REVISED AGENDA

(REVISED TO ADD A TELECONFERENCE LOCATION)

BERKELEY CITY COUNCIL MEETING

Tuesday, May 20, 2025
6:00 PM

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

TELECONFERENCE LOCATION - 1027D BANCROFT WAY, BERKELEY CA 94710

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/1615868875. 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: 161 586 8875.** 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 Christina Murphy, City of Berkeley Employee and former Rent Board Commissioner

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. Adding an additional qualifying skillset for appointment to Measure FF Safe Streets Citizen Oversight Committee (SSCOC); Amending Berkeley Municipal Code Section 7.11.040
From: Councilmember Blackaby (Author), Councilmember Tregub (Co-Sponsor), Mayor Ishii (Co-Sponsor)
Recommendation: Adopt second reading of Ordinance No. 7,960-N.S. approving 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.
First Reading Vote: Ayes – Kesarwani, Taplin, Bartlett, Tregub, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – O'Keefe.
Financial Implications: See report
Contact: Brent Blackaby, Councilmember, District 6, (510) 981-7160

Consent Calendar

2. Amendment: FY 2025 Annual Appropriations Ordinance
From: City Manager
Recommendation: Adopt the first reading of an Ordinance amending the FY 2025 Annual Appropriations Ordinance No. 7,940–N.S. for fiscal year 2025 based upon recommended re-appropriation of committed FY 2025 funding and other adjustments in the amount of $78,091,135 (gross) and $58,150,646 (net).
Financial Implications: See report
Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000

3. Minutes for Approval
From: City Manager
Recommendation: Approve the minutes for the Council meetings of April 14, 2025 (closed), April 15, 2025 (special and regular), April 22, 2025 (special), April 25, 2025 (special), April 28, 2025 (special) and April 29, 2025 (regular).
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900

4. Contract Townsend Public Affairs, Inc. for Legislative and Funding Advocacy Strategy
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any necessary amendments with Townsend Public Affairs, Inc. for an ongoing tailored legislative and funding advocacy strategy from July 1, 2025, to June 30, 2027 for a total contract amount not to exceed $108,000.
Financial Implications: See report
Contact: David White, City Manager's Office, (510) 981-7000

5. Appointment of Director of Human Resources
From: City Manager
Recommendation: Adopt a Resolution confirming the appointment of Janelle Rodrigues as the Director of Human Resources to be effective June 9, 2025, at an annual salary of $240,000.
Financial Implications: See report
Contact: David White, City Manager's Office, (510) 981-7000

6. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on May 20, 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

7. Contract No: 32300104 Amendment: The Village of Love for Telegraph Neighborhood Sacred Rest Drop-In Center
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or his designee, to execute an amendment to Contract No. 32300104 with The Village of Love to add $250,000, for a total contract amount not to exceed $1,000,000, for services and operations at the Telegraph Neighborhood Sacred Rest Drop-In Center and extend the contract term through May 31, 2026.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

8. Funding Application: California Affordable Housing and Sustainable Communities Infrastructure in connection with the proposed North Berkeley BART Affordable Housing Project
From: City Manager
Recommendation: Adopt a Resolution: 1) Authorizing the City Manager to negotiate, enter into, and cause the City to perform its obligation under an agreement (including amendments) with East Bay Asian Local Development Consortium (EBALDC) and/or their affiliate relating to a funding application to the California Affordable Housing and Sustainable Communities (AHSC) program for project-related transportation and infrastructure improvements for the North Berkeley BART (NBB) EBALDC Affordable Housing Project at the North Berkeley BART Station Area, for a total AHSC award amount of up to $50 million. 2) Authorizing the City Manager to accept up to $5.4 million in state Affordable Housing and Sustainable Communities (AHSC) funds and complete selected transportation improvements if awarded.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

9. Revenue Grant Agreements: Funding Support from the State of California and Alameda County to Conduct Public Health Services
From: City Manager
Recommendation: Adopt two Resolutions authorizing the City Manager or designee to submit grant agreements to the California Department of Public Health (CDPH) and Alameda County, to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the following two revenue agreements: (1) Tuberculosis (TB) Prevention and Control in the projected amount of $33,688 for Fiscal Year (FY) 2026 from CDPH. (2) Public Health Infrastructure Program in the projected amount of $32,080 for FY 2026 from Alameda County.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

Consent Calendar

10. Adopt a Resolution Establishing the Unrepresented Job Class Specification and Pay Scale of Fire Mechanic Lead
From: City Manager
Recommendation: Adopt a Resolution establishing the unrepresented job class specification and pay scale of Fire Mechanic Lead as outlined, with an hourly pay range of $51.0771 - $54.1740.
Financial Implications: See report
Contact: Monica Walker, Human Resources, (510) 981-6800

11. Revise the Personnel Rules and Regulations to Add Section 9.02.1 Promotion – Salary Step Placement
From: City Manager
Recommendation: Adopt a Resolution revising the Personnel Rules and Regulations to add Section 9.02.1 Promotion – Salary Step Placement, which affords promotional placement on the step closest to the employee's current earning rate that is at least 10% higher.
Financial Implications: See report
Contact: Monica Walker, Human Resources, (510) 981-6800

12. Revise SEIU-MC MOU Section 17.13 Special Class Commercial Driver's License Premium to Add 5% for Out-of-Class Lists
From: City Manager
Recommendation: Adopt a Resolution revising the Service Employees International Union (SEIU) Local 1021, Maintenance and Clerical ("Union") Memorandum of Understanding Section 17.13 Special Class Commercial Driver's License Premium to apply 5% differential to employees who maintain a Class A driver's license and are approved to serve on out-of-class lists for Tractor Trailer Driver and Construction Equipment Operator.
Financial Implications: See report
Contact: Monica Walker, Human Resources, (510) 981-6800

13. Revise Unrepresented Manual Section 13.19 to Add 5% Differential to Program Manager I Assigned to City Manager's Office
From: City Manager
Recommendation: Adopt a Resolution amending the Unrepresented Employee Manual to add a 5% salary differential to Program Manager I positions assigned to the City Manager's Office.
Financial Implications: See report
Contact: Monica Walker, Human Resources, (510) 981-6800

Consent Calendar

14. Contract Amendment No. 10789: AMS.NET for Network Hardware, Installation and Professional Support services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 10789 with AMS.NET, Inc. for network support of hardware, installation and professional services, for an additional $300,000 for a total not to exceed of $1,270,778.14 from July 1, 2017 to June 30, 2026.
Financial Implications: See report
Contact: Kevin Fong, Information Technology, (510) 981-6500

15. Contract No. 084534-1 Amendment: NextGen Health Care Information Systems Inc. for Electronic Health Records
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 084534-1 with NextGen Healthcare Information Systems, Inc. ("NextGen"), increasing the amount by $191,136 for a total contract value not to exceed $1,010,472.20 and extending the term from September 30, 2010 through June 30, 2026.
Financial Implications: See report
Contact: Kevin Fong, Information Technology, (510) 981-6500

16. Protiviti Government Services Inc ("Protiviti"): Using General Services Administration ("GSA") Vehicle for Professional Services Purchase Orders
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to issue purchase orders with Protiviti for the procurement of professional services using the GSA purchasing vehicle no. GS-35F-0280X for an amount not to exceed $900,000 through June 30, 2026.
Financial Implications: See report
Contact: Kevin Fong, Information Technology, (510) 981-6500

17. Purchase Order: Operation Pride for tennis programs and tournaments
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a purchase order and any amendments with Operation Pride to provide youth and adult tennis services and tournaments for a total amount not to exceed $150,000 through June 30, 2026.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Consent Calendar

18. Purchase Order: Samuel Kidane dba Life Long Tennis Academy
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a purchase order and any amendments with Samuel Kidane dba Life Long Tennis Academy to provide youth and adult tennis services for the City of Berkeley for a total amount not to exceed $270,000 through June 20, 2026.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

19. Contract No. 32400029 Amendment: Baldoni Construction Services, Inc. for Echo Lake Camp Accessibility Upgrades
From: City Manager
Recommendation: Adopt a Resolution increasing the not to exceed amount for Contract No. 32400029 with Baldoni Construction Service, Inc. for the Echo Lake Camp Accessibility Upgrades Project by $60,000 for an amended total not to exceed $616,953.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

20. Contract No. 32400003 Amendment: Cooke & Associates Background Investigations
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract amendment with Cooke & Associates, a background investigation services provider for public safety personnel, to increase the contract amount by $280,000 to a total contract of $580,000 and extend the contract term for two additional years expiring on July 31, 2028. This amendment will allow the Berkeley Police Department (BPD) and Berkeley Fire Department (BFD) to continue utilizing Cooke & Associates for timely, thorough, and high-quality background investigations of candidates, and will provide the City Manager with the authority to spend funds as needed under the amended contract to support ongoing public safety hiring needs.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900

21. 2024 Police Equipment and Community Safety Ordinance Annual Report
From: City Manager
Recommendation: Adopt a Resolution approving the 2024 Police Equipment and Community Safety Ordinance Annual Report.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900

Consent Calendar

22. Contract: Shaw Integrated and Turf Solutions Inc., for Civic Center Building, Second Floor Carpet Replacement Project
From: City Manager
Recommendation: Adopt a Resolution: (1) Accepting the California Multiple Award Schedule (CMAS) bid procedures, pursuant to City Charter Article XI Section 67.2 requirements; (2) Approving the CMAS Contract with Shaw Integrated and Turf Solutions, Inc. for Carpet Replacements at the Civic Center Building located at 2180 Milvia; (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 terms and conditions of the agreements with Shaw Integrated and Turf Solutions, Inc. in an amount not to exceed $147,096, including a $13,372 contingency.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300

23. Contract No. 081671-1 (8318C) Amendment: RouteSmart Technologies, Inc. Software Maintenance
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 81671-1 (8318C) with RouteSmart Technologies Inc. to increase the contract by $25,000, for a total not to exceed amount of $235,743, to fund software license maintenance and support services, from June 30, 2025 through June 30, 2026.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300

24. Declaration of Intent – Fiscal Year 2026 Street Lighting Assessments
From: City Manager
Recommendation: Adopt two Resolutions granting the City Manager the authority to: (1) Approve the Engineer's Reports; (2) Set a public hearing to be held before the Council of the City of Berkeley at its June 17, 2025, meeting; and (3) Authorize the City Clerk to publish a Notice of the Public Hearing for Fiscal Year 2026 Levy of Assessments for Berkeley Street Lighting Assessment District No. 1982-1 and Street Lighting Assessment District 2018.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300

25. Authorization for City Manager to evaluate policies to accelerate building decarbonization
From: Environment and Climate Commission
Recommendation: Authorize the City Manager to evaluate and develop amendments to the 2025 Energy and CALGreen Codes and/or other ordinances to accelerate building decarbonization for Council consideration.
Financial Implications: None
Contact: Sarah Moore, Commission Secretary, (510) 981-7400

Council Consent Items

26. Letter in Support of California State Senate Bill 692 (Arreguín) Relating to Vehicles and Homelessness
From: Councilmember Taplin (Author), Councilmember Kesarwani, Councilmember Humbert (Co-Sponsor), Councilmember Blackaby (Co-Sponsor)
Recommendation: Adopt a letter in support of California State Senate Bill 692 (Arreguín), relating to vehicles and homelessness, and distribute copies to Governor Gavin Newsom, State Senator Jesse Arreguín, State Assemblymember Buffy Wicks, State Senate President Pro Tempore Mike McGuire, and State Assembly Speaker Robert Rivas.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

27. A resolution recognizing the Middle Eastern and North African (MENA) community and urging support for Assembly Bill 91 — the "MENA Inclusion Act" (Harabedian)
From: Councilmember Tregub (Author), Mayor Ishii (Co-Sponsor), Councilmember Bartlett (Co-Sponsor)
Recommendation: Adopt a Resolution in support of California Assembly Bill 91, the Middle Eastern and North African (MENA) Inclusion Act (Harabedian), to ensure accurate and equitable demographic data collection for MENA communities. This bill mandates the creation of distinct categories for MENA groups in official demographic data, starting on January 1, 2027.
Financial Implications: See report
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140

Council Consent Items

28. Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds to the annual Asian Cultural Festival
From: Councilmember Tregub (Author), Mayor Ishii (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor), Councilmember Lunaparra (Co-Sponsor)
Recommendation: Adopt a Resolution authorizing the expenditure of up to $500 per Mayor/Councilmember from their D13 Discretionary Accounts, including $500 from the Mayor and Councilmember Tregub, and contributions of $250 each from Councilmembers Kesarwani, and Lunaparra. Other Councilmembers are invited to contribute to support annual Asian Cultural Festival in an amount of up to $500. Funds will be transferred to the City's general fund and provided to the designated fiscal sponsor of the festival to ensure its successful production and community engagement.
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 impactful event, promoting cultural exchange, unity, and celebration of Berkeley's rich Asian American communities
Financial Implications: See report
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140

29. Alternative Housing Options for People Experiencing Homelessness *(Reviewed by the Health, Life Enrichment, Equity & Community Committee)*
From: Councilmember O'Keefe (Author), Mayor Ishii (Co-Sponsors), Councilmember Blackaby (Co-Sponsors), Councilmember Lunaparra (Co-Sponsor)
Recommendation: Refer to the City Manager a request for staff to identify a list of potential locations of City-owned and private properties (to be leased or acquired) – for the purpose of establishing 24/7 staffed shelter sites, including but not limited to indoor/outdoor camping areas, safe RV and car park zones, and/or congregate or non-congregate shelters for people experiencing homelessness based on the model used at Grayson Street and other models deemed successful by the City Manager. Further, refer to the City Manager to provide a report to the City Council that includes:
(1) Ongoing efforts to address homelessness and the mental health crisis within Berkeley's jurisdiction, including the work of non-governmental organizations the City is relying upon and, where possible, the cost thereof. (2) A gap analysis between resources required by the City to fully address homelessness and its current financial position. (3) A feasibility and cost analysis of Berkeley's ability to support additional shelter or services sites, including staffing and operational constraints. (4) A geographic equity assessment of where homeless services, shelters, and encampments have historically been and currently are located in Berkeley. (5) Opportunities to partner with Alameda County and other public agencies to utilize County, other governing jurisdictions, or state-owned land for temporary shelter and services outside of Berkeley's most heavily impacted neighborhoods
Moreover, refer to the City Manager to identify additional funding opportunities available through 2024 Measure W and affirm the City Council's position that local

jurisdictions such as Berkeley, that are heavily impacted by the housing and mental health crisis, should be considered for an equitable share and speedy receipt of 2024 Proposition 1 funding from Alameda County.
Refer to the City Manager to affirm that the City Council's position is that, to the greatest extent possible, Measure W and other locally sourced funds should be used to support Berkeley-specific homelessness service needs.
Support the City Manager in collaborating with Alameda County and other neighboring jurisdictions to identify potential sites outside of Berkeley city limits that may be suitable and more cost-effective than sites within Berkeley.
Furthermore, affirm support for the following principles: 1. County resource investment in homelessness across the region should align proportionally with where homelessness is most prevalent and ensure support achieves racially equitable outcomes; 2. The use of Measure W and other funding for homelessness guided by Home Together 2030 Plan should be a local decision, with cities deciding how to divvy up investment between prevention, interim, and permanent housing; 3. Local priority for referrals into interim and permanent solutions – including everything from safe parking to shelter to permanent supportive housing and Homekey projects – should be commensurate with the level of funding provided; 4. Sustaining nonprofit capacity: (a) The homelessness response system relies heavily on nonprofit partners, many of whom face challenges in retaining staff due to funding constraints, salary limitations, and administrative burdens. (b)Measure W funding presents an opportunity to support not just direct services but also nonprofit infrastructure, helping organizations improve long-term sustainability. (c) Considerations include ensuring competitive wages, investing in staff retention strategies, and providing operational support. (d) Bonus funding consideration could be given to organizations that prioritize workforce sustainability through: (i) Competitive salaries and benefits for frontline staff; (ii)Efforts to retain high-preforming, low-turnover teams; (iii) Investments in administrative capacity that enhance service quality and long-term viability
Policy Committee Recommendation:
Send item to Council with a qualified positive recommendation which include the following proposed amendments:
Refer to the City Manager a request for staff to identify a list of potential locations of City properties and private properties (to be leased or acquired) – for the purpose of establishing 24/7 staffed shelter sites, including but not limited to indoor/outdoor camping areas, safe RV and car park zones, and/or congregate or non-congregate shelters for people experiencing homelessness based on the model used at Grayson Street and other models deemed by the City Manager to be successful.
Further, direct the City Manager to provide a report to the City Council of ongoing efforts to address the homelessness and mental health crisis within Berkeley's jurisdiction, including efforts by non-governmental organizations the city is relying upon, where possible, including the costs thereof, and a gap analysis between the resources required by the City to fully address homelessness and its current financial position.
As part of this report, direct the City Manager:
1) Conduct a feasibility and cost analysis of Berkeley's ability to support additional

shelter or service sites, including staffing and operational constraints
2) Include a geographic equity assessment of where homeless services, shelters, and encampments have historically and currently been located in Berkeley;
3) Identify opportunities to partner with Alameda County and other public agencies to utilize County, other governing jurisdictions – or state-owned land for temporary shelter and services outside of Berkeley's most heavily impacted neighborhoods
Direct the City Manager to identify any additional funding opportunities available through 2024 Measure W and affirm the City Council's position that local jurisdictions such as Berkeley that are heavily impacted by the housing and mental health crisis should be considered for an equitable share and speedy receipt of 2024 Proposition 1 funding from Alameda County. Further, direct the City Manager to affirm that the City Council's position is that, to the extent possible, Measure W and any other locally sourced funds should be used to support Berkeley-specific homelessness services needs.
Support the City Manager in collaborating with Alameda County and other neighboring jurisdictions to identify potential sites outside of Berkeley city limits that may be suitable and more cost-effective than additional sites within Berkeley.
Further, affirm support for the following principles:
1. County resource investment in homelessness across the region should be commensurate with where homelessness occurs and targeted for racially equitable outcomes
2. Measure W and other funding for homelessness guided by Home Together 2030: Should be a Local City decision on the split between prevention, interim, and permanent housing
3. Local (City level) priority for referrals into interim and permanent solutions (including everything from safe parking to shelter to permanent supportive housing/HomeKey projects), commensurate with local funding.
4. Sustaining Nonprofit Capacity

- *The homelessness response system relies heavily on nonprofit partners, many of whom face challenges in retaining staff due to funding constraints, salary limitations, and administrative burdens.*
- *Measure W funding presents an opportunity to support not just direct services but also nonprofit infrastructure, helping organizations improve long-term sustainability.*
- *Considerations include ensuring competitive wages, investing in staff retention strategies, and providing operational support.*
- *Bonus funding consideration could be given to organizations that prioritize workforce sustainability through:*
    - *Competitive salaries and benefits for frontline staff.*
    - *Efforts to retain high-performing, low-turnover teams.*
    - *Investments in administrative capacity that enhance service quality and long-term viability.*

Financial Implications: See report
Contact: Shoshana O'Keefe, Councilmember, District 5, (510) 981-7100

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.

30. FY 2026 Proposed Mid-Biennial Budget Update and Public Hearing #1
From: City Manager
Recommendation: Receive the FY 2026 Proposed Mid-Biennial Budget Update and conduct Public Hearing #1 on the FY 2026 Proposed Mid-Biennial Budget Update.
Financial Implications: See report
Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000

Action Calendar – Public Hearings

31. LPC Appeal: 2500-2512 San Pablo Avenue, Landmark Application #LMIN2024-0004
From: City Manager
Recommendation: Conduct a public hearing, and upon conclusion, adopt a Resolution affirming the Landmarks Preservation Commission (LPC) decision to designate 2500-2512 San Pablo Avenue (APN: 054-1780-004-12) a City of Berkeley Landmark, and dismiss the appeal.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400

Action Calendar – New Business

32. Appointment of Four Berkeley Residents to the SAFE STREETS Citizen Oversight Committee
From: City Manager
Recommendation: Adopt a Resolution confirming the appointments of up to four Berkeley residents to the SAFE STREETS Citizen Oversight Committee (SSCOC), to be appointed by the City Council as a whole.
Financial Implications: See report
Contact: Mark Numainville, City Clerk, (510) 981-6900

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 May 15, 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.
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Item #21: 2024 Police Equipment and Community Safety Ordinance Annual Report

1. Hansel Aguilar on behalf of the Police Accountability Board
2. Jennifer Louis
3. Margaret A. Baker
4. John Lindsay-Poland

Item #29: Alternative Housing Options for People Experiencing Homelessness *(Reviewed by the Health, Life Enrichment, Equity & Community Committee)*

5. Kate Pocrass
6. Aimee Baldwin (2)
7. Cris Benton
8. Grant Damron
9. Pamela Michaud
10. Stacey Hara
11. Jack Anderson
12. Namita Gupta
13. Fran Haselsteiner
14. Patricia Brooks
15. Catherine Jenkins
16. Amber Richardson
17. Tamar J.
18. Kelley Kahn

Ashby BART

19. Peter Minor
20. Charlotte Daniels
21. 2076 Ashby Residences
22. Sotirios Vlavianos
23. Peter Magganas

Encampments

24. Halima Franklin (2)

Ohlone Park

25. Cynthia Harbaugh
26. Adam Leive
27. Daniel Jurnove
28. Roberta Focht
29. Lynn Jehle
30. Sasha Futran
31. Carlton and Alma
32. Tracy Thompson
33. Fred Schlachter
34. Patricia Itamoto

35. Julia Boekelheide
36. Dominique Ayako Baillet
37. Tamara Birdsall
38. Laura Garcia-Moreno
39. David Lerman (3)
40. Will Masterson
41. Karthik Gopalan
42. Erika Shore (2)
43. Diane Ross-Leech and Family
44. Isaac Nicholson
45. Elisabeth Goldstein
46. Nancy S. Rothschild
47. Stefany Reich-Silber
48. Diana Jensen
49. Wei-Bing Chen

Rides for Seniors
50. Kathi Pugh
51. Gerald Lenoir
52. Bonnie Lewkowicz
53. Darlene Bronson on behalf of the Commission on Aging

Missing Middle
54. Zelda Bronstein (3)
55. Councilmember Rashi Kesarwani

2nd Street Encampments
56. David White
57. Councilmember Rashi Kesarwani
58. Councilmember Mark Humbert
59. Councilmember Igor Tregub
60. Councilmember Terry Taplin

E-Scooters
61. Robert Borghese (4)

Public Restroom Proposal
62. James Chang
63. Mike Kim

Bateman Mall Park
64. Yula Paluy

Bikeway Intersection Control
65. Meryl Siegal

Food Fest Invitation
66. Dr. Ramesh Konda on behalf of the Association of Indo Americans

Infill Housing
67. Constance Rivemale

Security Incidents
68. Dixon Brooke

UA Theater
69. Melanie Lawrence & John Smail
70. Pamela Zelnik
71. Anne Herrick

Housing Concerns
72. Patricia Kipnis
73. Lynn Winsten
74. Jonnyruel Holder

Treatment of Herbivorous Animals
75. Rsw (2)

Elevator Outrage
76. Tony Schmiesing
77. Aryne Bailey

Workshop
78. Joel A. Biatch

Crime Concerns
79. Fran Haselsteiner

ABSC Concern
80. Abby Thorne-Lyman

Drop-off Mailboxes
81. Hali Hammer

Deliberative Democracy
82. Phil Allen

Free Speech
83. Sheila Jordan

Specialized Care Unit
84. Barbara Gilbert

Work Concerns
85. Pgcountymd63 (2)

Hopkins/McGee
86. Shirley Kirsten
87. Sandra Sanchez

Edward Way
88. Helen Hogg

Home Alterations
89. Marian and Desmond Simpson

BUSD Investment Policies
90. Cielo Rios

Budget Concerns
91. Rachel Bradley
92. Ben Buettner

Arbor Day
93. Mary-Louise Hansen

Effects of Cement
94. Cecelia Mautner

Street Access
95. Nenelle Bunnin

Homeless Housing
96. Aimee Baldwin
97. John Vinopal

More Types of Homes
98. Lee Bishop

Habitability for Berkeley Residents
99. Veena Nambiar

Public Facilities Concern
100. 2,084 Similarly worded form letters

Middle East Conflict
101. Chris Gilbert
102. Alicia Dattner

103. Barbara Erickson
104. Nicoletta Karam (4)
105. Barbara Romanowicz
106. Rachel Gita Schiff
107. Sophie Sawyer
108. Iris Gold
109. Gael Alcock
110. Russbumper
111. Camille watts-Zagha
112. Marc Sapir (2)
113. Allen Mayer
114. Dr. Roman Kazinnik and Dr. Sophia Kazinnik
115. Deborah Goldeen
116. Russbumper

Letter
117. Eid's TV and Electronics

Screenshots
118. Josh Atwood (2)

Forwards
119. Josh Atwood
120. Daveed Mandell (3)
121. David Lerman
122. Eid's TV

URL's
123. Inetjalopy
124. Josh Atwood (4)
125. Russbumper (7)
126. Madeleine Shearer
127. Lavell Young
128. Barryett Enge

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.

AGENDA

BERKELEY CITY COUNCIL MEETING

Tuesday, May 20, 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
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/1615868875. 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: 161 586 8875.**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 Christina Murphy, City of Berkeley Employee and former Rent Board Commissioner

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. Adding an additional qualifying skillset for appointment to Measure FF Safe Streets Citizen Oversight Committee (SSCOC); Amending Berkeley Municipal Code Section 7.11.040
From: Councilmember Blackaby (Author), Councilmember Tregub (Co-Sponsor), Mayor Ishii (Co-Sponsor)
Recommendation: Adopt second reading of Ordinance No. 7,960-N.S. approving 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.
First Reading Vote: Ayes – Kesarwani, Taplin, Bartlett, Tregub, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – O'Keefe.
Financial Implications: See report
Contact: Brent Blackaby, Councilmember, District 6, (510) 981-7160

Consent Calendar

2. Amendment: FY 2025 Annual Appropriations Ordinance
From: City Manager
Recommendation: Adopt the first reading of an Ordinance amending the FY 2025 Annual Appropriations Ordinance No. 7,940–N.S. for fiscal year 2025 based upon recommended re-appropriation of committed FY 2025 funding and other adjustments in the amount of $78,091,135 (gross) and $58,150,646 (net).
Financial Implications: See report
Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000

3. Minutes for Approval
From: City Manager
Recommendation: Approve the minutes for the Council meetings of April 14, 2025 (closed), April 15, 2025 (special and regular), April 22, 2025 (special), April 25, 2025 (special), April 28, 2025 (special) and April 29, 2025 (regular).
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900

4. Contract Townsend Public Affairs, Inc. for Legislative and Funding Advocacy Strategy
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any necessary amendments with Townsend Public Affairs, Inc. for an ongoing tailored legislative and funding advocacy strategy from July 1, 2025, to June 30, 2027 for a total contract amount not to exceed $108,000.
Financial Implications: See report
Contact: David White, City Manager's Office, (510) 981-7000

5. Appointment of Director of Human Resources
From: City Manager
Recommendation: Adopt a Resolution confirming the appointment of Janelle Rodrigues as the Director of Human Resources to be effective June 9, 2025, at an annual salary of $240,000.
Financial Implications: See report
Contact: David White, City Manager's Office, (510) 981-7000

6. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on May 20, 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

7. Contract No: 32300104 Amendment: The Village of Love for Telegraph Neighborhood Sacred Rest Drop-In Center
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or his designee, to execute an amendment to Contract No. 32300104 with The Village of Love to add $250,000, for a total contract amount not to exceed $1,000,000, for services and operations at the Telegraph Neighborhood Sacred Rest Drop-In Center and extend the contract term through May 31, 2026.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

8. Funding Application: California Affordable Housing and Sustainable Communities Infrastructure in connection with the proposed North Berkeley BART Affordable Housing Project
From: City Manager
Recommendation: Adopt a Resolution: 1) Authorizing the City Manager to negotiate, enter into, and cause the City to perform its obligation under an agreement (including amendments) with East Bay Asian Local Development Consortium (EBALDC) and/or their affiliate relating to a funding application to the California Affordable Housing and Sustainable Communities (AHSC) program for project-related transportation and infrastructure improvements for the North Berkeley BART (NBB) EBALDC Affordable Housing Project at the North Berkeley BART Station Area, for a total AHSC award amount of up to $50 million. 2) Authorizing the City Manager to accept up to $5.4 million in state Affordable Housing and Sustainable Communities (AHSC) funds and complete selected transportation improvements if awarded.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

9. Revenue Grant Agreements: Funding Support from the State of California and Alameda County to Conduct Public Health Services
From: City Manager
Recommendation: Adopt two Resolutions authorizing the City Manager or designee to submit grant agreements to the California Department of Public Health (CDPH) and Alameda County, to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the following two revenue agreements: (1) Tuberculosis (TB) Prevention and Control in the projected amount of $33,688 for Fiscal Year (FY) 2026 from CDPH. (2) Public Health Infrastructure Program in the projected amount of $32,080 for FY 2026 from Alameda County.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

Consent Calendar

10. Adopt a Resolution Establishing the Unrepresented Job Class Specification and Pay Scale of Fire Mechanic Lead
From: City Manager
Recommendation: Adopt a Resolution establishing the unrepresented job class specification and pay scale of Fire Mechanic Lead as outlined, with an hourly pay range of $51.0771 - $54.1740.
Financial Implications: See report
Contact: Monica Walker, Human Resources, (510) 981-6800

11. Revise the Personnel Rules and Regulations to Add Section 9.02.1 Promotion – Salary Step Placement
From: City Manager
Recommendation: Adopt a Resolution revising the Personnel Rules and Regulations to add Section 9.02.1 Promotion – Salary Step Placement, which affords promotional placement on the step closest to the employee's current earning rate that is at least 10% higher.
Financial Implications: See report
Contact: Monica Walker, Human Resources, (510) 981-6800

12. Revise SEIU-MC MOU Section 17.13 Special Class Commercial Driver's License Premium to Add 5% for Out-of-Class Lists
From: City Manager
Recommendation: Adopt a Resolution revising the Service Employees International Union (SEIU) Local 1021, Maintenance and Clerical ("Union") Memorandum of Understanding Section 17.13 Special Class Commercial Driver's License Premium to apply 5% differential to employees who maintain a Class A driver's license and are approved to serve on out-of-class lists for Tractor Trailer Driver and Construction Equipment Operator.
Financial Implications: See report
Contact: Monica Walker, Human Resources, (510) 981-6800

13. Revise Unrepresented Manual Section 13.19 to Add 5% Differential to Program Manager I Assigned to City Manager's Office
From: City Manager
Recommendation: Adopt a Resolution amending the Unrepresented Employee Manual to add a 5% salary differential to Program Manager I positions assigned to the City Manager's Office.
Financial Implications: See report
Contact: Monica Walker, Human Resources, (510) 981-6800

Consent Calendar

14. Contract Amendment No. 10789: AMS.NET for Network Hardware, Installation and Professional Support services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 10789 with AMS.NET, Inc. for network support of hardware, installation and professional services, for an additional $300,000 for a total not to exceed of $1,270,778.14 from July 1, 2017 to June 30, 2026.
Financial Implications: See report
Contact: Kevin Fong, Information Technology, (510) 981-6500

15. Contract No. 084534-1 Amendment: NextGen Health Care Information Systems Inc. for Electronic Health Records
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 084534-1 with NextGen Healthcare Information Systems, Inc. ("NextGen"), increasing the amount by $191,136 for a total contract value not to exceed $1,010,472.20 and extending the term from September 30, 2010 through June 30, 2026.
Financial Implications: See report
Contact: Kevin Fong, Information Technology, (510) 981-6500

16. Protiviti Government Services Inc ("Protiviti"): Using General Services Administration ("GSA") Vehicle for Professional Services Purchase Orders
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to issue purchase orders with Protiviti for the procurement of professional services using the GSA purchasing vehicle no. GS-35F-0280X for an amount not to exceed $900,000 through June 30, 2026.
Financial Implications: See report
Contact: Kevin Fong, Information Technology, (510) 981-6500

17. Purchase Order: Operation Pride for tennis programs and tournaments
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a purchase order and any amendments with Operation Pride to provide youth and adult tennis services and tournaments for a total amount not to exceed $150,000 through June 30, 2026.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Consent Calendar

18. Purchase Order: Samuel Kidane dba Life Long Tennis Academy
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a purchase order and any amendments with Samuel Kidane dba Life Long Tennis Academy to provide youth and adult tennis services for the City of Berkeley for a total amount not to exceed $270,000 through June 20, 2026.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

19. Contract No. 32400029 Amendment: Baldoni Construction Services, Inc. for Echo Lake Camp Accessibility Upgrades
From: City Manager
Recommendation: Adopt a Resolution increasing the not to exceed amount for Contract No. 32400029 with Baldoni Construction Service, Inc. for the Echo Lake Camp Accessibility Upgrades Project by $60,000 for an amended total not to exceed $616,953.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

20. Contract No. 32400003 Amendment: Cooke & Associates Background Investigations
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract amendment with Cooke & Associates, a background investigation services provider for public safety personnel, to increase the contract amount by $280,000 to a total contract of $580,000 and extend the contract term for two additional years expiring on July 31, 2028. This amendment will allow the Berkeley Police Department (BPD) and Berkeley Fire Department (BFD) to continue utilizing Cooke & Associates for timely, thorough, and high-quality background investigations of candidates, and will provide the City Manager with the authority to spend funds as needed under the amended contract to support ongoing public safety hiring needs.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900

21. 2024 Police Equipment and Community Safety Ordinance Annual Report
From: City Manager
Recommendation: Adopt a Resolution approving the 2024 Police Equipment and Community Safety Ordinance Annual Report.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900

Consent Calendar

22. Contract: Shaw Integrated and Turf Solutions Inc., for Civic Center Building, Second Floor Carpet Replacement Project
From: City Manager
Recommendation: Adopt a Resolution: (1) Accepting the California Multiple Award Schedule (CMAS) bid procedures, pursuant to City Charter Article XI Section 67.2 requirements; (2) Approving the CMAS Contract with Shaw Integrated and Turf Solutions, Inc. for Carpet Replacements at the Civic Center Building located at 2180 Milvia; (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 terms and conditions of the agreements with Shaw Integrated and Turf Solutions, Inc. in an amount not to exceed $147,096, including a $13,372 contingency.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300

23. Contract No. 081671-1 (8318C) Amendment: RouteSmart Technologies, Inc. Software Maintenance
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 81671-1 (8318C) with RouteSmart Technologies Inc. to increase the contract by $25,000, for a total not to exceed amount of $235,743, to fund software license maintenance and support services, from June 30, 2025 through June 30, 2026.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300

24. Declaration of Intent – Fiscal Year 2026 Street Lighting Assessments
From: City Manager
Recommendation: Adopt two Resolutions granting the City Manager the authority to: (1) Approve the Engineer's Reports; (2) Set a public hearing to be held before the Council of the City of Berkeley at its June 17, 2025, meeting; and (3) Authorize the City Clerk to publish a Notice of the Public Hearing for Fiscal Year 2026 Levy of Assessments for Berkeley Street Lighting Assessment District No. 1982-1 and Street Lighting Assessment District 2018.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300

25. Authorization for City Manager to evaluate policies to accelerate building decarbonization
From: Environment and Climate Commission
Recommendation: Authorize the City Manager to evaluate and develop amendments to the 2025 Energy and CALGreen Codes and/or other ordinances to accelerate building decarbonization for Council consideration.
Financial Implications: None
Contact: Sarah Moore, Commission Secretary, (510) 981-7400

Council Consent Items

26. Letter in Support of California State Senate Bill 692 (Arreguín) Relating to Vehicles and Homelessness
From: Councilmember Taplin (Author), Councilmember Kesarwani, Councilmember Humbert (Co-Sponsor), Councilmember Blackaby (Co-Sponsor)
Recommendation: Adopt a letter in support of California State Senate Bill 692 (Arreguín), relating to vehicles and homelessness, and distribute copies to Governor Gavin Newsom, State Senator Jesse Arreguín, State Assemblymember Buffy Wicks, State Senate President Pro Tempore Mike McGuire, and State Assembly Speaker Robert Rivas.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

27. A resolution recognizing the Middle Eastern and North African (MENA) community and urging support for Assembly Bill 91 — the "MENA Inclusion Act" (Harabedian)
From: Councilmember Tregub (Author), Mayor Ishii (Co-Sponsor), Councilmember Bartlett (Co-Sponsor)
Recommendation: Adopt a Resolution in support of California Assembly Bill 91, the Middle Eastern and North African (MENA) Inclusion Act (Harabedian), to ensure accurate and equitable demographic data collection for MENA communities. This bill mandates the creation of distinct categories for MENA groups in official demographic data, starting on January 1, 2027.
Financial Implications: See report
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140

Council Consent Items

28. Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds to the annual Asian Cultural Festival
From: Councilmember Tregub (Author), Mayor Ishii (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor), Councilmember Lunaparra (Co-Sponsor)
Recommendation: Adopt a Resolution authorizing the expenditure of up to $500 per Mayor/Councilmember from their D13 Discretionary Accounts, including $500 from the Mayor and Councilmember Tregub, and contributions of $250 each from Councilmembers Kesarwani, and Lunaparra. Other Councilmembers are invited to contribute to support annual Asian Cultural Festival in an amount of up to $500. Funds will be transferred to the City's general fund and provided to the designated fiscal sponsor of the festival to ensure its successful production and community engagement.
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 impactful event, promoting cultural exchange, unity, and celebration of Berkeley's rich Asian American communities
Financial Implications: See report
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140

29. Alternative Housing Options for People Experiencing Homelessness *(Reviewed by the Health, Life Enrichment, Equity & Community Committee)*
From: Councilmember O'Keefe (Author), Mayor Ishii (Co-Sponsors), Councilmember Blackaby (Co-Sponsors), Councilmember Lunaparra (Co-Sponsor)
Recommendation: Refer to the City Manager a request for staff to identify a list of potential locations of City-owned and private properties (to be leased or acquired) – for the purpose of establishing 24/7 staffed shelter sites, including but not limited to indoor/outdoor camping areas, safe RV and car park zones, and/or congregate or non-congregate shelters for people experiencing homelessness based on the model used at Grayson Street and other models deemed successful by the City Manager.
Further, refer to the City Manager to provide a report to the City Council that includes:
(1) Ongoing efforts to address homelessness and the mental health crisis within Berkeley's jurisdiction, including the work of non-governmental organizations the City is relying upon and, where possible, the cost thereof. (2) A gap analysis between resources required by the City to fully address homelessness and its current financial position. (3) A feasibility and cost analysis of Berkeley's ability to support additional shelter or services sites, including staffing and operational constraints. (4) A geographic equity assessment of where homeless services, shelters, and encampments have historically been and currently are located in Berkeley. (5) Opportunities to partner with Alameda County and other public agencies to utilize County, other governing jurisdictions, or state-owned land for temporary shelter and services outside of Berkeley's most heavily impacted neighborhoods
Moreover, refer to the City Manager to identify additional funding opportunities available through 2024 Measure W and affirm the City Council's position that local jurisdictions

such as Berkeley, that are heavily impacted by the housing and mental health crisis, should be considered for an equitable share and speedy receipt of 2024 Proposition 1 funding from Alameda County.
Refer to the City Manager to affirm that the City Council's position is that, to the greatest extent possible, Measure W and other locally sourced funds should be used to support Berkeley-specific homelessness service needs.
Support the City Manager in collaborating with Alameda County and other neighboring jurisdictions to identify potential sites outside of Berkeley city limits that may be suitable and more cost-effective than sites within Berkeley.
Furthermore, affirm support for the following principles: 1. County resource investment in homelessness across the region should align proportionally with where homelessness is most prevalent and ensure support achieves racially equitable outcomes; 2. The use of Measure W and other funding for homelessness guided by Home Together 2030 Plan should be a local decision, with cities deciding how to divvy up investment between prevention, interim, and permanent housing; 3. Local priority for referrals into interim and permanent solutions – including everything from safe parking to shelter to permanent supportive housing and Homekey projects – should be commensurate with the level of funding provided; 4. Sustaining nonprofit capacity: (a) The homelessness response system relies heavily on nonprofit partners, many of whom face challenges in retaining staff due to funding constraints, salary limitations, and administrative burdens. (b)Measure W funding presents an opportunity to support not just direct services but also nonprofit infrastructure, helping organizations improve long-term sustainability. (c) Considerations include ensuring competitive wages, investing in staff retention strategies, and providing operational support. (d) Bonus funding consideration could be given to organizations that prioritize workforce sustainability through: (i) Competitive salaries and benefits for frontline staff; (ii)Efforts to retain high-preforming, low-turnover teams; (iii) Investments in administrative capacity that enhance service quality and long-term viability
Policy Committee Recommendation:
Send item to Council with a qualified positive recommendation which include the following proposed amendments:
Refer to the City Manager a request for staff to identify a list of potential locations of City properties and private properties (to be leased or acquired) – for the purpose of establishing 24/7 staffed shelter sites, including but not limited to indoor/outdoor camping areas, safe RV and car park zones, and/or congregate or non-congregate shelters for people experiencing homelessness based on the model used at Grayson Street and other models deemed by the City Manager to be successful.
Further, direct the City Manager to provide a report to the City Council of ongoing efforts to address the homelessness and mental health crisis within Berkeley's jurisdiction, including efforts by non-governmental organizations the city is relying upon, where possible, including the costs thereof, and a gap analysis between the resources required by the City to fully address homelessness and its current financial position.
As part of this report, direct the City Manager:
1) Conduct a feasibility and cost analysis of Berkeley's ability to support additional

shelter or service sites, including staffing and operational constraints
2) Include a geographic equity assessment of where homeless services, shelters, and encampments have historically and currently been located in Berkeley;
3) Identify opportunities to partner with Alameda County and other public agencies to utilize County, other governing jurisdictions – or state-owned land for temporary shelter and services outside of Berkeley's most heavily impacted neighborhoods
Direct the City Manager to identify any additional funding opportunities available through 2024 Measure W and affirm the City Council's position that local jurisdictions such as Berkeley that are heavily impacted by the housing and mental health crisis should be considered for an equitable share and speedy receipt of 2024 Proposition 1 funding from Alameda County. Further, direct the City Manager to affirm that the City Council's position is that, to the extent possible, Measure W and any other locally sourced funds should be used to support Berkeley-specific homelessness services needs.
Support the City Manager in collaborating with Alameda County and other neighboring jurisdictions to identify potential sites outside of Berkeley city limits that may be suitable and more cost-effective than additional sites within Berkeley.
Further, affirm support for the following principles:
1. County resource investment in homelessness across the region should be commensurate with where homelessness occurs and targeted for racially equitable outcomes
2. Measure W and other funding for homelessness guided by Home Together 2030: Should be a Local City decision on the split between prevention, interim, and permanent housing
3. Local (City level) priority for referrals into interim and permanent solutions (including everything from safe parking to shelter to permanent supportive housing/HomeKey projects), commensurate with local funding.
4. Sustaining Nonprofit Capacity

- *The homelessness response system relies heavily on nonprofit partners, many of whom face challenges in retaining staff due to funding constraints, salary limitations, and administrative burdens.*
- *Measure W funding presents an opportunity to support not just direct services but also nonprofit infrastructure, helping organizations improve long-term sustainability.*
- *Considerations include ensuring competitive wages, investing in staff retention strategies, and providing operational support.*
- *Bonus funding consideration could be given to organizations that prioritize workforce sustainability through:*
    - *Competitive salaries and benefits for frontline staff.*
    - *Efforts to retain high-performing, low-turnover teams.*
    - *Investments in administrative capacity that enhance service quality and long-term viability.*

Financial Implications: See report
Contact: Shoshana O'Keefe, Councilmember, District 5, (510) 981-7100

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.

30. FY 2026 Proposed Mid-Biennial Budget Update and Public Hearing #1
From: City Manager
Recommendation: Receive the FY 2026 Proposed Mid-Biennial Budget Update and conduct Public Hearing #1 on the FY 2026 Proposed Mid-Biennial Budget Update.
Financial Implications: See report
Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000

Action Calendar – Public Hearings

31. LPC Appeal: 2500-2512 San Pablo Avenue, Landmark Application #LMIN2024-0004
From: City Manager
Recommendation: Conduct a public hearing, and upon conclusion, adopt a Resolution affirming the Landmarks Preservation Commission (LPC) decision to designate 2500-2512 San Pablo Avenue (APN: 054-1780-004-12) a City of Berkeley Landmark, and dismiss the appeal.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400

Action Calendar – New Business

32. Appointment of Four Berkeley Residents to the SAFE STREETS Citizen Oversight Committee
From: City Manager
Recommendation: Adopt a Resolution confirming the appointments of up to four Berkeley residents to the SAFE STREETS Citizen Oversight Committee (SSCOC), to be appointed by the City Council as a whole.
Financial Implications: See report
Contact: Mark Numainville, City Clerk, (510) 981-6900

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 May 8, 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.
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Item #21: 2024 Police Equipment and Community Safety Ordinance Annual Report

1. Hansel Aguilar on behalf of the Police Accountability Board
2. Jennifer Louis
3. Margaret A. Baker
4. John Lindsay-Poland

Item #29: Alternative Housing Options for People Experiencing Homelessness *(Reviewed by the Health, Life Enrichment, Equity & Community Committee)*

5. Kate Pocrass
6. Aimee Baldwin (2)
7. Cris Benton
8. Grant Damron
9. Pamela Michaud
10. Stacey Hara
11. Jack Anderson
12. Namita Gupta
13. Fran Haselsteiner
14. Patricia Brooks
15. Catherine Jenkins
16. Amber Richardson
17. Tamar J.
18. Kelley Kahn

Ashby BART

19. Peter Minor
20. Charlotte Daniels
21. 2076 Ashby Residences
22. Sotirios Vlavianos
23. Peter Magganas

Encampments

24. Halima Franklin (2)

Ohlone Park

25. Cynthia Harbaugh
26. Adam Leive
27. Daniel Jurnove
28. Roberta Focht
29. Lynn Jehle
30. Sasha Futran
31. Carlton and Alma
32. Tracy Thompson
33. Fred Schlachter
34. Patricia Itamoto

35. Julia Boekelheide
36. Dominique Ayako Baillet
37. Tamara Birdsall
38. Laura Garcia-Moreno
39. David Lerman (3)
40. Will Masterson
41. Karthik Gopalan
42. Erika Shore (2)
43. Diane Ross-Leech and Family
44. Isaac Nicholson
45. Elisabeth Goldstein
46. Nancy S. Rothschild
47. Stefany Reich-Silber
48. Diana Jensen
49. Wei-Bing Chen

Rides for Seniors
50. Kathi Pugh
51. Gerald Lenoir
52. Bonnie Lewkowicz
53. Darlene Bronson on behalf of the Commission on Aging

Missing Middle
54. Zelda Bronstein (3)
55. Councilmember Rashi Kesarwani

2nd Street Encampments
56. David White
57. Councilmember Rashi Kesarwani
58. Councilmember Mark Humbert
59. Councilmember Igor Tregub
60. Councilmember Terry Taplin

E-Scooters
61. Robert Borghese (4)

Public Restroom Proposal
62. James Chang
63. Mike Kim

Bateman Mall Park
64. Yula Paluy

Bikeway Intersection Control
65. Meryl Siegal

Food Fest Invitation
66. Dr. Ramesh Konda on behalf of the Association of Indo Americans

Infill Housing
67. Constance Rivemale

Security Incidents
68. Dixon Brooke

UA Theater
69. Melanie Lawrence & John Smail
70. Pamela Zelnik
71. Anne Herrick

Housing Concerns
72. Patricia Kipnis
73. Lynn Winsten
74. Jonnyruel Holder

Treatment of Herbivorous Animals
75. Rsw (2)

Elevator Outrage
76. Tony Schmiesing
77. Aryne Bailey

Workshop
78. Joel A. Biatch

Crime Concerns
79. Fran Haselsteiner

ABSC Concern
80. Abby Thorne-Lyman

Drop-off Mailboxes
81. Hali Hammer

Deliberative Democracy
82. Phil Allen

Free Speech
83. Sheila Jordan

Specialized Care Unit
84. Barbara Gilbert

Work Concerns
85. Pgcountymd63 (2)

Hopkins/McGee
86. Shirley Kirsten
87. Sandra Sanchez

Edward Way
88. Helen Hogg

Home Alterations
89. Marian and Desmond Simpson

BUSD Investment Policies
90. Cielo Rios

Budget Concerns
91. Rachel Bradley
92. Ben Buettner

Arbor Day
93. Mary-Louise Hansen

Effects of Cement
94. Cecelia Mautner

Street Access
95. Nenelle Bunnin

Homeless Housing
96. Aimee Baldwin
97. John Vinopal

More Types of Homes
98. Lee Bishop

Habitability for Berkeley Residents
99. Veena Nambiar

Public Facilities Concern
100. 2,084 Similarly worded form letters

Middle East Conflict
101. Chris Gilbert
102. Alicia Dattner

103. Barbara Erickson
104. Nicoletta Karam (4)
105. Barbara Romanowicz
106. Rachel Gita Schiff
107. Sophie Sawyer
108. Iris Gold
109. Gael Alcock
110. Russbumper
111. Camille watts-Zagha
112. Marc Sapir (2)
113. Allen Mayer
114. Dr. Roman Kazinnik and Dr. Sophia Kazinnik
115. Deborah Goldeen
116. Russbumper

Letter
117. Eid's TV and Electronics

Screenshots
118. Josh Atwood (2)

Forwards
119. Josh Atwood
120. Daveed Mandell (3)
121. David Lerman
122. Eid's TV

URL's
123. Inetjalopy
124. Josh Atwood (4)
125. Russbumper (7)
126. Madeleine Shearer
127. Lavell Young
128. Barryett Enge

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.

01

ORDINANCE NO. 7,960-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

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.

At a regular meeting of the Council of the City of Berkeley held on April 29, 2025, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Blackaby, Humbert, Kesarwani, Lunaparra, O'Keefe, Taplin, Tregub, and Ishii.

Noes: None.

Absent: O'Keefe.

02

Office of the City Manager

CONSENT CALENDAR
May 20, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Sharon Friedrichsen, Budget Manager

Subject: Amendment: FY 2025 Annual Appropriations Ordinance

RECOMMENDATION

Adopt the first reading of an Ordinance amending the FY 2025 Annual Appropriations Ordinance No. 7,940–N.S. for fiscal year 2025 based upon recommended re-appropriation of committed FY 2025 funding and other adjustments in the amount of $78,091,135 (gross) and $58,150,646 (net).

FISCAL IMPACTS OF RECOMMENDATION

On June 25, 2024 the City Council adopted the FY 2025 Budget, authorizing gross appropriations of $793,319,711 and net appropriations of $686,125,119 (net of dual appropriations).

City Council approved the First Amendment to the FY 2025 Annual Appropriations Ordinance (AAO#1) on December 3, 2024, which increased the gross appropriations to $1,090,710,765 and net appropriations to $958,707,235 and represent the re-authorization of funding previously committed in FY 2025 and new expenditures added after the adoption of the FY 2025 Budget on June 25, 2024, including new grant fund appropriations.

This Second Amendment to the FY 2025 Annual Appropriations Ordinance (AAO#2) totals $78,091,135 (gross) and $58,150,646 (net) and increases gross appropriations to $1,168,801,900 and net appropriations to $1,016,857,881. The proposed changes are primarily adjustments to continue and start capital projects and other City initiatives, as well as funding City fiscal policies.

Requested funding includes:

1. Re-appropriated unencumbered FY 2024 funding of $8,193,861; and
2. Changes to fund appropriations, primarily due to receipt of new grants and use of available fund balances, in the amount of $69,897,274. However, this amount also includes $10,210,288 in General Fund adjustments for FY 2025.

BACKGROUND

The Annual Appropriations Ordinance (AAO) establishes the expenditure limits by fund for FY 2025. Throughout the year, the City takes actions that amend the adopted budget. These may include, but are not limited to, the acceptance of new grants, revisions to existing grants, adjustments to adopted expenditure authority due to emergency needs, and transfers in accordance with Council's fiscal policies.

The adopted budget is also amended annually to reflect the re-appropriation of prior year funds for contractual commitments (i.e. encumbrances) as well as unencumbered carryover of unexpended funds previously authorized for one-time, non-recurring purposes. These budget modifications are periodically presented to the Council in the form of an Ordinance amending the Annual Appropriations Ordinance, which formally requires a two-thirds vote of the City Council.

When Council adopts an appropriations ordinance (budget), it is based on projected revenues and expenditures. If fund balances do not support the requested level of expenditures, no carryover is recommended.

The proposed changes for AAO#2 are presented in their entirety in Exhibit A and summarized as follows:

	Recommended Carryover	Recommended Adjustments	Total
General Fund (011)	$ 585,159	$ 10,210,288	$ 10,795,447
Capital Improvement Fund (501)	$ 1,526,575	$ -	$ 1,526,575
All Other Funds	$ 6,082,127	$ 59,686,987	$ 65,769,114
Total	**$ 8,193,861**	**$ 69,897,274**	**$ 78,091,135**

Below is a summary of the FY 2025 Adjustments for the City's General Fund and Other Funds.

General Fund: The General Fund includes recommended carryover of $585,159 and recommended adjustments of $10,210,288 for the following items:

Recommended Carryover

- $549,659 increase transfer from General Fund to Equipment Replacement Fund for Fire Vehicle Lease Debt Service Payment.
- $3,500 for a Memorial Bench Donation to Black Lives Matter (BLM) from Councilmember Bartlett due to timing of purchase order.
- $32,000 for Associated Students University of California (ASUC) Berkeley Project Day

Recommended Adjustments

- $32,975 for Health, Housing & Community Services to add funds from Measure P for the BOSS Step Up Housing program due to project implementation timing

- $3,000,000 in recognized savings from decreased pension costs due to the Section 115 trust paying a portion of the pension cost instead of the General Fund.
- $3,025,313 of FY 2024 Excess Equity allocation to fund the Stabilization Reserves Fund at 55% ($1,663,922) and Catastrophic Reserves Fund at 45% ($1,361,391)
- $4,052,000 of General Fund investment interest above the established baseline of $6 million be allocated to Section 115 Trust Fund, $3,052,000; and General Fund Stabilization Reserves Fund at 55% ($550,000) and Catastrophic Reserves at 45% ($450,000)
- $100,000 for Public Works to add funding to cover energy bill (PG&E) for Public Safety Building and 2180 Milvia Building

All of the General Fund items listed above are being funded from the available FY 2025 General Fund Excess Equity balance.

Other Funds: Other City funds total recommended carryover of $7,608,702 and recommended adjustments of $59,686,987 includes the following allocations:

Recommended Carryover

- $31,270 in State Dept Conservation/Recycling funding for Beverage Container Grant Water Refill Stations
- $1,526,575 in Capital Improvement Fund for the construction cost of the Street Rehabilitation FY 2024 project
- $6,050,857 in Measure T1 Fund for MLK Youth Services Center project design cost

Recommended Adjustments

- $3,000,000 in GF-Payroll Deduction Trust Fund transfer to General Fund in lieu of payment of pension cost covered by Sec. 115 Trust for $3,000,000
- $320,000 in Measure U1 Fund for MLK Jr. House Predevelopment Activities approved by Council per Res. No. 71,640-N.S.
- $14,607.20 in Library Grants Fund – Lunch at the Library Grant, $4,607.20; and new grant funding - PLA Non-Govt Library Grant, $10,000
- $10,000 in Library Friends & Gifts for Berkeley Public Library Staff Appreciation Apparel
- $50,000 in Fund Raising Activities for Meals on Wheels Program
- $3,000,000 in Affordable Housing Mitigation Fee for North Berkeley BART predevelopment loan contract amendment
- $14,000 in Inclusionary Housing Program to cover personnel expenses associated with recently labor agreements
- $179,025 in CDBG Fund - Senior and Disabled Home Rehab Loans Program, $100,000; Eden Council for Hope and Opportunity, $26,250; and Larkin St. Youth Services ongoing project, $52,775
- $72,825 in Measure BB- Bike and Pedestrian for Ohlone Green Modification & Safety Project

- $250,000 in Measure BB – Paratransit to cover additional taxi scrip cost through FY25 and to meet increase in number of riders/seniors applying for programs
- $102,310 in Parks Tax – appropriate donation from the Friends of the Berkeley Animal Care Shelter (BACS) to install new fencing at the Animal Training Area at Aquatic Park, $15,815; and appropriate donation from the Eli Kane Fund to complete phase 3 of the Solano-Peralta Park Improvement project, $86,495
- $133,000 in Measure GG for purchase of advanced life support (ALS) electrocardiogram (ECG) with ZOLL Medical Corporation
- $540,000 in Street Lighting Fund – appropriate funding for PG&E Utilities Rate/Invoice rate increase, $240,000; appropriate funding for additional Vehicle purchases- uplifting/increased needs from previous years, $150,000; and appropriate funding for DC Electric Contract for electrician services payment., $150,000
- $400,000 in UC Settlement Fund – appropriate funding for new project for the Derby/Warring Traffic Safety Improvement
- $3,000,000 in PERS Savings Fund - transfer to Payroll Deduction Trust Fund for payment of pension cost covered by Sec. 115 Trust for $3,000,000
- $8,283,000 in Measure FF - Public Safety Fund - for purchase of advanced life support (ALS) electrocardiogram (ECG) with ZOLL Medical Corporation, $133,000; appropriate funding for projected overtime cost overage, $650,000; and appropriate funding for Headquarters Lease Escrow account, $7,500,000
- $95,024 in Operating Grants-Federal Fund to true-up CASPHII grant award
- $1,929,000 in Capital Grants – State Fund – appropriate new grant award for the Washington Elementary/Safe Routes to School Project, $30,000; appropriate funds for the new CalTrans grant - Addison Bike Boulevard Phase 2 project, $99,000; and appropriate funds for new grant awarded for Maudelle Miller Shirek Project, $1,800,000
- $2,100,000 in Capital Grants - Local Fund - additional grant award for the Adeline Street Transportation Improvement Project, $600,000; and appropriate fund for Safe Routes to BART Grant Program for the Ohlone Greenway Modernization and Safety Project, $1,500,000
- $547,139 in Home/Home ARP Fund – appropriate funds awarded for Home ARP Funds for Eviction Defense Center Contract
- $58,025 in Targeted Case Mgmt./Linkages Fund to cover contract increase from $114,575 to $172,600 per Council Res. No. 71,158-N.S. - Aging Service TCM program, $29,013; and Public Health TCM program, $29,013.
- $36,883 in CSBG Fund – appropriate funding for CSBG personnel and Lifelong Medical Care contract
- $218,750 in One-Time Grant: No Cap Exp Fund - appropriate funding to pay for the final invoice of Equitable Black Berkeley Ideation Facilitation Contract, $18,750; appropriate funds from a California Fire Safe Council (CFSC) grant to establish an Alameda County Coordinator per Council Res. No. 71,322-N.S., $100,000; and appropriate grant funds for the Urban Sustainability Directors Network (USDN) Trees Make Life Better project; $100,000

- $151,951 in MTC Fund - appropriate funding for the Metropolitan Transportation Commission grant for Bicycle Plan update project per Council Res. No. 71,383-N.S.
- $413,822 in Measure T1 Fund for North Berkeley Senior Center Seismic (NBSC) Retrofit Project Escrow refund
- $2,175 in Measure M - Street and Watershed Improvement Fund to revise debt service budget for FY 2025 to cover principal and interest payments
- $24,500,000 in Measure M - Street and Watershed Improvements Fund to support the development of Affordable Housing at the North Berkeley Bart Station
- $2,597,895 in Measure O Fund to revise debt service budget for FY 2025 to cover principal and interest payments
- $385,000 in Marina - Coastal Conservancy Fund – appropriate funds for the Cesar Chavez Park Perimeter Pathway project funding agreement for the Marina Blvd Pathway Project
- $50,000 in Marina - Dept. of Boating & Waterway Fund - appropriate funds for the Dept. of Boating and Waterways grant
- $271,800 in Marina Fund - appropriate funds for the Dept. of Boating and Waterways grant, $50,000; matching funding for the Dept. of Boating and Waterways grant, $5,000; appropriate funding for emergency repair at Waterfront - South Cove ADA Gangway Float, $110,000; appropriate funding for the emergency repair at Waterfront - South Cove East Dock Pile Repair- Design and Permitting, $50,000; appropriate funding for the Marina Electric Vehicle - City of Berkeley portion of the vehicle cost, $100,000; and appropriate funds for memorial bench donation for Lawrence Mullen and Obaidulla Khan, $6,800
- $1,000,000 in Off-Street Parking Fund - appropriate funds to pay for on-going contracts with LAZ for operating the 1947 Center parking garage and other vendors
- $1,000,000 in Parking Meter Fund - appropriate funds to Increase transfer out of Parking Meter Fund to Off-Street Parking Fund to pay for on-going contract costs
- $2,771,624 in Equipment Replacement Fund - appropriate funds to pay for Fire Vehicle Lease Debt Service Fee, $677,681; appropriate funds to pay for Fire Vehicle Lease Debt Service Fee - tax portion of the lease, $33,943; appropriate funding to cover increase cost in fuel for city vehicles, and equipment maintenance and repair for fire apparatus, $2,000,000; and appropriate funds for EBMUD Utilities increase for Corp Yard Location, $60,000
- $270,000 in Building Maintenance Fund - appropriate funds for Pride Janitorial Building Maintenance Services
- $1,792,557 in Public Liability Fund appropriate funds to increase Public Liability transfer out to General Fund to appropriately record revenue related to the Monsanto Settlement

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with the act of adopting the budget/appropriations ordinance/amendments. Actions included in the

budget will be developed and implemented in a manner that is consistent with the City's environmental sustainability goals and requirements.

RATIONALE FOR RECOMMENDATION

The recommendation allows the City to amend the current FY 2025 Revised Budget and re-appropriate funds from FY 2024 to FY 2025 for contractual commitments that need to be paid and to increase appropriations for unbudgeted and unanticipated expenses. It revises the budget to reflect approved carryover requests and adjustments in both discretionary and non-discretionary funds.

Staff has conducted a detailed analysis of the individual carryover and other adjustment requests submitted by departments and is presenting carryover and other adjustment recommendations for projects that are either currently under contract, represent Council priorities, and/or are considered critical.

CONTACT PERSON

Sharon Friedrichsen, Budget Manager, City Manager's Office, 981-7000
Michelle Rosete, Senior Management Analyst, City Manager's Office, 981-7000

Attachments:
1: Ordinance
    Exhibit A: Annual Appropriation Ordinance Summary of Appropriations by Fund
2: FY 2024 Recommended Carryover and FY 2025 Recommended Adjustment (AAO#2)

ORDINANCE NO. -N.S.

AMENDING THE ANNUAL APPROPRIATIONS ORDINANCE NO. 7,940–N.S. FOR FISCAL YEAR 2025

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

Section 1. That the Annual Appropriations Ordinance based on the budget for FY 2025 submitted by the City Manager and passed by the City Council be amended as follows and as summarized in Exhibit A:

A. General Fund (Funds 001-099)	355,636,255
B. Special Funds (Funds 100-199)	228,567,752
C. Grant Funds (Funds 300-399)	107,991,928
D. Capital Projects Funds (Funds 500-550)	131,228,548
E. Debt Service Fund (Funds 551-599)	15,963,426
F. Enterprise Funds (Funds 600-669)	222,672,327
G. Internal Service Funds (Funds 146, 670-699)	90,482,326
H. Trust Funds (Funds 701-759)	257,618
I. Successor Agency (Funds 760-769)	57,120
J. Agency Funds (Funds 771-799)	5,858,816
K. Other Funds (Funds 800-899)	10,085,784
L. Total	
Total General Fund	355,636,255
Add: Total Other Than General Fund	813,165,645
Gross Revenue Appropriated	**1,168,801,900**
Less: Dual Appropriations	-69,181,749
Less: Revolving/Internal Service Funds	-82,762,271
Net Revenue Appropriated	**1,016,857,881**

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

a. From the General Fund to the General Fund – Stability Reserve Fund; Catastrophic Reserve Fund; Paramedic Tax Fund; Health State Aid Realignment; Fair Election Fund; Capital Improvement Fund; Phone System Replacement; Equipment Replacement Fund; Public Liability Fund; Catastrophic Loss Fund; Police Employee Retiree Health Assistance Plan; Safety Members Pension Fund; Sick Leave Entitlement Fund; and Payroll Deduction Trust Fund.

b. To the General Fund from the General Fund – Stability Reserves Fund; Catastrophic Reserves Fund; Community Development Block Grant Fund; Street Lighting Assessment District Fund; Zero Waste Fund; Marina Operations and Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Permit Service Center Fund; Parking Meter Fund; Unified Program (CUPA); IT Cost Allocation Fund; and Health State Aid Realignment Fund.

c. To the First Source Fund from the Parks Tax Fund; Capital Improvement Fund; and the Marina Fund.

d. From the Measure U1 Fund to the Workers' Compensation Fund

e. From the Catastrophic Reserve Fund to the Playground Camp Fund

f. From Gilman Sports Field Fund to Gilman Field Reserve Fund

g. From Measure FF Fund to Paramedic Tax Fund.

h. From the American Rescue Plan Fund to the General Fund; Sports Field Fund; Playground Camp Fund; Marina Fund; Off-Street Parking Fund; and Parking Meter Fund.

i. From Capital Improvement Fund to PERS Savings Fund; Berkeley Repertory Theater Fund; and 2010 COP (Animal Shelter) Fund.

j. To the Public Art Fund from the Parks Tax Fund; Capital Improvement Fund; and the Marina Fund.

k. To CFD#1 District Fire Protection Bond (Measure Q) from Special Tax Bonds CFD#1 ML-ROOS.

l. To Private Sewer Lateral Fund from Sanitary Sewer Operation Fund.

m. To Catastrophic Loss Fund from Permit Service Center Fund.

n. To Catastrophic Loss Fund from Unified Program (CUPA) Fund.

o. To the Building Purchases and Management Fund from General Fund; Health (General) Fund; Rental Housing Safety Program Fund; Measure B Local Streets & Road Fund; Employee Training Fund; Zero Waste Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Permit Service Center Fund; Off Street

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

p. To Equipment Replacement Fund from General Fund; Mental Health Services Act Fund; Health (Short/Doyle) Fund; Vector Control Fund; Paramedic Tax Fund; Playground Camp Fund; State Transportation Tax Fund; Rental Housing Safety Program Fund; Parks Tax Fund; Street Light Assessment District Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Permit Service Center Fund; Parking Meter Fund; Equipment Maintenance Fund; Building Maintenance Fund; and Central Services Fund.

q. To the Equipment Maintenance Fund from General Fund; Health (General) Fund; Mental Health Services Act Fund; Health (Short/Doyle) Fund; Vector Control Fund; Paramedic Tax Fund; Library - Discretionary Fund; Playground Camp Fund; State Transportation Tax Fund; Rental Housing Safety Program Fund; Rent Stabilization Board Fund; Parks Ta Fund; Street Light Assessment District Fund; FEMA Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Permit Service Center Fund; Off Street Parking Fund; Parking Meter Fund; Equipment Maintenance Fund; Building Maintenance Fund; and Central Services Fund.

r. To the Building Maintenance Fund from the General Fund; Health (General) Fund; Health (Short/Doyle) Fund; Measure B Local Street & Road Fund; Parks Tax Fund; Street Light Assessment District Fund; Zero Waste Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Off Street Parking Fund; Parking Meter Fund; Equipment Maintenance Fund; Building Maintenance Fund; and Mental Health State Aid Realignment Fund.

s. To the Central Services Fund from the General Fund; First Source Fund; Health (Short/Doyle) Fund; Library-Discretionary Fund; Playground Camp Fund; Rent Stabilization Board Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation; Building Purchases & Management Fund; Building Maintenance Fund; Central Services Fund; and Mental Health State Aid Realignment Fund.

t. To Information Technology Cost Allocation Plan Fund from General Fund; Target Case Management/Linkages Fund; Health (Short/Doyle); Library Fund; Playground Camp Fund; State Transportation Tax Fund; CDBG Fund; Rental Housing Safety Program; Rent Stabilization Board Fund; Parks Tax Fund; Street Light Assessment District Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation; Clean Storm Water Fund; Permit Service Center Fund; Off Street Parking Fund; Parking Meter Fund; Unified Program (CUPA) Fund; Equipment Maintenance Fund; Building Maintenance Fund; Information Technology Cost Allocation Plan Fund; Health State Aid Realignment Trust Fund; and Mental Health State Aid Realignment Fund.

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

v. To the Sick Leave and Vacation Leave Accrual Fund from General Fund; Special Tax for Severely Disabled Measure E Fund; First Source Fund; HUD Fund; ESGP Fund; Health (General) Fund; Target Case Management/Linkages Fund; Mental Health Service Act Fund; Health (Short/Doyle) Fund; EPSDT Expansion Proposal Fund; Senior Nutrition (Title III) Fund; C.F.P. Title X Fund; Fund Raising Activities Fund; Berkeley Unified School District Grant; Vector Control Fund; Paramedic Tax Fund; Alameda County Grants Fund; Senior Supportive Social Services Fund; Family Care Support Program Fund; Domestic Violence Prevention – Vital Statistics Fund; Affordable Housing Mitigation; Inclusionary Housing Program; Library – Discretionary Fund; Playground Camp Fund; Community Action Program Fund; State Proposition 172 Public Safety Fund; State Transportation Tax Fund; CDBG Fund; Rental Housing Safety Program; Measure B Local State & Road Fund; Measure B Bike & Pedestrian Fund; Measure B – Paratransit Fund; Measure F Alameda County Vehicle Registration Fee Streets & Roads Fund; Measure BB – Paratransit Fund; Fair Election Fund; Measure U1 Fund; One-Time Grant: No Cap Expense Fund; Rent Stabilization Board Fund; Parks Tax Fund; Measure GG – Fire Prep Tax Fund; Street Lighting Assessment District Fund; Employee Training Fund; Private Percent – Art Fund; Measure T1 – Infrastructure & Facilities

Fund; FUND$ Replacement Fund; Capital Improvement Fund; FEMA Fund; CFD #1 District Fire Protect Bond Fund; Special Tax Bonds CFD#1 ML-ROOS Fund; Shelter+Care HUD Fund; Shelter+Care County Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Private Sewer Lateral Fund; Permit Service Center Fund; Off-Street Parking Fund; Parking Meter Fund; Unified Program (CUPA) Fund; Building Purchases & Management Fund; Equipment Replacement Fund; Equipment Maintenance Fund; Building Maintenance Fund; Central Services Fund; Workers' Compensation Fund; Public Liability Fund; Information Technology Cost Allocation Plan Fund; Health State Aid Realignment Trust Fund; Tobacco Control Trust Fund; Mental Health State Aid Realignment Fund; Alameda Abandoned Vehicle Abatement Authority; and Bio-Terrorism Grant Fund.

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

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

Attachment for Annual Appropriations Ordinance - Fiscal Year 2025

REVOLVING FUNDS/INTERNAL SERVICE FUNDS

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

Employee Training Fund	958,763
Equipment Replacement Fund	24,016,223
Equipment Maintenance Fund	13,919,231
Building Maintenance Fund	7,163,540
Central Services Fund	414,530
Workers' Compensation Fund	6,905,936
Public Liability Fund	6,158,958
Information Technology Fund	23,225,091
Subtotal Revolving/Internal Service Funds	$ 82,762,271

DUAL APPROPRIATIONS - WORKING BUDGET

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

Transfers to the General Fund	
Indirect Cost Reimbursement	
CDBG Fund	176,194
Street Light Assessment District Fund	130,301
One-Time Grant: No Cap Exp	78,545
Zero Waste Fund	2,643,473
Marina Enterprise Fund	449,252
Sanitary Sewer Fund	1,290,952
Clean Storm Water Fund	268,773
Permit Service Center Fund	2,172,889
Unified Program (CUPA) Fund	88,045
Subtotal Transfers to General Fund:	$ 7,298,424

Transfer to Safety Members Pension Fund from General Fund	551,804
Transfer to Measure U1 Fund from General Fund	6,500,000
Transfer to Health State Aid Realignment from General Fund	1,953,018
Transfer to Fair Election Fund from General Fund	612,210
Transfer to Capital Improvement Fund (CIP) from General Fund	14,099,209
Transfer to Equipment Replacement Fund from General Fund	1,631,358
Transfer to Public Liability Fund from General Fund	2,664,292
Transfer to Catastrophic Loss Fund from General Fund	7,322,003
Transfer to IT Cost Allocation Fund from General Fund	71,335
Transfer to Police Employee Retiree Health Assistance Plan from General Fund	400,136
Transfer to Sick Leave Entitlement Fund from General Fund	201,501
Transfer from GF Payroll Deduction Trust Fund to Employee Training Fund	750,000
Transfer from GF Payroll Deduction Trust Fund to General Fund	3,000,000
Transfer from PERS Savings Fund to GF Payroll Deduction Trust Fund	3,000,000
Transfer from Library Tax Fund to Library - Trans Based Fund	5,000,000
Transfer to General Fund from Health State Aid Realignment Fund	2,643,280
Transfer to Paramedic Tax Fund from Measure FF - Public Safety Fund	757,925
Transfer to FUND$ Replacement Fund from CIP Fund	946,400
Transfer to Berkeley Repertory Theater Debt Service Fund from CIP Fund	499,802
Transfer from CIP Fund to 2010 COP (Animal Shelter) Fund	402,613
Transfer from CIP Fund to Equipment Replacement Fund	128,022
Transfer to Private Sewer Lateral Fund from Sewer Fund	90,501
Transfer to Catastrophic Loss Fund from Permit Service Center Fund	50,555
Transfer to Catastrophic Loss Fund from Unified Program (CUPA) Fund	5,082
Transfer to General Fund from Parking Meter Fund	1,042,288
Transfer to Equipment Maintenance Fund from Equipment Replacement Fund	2,000,000
Transfer to General Fund from Public Liability Fund	1,792,557
Transfer to General Fund from IT Cost Allocation Fund	496,355
Transfer to FUND$ Replacement Fund from IT Cost Allocation Fund	2,900,000
Transfer to GF - Payroll Deduction Trust from Sick Leave Entitlement Fund	273,854
Transfer to First Source Fund from Parks Tax Fund	3,563
Transfer to First Source Fund from Capital Improvement Fund	29,917
Transfer to First Source Fund from Marina Fund	1,875
Transfer to Public Art Fund from Parks Tax Fund	6,234
Transfer to Public Art Fund from Capital Improvement Fund	52,355
Transfer to Public Art Fund from Marina Fund	3,281
Subtotal Transfers to Other Funds:	61,883,325
Sub-Total Dual Appropriations	69,181,749
Grand Total Dual Appropriations	**151,944,020**

SUMMARY OF APPROPRIATIONS BY FUND

ERMA Fund #	Fund	FY 2025 Revised #1	2nd AAO Unencumbered Carryovers	2nd AAO Other Adjustments	2nd AAO Total Amend.	FY 2025 Revised #2
011	General Fund Discretionary	333,651,734	585,159	10,210,288	10,795,447	344,447,181
013	GF - Payroll Deduction Trust	750,000	-	3,000,000	3,000,000	3,750,000
016	Measure U1 - Housing	6,948,359	-	320,000	320,000	7,268,359
017	Climate Equity	170,715	-	-	-	170,715
101	Library - Tax	32,319,821	-	-	-	32,319,821
102	Library - Trans Based	2,000,000	-	-	-	2,000,000
103	Library - Grants	67,526	-	14,607	14,607	82,133
104	Library - Friends & Gift	175,633	-	10,000	10,000	185,633
105	Library - Foundation	220,653	-	-	-	220,653
106	Asset Forefeiture	314,208	-	-	-	314,208
107	Special Tax Measure E	1,733,706	-	-	-	1,733,706
108	Workforce Investment	58,311	-	-	-	58,311
110	Sec 108 Loan Gty Asst.	1,183,612	-	-	-	1,183,612
111	Fund Raising Activities	63,794	-	50,000	50,000	113,794
113	Gilman Sports Field	348,039	-	-	-	348,039
115	Animal Shelter	59,887	-	-	-	59,887
116	Paramedic Tax	4,486,586	-	-	-	4,486,586
117	CA Energy Commission	44,249	-	-	-	44,249
119	Domestic Violence Prev - Vit Stat	29,065	-		-	29,065
120	Affordable Housing Mitigation	32,891,365	-	3,000,000	3,000,000	35,891,365
121	Affordable Child Care	19,181	-	-	-	19,181
122	Inclusionary Housing Program	712,265	-	14,000	14,000	726,265
123	Condo Conversion	509,478	-	-	-	509,478
125	Playground Camp	4,713,047	-	-	-	4,713,047
126	State-Prop 172 Pub.Safety	1,769,743	-	-	-	1,769,743
127	State Transportation Tax	15,098,943	-	-	-	15,098,943
128	CDBG	7,448,890	-	179,025	179,025	7,627,915
129	Rental Housing Safety Program	2,799,813	-	-	-	2,799,813
130	Measure B - Local St & Road	5,611,854	-	-	-	5,611,854
131	Measure B - Bike & Pedestrian	664,524	-	-	-	664,524
132	Measure B - Paratransit	51,168	-	-	-	51,168
133	Measure F Alameda County VRF St & Rd	3,229,904	-	-	-	3,229,904
134	Measure BB - Local St & Road	18,449,576	-	-	-	18,449,576
135	Meaure BB - Bike & Pedestrian	2,960,620	-	72,825	72,825	3,033,445
136	Measure BB - Paratransit	1,181,121	-	250,000	250,000	1,431,121
137	One Time Funding	388,880	-	-	-	388,880
138	Parks Tax	24,393,067	-	102,310	102,310	24,495,377
139	Streets and Open Space Improvement (SOSIP)	400,000	-	-	-	400,000
140	Measure GG - Fire Prep Tax	6,309,965	-	133,000	133,000	6,442,965
142	Streetlight Assesment District	4,278,066	-	540,000	540,000	4,818,066
143	Berkeley Bus Ec Dev	173,187	-	-	-	173,187
145	BAYER - MILES LAB	49,613	-	-	-	49,613
146	Employee Training	958,763	-	-	-	958,763
147	UC Settlement	7,640,638	-	400,000	400,000	8,040,638
148	Cultural Trust	1,357,858	-	-	-	1,357,858
149	Private Party Sidewalks	1,265,585	-	-	-	1,265,585
150	Public Art Fund	193,001	-	-	-	193,001
152	Vital & Health Statistics Trust Fund	31,292	-	-	-	31,292
154	PERS Savings	0	-	3,000,000	3,000,000	3,000,000
156	Hlth State Aid Realign Trust	5,262,188	-	-	-	5,262,188
157	Tobacco Cont.Trust	403,092	-	-	-	403,092
158	Mental Health State Aid Realign	5,576,042	-	-	-	5,576,042
159	Citizens Option Public Safety Trust	432,188	-	-	-	432,188
161	Alameda Cty Abandoned Vehicle Abatement	121,250	-	-	-	121,250
164	Measure FF	12,375,562	-	8,283,000	8,283,000	20,658,562
165	Fair Elections	650,932	-	-	-	650,932
301	Operating Grants - Federal	35,162	-	95,024	95,024	130,186
302	Operating Grants - State	9,335,237	-	-	-	9,335,237
305	Capital Grants - Federal	4,249,827	-	-	-	4,249,827
306	Capital Grants - State	3,401,120	-	1,929,000	1,929,000	5,330,120
307	Capital Grants - Local	7,009,567	-	2,100,000	2,100,000	9,109,567
309	OTS DUI Enforcement Education Prg.	498,074	-	-	-	498,074
310	HUD/Home	2,708,485	-	547,139	547,139	3,255,624
311	ESGP	518,746	-	-	-	518,746

SUMMARY OF APPROPRIATIONS BY FUND

ERMA Fund #	Fund	FY 2025 Revised #1	2nd AAO Unencumbered Carryovers	2nd AAO Other Adjustments	2nd AAO Total Amend.	FY 2025 Revised #2
312	Health (General)	2,843,075	-	-	-	2,843,075
313	Target Case Management Linkages	1,881,911	-	58,025	58,025	1,939,936
315	Mental Health Service Act	14,751,144	-	-	-	14,751,144
316	Health (Short/Doyle)	7,697,144	-	-	-	7,697,144
317	EPSDT Expansion Proposal	493,511	-	-	-	493,511
318	Alcoholic Bev Ctr OTS/UC	58,644	-	-	-	58,644
319	Youth Lunch	211,886	-	-	-	211,886
320	Sr. Nutrition Title III	234,708	-	-	-	234,708
321	CFP Title X	204,356	-	-	-	204,356
324	BUSD Grant	216,521	-	-	-	216,521
325	Vector Control	382,632	-	-	-	382,632
326	Alameda County Grants	910,977	-	-	-	910,977
327	Senior Supportive Social Services	181,206	-	-	-	181,206
328	Family Care Support Program	162,163	-	-	-	162,163
329	CA Integrated Waste Management	27,306	-	-	-	27,306
331	Housing Mitigation	1,315,388	-	-	-	1,315,388
333	CALHOME	200,000	-	-	-	200,000
334	Community Action	290,416	-	36,883	36,883	327,299
336	One-Time Grant: No Cap Exp	25,110,749	-	218,750	218,750	25,329,499
339	MTC	1,000,912	-	151,951	151,951	1,152,863
340	FEMA	3,992,193	-	-	-	3,992,193
341	Alameda Cty Waste Mgt.	345,000	-	-	-	345,000
343	State Dept Conserv/Recylg	63,213	31,270	-	31,270	94,483
344	Caltrans Grant	18,301	-	-	-	18,301
347	Shelter+Care HUD	6,645,956	-	-	-	6,645,956
348	Shelter+Care County	924,119	-	-	-	924,119
349	JAG Grant	108,989	-	-	-	108,989
350	Bioterrorism Grant	560,124	-	-	-	560,124
354	ARPA - Local Fiscal Recovery Fund	4,108,550	-	126,575	126,575	4,235,125
501	Capital Improvement Fund	43,943,299	1,526,575	-	1,526,575	45,469,874
502	Phone System Replacement	857,357	-	-	-	857,357
503	FUND$ Replacement	3,709,309	-	-	-	3,709,309
504	PEG-Public, Education & Government	367,210	-	-	-	367,210
506	Measure M - St and Watershed Improvement	794,035	-	-	-	794,035
511	Measure T1 - Infra & Facil.	37,370,137	6,050,857	413,822	6,464,679	43,834,816
512	Measure O	11,695,948	-	24,500,000	24,500,000	36,195,948
552	09 Measure FF Debt Service	1,337,638	-	-	-	1,337,638
553	2015 GORBS	2,047,259	-	-	-	2,047,259
554	2012 Lease Revenue Bonds BJPFA	499,820	-	-	-	499,820
555	2015 GORBS - 2002 G.O. Refunding Bonds	378,696	-	-	-	378,696
556	2015 GORBS (2007, Series A)	142,540	-	-	-	142,540
557	2015 GORBS (2008 Measure I)	480,184	-	-	-	480,184
558	2010 COP (Animal Shelter)	140,085	-	-	-	140,085
559	Measure M GO Street & Water Imps	1,630,863	-	2,175	2,175	1,633,038
560	Infrastucture & Facilities Measure T1	4,699,006	-	-	-	4,699,006
561	Measure O - Housing Bonds	2,007,265	-	2,597,895	2,597,895	4,605,160
601	Zero Waste	69,114,258	-	-	-	69,114,258
606	Marina - Coastal Conservancy	14,964,715	-	385,000	385,000	15,349,715
607	Marina - Dept of Boating & Waterway	78,416	-	50,000	50,000	128,416
608	Marina Operation	10,029,893	-	271,800	271,800	10,301,693
611	Sewer	59,465,540	-	-	-	59,465,540
612	Private Sewer Lateral FD	82,732	-	-	-	82,732
616	Clean Storm Water	12,297,088	-	-	-	12,297,088
621	Permit Service Center	29,142,113	-	-	-	29,142,113
622	Unified Program (CUPA)	1,041,021	-	-	-	1,041,021
627	Off Street Parking	9,256,957	-	1,000,000	1,000,000	10,256,957
631	Parking Meter	10,371,318	-	1,000,000	1,000,000	11,371,318
636	Building Purchases and Management	4,121,476	-	-	-	4,121,476
671	Equipment Replacement	23,304,599	-	711,624	711,624	24,016,223
672	Equipment Maintenance	11,859,231	-	2,060,000	2,060,000	13,919,231
673	Building Maintenance Fund	6,893,540	-	270,000	270,000	7,163,540
674	Central Services	414,530	-	-	-	414,530
676	Workers Compensation	6,905,936	-	-	-	6,905,936
678	Public Liability	4,366,401	-	1,792,557	1,792,557	6,158,958

SUMMARY OF APPROPRIATIONS BY FUND

ERMA Fund #	Fund	FY 2025 Revised #1	2nd AAO Unencumbered Carryovers	2nd AAO Other Adjustments	2nd AAO Total Amend.	FY 2025 Revised #2
679	Catastrophic Loss	7,720,055	-	-	-	7,720,055
680	IT Cost Allocation	23,225,091	-	-	-	23,225,091
706	Police Medical Trust Fund	48,281	-	-	-	48,281
721	Retiree Medical Trust Fund - BHA	2,970	-	-	-	2,970
722	Retiree Medical Trust Fund - IBEW	5,338	-	-	-	5,338
723	Retiree Medical Trust Fund - Local 1	29,694	-	-	-	29,694
724	Retiree Medical Trust Fund - Z1 Mgmt.	4,626	-	-	-	4,626
725	Retiree Medical Trust Fund - Z2 To Z6	15,815	-	-	-	15,815
726	Retiree Medical Trust Fund - Local 535	44,423	-	-	-	44,423
727	Retiree Medical Trust Fund - Local 790	47,433	-	-	-	47,433
731	Police EE Retiree Health Ast Plan	9,753	-	-	-	9,753
736	Fire Medical Trust Fund	49,283	-	-	-	49,283
762	Successor Agency - Savo DSF	57,120	-	-	-	57,120
776	Thousand Oaks Underground	98,448	-	-	-	98,448
777	Measure H - School Tax	500,002	-	-	-	500,002
778	Measure Q - CFD#1 Dis. Fire Protect Bond	521,976	-	-	-	521,976
779	Spl Tax Bds. CFD#1 ML-ROOS	776,665	-	-	-	776,665
780	Sick Leave Entitlement	322,955	-	-	-	322,955
781	Berkeley Tourism BID	830,484	-	-	-	830,484
782	Elmwood Business Improvement District	76,105	-	-	-	76,105
783	Solano Ave BID	45,136	-	-	-	45,136
784	Telegraph Avenue Bus. Imp. District	774,495	-	-	-	774,495
785	North Shattuck BID	228,135	-	-	-	228,135
786	Downtown Berkeley Prop & Improv. District	1,684,416	-	-	-	1,684,416
801	Rent Board	10,085,784	-	-	-	10,085,784
	GROSS EXPENDITURE:	1,090,710,765	8,193,861	69,897,274	78,091,135	1,168,801,900
	Dual Appropriations	(54,075,441)	-	(15,106,308)	(15,106,308)	(69,181,749)
	Revolving & Internal Service Funds	(77,928,090)	-	(4,834,181)	(4,834,181)	(82,762,271)
	NET EXPENDITURE:	**958,707,235**	**8,193,861**	**49,956,785**	**58,150,646**	**1,016,857,881**

Attachment 2

Item #	Fund #	Fund Name	Department	Recommended Carryover	Recommended Adjustment	Project Number	Description/Project name	To Budget Code	Mandated by Law	Authorized by Council	City Manager Request	Comments/Justification
1	011	General Fund	HHCS		32,975		BOSS Step Up Housing	011-51-504-535-5002-000-444-636110-			X	Appropriate funding from Measure P for the BOSS Step Up Housing Program due to project implementation timing
2	011	General Fund	Non-Departmental	549,659			Transfer from General Fund to Equipment Replacement Fund	011-99-900-900-0000-000-412-681011-			X	Transfer from General Fund to Equipment Replacement Fund for Fire Vehicle Lease Debt Service Payment
3	011	General Fund	Non-Departmental		3,000,000		Personnel Cost	011-99-900-900-0000-000-412-720003-			X	Appropriate funding of recognized savings from the decreased pension cost due to the Sec. 115 Trust paying a portion of the pension cost instead of General Fund.
4	011	General Fund	Non-Departmental		3,025,313		Fiscal Policy of allocating excess equity to the two General Fund Reserves Funds	011-99-900-900-0000-000-491-681011-		X		Following the fiscal policy of transferring portion of the General Fund excess equity to the Stabilization Reserves Fund at 55% ($1,663,922.04) and Catastrophic Reserves Fund at 45% ($1,361,390.76)
5	011	General Fund	Non-Departmental		3,052,000		Investment Interest above baseline Fiscal Policy	011-99-900-900-0000-000-491-681011-		X		Following the fiscal policy of transferring investment interest above baseline of $6 million to Sec. 115 Trust Fund ($3,052,000)
6	011	General Fund	Non-Departmental		1,000,000		Investment Interest above baseline Fiscal Policy	011-99-900-900-0000-000-491-681011-		X		Following the fiscal policy of transferring investment interest above baseline of $6 million to General Fund Stabilization Reserves Fund at 55% ($550,000) and Catastrophic Reserves at 45% ($450,000)
7	011	General Fund	Parks, Recreation, and Waterfront	3,500			Memorial Bench Donation				X	Carryover of fund for a Bench Donation to BLM from Councilmember Bartlett due to timing of Purchase Order
8	011	General Fund	Parks, Recreation, and Waterfront	32,000			Berkeley Project Day	011-52-541-598-0000-000-461-612990-			X	Carryover of funds to pay for ASUC for Berkeley Project Day
9	011	General Fund	Public Works		100,000		PG&E for Public Safety Building and 2180 Milvia Building	011-54-624-692-0000-000-412-621110-			X	Appropriate fund to pay for Energy bills for the last 6 months of FY 2025
		General Fund Total		**585,159**	**10,210,288**							
10	013	GF-Payroll Deduction Trust	Non-Departmental		3,000,000		Transfer from Payroll Deduction Trust Fund to General Fund	013-99-900-900-0000-000-491-681011			X	Transfer from Payroll Deduction Trust Fund to General Fund in lieu of payment of pension cost covered by Sec. 115 Trust for $3,000,000.
		GF-Payroll Deduction Trust Total		**-**	**3,000,000**							
11	016	Measure U1	HHCS		320,000		MLK Jr. House Predevelopment Activities	016-51-504-530-0000-000-444-636110-		X		Appropriate funding approved by Resolution#71,640-N.S. for MLK Jr. Predevelopment Funds
		Measure U1 Total		**-**	**320,000**							
12	103	Library Grants	Library		4,607.20		Lunch at the Library Grant	103-22-242-274-0000-000-463-642990-			X	Appropriate Additional funds needed from Lunch at the Library Grant
13	103	Library Grants	Library		10,000		New Grant-PLA Non-Govt	103-22-242-276-0000-000-463-642990-			X	Appropriate new grant funding -PLA Non-Govt Library Grant
		Library Grants Total		**-**	**14,607**							
14	104	Library Friends & Gifts	Library		10,000			104-22-241-261-0000-000-463-642990			X	Appropriate funding for BPL Staff Appreciation Apparel
		Library Friends & Gifts Total		**-**	**10,000**							
15	111	Fund Raising Activities (Donations)	HHCS		50,000	HHADMO2301	Meals on Wheels	111-51-505-549-2044-000-444-612990-			X	Appropriate additional funding for Meals on Wheels program
		Fund Raising Activities (Donations) Total		**-**	**50,000**							
16	120	Affordable Housing Mitigation	HHCS		3,000,000		North Berkeley BART Housing LP	120-51-504-533-2028-000-446-685110			X	North Berkeley BART predevelopment loan contract amendment
		Affordable Housing Mitigation Total		**-**	**3,000,000**							
17	122	Inclusionary Housing Program	HHCS		14,000		Inclusionary Housing Fund	122-51-504-533-2032-000-444-511110-			X	Funds are needed to cover personnel expense associated with recent labor agreement.
		Inclusionary Housing Program Total		**-**	**14,000**							
18	128	CDBG	HHCS		100,000		Senior and Disabled Home Rehab Loans Program	128-51-504-533-2031-000-444-685110-			X	Funds are needed for $100k loan that is unspent from previous grant year. Available award from funder $100k.
19	128	CDBG	HHCS		26,250		Eden Council for Hope and Opportunity	128-51-504-530-0000-000-444-636110-		X		Appropriate funding per Council Budget adoption - CA FY25-28 RFP Reso. 71,433-N.S
20	128	CDBG	HHCS		52,775		Larkin St. Youth Services	128-51-504-530-0000-000-444-636110-		X		Appropriate funding per Council authorization for Public Facility Contracts Reso. 71,459

Attachment 2

Item #	Fund #	Fund Name	Department	Recommended Carryover	Recommended Adjustment	Project Number	Description/Project name	To Budget Code	Mandated by Law	Authorized by Council	City Manager Request	Comments/Justification
		CDBG Total		**-**	**179,025**							
21	135	Measure BB- Bike and Pedestrian	Public Works		72,825	PWTRBP2204	Ohlone Green Mod & Safety Project	135-54-622-668-0000-000-431-612310-			X	Appropriate Fund for on-going project.
		Measure BB- Bike and Pedestrian Total		**-**	**72,825**							
22	136	Measure BB - Paratransit	HHCS		250,000	HHAMBB2301	Measure BB Paratransit	136-51-505-542-2038-000-444-612990-			X	Appropriate funding to meet increase in number of riders/seniors applying for program. $250,000 from fund balance to cover additional taxi scrip cost through FY25.
		Measure BB - Paratransit Total		**-**	**250,000**							
23	138	Parks Tax	Parks, Recreation, and Waterfront		15,815	PRWPK25010	Friends of BACS Donation Tracking	138-52-545-000-0000-000-461-663110-			X	Appropriate funding to spend donation from the Friends of the Berkeley Animal Care Shelter (BACS) to install new fencing at the Animal Training Area at Aquatic Park
24	138	Parks Tax	Parks, Recreation, and Waterfront		86,495	PRWPK22018	Solano-Peralta Park Improvements	138-52-545-000-0000-000-461-663110-			X	Appropriate funding for the donation from the Eli Kane Fund to complete phase 3 of the Solano-Peralta Park Improvement project
		Parks Tax Total		**-**	**102,310**							
25	140	Meas GG - Fire Preparation Tax	Fire		133,000		Zoll ECG Monitors	140-72-742-837-0000-000-423-612990-			X	Appropriate funding for purchase of advanced life support (ALS) electrocardiogram (ECG) with ZOLL Medical Corporation
		Meas GG - Fire Preparation Tax Total		**-**	**133,000**							
26	142	Street Lighting	Public Works		240,000		PG&E Utilities Rate/Invoice Amounts Increased since budget review	142-54-624-694-3018-000-426-621110-			X	Appropriate funding for PG&E Utilities Rate/Invoice rate increase.
27	142	Street Lighting	Public Works		150,000		Supply Increase for new poles and lights	142-54-624-694-3018-000-426-649990-			X	Appropriate funding for additional Vehicle purchases- uplifting/increased needs from previous years
28	142	Street Lighting	Public Works		150,000		DC Electric Contract	142-54-624-694-3018-000-426-612990-			X	Appropriate funding for DC Electric Contract for electrician services payment.
		Street Lighting Total		**-**	**540,000**							
29	147	UC Settlement	Public Works		400,000	PWTRST2502	Derby/Warring Traffic Safety Improvement	147-54-622-668-0000-000-431-612310-			X	Appropriate funding for new project for the Derby/Warring Traffic Safety Improvement
		UC Settlement Total		**-**	**400,000**							
30	154	PERS Savings	Non-Departmental		3,000,000		Transfer from PERS Savings Fund to Payroll Deduction Trust Fund	154-99-900-900-0000-000-491-681011-			X	Transfer from PERS Savings Fund to Payroll Deduction Trust Fund for payment of pension cost covered by Sec. 115 Trust for $3,000,000
		PERS Savings Total		**-**	**3,000,000**							
31	164	Measure FF - Public Safety	Fire		133,000		Zoll ECG Monitors	164-72-742-837-0000-000-423-612990-			X	Appropriate funding for purchase of advanced life support (ALS) electrocardiogram (ECG) with ZOLL Medical Corporation
32	164	Measure FF - Public Safety	Fire		650,000		Mid-Year Overtime Expense Projection	164-72-741-831-0000-000-422-520550-			X`	Appropriate funding to the projected overtime cost overage
33	164	Measure FF - Public Safety	Fire		7,500,000		Headquarters Lease Bond Escrow account	164-72-741-831-0000-000-422-612990-			X	Appropriate funding for Headquarters Lease Escrow account
		Measure FF - Public Safety Total		**-**	**8,283,000**							
34	301	Operating Grants-Federal	HHCS		95,024	HHOCAS2401	CASPHII Grant	301-51-501-503-0000-000-451-511110-			X	Appropriate funding to true-up CASPHII grant award amount to $130,186.
		Operating Grants-Federal Total		**-**	**95,024**							
35	306	Capital Grants - State	Public Works		30,000	PWTRCS2501	Washington Elementary/Safe Routes to School Project	306-54-622-668-0000-000-431-612310-			X	Appropriate funding of new grant award for the Washington Elementary/Safe Routes to School Project
36	306	Capital Grants - State	Public Works		99,000	PWTRCS2401	Addison Bike Boulevard Phase 2	306-54-622-668-0000-000-431-612310-			X	Appropriate funds for the new CalTrans grant - Addison Bike Boulevard Phase 2 project
37	306	Capital Grants - State	Public Works		1,800,000	PWTRBP2205	Maudelle Miller Shirek Project	306-54-622-668-0000-000-431-665110-			X	Appropriate funding for new grant award for Maudelle Miller Shirek Project.
		Capital Grants - State Total		**-**	**1,929,000**							
38	307	Capital Grants - Local	Public Works		600,000	PWTRCT2201	Adeline Street Transportation Improvement	307-54-622-668-0000-000-431-612310		X		Appropriate funding for Headquarters Lease Escrow account
39	307	Capital Grants - Local	Public Works		1,500,000	PWTRBP2204	Ohlone Green Modification & Safety	307-54-622-668-0000-000-431-665110		X		Appropriate funding for Safe Routes to BART Grant Program for the Ohlone Greenway Modernization and Safety Project. Approved by Council per Res# 71,076 dated 10/10/2023

Attachment 2

Item #	Fund #	Fund Name	Department	Recommended Carryover	Recommended Adjustment	Project Number	Description/Project name	To Budget Code	Mandated by Law	Authorized by Council	City Manager Request	Comments/Justification
		Capital Grants - Local Total		**-**	**2,100,000**							
40	310	Home/Home ARP	HHCS		547,139		Home ARP Funds for Eviction Defense Center Contract	310-51-504-530-2075-000-444-636110-			X	Appropriate funds awarded for Home ARP Funds for Eviction Defense Center contract
		Home/Home ARP Total		**-**	**547,139**							
41	313	Targeted Case Mgmt/Linkages	HHCS		29,013	HHATCM2301	Hansine Fisher and Associates Targeted Case Management (TCM) Analysis	313-51-505-548-2071-000-444-612990-		X		Appropriate funding for Contract NTE increase from $114,575 to $172,600. Council resolution #71,158. Half of increase will be funded by Aging Service TCM program.
42	313	Targeted Case Mgmt/Linkages	HHCS		29,013	HHATCM2301	Hansine Fisher and Associates Targeted Case Management (TCM) Analysis	313-51-506-556-2071-000-451-612990-		X		Appropriate funding for Contract NTE increase from $114,575 to $172,600. Council resolution #71,158. Half of increase will be funded by Public Health TCM program.
		Targeted Case Mgmt/Linkages Total		**-**	**58,025**							
43	334	CSBG	HHCS		36,883		2025 Community Services Block Grant	334-51-504-530-0000-000-444-511110/636110			X	Appropriate funding for CSBG personnel and Lifelong Medical Care contract
		CSBG Total		**-**	**36,883**							
44	336	One-Time Grant: No Cap Exp	City Manager		18,750		Equitable Black Berkeley Ideation Facilitation Contract	336-21-201-000-0000-000-412-612990-			X	Appropriate funding to pay for the final invoice of Equitable Black Berkeley Ideation Facilitation Contract with Creative Development Partners
45	336	One-Time Grant: No Cap Exp	Fire		100,000	FDCCG25	CFSC Grant for an Alameda County Coordinator	336-72-741-831-0000-000-422-612990-/644110-/651110-			X	Appropriate funding from a California Fire Safe Council (CFSC) grant to establish an Alameda County Coordinator. Reso No 71,322-N.S.
46	336	One-Time Grant: No Cap Exp	Parks, Recreation, and Waterfront		100,000	PRWPK24011	USDN Trees Make Life Better	336-52-545-000-0000-000-461-720003-			X	Appropriate funding for the Urban Sustainability Directors Network (USDN) Trees Make Life Better project.
		One-Time Grant: No Cap Exp Total		**-**	**218,750**							
47	339	MTC	Public Works		151,951	PWTRBP2207	Bicycle Plan Update	339-54-622-662-0000-000-431-612990-		X		Appropriate funding for the Metropolitan Transportation Commission grant for Bicycle Plan update project. Approved by Council per Res# 71,383 dated 06/04/2024
		MTC Total		**-**	**151,951**							
48	343	State Dept. Conserve/Recycling	Public Works	31,270			FY 2023-24 Beverage Container Grant Water Refill Stations	343-54-627-733-3025-000-431-642990-			X	Carryover funding for water refill stations
		State Dept. Conserve/Recycling Total		**31,270**	**-**							
49	354	ARPA - Local Fiscal Recovery	City Manager		126,575		ARPA funding for Arts	354-21-208-252-0000-000-446-612990-			X	Appropriate funding the balance of the ARPA allocation for Arts Recovery
		ARPA - Local Fiscal Recovery Total		**-**	**126,575**							
50	501	Capital Improvements	Public Works	1,526,575		PWENST2401	Street Rehab FY 2024	501-54-623-673-0000-000-431-665110-			X	Carryover funding for the construction cost for Street Rehab FY 2024 project
		Capital Improvements Total		**1,526,575**	**-**							
51	511	Measure T1	Parks, Recreation, and Waterfront	6,050,857		PRWT122001	MLK Youth Services Center	511-52-545-000-0000-000-461-720003			X	Project funding needed as project is in design.
52	511	Measure T1	Public Works		413,822	PWT1CB1901	NBSC Seismic Retrofit - T1	511-54-623-677-0000-000-444-662110-			X	Adjustment for North Berkeley Senior Center (NBSC) Retrofit Escrow project refund
		Measure T1 Total		**6,050,857**	**413,822**							
53	512	Measure O-Affordable Housing	HHCS		24,500,000		BUSD Workforce Housing Development	512-51-504-533-2028-000-444-685110-			X	Appropriate funding to support the development of Affordable Housing at the North Berkeley Bart Station.
		Measure O-Affordable Housing Total		**-**	**24,500,000**							
54	559	Measure M - Street and Watershed Improvements	Non-Departmental		2,175		Debt Servicer Budget	559-99-900-900-0000-000-492-683110-			X	Revise debt service budget for FY 2025 to cover principal payment
		Measure M - Street and Watershed Improvements Total		**-**	**2,175**							
55	561	Measure O	Non-Departmental		2,597,895		Debt Servicer Budget	561-99-900-900-0000-000-492-683110-; 561-99-900-900-0000-000-492-683120-			X	Revise debt service budget for FY 2025 to cover principal and interest payments
		Measure O Total		**-**	**2,597,895**							
56	606	Marina - Coastal Conservancy	Parks, Recreation, and Waterfront		385,000	PRWWF24006	Marina Blvd Pathway	606-52-545-000-0000-000-479-720003-			X	Appropriate funds for the Cesar Chavez Park Perimeter Pathway project funding agreement for the Marina Blvd Pathway Project

Attachment 2

Item #	Fund #	Fund Name	Department	Recommended Carryover	Recommended Adjustment	Project Number	Description/Project name	To Budget Code	Mandated by Law	Authorized by Council	City Manager Request	Comments/Justification
	Marina - Coastal Conservancy Total			**-**	**385,000**							
57	607	Marina - Dept. of Boating & Waterway	Parks, Recreation, and Waterfront		50,000	PRWWF25007	DBW SAVE 2024	607-52-544-592-0000-000-472-612990-			X	Appropriate funding for the Dept. of Boating and Waterways grant
		Marina - Dept. of Boating & Waterway Total		**-**	**50,000**							
58	608	Marina Operations/Maint	Parks, Recreation, and Waterfront		5,000	PRWWF25007	DBW SAVE 2024	608-52-545-000-0000-000-472-612990-			X	Appropriate funding for the matching fund for the Dept. of Boating and Waterways grant
59	608	Marina Operations/Maint	Parks, Recreation, and Waterfront		110,000	PRWWF25008	South Cove ADA Gangway Float	608-52-545-000-0000-000-479-720003-			X	Appropriate funding for the emergency repair at Waterfront - South Cove ADA Gangway Float
60	608	Marina Operations/Maint	Parks, Recreation, and Waterfront		50,000	PRWWF25009	South Cove East Dock Pile Repair-Design and Permitting	608-52-545-000-0000-000-479-720003-			X	Appropriate funding for the emergency repair at Waterfront - South Cove East Dock Pile Repair-Design and Permitting
61	608	Marina Operations/Maint	Parks, Recreation, and Waterfront		100,000		Marina Electric Vehicle	608-52-541-598-0000-000-473-664120-			X	Appropriate funding for the Marina Electric Vehicle - City of Berkeley portion of the vehicle cost.
62	608	Marina Operations/Maint	Parks, Recreation, and Waterfront		3,400		Memoria Bench Donation	608-52-544-591-1021-000-472-642990-			X	Appropriate funding for memorial bench donation for Lawrence Mullen
63	608	Marina Operations/Maint	Parks, Recreation, and Waterfront		3,400		Memoria Bench Donation	608-52-544-591-1021-000-472-642990-			X	Appropriate funding for memorial bench donation for Obaidulla Khan
		Marina Operations/Maint Total		**-**	**271,800**							
64	627	Off-Street Parking Fund	Public Works		1,000,000		On-going contracts: LAZ, IPS, PCS	627-54-622-665-3002-000-472-612990-			X	Appropriate funds to pay for On-going contracts:with LAZ for operating the 1947 Center Street parking garage and other vendors
		Off-Street Parking Fund Total		**-**	**1,000,000**							
65	631	Parking Meter Fund	Public Works		1,000,000		Increase Transfer out of Parking Meter Fund to Off-Street Parking Fund	631-99-900-900-0000-000-479-681011-			X	Appropriate funds to Increase Transfer out of Parking Meter Fund to Off-Street Parking Fund
		Parking Meter Fund Total		**-**	**1,000,000**							
66	671	Equipment Replacement	Public Works		677,681		Fire Vehicle Lease	671-54-626-72-0000-000-479-683110 | 671-54-626-723-0000-000-477-683120-			X	Appropriate funding to pay for Fire Vehicle Lease Debt Service Fee
67	671	Equipment Replacement	Public Works		33,943		Fire Vehicle Lease	671-54-626-723-0000-000-479-683110-			X	Appropriate funding to pay for Fire Vehicle Lease Debt Service Fee - tax portion of the lease
		Equipment Replacement Total		**-**	**711,624**							
68	672	Equipment Maintenance	Public Works		2,000,000		Pay for fuel	672-54-626-722-0000-000-473-642130-			X	Appropriate funding to cover increase in fuel cost for city vehicles and equipment maintenance and repair for Fire apparatus
69	672	Equipment Maintenance	Public Works		60,000		EBMUD Utilities increase for Corp Yard Location	672-54-626-722-0000-000-474-621120-			X	Appropriate fund for EBMUD Utilities increase for Corp Yard Location
		Equipment Maintenance Total		**-**	**2,060,000**							
70	673	Building Maintenance	Public Works		270,000		Pride Janitorial Building Maintenance Services	673-54-624-696-0000-000-474-622110-			X	Appropriate funding for Pride Janitorial Building Maintenance Services
		Building Maintenance Total		**-**	**270,000**							
71	678	Public Liability Fund	Non-Departmental		1,792,557		Monsanto Settlement Amount	678-99-900-900-0000-000-491-681011-			X	Appropriate funding to increase Public Liability transfer out to General Fund to appropriately record revenue related to the Monsanto Settlement
		Public Liability Fund Total		**-**	**1,792,557**							
		Grand Total		**8,193,861**	**69,897,274**							

03

Office of the City Manager

CONSENT CALENDAR
May 20, 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 April 14, 2025 (closed), April 15, 2025 (special and regular), April 22, 2025 (special), April 25, 2025 (special), April 28, 2025 (special) and April 29, 2025 (regular).

