Housing and Urban Development's CDBG, HOME, and ESG programs. Resources from the General Fund, including required leveraged funds for HUD programs, are awarded separately.

Federal funding allocations for PY 2025 have not yet been finalized by HUD, therefore this report is based on estimated amounts. Federal funding allocations have historically been provided by April or May of each year. Additionally, CDBG program income from CDBG-funded activities that the City receives, such as loan repayments, is an estimate of what the City anticipates receiving by the end of the fiscal year. The current estimate of CDBG program income available to use in PY 2025 is $46,520.

Staff also estimate $115,000 in unexpended funds from prior years will be available for allocation, for a total of $2,697,750 in CDBG funds to allocate for PY 2025. Unexpended prior year funds cannot be used for public services or administration, which are both capped funding categories. These additional funds can be used on housing services, community facility projects and the Housing Trust Fund program. If the City receives a revised allocation of CDBG funds from HUD other than the estimated $2,536,229, the adjusted amount will be allocated to the Public Facility Program accordingly.

Table 1: CDBG PY 2025 (FY 2026)	**HUD Award**	**Program Income**	**Carry Forward Funds**	**Total**
Funds Available (estimated)	$2,536,229	$46,520	$115,000	**$2,697,750**
Proposed Funding Plan				
Housing Services	$1,319,637			$1,319,637
Public Services (17.83% cap)	$446,943	$6,978		$453,921
Public & Community Facility Improvements	$262,404	$39,542	$115,000	$416,946
Planning and Admin (20% cap)	$507,245			$507,245
Total Expenditures	**2,536,299**	**$46,520**	**$115,000**	**$2,697,750**

The City will receive $550,245.01 (estimated) in HOME funds, plus $20,000 (estimated) in HOME program income, for a total of $570,254.01 in HOME funds available for allocation for PY 2025. Staff recommend that the City utilize up to the maximum

possible for administration (10%) and Community Housing Development Organization (CHDO) operations (up to 5%) and place the remainder into the Housing Trust Fund. This same proportion would apply should the HOME allocation be adjusted by HUD.

Table 2: HOME PY 2025 (FY 2026)	**HUD Award**	**Program Income**	**Total**
Funds Available (estimated)	$550,245.01	$20,000	$570,245.01
Proposed Funding Plan			
CHDO Operations	$27,512.25		$27,512.25
HTF Projects	$467,708.26	$18,000	$485,708.26
Administration (10%)	$55,024.50	$ 2,000	$57,024.50
Total Expenditures	**$729,633.01**	**$20,000**	**$570,245.01**

The City's ESG entitlement for PY 2025 is $237,965 (estimated). If actual ESG funding differs from the estimate, it is recommended that the City utilize the maximum possible for administration (7.5% of the grant), allocate $6,676 to Homeless Management Information System (HMIS) support, and allocate the remaining funds for rapid rehousing and shelter operations at the Stair Navigation Center (with shelter not to exceed 60% of the allocation, which is the HUD cap for shelter activities).

Table 3: ESG PY 2024 (FY 2025)	**HUD Award**
Funds Available (estimated)	**$**237,965
Proposed Funding Plan	
Rapid Rehousing	$70,663
Emergency Shelter Operations (60%)	$142,779
Homeless Management Information System	$6,676
Administration (7.5%)	$17,847
Total Expenditures	**$237,965**

Proposed expenditures of CDBG, ESG and HOME Funds are detailed in Attachment 1, Exhibit A.

CURRENT SITUATION AND ITS EFFECTS

The City is required to submit a five-year Consolidated Plan, including the first year AAP, to HUD by mid-May in order to receive its annual allocation of CDBG, ESG and HOME funds. The Consolidated Plan is a planning document that sets Strategic Plan Priority Projects, advancing the City's goals to create affordable housing and housing support services for the City's most vulnerable community members. The AAP contains the anticipated first year funding allocations and the plan to implement housing and community development programs.

The proposed PY 2025 AAP includes the following estimated funding sources and proposed activities:

PY 2025 AAP - Community Development Block Grant (CDBG)

The City's CDBG entitlement for PY 2025 is expected to be $2,536,229. Projected program income is $46,520 and it is anticipated to have $115,000 in unexpended prior year funds. CDBG funds are proposed to be used for Public Services, Housing Services and Community Facilities Improvements. Of the funds available, the City will allocate an estimated $507,245, a capped amount at 20%, to Planning and Administration, $453,921, also a capped amount at no more than 17.83% to public services, $1,319,637 to Housing Services and $261,978 to Community Facility Improvements.

Detailed CDBG proposed allocations are summarized in Attachment 1, Exhibit A.

PY 2025 AAP - Emergency Solutions Grant (ESG)

ESG funds can be used for homeless emergency shelter renovations, operations and services, homeless street outreach, the operation and development of a Homeless Management Information System, rapid re-housing, homeless prevention, and administration. The City's ESG entitlement allocation for PY 2025 is expected to be $237,965 and should Council approve this recommendation the majority of the ESG funds will be used to continue to fund rapid re-housing and emergency shelter activities (capped at 60% of entitlement award). The Stair Navigation Center operator, BACS, will administer the rapid rehousing program to eligible shelter participants
ESG funds in the amount of $6,676 will continue to support the County-wide Homeless Management Information System (HMIS), and 7.5% of the overall allocation will be allocated to HHCS to administer the funds (see Attachment 1, Exhibit A).

PY 2025 AAP - Home Investment Partnership Program (HOME)

HUD will allocate an estimated $550,245.01 in HOME funds to the City of Berkeley for PY 2025. Projected program income of $20,000 is estimated for PY25. Of the funds available, approximately 85% is recommended for the Housing Trust Fund, up to 5% for CHDO operating and 10% for program administration (Attachment 1, Exhibit A).

Regional Analysis of Impediments to Fair Housing Choice (AI)
Under the National Affordable Housing Act, localities which are eligible to receive federal funding from housing and community development programs administered by HUD are required to prepare an AI concurrently with the Consolidated Plan for the period covered under the Consolidated Plan.

The AI is a planning document regarding fair housing and is crafted with public participation. The purpose of the AI is to gather data and community feedback, identify specific impediments or barriers to fair housing within the jurisdiction, and then devise viable solutions, or actions to take against identified impediments.

For the AI that informs Berkeley's 2025 – 2030 Consolidated Plan, Berkeley partnered with the County of Alameda and the cities of Alameda, Albany, Dublin, Emeryville, Fremont, Hayward, Livermore, Newark, Oakland, Piedmont, Pleasanton, San Leandro, and Union City along with the Housing Authorities for the Cities of Alameda, Berkeley, Livermore, Oakland and Alameda County to form a working group to develop a Regional AI. The working group hired TDA Consulting to support the completion of the Regional AI.

Failure to approve the 2025-2030 Consolidated Plan and PY 2025 AAP, as informed by the Regional AI, for submission to HUD by mid-May could result in delays or loss of this funding.

Lastly, the Consolidated Plan and subsequent Annual Action Plan is a Strategic Plan Priority Project, advancing our goal to create affordable housing and housing support service for our most vulnerable community members.

BACKGROUND
The City of Berkeley is an entitlement jurisdiction which receives HUD funds. HUD regulations governing CDBG, ESG and HOME funds require that the City of Berkeley submit a five-year Consolidated Plan including an AAP for each of the five-years, as well as an AI. The Consolidated Plan examines housing needs and establishes funding priorities in the areas of affordable housing and services for a wide range of low-income populations over the next five-year period. The Annual Action Plans are submitted on an annual basis and detail specific activities the City will take to address the goals outlined in the Consolidated Plan.

Federally-funded programs as described in the Consolidated Plan and AAP are also informed by the Regional AI Analysis of Impediments to Fair Housing Choice (AI). Berkeley partnered with Alameda County and other jurisdictions to develop a Regional AI that is available on both the City and County websites.[2]

[2] The Final Regional Analysis of Impediments to Fair Housing Choice can be found at: https://berkeleyca.gov/community-recreation/community-services/hud-planning-performance-reports

Additionally, in FY 2024, Housing and Community Services issued a four-year Request for Proposal (RFP) for public services using both federal and non-federal funds. Federal funds allocated by Council on May 7, 2024 to community agencies in response to the RFP are reflected in both the Consolidated Plan and the AAP.

The PY 2025 AAP, covering the period July 1, 2025 through June 30, 2026, describes the City's strategy for developing and maintaining a viable urban community through the provision of decent housing and a suitable living environment, while expanding economic, health and educational opportunities principally for households with incomes at or below 80% of Area Median Income. The PY 2025 AAP is based on goals contained in the City's Five Year (2025 – 2030) Consolidated Plan[3] (Attachment 2). HUD requires the involvement of the public in the creation of the Consolidated Plan and each of the five AAP under the Consolidated Plan period. Berkeley's public participation process for the Consolidated Plan began on January 24, 2024 with a public hearing convened by the Housing Advisory Commission (HAC), and culminates in the April 29, 2025 public hearing/Council Meeting and closure of public comment period on April 29, 2025.

Public participation for the Regional AI started in September of 2024 and included local stakeholder focus groups, six community engagement public meetings, an online survey, and a public hearing at the February 2025 HAC meeting. Public input on the Regional AI was collected by Alameda County from January 17, 2025 to February 17, 2025 and a public hearing on February 5, 2025.

At its February 6, 2025 meeting, the HAC voted unanimously to recommend that City Council adopt the Draft 2025-2030 Consolidated Plan, including the first year Annual Action Plan (as outlined below and in Attachment 2) and Regional AI (Attachment 3) (M/S/C: (Simon-Weisberg/Braslaw) to recommend that City Council approve the proposed Draft 2025-2029 Consolidated Plan, including the first year Annual Action Plan, and Draft Regional Analysis of Impediments, with the feedback to include in the Draft Regional Analysis of Impediments the use of predictive algorithms to discriminate in tenant screening. Vote: Ayes: Bell, Braslaw, Potter, Scott, Shere, Simon-Weisberg, and Twu. Noes: None. Abstain: None. Absent: Haycox (excused).

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Projects funded with CDBG, ESG and HOME are required to follow state and local regulations, including those related to green building and energy. CDBG funding for community facility projects place a priority on projects that promote energy efficiency and improve accessibility. Additionally, each program funded by HUD funds also undergoes an Environmental Review to understand and mitigate possible environmental impacts.

[3] The Consolidated Plan can be found at: https://berkeleyca.gov/community-recreation/community-services/hud-planning-performance-reports

RATIONALE FOR RECOMMENDATION
Submission of the 2025-2030 Consolidated Plan including the PY 2025 AAP, as informed by the Regional AI, is required to continue to receive CDBG, ESG and HOME funds.

Community Development Block Grant (CDBG) Allocations

Staff and HAC recommends that Council approve the HUD allocations for PY 2025. Last year, Council made recommendations for four-year (FY 2025-FY2028) funding for community agencies funded by CDBG funds, under the Housing and Community Services Community Agency RFP. PY 2025 will be the second year of the four-year period so barring any unforeseen reductions in the City's CDBG allocation, funding to community agencies will continue at FY25 (PY 2024) levels.

Emergency Solutions Grant (ESG) Allocations

Staff and HAC continue to propose allocating the vast majority of the PY 2025 ESG funds to the Stair Navigation Center operated by Bay Area Community Services (BACS) to support the rapid rehousing placement of literally homeless people living in Berkeley.

HOME Allocations

Staff and HAC proposes to use the maximum amount of HOME funds for program administration, maintain Community Housing Development Organization (CHDO) operating support at the PY 2025 funded amount, and place the remainder in the City's Housing Trust Fund.

ALTERNATIVE ACTIONS CONSIDERED
The 2025-2030 Consolidated Plan, PY 2025 AAP and Regional AI all include public and Housing Advisory Commission input and comments. Comments are considered throughout the processes and are reflected in the respective reports. No other alternative actions are currently being considered.

Failure to approve the 2025-2030 Consolidated Plan, PY 2025 AAP, and Regional AI for submission to HUD by the due date could result in delays or loss of this funding.

CONTACT PERSON
Kat Larrowe, Community Services Specialist III, HHCS, (510) 981-7555.

Attachments:
1: Resolution
Exhibit A: PY 2025 (FY 2026) CDBG/ESG/HOME Allocation Recommendations
2: City of Berkeley 2025-2030 Consolidated Plan including the PY25 Annual Action Plan

3: Regional Analysis of Impediments to Fair Housing[4]

Parts attached include:

- Table of Contents;
- Introduction; and
- Proposed Actions

4: Public Hearing Notice

5: Updated Public Notice

[4] Due to the length and large size of the document, only the parts listed are included in this Council report. The Regional Analysis of Impediments to Fair Housing Choice can be found at: https://berkeleyca.gov/community-recreation/community-services/hud-planning-performance-reports

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

SUBMISSION OF THE 2025-2030 CONSOLIDATED PLAN AND THE PY 2025 ANNUAL ACTION PLAN, INCLUDING ALLOCATIONS OF FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), EMERGENCY SOLUTIONS GRANT (ESG), AND HOME INVESTMENT PARTNERSHIP GRANT (HOME) FUNDS

WHEREAS, the submission of the 2025-2030 Consolidated Plan, including the PY 2025 Annual Action Plan and as informed by the Regional AI, is a requirement the City must meet in order to receive its allocation of CDBG, ESG and HOME funds, available for the period July 1, 2025 through June 30, 2026; and

WHEREAS, on May 7, 2024 the City Council made funding recommendations on the Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), and HOME Programs for the FY25-FY28 Community Agency RFP as contained in Exhibit A attached to this resolution; and

WHEREAS, on February 6, 2025 the Housing Advisory Commission voted to recommend that Council adopt draft Consolidated Plan and Annual Action Plan; and

WHEREAS, the City has established the following ERMA budget codes CDBG: 128 - various, ESG: 311 - various, HOME: 310 – various; and

WHEREAS, the City will continue to 1) utilize the full allowable (20%) portion of CDBG funds for program administration; 2) up to 17.83% for public services; and 3) allocate the remainder of the CDBG allocation and any program income into housing services and community/public facility improvements; and

WHEREAS, the City will continue to 1) utilize the full allowable (7.5%) portion of ESG funds for program administration; 2) allocate $6,676 to the Homeless Management Information System (HIMS); 3) allocate up to 60% to shelter activities; and 4) allocate the remainder of the ESG entitlement allocation to rapid re-housing; and

WHEREAS, the City will continue to 1) utilize the full allowable (10%) portion of the HOME funds for program administration; 2) up to 5% for CHDO operating support and 3) allocate the remainder of the HOME entitlement allocation and any program income into the Housing Trust Fund.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to:

1. Execute any resultant agreements and amendments for agencies receiving funding under the CDBG, ESG, or HOME Program in accordance with the proposal approved hereunder. If the federal government does not allocate sufficient funds to cover the allocations attached to this resolution in this year or subsequent years, the City may either terminate the resultant agreements with agencies without any

liability occurring to the City, adjust the community agency agreement that reflects reduced award amount, or identify other sources of funding to keep contract at original funded amount. A record copy of said contracts and any amendments are on file in the Office of the City Clerk; and

2. Allocate 20% of the PY 2025 (FY 2026) CDBG funds to the Planning and Administration, up to 17.83% for public services, and the remaining to be distributed to Housing Services and Community Facility Improvements as outlined in Exhibit A with the Public Facility Improvements being a flexible line item should the HUD allocation differ than the amount currently allocated; and

3. Allocate the allowable 10% of PY 2025 (FY 2026) HOME funds for program administration, up to the allowable 5% for CHDO operating support, and allocate the remainder to the Housing Trust Fund; and

4. Allocate the allowable 7.5% of the PY 2025 (FY 2026) ESG to Administration, $6,676 to the HMIS system and the remaining amount to Rapid Rehousing, and shelter activities (with shelter not to exceed 60% of PY25 ESG entitlement).

5. Carry over any ESG earlier unspent funds from PY 2024 (FY 2025) into PY 2025 (FY 2026) and allocate those funds to the Stair Navigation Center operator Bay Area Community Services (BACS), for ESG eligible activities (e.g., rapid re-housing). These funds will be included in the First Amendment to the FY 2026 Annual Appropriations Ordinance; and

6. Finalize the 2025-2030 Consolidated Plan, including the PY 2025 Annual Action Plan, and the Regional Analysis of Impediments, including responses to public comments received until April 29, 2025 adding required HUD application forms and certifications, and including other HUD required information, submit it to the federal Department of Housing and Urban Development (HUD), and execute all documents necessary to receive the City's entitlement grants under the CDBG, ESG, and HOME Programs.

BE IT FURTHER RESOLVED that the City manager is authorized to execute or amend contracts with agencies receiving funding under the CDBG, ESG, or HOME Program in accordance with the proposals approved hereunder. A record copy of said contracts and any amendments are on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that the City Manager is authorized to use the following invoicing/reporting system in contract administration, but maintains the discretion of requiring more frequent invoices and reports from new grantees or in contracts deemed to require closer scrutiny, and also maintains the discretion to terminate contracts based on factors outlined in the contract boilerplate, including, but not limited to, the contractor's failure to fulfill obligations:

Fiscal Reports:

- All agencies, regardless of funding level, are required to submit quarterly statements of expense and quarterly requests for advance payment. The final statement of expense for each fiscal year must be accompanied by a copy of the agency's General Ledger and a Statement of Revenues and Expenditures for each program.

Program Reports:

- *Agencies funded with non-federal funding:* End-of-year narrative summary of accomplishments for the following types of programs, due by July 31: 1) Drop-In Services only with no intensive case management attached, 2) Meal Programs, and 3) Recreation Services.

- *All other agencies with non-federal funding:* Two program reports, due by January 31 and July 31;

- *Agencies with federal funding (any amount):* Four program reports due by October 31, January 31, April 30, and July 31.

BE IT FURTHER RESOLVED that the City Manager is authorized to refuse to execute a contract with any agency that has not provided required contract exhibits and documentation within 90 days of award of funding.

BE IT FURTHER RESOLVED that the City Manager is authorized to recapture any unspent CDBG, ESG, HOME, or HOME-ARP funds awarded to an agency if the funds are not spent by June 30, 2026. Any unused PY 2024 HOME-ARP funds not expended in PY 2024 will also be carried forward to the PY 2025 allocation or subsequent procurement.

Exhibit A: PY 2025 (FY 2026) CDBG/ESG/HOME Allocation Recommendations

Exhibit A: PY 2025 (FY 2026) CDBG/ESG/HOME Allocation Recommendations

Attachment 1 - DRAFT			
Annual Action Plan for PY25			
City of Berkeley CDBG, ESG and HOME Projects for 7/1/2025 - 6/30/2026			
Proj. #	**Agency**	**Project Name**	**PY25 Allocation**
CDBG			
1	Center for Independent Living	Residential Access	$ 211,600
2	HHCSD*	Loan Services	$ 77,009
3	HHCSD	Senior and Disabled Rehab Program	$ 393,853
4	HHCSD	Rehab Loans	$ 100,000
5	HHCSD	Housing Development: M/F Rehab	$ 537,175
		Subtotal Housing Projects	**$ 1,319,637**
6	Bay Area Community Services	Coordinated Entry System	$ 418,921
7	Eden Housing for Hope and Oppor.	Fair Housing	$ 35,000
		Subtotal Public Services Projects	**$ 453,921**
8	Rebuilding Together East Bay North	Community Facilities	$ 93,780
9	HHCSD	Community Facility Improvements	$ 168,199
10	HHCSD	PY25 (FY26) Community Facility Improvement NOFA	$ 154,967
		Subtotal Public Facilities Projects	**$ 416,946**
11	HHCSD	CDBG Planning and Administration	$ 507,245
		Subtotal Planning & Admin Projects	**$ 507,246**
		****GRAND TOTAL ALL CDBG PROJECTS**	**$ 2,697,750**
ESG			
12	Berkeley CES Provider - BACS	Rapid Re-Housing Project	$ 70,663
13	Berkeley CES Provider - BACS	Emergency Shelter/Street Outreach	$ 142,779
14	HHCSD	Homeless Management Information System	$ 6,676
15	HHCSD	Program Planning and Administration	$ 17,847
		GRAND TOTAL ALL ESG PROJECTS	**$ 237,965**
HOME			
16	HHCSD	HOME Administration	$ 57,024.50
17	CHDO Operating Funds	CHDO Operating Funds	$ 27,512
18	HHCSD	Housing Trust Fund	$ 485,708
		*****GRAND TOTAL ALL HOME PROJECTS**	**$ 570,245.01**
Notes:	* HHCSD = City of Berkeley Health, Housing & Community Services Department		
	**Assumes estimated amounts for in Program Income ($46,520) and $115,000 in unused carry over funds.		
	***Assumes $20,000 in Program Income		

CITY OF BERKELEY

CONSOLIDATED PLAN
FOR HOUSING
AND COMMUNITY DEVELOPMENT
PY 2025-2029

and Annual Action Plan for Program Year 2025

for the U.S. Department of
Housing and Urban Development
San Francisco Field Office of
Community Planning and Development

MAY 2025

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Executive Summary

ES-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

Eligible state and local governments receive annual block grants for community development and affordable housing from the U.S. Department of Housing and Urban Development (HUD). These grants include the Community Development Block Grant (CDBG), the HOME Investment Partnerships Program (HOME), and the Emergency Solutions Grant (ESG). For each program, HUD regulations allow for a broad range of eligible activities. The state or local governments determine which of the eligible activities will best serve the needs of their community. In order to determine the most pressing needs and develop effective, place-based market-driven strategies to meet those needs, HUD requires grantees to develop a Consolidated Plan (Plan).

This Plan by the City of Berkeley lays out the City's overall investment strategies for the City's use of federal entitlement grant funds for affordable housing, homelessness, addressing poverty, and community development from July 1, 2025, through June 30, 2030. For each year of the Plan, the City must also produce an Annual Action Plan (AAP). The First-Year Annual Action Plan for the period of July 1, 2025 through June 30, 2026 is attached to this Plan. Please note that throughout the Plan and Annual Action Plan, the terms "fiscal year" and "program year" are both used. The period from July 1, 2025 through June 30, 2026 is the City's fiscal year (FY) 2026 and HUD's program year (PY) 2025.

The Plan was prepared in accordance with HUD's Office of Community and Planning Development (CPD) eCon Planning Suite which was introduced in 2012. Since that time, HUD requires grantees submit their Consolidated Plan and First-Year Annual Action Plan using the Consolidated Plan template through the Integrated Disbursement and Information System (IDIS), their nationwide database. Most of the data tables in the Plan are populated with default data from the U.S. Census Bureau, specifically 2016-2020 American Community Survey (ACS) and Comprehensive Housing Affordability Strategy (CHAS) data.

Other sources of data are noted throughout the Plan.

The Plan is divided into six sections:

- Executive Summary
- The Process
- Needs Assessment
- Market Analysis
- Strategic Plan
- First-Year Action Plan

2. Summary of the objectives and outcomes identified in the Plan Needs Assessment Overview

The City of Berkeley continues to set an ambitious array of goals for the use of its federal entitlement grant resources. The priority needs of the City are affordable housing, non-housing community development, and homelessness. The City has three goals to address those priority needs:

- Increase affordable housing supply and quality;
- Improve public facilities and public services; and
- Provide homeless services including prevention, emergency shelter, outreach and rapid re-housing.

The City of Berkeley has long placed a high priority on affordable housing and community services. The City is committed to maintaining high-quality programs for those in need but faces challenges due to limited resources to meet those needs. The City of Berkeley has been able to backfill some of the ongoing reductions in federal funding for affordable housing and critical community services with local investments. Local investments, however, do not begin to meet the need for more affordable housing and resources to prevent and end homelessness. At the same time, the ESG, HOME, and CDBG programs come with considerable administrative requirements, all of which impact the City's ability to address all the many needs identified.

3. Evaluation of past performance

The City tracks single family and multi-family housing rehabilitation and development efforts. Outcomes for all federally funded community agency programs are also tracked and prior outcomes are used to inform funding decisions. The City also uses countywide Homeless Count and program outcome data to inform its goals on homelessness.

4. Summary of citizen participation process and consultation process

A public hearing community for needs was held on January 25, 2024, in front of the Housing Advisory Commission to hear from Berkeley residents on the most needed services and housing opportunities and share a brief report on prior year impact and the City's priority service areas. The public hearing on community needs was noticed in the *Berkeley Voice* on January 19, 2024.

Additional public meetings were held with the Human Welfare Community Action Commission (HWCAC), Homeless Services Panel of Experts (HSPOE), Commission on Labor (COL), and Housing Advisory Commission (HAC) to review subject area priorities and funding opportunities for community agency grants. Each commission represents the Berkeley community and advises City Council on decisions related to their focus area. In these public meetings, the Commissions evaluated community agency applications for funding on their program design, organizational capacity, prior performance and/or experience in the community, and overall budget. Community members and representatives from the community-based organizations were notified of the meetings via email and through the commission webpages on the City website.

- Human Welfare Community Action Commission public meeting was held on March 6, 2024. The HWCAC focused on reviewing community agencies providing services to low-income communities. Their evaluation and guiding principles included alignment with Community Services Block Grant (CSBG) and local funds (Measure E) priority areas and restrictions, agency capacity, program design and articulation, budget, and focus on serving low-income residents.
- Homeless Service Panel of Experts Commission public meeting was held on March 13, 2024. The HSPOE focused on reviewing community agencies providing services to the unhoused, specifically, alcohol and drug treatment, basic needs, benefits advocacy, coordinated entry system, emergency shelter/navigation, encampment services, housing navigation services,

homeless prevention, rapid re-housing/flexible subsidies, representative payee services, street outreach, tenancy sustaining services, transitional housing, and workforce development services. Their evaluation and guiding principles included strategically aligning with the Home Together Plan and the All Home Regional Action Plan, maximize potential opportunity to leverage funding, and balance the basic needs with long-term housing solutions.

- The Commission on Labor public meeting was held on January 17, 2024 and focused on employment programs and city labor ordinances.
- The Housing Advisory Commission public meeting was held on March 13, 2024 where the commission discussed and made recommendations for CDBG and ESG funding. The HAC focused on reviewing the needs and options in alignment with housing, facility, and workforce goals/priorities of the City, programs and community-based organizations with demonstrated commitment to serving low-income populations, and organization capacity to conduct the work, and CDBG priority areas and restrictions.

A public hearing was held on May 7, 2024 at City Council to review and approve funding recommendations for community agencies. Outreach for this public hearing included posting in the newspaper (*Berkeley Voice)*, email notifications to community agencies, posting to the City of Berkeley Council Agenda and Events webpages, and posting flyers at public buildings such as the libraries.

A public meeting was held in Berkeley on September 10, 2024 to discuss fair housing. This public meeting was noticed in the *Berkeley Voice* on August 30, 2024. Specific outreach regarding the public meeting was accomplished via electronic mailings to interested parties, which include individuals, the Alameda County Homeless Continuum of Care, community agencies serving low-income people, business groups, housing developers, and postings at public buildings such as recreation centers, senior centers, libraries and other government buildings. The meeting notice and a fair housing survey was also posted on the City's website, as well as advertised by the other jurisdictions in Alameda County to promote other county-wide in-person and virtual meetings.

Draft copies of the Plan were presented to the HAC on January 9, 2025 and February 6, 2025. A public comment period was opened on March 14, 2025 and concluded on April 29, 2025 after the public hearing. A public hearing on the Plan was held on April 29, 2025 before the Berkeley City Council. An announcement regarding the public hearing and public comment period were published in the *Berkeley Voice* on March 14, 2025 and updated on April 11, 2025. The notices were distributed widely to community agencies, residents, City Commissioners, and posted in public spaces, such as the library and senior centers. The announcement stated where to locate the publicly available Plan, the dates of the public comment period, and a summary of key elements of the Plan. The draft Plan was also posted on the City's website.

5. Summary of public comments

At the January 25, 2024 public hearing before the HAC, 13 members of the public attended, where 11 members of the public spoke. Members spoke on four main topics: homeless services, housing, workforce, and accountability/oversight.

- Homeless Services: Community members expressed agreement and appreciation for the City's goals for homeless prevention and listening to community agencies. Recommendations included providing more funding for wraparound services, serving people where they are by providing services like port-a-potties and dumpsters, and ensuring that housing shelters support all homeless individuals.
- Housing: Members of the community recommended to increase funding for fair housing enforcement.
- Workforce Development: Comments included the need for workforce development and homeless services to be connected by providing opportunities within the community that have the lived experiences.
- Accountability: Members commented that accountability in funding and services is important. More transparency about where money is utilized for staff and services to community is needed to ensure that funds are spent on community activities.

At the various commission meetings, several members of the community attended and provided public comment. The members of the public largely represented the community agencies who applied for funding. They spoke about how the funding would impact their community and programs.

- HWCAC: Four members of the public attended and three spoke.
- HSPOE: Three members of the public attended and two spoke.
- HAC: Fifteen members of the public attended and twelve spoke.
- Labor: One member of the public attended.

At the May 7, 2024 public hearing, 24 members of the public spoke about the need for more funding to support key community organizations in Berkeley. Community agencies are providing critical services to community members and additional funds would enable services to continue and provide adequate salaries to their staff. Without adequate staffing, it can disrupt services and impact quality of care/support provided to the community.

At the September 10, 2024 public meeting on fair housing, ten community members from across Alameda County were in attendance and five spoke regarding the lack of affordable housing, homelessness in the City, displacement, competition with student housing, and limited opportunities for low-income rental units, particularly for seniors.

Between December 12 and December 31, 2024, a community survey was open on the City of Berkeley website for residents to provide feedback and input on the priorities for HUD funds. The 590 responses helped to inform and confirm the priorities for this consolidated plan. The survey results are summarized and included as an attachment to this plan.

At the January 9, 2025 public meeting at the HAC, ten members of the public were in attendance, along with eight members of the HAC. Two members of the public spoke regarding their concerns for

resources and the unknown impact on services and programming as the United States transitions administrations since federal transitions can often come with changes in federal policies and programs.

At the February 6, 2025 public meeting at the HAC, one member of the public was in attendance, along with seven members of the HAC. No members of the public provided comment. The HAC commissioners provided a comment on the draft Regional Analysis of Impediments, noting the use of predictive algorithms in screening rental applications as a concern to be addressed.

TBA: Council meeting (April 29, 2025) and public comment period (march 14-April 29) - comments will be summarized

6. Summary of comments or views not accepted and the reasons for not accepting them

All comments were accepted. Additional resources could enhance City-administered programs as noted in the summary of public comments above. It would take additional federal or local funding, however, which are currently not available. Changes to federal funding and federal funding priorities may impact funding for identified programs and thus this plan.

7. Summary

N/A.

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The Process

PR-05 Lead & Responsible Agencies 24 CFR 91.200(b)

1. Describe agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source

The following are the agencies/entities responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
CDBG Administrator	Berkeley	Health, Housing, and Community Services Department
HOME Administrator	Berkeley	Health, Housing, and Community Services Department
ESG Administrator	Berkeley	Health, Housing, and Community Services Department

Table 1 – Responsible Agencies

Narrative

The Health, Housing, and Community Services (HHCS) Department is the lead agency for overseeing the development of the plan. The Housing and Community Services (HCS) Division coordinates the City's funding allocation process and monitoring for community-based organizations, administration of the Housing Trust Fund, and operation of other housing and community services programs such as the Shelter Plus Care Program and Senior and Disabled Home Rehabilitation Loan Program. The Department also includes the Environmental Health, Mental Health, Public Health, and Aging Services divisions, all of which provide direct services to the community.

Consolidated Plan Public Contact Information

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PR-10 Consultation – 91.100, 91.110, 91.200(b), 91.300(b), 91.215(l) and 91.315(l)

1. Introduction

The consolidated planning process requires jurisdictions to reach out to and consult with other public and private agencies when developing the plan. The Plan includes a summary of the consultation process, including identification of the agencies that participated in the process.

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l)).

The City of Berkeley coordinates the housing and community services activities within the HHCS department through regular senior staff meetings and coordination on specific topics. City staff also participates in the implementation of Everyone Home, the countywide plan to end homelessness. Everyone Home spearheads Alameda County's Continuum of Care. Staff will continue to participate in the initiative's Leadership Board, which includes most public funders of housing and homeless services in the county, as well as leadership from key community-based organizations. Leadership Board membership helps to coordinate efforts across the county. Staff also participates in other committees composed of other funders (such as Alameda County Behavioral Health Care Services and the Social Services Agency) as well as many community-based organizations.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness

Berkeley works closely with the Alameda County Continuum of Care (COC) in numerous ways including as members of various COC committees that meet to review and provide recommendations for system improvements. It also works closely with Alameda County Behavioral Health Care Services, Social Service Agency, Office of Housing and Homelessness (OHH). In PY21, the City endorsed the Alameda County Home Together 2026 Community Plan, a five-year strategic initiative. Berkeley will participate in preparing the Home Together Update this year. The City continues to work closely with OHH to implement the North County Coordinated Entry System (CES), which includes Berkeley, Emeryville, and Albany. The redesigned screening process: housing problem-solving and crisis and housing assessments are now utilized across the County, including at the new transition age youth (TAY) Housing Resource Center (HRC). The addition of the crisis queue which asks if someone is interested in shelter has increased the number of successful matches to shelter resources in Berkeley. Additionally, Berkeley attends and participates in the COC's Housing Stability and Homelessness Prevention and System Impact Committee meetings. The City funds Eviction Defense Center (EDC) to provide housing retention grants to households that are at imminent risk of homelessness. The City will work with EDC to identify ways to target funding to reduce the number of households entering the homeless services system.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards and evaluate outcomes, and develop funding, policies and procedures for the administration of HMIS

Consultation with the Alameda-Countywide COC, the City of Oakland, and the Alameda County Housing and Community Services Department was initiated in 2012 to discuss the use of ESG funds. The discussion focused on how to implement the new ESG requirements in a way that would be consistent countywide and would continue the collaboration launched in 2009 with American Recovery and Reinvestment Act (ARRA) Homelessness Prevention and Rapid Re-housing (HPRP) funds. The group held several meetings in PY12, resulting in the development of a policies and procedures manual that was used to implement the Priority Home Partnership Program. In PY22, the City updated its ESG Policies and Procedures Manual and provided training to Bay Area Community Services, the community agency that administers ESG Rapid Rehousing assistance and added street outreach and emergency shelter activities. The City continues to use the COC's RBA system performance measures and targets to evaluate emergency shelter, outreach and rental assistance programs funded by ESG.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdictions consultations with housing, social service agencies and other entities

1	**Agency/Group/Organization**	City of Berkeley Housing Advisory Commission
	Agency/Group/Organization Type	Other government - Local
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homelessness Strategy Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Non-Homeless Special Needs Market Analysis Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Draft copies of the plan were presented to the Housing Advisory Commission (HAC) at their January and February 2025 meetings for comments.
2	**Agency/Group/Organization**	City of Berkeley Homeless Services Panel of Experts (HSPOE)
	Agency/Group/Organization Type	Other government - Local
	What section of the Plan was addressed by Consultation?	Homelessness Strategy Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	The HSPOE provides their expertise and recommendations for funding for community agencies including the portion of CDBG public services funding that supports the homeless population.

Table 2 – Agencies/Groups who participated

Identify any Agency Types not consulted and provide rationale for not consulting

No Agency Types were knowingly excluded.

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Home Together 2026 Community Plan	Alameda County's Continuum of Care	The Alameda County Home Together 2026 Community Plan, the countywide plan to end homelessness, was endorsed by the City in PY2021. Berkeley activities to end homelessness, including those supported by federal monies as articulated in this plan, align with the Home Together 2026 Community Plan.
Housing Element 2023-2031	City of Berkeley	The Housing Element addresses housing production and preservation in the City of Berkeley and includes issues related to affordable housing that overlap with this report goal to increase affordable housing supply and quality.
Health Report of 2018	Health, Housing, and Community Services; Public Health Division	The goal of the Health Status Report is to provide a picture of the health status of people living in Berkeley. The report helps define goals and objectives for improving Berkeley resident health outcomes. The Health Status Report highlights overlapping health and housing needs for low-income individuals that are addressed in the Consolidated Plan.
YEP	Collaboration between various local agencies	Formerly Berkeley 2020 Vision, now known as YEP, is a citywide partnership that seeks to close Berkeley educational opportunity gap through a shared community commitment to this goal: that all young people in Berkeley grow up with opportunities to achieve high outcomes and realize their full potential. Public agency, education, nonprofit, and other partners lend content expertise, shape the direction of this initiative, and represent the students and families they serve. This is consistent with goals of increasing economic opportunities for Berkeley residents. The Consolidated Plan works toward these shared goals by supporting housing and public services for low-income residents.
Age-Friendly Berkeley Action Plan	Health, Housing, and Community Services; Aging Division	This report focuses on the aging population in Berkeley and the fact that the vast majority of older adults want to age in their homes and local Berkeley community. The Age-Friendly Berkeley initiative helps prepare Berkeley for its rapidly aging population by gathering input from the community and pulling together public and private leaders, resources, ideas, and strategies to address the issues raised. Age-Friendly Berkeley is a collective effort whose goal is to ensure that all Berkeley residents are connected, healthy, and engaged in their environments. The Consolidated Plan speaks directly to affordable housing goals that support low-income persons, specifically including seniors and persons with disabilities.
City of Berkeley Strategic Plan	City of Berkeley	The strategic plan identifies the City governments long-term goals on behalf of the Berkeley community. The plan was approved in 2018, and

		included numerous priorities, which are short-term projects or programs that support a specific goal. Goals include creating affordable housing and housing supportive services for low-income community members.
Alameda County Regional Analysis of Impediments to Fair Housing	Alameda County	This report summarizes the impediments to fair housing across Alameda County. The report was previously approved for 2020-2024 and is in process of being updated for the next five years.
California All Home Regional Action Plan (RAP), 2021	All Home	The City's strategic plans for addressing homelessness align with the priorities in the RAP.
Alameda County Point-in-Time Report, 2024	Alameda County EveryOne Home	The Point-in-Time (PIT) Count is an annual census of people experiencing homelessness on a single night. This report includes additional information about the experiences of people who are homeless in the Berkeley community which assist in developing our programmatic activities to end homelessness.

Table 3 – Other local / regional / federal planning efforts

Describe cooperation and coordination with other public entities, including the State and any adjacent units of general local government, in the implementation of the Consolidated Plan (91.215(l))

Alameda County Continuum of Care (COC), described above under the Continuum of Care question, is an important venue for coordination with other units of local government in Alameda County on the issue of homelessness. Most affordable housing developments in Berkeley receive other public funding, most typically Low-Income Housing Tax Credits, but also other County and State programs, such as No Place Like Home funding for affordable housing for mentally disabled residents. The Housing & Community Services Division works with both the City's Mental Health Division and the Alameda County Health Care Services Agency to take advantage of No Place Like Home funding to support the creation of additional permanently affordable units for unhoused residents on the Home Stretch list.

Narrative (optional):

N/A.

PR-15 Citizen Participation – 91.105, 91.115, 91.200(c) and 91.300(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation Summarize citizen participation process and how it impacted goal-setting

This Plan was developed with citizen participation consistent with the City's adopted Citizen Participation Plan.

A public hearing on community needs was held on January 25, 2024, in front of the Housing Advisory Commission to hear from Berkeley residents on the most needed services and housing opportunities and share a brief report on prior year impact and the City's priority service areas. Eleven members of the public spoke on homeless services, housing, workforce, and accountability/oversight.

Additional public meetings were held with the Human Welfare Community Action Commission (HWCAC), Homeless Services Panel of Experts (HSPOE), Commission on Labor, and Housing Advisory Commission (HAC) to review subject area priorities and funding opportunities for community agencies. Each commission represents the Berkeley community and advises City Council on decisions related to their focus area, and evaluated the community agencies on their program design, organizational capacity, prior performance and/or experience in the community, and overall budget. Community members and representatives from the community-based organizations were notified of the meetings via email and through the commission webpages on the City website.

At the May 7, 2024 public hearing 24 members of the public spoke about the need for more funding to support key community organizations in Berkeley. Community agencies are providing critical services to community members and additional funds would enable services to continue and provide adequate salaries to their staff. Without adequate staffing, it can disrupt services and impact quality of care/support provided to the community.

At the September 10, 2024 public meeting on fair housing, ten community members from across Alameda County were in attendance and five spoke regarding the lack of affordable housing, homelessness in the City, displacement, competition with student housing, and limited opportunities for low-income rental units, particularly for seniors.

Between December 12 and December 31, 2024, a community survey was open on the City of Berkeley website for residents to provide feedback and input on the priorities for HUD funds. The 590 responses helped to inform and confirm the priorities for this consolidated plan. The survey results are summarized and included as an attachment to this plan.

At the January 9, 2025 public meeting at the HAC, ten members of the public were in attendance, along with eight members of the HAC. Two members of the public spoke regarding their concerns for resources and the unknown impact on services and programming as the United States transitions administrations since federal transitions can often come with changes in federal policies and programs.

At the February 6, 2025 public meeting at the HAC, one member of the public was in attendance, along with seven members of the HAC. No members of the public provided comment. The HAC commissioners provided a comment on the draft Regional Analysis of Impediments, noting the use of predictive algorithms in screening rental applications as a concern to be addressed.

TBA: Council meeting (April 29, 2025) and public comment period (march 14-April 29) - comments will be summarized

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Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1	Public Hearing	Non-targeted, broad community	Thirteen members of the public attended, where eleven members of the public spoke, at the January 25, 2024 public hearing on community needs in front of the Housing Advisory Commission.	Members spoke on four main topics, homeless services, housing, workforce, and accountability/oversight.	All comments were accepted.	https://www.cityofberkeley.info/Housing_Advisory_Commission/
2	Public Meeting	Non-targeted, broad community	Four members of the public attended where three spoke at the March 6, 2024 hearing on community funding needs in front of the Human Welfare and Community Action Commission.	Members spoke about how the funding would impact the community and programs.	All comments were accepted.	https://berkeleyca.gov/your-government/boards-commissions/human-welfare-and-community-action-commission
3	Public Meeting	Non-targeted, broad community	Three members of the public attended where two spoke at the March 13, 2024 hearing on community funding needs in front of the Homeless Service Panel of Experts.	Members spoke about how the funding would impact the community and programs.	All comments were accepted.	https://berkeleyca.gov/your-government/boards-commissions/homeless-services-panel-experts
4	Public Meeting	Non-targeted, broad community	One member of the public attended the January 17, 2024 hearing on community funding needs in front of the Commission on Labor.	Members spoke about how the funding would impact the community and programs.	All comments were accepted.	https://berkeleyca.gov/your-government/boards-commissions/commission-labor
5	Public Hearing	Non-targeted, broad community	Twenty-four members of the public spoke at the May 7, 2024 hearing on community funding needs in front of the City Council.	Members provided comment on the critical services being provided by community agencies and continued need for funding to operate.	All comments were accepted.	https://berkeleyca.gov/your-government/city-council/city-council-agendas

6	Public Meeting	Non-targeted, broad community	Ten members of the public attended, where five spoke on fair housing challenges, at a City meeting coordinated by the County on September 10.	Members spoke about the lack of affordable housing, homelessness in the City, displacement, competition with student housing near the University of California, Berkeley, and limited opportunities for low-income rental units, particular for seniors.	All comments were accepted.	N/A
7	Public Survey	Non-targeted, broad community	590 community members responded to the survey on housing priorities.	Respondents highlighted affordable housing as a primary concern, homeless programs and services continue/are improved, fair housing activities to be enhanced, and additional support for economic development. Detailed summary of responses included in attachments.	All comments were accepted	https://berkeleyca.gov/community-recreation/news/give-input-funding-priorities-housing-and-public-service-programs
8	Public Meeting	Non-targeted, broad community	At the January 9, 2025 public meeting at the HAC, ten members of the public were in attendance, along with 8 members of the HAC. Two members of the public spoke.	Members of the public spoke regarding their concerns for resources and the unknown impact on services and programming as the United States transitions administrations since federal transitions can often come with changes in federal policies and programs.	All comments were accepted.	https://www.cityofberkeley.info/Housing_Advisory_Commission/
9	Public Hearing	Non-targeted,	At the February 6, 2025 public hearing at the HAC, 1 member of the public was in attendance,	The HAC commissioners provided a comment on the draft Regional Analysis of	All comments were accepted.	https://www.cityofberkeley.info/Housing_Advisory_Commission/

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		broad community	along with 7 members of the HAC. No members of the public provided comment.	Impediments, noting the use of predictive algorithms in screening rental applications as a concern to be addressed.		
10	Public Hearing	Non-targeted, broad community	April – Council meeting – To be added			

Table 4 – Citizen Participation Outreach

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Needs Assessment

NA-05 Overview

Needs Assessment Overview

The Needs Assessment of the Consolidated Plan, in conjunction with information gathered through consultations and the citizen participation process, provides a clear picture of the jurisdiction's needs related to affordable housing, special needs housing, community development, and homelessness. The Needs Assessment includes the following sections:

- Housing Needs Assessment
- Disproportionately Greater Need
- Public Housing
- Homeless Needs Assessment
- Non-Homeless Special Needs Assessment
- Non-Housing Community Development Needs

The Needs Assessment identifies those needs with the highest priorities which form the basis for the Strategic Plan section and the programs and projects to be administered throughout the Plan period. Most of the data tables in this section are populated with default data from the Comprehensive Housing Affordability Strategy (CHAS) developed by the Census Bureau for HUD based on 2016-2020 American Community Survey (ACS) Census. Other sources are noted throughout the Plan.

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NA-10 Housing Needs Assessment - 24 CFR 91.205 (a,b,c)

Summary of Housing Needs

Demographics	Base Year: 2009	Most Recent Year: 2020	% Change
Population	117,385	123,065	5%
Households	45,915	45,885	-0%
Median Income	$66,237.00	$91,259.00	38%

Table 5 - Housing Needs Assessment Demographics

Data Source: 2000 Census (Base Year), 2016-2020 ACS (Most Recent Year)

As defined by HUD, housing problems include:

- Units lacking a complete kitchen or plumbing facilities;
- Housing cost burden of more than 30 percent of the household income (for renters, housing costs include rent paid by the tenant plus utilities and for owners, housing costs include mortgage payments, taxes, insurance, and utilities);
- Severe housing cost burden of more than 50 percent of gross income; and
- Overcrowding which is defined as more than one person per room, not including bathrooms, porches, foyers, halls, or half-rooms.

The following income categories are used throughout the Plan:

- Extremely low: households with income less than 30 percent of area median income (AMI)
- Very low: households with income between 30 and 50 percent of AMI
- Low: households with income between 51 and 80 percent of AMI
- Moderate: households with income between 81 and 120 percent of AMI
- Above moderate: households with income above 120 percent of AMI

Based on the data presented above from CHAS, there are 123,065 people residing in the City of Berkeley comprising 45,885 households, figures which are unchanged from the prior Consolidated Plan period. Of these households, 20,735 households (or 45 percent) are considered “low income” per HUD definitions (under 80 percent of Area Median Income). This represents an increase of 10 percentage points since the last Consolidated Plan.

According to the 2022 American Community Survey (ACS) 1-year Estimates, which counts 45,788 households, 43% of occupied housing units are owner-occupied and 57% percent are renter-occupied, the same distribution that was reported in the previous Consolidated Plan (data.census.gov table #B25011). The CHAS data below shows that 8,854 renter-households and 2,255 owner-households have some type of housing problem. That is equivalent to 24 percent of the households in the City of Berkeley. The largest portion of households in Berkeley with a housing problem (52% of renters with a housing problem and 55% of owners with a housing problem) are experiencing an affordability problem, paying more than 50% of their income for rent. Overcrowding and substandard units are far less common, according to Census data, particularly for homeowners.

Number of Households Table

	0-30% HAMFI	>30-50% HAMFI	>50-80% HAMFI	>80-100% HAMFI	>100% HAMFI
Total Households	10,035	4,990	5,710	3,365	21,780
Small Family Households	1,180	1,065	1,320	1,065	9,255
Large Family Households	155	65	215	90	720
Household contains at least one person 62-74 years of age	2,325	1,075	1,705	865	5,620
Household contains at least one person age 75 or older	1,225	435	475	455	1,960
Households with one or more children 6 years old or younger	304	299	299	189	2,195

Table 6 - Total Households Table

Data Source: 2016-2020 CHAS

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Housing Needs Summary Tables

1. Housing Problems (Households with one of the listed needs)

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
NUMBER OF HOUSEHOLDS										
Substandard Housing - Lacking complete plumbing or kitchen facilities	380	30	20	10	440	20	25	20	0	65
Severely Overcrowded - With >1.51 people per room (and complete kitchen and plumbing)	275	45	135	4	459	0	0	0	0	0
Overcrowded - With 1.01-1.5 people per room (and none of the above problems)	385	185	125	40	735	10	30	45	55	140
Housing cost burden greater than 50% of income (and none of the above problems)	5,180	1,580	445	15	7,220	910	420	545	175	2,050
Housing cost burden greater than 30% of income (and none of the above problems)	835	1,490	1,170	685	4,180	300	300	340	355	1,295
Zero/negative Income (and none of the above problems)	720	0	0	0	720	150	0	0	0	150

Table 7 – Housing Problems Table

Data Source: 2016-2020 CHAS

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2. Housing Problems 2 (Households with one or more Severe Housing Problems: Lacks kitchen or complete plumbing, severe overcrowding, severe cost burden)

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
NUMBER OF HOUSEHOLDS										
Having 1 or more of four housing problems	6,220	1,840	730	70	8,860	945	475	610	235	2,265
Having none of four housing problems	2,330	1,980	2,945	1,860	9,115	545	695	1,425	1,200	3,865
Household has negative income, but none of the other housing problems	0	0	0	0	0	0	0	0	0	0

Table 8 – Housing Problems 2

Data Source: 2016-2020 CHAS

3. Cost Burden > 30%

	Renter				Owner			
	0-30% AMI	>30-50% AMI	>50-80% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	Total
NUMBER OF HOUSEHOLDS								
Small Related	850	715	390	1,955	160	225	200	585
Large Related	85	30	0	115	0	4	110	114
Elderly	1,580	409	200	2,189	844	370	490	1,704
Other	4,345	2,145	1,040	7,530	215	125	109	449
Total need by income	6,860	3,299	1,630	11,789	1,219	724	909	2,852

Table 9 – Cost Burden > 30%

Data Source: 2016-2020 CHAS

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4. Cost Burden > 50%

	Renter				Owner			
	0-30% AMI	>30-50% AMI	>50-80% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	Total
NUMBER OF HOUSEHOLDS								
Small Related	0	0	305	305	160	150	0	310
Large Related	0	0	30	30	0	0	95	95
Elderly	1,045	124	70	1,239	580	200	270	1,050
Other	0	4,055	1,245	5,300	180	0	0	180
Total need by income	1,045	4,179	1,650	6,874	920	350	365	1,635

Table 10 – Cost Burden > 50%

Data Source: 2016-2020 CHAS

5. Crowding (More than one person per room)

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
NUMBER OF HOUSEHOLDS										
Single family households	235	135	190	15	575	4	0	4	45	53
Multiple, unrelated family households	0	0	0	0	0	0	4	35	10	49
Other, non-family households	495	100	80	29	704	10	25	0	0	35
Total need by income	730	235	270	44	1,279	14	29	39	55	137
Households with Children Present										

Table 11 – Crowding Information – 1/2

Data Source: 2016-2020 CHAS

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Describe the number and type of single person households in need of housing assistance.

The 2023 American Community Survey 1-Year Estimate counts 7,850 men living alone and 10,975 women living alone, or nearly 19,000 single person households in Berkeley. Nearly 7,000 of these households are people aged 65 and older. Compared to the average household (in Berkeley it is 2.5 people), a single-person household will likely pay a larger portion of their income on housing. This is not surprising given the high cost of housing in Berkeley and in the Bay Area generally. Many single person households in Berkeley are students, recent graduates, young professionals living alone, and senior homeowners. People with disabilities, people working in low-wage jobs, and lower-income seniors are included in the types of single person households in need of housing assistance.

Estimate the number and type of families in need of housing assistance who are disabled or victims of domestic violence, dating violence, sexual assault and stalking.

The City's current Housing Element 2023-2031 reports that there are 10,529 Berkeley residents with a disability, or about 9% of the population, and of those residents with disabilities, 4,290 are aged 65 years or greater. If residents with disabilities experience housing problems at the same rate as the rest of the population (24%) then 2,527 residents would benefit from some form of housing assistance. (https://berkeleyca.gov/sites/default/files/documents/Berkeley_2023-2031%20Housing%20Element_02-17-2023v2_0.pdf)

A history of domestic violence and partner abuse can contribute to homelessness. Victims of domestic violence have a greater risk of becoming homeless and experiencing poverty. According to research, this is likely tied to a high need for services, including housing and financial support, and the lack of commensurate housing and financial resources available. The lack of affordable housing in the City likely makes it difficult for victims of domestic violence to leave their violent homes, so it is plausible that they are more likely to move to an overcrowded unit or into a homeless shelter than those not experiencing domestic violence.

Over the last 5 years, the Berkeley Police Department has received an average of 105 domestic violence-related calls for service per year, ranging from 89 to 127 calls per year. It is not possible to determine from the statistics how many distinct households were involved but this figure gives some sense of scale of the need for related housing assistance. (https://openjustice.doj.ca.gov/exploration/crime-statistics/domestic-violence-related-calls-assistance)

What are the most common housing problems?

The largest portion of households in Berkeley with a housing problem (52% of renters with a housing problem and 55% of owners with a housing problem) are experiencing an affordability problem, paying more than 50% of their income for rent. Similarly, households paying more than 30% of their income is more common than other housing problems. Overcrowding and substandard units are far less common, according to Census data, particularly for homeowners.

Are any populations/household types more affected than others by these problems?

The household types most affected by housing affordability problems are "Other" renters, meaning not small or large related households, or seniors. This category includes single people living alone and non-

related groups living together, which in Berkeley likely includes student households as well as a variety of shared housing arrangements.

Describe the characteristics and needs of Low-income individuals and families with children (especially extremely low-income) who are currently housed but are at imminent risk of either residing in shelters or becoming unsheltered 91.205(c)/91.305(c)). Also discuss the needs of formerly homeless families and individuals who are receiving rapid re-housing assistance and are nearing the termination of that assistance

Berkeley has many resources in place to prevent homelessness among low-income individuals and families with children, including a portfolio of subsidized affordable housing, a local Rent Control ordinance, a Housing Authority managing the Housing Choice Voucher program, Shelter Plus Care certificates, regulated, inclusionary Below Market Rate apartments and condominiums, and a local minimum wage ordinance. Berkeley also has a large population of college-aged students who individually have low incomes but are receiving family assistance which ensures housing stability. As a result, income statistics alone are not sufficient to assess risk of homelessness.

Low-income individuals and families with children who are currently housed but at imminent risk of residing in shelters or becoming unsheltered include:

- Households who were homeless in the past and have no family/friend support or resources to rely on;
- People earning lower wages who are very vulnerable to changes in work schedule and availability;
- Households with multiple wage earners which are vulnerable to changes in household composition;
- Students who do not have family resources or sufficient financial assistance to cover their housing needs;
- Seniors who can no longer afford the increased costs of rent, services, and goods or maintaining a home that was paid for during their working years;
- People who rely on disability income and do not have subsidized housing; and
- Others.

In Berkeley 40 people are receiving rapid rehousing assistance, some of which are nearing the end of their support. To continue supporting these participants, additional resources such as, intensive housing search assistance including but not limited to: assistance in applying for affordable housing lists; assistance with enrollment in Berkeley's longer term shallow subsidy program or other subsidized or permanent housing opportunities for which the client is eligible, advocacy on behalf of guests; identification of roommates for shared housing opportunities; and exploring relocation to other communities and/or reunification with family in accordance with client choice are provided. Additional assistance with linkages to employment and job-placement resources; linkages to/assistance with applications to cash and non-cash benefits (including, when necessary for housing stability, medical, CalFresh, and in-home supportive service benefits) may also be provided.

If a jurisdiction provides estimates of the at-risk population(s), it should also include a description of the operational definition of the at-risk group and the methodology used to generate the estimates:

The City has not developed an estimate of this population.

Specify particular housing characteristics that have been linked with instability and an increased risk of homelessness

Because the cost of living in Berkeley, and the cost of housing in particular, is high (as in the rest of the Bay Area), any lower-income household may face a risk of homelessness, particularly with changes in work, income, household, or housing status. The City has not identified other housing characteristics that are linked with instability or homelessness.

Discussion

A portion of the 8,790 households in Berkeley who are low income and one or more housing problems described in this section are at risk of becoming homeless. Due to the high cost of housing in the Bay Area, rent burdens and low incomes are the most common risk factor for homelessness.

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NA-15 Disproportionately Greater Need: Housing Problems – 91.205 (b)(2)

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole.

Introduction

By HUD's standards, a disproportionately greater need exists when the members of racial or ethnic group at a given income level experience housing problems at a greater rate (10 percentage points or more) than the income level of the jurisdiction as a whole. The four housing problems are: 1) the lack of complete kitchen facilities, 2) the lack of complete plumbing facilities, 3) more than one person per room, and 4) a cost burden greater than 30 percent.

0%-30% of Area Median Income

Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	7,690	1,050	920
White	3,385	410	285
Black / African American	1,065	360	80
Asian	1,985	180	495
American Indian, Alaska Native	95	0	0
Pacific Islander	110	0	0
Hispanic	645	75	10

Table 12 - Disproportionally Greater Need 0 - 30% AMI

Data Source: 2016-2020 CHAS

*The four housing problems are: 1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4. Cost Burden greater than 30%

30%-50% of Area Median Income

Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	4,080	835	0
White	2,230	390	0
Black / African American	655	190	0
Asian	695	115	0
American Indian, Alaska Native	0	0	0
Pacific Islander	0	0	0
Hispanic	370	90	0

Table 13 - Disproportionally Greater Need 30 - 50% AMI

Data Source: 2016-2020 CHAS

*The four housing problems are: 1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4. Cost Burden greater than 30%

50%-80% of Area Median Income

Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	2,835	1,715	0
White	1,630	980	0
Black / African American	310	225	0
Asian	420	220	0
American Indian, Alaska Native	4	0	0
Pacific Islander	10	10	0
Hispanic	265	175	0

Table 14 - Disproportionally Greater Need 50 - 80% AMI

Data Source: 2016-2020 CHAS

*The four housing problems are: 1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4. Cost Burden greater than 30%

80%-100% of Area Median Income

Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	1,250	2,210	0
White	760	1,225	0
Black / African American	55	165	0
Asian	220	395	0
American Indian, Alaska Native	4	0	0
Pacific Islander	0	10	0
Hispanic	185	240	0

Table 151 - Disproportionally Greater Need 80 - 100% AMI

Data Source: 2016-2020 CHAS

*The four housing problems are: 1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4. Cost Burden greater than 30%

Discussion

By HUD's standard, American Indian and Pacific Islanders in the zero to 30% of Area Median Income range have disproportionately greater needs (100%) compared to households citywide (80%) than other racial or ethnic groups. The rate is similar for White (83%) and Hispanic households (88%), and lower for Asian households (75%), and lower for Black/African American households (71%). It is likely that college aged students are more represented in the White, Hispanic, and Asian households than the Black/African American households. Numbers of White and Hispanic undergraduate students enrolled in

2024 outnumber Black/African American students three to one, and Asian students outnumber Black/African American students nine to one. (https://opa.berkeley.edu/campus-data/uc-berkeley-quick-facts)

By HUD's standard, no racial or ethnic group of residents with incomes from 30 to 50% of Area Median Income have disproportionate housing needs. Of all residents in this income category, 83% have one or more housing problems, ranging from 78% of Black/African American residents and 86% of Asian households. The number of American Indian, Alaska Native and Pacific Islander households in this income range is estimated at zero so no needs are estimated.

In the 50 to 80% of Area Median Income range, American Indians and Alaska Natives again have a disproportionately higher need, at 100%. There is a very small number of households in this group (four). Citywide, the rate is 62%, ranging from 58% for Black/ African American households to 66% for Asian households.

In the 80 to 100% of Area Median Income category, American Indian and Alaska Natives are again estimated to have disproportionately greater needs with 100% of households having one or more housing problems, based on a small number of households (4). Citywide, 36% of households in this income category are estimated to have one or more housing problem, ranging from Black/African American households at 25% to Hispanic households at 44%.

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NA-20 Disproportionately Greater Need: Severe Housing Problems – 91.205 (b)(2)

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole.

Introduction

0%-30% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	6,905	1,835	920
White	3,030	760	285
Black / African American	865	560	80
Asian	1,900	265	495
American Indian, Alaska Native	55	40	0
Pacific Islander	110	0	0
Hispanic	600	120	10

Table 16 – Severe Housing Problems 0 - 30% AMI

Data Source: 2016-2020 CHAS

*The four severe housing problems are: 1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4. Cost Burden over 50%

30%-50% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	2,665	2,245	0
White	1,415	1,205	0
Black / African American	335	515	0
Asian	520	280	0
American Indian, Alaska Native	0	0	0
Pacific Islander	0	0	0
Hispanic	280	175	0

Table 172 – Severe Housing Problems 30 - 50% AMI

Data Source: 2016-2020 CHAS

*The four severe housing problems are: 1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4. Cost Burden over 50%

50%-80% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	1,290	3,255	0
White	855	1,755	0
Black / African American	190	350	0
Asian	175	465	0
American Indian, Alaska Native	4	0	0
Pacific Islander	0	20	0
Hispanic	34	400	0

Table 18 – Severe Housing Problems 50 - 80% AMI

Data Source: 2016-2020 CHAS

*The four severe housing problems are: 1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4. Cost Burden over 50%

80%-100% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	365	3,095	0
White	190	1,790	0
Black / African American	15	205	0
Asian	65	550	0
American Indian, Alaska Native	0	4	0
Pacific Islander	0	10	0
Hispanic	90	325	0

Table 19 – Severe Housing Problems 80 - 100% AMI

Data Source: 2016-2020 CHAS

*The four severe housing problems are: 1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4. Cost Burden over 50%

Discussion

Of the households with incomes between zero and 30% of Area Median Income, the overall rate of severe housing problems was 71%. Both Hispanic (82%) and Pacific Islander (100%) households are experiencing disproportionate rates of severe housing problems.

In the 30% to 50% of Area Median Income range, just over half (54%) of households are experiencing severe housing problems. Asian households are disproportionately impacted, with 65% of households in

this income range reporting severe housing problems. Note that the number of Pacific Islander and American Indian, Alaska Native households in this income range is estimated at zero, so no severe housing problem data is available.

In the 50% to 80% of Area Median Income range, more than a quarter (28%) of households are experiencing severe housing problems. American Indian, Alaska Native households in this income range have a disproportionately greater need, with 100% experiencing one or more severe housing problems.

In the 80% to 100% of Area Median Income range, the citywide rate of severe housing problems is 11%. Hispanic households are experiencing disproportionately greater needs, with 22% having a severe housing problem.

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NA-25 Disproportionately Greater Need: Housing Cost Burdens – 91.205 (b)(2)

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole.

Introduction:

The following table displays cost burden information for the jurisdiction and each racial and ethnic group, including no cost burden (less than or equal to 30 percent), cost burden (greater than 30 to 50 percent), severe cost burden (more than 50 percent), and no/negative income.

Housing Cost Burden

Housing Cost Burden	<=30%	30-50%	>50%	No / negative income (not computed)
Jurisdiction as a whole	26,030	7,760	10,690	1,035
White	17,915	4,870	5,415	320
Black / African American	1,875	785	1,345	80
Asian	3,350	950	2,470	570
American Indian, Alaska Native	14	45	50	4
Pacific Islander	50	10	110	0
Hispanic	1,785	720	870	20

Table 20 – Greater Need: Housing Cost Burdens AMI

Data Source: 2016-2020 CHAS

Discussion:

The following table converts the numbers above into percentages of people in each demographic category by income range in order to evaluate disproportionately greater needs

Housing Cost Burden	<=30%	30-50%	>50%	No / negative income (not computed)
Jurisdiction as a whole	57%	17%	23%	2%
White	63%	17%	19%	1%
Black / African American	46%	19%	33%	2%
Asian	46%	13%	34%	8%
American Indian, Alaska Native	12%	40%	44%	4%
Pacific Islander	29%	6%	65%	0%
Hispanic	53%	21%	26%	1%

Table 21 – Housing Cost Burden

No racial/ethnic group is overrepresented among people paying below 30% of their income for housing, using HUD's standard. American Indian, Alaska Natives are over-represented in the households paying 30 to 50% category (40% compared to 17% of the city as a whole). Among people paying more than 50% of their income toward housing costs (23% of the City as a whole), Black/African American (33%), Asian (34%), American Indian, Alaska Natives (44%), and Pacific Islanders (65%) are overrepresented. No group is overrepresented among those households with no or negative income.

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NA-30 Disproportionately Greater Need: Discussion – 91.205(b)(2)

Are there any Income categories in which a racial or ethnic group has disproportionately greater need than the needs of that income category as a whole?

Based on the data above, households with incomes below 30% of Area Median income have the highest frequency of housing problems. This is not surprising given that paying too much for housing is one of the problems, and Berkeley has high housing costs. Both Hispanic and Pacific Islander households were overrepresented in this group. American Indian, Alaska Native, and Pacific Islanders are overrepresented in many categories.

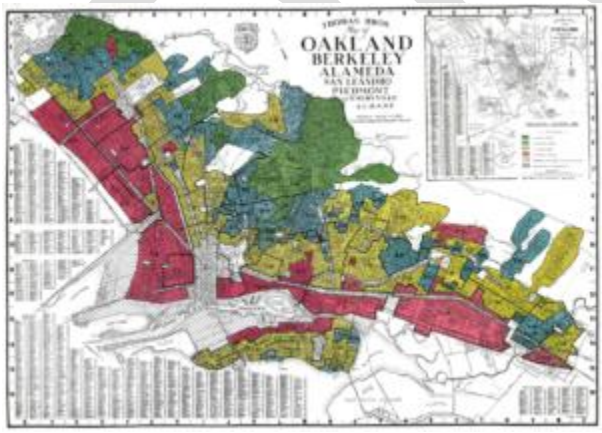
If they have needs not identified above, what are those needs?

Housing costs that exceed an affordable level are the most common challenge. Individual households are likely to have needs related to housing quality.

Are any of those racial or ethnic groups located in specific areas or neighborhoods in your community?

American Indian tribes in the broader region include Chochenyo, Lisjan, Karkin, Yelamu Ramaytush, Yokuts, and Muwekma. Other American Indian groups in the region include the Graton Rancheria community (Coast Miwok and Southern Pomo), Kashaya, Patwin, Mishewal Wappo, Bay Miwok, and Tamien. In Berkeley, no specific areas and neighborhoods of American Indian and Alaska Natives have been identified.

According to an analysis published by Berkeleyside in 2022, Hispanic households in Berkeley are concentrated in two places: (1) south of downtown, probably reflecting many students, and (2) in West Berkeley. The same analysis shows that Black/African American Berkeley residents are located almost exclusively in South and West Berkeley. (https://www.berkeleyside.org/2022/07/17/berkeley-population-demographics-housing-census-2020-maps).



NA-35 Public Housing – 91.205(b)

Introduction

Totals in Use

Program Type									
	Certificate	Mod-Rehab	Public Housing	Vouchers					
				Total	Project-based	Tenant-based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
# of units vouchers in use	0	90	52	1,704	132	1,572	0	0	0

Table 22 - Public Housing by Program Type

***includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition**

Data Source: PIC (PIH Information Center)

Characteristics of Residents

Program Type								
	Certificate	Mod-Rehab	Public Housing	Vouchers				
				Total	Project-based	Tenant-based	Special Purpose Voucher	
							Veterans Affairs Supportive Housing	Family Unification Program
Average Annual Income	0	9,540	21,074	14,257	13,646	14,308	0	0
Average length of stay	0	6	10	8	2	8	0	0
Average Household size	0	1	3	1	1	1	0	0
# Homeless at admission	0	0	0	3	0	3	0	0
# of Elderly Program Participants (>62)	0	17	6	541	90	451	0	0
# of Disabled Families	0	51	14	567	25	542	0	0

DRAFT

Program Type								
	Certificate	Mod-Rehab	Public Housing	Vouchers				
				Total	Project-based	Tenant-based	Special Purpose Voucher	
							Veterans Affairs Supportive Housing	Family Unification Program
# of Families requesting accessibility features	0	90	52	1,704	132	1,572	0	0
# of HIV/AIDS program participants	0	0	0	0	0	0	0	0
# of DV victims	0	0	0	0	0	0	0	0

Table 23 – Characteristics of Public Housing Residents by Program Type

Data Source: PIC (PIH Information Center)

Race of Residents

Program Type									
Race	Certificate	Mod-Rehab	Public Housing	Vouchers					
				Total	Project-based	Tenant-based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
White	0	35	6	426	49	377	0	0	0
Black/African American	0	50	45	1,179	67	1,112	0	0	0
Asian	0	2	1	71	15	56	0	0	0
American Indian/Alaska Native	0	2	0	14	1	13	0	0	0
Pacific Islander	0	1	0	14	0	14	0	0	0
Other	0	0	0	0	0	0	0	0	0

***includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition**

Table 243 – Race of Public Housing Residents by Program Type

Data Source: PIC (PIH Information Center)

Ethnicity of Residents

Program Type									
Ethnicity	Certificate	Mod-Rehab	Public Housing	Vouchers					
				Total	Project -based	Tenant -based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
Hispanic	0	6	2	92	8	84	0	0	0
Not Hispanic	0	84	50	1,612	124	1,488	0	0	0
*includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition									

Table 25 – Ethnicity of Public Housing Residents by Program Type

Data Source: PIC (PIH Information Center)

DRAFT

Section 504 Needs Assessment: Describe the needs of public housing tenants and applicants on the waiting list for accessible units:

There are about 980 active households in our Section 8 program with disability. These are families who have either a head of household or family member with a disability. Moreover, 25.5% (510 households) of the 2,000 applicants on the current waiting list require ADA units. In addition, some of the families require standard ADA features, such as an extra bedroom for a live-in-aid and/or medical equipment.

Most immediate needs of residents of Public Housing and Housing Choice voucher holders

Physical re-location assistance for the disabled and elderly clients is needed including helping them find suitable units. Most families moving into Section 8 units need financial assistance for security deposits as well as acquiring household furniture to settle into their new unit. Since most participants do not own their own vehicle, more housing is needed in areas where there is public transit and shopping centers to purchase basic necessities (like groceries and household goods) is not in close proximity.

How do these needs compare to the housing needs of the population at large

The needs of voucher holders are relatively similar to those of other low-income renters in Berkeley. As the housing market data in this Plan indicates, the high cost of housing in Berkeley is the most common housing problem experienced locally. It is not surprising that households who struggle to afford rent also need financial assistance for security deposits and home furnishings, and also that they may need to sacrifice location convenience for affordable rent.

Discussion

Housing Choice vouchers are an important tool for creating affordable housing opportunities in Berkeley. More vouchers as well as more financial and housing search assistance for voucher holders are current community needs.

DRAFT

NA-40 Homeless Needs Assessment – 91.205(c)

Introduction:

In Spring 2024, Zoe Klingmann prepared a comprehensive report on homelessness entitled "*Gap Analysis of Berkeley's Homelessness System of Care*" for the City Manager's Office. Most of the information in this section comes from the report. Klingmann found that:

"About a thousand Berkeley residents experience homelessness on a given night. Most of those Berkeleyans—about 75 percent—are unsheltered, meaning that they sleep in a tent, vehicle, or on the street rather than in a shelter or interim housing.

Homelessness is a regional problem with roots beyond Berkeley's borders, driven by a shortage of affordable housing. Before the COVID-19 pandemic, 17% of households in the Bay Area had extremely low incomes, making an average of $17,800 per year. More than half of these households were at high risk of losing their housing. Rising housing costs and pandemic-related instability have put further pressures on this population. As of 2022, more than 38,000 people in the nine-county Bay Area were homeless on a given night, a nine percent increase since 2019.

That said, Berkeley's level of homelessness is disproportionate among its neighbors. Berkeley residents make up about seven percent of Alameda County's population, but were 11 percent of unsheltered people on a given night in 2022.

Unsheltered people are vulnerable to a wide range of harms. They have high rates of chronic health conditions and reduced opportunities to obtain health care. The challenges of living on the street can cause or exacerbate physical and mental health conditions and substance abuse disorders. They are also highly vulnerable to crime: more than a third of homeless people surveyed in California said that they had been physically victimized while homeless. Between 2018 and 2020, at least 809 people in Alameda County died while experiencing homelessness.

Unsheltered homelessness also has an impact on the community where it occurs. Some people experiencing homelessness use public services at high rates—for instance, 38% of homeless people in California reported that they had made an emergency room visit that did not result in hospitalization in the last six months. A study in Santa Clara County found that the public cost of medical care and justice system involvement for homeless people was $520 million, with just five percent of the homeless population accounting for 47% of these costs. Additionally, surveys of Bay Area residents regularly find that unsheltered homelessness impacts their perceptions and feelings of safety in their community."

If data is not available for the categories "number of persons becoming and exiting homelessness each year," and "number of days that persons experience homelessness," describe these categories for each homeless population type (including chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth)

From, Klingmann's report, over 2,000 people in Berkeley obtained services while homeless during 2023. Using HMIS data, estimated that about 2,300 people experienced literal homelessness in Berkeley during calendar year 2023. This number represents the unduplicated count of people who obtained services located in Berkeley, excluding those enrolled in permanent housing for the entire year and

those who did not report that they are homeless. This indicates that about two percent of the City's population experiences some form of literal homelessness over the course of the year.

The detailed data from the County's most recent, 2024 homeless count is not yet available, but preliminary data shows a 20% decrease in the total number of people who are unhoused to 844 people. The total number obscures a large increase (57%) in the number of people in shelters (to 399) combined with a large decrease (45%) in the number of people who are unsheltered (445).

The count found that the majority of unhoused people Countywide (8,751 people) are individuals (not in a family group). Historically, the vast majority of people homeless in Berkeley have been single adults. The Countywide total includes 44% who meet the definition of chronic homelessness (or 3,382 people Countywide). The 2024 Countywide Point in Time Count also found 699 people in families who were homeless, of which 593 (84%) were sheltered. (https://everyonehome.org/main/continuum-of-care/point-in-time-count-2024/)

Estimate the number and type of families in need of housing assistance for families with children and the families of veterans.

The most recent Berkeley-specific data about the unhoused population is *Everyone Home's Alameda Countywide Point in Time Count 2022.* That count found a total of 96 households containing at least one adult and one child at a single point in time. Of these 13 were sheltered and 83 unsheltered households. Of these, six were Veteran households, all unsheltered. (https://public.tableau.com/app/profile/asr1451/viz/TableauAlamedaCounty-HDXandSurveyData/CityHDX)

"Berkeley residents have to wait to access permanent housing programs. Berkeley residents experiencing homelessness access permanent housing through the Coordinated Entry queue. Coordinated Entry matches individuals to openings in permanent housing programs based on their level of need and program fit, essentially triaging access to a limited resource. Since mid-2022, people in the north Alameda County area spent an average of 280 days, or more than nine months, on the housing queue before receiving a referral to permanent housing.

Berkeley has a growing inventory of permanent supportive housing (PSH). Berkeley had 592 beds of permanent supportive housing (PSH) in early 2023. These units are intended for formerly homeless people with high needs: they require disability for entry and provide ongoing wrap-around services in addition to a subsidized unit. About ten percent of the PSH units in Berkeley are dedicated to families with children." (Klingmann, page 11)

Describe the Nature and Extent of Homelessness by Racial and Ethnic Group.

According to the Klingmann study, Black/African American and American Indian residents disproportionately experience homelessness. In 2023, Black/African American residents were the majority of the people who obtained homelessness services, but only make up eight percent of all residents. In addition, American Indian residents are also more likely to have lower income and high rent which could lead to homelessness.

In 2022, the Everyone Home Point in Time Count found the following:

	Number of Unhoused Individuals	% of Unhoused Population
White	463	44%
Black or African American	444	42%
American Indian or Alaska Native	49	5%
Multiracial	36	3%
Native Hawaiian and other Pacific Islander	34	3%
Asian	30	3%
	1,056	100%

Source: https://public.tableau.com/app/profile/asr1451/viz/TableauAlamedaCounty-HDXandSurveyData/CityHDX

Describe the Nature and Extent of Unsheltered and Sheltered Homelessness.

The detailed data from the County's most recent, 2024 homeless count is not yet available, but preliminary data shows a 20% decrease in the total number of people who are unhoused to 844 people. The total number obscures a large increase (57%) in the number of people in shelters (to 399) combined with a large decrease (45%) in the number of people who are unsheltered (445). (https://everyonehome.org/main/continuum-of-care/point-in-time-count-2024/)

More detailed data is available from the 2022 Point in Time Count. It found that most unsheltered, unhoused people in Berkeley were living in tents (53%), followed by cars and vans (25%), the street/outdoors (14%), and RVs (9%). It also found that most sheltered, unhoused people were living in shelters (93%), followed by transitional housing (6%) and Safe Haven (2%). (https://everyonehome.org/wp-content/uploads/2022/05/Berkeley-PIT-2022-Infographic-Report.pdf)

Since 2021, Berkeley has more than tripled the number of shelter beds in non-congregate settings, where residents sleep in a private space rather than a dorm-style shelter. These new facilities have higher utilization rates and have successfully sheltered people who have been outside for years. The city now has nearly 100 additional beds of permanent supportive housing, which serves vulnerable people who need support to stay housed. (Klingmann, page 3)

Discussion:

The study that Zoe Klingmann conducted for the City Manager's office in Spring 2024 reached the following conclusions regarding gaps in the City's continuum of care for the unhoused:

"**Berkeley will need more funding to keep up momentum**. Berkeley has made strides in expanding services in recent years, but the resources the City has available now are not enough to reduce unsheltered homelessness. System modeling suggests that a 75% reduction in street homelessness will require an additional $300 million over five years, largely for new affordable housing. More urgently, Berkeley faces a fiscal cliff in the coming years due to the volatility of local funding sources, state budget woes, and the end of pandemic-era programs.

Inflows to and outflows from homelessness add up to increasing need for services. The number of people utilizing homelessness services in Berkeley increased 11% between 2022 and 2023. This increase

comes down to a math problem: more people are entering or returning to homelessness than are exiting to housing.

Berkeley has made progress in increasing its supply of permanent supportive housing (PSH) and non-congregate interim housing. Since 2021, Berkeley has more than tripled the number of shelter beds in non-congregate settings, where residents sleep in a private space rather than a dorm-style shelter. These new facilities have higher utilization rates and have successfully sheltered people who have been outside for years. The city now has nearly one hundred additional beds of permanent supportive housing, which serves vulnerable people who need support to stay housed.

People are still stuck in a bottleneck. Despite increases in supply, people eligible for permanent supportive housing still wait a long time for housing. More than 95 percent of people waiting on the housing queue have some form of disability.

Targeted prevention is key to reducing the number of people experiencing homelessness. Berkeley's current housing retention programs have been successful at preventing evictions, but are not targeted to the people most likely to become homeless, many of whom do not have a formal lease. System modeling suggests that Berkeley will need to more than double the number of households served by targeted prevention in order to achieve a 75 reduction in unsheltered homelessness."

The report also made the following recommendations:

"In order to effectively reduce unsheltered homelessness, Berkeley should look for opportunities to increase funding for homelessness services and affordable housing. The City should prioritize the following specific investments: accelerating the transition to non-congregate shelter, funding permanent supportive housing, and investing in targeted homelessness prevention.

In addition, the City should consider doing additional research into rapid rehousing and the needs of people with lower levels of acuity."

DRAFT

NA-45 Non-Homeless Special Needs Assessment - 91.205 (b,d)

Introduction:

The special needs population consists of people who are not homeless but requires supportive housing and services for various reasons. This population includes (but is not limited to) people with mental, physical, and/or developmental disabilities; the elderly and frail elderly; people with alcohol or other drug addiction; people with HIV/AIDS and their families; victims of domestic violence, dating violence, sexual assault, and stalking; and transitional age youth.

Describe the characteristics of special needs populations in your community:

Persons with Mental, Physical, and/or Development Disabilities

People with disabilities often have unique housing requirements due to the need for ADA related accommodations, frequently fixed low incomes, and higher health care costs and cost ratio to income associated with a disability. According to the 2023 ACS population estimate, about 11% of the total Berkeley population had one or more disabilities, the same as Alameda County as a whole, and up from nine percent in 2018 (Table S1810). This is equivalent to 12,569 people. The ACS identifies disability as having difficulty with one or more of four basic areas of functioning—hearing, vision, cognition, and ambulation—and/or difficulty performing everyday tasks such as, bathing, dressing and/or running errands.

Elderly and Frail Elderly

The 2023 ACS data reports that 17 percent of Berkeley's population is over 65 (up from 14% in 2020) (Table S0101), and that 14,836 households, or 30% of all households, have one or more people aged 65 and up (Table DP02). One of the main housing issues facing seniors is housing cost. Seniors often have fixed incomes so they have difficulty with increased rental and utility costs or housing maintenance costs. In 2023, 667 men and 954 women ages 65 or older had an income below the federal poverty level (Table B17001).

Berkeley adopted a plan related to aging seniors and updated it in 2022. The *City of Berkeley Age-Friendly Action Plan* was finalized in 2018 through a collaborative public-private partnership that includes representatives from City of Berkeley Aging Services Division, Ashby Village, Center for Independent Living, and Lifelong Medical partner agencies. The Age-Friendly Berkeley plan identified housing as a specific area of importance with three of the top 10 concerns for Berkeley adults 60 years of age and older being 1) affordable housing, 2) being able to maintain their home, and 3) being able to stay in their home. The 2022 update identified the following priority actions:

Develop a continuum of affordable housing options for older adults to age in their community regardless of their health or financial status.

Entry Opportunities:

- Include targets for the older adult population in the City Housing Element.
- Address the need for affordable, ADA suitable housing at all levels of need; expand eligibility criteria for subsidized services to raise entry levels to moderate income individuals.
- Expand entry opportunities to supportive housing for vulnerable populations.

Information:

- Provide an online resource and educational workshops at Senior Centers about renters' rights and strategies to qualify for entry to both market and below market rate housing.
- Offer workshops and education on financial planning and elder fraud abuse.
- Assess and map housing options for the public via written materials and the internet.
- Provide broader communication of assistance with local taxes for low income residents.

Infrastructure and Policy:

- Develop a program for housing cost relief for moderate income seniors who do not qualify for income restricted housing.
- Incorporate mixed zoning in all neighborhoods, increasing walkability and proximity to services and commercial areas.
- Pursue affordable settings for out-of-home assisted living (e.g., CCRC and alternatives).
- Enable increased development of accessory dwelling units (ADU) by streamlining the construction approval process.

Persons with Alcohol or Other Drug Addictions

Comprehensive local data on the number of people with alcohol and other drug addiction is not available. In the results of the 2022 National Survey on Drug Use and Health (NSDUH), the U.S. Department of Health and Human Services (HHS) Substance Abuse and Mental Health Services Administration (SAMHSA) found that 48.7 million people aged 12 or older (or 17.3%) had a substance use disorder (SUD) in the past year, including 29.5 million who had an alcohol use disorder (AUD), 27.2 million who had a drug use disorder (DUD), and 8.0 million people who had both an AUD and a DUD. If this statistic is accurate for Berkeley, approximately 13,797 people ages 12 and older (based on 2023 ACS population data) in Berkeley have a substance use disorder.

Victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking

Over the last 5 years, the Berkeley Police Department has received an average of 105 domestic violence-related calls for service per year, ranging from 89 to 127 calls per year. It is not possible to determine from the statistics how many distinct households were involved but this figure gives some sense of scale of the need for related housing assistance. (https://openjustice.doj.ca.gov/exploration/crime-statistics/domestic-violence-related-calls-assistance)

The 2022 Point in Time Homeless Count shows that 78 of the 1,057 unhoused people in Berkeley were adult survivors of domestic violence, equal to seven percent. (https://public.tableau.com/app/profile/asr1451/viz/TableauAlamedaCounty-HDXandSurveyData/CityHDX)

What are the housing and supportive service needs of these populations and how are these needs determined?

The primary need for Non-Homeless Special Needs populations is for housing that is subsidized deeply enough to be affordable at extremely low-income levels. Many seniors and people with disabilities have some form of income from the Social Services Administration, which, as described in the Housing

Market Analysis, is simply not sufficient to pay for market-rate or much of the affordable housing in Berkeley. Despite Social Security Income increasing 2.5% in January 2025 (https://www.ssa.gov/oact/cola/SSI.html), the cost-of-living adjustments are not enough to match Bay Area housing prices region. According to the Bureau of Labor Statistics (https://data.bls.gov/pdq/SurveyOutputServlet) the consumer price index for the San Francisco-Oakland-Hayward area increased by 15% from 2019 to 2023.

Even those who do not require supportive housing (meaning affordable housing with connected supportive services) need affordable housing. Other needs include:

- Home rehabilitation for health and safety needs and ADA improvements;
- Supportive services that include enough flexibility in type, intensity, and duration to support people to stay stably housed;
- Services that help people who are eligible to gain entry to programs such as SSI and Medi-Cal, to increase their housing and service options; and
- Education and employment programs which help people increase their income.

These needs are evidenced by applications for funding from local non-profit agencies providing services to the special needs populations listed above.

Discuss the size and characteristics of the population with HIV/AIDS and their families within the Eligible Metropolitan Statistical Area:

The Alameda County Public Health Department's most recent report on the prevalence of HIV and AIDS in the region was published in March 2023 and covers the period 2019- 2021. It states that there were 6,212 people living with HIV/AIDS in Alameda County in 2021. In 2020, 68% had viral suppression, meaning the amount of virus in their blood was at a low level, helping them stay healthy. Of people newly diagnosed with HIV/AIDS in the County, the majority were male (85%) and men who have sex with men (73%). The highest rate of transmission was in people aged 30 to 39. Of newly diagnosed people, 34% were Black or African American, 33% were Hispanic and 19% were white. The Census tracts with the greatest prevalence of people living with HIV/AIDS in the County were *not* in Berkeley, although some people are.

If the PJ will establish a preference for a HOME TBRA activity for persons with a specific category of disabilities (e.g., persons with HIV/AIDS or chronic mental illness), describe their unmet need for housing and services needed to narrow the gap in benefits and services received by such persons. (See 24 CFR 92.209(c)(2) (ii))

Not applicable

Discussion:

Alameda County Housing and Community Development administers the allocation of Housing Opportunities for Persons with AIDS (HOPWA) funds on behalf of the City of Oakland for the metropolitan area which includes Berkeley. Over the years, Berkeley has provided Housing Trust Fund funding to projects which include HOPWA units targeted to people living with HIV/AIDS, including the University Neighborhood Apartments, Oxford Plaza, UA Homes, and Grayson Street Apartments projects.

NA-50 Non-Housing Community Development Needs – 91.215 (f)

Describe the jurisdiction's need for Public Facilities:

The City of Berkeley's General Plan adopted several policies and actions which addressed the City's need for public facilities. Some of these policies and actions include the following:

- Ensure neighborhoods are well served by community services and facilities such as parks, schools, child-care facilities, and religious institutions.
- Establish a network of community centers including school sites, neighborhood resource centers, and City facilities that offer community services such as childcare, health care, and recreational programs.
- Create new open space and recreational resources throughout Berkeley and preserve, maintain, and repair the City's existing open space and recreational resources and facilities.
- Provide properly staffed and equipped fire stations and engine companies.

How were these needs determined?

The City's General Plan was developed through many community meetings, public workshops, and the efforts of City Council, Planning Commission, and City staff. These public facilities are critical infrastructure for the delivery of public services, and emergency shelter, and are therefore a high priority.

Describe the jurisdiction's need for Public Improvements:

The City's need for public improvements is described in the City's *2023 – 2027 Capital Improvement Program, Building a Better Berkeley: Smart Investment in Action*, available online at https://berkeleyca.gov/sites/default/files/documents/FY-23-27-Capital-Improvement-Program_0.pdf . Capital improvements include streets, transportation, storm drains, sidewalks, sanitary sewer, parks and marina, information technology, City facilities, equipment, fleet and other infrastructure. According to this plan, "Most of Berkeley's streets, sidewalks, sewers, parks, playgrounds and public buildings were built over 75 years ago and need repair. However, local revenues have not kept pace with the investments needed to maintain or update aging infrastructure or promote sustainability and housing affordability. This under investment has led to more than $1.65 billion in deferred maintenance costs alone."

How were these needs determined?

These needs were determined by the City Manager and staff and discussed and adopted by City Council during the budget process.

Describe the jurisdiction's need for Public Services:

The City has historically funded a wide variety of public services for Berkeley's population. Supporting public services will continue to be a high priority for the City. These services could include, but are not limited to, the following:

- Homeless services
- Senior services
- Disabled services

- Legal/advocacy services
- Youth services
- Transportation services
- Substance abuse services
- Services for battered/abused spouses
- Employment training
- Childcare services
- Health services
- Mental health services
- Fair housing related services

How were these needs determined?

The City has historically funded a wide array of public services based on identified community need and input. Most public services are funded with local sources, including General Fund, rather than federal funds. For public services funded with local sources, the needs are determined by the same process outlined above for public improvements. For public services funded with federal funding, the needs are determined by public hearings, commission review, consultation with local non-profit agencies providing the services, and surveys.

DRAFT

Housing Market Analysis

MA-05 Overview

Housing Market Analysis Overview:

The purpose of the Market Analysis is to provide a clear picture of the environment in which the City will administer its CDBG, HOME, and ESG programs over the course of this Consolidated Plan. In conjunction with the Needs Assessment, this chapter will provide the basis for the Strategic Plan and the programs and projects to be administered. Most of the data tables in this section are populated with default data developed by the Census Bureau for HUD based on 2016-2020 American Community Survey (ACS). Other sources are noted throughout the Plan. The Market Analysis includes the following sections:

- Number of Housing Units
- Cost of Housing
- Condition of Housing
- Public and Assisted Housing
- Homeless Facilities and Services
- Special Needs Facilities and Services
- Barriers to Affordable Housing
- Non-Housing Community Development Assets
- Needs and Market Analysis Discussion

DRAFT

MA-10 Number of Housing Units – 91.210(a)&(b)(2)

Introduction

Most of Berkeley's buildings were constructed between 1875 and 1940. Densities are greatest in the areas close to college campus and Downtown, where there are multi-unit apartment buildings and large single-family homes converted to rooming houses or apartments. Density can also be found along the main arterials of the city in both older and new apartment buildings. Much of the city is characterized by small lots with one to four units.

According to the 2016-2020 American Community Survey (ACS) data below, there are 50,045 housing units in Berkeley. Single family homes, in both detached and attached structures, comprise 45% of the City's housing units. Multi-unit structures of two to four units make up 21% of total housing units, while structures with five to 19 units comprise 18%, and structures of 20 or more make up 16%.

Between 2015 and 2022, Berkeley approved 4,631 new units of housing. The 828 homes completed in 2022 more than doubled the 295 units finished in 2021. (https://www.berkeleyside.org/2023/07/25/berkeley-housing-boom-construction) In addition, while not subject to City approvals, the University of California in 2024 opened a 772-bed dormitory for transfer students and started construction on another 1,100 bed housing complex for students. (https://www.berkeleyside.org/2024/08/02/helen-diller-anchor-house-opening-uc-berkeley) Increased student housing offerings are likely to ease competition for other housing in Berkeley, although it remains to be seen whether the impact is noticeable.

Consistent with state law, the City has passed multiple changes to streamline the permitting of Accessory Dwelling Units. In 2023, the City entitled and permitted 95 ADUs, and 91 were completed. (Housing Element and General Plan Annual Progress Reports report to Council, March 27, 2024).

All residential properties by number of units

Property Type	Number	%
1-unit detached structure	20,430	41%
1-unit, attached structure	2,005	4%
2-4 units	10,285	21%
5-19 units	8,915	18%
20 or more units	8,255	16%
Mobile Home, boat, RV, van, etc.	155	0%
Total	***50,045***	***100%***

Table 26 – Residential Properties by Unit Number

Data Source: 2016-2020 ACS

Unit Size by Tenure

	Owners		Renters	
	Number	%	Number	%
No bedroom	110	1%	3,720	14%

	Owners		Renters	
	Number	%	Number	%
1 bedroom	1,200	6%	9,405	36%
2 bedrooms	5,330	27%	9,110	35%
3 or more bedrooms	13,035	66%	3,975	15%
Total	***19,675***	***100%***	***26,210***	***100%***

Table 27 – Unit Size by Tenure

Data Source: 2016-2020 ACS

Describe the number and targeting (income level/type of family served) of units assisted with federal, state, and local programs.

Under the City of Berkeley's Housing Trust Fund (HTF), the City of Berkeley has assisted the development of 56 properties consisting of 1,690 total rental units, including 1,513 affordable units and 68 homeownership units. Of the 1,690 rental housing units, 83% of the units serve extremely low- and low-income families and individuals; 28% are designated specifically for extremely low and low-income seniors; and 16% serve a targeted special needs population, including formerly homeless, people with physical and/or development disabilities, people with AIDS and Transition-Aged Youth.

Since the inception of the HTF in 1990, the City has invested a variety of funds, including the City's allocation of federal HOME and CDBG funds, former redevelopment funds, City general funds, local bond measure revenue and other local sources of funding. The City's investment has enabled local nonprofit project sponsors to leverage other financing, including state and federal low-income housing tax credits, many types of state funds, and in a few projects, federal New Markets Tax Credits. The majority of the City-assisted housing projects is 100% affordable and meets the deepest affordability levels per the City's Housing Trust Fund guidelines. Under the City's guidelines, project sponsors are required to set aside at least 60% of all the units for extremely low and very low-income households, including a 20% set-aside for families and individuals who are extremely low-income. Berkeley has made significant strides in expanding local funds to address the needs of displaced residents and the region's increasingly unaffordable housing prices.

Provide an assessment of units expected to be lost from the affordable housing inventory for any reason, such as expiration of Section 8 contracts.

A total of three projects (92 units) are at-risk for potential conversion to market rate units between 2025 and 2030. All three of these properties are owned and operated by nonprofit organizations and the City has no indication that the owners intend to convert the units to market rate; therefore, the risk of conversion to market-rate units is low.

All three of the at-risk projects are reliant on project-based subsidies from the U.S. Department of Housing and Urban Development (HUD) that are currently renewable on an annual basis and do not have other known restrictions recorded on the property which would prevent conversion to market rate. These vouchers allow the project owner to collect HUD's Fair Market Rent, restrict occupancy to lower income residents, and assure that the resident will only be responsible for that portion of rent equal to 30% of their income. Because these vouchers are contingent on annual appropriations from the

federal government, the vouchers must be renewed annually; therefore, the units are constantly "at risk" from possible changes in federal policy and funding priorities.

Additionally, all three properties are beyond their original affordability expiration date and the owners could decide not to renew their subsidy in any given year. However, over time, data and experience have shown that many owners continue to renew their contracts beyond the original expiration date, providing evidence that the link between affordability expiration date and conversion is not inevitable. This is particularly true for projects owned by mission-based housing nonprofit organizations.

Name and Address	Number of Units	Owner
Bonita Grove 1910-1912 Hearst St.	2	Bonita House Inc.
Lawrence Moore Manor 1909 Cedar St.	46	Satellite Affordable Housing Associates
Stuart Pratt Manor 2020 Durant Ave	44	Satellite Affordable Housing Associates
Total	**92**	

Table 28 – Affordable Housing Locations

Does the availability of housing units meet the needs of the population?

Despite the City's commitment to investing in affordable housing, and the many projects and programs that the City has supported, there is not enough affordable housing to meet the needs of the population in Berkeley, throughout the Bay Area and in coastal California. In the November 2018 Measure O ballot language, the City set a goal of achieving ten percent reserved affordable housing by 2030. The combined funds of Measures U1, O, and the existing Housing Trust Fund seek to meet this new goal by leveraging county, state, and federal funds. The Bay Area, including Berkeley, has some of the highest housing costs in the country.

Real estate website Zillow.com, using data from November 22, 2024, estimates the median rental price for all types of housing in Berkeley to be $2,600 per month, 28% higher than a national media of $2,025, with 676 rentals currently available. Berkeley's median is similar to neighboring Emeryville ($2,500) and Albany ($2,900). (https://www.zillow.com/rental-manager/market-trends/berkeley-ca/). Zillow also estimated the median sales price for a home in Berkeley at $1,387,085, virtually the same (-0.4%) as the year before, and down from a peak of $1,566,946 in May 2022. These prices do not reflect a market that includes homes within reach for most households working minimum wage jobs or extremely low-, very low-, and low-income households. Part of the challenge contributing to the high cost and housing demand is that the regional housing supply has not grown to meet the regional job economy, despite pandemic related economic slowdown.

In addition to the ongoing needs for housing for extremely low, very low, and low-income households, there is evidence that housing is becoming unaffordable for even households above low-income levels. As one example of the local affordability issues, it is very difficult to find housing units for rent at HUD's Fair Market Rents (FMR) in Berkeley, impacting the City's Shelter Plus Care program and the Berkeley Housing Authority's (BHA) Housing Choice Voucher and Special Purpose Voucher programs. BHA reports a 61 percent success rate in leasing up in FY2024. This means that only 61 percent of vouchers issued in the past 12 months were able to find a unit in Berkeley. The City has also heard from the BHA and social services providers that there are not enough ADA units which are affordable, even for Housing Choice Voucher holders.

Describe the need for specific types of housing:

The American Community Survey data summarized in this plan shows that households at all income levels are rent burdened in Berkeley. The portion of rent burdened households increases as household income decreases. Therefore, housing affordable to households at a variety of income ranges is needed. Based on anecdotal data, it appears that finding ADA units is also challenging, and that more ADA units are needed.

Discussion

Affordable housing units of all types are needed to meet local housing needs.

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MA-15 Housing Market Analysis: Cost of Housing - 91.210(a)

Introduction

Cost of Housing

	Base Year: 2009	Most Recent Year: 2020	% Change
Median Home Value	741,900	1,059,500	43%
Median Contract Rent	1,303	1,689	30%

Table 29 – Cost of Housing

Data Source: 2000 Census (Base Year), 2016-2020 ACS (Most Recent Year)

Rent Paid	Number	%
Less than $500	1,860	7.1%
$500-999	3,545	13.5%
$1,000-1,499	5,705	21.8%
$1,500-1,999	5,930	22.6%
$2,000 or more	9,160	35.0%
Total	***26,200***	***100.0%***

Table 30 - Rent Paid

Data Source: 2016-2020 ACS

Housing Affordability

Number of Units affordable to Households earning	Renter	Owner
30% HAMFI	2,030	No Data
50% HAMFI	5,325	240
80% HAMFI	11,710	445
100% HAMFI	No Data	678
Total	***19,065***	***1,363***

Table 31 – Housing Affordability

Data Source: 2016-2020 CHAS

Monthly Rent

Monthly Rent ($)	Efficiency (no bedroom)	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
Fair Market Rent	1,658	1,969	2,405	3,144	3,706
High HOME Rent	1,390	1,491	1,791	2,060	2,279
Low HOME Rent	1,085	1,162	1,395	1,611	1,797

Table 32 – Monthly Rent

Data Source: HUD FMR and HOME Rents

Is there sufficient housing for households at all income levels?

There is not sufficient housing for households at all income levels, evidenced by Berkeley being situated within the metro area with the nation's highest rents and home prices combined with a historically low vacancy rate.

How is affordability of housing likely to change considering changes to home values and/or rents?

Although the pandemic-related economic slowdown and rising interest rates have cooled off housing costs that were previously rising rapidly, the Bay Area in general and Berkeley in particular remain among the least affordable areas in the country. Demand for housing in Berkeley is driven by the continued growth of the University of California – Berkeley and the continued increase in employment opportunities in the region combined with a constrained housing supply. Housing development historically lagged job growth in the region, and remains constrained due to the availability of land, rising interest rates, and local concerns about overdevelopment. Because of these factors, it is likely that affordability will remain a concern in Berkeley.

How do HOME rents / Fair Market Rent compare to Area Median Rent? How might this impact your strategy to produce or preserve affordable housing?

The median contract rent reported in the 2016 - 2020 American Community Survey data above (the most recent) was $1,689. However, this figure does not reflect the true cost for households seeking housing today. More than 19,000 housing units in Berkeley are rent controlled under the Berkeley Rent Stabilization Ordinance. These requirements apply to most multifamily housing built before June 1980, and single-family homes with a tenant who moved in before 1996. Rent increases are limited once tenants move in and can be re-set to market rate when units turn over. ACS' inclusion of all units from newly occupied, unrestricted apartments to low-term occupied rent-controlled units means that this figure understates the cost of renting an apartment in Berkeley today. It also does not distinguish between unit sizes, when rents actually range widely.

The following table presents current (as of November 2024) rents in comparison with the current FMR and Low HOME Rent.

Unit Type	Average Rent – Apartments.com 11/2024	Fair Market Rent (as a percentage of average)	Low HOME Rent (as a percentage of average)
Studio	2,031	1,658 (82%)	1,085 (53%)
1-bedroom	2,284	1,969 (86%)	1,162 (51%)
2-bedroom	3,171	2,405 (76%)	1,395 (44%)
3-bedroom	4,499	3,144 (70%)	1,611 (36%)

Table 33 – Rent Comparisons

Data Source: Average rent data: https://www.apartments.com/rent-market-trends/berkeley-ca/

Both are substantially lower than the average rent, which is very important to the stability of lower income households who have made it into an apartment with restricted rent. Additionally, the Berkeley Rent Stabilization Board provided information about the rents paid for new tenancies reported in their online database, which are similarly much higher than the FMR and HOME rents.

Average Rents, only for new tenancies reported to the Berkeley Rent Stabilization Board

Number of bedrooms	Average rent, 2022	Average rent, 2023
Studio	1,991	2,020
1 – Bedroom	2,361	2,428
2 – Bedroom	3,889	3,293
3 - Bedroom	4,403	4,306
All Units	2,943	2,761

Table 34 – Average Rent

Sources: Berkeley Rent Stabilization Board internal memos dated 9/19/2024, "Average Rents for New **Tenancies:** January 1, 2023 through December 31, 2023" and 7/20/2023, "Average Rents for New **Tenancies**: January 1, 2022 through December 31, 2022"

The City's strategy has been to preserve and increase the number of apartments with project-based Housing Choice Vouchers and HOME-restricted rents. The discrepancy between the Fair Market Rents and average rents unfortunately also means that it is challenging to find an apartment that will accept the payment available through a Housing Choice voucher or Shelter Plus Care certificate, leading to barriers to fully utilizing those programs. The City's strategy has been to fund the services organizations providing Shelter Plus Care services to provide participants with assistance finding apartments, and to add requirements to its inclusionary housing program to promote voucher and certificate acceptance.

Discussion

High costs of developing housing in Berkeley and the entire Bay Area contribute to high rents. Given the limited amount of HOME funding the City receives, these high development costs require affordable developers to pursue multiple, highly competitive sources of funding which can take years to assemble. New State of California laws addressing housing production and local housing investment have improved affordable housing funding opportunities.

MA-20 Housing Market Analysis: Condition of Housing – 91.210(a)

Introduction

Berkeley's urban landscape reveals a great deal about how the City was developed. Building styles, which are typically associated with a particular time period, vary from neighborhood to neighborhood and even from street to street. In some places, different stages of development are revealed by an occasional remnant Victorian, or by the area's general mixture of later styles. The early transportation hubs can still be detected by the evidence of commercial centers and building clusters from different decades.

Broadly speaking, the areas close to college campuses and Downtown had their initial construction in the 19th Century, though many of them were later substantially rebuilt. West Berkeley, and the village of Lorin in South Berkeley, also had their start in the 19th Century. The initial pattern was a response to the original transportation system of boats, streetcars, and trains. The areas in between remained largely open for some time and then filled in, especially in the first three decades of the 1900s. The expanded suburban development in the hills followed the opening of new streetcar lines, the 1906 earthquake, and ultimately the common use of the automobile.

Densities are greatest in the areas close to college campuses and Downtown, where there are multi-unit apartment buildings and large single-family homes converted to rooming houses or apartments. Density can also be found along the main arterials of the city in both older and new apartment buildings. The majority of the city is characterized by small lots with one to four units.

According to the Department of Finance, there were 51,523 housing units in Berkeley in 2020. This represents a four percent increase from 2010 and a ten percent increase since 2000. Berkeley's housing growth rate is lower than that of Alameda County. In the past twenty years, there has been a 13% increase in housing units in the County. (Berkeley's 2023-2031 Housing Element, https://berkeleyca.gov/sites/default/files/documents/2022-10-17_Berkeley_RevisedDraftHEU_COMBINED_Lo_0.pdf)

Describe the jurisdiction's definition of "standard condition" and "substandard condition but suitable for rehabilitation":

The City of Berkeley uses HUD's Housing Quality Standards (HQS) to define "standard condition" for units in the rental assistance programs. HQS consists of the following thirteen performance requirements: sanitary facilities; food preparation and refuse disposal; space and security; thermal environmental; structure and materials; interior air quality; water supply; lead-based paint; site and neighborhood; sanitary condition; and smoke detectors. For example, the dwelling unit must have suitable space and equipment to store, prepare, and serve food in a sanitary manner in order to satisfy the performance requirement for food preparation and refuse disposal.

The City of Berkeley determines if a property is in substandard condition, but suitable for rehabilitation based on funding availability and requirements to bring the property to a standard condition, as verified by a third-party capital needs assessment.

This table displays the number of housing units, by tenure, based on the number of "conditions" the units has. Selected conditions are similar to housing problems in the Needs Assessment and are 1) lacks complete plumbing facilities, 2) lacks complete kitchen facilities, 3) more than one person per room, and 4) cost burden greater than 30% The table also calculates the percentage of total units that the category represents.

Condition of Units

Condition of Units	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
With one selected Condition	5,420	28%	12,675	48%
With two selected Conditions	45	0%	935	4%
With three selected Conditions	15	0%	215	1%
With four selected Conditions	0	0%	25	0%
No selected Conditions	14,195	72%	12,355	47%
Total	***19,675***	***100%***	***26,205***	***100%***

Table 35 - Condition of Units

Data Source: 2016-2020 ACS

Year Unit Built

Year Unit Built	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
2000 or later	435	2%	2,640	10%
1980-1999	1,055	5%	3,455	13%
1950-1979	3,165	16%	9,870	38%
Before 1950	15,025	76%	10,235	39%
Total	***19,680***	***99%***	***26,200***	***100%***

Table 36 – Year Unit Built

Data Source: 2016-2020 CHAS

Risk of Lead-Based Paint Hazard

Risk of Lead-Based Paint Hazard	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
Total Number of Units Built Before 1980	18,190	92%	20,105	77%
Housing Units build before 1980 with children present	474	2%	120	0%

Table 37 – Risk of Lead-Based Paint

Data Source: 2016-2020 ACS (Total Units) 2016-2020 CHAS (Units with Children present)

Vacant Units

	Suitable for Rehabilitation	Not Suitable for Rehabilitation	Total
Vacant Units			
Abandoned Vacant Units			
REO Properties			
Abandoned REO Properties			

Table 38 - Vacant Units

The original Table 36 - Vacant Units Table above generated by HUD using CHAS data does not include any information on vacancy rates.

From the *2023 – 2031 Housing Element*: A certain number of vacancies in a community is necessary to moderate housing costs, provide some level of choice for households seeking housing, and provide incentive to keep units in decent condition. Vacancy rates for rental properties are typically higher than owner occupied properties because rental units tend to turnover more frequently. A vacancy rate is considered to be healthy if it permits adequate choices and mobility among a variety of housing units. A healthy rate is considered to be five to six percent for rental units and two to three percent for owner occupied units.

According to the American Community Survey, vacancy rates have decreased over the last several years (see Table 3.20) and are well below optimal levels. The 2015-2019 American Community Survey estimates a vacancy rate of a third of one percent for owner occupied units and two and four tenths of a percent for rental units. Vacancy rates in Alameda County are higher than in Berkeley; however, they are also below healthy levels. Table 3.21 provides insight into the types of vacancies that exist within the City. The largest vacancy type in Berkeley, Alameda County, and the Bay area is "other vacant" (55%, 44%, and 36%, respectively). The Census Bureau defines "other vacant" as units that do not fit into any other year-round vacant category. It is possible that short-term vacation rentals account for a significant subset of this category. The proportion of units for sale and units for rent are lower in Berkeley than in Alameda County and the Bay area.

Table 3.20: Vacancy Rates in Berkeley and Alameda County (2019)

Vacancy Rates	Berkeley		Alameda County	
	2010-2014	2015-2019	2010-2014	2015-2019
Vacant Housing Units (% of Total)	7.6%	6.8%	6.0%	5.1%
Homeowner Vacancy Rate	0.9%	0.3%	1.3%	0.6%
Rental Vacancy Rate	3.8%	2.4%	3.9%	2.9%

Source: American Community Survey, 5-Year Estimates (2015-2019) Note: Overall vacancy includes units that are seasonally occupied units.

Table 3.21: Vacancy by Type (2019)

Vacancy Type	Berkeley		Alameda County (Percent)	Bay Area (Percent)
	Number	Percent		
For Rent	635	19%	26%	24%
For Sale	52	2%	6%	6%
For Seasonal, Recreational, or Occasional Use	397	12%	13%	22%
Other Vacant	1,827	55%	44%	36%
Rented, Not Occupied	299	9%	5%	6%
Sold, Not Occupied	112	3%	6%	7%

Source: ABAG Housing Element Data Package (based on American Community Survey, 5-Year Estimates (2015-2019)) Note: "Other Vacant" as defined by the Census Bureau is a housing unit that does not fit into any other year-round vacant category.

Figure 1: Vacancy Rates

Source: 2023 – 2031 Housing Element, https://berkeleyca.gov/sites/default/files/documents/2022-10-17_Berkeley_RevisedDraftHEU_COMBINED_Lo_0.pdf

Need for Owner and Rental Rehabilitation

From the *2023 – 2031 Housing Element*:

The age of a community's housing stock can provide insight into the level of maintenance and rehabilitation needs. Generally, structures over 30 years old are likely to have significant rehabilitation needs which may include a new roof, foundation repairs, and new plumbing. Berkeley has a significant proportion of older units, with nearly half of all units constructed before 1939. Overall, 95% of Berkeley's housing stock will be over 30 years old by the end of this housing element planning cycle and 86% will be over 50 years old.

According to the 2014-2019 American Community Survey, the median year structure built for the City's housing stock is 1942. However, the City's owner-occupied housing stock is significantly older with a median age older than 1939, compared to a median age of 1958 for renter occupied units. Regardless of tenure, rehabilitation and maintenance is an ongoing need to preserve the quality of the City's housing stock.

Lack of sufficient plumbing and kitchen facilities is another indicator of substandard housing conditions. Although units without sufficient plumbing or kitchens are rare in Berkeley, renter households are more likely to reside in a unit with one of these issues. The 2015-2019 American Community Survey estimates that about two thirds of a percent of owner-occupied units and about two and one tenths of a percent of renter occupied units lack sufficient kitchen facilities. Lack of sufficient plumbing is rarer, with a third of one percent of owner-occupied units and one and two tenths of a percent of rental units lacking sufficient plumbing (Table 3.22).

Local building and code enforcement divisions can also provide insight into the condition of housing units in the community, based on complaints filed, inspections, code violations, and other observations. Based on 2021 activity, there were a total of 303 code enforcement cases reported, of which 238 were resolved. The average number of days to resolve a case was 53 days. Approximately 15-18% of complaint-based code enforcement cases are identified as blight cases (approximately 35 cases in 2022), which suggests that there are potentially more units in need of rehabilitation or replacement. A more accurate number of housing units in need of rehabilitation is approximately between 1,000 to 2,500 units, or less than five percent of the City's total housing stock.

(2023 – 2031 Housing Element, https://berkeleyca.gov/sites/default/files/documents/2022-10-17_Berkeley_RevisedDraftHEU_COMBINED_Lo_0.pdf)

Estimated Number of Housing Units Occupied by Low- or Moderate-Income Families with LBP Hazards

There is no current estimate for the number of housing units occupied by low- or moderate-income families with Lead Based Paint Hazards. Because Berkeley has so much older housing stock, lead based paint is likely present in many residences. The City of Berkeley Childhood Lead Poisoning Prevention Program collaborates with the Berkeley Health, Housing & Community Services Department's Registered Environmental Health Specialist on responding to resident inquiries on housing lead concerns.

Berkeley's program provides education, information, and resources through community outreach events and presentations to parenting/family groups, community organizations, and health education and resource fairs. From July 2022-June 2024, Berkeley's CLPPP staff provided outreach, education and resource/referrals to 1,801 people.

Discussion

Housing affordability continues to be the City's most significant housing challenge. The City's older housing stock is generally well maintained, with relatively low rates of housing problems and substandard housing. Low vacancy rates show strong continued demand for rental and ownership housing in Berkeley. The last decade has seen more housing development in Berkeley than in prior periods, and development continues despite some cooling with increased interest rates. Planning and pre-development activities are underway for substantial new developments at the North Berkeley and Ashby BART stations. Additionally, the University of California at Berkeley has increased its production of student housing opportunities on University property, not reflected in Berkeley's production numbers.

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MA-25 Public and Assisted Housing – 91.210(b)

Introduction

The eCon Plan Suite generated table below shows 61 units of public housing under the Berkeley Housing Authority. This housing portfolio was sold to Related California for continued use as affordable housing in approximately 2015. BHA no longer manages these units.

Totals Number of Units

Program Type									
	Certificate	Mod-Rehab	Public Housing	Vouchers					
				Total	Project -based	Tenant - based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
# of units vouchers available	0	87	61	1,844	195	1,649	0	0	0
# of accessible units									
*includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition									

Table 39 – Total Number of Units by Program Type

Data Source: PIC (PIH Information Center)

Describe the supply of public housing developments:

The Berkeley Housing Authority no longer owns or operates public housing. Its former portfolio of 75 family units was acquired and rehabilitated by Related California and is now known as Berkeley 75. The units are located on three and two thirds acres across 15 sites throughout the City of Berkeley. These three- and four-bedroom, one- and two-story attached townhomes are situated in low-density residential neighborhoods near schools, parks, shopping and transit. Fourteen of the townhomes were built in 1981 with state Rental Housing Construction Program funds and 61 were completed in 1986 as Low-Income Public Housing units. The development is now owned and operated by Related California under a 99-year ground lease with Berkeley Housing Authority and the City of Berkeley. (https://www.relatedcalifornia.com/our-company/properties/berkeley-75)

Describe the number and physical condition of public housing units in the jurisdiction, including those that are participating in an approved Public Housing Agency Plan:

Not applicable

Public Housing Condition

Public Housing Development	Average Inspection Score

Table 40 - Public Housing Condition

Describe the restoration and revitalization needs of public housing units in the jurisdiction:

Not applicable

Describe the public housing agency's strategy for improving the living environment of low- and moderate-income families residing in public housing:

Not applicable

Discussion:

Not applicable

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MA-30 Homeless Facilities and Services – 91.210(c)

Introduction

The City funds a wide range of homeless programs including 395 year-round shelter beds, 64 transitional housing beds and 100 seasonal shelter beds. BOSS Harrison House shelter has ten beds reserved for Alameda County Behavioral Health Care Services Agency (BHCS). The remaining beds are available to literally homeless individuals and families who have been assessed by Bay Area Community Services, North County Housing Resource Center for adults without minor children ore Women's Daytime Drop-in Center, the Housing Resource Center for literally homeless families.

The City funds 27 transitional housing beds in two programs, one for families and one for transition age youth. The City also funds tenant support services in permanent housing in both project based and scattered site housing that use rental subsidies.

Facilities and Housing Targeted to Homeless Households

	Emergency Shelter Beds		Transitional Housing Beds	Permanent Supportive Housing Beds	
	Year Round Beds (Current & New)	Voucher / Seasonal / Overflow Beds	Current & New	Current & New*	Under Development
Households with Adult(s) and Child(ren)	40	0	15	*	
Households with Only Adults	255	100	27	345	51
Chronically Homeless Households	0	0	0	571	51
Veterans	0	0	22	*	11
Unaccompanied Youth	0	0			0

Table 41 - Facilities and Housing Targeted to Homeless Households

***The Shelter Plus Care Program has approximately 270 tenant-based vouchers. These vouchers are assigned by Alameda County Coordinated Entry System based on household vulnerability and need, not type of household.**

Data source: City of Berkeley

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Provider Name	Address	Program Name	Population	Family Beds	Individual Beds	Year Round	Seasonal Only
Insight Housing	Berkeley	Men's Housing Program	Single Males		32	32	0
Insight Housing	Berkeley	Women's Housing Program	Single Females		32	32	0
Insight Housing	Berkeley	The Campus*	Single households		23	23	0
Insight Housing	Berkeley	Berkeley Respite Shelter*	Single households		8	8	0
Building Opportunities for Self Sufficiency	Berkeley	Harrison House	Single Males and Females and Families	40 (14 family units)	50	90	0
Bay Area Community Services	Berkeley	Pathways STAIR Center	Single households		42	42	0
Dorothy Day House	Berkeley	Emergency Storm Shelter	Single households		25	0	25
Dorothy Day House	Berkeley	Inclement Weather Shelter	Single households		40	0	40
Dorothy Day House	Berkeley	Beyond Horizon*	Single households		25	25	0
Dorothy Day House	Berkeley	Howard Johnson*	Single households		26	26	0
Dorothy Day House	Berkeley	Veteran's Building Shelter	Single households		52	52	0

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City of Berkeley	Berkeley	Winter Voucher Program	All households				15
Women's Daytime Drop-in Center	Berkeley	Winter Voucher Program	Families				20

*Non-congregate shelter **Figure 2 - Current Inventory: Emergency Shelters**

Source: City of Berkeley, Housing and Community Services Division

Provider Name	Address	Program Name	Population	Family Beds	Individual Beds	Year Round
Insight Housing	Berkeley	Veteran's Program	Single Males		12	12
Bonita House	Berkeley	Bonita House	Single households		15	15
Larkin Street Youth Services	Berkeley	Turning Point	Single households (18-25)		12	12
Resources for Community Development	Berkeley	Ashby House	Single Veterans		10	10
Women's Daytime Drop-in Center	Berkeley	Bridget House	Families	15 beds (5 units)		15

Figure 3 - Current Inventory: Transitional Housing

Source: City of Berkeley, Housing and Community Services Division

Provider Name	Address	Project Name	Population	Units	Beds /Rooms
Bonita House	Berkeley	City of Berkeley Shelter Plus Care	Single households		7
Bonita House	Oakland	City of Berkeley Shelter Plus Care	Single households	6	8
Building Opportunity for Self-Sufficiency	Berkeley	Step Up Housing	Single households	39	39

City of Berkeley	Tenant Based Rental Assistance	Square One	Single households and families	6	6
City of Berkeley	Tenant Based Rental Assistance(TBRA)	City of Berkeley Shelter Plus Care	Single households and families	235	233
City of Berkeley	Tenant Based Rental Assistance(TBRA)	City of Berkeley Shelter Plus Care (Alameda County TRA)	Single households and families	34	34
City of Berkeley	Berkeley	McKinley House	Single households	7	7
City of Berkeley - Berkeley Housing Authority	Tenant Based Rental Assistance	Non-elderly Disabled (NED)	Single households and families	121	121
Insight Housing (formerly Berkeley Food and Housing Project)	Berkeley	Russell Street Residence	Single households		17
Insight Housing (formerly Berkeley Food and Housing Project)	Berkeley	Russell Street Residence Annex	Single households		4
Insight Housing (formerly Berkeley Food and Housing Project)	Berkeley	Hope Center	Single households	53	53
Insight Housing (formerly Berkeley Food and Housing Project)	Berkeley	Veteran's Project	Single households		11
Memar Properties and Bay Area Community Services	Berkeley	Golden Bear Homes	Single households	43	43
Memar Properties and Housing Consortium of the East Bay	Berkeley	University Homes	Single households	43	43
Northern California Land Trust	Berkeley	Haste House	Single households		7
Resources for Community Development (RCD)	Berkeley	Erna P. Harris Court	Single households	35	35

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Resources for Community Development (RCD)	Berkeley	Oxford Plaza	Single households	4	4
Resources for Community Development (RCD)	Berkeley	U.A. Homes	Single households	0	74
Resources for Community Development (RCD)	Berkeley	Maudelle Shirek Community	Single households and families	12	12
Satellite Affordable Housing Associates	Berkeley	Peter Babcock House	Single households		5
Satellite Affordable Housing Associates	Berkeley	Harmon Gardens	Single households	15	15
Satellite Affordable Housing Associates	Berkeley	Jordan Court	Single households	12	12
			Total	665	794

Notes: Affordable rental housing is listed by the number of units. Developments providing congregate (shared kitchens, baths) housing are listed by the number of beds/rooms. There are other permanent housing developments in Berkeley that may be affordable to people who are homeless and offer some level of social services to residents which are not listed here. This table lists only developments/projects specifically targeted toward people who are homeless at entry.

Figure 4 - Current Inventory: Permanent Supportive Housing

Source: City of Berkeley, Housing and Community Services Division

Describe mainstream services, such as health, mental health, and employment services to the extent those services are used to complement services targeted to homeless persons

All homeless agencies rely in part on mainstream services to meet the needs of their clients. Berkeley has its own Mental Health Division that accepts referrals from homeless providers and also outreaches to homeless people living on the streets. Berkeley is also home to Lifelong Medical Care and provides funding for Lifelong to serve low-income residents, including those who are homeless. In addition, the City funds Lifelong to provide services to formerly homeless people living in permanent housing in Berkeley. The City also funds both benefits advocacy services. It also funds employment training and placement services that can be utilized by people who are homeless. More information about the mainstream services utilized by homeless services providers is provided in Section SP-60.

List and describe services and facilities that meet the needs of homeless persons, particularly chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth. If the services and facilities are listed on screen SP-40 Institutional Delivery Structure or screen MA-35 Special Needs Facilities and Services, describe how these facilities and services specifically address the needs of these populations.

The following information about Berkeley's system of care for unhoused people comes from the Spring 2024 Klingmann report, Part II: Berkeley's Current System of Care, pages 10 to 17:

"Berkeley's homelessness system of care was dramatically reshaped by the COVID-19 pandemic, in ways that are reflected in the data in this section. The pandemic response brought unprecedented new resources and new priorities, including increased need for non-congregate shelter and reduced capacity in congregate shelters. As of 2023, the system was adjusting to the new normal in the post-emergency period. Federal funds were rapidly drawing down and the City and County were providing additional services to transition people out of temporary FEMA shelters.

Emergency shelter and transitional housing

Berkeley had nearly 350 shelter beds at the start of 2023, 108 of which were seasonal and open only during the winter months. Over the course of 2023, over 900 individual people used a shelter bed in Berkeley. The city also had about fifty transitional housing beds dedicated for specific populations, including transition-aged youth, people with substance abuse disorders, and veterans.

Non-congregate shelter beds have become more common, though most are designated for specific purposes. Since the COVID-19 pandemic, new shelter beds in Berkeley are increasingly likely to be in non-congregate settings, meaning that residents have a private room or space rather than sleeping in a dorm-style shelter. When paired with case management and housing navigation on site, this model is sometimes referred to as "interim housing."

More than a third of Berkeley's shelter beds were non-congregate as of the 2023 HIC count, more than triple the number of non-congregate beds available in 2021. Several additional non-congregate shelters opened in Berkeley later in 2023, such as the Dorothy Day House University Community Shelter. This growth has made up for the closure of the FEMA COVID-19 shelters in 2022.

Non-congregate shelters in Berkeley are operate according to funding streams or program goals for particular purposes. For instance, several are intended for people from specific encampments, while others serve populations such as families or SSI recipients. These non-congregate shelters necessarily have lower capacity than congregate shelters, with an average of 22 beds per facility. Nevertheless, during 2023 non-congregate shelters served 317 individual people out of the 900 who obtained shelter.

Permanent housing

Berkeley has a growing inventory of permanent supportive housing (PSH). Berkeley had 592 beds of permanent supportive housing (PSH) in early 2023. These units are intended for formerly homeless people with high needs: they require disability for entry and provide ongoing wrap-around services in addition to a subsidized unit. About ten percent of the PSH units in Berkeley are dedicated to families with children.

The permanent supportive housing available in 2023 represents an increase of nearly one hundred beds from the 2022 HIC. The city added both the HOPE Center in downtown Berkeley and the Golden Bear Hotel during 2022. There are additional PSH units in the pipeline set to open in the coming years.

Coordinated Entry is intended to triage resources county-wide, so new PSH beds in Berkeley are not guaranteed to go to people experiencing homelessness in the city. The County's current policies allow both PSH programs and individuals waiting on the queue to indicate a geographic preference. Nevertheless, some of the people who move into Berkeley PSH units are from outside the city's borders and some Berkeley residents move into housing elsewhere in the county. Of the approximately 200 people who entered permanent supportive housing in Berkeley from 2021 to 2023, most had some previous connection to Berkeley, but about ten to fifteen percent had last obtained services from elsewhere in Alameda County.

People in PSH tend to stay there: the median person enrolled in PSH in 2023 had spent about five and a half years in their unit. The vast majority, 92%, had been enrolled for more than a year. More than half (298) of Berkeley's PSH units are administered as tenant-based vouchers, meaning that residents rent a unit from a private landlord.

Rapid rehousing (RRH) serves people for shorter stints. At the start of 2023, Berkeley had 61 rapid rehousing slots, some of which were specifically designated for veterans. RRH provides short-term rental assistance and supports to people exiting homelessness into private rental units. The assistance tapers off after a few months to a year. Because of this difference in service model and focus, each rapid rehousing slot can serve more people over the course of a year. Sixty rapid rehousing slots in 2023 served over 300 people, and clients enrolled in RRH during 2023 spent a median of 241 days in the program in total.

Berkeley had more than double the rapid rehousing slots available at the 2022 Housing Inventory Count compared to 2023, largely due to a pot of dedicated City and County funding to transition people out of the temporary COVID-era FEMA shelters. The City also continues to fund a few slots of rapid rehousing for residents in a respite shelter for medically vulnerable people.

A small proportion of federal vouchers are designated for people experiencing homelessness. The Berkeley Housing Authority administers the Housing Choice Voucher (HCV) program. As of November 2023, the BHA had authority for 2,110 vouchers, which are distributed to households in Berkeley who make less than fifty percent area median income. The need for these vouchers far outstrips demand: when the BHA opened its waitlist for the first time in over ten years in 2022, over 21,000 households applied.

About eight percent of these vouchers are specifically targeted to people experiencing homelessness. These include Veterans Authority Supportive Housing (VASH) vouchers, which are designated for homeless veterans, and "mainstream" vouchers, which are designated for non-elderly disabled people referred through the Coordinated Entry system. BHA project-based vouchers also fund the operations of two permanent supportive housing SRO buildings, Erna P. Harris Courts and UA Homes. Lastly, HUD issued 51 Emergency Housing Vouchers to Berkeley in response to the COVID-19 pandemic. These vouchers were distributed through Coordinated Entry, but they were a one-time expansion and will not continue after current voucher-holders give them up. BHA does not currently prioritize people experiencing homelessness for regular Housing Choice Vouchers, though this is allowed by federal law.

Berkeley is now prioritizing people experiencing homelessness for some other subsidized housing. Berkeley has over 2,000 subsidized or regulated affordable housing units for low-income people, funded by a range of overlapping funding sources and programs. As of 2024, there were 1,537 units in Berkeley that received funding from the City's Housing Trust Fund (HTF), which leverages state and federal sources such as the Low-Income Housing Tax Credit. The City also monitors 597 units of regulated below-market-rent (BMR) housing that are required by the City's inclusionary zoning ordinance.

Some of these units are designated for people experiencing homelessness—for instance, the HTF supports permanent supportive housing projects, and a portion of BMR units are set aside for permanent supportive housing voucher tenants.

Prevention, retention, and problem-solving

Flexible funds and housing navigation help people in a variety of circumstances. Berkeley's system of care funds a wide range of services intended to support people along their path to housing, including short-term rental assistance, counseling, legal help, move-in assistance, and housing search assistance. The purpose of these services can vary, from supporting people who are entering housing, to retaining them once they are there, to preventing vulnerable people from falling into homelessness in the first place. That said, resources in Berkeley generally go first to people who are currently homeless or were recently rehoused—with limited funds, prevention is a lesser priority.

Many of these resources are distributed to service providers as "flex funds," which they can use to support clients with move-in costs, one-time rental assistance, and tenancy supports. The Housing Resource Center also provides problem-solving and navigation services to help people who have recently become homeless regain their footing, for instance by connecting them to a family member willing to take them in. In 2023, 469 unique people were served by flex funds or housing navigation services. More than two-thirds of people enrolling reported that they were literally homeless at the time they enrolled.

Basic needs and outreach

There are several day shelters and drop-in centers in Berkeley that provide storage space, shower services, hot meals, and other daily needs for unsheltered people. The drop-in centers that record enrollments in HMIS served nearly 2,000 unique people over the course of 2023, though this total probably includes people who are not homeless or live outside of Berkeley. There are also a range of services that address the basic needs of people experiencing homelessness, including medical care, laundry trucks, and hot meals.

The City and nonprofit service providers also conduct street outreach to people who are unsheltered. Some of this outreach is associated with facilities such as the STAIR Center that also provide shelter and case management. In 2023, nearly 600 unduplicated people were enrolled with a street outreach program. There are also several street outreach programs that do not report their data in HMIS, such as an outreach worker employed by the Downtown Business Association."

MA-35 Special Needs Facilities and Services – 91.210(d)

Introduction

As previously discussed in the Needs Assessment, the special needs population consists of people who are not homeless but require supportive housing and services for various reasons. This population includes (but is not limited to) people with mental, physical, and/or developmental disabilities; the elderly and frail elderly; people with alcohol or other drug addiction; people with HIV/AIDS and their families; victims of domestic violence, dating violence, sexual assault, and stalking; and transitional age youth.

Including the elderly, frail elderly, persons with disabilities (mental, physical, developmental), persons with alcohol or other drug addictions, persons with HIV/AIDS and their families, public housing residents and any other categories the jurisdiction may specify, and describe their supportive housing needs

The City of Berkeley's Aging Services Division, part of the Health, Housing & Community Services (HHCS) Department, operates two senior centers and offers a variety of computer classes, seminars, and social events for adults 55 years of age and older. The Aging Services Division offers lunch at the two senior centers, delivers meals to homebound seniors through their Meals on Wheels Program, and provides consultation/referral services via the Social Services Unit. The City also funds the following programs:

- J-Sei, Senior Services
- Easy Does It Emergency Services, Senior Paratransit Services
- LifeLong Medical Care, Primary Geriatric Care

The City of Berkeley's Mental Health Division (also part of HHCS) provides mental health prevention and intervention services with a focus on high-risk adult, youth, and families. Working closely with other City departments and community partners, the City's Mental Health Services Division provides programs for people in crisis, people with serious mental illnesses and disabilities, people in need of mental health or related social services, and children, teens, and families experiencing emotional difficulties. The division is also one of a number of agencies providing services for participants in Berkeley's Shelter Plus Care Program. Their assistance allows seriously mentally ill adults who are homeless, frequently chronically homeless, to become permanently housed with ongoing support.

In addition to the work of the Mental Health Division, the City has funded the following programs for people with disabilities using a combination of federal and local funds. These programs serve primarily non-homeless people but do not prohibit participation by people who are homeless. Programs include:

- Bay Area Outreach and Recreation Program: Recreational Services for Persons with Disabilities;
- Center for Independent Living: Residential Access Project for Disabled;
- Easy Does It: Emergency Services for Severely Disabled Transportation Program; and
- Through the Looking Glass: Parenting and Education Programs.

The City funds the following programs for people with alcohol and drug addiction:

- Lifelong Medical Care: Acupuncture Detox Clinic

The City funds the following program for victims of domestic violence:

- Family Violence Law Center: Family Violence and Homelessness Prevention

The City of Berkeley's Public Health Division provides HIV/AIDS services. The services at the public health clinic include HIV education, counseling, "opt-out" testing (conventional and Rapid HIV testing) and referral services to minimize the spread of HIV infection. For all newly positive HIV clients and for HIV + clients who have fallen out of medical care we provide a warm hand off to one of the HIV Care Clinics in the East Bay. The Public Health Division also conducts AIDS/HIV case surveillance.

Describe programs for ensuring that persons returning from mental and physical health institutions receive appropriate supportive housing

The Alameda County-wide Continuum of Care (CoC) provides several programs to ensure people returning from mental and physical health institutions receive appropriate supportive housing. Persons are not routinely discharged from health care facilities into homelessness, and the CoC worked with a variety of health care institutions to reduce discharges into literal homelessness. California enacted Senate Bill (SB) 1152 that outlines requirements of hospitals and emergency departments related to the care and discharge of homeless patients, leading the County and hospitals to establish several medical respite/recuperative care programs for homeless patients exiting emergency departments and hospitals and a locally funded housing subsidy pool to provide permanent housing subsidies for high priority homeless patients in Skilled Nursing Facilities and hospitals. Alameda County actively participates in a Medicaid waiver program focused on expanding resources and collaboration among health and housing providers to address homelessness, which has been expanded with the implementation of CalAIM. The CoC continues to implement a homelessness prevention/rapid re-housing fund, that helps hospitalized patients pay their rent so they don't lose their housing or helps them obtain housing upon exit from the facility.

Individuals with special needs, including the elderly or persons with physical or mental disabilities, need suitable housing in their communities. This segment of the population often needs affordable housing near public transportation, services, and shopping. Persons with disabilities may require units equipped with wheelchair features or other special features that accommodate physical or sensory limitations. Depending on the severity of the disability and support program regulations and reimbursement levels, along with the availability of appropriate and affordable housing, people may live independently with some assistance in their own homes or may live in assisted living or other special care facilities.

Adult Residential Facilities (ARF) provide 24-hour non-medical care for adults ages 18 through 59 years old who cannot provide for their daily needs. AFRs include board and care and care homes for adults with developmental disabilities and mental illness. Residential Care Facilities for the Elderly (RCFE) provide care, supervision, and assistance with daily living activities, such as bathing and grooming. Group homes provide 24-hour non-medical and supervision to children. Services include social, psychological, and behavioral programs for youth who need additional support. Small Family Homes (SFH) provide 24-hour care in the licensee's family residence for six or fewer children who require special supervision as a result of a mental or developmental disability or physical handicap.

There are 247 licensed care facilities with capacity to accommodate approximately 6,315 individuals within the Consortium. The cities of Hayward (827), Fremont (669), Union City (886), Pleasanton (1,432) and San Leandro (569) have the largest number of facilities and beds. The City of Berkeley has approximately 10 licensed care facilities.

Specify the activities that the jurisdiction plans to undertake during the next year to address the housing and supportive services needs identified in accordance with 91.215(e) with respect to persons who are not homeless but have other special needs. Link to one-year goals. 91.315(e)

The City of Berkeley will continue to fund public services, housing rehabilitation, public facility renovations and other housing services with federal funds in PY25. See the Strategic Plan and Annual Action Plan for more detail.

For entitlement/consortia grantees: Specify the activities that the jurisdiction plans to undertake during the next year to address the housing and supportive services needs identified in accordance with 91.215(e) with respect to persons who are not homeless but have other special needs. Link to one-year goals. (91.220(2))

Not applicable.

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MA-40 Barriers to Affordable Housing – 91.210(e)

Negative Effects of Public Policies on Affordable Housing and Residential Investment

In the development of the *2023-2031 Housing Element*, the City interviewed stakeholders to identify barriers to housing production, and the following issues were identified by participants.

"Hazard Mitigation:

- Don't reduce permitted housing in hazard zones. Focus on hazard mitigation.

Historical and Landmark Sites:

- Historical and landmark sites (local, state, and federal) create challenges, e.g., usually not possible to put a second story on top

Site Constraints:

- Small sites
- Best parcels are in retail, but most have existing tenants (can be challenging to sell)

Permitted Uses and Zoning:

- R1 and R2, especially along the corridors, should be rezoned
- Bring back the 1970s zoning – Berkeley was downzoned. Any block with a building over 10 units should be rezoned to allow the same density
- Height limits should be increased well beyond 35' - especially in areas near campus
- Look at zoning. COVID and downfall of retail, and a lot of industries have moved. City could facilitate conversion of the industrial space to housing units by providing incentives
- Not a lot of large of opportunity sites in Berkeley under the current zoning
- The City should consider building on a per bed basis for student housing

Permitted Densities and Heights:

- Land use laws and ordinances that prevent development density and height
- Need to be able to develop in excess of 100 units – ideal is 150 units. This is mostly mid-rise (5-8 stories)
- Height is the biggest constraint
- The density bonus allows for greater flexibility with building higher; however, if a building goes above 8 stories, the construction type changes and costs increase, creating additional barriers
- Lack of political will to relax development standards. Housing is very expensive to build
- The City should encourage greater density along major arterial streets

Development Standards:

- Open space as calculated in some neighborhoods is a bit high

Use Specific Plans with a Master EIR:

- Recommend using Specific Plans with Master EIR so as to streamline approach to design the project
- Entitlement and Permitting Delays
- Design review and the permitting process takes too long
- More predictability is always better for developers
- Cost continues to go up due to the amount of time to get entitled

Lack of Funding for Affordable Housing:

- Lack of funding
- Need for a local match to be available. Measure O was helpful, but three years later, most of the funding is committed to projects online or coming online. No new money needed for new projects
- Need subsidies and/or density bonuses for market-rate student housing. The market economics do not work. Need incentives for building student housing by private market
- Use of housing choice vouchers is hard for owners due to onerous processes, such as the HQS inspection

Workforce Housing Funding:

- Institutions have land but no funding (for what is subsidized housing). Successful projects depend on local bond to provide financing

Community Resistance:

- Lack of consensus about housing amongst leadership with some in support of housing and other opposing density
- City has 33 committees; there is only one that is pro-business, so a lot of resistance from a lot of fronts
- Community organization pushback to development makes it difficult to build anything. Some housing projects downsized because of pressure

Community Benefits Agreements (CBAs):

- CBAs are a black box process – there needs to be more certainty, predictability."

Source: (https://berkeleyca.gov/sites/default/files/documents/Berkeley_2023-2031%20Housing%20Element_02-17-2023v2_0.pdf, page 221)

In response, the Housing Element established a goal to address these barriers:

"Goal F: Mitigate Governmental Constraints

Berkeley should identify and mitigate barriers to the construction and improvement of housing. Policies:

- H-33 Reduce Governmental Constraints Periodically review City fees and regulations to ensure that they do not unduly constrain housing development.
- H-34 Streamlined Review Process Provide for timely and coordinated processing of residential and mixed-use development projects in order to minimize project holding costs and increase housing supply.
- H-35 Incentivize Affordable Housing Provide incentives where feasible to offset or reduce the costs of affordable housing development, including density bonuses and flexibility in site development standards."

Source: (https://berkeleyca.gov/sites/default/files/documents/Berkeley_2023-2031%20Housing%20Element_02-17-2023v2_0.pdf, page 18)

MA-45 Non-Housing Community Development Assets – 91.215 (f)

Introduction

This section covers the economic development needs of the City and provides data regarding the local economic conditions and economic development activities.

Economic Development Market Analysis

Berkeley regularly makes publicly available extensive analysis of a wide variety of economic trends and indicators in Berkeley. Following are a few highlights from the 2023 Economic Dashboard. (https://berkeleyca.gov/doing-business/economic-development/economic-dashboards-and-reports)

Between November 2022 and November 2023, the total number of jobs located in the East Bay increased by 17,200 or one and four tenths of a percent. The sectors with the highest percent growth in employment included Arts Entertainment & Recreation (up by 1,900 jobs) and Construction (up by 7,100 jobs). Other sectors including Accommodation & Food Service and Leisure & Hospitality also continue to increase employment opportunities (both are up, by approximately 5,100 and 7,000 jobs respectively).

Berkeley's top 25 employers (by number of employees) is reflective of the city's diverse economy. Top employers include four in the healthcare sector and four in the education sector, including UC Berkeley, one of the city's main economic engines. There are also a few large private sector corporations in Berkeley, notably Bayer and Meyer Sound. Two startups also made it onto the 2023 list: Upside Foods and Twelve. The Healthcare and Life Sciences sector continues to grow, representing a larger than ever percentage of Berkeley startups (35%). Software is also a key strength, comprising approximately a third. CleanTech and Hardware are also a vital part of our innovation ecosystem.

In 2023, the East Bay Economic Development Alliance completed a study on East Bay industrial lands, including regional job growth analysis and East Bay subarea profiles. "Northern Alameda" (including Berkeley) had the second highest industrial job growth (27%) between 2011-2021, behind only Southern Alameda (which grew by 77%). Industrial jobs in Northern Alameda increased by more than 8,600 over the decade, driven primarily by growth in the Life Science industry. Total life science jobs in Northern Alameda increased 51% over this period, from 10,469 to 15,782. During the same decade, manufacturing jobs in the subregion only grew by 12% to 11,610. Among the three retail sectors, Food & Beverage, Retail, and Office/Other Non-retail, the trend over the past three years is toward stabilization. These three categories comprised 62% of total commercial inventory in 2023 compared to 2019 when the trio were 69% of the City of Berkeley's inventory. Pending developments recorded in the Office/Non-Retail category has caused an 8% increase in this category since 2021 as development projects move towards completion. Once completed there is the expectation that Food & Beverage and Retail will again occupy the spaces and become a larger part of the overall commercial inventory.

Source: City of Berkeley, 2023 Economic Dashboard

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Business Activity

Business by Sector	Number of Workers	Number of Jobs	Share of Workers %	Share of Jobs %	Jobs less workers %
Agriculture, Mining, Oil & Gas Extraction	265	55	1	0	-1
Arts, Entertainment, Accommodations	5,215	8,902	14	18	5
Construction	1,326	1,774	4	4	0
Education and Health Care Services	7,156	11,666	19	24	5
Finance, Insurance, and Real Estate	2,700	1,861	7	4	-3
Information	2,511	1,710	7	4	-3
Manufacturing	1,899	4,138	5	9	4
Other Services	1,989	3,777	5	8	3
Professional, Scientific, Management Services	7,302	6,637	19	14	-6
Public Administration	0	0	0	0	0
Retail Trade	2,960	5,548	8	11	4
Transportation and Warehousing	919	132	2	0	-2
Wholesale Trade	1,003	1,000	3	2	-1
Total	35,245	47,200	--	--	--

Table 42 - Business Activity

Data Source: 2016-2020 ACS (Workers), 2020 Longitudinal Employer-Household Dynamics (Jobs)

Labor Force

Total Population in the Civilian Labor Force	67,400
Civilian Employed Population 16 years and over	63,885
Unemployment Rate	5.19
Unemployment Rate for Ages 16-24	9.88
Unemployment Rate for Ages 25-65	3.30

Table 43 - Labor Force

Data Source: 2016-2020 ACS

Berkeley's annual average unemployment rate in FY 2023 (the midpoint December 2022) was two and a half percent, down from four and a third percent the previous year. The sectors with the highest year-over-year percent growth in employment included Arts, Entertainment & Recreation (+19%), Manufacturing (up by seven percent), Retail (up by seven percent), and Accommodation & Food Services (up by six percent).

Many of the jobs in Berkeley are in the public sector, including those employed by University of California at Berkeley, Lawrence Berkeley Laboratory, Berkeley Unified School District, Berkeley City College (Peralta College) and the City of Berkeley. Berkeley's largest private sector employers include Sutter Bay Hospitals (Medical Foundation), and Health Support Services (including the Alta Bates and Herrick campuses), Bayer Corporation (pharmaceuticals manufacturing), Kaiser Permanente, and the grocery retailer Berkeley Bowl. Traditionally, Berkeley's strong employment sectors include food services, biomedical/biopharmaceutical, computer systems design services, environmental consulting

services, and arts and entertainment. It is also observed that growth opportunities abound in Berkeley's "innovation sector". More than 400 Berkeley-based tech, biotech, research and development (R&D) and other STEM (science technology engineering and math) industry businesses were either able to adapt to having a remote workforce or continued work in medical, life science, and health manufacturing facilities, with many returning to work in-person or in a hybrid format. (from the *City's 2024 Comprehensive Annual Financial Report*, https://berkeleyca.gov/sites/default/files/documents/annual-comprehensive-financial-report-fy2023.pdf)

Occupations by Sector	Number of People
Management, business and financial	28,485
Farming, fisheries and forestry occupations	1,395
Service	4,590
Sales and office	9,170
Construction, extraction, maintenance and repair	1,445
Production, transportation and material moving	1,055

Table 44 – Occupations by Sector

Data Source: 2016-2020 ACS

Travel Time

Travel Time	Number	Percentage
< 30 Minutes	27,085	53%
30-59 Minutes	16,964	33%
60 or More Minutes	7,483	15%
Total	***51,532***	***100%***

Table 45 - Travel Time

Data Source: 2016-2020 ACS

Education: Educational Attainment by Employment Status (Population 16 and Older)

Educational Attainment	In Labor Force		
	Civilian Employed	Unemployed	Not in Labor Force
Less than high school graduate	1,115	80	725
High school graduate (includes equivalency)	2,735	145	1,405
Some college or Associate's degree	6,180	405	2,260
Bachelor's degree or higher	36,650	1,330	6,265

Table 46 - Educational Attainment by Employment Status

Data Source: 2016-2020 ACS

Educational Attainment by Age

	Age				
	18–24 yrs	25–34 yrs	35–44 yrs	45–65 yrs	65+ yrs
Less than 9th grade	69	110	175	700	420
9th to 12th grade, no diploma	495	195	165	575	385
High school graduate, GED, or alternative	8,295	1,130	1,275	1,885	1,470
Some college, no degree	14,805	1,935	1,620	2,795	2,820
Associate's degree	1,210	795	595	1,105	900
Bachelor's degree	4,365	10,640	3,790	7,300	4,645
Graduate or professional degree	310	7,105	5,785	9,650	8,415

Table 47 - Educational Attainment by Age

Data Source: 2016-2020 ACS

Educational Attainment – Median Earnings in the Past 12 Months

Educational Attainment	Median Earnings in the Past 12 Months
Less than high school graduate	22,857
High school graduate (includes equivalency)	32,972
Some college or Associate's degree	36,165
Bachelor's degree	56,541
Graduate or professional degree	81,742

Table 48 – Median Earnings in the Past 12 Months

Data Source: 2016-2020 ACS

Based on the Business Activity table above, what are the major employment sectors within your jurisdiction?

Berkeley's top 25 employers (by number of employees) is reflective of the city's varied economy. Top employers include four in the healthcare sector and four in the education sector, including UC Berkeley, one of the city's main economic engines. There are also a few large private sector corporations in Berkeley, notably Bayer and Meyer Sound. Two startups also made it onto the 2023 list: Upside Foods and Twelve.

Describe the workforce and infrastructure needs of the business community:

The workforce and infrastructure needs of the business community are broad. As in most Bay Area cities, Berkeley's businesses require an educated and skilled workforce, a robust transportation system, public safety and health, a business-friendly policy climate and workforce housing. According to the City's Office of Economic Development, Berkeley's growth sectors include biotech/life sciences, information technology, health care, innovation/Research & Development, food production, food services, and small-scale manufacturing. Berkeley's varied economy also benefits from a number of public sector institutions including University of California at Berkeley, the Lawrence Berkeley National Lab.

Needs include:

- Workers with Science, Technology, Engineering and Mathematics (STEM) education;
- Transportation infrastructure, particularly linking to Berkeley's west side;
- More connections to training and job/career opportunities for people from low income households;
- And workforce housing near transit centers.

Describe any major changes that may have an economic impact, such as planned local or regional public or private sector investments or initiatives that have affected or may affect job and business growth opportunities during the planning period. Describe any needs for workforce development, business support or infrastructure these changes may create.

Some specific developments that will likely have a notable economic impact in Berkeley include:

- Increased investment and real estate activity from University of California (UC), Berkeley.
- Adopted Plans in Berkeley (the *Downtown Plan*, the *Adeline Corridor Specific Plan*, *Southside Plan*) have enabled new mixed-use development in key commercial corridors. The City must attract and support neighborhood serving businesses to fill spaces in these areas in new buildings and in areas that are adjacent to those under development.
- The pending completion of new highway interchange at Route 80 and Gilman Street complements economic growth on the west side. A new 8-acre project at 600 Addison Street boasts nearly 500,000 square ft of purpose-built life science space, and a new zoning district (Manufacturing - Research and Development) will soon be established to facilitate the development of a 10-acre site from Gilman to Page Street on the site of the former Berkeley Forge and Tool and the Pacific Steel Casting Plant.
- Berkeley benefits from a very high concentration of incubators and co-working spaces that facilitate new business starts. It is anticipated that demand for co-working spaces, wet labs, and other high-quality office space in Downtown Berkeley and its adjacent corridors Telegraph and University Avenues will continue in the future. New zoning rules developed as part of the response to the "Keep Innovation in Berkeley" referral, and sharpened with feedback from individual founders, accelerator leaders, and real estate brokers serving Berkeley's innovation sector, will make it easier for small scale research & development (R&D) firms to get established throughout town. The new regulations are anticipated to go into effect in early 2025.
- Major investments in public art and public space are bearing fruit in the downtown, particularly at the Downtown Berkeley BART Plaza, currently showcasing contemporary sound pieces and outdoor performances; a rotating sculpture installation; and ongoing arts and cultural event programming. In addition, a rotating gallery "CUBE Space" in the city owned and operated Center Street parking garage showcases a number of local artists. Investments in the arts at the most prominent public plaza by the City and its partners continues annually.

The Office of Economic Development (OED) continues its economic development initiatives to support small, independently-owned businesses including: increasing support for businesses navigating the

permitting process; modifying the zoning ordinance to support small local businesses (twice), improving outreach & communications with small businesses via newsletters, establishing and expanding small business assistance and retention programs, and increasing marketing, technical assistance, and networking opportunities for locally-owned retail and services businesses. Taken together, these projects continue to make Berkeley a more attractive location for business, catalyze more development activity, and ultimately generate new business activity and employment opportunity in the growing economic sectors mentioned above.

How do the skills and education of the current workforce correspond to employment opportunities in the jurisdiction?

The greatest unmet skills and education needs may be among the City's unemployed, underemployed and low-income populations. There is still a strong need to provide relevant job skills training and employment opportunities for these populations.

The City of Berkeley features a population that is exceptionally well-educated. Seventy-nine percent of Berkeley's population (age 16 and up) has a bachelor's degree or more education, and a large portion of those without a bachelor's degree are probably students in the midst of earning one. Many Berkeley households have one or more members who is employed in a technology-related field in the Bay Area, which has grown rapidly over the past two decades. Berkeley continues to be home to a variety of start-ups.

Describe any current workforce training initiatives, including those supported by Workforce Investment Boards, community colleges and other organizations. Describe how these efforts will support the jurisdiction's Consolidated Plan.

The City has contracted with workforce development programs to provide training, education, and job placement for low income, under-employed, and unemployed residents in addition to administering local hire policies and a youth employment program. The following programs are funded with General Funds from the City

- Inter-City Services (ICS) provides employment, training, and education to residents in Berkeley. ICS workforce development program prepares participants for high-tech careers through digital courses.
- Biotech Partners operates the Biotech Academy at Berkeley High School for students interested in exploring a career in biotechnology. Students complete a six to eight-week paid internship at a biotech company and learn job skills.
- The Bread Project provides job training and placement assistance for low/no-income individuals with multiple barriers to employment. They operate a social enterprise (wholesale bakery) that creates opportunities for trainees to obtain crucial on-the-job experience.
- Rising Sun Center for Opportunity, Opportunity Build program is a construction apprenticeship readiness program that offers intensive hands-on training along with a full year of job placement support and comprehensive wraparound services. Rising Sun also operates the California Youth Energy Services (CYES) program funded by the CA Public Utilities Commission, providing summer jobs for youth conducting residential energy audits.

- BANANAS operates the Berkeley LaunchPad program which provides support for new and launching Family Child Care home businesses in Berkeley, specifically targeting new business owners.

- YouthWorks is a youth development program utilizing youth employment and life skills training opportunities to build work experience and strengthen employability and help youth transition from childhood to adulthood. YouthWorks is committed to providing youth-centered opportunities for youth in our community that support entry to education and responsive training, life skills development, and success in jobs, careers, self-sufficiency, and adulthood. Priority focus is given to youth ages 14-25 who live in or attend a school in the City of Berkeley. Through key partnerships with Berkeley Unified School District, Berkeley City College, City of Berkeley departments and Community-based organizations, YouthWorks provides job placements through program practices aligned with research-based youth development principles. Youth-level outcomes include participant achievement in Learning Skills, Life Skills, Professionalism, Contribution and Sense of Self Care. Long-term impact achieved is that all youth and young adults in Berkeley; have proximity to education and responsive training, have the life skills necessary for self-sufficiency, achieve success in the workplace, their careers, and adulthood. In addition, the Berkeley community has; an engaged workforce and stronger employment for non-profits and city departments.

Does your jurisdiction participate in a Comprehensive Economic Development Strategy (CEDS)?

No

If so, what economic development initiatives are you undertaking that may be coordinated with the Consolidated Plan? If not, describe other local/regional plans or initiatives that impact economic growth.

The City participates in a number of regional economic development initiatives and strategies:

- East Bay Economic Development Alliance (EDA) is a next-generation, cross-sector membership organization dedicated to growing the economy from the inside out. Working with world-class companies, leading research institutions, passionate community organizations, small business leaders, and forward-thinking local government agencies that constitute the membership, East Bay EDA represents the collective identity of the East Bay and the special power of a fully functional regional partnership. The organization conducts research, outreach, and marketing to attract business investment to the region. Berkeley's Office of Economic Development Manager is currently the chair of East Bay EDA's Economic Development Director's Council and helps shape knowledge sharing and programing for the two-county organization.
- Berkeley-Emeryville Bio is a collaboration of Berkeley and Emeryville to support and grow the cities' biotechnology and medical research business cluster efforts that have paid off - Berkeley is experiencing substantial development of new programs and buildings that support the local bioscience industry. In addition to the incubators on University of California at Berkeley campus (as well as Bakar BioEnginuity hub, in the former Berkeley Art Museum space), West Berkeley,

near Emeryville, is becoming a second nexus of biotech innovation. In addition, the Berkeley Startup Cluster, a unique public-private sector partnership between University of California at Berkeley, Lawrence Berkeley National Laboratory, the City, the Berkeley Downtown Association and the Chamber, continues to advance its mission to make Berkeley a more vibrant place for startups to launch and grow.

Discussion

N/A

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MA-50 Needs and Market Analysis Discussion

Are there areas where households with multiple housing problems are concentrated? (include a definition of "concentration")

The City of Berkeley does not allocate funds on a geographic basis and does not have a HUD approved Neighborhood Revitalization Strategy Area. Funds are allocated to organizations that provide services to low income households and the homeless population.

Are there any areas in the jurisdiction where racial or ethnic minorities or low-income families are concentrated? (include a definition of "concentration")

HUD regulations stipulate that the City should not allocate funds to an area of minority concentration unless certain conditions are met. Minority concentration is defined as when "the percentage of households in a particular racial or ethnic minority group is at least 20 percentage points higher than the percentage of that minority group for the housing market area, i.e. the Metropolitan Statistical Area (MSA) in which the proposed housing is to be located."

The City of Berkeley is divided into the following neighborhoods: Central, Greater Downtown, North East, South, South East, and West (see "Berkeley Neighborhoods" map). Each neighborhood consists of several census tracts which is more reflective of the City's areas for market purposes. See map below

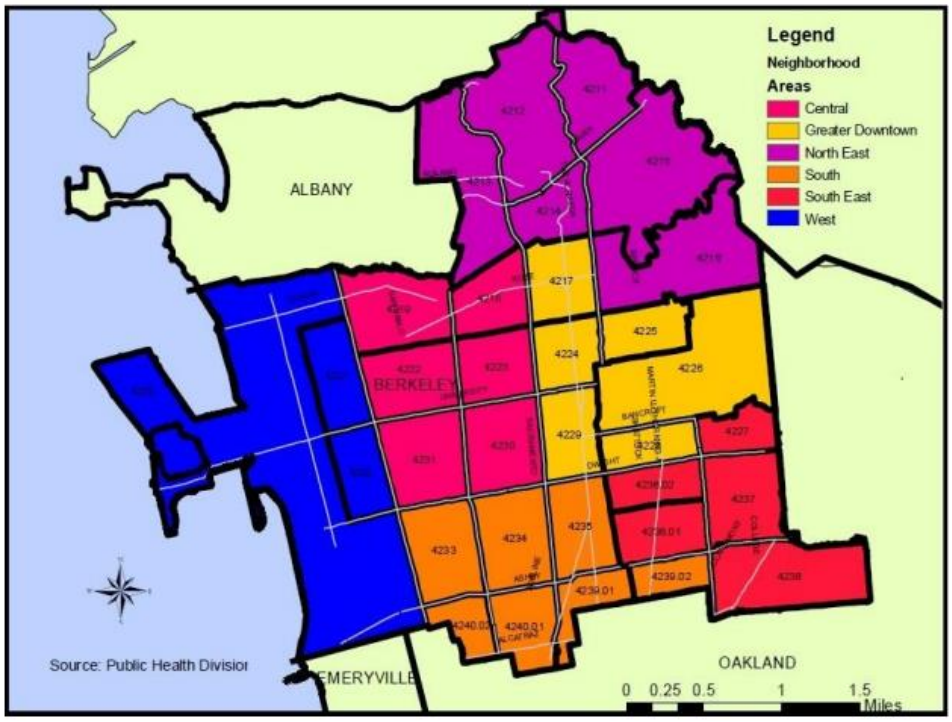


Figure 5 – Community Neighborhoods

The only area of Berkeley where any group is "overconcentrated", meaning exceeding the Citywide percentage by 20 percentage points or more, is in the North East area of the City. There White residents exceed the number Citywide by 23 percentage points (75% compared to 52%). Since HUD's definition

applies to “racial or ethnic minorities”, and the majority of Berkeley residents are White, no area of the City meets HUD’s definition of an overconcentration of racial or ethnic minorities.

The following map, created by the Metropolitan Transportation Commission for their Vital Signs project (https://vitalsigns.mtc.ca.gov/indicators/poverty) shows poverty rates by Census tract. The 5-year American Community Survey data from 2021 used to produce this map found that 27% of Berkeley residents had incomes below 200% of poverty. This is higher than Alameda County (20%) or the Bay Area as a whole (18%). The map shows that the area of Berkeley with the highest percentage of people experiencing poverty also overlaps with the University of California at Berkeley campus. It is likely that many of those included are students who are experiencing poverty temporarily while in school, or prior to a professional career.

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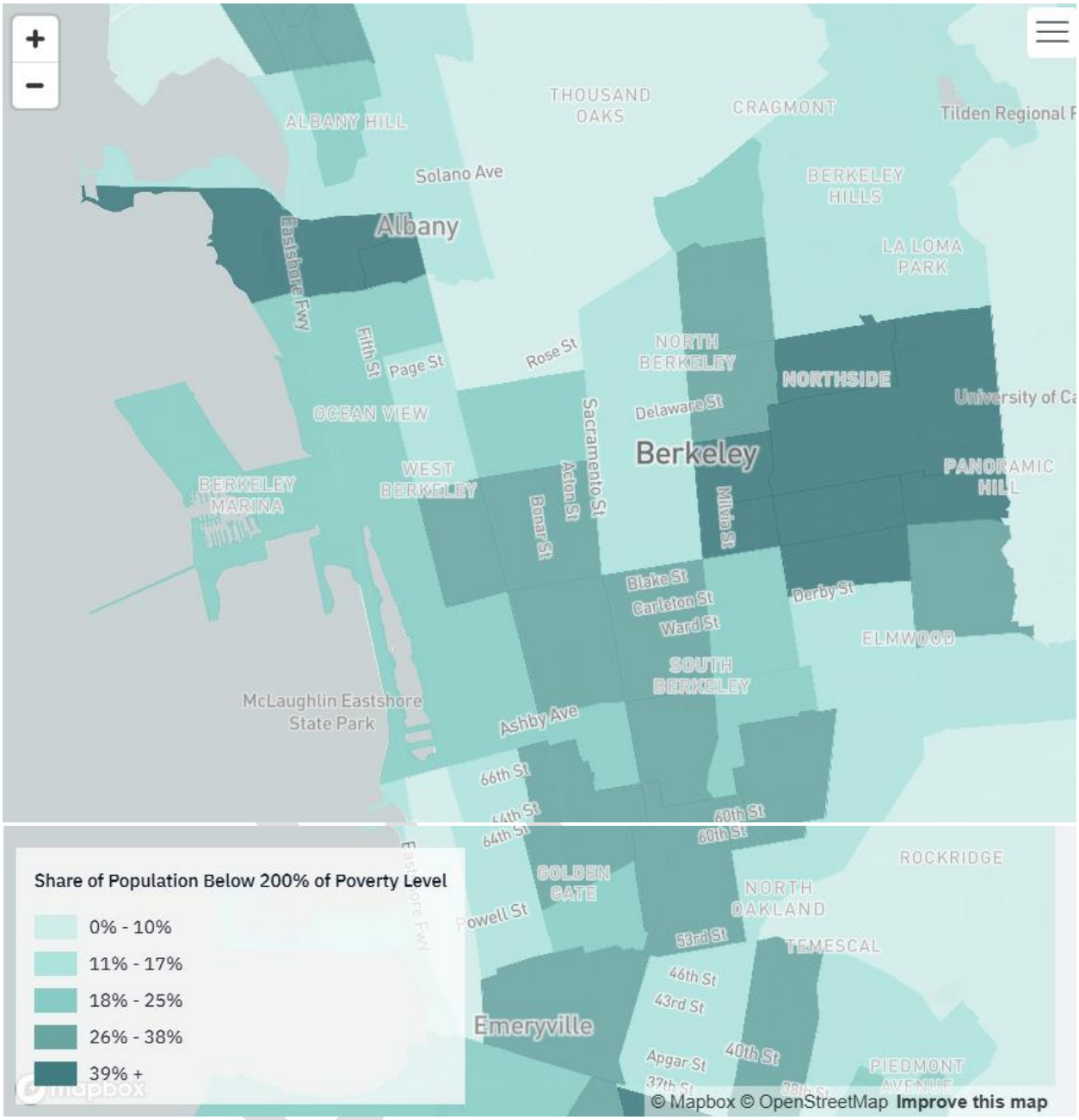


Figure 6 – Population Below Poverty Level

What are the characteristics of the market in these areas/neighborhoods?

There are no areas of overconcentration of racial and ethnic minorities in Berkeley. The Census tracts on the map above with the highest poverty rates are dominated by student rental housing and UC Berkeley property.

Are there any community assets in these areas/neighborhoods?

There are no areas of overconcentration of racial and ethnic minorities in Berkeley.

University of California at Berkeley is a major community asset in the highest poverty tracts above. All areas of Berkeley have community assets such as public parks and libraries, community and cultural organizations, and proximity to transit, jobs, and essential shopping.

Are there other strategic opportunities in any of these areas?

The City is working on many fronts to ensure the availability of services to all Berkeley residents.

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MA-60 Broadband Needs of Housing occupied by Low- and Moderate-Income Households - 91.210(a)(4), 91.310(a)(2)

Describe the need for broadband wiring and connections for households, including low- and moderate-income households and neighborhoods.

The Internet contains a wealth of information, and the digital world is becoming increasingly important in today's society. The use of computers and the Internet are becoming increasingly important for full participation in America's economic, political, and social life. People are using the Internet to find lower prices for goods and services, work from home or start their own business, acquire new skills using distance learning, and make better informed decisions about their healthcare needs. Internet connectivity has demonstrated benefits for user in terms of health & safety, education attainment, economic opportunity, empowerment, and overall quality of life.

The City of Berkeley recognizes the importance of broadband connectivity for its residents. The City has developed a Broadband Infrastructure Master Plan to address the digital divide and specifically address identified gaps identified during research and development. This Plan explicitly works to address the digital divide by increasing high speed internet for low-income residents.

Berkeley's digital divide is significantly less extreme than that faced by cities in developing countries or rural locations, however the quality of Berkeley's broadband infrastructure can continue to be improved to meet the needs of the low-income community.

Beginning in 2018 the City of Berkeley has worked to develop a Broadband Infrastructure Master Plan. Based on community-level information gathered regarding needs and available assets, the Broadband Infrastructure Master Plan will develop a recommended network design to address user needs, identify gaps, and develop prioritized initiatives and projects, including recommendations for any revisions to existing City policies and practices. The investment in infrastructure will strengthen the City's communications and traffic infrastructure and increase the possibility of digital inclusion projects and smart city initiatives such as public WiFi. Currently all City building have public WiFi. Future developments are in progress.

A number of nonprofit and public agencies offer programming to increase digital utilization. Critically, the Berkeley Public Library offers free wireless at all of its five locations, a variety of digital literacy training classes, and laptops that can be borrowed through the Library's circulation desks.

Virtually every low- and moderate-income household and neighborhood in Berkeley could benefit from broadband wiring and connections. The State of California is in the process of collecting and mapping broadband data for the state. (https://broadbandforall.cdt.ca.gov/progress-tracker/).

Describe the need for increased competition by having more than one broadband Internet service provider serve the jurisdiction.

It is important to have more than one broadband internet service provider because weak competition yields high prices for consumers and little pressure for companies to upgrade their networks to offer better service.

Economic competitiveness, which is achieved when existing businesses have lower business costs, provides more specialized inputs and talent, or higher productivity. High speed internet can contribute to business attraction, enabling existing small businesses to sell their products and services to a broader global market, retaining highly skilled residents who enjoy digital entertainment or require fast internet for professional purposes, and supporting sustainable job creation in fast-growing tech startups and other innovative, technology-supported businesses.

Having choices of internet services providers also allows consumers to determine who to patronize in accordance with the company's privacy protection policies and alignment with the consumer values. In addition, by having more than one internet providers consumers can compare prices and choose an internet plan that best meets their needs. For example, some service providers charge additional fees if a consumer exceeds an allocated download and upload usage. In sum, by having more competition the consumers will receive better, faster and affordable broadband.

Broadband for All (https://broadbandforall.cdt.ca.gov/about/) is the state's overarching program to close the digital divide and acknowledges that broadband adoption and training are essential components of digital literacy.

The Broadband for All Action Plan focuses on three main goals:

1. Increase use of high-speed internet at homes, schools, and libraries
2. Increase affordable internet services and devices
3. increase digital skills and training

The state's open-access middle-mile network will connect regions of the state to the global internet. Last-mile infrastructure projects funded by CA Public Utilities Commission (CPUC) grants will bring service to people's homes.

These projects use existing infrastructure where they can. This gets service to people as soon as possible. In many cases, communities will be able to work as planned with the California Public Utilities Commission. Where needed, the state will build new middle-mile capacity to shore up the network. Broadband for All will give Berkeley communities:

- High-speed internet
- Affordable service and devices
- Training in digital skills
- Jobs and contracts

Through Broadband for All's Affordable Connectivity Program multiple broadband providers offer plans in Berkeley, which special rates and programs for lower income households. (https://broadbandforall.cdt.ca.gov/affordable-connectivity-program/)

MA-65 Hazard Mitigation - 91.210(a)(5), 91.310(a)(3)

Describe the jurisdiction's increased natural hazard risks associated with climate change.

The City updated its *Local Hazard Mitigation Plan* in 2024 (https://berkeleyca.gov/safety-health/disaster-preparedness/local-hazard-mitigation-plan-update) and has included hazard risks in this plan since 2014:

Flooding: Increases in the intensity and severity of rainfall events, leads to more frequent flooding. Sea level rise leads to rising groundwater, increasing flood risk.

Earthquakes – liquefaction: The United States Geological Survey predicts that sea level rise will lead to rising water tables. Higher water tables in turn increases the risk of liquefaction during earthquakes, as more soils become wet, sandy, or silty. This means as sea levels increases, liquefaction will be a concern for more areas in Berkeley.

Wildland – Urban Interface fires: In recent years, there have been longer and drier summer conditions leading to wildfires of greater frequency and duration. Increased drought conditions cause fuels to become extremely dry and more fire prone. Additionally, increased frequency in bouts of extreme weather, including low humidity and high winds associated with fire weather, extending fire season and with it the number of days Berkeley is in Red Flag Warning or Extreme Fire Weather status.

Extreme Heat: Projections indicate that the number of extreme heat days, warm nights, and heat waves will increase exponentially in the next few decades. In addition to this increased frequency and duration, heat waves are also expected to occur in months not typically associated with extreme heat. People who regularly struggle to afford energy bills, such as low-income and older fixed-income households, are especially sensitive to more intense extreme heat events and associated health risks, particularly if they live in homes with poor insulation and inefficient cooling systems.

Air quality: Human health is affected by increasing air pollution, affecting ozone and/or particulate matter. Scientists are also predicting that longer, hotter, and drier fire seasons will increase the risk of severe wildfires and exposures to wildfire smoke. While this can harm everyone's health, its impacts exacerbate long-standing health outcomes for low-income communities, older adults, people with disabilities or chronic diseases, outdoor workers, and children.

Rainfall-triggered landslide: More intense and varied weather conditions, including intense rainfall can contribute to landslides.

High wind: More intense and variable weather conditions (both wet and dry), including high wind.

Describe the vulnerability to these risks of housing occupied by low- and moderate-income households based on an analysis of data, findings, and methods.

In 2014 the City adopted an earthquake retrofit ordinance, requiring owners to retrofit "soft story" buildings with a goal of making this older housing stock safer in case of an earthquake, and provided some grants to assist owners with these retrofits.

Disasters overwhelmingly impact low-income communities. For example, people with low incomes have had less opportunity for entry to housing and resources, increasing their susceptibility to these hazards. In the 2024 Local Hazard Mitigation Plan (LHMP), actions are considered for how to prioritize low-income communities. Further, the 2024 LHMP includes a list of mitigation actions for individuals and households that are designed to be approachable and available to a variety of circumstances.

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Strategic Plan

SP-05 Overview

Strategic Plan Overview

The purpose of the Strategic Plan is to identify the priority needs of the City and describe strategies that the City will undertake to serve the priority needs. The Strategic Plan includes the following sections:

- Geographic Priorities
- Priority Needs
- Influence of Market Conditions
- Anticipated Resources
- Institutional Delivery Structure
- Goals
- Public Housing Accessibility and Involvement
- Barriers to Affordable Housing
- Homelessness Strategy
- Lead-based Paint Hazards
- Anti-Poverty Strategy
- Monitoring

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SP-10 Geographic Priorities – 91.215 (a)(1)

Geographic Area

1	**Area Name:**	BERKELEY
	Area Type:	Local Target area
	Other Target Area Description:	N/A
	HUD Approval Date:	N/A
	% of Low/ Mod:	N/A
	Revital Type:	Housing
	Other Revital Description:	N/A
	Identify the neighborhood boundaries for this target area.	City-wide
	Include specific housing and commercial characteristics of this target area.	N/A
	How did your consultation and citizen participation process help you to identify this neighborhood as a target area?	N/A
	Identify the needs in this target area.	N/A
	What are the opportunities for improvement in this target area?	N/A
	Are there barriers to improvement in this target area?	N/A

Table 49 - Geographic Priority Areas

General Allocation Priorities

Describe the basis for allocating investments geographically within the jurisdiction (or within the EMSA for HOPWA)

The City of Berkeley is divided into the following neighborhoods: Central, Greater Downtown, Northeast, South, Southeast, and West (see "Berkeley Neighborhoods" map in section MA-50). However, the City does not allocate federal funds based on geography. It funds a variety of services targeting low-income and homeless people that are located in all parts of the jurisdiction.

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SP-25 Priority Needs - 91.215(a)(2)

Priority Needs

1	**Priority Need Name**	Affordable Housing
	Priority Level	High
	Population	Extremely Low Low Moderate Large Families Families with Children Elderly Chronic Homelessness Individuals Families with Children Mentally Ill Chronic Substance Abuse Veterans Persons with HIV/AIDS Victims of Domestic Violence Unaccompanied Youth Elderly Frail Elderly Persons with Mental Disabilities Persons with Physical Disabilities Persons with Developmental Disabilities Persons with Alcohol or Other Addictions Persons with HIV/AIDS and their Families Victims of Domestic Violence
	Geographic Areas Affected	BERKELEY
	Associated Goals	Increase Affordable Housing Supply and Quality
	Description	Approximately 90 percent of the HOME funds and 50 percent of CDBG funding will be utilized for the affordable housing development and rehabilitation. This includes affordable multi-family housing funded through the City's Housing Trust Fund and single-family rehabilitation programs funded with CDBG.
	Basis for Relative Priority	As mentioned in the Needs Assessment Section, 53 percent of Berkeley households are considered "low income" per HUD definitions and 24 percent of the City as a whole has a severe cost burden of 50 percent or more of their income for housing. There is a strong need for more affordable housing options in the City. It is expected that federal funding will be allocated to these activities during the period covered by the consolidated plan.
2	**Priority Need Name**	Homelessness

	Priority Level	High
	Population	Extremely Low Low Families with Children Elderly Chronic Homelessness Individuals Families with Children Mentally Ill Chronic Substance Abuse Veterans Persons with HIV/AIDS Victims of Domestic Violence Unaccompanied Youth
	Geographic Areas Affected	BERKELEY
	Associated Goals	Provide Homeless Prevention Assistance, Shelter, Outreach and Rapid Rehousing Assistance
	Description	Approximately 90 percent of the ESG funds will be used for Rapid Re-Housing and Emergency Shelter operations. The remainder will be used to fund the Homeless Management Information System and for the administration of the program.
	Basis for Relative Priority	ESG funds are expected to be allocated to these activities during the period of the consolidated plan.
3	**Priority Need Name**	Non-Housing Community Development
	Priority Level	High
	Population	Extremely Low Low Large Families Families with Children Elderly Chronic Homelessness Individuals Mentally Ill Chronic Substance Abuse veterans Elderly Frail Elderly Persons with Mental Disabilities Persons with Physical Disabilities Persons with Developmental Disabilities Persons with Alcohol or Other Addictions Persons with HIV/AIDS and their Families Victims of Domestic Violence Non-housing Community Development

	Geographic Areas Affected	BERKELEY
	Associated Goals	Improve Public Facilities and Public Services
	Description	CDBG funds will be used for public facility improvements and public services. CDBG funding available each year will be used for 1) renovations to facilities operated by non-profits for homeless and other low-income populations and 2) public services such as homeless and fair housing services for low-income populations.
	Basis for Relative Priority	Federal funds are expected to be allocated to these resources during the period of the consolidated plan.

Table 50 – Priority Needs Summary

Narrative (Optional)

The Consolidated Plan Section NA-05 through NA-50 provides detail on the priority needs in Berkeley.

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SP-30 Influence of Market Conditions – 91.215 (b)

Influence of Market Conditions

Affordable Housing Type	Market Characteristics that will influence the use of funds available for housing type
Tenant Based Rental Assistance (TBRA)	The City currently does not use HOME funds for TBRA but the City may consider it as an increasing number of Berkeley residents face a housing cost burden. As previously discussed, in total, a housing cost burden greater than 50 percent of income affects 9,270 households, with the majority of those comprised of rental households (7,220 rental and 2,050 homeowner).
TBRA for Non-Homeless Special Needs	The City does not currently use HOME funds for TBRA.
New Unit Production	The characteristics of Berkeley's market that would substantiate the need for funding new affordable unit production include the cost of land, pre-development costs, cost of construction, and economic conditions including income/employment levels. HOME funds can be used in the development of new unit production for projects offering affordable housing at various levels.
Rehabilitation	The City contains an old housing stock with more than 95 percent of all housing being over 30 years old and 86 percent over 50 years old. As the housing stock continues to age, the need for rehabilitation will increase. Other factors influencing the use of funds include economic conditions since it would affect whether property owners have the funds for repair. The expense of construction is also continuing to increase. Labor shortages continue, as documented annually by the National Association of Homebuilders, and recently increasing prices for imported materials make the Bay Area an expensive place to renovate. According to the February of 2024 NBC News article, "Forget a new bathroom, just fix the faucet: Consumers take a break from big home renovations," states that homeowners are opting to make smaller improvements on their own due to rising costs. (https://www.nbcnews.com/business/consumer/consumers-are-taking-break-big-home-renovations-projects-rcna140741)
Acquisition, including preservation	As economic conditions change and housing cost burdens increase, HOME and CDBG funds continue to be a possible source of gap financing for acquisition and preservation projects. Increasingly, the City is unable to use federal funds for these projects because affordable housing developers cannot take the time required to complete a NEPA prior to site acquisition due to intense market competition for sites.

Table 51 – Influence of Market Conditions

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SP-35 Anticipated Resources - 91.215(a)(4), 91.220(c)(1,2)

Introduction

Berkeley is an entitlement jurisdiction.

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan $	Narrative Description
			Annual Allocation: $	Program Income: $	Prior Year Resources: $	Total: $		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public & Community Improvements Public Services	2,536,229 (estimated)	46,520 (estimated)	115,000 (anticipated)	2,697,750 (estimated)	13,488,750 (estimated)	See below
HOME	public - federal	Acquisition Homebuyer assistance Homeowner rehab Multifamily rental new construction Multifamily rental rehab New construction for ownership TBRA	550,245.01 (estimated)	20,000	0 (anticipated)	570,245.01 (estimated)	2,851,225.01 (estimated)	See below
ESG	public - federal	Conversion and rehab for transitional housing Financial Assistance Overnight shelter Rapid re-housing (rental assistance) Rental Assistance Services Transitional housing	237,965 (estimated)	0	0 (anticipated)	237,965 (estimated)	1,189,825 (estimated)	See below

Table 52 - Anticipated Resources

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

Many of the housing and community services programs described in the Consolidated Plan will continue to be delivered by nonprofit community-based organizations. The City contracts with a wide range of

housing and service providers using CDBG, HOME, ESG, Community Services Block Grant (CSBG), General Fund, and other sources of funding. These organizations leverage significant financial and in-kind support from individual community members, foundations, and private organizations that help meet the needs identified in this plan.

In addition to leveraging at the individual agency level, the City has historically matched the investment of CDBG, HOME, and ESG dollars with the investment of General Funds and/or other local dollars. In PY24 over three quarters of the funding for community agency programs came from General Funds. The City anticipates using the majority of its HOME funds for multifamily residential new construction and rehabilitation. These types of projects virtually always require multiple sources of federal, state, and other funding, which project sponsors are able to leverage with a commitment of local funds, including HOME. The City will use local funds, such as those from the City's Measure O housing bond and mitigation fee revenue in the Housing Trust Fund, to ensure continued compliance with the HOME match requirements.

The City meets the dollar-for-dollar match requirements for the ESG program by allocating General Funds to various homeless services providers. Shelter programs alone receive over $5.7 million in City General Funds each year.

If appropriate, describe publicly owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

The City has long-term leases of City-owned property with non-profit organizations that address the needs identified. Programs operating in leased City-owned properties include:

- Dorothy Day House – a year-round and two emergency winter shelters and a daytime Community Resource Center;
- BOSS' Harrison House Shelter for unhoused men, women and families;
- BOSS' Sankofa House – emergency shelter for unhoused families;
- Women's Daytime Drop-In Center's Bridget House – transitional housing for homeless families;
- Women's Daytime Drop-in Center - a daytime center for unhoused women and children;
- Bay Area Community Services Pathways Stair Center – a year-round shelter for unhoused adults;
- Options Recovery Services – substance use treatment services; and
- LifeLong Medical Care/Berkeley Free Clinic – healthcare services for unhoused Berkeley residents.

The City also has long-term leases for affordable permanent housing at:

- Ocean View Gardens;
- UA Cooperative Housing;
- William Byron Rumford Senior Plaza; and
- The Hope Center and Berkeley Way.

The City is working closely with Bay Area Rapid Transit (BART) on the redevelopment of the Ashby and North Berkeley BART sites, which are projected to include affordable housing equivalent to at least 35-50% of the total units at each site. For the North Berkeley BART site, the City and BART selected a team

of developers through a competitive process; three of which are nonprofit affordable housing developers. The first of the four proposed North Berkeley BART affordable housing projects is expected to start construction in late 2025. The City and BART are in the early planning stages for the Ashby site, and expect to select development teams within the next two years. In total the two sites are expected to create at least 1,500 new market rate and affordable housing units in Berkeley. Ocean View Gardens, an existing 63-unit multifamily affordable housing development, is undergoing substantial rehabilitation. In 2024, Orbach Affordable Housing Strategies (OAHS) acquired the property and secured tax credit and bond financing for the rehabilitation. OAHS assumed the City's ground lease, extending the affordability period to June 2089. No additional City funds were required for the rehabilitation of this property.

Discussion

N/A

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SP-40 Institutional Delivery Structure – 91.215(k)

Explain the institutional structure through which the jurisdiction will carry out its consolidated plan including private industry, non-profit organizations, and public institutions.

Responsible Entity	Responsible Entity Type	Role	Geographic Area Served
Resources for Community Development	CHDO	Rental	Region
Berkeley Housing Authority	PHA	Public Housing	Jurisdiction
Bay Area Community Services	Non-profit organization	Homelessness	Region
Center for Independent Living	Non-profit organizations	Ownership Rental	Jurisdiction
City of Berkeley	Government	Economic Development Non-homeless special needs	Jurisdiction
Eden Housing for Hope and Opportunity (ECHO)	Non-profit organizations	Non-homeless special needs public services	Jurisdiction
Rebuilding Together East Bay North	Non-profit organizations	Community Facility Improvements	Jurisdiction
Satellite Affordable Housing Associates	CHDO	Rental	Region

Table 53 - Institutional Delivery Structure

Assess of Strengths and Gaps in the Institutional Delivery System

Due to past and ongoing efforts, the City of Berkeley has strong working relationships with other jurisdictions and public agencies in the delivery system. Examples of coordination and collaboration include:

- Membership in the EveryOne Home COC committees including the Leadership board by City of Berkeley staff, Berkeley community agencies, and public agencies across the county;
- Countywide coordinated planning and implementation of the Coordinated Entry System;
- Regular coordination meeting between Housing and Community Services Department and Planning Department staff;
- Joint development of outcomes to use in homeless program contracts by the Cities of Berkeley and Oakland, and several Alameda County agencies, starting in 2019; and
- Participation in a Countywide effort to address fair-housing practices.

Although there are needs for additional services and housing, no specific gaps in the delivery system have been identified. Many of the housing and community services programs described in the Consolidated Plan are delivered by nonprofit community-based organizations. The City contracts with a wide range of housing and service providers using CDBG, HOME, ESG, CSBG, General Fund, and other sources of funding. These organizations leverage significant financial and in-kind support from individual

community members, foundations, and private organizations that help meet the needs identified in this plan.

Availability of services targeted to homeless persons and persons with HIV and mainstream services

Homelessness Prevention Services	Available in the Community	Targeted to Homeless	Targeted to People with HIV
Homelessness Prevention Services			
Counseling/Advocacy	X		
Legal Assistance	X		
Mortgage Assistance			
Rental Assistance	X	X	
Utilities Assistance	X		
Street Outreach Services			
Law Enforcement	X		
Mobile Clinics	X	X	
Other Street Outreach Services	X	X	
Supportive Services			
Alcohol & Drug Abuse	X	X	
Child Care	X		
Mainstream Benefit Advocacy and Assistance	X	X	
Education	X		
Employment and Employment Training	X	X	
Healthcare	X	X	
HIV/AIDS	X	X	X
Housing Navigation Services		X	
Life Skills	X	X	
Mental Health Counseling	X	X	
Tenancy Sustaining Services		X	
Transportation	X	X	
Other			

Table 54 - Homeless Prevention Services Summary

Describe how the service delivery system including, but not limited to, the services listed above meet the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth)

Alameda County's Continuum of Care (CoC) is comprised of three Consolidated Plan jurisdictions: the Cities of Berkeley and Oakland, and the Alameda County HOME Consortium. In PY21, the City endorsed the Alameda County Home Together 2026 Community Plan, a five-year strategic initiative, which guided the City's FY25-28 Request for Proposal process. The Plan has four key goals:

- Prevent homelessness and other housing crises;
- Connect people to shelter and needed resources;
- Increase the variety of permanent housing solutions for homeless and high-risk households; and
- Strengthen coordination, communication, and capacity and use data to improve outcomes and track impacts.

Berkeley's program portfolio allows it to serve households with various needs ranging from short term interim shelter to permanent supportive housing.

Describe the strengths and gaps of the service delivery system for special needs population and persons experiencing homelessness, including, but not limited to, the services listed above

The North County Coordinated Entry System Housing Resource Center (HRC) is located in Berkeley and serves people who are literally homeless in Berkeley, Albany, and Emeryville. The HRC, operated by Bay Area Community Services (BACS), conducts assessments using the standardized assessment tool and matches homeless eligible people to available services and resources including shelters and transitional housing, as well as a range of services to support people both before and after they are housed. A monthly case conference with homeless service agency partners provides a space to discuss individual cases and coordinate care and permanent housing opportunities based on needs and available resources.

The City invests approximately $10.7 million annually in homeless services through community agency contracts funded by the City's General Fund, two local tax measures - Measure P and U1, passed by voters, and federal funds. Funding for coordinated entry accounts for 22 percent of the City's investment in homeless services while two percent supports drop-in centers and 33 percent supports emergency shelters. Supportive housing and case management account for six percent, transitional housing for three, rep payee and other services account for seven percent of the City's homeless funding. The City also contributes eight percent to support homeless prevention grants. City dollars are overwhelmingly invested in emergency services that focus on addressing basic needs. With the implementation of the CES, HRCs prioritize serving people with the highest needs with the goal of placing people in permanent housing as quickly as possible, but many more resources, particularly, permanent housing subsidies, are needed.

The North County HRC has conducted more than 1,000 crisis and housing assessments in the past two years. The City of Berkeley administers approximately 286 Shelter Plus Care vouchers. However, less than 20 vouchers turn over annually. While Berkeley has added three permanent housing projects in the past three years and a fourth project is expected to be ready for occupancy in June, the vast

majority of chronically homeless people will not have connections to PSH vouchers or housing when they need them. California and national research show that the unhoused population is aging. Berkeley is working with Alameda County to identify resources and provide trainings to interim housing providers to be better prepared to serve this vulnerable population. However, these households tend to present with complex medical needs that require more advanced residential care, which is extremely limited in the region.

Provide a summary of the strategy for overcoming gaps in the institutional structure and service delivery system for carrying out a strategy to address priority needs

In 2018 Berkeley voters passed Measure P, a ten-year transfer tax on high value real estate. Since 2018 Measure P generated approximately $68,219,055. In November of 2024, Berkeley voters passed Measure W. Measure W will become effective January 2027 and will increase the transfer tax rates on high-value real estate transactions to generate an estimated $2-4 million annually. Over the past six years, Berkeley City Council has allocated funds to expand shelter capacity including adding non-congregate shelter beds, adding employment and health care services for homeless people, funding an RV parking program, and additional rental assistance for households that are homeless or at-risk of becoming homelessness. Berkeley voters also passed a bond measure in November 2018 to raise $135 million for affordable housing.