CONTACT PERSON

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

Attachments:
1. April 14, 2025 – Special Closed City Council Meeting
2. April 15, 2025 – Special City Council Meeting
3. April 15, 2025 – Regular City Council Meeting
4. April 22, 2025 – Special City Council Meeting
5. April 25, 2025 – Special City Council Meeting
6. April 28, 2025 – Special City Council Meeting
7. April 29, 2025 – Regular City Council Meeting

Attachment 1

BERKELEY CITY COUNCIL
SPECIAL MEETING MINUTES

MONDAY, APRIL 14, 2025

4:30 P.M.

2180 MILVIA STREET, BERKELEY, CA 94704

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/1610965055. 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: **161 096 5055**. 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: 4:36 p.m.

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

Absent: Kesarwani, Bartlett

Councilmember Bartlett present at 4:37 p.m.

Councilmember Kesarwani present at 4:42 p.m.

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

CLOSED SESSION:

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

1. **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

   Employee Organizations: Berkeley Fire Fighters Association Local 1227 I.A.F.F., Berkeley Chief Fire Officers Association Local 1227 I.A.F.F., Berkeley Fire EMS Professionals Association, Berkeley Police Association; SEIU 1021 Community Services and Part-Time Recreation Activity Leaders, SEIU 1021 Maintenance and Clerical, IBEW Local 1245, Public Employee Union Local 1, Unrepresented Employees

   Action: No reportable action taken.

2. **CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(a) and 54956.9(d)(1):**

   a. *RealPage, Inc. v. City of Berkeley, et al.*, No. 3:25-CV-03004-JSC (N.D. Cal.)

   Action: No reportable action taken.

OPEN SESSION:

No reportable action taken.

Adjournment

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

Adjourned at 5:24 p.m.

I hereby certify that the foregoing is a true and correct record of the City Council closed session meeting held on April 14, 2025.

_____
Mark Numainville, City Clerk

MINUTES
SPECIAL MEETING OF THE BERKELEY CITY COUNCIL

Tuesday, April 15, 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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Preliminary Matters

Roll Call: 4:06 p.m.

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

Absent: Kesarwani, Taplin, Bartlett, Tregub

Councilmember Kesarwani present at 4:09 p.m.

Councilmember Taplin present at 4:09 p.m.

Councilmember Tregub present at 4:10 p.m.

Councilmember Bartlett present at 4:10 p.m.

Action Calendar – New Business

1. **Adoption of CALFIRE Map and Additional Areas Designated as the City of Berkeley Fire Hazard Severity Zones** *(Reviewed by the Public Safety Committee)*
   From: City Manager
   Recommendation:
   1. Adopt first reading of an Ordinance to designate Fire Hazard Severity Zones (FHSZ) within the Local Responsibility Area as recommended by the California Department of Forestry and Fire Protection (CALFIRE) pursuant to Government Code Section 51178, and
   2. Designate areas not identified as Very High and High Fire Hazard Severity Zones by the State Fire Marshal, as Very High, and High Fire Hazard Severity Zones following a finding supported by substantial evidence in the record that the requirements of Government Code Section 51182 are necessary for effective fire protection within the area.
   Policy Committee Recommendation: To send the item to City Council with a positive recommendation.
   Financial Implications: See report
   Contact: David Sprague, Fire, (510) 981-3473

Action Calendar – New Business

2. Modification and Adoption of Berkeley Fire Code Local Amendments *(Reviewed by the Public Safety Committee)*
From: City Manager
Recommendation:
1. Adopt the first reading of an Ordinance which proposes to amend certain portions of Section 19.48.020 of the Berkeley Municipal Code ("Amendments to the California Fire Code");
2. Adopt a Resolution setting forth findings as to local conditions applicable to the revised portions of Section 19.48.020 that require more stringent standards than those provided by the 2022 California Fire Code ("CFC") and amending Resolution No. 70,611–N.S.;
3. In compliance with state law on adopting such codes by reference, hold a public hearing following the first reading, and before the second reading, and schedule the second reading and public hearing for May 6, 2025.
Policy Committee Recommendation: To send the item to City Council with a positive recommendation.
Financial Implications: Staff time
Contact: David Sprague, Fire, (510) 981-3473

Action: M/S/C (Blackaby/Humbert) to accept revised material from the City Manager on Item 1 and Item 2.
Vote: Ayes – Kesarwani, Taplin, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – Bartlett, Tregub.

Action: 48 speakers. M/S/C (Blackaby/Humbert) to:
1. Adopt first reading of Ordinance No. 7,958–N.S. as written in the revised materials submitted at the meeting to designate Fire Hazard Severity Zones (FHSZ) within the Local Responsibility Area as recommended by the California Department of Forestry and Fire Protection (CALFIRE) pursuant to Government Code Section 51178. Second reading scheduled for May 6, 2025.

2. Designate areas not identified as Very High and High Fire Hazard Severity Zones by the State Fire Marshal, as Very High, and High Fire Hazard Severity Zones following a finding supported by substantial evidence in the record that the requirements of Government Code Section 51182 are necessary for effective fire protection within the area.

3. Adopt first reading of Ordinance No. 7,959–N.S. as written in the revised materials submitted at the meeting to amend certain portions of Section 19.48.020 of the Berkeley Municipal Code ("Amendments to the California Fire Code"). Second reading scheduled for May 6, 2025.

4. Adopt Resolution No. 71,710–N.S. setting forth findings as to local conditions applicable to the revised portions of Section 19.48.020 that require more stringent standards than those provided by the 2022 California Fire Code ("CFC") and amending Resolution No. 70,611–N.S.

5. Schedule the second reading and public hearing for May 6, 2025.

Vote: All Ayes.

Adjournment

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

Adjourned at 6:44 p.m.

I hereby certify that the foregoing is a true and correct record of the City Council special meeting held on April 15, 2025.

_____
Mark Numainville, City Clerk

Communications

Item #1: Adoption of CALFIRE Map and Additional Areas Designated as the City of Berkeley Fire Hazard Severity Zones *(Reviewed by the Public Safety Committee)*

1. Scott Murray
2. Jason Warriner
3. Robert Godes
4. Roger and Zoe Hill
5. Dr Bruce Feingold

Item #2: Modification and Adoption of Berkeley Fire Code Local Amendments *(Reviewed by the Public Safety Committee)*

6. Robert and Frederica Breuer
7. Ann Hoyer
8. Lisa Titus
9. Patricia and Michael Henry
10. Greg Murphy
11. Miriam Nathanson
12. Kuniko Weltin-Wu and Hung-His Wu
13. Joan MacQuarrie
14. Krista Denton
15. David Cumpton and David Folzenlogen
16. Linda Friedman
17. Joan Lester
18. Ruth Langridge
19. John Hitchen
20. Elizabeth Shedd
21. Miki Tal
22. Margaret Cullen
23. Pamela Montanaro
24. Shivaom

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item #1: Adoption of CALFIRE Map and Additional Areas Designated as the City of Berkeley Fire Hazard Severity Zones *(Reviewed by the Public Safety Committee)*

Item #2: Modification and Adoption of Berkeley Fire Code Local Amendments *(Reviewed by the Public Safety Committee)*

25. Sheila Krystal
26. Mary-Louise Hansen
27. Jane Terjung
28. Nancy and Daniel Manheim
29. Nancy Yaple
30. Scott Murray
31. Connie Field
32. Katherine Hansen
33. Jane Hausauer
34. Lota and Mac Rygiel
35. Heidi Hartman
36. Janice Thomas
37. Nicole Fouladi
38. Candace Hyde-Wang
39. Randall and Kathleen Gee
40. Ruth Ehrenkrantz
41. Thelma Tajirian
42. Sowmya Swaminathan
43. Leah and John Rosenthal
44. Norman Vance
45. Roger and Zoe Hill
46. Margaret Cullen
47. Ethan Karp and Sue Lynn Thomas
48. Alistair Sinclair and Nataliya Libina
49. Alfred Twu
50. Anil Aswani
51. Karen Eisenstadt
52. Cindy Rosenthal
53. Mike Travis and Linda Skory

Supplemental Communications and Reports 3

Item #1: Adoption of CALFIRE Map and Additional Areas Designated as the City of Berkeley Fire Hazard Severity Zones *(Reviewed by the Public Safety Committee)*

54. Revised agenda material submitted by David Sprague

Item #2: Modification and Adoption of Berkeley Fire Code Local Amendments *(Reviewed by the Public Safety Committee)*

55. Revised agenda material submitted by David Sprague
56. Presentation submitted by the Fire Department
57. Lynne Clenfield and Ellen Pasternack
58. Ian Meyers

59. Krishen Laetsch
60. Johanna Nichols
61. Laura Graham
62. Eric Weaver
63. Phillip Price
64. Jane Terjung (3)
65. Maria Sakovich
66. Vanessa Drake Moraga
67. Joan H Hollinger
68. CV Deering
69. Jeffrey Heller
70. Carol H. Reitan
71. Richard Laden (2)
72. Isabelle Gaston
73. Rebecca Mills
74. Samson
75. William Callow
76. Nancy Gillette
77. Michel Thouati
78. Mary Pat Farrell
79. Shawna Hartman Brotsky
80. Chuck and Martha Cornwall
81. Bob and Irene Byrne
82. Bob Flasher
83. Kathleen Weidner Zoehfeld
84. Katherine Ritter
85. Monika Weis
86. Susan Bailey
87. Jenny Wenk
88. Tim Frederick
89. Joan Diamond
90. Wendy Pulling
91. Dan Lieberman
92. Travis Longcore and John Harte
93. Lisa Brunet
94. David Johnson
95. Schuyler Bailey
96. Nancy Riddle
97. Peter S. Bailey
98. Elizabeth Sharf
99. Brent Blackaby
100. Stephanie Henkle
101. Kester Watters
102. Mary Lee Noonan
103. Yakov Wiegmann
104. Sara Sanderson
105. Sonya Baehr and Tom Jones
106. Sybil Hatch
107. Manuela Albuquerque
108. Michael Walden and Judith Schelly

109. Nenelle Bunnin
110. Jonathan Eden
111. Carly Loveman
112. Barbara Gilbert
113. Phebe Fletcher

MINUTES

BERKELEY CITY COUNCIL MEETING

Tuesday, April 15, 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
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Preliminary Matters

Roll Call: 7:05 p.m.

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

Absent: Bartlett

Councilmember Bartlett present at 7:33 p.m.

Report from Closed Session:
The City Council met in closed session and authorized the City Attorney to settle a claim for personal injuries by Rohan Agarwal for $75,000.00, in exchange for a release of all claims against the City.

The City Council also met in closed session and authorized the City Attorney to settle a claim for real property transfer tax overpayment in the matter of *DS PROPERTIES 17 LP v. City of Berkeley, et al. (*Alameda County Superior Court Case No. 23CV038353) in the amount of $250,000.00, in exchange for dismissal of the case and a release of all claims against the City.

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 Holocaust Remembrance Day
2. Recognition of Muslim-American Appreciation
3. Recognition of Education and Sharing Day for Rabbi Menachem Mendel Schneerson, the Lubavitcher Rebbe
4. Adjourn in Memory of Mrs. Willie Ann Bullock, Berkeley Resident

City Auditor Comments:

The City Auditor noted Item 30 regarding the recent peer review for the Auditor's Office.

City Manager Comments:

Item 27 Notice of Decision for 2425 Durant has been appealed and will be before Council at a future meeting.

Public Comment on Non-Agenda Matters: 10 speakers.

Public Comment by Employee Unions: 1 speaker.

Action: M/S/C (Taplin/Tregub) to accept an urgency item from Councilmember Taplin pursuant to Government Code Section 54954.2(b)(2) entitled Kala Art Institute 2025 Relinquishment of Council Office Budget Funds to General Fund and Grant of such Funds.
Vote: All Ayes.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 31 speakers.

Action: M/S/C (Taplin/Bartlett) to adopt the Consent Calendar in one motion except as indicated, including the policy committee recommendation on Item 20 to take no action.
Vote: All Ayes.

Consent Calendar

Urgent Item: Kala Art Institute 2025 Relinquishment of Council Office Budget Funds to General Fund and Grant of such Funds
From: Councilmember Taplin (Author)
Recommendation: Adopt a resolution approving the expenditure of an amount not to exceed $500 per councilmember, including $500 from Councilmember Taplin, to the Kala Art Institute, a 501(c)(3) non-profit organization, to support Art Kala 51st Anniversary Party, an exhibition, auction, and benefit to support Kala's artistic, cultural, and educational programs, with funds relinquished to the city's general fund for this purpose from the discretionary council office budget of Councilmember Taplin, and any other councilmembers who would like to contribute.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
Action: Adopted Resolution No. 71,711–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Tregub - $100; Councilmember Bartlett - $250; Councilmember Taplin - $500; Councilmember Humbert - $250; Councilmember Lunaparra - $100; Councilmember Kesarwani - $100; Councilmember Blackaby - $250; Councilmember O'Keefe - $100; Mayor Ishii - $500.

1. **Proposed Amendments to the Building Emissions Saving Ordinance (BESO); Amending Berkeley Municipal Code Chapter 19.81**
   From: City Manager
   Recommendation: Adopt a second 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.
   First Reading Vote: All Ayes.
   Financial Implications: See report
   Contact: Jordan Klein, Planning and Development, (510) 981-7400
   Action: Adopted second reading of Ordinance No. 7,953–N.S.

Consent Calendar

2. Establishment of M-RD Zoning District, Associated General Plan and West Berkeley Plan Amendments, and Environmental Impact Report
From: City Manager
Recommendation: Adopt a second 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.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Adopted second reading of Ordinance No. 7,957–N.S.

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 Vice-Mayor Bartlett.
Financial Implications: See report
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Adopted Resolution No. 71,712–N.S.

4. Contract: University of California, San Francisco for Encampment Resolution Funding Research Evaluation
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to enter into a contract and any necessary amendments with The Regents of the University of California, on behalf of its San Francisco campus, to evaluate the success of its Encampment Resolution Funding Round 3 (ERF-3), for a term of two years (January 1, 2025 – December 31, 2026) and in an amount not to exceed $200,000.
Financial Implications: See report
Contact: Peter Radu, City Manager's Office, (510) 981-7000
Action: Adopted Resolution No. 71,713–N.S.

5. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on April 15, 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.

Consent Calendar

6. Contract No. 32200086 Amendment: Crisis Services of Alameda County for Mental Health Crisis Line
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or designee to execute an amendment to Contract No. 32200086 with Crisis Services of Alameda County for Mental Health Crisis Line services for a total contract not to exceed amount of $100,000 through June 30, 2028. This amendment will add $50,001, as well as extend the contract term three years.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 71,714–N.S.

7. Contract No. 32200191 Amendment: Options Recovery for Substance Use Disorder Services Co-Location
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or designee to execute an amendment to Contract No. 32200191 with Options Recovery for Substance Use Disorder services for a total contract not to exceed amount of $1,000,000 through June 30, 2027. This amendment will add $500,000 and two years to the contract term.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 71,715–N.S.

8. Contract No. 32000177 Amendment NextRequest PRA Software
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000177 with NextRequest for software hosting, implementation, maintenance and related services for a Public Records Act Respons Software System, for an addtional amount not to exceed $61,098, for a total not to exceed value of $194,475, for the period commencong on July 1, 2019 through June 30, 2027.
Financial Implications: See report
Contact: Kevin Fong, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 71,716–N.S.

9. Purchase Order with Multiquip Inc. for a Portable Emergency Power Generator for Berkeley Tuolumne Family Camp
From: City Manager
Recommendation: Adopt a Resolution allowing the City to participate in Sourcewell contract bid procedures and authorize the City Manager to execute a purchase order for one Multiquip Portable Generator and associated options with Multiquip Inc. in an amount not to exceed $116,766.
Financial Implications: General Fund - $116,766
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 71,717–N.S.

Consent Calendar

10. Proclamation of the City of Berkeley Designating April 17 as Police Accountability Day
From: Police Accountability Board
Recommendation: Adopt a proclamation declaring April 17 as Police Accountability Day to honor the establishment of civilian oversight of law enforcement in the City of Berkeley through the founding of the Police Review Commission and to reaffirm the City's commitment to police accountability and transparency. The proclamation encourages the Police Accountability Board and the Office of the Director of Police Accountability to collaborate with community organizations, educational institutions, and local leaders to organize events, initiatives, and activities that raise public awareness and promote engagement in police accountability. Additionally, the proclamation will reaffirm the City of Berkeley's dedication to being a national leader in police accountability, advancing policies and practices rooted in justice, equity, and community trust.
Financial Implications: None
Contact: Hansel Aguilar, Police Accountability Board, (510) 981-4950
Action: Adopted proclamation.

11a. Berkeley Police Department Texting Offences: An Independent Investigation by the Police Accountability Board *(Reviewed by the Public Safety Policy Committee) (Item contains supplemental material)*
From: Police Accountability Board
Recommendation: The Police Accountability Board formally recommends to the City Council that it:
1. Pass an ordinance or otherwise affirm the Police Accountability Board's ability to access documents and records in furtherance of its central accountability function, consistent with Charter Amendment Section 125.
2. Adopt a robust resolution ensuring full and meaningful accountability for sworn officers—whether on-duty or off-duty—who engage in misconduct of any kind, but especially actions or expressions of racial or other types of bias.
3. Direct the City Manager to work with the Berkeley Police Department, Police Accountability Board, and the Office of the Director of Police Accountability to create a public repository to fulfill the vision of California Penal Code Section 832.7(b)(1), allowing for transparency in cases of sustained allegations of officer racism or other discriminatory conduct or expression.
4. Call on California state legislators to extend the prohibition on arrest quotas, which are currently limited to the California Vehicle Code (Section 41600 – 41603).
Policy Committee Recommendation: To send item to City Council with a negative recommendation.
Financial Implications: See report
Contact: Hansel Aguilar, Police Accountability Board, (510) 981-4950
Action: Moved to Action Calendar. See action for Item 11b. (Item contains supplemental material)

Consent Calendar

11b. Resolution: Affirming Support for Berkeley Police Department, Police Accountability Board, and Office of the Director of Police Accountability in Response to Downtown Task Force Texting Offenses Investigation
From: Councilmember Blackaby (Author)
Recommendation: Adopt a Resolution affirming our community's support for the Berkeley Police Department (BPD) and acknowledging the work of the Police Accountability Board (PAB) & the Office of the Director of Police Accountability (ODPA) in investigating BPD's Downtown Task Force texting offenses, ultimately making recommendations to increase trust, transparency, and accountability. Additionally, the Resolution condemns any and all racism and misconduct, affirms the City Council's opposition to arrest quotas, and asks the California Legislature to extend the prohibition on arrest quotas, which are currently limited to the California Vehicle Code.
Financial Implications: None
Contact: Brent Blackaby, Councilmember, District 6, (510) 981-7160
Action: Moved to Action Calendar. 16 speakers. M/S/C (Blackaby/Kesarwani) to 1) accept the report from the Police Accountability Board with thanks for their efforts; and 2) adopt Resolution No. 71,718–N.S. as published in Item 11b.
Vote: Ayes – Kesarwani, Taplin, Bartlett, Tregub, O'Keefe, Blackaby, Humbert, Ishii; Noes – Lunaparra.

Council Consent Items

12. Referral to City Attorney for Sanctuary City Ordinance
From: Mayor Ishii (Author), Councilmember Blackaby (Co-Sponsor), Councilmember Lunaparra (Co-Sponsor), Councilmember Taplin (Co-Sponsor)
Recommendation: Referral to the City Attorney to return to City Council in June with an analysis and recommendation regarding the codification of Berkeley's Sanctuary policies and protections through a city ordinance.
Financial Implications: None
Contact: Adena Ishii, Mayor, (510) 981-7100
Action: Approved recommendation.

13. Budget Referral: Ohlone Greenway Safety Improvements Project Unfunded Balance
From: Councilmember Kesarwani (Author)
Recommendation: Refer to the fiscal year 2025-26 budget process $150,000 to fund the outstanding balance for consultant costs to finalize the design concepts to complete the Ohlone Greenway Safety Improvements Project, which has already been awarded $5.3 million in construction funds to complete the project.
Financial Implications: See report
Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110
Action: Approved recommendation.

Council Consent Items

14. Establish Rules and Limits When Community-Based Organizations Receive City Funding Without Procurement to Promote Transparency, Fairness, and Stewardship of Public Funds *(Reviewed by the Budget and Finance Policy Committee)*

From: Councilmember Kesarwani (Author), Mayor Ishii (Co-Sponsor)

Recommendation: Approve the Resolution and refer to the City Manager to establish an open and transparent process for community-based organizations seeking a grant of emergency funds outside of the City's existing request for proposal (RFP) or other procurement processes. The process to be established should include the following components:

- Annual Funding Limit. Establish a maximum amount of $25,000 annually to be granted to a Berkeley-based non-profit or public organization, and a grand total of $225,000 annually to up to nine community-based organizations operating in Berkeley.
- "Declaration of Need" Form Available on a City Webpage. A Declaration of Need application form should be made available on a dedicated City webpage to ensure all community-based organizations have an equal opportunity to learn about the availability of funds, including the deadline for submitting the completed form.
- Declaration of Need Form Should Require Documentation of Financial Need and Non-Profit Status (When Appropriate). The Declaration of Need form should be short to reduce the burden on community-based organizations but should include at a minimum a request to explain the purpose/need for the funds and document the organization's financial need. In addition, the City should verify that the organization is a registered non-profit organization (if applicable).
-Selection Process. The City Manager shall establish a process for selecting qualifying community-based organizations, including establishing a scoring criteria and submitting recommendations to Council as part of the annual budget development process. Pursuant to Budget and Finance Policy Committee discussion, to the extent practicable, consider awarding funds on a rolling basis to better support agencies who may be facing a fiscal emergency.
-Financial Reporting Requirement for Selected Community-Based Organizations. For organizations selected to receive emergency funding of up to $25,000, the City shall enter into a contract that requests documentation at six months and 12 months to ensure that funds were used for the purpose for which they were requested. This financial reporting requirement should apply as soon as practicable to FY2024-25 budget allocations, and continue for future budget years.

Policy Committee Recommendation: To send the item to Council with a positive recommendation.

Financial Implications: See report

Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110

Action: Adopted Resolution No. 71,719–N.S. as recommended by the Budget & Finance Committee.

Council Consent Items

15. Celebración Cultural Sylvia Mendez (Spring Cultural Celebration) by the Sylvia Mendez School PTA: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds
From: Councilmember Bartlett (Author)
Recommendation: Adopt a Resolution approving the expenditure of funds, including $1,500 from the discretionary council office budget of Councilmember Ben Bartlett, to the Sylvia Mendez Elementary School PTA to host a Spring Cultural Celebration event on April 27, 2025, on campus. The funds will be relinquished to the City's General Fund from the discretionary council office budget of Councilmember Ben Bartlett and the discretionary council office budgets of any other City Councilmembers who would like to contribute.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
Action: Adopted Resolution No. 71,720–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Tregub - $100; Councilmember Bartlett - $250; Councilmember Taplin - $250; Councilmember Humbert - $250; Councilmember Lunaparra - $200; Councilmember Kesarwani - $100; Councilmember Blackaby - $250; Councilmember O'Keefe - $200; Mayor Ishii - $500.

16. Resolution Commemorating April 24, 2025, as Berkeley Holocaust Remembrance Day
From: Councilmember Tregub (Author), Councilmember O'Keefe (Author), Councilmember Humbert (Author), Mayor Ishii (Co-Sponsor)
Recommendation: Adopt a Resolution proclaiming April 24, 2025, as Holocaust Remembrance Day in the City of Berkeley, in memory of those who were murdered and in honor of the survivors as well as the rescuers and liberators; and committing to never forgetting the events of the Holocaust, actively working to combat antisemitism, racism, bigotry, and hatred in all forms, and promote human rights and dignity for all.
Financial Implications: None
Contact: Igor Tregub, Councilmember, District 4
Action: Adopted Resolution No. 71,721–N.S.

Council Consent Items

17. Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds to 2025 Virtual Holocaust Remembrance Day Program
From: Councilmember Tregub (Co-Author), Councilmember O'Keefe (Co-Author), Councilmember Humbert (Co-Author), Mayor Ishii (Co-Sponsor)
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed $500 per Councilmember from the D13 Discretionary Accounts of members of the Berkeley City Council, including $500 from Councilmember O'Keefe, $500 from Councilmember Tregub, $500 from Councilmember Humbert, and $500 from Mayor Ishii to support the City's Annual Holocaust Remembrance Day program with funds relinquished to the City's general fund.
The relinquishment of funds from Councilmembers O'Keefe, Tregub, Humbert and Mayor Ishii's respective discretionary Council Office Budgets as well as any other members of the Berkeley City Council who would like to contribute, allows the City of Berkeley to invite the community to its 22nd Annual Holocaust Remembrance Day virtual program, created by the community with City Council support.
This year's program will be held virtually on April 24, 2025.
Financial Implications: See report
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140
Action: Adopted Resolution No. 71,722–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Bartlett - $250; Councilmember Taplin - $500; Councilmember Lunaparra - $200; Councilmember Kesarwani - $100; Councilmember Blackaby - $500; Councilmember O'Keefe - $200.

18. Resolution in Support of California Senate Bill 42 (Umberg, Allen) California Fair Elections Act of 2026 to Amend Sections 85300 and 85320 of the Government Code, relating to the Political Reform Act of 1974.
From: Councilmember Tregub (Author), Councilmember Blackaby (Co-Sponsor), Councilmember Lunaparra (Co-Sponsor), Councilmember Taplin (Co-Sponsor)
Recommendation: Adopt a Resolution in support of California State Senate Bill 42 (Umberg, Allen) California Fair Elections Act of 2026 to Amend Sections 85300 and 85320 of the Government Code, relating to the Political Reform Act of 1974, which is moving through the legislature to appear on the California general election ballot on November 3rd, 2026; and distribute copies to the California Governor Gavin Newsom, Senator Jesse Arreguín, Assemblymember Buffy Wicks, California Senate President pro Tempore Mike McGuire, and California Assembly Speaker Robert Rivas to advocate for its passage.
Financial Implications: Staff time
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140
Action: Adopted Resolution No. 71,723–N.S.

Council Consent Items

19. Budget Referral for Thousand Oaks Park Playground Update
From: Councilmember O'Keefe (Author), Councilmember Humbert (Co-Sponsor)
Recommendation: Refer $80,000 to the June budget process (FY26 Mid-Biennial Update) for the completion of a new airplane themed play structure at Thousand Oaks Park, located at 1700-1780 Tacoma Avenue.
Financial Implications: See report
Contact: Shoshana O'Keefe, Councilmember, District 5, (510) 981-7150
Action: Approved recommendation.

20. Study: Sabbatical Leave for City of Berkeley Employees
From: Councilmember Hahn (Author) *(Reviewed by the Budget & Finance Policy Committee)*
Recommendation: Refer to the City Manager study of a potential Sabbatical Leave policy for all City of Berkeley employees, modeled after the City's existing agreements with several bargaining units.
Consult with labor partners and City employees to explore a variety of terms and options, and the costs/benefits of unpaid, partially paid, and paid Sabbatical Leaves. Report findings to Council, outlining possible options and their financial impacts as well as potential benefits to recruitment, morale, longevity of tenure, and wellbeing.
Policy Committee Recommendation: Forward item to Council with a negative recommendation.
Financial Implications: See report
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150
Action: No action taken, as recommended by the Budget & Finance Policy Committee.

21. Music in the Elmwood Festival: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds
From: Councilmember Humbert (Author)
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed $1,000 per Councilmember including $1,000 from Councilmember Humbert to the Elmwood Business Association for the Music in the Elmwood Festival on Sunday, May 4, 2025 with funds relinquished to the City's General Fund for this purpose from the discretionary Council Office Budgets of Councilmember Humbert and any other Councilmembers who would like to contribute.
Financial Implications: See report
Contact: Mark Humbert, Councilmember, District 8, (510) 981-7180
Action: Adopted Resolution No. 71,724–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Tregub - $100; Councilmember Bartlett - $250; Councilmember Taplin - $250; Councilmember Lunaparra - $100; Councilmember Kesarwani - $100; Councilmember Blackaby - $250; Councilmember O'Keefe - $200; Mayor Ishii - $500.

Information Reports

22. Age-Friendly Berkeley Update
From: City Manager
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400
Action: Received and filed.

23. Climate Action Plan and Resilience Update
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Received and filed.

24. Notice of Decision: 21 Mosswood Road/#LMIN2024-0007
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Received and filed.

25. Notice of Decision: 2138 Cedar Street/#LMSAP2024-0008
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Received and filed.

26. Notice of Decision: 2231 McKinley Avenue/#LMIN2024-0005
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Received and filed.

27. Notice of Decision: 2425 Durant Avenue/#LMIN2024-0008
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Received and filed.

28. Environment and Climate Commission 2025 Work Plan
From: Environment and Climate Commission
Contact: Sarah Moore, Commission Secretary, (510) 981-7400
Action: Received and filed.

29. Police Accountability Board Recommendation: Former Board Member Recognition
From: Police Accountability Board
Contact: Hansel Aguilar, Police Accountability Board, (510) 981-4950
Action: Received and filed.

30. City Auditor's Office 2024 Peer Review Results
From: Auditor
Contact: Jenny Wong, Auditor, (510) 981-6750
Action: Received and filed.

Public Comment – Items Not Listed on the Agenda - 10 speakers.

Adjournment

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

Adjourned at 10:40 p.m.

I hereby certify that the foregoing is a true and correct record of the City Council regular meeting held on April 15, 2025.

_____
Mark Numainville, City Clerk

Communications

Item #13: Budget Referral: Ohlone Greenway Safety Improvements Project Unfunded Balance

1. Wahid Amiri
2. Clifford Fred
3. Carole Bennett-Simmons, Dave Drummond, and Mike Nettles on behalf of CHIA

Alternative Housing

4. Eric Taylor
5. Claire Heinzelman
6. David Freeling
7. George Torgun
8. Leigh Stewart, Iris Juan and Baby Theo from West Berkeley
9. Cameron Woo
10. Allan Abshez
11. Heather Clague
12. Vincent Casalaina
13. Russ Greene
14. Mallorie Baron
15. Claudia Kawczynska
16. Kristine Dixon
17. Alexander Stec
18. Stephen Born
19. Jane Franch
20. Monika Mann
21. Tom Stifler
22. Jan Ruchlis
23. Linda Zagula

24. Camille Antinori
25. Frako Loden
26. Erik Schmitt
27. Stephen Most
28. Catherine Born
29. Rebecca Herman
30. Diana Bohn
31. Julie Feldman
32. Jim Rosenau
33. David Levinson
34. Orion Fulton
35. Amy Hill
36. Charlene Washington

Encampments
37. Lj Cranmer
38. John Craner
39. Daniel Korson
40. Noami Friedman

Fire Concerns
41. Dr. Richard A. Laden
42. Marek z Jeziorek
43. Janet Stromberg

EMBER
44. Maureen Burke
45. Ruth Ehrenkrantz
46. Gary Croner
47. Scott Sacherer
48. Bruce Brody
49. Michael Downs

Resolution for Mahmoud Khalil
50. Emily Katz
51. Allen Barth
52. Jean Tepperman
53. Leah
54. Florence Viray
55. Ann-Marie Hogan
56. Summer Brenner
57. Gael Alcock
58. Juli Dickey
59. Linda Worthman
60. Lori Berlin
61. Paula Aiello

62. Lexine Alpert
63. Annie Alcott
64. Sasha Stahl
65. Farida Ibegazen
66. Janice Schroeder (2)
67. Rafael Jesus Gonzalez
68. Libby Sayre
69. Haiganoush Preisler
70. David Bacon
71. Michael Lonergan
72. Anita Medal
73. Kathleen Weaver
74. Wade Skeels
75. Hali Hammer
76. Jonah Gottlieb
77. Jaleh Niazi
78. Esfandiar Imani
79. Christopher Kroll
80. Phoebe Thomas Sorgen
81. Elana Auerbach

Proclamation to Honor
82. Jen Gall

SeeClickFix
83. Stefan Lasiewski

Oxford Elementary
84. Aimee Baldwin (4)

Proclamation Request
85. Lindsay Reynolds

The Tiger Trials
86. Myles Nye

Social Justice
87. Phoebe Thomas Sorgen

Work Concerns
88. Pgcountymd63 (2)
89. Paul Buddenhagen

Paratransit Concerns
90. Daveed Mandell (13)

Commercial Warehouse Space
91. David Lerman

Animal Control Officer Concern
92. Erika Jordan

Health Department
93. David Lerman

Shelter Concerns
94. Nikki Brown

Thank You
95. Kat Schaaf

Invitation
96. Martha Larsen

Household Hazardous Waste Disposal
97. David Lerman
98. Elana Auerbach

Berkeley Ferry Plan
99. Katherine Calvert
100. Maxwell Davis on behalf of the Sierra Club

Graffiti Concerns
101. Dahlia Frydman

Restaurant Week
102. Jeffrey Church on behalf of Visit Berkeley

Red Cross
103. Tim O'Brien (2)

San Francisco Bay Ecosystem
104. Charlene M. Woodcock

Legal Concern
105. Chris Bogado (2)

Peace and Justice Commission
106. Tom Luce

Berkeley Marina

107. Bill
108. Jim McGrath
109. Domond Lee
110. Gordon Stout (4)
111. Alean Daniel
112. Jack Morel
113. Ken Poulton
114. Andrew Sullivan
115. Kris Urban
116. Eugenia McCauley
117. Dave Spragg
118. Darren Bass
119. David Breaux
120. Dave Bloch
121. Marilee Allan
122. Mike Geranio
123. Margo Rey
124. Jeffrey Finn
125. John Hadley
126. Brice Chung
127. Kevin Graehl
128. Dave Gertler
129. Beatriz Quinones
130. Cheong-Tseng Eng

Willard Park

131. Mandie Caroll
132. Robert Abiad
133. Austin Abrams
134. Ellen Borjesson
135. Elizabeth Greene
136. Elizabeth Morris
137. Ashley Kayler

Infestation Concern

138. Andrew Graham

Traffic Concern

139. Wahid Amiri
140. Erin Burfield
141. Barbara Gilbert

Bike Plan

142. Michael Frantz
143. Christopher Hamilton (2)

Adeline Landscape Improvement
144. Markus Feyh

Government Concerns
145. Kellie Stoddart (2)

Paw Fund
146. Paw Fund

E-Scooter
147. Robert Byler (3)
148. Videth Ok (2)
149. Robert Borghese (4)
150. Lucas Miller

Daylighting Laws
151. Sandra Sanchez (2)
152. Kait Kolacy
153. Shirley Kirsten (2)

Public Restroom
154. Hannah Karpilow
155. Alex S. Merenkov
156. Aimee Baldwin (2)

Middle Housing
157. John Minot-Schwartz on behalf of East Bay for Everyone and East Bay YIMBY
158. Maxwell Davis on behalf of the Sierra Club

Police Action
159. Inetjalopy (4)

Surveillance System at CVS
160. Curtis Walters

DBA Annual Meeting
161. John Craner (2)

Ashby BART
162. Friends of Adeline

Dark Sky and Pollinators/Habitat
163. Carol Hirth

Hybrid Shelter
164. Claudia Kawczynska

Bicycle Count
165. Kelly Hammargren

Richmond Bridge
166. Lucas Miller (2)

Housing Concern
167. Bingo Fantasy Football
168. Eid

ICE Concerns
169. Russbumper

Middle East Conflict
170. Miya Frick
171. Ibegazen Farida
172. Dorothea Dorenz (2)
173. Martha Staskawicz
174. Kyla Danysh
175. Barbara Erickson (2)
176. Russbumper

Forwards
177. Josh Atwood
178. Eid (2)
179. Margot Smith

Screenshots
180. Josh Atwood (5)

URL's
181. Russbumper (25)
182. Josh Atwood (2)

Supplemental Communications and Reports 1

Item #13: Budget Referral: Ohlone Greenway Safety Improvements Project Unfunded Balance
183. Elizabeth Starr
184. Ray
185. Irene Rice
186. John Steere
187. Janice Schroeder

Supplemental Communications and Reports 2

Item #11a: Berkeley Police Department Texting Offences: An Independent Investigation by the Police Accountability Board *(Reviewed by the Public Safety Policy Committee) (Item contains supplemental material)*

188. Wendy Alfsen and Barb Atwell
189. Mary-Lee Kimber Smith
190. Elana Auerbach
191. Gael Alcock
192. Leonard Pitt
193. Diana Bohn
194. Zipporah Collins

Item #11b: Resolution: Affirming Support for Berkeley Police Department, Police Accountability Board, and Office of the Director of Police Accountability in Response to Downtown Task Force Texting Offenses Investigation

195. Phoebe Thomas Sorgen

Item #13: Budget Referral: Ohlone Greenway Safety Improvements Project Unfunded Balance

196. Margot Cunningham
197. Paul Carman
198. John Steere
199. Drew Kravin
200. Virginia Hanger
201. Merle Norman and Curtis Beech

Item #19: Budget Referral for Thousand Oaks Park Playground Update

202. Susan Schwartz, Friends of Five Creeks
203. Luke Lin
204. Robert Matano and Darlene Basmajian

Supplemental Communications and Reports 3

Urgent Item: Kala Art Institute 2025 Relinquishment of Council Office Budget Funds to General Fund and Grant of such Funds

206. Submitted by Councilmember Terry Taplin

Item #11a: Berkeley Police Department Texting Offences: An Independent Investigation by the Police Accountability Board *(Reviewed by the Public Safety Policy Committee) (Item contains supplemental material)*

207. Summer Brenner
208. Luzia Ogle-Sporer

Item #13: Budget Referral: Ohlone Greenway Safety Improvements Project Unfunded Balance

209. Ben Gerhardstein on behalf of Walk Bike Berkeley
210. Carol Hirth
211. Valeria Vincent Sancisi

Item #16: Resolution Commemorating April 24, 2025, as Berkeley Holocaust Remembrance Day

212. Linda Press Wulf and Stanley Wulf

Item #19: Budget Referral for Thousand Oaks Park Playground Update

213. Claudia Berger
214. Gahl Pratt Pardes
215. Margaret Murphy and Nate D'Anna

Miscellaneous

216. CHIA

MINUTES
SPECIAL MEETING OF THE BERKELEY CITY COUNCIL

Tuesday, April 22, 2025
6:00 PM

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

TELECONFERENCE LOCATION - 9175 LARK STREET, ELK GROVE, CA 95624

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: 6:04 p.m.

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

Absent: Bartlett

Councilmember Taplin recused for potential conflict of interest at 6:14 p.m.

Councilmember Bartlett present at 6:17 p.m.

Action Calendar – Public Hearings

1. ZAB Appeal: 2274 Shattuck Avenue, Use Permit #ZP2023-0079
From: City Manager
Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board decision to approve Use Permit #ZP2023-0079 to demolish the commercial building (preserving and renovating the front façade and lobby), and construct a 17-story (183 feet, plus 5-foot parapet), 214,032-square-foot, mixed-use residential building with 227 dwelling units (including 23 Very Low-Income Density Bonus qualifying units), and one ADA parking space, and dismiss the appeal.
Financial Implications: None
Contact: Jordan Klein, Planning and Development, (510) 981-7400

Public Testimony: The Mayor opened the public hearing. 54 speakers.

Recess 7:46 p.m. – 8:04 p.m.

Action: M/S/C (Blackaby/Humbert) to close the public hearing.
Vote: Ayes – Kesarwani, Bartlett, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Recused – Taplin (Recused for Potential Conflict of Interest).

Action: M/S/C (O'Keefe/Humbert) to adopt Resolution No. 71,725-N.S. affirming the Zoning Adjustments Board decision to approve Use Permit #ZP2023-0079 to demolish the commercial building (preserving and renovating the front façade and lobby), and construct a 17-story (183 feet, plus 5-foot parapet), 214,032-square-foot, mixed-use residential building with 227 dwelling units (including 23 Very Low-Income Density Bonus qualifying units), and one ADA parking space, and dismiss the appeal.
Vote: Ayes – Kesarwani, Bartlett, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Recused – Taplin (Recused for Potential Conflict of Interest).

Adjournment

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

Adjourned at 8:51 p.m.

I hereby certify that the foregoing is a true and correct record of the City Council special meeting held on April 22, 2025.

_____
Mark Numainville, City Clerk

Communications

Item #1: ZAB Appeal: 2274 Shattuck Avenue, Use Permit #ZP2023-0079

1. Laura Fujii
2. Frances Wilson
3. Constance Rivemale
4. Summer Brenner (2)
5. Sharon Gong
6. Neil Goldstein
7. Laura and Rose
8. Laura Linden (6)
9. R. Kowalski
10. Lisa Lewis
11. East Bay for Everyone
12. Greg King and Gary Parks
13. Anjali Devi
14. Allen Michaan
15. Barbara Hadenfeldt
16. Jane White
17. Gretta Goldenman
18. Gale Garcia
19. Todd Jersey
20. Mary Ann Gallagher
21. Sara Sunstein
22. James Angus, Liz Linden, Eve Angus, and Lucy Angus
23. Jjbrogan
24. Mollie Starr
25. Kathi Pugh and Josh Maddox
26. Lisa Titus
27. Barbara Kloehn
28. Rose Ellis
29. Dan Ondrasek
30. Kyle Miller
31. Harvey Smith
32. Madeleine Roberts (3)
33. Tom Lippe on behalf of Save the UA Berkeley

34. Scott Selmanoff
35. 283 Similarly worded form letters

Supplemental Communications and Reports 1

Item #1: ZAB Appeal: 2274 Shattuck Avenue, Use Permit #ZP2023-0079

36. Paula Aiello
37. Elana Auerbach
38. Mary Ann Gallagher
39. Connie Oliphant
40. Maxwell Davis on behalf of the Sierra Club
41. Lindsay Mugglestone
42. Dorothy Lubliner
43. Laura Linden
44. Rose
45. Rose Thomsen
46. James Bondi on behalf of Caitlin Hibma
47. Laura Fujii
48. 51 Similarly worded form letters

Supplemental Communications and Reports 2

Item #1: ZAB Appeal: 2274 Shattuck Avenue, Use Permit #ZP2023-0079

49. Gregory Kalkanis
50. Kelly McHan
51. Mary Takemoto
52. Clifford Fred
53. John Coveney
54. Kathleen M. Crandall
55. Pat Schwinn
56. Molly Miller
57. Alexa Chipman
58. Ross Bernet
59. Tom Lippe on behalf of Save the UA Berkeley
60. Rose
61. Elana Auerbach
62. Anjali Rojas
63. Donna West
64. Gary Parks
65. Christine U'Ren
66. Ken Walker
67. Cindy Shamban
68. Rachel Rosen
69. David Mendelsohn
70. Laura Linden
71. 12 Similarly worded form letters "Stop the demolition"
72. 46 Similarly worded form letters "Support the use permit"

Supplemental Communications and Reports 3

Item #1: ZAB Appeal: 2274 Shattuck Avenue, Use Permit #ZP2023-0079

73. Presentation submitted by the Planning Department
74. James M. Lloyd

75. Julia Robertson
76. Todd Darling
77. Gretta Goldenman
78. Lee Bishop
79. Laura Morland
80. Madeleine Roberts Rich (2)
81. John Carnahan
82. Paul Bickmore
83. Michael Fullerton
84. Rafa Sonnefeld
85. Robin R. Baral
86. Jack Farrell
87. Nancy D. Kates
88. Eileen Adams
89. Robin R. Baral on behalf of Hanson Bridgett LLP
90. James Hendry
91. Annie Wormhoudt
92. 8 Similarly worded form letters “Please reject the appeal”
93. 10 Similarly worded form letters “Stop the demolition”
94. Unknown
95. Unknown

Attachment 5

BERKELEY CITY COUNCIL
SPECIAL MEETING MINUTES

Friday, April 25, 2025
10:00 AM

1 SEAWALL DRIVE, BERKELEY, CA 94710

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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Preliminary Matters

Roll Call: 10:08 a.m.

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

Absent: Kesarwani, Bartlett

Public Comment – 1 speaker

Council Discussion

1.a. Introduction

1.b. Values and Group Agreements

1.c. City Council Norms and Procedures

Break

1.d. Team Building Activity

1.e. Discussion of Council Priorities

Action: Council discussion on the topics listed above. No action taken.

Adjournment

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

Adjourned at 2:03 p.m.

I hereby certify that the foregoing is a true and correct record of the special City Council meeting held on April 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

- None

Attachment 6

MINUTES
SPECIAL MEETING OF THE BERKELEY CITY COUNCIL

Monday, April 28, 2025
5:00 PM

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

TELECONFERENCE LOCATION - 17900 JAMBOREE RD, IRVINE, CA 92614

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
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Preliminary Matters

Roll Call: 5:04 p.m.

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

Absent: None

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

Action Calendar

Special City Council Meeting: Possible Ceasefire Resolution for Gaza Conflict; and the Impact and Effects of the Conflict on the Berkeley Community and Abroad

1. **Resolution for an Immediate and Permanent Ceasefire in Gaza, and an End to U.S. Military Aid to Israel, and Support for Palestinian Self-Determination**
   From: Peace and Justice Commission
   Recommendation:
   1. The City of Berkeley Council adopt a resolution for a ceasefire in Gaza, and an end to U.S. military aid to Israel, and support for Palestinian self-determination.
   2. Send a copy of the resolution to President Joseph R. Biden, Secretary of State Antony Blinken, Vice President Kamala Harris, Representative Barbara Lee, Senator Alex Padilla, Senator Laphonza R. Butler, Representative Cori Bush, and Representative Rashida Tlaib.
   Financial Implications: None
   Contact: Rex Brown, Commission Secretary, (510) 981-7000

   Action: M/S/C (Ishii/Humbert) to suspend the rules and establish a three-hour public comment period for the agenda item with time for both in-person and online speakers.
   Vote: Ayes – Kesarwani, Taplin, Bartlett, Tregub, O'Keefe, Blackaby, Humbert, Ishii; Noes – None; Abstain – Lunaparra.

   Action: M/S/C (Lunaparra/Ishii) to suspend the rules and extend the public comment period for an additional hour.
   Vote: Ayes – Kesarwani, Bartlett, Tregub, O'Keefe, Blackaby, Lunaparra, Ishii; Noes – Taplin; Abstain – Humbert.

   Action: M/S/C (Ishii/Lunaparra) to suspend the rules and extend the meeting to 12:00 a.m.
   Vote: All Ayes.

Action Calendar – New Business

Action: M/S/Failed (Ishii/Blackaby) to adopt the resolution submitted by Mayor Ishii and Councilmember Bartlett in Supplemental Communications Packet #2 titled "Resolution Reaffirming the City of Berkeley's Commitment to Combatting Hate, Supporting a Lasting Peace Between Israel and Gaza, Opposing a U.S. Occupation of Gaza and Respecting Freedom 'f Speech."
Vote: Ayes – Bartlett, Tregub, Lunaparra, Ishii; Noes – Blackaby; Abstain – Kesarwani, Taplin, O'Keefe, Humbert.

Action: 197 speakers. M/S/Carried (Lunaparra/Ishii) to adopt Resolution No. 71,726–N.S. submitted by Councilmember Taplin in Supplemental Communications Packet #2 titled "Reaffirming Berkeley's Commitment to Peace, at Home and Abroad."
Vote: Ayes – Kesarwani, Taplin, Tregub, O'Keefe, Blackaby, Humbert, Ishii; Noes – Lunaparra; Abstain – Bartlett.

Adjournment

Action: M/S/C (Humbert/O'Keefe) to adjourn the meeting.
Vote: Ayes – Kesarwani, Taplin, Bartlett, Tregub, O'Keefe, Blackaby, Humbert, Ishii; Noes – Lunaparra.

Adjourned at 11:48 p.m.

I hereby certify that the foregoing is a true and correct record of the City Council special meeting held on April 28, 2025.

_____
Mark Numainville, City Clerk

Communications

Item #1: Resolution for an Immediate and Permanent Ceasefire in Gaza, and an End to U.S. Military Aid to Israel, and Support for Palestinian Self-Determination

1. Iris Greenberg-Smith
2. Diana Bohn
3. Allen Mayer
4. David Garner
5. John Wolfe

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item #1: Resolution for an Immediate and Permanent Ceasefire in Gaza, and an End to U.S. Military Aid to Israel, and Support for Palestinian Self-Determination

6. Revised agenda material submitted by Mayor Adena Ishii and Councilmember Ben Bartlett
7. Supplemental agenda material submitted by Councilmember Terry Taplin
8. Robert Bonam (2)
9. Sriram Gopalakrishnan
10. Youval Dar
11. Sara S Ishikawa
12. Jamie Cooney
13. Angie Chang
14. Hali Hammer
15. Pat O'Brien
16. Jan Leuin
17. Cynthia Papermaster and CODEPINK Bay Area Chapter
18. Tam Sababa
19. Tal Garner
20. Kelly Hammergren
21. Stephen M. Lipson
22. Julie Goldobin
23. Gayle McLaughlin
24. Kate Greene
25. Susanne (Sanne) DeWitt
26. Nathan Hunt
27. Fredda Cassidy
28. Laura Lipman
29. Deborah Cohan
30. Jon Jackson
31. Terry Fletcher
32. Ana Tellez-Witrago on behalf of Richmond Mayor Eduardo Martinez
33. Alan Kittner
34. Claudia Jimenez
35. Carl Nelson
36. Esther Brass-Chorin
37. Daren Fields
38. Sari Alper
39. Shifra Pride Raffel (2)
40. Miriam Green
41. Linda Press Wulf and Stanley Wulf
42. Sara Sunstein
43. Ilene Lee
44. Cynthia Papermaster
45. Dorothea Dorenz (3)
46. Naama Sadan
47. Jean Tepperman
48. Tamara Gurin
49. Desmid Lyon
50. Vicki Sommer (2)
51. Ellen Feigenbaum and Peter Schwab
52. John Farnkopf
53. Sally Nelson

54. Madeline Feingold
55. Rachel Schiff
56. Michal Weber
57. Jude Berman
58. Michael Cassidy (2)
59. Larry Hobel
60. Larry Bradshaw
61. Imtiaz Ghori
62. Stephanie Guynn and William Guynn (2)
63. Rosa Harroun
64. Simin Shamji
65. Kara Nelson
66. Marsha Rosenblatt
67. Andrea Cassidy
68. Leah Greenblat
69. Leah Rothman
70. Stevie Schwartz
71. Sarah Lefton
72. Judy and Isaac Lieber
73. Marisa Lin
74. Michelle Mascarenhas
75. Allen Mayer
76. Judd Goodman
77. Janice Schroeder
78. Lori Berlin and Michael Stephens
79. Omowale Fowles
80. Jim Haydel
81. Faith Meltzer
82. Hannah King
83. Rob Wrenn
84. Mary Wrenn
85. Rissa Coplan
86. Zohe Slack
87. Jason Rose
88. Barbara Gilbert
89. Betsy Bigelow-Teller
90. Bruce Feingold
91. Howard Hertz
92. Kyra Subbotin
93. Marc Sapir
94. Monica Renner
95. Friends of Adeline
96. Mary Prophet
97. Mati Teiblum
98. Tarnel Abbott
99. Elsa Tranter
100. Leah Rosenthal
101. Moni T. Law
102. Kathy Kojimoto
103. Scott Sepke
104. Valeria Kaim

105. Jeannine Cohen
106. Khalil Bendib
107. Joel A. Biatch
108. Avi Tsang Jaffe
109. Jonathan Jaffe
110. David Spero
111. Coby Huizenga
112. Tobie Lurie
113. Ednah Beth Friedman
114. Thomas F. Luce
115. Orli Loewenberg
116. Harry Devlin
117. 46 Similarly worded form letters “On behalf of the Berkeley community”
118. 15 Similarly worded form letters “I wish to express my concerns”
119. 8 Similarly worded form letters “As a resident of Berkeley”

Supplemental Communications and Reports 3

Item #1: Resolution for an Immediate and Permanent Ceasefire in Gaza, and an End to U.S. Military Aid to Israel, and Support for Palestinian Self-Determination

120. Alan Jencks
121. Sara Sunstein
122. Wendy Patterson
123. Naomi Kincler
124. Barryett Enge (2)
125. Lyra King (2)
126. Monica Renner
127. Idit Minka
128. Malka Weitman
129. Leah Greenblat
130. Vicki Sommer
131. Elana Auerbach
132. Martha Wallner
133. Hassan Fouda
134. Stephania Widger
135. Dorothea Dorenz
136. Eric Friedman
137. Cynthia Papermaster
138. Anna Concepcion
139. William Selig
140. Kelsi Perttula
141. Shirley Kirsten
142. Amanda Berger
143. Dahlia Frydman (2)
144. Anita Barrows (2)
145. Sonja Trauss (2)
146. Gabriela Kipnis (2)
147. JJ Noire (5)
148. Yoshiko I. Wada
149. Karen Roekard
150. Paul Liem

151. Elana Naftalin-Kelman
152. David Sweet-Cordero
153. Elaine Stelton
154. Tarek Milleron
155. Noga Ravid
156. Jean Krois
157. Nitzan Pelman
158. Grace Morizawa on behalf of the Japanese American community
159. John Hagopian
160. Vanessa and Andres Moraga
161. Tony Schmiesing
162. Niloofar Shambayati
163. Robin Wenrick
164. Miriam Ferris
165. Alicia Tan
166. Anne Marx
167. Richard Boubelik
168. Daniel Brownson
169. Robin Milleron
170. David Levinson
171. Lorrie Beth Slonsky
172. Pamela Sawyer
173. Melissa Chapman
174. Barry Rosen
175. Amy Zucker Morgenstern
176. Camille Watts-Zagha
177. Rachel on behalf of the Jewish Coalition of Berkeley
178. Mollie Starr
179. Kelly Segal
180. Tobey M. Wiebe
181. Esther Brass
182. Tamara Gurin
183. Anna Talamo
184. Jim Haydel
185. 50 Similarly worded form letters
186. Thomas F. Luce

Attachment 7

MINUTES
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

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Preliminary Matters

Roll Call: 6:08 p.m.

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

Absent: Kesarwani

Councilmember Kesarwani present at 6:14 p.m.

Councilmember Taplin participated in 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. Adjourn in memory of Mary Wainwright, former Berkeley Councilmember
2. Adjourn in memory of David "Chicken" Nesmith, Environmental Activist
3. Adjourn in memory of Betty and Jimmie Pugh, Berkeley Residents
4. Adjourn in memory of Bill Chapman, League of Women Voters

City Manager Comments: None

City Auditor Comments:

The City Auditor stated that feedback on the FY 2026 Audit Plan is welcome; thanked staff, Council, and the public for their engagement with the Auditor's Office; and noted the successful restaurant inspection audit in Item 32.

Public Comment on Non-Agenda Matters: 6 speakers.

Action: M/S/C (Blackaby/Humbert) to accept an urgency item from Councilmember Blackaby pursuant to Government Code Section 54954.2(b)(2) entitled Support for AB-389 Personal Income Tax: Tax Credits: Fire-Resistant Home Improvements (Wallis). **Vote:** All Ayes.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 34 speakers.

Action: M/S/C (Taplin/Tregub) to adopt the Consent Calendar, as amended, in one motion except as indicated, including the policy committee recommendation on Item 19 to take no action.
Vote: All Ayes.

Consent Calendar

Urgent Item: Support for AB-389 Personal Income Tax: Tax Credits: Fire-Resistant Home Improvements (Wallis)
From: Councilmember Blackaby (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Humbert (Co-Sponsor), Councilmember O'Keefe (Co-Sponsor)
Recommendation: Adopt a Resolution in support of AB-389 Personal Income Tax: Tax Credits: Fire-Resistant Home Improvements (Wallis) and send copies to Assemblymember Greg Wallis, the Assembly Committee on Revenue and Taxation, Assemblymember Mike Gipson (committee chair), Assemblymember Tri Ta (committee vice chair), Senator Jesse Arreguín, and Assemblymember Buffy Wicks.
Financial Implications: None
Contact: Brent Blackaby, Councilmember, District 6, (510) 981-7160
Action: Adopted Resolution No. 71,727–N.S.

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
   Action: Approved the minutes as submitted.

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
   Action: Approved recommendation.

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
Action: Adopted Resolution No. 71,728–N.S.

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
Action: Adopted Resolution No. 71,729–N.S.

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
Action: Adopted Resolution No. 71,730–N.S.

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
Action: Adopted Resolution No. 71,731–N.S.

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
Action: 3 speakers. M/S/C (O'Keefe/Lunaparra) to adopt Resolution No. 71,732–N.S. 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.
Vote: Ayes – Kesarwani, Bartlett, Tregub, O'Keefe, Lunaparra, Ishii; Noes – Taplin; Abstain – Humbert; Recused – Blackaby (former member of PAB covered by increase).

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
Action: Adopted Resolution No. 71,733–N.S.

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
Action: Adopted Resolution No. 71,734–N.S.

Consent Calendar

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
Action: Adopted Resolution No. 71,735–N.S.

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
Action: Adopted Resolution No. 71,736–N.S.

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
Action: Adopted Resolution No. 71,737–N.S.

Consent Calendar

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
Action: Adopted Resolution No. 71,738–N.S.

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
Action: Adopted Resolution No. 71,739–N.S. (M&A Towing); and Resolution No. 71,740–N.S. (City Towing).

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
Action: Councilmember Tregub added as a co-sponsor. Approved recommendation.

Council Consent Items

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
Action: Councilmember Humbert added as a co-sponsor. Approved recommendation.

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
Action: Councilmember Taplin and Mayor Ishii added as co-sponsors. Adopted Resolution No. 71,741–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Taplin - $250; Councilmember Kesarwani - $100; Councilmember Lunaparra - $250; Councilmember Tregub - $500; Councilmember O'Keefe - $200; Councilmember Humbert - $500; Councilmember Blackaby - $250; Mayor Ishii - $500.

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
Action: Amended the resolution to raise the contribution limit to $500. Adopted Resolution No. 71,742–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Kesarwani - $100; Councilmember Lunaparra - $250; Councilmember Tregub - $500; Councilmember O'Keefe - $250; Councilmember Humbert - $250; Councilmember Blackaby - $250; Councilmember Bartlett - $250; Mayor Ishii - $500.

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
Action: No action taken, as recommended by the Public Safety Policy Committee.
Vote: Ayes – Kesarwani, Taplin, Bartlett, O'Keefe, Blackaby, Humbert, Ishii; Noes – None; Abstain – Tregub, Lunaparra.

Council Consent Items

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
Action: Councilmember Bartlett and Mayor Ishii added as co-sponsors. Approved recommendation.

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
Action: Approved recommendation with the revision in Supplemental Communications Packet #1 from Councilmember Blackaby.

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
Action: Moved to Action Calendar. 7 speakers. Mayor Ishii added as a co-sponsor. 1. Adopted Resolution No. 71,743–N.S. with paragraph 2 of the second resolved clause revised to read "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. Council shall also strive to ensure that at least one member of the SSCOC has experience with ADA compliance and/or the accessible infrastructure challenges facing seniors and the disabled community."; and 2. Adopted first reading of Ordinance No. 7,960–N.S. Second reading scheduled for May 20, 2025.
Vote: Ayes – Kesarwani, Taplin, Bartlett, Tregub, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – O'Keefe.

Council Consent Items

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
Action: Adopted Resolution No. 71,744–N.S. as revised Supplemental Communications Packet #1 by Councilmember Blackaby.

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
Action: Councilmembers Tregub and O'Keefe, and Mayor Ishii added as co-sponsors. Approved recommendation as revised material in Supplemental Communications Packet #1 by Councilmember Lunaparra.

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
Action: Councilmembers Blackaby, Tregub, and Humbert. Adopted Resolution No. 71,745–N.S.

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
Action: Adopted Resolution No. 71,746–N.S.

Council Consent Items

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: Approved recommendation.

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

Action Calendar – Public Hearings

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

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

Action: M/S/C (Tregub/Blackaby) to adopt Resolution No. 71,747–N.S.
Vote: All Ayes.

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

Public Testimony: The Mayor opened the public hearing. 1 speaker.
M/S/C (Ishii/Lunaparra) to close the public hearing.
Vote: Ayes – Kesarwani, Taplin, Bartlett, Tregub, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – O'Keefe.

Councilmember O'Keefe absent 8:36 p.m. – 8:58 p.m.

Action: M/S/C (Blackaby/Lunaparra) to adopt Resolution No. 71,748–N.S.
Vote: Ayes – Kesarwani, Taplin, Bartlett, Tregub, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – O'Keefe.

Action Calendar – Public Hearings

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

Action: Item 30 removed from the agenda by the City Manager.

Information Reports

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

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

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

Adjournment

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

Adjourned at 8:58 p.m.

I hereby certify that the foregoing is a true and correct record of the City Council regular meeting held on April 29, 2025.

_____
Mark Numainville, City Clerk

Communications

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 1

Item #21: Budget Referral: Deportation Defense Legal and Education Funds

102. Revised agenda material submitted by Councilmember Brent Blackaby

Item #23: Amend AB-645 (2023-2024) to add the City of Berkeley to California's Automated Speed Enforcement Pilot

103. Revised agenda material submitted by Councilmember Brent Blackaby

Item #24: Refer $25,000 to the June 2025 Mid-BiennialBudget Process to Partially Cover Street Spirit's Operational and Programming Costs

104. Revised agenda material submitted by Councilmember Lunaparra

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

105. Robert Roth
106. Joaquin R. Carbonell
107. Frances C. Moore
108. Andrew Doran
109. Alden Mudge
110. Sally Greenspan
111. Sarah Wittmer
112. Sabina McMurtry
113. Juliana Fredman
114. Dean Metzger
115. Theresa Gensler
116. Nancy Richerson
117. Michael Parman
118. Vicki Sommer
119. Emeritus Alan Ramo
120. Jane Terjung
121. Anne Boersma
122. Miriam Nathanson
123. Carol Hirth
124. Shelley Golomb
125. Nenelle Bunnin
126. Michael Walden and Judith Schelly
127. Sara Hartley
128. John Allen
129. Sarah Baughn
130. Bruce & Annie Nalezny
131. Eric King
132. Zachary Lamb
133. Peggy Mendelson
134. The Neighborhoods Council Executive Committee
135. Eric Friedman
136. Bryce Nesbitt
137. John J. Parman

138. Robb Wrenn
139. 20 Similarly worded form letters

Supplemental Communications and Reports 2

Item #25: Supporting State and Regional Funding for Bay Area Public Transit

140. Kate Harrison

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

141. Jeff and Kim Haltiner
142. Warren Pottebaum
143. Ben Gerhardstein
144. Stephen Sperber
145. Lisa Vogel
146. Harrison Alter
147. Crystal Brunzell
148. Brandon Yung
149. Linda and Steven Rosen
150. Bill Kristy
151. Lance Williams
152. David Lerman (2)
153. Albert Buixade
154. Jenny Vaughan
155. Syl
156. John Coveney
157. Aileen Paterson
158. Carol Cohen
159. Jason Warriner
160. Jamie Ruth
161. Alicia Carter
162. Andrea Yankowski
163. Emilie Strauss
164. Adelaide Jenkins
165. Stefan Elgstrand on behalf of State Senator Jesse Arreguin
166. Janet Stromberg
167. Alexandra Crisafulli
168. Kenny Yip
169. Janet Maestre
170. Barbara Fisher
171. Elizabeth Exter
172. David Johnson
173. Micah Stilwell
174. Jennifer Fisher
175. Tamara Birdstall
176. Tres Lundquist
177. Lovell Jarvis
178. Alex Mas

179. David Meyer
180. Katherine Hansen
181. Toni Mester
182. Pam Zelnik
183. Elizabeth Lamoureaux
184. 8 Similarly worded form letters

Urgent Item: Support for AB-389 Personal Income Tax: Tax Credits: Fire-Resistant Home Improvements (Wallis)

185. Submitted by Councilmember Brent Blackaby

Supplemental Communications and Reports 3

Item #28: Submission of the 2025-2030 Consolidated Plan and Program Year 2025 Annual Action Plan

186. Presentation submitted by Health, Housing, and Community Services Department

Item #29: Implement Residential Preferential Parking (RPP) Program on the 1500 Block of Virginia Street

187. Presentation submitted by Public Works Department

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

188. Elizabeth Snowden and Charles P. Smith
189. Aimee Baldwin (3)
190. Rachel Gold
191. Leslie Firestone
192. Elizabeth Ottinger & Derek Bremner
193. Erin Scott
194. Eduardo Teixeira
195. Nico Calavita
196. David Killion and Rosamond Smith
197. Gale Garcia
198. Richard Neese
199. Michelle Pasternack
200. 14 Similarly worded form letters

Miscellaneous

201. Unknown

04

Office of the City Manager

CONSENT CALENDAR
May 20, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: David White, Deputy City Manager

Subject: Contract: Townsend Public Affairs, Inc. for Legislative and Funding Advocacy Strategy

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a contract and any necessary amendments with Townsend Public Affairs, Inc. for ongoing tailored legislative and funding advocacy strategy from July 1, 2025, to June 30, 2027 which establishes a contract in an amount not to exceed $108,000.

FISCAL IMPACTS OF RECOMMENDATION

The proposed contract will support two years of contracted services at $4,500 per month for a total of $54,000 a year. Funding is available in FY 2026 General Fund budget allocation (011-99-900-900-0000-000-412-612990).

CURRENT SITUATION AND ITS EFFECTS

The City requires legislative information and support including:

- Review of legislation to determine potential beneficial or adverse impacts to the City and recommend appropriate responses.
- Monitoring, analysis, and reporting on selected legislative and agency hearings that have impact on the City's priorities.
- Management of City Council-sponsored legislation, including: drafting language, securing authors and co-authors, and shepherding the bill through the legislative process to a successful conclusion.
- Facilitating participation of City representatives in the legislative process, including: Arranging and preparing legislative testimony, participating in informational hearings as expert witnesses, coordinating meetings and written communications with legislators and agency officials.
- Coordinating, building, and leveraging coalitions with other cities and interest groups with similar legislative needs in order to advance mutual priorities.

- Coordinating a minimum of one advocacy trip each year to Sacramento as requested, including client briefing, documentation, decision-maker briefing, meeting staffing, and follow up.

BACKGROUND

On November 1, 2009, the City entered into agreement with Townsend Public Affairs, Inc., to have legislative representation in Washington, D.C. to further strengthen the community's access to federal agencies and legislators, as well as to obtain information about local government funding opportunities. The City is interested in having its representative continue to track funding requests and support the City's efforts to secure additional funding for a variety of programs and services.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

RATIONALE FOR RECOMMENDATION

Townsend Public Affairs, Inc. has provided excellent legislative and policy advocacy at the Federal level for the City of Berkeley.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

David White, Deputy City Manager, (510) 981-7000

Attachments:
1: Resolution

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

CONTRACT: TOWNSEND PUBLIC AFFAIRS, INC. FOR LEGISLATIVE AND FUNDING ADVOCACY STRATEGY

WHEREAS, on November 1, 2009, the City entered into Agreement with Townsend Public Affairs, Inc. to have legislative representation in Washington, D.C. to further strengthen the community's access to federal agencies and legislators, and to obtain information about local government funding opportunities; and

WHEREAS, the City and Townsend Public Affairs, Inc. have historically established new contracts at or near the end of each term, with each new term ranging between 6 and 12 months; and

WHEREAS, Townsend Public Affairs, Inc. has provided excellent legislative and policy advocacy at the Federal level for the City of Berkeley.

WHERAS, funding is available in FY 2026 General Fund budget allocation (011-99-900-900-0000-000-412-612990-).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to establish a contract with Townsend Public Affairs, Inc., for ongoing tailored legislative and funding advocacy strategy. The contract shall begin on July 1, 2025, and end on June 30, 2027, with an initial total amount not to exceed $108,000.

05

Office of the City Manager

CONSENT CALENDAR
May 20, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: David White, Deputy City Manager

Subject: Appointment of Director of Human Resources

RECOMMENDATION

Adopt a Resolution confirming the appointment of Janelle Rodrigues as the Director of Human Resources to be effective June 9, 2025, at an annual salary of $240,000.

FISCAL IMPACTS OF RECOMMENDATION

The salary and benefits for the Director of Human Resources are included in the Department's budget. The position is paid 90% from the General Fund (Budget Code: 011-34-341-000-0000-000-412-511110) and 10% from the Employee Training Fund (Budget Code: 146-34-341-000-0000-000-412-511110).

CURRENT SITUATION AND ITS EFFECTS

In accordance with the City Charter, Section 28(b) of Article VII, City Council is being asked to confirm the appointment of Janelle Rodrigues to the Director of Human Resources position with an annual salary of $240,000. Upon confirmation of this appointment, the employment offer to Janelle Rodrigues will be finalized with an effective start date of June 9, 2025. The Director of Human Resources is an at will benefitted department head position that reports to the Deputy City Manager.

For this recruitment, the City retained WBCP Inc., to perform a nationwide search. The recruiter received approximately 255 applicants for the position. Subsequent to the recruiter reviewing and screening applications, the City conducted a competitive interview process consisting of technical experts and city department directors. Top candidates were recommended for final interviews conducted by the City Manager and Deputy City Manager.

Janelle Rodrigues has worked at the East Bay Regional Parks District since December 2021 as the Division Lead (Assistant Director of Human Resources). In her current capacity, she oversees a team of 29 staff across five units: Labor Relations, Recruitment and Classification, Benefits and Leaves, Training, and Risk Management.

Prior to joining the East Bay Regional Parks District, Janelle Rodrigues worked for the City of Oakland spearheading labor relations for an organization that consists of more than 5,000 employees. In addition, she has worked in private practice as a labor and employment attorney.

BACKGROUND

The Human Resources team serves the Berkeley community's need for a well-qualified high performing workforce by attracting and retaining a talented and diverse City government workforce. The role of the Human Resources Department is to serve as a strategic business partner to its internal and external customers and provide leadership, expertise, support and guidance to other City Departments in the areas of recruitment and selection for employment, occupational health and safety, employee benefits, workers' compensation, employee development and training, employee relations and equal employment opportunity programs and classification and compensation.

The Human Resources Department has 27 staff and is organized into five divisions consisting of:

Office of the Director

The Office of the Director provides overall leadership and administrative direction for all Human Resources Department activities. The Director of Human Resources acts as the City Manager's representative for all disciplinary and grievance appeals, and serves as Secretary and provides staff support to the Personnel Board as established by Section 119 of the City Charter. In addition to serving as Lead Strategist/Chief Negotiator with all employee groups.

Personnel and Administrative Services

The Personnel and Administrative Services Division conducts all merit-based recruitment and examination activities in accordance with the City's Personnel Rules and Regulations, Federal and State laws, and other Ordinances and Resolutions adopted by City Council. Recruitment and examination activities include: developing examination plans, creating job announcements, conducting advertisement campaigns, reviewing applications, coordinating rater panels, administering exams, conducting statistical analyses of tests, and conducting new hire orientations and processing related paperwork.

Employee and Labor Relations

The Employee Relations Division conducts all labor relations activities with the City's seven labor organizations and represents the City Manager on employee relations matters; advises department staff on labor contract interpretations, Federal and State employment laws, and human resources policies and procedures; and manages and reviews grievances and disciplinary issues. The division also administers and assists departments with the City's benefits, Workers' Compensation, and Occupational Health and Safety programs.

Training and Organizational Development
The Training and Organizational Development Division administers and oversees the Citywide Training Program, which is designed to provide ongoing training and development to employees in skills that are fundamental to successfully achieving the City's mission.

Equal Employment Opportunity and Diversity
The Equal Employment Opportunity (EEO) and Diversity Division administers, implements, and coordinates the City's EEO matters; ensures compliance with EEO provisions; enforces diversity efforts pertaining to recruitment and retention; administers the City's Harassment Prevention Policy and discrimination complaint process; conducts internal investigations of complaints filed, and assesses reasonable accommodation requests in compliance with the provisions of the Americans with Disabilities Act (ADA) and the CA Fair Employment and Housing Act (FEHA)

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

RATIONALE FOR RECOMMENDATION
Janelle Rodrigues has a strong background in public sector labor relations, workforce development, and human resources modernization. She began her career working in private practice as a labor and employment attorney. Janelle Rodrigues has worked for more than three years for the East Bay Regional Parks District leading their human resources team and worked for more than four years for the City of Oakland overseeing labor relations. She holds a Bachelor's degree from the University of California, Berkeley, a Juris Doctor from the University of San Francisco, and has received certificates from Harvard Law School and the Society for Human Resource Management.

Janelle Rodrigues also brings a demonstrated commitment to advancing equity, inclusion, and belonging in the workplace. She led the development of the Human Resources Equity Statement at the East Bay Regional Park District and collaborated closely with the District's first Equity Officer to provide transparent workforce data and support equity-focused initiatives. Her accomplishments include launching a District-wide new employee orientation, implementing process improvements to ensure equitable access to seasonal hiring opportunities, and reframing human resources as a service partner to all departments.

ALTERNATIVE ACTIONS CONSIDERED
None

CONTACT PERSON
David White, Deputy City Manager, (510) 981-7000

Attachment:
1: Resolution

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

CONFIRMING THE APPOINTMENT OF JANELLE RODRIGUES AS DIRECTOR OF HUMAN RESOURCES

WHEREAS, Janelle Rodrigues has significant experience working in the public sector in the Human Resources field and is currently working as the Division Lead (Assistant Director for Human Resources) for the East Bay Regional Park District where she oversees a team consisting of 29 employees that supports an organization that consists of approximately 995 full-time equivalent employees; and

WHEREAS, while at the East Bay Regional Park District, Janelle Rodrigues led the development of the Human Resources Equity Statement and collaborated closely with the District's first Equity Officer to provide transparent workforce data and support equity-focused initiatives. Her accomplishments include launching a District-wide new employee orientation, implementing process improvements to ensure equitable access to seasonal hiring opportunities, and reframing human resources as a service partner to all departments; and

WHEREAS, Janelle Rodrigues served as a Labor Relations Manager for the City of Oakland in which she negotiated and administered collective bargaining agreements and designed and delivered citywide training programs on labor relations policies, progressive discipline, investigations, and grievance procedures; and

WHEREAS, Janelle Rodrigues has also served in private practice as a labor and employment attorney.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it hereby confirms the City Manager's appointment of Janelle Rodrigues as the Director of Human Resources with an annual salary of $240,000 on the same terms and conditions as other regular at will employees effective June 9, 2025.

06

Office of the City Manager

CONSENT CALENDAR
MAY 20, 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 MAY 20, 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 **$7,436,690.18.**

PROJECT	Fund	Source	Amount
Installation of manual generator transfer switch (electrical contractor)	011	General Fund	$75,000.00
South Cove ADA Gangway Float	608	Marina Operations/Maint	$121,690.18
Tom Bates Regional Sports Complex Community Facility, Pickleball Courts and U8 Soccer Field	511 138 501	Meas T1 – Infrstr and Fac Parks Tax Capital Improvements	$6,075,000.00
Installation of Above Ground Storage Tank and Removal of Underground Storage Tanks	601	Zero Waste	$865,000.00
Public Art Coordination Services	148	Cultural Trust	$300,000.00
Total:			**$7,436,690.18**

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 May 20, 2025

a. Installation of Above Ground Storage Tank and Removal of Underground Storage Tanks Installation of manual generator transfer switch (electrical contractor)
b. South Cove ADA Gangway Float
c. Tom Bates Regional Sports Complex Community Facility, Pickleball Courts and U8 Soccer Field
d. Installation of Above Ground Storage Tank and Removal of Underground Storage Tanks
e. Public Art Coordination 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
25-11732	Installation of manual generator transfer switch (electrical contractor)	5/21/25	6/24/2025	Installation of manual generator transfer switch (electrical contractor)	$ 75,000.00	011-52-545-000-0000-000-461-663-110 PRWCP25004-011-GEN-CONSTRUCT-	PRW	Liza McNulty, 542-4131
25-11734	South Cove ADA G	5/21/25	6/24/2025	Project consists of removing and replacing the failed gangway float at the South Cove ADA gangway. The gangway will also be removed, inspected, and repaired while a new float is being manufactured. The new gangway float and repair gangway will be reinstalled at the same time.	$ 121,690.18	608-52-545-000-0000-0	PRW/Waterfront	Nelson Lam 981-6395
25-11736-C	Tom Bates Regional Sports Complex Community Facility, Pickleball Courts and U8 Soccer Field	5/21/25	6/24/2025	Construction of new fieldhouse with restrooms, storage space and multipurpose room; new pickleball courts; new youth soccer field; accessibility improvements	PRWT122005 FY25 Budget T1 P2 (511) $1,775,000 Parks Tax (138) $400,000 FY26 Parks Tax (138) $3,590,000 CIP Fund (501) $310,000 Total $6,075,000	Yes Yes Not yet Not yet	Parks, Recreation, & Waterfront/ CIP Division	Nelson Lam 6395 Jesus Espinoza 6708
Dept Total					**$ 6,271,690.18**			

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
25-11733-C	Installation of Above Ground Storage Tank and Removal of Underground Storage Tanks	5/21/25	6/24/2025	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 Berkeley closure approval	$ 865,000.00	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					**$ 865,000.00**			
25-11737-C	Public Art Coordination Services	5/21/25	6/24/2025	Engage a consultant for up to 3 years for Public Art Coordination Services	$100,000 annually (not to exceed $300,000 over 3 years)	148-21-208-252-0000-0	CMO/OED/Civic Arts	Jennifer Lovvorn, 981-7533
Dept Total					**$ 300,000.00**			
TOTAL					**$ 7,436,690.18**			

07

Office of the City Manager

CONSENT CALENDAR
May 20, 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: Contract No: 32300104 Amendment: The Village of Love for Telegraph Neighborhood Sacred Rest Drop-In Center

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or designee, to execute an amendment to Contract No. 32300104 with The Village of Love to add $250,000, for a total contract amount not to exceed $1,000,000, for services and operations at the Telegraph Neighborhood Sacred Rest Drop-In Center and extend the contract term through May 31, 2026.

FISCAL IMPACTS OF RECOMMENDATION

This amendment will be funded using (Fund 147). Funds are budgeted in the Fiscal Year 2026 (FY2026) budget and are subject to the adoption of the FY2026 budget and the FY2026 Annual Appropriations Ordinance.

CURRENT SITUATION AND ITS EFFECTS

The Village of Love currently operates the Telegraph Neighborhood Sacred Rest Drop-In Center (Center), a daytime drop-in center for people experiencing homelessness. The Center began operating in June 2022 and has helped over 300 unhoused community members get connected to services and housing readiness resources in the community. The Center is open Monday through Friday from 9:30 am to 5:30 pm and offers access to restrooms and basic services, including respite, meals, and housing navigation.

The existing contract is expected to expire on May 31, 2025, unless it is amended to include additional funding. UC Berkeley has allocated $250,000 to extend the contracted services through May 31, 2026. The Village of Love needs an additional $250,000 to maintain its current operations. The Center is supported by the University's Homeless Outreach Coordinator, as well as students from UC Berkeley. It is an important component of the City and University's joint effort to resolve homelessness in Berkeley, by tailoring services to each individual's needs and wants. The Village of Love holds the lease with First Presbyterian Church for access to and use of the site.

BACKGROUND
On July 27, 2021, the City and University executed the Joint Settlement Agreement, which, among other things, committed the City to expend an amount determined through joint planning between the City and the University to "fund a day-time drop-in/service center in the Telegraph area for the unhoused population." On January 18, 2022, the leadership of the First Presbyterian Church of Berkeley unanimously approved providing access to a vacant lot on Haste Street owned by the Church for the drop-in center. On March 2, 2022, the University awarded a separate $500,000 contract to The Village of Love to provide services and operations at the drop-in center at this site for two years, through May 2024. In May 2024, the University added $250,000 to extend services through May 31, 2025. On May 21, 2024 Council adopted Resolution No. 71,344-N.S. to allocate $250,000 to extend services through May 31, 2025.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
There are no identifiable environmental impacts associated with this report.

RATIONALE FOR RECOMMENDATION
There continues to be a need to provide basic services and support to unhoused residents who are unhoused in the greater Telegraph District/Southside neighborhood. The agreement between the University and the City of Berkeley to continue to fund a daytime drop-in center in the Telegraph area for the unhoused population targets helps address the unmet need for services in the neighborhood.

ALTERNATIVE ACTIONS CONSIDERED
None. Since the University already identified a service provider, a leasing mechanism for the site, paid the full cost of the capital expenses associated with the development of the drop-in center, and continues to provide a 50% match for operations.

CONTACT PERSON
David Andujo-Walker, Community Services Specialist II, 510-981-5454

Attachments:

1: Resolution

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

CONTRACT NO. 32300104 AMENDMENT WITH THE VILLAGE OF LOVE

WHEREAS, People's Park was home to an encampment of unsheltered individuals who need an array of services to end their unsheltered status; and

WHEREAS, in July 2021, the City and University of California, Berkeley entered into the UC Berkeley – City of Berkeley Joint Settlement Agreement; and

WHEREAS, the first annual payment of the Settlement Agreement requires that an amount determined through joint planning between the City and the University be allocated to fund a day-time drop-in/service center in the Telegraph area for the unhoused population; and

WHEREAS, on January 18, 2022, Leadership at the First Presbyterian Church of Berkeley voted unanimously to grant access to and use of a vacant lot on Haste Street owned by the Church to the University for purposes of establishing a daytime drop-in center; and

WHEREAS, the University awarded a $500,000 grant on March 2, 2022 to The Village of Love to provide services and operations for the drop-in center at this site for two years through May 31, 2024; and

WHEREAS, the Berkeley City Council allocated $250,000 on April 26, 2022 and on May 23, 2023 for services and operations at the drop-in center for one year through May 31, 2023 and May 31, 2024 respectively; and

WHEREAS, the University awarded an additional $250,000 grant to The Village of Love to continue services and operations through May 31, 2025; and

WHEREAS, the Berkeley City Council allocated $250,000 on May 21, 2024 to continue services and operations at the drop-in center for one year through May 31, 2025; and

WHEREAS, funds in the amount of $250,000 are needed to continue services and operations through May 31, 2026.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley authorizes the City Manager or designee to execute an amendment to add $250,000 using Fund 147 for a total contract amount not to exceed $1,000,000 and extend the term through May 31, 2026.

A record signature copy of said contract and any amendments to be on file in the City Clerk Department.

08

Office of the City Manager

CONSENT CALENDAR
May 20, 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: Funding Application: California Affordable Housing and Sustainable Communities Infrastructure in connection with the proposed North Berkeley BART Affordable Housing Project

RECOMMENDATION

Adopt a Resolution:

1. Authorizing the City Manager to negotiate, enter into, and cause the City to perform its obligation under an agreement (including amendments) with East Bay Asian Local Development Consortium (EBALDC) and/or their affiliate relating to a funding application to the California Affordable Housing and Sustainable Communities (AHSC) program for project-related transportation and infrastructure improvements for the North Berkeley BART (NBB) EBALDC Affordable Housing Project at the North Berkeley BART Station Area, for a total AHSC award amount of up to $50 million.

2. Authorizing the City Manager to accept up to $5.4 million in state Affordable Housing and Sustainable Communities (AHSC) funds and complete selected transportation improvements if awarded.

SUMMARY

If the AHSC application is successful, the City will receive up to $5.4 million in grant funds for transportation projects located within one mile of the NBB EBALDC Affordable Housing Project. The budget for City transportation projects in the application may decrease depending on the final combination of transportation projects proposed in the AHSC application. To maximize the application's competitiveness, Public Works staff are evaluating various combinations of transportation projects.

FISCAL IMPACTS OF RECOMMENDATION

EBALDC will apply for AHSC program funds for housing development and transportation improvements for the NBB EBALDC Affordable Housing Project. EBALDC will apply for up to $35 million to support housing development costs for the project and the costs for bikeway, transit, and pedestrian improvements on and adjacent to the site. The housing portion of the application does not require City participation, and

the AHSC housing funds will be loaned directly to EBALDC without passing through the City. The housing portion of the application cannot go forward without the transportation and infrastructure portion discussed in this report.

The application will also include funding requests for transportation projects, including projects that would be implemented by the City. If awarded, EBALDC's AHSC application would bring up to $5.4 million of competitive grant revenue to fund bicycle, pedestrian, and transit improvements. The resolution authorizes the City Manager to enter into an agreement that will allow EBALDC to pass through the funds to the City if the application is successful.

If the AHSC application is successful, the City will need to complete the agreed upon projects within five years of the award. The resulting City agreement is expected to include generally customary provisions requiring the City to (i) complete the agreed improvements by the deadline, (ii) be responsible for any funding shortfalls, and (iii) not seek reimbursement for any grant amounts not otherwise spent on the projects.

CURRENT SITUATION AND ITS EFFECTS

EBALDC is pursuing AHSC funding to support its affordable housing development (NBB EBALDC project) at North Berkeley BART. In order to be eligible for up to $35 million in housing development funds, the application must include transportation and infrastructure improvements consistent with a complex system of AHSC program priorities. The improvements will be implemented by EBALDC, the City of Berkeley, and BART/ Valley Transportation Authority (VTA). Under AHSC guidelines, the funding that supports the housing development will be provided as a loan to the applicant, and the transportation and infrastructure improvement are provided as a grant.

The project team has been meeting to strategize on the combination of transportation improvements that will help the application score most competitively. Transportation improvements must be located entirely or partially within the project area, defined by AHSC as within one mile of the North Berkeley BART transit-oriented development site. The improvements to be implemented by the City of Berkeley could include a new Class III bicycle boulevard on Grant Street from the City Council approved 2017 Bicycle Plan Update, such as wayfinding signs, pavement markings, traffic calming, intersection crossing improvements, solar-powered street lighting and new Americans with Disabilities (ADA)-accessible curb ramps, as part of 2027-2028 repaving projects. The City could also improve five AC Transit bus stops on Shattuck Avenue and Sacramento Street within the project area with bus boarding "bulbouts" and benches. The bus stops are located on transit priority corridors and support the City's Transit-First Policy Implementation Plan approved by City Council in 2023. The City may also consider incorporating other eligible multimodal transportation improvements - such as enhanced pedestrian lighting, bike parking, or micro-mobility infrastructure - provided they remain consistent with AHSC guidelines and are located within the eligible project area.

Coordination with ongoing and future capital projects may also support the integration of additional pedestrian and bicycle improvements. The City's share of the AHSC funds for the bicycle, pedestrian, and bus stop improvements will not exceed $5.4 million.

The funding application will request up to $15 million for various activities, including the City transportation projects. The AHSC award will also fund new train cars for a transit component by BART/VTA, and anti-displacement activities. The City will have no direct role or responsibility in implementing the EBALDC, BART, and anti-displacement activities.

BACKGROUND

Administered by the Strategic Growth Council and implemented by the Department of Housing and Community Development (HCD), the AHSC Program provides loans and grants to eligible land-use, housing, transportation, and land preservation projects to support infill and compact development that reduce greenhouse gas emissions. Funding for the AHSC Program is provided by the Greenhouse Gas Reduction Fund, an account established to receive Cap-and-Trade auction proceeds. The City was successful in applying for AHSC program funds with BRIDGE on the BRIDGE PHASE I affordable housing project at the NBB site and for applying and utilizing AHSC program funds for several other affordable housing projects.

On December 13, 2022, and July 25, 2023, with Resolutions 70,643-N.S. and 70,991-N.S., the City Council approved predevelopment funding reservations totaling $2,000,000 for the development of permanently affordable housing at the NBB Station Area. This predevelopment funding is part of a commitment made by the City through Resolution 69,833-N.S. to provide up to $26.5M for affordable housing development at the site. The NBB EBALDC Affordable Housing Project is one of four affordable projects proposed for housing development at the North Berkeley BART station. With Resolution 71,428-N.S., the City Council approved a development funding reservation of $5,473,534 on June 25, 2024 for the project.

The intent is to leverage City's affordable housing funding with affordable housing funding from the state's AHSC program, for which applications are due on May 28, 2025. A key goal of the AHSC program is to reduce greenhouse gas emissions, and projects are required to incorporate certain transportation improvements. However, those improvements are not sufficient to meet the AHSC program's threshold requirements. EBALDC requested that the City partner with them on the application and complete certain AHSC-funded transportation improvements to help meet the program requirements and ensure a competitive application.

EBALDC is working with Community Development Resource Group, which has a proven track record of successful AHSC applications. The consultants have been evaluating the AHSC scoring criteria and transportation project options and have advised on strategies that have the greatest chance of achieving the highest scores

possible. The project team strategized on the most competitive combination of transportation projects to propose and determined that a portion of the AHSC funds will support City projects identified in this report.

The City will not be a joint applicant and will need to enter into a side agreement with EBALDC in order to receive state AHSC funding passed through the project to the City-sponsored transportation projects. The City will need to commit to completing those transportation projects within five years of the award. Completion of the transportation projects by the end of 2030 will be necessary for the projects to receive the AHSC housing funds. Should the City not complete the improvements by 2030, the City would lose access to the AHSC funds. For that reason, agreeing to participate in this program means the City will need to prioritize completion of any AHSC-funded projects. The side agreement will address liability and indemnification as well as the grant activities themselves. This was taken into consideration as the potential projects were identified.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The purpose of the AHSC program is to reduce greenhouse gas emissions in California. All the projects identified for the funding will help accomplish that goal. Increasing cycling and walking 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, 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

The City transportation and infrastructure projects proposed for inclusion in this AHSC funding application (new Class III bicycle boulevards, pedestrian improvements, and bus stop upgrades in the AHSC project area) were all previously identified in existing City plans. The 2017 Bicycle Plan recommends new bicycle boulevards to expand and improve connectivity of the neighborhood bikeway system. The City’s Transit-First Policy Implementation Plan encourages the City to develop bus stop improvements to support the use of public transit. The City’s 2020 Pedestrian Plan recommends curb ramps that align with the direction of the crosswalk and are compliant with the ADA. This funding opportunity has the potential to provide up to a total of $5.4 million for various activities, including the City’s transportation-related infrastructure improvements in the project area. The AHSC funds could also support a BART/VTA-sponsored project (either new BART/VTA train cars or infrastructure improvements). If the application is successful, staff believe that the AHSC funds will be sufficient for the City to complete its required transportation and infrastructure improvements, based on current cost estimates. In the event the estimates are higher than budgeted, the City will be required to make up any shortfalls from other sources.

Accepting the AHSC grant funding also poses some risks. If EBALDC fails to meet the AHSC schedule or expenditure deadlines for the housing project, it could impact the

timing of or the City's right to receive disbursements of AHSC funds for its transportation projects. The City is also obligated to complete its AHSC projects by 2030 or it risks losing access to the funds. City staff believes that the City can reasonably bear these risks in light of (i) the understanding that all of the anticipated housing costs have already been identified or budgeted, (ii) the expectation that all CEQA and NEPA approvals for housing construction will be received in timely manner, (iii) the City's general extensive experience with executing similar transportation and infrastructure projects, and specific understanding that all of the projects at issue can be completed within the required five-year period, and (iv) other than customary requirements for carrying out any public works project, staff is not aware of any other significant pre-conditions or risks for the City executing the transportation improvements projects. Specific design, construction, procurement and related contracts to deliver the City projects will be subject to customary City approvals at the appropriate times, including Council approval when required.

ALTERNATIVE ACTIONS CONSIDERED

The City could choose not to participate in the AHSC application, which would result in a less competitive application for EBALDC and may impact their ability to secure funding to support the affordable housing development. Without the City's participation, the application would have difficulty achieving full points for active transportation improvements. In addition, it would mean forgoing an opportunity to access up to $5.4 million for transportation infrastructure projects.

CONTACT PERSON

Asavari Devadiga, Community Development Project Coordinator, HHCS, 510-981-5426

Attachments:
1: Resolution

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

CALIFORNIA AFFORDABLE HOUSING AND SUSTAINABLE COMMUNITIES INFRASTRUCTURE GRANT APPLICATION AND AGREEMENT WITH PROPOSED NORTH BERKELEY BART EAST BAY ASIAN LOCAL DEVELOPMENT CORPORATION AFFORDABLE HOUSING PROJECT

WHEREAS, on April 27, 2021, with Resolution 69,883-N.S., the City Council reserved $53 million, to be divided between the North Berkeley and Ashby BART sites, as the subsidy needed to achieve 35% affordability, and allowed for a portion of that funding to be considered for predevelopment costs associated with affordable housing; and

WHEREAS, on December 13, 2022 and July 25, 2023, City Council adopted Resolutions No. 70,643-N.S. and No. 70,991-N.S., reserving funding for predevelopment activities at the North Berkeley BART site; and

WHEREAS, on March 25, 2025, the California Strategic Growth Council and the California Department of Housing and Community Development released the Notice of Funding Availability with approximately $775 million in loan and grant funds for the Affordable Housing and Sustainable Communities (AHSC) Program; and

WHEREAS, East Bay Asian Local Development Corporation (“EBALDC”) and/or their affiliate proposes to apply for AHSC funding prior to the due date of May 28, 2025, for up to $50 million to support affordable housing development (the “NBB EBALDC Project”), as well as transportation and infrastructure improvements within one mile of the North Berkeley BART site (the “project area”); and

WHEREAS, if the application is successful, the City would receive up to approximately $5.4 million in grant funds to support bicycle boulevard, pedestrian improvements, and bus stop improvements within the project area (the “City Transportation Projects”); and

WHEREAS, the City Transportation Projects support the traffic safety, climate, and equity policy goals and infrastructure recommendations of Berkeley City Council approved transportation plans, including the 2017 Bicycle Plan (Resolution no. 67,945-N.S.), 2020 Pedestrian Plan (Resolution no 69,711-N.S.), 2020 Vision Zero Action Plan (Resolution no. 69,324-N.S.), and 2023 Transit-First Policy Implementation Plan (Resolution no. 70,751-N.S.); and

WHEREAS, the amount of funding for City Transportation Projects may be reduced depending on the final cost estimate for other projects that will also be paid for out of the AHSC award; and

WHEREAS, the City will not be a joint applicant, but will need to enter into a side agreement with EBALDC in order to receive state AHSC funding passed through the project to the City-sponsored transportation projects.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or designee is authorized to negotiate, enter into and cause the City to perform its obligations under an agreement (including amendments) with EBALDC and its affiliates relating to a funding application to the California AHSC program for NBB EBALDC Project project-related transportation and infrastructure improvements, for a total amount up to $5.4 million for City projects, and to accept and perform the grants if awarded.

09

Office of the City Manager

CONSENT CALENDAR
May 20, 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: Revenue Grant Agreements: Funding Support from the State of California and Alameda County to Conduct Public Health Services

RECOMMENDATION

Adopt two Resolutions authorizing the City Manager or designee to submit grant agreements to the California Department of Public Health (CDPH) and Alameda County, to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the following two revenue agreements:

1. **Tuberculosis (TB) Prevention and Control** in the projected amount of $33,688 for Fiscal Year (FY) 2026 from CDPH.

2. **Public Health Infrastructure Program** in the projected amount of $32,080 for FY 2026 from Alameda County.

FISCAL IMPACTS OF RECOMMENDATION

The City of Berkeley will receive funds in the amount of $33,688 from the State of California and $32,080 from the County of Alameda for FY 2026 from the sources listed below. There is no local match required for any of these grants. Each contract will be entered into the citywide contract management system database:

1. **Tuberculosis (TB) Prevention and Control:** in the projected amount of $33,688 for FY 2026 from CDPH. (Fund: 312)

2. **Public Health Infrastructure Program:** in the projected amount of $32,080 for FY 2026 from Alameda County. (Fund: 326)

Spending of all referenced grant funds is subject to Council approval of the budget and the Annual Appropriations Ordinances for each fiscal year. Depending on the timing of when grants are officially awarded and the amounts are determined, the grant budgets will be adjusted as part of a future amendment to the FY 2026 Annual Appropriations Ordinance.

CURRENT SITUATION AND ITS EFFECTS

As a local health jurisdiction, the City of Berkeley provides a broad range of public health programs and services to the community, with the goals of addressing health inequities, promoting healthy environments and behaviors, protecting residents from disease, and preventing illness, disability, and premature death. Revenue from the State of California and Alameda County is an important source of support for these City public health programs. In FY 2026, there are no significant changes to this support.

1. **Tuberculosis (TB) Prevention and Control:** Local assistance funding supports TB prevention and control activities, such as providing food, shelter, and incentives to enhance treatment adherence. The overall goal of this program is to reduce the morbidity and mortality of Tuberculosis by increasing compliance and breaking the chain of transmission.

2. **Public Health Infrastructure Program:** Funding supports epidemiological surveillance as well as ongoing data management and analysis to monitor health in the Berkeley community. Additionally, these funds are used in public health program evaluations, including assessment of the impact on health inequities and priorities identified in the Health Status Report/Community Health Assessment.

BACKGROUND

The City of Berkeley receives funding from many sources annually to complete work related to improving the health of the community. As a local health jurisdiction, the City receives specific funding through the State of California and Alameda County to meet core public health objectives. The Public Health Officer Unit in the Health, Housing, and Community Services Department is committed to providing services to the community to promote equitable, healthy environments and prevent the spread of disease.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

RATIONALE FOR RECOMMENDATION

These funds provide necessary revenue to support vital services related to the City of Berkeley’s mandates as a public health jurisdiction. They also support the Department’s work to reduce health inequities in Berkeley and improve the health of our community.

ALTERNATIVE ACTIONS CONSIDERED

The Public Health Officer Unit assesses each funding source to ensure that it supports the City’s mission and goals. Staff did not identify an alternative action consistent with the City’s goals of advancing public health and social and racial equity.

CONTACT PERSON
Alexandra Deitch, Sr. Health Services Program Specialist, HHCS, (510) 981-5379

Attachments:
1: Resolution: Tuberculosis (TB) Prevention and Control
2: Resolution: Public Health Infrastructure Program

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

GRANT AGREEMENT: CALIFORNIA DEPARTMENT OF PUBLIC HEALTH FOR THE TUBERCULOSIS CONTROL PROGRAM FOR FISCAL YEAR 2026

WHEREAS, the City of Berkeley Department of Health, Housing, and Community Services, Public Health Officer Unit (HHCS/PHOU) is committed to conducting public health tuberculosis control and prevention activities and providing related services to ensure adherence to State and Federal standards; and

WHEREAS, HHCS/PHOU is committed to protecting residents of Berkeley from tuberculosis, especially unidentified and untreated tuberculosis infections and disease; and

WHEREAS, HHCS/PHOU works to promote healthy, equitable environments and behaviors, protect residents from disease, and prevent illness, disability, and premature death; and

WHEREAS, HHCS/PHOU seeks to eliminate health inequities; and

WHEREAS, HHCS/PHOU should seek outside funding wherever possible to fund vital public health services; and

WHEREAS, the California Department of Public Health funding will contribute toward supporting the City of Berkeley's Tuberculosis Prevention and Control Program.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or designee is hereby authorized to submit a grant agreement to the State of California for funding for Fiscal Year 2026 for the Tuberculosis Control Program: to conduct public health tuberculosis control and prevention activities and provide related services; to accept the grant funds; execute any resultant revenue agreements and amendments in line with the grant award, which may be larger or smaller than the projected award of $33,688; and implement the projects and appropriation of funding for related expenses, subject to securing the grant. Funds will be deposited and expensed from a defined budget code (Fund: 312). A record signature copy of said agreements and any amendments shall be on file in the office of the City Clerk.