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SP-45 Goals Summary – 91.215(a)(4)

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Increase Affordable Housing Supply and Quality	2024	2029	Affordable Housing	BERKELEY	Affordable Housing	CDBG: $6,598,185 estimated HOME: $2,566,102.55 estimated	Rental units constructed: 10 Household Housing Unit Rental units rehabilitated: 155 House Housing Units Homeowner Housing Rehabilitated: 75 Household Housing Unit
2	Improve Public & Community Facilities and Public Services	2024	2029	Non-Housing Community Development	BERKELEY	Non-Housing Community Development	CDBG: $4,354,335 estimated	Public & Community Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 2,500 Persons Assisted Public service activities other than Low/Moderate Income Housing Benefit: 1,850 Persons Assisted
3	Provide Homeless Prev., Shelter, Outreach and RRH	2024	2029	Homeless	BERKELEY	Homelessness	ESG: $1,067,208 estimated	Tenant-based rental assistance / Rapid Rehousing: 50 Households Assisted Homeless Person Overnight Shelter: 340 Persons Assisted Homelessness Prevention: 0 Persons Assisted Other: 0

Table 55 – Goals Summary

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Goal Descriptions

1	**Goal Name**	Increase Affordable Housing Supply and Quality
	Goal Description	CDBG and HOME funds will be used for affordable housing acquisition and rehabilitation, and single-family rehabilitation programs.
2	**Goal Name**	Improve Public Facilities and Public Services.
	Goal Description	CDBG funds will be used to rehabilitate public facilities and homeless and fair housing public services.
3	**Goal Name**	Provide Homeless Prev., Shelter, Outreach and RRH.
	Goal Description	ESG funds will be used to provide outreach services, emergency shelter and/or rapid re-Housing to literally homeless households.

Estimate the number of extremely low-income, low-income, and moderate-income families to whom the jurisdiction will provide affordable housing as defined by HOME 91.315(b)(2)

The number of new affordable housing units created during the Consolidated Plan period will depend on the amount of HOME and CDBG funds available to the City, the availability of other sources of affordable housing development funding, and the cost of rehabilitating and constructing affordable housing in Berkeley. Generally, the City has experienced declining allocations of federal funding combined with rising costs of housing development and operation. Assuming an average of $500,000 in HOME funds per year, a 5-year Consolidated Plan period, and the maximum allowable HOME subsidy per unit of $252,994 per two-bedroom unit, the City will provide funding for at least 2 extremely low-income units and 8 low-income units in the Consolidated Plan period. This does not include the hundreds of previously created HOME and CDBG units which the City continues to monitor for compliance.

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SP-50 Public Housing Accessibility and Involvement – 91.215(c)

Need to Increase the Number of Accessible Units (if Required by a Section 504 Voluntary Compliance Agreement)

Not applicable.

Activities to Increase Resident Involvements

Not applicable.

Is the public housing agency designated as troubled under 24 CFR part 902?

No

Plan to remove the 'troubled' designation

Not applicable.

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SP-55 Barriers to affordable housing – 91.215(h)

Barriers to Affordable Housing

To identify potential constraints to housing production, City staff analyzed the specific constraint categories as described in state law and discussed the City's regulations with local developers. Planning and zoning regulations establish rules for how land may be used, thereby limiting the amount of development in a city. Although local ordinances and policies are typically adopted to protect the health, safety, and welfare of residents, they may have the consequence of creating constraints to the development of housing. This consequence may be intentional (as is the case with growth control ordinances) or unintentional (such as with certain zoning requirements).

As described in detail below, most constraints have been addressed by existing City programs. The development record and densities of approved projects are the best evidence that there are not significant constraints to housing production. However, housing policies have been designed to minimize potential constraints including: identification and consideration of options to revise the zoning regulations in lower and medium-density areas for infill developments, consideration of revisions to the accessory dwelling unit regulations, and continued improvement to the development review process.

Strategy to Remove or Ameliorate the Barriers to Affordable Housing

The following are considered potential constraints in Berkeley: accessory dwelling unit (ADU) requirements, infill development regulations and permit review process. Outlined below are strides the City has made, either through local initiative or by State direction, to lessen these constraints:
ADUs: The City will continue to implement Chapter 23.306 of the Berkeley Municipal Code to allow accessory dwelling units by right citywide. The City of Berkeley has revised its ADU ordinance multiple times since 2015 and City staff are planning to bring another round of changes in 2025 to bring the ordinance into compliance with new state law. In accordance with Program 30 in the 2023-2031 Housing Element Update, the City will further facilitate ADU production by:

- Prioritizing accessory dwelling unit permit applications
- Promoting ADU standards by including information on the City's website and making fact sheets available at the City's permit counter
- Providing one dedicated ADU planner to respond to questions and offering office hours and other educational programs for those interested in creating ADUs
- Monitoring ADU permit progress annually to ensure that anticipated RHNA progress is being met (average 75 ADUs or JADUs per year, or 600 units over eight years)

Infill Development: The City is currently in the process of amending the Zoning Code and applicable objective development standards to encourage and promote a mix of dwelling types and sizes, particularly infill and converted existing housing in high resource neighborhoods**.** Such efforts can be seen in the 2023-2031 Housing Element Update:

- Program 27 – Priority Development Areas (PDAs), Commercial and Transit Corridors: On May 14, 2021, the City was awarded an MTC/ABAG Priority Development Area (PDA) Planning Grant to develop a Specific Plan focused on increased housing opportunities within the City's San Pablo Avenue PDA. The total anticipated budget for the San Pablo Avenue Specific Plan is $750,000. The PDA Planning Grant will go entirely towards the completion of that effort. The San Pablo Avenue Specific Plan effort began in June 2023 and the planning process is anticipated to take approximately two years to complete. The Draft Specific Plan and Addendum to the Housing

Element Environmental Impact Report (EIR) are estimated to be completed by staff by early 2025, after which they will be submitted to the Planning Commission for review and recommendation by the middle of 2025, and to the City Council for review and adoption by the end of 2025. In 2024, the City also began working on a Corridor Upzoning Project, which seeks to upzone three priority commercial and transit corridors – North Shattuck, College, and Solano Avenues. The Commercial Corridor Zoning Update aims to establish a framework for augmenting housing capacity along these three corridors. This initiative will additionally set forth clear and objective development standards in compliance with state laws, reassessing the land uses and necessary permits in these areas to promote development along these vital corridors. The planning process is projected to span approximately two years. City staff anticipates finalizing the draft objective development standards by early 2026.

- Program 28 – BART Station Area Planning: The City of Berkeley received a 2019 Senate Bill 2 Planning Grant from the State, in the amount of $310,000 to focus on preparation, adoption and implementation of zoning regulations that streamline housing approvals, and accelerate housing production at North Berkeley BART and Ashby BART stations. More specifically, funds will be used to develop transit-oriented development (TOD) zoning regulations that facilitate the development of affordable housing. This project was initiated by Jerry Brown signing Assembly Bill 2923, State legislation that requires rezoning of the North Berkeley and Ashby BART parking lots to accommodate high-density, transit-oriented development. The Final Environmental Impact Report (EIR) for the project was completed in March 2022. In June 2022, in accordance with AB 2923, the Berkeley City Council adopted a new Chapter 23.202.150 in the Zoning Ordinance adding a "Residential - BART Mixed Use (R-BMU)" zoning district to govern development at the North Berkeley and Ashby BART stations. On February 16, 2024, North Berkeley BART housing project application was submitted for streamlined entitlement pursuant to AB 2011. The proposed project will include 739 units, more than half of which will be available at affordable levels. The City is currently negotiating air rights for the Ashby BART station site.

- Program 29 – Middle Housing: City Council stated, via a 2021 Resolution and a 2019 referral, its desire to review, research and consider rezoning of lower density residential districts to allow for more dense housing. This resolution and referral align with the proposed programs in the Housing Element and the Housing Element EIR assess 770 additional units distributed throughout the R-1 and R-1A districts. Staff have presented preliminary development standards to City Council, Planning Commission, and the Zoning Ordinance Revision Project (ZORP) subcommittees, and presented a draft ordinance for Middle Housing to the Planning Commission on November 1, 2023 and again on February 7, 2024. Upon receiving further direction and recommendation from the Planning Commission, staff presented to City Council on July 23, 2024, received additional direction on the project and plan to return to the Council with a final recommended zoning ordinance and zoning map changes within the next year.

Two other projects are recently completed and currently underway respectively, which will both serve to lessen constraints on infill development.

- Southside Zoning Ordinance Update: In response to six referrals from the City Council to the City Manager supporting increased housing in the Southside Plan Area, recognizing the need for more student housing near campus to alleviate student housing pressure elsewhere in the City, the City adopted amendments to the Berkeley Municipal Code Title 23 (Zoning Ordinance to

increase residential development potential in the Southside Plan Area. Adopted on December 12, 2023, these amendments modified development standards near campus to facilitate and streamline housing development. Development projections for this project and all reasonably foreseeable growth resulting from development contemplated by the City's updated Housing Element and the University of California Berkeley's Long-Range Development Plan were analyzed in the Environmental Impact Report (EIR) for the 2023-2031 Housing Element Update ("Housing Element Update EIR"), which was certified by the City Council on January 18, 2023. The proposed project has the potential add 2,650 new units in the Southside.

- Affordable Housing Requirements: The City has engaged Street Level Advisors to analyze and recommend updates to the City's policies pertaining to affordable housing requirements for new market rate residential developments. The City is exploring transitioning its affordable housing mitigation fee requirements to an inclusionary housing requirement to stimulate the development of below market rate units to assist Berkeley to meet its Regional Housing Needs Allocation (RHNA) targets for very-low and low- income households. It will also provide developers the opportunity to contribute in-lieu fees to support affordable housing development via the City's Housing Trust Fund. City Council conducted a work session on May 18, 2021, to discuss and provide input on draft policy recommendations. The City's Planning Commission and Housing Advisory Commission provided comments and recommendations to the proposed ordinance revisions in Spring 2022. Staff anticipates bringing the item back to the Planning Commission and/or the Housing Advisory Commission by the end of 2024.

Permitting Process: The permit process in Berkeley may be considered a constraint to housing production, although based on the amount of affordable and market-rate development that has been approved and the density of those projects, it does not appear to have deterred new development. However, Program 34 of the 2023-2031 Housing Element calls for the City to continue to improve and streamline the development review process and to evaluate regulations to identify and reduce unnecessary impediments to housing development and affordable housing projects. The City plans to update its Planning and Building technology systems, including digital permitting software and inspections software, so that all applications and processes are online, which will reduce time and cost for the applicant and the City.

To provide additional transparency regarding project permit status, the City will maintain its permit tracking software so that permit status and completeness determination are available publicly and kept up-to-date.

In August 2022, for applications where a California Environmental Quality Act (CEQA) exemption or other form of CEQA environmental review is recommended to the decision-making body, the City has revised and implemented a new Application Completeness template to inform applicants of their applicable CEQA pathway, including whether the project meets the criteria for Categorical Exemption or requires additional analysis to determine the level of CEQA review needed. The letter states that staff will recommend the level of CEQA review for the project within 30 days of the application being deemed complete.

In addition, the City will analyze and develop permitting processes that seek to reduce entitlement and permit processing time, increase certainty for applicants by removing subjective judgements from project approvals, and reduce administrative costs and burden associated with qualitative justifications

for discretionary review. Ordinance amendments include increasing the thresholds for discretionary review and eliminating post entitlement hearings, such as a Final Design Review.

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SP-60 Homelessness Strategy – 91.215(d)

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The North County HRC is focused on single adults who are literally homeless in Berkeley, Emeryville, and Albany. The staff at the North County HRC work in close partnership with Berkeley homeless service partners who provide a range of services including shelter, transitional housing, SSI advocacy, primary care, mental health and alcohol and other drug services, and drop-in services.

HRC staff conduct assessments through 211 referrals, during HRC drop-in hours, and at regularly scheduled service partner locations. Additionally, assessments are conducted on the streets, in parks and at encampments throughout Berkeley with the goal of identifying individual needs and matching them to appropriate and available resources including physical and mental health services, housing navigation services, shelter, transitional housing programs, addiction services, and SSI. Services providers are focused on removing barriers and quickly moving people into permanent housing. Housing navigators support participants in a variety of ways from housing problem solving to, assisting with identification documents to housing search activities. The HRC outreach team partners with multiple street outreach teams including, the City's Homeless Response Team, LifeLong Medical Care Street Medicine, Options Mobile Encampment Wellness Center and University of California Berkeley's Outreach staff.

Addressing the emergency and transitional housing needs of homeless persons

The HRC assesses people to determine needs and appropriate and available resources. Initial conversations are geared towards housing problem solving with the goal of reconnecting people with housed friends or family. In some cases, these conversations are supported with one-time limited financial assistance. The HRC is the entry point into emergency shelter, transitional housing, rapid rehousing financial assistance, and will provide housing search assistance and other housing supports. On a daily basis, HRC staff identify the number of shelter and transitional housing beds available and reach out to people who have been assessed and have expressed interest in shelter to fill the beds. Additionally, depending on the need and availability of shelter beds, the HRC will support medically fragile people who are working with housing navigators or partnering agency case managers with short-term motel stays when a more permanent housing placement is imminent. HRC will also make referrals through this front door to other existing services in the community, such as medical services, alcohol and other drug treatment programs, and SSI advocacy.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again.

The intake and assessment process assist HRC staff in understanding an individual's level of need and the level of assistance needed. The goal of this process is to ensure people are matched as quickly as possible to the appropriate amount of assistance needed to end their homelessness (typically rapid re-

housing) and reserve the costliest interventions (permanent supportive and transitional housing) for those with the highest needs and greatest barriers.

Additionally, staff can utilize small amounts of one-time flexible funds to support people's successful transition to these opportunities. Staff utilizes rapid rehousing funds to quickly move people into housing. This typically includes paying the security deposit and approximately nine months of rental assistance; the monthly subsidy decreases over the nine-month period. Due to the exorbitant rental prices in the Bay Area, HRC staff have incorporated larger units in their portfolio. This has allowed people with limited income and a willingness to share housing more opportunities to be permanently housed.

Help low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families who are likely to become homeless after being discharged from a publicly funded institution or system of care, or who are receiving assistance from public and private agencies that address housing, health, social services, employment, education or youth needs

The City funds a Housing Retention Program. The Program provides financial assistance to cover past-due rent, and in some cases utility arrears and/or short-term rental assistance to low-income Berkeley residents. This program aims to prevent evictions by addressing immediate financial burdens through rental assistance payments. The program provides direct payments to landlords and utility providers, ensuring they remain housed.

Low-income households in Berkeley at risk of homelessness and being discharged from institutions will benefit from the groundwork laid by the Alameda County-wide Homeless Continuum of Care (CoC). The CoC's discharge planning efforts are summarized below.

Health Care: The Alameda County-wide Continuum of Care (CoC) provides several programs to ensure people returning from mental and physical health institutions receive appropriate supportive housing. Persons are not routinely discharged from health care facilities into homelessness, and the CoC worked with a variety of health care institutions to reduce discharges into literal homelessness. California enacted Senate Bill (SB) 1152 that outlines requirements of hospitals and emergency departments related to the care and discharge of homeless patients, leading the County and hospitals to establish several medical respite/recuperative care programs for homeless patients exiting emergency departments and hospitals and a locally funded housing subsidy pool to provide permanent housing subsidies for high priority homeless patients in Skilled Nursing Facilities and hospitals. Alameda County actively participates in a Medicaid waiver program focused on expanding resources and collaboration among health and housing providers to address homelessness, which has been expanded with the implementation of CalAIM. The CoC continues to implement a homelessness prevention/rapid re-housing fund, that helps hospitalized patients pay their rent so they don't lose their housing or helps them obtain housing upon exit from the facility.

Mental Health: The CoC works with Housing Services Office of Behavioral Health Care Services (BHCS) to improve discharge planning from mental health facilities. To that end, the Housing Services Office, with coordination by the CoC created a homelessness prevention/rapid re-housing fund, modeled after and delivered in partnership with the Homeless Prevention and Rapid Re-Housing Program. The fund has been used to help hospitalized persons continue to pay rent so units are not lost, or to obtain units upon

exit from the facility. The CoC worked with permanent supportive housing providers to develop protocols allowing tenants hospitalized for more than 30 days to retain their units. The CoC and the Housing Services Office trained staff on how to assess patients' housing needs and assist in resolving them as part of discharge planning, utilizing the Office's centralized housing resource database and webpage. BHCS also contracts for dedicated emergency hotel beds for use while ACT teams work on locating permanent housing. BHCS also pays subsidies for licensed residential care facilities to which people routinely exit and expanded this program over the past year. BHCS is also working on a new crisis and transitional residential program for homeless individuals with a serious mental illness.

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SP-65 Lead based paint Hazards – 91.215(i)

Actions to address LBP hazards and increase access to housing without LBP hazards

While lead-based paint was banned in 1978 by the U.S. Consumer Product Safety Commission (CPSC), it is still a significant problem in cities where the housing stock is relatively old and built before the ban. In Berkeley, over 90 percent of the housing stock was built before 1979.

The City of Berkeley Childhood Lead Poisoning Prevention Program collaborates with the Berkeley Health, Housing & Community Services Department's Registered Environmental Health Specialist on responding to resident inquiries on housing lead concerns. Berkeley's program provides education, information, and resources through community outreach events and presentations to parenting/family groups, community organizations, and health education and resource fairs. From July 2022-June 2024, Berkeley's CLPPP staff provided outreach, education and resource/referrals to 1,801 people.

The Alameda County Healthy Homes Department (ACHHD) works collaboratively with the City to promote comprehensive lead safety, provide technical consultations, training and education to the public, property owners and renovators by working in community and stakeholders' collaborations to leverage existing resources, develop infrastructures and promote system change to provide coordinated, cost-effective support for healthy housing.

ACHHD's proactive healthy homes strategy is the incorporation of a lead visual assessment on all homes where staff is conducting a site visit (in person), regardless of reason for the initial port of entry. This strategy is a proactive primary prevention approach that increases the number of homes where a lead assessment is done. These services are funded by the local County Service Area (CSA) service charge for owners of pre-1978 properties in Berkeley.

ACHHD has re-established the In-Home Lead Safety Consultation among their services and since last year they have completed nearly 30 In-Home Consultations at Berkeley properties.

How are the actions listed above related to the extent of lead poisoning and hazards?

The City's old housing stock increases the risk of lead-based paint hazard. Approximately 87 percent of renter-occupied units are built before 1980. For owner-occupied units, the figure is 94 percent. There have been years of education and assistance to the public but the City does not know the extent of lead poisoning and hazards. The City will continue to act as necessary to reduce lead-based paint hazards as required by HUD regulations.

How are the actions listed above integrated into housing policies and procedures?

All participants of the City's Housing Choice Voucher Program and prospective tenants of a pre-1978 residential building are required to receive a copy of the EPA booklet entitled "Protect Your Family From Lead in Your Home." Landlords must also provide a disclosure form for the tenants to sign that informs them either of any known lead-based paint the property or that no testing has been done. The Alameda County Lead Poisoning Prevention Program also provides information to property owners, realtors, and contractors. The actions above will also assist the City in meeting its policy of encouraging housing types that are environmentally and chemically safe, a policy of the City of Berkeley Housing Element.

Additionally, ACCHD is increasing outreach throughout Alameda County through social media platforms, newspapers, radio, tv, e-mails, literature distribution to include program services brochures in permit offices, hardware stores, paint stores, and venues visited by homeowners and rental housing providers. ACCHD also provides and continuously updates video library on multiple lead safety and healthy housing topics on the ACHHD website and provide RRP training slots to property owners/rental property owners or their designees in Berkeley. ACHHD has the capacity, knowledge and expertise to conduct healthy housing assessments and provide technical assistance to residents living in Berkeley Housing Authority housing units. ACCHD responds to complaints related to lead and moisture conditions as requested by Berkeley Housing Authority and Rental Housing Safety Program with a contracted MOU as well as conduct healthy housing assessments in Berkeley Housing Authority housing units and Rental Housing Safety Inspection programs. ACCHD provides technical assistance to the local jurisdictions on proactive rental inspections for lead hazards and reactive inspection programs under new state mandate (AB 838) as well as provide training opportunities to code enforcement officers in regard to State and EPA lead safety rules.

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SP-70 Anti-Poverty Strategy – 91.215(j)

Jurisdiction Goals, Programs and Policies for reducing the number of Poverty-Level Families

The City funds a wide variety of social service programs designed to assist households with poverty level incomes. These programs include childcare and a range of services for special needs populations, which are outlined in other sections of this Consolidated Plan. This section will highlight the City's strategies to increase livable wage employment opportunities by supporting related community services and working with public and private regional partners. Strategies include:

- Funding and refinement of anti-poverty programs provided by community-based organizations and by the City. Federally funded community agency contracts are outlined in the Annual Action Plan.
- Continuing implementation of the City of Berkeley's Living Wage Ordinance.
- Coordinating job placement to benefit Berkeley residents in the construction trades.
- Supporting community agencies that provide employment training and placement opportunities to people experiencing homelessness.

The City has contracted with workforce development programs to provide training, education, and job placement for low income, under-employed, and unemployed residents in addition to administering local hire policies and a youth employment program. The following programs are funded with General Funds from the City:

- Inter-City Services (ICS) provides employment, training, and education to residents in Berkeley. ICS workforce development program prepares participants for high-tech careers through digital courses.
- Biotech Partners operates the Biotech Academy at Berkeley High School for students interested in exploring a career in biotechnology. Students complete a six to eight-week paid internship at a biotech company and learn job skills.
- The Bread Project provides job training and placement assistance for low/no-income individuals with multiple barriers to employment. They operate a social enterprise (wholesale bakery) that creates opportunities for trainees to obtain crucial on-the-job experience.
- Rising Sun Center for Opportunity, Opportunity Build program is a construction apprenticeship readiness program that offers intensive hands-on training along with a full year of job placement support and comprehensive wraparound services. Rising Sun also operates the California Youth Energy Services (CYES) program funded by the CA Public Utilities Commission, providing summer jobs for youth conducting residential energy audits.
- BANANAS operates the Berkeley LaunchPad program which provides support for new and launching Family Child Care home businesses in Berkeley, specifically targeting new business owners.

The City's anti-poverty strategy continues to be closely tied to the funding of approximately 50 community agencies to provide services as described above to enable people in poverty to attain self-sufficiency, support at-risk youth to succeed in school and graduate, and protect the health and safety of low-income people. The City also funds anti-poverty programs with general funds for job training and creation/job placement agencies.

How are the Jurisdiction poverty reducing goals, programs, and policies coordinated with this affordable housing plan

The City will undertake the following additional actions to reduce poverty which are coordinated with this Consolidated Plan:

- Continuing the City's Local Hire policies which include the Community Workforce Agreement (CWA) between the City of Berkeley and the Building trades (created in 2011) which applies to publicly funded construction projects estimated at $500,000 or above, and, the First Source local hiring policy which applies to both public infrastructure projects estimated between $100,000 - $499,999 and private development over 7,500 square feet. These policies work towards creating a pathway into building and construction trades jobs for Berkeley residents.

- In 2023, the City adopted an ordinance, Helping Achieve Responsible Development with Healthcare and Apprenticeship Training Standards (HARD HATS), which applies to any private development of 50,000 square feet or more of floor area. The ordinance requires that contractors participate in California state-registered apprenticeship program and provide healthcare to covered construction workers.

- YouthWorks is a youth development program utilizing youth employment and life skills training opportunities to build work experience and strengthen employability and help youth transition from childhood to adulthood. YouthWorks is committed to providing youth-centered opportunities for youth in our community that support entry to education and responsive training, life skills development, and success in jobs, careers, self-sufficiency, and adulthood. Priority focus is given to youth ages 14-25 who live in or attend a school in the City of Berkeley. Through key partnerships with Berkeley Unified School District, Berkeley City College, City of Berkeley departments and Community-based organizations, YouthWorks provides job placements through program practices aligned with research-based youth development principles. Youth-level outcomes include participant achievement in Learning Skills, Life Skills, Professionalism, Contribution and Sense of Self Care. Long-term impact achieved is that all youth and young adults in Berkeley; have proximity to education and responsive training, have the life skills necessary for self-sufficiency, achieve success in the workplace, their careers, and adulthood. In addition, the Berkeley community has; an engaged workforce and stronger employment for non-profits and city departments.

SP-80 Monitoring – 91.230

Describe the standards and procedures that the jurisdiction will use to monitor activities carried out in furtherance of the plan and will use to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

City staff monitor approximately 50 community agency services contracts. Contracts include CDBG, CSBG, ESG, General and other Local Funds, and state funding. The City requires outcome reporting for all agency contracts, and both staff and citizen commissions draw on performance outcomes during the Request for Proposal (RFP) process to make funding recommendations to City Council. Monitoring staff review and invoices, program and expense reports on a quarterly basis. On-site monitoring visit frequency is determined by an Agency Risk Assessment tool based on type and amount of funding, and concerns related to program delivery or fiscal and accounting systems. Monitoring staff works with the agencies to resolve findings or other problems that may keep an organization from meeting its contractual obligations.

The City's community facility contracts with agencies, passes on all obligated federal requirements. Staff supplies Wage Decisions at bid notice, reviews bid language, general contractor selection, contracts between the agency and the contractor, to ensure that all local and federal requirements are passed on; holds pre-construction conferences to review all federal requirements and solicit information related to subcontractors, salaries and wages and timeline to makes site visits to monitor performance, and interview workers using Record of Employee Interview form (HUD 11) required for Davis Bacon monitoring.

City staff monitors affordable housing developments funded by the Housing Trust Fund (HTF) to ensure ongoing compliance with federal regulations under HOME and CDBG, and other local requirements. The City's HTF Program pools funds from various sources including: HOME, CDBG, affordable housing mitigation fees, affordable housing in-lieu fees, commercial linkage fees, and condominium conversion fees. The City provides loans to qualified nonprofit developers, and incorporates federal and local requirements into deed restrictions.

City staff also monitors the City's below market rate (BMR) program to ensure property owners are compliant with the City's BMR affordability requirements. The BMR program provides deed restricted affordable units within residential market rate rental housing developments. The City monitors an affordable housing portfolio consisting of 56 HTF rental properties and 49 BMR rental properties. Of the 56 HTF properties, 18 are HOME-assisted projects within an active HOME compliance period. The City is involved in monitoring funded developments during construction as described in the 2020-2025 Consolidated Plan. Individual projects require varying degrees of City staff involvement depending upon the following variables: project size; complexity of the construction activity; type of sponsor, and subrecipient development expertise and process. If a subrecipient or developer/owner is new or is inexperienced with construction management, the City staff may play a substantive role in managing its initial construction activities. City staff involvement in the construction process can be intensive, moderate, or minimal. The level selected depends on how much responsibility the City staff relinquishes to the property developer/owner, subrecipient, and/or general contractor.

Expected Resources

AP-15 Expected Resources – 91.220(c)(1,2)

Introduction

Berkeley is an entitlement jurisdiction.

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan $	Narrative Description
			Annual Allocation: $	Program Income: $	Prior Year Resources: $	Total: $		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	2,536,229 (estimate)	$46,520 (estimate)	$115,000 (anticipated)	$2,697,750 (estimate)	$13,488,750 (estimate)	See below
HOME	public - federal	Acquisition Homebuyer assistance Homeowner rehab Multifamily rental new construction Multifamily rental rehab New construction for ownership TBRA	550,245.01 (estimate)	20,000 (estimate)	0 (anticipated)	570,245.01 (estimate)	2,851,225.05 (estimate)	See below
ESG	public - federal	Conversion and rehab for transitional housing Financial Assistance Overnight shelter Rapid re-housing (rental assistance) Rental Assistance Services Transitional housing	237,965 (estimate)	0	0 (anticipated)	237,965 (estimate)	1,189,825 (estimate)	See below

Table 56 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

Many of the housing and community services programs described in the Consolidated Plan will continue to be delivered by nonprofit community-based organizations. The City contracts with a wide range of housing and service providers using CDBG, HOME, ESG, Community Services Block Grant (CSBG), General Fund, and other sources of funding. These organizations leverage significant financial and in-kind support from individual community members, foundations, and private organizations that help meet the needs identified in this plan.

In addition to leveraging at the individual agency level, the City has historically matched the investment of CDBG, HOME, and ESG dollars with the investment of General Funds. In PY24 over three quarters of the funding for community agency programs came from General Funds. The City anticipates using all of its HOME funds for multifamily residential new construction and rehabilitation. These types of projects virtually always require multiple sources of federal, state, and other funding, which project sponsors are able to leverage with a commitment of local funds, including HOME. The City will use local funds, such as those from the City's Measure O housing bond and mitigation fee revenue in the Housing Trust Fund to ensure continued compliance with the HOME match requirements. The City meets the dollar-for-dollar match requirements for the ESG program by allocating General Funds to various homeless services providers. Shelter programs alone receive over $348,489 in City General Funds each year.

If appropriate, describe publicly owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

The City has long-term leases of City-owned property with non-profit organizations that address the needs identified. Programs operating in leased City-owned properties include:

- Dorothy Day House – a year-round and two emergency winter shelters and a daytime Community Resource Center;
- BOSS' Harrison House Shelter for unhoused men, women and families;
- BOSS' Sankofa House – emergency shelter for unhoused families;
- Women's Daytime Drop-In Center's Bridget House – transitional housing for homeless families;
- Women's Daytime Drop-in Center - a daytime center for unhoused women and children;
- Bay Area Community Services Pathways Stair Center – a year-round shelter for unhoused adults;
- Options Recovery Services – substance use treatment services; and
- LifeLong Medical Care/Berkeley Free Clinic – healthcare services for unhoused Berkeley residents.

The City also has long-term leases for affordable permanent housing at:

- Ocean View Gardens;
- UA Cooperative Housing;
- William Byron Rumford Senior Plaza; and
- The Hope Center and Berkeley Way.

The City is working closely with Bay Area Rapid Transit (BART) on the redevelopment of the Ashby and North Berkeley BART sites, which are projected to include affordable housing equivalent to at least 35-50% of the total units at each site. For the North Berkeley BART site, the City and BART selected a team of developers through a competitive process; three of which are nonprofit affordable housing developers. The first of the four proposed North Berkeley BART affordable housing projects is expected to start construction in late 2025. The City and BART are in the early planning stages for the Ashby site, and expect to select development teams within the next two years. In total the two sites are expected to create at least 1,500 new market rate and affordable housing units in Berkeley. Ocean View Gardens, an existing 63-unit multifamily affordable housing development, is undergoing substantial rehabilitation. In 2024, Orbach Affordable Housing Strategies (OAHS) acquired the property and secured tax credit and bond financing for the rehabilitation. OAHS assumed the City's ground lease, extending the affordability period until June 2089. No City funds were required to complete the rehabilitation.

Discussion

N/A

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Annual Goals and Objectives

AP-20 Annual Goals and Objectives

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Increase Affordable Housing Supply and Quality	2025	2029	Affordable Housing	BERKELEY	Affordable Housing	CDBG: $1,319,637 (estimated) HOME: $513,220.51 (estimated)	Rental units constructed: 2 Household Housing Unit Rental units rehabilitated: 77 Household Housing Unit Homeowner Housing Rehabilitated: 15 Household Housing Unit
2	Improve Public & Community Facilities and Public Services	2025	2029	Non-Housing Community Development	BERKELEY	Non-Housing Community Development	CDBG: $870,867 (estimated)	Public & Community Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 500 Persons Assisted Public service activities other than Low/Moderate Income Housing Benefit: 370 Persons Assisted
3	Provide Homeless Prev., Shelter, Outreach and RRH	2025	2029	Homeless	BERKELEY	Homelessness	ESG: $213,441 (estimated)	Tenant-based rental assistance / Rapid Rehousing: 10 Households Assisted Homeless Person Overnight Shelter: 68 Persons Assisted Homelessness Prevention: 0 Other: 0

Table 57 – Goals Summary

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Goal Descriptions

1	**Goal Name**	Increase Affordable Housing Supply and Quality.
	Goal Description	CDBG and HOME funds will be used for affordable housing acquisition and rehabilitation, and single-family rehabilitation programs.
2	**Goal Name**	Improve Public Facilities and Public Services.
	Goal Description	CDBG funds will be used to rehabilitate public facilities and homeless and fair housing public services.
3	**Goal Name**	Provide Homeless Prev., Shelter, Outreach and RRH.
	Goal Description	ESG funds will be used to provide outreach, services emergency shelter and/or rapid re-Housing to literally homeless households.

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Projects

AP-35 Projects – 91.220(d)

Introduction

With its CDBG, HOME, and ESG funds, the City of Berkeley will fund eligible projects in the following categories: housing development, rehabilitation and services projects, public services, public/community facility improvement projects, emergency shelter grant programs, program planning and administration, and the Housing Trust Fund.

Projects

#	Project Name
1	City of Berkeley Planning and Administration
2	Housing Loan Services
3	Single Family Rehabilitation Programs
4	Housing Trust Fund
5	Public Service
6	Community Facility Rehabilitation
7	ESG20-Berkeley-Emergency Shelter, Rapid Rehousing and HMIS Activities

Table 58 – Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

See sections NA and MA of the Consolidated Plan.

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AP-38 Project Summary

Project Summary Information

1	**Project Name**	City of Berkeley Planning and Administration
	Target Area	BERKELEY
	Goals Supported	Increase Affordable Housing Supply and Quality Improve Public Facilities and Public Services Provide Homeless Prev., Shelter, Outreach and RRH
	Needs Addressed	Affordable Housing Homelessness Non-Housing Community Development
	Funding	CDBG: $507,245 (estimate) HOME: $57,024.50 (estimate)
	Description	The project will fund City staff to plan and administer CDBG and HOME projects. HOME Admin based on projected entitlement is 10%.
	Target Date	6/30/2026
	Estimate the number and type of families that will benefit from the proposed activities	
	Location Description	Citywide.
	Planned Activities	Information about the planned activities is included in Section AP-38 Project Summaries.
2	**Project Name**	Housing Loan Services
	Target Area	BERKELEY
	Goals Supported	Increase Affordable Housing Supply and Quality
	Needs Addressed	Affordable Housing
	Funding	CDBG: $77,009.00 (estimate)
	Description	City staff provide loan services to support single family rehabilitation, housing trust fund projects, and other federally funded housing related activities.
	Target Date	6/30/2026
	Estimate the number and type of families that will benefit from the proposed activities	The project will serve approximately 180 active housing rehabilitation loans.
	Location Description	Various locations within the City of Berkeley.
	Planned Activities	Services provided under this project will include accounting, processing loan payments and loan payoff demands, deeds of reconveyance, lien releases and loan subordination requests, collections, personal financial analysis, and structuring of temporary repayment agreements.
3	**Project Name**	Single Family Rehabilitation Programs
	Target Area	BERKELEY
	Goals Supported	Increase Affordable Housing Supply and Quality

	Needs Addressed	Affordable Housing
	Funding	CDBG: $705,453 (estimate)
	Description	Activities related to single family rehabilitation efforts will be funded under this project. These home rehabilitation projects will cover health and safety improvements and ADA improvements such as the installation of ramps/lifts for low-income homeowners and renters.
	Target Date	6/30/2026
	Estimate the number and type of families that will benefit from the proposed activities	The project will benefit an estimated 19 low-income households annually.
	Location Description	Various locations within the City of Berkeley.
	Planned Activities	Activities include health and safety, ADA improvements, and efficiency improvements. CIL's program removes barriers to housing for 13 low-income, disabled residents by installing ramps, lifts and making other interior and exterior modifications to ensure easy entry of their homes. City staff collaborate with seniors and/or individuals with disability homeowners in providing an estimated six deferred interest free loans annually through the Senior & Disabled Home Rehabilitation Loan Program.
4	**Project Name**	Housing Trust Fund
	Target Area	BERKELEY
	Goals Supported	Increase Affordable Housing Supply and Quality
	Needs Addressed	Affordable Housing
	Funding	CDBG: $537,175 (estimate) HOME: $513,220.51 (estimate)
	Description	Activities that provide funding for City staff in support of projects funded with City of Berkeley Housing Trust Fund dollars, includes funding for projects and CHDO operating funds.
	Target Date	6/30/2026

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	Estimate the number and type of families that will benefit from the proposed activities	10 units (households) will be directly supported with federal funding during the 5-year Consolidated Plan period, for an average of 2 per year. During the same time period, staff will also support the development of an additional 559 units with local funding. The proposed new construction housing includes units for seniors and formerly homeless households. A total of 199 low-income housing units will be rehabilitated under the City's Housing Trust Fund (HTF) program, including two (2) existing housing projects (65 units/rooms) and four (4) new rehabilitation projects which would add 134 units to the City's existing affordable housing portfolio. The City is in the final stages of rehabilitation during PY24/FY25 for an additional 49 low-income housing units will be rehabilitated at Rosewood Manor (35 units) and Lorin Street Apartments (14 units).
	Location Description	Citywide
	Planned Activities	City staff actively facilitate development, rehabilitation and/or preservation of affordable housing through working with developers, other city staff, lenders and other public agencies for the acquisition and rehabilitation of multi-family housing. This is the City of Berkeley's Housing Trust Fund, and the funds support Housing Development staff. 570.201 (k) "provides that CDBG funds may be used to pay costs in support of activities eligible for funding under the HOME program. This includes services such as housing counseling in connection with tenant-based rental assistance and affordable housing projects, energy auditing, preparation of work specifications, loan processing, inspections, tenant selection, management of tenant-based rental assistance, and other services related to assisting owners, tenants, contractors, and other entities participating or seeking to participate in the HOME program." HOME funded Housing Trust funds have been proportionately adjusted after exercising the City's administration under the HOME COVID-19 waiver allowing up to 25% of the entitlement to be used for administration. Funded activities include working with funded projects throughout predevelopment, supporting public participation in project selection and development, preparing and executing loan agreements, and conducting federally required environmental review. Staff are currently working with 8 affordable housing developments in varying stages of predevelopment with reservations totaling nearly $60M in City funds, including HOME funds. In PY25, the City will continue to work with nonprofit housing developers to secure funding commitments for the rehabilitation of three (3) properties: MLK House (11 rooms), 2207 Haste Street (8

		rooms) and Ashby Lofts (54 units). The City is also working with affordable housing developers to secure financing for the rehabilitation of 3 other existing rental properties which would result in renovation of an additional 62 units. In November 2024, the City issued an RFP for rehabilitation of existing properties in the City's rental housing portfolio, which would result in the rehabilitation of up to 100 additional units, depending on the size of the project.
5	**Project Name**	Public Service
	Target Area	BERKELEY
	Goals Supported	Improve Public Facilities and Public Services
	Needs Addressed	Homelessness Non-Housing Community Development
	Funding	CDBG: $453,921 (estimate)
	Description	Services including the North County Coordinated Entry System (CES) and fair housing services are funded under this project.
	Target Date	6/30/2026
	Estimate the number and type of families that will benefit from the proposed activities	300 low-income and homeless households are expected to be served through these activities annually.
	Location Description	Citywide.
	Planned Activities	Bay Area Community Services operates Berkeley's Coordinated Entry System which will screen, conduct intakes, and provide housing navigation services to approximately 300 people. Eden Council for Hope and Opportunity will provide outreach, training, fair housing counseling services to up to 70 households, investigation of an estimated 25 fair housing complaints, 10 tenant/landlord mediations, and 10 fair housing testing/audits with follow-up training for non-compliant property owners.
6	**Project Name**	Public & Community Facility Rehabilitation
	Target Area	BERKELEY
	Goals Supported	Improve Public & Community Facilities and Public Services
	Needs Addressed	Non-Housing Community Development
	Funding	CDBG: $416,946 (estimate)
	Description	Activities that fund the rehabilitation of public facilities are funded under this project.
	Target Date	6/30/2026
	Estimate the number and type of families that will benefit from the proposed activities	It is projected that improved community facility improvements provided by the City of Berkeley administered program will benefit a minimum of 100 people.
	Location Description	Various locations within the City of Berkeley.

	Planned Activities	Activities include improving public and community facilities by funding substantial rehabilitation to applicants of the City administered Community Facility Improvement Program.
7	**Project Name**	ESG20-Berkeley-Emergency Shelter, Outreach, Rapid Rehousing and HMIS Activities
	Target Area	BERKELEY
	Goals Supported	Provide Shelter, and RRH
	Needs Addressed	Homelessness
	Funding	ESG: $237,965 (estimate)
	Description	ESG funds will be used for Emergency Shelter, and Rapid Re-Housing, HMIS and administrative costs.
	Target Date	6/30/2026
	Estimate the number and type of families that will benefit from the proposed activities	ESG: 10 households will be served with rapid rehousing financial assistance. 68 persons will be with Emergency Shelter
	Location Description	Various locations.
	Planned Activities	ESG funds will be used to provide financial assistance and housing relocation and stabilization services to rapidly re-house approximately 10 households, and support approximately 68 people through emergency shelter.

Table 59 – Project Summary

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AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

As discussed in MA-50, the City does not have areas of low income or minority concentration and therefore does not allocate federal funds geographically.

Geographic Distribution

Target Area	Percentage of Funds
BERKELEY	100

Table 60 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

N/A.

Discussion

N/A

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Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

This section includes HOME-funded units only. The City has one HOME-funded project nearing completion. The Grinnell project (formerly called Blake Apartments) has 63 units in total, ten of which are HOME-assisted units. As of this writing in November 2024, the City has a robust housing development pipeline, with 11 new construction projects either under way or in predevelopment, five acquisition/rehabilitation projects, and two portfolio rehabilitation projects (rehab of existing affordable housing projects). The City's pipeline represents 1,443 newly created or newly restricted affordable housing units, plus 65 units in existing affordable housing projects. The City has committed over $162.8M to the pipeline projects. Because the City has an aging portfolio of occupied affordable housing projects, staff anticipate using HOME funds to support renovation projects. Approximately $6M will be made available through a competitive process, including approximately $1.2M in HOME funds.

One Year Goals for the Number of Households to be Supported	
Homeless	0
Non-Homeless	12
Special-Needs	0
Total	12

Table 61 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	0
The Production of New Units	0
Rehab of Existing Units	12
Acquisition of Existing Units	0
Total	12

Table 62 - One Year Goals for Affordable Housing by Support Type

Discussion

N/A

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AP-60 Public Housing – 91.220(h)

Introduction

The Berkeley Housing Authority (BHA) is not a department of the City of Berkeley. BHA Board members are appointed by the Mayor and confirmed by the City Council.

Actions planned during the next year to address the needs to public housing

N/A. The BHA no longer owns any public housing.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

N/A

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

N/A

Discussion

N/A

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AP-65 Homeless and Other Special Needs Activities – 91.220(i)

Introduction

The City uses a variety of approaches to support homeless and other populations.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

Berkeley has received three State of California Encampment Resolution Fund (ERF) grants, the latest grant being received in November 2024. This new ERF funding will support a new non-congregate shelter. Additionally, Berkeley will be converting an existing congregate interim shelter into non-congregate units and will be entering into a contract and lease to support the development of 39 units of modular housing for unhoused residents of Berkeley. Berkeley is funding a newly created Berkeley Trust Clinic, a clinic that provides both primary and behavioral health services to people who are unhoused or previously unhoused in Berkeley,

Berkeley will continue to fund and otherwise support the North County Berkeley/Albany/Emeryville Housing Resource Center (HRC) – the front door to the homeless Coordinated Entry System (CES) which provides outreach, assessments, housing problem-solving, housing navigation and tenancy sustaining services to unhoused residents; congregate and non-congregate shelter and interim housing programs to move unhoused residents into permanent housing; housing retention grants to reduce the number of households becoming homeless in Berkeley, and incorporate 2024 Berkeley Point In Time Count data into program planning and implementation strategies. HRC staff will continue to implement the updated assessment process.

The CES continues to include three phases: housing program solving (HPS), crisis assessment and housing assessment. The former will be focused on households that can be rapidly rehoused with limited support while the latter will be focused on households needing permanent supportive housing. This phased approach coupled with HPS flex funds will result in more varied households having proximity to needed supports. Staff will provide these assessments through 211 referrals, during HRC drop-in and by phone, and at street-based locations throughout Berkeley. Street based outreach staff will continue to engage people and provide basic necessities, such as water and hygiene kits.

The HRC will provide housing navigation services tied to rapid-rehousing and flexible financial assistance to support additional people in moving to permanent housing. Housing navigators support participants in a variety of ways from housing problem solving to assisting with identification documents and housing search activities. Once permanently housed, HRC staff will work with participants to maintain housing.

Addressing the emergency shelter and transitional housing needs of homeless persons

Over the past couple of years, Berkeley has leveraged State funding to increase the number of non-congregate shelter beds. The City will continue to provide funding for shelter and transitional housing as described in section MA-30. Additionally, Berkeley has worked with shelter providers to reduce some barriers to shelter, such as curfews and allowing pets and is partnering with Alameda County's Age Friendly Council and Alameda County Healthy Brain Initiative to support older (50+) shelter participants.

This partnership will provide ongoing trainings and resources to support staff with working with participants who may be experiencing cognitive decline.

The City currently funds multiple agencies to provide 330 year-round shelter beds, 100 seasonal shelter beds and 39 transitional housing beds/units.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

The North County HRC, operated by Bay Area Community Services (BACS), conducts Coordinated Entry System (CES) intakes and assessments, which prioritize people who are homeless for resources that best meet their needs, including rapid re-housing placements and placement on the County's Permanent Supportive Housing (PSH) Housing Queue. In both cases, the goal is to rapidly re-house households and support them for as long as retention services are needed and allowed.

The HRC's Housing Navigation resources will be allocated to people across the new CES housing queue, with focus on households that can be rapidly rehoused with little to no services support. Housing Navigators will help collect documents needed to apply for housing opportunities, housing searches and linking participants to services that will help to retain housing.

The North County HRC and the BACS Stair Program have flexible and rapid rehousing funds, which assist in reducing people's length of homelessness. The City will allocate ESG and local funds to support these efforts. While funding is available, there continues to be a lack of available units, within HUD's Fair Market Rent (FMR) to support households with extremely low incomes making it difficult to rapidly re-house households in the County. Often, households are being housed in neighboring cities and counties making it challenging to provide ongoing housing retention services. This has resulted in some delays in spending City of Berkeley ESG funds for rapid re-housing. The HRC has incorporated more shared housing opportunities through the use of larger units. This has provided people with limited income and a willingness to share housing more opportunities to be permanently housed.

The City's Shelter Plus Care (S+C) program is funded through two Continuum of Care grants and a contract with Alameda County. The S+C Program serves approximately 280 households. The program combines federal housing subsidies with Tenancy Sustaining Services (TSS) provided by Berkeley Mental Health, Berkeley Aging Services and Adult Case Management. The City also funds community agencies to provide TSS to assigned participants.

The Shelter Plus Care portfolio also includes, Square One, a locally funded permanent housing subsidy that serves vulnerable households that are literally homeless. Potential participants to this program would still demonstrate their need by establishing eligibility to the program with tracking of lengths of homelessness history and demonstrated needs. Once qualifications are established, then the Square One program connects these participants to housing navigators, to help support their application to housing placement, as units become available.

Other than the Square One Program, the S+C Program fills all of its openings through Home Stretch and the "Housing First" approach in housing the target population. When an opening occurs, Home Stretch

prioritizes unhoused people based on chronicity, need and date of referral, and provides participant information to the City of Berkeley, to be matched with a partner service agency that will provide case management and housing stabilization support. The case manager will support the participant to obtain and retain their housing, although services are not required in order to qualify for the rental assistance. Along the way, case managers work with participants to address issues that may have contributed to their housing instability or present obstacles to obtaining rental housing (such as poor credit, a lack of income, missing documents like a picture ID, outstanding legal issues, etc.).

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

The City uses General Funds to fund services that prevent people who are not literally homeless but are at imminent risk of homelessness per the HUD Homeless definition (Category 2) from becoming homeless. Prevention assistance may include support to a household to retain its current housing or to move to other housing without having to become literally homeless. While the ESG regulations allow for federal funds to be provided to those categorized as "at-risk" but not necessarily at "imminent risk", Berkeley uses its ESG funds for rapidly rehousing people who are literally homeless.

Berkeley funds prevention assistance for people who meet "immediate risk" criteria defined as:

"An individual or family who will imminently lose their primary nighttime residence, provided that:

- the primary nighttime residences will be lost within 14 days of the day of application for homeless assistance;
- No subsequent residence has been identified; and,
- the individual or family lacks the resources of support networks, e.g., family, friends, faith-based or other social networks, needed to obtain other permanent housing."

Alameda County has mental health, foster youth, health care, and corrections discharge policies intended to prevent discharges of individuals from these systems into homelessness, described in detail in the Consolidated Plan.

The City is working with local hospitals to share information about the North County HRC and available homeless services in Berkeley to reduce discharges to local daytime drop-in centers and shelters that cannot support the needs of medically fragile people with severe disabling conditions. The City will continue to participate in countywide and regional efforts to reduce discharges into homelessness.

Discussion

The City of Berkeley supports a wide range of homeless programs, including emergency/crisis drop in centers and shelters, transitional housing, permanent supportive housing, prevention and rapid rehousing services. All contracted service providers report outcomes based on the countywide outcome standards developed by EveryOne Home, in order to inform future adjustments to the service system.

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AP-75 Barriers to affordable housing – 91.220(j)

Introduction:

N/A

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

The following are considered potential constraints in Berkeley: accessory dwelling unit (ADU) requirements, infill development regulations and permit review process. While the City's ADU requirements meet state law, they may be a constraint to development of additional units; therefore, the 2023-2031 Housing Element includes a program to further facilitate ADU production by:

- Prioritizing accessory dwelling unit permit applications
- Promoting ADU standards by including information on the City's website and making fact sheets available at the City's permit counter
- Providing one dedicated ADU planner to respond to questions and offering office hours and other educational programs for those interested in creating ADUs
- Monitoring ADU permit progress annually to ensure that anticipated RHNA progress is being met (average 75 ADUs or JADUs per year, or 600 units over eight years)

Additionally, the there are numerous changes being made to the zoning code to reduce barriers to housing in Berkeley, including but not limited to: up zoning Priority Development Areas (PDAs), Commercial and Transit Corridors, permitting the construction of affordable housing on the BART Station sites, eliminating single-family zoning through the Middle Housing Zoning amendments, up zoning the Southside neighborhood near UC Berkeley, and updating the City's affordable housing requirements.

The permit process in Berkeley may be considered a constraint to housing production, although based on the amount of affordable and market-rate development that has been approved and the density of those projects, it does not appear to have deterred new development. Program 34 of the 2023-2031 Housing Element calls for the City to continue to improve and streamline the development review process and to evaluate regulations to identify and reduce unnecessary impediments to housing development and affordable housing projects.

Discussion:

N/A

AP-85 Other Actions – 91.220(k)

Introduction:

The City of Berkeley uses a range of strategies to address the housing, homeless, and community development goals identified in the Consolidated Plan. This section discusses actions planned to foster and maintain affordable housing, to reduce lead-based paint hazards, to reduce the number of poverty-level families in Berkeley, and to coordinate activities in these areas with other entities.

Actions planned to address obstacles to meeting underserved needs

One of Berkeley's major obstacles to meeting underserved needs is the limited amount of federal, state, and local resources available given the needs in the community and high cost of housing in the Bay Area. The City of Berkeley will continue to pursue new State, Federal, and local resources as available to meet the needs.

Actions planned to foster and maintain affordable housing

The City has several on-going programs which foster and maintain affordable housing in Berkeley:

- Rent Stabilization Program. In 1980, Berkeley residents passed the Rent Stabilization and Eviction for Good Cause Ordinance. The Ordinance regulates most residential rents in Berkeley, provides tenants with increased protection against unwarranted evictions and is intended to maintain affordable housing and preserve community diversity.
- Inclusionary Housing Ordinance. This ordinance requires developers of new market rate housing to provide on-site Below Market Rate units. Resulting units are affordable both to people with incomes less than 50 percent of Area Median and less than 80 percent. Applicants may opt to pay an in-lieu fee into the Housing Trust Fund instead of providing on-site units. The Council adopted a formula for increasing the rate over time.
- Condominium Conversion Ordinance (CCO). The CCO governs the conversion of rental apartments and tenancy-in-common buildings to condominiums, and other types of mutual or cooperative housing. A mitigation fee for production of permanently affordable housing will be collected.
- Commercial Linkage Fee. The Affordable Housing Mitigation Program for commercial projects was approved on April 20, 1993. It imposed fees on commercial new construction in which the newly constructed gross floor area is over 7,500 square feet.
- Housing Trust Fund (HTF). The City of Berkeley created its HTF in 1990 to help develop and preserve below-market-rate housing. The HTF program pools funds for affordable housing construction and preservation from a variety of sources with different requirements, makes them available through one single application process to local developers, then monitors development and operation of the funded housing.
- Mortgage Credit Certificate. MCC is a federal income tax credit that provides qualified low-income homebuyers a tax credit worth up to 15 percent of their annual mortgage interest paid on their home loan. MCC recipients adjust their federal income tax withholding, which increases their take-home pay, making monthly mortgage payments more affordable. The City participates in the Alameda County MCC program.

- Senior and Disabled Loan Rehab Program. HHCS administers the program as an effort to preserve the City's housing stock and to assist low- and moderate-income senior and disabled homeowners, funded by CDBG and CalHOME. The applicants receive a zero-interest loan, secured by a deed of trust on their home, which is repaid when title to the property changes hands, normally as a result of the sale of the property or inheritance by the owner's heirs.

Actions planned to reduce lead-based paint hazards

The City will continue to comply with the Environmental Protection Agency's Renovation, Repair, and Painting Program in its Senior and Disabled Rehabilitation Loan Program. Similarly, organizations working with the City of Berkeley on single family rehabilitation will work with the City and Alameda County Lead Poisoning Prevention Programs to increase awareness of lead issues among their clients and incorporate lead safe work practices into their activities.

The City of Berkeley Public Health Division and the Alameda County Lead Poisoning Prevention Program will work together to increase awareness and knowledge about lead poisoning prevention in Berkeley. The City of Berkeley Childhood Lead Poisoning Prevention Program collaborates with the Berkeley Health, Housing & Community Services Department's Registered Environmental Health Specialist on responding to resident inquiries on housing lead concerns. Berkeley's program provides education, information, and resources through community outreach events and presentations to parenting/family groups, community organizations, and health education and resource fairs. From July 2022-June 2024, Berkeley's CLPPP staff provided outreach, education and resource/referrals to 1,801 people.

The Alameda County Healthy Homes Department (ACHHD) works collaboratively with the City to promote comprehensive lead safety, provide technical consultations, training and education to the public, property owners and renovators by working in community and stakeholders' collaborations to leverage existing resources, develop infrastructures and promote system change to provide coordinated, cost-effective support for healthy housing.

ACHHD's proactive healthy homes strategy is the incorporation of a lead visual assessment on all homes where staff is conducting a site visit (in person), regardless of reason for the initial port of entry. This strategy is a proactive primary prevention approach that increases the number of homes where a lead assessment is done. These services are funded by the local County Service Area (CSA) service charge for owners of pre-1978 properties in Berkeley.

Additionally, ACCHD is increasing outreach throughout Alameda County through social media platforms, newspapers, radio, tv, e-mails, literature distribution to include program services brochures in permit offices, hardware stores, paint stores, and venues visited by homeowners and rental housing providers. ACCHD also provides and continuously updates video library on multiple lead safety and healthy housing topics on the ACHHD website and provide RRP training slots to property owners/rental property owners or their designees in Berkeley. ACHHD has the capacity, knowledge and expertise to conduct healthy housing assessments and provide technical assistance to residents living in Berkeley Housing Authority housing units. ACCHD responds to complaints related to lead and moisture conditions as requested by Berkeley Housing Authority and Rental Housing Safety Program with a contracted MOU as well as conduct healthy housing assessments in Berkeley Housing Authority housing units and Rental Housing Safety Inspection programs. ACCHD provides technical assistance to the local jurisdictions on proactive rental inspections for lead hazards and reactive inspection programs under new state mandate (AB 838)

as well as provide training opportunities to code enforcement officers in regard to State and EPA lead safety rules.

Actions planned to reduce the number of poverty-level families

The City funds a wide variety of social service programs designed to assist households with poverty level incomes. These programs include childcare and a range of services for special needs populations, which are outlined in other sections of this Plan. This section will highlight the City's strategies to increase livable wage employment opportunities by supporting related community services and working with public and private regional partners. Strategies include:

- Funding and refinement of anti-poverty programs provided by community-based organizations and by the City. Federally funded community agency contracts are outlined in the Annual Action Plan.
- Continuing implementation of the City of Berkeley's Living Wage Ordinance.
- Coordinating job placement to benefit Berkeley residents in the construction trades.
- Supporting community agencies that provide employment training and placement opportunities to people experiencing homelessness.

The City has contracted with workforce development programs to provide training, education, and job placement for low income, under-employed, and unemployed residents in addition to administering local hire policies and a youth employment program. The following programs are funded with General Funds from the City:

- Inter-City Services (ICS) provides employment, training, and education to residents in Berkeley. ICS workforce development program prepares participants for high-tech careers through digital courses.
- Biotech Partners operates the Biotech Academy at Berkeley High School for students interested in exploring a career in biotechnology. Students complete a six to eight-week paid internship at a biotech company and learn job skills.
- The Bread Project provides job training and placement assistance for low/no-income individuals with multiple barriers to employment. They operate a social enterprise (wholesale bakery) that creates opportunities for trainees to obtain crucial on-the-job experience.
- Rising Sun Center for Opportunity, Opportunity Build program is a construction apprenticeship readiness program that offers intensive hands-on training along with a full year of job placement support and comprehensive wraparound services. Rising Sun also operates the California Youth Energy Services (CYES) program funded by the CA Public Utilities Commission, providing summer jobs for youth conducting residential energy audits.
- BANANAS operates the Berkeley LaunchPad program which provides support for new and launching Family Child Care home businesses in Berkeley, specifically targeting new business owners.

The City's anti-poverty strategy continues to be closely tied to the funding of approximately 50 community agencies to provide services as described above to enable people in poverty to attain self-sufficiency, support at-risk youth to succeed in school and graduate, and protect the health and safety of

low-income people. The City also funds anti-poverty programs with general funds for job training and creation/job placement agencies.

Actions planned to develop institutional structure

During the next year, the City of Berkeley will continue to coordinate the housing and community services activities within the department through regular senior staff meetings and coordination on specific topics. The City's Health & Human Services and its Housing Departments merged in Program Year (PY) 2012. Since that time, senior leadership of all Divisions meets weekly to share information on Division activities which promotes closer coordination. For example, in PY2019, the Housing & Community Services Division and the Aging Services Division collaborated to hire two new staff who will provide supportive services to house homeless residents who are assisted through Continuum of Care Rental Assistance administered by the Housing & Community Services Division. Housing and Community Services has also grown in staff in large part due to a staffing study that was prepared and finalized in PY23. Positions continue to be filled and assist all programs across the division, including the HUD programs. Additionally, in PY24, HCS began engaging in a results-based accountability (RBA) as part of a department-wide initiative. Results of the RBA work will support HCS in showcasing administered programs and community impact. The Division leadership will continue to seek opportunities to increase coordination and impact understanding during PY25 and beyond.

Actions planned to enhance coordination between public and private housing and social service agencies

City staff will also continue to participate in Alameda County's Continuum of Care (CoC). Staff will continue to participate in the initiative's Leadership Board, which includes most public funders of housing and homeless services in the county, as well as leadership from key community-based organizations. Leadership Board membership helps coordination efforts across the county. Staff also participates in other committees composed of other funders (such as Alameda County Behavioral Health Care Services and the Social Services Agency) as well as many community-based organizations.

Countywide collaboration efforts include regular meetings regarding the Coordinated Entry System, endorsement of the Alameda County Home Together 2026 Community Plan, and coordination and approval of countywide performance measures aligned with HUD priorities.

Discussion:

The majority of Berkeley's activities furthering the goals of the Consolidated Plan are provided by community agency partners. This will continue to be the case in PY25.

Program Specific Requirements

AP-90 Program Specific Requirements – 91.220(l)(1,2,4)

Introduction:

N/A

Community Development Block Grant Program (CDBG)
Reference 24 CFR 91.220(l)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	TBD
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
Total Program Income:	**TBD**

Other CDBG Requirements

1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	87.00%

HOME Investment Partnership Program (HOME)
Reference 24 CFR 91.220(l)(2)

1. A description of other forms of investment being used beyond those identified in Section 92.205 is as follows:

The City of Berkeley uses no forms of investment other than ones described in §92.205(b)

2. A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in 92.254, is as follows:

No homeownership or tenant-based rental assistance activities are anticipated.

3. A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds? See 24 CFR 92.254(a)(4) are as follows:

No homeownership activities are anticipated.

4. Plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds along with a description of the refinancing guidelines required that will be used under 24 CFR 92.206(b), are as follows:

The City of Berkeley's HTF Guidelines apply to any project using HOME funds to refinance existing debt. Per the Guidelines, Project owners submit funding requests to the City, or reply to the City's Requests for Proposals for funding, with the following information, among other things:

a) As a condition precedent to funding, Owners must demonstrate an extension of affordability term. For new HOME funds invested in the Project, the minimum affordability term is the term required by 24 CFR 92 et seq., but, typically, the required extension of affordability is 55 years.

b) As a condition precedent to funding, Owners must demonstrate that the refinancing preserves the affordable Project through rehabilitation.

1. Minimum rehab costs/unit must correspond to at least the value identified in a current physical needs assessment to ensure that the long-term needs of the Project can be met.
2. Typical rehab/unit costs are no less than $10,000/unit, the minimum rehab value required by the California Debt Limit Allocation Committee Regulations.

c) Owners indicate if their refinancing request includes new construction that adds net new units to the Project

d) Owners provide extensive Project data, including audited financial statements, cash flows, rent rolls, services plans, PNAs, and rehabilitation proformas to demonstrate that:

1. The project is sound financially and disinvestment has not occurred
2. The long-term needs of the Project and residents will be met by the rehab
3. The proposed rehab is financially feasible, includes no barriers to refinancing existing mortgage loans, does not include the refinancing of any existing federal or federally-insured loans, and leverages other non-federal funds to the greatest extent possible

5. If applicable to a planned HOME TBRA activity, a description of the preference for persons with special needs or disabilities. (See 24 CFR 92.209(c)(2)(i) and CFR 91.220(l)(2)(vii)).

Not applicable

6. If applicable to a planned HOME TBRA activity, a description of how the preference for a specific category of individuals with disabilities (e.g. persons with HIV/AIDS or chronic mental illness) will narrow the gap in benefits and the preference is needed to narrow the gap in benefits and services received by such persons. (See 24 CFR 92.209(c)(2)(ii) and 91.220(l)(2)(vii)).

7. Not applicable

8. If applicable, a description of any preference or limitation for rental housing projects. (See 24 CFR 92.253(d)(3) and CFR 91.220(l)(2)(vii)). Note: Preferences cannot be administered in a manner that limits the opportunities of persons on any basis prohibited by the laws listed under 24 CFR 5.105(a).

The City may consider leasing preferences for new construction pending any requirements are consistent with Fair Housing law.

Emergency Solutions Grant (ESG)
Reference 91.220(l)(4)

1. Include written standards for providing ESG assistance (may include as attachment)

The City's standards for providing ESG assistance are attached as Attachment 3: City of Berkeley ESG Manual.

2. If the Continuum of Care has established centralized or coordinated assessment system that meets HUD requirements, describe that centralized or coordinated assessment system.

The Alameda County Continuum of Care has established its coordinated entry system (CES). The CES has regional Housing Resource Centers that provide a range of services and resources. Each HRC conducts assessments using a standardized tool that prioritizes individuals and families based on need. The people with the highest needs are matched to appropriate and available services and resources including housing navigation, emergency shelter, transitional housing, rapid rehousing and permanent supportive housing.

3. Identify the process for making sub-awards and describe how the ESG allocation available to private nonprofit organizations (including community and faith-based organizations).

The City of Berkeley was allocated in ESG funding. Funds will be used primarily for rapid rehousing and emergency shelter. The City of Berkeley will utilize the maximum amount possible for administration (Seven and a half percent of the grant) and allocate funds to support the County-wide Homeless Management Information System, known as InHouse.

ESG funds were allocated to the Bay Area Community Services through the FY25-28 Community Agency Request for Proposals (RFP) allocation process. Bay Area Community Services will continue to operate the Stair Navigation Shelter and will provide rapid rehousing resources to shelter participants using ESG funding.

4. If the jurisdiction is unable to meet the homeless participation requirement in 24 CFR 576.405(a), the jurisdiction must specify its plan for reaching out to and consulting with homeless or formerly homeless individuals in considering policies and funding decisions regarding facilities and services funded under ESG.

5. The policy-making entity for the City of Berkeley which makes decisions regarding the facilities, services, and other programs to receive funding under the Emergency Solutions Grant (ESG) is the Berkeley City Council. The Berkeley City Council is elected by the citizens of Berkeley. The City cannot mandate that a homeless or formerly homeless individual be on the City Council. Therefore, the City must develop and implement a plan to consult with homeless or formerly homeless individuals in making policies and decisions regarding programs that receiving funding under ESG.

6. Describe performance standards for evaluating ESG.

The performance standards to be applied to ESG activities is attached as an image labeled Outcome Measures. Berkeley participated in the development and approval of the service performance goals and targets through EveryOne Home (the Continuum of Care) Committee membership. This matrix presents outcome standards for each type of program in the Continuum of Care. Most were established as a percentage of the average outcomes achieved by all County programs (for example, the average permanent housing placement rate of all emergency shelters) and will be adjusted over time to ensure continued improvement.

DRAFT

Systemwide Performance Targets for Rapid Re-Housing Services

Rapid Re-Housing		Target
How Much?	Service Population: Unduplicated count of individuals served (HUD Element, APR Q5a)	**observe**
	Service Population: Proportion of chronically homeless individuals served (HUD Element, APR Q5a)	**observe**
	Service Population: Unduplicated count of households served(HUD Element, Annual Performance Report/APR Q8a)	**observe**
	Service Population: Proportion of chronically homeless households served (HUD Element, APR Q26a)	**observe**
How Well?	Data Quality: Data entry within 3 days (HUD Element, APR Q6e)	**100%**
	Data Quality: Completion. Adult participants with income info. recorded in HUD Element at entry and annual or exit assessments (HUD Element, APR Q18)	**90%**
	Average length of time from enrollment to move in (HUD Element, Apr Q22c)	**60% within 2 months**
With What Impact?	Are participants growing their income? (HUD Element, APR Q19a3)	**50%**
	Are participants accessing mainstream benefits? (HUD Element, APR Q20b)	**85%**
	Are participants enrolled in health insurance?(HUD Element, APR Q21)	**85%**
	Are we successfully moving people into permanent housing? (HUD Element, APR Q23a&b)	**80%**
	Exits to Homelessness: What proportion of people exit to homeless destinations? (HUD Element APR Q23a&b)	**<5%**

Figure 1 - Outcome Measures

Systemwide Performance Targets for RRH Services

Together Priority Home Partnership and the Housing Retention program make up the housing retention and rapid rehousing segment of the City's continuum of services. The City will continue to work with EveryOne Home and community agencies to ensure that prevention and rapid rehousing funds are fully utilized and play an important role in ending homelessness in Berkeley.

Appendix

Attachment 1

Attachment 1 - DRAFT			
Annual Action Plan for PY25			
City of Berkeley CDBG, ESG and HOME Projects for 7/1/2025 - 6/30/2026			
Proj. #	**Agency**	**Project Name**	**PY25 Allocation**
CDBG			
1	Center for Independent Living	Residential Access	$ 211,600
2	HHCSD*	Loan Services	$ 77,009
3	HHCSD	Senior and Disabled Rehab Program	$ 393,853
4	HHCSD	Rehab Loans	$ 100,000
5	HHCSD	Housing Development: M/F Rehab	$ 537,175
		Subtotal Housing Projects	**$ 1,319,637**
6	Bay Area Community Services	Coordinated Entry System	$ 418,921
7	Eden Housing for Hope and Oppor.	Fair Housing	$ 35,000
		Subtotal Public Services Projects	**$ 453,921**
8	Rebuilding Together East Bay North	Community Facilities	$ 93,780
9	HHCSD	Community Facility Improvements	$ 168,199
10	HHCSD	PY25 (FY26) Community Facility Improvement NOFA	$ 154,967
		Subtotal Public Facilities Projects	**$ 416,946**
11	HHCSD	CDBG Planning and Administration	$ 507,245
		Subtotal Planning & Admin Projects	**$ 507,246**
		****GRAND TOTAL ALL CDBG PROJECTS**	**$ 2,697,750**
ESG			
12	Berkeley CES Provider - BACS	Rapid Re-Housing Project	$ 70,663
13	Berkeley CES Provider - BACS	Emergency Shelter/Street Outreach	$ 142,779
14	HHCSD	Homeless Management Information System	$ 6,676
15	HHCSD	Program Planning and Administration	$ 17,847
		GRAND TOTAL ALL ESG PROJECTS	**$ 237,965**
HOME			
16	HHCSD	HOME Administration	$ 57,024.50
17	CHDO Operating Funds	CHDO Operating Funds	$ 27,512
18	HHCSD	Housing Trust Fund	$ 485,708
		*****GRAND TOTAL ALL HOME PROJECTS**	**$ 570,245.01**

Notes: * HHCSD = City of Berkeley Health, Housing & Community Services Department

**Assumes estimated amounts for in Program Income ($46,520) and $115,000 in unused carry over funds.

***Assumes $20,000 in Program Income

Attachment 2

Input on Priorities for Housing and Urban Development Funding

The City of Berkeley conducted an online survey to broaden solicitation of public feedback on the priority of needs identified in the Consolidated Plan. The survey was open from 12/12/24 through 12/31/24 and received 590 responses. Approximately 94 percent of the respondents reported being Berkeley residents.

The survey respondents considered the following priority areas and associated activities:

- Affordable housing development
  - Support affordable housing developments in Berkeley.
- Homeless programs and services
  - Shelter/navigation center operations, safety, meeting the basic needs of participants and coordination with Coordinated Entry System.
  - Targeted outreach to individuals who are unsheltered and known to be living on the streets of Berkeley.
  - Provide services to clients in permanent supportive housing.
  - Operate Rapid Re-Housing (RRH) and time limited Flexible Rental Subsidy programs to provide short-term rental assistance and housing stabilization services.
- Housing rehabilitation and public facility improvements
  - Low-income, seniors, and people with disabilities to apply for interest-free loans or grants to repair/modify their home or make ADA improvements.
  - Rehabilitation of community facilities (i.e., publicly or non-profit owned facilities) that serve low-income clientele, such as energy efficiency improvements or ADA improvements.
  - Rehabilitation of affordable housing or other housing multi-family developments.
- Fair housing activities
  - Enhance awareness of fair housing laws and regulations among tenants, property owners, realtors and lending institutions and protect, restore, or acquire client rights. Example activities may include outreach events, training workshops, fair housing counseling, and compliant investigations.

Over three out of four (77.2 percent) survey respondents strongly agreed or agreed with these priority areas.

Affordable housing emerged as the primary concern among the survey respondents, and there is a significant interest in ensuring entry to affordable housing for specific populations, including seniors, people with disabilities, families with minor children, low-income workers, teachers, and artists. Both constructing new housing and rehabilitating existing housing inventory were identified as strategies for this priority area. Recommended activities include streamlining the planning and permitting processes,

rezoning, and providing support and protection to homeowners to encourage renting and construction of accessory dwelling units. Some voiced concerns about the impact of affordable housing development, including loss of neighborhood characters, shortage of street parking especially for seniors and people with disabilities, and lack of proximity to green spaces.

- "Affordable housing needs to target moderate income people as well as low income. The low to middle class is suffering and needs those resources."
- "#1 priority should be to streamline the process to build affordable housing and remove the bureaucracy in the City of Berkeley administration."
- "When we are discussing housing of all types, what many of old time Berkeley people are concerned about, is building out housing without any green space, trees, natural amenities and a loss of urban character or attractiveness."
- "New affordable housing can be a priority and so can a livable Berkeley. Find more ways to include parking for disabled, families, etc. whether in the building or near it."
- "We need to build condos not rentals. Berkeley is becoming a hotel town and it is not good. Condos so elderly, many of whom are disabled, can sell their homes and move on while staying in their communities. Condos for teachers, police and fire workers."

Regarding homeless programs and services, the survey respondents seek improved conditions for unsheltered community members by providing such activities as supportive services and amenities for persons at encampments, safe parking for people living in RVs and cars, behavioral health and substance abuse services, and low barrier shelters. Providing onsite supportive services, including behavioral health and substance abuse services, at shelters and permanent housing is also seen as important. Some respondents advocated for geographic equity by locating shelters and affordable housing in all neighborhoods.

- "For homeless encampments: water, sanitation (garbage disposal and pick up, toilets, generators) household and personal hygiene supplies."
- "I think there should be an area where people who live in their cars can do so legally. For many people, this is better than living on the street."
- "More support services are needed to get people off the street and prepare them for reintegration with society. I also don't see anything here for chronic homelessness. Leaving that population as is is unacceptable."
- "Making sure that housing and homeless programs are equitably distributed around the city and within projects. It's not fair that so many homeless programs like buying motels and service centers are all in West Berkeley."

A sizable number of respondents identified street improvements as an element missing from housing rehabilitation and public facility improvements and want to have more street and sidewalk repairs completed and street lights installed to improve pedestrian and cyclist safety. The respondents generally agree with investments in housing rehabilitation, especially to assist senior homeowners with aging in place and to promote energy efficiency.

- "Berkeley needs to use federal, state, and local funds to repair the streets, and completely redirect funds away from all of the above housing activities until the streets are repaired and the City has an adequate number of free parking spaces."

- "There is a lot of older construction in Berkeley. Low- or no-interest loans to help people who are middle income with housing rehabilitation should also be considered. Often the cutoff to qualify as low-income, senior, or having a disability eliminates many who own homes, but can't afford to make needed repairs to maintain or raise their habitability."

For fair housing activities, a community building approach was suggested to facilitate collaboration among various stakeholders. Concerns were also raised about unfair practices against voucher holders and insufficient efforts to prevent displacement, especially of African American residents.

- "Community building. I believe the city should do a better job to bring together landlords, tenants, and single-family owners."
- "Enforce section 8 on new buildings. New building are actively NOT excepting section 8, some are even including in there Apt add no section 8."
- "support to stop displacement of generational families in historically Black areas of Berkeley"

The survey revealed three additional areas that the respondents deem as important: economic development, public safety, and program oversight. Some respondents are concerned about vacant retail spaces and a decline in small businesses in the community. Providing assistance to small businesses and repurposing vacant retail spaces for housing have been suggested as solutions. Investment in public safety was mentioned multiple times, especially in regard to street conditions and encampments. In terms of program oversight, suggestions include improving transparency by making reports available and including detailed information on who benefited from funded activities and keeping subrecipients accountable for outcomes.

- "Support for small businesses, address vacant retail spaces"
- "Maintaining safety for the public and homeless Berkeleyans, as well as public access to streets, parks and other amenities through management of long term, dangerous encampments"
- "In all priority areas there needs to be strong oversight of how funding is spent, the results of the spending, and the quality of construction and services. This piece is badly missing. Funds and grants are distributed with very little attention to the results of the spending."

DRAFT

COUNTY OF ALAMEDA

REGIONAL ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING

2024

This report is a joint effort lead by the County of Alameda in partnership with the Cities of Alameda, Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Newark, Oakland, Piedmont, Pleasanton, San Leandro, Union City, Unincorporated Alameda County, and the Housing Authorities of the City of Alameda, the County of Alameda, Berkeley, Livermore, and Oakland.

Has Your Right to Fair Housing Been Violated?

Examples of actions that could be discriminatory if based on a person's Protected Characteristic include:

- Refusal to sell, rent, or lease rooms, apartments, mobile homes, condos, or houses
- Refusal to negotiate for the sale, rental, or lease of housing
- Informing someone that an apartment is not available for inspection, sale, or rental when it is in fact available
- Denial of a home loan or homeowner's insurance
- Cancellation or termination of a sale or rental agreement
- Refusal to permit, at a disabled tenant's expense, reasonable modifications – such as adding a ramp, widening a doorway, or installing a safety bar in a shower – when necessary to accommodate a disability
- Refusal to make reasonable accommodations in housing rules, policies, practices, or services where necessary to provide a disabled person equal opportunity to use and enjoy a dwelling
- Rules that restrict only on families with children, such as a prohibition against children using an on-site pool or playing in common areas of an apartment complex
- Refusing to rent to a tenant with a section 8 voucher.
- Not complying with the requirements of a rental assistance or subsidy program (such as section 8) by refusing to complete required forms, sign documents, or allow inspections
- Refusing to rent to anyone with a criminal history
- Screening prospective tenants – including when done by a third-party such as a tenant screening company – in a way that discriminates based on a protected characteristic
- Retaliation against someone because they filed a complaint with CRD, requested a reasonable accommodation for a disability, or otherwise tried to protect their rights to be free from housing discrimination

If you feel you have experienced discrimination in the housing industry, please contact:

Eden Council for Hope and Opportunity

22551 Second Street, Suite 200

Hayward, CA 94541

510-581-9380 phone

510-537-4793 fax

State of California Civil Rights Department

651 Bannon Street, Suite 200

Sacramento, CA 95811

VOICE: 800-884-1684

TTY: 800-700-2320 or California's Relay Service at 711

EMAIL: contact.center@calcivilrights.ca.gov

U.S. Department of Housing and Urban Development

San Francisco Regional Office

Fair Housing and Equal Opportunity (FHEO)

One Sansome Street, Suite 1200

San Francisco, CA 94104

VOICE: (800) 347-3739 or (415) 489-6400

TTY: California's Relay Service at 711

FILE A REPORT ONLINE: https://portalapps.hud.gov/FHEO903/Form903/Form903Start.action

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Introduction

The County of Alameda, as lead agency, together with multiple participating jurisdictions—the cities of Alameda, Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Newark, Oakland, Piedmont, Pleasanton, San Leandro, Union City and Unincorporated Alameda County; the housing authorities for the cities of Alameda, Berkeley, Livermore, and Oakland; and the Housing Authority of the County of Alameda—have formed a regional collaborative for the purpose of completing an Analysis of Impediments to Fair Housing Choice (Regional Analysis of Impediments). This Regional Analysis of Impediments helps to meet the partners' obligation to affirmatively further fair housing, which is a requirement of recipients of funding from the US Department of Housing and Urban Development (HUD). HUD requires that an analysis of impediments be conducted every five years, preferably in conjunction with a five-year Consolidated Plan process, which regional members plan to complete by May 15, 2025.

This Analysis of Impediments (AI) to Fair Housing Choice provides an overview of laws, regulations, conditions, and other possible obstacles that may affect an individual's or household's access to housing and is prepared for the purpose of implementing fair housing rules to affirmatively further fair housing. This document provides

- A comprehensive review of laws, regulations, and administrative policies, procedures, and practices, and an assessment of how they affect the location, availability, and accessibility of housing; and
- An assessment of conditions, both public and private, affecting fair housing choice.

Definitions

Below are terms frequently used throughout this report:

Affirmatively Further Fair Housing means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means addressing significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially or ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws. See 24 CFR § 5.151

Alameda County includes all Participating Jurisdictions, as defined below.

Consortium includes the geographic areas covered by HOME Consortium members, which are Urban County and Entitlement Cities, excluding Berkeley and Oakland. The Housing Authorities' service areas are covered by these geographies.

Entitlement Cities are the cities of Alameda, Berkeley, Fremont, Hayward, Livermore, Oakland, Pleasanton, San Leandro, and Union City.

Mid/Central County includes Hayward, San Leandro, and the City of Alameda.

North County includes Berkeley, Piedmont, Albany, and Emeryville.

Participating Jurisdictions include all the entities in this regional collaboration: County of Alameda; the cities of Alameda, Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Newark, Oakland, Piedmont, Pleasanton, San Leandro, Union City and Unincorporated Alameda County; and the Housing Authority of the County of Alameda, Housing Authority of the City of Alameda, Berkeley Housing Authority, Livermore Housing Authority, and Oakland Housing Authority. Data presented within this document may say Alameda County when referring to the geographic area of Alameda County which includes all these participating jurisdiction geographies.

Protected Characteristics are defined at the Federal and State levels and are discussed in Chapter 4 of this report.

Racially/Ethnically Concentrated Area of Poverty (R/ECAP) is a neighborhood (census tract) that has a poverty rate of 40 percent or more and a racial or ethnic concentration where 50 percent or more of the tract is composed of residents of color.

Region refers to the Alameda County Core Base Statistical Area (CBSA) that is used in comparative analysis. Jurisdictions included in the Alameda County CBSA are Alameda, Contra Costa, San Francisco, and San Mateo.

South County includes Fremont, Newark, and Union City.

Tri-County includes Dublin, Pleasanton, and Livermore.

Urban County refers to Albany, Dublin, Emeryville, Newark, Piedmont, and unincorporated County.

Background on AI Requirements

For decades, HUD has required participants of HUD programs, such as states, local governments, insular areas, and PHAs, to engage in Fair Housing Planning. Such planning has previously consisted of the Analysis of Impediments to Fair Housing Choice (AI) and the Assessment of Fair

Housing (AFH) and was done in connection with other types of planning required by program requirements, such as the consolidated plan, annual action plan, and PHA plan.

Since the last fair housing plan, HUD published in the Federal Register a Notice of Proposed Rulemaking (NPRM) entitled "Affirmatively Furthering Fair Housing" on February 9, 2023. During this proposed rulemaking, HUD's 2021 Interim Final Rule (IFR) remained in effect.

HUD's 2021 Interim Final Rule, "Restoring Affirmatively Furthering Fair Housing Definitions and Certifications," required program participants to submit certifications that they would affirmatively further fair housing in connection with their consolidated plans, annual action plans, and PHA plans. In order to support these certifications, the IFR created a voluntary fair housing planning process for which HUD planned to provide technical assistance and support.

The IFR also rescinded the 2020 Preserving Communities and Neighborhood Choice rule, which caused program participants to certify "compliance" with a regulatory definition that then presidential administration deemed not a reasonable construction of the Fair Housing Act's mandate to affirmatively further fair housing. With the IFR, HUD put itself and its program participants back in a position to take meaningful steps towards improved fair housing outcomes. The IFR did not require program participants to undertake any specific type of fair housing planning to support their certifications. The IFR was the guiding requirement for the majority of this plan's development.

On March 3, 2025, HUD issued an interim final rule to repeal the 2021 IFR, including any parts of a previous 2015 AFFH Rule incorporated therein, and the 1994 requirement to produce an analysis of impediments to fair housing where such requirements appear in regulation or guidance. Thus, if implemented, this interim rule returns to the original understanding of what the statutory AFFH certification was prior to 1994—a general commitment that grantees will take active steps to promote fair housing. Grantee AFFH certifications will be deemed sufficient provided they took any action during the relevant period rationally related to promoting fair housing, such as helping to eliminate housing discrimination. This interim final rule does not reinstate the obligation to conduct an analysis of impediments or mandate any specific fair housing planning mechanism; program participants must continue to affirmatively further fair housing as and to the extent required by the Fair Housing Act. Final comments on the interim rule were due by May 2, 2025.

HUD implements the AFFH mandate in other ways, such as through its collection of certifications from program participants, provisions regarding program design in its notices of funding opportunity (NOFOs), affirmative fair housing marketing and advertising requirements, and enforcement of site and neighborhood standards.

Outside of the federal requirements to affirmatively further fair housing, the State of California implemented the AFFH mandate through requirements in local planning departments' Housing Elements. All Housing Elements must be approved by the State of California. Fair housing planning is also an effective tool in staying aware of the barriers to housing opportunity affecting communities so that resources can be employed efficiently and effectively in meeting community needs.

Understanding Fair Housing and Impediments to Fair Housing

In light of the various pieces of fair housing legislation passed at the Federal and State levels, fair housing throughout this report incorporates the concept of fair housing choice and means:

A condition in which individuals of similar income levels in the same housing market have a range of choices available to them regardless of their characteristics as protected under State and Federal laws.

HUD's Office of Fair Housing and Equal Opportunity (FHEO) draws a distinction between housing affordability and fair housing. Economic factors that affect a household's housing choices are not fair housing issues per se. Only when the relationship between household income, household type, race/ethnicity, and other factors create misconceptions, biases, and differential treatments is where fair housing concerns arise.

Tenant/landlord disputes are also typically not related to fair housing. Most disputes between tenants and landlords result from a lack of understanding by either or both parties on their rights and responsibilities. Tenant/landlord disputes and housing discrimination cross paths when the disputes are based on factors protected by fair housing laws and result in differential treatment.

Within the legal framework of Federal and State laws, and based on the guidance provided by HUD's Fair Housing Planning Guide, impediments to fair housing choice can be defined as:

- Any actions, omissions, or decisions taken because of the characteristics protected under State and Federal laws, which restrict housing choices or the availability of housing choices; or
- Any actions, omissions or decisions which have the effect of restricting housing choices or the availability of housing choices on the basis of characteristics protected under State and Federal laws.

To affirmatively promote equal housing opportunity, a community must work to remove impediments to fair housing choice.

Methodology

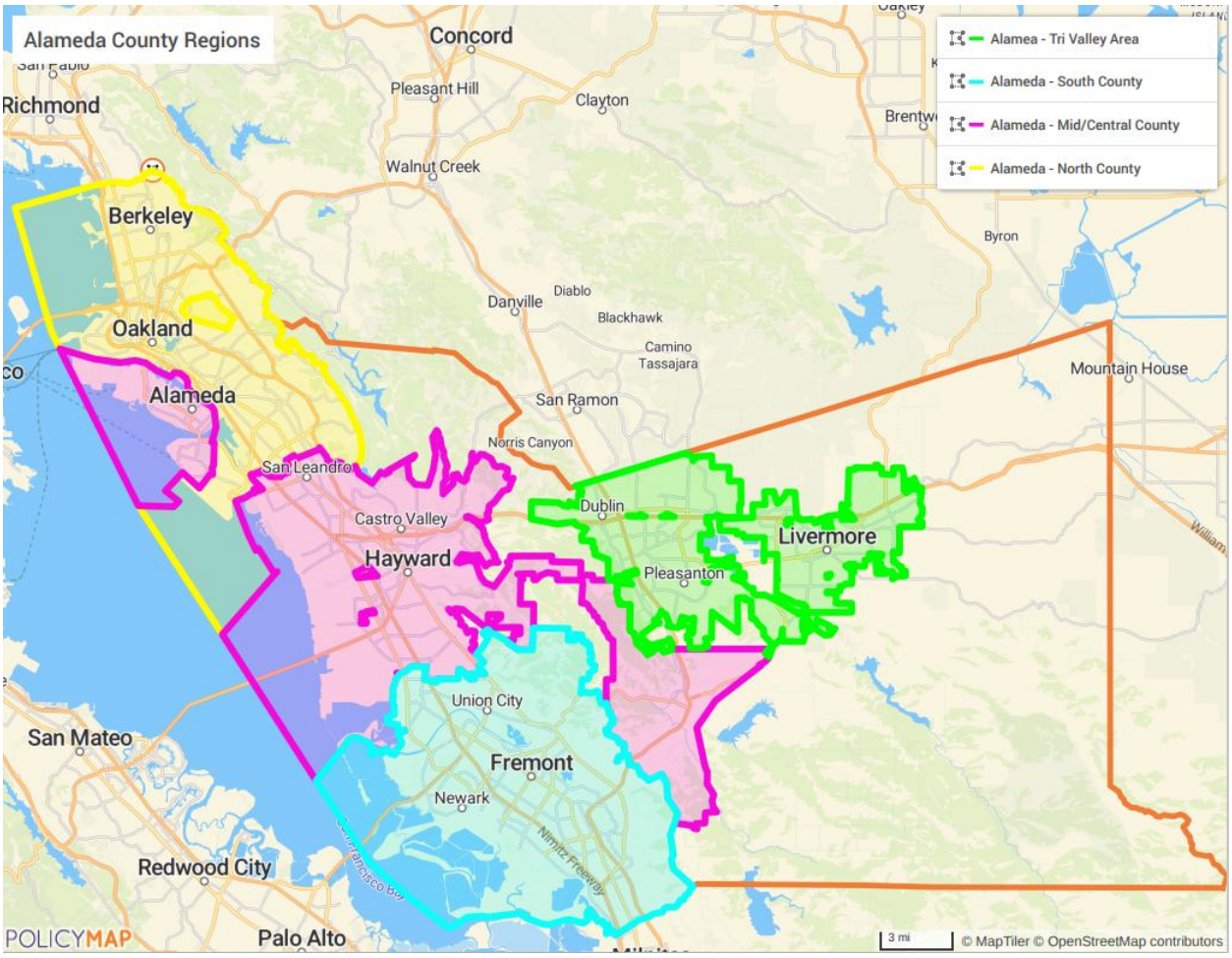
The following steps were taken to update the report:

- Analyze current publicly available data regarding the Alameda County demographics and housing;
- Engage with community members and stakeholders via public meetings and correspondence;
- Identify impediments to fair housing choice for Alameda County residents; and
- Develop strategies and actions for removing impediments and affirmatively furthering fair housing choice.

Data

Analysis of demographic and housing trends was completed using data from numerous sources, including the US Census Bureau's 2000, 2010, and 2020 Decennial Census data, American Community Survey (ACS) 2018 – 2022 data, Housing Mortgage Disclosure Act Data from 2023 and other sources identified throughout the plan.

Throughout this report data is presented in a number of ways depending on the source of data and needs for analysis. Data may be presented for the County as a whole, for the Entitlement Cities, for the Urban County, for the Consortium, for individual Participating Jurisdictions, or for different regions of the County. The North, South, Tri-Valley, and Mid/Central regions of the County are shown in the map below for reference.



Community Engagement

The community engagement process involved six community meetings and stakeholder interviews as well as a digital survey available in multiple languages. Engagement materials were distributed to service organizations who then distributed it to their served populations. The survey was available in English, Spanish, Farsi, Tagalog, Traditional Chinese, and Vietnamese. Residents of the participating jurisdictions as well as specific populations were targeted for engagement, including: racial and ethnic minorities, people experiencing homelessness, people with disabilities, people residing in R/ECAPs, and people with limited English proficiency.

Stakeholders from a variety of organizations were contacted as well, including organizations that provide housing, housing services, homeless services, youth services, nonprofit social services, services for seniors, services for disabled persons, and HIV/AIDS services, as well as government agencies, advocates, emergency service providers, educational organizations, and economic development organizations.

The Community Engagement Process is further discussed in Chapter 2 on Community Participation.

Impediments to Fair Housing Choice and Planned Action

Impediments were identified through an analysis of the collected data and community engagement findings. Regional goals were then developed to address these impediments to create a cohesive strategy and leverage resources. A summary of the proposed actions follows:

GOAL ONE: PROMOTE FAIR HOUSING ENFORCEMENT AND EDUCATION THROUGH INTERAGENCY COLLABORATION.

ACTION 1A: Continue to contract with housing service providers to educate home seekers, landlords, property managers, real estate agents, and lenders regarding fair housing law and recommended practices, including the importance of reasonable accommodation under ADA, protections for source of income, and the impact of using credit, criminal, and eviction history to assess tenant applications.

ACTION 1B: Create or coordinate with local organizations on the creation of tenant advocacy materials that will provide easy to understand summaries of tenant rights and information on resources that can help with housing challenges including where to find housing assistance and where to report housing concerns. These materials will be available in multiple languages and digitally and on paper for those who do not regularly access the internet.

ACTION 1C: Seek ways to increase resident access to fair housing services, such as improved marketing of services, strategies for bringing opportunities into the community through partnership with service organizations, and incorporating fair housing considerations as a routine practice of program administration.

GOAL TWO: ADDRESS CHALLENGES OF DISPLACEMENT AMONG RESIDENTS IN HIGH COST AND GENTRIFYING AREAS.

ACTION 2A: Encourage landlords in high resource areas to market their available units to Housing Choice Voucher Holders through education, incentives, and interagency coordination that may help to streamline housing navigation and inspection processes.

ACTION 2B: Work to connect tenants at risk of eviction or displacement with services that stabilize housing.

ACTION 2C: Monitor the status of units at risk of conversion and work proactively with property owners to identify strategies that will allow units to remain affordable.

ACTION 2D: Explore options for limiting redevelopment of existing affordable housing projects to other uses and to require replacement housing be provided when project will result in loss of low to moderate income housing units.

ACTION 2E: Provide home repair assistance to income-qualified homeowners to allow homeowners to maintain housing safety and remain in their homes.

GOAL THREE: CONTINUE TO SUPPORT THE CREATION OF NEW AFFORDABLE HOUSING OPPORTUNITIES

ACTION 3A: Continue to encourage construction of affordable housing throughout the region, including through the use of public land and enhanced coordination with nonprofit developers.

ACTION 3B: Encourage construction of accessory dwelling units.

ACTION 3C: Increase housing density consistent with state requirements and encourage applicants to apply for density bonuses as a tool to produce affordable housing and promote new housing.

ACTION 3D: Explore enhanced incentives for developers of affordable housing including incentives such as reduced fees, expedited processing, and regulatory streamlining.

GOAL FOUR: EXPAND HOUSING OPPORTUNITIES FOR PEOPLE WITH SPECIAL NEEDS

ACTION 4A: Provide accessibility improvements in rehabilitation activities to increase the ability of physically disabled people to obtain and retain appropriate housing and live independently.

ACTION 4B: Facilitate housing development and assistance programs for special needs households, including seniors, farmworkers, persons with disabilities, large families, female-headed households, residents living below the poverty level, non-English speakers, and the unhoused.

ACTION 4C: Continue outreach and engagement efforts to assist unhoused residents in securing safe affordable shelter and associated supportive services.

GOAL FIVE: ENHANCE COORDINATION ACROSS JURISDICTIONS TO PROMOTE COLLABORATION IN MEETING REGIONAL CHALLENGES

ACTION 5A: Actively collaborate across jurisdictions, including through coordination with the Alameda County Housing Portal and attendance at quarterly meetings with the Participating Jurisdictions to discuss fair housing strategies, share information, and provide updates on goals to better coordinate regional fair housing efforts.

Chapter 7: Fair Housing Findings, Impediments, and Planned Actions

This section summarized the findings, impediments and planned actions resulting from the analysis presented in this plan.

Findings

As a result of detailed demographic, economic, and housing analysis, along with a range of activities designed to foster public involvement and feedback, the following findings were made and impediments identified.

Demographic Shifts:

- Alameda County's population has grown since 1990 but recently declined slightly. Growth has been driven by foreign-born residents and residents of color, especially among Asian and Pacific Islander populations, while White and Black populations have decreased.

Housing Affordability and Cost Burden:

- Housing costs have significantly increased, outpacing income growth. Median home values rose by 64.5%, and median rents increased by nearly 49% from 2017 to 2023, intensifying affordability challenges for lower-income residents.
- A household would need to earn $107,280 annually to afford a two-bedroom apartment without being cost-burdened.
- Renters and seniors face significant affordability challenges; nearly 52% of renter households experience at least one housing issue.

Segregation and Displacement:

- Patterns of segregation persist, with residents of color more concentrated in rental-heavy, lower-income neighborhoods.
- Segregation between non-Hispanic White households and Hispanic households has increased in most jurisdictions.

Homeownership and Racial Disparities:

- White and Asian households have the lowest home mortgage denial rates, while Black, Hispanic, and Native American households have the highest rates. Denial rates are especially disproportionate for Black and African American applicants. Black and African American residents represent just 9.9% of the County's population but nearly 29% of home purchase denials.

- Certain cities, like Livermore and Berkeley, have disproportionately high White homeownership rates relative to their demographics.
- Subprime lending has increased by 4% since 2022, the sharpest increase in recent years. Asian and White loan recipients had the highest share compared to other groups at significantly higher rates of nearly 30% respectively as compared to only around 10% Black and African American loan recipients and 6% for Hispanics.

Poverty and Income Disparities:

- Black, Hispanic, and Native American residents experience disproportionately higher poverty rates. Median incomes for Black and Hispanic residents are significantly lower than those of White and Asian residents, highlighting income disparities.

Disproportionate Housing Needs:

- People of color and low-income groups face higher rates of cost burden, overcrowding, and inadequate housing, underscoring systemic barriers in housing access. Cost-burdened households are mostly renters, including a large number of seniors.

Publicly Supported Housing:

- About 3.62% of Alameda County's population resides in subsidized housing, slightly higher than the state average, but insufficient to meet the growing needs for affordable housing.

Education and Transportation:

- Low graduation rates for Limited English Proficiency (LEP) students and high transit dependency in lower-income areas highlight educational and mobility challenges, particularly in areas with high populations of people of color.
- Educational attainment varies, with lower graduation rates in areas with high populations of people with color. Women earn significantly less than men with similar educational levels, impacting housing affordability.

Disability Access:

- Approximately 9.6% of residents live with disabilities, with higher concentrations among Black and American Indian residents. Many elderly residents with disabilities face housing affordability and accessibility issues.
- There are higher rates among American Indian, Alaska Native, and Black populations. The highest concentration of disability occurs in Oakland and areas with higher poverty and older housing stock.

Racially/Ethnically Concentrated Areas of Poverty (R/ECAPs):

- R/ECAPs in Alameda County are in the North and Central County aligning with regions of high populations of people of color and poverty, illustrating the intersection of race, income, and geographic disparity.

Impediments to Fair Housing Choice

According to HUD's Fair Housing Planning Guide, and based within the legal framework of federal and state laws, impediments to fair housing choice are:

- Any actions, omissions or decisions taken because of race, color, ancestry, national origin, religion, sex, disability, age, marital status, familial status, source of income, sexual orientation or any other arbitrary factor that restricts housing choices or the availability of housing choices, or
- Any actions, omissions or decisions that have the effect of restricting housing choices or the availability of housing choices on the basis of race, color, ancestry, national origin, religion, sex, disability, age, marital status, familial status, source of income, sexual orientation or any other arbitrary factor.

To affirmatively promote equal housing opportunity, a community must work to remove impediments to fair housing choice.

In addition, the participating jurisdictions, as part of the process to have their Housing Element certified by the California Department of Housing and Community Development (HCD), completed Affirmatively Furthering Fair Housing (AFFH) requirements. The goal of AFFH is to combat housing discrimination, eliminate racial bias, undo historic patterns of segregation and lift barriers that restrict access in order to foster inclusive communities and achieve racial equality, fair housing choice, and opportunities for all residents.

The Participating Jurisdictions have identified the following impediments to fair housing:

1. ***Residents, homebuyers, and property owners have insufficient understanding of fair housing requirements and protections.***

   Analysis indicates that continued outreach and enforcement is needed to educate property owners, tenants, and those in the lending market about rights and obligations around fair housing protections and potential discriminatory practices.

2. ***Discriminatory barriers prevent tenants from accessing housing opportunities.***
   Fair housing laws offer protections for those with protected characteristics, however, data shows that people still experience discrimination despite these protections - particularly based on disability, race, and source of income. Further, some characteristics are not protected by law and are the most cited areas of discrimination, including criminal

background, eviction history, and credit history. These barriers may prevent people from accessing housing in areas that offer the opportunities they may be seeking.

3. ***The region lacks the number of affordable housing units needed to meet the demands of low to moderate-income households.***
   Consistently, throughout consultation stakeholders and the public cited the lack of affordable units as the number one barrier to housing opportunity. Analysis of the cost of housing show significant increase in home values and the rental marketing making it increasingly difficult for renters to find units they can afford and for residents to achieve homeownership.

4. ***Property turnover is resulting in displacement of residents and high costs of housing leave few options accessing new housing that is safe, decent, affordable, and near opportunity areas.***
   As property values climb, more property owners look to sell their units to realized profits. When landlords sell properties with tenants residing in them, tenants face possible displacement due the units turning over from rental units or because of increasing rent costs. Community members cited displacement as a major impediment to accessing jobs close to home and maintaining connections that are rooted in community.

5. ***Increasing rent costs are pushing residents out of communities where they wish to live and where they have connections to support systems and opportunity.***
   As rents increase, renters are forced to move farther from amenities to find affordable housing costs. The result of this displacement is difficulty in accessing jobs, reaching needed services, and increases in transportation costs in lieu of housing costs.

6. ***The region lacks the accessible units and supportive housing units needed to meet the demands of special needs households.***
   While affordable housing is lacking in general, accessible affordable housing is even more scarce. According to community stakeholders, those with physical disabilities and supportive housing needs are the most difficult to house.

7. ***Increasing rent costs have disparate impacts on special needs households that tend to have fixed incomes and fewer options for housing that accommodates their needs.***
   Individuals with fixed incomes are the most vulnerable in areas with significant affordability challenges. As housing costs and other costs of living rise, their fixed incomes often see no or little increases making them most at risk for homelessness. Households with fixed incomes include seniors and people with disabilities.

8. ***Systems feel disjoined and hard to navigate for people seeking affordable housing options and access to opportunities.***

Community residents expressed concerns about the inability to navigate systems that might provide support for their housing and other basic needs. They often do not know where to start or do not have the means to navigate the process of follow up, documentation requirements, access to transportation to make appointments, and other logistics required to secure assistance, especially when they are already facing homelessness or struggling to maintain their housing.

9. Significant housing challenges require coordinated approaches to meeting the needs of communities.

As a region, Alameda County has many resources that serve its residents. However, the challenges to meeting the needs of low- and moderate-income people as well as people with special needs while simultaneously addressing discrimination are significant. To make the most impact on the barriers to housing opportunity, a coordinated approach is needed.

Proposed Actions

The following chart summarizes the proposed actions to be undertaken by the Participating Jurisdictions to meet the needs of the region as identified in the findings and impediments.

SUMMARY OF PROPOSED GOALS AND ACTIONS

GOAL ONE: PROMOTE FAIR HOUSING ENFORCEMENT AND EDUCATION THROUGH INTERAGENCY COLLABORATION.

ACTION 1A: Continue to contract with housing service providers to educate home seekers, landlords, property managers, real estate agents, and lenders regarding fair housing law and recommended practices, including the importance of reasonable accommodation under ADA, protections for source of income, and the impact of using credit, criminal, and eviction history to assess tenant applications.

ACTION 1B: Create or coordinate with local organizations on the creation of tenant advocacy materials that will provide easy to understand summaries of tenant rights and information on resources that can help with housing challenges including where to find housing assistance and where to report housing concerns. These materials may be available in multiple languages and digitally and on paper for those who do not regularly access the internet.

ACTION 1C: Seek ways to increase resident access to fair housing services, such as improved marketing of services, strategies for bringing opportunities into the community through partnership with service organizations and incorporating fair housing considerations as a routine practice of program administration.

GOAL TWO: ADDRESS CHALLENGES OF DISPLACEMENT AMONG RESIDENTS IN HIGH COST AND GENTRIFYING AREAS.

ACTION 2A: Encourage landlords in high resource areas to market their available units to Housing Choice Voucher Holders through education, incentives, and interagency coordination that may help to streamline housing navigation and inspection processes.

ACTION 2B: Work to connect tenants at risk of eviction or displacement with services that stabilize housing.

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GOAL FIVE: ENHANCE COORDINATION ACROSS JURISDICTIONS TO PROMOTE COLLABORATION IN MEETING REGIONAL CHALLENGES

ACTION 5A: Actively collaborate across jurisdictions, including through coordination with the Alameda County Housing Portal and attendance at quarterly meetings with the Participating Jurisdictions to discuss fair housing strategies, share information, and provide updates on goals to better coordinate regional fair housing efforts.

GOAL ONE: PROMOTE FAIR HOUSING ENFORCEMENT AND EDUCATION THROUGH INTERAGENCY COLLABORATION.

IMPEDIMENTS ADDRESSED:

- **Discriminatory barriers prevent tenants from accessing housing opportunities.**
- **Residents, homebuyers, and property owners have insufficient understanding of fair housing requirements and protections.**
- **Systems feel disjoined and hard to navigate for people seeking affordable housing options and access to opportunities.**
- **Significant housing challenges require coordinated approaches to meeting the needs of communities.**

	County of Alameda	City of Alameda	Albany	Berkeley	Dublin	Emeryville	Fremont	Hayward	Livermore	Newark	Oakland	Piedmont	Pleasanton	San Leandro	Union City	Housing Authority of the City of Alameda	Alameda County Housing Authority	Berkeley Housing Authority	Livermore Housing Authority	Oakland Housing Authority
ACTION 1A: Continue to contract with housing service providers to educate home seekers, landlords, property managers, real estate agents, and lenders regarding fair housing law and recommended practices, including the importance of reasonable accommodation under ADA, protections for source of income, and the impact of using credit, criminal, and eviction history to	X	X	X	X		X	X	X	X		X	X	X	X	X					X

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assess tenant applications.																				
Responsible Entity	Alameda County, Housing and Community Develop-ment Department (HCD)	Housing and Human Services Eden Council for Hope and Opportunity	Recreation & Community Services w/ECHO	Housing and Community Services, contract with ECHO		Economic Development & Housing Division	Human Services and Housing Division, Community Services	Housing Division, Community Services Division	Community Development Department Housing & Human Services Contract w ECHO		Housing & Community Development Department and contracted legal services/com munity organizations		Housing Division	Housing Division	Housing & Community Development Department Economic & Community Development Department					
Timeframe for Implementation	Continuous	Annually	continuous	Every 4 years		Annually	Annually	Continuous	Annually		Annually	Ongoing	Annually	Annually during planning period	Annually					Ongoing
Housing Element Tie Back	Program 6.G	Program 13, 9	Program 5			Program DD		Program H-22	Program 5.1.1 (A)			Policy 5.5, 5.7; Program 5.A, 5.B, 5.D, 5.F Policy 7.1, 7.2, 7.3, 7.4; Program &.A, 7.B, 7.C, 7.D, 7.E		Program 17	Program HE-6.(A)					
ACTION 1B:	X	X				X	X	X			X	X		X	X		X		X	X

GOAL ONE: PROMOTE FAIR HOUSING ENFORCEMENT AND EDUCATION THROUGH INTERAGENCY COLLABORATION.

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Create and/or coordinate with other local organizations on the creation of tenant advocacy materials that will provide easy to understand summaries of tenant rights and information on resources that can help with housing challenges including where to find housing assistance and where to report housing concerns. These materials will be available digitally and on paper for those who do not regularly access the internet.																				

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Responsible Entity	Alameda County, Housing and Community Develop-ment Department (HCD)	Housing and Human Services				Economic Development & Housing Division	Human Services Dept	Housing Division			Housing & Community Development Department			Housing Division	Housing & Community Development Department Economic & Community Development Department					
Timeframe for Implementation	Continuous	Continuous				Start Mid 2025, then ongoing	Continuous	Continuous			Annually			Ongoing	Ongoing		Ongoing		Ongoing	Ongoing
Housing Element Tie Back	Program 6.B and 6.G	Program 13	Program 5			New action-Program QQ		Program H-20, H-23, H-24				Policy 7.1, 7.2, 7.3, 7.4; Program 7.A, 7.B, 7.C, 7.D, 7.E		Program 18	Program HE-6.E					
ACTION 1C: Seek ways to increase resident access to fair housing services, such as improved marketing of services, strategies for bringing opportunities into the community	X			X		X	X	X	X		X	X	X	X	X		X		X	X

GOAL ONE: PROMOTE FAIR HOUSING ENFORCEMENT AND EDUCATION THROUGH INTERAGENCY COLLABORATION.

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through partnership with service organizations, and incorporating fair housing considerations as a routine practice of program administration.																				
Responsible Entity	Alameda County, Housing and Community Develop-ment Department (HCD)			Housing and Community Services Division, with ECHO		Economic Development & Housing Division	Human Services Dept	Housing Division, Community Services Division	Community Development Department Housing & Human Services		Housing & Community Development Department		Housing Division	Housing Division	Housing & Community Development Department Economic & Community Development Department					
Timeframe for Implementation	Ongoing			Ongoing		Annually	Continuous	Continuous	Annually		Continuously	Ongoing	Annually	Ongoing	Ongoing		Annually		Annually	*Annually*
Housing Element Tie Back	Program 6.G		Program 5			Program FF & PP		Program H-20, H-22	Program 5.1.1 (D)			Policy 5.4-5.7; ; Program 5.A-5.K Policy 7.1-7.4; Program 7.A-7.E		Programs 17 & 18	Program HE-6.A,B					

GOAL TWO: ADDRESS CHALLENGES OF DISPLACEMENT AMONG RESIDENTS IN HIGH COST AND GENTRIFYING AREAS.

IMPEDIMENTS ADDRESSED:

- **Increasing rent costs are pushing residents out of communities where they wish to live and where they have connections to support systems and opportunity.**
- **Property turnover is resulting in displacement of residents and high costs of housing leave few options accessing new housing that is safe, decent, affordable, and near opportunity areas.**

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ACTION 2A: Encourage landlords in high resource areas to market their available units to Housing Choice Voucher Holders through education, incentives, and interagency coordination that may help to streamline housing navigation and inspection processes.		X		X		X	X		X		X	X			X	X	X		X	X
Responsible Entity		Housing and Human Services Division Housing Authority of the City of Alameda		Housing and Community Services Division		Economic Development & Housing Division	Human Services Dept and Housing Division, Community Development Dept		Community Development Department Housing & Human Services		Housing & Community Development Department				Housing & Community Development Department Economic & Community Development Department					
Timeframe for Implementation		Annually		Ongoing/ Annually		Annually	Annually		Biennially		Annually				Ongoing	Ongoing	Ongoing		Ongoing	Ongoing

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Housing Element Tie Back		Program 12				Program CC			Program 3.4.2 (B)			Policy 1.11			Program HE-4.B					
ACTION 2B: Work to connect tenant at risk of eviction or displacement with services to stabilize housing.	X	X	X	X		X	X	X	X		X	X	X	X	X	X	X		X	X
Responsible Entity	Alameda County, Housing and Community Develop-ment Department (HCD)	Housing and Human Services Division Eden Council for Hope and Opportunity	Recreation & Community Services w/ECHO	Housing and Community Services Division, with ECHO and Eviction Defense Center		Economic Development and Housing Division	Human Services Dept	Housing Division, Community Services Division	Community Development Department Housing & Human Services Contract w ECHO & Centro Legal		Housing & Community Development Department		Housing Division	Housing Division	Housing & Community Development Department Economic & Community Development Department Community & Recreation Services					
Timeframe for Implementation	Continuous	Annually	Continuous	Continuous with contractors		Annually	Annually	Continuous	Continuous		Continuously		Continuous	Annually during planning period	Ongoing	Ongoing	Ongoing		Ongoing	ongoing
Housing Element Tie Back	Program 6.F.	Program 13	Program 5			Program QQ		Program H-22	Program 3.4.2(D)			Policy 1.11		Program 9	Program HE-7.B					
ACTION 2C:	X	N/A	N/A	X		X	X	X	X		X	X	X	X	X	N/A			N/A	N/A

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Monitor the status of units at risk of conversion and work proactively with property owners to identify strategies that will allow units to remain affordable.																				
Responsible Entity	Alameda County, Housing and Community Develop-ment Department (HCD)	Housing and Human Services Division		Housing and Community Services Division		Economic Development & Housing	Housing Division, Community Services Dept	Housing Division	Community Development Department Housing & Human Services		Housing & Community Development Department		Housing Division	Housing Division	Housing & Community Development Department Economic & Community Development Department					
Timeframe for Implementation		Continuous		Continuous		Annually	Continuous	Continuous	Continuous		Continuous			Continuous	Continuous					
Housing Element Tie Back	Program 2.K.	Program 15, 17				Program AA		Program H-3-	Program 3.5.1 (A)			Policy 2.6 Policy 1.11		Program 3	Program HE-3.A					
ACTION 2D: Explore options for limiting redevelopment of existing			N/A	X				X			X	X		X	X				N/A	N/A

GOAL TWO: ADDRESS CHALLENGES OF DISPLACEMENT AMONG RESIDENTS IN HIGH COST AND GENTRIFYING AREAS.																			
IMPEDIMENTS ADDRESSED: • **Increasing rent costs are pushing residents out of communities where they wish to live and where they have connections to support systems and opportunity.** • **Property turnover is resulting in displacement of residents and high costs of housing leave few options accessing new housing that is safe, decent, affordable, and near opportunity areas.**																			
	County of Alameda	**City of Alameda**	**Albany**	**Berkeley**	**Dublin**	**Emeryville**	**Fremont**	**Hayward**	**Livermore**	**Newark**	**Oakland**	**Piedmont**	**Pleasanton**	**San Leandro**	**Union City**	**Housing Authority of the City of Alameda**	**Alameda County Housing Authority**	**Berkeley Housing Authority**	**Livermore Housing Authority**	**Oakland Housing Authority**
affordable housing projects to other uses and to require replacement housing be provided when project will result in loss of low-moderate income housing units.																			
Responsible Entity				Housing and Community Services Division				Housing Division, Planning Division			Housing & Community Development Department Planning & Building Department			Housing Division	Housing & Community Development Department Economic & Community Development Department					
Timeframe for Implementation				Continuous				Continuous				Ongoing		Continuous	Continuous					
Housing Element Tie Back	Program 2.L.							H-10				Policy 1.11 Policy 2.6		Program 3	Program HE-3.A Policies HE-3.1-3.4					
ACTION 2E: Provide home repair assistance to income-	X	X	X	X		X	X	X	2025 Implement-ation		X	X	X	X	X				N/A	N/A

GOAL TWO: ADDRESS CHALLENGES OF DISPLACEMENT AMONG RESIDENTS IN HIGH COST AND GENTRIFYING AREAS.

IMPEDIMENTS ADDRESSED:

- **Increasing rent costs are pushing residents out of communities where they wish to live and where they have connections to support systems and opportunity.**
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qualified homeowners to allow homeowners to maintain housing safety and remain in their homes																				
Responsible Entity	Alameda County, Housing and Community Develop-ment Department (HCD)	Housing and Human Services Division	Recreation & Community Services w/CBDG	Housing and Community Services Division		Economic Development & Housing Division	Human Services Dept	Community Services Division			Housing & Community Development Department		Housing Division	Housing Division	Housing & Community Development Department Economic & Community Development Department					
Timeframe for Implementation	Continuous	Continuous	Continuous	Continuous		Ongoing	Continuous	Continuous			Continuous		Continuous		Annually					
Housing Element Tie Back	Program 5.A., 5.B.	Program 17	Program 6			Program X		H-1				Policy 1.11 Policy 2.2	Program 3.5	Program 1	Program HE-5.A					

GOAL THREE: CONTINUE TO SUPPORT THE CREATION OF NEW AFFORDABLE HOUSING OPPORTUNITIES

IMPEDIMENTS ADDRESSED:

- **The region lacks the number of affordable housing units needed to meet the demands of low to moderate income households.**
- **Increasing rent costs are pushing residents out of communities where they wish to live and where they have connections to support systems and opportunity.**
- **Property turnover is resulting in displacement of residents and high costs of housing leave few options accessing new housing that is safe, decent, affordable, and near opportunity areas.**

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ACTION 3A: Continue to encourage construction of affordable housing throughout the region, including through the use of public land and enhanced coordination with nonprofit developers.	X	X	X	X		X	X	X	X		X	X	X	X	X	X			X	X
Responsible Entity	Alameda County, Housing and Community Develop-ment Department (HCD)	Housing and Human Services Division Planning, Building, and Transportation Department	Community Develop-ment	Housing and Community Services Division		Economic Development & Housing Division	Housing Division	Housing Division	Community Development Department Planning		Housing & Community Development Department		Community Development Department	Housing Division, Planning Division	Housing & Community Development Department Economic & Community Development Department					
Timeframe for Implementation	Continuous	Continuous	Continuous	Ongoing, with RFPs		Ongoing		Continuous	Continuous		Continuous		Continuous	Ongoing	Ongoing	Ongoing			Ongoing	Annually
Housing Element Tie Back	Program 2, 3	Programs 8,9,10	Program 4			Program G		Program H-4, H-5, H-6	Program 3.2.2 (A-D)			Goals: 1 All policies	Programs 1.5, 2.1, 2.4, 5.5.	Program 10	Program HE-2.A, B					

GOAL THREE: CONTINUE TO SUPPORT THE CREATION OF NEW AFFORDABLE HOUSING OPPORTUNITIES

IMPEDIMENTS ADDRESSED:

- **The region lacks the number of affordable housing units needed to meet the demands of low to moderate income households.**
- **Increasing rent costs are pushing residents out of communities where they wish to live and where they have connections to support systems and opportunity.**
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												Programs 1.F, 1.I, i.U, 1.C All programs								
ACTION 3B: Encourage construction of accessory dwelling units.	X	X	x	X		X	X	X	X		X	X	X	x	X	N/A			X	N/A
Responsible Entity	Alameda County, Housing and Community Developme nt Department (HCD)	Housing and Human Services Division Planning, Building, and Transportation Department	Community Develop-ment Department	Housing and Community Services Division and Planning Department		Planning Division	Housing Division	Planning Division	Community Development Department Planning		Housing & Community Development Department		Community Development Department	Housing Division, Planning Division, Building Division	Housing & Community Development Department Economic & Community Development Department					
Timeframe for Implementation	Continuous	Continuous	continuous	Continuous		Ongoing		Continuous	Continuous		Continuous		Continuous	Ongoing	Ongoing				2025 - ongoing	
Housing Element Tie Back	Program 1.K, 2.C., 2.J.	Program 4, 5, 17	Program 1			Program D		Program H-17	Program 1.3.1 (A)			Policy 1.5, 1.6 Goal 3 Pollicy 3.1-3.4	Programs 1.8, 1.9	Program 13	Program HE-2.D					

GOAL THREE: CONTINUE TO SUPPORT THE CREATION OF NEW AFFORDABLE HOUSING OPPORTUNITIES

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- **Increasing rent costs are pushing residents out of communities where they wish to live and where they have connections to support systems and opportunity.**
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ACTION 3C: Increase housing density consistent with state requirements and encourage applicants to apply for density bonuses as a tool to produce affordable housing and promote new housing.	X	X	X	X		X		X	X		X			X	X				N/A	X
Responsible Entity	Alameda County, Housing and Community Develop-ment Department (HCD)	Housing and Human Services Division Planning, Building, and Transportation Department	Community Develop-ment	Housing and Community Services Division and Planning Department		Planning Division		Planning Division	Community Development Department Planning		Planning & Building Department			Housing Division, Planning Division	Housing & Community Development Department Economic & Community Development Department					
Timeframe for Implementation	Continuous	Continuous	Continuous	Continuous		Ongoing		Continuous	Continuous		Continuous			Ongoing	Ongoing					Ongoing
Housing Element Tie Back	Program 1.A, 2.A. 3.G.	Program 6	Program 4, 6			Program A		Program H-5	Program 3.1.2 (A)			Goal 1 (citywide)		Programs 5 & 10	Policy HE-2.4					N/A

GOAL THREE: CONTINUE TO SUPPORT THE CREATION OF NEW AFFORDABLE HOUSING OPPORTUNITIES

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												Policy 1.Q Policy 3.5 Program 5.C								
ACTION 3D: Explore enhanced incentives for developers of affordable housing including incentives such as reduced fees, expedited processing, and regulatory streamlining	X	X	X	X			X	X			X	X		X	X				N/A	X
Responsible Entity	Alameda County, Housing and Community Develop-ment Department (HCD)	Housing and Human Services Division Planning, Building, and Transportation Department	Community Develop-ment	Housing and Community Services Division and Planning Department			Housing Division	Planning Division			Housing & Community Development Department Planning & Building Department			Housing Division, Planning Division	Housing & Community Development Department Economic & Community Development Department					

GOAL THREE: CONTINUE TO SUPPORT THE CREATION OF NEW AFFORDABLE HOUSING OPPORTUNITIES

IMPEDIMENTS ADDRESSED:

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Timeframe for Implementation		Continuous	Continuous	Continuous			Continuous	Continuous			Ongoing			Ongoing	Ongoing					Ongoing
Housing Element Tie Back	Program 2	Program 8, 9, 21	program 4					Program H-16				Policy 3.5 Policy 4.2, 4.8, 4.9 Program 4.D, 4.I, 4.M, 4.Q, 4.R, 4.S		Program 10	Program HE-2.B					

GOAL FOUR: EXPAND HOUSING OPPORTUNITIES FOR PEOPLE WITH SPECIAL NEEDS

IMPEDIMENTS ADDRESSED:

- **The region lacks the accessible units and supportive housing units needed to meet the demands of special needs households.**
- **Increasing rent costs have disparate impacts on special needs households that tend to have fixed incomes and fewer options for housing that accommodates their needs.**
- **Discriminatory barriers prevent tenants from accessing housing opportunities.**

	County of Alameda	City of Alameda	Albany	Berkeley	Dublin	Emeryville	Fremont	Hayward	Livermore	Newark	Oakland	Piedmont	Pleasanton	San Leandro	Union City	Housing Authority of the City of Alameda	Alameda County Housing Authority	Berkeley Housing Authority	Livermore Housing Authority	Oakland Housing Authority
ACTION 4A: Provide accessibility improvements in rehabilitation activities to increase the ability of physically disabled people to obtain and retain appropriate housing and live independently	X	X		X		X	X	X			X	X	X	X	X				N/A	X
Responsible Entity	Alameda County, Community Develop-ment Agency	Housing and Human Services; Rebuilding Together East Bay Network		Housing and Community Services Division		Economic Development & Housing Division	Human Services Dept	Community Services Division			Housing & Community Development Department Community Development & Engagement Unit Housing Preservation Services Unit		Housing Division	Housing Division, Planning Division	Housing & Community Development Department Economic & Community Development Department					

GOAL FOUR: EXPAND HOUSING OPPORTUNITIES FOR PEOPLE WITH SPECIAL NEEDS

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Timeframe for Implementation				Ongoing		Ongoing	Ongoing	Ongoing			Ongoing		Ongoing		Ongoing					Ongoing
Housing Element Tie Back	Program 4					Program X		Program H-1				Policy 1.11	Program 3.5	Program 1	Program HE-7.A					
ACTION 4B: Facilitate housing development and assistance programs for special needs households, including seniors, farmworkers, persons with disabilities, large families, female-headed households, residents living below the poverty level, non-English speakers, and the unhoused.	X	X	X	X		X	X	X	X		X	X	X	X	X	X	X		X	X
Responsible Entity	Alameda County, Housing and Community	Housing and Human Services; Rebuilding Together	Community Develop-ment & Recreation &	Housing and Community Services		Economic Development & Housing Division,	Housing Division	Housing Division	Community Development Department		Housing & Community Development Department		Housing Division	Housing Division, Planning Division, Building	Housing & Community Development Department					

GOAL FOUR: EXPAND HOUSING OPPORTUNITIES FOR PEOPLE WITH SPECIAL NEEDS

IMPEDIMENTS ADDRESSED:

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	County of Alameda	City of Alameda	Albany	Berkeley	Dublin	Emeryville	Fremont	Hayward	Livermore	Newark	Oakland	Piedmont	Pleasanton	San Leandro	Union City	Housing Authority of the City of Alameda	Alameda County Housing Authority	Berkeley Housing Authority	Livermore Housing Authority	Oakland Housing Authority
	Develop-ment Department (HCD)	East Bay Network	Community Services			Planning Division			Housing & Human Services		Housing Development Services Divisions			Division, Engineering/ Transportation Department. Public Works Department, Human Services Department	Economic & Community Development Department					
Timeframe for Implementation			Continuous	Ongoing		Ongoing	Ongoing	Continuous	Continuous		Ongoing		Ongoing	Ongoing	Ongoing	Ongoing	Ongoing		Ongoing	Ongoing
Housing Element Tie Back	Program 4		Program 2, 3			Program K, O & BB		Program H-4, H-19	Program 1.5.3 (B, C, E & F)			Goal 5 Policy 5.1 - 5.7	Program 5.5	Programs 15 & 16	Program HE-7.D					
ACTION 4C: Continue outreach and engagement efforts to assist unhoused residents in securing safe affordable shelter and associated supportive services.	X		X	X		X	X	X	X		X	X	X		X				N/A	N/A

GOAL FOUR: EXPAND HOUSING OPPORTUNITIES FOR PEOPLE WITH SPECIAL NEEDS

IMPEDIMENTS ADDRESSED:

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Responsible Entity	Alameda County, Housing and Community Development Department (HCD)		Recreation & Community Services	Housing and Community Services Division		Economic Development & Housing Division	Human Services Dept	Community Services Division	Community Development Department Housing & Human Services		Housing & Community Development Department Community Homelessness Services Unit		Housing Division	Housing Division, Human Services Department, Alameda County, Non-profits	Housing & Community Development Department Economic & Community Development Department Alameda County Non-profit partners					
Timeframe for Implementation	Continuous		Ongoing	Ongoing		Ongoing	Ongoing	Continuous	Continuous				Continuous	Ongoing	Ongoing					
Housing Element Tie Back	Program 4.I		Program 3, 6			Program BB		Program H-13, H-19	Program 3.4.3 (B)			Policy 1.11; 5.5 Program 5.F - 5.K	Program 7.4	Program 16	Program HE-7.B, E, F					

GOAL XXX: ENHANCE COORDINATION ACROSS JURISDICTIONS TO PROMOTE COLLABORATION IN MEETING REGIONAL CHALLENGES																			
IMPEDIMENTS ADDRESSED: • **Systems feel disjoined and hard to navigate for people seeking affordable housing options and access to opportunities.** • **Significant housing challenges require coordinated approaches to meeting the needs of communities.**																			
	County of Alameda	**City of Alameda**	**Albany**	**Berkeley**	**Dublin**	**Emeryville**	**Fremont**	**Hayward**	**Livermore**	**Newark**	**Oakland**	**Piedmont**	**Pleasanton**	**San Leandro**	**Union City**	**Housing Authority of the City of Alameda**	**Alameda County Housing Authority**	**Berkeley Housing Authority**	**Livermore Housing Authority**	**Oakland Housing Authority**
ACTION 5A: Actively collaborate across jurisdictions, including through coordination with the Alameda County Housing Portal and attendance at quarterly meetings with the Participating Jurisdictions to discuss fair housing strategies, share information, and provide updates on goals to better coordinate regional fair housing efforts.	X	X	X	X		X	X	X			X	X	X	X	X	X	X		X	X
Responsible Entity	Alameda County, Housing and Community	Housing and Human Services,	Community Development,	Housing and Community		Economic Development & Housing	Human Services Dept	Housing Division			Housing & Community		Housing Division	Housing	Housing & Community Develop-					

GOAL XXX: ENHANCE COORDINATION ACROSS JURISDICTIONS TO PROMOTE COLLABORATION IN MEETING REGIONAL CHALLENGES

IMPEDIMENTS ADDRESSED:

- **Systems feel disjoined and hard to navigate for people seeking affordable housing options and access to opportunities.**
- **Significant housing challenges require coordinated approaches to meeting the needs of communities.**

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	Develop-ment Department (HCD)	Alameda County HCD	Alameda County HCD	Services Division							Development Department				ment Department Economic & Community Develop-ment Department					
Timeframe for Implementation	Ongoing			Ongoing		Ongoing	Ongoing	Ongoing			Ongoing		Ongoing	Ongoing	Ongoing	Ongoing	Ongoing		Ongoing	Ongoing
Housing Element Tie Back	N/A		Program 6			NA		N/A				Policy 1.11			N/A					

CITY OF BERKELEY
NOTICE OF PUBLIC HEARING
and
REQUEST FOR COMMENTS ON ITS
CONSOLIDATED PLAN (2025-2030) including the First Year ANNUAL ACTION PLAN

The public may participate in this hearing by remote video or in-person.

The Department of Health, Housing, and Community Services Department is requesting comments on its Consolidated Plan (2025-2030) including the First Year Annual Action Plan

Beginning March 14, 2025, the public is invited to review and comment on the City of Berkeley's Consolidated Plan for Housing and Community Development that covers the period July 1, 2025 through June 30, 2030 including the City of Berkeley's FY 2026 Annual Action Plan, which covers the period July 1, 2025 through June 30, 2026.

The City of Berkeley, and all jurisdictions receiving certain types of federal funds, are required to submit a Consolidated Plan and subsequent Annual Action Plans, as well as an Analysis of Impediments to Fair Housing to the US Department of Housing and Urban Development (HUD). The Consolidated Plan outlines the City's needs and goals in the areas of Housing, Homelessness, Community Development, and Non-Homeless Special Needs, to act as a framework for the use of federal funds in these areas. The City of Berkeley's Annual Action Plan presents the City's plan for funding housing and community services. In FY 2026, the first year of the five-year Consolidated Plan, the Annual Action plan contemplates funding entitlements of approximately $2,536,229 in Community Development Block Grant (CDBG) funds, approximately $237,965 in Emergency Solutions Grant (ESG) funds; and approximately $550,245.01 in HOME Investment Partnership Program (HOME) funds. **The period for public comment on this report closes April 18, 2025 at 5:00 p.m.** The City must complete the reports and submit them to HUD, including City responses to all written public comments, by mid-May.

A **public hearing** will be held on the Consolidated Plan that includes the FY 2026 Annual Action Plan with the proposed CDBG, ESG and HOME allocations for funding, on **April 15, 2025, 6 p.m. in the School District Board Room, 1231 Addison Street, Berkeley, CA 94702**. A copy of the agenda material for this public hearing will be posted on the City's website at https://berkeleyca.gov/your-government/city-council

The draft Consolidated Plan including the FY 2026 Annual Action Plan will be available for public review and written comment at the Health, Housing, and Community Services Department on the second floor at 2180 Milvia Street and at the Berkeley Public Library Reference Desk at 2090 Kittredge Street, 2nd floor, during normal business hours, and on the web at https://berkeleyca.gov/community-recreation/community-services/hud-planning-performance-reports beginning March 14, 2025.

For more information or to submit written comments, contact Kat Larrowe (email: klarrowe@berkeleyca.gov) at the Health, Housing and Community Services Department 2180 Milvia Street, 2nd Floor, Berkeley, 94704. **Written comments must be received by no later than April 18, 2025 at 5:00pm.**

Accommodations Provided Upon Request. 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.

Published: March 14, 2025 – The Berkeley Voice
Public noticing requirements set by the Citizen Participation Plan:
https://berkeleyca.gov/sites/default/files/documents/FINAL_CitizenParticipationPlan_2020.pdf

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I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on April 17, 2025.

_____
Mark Numainville, City Clerk
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CONCEJO MUNICIPAL DE BERKELEY
AVISO DE AUDIENCIA PUBLICA
Y
SOLICITUD DE COMENTARIOS PARA EL PLAN CONSOLIDADO (2025-2030) EL CUAL INCLUYE EL PRIMER PLAN DE ACCIÓN ANUAL

El público puede participar en esta audiencia pública virtualmente o en persona

El Departamento de Salud, Vivienda y Servicios Comunitarios propone una audiencia pública para tratar el Plan Consolidado (2025-2030) el cual incluye el primer informe del Plan Anual de Acción.

A partir del 14 de marzo del 2025 la ciudadanía está invitada a revisar y dar comentarios en el Plan Consolidado para Vivienda y Desarrollo Comunitario. Este Plan cubre el periodo de trabajo a partir del 1 de julio de 2025 hasta el 30 de junio de 2030. Este plan también incluye el Plan de Acción Anual de la Ciudad de Berkeley que cubre el periodo a partir del 1 de julio de 2025 hasta el 30 de junio de 2026.

La Ciudad de Berkeley y todas las jurisdicciones que reciben ciertos tipos de fondos federales tienen como requisito presentar un Plan Consolidado y Planes de Acción Anual como también el Análisis Regional de Obstáculos en la Equidad de Vivienda al departamento de Vivienda y Desarrollo Urbano (HUD siglas en inglés). El Plan Consolidado enumera las necesidades y metas en las áreas de vivienda, indigencia, desarrollo comunitario y necesidades especiales que sirve como referencia para el uso de fondos federales en estas áreas. El Plan de Acción Anual de la Ciudad de Berkeley presenta la propuesta para financiar servicios comunitarios y de vivienda. En el año fiscal 2026 (FY), el cual es el primer año de los cinco años del Plan Consolidado, el Plan de Acción Anual considera la distribución de fondos de aproximadamente $2,536,229 que serán recibidos por medio de la Beca de Desarrollo del Bloque Comunitario (CDBG siglas en inglés). Aproximadamente $237,965 de la Beca de Soluciones de Emergencias (ESG siglas en inglés) y aproximadamente $550,245.01 para el Programa de Asociación para la Inversión en Viviendas HOME (HOME siglas en inglés). **El público puede presentar comentarios para la producción de este informe hasta el 18 de abril de 2025, a las 5:00 pm.** La Ciudad necesita completar los informes y entregarlos a HUD a mediados de mayo. Los informes incluirán todos los comentarios escritos que la Ciudad reciba.

Una **audiencia pública** para discutir el Plan Consolidado que incluye el Plan de Acción Anual para el año fiscal (FY) 2026 y el plan de distribución de fondos monetarios de CDBG, ESG y HOME se llevará a cabo el **día martes 15 de abril de 2025 en el School District Board Room ubicado en la Calle Addison 1231, Berkeley, Ca 94702**. Una copia de la agenda de esta audiencia pública estará disponible en la página electrónica de la Ciudad https://berkeleyca.gov/your-government/city-council

A partir del 14 marzo de 2025 el borrador del Plan Consolidado y el Plan de Acción Anual para el año fiscal 2026 estarán disponibles al público en los escritorios de referencia de

la Biblioteca Pública de Berkeley localizada en Calle Kittredge 2090, y en el escritorio de recepción del Departamento de Salud, Vivienda y Servicios Comunitarios de la ciudad de Berkeley localizado en la Calle Milvia 2180, 2do Piso, durante las horas de oficina. También está disponible al público por medio del Internet en la página electrónica https://berkeleyca.gov/community-recreation/community-services/hud-planning-performance-reports.

Para más información o para presentar comentarios escritos, favor contactar a Kat Larrowe (email: klarrowe@berkeleyca.gov) en el Departamento de Salud, Vivienda y Servicios Comunitarios localizado en la dirección 2180 Calle Milvia, 2do piso, Berkeley, CA 94704. **Los comentarios escritos serán recibidos hasta el 18 de abril de 2025 hasta las 5:00 pm.**

Adaptaciones Especiales Realizadas Bajo Pedido. Para solicitar una adaptación relacionada con alguna discapacidad y poder participar en la audiencia, incluyendo servicios o instrumentos auxiliares de asistencia por favor llamar al Coordinador del Programa ADA al 981-6418 (Voz) o 981-6347 (TDD). Por favor hacer su pedido por lo menos tres días laborables antes de la audiencia.

柏克萊市
關於綜合計劃（2025—2030年），包括第一年年度行動計劃的公開聽證會和 徵求意見通知

公眾可以透過遠端視訊或親自參加聽證會。

衛生、住房和社區服務部公開徵求對其綜合計劃（2025—2030年）包括第一年年度行動計劃的意見

從2025年3月14日開始，邀請公眾對涵蓋2025年7月1日至2030年6月30日的柏克萊市住房和社區發展綜合計劃進行審查和評論，其中包括涵蓋2025年7月1日至2026年6月30日的柏克萊市2026財年年度行動計劃。

柏克萊市，以及接受某些類型聯邦撥款的所有司法管轄區都必須向美國住房和城市發展部（HUD）提交綜合計劃和隨後的年度行動計劃，以及公平住房障礙分析。綜合計劃概述了該市在住房、無家可歸、社區發展，和非無家可歸者特殊需要領域的需求和目標，作為在這些領域內使用聯邦撥款的框架。柏克萊市的年度行動計劃提出了該市為住房和社區服務提供撥款的計劃。在2026財年，即五年綜合計劃的第一年，該年度行動計劃預計可從政府津貼計劃資金中的社區發展整筆撥款（CDBG）獲得約$2,536,229，在緊急解決方案撥款（ESG）中獲得約$237,965；以及在HOME投資合作夥伴計劃（HOME）中獲得約$550,245.01的資助。**本報告的公眾意見徵詢截止日期為2025年4月18日下午5時。**市政府必須在5月中旬之前完成報告並提交給HUD，包括市政府對所有公眾的書面意見的回應。

將於**2025年4月15日下午6時在校區董事會會議室，1231 Addison Street, Berkeley, CA 94702**就綜合計劃舉行**公開聽證會**，其中包括2026財年年度行動計劃以及擬議的CDBG、ESG和HOME資金分配。這次公開聽證會的議程資料副本將發佈於市府網站 https://berkeleyca.gov/your-government/city-council

由2025年3月14日開始，包括2026財年年度行動計劃在內的綜合計劃草案將於正常辦公時間內在位於Milvia街2180號二樓的衛生、住房和社區服務部以及位於Kittredge街2090號2樓的柏克萊公共圖書館諮詢台以及網站https://berkeleyca.gov/community-recreation/community-services/hud-planning-performance-reports上供公眾查閱和書面評論。

欲了解更多資訊或提交書面意見，請聯絡衛生、住房和社區服務部的Kat Larrowe（電子郵件：klarrowe@berkeleyca.gov），地址：2180 Milvia Street, 2nd Floor, Berkeley, 94704。**書面意見必須在2025年4月18日下午5時前收到。**

根據要求提供方便的協助。如需申請為殘障人士提供方便參加會議的協助，包括輔助設備或服務，請在會議日期前至少三個工作天致電 (510) 981-6418（語音）或 (510) 981-6347 (TDD) 聯繫殘障服務專家。

發佈日期：2025年3月14日
公民參與計劃規定的公眾注意要求：
https://berkeleyca.gov/sites/default/files/documents/FINAL_CitizenParticipationPlan_2020.pdf

CITY OF BERKELEY
UPDATED NOTICE OF PUBLIC HEARING
And
REQUEST FOR COMMENTS ON ITS
CONSOLIDATED PLAN (2025-2030) including the First Year ANNUAL ACTION PLAN

On March 14, 2025 the Department of Health, Housing, and Community Services noticed in the *Berkeley Voice* that the Consolidated Plan including the First Year Annual Action Plan was open for public comment and that a public hearing would be held on April 15, 2025 at 6:00pm (BV 6882889).

The Consolidated Plan public comment period **has been extended to April 29, 2025** by 11:59 pm and **the public hearing will be held on April 29, 2025 at 6:00pm 6 p.m.** in the School District Board Room, 1231 Addison Street, Berkeley, CA 94702.

Please reference the original notice for additional details on the plan, public hearing, and accommodation.

AVISO ACTUALIZADO DE AUDIENCIA PUBLICA
Y
SOLICITUD DE COMENTARIOS PARA EL PLAN CONSOLIDADO (2025-2030) EL CUAL INCLUYE EL PRIMER PLAN DE ACCIÓN ANUAL

El 14 de marzo de 2025 el Departamento de Salud, Vivienda y Servicios Comunitarios anunció en el periódico *Berkeley Voice* que el departamento estará recibiendo comentarios sobre el Plan Consolidado (2025-2030) el cual también incluye el primer informe del Plan Anual de Acción y que el 15 de abril se llevaría a cabo una audiencia pública (BV 6882889).

El periodo para que el público presente comentarios sobre el Plan Consolidado **ha sido extendió hasta el 29 de abril de 2025 hasta las 11:59 pm** y la **audiencia pública se llevará a cabo el 29 de abril de 2025 a las 6:00 pm** en el School District Board Room ubicado en la Calle Addison 1231, Berkeley, Ca 94702.

Para ver todos los detalles del plan, audiencia pública y adaptaciones especiales, por favor revise el aviso original.

柏克萊市

公開聽證會的更新通知

和

對綜合計劃（2025-2030），包括第一年年度行動計劃徵求意見

2025年3月14日，衛生、住房和社區服務部在《柏克萊之聲》發出通告，對包括第一年年度行動計劃在內的綜合計劃公開徵求公眾意見，並將於2025年4月15日下午6點舉行公開聽證會 (BV 6882889)。

該綜合計劃公眾意見徵詢期**已延長至2025年4月29日**晚上11點59分，以及**將於2025年4月29日下午6點**在校區董事會會議室，1231 Addison Street, Berkeley, CA 94702舉行公開聽證會。

請參**閱**通告的最初版本，以了解有關計劃、公開聽證會、和為出席提供便利的詳細資訊。

Internal

29

Office of the City Manager

PUBLIC HEARING
April 29, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Terrance Davis, Director, Public Works

Subject: Implement Residential Preferential Parking (RPP) Program on the 1500 Block of Virginia Street

RECOMMENDATION

Conduct a public hearing and upon its conclusion, adopt a Resolution amending Resolution No. 56,508-N.S. Section 25P by adding a subsection to implement Residential Preferential Parking (RPP) on the south side of Virginia Street, between California and Eola streets (1528-1546 Virginia Street) in RPP Area N.

FISCAL IMPACTS OF RECOMMENDATION

Implementing RPP on this block would require installation of two signs, costing the City approximately $500 including labor. Revenues from permits and enforcement will offset anticipated costs.

CURRENT SITUATION AND ITS EFFECTS

Residents of 1528-1546 Virginia Street have submitted a petition to join the RPP Program in RPP Area N. As shown in Attachment 3, the block requesting to opt into the RPP Program is the south side of Virginia Street between California and Eola streets.

In accordance with Berkeley Municipal Code (BMC) Section 14.72.050(A)(1), staff verified that residents submitted signatures on a qualifying petition representing a numerical majority of residentially zoned parcels wishing to “opt-in” to the RPP Program for the street section listed above and in the attached Resolution. Staff verified that at least 75% of the curb parking spaces were occupied during either mid-morning or mid-afternoon observation periods at the location.

The addition of the south side of one block in Area N should have a minimal impact on enforcement capabilities, as RPP restrictions are already in place nearby. Each new addition to the RPP Program, however, tends to result in slightly diminished enforcement for all other existing permit areas, due to parking enforcement officers having slightly larger areas to patrol.

BACKGROUND

The RPP Program was instituted in 1980 to:

1) Protect Berkeley residential neighborhoods from an influx of non-resident vehicles and related traffic;
2) To assure continued quality of life for residents; and
3) To provide neighborhood parking for residents.

In most areas, the Program limits parking for vehicles not displaying an RPP permit to two hours, and reserves available daytime parking for residents, from 8 a.m.-7:00 p.m. Monday through Friday, and on some blocks, Saturday.

The RPP Program allows residents within RPP Program boundaries to petition the City to "opt-in" or "opt-out" of the Program. The process to install RPP controls requires submittal of a petition signed by residents, including tenants of rental properties, of at least 51% of dwellings sited along the affected block, and a parking survey of those blocks that shows at least 75% of available on-street parking spaces are occupied during the mid-morning and mid-afternoon time periods.

The RPP Program 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.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Expansion of the RPP Program to include additional blocks may have a minor beneficial environmental effect. Incremental expansion of the RPP Program may make alternative transportation options more attractive. A modal shift by commuters to walking, bicycling, public transportation, or carpooling may also lead to a decrease in greenhouse gasses.

RATIONALE FOR RECOMMENDATION

Because the required number of households on the subject blocks have signed a petition, and as parking surveys show more than 75% occupancy of curbside parking, these blocks meet the requirements set forth by the BMC for inclusion into the RPP Program.

ALTERNATIVE ACTIONS CONSIDERED

Council may allow unrestricted parking to remain on these streets. However, Council has previously approved the "opting in" of blocks where the requisite number of households signed a petition requesting RPP control, and where the parking utilization exceeds 75%.

CONTACT PERSON

Wahid Amiri, Deputy Director, Public Works, (510) 981-6396
Elliott Schwimmer, Senior Planner, Public Works, (510) 981-7066
Grayson Savoie, Intern, Public Works (510), 981-7055

Attachments:
1. Resolution
2. Public Hearing Notice
3. Map of Street Section Opting Into the RPP Program

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

IMPLEMENT RESIDENTIAL PREFERENTIAL PARKING (RPP) PROGRAM ON VIRGINA STREET BETWEEN CALIFORNIA AND EOLA STREETS

WHEREAS, Berkeley Municipal Code Section 14.72.050.A.1, Designation of a Residential Preferential Parking (RPP) Area, allows residents to petition the City to "opt-in" or "opt-out" of the program and requires submittal of a petition containing signatures of residents of at least 51% of residentially zoned parcels on the affected block; and

WHEREAS, residents of at least 51% of the dwellings on the following block has petitioned to “opt-in” to the RPP Program:

1. South side of Virginia Street between Eola Street and California Street (1528-1546 Virginia Street);

WHEREAS, staff has conducted field observations and determined at least 75% of available on-street parking spaces are occupied during the mid-morning and mid-afternoon time periods; and

WHEREAS, the designation of these blocks as a residential permit parking area will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing in the area designated.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the following subsection of Section 25 of Resolution No. 56,508-N.S. are hereby added to read as follows:

Section 25P VIRGINIA STREET, south side between Eola Street and California Street

NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL

EXTEND RESIDENTIAL PREFERENTIAL PARKING PROGRAM TO 1500 BLOCK OF VIRGINIA STREET BETWEEN CALIFORNIA AND EOLA STREETS

The Department of Public Works is proposing to conduct a public hearing and, if recommendations are approved, adopt a Resolution amending Section 25P of Resolution No. 56,508-N.S. by adding a subsection to extend residential preferential parking on the south side of the 1500 block of Virginia Street between Eola Street and California Street.

The Residential Preferential Parking (RPP) Program allows for residents to petition the City to "opt-in" or "opt-out" of the Program. Complying with program requirements, residents of the block under consideration for opting into the RPP Program have submitted the qualifying signatures on a petition and also have at least 75% of the curb spaces occupied during the morning and mid-afternoon observation periods. Adding a block within the existing residential study area boundaries through evaluations by an EIR study certified on September 27, 1988, and in accordance with California Environment Quality Act (CEQA) guidelines, are categorically exempt as defined by Section 15.162(c).

The hearing will be held on April 29, 2025 at 6:00 p.m. in the School District Board Room located at 1231 Addison Street, Berkeley, CA 94702.

A copy of the agenda material for this hearing will be available on the City's website at https://berkeleyca.gov/ as of April 17, 2025. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology, as well as any health and safety requirements for in-person attendance.**

For further information, please contact Elliott Schwimmer, Senior Planner at (510) 981-7066. Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or e-mailed to council@berkeleyca.gov 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 (510) 981-6900 or clerk@berkeleyca.gov for further information.

Posted by: April 19, 2025 - Pursuant to Berkeley Municipal Code Chapter 14.72

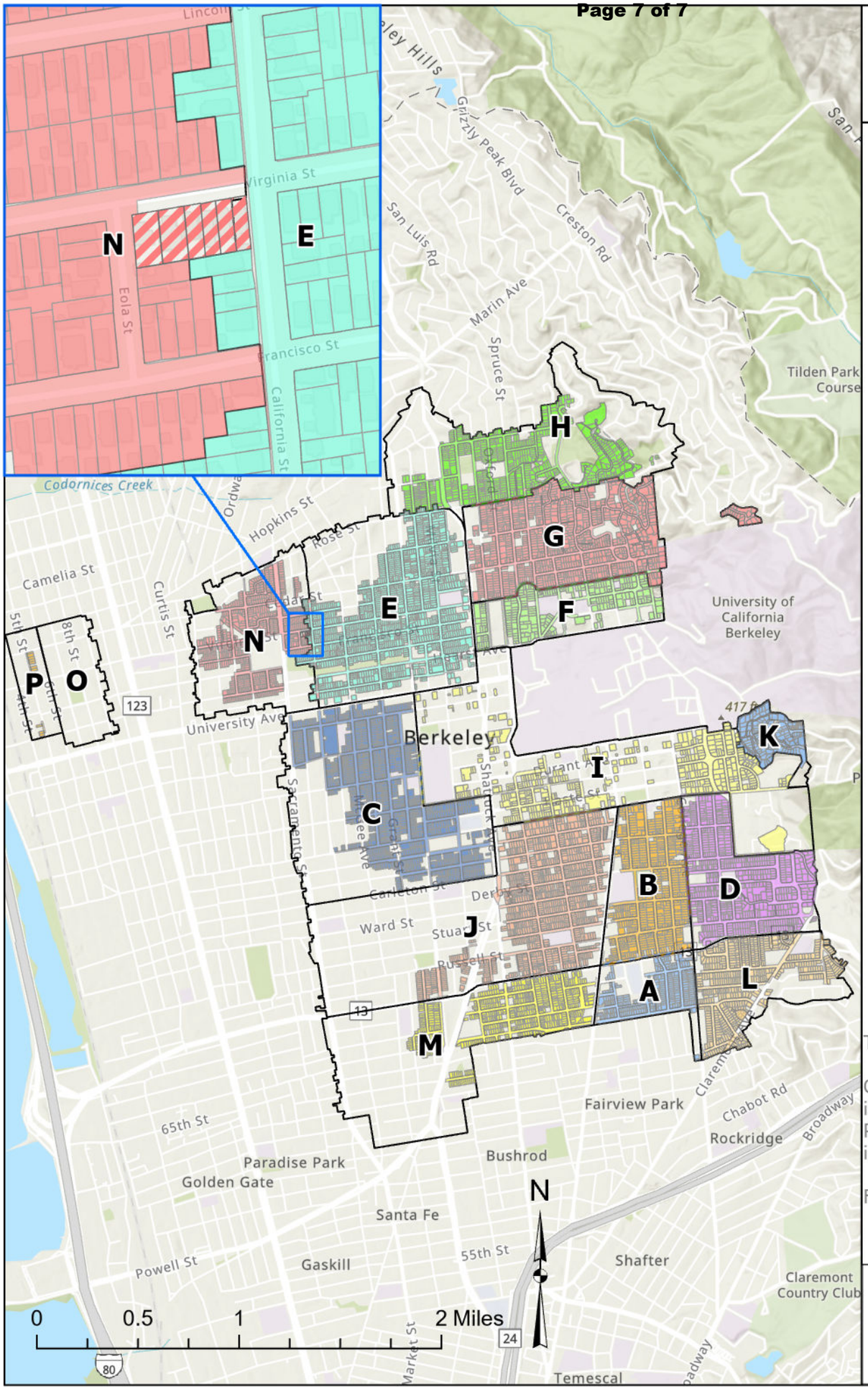
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I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on April 17, 2025

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Mark Numainville, City Clerk
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ATTACHMENT 3



Parcels Opting Into Area N

Currently Eligible Parcels

- A
- B
- C
- D
- E
- F
- G
- H
- I
- J
- K
- L
- M
- N
- P

RPP Areas

This map is for reference purposes only.

Care was taken in the creation of this map, but it is provided "AS IS".
Please contact the City of Berkeley to verify map information or to report any errors.

February 5, 2025

CITY OF BERKELEY
Transportation Division
1947 Center Street
Berkeley CA 94704

30

Office of the City Manager

PUBLIC HEARING
April 29, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jordan Klein, Director, Planning and Development Department

Subject: Zoning Ordinance and General Plan Amendments Relating to Middle Housing

RECOMMENDATION

Conduct a public hearing, and upon conclusion:

1. Adopt an ordinance amending Berkeley Municipal Code Title 23 (Zoning Ordinance) and the Zoning Map, for the purposes of encouraging development of "middle housing" in areas currently zoned R-1, R-1A, R-2, R-2A and MU-R ("low-density residential districts"), with an effective date of September 1, 2025; and

2. Adopt a Resolution amending the General Plan for the same purpose.

SUMMARY

The proposed ordinance (***Attachment 1***) includes zoning changes to encourage the development of Multi-Family Residential Uses in the R-1, R-1A, R-2, R-2A and MU-R zoning districts, as directed by City Council at its meeting on July 23, 2024, and recommended by the Planning Commission. The proposed changes include:

- Permitting Single-Family Residential and Multi-Family Residential uses with a Zoning Certificate (ZC).
- Consolidating the R-1A and R-2 zoning districts.
- Revising development standards related to building height, lot coverage and setbacks, to permit larger residential buildings.
- Establishing new minimum and maximum density standards.
- Revising requirements related to Residential Additions and additional bedrooms;
- Regulating the size of new single-family homes on a single lot.
- Permitting demolition of single-family homes with a ZC if they are part of a project that includes a net increase in units.
- Authorizing the Zoning Officer to attach Standard Conditions of Approval to projects approvable with a ZC.

To provide adequate time for staff to prepare the necessary forms, public information materials, and internal processes needed to implement the proposed ordinance, as well as to conduct staff training and update the Fee Schedule, staff recommends an effective date for the proposed ordinance of September 1, 2025.

FISCAL IMPACTS OF RECOMMENDATION

The proposed zoning changes are intended to increase the development potential of properties in low-density residential districts. This could result in higher property tax revenues. Additionally, the Berkeley Unified School District Facilities Fee could be expected to generate increased revenues.[1] However, the proposed zoning changes also include revisions that would streamline project approvals, which could reduce staff review times and accompanying fees.

CURRENT SITUATION AND ITS EFFECTS

In January 2023, the City Council adopted the 2023-2031 Housing Element Update. The Housing Element Update includes Program 29—Middle Housing, in which the City Council committed to amend the zoning code to allow multi-unit development on single lots in the low-density residential districts.

City Council Meeting – July 23, 2024

At its meeting on July 23, 2024 (***Attachment 3***), the City Council held a public hearing to consider the Planning Commission's recommendation for an ordinance amending Title 23 to facilitate the production of middle housing in low-density residential districts. Upon conclusion of the public hearing, City Council provided the following direction to staff:

- Prepare a Middle Housing Zoning ordinance that:
    - Exempts the Hillside Overlay Zone and Environmental Safety-Residential (ES-R) zoning district;
    - Includes a maximum density per acre standard;
    - Regulates the size of one new primary unit on a lot;
    - Establishes a maximum height standard of 35 feet or 3 stories;
    - Establishes setback standards that require the sum of the front and rear setbacks to be at least 20 feet, with a minimum of five feet in the front and five feet in the rear; and
    - Includes neighborhood noticing requirements.

[1] $5.17 per square foot for new residential development and residential additions resulting in an increase of assessable space in excess of 500 square feet, and $0.84 per square foot for new commercial and industrial spaces.

- Perform a thorough General Plan analysis to ensure that the proposed zoning amendments are consistent with the General Plan, and bring forward any necessary amendments;
- Provide the opportunity for community workshops throughout the city; and
- Provide the following information in a revised staff report:
    - An analysis of how the proposed zoning amendments interface with the Mini-Dorm ordinance and the potential for more mini-dorm configurations; and
    - An analysis of how the proposed zoning amendments conform to the Demolition Ordinance.

In addition, this staff report includes additional information on other topics raised by City Council at its July 23, 2023 meeting, including:

- Charging stations;
- Land value recapture;
- Review of the original City Council referrals on Middle Housing; and
- Middle Housing and affordable housing.

Revised Middle Housing Zoning Ordinance

Table 1 summarizes the proposed zoning amendments, along with a brief rationale for each change. Many of the proposed amendments in Table 1 were presented to City Council at its July 23, 2024 meeting. The rightmost column ("Changes from July 2024 Meeting") identifies sections of the Ordinance that were revised to respond to City Council direction from the July 23, 2024 meeting **in bold**. Entirely new sections are also indicated **in bold**.

An annotated version of the proposed ordinance, which indicates the rationale for each change in the ordinance itself, is included as ***Attachment 2***.

TABLE 1 SUMMARY OF PROPOSED MIDDLE HOUSING ZONING AMENDMENTS

Ord. Sect.	BMC Section & Title	Description of Changes	Rationale	Changes from July 2024 Meeting
Title 23, Division 1 – General Provisions				
1	23.108.020 Zoning Districts	• R-1A district removed. • R-1, R-2, and R-2A renamed.	Conforming edits.	No changes.
Title 23, Division 2 – Zoning Districts				
2	23.202.020 Allowed Land Uses Table	• R-1A district removed; • Two-Family land use type removed. • Multi-Family Residential land use type revised. • Single Family and Multi Family Residential permitted with a ZC in the R-1, R-2, and R-2A zoning district. • Supportive housing and low barrier navigation centers permitted with a ZC in the R-1 zoning district.	Permitting middle housing by-right. Compliance with State law (Gov. Code § 65651)	**Maintains UP(PH) requirements in the Hillside Overlay.** **Includes new references to noticing requirements and size limitations on single-family homes.**
3	23.202.030 Additional Permit Requirements	• All Residential Additions permitted with a ZC in R-1, R-2 and R-2A zoning districts.	Promoting middle housing.	No changes.
4	23.202.030 Additional Permit Requirements	• R-1A district removed. • All requirements for additional bedrooms removed.	Conforming edit. Promoting middle housing.	**New exemption added to reflect state law requirements (AB 916)**
5	**23.202.040 Additional Permit Requirements**	• **Restrictions on the size of new single-family dwellings on one lot.** • **Noticing requirements for new dwelling units.**	**Per City Council direction at July 23, 2024 meeting**	**New section.**

6, 7	23.202.050 R-1 Title and District Purpose	• R-1 renamed. • District purpose revised.	Clarifying that R-1 is not a single-family only district.	No changes.
8, 9	23.202.050 R-1 Development Standards	• Development standards revised: ○ **Height**. ○ **Setbacks**. ○ Lot Coverage. ○ Minimum **and maximum** density. ○ Open space.	Promoting middle housing.	**Provides separate development standards for inside and outside Hillside Overlay Zone.** **Includes updated height, setback and maximum density standards.**
10	23.202.060 R-1A District	• R-1A district removed.	Merging of R-1A and R-2 zoning districts.	No changes.
11, 12	23.202.080 R-2 Title and District Purpose	• R-2 district renamed. • District purpose revised.	Conforming edit.	No changes.
13	23.202.080 R-2 Development Standards	• Development standards revised. ○ **Height**. ○ **Setbacks**. ○ Lot Coverage. ○ Minimum **and maximum** density. ○ Open space.	Promoting middle housing.	**Provides separate development standards for inside and outside Hillside Overlay Zone.** **Includes updated height, setback and maximum density standards**
14, 15	23.202.090 R-2A Title and District Purpose	• R-2A district renamed. • District purpose revised.	Conforming edit.	No changes.
16	23.202.090	• Development standards revised.	Promoting middle housing.	**Provides separate**

	R-2A Development Standards	○ **Height**. ○ **Setbacks**. ○ Lot Coverage. ○ Minimum **and maximum** density. ○ Open space.		**development standards for inside and outside Hillside Overlay Zone.** **Includes updated height, setback and maximum density standards**
17-34	Various	• Renumbering.	Renumbering.	No changes.
35	23.204.020 Allowed Land Uses in the Commercial Districts	• Revising residential use type titles.	Conforming edits.	No changes.
36	23.206.020 Allowed Land Use in Manufacturing Districts	• Two-Family land use type removed. • Multi-Family Residential land use type revised. • 100% residential projects permitted with a ZC in the MU-R district.	Permitting middle housing by-right in the MU-R.	No changes.
37	23.206.030 MU-R Additional Permit Requirements	• Allow Major Additions with a ZC. • Provisions conditioning residential uses in the MU-R district removed • **Noticing requirement for new units.**	Permitting middle housing by-right in the MU-R.	**Noticing requirement for new units added.**
38	23.206.090 MU-R Development Standards	• Development standards revised. ○ Height. ○ Setbacks. ○ Lot Coverage. ○ Minimum **and maximum** density.	Promoting middle housing.	**Maximum density standard added.**

		○ Open space.		
39	23.210.020 Hillside Overlay Zone Development Standards	• R-1A district removed;	Conforming edit.	No changes.
Title 23, Division 3 – Citywide Provisions				
40	23.304.030 Setbacks	• R-1A district removed.	Conforming edit.	No changes.
41	23.304.030 Allowed Setback Reductions	• R-1A district removed. • Revised minimum setback with reduction to 4 feet in the R-2 and R-2A zoning districts. • **Setback reduction allowed on smaller lots.**	Conforming edits.	**Provision added to permit reduced rear setback requirements on small lots.**
42	23.304.040 Permits Required for Building Separation	• R-1A district removed.	Conforming edit.	No changes.
43	23.322.100 On-site Loading Spaces	• R-1A district removed.	Conforming edit	No changes.
44	**23.324.050 Conforming and Nonconforming Structures or Buildings**	• **Provision added to allow a residential addition to a single-family home in the R-2A without triggering minimum density requirement of two units.**	**Encourage adding living space to existing dwelling units.**	**New provision.**
45	**23.326.030 Eliminating Dwelling Units through Demolition**	• **Dwelling Unit corrected to Residential Unit**	**Technical edit added during ordinance review.**	**New technical edit.**
46	23.326.030 Eliminating Dwelling Units through Demolition	• Demolition of single-family dwellings permitted with a ZC, if project results in increased density.	Promoting middle housing.	No change

Title 23, Division 4 – Permits and Administration				
47	**23.406.020 Zoning Certificates**	• **Authorizes Zoning Officer to attach Standard Conditions of Approval to projects approvable with a Zoning Certificate.**	**Ensuring compliance with existing regulations.**	**New provision, recommended by Planning Commission**
Title 23, Division 5 – Glossary				
48	23.502.020 Defined Terms	• Revised definition of Multi-family Dwelling from three or more units to two or more units. • Define Multi-Family Residential land use type.	Promote middle housing. Conforming edit.	**Language added to clarify that definition does not include ADUs or JADUs.**
49		• Remove definition of rear main building. • Renumbering	Conforming edit.	No change.
50		• Add Single-Family Residential land use type.	Conforming edit.	**Language added to clarify that definition does not include ADUs or JADUs.**
51		• Remove definition of Two-Family Dwelling.	Conforming edit.	No changes.
Administrative Provision				
52		• **Set an effective date of the Ordinance of September 1, 2025**	**Implementation.**	**Provide time for staff training and developing administrative processes.**
Zoning Map				
Att. A	Zoning Map	• Replace all R-1A zone labels with R-2.	Conforming edit.	No changes.

Descriptions and discussion of items indicated in Table 1 as “no changes” are included in the staff report for City Council’s July 23, 2024 meeting (***Attachment 3***). New provisions—those that are bolded in Table 1—are described below.

Permits and Levels of Discretion (Attachment 2, Section 1)

Current Policy: Table 2 includes the current permit requirements in the low-density residential districts for residential projects that include dwelling units.

TABLE 2 CURRENT PERMIT REQUIREMENTS

	R-1	R-1A	R-2	R-2H	R-2A	MU-R
Single-Family	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	AUP
Two-family	NP	UP(PH)	UP(PH)	NP	UP(PH)	AUP
Multi-Family	NP	NP	UP(PH)	NP	UP(PH)	AUP or UP(PH)
AUP: Administrative Use Permit**; UP(PH)**: Use Permit with a Public Hearing**; NP**: Not Permitted						

Proposed Standard: The proposed zoning amendments would combine Two-Family and Multi-Family Residential uses into a single Multi-Family Residential use type, which would apply to all projects with two or more units.

Single-Family or Multi-Family Residential projects located outside of the Hillside Overlay Zone that comply with all objective standards would be permitted with a ZC; no discretionary permit or public hearing would be required. The proposed standards would not change any permit requirements for Group Living Accommodation or Mixed-Use Residential uses in these zones.

Proposed residential projects in the R-1H, R-2H, and R-2AH zoning districts would continue to be subject to a UP(PH) requirement. Note that Multi-Family Residential uses in the R-2H zoning district would not be permitted, per BMC Section 23.210.020(B)(2).[2]

Table 3 summarizes the recommendation:

TABLE 3 PROPOSED PERMIT REQUIREMENTS

	R-1	R-1H	R-2	R-2H	R-2A	R-2AH	MU-R
Single-Family	ZC	UP(PH)	ZC	UP(PH)	ZC	UP(PH)	ZC
Multi-Family Residential	ZC	UP(PH)	ZC	NP	ZC	UP(PH)	ZC

[2] 23.210.020(B)(2): *Multiple Dwellings in R-2.* When the H overlay zone is combined with the R-2 district, multiple dwellings on a single property are not permitted.

Additional Bedrooms (Attachment 2, Section 4)

As presented to City Council at its July 23, 2024 meeting, the proposed zoning amendments would remove additional permit requirements for bedrooms that are added to existing dwellings or lots developed with existing residential uses. Currently, BMC Section 23.202.030 requires an Administrative Use Permit (AUP) when adding a fifth bedroom to a lot, and a UP(PH) for adding any bedroom beyond the fifth to a lot. As the proposed ordinance would permit altogether new Multi-Family Residential buildings ministerially, requiring a discretionary review process for an additional bedroom would discourage the conversion or adaptive reuse of existing buildings. Accordingly, additional permit requirements for adding bedrooms in the R-1, R-2, and R-2A zoning districts were removed.

In preparing the revised ordinance, staff has included new language regarding additional bedroom requirements, per AB 916, which restricts local jurisdiction's ability to limit or control additional bedrooms.

Restrictions on Size of Single-Family Dwellings on a Single Lot (Attachment 2, Section 6)

At its meeting of July 23, 2024, the City Council directed staff to prepare new ordinance amendments to include restrictions on the size of new single-family dwellings on a single lot. The intention of the provision is to avoid encouraging large single-family homes under the new proposed development standards that streamline residential approvals and permit more development on a lot.

The City Council's direction included limiting the size of new single-family homes on a single lot to 2,500 square feet, or 50% of the lot area, whichever is larger. In addition, the City Council direction included a provision to exceed these size limitations with an AUP. To issue an AUP, specific findings must be made, and this section includes findings tailored to the policy intent of generally avoiding large single-family homes while permitting larger single-family homes in specific cases.

Noticing Requirements (Attachment 2, Sections 6 and 38)

At its meeting of July 23, 2024, the City Council directed staff to prepare new ordinance amendments to include noticing requirements for residential projects that could be approved with a ZC. The proposed zoning amendments include these requirements, which are modeled on the current neighborhood notification requirements for ADUs, and would apply to projects proposed in the low-density residential districts. There are no proposed changes to existing requirements for projects proposed on lots in the Hillside Overlay district.

Development Standard Revisions

The following sections of this report summarize changes to the development standards in the low-density residential districts. The proposed development standards reflect the overall goals of City Council's referrals and Program 29-Middle Housing of the Housing Element to a) permit more development on a lot; and b) be based on objective standards that cannot be modified with additional permits or discretionary processes.

Per City Council direction from the July 23, 2024 meeting, the proposed zoning amendments include separate development standards tables for parcels within and outside of the Hillside Overlay Zone.

Existing and proposed development standards are summarized in tables in ***Attachment 4***.

Density Standard (Attachment 2, Sections 9, 13, 16, and 39)

Current Policy: The Berkeley Municipal Code does not include any minimum or maximum density standards for the low-density residential zones that are expressed in "units per acre." In the R-1, R-1A, R-2, and R-2A districts, density is limited by requirements for a "minimum lot size per unit" standard and by specific residential land use types (e.g. "Single-Family," "Two-Family").

Proposed Standard: Table 4 summarizes the proposed density standards expressed in units per acre, and includes the number of units that may result from those standards on a typical 5,000 square foot lot in each zone. These density standards would not apply to lots in the Hillside Overlay Zone.

The minimum density standards included in Table 4 are the same as those presented to the City Council at their meeting of July 23, 2024. The maximum density standards reflect the City Council's direction to staff from that meeting.

TABLE 4 PROPOSED DENSITY STANDARDS

	R-1	R-2	R-2A	MU-R
Minimum Density (DU/acre)	10	10	20	20
Maximum Density (DU/acre)	40	50	60	60
Resulting units on a 5,000 sf lot				
Minimum Units	1	1	2	2
Maximum Units	5	6	7	7

The proposed density standards do not include any eligible Accessory Dwelling Units (ADUs) or Junior ADUs.

Building Height (Attachment 2, Sections 9, 13, 16, and 39)

Current Policy: The Berkeley Municipal Code generally limits average building heights for Main Buildings in most low-density residential districts to 28 feet and three stories, with a possible increase to 35 feet with an AUP. In the MU-R, the maximum height is 35 feet and 3 stories without the need for an additional AUP. Current policy also limits the height of Residential Additions to 14 feet, with a possible increase to 35 feet with an AUP.

Proposed Policy: Per City Council direction at the July 23, 2024 meeting, the proposed development standard for maximum building height for parcels outside the Hillside Overlay zone would be 35 feet. As presented to the City Council at the July 23, 2024 meeting, maximum height would be restricted to 22 feet in the rear 15 feet of a lot. Existing height standards within the Hillside Overlay Zone would be unchanged.

Minimum Setbacks (Attachment 2, Sections 9, 13, 16, and 39)

Current Policy: The Berkeley Municipal Code currently regulates four types of setbacks:

- Front and Rear Setbacks: Front and rear setbacks are 20 feet in the R-1, R-1A, and R-2 zoning districts, and 15 feet in the R-2A zoning district.

  In the MU-R zoning district, lots adjacent to a non-residential district have no rear setback, unless they abut a street, in which case a 5-foot rear setback is required. A lot in the MU-R adjacent to a residential district must provide a rear setback of either 10 feet or 10% of the lot's width, whichever is less.

- Interior Side Setbacks: Interior side setbacks are based on building height. The interior side setback is 4 feet at the first story for all low-density residential districts, except the MU-R. At the second story, the interior setback increases to 6 feet in the R-2 and R-2A districts. Interior side setbacks can be reduced to 3 feet (or 5 feet) with a ZC.

  In the MU-R district, lots adjacent to a residential district must provide an interior side setback of either 10 feet or 10% of the lot's width, whichever is less. There are no other interior side setback requirements in the MU-R.

- Street Side Setbacks: Street side setbacks are 4 feet in the R-1 and R-1A districts, 10 feet in the R-2 district, and vary by height in the R-2A district (6 feet at first story, 8 feet at second story and 10 feet at third story).

  In the MU-R district, lots adjacent to a non-residential district must provide a 5-foot street side setback. Lots adjacent to a residential district must provide a street side setback of either 10 feet or 10% of the lot's width, whichever is less. There are no other street side setback requirements in the MU-R.

The Zoning Officer may approve an AUP to reduce the minimum setbacks in the H Overlay.

Proposed Policy: The proposed development standards are summarized below and would only apply to parcels outside of the Hillside Overlay Zone. There would be no changes to setback requirements for parcels located in the Hillside Overlay zone.

- Front and Rear Setbacks: Per City Council direction at the July 23, 2024 meeting, the minimum required front and rear setbacks would be 5 feet. Additionally, the front and rear setbacks would be required to add up to at least 20 feet. The intention of this policy is to provide flexibility for the placement of structures on a lot, while controlling overall bulk.
- Interior and Street Side Setbacks: The side setbacks in the R-1, R-2 and R-2A zoning districts would be 4 feet. The MU-R would maintain its existing regulations. The proposed standards would also remove existing interior setbacks that increase at upper stories. These existing standards not only reduce available square footage for residential uses, but also result in buildings that are designed with a layered “wedding cake” appearance. These side set back standards are unchanged from the standards presented to the City Council at its July 23, 2024 meeting.

The proposed amendments also include revisions to BMC Section 23.304.030 related to permitted setback reductions. Language was added to permit a reduction in the rear setback on lots that are less than 100 feet in depth.

Conforming and Nonconforming Structures or Buildings (Attachment 2, Section 45)

Current Policy: BMC Section 23.324.050(D) includes provisions related to nonconforming structures and requires a Use Permit for a residential addition to that exceeds the maximum allowed lot coverage, floor area ratio, or residential density.

Proposed Policy: The proposed zoning amendments include a minimum density standard in the R-2A zoning district, which would require two units on a typical 5,000 square foot lot. Under current policy, an application for a residential addition to an existing single-family dwelling in the R-2A zoning district could trigger the minimum density requirement, which could result in requiring an applicant to add a unit to their parcel. To avoid this, language is added to this Section to allow an addition to a single-family dwelling in the R-2A zoning district without triggering a minimum density requirement of two units.

Demolition of Single-Family Structures (Attachment 2, Sections 46 and 47)

The proposed zoning amendments include a technical change to the recently-adopted amendments to the Demolition Ordinance. In one section, the phrase “dwelling unit” was used, when the phrase “residential unit” should have been used. The proposed

zoning amendments have provided an opportunity for City Council to consider this technical change.

Standard Conditions of Approval for Zoning Certificates (Attachment 2, Sections 46 and 47)

Current Policy: Berkeley Municipal Code (BMC) Chapter 23.404.050 (Public Hearings and Decisions) authorizes the City of Berkeley to attach "reasonable conditions to any discretionary permit that it deems reasonable and necessary to achieve consistency with the General Plan and the Zoning Ordinance, as well as to promote public health, safety and welfare." A discretionary permit includes an Administrative Use Permit (AUP) or a Use Permit Public Hearing (UPPH).

A Zoning Certificate (ZC) is a *ministerial approval* and projects approvable with a ZC are thereby not subject to the conditioning authority granted by BMC Chapter 23.404.050. A ZC application is reviewed to verify compliance with the Zoning Ordinance, and if the project complies with all applicable requirements, the application is approved. To subject a ZC application to Standard Conditions of Approval, they must be included, or referenced, within the BMC. At its meeting of March 5, 2025, the Planning Commission recommended that the City Council adopt the following amendment (redlined) to the Zoning Ordinance:

> E. Review and Action.
>
> 1. The Zoning Officer shall review a Zoning Certificate application to verify compliance with the Zoning Ordinance. If the project complies with all applicable requirements, the Zoning Officer shall approve the application.
>
> 2. The Zoning Officer may attach to the Zoning Certificate project plans and other information as needed to document project compliance with the Zoning Ordinance.
>
> 3. The Zoning Officer may attach to the Zoning Certificate any applicable uniformly applied Standard Conditions of Approval.

Glossary (Attachment 2, Sections 49 and 51)

The proposed zoning amendments include two technical changes to the definitions of Single-Family Residential and Multi-Family Residential land uses. The revisions clarify that neither of these definitions include ADUs or JADUs.

General Plan Review

At its meeting of July 23, 2024, City Council directed staff to revise the Planning Commission's recommendation, and, among other actions, directed staff to perform a review of the General Plan to ensure that the City Council's recommendation was consistent with the General Plan. Staff performed the review and identified additional General Plan amendments, which were presented to the Planning Commission at their October 9, 2024 meeting, per BMC Section 22.04.020.

To ensure conformance between the General Plan and the City Council's recommendation, staff are proposing amendments to the text of the Introduction, Land Use Element, and Urban Design and Preservation Element of the General Plan, as well as amendments to the General Plan map (***Attachment 5***).

The tables below summarize the proposed amendments.

Table 5 summarizes the General Plan amendments considered by the Planning Commission at its October 9, 2024 meeting. Two of the amendments are the same as those considered by the City Council at its July 23, 2024 meeting, and three are similar to amendments considered at that meeting, but are revised based on the City Council's direction.

Table 6 summarizes General Plan amendments that have not been considered by the City Council and are presented here for the first time.

The amendments are discussed in greater detail below.

Table 5 General Plan Amendments Summary – Reviewed July 23, 2024

	Element and Section of General Plan	Summary	Rationale
	NO CHANGE FROM JULY 23, 2024 CITY COUNCIL MEETING		
1	Policy LU-7 Neighborhood Quality of Life (Land Use Element)	Removes mention of R-1A	Zoning ordinance amendments merge R-1A and R-2.
2	Low Medium Density Residential Land Use Classification (Land Use Element)	Removes this Land Use Classification	Zoning ordinance amendments merge R-1A and R-2, and R-2 is now more typical of the Medium Density Residential classification.

3	General Plan Map	Revised to remove Low Medium Density Residential Land Use Classification.	Conformity with General Plan text amendments.
	REVISED FROM JULY 23, 2024 CITY COUNCIL MEETING		
4	Lower Density Residential Land Use Classification (Land Use Element)	Revisions to density and development standards. Renaming.	Changed to reflect City Council recommendation of July 23, 2024.
5	Medium Density Residential Land Use Classification (Land Use Element)	Revisions to density and development standards. Renaming.	
6	Mixed-Use Residential Land Use Classification	Revision of height standard.	

Table 6 General Plan Amendments Summary – New Amendments

	Element and Section of General Plan	Summary	Rationale
7	Encourage Infill Development (Introduction)	Adds language to note State law requirements, the Housing Element, and encouraging infill in low-density neighborhoods.	Changed to reflect City Council recommendation of July 23, 2024.
8	Improve Citizen Participation (Introduction)	Adds language acknowledging State and local policies that mandate timely review of housing projects.	Changed to reflect City Council recommendation of July 23, 2024, particularly permitting residential development with a ZC.
9	Page LU-3 (Land Use Element)	Revises language to include areas “in proximity” to transit corridors.	The Middle Housing zoning amendments encourage residential development in areas proximate to transit, not just on parcels *on* transit corridors.
10	Page LU-4 (Land Use Element)	Revises language to encourage “zoning development standards that are consistent with historic development patterns that include smaller multi-family dwellings on a	The Middle Housing zoning amendments change existing development standards

		single lot" in place of "maintaining existing zoning."	in residential neighborhoods.
11	Policy UD-22 Regulating New Construction and Alteration (Urban Design and Preservation Element)	Remove section that requires Use Permits for all residential projects "to enable the imposition of area sensitive conditions."	The Middle Housing zoning amendments permit residential projects with a ZC and establish objective standards.

General Plan Amendments: Previously Considered by City Council

1. Policy LU-7 Neighborhood Quality of Life (Land Use Element)
The proposed zoning amendments would merge the R1-A and R2 zoning districts. This proposed amendment to the Land Use Element removes a mention of the R-1A zoning district. There are no other proposed changes to this section.

This proposed amendment was included in the agenda packet for City Council's July 23, 2024 meeting.

2. Low Medium Density Residential Land Use Classification
Currently, there are three different land use classifications that characterize the R-1, R-1A, R-2, and R-2A zoning districts:

1. Low Density Residential for the R-1 and Environmental Safety Residential (ES-R) zoning districts;
2. Low Medium Density Residential for the R-1A and R-2 zoning districts; and
3. Medium Density Residential for the R-2A and R-3 zoning districts.

Staff proposes reducing the number of land use classifications that apply to these districts to two. This is consistent with the City Council's recommendation to consolidate the R-1A and R-2 zoning districts and to adopt development standards that are largely consistent across these low-density residential zoning districts. Specifically, staff recommends:

- Renaming the Low Density Residential classification to Low Medium Density Residential;
- Assigning the Medium Density Residential classification to the R-2, R-2A and R-3 zoning districts; and
- Including technical edits that reflect the City Council's recommendation with respect to the names of zoning districts and the proposed development standards.

These proposed amendments were included in the agenda packet for City Council's July 23, 2024 meeting.

3. General Plan Map Amendments
Consistent with the recommended General Plan text changes above, the General Plan Map would be amended to a) rename the Low Density Residential classification; and b) expand the Medium Density Residential classification to include the R-2 zoning district.

These proposed map amendments were included in the agenda packet for City Council's July 23, 2024 meeting.

4.-6. Land Use Classification Amendments: Revision of Standards and Renaming
The Land Use Element of the General Plan includes descriptions of each of the General Plans Land Use Classifications. These descriptions include information about the typical zoning districts covered by the Classification, as well as summary information about typical population densities, typical residential densities, and height standards within the Classification.

The proposed General Plan amendments include revisions to three of the Land Use Classification descriptions to reflect the projected population densities, the permitted residential densities, and the permitted height standards in the City Council's recommendation, as well as the new names for the zoning districts.

The City Council reviewed similar amendments at its July 23, 2024 meeting, which reflected the development standards included in the Planning Commission's recommendation. The proposed General Plan amendments differ, in that they reflect the City Council's recommendation from its July 23, 2024 meeting.

<u>General Plan Amendments, Pursuant to City Council's July 23, 2024 Meeting</u>

7. Encourage Appropriate Infill Development (Introduction)
This section in the Introduction summarizes the General Plan's approach to infill development, and includes some statements that are incompatible with the Middle Housing zoning ordinance amendments. For example, this section states that the General Plan leaves in place most development standards and zoning created and implemented through previous area plan policies. In fact, the Middle Housing zoning ordinance amendments include significant changes to existing zoning, particularly when compared to the zoning in place at the time of the adoption of the General Plan. Additionally, this section includes the intent that zoning will encourage housing in the Downtown and along the city's transit corridors, but will not encourage new infill housing in traditionally residential neighborhoods.

The proposed General Plan amendments include statements that infill would also be encouraged in traditionally low density residential neighborhoods, and that State law

changes and the adopted Housing Element are also factors that influence infill development in the city. The changes also include removal of the intent to leave in place development standards and zoning in existing residential areas.

8. Improve Citizen Participation (Introduction)
This section in the Introduction summarizes the General Plan's approach to citizen participation, and includes statements that citizens should be involved in decisions about "anything" that will have an impact on them and their neighborhoods, and that the General Plan mandates "maximum citizen involvement" in all public planning.
The proposed General Plan amendments include modifications to these statements to note that citizen involvement should be maximized "within the context of local and State policies and legal requirements that encourage and mandate the timely review of residential development projects." The Middle Housing zoning amendments include provisions to allow residential development with the Zoning Certificate, which is a ministerial action, and the proposed General Plan amendments reflect the fact that this policy would be in place with adoption of the Middle Housing zoning amendments.

9. *Page LU-3: Transit Corridors*
This section of the Land Use Element notes that additional housing development should be encouraged on underutilized sites within the major transit corridors and Downtown. The proposed General Plan amendments include language that clarifies that housing is to be encouraged on sites within and in proximity to high-quality transit corridors. This reflects broader land use policies regarding transit proximity of new development, as well as including the phrase "high-quality transit corridor" that is common in State law and other local regulations.

10. Page LU-4: Zoning Standards
This section of the Land Use Element describes the intention to maintain existing zoning and development standards in residential areas, and to encourage new housing only along transit corridors and in Downtown.

The Middle Housing zoning amendments include changes to the residential development standards in place at the time of the adoption of the General Plan, but also encourage development that is consistent with historic development patterns in Berkeley that include smaller multi-unit structures. The proposed General Plan amendments include statements to this effect, and also specify that high-density residential development, not all residential development, should be focused along transit corridors.

11. Policy UD-22 Regulating New Construction and Alteration
This section of the Urban Design and Preservation Element states that the intention of the General Plan is to continue to require Use Permits and public hearings for all residential projects.

The proposed Middle Housing zoning amendments—as well as various housing development projects permitted under different state laws, such as SB 9 and AB 2011—allow residential development with a Zoning Certificate. Accordingly, the proposed General Plan Amendments remove the section that includes the requirement for Use Permits for all residential projects.

Tribal Consultation and Other California Government Code Requirements for General Plan Amendments

California Public Resources Code § 65352.3 – 65352.4 (Senate Bill 18) requires local governments to conduct meaningful consultation with California Native American tribes on the contact list maintained by the Native American Heritage Commission (NAHC) prior to the adoption or amendment of a city or county general plan, for the purpose of protecting cultural places on lands affected by the proposal.

On July 22, 2024, a letter was sent to the NAHC requesting a current SB 18 Native American Contact List for the vicinity of the project area. The NAHC provided the Contact List on August 5, 2024 and letters were sent to all Tribes included on the NAHC Contact List describing the proposed project and offering consultation, on August 8, 2024. SB 18 provides a 90-day timeframe in which a Tribe can request consultation, which ended on November 6, 2024.

On September 6, 2024, the City received an email from the Confederated Villages of Lisjan, requesting additional information and consultation. Planning Department staff responded to the request on September 6, 2024 and again on September 16, 2024. On October 9, 2024, Planning Department staff held a consultation with representatives of the Confederated Villages of Lisjan. As a result of that consultation, the City agreed to:

- Prepare a map that would indicate known archeological or Tribal Cultural Resources sites in Berkeley, as well as areas where the presence of such resources would be expected (the historic Bay shoreline, or riparian areas near creeks, for instance). Residential projects located in these areas that could be approved with a ZC would be subject to the City's standing condition of approval for accidental discovery of archeological or Tribal Cultural resources; and

- Amend the City's Standard Conditions of Approval related to archeological, paleontological, and tribal cultural resources, as well as the condition related to the discovery of human remains

Pursuant to SB 18, on March 14, 2025, the City sent letters to all of the Tribes on the NAHC Contact List providing a 45 day comment period on the proposed General Plan amendments. No comments have been received.

California Government Code § 65352 requires cities proposing General Plan amendments to inform specified public agencies of the proposed actions and provide 45 days for these agencies to provide comments. These agencies include neighboring municipalities, the Berkeley Unified School District, the East Bay Municipal Utilities District, the Bay Area Air Quality Management District, and the Alameda Local Area Formation Commission. City staff sent letters to these agencies on September 26, 2024. No comments were received.

Additional Information Requested by City Council

Charging Stations

BMC Chapter 19.37 includes electric vehicle charging regulations and requirements. For single family homes and duplexes, at least one parking space per dwelling unit with on-site parking must be equipped with capacities to support a future level 2 EV charging station. In multifamily residential buildings, 5% of available parking spaces must be installed with level 2 EV charging stations, 25% of any parking spaces must be EV ready and 20% of parking spaces must be EV capable. It should be noted that there are no off-street parking requirements for residential uses in the City of Berkeley, except for parcels located adjacent to narrow roadways. These EV charging requirements would apply to any parking spaces provided, but in cases where there are no off-street parking spaces present, there would be no requirement to provide EV charging.

The proposed zoning amendments do not include any changes to these requirements, nor do they include any additional requirements specific to middle housing.

Mini-Dorms

At its meeting of July 23, 2024 members of the City Council requested additional information as to how the proposed zoning amendments interface with BMC Chapter 13.42 (Operating Standards for Mini-Dorms and Group Living Accommodations) and whether the proposed zoning amendments could increase the number of mini-dorm configurations.

BMC Chapter 13.42 applies specific regulations to buildings in the R-1, R-1A, R-2, R-2A and R-3 zoning districts that contain a dwelling unit that is occupied by six or more persons. These regulations include registration with the City of Berkeley, the requirement to hire a property manager in some cases, and the designation of a responsible resident by the occupants of the mini-dorm. Additional regulations relate to public nuisances, parties and other possible sources of neighborhood disturbance. The proposed zoning amendment do not include any changes to these existing provisions or amendments to BMC Chapter 13.42. Any residential development project that meets

the applicability standards of BMC Chapter 13.42 would be subject to those requirements.

The proposed zoning amendments include development standards for residential development that increase allowable development and the number of units on an individual parcel. While these development standards do permit more development on a parcel, in the low-density residential districts, the proposed development standards are not inconsistent with the historical development pattern in many of these neighborhoods.

It is not anticipated that the proposed zoning standards would result in the development of mini-dorms at a rate higher than currently observed. Recently, the City of Berkeley has received a number of applications, and has approved, projects that would be characterized as missing middle projects. None of these approved projects have been classified as mini-dorms. Larger Group Living Accommodations, or multi-unit buildings with large numbers of small units, or units with many bedrooms, are more typically proposed along commercial districts and in higher density residential areas.

Demolition Ordinance
On July 9, 2024, City Council adopted amendments to BMC Chapter 23.326 (Demolition and Dwelling Unit Controls). These amendments brought the city's Demolition Ordinance into conformance with State law, and also included a number of Berkeley-specific provisions to protect sitting tenants, preserve affordable housing, and prevent displacement.

The adopted Demolition Ordinance creates a class of units called “protected units,” which include units that are subject to low-income affordable deed restrictions, units that are subject to rent control, or units that are rented by a household at 80% area median income or below, even if otherwise not subject to any rent or price control. The Demolition Ordinance includes affordability requirements for replaced units, as well as rights for sitting tenants.

The proposed zoning amendments include a change to the Demolition Ordinance. The current Demolition Ordinance permits the demolition of a single-family home with an AUP if that home is not tenant occupied and the demolition is included in a project that will result in a net increase in units. Program 29 of the Adopted Housing Element requires the City Council to consider permitting the demolition of single-family homes with a ZC. The rationale for this change is that given that the City of Berkeley is largely built out, middle housing projects will most commonly be the result of redevelopment of existing developed parcels. It would be inconsistent with the City Council's intent to permit the construction of residential uses with a ZC, if a higher level permit were required for the demolition of an existing single family home. Therefore, in that instance where a single family home that is not tenant occupied is part of a middle housing

project that will result in more units, that demolition would be allowed to move forward with the zoning certificate.