GRANT AGREEMENT: ALAMEDA COUNTY FOR THE PUBLIC HEALTH INFRASTRUCTURE PROGRAM FOR FISCAL YEAR 2026

WHEREAS, the City of Berkeley Department of Health, Housing, and Community Services, Public Health Officer Unit (HHCS/PHOU) is committed to providing necessary support to analyze data, plan and disseminate information, and provide general public health education; and

WHEREAS, HHCS/PHOU provides a broad range of public health services to the community; and

WHEREAS, HHCS/PHOU works to promote equitable, healthy environments and behaviors, protect residents from disease, and prevent illness, disability, and premature death; and

WHEREAS, HHCS/PHOU seeks to eliminate health inequities; and

WHEREAS, HHCS/PHOU seeks to enhance and protect the health of the Berkeley community by producing and managing data for health assessment, planning, policy, and disease prevention and control to ensure and protect public health for a thriving, equitable, safe, and healthy Berkeley; and

WHEREAS, HHCS/PHOU should seek outside funding wherever possible to fund vital health services; and

WHEREAS, the County of Alameda funding will contribute toward supporting the City of Berkeley's Public Health infrastructure.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or designee is hereby authorized to submit a grant agreement to Alameda County for fiscal year 2026 funding for the Public Health Infrastructure Program to accept the grant; execute any resultant revenue agreements and amendments; and implement the projects and appropriation of funding in the amount of $32,080 for related expenses, subject to securing the grant. Funds will be deposited and expensed from a defined budget code (Fund: 326). A record signature copy of said agreements and any amendments shall be on file in the office of the City Clerk.

10

OFFICE OF THE CITY MANAGER

CONSENT CALENDAR
May 20, 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: Adopt a Resolution Establishing the Unrepresented Job Class Specification and Pay Scale of Fire Mechanic Lead

RECOMMENDATION
Adopt a Resolution establishing the unrepresented job class specification and pay scale of Fire Mechanic Lead as outlined, with an hourly pay range of $51.0771 - $54.1740.

FISCAL IMPACT
The recommended pay range for the proposed classification represents a fiscal impact of $106,240 - $112,681 ($194,749 - $206,557 including full benefits) for one position. This cost is lower than the current annual cost of outsourcing large vehicle repairs to specialized vendors (approximately $329,000 in 2023 and $539,000 in 2024), plus the annual cost of 0.5 FTE Fire Captain II currently assigned to oversee the repairs (approximately $170,000 annually).

CURRENT SITUATION AND ITS EFFECTS
Establishing an independent Fire Apparatus Mechanic position for the Berkeley Fire Department presents a cost-effective solution to the department's growing vehicle maintenance expenses. The current job classifications of Mechanic and Lead Mechanic are used mainly by the Public Works Department for general maintenance of heavy vehicles, but does not include specific job duties and knowledge, skills, and abilities needed to maintain fire apparatuses.

BACKGROUND
In the absence of an in-house mechanic, the Fire Department has relied on specialized vendors for nearly all large vehicle repairs, resulting in outsourced costs of $329,000 in 2023 and $539,000 in 2024—a dramatic increase in expenditures. Additionally, the department has had to dedicate 0.5 FTE of a Fire Captain II, at an estimated annual cost of $170,000, to oversee these repairs, including transporting vehicles to and from Sacramento. While an in-house Fire Apparatus Mechanic would not eliminate the need for external repairs entirely, it is expected to significantly reduce outsourcing costs, minimize operational disruptions, and allow fire personnel to focus on their primary emergency response duties. Over time, this investment would lead to substantial cost savings and improved fleet readiness, ensuring that fire apparatus remain in optimal condition with greater efficiency and reduced downtime.

The pay scale represents the same range as the Mechanic Lead in Public Works for internal equity, and

the pay and minimum requirements are reflective of pay ranges of similar fire mechanic lead classifications in neighboring jurisdictions.

The new classification was approved by the Personnel Board at its meeting of April 7, 2025, by unanimous vote.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

RATIONALE FOR RECOMMENDATION

The new classification of Fire Mechanic Lead is being established to reduce outsourcing costs, minimize operational disruptions, and allow fire personnel to focus on their primary emergency response duties.

ALTERNATIVE ACTIONS CONSIDERED

Continue outsourcing large vehicle repairs to specialized vendors and utilizing 0.5 FTE Fire Captain II to oversee repair processes.

CONTACT PERSON

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

ATTACHMENTS

1. Resolution
   Exhibit A: Fire Mechanic Lead – Proposed Job Class Specification and Pay Scale

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

ESTABLISH THE JOB CLASS SPECIFICATION AND PAY SCALE OF FIRE MECHANIC LEAD

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

WHEREAS, job specifications are foundational components of the City's Classification and Compensation plan; and

WHEREAS, the Human Resources Department developed job specifications for the classification with an hourly salary range of $51.0771 to $54.1740 and an annual salary range of $106,240 to $112,681; and

WHEREAS, the job classification of Fire Mechanic Lead is established as an unrepresented classification;

WHEREAS, the Personnel Board recommended on April 7, 2025, to adopt the new job specifications and pay range for the Fire Mechanic Lead classification; and

WHEREAS, employees who work in the classification of Fire Mechanic Lead will be considered non-exempt under the Fair Labor Standards Act (FLSA).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the classification for Fire Mechanic Lead is established with a job specification and pay scale as shown in Exhibit A, effective May 20, 2025.

BE IT FURTHER RESOLVED that the Fire Mechanic Lead classification has an hourly pay scale of $51.0771 to $54.1740 over three (3) steps:

Step 3	**Step 4**	**Step 5**
$51.0771	$52.6214	$54.1740

Exhibit A:
Fire Mechanic Lead – Job Class Specifications and Pay Scale

Exhibit A: Job Class Specification

City of Berkeley
Fire Mechanic Lead

CLASS CODE
XXXX

SALARY
$51.08 - $54.17 Hourly
$4,086.17 - $4,333.92 Biweekly
$8,853.36 - $9,390.16 Monthly
$106,240.37 - $112,681.92 Annually

Definition

Under the general supervision of Fire Captain, Assistant Fire Chief or Deputy Fire Chief, the Fire Mechanic - Lead is responsible for performing advanced diagnostics, maintenance, and repair of all heavy fire apparatus within the Fire Department including ladder trucks, engines, and specialty units. Ensures compliance with National Fire Protection Association (NFPA) and other applicable standards; manages shop inventory and requisitions parts; may direct a small crew as a working lead; and provides technical guidance and training to other mechanics and fire personnel. Performs related work as assigned.

Class Characteristics

This is a lead position in which incumbents direct, coordinate and perform the work in an equipment shop on an assigned shift, provide technical assistance to staff in the servicing of a wide variety of heavy fire vehicles and equipment and assist in evaluating the work of assigned personnel.

Examples of Duties

The following list of duties describes the various types of work that may be performed and the level of technical complexity of the assignment(s) and is not intended to be an all-inclusive list.

1. Inspect, diagnose, repair and maintain all heavy fire apparatus components and equipment including diesel, gasoline and electric motors, fire pumps, relief valves, ball valves, primer pumps and power take-offs, electric and hydraulic systems, steering mechanisms, lights, computerized ignitions, pneumatic systems, fuel delivery systems, air brakes, suspension, transmissions, and air compressors.

2. Install, maintain, diagnose and repair mechanical and electrical systems including replacing inoperative parts, checking and adjusting brakes, changing oil and filters, installing batteries, tires, and glass.

3. Conducts acceptance and annual service tests of engines, pumps and related equipment.

4. Diagnose and perform routine maintenance on breathing air compressor(s) and cascade systems including conducting necessary air sampling.

5. Reads and interprets technical manuals, plumbing and electrical schematics.

6. Cleans and maintains work area in an orderly manner; maintains shop tools in safe and proper working conditions.

7. Uses welder and other shop equipment to fabricate metal parts/equipment and repair broken parts.

8. Requisitions parts, tools, equipment, and materials needed for repair work.

9. Answers emergency calls to repair equipment in the event of an emergency incident or in cases of breakdown or accident. May assist with technical aspects of reports on major accidents. Document and report all work utilizing the fire department and City computerized fleet management system.

10. Reviews vehicle and equipment needs of the Department; assists with drafting requirements and specifications formatted for the bidding and acquisition of vehicles and equipment. Corresponds and maintains liaison with equipment suppliers, inspects bids submitted, recommends acquisition, and ensures manufacturer's compliance.

11. Instructs others in proper equipment operation, maintenance and conducts training classes for other mechanics and fire personnel.

12. Schedules and directs the work of staff engaged in the overhaul, repair and maintenance of heavy fire apparatus.

13. Assists the Fire Captain, Assistant Fire Chief or Deputy Fire Chief with evaluation of employee performance of assigned personnel and instructs and provides for the training of staff in work methods, use of tools and equipment and relevant safety precautions.

14. Drives/operates a variety of fire department vehicles.

15. Operates a variety of standard office equipment such as a computer, copier or fax machine.

16. Perform related duties as assigned.

Knowledge and Abilities

Knowledge of:

1. Methods, techniques, and materials used in the maintenance and repair of fire apparatus and emergency vehicles.

2. Operation and maintenance of a wide variety of diagnostic tools and shop equipment.

3. NFPA standards related to fire apparatus maintenance and testing.

4. Technical schematics, diagnostic software, and computerized vehicle systems.

5. Preventative maintenance techniques for fire apparatus and emergency vehicles.

6. Welding and metal fabrication for vehicle components.

7. Safe work methods and safety regulations.

Skill in:

1. Independently diagnosing and repairing complex mechanical, hydraulic, pneumatic, and electrical issues.

2. Use of electronic diagnostic tools and software to analyze vehicle performance.

3. Training fire department personnel in apparatus operation, inspection, and maintenance.
4. Maintaining accurate maintenance logs and service records using fleet management software.
5. Interpreting technical schematics, electrical diagrams, and NFPA compliance documents.
6. Operating heavy shop equipment, including overhead cranes, hoists, and hydraulic presses.
7. Working effectively under emergency conditions and time constraints while ensuring safety.
8. Establishing and maintaining effective working relationships with those encountered in the course of the work.

Minimum Qualifications

At Time of Application:

1. Graduation from high school or equivalent.
2. Three years of experience maintaining and repairing heavy-duty vehicles, ideally including fire engines and aerial ladder trucks.
3. California Commercial Class B commercial driver's license, or Class C with a firefighter endorsement license with air brake and tank endorsements.

By Completion of Probation:

1. Automotive Service Excellence (ASE) Certified Master Medium-Heavy Truck Technician.
2. Completion of specialized courses in fire apparatus maintenance and repair:
    a. General:
        i. Chassis Electrical - Understand the location and function of (non-multiplex) electrical systems and components used on Pierce® chassis.
        ii. Command Zone™ Systems - Get detailed instruction on the Pierce Command Zone™ electrical systems including the new Command Zone III.
        iii. Preventative Maintenance - Become an expert in preventive maintenance procedures required for fire apparatus based on NFPA and DOT Standards.
        iv. TAK-4® Suspension Maintenance - Learn the basic design and principles of the TAK-4® Independent Front Suspension system, including proper maintenance and repair.
        v. SRP/Frontal Protection - Get expert instruction on the installation, repair, and troubleshooting of the SRP/FIP system.
        vi. Air Conditioning Systems - Get the basics on repairs, troubleshooting and maintenance needs of Pierce installed components.
        vii. Chassis Diagnosis - Evaluate drivability issues, including how to do advanced troubleshooting, perform failure analysis, determine the causes of chassis component failures and learn how to repair and prevent issues properly.
        viii. Air Brakes, ESC, ABS Troubleshooting - Learn basic air brake theory and proper repair and maintenance procedures on chassis air brake systems
    b. Pierce Type I/III Engine:
        i. California Fire Mechanics Academy: CFM115-Fire Pumps & Accessories or SFT Equivalent
        ii. CAFS/Husky Maintenance - Learn the principles of operation, maintenance, and repair of all the Pierce Husky™ Foam Systems and the Hercules™ Compressed Air Foam Systems (CAFS).
        iii. Pierce PUC™ Pump Maintenance - Learn the basic principles of operation, maintenance and complete disassembly of the REPTO driven water pump and gearbox.
    c. Pierce Aerial Ladder Truck:

i. Aerial Maintenance - Understand the proper repair and maintenance of Pierce aerial ladders and platforms.
ii. Ascendant® Class Aerial Maintenance - Learn proper repair and maintenance of Ascendant® Class Aerials, including the aerial electrical and hydraulic systems.
iii. Advanced Aerial Maintenance - Get detailed information about advanced repair and maintenance of Pierce aerial systems.

OTHER REQUIREMENTS

Tools & Equipment Used

Diagnostic tools, hammers, screwdrivers, pry bars, wrenches, pliers, ratchets, sockets, electrical meters, code readers, drills, welding equipment, hydraulic lifts, overhead cranes, fleet management software, computers, and phones.

Physical Requirements

Frequent walking, standing, sitting, kneeling, squatting, twisting, and bending at the waist. Ability to hear automotive sounds, read fine print, and view a computer monitor. Sufficient strength and stamina to lift and install parts weighing up to 80 pounds. Manual dexterity for detailed mechanical work and computer use.

Working Conditions

Work is performed indoors and outdoors with exposure to hot and cold environments. Noise level ranges from moderate to high. Potential exposure to hazardous materials and emergency conditions.

OFFICE OF THE CITY MANAGER

CONSENT CALENDAR
May 20, 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: Revise the Personnel Rules and Regulations to Add Section 9.02.1 *Promotion – Salary Step Placement*

RECOMMENDATION
Adopt a Resolution revising the Personnel Rules and Regulations to add Section 9.02.1 Promotion – Salary Step Placement, which affords promotional placement on the step closest to the employee's current earning rate that is at least 10% higher.

FISCAL IMPACT
The new rule would add approximately 5% fiscal impact to each promotion, representing the difference between the proposed practice of 10% and the current practice to place employees at the lowest step of the higher classification that is at least 5% above their current earning rate.

CURRENT SITUATION AND ITS EFFECTS
In an effort to maintain a uniform practice, while incentivizing employees to seek promotions, during negotiations with Local One, the City negotiated a proposal - subject to bargaining with other labor groups – to institutionalize a Personnel Rule that affords promotional placement on the step closest to the employee's current earning rate that is at least 10% higher. The rule would not increase the top step of any classification and would not override any existing MOU provisions regarding promotional step placement.

BACKGROUND
In order to establish an equitable and uniform system for dealing with personnel practices embracing the merit system, the City of Berkeley adopted a personnel system to be administered in accordance with the provisions of the Charter of the City and pursuant to personnel rules adopted by resolution of the City Council.

Over the past year, stakeholders in the City have expressed different preferences with regard to promotional step placement. The City's current practice is to place employees at the lowest step of the higher classification that is at least 5% above their current earning rate. This practice is not currently codified in the City's Personnel Rules and Regulations.

In addition to codifying the rule, the City is proposing this approach because the need for consistency across departments, particularly with shared classifications (such as Office Specialist), is pronounced. Without a uniform approach, promotional step placement could be swayed by the budgetary circumstances (e.g., availability of salary savings) of a given department or the generosity of a given hiring manager, creating inequity across the organization.

The proposed addition to the Personnel Rules and Regulations was considered by the Personnel Board at its meeting of April 7, 2025, and approved by unanimous vote.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

RATIONALE FOR RECOMMENDATION

Codifying the rule for promotional step placement in the Personnel Rules and Regulations will ensure consistent application of promotional step placement throughout the City.

ALTERNATIVE ACTIONS CONSIDERED

Maintain current longstanding practice of placing employees at the lowest step of the higher classification that is at least 5% above their current earning rate without codification of the rule in the Personnel Rules and Regulations.

CONTACT PERSON

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

ATTACHMENTS

1. Resolution
   Exhibit A: Proposed Amendment to Personnel Rules and Regulations, Section 9.02.1 *Promotion – Salary Step Placement*

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

REVISE PERSONNEL RULES AND REGULATIONS TO ADD
SECTION 9.02.1 PROMOTION – SALARY STEP PLACEMENT

WHEREAS, in order to establish an equitable and uniform system for dealing with personnel practices embracing the merit system, the City of Berkeley adopted a personnel system to be administered in accordance with the provisions of the Charter of the City and pursuant to personnel rules adopted by resolution of the City Council; and

WHEREAS, the Human Resources Department maintains the Personnel Rules and Regulations for the City of Berkeley; and

WHEREAS, the City's current practice is to place employees at the lowest step of the higher classification that is at least 5% above their current earning rate; however, this practice is not currently codified in the City's Personnel Rules and Regulations; and

WHEREAS, the City is proposing the addition of Section 9.02.1 *Promotion – Salary Step Placement* which affords promotional placement on the step closest to the employee's current earning rate that is at least 10% higher; and

WHEREAS, the City is proposing this approach because the need for consistency across departments, particularly with shared classifications, is pronounced. Without such a uniform approach, promotional step placement would be swayed by the budgetary circumstances of a given department or the generosity of a given hiring manager, creating inequity across the City; and

WHEREAS, the Personnel Board recommended on April 7, 2025, to revise the Personnel Rules and Regulations to add Section 9.02.1 *Promotion – Salary Step Placement*.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Personnel Rules and Regulations, Section 9.02.1 *Promotion – Salary Step Placement* as shown in Exhibit A, be added to the Personnel Rules and Regulations, with authority for staff to make non-substantive changes throughout the Personnel Rules and Regulations as necessary to ensure consistency with the newly adopted rule.

BE IF FURTHER RESOLVED that the new rule will be effective for promotions on or after the pay period beginning May 25, 2025.

Exhibit A:
Personnel Rules and Regulations, Section 9.02.1 *Promotion – Salary Step Placement*

Exhibit A:
Personnel Rules and Regulations, Section 9.02.1 *Promotion – Salary Step Placement*

9.02.1 PROMOTION – SALARY STEP PLACEMENT

Unless otherwise provided in an applicable union contract, if an employee is promoted or otherwise reclassified to a class having a higher salary range, the employee's salary shall either be adjusted to the beginning salary of the new salary range, or at a step that is at least 10% percent higher than their current salary, whichever is greater. If the range change is less than 10% percent and if the employee is at the top of the salary range prior to reclassification, the employee's salary shall be adjusted to the top of the new salary range, even though such placement results in less than 10% percent increase.

OFFICE OF THE CITY MANAGER

CONSENT CALENDAR
May 20, 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: Revise SEIU-MC MOU Section 17.13 Special Class Commercial Driver's License Premium to Apply 5% to Employees on Out-of-Class Lists for Tractor Trailer Driver and Construction Equipment Operator

RECOMMENDATION
Adopt a Resolution revising the Service Employees International Union (SEIU) Local 1021, Maintenance and Clerical ("Union") Memorandum of Understanding Section 17.13 Special Class Commercial Driver's License Premium to apply 5% differential to employees who maintain a Class A driver's license and are approved to serve on out-of-class lists for Tractor Trailer Driver and Construction Equipment Operator.

FISCAL IMPACT
The revision would add 2% pay to 16 current drivers across both out-of-class lists, for an approximate amount of $31,482 annually at current base pay rates, funded mainly from Enterprise Funds.

CURRENT SITUATION AND ITS EFFECTS
Employees who qualify and have approval to serve in an out-of-class capacity are needed operationally as a reserve crew to cover illnesses, leaves, and other absences of employees in the career classifications. The proposed wording in the MOU seeks to clarify how those who serve on the out-of-class list will receive the differential. The City's recommendation is that the 5% differential should also be applied to those who qualify and have approval to serve on the out-of-class list, with the rationale that reserve crews must also maintain Class A licenses in the same manner as those in the career classification.

BACKGROUND
In previous agreements with the Union, employees required to possess and maintain a valid California Class B driver's license as a condition of employment received a 3% differential. During the most recent round of labor negotiations with the Union in 2024, the City agreed to pay an extra 2% differential (for a total of 5%) to employees required to possess and maintain a Class A commercial driver's license and assigned to drive a tractor-trailer vehicle or serving in the classification of Construction Equipment Operator.

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

RATIONALE FOR RECOMMENDATION
Employees who qualify and have approval to serve in an out-of-class capacity are needed operationally to cover illnesses, leaves, and other absences of employees in the career classification and must also maintain Class A licenses in the same manner as those in the career classification.

Revise SEIU-MC MOU Section 17.13 Special Class Commercial Driver's License Premium to Apply 5% Differential to Employees Who Maintain a Class A Driver's License and are on Out-of-Class Lists for Tractor Trailer Driver and Construction Equipment Operator

CONSENT CALENDAR
May 20, 2025

ALTERNATIVE ACTIONS CONSIDERED
None.

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

ATTACHMENTS
1. Resolution
   Exhibit A: Side Letter

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

REVISE SEIU-MC MOU SECTION 17.13 SPECIAL CLASS COMMERCIAL DRIVER'S LICENSE PREMIUM TO APPLY 5% DIFFERENTIAL FOR CLASS A DRIVERS ON OUT-OF-CLASS LISTS FOR TRACTOR TRAILER DRIVER AND CONSTRUCTION EQUIPMENT OPERATOR

WHEREAS, employees required to possess and maintain a valid California Class B driver's license as a condition of employment received a 3% differential; and

WHEREAS, during the most recent round of labor negotiations with the Union in 2024, the City agreed to pay an extra 2% differential (for a total of 5%) to employees required to possess and maintain a Class A commercial driver's license and assigned to drive a tractor-trailer vehicle or serving in the classification of Construction Equipment Operator; and

WHEREAS, employees who qualify and have approval to serve in an out-of-class capacity are needed operationally as a reserve crew to cover illnesses, leaves, and other absences of employees in the career classification; and

WHEREAS, employees on the out-of-class lists are required to maintain a Class A license in the same manner as those in the career classification; and

WHEREAS, the proposed wording seeks to clarify how those who serve on the out-of-class list will receive the differential; and

WHEREAS, the City's recommendation is that the 5% differential should also be applied to those who qualify and are approved to serve on the out-of-class lists for Tractor Trailer Driver or Construction Equipment Operator, with that rationale that reserve crews are needed for coverage at all times, and those individuals are required to maintain a Class A license in the same manner as those in the career classification.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that employees with approval to serve on the out-of-class list for Tractor Trailer Driver or Construction Equipment Operator, who maintain a Class A license, shall receive a 5% differential retroactive to the pay period beginning February 2, 2025.

BE IF FURTHER RESOLVED that the Service Employees International Union (SEIU) Local 1021, Maintenance and Clerical ("Union") Memorandum of Understanding Section 17.13 *Special Class Commercial Driver's License Premium* be revised to apply the 5% differential to employees who maintain a Class A driver's license and are approved to serve on out-of-class lists for Tractor Trailer Driver and Construction Equipment Operator.

Exhibit A:
Side Letter

Exhibit A:
Side Letter

SIDE LETTER AGREEMENT
BETWEEN THE CITY OF BERKELEY AND
SERVICE EMPLOYEES INTERNATIONAL UNION (SEIU) LOCAL 1021

The parties to this Side Letter Agreement are the City of Berkeley (the "City") and Service Employees International Union (SEIU) Local 1021, Maintenance (the "Union"), regarding the above referenced matter.

The agreement is as follows:

17.13 Special Class Commercial Driver's License Premium

Employees required to possess and maintain a valid California Class B Commercial Driver's License as a condition of employment shall receive a three percent (3%) differential to base pay. Employees ~~assigned by the department to drive a tractor trailer vehicle~~ serving in the classification (or with approval to serve on the out-of-class list) for Tractor Trailer Driver ~~-~~or ~~serving in the classification of~~ Construction Equipment Operator, shall receive a five percent (5%) differential to base pay if they are required to possess and maintain a valid California Class A Commercial Driver's License as a condition of employment. The maximum number of employees placed on the out-of-class list for classification of Tractor Trailer Driver is ten (10) employees (the current out-of-class assignment list is at 13 employees, no new employees will be added to the out-of-class list until the total number drops to below 10, and the maximum number will then stay at 10). The maximum number of employees placed on the out-of-class list for Construction Equipment Operator is five (5) employees. The maximum differential shall not exceed 5% for each employee. The differential is effective at the beginning of the full pay period after which employees obtain or possess a commercial license. This differential shall be reported to CalPERS as Special Class Driver's License Pay. However, any hours worked on overtime are excluded from CalPERS reported "compensation earnable" in California Government Code Section 20635.

The agreement is retroactively effective to the pay period beginning February 2, 2025.

This Agreement does not establish a precedent, nor does it interpret any employee rights under the language of the Labor Agreements, the Personnel Rules and Regulations, or any applicable policies and procedures of the Public Works or the City of Berkeley, except as expressly stated herein.

This Agreement memorializes and constitutes the entire understanding between the parties as to all matters referred to or included herein and supersedes and replaces all prior negotiations, proposed discussion, whether written or oral.

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

AGREED TO FOR THE CITY

_____
Paul Buddenhagen
City Manager

AGREED TO FOR THE UNION

_____
Danny Walker
Service Employees International Union (SEIU)
Local 1021, Maintenance

_____
Nathan Hansford
Service Employees International Union (SEIU)
Local 1021, East Bay Supervisor

APPROVED AS TO FORM

_____
Farimah Faiz Brown
City Attorney

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OFFICE OF THE CITY MANAGER

CONSENT CALENDAR
May 20, 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: Revise Unrepresented Manual Section 13.19 to Add 5% Differential to Program Manager I Assigned to City Manager's Office

RECOMMENDATION

Adopt a Resolution amending the Unrepresented Employee Manual to add a 5% salary differential to Program Manager I positions assigned to the City Manager's Office.

FISCAL IMPACTS OF RECOMMENDATION

The change will result in a 5% increase to the base salary of each Project Manager I position assigned to the City Manager's Office.

CURRENT SITUATION AND ITS EFFECTS

Select classifications qualify for a 5% salary differential when the position is assigned to the City Manager's Office (CMO) rather than to a department, since the CMO assignment involves oversight of programs and services that have Citywide reach and are broader in scope than department-level programs and services. The recommendation to add Program Manager I to the list of classifications eligible for the 5% differential seeks to create parity within the CMO. The City seeks to include Program Manager I in the list of classifications assigned to the City Manager's Office who receive a 5% salary differential, as outlined in the Unrepresented Employee Manual.

BACKGROUND

The Unrepresented Employee Manual Section 13.19, *City Manager Department Differential,* states, "Assistant, Associate, Senior Management Analysts, Communication Specialists, Program Managers II, Office Specialists III, and Accounting Office Specialists III in the City Manager's Department and in the Office of Budget and Fiscal Management shall receive a 5% salary differential." To create parity among unrepresented staff in the City Manager's Office, staff recommend that the Program Manager I also be added to the list. Program Manager I staff assigned to the City Manager's Office provide training, support, strategic program design, and project management services citywide, similar to other positions assigned to the City Manager's Office. At its meeting of February 11, 2025, the City Council added the Program Manager II classification to this list.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

RATIONALE FOR RECOMMENDATION

This recommendation ensures parity among classifications assigned to the City Manager's Office and ensures that Program Managers I assigned to the CMO are recognized for the Citywide breadth of their work.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

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

ATTACHMENTS

1. Resolution
   Exhibit A: Unrepresented Manual, Section 13.19, *City Manager Department Differential*

RESOLUTION NO. ##,###-N.S.
REVISED UNREPRESENTED MANUAL SECTION 13.19 TO ADD 5% DIFFERENTIAL TO PROGRAM MANAGER I CLASSIFICATION WHEN ASSIGNED TO THE CITY MANAGER'S OFFICE

WHEREAS, Section 13.19 of the Unrepresented Employee Manual provides for a 5% salary differential for select classifications when they are assigned to the City Manager's Office (CMO) to recognize the Citywide breadth of their duties; and

WHEREAS, Program Manager I positions in the CMO involve oversight of programs that have Citywide reach and are broader in scope than department-level programs; and

WHEREAS, by resolution adopted on February 11, 2025, the City Council added the Program Manager II classification to the list of classifications eligible for the 5% differential set forth by Section 13.19 of the Unrepresented Employee Manual; and

WHEREAS, adding the Program Manager I classification to the list of classifications eligible for the 5% differential articulated in Section 13.19 of the Unrepresented Employee Manual would promote parity within classifications assigned to the CMO; and

WHEREAS, the proposed revisions were considered by the Personnel Board at its meeting of April 7, 2025, and approved by unanimous vote.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Program Manager I classification shall be eligible for a 5% differential when the position is assigned to the City Manager's Office; and

BE IT FURTHER RESOLVED that Section 13.19 of the Unrepresented Employee Manual be revised to add Program Manager I to the list of classifications eligible for a 5% differential when assigned to the City Manager's Office.

Exhibit A:
Unrepresented Manual, Section 13.19, *City Manager Department Differential*

13.19 City Manager Department Differential Assistant, Associate, Senior Management Analysts, Communication Specialists, Program Managers I and II, Office Specialists III, and Accounting Office Specialists III in the City Manager's Department and in the Office of Budget and Fiscal Management shall receive a 5% salary differential.

Office of the City Manager

CONSENT CALENDAR
May 20, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Kevin Fong, Director, Information Technology

Subject: Contract Amendment No. 10789: AMS.NET for Network Hardware, Installation and Professional Support services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 10789 with AMS.NET, Inc. for network support of hardware, installation and professional services, for an additional $300,000 for a total not to exceed amount of $1,270,778.14 from July 1, 2017 to June 30, 2026.

FISCAL IMPACTS OF RECOMMENDATION

Funding for network hardware, installation and professional services in the amount of $300,000, is allocated for Fiscal Year (FY) 2025-2026 in the Department of Information Technology's IT Cost Allocation funds as outlined below. Future expenditures are subject to Council approval of the proposed citywide budget and annual appropriations ordinances.

	Hardware and Installation
$210,000	Budget Code: 680-35-363-384-6005-000-472-632130- (IT Cost Allocation, IT Department, Maintenance)
	Professional Services
$90,000	Budget Code: 680-35-363-380-0000-000-412-612990 (IT Cost Allocation, IT Department, Professional Services)

$300,000 **Total FY 2025-2026: Hardware, Installation and Professional Services**

CURRENT SITUATION AND ITS EFFECTS

The City's current network infrastructure comprises over 150 switches, routers, and firewalls providing access to network resources across the city's 42 locations. AMS.NET

provides skilled and certified engineers to augment staff in the maintenance of hardware, software and support of the city's entire network infrastructure. The following are a few examples of such high-profile requirements for FY25/26:

- The City needs to upgrade its network hardware infrastructure as it is approaching its supported lifespan. Newer equipment also has the benefit of improved performance and enhanced security features, ensuring compatibility with modern security solutions such as Network Access Control (NAC).

- The Berkeley Fire Department is acquiring a new Fire Administration Building, which will require new equipment for the IT infrastructure. This infrastructure equipment will serve as the backbone for connectivity.

- The 1947 Center Street building requires upgrades, as the existing fiber infrastructure is insufficient to support staff network needs. Upgrading the fiber within the building will improve access to critical city services, enhancing connectivity and overall performance.

This request aligns with the City's strategic goal to "Provide state-of-the-art, well-maintained infrastructure, amenities, and facilities".

BACKGROUND

On July 11, 2017, Council approved a contract with AMS.NET for network equipment, support and professional services. Since then, AMS.NET has provided excellent technical expertise to assist staff in maintaining the City's network infrastructure. AMS.NET offers Cisco networking communications products (used throughout the city) through a competitively bid contract with the National Association of State Procurement Officials (NASPO, formerly the Western States Contracting Alliance, or WSCA).

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

A fast, secure, and reliable network allows for more collaborative work to be accomplished between City facilities, and provides the backbone infrastructure that supports the City's online services, including the increased use of virtual meetings and videoconferencing, thereby reducing greenhouse gas emissions resulting from travel to and from City facilities.

RATIONALE FOR RECOMMENDATION

Staff recommend partnering with AMS.NET based on their 30+ year track record of highly successful network services for local government agencies and its history of providing excellent technical expertise and customer service to the City of Berkeley. Network equipment, hardware and software maintenance from Cisco is purchased and maintained through resellers and AMS.NET has been providing this support to the City of Berkeley since 2017.

ALTERNATIVE ACTIONS CONSIDERED

Staff considered performing the work internally, however, these upgrades and projects require advanced technical expertise and support that AMS.NET can better provide. The City's investment in modernized business systems must be supported by an infrastructure that allows it to operate most efficiently. The combination of AMS.NET's years of expertise, coupled with their familiarity with the City's network lead staff to recommend continuing the existing support relationship.

CONTACT PERSON

Kevin Fong, Director, Information Technology, 510-981-6541

Attachments:
1: Resolution

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

CONTRACT AMENDMENT: AMS.NET FOR NETWORK SUPPORT AND MAINTENANCE

WHEREAS, a reliable network infrastructure is necessary to provide city services to the Berkeley community; and

WHEREAS, the City Council authorized Contract No. 10789 with AMS.NET on July 11, 2017 (Resolution No. 68,080–N.S.), for network equipment and maintenance; and

WHEREAS, AMS.NET is a reputable company that has provided the City of Berkeley with excellent technical expertise and customer service since 2017; and

WHEREAS, funding for network hardware, installation and professional services in the amount of $300,000, is allocated for Fiscal Year (FY) 2025-2026 in the Department of Information Technology's IT Cost Allocation; and

WHEREAS, the City's current network infrastructure comprises over 150 switches, routers, and firewalls providing access to network resources across the city's 42 locations; and

WHEREAS, AMS.NET provides skilled and certified engineers to augment staff in the maintenance of hardware, software and support of the city's entire network infrastructure; and

WHEREAS, the City is engaging in several large-scale infrastructure projects for FY25/26 including upgrading out-of-support hardware, setting up the new Fire Administration Building and upgrading fiber at 1947 Center Street.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to amend Contract No. 10789 with AMS.NET, Inc. for network support, maintenance and professional services for an additional $300,000 for a total not to exceed of $1,270,778.14 from July 1, 2017 to June 30, 2026.

Internal

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CONSENT CALENDAR
May 20, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Kevin Fong, Director, Information Technology

Subject: Contract No. 084534-1 Amendment: NextGen Health Care Information Systems Inc. for Electronic Health Records

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 084534-1 with NextGen Healthcare Information Systems, Inc. ("NextGen"), increasing the amount by $191,136 for a total contract value not to exceed $1,010,472.20 and extending the term from September 30, 2010 through June 30, 2026.

FISCAL IMPACTS OF RECOMMENDATION

Funds for additional professional services and software maintenance, in the amount of $191,136, will be available in the Department of Health, Housing, and Community Services' FY2025 and FY2026 Realignment Fund budget as itemized below, and this contract amendment has been entered into the Citywide contract database and assigned contract number 084534-1. Spending for this contract in future fiscal years will be subject to Council approval of the proposed citywide budget and annual appropriation ordinances.

$98,675	FY 2025: Professional Services Budget Code: 156-51-506-555-0000-000-451-612990-- (Realignment Fund, HHCS, Professional Services)
$42,959	FY 2025: Software Maintenance Budget Code: 156-51-506-555-0000-000-451-613130 (Realignment Fund, HHCS, Software Maintenance)
$141,634	FY 2025 Subtotal: Professional Services and Software Maintenance
$49,502	FY 2026: Software Maintenance Budget Code: 156-51-506-555-0000-000-451-613130 (Realignment Fund, HHCS, Software Maintenance)
$49,502	FY 2026: Subtotal: Professional Services and Software Maintenance

$141,634	FY 2025 Subtotal: Professional Services and Software Maintenance
$49,502	FY 2026 Subtotal: Software Maintenance
$191,136	**FY25-FY26 Total: Professional Services and Software Maintenance**

CURRENT SITUATION AND ITS EFFECTS

The Public Health Division utilizes the HIPAA-compliant NextGen Practice Management ("PM") and Electronic Health Record ("EHR") System to manage secure patient health information and to streamline related business processes, including integrated electronic claiming and remittance files. It satisfies the requirements for achieving EHR Meaningful Use measures, and sets the stage to qualify for further American Recovery and Reinvestment Act (ARRA) incentive dollars through the State. This software is critical to the effective operations of the Berkeley High School ("BHS") Health center and requires an extension of maintenance and support. Staff seek spending authority with NextGen for an additional year.

The NextGen PM and EHR software align with the City's Strategic Plan Priority Projects, advancing the City's goal to be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community.

BACKGROUND

In September 2010, City Council approved a contract with NextGen to implement the PM and EHR system.

On June 28, 2011, Council approved a contract amendment with NextGen for data conversion and additional training and implementation support.

In August 2011, the City implemented the NextGen Practice Management (PM) Module, including electronic billing, at three Berkeley Public Health Clinics.

In June 2013, the City implemented NextGen's Electronic Health Record (EHR).

On July 2, 2013, Council approved a contract amendment with NextGen for an Immunization Registry interface, for additional software licensing, and for three additional years of maintenance services (through FY 2016).

On July 14, 2015, City Council approved a contract amendment with NextGen for the Patient Portal and for two additional years of software licensing and maintenance services (through FY 2018).

On June 26, 2018, City Council approved a contract amendment with NextGen for two additional years of software licensing and maintenance services.

On February 23, 2021, City Council approved a contract amendment with NextGen for two additional years of software licensing and maintenance services.

On September 13, 2022, City Council approved a contract amendment with NextGen for two additional years of software licensing and maintenance services.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The system replaces paper-based processes with secure online tools, which reduces paper consumption, mailings, and the need for public health patients to travel to clinics for routine information. In addition, the system supports electronic data exchange with other healthcare providers and produces electronic data for claims and grant reporting. The system operates on a virtual infrastructure thus reducing the City's carbon footprint.

RATIONALE FOR RECOMMENDATION

NextGen is the current system being used by city staff. The system supports clinics in compliance with the Health Insurance Portability and Accountability Act ("HIPAA"), which outlines the privacy and security standards for health patient information. Staff recommend maintaining support with NextGen services for updates, patches and technical support.

ALTERNATIVE ACTIONS CONSIDERED

Staff considered implementing and maintaining the PM and EHR system without vendor services, however, the risk of maintaining such a complex application without specialized support is too great, especially given the impact on public health and BHS Health Center services and workflow.

CONTACT PERSON

Kevin Fong, Director, Information Technology, 510-981-6541

Attachments:
1: Resolution

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

CONTRACT NO. 084534-1 AMENDMENT: NEXTGEN HEALTH CARE INFORMATION SYSTEMS INC. ("NEXTGEN") FOR ELECTRONIC HEALTH RECORDS

WHEREAS, the NextGen Practice Management ("PM") and Electronic Health Record ("EHR") System has provided a reliable and HIPAA-compliant system for collecting health patient information; and

WHEREAS, the NextGen PM and EHR system has improved the efficiency of public health clinic operations and resulted in increased revenue; and

WHEREAS, the NextGen PM and EHR system is a CMS-certified Electronic Health Record technology, meets the requirements for achieving EHR Meaningful Use measures; and

WHEREAS, a software maintenance and support agreement with NextGen is necessary for system updates; and

WHEREAS, additional funding in the amount of $191,136 is available in the Department of Health, Housing, and Community Services' FY2025 and 2026 Realignment Fund budget, and this contract amendment has been entered into the Citywide contract database and assigned contract number 084534-1, and spending for this contract in future fiscal years will be subject to Council approval of the proposed citywide 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 an amendment to Contract No. 084534-1 with NextGen, increasing the amount by $191,136 for a total contract value not to exceed $1,010,472.20 and extend the term from September 30, 2010 through June 30, 2026.

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Office of the City Manager

CONSENT CALENDAR
May 20, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Kevin Fong, Director, Information Technology

Subject: Protiviti Government Services Inc ("Protiviti"): Using General Services Administration ("GSA") Vehicle for Professional Services Purchase Orders

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to issue purchase orders with Protiviti for the procurement of professional services using the GSA purchasing vehicle no. GS-35F-0280X for an amount not to exceed $900,000 through June 30, 2026.

FISCAL IMPACTS OF RECOMMENDATION

One-time funding for this project is available in the Department of Information Technology's ("IT") Fiscal Year (FY) 2025 and FY 2026 General Fund allocation as itemized below.

$450,000	FY 2025: Professional Services FY 2025 Budget Code: 011-35-363-382-0000-000-472-612990- (General Fund, IT Department, Professional Services)
$450,000	FY 2026: Professional Services FY 2026 Budget Code: 011-35-363-382-0000-000-472-612990- (General Fund, IT Department, Professional Services)
$900,000	**Total Professional Services**

CURRENT SITUATION AND ITS EFFECTS

IT is responsible for managing the City's network and server infrastructure, cybersecurity, and enterprise applications. To effectively support and secure these critical systems, IT requires access to highly specialized expertise. To address gaps in knowledge or resource availability, IT partners with Protiviti.

In recent years, IT has faced ongoing challenges in recruiting and retaining qualified staff to maintain essential technology services. This inconsistency in staffing poses a significant risk to network uptime and overall system stability. Protiviti has consistently provided skilled resources to help IT "fill the gaps" as needed, ensuring continuity and reliability of network operations.

IT leverages purchasing vehicles such as the GSA Master Award Schedules ("MAS"). These pre-negotiated contracts allow local governments to access competitively priced products and services, benefiting from volume discounts secured through GSA's competitive bid process.

Through this council report, staff are requesting additional spending authority with Protiviti for specialized professional services through fiscal year 2026. This effort directly supports the City's strategic goal to, "Create a resilient, safe, connected, and prepared City."

BACKGROUND

In 2019, IT first engaged Protiviti to support cybersecurity initiatives. In 2022, amid the COVID-19 pandemic and widespread staffing shortages, IT required additional network and systems support. Protiviti responded swiftly, providing high-quality resources that enabled IT to transition the City effectively to a hybrid work environment. Since then, IT has continued to successfully leverage Protiviti's expertise for network and enterprise support whenever specialized skills or supplemental resources are needed.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Protiviti will conduct their work remotely thus reducing greenhouse gas emissions from travel to and from city facilities.

RATIONALE FOR RECOMMENDATION

The City is currently using Protiviti under multiple GSA vehicles across several departments for specific professional services engagements. Protiviti works with Robert Half International to immediately source analysts with the skillset and experience required to support the City's critical network and system infrastructure.

Additionally, staff determined that not using Protiviti puts operational support in jeopardy for key enterprise systems.

ALTERNATIVE ACTIONS CONSIDERED

Staff considered hiring additional internal staff to fulfill the highly specialized skillset IT seeks, however, given the current budget constraints of the City, coupled with the deep technical expertise and knowledge required, staff recommend continuing to partner with Protiviti.

CONTACT PERSON

Kevin Fong, Director, Information Technology, 510-981-6541

Attachments:
1: Resolution

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

PROTIVITI GOVERNMENT SERVICES (“PROTIVITI”): USING GENERAL SERVICES ADMINISTRATION (“GSA”) VEHICLE FOR PROFESSIONAL SERVICES PURCHASE ORDERS

WHEREAS, the City has critical network and systems infrastructure that requires a high-level, specialized skillset; and

WHEREAS, Protiviti has the expertise in operations and implementations of complex projects, and provides well qualified analysts; and

WHEREAS, the City regularly participates in purchasing vehicles, or Master Award Schedules (“MAS”) negotiated by GSA, who negotiates long term competitively bid contracts for prices on supplies, products, and services with suppliers on behalf of government agencies, including local government, that ensure volume discount pricing; and

WHEREAS, one-time funding for this project is available in the Department of Information Technology’s Fiscal Year (FY) 2025 and FY 2026 cost allocation fund, and spending for this contract in future fiscal years will be subject to Council approval of the proposed citywide 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 issue purchase orders with Protiviti to procure professional services using GSA purchasing vehicle no. GS-35F-0280X for an amount not to exceed $900,000 through June 30, 2026.

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Office of the City Manager

CONSENT CALENDAR
May 20, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Scott Ferris, Director, Parks Recreation & Waterfront

Subject: Purchase Order: Operation Pride for tennis programs and tournaments

RECOMMENDATION
Adopt a Resolution authorizing the City Manager to execute a purchase order and any amendments with Operation Pride to provide youth and adult tennis programs and tournaments for a total amount not to exceed $150,000 through June 30, 2026.

FISCAL IMPACTS OF RECOMMENDATION
Funds for these services are generated directly from Operation Pride's program and tournament revenues. The City registers participants, collects the revenue, and provides facilities, then pays Operation Pride from the revenue collected to cover their services. The amount of actual expenditures will vary from year to year depending on the number of participants enrolled in the program. Funding is available in the FY25 and FY26 Camps Fund budget, and additional amounts will be requested through the Annual Appropriations process as needed.

CURRENT SITUATION AND ITS EFFECTS
Operation Pride runs twenty to twenty-five USTA-sanctioned tennis tournaments annually in addition to year-round tennis programs at City facilities, serving thousands of participants per year. The City registers program participants and collects fees through its registration software platform, and then pays Operation Pride a percentage of the tournament revenues for their services on a regular basis. The number of participants has grown each year for these fee classes/programs and additional purchasing authority is needed to continue this service for a growing number of Berkeley residents.

BACKGROUND
The City has partnered with Operation Pride for over two decades to offer tennis programs and tournaments to Berkeley residents. Community members learn tennis skills and compete in tournaments at a variety of skill levels.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
Operation Pride provides a sustainable model for the afterschool program and tournaments by re-using tennis balls and tournament materials. Additionally, Operation Pride is based

locally which reduces the miles driven and vehicle carbon emissions generated by program participants.

RATIONALE FOR RECOMMENDATION
The City of Berkeley Parks Recreation and Waterfront Department staff does not have the skill or capacity to offer high quality tennis programming. Contracting for these services with Operation Pride provides a high quality service that meets community needs.

Alternative Actions Considered
None

CONTACT PERSON
Scott Ferris, Director, Parks, Recreation & Waterfront Department, 981-6700
Stephanie Chu, Recreation and Youth Services Manager, 981-6700
Justin Pitcher, Recreation Program Supervisor, 981-5123

Attachments:
1: Resolution

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

PURCHASE ORDER: OPERATION PRIDE TENNIS PROGRAMS AND TOURNAMENTS

WHEREAS, Operation Pride runs twenty to twenty-five USTA-sanctioned tennis tournaments annually in addition to year-round tennis programs at City facilities, serving thousands of participants; and

WHEREAS, the City registers program participants and collects fees through its registration software platform, and then pays Operation Pride a percentage of the tournament revenues for its services on a regular basis; and

WHEREAS, the number of participants has grown each year for these fee classes/ programs and additional purchasing authority is needed to continue this service for a growing number of Berkeley residents.

WHEREAS, FY25 and FY26 funds are available in the Playground Camp Fund (fund 125) to cover this contract, and additional amounts will be requested during the annual appropriations process as needed.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a purchase order and any amendments with Operation Pride to provide youth and adult tennis programs and tournaments for a total amount not to exceed $150,000 through June 30, 2026. A record signature copy of said contract and any amendments to be on file in the Office of the City Clerk.

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Office of the City Manager

CONSENT CALENDAR
May 20, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Scott Ferris, Director, Parks Recreation & Waterfront

Subject: Purchase Order: Samuel Kidane dba Life Long Tennis Academy

RECOMMENDATION
Adopt a Resolution authorizing the City Manager to execute a purchase order and any amendments with Samuel Kidane dba Life Long Tennis Academy to provide youth and adult tennis services for the City of Berkeley for a total amount not to exceed $270,000 through June 20, 2026.

FISCAL IMPACTS OF RECOMMENDATION
Funds for these services are generated directly from Life Long Tennis Academy program revenues. The City registers participants, collects the revenue, and provides facilities, then pays Life Long Tennis Academy from the revenue collected for their services. The amount of actual expenditures will vary from year to year depending on the number of participants enrolled in the program. Funding is available in the FY25 and FY26 Camps Fund budget, and additional amounts will be requested through the Annual Appropriations process as needed.

CURRENT SITUATION AND ITS EFFECTS
Life Long Tennis Academy runs 15-20 monthly tennis classes for hundreds of youth and adults at various City locations. The City registers participants for programs through its registration software platform and then pays Life Long Tennis a percentage of the revenue for their services on a regular basis. The number of participants has grown each year and additional purchasing authority is needed to provide these fee classes/programs for a growing number of Berkeley residents.

BACKGROUND
The City has collaborated with Life Long Tennis Academy for over five years to offer tennis programs to Berkeley residents. Community members learn tennis skills and compete in tournaments at a variety of skill levels.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
Life Long Tennis Academy provides a sustainable model for their programs by re-using tennis balls and materials. Additionally, Life Long Tennis Academy is based locally which reduces the miles driven and vehicle carbon emissions produced by program participants.

RATIONALE FOR RECOMMENDATION
The City of Berkeley Parks Recreation and Waterfront Department staff does not have the skill or capacity to offer high quality tennis programming. Contracting for these services with Life Long Tennis Academy provides a high quality service that meets community needs.

ALTERNATIVE ACTIONS CONSIDERED
None

CONTACT PERSON
Scott Ferris, Director, Parks, Recreation & Waterfront Department, 981-6700
Justin Pitcher, Recreation Program Supervisor, 510-981-5123

Attachments:
1: Resolution

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

PURCHASE ORDER: LIFE LONG TENNIS ACADEMY

WHEREAS, Life Long Tennis Academy runs 15-20 monthly tennis classes for youth and adults at City locations; and

WHEREAS, the City registers program participants and collects fees through its registration software platform, and then pays Life Long Tennis Academy a percentage of the tournament revenues for its services on a regular basis; and

WHEREAS, the number of participants has grown each year for these fee classes/programs and additional purchasing authority is needed to continue this service for a growing number of Berkeley residents.

WHEREAS, FY25 and FY26 funds are available in the Playground Camp Fund (fund 125) to cover this contract, and additional amounts will be requested during the annual appropriations process as needed.

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 Samuel Kidane dba Life Long Tennis Academy to provide youth and adult tennis services and tournaments for a total amount not to exceed $270,000 through June 30, 2026. A record signature copy of said contract and any amendments to be on file in the Office of the City Clerk.

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Office of the City Manager

CONSENT CALENDAR
May 20, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Scott Ferris, Director, Parks Recreation & Waterfront

Subject: Contract No. 32400029 Amendment: Baldoni Construction Services, Inc. for Echo Lake Camp Accessibility Upgrades

RECOMMENDATION
Adopt a Resolution increasing the not to exceed amount for Contract No. 32400029 with Baldoni Construction Service, Inc. for the Echo Lake Camp Accessibility Upgrades Project by $60,000 for an amended total amount not to exceed $616,953.

FISCAL IMPACTS OF RECOMMENDATION
Funding for the $60,000 amendment is available in the FY2025 General Fund (Fund 011) budget. No other funding is required, and no other projects will be delayed due to this expenditure.

CURRENT SITUATION AND ITS EFFECTS
On May 23, 2023, City Council authorized a not-to-exceed total for the Baldoni Construction Service, Inc. contract for the Echo Lake Camp Accessibility Upgrades of $436,954 which included a 20% contingency (Resolution No. 70,855-N.S.). The contract with Baldoni Construction Service, Inc. was executed on August 28, 2023 for an amount of $364,128. On September 10, 2024, City Council authorized an increased not-to-exceed total for the Baldoni Construction Service, Inc. contract of $556,953 (Resolution No. 71,500-N.S.). Two contract amendments have been executed to date to address unanticipated existing conditions and conflicts and emergency work, resulting in a current total contract value of $552,862. In April, 2025, the need to address asphalt failure at the Echo Lake sports court due to root intrusion was identified. Because the scope of additional work is similar to the work Baldoni is currently completing for the City, the City proposes to complete this additional work via change order with Baldoni Construction, Inc. The contract authority needs to be increased by $60,000 to allow this work to proceed.

BACKGROUND
The Echo Lake Camp Accessibility Upgrade Project was advertised for bids on March 6, 2023, and bids were opened on Tuesday, April 19, 2023. The City received three bids. Baldoni Construction was the lowest responsive and responsible bidder. Staff conducted reference checks and received satisfactory feedback, and recommended that a contract for this project be awarded to Baldoni Construction. The contract was

executed on August 28, 2023, and work began in September, 2023. Baldoni has completed the accessible pathway improvements, however unanticipated conditions required a revision to the original approach to provide accessible parking. During 2023-2024, the City developed an alternative accessible parking approach. Change Order #1, reflecting the changed approach to accessible parking, was completed in June, 2024. The pathway installation was completed in Fall, 2024.

Berkeley Tuolumne Camp reconstruction was completed in 2022. Throughout the Camp, the City used pervious geo-grid in lieu of asphalt at parking lots and driveways to reduce impervious surfaces at Camp and protect water quality. During the 2024 summer season, two sections of geo-grid material failed at the steepest sections of driveway, including undermining of an accessible crosswalk. Echo Lake Camp relies on electrical power to pump, treat, and distribute drinking water for the Camp, as well as to pump and treat wastewater. In recent years, power shut offs by the local utility provider for wildfire risk mitigation has significantly increased the occurrence and duration of power outages. Change Order #2 was completed in November, 2024 to address these needs. The Berkeley Tuolumne Camp driveway was completed in November, 2024 and the Echo Lake generator backup switch installation is expected to be completed in Summer, 2025.

Echo Lake Camp has an asphalt sports court that is used for sports, dances, and gatherings during both family and youth camp sessions. The existing court is failing due to cracking and uplifting caused by root intrusion. The sports court will be replaced, including removal of the cracked and failing asphalt and replacement and recompacting of new base rock and restriping. In order to complete this work, the existing basketball hoop post will be relocated and replaced. The existing Baldoni contract includes placement of concrete footings, repair/replacement of asphalt pathways and striping.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The construction contract includes requirements to comply with the City's Environmentally Preferable Purchasing Policy. The project is a renovation of an existing asphalt sports court with no new ground disturbance and therefore will not negatively affect natural habitat.

RATIONALE FOR RECOMMENDATION

Echo Lake has been providing valuable outdoor activities to Berkeley youth and families since 1922. Repair of the failing sports court and relocation of the basketball hoop post will allow these facilities to continue to provide safe programming at this unique City resource.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

Scott Ferris, Director, Parks Recreation & Waterfront, 981-6700
Liza McNulty, Project Manager, Parks Recreation & Waterfront, 542-4131

Attachments:
1: Resolution

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

CONTRACT NO 32400029 AMENDMENT: BALDONI CONSTRUCTION SERVICE, INC., FOR ECHO LAKE CAMP ACCESSIBILITY UPGRADES

WHEREAS, the City has owned the Echo Lake Camp since 1922; and

WHEREAS, the City wants to voluntarily improve accessibility at Echo Lake Camp; and

WHEREAS, an invitation for bids was duly advertised and three bids were opened on April 18, 2023, and Baldoni Construction Service, Inc. was the lowest responsive and responsible bidder; and

WHEREAS, the City Council authorized execution of a contract and any amendments, extension and/or change orders until completion of the Project with Baldoni Construction Service, Inc. in an amount not to exceed $436,954 (Resolution No. 70,855-N.S); and

WHEREAS, two contract amendments have been executed to date to address unanticipated existing conditions and conflicts and emergency work, resulting in a current total contract value of $552,862; and

WHEREAS, the sports court at Echo Lake Camp is failing due to root intrusion additional funds are needed to complete repairs; and

WHEREAS, funding for the $60,000 amendment is available in the FY2025 General Fund (Fund 011) budget.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the not to exceed amount for Contract No. 32400029 with Baldoni Construction Service, Inc. for the Echo Lake Camp Accessibility Upgrade Project is increased by $60,000 for an amended total not to exceed $616,953. A record signature of said agreements and any amendments to be on file in the Office of the City Clerk.

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Office of the City Manager

CONSENT CALENDAR
May 20, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jennifer Louis, Chief of Police

Subject: Contract No. 32400003 Amendment: Cooke & Associates Background Investigations

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a contract amendment with Cooke & Associates, a background investigation services provider for public safety personnel, to increase the contract amount by $280,000 to a total contract of $580,000 and extend the contract term for two additional years expiring on July 31, 2028. This amendment will allow the Berkeley Police Department (BPD) and Berkeley Fire Department (BFD) to continue utilizing Cooke & Associates for timely, thorough, and high-quality background investigations of candidates, and will provide the City Manager with the authority to spend funds as needed under the amended contract to support ongoing public safety hiring needs.

FISCAL IMPACTS OF RECOMMENDATION

Funds for this contract in FY 2025 are allocated in the following budget codes:

- Berkeley Police Department special fund: 126-71-702-805-0000-000-421-612990
- Berkeley Fire Department: Measure FF 164-72-742-831-0000-000-422-612990

The amendment includes $160,000 for BPD and $120,000 for BFD.

CURRENT SITUATION AND ITS EFFECTS

The ability to conduct background investigations quickly and thoroughly is critical for filling vacancies in public safety positions. Delays in hiring lead to extended vacancies, increased workload on current staff, and reduced service capacity. Cooke & Associates has consistently delivered high-quality, efficient investigations that support timely hiring decisions.

Both BPD and BFD continue to experience staffing shortages and face a competitive hiring landscape. The existing contract with Cooke & Associates has enabled both departments to process more applicants, particularly for urgent roles such as police

officers, dispatchers, and firefighter/paramedics. This ensures we are able to identify and select the most qualified candidates.

The original contract with Cooke & Associates, which began on May 15, 2023, was approved for $50,000 and set to expire on May 15, 2025. In August 2023, the contract was amended to increase the not-to-exceed amount to $300,000 and extend the term through July 31, 2026. As of today, a total of $261,865.11 has been spent by BPD and BFD under this contract.

While acknowledging that there is a hiring freeze in place, there will continue to be needs for police and fire hiring, and positions will be assessed by public safety and city manager staff for case specific decisions. Due to the success of the partnership and ongoing hiring needs, BPD is requesting authority to spend up to an additional $160,000 and BFD is requesting an additional $120,000 to continue utilizing Cooke & Associates' services.

BACKGROUND

Cooke & Associates has been a trusted vendor for the City of Berkeley, providing detailed, timely, and POST-compliant background investigations. They have demonstrated strong communication, flexibility, and responsiveness to department needs, especially during high-volume recruitment periods.

Their services have helped both BPD and BFD avoid delays in academy enrollments and onboarding processes. The proposed amendment will ensure continued support at a time when public safety vacancy rates for the Berkeley Police Department are at 17.7% for sworn staff. For the Berkeley Fire Department, vacancies for firefighters are at approximately 12%.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

No identifiable environmental effects or opportunities are associated with this report's subject.

RATIONALE FOR RECOMMENDATION

Cooke & Associates has a proven track record with the City of Berkeley. Their investigative work supports effective public safety hiring by ensuring thorough vetting of candidates. The additional funding will support ongoing hiring efforts and help the City meet current and future staffing demands.

ALTERNATIVE ACTIONS CONSIDERED

Relying solely on internal staff for all background investigations would extend hiring timelines and reduce capacity during peak hiring periods. Additionally, current staffing levels would require much of this internal work to be done on an overtime basis, making outsourcing this work the more fiscally responsible approach.

CONTACT PERSON
Melanie Turner, Lieutenant, Berkeley Police Department, 510-981-5970

ATTACHMENTS

1. Resolution

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

CONTRACT AMENDMENT: COOKE & ASSOCIATES FOR BACKGROUND INVESTIGATION SERVICES FOR PUBLIC SAFETY PERSONNEL

WHEREAS, the City of Berkeley continues to face critical public safety staffing needs; and

WHEREAS, timely and comprehensive background investigations are essential to hiring qualified personnel in law enforcement and fire services; and

WHEREAS, Cooke & Associates has provided the City of Berkeley with professional and reliable background investigation services that meet POST standards; and

WHEREAS, the City's existing contract with Cooke & Associates needs to be amended to provide additional funding to support continued services for the Berkeley Police Department and Berkeley Fire Department; and

WHEREAS, funds for this contract amendment have been allocated in the following budget codes:

- Berkeley Police Department special fund: 126-71-702-805-0000-000-421-612990
- Berkeley Fire Department: Measure FF 164-72-742-831-0000-000-422-612990

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized to execute an amendment to the existing contract with Cooke & Associates for background investigation services, increasing the contract by $280,000, for a total not-to-exceed amount of $580,000 and extend the contract term for two additional years to July 31, 2028.

Office of the City Manager

CONSENT CALENDAR

May 20, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jennifer Louis, Chief of Police

Subject: 2024 Police Equipment & Community Safety Ordinance Annual Report

RECOMMENDATION

Adopt a Resolution approving the 2024 Police Equipment and Community Safety Ordinance Annual Report.

FISCAL IMPACTS OF RECOMMENDATION

The fiscal impacts are limited to staff time required for reporting and training associated with the use of equipment listed in the report.

BACKGROUND

On May 11, 2021, the City of Berkeley adopted the Police Equipment and Community Safety Ordinance (BMC Chapter 2.100, Ordinance No. 7,760-N.S.). This ordinance requires the Berkeley Police Department (BPD) to submit an annual report detailing the use of specified controlled equipment for Council approval "for as long as the Controlled Equipment is available for use" (BMC § 2.100.050).

Pursuant to BMC § 2.100.050(B), this annual report must first be provided to the Police Accountability Board (PAB) for review. Within 60 days of submission, the PAB is required to place the report on an agenda and determine, based on the report, whether each piece of controlled equipment reported on has complied with the standards for approval (BMC § 2.100.040). After the review period by the PAB, BPD must submit the annual report to the City Council. The PAB and Council have approved annual controlled police equipment reports for the same set of equipment since the enactment of the ordinance, covering the reporting periods of 2021, 2022, and 2023. This item fulfills that requirement for the 2024 reporting period.

CURRENT SITUATION AND ITS EFFECTS

On February 27, 2025, BPD submitted the 2024 Annual Report to the Office of the Director of Police Accountability (ODPA) and PAB. The PAB agendized the 2024 Annual Report for discussion at its regular meeting on March 5, 2025. Following the meeting discussion, the PAB did not make a final recommendation on the report and instead requested additional records from BPD about two specific pieces of controlled equipment (Light/Sound Distraction Devices and the Long-Range Acoustic Device). No concerns about the department's other controlled equipment were noted. BPD responded to the PAB's request, providing detailed explanations about how the specific technologies were used and offered the PAB an opportunity to meet with the Department's subject matter expert for deeper insights into training, policy, and deployment considerations for those pieces of equipment. The department further explained that collecting and reviewing the extensive additional information requested (including radio traffic recordings, written reports, and BWC video) presented significant challenges to staff time and was considered overly burdensome, particularly given the late request by the PAB for further information and the ordinance's requirement for timely submission of the annual report to the City Council. On April 23, 2025, at the PAB regular meeting, the board voted to inform council of their inability to fulfill their audit function without access to additional records. On May 1, 2025, the Police Accountability Board (PAB) Chair submitted a formal response from the PAB regarding the Police Equipment and Community Safety Ordinance Annual Report. That correspondence is provided here. (Attachment 3)

We note that last year, the PAB discussed requesting that additional information be included in BPD's annual report that is submitted to the City Council to assist them in their review process. BPD expressed openness to that idea and engaged in further discussions with the Board on that matter. The PAB has not yet articulated what information they would like the Police Department to collect and add to the report, but the Department continues to be open to receiving the PAB's recommendation. BPD collected information through the last reporting period and subsequently prepared this annual report with the level of detail consistent with past practices and in accordance with the requirements established by the ordinance.

BPD submits this report to meet its obligation under the ordinance, acknowledging the review process undertaken by the PAB. BPD affirms that the controlled equipment was utilized in accordance with approved policies and the standards set forth in BMC § 2.100.040 during the 2024 reporting period.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

CONTACT PERSON

Jen Louis, Chief of Police, (510) 981-5700

ATTACHMENTS

1. Resolution
2. 2024 Police Equipment and Community Safety Ordinance Annual Report
3. Letter submitted by Police Accountability Board (PAB) regarding the Berkeley Police Department's (BPD) 2024 Police Equipment and Community Safety Ordinance Annual Report

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

ANNUAL REPORTING AND IMPACT STATEMENTS: 2024 POLICE EQUIPMENT AND COMMUNITY SAFETY ORDINANCE

WHEREAS, the Berkeley City Council adopted Ordinance No. 7,760-N.S., the Police Equipment and Community Safety Ordinance (Berkeley Municipal Code Chapter 2.100) on May 11, 2021; and

WHEREAS, BMC § 2.100.050 mandates an annual report regarding the use of controlled equipment that the Berkeley Police Department (BPD) possesses, covering the 2024 calendar year; and

WHEREAS, per BMC § 2.100.050(B), BPD submitted the 2024 Annual Report to the Police Accountability Board (PAB) for review on February 27, 2025; and

WHEREAS, the PAB placed the 2024 Annual Report on its agenda for March 5, 2025, initiating its review process as required by the ordinance, which included subsequent requests for information and responses between the PAB and BPD; and

WHEREAS, the Police Accountability Board conducted its review of the 2024 Annual Report as required, though no formal recommendation was issued prior to the Council submission deadline; and

WHEREAS, BMC § 2.100.050(B)(3) requires BPD, after review by the PAB, to submit the Annual Report to the City Council; and

WHEREAS, the BPD has submitted the 2024 Annual Report to the City Council in fulfillment of this requirement.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it approves the Berkeley Police Department's 2024 Police Equipment and Community Safety Ordinance Annual Report.

2024 Police Equipment and Community Safety Ordinance Annual Report

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Ordinance Background and Objectives

On May 11, 2021 the Berkeley City Council passed Ordinance NO. 7,760-N.S., the Police Equipment and Community Safety Ordinance. Section 2.100.050 of the ordinance mandates an annual report for the deployment of specific equipment the Berkeley Police Department possesses.

The annual report on the controlled equipment shall contain the following information per Ordinance NO. 7,760N.S.:

(a) Product descriptions for controlled equipment and inventory numbers of each product in the Police Department's possession.
(b) A summary of how controlled equipment was used. For the purposes of annual reports, "use" of equipment shall refer to equipment that is Deployed, not to transfers of location or placement of equipment inside Department vehicles.
(c) If applicable, a breakdown of where Controlled Equipment was used geographically by individual police areas. For each police area, the Police Department shall report the number of days or instances in which Controlled Equipment was used and what percentage of those daily reported uses were authorized by warrant and by non-warrant forms of court authorization.
(d) A summary of any complaints or concerns received concerning Controlled Equipment.
(e) The results of any internal audits, any information about violations of Controlled Equipment Use Policies, and any actions taken in response.

Section 2.100.020 (D) defines deployment as "to utilize or employ Controlled Equipment for a deliberate purpose in the presence of members of the public during management or control of crowds, during any Special Response Team deployment, or to affect some response from members of the public during any other operation or critical response. 'Deployed' does not mean an officer merely wearing a piece of Controlled Equipment on their belt or elsewhere on their person." In other words, deployment refers to the visible display of equipment intended to prompt a public response. The equipment need not be actively used (for example, a less-lethal projectile does not have to be fired and strike a suspect) for the deployment to be recorded. The table on page 5 of this report reflects both deployments and equipment utilization, as required by the ordinance.

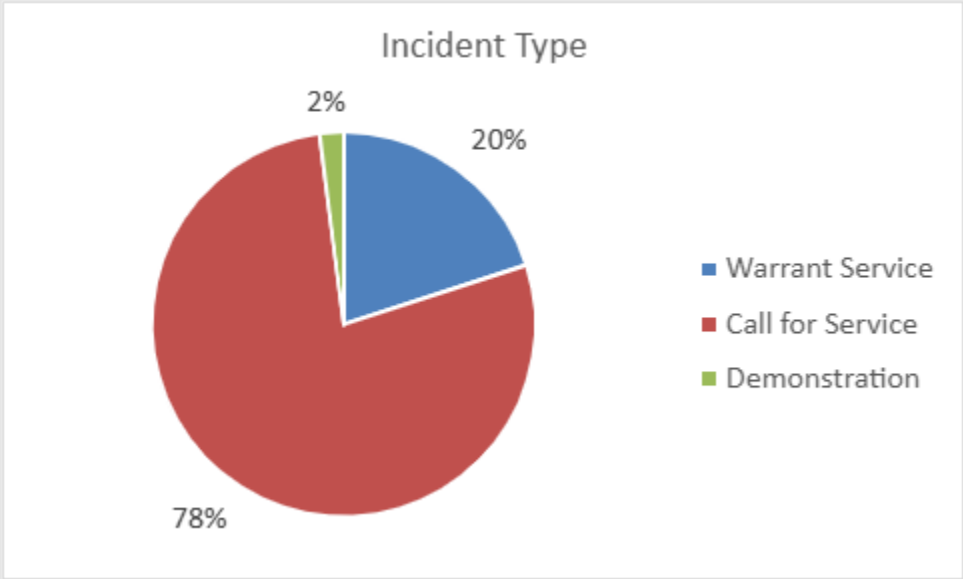
The Blue Team and Equipment Ordinance systems record all equipment utilizations and deployments, allowing the Police Department to meet the ordinance's requirements. The Blue Team system tracks all uses of force and is managed by the Internal Affairs Bureau. This system complements the Equipment Ordinance system, which records deployments for all equipment covered by the ordinance.

Operational Context

The Police Department responded to 61,666 calls for service in 2024. Of the 61,666 calls received, 50 of them resulted in the deployment of military equipment (0.08% of all calls), and only 1 (0.0016%) resulted in the use of “less-lethal” munitions. For details on these systems and other military equipment refer to page 19 or the Impact Statements located on the Berkeley Police Department website.

The table on page 4 lists all 50 equipment deployment incidents recorded by the Blue Team and Equipment Ordinance systems. Each row represents an incident in which a specific piece of equipment was deployed or utilized. The table also documents 10 instances where the Special Response Team conducted arrest and/or search warrants in cases involving a violent suspect. Equipment not listed in the table was neither deployed nor used in 2024.

Of the 50 incidents, 39 were responses to calls for service from community members, 10 involved warrant service, and 1 occurred in preparation for a scheduled protest. Information provided by victims, witnesses, and community members guides police dispatchers, while officers and supervisors take these observations into account when deciding on equipment deployment.



2024 Equipment Deployment and Utilization

Each incident is listed in chronological order. Out of the 50 incidents in which military equipment was deployed, 8 involved active use of equipment. Equipment that was actively used is highlighted in yellow.

#	Equipment Deployed	Summary of Deployment	Beat
1.	36" batons, FN 303 Launcher, Light/Sound Distraction Device, 40MM Launcher	For a scheduled protest at a public park, the Special Response Team deployed 36-inch batons, an FN 303 launcher, light/sound distraction devices, and a 40MM launcher. None of the equipment was used.	6
2.	40MM Launcher	Officers responded to a call regarding an individual reportedly carrying a knife and a pole. Upon arrival they observed the subject with a knife. A 40MM launcher was deployed but not used, and the subject complied and was detained without incident.	5
3.	40MM Launcher	Responding to a reported assault, officers encountered an agitated subject. A 40MM launcher was deployed but not used, and the subject complied and was detained without incident.	4
4.	40MM Launcher	Officers responded to a felony domestic violence call at a residence where the suspect initially refused to come outside. Upon entry, a patrol rifle and a 40MM launcher were deployed but not used, and the subject complied and was detained without incident.	10
5.	Patrol Rifle	Officers from Richmond PD pursued armed robbery suspects into Berkeley. A patrol rifle was deployed by a BPD officer but not used, and both subjects complied and were detained without incident.	13
6.	40MM Launcher	A patrol officer encountered a man carrying a weapon who then ran and fled on foot. Additional officers arrived and deployed a 40MM launcher but did not use it. The subject complied and was detained without incident; a three-and-a-half–foot metal bar with a taped handle was recovered.	13

7.	FN 303 Launcher, Light/Sound Distraction Device, LRAD, Patrol Rifle, 40MM Launcher, Precision Rifle	The Special Response Team responded to a suspect who had threatened to kill himself and others. SRT used an LRAD to call him out, and threw light/sound distraction devices in the yard. The subject complied and was detained without incident. All other listed equipment was deployed but not used.	Outside of Berkeley
8.	Light/Sound Distraction Device, 40MM Launcher, FN 303 Launcher,	Officers responded to a call about a man who had been shot and was bleeding. The suspect was last seen in a tent. After announcements and deployment of a light/sound distraction device along with other equipment (40MM launcher and FN 303 launcher), the subject emerged, complied, and was detained without incident.	13
9.	Patrol Rifle	Following a report of a man brandishing a handgun, officers arrived with a patrol rifle deployed but not used. The subject complied and was detained without incident.	9
10.	40MM Launcher	Officers responded to a report of an individual threatening self-harm and harm to others. A 40MM launcher was deployed but not used, and the subject complied and was detained without incident.	5
11.	40MM Launcher, FN 303 Launcher	Officers responded to reports of a shirtless man on Telegraph Avenue with chest wounds, carrying a sickle and a wooden stick. Both the 40MM and FN 303 launchers were used, and the subject complied and was detained without incident.	5
12.	40MM Launcher	Officers responded to a report of a shirtless man on Shattuck Avenue carrying a sharpened stick. A 40MM launcher was deployed but not used, and the subject complied and was detained without incident.	4
13.	Patrol Rifle	Officers responded to a report of a suspected rapist fleeing a residence. A patrol rifle was deployed but not used, and the subject complied and was detained without incident.	10
14.	Patrol Rifle	During a burglary in progress, officers encountered two suspects. A patrol rifle was deployed but not used, and both subjects complied and were detained without incident.	7
15.	Patrol Rifle	In response to a felony vandalism call involving a death threat, officers located the suspect hiding in bushes. A patrol rifle was deployed but not used, and the subject complied and was detained without incident.	11

16.	Patrol Rifle	Officers responded to a tip about a potentially armed man in a vehicle. A patrol rifle was deployed but not used, and the subject complied and was detained without incident.	5
17.	Patrol Rifle	Officers responded to reports of an individual carrying what appeared to be a rifle and pistol along University Avenue. A patrol rifle was deployed but not used, and the subject complied and was detained without incident.	4
18.	Patrol Rifle, 40MM Launcher	Officers responded to a report of a man allegedly carrying a gun. A patrol rifle and a 40MM launcher were deployed but not used, and the subject complied and was detained without incident.	5
19.	40MM Launcher, Patrol Rifle	For a felony domestic violence call with a suspect inside the residence, officers deployed a 40MM launcher and a patrol rifle but did not use either. The subject complied and was detained without incident.	1
20.	FN 303 Launcher, Light/Sound Distraction Device, Patrol Rifle, 40MM Launcher	The Special Response Team responded to arrest a suspect connected to a shooting. Officers spotted him walking down the street and used a light/sound distraction device to distract him. The subject complied and was detained without incident. All other listed equipment was deployed but not used,	Outside of Berkeley
21.	Patrol Rifle, 40MM Launcher, Precision Rifle	Officers responded to a violent armed robbery involving multiple suspects. A patrol rifle, 40MM launcher, and precision rifle were deployed but not used, and all subjects complied and were detained without incident.	5
22.	FN 303 Launcher	During a mutual aid operation addressing a barricaded burglary suspect, the FN 303 launcher was deployed but not used, and the subject complied and was detained without incident.	Outside of Berkeley
23.	Patrol Rifle	Officers responded to a report of an armed individual near an intersection. After the suspect fled into a parking garage, patrol rifles were deployed but not used. The subject eventually complied and was detained without incident.	4
24.	40MM Launcher	Following a disturbance at a local restaurant—in which the suspect became agitated, threatened the business owner, and was seen brandishing a knife and fork—officers arrived and	3

		deployed a 40MM launcher but did not use it. The subject complied and was detained without incident.	
25.	40MM Launcher	Officers responded to a disturbance call involving an individual with a known history of assault. A 40MM launcher was deployed but not used, and the subject complied and was detained without incident.	5
26.	FN 303 Launcher, LRAD, Patrol Rifle, Light/Sound Distraction Device	Officers responded to a barricaded suspect situation in which the individual refused to exit an RV. Officers gave voice commands through the LRAD, and used light/sound distraction devices. Patrol rifles and less-lethal launchers were deployed but were not used. The subject complied and was detained without incident.	Outside of Berkeley
27.	40MM Launcher	Officers responded to a report of a person locked in a basement woodshop with a firearm who was threatening suicide. A 40MM launcher was deployed but not used, and the situation was resolved without incident.	3
28.	Patrol Rifle	Responding to a reported fight involving a suspected armed individual, officers deployed a patrol rifle but did not use it. The subject complied and was detained without incident.	14
29.	FN 303 Launcher, Light/Sound Distraction Device, LRAD, Patrol Rifle, 40MM Launcher, Precision Rifle	SRT served a high-risk warrant for shooting suspects. Officers used multiple light/sound distraction devices. The subject complied and was detained without incident.	9
30.	40MM Launcher	Officers responded to a reported restraining order violation involving a subject allegedly carrying a large knife. A 40MM launcher was deployed but not used, and the subject complied and was detained without incident.	12
31.	40MM Launcher	After a subject with prior history of assault made more than 25 false calls over 24 hours, officers responded and deployed a 40MM launcher but did not use it. The subject complied and was detained without incident.	9
32.	40MM Launcher	During a tense family dispute where one individual was suspected of carrying a knife, a 40MM launcher was deployed but not used. The subject complied and was detained without incident.	13

33.	40MM Launcher	Officers responded to a trespassing call in a residential backyard, in which the suspect had reportedly assaulted the victim. A 40MM launcher was deployed but not used, and the subject complied and was detained without incident.	11
34.	Patrol Rifle	While conducting a search warrant for a homicide suspect who attempted to flee, officers deployed a patrol rifle but did not use it. The subject complied and was detained without incident.	Outside of Berkeley
35.	Patrol Rifle, 40MM Launcher	In response to a reported homicide involving a firearm, officers deployed a patrol rifle and 40MM launcher but did not use either. The subject complied and was detained without incident.	13
36.	Patrol Rifle	During a high-risk stop in a homicide investigation, officers deployed a patrol rifle but did not use it. The subject complied and was detained without incident.	13
37.	40MM Launcher	Officers conducted a welfare check after a subject threatened to kill his siblings. A 40MM launcher was deployed but not used, and the subject complied and was detained without incident.	4
38.	40MM Launcher	Officers responded to a report regarding a short-term rental occupant who refused to leave a multi-unit property. The suspect had a felony warrant for attempted homicide. A 40MM launcher was deployed but not used, and the subject complied and was detained without incident.	6
39.	40MM Launcher	A man on parole for weapons possession barricaded himself in an office, and officers deployed a 40MM launcher but did not use it. The subject complied and was detained without incident.	6
40.	FN 303 Launcher	After responding to a domestic violence call where the suspect refused to leave his room, officers deployed an FN 303 launcher but did not use it. The subject complied and was detained without incident.	5
41.	40MM Launcher	Following a report from an ER regarding an individual with a history of assault who punched a visitor, officers deployed a 40MM launcher but did not use it. The subject complied and was detained without incident.	8

42.	Patrol Rifle, 40MM Launcher	Responding to a call about an assault at an apartment, officers deployed a patrol rifle and a 40MM launcher but did not use either. The subject complied and was detained without incident.	4
43.	40MM Launcher	Officers responded to a situation involving an individual displaying a knife and demanding that others end his life. A 40MM launcher was deployed but not used, and the situation was resolved without incident.	7
44.	Patrol Rifle, 40MM Launcher	During an SRT operation in Antioch related to a shooting incident during a vehicle theft interruption, a patrol rifle and 40MM launcher were deployed but not used. The subject complied and was detained without incident.	Outside of Berkeley
45.	FN 303 Launcher, Light/Sound Distraction Device, Patrol Rifle, 40MM Launcher,	While conducting a high-risk warrant service in a burglary case, officers deployed the listed equipment but did not use any of it. The subject complied and was detained without incident.	3
46.	Patrol Rifle, LRAD, Light/Sound Distraction Device, 40MM Launcher	Officers conducted a warrant service operation involving a suspect connected to multiple gunshots in Berkeley. Officers gave voice commands through the LRAD, and used light/sound distraction devices. The other listed equipment was deployed but not used, and the subject complied and was detained without incident.	Outside of Berkeley
47.	OC Spray	After responding to a report of an individual causing a disturbance with excessive noise and door knocking—and who became physically aggressive—OC spray was used, and the subject complied and was detained without further incident.	5
48.	FN 303 Launcher, Patrol Rifle, 40MM Launcher	Following a shooting incident in which two suspects exchanged gunfire, SRT conducted a warrant for their arrest. Officers deployed the listed equipment but did not use it. The subject complied and was detained without incident.	5
49.	Light/Sound Distraction Device, Patrol Rifle, 40MM Launcher	In response to a domestic violence and assault case involving a deadly weapon, SRT carried out a surveillance and stop operation in Oakland. The listed equipment was deployed but not used, and the subject complied and was detained without incident.	Outside of Berkeley

50.	40MM Launcher	In response to a disturbance that occurred during a move-out inspection in which a suspect threatened a victim with a knife, a 40MM launcher was deployed but not used, and the subject complied and was detained without incident.	4

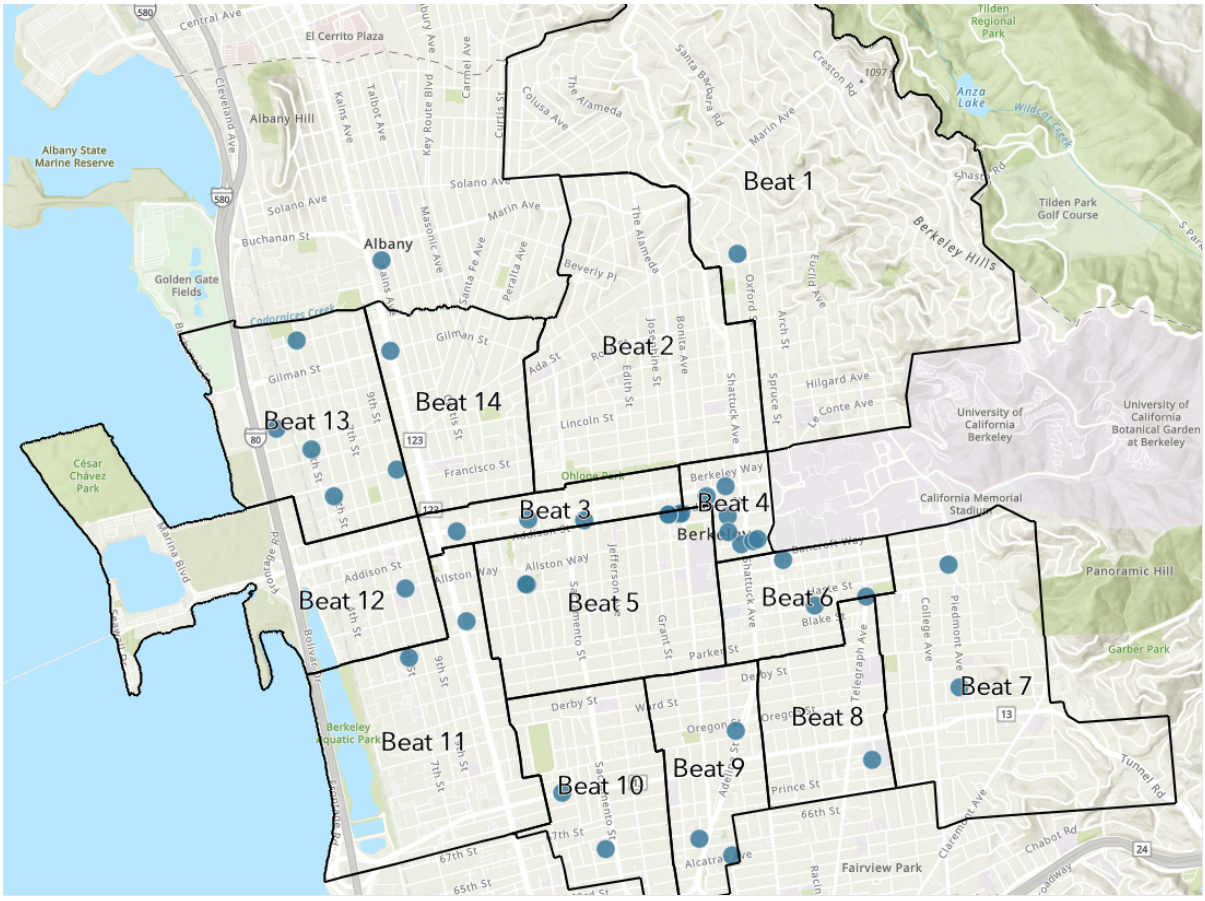
Deployment Statistics

The table below displays the total number of deployments for each specified piece of equipment in 2024. Note that different types of equipment may be deployed in a single incident, and the same piece of equipment may be deployed by multiple officers during one incident.

Equipment	**Number of Deployments**
Patrol Rifle	24
40MM Single Launcher	35
40MM LTL Multi-Launcher	0
FN 303 Launcher	11
FN Pava Impact Projectile	0
Oleoresin Capsicum Spray	1
Chlorobenzylidene Malononitrile and Oleoresin Capsicum	0
Precision Rifle	3
Light/Sound Diversionary Device	9
Long Range Acoustic Device	4
36” Batons	1
Barret Model 99	0

No additional internal audits were conducted beyond those performed to gather and confirm data for this report. No violations of equipment use were identified, and no complaints regarding the above-listed equipment were submitted to the department.

A map below shows the locations of the 42 equipment deployments in Berkeley, with 8 deployments occurring in other Bay Area cities.



Equipment Inventory and Descriptions

Below is a list and inventory of the reportable equipment under the city ordinance:

- Patrol Rifle (96)
  - Associated .223 duty and training rounds (61,450)
- Less Lethal single 40MM launcher (20)
- Less Lethal Milkor LTL 40 MM multi-launcher (2)
  - Associated 40mm rounds (450)
- Less Lethal FN 303 Launcher (8)
  - Associated FN rounds (5,813)
  - Associated FN Pava rounds (150)
- Oleoresin capsicum (handheld OC spray) (182)
- Chlorobenzylidene Malononitrile and Oleoresin capsicum/ tear gas (300)
- Remington 700 Precision Rifle (6)
  - Associated .308 rounds (3,000)
- Light/sound distraction device (88)
- Long Range Acoustic Device (LRAD) (2)
- 36" batons (195)
- Barret Model 99 Precision Rifle (1)
  - Associated .50 rounds (54)

The following are product descriptions of the military equipment the Berkeley Police Department possesses:

Patrol Rifle

The "M4" was developed and produced for the United States government by Colt Firearms and is based on the original Armalite Rifle (AR) patent purchased by Colt in 1959. Although Colt owns the trademarked name "M4," several other manufacturers offer similar firearms under various model names. The M4 and its variants fire 5.56×45 mm NATO (and .223 Remington) ammunition and are gas-operated, magazine-fed firearms with barrel lengths ranging from 11.5" to 16".

The current BPD rifle ammunition is the .223 Remington—a rimless, bottlenecked cartridge developed in 1957 by Remington Arms and Fairchild Industries. One of the most popular cartridges, the .223 Remington is used by a wide range of semi-automatic and manual-action rifles, as well as handguns. While the military uses the similar 5.56×45 mm NATO cartridge, BPD employs the more common civilian .223 Remington for all training and duty purposes.

Penn Arms 40MM Single Launcher & Milkor LTL Multi-Launcher

The 40 mm impact projectile was developed as an alternative to the 12-gauge bean bag round and other less focused less-lethal options. Early 12-gauge bean bag round designs had unpredictable flight patterns and could cause significant unintended injuries. The 40 mm foam baton round was created as a direct-fire projectile intended to minimize

such risks. The Berkeley Police Department currently uses the CTS 4557 foam baton projectile and the Penn Arms L-140 single-shot launcher.

FN 303

Developed in 2003 by Fabrique Nationale de Herstal as a less-lethal option, the FN 303 is based on a concept from Monterey Bay Corporation. The development team included designers and researchers from two paintball-related companies. The FN 303 uses compressed air to propel a .68-caliber projectile, similar to those used in manufactured paintball guns.

Oleoresin capsicum (OC spray)

First Defense manufactures OC sprays in various sizes. Oleoresin capsicum is the most widely used chemical agent among law enforcement and the general public. It has a pungent, irritating pepper odor and is classified as an inflammatory agent. In addition to its effectiveness on humans, OC-based agents are typically effective on animals. In liquid form, OC can appear clear, amber, or dark red, depending on the manufacturer, as it is mixed with various carrier solutions.

Chlorobenzylidene Malononitrile (CS) & (OC)

Chlorobenzylidene malononitrile, commonly known as CS, is one of the most widely used tear gases. It can be delivered as a liquid, gas, or solid and is designed to produce temporary discomfort by being vaporized or otherwise dispersed in the air. Law enforcement agencies rely on CS to manage combative suspects, control crowds, and handle barricaded subjects without resorting to higher levels of force. CS can be deployed via aerosol (the most common method), fogging, pyrotechnics, or blast expulsion; however, all methods are influenced by environmental factors such as wind, rain, temperature, and proximity. Under standard conditions, CS forms a white crystalline substance with low vapor pressure and poor water solubility.

Remington 700 Precision Rifle

The Remington 700 is a series of bolt-action rifles designed in 1962 by Remington Arms Company. The “700” designation refers to multiple models with varying parts, barrel lengths, stocks, and other components. The Precision Rifle model has long been used by law enforcement and remains an industry standard. The Berkeley Police Department employs a custom Remington 700 action chambered in the common .308-caliber round, featuring a 20-inch barrel, an Accuracy International chassis/stock, a Nightforce 3-15× magnified optic, and a bipod.

Light/Sound Distraction Device

Also known as diversionary, noise/flash, or light/sound devices, Light/Sound Distraction Devices have been available for about 40 years. They serve as safe and effective tools for law enforcement during challenging tactical incidents. When activated, these devices produce loud noise, heat, and intense light to create an effective diversion.

Long Range Acoustic Device (LRAD)

The LRAD is a high-intensity, directional acoustical array that provides long-range, crystal-clear communication. Essentially, it functions as a powerful loudspeaker.

36" Baton

The Berkeley Police Department issues a fixed-length, straight baton with a knurled polycarbonate grip for crowd control. The baton measures 36 inches in length, 1.25 inches in diameter, and weighs approximately 1.64 pounds. Polycarbonate is a durable thermoplastic that resists splintering and heat.

Barrett Model 99 Precision Rifle

The Barrett Model 99 is a single shot, bolt action .50caliber rifle introduced in 1999. It is intended for emergency situations where there is a high potential for violence.

Lexipol Policies

Patrol Rifle

- Policy 300 (Use of Force)
- Policy 349 (Tactical Rifle Operator Program)

40MM single launcher

- Policy 300 (Use of Force)
- Policy 303 (Control Devices and Techniques)

40MM LTL multi-launcher

- Policy 300 (Use of Force)
- Policy 303 (Control Devices and Techniques)

FN 303 Launcher & FN Pava rounds

- Policy 300 (Use of Force)
- Policy 303 (Control Devices and Techniques)

Chlorobenzylidene Malononitrile and Oleoresin Capsicum (canister and spray)

- Policy 300 (Use of Force)
- Policy 303 (Control Devices and Techniques)

Precision Rifle

- Policy 300 (Use of Force)
- Policy 354 (Precision Rifle)

Light/Sound Diversionary Device

- Policy 353 (Diversionary Device)

Long Range Acoustic Device

- Policy 707 (Long Range Acoustical Device)

36" batons

- Policy 300 (Use of Force)
- Policy 303 (Control Devices and Techniques)
- Policy 428 (First Amendment Assemblies)

Barret Model 99

- Policy 300 (Use of Force)
- Policy 354 (Precision Rifle)

Joshua Cayetano
Chair of the Police Accountability Board
JCayetano@berkeleyca.gov

May 1, 2025

VIA ELECTRONIC MAIL [Email]

Honorable Mayor and Members of the Berkeley City Council
Council@berkeleyca.gov
2180 Milvia Street
Berkeley, CA 94704

Re: Impediments to PAB's Mandated Review of the 2024 Controlled Equipment Report

Dear Mayor and Councilmembers,

We write to inform you that the Police Accountability Board (PAB) has been prevented from fulfilling a core oversight function prescribed by Berkeley Municipal Code (BMC) Section 2.100.050: the meaningful review of Berkeley Police Department's (BPD) 2024 Controlled Equipment Report (the Report).[1]

Under the Police Equipment and Community Safety Ordinance (the Ordinance), the PAB is required to determine whether BPD's use of controlled equipment complies with the standards outlined in Section 2.100.040.[2] These standards ensure that the use of militaristic equipment is not excessive or gratuitous, respects the community's civil liberties, and does not discriminate on the basis of a protected class. The Ordinance requires BPD to submit the Report only after the PAB has conducted its review and directs BPD to indicate the PAB's "approval or [BPD's] lack of compliance for each piece of Controlled Equipment."[3] If the PAB identifies BPD's use of controlled equipment does not comply with the Ordinance, the PAB must submit a recommendation to Council to modify or revoke that particular equipment's use policy "in a manner that will resolve the lack of compliance."[4]

[1] BMC 2.100.050, "Reports on the Use of Controlled Equipment," https://berkeley.municipal.codes/BMC/2.100.050.
[2] *See* BMC 2.100.050(B)(1) (requiring the PAB to "determine, based on the report, whether each piece of Controlled Equipment reported on has complied with the standards for approval set forth in Section 2.100.040"), https://berkeley.municipal.codes/BMC/2.100.050; BMC 2.100.040(C) (describing the criteria that the PAB must consider), https://berkeley.municipal.codes/BMC/2.100.040.
[3] BMC 2.100.050(B)(3), https://berkeley.municipal.codes/BMC/2.100.050.
[4] BMC 2.100.050(B)(2), https://berkeley.municipal.codes/BMC/2.100.050.

Despite a timely request for relevant records and documentation to support the PAB's review,[5] BPD declined to provide the requested records, preventing the PAB from conducting the ordinance-mandated review. The requested records included body-worn camera footage and radio transmissions that were directly relevant and essential to analyze compliance with the standards set forth in Section 2.100.040. For example, body worn camera footage would allow the PAB to make an independent determination that, for a particular use, "there [was] no practicably available alternative equipment which is not Controlled Equipment that [was] sufficient for the purposes."[6] As a result, the PAB is unable to certify that BPD's use of controlled equipment complied with the law.

When it refused the PAB's records request, BPD expressed concerns about resource constraints, privacy considerations, and the perceived limitations of the Ordinance's scope. We address each in turn. *First,* the PAB is very aware of the administrative burden that various reporting requirements place on BPD. To minimize the administrative burden, the PAB only requested records relevant to a small sample of the fifty (50) instances identified in the Report.[7] In any event, administrative burdens are not a valid excuse to evade meaningful review, mandated by City ordinance. *Second*, members of the PAB are (1) privy to confidential records and (2) sworn to "maintain the confidentiality of the personnel files of sworn employees of the Police Department and all other matters that are confidential under state and federal law."[8] The PAB is able to submit a report to Council outlining its findings without breaking its oath of confidentiality. Indeed, access to records like body worn camera footage are the only way for the PAB to certify compliance with the standards set forth in Section 2.100.040. *Third,* the Ordinance plainly states the PAB's authority to review uses of controlled equipment.[9] If BPD disagrees with the plain meaning of the Berkeley Municipal Code, it should request guidance from the City Attorney, not unilaterally refuse a valid request.

We wish to underscore that this is not merely an administrative or procedural matter. The Ordinance was adopted in direct response to widespread public demand for greater transparency, accountability, and independent oversight in law enforcement operations.[10] It reflects the City's commitment to ensure that controlled equipment is used only in ways that respect civil rights, safeguard public safety, and avoid disproportionate impacts on marginalized communities. We acknowledge BPD's willingness to engage in dialogue and its offer of generalized briefings. However, the PAB cannot independently evaluate compliance or make informed determinations without access to the underlying materials that substantiate BPD's descriptions—a point emphasized by the Director of Police Accountability on the PAB's behalf during the Police

[5] BPD submitted the Report to ODPA on February 27, 2025. The PAB agendized and discussed the Report at its March 5, 2025 meeting. ODPA requested the records from BPD on March 7, 2025.
[6] BMC 2.100.040(C)(1)(a), https://berkeley.municipal.codes/BMC/2.100.040.
[7] The PAB requested records related to 5 incidents, all pertaining to the use of Light-Sound Diversionary Devices (LSDDs) and the Long Range Acoustic Device (LRAD). March 5, 2025 PAB Agenda (p. 61), https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2025-03-05%20PAB%20Regular%20Meeting%20Packet%20-%20Amended_Final.pdf.
[8] Oath of Office, April 23, 2025 PAB Agenda (p. 2), https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2025-04-17%20PAB%20Regular%20Meeting%20Packet.pdf.
[9] BMC 2.100.050(B)(2), https://berkeley.municipal.codes/BMC/2.100.050.
[10] Aman, L. (May 28, 2021). Berkeley leaders demand more data about 'militaristic' police equipment. Berkeleyside. https://www.berkeleyside.org/2021/05/28/berkeley-leaders-demand-more-data-about-militaristic-police-equipment

Department's 2022 report presentation to Council,[11] which he echoed in a 2024 memo to the PAB regarding the 2023 report,[12] and was reiterated by former Chair Moore's 2024 letter to City Council on the matter.[13] Despite these repeated efforts to elevate the issue of a need for access to records, the Board continues to face barriers that obstruct its Charter-mandated oversight responsibilities.

We respectfully urge the Council to support measures that ensure timely and complete cooperation with lawful requests made by the Police Accountability Board in the course of its independent oversight duties. We respectfully caution the Council on accepting this year's (and any future) Controlled Equipment Report from BPD until it has complied with the PAB-mandated review codified in the Police Equipment and Community Safety Ordinance. We remain committed to constructive engagement and welcome the opportunity to work collaboratively with all City departments, including the Berkeley Police Department, to uphold the principles of transparency, accountability, and community safety.

Respectfully,

Joshua Cayetano

Joshua Cayetano, Chair
Police Accountability Board

Cc: Paul Buddenhagen, City Manager
Farimah Brown, City Attorney
David White, Deputy City Manager
Jennifer Louis, Chief of Police
Jen Tate, Deputy Chief of Police
Hansel Aguilar, Director of Police Accountability

[11] City of Berkeley. (June 6, 2023). June 6, 2023 Regular City Council Meeting [Video]. Berkeley City Council. https://berkeley.granicus.com/player/clip/5062?publish_id=18eb84a2-0554-11ee-95dd-0050569183fa&redirect=true (Segment: 1:16:34–1:18:08)

[12] Gecan, A. N. (March 29, 2024). Flash-bangs, launchers: BPD brought out specialized gear less often in 2023, but used it more. Berkeleyside. https://www.berkeleyside.org/2024/03/29/berkeley-police-department-equipment-report

[13] City of Berkeley. (June 4, 2024). City Council Regular Meeting: Agenda and Reports (Consent Calendar, Item 31, pp. 245–246). https://berkeleyca.gov/sites/default/files/city-council-meetings/2024-06-04%20Agenda%20Packet%20-%20Council%20-%20WEB.pdf

22

Office of the City Manager

CONSENT CALENDAR
May 20, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Terrance Davis, Director of Public Works

Subject: Contract: Shaw Integrated and Turf solutions Inc., for Civic Center Building (2180 Milvia Street), Second Floor Carpet Replacement Project

RECOMMENDATION

Adopt a Resolution:

1. Accepting the California Multiple Award Schedule (CMAS) bid procedures;
2. Approving the CMAS Contract with Shaw Integrated and Turf Solutions, Inc. for Carpet Replacements at the Civic Center Building located at 2180 Milvia;
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 terms and conditions of the agreements with Shaw Integrated and Turf Solutions, Inc. in an amount not to exceed $147,096, including a $13,372 contingency.

FISCAL IMPACTS OF RECOMMENDATION

Funding for this carpet replacement project is available in the Fiscal Year 2025 Facilities Capital Improvement Program (CIP) budget from the Capital Improvement Fund (501).

Cost:

Carpet Replacement	$ 133,724
Contingency	$ 13,372
Total Cost	**$ 147,096**

FY 2025 Funding:

Capital Improvements Fund (501)	$147,096
Total Construction Cost	**$147,096**

CURRENT SITUATION AND ITS EFFECTS

The carpet on the second floor of the Civic Center (2180 Milvia Street) serving the Health, Housing, and Community Services department and Payroll Audit, are beyond their useful life of twenty years and require replacement.

Shaw Integrated and Turf Solutions, Inc. was selected through the California Multiple Award Schedule (CMAS) bid procedure. Through the CMAS process, the City leverages the State of California pre-qualified vendor pricing, enabling cost savings and faster procurement.

The services provided will support the Strategic Plan goals of creating a resilient, safe, connected and prepared city as well as providing state-of-the-art, well-maintained facilities.

BACKGROUND

The broadloom carpets in the Civic Center Building are over twenty years old and need replacement. with visiable failures, such as crushed padding, seam separation, and heavy staining. Based on current schedules and availability, staff anticipate performing the replacement in Fall 2025.

The City developed technical specifications for carpet tiles in 2015, which have been since used in multiple projects, including the Public Safety Building (2017) and the Civic Center (2180 Milvia Street) in 2020 and 2022. The carpet tiles have proven durable, low-maintenance, and cost effective.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The carpet tiles meet the City's criteria sustainability requirements, including being PVC free and 100% recyclable, constentent with the Berkeley General Plan, Climate Action Plan, and CalGreen.

RATIONALE FOR RECOMMENDATION

Contracted services are required for this project as the City does not have the in-house expertise to complete this specialized work. Shaw Integrated and Turf Solutions, Inc. provided a cost-effective price, complying with the City's carpet specifications.

ALTERNATIVE ACTIONS CONSIDERED

If a new RFP were to be managed by Staff to acquire a vendor, rather than using CMAS, the process would be longer and potentially be impacted by increased costs for materials and labor. CMAS is the most time and cost-effective action.

CONTACT PERSON

Wahid Amiri, Deputy Public Works Director, (510) 981-6396
Ronald Nevels, Manager of Engineering, Dept. of Public Works (510) 981-6439
Elmar Kapfer, Supervising Civil Engineer, Dept. of Public Works (510) 981-6435

Attachments:
1: Resolution
2: Quote from Shaw Integrated and Turf Solutions Inc.

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

CONTRACT: SHAW INTEGRATED AND TURF SOLUTIONS, INC. FOR THE CIVIC CENTER BUILDING (2180 MILVIA) CARPET REPLACEMENT PROJECT

WHEREAS, the existing broadloom carpeting in the Civic Center Building, specifically on the 2nd floor at the Health and Human Community Services (HHCS) Department and Payroll Department is in need of replacement; and

WHEREAS, the City has neither the labor nor the equipment necessary to undertake this renovation project; and

WHEREAS, the California Multiple Award Schedule (CMAS) is available to state and local governments, which, by utilizing the city is able to adhere to BMC section 7.18.010, meeting the competitive bidding requirement; and

WHEREAS, the California Department of General Service Procurement Division determined Shaw Integrated and Turf Solutions, Inc.'s bid pricing to be fair and reasonable and awarded CMAS Contract No. 4-24-09-1049; and

WHEREAS, funds are available in the FY 2025 Budget in the Capital Improvement Fund (501).