Aside from this change, there are no substantive amendments to the Demolition Ordinance included in the proposed zoning amendments.

Land Value Recapture
On July 25, 2017, the City Council adopted a Land Value Recapture Policy. This policy requires that land value recapture be included in the preparation and implementation of all area plans, and referred to the City Manager specific action regarding land value recapture in the preparation of the Adeline Corridor Plan, being undertaken at that time.

The proposed zoning amendments are amendments to the zoning code, but are not area plans. Therefore, the land value recapture policy does not specifically apply to the proposed zoning amendments. While it is anticipated that the upzoning of parcels in the low-density residential districts would result in increased property values, the proposed zoning amendments do not include any specific policies or mechanisms to capture any increment of that increase in value. However, on previous occasions, including the upzoning of the Southside Plan Area, the City Council has referred to other existing policies, such as the City's Inclusionary Zoning requirements, as tools that achieve the goal of land value recapture. The City Council has also indicated that increasing the housing supply is in itself a value to the wider community, and has included the Middle Housing zoning changes as a strategy to affirmatively further fair housing and end exclusionary zoning. The City Council has also modified the City's Inclusionary Zoning requirements to include exemptions for smaller, Middle Housing projects, indicating that protecting the economic feasibility of these projects is a land use policy goal for Berkeley.

Historic Landmarks and Middle Housing
The proposed zoning amendments allow residential development projects that conform with objective development standards to be approved with a Zoning Certificate. However, BMC Chapter 3.24.200 states that "any construction, alteration or demolition for which a permit is required" that is "to be carried out on a designated landmark, in a designated historic district or structure of merit" must be approved by the Landmarks Preservation Board. While a ZC is not a permit, a project approved with a ZC needs to obtain a Building Permit, so would be subject to this requirement, if applicable.

The proposed zoning amendments permit the demolition of a single-family home that is not tenant occupied with a ZC if the subsequent project results in a net increase in units. Additional language has been added to exempt designated landmarks, structures in a designated historic district or structures of merit from this streamlined requirement. Such projects would be required to obtain the approval of the Landmarks Preservation Commission for a demolition.

As the Environmental Impact Report for the Housing Element disclosed, "development accommodated by the proposed Housing Element Update, including middle housing and by-right demolition, could adversely affect *previously unidentified* historic period resource." Currently, the requirement to obtain a Use Permit to demolish a structure requires properties more than 40 years old to be subject to an Historic Resource Evaluation (HRE), which helps establish whether a property is an historic or cultural resource. If demolition were permitted with a ZC, an HRE would not be required. As a result, some properties that have not yet had their historic or cultural resources status evaluated could be subject to demolition without preservation review.

Review of City Council Referrals on Middle Housing

At its meeting of July 23, 2024, the City Council directed staff to review previous referrals and to respond to any specific questions or requests included in those referrals. Responses to those referrals are included in ***Attachment 6*** of this report.

BACKGROUND

Additional background information on topics including relevant state laws, community engagement and input, and the Planning Commission and City Council review of the proposed zoning amendments can be found in the July 23, 2024 City Council report (***Attachment 3***).

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Housing Element Update EIR

Development projections for this project and all reasonably foreseeable growth resulting from development contemplated by the City's updated Housing Element were analyzed in the Environmental Impact Report (EIR) for the 2023-2031 Housing Element Update ("Housing Element Update EIR"), which was certified by the City Council on January 18, 2023.[3]

The Housing Element EIR identified one significant and unavoidable environmental impact related to Cultural Resources (impacts to historic-period resources), one significant and unavoidable impact related to Noise (temporary construction noise), and four significant and unavoidable impacts related to Wildfire (emergency evacuation and response, wildfire risk and pollutant exposure, terrain and slope impacts, and infrastructure). All other environmental effects of the proposed Project can be reduced to less than significant levels through implementation of Standard Condition(s) of Approval and/or recommended mitigation measures. The adoption of the Housing

[3] Housing Element Update 2023-2031 Final EIR.
https://berkeleyca.gov/sites/default/files/documents/ATT%202%20FEIR_RTC.pdf

Element EIR included a statement of overriding consideration that provides reasons the Housing Element could be adopted even though those impacts could occur.

Pursuant to CEQA Guidelines Section 15168(c)(2), a consistency analysis was prepared to analyze the proposed Middle Housing zoning changes in light of the project described in the Housing Element EIR. This analysis did not find any new impacts, or any substantial increase in the magnitude of any previously disclosed impact, nor did it reveal any other significant new information, that was not previously disclosed and analyzed in the Middle Housing EIR. Therefore, no additional environmental review under CEQA is required.

RATIONALE FOR RECOMMENDATION

The proposed ordinance includes the City Council's recommended zoning ordinance amendments to encourage the development of middle housing in low density residential districts, consistent with Housing Element Program 29—Middle Housing and City Council referrals.

ALTERNATIVE ACTIONS CONSIDERED

During the middle housing policy development process, staff received feedback from both the City Council and the Planning Commission that the middle housing standards should promote the creation of more housing units, and should not simply allow larger unit sizes at low densities. The key trade-off within middle housing is that larger development projects are permitted, with the understanding that these projects contribute to addressing the city's housing shortage by providing more housing units. In response, staff had proposed development standards that would scale based on the number of units included in a proposed project; that is, if a project includes more units, it can be larger.

While the proposed ordinance includes development standards that would permit Multi-Family Residential uses that include more units, they would also streamline the approval of larger Single-Family Residential uses. To address this issue, the City Council had directed staff to add provisions to the proposed ordinance to limit the size of single-family homes that could be approved with a ZC.

Maximum Floor Area Ratio (FAR): While an effective maximum FAR can be calculated based on existing standards for lot coverage and maximum height, the Berkeley Municipal Code does not include a specific FAR standard in the R-1, R-1A, R-2, and R-2A districts. The City Council had initially provided feedback to staff to consider scaling an FAR standard to increase as the number of units increase on a site, and previous Zoning Adjustments Board and Planning Commission subcommittees have supported standards that encourage the development of smaller or medium-sized, cost-efficient units.

The proposed ordinance does not include any FAR standards. The Planning Commission felt that building size was sufficiently regulated by height, setback and lot

coverage standards, and that an additional development standard would complicate the project design process and was unnecessary.

Both the Planning Commission and City Council had expressed support for development standards that encourage unit sizes that may be more affordable "by design." A sliding Maximum FAR standard can be tailored to encourage, at least on paper, an average unit size.

Example: Maximum FAR Standards to Control for Unit Size

The proposed ordinance includes development standards related to maximum density, height and lot coverage standards, which on a typical 5,000 square foot lot would result in a maximum project buildout of roughly 9,000 square feet. Maximum development under these standards could result in the average unit sizes, at full build out on a typical 5,000 square foot lot, shown in Table 7.

Table 7 Examples of unit sizes by Zoning District under proposed Ordinance

Units on 5,000 sf Lot	R-1	R-2	R-2A	MU-R
1	9,000 sf		[redacted]	
2	4,500 sf			
3	3,000 sf			
4	2,250 sf			
5	1,800 sf			
6	[redacted]	1,542 sf		
7	[redacted]		1,286 sf	

Adopting a maximum FAR could disincentivize lower density projects with large unit sizes, in favor of projects with smaller units. For example, the standards shown in Table 8 could help achieve a policy goal of encouraging the development of residential units that are no more than 1,400 square feet in size on a 5,000 square foot lot.

Table 8. Possible FAR Standards

1-2 units	0.75
3-5 units	0.8
6-7 units	1.5
8 + units	1.75

Utilizing the maximum FAR standards included in Table 7, along with the proposed maximum density, height, and lot coverage standards included in the proposed ordinance, could result in average unit sizes for a typical 5,000 square foot lot shown in Table 9.

Table 9. Examples of unit sizes by Zoning District Utilizing a Scaled FAR standard

Units on 5,000 sf Lot	R-1	R-2	R-2A	MU-R
1	3,750 sf		Minimum 2 units per lot	
2	1,875 sf			
3	1,333 sf			
4	1,000 sf			
5	800 sf			
6	Exceeds Maximum Density	1,042 sf	1,250 sf	
7		Exceeds Maximum Density	1,071 sf	

A maximum FAR standard can also control height and bulk of a proposed project, and result in additional usable open space. The theoretical projects in Table 9 could all meet their Maximum FAR and Maximum Density without exceeding two stories. A project that would proposed to go higher would need to provide more undeveloped area elsewhere on the lot to meet the Maximum FAR standard.

CONTACT PERSON
Justin Horner, Principal Planner, Planning and Development, 510-981-7476

Attachments:
1: Ordinance
    Exhibit A: Parcels Rezoned from R-1A and R-2
2: Proposed Ordinance, Annotated
3: City Council Report: July 23, 2024
4: Development Standards Tables
5: General Plan Resolution, Text and Map Changes and CEQA Findings
    A: Maps of existing and proposed General Plan Land Use Diagram.
    B: Text of General Plan amendments.
    C: CEQA Findings and Statement of Overriding Consideration
        Att 1 CEQA Consistency Analysis
6: Review of Prior City Council Actions and Referrals Related to Middle Housing
7: Public Hearing Notice

ORDINANCE NO. -N.S.

MIDDLE HOUSING ZONING AMENDMENTS

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

Section 1. That Table 23.108-1 Zoning Districts within BMC Chapter 23.108.020 is amended to read as follows:

TABLE 23.108-1: ZONING DISTRICTS

DISTRICT SYMBOL	NAME OF DISTRICT
Residential Districts	
R-1	~~Single-Family~~ Residential Multi-Unit 1
~~R-1A~~	~~Limited Two-family Residential~~
ES-R	Environmental Safety Residential
R-2	~~Restricted Two-family~~ Residential Multi-Unit 2
R-2A	~~Restricted Multiple-family~~ Residential Multi-Unit 2A
R-3	Multiple-family Residential
R-4	Multi-family Residential
R-5	High Density Residential
R-S	Residential Southside
R-SMU	Residential Southside Mixed Use
R-BMU	Residential BART Mixed Use
Commercial Districts	

DISTRICT SYMBOL	NAME OF DISTRICT
C-C	Corridor Commercial
C-U	University Avenue Commercial
C-N	Neighborhood Commercial
C-E	Elmwood Commercial
C-NS	North Shattuck Commercial
C-SA	South Area Commercial
C-T	Telegraph Avenue Commercial
C-SO	Solano Avenue Commercial
C-DMU	Downtown Mixed-Use
C-W	West Berkeley Commercial
C-AC	Adeline Corridor Commercial
Manufacturing Districts	
M	Manufacturing
MM	Mixed Manufacturing
MU-LI	Mixed Use-Light Industrial
MU-R	Mixed Use-Residential
Special Districts	
S	Specific Plan
U	Unclassified

Section 2. That Table 23.202-1 Allowed Land Uses in Residential Districts within BMC Section 23.202.020 is amended to read as follows:

TABLE 23.202-1: ALLOWED LAND USES IN RESIDENTIAL DISTRICTS

ZC = Zoning Certificate **AUP = ADMINISTRATIVE USE PERMIT** UP(PH) = Use Permit NP = Not Permitted * Use-Specific Regulations Apply **Required permits for specific uses are set forth in the R-BMU Master Development Permit (MDP). See 23.202.150.A and 23.202.150.D	RESIDENTIAL DISTRICTS											USE-SPECIFIC REGULATIONS APPLIES TO USES WITH AN ASTERISK FOLLOWING THE PERMIT REQUIREMENT (E.G., ZC*)
	R-1	~~R-1A~~	ES-R	R-2	R-2A	R-3	R-4	R-5	R-S	R-SMU	R-BMU **	
Residential Uses												
Accessory Dwelling Unit	See 23.306—Accessory Dwelling Units		NP	See 23.306—Accessory Dwelling Units								
~~Dwellings~~												
Single-Family Residential	ZC* UP(PH) Hillside Overlay	~~UP(PH)~~	UP(PH)	ZC* UP(PH) Hillside Overlay	ZC* UP(PH) Hillside Overlay	UP(PH)*	UP(PH)	UP(PH)	UP(PH)*	UP(PH)*	NP	23.202.040(C) and (D) 23.302.070(H)
~~Two-Family~~	~~NP~~	~~UP(PH)~~	~~NP~~	~~UP(PH)~~	~~UP(PH)~~	~~UP(PH)~~	~~UP(PH)~~	~~UP(PH)~~	~~UP(PH)~~	~~UP(PH)~~	~~NP~~	~~23.302.070(H)~~
Multi-Family Residential	ZC* NP Hillside Overlay	~~NP~~	NP	ZC* NP ~~UP(PH)~~ Hillside Overlay	ZC* UP(PH) Hillside Overlay	UP(PH)*	UP(PH)	UP(PH)	UP(PH)*	UP(PH)*	UP(PH)	23.202.040(D) 23.302.070(H)
Group Living Accommodation	NP	~~NP~~	NP	NP	NP	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	23.302.070(H)
Senior Congregate Housing	NP	~~NP~~	NP	NP	See 23.302.070.H– Use-Specific Regulations							
Mixed-Use Residential	NP	~~NP~~	NP	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	23.302.070(H)
Public and Quasi-Public Uses												
Child Care Center	UP(PH)	~~UP(PH)~~	NP	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	23.302.070(H)
Club/Lodge	UP(PH)	~~UP(PH)~~	NP	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(P	23.302.070(H)

ZC = Zoning Certificate **AUP = ADMINISTRATIVE USE PERMIT** UP(PH) = Use Permit NP = Not Permitted * Use-Specific Regulations Apply **Required permits for specific uses are set forth in the R-BMU Master Development Permit (MDP). See 23.202.150.A and 23.202.150.D	**RESIDENTIAL DISTRICTS**											**USE-SPECIFIC REGULATIONS** APPLIES TO USES WITH AN ASTERISK FOLLOWING THE PERMIT REQUIREMENT (E.G., ZC*)
	R-1	**~~R-1A~~**	**ES-R**	**R-2**	**R-2A**	**R-3**	**R-4**	**R-5**	**R-S**	**R-SMU**	**R-BMU ******	
											H)	
Columbaria	AUP*	~~AUP*~~	NP	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	NP	23.302.070.C– Use-Specific Regulations
Community Care Facility	See 23.202.040.A– Use-Specific Regulations											
Community Center	UP(PH)	~~UP(PH)~~	NP	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
Emergency Shelter, 15 beds or fewer	NP	~~NP~~	NP	NP	NP	NP	ZC	ZC	ZC	ZC	ZC	23.308-Emergency Shelters
Emergency Shelter, more than 15 beds	NP	~~NP~~	NP	NP	NP	NP	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	23.308-Emergency Shelters
Hospital	NP	~~NP~~	NP	NP	NP	UP(PH)	UP(PH)	UP(PH)	NP	UP(PH)	NP	
Library	UP(PH)	~~UP(PH)~~	NP	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
Low Barrier Navigation Center	ZC ~~NP~~	~~NP~~	NP	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	
Nursing Home	NP	~~NP~~	NP	–	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	NP	
Park/Playground	ZC	~~ZC~~	UP	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	
Public Safety and Emergency Service	UP(PH)	~~UP(PH)~~	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
Public Utility Substation/Tank	UP(PH)	~~UP(PH)~~	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
Religious Assembly	UP(PH)	~~UP(PH)~~	NP	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
School	UP(PH)	~~UP(PH)~~	NP	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
Supportive Housing	~~NP~~ ZC*	~~NP~~	NP	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	23.302.070.I-Supportive Housing
Commercial Uses												
Alcoholic Beverage Service	NP	~~NP~~	NP	NP	NP	NP	NP	NP	NP	ZC	UP(PH)	23.310—Alcoholic Beverage Sales and Service
Food Products Store	NP	~~NP~~	NP	NP	NP	NP	NP	NP	NP	UP(PH)*	UP(PH)	23.202.140.B.3– R-SMU Residential Southside

ZC = Zoning Certificate **AUP = ADMINISTRATIVE USE PERMIT** UP(PH) = Use Permit NP = Not Permitted * Use-Specific Regulations Apply **Required permits for specific uses are set forth in the R-BMU Master Development Permit (MDP). See 23.202.150.A and 23.202.150.D	**RESIDENTIAL DISTRICTS**											**USE-SPECIFIC REGULATIONS** **APPLIES TO USES WITH AN ASTERISK FOLLOWING THE PERMIT REQUIREMENT (E.G., ZC*)**
	R-1	**~~R-1A~~**	**ES-R**	**R-2**	**R-2A**	**R-3**	**R-4**	**R-5**	**R-S**	**R-SMU**	**R-BMU ******	
												Mixed Use District
Food Service Establishment, Under 3,000 sq. ft.	NP	~~NP~~	NP	NP	NP	NP	NP	NP	NP	ZC*	ZC*	23.302.070.(E) – Use=Specific Regulations
Food Service Establishment, 3,000 sq. ft. or larger	NP	~~NP~~	NP	NP	NP	NP	NP	NP	NP	AUP*	AUP*	23.302.070.(E) – Use=Specific Regulations
Group Instruction	NP	~~NP~~	NP	NP	NP	NP	NP	NP	NP	NP	UP(PH)	23.202.150(C) – R-BMU Residential BART Mixed Use District
Health and Fitness Facility	NP	~~NP~~	NP	NP	NP	NP	NP	NP	NP	NP	UP(PH)	23.202.150 (C) – R-BMU Residential BART Mixed Use District
Hotel, Tourist	NP	~~NP~~	NP	NP	NP	NP	UP(PH)	UP(PH)	UP(PH)	UP(PH)	NP	
Laundromat and Cleaner	NP	~~NP~~	NP	NP	NP	NP	NP	NP	NP	UP(PH)	UP(PH)	
Office	NP	~~NP~~	NP	NP	NP	NP	UP(PH)	UP(PH)	NP	UP(PH)	UP(PH)	23.202.150.C – R-BMU Residential BART Mixed Use District
Parking Lot/Structure	UP(PH) *	~~UP(PH)~~ *	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH)	23.302.070.G– Unenclosed Accessory Structures in Residential Districts 23.322.100– On-site Loading Spaces
Personal and Household Service, General	NP	~~NP~~	NP	NP	NP	NP	NP	NP	NP	ZC*	ZC*	23.202.140.B.2– R-SMU Residential Southside Mixed Use District
Retail, General	NP	~~NP~~	NP	NP	NP	NP	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH)	23.202.040.B– Use-Specific Regulations
Veterinary Clinic	NP	~~NP~~	NP	NP	NP	NP	NP	NP	NP	UP(PH)	UP(PH)	
Video Tape/Disk Rental	NP	~~NP~~	NP	NP	NP	NP	NP	NP	NP	UP(PH)	NP	
Incidental Uses												
Live Entertainment Unamplified	NP	~~NP~~	NP	NP	NP	NP	NP	NP	NP	ZC	NP	

ZC = Zoning Certificate **AUP = ADMINISTRATIVE USE PERMIT** UP(PH) = Use Permit NP = Not Permitted * Use-Specific Regulations Apply **Required permits for specific uses are set forth in the R-BMU Master Development Permit (MDP). See 23.202.150.A and 23.202.150.D	**RESIDENTIAL DISTRICTS**											**USE-SPECIFIC REGULATIONS** **APPLIES TO USES WITH AN ASTERISK FOLLOWING THE PERMIT REQUIREMENT (E.G., ZC*)**
	R-1	~~**R-1A**~~	**ES-R**	**R-2**	**R-2A**	**R-3**	**R-4**	**R-5**	**R-S**	**R-SMU**	**R-BMU ******	
Live Entertainment Amplified	NP	~~NP~~	NP	NP	NP	NP	NP	NP	NP	AUP	NP	
Industrial and Heavy Commercial Uses												
Commercial Excavation	UP(PH)	~~UP(PH)~~	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
Other Uses												
Accessory Uses	See 23.302.020.A– General Use Regulations											
Art/Craft Studio	NP	~~NP~~	NP	NP	NP	NP	NP	NP	NP	NP	ZC	
ATM: Exterior and Attached to Bank or Interior or Exterior and Not With Bank	NP	~~NP~~	NP	NP	NP	NP	NP	NP	NP	NP	AUP	
Home Occupations	See 23.302.040– Home Occupations											
Live/Work	NP	~~NP~~	NP	NP	NP	NP	NP	NP	NP	NP	UP(PH)*	23.312—Live/Work
Public Market, Open Air	NP	~~NP~~	NP	NP	NP	NP	NP	NP	NP	NP	AUP	
Public Market, Enclosed	NP	~~NP~~	NP	NP	NP	NP	NP	NP	NP	NP	AUP	
Short-Term Rental	ZC*	~~ZC*~~	NP	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	23.314—Short-Term Rentals
Temporary Uses	See 23.302.030– Temporary Uses and Structures											
Urban Agriculture, Low-Impact	ZC*	~~ZC*~~	NP	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	23.318—Urban Agriculture
Urban Agriculture, High-Impact	AUP*	~~AUP*~~	NP	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	23.318—Urban Agriculture
Wireless Telecommunication Facility	See 23.332—Wireless Communication Facilities											

Section 3. That BMC Section 23.202.030(A) is amended to read as follows:

A. **Residential Additions.** See Section 23.502.020(A) ("A" Terms) for residential addition definitions.

1. **Permits Required.**

(a) In the ES-R district, residential additions require permits as follows:

i. Residential additions up to 10 percent of lot area or 200 square feet, whichever is less: Zoning Certificate.

ii. Major residential additions more than 10 percent of lot area or 200 square feet, whichever is less: Use Permit.

~~(b) In the R-3, R-S, R-SMU and C-T districts within the Southside Plan boundaries, any residential addition requires a Zoning Certificate.~~

(~~c~~ b) In ~~all other Residential Districts~~ the R-1H, R-1AH, R-2H, and R-2AH, and the R-3 district outside the Southside Plan boundaries, and in the R-4, R-5 and R-BMU districts, residential additions require permits as follows:

i. Residential additions (up to 15 percent of lot area or 600 square feet, whichever is less): Zoning Certificate.

ii. Major residential additions (all other residential additions): AUP.

Section 4. That BMC Section 23.202.030(B)(1) is amended to read as follows:

1. In the R-1H, ~~R-1A,~~ R-2H, R-2AH, ~~and~~ R-3, and R3-H districts, adding a bedroom to a lot requires permits as follows:

(a) Adding a first, second, third, or fourth bedroom to a lot: no permit required.

(b) Adding a fifth bedroom to a lot: AUP.

(c) Adding a bedroom to a lot beyond the fifth: Use Permit.

(d) No permit is required to add up to two bedrooms in an existing dwelling unit through the reconfiguration of existing habitable space, regardless of the number of bedrooms on the existing lot.

Section 5. That BMC Section 23.202.040(C) and (D) be added to read as follows:

C. One Single-Family Residential Use on a Single Lot in the R-1, R-2 and R-2A districts.

(1) This section applies on lots with one existing or proposed single-family residential dwelling on a single lot, for new construction or residential additions.

(a) The residential gross floor area of a single-family residential dwelling may be no larger than 50 percent of the lot area, or 2,500 square feet, whichever is greater.

(b) A single-family residential dwelling may exceed the size limitations in this section with an AUP.

(c) This subsection shall not apply to parcels located in the Hillside Overlay Zone.

D. *Noticing for New Dwelling Uses in the R-1, R-2, and R-2A Zoning Districts*

(1) This section applies to proposed new dwelling units, other than ADUs, located in the R-1, R-2 and R-2A zoning districts and are eligible for approval with a Zoning Certificate, as indicated in Table 23-202-1 Allowed Land Uses in Residential Districts.

(a) Scope and Timing of Notice. The City shall mail a courtesy notice to tenants of the subject property, and owners and tenants of the adjacent, confronting, and abutting properties, within ten working days of submission of the application to the City.

(b) Content of Notice. Notice shall provide the address of the project, allowable hours of construction and information for tenants of the subject property on how to contact a Rent Board Housing Counselor by e-mail or phone and any other resource information deemed relevant.

(c) Mailing Fees. The applicant shall be responsible for the cost of materials, postage, and staff time necessary to process and mail notices.

(d) This subsection shall not apply to parcels located in the Hillside Overlay Zone.

Section 6. That BMC Section 23.202.050(A) is amended to read as follows:

A. **District Purpose.** The purpose of the ~~Single-Family~~ Residential Multi-Unit 1 (R-1) district is to:

1. Implement the General Plan by facilitating the development of residential areas consistent with a pattern of housing types ranging from single-family to small apartment structures.~~Recognize and protect the existing pattern of development in the low-density, single-family residential areas of the city consistent with the General Plan~~;
2. Make housing available for persons who desire detached and multi-unit

housing with ~~and a relatively large amount of~~ usable open space;

3. Provide objective standards to protect adjacent properties from unreasonable obstruction of light and air; and
4. Permit community facilities such as religious assembly uses, schools, parks, and libraries which serve the local population and are not detrimental to the immediate neighborhood.

Section 7. That the title of BMC Section 23.202.050 is amended to read as follows:

23.202.050 – R-1 ~~Single-Family~~ Residential Multi-Unit 1 District

Section 8. That BMC Chapter 23.202.050(D)(1) R-1 Development Standards is amended to read as follows:

D. Development Standards.

1. Basic Standards. See Table 23.202-2: R-1 Development Standards and Table 23.202-3: R-1H Development Standards.

Section 9. That Table 23.202-2 R-1 Development Standards within BMC Chapter 23.202.050 is amended to read as follows:

Table 23.202-2 R-1 Development Standards

BASIC STANDARDS		SUPPLEMENTAL STANDARDS
Lot Area for New Lots, Minimum	5,000 sq. ft.	23.304.020 – Lot Requirements
Usable Open Space ~~per~~ Per ~~Dwelling Unit~~1,000 sq. ft. of Gross Residential Floor Area, Minimum	~~400~~ 150 sq. ft.	23.304.090 – Usable Open Space
Floor Area Ratio, Maximum	No maximum	
Main Building Height, ~~Average~~ Maximum		23.304.050 – Building Height
New Buildings ~~or~~ and ~~Non-Residential~~ Additions	~~28~~ 35 ft. ~~and~~ or 3 stories [1]	
Within 15 ft. of Rear Property Line	22 ft.	
Residential Density (du/acre)		23.106.100 – Residential Density
Minimum	10	
Maximum	40	

BASIC STANDARDS		SUPPLEMENTAL STANDARDS
Lot Line Setbacks, Minimum		23.304.030 – Setbacks
Front [1]	5 ~~20~~ ft.	
Rear [1]	5 ~~20~~ ft.	
Interior Side	4 ft.	
Street Side	4 ft.	
Building Separation, Minimum	~~No minimum~~ 5 ft.	
Lot Coverage, Maximum	~~40%~~ 60%	23.304.120 – Lot Coverage
Notes: [1] Front and rear setbacks must add up to at least 20 feet.		

Table 23.202-3 R-1H Development Standards

BASIC STANDARDS		SUPPLEMENTAL STANDARDS
Lot Area for New Lots, Minimum	5,000 sq. ft.	23.304.020 – Lot Requirements
Usable Open Space Per Dwelling Unit, Minimum	400 sq. ft.	23.304.090 – Usable Open Space
Floor Area Ratio, Maximum	No maximum	
Building Height		23.210.020 – Hillside Overlay Zone 23.304.050 – Building Height
New Buildings or Non-Residential Additions, Average	28 ft. and 3 stories [1]	
New Buildings or Non-Residential Additions, Maximum	35 ft.	
Residential Additions		
Average	14 ft. or highest existing portion of roof, whichever is lower [2]	
Maximum	20 ft [3]	
Lot Line Setbacks, Minimum		23.210.020 – Hillside Overlay Zone 23.304.030 – Setbacks
Front	20 ft.	
Rear	20 ft.	
Interior Side	4 ft.	

BASIC STANDARDS		SUPPLEMENTAL STANDARDS
Street Side	4 ft.	
Building Separation, Minimum	No minimum	
Lot Coverage, Maximum	40%	23.304.120 – Lot Coverage
Notes: [1] Average Building Height 35 ft. with an AUP. [2] Average Building Height greater than 14 ft. up to 28 ft. allowed with an AUP. Average building height greater than 28 ft up to 35 ft allowed with an additional AUP. [3] Maximum building height greater than 20 ft. allowed with an AUP pursuant to BMC 23.210.020(C)(2).		

Section 10. That BMC Chapter 23.202.060 is amended as follows:

23.202.060 ~~R-1A Limited Two-Family Residential District~~ Reserved

~~A. **District Purpose.** The purpose of the Limited Two-Family Residential (R-1A) district is to:~~

~~1. Recognize and protect the existing pattern of low medium-density residential areas characterized by reasonable open and spacious type of development consistent with the General Plan;~~

~~2. Protect adjacent properties from unreasonable obstruction of light and air;~~

~~3. Allow flexibility in the use of property for residential purposes by permitting two dwelling units on one lot under limited conditions; and~~

~~4. Appropriately regulate the rear and side setback areas for the construction of a dwelling unit in areas west of San Pablo Avenue.~~

~~B. **Allowed Land Uses.** See Table 23.202-1: Allowed Land Uses in Residential Districts~~

~~C. **Additional Permit Requirements.** See Subsection A (Residential Additions) and Subsection B (Adding Bedrooms) of Section 23.202.030-Additional Permit Requirements.~~

~~D. **Development Standards.**~~

~~**1. Basic Standards.** See Table 23.202-3: R-1A Development Standards.~~

~~**2. Supplemental Standards.** Supplemental development standards that apply in the R-1A district are noted in Table 23.202-3: R-1A Development Standards.~~

Table 23.202-3: R-1A Development Standards

Basic Standards		Supplemental Standards
Lot Area, Minimum		23.304.020– Lot Requirements
New Lots	5,000 sq. ft.	
For Two Dwelling Units	4,500 sq. ft. [1]	
Usable Open Space Per Dwelling Unit, Minimum	400 sq. ft. [2]	23.304.090– Usable Open Space
Floor Area Ratio, Maximum	No maximum	
Main Building Height, Average		23.304.050– Building Height
New Buildings and Non-Residential Additions	28 ft. and 3 stories [3]	
Rear Main Buildings	22 ft. and 2 stories	
Residential Additions	14 ft. [4]	
Lot Line Setbacks, Minimum		23.304.030– Setbacks
Front	20 ft.	
Rear	20 ft.	
Interior Side	4 ft.	
Street Side	4 ft.	
Interior and Street Side for Rear Main Building	6 ft.	
Building Separation, Minimum		23.304.040– Building Separation in Residential Districts
1 story	8 ft.	
2 stories	12 ft.	
3 stories	16 ft.	
Lot Coverage, Maximum		23.304.120– Lot Coverage
Interior and Through Lot	40%	
Corner Lot	45%	

~~Basic Standards~~	~~Supplemental Standards~~
~~Notes:~~ ~~[1] Maximum two units per lot.~~ ~~[2] Open space is not required for accessory dwelling unit.~~ ~~[3] Maximum 35 ft. with an AUP.~~ ~~[4] Height greater than 14 ft. up to 28 ft. allowed with an AUP. Height greater than 28 ft up to 35 ft allowed with an additional AUP.~~	

Section 11. That the title of BMC Section 23.202.080 is amended to read as follows:

23.202.080- R-2 ~~Restricted Two-Family~~ Residential Multi-Unit 2 District

Section 12. That BMC Section 23.202.080(A) is amended to read as follows:

A. **District Purpose.** The purpose of the ~~Restricted Two-Family~~ Residential Multi-Unit 2 (R-2) district is to:

1. Implement the General Plan by encouraging the development of ~~low medium-density~~ residential areas ~~characterized by a reasonably open and spacious type of development with a pattern~~ with a range of housing types ~~ranging from single-family to duplexes and small apartment structures~~;
2. Make available housing for persons who desire a range of housing choice with ~~a relatively large amount of~~ useable open space; and
3. Provide objective standards to protect adjacent properties from unreasonable obstruction of light and air.

Section 13 That BMC Section 23.202.080(D) is amended to read as follows:

D. **Development Standards.**

1. **Basic Standards.** See Table 23.202-5: R-2 Development ~~Lot and Height~~ Standards, Table 23.202-6: R-2H Development Standards, Table 23.202-~~6~~7: R-2H Setback and Building Separation Standards, and Table 23.202-~~7~~8: R-2 H Lot Coverage Standards for development standards in the R-2 district.
2. **Supplemental Standards.** Supplemental development standards that apply in the R-2 district are noted in Table 23.202-5: R-2 Development ~~Lot and Height~~ Standards, Table 23.202-6: R-2H Development Standards, Table 23.202-~~6~~7: R-2H Setback and Building Separation Standards and Table 23.202-~~7~~8: R-2H Lot Coverage Standards.

TABLE 23.202-5: R-2 ~~LOT AND HEIGHT~~ DEVELOPMENT STANDARDS

BASIC STANDARDS		SUPPLEMENTAL STANDARDS
Lot Area, Minimum		23.304.020 – Lot Requirements
New Lots	5,000 sq. ft.	
~~Per Dwelling Unit~~	~~2,500 sq. ft. [1]~~	
Usable Open Space, ~~per Dwelling Unit~~ Per 1,000 sq. ft. of gross residential floor area, Minimum	~~400~~ 150 sq. ft.	23.304.090 – Usable Open Space
Floor Area Ratio, Maximum	No maximum	
Main Building Height~~, Average~~		23.304.050 – Building Height
New Buildings and ~~Non-Residential~~ Additions, Maximum	~~28~~ 35 ft. ~~and~~ or 3 stories ~~[2]~~	
Within 15 feet of Rear Property Line, Maximum	22 ft.	
~~Residential Additions~~	~~14 ft. [3]~~	
Residential Density (du/acre)		23.106.100 – Residential Density
Minimum	10	
Maximum	50	
Lot Line Setbacks, Minimum		23.304.030 – Setbacks
Front [1]	5 ft.	
Rear [1]	5 ft.	
Interior Side	4 ft.	
Street Side	4 ft.	
Building Separation, Minimum	5 ft.	
Lot Coverage, Maximum	60%	23.304.120 – Lot Coverage

Notes:
[1] ~~One additional dwelling unit is allowed for any remaining lot area between 2,000 and 2,500 square feet.~~ Front and rear setbacks must add up to at least 20 feet.
~~**[2]** Maximum 35 ft. with an AUP.~~
~~**[3]** Addition height greater than 14 ft. up to 28 ft. allowed with an AUP. Addition height greater than 28 ft up to 35 ft allowed with an additional AUP.~~

TABLE 23.202-6: R-2H DEVELOPMENT STANDARDS

BASIC STANDARDS		SUPPLEMENTAL STANDARDS
Lot Area, Minimum		23.304.020 – Lot Requirements
New Lots	5,000 sq. ft.	
Usable Open Space, Per Dwelling Unit, Minimum	400 sq. ft.	23.304.090 – Usable Open Space
Floor Area Ratio, Maximum	No maximum	
Main Building Height, Average		23.210.020 – Hillside Overlay Zone 23.304.050 – Building Height
New Buildings and Non-Residential Additions	28 ft. and 3 stories [1]	
New Buildings and Non-Residential Additions, Maximum	35 ft.	
Residential Addition, Height		
Average	14 ft. or highest existing portion of roof, whichever is lower [2]	
Maximum	20 ft. [3]	
Lot Coverage, Maximum	See Table 23.202-8	23.304.120 – Lot Coverage

Notes:
[1] Average Building Height 35 ft. with an AUP.
[2] Average Building Height greater than 14 ft. up to 28 ft. allowed with an AUP. Average building height greater than 28 ft up to 35 ft allowed with an additional AUP.
[3] Maximum building height greater than 20 ft. allowed with an AUP pursuant to BMC 23.210.020(C)(2).

TABLE 23.202-~~6~~7: R-2H SETBACK AND BUILDING SEPARATION STANDARDS

	STANDARDS BY BUILDING STORY			SUPPLEMENTAL STANDARDS
	1ST	2ND	3RD	
Lot Line Setbacks, Minimum				23.304.030–Setbacks
Front	20 ft.	20 ft.	20 ft.	

Rear	20 ft.	20 ft.	20 ft.	
Interior	4 ft.	4 ft.	6 ft.	
Street Side	10 ft.	10 ft.	10 ft.	
Building Separation, Minimum	8 ft.	12 ft.	16 ft.	23.304.040– Building Separation in Residential Districts

TABLE 23.202-~~7~~8: R-2H LOT COVERAGE STANDARDS

	STANDARD BASED ON BUILDING HEIGHT			SUPPLEMENTAL STANDARDS
	1 STORY	2 STORIES	3 STORIES	
Lot Coverage, Maximum				23.304.120– Lot Coverage
Interior and Through Lot	45%	40%	35%	
Corner Lot	50%	45%	40%	

Section 14. That the title BMC Section 23.202.090 is amended to read as follows:

23.202.090- R-2A ~~Restricted Multiple-Family~~ Residential Multi-Unit 2A District

Section 15. That BMC Section 23.202.090(A) is amended to read as follows:

A. **District Purpose.** The purpose of the ~~Restricted Multiple-Family~~ Residential Multi-Unit 2A (R-2A) district is to:

1. Implement the General Plan by ~~encouraging~~ facilitating the development of ~~medium-density~~ residential areas characterized by a range of housing types~~small multiple-family and garden-type apartment structures with a maximum of open space consistent with this type of development~~;
2. Make available housing for persons who desire apartment-type accommodations with ~~a maximum of~~ open space; and
3. Provide objective standards to ~~P~~ protect adjacent properties from unreasonable obstruction of light and air; ~~and~~
4. ~~Permit only land use intensity which is compatible with existing low-density residential structures and is not detrimental to the immediate neighborhood.~~

Section 16. That BMC Section 23.202.090(D) is amended to read as follows:

D. **Development Standards.**

1. **Basic Standards.** See Table 23.202-~~8~~9: R-2A ~~Lot and Height~~ Development Standards, Table 23.202-10 R-2AH Development Standards, Table 23.202-~~9~~11: R-2A~~H~~ Setback and Building Separation Standards, and Table 23.202-~~10~~12: R-2A~~H~~ Lot Coverage Standards.
2. **Supplemental Standards.** Supplemental development standards that apply in the R-2A district are noted in Table 23.202-~~8~~9: R-2A ~~Lot and Height~~ Development Standards, Table 23.202-10 R-2AH Development Standards, Table 23.202-~~9~~11: R-2A~~H~~ Setback and Building Separation Standards, and Table 23.202-~~10~~12: R-2A~~H~~ Lot Coverage Standards.

TABLE 23.202-~~8~~9: R-2A ~~LOT AND HEIGHT DEVELOPMENT~~ STANDARDS

BASIC STANDARDS		**SUPPLEMENTAL STANDARDS**
Lot Area, Minimum		
New Lots	5,000 sq. ft.	23.304.010 - Lot Requirements
~~Per Dwelling Unit~~	~~1,650 sq. ft. [1]~~	
Usable Open Space, ~~per Dwelling Unit,~~ Per 1,000 sq. ft. gross residential floor area Minimum	~~400~~ 150 sq. ft	23.304.090 – ~~Usable Open Space~~
Main Building Height~~, Average~~		23.304.050 – Building Height
New Buildings and ~~Non-Residential~~ Additions, Maximum	~~28~~ 35 ft. ~~and~~ or 3 stories	
Within 15 ft. of Rear Property Line, Maximum	22 ft.	
~~Residential Additions~~	~~14 ft. [3]~~	
Residential Density (du/acre)		23.106.100 – Residential Density
Minimum	20	
Maximum	60	
Lot Line Setbacks, Minimum		23.304.030 – Setbacks
Front [1]	5 ft.	
Rear [1]	5 ft.	

Interior Side	4 ft.	
Street Side	4 ft.	
Building Separation, Minimum	5 ft.	
Lot Coverage, Maximum	60%	23.304.120 – Lot Coverage
Notes: [1] Front and rear setbacks must add up to at least 20 feet. ~~[1] One additional dwelling unit is allowed for remaining lot area between 1,300 and 1,650 square feet.~~ ~~[2] Maximum 35 ft. with an AUP.~~ ~~[3] Addition height greater than 14 ft. up to 28 ft. allowed with an AUP. Addition height greater than 28 ft up to 35 ft allowed with an additional AUP.~~		

TABLE 23.202-10: R-2AH DEVELOPMENT STANDARDS

BASIC STANDARDS		SUPPLEMENTAL STANDARDS
Lot Area, Minimum		
New Lots	5,000 sq. ft.	23.304.010 - Lot Requirements
Per Dwelling Unit	1,650 sq. ft. [1]	
Usable Open Space, per Dwelling Unit, Minimum	400 sq. ft	23.304.090 – Usable Open Space
Main Building Height, Average		23.210.020 – Hillside Overlay Zone 23.304.050 – Building Height
New Buildings and Non-Residential Additions	28 ft. and 3 stories [2]	
Residential Additions, Height		
Average	14 ft. or highest existing portion of roof, whichever is lower. [3]	
Maximum	20 ft. [4]	

Notes:
[1] One additional dwelling unit is allowed for a remaining lot area between 1,300 and 1,650 square feet.
[2] Average Building Height 35 ft. with an AUP.
[3] Average Building Height greater than 14 ft. up to 28 ft. allowed with an AUP. Average building height greater than 28 ft up to 35 ft allowed with an additional AUP.
[4] Maximum building height greater than 20 ft. allowed with an AUP pursuant to BMC 23.210.020(C)(2).

TABLE 23.202-~~9~~11: R-2AH SETBACK AND BUILDING SEPARATION STANDARDS

	STANDARDS BY BUILDING STORY			SUPPLEMENTAL STANDARDS
	1ST	2ND	3RD	
Lot Line Setbacks, Minimum				23.304.030–Setbacks
Front	15 ft.	15 ft.	15 ft.	
Rear	15 ft.	15 ft.	15 ft.	
Interior	4 ft.	4 ft.	6 ft.	
Street Side	6 ft.	8 ft.	10 ft.	
Building Separation, Minimum	8 ft.	12 ft.	16 ft.	23.304.040–Building Separation in Residential Districts

TABLE 23.202-~~10~~12: R-2AH LOT COVERAGE STANDARDS

	STANDARD BASED ON BUILDING HEIGHT			SUPPLEMENTAL STANDARDS
	1 STORY	2 STORIES	3 STORIES	
Lot Coverage, Maximum				23.304.120
Interior and Through Lots	45%	40%	35%	
Corner Lots	50%	45%	40%	

Section 17. That BMC Section 23.202.100(E)(2) is amended to read as follows:

3. **Supplemental Standards.** Supplemental development standards that apply in the R-3 district are noted in Table 23.202-~~11~~13: R-3 Development

Standards.

Section 18. That the title of Table 23.202-11: R-3 Development Standards within BMC Section 23.202.100 is amended to read as follows:

TABLE 23.202-~~11~~13: R-3 DEVELOPMENT STANDARDS

Section 19. That the BMC Sections 23.202.110(E)(1) and (2) are amended to read as follows:

E. **Development Standards**.

1. **Basic Standards.** See Table 23.202-~~12~~14: R-4 Lot and Height Standards, Table 23.202-~~13~~15: R-4 Setback and Building Separation Standards, and Table 23.202-146: R-4 Lot Coverage Standards.
2. **Supplemental Standards.** Supplemental development standards that apply in the R-4 district are noted in Table 23.202-~~12~~14: R-4 Lot and Height Standards, Table 23.202-~~13~~15: R-4 Setback and Building Separation Standards, and Table 23.202-~~14~~16: R-4 Lot Coverage Standards.

Section 20. That the title of Table 23.202-12: R-4 Lot and Height Standards within BMC Section 23.202.110 is amended to read as follows:

TABLE 23.202-~~12~~14: R-4 LOT AND HEIGHT STANDARDS

Section 21. That the title of Table 23.202-13: R-4 Setback and Building Separation Standards within BMC Section 23.202.110 is amended to read as follows:

TABLE 23.202-~~13~~15: R-4 SETBACK AND BUILDING SEPARATION STANDARDS

Section 22. That the title of Table 23.202-14: R-4 Lot Coverage Standards within BMC Section 23.202.110 is amended to read as follows:

TABLE 23.202-~~14~~16: R-4 LOT COVERAGE STANDARDS

Section 23. That BMC Section 23.202.120(D)(1) and (2) be amended to read as follows:

D. **Development Standards.**

1. **Basic Standards.** See Table 23.202-~~15~~17: R-5 Lot and Height Standards, Table 23.202-~~16~~18: R-5 Setback and Building Separation Standards, and Table 23.202-~~17~~19: R-5 Lot Coverage Standards.

2. **Supplemental Standards.** Supplemental development standards that apply in the R-5 district are noted in Table 23.202-~~15~~17: R-5 Lot and Height Standards, Table 23.202-~~16~~18: R-5 Setback and Building Separation Standards, and Table 23.202-~~17~~19: R-5 Lot Coverage Standards.

Section 24. That the title of Table 23.202-15: R-5 Lot and Height Standards within BMC Section 23.202.120 is amended to read as follows:

TABLE 23.202-~~15~~17: R-5 LOT AND HEIGHT STANDARDS

Section 25. That the title of Table 23.202-16: R-5 Setback and Building Separation Standards within BMC Section 23.202.120 is amended to read as follows:

TABLE 23.202-~~16~~18: R-5 SETBACK AND BUILDING SEPARATION STANDARDS

Section 26. That the title of Table 23.202-17: R-5 Lot Coverage Standards within BMC Section 23.202.120 is amended to read as follows:

TABLE 23.202-~~17~~19: R-5 LOT COVERAGE STANDARDS

Section 27. That BMC Section 23.202.130(E)(1) and (2) are amended to read as follows:

E. **Development Standards.**

1. **Basic Standards.** See Table 23.202-~~18~~20: R-S Development Standards.
2. **Supplemental Standards.** Supplemental development standards that apply in the R-S district are noted in Table 23.202-~~18~~20: R-S Development Standards.

Section 28. That the title of Table 23.202-18: R-S Development Standards within BMC Section 23.202.130 is amended to read as follows:

TABLE 23.202-~~18~~20: R-S DEVELOPMENT STANDARDS

Section 29. That BMC Section 23.202.140(E)(1) is amended to read as follows:

1. **Basic Standards.** See Table 23.202-~~19~~21: R-SMU Development Standards.

Section 30. That the title of Table 23.202-19: R-SMU Development Standards within BMC Section 23.202.140 is amended to read as follows:

TABLE 23.202-~~19~~21: R-SMU DEVELOPMENT STANDARDS

Section 31. That BMC Section 23.202.150(D) is amended to read as follows:

D. **Ground-floor Uses**. See Table 23.202-~~20~~22: Permitted Street-Facing Ground Floor Uses.

Section 32. That the title of Table 23.202-20: Permitted Street-Facing Ground Floor Uses within BMC Section 23.202.150 is amended to read as follows:

TABLE 23.202-~~20~~22: PERMITTED STREET-FACING GROUND FLOOR USES

Section 33. That BMC Section 23.202.150(F)(1) and (2) are amended to read as follows:

1. **Basic Standards.** See Table 23.202-~~21~~23.
2. **Supplemental Standards.** Supplemental standards that apply in the R- BMU district are noted in Table 23.202-~~21~~23.

Section 34. That the title of Table 23.202-21 within BMC Section 23.202.150 is amended to read:

TABLE 23.202-~~21~~23: R-BMU DEVELOPMENT STANDARDS

Section 35. That the lines “Single-Family,” “Two Family,” and “Multi-Family” in Table 23.204-1: Allowed Land Uses in Commercial Districts within BMC Section 23.204.020 are amended to read as follows:

ZC = Zoning Certificate AUP = Administrative Use Permit UP(PH) = Use Permit NP = Not Permitted -- = Permitted with AUP, see 23.204.020(B) [#] = Table Note Permit Requirement * Use-Specific Regulations Apply	**COMMERCIAL DISTRICTS**											**USE-SPECIFIC REGULATIONS**
	C-C	**C-U**	**C-N**	**C-E**	**C-NS**	**C-SA**	**C-T**	**C-SO**	**C-DMU**	**C-W**	**C-AC**	
Residential Uses												
Single-Family Residential	UP(H)	UP(PH)*	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)*	UP(PH)	UP(PH)	UP(PH)	UP(PH)	23.204.060.B.3; 23.302.070.H
~~Two-Family~~	~~UP(PH)~~	~~UP(PH)*~~	~~UP(PH)~~	~~UP(PH)~~	~~UP(PH)~~	~~UP(PH)~~	~~UP(PH)*~~	~~UP(PH)~~	~~UP(PH)~~	~~UP(PH)~~	~~UP(PH)~~	~~23.204.060.B.3;~~ ~~23.302.070.H~~
Multi- Unit Residential ~~Family~~	UP(PH)	UP(PH)*	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)*	UP(PH)	UP(PH)	UP(PH)	UP(PH)	23.204.060.B.3; 23.302.070.H

Section 36. That the lines “Single Family,” “Two Family,” “Multi-Unit Family” and “Mixed Use Residential” in Table 23.206-1: Allowed Land Uses in Manufacturing Districts within BMC Section 23.206.020 are amended to read as follows:

ZC = Zoning Certificate AUP = Administrative Use Permit UP(PH) = Use Permit -- = Permitted with an AUP, see 23.206.020(B) NP = Not Permitted [#] = Floor Area Permit Requirement * Use-Specific Standards Apply	**MANUFACTURING DISTRICTS**				**Use-Specific Standards** Applies to uses with an asterisk following the permit requirement (e.g., ZC*)
	M	**MM**	**MU-LI**	**MU-R**	
Residential Uses					
~~Dwellings~~					
Single-Family Residential	NP	NP	NP	AUP	~~23.206.090.B.8~~
~~Two Family~~	~~NP~~	~~NP~~	~~NP~~	~~AUP*~~	~~23.206.090.B.8~~
~~Multi-Family~~Multi-Unit Residential	NP	NP	NP	ZC* ~~UP(PH)~~	23.206.090~~.~~(B) ~~.7&~~(8)
Mixed-Use Residential	NP	NP	NP	UP(PH) * –	23.206.090~~.~~(B~~.~~)(7) ~~8&9~~

Section 37. That BMC Section 23.206.090(B)(7) to (9) are amended to read as follows:

~~**7. Multi-Family Dwellings.** Table 23.206-13 shows permits required for multi-family dwellings in the MU-R district.~~

~~**TABLE 23.206-13: MU-R MULTI-FAMILY DWELLING PERMIT REQUIREMENTS**~~

~~**NUMBER OF UNITS**~~	~~**PERMIT REQUIRED**~~
~~3 or 4~~	~~AUP~~
~~5 or more~~	~~UP(PH)~~

~~**8. Residential Uses.**~~

~~(a) A Use Permit is required to establish a dwelling unit, group living accommodation, or live/work unit MU-R that is within 150 feet of:~~

~~An M or MM district; or~~

~~A construction product manufacturing or primary product manufacturing use.~~

~~(b) To deny a Use Permit required by Paragraph (a) above, the ZAB must find that:~~

~~The proposed residential use would unreasonably interfere with existing or reasonably foreseeable adjacent land uses in the M or MM district; or~~

~~Existing or reasonably foreseeable adjacent land uses in the M or MM district would have a material adverse effect on the proposed residential use.~~

~~(c) As a condition of approval for a Use Permit required by Paragraph (a) above, the residential property owner shall record an acknowledgement that existing or reasonably foreseeable adjacent land uses in the M or MM district may create noise, dust, odors, light/glare, and other impacts that will not be considered a nuisance if they are developed and conducted pursuant to the standards of the district.~~

~~9~~7. ~~Residential~~ **Mixed-Use** **Residential.** To approve an AUP or Use Permit to establish or expand of a ~~residential~~ mixed-use residential building in the MU-R district, the review authority must find that the specific combination of proposed residential and non-residential uses will not be hazardous or detrimental to persons living and/or working on the site or within the project vicinity.

8. Noticing for New Dwelling Units. This section applies to proposed new dwelling units that are eligible for approval with a Zoning Certificate, as indicated in Table 23.206-1 Allowed Land Uses in Manufacturing Districts.

(a) Scope and Timing of Notice. The City shall mail a courtesy notice to tenants of the subject property, and owners and tenants of the adjacent, confronting, and abutting properties, within ten working days of submission of the application to the City.

(b) Content of Notice. Notice shall provide the address of the project, allowable hours of construction and information for tenants of the subject property on how to contact a Rent Board Housing Counselor by e-mail or phone and any other resource information deemed relevant.

(c) Mailing Fees. The applicant shall be responsible for the cost of materials, postage, and staff time necessary to process and mail notices.

Section 38. That Table 23.206-14- MU-R Development Standards within Section 23.206.090 is amended to read as follows:

TABLE 23.206-14: MU-R DEVELOPMENT STANDARDS

BASIC STANDARDS	SUPPLEMENTAL STANDARDS
Lot Area, Minimum	23.304.020 – Lot

New Lot	No minimum	Requirements
Per ~~Dwelling Unit or~~ Live/Work Unit	1,250 sq. ft. ~~[1]~~	
Lot Width, Minimum	40 ft.	
Usable Open Space, Minimum		23.304.090 – Usable Open Space
Per ~~Dwelling Unit~~ 1,000 sq. ft. of gross residential floor area	150 sq. ft.	
Per Live/Work Unit	40 sq. ft.	
Floor Area Ratio, Maximum, Non-Residential	1.~~0~~ 5 [~~2~~1]	23.106.050 - Floor Area Ratio
Residential Density (DU/acre)		23.106.100 – Residential Density
Minimum	20	
Maximum	60	
Main Building Height, Maximum		23.304.050 - Building Height
Live/work	28 ft. and 3 stories [~~3~~2]	
Residential or mixed-use [~~4~~3]	35 ft. ~~and~~ or 3 stories	
Within 15 ft. of rear property line	22 ft.	
All other uses	35 ft. and 2 stories [~~5~~4]	
Lot Line Setbacks, Minimum		23.304.030 – Setbacks
Front	5 ft.	
Rear	No minimum [~~6~~5]	
Interior Side	No minimum	
Street Side	5 ft.	
Building Separation, Minimum	~~No minimum~~5 ft.	
Lot Coverage, Maximum	~~100%~~No maximum	

Notes:
~~[1] One additional dwelling unit allowed for remaining lot area between 750 and 1,250 square feet.~~
[~~2~~1] Maximum 1.5 for buildings with 50 percent or more ~~residential or~~ live/work floor area
[~~3~~2] Maximum 35 ft. with a Use Permit.
[~~4~~3] Mixed use is defined here as a building with 50 percent or more of gross floor area used for residential (including live/work) purposes.
[~~5~~4] Maximum 3 stories for arts/craft studios and light manufacturing (with no other non-residential uses) on a block without dwelling units.
[~~6~~5] Minimum 5 ft. if rear of lot abuts a street.
~~[7] Setbacks required when abutting or confronting a Residential District. See 23.304.030.C.2.~~

Section 39. That Table 23.210-1: H Overlay Zone Maximum Allowed Height within Section 23.210.020 is amended to read as follows:

TABLE 23.210-1: H OVERLAY ZONE MAXIMUM ALLOWED HEIGHT

UNDERLYING BASE DISTRICT	ALLOWED HEIGHT		MAXIMUM STORIES
	AVERAGE	MAXIMUM	
New Buildings			
R-1, ~~R-1A,~~ R-2, R-2A	28 ft.	35 ft.	3 stories
R-3, R-4, R-5, R-S, C-N, C-NS	35 ft.	35 ft.	3 stories
Residential Additions	As required by the base district or the highest existing portion of the roof, whichever is lower	20 ft.	N/A

Section 40. That BMC Section 23.304.030(B)(1) is amended to read as follows:

1. **Corner Lots with a Rear Lot Line Abutting a Key Lot.** For corner lots in the R-1, ~~R-1A,~~ R-2 and R-2A districts with a rear lot line abutting a key lot, the minimum street side setback is either:

(a) One-half the front setback required or existing on the key lot, whichever is less; or

(b) Four feet if the corner lot maintains 50 feet or more rear setback.

Section 41: That Table 23.304-1 Allowed Setback Reductions in Residential District within BMC Section 23.304.030 is amended to read:

TABLE 23.304-1: ALLOWED SETBACK REDUCTIONS IN RESIDENTIAL DISTRICTS

DISTRICT WHERE ALLOWED	WHEN ALLOWED	MINIMUM SETBACK WITH REDUCTION	REQUIRED PERMIT	REQUIRED ADDITIONAL FINDINGS [1]
Front Setback Reductions				
ES-R	On any lot	No minimum.	UP(PH) [2]	The reduced setback is: 1) necessary to allow economic use of property due to the size, shape of the lot or the topography of the site; and 2) consistent with the ES-R district purpose.
Rear Setback Reductions				
ES-R [3]	On any lot	No minimum	UP(PH) [2]	The reduced setback is: 1) necessary to allow economic use of property due to the size, shape of the lot or the topography of the site; and 2) consistent with the ES-R district purpose.
R-1~~, R-1A~~	On a lot less than 100 ft. deep	20% of lot depth [4]	ZC	None
~~R-1A~~	~~To construct a dwelling unit~~	~~12 ft.~~	~~AUP~~	~~The unit would not cause a detrimental impact on emergency access; or on light, air or privacy for neighboring properties.~~

District Where Allowed	When Allowed	Minimum Setback with Reduction	Required Permit	Required Additional Findings [1]
R-2, R-2A, R-3, R-4, R-5 [45]	On a lot with two or more main buildings with dwelling units	No minimum	AUP	No additional findings
Side Setback Reductions				
ES-R [3]	Any lot	No minimum	UP(PH) [2]	The reduced setback is: 1) necessary to allow economic use of property due to the size, shape of the lot or the topography of the site; and 2) consistent with the ES-R district purpose.
R-1, R-2, R-2A ~~R-1A~~	Lot width less than 40 ft. ~~[5]~~	10% of lot width or 3 ft., whichever is greater	ZC	None
R-2H, R-2AH	Lot width less than 40 ft.	First and second stories: 10% of lot width or 3 ft., whichever is greater; Third story: ~~5~~ 4 ft.	ZC	None

Notes:

[1] Findings are in addition to any AUP or Use Permit findings required in 23.406-Specific Permit Requirements.

[2] Fire Department must review and approve reduced setbacks in respect to fire safety.

[3] For lots less than 5,000 square feet, reductions are not allowed for property lines abutting a property under different ownership.

[4] The resulting rear setback becomes the total setback required for the front and rear to add up to. Front and rear setbacks may not be less than 5 ft.

[45] Parcels located within the R-3 district within the Southside Plan boundaries are exempt from this section.

~~[5] Not permitted for rear main buildings in the R-1A district.~~

Section 42. That the line "R-1A" in Table 23.304-4: Permits Required for Building Separation in Residential Districts within BMC Section 23.304.040 is amended to read as follows

DISTRICT WHERE ALLOWED	WHEN ALLOWED	PERMIT REQUIRED	FINDINGS [1]
~~R-1A~~	~~On a lot with two or more main buildings with a dwelling unit~~	~~AUP~~	~~The unit would not cause a detrimental impact on emergency access; or on light, air or privacy for neighboring properties.~~

Section 43. That BMC Section 23.322.100(C)(1) is amended to read as follows:

1. General. The following requirements apply to required on-site loading spaces in all districts except for the R-1, ~~R-1A,~~ R-2, R-2A districts.

(a) *Dimensions*. A required loading space must be at least 12 feet wide and 25 feet long with a minimum vertical clearance of 14 feet.

(b) *Location*. A required loading spaces must be located on the same lot as the structure or use the space is designed to serve.

(c) *Parking Spaces*. A required parking space may not be used to satisfy the requirements for an off-street loading space.

(d) *Access and Paving*. A required loading space must have adequate means of access from a street or alley. Both the space and access driveway must be paved with a durable, dustless material that is usable under all weather conditions.

Section 44. That BMC Section 23.324.050(D)(3)(a) is amended to read as follows:

(a) A Use Permit is required for an addition to and/or enlargement of a structure or building that exceeds the maximum allowed lot coverage, or maximum floor area ratio, or is nonconforming to minimum or maximum residential density.

Section 45. That BMC Section 23.326.030(B)(1)(c) is amended to read as follows:

(c) The demolition is necessary to permit construction approved pursuant to this Chapter of at least the same number of Residential ~~Dwelling~~ Units.

Section 46. That BMC Section 23.326.030(B)(2) is amended to read as follows:

2. A Single-Family Dwelling may be demolished with ~~an AUP~~ a Zoning Certificate, if the demolition is part of a development project that would result in a net increase in residential density.

Section 47. That BMC Section 23.406.020(E) is amended to read as follows:

E. Review and Action

1. The Zoning Officer shall review a Zoning Certificate application to verify compliance with the Zoning Ordinance. If the project complies with all applicable requirements, the Zoning Officer shall approve the application.

2. The Zoning Officer may attach to the Zoning Certificate project plans and other information as needed to document project compliance with the Zoning Ordinance.

3. The Zoning Officer may attach to the Zoning Certificate any applicable uniformly applied Standard Conditions of Approval.

Section 48. That BMC Section 23.502.020(M)(17) and (18) are amended to read as follows:

17. **Multi-Family Dwelling**. A building, group of buildings, or portion of a building used or designed as ~~three~~ two or more dwelling units.

18. **Multi-Family Residential.** A residential use that includes two or more units, excluding ADUs and Junior ADUs, on a single lot.

~~18~~19. **Municipal Animal Shelter.** A City-owned facility providing services for humane animal care with programs and services focused on maximizing opportunities for animal adoption. Supporting facilities may include medical care (including spay/neuter), kennels, exercise areas and adoption centers.

Section 49. That BMC Section 23.502.020(R) is amended to read as follows:

R. "R" Terms.

~~1. Rear Main Building. A main building situated behind another main building existing or proposed on a parcel located in the R-1A district.~~

~~2~~1. *Receiving Lot*. See Lot, Receiving.

~~3~~2. *Recycled Materials Processing*. A facility that receives and processes recyclable materials. Processing means preparation of material for efficient

shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing.

~~43~~. *Recycling Redemption Center*. A facility, use, or structure for the collection of recyclable goods, including beverage containers and newspapers.

~~54~~. *Related Equipment*. All equipment necessary for or related to the provision of personal wireless services. Such equipment may include, but is not limited to, cable, conduit and connectors, equipment pads, equipment shelters, cabinets, buildings and access ladders.

~~65~~. *Religious Assembly*. A building or space primarily used for an assembly of persons to conduct worship or other religious ceremonies, including, but not limited to, churches, synagogues, temples, mosques or shrines.

~~76~~. *Repair Service, Non-Vehicle*. An establishment that provides repair and maintenance services for household appliance, home electronics, office equipment, furniture and other similar items. Excludes vehicle repair.

~~87~~. *Research and Development*. An establishment engaged in the following activities: 1) industrial, biological or scientific research; and/or 2) product or process design, development, prototyping, or testing. This may include labs, offices, warehousing, and light manufacturing functions as part of the overall Research and Development use.

~~98~~. *Resident*. A person whose primary residence is in Berkeley.

~~910~~. *Residential Care Facility*. See Community Care Facility.

~~1110~~. *Residential Hotel*. See Hotel, Residential.

~~1211~~. *Residential Addition*. See Addition, Residential.

~~1312~~. *Residential Districts*. The districts listed under the Residential Districts heading in Table 23.108-1: Zoning Districts.

~~1413~~. *Residential Hotel Room*. A room which is:

(a) Used, designed, or intended to be used for sleeping for a period of 14 consecutive days or more;

(b) Not a complete dwelling unit, as defined in this chapter; and

(c) Not a Tourist Hotel Room, as defined in this chapter.

~~15~~14. *Residential Use*. Any legal use of a property as a place of residence, including but not limited to dwelling units, group living accommodations, and residential hotels.

~~16~~15. *Retail, General*. A retail establishment engaged in the sales of personal, consumer, or household items to the customers who will use such items. This use includes antique stores, art galleries, arts and crafts supply stores, bicycle shops, building materials and garden supplies stores, clothing stores, computer stores, cosmetic/personal care items, department stores, drug paraphernalia stores, drug stores, fabric, textile and sewing supply shops, flower and plant stores, food product stores, furniture stores, garden supply stores, nurseries, gift/novelty shops, household hardware and housewares stores, household electronics/electrical stores, jewelry/watch shops, linen shops includes bedding, musical instruments and materials stores, office supply stores, paint stores, photography equipment supply stores, secondhand stores, sporting goods stores, stationery, cards and paper goods stores toy stores and variety stores. This use excludes video rental stores, service of vehicle parts, and firearm/munition sales.

~~17~~16. *Retaining Wall*. A wall designed to contain and resist the lateral displacement of soil and of which such soil is at a higher elevation on one side of the wall.

~~18~~17. *Review Authority*. The City official or body responsible for approving or denying a permit application or other form of requested approval under the Zoning Ordinance.

~~19~~18. *Rooming House*. A building used for residential purposes, other than a hotel, where lodging for 5 or more persons, who are not living as a single household, is provided for compensation, whether direct or indirect. In determining the number of persons lodging in a rooming house, all residents shall be counted, including those acting as manager, landlord, landlady or building superintendent. See also Boarding House.

Section 50. That BMC Section 23.502.020(S)(21) through 23.502.020(S)(36) is amended to read as follows:

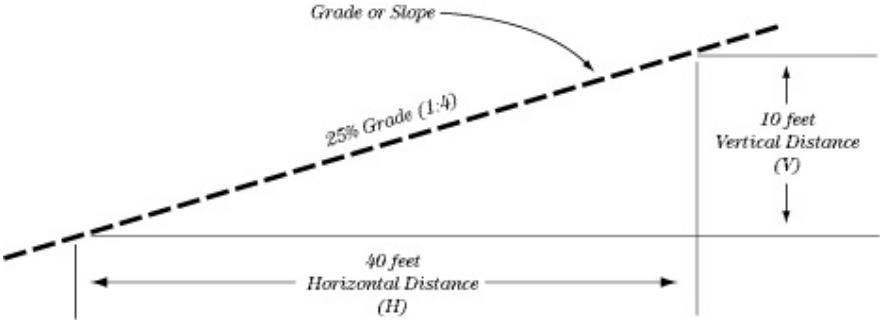
21. **Single-Family Residential**. A residential use that includes only one single-family dwelling, excluding ADUs and Junior ADUs, on a single lot.

~~21~~22. **Single Residential Occupancy (SRO) Room.** A room for residential or sleeping purposes in a residential hotel which is designed for occupancy of one person only.

~~22~~23. **Skateboard Ramp.** A ramp, platform, course or facility used for skateboard riding and made of wood or other solid material.

~~23~~ 24 **Slope.** The steepness of a site, measured as the ratio of the vertical distance to the horizontal distance between the highest and lowest points of the site. See Figure 23.502-5: Grade or Slope.

FIGURE 23.502-5**: GRADE OR SLOPE**



~~24~~25. **Small Vehicle Sales and Service.** An establishment which sells or leases long-term new, used, or pre-owned motorized vehicles other than passenger automobiles and trucks which are characterized by fewer than four wheels or a minimal frame. Types of vehicles sold or leased by this use include motorcycles, scooters, three-wheel motorcycles, electric carts, electric scooters, and such vehicles designed or refurbished for alternative fuels/power sources (alternative to conventional gasoline).

~~25~~26. **Smoke Shop.** An establishment engaged primarily in the sale of tobacco and/or tobacco-related products.

~~26~~27. **Solar Energy Device/Equipment.** Any solar collector or other solar energy device or any structural design feature of a building of which the primary purpose is to provide for the collection, storage or distribution of solar energy for space heating or cooling, water heating or the generation of electricity.

~~27~~28. **Sorority House.** A building used for group living accommodations by an organization recognized by the UC Berkeley, or other institution of higher learning.

~~28~~29. **Source Lot.** See Lot, Source.

~~29~~ 30. **Story.** See Section 23.106.060 (Story)

~~30~~ 31. **Street.** A public or private thoroughfare which provides principal means of access to abutting lots, including but not limited to, avenue, place, way, manor, drive, circle, lane, court, boulevard, highway, road and any other thoroughfare except an alley or a path as defined in this chapter.

~~31~~32. **Street Line.** The boundary between a lot and an adjacent street.

~~32~~ 33 **Structural Alteration.** Any physical change to or removal of the supporting members of a building, foundation or bearing walls, columns, beams or girders or creation or enlargement of a window or door, change of a roofline or roof shape, including creating, enlarging or extending a dormer.

~~33~~34.. **Structural Alteration, Public Safety.** Any structural alteration or physical change to a building that provides greater safety to the public or occupants by strengthening the building against seismic activity, which does not result in new floor area except that created by necessary structural improvements or physical changes as required under Municipal Code Chapter 19.38 and 19.39.

~~34~~ 35. **Structure.** Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. A building is a structure for the purposes of this chapter.

(a) **Accessory Structure.** A detached structure, other than an accessory building, in which non-habitable uses or activities other than the principal use of the property are conducted. Residential accessory structures include, but are not limited to, enclosed structures such as garages, carports, garden or tool sheds, and non-enclosed structures such as, but not limited to, fences, gazebos, ground-mounted satellite dishes, skateboard ramps and wheelchair ramps. Non-residential accessory structures include, but are not limited to, storage buildings, garages, sheds and other outbuildings.

(b) **Subterranean Structure.** A roofed structure constructed underground, with no building stories aboveground, of which the roof does not exceed 3 feet above the pre-existing grade. Such structures are either separated from a building or connected to a building only by a passageway or hallway with no openings to finished grade except for a doorway.

(c) **Temporary Structure.** A tent, tent-house, trailer, mobile office, mobile home or other movable structure or other temporary structure whose construction does not require a building permit.

~~35~~ 36. **Studio.** See Art/Craft Studio.

~~36~~ 37. **Supportive Housing.** As defined in Health and Safety Code 50675.14(b)(2), housing with no limit on length of stay that is occupied by the target population as defined in Health and Safety Code 50675.14(b)(3) and is linked to on- or off-site services that assist the supportive housing residents in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community.

Section 51. That BMC Section 23.502.020(T)(14) is removed as follows:

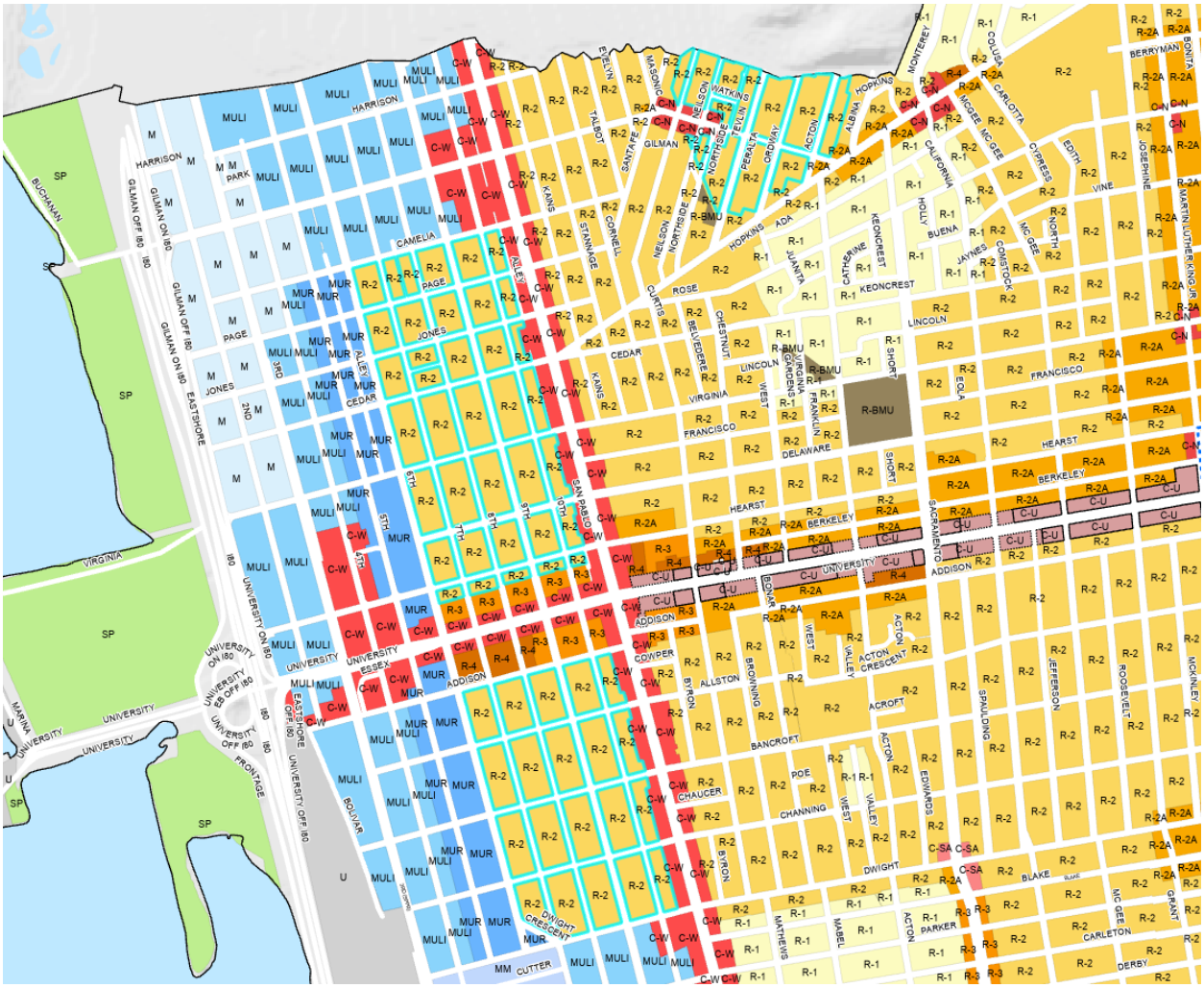
~~14.**Two-Family Dwelling.** A building or use of a lot designed for, or occupied exclusively by, two households.~~

Section 52. The effective date of this Ordinance shall be September 1, 2025.

Section 53: 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.

Attachment A
Proposed Zoning Map Changes

The zoning map below reflects the elimination of the R-1A zoning district and the redesignation of R-1A parcels as R-2 parcels. All affected parcels are outlined in light blue.



1831812.1

ATTACHMENT 2; annotated Ordinance

ORDINANCE NO. -N.S.

MIDDLE HOUSING ZONING AMENDMENTS

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

Section 1. That Table 23.108-1 Zoning Districts within BMC Chapter 23.108.020 is amended to read as follows:

Commented [HJ1]: Changing district names

TABLE 23.108-1: ZONING DISTRICTS

DISTRICT SYMBOL	NAME OF DISTRICT
Residential Districts	
R-1	~~Single-Family~~ Residential Multi-Unit 1
~~R-1A~~	~~Limited Two-family Residential~~
ES-R	Environmental Safety Residential
R-2	~~Restricted Two-family~~ Residential Multi-Unit 2
R-2A	~~Restricted Multiple-family~~ Residential Multi-Unit 2A
R-3	Multiple-family Residential
R-4	Multi-family Residential
R-5	High Density Residential
R-S	Residential Southside
R-SMU	Residential Southside Mixed Use
R-BMU	Residential BART Mixed Use
Commercial Districts	

District Symbol	Name of District
C-C	Corridor Commercial
C-U	University Avenue Commercial
C-N	Neighborhood Commercial
C-E	Elmwood Commercial
C-NS	North Shattuck Commercial
C-SA	South Area Commercial
C-T	Telegraph Avenue Commercial
C-SO	Solano Avenue Commercial
C-DMU	Downtown Mixed-Use
C-W	West Berkeley Commercial
C-AC	Adeline Corridor Commercial
Manufacturing Districts	
M	Manufacturing
MM	Mixed Manufacturing
MU-LI	Mixed Use-Light Industrial
MU-R	Mixed Use-Residential
Special Districts	
S	Specific Plan
U	Unclassified

Section 2. That Table 23.202-1 Allowed Land Uses in Residential Districts within BMC Section 23.202.020 is amended to read as follows:

Commented [HJ2]: Revising permit requirements; removing R-1A zoning district; retaining UP(PH) and NP in H overlay

TABLE 23.202-1: ALLOWED LAND USES IN RESIDENTIAL DISTRICTS

ZC = Zoning Certificate **AUP = ADMINISTRATIVE USE PERMIT** UP(PH) = Use Permit NP = Not Permitted * Use-Specific Regulations Apply **Required permits for specific uses are set forth in the R-BMU Master Development Permit (MDP). See 23.202.150.A and 23.202.150.D	RESIDENTIAL DISTRICTS											USE-SPECIFIC REGULATIONS APPLIES TO USES WITH AN ASTERISK FOLLOWING THE PERMIT REQUIREMENT (E.G., ZC*)
	R-1	~~R-1A~~	ES-R	R-2	R-2A	R-3	R-4	R-5	R-S	R-SMU	R-BMU **	
Residential Uses												
Accessory Dwelling Unit	See 23.306—Accessory Dwelling Units		NP	See 23.306—Accessory Dwelling Units								
~~Dwellings~~												
Single-Family Residential	ZC* UP(PH) Hillside Overlay	~~UP(PH)~~	UP(PH)	ZC* UP(PH) Hillside Overlay	ZC* UP(PH) Hillside Overlay	UP(PH)*	UP(PH)	UP(PH)	UP(PH)*	UP(PH)*	NP	23.202.040(C) and (D) 23.302.070(H)
~~Two-Family~~	~~NP~~	~~UP(PH)~~	~~NP~~	~~UP(PH)~~	~~UP(PH)~~	~~UP(PH)~~	~~UP(PH)~~	~~UP(PH)~~	~~UP(PH)~~	~~UP(PH)~~	~~NP~~	~~23.302.070(H)~~
Multi-Family Residential	ZC* NP Hillside Overlay	~~NP~~	NP	ZC* NP ~~UP(PH)~~ Hillside Overlay	ZC* UP(PH) Hillside Overlay	UP(PH)*	UP(PH)	UP(PH)	UP(PH)*	UP(PH)*	UP(PH)	23.202.040(D) 23.302.070(H)
Group Living Accommodation	NP	~~NP~~	NP	NP	NP	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	23.302.070(H)
Senior Congregate Housing	NP	~~NP~~	NP	NP	See 23.302.070.H– Use-Specific Regulations							
Mixed-Use Residential	NP	~~NP~~	NP	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	23.302.070(H)
Public and Quasi-Public Uses												
Child Care Center	UP(PH)	~~UP(PH)~~	NP	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	23.302.070(H)
Club/Lodge	UP(PH)	~~UP(PH)~~	NP	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(P	23.302.070(H)

Commented [HJ3]: Reference to new provisions restricting size of single-family homes (C) and noticing requirement (D)

Commented [HJ5]: Reference to new noticing requirement

Commented [HJ4]: Per existing BMC section, Multi-Family Residential is NP in the Hillside Overlay

23.210.020(B) Multiple Dwellings in R-2. When the H overlay zone is combined with the R-2 district, multiple dwellings on a single property are not permitted.

ZC = Zoning Certificate **AUP = Administrative Use Permit** UP(PH) = Use Permit NP = Not Permitted * Use-Specific Regulations Apply **Required permits for specific uses are set forth in the R-BMU Master Development Permit (MDP). See 23.202.150.A and 23.202.150.D	**Residential Districts**											**Use-Specific Regulations** Applies to uses with an asterisk following the permit requirement (e.g., ZC*)
	R-1	~~**R-1A**~~	**ES-R**	**R-2**	**R-2A**	**R-3**	**R-4**	**R-5**	**R-S**	**R-SMU**	**R-BMU ******	
											H)	
Columbaria	AUP*	~~AUP*~~	NP	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	NP	23.302.070.C– Use-Specific Regulations
Community Care Facility	See 23.202.040.A– Use-Specific Regulations											
Community Center	UP(PH)	~~UP(PH)~~	NP	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
Emergency Shelter, 15 beds or fewer	NP	~~NP~~	NP	NP	NP	NP	ZC	ZC	ZC	ZC	ZC	23.308-Emergency Shelters
Emergency Shelter, more than 15 beds	NP	~~NP~~	NP	NP	NP	NP	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	23.308-Emergency Shelters
Hospital	NP	~~NP~~	NP	NP	NP	UP(PH)	UP(PH)	UP(PH)	NP	UP(PH)	NP	
Library	UP(PH)	~~UP(PH)~~	NP	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
Low Barrier Navigation Center	ZC ~~NP~~	~~NP~~	NP	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	
Nursing Home	NP	~~NP~~	NP	–	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	NP	
Park/Playground	ZC	~~ZC~~	UP	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	
Public Safety and Emergency Service	UP(PH)	~~UP(PH)~~	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
Public Utility Substation/Tank	UP(PH)	~~UP(PH)~~	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
Religious Assembly	UP(PH)	~~UP(PH)~~	NP	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
School	UP(PH)	~~UP(PH)~~	NP	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
Supportive Housing	~~NP~~ ZC*	~~NP~~	NP	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	23.302.070.I-Supportive Housing
Commercial Uses												
Alcoholic Beverage Service	NP	~~NP~~	NP	NP	NP	NP	NP	NP	NP	ZC	UP(PH)	23.310—Alcoholic Beverage Sales and Service
Food Products Store	NP	~~NP~~	NP	NP	NP	NP	NP	NP	NP	UP(PH)*	UP(PH)	23.202.140.B.3– R-SMU Residential Southside

Commented [HJ6]: Technical edit: now that R-1 is a multi-family district, State law requires ministerial approval of Low Barrier Navigations Centers

Commented [HJ7]: Technical edit: now that R-1 is a multi-family district, State law requires ministerial approval of Supportive Housing (AB 2162)

ZC = Zoning Certificate **AUP = ADMINISTRATIVE USE PERMIT** UP(PH) = Use Permit NP = Not Permitted * Use-Specific Regulations Apply **Required permits for specific uses are set forth in the R-BMU Master Development Permit (MDP). See 23.202.150.A and 23.202.150.D	**RESIDENTIAL DISTRICTS**											**USE-SPECIFIC REGULATIONS** APPLIES TO USES WITH AN ASTERISK FOLLOWING THE PERMIT REQUIREMENT (E.G., ZC*)
	R-1	~~**R-1A**~~	**ES-R**	**R-2**	**R-2A**	**R-3**	**R-4**	**R-5**	**R-S**	**R-SMU**	**R-BMU ******	
												Mixed Use District
Food Service Establishment, Under 3,000 sq. ft.	NP	~~NP~~	NP	NP	NP	NP	NP	NP	NP	ZC*	ZC*	23.302.070.(E) – Use=Specific Regulations
Food Service Establishment, 3,000 sq. ft. or larger	NP	~~NP~~	NP	NP	NP	NP	NP	NP	NP	AUP*	AUP*	23.302.070.(E) – Use=Specific Regulations
Group Instruction	NP	~~NP~~	NP	NP	NP	NP	NP	NP	NP	NP	UP(PH)	23.202.150(C) – R-BMU Residential BART Mixed Use District
Health and Fitness Facility	NP	~~NP~~	NP	NP	NP	NP	NP	NP	NP	NP	UP(PH)	23.202.150 (C) – R-BMU Residential BART Mixed Use District
Hotel, Tourist	NP	~~NP~~	NP	NP	NP	NP	UP(PH)	UP(PH)	UP(PH)	UP(PH)	NP	
Laundromat and Cleaner	NP	~~NP~~	NP	NP	NP	NP	NP	NP	NP	UP(PH)	UP(PH)	
Office	NP	~~NP~~	NP	NP	NP	NP	UP(PH)	UP(PH)	NP	UP(PH)	UP(PH)	23.202.150.C – R-BMU Residential BART Mixed Use District
Parking Lot/Structure	UP(PH)*	~~UP(PH)~~ *	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)	23.302.070.G– Unenclosed Accessory Structures in Residential Districts 23.322.100– On-site Loading Spaces
Personal and Household Service, General	NP	~~NP~~	NP	NP	NP	NP	NP	NP	NP	ZC*	ZC*	23.202.140.B.2– R-SMU Residential Southside Mixed Use District
Retail, General	NP	~~NP~~	NP	NP	NP	NP	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)	23.202.040.B– Use-Specific Regulations
Veterinary Clinic	NP	~~NP~~	NP	NP	NP	NP	NP	NP	NP	UP(PH)	UP(PH)	
Video Tape/Disk Rental	NP	~~NP~~	NP	NP	NP	NP	NP	NP	NP	UP(PH)	NP	
Incidental Uses												
Live Entertainment Unamplified	NP	~~NP~~	NP	NP	NP	NP	NP	NP	NP	ZC	NP	

ZC = Zoning Certificate **AUP = Administrative Use Permit** UP(PH) = Use Permit NP = Not Permitted * Use-Specific Regulations Apply **Required permits for specific uses are set forth in the R-BMU Master Development Permit (MDP). See 23.202.150.A and 23.202.150.D	**Residential Districts**											**Use-Specific Regulations** Applies to uses with an asterisk following the permit requirement (e.g., ZC*)
	R-1	~~**R-1A**~~	**ES-R**	**R-2**	**R-2A**	**R-3**	**R-4**	**R-5**	**R-S**	**R-SMU**	**R-BMU ******	
Live Entertainment Amplified	NP	~~NP~~	NP	NP	NP	NP	NP	NP	NP	AUP	NP	
Industrial and Heavy Commercial Uses												
Commercial Excavation	UP(PH)	~~UP(PH)~~	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
Other Uses												
Accessory Uses	See 23.302.020.A– General Use Regulations											
Art/Craft Studio	NP	~~NP~~	NP	NP	NP	NP	NP	NP	NP	NP	ZC	
ATM: Exterior and Attached to Bank or Interior or Exterior and Not With Bank	NP	~~NP~~	NP	NP	NP	NP	NP	NP	NP	NP	AUP	
Home Occupations	See 23.302.040– Home Occupations											
Live/Work	NP	~~NP~~	NP	NP	NP	NP	NP	NP	NP	NP	UP(PH)*	23.312—Live/Work
Public Market, Open Air	NP	~~NP~~	NP	NP	NP	NP	NP	NP	NP	NP	AUP	
Public Market, Enclosed	NP	~~NP~~	NP	NP	NP	NP	NP	NP	NP	NP	AUP	
Short-Term Rental	ZC*	~~ZC*~~	NP	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	23.314—Short-Term Rentals
Temporary Uses	See 23.302.030– Temporary Uses and Structures											
Urban Agriculture, Low-Impact	ZC*	~~ZC*~~	NP	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	23.318—Urban Agriculture
Urban Agriculture, High-Impact	AUP*	~~AUP*~~	NP	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	23.318—Urban Agriculture
Wireless Telecommunication Facility	See 23.332—Wireless Communication Facilities											

Section 3. That BMC Section 23.202.030(A) is amended to read as follows:

A. **Residential Additions.** See Section 23.502.020(A) ("A" Terms) for residential addition definitions.

1. **Permits Required.**

(a) In the ES-R district, residential additions require permits as follows:

i. Residential additions up to 10 percent of lot area or 200 square feet, whichever is less: Zoning Certificate.

ii. Major residential additions more than 10 percent of lot area or 200 square feet, whichever is less: Use Permit.

~~(b) In the R-3, R-S, R-SMU and C-T districts within the Southside Plan boundaries, any residential addition requires a Zoning Certificate.~~

(~~c~~ b) In ~~all other Residential Districts~~ the R-1H, R-1AH, R-2H, and R-2AH, and the R-3 district outside the Southside Plan boundaries, and in the R-4, R-5 and R-BMU districts, residential additions require permits as follows:

i. Residential additions (up to 15 percent of lot area or 600 square feet, whichever is less): Zoning Certificate.

ii. Major residential additions (all other residential additions): AUP.

Section 4. That BMC Section 23.202.030(B)(1) is amended to read as follows:

1. In the R-1H, ~~R-1A,~~ R-2H, R-2AH, ~~and~~ R-3, and R3-H districts, adding a bedroom to a lot requires permits as follows:

(a) Adding a first, second, third, or fourth bedroom to a lot: no permit required.

(b) Adding a fifth bedroom to a lot: AUP.

(c) Adding a bedroom to a lot beyond the fifth: Use Permit.

(d) No permit is required to add up to two bedrooms in an existing dwelling unit through the reconfiguration of existing habitable space, regardless of the number of bedrooms on the existing lot.

Section 5. That BMC Section 23.202.040(C) and (D) be added to read as follows:

C. One Single-Family Residential Use on a Single Lot in the R-1, R-2 and R-2A districts.

(1) This section applies on lots with one existing or proposed single-family residential dwelling on a single lot, for new construction or residential additions.

Commented [HJ8]: Removing additional permit requirements for Additions in the R-1, R-2 and R-2A

Commented [HJ9]: Technical edit: no need to state ZC permit requirement.

Commented [HJ10]: Removing permit requirements for additional bedrooms in the R-1, R-2 and R-2A.

Commented [HJ11]: Technical edit to conform with AB 916.

Commented [HJ12]: Restriction on the size of a single family home on single lot (C) AND noticing requirement (D).

(a) The residential gross floor area of a single-family residential dwelling may be no larger than 50 percent of the lot area, or 2,500 square feet, whichever is greater.

(b) A single-family residential dwelling may exceed the size limitations in this section with an AUP.

(c) This subsection shall not apply to parcels located in the Hillside Overlay Zone.

D. *Noticing for New Dwelling Uses in the R-1, R-2, and R-2A Zoning Districts*

Commented [HJ13]: Noticing requirement.

(1) This section applies to proposed new dwelling units, other than ADUs, located in the R-1, R-2 and R-2A zoning districts and are eligible for approval with a Zoning Certificate, as indicated in Table 23-202-1 Allowed Land Uses in Residential Districts.

(a) Scope and Timing of Notice. The City shall mail a courtesy notice to tenants of the subject property, and owners and tenants of the adjacent, confronting, and abutting properties, within ten working days of submission of the application to the City.

(b) Content of Notice. Notice shall provide the address of the project, allowable hours of construction and information for tenants of the subject property on how to contact a Rent Board Housing Counselor by e-mail or phone and any other resource information deemed relevant.

(c) Mailing Fees. The applicant shall be responsible for the cost of materials, postage, and staff time necessary to process and mail notices.

(d) This subsection shall not apply to parcels located in the Hillside Overlay Zone.

Section 6. That BMC Section 23.202.050(A) is amended to read as follows:

Commented [HJ14]: Revising name of R-1 district; amending and revising the district purpose statement.

A. **District Purpose.** The purpose of the ~~Single-Family~~ Residential Multi-Unit 1 (R-1) district is to:

1. Implement the General Plan by facilitating the development of residential areas consistent with a pattern of housing types ranging from single-family to small apartment structures ~~Recognize and protect the existing pattern of development in the low-density, single-family residential areas of the city consistent with the General Plan~~;
2. Make housing available for persons who desire detached and multi-unit

housing with ~~and a relatively large amount of~~ usable open space;

3. Provide objective standards to protect adjacent properties from unreasonable obstruction of light and air; and
4. Permit community facilities such as religious assembly uses, schools, parks, and libraries which serve the local population and are not detrimental to the immediate neighborhood.

Section 7. That the title of BMC Section 23.202.050 is amended to read as follows:

Commented [HJ15]: Conforming edit: R-1 name change

23.202.050 – R-1 ~~Single-Family~~ Residential Multi-Unit 1 District

Section 8. That BMC Chapter 23.202.050(D)(1) R-1 Development Standards is amended to read as follows:

Commented [HJ16]: Adding development standards table for R-1H

D. Development Standards.

1. Basic Standards. See Table 23.202-2: R-1 Development Standards and Table 23.202-3: R-1H Development Standards.

Section 9. That Table 23.202-2 R-1 Development Standards within BMC Chapter 23.202.050 is amended to read as follows:

Commented [HJ17]: Revision of Development Standards

Table 23.202-2 R-1 Development Standards

BASIC STANDARDS		SUPPLEMENTAL STANDARDS
Lot Area for New Lots, Minimum	5,000 sq. ft.	23.304.020 – Lot Requirements
Usable Open Space ~~per Dwelling Unit~~ 1,000 sq. ft. of Gross Residential Floor Area, Minimum	~~400~~ 150 sq. ft.	23.304.090 – Usable Open Space
Floor Area Ratio, Maximum	No maximum	
Main Building Height~~, Average~~ Maximum		23.304.050 – Building Height
New Buildings ~~or~~ and ~~Non-Residential~~ Additions	~~28~~ 35 ft. ~~and~~ or 3 stories [1]	
Within 15 ft. of Rear Property Line	22 ft.	
Residential Density (du/acre)		23.106.100 – Residential Density
Minimum	10	
Maximum	40	

BASIC STANDARDS		SUPPLEMENTAL STANDARDS
Lot Line Setbacks, Minimum		23.304.030 – Setbacks
Front [1]	5 ~~20~~ ft.	
Rear [1]	5 ~~20~~ ft.	
Interior Side	4 ft.	
Street Side	4 ft.	
Building Separation, Minimum	~~No minimum~~ 5 ft.	
Lot Coverage, Maximum	~~40%~~ 60%	23.304.120 – Lot Coverage
Notes: [1] Front and rear setbacks must add up to at least 20 feet.		

Table 23.202-3 R-1H Development Standards

Commented [HJ18]: Separate development standards table for Hillside Overlay

BASIC STANDARDS		SUPPLEMENTAL STANDARDS
Lot Area for New Lots, Minimum	5,000 sq. ft.	23.304.020 – Lot Requirements
Usable Open Space per Dwelling Unit, Minimum	400 sq. ft.	23.304.090 – Usable Open Space
Floor Area Ratio, Maximum	No maximum	
Building Height		23.210.020 – Hillside Overlay Zone 23.304.050 – Building Height
New Buildings or Non-Residential Additions, Average	28 ft. and 3 stories [1]	
New Buildings or Non-Residential Additions, Maximum	35 ft.	
Residential Additions		
Average	14 ft. or highest existing portion of roof, whichever is lower [2]	
Maximum	20 ft [3]	
Lot Line Setbacks, Minimum		23.210.020 – Hillside Overlay Zone 23.304.030 – Setbacks
Front	20 ft.	
Rear	20 ft.	
Interior Side	4 ft.	

BASIC STANDARDS		SUPPLEMENTAL STANDARDS
Street Side	4 ft.	
Building Separation, Minimum	No minimum	
Lot Coverage, Maximum	40%	23.304.120 – Lot Coverage
Notes: [1] Average Building Height 35 ft. with an AUP. [2] Average Building Height greater than 14 ft. up to 28 ft. allowed with an AUP. Average building height greater than 28 ft up to 35 ft allowed with an additional AUP. [3] Maximum building height greater than 20 ft. allowed with an AUP pursuant to BMC 23.210.020(C)(2).		

Section 10. That BMC Chapter 23.202.060 is amended as follows:

Commented [HJ19]: Repeal of R-1A zoning district, which is being merged withR-2.

23.202.060 ~~R-1A Limited Two-Family Residential District~~ Reserved

A. ~~**District Purpose.** The purpose of the Limited Two-Family Residential (R-1A) district is to:~~

~~1. Recognize and protect the existing pattern of low medium-density residential areas characterized by reasonable open and spacious type of development consistent with the General Plan;~~

~~2. Protect adjacent properties from unreasonable obstruction of light and air;~~

~~3. Allow flexibility in the use of property for residential purposes by permitting two dwelling units on one lot under limited conditions; and~~

~~4. Appropriately regulate the rear and side setback areas for the construction of a dwelling unit~~ in areas west of San Pablo Avenue.

B. ~~**Allowed Land Uses.** See Table 23.202-1: Allowed Land Uses in Residential Districts~~

C. ~~**Additional Permit Requirements.** See Subsection A (Residential Additions) and Subsection B (Adding Bedrooms) of Section 23.202.030-Additional Permit Requirements.~~

D. ~~**Development Standards.**~~

~~**1. Basic Standards.** See Table 23.202-3: R-1A Development Standards.~~

~~**2. Supplemental Standards.** Supplemental development standards that apply in the R-1A district are noted in Table 23.202-3: R-1A Development Standards.~~

Table 23.202-3: R-1A Development Standards

Basic Standards		Supplemental Standards
Lot Area, Minimum		23.304.020– Lot Requirements
New Lots	5,000 sq. ft.	
For Two Dwelling Units	4,500 sq. ft. [1]	
Usable Open Space Per Dwelling Unit, Minimum	400 sq. ft. [2]	23.304.090– Usable Open Space
Floor Area Ratio, Maximum	No maximum	
Main Building Height, Average		23.304.050– Building Height
New Buildings and Non-Residential Additions	28 ft. and 3 stories [3]	
Rear Main Buildings	22 ft. and 2 stories	
Residential Additions	14 ft. [4]	
Lot Line Setbacks, Minimum		23.304.030– Setbacks
Front	20 ft.	
Rear	20 ft.	
Interior Side	4 ft.	
Street Side	4 ft.	
Interior and Street Side for Rear Main Building	6 ft.	
Building Separation, Minimum		23.304.040– Building Separation in Residential Districts
1 story	8 ft.	
2 stories	12 ft.	
3 stories	16 ft.	
Lot Coverage, Maximum		23.304.120– Lot Coverage
Interior and Through Lot	40%	
Corner Lot	45%	

~~Basic Standards~~	~~Supplemental Standards~~
~~Notes:~~ ~~[1] Maximum two units per lot.~~ ~~[2] Open space is not required for accessory dwelling unit.~~ ~~[3] Maximum 35 ft. with an AUP.~~ ~~[4] Height greater than 14 ft. up to 28 ft. allowed with an AUP. Height greater than 28 ft up to 35 ft allowed with an additional AUP.~~	

Section 11. That the title of BMC Section 23.202.080 is amended to read as follows:

Commented [HJ20]: Renaming R-2 district

23.202.080- R-2 ~~Restricted Two-Family~~ Residential Multi-Unit 2 District

Section 12. That BMC Section 23.202.080(A) is amended to read as follows:

Commented [HJ21]: Revising R-2 district purpose statement

A. **District Purpose.** The purpose of the ~~Restricted Two-Family~~ Residential Multi-Unit 2 (R-2) district is to:

1. Implement the General Plan by encouraging the development of ~~low medium-density~~ residential areas ~~characterized by a reasonably open and spacious type of development with a pattern~~ with a range of housing types ~~ranging from single-family to duplexes and small apartment structures~~;
2. Make available housing for persons who desire a range of housing choice with ~~a relatively large amount of~~ useable open space; and
3. Provide objective standards to protect adjacent properties from unreasonable obstruction of light and air.

Section 13 That BMC Section 23.202.080(D) is amended to read as follows:

Commented [HJ22]: Revising development standards; adding separate development standards table for Hillside Overlay.

D. **Development Standards.**

1. **Basic Standards.** See Table 23.202-5: R-2 Development ~~Lot and Height~~ Standards, Table 23.202-6: R-2H Development Standards, Table 23.202-~~7~~6: R-2H Setback and Building Separation Standards, and Table 23.202-~~8~~7: R-2H Lot Coverage Standards for development standards in the R-2 district.
2. **Supplemental Standards.** Supplemental development standards that apply in the R-2 district are noted in Table 23.202-5: R-2 Development ~~Lot and Height~~ Standards, Table 23.202-6: R-2H Development Standards, Table 23.202-~~7~~6: R-2H Setback and Building Separation Standards and Table 23.202-~~8~~7: R-2H Lot Coverage Standards.

TABLE 23.202-5: R-2 ~~LOT AND HEIGHT~~ DEVELOPMENT STANDARDS

BASIC STANDARDS		SUPPLEMENTAL STANDARDS
Lot Area, Minimum		23.304.020 – Lot Requirements
New Lots	5,000 sq. ft.	
~~Per Dwelling Unit~~	~~2,500 sq. ft. [1]~~	
Usable Open Space, ~~per Dwelling Unit~~ Per 1,000 sq. ft. of gross residential floor area, Minimum	~~400~~ 150 sq. ft.	23.304.090 – Usable Open Space
Floor Area Ratio, Maximum	No maximum	
Main Building Height~~, Average~~		23.304.050 – Building Height
New Buildings and ~~Non-Residential~~ Additions, Maximum	~~28~~ 35 ft. ~~and~~ or 3 stories ~~[2]~~	
Within 15 feet of Rear Property Line, Maximum	22 ft.	
~~Residential Additions~~	~~14 ft. [3]~~	
Residential Density (du/acre)		23.106.100 – Residential Density
Minimum	10	
Maximum	50	
Lot Line Setbacks, Minimum		23.304.030 – Setbacks
Front [1]	5 ft.	
Rear [1]	5 ft.	
Interior Side	4 ft.	
Street Side	4 ft.	
Building Separation, Minimum	5 ft.	
Lot Coverage, Maximum	60%	23.304.120 – Lot Coverage

Notes:
[1] ~~One additional dwelling unit is allowed for any remaining lot area between 2,000 and 2,500 square feet.~~ Front and rear setbacks must add up to at least 20 feet.
~~**[2]**Maximum 35 ft. with an AUP.~~
~~**[3]**Addition height greater than 14 ft. up to 28 ft. allowed with an AUP. Addition height greater than 28 ft up to 35 ft allowed with an additional AUP.~~

TABLE 23.202-6: R-2H DEVELOPMENT STANDARDS

Commented [HJ23]: Separate development standards table for Hillside Overlay

BASIC STANDARDS		SUPPLEMENTAL STANDARDS
Lot Area, Minimum		23.304.020 – Lot Requirements
New Lots	5,000 sq. ft.	
Usable Open Space, Per Dwelling Unit, Minimum	400 sq. ft.	23.304.090 – Usable Open Space
Floor Area Ratio, Maximum	No maximum	
Main Building Height, Average		23.210.020 – Hillside Overlay Zone 23.304.050 – Building Height
New Buildings and Non-Residential Additions	28 ft. and 3 stories [1]	
New Buildings and Non-Residential Additions, Maximum	35 ft.	
Residential Addition, Height		
Average	14 ft. or highest existing portion of roof, whichever is lower [2]	
Maximum	20 ft. [3]	
Lot Coverage, Maximum	See Table 23.202-8	23.304.120 – Lot Coverage
Notes: [1] Average Building Height 35 ft. with an AUP. [2] Average Building Height greater than 14 ft. up to 28 ft. allowed with an AUP. Average building height greater than 28 ft up to 35 ft allowed with an additional AUP. [3] Maximum building height greater than 20 ft. allowed with an AUP pursuant to BMC 23.210.020(C)(2).		

TABLE 23.202-67: R-2H SETBACK AND BUILDING SEPARATION STANDARDS

	STANDARDS BY BUILDING STORY			SUPPLEMENTAL STANDARDS
	1ST	2ND	3RD	
Lot Line Setbacks, Minimum				23.304.030– Setbacks
Front	20 ft.	20 ft.	20 ft.	

Rear	20 ft.	20 ft.	20 ft.	
Interior	4 ft.	4 ft.	6 ft.	
Street Side	10 ft.	10 ft.	10 ft.	
Building Separation, Minimum	8 ft.	12 ft.	16 ft.	23.304.040– Building Separation in Residential Districts

TABLE 23.202-~~7~~8: R-2H LOT COVERAGE STANDARDS

	STANDARD BASED ON BUILDING HEIGHT			SUPPLEMENTAL STANDARDS
	1 STORY	2 STORIES	3 STORIES	
Lot Coverage, Maximum				23.304.120– Lot Coverage
Interior and Through Lot	45%	40%	35%	
Corner Lot	50%	45%	40%	

Section 14. That the title BMC Section 23.202.090 is amended to read as follows:

Commented [HJ24]: Revising name of R-2A district

23.202.090- R-2A ~~Restricted Multiple-Family~~ Residential Multi-Unit 2A District

Section 15. That BMC Section 23.202.090(A) is amended to read as follows:

Commented [HJ25]: Revising R-2A district purpose statement.

A. **District Purpose.** The purpose of the ~~Restricted Multiple-Family~~ Residential Multi-Unit 2A (R-2A) district is to:

1. Implement the General Plan by ~~encouraging~~ facilitating the development of ~~medium-density~~ residential areas characterized by a range of housing types ~~small multiple-family and garden-type apartment structures with a maximum of open space consistent with this type of development~~;
2. Make available housing for persons who desire apartment-type accommodations with ~~a maximum of~~ open space; and
3. Provide objective standards to ~~P~~protect adjacent properties from unreasonable obstruction of light and air; and
4. ~~Permit only land use intensity which is compatible with existing low-density residential structures and is not detrimental to the immediate neighborhood.~~

Section 16. That BMC Section 23.202.090(D) is amended to read as follows:

Commented [HJ26]: Revising R-2A development standards; separate development standard table for the Hillside Overlay.

D. **Development Standards.**

1. **Basic Standards.** See Table 23.202-~~9~~8: R-2A ~~Lot and Height~~ Development Standards, Table 23.202-10 R-2AH Development Standards, Table 23.202-11~~9~~: R-2AH Setback and Building Separation Standards, and Table 23.202-12~~10~~: R-2AH Lot Coverage Standards.
2. **Supplemental Standards.** Supplemental development standards that apply in the R-2A district are noted in Table 23.202-~~9~~8: R-2A ~~Lot and Height~~ Development Standards, Table 23.202-10 R-2AH Development Standards, Table 23.202-11~~9~~: R-2AH Setback and Building Separation Standards, and Table 23.202-12~~10~~: R-2AH Lot Coverage Standards.

TABLE 23.202-~~9~~8: R-2A ~~LOT AND HEIGHT~~ DEVELOPMENT STANDARDS

BASIC STANDARDS		SUPPLEMENTAL STANDARDS
Lot Area, Minimum		
New Lots	5,000 sq. ft.	23.304.010 - Lot Requirements
~~Per Dwelling Unit~~	~~1,650 sq. ft. [1]~~	
Usable Open Space, ~~per Dwelling Unit~~, Per 1,000 sq. ft. gross residential floor area Minimum	~~400~~ 150 sq. ft	23.304.090 – Usable Open Space
Main Building Height~~, Average~~		23.304.050 – Building Height
New Buildings and ~~Non-Residential~~ Additions, Maximum	~~28~~ 35 ft. or ~~and~~ 3 stories	
Within 15 ft. of Rear Property Line, Maximum	22 ft.	
~~Residential Additions~~	~~14 ft. [3]~~	
Residential Density (du/acre)		23.106.100 – Residential Density
Minimum	20	
Maximum	60	
Lot Line Setbacks, Minimum		23.304.030 – Setbacks
Front [1]	5 ft.	
Rear [1]	5 ft.	

Interior Side	4 ft.	
Street Side	4 ft.	
Building Separation, Minimum	5 ft.	
Lot Coverage, Maximum	60%	23.304.120 – Lot Coverage
Notes: [1] Front and rear setbacks must add up to at least 20 feet. ~~[1] One additional dwelling unit is allowed for remaining lot area between 1,300 and 1,650 square feet.~~ ~~[2] Maximum 35 ft. with an AUP.~~ ~~[3] Addition height greater than 14 ft. up to 28 ft. allowed with an AUP. Addition height greater than 28 ft up to 35 ft allowed with an additional AUP.~~		

TABLE 23.202-10: R-2AH DEVELOPMENT STANDARDS

BASIC STANDARDS		SUPPLEMENTAL STANDARDS
Lot Area, Minimum		
New Lots	5,000 sq. ft.	23.304.010 - Lot Requirements
Per Dwelling Unit	1,650 sq. ft. [1]	
Usable Open Space, per Dwelling Unit, Minimum	400 sq. ft	23.304.090 – Usable Open Space
Main Building Height, Average		23.210.020 – Hillside Overlay Zone 23.304.050 – Building Height
New Buildings and Non-Residential Additions	28 ft. and 3 stories [2]	
Residential Additions, Height		
Average	14 ft. or highest existing portion of roof, whichever is lower. [3]	
Maximum	20 ft. [4]	

Commented [HJ27]: Preserving existing standards within Hillside Overlay

Notes:
[1] One additional dwelling unit is allowed for a remaining lot area between 1,300 and 1,650 square feet.
[2] Average Building Height 35 ft. with an AUP.
[3] Average Building Height greater than 14 ft. up to 28 ft. allowed with an AUP. Average building height greater than 28 ft up to 35 ft allowed with an additional AUP.
[4] Maximum building height greater than 20 ft. allowed with an AUP pursuant to BMC 23.210.020(C)(2).

TABLE 23.202-119: R-2AH SETBACK AND BUILDING SEPARATION STANDARDS

	STANDARDS BY BUILDING STORY			SUPPLEMENTAL STANDARDS
	1ST	2ND	3RD	
Lot Line Setbacks, Minimum				23.304.030–Setbacks
Front	15 ft.	15 ft.	15 ft.	
Rear	15 ft.	15 ft.	15 ft.	
Interior	4 ft.	4 ft.	6 ft.	
Street Side	6 ft.	8 ft.	10 ft.	
Building Separation, Minimum	8 ft.	12 ft.	16 ft.	23.304.040–Building Separation in Residential Districts

TABLE 23.202-1210: R-2AH LOT COVERAGE STANDARDS

	STANDARD BASED ON BUILDING HEIGHT			SUPPLEMENTAL STANDARDS
	1 STORY	2 STORIES	3 STORIES	
Lot Coverage, Maximum				23.304.120
Interior and Through Lots	45%	40%	35%	
Corner Lots	50%	45%	40%	

Section 17. That BMC Section 23.202.100(E)(2) is amended to read as follows:

Commented [HJ28]: Renumbering

3. **Supplemental Standards.** Supplemental development standards that apply in the R-3 district are noted in Table 23.202-1113: R-3 Development

Standards.

Section 18. That the title of Table 23.202-11: R-3 Development Standards within BMC Section 23.202.100 is amended to read as follows:

Commented [HJ29]: Renumbering

TABLE 23.202-1311: R-3 DEVELOPMENT STANDARDS

Section 19. That the BMC Sections 23.202.110(E)(1) and (2) are amended to read as follows:

Commented [HJ30]: Renumbering

E. **Development Standards**.

1. **Basic Standards.** See Table 23.202-1412: R-4 Lot and Height Standards, Table 23.202-1513: R-4 Setback and Building Separation Standards, and Table 23.202-1614: R-4 Lot Coverage Standards.
2. **Supplemental Standards.** Supplemental development standards that apply in the R-4 district are noted in Table 23.202-1412: R-4 Lot and Height Standards, Table 23.202-1513: R-4 Setback and Building Separation Standards, and Table 23.202-1614: R-4 Lot Coverage Standards.

Section 20. That the title of Table 23.202-12: R-4 Lot and Height Standards within BMC Section 23.202.110 is amended to read as follows:

Commented [HJ31]: Renumbering

TABLE 23.202-1412: R-4 LOT AND HEIGHT STANDARDS

Section 21. That the title of Table 23.202-13: R-4 Setback and Building Separation Standards within BMC Section 23.202.110 is amended to read as follows:

Commented [HJ32]: Renumbering

TABLE 23.202-1513: R-4 SETBACK AND BUILDING SEPARATION STANDARDS

Section 22. That the title of Table 23.202-14: R-4 Lot Coverage Standards within BMC Section 23.202.110 is amended to read as follows:

Commented [HJ33]: Renumbering

TABLE 23.202-1614: R-4 LOT COVERAGE STANDARDS

Section 23. That BMC Section 23.202.120(D)(1) and (2) be amended to read as follows:

Commented [HJ34]: Renumbering

D. **Development Standards.**

1. **Basic Standards.** See Table 23.202-175: R-5 Lot and Height Standards, Table 23.202-186: R-5 Setback and Building Separation Standards, and Table 23.202-197: R-5 Lot Coverage Standards.

2. **Supplemental Standards.** Supplemental development standards that apply in the R-5 district are noted in Table 23.202-175: R-5 Lot and Height Standards, Table 23.202-186: R-5 Setback and Building Separation Standards, and Table 23.202-197: R-5 Lot Coverage Standards.

Section 24. That the title of Table 23.202-15: R-5 Lot and Height Standards within BMC Section 23.202.120 is amended to read as follows:

Commented [HJ35]: Renumbering

TABLE 23.202-175: R-5 LOT AND HEIGHT STANDARDS

Section 25. That the title of Table 23.202-16: R-5 Setback and Building Separation Standards within BMC Section 23.202.120 is amended to read as follows:

Commented [HJ36]: Renumbering

TABLE 23.202-186: R-5 SETBACK AND BUILDING SEPARATION STANDARDS

Section 26. That the title of Table 23.202-17: R-5 Lot Coverage Standards within BMC Section 23.202.120 is amended to read as follows:

Commented [HJ37]: Renumbering

TABLE 23.202-197: R-5 LOT COVERAGE STANDARDS

Section 27. That BMC Section 23.202.130(E)(1) and (2) are amended to read as follows:

Commented [HJ38]: Renumbering

E. **Development Standards.**

1. **Basic Standards.** See Table 23.202-2018: R-S Development Standards.
2. **Supplemental Standards.** Supplemental development standards that apply in the R-S district are noted in Table 23.202-2018: R-S Development Standards.

Section 28. That the title of Table 23.202-18: R-S Development Standards within BMC Section 23.202.130 is amended to read as follows:

Commented [HJ39]: Renumbering

TABLE 23.202-2018: R-S DEVELOPMENT STANDARDS

Section 29. That BMC Section 23.202.140(E)(1) is amended to read as follows:

Commented [HJ40]: Renumbering

1. **Basic Standards.** See Table 23.202-2119: R-SMU Development Standards.

Section 30. That the title of Table 23.202-19: R-SMU Development Standards within BMC Section 23.202.140 is amended to read as follows:

Commented [HJ41]: Renumbering

TABLE 23.202-219: R-SMU DEVELOPMENT STANDARDS

Section 31. That BMC Section 23.202.150(D) is amended to read as follows:

Commented [HJ42]: Renumbering

D. **Ground-floor Uses**. See Table 23.202-220: Permitted Street-Facing Ground Floor Uses.

Section 32. That the title of Table 23.202-20: Permitted Street-Facing Ground Floor Uses within BMC Section 23.202.150 is amended to read as follows:

Commented [HJ43]: Renumbering

TABLE 23.202-220: PERMITTED STREET-FACING GROUND FLOOR USES

Section 33. That BMC Section 23.202.150(F)(1) and (2) are amended to read as follows:

Commented [HJ44]: Renumbering

1. **Basic Standards.** See Table 23.202-2321.
2. **Supplemental Standards.** Supplemental standards that apply in the R- BMU district are noted in Table 23.202-2321.

Section 34. That the title of Table 23.202-21 within BMC Section 23.202.150 is amended to read:

Commented [HJ45]: Renumbering

TABLE 23.202-2321: R-BMU DEVELOPMENT STANDARDS

Section 35. That the lines “Single-Family,” “Two Family,” and “Multi-Family” in Table 23.204-1: Allowed Land Uses in Commercial Districts within BMC Section 23.204.020 are amended to read as follows:

Commented [HJ46]: Land Use Type name changes only

ZC = Zoning Certificate AUP = Administrative Use Permit UP(PH) = Use Permit NP = Not Permitted -- = Permitted with AUP, see 23.204.020(B) [#] = Table Note Permit Requirement * Use-Specific Regulations Apply	**COMMERCIAL DISTRICTS**											**USE-SPECIFIC REGULATIONS**
	C-C	**C-U**	**C-N**	**C-E**	**C-NS**	**C-SA**	**C-T**	**C-SO**	**C-DMU**	**C-W**	**C-AC**	
Residential Uses												
Single-Family Residential	UP(H)	UP(PH)*	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)*	UP(PH)	UP(PH)	UP(PH)	UP(PH)	23.204.060.B.3; 23.302.070.H
~~Two-Family~~	~~UP(PH)~~	~~UP(PH)*~~	~~UP(PH)~~	~~UP(PH)~~	~~UP(PH)~~	~~UP(PH)~~	~~UP(PH)*~~	~~UP(PH)~~	~~UP(PH)~~	~~UP(PH)~~	~~UP(PH)~~	~~23.204.060.B.3;~~ ~~23.302.070.H~~
Multi-Unit Residential ~~Family~~	UP(PH)	UP(PH)*	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)*	UP(PH)	UP(PH)	UP(PH)	UP(PH)	23.204.060.B.3; 23.302.070.H

Section 36. That the lines "Single Family," "Two Family," "Multi-Unit Family" and "Mixed Use Residential" in Table 23.206-1: Allowed Land Uses in Manufacturing Districts within BMC Section 23.206.020 are amended to read as follows:

Commented [HJ47]: Revised permit requirements

ZC = Zoning Certificate AUP = Administrative Use Permit UP(PH) = Use Permit -- = Permitted with an AUP, see 23.206.020(B) NP = Not Permitted [#] = Floor Area Permit Requirement * Use-Specific Standards Apply	**Manufacturing Districts**				**Use-Specific Standards** Applies to uses with an asterisk following the permit requirement (e.g., ZC*)
	M	**MM**	**MU-LI**	**MU-R**	
Residential Uses					
~~Dwellings~~					
Single-Family Residential	NP	NP	NP	AUP	~~23.206.090.B.8~~
~~Two Family~~	~~NP~~	~~NP~~	~~NP~~	~~AUP*~~	~~23.206.090.B.8~~
Multi-Unit Residential ~~Family~~	NP	NP	NP	ZC* ~~UP(PH)~~	23.206.090.(B).~~7 &~~8
Mixed-Use Residential	NP	NP	NP	UP(PH) * –	23.206.090.(B).(7) ~~8&9~~

Section 37. That BMC Section 23.206.090(B)(7) to (9) are amended to read as follows:

Commented [HJ48]: Removing additional requirements for multi-family residential

~~**7. Multi-Family Dwellings.** Table 23.206-13 shows permits required for multi-family dwellings in the MU-R district.~~

~~**TABLE 23.206-13: MU-R MULTI-FAMILY DWELLING PERMIT REQUIREMENTS**~~

~~**NUMBER OF UNITS**~~	~~**PERMIT REQUIRED**~~
~~3 or 4~~	~~AUP~~
~~5 or more~~	~~UP(PH)~~

~~**8. Residential Uses**~~.

~~(a) A Use Permit is required to establish a dwelling unit, group living accommodation, or live/work unit MU-R that is within 150 feet of:~~

~~An M or MM district; or~~

~~A construction product manufacturing or primary product manufacturing use.~~

~~(b) To deny a Use Permit required by Paragraph (a) above, the ZAB must find that:~~

~~The proposed residential use would unreasonably interfere with existing or reasonably foreseeable adjacent land uses in the M or MM district; or~~

~~Existing or reasonably foreseeable adjacent land uses in the M or MM district would have a material adverse effect on the proposed residential use.~~

~~(c) As a condition of approval for a Use Permit required by Paragraph (a) above, the residential property owner shall record an acknowledgement that existing or reasonably foreseeable adjacent land uses in the M or MM district may create noise, dust, odors, light/glare, and other impacts that will not be considered a nuisance if they are developed and conducted pursuant to the standards of the district.~~

~~9.~~ 7. ~~Residential~~ Mixed-Use Residential. To approve an AUP or Use Permit to establish or expand of a ~~residential~~ mixed-use residential building in the MU-R district, the review authority must find that the specific combination of proposed residential and non-residential uses will not be hazardous or detrimental to persons living and/or working on the site or within the project vicinity.

8. Noticing for New Dwelling Units. This section applies to proposed new dwelling units that are eligible for approval with a Zoning Certificate, as indicated in Table 23.206-1 Allowed Land Uses in Manufacturing Districts.

(a) Scope and Timing of Notice. The City shall mail a courtesy notice to tenants of the subject property, and owners and tenants of the adjacent, confronting, and abutting properties, within ten working days of submission of the application to the City.

(b) Content of Notice. Notice shall provide the address of the project, allowable hours of construction and information for tenants of the subject property on how to contact a Rent Board Housing Counselor by e-mail or phone and any other resource information deemed relevant.

(c) Mailing Fees. The applicant shall be responsible for the cost of materials, postage, and staff time necessary to process and mail notices.

Commented [HJ49]: Noticing requirement.

Section 38. That Table 23.206-14- MU-R Development Standards within Section 23.206.090 is amended to read as follows:

Commented [HJ50]: Revised development standards

TABLE 23.206-14: MU-R DEVELOPMENT STANDARDS

BASIC STANDARDS	SUPPLEMENTAL STANDARDS
Lot Area, Minimum	23.304.020 – Lot

New Lot	No minimum	Requirements
Per ~~Dwelling Unit or~~ Live/Work Unit	1,250 sq. ft. ~~[1]~~	
Lot Width, Minimum	40 ft.	
Usable Open Space, Minimum		23.304.090 – Usable Open Space
Per ~~Dwelling Unit~~ 1,000 sq. ft. of gross residential floor area	150 sq. ft.	
Per Live/Work Unit	40 sq. ft.	
Floor Area Ratio, Maximum, Non-Residential	1.~~5~~0 [~~1~~2]	23.106.050 - ~~Floor Area Ratio~~
Residential Density (DU/acre)		23.106.100 – Residential Density
Minimum	20	
Maximum	60	
Main Building Height, Maximum		23.304.050 - Building Height
Live/work	28 ft. and 3 stories [2~~3~~]	
Residential or mixed-use [3~~4~~]	35 ft. or ~~and~~ 3 stories	
Within 15 ft. of rear property line	22 ft.	
All other uses	35 ft. and 2 stories [4~~5~~]	
Lot Line Setbacks, Minimum		23.304.030 – Setbacks
Front	5 ft.	
Rear	No minimum [5~~6~~]	
Interior Side	No minimum	
Street Side	5 ft.	
Building Separation, Minimum	~~No minimum~~ 5 ft.	
Lot Coverage, Maximum	~~100%~~ No maximum	

Commented [HJ51]: FAR would not apply to residential projects.

Notes:
~~[1] One additional dwelling unit allowed for remaining lot area between 750 and 1,250 square feet.~~
[12] Maximum 1.5 for buildings with 50 percent or more ~~residential or~~ live/work floor area
[23] Maximum 35 ft. with a Use Permit.
[34] Mixed use is defined here as a building with 50 percent or more of gross floor area used for residential (including live/work) purposes.
[45] Maximum 3 stories for arts/craft studios and light manufacturing (with no other non-residential uses) on a block without dwelling units.
[56] Minimum 5 ft. if rear of lot abuts a street.
~~[7] Setbacks required when abutting or confronting a Residential District. See 23.304.030.C.2.~~

Section 39. That Table 23.210-1: H Overlay Zone Maximum Allowed Height within Section 23.210.020 is amended to read as follows:

Commented [HJ52]: Conforming edit: removing R-1A

TABLE 23.210-1: H OVERLAY ZONE MAXIMUM ALLOWED HEIGHT

UNDERLYING BASE DISTRICT	ALLOWED HEIGHT		MAXIMUM STORIES
	AVERAGE	MAXIMUM	
New Buildings			
R-1, ~~R-1A,~~ R-2, R-2A	28 ft.	35 ft.	3 stories
R-3, R-4, R-5, R-S, C-N, C-NS	35 ft.	35 ft.	3 stories
Residential Additions	As required by the base district or the highest existing portion of the roof, whichever is lower	20 ft.	N/A

Section 40. That BMC Section 23.304.030(B)(1) is amended to read as follows:

Commented [HJ53]: Conforming edit: Removing R-1A

1. **Corner Lots with a Rear Lot Line Abutting a Key Lot.** For corner lots in the R-1, ~~R-1A,~~ R-2 and R-2A districts with a rear lot line abutting a key lot, the minimum street side setback is either:

(a) One-half the front setback required or existing on the key lot, whichever is less; or

(b) Four feet if the corner lot maintains 50 feet or more rear setback.

Section 41: That Table 23.304-1 Allowed Setback Reductions in Residential District within BMC Section 23.304.030 is amended to read:

Commented [HJ54]: Removing R-1A; new provisions to reflect 20 ft combined front and rear setback requirement

TABLE 23.304-1: ALLOWED SETBACK REDUCTIONS IN RESIDENTIAL DISTRICTS

DISTRICT WHERE ALLOWED	WHEN ALLOWED	MINIMUM SETBACK WITH REDUCTION	REQUIRED PERMIT	REQUIRED ADDITIONAL FINDINGS [1]
Front Setback Reductions				
ES-R	On any lot	No minimum.	UP(PH) [2]	The reduced setback is: 1) necessary to allow economic use of property due to the size, shape of the lot or the topography of the site; and 2) consistent with the ES-R district purpose.
Rear Setback Reductions				
ES-R [3]	On any lot	No minimum	UP(PH) [2]	The reduced setback is: 1) necessary to allow economic use of property due to the size, shape of the lot or the topography of the site; and 2) consistent with the ES-R district purpose.
R-1~~, R-1A~~	On a lot less than 100 ft. deep	20% of lot depth [4]	ZC	None
~~R-1A~~	~~To construct a dwelling unit~~	~~12 ft.~~	~~AUP~~	~~The unit would not cause a detrimental impact on emergency access; or on light, air or privacy for neighboring properties.~~

District Where Allowed	When Allowed	Minimum Setback with Reduction	Required Permit	Required Additional Findings [1]
R-2, R-2A, R-3, R-4, R-5 [45]	On a lot with two or more main buildings with dwelling units	No minimum	AUP	No additional findings
Side Setback Reductions				
ES-R [3]	Any lot	No minimum	UP(PH) [2]	The reduced setback is: 1) necessary to allow economic use of property due to the size, shape of the lot or the topography of the site; and 2) consistent with the ES-R district purpose.
R-1, R-2, R-2A ~~R-1A~~	Lot width less than 40 ft. ~~[5]~~	10% of lot width or 3 ft., whichever is greater	ZC	None
R-2H, R-2AH	Lot width less than 40 ft.	First and second stories: 10% of lot width or 3 ft., whichever is greater; Third story: ~~5~~ 4 ft.	ZC	None

Notes:
[1] Findings are in addition to any AUP or Use Permit findings required in 23.406-Specific Permit Requirements.

[2] Fire Department must review and approve reduced setbacks in respect to fire safety.

[3] For lots less than 5,000 square feet, reductions are not allowed for property lines abutting a property under different ownership.

[4] The resulting rear setback becomes the total setback required for the front and rear to add up to. Front and rear setbacks may not be less than 5 ft.

[45] Parcels located within the R-3 district within the Southside Plan boundaries are exempt from this section.

~~[5] Not permitted for rear main buildings in the R-1A district.~~

Section 42. That the line "R-1A" in Table 23.304-4: Permits Required for Building Separation in Residential Districts within BMC Section 23.304.040 is amended to read as follows

Commented [HJ55]: Conforming edit: removing R-1A

DISTRICT WHERE ALLOWED	WHEN ALLOWED	PERMIT REQUIRED	FINDINGS [1]
~~R-1A~~	~~On a lot with two or more main buildings with a dwelling unit~~	~~AUP~~	~~The unit would not cause a detrimental impact on emergency access; or on light, air or privacy for neighboring properties.~~

Section 43. That BMC Section 23.322.100(C)(1) is amended to read as follows:

Commented [HJ56]: Conforming edit: removing R-1A

1. General. The following requirements apply to required on-site loading spaces in all districts except for the R-1, ~~R-1A,~~ R-2, R-2A districts.

(a) *Dimensions*. A required loading space must be at least 12 feet wide and 25 feet long with a minimum vertical clearance of 14 feet.

(b) *Location*. A required loading spaces must be located on the same lot as the structure or use the space is designed to serve.

(c) *Parking Spaces*. A required parking space may not be used to satisfy the requirements for an off-street loading space.

(d) *Access and Paving*. A required loading space must have adequate means of access from a street or alley. Both the space and access driveway must be paved with a durable, dustless material that is usable under all weather conditions.

Section 44. That BMC Section 23.324.050(D)(3)(a) is amended to read as follows:

Commented [HJ57]: Technical conforming edit to allow an addition to a single family dwelling in the R-2A, without triggering minimum density requirement of 2 units.

(a) A Use Permit is required for an addition to and/or enlargement of a structure or building that exceeds the maximum allowed lot coverage, or maximum floor area ratio, or is nonconforming to minimum or maximum residential density.

Section 45. That BMC Section 23.326.030(B)(1)(c) is amended to read as follows:

Commented [HJ58]: Technical edit to demo ordinance.

(c) The demolition is necessary to permit construction approved pursuant to this Chapter of at least the same number of Residential ~~Dwelling~~ Units.

Section 46. That BMC Section 23.326.030(B)(2) is amended to read as follows:

Commented [HJ59]: Demo ordinance provision

2. A Single-Family Dwelling may be demolished with ~~an AUP~~ a Zoning Certificate, if the demolition is part of a development project that would result in a net increase in residential density.

Section 47. That BMC Section 23.406.020(E) is amended to read as follows:

Commented [HJ60]: Standard Conditions of Approval language recommended by Planning Commission on 3/5

E. Review and Action

1. The Zoning Officer shall review a Zoning Certificate application to verify compliance with the Zoning Ordinance. If the project complies with all applicable requirements, the Zoning Officer shall approve the application.

2. The Zoning Officer may attach to the Zoning Certificate project plans and other information as needed to document project compliance with the Zoning Ordinance.

3. The Zoning Officer may attach to the Zoning Certificate any applicable uniformly applied Standard Conditions of Approval.

Section 48. That BMC Section 23.502.020(M)(17) and (18) are amended to read as follows:

Commented [HJ61]: New language clarifying that this definition does not include J/ADUs.

17. **Multi-Family Dwelling**. A building, group of buildings, or portion of a building used or designed as ~~three~~ two or more dwelling units.

18. **Multi-Family Residential.** A residential use that includes two or more units, excluding ADUs and Junior ADUs, on a single lot.

~~18.~~ 19 **Municipal Animal Shelter.** A City-owned facility providing services for humane animal care with programs and services focused on maximizing opportunities for animal adoption. Supporting facilities may include medical care (including spay/neuter), kennels, exercise areas and adoption centers.

Section 49. That BMC Section 23.502.020(R) is amended to read as follows:

Commented [HJ62]: Conforming edit: Removing R-1A; renumbering

R. "R" Terms.

~~1. Rear Main Building. A main building situated behind another main building existing or proposed on a parcel located in the R-1A district.~~

~~2~~1. *Receiving Lot*. See Lot, Receiving.

~~3~~2. *Recycled Materials Processing*. A facility that receives and processes recyclable materials. Processing means preparation of material for efficient

shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing.

~~4~~3. *Recycling Redemption Center*. A facility, use, or structure for the collection of recyclable goods, including beverage containers and newspapers.

~~5~~4. *Related Equipment*. All equipment necessary for or related to the provision of personal wireless services. Such equipment may include, but is not limited to, cable, conduit and connectors, equipment pads, equipment shelters, cabinets, buildings and access ladders.

~~6~~5. *Religious Assembly*. A building or space primarily used for an assembly of persons to conduct worship or other religious ceremonies, including, but not limited to, churches, synagogues, temples, mosques or shrines.

~~7~~6. *Repair Service, Non-Vehicle*. An establishment that provides repair and maintenance services for household appliance, home electronics, office equipment, furniture and other similar items. Excludes vehicle repair.

~~8~~7. *Research and Development*. An establishment engaged in the following activities: 1) industrial, biological or scientific research; and/or 2) product or process design, development, prototyping, or testing. This may include labs, offices, warehousing, and light manufacturing functions as part of the overall Research and Development use.

~~9~~8. *Resident*. A person whose primary residence is in Berkeley.

~~10~~9. *Residential Care Facility*. See Community Care Facility.

~~11~~10. *Residential Hotel*. See Hotel, Residential.

~~12~~11. *Residential Addition*. See Addition, Residential.

~~13~~12. *Residential Districts*. The districts listed under the Residential Districts heading in Table 23.108-1: Zoning Districts.

~~14~~13. *Residential Hotel Room*. A room which is:

(a) Used, designed, or intended to be used for sleeping for a period of 14 consecutive days or more;

(b) Not a complete dwelling unit, as defined in this chapter; and

(c) Not a Tourist Hotel Room, as defined in this chapter.

~~15~~14. *Residential Use*. Any legal use of a property as a place of residence, including but not limited to dwelling units, group living accommodations, and residential hotels.

~~16~~15. *Retail, General*. A retail establishment engaged in the sales of personal, consumer, or household items to the customers who will use such items. This use includes antique stores, art galleries, arts and crafts supply stores, bicycle shops, building materials and garden supplies stores, clothing stores, computer stores, cosmetic/personal care items, department stores, drug paraphernalia stores, drug stores, fabric, textile and sewing supply shops, flower and plant stores, food product stores, furniture stores, garden supply stores, nurseries, gift/novelty shops, household hardware and housewares stores, household electronics/electrical stores, jewelry/watch shops, linen shops includes bedding, musical instruments and materials stores, office supply stores, paint stores, photography equipment supply stores, secondhand stores, sporting goods stores, stationery, cards and paper goods stores toy stores and variety stores. This use excludes video rental stores, service of vehicle parts, and firearm/munition sales.

~~17~~16. *Retaining Wall*. A wall designed to contain and resist the lateral displacement of soil and of which such soil is at a higher elevation on one side of the wall.

~~18~~17. *Review Authority*. The City official or body responsible for approving or denying a permit application or other form of requested approval under the Zoning Ordinance.

~~19~~18. *Rooming House*. A building used for residential purposes, other than a hotel, where lodging for 5 or more persons, who are not living as a single household, is provided for compensation, whether direct or indirect. In determining the number of persons lodging in a rooming house, all residents shall be counted, including those acting as manager, landlord, landlady or building superintendent. See also Boarding House.

Section 50. That BMC Section 23.502.020(S)(21) through 23.502.020(S)(36) is amended to read as follows:

Commented [HJ63]: New definition and renumbering. Clarifying that the definition does not include J/ADUs

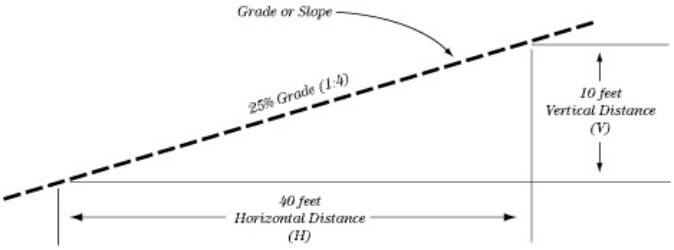
21. **Single-Family Residential**. A residential use that includes only one single-family dwelling, excluding ADUs and Junior ADUs, on a single lot.

22.~~21~~. **Single Residential Occupancy (SRO) Room.** A room for residential or sleeping purposes in a residential hotel which is designed for occupancy of one person only.

23. ~~22~~. **Skateboard Ramp.** A ramp, platform, course or facility used for skateboard riding and made of wood or other solid material.

24. ~~23.~~ **Slope.** The steepness of a site, measured as the ratio of the vertical distance to the horizontal distance between the highest and lowest points of the site. See Figure 23.502-5: Grade or Slope.

FIGURE 23.502-5**: GRADE OR SLOPE**



25.~~4.~~ **Small Vehicle Sales and Service.** An establishment which sells or leases long-term new, used, or pre-owned motorized vehicles other than passenger automobiles and trucks which are characterized by fewer than four wheels or a minimal frame. Types of vehicles sold or leased by this use include motorcycles, scooters, three-wheel motorcycles, electric carts, electric scooters, and such vehicles designed or refurbished for alternative fuels/power sources (alternative to conventional gasoline).

26. ~~5.~~ **Smoke Shop.** An establishment engaged primarily in the sale of tobacco and/or tobacco-related products.

27. ~~6.~~ **Solar Energy Device/Equipment.** Any solar collector or other solar energy device or any structural design feature of a building of which the primary purpose is to provide for the collection, storage or distribution of solar energy for space heating or cooling, water heating or the generation of electricity.

28.~~7.~~ **Sorority House.** A building used for group living accommodations by an organization recognized by the UC Berkeley, or other institution of higher learning.

29.~~8.~~ **Source Lot.** See Lot, Source.

30.~~29.~~ **Story.** See Section 23.106.060 (Story)

31.~~30.~~ **Street.** A public or private thoroughfare which provides principal means of access to abutting lots, including but not limited to, avenue, place, way, manor, drive, circle, lane, court, boulevard, highway, road and any other thoroughfare except an alley or a path as defined in this chapter.

32.~~31.~~ **Street Line.** The boundary between a lot and an adjacent street.

33. ~~32.~~ **Structural Alteration.** Any physical change to or removal of the supporting members of a building, foundation or bearing walls, columns, beams or girders or creation or enlargement of a window or door, change of a roofline or roof shape, including creating, enlarging or extending a dormer.

34. ~~33~~ **Structural Alteration, Public Safety.** Any structural alteration or physical change to a building that provides greater safety to the public or occupants by strengthening the building against seismic activity, which does not result in new floor area except that created by necessary structural improvements or physical changes as required under Municipal Code Chapter 19.38 and 19.39.

35. ~~34~~ **Structure.** Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. A building is a structure for the purposes of this chapter.

(a) **Accessory Structure.** A detached structure, other than an accessory building, in which non-habitable uses or activities other than the principal use of the property are conducted. Residential accessory structures include, but are not limited to, enclosed structures such as garages, carports, garden or tool sheds, and non-enclosed structures such as, but not limited to, fences, gazebos, ground-mounted satellite dishes, skateboard ramps and wheelchair ramps. Non-residential accessory structures include, but are not limited to, storage buildings, garages, sheds and other outbuildings.

(b) **Subterranean Structure.** A roofed structure constructed underground, with no building stories aboveground, of which the roof does not exceed 3 feet above the pre-existing grade. Such structures are either separated from a building or connected to a building only by a passageway or hallway with no openings to finished grade except for a doorway.

(c) **Temporary Structure.** A tent, tent-house, trailer, mobile office, mobile home or other movable structure or other temporary structure whose construction does not require a building permit.

36. ~~35~~ **Studio.** See Art/Craft Studio.

37. ~~36~~ **Supportive Housing.** As defined in Health and Safety Code 50675.14(b)(2), housing with no limit on length of stay that is occupied by the target population as defined in Health and Safety Code 50675.14(b)(3) and is linked to on- or off-site services that assist the supportive housing residents in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community.

Section 51. That BMC Section 23.502.020(T)(14) is removed as follows:

Commented [HJ64]: Removing obsolete definition.

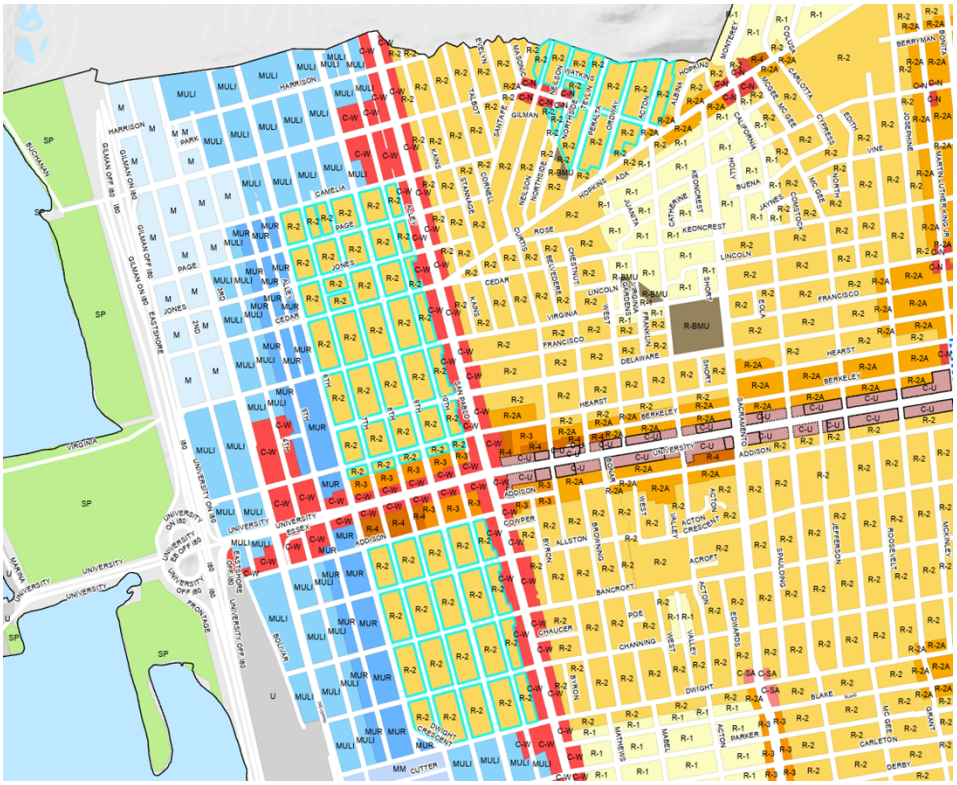
~~14. **Two-Family Dwelling.** A building or use of a lot designed for, or occupied exclusively by, two households.~~

Section 52. The effective date of this Ordinance shall be September 1, 2025.

Section 53: 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.

Attachment A
Proposed Zoning Map Changes

The zoning map below reflects the elimination of the R-1A zoning district and the redesignation of R-1A parcels as R-2 parcels. All affected parcels are outlined in light blue.



1831812.1

Office of the City Manager

REVISED
AGENDA MATERIAL
for Supplemental Packet 2

Meeting Date: **July 23, 2024**

Item Number: **1**

Item Description: **Zoning Ordinance and General Plan Amendments Related to Middle Housing**

Submitted by: **Jordan Klein, Director, Planning and Development**

Staff recommend delaying action to adopt the Middle Housing Zoning Ordinance Amendments in order to provide time to conduct Tribal Consultation on the proposed General Plan amendments, pursuant to SB-18. The revised agenda materials update staff's recommendation to request direction from the City Council on proposed zoning ordinance amendments.

Office of the City Manager

PUBLIC HEARING
July 23, 2024

To: Honorable Mayor and Members of the City Council

From: LaTanya Bellow, Interim City Manager

Submitted by: Jordan Klein, Director, Planning and Development

Subject: Zoning Ordinance ~~and General Plan~~ Amendments Relating to Middle Housing

RECOMMENDATION

Conduct a public hearing, and upon ~~conclusion: of~~ conclusion, provide direction to staff on an ~~Ordinance~~ ordinance amending Berkeley Municipal Code Title 23 (Zoning Ordinance) and the Zoning Map, for the purposes of encouraging development of "middle housing" in areas currently zoned R-1, R-1A, R-2, R-2A and MU-R ("low-density residential districts")~~; and~~.

~~1. Adopt a Resolution amending the General Plan Designations and Land Use diagram for the same purpose.~~

SUMMARY

The proposed ordinance includes zoning changes to encourage the development of Multi-Family Residential Uses in the R-1, R-1A, R-2, R-2A and MU-R zoning districts. The proposed changes include:

- Permit Single-Family Residential and Multi-Family Residential uses with a Zoning Certificate (ZC).
- Consolidate the R-1A and R-2 zoning districts.
- Revise development standards related to building height, lot coverage and setbacks, to permit larger residential buildings.
- Establish a new minimum density standard.
- Revise requirements related to Residential Additions and additional bedrooms.
- Permit demolition of single-family homes with a ZC if they are part of a project that includes a net increase in units.

The report also includes discussion of Alternative Actions Considered.

FISCAL IMPACTS OF RECOMMENDATION

The proposed zoning changes are intended to increase the development potential of properties in low-density residential districts. This could result in higher property tax revenues. These changes also allow for larger development projects compared to the current zoning regulations, so on average, the City can expect to collect more development fees on a per-project basis. These fees may include those for affordable housing (BMC 23.328), childcare if the projects involve non-residential uses (BMC 22.20), and public art (BMC 6.13). Additionally, the Berkeley Unified School District Facilities Fee could be expected to generate increased revenues.[1] However, the proposed zoning changes also include revisions that would streamline project approvals, which could reduce staff review times and accompanying fees.

CURRENT SITUATION AND ITS EFFECTS

In January 2023, the City Council adopted the 2023-2031 Housing Element Update. The Housing Element Update includes Program 29—Middle Housing, in which the City Council committed to amend the zoning code to allow multi-unit development on single lots in lower density districts.

Planning Commission Recommendation

At its meeting on February 7, 2024, the Planning Commission recommended that the City Council adopt an Ordinance amending Title 23 to facilitate the production of middle housing in low-density residential districts. ~~The proposed ordinance includes changes that require conforming General Plan Amendments, which require adoption via resolution.~~ The staff report for the February 7, 2024 meeting (***Attachment 5***) included staff recommendations that differed from the Planning Commission's ultimate recommendation; see the Alternative Actions Considered section for further detail.

The proposed zoning changes recommended by the Planning Commission are summarized in Table 1, along with the rationale and a summary of any notable Alternative Actions Considered by the Planning Commission. An annotated version of the proposed ordinance, which indicates the rationale for each change in the ordinance itself, is included as ***Attachment 2***. The following is a detailed description of the proposed changes:

TABLE 1 SUMMARY OF PROPOSED MIDDLE HOUSING ZONING AMENDMENTS

Ord. Sect.	BMC Section & Title	Description of Changes	Rationale	Alternative Action Considered
Title 23, Division 1 – General Provisions				

[1] April 2023. Berkeley Unified School District (BUSD) School Facility Fees. https://www.berkeleyschools.net/wp-content/uploads/2023/04/BUSD-School-Facility-Fee-Notice-7.28.22-002.pdf

1	23.108.020 Zoning Districts	• R-1A district removed. • R-1, R-2, and R-2A renamed.	Conforming edits.	
Title 23, Division 2 – Zoning Districts				
2	23.202.020 Allowed Land Uses Table	• R-1A district removed; • Two-Family land use type removed. • Multi-Family Residential land use type revised. • Single Family and Multi Family Residential permitted with a ZC in the R-1, R-2, and R-2A zoning district. • Supportive housing and low barrier navigation centers permitted with a ZC in the R-1 zoning district.	Permitting middle housing by-right. Compliance with State law (Gov. Code § 65651)	Permit Multi-Family Residential with a ZC, while Single-family homes would still require a UP(PH).
3	23.202.030 Additional Permit Requirements	• All Residential Additions permitted with a ZC in R-1, R-2 and R-2A zoning districts.	Promoting middle housing.	Only allow Residential Additions with a ZC if they include new units.
4	23.202.030 Additional Permit Requirements	• R-1A district removed. • All requirements for additional bedrooms removed.	Conforming edit. Promoting middle housing.	Only allow additional bedrooms with a ZC if they are part of new units.
5, 6	23.202.050 R-1 Title and District Purpose	• R-1 renamed. • District purpose revised.	Clarifying that R-1 is not a single-family only district.	
7	23.202.050 R-1 Development Standards	• Development standards revised: o Height. o Setbacks. o Lot Coverage. o Minimum density. o Open space.	Promoting middle housing.	Include Maximum FAR, Maximum Density, and Lot Coverage that vary by number of units.
8	23.202.060 R-1A District	• R-1A district removed.	Merging of R-1A and R-2 zoning districts.	
9, 10	23.202.070	• Renumbering.	Renumbering.	

	ES-R District			
11, 12	23.202.080 R-2 Title and District Purpose	• R-2 district renamed. • District purpose revised.	Conforming edit.	

13	23.202.080
	R-2 Development Standards
		• Development standards revised.
		  ○ Height.
		  ○ Setbacks.
		  ○ Lot Coverage.
		  ○ Minimum density.
		  ○ Open space.
			Promoting middle housing.	Include Maximum FAR, Maximum Density, and Lot Coverage that vary by number of units.

14, 15	23.202.090 R-2A Title and District Purpose	• R-2A district renamed. • District purpose revised.	Conforming edit.	

16	23.202.090
	R-2A Development Standards
		• Development standards revised.
		  ○ Height.
		  ○ Setbacks.
		  ○ Lot Coverage.
		  ○ Minimum density.
		  ○ Open space.
			Promoting middle housing.	Include Maximum FAR, Maximum Density, and Lot Coverage that vary by number of units.

17-34	Various	• Renumbering.	Renumbering.	
35	23.204.020 Allowed Land Uses in the Commercial Districts	• Revising residential use type titles.	Conforming edits.	
36	23.206.020 Allowed Land Use in Manufacturing Districts	• Two-Family land use type removed. • Multi-Family Residential land use type revised. • 100% residential projects permitted with a ZC in the MU-R district.	Permitting middle housing by-right in the MU-R.	Permit Multi-Family Residential with a ZC, while Single-family homes would still require an AUP.
37, 38, 39	23.206.030 MU-R Additional Permit Requirements	• Allow Major Additions with a ZC. • Provisions conditioning residential uses in the MU-R district removed.	Permitting middle housing by-right in the MU-R.	
40	23.206.090	• Development standards revised.	Promoting middle housing.	Include Maximum FAR

	MU-R Development Standards	○ Height. ○ Setbacks. ○ Lot Coverage. ○ Minimum density. ○ Open space.		and Maximum Density.
41	23.210.020 Hillside Overlay Zone	• Prohibition of multiple dwellings on a parcel in the R-2H removed.	Promoting middle housing.	
42	23.210.020 Hillside Overlay Zone Development Standards	• R-1A district removed; • 3 stories maximum removed (maximum height unchanged). • Maximum height for Additions same as for New Buildings.	Conforming edit. Promoting middle housing.	Take no action on Middle Housing provisions for the Hillside Overlay. Establish Lower Maximum Density controls in the Hillside Overlay. Establish Maximum height of 28 feet in the Hillside Overlay.
Title 23, Division 3 – Citywide Provisions				
43	23.304.030 Setbacks	• R-1A district removed.	Conforming edit.	
44	23.304.030 Allowed Setback Reductions	• R-1A district removed. • Revised minimum setback with reduction to 4 feet in the R-2 and R-2A zoning districts.	Conforming edits.	
45	23.304.040 Permits Required for Building Separation	• R-1A district removed.	Conforming edit.	
46-47	23.322.100 On-site Loading Spaces	• R-1A district removed.	Conforming edit	
48	23.326.030	• Demolition of single-family dwellings	Promoting middle housing.	Demolition permitted with

	Eliminating Dwelling Units through Demolition	permitted with a ZC, if project results in increased density.		an AUP, if part of middle housing project and not tenant-occupied.
Title 23, Division 5 – Glossary				
49	23.502.020 Defined Terms	• Revised definition of Multi-family Dwelling from three or more units to two or more units. • Define Multi-Family Residential land use type.	Promote middle housing. Conforming edit.	
50		• Remove definition of rear main building.	Conforming edit.	
51		• Add Single-Family Residential land use type.	Conforming edit.	
52		• Remove definition of Two-Family Dwelling.	Conforming edit.	
Zoning Map				
Att. A	Zoning Map	• Replace all R-1A zone labels with R-2.	Conforming edit.	

Consolidation of R-1A and R-2 and Renaming of R-1, R-2, and R-2A Zoning Districts

Planning Commission and City Council each noted to staff that there are negligible regulatory differences between the R-1A and R-2 zoning districts, and questioned whether a continued distinction is warranted. Consistent with this feedback, the proposed ordinance would merge the R-1A and R-2 zoning districts. Parcels that are currently zoned R-1A would be zoned R-2 (***Attachment 1, Exhibit A***). Within the proposed ordinance itself, this change would require the removal of the R-1A section of the zoning ordinance, as well as the deletion of occasional references to the R-1A zoning district throughout the code.

The proposed ordinance includes a revised naming scheme of the R-1, R-2 and R-2A zoning districts. As the R-1 zoning district is no longer a single-family residential district, and as all three districts would permit Multi-Family Residential uses with a Zoning Certificate, the three zoning districts are proposed to be renamed as follows:

- R-1 ~~Single-Family~~ Residential Multi-Unit 1
- R-2 ~~Restricted Two-family~~ Residential Multi-Unit 2

- R-2A ~~Restricted Multiple-Family~~ Residential Multi-Unit 2A

Planning Commission also considered further consolidation of zoning districts, as detailed in the Alternative Actions Considered section.

Permits and Levels of Discretion

Current Policy: Table 2 includes the current permit requirements in low-density residential districts for residential projects that include dwelling units.

TABLE 2 CURRENT PERMIT REQUIREMENTS

	R-1/R-1H	R-1A	R-2	R-2H	R-2A/ R-2AH	MU-R
Single-Family	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	AUP
Two-family	NP	UP(PH)	UP(PH)	NP	UP(PH)	AUP
Multi-Family	NP	NP	UP(PH)	NP	UP(PH)	AUP or UP(PH)
AUP: Administrative Use Permit **UP(PH)**: Use Permit with a Public Hearing **NP**: Not Permitted						

Proposed Standard: The proposed standards would combine Two-Family and Multi-Family Residential uses into a single Multi-Family Residential use type, which would apply to all projects with two or more units. Single-Family or Multi-Family Residential projects that comply with all objective standards would be permitted with a ZC; no discretionary permit or public hearing would be required. The proposed standards would not change any permit requirements for Group Living Accommodation or Mixed-Use Residential uses in these zones. Table 3 summarizes the recommendation:

TABLE 3 PROPOSED PERMIT REQUIREMENTS

	R-1(H)	R-2(H)	R-2A(H)	MU-R
Single-Family	ZC	ZC	ZC	ZC

Multi-Family Residential	ZC	ZC	ZC	ZC

Planning Commission also considered preserving the UP(PH) requirement for Single-Family Dwellings, as detailed in the Alternative Actions Considered section.

Residential Additions and Additional Bedrooms

The proposed ordinance includes changes to the regulation of Residential Additions in the R-1, R-2, and R-2A zoning districts. Currently, BMC Section 23.202.030 requires an AUP for a Residential Addition that exceeds a certain size, and the Residential Addition is subject to height limits that are more restrictive than those for new Main Buildings. The proposed ordinance would permit Residential Additions that comply with the development standards for Main Buildings with a Zoning Certificate. The proposed ordinance would also revise the maximum height for Residential Additions. Currently, the maximum height for Residential Additions in the R-1, R-2 and R-2A zoning districts is 14 feet. The proposed ordinance would include the same height limits for Residential Additions as exist for Main Buildings (28-foot average height and 35-foot maximum height. See Maximum Building Height, below).

Planning Commission also considered applying these revised standards only to Residential Additions that include new units, as detailed in the Alternative Actions Considered section.

The proposed ordinance would also remove additional requirements for bedrooms that are added to existing dwellings or lots developed with existing residential uses. Currently, BMC Section 23.202.030 requires an Administrative Use Permit (AUP) when adding a fifth bedroom to a lot, and a UP(PH) for adding any bedroom beyond the fifth to a lot. As the proposed ordinance would permit altogether new Multi-Family Residential buildings ministerially, requiring a discretionary review process for an additional bedroom would discourage the conversion or adaptive reuse of existing buildings.

Planning Commission also considered applying these new provisions for added bedrooms only when they are part of a project that includes new units, as detailed in the Alternative Actions Considered section.

Development Standard Revisions

The following sections summarize changes to the development standards in the proposed R-1, R-2, R-2A and MU-R zoning districts. The proposed development standards reflect the overall goals of City Council's referrals and Program 29-Middle Housing of the Housing Element to a) permit more development on a lot; and b) be based on objective standards that cannot be modified with additional permits or

discretionary processes. Existing and proposed development standards are summarized in tables in ***Attachment 4***.

Density Standard

Current Policy: The Berkeley Municipal Code does not include any minimum density standards for low-density residential zones that are expressed in "units per acre". In the R-1, R-1A, R-2, and R-2A districts, density is limited by requirements for a "minimum lot size per unit" standard and by specific residential land use types (e.g. "Single-Family," "Two-Family").

Proposed Standard: Table 4 summarizes the proposed density standards expressed in units per acre, and includes the number of units that may result from that standard on a typical 5,000 square foot lot in each zone. There is no minimum density requirement for lots in the Hillside (H) Overlay district. Minimum densities would apply for new development on a vacant lot or redevelopment and infill of existing nonvacant lots.

TABLE 4 PROPOSED DENSITY STANDARDS

	R-1	R-2	R-2A	MU-R
Minimum Density (DU/acre)	10	10	20	20
Resulting units on a 5,000 sf lot				
Minimum Units	1	1	2	2

The proposed density standards do not include any eligible Accessory Dwelling Units (ADUs).

Planning Commission also considered establishing Maximum Density Standards, as detailed in the Alternative Actions Considered section.

Building Height

Current Policy: The Berkeley Municipal Code generally limits average building heights for Main Buildings in most low-density residential districts to 28 feet and three stories, with a possible increase to 35 feet with an AUP. In the Hillside Overlay, the Zoning Officer may approve an AUP to increase the allowed average height (28 feet) and allowed maximum height (35 feet). In the MU-R, the maximum height is 35 feet and 3 stories without the need for an additional AUP. Current policy also limits the height of Residential Additions to 14 feet, with a possible increase to 35 feet with an AUP.

Proposed Policy: The proposed development standards for maximum building height include:

- The maximum *average* building height in low-density residential districts would be 28 feet.
- The maximum height in low-density residential districts would be 35 feet, but would be reduced to 22 feet within 15 feet of a rear property line.
- The limit on the maximum number of stories would be removed; maximum height would only be measured in feet.
- Height standards for Main Buildings and Residential Additions would be the same.

The proposed development standards largely preserve existing height limits, while providing pathways for slightly taller projects (and more dwelling units) through a nondiscretionary process based on objective standards. The proposed standards also include lower maximum heights near the rear property line, in consideration of potential impacts on neighboring properties and solar access.[2]

Planning Commission also considered establishing a lower maximum height standard within the Hillside Overlay, as detailed in the Alternative Actions Considered section.

Minimum Required Open Space

Current Policy: Table 5 summarizes current minimum open space requirements in low-density residential zones, on a per unit basis, as well as the proposed standard.

TABLE 5 MINIMUM REQUIRED OPEN SPACE STANDARDS

CURRENT	R-1(H)	R-1A	R-2(H)	R-2A(H)	MU-R
Per dwelling unit (sf)	400			300	150
PROPOSED	**R-1(H)**	**R-2(H)**	**R-2A**	**R-2AH**	**MU-R**
Per 1,000 sf of floor area (sf)	150				

Proposed Policy: The proposed development standard would require 150 square feet of open space for every 1,000 square feet of floor area on a project site. Required open space would no longer be based on the number of units, but on a project's total floor area. The proposed open space standard is designed to permit a larger percentage of

[2] Details of the solar access study conducted by staff in the preparation of these zoning changes can be found in the staff report for the September 20, 2022 City Council Worksession (pg. 13-14). https://berkeleyca.gov/sites/default/files/documents/2022-09-20%20WS%20Item%2001%20Residential%20Objective%20Standards.pdf

total lot area to be dedicated to residential development while also preserving the requirement to provide residents with usable open space.

Maximum Lot Coverage

Current Policy: Table 6 summarizes existing maximum lot coverage requirements. Current requirements distinguish between interior and corner lots, and reduce maximum lot coverage for taller projects.

TABLE 6 CURRENT MAXIMUM LOT COVERAGE STANDARDS

<table>
<tr><th></th><th>R-1</th><th>R-1H</th><th>R-1A</th><th>R-2</th><th>R-2H</th><th>R-2A</th><th>R-2AH</th><th>MU-R</th></tr>
<tr><td colspan="9">Interior & Through-Lots</td></tr>
<tr><td>1 story</td><td colspan="2" rowspan="3">40%</td><td rowspan="3">40%</td><td colspan="4">45%</td><td rowspan="3">100%</td></tr>
<tr><td>2 stories</td><td colspan="4">40%</td></tr>
<tr><td>3 stories</td><td colspan="4">35%</td></tr>
<tr><td colspan="9">Corner Lots</td></tr>
<tr><td>1 story</td><td colspan="2" rowspan="3">40%</td><td>50%</td><td colspan="4">50%</td><td rowspan="3">100%</td></tr>
<tr><td>2 stories</td><td rowspan="2">45%</td><td colspan="4">45%</td></tr>
<tr><td>3 stories</td><td colspan="4">40%</td></tr>
</table>

Proposed Policy: The proposed development standard would be 60% maximum lot coverage on all parcels in the R-1, R-1H, R-2, R-2H, R-2A and R-2AH zoning districts. Distinctions in lot coverage between interior/through lots and corner lots would be eliminated, as well as distinctions in lot coverage based on the number of stories. The Planning Commission recommended this lot coverage standard to increase developable area to facilitate the development of more units, and applied the standard across all zoning districts to eliminate any disparities in development intensity across zoning districts.

Planning Commission also considered establishing maximum lot coverage controls that vary based on the number of units included in a proposed project, as detailed in the Alternative Actions Considered section.

Minimum Setbacks

Current Policy: The Berkeley Municipal Code currently regulates four types of setbacks:

- Front and Rear Setbacks: Front and rear setbacks are 20 feet in the R-1, R-1H, R-1A, R-2 and R-2H zoning districts, and 15 feet in the R-2A and the R-2AH districts.

In the MU-R zoning district, lots adjacent to a non-residential district have no rear setback, unless they abut a street, in which case a 5-foot rear setback is required. A lot in the MU-R adjacent to a residential district must provide a rear setback of either 10 feet or 10% of the lot's width, whichever is less.

- Interior Side Setbacks: Interior side setbacks are based on building height. The interior side setback is 4 feet at the first story for all low-density residential districts, except the MU-R. At the second story, the interior setback increases to 6 feet in the R-2, R-2H, R-2A, and R-2H districts. Interior side setbacks can be reduced to 3 feet (or 5 feet) with a ZC.

  In the MU-R district, lots adjacent to a residential district must provide an interior side setback of either 10 feet or 10% of the lot's width, whichever is less. There are no other interior side setback requirements in the MU-R.

- Street Side Setbacks: Street side setbacks are 4 feet in the R-1, R-1H, and R-1A districts, 10 feet in the R-2 and R-2H districts, and vary by height in the R-2A and R-2AH districts (6 feet at first story, 8 feet at second story and 10 feet at third story).

  In the MU-R district, lots adjacent to a non-residential district must provide a 5-foot street side setback. Lots adjacent to a residential district must provide a street side setback of either 10 feet or 10% of the lot's width, whichever is less. There are no other street side setback requirements in the MU-R.

The Zoning Officer may approve an AUP to reduce the minimum setbacks in the H Overlay.

Proposed Policy: The proposed development standards include the following:

- Front Setbacks: Front setback standards would be reduced by 5 feet in the R-1 and R-2 zoning districts (from 20 feet to 15 feet) and the R-2A zoning district (from 15 feet to 10 feet), but would remain the same in the R-1H, R-2H, R-2A, R-2AH and MU-R zoning districts. Also, a project could provide a smaller setback that is the average of the front setback(s) of adjacent structure(s), if that is less than the required setback.

- Rear Setbacks: The rear setback in the R-1, R-2 and R-2A zoning districts would be 4 feet. The rear setbacks would remain 20 feet in the R-1H and R-2H zoning districts, and 15 feet in the R-2AH zoning district. The MU-R would maintain its existing regulations. The 4-foot rear setback is consistent with the setbacks required for ADUs. As noted above, a building's maximum height would be limited to 22 feet within 15 feet of the rear property line under the proposed ordinance.

- Interior Side Setbacks: The interior side setback in the R-1, R-2 and R-2A zoning districts would be 4 feet, but would be 5 feet in the R-1H, R-2H and R-2AH zoning districts. The MU-R would maintain its existing regulations. This increase reflects State Board of Forestry Zone Zero requirements, which call for an

ember-resistant zone within five feet of a structure in a Very High Fire Hazard Severity Zone. The proposed standards would also remove existing interior setbacks that increase at upper stories. These existing standards not only reduce available square footage for residential uses, but also result in buildings that are designed with a layered “wedding cake” appearance.

- Street Side Setbacks: Street side setbacks would be 4 feet in all low-density residential districts. There would be no changes to street side setbacks in the MU-R.

*Building Separation**Error! Reference source not found.***

Current Policy: Current building separation requirements (that is, the required separation between each building on a single lot) are summarized in Table 7

TABLE 7 CURRENT BUILDING SEPARATION STANDARDS

	R-1(H)	R-1A	R-2(H)	R-2A(H)	MU-R
1 story	No min	8 ft.			No min
2 stories		12 ft.			
3 stories		16 ft.			
Reduce with an AUP	--	Yes			--

Proposed Policy: The proposed development standards would create a 5-foot building separation requirement, regardless of the height of the proposed project, and an 8-foot building separation requirement for parcels in the H overlay. This requirement would be consistent with the separation requirements for ADUs, and would also remove a development standard that has resulted in buildings designed with a layered “wedding cake” appearance.

Demolition of Single-Family Structures

Current Policy: Recent updates to BMC Chapter 23.326 *Demolition and Dwelling Unit Control*, the second reading of which was adopted on July 9, provide for the demolition of single-family structures without sitting tenants via an AUP as long as the proposed project would result in a net increase in the number of dwelling units.

Proposed Policy: Pursuant to the adopted Housing Element, which commits the City Council to consider permitting the demolition of single-family homes with a Zoning Certificate, with provisions to protect existing tenants, in cases where the proposed project would include a net increase in the number of dwelling units, the proposed ordinance includes this provision.

Planning Commission also considered permitting demolition with an AUP, as detailed in the Alternative Actions Considered section.

City Council Referrals

The proposed zoning amendments are prepared in response to several City Council referrals to create objective development standards and promote denser development in low-density residential zones, as shown in Table 8:

TABLE 8 CITY COUNCIL REFERRALS

Housing Accountability Act (7/11/2017)	Requested research into a set of objective zoning standards for new development projects in the following four areas: • Density and/or building intensity • Public health and safety standards • Design review standards • Views, shadows, and other impacts that underlie detriment findings
Missing Middle Housing (4/23/2019)	Examine methods to provide for a broader range of housing types in areas of Berkeley with access to parks, schools, employment, transit, and other services. The Council directed the City Manager to explore opportunities to allow "missing middle" housing types in the R-1, R-1A, R-2, and R-2A zoning districts.
Eliminating Exclusionary Zoning (2/23/2021)	Allow multi-family housing in residential neighborhoods throughout Berkeley, and to allow for small-scale multi-family development in the R-1, R-1A, R-2, and R-2A zoning districts. As part of this effort, the resolution calls for the city to also: • Protect public safety in all neighborhoods • Allow for new housing that reflects the existing mix of multi-family housing types within neighborhoods • Provide strong anti-displacement and tenant protections • Accommodate families in new and rehabilitated multi-family housing developments • Ensure that new development does not demolish any rent-controlled or below market-rate housing • Explore incentives for projects to contribute to the need for affordable housing • Carry out a robust community process when developing zoning changes.
Objective Standards for Density, Design, and Shadows (11/9/2021)	Consider and codify objective zoning standards with the goal of encouraging the creation of additional residential development and affordable homes. Further purposes include: • Address State laws that seek to reduce time involved in permitting processes • Increase certainty for applicants • Reduce administrative costs and burden associated with discretionary review.

Community Engagement to Date

Planning and Development staff conducted significant community engagement, regarding middle housing standards, both as a program within the adopted Housing Element and as a set of policy proposals in their own right. The outreach and engagement plan for the adopted Housing Element included 20 stakeholder interviews, a community-wide survey, 20 small format meetings, three work sessions with the City Council, tabling at community events, three public workshops, and 10 City boards and commission meetings (see Table 9).

While not all of these outreach efforts or events were specifically focused on Middle Housing, redevelopment within existing residential areas was a consistent theme in all of staff's outreach. Consultation with residents and neighborhood groups was a key part of the development of specific standards to encourage multi-unit development, within a framework based on City Council's direction in the Missing Middle Housing and Eliminating Exclusionary Zoning referrals.

The proposed zoning amendments include many elements that were directly informed by community engagement. For example, early in the process, staff heard consistent feedback that permitting larger buildings in existing residential areas may result in shadows that could have an adverse impact on solar power generation and could limit solar access to private open space. As a result of this feedback, staff engaged a consultant to conduct solar studies to ascertain the solar access effects off taller buildings. Based on these studies, staff is recommending a 35-foot average maximum height limit to help minimize impacts to solar access for most neighboring properties in existing residential areas.

Another common concern was the potentially adverse impact of more building mass in existing residential areas. Residents understood the need to provide more housing but did not want development standards to simply result in larger single-family homes. Staff's recommendation reflected this feedback in two ways. First, the development standards include lower maximum heights in the rear 15 feet of a building lot, to limit overall building bulk and to preserve air and light in mid-block open space. Second, staff's recommendation included scaling floor area ratio and lot coverage so that the development of larger buildings was more directly related to the provision of more housing units.

TABLE 9 COMMUNITY, COMMISSION AND COUNCIL MEETINGS

September 21, 2021	City Council Worksession #1 *Housing Element Update*
November 24, 2021-January 31, 2022	Community Walking Tours *West Berkeley Middle Housing Examples*

December 7, 2021	Public Workshop #1 *Housing Element & Residential Objective Standards*
December 9, 2021	City Council Worksession #2 *Housing Element Update*
December 15, 2021	Planning Commission and Zoning Adjustments Board Subcommittee *Residential Objective Standards*
January 27, 2022	Public Workshop #2 *Housing Element & Residential Objective Standards*
February 16, 2022	Planning Commission and Zoning Adjustments Board Subcommittee *Residential Objective Standards*
March 15, 2022	City Council Worksession #3 *Housing Element Update and Residential Objective Standards*
June 1, 2022	Planning Commission *Objective Standards for Middle Housing*
June 29, 2022	Public Workshop #3 *Housing Element & Residential Objective Standards*
September 20, 2022	City Council Worksession *Residential Objective Standards: Middle Housing and Southside*
August 2023	City Councilmember Briefings *Middle Housing*
November 1, 2023	Planning Commission *Middle Housing Discussion*
February 2, 2024	Planning Commission *Public Hearing: Middle Housing Zoning Changes*

The proposed zoning amendments are designed to satisfy the requirements of Program 29—Middle Housing in the adopted Housing Element.

Implications for Historic and Cultural Resources

As the Environmental Impact Report for the Housing Element disclosed, “development accommodated by the proposed Housing Element Update [including middle housing and by-right demolition] could adversely affect known and previously unidentified historic period resource.” Currently, the requirement to obtain a Use Permit to demolish a structure requires properties more than 40 years old to be subject to an Historic Resource Evaluation (HRE), which helps establish whether a property is an historic or cultural resource. If demolition were permitted with a ZC, an HRE would not be required. As a result, some properties that have not yet had their historic or cultural resources status evaluated could be subject to demolition without preservation review.

The Housing Element EIR includes the following mitigation measure to address this potential impact:

> **CUL-1 Historic Context Statement, Cultural Resources Survey and Designations.** During the period of this Housing Element, the City should conduct a citywide historic context statement and a cultural resource survey to identify historic resources, with priority given to sites in the EIR Site Inventory, to determine if there are designed built environment features which are over 40 years of age proposed to be altered or demolished. Designation of historic or cultural resources should be conducted by the Landmarks Preservation Commission pursuant to 3.24.260 of the Berkeley Municipal Code.

The development of a citywide historic context statement has been proposed but has not yet been initiated. To reduce the time and cost related to such a study, an historic context statement could also be focused geographically on areas of the city that are either a) particularly rich in potential historic resources, and/or b) are anticipated to experience redevelopment as a result of the proposed ordinance.

Technical Edits

The proposed ordinance includes the following technical edits:

- *Renumbering of BMC Sections*. For ease of review, sections of the proposed ordinance that are exclusively renumbering of existing sections are highlighted in gray in ***Attachment 2***.

- *Low-Barrier Navigation Center and Supportive Housing.* Government Code Section 65651 requires supportive housing and low barrier navigation centers to be a use by-right in any zone that permits multifamily uses. As the proposed ordinance would permit Multi-Family Residential uses in the R-1 zoning district, the Residential Allowed Use table would be amended to permit supportive housing and low barrier navigation centers with a ZC in the R-1 zoning district to comply with state law.

~~*General Plan Amendments*~~

~~The proposed zoning changes require conforming General Plan amendments. ***Attachment 3*** is a resolution that includes the text of these amendments. The amendments are summarized below:~~

- ~~*Removal of R-1A Zoning District*: The proposed zoning changes include consolidating parcels currently zoned as R-1A and R-2 into a single R-2 zoning~~

district. The proposed General Plan amendments include removal of references to the R-1A zoning district.

- *Land Use Classification Descriptions*: Currently, there are three different land use classifications that characterize the R-1, R-1A, R-2, and R-2A zoning districts:
    1. Low Density Residential for the R-1 and Environmental Safety Residential (ES-R) zoning districts.
    2. Low Medium Density Residential for the R-1A and R-2 zoning districts.
    3. Medium Density Residential for the R-2A and R-3 zoning districts.

  Staff proposes reducing the number of land use classifications that apply to these districts to two. This is consistent with the Planning Commission's recommendation to consolidate the R-1A and R-2 zoning districts and to adopt development standards that are largely consistent across these low-density residential zoning districts. Specifically, staff recommends:

    1. Renaming the Low Residential classification to Lower Density Residential.
    2. Assigning the Medium Density Residential classification to the R-2, R-2A and R-3 zoning districts.
    3. Including technical edits that reflect the Planning Commission's recommendation with respect to the names of zoning districts and the proposed development standards.

  The proposed General Plan amendments also include minor changes to the Mixed-Use Residential land use classification to accurately state the zoning district's Floor Area Ratio and height regulations.

- *General Plan Map Amendments:* Consistent with the recommended General Plan text changes, the General Plan Map would be amended to a) rename the Low Density Residential classification; and b) expand the Medium Density Residential classification to include the R-2 and R-2A zoning districts.

BACKGROUND

City Council and Planning Commission Review

The City Council has held four Worksessions to discuss middle housing and residential objective standards. During these sessions, City Council considered issues such as how best to encourage a diversity of housing types, differentiation of standards in the Very High Fire Hazard Severity Zones, affirmatively furthering fair housing, and solar access.

Beginning in late 2021, the full Planning Commission and its Housing Element Subcommittee discussed middle housing on five occasions, and conducted a public

hearing on February 7, 2024 to recommend the proposed ordinance. The following list summarizes notable discussion points from each of those meetings, and feedback that the Commission provided to staff to inform the development of the ordinance:

December 15, 2021 and February 16, 2022: Planning Commission and Zoning Adjustments Board Subcommittees

- Encourage smaller units that are "affordable by design."
- Permit more density while discouraging financial speculation.
- Balance the environmental trade-offs between protecting rooftop solar access and higher densities.

June 1, 2022: Planning Commission Discussion: Objective Standards for Middle Housing[3]

- Encourage smaller unit sizes and consider eliminating minimum lot size requirements.
- Reduce the minimum dimensions for required open space.

November 1, 2023: Planning Commission Discussion: Middle Housing[4]

- Prepare zoning ordinance amendments to encourage middle housing:
    - Include parcels located in the Hillside Overlay zone.
    - Remove the Floor Area Ratio (FAR) Maximum standard, as building bulk is sufficiently regulated through height and setback standards.
    - Remove the Maximum Residential Density standard, as regulating building size is the goal of the development standards, not limiting the number of units.
    - Increase Maximum Lot Coverage on all parcels to 60%, regardless of the number of units included in a proposed project.

- Prepare zoning amendments to permit demolition of single-family dwellings with a zoning certificate if associated with a middle housing project.

[3] Agenda: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2022-06-01%20PC%20Agenda%20Packet_Final.pdf
[4] Agenda: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2023-11-01_PC_Agenda_Packet_Paginated.pdf

Relevant State Laws

Senate Bill 9 (SB 9) requires jurisdictions to ministerially approve two residential units on a parcel within a single-unit residential zone if the development meets specific objective criteria. The bill also requires ministerial review of projects proposing to subdivide one lot into two lots, each with a minimum area of 1,200 square feet, within a single-unit residential zone. It permits up to two units on each parcel (four total dwelling units on what was formerly a single-unit lot) and the new units can be achieved through new construction or conversions/ additions to existing structures. SB 9 applies to all single-family residential parcels not within historic districts, ecologically sensitive zones and other protected areas. In Berkeley, SB 9 applies to the R-1 and R-1H zoning districts.

The proposed ordinance includes provisions which permit Multi-Family Residential uses in the R-1 zoning district. Consequently, the R-1 zoning district would no longer be a single-family residential zone under State law, and SB 9 would no longer apply to parcels in that district.

Senate Bill 35 (SB 35) allows qualified multifamily infill projects to go through a ministerial housing approval process. Eligible projects must provide a minimum share of affordable units, follow certain labor provisions, and be consistent with objective standards. Qualifying projects are not subject to discretionary processes, such as CEQA environmental review and public hearings. Eligible projects with 150 units or fewer (such as middle housing projects) must be approved within 90 days and projects with more than 150 units must be approved within 180 days.

The proposed ordinance includes the codification of objective development standards for residential projects in the low-density residential zones. Middle housing projects located in low-density residential districts could be eligible for SB 35's streamlining provisions.

Senate Bill 478 (SB 478) prohibits a local agency from imposing an FAR less than 1.0 on a housing project with three to seven units, or less than 1.25 on a housing project with eight to 10 units.

State Density Bonus Law grants certain allowances for projects that include a stipulated amount of affordable housing. Such projects are permitted to include more units and to waive certain development standards, including maximum height, lot coverage, and open space requirements. Projects that utilize State Density Bonus are typically larger than the projects that are encouraged by the proposed zoning changes,[5] but a project

[5] The smallest project that has utilized State Density Bonus in the past two years in Berkeley included 11 units.

could not be prevented from using the State Density Bonus under the proposed zoning changes.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Housing Element Update EIR

Development projections for this project and all reasonably foreseeable growth resulting from development contemplated by the City's updated Housing Element were analyzed in the Environmental Impact Report (EIR) for the 2023-2031 Housing Element Update ("Housing Element Update EIR"), which was certified by the City Council on January 18, 2023.[6]

The Housing Element EIR identified one significant and unavoidable environmental impact related to Cultural Resources (impacts to historic-period resources), one significant and unavoidable impact related to Noise (temporary construction noise) and four significant and unavoidable impacts related to Wildfire (emergency evacuation and response, wildfire risk and pollutant exposure, terrain and slope impacts, and infrastructure). All other environmental effects of the proposed Project can be reduced to less than significant levels through implementation of Standard Condition(s) of Approval and/or recommended mitigation measures. The adoption of the Housing Element EIR included a statement of overriding consideration that provides reasons the Housing Element could be adopted even though those impacts could occur.

RATIONALE FOR RECOMMENDATION

The proposed ordinance includes the Planning Commission's recommended zoning ordinance amendments to encourage the development of middle housing in low density residential districts, consistent with Housing Element Program 29—Middle Housing and City Council referrals. The Alternative Actions Considered section, below, includes discussion of some policy alternatives that the City Council may also consider.

ALTERNATIVE ACTIONS CONSIDERED

In the course of developing its recommendation, the Planning Commission considered a number of other ordinance amendments recommended by staff.

Permit Requirements, Maximum Floor Area Ratio and Lot Coverage

During the middle housing policy development process, staff received feedback from both the City Council and the Planning Commission that the middle housing standards should promote the creation of more housing units, and should not simply allow larger unit sizes at low densities. The key trade-off within middle housing is that larger

[6] Housing Element Update 2023-2031 Final EIR. https://berkeleyca.gov/sites/default/files/documents/ATT%202%20FEIR_RTC.pdf

development projects are permitted, with the understanding that these projects contribute to addressing the city's housing shortage by providing more housing units. In response, staff proposed development standards that would scale based on the number of units included in a proposed project; that is, if a project includes more units, it can be larger.

While the proposed ordinance includes development standards that would permit Multi-Family Residential uses that include more units, they would also streamline the approval of larger Single-Family Residential uses. By treating all housing types similarly, the proposed ordinance does less to incentivize projects that include more units as compared to single-family dwellings. The Planning Commission generally did not support development standards that scaled up with the number of units, preferring instead a set of standards that incentivized all types of new housing while maximizing flexibility in the project design process.

Staff had recommended three specific provisions that were designed specifically to incentivize Multi-Family Residential uses that were not recommended by the Planning commission, and are therefore not included in the proposed Ordinance:

1. **Permit Approvals**: Consistent with Program 29-Middle Housing in the adopted Housing Element Update, staff had proposed permitting Multi-Family Residential uses with a Zoning Certificate, while still requiring a Use Permit for a Single-Family Residential use. The lower permit threshold for Multi-Family Residential would provide an incentive for a project sponsor to consider a Multi-Family Residential project.

2. **Maximum Floor Area Ratio (FAR)**: While an effective maximum FAR can be calculated based on existing standards for lot coverage and maximum height, the Berkeley Municipal Code does not include a specific FAR standard in the R-1, R-1H, R-1A, R-2, R-2H, R-2A, and R-2AH districts. The City Council had provided feedback to staff to consider scaling an FAR standard to increase as the number of units increase on a site, and previous Zoning Adjustments Board and Planning Commission subcommittees have supported standards that encourage the development of smaller or medium-sized, cost-efficient units.

   The proposed ordinance does not include Maximum FAR. The Planning Commission felt that building size was sufficiently regulated by height, setback and lot coverage standards, and that an additional development standard would complicate the project design process and was unnecessary.

   Table 10 includes the Maximum FAR standards staff recommended to the Planning Commission:

TABLE 10 PROPOSED MAXIMUM FAR STANDARDS

	R-1(H)	R-2(H)	R-2A(H)	MU-R
1 unit and nonresidential	1.2	1.2	1.2	1.5
2 units	0.5	0.6	0.6	1.5
3-7 units	1.2	1.2	1.5	1.5
8 + units	1.5	1.25	1.75	1.75

3. **Maximum Lot Coverage**: Similar to the rationale for scaling FAR by project size, staff had originally proposed scaling Maximum Lot Coverage by unit count. Staff received feedback that the middle housing standards should be designed to encourage projects that included more units, not to simply allow larger single-family dwellings. Staff's recommendation also preserved some of the distinctions between the R-1, R-2, and R-2A districts that permitted less lot coverage in traditionally lower-density zones.

   The proposed ordinance includes a single Maximum Lot Coverage standard of 60% in the R-1(H), R-2(H) and R-2A(H) zones. The Planning Commission identified that the existing lot coverage standards were the most limiting development standard with respect to the promotion of middle housing projects, and so proposed a single, more expansive standard. The Planning Commission also noted that a single standard for all R-districts was more geographically equitable.

   Table 11 shows the Maximum Lot Coverage Standards staff recommended to the Planning Commission:

TABLE 11 PROPOSED MAXIMUM LOT COVERAGE STANDARDS

	R-1	R-2	R-2A	MU-R
1-2 units & non-residential	40%	50%	50%	100%
3-7 units	50%	55%	55%	100%
8+ units	55%	55%	60%	100%

Without provisions to scale allowed density based on the number of units proposed, Middle Housing zoning amendments could incentivize larger single-family homes rather than Multi-Family Residential Uses. For example, under the proposed ordinance, a single-family home with 60% lot coverage would be permitted with a ZC in the R-1 zoning district. Currently, a Use Permit is required, and the maximum lot coverage is 40%.

Maximum Density

Staff recommended both Minimum and Maximum Density standards to the Planning Commission. The recommendation was based on feedback that while the standards should encourage the development of more housing, middle housing projects should reflect the existing mix of multi-family housing types within neighborhoods. A Maximum Density standard would provide that, as well as a degree of predictability for existing residents as to what proposed projects may include.

The proposed ordinance does not include a Maximum Density Standard. The Planning Commission felt that the height, setback and lot coverage standards were sufficient to regulate project size, and that allowable project size would naturally limit densities to reasonable levels without the need to explicitly prohibit more than a certain number of units.

Error! Reference source not found. Table 12 shows the Minimum Density Standard recommended by Planning Commission alongside the Maximum Density Standard staff recommended to the Planning Commission, as well as the number of units that would result from the standards on a typical 5,000 square foot lot.

TABLE 12 DENSITY STANDARDS

	R-1	R-1H	R-1A	R-2	R-2H	R-2A	R-2AH	MU-R
Minimum Density (DU/acre)	10	No min.	10	10	No min.	20	No min.	20
Maximum Density (DU/acre)	25	20	35	35	20	55	55	55
Resulting units on a 5,000 sf lot								
Minimum Units	1	No min.	1	1	No min.	2	No min.	2
Maximum Units	3	2	4	4	2	6	6	6

Hillside Overlay

The City is currently undertaking a study of emergency evacuations of the Very High Fire Hazard Severity Zones and is also updating its Safety Element. Staff recommended to the Planning Commission that the middle housing zoning standards should not be applied to parcels in the Hillside Overlay zone until this study is completed. This would allow the policymakers to use the study to inform any zoning change that would result in

density increases in the Very High Fire Hazard Severity Zones. Opportunities to increase density in most of the Hillside Overlay (areas zoned R-1H) would still be available, pursuant to SB 9, to encourage middle housing.

The proposed ordinance includes parcels in the Hillside Overlay. The Planning Commission noted that it is important to ensure geographical equity in the accommodation of new housing units. The Planning Commission also recognized that recommendations could arise from the evacuation study and the preparation of the Safety Element and suggested that any needed changes to the standards could be introduced at a later date.

At its September 20, 2022 worksession, the City Council reviewed a proposed height standard that would reduce the Maximum Building Height within the Hillside Overlay to 28 feet (as opposed to 35 feet outside of the Hillside Overlay). The City Council also reviewed lower minimum and maximum density standards in the Hillside Overlay, as shown in Table 12 above. These standards were proposed to address concerns for both wildfire mitigation (e.g., less fire fuel in the form of building materials), structural fireground operations (e.g., ground ladder placement for access to windows and roof), and view preservation.

Residential Additions and Added Bedrooms

The proposed ordinance includes permitting Residential Additions with a ZC if they comply with the development standards for a Main Building, and revises the maximum height for Residential Additions to match those for Main Buildings. The proposed ordinance also includes a revision which removes additional requirements for bedrooms that are added to existing dwellings or lots developed with existing residential uses.

Staff recommended that these changes only apply in cases where a Residential Addition, or any additional bedrooms, are associated with the provision of new units. Staff thought it was inconsistent to allow new units with a ZC if they were included in a new development project, but to maintain a discretionary process for new units that happen to be part of an existing building. This approach was also consistent with feedback that the middle housing standards were to promote the development of Multi-Family Residential uses, not just the expansion of existing or proposed Single-Family Uses, as well as promote the adaptive reuse of existing buildings.

The proposed ordinance expanded these changes to apply to any Residential Addition and any new bedroom, even if the new Residential Addition or new bedroom did not result in a new unit, but only expanded an existing unit. The Planning Commission felt that the development standards should be more flexible to accommodate what it felt were shifting trends in household configurations and sizes, including cohousing and multi-generational households.

Administrative Use Permit for Demolition

The proposed ordinance includes a provision that permits demolition of a single-family home with a Zoning Certificate as long as the demolition is part of a project that results in a net increase in units. Program 29—Middle Housing in the adopted Housing Element included a requirement that the City Council consider this specific policy.

At its meeting of June 25, 2024, the City Council held a public hearing on proposed changes to BMC Chapter 23.326 (Demolition and Dwelling Unit Controls), which included permitting demolition of a single-family home with an AUP, as long as the demolition would be part of a project that included a net increase in units and the single-family home was not occupied by tenants.

At its meeting of February 7, 2024, the Planning Commission held a public hearing on the proposed middle housing ordinance. Accordingly, the proposed ordinance now includes permitting the demolition of single-family homes with a ZC.

Parking Maximums

BMC Section 23.322.070—Off-Street Parking Maximums for Residential Development limits the amount of off-street parking that can be provided for new residential projects of two or more units within 0.25 miles of a major transit stop or transit corridor to one space for every two units. The parking maximum can be exceeded with an AUP.