NOW THEREFORE, BE IT 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 terms and conditions of the agreement with Shaw Integrated and Turf Solutions, Inc. for the carpet replacement project at the Civic Center Building, in an amount not to exceed $147,096; which includes an authorized contingency of $13,372. A record signature copy of the agreement and any amendments to be on file in the office of the City Clerk.

Mail Drop 999 P.O. Box 748552
Atlanta, GA 30384-8552

Shaw Industries, Inc.

Phone: ( ) -
Fax: ( ) -

Proposal Submitted To	Attention	Phone	Fax	Date
City of Berkeley, CA	Uriel Gonzalez	( ) -	( ) -	01/28/25

Proposal Name	Job Name	Job #
2180 Milvia Street - 2nd Floor	2180 Milvia Street - 2nd Floor	170762

Street	Job Street	Proposal ID
2180 Milvia St	2180 Milvia St	192932

City, State and Zip	Architect	Date of Plans	Add #	Job City, State and Zip	Customer Job #	Customer PO
Berkeley, CA 94704--112	CMAS			Berkeley, CA 94704--112	None	None

We hereby submit specifications and estimates for:

Item Description	Color	Qty	UOM	Unit Price	Extended Price
Memory Tile Ecoworx (North Env Health)	48979/Insight	528.00	SY	$28.81	$15,211.68
Memory Tile Ecoworx (South Housing)	48979/Insight	522.67	SY	$28.81	$15,058.12
LokWorx+ Carpet Tile Adhesive 4 Gallon		11.00	4 Gal	$111.53	$1,226.83
Furniture Moving		147.00	SY	$95.59	$14,051.73
Furniture Lift and Carpet Removal		1,048.00	Each	$34.61	$36,271.28
Carpet Disposal		1,048.00	Each	$2.81	$2,944.88
Skim Coat		9,432.00	Each	$3.04	$28,673.28
Carpet Tile Installation		1,048.00	SY	$12.39	$12,984.72
Reimbursement of taxes imposed on the contractor. The contract price does not include any contingency for such tax.		1.00	Each	$3,341.50	$3,341.50
Freight - Pricing Good for 30 Days		1.00	Each	$2,393.80	$2,393.80
Estimated Additional CARE Fee Effective February 1, 2025		1.00	SY	$525.33	$525.33
California Carpet Assessment as required by AB 2398					$1,040.16
				Base Bid Total:	**$133,723.31**

Proposal Inclusions and Exclusions:

1. Contract#4-24-09-1049
   Contract Period 09/24/2024 through 08/09/2027
2. Local Contact: Meg Lievers Installer: Corban Floor Coverings
3. Material title and risk of loss passes to the purchaser at the time of material delivery to owner provided address
4. Proposal does not include removal of any materials containing asbestos.
5. Extensive floor prep is not included in the price but may be necessary due to unforeseen conditions of the sub-floor. This work may include, but is not limited to, leveling or grinding, encapsulation or sealing, or extensive scraping of the sub-floor. Should extensive floor prep be required, you will receive a change order for the necessary work.
6. Price includes work as specifically stated in the above description for the quantities stated. Any circumstances that require additional labor will be handled through the change order process.
7. All pricing is based on work being completed during normal working hours.
8. Exclusions: attic stock, major floor prep, furniture moving unless specified in proposal, disconnecting and moving of computers and electronic equipment, vacuuming and protection of finished products, and any plumbing work (removal of commodes, etc)..
9. Price is based on a consecutive installation period without delays and is based on the customer allowing installation crews access to work a minimum of 8 consecutive hours a day until completion. Delays other than "acts of God" will result in charges for down-time.
10. Please email your Purchase Order to Stephanie Langford at stephanie.langford@shawinc.com to initiate the order process. A purchase order is required before materials can be shipped.
11. Remit to Address: SHAW INTEGRATED SOLUTIONS PO Box 748552 Atlanta, GA 30384-8552

Mail Drop 999 P.O. Box 748552
Atlanta, GA 30384-8552
Proposal ID: 192932

Shaw Industries, Inc.

Phone: ( ) -
Fax: ( ) -

We PROPOSE to perform the work complete in accordance with the specifications and as described above for the SUM of:

Signature: Stephanie Langford **Stephanie Langford** **$133,723.31**

Email: stephanie.langford@shawinc.com

Conditions of Proposal:

1. This Proposal may be withdrawn, if not accepted, within 30 days of its issuance. Shaw Industries Group, Inc. will consider reasonable requests to engage in negotiations for revisions to this Proposal, including signing a subcontract that includes the terms of this Proposal. A proposal not accepted within 30 days will be subject to price escalation of materials, labor, freight and fuel costs.
2. This proposal is subject to credit review and approval. Payment terms are net 30 days. A convenience fee of 2.5% will be added if paying via credit card. Past due invoices are subject to service charges of 1.5% per month (18% per annum). In the case of any default, Customer shall pay Shaw Industries Group, Inc.'s reasonable attorney fees and costs, including those on any appeal, even if no suit or action is filed.
3. All work shall be performed in a workmanlike manner according to industry standards. Areas to receive flooring shall be free and clear of debris. Any changes to the work shall be performed only after execution of a written change order.
4. Prior to commencement of Shaw Industries Group, Inc.'s work: (a) Customer shall test all concrete sub floors receiving flooring for vapor emission levels and alkalinity per manufacturers' recommendations utilizing ASTM F2170 and provide written results to Shaw Industries Group, Inc., including a list of any sealers applied to the concrete sub floor; (b) If Customer does not provide such reports at least 10 days prior to commencement of Shaw Industries Group, Inc.'s work, then Customer shall provide Shaw Industries Group, Inc. with access to all concrete sub floors for appropriate testing and Customer shall be responsible for the costs of such testing; and (c) Any concrete sub floors not meeting manufacturers' requirements for installation will require correction or the execution of a separate waiver agreement.
5. All work is contingent upon strikes, accidents or delays beyond Shaw Industries Group, Inc.'s control. Customer shall carry insurance for all hazards, including fire. Shaw Industries Group, Inc.'s workers are fully covered by Worker's Compensation and Liability Insurance.
6. Customer represents and warrants that: (a) the project site contains no hazardous or other dangerous substances, either exposed or concealed; or (b) Customer has given written notice to Shaw Industries Group, Inc. of all such substances and their location(s). To the fullest extent permitted by law, Customer shall indemnify, defend and hold Shaw Industries Group, Inc. harmless from any damage, claim, loss, expense and attorney fees related to Shaw Industries Group, Inc.'s liability, if any, including any federal or state statute related to hazardous or other dangerous substances.
7. Shaw Industries Group, Inc. is fully licensed, bonded, and insured. This proposal does not include participation in any OCIP/CCIP or related programs. Requests for Shaw Industries Group, Inc. to participate in such programs may result in additional costs.

ACCEPTANCE OF PROPOSAL: The above prices, specifications, and conditions are satisfactory and are hereby ACCEPTED. You are authorized to do the work as specified.

Customer: City of Berkeley, CA **Signed:** _____ **Date:** _____

23

Office of the City Manager

CONSENT CALENDAR
May 20, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Terrance Davis, Director, Public Works

Subject: Contract No. 081671-1 (8318C) Amendment: RouteSmart Technologies, Inc. Software Maintenance

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 81671-1 (8318C) with RouteSmart Technologies Inc. to increase the contract by $25,000, for a total not to exceed amount of $235,743, to fund software license maintenance and support services, from June 30, 2025 through June 30, 2026.

FISCAL IMPACTS OF RECOMMENDATION

Funds for this contract are available in FY 2025 and subject to appropriation in FY 2026 in the Zero Waste Fund 601 (601-54-627-734-3023-000-472-613130).

CURRENT SITUATION AND ITS EFFECTS

The Department of Public Works uses RouteSmart to manage over 27,000 refuse, 20,000 green waste, and 5,000 commercial recycling stops each month. Prior to RouteSmart implementation, staff used the FUND$ Utility Billing (CX) module, originally designed as a water utility billing system. Because that module was not designed to manage refuse billing and account management, routes were improperly managed. Poorly managed routes led to unbalanced workload distribution, slow route completion times, and community complaints. Since implementation in 2010, RouteSmart has helped staff optimize the workload of 16 crews running a total of nearly 80 routes per week.

BACKGROUND

The City issued a Request for Proposals (Specification N. 09-10440-C) for route optimization software in July 2009, and received three responses. The RFP responses were evaluated by staff from the Public Works, Information Technology and Finance Departments; and RouteSmart Technologies Inc. was identified as the vendor that could provide the best value to the City. In 2010, RouteSmart Technologies Inc. successfully installed its software, configured integration with the FUND$ Utility Billing (CX) module, and provided training to Zero Waste Division staff.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
RouteSmart software identifies the shortest, most efficient route possible for Zero Waste Division trucks, which helps reduce the City's carbon footprint.

RATIONALE FOR RECOMMENDATION
RouteSmart software has improved pickup times, balanced workloads, and enhanced customer service. RouteSmart Technologies, Inc. has delivered consistent, high quality support and consulting services .

ALTERNATIVE ACTIONS CONSIDERED
Zero Waste considered hiring a consultant to maintain the RouteSmart system. However, employing a consultant would be more costly than retaining RouteSmart Technologies Inc. to provide ongoing maintenance and support. If ongoing maintenance is discontinued, staff would pursue an alternative system and invest resources into ensuring integration with existing City financial systems.

CONTACT PERSON
Leticia Jaurequi, Solid Waste & Recycling Manager, Public Works, (510) 981-6362

Attachment:
1: Resolution

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

CONTRACT AMENDMENT: CONTRACT NO. 81671-1 (8318C) – ROUTESMART TECHNOLOGY INC. FOR ZERO WASTE ROUTE OPTIMIZATION SOFTWARE MAINTENANCE

WHEREAS, prior to the RouteSmart Technologies software implementation, maintenance of Zero Waste (previously Solid Waste) routes was conducted via a very time-consuming, manual process; and

WHEREAS, in 2009, the City issued a Request for Proposal (Specification No. 09-10440-C) for route optimization software, in an effort make the routing process more efficient; and

WHEREAS, a review panel including staff in the Zero Waste Division, Information Technology Department, and Finance Department performed a thorough evaluation of the proposals and determined that RouteSmart Technologies could best meet the City's needs; and

WHEREAS, the RouteSmart Technologies software has greatly reduced staff time required to maintain the routes, increased the efficiency of the pickup schedules, and led to improved customer satisfaction; and

WHEREAS, City and Contractor previously entered into Contract Number 8318, dated April 28, 2010 which Contract was authorized by the Berkeley City Council by Resolution No. 64,667 – N.S; and

WHEREAS, on April 9, 2014, the City Manager authorized an amendment to extend the contract through June 30, 2014; and

WHEREAS, on June 3, 2014, by Resolution No. 66,608-N.S., the Berkeley City Council authorized Contract Number 8318A for a new not-to-exceed amount of $154,000; and,

WHEREAS, the City Manager authorized a contract extension through June 30, 2021; and

WHEREAS, the City Manager authorized a contract extension through June 30, 2022; and

WHEREAS, the City Manager authorized a contract extension through June 30, 2023; and

WHEREAS, the City Manager authorized a contract extension through June 30, 2024; and

WHEREAS, on June 28, 2024, the City Manager authorized a contract extension through June 30, 2025 ; and

WHEREAS, funds for this contract are available in FY 2025 and subject to appropriation in FY 2026 in the Zero Waste Fund 601 (601-54-627-734-3023-000-472-613130).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to amend Contract No. 81671-1 (8318C) with RouteSmart Technologies Inc. for software license maintenance and support of the RouteSmart software, increasing the amount of the current contract by $25,000 for a total not to exceed $235,743 from June 30, 2025 through June 30, 2026.

24

Office of the City Manager

CONSENT CALENDAR
May 20, 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: Declaration of Intent – Fiscal Year 2026 Street Lighting Assessments

RECOMMENDATION

Adopt two Resolutions granting the City Manager the authority to:

1. Approve the Engineer's Reports; and
2. Set a public hearing to be held before the Council of the City of Berkeley at its June 17, 2025, meeting; and
3. Authorize the City Clerk to publish a Notice of the Public Hearing for Fiscal Year 2026 Levy of Assessments for Berkeley Street Lighting Assessment District No. 1982-1 and Street Lighting Assessment District 2018.

FISCAL IMPACTS OF RECOMMENDATION

The Resolutions would conditionally approve, pending the public hearing and final Council authorization thereafter, the continued levying of assessments in Fiscal Year (FY) 2026 for Berkeley Street Lighting Assessment District No. 1982-1 and Street Lighting Assessment District 2018, collectively referred to herein as the Districts.

The assessments are to be filed with the Alameda County Auditor and included on the County's assessment roll. After collection by the County, the total amount of the assessment minus a County collection fee is paid to the City. The Street Light Assessment District Fund (Fund 142) receives the revenue.

The projected net shortfall of $1,206,621 will be backfilled by reserves. A summary of forecasted FY 2026 revenue and expenditures for the Districts is shown in Table 1.

Table 1: FY 2026 Street Light Assessment Revenue & Expenditures Forecast

Street Lighting Program Expenditures	**$ 3,635,213**
Projected Assessments	
Street Light Assessment District 1982-1	$ 1,445,460
Street Light Assessment District 2018	$ 907,485
Misc. Revenue	$ 75,647
Projected Net Assessments	**$ 2,428,592**
From Reserves	**$ (1,206,621**

Allowable annual adjustments of the 2018 District assessment rates are expected to raise revenues over the coming years.

CURRENT SITUATION AND ITS EFFECTS

The proposed FY 2026 rates for Assessment District 1982-1 (1982 District) are incorporated into the Engineer's Report (Attachment 3) and reflect no changes to assessment rates in FY 2026. Accordingly, this action is exempt from the notice, protest, and hearing requirements of State Proposition 218 as set forth in Government Code Section 53753.5 (Article XIII D, Sec. 5). Any increase or change in the formula for the assessments would make the annual assessment subject to procedures and approval process of Proposition 218 (Government Code Section 53750-53754). Table 2 details prior year and proposed FY 2026 assessment rates.

Table 2: Street Lighting Assessment District No. 1982-1 Rate Schedule

Rate Category	Assessment FY 2025	Proposed Assessment FY 2026	Unit
Residential and Institutional	$ 0.0108	$ 0.0108	BSF[1]
Industrial and Utility	$ 0.0216	$ 0.0216	BSF
Commercial	$ 0.0432	$ 0.0432	BSF

The assessment for Street Lighting Assessment District 2018 (2018 District) is subject to an annual adjustment tied to the Consumer Price Index-U for the San Francisco Bay Area as of December of each succeeding year (the "CPI"), with a maximum annual adjustment not to exceed 3%. For the period beginning in December 2023 and ending

[1] Building Square Footage (BSF)

in December 2024, the CPI increased by 2.38% [2], therefore, the assessment CPI adjustment for Fiscal Year 2026 may not exceed 2.38%. As approved by voters, the total annual adjustment may be calculated by taking the sum of the 1982-1 District and 2018 District assessments and multiplying the sum by the allowable CPI increase. Calculating the adjustment in this manner allows for including a 1982-1 District adjustment as part of the 2018 District adjustment. The CPI adjustment of 2.38% is applied to the combined total of the 1982-1 and 2018 District assessments, resulting in a total effective rate increase of approximately 6.24% for the 2018 District.

These rate increases and the methodology used in their calculation are in accordance with the voter-approved measure; therefore, the proposed adjustments are exempt from the notice, protest, and hearing requirements of State Proposition 218 as set forth in Government Code Section 53753.5 (Article XII D, Sec. 5).

Table 3 details FY 2025 and proposed FY 2026 assessment rates for this district. A detailed calculation of the annual adjustment and the corresponding rate increases are included in the 2018 District Engineer's Report (Attachment 4).

[2] Bureau of Labor Statistics, Data Series CUUSS49BSA0

Table 3: Street Lighting Assessment District 2018 Rate Schedule

Rate Category	Assessment FY 2025	Proposed Assessment FY 2026	Unit
Residential			
Single Family	$ 17.96	$ 19.08	parcel
Multi-Family<5 units	$ 14.37	$ 15.26	unit
Multi-Family 5 or more units	$ 10.78	$ 11.45	unit
Condominium	$ 14.37	$ 15.26	parcel
Mobile Home	$ 8.98	$ 9.54	unit
Multiple SFR on parcel	$ 17.96	$ 19.08	unit
Non-Residential			
General Commercial	$ 269.40	$ 286.20	acre
Industrial / Warehouse	$ 26.94	$ 28.62	acre
Auto Repair	$ 179.60	$ 190.80	acre
Hotel / Motel / Boarding	$ 179.60	$ 190.80	acre
Hospital	$ 112.25	$ 119.25	acre
Retirement Home	$ 22.45	$ 23.85	acre
School / Day Care	$ 40.41	$ 42.93	acre
Medical / Dental / Vet	$ 224.50	$ 238.50	acre
Church	$ 13.47	$ 14.31	acre
Mortuary	$ 4.49	$ 4.77	acre
Recreational	$ 44.90	$ 47.70	acre
Parking / Transportation	$ 89.80	$ 95.40	acre
Mini Storage	$ 13.47	$ 14.31	acre
Office	$ 67.35	$ 71.55	acre
Bank	$ 224.50	$ 238.50	acre
Park / Open Space / Agriculture	$ 0.90	$ 0.95	acre
Vacant	*Not assessed*		

Revenue from the assessments will provide needed funding for installing, maintaining, and servicing certain public facilities, including but not limited to street lights, traffic signals, and related electrical facilities. The improvements and services support the Strategic Plan goals of creating a resilient, safe, connected, and prepared city and providing state-of-the-art, well-maintained infrastructure, amenities, and facilities.

BACKGROUND

The Berkeley Street Lighting Assessment District No. 1982-1 was established under the Landscaping and Lighting Act of 1972 (Streets and Highway Code Section 22620-

22631) on July 27, 1982 (Resolution No. 51,449-N.S.)[3]. The Street Lighting Assessment District 2018 was established under the same Act on June 12, 2018 (Resolution No. 68,482-N.S.). Even if there is no proposed rate increase, the Landscaping and Lighting Act of 1972 still requires the Council to annually adopt the Engineer's Report and set a public hearing.

In accordance with the Landscaping and Lighting Act of 1972, the Council sets a date for a public hearing and authorizes the publication of a notice at least ten days prior to the date of that hearing to allow owners of assessed properties within each district to make an oral or written protest against the annual levy. During the course of, or upon conclusion of the public hearing, the Council may order changes in any of the matters provided in the respective Engineer's Report, including changes in improvements; zones within the assessment district; and the proposed district diagram, or the proposed assessment, as long as any proposed changes are less than the proposed annual levy.

Copies of the Engineer's Reports with FY 2026 assessments are to be filed with the City Clerk and at the reference desk of the main branch of the Berkeley Public Library. Electronic copies of the reports and finalized assessment rolls will also be available to the public upon request.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
The City exclusively uses LED (light emitting diode) street lighting. LED lights achieve the City's illumination standards and last longer than high-pressure sodium lamps, reducing maintenance costs, and providing environmental benefits by reducing the level of greenhouse gases emitted, reducing the level of toxic materials disposed, and maximizing energy efficiency.

RATIONALE FOR RECOMMENDATION
The Landscaping and Lighting Act of 1972, under which the Districts were formed, requires a public hearing to be held each year during a regular City Council Meeting to consider adopting an annual budget and changes to the Engineer's Report. Failing to meet these requirements would prevent the City from collecting assessments for the Districts in FY 2026.

CONTACT PERSON
Wahid Amiri, Deputy Director, Department of Public Works, (510) 981-6396
Ronald A. Nevels, Manager of Engineering, Public Works, (510) 981-6439

[3] State of California legislation (Streets & Highways §22500) allows local governmental agencies to form Landscape & Lighting Maintenance Districts. A 1972 Act Landscaping and Lighting District is a flexible tool used by local government agencies to pay for landscaping, lighting and other improvements and services in public areas. It is based on the concept of assessing only those properties that benefit from improvements financed, either directly, or indirectly through increased property values. http://www.californiataxdata.com/pdf/1972LLact.pdf

Attachments:
1: Resolution – Declaration of Intent – Street Lighting Assessment District 1982-1
2: Resolution – Declaration of Intent – Street Lighting Assessment District 2018
3: Engineer's Report - Street Lighting Assessment District 1982-1 Fiscal Year 2026
4: Engineer's Report - Street Lighting Assessment District 2018 Fiscal Year 2026

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

DECLARATION OF INTENT – ASSESSMENTS FOR FY 2026 STREET LIGHTING ASSESSMENT DISTRICT 1982-1

WHEREAS, on July 27, 1982, the Council Adopted Resolution No. 51,449–N.S. that completed proceedings to form the Berkeley Street Lighting Assessment District No. 1982-1; and

WHEREAS, pursuant to Chapter III of the Landscaping and Lighting Act of 1972 Street and Highway Code Section 22620-22631, the Department of Public Works, Engineering Division, Engineer of Work for Berkeley Street Lighting Assessment District No. 1982-1, prepared and filed an annual report for levy of annual assessments for Fiscal Year (FY) 2026 with the City Clerk.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council of the City of Berkeley approves the Engineer's Report, dated April 2025, on levy of FY 2026 for Berkeley Street Lighting Assessment District 1982-1 assessments. The area of land to be assessed is located in the City of Berkeley, Alameda County.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley declares its intention to levy and collect assessments within the Berkeley Street Lighting Assessment District 1982-1 for FY 2026.

BE IT FURTHER RESOLVED that the City Clerk shall publish a notice at least ten (10) days prior to the date of the public hearing listing the date, hour, and place of the public hearing for annual levy and collection of assessments in accordance with Streets and Highway Code Sections 22625, 22626, 22552, and 22553 and Section 6061 of the Government Code.

BE IT FURTHER RESOLVED that improvements to be made in this assessment district are generally described as maintenance or servicing of existing and future public lighting facilities, including, but not limited to street lights, traffic signals, and related electrical facilities; and the installation and construction of public lighting including but not limited to grading, clearing, removal of debris, installation and construction of curbs, gutters, walls, sidewalk, paving, irrigation, and drainage as needed for the installation of public lighting or related electrical facilities.

BE IT FURTHER RESOLVED that the annual report for Fiscal Year 2026 for which assessments are to be levied and collected to pay the costs of the improvements described in the report prepared by the Department of Public Works, Engineering Division, in accordance with the Landscaping and Lighting Act of 1972 is filed with the Office of City Clerk. All interested persons are referred to that report for a full and detailed

description of improvements, boundaries of the assessment district, and proposed assessments upon assessable lots and parcels of land within the assessment district.

BE IT FURTHER RESOLVED that at 6:00 PM on Tuesday, June 17, 2025, the City Council will conduct a public hearing. The hearing may be held in the School District Board Room at 1231 Addison Street, Berkeley, CA 94702. The Council will consider all objections or protests, if any, to the proposed assessment. Any interested person may present written or oral testimony at the public hearing.

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

DECLARATION OF INTENT – ASSESSMENTS FOR FY 2026 STREET LIGHTING ASSESSMENT DISTRICT 2018

WHEREAS, on June 12, 2018, the Council Adopted Resolution No. 68,432–N.S. that completed proceedings to form the Street Lighting Assessment District 2018; and

WHEREAS, pursuant to Chapter III of the Landscaping and Lighting Act of 1972 Street and Highway Code Section 22620-22631, the Department of Public Works, Engineering Division, Engineer of Work for Street Lighting Assessment District 2018, prepared and filed an annual report for levy of annual assessments for Fiscal Year (FY) 2026 with the City Clerk.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley approves the Engineer's Report, dated April 2025, on the levy of assessments for FY 2026 for Street Lighting Assessment District 2018. The area of land to be assessed is located in the City of Berkeley, Alameda County.

BE IT FURTHER RESOLVED that the proposed annual adjustments of assessments are in compliance with the provisions of Proposition 218 because adjustments are in accordance with adjustment formulas established when the assessment district was formed.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley declares its intention to levy and collect assessments within the Street Lighting Assessment District 2018 for FY 2026.

BE IT FURTHER RESOLVED that the City Clerk shall publish a notice at least ten (10) days prior to the date of the public hearing listing the date, hour, and place of the public hearing for annual levy and collection of assessments in accordance with Streets and Highway Code Sections 22625, 22626, 22552, and 22553 and Section 6061 of the Government Code.

BE IT FURTHER RESOLVED that improvements to be made in this assessment district are generally described as maintenance or servicing of existing and future public lighting facilities, including, but not limited to street lights, traffic signals, and related electrical facilities; and the installation and construction of public lighting, including but not limited to grading, clearing, removal of debris, installation and construction of curbs, gutters, walls, sidewalk, paving, irrigation, and drainage as needed for the installation of public lighting or related electrical facilities.

BE IT FURTHER RESOLVED that the annual report for Fiscal Year 2026 for which assessments are to be levied and collected to pay the costs of the improvements

described in the report prepared by the Department of Public Works, Engineering Division, in accordance with the Landscaping and Lighting Act of 1972 is filed with the Office of City Clerk. All interested persons are referred to that report for a full and detailed description of improvements, boundaries of the assessment district, and proposed assessments upon assessable lots and parcels of land within the assessment district.

BE IT FURTHER RESOLVED that a public hearing will be held at 6:00 PM on Tuesday, June 17, 2025.. The hearing may be held in the School District Board Room at 1231 Addison Street, Berkeley, CA, 94702. The City Council will consider all objections or protests, if any, to the proposed assessment. Any interested person may present written or oral testimony at the public hearing.

CITY OF BERKELEY

STREET LIGHTING ASSESSMENT DISTRICT No. 1982-1

ENGINEER'S REPORT

on the
Levy of an Assessment
for
Fiscal Year 2026

April 2025

Prepared by

RONALD NEVELS, PE
CITY OF BERKELEY
DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION

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BACKGROUND

By its Resolution 51,230 N.S., adopted April 6, 1982, the Berkeley City Council initiated proceedings under the provisions of Division 15, Part 2, of the California Streets and Highways Code, entitled “Landscaping and Lighting Act of 1972”. The required public hearing was held on July 20, 1982, at which time the Council ordered the improvements and the formation of the assessment district, and confirmed the diagram and assessment. The district so formed was designated the “City of Berkeley Street Lighting Assessment District 1982-1”. Assessments have been levied for the 1983 through 2024 fiscal years.

This report was prepared and filed pursuant to Division 15, Part 2, of the California Streets and Highway Code Section 2250, and is exempt from Government Code Section 53753 since the proposed assessment for FY 2026 will not be increased.

PLANS AND SPECIFICATIONS

The plans and specifications for this assessment district were prepared and filed with the Engineer’s Report for the 1983 fiscal year, which plans and specifications are incorporated herein by this reference thereto.

METHODOLOGY

The benefit to individual parcels within the Assessment District was established in 1982 based on the median light intensity a parcel receives. Parcel’s Land Use Code (LUC) is used to categorize the parcels. The assessment is calculated by multiplying the building square footage on the parcel times the rate of its category. The rate structure has three categories: 1) Residential and Institutional, 2) Industrial, 3) Commercial. An industrial area has twice the median light intensity of a residential area and a commercial area has four times the median light intensity; therefore, the rates are two and four times higher, respectively, than the residential rate. The rates are:

Residential and Institutional	$0.0108/Building Square Footage
Industrial and Utility	$0.0216/Building Square Footage
Commercial	$0.0432/Building Square Footage

ESTIMATE OF COSTS

The improvements to be made in this assessment district are generally described as the maintenance or servicing of existing and future public lighting facilities, including, but not limited to street lights, traffic signals, and related electrical facilities; and the installation and construction of public lighting including grading, clearing, removal of debris, installation and construction of curbs, gutters, walls, sidewalks, paving, irrigation, and drainage as needed for the installation of public lighting or related electrical facilities.

An estimate of costs for the maintenance of the improvements is provided in the fiscal year (FY) 2026 Street Light Assessment Fund (Fund 142) forecast provided below.

Table 1- FY 2026 Street Light Fund Forecast

Expenses		
Personnel Expenses	**$**	**747,790**
Non-Personnel Expenses		
Non-Personnel	$	452,239
Debt Service	$	217,907
PG&E Electric Costs	$	498,352
Indirect Costs	$	84,929
Operating Transfer Out	$	12,120
County Collection Fee	$	37,367
Subtotal Non-Personnel Costs	**$**	**1,703,054**
Capital Expenses		
Deferred Capital/Maintenance	$	424,465
Subtotal Capital Expenses	**$**	**424,465**
Total Expenses	**$**	**2,875,309**
Assessments & Other Revenue		
Street Light Assessment District 1982-1	$	1,445,460
Street Light Assessment District 2018	$	907,485
Misc. Revenue	$	500
Total Revenue	**$**	**2,353,445**
Deficit – To (from) General Fund and/or Reserves	**$**	**(521,864)**

DIAGRAM

The diagram for this assessment district was prepared and filed with the Engineer's Report for the 1983 fiscal year.

ASSESSMENT

Except as described below, the assessments to be made against the assessable lots and parcels of land within this assessment district are contained in the "2025 Assessment Roll" for this district, which roll is filed herewith and incorporated herein by this reference thereto.

Said assessment roll filed herewith is based on data contained in the City's 2025 Library Tax tape and the County Assessor's 2025 maps. In the event that data contained in the 2025 Library Tax tape and 2025 maps, when issued, conflict therewith, assessments to be made against the affected parcels for this 2026 Fiscal Year shall be based upon the revised data contained in said 2026 tape and 2026 maps.

Dated: _____

_____

Ronald Nevels, RCE 62524
Engineer of Work

APPENDIX A: FY 2026 ASSESSMENT ROLL

An Assessment Roll (a listing of all parcels assessed within the City of Berkeley Street Lighting Assessment District 1982-1 and the amount of the assessment) has been filed with the City Engineer, and is, by reference, made part of this report and will be available for public inspection during normal office hours.

Each lot or parcel listed on the Assessment Roll is shown and illustrated on the latest County Assessor records and these records are, by reference, made part of this report. These records shall govern all details concerning the description of the lots or parcels.

FY 2026

City of Berkeley

Street Lighting Assessment District 2018

May 2025

Engineer of Work:

SCIConsultingGroup
Public Finance Consulting Services

4745 Mangels Boulevard
Fairfield, California 94534
707.430.4300
www.sci-cg.com

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CITY OF BERKELEY

City Council

Adena Ishii, Mayor
Rashi Kesarwani, District 1
Terry Taplin, District 2
Ben Bartlett, District 3
Igor Tregub, District 4
Shoshana O'Keefe, District 5
Brent Blackaby, District 6
Cecilia Lunaparra, District 7
Mark Humbert, District 8

City Manager

Paul Buddenhagen

Public Works Department

Terrance Davis, Public Works Director
Ronald A. Nevels, Manager of Engineering
Ricardo Salcedo, Associate Civil Engineer

City Attorney

Farimah Brown

Engineer of Work

John Bliss, P.E., SCI Consulting Group

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Introduction

Overview

The City of Berkeley ("City") provides maintenance and servicing of certain publicly-owned street lights throughout the City. In order to fund the installation, maintenance and operation (the "Services") of these improvements ("Improvements"), the City formed a city-wide street light assessment district in 1982. The rates for the 1982 assessment district have never been increased. Revenues from these assessments are placed into the streetlight fund (Fund 142).

In time, the financial outlook of the Streetlight fund began to cause concern as the costs increased for energy, labor and materials, while the revenue remained relatively static. Accordingly, the Streetlight fund no longer had enough funds to fund the Street light program. As a result, beginning in Fiscal Year 2006[1] the Streetlight fund began to receive a subsidy from the City's General Fund in order to balance revenues with expenditures. However, because of other demands on the General Fund, that subsidy ended beginning Fiscal Year 2018. The modest fund balance was sufficient for Fiscal Year 2018 to cover that year's anticipated expenses, but under those conditions it was expected to be depleted during Fiscal Year 2019. To establish financial sustainability for the Streetlight fund and avoid significant reductions in service levels, in 2018 the City conducted a funding measure to increase the assessment revenue for street light services.

With the passage of Proposition 218 in 1996, any increase in assessments must be approved by the affected property owners through a specified ballot proceeding. In addition, Proposition 218 and related subsequent court decisions create strict criteria for how assessments can be apportioned to the various properties, and the existing 1982 assessment structure may not be adequately consistent with these newer criteria. While the 1982 assessment structure may continue as a "grandfathered" assessment, any increase must be implemented in accordance with Proposition 218 and court decisions. For this reason, a new district, Street Lighting Assessment District 2018 ("District"), was formed separately, leaving the 1982 assessment structure in place, as is. The District was formed and the assessments levied pursuant to Part 2 of Division 15 of the *California Streets and Highways Code*, commonly known as the Landscape and Lighting Act of 1972 ("Act"), and Article XIIID of the California Constitution ("Article").

[1] Fiscal years are referenced in this Report by the year that fiscal period ends. For example, Fiscal Year 2006 would cover the period from July 1, 2005 through June 30, 2006.

Assessment Formation Process

This Engineer's Report ("Report") describes the Street Lighting Assessment District 2018 ("District"), along with the boundaries, a description of the facilities and public improvements to be improved, serviced and maintained by the assessments (the "Improvements"), and the proposed assessments for Fiscal Year 2026 ("Assessments").

At its meeting on April 3, 2018, the City Council passed a resolution directing that a notice of assessment and assessment ballot be mailed to property owners within the District whose property receives special benefit from the Improvements. The notice included a description of the Improvements to be funded by the Assessments, the proposed assessment amount for each parcel owned, and an explanation of the method of completing and submitting the ballot. Ballots were mailed on or about April 11, 2018.

On May 29, 2018, a public hearing was be held for the purpose of allowing public testimony regarding the proposed Assessments. At the Public Hearing, the public had the opportunity to speak on the issue, voice any concerns or protests, and obtain further information about the proposed Assessments.

The returned ballots were then tabulated, and the ballot results were announced at the City Council meeting on June 12, 2018. It was determined that the assessment ballots submitted in opposition to the proposed Assessments did not exceed the assessment ballots submitted in favor of the Assessments (each ballot was weighted by the proportional financial obligation of the property for which the ballot was submitted), so the Council was able to take action to approve the levying of Assessments for Fiscal Year 2019. The Assessments were confirmed and approved, and the Assessment information was submitted to the County Auditor/Controller. The County Auditor/Controller included the Assessments on the property tax roll beginning in Fiscal Year 2019. Assessments may now be continued by the City Council from year to year.

Legal Requirements

Proposition 218

This Assessment District was formed consistent with Proposition 218, The Right to Vote on Taxes Act, which was approved by the voters of California on November 6, 1996 and is now codified as Articles XIIIC and XIIID of the California Constitution. Proposition 218 provides for benefit assessments to be levied to fund the cost of providing services, improvements, as well as maintenance and operation expenses to a public improvement which benefits the assessed property.

Proposition 218 describes a number of important requirements, including property-owner balloting for the imposition, increase and extension of assessments, and these requirements are satisfied by the process used to establish this Assessment District.

Silicon Valley Taxpayers Association, Inc. v. Santa Clara County Open Space Authority

In July 2008, the California Supreme Court decided Silicon Valley Taxpayers Association, Inc. v. Santa Clara County Open Space Authority ("*SVTA*"), the most significant court case clarifying the substantive assessment requirements of Proposition 218. Several of the most important elements of the decision included further emphasis that:

- Benefit assessments are for special benefits to property, not general benefits.
- The services and/or improvements funded by assessments must be clearly defined.
- Assessment districts must be drawn to contain all parcels that receive a special benefit from a proposed public improvement.
- Assessments paid in each assessment district must be proportional to the special benefit received by each such parcel from the improvements and services funded by the assessment.

This Engineer's Report and the process used to establish the Assessments are consistent with the *SVTA* decision and with the requirements of Article XIIIC and XIIID of the California Constitution based on the following factors:

1. The District is narrowly drawn to include only the properties that receive special benefit from the specific Improvements. Thus, zones of benefit are not required, and the assessment revenue derived from real property in the District is extended only on the Improvements in the District.

2. The Improvements which will be constructed and maintained with Assessment proceeds in the District are located in close proximity to the real property subject to the Assessment. The Improvements provide illumination to streets and sidewalks enabling improved access to the residents of such assessed property. The proximity of the Improvements to the assessed parcels and the improved access and increased safety provided to the residents of the assessed parcels by the Improvements provides a special benefit to the parcel being assessed pursuant to the factors outlined by the Supreme Court in that decision.

3. Due to their proximity to the assessed parcels, the Improvements financed with Assessment revenues in the District benefit the properties in that District in a manner different in kind from the benefit that other parcels of real property in the area derive from such Improvements, and the benefits conferred on such property in the District are more extensive than a general increase in property values.

4. The assessments paid in the District are proportional to the special benefit that each parcel within the District receives from the Improvements because:

   a) The costs of the specific lighting Improvements and maintenance and utility costs in the District are specified in this Report; and

   b) Such Improvement and maintenance costs in the District are allocated among different types of property located within the District and equally among those properties which have similar characteristics, such as single-family residential parcels, multi-family residential parcels, commercial parcels, industrial parcels, etc.

Dahms v. Downtown Pomona Property

On June 8, 2009, the Court of Appeal amended its original opinion upholding a benefit assessment for property in the downtown area of the City of Pomona in Dahms v. Downtown Pomona Property ("*Dahms*"). On July 22, 2009, the California Supreme Court denied review. In *Dahms* the Court upheld an assessment that was 100% special benefit (i.e. 0% general benefit) on the rationale that the services and improvements funded by the assessments were directly provided to property in the assessment district. The Court also upheld discounts and exemptions from the assessment for certain properties.

Bonander v. Town of Tiburon

On December 31, 2009, in Bonander v. Town of Tiburon ("*Bonander*"), the Court of Appeal overturned a benefit assessment approved by property owners to pay for placing overhead utility lines underground in an area of the Town of Tiburon. The Court invalidated the assessments primarily on the grounds that the assessments had been apportioned to assessed property based in part on relative costs within sub-areas of the assessment district instead of the overall cost of the improvements and the overall proportional special benefits.

Beutz v. County of Riverside

On May 26, 2010 the Court of Appeals issued a decision in Steven Beutz v. County of Riverside ("*Beutz*"). This decision overturned an assessment for park maintenance in Wildomar, California, primarily because the general benefits associated with improvements and services was not explicitly calculated, quantified and separated from the special benefits.

Golden Hill Neighborhood Association v. City of San Diego

On September 22, 2011, the Court of Appeal issued a decision in Golden Hill Neighborhood Association v. City of San Diego appeal. This decision overturned an assessment for street and landscaping maintenance in the Greater Golden Hill neighborhood of San Diego, California. The Court described two primary reasons for its decision. First, like in *Beutz*, the Court found the general benefits associated with services were not explicitly calculated, quantified and separated from the special benefits. Second, the Court found that the City failed to record the basis for the assessment on its own parcels.

Compliance with Current Law

This Engineer's Report is consistent with the requirements of Articles XIIIC and XIIID of the California Constitution and with the *SVTA* decision because the Improvements to be funded are clearly defined; the Improvements are directly available to and will directly benefit property in the District; and the Improvements provide a direct advantage to property in the District that would not be received in absence of the Assessments.

This Engineer's Report is consistent with *Beutz*, *Dahms* and *Greater Golden Hill* because the Improvements will directly benefit property in the District and the general benefits have been explicitly calculated and quantified and excluded from the Assessments. The Engineer's Report is consistent with *Bonander* because the Assessments have been apportioned based on the overall cost of the Improvements and Services and proportional special benefit to each property.

Plans and Specifications

The work and Improvements to be undertaken by the City and the cost paid from the levy of the annual assessment provide special benefit to assessor parcels within the District defined in the Method of Assessment herein. Consistent with the Act, the Improvements are generally described as follows:

The installation, maintenance, and servicing of local street lights in close proximity to certain lots and parcels which provide a direct special benefit to such lots or parcels.

The installation, maintenance, and servicing of peripheral street light structures which provide a special benefit to all the assessable parcels within the District whether or not such parcels are in close proximity to such lighting.

The installation or construction of public lighting facilities, or the acquisition of any new improvements.

Plans and Specifications for the Improvements for the District are voluminous and are not bound in this Report but by this reference are incorporated and made a part of this Report. The Plans and Specifications are on file in the Public Works Engineering Office where they can be made available for public inspection.

Article XIII D of the California Constitution defines "maintenance and servicing expenses" as, "the cost of rent, repair, replacement, rehabilitation, fuel, power, electrical current, care and supervision necessary to properly operate and maintain a permanent public improvement." The Improvement funding includes, but is not limited to, the removal, repair, replacement or relocation of light standards, poles, bulbs, fixtures and appurtenances, electrical energy, supplies, engineering and incidental costs relating to the maintenance and servicing of the local lighting improvements benefiting the parcels within the District.

The Improvements to be maintained and serviced within the District are to be part of the local street light system of the City of Berkeley that confers special benefit to the District's parcels. The specific location of local street light Improvements within the City can be found in the Streetlight Condition Assessment by Tanko Lighting, which is on file in the office of the Director of Public Works, where it is available for public inspection.

The Improvements to be maintained and serviced within the District include City-owned street lights within the right of way of the local public streets located within the boundaries of the District. These lights are all within close proximity to the parcels within the District identified as receiving local lighting benefit in the Method of Assessment, and, as such, provide special benefit to these parcels.

All street light maintenance will be performed by the City of Berkeley or its contractors.

Fiscal Year 2026 Budget

A summary budget for fiscal year 2026 for the maintenance of the Improvements is provided below. The full Itemized budget for the Assessment District is voluminous and is not bound in this report but by reference is incorporated and made a part of this report. The Itemized budget is on file in the Department of Public Works where it is available for public inspection.

Table 1 – FY 2026 Budget Summary

	FY 2026
Revenue	
1982 Assessment Dist	$ 1,445,460
SLAD 2018 Assessments [1]	907,485
Misc. Revenue	500
TOTAL REVENUE	$ 2,353,445
Expenses	
Personnel Expenses	
Personnel	747,790
Other Operating Expenses	
Non-Personnel	608,200
Indirect Costs	76,071
Gas/Electricity	670,215
Debt Service Payment	293,055
Operating Transfer Out	16,300
County Collection Fee	39,214
Other Operating Subtotal	$ 1,703,055
Capital Expenses	
Deferred Capital/Maint	424,465
Capital Subtotal	$ 424,465
TOTAL EXPENSES	$ 2,875,310
To (from) General Fund and/or Reserves	$ (521,865)
Budget Allocation to Parcels	
Total Street Light 2018 Assessments [1]	$ 907,485
Total Street Light 2018 SFEs	47,555.425
Assessment per SFE [2]	**$ 19.08**

Notes on the Budget:

1. The Act requires that proceeds from the Assessments must be deposited into a special fund that has been set up for the revenues and expenditures of the District. Moreover, funds raised by the Assessment shall be used only for the purposes stated within this Report. Any balance remaining at the end of the Fiscal Year, June 30, must be carried over to the next Fiscal Year. The City may also establish a reserve fund for contingencies and special projects, as well as a capital improvement fund for accumulating funds for larger capital improvement projects or capital renovation needs. Any remaining balance would either be placed in the reserve fund, the capital improvement fund, or would be used to reduce future years' assessments.

2. The rate shown here is for a Single-Family Equivalent ("SFE"), which is a single-family home or its equivalent. For the definition of the term SFE and rates for other types of property, see the section titled, "Method of Assessment" and the sections following it in this report.

Method of Assessment

This section of the Engineer's Report includes an explanation of the benefits derived from the installation, maintenance and servicing of the Improvements throughout the District and the Assessment methodology used to apportion the total Assessment to properties within the District.

The District consists of all assessor parcels within the boundaries as defined by the Assessment Diagram and the parcels identified by the Assessor Parcel Numbers listed with the levy roll included with this Report. The parcel list includes all assessable privately and publicly owned parcels within the boundaries. The method used for apportioning the Assessment is based on the proportional special benefits to be derived by the properties in the District over and above general benefits conferred on real property or to the public at large. The apportionment of special benefit is a two-step process: the first step is to identify the types of special benefit arising from the Improvements and the second step is to allocate the Assessments to property based on the estimated relative special benefit for each type of property.

Discussion of Benefit

In summary, the Assessments can only be levied based on the special benefit to property. This benefit is received by property over and above any general benefits. Moreover, such benefit is not based on any one property owner's use of the Improvements or a property owner's specific demographic status. With reference to the requirements for Assessments, Section 22573 of the Act states:

> *The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements.*

Proposition 218, as codified in Article XIIID of the California Constitution, has confirmed that Assessments must be based on the special benefit to property:

> *No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel.*

Special Benefit

Street lighting is an optional improvement, not required by state or federal law, that is an enhancement over and above requisite infrastructure, and thus is a special benefit. The majority of the benefits of the street lights are received by the benefited property, with a small portion of the benefits received by the general public on major streets only. This portion received by the general public is captured and quantified in the following section.

The factors that determine special benefit conferred on parcels are detailed below:

Improved Visibility and Safety

Well maintained, effective street lighting provides special benefit to proximate parcels, within range of the light, because it allows for safer and improved use of the property in the evenings, early morning, and at night. Street lighting provides special benefit because it increases neighborhood safety and, at least indirectly, reduces the likelihood of crime on the proximate parcels. Over time, the Improvements continue to confer a particular and distinct special benefit upon parcels within the District because of the nature of the Improvements. The proper maintenance of the street lights and appurtenant facilities increases visibility and local human presence and, in many situations, helps reduce property-related crimes, especially vandalism, against assessed properties in the District.

Improved Access, Navigation and Traffic Safety

Well maintained, effective street lighting enhances ingress, egress and accessibility of all forms to the assessed parcels in the evening, early morning, and at night by increasing visibility. Improved visibility also helps prevent local automobile, bicycle, and pedestrian traffic accidents related to the assessed parcels. This benefit includes a reduction in accidents during non-daylight hours.

Improved Community Character and Vitality

Well maintained, effective street lighting promotes evening and nighttime social interaction of residents and customers of businesses and industry. This creates a positive atmosphere and enhanced community image in the evening and at night for the assessed parcels.

All of the above-mentioned items also contribute to a specific enhancement to each of the parcels within the District. The proximate street lights make each parcel safer, more visible, more accessible, more useful, more valuable and more desirable; and this further strengthens the basis of these Assessments.

General Versus Special Benefit

The proceeds from the Assessments are used to fund the described Improvements and increased levels of maintenance to the other City facilities that serve and benefit the properties in the District. In absence of the Street Lighting Assessment District 2018, such Improvements would not be properly maintained. Therefore, the District's purpose is to ensure that the necessary and beneficial public facilities for property in the District are properly maintained, operated and repaired over time. The Assessments will ensure that street lighting and associated improvements within and adjacent to the District are functional, well maintained and effective. These public resources directly benefit the property in the District and will confer distinct and special benefits to the properties within the District.

The Improvements and Services are specifically designed, located and created to provide additional and improved resources for property inside the District and not the public at large although the Improvements maintained by the Services may be available to the general public. Other properties that are outside the District do not enjoy the unique proximity and other special benefit factors described previously. These Improvements and Services are of special benefit to properties located within the District because they provide a direct advantage to properties in the District that would not be provided in the absence of the Assessments. Any general benefits to surrounding properties outside of the Assessment District, if any, are collateral and conferred concomitantly.

Quantification of General Benefit

Although the analysis used to support these assessments concludes that the benefits are solely special, as described above, consideration is made for the suggestion that a portion of the benefits are general. General benefits cannot be funded by these assessments. The funding for general benefits must come from other sources.

The maintenance and servicing of these Improvements is also partially funded, directly and indirectly, from other sources, including the City of Berkeley, Alameda County, and the State of California. This funding comes in the form of grants, development fees, special programs, and general funds, as well as direct maintenance and servicing of facilities (e.g. curbs, gutters, streets, drainage systems, etc.). This funding from other sources more than compensates for general benefits, if any, received by the properties within the Assessment District.

In the 2009 *Dahms* case, the Court upheld an assessment that was 100% special benefit on the rationale that the services funded by the assessments were directly provided within the assessment district. It is also important to note that the improvements and services funded by the assessments in Pomona are similar to the improvements and services funded by the Assessments described in this Engineer's Report and the Court found these improvements and services to be 100% special benefit. Also similar to the assessments in Pomona, the Assessments described in this Engineer's Report fund Improvements and Services directly provided within the District and every benefiting property in the District enjoys proximity and access to the Improvements. Therefore, *Dahms* establishes a basis for minimal or zero general benefits from the Assessments. Nonetheless, possible general benefits have been liberally calculated below and then shown to be more than offset by resources from non-assessment sources.

Calculation of General Benefit

The Illumination Engineering Society of North America provides a widely-used standard for street lighting which has become the de-facto industry standard. This standard specifies footcandle requirements as a measurement of illumination at the roadway level, which are different for local, collector, and major streets using three levels (low/medium/high) of pedestrian activity. The three street classifications and pedestrian activity levels are described below with a discussion of their general benefit contribution from the street light system.

Local Streets – a street that is used to gain access to the property bordering it. The street lights on local streets primarily serve the adjacent property owner. Therefore, per industry standard, the street lights on local streets have no general benefit component.

Collector Streets – low to moderate capacity roads which serve to move traffic from local streets to arterial roads. Similar to local streets, collector streets are primarily used by local residents and per industry standard are also deemed to have no general benefit component. This street classification will be used as the baseline for this analysis.

Arterials – high capacity streets that serve as the principal network for through traffic flow. These routes connect areas of principal traffic generation and important regional roadways traversing the City. As such, this traffic includes a significant number of drivers from outside the District and the street light Improvements may confer some general benefit on those drivers.

On average, arterial streets require a 45% increase in lighting levels from the baseline collector streets.[2] This increase in lighting reinforces the special benefits to the abutting properties as defined above: increased visibility and safety; improved access, navigation and traffic safety; and improved community character and vitality. In addition to these benefits, the through traffic flow, which includes drivers from outside the District, receives the additional benefit of reduction in nighttime accidents due to enhanced lighting. The degree to which each of these benefits can be considered general benefit is shown in Table 2 below.

Table 2 – General Benefit for Arterial Streets

Benefit Factor	Relative Weight	General Benefit Contribution	Relative General Benefit
Improved Nighttime Visibility and Safety	25	0%	0.0%
Improved Access, Navigation and Traffic Safety	25	50%	12.5%
Improved Community Character and Vitality	25	0%	0.0%
Reduction in Nighttime Accidents	25	75%	18.8%
General Benefit on Arterial Streets from Improved Lighting			**31.3%**

The general benefit from arterial streets must be combined with the general benefit from all other streets in the District. Each category of street has its unique general benefit weight, prorated by center line miles of streets. This calculation is shown in Table 3 below.

Table 3 – Calculation of General Benefit

Street Classification	Centerline Miles		General Benefit Weight	**General Benefit**
Local	158	73.1%	0%	0.0%
Collector	37	17.1%	0%	0.0%
Arterial	21	9.7%	31.3%	3.0%
TOTAL	216	100%		**3.0%**

[2] Based on values from the Illumination Engineering Society of North America, *"American National Standard Practice for Roadway Lighting."*

As a result, the City of Berkeley will contribute at least 3.0% of the total budget from sources other than the Assessment. This contribution offsets any general benefits from the Assessment Services.

Calculation of the Current General Benefit Contribution from the City

This general benefit contribution is the sum of the following components:

The City of Berkeley owns, maintains, rehabilitates and replaces curb and gutter along the border of the Assessment District improvements. This curb and gutter serves to support, contain, retain, manage irrigation flow and growth, and provide a boundary for the Improvements. The contribution from the City of Berkeley toward general benefit from the maintenance, rehabilitation, and replacement of the curb and gutter is conservatively estimated to be 1%.

The City of Berkeley owns and maintains a storm drainage system along the border of the District's Improvements. This system serves to prevent flooding and associated damage to the Improvements and to manage urban runoff including local pollutants loading from the Improvements. The contribution from the City of Berkeley toward general benefit from the maintenance and operation of the local storm drainage system is conservatively estimated to be 1%.

The City of Berkeley owns and maintains local public streets throughout the District. These public streets provide access to the Improvements for its enjoyment as well as efficient maintenance. The contribution from the City of Berkeley toward general benefit from the maintenance of local public streets is conservatively estimated to be 1%.

The value of the construction of the existing street light Improvements can be quantified and monetized as an annuity. Since this construction was performed and paid for by funds other than these Assessments, this "annuity" can be used to offset general benefit costs and is conservatively estimated to contribute 25%.

General Benefit is More than Offset by City Contribution

Therefore, the total general benefit is liberally quantified at 3.0%, which is more than offset by the total non-assessment contribution toward general benefit of 28%.

Method of Assessment

As previously discussed, the proposed Assessments will provide comprehensive Improvements that will clearly confer special benefits to properties in the proposed District. The allocation of special benefits to property is partially based on the type of property and the size of property.

The development of an Assessment methodology requires apportioning to determine the relative special benefit for each property. To determine the special benefit received by individual parcels, the use of that parcel must be considered. Each category of property can benefit from street lights in a unique way, and those characteristics must be quantified. As noted above, the special benefit factors are as follows:

- Improved visibility and safety
- Improved access, navigation and traffic safety
- Improved community character and vitality

The basis for apportioning Assessments is traffic generated to and from a particular parcel. This is used because the amount of traffic generated by a parcel is directly proportional to, and effectively models, the relative quantity of the three special benefit factors. For instance, the more people that come and go from a site, the more the site benefits from the improved visibility and safety. The same reasoning applies to the other special benefit factors.

Residential Traffic

The typical single-family residence ("SFR") generates approximately ten vehicular trips per day. Condominium units generate approximately eight trips per day and apartment units generate approximately six trips per day per unit. The trip generation rates that are used for each land use are based on the trip generation rates published by the San Diego Association of Governments and the Encinitas Ranch Austin Foust Traffic Study. The trip generation rates are included in Appendix A of this report.

Non-Residential Traffic

Trip generation for non-residential parcels vary depending on their designated land use as well as size of parcel. The trip generation data for non-residential land uses are based on trips per acre. For instance, a commercial parcel on two acres typically will have twice the traffic of a commercial parcel on one acre. It follows that the two-acre parcel will then receive twice the benefit from the street lighting as the one-acre parcel. Various land uses were grouped into categories with similar traffic characteristics, resulting in the fee categories shown later in this report.

Darkness

Non-residential parcels typically do not operate all night long. The average period of darkness is 12 hours, but non-residential uses will only operate for approximately three hours of that time. For that reason, a non-residential darkness factor of (3 ÷ 12 =) 25% is applied to those parcels. For two non-residential categories, the darkness factor is different, as shown below:

- Offices and banks typically close earlier than other non-residential uses so they are assigned a darkness factor of 12.5%.
- Hotels, motels and boarding houses typically have activity further into the night than other non-residential uses, so they are assigned a darkness factor of 50%.

Non-residential trip generation is then adjusted for the darkness factor for each rate category.

Single-Family Equivalents

The SFR category is used as the baseline for calculating the special benefit for all other land uses and sizes. Each rate category is assigned a single-family equivalent ("SFE") rate using the following formula:

$$\frac{ADT \quad x \quad Darkness\ Factor}{ADT\ for\ SFR} = SFE\ Rate$$

Where:

- ADT = Average Daily Trips for each category
- ADT for SFR = ADT for single-family residential, which is used as a baseline figure for SFE rate
- SFE Rate = SFEs per unit shown (parcel, [living] unit, or acre)

The results of these calculations for each rate category are shown in Table 4 below.

Table 4 – Single-Family Equivalent Rates

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Landuse Category	ADT	Darkness Factor	Adj ADT	SFE Rate	Unit
Residential					
Single Family	10	1	10	1.000	parcel
Multi-Family < 5 units	8	1	8	0.800	unit
Multi-Family 5 or more units	6	1	6	0.600	unit
Condominium	8	1	8	0.800	parcel
Mobile Home	5	1	5	0.500	unit
Multiple SFR on parcel	10	1	10	1.000	unit
Non-Residential					
General Commercial	600	0.25	150	15.000	acre
Industrial / Warehouse	60	0.25	15	1.500	acre
Auto Repair	400	0.25	100	10.000	acre
Hotel / Motel / Boarding	200	0.5	100	10.000	acre
Hospital	250	0.25	62.5	6.250	acre
Retirement Home	50	0.25	12.5	1.250	acre
School / Day Care	90	0.25	22.5	2.250	acre
Medical / Dental / Vet	500	0.25	125	12.500	acre
Church	30	0.25	7.5	0.750	acre
Mortuary	10	0.25	2.5	0.250	acre
Recreational	100	0.25	25	2.500	acre
Parking / Transportation	200	0.25	50	5.000	acre
Mini Storage	30	0.25	7.5	0.750	acre
Office	300	0.125	37.5	3.750	acre
Bank	1000	0.125	125	12.500	acre
Park / Open Space / Agriculture	2	0.25	0.5	0.050	acre
Vacant	0			na	

Annual Assessment Increase

The Assessment is subject to an annual adjustment tied to the San Francisco-Oakland-Hayward Consumer Price Index-U as of December of each succeeding year ("CPI"), with a maximum annual adjustment not to exceed 3%. In order for the City's dedicated Streetlight fund revenue sources to satisfy cost requirements into the future, the maximum rate per SFE is calculated based upon the sum of the 1982 assessment and the Street Light Assessment District 2018 Assessment.

Table 5 – Maximum Single-Family Equivalent Rate Calculation

	FY 2025	FY 2026
2018 District Maximum for FY 25	$ 852,813.42	$ 852,813.42
1982 District Maximum for FY 25	$ 1,445,460.18	
Total for FY 25	$ 2,298,273.60	
Maximum Increase of 2.38% of Total for FY 26		$ 54,671.33
FY 26 Maximum Assessment		$ 907,484.75
Total SFEs		47,555.425
FY 26 Maximum Rate per SFE		**$ 19.08**

Duration of Assessment

The Assessments may be continued every year after their formation, so long as the public Improvements need to be maintained and improved and the City requires funding from the Assessments for these Improvements in the District. As noted previously, the Assessment can continue to be levied annually after the City Council approves an annually updated Engineer's Report, budget for the Assessment, Improvements to be provided and other specifics of the Assessment. In addition, the City Council must hold an annual public hearing to continue the Assessment.

Appeals and Interpretation

Any property owner who feels that the Assessment levied on the subject property is in error as a result of incorrect information being used to apply the foregoing method of assessment, may file a written appeal with the City of Berkeley Public Works department. Any such appeal is limited to correction of an assessment during the then current or, if before July 1, the upcoming fiscal year. Upon the filing of any such appeal, the City of Berkeley City Engineer or his or her designee will promptly review the appeal and any information provided by the property owner. If the City Engineer or his or her designee finds that the assessment should be modified, the appropriate changes shall be made to the assessment roll. If any such changes are approved after the assessment roll has been filed with the County for collection, the City Engineer or his or her designee is authorized to refund to the property owner the amount of any approved reduction. Any dispute over the decision of the City Engineer or her or his designee shall be referred to the Public Works Director and the decision of the Public Works Director shall be final.

Assessment Statement

WHEREAS, on March 18, 2025, the City Council of the City of Berkeley, County of Alameda, California, adopted a Resolution initiating proceedings for the levy of Assessments for fiscal year 2026 within the Street Light Assessment District 2018, pursuant to the provisions of the Landscaping and Lighting Act of 1972 and Article XIIID of the California Constitution (collectively "the Act");

WHEREAS, the City of Berkeley directed the undersigned Engineer of Work to prepare and file a report presenting an estimate of costs, a diagram for the Assessment District and an assessment of the estimated costs of the Improvements upon all assessable parcels within the Assessment District, to which the description of the proposed Improvements therein contained, reference is hereby made for further particulars;

NOW, THEREFORE, the undersigned, by virtue of the power vested in me under the Act and the order of the City Council of the City of Berkeley, hereby make the following assessment to cover the portion of the estimated cost of the Improvements, and the costs and expenses incidental thereto to be paid by the Assessment District.

The amount to be paid for the Improvements and the expense incidental thereto to be paid by the City of Berkeley Street Lighting Assessment District 2018 for the fiscal year 2026 are generally as listed in Table 1.

As required by the Act, an Assessment Diagram is hereto attached and made a part hereof showing the exterior boundaries of the City of Berkeley Street light Assessment District 2018. The distinctive number of each parcel or lot of land in the City of Berkeley Street light Assessment District 2018 is its Assessor Parcel Number appearing on the Assessment Roll.

And I do hereby assess and apportion the net amount of the cost and expenses of the Improvements, including the costs and expenses incident thereto, upon the parcels and lots of land within the City of Berkeley Street Lighting Assessment District 2018, in accordance with the special benefits to be received by each parcel or lot, from the Improvements, and more particularly set forth in the cost estimate and method of assessment hereto attached and by reference made a part hereof.

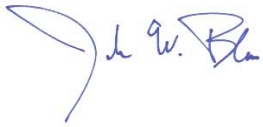
The Assessments are made upon the parcels or lots of land within the City of Berkeley Street Lighting Assessment District 2018 in proportion to the special benefits to be received by the parcels or lots of land from the Improvements.

Each parcel or lot of land is described in the Assessment Roll by reference to its parcel number as shown on the Assessor's Maps of the County of Alameda for the fiscal year 2026. For a more particular description of said property, reference is hereby made to the deeds and maps on file and of record in the office of the County Recorder of the County.

I hereby place opposite the Assessor Parcel Number for each parcel or lot within the Assessment Roll, the amount of the assessment for the fiscal year 2026 for each parcel or lot of land within the City of Berkeley Street Lighting Assessment District 2018.

Dated: April 2, 2025

Engineer of Work



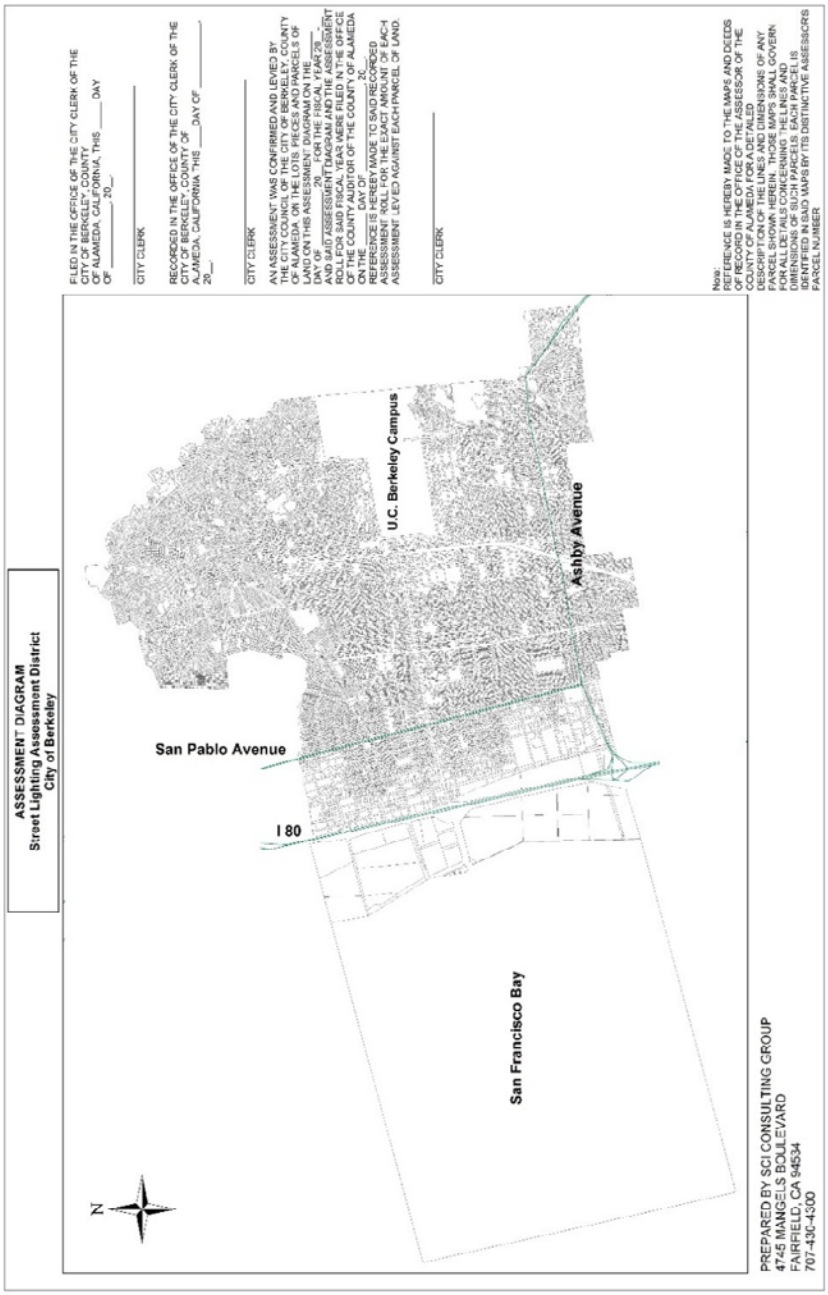
By _____
John Bliss, License No. C52091



Assessment Diagram

The boundaries of the City of Berkeley Street light Maintenance Assessment Districts and Annexations are displayed on the Assessment Diagram below.

Figure 1 – Assessment Diagram



Appendix A – SANDAG Trip Generation Tables

(NOT SO)
BRIEF GUIDE OF VEHICULAR TRAFFIC GENERATION RATES FOR THE SAN DIEGO REGION

APRIL 2002

SANDAG
401 B Street, Suite 800
San Diego, California 92101
(619) 699-1900 • Fax (619) 699-1950

NOTE: This listing only represents a ***guide*** of average, or estimated, traffic generation "driveway" rates and some very general trip data for land uses (emphasis on acreage and building square footage) in the San Diego region. These rates (both local and national) are subject to change as future documentation becomes available, or as regional sources are updated. For more specific information regarding traffic data and trip rates, please refer to the San Diego Traffic Generators manual. ***Always check with local jurisdictions for their preferred or applicable rates.***

LAND USE	TRIP CATEGORIES [PRIMARY:DIVERTED:PASS-BY][a]	ESTIMATED WEEKDAY VEHICLE TRIP GENERATION RATE (DRIVEWAY)	HIGHEST PEAK HOUR % (plus IN:OUT ratio) Between 6:00-9:30 A.M.	Between 3:00-6:30 P.M.	TRIP LENGTH (Miles)[i]
AGRICULTURE (Open Space)	[80:18:2]	2/acre**			10.8
AIRPORT	[78:20:2]				12.5
Commercial		60/acre, 100/flight, 70/1000 sq. ft.* **	5% (6:4)	6% (5:5)	
General Aviation		6/acre, 2/flight, 6/based aircraft* **	9% (7:3)	15% (5:5)	
Heliports		100/acre**			
AUTOMOBILE[b]					
Car Wash					
Automatic		900/site, 600/acre**	4% (5:5)	9% (5:5)	
Self-serve		100/wash stall**	4% (5:5)	8% (5:5)	
Gasoline	[21:51:28]				2.8
with/Food Mart		160/vehicle fueling space**	7% (5:5)	8% (5:5)	
with/Food Mart & Car Wash		155/vehicle fueling space**	8% (5:5)	9% (5:5)	
Older Service Station Design		150/vehicle fueling space, 900/station**	7% (5:5)	9% (5:5)	
Sales (Dealer & Repair)		50/1000 sq. ft., 300/acre, 60/service stall* **	5% (7:3)	8% (4:6)	
Auto Repair Center		20/1000 sq. ft., 400/acre, 20/service stall*	8% (7:3)	11% (4:6)	
Auto Parts Sales		60/1000 sq. ft. **	4%	10%	
Quick Lube		40/service stall**	7% (6:4)	10% (5:5)	
Tire Store		25/1000 sq. ft., 30/service stall**	7% (6:4)	11% (5:5)	
CEMETERY		5/acre*			
CHURCH (or Synagogue)	[64:25:11]	9/1000 sq. ft., 30/acre** (quadruple rates for Sunday, or days of assembly)	5% (6:4)	8% (5:5)	5.1
COMMERCIAL/RETAIL[b]					
Super Regional Shopping Center (More than 80 acres, more than 800,000 sq. ft., w/usually 3+ major stores)		35/1000 sq. ft.,[c] 400/acre*	4% (7:3)	10% (5:5)	
Regional Shopping Center (40-80acres, 400,000-800,000 sq. ft., w/usually 2+ major stores)	[54:35:11]	50/1000 sq. ft.,[c] 500/acre*	4% (7:3)	9% (5:5)	5.2
Community Shopping Center (15-40 acres, 125,000-400,000 sq. ft., w/usually 1 major store, detached restaurant(s), grocery and drugstore)	[47:31:22]	80/1000 sq. ft., 700/acre* **	4% (6:4)	10% (5:5)	3.6
Neighborhood Shopping Center (Less than 15 acres, less than 125,000 sq. ft., w/usually grocery & drugstore, cleaners, beauty & barber shop, & fast food services)		120/1000 sq. ft., 1200/acre* **	4% (6:4)	10% (5:5)	
Commercial Shops	[45:40:15]				
Specialty Retail/Strip Commercial		40/1000 sq. ft., 400/acre*	3% (6:4)	9% (5:5)	4.3
Electronics Superstore		50/1000 sq. ft**		10% (5:5)	
Factory Outlet		40/1000 sq. ft.**	3% (7:3)	9% (5:5)	
Supermarket		150/1000 sq. ft., 2000/acre* **	4% (7:3)	10% (5:5)	
Drugstore		90/1000 sq. ft.**	4% (6:4)	10% (5:5)	
Convenience Market (15-16 hours)		500/1000 sq. ft.**	8% (5:5)	8% (5:5)	
Convenience Market (24 hours)		700/1000 sq. ft.**	9% (5:5)	7% (5:5)	
Convenience Market (w/gasoline pumps)		850/1000 sq. ft., 550/vehicle fueling space**	6% (5:5)	7% (5:5)	
Discount Club		60/1000 sq. ft., 600/acre* **	1% (7:3)	9% (5:5)	
Discount Store		60/1000 sq. ft., 600/acre**	3% (6:4)	8% (5:5)	
Furniture Store		6/1000 sq. ft., 100/acre**	4% (7:3)	9% (5:5)	
Lumber Store		30/1000 sq. ft., 150/acre**	7% (6:4)	9% (5:5)	
Home Improvement Superstore		40/1000 sq. ft.**	5% (6:4)	8% (5:5)	
Hardware/Paint Store		60/1000 sq. ft., 600/acre**	2% (6:4)	9% (5:5)	
Garden Nursery		40/1000 sq. ft., 90/acre**	3% (6:4)	10% (5:5)	
Mixed Use: Commercial (w/supermarket)/Residential		110/1000 sq. ft., 2000/acre* (commercial only) 5/dwelling unit, 200/acre* (residential only)	3% (6:4) 9% (3:7)	9% (5:5) 13% (6:4)	
EDUCATION					
University (4 years)	[91:9:0]	2.4/student, 100 acre*	10% (8:2)	9% (3:7)	8.9
Junior College (2 years)	[92:7:1]	1.2/student, 24/1000 sq. ft., 120/acre* **	12% (8:2)	9% (6:4)	9.0
High School	[75:19:6]	1.3/student, 15/1000 sq. ft., 60/acre* **	20% (7:3)	10% (4:6)	4.8
Middle/Junior High	[63:25:12]	1.4/student, 12/1000 sq. ft. 50/acre**	30% (6:4)	9% (4:6)	5.0
Elementary	[57:25:10]	1.6/student, 14/1000 sq. ft., 90/acre* **	32% (6:4)	9% (4:6)	3.4
Day Care	[28:58:14]	5/child, 80/1000 sq. ft.**	17% (5:5)	18% (5:5)	3.7
FINANCIAL[b]	[35:42:23]				3.4
Bank (Walk-In only)		150/1000 sq. ft., 1000/acre* **	4% (7:3)	8% (4:6)	
with Drive-Through		200/1000 sq. ft., 1500/acre*	5% (6:4)	10% (5:5)	
Drive-Through only		250 (125 one-way)/lane*	3% (5:5)	13% (5:5)	
Savings & Loan		60/1000 sq. ft., 600/acre**	2%	9%	
Drive-Through only		100 (50 one-way)/lane**	4%	15%	
HOSPITAL	[73:25:2]				8.3
General		20/bed, 25/1000 sq. ft., 250/acre*	8% (7:3)	10% (4:6)	
Convalescent/Nursing		3/bed**	7% (6:4)	7% (4:6)	
INDUSTRIAL					
Industrial/Business Park (commercial included)	[79:19:2]	16/1000 sq. ft., 200/acre* **	12% (8:2)	12% (2:8)	9.0
Industrial Park (no commercial)		8/1000 sq. ft., 90/acre**	11% (9:1)	12% (2:8)	
Industrial Plant (multiple shifts)	[92:5:3]	10/1000 sq. ft., 120/acre*	14% (8:2)	15% (3:7)	11.7
Manufacturing/Assembly		4/1000 sq. ft., 50/acre**	19% (9:1)	20% (2:8)	
Warehousing		5/1000 sq. ft., 60/acre**	13% (7:3)	15% (4:6)	
Storage		2/1000 sq. ft., 0.2/vault, 30/acre*	6% (5:5)	9% (5:5)	
Science Research & Development		8/1000 sq. ft., 80/acre*	16% (9:1)	14% (1:9)	
Landfill & Recycling Center		6/acre	11% (5:5)	10% (4:6)	

(OVER)

MEMBER AGENCIES: Cities of Carlsbad, Chula Vista, Coronado, Del Mar, El Cajon, Encinitas, Escondido, Imperial Beach, La Mesa, Lemon Grove, National City, Oceanside, Poway, San Diego, San Marcos, Santee, Solana Beach, Vista and County of San Diego.
ADVISORY/LIAISON MEMBERS: California Department of Transportation, County Water Authority, U.S. Department of Defense, S.D. Unified Port District and Tijuana/Baja California.

LAND USE	TRIP CATEGORIES [PRIMARY:DIVERTED:PASS-BY][P]	ESTIMATED WEEKDAY VEHICLE TRIP GENERATION RATE (DRIVEWAY)	HIGHEST PEAK HOUR % (plus IN:OUT ratio) Between 6:00-9:30 A.M.		Between 3:00-6:30 P.M.		TRIP LENGTH (Miles)[L]
LIBRARY	[44:44:12]	50/1000 sq. ft., 400/acre**	2%	(7:3)	10%	(5:5)	3.9
LODGING	[58:38:4]						7.6
Hotel (w/convention facilities/restaurant)		10/occupied room, 300/acre	6%	(6:4)	8%	(6:4)	
Motel		9/occupied room, 200/acre*	8%	(4:6)	9%	(6:4)	
Resort Hotel		8/occupied room, 100/acre*	5%	(6:4)	7%	(4:6)	
Business Hotel		7/occupied room**	8%	(4:6)	9%	(6:4)	
MILITARY	[82:16:2]	2.5/military & civilian personnel*	9%	(9:1)	10%	(2:8)	11.2
OFFICE							
Standard Commercial Office (less than 100,000 sq. ft.)	[77:19:4]	20/1000 sq. ft.,[O] 300/acre*	14%	(9:1)	13%	(2:8)	8.8
Large (High-Rise) Commercial Office (more than 100,000 sq. ft., 6+ stories)	[82:15:3]	17/1000 sq. ft.,[O] 600/acre*	13%	(9:1)	14%	(2:8)	10.0
Office Park (400,000+ sq. ft.)		12/1000 sq.ft., 200/acre* **	13%	(9:1)	13%	(2:8)	
Single Tenant Office		14/1000 sq. ft., 180/acre*	15%	(9:1)	15%	(2:8)	8.8
Corporate Headquarters		7/1000 sq. ft., 110/acre*	17%	(9:1)	16%	(1:9)	
Government (Civic Center)	[50:34:16]	30/1000 sq. ft.**	9%	(9:1)	12%	(3:7)	6.0
Post Office							
Central/Walk-In Only		90/1000 sq. ft.**	5%		7%		
Community (not including mail drop lane)		200/1000 sq. ft., 1300/acre*	6%	(6:4)	9%	(5:5)	
Community (w/mail drop lane)		300/1000 sq. ft., 2000/acre*	7%	(5:5)	10%	(5:5)	
Mail Drop Lane only		1500 (750 one-way)/lane*	7%	(5:5)	12%	(5:5)	
Department of Motor Vehicles		180/1000 sq. ft., 900/acre**	6%	(6:4)	10%	(4:6)	
Medical-Dental	[60:30:10]	50/1000 sq. ft., 500/acre*	6%	(8:2)	11%	(3:7)	6.4
PARKS	[66:28:6]		4%		8%		5.4
City (developed w/meeting rooms and sports facilities)		50/acre*	13%	(5:5)	9%	(5:5)	
Regional (developed)		20/acre*					
Neighborhood/County (undeveloped)		5/acre (add for specific sport uses), 6/picnic site* **					
State (average 1000 acres)		1/acre, 10/picnic site**					
Amusement (Theme)		80/acre, 130/acre (summer only)**			6%	(6:4)	
San Diego Zoo		115/acre*					
Sea World		80/acre*					
RECREATION							
Beach, Ocean or Bay	[52:39:9]	600/1000 ft. shoreline, 60/acre*					6.3
Beach, Lake (fresh water)		50/1000 ft. shoreline, 5/acre*					
Bowling Center		30/1000 sq. ft., 300/acre, 30/lane **	7%	(7:3)	11%	(4:6)	
Campground		4/campsite**	4%		8%		
Golf Course		7/acre, 40/hole, 700/course* **	7%	(8:2)	9%	(3:7)	
Driving Range only		70/acre, 14/tee box*	3%	(7:3)	9%	(5:5)	
Marinas		4/berth, 20/acre* **	3%	(3:7)	7%	(6:4)	
Multi-purpose (miniature golf, video arcade, batting cage, etc.)		90/acre	2%		6%		
Racquetball/Health Club		30/1000 sq. ft., 300/acre, 40/court*	4%	(6:4)	9%	(6:4)	
Tennis Courts		16/acre, 30/court**	5%		11%	(5:5)	
Sports Facilities							
Outdoor Stadium		50/acre, 0.2/seat*					
Indoor Arena		30/acre, 0.1/seat*					
Racetrack		40/acre, 0.6 seat*					
Theaters (multiplex w/matinee)	[66:17:17]	80/1000 sq. ft., 1.8/seat, 360/screen*	1/3%		8%	(6:4)	6.1
RESIDENTIAL	[86:11:3]						7.9
Estate, Urban or Rural (average 1-2 DU/acre)		12/dwelling unit*[R]	8%	(3:7)	10%	(7:3)	
Single Family Detached (average 3-6 DU/acre)		10/dwelling unit*[R]	8%	(3:7)	10%	(7:3)	
Condominium (or any multi-family 6-20 DU/acre)		8/dwelling unit*[R]	8%	(2:8)	10%	(7:3)	
Apartment (or any multi-family units more than 20 DU/acre)		6/dwelling unit*[R]	8%	(2:8)	9%	(7:3)	
Military Housing (off-base, multi-family)							
(less than 6 DU/acre)		8/dwelling unit	7%	(3:7)	9%	(6:4)	
(6-20 DU/acre)		6/dwelling unit	7%	(3:7)	9%	(6:4)	
Mobile Home							
Family		5/dwelling unit, 40/acre*	8%	(3:7)	11%	(6:4)	
Adults Only		3/dwelling unit, 20/acre*	9%	(3:7)	10%	(6:4)	
Retirement Community		4/dwelling unit**	5%	(4:6)	7%	(6:4)	
Congregate Care Facility		2.5/dwelling unit**	4%	(6:4)	8%	(5:5)	
RESTAURANT[S]	[51:37:12]						4.7
Quality		100/1000 sq. ft., 3/seat, 500/acre* **	1%	(6:4)	8%	(7:3)	
Sit-down, high turnover		160/1000 sq. ft., 6/seat, 1000/acre* **	8%	(5:5)	8%	(6:4)	
Fast Food (w/drive through)		650/1000 sq. ft., 20/seat, 3000/acre* **	7%	(5:5)	7%	(5:5)	
Fast Food (without drive-through)		700/1000 sq. ft.**	5%	(6:4)	7%	(5:5)	
Delicatessen (7am-4pm)		150/1000 sq. ft., 11/seat*	9%	(6:4)	3%	(3:7)	
TRANSPORTATION							
Bus Depot		25/1000 sq. ft.**					
Truck Terminal		10/1000 sq. ft., 7/bay, 80/acre**	9%	(4:6)	8%	(5:5)	
Waterport/Marine Terminal		170/berth, 12/acre**					
Transit Station (Light Rail w/parking)		300/acre, 2 1/2/parking space (4/occupied)**	14%	(7:3)	15%	(3:7)	
Park & Ride Lots		400/acre (600/paved acre), 5/parking space (8/occupied)* **	14%	(7:3)	15%	(3:7)	

* Primary source: *San Diego Traffic Generators*.

* Other sources: *ITE Trip Generation Report [6th Edition]*, Trip Generation Rates (other agencies and publications), various SANDAG & CALTRANS studies, reports and estimates.

[P] Trip category percentage ratios are daily from local household surveys, often cannot be applied to very specific land uses, and do not include non-resident drivers (draft SANDAG *Analysis of Trip Diversion*, revised November, 1990):
PRIMARY - one trip directly between origin and primary destination.
DIVERTED - linked trip (having one or more stops along the way to a primary destination) whose distance compared to direct distance ≥ 1 mile.
PASS-BY - undiverted or diverted < 1 mile.

[L] Trip lengths are average weighted for all trips to and from general land use site. (All trips system-wide average length = 6.9 miles)

[C] Fitted curve equation: Ln(T) = 0.502 Ln(x) + 6.945

[O] Fitted curve equation: Ln(T) = 0.756 Ln(x) + 3.950

T = total trips, x = 1,000 sq. ft.

[R] Fitted curve equation: t = -2.169 Ln(d) + 12.85 t = trips/DU, d = density (DU/acre), DU = dwelling unit

[S] Suggested PASS-BY [undiverted or diverted < 1 mile] percentages for trip rate reductions only during P.M. peak period (based on combination of local data/review and Other sources**):

COMMERCIAL/RETAIL	
Regional Shopping Center	20%
Community " "	30%
Neighborhood " "	40%
Specialty Retail/Strip Commercial (other)	10%
Supermarket	40%
Convenience Market	50%
Discount Club/Store	30%
FINANCIAL	
Bank	25%
AUTOMOBILE	
Gasoline Station	50%
RESTAURANT	
Quality	10%
Sit-down high turnover	20%
Fast Food	40%

[I] Trip Reductions - In order to help promote regional "smart growth" policies, and acknowledge San Diego's expanding mass transit system, consider vehicle trip rate reductions (with proper documentation and necessary adjustments for peak periods). The following are some examples:

[1] A 5% daily trip reduction for land uses with transit access or near transit stations accessible within 1/4 mile.

[2] Up to 10% daily trip reduction for mixed-use developments where residential and commercial retail are combined (demonstrate mode split of walking trips to replace vehicular trips).

Appendix B – Assessment Roll

An Assessment Roll (a listing of all parcels assessed within the City of Berkeley Street Lighting Assessment District 2018 and the amount of the assessment) has been filed with the City Engineer, and is, by reference, made part of this report and will be available for public inspection during normal office hours.

Each lot or parcel listed on the Assessment Roll is shown and illustrated on the latest County Assessor records and these records are, by reference made part of this report. These records shall govern all details concerning the description of the lots or parcels.

FY 2026

City of Berkeley

Street Lighting Assessment District 2018

May 2025

Engineer of Work:

SCIConsultingGroup
Public Finance Consulting Services

4745 Mangels Boulevard
Fairfield, California 94534
707.430.4300
www.sci-cg.com

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CITY OF BERKELEY

City Council

Adena Ishii, Mayor
Rashi Kesarwani, District 1
Terry Taplin, District 2
Ben Bartlett, District 3
Igor Tregub, District 4
Shoshana O'Keefe, District 5
Brent Blackaby, District 6
Cecilia Lunaparra, District 7
Mark Humbert, District 8

City Manager

Paul Buddenhagen

Public Works Department

Terrance Davis, Public Works Director
Ronald A. Nevels, Manager of Engineering
Ricardo Salcedo, Associate Civil Engineer

City Attorney

Farimah Brown

Engineer of Work

John Bliss, P.E., SCI Consulting Group

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Introduction

Overview

The City of Berkeley ("City") provides maintenance and servicing of certain publicly-owned street lights throughout the City. In order to fund the installation, maintenance and operation (the "Services") of these improvements ("Improvements"), the City formed a city-wide street light assessment district in 1982. The rates for the 1982 assessment district have never been increased. Revenues from these assessments are placed into the streetlight fund (Fund 142).

In time, the financial outlook of the Streetlight fund began to cause concern as the costs increased for energy, labor and materials, while the revenue remained relatively static. Accordingly, the Streetlight fund no longer had enough funds to fund the Street light program. As a result, beginning in Fiscal Year 2006[1] the Streetlight fund began to receive a subsidy from the City's General Fund in order to balance revenues with expenditures. However, because of other demands on the General Fund, that subsidy ended beginning Fiscal Year 2018. The modest fund balance was sufficient for Fiscal Year 2018 to cover that year's anticipated expenses, but under those conditions it was expected to be depleted during Fiscal Year 2019. To establish financial sustainability for the Streetlight fund and avoid significant reductions in service levels, in 2018 the City conducted a funding measure to increase the assessment revenue for street light services.

With the passage of Proposition 218 in 1996, any increase in assessments must be approved by the affected property owners through a specified ballot proceeding. In addition, Proposition 218 and related subsequent court decisions create strict criteria for how assessments can be apportioned to the various properties, and the existing 1982 assessment structure may not be adequately consistent with these newer criteria. While the 1982 assessment structure may continue as a "grandfathered" assessment, any increase must be implemented in accordance with Proposition 218 and court decisions. For this reason, a new district, Street Lighting Assessment District 2018 ("District"), was formed separately, leaving the 1982 assessment structure in place, as is. The District was formed and the assessments levied pursuant to Part 2 of Division 15 of the *California Streets and Highways Code*, commonly known as the Landscape and Lighting Act of 1972 ("Act"), and Article XIIID of the California Constitution ("Article").

[1] Fiscal years are referenced in this Report by the year that fiscal period ends. For example, Fiscal Year 2006 would cover the period from July 1, 2005 through June 30, 2006.

Assessment Formation Process

This Engineer's Report ("Report") describes the Street Lighting Assessment District 2018 ("District"), along with the boundaries, a description of the facilities and public improvements to be improved, serviced and maintained by the assessments (the "Improvements"), and the proposed assessments for Fiscal Year 2026 ("Assessments").

At its meeting on April 3, 2018, the City Council passed a resolution directing that a notice of assessment and assessment ballot be mailed to property owners within the District whose property receives special benefit from the Improvements. The notice included a description of the Improvements to be funded by the Assessments, the proposed assessment amount for each parcel owned, and an explanation of the method of completing and submitting the ballot. Ballots were mailed on or about April 11, 2018.

On May 29, 2018, a public hearing was be held for the purpose of allowing public testimony regarding the proposed Assessments. At the Public Hearing, the public had the opportunity to speak on the issue, voice any concerns or protests, and obtain further information about the proposed Assessments.

The returned ballots were then tabulated, and the ballot results were announced at the City Council meeting on June 12, 2018. It was determined that the assessment ballots submitted in opposition to the proposed Assessments did not exceed the assessment ballots submitted in favor of the Assessments (each ballot was weighted by the proportional financial obligation of the property for which the ballot was submitted), so the Council was able to take action to approve the levying of Assessments for Fiscal Year 2019. The Assessments were confirmed and approved, and the Assessment information was submitted to the County Auditor/Controller. The County Auditor/Controller included the Assessments on the property tax roll beginning in Fiscal Year 2019. Assessments may now be continued by the City Council from year to year.

Legal Requirements

Proposition 218

This Assessment District was formed consistent with Proposition 218, The Right to Vote on Taxes Act, which was approved by the voters of California on November 6, 1996 and is now codified as Articles XIIIC and XIIID of the California Constitution. Proposition 218 provides for benefit assessments to be levied to fund the cost of providing services, improvements, as well as maintenance and operation expenses to a public improvement which benefits the assessed property.

Proposition 218 describes a number of important requirements, including property-owner balloting for the imposition, increase and extension of assessments, and these requirements are satisfied by the process used to establish this Assessment District.

Silicon Valley Taxpayers Association, Inc. v. Santa Clara County Open Space Authority

In July 2008, the California Supreme Court decided Silicon Valley Taxpayers Association, Inc. v. Santa Clara County Open Space Authority ("*SVTA*"), the most significant court case clarifying the substantive assessment requirements of Proposition 218. Several of the most important elements of the decision included further emphasis that:

- Benefit assessments are for special benefits to property, not general benefits.
- The services and/or improvements funded by assessments must be clearly defined.
- Assessment districts must be drawn to contain all parcels that receive a special benefit from a proposed public improvement.
- Assessments paid in each assessment district must be proportional to the special benefit received by each such parcel from the improvements and services funded by the assessment.

This Engineer's Report and the process used to establish the Assessments are consistent with the *SVTA* decision and with the requirements of Article XIIIC and XIIID of the California Constitution based on the following factors:

1. The District is narrowly drawn to include only the properties that receive special benefit from the specific Improvements. Thus, zones of benefit are not required, and the assessment revenue derived from real property in the District is extended only on the Improvements in the District.

2. The Improvements which will be constructed and maintained with Assessment proceeds in the District are located in close proximity to the real property subject to the Assessment. The Improvements provide illumination to streets and sidewalks enabling improved access to the residents of such assessed property. The proximity of the Improvements to the assessed parcels and the improved access and increased safety provided to the residents of the assessed parcels by the Improvements provides a special benefit to the parcel being assessed pursuant to the factors outlined by the Supreme Court in that decision.

3. Due to their proximity to the assessed parcels, the Improvements financed with Assessment revenues in the District benefit the properties in that District in a manner different in kind from the benefit that other parcels of real property in the area derive from such Improvements, and the benefits conferred on such property in the District are more extensive than a general increase in property values.

4. The assessments paid in the District are proportional to the special benefit that each parcel within the District receives from the Improvements because:

   a) The costs of the specific lighting Improvements and maintenance and utility costs in the District are specified in this Report; and

   b) Such Improvement and maintenance costs in the District are allocated among different types of property located within the District and equally among those properties which have similar characteristics, such as single-family residential parcels, multi-family residential parcels, commercial parcels, industrial parcels, etc.

Dahms v. Downtown Pomona Property

On June 8, 2009, the Court of Appeal amended its original opinion upholding a benefit assessment for property in the downtown area of the City of Pomona in Dahms v. Downtown Pomona Property ("*Dahms*"). On July 22, 2009, the California Supreme Court denied review. In *Dahms* the Court upheld an assessment that was 100% special benefit (i.e. 0% general benefit) on the rationale that the services and improvements funded by the assessments were directly provided to property in the assessment district. The Court also upheld discounts and exemptions from the assessment for certain properties.

Bonander v. Town of Tiburon

On December 31, 2009, in Bonander v. Town of Tiburon ("*Bonander*"), the Court of Appeal overturned a benefit assessment approved by property owners to pay for placing overhead utility lines underground in an area of the Town of Tiburon. The Court invalidated the assessments primarily on the grounds that the assessments had been apportioned to assessed property based in part on relative costs within sub-areas of the assessment district instead of the overall cost of the improvements and the overall proportional special benefits.

Beutz v. County of Riverside

On May 26, 2010 the Court of Appeals issued a decision in Steven Beutz v. County of Riverside ("*Beutz*"). This decision overturned an assessment for park maintenance in Wildomar, California, primarily because the general benefits associated with improvements and services was not explicitly calculated, quantified and separated from the special benefits.

Golden Hill Neighborhood Association v. City of San Diego

On September 22, 2011, the Court of Appeal issued a decision in Golden Hill Neighborhood Association v. City of San Diego appeal. This decision overturned an assessment for street and landscaping maintenance in the Greater Golden Hill neighborhood of San Diego, California. The Court described two primary reasons for its decision. First, like in *Beutz*, the Court found the general benefits associated with services were not explicitly calculated, quantified and separated from the special benefits. Second, the Court found that the City failed to record the basis for the assessment on its own parcels.

Compliance with Current Law

This Engineer's Report is consistent with the requirements of Articles XIIIC and XIIID of the California Constitution and with the *SVTA* decision because the Improvements to be funded are clearly defined; the Improvements are directly available to and will directly benefit property in the District; and the Improvements provide a direct advantage to property in the District that would not be received in absence of the Assessments.

This Engineer's Report is consistent with *Beutz*, *Dahms* and *Greater Golden Hill* because the Improvements will directly benefit property in the District and the general benefits have been explicitly calculated and quantified and excluded from the Assessments. The Engineer's Report is consistent with *Bonander* because the Assessments have been apportioned based on the overall cost of the Improvements and Services and proportional special benefit to each property.

Plans and Specifications

The work and Improvements to be undertaken by the City and the cost paid from the levy of the annual assessment provide special benefit to assessor parcels within the District defined in the Method of Assessment herein. Consistent with the Act, the Improvements are generally described as follows:

The installation, maintenance, and servicing of local street lights in close proximity to certain lots and parcels which provide a direct special benefit to such lots or parcels.

The installation, maintenance, and servicing of peripheral street light structures which provide a special benefit to all the assessable parcels within the District whether or not such parcels are in close proximity to such lighting.

The installation or construction of public lighting facilities, or the acquisition of any new improvements.

Plans and Specifications for the Improvements for the District are voluminous and are not bound in this Report but by this reference are incorporated and made a part of this Report. The Plans and Specifications are on file in the Public Works Engineering Office where they can be made available for public inspection.

Article XIII D of the California Constitution defines "maintenance and servicing expenses" as, "the cost of rent, repair, replacement, rehabilitation, fuel, power, electrical current, care and supervision necessary to properly operate and maintain a permanent public improvement." The Improvement funding includes, but is not limited to, the removal, repair, replacement or relocation of light standards, poles, bulbs, fixtures and appurtenances, electrical energy, supplies, engineering and incidental costs relating to the maintenance and servicing of the local lighting improvements benefiting the parcels within the District.

The Improvements to be maintained and serviced within the District are to be part of the local street light system of the City of Berkeley that confers special benefit to the District's parcels. The specific location of local street light Improvements within the City can be found in the Streetlight Condition Assessment by Tanko Lighting, which is on file in the office of the Director of Public Works, where it is available for public inspection.

The Improvements to be maintained and serviced within the District include City-owned street lights within the right of way of the local public streets located within the boundaries of the District. These lights are all within close proximity to the parcels within the District identified as receiving local lighting benefit in the Method of Assessment, and, as such, provide special benefit to these parcels.

All street light maintenance will be performed by the City of Berkeley or its contractors.

Fiscal Year 2026 Budget

A summary budget for fiscal year 2026 for the maintenance of the Improvements is provided below. The full Itemized budget for the Assessment District is voluminous and is not bound in this report but by reference is incorporated and made a part of this report. The Itemized budget is on file in the Department of Public Works where it is available for public inspection.

Table 1 – FY 2026 Budget Summary

	FY 2026
Revenue	
1982 Assessment Dist	$ 1,445,460
SLAD 2018 Assessments [1]	907,485
Misc. Revenue	500
TOTAL REVENUE	$ 2,353,445
Expenses	
Personnel Expenses	
Personnel	747,790
Other Operating Expenses	
Non-Personnel	608,200
Indirect Costs	76,071
Gas/Electricity	670,215
Debt Service Payment	293,055
Operating Transfer Out	16,300
County Collection Fee	39,214
Other Operating Subtotal	$ 1,703,055
Capital Expenses	
Deferred Capital/Maint	424,465
Capital Subtotal	$ 424,465
TOTAL EXPENSES	$ 2,875,310
To (from) General Fund and/or Reserves	$ (521,865)
Budget Allocation to Parcels	
Total Street Light 2018 Assessments [1]	$ 907,485
Total Street Light 2018 SFEs	47,555.425
Assessment per SFE [2]	**$ 19.08**

Notes on the Budget:

1. The Act requires that proceeds from the Assessments must be deposited into a special fund that has been set up for the revenues and expenditures of the District. Moreover, funds raised by the Assessment shall be used only for the purposes stated within this Report. Any balance remaining at the end of the Fiscal Year, June 30, must be carried over to the next Fiscal Year. The City may also establish a reserve fund for contingencies and special projects, as well as a capital improvement fund for accumulating funds for larger capital improvement projects or capital renovation needs. Any remaining balance would either be placed in the reserve fund, the capital improvement fund, or would be used to reduce future years' assessments.

2. The rate shown here is for a Single-Family Equivalent ("SFE"), which is a single-family home or its equivalent. For the definition of the term SFE and rates for other types of property, see the section titled, "Method of Assessment" and the sections following it in this report.

Method of Assessment

This section of the Engineer's Report includes an explanation of the benefits derived from the installation, maintenance and servicing of the Improvements throughout the District and the Assessment methodology used to apportion the total Assessment to properties within the District.

The District consists of all assessor parcels within the boundaries as defined by the Assessment Diagram and the parcels identified by the Assessor Parcel Numbers listed with the levy roll included with this Report. The parcel list includes all assessable privately and publicly owned parcels within the boundaries. The method used for apportioning the Assessment is based on the proportional special benefits to be derived by the properties in the District over and above general benefits conferred on real property or to the public at large. The apportionment of special benefit is a two-step process: the first step is to identify the types of special benefit arising from the Improvements and the second step is to allocate the Assessments to property based on the estimated relative special benefit for each type of property.

Discussion of Benefit

In summary, the Assessments can only be levied based on the special benefit to property. This benefit is received by property over and above any general benefits. Moreover, such benefit is not based on any one property owner's use of the Improvements or a property owner's specific demographic status. With reference to the requirements for Assessments, Section 22573 of the Act states:

> *The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements.*

Proposition 218, as codified in Article XIIID of the California Constitution, has confirmed that Assessments must be based on the special benefit to property:

> *No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel.*

Special Benefit

Street lighting is an optional improvement, not required by state or federal law, that is an enhancement over and above requisite infrastructure, and thus is a special benefit. The majority of the benefits of the street lights are received by the benefited property, with a small portion of the benefits received by the general public on major streets only. This portion received by the general public is captured and quantified in the following section.

The factors that determine special benefit conferred on parcels are detailed below:

Improved Visibility and Safety

Well maintained, effective street lighting provides special benefit to proximate parcels, within range of the light, because it allows for safer and improved use of the property in the evenings, early morning, and at night. Street lighting provides special benefit because it increases neighborhood safety and, at least indirectly, reduces the likelihood of crime on the proximate parcels. Over time, the Improvements continue to confer a particular and distinct special benefit upon parcels within the District because of the nature of the Improvements. The proper maintenance of the street lights and appurtenant facilities increases visibility and local human presence and, in many situations, helps reduce property-related crimes, especially vandalism, against assessed properties in the District.

Improved Access, Navigation and Traffic Safety

Well maintained, effective street lighting enhances ingress, egress and accessibility of all forms to the assessed parcels in the evening, early morning, and at night by increasing visibility. Improved visibility also helps prevent local automobile, bicycle, and pedestrian traffic accidents related to the assessed parcels. This benefit includes a reduction in accidents during non-daylight hours.

Improved Community Character and Vitality

Well maintained, effective street lighting promotes evening and nighttime social interaction of residents and customers of businesses and industry. This creates a positive atmosphere and enhanced community image in the evening and at night for the assessed parcels.

All of the above-mentioned items also contribute to a specific enhancement to each of the parcels within the District. The proximate street lights make each parcel safer, more visible, more accessible, more useful, more valuable and more desirable; and this further strengthens the basis of these Assessments.

General Versus Special Benefit

The proceeds from the Assessments are used to fund the described Improvements and increased levels of maintenance to the other City facilities that serve and benefit the properties in the District. In absence of the Street Lighting Assessment District 2018, such Improvements would not be properly maintained. Therefore, the District's purpose is to ensure that the necessary and beneficial public facilities for property in the District are properly maintained, operated and repaired over time. The Assessments will ensure that street lighting and associated improvements within and adjacent to the District are functional, well maintained and effective. These public resources directly benefit the property in the District and will confer distinct and special benefits to the properties within the District.

The Improvements and Services are specifically designed, located and created to provide additional and improved resources for property inside the District and not the public at large although the Improvements maintained by the Services may be available to the general public. Other properties that are outside the District do not enjoy the unique proximity and other special benefit factors described previously. These Improvements and Services are of special benefit to properties located within the District because they provide a direct advantage to properties in the District that would not be provided in the absence of the Assessments. Any general benefits to surrounding properties outside of the Assessment District, if any, are collateral and conferred concomitantly.

Quantification of General Benefit

Although the analysis used to support these assessments concludes that the benefits are solely special, as described above, consideration is made for the suggestion that a portion of the benefits are general. General benefits cannot be funded by these assessments. The funding for general benefits must come from other sources.

The maintenance and servicing of these Improvements is also partially funded, directly and indirectly, from other sources, including the City of Berkeley, Alameda County, and the State of California. This funding comes in the form of grants, development fees, special programs, and general funds, as well as direct maintenance and servicing of facilities (e.g. curbs, gutters, streets, drainage systems, etc.). This funding from other sources more than compensates for general benefits, if any, received by the properties within the Assessment District.

In the 2009 *Dahms* case, the Court upheld an assessment that was 100% special benefit on the rationale that the services funded by the assessments were directly provided within the assessment district. It is also important to note that the improvements and services funded by the assessments in Pomona are similar to the improvements and services funded by the Assessments described in this Engineer's Report and the Court found these improvements and services to be 100% special benefit. Also similar to the assessments in Pomona, the Assessments described in this Engineer's Report fund Improvements and Services directly provided within the District and every benefiting property in the District enjoys proximity and access to the Improvements. Therefore, *Dahms* establishes a basis for minimal or zero general benefits from the Assessments. Nonetheless, possible general benefits have been liberally calculated below and then shown to be more than offset by resources from non-assessment sources.

Calculation of General Benefit

The Illumination Engineering Society of North America provides a widely-used standard for street lighting which has become the de-facto industry standard. This standard specifies footcandle requirements as a measurement of illumination at the roadway level, which are different for local, collector, and major streets using three levels (low/medium/high) of pedestrian activity. The three street classifications and pedestrian activity levels are described below with a discussion of their general benefit contribution from the street light system.

Local Streets – a street that is used to gain access to the property bordering it. The street lights on local streets primarily serve the adjacent property owner. Therefore, per industry standard, the street lights on local streets have no general benefit component.

Collector Streets – low to moderate capacity roads which serve to move traffic from local streets to arterial roads. Similar to local streets, collector streets are primarily used by local residents and per industry standard are also deemed to have no general benefit component. This street classification will be used as the baseline for this analysis.

Arterials – high capacity streets that serve as the principal network for through traffic flow. These routes connect areas of principal traffic generation and important regional roadways traversing the City. As such, this traffic includes a significant number of drivers from outside the District and the street light Improvements may confer some general benefit on those drivers.

On average, arterial streets require a 45% increase in lighting levels from the baseline collector streets.[2] This increase in lighting reinforces the special benefits to the abutting properties as defined above: increased visibility and safety; improved access, navigation and traffic safety; and improved community character and vitality. In addition to these benefits, the through traffic flow, which includes drivers from outside the District, receives the additional benefit of reduction in nighttime accidents due to enhanced lighting. The degree to which each of these benefits can be considered general benefit is shown in Table 2 below.