Since 2021, when residential parking requirements were modified to incorporate parking maximums, many smaller, middle housing-scale projects have requested AUPs to exceed the parking maximum, usually to a ratio of one space per unit. Project sponsors, as well as the middle housing architects interviewed as part of community outreach, note that the maximum parking standard discourages middle housing production as builders are concerned about selling or renting units, particularly those that are marketed to first-time homebuyers and families with children. The ZAB has been sympathetic to these concerns for middle housing-scale projects and has regularly issued AUPs to permit more parking.

Staff had asked the Planning Commission to consider possible revisions to parking maximums. Feedback from community outreach included the following suggestions:

- Eliminating parking maximums for projects of 9 units or less; or
- Adjusting the parking maximum to one space per unit for middle housing projects, with an added requirement that the spaces have chargers for electric vehicles.

While the Planning Commission acknowledged that parking maximums may make the marketing of middle housing projects more difficult, it indicated that existing policies related to greenhouse gas reduction and promoting alternatives to private vehicle travel continue to justify this policy and declined to recommend revisions to parking maximums.

Consolidation of Residential Zoning Districts

The proposed ordinance includes the elimination of the R-1A zoning district, merging it with the R-2 zoning district, as the two districts would be regulated similarly under the proposed ordinance.

Staff's recommendation to Planning Commission at its February 7, 2024 meeting included a number of development standards which the Commission did not ultimately include in its recommendation, specifically for Maximum FAR, Maximum Density and Maximum Lot Coverage. While these standards included distinctions across the zoning districts, their removal left only two development standards that differed across the districts: the Minimum Density Standard (10 du/acre in the R-1 and R-2; 20 du/acre in the R-2A and MU-R), and the minimum front setback standard (15 feet in the R-1/R-2, 10 feet in the R-2A, and between 5 feet and 10 feet in the MU-R). Accordingly, the Planning Commission discussed, but did not propose, that additional consolidations may be warranted.

Staff notes that although the development standards may be similar across the districts, there are distinctions in allowed land uses that can justify maintaining distinct zones. Mixed-Use Residential projects, for example, would still not be permitted in the R-1, and the MU-R district would continue to permit a wider range of residential and non-residential uses than the R-prefix districts.

CONTACT PERSON
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Attachments:
1: Ordinance
    Exhibit A: Parcels Rezoned from R-1A and R-2
2: Proposed Ordinance, Annotated
3: Resolution: General Plan Amendments
4: Development Standards Tables
5: Planning Commission Report: February 7, 2024
6: Public Hearing Notice

ATTACHMENT 4

Table 1. Existing Development Standards

"-" = not applicable; P = Permitted UPPH = Use Permit Public Hearing NP = Not Permitted *Use-Specific Regs Apply		R-1 Single-Family	R-1A Ltd Two-Family	R-2 Restricted Two-Family	R-2A Restricted Multiple-Family	MU-R Mixed-Use Residential
Single-Family		UPPH	UPPH	UPPH	UPPH	AUP
Two-Family		NP	UPPH	UPPH	UPPH	AUP
Multi-Family		NP	NP	UPPH	UPPH	AUP/UPPH [10]
Low Barrier Navigation Center		NP	NP	ZC	ZC	ZC
Supportive Housing		NP	NP	ZC	ZC	ZC
Min Lot Area (SF)	New Lots	5000	5000	5000	5000	No min
	Min Lot Width (ft)	-	-	-	-	40
	Per DU	No min	No min	2500	1650	1,250
	2 Units	-	4500	No min	No min	-
Min Open Space (SF)	Per DU	400	400	400	300	150
	Live/Work	-	-	-	-	40
Max Avg Height, New Bldg or Non-Resi Addition (ft) Hillside max height 35'	Base	28	28	28	28	-
	Increase w/AUP	35	35	35	35	35
	Max Avg Height, Rear Main (ft)		22			
	Max Height, Resi/MU	-	-	-	-	35
	Max Height, Live-Work	-	-	-	-	28
	Live/Work w/UP	-	-	-	-	35
Max Avg Height, Resi addition (ft)	Base	14	14	14	14	-
	w/ AUP	35	35	35	35	-
Max Stories, New Bldg or Non-Resi Addition	Base	3	3	3	3	3
Max Stories, Rear Main		-	2	-	-	-
Max Lot Coverage Interior/Thru (%)	1 story	40	40	45	45	100
	2 stories	40	40	40	40	100
	3 stories	40	40	35	35	100
	Increase w/ AUP	-	-	-	-	100
Max Lot Coverage Corner (%)	1 story	40	45	50	50	100
	2 stories	40	45	45	45	100
	3 stories	40	45	40	40	100
	Increase w/ UP	-	-	-	-	-
Min Setback, Front (ft)	1st-2nd Story	20	20	20	15	-
	3rd Story	20	20	20	15	-
	Adjacent Non-R Dist	-	-	-	-	5
	Adjacent R Dist	-	-	-	-	10
	Reduce w/ AUP	-	-	-	-	No min
Min Setback, Rear (ft)	1st-2nd Story	20	20	20	15	-
	3rd Story	20	20	20	15	-
	Adjacent Non-R Dist	-	-	-	-	0/5 [11]
	Adjacent R Dist	-	-	-	-	10/10% [12]
	Reduce w/ ZC	20%[3]	20%[3]	-	-	-
	Reduce w/AUP	-	12[6]	-	-	-
Min Setback, Interior Side (ft)	1st-2nd Story	4	4	4	4	-
	3rd Story	4	4	6	6	-
	1st-2nd Story w/ ZC	3/10%[4]	3/10%[4]	3/10%[4]	3/10%[4]	-
	3rd Story w/ ZC	3/10%[4]	3/10%[4]	5[4]	5[4]	-
	Adjacent Non-R Dist	-	-	-	-	0
	Adjacent R Dist	-	-	-	-	10/10% [12]
Min Setback, Street Side (ft)	1st Story	4	4	10	6	-
	2nd Story	4	4	10	8	-
	3rd Story	4	4	10	10	-
	Adjacent Non-R Dist	-	-	-	-	5
	Adjacent R Dist	-	-	-	-	10/10% [12]
Min Setback, Int/Street Rear Bldg (ft)		-	6	-	-	-
Min Bldg Separation (ft)	1st story	No min	8[9]	8	8	No min
	2nd story	No min	12[9]	12	12	No min
	3rd story	No min	16[9]	16	16	No min
	Reduce w/UP	-	P(AUP)	P(AUP)	P(AUP)	-

[1] If min 50% of floor area is Residential, UP to increase GLA density
[2] If min 50% of floor area is Residential
[3] On a lot less than 100 ft deep, reduction of rear setback by 20% of lot depth with ZC.
[4] Whichever is greater. Lot width less than 40 ft, NP for rear main buildings in R-1A
[5] If MU or Residential W of San Pablo Ave
[6] To construct a dwelling unit and would not cause detrimental impact on neighboring properties.
[7] Lots <5,000 SF, no reductions for property lines abutting a property under different ownership.
[8] Lot <5,000 SF, max 1 dwelling unit and max gross floor area of 1,000 SF.
[9] R-1A Separation Standard based on building height, not by story.
[10] 3 to 4 units requires AUP, 5+ units requires UP(PH)
[11] Min 5 ft rear setback if rear of lot abuts a street
[12] 10 ft of 10% of lot width, whichever is less

Table 2. Proposed Development Standards (DO NOT apply to R-1H, R-2H or R-2AH)

"-" = not applicable; P = Permitted UPPH = Use Permit Public Hearing NP = Not Permitted *Use-Specific Regs Apply		R-1 Residential Multi-Unit 1	R-2 Residential Multi-Unit 2	R-2A Residential Multi-Unit 2A	MU-R Mixed-Use Residential
Single-Family		ZC	ZC	ZC	ZC
Multi-Unit Residential		ZC	ZC	ZC	ZC
Low Barrier Navigation Center		ZC	ZC	ZC	ZC
Supportive Housing		ZC	ZC	ZC	ZC
Min Density (DUA) - Round to the nearest whole number[1]		10	10	20	20
Max Density (DUA) – Round to nearest whole number		40	50	60	60
Min Lot Area (SF)	New Lots	5000	5000	5000	No min
Min Open Space (SF)	Per 1,000 sf floor area	150	150	150	150
	Live/Work	-	-	-	40
Maximum Height (ft) Main Buildings and Additions	Maximum	35	35	35	35
	Within 15' of rear property line	22	22	22	22
Max Lot Coverage (%)		60	60	60	100
Min Setback, Front (ft)		5 [1]	5 [1]	5 [1]	5 [1]
Min Setback, Rear (ft)		5 [1]	5 [1]	5 [1]	5 [1]
Min Setback, Interior Side (ft)		4	4	4	4
Min Setback, Street Side (ft)		4	4	4	4
Min Bldg. Separation (ft)		5	5	5	5

[1] Minimum 5 ft. Rear and front setbacks must add up to a minimum of 20 ft.

[1] Minimum densities would apply for new development on a vacant lot or redevelopment and infill of existing nonvacant lots.

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

A RESOLUTION ADOPTING GENERAL PLAN AMENDMENTS, INCLUDING AMENDMENTS TO THE LAND USE DIAGRAM TO RE-DESIGNATE CERTAIN PARCELS, TO BE CONSISTENT WITH ASSOCIATED ZONING TEXT AMENDMENTS TO PROMOTE MIDDLE HOUSING

WHEREAS, the City of Berkeley ("City"), in accordance with the provisions of California Government Code Section 65300 et seq., is required to adopt a General Plan for its long-range development, and further to periodically update that plan to reflect current conditions; and

WHEREAS, the adopted 2023-2031 Housing Element Update includes "Program 29 – Middle Housing" to pursue zoning map and development standard amendments to allow multi-unit development on one lot in the lower density districts: R-1, R-1A, R-2, R-2A and MU-R; and

WHEREAS, on October 9, 2024, the Planning Commission held a public hearing and considered all public comments received, the presentation by City staff, the staff report, and all other pertinent documents regarding the proposed request; and

WHEREAS, a public hearing notice was published in the Berkeley Voice and posted in three public places pursuant to California Government Code Section 65090 on September 27, 2024 for the Planning Commission public hearing held on October 9, 2024; and

WHEREAS, on April 29, 2025 the City Council held a duly noticed public hearing to consider the General Plan and zoning ordinance amendments, and make conforming changes to other BMC sections; and

WHEREAS, all documents constituting the record of this proceeding are and shall be retained by the City of Berkeley Planning and Development Department, Land Use Planning Division, at 1947 Center Street, Berkeley, California; and

WHEREAS, the amendments do not change the designation of any parcel to reduce the intensity of use allowed under the existing General Plan or zoning pursuant to Gov. Code section 66300(b)(1); and

WHEREAS, the proposed General Plan amendments reflect zoning ordinance amendments that were analyzed in the Environmental Impact Report (EIR) for the 2023-2031 Housing Element Update, which was certified by the City Council on January 18, 2023;

NOW, THEREFORE, IT BE RESOLVED by the City Council of the City of Berkeley that the General Plan text and General Plan Land Use Diagram are hereby amended, as shown in Exhibits A and B of this resolution; and

BE IT FURTHER RESOLVED that pursuant to California Government Code Sections 65353 and 65853, the Planning Commission makes the following findings to support its

recommendation for the General Plan text and map amendments included as Exhibits A and B of this resolution:

(1) The proposed amendments are in the public interest.

Evidence: The General Plan amendments serve the public interest by facilitating additional housing capacity and production to better meet housing demand, by reversing historically discriminatory land use policies, and Affirmatively Furthering Fair Housing;

(2) The proposed amendment is consistent and compatible with the General Plan.

Evidence: The proposed General Plan amendments would ensure internal consistency among General Plan elements.

(3) The potential effects of the proposed amendment have been evaluated and have been determined not to be detrimental to the public health, safety, or welfare.

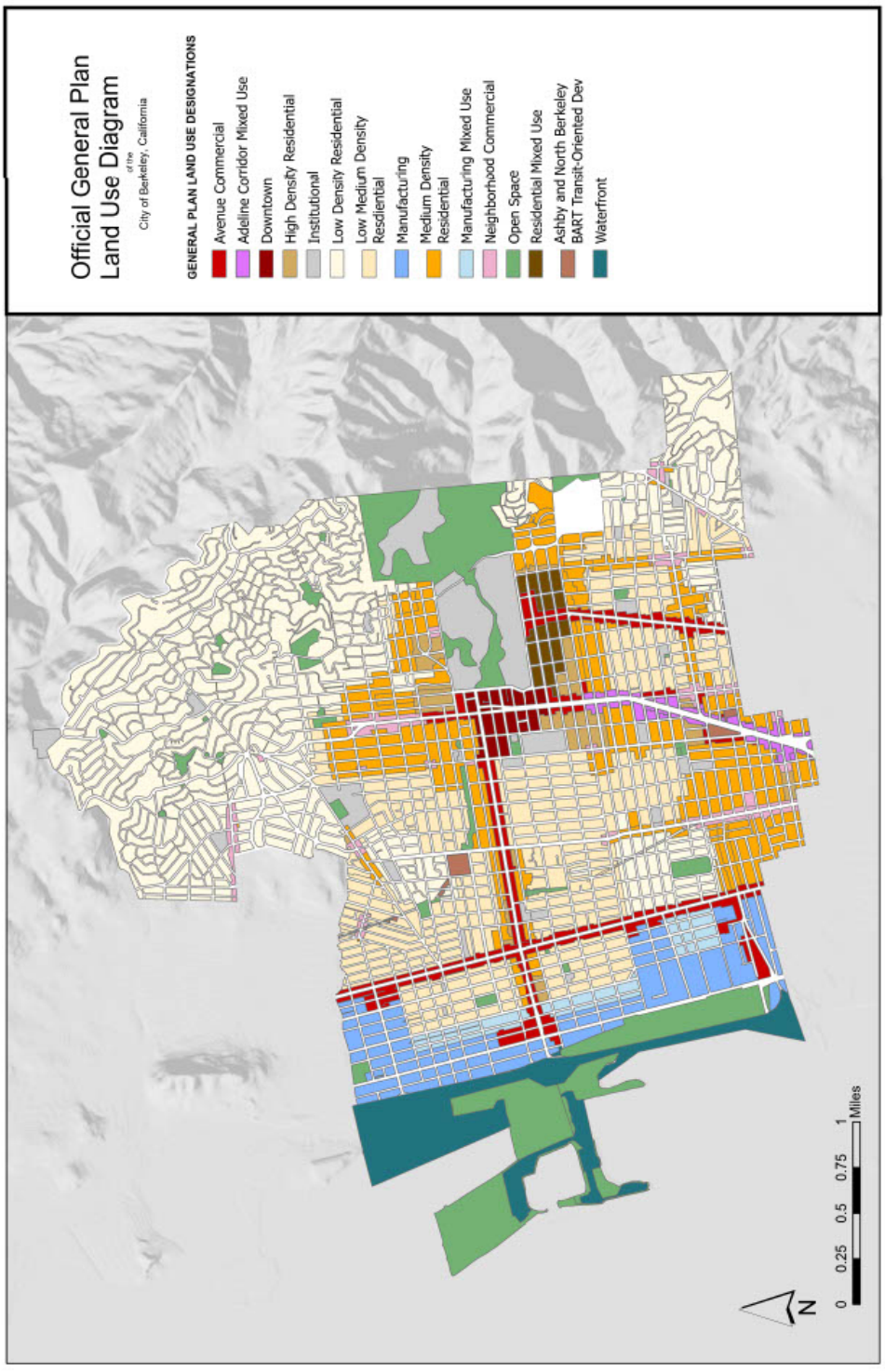
Evidence: The General Plan amendments would not be detrimental to the public health, safety and welfare of the City because they would facilitate development that would be completed in compliance with current building and fire codes and regulations; and would be subject to the City's standard conditions of approval regarding noise and air quality, waste diversion, toxics and stormwater requirements, as well as applicable mitigation measures included in the Housing Element Update EIR; and

BE IT FURTHER RESOLVED, that the City Council as the final decision-making body for the lead agency, hereby adopts and incorporates by reference into this Resolution the CEQA Findings and Statement of Overriding Considerations (Exhibit C) with regard to the significant environmental effects of the Project.

Exhibits
A: Maps of existing and proposed General Plan Land Use Diagram.
B: Text of General Plan amendments.
C: CEQA Findings and Statement of Overriding Consideration

Exhibit A

Map 1. Existing General Plan Land Use Designations



Map 2. Proposed General Plan Land Use Designations

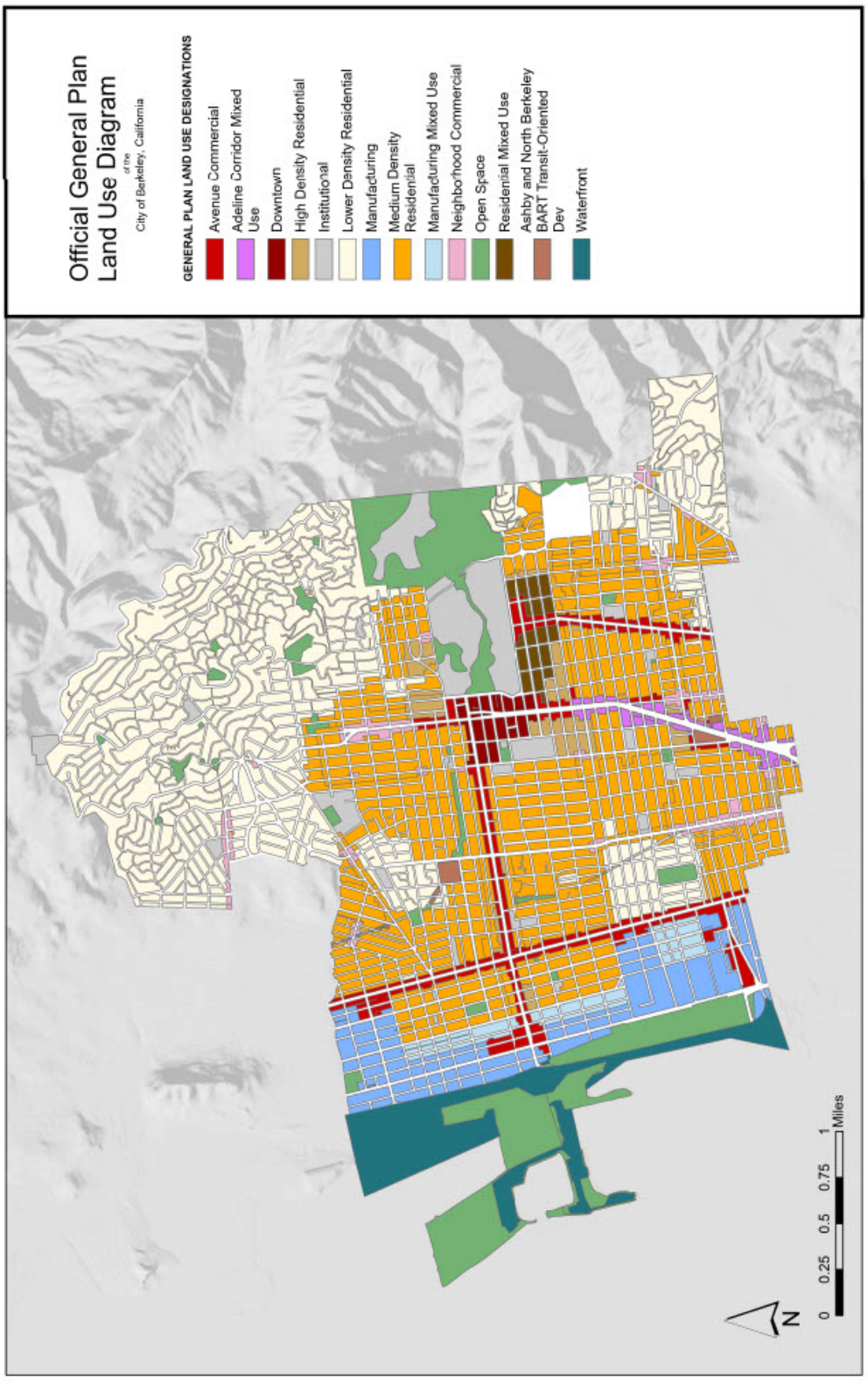


Exhibit B

General Plan Amendments for Middle Housing

Introduction

Page I-3

Goal #1. Preserve Berkeley's unique character and quality of life

Encourage Appropriate Infill Development. With little vacant land available for development, all new development in Berkeley will be infill development. To preserve Berkeley's character, it is essential that infill development be sensitively designed and thoughtfully planned to fit in with the existing built environment The General Plan ~~leaves in place most~~ includes development standards and zoning created and implemented through previous area place processes, State law changes, and the implementation of the Housing Element. This zoning encourages development in downtown, ~~and~~ along the city's transit corridors, and in low-density residential neighborhoods. The General Plan calls for new development to contribute to the provision of necessary public improvements to serve current and future populations such as open space, transportation and affordable housing…

Page I-6

GP Goal: 4. Maximize and improve citizen participation in municipal decision making

Improve Citizen Participation
Citizens should be actively involved in making decisions about anything that will have an impact on them and their families and neighborhoods. The Plan mandates maximum citizen involvement in all public planning within the context of local and State policies and legal requirements that encourage and mandate the timely review of residential development projects. The Plan stresses the important role of neighborhoods and neighborhood groups in land use decisions.

Land Use Element

Page LU-3

Land Use Element policies are designed to maintain Berkeley's unique physical character, while allowing for additional housing development on underutilized sites within and in proximity to ~~within the major~~ high-quality transit corridors and Downtown and other changes to land use that are necessary to maintain, improve, adapt, and, where necessary, replace existing development

Page LU-4

The Land Use Element maintains and enhances Berkeley residential neighborhoods by ~~maintaining existing~~ encouraging zoning development standards that are consistent with historic development patterns that include smaller multi-family dwellings on a single lot, emphasizing the importance of protections from non-residential uses, and directing new higher-density housing to ~~the~~ high-quality transit corridors and the Downtown.

Page LU-11

Policy LU-7 Neighborhood Quality of Life
Preserve and protect the quality of life in Berkeley's residential areas through careful land use decisions.

Actions:

A. Require that new development be consistent with zoning standards and compatible with the scale, historic character, and surrounding uses in the area.
B. Carefully evaluate and monitor new and existing uses to minimize or eliminate negative impacts on adjacent residential uses.
C. Carefully review and regulate proposals for additional residential development in the Hill Fire Hazard Area and the tsunami, seismic and landslide hazard areas identified in the Disaster Preparedness and Safety Element. (Also see Disaster Preparedness and Safety Policies S-14 and S-16.)
D. Strengthen Zoning Ordinance language to ensure greater protection of solar access to adjacent properties when new projects or additions are proposed.
E. Acquire an analysis of the implications of revising R-1, ~~R-1A~~, R-2, R-2A, MU-R, and C-N zoning to require a Use Permit and public hearings for projects that exceed 28 feet.

LAND USE CLASSIFICATIONS

Pages LU-21 and LU-22

Low~~~~er Density Residential
These areas are generally characterized by single-family homes, and small multi-family structures. Appropriate uses for these areas include: residential, community services, schools, home occupations, recreational uses, and open space and institutional facilities. Building intensity ~~will~~ can range from one to ~~10~~ 50 dwelling units per net acre[1], not including secondary units, and the population density will generally not exceed ~~22~~ 110 persons per acre.

For information purposes, the compatible zoning districts for this classification are: ~~Single-Family~~ Residential Multi-Unit 1 (R-1), ~~which allows approximately 9 principle dwelling unit/acre,~~

and Environmental Safety- Residential (ES-R), which allows approximately 5 dwelling units per acre. Height limits in these zoning districts ~~are~~ typically ~~28 feet with provisions to~~ allow up to 35 feet.

~~**Low Medium Density Residential**~~

~~These areas are generally characterized by single-family homes and small multi-family structures with two or three units. The same uses appropriate in Low Density Residential are appropriate in Low Medium Density Residential areas. Building intensity will range from 10 to 20 dwelling units per net acre, not including secondary units, and the population density will generally range from 22 to 44 persons per acre.~~

~~For information purposes, the compatible zoning districts for this classification are: Limited Two-family Residential (R-1A) and Restricted Two-family Residential (R-2), which allow approximately 17 units per acre. Height limits in these zoning districts are typically 28 feet with provisions to allow up to 35 feet.~~

Medium Density Residential

These areas of Berkeley are generally characterized by a mix of single-family homes and small to medium sized multi-family structures. The same uses appropriate in Lower Density Residential are appropriate in Medium Density Residential areas. Building intensity ~~will~~ can range from 20 to ~~40~~ 60 dwelling units per net acre, and the population density will generally range from 44 to ~~88~~ 132 persons per acre, with the exception of the Southside Plan Area.

Within the R-3 within the Southside Plan Area, except in areas located in the Hillside Overlay zoning district, building intensity will range from a FAR of less than 1.0 to a FAR of 3.0. Residential development is subject to a minimum density of 60 dwelling units per acre and a minimum population density of 150 persons per acre. There is no residential density limit. This allows for greater flexibility in housing types to maximize housing opportunities in the Southside Plan Area.

For information purposes, the compatible zoning districts for this classification are: ~~Restricted Multi-family Residential~~ Residential Multi-Unit 2 (R-2), Residential Multi-Unit 2A (R-2A), ~~which allows approximately 17 units per acre,~~ and Multiple-family Residential (R-3), which allows approximately 26 units per acre. Height limits in the R-2, R-2A ~~zoning district are typically 28 feet with provisions to allow up to 35 feet, and are 35 feet in the~~ R-3 and R-3H zoning district are 35 feet (or 45 feet in the R-3 zoning district within the Southside Plan Area).

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Mixed Use-Residential

These areas are intended to maintain and preserve areas of the city for lighter manufacturing and industrial uses and allow for additional uses, including residential, where determined appropriate by zoning, and only if the use will not weaken Berkeley's manufacturing and industrial economy. Appropriate uses for these areas are identified in the West Berkeley Plan. Within these areas, building intensity will generally range from a Floor Area Ratio (FAR) of less than 1 to an FAR of 1.5. Population density will generally range from ~~22 to~~ 44 to 132 persons per acre, where housing is allowed.

For information purposes, the compatible zoning district for this classification is Mixed Use-Residential (MU-R), which allows a maximum FAR of 1.5 for non-residential uses and a maximum building height of ~~28 to~~ 35 feet.

Urban Design and Preservation Element

Page UD-17 **[New]**

Policy UD-22 Regulating New Construction and Alteration:

~~A. Except in the downtown area and consistent with the Green pathway approved by the voters November 2010, continue to require full Use Permits (with public hearings) for all residential projects, thereby enabling both the imposition of area sensitive conditions or approval and a ready means for citizen input.~~

~~B~~A. Continue to encourage~~, and consider requiring,~~ consultation with interested citizen groups in the early stages of a project.

~~C~~B. Consider requiring developers to have a formal conference with City staff before they submit actual permit applications.

Exhibit C

CEQA Findings and Statement of Overriding Considerations

for the

Middle Housing Zoning Amendments

Pursuant to Sections 15091 and 15093 of the
State CEQA Guidelines and Section 21081 of the Public Resources Code

The proposed Middle Housing Zoning amendments ("the project") relies on the Final Environmental Impact Report (Final EIR) prepared by the City of Berkeley (City) for the City of Berkeley 2023-2031 Housing Element Update (HEU) Project. The Final EIR identifies significant environmental impacts that will result from implementation of the project. The City finds that the adoption of mitigation measures identified in the EIR as part of project approval will reduce all but the following significant environmental effects (impacts) to levels that are less than significant: historical resources, construction noise, and cumulative cultural resources, and cumulative construction noise.[1] For those impacts, no feasible mitigation measures have been identified to reduce these impacts to a less-than-significant level or mitigation measures have been identified and included but would not reduce impacts to a level of less than significant; therefore, these impacts will remain significant unavoidable impacts of the project. These findings contain a statement of overriding considerations that explains why the benefits of the proposed project outweigh the unavoidable adverse environmental effects and are therefore acceptable.

In accordance with CEQA and the CEQA Guidelines, the City adopts these findings as part of the project approval.

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[1] The Final EIR also determined that wildfire impacts and cumulative wildfire impacts would be significant and unavoidable, but these impacts could only occur due to development within the City of Berkeley's Very High Fire Hazard Zones. The project does not include parcels located in the City of Berkeley's Very High Fire Hazard Zones.

SECTION 10:SUMMARY 24

SECTION 1: INTRODUCTION

1.1 Statutory Requirements for Findings

Public Resources Code Section 21094 states that:

> (a) Where a prior environmental impact report has been prepared and certified for a program, plan, policy, or ordinance, the lead agency for a later project that meets the requirements of this section shall examine significant effects of the later project upon the environment by using a tiered environmental impact report, except that the report on the later project is not required to examine those effects that the lead agency determines were either of the following:
>
> > (1) Mitigated or avoided pursuant to paragraph (1) of subdivision (a) of Section 21081 as a result of the prior environmental impact report.
> >
> > (2) Examined at a sufficient level of detail in the prior environmental impact report to enable those effects to be mitigated or avoided by site-specific revisions, the imposition of conditions, or by other means in connection with the approval of the later project.
>
> (b) This section applies only to a later project that the lead agency determines is all of the following:
>
> > (1) Consistent with the program, plan, policy, or ordinance for which an environmental impact report has been prepared and certified.
> >
> > (2) Consistent with applicable local land use plans and zoning of the city, county, or city and county in which the later project would be located.
> >
> > (3) Not subject to Section 21166.
>
> (c) For purposes of compliance with this section, an initial study shall be prepared to assist the lead agency in making the determinations required by this section. The initial study shall analyze whether the later project may cause significant effects on the environment that were not examined in the prior environmental impact report.
>
> (d) All public agencies that propose to carry out or approve the later project may utilize the prior environmental impact report and the environmental impact report on the later project to fulfill the requirements of Section 21081.
>
> (e) When tiering is used pursuant to this section, an environmental impact report prepared for a later project shall refer to the prior environmental impact report and state where a copy of the prior environmental impact report may be examined.
>
> (f) This section shall become operative on January 1, 2016.

SECTION 2: PROJECT DESCRIPTION: Middle Housing Zoning Amendments

This section provides a brief description of the project and lists the objectives of the proposed project.

2.1 Project Description

The project, which is the implementation of Program 29 – Middle Housing, in the *City of Berkeley 2023-2031 Housing Element (Housing Element),* includes a plan to amend the Berkeley Municipal Code to allow multi-unit development on single lots within Berkeley's lower-density residential districts: Single-Family Residential (R-1),

Limited Two-family Residential (R-1A), Restricted Two-family Residential (R-2), Restricted Multiple-family Residential (R-2A) and Mixed Use-Residential (MU-R) zoning districts (Housing Element p. 143-44).

[1] CEQA Guidelines Section 15091(a)(2) and (3).

[2] Public Resources Code Section1903804.1

For the implementation of the project, the Draft EIR assumes growth of an estimated 1,745 units. This total may not include all potential residential development sites within the City limits, and individual sites may or may not be developed at the allowable densities. The placement and design of buildings on specific sites cannot be determined until the City receives an application for a specific project.

The EIR also analyzes alternatives to the project as described in Section 5, below.

2.2 Project Objectives

Pursuant to *CEQA Guidelines* Section 15124(b), the EIR project description must include "[a] statement of objectives sought by the proposed project… The statement of objectives should include the underlying purpose of the project." The City of Berkeley 2023-2031 Housing Element Update is intended to achieve the following project objectives:

1. Adopt policies and programs that meet the City's RHNA with the recommended buffer, provide additional housing opportunities consistent with other City priorities, remove governmental constraints to the maintenance, improvement and development of housing, and ensure ongoing compliance with State Housing Element law and the No Net Loss provisions of State law through the eight-year cycle.
2. Adopt policies and programs to encourage the development of affordable housing at a range of income levels consistent with RHNA, including at least 2,450 units for Very Low-Income households, at least 1,400 units for Low Income households, and at least 1,400 units for Moderate Income households.
3. Encourage the development of housing with access to transit, jobs, services, and community benefits in a manner that distributes affordable and special needs housing in high resource neighborhoods and affirmatively furthers fair housing.
4. Identify housing policies and programs that will conserve and rehabilitate existing units, provide services to increase housing opportunities for all residents of Berkeley, and increase the energy efficiency of both current and future housing units.

SECTION 3: ENVIRONMENTAL REVIEW PROCESS

Pursuant to the California Environmental Quality Act (CEQA), lead agencies are required to consult with public agencies having jurisdiction over a proposed project and to provide the general public with an opportunity to comment on the Draft EIR.

On January 14, 2022, the City of Berkeley issued a Notice of Preparation (NOP) for a 30-day comment period to receive input on the scope and content of the EIR and help identify the types of impacts that could result from the project as well as potential areas of controversy. The NOP was filed with the County Clerk, published in a local newspaper, and mailed to public agencies (including the State Clearinghouse), organizations, and individuals considered likely to be interested in the project and its potential impacts. The City received written responses to the NOP regarding the scope and content of the EIR. The City also held an EIR scoping meeting as part of the regularly scheduled Planning Commission meeting on February 9, 2022. No members of the public provided verbal comments at the scoping hearing, but several Planning Commissioners provided verbal comments.

The Draft EIR was made available for public review on August 30, 2022. The Notice of Availability of a Draft EIR was posted with the County Clerk, filed with the State Clearinghouse for distribution to state agencies, published in a local newspaper, and mailed to local agencies and interested organizations. A Notice of Completion was also filed with the State Clearinghouse. The Draft EIR and an announcement of its availability were posted electronically on the City's website. The Draft EIR comment period closed on October 17, 2022. During the comment period, the City Planning Commission held a hearing to receive comments on the Draft EIR on September 7, 2022. The City received 16 comment letters (including emails) on the Draft EIR during

the public comment period.

SECTION 4: FINDINGS

The Middle Housing Zoning amendments are consistent with and within the scope of the project analyzed in the Housing Element Update Environmental Impact Report ("HEU EIR"). The "project description" for the HEU EIR states:

> Middle Housing Rezoning R-1 R-1A, R-2, R-2A and MU-R districts are anticipated to increase in density based on the State's adoption of SB 9 and a proposed HEU program to facilitate increased development in lower density districts. The City would review and amend the Zoning Code and applicable objective development standards to encourage a mix of dwelling types and sizes, to promote housing for middle- and moderate-income households and increase the availability of affordable housing in a range of sizes to reduce displacement risk for residents living in overcrowded units or experiencing high housing cost burden. (Draft EIR at 2-10)

The HEU EIR examined the Middle Housing Zoning amendments at a sufficient level of detail to enable those effects to be mitigated or avoided by site-specific revisions, the imposition of conditions, or by other means in connection with the approval of the later project.

The Middle Housing Zoning amendments are consistent with applicable local land use plans and zoning of the city, county, or city and county in which the later project would be located.

No substantial changes are proposed in the project which will require major revisions of the HEU EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effect.

No substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The HEU EIR was certified on November 30, 2022, less than three years ago. The City has also prepared an analysis evaluating the Middle Housing Zoning amendments' consistency with the 2023-2031 Housing Element Update Environmental Impact Report (Attachment 1).

No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the HEU EIR was certified as complete, has been presented showing any of the following:

> (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
>
> (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
>
> (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
>
> (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The mitigation measures adopted for the HEU shall also apply and be required as a condition of approving projects pursuant to the Middle Housing Zoning amendments.

The HEU EIR concluded that the HEU would have the following significant and unavoidable impacts: historical resources, construction noise, wildfire, and cumulative cultural resources, cumulative construction noise, and cumulative wildfire impacts.

The following overriding economic, legal, social, technological, or other benefits of the Middle Housing Rezoning project outweigh the significant effects on the environment:

- The proposed project will ensure that the City of Berkeley meets its State-mandated RHNA requirements, including the required buffer to comply with the State Housing Element Law.
- The proposed project will encourage affordable housing, which is desired by the community and will contribute toward alleviating a shortage of housing in Berkeley and the region.
- The proposed project will encourage development of a variety of types of housing at a range of income levels.
- The proposed project will encourage the development of housing with access to transit, jobs, services, and community benefits in a manner that distributes affordable and special needs housing, including in in high resource neighborhoods, and affirmatively furthers fair housing.

Pursuant to CEQA Guidelines Section 15168(c), the City prepared a consistency report (Attachment 1). This report demonstrates that the proposed project is consistent with the Middle Housing program analyzed in the 2023 program EIR, and that potential impacts associated with the proposed project would be consistent with potential impacts characterized in and mitigation measures developed for the 2023 EIR. Substantive revisions to the 2023 EIR are not necessary because no new significant impacts or impacts of substantially greater severity than previously described would occur as a result of the proposed project. Therefore, the following determinations are applicable:

- No further evaluation of environmental impacts is required for the proposed project
- No Subsequent EIR or negative declaration is necessary per CEQA Guidelines Section 15162, and no supplement to the 2023 EIR is necessary per CEQA Guidelines Section 15163
- This report is the appropriate level of environmental analysis and documentation for the proposed project in accordance with CEQA Guidelines Section 15168(c).

The City adopted CEQA findings pursuant to Public Resources Code section 21081 and CEQA Guidelines section 15091 for the HEU, which included the Middle Housing program, on February 17, 2023. The City incorporates those findings here by reference. See also Public Resources Code section 21094(d) (“All public agencies that propose to carry out or approve the later project may utilize the prior environmental impact report and the environmental impact report on the later project to fulfill the requirements of Section 21081.”). The City has already adopted a mitigation monitoring and reporting program (“MMRP”), pursuant to CEQA Guidelines section 15091(d), for the HEU, which included the Middle Housing program, and hereby incorporates that MMRP by reference.

SECTION 6: STATEMENT OF OVERRIDING CONSIDERATIONS

As set forth above, the City has found that the proposed project will result in project and cumulative significant adverse environmental impacts related to historical resources and construction noise that cannot be avoided following adoption, incorporation into the proposed project, and implementation of mitigation measures described in the EIR. In addition, there are no feasible project alternatives that would mitigate or avoid all of the proposed project’s significant environmental impacts. CEQA Guidelines §15093(b) provides that when the decision of the public agency results in the occurrence of significant impacts that are not avoided or substantially lessened, the agency must state in writing the reasons to support its actions. See also Public Resources Code Section 21081(b). Having balanced the economic, legal, social, technological or other benefits of the proposed project, including region-wide or statewide environmental benefits, against its significant and unavoidable environmental impacts, the City finds that the proposed project benefits outweigh its unavoidable adverse environmental effects, and that the adverse environmental effects are therefore acceptable.

The following statement identifies the reasons why, in the City's judgment, specific benefits of the proposed project outweigh the significant and unavoidable effects. The substantial evidence supporting the benefits of the project can be found in the preceding sections of these Findings, in the Project itself, and in the record of proceedings as defined in Section 9, below. The City further finds that each of the project benefits discussed below is a separate and independent basis for these findings. The reasons set forth below are based on the Final EIR and other information in the administrative record.

The City further finds that these significant unavoidable impacts are outweighed by the benefits of the proposed project, each of which, independently of the others, constitutes overriding consideration warranting approval of the proposed project. Those benefits, and additional considerations related to this finding, are as follows:

- The proposed project will ensure that the City of Berkeley meets its State-mandated RHNA requirements, including the required buffer to comply with the State Housing Element Law.
- The proposed project will encourage affordable housing, which is desired by the community and will contribute toward alleviating a shortage of housing in Berkeley and the region.
- The proposed project will encourage development of a variety of types of housing at a range of income levels.
- The proposed project will encourage the development of housing with access to transit, jobs, services, and community benefits in a manner that distributes affordable and special needs housing, including in in high resource neighborhoods, and affirmatively furthers fair housing.

On balance, the City finds that there are specific economic, legal, social, technological, or other benefits of the project serves to override and outweigh the significant unavoidable effects identified in the Final EIR. Therefore, pursuant to *CEQA Guidelines* Section 15093(b), the City finds that these significant adverse environmental effects are considered acceptable.

SECTION 7: INCORPORATION BY REFERENCE

These findings incorporate the text of the Final Environmental Impact Report for the City of Berkeley 2023-2031 Housing Element Update, Resolution No. 70,669 (adopting CEQA findings for the HEU and certifying the HEU EIR and adopting the MMRP for the HEU) by reference and in their entirety. Without limitation, this incorporation is intended to elaborate on the scope and nature of mitigation measures, the basis for determining the significance of impacts, the comparative analysis of alternatives, the determination of the environmentally superior alternative, and the reasons for approving the Project in spite of the potential for associated significant and unavoidable adverse impacts.

SECTION 8: RECIRCULATION NOT REQUIRED

The project would not result in new or substantially more severed significant impacts than disclosed previously in the Draft EIR. Therefore, recirculation of the EIR is not required.

SECTION 9: RECORD OF PROCEEDINGS

Various documents and other materials related to the project constitute the record of proceedings upon which the City bases its findings and decisions contained herein. Those documents and materials are located in the offices of the custodian for the documents and materials, which is the City of Berkeley Department of Planning and Development, 1947 Center Street, 2nd floor, Berkeley, CA 94704.

SECTION 10: SUMMARY

A. Based on the foregoing Findings and the information contained in the record, the City has made one or more of the following Findings with respect to each of the significant effects of the project:

1. Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effects identified in the Final EIR.

2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other public agency.

3. Specific economic, legal, social, technological, or other considerations, make infeasible the mitigation measures or alternatives identified in the Final EIR that would otherwise avoid or substantially lessen the identified significant environmental effects of the project.

B. Based on the foregoing Findings and the information contained in the record, the City determines that:

1. All significant effects on the environment due to the approval of the Project have been eliminated or substantially lessened where feasible.

2. Any remaining significant effects on the environment found to be unavoidable are acceptable due to the factors described in the Statement of Overriding Considerations in Section 6, above.

Attachment 1: *Middle Housing Zoning and General Plan Amendments, Evaluation of Consistency with the 2023-2031 Housing Element Update Environmental Impact Report* (SCH # 2022010331)



Middle Housing Zoning and General Plan Amendments

Evaluation of Consistency with the 2023-2031 Housing Element Update Environmental Impact Report

SCH # 2022010331

prepared by

City of Berkeley
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April 2025

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1 Introduction

This document evaluates the consistency of the proposed Middle Housing Zoning and General Plan Amendments ("amendments" or "proposed project") with the 2023-2031 Housing Element Update (HEU) Environmental Impact Report (EIR) (State Clearinghouse #2022010331) ("2023 EIR"). The 2023 EIR was certified, the mitigation measures in the EIR were adopted and incorporated into the HEU, and the HEU was approved by the City of Berkeley ("City") on January 18, 2023. The 2023 EIR is available for public review at:

City of Berkeley
Planning & Development Department
Land Use Division
1947 Center Street, 2nd Floor
Berkeley, California 94704

The document is also available on the City's website: https://berkeleyca.gov/construction-development/land-use-development/general-plan-and-area-plans/housing-element-update. The 2023 EIR is hereby incorporated into this document by reference.

Section 15168 of the California Environmental Quality Act (CEQA) Guidelines, codified in Sections 15000 et seq. of Title 14 of the California Code of Regulations, discusses the use of a Program EIR for environmental review of a subsequent project that is consistent with the program analyzed in the EIR. A lead agency may approve the subsequent activity as being within the scope of the project covered by the EIR; in that instance, no new environmental document would be required. As discussed in CEQA Guidelines Section 15168(c), "Factors that an agency may consider in making that determination include, but are not limited to, consistency of the later activity with the type of allowable land use, overall planned density and building intensity, geographic area analyzed for environmental impacts, and covered infrastructure, as described in the program EIR." CEQA Guidelines Section 15168(c) also refers to Section 15162 as a guide for this determination. Section 15162 asks whether there is "[n]ew information of substantial importance" that the project would "have one or more significant effects not discussed in the previous EIR or negative declaration [or that] significant effects previously examined will be substantially more severe than shown in the previous EIR."

The analysis herein demonstrates that the proposed project is consistent with the 2023-2031 Housing Element Update analyzed in the prior Program EIR; there is no new information of substantial importance suggesting that the project would have new or increased significant effects and that the project may be approved pursuant to CEQA Guidelines Section 15168(c) without preparation of a subsequent or supplemental EIR.

2 Background

This section provides an overview of 2023-2031 Housing Element Update (HEU) and its EIR as they pertain to the proposed project to provide context for this consistency evaluation.

2.1 2023-2031 Housing Element Update

2023-2031 Housing Element Update

The City of Berkeley's 2023-2031 HEU was adopted by the City Council in January of 2023 and certified by the California Department of Housing and Community Development in February of 2023. The 2023-2031 HEU project amended the City's General Plan by replacing the 5th Cycle Housing Element with the 2023-2031 6th Cycle Housing Element and amended other portions of the City's General Plan and Zoning Ordinance as needed for consistency and HEU implementation. The HEU includes Program 29 – Middle Housing Program, which is intended to "encourage and promote a mix of dwelling types and sizes, particularly infill and converted existing housing in high resource neighborhoods." The HEU also identifies implementation measures for the Middle Housing Program, including amending the zoning code to allow multi-unit development on one lot in the R-1, R-1A, R-2, R-2A, and MU-R districts and amending the Berkeley Municipal Code Chapter 23.326, Demolition Ordinance, to provide a by-right pathway for demolition of single-family residences for projects that add density, were not tenant-occupied within the past five years, and did not undergo an Ellis Act eviction within the preceding five years.

2.2 2023-2031 Housing Element Update EIR

Pursuant to CEQA Guidelines Section 15150, the 2023 EIR, which is incorporated into this document by reference, examined the potential environmental effects of the HEU, including its programs and their implementation.

2023 EIR Buildout

Table 1 summarizes the buildout analyzed in the 2023 EIR, which is based on the 2023 EIR Sites Inventory of 15,153 units, an additional 1,200 units at the Ashby and North Berkeley BART stations, and projections for implementation programs – Middle Housing Rezoning (the proposed project) and the Southside Zoning Modification Project – totaling 2,745 units. Overall, the 2023 EIR assumed that implementation of the HEU's programs could facilitate up to 19,098 additional units in Berkeley.

2 City of Berkeley 2023-2031 Housing Element Update Environmental Impact Report. https://berkeleyca.gov/sites/default/files/documents/ATT%202%20FEIR_RTC.pdf

Table 1 2023 EIR Projected Buildout

	Total New Units
EIR Sites Inventory	
Likely Sites	4,685
Pipeline Sites	2,415
Opportunity Sites	8,053
Implementation Programs	
Middle Housing Rezoning	1,745
Southside Zoning Modification Project	1,000
Ashby and North Berkeley BART Stations	1,200
Overall EIR Growth Assumption	**19,098**

Source: City of Berkeley 2023a

The Middle Housing Program was summarized as follows in the 2023 EIR's project description.

> **Middle Housing Rezoning.** R-1 R-1A, R-2, R-2A and MU-R districts are anticipated to increase in density based on the State's adoption of Senate Bill (SB) 9 and a proposed HEU program to facilitate increased development in lower density districts. The City would review and amend the Zoning Code and applicable objective development standards to encourage a mix of dwelling types and sizes, to promote housing for middle- and moderate-income households and increase the availability of affordable housing in a range of sizes to reduce displacement risk for residents living in overcrowded units or experiencing high housing cost burden.
>
> The Terner Center's SB 9 modeling indicates that the City of Berkeley could anticipate approximately 1,100 total new market-feasible units through SB 9 (Terner Center 2021). Using HCD's methodology, and to ensure that proposed zoning would not result in a reduction in allowable residential development, the 2023 EIR assumes 770 additional units distributed throughout the R-1 districts for the 2023-2031 period. Additionally, based on current development trends and anticipated zoning changes, 975 additional units are distributed throughout the R-1A, R-2, R-2A and MU-R districts, for a total of 1,745 middle housing units in the 2023-2031 period.

Thus, the environmental analysis in the 2023 EIR accounted for a potential addition of 1,745 "middle housing units" in the R-1 R-1A, R-2, R-2A and MU-R districts as part of Housing Element implementation.

2023 EIR Summary

The 2023 EIR found the following impacts to be less than significant without mitigation: aesthetics, biological resources, energy, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, population and housing, public services and recreation, transportation, and utilities and service systems.

The 2023 EIR found that the following impacts would have less-than-significant impacts with implementation of mitigation measures identified in the 2023 EIR:

- Air Quality
- Cultural Resources
- Tribal Cultural Resources
- Wildfire

- Geology and Soils

Mitigation Measure AQ-1 (Construction Emissions Reduction Measures), Mitigation Measure AQ-2 (Construction Health Risk Assessment), and Mitigation Measure AQ-3 (TAC Exposure Reduction Building Measures) would reduce air quality impacts to less than significant levels. Mitigation Measure GEO-1 (Protection of Paleontological Resources) would reduce geology and soils impacts to less than significant levels. Mitigation Measure TCR-1 (Tribal Cultural Monitoring) would reduce tribal cultural resources impacts to less than significant levels.

The 2023 EIR found that the HEU would have significant and unavoidable impacts related to cultural resources. Mitigation Measure CUL-1 (Historic Context Statement, Cultural Resources Survey and Designations) and Mitigation Measure CUL-2 (Historic Resources Discretionary Review) would reduce cultural resources impacts to the maximum extent feasible. However, even with implementation of mitigation measures, existing historical resources and historical resources eligible for listing could still be materially impaired by future development that would result from implementation of the HEU. Specifically, the project, which includes permitting residential units with a Zoning Certificate (a ministerial action) could result in adverse impacts to as yet unidentified cultural resources. Therefore, cultural resources impacts would remain significant and unavoidable.

The 2023 EIR also found that the HEU would have significant and unavoidable impacts related to noise. Although future development facilitated by the HEU would be required to comply with the City's Standard Conditions of Approval, which would reduce construction noise impacts to the extent feasible, larger developments involving lengthier construction durations with the use of larger, heavy-duty equipment could still exceed the City's standards for stationary equipment in both multi-family residential and commercial zones. Furthermore, construction noise levels could exceed the City's standards at multiple sites where the HEU would facilitate development in Berkeley. Therefore, construction noise impacts would remain significant and unavoidable.

The 2023 EIR also found that the HEU would have significant and unavoidable impacts related to wildfire. The HEU would facilitate development in a very high fire hazard severity zone (VHFHSZ). Adherence to City regulations and procedures and implementation of Mitigation Measure W-1 (Undergrounding of Power Drops in the VHFHSZs) would reduce the risk of fire during construction, but not to a less-than-significant level. That is because, for some development projects, even with implementation of wildfire prevention measures, impacts may result from the potential for unusual site-specific or road conditions, project characteristics, and the general ongoing fire risk in Berkeley Hills. Therefore, wildfire impacts would remain significant and unavoidable.

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3 Middle Housing Zoning and General Plan Amendments Project

3.1 Project Location

The project would amend zoning and general plan provisions related to the City's R-1 R-1A, R-2, R-2A and MU-R zone districts. The 2023 EIR studied the impacts of the proposed amendments in all of these districts including those portions within the Hillside Overlay. However, the proposed Middle Housing Zoning and General Plan Amendments project (proposed project) was subsequently revised after certification of the 2023 EIR to reduce the overall area that would be subject to zoning changes to exclude parcels within the Hillside Overlay. The affected zoning districts are shown in Figure 1.

3.2 Project Description

As noted above in Section 1, *Background*, the HEU includes Program 29—Middle Housing, which proposed to amend the zoning ordinance to allow multi-unit development on single lots in lower density districts. Accordingly, the City is now proposing to implement the zoning ordinance and General Plan amendments proposed under the HEU.

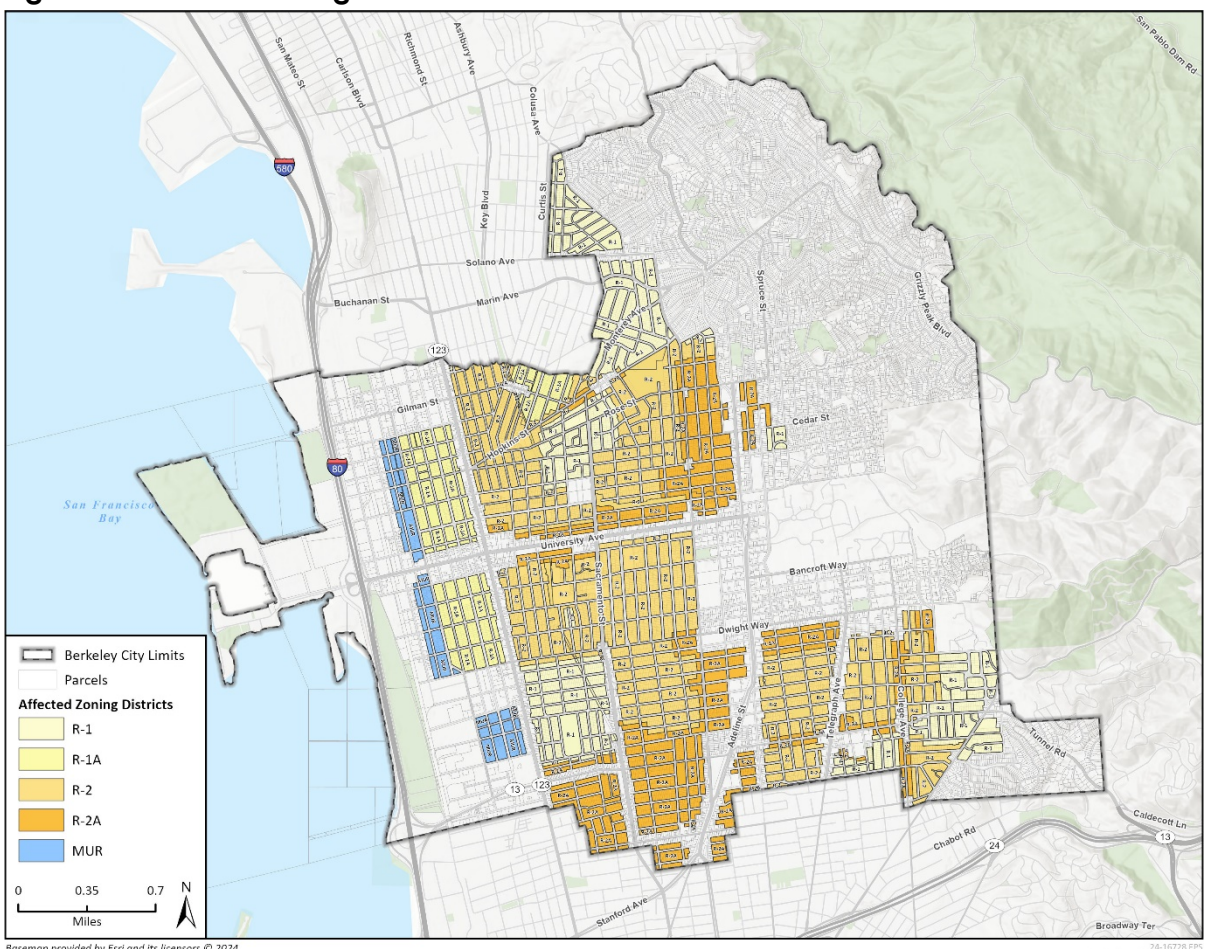
Proposed Zoning Ordinance Amendments

The proposed project includes zoning ordinance amendments to encourage the development of Multi-Family Residential Uses in the R-1, R-1A, R-2, R-2A and MU-R zoning districts. Consistent with the requirements of Program 29-Middle Housing, the proposed project would permit multi-unit development (residential uses with 2 or more units) in these districts and include development standards that would physically accommodate feasible multi-unit development on one lot. The proposed changes include:

- Permitting Single-Family Residential and Multi-Family Residential uses with a Zoning Certificate (ZC)
- Eliminating the R-1A zoning district and rezoning all current R-1A parcels to R-2 parcels;
- Revising development standards related to building height, lot coverage and setbacks, to permit larger residential buildings;
- Establishing new minimum and maximum density standards;
- Revising requirements related to Residential Additions and additional bedrooms;
- Limiting the size of new single-family homes that are permitted with a ZC; and
- Permitting demolition of single-family homes with a ZC if they are part of a project that includes a net increase in units.

The proposed development standards largely preserve existing zoning code maximum height limits of 35 feet, while providing development standards that permit larger projects (and more dwelling units) through a nondiscretionary process based on objective standards. The proposed standards also include lower maximum heights near the rear property line, in consideration of potential impacts on neighboring properties and solar access.

Figure 1 Affected Zoning Districts



Proposed General Plan Amendments

The proposed zoning changes require conforming General Plan amendments. The amendments include:

- **Removal of R-1A Zoning District.** The proposed zoning changes include consolidating parcels currently zoned as R-1A and R-2 into a single R-2 zoning district. The proposed General Plan amendments include removal of references to the R-1A zoning district.
- **Land Use Classification Descriptions.** Currently, there are three different land use classifications that characterize the R-1, R-1A, R-2, and R-2A zoning districts
  1. Low Density Residential for the R-1 and Environmental Safety Residential (ES-R) zoning districts.
  2. Low Medium Density Residential for the R-1A and R-2 zoning districts.
  3. Medium Density Residential for the R-2A and R-3 zoning districts.

  Staff proposes reducing the number of land use classifications that apply to these districts to two. This is consistent with the Planning Commission's recommendation to consolidate the R-1A

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and R-2 zoning districts and to adopt development standards that are largely consistent across these low-density residential zoning districts. Specifically, staff recommends:

1. Renaming the Low Density Residential classification to Lower Density Residential.
2. Assigning the Medium Density Residential classification to the R-2, R-2A and R-3 zoning districts.
3. Including technical edits that reflect the Planning Commission's recommendation with respect to the names of zoning districts and the proposed development standards.

The proposed General Plan amendments also include minor changes to the Mixed-Use Residential land use classification to accurately state the zoning district's Floor Area Ratio and height regulations.

- **Encouraging Transit-Proximate Infill.** Adds language to note State law requirements, the Housing Element, and encouraging infill in low-density neighborhoods, and revises language to clarify that residential uses are to be encourage "in proximity" to transit corridors, not just "along" transit corridors.

- **Changing Existing Zoning Standards**. Current General Plan language includes a policy of "maintaining existing zoning" in residential neighborhoods. The zoning ordinance amendments change existing development standards in residential neighborhoods. Adds language that the General Plan encourages "zoning development standards that are consistent with historic development patterns that include smaller multi-family dwellings on a single lot."

- **Allowing Residential Uses Ministerially**. The zoning ordinance amendments include permitting residential uses with a ZC. The General Plan amendments remove language that requires preservation of Use Permits for all residential projects.

- **General Plan Map Amendments.** Consistent with the recommended General Plan text changes, the General Plan Map would be amended to a) rename the Low Density Residential classification; and b) expand the Medium Density Residential classification to include the R-2 and R-2A zoning districts.

Consistency with Housing Element Program 29 – Middle Housing

The proposed project is consistent with Housing Element Program 29—Middle Housing, as described and analyzed in the 2023 EIR. As noted above, the 2023 EIR described the program as increasing residential development densities for the lower density residential districts, including R-1, R-1A, R-2, R-2A and MU-R. According to the 2023 EIR, the program would also "review and amend the Zoning Code and applicable objective development standards to encourage a mix of dwelling types and sizes, to promote housing for middle- and moderate-income households and increase the availability of affordable housing in a range of sizes."

The proposed project is smaller in scope than the project analyzed in the 2023 EIR, as it does not apply to parcels located in the Hillside Overlay zoning district.

The proposed zoning and General Plan amendments accomplish these goals by allowing multi-unit residential development in R-1, rezoning R-1A parcels R-2, establishing new minimum and maximum densities in these districts, revising development standards to permit larger structures (with more

units), and streamlining the permitting process for qualifying residential development and demolition necessary to construct additional residential units.

Projected Buildout

The City has conducted an analysis of the affected parcels to determine the potential buildout under the proposed amendments. As noted above, the 2023 EIR conducted a similar analysis and concluded that the Housing Element Update could be expected to produce 1,745 middle housing units in the 2023-2031 period.

Under the proposed zoning and General Plan amendments, the City would expect fewer SB 9 units than anticipated in the 2023 EIR, because the proposed amendments permit multi-unit residential development in the R-1 zoning district outside of the Hillside Overlay zoning district, thereby rendering this part of the R-1 zoning district no longer a "single-family residential zone" subject to SB 9. The changes to minimum and maximum densities in the R-1, R-1A, R-2, R-2A and MU-R districts, as well as the conversion of R-1A parcels to R-2 parcels, would result in approximately 876 new residential units.

The City reached this conclusion by determining that approximately 8,380 parcels could be developed or redeveloped with more residential units under the proposed project. These parcels were included in the projection because they meet the following conditions:

- Located in the R-1, R-1A, R-2, R-2A and MU-R districts;
- Are not in the Hillside Overlay;
- Are at least 3,000 square feet in area (estimated minimum size for likely middle housing development); and
- Are either vacant or occupied by a single-family dwelling unit or a duplex.

For the 8,380 parcels identified, a total of **876 units** was projected using the methodology used in the 2023 EIR. Estimated buildout includes:

- **3,246 parcels in the R-1 District are estimated to produce 260 units**. The projection of 260 units throughout the R-1 zoning district was calculated using the same methodology used on the 2023 EIR, which was based on a study from the Terner Center of redevelopment potential in low-density zones subject to SB 9.[1] Because SB 9 permits lot splits and multi-family development on parcels in single-family zoning districts at densities similar to those allowed by the Middle Housing zoning changes, SB 9 estimates from the Terner Center are a reasonable approximation of the level of the development the City can expect from the proposed Middle Housing changes. The Terner Center's SB 9 modeling indicated that the City of Berkeley could anticipate approximately a 0.08 utilization rate from eligible parcels. 3,246 eligible parcels x 0.08 = 260 total units.

- **5,134 parcels in the R-1A, R-2, R-2A, and MU-R districts are estimated to produce 616 units.** The projection of the additional 616 units throughout the R-1A, R-2, R-2A and MU-R zoning districts was based upon the application of a utilization rate to 5,134 parcels in these districts identified as single-family homes or duplexes, and therefore most likely to redevelop under the Middle Housing zoning changes. Staff used the Terner Center's methodology in the case of

[1] https://ternercenter.berkeley.edu/wp-content/uploads/2021/07/SB-9-Brief-July-2021-Final.pdf

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these parcels, as well, but increased the rate by 50% (to 0.12), as staff determined, based on project proposals and development trends at the time of the preparation of the 2023 EIR, that it was about 50% more likely that redevelopment would take place on more standard flatlands lots (5,134 parcels x 0.12 = 616).

Therefore, overall, the proposed project would result in an additional 876 units compared to existing conditions, which is less than the 1,745 units estimated in the 2023 EIR.

3.3 Proposed Project in Relation to 2023 EIR

The project would amend zoning and General Plan provisions related to the City's R-1 R-1A, R-2, R-2A and MU-R zone districts as envisioned in the HEU and analyzed in the 2023 EIR. The 2023 EIR studied the impacts of the proposed amendments in all of these districts, including those portions within the Hillside Overlay. However, the proposed project reduces the area of the City where the project's changes would apply, as the changes currently proposed would not apply to parcels within the Hillside Overlay.

The 2023 EIR estimated that the Middle Housing Program would result in up to 1,745 new residential units compared to existing conditions in the affected zoning districts, including within the Hillside Overlay. Using the same methodology as the 2023 EIR, it is estimated that the amendments as proposed would now generate up to 876 new residential units compared to existing conditions. Overall, the proposed project would result in less buildout than what was anticipated and evaluated in the 2023 EIR by 869 units. Therefore, the project is consistent with the type of allowable land use, overall planned density and building intensity, and geographic area analyzed for environmental impacts in the 2023 EIR. Moreover, because it would result in less buildout, it would have lesser environmental impacts than identified in the 2023 EIR.

4 Environmental Impacts

Consistent with CEQA Guidelines sections 15168(c)(2) and 15162, this section evaluates the project's potential environmental impacts with respect to the analysis in the 2023 EIR to determine whether additional environmental analysis is required. The existing (2024) environmental conditions in the affected zoning districts are substantially the same as the existing conditions described in the 2023 EIR, as substantial new development has not occurred in these areas.

Appendix G of the *CEQA Guidelines* provides a checklist of environmental topic areas suggested for assessment in CEQA analyses. This report evaluates all of these issue areas, which are listed below, with the exception of Agriculture and Forest Resources and Mineral Resources, as these resources are not present within the affected zone districts.[2]

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire

4.1 Aesthetics

Impacts Identified in the 2023 EIR

As discussed in Section 4.1, *Aesthetics*, of 2023 EIR, the HEU, which includes the proposed project, would not have a substantial adverse effect on a scenic vista since most new buildings would be of a similar height as existing development and views that would be affected are already fully or intermittently impeded by mature trees and buildings. Development under the HEU, which includes the proposed project, would be subject to the City's general development standards (Berkeley Municipal Code [BMC] Chapter 23.304) as well as objective development standards to ensure that buildings are compatible with neighboring land uses and architectural design and scale. Development under the HEU would replace facilities such as parking lots with buildings that may reduce nighttime sources of light, and new light sources would likely be adjacent and similar to nearby light sources. Development would also be required to comply with BMC Sections 23.304.100 and 23.304.130 which require exterior lighting to be shielded to avoid light spillover onto adjacent residential properties. Furthermore, the closest State Scenic Highway to the city is I-580 in Oakland approximately 1.6 miles from the city limits, and the closest eligible State Scenic Highway is SR 13 located approximately 0.5 miles from the city limits. The proposed project would not have a substantial adverse effect on a scenic vista, conflict with applicable local regulations governing

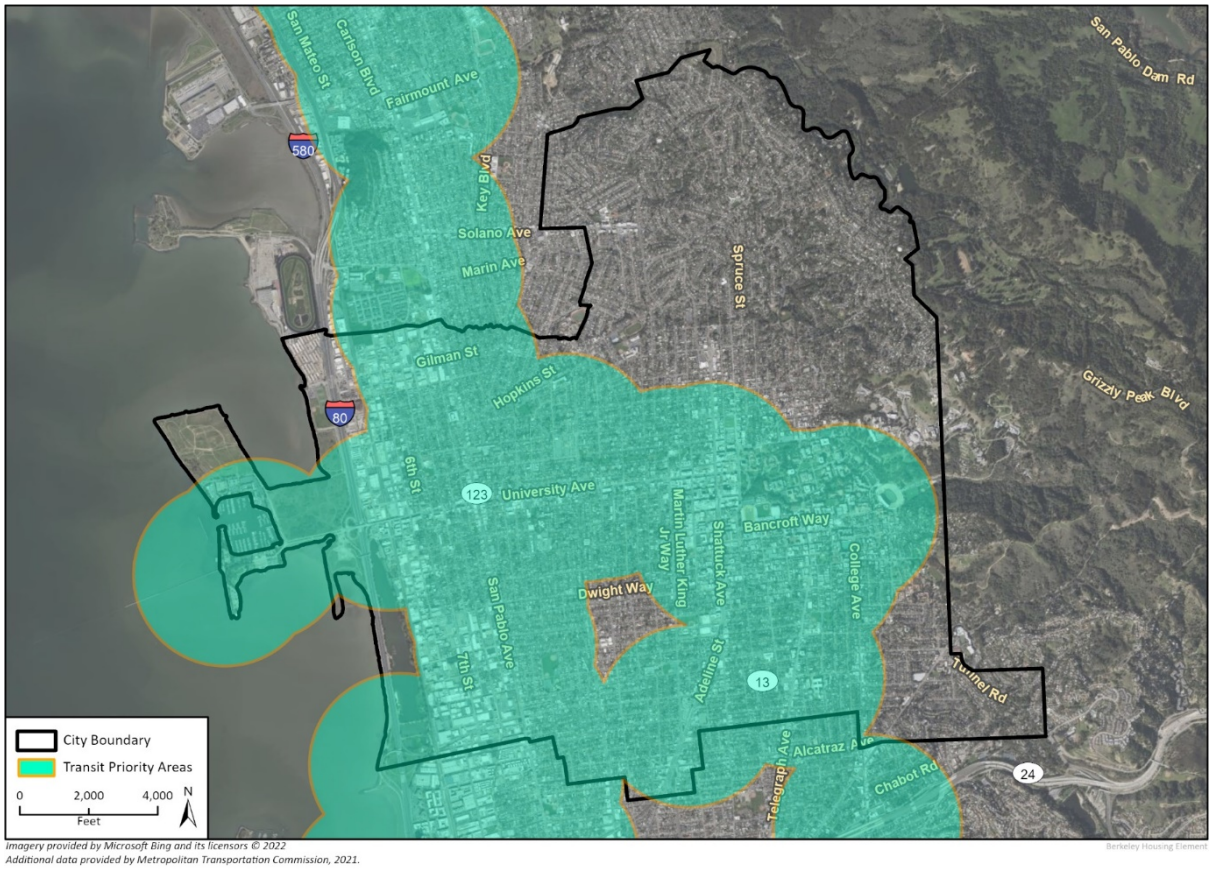
[2] *City of Berkeley 2023-2031 Housing Element Update EIR*, pp. 1-5, 1-6.

scenic quality, create a new source of substantial light and glare, or substantially damage scenic resources within a scenic highway. Therefore, aesthetics impacts would be less than significant.

Impacts of the Proposed Project

Senate Bill 743 (California Public Resources Code Section 21099) passed in 2013, made changes to CEQA for projects located in transit-oriented development areas. Among these changes are that a project's aesthetics impacts are no longer considered significant impacts on the environment if the project is a residential, mixed-use residential, or employment center project and if the project is located on an infill site within a transit priority area (TPA). Pursuant to Section 21099 of the California Public Resources Code, a "transit priority area" is defined as an area within 0.5 mile of an existing or planned major transit stop. A "major transit stop" is defined in Section 21064.3 of the California Public Resources Code as a rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. The majority of the affected zoning districts (R-1, R-1A, R-2, R-2A, and MU-R outside of the Hillside Overlay) are within a TPA, as shown on the Metropolitan Transportation Commission's (MTC) Transit Priority Areas maps (MTC 2021) and Figure 2; for these, impacts would be less than significant by definition, as discussed in the 2023 EIR. Therefore, this discussion pertains to the very limited number of affected parcels outside of TPAs, in limited blocks on the southside, southeast Berkeley and northwest Berkeley.

Figure 2 Transit Priority Areas in Berkeley



Lot coverage, building heights and setbacks would be modified in the R-1, R-1A, R-2, R-2A, and MU-R outside of the Hillside Overlay to accommodate additional housing types. The main changes that would affect building massing and appearance would include:

- Change to building height limits to a maximum of 35 feet with a reduction to 22 feet within 15 feet of the rear property line, rather than average of 28 feet, in R districts;
- Reducing minimum setbacks;
- Increasing allowable lot coverage from 35-50%, depending on location, to 60% in R districts;
- Changing usable open space requirements from a minimum size to varying with building size

As discussed on page 4.17 of the 2023 EIR, development of individual sites under the proposed amendments would not substantially block public views from roadways in these areas as new buildings would be of a generally similar height as existing development and many of the views that would be affected are already fully or intermittently impeded by mature trees and buildings. Impacts of the proposed project would be below the impacts of the HEU's Middle Housing program, which was analyzed in the 2023 EIR, as the proposed project would implement a reduced program.

Similar to the analysis in the 2023 EIR of citywide Housing Element implementation, there are no State Scenic Highways within the City of Berkeley and no affected parcels are near to or clearly visible from a State Scenic Highway.

As discussed in the 2023 EIR, Berkeley is an urban area as defined by CEQA, so the threshold for visual character is whether the project would conflict with applicable zoning and other regulations governing scenic quality. As the project itself sets zoning standards, development facilitated by the proposed amendments would be consistent with those regulations related to building use, height and massing. The changes, in addition to the potential change in aesthetic character of some new or altered buildings to a more multi-family appearance, would result in an incremental change in visual character on some parcels, especially in the R-1 District, to a more multi-family aesthetic and incrementally greater massing, while preserving the overall collective character through generally maintaining height limits. Future development with two or more units would be required to comply with the City's proposed set of objective development standards. The objective standards will be tailored to streamline middle housing projects by providing a clear and consistent set of review rules and processes. Examples of standards that the City will define include building height, setback distances, and maximum units allowed per acre. This would ensure that future development is compatible with the character and scale of Berkeley according to the City's standards. Impacts of the proposed project would be the same as the impacts of the HEU's Middle Housing program, which was analyzed in the 2023 EIR, as the proposed project would implement the program as envisioned.

Consistent with the analysis in the 2023 EIR, development facilitated by the proposed project would occur as redevelopment of existing built sites or infill development of parcels between existing built sites in existing residential neighborhoods where sources of light and glare already exist. Lighting would likely be congruous with nearby light sources (e.g., lighting from other residential windows). Berkeley's Municipal Code has requirements to reduce the potential for new or substantial sources of light pollution in Berkeley. BMC Sections 23.304.100 and 23.304.130 require that exterior lighting be shielded to avoid light spillover onto adjacent residential properties. Impacts of the proposed project would be the same as the impacts of the HEU's Middle Housing program, which was analyzed in the 2023 EIR, as the proposed project would implement the program as envisioned.

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Pursuant to CEQA Statute Section 21099.d, "aesthetic impacts do not include impacts on historical or cultural resources." Analysis of impacts related to historic or cultural resources is provided below in Section 4.4, *Cultural Resources*.

Effects and Mitigation Measures

The proposed project is within the scope of the HEU covered by the 2023 EIR. The proposed project will not have any new or substantially more severe significant effects related to aesthetics than were identified in the 2023 EIR, and no new mitigation measures are required.

Conclusion

The proposed project would have less than significant impacts with respect to aesthetics, similar to the 2023 EIR. Furthermore, aesthetics impacts within TPAs, where most of the affected parcels are located, are not considered to be significant effects on the environment. No substantial changes have occurred that require major revisions to the 2023 EIR. There is no new information indicating that the proposed project would have new significant impacts or substantially more severe significant impacts with respect to aesthetics than were identified in the 2023 EIR. None of the conditions listed in CEQA Guidelines Section 15162 that would indicate that the project is not consistent with the HEU and its impacts as studied in the 2023 EIR have been met.

4.2 Air Quality

Impacts Identified in the 2023 EIR

As discussed in Section 4.2, *Air Quality*, of the 2023 EIR, analysis of the HEU relied on the 2017 Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines. Construction-related air quality impacts were found to be less than significant with implementation of Berkeley's Standard Conditions of Approval (COA) related to diesel particulate matter controls during construction, as well as Mitigation Measure AQ-1, which was adopted and incorporated into the HEU and requires adherence to BAAQMD's Basic Construction Mitigation Measures to reduce fugitive dust impacts. Operational air quality impacts were also found to be less than significant because the VMT associated with HEU buildout would increase by approximately 38 percent, which would not exceed the rate of increase from the forecast population of approximately 43 percent. As discussed in Section 4.2 of the 2023 EIR, because the HEU's VMT increase would not conflict with the BAAQMD's CEQA Guidelines operational plan-level significance thresholds for criteria air pollutants, and the HEU would be consistent with control measures within the BAAQMD 2017 Clean Air Plan, impacts related to conflicting or obstructing implementation of an applicable air quality plan would be less than significant.

According to the California Office of Environmental Health Hazard Assessment (OEHHA), construction of individual projects lasting longer than two months or located within 1,000 feet of sensitive receptors could potentially expose nearby sensitive receptors to substantial pollutant concentrations and therefore could result in potentially significant health risk impacts (OEHHA 2015). Future construction that could result from implementation of the HEU could exceed BAAQMD's thresholds for increased cancer risk of greater than 10.0 in a million and an increased non-cancer risk of greater than 1.0 Hazard Index (Chronic or Acute), and result in potentially significant impacts related to construction toxic air contaminant (TAC) emissions. However, with implementation of Mitigation Measure AQ-2, which was adopted and incorporated into the HEU, construction-related TAC impacts were found to be less than significant. The 2023 EIR determined

that operation of land uses facilitated by buildout of the HEU would not include sources of TACs such as freeways and high-volume roadways, truck distribution centers, ports, rail yards, refineries, chrome plating facilities, dry cleaners using perchloroethylene, and gasoline dispensing facilities, and also would not include new stationary sources onsite such as emergency diesel generators (BAAQMD 2017). Therefore, the 2023 EIR found less than significant impacts related to operational TACs.

In 2005, CARB issued recommendations to avoid siting new residences within 500 feet of a freeway, urban roads with 100,000 vehicles/day, or rural roads with 50,000 vehicles/day or close to known stationary TAC sources (CARB 2005). BAAQMD's average daily traffic (ADT) threshold is lower, at 10,000 vehicles per day (BAAQMD 2012); therefore, this analysis conservatively uses BAAQMD's ADT threshold. Development consistent with the HEU could place sensitive receptors living in housing within approximately 500 to 1,000 feet of Interstate 580 (I-580) and Interstate 80 (I-80). There is also the potential for development to occur within 500 feet of roadways that have existing traffic volumes of 10,000 vehicles per day or more such as University Avenue, Adeline Street, Telegraph Avenue, Claremont Avenue, and Gilman Street (Caltrans 2020). Therefore, development of those housing sites could create a potentially significant impact by exposing future sensitive receptors to substantial pollutant concentrations. However, implementation of Mitigation Measure AQ-3, which was adopted and incorporated into the HEU, would be required and would reduce impacts to a less than significant level.

The 2023 EIR found that the HEU, including the Middle Housing program, would not generate objectionable odors affecting a substantial number of people during operation since it would not include uses such as wastewater treatment plants, landfills or transfer stations, refineries, composting facilities, confined animal facilities, food manufacturing, smelting plants, or chemical plants. Impacts related to odors would be less than significant.

Impacts of the Proposed Project

The allowed land uses, potential increase in residential density, and total number of potential new units that would be facilitated by the proposed amendments would be within those studied in the 2023 EIR, which includes the Middle Housing program. Therefore, emissions from construction and operation of future development would be within those disclosed in the 2023 EIR.

Effects and Mitigation Measures

No new or substantially more severe significant effects would occur to air quality, and no new mitigation measures are required. Berkeley's Standard COA requiring construction BMPs, as referenced in the 2023 EIR, would remain applicable.

> **Air Quality – Diesel Particulate Matter Controls During Construction**. All off-road construction equipment used for projects with construction lasting more than 2 months shall comply with **one** of the following measures:
>
> A. The project applicant shall prepare a health risk assessment that demonstrates the project's on-site emissions of diesel particulate matter during construction will not exceed health risk screening criteria after a screening-level health risk assessment is conducted in accordance with current guidance from BAAQMD and OEHHA. The health risk assessment shall be submitted to the Public Works Department for review and approval prior to the issuance of building permits.

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B. All construction equipment shall be equipped with Tier 2 or higher engines and the most effective Verified Diesel Emission Control Strategies (VDECS) available for the engine type (Tier 4 engines automatically meet this requirement) as certified by the California Air Resources Board (CARB). The equipment shall be properly maintained and tuned in accordance with manufacturer specifications. In addition, a Construction Emissions Minimization Plan (Emissions Plan) shall be prepared that includes the following:
   - An equipment inventory summarizing the type of off-road equipment required for each phase of construction, including the equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating), horsepower, and engine serial number. For all VDECS, the equipment inventory shall also include the technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date.
   - A Certification Statement that the Contractor agrees to comply fully with the Emissions Plan and acknowledges that a significant violation of the Emissions Plan shall constitute a material breach of contract. The Emissions Plan shall be submitted to the Public Works Department for review and approval prior to the issuance of building permits.

Previously adopted 2023 EIR Mitigation Measures AQ-1 through AQ-3, incorporated in the City's Standard COAs, would remain applicable and would continue to be implemented and monitored.

AQ-1 Construction Emissions Reduction Measures

As part of the City's development approval process, the City shall require applicants for future development projects within the project sites to comply with the current Bay Area Air Quality Management District's basic control measures for reducing construction emissions of PM_{10} (Table 8-2, Basic Construction Mitigation Measures Recommended for All Proposed Projects, of the May 2017 BAAQMD CEQA Guidelines), outlined below.

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times a day.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California Airborne Toxics Control Measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points.
7. All construction equipment shall be maintained and properly tuned in accordance with manufacture's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper conditions prior to operation.
8. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's number shall also be visible to ensure compliance with applicable regulations.

AQ-2 Construction Health Risk Assessment

For individual projects (excluding ADUs, single-family residences, and duplexes) where construction activities would occur within 1,000 feet of sensitive receptors, would last longer than two months, and would not utilize Tier 4 and/or alternative fuel construction equipment, the project applicant shall prepare a construction health risk assessment (HRA). The HRA shall determine potential risk and compare the risk to the following BAAQMD thresholds:

- Non-compliance with Qualified Community Risk Reduction Plan;
- Increased cancer risk of > 10.0 in a million;
- Increased non-cancer risk of > 1.0 Hazard Index (Chronic or Acute); or
- Ambient $PM_{2.5}$ increase of > 0.3 µg/m^3 annual average

If risk exceeds the thresholds, measures such as requiring the use of Tier 4 and/or alternative fuel construction equipment shall be incorporated to reduce the risk to appropriate levels.

AQ-3 TAC Exposure Reduction Building Measures

The following design features shall be incorporated for residential development located within 1,000 feet of I-580/80 or on a lot that fronts on a section of roadway with 10,000 vehicles per day or more in order to reduce exposure of proposed residences to TACs from vehicles and stationary combustion engines (i.e., generators):

1. If the proposed buildings would use operable windows or other sources of infiltration of ambient air, the development shall install a central HVAC system that includes high efficiency particulate filters (HEPA). These types of filters are capable of removing approximately 99.97 percent of the DPM emissions from air introduced into the HVAC system (U.S. EPA 2022). The system may also include a carbon filter to remove other chemical matter. Filtration systems must operate to maintain positive pressure within the building interior to prevent entrainment of outdoor air indoors.
2. If the development limits infiltration through non-operable windows, a suitable ventilation system shall include a ventilation system with filtration specifications equivalent to or better than the following: (1) American Society of Heating, Refrigerating and Air- Conditioning Engineers MERV-13 supply air filters, (2) greater than or equal to one air exchanges per hour of fresh outside filtered air, (3) greater than or equal to four air exchanges per hour recirculation, and (4) less than or equal to 0.25 air exchanges per hour in unfiltered infiltration. These types of filtration methods are capable of removing approximately 90 percent of the DPM emissions from air introduced into the HVAC system.
3. Windows and doors shall be fully weatherproofed with caulking and weather-stripping that is rated to last at least 20 years. Weatherproof should be maintained and replaced by the property owner, as necessary, to ensure functionality for the lifetime of the project.
4. Where appropriate, install passive (drop-in) electrostatic filtering systems, especially those with low air velocities (*i.e.*, 1 mph).
5. Prepare an ongoing maintenance plan for the HVAC and filtration systems, consistent with manufacturers' recommendations.
6. The applicant shall inform occupants regarding the proper use of any installed air filtration system.

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Conclusion

The proposed project would have less than significant impacts after mitigation with respect to air quality, similar to the 2023 EIR. No substantial changes have occurred that require major revisions to the 2023 EIR. There is no new information indicating that the proposed project would have new significant impacts or substantially more severe significant impacts with respect to air quality than were identified in the 2023 EIR. None of the conditions listed in CEQA Guidelines Section 15162 that would indicate that the project is not consistent with the HEU and its impacts as studied in the 2023 EIR have been met.

4.3 Biological Resources

Impacts Identified in the 2023 EIR

As discussed in Section 4.3, *Biological Resources*, of the 2023 EIR, the HEU did not include development sites on the western boundary of Berkeley, where marine, estuarine, and lacustrine habitats may provide habitats for special-status species and native fish and wildlife, and include mainly sites in the urbanized core of the City. Therefore, the HEU would have less than significant impacts related to riparian habitats and sensitive natural communities, state or federally protected wetlands, and movement of native resident or migratory fish or wildlife species. Nonetheless, trees, shrubs, man-made structures, and the ground surface throughout Berkeley provide suitable nesting substrates for birds protected under the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (CFGC), and construction activities under the HEU could potentially affect nesting birds if carried out during breeding season. However, with compliance with the City's Standard COA related to avoiding disturbance of nesting birds, impacts were found to be less than significant. As discussed in the 2023 EIR, development facilitated by the HEU would be required to comply with the City's Tree Ordinance (BMC No. 6,509-N.S.), and because there are no adopted habitat conservation plans or natural community conservation plans within the city of Berkeley, the HEU would not conflict with provisions of an adopted Habitat Conservation Plan or Natural Community Conservation Plan.

Impacts of the Proposed Project

The proposed amendments would affect the same parcels as envisioned for the Middle Housing program and studied for development or redevelopment in the 2023 EIR, with the exception of parcels in the Hillside Overlay. Ground disturbance would occur in similar areas and building massing would be only incrementally larger and on sites scattered throughout urbanized areas of the city. Therefore, potential impacts to sensitive natural areas or communities, and species habitat or species, would be within those disclosed in the 2023 EIR.

Effects and Mitigation Measures

No new or substantially more severe significant effects would occur to biological resources, and no new mitigation measures are required. Berkeley's Standard COA requiring avoiding disturbance of nesting birds, as referenced in the 2023 EIR, would remain applicable.

> **Avoid Disturbance of Nesting Birds.** Initial site disturbance activities, including vegetation and concrete removal, shall be prohibited during the general avian nesting season (February 1 to August 30), if feasible. If nesting season avoidance is not feasible, the applicant shall retain a qualified biologist to conduct a preconstruction nesting bird survey to determine the

presence/absence, location, and activity status of any active nests on or adjacent to the project site. The extent of the survey buffer area surrounding the site shall be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (CFGC), nesting bird surveys shall be performed not more than 14 days prior to scheduled vegetation and concrete removal. In the event that active nests are discovered, a suitable buffer (typically a minimum buffer of 50 feet for passerines and a minimum buffer of 250 feet for raptors) shall be established around such active nests and no construction shall be allowed inside the buffer areas until a qualified biologist has determined that the nest is no longer active (e.g., the nestlings have fledged and are no longer reliant on the nest). No ground-disturbing activities shall occur within this buffer until the qualified biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Nesting bird surveys are not required for construction activities occurring between August 31 and January 31.

Conclusion

The proposed project would have less than significant impacts with respect to biological resources, similar to the 2023 EIR. No substantial changes have occurred that require major revisions to the 2023 EIR. There is no new information indicating that the proposed project would have new significant impacts or substantially more severe significant impacts with respect to biological resources than were identified in the 2023 EIR. None of the conditions listed in CEQA Guidelines Section 15162 that would indicate that the project is not consistent with the HEU and its impacts as studied in the 2023 EIR have been met.

4.4 Cultural Resources

Impacts Identified in the 2023 EIR

As discussed in Section 4.4, *Cultural Resources*, of the 2023 EIR, the City has adopted regulations related to cultural resources that would apply to development facilitated by the HEU. Pursuant to Chapter 3.24 of the BMC, the City's Landmarks Preservation Commission (LPC) ordinance provides procedures for the local designation of historical resources and includes a provision for a permit review which allows the LPC to review and approve construction, alteration, or demolition of a designated landmark, buildings in designated historic districts, and structures of merit. In addition, pursuant to BMC Section 23.326.070(C), the City requires any application for a use permit or administrative use permit to demolish a non-residential building or structure which is 40 or more years old to be forwarded to the LPC for review before consideration of the permit by the Zoning Adjustments Board. Further, the 2023 EIR explained that the City's zoning project application has submittal requirements for zoning projects that include the proposed demolition or substantial change to any building 40 or more years old subject to environmental review requiring a historical resource evaluation. For projects subject to discretionary review, potential impacts to historical resources would be addressed by following the existing procedures of the City's permit review process, and by adherence to the City's Standard COAs. The BMC requirements and zoning project application submittal requirements are intended to reduce impacts to historical resources by ensuring that proposed changes to buildings do not negatively impact the resource by encouraging the preservation and maintenance of historical materials and ensuring work performed is consistent with the resource's historical character. Nonetheless, the 2023 EIR determined that there is potential for historic resources that have not yet been subject to evaluation or would not be subject

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to the City's permit review or zoning application requirements to be adversely impacted, and Mitigation Measure CUL-1 and Mitigation Measure CUL-2, which were adopted and incorporated into the HEU, would be required to reduce impacts to the maximum extent feasible. However, even with implementation of previously-adopted Mitigation Measure CUL-1 and Mitigation Measure CUL-2, existing and eligible historical resources could still be materially impaired by future development that would be facilitated by the HEU because specific actions intended for the reduction of impacts to historical resources could be deemed infeasible. In addition, the 2023 EIR determined that future projects that are not subject to discretionary review and have not been previously evaluated for the presence of historical resources could result in the demolition of potential historic resources. Therefore, impacts to historical resources were found to be significant and unavoidable.

The 2023 EIR found that ground-disturbance of native soils on properties for the purposes of development facilitated by the HEU could contain previously unknown prehistoric or historic-period resources, and individual development projects facilitated by the HEU that would involve ground disturbance activities would have the potential to damage or destroy archaeological resources, especially if they occur below previously disturbed sediments. However, with adherence to the City's Standard COA related to archaeological resources, impacts would be less than significant.

The 2023 EIR also determined that ground-disturbing activities associated with development under the HEU could result in damage to or destruction of human burials. However, compliance with the California Health and Safety Code (Section 7050.5, 7051, and 7054), which has specific provisions for the protection of human burial remains; PRC Section 5097.98, which addresses the disposition of Native American burials, protects such remains, and establishes the Native American Heritage Commission (NAHC) to resolve related disputes; and the City's Standard COA related to human remains; would result in impacts that would be less than significant.

Impacts of the Proposed Project

The affected zoning districts are within those studied for the Middle Housing program in the 2023 EIR. Demolition of buildings and ground disturbance that could encounter archaeological resources or human remains would occur in the same areas of the affected districts and to the same extent as that disclosed in the 2023 EIR. The same regulations, Standard COAs, and 2023 EIR mitigation measures would apply.

Regarding historic resources specifically, Mitigation Measure CUL-2 (which requires a historical resources assessment for projects subject to discretionary review) would not apply to ministerial Middle Housing projects on sites with structures that have not been previously evaluated to initiate a landmark or structure-of-merit designation, because discretionary review would not be required in such cases. However, Mitigation Measure CUL-1 would also assist the City in identifying historic resources independently of individual project applications. Once those resources are identified, the provisions of BMC Chapter 3.24.200 (discussed below) would apply and would reduce impacts to these resources. Moreover, the amendments allowing ministerial approval for certain residential projects are consistent with the Middle Housing program analyzed in the 2023 EIR (which states that the purpose of Middle Housing program is to "facilitate increased development in lower density districts"), and therefore are within those studied in the 2023 EIR.

For sites that are designated historic sites, landmarks or structures of merit, CUL-2 would apply to reduce impacts to historical resources. BMC Chapter 3.24.200 states that "any construction, alteration or demolition for which a permit is required" that is "to be carried out on a designated landmark, in a designated historic district or structure of merit" must be approved by the Landmarks Preservation Board. While a ZC is not a permit, a project approved with a ZC needs to obtain a

Building Permit, so would be subject to this requirement, if applicable. Thus, even though the project would permit the demolition of a single-family home that is not tenant-occupied with a ZC in certain cases, the project would exempt designated landmarks, structures in designated historic districts, and structures of merit from this streamlined requirement. Such projects would be required to obtain the approval of the Landmarks Preservation Commission for a demolition. Accordingly, the proposed project is consistent with the Middle Housing program analyzed in the 2023 EIR and the mitigation measures adopted therein.

However, although the continued implementation, when applicable, of 2023 EIR mitigation measures CUL-1 and CUL-2 would reduce impacts to historical resources to the maximum extent feasible, existing and eligible historical resources could still be materially impaired by future development that would be facilitated by the proposed project. Material impairment could occur because specific actions intended for the reduction of impacts to historical resources could be determined to be infeasible. Material impairment could also occur because future projects that are not subject to discretionary review on sites with structures that have not been previously evaluated to initiate a landmark or structure-of-merit designation could result in the demolition of potential but unknown historic resources. Although future development would be required to comply with mitigation measures CUL-1 and CUL-2, when applicable, as adopted in the 2023 EIR, similar to the HEU as a whole, impacts would remain significant and unavoidable. Impacts related to historical resources would be consistent with what was evaluated in the 2023 EIR.

Effects and Mitigation Measures

Historical Resources

No new or substantially more severe significant effects would occur to cultural resources, and no new mitigation measures are required. Previously adopted Mitigation Measure CUL-1 and Mitigation Measure CUL-2 would remain applicable and would continue to be implemented and monitored. As stated above, Mitigation Measure CUL-2 would not be applicable to projects that are not subject to discretionary review on sites with structures that have not been previously evaluated to initiate a landmark or structure-of-merit designation. However, this would not be a new impact because it was analyzed in the 2023 EIR, as stated above.

CUL-1 Historic Context Statement, Cultural Resources Survey and Designations

During the period of this Housing Element, the City should conduct a citywide historic context statement and a cultural resource survey to identify historic resources, with priority given to sites in the 2023 EIR Site Inventory, to determine if there are designed built environment features which are over 40 years of age proposed to be altered or demolished. Designation of historic or cultural resources should be conducted by the Landmarks Preservation Commission pursuant to 3.24.260 of the Berkeley Municipal Code.

CUL-2 Historical Resources Discretionary Review

For projects that are subject to discretionary review that occur during the Housing Element period where a historical-age building or structure that has not been previously evaluated is present, a historical resources assessment shall be performed by an architectural historian or historian who meets the Secretary of the Interior Professional Qualification Standards (PQS) in architectural history or history. The qualified architectural historian or historian shall conduct an intensive-level survey in accordance with the California Office of Historic Preservation guidelines to determine if

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the property qualifies for federal, state, or local historical resources designation. All age eligible properties shall be evaluated within their historic context and documented in a technical memorandum with Department of Parks and Recreation Series 523 Forms.