Table 2 – General Benefit for Arterial Streets

Benefit Factor	Relative Weight	General Benefit Contribution	Relative General Benefit
Improved Nighttime Visibility and Safety	25	0%	0.0%
Improved Access, Navigation and Traffic Safety	25	50%	12.5%
Improved Community Character and Vitality	25	0%	0.0%
Reduction in Nighttime Accidents	25	75%	18.8%
General Benefit on Arterial Streets from Improved Lighting			**31.3%**

The general benefit from arterial streets must be combined with the general benefit from all other streets in the District. Each category of street has its unique general benefit weight, prorated by center line miles of streets. This calculation is shown in Table 3 below.

Table 3 – Calculation of General Benefit

Street Classification	Centerline Miles		General Benefit Weight	**General Benefit**
Local	158	73.1%	0%	0.0%
Collector	37	17.1%	0%	0.0%
Arterial	21	9.7%	31.3%	3.0%
TOTAL	216	100%		**3.0%**

[2] Based on values from the Illumination Engineering Society of North America, *"American National Standard Practice for Roadway Lighting."*

As a result, the City of Berkeley will contribute at least 3.0% of the total budget from sources other than the Assessment. This contribution offsets any general benefits from the Assessment Services.

Calculation of the Current General Benefit Contribution from the City

This general benefit contribution is the sum of the following components:

The City of Berkeley owns, maintains, rehabilitates and replaces curb and gutter along the border of the Assessment District improvements. This curb and gutter serves to support, contain, retain, manage irrigation flow and growth, and provide a boundary for the Improvements. The contribution from the City of Berkeley toward general benefit from the maintenance, rehabilitation, and replacement of the curb and gutter is conservatively estimated to be 1%.

The City of Berkeley owns and maintains a storm drainage system along the border of the District's Improvements. This system serves to prevent flooding and associated damage to the Improvements and to manage urban runoff including local pollutants loading from the Improvements. The contribution from the City of Berkeley toward general benefit from the maintenance and operation of the local storm drainage system is conservatively estimated to be 1%.

The City of Berkeley owns and maintains local public streets throughout the District. These public streets provide access to the Improvements for its enjoyment as well as efficient maintenance. The contribution from the City of Berkeley toward general benefit from the maintenance of local public streets is conservatively estimated to be 1%.

The value of the construction of the existing street light Improvements can be quantified and monetized as an annuity. Since this construction was performed and paid for by funds other than these Assessments, this "annuity" can be used to offset general benefit costs and is conservatively estimated to contribute 25%.

General Benefit is More than Offset by City Contribution

Therefore, the total general benefit is liberally quantified at 3.0%, which is more than offset by the total non-assessment contribution toward general benefit of 28%.

Method of Assessment

As previously discussed, the proposed Assessments will provide comprehensive Improvements that will clearly confer special benefits to properties in the proposed District. The allocation of special benefits to property is partially based on the type of property and the size of property.

The development of an Assessment methodology requires apportioning to determine the relative special benefit for each property. To determine the special benefit received by individual parcels, the use of that parcel must be considered. Each category of property can benefit from street lights in a unique way, and those characteristics must be quantified. As noted above, the special benefit factors are as follows:

- Improved visibility and safety
- Improved access, navigation and traffic safety
- Improved community character and vitality

The basis for apportioning Assessments is traffic generated to and from a particular parcel. This is used because the amount of traffic generated by a parcel is directly proportional to, and effectively models, the relative quantity of the three special benefit factors. For instance, the more people that come and go from a site, the more the site benefits from the improved visibility and safety. The same reasoning applies to the other special benefit factors.

Residential Traffic

The typical single-family residence ("SFR") generates approximately ten vehicular trips per day. Condominium units generate approximately eight trips per day and apartment units generate approximately six trips per day per unit. The trip generation rates that are used for each land use are based on the trip generation rates published by the San Diego Association of Governments and the Encinitas Ranch Austin Foust Traffic Study. The trip generation rates are included in Appendix A of this report.

Non-Residential Traffic

Trip generation for non-residential parcels vary depending on their designated land use as well as size of parcel. The trip generation data for non-residential land uses are based on trips per acre. For instance, a commercial parcel on two acres typically will have twice the traffic of a commercial parcel on one acre. It follows that the two-acre parcel will then receive twice the benefit from the street lighting as the one-acre parcel. Various land uses were grouped into categories with similar traffic characteristics, resulting in the fee categories shown later in this report.

Darkness

Non-residential parcels typically do not operate all night long. The average period of darkness is 12 hours, but non-residential uses will only operate for approximately three hours of that time. For that reason, a non-residential darkness factor of (3 ÷ 12 =) 25% is applied to those parcels. For two non-residential categories, the darkness factor is different, as shown below:

- Offices and banks typically close earlier than other non-residential uses so they are assigned a darkness factor of 12.5%.
- Hotels, motels and boarding houses typically have activity further into the night than other non-residential uses, so they are assigned a darkness factor of 50%.

Non-residential trip generation is then adjusted for the darkness factor for each rate category.

Single-Family Equivalents

The SFR category is used as the baseline for calculating the special benefit for all other land uses and sizes. Each rate category is assigned a single-family equivalent ("SFE") rate using the following formula:

$$\frac{ADT \quad x \quad Darkness\ Factor}{ADT\ for\ SFR} = SFE\ Rate$$

Where:

- ADT = Average Daily Trips for each category
- ADT for SFR = ADT for single-family residential, which is used as a baseline figure for SFE rate
- SFE Rate = SFEs per unit shown (parcel, [living] unit, or acre)

The results of these calculations for each rate category are shown in Table 4 below.

Table 4 – Single-Family Equivalent Rates

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Landuse Category	ADT	Darkness Factor	Adj ADT	SFE Rate	Unit
Residential					
Single Family	10	1	10	1.000	parcel
Multi-Family < 5 units	8	1	8	0.800	unit
Multi-Family 5 or more units	6	1	6	0.600	unit
Condominium	8	1	8	0.800	parcel
Mobile Home	5	1	5	0.500	unit
Multiple SFR on parcel	10	1	10	1.000	unit
Non-Residential					
General Commercial	600	0.25	150	15.000	acre
Industrial / Warehouse	60	0.25	15	1.500	acre
Auto Repair	400	0.25	100	10.000	acre
Hotel / Motel / Boarding	200	0.5	100	10.000	acre
Hospital	250	0.25	62.5	6.250	acre
Retirement Home	50	0.25	12.5	1.250	acre
School / Day Care	90	0.25	22.5	2.250	acre
Medical / Dental / Vet	500	0.25	125	12.500	acre
Church	30	0.25	7.5	0.750	acre
Mortuary	10	0.25	2.5	0.250	acre
Recreational	100	0.25	25	2.500	acre
Parking / Transportation	200	0.25	50	5.000	acre
Mini Storage	30	0.25	7.5	0.750	acre
Office	300	0.125	37.5	3.750	acre
Bank	1000	0.125	125	12.500	acre
Park / Open Space / Agriculture	2	0.25	0.5	0.050	acre
Vacant	0			na	

Annual Assessment Increase

The Assessment is subject to an annual adjustment tied to the San Francisco-Oakland-Hayward Consumer Price Index-U as of December of each succeeding year ("CPI"), with a maximum annual adjustment not to exceed 3%. In order for the City's dedicated Streetlight fund revenue sources to satisfy cost requirements into the future, the maximum rate per SFE is calculated based upon the sum of the 1982 assessment and the Street Light Assessment District 2018 Assessment.

Table 5 – Maximum Single-Family Equivalent Rate Calculation

	FY 2025	FY 2026
2018 District Maximum for FY 25	$ 852,813.42	$ 852,813.42
1982 District Maximum for FY 25	$ 1,445,460.18	
Total for FY 25	$ 2,298,273.60	
Maximum Increase of 2.38% of Total for FY 26		$ 54,671.33
FY 26 Maximum Assessment		$ 907,484.75
Total SFEs		47,555.425
FY 26 Maximum Rate per SFE		**$ 19.08**

Duration of Assessment

The Assessments may be continued every year after their formation, so long as the public Improvements need to be maintained and improved and the City requires funding from the Assessments for these Improvements in the District. As noted previously, the Assessment can continue to be levied annually after the City Council approves an annually updated Engineer's Report, budget for the Assessment, Improvements to be provided and other specifics of the Assessment. In addition, the City Council must hold an annual public hearing to continue the Assessment.

Appeals and Interpretation

Any property owner who feels that the Assessment levied on the subject property is in error as a result of incorrect information being used to apply the foregoing method of assessment, may file a written appeal with the City of Berkeley Public Works department. Any such appeal is limited to correction of an assessment during the then current or, if before July 1, the upcoming fiscal year. Upon the filing of any such appeal, the City of Berkeley City Engineer or his or her designee will promptly review the appeal and any information provided by the property owner. If the City Engineer or his or her designee finds that the assessment should be modified, the appropriate changes shall be made to the assessment roll. If any such changes are approved after the assessment roll has been filed with the County for collection, the City Engineer or his or her designee is authorized to refund to the property owner the amount of any approved reduction. Any dispute over the decision of the City Engineer or her or his designee shall be referred to the Public Works Director and the decision of the Public Works Director shall be final.

Assessment Statement

WHEREAS, on March 18, 2025, the City Council of the City of Berkeley, County of Alameda, California, adopted a Resolution initiating proceedings for the levy of Assessments for fiscal year 2026 within the Street Light Assessment District 2018, pursuant to the provisions of the Landscaping and Lighting Act of 1972 and Article XIIID of the California Constitution (collectively "the Act");

WHEREAS, the City of Berkeley directed the undersigned Engineer of Work to prepare and file a report presenting an estimate of costs, a diagram for the Assessment District and an assessment of the estimated costs of the Improvements upon all assessable parcels within the Assessment District, to which the description of the proposed Improvements therein contained, reference is hereby made for further particulars;

NOW, THEREFORE, the undersigned, by virtue of the power vested in me under the Act and the order of the City Council of the City of Berkeley, hereby make the following assessment to cover the portion of the estimated cost of the Improvements, and the costs and expenses incidental thereto to be paid by the Assessment District.

The amount to be paid for the Improvements and the expense incidental thereto to be paid by the City of Berkeley Street Lighting Assessment District 2018 for the fiscal year 2026 are generally as listed in Table 1.

As required by the Act, an Assessment Diagram is hereto attached and made a part hereof showing the exterior boundaries of the City of Berkeley Street light Assessment District 2018. The distinctive number of each parcel or lot of land in the City of Berkeley Street light Assessment District 2018 is its Assessor Parcel Number appearing on the Assessment Roll.

And I do hereby assess and apportion the net amount of the cost and expenses of the Improvements, including the costs and expenses incident thereto, upon the parcels and lots of land within the City of Berkeley Street Lighting Assessment District 2018, in accordance with the special benefits to be received by each parcel or lot, from the Improvements, and more particularly set forth in the cost estimate and method of assessment hereto attached and by reference made a part hereof.

The Assessments are made upon the parcels or lots of land within the City of Berkeley Street Lighting Assessment District 2018 in proportion to the special benefits to be received by the parcels or lots of land from the Improvements.

Each parcel or lot of land is described in the Assessment Roll by reference to its parcel number as shown on the Assessor's Maps of the County of Alameda for the fiscal year 2026. For a more particular description of said property, reference is hereby made to the deeds and maps on file and of record in the office of the County Recorder of the County.

I hereby place opposite the Assessor Parcel Number for each parcel or lot within the Assessment Roll, the amount of the assessment for the fiscal year 2026 for each parcel or lot of land within the City of Berkeley Street Lighting Assessment District 2018.

Dated: April 2, 2025

Engineer of Work



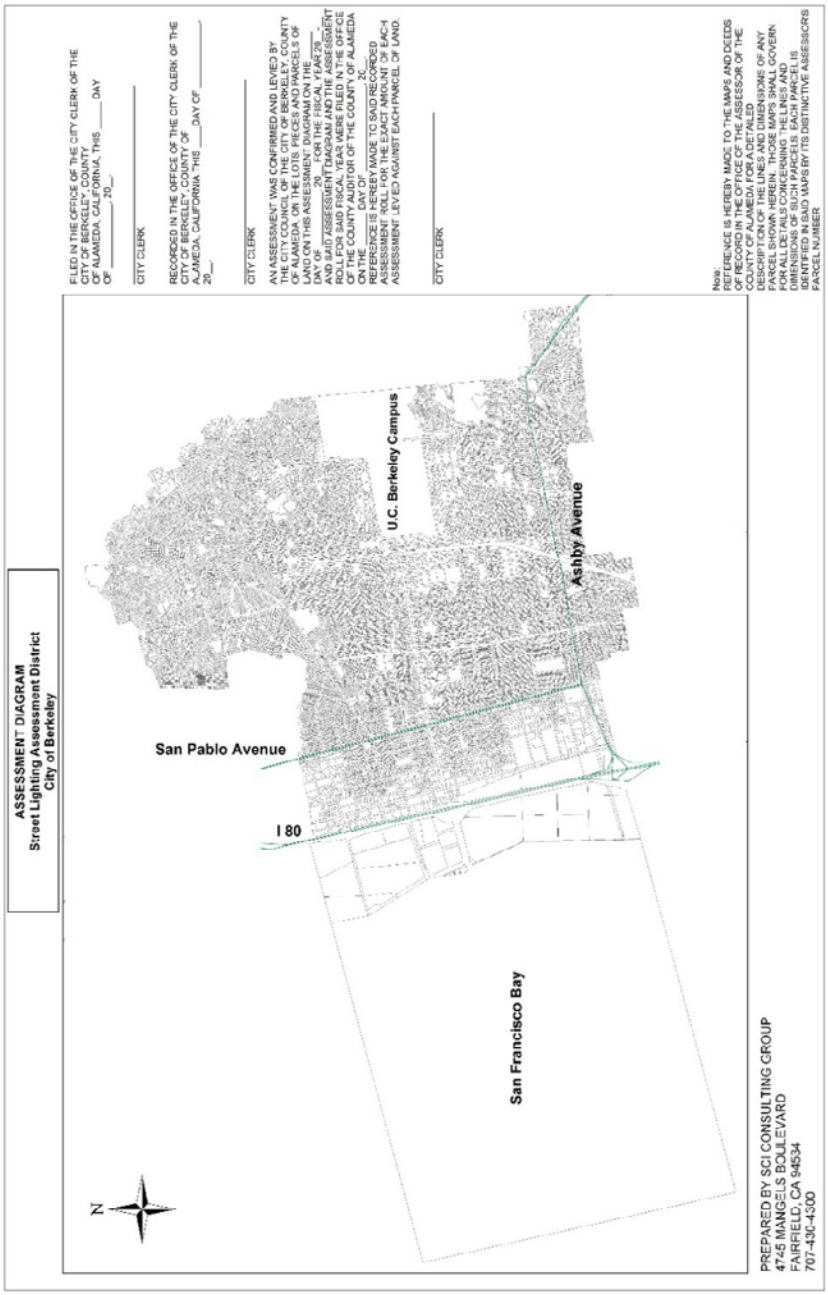
By _____
John Bliss, License No. C52091



Assessment Diagram

The boundaries of the City of Berkeley Street light Maintenance Assessment Districts and Annexations are displayed on the Assessment Diagram below.

Figure 1 – Assessment Diagram



Appendix A – SANDAG Trip Generation Tables

(NOT SO)
BRIEF GUIDE OF VEHICULAR TRAFFIC GENERATION RATES FOR THE SAN DIEGO REGION

APRIL 2002

SANDAG
401 B Street, Suite 800
San Diego, California 92101
(619) 699-1900 • Fax (619) 699-1950

NOTE: This listing only represents a ***guide*** of average, or estimated, traffic generation "driveway" rates and some very general trip data for land uses (emphasis on acreage and building square footage) in the San Diego region. These rates (both local and national) are subject to change as future documentation becomes available, or as regional sources are updated. For more specific information regarding traffic data and trip rates, please refer to the San Diego Traffic Generators manual. ***Always check with local jurisdictions for their preferred or applicable rates.***

LAND USE	TRIP CATEGORIES [PRIMARY:DIVERTED:PASS-BY][a]	ESTIMATED WEEKDAY VEHICLE TRIP GENERATION RATE (DRIVEWAY)	HIGHEST PEAK HOUR % (plus IN:OUT ratio) Between 6:00-9:30 A.M.		Between 3:00-6:30 P.M.		TRIP LENGTH (Miles)[i]
AGRICULTURE (Open Space)	[80:18:2]	2/acre**					10.8
AIRPORT	[78:20:2]						12.5
Commercial		60/acre, 100/flight, 70/1000 sq. ft.* **	5%	(6:4)	6%	(5:5)	
General Aviation		6/acre, 2/flight, 6/based aircraft* **	9%	(7:3)	15%	(5:5)	
Heliports		100/acre**					
AUTOMOBILE[b]							
Car Wash							
Automatic		900/site, 600/acre**	4%	(5:5)	9%	(5:5)	
Self-serve		100/wash stall**	4%	(5:5)	8%	(5:5)	
Gasoline	[21:51:28]						2.8
with/Food Mart		160/vehicle fueling space**	7%	(5:5)	8%	(5:5)	
with/Food Mart & Car Wash		155/vehicle fueling space**	8%	(5:5)	9%	(5:5)	
Older Service Station Design		150/vehicle fueling space, 900/station**	7%	(5:5)	9%	(5:5)	
Sales (Dealer & Repair)		50/1000 sq. ft., 300/acre, 60/service stall* **	5%	(7:3)	8%	(4:6)	
Auto Repair Center		20/1000 sq. ft., 400/acre, 20/service stall*	8%	(7:3)	11%	(4:6)	
Auto Parts Sales		60/1000 sq. ft.**	4%		10%		
Quick Lube		40/service stall**	7%	(6:4)	10%	(5:5)	
Tire Store		25/1000 sq. ft., 30/service stall**	7%	(6:4)	11%	(5:5)	
CEMETERY		5/acre*					
CHURCH (or Synagogue)	[64:25:11]	9/1000 sq. ft., 30/acre** (quadruple rates for Sunday, or days of assembly)	5%	(6:4)	8%	(5:5)	5.1
COMMERCIAL/RETAIL[b]							
Super Regional Shopping Center (More than 80 acres, more than 800,000 sq. ft., w/usually 3+ major stores)		35/1000 sq. ft.,[c] 400/acre*	4%	(7:3)	10%	(5:5)	
Regional Shopping Center (40-80acres, 400,000-800,000 sq. ft., w/usually 2+ major stores)	[54:35:11]	50/1000 sq. ft.,[c] 500/acre*	4%	(7:3)	9%	(5:5)	5.2
Community Shopping Center (15-40 acres, 125,000-400,000 sq. ft., w/usually 1 major store, detached restaurant(s), grocery and drugstore)	[47:31:22]	80/1000 sq. ft., 700/acre* **	4%	(6:4)	10%	(5:5)	3.6
Neighborhood Shopping Center (Less than 15 acres, less than 125,000 sq. ft., w/usually grocery & drugstore, cleaners, beauty & barber shop, & fast food services)		120/1000 sq. ft., 1200/acre* **	4%	(6:4)	10%	(5:5)	
Commercial Shops	[45:40:15]						
Specialty Retail/Strip Commercial		40/1000 sq. ft., 400/acre*	3%	(6:4)	9%	(5:5)	4.3
Electronics Superstore		50/1000 sq. ft**			10%	(5:5)	
Factory Outlet		40/1000 sq. ft.**	3%	(7:3)	9%	(5:5)	
Supermarket		150/1000 sq. ft., 2000/acre* **	4%	(7:3)	10%	(5:5)	
Drugstore		90/1000 sq. ft.**	4%	(6:4)	10%	(5:5)	
Convenience Market (15-16 hours)		500/1000 sq. ft.**	8%	(5:5)	8%	(5:5)	
Convenience Market (24 hours)		700/1000 sq. ft.**	9%	(5:5)	7%	(5:5)	
Convenience Market (w/gasoline pumps)		850/1000 sq. ft., 550/vehicle fueling space**	6%	(5:5)	7%	(5:5)	
Discount Club		60/1000 sq. ft., 600/acre* **	1%	(7:3)	9%	(5:5)	
Discount Store		60/1000 sq. ft., 600/acre**	3%	(6:4)	8%	(5:5)	
Furniture Store		6/1000 sq. ft., 100/acre**	4%	(7:3)	9%	(5:5)	
Lumber Store		30/1000 sq. ft., 150/acre**	7%	(6:4)	9%	(5:5)	
Home Improvement Superstore		40/1000 sq. ft.**	5%	(6:4)	8%	(5:5)	
Hardware/Paint Store		60/1000 sq. ft., 600/acre**	2%	(6:4)	9%	(5:5)	
Garden Nursery		40/1000 sq. ft., 90/acre**	3%	(6:4)	10%	(5:5)	
Mixed Use: Commercial (w/supermarket)/Residential		{110/1000 sq. ft., 2000/acre* (commercial only) 5/dwelling unit, 200/acre* (residential only)	3% 9%	(6:4) (3:7)	9% 13%	(5:5) (6:4)	
EDUCATION							
University (4 years)	[91:9:0]	2.4/student, 100 acre*	10%	(8:2)	9%	(3:7)	8.9
Junior College (2 years)	[92:7:1]	1.2/student, 24/1000 sq. ft., 120/acre* **	12%	(8:2)	9%	(6:4)	9.0
High School	[75:19:6]	1.3/student, 15/1000 sq. ft., 60/acre* **	20%	(7:3)	10%	(4:6)	4.8
Middle/Junior High	[63:25:12]	1.4/student, 12/1000 sq. ft. 50/acre**	30%	(6:4)	9%	(4:6)	5.0
Elementary	[57:25:10]	1.6/student, 14/1000 sq. ft., 90/acre* **	32%	(6:4)	9%	(4:6)	3.4
Day Care	[28:58:14]	5/child, 80/1000 sq. ft.**	17%	(5:5)	18%	(5:5)	3.7
FINANCIAL[b]	[35:42:23]						3.4
Bank (Walk-In only)		150/1000 sq. ft., 1000/acre* **	4%	(7:3)	8%	(4:6)	
with Drive-Through		200/1000 sq. ft., 1500/acre*	5%	(6:4)	10%	(5:5)	
Drive-Through only		250 (125 one-way)/lane*	3%	(5:5)	13%	(5:5)	
Savings & Loan		60/1000 sq. ft., 600/acre**	2%		9%		
Drive-Through only		100 (50 one-way)/lane**	4%		15%		
HOSPITAL	[73:25:2]						8.3
General		20/bed, 25/1000 sq. ft., 250/acre*	8%	(7:3)	10%	(4:6)	
Convalescent/Nursing		3/bed**	7%	(6:4)	7%	(4:6)	
INDUSTRIAL							
Industrial/Business Park (commercial included)	[79:19:2]	16/1000 sq. ft., 200/acre* **	12%	(8:2)	12%	(2:8)	9.0
Industrial Park (no commercial)		8/1000 sq. ft., 90/acre**	11%	(9:1)	12%	(2:8)	
Industrial Plant (multiple shifts)	[92:5:3]	10/1000 sq. ft., 120/acre*	14%	(8:2)	15%	(3:7)	11.7
Manufacturing/Assembly		4/1000 sq. ft., 50/acre**	19%	(9:1)	20%	(2:8)	
Warehousing		5/1000 sq. ft., 60/acre**	13%	(7:3)	15%	(4:6)	
Storage		2/1000 sq. ft., 0.2/vault, 30/acre*	6%	(5:5)	9%	(5:5)	
Science Research & Development		8/1000 sq. ft., 80/acre*	16%	(9:1)	14%	(1:9)	
Landfill & Recycling Center		6/acre	11%	(5:5)	10%	(4:6)	

(OVER)

MEMBER AGENCIES: Cities of Carlsbad, Chula Vista, Coronado, Del Mar, El Cajon, Encinitas, Escondido, Imperial Beach, La Mesa, Lemon Grove, National City, Oceanside, Poway, San Diego, San Marcos, Santee, Solana Beach, Vista and County of San Diego.
ADVISORY/LIAISON MEMBERS: California Department of Transportation, County Water Authority, U.S. Department of Defense, S.D. Unified Port District and Tijuana/Baja California.

LAND USE	TRIP CATEGORIES [PRIMARY:DIVERTED:PASS-BY][P]	ESTIMATED WEEKDAY VEHICLE TRIP GENERATION RATE (DRIVEWAY)	HIGHEST PEAK HOUR % (plus IN:OUT ratio) Between 6:00-9:30 A.M.		Between 3:00-6:30 P.M.		TRIP LENGTH (Miles)[L]
LIBRARY	[44:44:12]	50/1000 sq. ft., 400/acre**	2%	(7:3)	10%	(5:5)	3.9
LODGING	[58:38:4]						7.6
Hotel (w/convention facilities/restaurant)		10/occupied room, 300/acre	6%	(6:4)	8%	(6:4)	
Motel		9/occupied room, 200/acre*	8%	(4:6)	9%	(6:4)	
Resort Hotel		8/occupied room, 100/acre*	5%	(6:4)	7%	(4:6)	
Business Hotel		7/occupied room**	8%	(4:6)	9%	(6:4)	
MILITARY	[82:16:2]	2.5/military & civilian personnel*	9%	(9:1)	10%	(2:8)	11.2
OFFICE							
Standard Commercial Office (less than 100,000 sq. ft.)	[77:19:4]	20/1000 sq. ft.,[O] 300/acre*	14%	(9:1)	13%	(2:8)	8.8
Large (High-Rise) Commercial Office (more than 100,000 sq. ft., 6+ stories)	[82:15:3]	17/1000 sq. ft.,[O] 600/acre*	13%	(9:1)	14%	(2:8)	10.0
Office Park (400,000+ sq. ft.)		12/1000 sq.ft., 200/acre* **	13%	(9:1)	13%	(2:8)	
Single Tenant Office		14/1000 sq. ft., 180/acre*	15%	(9:1)	15%	(2:8)	8.8
Corporate Headquarters		7/1000 sq. ft., 110/acre*	17%	(9:1)	16%	(1:9)	
Government (Civic Center)	[50:34:16]	30/1000 sq. ft.**	9%	(9:1)	12%	(3:7)	6.0
Post Office							
Central/Walk-In Only		90/1000 sq. ft.**	5%		7%		
Community (not including mail drop lane)		200/1000 sq. ft., 1300/acre*	6%	(6:4)	9%	(5:5)	
Community (w/mail drop lane)		300/1000 sq. ft., 2000/acre*	7%	(5:5)	10%	(5:5)	
Mail Drop Lane only		1500 (750 one-way)/lane*	7%	(5:5)	12%	(5:5)	
Department of Motor Vehicles		180/1000 sq. ft., 900/acre**	6%	(6:4)	10%	(4:6)	
Medical-Dental	[60:30:10]	50/1000 sq. ft., 500/acre*	6%	(8:2)	11%	(3:7)	6.4
PARKS	[66:28:6]		4%		8%		5.4
City (developed w/meeting rooms and sports facilities)		50/acre*	13%	(5:5)	9%	(5:5)	
Regional (developed)		20/acre*					
Neighborhood/County (undeveloped)		5/acre (add for specific sport uses), 6/picnic site* **					
State (average 1000 acres)		1/acre, 10/picnic site**					
Amusement (Theme)		80/acre, 130/acre (summer only)**			6%	(6:4)	
San Diego Zoo		115/acre*					
Sea World		80/acre*					
RECREATION							
Beach, Ocean or Bay	[52:39:9]	600/1000 ft. shoreline, 60/acre*					6.3
Beach, Lake (fresh water)		50/1000 ft. shoreline, 5/acre*					
Bowling Center		30/1000 sq. ft., 300/acre, 30/lane **	7%	(7:3)	11%	(4:6)	
Campground		4/campsite**	4%		8%		
Golf Course		7/acre, 40/hole, 700/course* **	7%	(8:2)	9%	(3:7)	
Driving Range only		70/acre, 14/tee box*	3%	(7:3)	9%	(5:5)	
Marinas		4/berth, 20/acre* **	3%	(3:7)	7%	(6:4)	
Multi-purpose (miniature golf, video arcade, batting cage, etc.)		90/acre	2%		6%		
Racquetball/Health Club		30/1000 sq. ft., 300/acre, 40/court*	4%	(6:4)	9%	(6:4)	
Tennis Courts		16/acre, 30/court**	5%		11%	(5:5)	
Sports Facilities							
Outdoor Stadium		50/acre, 0.2/seat*					
Indoor Arena		30/acre, 0.1/seat*					
Racetrack		40/acre, 0.6 seat*					
Theaters (multiplex w/matinee)	[66:17:17]	80/1000 sq. ft., 1.8/seat, 360/screen*	1/3%		8%	(6:4)	6.1
RESIDENTIAL	[86:11:3]						7.9
Estate, Urban or Rural (average 1-2 DU/acre)		12/dwelling unit*[R]	8%	(3:7)	10%	(7:3)	
Single Family Detached (average 3-6 DU/acre)		10/dwelling unit*[R]	8%	(3:7)	10%	(7:3)	
Condominium (or any multi-family 6-20 DU/acre)		8/dwelling unit*[R]	8%	(2:8)	10%	(7:3)	
Apartment (or any multi-family units more than 20 DU/acre)		6/dwelling unit*[R]	8%	(2:8)	9%	(7:3)	
Military Housing (off-base, multi-family)							
(less than 6 DU/acre)		8/dwelling unit	7%	(3:7)	9%	(6:4)	
(6-20 DU/acre)		6/dwelling unit	7%	(3:7)	9%	(6:4)	
Mobile Home							
Family		5/dwelling unit, 40/acre*	8%	(3:7)	11%	(6:4)	
Adults Only		3/dwelling unit, 20/acre*	9%	(3:7)	10%	(6:4)	
Retirement Community		4/dwelling unit**	5%	(4:6)	7%	(6:4)	
Congregate Care Facility		2.5/dwelling unit**	4%	(6:4)	8%	(5:5)	
RESTAURANT[S]	[51:37:12]						4.7
Quality		100/1000 sq. ft., 3/seat, 500/acre* **	1%	(6:4)	8%	(7:3)	
Sit-down, high turnover		160/1000 sq. ft., 6/seat, 1000/acre* **	8%	(5:5)	8%	(6:4)	
Fast Food (w/drive through)		650/1000 sq. ft., 20/seat, 3000/acre* **	7%	(5:5)	7%	(5:5)	
Fast Food (without drive-through)		700/1000 sq. ft.**	5%	(6:4)	7%	(5:5)	
Delicatessen (7am-4pm)		150/1000 sq. ft., 11/seat*	9%	(6:4)	3%	(3:7)	
TRANSPORTATION							
Bus Depot		25/1000 sq. ft.**					
Truck Terminal		10/1000 sq. ft., 7/bay, 80/acre**	9%	(4:6)	8%	(5:5)	
Waterport/Marine Terminal		170/berth, 12/acre**					
Transit Station (Light Rail w/parking)		300/acre, 2 1/2/parking space (4/occupied)**	14%	(7:3)	15%	(3:7)	
Park & Ride Lots		400/acre (600/paved acre), 5/parking space (8/occupied)* **	14%	(7:3)	15%	(3:7)	

* Primary source: *San Diego Traffic Generators*.

* Other sources: *ITE Trip Generation Report [6th Edition]*, Trip Generation Rates (other agencies and publications), various SANDAG & CALTRANS studies, reports and estimates.

[P] Trip category percentage ratios are daily from local household surveys, often cannot be applied to very specific land uses, and do not include non-resident drivers (draft SANDAG *Analysis of Trip Diversion*, revised November, 1990):
PRIMARY - one trip directly between origin and primary destination.
DIVERTED - linked trip (having one or more stops along the way to a primary destination) whose distance compared to direct distance ≥ 1 mile.
PASS-BY - undiverted or diverted < 1 mile.

[L] Trip lengths are average weighted for all trips to and from general land use site. (All trips system-wide average length = 6.9 miles)

[C] Fitted curve equation: Ln(T) = 0.502 Ln(x) + 6.945

[O] Fitted curve equation: Ln(T) = 0.756 Ln(x) + 3.950

T = total trips, x = 1,000 sq. ft.

[R] Fitted curve equation: t = -2.169 Ln(d) + 12.85 t = trips/DU, d = density (DU/acre), DU = dwelling unit

[S] Suggested PASS-BY [undiverted or diverted < 1 mile] percentages for trip rate reductions only during P.M. peak period (based on combination of local data/review and Other sources**):

COMMERCIAL/RETAIL	
Regional Shopping Center	20%
Community " "	30%
Neighborhood " "	40%
Specialty Retail/Strip Commercial (other)	10%
Supermarket	40%
Convenience Market	50%
Discount Club/Store	30%
FINANCIAL	
Bank	25%
AUTOMOBILE	
Gasoline Station	50%
RESTAURANT	
Quality	10%
Sit-down high turnover	20%
Fast Food	40%

[I] Trip Reductions - In order to help promote regional "smart growth" policies, and acknowledge San Diego's expanding mass transit system, consider vehicle trip rate reductions (with proper documentation and necessary adjustments for peak periods). The following are some examples:

[1] A 5% daily trip reduction for land uses with transit access or near transit stations accessible within 1/4 mile.

[2] Up to 10% daily trip reduction for mixed-use developments where residential and commercial retail are combined (demonstrate mode split of walking trips to replace vehicular trips).

Appendix B – Assessment Roll

An Assessment Roll (a listing of all parcels assessed within the City of Berkeley Street Lighting Assessment District 2018 and the amount of the assessment) has been filed with the City Engineer, and is, by reference, made part of this report and will be available for public inspection during normal office hours.

Each lot or parcel listed on the Assessment Roll is shown and illustrated on the latest County Assessor records and these records are, by reference made part of this report. These records shall govern all details concerning the description of the lots or parcels.

25

Environment and Climate Commission

CONSENT CALENDAR
May 20, 2025

To: Honorable Mayor and Members of the City Council

From: Environment and Climate Commission

Submitted by: Brianna McGuire, Chair, Environment and Climate Commission

Subject: Authorization for City Manager to evaluate policies to accelerate building decarbonization

RECOMMENDATION

Authorize the City Manager to evaluate and develop amendments to the 2025 Energy and CALGreen Codes and/or other ordinances to accelerate building decarbonization for Council consideration.

FISCAL IMPACTS OF RECOMMENDATION

None. Existing staff within the Planning Department's Building and Safety Division and Office of Energy and Sustainable Development can allocate time to develop policy recommendations for Council consideration.

CURRENT SITUATION AND ITS EFFECTS

Berkeley has historically set ambitious climate goals, starting with the first ever Climate Action Plan in 2009 and most recently with its science-based Race-to-Zero commitments (November 2021) that require 60.5% emissions reductions by 2030 and net-zero emissions by 2045. While much progress has been made, the City needs an additional 50% reduction in the next five years to meet its goals.

According to the latest 2023 greenhouse gas emissions inventory, natural gas use in buildings was responsible for 35% of all emissions citywide. The City has recognized its own ability and responsibility in tackling these emissions, as well as the impact of natural gas use on public health. Estimates from Bay Area Air District and UCLA estimate that natural gas combustion is responsible for nearly $1 billion in additional healthcare costs in the Bay Area alone. In 2019, the City passed a ban on natural gas in new construction. The policy quickly spread across the region, state, country, and world.

Unfortunately, as of 2024, the policy is no longer in effect, having been vacated by the U.S. Court of Appeals for the Ninth Circuit. The impacts have been immediate. According to City staff, in the short time since the law was overturned, many large projects have amended their plans to include natural gas hookups, despite the potentially added costs to their projects. This is a public health and climate disaster.

In an attempt to address this situation, Planning Department staff proposed local amendments to the California Building Standards Code in May 2024. Their primary recommendation was the adoption of a Zero NOx appliance standard which would effectively prohibit gas construction. After initial consideration and the recommendation of an exemption pathway for commercial kitchens, Council ultimately decided not to adopt the amendments. Thus, new construction in Berkeley will continue to include gas, even as the City attempts to drastically increase housing production. This will lock in carbon emissions, earthquake risk, and public health impacts for decades to come.

There is a pressing need to prevent new building gas infrastructure and address the 35% of city emissions that come from existing buildings. The City's recent adoption of a time of sale energy upgrade requirement for single-family homes is a small step in this direction, but will only affect 1% of the existing building stock per year. Staff also was awarded under a Department of Energy grant to develop a large buildings Building Performance Standard (which would require declining emissions from large buildings over time), but the funding is in jeopardy due to the change in federal administration. Thus, there is also a need for further research and legislation to set the City on a pathway to zero emissions from existing buildings.

At its meeting March 26, 2025, the Environment and Climate Commission authorized its Building Decarbonization Subcommittee to write and submit a report to the City Council to authorize the City Manager to evaluate and develop amendments to the 2025 Energy and CALGreen Codes and/or other ordinances to accelerate building decarbonization for Council consideration (moved by Kesselman, seconded by Ranney, motion carried 9-0-0-0; Ayes: Ranney, LaBonte, McGuire, Tahara, Guliasi, Kesselman, Binns, Athanasiou, Syed. Noes: None. Abstain: None. Absent: None).

BACKGROUND

In 2021, Council adopted the Berkeley Existing Buildings Electrification Strategy, which laid out four primary electrification strategies:

1. Time of replacement and renovation
2. Time of sale
3. Building Performance Standards
4. Neighborhood Electrification and Gas pruning

Implicitly, this policy took as given the policy baseline in 2021 in which all new construction was all-electric. As of 2024, this is no longer the case, with the Ninth Circuit having overturned Berkeley's landmark natural gas ban.

Building Codes have the potential to address electrification at time of replacement and renovation as well as backfill the City's existing policy objectives of all-electric new construction. The California Building Standards Code (Title 24), which is updated every three years, provides pathways for local amendments that go beyond the increasingly stringent state baselines for energy efficiency and environmental quality. As the next triennial code cycle is approaching (commencing in January 2026), Berkeley is already undertaking the process to update local codes to comply with the new standards, providing a perfect opportunity to develop further amendments or ordinances to reduce natural gas use in new and existing buildings.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Policies developed by staff and adopted by Council would reduce greenhouse gas emissions in new and existing buildings, as well as reduce the presence of toxic byproducts of natural gas combustion.

RATIONALE FOR RECOMMENDATION

There is an urgent need for a policy backstop to ensure all-electric new and existing buildings, and there is an existing legislative process underway that can be utilized to reduce the marginal effort required by the City to adopt such policies.

ALTERNATIVE ACTIONS CONSIDERED

None.

CITY MANAGER

The City Manager concurs with the content and recommendations of the Commission's Report.

CONTACT PERSON

Sarah Moore, Commission Secretary, Environment and Climate Commission, (510) 981-7494

BERKELEY CITY COUNCILMEMBER
TERRY TAPLIN
DISTRICT 2

CONSENT CALENDAR
May 20, 2025

To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin (Author), Vice Mayor Rashi Kesarwani, Councilmember Mark Humbert (Co-Sponsor), Councilmember Brent Blackaby (Co-Sponsor)

Subject: Letter in Support of California State Senate Bill 692 (Arreguín) Relating to Vehicles and Homelessness

RECOMMENDATION
Adopt a letter in support of California State Senate Bill 692 (Arreguín), relating to vehicles and homelessness, and distribute copies to Governor Gavin Newsom, State Senator Jesse Arreguín, State Assemblymember Buffy Wicks, State Senate President Pro Tempore Mike McGuire, and State Assembly Speaker Robert Rivas.

FISCAL IMPACTS OF RECOMMENDATION
None.

CURRENT SITUATION AND ITS EFFECTS
Vehicular homelessness is currently the most common form of homelessness in Alameda County, and Berkeley, especially West Berkeley, has been heavily impacted by this situation. Many unsheltered residents live in vehicles that are posing serious health and safety problems—rodent and other vermin infestations, overflowing or leaking sewage, fire and other life safety hazards – both to the unsheltered people who reside in them, as well as the broader community. Moreover, in recent years, there have been increases in the number of RVs, trailers, and other large vehicles abandoned on local streets and in public spaces.

The majority of those living in these vehicles are victims of the State's broader affordable housing and shelter crisis. We also know, however, that many of these vehicles – which are too blighted and dangerous for anyone to be living in in the first place -- are being sold or leased to the unsheltered as substandard vehicles by unscrupulous actors, even sometimes after they are towed to impound.

Despite this, the Homeless Response Team (HRT) has struggled to successfully address vehicular homelessness, mostly because HRT outreach has found that many of these residents do not consider themselves to be 'unsheltered' and thus turn down offers of interim housing for fear of losing their last remaining asset—their vehicle. These anecdotal findings are corroborated by research from the UCSF Benioff Homeless and Housing Initiative, in a study of RV dwellers living in Oakland. However,

emerging research from guaranteed income programs also demonstrates that when people in poverty are given unrestricted cash, they use it to wisely meet their most pressing economic needs. The city theorized that, if RV dwellers could have their most valuable (but illiquid) asset—their RV—liquified at a fair cash price, that may change their willingness to engage in interim housing programs.

With this in mind, staff applied to and, in September 2024, were awarded $5.4M in Encampment Resolution Fund (ERF) grant funding from the State of California, including $150,000 to pilot an RV Buy Back program. Staff, in partnership with Dorothy Day House, have been using these funds to resolve the encampments along 2nd and Cedar Streets in West Berkeley, which Council directed staff to prioritize for closure on September 2024, using the new Capri Motel (aka Howard Johnson) as shelter. Interested RV dwellers in that encampment applied for a buy back of their vehicle at $175/linear foot, and were offered the program if they agreed to move into shelter at the Capri. Participants received 15% of the total price of the vehicle upon shelter move-in. Understanding that sometimes a shelter move-in doesn't work for everyone, participants could move back into their vehicle at any time during a three day 'shelter trial period,' and if they did so, keep the 15% cash payment with no questions asked. However, they would only receive the remaining 85% of the agreed-upon price once their vehicle was towed from the street.

This pilot was very successful: of the 21 vehicles originally identified by staff as being used for shelter on 2nd St, occupants for all but one of those have agreed to participate and sell their vehicle in exchange for a shelter move-in, and a total of 27 vehicles used as shelter have been approved for removal via this pilot. However, staff have found it extremely difficult to remove these RVs, many of which still remained on the street months after their occupants voluntarily left them for shelter, either because they are in such poor condition and pose such serious health and safety risks that local towing companies refuse to take them, or because local tow companies do not have the lot space to accommodate so many large vehicles at once.

Senator Arreguin's legislation, SB 692, would give broader authority to local governments to remove vehicles from the streets with RV buy-back programs, so long as these buy-backs are paired with a shelter offer. Specifically, once their vehicles have been purchased and their residents safely moved indoors, it would afford greater discretion to local governments to avoid the impound process altogether by sending these vehicles straight to dismantlement, where they belong – preventing these health hazards from being used as substandard shelter by anyone again.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with the recommendation. Reducing vehicular homelessness by moving vehicle residents indoors will reduce the impacts of vehicles and unsheltered homelessness on the environment and climate change over time.

RATIONALE FOR RECOMMENDATION

Berkeley is committed to compassionate, proven approaches to ending vehicular homelessness while simultaneously fulfilling our duties as a local government to keep our streets and public spaces clean and safe for all. For these reasons, we recommend supporting SB 692.

ALTERNATIVE ACTIONS CONSIDERED
None.

CONTACT PERSON
Terry Taplin, Councilmember, District 2, 510-981-7120, TTaplin@berkeleyca.gov

Attachments:
1. Letter of Support
2. SB 692 Bill Text
3. SB 692 Fact Sheet

May 20, 2025

Senator Jesse Arreguín
California State Senate
1021 O Street, Suite 6710
Sacramento, CA 95815

RE: Letter of Support (Senate Bill 692)

Dear Senator Jesse Arreguín,

The City of Berkeley writes in strong support of Senate Bill 692, which would provide cities with more tools and flexibility to address two problems; the crisis of substandard, inhumane, and often hazardous vehicular homelessness and illegally dumped junked vehicles. In our region, many unsheltered residents live in vehicles that are posing serious health and safety problems—rodent and other vermin infestations, overflowing or leaking sewage, fire and other life safety hazards—both to the unsheltered people who reside in them as well as the broader community. Moreover, in recent years, there have been increases in the number of RVs, trailers, and other large vehicles abandoned on local streets and in public spaces.

The issue of illegally dumped, hazardous, and abandoned recreational vehicles, trailers, and oversized vehicles extends far beyond our city—it affects cities across our great state. We recognize that the majority of those living in these vehicles are victims of the state's broader affordable housing and shelter crisis. We also know, however, that many are being sold or leased to the unsheltered as substandard vehicles by unscrupulous actors—vehicles that are too blighted and dangerous for anyone in the first place. These abandoned and non-working vehicles remain on our streets, either because they are in such poor condition and pose such serious health and safety risks that local towing companies refuse to take them, or because local tow companies do not have the lot space to accommodate so many large vehicles at once.

So what is the solution? SB 692 proposes multiple options for cities to follow and would allow local governments to implement RV buy-back programs, expanding upon the success Berkeley has already seen with this promising program. Emerging research from guaranteed income programs demonstrate that when people in poverty are given cash, they use it to wisely meet their most pressing economic needs, and this bill affords that same opportunity to our most vulnerable vehicular residents. Once their vehicles have been purchased and their residents safely moved indoors, this bill would afford greater discretion to local governments to avoid the impound process altogether by sending these vehicles straight to dismantlement, where they belong—preventing these health hazards from being used as substandard shelter by anyone again.

Berkeley is committed to compassionate, proven approaches to ending vehicular homelessness while simultaneously fulfilling our duties as local governments to keep our streets and public spaces clean and safe for all. For these reasons, we are pleased to support SB 692.

AMENDED IN SENATE APRIL 9, 2025

AMENDED IN SENATE MARCH 25, 2025

SENATE BILL No. 692

Introduced by Senator Arreguín
(Principal coauthor: Senator Richardson)

February 21, 2025

An act ~~to amend Sections 50236 and 50243 of the Health and Safety Code, and~~ to amend Sections 22650, 22660, 22661, 22662, and 22851.3 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 692, as amended, Arreguín. Vehicles: homelessness.

Existing law makes it unlawful for a peace officer or an unauthorized person to remove an unattended vehicle from a highway, except as provided. Under existing law, the removal of a vehicle is a seizure, subject to the limits set forth in jurisprudence for the Fourth Amendment of the United States Constitution. Existing law authorizes a city, county, or city and county to adopt an ordinance establishing procedures for the abatement and removal, as public nuisances, of abandoned, wrecked, dismantled, or inoperative vehicles or parts of vehicles from private or public property. Existing law requires that any ordinance for the removal of abandoned vehicles contain certain provisions, including a provision exempting vehicles under certain circumstances, and a provision providing no less than a 10-day notice of intention to abate and remove the vehicle or part thereof as a public nuisance, unless the property owner and the owner of the vehicle sign releases. Existing law also exempts from the 10-day notice prior to removal provision, a vehicle meeting specified requirements, including being valued at less than

$200 and being determined to be a public nuisance, if the property owner has signed a release.

This bill would additionally authorize a city, county, or city and county to adopt an ordinance for the abatement and removal of vehicles formerly used as shelter by ~~persons experiencing homelessness.~~ *a person.* The bill would require an ordinance establishing procedures for the removal of abandoned vehicles to contain a provision making the ordinance applicable to public agencies operating certain vehicle buyback programs, as specified. The bill would also specifically authorize a local government to perform emergency summary abatement of vehicles creating imminent health and safety hazards. The bill would modify the exemption from prior 10-day notice of intention to abate and remove a vehicle to no longer require that both the vehicle be determined to be a public nuisance and that the property owner sign a release.

Existing law authorizes vehicles or parts thereof to be disposed of by removal to, among other places, a scrapyard or automobile dismantler's yard.

The bill would authorize specified vehicles to be scrapped and dismantled in place and disposed of at a suitable site operated by a local authority.

~~Existing law establishes the Homeless Housing, Assistance, and Prevention program, administered by the California Interagency Council on Homelessness, for the purpose of providing jurisdictions with grant funds to support regional coordination and expand or develop local capacity to address their immediate homelessness challenges, as specified. Existing law provides for the allocation of funding under the program among continuums of care, cities, counties, and tribes in rounds and establishes round 5 for the purpose of creating and implementing regionally coordinated plans that organize and deploy the full array of homelessness programs and resources comprehensively and effectively. Existing law authorizes the use of those funds for services for people experiencing unsheltered homelessness, including, among other things, street outreach, and specified programs funded by the Encampment Resolution Grant. Existing law establishes round 6 for the purpose of, among other things, expeditiously reducing unsheltered homelessness through homelessness prevention activities and sustaining existing interim housing solutions. Existing law authorizes the use of those funds for, among other things, permanent housing solutions that can prevent or serve those experiencing unsheltered homelessness, as specified.~~

~~This bill would additionally authorize the use of funds from rounds 5 and 6 for vehicle buyback programs for persons experiencing vehicular homelessness, if the buyback offer is paired with an offer of interim or permanent housing.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

~~SECTION 1. Section 50236 of the Health and Safety Code is amended to read:~~

~~50236. (a) The intent of round 5 is to sustain existing federal, state, and local investments towards long-term sustainability of housing and supportive services.~~

~~(b) Applicants shall develop data-driven plans which fund the state's priorities.~~

~~(c) Provided that before proposing to use round 5 resources to fund new interim housing solutions, the applicant first demonstrates that the region has dedicated sufficient resources from other sources to long-term permanent housing solutions, including capital and operating costs, allowable uses of round 5 base program allocation funds include all of the following:~~

~~(1) Permanent housing solutions, including all of the following:~~

~~(A) Rental subsidies, including to support placement of individuals in CARE Court.~~

~~(B) Landlord incentives, such as security deposits, holding fees, funding for needed repairs, and recruitment and relationship management costs.~~

~~(C) Move-in expenses.~~

~~(D) Operating subsidies in new and existing affordable or supportive housing units serving people experiencing homelessness, including programs such as Homekey, new or existing residential care facilities, funded by the Behavioral Health Continuum Infrastructure Program or the Community Care Expansion Program. Operating subsidies may include operating reserves.~~

~~(E) Homelessness prevention through rental assistance, rapid rehousing, and other programs, so long as they prioritize households with incomes at or below 30 percent of the area median income, who pay more than 50 percent of their income in housing~~

~~costs, and who meet criteria for being at highest risk of homelessness through data-informed criteria adopted by the council.~~

~~(F) Problem-solving and diversion support programs that prevent people at risk of or recently experiencing homelessness from entering unsheltered or sheltered homelessness.~~

~~(G) Services for people in permanent housing, so long as the services are trauma-informed and practice harm reduction, to include intensive case management services, assertive community treatment services, critical time intervention services, other tenancy support services, evidence-based employment services, coordinating mental health, substance use, and primary care treatment, or other evidence-based supportive services to increase housing retention.~~

~~(H) Capital for permanent housing that serves people experiencing homelessness, including conversion of underutilized buildings or existing interim or transitional housing into permanent housing.~~

~~(2) Interim housing solutions, including all of the following:~~

~~(A) Navigation centers that are low barrier, as defined in Sections 65660 and 65662 of the Government Code, to include any of the following:~~

~~(B) Operating expenses in existing congregate shelter sites.~~

~~(C) Operating expenses in new or existing noncongregate shelter sites and transitional housing for youth.~~

~~(D) Motel or hotel vouchers.~~

~~(E) Services provided to people in interim housing, to include trauma-informed and evidence-based intensive case management services, housing navigation, connecting people to substance use or mental health treatment, public benefits advocacy, and other supportive services to promote stability and referral into permanent housing.~~

~~(F) Capital funding to build new noncongregate shelter sites, including for construction, rehabilitation, and capital improvements to convert existing congregate sites into noncongregate sites.~~

~~(G) Capital funding for clinically enhanced congregate or noncongregate shelter sites.~~

~~(H) Youth-focused services in transitional housing.~~

~~(3) (A) Services for people experiencing unsheltered homelessness, including street outreach, including, but not limited~~

~~to, persons experiencing homelessness from encampment sites and those transitioning out of encampment sites funded by the program known as the Encampment Resolution Grant consistent with Section 50251 to access permanent housing and services. This includes evidence-based engagement services, intensive case management services, assertive community treatment, housing navigation, harm reduction services, coordination with street-based health care services, and hygiene services for people living in encampments and unsheltered individuals.~~

~~(B) Vehicle buyback programs for persons experiencing vehicular homelessness, if those buyback offers are paired with an offer of interim or permanent housing.~~

~~(C) Services coordination, which may include access to workforce, education, and training programs, or other services needed to promote housing stability in supportive housing.~~

~~(D) Systems support for activities necessary to create regional partnerships and maintain a homeless services and housing delivery system, particularly for vulnerable populations, including families and homeless youth.~~

~~(E) Improvements to existing emergency shelters to lower barriers and increase privacy.~~

~~(F) Any new interim sheltering funded by round 5 funds must be low-barrier, comply with Housing First as provided in Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code, and prioritize interventions other than congregate shelters.~~

~~(4) A program recipient shall not use funding from the program allocated under this section to supplant existing Encampment Resolution Grant funds provided under Section 50251.~~

~~(d) (1) Applicants may request, in a form prescribed by the council, approval to utilize round 5 funding on allowable expenditures outside of the state's intended priorities, as enumerated in this section.~~

~~(2) The council may grant applicants preapproval to utilize program funding on allowable uses only after an applicant has demonstrated that state priorities are adequately resourced, and the applicant has exhausted all means to accomplish these priorities.~~

~~(e) An applicant shall not use more than 7 percent of a round 5 program allocation for administrative costs incurred by the city, county, continuum of care, or tribe to administer its program~~

~~allocation. For purposes of this subdivision, "administrative costs" does not include staff or other costs directly related to implementing activities funded by the program allocation.~~

~~(f) (1) The council may authorize an applicant to use up to an additional 1 percent for costs related to the Homeless Management Information System. Related costs include Homeless Management Information System licenses, training, system operating costs, and costs associated with carrying out related activities.~~

~~(2) Upon agreement between the grantee and the Homeless Management Information System lead entity, the grantee shall transfer the authorized amount of funds pursuant to paragraph (1) for related costs to the Homeless Management Information System lead entity. The council shall specify the method and manner for this transfer of funds.~~

~~(g) A recipient of a round 5 program allocation shall comply with Housing First as provided in Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.~~

~~(h) Notwithstanding Section 27011 of the Government Code, or any other law governing the deposit of funds in the county treasury, a county may accept or deposit into the county treasury funds from any source for the purpose of administering a project, proposal, or program under this chapter.~~

~~(i) For purposes of Section 1090 of the Government Code, a representative of a county serving on a board, committee, or body with the primary purpose of administering funds or making funding recommendations for applications pursuant to this chapter shall have no financial interest in any contract, program, or project voted on by the board, committee, or body on the basis of the receipt of compensation for holding public office or public employment as a representative of the county.~~

~~SEC. 2. Section 50243 of the Health and Safety Code is amended to read:~~

~~50243. (a) The intent of round 6 is to reflect the state's priorities to prevent and expeditiously reduce unsheltered homelessness through homelessness prevention activities, sustaining existing interim housing solutions, and permanent housing solutions, including long-term sustainability of affordable permanent supportive housing.~~

~~(b) Applicants shall develop data-driven plans that fund the state's priorities.~~

~~(c) Applicants shall demonstrate how the region will use available resources to sustain all existing and, as applicable, any proposed interim housing investments within the region, including, but not limited to, use of local dedicated funding, Behavioral Health Services Act funds, or any funds pursuant to Chapter 6 (commencing with Section 50216) or this chapter as long-term capitalized operating reserves, or any other local, state, or federal funding source.~~

~~(d) Before proposing to use round 6 resources to fund new interim housing other than new interim housing for youth or proposing to use round 6 resources to fund nonhousing solutions, applicants shall first demonstrate that their region has dedicated sufficient resources from other sources to sustain their existing and planned portfolio of long-term permanent affordable housing and existing interim solutions, including capital and operating costs.~~

~~(e) Subject to subdivision (d), allowable uses of round 6 base program allocation funds include all of the following:~~

~~(1) Permanent housing solutions that can prevent or serve those experiencing unsheltered homelessness, including, but not limited to, persons experiencing homelessness coming from encampment sites. These uses include all of the following:~~

~~(A) Rental subsidies, including to support placement of individuals in CARE Court.~~

~~(B) Landlord incentives, such as security deposits, holding fees, funding for needed repairs, and recruitment and relationship management costs.~~

~~(C) Move-in expenses.~~

~~(D) Operating subsidies in new and existing affordable or supportive housing units serving people experiencing or at risk of homelessness, including programs such as Homekey, new or existing residential care facilities, funded by the Behavioral Health Continuum Infrastructure Program or the Community Care Expansion Program. Operating subsidies may include capitalized operating reserves.~~

~~(E) Supportive services for people in permanent housing, so long as the services are trauma-informed and practice harm reduction, to include intensive case management services, assertive community treatment services, critical time intervention services, other tenancy support services, evidence-based employment~~

~~services, coordinating mental health, substance use, and primary care treatment, or other evidence-based supportive services to increase housing retention.~~

~~(F) Capital for permanent housing that serves people experiencing homelessness, including conversion of underutilized buildings or existing interim or transitional housing into permanent housing.~~

~~(G) Services coordination, which may include access to workforce, education, and training programs, or other services needed to promote housing stability in permanent supportive housing.~~

~~(2) Homelessness prevention includes, but is not limited to, both of the following:~~

~~(A) Rental assistance, rapid rehousing, and other programs as long as they prioritize households with incomes at or below 30 percent of the area median income.~~

~~(B) Diversion support programs that prevent people at risk of or recently experiencing homelessness from entering unsheltered or sheltered homelessness.~~

~~(3) Interim housing solutions, that can provide shelter to those experiencing unsheltered homelessness, including, but not limited to, persons experiencing homelessness coming from encampment sites. These uses include all of the following:~~

~~(A) Navigation centers that are low barrier, as defined in Sections 65660 and 65662 of the Government Code.~~

~~(B) Operating expenses for existing congregate shelter sites.~~

~~(C) Operating expenses in new or existing noncongregate shelter sites and transitional housing for youth.~~

~~(D) Motel or hotel vouchers.~~

~~(E) Services provided to people in interim housing, to include trauma-informed and evidence-based intensive case management services, housing navigation, connecting people to substance use or mental health treatment, public benefits advocacy, and other supportive services to promote stability and referral into permanent housing.~~

~~(F) Capital funding to build new noncongregate shelter sites and transitional housing sites for homeless youth, including for construction, rehabilitation, and capital improvements to convert existing congregate sites into noncongregate sites.~~

(G) Capital funding for clinically enhanced congregate or noncongregate shelter sites.

(H) Youth-focused services in transitional housing.

(I) Improvements to existing emergency shelters to lower barriers and increase privacy.

(J) Any new interim sheltering funded by round 6 funds shall be low barrier, comply with Housing First as provided in Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code, and prioritize interventions other than congregate shelters except clinically enhanced congregate shelters as specified in subparagraph (G).

(4) Nonhousing solutions, including nonhousing services for people experiencing unsheltered homelessness, including, but not limited to, persons experiencing homelessness from encampment sites and those transitioning out of encampment sites. This includes street outreach, evidence-based engagement services, intensive case management services, assertive community treatment, housing navigation, harm reduction services, coordination with street-based health care services, and hygiene services for people living in encampments and unsheltered individuals.

(5) Vehicle buyback programs for persons experiencing vehicular homelessness, if those buyback offers are paired with an offer of interim or permanent housing.

(f) (1) Applicants may request, in a form prescribed by the department, approval to utilize round 6 funding on allowable expenditures outside of the state's intended priorities, as enumerated in this section.

(2) The department may grant applicants preapproval to utilize program funding on allowable uses only after an applicant has demonstrated that state priorities are adequately resourced, and the applicant has exhausted all means to accomplish these priorities.

(g) An applicant shall not use more than 7 percent of a round 6 program allocation for administrative costs incurred by the city, county, continuum of care, or tribe to administer its program allocation. For purposes of this subdivision, "administrative costs" does not include staff or other costs directly related to implementing activities funded by the program allocation.

(h) (1) The department may authorize an applicant to use up to an additional 1 percent for costs related to the Homeless Management Information System. Related costs include Homeless

~~Management Information System licenses, training, system operating costs, and costs associated with carrying out related activities.~~

~~(2) Upon agreement between the grantee and the Homeless Management Information System lead entity, the grantee shall transfer the authorized amount of funds pursuant to paragraph (1) for related costs to the Homeless Management Information System lead entity. The department shall specify the method and manner for this transfer of funds.~~

~~(i) A recipient of a round 6 program allocation shall comply with Housing First as provided in Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.~~

~~(j) Notwithstanding Section 27011 of the Government Code, or any other law governing the deposit of funds in the county treasury, a county may accept or deposit into the county treasury funds from any source for the purpose of administering a project, proposal, or program under this article.~~

~~(k) For purposes of Section 1090 of the Government Code, a representative of a county serving on a board, committee, or body with the primary purpose of administering funds or making funding recommendations for applications pursuant to this article shall have no financial interest in any contract, program, or project voted on by the board, committee, or body on the basis of the receipt of compensation for holding public office or public employment as a representative of the county.~~

~~(*l*) A program recipient shall not use funding from the program allocated under this section to supplant Encampment Resolution Funding program grant funds provided under Section 50251.~~

~~SEC. 3.~~

SECTION 1. Section 22650 of the Vehicle Code is amended to read:

22650. (a) It is unlawful for a peace officer or an unauthorized person to remove an unattended vehicle from a highway to a garage or to any other place, except as provided in this code.

(b) Any removal of a vehicle is a seizure under the Fourth Amendment of the Constitution of the United States and Section 13 of Article I of the California Constitution, and shall be reasonable and subject to the limits set forth in Fourth Amendment jurisprudence. A removal pursuant to an authority, including, but not limited to, as provided in Section 22651, that is based on

community caretaking, is only reasonable if the removal is necessary to achieve the community caretaking need, such as ensuring the safe flow of traffic or protecting property from theft or vandalism.

(c) Those law enforcement and other agencies identified in this chapter as having the authority to remove vehicles shall also have the authority to provide hearings in compliance with the provisions of Section 22852. During these hearings the storing agency shall have the burden of establishing the authority for, and the validity of, the removal.

(d) This section does not prevent a review or other action as may be permitted by the laws of this state by a court of competent jurisdiction.

(e) This article does not prevent a local government from performing emergency summary abatement of ~~vehicles~~ *vehicles, as defined in Section 670, that are* creating imminent health and safety hazards, pursuant to state law or local ordinance.

~~SEC. 4.~~

SEC. 2. Section 22660 of the Vehicle Code is amended to read:

22660. Notwithstanding any other provision of law, a city, county, or city and county may adopt an ordinance establishing procedures for the abatement and removal, as public nuisances, of abandoned, wrecked, dismantled, or inoperative vehicles, or ~~vehicles formerly used as shelter by persons experiencing homelessness,~~ *vehicles, as defined in Section 670,* or parts thereof from private or public property, and for the recovery, pursuant to Section 25845 or 38773.5 of the Government Code, or assumption by the local authority, of costs of administration and the removal.

~~SEC. 5.~~

SEC. 3. Section 22661 of the Vehicle Code is amended to read:

22661. Any ordinance establishing procedures for the removal of abandoned vehicles shall contain all of the following provisions:

(a) The requirement that notice be given to the Department of Motor Vehicles within five days after the date of removal, identifying the vehicle or part thereof and any evidence of registration available, including, but not limited to, the registration card, certificates of ownership, or license plates.

(b) Making the ordinance inapplicable to (1) a vehicle or part thereof that is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or

private property or (2) a vehicle or part thereof that is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, or a junkyard. This exception shall not, however, authorize the maintenance of a public or private nuisance as defined under provisions of law other than this chapter.

(c) Making the ordinance applicable to public agencies operating a vehicle buyback program for ~~persons experiencing homelessness, utilizing funding from Sections 50232 to 50238, inclusive, Sections 50239 to 50244, inclusive, or Sections 50250 to 50254.5, inclusive, of the Health and Safety Code, and wishing to dispose of a vehicle, formerly used as shelter by a person experiencing homelessness,~~ *the removal of vehicles, as defined in Section 670, including, but not limited to, vehicles that are being used, or have been used, as shelter, and wishing to dispose of those vehicles* from public or private property, irrespective of the vehicle's operability, registration status, or condition.

(d) (1) The requirement that not less than a 10-day notice of intention to abate and remove the vehicle or part thereof as a public nuisance be issued, unless the property owner and the owner of the vehicle have signed releases authorizing removal and waiving further interest in the vehicle or part thereof.

(2) However, prior notice of intention is not required for removal of a vehicle or part thereof that is inoperable due to the absence of a motor, transmission, or wheels and incapable of being towed, and is valued at less than two hundred dollars ($200) by a person specified in Section 22855, if either of the following criteria is met:

(A) The property owner has signed a release authorizing removal and waiving their interest in the vehicle or part thereof.

(B) The vehicle or part is determined by the local agency to be a public nuisance presenting an imminent threat to public health or safety.

(3) Prior to final disposition pursuant to Section 22662 of a vehicle or part for which evidence of registration was recovered pursuant to subdivision (a), the local agency shall provide notice to the registered and legal owners of intent to dispose of the vehicle or part, and if the vehicle or part is not claimed and removed within 12 days after the notice is mailed, from a location specified in Section 22662, or if the owner signs a release waiving the waiting

period, final disposition may proceed. A local agency or contractor thereof is not liable for damage caused to a vehicle or part thereof by removal pursuant to this section.

(4) Paragraph (2) applies only as follows:

(A) To inoperable vehicles located upon a parcel that is zoned for agricultural use.

(B) To inoperable vehicles located upon a parcel that is not improved with a residential structure containing one or more dwelling units.

(e) The 10-day notice of intention to abate and remove a vehicle or part thereof, when required by this section, shall contain a statement of the hearing rights of the owner of the property on which the vehicle is located and of the owner of the vehicle. The statement shall include notice to the property owner that they may appear in person at a hearing or may submit a sworn written statement denying responsibility for the presence of the vehicle on the land, with their reasons for such denial, in lieu of appearing. The notice of intention to abate shall be mailed, by registered or certified mail, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owners of record unless the vehicle is in such condition that identification numbers are not available to determine ownership.

(f) The requirement that a public hearing be held before the governing body of the city, county, or city and county, or any other board, commissioner, or official of the city, county, or city and county as designated by the governing body, upon request for such a hearing by the owner of the vehicle or the owner of the land on which the vehicle is located. This request shall be made to the appropriate public body, agency, or officer within 10 days after the mailing of notice of intention to abate and remove the vehicle or at the time of signing a release pursuant to subdivision (d). If the owner of the land on which the vehicle is located submits a sworn written statement denying responsibility for the presence of the vehicle on their land within that time period, this statement shall be construed as a request for hearing that does not require the presence of the owner submitting the request. If the request is not received within that period, the appropriate public body, agency, or officer shall have the authority to remove the vehicle.

(g) The requirement that after a vehicle has been removed, it shall not be reconstructed or made operable, unless it is a vehicle

that qualifies for either horseless carriage license plates or historical vehicle license plates, pursuant to Section 5004, in which case the vehicle may be reconstructed or made operable.

(h) A provision authorizing the owner of the land on which the vehicle is located to appear in person at the hearing or present a sworn written statement denying responsibility for the presence of the vehicle on the land, with their reasons for the denial. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that they have not subsequently acquiesced to its presence, then the local authority shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect those costs from the owner.

(i) A provision specifying that, notwithstanding any other provision of law, emergency summary abatement of vehicles creating imminent health and safety hazards shall be permissible pursuant to procedures specified in all applicable state laws or local ordinances.

~~SEC. 6.~~

SEC. 4. Section 22662 of the Vehicle Code is amended to read:

22662. (a) Vehicles or parts thereof may be disposed of by removal to a scrapyard, automobile dismantler's yard, or any suitable site operated by a local authority for processing as scrap, or other final disposition consistent with subdivision (e) of Section 22661.

(b) A local authority may operate such a disposal site when its governing body determines that commercial channels of disposition are not available or are inadequate, and it may make final disposition of such vehicles or parts, or the local agency may transfer such vehicle or parts to another, provided such disposal shall be only as scrap. Vehicles described in subdivision (c) of Section 22661 may be scrapped and dismantled in place and disposed of at a suitable site operated by a local authority.

~~SEC. 7.~~

SEC. 5. Section 22851.3 of the Vehicle Code is amended to read:

22851.3. (a) Whenever a peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, or any other employee of a public agency authorized pursuant to Section 22669, removes, or causes the removal of, a

vehicle pursuant to Section 22669 and the public agency or, at the request of the public agency, the lienholder determines the estimated value of the vehicle is five hundred dollars ($500) or less, the public agency that removed, or caused the removal of, the vehicle shall cause the disposal of the vehicle under this section, subject to all of the following requirements:

(1) Not less than 72 hours before the vehicle is removed, the peace officer or the authorized public employee has securely attached to the vehicle a distinctive notice which states that the vehicle will be removed by the public agency. This subdivision does not apply to abandoned vehicles removed pursuant to subdivision (d) of Section 22669 which are determined by the public agency to have an estimated value of three hundred dollars ($300) or less.

(2) Immediately after removal of the vehicle, the public agency which removed, or caused the removal of, the vehicle shall notify the Stolen Vehicle System of the Department of Justice in Sacramento of the removal.

(3) The public agency that removed, or caused the removal of, the vehicle or, at the request of the public agency, the lienholder shall obtain a copy of the names and addresses of all persons having an interest in the vehicle, if any, from the Department of Motor Vehicles either directly or by use of the California Law Enforcement Telecommunications System. This paragraph does not require the public agency or lienholder to obtain a copy of the actual record on file at the Department of Motor Vehicles.

(4) Within 48 hours of the removal, excluding weekends and holidays, the public agency that removed, or caused the removal of, the vehicle or, at the request of the public agency, the lienholder shall send a notice to the registered and legal owners at their addresses of record with the Department of Motor Vehicles, and to any other person known to have an interest in the vehicle. A notice sent by the public agency shall be sent by certified or first-class mail, and a notice sent by the lienholder shall be sent by certified mail. The notice shall include all of the following information:

(A) The name, address, and telephone number of the public agency providing the notice.

(B) The location of the place of storage and description of the vehicle which shall include, if available, the vehicle make, license plate number, vehicle identification number, and mileage.

(C) The authority and purpose for the removal of the vehicle.

(D) A statement that the vehicle may be disposed of 15 days from the date of the notice.

(E) A statement that the owners and interested persons, or their agents, have the opportunity for a poststorage hearing before the public agency that removed, or caused the removal of, the vehicle to determine the validity of the storage if a request for a hearing is made in person, in writing, or by telephone within 10 days from the date of notice; that, if the owner or interested person, or their agent, disagrees with the decision of the public agency, the decision may be reviewed pursuant to Section 11523 of the Government Code; and that during the time of the initial hearing, or during the time the decision is being reviewed pursuant to Section 11523 of the Government Code, the vehicle in question may not be disposed of.

(5) (A) A requested hearing shall be conducted within 48 hours of the request, excluding weekends and holidays. The public agency that removed the vehicle may authorize its own officers to conduct the hearing if the hearing officer is not the same person who directed the storage of the vehicle.

(B) Failure of either the registered or legal owner or interested person, or their agent, to request or to attend a scheduled hearing shall satisfy the poststorage validity hearing requirement of this section.

(6) The public agency employing the person, or utilizing the services of a contractor or franchiser pursuant to subdivision (b) of Section 22669, that removed, or caused the removal of, the vehicle and that directed any towing or storage, is responsible for the costs incurred for towing and storage if it is determined in the hearing that reasonable grounds to believe that the vehicle was abandoned are not established.

(7) An authorization for disposal may not be issued by the public agency that removed, or caused the removal of, the vehicle to a lienholder who is storing the vehicle prior to the conclusion of a requested poststorage hearing or any judicial review of that hearing.

(8) If, after 15 days from the notification date, the vehicle remains unclaimed and the towing and storage fees have not been

paid, and if no request for a poststorage hearing was requested or a poststorage hearing was not attended, the public agency that removed, or caused the removal of, the vehicle shall provide to the lienholder who is storing the vehicle, on a form approved by the Department of Motor Vehicles, authorization to dispose of the vehicle. The lienholder may request the public agency to provide the authorization to dispose of the vehicle.

(9) If the vehicle is claimed by the owner or their agent within 15 days of the notice date, the lienholder who is storing the vehicle may collect reasonable fees for services rendered, but may not collect lien sale fees as provided in Section 22851.12.

(10) Disposal of the vehicle by the lienholder who is storing the vehicle may only be to a licensed dismantler or scrap iron processor. A copy of the public agency's authorization for disposal shall be forwarded to the licensed dismantler within five days of disposal to a licensed dismantler. A copy of the public agency's authorization for disposal shall be retained by the lienholder who stored the vehicle for a period of 90 days if the vehicle is disposed of to a scrap iron processor.

(11) If the names and addresses of the registered and legal owners of the vehicle are not available from the records of the Department of Motor Vehicles, either directly or by use of the California Law Enforcement Telecommunications System, the public agency may issue to the lienholder who stored the vehicle an authorization for disposal at any time after the removal.

The lienholder may request the public agency to issue an authorization for disposal after the lienholder ascertains that the names and addresses of the registered and legal owners of the vehicle are not available from the records of the Department of Motor Vehicles either directly or by use of the California Law Enforcement Telecommunications System.

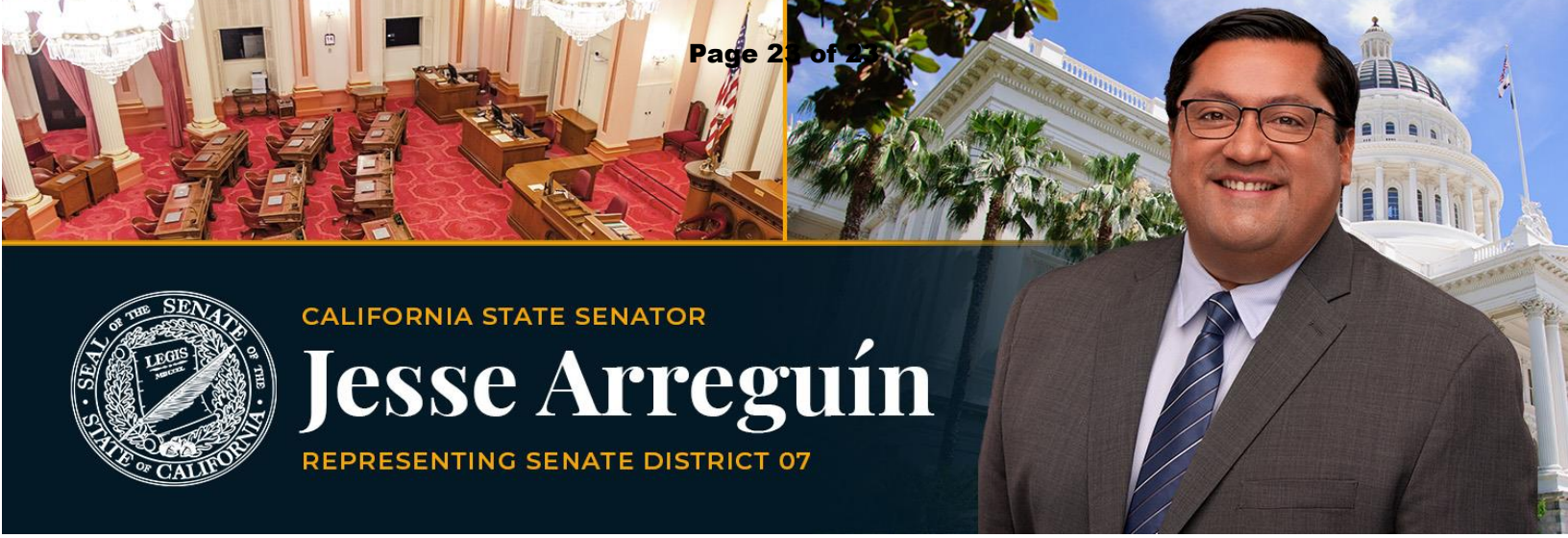
(12) A vehicle disposed of pursuant to this section may not be reconstructed or made operable, unless it is a vehicle that qualifies for either horseless carriage license plates or historical vehicle license plates, pursuant to Section 5004, in which case the vehicle may be reconstructed or made operable.

(b) The requirements in subdivision (a) shall be waived if the public agency meets either of the following conditions:

(1) Obtains a release signed by the owner of the vehicle assigning their interest in the vehicle to the public agency for purposes of disposition.

(2) Determines that the vehicle poses a public nuisance, has posted a 15-day public notice to the vehicle specifying that the vehicle is subject to disposal if not removed, and allows for a hearing pursuant to paragraphs (5) to (8), inclusive, of subdivision (a).

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SB 692 – Vehicles: homelessness

SUMMARY

SB 692 would authorize a city, county, or city and county to adopt an ordinance for the abatement and removal of abandoned or inoperable vehicles formerly used as shelter by people experiencing homelessness. This bill would also require an ordinance to establish certain procedures and notice requirements for the removal of abandoned vehicles, with the authorization to remove vehicles that are creating an imminent health and safety standard. Finally, this bill would make an ordinance applicable to local governments that are operating a vehicle buyback program to expedite the removal of vehicles used as shelter from the streets, as long as the buy-back offer is paired with an offer of interim or permanent housing.

BACKGROUND

Abandoned or inoperable vehicles are a significant issue in California that are creating public health and safety concerns in cities and counties. Many of these vehicles are often linked to homelessness, and it is unfortunate that individuals experiencing homelessness are sometimes forced to reside in these vehicles due to California's housing crisis. For many years, California has significantly invested in a variety of programs, such as ERF, Roomkey and Homekey, to help thousands of people move from dangerous encampments into stable housing.

PROBLEM

When an individual experiencing homelessness is moved indoors, these abandoned, and oftentimes inoperable, vehicles remain on the street. In many cases, these vehicles are in such poor condition and pose serious health and safety risks, which results in local towing companies refusing to take them. Moreover, the current Vehicle Code prohibits local governments from summarily abating and addressing imminent health and safety hazards when these conditions occur in a vehicle.

SOLUTION

SB 692 would authorize local governments to enact an ordinance to abate and remove abandoned or inoperable vehicles with certain procedures and notice requirements to be followed. Additionally, this bill would authorize local governments to remove and dismantle vehicles formerly used as shelter and purchased through a buy-back program, as long as the buyback offer is paired with an offer of interim or permanent housing.

Emerging research demonstrates that people living in vehicles often decline resources for fear of losing their largest asset: their vehicle. Yet emerging research also demonstrates that when people in poverty are given cash, they use it to wisely meet their most pressing economic needs. SB 692 affords that same opportunity to our most vulnerable residents living in vehicles. Once these vehicles are vacated, it would allow local governments to avoid the impound process altogether and instead have them be dismantled.

CONTACT

Luis Amezcua
(916) 651-4007
Luis.Amezcua@sen.ca.gov

SUPPORT

City of Oakland, Sponsor
Berkeley Council Member Terry Taplin

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CONSENT CALENDAR

May 20, 2025

Igor Tregub, Councilmember District 4

Adena Ishii, Mayor

Ben Bartlett, Councilmember District 3

To: Honorable Mayor and Members of the City Council

From: Councilmember Igor Tregub (Author), Mayor Adena Ishii (Co-Sponsor), and Councilmember Ben Bartlett (Co-Sponsor)

Subject: A resolution recognizing the Middle Eastern and North African (MENA) community and urging support for Assembly Bill 91 — the "MENA Inclusion Act" (Harabedian).

RECOMMENDATION

Adopt a resolution in support of California Assembly Bill 91, the Middle Eastern and North African (MENA) Inclusion Act[1] (Harabedian), to ensure accurate and equitable demographic data collection for MENA communities. This bill mandates the creation of distinct categories for MENA groups in official demographic data, starting on January 1, 2027.

CURRENT SITUATION AND ITS EFFECTS

The Middle Eastern and North African (MENA) community in California, one of the fastest-growing populations, is currently underrepresented in official demographic data. This lack of representation hinders the ability of state and local governments to effectively address the unique needs of MENA communities, particularly in areas such as education, healthcare, and economic opportunity. Existing census methods do not account for the broad diversity within the MENA community, preventing policymakers from making informed decisions.

Assembly Bill 91, the "MENA Inclusion Act," will establish distinct categories for MENA groups in demographic data collected by state and local agencies, ensuring that MENA populations are properly represented. This will result in better-tailored policies, more

[1] https://legiscan.com/CA/text/AB91/id/3040032

equitable distribution of resources, and a stronger voice for MENA communities in California.

FISCAL IMPACTS OF RECOMMENDATION

Limited staff time is required to communicate the City's position to State representatives.

ENVIRONMENTAL SUSTAINABILITY

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

CONTACT PERSON

Councilmember Igor Tregub, Council District 4
510-981-7140
Itregub@berkeleyca.gov

Shamaila Ahmed, Legislative Aide, Council District 4
sahmed@berkeleyca.gov

ATTACHMENTS:

- Resolution

RESOLUTION NO. _____

A RESOLUTION IN SUPPORT OF ASSEMBLY BILL 91. THE MIDDLE EASTERN AND NORTH AFRICAN (MENA) INCLUSION ACT — TO ENSURE ACCURATE REPRESENTATION AND EQUITABLE ACCESS TO RESOURCES FOR MENA COMMUNITIES

WHEREAS, the City of Berkeley is committed to fostering an inclusive, equitable, and just community that values the contributions of all residents, regardless of race, ethnicity, national origin, or cultural background; and

WHEREAS, Berkeley has long been a leader in championing civil rights, human rights, and progressive public policy that uplifts historically marginalized communities; and

WHEREAS, the Middle Eastern and North African (MENA) community has deep and historic roots in California and in the Bay Area, and contributes significantly to the cultural, economic, educational, and civic fabric of Berkeley; and

WHEREAS, this misclassification has profound consequences: MENA communities are unable to access culturally and linguistically appropriate services, are often excluded from funding and programming opportunities; and

WHEREAS, Assembly Bill 91 — the Middle Eastern and North African (MENA) Inclusion Act, seeks to remedy this disparity by requiring state agencies, local governments, and educational institutions to include a distinct MENA data category in demographic data collection, effective January 1, 2027; and

WHEREAS, this change will also enable educational institutions in Berkeley and beyond to more effectively address disparities in resource access for students who identify as MENA, promoting greater equity; and

WHEREAS, supporting AB 91 reflects the City of Berkeley's deep-rooted commitment to racial justice, equity, and inclusive governance, continuing a legacy of championing underrepresented communities and ensuring that public policy is shaped by accurate, community-centered data; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Berkeley formally supports Assembly Bill 91, the MENA Inclusion Act, and affirms the importance of accurately collecting and disaggregating demographic data to ensure equity and inclusion for MENA communities across California; and

BE IT FURTHER RESOLVED, that the City Council of Berkeley urges the California State Legislature and Governor Gavin Newsom to pass and sign AB 91 into law; and

BE IT FURTHER RESOLVED, that the City Clerk shall send copies of this resolution to Governor Gavin Newsom, , State Senator Jesse Arreguín, and Assemblymember Buffy Wicks and John Harabedian.

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CONSENT CALENDAR

May 20, 2025

Igor Tregub, Councilmember District 4

Adena Ishii, Mayor

Rashi Kesarwani, Councilmember District 1

Cecilia Lunaparra, Councilmember District 7

To: Honorable Mayor and Members of the City Council

From: Councilmembers Igor Tregub (Author), Mayor Adena Ishii (Co-Sponsor), Rashi Kesarwani (Co-Sponsor), and Cecilia Lunaparra (Co-Sponsor)

Subject: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds to the annual Asian Cultural Festival

RECOMMENDATION

Adopt a Resolution authorizing the expenditure of up to $500 per Mayor/Councilmember from their D13 Discretionary Accounts, including $500 from the Mayor and Councilmember Tregub, and contributions of $250 each from Councilmembers Kesarwani, and Lunaparra. Other Councilmembers are invited to contribute to support annual Asian Cultural Festival in an amount of up to $500. Funds will be transferred to the City's general fund and provided to the designated fiscal sponsor of the festival to ensure its successful production and community engagement.

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 impactful event, promoting cultural exchange, unity, and celebration of Berkeley's rich Asian American communities

BACKGROUND

The Asian Cultural Festival is one of the Bay Area's most cherished celebrations of Asian heritage, art, and community. Taking place in the heart of Berkeley, the festival brings together families, performers, artists, and small businesses to honor the cultural traditions of over a dozen Asian countries through music, dance, crafts, and cuisine.

Going on its fifth year, the festival serves as a joyful, unifying space that promotes cross-cultural understanding and celebrates the richness of the Asian American

experience in all its diversity. It brings together people of all backgrounds to engage with centuries-old traditions and contemporary expressions of Asian culture. The festival also provides a vital platform for community-based organizations, local artists, and small businesses, many of whom represent historically underrepresented or marginalized voices, to share their stories, showcase their talents, and build lasting connections across communities. Through music, art, food, and storytelling, the event fosters pride, representation, and a deepened sense of belonging.

As the festival continues to grow in size and significance, so too does the need for increased financial support to ensure accessibility, safety, and high-quality programming for all attendees. City Council funding will help offset the costs of staging, cultural performances, programming, and outreach, thus ensuring this beloved event remains free and open to all.

By investing in the Asian Cultural Festival, the City of Berkeley demonstrates its continued commitment to cultural equity, inclusion, and the celebration of diversity as a core civic value.

CURRENT SITUATION AND ITS EFFECTS

The continued growth and popularity of the Asian Cultural Festival have brought rising operational costs that now pose a significant challenge for organizers. These include expenses for sound and stage equipment, communication tools, and expanded outreach to ensure the event remains inclusive and welcoming for all. To keep the festival free and open to the public while ensuring its ongoing success, additional funding is needed to support:

- Rental of sound, stage, and communication equipment;
- Support for artists, performers, and cultural educators; and
- Accessibility infrastructure to ensure safety and access for all attendees

As the festival is volunteer-led and does not receive institutional funding, support from the City Council is critical to maintaining the scale, inclusivity, and cultural impact of this beloved event.

FINANCIAL IMPLICATIONS

No General Fund impact. Up to $500 is available from contributing Mayor's and Councilmembers' Council Office Budget discretionary accounts.

ENVIRONMENTAL SUSTAINABILITY

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

CONTACT PERSON

Councilmember Igor Tregub, Council District 4

510-981-7140
Itregub@berkeleyca.gov

Shamaila Ahmed, Legislative Aide, Council District 4
sahmed@berkeleyca.gov

ATTACHMENTS

Resolution

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

AUTHORIZING THE EXPENDITURE OF SURPLUS FUNDS FROM THE OFFICE EXPENSE ACCOUNTS OF COUNCILMEMBERS FOR A GRANT TO SUPPORT ANNUAL ASIAN CULTURAL FESTIVAL

WHEREAS, Mayor Ishii and Councilmembers Tregub, Kesarwani, and Lunaparra have surplus funds in their D13 discretionary office expenditure accounts and will contribute up to $500 each, and invite other Councilmembers to join in contributing; and

WHEREAS, the Asian Cultural Festival is one of the Bay Area's most cherished celebrations of Asian heritage, art, and community, bringing together families, performers, artists, and small businesses to honor the cultural traditions of over a dozen Asian countries; and

WHEREAS, the festival serves as a unifying space for cross-cultural understanding and celebration, offering a platform for community-based organizations, local artists, and small businesses, many representing historically underrepresented or marginalized voices, to share their stories and talents; and

WHEREAS, the festival, in its fourth year, has experienced continued growth, with rising operational costs that include expenses for sound and stage equipment, communication tools, artist support, and outreach for inclusivity; and

WHEREAS, the Asian Cultural Festival is volunteer-run and does not receive recurring institutional funding, with the event’s success reliant on community donations and support; and

WHEREAS, additional funding will ensure longevity, accessibility, safety, high-quality programming, and outreach to maintain the festival's inclusivity and free, open access to the public; and

WHEREAS, the provision of such funding aligns with the City of Berkeley's commitment to cultural equity, inclusion, and the celebration of diversity as core civic values;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Berkeley that funds relinquished by Councilmembers from their discretionary office budgets, up to $500 per office, including $500 from the Mayor and Councilmember Tregub, and contributions of $250 each from Councilmembers Kesarwani, and Lunaparra, shall be authorized for expenditure from their D13 Discretionary Accounts to the designated fiscal sponsor of the 2025 Asian Cultural Festival to support its successful production and community engagement.

CONSENT CALENDAR
May 20, 2025

Shoshana O'Keefe
CITY COUNCILMEMBER DISTRICT 5

To: Honorable Mayor and Members of the City Council
From: Councilmember Shoshana O'Keefe (Author), Mayor Adena Ishii, Councilmembers Brent Blackaby and Cecilia Lunaparra (Co-Sponsors)
Subject: Alternative Housing Options for People Experiencing Homelessness

RECOMMENDATION

Refer to the City Manager a request for staff to identify a list of potential locations of City-owned and private properties (to be leased or acquired) – for the purpose of establishing 24/7 staffed shelter sites, including but not limited to indoor/outdoor camping areas, safe RV and car park zones, and/or congregate or non-congregate shelters for people experiencing homelessness based on the model used at Grayson Street and other models deemed successful by the City Manager.

Further, refer the City Manager to provide a report to the City Council that includes:

1. Ongoing efforts to address homelessness and the mental health crisis within Berkeley's jurisdiction, including the work of non-governmental organizations the City is relying upon and, where possible, the cost thereof
2. A gap analysis between resources required by the City to fully address homelessness and its current financial position
3. A feasibility and cost analysis of Berkeley's ability to support additional shelter or services sites, including staffing and operational constraints
4. A geographic equity assessment of where homeless services, shelters, and encampments have historically been and currently are located in Berkeley
5. Opportunities to partner with Alameda County and other public agencies to utilize County, other governing jurisdictions, or state-owned land for temporary shelter and services outside of Berkeley's most heavily impacted neighborhoods

Moreover, refer to the City Manager to identify additional funding opportunities available through 2024 Measure W and affirm the City Council's position that local jurisdictions such as Berkeley, that are heavily impacted by the housing and mental health crisis, should be considered for an equitable share and speedy receipt of 2024 Proposition 1 funding from Alameda County.

Refer to the City Manager to affirm that the City Council's position is that, to the greatest extent possible, Measure W and other locally sourced funds should be used to support Berkeley-specific homelessness service needs.

Support the City Manager in collaborating with Alameda County and other neighboring jurisdictions to identify potential sites outside of Berkeley city limits that may be suitable and more cost-effective than sites within Berkeley.

Furthermore, affirm support for the following principles:

1. County resource investment in homelessness across the region should align proportionally with where homelessness is most prevalent and ensure support achieves racially equitable outcomes
2. The use of Measure W and other funding for homelessness guided by Home Together 2030 Plan should be a local decision, with cities deciding how to divvy up investment between prevention, interim, and permanent housing
3. Local priority for referrals into interim and permanent solutions – including everything from safe parking to shelter to permanent supportive housing and Homekey projects – should be commensurate with the level of funding provided
4. Sustaining nonprofit capacity
    a. The homelessness response system relies heavily on nonprofit partners, many of whom face challenges in retaining staff due to funding constraints, salary limitations, and administrative burdens.
    b. Measure W funding presents an opportunity to support not just direct services but also nonprofit infrastructure, helping organizations improve long-term sustainability.
    c. Considerations include ensuring competitive wages, investing in staff retention strategies, and providing operational support.
    d. Bonus funding consideration could be given to organizations that prioritize workforce sustainability through:
        i. Competitive salaries and benefits for frontline staff
        ii. Efforts to retain high-preforming, low-turnover teams
        iii. Investments in administrative capacity that enhance service quality and long-term viability

<u>POLICY COMMITTEE RECOMMENDATION</u>
Send item to Council with a qualified positive recommendation which include the following proposed amendments:
Refer to the City Manager a request for staff to identify a list of potential locations of City properties and private properties (to be leased or acquired) – for the purpose of establishing 24/7 staffed shelter sites, including but not limited to indoor/outdoor camping areas, safe RV and car park zones, and/or congregate or non-congregate shelters for people experiencing homelessness based on the model used at Grayson Street and other models deemed by the City Manager to be successful.
Further, direct the City Manager to provide a report to the City Council of ongoing efforts to address the homelessness and mental health crisis within Berkeley's jurisdiction, including efforts by non-governmental organizations the city is relying upon, where possible, including the

costs thereof, and a gap analysis between the resources required by the City to fully address homelessness and its current financial position.
As part of this report, direct the City Manager:
1) Conduct a feasibility and cost analysis of Berkeley's ability to support additional shelter or service sites, including staffing and operational constraints
2) Include a geographic equity assessment of where homeless services, shelters, and encampments have historically and currently been located in Berkeley;
3) Identify opportunities to partner with Alameda County and other public agencies to utilize County, other governing jurisdictions – or state-owned land for temporary shelter and services outside of Berkeley's most heavily impacted neighborhoods
Direct the City Manager to identify any additional funding opportunities available through 2024 Measure W and affirm the City Council's position that local jurisdictions such as Berkeley that are heavily impacted by the housing and mental health crisis should be considered for an equitable share and speedy receipt of 2024 Proposition 1 funding from Alameda County.
Further, direct the City Manager to affirm that the City Council's position is that, to the extent possible, Measure W and any other locally sourced funds should be used to support Berkeley-specific homelessness services needs.
Support the City Manager in collaborating with Alameda County and other neighboring jurisdictions to identify potential sites outside of Berkeley city limits that may be suitable and more cost-effective than additional sites within Berkeley. Further, affirm support for the following principles:
1. County resource investment in homelessness across the region should be commensurate with where homelessness occurs and targeted for racially equitable outcomes
2. Measure W and other funding for homelessness guided by Home Together 2030: Should be a Local City decision on the split between prevention, interim, and permanent housing
3. Local (City level) priority for referrals into interim and permanent solutions (including everything from safe parking to shelter to permanent supportive housing/HomeKey projects), commensurate with local funding.
4. Sustaining Nonprofit Capacity

- The homelessness response system relies heavily on nonprofit partners, many of whom face challenges in retaining staff due to funding constraints, salary limitations, and administrative burdens.
- Measure W funding presents an opportunity to support not just direct services but also nonprofit infrastructure, helping organizations improve long-term sustainability.
- Considerations include ensuring competitive wages, investing in staff retention strategies, and providing operational support.
- Bonus funding consideration could be given to organizations that prioritize workforce sustainability through:
    - Competitive salaries and benefits for frontline staff.
    - Efforts to retain high-performing, low-turnover teams.
    - Investments in administrative capacity that enhance service quality and long-term viability.

Vote: All Ayes.

SUMMARY STATEMENT

Following the clearing of a homeless encampment at Old City Hall in early December 2024, unhoused residents formed a new encampment at Civic Center Park. Many Berkeley High School students, teachers, and parents, City of Berkeley staff, local businesses, Farmers Market vendors and visitors, residents of the encampment and their advocates have urged the City to address concerns related to health hazards and violence in and around the Civic Center Park encampment. While the City shifted focus and resources to address the encampment, successfully rehousing and securing temporary housing for many residents, various other unsanctioned encampments around Berkeley continue to pose similar concerns.

Our City remains committed to supporting our unhoused residents with the dignity, compassion, and respect they deserve while ensuring that public spaces remain equally accessible for all. This is not a mutually exclusive goal and is achievable with the support of critical stakeholders. In 2021, in collaboration with Dorothy Day House and Bayer, the City helped open a transitional shelter where unhoused people reported feeling safe, comfortable, and respected. As expected, the Grayson Street shelter and the safe RV lot closed when the City's lease with REDCO Development LLC expired. Despite its efforts, the City could not immediately identify a viable alternative for the site, but staff took note of the positive effect this indoor camping and safe outdoor parking area had on all Berkeley residents.

Working against larger national and regional trends, the City of Berkeley has significantly reduced unsheltered homelessness by 45%. Despite that, the City continues to struggle to meet the housing and wrap-around service needs of our unhoused residents. While the City continues to pursue long-term, best-practice approaches such as expanding shelter capacity and seeking funding to build more transitional and permanent affordable housing, it's clear these efforts are not enough. We must look toward supplemental solutions and create opportunities to more expeditiously support the unhoused community, while ensuring our public space is accessible to all.

This item requests that the City Manager identify and compile a list of City- and privately-owned properties to establish housing alternatives such as an indoor/outdoor camping area, safe RV and car parking, and/or congregate or non-congregate shelter for our unhoused residents who want to stay in Berkeley. The purpose is to provide a safe, clean space where unhoused community members can live, access resources, and ultimately transition to permanent housing. Ideally, some of these sites would have capacity to support the relocation of an entire encampment, to preserve an existing supportive community.

The item also includes new recommendations based on feedback and amendments from Health, Life Enrichment, Equity & Community Committee members such as a City Manager report to Council, details about potential funding sources, and a reaffirmation of several principles related to local and county collaboration.

BACKGROUND

High cost of living and the lack of affordable housing stock in the United States has led to an increase in unsheltered homelessness and chronic homelessness since 2016. Between January 2023 and January 2024, homelessness in the United States increased by 18% – the largest jump since the Department of Housing and Urban Development began reporting in 2007. Additionally, although underreported, unhoused people are more likely to be victims of violent crime than they are to commit these crimes, often worsening cycles of trauma among the unhoused community and beyond.[1]

In 2024, Alameda County saw the first decrease in homelessness in a decade. Between 2022 and 2024, Berkeley saw a 21% overall decrease in homelessness and a 45% decrease in unsheltered homelessness. These decreases at the County and City levels are likely the direct result of massive investments in affordable housing production and our homelessness response system, as made possible by Berkeley residents through their support of Measures O and P – both passed in 2018 with over 77% and 72% approval, respectively. Furthermore, Measure U1 – passed in 2016 with nearly 75% of the vote – has generated millions for affordable housing projects.

In 2017, the Berkeley City Council launched the Pathways Project to address homelessness by providing temporary shelter while working on longer-term solutions. Phase 1 established the STAIR Center, a low-barrier shelter open 24 hours a day and with services such as on-site mental health support, substance use disorder programing, and job training services. Phase 2 introduced the 1,000 Person Plan to ensure shelter or housing for every homeless person in the City.

According to the 1,000 Person Plan Referral Response, to end homelessness for 1,000 people in Berkeley, the City will need up-front investments in targeted homelessness prevention, light-touch housing problem-solving, rapid rehousing, and permanent subsidies, with a cost of $16-19.5 million upfront and an annual ongoing expense of between roughly $12-15 million. Staff concluded that even this level of investment would unlikely end homelessness, but could increase the system's capacity to support those experiencing long-term and chronic homelessness.[2]

At the start of 2023, Berkeley had nearly 350 shelter beds, 108 of which were seasonal and open only during the winter months. Over the course of 2023, more than 900 individual people used a shelter bed in Berkeley. As of late 2024 and since the inception of Measures O, P, and U1, more than 650 interim housing beds and permanent housing units have been funded, serving over 2,000 residents. The City also had about 50 transitional housing beds dedicated for specific populations, including transition-aged youth, people with substance use disorders, and

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[1] Berg, Steve. "The Disturbing Realities of Homelessness and Violence." National Alliance to End Homelessness, January 24, 2022. https://endhomelessness.org/blog/the-disturbing-realities-of-homelessness-and-violence/.

[2] City of Berkeley. Referral Response: 1000 Person Plan to Address Homelessness, April 30, 2019. https://berkeleyca.gov/sites/default/files/documents/2023-02-14 Item 14 Referral Response Home Share.pdf.

veterans. During January and February of 2024, 82% of available shelter beds were occupied each night on average. Non-congregate shelters had higher levels of utilization: 93% of beds in non-congregate shelters were full on average, compared to 79% of beds in congregate shelters.[3]

In the last several years, Berkeley has passed major zoning reforms, implemented Measure O, and is racing to meet its commitments under the Housing Element, building housing at the fastest rates in decades. Still, on any given night in Alameda County, more than 8,000 people experience homelessness, with 844 of those people residing in Berkeley. 39% of unhoused residents in Berkeley reported that the primary cause of homelessness was related to losing housing, while 33% reported their condition was related to the loss of a job and income, and 21% reported it was due to health-related issues.[4]

Despite unprecedented investments in housing, affordable housing stock remains limited, and building costs and timelines remain uncircumventable. Given the urgency around addressing newer and existing encampments around the City, Berkeley and its residents could benefit from exploring additional short-term options for alternative housing such as tiny houses, micro units, ADUs, vehicle camping, indoor or outdoor camping sites, and more – with the ultimate long-term goal of providing permanent housing.

Fortunately, there is precedent for establishing a comprehensive camping area and transitional programs in Berkeley. In 2021, the City partnered with Dorothy Day House to create the Horizon Transitional Village and Safe Parking and Respite Kickstart (SPARK) site at 742 Grayson Street in West Berkeley. The site operated from July of 2021 until the City's lease ended on October 31, 2022. The site combined an RV parking area with on-site services and vehicle repair assistance, creating a holistic program for people living in their vehicles.

The SPARK site provided space for up to 40 RVs, and its residents – primarily individuals displaced from unsanctioned RV encampments at 8th and Harrison Streets – were able to access basic amenities like water, portable toilets, and showers, along with vehicle repair stipends for up to $1,500 to help with RV maintenance. Additionally, the indoor site provided space for about 50 people and included small personal storage cubbies, a breakfast area, recreational space with a library and "movie theater" and a back storage area for residents to store larger items.[5]

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[3] City of Berkeley. Gap Analysis of Berkeley's Homelessness System of Care, July 9, 2024. https://berkeleyca.gov/sites/default/files/documents/2024-07-09 Item 16 Referral Response Gap Analysis of Berkeley's Homelessness.pdf.

[4] Alameda County. "City of Berkeley Homeless Census & Survey 2024 Executive Summary ." Alameda County Health Housing and Homelessness Services , 2024. https://homelessness.acgov.org/homelessness-assets/docs/infographic/Berkeley%20PIT%202024%20Infographic.pdf.

[5] Yelimeli, Supriya. "New West Berkeley homeless shelter opens as city emerges from COVID-19 pandemic." Berkeleyside, July 2, 2021. https://www.berkeleyside.org/2021/07/02/new-west-berkeley-homeless-shelter-grayson-street-2




(Photo credit: Supriya Yelimeli, Berkeleyside)

Case management and housing navigation services were also provided, supporting long-term housing transitions. The program served approximately 150 individuals during its operation, successfully connecting about 30 participants to permanent housing. While staff inquired about extending the lease, the owner of the property, San Francisco-based REDCO Development LLC expressed intent to build a life sciences hub on the property.

Ultimately, homelessness is a symptom of bigger, interconnecting trends that have grown worse in the last decade and are largely out of Berkeley's control. Despite the challenges, Berkeley has adopted a humane approach that has been proven to work and made significant progress in addressing homelessness, a testament to the tremendous work of City Staff and the commitment of Berkeley residents alike. This item presents an opportunity for Berkeley to continue to lead on the issue of homelessness by asking the City Manager to explore novel and innovative approaches that remain rooted in our values.

REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, AND LAWS

In July 2021, Berkeley City Council voted to endorse the All Home California Regional Action Plan (RAP), which seeks to reduce the number of people experiencing unsheltered homelessness across the nine county Bay Area region by 75%.

Further, the City of Berkeley Administrative Regulations, Regulating Temporary Non-Commercial Objects on Sidewalks and in Parklets, Pursuant to BMC § 14.48.120, states that "Temporary Noncommercial (TNC) Objects," as defined by code (e.g., personal belongings under immediate control, of certain size/weight, and not for sale), must not impede the safe and accessible Path of Travel, violate designated TNC Prohibited Areas, or otherwise pose health or safety risks on public sidewalks or parklets. These regulations permit removal of TNC objects that exceed defined size or time limits, obstruct pedestrian or disability access, or infringe on critical infrastructure such as fire hydrants, transit stops, or building entrances, and require advance notice (except in emergencies) before the city may remove such objects.[6]

[6] City of Berkeley, Municipal Code, Chapter 14.480, Section 120 (2018). https://berkeleyca.gov/sites/default/files/documents/Administrative%20Regulation%2010.2.pdf

Berkeley's official encampment policy adopted in 2024, reaffirms the City's commitment to offering interim housing whenever possible but authorizes removal of encampments without a shelter offer under six specific conditions, such as when an encampment poses a fire hazard, creates an imminent health risk, constitutes a public nuisance, is located on or dangerously close to a roadway, interferes with authorized construction or maintenance, or impedes city or utility operations.[7]

ACTIONS/ALTERNATIVES CONSIDERED

The City of Berkeley is known for its creative and innovative approach to public policy. While the City should remain on course and continue creating additional permanent housing, without a plethora of transitional and temporary housing and safe site options for unhoused individuals, many will continue to experience unsheltered homelessness with little access to resources. On any given night, some 24% of Berkeley's unhoused residents sleep on the street or sidewalk. This item recognizes that it is neither sustainable nor suitable for an average of 445 people to camp on our public sidewalks, streets, and parks every single night.

While there is no panacea for homelessness, the City can help people experiencing homelessness live with dignity by ensuring they have a safe space to access personal hygiene care and resources with their belongings and pets, remaining within their community and support networks.

CONSULTATION/OUTREACH OVERVIEW AND RESULTS

The author and co-sponsors consulted with City Staff and numerous community stakeholders including but not limited to unhoused community members, business representatives, non-profit leaders, and advocates.

Councilmember O'Keefe discussed the item with the City Manager and he expressed an interest in working with City Staff to evaluate possible locations to expand alternative housing options. Further, Councilmember O'Keefe and Mayor Ishii met with the Deputy City Manager and head of Neighborhood Services to solicit their input and feedback, incorporating it into this item. Councilmember O'Keefe also met with residents of the Harrison Street encampment and spoke with homeless advocates, who expressed support for the idea.

Moreover, Councilmember Lunaparra hosted a Forum on Homelessness in early December that was specifically focused on soliciting ways to address homelessness from unhoused people themselves, and a camping area was repeatedly brought up as something that would be beneficial to Berkeley's unhoused residents and the city as a whole.

[7] City of Berkeley. Encampment Policy Resolution to Promote Healthy and Safe Neighborhoods and Related First Reading of Ordinance Amending Chapter 14.48 of the Berkeley Municipal Code, September 10, 2024. https://berkeleyca.gov/sites/default/files/documents/2024-09-10 Item 37 Encampment Policy Resolution.pdf.

RATIONALE FOR RECOMMENDATION
This item proposes identifying locations that can be used for shorter-term solutions such as City-managed RV and car parks, indoor/outdoor camping areas, and/or additional congregate or non-congregate sites that may provide immediate, emergency shelter and relief for unhoused people, ensuring they will be connected to resources while the City works toward more permanent solutions, and preserves access to Berkeley's public parks and spaces for all.

IMPLEMENTATION, ADMINISTRATION, AND ENFORCEMENT
This referral exclusively asks the City Manager to identify and develop a list of locations for the creation of a safe, alternative housing site. Implementation will not take place until further Council action. This referral does not include discussion of how a potential site could be operationalized or administered. Blueprints and precedent already exist and have been proven successful for such implementation at the Grayson Street Shelter and safe RV Zone, and we request staff consult these plans to inform their work.

Feasibility should be determined under the assumption that city funds will be used to purchase/lease and manage the eventual site or sites. The intent of this referral is to provide additional safe housing options for Berkeley's unsheltered residents and not to address the issue on a regional level. While identifying a source of funding is not within the scope of this referral, the search process should be done with the goal of ensuring local control of any eventual housing sites.

Anecdotal conversations with many unhoused people and their advocates reveal that the following criteria should be taken into consideration by City Staff when evaluating possible sites for a camping area:

- Public transit accessibility
- Proximity to existing homeless services, such as Dorothy Day House or the Sacred Rest Drop-In Center
- Access to food, electricity, potable water, on-site showers, laundry, and sanitation
- Regular trash and waste removal
- ADA compliance

ENVIRONMENTAL SUSTAINABILITY
N/A

FISCAL IMPACTS
Fiscal impacts limited to staff time.

OUTCOMES AND EVALUATION
The City Manager should return to the City Council with a list of sites to provide safe alternative housing options, a report detailing the concerns and roadblocks to implementation, and information regarding steps the City can take to initiate and/or secure a site for such shelter.

Due to the urgent nature of this public health and humanitarian crisis, this item asks the City Manager to expedite this process and return to Council as soon as feasible.

CONTACT
Councilmember Shoshana O'Keefe, (510) 981-7150

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Office of the City Manager

PUBLIC HEARING
May 20, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Sharon Friedrichsen, Budget Manager

Subject: FY 2026 Proposed Mid-Biennial Budget Update and Public Hearing #1

RECOMMENDATION
Receive the FY 2026 Proposed Mid-Biennial Budget Update and conduct Public Hearing #1 on the FY 2026 Proposed Mid-Biennial Budget Update.

FISCAL IMPACTS OF RECOMMENDATION
The FY 2026 Proposed Mid-Biennial Budget Update will include updated revenue and expenditure projections regarding the City's fiscal health for the upcoming fiscal year.

CURRENT SITUATION AND ITS EFFECTS
On June 25, 2024, the City Council adopted the Fiscal Years ("FY") 2025 and 2026 Biennial Budget (Adopted Budget) and the FY 2025 and FY 2026 Capital Improvement Program Budget (CIP Budget). This item provides the Council with an update to the FY 2026 Adopted Budget known as the FY 2026 Proposed Mid-Biennial Budget Update.

The Proposed FY 2026 Mid-Biennial Budget Update will include updated information on FY 2026 revenues and expenditure projections; proposed expenditures by City departments; as well as any proposed changes to staffing levels and capital projects.

Following the presentation on the Proposed FY 2026 Mid-Biennial Update, staff requests that the City Council conduct the first public hearing on the budget. Subsequently, the Budget and Finance Policy Committee and City Council will continue discussions regarding the proposed budget prior to adoption on June 24, 2025. The Proposed FY 2026 Mid-Biennial Budget Update is a Strategic Plan Priority Project, advancing our goal to provide an efficient and financially-health City government.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
Actions included in the budget will be developed and implemented in a manner that is consistent with the City's environmental sustainability goals and requirements.

RATIONALE FOR RECOMMENDATION

This recommendation presents the Fiscal Year 2026 Proposed Mid-Biennial Budget Update to City Council and begins the first of several public hearings pertaining to the budget, leading to adoption on June 24, 2025.

- May 15, 2025 – Budget and Finance Policy Committee Meeting
- May 20, 2025 – Public Hearing #1 – Council Meeting
- May 22, 2025 – Budget and Finance Policy Committee Meeting
- June 12, 2025 – Budget and Finance Policy Committee Meeting
- June 17, 2025 – Council Meeting
- June 24, 2025 – Public Hearing #2 – Council Meeting (Budget Adoption)

ALTERNATIVE ACTIONS CONSIDERED

No alternative actions have been considered. The City Council is required to adopt a balanced budget by June 30, 2025.

CONTACT PERSON

Sharon Friedrichsen, Budget Manager, City Manager's Office, 981-7000

Attachments:
1: Public Hearing Notice

NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL

FY 2026 PROPOSED MID-BIENNIAL BUDGET UPDATE

PUBLIC HEARING #1

The public may participate in this hearing by remote video or in-person.

The City Manager's Office is proposing a public hearing for the Fiscal Year 2026 Proposed Mid-Biennial Budget Update, which is being presented to the City Council.

The hearing will be held on **Tuesday, May 20, 2025 at 6:00 p.m.** in the School District Board Room, 1231 Addison Street, Berkeley CA 94702

A copy of the agenda material for this hearing will be available on the City's website at www.Berkeleyca.gov as of May 8, 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 **Sharon Friedrichsen** at (510) 981-7000.

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: May 8, 2025

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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 May 8, 2025.

_____

Mark Numainville, City Clerk
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Office of the City Manager

PUBLIC HEARING
May 20, 2025

To: Honorable Mayor and Member of City Council

From: Paul Buddenhagen, City Manager

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

Subject: LPC Appeal: 2500-2512 San Pablo Avenue, Landmark Application #LMIN2024-0004

RECOMMENDATION

Conduct a public hearing, and upon conclusion, adopt a Resolution affirming the Landmarks Preservation Commission (LPC) decision to designate 2500-2512 San Pablo Avenue (APN: 054-1780-004-12) a City of Berkeley Landmark, and dismiss the appeal.

SUMMARY

On December 05, 2024, the LPC approved Landmark Application #LMIN2024-004 to designate the property located at 2500-2512 San Pablo Avenue as a City of Berkeley Landmark. The LPC designation was appealed to the City Council by an attorney representing the property owner on January 31, 2025. The appellant has identified issues with the LPC noticing procedures, challenges the basis for the findings of City of Berkeley Landmark eligibility, and raises concerns about the effects of the designation for the property's use.

This report presents the evidence that the LPC considered in making its decision, and the detailed appeal points, to the City Council for its consideration in resolving the petition for designation and the appeal.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

On December 5, 2024, the LPC conducted a public hearing and voted to designate the property as a City Landmark by a vote of 6-0-0-2 (Yes: Leuschner, Schwartz, Crandall, Finacom, Montgomery, Orbuch; No: none; Abstain: none; Absent: Enchill, Plese).

On January 31, 2025, Linda Klein of Cox, Castle & Nicholson LLP, on behalf of the property owner West Berkeley Center Partners LLC (WBCP) and its primary partner,

Hal Brandel, submitted an appeal of the LPC decision to approve a Landmark Application to designate the property at 2500-2512 San Pablo Avenue as a City of Berkeley Landmark.

In accordance with Berkeley Municipal Code 3.24.300, the City Council must conduct a hearing to resolve the appeal.

BACKGROUND

The subject property is located on a corner lot on the southwest quadrant of the intersection of San Pablo Avenue and Dwight Way. It has a gentle slope downward from the east at San Pablo Avenue toward the west. The parcel is approximately 17,000 sq. ft. in total area, with 113 feet of street frontage on Dwight Way and approximately 150 feet of frontage along San Pablo Avenue. The main building is a multi-tenant commercial building and there are several addresses assigned to the property:

San Pablo Avenue	Dwight Way
2500	1094
2504	1094A
2506	1096
2508	1098
2512	

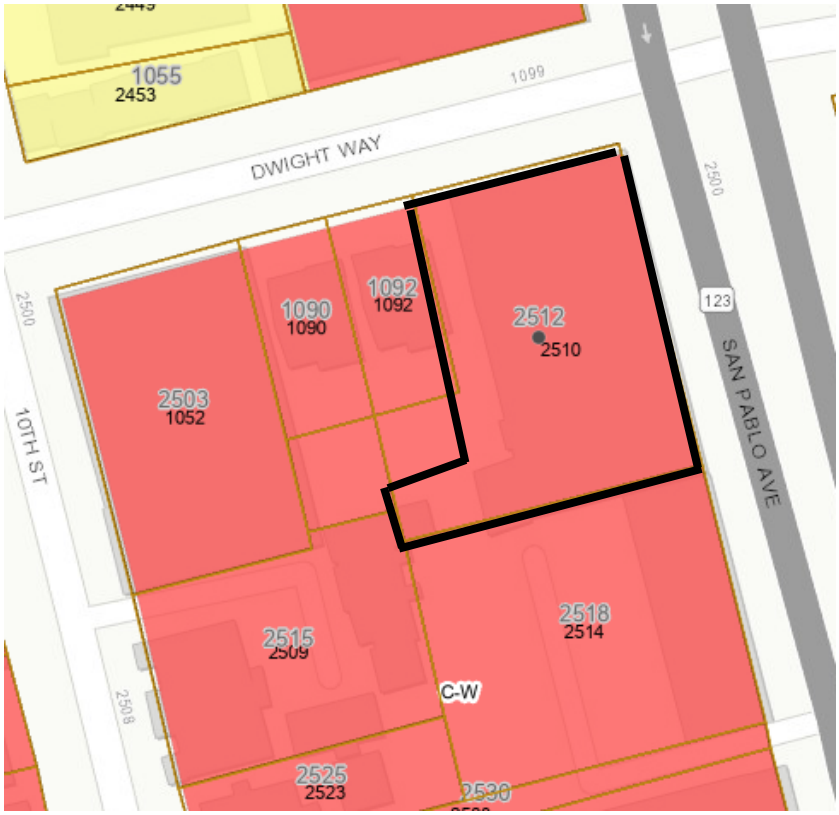


Figure 1. Subject Site



Image 1. **View from Dwight Way**



Image 2. **View from San Pablo Avenue facing north**

The building was completed in 1912 under building permit #2407 that was issued to Union Investment Company. It was likely the company's first such enterprise in Berkeley and, therefore, has been dubbed Union Investment Company Building No.1. It is a one-part commercial building reflecting the early twentieth century style of commercial development. It is a single-story reinforced masonry building with a flat roof. The street-facing north and east facades feature many classical architectural design details such

as pilasters and an entablature that is complete with a decorative belt course and cornice at the parapet. No architect or builder of record was identified.

On March 4, 2021, the LPC received a historical research and evaluation study which was prepared in support of a nearby housing development proposal at 2527 San Pablo Avenue. The historic consultants Evans & De Shazo, Inc. completed the study in accordance with the requirements of Section 106 of the National Historic Preservation Act (Section 106) and concluded that two of the properties included in their study of the area were eligible historical resources: the subject property at 2500-2512 San Pablo Avenue as well as the abutting property at 2514-2518 San Pablo Avenue. On April 1, 2021, the LPC added the two identified properties to their List of Potential Initiations. As outlined in Berkeley Municipal Code (BMC) Section 3.24.050, the LPC may establish and maintain an ongoing list of structures, sites, and areas having a special historical, architectural or aesthetic interest or value. After conducting a duly noticed public hearing, the LPC may consider designation of these properties.

On September 5, 2024, the LPC meeting agenda listed the property initiation, though there was an error in the address. The agenda was revised and reposted 72 hours prior to the meeting. LPC voted to initiate Landmark or Structure of Merit designation consideration of the property by adoption of the Consent Calendar, including favorable action on the item, by a vote of 7-0-0-1 (Yes: Finacom, Leuschner, Enchill, Montgomery, Orbuch, Plese, Schwartz; No: none; Abstain: none; Absent: Crandall).

On September 11, 2024, staff mailed correspondence to the property owner of 2500-2512 San Pablo Avenue, informing them of the initiation and anticipated public hearing at the October 7, 2024 LPC meeting. This letter invited the owner(s) to confer with City staff about questions or concerns; staff received no responses.

On October 7, 2024, LPC opened the hearing to consider granting designation status to the property at 2500-2512 San Pablo Avenue. The property owner’s attorney addressed the LPC, explained the owner was ill and unable to attend and requested a continuance of the hearing in order to grant more time for the owners to respond to the application. LPC continued the meeting to a date to be determined; vote: 4-0-0-4 (Yes: Enchill, Montgomery, Finacom, Orbuch; No: none: Abstain: none; Absent: Crandall, Leuschner, Plese, Schwartz).

On November 6, 2024, a revised and updated Landmark Application was submitted. The revised application corrected dates and other information cited in the original application based on further research, some of which lie the archives at the Berkeley Architectural Heritage Association (BAHA).

On December 5, 2024, the LPC voted a second time to initiate the property for designation as a City Landmark by a vote of 6-0-0-2 (Yes: Crandall, Schwartz, Finacom, Leuschner, Montgomery, Orbuch; Abstain: none; Absent: Enchill, Plese). The LPC took

this action in order to remedy any outstanding concerns about the address listing error from the September 5, 2024 LPC meeting agenda.

Upon conclusion of the action to initiate its consideration, the LPC then conducted a public hearing, which was duly noticed 10 days prior in accordance with BMC Section 3.24.140. Neither staff nor the LPC received any correspondence or statements of objection to the request for designation in advance of the meeting. The staff report summarized the relevant information from the record, analyzed it against the applicable BMC/ Landmarks Preservation Ordinance (LPO) criteria, concluded the property exhibits architectural merit as an example of early twentieth century architectural design, exhibits architectural merit as part of the neighborhood fabric along San Pablo Avenue, and is associated with East Bay Music Row, and encouraged the Commission to discuss and consider these matters.

The Landmark Application argues, as outlined in the staff report, that the property is eligible according to three sub-criteria established in the LPO:

> **Consistent with Section 3.24.110 A.(1)(b).** [Properties that are prototypes of or outstanding examples of periods, styles, architectural movements or construction, or examples of the more notable works of the best surviving work in the region of an architect, designer, or master builder]: *The subject building exhibits architectural merit as a worthy example of early twentieth century commercial architectural design. It reflects the type of development commonly found along a main street or within a town center during this era. More specifically, this one-part commercial building possesses many of the character-defining features of the Neo-Classical style, which was popular between 1895 and 1940, and both its vintage and style are readily identifiable.*
>
> **Consistent with Section 3.24.110 A.(1)(c).** [Architectural examples worth preserving for the exceptional values they add as part of the neighborhood fabric]: *The subject building also exhibits architectural merit as a part of the neighborhood fabric along San Pablo Avenue. Located at the intersection of a major thoroughfare and a well-traveled arterial street, this highly-visible property serves as a focal point and defines both the built context and aesthetic identity of San Pablo Avenue and West Berkeley. This extant concentration of one-part Neoclassical buildings forms an unbroken pattern of period-defining structures.*
>
> **Consistent with Section 3.24.110 (A)(2).** [Cultural Value: Structures, sites and areas associated with the movement or evolution of religious, cultural, governmental, social and economic developments of the City]: *The subject property is associated with the East Bay Music Row during a period of time that spanned the decades of the 1960s and 1970s.*

Following the presentation of the staff report, Chairperson Montgomery opened the public comment session and received testimony from five members of the public, all of whom spoke in support of the landmark designation. Neither the appellant nor a representative of the appellant were present at the meeting.

After closing the public comment session, the Commissioners deliberated on the facts of the case and evidence presented in the application record. When the discussion concluded and the Chair called for a motion, Commissioner Leuschner moved for approval of the designation request citing staff's recommended draft findings. Commissioner Schwartz seconded the motion. The motion for approval of the nomination for City Landmark designation carried with a 6-0-0-2 vote (Yes: Leuschner, Schwartz, Crandall, Finacom, Montgomery, Orbuch; Abstain: none; Absent: Enchill, Plese).

On January 27, 2025, the LPC notice of decision was issued, starting the fifteen (15) day appeal period.

On January 31, 2025, Linda Klein of Cox, Castle & Nicholson LLP filed an appeal of the LPC decision on behalf of the property owner, West Berkeley Center Partners LLC (WBCP) and its primary partner, Hal Brandel.

On or before May 6, 2025, staff posted the public hearing notice.

RATIONALE FOR RECOMMENDATION

The issues raised in the appellant's letter (Attachment 2) and staff's responses follow. For the sake of brevity, the appeal issues are not re-stated in their entirety.

Issue 1: Procedural Deficiencies. The appellant states that the LPC failed to properly initiate the designation and failed to provide requisite notice for the Landmark designation to the owner as required by the Berkeley Municipal Code.

The appellant contends that LPC incorrectly noticed the initiation of the Landmark Application for the property on its September 5, 2024 agenda and incorrectly listed the address of the property under consideration as 2404-2412 San Pablo Avenue/1094-1098 Dwight Way.

The appellant further asserts that the public hearing held by the LPC on the Landmark Application on October 7, 2024 was not properly noticed, and though the property owner and their representative were aware that the hearing would be continued, they were not notified of the exact future hearing date.

The appellant argues that a substantially revised Landmark Application was submitted on November 6, 2024, and that the LPC failed to hold an initiation hearing based on new documentation.

Response: The LPC meeting agenda for September 5, 2024 listed the property initiation, though there was an error in the address. The agenda was revised and reposted 72 hours prior to the meeting.

The advance Public Hearing Notice for the October 7, 2024 meeting of the LPC was originally released on September 23, 2024, and contained a typographical error that incorrectly stated the date for the meeting as October 3, 2024. In response, staff re-released the Notice on September 27, 2024 with a correction.

Although the correct Notice was issued ten days prior to the October 7, 2024 hearing in accordance with BMC Section 3.24.140.B – Public Notice Hearing Requirements, the property owner, through their attorney at Cox, Castle & Nicholson LLP, expressed confusion and concern about the Notice procedure and requested a continuance. In response to the request and on recommendation from staff, the Commission opened the hearing in accordance with BMC 3.24.130 for a timely hearing and took testimony from any interested party. The Commission did not deliberate on the matter and continued the hearing to a date uncertain. At the property owner's request, the item was scheduled for December 5, 2024 LPC review.

A revised and updated Landmark Application was submitted on November 6, 2024. The revised application corrected dates and other information cited in the original application based on further research from the archives at BAHA, but did not include new or different recommendations on findings of eligibility.

On or before November 25, 2024, staff mailed and posted advance notice of the December 5, 2024 LPC meeting as required under BMC Section 3.24.140 for Public Hearing Notice Requirements. A public hearing notice was mailed to the property owner (See Attachment 6). To further ensure compliance with noticing requirements and provide additional clarity, the December 5, 2024 agenda item included two actions – one to initiate the subject property for designation in accordance with BMC Section 3.24.100 and one to hold a public hearing to consider the designation status in accordance with BMC Section 3.24.130. All noticing requirements were met.

Issue 2: Lack of Support for the Landmark Designation and Features for Preservation. The appellant states that the subject property does not meet the criteria for City of Berkeley Landmark designation and that there is no evidence to support the Features to be Preserved.

The appellant suggests that Landmark Application lacks "substantial evidence" to support that the subject property meets the eligibility criteria for listing under BMC Section 3.24.110 A (1)(b) and (c) for is architectural merit and Section 3.24.110(A) (2) for its cultural value.

Response: The statements made by the appellant about the amount of evidence provided to support the finding of eligibility for City of Berkeley Landmark designation for its architectural merit and cultural value are inaccurate.

LPC's determination of eligibility, as reflected in the administrative record, was based on documentation provided in the Landmark Application, a previous evaluation prepared by Evans & De Shazo, Inc. in 2021, City land use and permit records, the BAHA archives, and information provided in the staff report, including their recommendations. The totality of that information constituted substantial evidence supporting the Commission's determination that the subject property meets the significance criteria set forth in BMC Chapter 3.24.110.

The appellant points to the building's description as "good" and not "excellent" condition as evidence that it does not meet the requirements established in 3.24.110 A (1)(b), stating that there is not substantial evidence that the building can be classified as "prototype" or "outstanding". The applicant has conflated two separate issues – condition and integrity. Condition is an assessment of the physical state of the property, whereas integrity is the ability of a property to convey its significance. Though the building's condition was described as "good" in the Landmark Application Cover Form, the additional application materials include original permits, historical maps, historical photos, and current photos that demonstrate its early twentieth century commercial architectural design and Neo-Classical features. Furthermore, the Landmark Application provides a list of resources referenced in researching the subject property that includes scholarly work and primary and secondary (including contemporary) sources. In addition, the staff report demonstrates City staff considered the historical context, and provided a succinct history of the property history as well as a brief overview of the Neo-Classical style to inform the findings of eligibility for architectural merit (Page 7 of the December 5, 2024 staff report).

The appellant's argument that the Landmark Application does not support the conclusion that it is eligible under BMC 3.24.110(1)(c) because it does not include an extensive history of the neighborhood and does not include sufficient evidence of its "exceptional value" as part of the neighborhood fabric is inaccurate. The Landmark Application includes an extensive historical overview of the subject property and neighborhood, including a chronological overview of historical maps (LPC Item #6, December 5, 2024, p. 17-31). Furthermore, the staff report demonstrates City staff analyzed the neighborhood fabric and provided additional contextual information on the building location at the intersection of a major thoroughfare and well-traveled arterial street and information that the subject property is a part of an "unbroken pattern of period-defining structures" (LPC Item #6, December 05, 2024, p. 8).

The appellant states that "properties that qualify based on cultural value typically served as pivotal or central locations for events or movements that had lasting impressions on the community or region." That, however, is not the evaluative criteria as set forth in

BMC Chapter 3.24.110(A)(2), which states that properties can be determined eligible if "associated with the movement or evolution of religious, cultural, governmental, social and economic developments of the City". The Landmark Application provides a comprehensive overview of the East Bay Music Row and its role in an active nightclub scene in Berkeley that spanned decades of the 1960s and 1970s, including excepts from recollections of several musicians from the period (LPC Item #6, December 5, 2024, Attachment 2, pg. 12-15). The appellant further asserts that even if a designation were warranted, it would be inappropriate to apply to the entire building. However, Landmark and Structure of Merit designations are applied to whole properties. As part of the Landmark and Structure of Merit designation process, the Commission adopts Features to be Preserved, which include a list of distinguishing features to be preserved, thereby addressing those items that are most important in conveying the listed properties significance.

The staff report analysis and the Commission's deliberation and decision accurately applied the BMC/LPO criteria while considering the totality of evidence in this case, and concluded that the subject property warrants designation as a City of Berkeley Landmark.

The appellant states that the Features to be Preserved are not supported by substantial evidence and that to determine what should be preserved, a historical analysis must define the period of significance, and then "link the character-defining features to that period," and that "neither the Landmark Application nor the LPC findings did that, providing no substantial evidence for the Preservation Conditions".

The source cited by the appellant requiring the identification of a period of significance is from guidance provided by the Office of Historic Preservation (OHP) for listing a resource in the California Register of Historical Resources (CRHR). Though useful guidance, it is not an applicable requirement for City of Berkeley Landmark or Structure of Merit designations. As is industry best practice and supported by guidance from OHP and National Park Service (NPS), the Features to be Preserved were derived from the building's historical significance, as informed by the relevant historical context outlined in the staff report, and include those features which the Commission found, based on the evidence of the record, reflect the building's architectural merit and cultural significance (LPC Item #6, December 5, 2024, pg.6 and Attachment 1, pg. 1-3).

<u>Issue 3: No Housing Capacity Findings.</u> The appellant states that the designation alters city policy and reduces housing development potential. The appellant further asserts that the Landmark Designation violates SB 330 as the designation limits the building height to one-story, making mixed use residential development infeasible.

The appellant contends that the property's designation conflicts with the vision in the West Berkeley Plan and eliminates the potential for mixed-use development.

Response: The West Berkeley Plan's goals and policies support preservation and the adaptive reuse of historic buildings. The subject property is zoned C-W West Berkeley Commercial District which allows for Mixed-Use Residential uses. There is no current housing or development proposal for the property. LPC appropriately exercised their authority to designate the subject property as outlined in BMC Section 3.24.050.

There are recent examples of Landmarked buildings that have been approved for residential mixed-use development, including The California Theater (2113-2115 Kittredge). The project preserves the Landmarked ground floor façade and accommodates new residential development.

The appellant misstates SB 330's prohibition on downzoning, which cannot be reasonably interpreted to apply to a landmark designation. Government Code section 66300(b)(1)(A) prohibits a city from "[c]hanging the general plan land use designation, specific plan land use designation, or zoning of a parcel or parcels of property to a less intensive use or reducing the intensity of land use within an existing general plan land use designation, specific plan land use designation, or zoning district in effect at the time of the proposed change, below what was allowed under the land use designation or zoning ordinances of the affected county or affected city, as applicable, as in effect on January 1, 2018" with some exceptions. But the LPC action does none of these things. A future housing project would be subject only to objective design standards, whether the building is designated as a City landmark or not, in accordance with SB 330

Issue 4: Interference with Investment Backed Expectations. The appellant states that the designation interferes with the owner's investment backed expectations, including the expectation to be competitive with other landlords when seeking tenants and to potentially redevelop the property with a mixed-use project.

The appellant states that the Designation amounts to a taking because it has effectively eliminated the property owner's ability for new development and is less attractive to tenants due to the designation.

Response: Investment backed expectations in land use development refers to the principle that a property owner can commit to certain property uses when making investment decisions. When challenged in a court of law, the court will assess if a regulation has gone too far in restricting property rights, potentially resulting in a "taking." *Penn Central Transportation Co. v. New York City* (1978) 438 U.S. 104 and subsequent cases have largely held that local historic preservation ordinances do not effectuate regulatory takings.

The subject property is zoned C-W West Berkeley Commercial District which allows for commercial uses by right as well as mixed-use residential uses. Current uses include Food Service Establishments and General Retail.

The Designation of the property as a City of Berkeley Landmark does not eliminate the possibility of future development. As a City of Berkeley Landmark, any potential future changes to the property undertaken during the course of future development would be subject to Commission approval in accordance with BMC Section 3.24.200.

Recent Landmarked projects that have successfully received entitlements through the Structural Alteration Permit review process in. This process expressly contemplates that landmarked properties could undergo construction, alteration, and even demolition. The LPC's review of an application takes into account the architectural features of the landmark, the special character or value of the landmark, as well as the interest of the property owner and any potential hardship that a permit action may cause. Thus, a landmark designation does not prevent the property from being put to economic use and does not constitute a regulatory taking. A recent example is the California Theater located at 2113-2115 Kittredge. A Structural Alteration Permit was approved and allows for 17 stories of housing.

ALTERNATIVE ACTIONS TO BE CONSDIERED

In accordance with BMC Section 3.24.300.F, if the disposition of this appeal has not been determined within 30 days of the date that City Council closed the hearing (not including Council recess), then the LPC decision shall be deemed affirmed and the appeal shall have been denied.

CONTACT PERSON

Jordan Klein, Director, Planning & Development Department, (510) 981-7534
Anne Hersch, Land Use Planning Manager, Planning & Development Department, (510) 981-7400

Attachments:

1. Resolution
    a. Exhibit A: Findings and Conditions
2. Appeal Letter, received January 31, 2025
3. Applicant Letter, dated April 3, 2025
4. Staff report to LPC dated December 5, 2024
5. Index to Administrative Record
6. Administrative Record
7. Public Hearing Notice

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

UPHOLDING THE DECISION OF THE LANDMARKS PRESERVATION COMMISSION TO APPROVE LANDMARK APPLICATION LMIN 2024-004 TO DESIGNATE THE PROPERTY AT 2500-2512 SAN PABLO AVENUE AS A CITY LANDMARK (LMIN 2024-0004)

WHEREAS, on September 5, 2024, the Landmarks Preservation Commission voted to initiate Landmark or Structure of Merit designation consideration of the property at 2500-2512 San Pablo Avenue; and

WHEREAS, on October 7, 2024, the Landmarks Preservation Commission opened the public hearing and the property owner's attorney asked for a continuance to a date uncertain; and

WHEREAS, on November 6, 2024, an amended application was submitted with additional property research; and

WHEREAS, on December 5, 2024, the Landmarks Preservation Commission voted to initiate the property as a City Landmark by a vote of 6-0-0-2 (Yes: Crandall, Schwartz, Finacom, Leuschner, Montgomery, Orbuch; Abstain: none; Absent: Enchill, Plese).; and

WHEREAS, on January 27, 2025, the Landmarks Preservation Commission Notice of Decision was issued; and

WHEREAS, on January 31, 2025, an appeal was filed with the City Clerk; and

WHEREAS, on or before May 6, 2025, staff posted the public hearing notice at the site and three nearby locations, and mailed notices to property owners and occupants within 300 feet of the project site, and to all registered neighborhood groups that cover this area; and

WHEREAS, on May 20, 2025, the Council held a public hearing to consider the LPC's decision, and in the opinion of this Council, the facts stated in, or ascertainable from the public record, including the staff report and comments made at the public hearing, warrant approving the project.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Berkeley that the City Council hereby adopts the findings made by LPC in Exhibit A affirming the decision made by LPC, to approve LMIN #2024-0004 and dismisses the appeal.

Exhibit A: Findings and Conditions

Attachment 1, Exhibit A

Draft Findings for Designation

MAY 20, 2025

2500-2512 San Pablo Avenue – Union Investment Company Building No.1

Landmark application #LMIN2024-004 for the consideration of City Landmark or Structure of Merit designation status for a commercial building completed in 1912 (APN: 054-1780-004-02)

PROJECT DESCRIPTION

City Landmark designation of the property at 2500-2512 San Pablo Avenue

CEQA FINDINGS

1. The project is found to be exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq.) pursuant to Section 15061.b.3 of the CEQA Guidelines (activities that can be seen with certainty to have no significant effect on the environment).

LANDMARK PRESERVATION ORIDNANCE FINDINGS

2. Pursuant to Berkeley Municipal Code (BMC) Section 3.24.110.A.1.(b) of the Landmarks Preservation Ordinance (LPO), the Landmarks Preservation Commission of the City of Berkeley (Commission) finds that the Union Investment Company Building No. 1 exhibits significance and meets the architectural merit criterion as an embodiment of early twentieth century commercial development and an exemplar of the Neoclassical architectural style from this period. The building retains integrity of its design, materials, workmanship, location and feeling. Its character-defining design features include: one-part commercial design, single-story massing and horizontal orientation; masonry construction and brick and stonemasonry façade materials; classical architectural design, symmetrical pattern of openings, and decorative details that feature pilasters and an entablature with a beltcourse embellished with a triglyph and dentil string, and a cornice at the wall parapet; and storefronts designed with recessed and splayed entrances, transom windows and large display windows.

3. Pursuant to BMC Section 3.24.110.A.1.(c), the Commission finds that the subject property also exhibits architectural merit as part of the West Berkeley neighborhood fabric that is distinctively represented in the concentration of one-part masonry commercial buildings designed in the Neoclassical style that are extant on the west side of the 2500-block of San Pablo Avenue. The subject building is contemporary with the abutting buildings to the south at 2518 and 2530 San Pablo Avenue, and these buildings feature similar architectural designs and building materials. They form a

continuous street frontage of period structures that evoke a formative era of Berkeley's historical and economic development through their physical appearance.

4. Pursuant to BMC Section 3.24.110.A.2, the Commission further finds that the property exhibits significance through its direct association with the East Bay Music Run, which existed along San Pablo Avenue during the 1960s and 1970s. The corner tenant space of the Union Investment Company Building saw a series of night club proprietors, beginning with the Cabale and including the original Long Branch Saloon, which became destinations for revered rock and folk performers and their fans. By hosting venues for live entertainment in this period, the subject property played a functional role in furthering a cultural movement that flourished in clubs and bars of Berkeley and the surrounding area.

FEATURES TO BE PRESERVED

This designation shall apply to the subject property and the following distinguishing features of the main building shall be preserved, and missing or altered features shall be restored to the extent possible:

- Location at the southwest corner of San Pablo Avenue and Dwight Way.
- One-story massing and horizontal orientation with a modified rectangular footprint.
- The primary façade (east elevation) on San Pablo Avenue, and a second primary façade (north elevation) on Dwight Way, designed in a Neoclassical Revival architectural style and constructed of unpainted brick masonry.
- One-part commercial building façade composition consisting of bulkheads, recessed storefronts, clerestory window course, and upper façade consisting of an elongated entablature and parapet wall, clad in unpainted brick laid out in a running bond pattern.
- Thirteen storefronts bays – eight along San Pablo Avenue and five along Dwight Way. Six of these storefronts include a canted corner storefront along the primary façade on San Pablo Avenue (2500, 2504, 2506, 2508, 2510, and 2512), and five storefront bays along the secondary primary façade on Dwight Way (1094, 1096, and 1098) along with pilasters separating each of the storefronts.
- Glazed and wood-framed front recessed entries and wood-framed, single and double-doors flanked by display windows set on knee walls and topped with fixed and hopper transom wood windows included in each of the nine storefronts.
- Knee walls that are clad in tile and two that are clad in brick included in seven of the storefronts.
- A Classical Revival entablature located on the upper façade located above the transom windows along each storefront, consisting of a stone masonry beltcourse, row of dentils, frieze boards with decorative triglyph, and molded cornices.
- The parapet wall above the storefronts along the north and west elevations clad in brick with decorative masonry elements.
- Rear elevation partially visible from Dwight Way along the northwest corner of the building consists of a brick wall.
- The eight storefronts that are symmetrical and retain a majority of their original materials and design shall be preserved and the canted storefront that appears to have changed in the sidelights that flank the wood and glazed single-entry door, which are currently glazed sidelights framed in aluminum frames, should be preserved and restored to the extent possible.
- All brick masonry that has been painted shall be restored and/or brought closer to its original unpainted condition.

COX CASTLE

Cox, Castle & Nicholson LLP
50 California Street, Suite 3200
San Francisco, California 94111-4710
P: 415.262.5100 F: 415.262.5199

Linda C. Klein
415.262.5130
lklein@coxcastle.com

File No. 108603

January 31, 2025

IN PERSON AND VIA E-MAIL (*clerk@cityofberkeley.info*)

Mr. Mark Numainville
City Clerk
City of Berkeley
2180 Milvia Street, 1st Floor
Berkeley, CA 94704

CITY OF BERKELEY - CITY CLERK
2025 JAN 31 PM 2:57

Re: 2500–2512 San Pablo Avenue / 1094–1098 Dwight Way
***Appeal* of Landmark Designation by the Landmarks Preservation Commission on December 5, 2024 (#LMIN2024-0004)**

Dear Mr. Numainville:

We represent West Berkeley Center Partners, LLC, the owner ("Owner") of the property located at 2500–2512 San Pablo Avenue / 1094–1098 Dwight Way (the "Property"), with a single Assessor Parcel Number ("APN") 054-1780-004-02, in the City of Berkeley (the "City"). The Property is improved with a multi-tenant, single-story, brick commercial building (the "Existing Building"). We write to appeal the decision by the Landmark Preservation Commission ("LPC") to designate the Property as a City landmark.

1. Introduction: Summary of Reasons for Appeal

By way of this letter, the Owner appeals[1] the LPC's Landmark Designation for the following reasons:

- Procedural Deficiencies. The LPC failed to properly initiate the designation and failed to provide requisite notice for the Landmark designation to Owner as required by constitutional due process principles and the Berkeley Municipal Code ("BMC").

- Lack of Support for the Landmark Designation and Features for Preservation. Based on the information in the record, the Existing Building does not meet the criteria required for Landmark designation set forth in BMC section 3.24.110.A.

[1] The City Council's record on appeal must include this Appeal Letter and its review of the Landmark Designation is de novo. (BMC, § 3.24.300.C–F.)

Nonetheless, the Existing Building may qualify as a Structure of Merit. In either case, however, the features required to be preserved by the LPC are unsupported by substantial evidence.

- No Housing Capacity Findings. The Landmark Designation effectively alters the zoning and reduces the existing potential for housing development on the Property, conflicting with the City's established vision for the Property and surrounding area and state housing law.

- Interference with Investment Backed Expectations. The Landmark Designation, inclusive of the features required to be preserved, interferes with the Owner's investment-backed expectations, including the expectation to be competitive with other landlords when seeking tenants and to potentially redevelop the Property with a mixed-use project.

2. Procedural History

On September 5, 2024, commissioners ("Applicant") from the LPC initiated a Landmark/Structure of Merit designation. The City incorrectly noticed the item on its September 5, 2024, agenda, listing the address of the property under consideration as 2404–2412 San Pablo Avenue/1094–1098 Dwight Way. The LPC has never formally corrected that address (there is an informal notation that was added to the September 5, 2024, agenda at some time prior to the October LPC hearing) or noticed initiation of the Property, as correctly identified, to be designated as a Landmark or Structure of Merit. The BMC requires such a formal initiation. (BMC, § 3.24.120.)

On October 7, 2024, despite not properly initiating the proposed designation, the LPC held a public hearing to consider designating the Existing Building as a Landmark or Structure of Merit. The original notice for this hearing stated that the hearing would be held on October 3, 2024. The Owner never saw a corrected notice. Nonetheless, the Owner was able to secure legal counsel from this firm and we appeared at the hearing to object to the procedure and seek more time to evaluate the nomination. We were told that the LPC would continue the hearing until December. Although we asked to be notified of the exact hearing date, the City failed to provide notice to either us or the Owner of the December hearing.

On November 6, 2024, someone submitted substantially revised documentation to support the landmarking of the Existing Building ("Landmark Application"). The LPC failed to hold an initiation hearing based on this new documentation and again failed to provide us or the Owner a copy of information that, as used, had a substantial adverse impact on the Owner's property rights.

On December 5, 2024, the LPC designated the Existing Building as a Landmark pursuant to BMC sections 3.24.110.A.(1)(b) [architectural merit as outstanding exemplar],

3.24.110.A.(1)(c) [architectural merit as part of a neighborhood fabric], 3.24.110.A.(2) [cultural value] (collectively, the "Landmark Designation"). (See Landmark Designation Approval, pp. 1–2.[2]) Through the Landmark Designation the LPC required certain features of the Existing Building be preserved, including the Existing Building's "[o]ne-story massing and horizontal orientation with a modified rectangular footprint" (the "Preservation Conditions"). (See Landmark Designation Approval, p. 3.)

The Owner received a notice of decision, dated January 27, 2025, on January 30, 2025. The appeal period runs to 15 days from the mailing of that notice of decision. (See BMC, § 3.24.300.A.(2).) Today is January 31, 2025. Accordingly, this appeal is timely.

3. Arguments Supporting the Appeal

a. The Procedural Deficiencies Violated the Owner's Due Process Rights

As discussed in Section 2, above, the City failed to follow its own municipal code and properly initiate the designation of the Existing Building as a Landmark or Structure of Merit, and on multiple occasions failed to provide notice to the Owner or this firm as required by the BMC and Government Code section 65091. The City's improper noticing included notices with the incorrect address (e.g., September 5 LPC Agenda, p. 4), incorrect hearing dates (the October 7th hearing was originally noticed for October 3rd), and lack of mailed notice to the Owner. Notably, because the Owner has had serious medical issues, including a surgery, that prevents him from obtaining mail daily, we, on behalf of Owner, asked the Secretary of the LPC, Ms. Crane, to send notices by email to us of hearings concerning the Property. We have not received any notices.

Constitutional due process principles require reasonable notice and the opportunity to be heard before governmental deprivation of significant property rights. (E.g., *Cohan v. City of Thousand Oaks* (1994) 30 Cal.App.4th 547, 554–555.) Accordingly, state law and the BMC require that notice of an LPC Landmark designation hearing be given to various parties, including the property owner and all property owners within 300 feet of the property referred to in the applicable Landmark application. (BMC, § 3.24.140; Gov. Code, § 65091.) The BMC also recommends that the LPC give notice, "if requested, to organizations or individuals indicating an interest in the work of the commission." (BMC, § 3.24.140.D.) Moreover, notice must be "reasonably calculated to afford affected persons the realistic opportunity to protect their interests" as required. (*Calvert v. County of Yuba* (2006) 145 Cal.App.4th 613, 632.)

Here, City staff failed to adhere with the City's noticing requirements or commitment that we would be kept apprised of the matter. Neither the Owner nor this firm received notice of the December 5, 2024, LPC hearing (contrary to the LPC December 5, 2024, Staff Report's assertion that staff provided the required notice). These noticing lapses violated the Owner's procedural

[2] All references are to the *Draft* Findings for Designation attached as Attachment 1 to the December 5, 2024, LPC Staff Report because the City has yet to provide the Owner, of its representatives, with the notice of decision.

due process rights, which is reason alone to grant the appeal.[3] (See *Horn v. County of Ventura* (1979) 24 Cal.3d 605, 612 ["Due process principles require reasonable notice and opportunity to be heard before governmental deprivation of a significant property interest"].)

b. The Existing Building Does Not Meet the Landmark Designation Criteria in BMC Section 3.24.110.A and there is No Evidence Supporting Certain Features to be Preserved

The criteria for a City Landmark designation are set forth in BMC section 3.24.110.A. The LPC's Landmark Designation determined that the following three criteria[4] were satisfied:

- BMC section 3.24.110.A.(1)(b): Architectural merit: Properties that are prototypes of or outstanding examples of periods, styles, architectural movements or construction, or examples of the more notable works of the best surviving work in a region of an architect, designer or master builder. ("Criterion 1.")

- BMC section 3.24.110.A.(1)(c): Architectural merit: Architectural examples worth preserving for the exceptional values they add as part of the neighborhood fabric. ("Criterion 2.")

- BMC section 3.24.110.A.(2): Cultural value: Structures, sites and areas associated with the movement or evolution of religious, cultural, governmental, social and economic developments of the City. ("Criterion 3.")

The record lacks substantial evidence that the Existing Building meets any of these criteria, as discussed below. An architectural historian we spoke with, however, stated that the Existing Building, particularly the north and east elevations, would meet the requirements for a Structure of Merit. But even assuming a reclassification as a Structure of Merit, the Preservation Conditions are unsupported and must be revised.

i. The City Council Requires Substantial Evidence in Light of the Entire Record to Support a Landmark Designation

Designation of the Existing Building as a Landmark must be supported by substantial evidence in the administrative record that is relevant to the criteria the City must consider. Absent substantial evidence, the City Council cannot designate the Existing Building as a

[3] Pursuant to the City's *Filing an Appeal on a Zoning or Land Use Decision* website, "The [appeal] fee is waived for an appeal based entirely on staff procedural error." Because this Appeal is necessitated due to procedural error, Owner reserves the right to pursue recovery of the Appeal fee.

[4] BMC section 3.24.110.A lists additional criteria for Landmark designation. We do not discuss these because the LPC has already determined these criteria cannot be satisfied for the Property.

Landmark. (See *Young v. City of Coronado* (2017) 10 Cal.App.5th 408, 427 [applying substantial evidence test in reviewing city's designation of a property as historic].)

Substantial evidence is not synonymous with any evidence. It is evidence of "ponderable legal significance . . . reasonable in nature, credible, and of solid value [, and] relevant evidence that a reasonable mind might accept as adequate to support a conclusion." (See *Young v. Gannon* (2002) 97 Cal.App.4th 209, 225.) In other words, "[w]here findings are devoid of evidentiary support, or are based upon inferences arbitrarily drawn and without reasonable foundation, or are contrary to facts universally accepted as true and judicially known, the administrative order will be reversed as not being supported by substantial evidence in the light of the whole record." (See *Lorimore v. State Personnel Board* (1965) 232 Cal.App.2d 183, 187.)

The substantial evidence test is essentially a reasonableness test and requires that a reasonable person, having weighted the evidence in the entire record, be able to reach the same conclusion reached by the City Council for the designation of the Existing Building as a Landmark to be deemed lawful. (Code Civ. Proc., § 1094.5; *Kirkorowicz v. California Coastal Commission* (2000) 83 Cal.App.4th 980, 986; *Sierra Club v. California Coastal Commission* (1993) 12 Cal.App.4th 602, 610.)

The LPC's Landmark Application failed to meet the substantial evidence test. Accordingly, the City Council would not be able to meet it either.

ii. The Landmark Application Lacks Substantial Evidence Supporting Criterion 1

The LPC determined that BMC section 3.24.110.A.(1)(b) was satisfied because the Existing Building "exhibits significance and meets the architectural merit criterion as an embodiment of early twentieth century commercial development and an exemplar of the Neoclassical architectural style from this period. The building retains integrity of its design, materials, workmanship, location and feeling. Its character-defining design features include: one-part commercial design, single-story massing and horizontal orientation; masonry construction and brick and stonemasonry façade materials; classical architectural design, symmetrical pattern of openings, and decorative details that feature pilasters and an entablature with a beltcourse embellished with a triglyph and dentil string, and a cornice at the wall parapet; and storefronts designed with recessed and splayed entrances, transom windows and large display windows." (LPC's Landmark Designation Approval, Finding No. 2.)

The LPC based this determination on the Landmark Application, which states that the Existing Building is by an "unknown" architect, and "unknown" builder, and has "elements of Classical Revival architectural design." (Landmark Application, p. 3.[5]) The Landmark

[5] The Landmark Application is Attachment 2 to the December 5, 2024, LPC Staff Report, available at https://berkeleyca.gov/sites/default/files/documents/2024-12-05_LPC_Item%206_2500%20San%20Pablo_Combined%20Staff%20Report.pdf.

Application also states that the Existing Building is in "Good," not "Excellent," condition on one page (*id.*) and "fair condition" on another (*id.*, p. 4). Although the Landmark Application indicates that an "assessment of integrity found that the 1907 storefront commercial building [i.e., the Existing Building] retains all seven aspects of integrity, which is detailed within the associated Historic Resource Evaluation 'HRE' report," only a limited portion of that HRE is attached and it does not contain the analysis of integrity. (*Id.*, p. 3) When we asked about the missing HRE, we were sent a link to a March 4, 2021, LPC staff report.[6] But the link for the HRE has expired and there is no easy way for someone to find it.[7] Therefore, the HRE is not part of the record and nothing in the record supports the Landmark Application's conclusory list of features to be preserved. (*Id.*, p. 17.)

Based on the Landmark Application, there is no substantial evidence that the Existing Building can be classified as a "prototype" or "outstanding" example of the early twentieth century commercial development period's "Neoclassical" architectural style. First, the Landmark Application indicates that the Existing Building is in either fair or good condition and is a Classical architectural style. Second, the City and other cities in the East Bay have many similar commercial buildings, including similar buildings on San Pablo Avenue and Solano Avenue, indicating that the Existing Building is not a prototype or superlative example, or an example by a well-known architect, designer, or builder. Therefore, the Landmark Application is not substantial evidence that the Existing Building meets Criterion 1.

iii. The Landmark Application Lacks Substantial Evidence Supporting Criterion 2

The LPC determined that BMC section 3.24.110.A.(1)(c) was satisfied because the Existing Building "exhibits architectural merit as part of the West Berkeley neighborhood fabric that is distinctively represented in the concentration of one-part masonry commercial buildings designed in the Neoclassical style that are extant on the west side of the 2500-block of San Pablo Avenue. The subject building is contemporary with the abutting buildings to the south at 2518 and 2530 San Pablo Avenue,[8] and these buildings feature similar architectural designs and building materials. They form a continuous street frontage of period structures that evoke a

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[6] Available at https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2021-03-04_LPC_Agenda_linked.pdf.

[7] See https://berkeleyca.gov/uploadedFiles/Planning_and_Development/Level_3_-_LPC/2021-03-04_LPC_Item%205_HRE%20for%202527%20San%20Pablo_Alameda_DPRs.pdf. The link takes you to a page stating, "Sorry, that page may have moved. The services you need are still here," but we cannot find the "services" we need.

[8] The Owner also owns 2530 San Pablo Avenue and prior to the LPC's action was exploring whether to redevelop both that property and the Property with a mixed-use development consisting of ground floor commercial uses and residential on the upper floors.

formative era of Berkeley's historical and economic development through their physical appearance." (LPC's Landmark Designation Approval, Finding No. 3.)

The Landmark Application does not support this conclusion about the West Berkeley neighborhood fabric. According to the images included in the Landmark Application, the West Berkely fabric near the time someone building the Existing Building had many two-story, wood-framed residences along with one-story and two-story brick and stone-faced commercial buildings. (Landmark Application, p. 16.) Nor did the LPC address West Berkeley's important industrial history, which from the Landmark Application appears to be the context that most defined the area in the late 1800s and early 1900s, although the Landmark Application is lacking an extensive history of the neighborhood. (*Id.*, p. 19.)

The Landmark Application is not substantial evidence that the Existing Building adds "exceptional" value to the West Berkeley Neighborhood fabric or can meet Criterion 2. The mere concentration[9] of the Existing Building with other similar style buildings on the one side of one block of San Pablo Avenue is insufficient to support a conclusion of exceptional value to the neighborhood fabric. Likely the most important value to the neighborhood is having thriving commercial uses that add to the area's pedestrian activity. (See Appeal Letter, § 3.c, below [discussing how the west side of the 2500-block of San Pablo Avenue has been designated as "CW Designated Node 4," which is an area identified by the City for future concentrated and intensified pedestrian-oriented development].) The Owner is extremely concerned that the landmarking of the Existing Building will make it harder to sign leases with tenants due to the extra time needed for tenant improvements, resulting in empty storefronts that fray rather than support the neighborhood's fabric.

iv. <u>The Landmark Application Lacks Substantial Evidence Supporting Criterion 3</u>

The LPC determined that BMC section 3.24.110.A.(2) was satisfied because the Existing Building "exhibits significance through its direct association with the East Bay Music Run, which existed along San Pablo Avenue during the 1960s and 1970s. The corner tenant space of the Union Investment Company Building saw a series of night club proprietors, beginning with the Cabale and including the original Long Branch Saloon, which became destinations for revered rock and folk performers and their fans. By hosting venues for live entertainment in this period, the subject property played a functional role in furthering a cultural movement that flourished in clubs and bars of Berkeley and the surrounding area." (LPC's Landmark Designation Approval, Finding No. 4.)

[9] Notably, the Landmark Designation fails to mention 2546 San Pablo Avenue—the fourth parcel situated alongside the other three parcels listed on the west side of the 2500-block of San Pablo Avenue. The omission could be attributed to the fact that 2546 San Pablo Avenue does not align with the specific narrative the LPC was attempting to construct.

The Landmark Application does not provide substantial evidence supporting Criterion 3, having no evidence supporting the claim that the Existing Building's period of significance extends into the mid-1970s, rather than ending earlier. Furthermore, properties that qualify based on cultural value typically served as *pivotal or central* locations for events or movements that had a lasting impression on the community or region. Such properties are associated by the public as being connected to these influential events or movements. Here, however, the Existing Building does not command such an association. While the Landmark Designation identifies one tenant space as a venue during the 1960s and 1970s music scene, there is no substantial evidence that the public associates the Existing Building with this music scene. Even if a cultural Landmark designation were warranted, it would be inappropriate to apply it to the entire Existing Building (and include the extensive Preservation Conditions) as the activity only related to one tenant space and could be conveyed best to the public by a plaque or other written material.[10] (See, e.g., LPC December 5, 2024, Staff Report, p. 6, Table 2.)

v. The Preservation Conditions Are Not Supported By Substantial Evidence

The LPC adopted the Preservation Conditions, including the following: "[o]ne-story massing and horizontal orientation with a modified rectangular footprint"; "[t]hirteen storefronts bays--eight along San Pablo Avenue and five along Dwight Way" with "[s]ix of these storefronts include a canted corner storefront along the primary façade on San Pablo Avenue (2500, 2504, 2506, 2508, 2510, and 2512), and ~~three~~ five storefront bays along the secondary primary façade on Dwight Way (1094, 1096, and 1098) along with pilasters separating each of the storefronts"; and the "[r]ear elevation partially visible from Dwight Way along the northwest corner of the building consists of a brick wall." (LPC December 5, 2024, Staff Report, Attachment 1, p. 3 [alteration in original].)

The Landmark Application does not support the entirety of the LPC's Preservation Conditions. While the Landmark Application does contain a list of features to be preserved, that list does not include "one-story massing" or a "modified rectangular footprint." (Landmark Application, p. 17.) And there is no explanation how the massing or footprint contribute to Existing Building's "Classical" or "Neoclassical" architecture, which tends to be defined by symmetry, columns, cornices, and similar "classical" architectural elements and often is more than one story. (See, e.g., San Francisco Planning Preservation Bulletin, Architectural Periods and Styles in San Francisco,[11] p. 11 [three story classical revival example]; see also *id.* [the Existing Building appears to more closely align to "Early 20th Century American Commercial," which style the LPC failed to discuss]; see also the two-story brick building across the street from the Existing Building.)

[10] The Owner is amenable to installing a plaque.

[11] Available at https://sfplanning.org/sites/default/files/documents/preserv/bulletins/HistPres_Bulletin_18.PDF.

The Landmark Application's list of features to preserve also includes only nine storefronts along San Pablo and three along Dwight Way, which is less than the thirteen and five, respectively, mentioned in the Preservation Conditions. (Landmark Application, p. 17.) There is no explanation for the change in number between the Landmark Application and the LPC findings, including the Preservation Conditions. The Preservation Conditions themselves contain a cross-out of three, suggesting that they once matched the Landmark Application.

Finally, while both the Landmark Application and the Preservation Conditions include the fact that the rear elevation is partially visible from Dwight Way and is brick, there is no substantial evidence supporting that the entirety of this brick wall, which has had "additions" (*id.*, p. 3), is a character-defining feature worth preserving, particularly the portion not generally visible from the street with minimal to no decorative brick work (*id.*, p. 10). Indeed, there is no analysis of this wall beyond that someone on the street can see part of it, it has alterations, and it is brick.

To determine what should be preserved, a historical analysis must define the period of significance, conclude that the Existing Building has integrity for that period, and then link the character-defining features to that period. (See California Office of Historic Preservation Technical Assistance Series #3, p. 2.[12]) Neither the Landmark Application nor LPC findings did that, providing no substantial evidence for the Preservation Conditions.

While the record lacks substantial evidence to support landmarking the Existing Building or the Preservation Conditions, we acknowledge that the Existing Building is handsome, with an inviting commercial frontage, and for that reason, the Owner does not object to a requirement to retain the facades facing San Pablo and Dwight, such as may be required if the City concludes that the Existing Building qualifies as a Structure of Merit. But given that there is no evidence to support limiting the height to one story or preventing demolition of the utilitarian and altered back wall, the Owner objects to those elements being part of any list of features to be preserved. As discussed below, taking away air rights and the ability to alter the structure's footprint could be an unconstitutional taking.

c. The LPC's Landmark Designation Improperly Alters City Policy and Reduces Housing Development Potential

The Property is in the West Berkeley Plan and is zoned "CW – West Berkeley Commercial," which authorizes mixed-use residential development. (See City's Community GIS Portal; BMC, § 23.204.140.B(2).) The Property also is in "CW Designated Node 4," which is an approximately one-block area identified by the City for future concentrated and intensified pedestrian-oriented development, including a ground-floor commercial requirement. (BMC, § 23.204.140.D; see also BMC Figure 23.204.7.) In the CW Designated Node 4, the *minimum*

[12] Available at https://ohp.parks.ca.gov/pages/1069/files/03%20cal_%20reg_%20q_and_a.pdf.

height of all newly constructed main structures is generally two stories or 25 feet in height.[13] (BMC, § 23.204.140.E(3).)

Accordingly, the City has identified the Property (as well as the surrounding properties) for intensified mixed-use development. The LPC's Landmark Designation directly conflicts with the City's vision for this area. Specifically, the Preservation Conditions mandate "[o]ne-story massing and horizontal orientation with a modified rectangular footprint," altering the applicable height limit. (See Landmark Designation Approval, p. 3; see also BMC, § 3.24.260 [LPC cannot grant a permit that would "adversely affect the exterior architectural features of the landmark"].) The LPC thus *eliminated the potential for increased mixed-use development* because residential cannot be added above the ground-floor commercial while maintaining a one-story massing. Additionally, the Landmark Designation could decrease rather than increase pedestrian activity by making the Existing Building harder to tenant. The City Council should not let the LPC change planning policy. (Cf. *Carson Mobilehome Park Owners' Ass'n v. City of Carson* (1983) 35 Cal.3d 184, 190 ["[a]n unconstitutional delegation of authority occurs only when a legislative body (1) leaves the resolution of fundamental policy issues to others or (2) fails to provide adequate direction for the implementation of that policy"].)

More importantly, the Landmark Designation violates the intent of state housing law. Senate Bill ("SB") 330, codified in applicable part at Government Code section 66300, prohibits local agencies such as the City from "downzoning" (e.g., "reducing the intensity of land use"[14]) of any property where housing is an allowable use (absent a concurrent density increase on other property) and from imposing or enforcing subjective design standards, among other requirements. (Gov. Code, § 66300, subds. (b)(1)(A), (C).) The Landmark Designation effectively eliminates the Property's housing potential by reducing the height limit to one story.[15] Notably, the LPC did not condition the Landmark Designation on the City Council upzoning another property to make up for the housing potential lost on the Property, violating housing law. (See Gov. Code, § 66300, subd. (e)(2) ["[i]t is the intent of the Legislature that this section be broadly construed so as to maximize the development of housing within this state. Any exception to the requirements of this section, including an exception for the health and safety of occupants of a housing development project, shall be construed narrowly."].)

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[13] Much of the recent construction along San Pablo has been much taller.

[14] In this context, "reducing the intensity of land use" "includes, but is not limited to, reductions to height, density, or floor area ratio, new or increased open space or lot size requirements, new or increased setback requirements, minimum frontage requirements, or maximum lot coverage limitations, or any other action that would individually or cumulatively reduce the site's residential development capacity." (Gov. Code, § 66300, subd. (b)(1)(A).)

[15] With the Preservation Conditions, any alteration to the height or back wall of the Existing Building would require the City to override a significant and unavoidable impact. In our experience, cities rarely, if ever overrides a significant and unavoidable impact to a historical resource that is not a substantial danger to the public due to imminent collapse. With more limited character-defining features, a substantial addition could be feasible without a significant and unavoidable impact because such an addition could comply with the Secretary of Interiors Standards.

That historic property designations have been used to deter housing development has not been lost on the Legislature or the Department of Housing and Community Development ("HCD"), the state body with enforcement power over SB 330 and other housing laws. (Gov. Code, § 65585, subd. (j)(5).) Assembly Bill ("AB") 2580[16], effective January 1, 2025, was enacted to address this issue. Under AB 2589, each local agency must monitor how historic property designations impact the agency's ability to meet its housing needs, by reporting such designations to HCD during the Annual Progress Report ("APR") on the agency's status and progress in implementing its housing element. (See Gov. Code, § 65440, subd. (a)(2)(N), as amended by AB 2580.)

In short, the Landmark Designation is inconsistent with the City's vision of intensified mixed-use development for the Property and state housing laws. Accordingly, the City Council should reconsider the Landmark Designation, and especially the Preservation Conditions.

d. The Landmark Designation Interferes with the Owner's Investment-Backed Expectations

As discussed above, the Landmark Designation has effectively eliminated the Property's ability for new development. "[W]hile property may be regulated to a certain extent, if regulation goes too far it will be recognized as a taking." (*Lucas v. South Carolina Coastal Council* (1992) 505 U.S. 1003, 1014.) There are multiple pathways to establish a regulatory takings. Not all takings require a physical invasion of property (*Loretto v. Teleprompter Manhattan CATV Corp.* (1982) 458 U.S. 419) or denial of all economically beneficial or productive use of land (*Lucas* at p. 1015). Beyond these *per se* takings, *Penn Central Transportation Co. v. New York City* (1978) 438 U.S. 104, 124 ("*Penn Central*") provides a multi-factored test for establishing a takings that includes weighing the regulation's economic effect on the landowner, the extent to which the regulation interferes with reasonable investment-backed expectations, and the character of the government action." (*Palazzolo v. Rhode Island* (2001) 533 U.S. 606, 617, citing *Penn Central* at p. 124.)

In fact, *Penn Central* concerned whether a landmark designation caused an unconstitutional taking. In *Penn Central*, the availability of transfer development rights ("TDRs") militated against finding a taking because TDRs "afforded opportunities to further enhance not only the [applicable property] but also other properties." (*Penn Central*, *supra*, at p. 138.) Here, however, there are no TDRs. And given that the Owner was in the early stages of exploring a mixed use project, having engaged an architect to do some test fits by the time the LPC acted, he had investment-backed expectations supported by all then-available planning information. Moreover, as discussed above, the additional time to obtain approvals for the tenant improvements required whenever there is tenant turnover, which can include changing paint colors, upgrading or altering kitchen facilities, and other alterations which would now need LPC

[16] Available at https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240AB2580.

approval, makes the Property less attractive to tenants, reducing its economic output.[17] (See BMC, § 3.24.260.)

Given that a *Penn Central* takings is not a "bright line" rule, we cannot conclude that the LPC's action is conclusively an unconstitutional taking, as that determination (e.g., the weighing of factors) is left to the domain of our (state and federal) court systems. We note, however, that the Supreme Court has been making it easier to prove that regulation of land amounts to an unconstitutional taking, which should factor into any analysis. (See *Sheetz v. County of El Dorado*, 601 U.S. 267 (2024); *Cedar Point Nursery v. Hassid*, 594 U.S. 139 (2021); *Pakdel v. City & County of San Francisco*, 594 U.S. 474 (2021); *Knick v. Township of Scott, Pennsylvania*, 588 U.S. 180 (2019).)

* * * * *

Given that there is no legally adequate basis for the City Council to uphold the LPC's Landmark Designation and considering the Landmark Designation's violation of due process principles, state housing law, and potentially the Takings Clause, we urge the City Council to grant the appeal and conclude it lacks substantial evidence to designate the Existing Building as a Landmark. That said, Owner is aware that the City may nonetheless fix its noticing error and provide evidence supporting designating the Existing Building as a Structure of Merit. The Owner does not inherently object to preserving the Existing Building's façade features that make it noticeable, including the brick dentils and transom windows, but asks that these preservation goals be balanced with the City's vision for intensified mixed use development. It is possible to accommodate both.

We would be happy to discuss this matter with you. We also request to receive both mailed and emailed notice of the date of the appeal hearing at our address, shown in the header on the first page, because, as noted above, the Owner is ill and does not always receive mailed notices.

Respectfully submitted,

Cox, Castle & Nicholson LLP

Linda C. Klein

Linda C. Klein

cc: Hal Brandel

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[17] Although the BMC provides the LPC the ability to make a hardship finding and approve an alteration that is consistent with historic preservation, that provision does not make the process faster. Nor does it permit LPC to approve alterations not consistent with historic preservation. (See BMC, § 3.24.270.)

April 3, 2025

To: Berkeley City Council
From: Landmarks Preservation Commission

Re: Appeal Response Letter, 2500-2512 San Pablo Avenue Landmark Designation (LMIN2024-0004)

Executive Summary of Appeal Response Letter: 2500-2512 San Pablo Avenue Landmark Designation
The LPC recommends the city council deny the appeal based on the substantial evidence supporting the landmark designation. The LPC's decision was made in accordance with applicable regulations and recognizes the building's historical and cultural importance. In response to several concerns raised by the applicants regarding procedural issues, the validity of the notice, and the landmark status, the LPC shares the following:

1. **Notice and Procedural Issues**: The LPC took extra precautions to ensure proper noticing by reopening the hearing in December, addressing potential typographic errors from the October meeting. The city council should seek a legal opinion from the city attorney on whether the notice to the property owner was legally sufficient. If deemed deficient, the matter should be remanded for proper notice and rescheduling.

2. **Senate Bill 330 (SB330)**: SB330, which limits zoning changes for housing, is irrelevant in this case since no construction or alteration permits have been applied for, and landmarking does not affect the property's potential for new development.

3. **Downzoning and "Taking" Argument**: The appellant's claim that landmarking constitutes downzoning or an unlawful taking is inaccurate. Landmarking is not prohibited by SB330 and the intent of the legislation was to prevent changes after applications for new housing, not to stop communities from designating landmarks.

4. **Landmark Worthiness**: LPC's unanimously decided to designate the property as a landmark, based on its architectural significance. We relied in large part on a 2021 historical evaluation that deemed the building an excellent example of storefront commercial architecture and a strong candidate for National Register consideration. The building's historical integrity and architectural style were key factors in the LPC's decision. The LPC also found the building has cultural significance, particularly its role in the East Bay Music Row and as a venue for important local musicians. The property also has cultural value as the home of various woman-founded businesses over the years.

5. **Not Required for Landmark Status:** The appellant implies the building is not worthy of Landmark status because its architect and builder is unknown, the building is not found to be in "excellent" but rather "good" or "fair" condition, and similar buildings can be found in the City and other cities in the east bay. These are not required prerequisites for Landmark status.

Thank you for taking the time to review the LPC Decision to Landmark 2500-2512 San Pablo Avenue. We'd like to respond to several issues raised by the appellant to assist you in your deliberations.

Notice and Procedural Issues
Relating to noticing and procedural issues raised by the appellant, please note that upon the advice of staff and by request of the owner's representative, the Commission opened the hearing on October 7th, 2024 and then delayed deliberation. Out of an abundance of caution, we repeated the October initiation process in December to remedy any concerns about typographic errors in the Notices for the October meeting. During that time, the application authors updated the application with further research from the archives of the Berkeley Architectural Heritage Association, notices were sent out as required by staff and the hearing was rescheduled and duly noticed.

With respect to the appeal, the city council should have the city attorney offer its opinion as to whether the planning department provided the necessary and legal notice to the owner of the property. It should seek a written opinion from the city attorney. If the city attorney deems the notice was legal and proper and contained no deficiencies, the bulk of the appeal by the property owner should be denied by the city council. The notice argument is the bulk of the appellant's argument.

If the city council does not have the benefit of the city attorney's opinion on this matter at the time of the council hearing, the city council should continue the matter to another city hearing date in order to obtain the city attorney's opinion on the adequacy of notice.
Should the city attorney agree with the appellant and find the notice deficient, the city council should remand the matter back to the landmark commission so that proper notice can be given and the matter set for another hearing before the commission.

Senate Bill 330 Not Applicable
It is important to note that the owner, appellant, has not applied for any permits for construction or alteration of the property and therefore Senate Bill 330 is inapplicable in this matter. The State of California does not prohibit cities, counties, and local governmental agencies, from their ability to landmark properties in cases where there are no permits applied for or applications deemed complete by a city planning department.

90 National Park Service, National Register Bulletin: How to Apply the National Register Criteria for Evaluation
(Washington, D.C.: United States Department of the Interior, 1997).
Historic Resources Evaluation for the Proposed Blake Apartments Project, 2527 San Pablo Avenue, Berkeley, Alameda County, California. 78

Not a "Downzoning" or "Taking"
Appellant also argues that landmarking the property constitutes an impermissible "downzoning" and an unjust "taking" of property. If this argument were to hold water, then no property in the State of California would ever be subject to landmarking status. Clearly, the intent of the legislature in passing SB330 was not to destroy the ability of communities to landmark properties. The intent of SB330 was to prevent additional rules being applied to properties/applications *after* they were submitted so as to slow or prevent much needed housing from being approved. Since this designation occurs *prior* to any proposed project or application being submitted, the LPC is well within its purview and is being proactive in designating significant pieces of Berkeley's history as Landmarks and Structures of Merit.

Landmark Designation, contrary to the appellant's assertion, does not eliminate the Property's ability for new development. Designation status does not preclude the owner from submitting an application to expand the footprint or height of the building. If an application is submitted, the proposed project would be deemed on its merits at that time and its consistency with the Secretary of Interior's Standards for Rehabilitation.

Landmark Worthiness – Architectural Design and Cultural Value

As for the appellant's view that the property is not landmark worthy due to lack of substantial evidence, the appellant, in their appeal, concedes the property is worthy of a Structure of Merit designation. The LPC unanimously voted to designate the property as a Landmark instead of a Structure of Merit for good reason. The building was included in a 2021 historical research and evaluation study for the proposed Blake Street Apartments Project at 2527 San Pablo Avenue Berkeley by Evans & De Shazo Inc. for several properties including the 2500 San Pablo Ave/Dwight Way building. In that report 2500 San Pablo Ave/Dwight Way was **one of only two buildings found eligible for National Register** consideration owing to their architectural design, which the report stated is, "an excellent example of Storefront Commercial Architecture and Classical Revival architectural style during Berkeley's commercial development in the early decades of the 20th century." The report goes on to state that, "An assessment of integrity found that the 1911 storefront commercial building **retains all seven aspects of integrity** which is detailed within the associated Historic Resource Evaluation "HRE" report"(see attachment 1). LPC Commissioners Enchill and Orbuch used this report, along with additional research, as the basis for the Landmark Application. Based on the research and evaluation study, additional research conducted, and findings included in the application submitted, as well as a Staff report which recommended favorable action, the Commission found **substantial evidence** that the building was worthy of Landmark status. pursuant to Berkeley Municipal Code Sections 3.24.110.A.(1)(b) and (c), 3.24.110.A.2 and 3.24.110A.(2).

While the appellant implies the building is not worthy of Landmark status because its *architect and builder is unknown*, the building is *not found to be in "excellent" but rather "good" or "fair" condition*, and *similar buildings can be found in the City and other cities in the east bay,* these are **not required prerequisites for Landmark status**. The LPC and a third-party architectural historian both found the structure to qualify as "an excellent example of Storefront Commercial Architecture and Classical Revival architectural style during Berkeley's commercial development in the early decades of the 20th century." It is also one of a few intact examples left on an ever-changing San Pablo Avenue.

Last, the building has **Cultural Value** (3.24.110A.(2)) as it is associated with the East Bay Music Row. The site boasts a long history of hosting music clubs including the San Pablo Ave Folk and Rock Music Clubs - Cabale, Cabale Creamery, Good Buddy, Caverns West, Questing Beast Tito's Babylon, and Long Branch Saloon and was considered a "seminal address" responsible for local folksingers Joe McDonald and Barry Melton becoming Country Joe and the Fish. Bands that frequented Long Branch Saloon included Elvin Bishop Group, New Riders of the Purple Sage (Jerry Garcia's vehicle for playing pedal steel guitar), Tower of Power, Eddie Money, The Tubes and many more. By hosting

venues for live entertainment beginning during the sixties and seventies, the property played a functional role in furthering a cultural movement that flourished in clubs and bars of Berkeley and the surrounding area since World War 2. Also, the building has and continues to be the home of several famous east bay woman-founded, own and run businesses including the Brick Hut Cafe and most recently, Good Vibrations (which has been privately owned/run since 2007).
Thank you for your consideration, the Landmarks Preservation Commission has approved this letter via vote and it is signed by our Chairwoman.

Attachments:

1. Evans and DeShazo report excerpt on “Integrity”, pp. 77-79
2. Evans and DeShazo Full HRE Report?

Historic Resources Evaluation for the Proposed Blake Apartments Project, 2527 San Pablo Avenue, Berkeley, Alameda County, California. 79
Integrity

The following section provides specific integrity-related details regarding the 1911 storefront commercial building (EDS-08) and the 1926 storefront commercial building (EDS-11).

• Location. The 1911 storefront commercial building (EDS-08) remains in its original location where the building was constructed, and the 1926 storefront commercial building (EDS-11) remains in its original location where the building was constructed.
Therefore, the 1911 storefront commercial building (EDS-08) and 1926 storefront commercial building (EDS-11) retain integrity of location.

• Design. The 1911 storefront commercial building (EDS-08) retains the original with Storefront Commercial Architecture and Classical Revival design within a period of significance of 1911, including nine original symmetrical storefronts, and canted corner storefront with glazed and wood-framed front recessed entries, wood-framed single and double-doors flanked by display windows set on a knee walls and topped with fixed and hopper transom wood windows, brick masonry laid out in a running bond pattern, a stone masonry beltcourse, dentil, frieze boards with decorative triglyph, molded cornices, and pilasters. These storefronts have a high degree of design integrity and the building has only minor changes to the canted storefront doors. The 1926 storefront commercial building (EDS-11) retains its original Storefront Commercial and Classical Revival design elements, including light-colored brick masonry laid out in a running bond pattern, smooth plaster, and a symmetrical six-bay “storefront”, a series of divide-light metal fixed and awning style transom windows, decorative square pilasters with square caps and articulated bases, an entablature that runs the length of the façade, a brick cornice laid out in a stack bond pattern, and dentil set above the architrave.

Therefore, the 1911 storefront commercial building (EDS-08) and 1926 storefront commercial building (EDS-11) retain integrity of design.

• Setting. The setting along San Pablo Avenue as well as in west and southwest Berkeley where the 1911 storefront commercial building (EDS-08) and 1926 storefront commercial building (EDS-11) are located has changed since the early 1900s. However, many of the original buildings from the period between 1911 and 1926 are still present along San Pablo Avenue. In addition, the urban and commercial business area of San Pablo Avenue that is associated with the 1911

building and 1926 building remains intact. Also, the surrounding neighborhood has maintained its local urban setting with small businesses and houses constructed from ca. 1900 to ca. 1950, which is still present today. Therefore, the 1911 storefront commercial building (EDS-08) and 1926 storefront commercial building (EDS-11) retain integrity of setting.

• Materials. The 1911 storefront commercial building (EDS-08) and 1926 storefront commercial building (EDS-11) retain both retain a high degree of original materials from the date that each building was constructed. The 1911 storefront commercial building (EDS-08) retains materials from its original construction including glazed and wood-framed windows, wood-framed single and double-doors, wood-framed display windows, stucco/plaster knee walls, brick masonry facades, and fixed and hopper wood transom windows. The 1926 storefront commercial building (EDS-11) retains materials that include brick masonry, divide-light metal fixed and awning style transom windows, and plaster walls. Therefore, the 1911 storefront commercial building (EDS-08) and 1926 storefront commercial building (EDS-11) retain integrity of materials.

• Workmanship. Workmanship is evidenced by a skill or craft from a particular period or region. The 1911 storefront commercial building (EDS-08) and 1926 storefront commercial building (EDS-11) each retain a high degree of workmanship of woodworking and masonry from the early 1900s. The masonry storefronts, including pilasters and decorative entablatures, and original windows and trim work on both the 1911 storefront commercial building (EDS-08) and 1926 storefront commercial building (EDS-11) are excellent examples of workmanship.
Therefore, the 1911 storefront commercial building (EDS-08) and 1926 storefront commercial building (EDS-11) retain integrity of workmanship.

• Feeling. Feeling is the quality that a historic property has in evoking the aesthetic or historic sense of a past period. The 1911 storefront commercial building (EDS-08) and 1926 storefront commercial building (EDS-11) each evoke the feeling of Storefront Commercial Architecture and Classical Revival design from their respective periods of significance. Also, both buildings, as part of a small business district in the early 1900, contribute to the feeling of a property from the past and their respective periods of significance. Therefore, the 1911 storefront commercial building (EDS-08) and 1926 storefront commercial building (EDS-11) retain integrity of feeling.

• Association. The 1911 storefront commercial building (EDS-08) and 1926 storefront commercial building (EDS-11) are both currently associated with retail and commercial business. As such, they retain their original association as retail and commercial properties on San Pablo Avenue. The 1911 storefront commercial building (EDS-08) and 1926 storefront commercial building (EDS-11) also remain associated with Storefront Commercial Architecture and Classical Revival design. Therefore, the 1911 storefront commercial building (EDS-08) and 1926 storefront commercial building (EDS-11) retain integrity of association.

An assessment of integrity found that the 1911 storefront commercial building (EDS-08) and 1926 storefront commercial building (EDS-11) retain all seven aspects of integrity. Since the 1911 storefront commercial building (EDS-08) and 1926 storefront commercial building (EDS-11) were found to meet Criterion C and retain integrity, they are considered to be historic properties for the purpose of Section 106 of the NHPA; therefore, in compliance with Section 106, an assessment of effects was completed in the section below.

LANDMARKS PRESERVATION COMMISSION

STAFF REPORT

FOR COMMISSION ACTION
DECEMBER 5, 2024

2500-2512 San Pablo Avenue/1094-1098 Dwight Way – Union Investment Company Building No.1

Landmark application #LMIN2024-0004 for the consideration of City Landmark or Structure of Merit designation status for a commercial building constructed in 1912 (APN: 054-1780-004-02)

I. Application Basics

A. Land Use Designations: West Berkeley Commercial (C-W)

B. CEQA Determination: Categorically exempt from further environmental review pursuant to CEQA Guidelines Section 15061.(b)(3) for Review Exemptions.

C. Parties Involved

- **Initiated by:** Landmarks Preservation Commission
- **Application Authors:** Commissioners Charles Enchill & Susan Orbuch
- **Property Owner:** West Berkeley Center Partners LLC
  c/o Hal Brandel
  1933 Francisco Street
  Berkeley, CA 94709

D. Staff Recommendation: Hold a public hearing; consider favorable action.

Figure 1: Vicinity Map – highlighting nearby City Landmarks and Structures of Merit

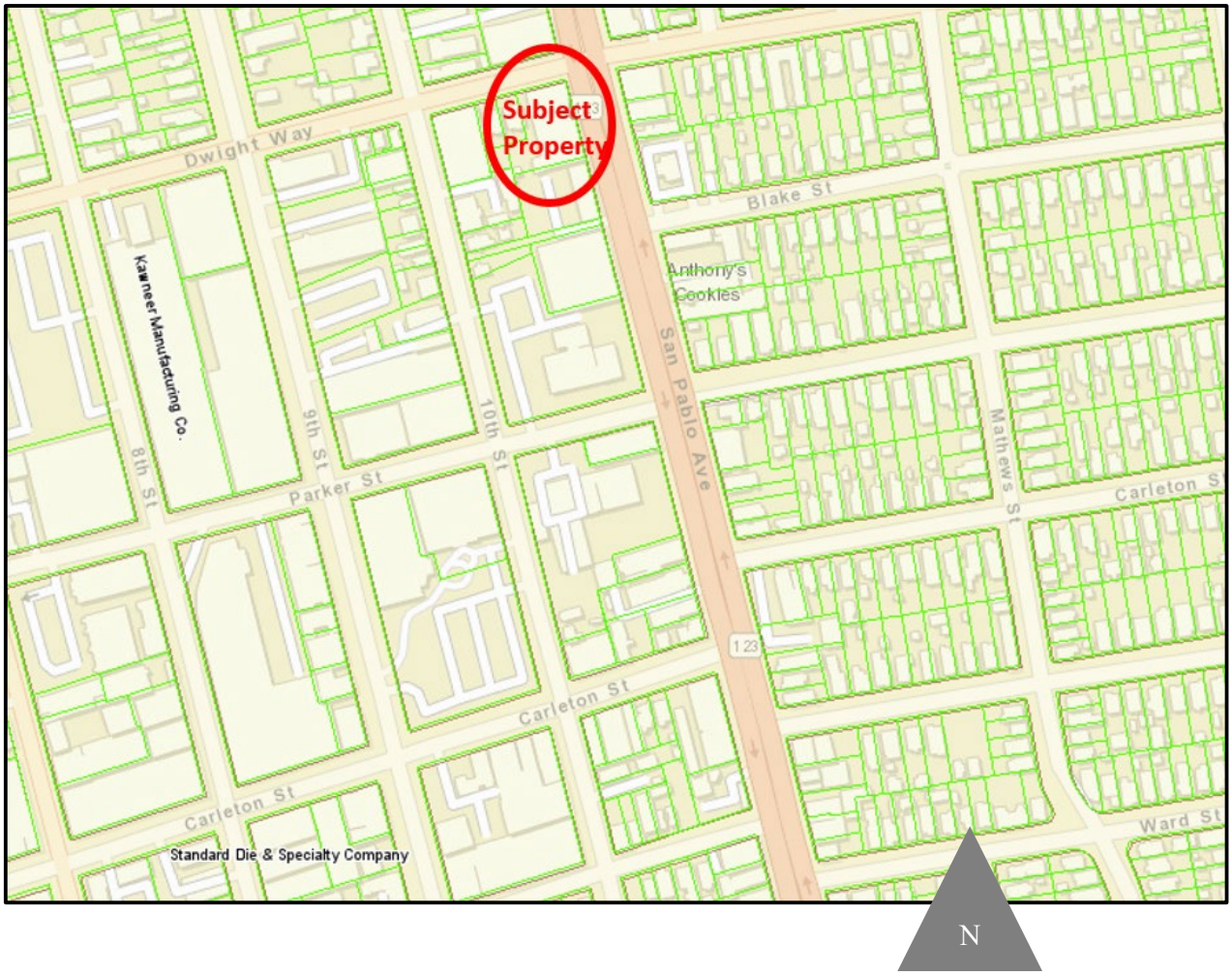
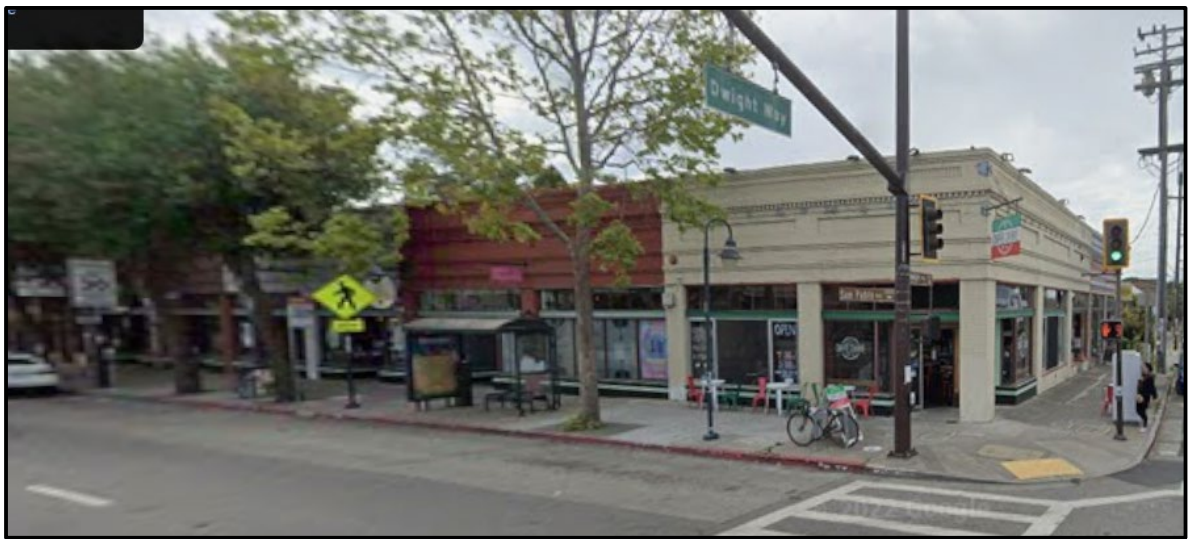


Figure 2: Subject Building – Site Conditions circa 1960 (Berkeley Architectural Heritage Association)



Figure 3: Subject Building – Site Conditions, 2018 (Google)



II. Application Chronology

At their meeting on March 4, 2021, the Landmarks Preservation Commission received a historical research and evaluation study for several properties in the area of a proposed housing development at 2527 San Pablo Avenue. This study was completed by Evans & De Shazo, Inc. in accordance with Section 106 of the National Preservation Act and concluded that two of the structures within the project's Area of Potential Effect were eligible for National Register consideration owing to their architectural design; see Table 1.

Table 1. Partial Results of 2021 Historic Resource Evaluation by Evans De Shazo

Property		Findings	
2500-2512 San Pablo	"1912 Storefront Commercial"	National Register Eligible	Criterion 3 for Design
2530 San Pablo	"1926 Storefront Commercial"		

On April 1, 2021, the Commission added these properties to their List of Potential Initiations. On September 5, 2024, the Commission received a Landmark application for the property at 2500-2512 San Pablo Avenue; see Attachment 2 of this report. The application is based on the previous Section 106 study as well as additional research conducted by Commissioners Enchill and Orbuch. In accordance with Berkeley Municipal Code (BMC) Section 3.24.120 for Initiation Procedures, the Commission voted unanimously to initiate Landmark or Structure of Merit designation consideration for the property. Vote: 7-0-0-1; Yes: Enchill, Finacom, Leuschner, Montgomery, Orbuch, Plese, Schwartz; No: none; Abstain: none; Absent: Crandall.

On September 11, 2024, staff mailed a correspondence informing the property owner of the initiation and anticipated public hearing at tonight's meeting.

On October 7, 2024, the Commission opened the hearing on this matter. Upon the advice of staff and a request from the property owner's representative, the Commission did not deliberate and continued the hearing instead. This continuance allowed additional time for the property owner to prepare as well as for City staff to address potential or perceived errors in the notices for the October 7, 2024 hearing and the agenda posting for the September 5, 2024 meeting when the Commission initiated their consideration.

A revised and updated Landmark application was submitted on November 6, 2024, and is presented as Attachment 2 of this report. The revised application corrects dates and other information cited in the original application based on further research from the archives of the Berkeley Architectural Heritage Association.

On or just before November 25, 2024, staff mailed and posted advance notice of tonight's hearing as required under BMC Section 3.24.140 for Public Hearing Notice Requirements.

While this application has been under review, staff has received inquiries about the previous public hearing notices and meeting agenda as stated above. The City has received no other correspondences or statements of objection to this request for designation as a City Landmark or Structure of Merit.

III. Historical Resource Status

The Union Investment Company Building No.1 at 2500-2512 San Pablo Avenue is not currently listed on the National Register of Historic Places, the California Register of Historical Resources, or the State Historic Resource Inventory. The nearest City Landmark property is located three blocks west of this site at 2547 Eighth Street, the Kawneer Manufacturing Company. The City Landmark Standard Die & Specialty Company site at 2701 Eighth Street is within five blocks southeast of the subject property. See Figure 1, above.

IV. Property Description

The following description is brief and derives from the information contained in the Landmark application, previous evaluation by Evans & De Shazo, City land use and building permit records, Berkeley Architectural Heritage Association (BAHA) archives, and visual observation.

Parcel Description. The subject property is a corner lot on the southwest quadrant of the intersection of San Pablo Avenue (CA HWY 123) and Dwight Way. It has a gentle slope downward from the east at San Pablo Avenue toward the west. The parcel is approximately 17,000 sq. ft. in total area, with approximately 113 feet of street frontage on Dwight Way and approximately 150 feet of frontage along San Pablo Avenue. Though largely covered by the subject building, a small portion of the site along its eastern property line is undeveloped, paved with asphalt, and provides a service alley for the building with vehicle access from Dwight Way. The main building is a multi-tenant commercial building and there are several addresses assigned to this property:

San Pablo Avenue	Dwight Way
2500	1094
2504	1094A
2506	1096
2508	1098
2512	

Building Description. The Union Investment Company Building No.1 is a one-part commercial building reflecting the early twentieth century style of commercial development. It is a single story, re-enforced masonry building with a flat roof situated immediately adjacent to the street with no setback from Dwight Way on the north nor San Pablo Avenue on the east. The street-facing north and east facades feature many classical architectural design details such as pilasters and an entablature that is complete with a decorative belt course and cornice at the parapet. A row of evenly-spaced retrofit bolts is visible within the frieze.

The Dwight Way and San Pablo Avenue building elevations are divided into a total of 13 storefront bays, each with large display windows and a row of transom windows. The Dwight Way storefronts feature their original masonry bulkheads, while those on San Pablo are clad with ceramic tiles. Six of the 13 storefronts have recessed entries that are arranged at splayed angles while one has a shallow, nearly flush entry door. The corner bays share a canted void entry. The building has been painted using color to emphasize and distinguish between the commercial occupants. There are currently seven tenant spaces within the building, and one is vacant.

The building is reported to be in good condition. More detailed building descriptions and photographs are provided in the Landmark Application; see Attachment 2.

Brief Property History. According to City records, the building was completed in 1912 under building permit #2407 that was issued to Union Investment Company. It was likely the company's first such enterprise in Berkeley and, therefore, has been dubbed Union Investment Company Building No.1. Additions at the rear of the building, alterations to the building plan, and changes to the interior demising walls have occurred since original construction. Along the primary facades, the storefronts have been replaced, with records confirming that the most recent improvements were completed in 2007. In 1994 and 2007, the structure received seismic retrofits.

Beyond the Union Investment Company, neither the Landmark application nor the previous evaluation document the ownership history for this site. The earliest known commercial uses were a dry goods retailer listed in a 1915 directory and a bakery that advertised in a local Swedish-language newspaper in 1923. Various other retail, restaurant, personal household service and entertainment tenants have occupied the building, and the information available in City records and the BAHA archive is summarized in Table 2, below.

Table 2. Available Tenant & Occupancy Information for Union Investment Company Building No.1

<table>
<tr><th></th><th colspan="5">San Pablo Avenue</th><th colspan="3">Dwight Way</th></tr>
<tr><th></th><th>2500</th><th>2504</th><th>2506</th><th>2510</th><th>2512</th><th>1094</th><th>1096</th><th>1098</th></tr>
<tr><td>1950s*</td><td colspan="2">Furniture sales</td><td rowspan="2">Office</td><td colspan="2" rowspan="2">Swedish Bakery

Established as early as 1923</td><td rowspan="3">Barber Shop</td><td rowspan="3">Office</td><td>Not confirmed</td></tr>
<tr><td></td><td colspan="2">Household Goods Sales</td><td rowspan="4">Upholstery</td></tr>
<tr><td>1960s</td><td rowspan="5">Live Entertainment

Night Club</td><td>Not confirmed</td><td rowspan="4">Church ?</td></tr>
<tr><td>1970s</td><td>Woodworking Shop</td><td rowspan="3">Poolhall Shoeshine</td><td rowspan="3">Thrift Shop</td></tr>
<tr><td></td><td>Swimming Pool Supplies</td></tr>
<tr><td>1980s</td><td>Fitness Gym

Sportswear (retail)</td><td rowspan="3">Secretary Service</td></tr>
<tr><td>1990s</td><td rowspan="2">Good Vibrations (retail)</td><td rowspan="3">Retail Sales</td><td rowspan="2">Brick Hut Cafe</td><td rowspan="2">Café Tallulah</td><td colspan="2" rowspan="2">Food Prep</td></tr>
<tr><td>Antique Sales</td></tr>
<tr><td>2000s</td><td>Café Trieste</td><td>Sea Salt Restaurant</td><td colspan="2">Sewing Studio</td><td rowspan="2">Tattoo Studio</td></tr>
<tr><td colspan="5"></td><td colspan="2">Restaurant</td></tr>
</table>

** No City permit records prior to 1951 are available.*

The information in Table 2 is not definitive or exhaustive. As the result of internal reconfigurations, the tenant spaces and precise addresses within the Union Investment Company Building changed during the study period and this information is provided as a general reference only.

V. Analysis and Evaluation

The analysis section of this report will refer to the research and information provided in the Landmarks application, City land use and building permit records, and the BAHA archives. This section analyzes the extent to which the property appears to meet significance criteria set forth in the Landmarks Preservation Ordinance, BMC Chapter 3.

Historic Context[1]. Given its period of construction, property type and location along a commercial corridor, the subject property is most closely linked to the historic theme of economic development during the early twentieth century. Additionally, the Landmark application authors have studied the property's connections to East Bay music venues during a later period. For the purpose of this evaluation, staff has considered the property's historical associations with economic development and arts and entertainment.

Landmarks Preservation Ordinance (LPO) Significance Criteria. When it designates a property as a Landmark, Historic District, or Structure of Merit, the Commission must find that the property meets one or more of the required criteria codified in the LPO, BMC Section 3.24.110. These criteria are relatively specific and appear to align with California Register and National Register criteria. The significance criteria for a Structure of Merit are broader than those for Landmarks status, and include properties that qualify individually as good examples of architectural design, or that qualify as contributors to the context of a larger streetscape or area.

LPO Landmark criteria. The research presented in the Landmark application provides evidence of the Union Investment Company Building's associations and potential historical significance in relation to the BMC designation criteria for *architectural merit* and *cultural value*. For brevity, only these criteria are discussed and none of the other BMC criteria are addressed in this report where no argument for or relevant evidence is presented.

- **BMC Section 3.24.110.A.(1)(b) – *Architectural Merit as Outstanding Exemplar***
  Staff concurs with the Landmark application authors and the previous evaluators when they conclude that the subject building exhibits architectural merit as a worthy example of early twentieth century commercial architectural design. It reflects the type of development commonly found along a main street or within a town center during this era. More specifically, this one-part commercial building possesses many of the character-defining features of the Neo-Classical style, which was popular between 1895 and 1940, and both its vintage and style are readily identifiable. It retains its original form, masonry construction and materials, one-story massing and horizontal orientation as well as its symmetry, pattern of openings (storefront bays, fenestration and entrances), classical decorative details and storefront arrangements.

  Alterations to some of the storefronts have replaced framing and bulkheads, but have retained the design and arrangement of the storefronts such that they resemble their historical period and style. The building possesses integrity through retention of its architectural design, feeling, materials, workmanship, location and association with commercial activity from the first decades of the twentieth century.

[1] National Register Bulletin #15, Item V: *How to Evaluate a Property within its Historic Context* (2002); National Register Bulletin #16A, Section III: *How to Complete the National Register Registration – Period of Significance* (1997).

Owing to its exemplar status and historical integrity, the Union Investment Company Building No.1 warrants consideration as a City Landmark. If the Commission agrees, then favorable action should be taken at this meeting, and staff has prepared draft findings for the LPC's consideration. See Attachment 1 of this report.

- **BMC Section 3.24.110.A.(1)(c) – *Architectural Merit as Part of a Neighborhood Fabric***
  The subject building also exhibits architectural merit as a part of the neighborhood fabric along San Pablo Avenue. Located at the intersection of a major thoroughfare and a well-traveled arterial street, this highly-visible property serves as a focal point and defines both the built context and aesthetic identity of San Pablo Avenue and West Berkeley. It represents early twentieth century commercial development and matches the scale and design of the abutting buildings that are also from this era and located at 2518 and 2530 San Pablo Avenue. This extant concentration of one-part Neoclassical buildings forms an unbroken pattern of period-defining structures. The subject building is an essential part of this grouping and, therefore, would satisfy the designation criterion for City Landmark for its part in this contextual framework.

- **BMC Section 3.24.110.A.(2) – *Cultural Value***
  The subject property is associated with the East Bay Music Row during a period of time that spanned the decades of the 1960s and 1970s. According to the Landmark application authors' research, Music Row was the name given to an active night club scene in Berkeley and the surrounding area that featured live performances by rock, folk and experimental musicians. The corner tenant space of the Union Investment Company Building (2500 San Pablo Avenue) was a bar that hosted these activities and was operated by a series of proprietors during the height of this cultural phenomenon. The subject property did not appear to have played an influential role in furthering this artistic movement, but it had a functional role as a host and, therefore, has an association with the historical theme of arts and entertainment.

  The Commission should discuss whether this association with Music Row is historically significant and meets the BMC designation criterion for cultural significance: "*structures, sites and areas associated with the movement or evolution of religious, cultural, governmental, social and economic developments of the City* [BMC Section 3.324.110.A.2]."

LPO Structure of Merit criteria. As discussed above, staff believes the subject property could meet multiple criteria for designation as a City Landmark. However, if the Commission concludes that it does not (in whole or in part), then the Commission may consider the extent to which it meets the criteria for designation as a Structure of Merit, in accordance with BMC Section 3.24.110.B.

The subject building is an extant example of Neoclassical commercial architecture of the early twentieth century that retains substantial design integrity. It is located immediately adjacent to two other buildings of this era and the grouping represents a formative period of Berkeley's commercial development through their physical appearance. As such, the Union Investment Company Building No.1 would meet both of the following Structure of Merit criteria:

- **BMC Section 3.24.110.B.2.c** – "*The structure is a good example of architectural design*."

- **BMC Section 3.24.110.B.2.d** – "*The structure has historical significance to the City and/or the structure's neighborhood, block, street frontage, or group of buildings*."

No draft findings for approval as a Structure of Merit are provided with this report; however, the Commission can direct staff to prepare such findings if needed to support action under these provisions.

VI. Recommendation

Staff recommends that the Commission consider the extent to which this property meets the criteria for City Landmark or Structure of Merit designation pursuant to BMC Section 3.24.110 and then take favorable action.

Attachments:

1. **Draft Findings for Designation Approval**

2. **Revised and Updated Landmark Application** for 2500-2512 San Pablo Avenue; received November 6, 2024.

Prepared by: Fatema Crane, Principal Planner/LPC Secretary; fcrane@berkeleyca.gov, (510) 981-7410

ATTACHMENT 1

DRAFT FINDINGS FOR DESIGNATION

OCTOBER 7, 2024

2500-2512 San Pablo Avenue – Union Investment Company Building No.1

Landmark application #LMIN2024-004 for the consideration of City Landmark or Structure of Merit designation status for a commercial building completed in 1912 (APN: 054-1780-004-02)

PROJECT DESCRIPTION

City Landmark designation of the property at 2500-2512 San Pablo Avenue

CEQA FINDINGS

1. The project is found to be exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq.) pursuant to Section 15061.b.3 of the CEQA Guidelines (activities that can be seen with certainty to have no significant effect on the environment).

LANDMARK PRESERVATION ORIDNANCE FINDINGS

2. Pursuant to Berkeley Municipal Code (BMC) Section 3.24.110.A.1.(b) of the Landmarks Preservation Ordinance (LPO), the Landmarks Preservation Commission of the City of Berkeley (Commission) finds that the Union Investment Company Building No. 1 exhibits significance and meets the architectural merit criterion as an embodiment of early twentieth century commercial development and an exemplar of the Neoclassical architectural style from this period. The building retains integrity of its design, materials, workmanship, location and feeling. Its character-defining design features include: one-part commercial design, single-story massing and horizontal orientation; masonry construction and brick and stonemasonry façade materials; classical architectural design, symmetrical pattern of openings, and decorative details that feature pilasters and an entablature with a beltcourse embellished with a triglyph and dentil string, and a cornice at the wall parapet; and storefronts designed with recessed and splayed entrances, transom windows and large display windows.

3. Pursuant to BMC Section 3.24.110.A.1.(c), the Commission finds that the subject property also exhibits architectural merit as part of the West Berkeley neighborhood fabric that is distinctively represented in the concentration of one-part masonry commercial buildings designed in the Neoclassical style that are extant on the west side of the 2500-block of San Pablo Avenue. The subject building is contemporary with the abutting buildings to the south at 2518 and 2530 San Pablo Avenue, and these buildings feature similar architectural designs and building materials. They form a continuous street frontage of period structures that evoke a formative era of Berkeley's historical and economic development through their physical appearance.

4. Pursuant to BMC Section 3.24.110.A.2, the Commission further finds that the property exhibits significance through its direct association with the East Bay Music Run, which existed along San Pablo Avenue during the 1960s and 1970s. The corner tenant space of the Union Investment Company Building saw a series of night club proprietors, beginning with the Cabale and including the original Long Branch Saloon, which became destinations for revered rock and folk performers and their fans. By hosting venues for live entertainment in this period, the subject property played a functional role in furthering a cultural movement that flourished in clubs and bars of Berkeley and the surrounding area.

FEATURES TO BE PRESERVED

This designation shall apply to the subject property and the following distinguishing features of the main building shall be preserved, and missing features shall be restored to the extent possible:

- Location at the northwest corner of San Pablo Avenue and Dwight Way.
- One-story massing and horizontal orientation with a modified rectangular footprint.
- The primary façade (east elevation) on San Pablo Avenue, and a second primary façade (north elevation) on Dwight Way, designed in a Neoclassical Revival architectural style and constructed of brick masonry.
- One-part commercial building façade composition consisting of bulkheads, recessed storefronts, clerestory window course, and upper façade consisting of an elongated entablature and parapet wall, clad in brick laid out in a running bond pattern.
- Thirteen storefronts bays--eight along San Pablo Avenue and five along Dwight Way. Six of these storefronts include a canted corner storefront along the primary façade on San Pablo Avenue (2500, 2504, 2506, 2508, 2510, and 2512), and ~~three~~ five storefront bays along the secondary primary façade on Dwight Way (1094, 1096, and 1098) along with pilasters separating each of the storefronts.
- Glazed and wood-framed front recessed entries and wood-framed, single and double-doors flanked by display windows set on knee walls and topped with fixed and hopper transom wood windows included in each of the nine storefronts.
- Knee walls that are clad in tile and two that are clad in brick included in seven of the storefronts.
- A Classical Revival entablature located on the upper façade located above the transom windows along each storefront, consisting of a stone masonry beltcourse, row of dentils, frieze boards with decorative triglyph, and molded cornices.
- The parapet wall above the storefronts along the north and west elevations clad in brick with decorative masonry elements.
- Rear elevation partially visible from Dwight Way along the northwest corner of the building consists of a brick wall.
- The eight storefronts that are symmetrical and retain a majority of their original materials and design shall be preserved and the canted storefront that appears to have changed in the sidelights that flank the wood and glazed single-entry door, which are currently glazed sidelights framed in aluminum frames, should be preserved and restored to the extent possible.