Should a property be found to be a qualifying historical resource, the project shall be subject to the City's regulations for permit review, including by the Preservation Landmarks Commission pursuant to Chapter 3.24.260, and/or by the Zoning Adjustments Board pursuant to Chapter 23.326 of the City of Berkeley Municipal Code. Efforts shall be made to the extent feasible to ensure that impacts are mitigated. Application of mitigation shall generally be overseen by a qualified architectural historian or historic architect meeting the PQS, unless unnecessary in the circumstances (e.g., preservation in place). In conjunction with a development application that may affect the historical resource, the historical resources built environment assessment shall also identify and specify the treatment of character-defining features and construction activities.

Efforts shall be made to the greatest extent feasible to ensure that the relocation, rehabilitation, or alteration of the resource is consistent with the Secretary of the Interior's Standards for the Treatments of Historic Properties (Standards). In accordance with CEQA, a project that has been determined to conform with the Standards generally would not cause a significant adverse direct or indirect impact to historical resources (14 CCR § 15126.4(b)(1)). Application of the Standards shall be overseen by a qualified architectural historian or historic architect meeting the PQS. In conjunction with any development application that may affect the historical resource, a report identifying and specifying the treatment of character-defining features and construction activities shall be provided to the City for review and concurrence. As applicable, the report shall demonstrate how the project complies with the Standards and be submitted to the City for review and approval prior to the issuance of permits.

If significant historical resources are identified on a development site and compliance with the Standards and or avoidance is not possible, appropriate site-specific mitigation measures shall be established and undertaken. These may include documentation of the resource in a manner consistent with the standards of the Historic American Building Survey (HABS). Documentation should include full descriptive and historical narrative, measured drawings, and medium format photographs, all in archivally stable format.

Archaeological Resources and Human Remains

No new or substantially significant effects to archaeological resources or human remains were identified and no new mitigation measures are required. Berkeley's Standard COAs, as referenced in the 2023 EIR, would remain applicable and would reduce impacts to archaeological resources and human remains.

Archaeological Resources *(Ongoing throughout demolition, grading, and/or construction)*. Pursuant to CEQA Guidelines Section 15064.5(f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore:

A. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist, historian or paleontologist to assess the significance of the find.

B. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified professional would meet to determine the appropriate

avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Berkeley. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by the qualified professional according to current professional standards.

C. In considering any suggested measure proposed by the qualified professional, the project applicant shall determine whether avoidance is necessary or feasible in light of factors such as the uniqueness of the find, project design, costs, and other considerations.

D. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation measures for cultural resources is carried out.

E. If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center.

Human Remains (Ongoing throughout demolition, grading, and/or construction). In the event that human skeletal remains are uncovered during ground-disturbing activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.

Conclusion

Historical Resources

Previously adopted Mitigation Measure CUL-1 and Mitigation Measure CUL-2 would remain applicable to the proposed project, although, as discussed in the 2023 EIR, Mitigation Measure CUL-2 would not apply to ministerial Middle Housing projects on sites with structures that have not been previously evaluated to initiate a landmark or structure-of-merit designation. Even with implementation of these mitigation measures, impacts to cultural resources would remain significant and unavoidable, similar to the adopted HEU. There is no new information indicating that the proposed project would have new significant impacts or substantially more severe significant impacts with respect to historical resources than were identified in the 2023 EIR. None of the conditions listed in CEQA Guidelines Section 15162 that would indicate that the project is not consistent with the HEU and its impacts as studied in the 2023 EIR have been met.

Archaeological Resources and Human Remains

The proposed project would have less than significant impacts with respect to archaeological resources and human remains, similar to the 2023 EIR. No substantial changes have occurred that require major revisions to the 2023 EIR. There is no new information indicating that the proposed project would have new significant impacts or substantially more severe significant impacts with respect to archaeological resources or human remains than were identified in the 2023 EIR. None of

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the conditions listed in CEQA Guidelines Section 15162 that would indicate that the project is not consistent with the HEU and its impacts as studied in the 2023 EIR have been met.

4.5 Energy

Impacts Identified in the 2023 EIR

As discussed in Section 4.5, *Energy*, of the 2023 EIR, construction facilitated by the HEU would involve temporary energy use. During construction, contractors would be required to comply with the provisions of California Code of Regulations Title 13 Sections 2449 and 2485, which prohibit diesel-fueled commercial motor vehicles and off-road diesel vehicles from idling for more than 5 minutes and would minimize unnecessary fuel consumption. Construction equipment would be subject to the United States Environmental Protection Agency's (USEPA) Construction Equipment Fuel Efficiency Standard, which would also minimize inefficient, wasteful, or unnecessary fuel consumption. The HEU would also be required to comply with standards and regulations such as 2019 CALGreen (as codified in CCR Title 24, Part 11) and BMC Chapter 19.37, which would ensure energy is used efficiently during construction.

Development under the HEU would be required to comply with standards set in California Building Code (CBC) Title 24, which would minimize the wasteful, inefficient, or unnecessary consumption of energy resources during operation. California's CALGreen standards (California Code of Regulations, Title 24, Part 11) and BMC Chapters 12.80, 19.36, and 19.36 would require implementation of energy-efficient light fixtures and building materials into the design of new construction projects, limit the use of natural gas infrastructure in new development, and provide for electric-ready infrastructure for natural gas appliances in new buildings. The HEU would facilitate development along transit corridors, near BART stations, and in Priority Development Areas (PDA), which would place residents in proximity to public transit and encourage walking and bicycling. BMC Chapter 19.37 would require at least 20 percent of parking spaces at new multi-family residential developments to be capable of supporting electric vehicle chargers and raceway at the remaining 80 percent of parking spaces to facilitate future electric vehicle supply equipment, which would support the use of electric vehicles by future residents.

In addition, the HEU would be consistent with state renewable energy and energy efficiency plans as well as the City's General Plan policies related to energy. Impacts of the HEU would be less than significant.

Impacts of the Proposed Project

The allowed land uses, potential increase in residential density, and total number of potential new units that would be facilitated by the proposed amendments would be below what was anticipated and evaluated in the 2023 EIR for the Middle Housing program. Therefore, energy use from construction or operation would be consistent with estimates disclosed in the 2023 EIR.

Effects and Mitigation Measures

No new or substantially more severe significant effects related to energy would occur, and no new mitigation measures are required.

Conclusion

The proposed project would have less than significant impacts with respect to energy, similar to the 2023 EIR. No substantial changes have occurred that require major revisions to the 2023 EIR. There is no new information indicating that the proposed project would have new significant impacts or substantially more severe significant impacts with respect to energy than were identified in the 2023 EIR. None of the conditions listed in CEQA Guidelines Section 15162 that would indicate that the project is not consistent with the HEU and its impacts as studied in the 2023 EIR have been met.

4.6 Geology and Soils

Impacts Identified in the 2023 EIR

As discussed in Section 4.6, *Geology and Soils*, of the 2023 EIR, the HEU would facilitate development in areas near the Hayward fault, which would increase the population and infrastructure that would be exposed to earthquake-related hazards. However, with compliance with applicable State and local laws such as the Alquist-Priolo Earthquake Fault Zone Act and Title 19, Chapter 28 of the BMC, impacts would be less than significant. The 2023 EIR determined that the HEU would be located in areas with "low" to "moderate" liquefaction potential and low landslide risk, and impacts were found to be less than significant. The 2023 EIR also determined that although unstable soils within Berkeley have the potential to damage infrastructure or introduce hazards to human health and safety, the City requires site-specific geotechnical evaluations for individual development on steep slopes and unstable soils in accordance with the California Building Code (CBC), and development under the HEU would be required to comply with the Policies S-13A and S-14B of the City's General Plan Disaster Preparedness and Safety Element. Impacts related to unstable soils were found to be less than significant.

The 2023 EIR found that Berkeley's soils are characterized by having "moderate" or a "high" potential for erosion-related hazards, and construction activities could result in erosion and the loss of topsoil. However, new development under the HEU would be required to comply with the SWRCB's General Permit for Discharges of Stormwater Associated with Construction Activity (Construction General Permit Order 2009-0009-DWQ). Construction activities that disturb one or more acres of land surface are subject to the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2012-0006-DWQ) adopted by the SWRCB. Development would also be required to comply with BMC Chapter 21, Section 40, which requires compliance with the Construction General Permit, as well as BMC Section 21.40.270 requires subdivision projects to comply with grading, erosion and sediment control regulations on file with the Public Works Department. Therefore, impacts related to soil erosion or the loss of topsoil were found to be less than significant.

As discussed in Section 4.6 of the 2023 EIR, many of the soil types within Berkeley have "moderate" to "high" potential for shrink-swell behavior, or expansiveness Building on unsuitable soils would have the potential to create future subsidence or collapse issues that could result in the settlement of proposed project infrastructure, and/or the disruption of utility lines and other services. Development facilitated by the HEU would be required to comply with existing State and local regulations, such as the CBC and General Plan Action S-14B, which would require submittal to and review by the City of detailed soils and/or geologic reports prior to construction. Impacts were found to be less than significant.

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The 2023 EIR found that construction activities related to the HEU would potentially result in significant impacts to paleontological resources. However, implementation of Mitigation Measure GEO-1, which was adopted and incorporated into the HEU, would reduce impacts to a less than significant level.

The 2023 EIR found no impacts related to requiring septic tanks or alternative wastewater disposal systems.

Impacts of the Proposed Project

The proposed amendments would affect the same parcels as envisioned for the Middle Housing program and studied for development or redevelopment in the 2023 EIR. Ground disturbance would occur in similar areas, depth of excavation would be similar, location and density of housing would be similar, and the same policies, regulations and standard conditions of approval would apply. Therefore, potential impacts geologic hazards, soils and paleontological resources would be within those disclosed in the 2023 EIR.

Effects and Mitigation Measures

No new or substantially more severe significant effects would occur to geology and soils, and no new mitigation measures are required. Previously adopted 2023 EIR Mitigation Measure GEO-1, , incorporated in the City's Standard COAs, would remain applicable and would continue to be implemented and monitored.

GEO-1 Protection of Paleontological Resources

If ground disturbance below the level of prior disturbance and into native soils is proposed to occur in areas mapped as Pleistocene alluvial fan and fluvial deposits (Qpaf), Orinda Formation (Tor), or Knoxville Formation (Kjk), then the City shall require the following to be implemented:

- **Retention of Qualified Professional Paleontologist**. Prior to initial ground disturbance, the project applicant shall retain a Qualified Professional Paleontologist, as defined by Society of Vertebrate Paleontology (SVP) (2010), to determine the project's potential to significantly impact paleontological resources according to SVP (2010) standards.

  If underlying formations are found to have a high potential for paleontological resources, the Qualified Professional Paleontologist shall create a Paleontological Mitigation and Monitoring Program, which will be approved by the City and contain the following elements:
- **Paleontological Worker Environmental Awareness Program (WEAP).** Prior to the start of construction, the Qualified Professional Paleontologist or their designee shall conduct a paleontological Worker Environmental Awareness Program (WEAP) training for construction personnel regarding the appearance of fossils and procedures for notifying paleontological staff should fossils be discovered by construction staff.
- **Paleontological Monitoring.** Full-time paleontological monitoring shall be conducted during ground disturbing construction activities (i.e., grading, trenching, foundation work) in sediments assigned a high paleontological sensitivity. Paleontological monitoring shall be conducted by a qualified Paleontological Resources Monitor, as defined by the SVP (2010). The duration and timing of the monitoring will be determined by the Qualified Professional Paleontologist based on the observation of the geologic setting from initial ground disturbance, and subject to the review and approval by the City. If the Qualified Professional Paleontologist determines that full-time monitoring is no longer warranted, based on the specific geologic conditions once the

full depth of excavations has been reached, they may recommend that monitoring be reduced to periodic spot-checking or ceased entirely. Monitoring shall be reinstated if any new ground disturbances are required, and reduction or suspension shall be reconsidered by the Qualified Professional Paleontologist at that time. In the event of a fossil discovery by the paleontological monitor or construction personnel, all work in the immediate vicinity of the find shall cease. A Qualified Professional Paleontologist shall evaluate the find before restarting construction activity in the area. If it is determined that the fossil(s) is (are) scientifically significant, the Qualified Professional Paleontologist shall complete the following conditions to mitigate impacts to significant fossil resources.

Upon completion of ground disturbing activity (and curation of fossils if necessary) the Qualified Professional Paleontologist shall prepare a final report describing the results of the paleontological monitoring efforts associated with the project. The report shall include a summary of the field and laboratory methods, an overview of the project geology and paleontology, a list of taxa recovered (if any), an analysis of fossils recovered (if any) and their scientific significance, and recommendations. The report shall be submitted to the City. If the monitoring efforts produced fossils, then a copy of the report shall also be submitted to the designated museum repository.

Conclusion

The proposed project would have less than significant impacts with respect to geology and soils, similar to the 2023 EIR. No substantial changes have occurred that require major revisions to the 2023 EIR. There is no new information indicating that the proposed project would have new significant impacts or substantially more severe significant impacts with respect to geology and soils than were identified in the 2023 EIR. None of the conditions listed in CEQA Guidelines Section 15162 that would indicate that the project is not consistent with the HEU and its impacts as studied in the 2023 EIR have been met.

4.7 Greenhouse Gas Emissions

Impacts Identified in the 2023 EIR

As discussed in Section 4.7, *Greenhouse Gas Emissions*, of the 2023 EIR, full buildout of the HEU would generate 81,985 MT of CO_2e per year, equating to an increase of 1.7 MT of CO_2e per service population per year. As analyzed in the 2023 EIR, the HEU's greenhouse gas (GHG) emissions of 1.7 MT of CO_2e per service population per year would not exceed the BAAQMD's interpolated 2031 target of 3.7 MT CO_2e per service population at the plan-level[3] (refer below to the "Impacts of the Proposed Project" section for interpolation methodology). Therefore, impacts related to GHG emissions were found to be less than significant.

The 2023 EIR found that the HEU would be consistent with GHG reduction goals and policies in the 2017 Scoping Plan, Plan Bay Area 2050, the City's General Plan, and the City's Climate Action Plan

[3] BAAQMD developed plan-level thresholds of significance to assist lead agencies with determining significance for long-range local and regional plans. Local long-range plans are discretionary, program-level planning activities, such as general plans and general plan elements, specific plans, area plans, community plans, congestion management plans, and annexations of lands and service areas. The proposed project involves Zoning Ordinance and General Plan amendments to facilitate housing in the Southside Area. Plan-level thresholds are used instead of project-level thresholds because the proposed project constitutes as a programmatic document and applies to the Southside Area.

(CAP). Therefore, 2013 EIR determined that the HEU would have less than significant impacts related to conflicting with an applicable GHG reduction plan.

Impacts of the Proposed Project

The allowed land uses, potential increase in residential density, and total number of potential new units that would be facilitated by the proposed amendments would be below those studied in the 2023 EIR for the Middle Housing program because the Hillside Overlay is excluded from the proposed project. Therefore, emissions from construction and operation (vehicle trips and building sources) of future development would be within those disclosed in the 2023 EIR.

Effects and Mitigation Measures

No new or substantially more severe significant effects related to GHG emissions would occur and no new mitigation measures are required.

Conclusion

The proposed project would have less than significant impacts with respect to GHG emissions, similar to the 2023 EIR. No substantial changes have occurred that require major revisions to the 2023 EIR. There is no new information indicating that the proposed project would have new significant impacts or substantially more severe significant impacts with respect to GHG emissions than were identified in the 2023 EIR. None of the conditions listed in CEQA Guidelines Section 15162 that would indicate that the project is not consistent with the HEU and its impacts as studied in the 2023 EIR have been met.

4.8 Hazards and Hazardous Materials

Impacts Identified in the 2023 EIR

As discussed in Section 4.8, *Hazards and Hazardous Materials*, of the 2023 EIR, construction of development facilitated by the HEU could result in an increase in the overall routine, transport, use, and disposal of hazardous materials in Berkeley. However, hazardous materials would be required to be transported under U.S. Department of Transportation (DOT) regulations (U.S. DOT Hazardous Materials Transport Act, 49 Code of Federal Regulations). The California Department of Toxic Substances Control (DTSC) also regulates hazardous wastes under the authority of Resource Conservation and Recovery Act (RCRA) and in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Divisions 4 and 4.5). The 2023 EIR found that portions of Berkeley are located in Environmental Management Areas (EMA) as identified by the City's Toxics Management Division (TMD).[4] As a Certified Unified Program Agency (CUPA) for the City of Berkeley, the TMD is responsible for identifying areas known or suspected to have groundwater contamination that could result in potential health and environmental impacts, and development in the EMA would require project review by the TMD prior to issuance of permits. Future development projects facilitated by the HEU would be subject to the City's Standard COA related to Environmental Site Assessments, Soil and Groundwater Management Plans, Building

[4] EMAs can be located using the City's Environment GIS portal: https://berkeley.maps.arcgis.com/apps/webappviewer/index.html?id=2c7dfafbb1f64e159f4fdf28a52f51c6&showLayers=Berkeley%20Parcels;Environment.

Materials Surveys, and Hazardous Materials Business Plans, which would reduce impacts to a less than significant level.

The 2023 EIR determined that operation of the HEU would not risk exposing the public to hazardous materials because residential uses do not typically use hazardous materials other than small amounts for cleaning and landscaping. Although the HEU would increase the number of residents near transportation corridors where hazardous materials may be routinely transported, as discussed above the transportation of hazardous materials is regulated by the DOT. Additionally, since the HEU would facilitate residential development within areas of Berkeley where hazardous materials could be stored or used, such as near mixed-use or industrial areas, the potential of residents being exposed to hazardous materials may be increased. However, future development would be required to adhere to the California Accidental Release Prevention (CAL ARP) program as required by the California Environmental Protection Agency (Cal EPA) (Cal EPA 2023), develop a Hazardous Materials Business Plan enforced by Berkeley's TMD (City of Berkeley 2023b), and adhere to the Local Hazard Mitigation Plan (LHMP) established by Alameda County and the City of Berkeley (City of Berkeley 2019), which aim to minimize community exposure to hazardous and potentially hazardous materials by avoiding toxic cleaning and building materials and products in civic facilities and services; providing information, opportunities, and incentives to the community for proper disposal of toxic materials; encouraging non-toxic materials and products in homes and businesses as an alternative to products containing potentially hazardous materials; and providing procedures to follow in the event of a spill. Compliance with these policies would further prepare the City, reduce the risk of spills, and protect the public in the event of an accidental spill or exposure. Future development would also be required to comply with policies and programs in the Disaster Preparedness and Safety Element, Environmental Management Element, and the Housing Element of the City's General Plan such as Policies S-15, EM-12, EM-13, and EM-15, as well as Housing Element Programs 16, 21, 22, and 25, impacts would be less than significant.

The 2023 EIR determined that although 122 housing inventory sites listed in the HEU would be located within a 0.25-mile radius of Berkeley's existing schools and childcare facilities, impacts related to the accidental release of hazardous materials and exposure to these materials would be less than significant with adherence to the above-referenced State and local laws, regulations and plans. The 2023 EIR stated that Berkeley has 361 documented sites containing or potentially containing hazardous materials contamination in underlying soil and/or groundwater that have not received regulatory closure. Development facilitated by the HEU could involve ground disturbance on sites where soil, soil vapor, or groundwater contamination is present such that hazardous materials are released, exposing construction workforce and nearby occupants to hazardous materials. However, development near hazardous locations would be preceded by investigation, remediation (cleanup), and monitoring, as necessary, under the supervision of the City's TMD, RWQCB, or DTSC before construction activities begin. Furthermore, if an unidentified underground storage tank (UST) is uncovered or disturbed during construction, it would be removed under permit, and potential risks due to residual contamination would be minimized by managing the site according to existing standards contained in Division 20, Chapters 6.7 and 6.75 (Underground Storage Tank Program) of the California Health and Safety Code as enforced and monitored by the City's TMD. Similarly, if groundwater contamination is identified, characterization of the vertical and lateral extent of the contamination and remediation activities would be required by the RWQCB prior to the commencement of new construction activities that would disturb the subsurface. If contamination exceeds regulatory action levels, the developer would be required to undertake remediation prior to grading and development under the supervision of the RWQCB, depending upon the nature of identified contamination to levels that do not pose an unacceptable risk for the

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intended land use. Therefore, impacts related to hazardous materials sites would be less than significant.

Development facilitated by the HEU also would be required to comply with Policy T-28 of the City's General Plan which identifies actions for emergency access. Development would also be required to conform to the latest Fire Code requirements, including provisions for emergency access. Because there are no public or private airports within Berkeley, the 2023 EIR determined that the HEU would not result in impacts related to a safety hazard or excessive noise hazards within airport land use plan areas or in proximity to airports.

Impacts of the Proposed Project

The proposed amendments would affect the same zoning districts and parcels as envisioned for the Middle Housing program and studied for development or redevelopment in the 2023 EIR. Ground disturbance associated with development of new residential units would occur in the same areas as studied in the 2023 EIR on sites scattered throughout urbanized areas of the city. The same existing regulations and standard conditions of approval would apply. Potential impacts related to hazardous materials use, contaminated sites, and risk of release would be within those disclosed in the 2023 EIR.

Effects and Mitigation Measures

No new or substantially more severe significant effects would occur related to hazards and hazardous materials, and no new mitigation measures are required. Berkeley's Standard COA requiring contacting the TMD and determining if Environmental Site Assessments, Soil and Groundwater Management Plans, Building Materials Surveys, and Hazardous Materials Business Plans, as referenced in the 2023 EIR, would remain applicable.

Toxics. The applicant shall contact the Toxics Management Division (TMD) to determine which of the following documents are required and timing for their submittal:

A. Environmental Site Assessments

1. Phase I & Phase II Environmental Site Assessments (latest ASTM 1527-13). A recent Phase I ESA (less than 6 months old*) shall be submitted to TMD for developments for:
   - All new commercial, industrial and mixed-use developments and all large improvement projects.
   - All new residential buildings with 5 or more dwelling units located in the Environmental Management Area (or EMA).
   - EMA is available online at: http://www.cityofberkeley.info/uploadedFiles/IT/Level_3_-_General/ema.pdf
2. Phase II ESA is required to evaluate Recognized Environmental Conditions (REC) identified in the Phase I or other RECs identified by TMD staff. The TMD may require a third party toxicologist to review human or ecological health risks that may be identified. The applicant may apply to the appropriate state, regional or county cleanup agency to evaluate the risks.
3. If the Phase I is over 6 months old, it will require a new site reconnaissance and interviews. If the facility was subject to regulation under Title 15 of the Berkeley Municipal Code since the last Phase I was conducted, a new records review must be performed.

B. Soil and Groundwater Management Plan

1. A Soil and Groundwater Management Plan (SGMP) shall be submitted to TMD for all non-residential projects, and residential or mixed-use projects with five or more dwelling units, that: (1) are in the Environmental Management Area (EMA) and (2) propose any excavations deeper than 5 feet below grade. The SGMP shall be site specific and identify procedures for soil and groundwater management including identification of pollutants and disposal methods. The SGMP will identify permits required and comply with all applicable local, state and regional requirements.
2. The SGMP shall require notification to TMD of any hazardous materials found in soils and groundwater during development. The SGMP will provide guidance on managing odors during excavation. The SGMP will provide the name and phone number of the individual responsible for implementing the SGMP and post the name and phone number for the person responding to community questions and complaints.
3. TMD may impose additional conditions as deemed necessary. All requirements of the approved SGMP shall be deemed conditions of approval of this Use Permit.

C. Building Materials Survey

1. Prior to approving any permit for partial or complete demolition and renovation activities involving the removal of 20 square or lineal feet of interior or exterior walls, a building materials survey shall be conducted by a qualified professional. The survey shall include, but not be limited to, identification of any lead-based paint, asbestos, polychlorinated biphenyl (PBC) containing equipment, hydraulic fluids in elevators or lifts, refrigeration systems, treated wood and mercury containing devices (including fluorescent light bulbs and mercury switches). The Survey shall include plans on hazardous waste or hazardous materials removal, reuse or disposal procedures to be implemented that fully comply with state hazardous waste generator requirements (22 California Code of Regulations 66260 et seq). The Survey becomes a condition of any building or demolition permit for the project. Documentation evidencing disposal of hazardous waste in compliance with the survey shall be submitted to TMD within 30 days of the completion of the demolition. If asbestos is identified, Bay Area Air Quality Management District Regulation 11-2-401.3 a notification must be made and the J number must be made available to the City of Berkeley Permit Service Center.

D. Hazardous Materials Business Plan

1. A Hazardous Materials Business Plan (HMBP) in compliance with BMC Section 15.12.040 shall be submitted electronically at http://cers.calepa.ca.gov/ within 30 days if on-site hazardous materials exceed BMC 15.20.040. HMBP requirement can be found at http://ci.berkeley.ca.us/hmr/

Conclusion

The proposed project would have less than significant impacts with respect to hazards and hazardous materials, similar to the 2023 EIR. No substantial changes have occurred that require major revisions to the 2023 EIR. There is no new information indicating that the proposed project would have new significant impacts or substantially more severe significant impacts with respect to hazards and hazardous materials than were identified in the 2023 EIR. None of the conditions listed in CEQA Guidelines Section 15162 that would indicate that the project is not consistent with the HEU and its impacts as studied in the 2023 EIR have been met.

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4.9 Hydrology and Water Quality

Impacts Identified in the 2023 EIR

As discussed in Section 4.9, *Hydrology and Water Quality*, of the 2023 EIR, construction activities could cause soil erosion from exposed soil, and accidental release of hazardous materials used for equipment such as vehicle fuels and lubricant, or temporary siltation from storm water runoff. However, future development facilitated by the HEU would be required to comply with State and local water quality regulations designed to control erosion and protect water quality during construction, such as requirements of the SWRCB Construction General Permit (CGP), which requires preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP) and BMPs for projects that disturb one acre or more of land. Should dewatering be necessary during construction, development projects would be subject to the San Francisco Bay Regional Water Quality Control Board Order No. R2-2012-0060, General Waste Discharge Requirements for Discharge or Reuse of Extracted Brackish Groundwater, Reverse Osmosis Concentrate Resulting from Treated Brackish Groundwater, and Extracted Groundwater from Structural Dewatering Requiring Treatment (Groundwater General Permit). Development would also be required to comply with BMC Chapters 17.20 and 21.40, which would reduce construction-related water quality impacts to a less than significant level.

Development under the HEU, including development resulting from the Middle Housing program, would also be required to comply with the BMC and the Municipal Regional Stormwater NPDES Permit (No. CAS612008). Development design would include BMPs to avoid adverse effects associated with stormwater runoff quality. The 2023 EIR stated that development would also be required to implement LID Measures and on-site infiltration, as required under the C.3 provisions of the Municipal Regional Stormwater Permit (MRP). Provision C.3 requires projects that create and/or replace between 2,500 square feet and 10,000 square feet of impervious surface to install at least one of a menu of site-specific design measures to either redirect runoff into vegetated areas or to include design site features with permeable surfaces.

In addition to Provision C.3, development would also be required to comply with Provisions C.6 (Construction Site Control), C.10 (Trash Load Reduction), and C.15 (Exempted Discharges) of the MRP, which would reduce operational water quality impacts to a less than significant level.

Similarly, with adherence to the NPDES Construction General Permit, NPDES MS4 General Permit, MRP, the Alameda County Clean Water Program, and the BMC, the 2023 EIR found that development facilitated by the HEU would not substantially alter the existing drainage pattern of the site or area or alter the course of a stream or river, not result in erosion or siltation, and not substantially increase the rate of surface runoff in a manner which would result in flooding on- or off-site or exceed capacity of a stormwater system. Impacts were found to be less than significant.

The 2023 EIR determined that development facilitated by the HEU would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table. Compliance with the above-mentioned regulations would increase the potential for groundwater recharge, resulting in less than significant impacts to groundwater.

The 2023 EIR noted that development facilitated by the HEU would be subject to the following provisions within the BMC:

- **Preservation and Restoration of Natural Watercourses – Chapter 17.08.** The purpose of this chapter is to regulate: (1) building over or near culverted creeks; (2) building near open creeks; (3) the rehabilitation and restoration of natural waterways; and (4) the management of watersheds.
- **Stormwater Management and Discharge Control – Chapter 17.20.** This chapter provides the stormwater requirements for projects conducted within the City of Berkeley and is consistent with the requirements of the San Francisco RWQCB and the MRP permit. The purpose of this chapter is to ensure the health, safety, and general welfare of the City of Berkeley's citizens by eliminating non-stormwater discharges to the City's storm drain system and by reducing the contamination of stormwater by pollutants to the maximum extent practicable.
- **Standards of Construction in Special Flood Hazard Zones – Chapter 17.12.** The ordinance also ensures that property owners construct new and substantially improved buildings in the 100-year floodplain in accordance with the National Flood Insurance Program's goals to protect life and property. Section 500 of this chapter addresses standards of construction in special flood hazard areas. Section 530 addresses coastal high hazard areas vulnerable to future sea level rise.
- **Grading, erosion and sediment control requirements – Section 21.40.270.** This requires projects to comply with all grading, erosion and sediment control regulations on file in the Public Works Department.

As discussed in Section 4.9 of the 2023 EIR, there are a few FEMA-designated 100-year Flood Hazard Areas throughout the city, particularly in the western portion of the city. However, development in Flood Hazard Areas would be required to comply with Chapter 17.12 of the BMC, which contains standards for construction in flood zones, as well as Policies S-26, S-27, and S-28 of the Berkeley General Plan, which would reduce impacts to a less than significant level.

Impacts of the Proposed Project

The proposed amendments would affect the same parcels as envisioned for the Middle Housing program and studied for development or redevelopment in the 2023 EIR. Construction, ground disturbance and new residential units would occur in the same areas as studied in the 2023 EIR, with the exception of the Hillside Overlay, on sites scattered throughout urbanized areas of the city. It is anticipated that the proposed zoning changes, which expand developable area within a lot and encourage larger residential development projects, would typically create and/or replace at least 2,500 square feet of impervious surface. Staff anticipates, given the built-out character of the R-1, R-2, R-2A and MU-R zones, that middle housing projects would primarily consist of redevelopment of already urbanized parcels which include impervious surfaces, not development on vacant greenfield parcels. Changes in impermeable surfaces would be the same as analyzed in the 2023 EIR; although the additional allowable lot coverage and smaller setbacks may result in an incrementally greater coverage on small, scattered sites, these would not individually or in combination be extensive enough to affect drainage patterns, substantially increase runoff, or decrease water quality or groundwater recharge, and the same existing regulations and Standard COAs would apply. Potential impacts related to hydrology and water quality would be within those disclosed in the 2023 EIR.

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Effects and Mitigation Measures

No new or substantially more severe significant effects would occur related to hydrology and water quality, and no new mitigation measures are required.

Conclusion

The proposed project would have less than significant impacts with respect to hydrology and water quality, similar to the 2023 EIR. No substantial changes have occurred that require major revisions to the 2023 EIR. There is no new information indicating that the proposed project would have new significant impacts or substantially more severe significant impacts with respect to hydrology and water quality than were identified in the 2023 EIR. None of the conditions listed in CEQA Guidelines Section 15162 that would indicate that the project is not consistent with the HEU and its impacts as studied in the 2023 EIR have been met.

4.10 Land Use and Planning

Impacts Identified in the 2023 EIR

As discussed in Section 4.10, *Land Use and Planning*, of the 2023 EIR, the HEU would have no impact regarding division of an established community because the HEU includes policies and programs to encourage housing development on underutilized and vacant sites and along established commercial corridors and neighborhoods. The HEU was determined to be consistent with the goals and strategies of Plan Bay Area 2050, as well as policies in the City's General Plan and the BMC. As stated in Government Code Section 65589.5(a), the Legislature has concluded that "the lack of housing, including emergency shelters, is a critical problem that threatens the economic, environmental, and social quality of life in California." The HEU establishes policies and programs to further the goal of meeting the existing and projected housing needs of all household income levels of the community. In addition, the sites inventory provides evidence of the City's ability to accommodate the RHNA through the year 2031, as established by the Association of Bay Area Governments (ABAG), as well as efficiently utilize vacant, underutilized, and underdeveloped lots within the City to increase the supply of housing. Impacts were found to be less than significant.

Impacts of the Proposed Project

The proposed project would include Zoning Ordinance amendments and associated General Plan text amendments to implement the Middle Housing program as envisioned in the 2023-2031 Housing Element. The proposed amendments would affect the same parcels as envisioned for the Middle Housing program and studied for development or redevelopment in the 2023 EIR. The allowed land uses, potential increase in residential density, and total number of potential new units that would be facilitated by the proposed amendments would be within those studied in the 2023 EIR for the Middle Housing program. The proposed amendments implement the City's Housing Element and would therefore be consistent with the Housing Element, which included the proposed project, and with the City's General Plan. Impacts related to land use would be the same as for the program studied in the 2023 EIR and would be less than significant.

Effects and Mitigation Measures

No new or substantially more severe significant effects would occur related to land use and planning, and no new mitigation measures are required.

Conclusion

The proposed project would have less than significant impacts with respect to land use and planning, similar to the 2023 EIR. No substantial changes have occurred that require major revisions to the 2023 EIR. There is no new information indicating that the proposed project would have new significant impacts or substantially more severe significant impacts with respect to land use and planning than were identified in the 2023 EIR. None of the conditions listed in CEQA Guidelines Section 15162 that would indicate that the project is not consistent with the HEU and its impacts as studied in the 2023 EIR have been met.

4.11 Noise

Impacts Identified in the 2023 EIR

According to the Berkeley General Plan Environmental Management Element, noise-sensitive uses include but are not limited to residences, child-care centers, hospitals, and nursing homes (City of Berkeley 2001). As discussed in Section 4.11, *Noise*, of the 2023 EIR, the HEU could expose noise-sensitive receptors to combined noise levels from construction equipment of 84 dBA Leq at 50 feet without a pile driver, and 95 dBA Leq at 50 feet with a pile driver. Development facilitated by the HEU would be required to comply with the City's Standard COAs related to construction hours, construction noise reduction, construction noise management, and noise reduction plans. Nonetheless, construction noise levels could still exceed the City's standards for stationary equipment in both multi-family residential and commercial zones and could still exceed the City's standards at multiple sites. Therefore, construction noise impacts were found to be significant and unavoidable.

Operation of projects facilitated by the HEU would include mechanical equipment such as heating, ventilation, and air conditioning (HVAC) equipment, delivery and trash trucks, and other noise-generating activities. However, such activities would be similar to the existing noise environment, and development would be required to comply with Section 13.40.070 of the BMC, which states that stationary machines and other devices located on the exterior of structures which generate sounds perceptible outside the perimeters of the lot on which the machine or other device is located must be installed with such sound transmission control measures to adequately minimize or eliminate the transmission of the sound to a level not to exceed 60 dBA on weekdays and 50 dBA on weekends for single family residential beyond property perimeters; Section 23130 of the California Motor Vehicle Code which establishes maximum sound levels of 86 dBA L_{eq} at 50 feet for trucks operating at speeds less than 35 miles per hour; Section 13.40.070 of the BMC which prohibits operating or permitting the operation of a mechanically powered saw, sander, drill, grinder, lawn or garden tool, or similar tool before 7:00 a.m. on a weekday (or before 9:00 a.m. on a weekend or holiday) or after 7:00 p.m. on a weekday (or after 8:00 p.m. on a weekend or holiday) such that the sound therefrom across a residential or commercial real property line violates BMC Section 13.40.050 or 13.40.060; and Section 19.29 of the BMC which includes the 2019 California Residential Code, as adopted in Title 24 Part 2.5 of the California Code of Regulations, which would reduce operational noise impacts to a less than significant level. As discussed in the 2023 EIR, daily VMT from the HEU would increase by approximately 6 percent over existing 2020 conditions by the year 2031. A 6 percent increase in traffic on a roadway would equate to an increase in noise of 0.2 dBA, which would not double the existing mobile noise source and would not increase noise levels by even the most conservative threshold of 3 dBA, which is considered a barely perceptible noise increase. Off-site traffic noise impacts were therefore found to be less than significant.

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The 2023 EIR found that construction activities related to development facilitated by the HEU would not result in significant vibration impacts with adherence to the City's Standard COA related to construction vibration. The 2023 EIR also found that groundborne vibration in the vicinity of development facilitated by the HEU would be primarily generated by vehicular travel on the local roadways. However, the HEU would not increase traffic trips such that it would be perceptible to nearby noise-sensitive receptors, and impacts would be less than significant.

As discussed in 2023 EIR Section 4.11, development facilitated by the HEU would not be exposed to intermittent noise levels from overhead flight patterns from airports in the city, because there are none located within Berkeley. In addition, residential development would be required to incorporate noise insulation features consistent with achieving State and local standards to reduce interior noise levels to below 45 dBA. Therefore, impacts would be less than significant.

Impacts of the Proposed Project

The proposed amendments would affect the same parcels as envisioned for the Middle Housing program and studied for development or redevelopment in the 2023 EIR, with the exception of parcels in the Hillside Overlay. The allowed land uses, potential increase in residential density, and total number of potential new units that would be facilitated by the proposed amendments would be within those studied in the 2023 EIR for the Middle Housing program. The same regulations and Standard COAs would apply to development under the proposed amendments. Impacts related to noise would be the same as for the program studied in the 2023 EIR and would be significant and unavoidable.

Effects and Mitigation Measures

No new or substantially more severe significant effects would occur related to noise and vibration, and no new mitigation measures are required. Berkeley's Standard COAs related to construction hours, construction noise reduction, construction noise management, noise reduction plans, and construction vibration, as referenced in the 2023 EIR, would remain applicable.

Construction Hours (Residential Zoning Districts). Construction activity shall be limited to between the hours of 8:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and Noon on Saturday. No construction-related activity shall occur on Sunday or any Federal Holiday.

Construction Hours (Non-Residential Zoning Districts). Construction activity shall be limited to between the hours of 7:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and 4:00 PM on Saturday. No construction-related activity shall occur on Sunday or any Federal Holiday.

Construction Noise Reduction Program. The applicant shall develop a site specific noise reduction program prepared by a qualified acoustical consultant to reduce construction noise impacts to the maximum extent feasible, subject to review and approval of the Zoning Officer. The noise reduction program shall include the time limits for construction listed above, as measures needed to ensure that construction complies with BMC Section 13.40.070. The noise reduction program should include, but shall not be limited to, the following available controls to reduce construction noise levels as low as practical:

A. Construction equipment should be well maintained and used judiciously to be as quiet as practical.

B. Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.

C. Utilize "quiet" models of air compressors and other stationary noise sources where technology exists. Select hydraulically or electrically powered equipment and avoid pneumatically powered equipment where feasible.

D. Locate stationary noise-generating equipment as far as possible from sensitive receptors when adjoining construction sites. Construct temporary noise barriers or partial enclosures to acoustically shield such equipment where feasible.

E. Prohibit unnecessary idling of internal combustion engines.

F. If impact pile driving is required, pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.

G. Construct solid plywood fences around construction sites adjacent to operational business, residences or other noise-sensitive land uses where the noise control plan analysis determines that a barrier would be effective at reducing noise.

H. Erect temporary noise control blanket barriers, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.

I. Route construction related traffic along major roadways and away from sensitive receptors where feasible.

Construction Noise Management – Public Notice Required. At least two weeks prior to initiating any construction activities at the site, the applicant shall provide notice to businesses and residents within **500 feet** of the project site. This notice shall at a minimum provide the following: (1) project description, (2) description of construction activities, (3) daily construction schedule (i.e., time of day) and expected duration (number of months), (4) the name and phone number of the Project Liaison for the project that is responsible for responding to any local complaints, (5) commitment to notify neighbors at least four days in advance of authorized extended work hours and the reason for extended hours, and (6) that construction work is about to commence. The liaison would determine the cause of all construction-related complaints (e.g., starting too early, bad muffler, worker parking, etc.) and institute reasonable measures to correct the problem. A copy of such notice and methodology for distributing the notice shall be provided in advance to the City for review and approval.

Noise Reduction Plan. Applicants are required to develop a site-specific noise reduction program prepared by a qualified acoustical consultant to reduce construction noise impacts to the maximum extent feasible. The noise reduction program would include several elements that would reduce the exposure of sensitive receptors to construction noise, such as the following:

- Equipping all internal combustion engine-driven equipment with mufflers in good condition
- Pre-drilling foundation pile holes to minimize the use of pile drivers
- Installing solid plywood fences around construction sites adjacent to sensitive receptors
- Erecting temporary noise control blanket barriers along building façades facing construction sites.

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Damage Due to Construction Vibration. The project applicant shall submit screening level analysis prior to, or concurrent with demolition building permit. If a screening level analysis shows that the project has the potential to result in damage to structures, a structural engineer or other appropriate professional shall be retained to prepare a vibration impact assessment (assessment). The assessment shall take into account project specific information such as the composition of the structures, location of the various types of equipment used during each phase of the project, as well as the soil characteristics in the project area, in order to determine whether project construction may cause damage to any of the structures identified as potentially impacted in the screening level analysis. If the assessment finds that the project may cause damage to nearby structures, the structural engineer or other appropriate professional shall recommend design means and methods of construction that avoid the potential damage, if feasible. The assessment and its recommendations shall be reviewed and approved by the Building and Safety Division and the Zoning Officer. If there are no feasible design means or methods to eliminate the potential for damage, the structural engineer or other appropriate professional shall undertake an existing conditions study (study) of any structures (or, in case of large buildings, of the portions of the structures) that may experience damage. This study shall establish the baseline condition of these structures, including, but not limited to, the location and extent of any visible cracks or spalls; and include written descriptions and photographs.

Conclusion

The City's Standard Conditions of Approval for construction noise reduction and management and BMC requirements would still be applicable to development under the proposed project. However, even with implementation of these conditions, impacts related to construction noise would remain significant and unavoidable, similar to the HEU. Nonetheless, no substantial changes have occurred that require major revisions to the 2023 EIR. There is no new information indicating that the proposed project would have new significant impacts or substantially more severe significant impacts with respect to noise than were identified in the 2023 EIR. None of the conditions listed in CEQA Guidelines Section 15162 that would indicate that the project is not consistent with the HEU and its impacts as studied in the 2023 EIR have been met.

4.12 Population and Housing

Impacts Identified in the 2023 EIR

As discussed in Section 4.12, *Population and Housing*, of the 2023 EIR, the HEU would add housing sites with a potential for up to 19,098 additional residential units and 47,443 additional residents by the year 2031. The 2023 EIR found that the HEU would be consistent with State requirements for the RHNA and would be within the growth forecasts for Northwest Alameda County in Plan Bay Area 2050, which projected a 57 percent increase in population for Northwest Alameda County. The 2023 EIR found that the HEU would not directly or indirectly result in substantial unplanned population growth and would not result in the displacement of substantial numbers of people or housing. Therefore, impacts were found to be less than significant.

Impacts of the Proposed Project

The proposed amendments would affect the same parcels as envisioned for the Middle Housing program and studied for development or redevelopment in the 2023 EIR. The allowed land uses, potential increase in residential density, and total number of potential new units that would be

facilitated by the proposed amendments would be within those studied in the 2023 EIR for the Middle Housing program, and in fact would generate less population and have the potential to displace fewer housing units, as they would result in fewer units than analyzed for the Middle Housing program in the 2023 EIR. Impacts related to population and housing would be the same as for the program studied in the 2023 EIR and would be less than significant.

Effects and Mitigation Measures

No new or substantially more severe significant effects would occur related to population and housing, and no new mitigation measures are required.

Conclusion

The proposed project would have less than significant impacts with respect to population and housing, similar to the 2023 EIR. No substantial changes have occurred that require major revisions to the 2023 EIR. There is no new information indicating that the proposed project would have new significant impacts or substantially more severe significant impacts with respect to population and housing than were identified in the 2023 EIR. None of the conditions listed in CEQA Guidelines Section 15162 that would indicate that the project is not consistent with the HEU and its impacts as studied in the 2023 EIR have been met.

4.13 Public Services and Recreation

Impacts Identified in the 2023 EIR

As discussed in Section 4.13, *Public Services and Recreation*, of the 2023 EIR, the HEU would increase demand for fire and police protection services, school facilities, and parks and recreational facilities. However, compliance with Government Code 65995 (b) as well as policies in the City's General Plan and BMC would reduce impacts to a less than significant level.

Impacts of the Proposed Project

The proposed amendments would affect the same parcels as envisioned for the Middle Housing program and studied for development or redevelopment in the 2023 EIR, with the exception of parcels in the Hillside Overlay. The allowed land uses, potential increase in residential density, and total number of potential new units that would be facilitated by the proposed amendments would be less than those studied in the 2023 EIR for the Middle Housing program and would therefore generate reduced demand for public services and parks/recreational facilities. The same fees, regulations, and policies would apply. The proposed project would allow greater lot coverage for certain residential developments than is currently allowed, but this change to development standards is consistent with the Middle Housing program described and analyzed in the 2023 EIR, which anticipated the City would "review and amend the Zoning Code and applicable objective development standards to encourage a mix of dwelling types and sizes." Impacts related to public services and recreation would be the same as for the program studied in the 2023 EIR and would be less than significant.

Effects and Mitigation Measures

No new or substantially more severe significant effects would occur related to public services and recreation, and no new mitigation measures are required.

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Conclusion

The proposed project would have less than significant impacts with respect to public services and recreation, similar to the 2023 EIR. No substantial changes have occurred that require major revisions to the 2023 EIR. There is no new information indicating that the proposed project would have new significant impacts or substantially more severe significant impacts with respect to public services and recreation than were identified in the 2023 EIR. None of the conditions listed in CEQA Guidelines Section 15162 that would indicate that the project is not consistent with the HEU and its impacts as studied in the 2023 EIR have been met.

4.14 Transportation

Impacts Identified in the 2023 EIR

As discussed in Section 4.14, *Transportation*, of the 2023 EIR, the HEU, which included the Middle Housing program, would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. Although the HEU would increase ridership for AC Transit and BART, AC Transit and BART monitor and plan for anticipated changes in local and regional ridership levels and increased demand through their ongoing evaluation of routes, schedules, ridership, and capacity availability. The HEU would also be consistent with the City's 2017 Bicycle Plan and development would be required to provide long-term and short-term bicycle parking in accordance with BMC Section 23.322.090 as well as meet applicable requirements for pedestrian access under BMC Section 23.304.100.

The 2023 EIR found that the HEU would decrease VMT per capita by 3 percent, from 11.22 to 10.86, which would be below the City of Berkeley VMT threshold of 19.38 (15 percent below regional average household VMT per capita of 22.80). Therefore, VMT impacts were found to be less than significant.

As found in the 2023 EIR, the HEU would not include hazardous geometric design features or incompatible uses, and circulation components and geometric design features for individual projects would be reviewed by the City Engineering division and would be in accordance with all applicable City standards and the building plan check process to minimize design hazards. Therefore, this impact was determined to be less than significant.

The HEU also would not result in inadequate emergency access. The 2023 EIR determined that development under the HEU would be required to comply with basic building designs and standards for residential buildings as mandated by the Berkeley Fire Code, under BMC Chapter 19.48. As a part of development review, representatives from several City departments and representatives, including the Building and Safety Division, the Transportation Division, and the Fire Department, would review the entitlement plan set to ensure compliance with egress requirements and other fire safety features. Individual projects would be required to incorporate all applicable design and safety requirements as set forth in the most current adopted building codes and fire and life safety standards. Compliance with these standards is ensured through the City review and building plan check process. Based on the preceding, impacts related to emergency access were found to be less than significant.

Impacts of the Proposed Project

The proposed amendments would affect the same parcels as envisioned for the Middle Housing program and studied for development or redevelopment in the 2023 EIR, except for parcels in the

Hillside Overlay. The allowed land uses, potential increase in residential density, and total number of potential new units that would be facilitated by the proposed amendments would be within those studied in the 2023 EIR for the Middle Housing program. The proposed amendments also would not apply in the Hillside Overlay, where emergency access is most constrained, thus resulting in lesser impacts than those studied in the 2023 EIR. Therefore, impacts related to vehicle miles traveled; roadway, pedestrian and bicycle facilities; transit; and traffic safety/circulation would be within those disclosed in the 2023 EIR.

Effects and Mitigation Measures

No new or substantially more severe significant effects would occur to transportation and circulation, and no new or revised mitigation measures are required.

Conclusion

The proposed project would have less than significant impacts with respect to transportation, similar to the 2023 EIR. No substantial changes have occurred that require major revisions to the 2023 EIR. There is no new information indicating that the proposed project would have new significant impacts or substantially more severe significant impacts with respect to transportation than were identified in the 2023 EIR. None of the conditions listed in CEQA Guidelines Section 15162 that would indicate that the project is not consistent with the HEU and its impacts as studied in the 2023 EIR have been met.

4.15 Tribal Cultural Resources

Impacts Identified in the 2023 EIR

As discussed in Section 4.15, *Tribal Cultural Resources*, of the 2023 EIR, ground-disturbing activities associated with the HEU could expose and adversely affect previously unidentified subsurface archaeological resources that may qualify as tribal cultural resources. However, impacts would be less than significant with adherence to the City's Standard COAs related to archaeological resources and human remains set forth above under Section 4.4, *Cultural Resources*, as well as Mitigation Measure TCR-1, which was adopted and incorporated into the HEU and would require tribal cultural monitoring.

Impacts of the Proposed project

The proposed amendments would affect the same parcels as envisioned for the Middle Housing program and studied for development or redevelopment in the 2023 EIR, except for parcels in the Hillside Overlay. Ground disturbance would occur in similar areas on sites scattered throughout urbanized areas of the city. The same mitigation measures from the 2023 EIR that required Native American tribal consultation processes would apply. Potential impacts to tribal cultural resources would be within those disclosed in the 2023 EIR.

Effects and Mitigation Measures

No new or substantially more severe significant effects would occur to Tribal Cultural Resources, and no new mitigation measures are required. Berkeley's Standard COAs related to archaeological resources and human remains, set forth above in Section 4.4, *Cultural Resources*, which apply to the HEU as a whole, would remain applicable. Previously adopted 2023 EIR Mitigation Measure TCR-1, ,

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incorporated in the City's Standard COAs, also would remain applicable and would continue to be implemented and monitored.

TCR-1 Tribal Cultural Monitoring

For future projects that are determined through tribal consultation to potentially affect tribal cultural resources, in order to mitigate potential adverse impacts to Native American cultural objects and human remains discovered during construction, tribal cultural monitors will be retained to monitor work done in areas of Tribal concern, as determined through tribal consultation. If Native American cultural objects and/or human remains are discovered during construction, work shall be halted within 100 feet of the discovery until the objects have been inspected and evaluated by tribal cultural monitors and a qualified archaeologist meeting the Professional Qualifications Standards of the Secretary of the Interior (36 CFR Part 61). The archaeologist shall, in accordance with the appropriate Guidelines, identify and evaluate the significance of the discovery and develop recommendations for treatment in consultation with the affected Tribe to ensure any impacts to the cultural resource are less than significant. The preferred mitigation is avoidance. If avoidance is not feasible, project impacts shall be mitigated in consultation with the affected Tribe consistent with the *CEQA Guidelines for Determining the Significance of and Impacts to Cultural Resource, Archaeological Historic and Tribal Cultural Resources*. Such mitigation may include, but is not limited to, additional archaeological testing, archaeological monitoring and/or an archaeological data recovery program. A Native American monitor shall be retained to monitor the ground disturbance when it is suspected that a TCR might be encountered.

Conclusion

The proposed project would have less than significant impacts with mitigation with respect to tribal cultural resources, similar to the 2023 EIR. No substantial changes have occurred that require major revisions to the 2023 EIR. There is no new information indicating that the proposed project would have new significant impacts or substantially more severe significant impacts with respect to tribal cultural resources than were identified in the 2023 EIR. None of the conditions listed in CEQA Guidelines Section 15162 that would indicate that the project is not consistent with the HEU and its impacts as studied in the 2023 EIR have been met.

4.16 Utilities and Service Systems

Impacts Identified in the 2023 EIR

As discussed in Section 4.16, *Utilities and Service Systems*, of the 2023 EIR, HEU would increase water demand in the City by an estimated 0.96 MGD, or approximately 0.5 percent, above the 2030 EBMUD water service area demand estimate of 190 MGD. The increase of 0.5 percent from the projected 2030 water demand in EBMUD's Urban Water Management Plan (UWMP) would also increase the gallons per capita per day (GPCD) from 121 GPCD to 127 GPCD. However, this would still be well below the EBMUD service area water reduction goal of 153 GPCD by 2020. Therefore, EBMUD infrastructure and facilities would have adequate capacity to service the HEU, and construction and operation of development facilitated by the HEU would not require new or expanded water supply facilities. With demand management during multi-year droughts, as required by EBMUD, impacts of HEU related to water supply would be less than significant.

As discussed in Section 4.16, *Utilities and Service Systems*, of the 2023 EIR, development facilitated by the HEU would generate approximately 765,688 gallons per day (gpd) of wastewater. EBMUD

projects that 61 mgd of wastewater will be collected and treated in the EBMUD Special District No.1 by 2040. Therefore, the HEU would generate approximately 1.3 percent of the wastewater collected and treated in in the district by 2040. The increased wastewater generation would be within the remaining capacity of EBMUD's Main Wastewater Treatment Plant (MWWTP), and the plant's existing wastewater treatment capacity would be sufficient to accommodate the increase in population facilitated by the HEU. Additionally, as discussed in the 2023 EIR, although the construction of new or expanded sewer mains may be necessary to accommodate additional wastewater flow, development would be required to comply with the City's Private Sewer Lateral Ordinance (BMC Section 17.24.130) (City of Berkeley 2023c) and impacts related to individual new sewer main construction projects would be less than significant due to their temporary nature, adherence to existing requirements, and the already developed nature of wastewater conveyance corridors. Development facilitated by the HEU would be required to comply with BMC Title 17 which establishes City standards related to wastewater discharge, peak flow, and sewer capacity. Every person, firm, corporation or entity desiring to construct a new connection to sewer services to the City's sanitary sewer system would be required to pay a connection fee in the amount as established by City Council resolution. With adherence to City regulations and General Plan policies, impacts related to wastewater conveyance and the construction of new or expanded wastewater facilities were found to be less than significant.

As discussed in the 2023 EIR, existing stormwater infrastructure, electricity and natural gas facilities, and telecommunications infrastructure would be able to accommodate the increased demand under the HEU, and the construction or relation of facilities would be required.

Lastly, the 2023 EIR found that the HEU would generate 23.7 cubic yards of solid waste per day or 8,651 cubic yards of solid waste per year, which would be 0.013 percent of the total remaining capacity of 65.4 million cubic yards of the Altamont Landfill. Therefore, impacts to solid wastes were found to be less than significant.

Impacts of the Proposed Project

The proposed amendments would affect the same parcels as envisioned for the Middle Housing program and studied for development or redevelopment in the 2023 EIR. The allowed land uses, potential increase in residential density, and total number of potential new units that would be facilitated by the proposed amendments would be within those studied in the 2023 EIR for the Middle Housing program. Impacts related to utilities and service systems, including water demand, wastewater and stormwater generation, solid waste generation, and electricity, natural gas and telecommunications service, would be within those disclosed in the 2023 EIR.

Effects and Mitigation Measures

No new or substantially more severe significant effects would occur to utilities and service systems, and no new mitigation measures are required.

Conclusion

The proposed project would have less than significant impacts with respect to utilities and service systems, similar to the 2023 EIR. No substantial changes have occurred that require major revisions to the 2023 EIR. There is no new information indicating that the proposed project would have new significant impacts or substantially more severe significant impacts with respect to utilities and service systems than were identified in the 2023 EIR. None of the conditions listed in CEQA

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Guidelines Section 15162 that would indicate that the project is not consistent with the HEU and its impacts as studied in the 2023 EIR have been met.

4.17 Wildfire

Impacts Identified in the 2023 EIR

As discussed in Section 4.17, *Wildfire*, of the 2023 EIR, 82 units of the HEU would be located in Fire Zones 2 and 3, which are considered Very High Fire Hazard Severity Zones (VHFHSZ). The HEU would also facilitate increased residential development in the R-1, R-2, and R-2A districts, which include portions within the VHFHSZ. Development facilitated by the HEU would be subject to the City's Standard COA to prepare a Transportation Construction Plan, which would limit the extent to which development would impair or physically interfere with adopted emergency response or evacuation procedures. Development also would be required to comply with existing City regulations and prepare a Fire Protection Plan for housing projects in the Wildland-Urban Interface Fire Area, which would reduce the potential to exacerbate wildfire risk during construction and after projects are constructed. This would also reduce the severity of potential impacts related to exposure to pollutant concentrations from a wildfire or the likelihood of wildfire ignition. Furthermore, the BMC requires site-specific geotechnical investigations which would reduce potential impacts related to landslides, post-fire slope instability, or drainage changes following a potential wildfire for individual future development projects. Nonetheless, for some development projects, impacts may result from the potential for unusual site-specific or road conditions, project characteristics, and the general ongoing fire risk in the Berkeley Hills; therefore, impacts were found to be significant and unavoidable.

The 2023 EIR found that new development could require the installation and maintenance of new or improved roads, emergency water sources, power lines or other utilities, the construction and operation of which could introduce potential sources of wildfire ignition, such as the sparking of an overhead power line or construction equipment or the operation of resident vehicles. Although Mitigation Measure W-1, which was adopted and incorporated into the HEU and would reduce potential risks by requiring power lines to be placed underground in areas subject to wildfire risk, it may not be feasible to impose the requirement on all projects. Potentially unusual site-specific conditions or aspects of a specific infrastructure project, including power line installation, may result in wildfire impacts from the installation or maintenance of infrastructure required by build out of the HEU. Therefore, this impact was also found to be significant and unavoidable.

Impacts of the Proposed Project

The proposed amendments would affect the same parcels as envisioned for the Middle Housing program and studied for development or redevelopment in the 2023 EIR, with the exception of those in the Hillside Overlay, which are within or closer to fire hazard zones. The allowed land uses, potential increase in residential density, and total number of potential new units that would be facilitated by the proposed amendments would be less than those studied in the 2023 EIR for the Middle Housing program. The same regulations, mitigation measure and standard conditions of approval would apply. Impacts related to wildfire would be reduced compared to those disclosed and analyzed in the 2023 EIR.

Effects and Mitigation Measures

No new or substantially more severe significant effects would occur to wildfire, and no new mitigation measures are required. Berkeley's Standard COA requiring preparation of a Transportation Construction Plan, as referenced in the 2023 EIR and shown below, would remain applicable.

> **Transportation Construction Plan.** The applicant and all persons associated with the project are hereby notified that a Transportation Construction Plan (TCP) is required for all phases of construction, particularly for the following activities:
>
> - Alterations, closures, or blockages to sidewalks, pedestrian paths or vehicle travel lanes (including bicycle lanes);
> - Storage of building materials, dumpsters, debris anywhere in the public ROW;
> - Provision of exclusive contractor parking on-street; or
> - Significant truck activity.
>
> The applicant shall secure the City Traffic Engineer's approval of a TCP. Please contact the Office of Transportation at 981-7010, or 1947 Center Street, and ask to speak to a traffic engineer. In addition to other requirements of the Traffic Engineer, this plan shall include the locations of material and equipment storage, trailers, worker parking, a schedule of site operations that may block traffic, and provisions for traffic control. The TCP shall be consistent with any other requirements of the construction phase.
>
> Contact the Permit Service Center (PSC) at 1947 Center Street or 981-7500 for details on obtaining Construction/No Parking Permits (and associated signs and accompanying dashboard permits). Please note that the Zoning Officer and/or Traffic Engineer may limit off-site parking of construction-related vehicles if necessary to protect the health, safety or convenience of the surrounding neighborhood. A current copy of this Plan shall be available at all times at the construction site for review by City Staff.

Conclusion

Similar to the HEU, even with continued implementation of the City's Standard COA for a Transportation Construction Plan, wildfire impacts would remain significant and unavoidable. Nonetheless, no substantial changes have occurred that require major revisions to the 2023 EIR. There is no new information indicating that the proposed project would have new significant impacts or substantially more severe significant impacts with respect to wildfire than were identified in the 2023 EIR. None of the conditions listed in CEQA Guidelines Section 15162 that would indicate that the project is not consistent with the HEU and its impacts as studied in the 2023 EIR have been met.

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5 Conclusion

This report demonstrates that the proposed project is consistent with the Middle Housing program analyzed in the 2023 EIR, and that potential impacts associated with the proposed project would be consistent with potential impacts characterized in and mitigation measures developed for the 2023 EIR. Substantive revisions to the 2023 EIR are not necessary because no new significant impacts or impacts of substantially greater severity than previously described would occur as a result of the proposed project. Therefore, the following determinations are applicable:

- No further evaluation of environmental impacts is required for the proposed project
- No Subsequent EIR or negative declaration is necessary per CEQA Guidelines Section 15162
- This report is the appropriate level of environmental analysis and documentation for the proposed project in accordance with CEQA Guidelines Section 15168(c).

Pursuant to CEQA Guidelines Section 15168(c), this report will be included in the public record and will be considered as part of the deliberations on the proposed project. Documents related to this report will be available at the City of Berkeley Planning and Development Department.

6 References and Preparers

6.1 References

Berkeley, City of. 2023. City of Berkeley 2023-2031 Housing Element Update Final Environmental Impact Report. https://berkeleyca.gov/construction-development/land-use-development/general-plan-and-area-plans/housing-element-update

6.2 List of Preparers

Rincon Consultants, Inc. prepared this consistency analysis under contract to the City of Berkeley. Persons and firms involved in data gathering, analysis, project management, and quality control include the following:

Rincon Consultants, Inc.

Abe Leider, AICP CEP, Principal-in-Charge
Karly Kaufman, MESM, Senior Reviewer and QAQC1903245.1

Review of Prior City Council Actions and Referrals related to Middle Housing

At its meeting of July 23, 2024, the City Council directed staff to review prior referrals and to respond to any specific questions or requests included in those referrals. Responses are included below.

Housing Accountability Act Referral

On July 11, 2017 the City Council adopted the Housing Accountability Act referral, directing the City Manager and Planning Commission to consider the following actions.

- **Request**: Amend the General Plan and Zoning Ordinance to adopt numerical density and/or building intensity standards that can be applied on a parcel-by-parcel basis in an easy and predictable manner. These would constitute reliable and understandable "objective general plan and zoning standards" that would establish known maximum densities. This could be done across the board or for specified districts.

  Response: The proposed zoning and General Plan amendments include numerical minimum and maximum density standards.

- **Request**: Devise and adopt "objective, identified written public health or safety standards" applicable to new housing development projects.

  Response: The proposed zoning amendments would not apply to parcels located in the Hillside Overlay Zone, and include a building separation requirement of 5 feet. These policies are directly related to fire safety and disaster preparedness.

- **Request**: Adopt "design review standards that are part of 'applicable, objective general plan and zoning standards and criteria."

  Response: The proposed zoning amendments include objective *development* standards, but do not include objective *design* standards. Staff had proposed establishing a floor area ratio requirement for new development, with the intention of controlling overall building bulk while providing flexibility in project siting and design, but that recommendation was not accepted by the Planning Commission or the City Council. The Planning Commission and City Council were also presented with draft standards related to facade treatments but ultimately did not recommend them. Additionally, in 2021, a joint subcommittee of Planning Commission and the Zoning Adjustments Board advanced to City Council objective standards recommendations for density, design, and shadows, which were not adopted.

- **Request**: Quantify and set standards for views, shadows, and other impacts that often underlie detriment findings.

  Response: The proposed zoning amendments include objective height standards. These standards establish a maximum 35 foot high limit, while also limiting height to 22 feet in the rear 15 feet of a property. Both the maximum height limit of 35 feet and the lower height limit in the rear of a property were developed as a result of solar access analysis conducted as part of the middle housing zoning policy development process. Initially, staff had recommended a 28 foot average height paired with a 35 foot maximum height, in an effort to address concerns about solar access and views. Ultimately, the City Council recommended a single 35 foot maximum height standard.

Missing Middle Housing

On April 23, 2019 the City Council adopted the Missing Middle Housing Report referral. The referral asked staff to prepare a report covering the following items:

1. Identifying where missing middle housing may be optimal.

Response: The proposed zoning amendments identified areas currently zoned R-1, R-1A, R-2, R-2A and MUR as the optimal locations for middle housing projects.

2. Allowing the possibility of existing houses/footprints/zoning envelopes to be divided into up to 4 units, potentially scaling the floor area ratio (FAR) to increase as the number of units increase on site, creating homes that are more affordable, saving and lightly modifying an older structure as part of internally dividing it into more than one unit.

Response: The proposed zoning amendments include provisions permitting the development of between one and seven units on typical 5,000 square foot parcels in the low-density residential districts.

Staff had proposed to the Planning Commission and City Council a scaling floor area ratio development standard, and a scaling lot coverage standard, that would permit more building bulk when a project included more units. Neither the Planning Commission nor the City Council accepted those proposed development standards.

3. Evaluating Berkeley's residential areas –including Berkeley hillsides– while also considering fire and disaster preparedness service needs.

Response: The proposed zoning amendments would not apply to parcels located in the Hillside Overlay Zone, and include a building separation requirement of 5 feet. These policies are directly related to fire safety and disaster preparedness.

4. Considering design elements and form-based zoning, which addresses the appropriate form, scale and massing of buildings as they relate to one another, as a potential strategy.

Response: The proposed zoning amendments include objective development standards that permit additional development on a single parcel, while not exceeding the size of smaller multi-family residential buildings that are part of the historic fabric of Berkeley neighborhoods. Staff had proposed scaling floor area ratio and scaling lot coverage standards, both efforts to control building massing, but neither standard was recommended by the Planning Commission or City Council.

5. Creating incentives to maintain family-friendly housing stock while adding more diversity and range of smaller units.

Response: The proposed zoning amendments do not include specific unit size controls or standards that are typically used to promote “family friendly” development (2+ bedrooms). The proposed zoning amendments do include minimum and maximum density standards, which permit flexibility in providing larger units in smaller configurations, or allowing a larger number of small units. The maximum density standard would avoid a project including a high number of very small units.

6. Creating incentives for building more than one unit on larger than average lots.

Response: The proposed zoning amendments include minimum and maximum densities based on a dwelling units per acre standard. Therefore, larger parcels would be permitted to include more units than a typical parcel. Staff had originally recommended a policy of permitting multi-unit development with a ZC, while maintaining a UP(PH) requirement for single family homes, to incentivize the development of multi-unit projects. The Planning Commission and the City Council, however, opted for permitting all residential development with a ZC.

7. Providing suggestions to:

a. protect existing housing stock, particularly affordable and rent-controlled stock

b. protect tenant and vulnerable low-income individuals
c. control demolition
d. ensure no net loss provisions

Response: The City Council adopted revisions to the Demolition Ordinance that reflect new State law requirements on affordability and tenant protections, while also including Berkeley-specific requirements for affordability and tenant protections.

e. increase affordability with provisions that align with our land value recapture policy objectives.

Response: As discussed above, the proposed zoning amendments do not include any new affordable housing requirements that apply only to middle housing zoning projects. Middle housing zoning projects would still be subject to Inclusionary Zoning requirements, and any housing affordability requirements that come pursuant to the Demolition Ordinance.

8. Evaluating whether changes –or lack of changes– would
a. place particular economic or gentrifying pressure on low-income neighborhoods with historic redlining or contribute to
b. Contribute to further exclusion and/or exacerbate racial and economic segregation in Berkeley.

Response: A specific evaluation of these topics was not prepared as part of the development of the proposed zoning amendments. However, the 2023-2031 Housing Element Update included detailed discussion of the city's housing needs, and policies and programs to avoid displacement and preserve additional affordable housing. For example, the Housing Element identified the middle housing zoning changes as strategies to affirmatively further fair housing by eliminating historic exclusionary zoning practices that contributed to racial and economic segregation in Berkeley. Additionally, prior to consideration of the proposed zoning amendments, the City Council adopted a revised Demolition Ordinance, which included state mandated affordable housing replacement requirements as well as tenant protections. In addition, the Demolition Ordinance includes a number of Berkeley specific provisions that provide depth of affordability and tenant protections beyond what is required under state law.

9. Evaluating methods for promoting first time home ownership of these units (e.g., Open Doors Initiative) and/or providing assistance to first time homebuyers so that the benefits of the additional housing are equitably distributed.

Response: The proposed zoning amendments do not include any new policies or programs that encourage first time home ownership of units developed in middle housing projects.

10. Incorporating green features and evaluating environmental impacts of missing middle housing.

Response: The proposed zoning amendments do not include any additional green features that are not also required of other types of residential development. The environmental impacts of the proposed zoning amendments were evaluated as part of the Housing Element Environmental Impact Report.

11. Considering historic preservation efforts and preventing impacts to designated historic resources.

Response: The Demolition Ordinance requires any proposed demolition of a historic structure, structure of merit, or structure located in an historic district to be evaluated by the Landmarks Preservation Commission.

12. Examining how different cities effectuated these changes (e.g. changes to their General Plan, zoning changes, etc.).

Response: As part of the preparation of the middle housing zoning changes, staff evaluated similar efforts undertaken in other jurisdictions. These jurisdictions include the cities of Oakland, Sacramento, Cambridge (MA), and other jurisdictions.

13. Evaluating the public process used in the course of considering these changes.

Response: The following community outreach activities supported the work of Planning and Development staff in the development of the Middle Housing Zoning changes. Most meetings in 2021 and 2022 were related to the Housing Element Update, which included middle housing standards as well as residential objective standards for larger buildings. Meetings conducted in 2023 and 2024 were more specifically focused on the development of middle housing standards in the low-density residential zones.

<u>City Council Meetings and Workshops</u>

- City Councilmember briefings, Middle Housing: August 2023
- Worksession #4, Middle Housing and Southside: September 30, 2022 (16 speakers)
- Worksession #3, Residential Objective Standards: March 15, 2022 (60 attendees)

- Worksession #2, Housing Element Update: December 9, 2021 (10 speakers)
- Worksession #1, Housing Element Update: September 21, 2021 (22 speakers)

Planning Commission Meetings

- Middle Housing Public Hearing: February 7, 2024 (12 speakers)
- Middle Housing Discussion: November 1, 2023 (10 speakers)
- Middle Housing Discussion: June 1, 2022 (11 speakers)
- Residential Objective Standards: February 16, 2022 (Planning Commission/Zoning Adjustments Board Subcommittee) (no minutes available)
- Residential Objective Standards: December 15, 2021 (Planning Commission/Zoning Adjustments Board Subcommittee) (no minutes available)
- Housing Element Update: September 1, 2021 (no speakers)

Other City Commission Meetings and Briefings

- Middle Housing Briefing, Commission on Aging: July 17, 2024
- Middle Housing Briefing, Housing Advisory Commission: July 11, 2024
- Middle Housing Briefing, City of Berkeley Building and Safety and Berkeley Fire Department: October 17, 2023
- Housing Element, City/UC/Student Relations Committee: January 28, 2022
- Housing Element, Civic Arts Commission: January 19, 2022
- Housing Element, Rent Board: November 18, 2021
- Housing Element, Housing Advisory Commission: September 30, 2021
- Housing Element, Energy Commission: September 22, 2021
- Housing Element, Commission on Aging: September 15, 2021
- Housing Element, Zoning Adjustments Board: September 9, 2021
- Housing Element, Landmarks Preservation Commission September 2, 2021
- Housing Element, Homelessness Panel of Experts: September 1, 2021
- Housing Element, Commission on Disability: September 1, 2021

Community Public Workshops

- Community Workshop #3: Housing Element and Residential Objective Standards: June 29, 2022 (45 attendees)
- Community Workshop #2: Housing Element and Residential Objective Standards: January 27, 2022 (60 attendees)
- Community Workshop #1: Housing Element: October 27, 2021 (70 attendees)

Community Outreach

- City Council Districts 1 and 2, Middle Housing Information Session: October 24, 2024

- City Council District 4, Middle Housing Information Session: October 7, 2024.
- Tabling at Community Events:
    - Harvest Festival: October 19, 2024
    - Roses in Bloom: May 14, 2022 (total respondents unknown)
    - Berkeley Bowl: April 25, 2022 (65 survey respondents)
    - Downtown Farmers' Market: February 22, 2022 (total respondents unknown)
- Online Community Housing Survey: October 28th – November 14, 2021 (747 respondents)
- Self-Guided West Berkley Middle Housing Walking Tour: November 23, 2021 – January 31, 2022
- (26 after-tour survey responses; total number of tour takers unknown)
- Self-Guided Downtown Berkeley Middle Housing Walking Tour: November 23, 2021 – January 31, 2022 (23 after-tour survey responses; total number of tour takers unknown)

Community Organizations Briefings

- Middle Housing Standards, Berkeley Neighborhoods Council: September 14, 2024
- Middle Housing Standards, Berkeley Design Advocates: November 1, 2023
- Middle Housing Standards, Berkeley Neighborhoods Council: October 14, 2023
- Middle Housing Standards, East Bay for Everyone: October 6, 2023
- Middle Housing Standards, Architect Interviews: September 2023

Department of Planning and Development's Housing Element Email List

Selection of middle housing-related event announcements

- Announcement for July 23rd City Council Public Hearing: July 18, 2024 (499 recipients; 51% opened)
- Announcement for February 7th Planning Commission Public Hearing: January 31, 2024 (464 recipients; 64% opened)
- Announcement for November 1st Planning Commission Discussion: October 26, 2023
- (433 recipients; 71% opened)
- Announcement for September 20, 2022 City Council Worksession on Middle Housing: September 16, 2022 (433 recipients; 71% opened)
- Announcement for Community Workshop #3: June 24, 2022 (403 recipients; 62% opened)
- Announcement for City Council Worksession #3: March 10, 2022 (369 recipients; 62% opened)
- Announcements for Community Workshop #2: January 24, 2022 and January 6, 2022 (343 recipients; 65% opened)

- Announcement for Self-Guided Walking Tours: November 24, 2021 (331 recipients; 56% opened)
- Announcements for Community Survey: November 10, 2021 (314 recipients; 63% opened) and October 28, 2021 (257 recipients; 57% opened)
- Announcement for Community Workshop #1: October 14, 2021 (218 recipients; 51% opened)

Eliminating Exclusionary Zoning
On February 23, 2021 the City Council adopted a Resolution to End Exclusionary Zoning in Berkeley. The resolution called for the following:

1. Protect public safety in all neighborhoods.

   Response: The proposed zoning amendments include development standards developed through consultation with the Berkeley Fire Department. The proposed building separation requirement, for example, was included in direct response to a recommendation from the Fire Department. Additionally, the proposed zoning amendments are not applied to parcels located in the Hillside Overlay Zone. This exclusion was in response to concerns about emergency response and evacuation.

2. Allow for new housing that reflects the existing mix of multi-family housing types within neighborhoods.

   Response: The proposed zoning amendments permit multi-family housing types in Berkeley's historic low density residential districts.

3. Provide strong anti-displacement and tenant protections.

   Response: The Demolition Ordinance, revised in summer 2024, reflects new State law requirements on affordability and tenant protections, while also including Berkeley-specific requirements for affordability and tenant protection.

4. Accommodate families in new and rehabilitated multi-family housing developments.

   Response: The proposed zoning amendments do not include specific unit size controls or standards that would reliably result in family sized units (2+ bedrooms). The proposed zoning amendments do include minimum and maximum density standards, which permit flexibility in providing larger units in smaller configurations, or allowing a larger number of small units. The maximum

density standard would avoid a project including a high number of very small units.

5. Ensure that new development does not demolish any rent-controlled or below market-rate housing.

   Response: The revised Demolition Ordinance reflects new State law requirements on affordability and tenant protections, while also including Berkeley-specific requirements for affordability and tenant protection. The Demolition Ordinance requires the replacement of any demolished rent-controlled or affordable housing.

6. Explore incentives for projects to contribute to the need for affordable housing.

   Response: As discussed above, the proposed zoning amendments do not include any new affordable housing requirements that apply only to middle housing zoning projects. Middle housing zoning projects would still be subject to inclusionary zoning requirements, and any housing affordability requirements that come pursuant to the Demolition Ordinance or the utilization of State density bonus.

7. Carry out a robust community process when developing zoning changes.

   Response: The staff report prepared for the July 23, 2024 City Council meeting includes a detailed description of the community process and outreach efforts undertaken in the development of the middle housing zoning changes. Subsequent to the July 23, 2024 City Council meeting, further community outreach was undertaken, with their presentation to the Berkeley Neighborhoods Council, as well as community meetings hosted by Council members from Districts 1, 2 and 4.

Objective Standards for Density, Design and Shadows
On November 9, 2021 the City Council adopted the Objective Standards for Density, Design and Shadows referral. The referral directed staff to consider and codify objective zoning standards with the goal of encouraging the creation of additional residential development and affordable homes.

The proposed zoning amendments respond to the referral's calls to increase certainty for applicants and to reduce administrative costs and burden associated with discretionary review. Primarily this is accomplished through permitting a code compliant residential development with a ZC, a ministerial approval that is not subject to appeal, and through the development of objective development standards that are clearly stated in the zoning code, and are not subject to change with additional discretionary permits.

NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL

Adoption of Zoning Ordinance Amendments to Title 23 of the Berkeley Municipal Code, Zoning Map Amendments, and General Plan Amendments to Encourage Middle Housing

The public may participate in this hearing by remote video or in-person.

The Department of Planning and Development is proposing amendments to the City's Zoning Ordinance (Title 23) in response to City Council referrals and the City's 2023-2031 Housing Element, and as recommended by the Planning Commission, which requires the City to promote "middle housing" (2-6 units) in the Single-Family Residential (R-1), Limited Two-Family Residential (R-1A), Restricted Two-Family Residential (R-2), Restricted Multiple-Family (R-2A) and Mixed-Use Residential (MU-R) zoning district. The Department is also proposing amendments to the text of the General Plan and the General Plan map that conform with the proposed zoning amendments.

Proposed zoning amendments affect the following Sections of Title 23: 23.108.020 (Zoning Districts), 23.202.020 (Allowed Land Uses), 23.202.030 (Additional Permit Requirements), 23.202.040 (Use-Specific Regulations), 23.202.050 (R-1 Single Family Residential District), 23.202.060 (R-1A Limited Two-Family Residential District), 23.202.080 (R-2 Restricted Two-Family Residential District), 23.202.090 (R-2A Restricted Multi-Family Residential District), 23.204.020 (Allowed Land Uses), 23.206.020 (Allowed Land Uses and Permit Requirements), 23.206.090 (MU-R Mixed-Use Residential District), 23.210.020 (Hillside Overlay Zone), 23.304.030 (Setbacks), 23.304.040 (Building Separation in Residential Districts), 23.322.100 (On-site Loading Spaces), 23.324.050 (Conforming and Nonconforming Structures and Buildings), 23.326.030 (Demolition and Dwelling Unit Control), 23.406.020 (Zoning Certificates), and 23.502.020 (Glossary).

Proposed amendments also affect the following Sections of Title 23, but only insofar as they are being renumbered: 23.202.100 (R-3 Multiple-Family Residential District), 23.202.110 (R-4 Multi-Family Residential District), 23.202.120 (R-5 High-Density Residential District), 23.202.130 (R-S Residential Southside District), 23.202.140 (R-SMU Residential Southside Mixed Use District), 23.202.150 (R-BMU Residential BART Mixed Use). The proposed amendments also include conforming Zoning Map amendments, and non-substantive technical corrections to ensure consistency throughout the Zoning Ordinance.

Proposed General Plan text and map amendments include renaming the Low Density Residential classification to Lower Density Residential, assigning the Medium Density Residential classification to the R-2, R-2A and R-3 zoning districts, and other text

amendments that reflect the City Council's recommendation with respect to the names of zoning districts and the proposed development standards.

Pursuant to CEQA Guidelines § 15168(c), the proposed amendments are within the scope of the Final Environmental Impact Report (Final EIR) prepared by the City of Berkeley for the City of Berkeley 2023-2031 Housing Element Update (HEU) Project, and the Final EIR adequately describes the proposed project of the purposes of CEQA.

The hearing will be held on, Tuesday, April 29, 2025 at 6:00 pm in the School District Board Room, located at 1231 Addison Street, Berkeley CA 94702.

A copy of the agenda material for this hearing will be available on the City's website at https://berkeleyca.gov/ as of April 17, 2025. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology, as well as any health and safety requirements for in-person attendance.**

For further information, please contact Justin Horner, Principal Planner at 510-981-7476. Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or e-mailed to council@berkeleyca.gov 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 (510) 981-6900 or clerk@berkeleyca.gov for further information.

Published: April 18, 2025 – The Berkeley Voice

Public Hearing required by BMC 23.412.050 and Govt Code 65853; notice provided according to Govt Code 65090 and BMC 23.404.040.

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I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on April 17, 2025.

_____

Mark Numainville, City Clerk
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INFORMATION CALENDAR
APRIL 29, 2025

To: Honorable Mayor Ishii and Members of the City Council

From: Police Accountability Board

Submitted by: Hansel A. Aguilar, Director of Police Accountability (DPA)

Subject: 2025 Police Accountability Board Workplan

INTRODUCTION

The Police Accountability Board (PAB) hereby submits a work plan for the year 2025.

SUMMARY

On February 1, 2025, the PAB conducted a strategic planning session at the ODPA to evaluate key priorities and establish objectives for the year. The discussion emphasized the importance of achieving full staffing, enhancing community engagement, and assessing workload efficiency to maximize effectiveness. As part of its strategic planning, the PAB identified the following objectives for 2025:

- Strengthening stakeholder engagement to achieve full staffing and enhance community participation
- Overseeing the implementation of an effective Early Intervention System (EIS)
- Finalizing an updated operations manual that aligns with operational needs
- Cataloging and prioritizing pending policy reviews
- Expanding the PAB's academic network to enhance research capabilities and overall work product
- Finalizing the review of regulations for investigating personnel complaints

CURRENT SITUATION AND ITS EFFECTS

The PAB holds at least 18 regular meetings each year per Berkeley City Charter Section 125(13)(a)[1]. Currently, 5 of the 9 Board Member positions, are filled.[2] The PAB is

[1] Berkeley City Charter Section 125(13)(a): https://berkeley.municipal.codes/Charter/125(13)(a)
[2] The PAB currently has six appointed members, with one Board Member on an extended leave of absence. Please refer to the attached PAB Roster for more details.

responsible for carrying out the duties and authority as defined in Berkeley City Charter Section 125.

BACKGROUND

The Police Accountability Board (PAB) was established to enhance public trust by providing independent civilian oversight of the Berkeley Police Department. It serves as a platform for community engagement in reviewing police policies, practices, and procedures while ensuring timely and impartial investigations of complaints against sworn officers.

In 2016, the City Council required most commissions to submit an annual work plan outlining their mission, goals, resources, activities, and expected outcomes. These plans serve as a roadmap for the fiscal year and should align with relevant departmental work plans while staying within the commission's legislative scope[3].

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no environmental sustainability or climate impacts associated with the adoption of this work plan.

POSSIBLE FUTURE ACTION

The PAB will review the work plan annually and revise the plan as appropriate.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

There are no fiscal impacts in accepting this work plan.

CONTACT PERSON

Hansel A. Aguilar, Director of Police Accountability
Phone: (510) 981-4950
Email: HAguilar@berkeleyca.gov

Attachments:
1: 2025 Police Accountability Board Workplan
2: PAB Roster

[3] Berkeley Commissioner's Manual Section E "Development of a Work Plan": https://berkeleyca.gov/sites/default/files/2022-03/Commissioners-Manual.pdf



2025
PAB WORKPLAN

Police Accountability Board

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Mission Statement

"The purpose of the Police Accountability Board is to promote public trust through independent, objective, civilian oversight of the Berkeley Police Department, provide community participation in setting and reviewing Police Department policies, practices, and procedures, and to provide a means for prompt, impartial and fair investigation of complaints brought by members of the public against sworn employees of the Berkeley Police Department" (Berkeley City Charter Section 125(1)).

Guiding Authorities

The Police Accountability Board's (PAB) work plan is guided by Berkeley City Charter Section 125[1], ordinances enacted by City Council[2], the City of Berkeley's Commissioner's Manual[3], and the PAB's adopted standing rules. These authorities define the PAB's responsibilities, establish its procedural framework, and ensure alignment with city policies to promote effective civilian oversight of law enforcement.

Recurring Mandates

The Police Accountability Board has annual mandatory responsibilities outlined in the City Charter and the Berkeley Municipal Code.

Charter Powers and Duties

The mandatory provisions for the PAB in the City Charter deal with the composition and procedures of the PAB. Many of the provisions deal with the requirements of individual board members such as the training requirement or term limits. The active actions the PAB, as a whole, is required to take in the City Charter are:

- approve the annual report from the DPA as outlined in the Charter (Berkeley City Charter Section 125(16)(c));
- reviewing and making recommendations on newly adopted policies submitted by the Chief of Police (Berkeley City Charter Section 125(17)(a));

[1] Berkeley City Charter Section 125: https://berkeley.municipal.codes/Charter/125
[2] Currently, Berkeley Municipal Code 2.99 and 2.100 assign the PAB with additional reviews not listed in the charter: https://berkeley.municipal.codes/
[3] City of Berkeley's Commissioner's Manual: https://berkeleyca.gov/sites/default/files/2022-03/Commissioners-Manual.pdf

- adopt regulations for handling complaints filed with the DPA (Berkeley City Charter Section 125(18));
- consult with the City Manager for the hiring of a new Chief of Police during a vacancy (Berkeley City Charter Section 125(22));
- receiving information on any agreed contracts adopted by the City Council related to the PAB's work (Berkeley City Charter Section 125(25));
- creating a regular commendation program for sworn employees of the BPD (Berkeley City Charter Section 125(26)); and
- conducting a review of its internal processes every two years (Berkeley City Charter Section 125(28)).

The City Charter also puts mandatory limits of the PAB's power. The PAB is unable to limit the City Council, Chief of Police, or City Manager's authority derived from other provisions of the City Charter to act on policing matters. The PAB does not have the authority to supplant the authority of the City Manager or Chief of Police.

Requirements Under the Berkeley Municipal Code

According to Chapter 2.99 of the Berkeley Municipal Code, the PAB plays a role in reviewing the city's use of surveillance technology by:

- **Reviewing Surveillance Use Policy:** The City Manager must present a Surveillance Use Policy and report for each new surveillance technology to the PAB before it goes to the City Council for approval. (Section 2.99.030(2))
- **Providing Recommendations:** The PAB can then vote to recommend approval of the policy, object to it, suggest modifications, or take no action. However, their decision is not binding, and the City Council can still proceed with adopting the policy. (Section 2.99.030(2))

The Berkeley Municipal Code Chapter 2.100, titled "Police Equipment and Community Safety Ordinance," establishes the **PAB's** role in regulating the acquisition and use of "Controlled Equipment" by the police department. Here's how the PAB is involved:

- **Review and Recommendation:** Before the City Council approves the acquisition or use of any Controlled Equipment, the Police Department must submit a **Controlled Equipment Impact Report** and a **Controlled Equipment Use Policy** to the PAB for review and recommendation. (Section 2.100.040(A))
- **Specific Requirements:** The PAB is tasked with reviewing the proposed equipment and policy based on specific criteria, including:
    - Potential impact on the community, particularly on protected groups. (Section 2.100.050(A)(2)(a))
    - Whether alternative equipment or de-escalation tactics could achieve the same goal. (Section 2.100.050(A)(2)(b))
    - Consistency with the City's values and community policing principles. (Section 2.100.050(A)(2)(c))
- **Recommendation Outcome:** The PAB then issues a written recommendation to the City Council, which can be approval, disapproval, or suggestions for modification. However, the City Council has the final say on whether to approve the acquisition or use of the Controlled Equipment. (Section 2.100.040(A))

PAB Objectives for 2025

On February 1, 2025, the PAB held a strategic planning session at the Office of the Director of Police Accountability (ODPA). During the retreat, the Board reviewed its key strategic goals and priorities, identifying the following objectives for 2025:

No.	Objectives	Charter Section
1	Achieve full PAB staffing and enhance community participation through strengthened stakeholder engagement.	125(5)(a)
2	Oversee the effective implementation of the Early Intervention System (EIS).	125(17)(a)
3	Finalize an updated operations manual that aligns with the PAB's operational needs.	125(3)(a)(6)
4	Catalog and prioritize pending policy reviews before the PAB.	125(17)(a)
5	Expand the PAB's academic network to strengthen research capabilities and overall work product.	125(3)(a)(1)
6	Complete the review of the PAB's regulations for investigating personnel complaints.	125(18)(a)

2025 PAB Meeting Calendar

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PAB ROSTER

Updated 3/27/2025

District	Board Member	Nominated by
Mayor	Vacant	**Mayor Ishii**
D1	Vacant	**Councilmember Kesarwani**
D2	David Williams[1]	**Councilmember Taplin**
D3	Vacant	**Councilmember Bartlett**
D4	Calavita, Kitty	**Councilmember Tregub**
D5	Wilson, Leah (Vice-Chair)	**Councilmember O'Keefe**
D6	Leftwich, Juliet	**Councilmember Blackaby**
D7	Cayetano, Joshua (Chair)	**Councilmember Lunaparra**
D8	Randy Wells	**Councilmember Humbert**
Alternate	Vacant	**Mayor and Council**

[1] Councilmember Williams on leave of absence from March 19, 2025 to June 19, 2025

BERKELEY CITY AUDITOR

INFORMATION CALENDAR
April 29, 2025

To: Honorable Mayor and Members of the City Council

From: Jenny Wong, City Auditor

Subject: Restaurant Inspections Audit Report Wins National Recognition

INTRODUCTION

The City of Berkeley Auditor's Office has won the 2024 Distinguished Knighton Award for one of the best performance audit reports in the medium shop category from the Association of Local Government Auditors (ALGA). The report, *Berkeley Restaurant Inspections: Chronically Understaffed Program Did Not Meet Targets*, was judged on several key elements, such as the potential for significant impact, the persuasiveness of conclusions, the focus on improving government efficiency and effectiveness, and its clarity and conciseness.

CURRENT SITUATION AND ITS EFFECTS

Each year, local government audit organizations from around the U.S. and Canada submit their best performance audit reports for judging. The judges from peer organizations determined that our audit of the City of Berkeley's food inspection program was among the best of 2024.

BACKGROUND

We issued our audit report, *Berkeley Restaurant Inspections: Chronically Understaffed Program Did Not Meet Targets*, on July 10, 2024.[1]

The purpose of the audit was to determine:

1. To what extent is the Food Safety and Inspection Program meeting its inspection targets?

2. To what extent is the Food Safety and Inspection Program adequately funded and staffed?

3. How well does the Food Safety and Inspection Program keep the public informed about food safety?

We found that the Environmental Health Division (Division) did not meet its targets for food facility inspections in 2023, increasing health risk. Almost half (45 percent) of Berkeley's food facilities were not inspected, including 193 restaurants. Further, the Division responded to only 26 percent of potential foodborne illness complaints within the target of one business day.

[1] https://berkeleyca.gov/sites/default/files/documents/Berkeley_Restaurant_Inspections_-_Chronically_Understaffed_Program_Did_Not_Meet_Targets.pdf

Additionally, the Division did not separately track food inspection revenue and spending from its other inspection programs over the audit period. Short staffing increased inspectors' workloads and made it difficult to meet targets and monitor program performance. Public information on food inspections was limited and hard to access. Berkeley provided less information about inspections online compared to other jurisdictions. Berkeley did not use placards, a common practice for communicating food safety used by other jurisdictions including Alameda County.

We made nine recommendations to improve inspection coverage and quickly respond to alleged foodborne illness complaints, as well as increase transparency and accessibility. City Management agreed or partially agreed to our findings, conclusions, and recommendations. Since audit issuance, the Division has made progress in implementing the audit recommendations.

ENVIRONMENTAL SUSTAINABILITY

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

POSSIBLE FUTURE ACTION

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

FISCAL IMPACTS OF RECOMMENDATION

Audit work leads to new or enhanced revenue, cost recovery, and increased efficiency, with economic impact well beyond the audit costs. Implementing the audit recommendations from the restaurant inspections audit will ensure that the Environmental Health Division improves coverage of food inspections and can provide the public with complete and accessible information on food safety, minimizing public health risk to the community.

Staffing up the food inspection program may carry financial implications depending on the specific implementation strategies. However, filling budgeted positions is necessary to meet inspection targets. Additionally, updating the information shared online and implementing placarding may require initial investments in design and implementation. We anticipate the ongoing costs of placarding to be minimal, as placards are updated as part of the routine inspection process.

CONTACT PERSON

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

Attachments:

1: 2024 Knighton Award Letter from ALGA

Association of Local Government Auditors

April 4, 2025

Jenny Wong
2180 Milvia St. Third Floor
Berkeley, California 94704

RE: 2024 Knighton Award Winner

Dear Jenny,

The Association of Local Government Auditors' Awards Program Committee is pleased to announce that the City of Berkeley, City Auditor's Office's report, "Berkeley Restaurant Inspections: Chronically Understaffed Program Did Not Meet Targets," won the 2024 Distinguished Knighton Award in the medium shop category.

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

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

(1) An audit scope that has the potential for significant impact and is responsive to the needs and concerns of decision-makers and/or the public.

(2) Audit conclusions that are persuasive, logical, and firmly supported by the evidence, which was gathered using appropriate research methods and tools.

(3) Audit recommendations that are feasible and will make government programs more effective and efficient.

(4) Audit results that are communicated clearly and concisely.

Judges from peer organizations determined your office's report was among the best of 2024.

The judges commented:

The report is well written, easy to follow, and digs all the way down to root causes. The comparison of the auditee's performance to similar entities is very effective in judging the magnitude of the findings. The auditors' use of visuals helps clearly articulate their

Association of Local Government Auditors

messaging and capture readers' attention; specifically, figure 8 highlights the extent to which inspectors are overworked.

Congratulations on receiving this award!

Sincerely,

Kathie Harrison,
Acting ALGA President

Annamarie McNiel,
Awards Program Committee Chair

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
https://records.cityofberkeley.info/

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