City of Berkeley
Ordinance #44694 N.S.
LANDMARK APPLICATION
Union Investment Company Building #1
2510 San Pablo Ave (2500, 2504, 2506, 2508, 2510, 2512 San Pablo Ave & 1094, 1096 & 1098 Dwight Way)



Land Use Planning
Received
November 6, 2024





City of Berkeley
Ordinance #44694 N.S.
LANDMARK APPLICATION

1. **Street Address:** 2510 San Pablo Ave (consisting of 2500, 2504, 2506, 2508, 2510,2512 San Pablo Ave and 1094, 1096 and 1098 Dwight Way)

   County: Alameda

   Zip: 94702

2. **Assessor's Parcel Number:** 054-1780-4-2
   Block and Lot: Block 1780 and Lot 4-2,
   Tract: Ranchos of Vicente and Domingo Peralta (Plot 60), Subdivisions of the Lands of T. and E. Hardwick (Bk6 pg 157)

   Dimensions: Irregular-shaped lot 38.50 x 89 x 96.50 (Dwight Way) x 151.80 (San Pablo Avenue) x 135.05 x 62.80

   Cross Streets: southwest corner of Dwight Way and San Pablo Avenue

3. **Is the property on the State Historic Resource Inventory?**
   Form# No. Property found to be significant through Section 106 process of the National Historic Preservation Act (NHPA) and associated Historic Resource Evaluation for the Proposed Blake Apartments Project at 2527 San Pablo Avenue by Evans & De Shazo, Inc. (EDS).

   Is the property on the Berkeley Urban Conservation Survey?
   Form# 15763 (no information on the form)

4. **Application for Landmark Includes:**
   a. Building: X Garden: Other Features:
   b. Landscape or Open Space: Natural Designed Other
   c. Historic Site X
   d. District:
   e. Other: Entire Property

5. **Historic Name:** Union Investment Company Building No. 1
   Commonly Known Name: Cafe Trieste Building (previously long-standing tenant)

6. **Date Of Construction:**
   a. Factual: 1912 b. Approximate:
   Source; HRE citation is 1907. Building permit citation 1911

7. Architect: Unknown

8. Builder: Unknown

9. Style: Commercial storefront building with elements of Classical Revival architectural design.

10. Original Owners: First Owner: Union Investment Company (per 1911 Building Permit) followed by Davidson, J.H. and Davidson B in the 1930's per building permits
Original Use: Various Commercial Tenants

11. **Present Owners:** Harold Brandel and Phillip D Wood Residents & Owners of 2510 San Pablo Ave, Berkeley, CA 94702

12. **Present Use:** Commercial - various

- 1094 Dwight Way - Anchalee Thai Cuisine
- 2500 San Pablo Ave - Caffe Chiave - Cafe
- 2504 - Good Vibrations - Adult Toys Store, Health and Wellness
- 2506 Lhasa Karnak - Herb Company
- 2508 Page Street Cowork Space for Writers (aka Litcamp)
- 2510-12 Vacant – most recently Longbranch Saloon

Current Zoning:C-W, West Berkeley Commercial
Adjacent Property Zoning: C-W, West Berkeley Commercial

13. Present Condition of Property

Exterior: Excellent Good Fair Poor
Interior: Excellent Good Fair Poor (Various depending on tenant)
Grounds: Excellent Good Fair Poor (N/A)

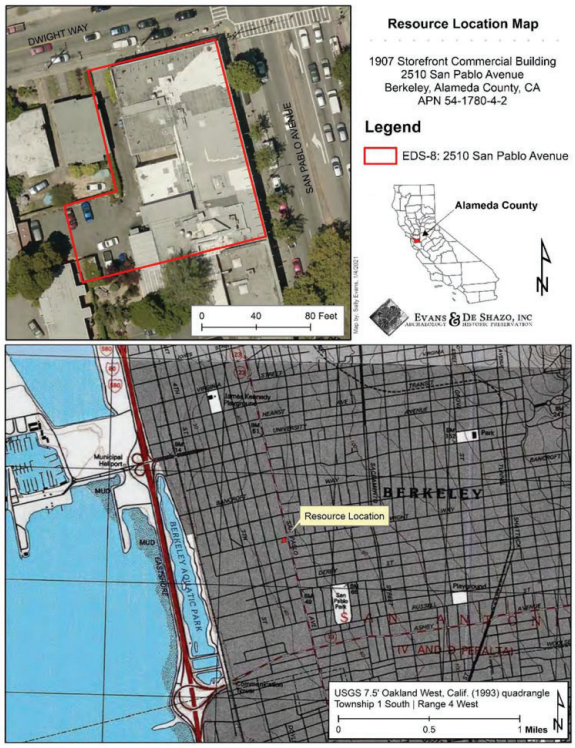
Has the property's exterior been altered? Not significantly. There are some additions to the rear of the property

14. Description: Union Investment Company Building #1 (2500-2512 San Pablo Avenue and 1094, 1096 and 1098 Dwight Way) is located on the west side of San Pablo Avenue at Dwight Way and is, "an excellent example of Storefront Commercial Architecture and Classical Revival architectural style during Berkeley's commercial development in the early decades of the 20th century. The extant building was constructed in 1907 (11) and retains many of its character-defining features, including: A formal symmetrical storefront, glazed and wood-framed front recessed entries, wood-framed single and double-doors flanked by display windows set on knee walls and topped with fixed and hopper transom wood windows. Character definition elements of Classical Revival design includes the brick masonry, which is laid out in a running

bond pattern, a stone masonry beltcourse, a dentil, frieze boards with decorative triglyph, molded cornices, and pilasters, horizontal massing; symmetrical façade; classical architectural forms and arrangements." (from page 5 of 7 2510 San Pablo Avenue HRE) An assessment of integrity found that the 1907 storefront commercial building retains all seven aspects of integrity, which is detailed within the associated Historic Resource Evaluation "HRE" report.[1]

(page 6 of 7) "The building is in fair condition and retains integrity of design, materials and workmanship." All the storefronts are present, with most occupied and some more recently closed. These include Caffe Chiave (formerly Cafe Trieste) since 2004, Good Vibrations, an adult toy and wellness store, since 2014 Lhasa Karnak, a Berkeley based Herb Company that originally opened on Earth Day 1970 and has been in several Berkeley locations since, The non-profit Page Street Cowork Space for Writers (aka Litcamp) and the recently closed Longbranch Saloon Restaurant, named after the historic Berkeley music club of the same name which was located in the same building at 2500 and 2504 San Pablo Ave
from 1971-1976.

***Map Name:** USGS 7.5' Oakland West Quadrangle ***Scale:** 1:24,000 ***Date of map:** 1993



[1] 1 Stacey De Shazo, Historic Resource Evaluation for the Proposed Blake Apartments Project at 2527 San Pablo Avenue, Berkeley, Alameda County, California, Evans & De Shazo, Inc., 2021.



Photo showing the series of storefronts along the east elevation facing north



Photo showing the series of storefronts along the north elevation facing south



East elevation (primary facade) of the 1907 storefront commercial building, facing northwest.





Entryway at corner of San Pablo and Dwight Way



1.Tile entryway detail 2510 SPA



2.View looking North along SPA



3. Brick masonry detail SPA



Corner of Dwight and San Pablo Ave



San Pablo Ave frontage looking South

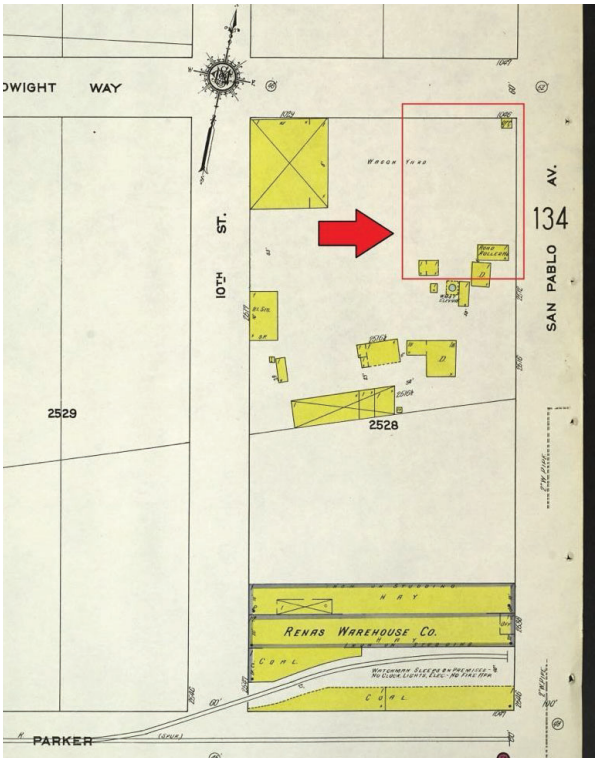


2506 San Pablo Ave



2504 San Pablo Ave

This Sanborn maps provides more history of the building and its block.





1931 aerial photograph showing 1907 building. Current lot in red outline (U.C. Santa Barbara).



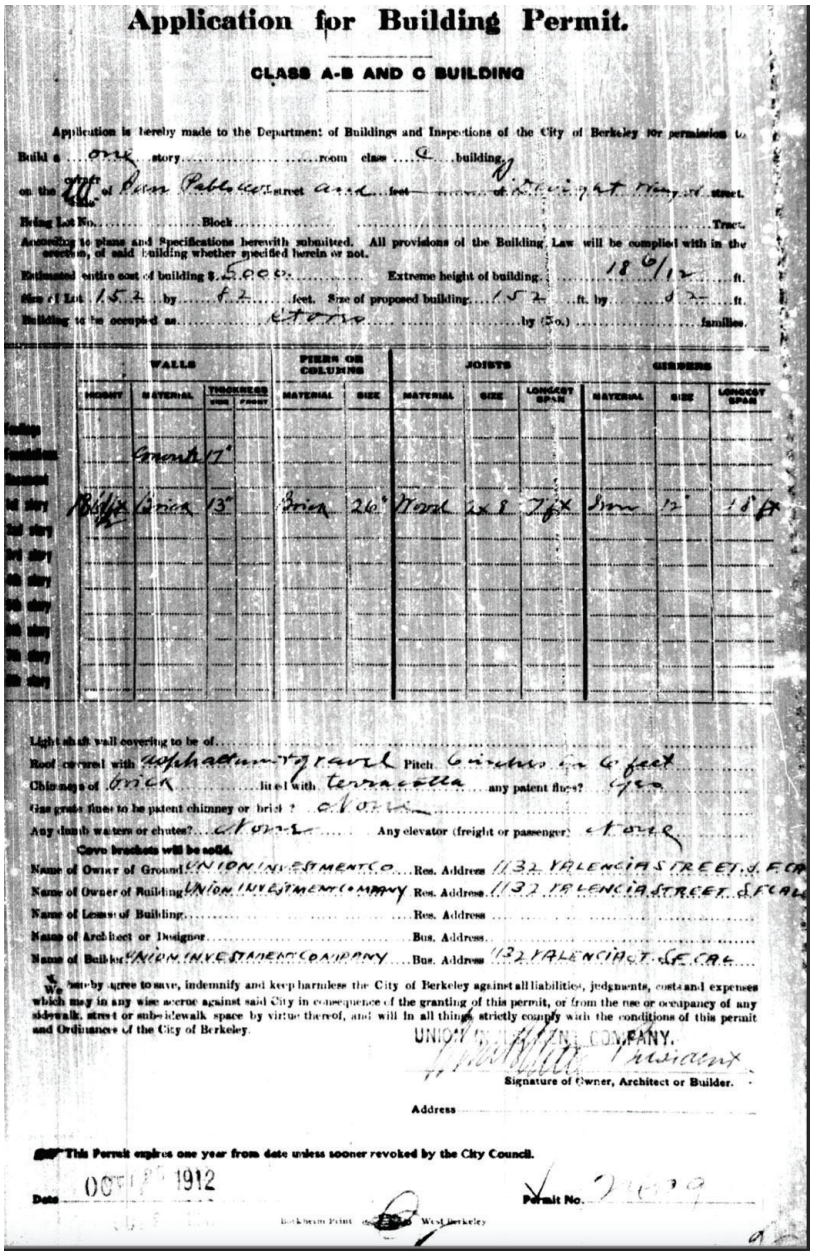
Contemporary View - August 2024, credit: Charles Enchill



Rear of 2500 San Pablo Ave looking south from Dwight Way. Credit: Susan Orbuch August 2024

The earliest building permit is dated on October 25, 1912. The Owner was the Union Investment Company of 1132 Valencia Street, San Francisco, which according to subsequent

building permit applications for the building, relocated its offices five blocks to the north at 2016 San Pablo Avenue by March, 1915.



Application for Building Permit.

CLASS A-B AND C BUILDING

Application is hereby made to the Department of Buildings and Inspections of the City of Berkeley for permission to

Build a one story room class C building,

on the W. side of San Pablo Ave. street and 132 feet N. of Virginia street,

Being Lot No. Block Tract.

According to plans and Specifications herewith submitted. All provisions of the Building Law will be complied with in the erection, of said building whether specified herein or not.

Estimated entire cost of building $ 5,000.00 Extreme height of building 18 6/12 ft.

Size of Lot 152 by 62 feet. Size of proposed building 152 ft. by 62 ft.

Building to be occupied as Store (No.) families.

WALLS				PIERS OR COLUMNS		JOISTS			GIRDERS		
HEIGHT	MATERIAL	THICKNESS Wide	THICKNESS Front	MATERIAL	SIZE	MATERIAL	SIZE	LONGEST SPAN	MATERIAL	SIZE	LONGEST SPAN
	Concrete	12"									
Bsmt	Brick	13"		Brick	20"	Wood	2x8	7ft	Iron	12"	18ft

Light shaft wall covering to be of

Roof covered with Asphaltum & gravel Pitch 6 inches in 6 feet

Chimneys of Brick lined with terra cotta any patent flues? yes

Gas grate flues to be patent chimney or brick? Brick

Any dumb waiters or chutes? None Any elevator (freight or passenger) None

Cove brackets will be used.

Name of Owner of Ground UNION INVESTMENT CO. Res. Address 1132 VALENCIA STREET, S.F. CAL.

Name of Owner of Building UNION INVESTMENT COMPANY Res. Address 1132 VALENCIA STREET, S.F. CAL.

Name of Lessee of Building Res. Address

Name of Architect or Designer Bus. Address

Name of Builder UNION INVESTMENT COMPANY Bus. Address 1132 VALENCIA ST. S.F. CAL.

We hereby agree to save, indemnify and keep harmless the City of Berkeley against all liabilities, judgments, costs and expenses which may in any wise accrue against said City in consequence of the granting of this permit, or from the use or occupancy of any sidewalk, street or sub-sidewalk space by virtue thereof, and will in all things strictly comply with the conditions of this permit and Ordinances of the City of Berkeley.

UNION INVESTMENT COMPANY.

President

Signature of Owner, Architect or Builder.

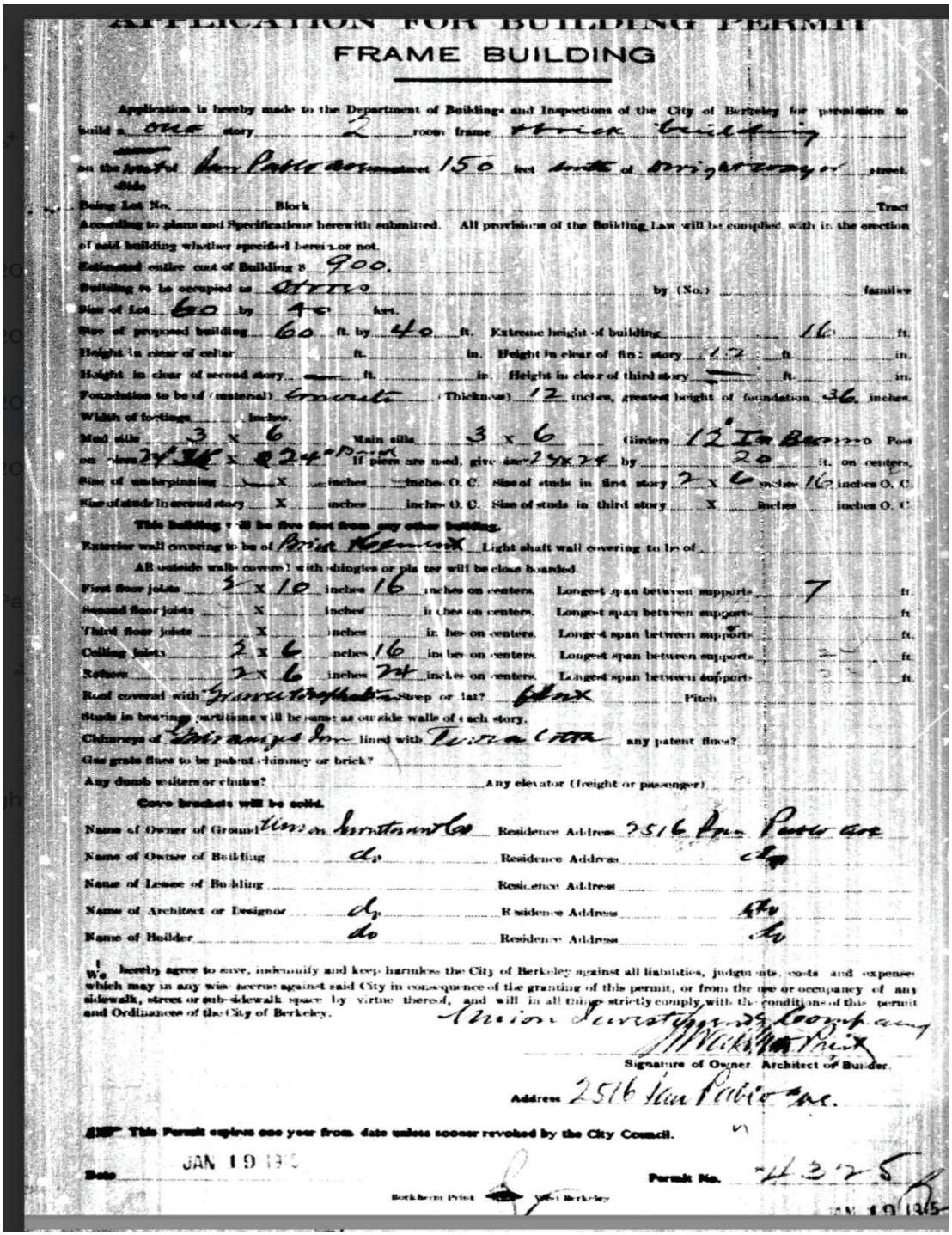
Address

This Permit expires one year from date unless sooner revoked by the City Council.

Date OCT 1912 Permit No. 1079

Blackburn Print West Berkeley

Building Permit Application for the Union Investment Company Bldg #1, BAHA



APPLICATION FOR BUILDING PERMIT

FRAME BUILDING

Application is hereby made to the Department of Buildings and Inspections of the City of Berkeley for permission to build a one story 2 room frame Store building

on the West side San Pablo Ave. measured 150 feet South of Dwight Way street.

Being Lot No. _____ Block _____ Tract _____

According to plans and Specifications herewith submitted. All provisions of the Building Law will be complied with in the erection of said building whether specified herein or not.

Estimated entire cost of Building $ 900.

Building to be occupied as Office by (No.) _____ families

Size of Lot 60 by 40 feet.

Size of proposed building 60 ft. by 40 ft. Extreme height of building 16 ft.

Height in clear of cellar _____ ft. _____ in. Height in clear of 1st story 12 ft. _____ in.

Height in clear of second story _____ ft. _____ in. Height in clear of third story _____ ft. _____ in.

Foundation to be of (material) Concrete (Thickness) 12 inches, greatest height of foundation 36 inches.

Width of footings _____ inches.

Mud sills 3 x 6 Main sills 3 x 6 (Girders 12" I Beams) Posts on piers 24" x 24" Brick If piers are used, give size 24 x 24 by 20 ft. on centers.

Size of underpinning _____ X _____ inches _____ inches O. C. Size of studs in first story 2 X 6 inches 16 inches O. C.

Size of studs in second story _____ X _____ inches _____ inches O. C. Size of studs in third story _____ X _____ inches _____ inches O. C.

This building will be five feet from any other building.

Exterior wall covering to be of Print Redwood X Light shaft wall covering to be of _____

All outside walls covered with shingles or plaster will be close boarded.

First floor joists 2 x 10 inches 16 inches on centers. Longest span between supports 7 ft.

Second floor joists _____ X _____ inches _____ inches on centers. Longest span between supports _____ ft.

Third floor joists _____ X _____ inches _____ inches on centers. Longest span between supports _____ ft.

Ceiling joists 2 X 6 inches 16 inches on centers. Longest span between supports _____ ft.

Rafters 2 x 6 inches 24 inches on centers. Longest span between supports _____ ft.

Roof covered with Gravel Asphalt Steep or flat? flat X Pitch _____

Studs in bearing partitions will be same as outside walls of each story.

Chimneys of Brick lined with Terra Cotta any patent flues? _____

Gas grate flues to be patent chimney or brick? _____

Any dumb waiters or chutes? _____ Any elevator (freight or passenger) _____

Cove brackets will be solid.

Name of Owner of Ground Union Investment Co Residence Address 2516 San Pablo Ave

Name of Owner of Building do Residence Address do

Name of Lessee of Building _____ Residence Address _____

Name of Architect or Designor do Residence Address do

Name of Builder do Residence Address do

I We hereby agree to save, indemnify and keep harmless the City of Berkeley against all liabilities, judgments, costs and expenses which may in any wise accrue against said City in consequence of the granting of this permit, or from the use or occupancy of any sidewalk, street or sub-sidewalk space by virtue thereof, and will in all things strictly comply with the conditions of this permit and Ordinances of the City of Berkeley.

Union Investment Company

William Mix

Signature of Owner Architect or Builder.

Address 2516 San Pablo Ave.

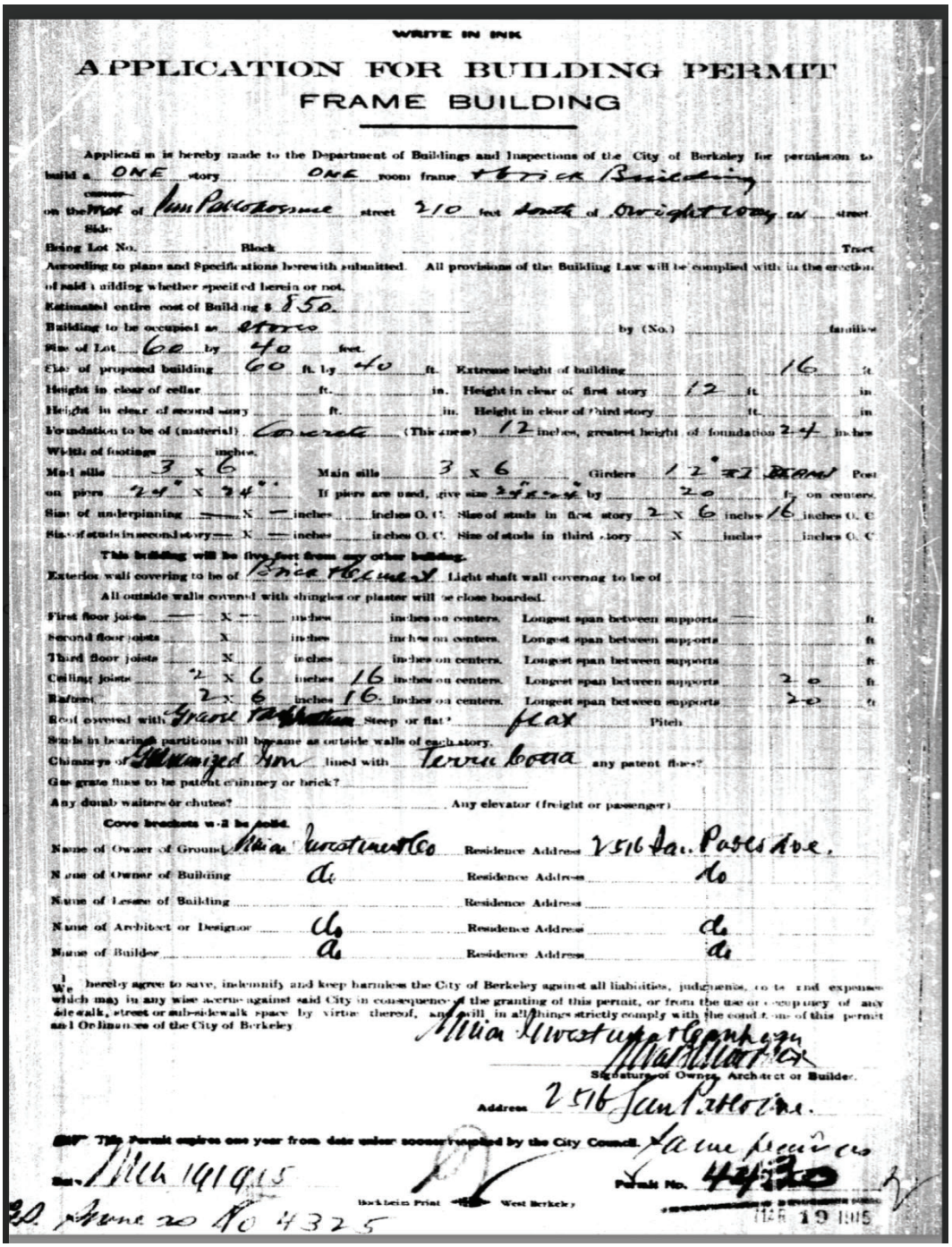
This Permit expires one year from date unless sooner revoked by the City Council.

Date JAN 19 1925 Permit No. 4275

Berkeley Print West Berkeley

JAN 19 1925

Subsequent Building Permit Application for Corner of San Pablo Ave and Dwight Way issued to Union Investment Company- BAHA



WRITE IN INK

APPLICATION FOR BUILDING PERMIT
FRAME BUILDING

Application is hereby made to the Department of Buildings and Inspections of the City of Berkeley for permission to build a ONE story ONE room frame Brick Building

owner

on the West of San Pablo Ave. street 210 feet South of Dwight Way cor. street

Side

Being Lot No. _____ Block _____ Tract

According to plans and Specifications herewith submitted. All provisions of the Building Law will be complied with in the erection of said building whether specified herein or not.

Estimated entire cost of Building $ 850.

Building to be occupied as Store by (No.) _____ families

Size of Lot 60 by 140 feet.

Size of proposed building 60 ft. by 40 ft. Extreme height of building 16 ft.

Height in clear of cellar _____ ft. _____ in. Height in clear of first story 12 ft. _____ in.

Height in clear of second story _____ ft. _____ in. Height in clear of third story _____ ft. _____ in.

Foundation to be of (material) Concrete (Thickness) 12 inches, greatest height of foundation 24 inches

Width of footings _____ inches.

Mud sills 3 x 6 Main sills 3 x 6 Girders 12" I Beams Posts on piers 24" x 24" If piers are used, give size 24"x24" by 20 in. on centers.

Size of underpinning — X — inches _____ inches O. C. Size of studs in first story 2 X 6 inches 16 inches O. C.

Size of studs in second story — X — inches _____ inches O. C. Size of studs in third story _____ X _____ inches _____ inches O. C.

This building will be five feet from any other building.

Exterior wall covering to be of Brick Veneer Light shaft wall covering to be of _____

All outside walls covered with shingles or plaster will be close boarded.

First floor joists	— X —	inches	inches on centers.	Longest span between supports — ft
Second floor joists	— X —	inches	inches on centers.	Longest span between supports — ft
Third floor joists	— X —	inches	inches on centers.	Longest span between supports — ft
Ceiling joists	2 X 6	inches 16	inches on centers.	Longest span between supports 20 ft
Rafters	2 X 6	inches 16	inches on centers.	Longest span between supports 20 ft

Roof covered with Gravel Composition Steep or flat? flat Pitch _____

Studs in bearing partitions will be same as outside walls of each story.

Chimneys of Galvanized Iron lined with Terra Cotta any patent flues?

Gas grate flues to be patent chimney or brick?

Any dumb waiters or chutes? _____ Any elevator (freight or passenger) _____

Cove brackets will be solid.

Name of Owner of Ground Union Investment Co Residence Address 2516 San Pablo Ave.

Name of Owner of Building do Residence Address do

Name of Lessee of Building _____ Residence Address _____

Name of Architect or Designer do Residence Address do

Name of Builder do Residence Address do

I We hereby agree to save, indemnify and keep harmless the City of Berkeley against all liabilities, judgments, costs and expenses which may in any wise accrue against said City in consequence of the granting of this permit, or from the use or occupancy of any sidewalk, street or sub-sidewalk space by virtue thereof, and will in all things strictly comply with the conditions of this permit and Ordinances of the City of Berkeley

Union Investment Co

Signature of Owner, Architect or Builder.

Address 2516 San Pablo Ave.

This Permit expires one year from date unless sooner revoked by the City Council. San Francisco

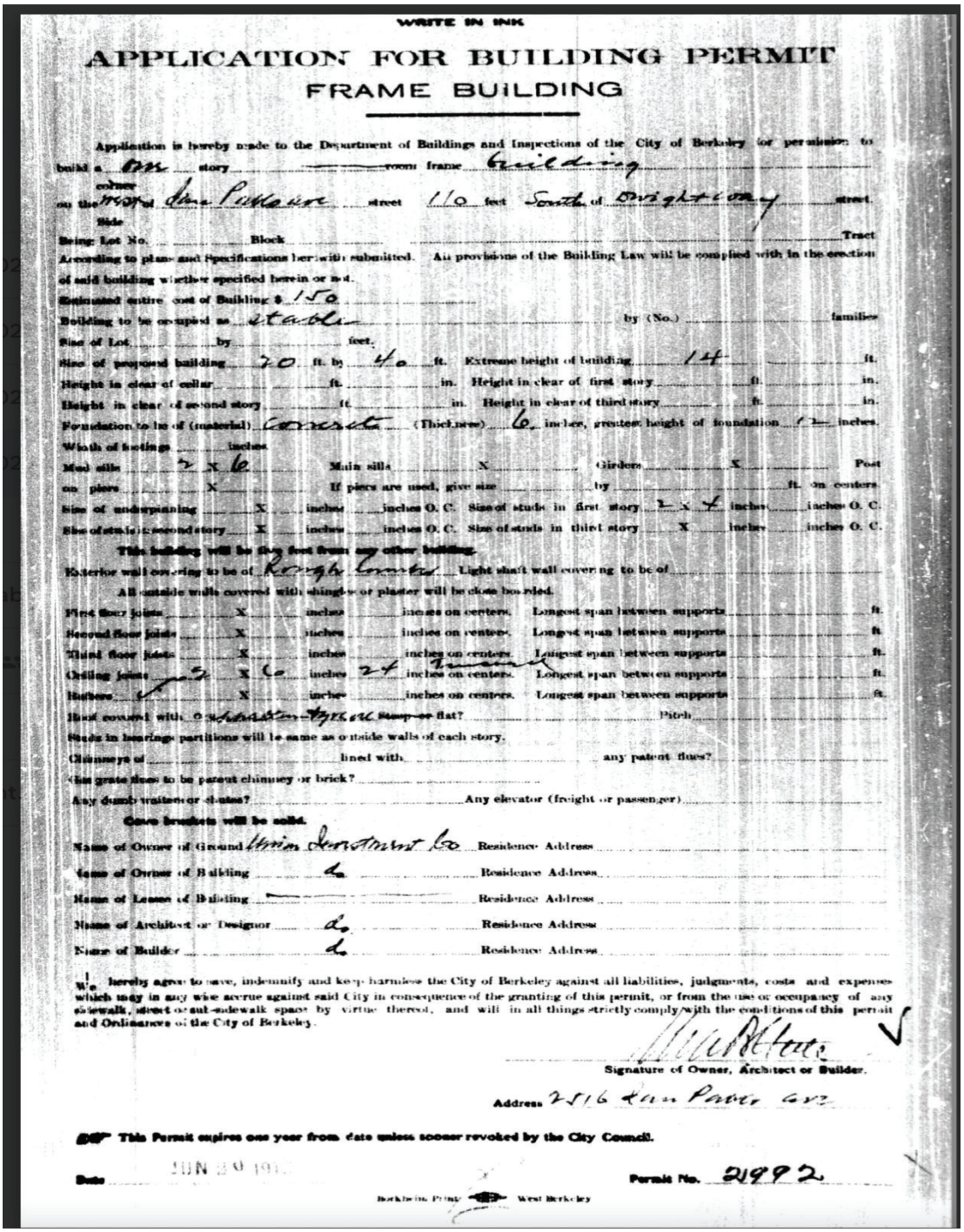
Est. $ Mch 19 1915 Permit No. 4430

Berkeley Print West Berkeley

20 Avenue No 4325

MAR 19 1915

Another Building Permit issued to Union Investment Company on March 19, 1915 - BAHA (Note that this permit references the earlier application number 4325 shown above)



WRITE IN INK

APPLICATION FOR BUILDING PERMIT
FRAME BUILDING

Application is hereby made to the Department of Buildings and Inspections of the City of Berkeley for permission to build a One story ——— room frame Building on the corner West side of San Pablo Ave. street 110 feet South of Dwight Way street.

Being Lot No. ——— Block ——— Tract

According to plans and specifications herewith submitted. All provisions of the Building Law will be complied with in the erection of said building whether specified herein or not.

Estimated entire cost of Building $ 150.

Building to be occupied as Stable by (No.) ——— families

Size of Lot ——— by ——— feet.

Size of proposed building 20 ft. by 40 ft. Extreme height of building 14 ft.

Height in clear of cellar ——— ft. ——— in. Height in clear of first story ——— ft. ——— in.

Height in clear of second story ——— ft. ——— in. Height in clear of third story ——— ft. ——— in.

Foundation to be of (material) Concrete (Thickness) 6 inches, greatest height of foundation 12 inches.

Width of footings ——— inches

Mud sills 2 x 6 Main sills ——— X ——— Girders ——— X ——— Post on piers ——— X ——— If piers are used, give size ——— by ——— ft. on centers

Size of underpinning ——— X ——— inches ——— inches O. C. Size of studs in first story 2 x 4 inches ——— inches O. C.

Size of studs in second story ——— X ——— inches ——— inches O. C. Size of studs in third story ——— X ——— inches ——— inches O. C.

This building will be ——— feet from any other building.

Exterior wall covering to be of Rough boards Light shaft wall covering to be of ———

All outside walls covered with shingles or plaster will be close boarded.

First floor joists ——— X ——— inches ——— inches on centers. Longest span between supports ——— ft.

Second floor joists ——— X ——— inches ——— inches on centers. Longest span between supports ——— ft.

Third floor joists ——— X ——— inches ——— inches on centers. Longest span between supports ——— ft.

Ceiling joists 2 X 6 inches 24 inches on centers. Longest span between supports ——— ft.

Rafters ——— X ——— inches ——— inches on centers. Longest span between supports ——— ft.

Roof covered with Composition Tin or Slate or flat? ——— Pitch ———

Studs in bearing partitions will be same as outside walls of each story.

Chimneys of ——— lined with ——— any patent flues? ———

Gas grate flues to be patent chimney or brick? ———

Any dumb waiters or skuttles? ——— Any elevator (freight or passenger) ———

Cove brackets will be solid.

Name of Owner of Ground Union Investment Co Residence Address ———

Name of Owner of Building do Residence Address ———

Name of Lessee of Building ——— Residence Address ———

Name of Architect or Designer do Residence Address ———

Name of Builder do Residence Address ———

I/We hereby agree to save, indemnify and keep harmless the City of Berkeley against all liabilities, judgments, costs and expenses which may in any wise accrue against said City in consequence of the granting of this permit, or from the use or occupancy of any sidewalk, street or out-sidewalk space by virtue thereof, and will in all things strictly comply with the conditions of this permit and Ordinances of the City of Berkeley.

Signature of Owner, Architect or Builder.

Address 2516 San Pablo Ave

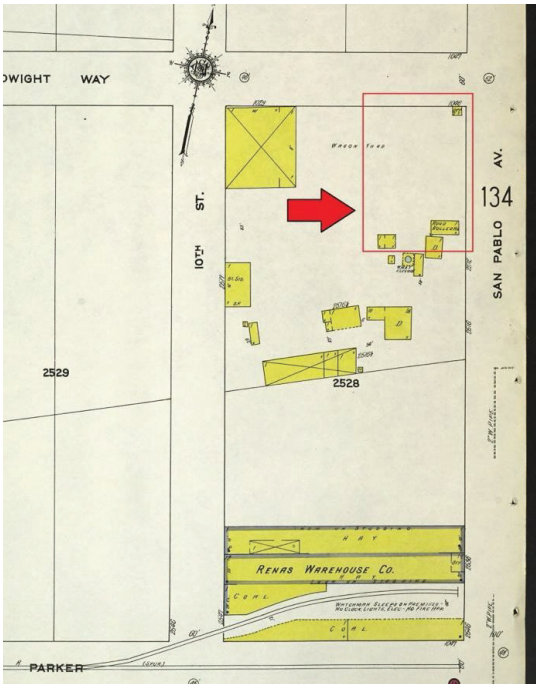
This Permit expires one year from date unless sooner revoked by the City Council.

Date JUN 20 191[illegible] Permit No. 2992

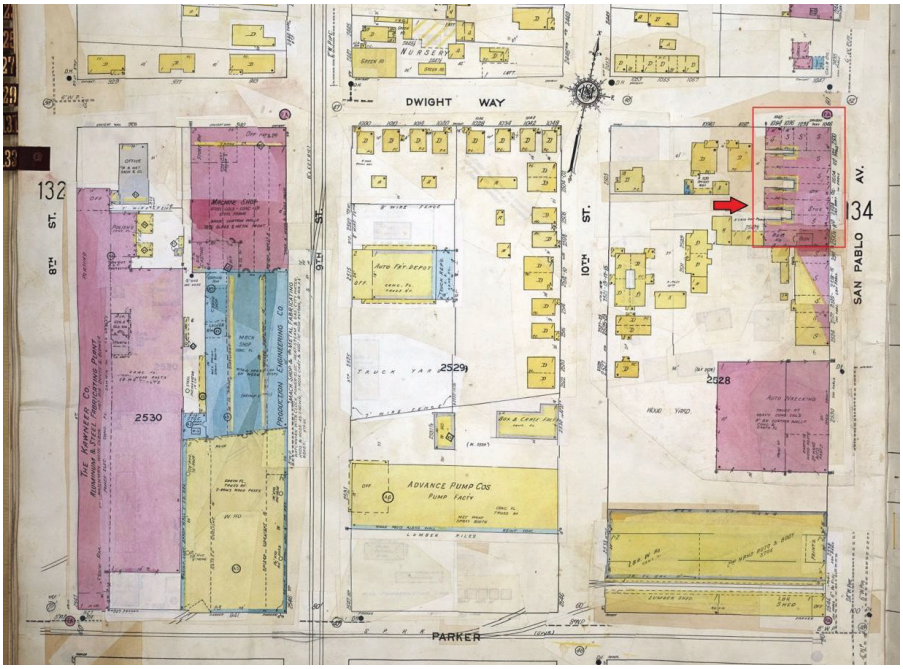
Berkeley Printing Co. West Berkeley

Another early building permit (June 20 191[*]) issued to Union Investment Co, listing the owner's address as 2516 San Pablo Ave.
*Exact year illegible, but issued between 1910-1919 - BAHA

Sanborn Maps provide more history of the building and its block.



1911 Sanborn Map for 2500 block San Pablo Ave



1950 Sanborn Fire Insurance Map 2500 Block of San Pablo Avenue and Dwight Way

Photographs of the San Pablo Area over time are provided below for context.



Figure 8. ca. 1910 photo of San Pablo Avenue, facing northeast (courtesy of UC Berkeley, Bancroft Library).



Figure 11. ca. 1925 photograph of the Key System and Berkeley sign at San Pablo Avenue and University Avenue (courtesy of Berkeley Public Library).

Features to be Preserved

The significant features to be preserved are the following, as described below:

1. The primary façade (east elevation) on San Pablo Avenue, and a secondary primary façade (north elevation) on Dwight Way constructed of brick masonry laid out in a running bond pattern.
2. Nine storefronts, six of which, include a canted corner storefront along the primary façade on San Pablo Avenue (2500, 2504, 2506, 2508, 2510, and 2512), and three storefronts along the secondary primary façade on Dwight Way (1094, 1096, and 1098) along with pilasters separating each of the storefronts.
3. Glazed and wood-framed front recessed entries and wood-framed, single and double-doors flanked by display windows set on knee walls and topped with fixed and hopper transom wood windows included in each of the nine storefronts.
4. Knee walls that are clad in tile and two that are clad in brick included in seven of the storefronts.
5. A stone masonry beltcourse, dentil, frieze boards with decorative triglyph, and molded cornices located above the transom windows along each storefront.
6. The parapet wall above the storefronts along the north and west elevations clad in brick with decorative masonry elements.
7. The eight storefronts that are symmetrical and retain a majority of their original materials and design shall be preserved and the canted storefront that appears to have changed in the sidelights that flank the wood and glazed single-entry door, which are currently glazed sidelights framed in aluminum frames should be preserved and restored to the extent possible.
8. Rear elevation partially visible from Dwight Way along the northwest corner of the building consists of a brick wall.

15. History

(compiled by Fran Cappellettii, BAHA)

The Ohlone Period

Before the arrival of Europeans, the Huichin people, part of the greater Ohlone or Costanoan group, lived in an area from San Francisco Bay to Monterey. Historical evidence of their presence remains in shellmounds along the Bay and indentations in many of the rock outcroppings in the Berkeley Hills, including Northbrae's Mortar Rock Park. The Spanish referred to them as Costanoan or 'Indians of the coast' and they were later termed Ohlone, the name accepted by most today. Made up of distinct groups, they had similar languages and cultures. Present for thousands of years into present day Berkeley, the City and Landmarks Preservation Commission formally recognizes and honors their past, present and future presence, with a land acknowledgement statement, noting that Berkeley 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.

But long before such acknowledgements, European arrival brought disease and displacement, with much of the local population pulled into area Missions by the early 1800s.

Rancho San Antonio

According to M.W. Wood's History of Alameda County, California, the Rancho San Antonio, a nearly 45-thousand-acre Spanish land grant, was made to Luis María Peralta by Spanish governor Pablo Vicente de Sol on August 16, 1820. Peralta had served forty years in the Spanish military. The grant included present-day Albany, Berkeley, Oakland, and northern San Leandro. In 1842, he divided the land among his four sons. One of them, Domingo, would receive all of what is present-day Albany and Berkeley and a small portion of northern Oakland. He built an adobe house in 1841 at the present-day site of 1304 Albina and it is a California point of historic interest.

According to the Peralta Family History at http://www.peraltahacienda.org, annexation of California by the United States in 1848 and the Gold Rush of 1849 brought significant change. While the Peraltas and their fellow Californios were promised recognition and protection of their property rights, squatters on the land and theft of cattle became a problem as new settlers arrived from around the world. A further burden came with the 1851 U.S. Federal Land, which required the Californios to prove their land titles in court, requiring much time and expense.

In 1852-1853, Domingo started selling parcels of his land, mostly to pay off debts. The parcels were defined on a map surveyed by Julius Kellersberger, hired to survey the northern part of Rancho San Antonio. Surveyed in 1853, the map covers Albany, Berkeley, Emeryville, and part of Oakland. The site of the building is near the Southwest corner of Plot Number 60 of the Vicente and Domingo Peralta Ranchos.



Map of the Ranchos of Vincente & Domingo Peralta. Containing 16970.68 Acres. Surveyed by Julius Kellersberger, 1853. Courtesy of Barry Lawrence Ruderman Antique Maps, Inc. http://www.raremaps.com

Ocean View

In 1874, much of the developed area was part of the Berkeley Land and Town Improvement Association. This was organized by neighborhood leaders to facilitate the further development of Ocean View, with wharf and ferry services and industrial growth. This development, along with the University, led to new factories and a ten-fold increase in population.[2] To the south of the Berkeley LTI Association was the site of the buildings at San Pablo Avenue and Dwight Way.

[2] For a comprehensive history of Ocean View, see Victorian Berkeley: The Community of Ocean View, Karen Jorgensen-Esmaili and The Berkeley Historical Society, 1981.

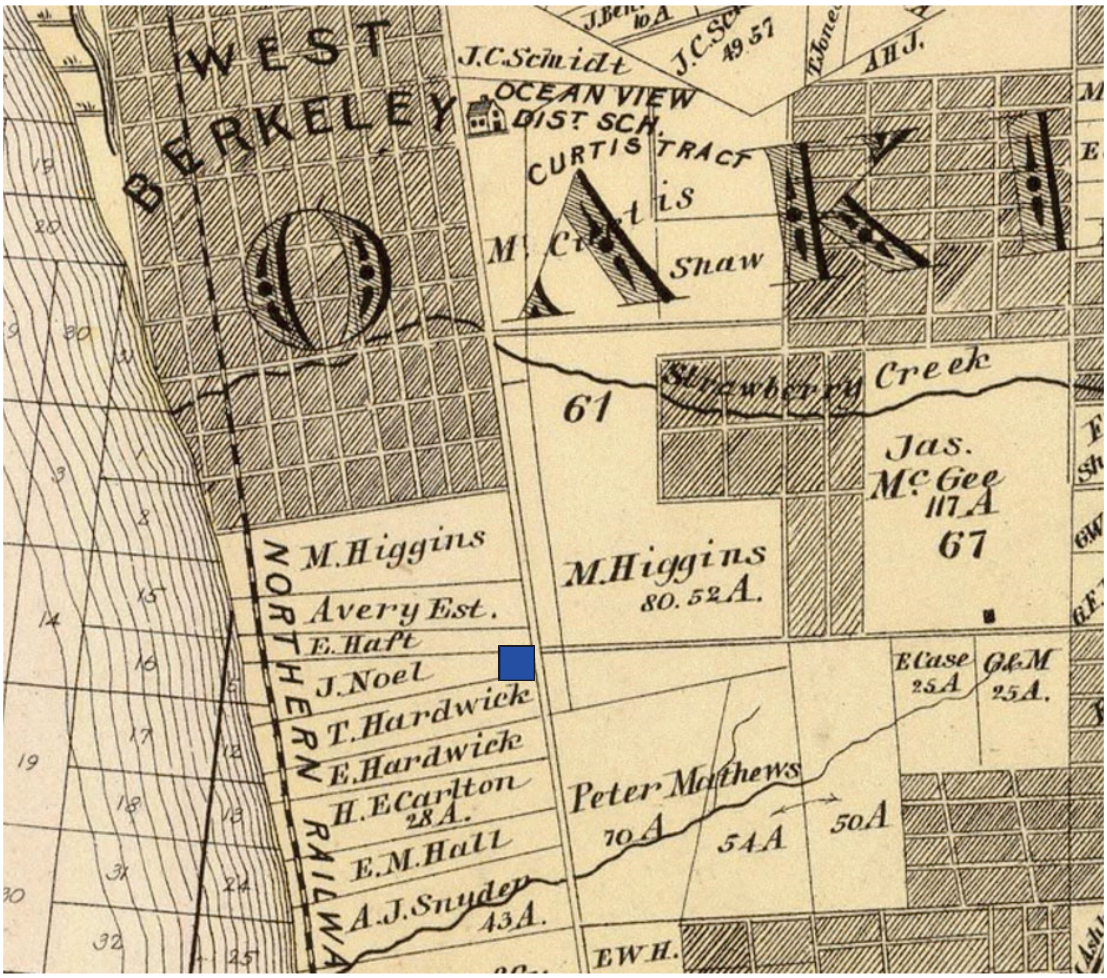


Map of Berkeley, Showing the Property of the Berkeley LTI Association, 1874.

With the joining of the two distinct communities as Berkeley in 1878, further growth followed, but the differences remained, and today's common label of West Berkeley was already established.

San Pablo Avenue and Dwight Way

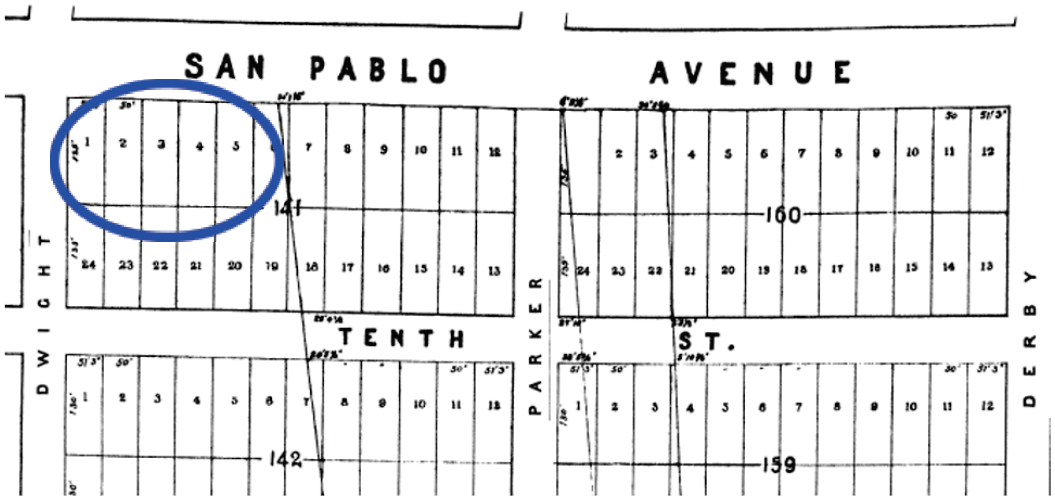
As shown in the following 1878 map, the original claimant for the 107.63 acre plot 60, was Jean Noel. This plot included the area along Dwight Way (north and south sides) from San Francisco Bay to San Pablo Avenue.

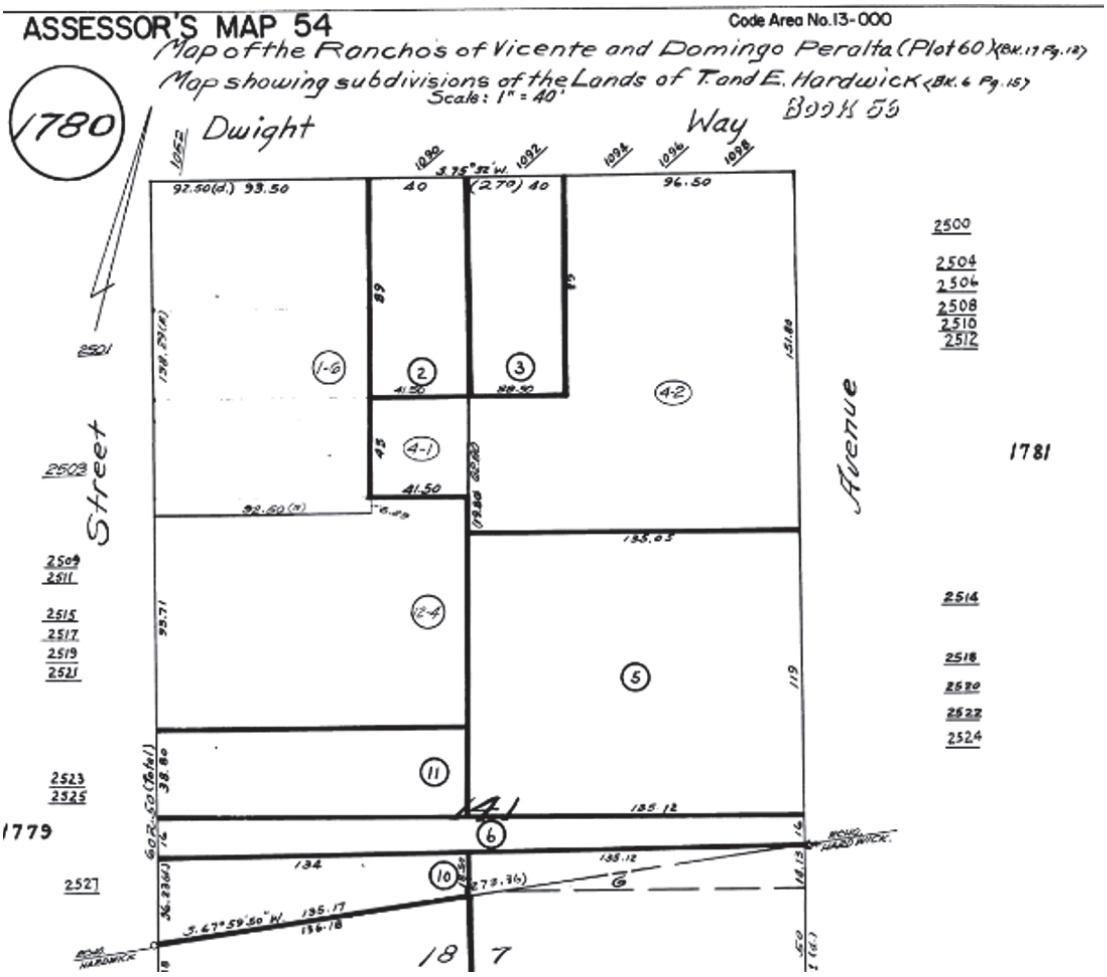


Map Number One, Thompson & West, 1878.

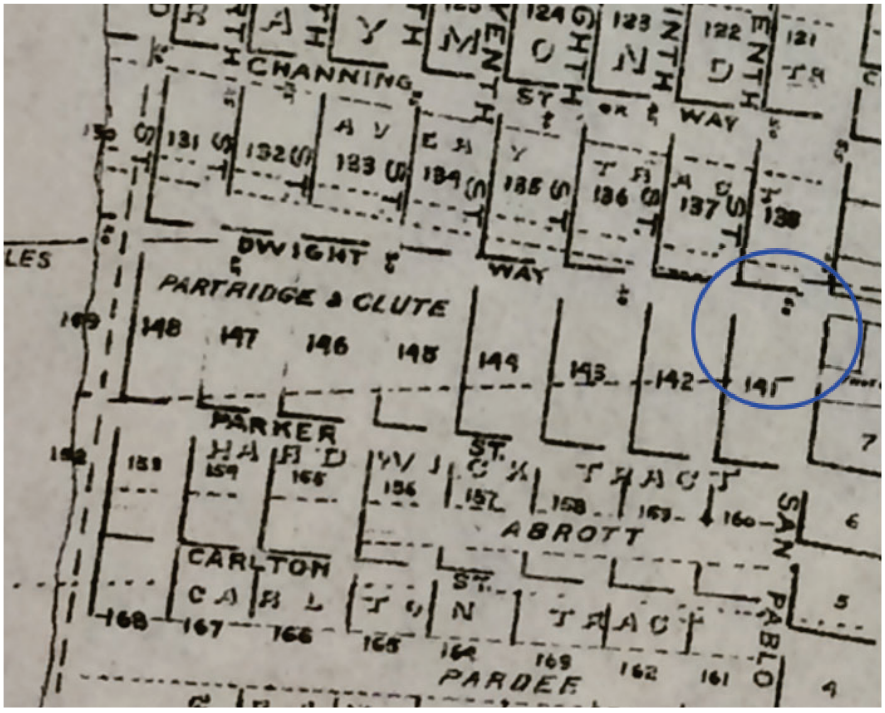
By the 1870s, the Union Investment site was in a portion of lot 60, immediately north of the Hardwick Tract, both in Block 141.







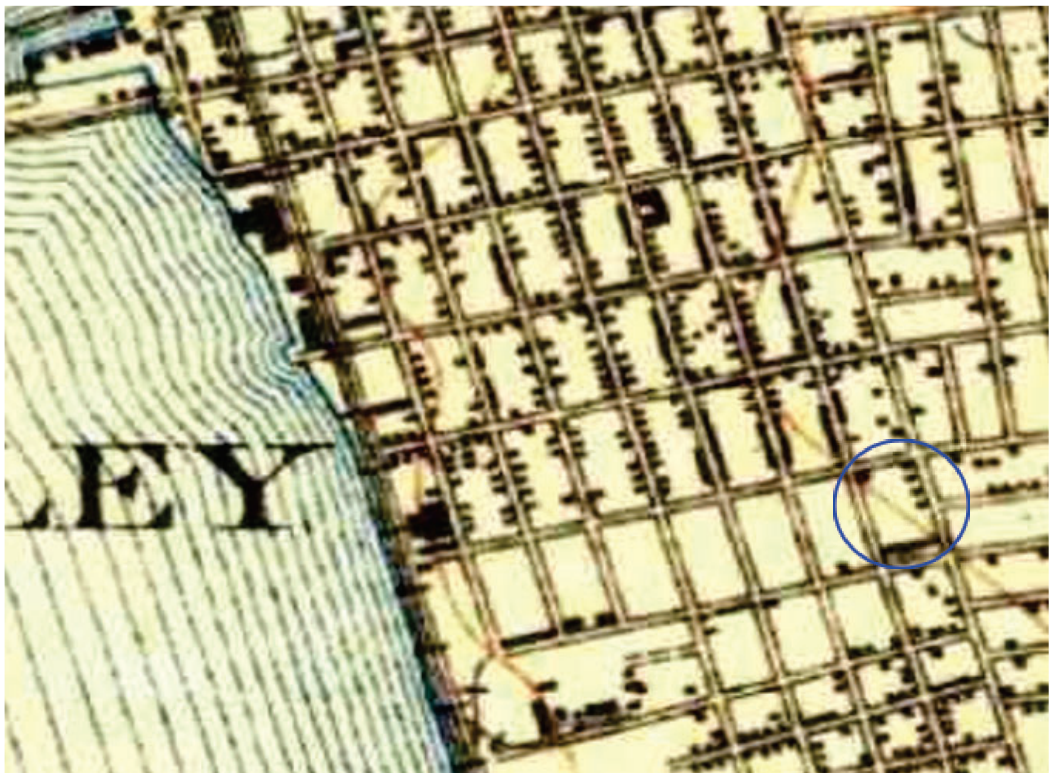
By the 1890s, the name of Clute appears in maps of the area along Dwight Way, from San Pablo Avenue to San Francisco Bay.



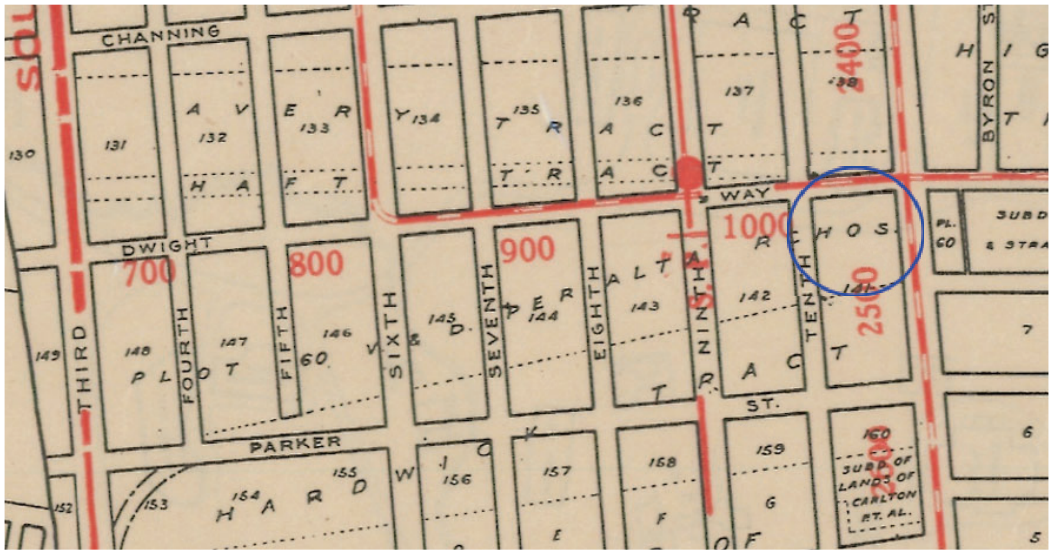
Map of Oakland and vicinity, Showing Real Estate & Electric Railways, Dingee, William J., 1891.



Berkeley, California 1911, an absolutely accurate map of Berkeley, Mason-McDuffie Co., 1911.



USGS Topographic Map, 1915



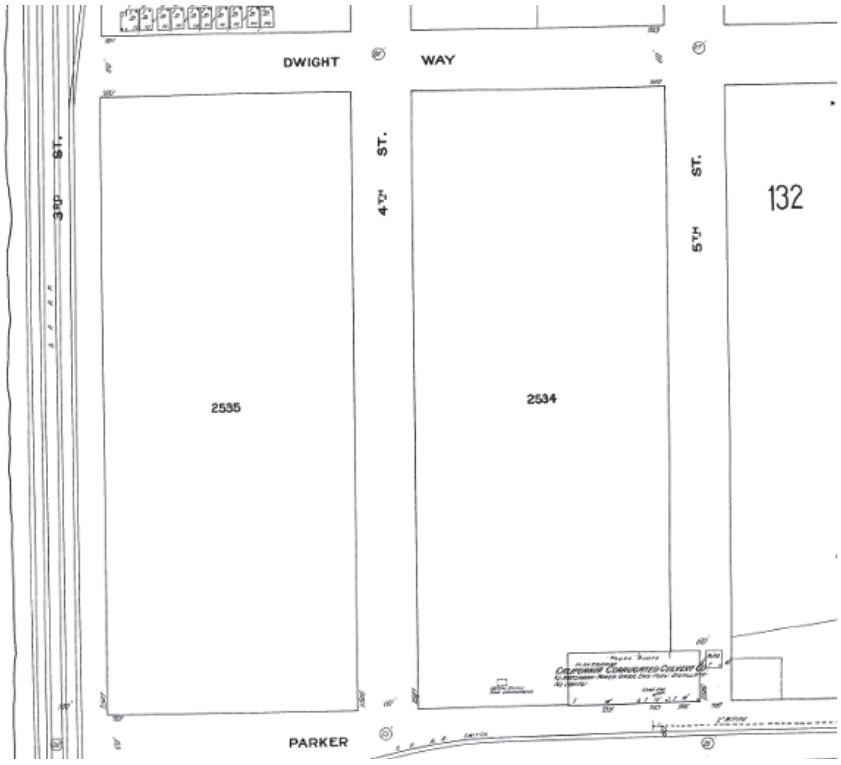
City of Berkeley, California 1923, Berkeley Chamber of Commerce, Berkeley Realty Board.

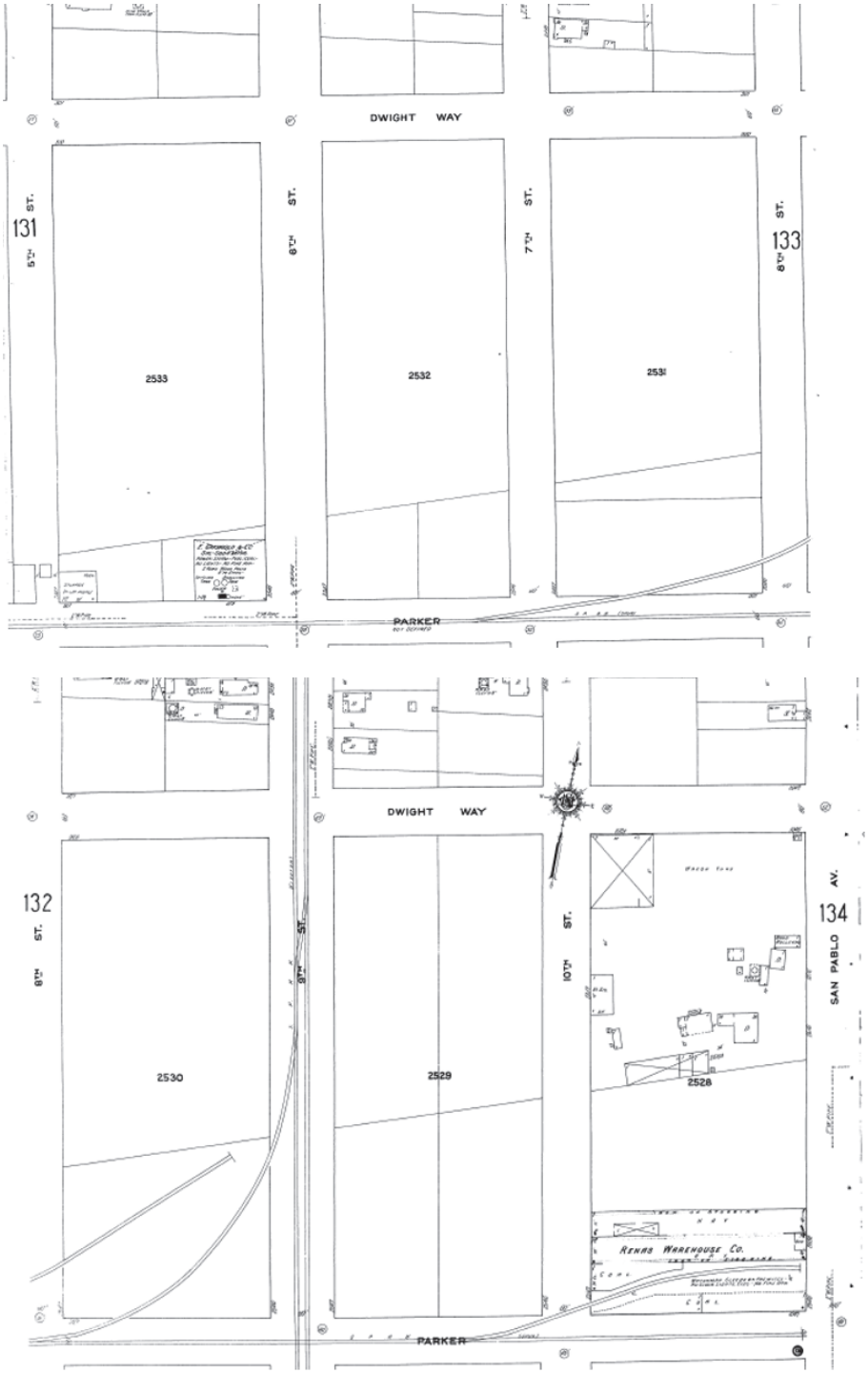
Property Tax Assessments

BAHA has property tax listings for the early years of the 20th century, showing a Clute owning the subject site between 1900 and 1913.

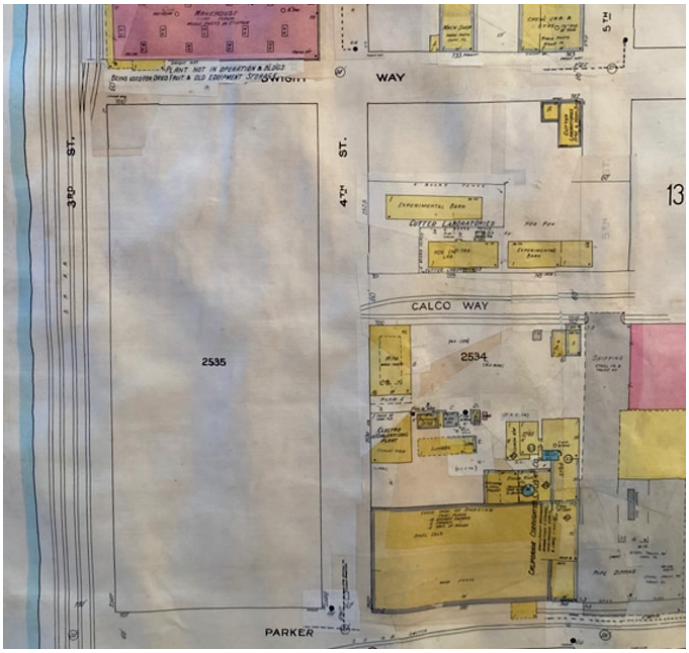
Year	APB	Tract	Block	Owner	Improvements	Personal Property
1900		Plot 60		Alva B. Clute	[500]	
1901		Plot 60		Alva B. Clute	[500]	
1903		Plot 60	#60:2	Alva B. Clute - .25 int	[500]	
1904		Plot 60	#60:2	Peter A. Clute - .25 int	[500]	
1907	1780	Plot 60	141	Clara A. Clute, et al	1,500	1,000
1908	1780	Plot 60	141	Clara A. Clute, et al	500	
1909	1780	Plot 60	141, except lots 6-18	Clara A. Clute, et al	500	250
1910	1780	Plot 60	141, except lots 6-18	Clara A. Clute, et al	500	2,500
1911	1780	Plot 60	141, except lots 6-18	Clara A. Clute, et al	500	2,500
1913	1780	Plot 60	141, except lots 6-18	Alva B. Clute	1,000	2,500

1911 Sanborn maps show little development in Plot 60.




DWIGHT WAY
131
133
5TH ST.
6TH ST.
7TH ST.
8TH ST.
2533
2532
2531
PARKER
DWIGHT WAY
132
134
8TH ST.
9TH ST.
10TH ST.
SAN PABLO AV.
2530
2529
2528
RENNA WAREHOUSE CO.
PARKER

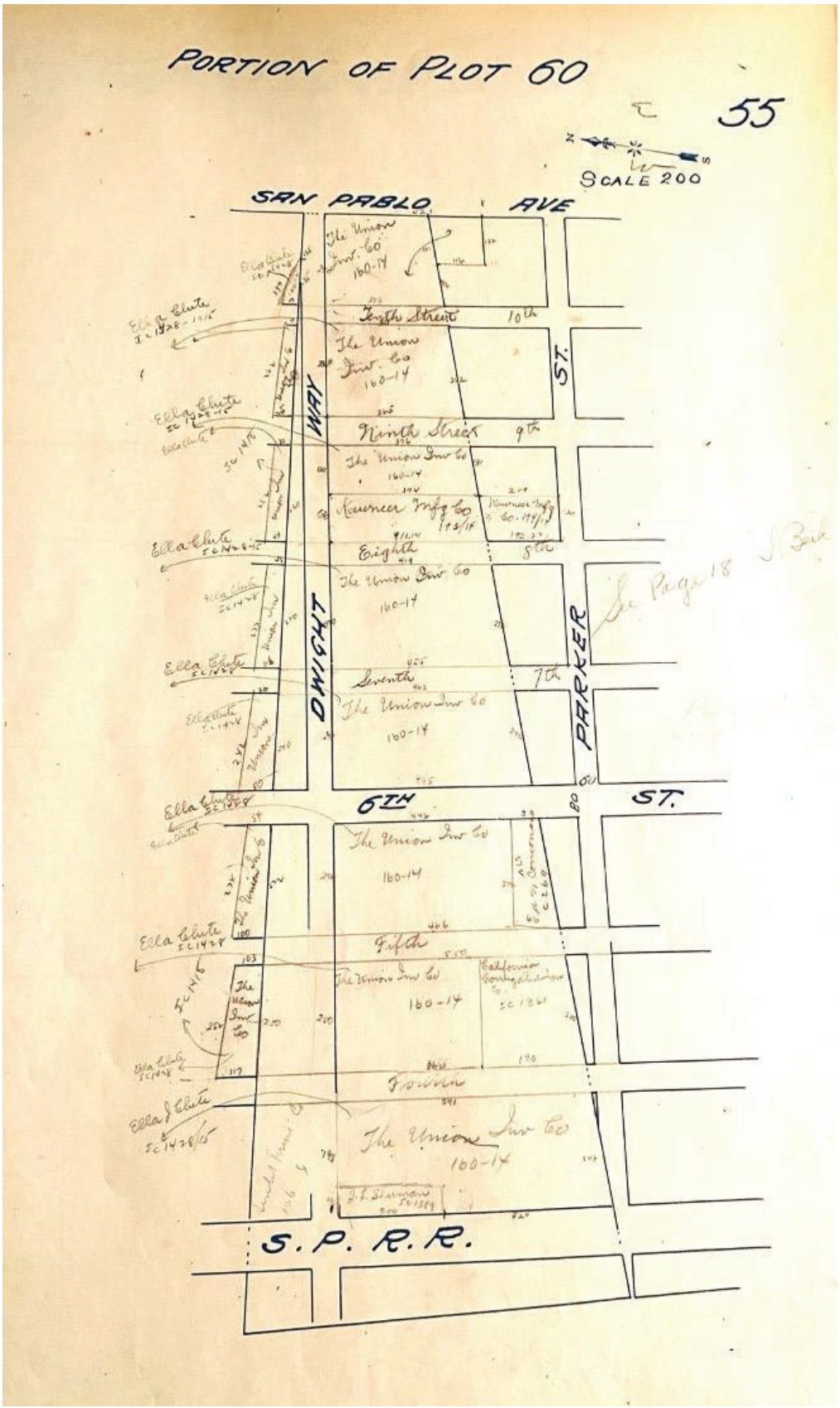
By 1929, Sanborn maps show much more development in the blocks.







The Block Book for the area, circa 1905 to 1920 shows Union Investment with ownership for this portion of Plot 60. Note the City of Berkeley Landmark Kawneer Manufacturing Company on 8th Street at Dwight Way and the future site of Cutter Laboratories, which later became Bayer and Miles Laboratories. (see image next page)


PORTION OF PLOT 60
55
SCALE 200
SAN PABLO AVE
DWIGHT WAY
PARKER ST.
6TH ST.
S. P. R. R.
Tenth Street
Ninth Street
Eighth
Seventh
Fifth
The Union Inv Co
160-14
Ella Clute
Kaumeer Mfg Co
California Packing Corporation
J. F. Drummond

Starting with 2500 San Pablo in 1912 and ending in 1926, permits For Union Investment Company, signed by Alva Clute, President, many commercial and residential structures were built in the area and remain in place in 1924.

Year	Permit	Address	Owner	Architect	Builder
1912	**2409**	2500 San Pablo	Union Investment Co.	NA	Union Investment Co.
1913	**2992**	2512 San Pablo	Union Investment Co.	Union Investment Co.	Union Investment Co.
1914	**3612**	1092 Dwight	Union Investment Co.	Union Investment Co.	Union Investment Co.
1914	**3950**	1090 Dwight	Union Investment Co.	NA	Union Investment Co.
1915	**4325**	2514 San Pablo	Union Investment Co.	Union Investment Co.	Union Investment Co.
1915	**4430**	2514 San Pablo	Union Investment Co.	Union Investment Co.	Union Investment Co.
1917	**6582**	943 Dwight	Union Investment Co.	Union Investment Co.	Union Investment Co.
1917	**6583**	929 Dwight	Union Investment Co.	Union Investment Co.	Union Investment Co.
1917	**6584**	937 Dwight	Union Investment Co.	Union Investment Co.	Union Investment Co.
1924	**17948**	2523 Tenth	Union Investment Co.	Union Investment Co.	Union Investment Co.
1924	**17949**	2527 Tenth	Union Investment Co.	Union Investment Co.	Union Investment Co.
1924	**17951**	732 Dwight	Union Investment Co.	Union Investment Co.	Union Investment Co.
1925	**19647**	2517 Tenth	Union Investment Co.	Union Investment Co.	Union Investment Co.
1925	**19648**	2509 Tenth	Union Investment Co.	Union Investment Co.	Union Investment Co.
1925	**20999**	1076 Blake	Union Investment Co.	Union Investment Co.	Union Investment Co.
1925	**21312**	2526 San Pablo	Union Investment Co.	Union Investment Co.	Union Investment Co.
1925	**22038**	1000 Dwight	Union Investment Co.	Union Investment Co.	Union Investment Co.
1925	**22039**	1008 Dwight	Union Investment Co.	Union Investment Co.	Union Investment Co.
1925	**22040**	1014 Dwight	Union Investment Co.	Union Investment Co.	Union Investment Co.
1925	**22041**	1020 Dwight	Union Investment Co.	Union Investment Co.	Union Investment Co.
1925	**22042**	1028 Dwight	Union Investment Co.	Union Investment Co.	Union Investment Co.
1925	**22043**	1034 Dwight	Union Investment Co.	Union Investment Co.	Union Investment Co.
1925	**22044**	1042 Dwight	Union Investment Co.	Union Investment Co.	Union Investment Co.
1925	**22045**	1048 Dwight	Union Investment Co.	Union Investment Co.	Union Investment Co.
1926	**24146**	2520 San Pablo	Union Investment Co.	NA	Union Investment Co.
1926	**24428**	2510 Tenth	Union Investment Co.	Union Investment Co.	Union Investment Co.
1926	**24429**	2520 Tenth	Union Investment Co.	Union Investment Co.	Union Investment Co.
1926	24430	2524 Tenth	Union Investment Co.	Union Investment Co.	Union Investment Co.
1926	24431	2530 Tenth	Union Investment Co.	Union Investment Co.	Union Investment Co.
1926	24432	2538 Tenth	Union Investment Co.	Union Investment Co.	Union Investment Co.
1926	24433	2550 Tenth	Union Investment Co.	Union Investment Co.	Union Investment Co.
1926	24434	2542 Tenth	Union Investment Co.	Union Investment Co.	Union Investment Co.

Alva B. Clute:

Berkeley Landowner, Investor and …



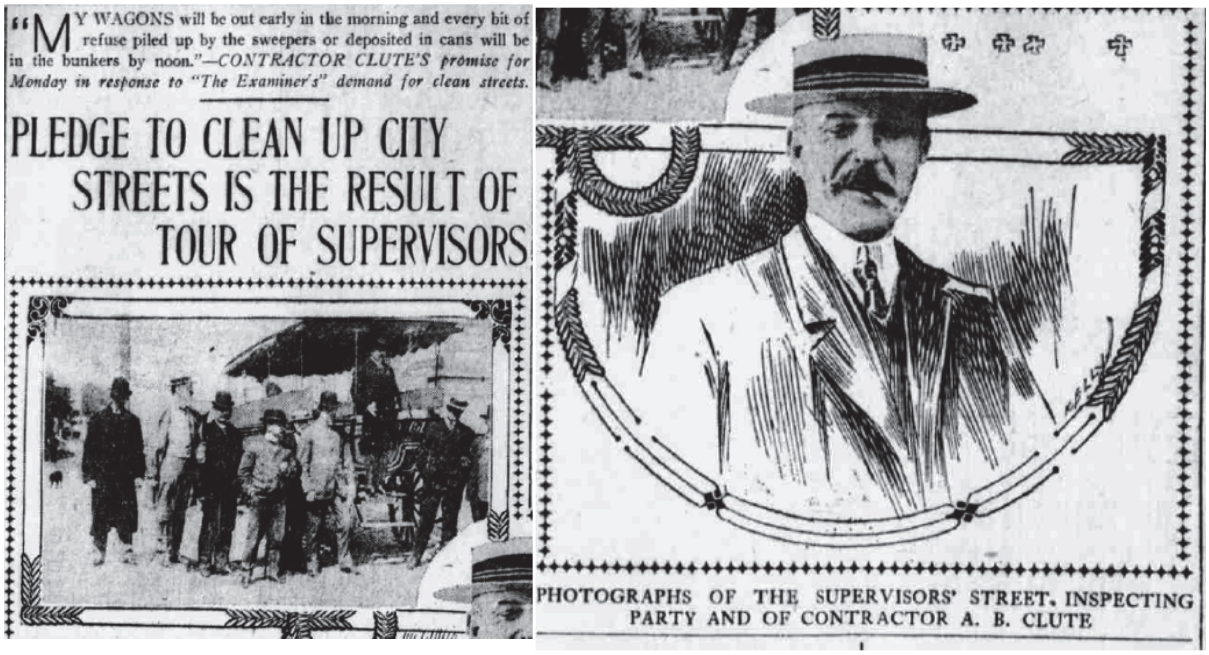
Street Cleaner

Alva Clute resided at 2516 San Pablo Avenue for several years. He was part of the original set of Directors for the Union Investment Company, active in San Francisco and Berkeley, including the 2500 block of San Pablo Avenue.

The San Francisco Examiner, Sep 26, 1896: 16.

Articles of incorporation of the Union Investment Company have been filed by Alva B. Clute, G.A. Coursen and C.S. Harney of San Francisco, William E. Davidson of Oakland and D.H. Whittemore of San Rafael, who have been elected to serve as Directors for the first year. The capital stock is placed at $200,000, and of that amount $500 has been subscribed by the incorporators.

The San Francisco Examiner, July 17, 1905: 4.


"MY WAGONS will be out early in the morning and every bit of refuse piled up by the sweepers or deposited in cans will be in the bunkers by noon."—*CONTRACTOR CLUTE'S promise for Monday in response to "The Examiner's" demand for clean streets.*

PLEDGE TO CLEAN UP CITY STREETS IS THE RESULT OF TOUR OF SUPERVISORS

PHOTOGRAPHS OF THE SUPERVISORS' STREET, INSPECTING PARTY AND OF CONTRACTOR A. B. CLUTE

Oakland Tribune, 7 July 1917



ENLARGE PLANT

BERKELEY, July 7.—The Cutter Laboratories have added fifteen acres to their site in West Berkeley by the purchase of property in the Clute tract west of Eighth street and south of Dwight way. Buildings of a permanent class soon are to be erected on this property. The property adjoins the Hardwick tract site recently purchased by the company on which structures costing $60,000 have just been completed.

San Francisco Chronicle, May 5, 1928, page 4

CLUTE – In Oakland, May 2, 1928. Alva B. Clute, beloved husband of Gertrude Clute, a native of California, aged 64 years. A member of Crockett Lodge No. 139, F. & A.M.; Golden Gate Commandery No. 16, K.T., and Islam Temple, Mystic Shrine.

Friends are invited to attend the funeral services Saturday, May 5, 1928, at 1:30 o'clock p.m., at Masonic Cemetery Sacramento, California. Mr. Clute will be at Truman's Residence Chapel, Telegraph ave. and 30th st., Oakland, until 8:30 a.m. Saturday.

San Francisco Chronicle, May 13, 1928, page 58

Alva Baker Clute Last Rites Held

Masonic funeral services for Alva Baker Clute, for many years following the fire of 1906, prominent in San Francisco building and construction circles, were held in Sacramento May 5. He is survived by his widow. His father, Frank W. Clute, was an early California pioneer, crossing the plains in a covered wagon in 1849. He was a member of the Knights Templar and Islam Shrine Temple.

Sources

- Sanborn Maps, 1929 and 1950
- Key System Transit Lines (Calif.), Clyde H. Sunderland
- M.W. Wood, History of Alameda County, California, Pacific Press, Oakland CA, 1883.
- Peralta Family History at http://www.peraltahacienda.org/.

- Map of the Ranchos of Vincente & Domingo Peralta. Containing 16970.68 Acres. Surveyed by Julius Kellersberger, 1853. Courtesy of Barry Lawrence Ruderman Antique Maps, Inc. http://www.raremaps.com
- Map of Berkeley, Showing the Property of the Berkeley LTI Association, 1874.
- Victorian Berkeley: The Community of Ocean View, Karen Jorgensen-Esmaili and The Berkeley Historical Society, 1981.
- Map of Oakland and vicinity, Showing Real Estate & Electric Railways, Dingee, William J., 1891.
- Berkeley, California 1911, an absolutely accurate map of Berkeley, Mason-McDuffie Co., 1911. University of California, Berkeley, Digital Collections, Earth Sciences and Map Library.
- USGS Topographic Map, 1915.
- City of Berkeley, California 1923, Berkeley Chamber of Commerce, Berkeley Realty Board. University of California, Berkeley, Digital Collections, Earth Sciences and Map Library.

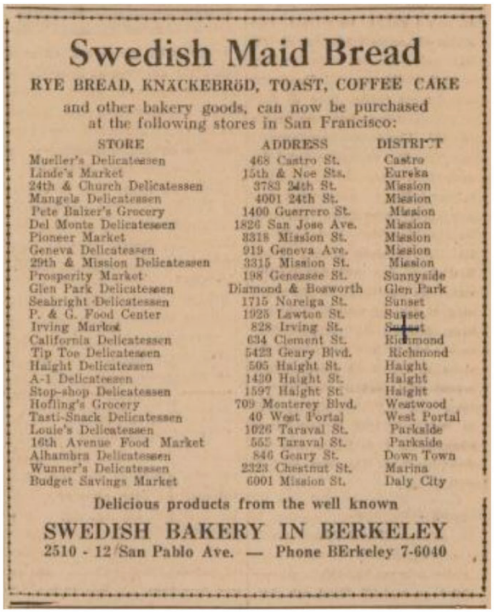
Some Longtime and Significant Tenants:

Earliest Occupants/Usage:

The first known occupants of the two fronts at 2510 – 2512 San Pablo Avenue was the "Swedish Bakery" that occupied these two storefronts from ca. 1922 to 1963 (Figure 23 and Figure 24). It was owned and operated by Jonas L Norlund and Gus Rydstrom ca. 1922-1963, under the business name of "Norlund & Rydstrom." The 1923 U.S. City Directory for Berkeley notes that Jonas and Gus both worked at the bakery during this time. Gus and Jonas were both born in Sweden. Jonas lived with his wife Anna at 2007 Dwight Way. It is unknown where Gus lived. The Norlund family continued to own and operate the bakery with Gus Rydstrom until 1963.



Figure 23. A 1923 advertisement for the Swedish Bakery in the "Vestkusten," a Bay Area Swedish "newspapers"(courtesy of the California Digital Newspaper Collection).



Swedish Maid Bread

RYE BREAD, KNÄCKEBRÖD, TOAST, COFFEE CAKE

and other bakery goods, can now be purchased at the following stores in San Francisco:

STORE	ADDRESS	DISTRICT
Mueller's Delicatessen	468 Castro St.	Castro
Linde's Market	15th & Noe Sts.	Eureka
24th & Church Delicatessen	3783 24th St.	Mission
Mangels Delicatessen	4001 24th St.	Mission
Pete Balzer's Grocery	1400 Guerrero St.	Mission
Del Monte Delicatessen	1826 San Jose Ave.	Mission
Pioneer Market	3318 Mission St.	Mission
Geneva Delicatessen	919 Geneva Ave.	Mission
29th & Mission Delicatessen	3315 Mission St.	Mission
Prosperity Market	198 Genessee St.	Sunnyside
Glen Park Delicatessen	Diamond & Bosworth	Glen Park
Seabright Delicatessen	1715 Noriega St.	Sunset
P. & G. Food Center	1925 Lawton St.	Sunset
Irving Market	828 Irving St.	Sunset
California Delicatessen	634 Clement St.	Richmond
Tip Toe Delicatessen	5423 Geary Blvd.	Richmond
Haight Delicatessen	505 Haight St.	Haight
A-1 Delicatessen	1430 Haight St.	Haight
Stop-shop Delicatessen	1597 Haight St.	Haight
Hofling's Grocery	709 Monterey Blvd.	Westwood
Tasti-Snack Delicatessen	40 West Portal	West Portal
Louie's Delicatessen	1026 Taraval St.	Parkside
16th Avenue Food Market	555 Taraval St.	Parkside
Alhambra Delicatessen	846 Geary St.	Down Town
Wunner's Delicatessen	2323 Chestnut St.	Marina
Budget Savings Market	6001 Mission St.	Daly City

Delicious products from the well known

SWEDISH BAKERY IN BERKELEY

2510 - 12 San Pablo Ave. — Phone BErkeley 7-6040

Figure 24. 1953 (California Digital Newspaper Collection).

Significant History of Music Clubs at 2504 (and extending to 2500) San Pablo Ave

The Building has a long history of hosting music clubs including the San Pablo Ave Folk and Rock Music Clubs - Cabale, Cabale Creamery, Good Buddy, Caverns West, Questing Beast, Tito's, Babylon, and Long Branch Saloon.



Source: Questing Beast Research by Ross Hannan and Corry Arnold:
http://www.chickenonaunicycle.com/Questing%20Beast%20History.htm

The music history of 2504 San Pablo Avenue is meticulously researched and documented in a series of blogposts on Rock Archaeology 101 - Photos and Artifacts from Mostly Forgotten Bay Area Rock Venues of the 1960's and Early 70s - see http://rockarchaeology101.blogspot.com/2021/03/2504-san-pablo-avenue-berkeley-ca-long.html , http://rockarchaeology101.blogspot.com/, https://rockarchaeology101.blogspot.com/2024/07/2504-san-pablo-avenue-berkeley-ca-long.html http://berkeleyfolk.blogspot.com/2009/08/cabale-creamery-2504-san-pablo-avenue.html https://berkeleyfolk.blogspot.com/2012/11/babylon-2504-san-pablo-avenue-berkeley.html and http://www.chickenonaunicycle.com/Questing%20Beast%20History.htm

The below history and imagery is all excerpted from Rockarcheology blogs:

Back during World War 2, with the Oakland and RIchmond shipyards full of workers on three shifts, San Pablo Avenue had been called “Music Row.”. There had been nightclubs and saloons all along the East Bay, as tired workers with their pockets full relaxed with some live music. Many musicians had relocated from the South or Soutwet to the West Coast, since that was where all the work was. Many other musicians had migrated for factory work, only to find playing music more lucrative (and probably more fun). Even into the 1970’s, there wer still several nightclubs along the San Pablo Avenue corridor, a final hint of the booming war years.

2504 San Pablo Avenue itself was a seminal address in Berkeley ‘60’s music history. It is a fact of zoning that use permits tend to persist, so a venue with a license to allow music will generally continue to offer music. It is far easier for a new proprietor to lease a building with an existing permit than lobby for a niew one, so clubs often change names, owners and musical styles, but not addresses. In the early 1960’s, 2504 San Pablo had been the site of The Cable, later The Cable Creamery, an essential stop on the early 60s folk circuit. In 1965, it briefly become The Good Buddy and then Caverns West, and in November of that year it became the pre-psychedelic Question Beast. It was at the Questing Beast where local folksingers Joe McDonald and Barry Melton got some friends and “plugged in” to become Country Joe and The Fish.”

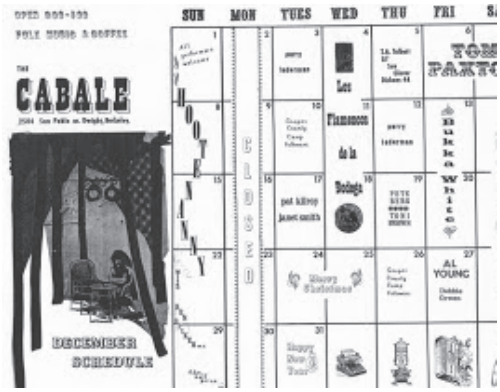
The Questing Beast had closed in May 1966 and 2504 became Tito’s, which featured live music but was mostly a dance club. In late 1969, the club was re-named Babylon, and featured local bands playing original music. In 1971, a new owner Malcolm Williams doubled the capacity of the room from about 175 to 350 and renamed the club The Long Branch Saloon. The Long Branch featured original music, too, but it paid a little better with a correspondingly higher quality of performers

Cabale (Creamery) January 1963-April 1965
The Cabale, at 2504 San Pablo Avenue (at Dwight), was a folk club founded in late 1962 by Rolf Cahn and Debbie Green (two Cambridge, MA folkies), along with Howard Ziehm and Red Dog alum Chandler A. Laughlin III (later known as Travus T. Hipp). Cahn, a Jewish refugee from Nazi Germany, had served in the US Army during the war and also played and taught classical, flamenco, and folk guitar. Cahn had also founded the Blind Lemon in 1958 (at 2362 San Pablo), the first Berkeley coffee house to feature folk music.

Sandy Rothman, a Berkeley bluegrass musician from way back, recalled Berkeley's Cabale (in a reflection no longer accessible on the internet)

> *It was on San Pablo Avenue, a main north-south thoroughfare parallel to Telegraph on the opposite (west) side of town, at the southwest corner of Dwight Way and San Pablo. I don't recall how "Creamery" got attached to it -- maybe from the steamed milk that was in the cappuccinos and lattes? The name "Cabale" was taken from "Cabala," a medieval system of Jewish mysticism. (Other dictionary definitions are: "a traditional, esoteric, occult, or secret matter" and "an*

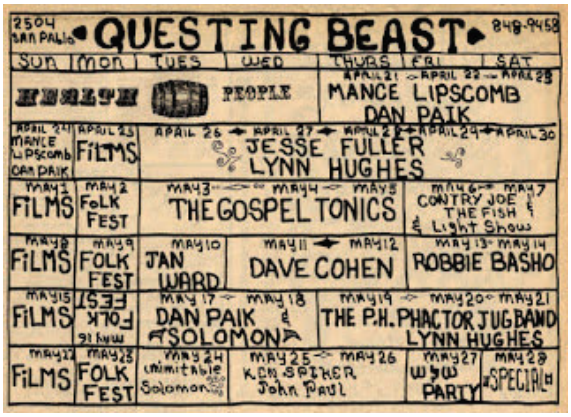
esoteric doctrine or mysterious art." Do any of those terms resonate with bluegrass, nearly a cult in itself?! Hahaha.)"



A calendar for Berkeley's Cabale, for December, 1963.

According to Rockarceology101, Jerry Garcia made many pilgrimages from his home in Palo Alto to The Cabale in Berkeley to see folk musicians just as the Kweskin Band, and the Kentucky Colonels, both thought to be inspirations for the Grateful Dead.

The Questing Beast November 19, 1965-May 9, 1966
In addition to getting their start at the Questing Beast, Country Joe and The Fish were the very last musical performances on May 6 and 7th, 1966.



A calendar for the Questing Beast in May, 1966. In fact, most of these gigs were never played, since the City of Berkeley pulled the club's cabaret license. The final musical performers were Country Joe and The Fish on May 7, 1966
Source: Rockarcheology101.blocspot.cog

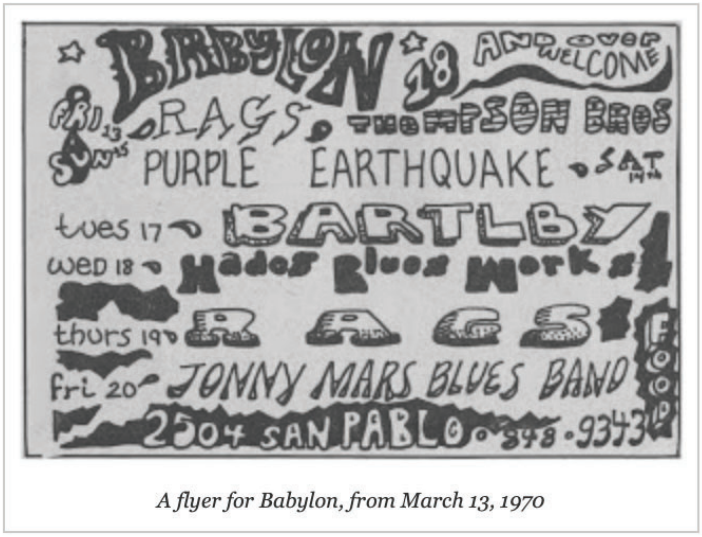
Tito's 1967-June 1969

Somewhere around early 1967, 2504 San Pablo Avenue re-opened as a place called Tito's. It sold beer and pizza, and it had music for dancing on weekends. Tito's didn't buy ads, nor list their bands in the local papers, so it seems to have just had bands playing dance music. Still, once in a while, a local band would print up their own flyer, so we have some traces of the club's existence (The Drongos, below, were a local Berkeley band).



Babylon July 1969-April 1971

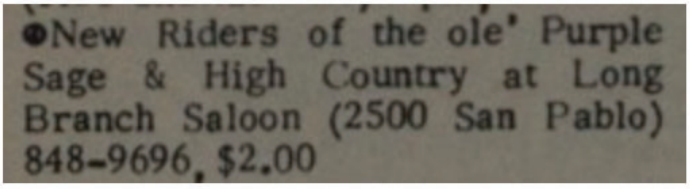
In the Summer of 1969, Tito's became Babylon. Babylon featured original electric rock bands. A colleague looked into the bookings from July 1969 through November 1970, and they were all local Berkeley bands. The only name that stands out today is Purple Earthquake, a band of former Berkeley High students who would evolve into the band Earth Quake. Earth Quake released several albums in the 1970s, and they would also rule the Long Branch for five years. By the Spring of 1971, the Babylon was owned by one Malcolm Williams. I don't know how long Williams had run or owned Babylon, but he decided to expand the club and rename it.



A flyer for Babylon, from March 13, 1970

The Long Branch May 28, 1971-November 1976

A May 23, 1971 article in the San Francisco *Chronicle* about Bay Area rock nightclubs had an interview with Malcolm Williams. Williams had hired some of the staff from the old Avalon Ballroom, and he was planning to upgrade Babylon by doubling its capacity, from about 175 to around 350. A bigger club meant better acts, not just local bands who probably lived nearby. Certainly, the Bay Area did not want for good local bands, but they were all trying to make a living.



Ad in the October 1, 1971 Berkeley Barb promotes the New Riders of the ole' Purple Sage and High Country at Long Branch Saloon (2500 [sic] San Pablo) $2.00



The Long Branch, at 2504 San Pablo Avenue in Berkeley, sometime in the 1970s

Bands would build a following at the Long Branch, and the bands that headlined weekends at the Branch would play weeknights at the Keystone Berkeley, with a built-in audience. Although

it's hard to be sure, I think the Long Branch crowd lived relatively near the club, and was in the just-over-21 bracket. The Long Branch was definitely a hard-rocking club, with loud bands and patrons who liked to dance, with less of the University overlay that was included in the Keystone Berkeley audience. The Keystone was right near campus, so its audience was broader but to some extent more snobby. The Long Branch was in West Berkeley, and less pretentious.

Some more well-known acts that performed at Long Branch include Elvin BIshop Group, New Riders of the Purple Sage (Jerry Garcia's vehicle for letting him play pedal steel guitar in a live band), Tower of Power, Commander Cody and His Lost Planet Airmen, and Eddie Money and the Rockets, and The Tubes.

The Long Branch lasted a little over five years and closed around November 1976. For many years, 2504 San Pablo Avenue was a store called Good Vibrations. It wasn't a music store, but it was scandalous enough to live up to the Cabale history (don't google it at work). Eventually, as Berkeley got more and more wealthy, gentrification finally got all the way down to Dwight Way and San Pablo Avenue. The building was completely remodeled, and re-opened as a restaurant. The new address is 2512 San Pablo Avenue, but it's the same location. The first restaurant I am aware of was called Sea Salt, which opened about 2009 or so. Sea Salt closed, though, and a new restaurant opened on November 11, 2014.



The Long Branch Saloon, at 2512 San Pablo Avenue, Berkeley, ca. 2019

The name of the new restaurant? The Long Branch Saloon. It says "Upscale comfort food is served in a stylish setting with open rafters & butcher-block tables." Given the turnover in Berkeley's population, it's likely that the locals think the Long Branch is just a reference to Dodge City--which it is--and don't see the nod to a hard-rockin' past.

16. Significance:

From Chapter 3.24 of the Landmarks Preservation Ordinance:
3.24.110 A. Landmarks and historic districts. General criteria which the commission shall use when considering structures, sites and areas for landmark or historic district designation are:
1. Architectural merit:
b. Properties that are prototypes of or outstanding examples of periods, styles, architectural movements or construction, or examples of the more notable works of the best surviving work in a region of an architect, designer or master builder; or
c. Architectural examples worth preserving for the exceptional values they add as part of the neighborhood fabric.
2. Cultural value: Structures, sites and areas associated with the movement or evolution of religious, cultural, governmental, social and economic developments of the City;
3. Educational value: Structures worth preserving for their usefulness as an educational force;
4. Historic value: Preservation and enhancement of structures, sites and areas that embody and express the history of Berkeley/Alameda County/California/United States.
5. Any property which is listed on the National Register described in Section 470A of Title 16 of the United States Code.

Under both 3.24.110 A.1.b., and 3.24.110 A.1.c., the Union Investment Building #1 qualifies as “an excellent example of Storefront Commercial Architecture and Classical Revival architectural style during Berkeley’s commercial development in the early decades of the 20th century. The extant building was constructed in 1907 (11) and retains many of its character-defining features, including: A formal symmetrical storefront, glazed and wood-framed front recessed entries, wood-framed single and double-doors flanked by display windows set on knee walls and topped with fixed and hopper transom wood windows. Character definition elements of Classical Revival design includes the brick masonry, which is laid out in a running bond pattern, a stone masonry beltcourse, a dentil, frieze boards with decorative triglyph, molded cornices, and pilasters, horizontal massing; symmetrical façade; classical architectural forms and arrangements.” (from page 5 of 7 2510 San Pablo Avenue HRE) An assessment of integrity found that the 1907 storefront commercial building retains all seven aspects of integrity, which is detailed within the associated Historic Resource Evaluation report.
1 Stacey De Shazo, Historic Resource Evaluation for the Proposed Blake Apartments Project at 2527 San Pablo Avenue,
Berkeley, Alameda County, California, Evans & De Shazo, Inc., 2021.

The Union Investment Building #1 exhibits several classical elements found in other Berkeley business districts and is one of a few intact examples left on an ever-changing San Pablo Avenue. In addition to this application, the Historical Resources Inventory Form (DPR Form DPR Form 523A (9/2013) prepared by Stacey De Shazo as part of the Historic Resource Evaluation for the Proposed Blake Apartments Project at 2527 San Pablo Avenue,

Berkeley, Alameda County, California, Evans & De Shazo, Inc., 202, indicates that the storefront commercial building appears eligible for individual listing on the NRHP under Criterion C.(Construction/Architecture): That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction.

While the HRE author determined no other significance for the building, we also find the following:

Under 3.24.110 A.2, the Union Investment Company Building #1 also qualifies for its cultural value and under 3.24.110 A.4 for its historic value by extending and maintaining San Pablo Avenue's World War 2 roots as "Music Row", when it was home to nightclubs and saloons hosting Oakland and Richmond Shipyard workers into the 60's and 70's

Culturally and historically, 2504 San Pablo Ave was a seminal address in Berkeley '60's music history serving as the site of The Cabale and later The Cabale Creamery, which was an essential stop on the early 60s folk circuit. It continued as a music hotspot for folk, bluegrass, pre-psychedelic and rock music during the sixties and seventies in numerous incarnations including The Good Buddy, Caverns West, and The Questing Beast before becoming Tito's and finally the Long Branch Saloon.

While the building has seen updates over time, the overall appearance has changed little and it continues to serve as home to current "counterculture" tenants such as Good Vibrations, providing valuable service to residents of Berkeley and the East Bay.

Period of Significance: 1911 – Present, location of several significant tenants in succession.

Historic Value:
National **State** **County** **City** **Neighborhood**

Architectural Value:
National **State** **County** **City** **Neighborhood**

17. Is the property endangered? Yes, it is up for sale and the San Pablo corridor is experiencing rapid demolition of existing buildings and development of new multi-story mixed use development.

18. Photographs:

Date	Photographer	Repository

1993	Evans & De Shazo Inc.	HRE_DPR Form San Pablo 2510
2024	Charles Enchill	Personal Collection
2024	unknown	Loopnet.com
2024	Susan Orbuch	Personal Collection
1910	Unknown	UC Berkeley Bancroft Library
1925	Unknown	Berkeley Public Library
1970s	Unknown	Rockarcheology website
2019	Unkonwn	Rockarcheology website

19. Bibliography:

- Building Permit files, Berkeley Architectural Heritage Association (BAHA).
- Sanborn Maps, 1911, 1929 and 1950
- 2021-03-04_HRE_DPR Forms_San Pablo 2510.pdf
- Historic Resource Evaluation for the Proposed Blake Apartments Project at 2527 San Pablo Avenue, Berkeley, Alameda County, California Prepared for Jonathan Astmann, Senior Project Manager Satellite Affordable Housing Associates. Prepared By: Stacey De Shazo, M.A. Principal Architectural Historian stacey@evens-deshazo.com Evans & De Shazo Archaelogy & Historic Preservation, January 28, 2021
- 1931 aerial photograph courtesy of U.C. Santa Barbara (fig 22)
- Portion of the 1911 Sanborn Fire Insurance Map (updated in 1950) showing the 1910 building (EDS-09) (figure 25 HRE for Proposed Blake Apartments cited above)
- Circa 1910 Photo of San Pablo Avenue (UC Berkeley, Bancroft Library) (figure 8 HRE for Proposed Blake Apartments cited above)
- 1925 photograph of the Key System and Berkeley sign at San Pablo Avenue and University Avenue (Berkeley Public Library) (sourced from HRE for Proposed Blake Apartments cited above)
- Map of the Ranchos of Vincente & Domingo Peralta. Containing 16970.68 Acres. Surveyed by Julius Kellersberger, 1853. Courtesy of Barry Lawrence
- Ruderman Antique Maps, Inc. http://www.raremaps.com
- Map of Oakland and vicinity, Showing Real Estate & Electric Railways, Dingee, William J., 1891.
- 1923 Swedish Bakery Advertisement in the “Vestkusten” – California Digital Newspaper Collection
- 1953 Swedish Bakery Advertisement (California Digital Newspaper Collection)
- 2504 San Pablo Avenue through the years flow chart – Questing Beast Research by Ross Hannan and Corry Arnold: http://www.chickenonaunicycle.com/Questing%20Beast%20History.htm
- Cabale Show Calendar December, 1963 – courtesy of Rockareology 101 http://rockarchaeology101.blogspot.com/2021/03/2504-san-pablo-avenue-berkeley-ca-long.html

- Questing Beast Calendar May 1966 http://rockarchaeology101.blogspot.com/2021/03/2504-san-pablo-avenue-berkeley-ca-long.html
- Drongos show flyer approx. 1967, http://rockarchaeology101.blogspot.com/2021/03/2504-san-pablo-avenue-berkeley-ca-long.html.
- Flyer from Babylon from March 13, 1970 http://rockarchaeology101.blogspot.com/2021/03/2504-san-pablo-avenue-berkeley-ca-long.html
- October 1, 1971 Berkeley Barb promotes the New Riders of the ole' Purple Sage and High Country at Long Branch Saloon (2500 [sic] San Pablo) $2.00 http://rockarchaeology101.blogspot.com/2021/03/2504-san-pablo-avenue-berkeley-ca-long.html
- 2504 San Pablo Avenue, Berkeley, CA: The Long Branch Saloon 1971 Performance List (and Building History – Long Branch I) – March 11, 2021. http://rockarchaeology101.blogspot.com/2021/03/2504-san-pablo-avenue-berkeley-ca-long.html
- 2504 San Pablo Avenue, Berkeley CA: The Long Branch Saloon Saloon Performance History (Long Branch II) , Friday August 11, 2023 https://rockarchaeology101.blogspot.com/2023/08/2504-san-pablo-avenue-berkeley-ca-long.html
- 2504 San Pablo Avenue, Berkeley CA: The Long Branch Saloon Performance History October-December 1973 (Long Branch III) Friday, July 19, 2024 https://rockarchaeology101.blogspot.com/2024/07/2504-san-pablo-avenue-berkeley-ca-long.html
- The Questing Beast , 2504 San Pablo Avenue, Berkeley CA, researched and prepared by Ross Hannan and Corry Arnold – latest Update Sept 13, 2011 http://www.chickenonaunicycle.com/Questing%20Beast%20History.htm ou
- Tom Dalzell , Berkeley e-Plaque designation on San Pablo Avenue Folk Music Clubs, https://berkeleyplaques.org/e-plaque/san-pablo-avenue-folk-music-clubs/
- City of Berkeley Ordinance #4694 N.S. Landmark Application for the Borg Building, 2136-2154 San Pablo Avenue, Berkeley, CA 94702 - (#LMSAP2020-0004) as appended to LPC Notice of Decision dated October 6, 2020

20. Recorder: Susan Orbuch/Charles Enchill Date: 5 November, 2024
Organization: Landmark Preservation Commission

City of Berkeley
Ordinance #44694 N.S.
LANDMARK APPLICATION
Union Investment Company Building #1
2510 San Pablo Ave (2500, 2504, 2506, 2508, 2510, 2512 San Pablo Ave & 1094, 1096 & 1098 Dwight Way)

APPENDIX

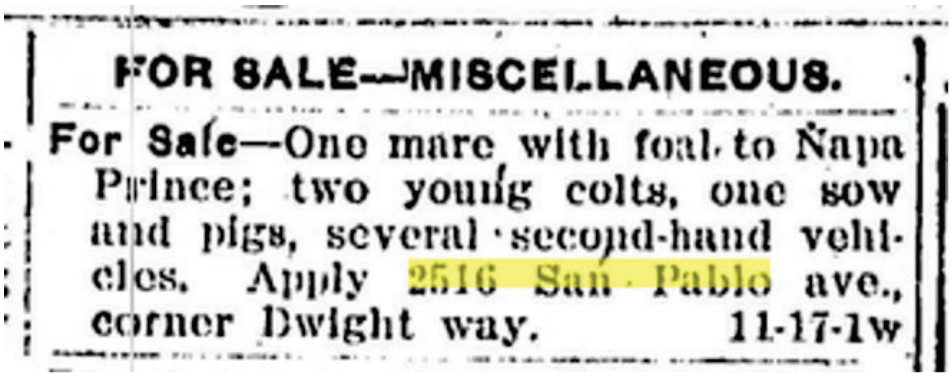
Notes on early history of 2500 block, San Pablo Ave, Berkeley

In 1906 and 1908, livestock for sale.

Berkeley Daily Gazette, Newspaper Archives May 23, 1906 Page 6


For Sale—Fresh Jersey cow and heifer calf, $35. Apply 2516 San Pablo ave., West Berkeley. 5-22-3t

Berkeley Daily Gazette, Newspaper Archives November 18, 1908 Page 6


FOR SALE—MISCELLANEOUS.

For Sale—One mare with foal to Napa Prince; two young colts, one sow and pigs, several second-hand vehicles. Apply 2516 San Pablo ave., corner Dwight way. 11-17-1w

1909 and 1910 Directories (Clute on block, his listed occupation is contractor)
Clute, Alva B, contractor, 2516 San Pablo Ave, Berkeley

Articles mentioning Alva Clute:

https://cdnc.ucr.edu/?a=d&d=OLSF19021025.2.19&srpos=4&e=-------en--20--1--txt-txIN-%22union+investment%22+clute-------

https://cdnc.ucr.edu/?a=d&d=SFC19101217.2.114&srpos=8&e=-------en--20--1--txt-txIN-%22union+investment%22+clute-------

https://cdnc.ucr.edu/?a=d&d=SFC19080905.2.78&srpos=7&e=-------en--20--1--txt-txIN-%22union+investment%22+clute-------

https://cdnc.ucr.edu/?a=d&d=SFC19050721.2.155&srpos=1&e=-------en--20--1--txt-txIN-alva+clute-------

https://cdnc.ucr.edu/?a=d&d=OT19280928.1.31&srpos=28&e=-------en--20--21--txt-txIN-alva+clute-------

1910 Census

Alva B. Clute is listed at 2516 San Pablo Ave, occupation is Street Contractor

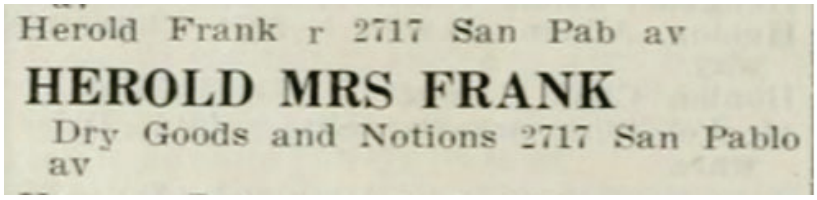
1911 Directory (Clute on block, his listed occupation is real estate)

Clute, Alva B, real estate, 2516 San Pablo Ave, Berkeley

1912 Directory (Clute on block, his listed occupation back to contractor)
Clute, Alva B, contractor, 2516 San Pablo Ave, Berkeley

1913 Directory (Clute on block, Gordon and Herold not yet on 2500 block)

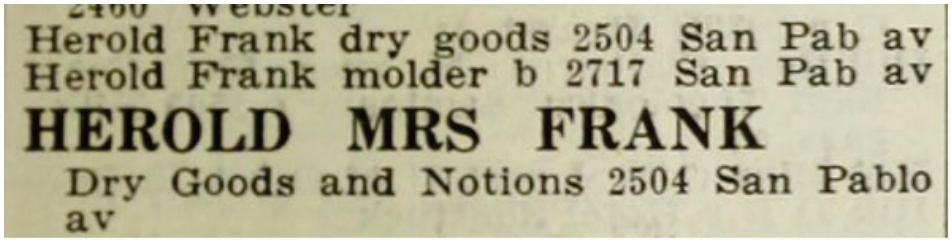
Gordon, Henry, drug clk, Owl Drug Co, rms 1708 San Pablo, Oakland


Herold Frank r 2717 San Pab av
HEROLD MRS FRANK
Dry Goods and Notions 2717 San Pablo av

Clute, Alva B, contractor builder, 2516 San Pablo Ave, Berkeley

1914 Directory (All 3 on 2500 block)


GORDON THE DRUGGIST
H S Gordon Propr, San Pablo av, cor Dwight Way


Herold Frank dry goods 2504 San Pab av
Herold Frank molder b 2717 San Pab av
HEROLD MRS FRANK
Dry Goods and Notions 2504 San Pablo av

Clute, Alva B, contractor, 2516 San Pablo Ave, Berkeley

1915 Directory (Gordon and Herold on block, Clute at Shattuck Hotel)

Gordon, Henry S, drugs 2500 San Pablo, r 1645 Ashby

Herold, Frank, Dry Goods, 2504 San Pablo

Clute, Alva B, contractor, Shattuck Hotel

1916 Directory

Gordon the Druggist is now listed at 3299 Adeline

Herold, Frank, Dry Goods, 2504 San Pablo

1917 Directory

Herold, Frank, Dry Goods, 2502 San Pablo

1918 Directory

Herold, Frank, Dry Goods, 2502 San Pablo

Berkeley Daily Gazette, Newspaper Archives February 28, 1919 Page 12

Advertisement for the Dwight Way Free Market, 2500 San Pablo Avenue, Corner Dwight Way



TALK--DON'T WALK

Great Big Values Offered by the

DWIGHT WAY FREE Market

2500 San Pablo Avenue
Corner Dwight Way

PHONE BERK. 874

Free Prompt Delivery 50c and Over

All kinds Can Milk 12½c
Large size

Del Monte Hot Sauce 6c

Royal Egg Noodles, Vermicelli, Spaghetti; reg. 10c pkg. 2 for 15c

E. C. Corn Flakes— Special at 9c

POTATOES

Fancy Burbanks— per 100 $2.90

APPLES

Hood River Pippins— Box $2.75

4 Tier $3.00

4½ Tier $2.60

Fruits and Vegetables fresh every day. Get our prices and save money.

Large Stock of the Very Best of SEED POTATOES

1920 Census

Alva B. Clute is listed at 2516 San Pablo Ave, occupation is President of an Investment Company

EDS-08: 2510 San Pablo Avenue (APN 54-1780-4-2); 1907 storefront commercial building

There are nine storefronts within the 1907 storefront commercial building, including six storefronts along San Pablo Avenue (2500, 2504, 2506, 2508, 2510, and 2512) and three storefronts along Dwight Way (1094, 1096, and 1098). Although the storefront addresses do not appear to have changed since the building was constructed, the ownership and occupancy history changed frequently. As such, not all the owners and occupants of the storefronts are listed within the following table.

Year	Owner/Occupant	Details
1907-1922	Owners: unknown	• The 1907 storefront commercial building consists of nine storefronts (Figure 22). • The first owner of the 1907 storefront commercial building is not known.
ca. 1922-1963	Owner/Occupants: "Swedish Bakery"; owned and operated by Jonas L Norlund and Gus Rydstrom.	• The first known occupants of the two fronts at 2510 – 2512 San Pablo Avenue was the "Swedish Bakery" that occupied these two storefronts from ca. 1922 to 1963 (Figure 23 and Figure 24).[59]

[55] Ancestry.com. *U.S., City Directories, 1822-1995*.

[56] Ancestry.com. *California, U.S., Voter Registrations, 1900-1968*.

[57] Ancestry.com. *U.S., City Directories, 1822-1995*.

[58] Newspapers.com, "Patrolman Added To Berkeley Police" Oakland Tribune, February 1, 1935.

[59] Ancestry.com. *U.S. City Directories, 1822-1995* [database on-line]. Provo, UT, USA: Ancestry.com Operations, Inc., 2011.

Year	Owner/Occupant	Details
		• The bakery was owned and operated by Jonas L. Norlund and Gus Rydstrom, under the business name of "Norlund & Rydstrom." [60] [61] [62] • The 1923 U.S. City Directory for Berkeley notes that Jonas and Gus both worked at the bakery during this time.[63] • Gus and Jonas were both born in Sweden. Jonas lived with his wife Anna at 2007 Dwight Way. It is unknown where Gus lived. • The Norlund family continued to own and operate the bakery with Gus Rydstrom until 1963.
ca. 1921 to ca. 1980	Occupants: Various	• There have been many occupants within the storefronts of the 1907 building, including the San Pablo Ave Folk Music Clubs - Cabale, Cabale Creamery, Good Buddy, Caverns West, Questing Beast, Tito's, Babylon, and Long branch Saloon, and Earthsign Books, [64] [65] and many others.

[60] Advertisement, Oakland Tribune, November 2, 1950.

[61] Ancestry.com. *U.S. City Directories, 1822-1995* [database on-line]. Provo, UT, USA: Ancestry.com Operations, Inc., 2011.

[62] Ancestry.com. *U.S. City Directories, 1822-1995* [database on-line]. Provo, UT, USA: Ancestry.com Operations, Inc., 2011.

[63] Ancestry.com. *U.S. City Directories, 1822-1995* [database on-line]. Provo, UT, USA: Ancestry.com Operations, Inc., 2011.

[64] Newspapers.com, "Getting Out", North East Bay Independent and Gazette, January 23, 1981. [65] Newspapers.com, "Readings" The San Francisco Examiner November 9, 1980.

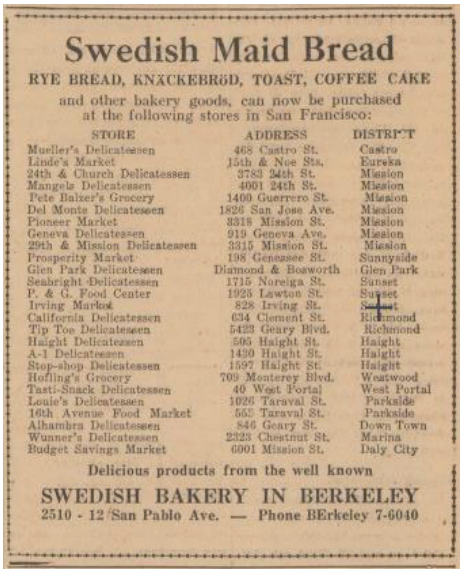


Figure 22. A portion of a 1931 aerial photograph showing the 1907 building (red outline) (courtesy of U.C. Santa Barbara).



Figure 23. A 1923 advertisement for the Swedish Bakery in the "Vestkusten," a Bay Area Swedish "newspapers"(courtesy of the California Digital Newspaper Collection).

Historic Resources Evaluation for the Proposed Blake Apartments Project, 2527 San Pablo Avenue, Berkeley, Alameda County, California. 34



Swedish Maid Bread

RYE BREAD, KNÄCKEBRÖD, TOAST, COFFEE CAKE

and other bakery goods, can now be purchased at the following stores in San Francisco:

STORE	ADDRESS	DISTRICT
Mueller's Delicatessen	468 Castro St.	Castro
Linde's Market	15th & Noe Sts.	Eureka
24th & Church Delicatessen	3783 24th St.	Mission
Mangels Delicatessen	4001 24th St.	Mission
Pete Balzer's Grocery	1400 Guerrero St.	Mission
Del Monte Delicatessen	1826 San Jose Ave.	Mission
Pioneer Market	3318 Mission St.	Mission
Geneva Delicatessen	919 Geneva Ave.	Mission
29th & Mission Delicatessen	3315 Mission St.	Mission
Prosperity Market	198 Genessee St.	Sunnyside
Glen Park Delicatessen	Diamond & Bosworth	Glen Park
Seabright Delicatessen	1715 Noreiga St.	Sunset
P. & G. Food Center	1925 Lawton St.	Sunset
Irving Market	828 Irving St.	Sunset
California Delicatessen	634 Clement St.	Richmond
Tip Toe Delicatessen	5423 Geary Blvd.	Richmond
Haight Delicatessen	505 Haight St.	Haight
A-1 Delicatessen	1430 Haight St.	Haight
Stop-shop Delicatessen	1597 Haight St.	Haight
Hofling's Grocery	709 Monterey Blvd.	Westwood
Tasti-Snack Delicatessen	40 West Portal	West Portal
Louie's Delicatessen	1626 Taraval St.	Parkside
16th Avenue Food Market	565 Taraval St.	Parkside
Alhambra Delicatessen	846 Geary St.	Down Town
Wunner's Delicatessen	2323 Chestnut St.	Marina
Budget Savings Market	6001 Mission St.	Daly City

Delicious products from the well known

SWEDISH BAKERY IN BERKELEY

2510 - 12 San Pablo Ave. — Phone BErkeley 7-6040

Figure 24. 1953 (California Digital Newspaper Collection). EDS-09: 2514 San Pablo Avenue (APN 54-1780-5); 1910 storefront commercial building

Year	Owner/Occupant	Details
1910-1922	Owners: unknown	• The 1910 storefront commercial building consists of five storefronts within retail addresses, including 2514, 2513, 2520, 2522, and 2524 (Figure 25). • The first owner of the 1910 storefront commercial building is not known.
1922-1930	Owners: Conrad F. Gubanski and Mary Gubanski	• The first known owner of the 1910 commercial building is Conrad. Conrad was born in 1896 in German, and in 1912 he immigrated to the U.S. at the age of 16.[66] • Conrad contract married Mary in 1920. They had three children, Conrad Jr., Louis, and Walter.[67] [68]

[66] Ancestry.com, Staatsarchiv Hamburg. *Hamburg Passenger Lists, 1850-1953*. [67] Ancestry.com. *1930 United States Federal Census*.
[68] Ancestry.com., *California, Marriage Records from Select Counties, 1850-1941*.

ITEM 5
LPC 03-04-2021

State of California & The Resources Agency DEPARTMENT OF PARKS AND RECREATION	Primary # HRI #
PRIMARY RECORD	Trinomial
	NRHP Status Code
Other Listings	
Review Code _____ Reviewer _____ Date _____	



https://berkeleyplaques.org/e-plaque/san-pablo-avenue-folk-music-clubs/

San Pablo Avenue Folk Music Clubs

MUSIC



2504 San Pablo Ave, site of many folk clubs, photo (2015) R. Kehlmann

BERKELEY e-PLAQUE

San Pablo Avenue Folk Music Clubs

The Steppenwolf: *2136 San Pablo Avenue*
The Blind Lemon: *2362 San Pablo Avenue*
Cabale, Cabale Creamery, Good Buddy, Caverns West, Questing Beast, Tito's, Babylon, and Longbranch Saloon: *2504 San Pablo*
The Jabberwock: *2901 Telegraph Avenue*
Freight and Salvage: *1827 San Pablo Avenue*

The folk music revival that began in the late 1950s was part of the cultural shift that peaked during the excesses of the disruptive 1960s and early 1970s and ebbed with the entrance of Rock on the popular music scene. Folk music clubs popped up in many places, notably in Greenwich Village, Cambridge, Chicago, San Francisco, and Berkeley. Centered on San Pablo Avenue, the Berkeley folk music scene was vibrant and transformative, if ever-churning.

In 1956, Berkeley's Pacifica radio station, KPFA, launched a folk music show called "Midnight Special." Two years later the city's first folk clubs, the *Steppenwolf* and the *Blind Lemon*, opened on San Pablo Avenue. Folk music was riding high: the Kingston Trio released "Tom Dooley," and Cambridge's famous *Club 47* had just opened.

In 1958 Max Scherr purchased and operated a local hangout, the *Steppenwolf*, a club that dabbled in both folk music and theater. Scherr later sold it to launch an underground newspaper, the *Berkeley Barb*. The *Blind Lemon* (named after the father of Texas blues, Blind Lemon Jefferson) opened in that same year, a few blocks south of the *Steppenwolf*. The small and intimate venue featuring coffee and folk music was owned by folk guitarist Rolf Cahn, a Jewish refugee from Nazi Germany who had served in the U.S. Army during the war, and singer/activist Barbara Dane. Opening night featured Odetta (a voice of the civil rights movement whose renditions of blues and spirituals inspired many musicians, including Bob Dylan, Joan Baez, and Janis Joplin), blues singer and guitarist K.C. Douglas, and Celtic folksinger Larry Moore. Cahn and Dane often performed at the club.

From the *Blind Lemon*, Rolf moved up the street to 2504 San Pablo Avenue, a spot that over the years would become home to seven different beat-era folk music clubs. It was at the *Cabale Creamery* (from Kabbala) that Jerry Garcia played bluegrass and folk music in the early 60s. Later, the club veered from folk towards rock and was renamed the *Questing Beast* (a name derived from King Arthur lore). It was an early and frequent venue for Country Joe and the Fish, and continued the trend towards rock in a further incarnation as Babylon (1969–70).

In the mid-1960s Berkeley's folk scene migrated to the corner of Telegraph Avenue and Russell Street where Bill "Jolly Blue" Ehlert's *Jabberwock* hosted locals and traveling musicians including Taj Mahal, Mance Lipscomb, Lightnin' Hopkins, and John Hammond. The *Jabberwock's* predecessor on the corner was a jazz club and coffee house, *Tsubo's*, where one evening patrons sat in on a recording session of guitarist Wes Montgomery and the Miles Davis rhythm section.

After the *Jabberwock* closed in 1968, the folk scene moved back to San Pablo Avenue with the opening of *Freight and Salvage Coffeehouse*, but Rock ultimately silenced Berkeley's lively folk music scene. At the turn of the century, only the *Freight* remained. It had been a latecomer, but one with staying power. It now takes its place on Addison Avenue, in the heart of Berkeley's downtown art and culture scene.

Contributed by Tom Dalzell, 2015

http://rockarchaeology101.blogspot.com/2021/03/2504-san-pablo-avenue-berkeley-ca-long.html

ROCK ARCHAEOLOGY 101

PHOTOS AND ARTIFACTS FROM MOSTLY FORGOTTEN AND MOSTLY BAY AREA ROCK VENUES OF THE 1960S AND EARLY 70S

THURSDAY, MARCH 11, 2021

2504 San Pablo Avenue, Berkeley, CA: The Long Branch Saloon 1971 Performance List (and Building History--Long Branch I)



2504 San Pablo Avenue, Berkeley, as it appeared in August 2011. The building was the former site of the Cabale Creamery, The Good Buddy, Caverns West, the Questing Beast, Tito's, Babylon and The Long Branch Saloon. All were music venues in the 1960s or 70s.

2504 San Pablo Avenue, Berkeley, CA: Building History

2504 San Pablo Avenue (at Dwight Way) is almost two miles West and South of the UC Berkley campus. Back during World War 2, with the Oakland and Richmond shipyards full of workers on three shifts, San Pablo Avenue had been called "Music Row." There had been nightclubs and saloons all along the East Bay, as tired workers with their pockets full relaxed with some live music. Many musicians had relocated from the South or Southwest to the West Coast, since that was where all the work was. Many other musicians had migrated for factory work, only to find playing music more lucrative (and probably more fun). Even into the 1970s, there were still several nightclubs along the San Pablo Avenue corridor, a final hint of the booming war years.

2504 San Pablo Avenue itself was a seminal address in Berkeley '60s music history. It is a fact of zoning that use permits tend to persist, so a venue with a license to allow music will generally continue to offer music. It is far easier for a new proprietor to lease a building with an existing permit than lobby for a new one, so clubs often change names, owners and musical styles, but not addresses. In the early 1960s, 2504 San Pablo had been the site of The Cabale, later The Cabale Creamery, an essential stop on the early 60s folk circuit. In 1965 it briefly became The Good Buddy and then Caverns West, and in November of that year it became the pre-psychedelic Questing Beast. It was at the Questing Beast where local folksingers Joe McDonald and Barry Melton got some friends and "plugged in" to become Country Joe And The Fish.

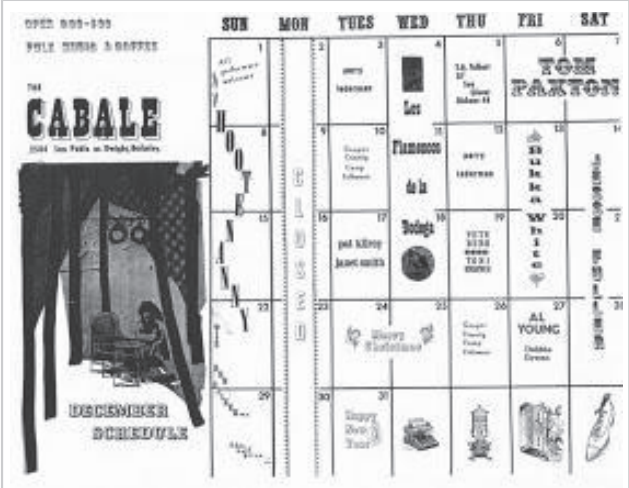
The Questing Beast had closed in May 1966, and 2504 became Tito's, which featured live music but was mostly a dance club. In late 1969, the club was re-named Babylon, and featured local bands playing original music. In 1971, new owner Malcolm Williams doubled the capacity of the room from about 175 to around 350, and renamed the club The Long Branch Saloon. The Long

Branch featured original music, too, but it paid a little better, with a correspondingly higher quality of performers.

Location and Memory
Sometime in the late 1980s or early 90s, Jerry Garcia was asked about his opinions of different venues around the country. By that time, the Grateful Dead had played every venue, some of them many times. Garcia admitted, however, that when he didn't remember names of venues--for one thing, they often changed--and in any case he was just driven there in a van. When he got on stage at the soundcheck, though, he admitted he would look around, and often recognize that he had played there before, thinking "oh yeah, this place, I've been here!"

Although few musicians have had the vast experience of Garcia, any rock fans who have lived in an area for a long time can recall that happening on occasion. You get tickets for a new club, and you get there, and park, and get inside, and look at the stage, and think--"hey wait a minute, this is where I saw the So-And-Sos." Musicians must play a lot of live shows must have this experience regularly, getting on stage and recognizing the view, realizing they had played the club with a different band when it had another name, or had seen their friends play there.

For musicians who played around the East Bay in the 60s and 70s one of those addresses would have been 2504 San Pablo Avenue. To illustrate this, I am going to point out the experiences of Jerry Garcia and Barry Melton, whose notoriety extends far enough that we know their history. The important point here, however, is that numerous patrons and musicians would have had multiple experiences at 2504 San Pablo, recognizing it every time, even if belatedly.



A calendar for Berkeley's Cabale, for December, 1963.

Cabale (Creamery) January 1963-April 1965
Sandy Rothman, a Berkeley bluegrass musician from way back, recalled Berkeley's Cabale (in a reflection no longer accessible on the internet)

It was on San Pablo Avenue, a main north-south thoroughfare parallel to Telegraph on the opposite (west) side of town, at the southwest corner of Dwight Way and San Pablo. I don't recall how "Creamery" got attached to it -- maybe from the steamed milk that was in the cappuccinos and lattes? The name "Cabale" was taken from "Cabala," a medieval system of Jewish mysticism. (Other dictionary definitions are: "a traditional, esoteric, occult, or secret matter" and "an esoteric doctrine or mysterious art." Do any of those terms resonate with bluegrass, nearly a cult in itself?! Hahaha.)

In the early 1960s, there was a 'folk circuit' that emphasized serious folk music like Doc Watson and Mississippi John Hurt (as opposed to the more popular Kingston Trio-style of folk music). The Cabale was one of the anchors of the circuit, along with Club 47 in Cambridge, many clubs in Greenwich Village (such as the Gaslight and Folk City), the Ark in Ann Arbor and the Ash Grove in Los Angeles. The story of this circuit is well told in Jim Rooney and Eric Von Schmidt's fine book *Baby Let Me Follow You Down* (U-Mass Press, 1979).

The Cabale, at 2504 San Pablo Avenue (at Dwight), was a folk club founded in late 1962 by Rolf Cahn and Debbie Green (two Cambridge, MA folkies), along with Howard Ziehm and Red Dog alum Chandler A. Laughlin III (later known as Travus T. Hipp). Cahn, a Jewish refugee from Nazi Germany, had served in the US Army during the war and also played and taught classical, flamenco, and folk guitar. Cahn had also founded the Blind Lemon in 1958 (at 2362 San Pablo), the first Berkeley coffee house to feature folk music.

The Cabale had opened on January 4, 1963 and ran until mid-1965, when the folk action moved to the Jabberwock. Somewhere along the way Carroll Peery, manager of the Chambers Brothers and Big Mama Thornton, happened to acquire a majority interest in the Cabale. The name of the venue was changed to the Cabale Creamery in August of 1964. (As a side issue, the one-time notoriety of the Cabale/Cabale Creamery coffee house led the local vice squad and FBI to ban the licensing of any business under the name "Cabale" in the future. However, the late Chan Laughlin retained Cabale News Service as his business cover). Physically, per Sandy Rothman and others, the Cabale was a fairly small, long and narrow, dark room with the ambience of a '50s Beat coffeehouse. Coffee drinks were made at the far end of the room. Initially, the stage was against the long wall on the north side of the room (the right side as you walked in); later, it was on the short wall just inside and to the right of the entrance.

The usual entertainment at the Cabale included local musicians and quite a few traveling "folk individuals" from the more developed Cambridge folk scene. Bluegrass was scheduled only occasionally at the Cabale, but on the other hand, it was the only club in Berkeley where it was presented at all during that period (1963-4). Thus, for musicians like Sandy Rothman or Jerry Garcia, the Cabale was a destination when someone like the Kentucky Colonels were playing.



Jim Kweskin and The Jug Band (Unblushing Brassiness), Vanguard Records, December 1963 (Bruno Wolfe, Bob Siggins, Fritz Richmond, Jim Kweskin, Geoff Muldaur)

On March 11, 1964, the Jim Kweskin Jug Band played the Cabale. Jerry Garcia and his wife, plus some friends, made a pilgrimage to Berkeley to see them. The Kweskin Jug Band were an important band from the Cambridge folk scene, and had released their debut album on Vanguard in December of 1963. For young players like Jerry Garcia (in Palo Alto) or David Grisman (in Hackensack, NJ), it's hard to overstate the importance of this album. For one thing, Jug Band music was unknown prior to this album. Abruptly, every young hipster in America realized that they could form a band with their friends, and use any combination of instruments, whether played well or poorly.

Garcia, then newly married, was teaching music in Palo Alto and trying to start a music career. Famously, the self-absorbed Garcia was practicing banjo in the store on New Year's Eve '63, not reflecting why none of his students had shown up. A teenager heard the music and knocked on the door. When Garcia told the 15-year old from nearby Atherton that he wanted to form a jug band, young Bob Weir said "I'm in." And so it began. When the Kweskin band played a one-nighter, Garcia had to go (Weir was probably in exile at Boarding School).

For Garcia, the striking thing about the Kweskin Jug Band was not the music, which was great. Unlike literally ever other group at the time, the Kweskin Band were not "entertainers." Even the Beatles, creative as they were, wore matching suits, had a structured show and had bits of showbiz patter between songs. The Kweskin crew wore what they liked, casually bantered with the audience and each other, played requests--if they felt like it--and enjoyed themselves. That was what folk music was like when you played it in your living room. The Kweskin Band was just inviting everybody in to join them. That, right there, was the model for the Grateful Dead: play what you want, enjoy yourself, and invite along anyone who thinks that it would be fun.

Garcia was also friendly with the Kentucky Colonels and their great guitarist Clarence White. The Colonels played the Cabale a number of times, and Garcia surely went to see them any time he could. The Cabale didn't book bluegrass that often, but no other club booked bluegrass at all. So even though he lived in Palo Alto, Garcia made the trips to Berkeley when it was important. For such a tiny, unassuming place, the Cabale is remembered fondly by many Berkeley musicians.

Just as a sample, in January, 1964, the Cabale booked, among others
Bob Neuwirth-Cambridge folksinger who was famous as Bob Dylan's running mate
Pat Kilroy-Berkeley folk singer who founded the band New Age
Perry Lederman-obscure but influential Berkeley guitarist (later he did something-or-other for some Owsley character)
Danny Kalb-a few years later, lead guitarist for The Blues Project
Reverend Gary Davis-"If I Had My Way," "Death Don't Have No Mercy," and many more
Jesse Fuller-one-man band from Oakland ("San Francisco Bay Blues," "Beat It On Down The Line")

The name was amended from simply "the Cabale" to the Cabale Creamery in August 1964. The club folded around May, 1965.



A calendar for the Questing Beast in May, 1966. In fact, most of these gigs were never played, since the City of Berkeley pulled the club's cabaret license. The final musical performers were Country Joe and The Fish on May 7, 1966

The Questing Beast November 19, 1965-May 9, 1966
When the Cabale finally folded, probably sometime in the Spring of 1965, the 2504 San Pablo premises briefly became The Good Buddy (a poster survives from May 1965), and then Caverns West. Ultimately it was taken over by Terry Sullivan and Tony Sage, and re-opened as the Questing Beast on November 19, 1965. For another endeavour, we looked at the history of The Questing Beast in some detail (for a more complete saga, including a list of known performances, see our page on the Questing Beast).

The Questing Beast was primarily a folk coffeehouse and hosted similar acts to the Jabberwock on Telegraph Avenue. It booked mostly Folk, but with a fair amount of flamenco, bluegrass and classical guitar playing thrown in. By all accounts it never managed to turn a profit. Still, there was a hint of electricity in the there, making the Beast a somewhat different animal than prior folk clubs. For one thing, some rock bands were booked. Not from out-of-town, maybe not even good, but they were plugged in. Also, the walls of the club were covered with an elaborate psychedelic mural, although no pictures of it have endured.

The famous Mr. Owsley lived not far away, on Berkeley Way (roughly near Hearst and McGee, for those who know Berkeley geography), and he was reputed to hang out at the Questing Beast. A long-ago Grateful Dead tape from early 1966 was labeled "rehearsal-Questing Beast Feb 12 '66." The location was spurious, as the Dead never rehearsed there--the tape was probably made at Owsley's house--but there was still a psychedelic association with the Questing Beast, befitting its name.

Among the tiny number of folk musicians in Berkeley at the time were Navy veteran Joe McDonald and Brooklyn transplant Barry Melton. In Fall 1965, The duo had made an anti-war 45 rpm single called "Feel-Like-I'm-Fixin'-To-Die Rag" in a friend's living room, only for sale at one used bookstore near the campus (Moe's Books). For the single, the duo was named Country Joe and The Fish, which reflected jokes about Marxist ideology. Around October 1965, the pair had taken the bus and then hitchhiked around Oregon and Seattle, playing at anti-war gatherings. In February of 1966, however, they saw the Butterfield Blues Band at the Fillmore, and they began to see things differently--although the mysterious Mr. Owsley may have indirectly assisted.

One night around March, Joe and Barry were booked to play folk music at the Questing Beast. This time, however, they brought along a few friends. Barry brought an electric guitar, and some other friends (probably Bruce Barthol and Paul Armstrong) played amplified guitar and bass, and another friend, John Francis Gunning, played some drums, while Joe sang and blew some

harmonica. They did some blues, and some instrumentals, and an original song about smoking pot, which would end up being known as "Bass Strings" (with a then-racy introduction where Joe sang "Hey partner/Won't you pass that reefer around").

From then on, when Country Joe and The Fish played Questing Beast, they had some friends and some amplifiers. The band--now it was a band--would release their own EP in late 1966, passing that reefer around the world, well beyond the confines of Berkeley. Vanguard Records signed them, but only on the condition that they wouldn't sell their own record any more.

Unfortunately, by May 1966, The Beast had been slain, with its downfall well documented in the May 6 (Vol 2, Number 18) and May 13 (Vol 2, Number 19) issues of the *Barb*. A hastily arranged three day benefit was arranged with Solomon (Feldthouse – later of eclectic LA band Kaleidoscope) with the Holiday Dancers, Country Joe and The Fish, John Paul, Dave Cohen, Dan Paik and The Gospel Tonics (who had originally been scheduled) appearing.

The very last musical performances at the Questing Beast were Country Joe and The Fish on May 6 and 7 (see the calendar above), getting ready to spread Berkeley to the outside world. Sunday and Monday (May 8 and 9) saw The Questing Beast host Jerry Abrams' Berkeley *Cinematheque* (something they had done each Sunday since March 20) and the doors closed for the final time on May 9, 1966. The city of Berkeley had grounds (albeit thin ones) to deny the Beast its Cabaret license, and so they wouldn't have been able to pay performers.



Tito's 1967-June 1969

Somewhere around early 1967, 2504 San Pablo Avenue re-opened as a place called Tito's. It sold beer and pizza, and it had music for dancing on weekends. Tito's didn't buy ads, nor list their bands in the local papers, so it seems to have just had bands playing dance music. Still, once in a while, a local band would print up their own flyer, so we have some traces of the club's existence (The Drongos, above, were a local Berkeley band).



A flyer for Babylon, from March 13, 1970

Babylon July 1969-April 1971
In the Summer of 1969, Tito's became Babylon. Babylon featured original electric rock bands. A colleague looked into the bookings from July 1969 through November 1970, and they were all local Berkeley bands. The only name that stands out today is Purple Earthquake, a band of former Berkeley High students who would evolve into the band Earth Quake. Earth Quake released several albums in the 1970s, and they would also rule the Long Branch for five years.

A few flyers and artefacts from Babylon survive. The flyer above was from March 13, 1970. The notations "18 and Over Welcome" and "Food" meant that it was a restaurant, technically, with a cabaret license. Minors were allowed in if they were over 18, but they couldn't buy beer (although I bet they drank some). I think the nightly audiences for the Babylon weren't much older than 21, and probably lived relatively near to San Pablo Avenue.

By the Spring of 1971, the Babylon was owned by one Malcolm Williams. I don't know how long Williams had run or owned Babylon, but he decided to expand the club and rename it.



A flyer for Sopwith Camel at Berkeley's Long Branch, playing July 29, 1971

The Long Branch May 28, 1971-November 1976
By 1971, the live rock music market was evolving, and lots of entrepreneurs were noticing. Rock music had always been the province of teenagers, of course. But 60s rock music, with the likes of the Beatles, Bob Dylan and Cream, had raised the ante. Rock music fans didn't just "move on" when they turned 18. Those kids who were 15 when the Beatles had played Ed Sullivan in 1964 were past drinking age. They were still listening to rock music, and they took it seriously. And while every rock fan wanted to see the most popular bands when they came to town, their options were expanding.

A rock fan in his 20s probably had a job, and a few more dollars than when they were teenagers. They also didn't have parents constraining them, and they could drink. They weren't going to go to the Fairmont in San Francisco, but taking a date to a club where you could drink beer and dance was starting to seem like a viable idea.

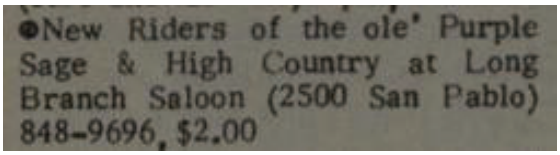
At the same time, UC Berkeley was expanding. It had never been a small school, but in the early 70s they added more and more students. California parents realized their kids could get a prestigious Ivy League-quality degree for the bargain price of around $212.50 a quarter. When those students graduated, many of them stuck around Berkeley. Rock music had been oriented towards the Fillmore West and other big dance halls, but now nightclubs were starting to book original bands, too. Berkeley had lots of young people, a town that didn't object to long-haired hippies, and a generally central location.

There had been music clubs in Berkeley since World War 2, of course. But as the 70s dawned, the various music clubs in Berkeley started to evolve. The New Monk, near campus at University and Shattuck, shifted from being a fraternity hangout to a rock nightclub, and by the next year it would become the Keystone Berkeley. Malcolm Williams ran Babylon, but he had big plans, too.

A May 23, 1971 article in the San Francisco *Chronicle* about Bay Area rock nightclubs had an interview with Malcolm Williams. Williams had hired some of the staff from the old Avalon

Ballroom, and he was planning to upgrade Babylon by doubling its capacity, from about 175 to around 350. A bigger club meant better acts, not just local bands who probably lived nearby. Certainly, the Bay Area did not want for good local bands, but they were all trying to make a living.

As for the name change, at the time it was a fairly obvious choice. The Long Branch Saloon was the name of a famous watering hole in the Wild West town of Dodge City, KS, back in the 1870s. More importantly, *Gunsmoke* had been a top-rated TV show since 1955, with James Arness as Marshall Matt Dillon. Bars all over the country were named "The Long Branch." Everyone immediately recognized the symbolism, the joint where everyone went, where everything exciting happened.



Ad in the October 1, 1971 Berkeley Barb promotes the New Riders of the ole' Purple Sage and High Country at Long Branch Saloon (2500 [sic] San Pablo) $2.00

Long Branch, Berkeley, CA Performance List May -December 1971
The May 23, 1971 San Francisco *Examiner/Chronicle* (Sunday edition) interviews Malcolm Williams, who says that the Long Branch is "in the process of expanding." At the time, most Bay Area rock clubs were smallish--The Keystone Korner in the City held 250-300, The Lion's Share in San Anselmo was 250-300, the New Orleans House in Berkeley held about 250. Nearby Mandrake's, at 10th and University, probably only held 200. When the Long Branch completed its expansion to around 350, it would be one of the bigger rock clubs in the Bay Area.

Ironically, the biggest club in the Bay Area would be the Keystone Berkeley, just 2 miles from the Long Branch. The New Monk, at 2119 University, mainly a frat beer joint, would be taken over in 1972 by Freddie Herrera and become the Keystone Berkeley. The Keystone Berkeley officially held 476, but it was widely felt that more people were regularly crammed in. Thanks to regular performances throughout the 70s by Jerry Garcia, Tower Of Power, Elvin Bishop and others, the Keystone Berkeley became the premier nightclub gig in the Bay Area until about 1977.

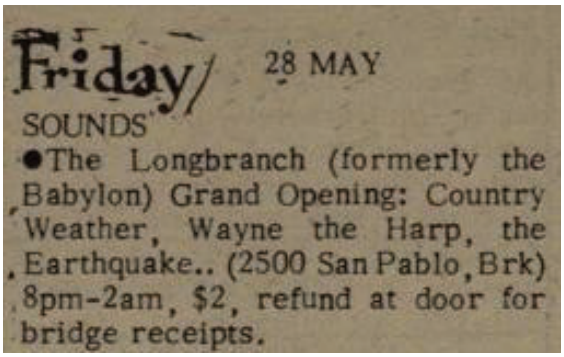


The Long Branch, at 2504 San Pablo Avenue in Berkeley, sometime in the 1970s

Bands would build a following at the Long Branch, and the bands that headlined weekends at the Branch would play weeknights at the Keystone Berkeley, with a built-in audience. Although it's hard to be sure, I think the Long Branch crowd lived relatively near the club, and was in the just-over-21 bracket. The Long Branch was definitely a hard-rocking club, with loud bands and patrons who liked to dance, with less of the University overlay that was included in the Keystone Berkeley audience. The Keystone was right near campus, so it's audience was broader but to some extent more snobby. The Long Branch was in West Berkeley, and less pretentious.

As a result, the Long Branch ended up being a sort of farm team for the Keystone Berkeley. That wasn't a bad thing, necessarily, for the bands themselves. Keystone Berkeley and Long Branch didn't have identical crowds. The Keystone was nearer to campus, and at least on weekends drew people from Alameda, Contra Costa and Marin counties. The Long Branch had a little bit younger crowd who just liked to go out, and probably mostly lived around Berkeley.

At the Long Branch, mostly the same bands played the club over and over. If a band could build an audience at Long Branch, the expectation was that their own regulars would see the band over and over. Earth Quake, for example, the archetype for a Long Branch band, could play a wide variety of exotic British Invasion cover songs, so that their regular fans didn't hear the exact same set every time.



Friday/ 28 MAY

SOUNDS

●The Longbranch (formerly the Babylon) Grand Opening: Country Weather, Wayne the Harp, the Earthquake.. (2500 San Pablo, Brk) 8pm-2am, $2, refund at door for bridge receipts.

The May 28, 1971 Berkeley Barb lists the Grand Opening of the Longbranch [sic], formerly the Babylon with Country Weather, Wayne The Harp, the Earthquake [sic]. 8pm-2am, $2, refund at door for bridge receipts

May 28, 1971 The Long Branch, Berkeley Country Weather/Wayne The Harp/Earth Quake Grand Opening *(Friday)*
The Long Branch promoted its "Grand Opening" on Friday, May 28, 1971. There had been no bookings listed at Babylon for over a month, so I think the Long Branch was closed for renovations. The *Chronicle*article had said that the Long Branch was "in the process" of doubling its capacity. Based on peripheral evidence, I think those renovations took place over two periods. 2504 San Pablo was closed for about a month before it opened, and then apparently closed again for the month of November. I don't know if the club had fully expanded its capacity by May, or did the expansion in pieces. In any case, based on the quality of bookings, the Long Branch was already a bigger club than Babylon when it opened in May.

The Long Branch didn't really advertise. The club seemed to have made sure that their best weekend bookings were listed in the Berkeley *Barb*and the San Francisco papers, but there were rarely listings for the weekdays. There were probably flyers around town (common in Berkeley), but none have survived from 1971. Also, FM rock radio stations usually announced an "entertainment calendar" in the afternoons and evenings, where they would run down all the club bookings ("tonight, at the Lion's Share, The Sons, and at Keytstone Korner, Elvin Bishop Group," and so on). No doubt the Long Branch made sure that KSAN and the other stations had their weekend bookings, at least.

The Long Branch had three bands on their opening night, all three of which could have been the headliner on their own. The listings in the *Barb* and *Examiner* also said "$2 refund if Bridge receipt." This was to encourage fans from San Francisco (using the Bay Bridge) or Marin (using the Richmond Bridge) or even the Peninsula (using the San Mateo or Dumbarton Bridges). I don't know how many patrons actually took them up, but it was a marker of a club trying to expand its weekend audience beyond its own neighborhood.

Country Weather were a Walnut Creek (Contra Costa County) group, from just over the Berkeley Hills. They had originally been called The Virtues, but soon after lead guitarist Greg Douglass joined, they changed their name to Country Weather. Country Weather never released a record when they were together from 1967-73. Since the group was familiar from many posters from 1968 onward, Country Weather became one of the great lost San Francisco groups of the 1960s. Ultimately, the group reformed in the 21st century and still performs occasionally. RD Records released some of their 60s demos and live performances, along with some 21st century recordings.

Greg Douglass became a successful guitarist in the Bay Area, best known for co-writing “Jungle Love” for Steve Miller, with whom he played for many years. Douglass was also a member of Hot Tuna for one brief, sensational tour in Spring 1975.

Wayne The Harp was guitarist Wayne Ceballos. Ceballos had led the Bay Area trio AUM (pronounced "Ohm") in the sixties. AUM had released two albums, and opened at both Fillmores as well. Ceballos still played the same kind of hard-driving blues guitar in his new group.



Earth Quake's debut album was released on A&M Records in 1971

Earth Quake, from Berkeley, were the ultimate Long Branch band, and it's fitting that they played opening night. Originally, they had been a Berkeley High power trio called Purple Earthquake. By 1971, they were a quartet, with Robbie Dunbar on lead guitar, lead vocalist John Doukas, bassist Stan Miller and drummer Steve Nelson. Earth Quake would release their debut album on A&M Records sometime this year.

Earth Quake would play the Long Branch at least every month for five years, and in many cases every Friday night. Earth Quake, with their vast trove of cover versions, always had a loyal audience at the club.

I can't find any reference about who played Saturday night, although I suspect it was one of these three bands. For the balance of this post, I am only noting bands where I have been able to find a listing. In general, the same bands played the Long Branch over and over, so missing nights might not likely reveal other bands. The Long Branch was generally open from Tuesday through Sunday. Wednesday was "audition" nights, with unknown bands. Most other clubs had "audition night" on Monday, so the Long Branch was smart to choose another night.

June 4, 1971 Long Branch, Berkeley, CA: Grootna *(Friday)*
Grootna was a Berkeley band that had arisen out of a 60s Berkeley band called Sky Blue. Guitarist Vic Smith and singer (and sometime drummer) Anna Rizzo had teamed up with guitarist/writer Allan "Slim Chance" Silverman. Drummer Greg Dewey (from Mad River) was also in the band, along with a few others. The band played a batch of songs written by Silverman and his songwriting partner Austin DeLone. DeLone, however, was playing pubs in London with the band Eggs Over Easy. Everybody in Grootna had many links to numerous Berkeley ensembles.

June 18-19, 1971 Long Branch, Berkeley, CA: Wayne The Harp/Flying Circus *(Friday-Saturday)*
Flying Circus were a Marin band. Some form of the band had existed since about 1966. Flying Circus shared equipment and a rehearsal space with the band Clover. Flying Circus lead guitarist Bob McFee was the brother of Clover lead guitarist John McFee. Bassist John Hapaala was the only member who was in both the 60s and 70s versions of Flying Circus. The band had self-released a single in 1970, as a promotional tool, but I have never heard it. To my knowledge, Flying Circus fell broadly into the Marin country-rock category, something like Clover.

June 20, 1971 Long Branch, Berkeley, CA: Charlie Musselwhite/Cookin' Mama *(Sunday)*
Charlie Musselwhite had been born in Mississippi and moved to Memphis, and then ultimately to Chicago. He was one of a small number of white musicians in Chicago (including Nick Gravenites, Paul Butterfield, Mike Bloomfield, Elvin Bishop and a few others) who had stumbled onto the blues scene by themselves.

A Chicago club regular, Musselwhite eventually recorded an album for Vanguard in 1967 called *Stand Back*, which had started to receive airplay on San Francisco's new underground FM station, KMPX-fm. Friendly with the Chicago crowd who had moved to San Francisco, his band was offered a month of work in San Francisco in mid-1967, so Musselwhite took a month's leave from his day job and stayed for a couple of decades.

By 1971, blues weren't as interesting to major labels. Musselwhite's 1971 album was *Takin' My Time*, on Arhoolie Records. Musselwhite's backing group on the album included Robben Ford, a great young guitarist from Ukiah. By mid-71, I think Ford (and his brother, drummer Patrick Ford) had left Musselwhite to form their own band, but it's not impossible that Robben played the Long Branch with him.

Cookin' Mama was a local band fronted by Sherry Fox, who had been in RJ Fox. They were a big, eight-piece band with horns. Pat Thrall was the lead guitarist. Cookin' Mama would release a 1972 album called *New Day.*

July 2-3, 1971 Long Branch, Berkeley, CA: Elvin Bishop Group/Linx *(Friday-Saturday)*
Elvin Bishop had moved to the Bay Area from Chicago in Spring 1968. By 1969 he had a band and was regularly playing The Keystone Korner. Bishop was signed to Bill Graham's San Francisco label, distributed by Columbia, and he had released two albums. After a 1969 debut, the **Elvin Bishop Group** had released *Feel It!* in mid-1970. Elvin's band featured Stephen Miller on organ (from the band Linn County) and singer Jo Baker. Baker, Bishop and Miller all shared vocals.

Linx played the Long Branch regularly, as well as other Berkeley clubs, but I don't know anything else about them *[**update 20230528**: thanks to a Commenter, I know that Linx (sometimes spelled Lynx) featured young Berkeley saxophonist Lenny Pickett, later in Tower Of Power and long-time leader of the Saturday Night Live Band. Also in the group was (future) renowned Manhattan chef Jonathan Waxman]*



Alice Stuart's 1970 album Full Time Woman, on Berkeley's Arhoolie Records

July 4, 1971 Long Branch, Berkeley, CA: Alice Stuart/Clover*(Sunday)*
On July 4, Bill Graham closed the Fillmore West. The concert industry was getting too large for the 2500-capacity ballroom. Graham moved the action to the much larger Winterland (5400) or Berkeley Community Theater (3500). Fillmore West wasn't a club, but it was a place that many local rock fans went to on a Friday or Saturday night just because it was "the Fillmore." It's closing left room on weekend nights for rock nightclubs all around the Bay Area.

Alice Stuart was a fine blues guitarist and singer. Although she was from Seattle, she had been playing in the Bay Area since about 1964. Stuart had performed and recorded in a variety of settings. At one point in late 1969, she had even been the temporary bass player for the Lost Planet Airmen. Stuart had released the album *Full Time Woman* in 1970, on the small label American Records. It was a fairly introspective album. By 1971, Stuart was leading an electric trio called Snake, with Karl Sevareid on bass Bob Jones on drums (and vocals), and they would record for Fantasy in 1972.

Clover's members were also Marin County natives. **Clover** had formed in late 1967, out of a band called The Tiny Hearing Aid Company. Fantasy Records, flush with Creedence money, had signed Clover. The band released two poorly-produced but pretty good albums, their self-titled debut in 1970, followed by *Fourty-Niner* in 1971. Clover was a four-piece band, with lead and pedal steel guitarist John McFee, lead singer and guitarist Alex Call, bassist John Ciambotti and drummer Mitch Howie (McFee, Call and Howie had been in Tiny Hearing Aid). Clover worked out of Mill Valley.

By the end of '71, Fantasy seemed to have dropped Clover. Clover kept plugging along, playing Monday nights in Berkeley, even after two albums. The proximity of Mill Valley to downtown Berkeley made this a sensible gig for Clover.

July ?, 1971 Long Branch, Berkeley, CA: Commander Cody and His Lost Planet Airmen
I could find almost no listings for July, but I don't read much into that. Newspapers published

listings on a space-available basis, and sometimes lesser clubs like the Long Branch weren't mentioned in the paper due to lack of space. In other cases, no one from the club may have remembered to call the paper with the week's bookings.

Berkeley's very own **Commander Cody and His Lost Planet Airmen** had moved out to California from Ann Arbor, MI in the Summer of '69. They had set up shop in a rambling house in nearby Emeryville. The band played "hippie honky-tonk," a strange brew of Western Swing, traditional country, old-time rock and roll and Berkeley sensibilities. The band had been signed to Paramount Records, and at this time they were recording their debut (*Lost In The Ozone* would come out in November). We can infer this Commander Cody date, however, since we know that the band was recording live at the Long Branch and the New Monk in July (as it says so on the back of the album). On the album, the songs "What's The Matter, Now" and "20 Flight Rock" were recorded live, but whether either (or both) were recorded at the Long Branch isn't clear.

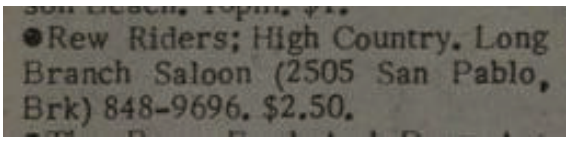
July 29, 1971 Long Branch, Berkeley, CA: Sopwith Camel/Jabo Stokes *(Thursday)*
The **Sopwith Camel** was an original San Francisco psychedelic band, with roots going back to the Red Dog Saloon in Virginia City, NV and 1090 Page Street. The Sopwith Camel had been one of the first Fillmore bands to sign a recording contract, and they had one of the first hit singles of the scene, as well, with "Hello Hello" in February 1967. That record was in the Lovin' Spoonful jugband style, which has hot at the time (and the Camel were produced by Spoonful producer Erik Jacobsen). The Camel had to face the grumblings of locals who felt that they had "sold out." The band had ground to a halt in late 1967.

However, Sopwith Camel had reformed in 1971. Their first gig seems to have been at the Matrix on March 5. The re-formed group had 4 of the 5 original members. The original songwriting partnership of guitarists Peter Kraemer and Terry MacNeil was intact, along with bassist Martin Beard and drummer Norman Mayell. In the meantime, Beard and Mayell had played on the hit single "Spirit In The Sky" with Petaluma's Norman Greenbaum.

Jabo Stokes is unknown to me.

August 6-7, 1971 Long Branch, Berkeley, CA: Commander Cody and His Lost Planet Airmen/The Crabs *(Friday-Saturday)*
The Crabs were a popular Berkeley club band, although they didn't ever break out of the club circuit. They played in a style that would now be called "Roots-Rock" or "Americana" today, but those terms didn't yet exist. The author Charles Reich, who published a huge bestseller in 1970 called *The Greening Of America*, was a huge fan of The Crabs, and mentioned them a number of times in his book (Reich also interviewed Jerry Garcia for *Rolling Stone*, and it was published as a book called *A Signpost To New Space*).

August 17, 1971 Long Branch, Berkeley, CA: Driver *(Tuesday)*
Driver are unknown to me. If a Bay Area band from this period is unknown to me, they are officially obscure. Driver very well may have been a fine band, in fact, but bands booked at the Long Branch on a Tuesday night didn't have any local following.



The August 27, 1971 Berkeley Barb lists Rew Riders [sic]/High Country, Long Branch Saloon (2505 [sic] San Pablo, Brk) $2.50

August 27-28, 1971 Long Branch, Berkeley, CA: New Riders of The Purple Sage/High Country *(Friday-Saturday)*
The New Riders Of The Purple Sage headlined the weekend at the Long Branch, so Jerry Garcia returned to where he had been originally inspired by the Jim Kweskin Jug Band. While of course Garcia was quite famous, as I have said I think his experience was quite common for musicians on this list. 2504 San Pablo Avenue had been a venue for several years, and by it's nature, Berkeley is

a place where interesting things happen, for good or ill. Many musicians must have had a burst of recognition when they drove up to their gig at the Long Branch for the first time.

The **New Riders Of The Purple Sage** were Jerry Garcia's vehicle for letting him play pedal steel guitar in a live band. Since John Dawson wrote and sang the songs, and Garcia's old pal David Nelson played guitar, Garcia could just concentrate on the steep learning curve of the pedal steel, with no vocal or front-man duties. By this time, the Riders had completed the recording of their debut album *NRPS*, which would come out in September. Garcia himself had found the pedal steel too daunting, and had already made plans to cede the chair to the great Canadian steel guitarist Buddy Cage (who had been playing with Ian and Sylvia Tyson's Great Speckled Bird).

Not only was Cage a far better steel player than Garcia, if the band did not have a full-time player in the steel slot, the band could never play enough to make a living. The Grateful Dead had managed to climb out of some severe debt incurred in 1970 (their manager had absconded with $150K), but the Riders were still just trying to break even. A good paying gig on the weekend would help the band cover its expenses until the album made them nationally popular.

High Country were a Berkeley bluegrass band led by mandolinist Butch Waller. High Country were regulars at Berkeley's already-legendary folk club, the Freight And Salvage (a half-mile North, at 1827 San Pablo). Waller had been pals with Garcia and David Nelson, both former bluegrassers, since 1963. Waller and David Nelson had been in a bluegrass band together in 1964 (the Pine Valley Boys), and in '69, Nelson had even played a little with High Country. One time, High Country's banjo player wasn't available, and Jerry Garcia filled in (June 19, 1969--of course, there's a tape).

Butch Waller had surely been to the Cabale many times, as had Nelson, so they too probably had that burst of recognition when they got there.

August 29, 1971 Long Branch, Berkeley, CA: Charles Ford Blues Band *(Sunday)*
The **Charles Ford Blues Band** was a fine blues band that featured three brothers from Ukiah, CA up in Mendocino County. Guitarist Robben Ford, drummer Pat Ford and harmonica man Mark Ford played modern, uptempo blues. It was rooted in tradition, but jazzy and flowing as well. Namesake Charles Ford was their father. They would release a fine album on Arhoolie in 1972 (*Charles Ford Band*). Robben Ford would go on to well-deserved fame, playing with the LA Express, George Harrison, Joni Mitchell, Miles Davis and many others.

August 30-31, 1971 Long Branch, Berkeley, CA: Tower Of Power *(Monday-Tuesday)*
Tower Of Power, though originally from Fremont, were the pride of Oakland. They had been discovered by Bill Graham at the Tuesday night Fillmore West auditions, and their first album *East Bay Grease*had been released on Graham's San Francisco label (distributed by Atlantic). Ultimately, Atlantic's sister label Warner Brothers would pick up Tower. Tower's immortal second album, *Bump City*, would be released in early 1972, presaging an era where the A's, Raiders and Golden State Warriors were making all things Oakland ascendant.

The core of Tower Of Power had been together since 1968. Their unique horn section sound had been honed in Oakland clubs since 1969. Tower Of Power played both rock clubs and R&B dance clubs, dominating both of them with aplomb. At this time, they were just a hard working band, filling in empty nights on their calendar. I think the Long Branch was open on a Monday (and publicizing the booking) just because Tower was available.

September 1, 1971 Long Branch, Berkeley, CA: Ongood/Wormwood Star (Wednesday)
Ongood and **Wormwood Star** are both unknown to me. Wednesday was audition night.

September 2, 1971 Long Branch, Berkeley, CA: Pendergrass *(Thursday)*
Pendergrass is unknown to me.

September 3-4, 1971 Long Branch, Berkeley, CA: Loading Zone/Staton Brothers *(Friday-Saturday)*
The Loading Zone, from Oakland, had played the original Trips Festival back in 1966. By 1971,

they had been through many different iterations. By this time, although they still broadly featured the mix of rock and soul as when they had started, they had no original members. They were good, though: Linda Tillery and Wendy Hass on vocals Tom Coster on organ, Doug Rauch on bass, Tony Smith on drums and Bruce Conte on guitar. The Zone shared management and a rehearsal space with Tower Of Power, and they, too, played both R&B and rock clubs.

The **Staton Brothers** were an East Bay band from Hayward who had been signed by the Monkees' management around 1967. Jeff and Mike Staton were both singing guitarists, broadly in the style of Buffalo Springfield. The band had toured with the Springfield and others in the 1960s. In late 1972, the Staton Brothers would release an album on Epic, but there was a problem with distributors, so the album did not sell. Ultimately both Staton brothers worked with Stephen Bishop and many others as guitarists and songwriters, mostly based in Nashville. Since "Staton" was often misunderstood, and just an adopted name anyway, they used different names.

September 8, 1971 Long Branch, Berkeley, CA: Loading Zone/Mike Finnegan *(Wednesday)*
Organist and singer **Mike Finnegan** was from Wichita, KS. Unlike most musicians, the 6'6" Finnegan had gotten a basketball scholarship to the University of Kansas. He had moved to the Bay Area around 1969, and he had been a member of The Jerry Hahn Brotherhood, who had put out a highly regarded 1970 album on Columbia. Unfortunately, the album went nowhere, and Finnegan had left the band. At this time, Finnegan had another band with singer Jerry Wood, and he worked with the re-activated Big Brother and The Holding Company as well.

For club gigs, Finnegan pretty much played blues. He was a powerful vocalist as well as a great organ player, so he could play with any combination of musicians. Some of his "friends" might have been had notable musical pedigrees and would definitely have been good players.



Cold Blood's second album, Sisyphus, released on Bill Graham's San Francisco record label (distributed by Atlantic), released in 1970

September 10, 1971 Long Branch, Berkeley, CA: Cold Blood *(Friday)*
Cold Blood are generally associated with the East Bay funk sound of bands like Tower Of Power.

The East Bay association was appropriate musically, but in fact Cold Blood had its roots in the South Bay. Lead singer Lydia Pense, from San Mateo, and bassist Rod Ellicott had been in a Peninsula Band in 1966 called The Generation. The Generation were known as the first Bay Area band to merge a horn section with a rock band. The Generation had evolved into Cold Blood, and they were signed to Bill Graham's San Francisco label (distributed by Atlantic). Cold Blood released two albums on San Francisco, their self-titled debut (1969) and *Sisyphus* (1970), which spawned a modest local hit with a remake of "You Got Me Hummin'." [*note: a Commenter suggests Stoneground did not play, and was replaced by Bittersweet*]

September 11, 1971 Long Branch, Berkeley, CA: Stoneground *(Saturday)*
Stoneground had been put together by KSAN impresario Tom Donahue in 1970 for an intended movie about a "traveling Woodstock" called *Medicine Ball Caravan*. The Grateful Dead were booked for the movie, but backed out at the last minute. However, Alembic sound had to honor their part of the contract, so the Dead had stayed home and recorded *American Beauty* with Stephen Barncard, because Bob Matthews and Betty Cantor had gone on the road with Stoneground.

Stoneground had just released their self-titled debut album on Warner Brothers. Among the key members of Stoneground were singers Sal Valentino, Lynne Hughes, Annie Sampson and Deirdre LaPorte. Guitarist Tim Barnes also sang. Pete Sears had been the pianist for the album, although he had probably been replaced by Cory Lerios by September.

September 13-14 , 1971 Long Branch, Berkeley, CA: Tower Of Power *(Monday-Tuesday)*
Clearly the two night booking for Tower Of Power on a Monday and Tuesday was a success, since they returned a few weeks later.

September 15, 1971 Long Branch, Berkeley, CA: Entity/Driver *(Wednesday)*
Entity is unknown to me.

September 16, 1971 Long Branch, Berkeley, CA: Bittersweet *(Thursday)*
Bittersweet was a rock band from Chico, CA, who moved to the East Bay. Rock historian Bruno Cerriotti has a detailed history of their adventures.



Barry Melton's 1970 album on Vanguard, Bright Sun Is Shining

September 17, 1971 Long Branch, Berkeley, CA: Barry Melton and Fish (Friday) According to Joe McDonald and Barry Melton, "Country Joe and The Fish" was a duo featuring the two of them, with or without additional band members. That's not how the music world saw it, however. Country Joe and The Fish had called it a day in early Summer 1970, and both leaders had gone solo. Still, when Barry Melton played live with a band, it was usually called **Barry Melton and The Fish**, to give listeners a hint that it was electric Melton backed by a group.

I don't know how reflective Barry Melton might have been about his own history. But the entire Country Joe and The Fish saga, including playing Anti-War protests, hit albums, Woodstock, European tours and all the rest had pretty much got its start when Joe and Barry had plugged in at the Questing Beast in March, 1966. Now, here was Barry Melton, back at 2504 San Pablo Avenue.

Melton, who had moved from Berkeley to Marin by this time, had released a solo album on Vanguard in 1970 called *Bright Sun Is Shining*. It had been recorded in Chicago and New York with veteran session pros like Phil Upchurch, rather than with Fillmore West guys. The album had mostly been covers of blues and old R&B songs. This was actually quite consistent with Melton's musical history, but it may not have been entirely expected by 60s fans who were used to songs about politics and drugs. I don't know who was in Melton's live band at this time.

September 19, 1971 Long Branch, Berkeley, CA: Crabs*(Sunday)*

September 20-21, 1971 Long Branch, Berkeley, CA: Tower Of Power *(Monday-Tuesday)*

September 23-25, 1971 Long Branch, Berkeley, CA: Grootna/Mike Finnegan *(Wednesday-Friday)*

September 26, 1971 Long Branch, Berkeley, CA: Bittersweet *(Sunday)*

September 29, 1971 Long Branch, Berkeley, CA: Road House/Wormwood Star *(Wednesday)*
Road House is unknown to me.



NRPS, the debut album of the New Riders Of The Purple Sage, was released by Columbia in September, 1971. Jerry Garcia played pedal steel guitar on the album, and toured with the New Riders through October, in order to promote the band.

October 1-3, 1971 Long Branch, Berkeley, CA: New Riders of The Purple Sage/High Country *(Friday-Sunday)*
The New Riders' August weekend must have been a good payday, since they returned for a three-night stand in October. The *NRPS* album had been released by Columbia in mid-September. Although it was already agreed that Buddy Cage would permanently replace Jerry Garcia, Garcia was going to play on the first leg of the Grateful Dead/NRPS tour in order to promote the band. A number of the shows were broadcast on FM radio, so entire Metro areas would get to hear Garcia play with the Riders. The Fall tour would commence on October 19, 1971, in Minneapolis. Garcia's last show with the Riders as their steel guitarist was October 31 in Cincinnati (Cage took over in Atlanta on November 11).

By this time, High Country had probably released their self-titled album on Raccoon Records. The Youngbloods had become so successful behind "Get Together" that Warners had given them their own label. Banana (Lowell Levenger) was a bluegrass banjo player from way back, so he recorded High Country at his home studio, and got the album released on the Youngbloods' imprint.

October 5, 1971 Long Branch, Berkeley, CA: Charlie Musselwhite/Charles Ford Blues Band *(Tuesday)*
Charlie Musselwhite was billed with the band featuring Robben and Pat Ford, two former band members. It's not impossible that Musselwhite just sat in with the Charles Ford Band, instead of bringing his own group.

October 7, 1971 Long Branch, Berkeley, CA: Charlie Musselwhite/Frank Biner Band (*Thursday)*
Frank Biner was a popular local soul singer. Over the course of the 70s, Tower Of Power recorded a few of his songs, and he put out a few albums as a bandleader, but back in '71 Biner was just another guy working the clubs. Biner was originally from Chicago, where he had recorded a few singles, but he had moved to the East Bay in the late 60s.

October 8-9, 1971 Long Branch, Berkeley, CA: Commander Cody and His Lost Planet Airmen/Asleep At The Wheel *(Friday-Saturday)*
Asleep At The Wheel were based in Paw-Paw, WV, and played Western Swing music with a rock beat. They generally gigged around the greater Washington, DC area. In 1971, they had opened for Commander Cody and His Lost Planet Airmen, and the Cody crew encouraged them to move to the East Bay. Asleep At The Wheel relocated to Oakland, and started playing regularly at local nightclubs. This booking was probably one of the first (if not the first) performances by the Wheel in the Bay Area. The Airmen were on the verge of releasing their debut album, and they could pack the Long Branch, so plenty of fans were going to hear Asleep At The Wheel.

October 10, 1971 Long Branch, Berkeley, CA: Earth Quake/Bittersweet *(Sunday)*

October 12, 1971 Long Branch, Berkeley, CA: Hades *(Tuesday)*
Hades, sometimes billed as the Hades Blues Band, or Hades Blues Works, was a local band. They had played the club back when it was called Babylon.

In the late 60s, guitarist Jimmy Thorsen, bassist Steve Wright and drummer John Cuniberti had been in a band called Traumatic Experience. With the addition of guitarist Craig Ferreira, they became Hades. Steve Wright would go on to play in the Greg Kihn Band, and John Cuniberti became an important engineer and producer, particularly for Bay Area punk rock acts.

October 14, 1971 Long Branch, Berkeley, CA: Vertek *(Thursday)*
Vertek was probably a power trio from Red Bluff, CA, called Vertrek. They had played the Fillmore West audition night in May of 1969.

October 22-23, 1971 Long Branch, Berkeley, CA: Frank Biner/Clover *(Friday-Saturday)*
Although Clover had been dropped by Fantasy Records, they had soldiered on. The quartet had added two new members, keyboard player Sean Hopper and singer/harmonica player Hugh Cregg. The new six-piece band leaned a little more toward funk than country, in a Marin County kind of way. Cregg's band nickname was "Huey Louie," generally spelled "Huey Louis." About 8 years later, Cregg and Hopper would form a new band, Huey Lewis and The News.

October 24, 1971 Long Branch, Berkeley, CA: Frank Biner/Bittersweet *(Sunday)*



The lone album by Shanti, released by Atlantic Records in 1971

November 6, 1971 Long Branch, Berkeley, CA: Shanti/Osceola *(Saturday)*

Shanti was a conscious attempt to fuse rock music with Indian music. Zakir Hussain, the son of tabla master Ustad Allah Rakha, and himself a brilliant tabla player, was a Marin resident. Along with Sarod player Aashish Khan and tabla player Pranesh Khan, they combined with some conventional rock musicians to form an "electric" Indian/Rock fusion ensemble. Guitarist Neal Seidel was joined by singer/guitarist Steve Haehl, bassist Steve Leach and drummer Francisco Lupica. In the 60s, Lupica had played with Lee Michaels and had been in bands like The Travel Agency and the Loading Zone (where he used the name Frank Davis).

Shanti put out an album on Atlantic in 1971, recorded at Pacific High Recorders in San Francisco (PHR was probably actually Alembic Studios by this time, but they seemed to prefer to use the outdated name in some instances). I don't know when the Shanti album was released, but I believe it was actually in the Summer of 1971 (there was an event that seemed to be related to the album release at Mickey Hart's ranch in August). I have not heard the album, but descriptions of it suggest an intriguing experiment that didn't entirely succeed, a mixture of psychedelic rock songs with Indian embellishment, along with genuine efforts to merge electric rock and Indian music in an amplified setting.

Shanti played around the Bay Area until they broke up some time in 1972. Some of the Shanti members went on to have interesting careers, and many of them were Grateful Dead-adjacent. Zakir Hussain was a key figure in the Ali Akbar Khan School Of Music, which had moved to Marin in 1971. An offshoot of the school was the Diga Rhythm Band, a percussion group that included Mickey Hart, who produced their album for Round Records in 1975. Diga Rhythm Band played a few public shows, and Jerry Garcia came and played at one in Golden Gate Park (on May 30, 1975). Francisco Lupica was the inventor of The Beam, and Mickey Hart and Dan Healy adopted the concept as part of the Grateful Dead's concert setup. Guitarist Neil Seidel seems to have had a substantial music career, although I think it was mostly in soundtrack work. Bassist Steve Leach became somewhat known as a producer, as Steven Wold, and in the 21st century, as a performer, as Seasick Steve.

Osceola was a band from Florida, who had moved to San Francisco around 1969. They had played around at places like The Family Dog on the Great Highway, and other clubs, but they never got to a higher tier.

November 7, 1971 Long Branch, Berkeley, CA: Osceola/Bittersweet *(Sunday)*
Osceola returned to headline Sunday night. This appears to be the last show at the Long Branch until the first weekend in December. By triangulation, I am assuming that the full expansion to 350 patron capacity was completed in November.

December 3-4, 1971 Long Branch, Berkeley, CA: Country Weather/The Dogs *(Friday-Saturday)*
The Long Branch returned to business on the first weekend of December. Country Weather were the headliners, as they had been in May. **The Dogs** are unknown to me.

December 5, 1971 Long Branch, Berkeley, CA: Hades/Grayson Street *(Sunday)*
The actual Grayson Street was a short street a few blocks from the Long Branch. The band **Grayson Street** were a sort of roots-rock band from the East Bay. This gig was probably one of their first shows.The band was co-led by harmonica player Rick Kellogg and tenor saxophonist Terry Hanck, both of whom sang. Grayson Street never recorded, but many of its members ended up working with Elvin Bishop, Coke Escovedo, Tower Of Power and others. Grayson Street played the Long Branch as much or more than any band, including Earth Quake.

December 6, 1971 Long Branch, Berkeley, CA: Hades/Fluid Drive *(Monday)*
Fluid Drive are unknown to me.

December 8, 1971 Long Branch, Berkeley, CA: Knee Deep/Grayson Street *(Wednesday)*
Knee Deep are unknown to me.

December 9, 1971 Long Branch, Berkeley, CA: Beefy Red/Linx *(Thursday)*
Beefy Red was a Marin band, a 10-piece ensemble somewhat in the mold of the Sons Of

Champlin, with a horn section and jazzy solos. Band members included trumpeter Mark Isham, guitarist Barry Finnerty and drummer Jim Preston.

December 10, 1971 Long Branch, Berkeley, CA: Asleep At The Wheel/Linx *(Friday)*
We don't need a review of Asleep At The Wheel's appearances with Commander Cody in October to know how they went down. Here they were two months later, headlining Friday night. The Wheel surely had the whole club up and dancing, and a lot of beer got sold.



Grootna's album was released by Columbia in December, 1971

December 11, 1971 Long Branch, Berkeley, CA: Grootna/Sopwith Camel *(Saturday)*
By the time of this show, Grootna's album had been released by Columbia. Now, it's probably true that not that many people had heard it, but in those days that had an album was a "real" band, implicitly above other groups playing the clubs. Many of the songs on the album were written by the team of Alan Silverman (Slim Chance) and Audie DeLong (Austin DeLone). However, since Silverman was only listed as "Slim Chance" with no reference to his real name, and DeLong wasn't in the band, the "Siverman/DeLone" credits were confusing at the time.



Lost In The Ozone, the epic debut album by Commander Cody and His Lost Planet Airmen, released on Paramount Records in November 1971

December 17, 1971 Long Branch, Berkeley, CA: Commander Cody and His Lost Planet Airmen/Clover *(Friday)*
December 18, 1971 Long Branch, Berkeley, CA: Commander Cody and His Lost Planet Airmen/Around and Around *(Saturday)*
Commander Cody and His Lost Planet Airmen returned to headline a weekend at the newly-expanded Long Branch Saloon. In November, Paramount Records had released the Airmen's epic debut album, *Lost In The Ozone*. The album was instantly popular in the Bay Area. Even more remarkably, the song "Hot Rod Lincoln" got airplay not only on FM radio, but Top 40 AM radio as well. Thanks to that Hot Rod Lincoln, the Airmen went from being just a popular Berkeley band to a draw all over the Bay Area.

Around and Around are unknown to me.

December 25 , 1971 Long Branch, Berkeley, CA: Linx/Frank Biner *(Saturday)*
It's surprising that the Long Branch had a Christmas night show booked, but the Long Branch was a neighborhood joint. A lot of people in Berkeley were from somewhere else, and it's not like they could all FaceTime with their family.

December 29 , 1971 Long Branch, Berkeley, CA: Hades/Mojo Hand *(Wednesday)*

December 30, 1971 Long Branch Around and Around/Mojo Hand *(Thursday)*
I'm sure that the Long Branch had a Friday night New Year's Eve show, but I don't know who was booked. I assume it was some of the many bands that played the club regularly.

If anyone has additional information, corrections or insights about bands that played the Long Branch during this period, please put them in the Comments.

The Long Branch Saloon: May 1971-November 1976
The Long Branch lasted a little over five years, and closed around November 1976. It was mostly a thriving club during that period. Berkeley's population grew enormously, and the students lived farther and farther from campus, driving up rents all over Berkeley, Albany and North Oakland. The Keystone Berkeley opened in March, 1972, and the much larger club got the premier bookings. In particular, acts like Jerry Garcia, Elvin Bishop, Tower Of Power and Commander Cody found time to regularly play the Keystone, and rarely if ever played the Long Branch. So Keystone periodically got big draws, even on weeknights, while Long Branch had to depend on its regulars. Earth Quake and Grayson Street were regular performers at the Long Branch throughout most of the 5-year period it was open. Earth Quake in particular held down almost every Friday night for long periods.

Another regular band, The Rockets, started playing the Long Branch in 1972. Lead singer Eddie Mahoney (1949-2019), a former New York City police trainee, started calling himself "Eddie Money" in 1974. By July, 1974, they were Eddie Money and The Rockets, and then just Eddie Money. Eddie Money was picked up by the Bill Graham organization, and he went on huge success as a singer, selling millions of records. Songs like "Two Tickets To Paradise" and "Baby Hold On To Me" are very familiar to listeners of a certain age.



The Long Branch didn't look like this in 1971.

Afterwards
The Long Branch briefly re-opened as a music venue around November 1978. The club was run by the former proprietor of the Berkeley club Jerry's Stop Sign (yet another story) and used the name The Branch. It wasn't open for long.

For many years, 2504 San Pablo Avenue was a store called Good Vibrations. It wasn't a music store, but it was scandalous enough to live up to the Cabale history (don't google it at work). Eventually, as Berkeley got more and more wealthy, gentrification finally got all the way down to Dwight Way and San Pablo Avenue. The building was completely remodeled, and re-opened as a restaurant. The new address is 2512 San Pablo Avenue, but it's the same location. The first restaurant I am aware of was called Sea Salt, which opened about 2009 or so. Sea Salt closed, though, and a new restaurant opened on November 11, 2014.

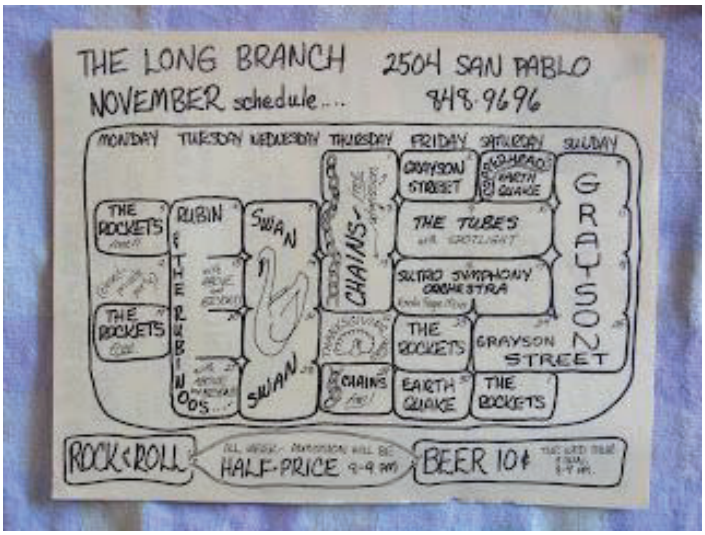


The Long Branch Saloon, at 2512 San Pablo Avenue, Berkeley, ca. 2019

The name of the new restaurant? The Long Branch Saloon. It says "Upscale comfort food is served in a stylish setting with open rafters & butcher-block tables." Given the turnover in Berkeley's population, it's likely that the locals think the Long Branch is just a reference to Dodge City--which it is--and don't see the nod to a hard-rockin' past. But maybe when a Barry Melton or a Huey Lewis drops by for some upscale comfort food, they pull up and think, "hey I know this joint..."

update 20230604: Historic Flyer

Reader Lydia B sent some historic flyers. Here's a sample from November 1973, front and back



Long Branch November 1973 flyer, front (thanks Lydia B)



Long Branch November 1973 flyer, back (Beer 10 cents until 9 pm!)

Appendix: Other Posts in the 1970s Rock Nightclubs Series

Keystone Berkeley, 2119 University Avenue, Berkeley, CA: 1972 Performers List

3138 Fillmore Street, San Francisco, CA: The Matrix January-June 1970 Performers List (Matrix I)

Bay Area Rock Nightclub Survey: Berkeley, January-April 1974 (Bay Area '74 I)

Loading Zone Performance List 1970
For subsequent posts in the 70s Rock Nightclubs series, see here.

POSTED BY CORRY342 AT 7:15 AM
LABELS: 1971, 70S ROCK NIGHTCLUBS, BERKELEY, LONG BRANCH

FRIDAY, AUGUST 11, 2023

2504 San Pablo Avenue, Berkeley, CA: The Long Branch Saloon, January-June 1972 Performers List (Long Branch II)



The former site of The Long Branch Saloon in Berkeley, as it appeared in 2009

2504 San Pablo Avenue, Berkeley, CA: The Long Branch Saloon, January-June 1972 Performers List

By 1971, the live rock music market was evolving, and lots of entrepreneurs were noticing. Rock music had always been the province of teenagers, of course. But 60s rock music, with the likes of the Beatles, Bob Dylan and Cream, had raised the ante. Rock music fans didn't just "move on" when they turned 18. Those kids who were 15 when the Beatles had played Ed Sullivan in 1964 were past drinking age by 1971. They were still listening to rock music, and they took it seriously. And while every rock fan wanted to see the most popular bands when they came to town, their options were expanding.

Rock fans in their 20s probably had a job, and a few more dollars than when they were teenagers. They also didn't have parents constraining them, and they could drink. They weren't going to go to the Fairmont Hotel in San Francisco, but going on a date to a club where you could drink beer and dance was starting to seem like a viable idea.

In 1971, the University of California at Berkeley was expanding. It had never been a small school, but in the early 70s they added more and more students. California parents realized their kids could get a prestigious Ivy League-quality degree for the bargain price of around $212.50 a quarter. When those students graduated, many of them stuck around Berkeley. Rock music in the 60s had been oriented towards the Fillmore West and other big dance halls, but by the early 70s nightclubs were starting to book original bands, too. The city of Berkeley had lots of young people, a town that didn't object to long-haired hippies, and a generally central location.

There had been music clubs in Berkeley since World War 2, of course. But as the 70s dawned, the various music clubs in Berkeley started to evolve. The New Monk, near campus at University and Shattuck, shifted from being a fraternity hangout to a rock nightclub, and by the next year it would become the Keystone Berkeley. 2 miles South and West of the New Monk, Malcolm Williams ran Babylon, but he had big plans, too. In May, 1971, Williams doubled the size of Babylon, and re-opened it as The Long Branch.

The Long Branch had a capacity of about 350. Ironically, the biggest club in the Bay Area would be the Keystone Berkeley, just 2 miles from the Long Branch. The New Monk, at 2119 University, mainly a frat beer joint, would be taken over in 1972 by Freddie Herrera and become the Keystone Berkeley. The Keystone Berkeley officially held 476, but it was widely felt that more people were regularly crammed in. Thanks to regular performances throughout the 70s by Jerry Garcia, Tower Of Power, Elvin Bishop and others, the Keystone Berkeley became the premier nightclub gig in the Bay Area until about 1977.



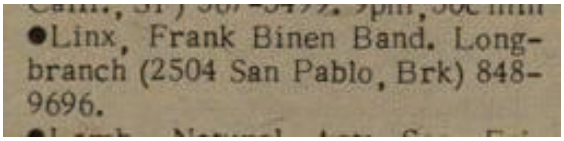
The back of a Long Branch flyer, October '73 (thanks to Lydia Frazier Bosley), encouraging patrons to hang out at the club

Bands would build a following at the Long Branch, and the bands that headlined weekends at the Branch would play weeknights at the Keystone Berkeley, with a built-in audience. Although it's hard to be sure, I think the Long Branch crowd lived relatively near the club, and was in the just-over-21 bracket. The Long Branch was definitely a hard-rocking club, with loud bands and patrons who liked to dance, with less of the University overlay that was included in the Keystone Berkeley audience. The Keystone was right near campus, so it's audience was broader but to some extent more snobby. The Long Branch was in West Berkeley, and less pretentious.

As a result, the Long Branch ended up being a sort of farm team for the Keystone Berkeley. That wasn't a bad thing, necessarily, for the bands themselves. Keystone Berkeley and Long Branch didn't have identical crowds. The Keystone was nearer to campus, and at least on weekends drew people from Alameda, Contra Costa and Marin counties. The Long Branch had a little bit younger crowd who just liked to go out, and probably mostly lived around Berkeley.

At the Long Branch, mostly the same bands played the club over and over. If a band could build an audience at Long Branch, the expectation was that their own regulars would see the band over and over. Earth Quake, for example, the archetype for a Long Branch band, could play a wide variety of exotic British Invasion cover songs, so that their regular fans didn't hear the exact same set every time.

In a previous post, I looked at all the known bookings for the Long Branch in it's opening year of 1971. This post will look at bookings at the Long Branch for the first half of 1972. If anyone has any updates, corrections, insights or interesting speculation, please included them in the Comments.


●Linx, Frank Binen Band. Long-
branch (2504 San Pablo, Brk) 848-
9696.

The Scenedrome listing in each week's Berkeley Barb was my main source for Long Branch bookings

January 1, 1972 Long Branch, Berkeley, CA: Linx/Frank Biner Band *(Saturday)*
The Long Branch was generally open from Wednesday through Sunday, with bands every night. Wednesday was usually "audition night," with local bands that were hoping to build a following. The Long Branch did not advertise in the local papers. There may have been some flyers around town (common in Berkeley at the time), but none from this period have surfaced. The entertainment listings for the Berkeley *Barb* or the San Francisco papers would usually include the weekend bookings for the Long Branch.

I have only noted dates where I could find a listing. Bands played the Long Branch over and over, so while some dates are missing, I have likely captured the weekend bands. The weeknights would have just featured local bands, for the most part, although a few of them would go on to success.

Linx played the Long Branch regularly, as well as other Berkeley clubs**.** They featured the teenage saxophonist Lenny Pickett, later to become well-known in Tower Of Power and then leading the Saturday Night Live band. Also in the group was Jonathan Waxman, who became a well-known chef in Manhattan.

Frank Biner was a popular local soul singer. Over the course of the 70s, Tower Of Power recorded a few of his songs, and he put out a few albums as a bandleader, but back in '71 Biner was just another guy working the clubs. Biner was originally from Chicago, where he had recorded a few singles, but he had moved to the East Bay in the late 60s.

January 7-8, 1972 Long Branch, Berkeley, CA: Yogi Phlegm/Frank Biner *(Friday-Saturday)*
Yogi Phlegm was the new name for the Sons Of Champlin. At the time, the Sons were not sure they had the rights to their name, and they also wanted to distinguish their newer music from their past sounds. Yogi Phlegm emphasized jamming, sometimes in pretty far-out formulations. Now, they were still funky, and you could still dance to them, but there was more jazz and less R&B than the 60s lineup of the Sons.

The name "Yogi Phlegm" was a joke about Indian gurus. No one got it. Everyone hated it, particularly Bill Graham. Most club owners would advertise "Yogi Phlegm--formerly The Sons" anyway. The band reverted to being the Sons Of Champlin by the next year.

The Yogi Phlegm lineup had the old front line of Bill Champlin on vocals, organ and guitar, Geoff Palmer on keyboards and vibes and Terry Haggerty on lead guitar. The bassist was old Marin pal Dave Schallock, and the drummer was Bill Vitt. The band had dispensed with any horn players, leaving them more freedom to jam.

January 9, 1972 Long Branch, Berkeley, CA: Dennis Geyer Band/Hunun Dean *(Sunday)*
Dennis Geyer had been the guitarist and singer in a Wisconsin band called The New Blues. In 1968, they had relocated to San Francisco and added organ player Howard Wales. They changed their name to AB Skhy Blues Band, and had released an album on MGM. Wales and then Geyer had left AB Skhy, to be replaced by other players. Geyer continued to play around the Bay Area.

Hunun Dean is unknown to me.

January 13-14, 1972 Long Branch, Berkeley, CA: Wayne The Harp *(Thursday-Friday)*
Wayne The Harp was guitarist Wayne Ceballos. Ceballos had led the Bay Area trio AUM (pronounced "Ohm") in the sixties. AUM had released two albums, and opened at both Fillmores as well. Ceballos still played the same kind of hard-driving blues guitar in his new group.



January 15, 1972 Long Branch, Berkeley, CA: Stoneground *(Saturday)*
Stoneground had been put together by KSAN impresario Tom Donahue in 1970 for an intended movie about a "traveling Woodstock" called *Medicine Ball Caravan*. The Grateful Dead were booked for the movie, but backed out at the last minute. Stoneground had released their self-titled debut album on Warner Brothers in 1971, and then its followup, *Family Album*, later in that year. Among the key members of Stoneground were singers Sal Valentino, Lynne Hughes, Annie Sampson and Deirdre LaPorte. Guitarist Tim Barnes also sang. Pete Sears had been the pianist for the album, although he had been replaced by Cory Lerios by this time.
January 21-22, 1972 Long Branch, Berkeley, CA: Grootna/Knee Deep *(Friday-Saturday)*
Grootna was a Berkeley band that had arisen out of a 60s Berkeley band called Sky Blue. Guitarist Vic Smith and singer (and sometime drummer) Anna Rizzo had teamed up with guitarist/writer Allan "Slim Chance" Silverman. Drummer Greg Dewey (from Mad River) was also in the band, along with a few others. The band played a batch of songs written by Silverman and his songwriting partner Austin DeLone. DeLone, however, was playing pubs in London with the band Eggs Over Easy. Everybody in Grootna had many links to numerous Berkeley ensembles.

Grootna's album had been released by Columbia in December 1971. Now, it's probably true that not that many people had heard it, but in those days that had an album was a "real" band, implicitly above other groups playing the clubs. Many of the songs on the album were written by the team of Alan Silverman (Slim Chance) and Audie DeLong (Austin DeLone). However, since Silverman was only listed as "Slim Chance" with no reference to his real name, and DeLong wasn't in the band, the "Siverman/DeLone" credits were confusing at the time.

Knee Deep is largely unknown to me. In 1973, they would change their name to The Titans.



Eddie Money, former lead singer of The Rockets, released his debut solo album on Columbia in 1977

January 23, 1972 Long Branch, Berkeley, CA: Asleep At The Wheel/Rockets *(Sunday)*
Asleep At The Wheel were from Paw-Paw, WV, and played Western Swing music with a rock beat. They generally gigged around the greater Washington, DC area. In 1971, they had opened for Commander Cody and His Lost Planet Airmen, and the Cody crew encouraged them to move to the East Bay. Asleep At The Wheel relocated to Oakland, and started playing regularly at local nightclubs. In October of 1971, Asleep At The Wheel had opened a weekend at the Long Branch for the Airmen. Within six weeks, The Wheel were headlining the Long Branch themselves.

This booking appears to be the first time **The Rockets** were booked on a weekend at the Long Branch, although that implicitly suggests they had played a weeknight earlier. Probably the Rockets had played a Wednesday audition, had sounded good, and had played some other weeknights, and done well enough to be second-billed on a Sunday night. That was the usual pattern for local bands playing the Long Branch, without a record company or agency support. With respect to the history of the Long Branch, however, the Rockets weren't just another band.

The lead singer of the Rockets was a transplanted New Yorker, a former NYPD trainee cop named Eddie Mahoney. Also in the band was guitarist Dan Alexander, bassist Chris Sohlberg and drummer John Cuniberti. The Rockets would rise to be regular weekend headliners at the Long Branch, along with Grayson Street, Earth Quake and others. In mid-1974, Mahoney would change his stage name to Eddie Money, and the band evolved into Eddie Money and The Rockets, and later just the Eddie Money Band. In 1975, the Bill Graham organization started managing Money, and by 1977 he had released his debut album on Columbia. "Two Tickets To Paradise" and "Baby Hold On To Me" were huge hits. Mahoney (1949-2019) suffered a variety of health issues and has passed on, but thanks to television commercials and oldies, Eddie Money is far and away the biggest act ever to come out of the Long Branch.

January 25, 1972 Long Branch, Berkeley, CA: Hades *(Tuesday)*
Hades, sometimes billed as the Hades Blues Band, or Hades Blues Works, was a local band. They had played the club back when it was called Babylon.

In the late 60s, guitarist Jimmy Thorsen, bassist Steve Wright and drummer John Cuniberti had been in a band called Traumatic Experience. With the addition of guitarist Craig Ferreira, they became Hades. Steve Wright would go on to play in the Greg Kihn Band, and John Cuniberti became an important engineer and producer, particularly for Bay Area punk rock acts. At some point, Cuniberti joined The Rockets (see above), so I think Hades was near the end of the line here.

I think the Long Branch wasn't regularly open on Tuesdays, but without listings it's hard to be sure.

January 27, 1972 Long Branch, Berkeley, CA: Copperhead/Jesse, Wolff and Whings *(Thursday)*
Copperhead was the relatively new band formed by former Quicksilver Messenger Service lead guitarist John Cippolina. Membership was always somewhat fluid. At this time, the band probably had Cippolina and Jimmy Murray (himself ex-QMS ca. 1967) on guitars, Jim McPherson on bass, Pete Sears on keyboards and probably David Weber on drums. Copperhead would go on to release a 1973 album on Columbia. They were promising, but never seemed organized.

Jesse, Wolff and Whings released one album on Leon Russell's Shelter label, distributed by Capitol. The group featured lead singer Jesse Barish, lead guitarist Bill Wolff, bassist Kevin Kaufmann and drummer Kevin Kelley, among other members. The group was supposed to be called Wings, but Capitol had Paul McCartney's Wings, so they had to change the spelling.

Jesse Barish, per his bio, apparently played a little bit with the all-instrumental Orkustra (I think he played flute), back in the 60s. Bill Wolff was in a later version of the Peanut Butter Conspiracy. Kevin Kelly had been in The Rising Sons and The Byrds, among other bands, and both Kelly and Kevin Kaufmann had backed Phil Ochs.

When Jesse, Wolff and Whings fell apart, Jesse Barish went on to work with Marty Balin and Grunt Records. Barish ended up co-writing many songs with Balin, and as a result he has many songwriting credits on Jefferson Starship albums, such as "Count On Me."

As a point of comparison, Copperhead had headlined the Keystone Berkeley on Friday, January 7, and Whings had opened the following weekend (January 14-15, for the HooDoo Rhythm Devils).

*(**note**: I am missing any listings for the weekend of January 28-29)*

February 1-2, 1972 Long Branch, Berkeley, CA: Joe Crane and The HooDoo Rhythm Devils *(Tuesday-Wednesday)*
The **HooDoo Rhythm Devils**, led by singer Joe Crane, had arisen out of a local blues-rock band called P, G &E. The HooDoos had released an album on Capitol in 1971, *Rack Jobbers Rule*. By 1972, they would switch to Blue Thumb, where their next album *Barbeque of Deville*, came out later in the year.

February 3-4, 1972 Long Branch, Berkeley, CA: Flamin Groovies/Hades *(Thursday-Friday)*
The **Flamin' Groovies** were an original San Francisco band, having formed as The Chosen Few in 1965. The Groovies, however, stuck to the Rolling Stones' sound when the rest of the city's bands went psychedelic, and they did not particularly thrive during the Fillmore era. Along with their manager, the Flamin' Groovies had rented the old Fillmore and put on shows with various bands in 1969 and '70. Thus they stayed in the public eye, even if not many fans had heard them yet.

Still, by 1969 the Flamin Groovies had released their debut album on Epic, *Supersnazz*. Subsequently they released *Flamingo* (1970) and *Teenage Head* (1971) on Kama Sutra. Neither record sold well, and the band had were dropped by Kama Sutra. Lead singer Roy Loney left the band, leaving singer/guitarist Cyril Jordan as the principal driving force. Later in 1972, the Groovies would move to England, where their "Power Pop" sound would be less of an anomaly. At this time, however, the Groovies were without a label, and without much of a following in their home territory.



Earth Quake's 1971 debut album on A&M Records

February 5, 1972 Long Branch, Berkeley, CA: Earth Quake/Fluid Drive *(Saturday)*
Earth Quake, from Berkeley, were the ultimate Long Branch band, and it's fitting that they played opening night. Originally, they had been a Berkeley High band called Purple Earthquake. By early 1972, they were a quintet, with Robbie Dunbar on lead guitar, Gary Phillips on rhythm guitar, lead vocalist John Doukas, bassist Stan Miller and drummer Steve Nelson. Earth Quake had released their debut album on A&M Records sometime in 1971

Earth Quake would play the Long Branch at least every month for five years, and in many months every Friday night. Earth Quake, with their vast trove of cover versions, always had a loyal audience at the club

Fluid Drive is unknown to me.

February 6, 1972 Long Branch, Berkeley, CA: Jabo Stokes *(Sunday)*
Jabo Stokes is unknown to me.

February 9, 1972 Long Branch, Berkeley, CA: Bittersweet *(Wednesday)*
Bittersweet was a rock band from Chico, CA, who moved to the East Bay. Rock historian Bruno Cerriotti has a detailed history of their adventures.

February 10, 1972 Long Branch, Berkeley, CA: Bittersweet/Full Moon *(Thursday)*
Full Moon is unknown to me, although it's possible they were formerly known as Womb.

February 11 1972 Long Branch, Berkeley, CA: Stoneground/Country Weather *(Friday)*
Country Weather were a Walnut Creek (Contra Costa County) group, from just over the Berkeley Hills. They had originally been called The Virtues, but soon after lead guitarist Greg Douglass joined, they changed their name to Country Weather. Country Weather never released a record when they were together from 1967-73. Since the group was familiar from many posters from 1968 onward, Country Weather became one of the great

lost San Francisco groups of the 1960s. Ultimately, the group reformed in the 21st century and still performs occasionally. RD Records released some of their 60s demos and live performances, alonmg with some 21st century recordings.

Greg Douglass became a successful guitarist in the Bay Area, best known for co-writing "Jungle Love" for Steve Miller, with whom he played for many years. Douglass was also a member of Hot Tuna for one brief, sensational tour in Spring 1975.



The Doobie Brothers, ca 1971

February 12, 1972 Long Branch, Berkeley, CA: Doobie Brothers/Nipple *(Saturday)*
In early 1972, the **Doobie Brothers** were another unknown band climbing the ladder. The Doobies were from the San Jose area, and they had built a following in the South Bay. They were largely unknown in the East Bay, however. Throughout January, they had played every Thursday night at The New Monk, just 2 miles up the road at University and Shattuck (and later the Keystone Berkeley).

The Doobie Brothers had released their first, self-titled album on Warner Brothers, back in April, 1971. It hadn't done well. Although the Doobies had gone on a National tour (with Mother Earth), they were mostly just slugging it out in the local clubs. Still, Warner Brothers was behind them. In January, the Doobie Brothers had played live on KSAN-fm (at Pacific High Recorders on January 16), which meant that Warners had coughed up the ad dollars to subsidize the broadcast. At this time, the Doobies had just replaced original bassist Dave Shogren with Tiran Porter, and they had added Michael Hossack as a second drummer (along with John Hartmann). Guitarists Tom Johnston and Pat Simmons were the lead singers.

Nipple is unknown to me.

February 13, 1972 Long Branch, Berkeley, CA: Country Weather (*Sunday*)

February 16-17, 1972 Long Branch, Berkeley, CA: Dr Hook And The Medicine Show *(Wednesday-Thursday)*
Dr Hook and The Medicine Show were a somewhat comic country-rock act, produced by Shel Silverstein. Their debut album would have just been released on Columbia. They would soon hit it big with "Silvia's Mother" and "Cover Of The Rolling Stone."

February 18, 1972 Long Branch, Berkeley, CA: Linx/Frank Biner Band *(Friday)*

February 19, 1972 Long Branch, Berkeley, CA: Linx/Runnin Easy *(Saturday)*
Runnin' Easy is unknown to me, although I recognize their name from various bookings.

February 20, 1972 Long Branch, Berkeley, CA: Dennis Geyer Band *(Sunday)*

I am missing any listings for the weekend of February 25-28.

February 29, 1972 Long Branch, Berkeley, CA: Asleep At The Wheel *(Tuesday)*

March 1, 1972 Long Branch, Berkeley, CA: Orisha/Free And Easy *(Tuesday)*
Both **Orisha** and **Free And Easy** are unknown to me. The New Monk opened as the Keystone Berkeley this night.

March 3-4, 1972 Long Branch, Berkeley, CA: Wayne The Harp *(Friday-Saturday)*

March 5, 1972 Long Branch, Berkeley, CA: Loading Zone/Dennis Geyer Band *(Sunday)*
The **Loading Zone**, from Oakland, had played the original Trips Festival back in 1966. By 1972, they had been through many different iterations. By this time, although they still broadly featured the mix of rock and soul as when they had started, they had no original members. They were good, though: Linda Tillery and Wendy Haas on vocals, Tom Coster on organ, Doug Rauch on bass, Tony Smith on drums and Bruce Conte on guitar.



March 10, 1972 Long Branch, Berkeley, CA: Cold Blood/Linx*(Friday)*
Cold Blood are generally associated with the East Bay funk sound of bands like Tower Of Power. The East Bay association was appropriate musically, but in fact Cold Blood had its roots in the South Bay. Lead singer Lydia Pense, from San Mateo, and bassist Rod Ellicott had been in a Peninsula Band in 1966 called the New Invaders, who had evolved into The Generation. The Generation were known as the first Bay Area band to merge a horn section with a rock band. The Generation evolved into Cold Blood, and they were signed to Bill Graham's San Francisco label (distributed by Atlantic).

Cold Blood released two albums on San Francisco, their self-titled debut (1969) and *Sisyphus* (1970), which spawned a modest local hit with a remake of "You Got Me

Hummin'."After Graham's labels folded, Cold Blood ended up on Reprise. In 1972, they would release *First Taste Of Sin*. Lydia Pense was a powerful singer, and Cold Blood was a tight band, so the group was very popular in night clubs and at local dances. In retrospect, however, they sound as if they were trying a bit too hard, instead of just playing the music they liked.

March 11, 1972 Long Branch, Berkeley, CA: Stoneground/Linx *(Saturday)*

March 15, 1972 Long Branch, Berkeley, CA: Cesar's Combo *(Wednesday)*
The Examiner lists this as "Latin Jazz." I assume **Cesar's Combo** was a version of the house band at Cesar Ascarrunuz's 830 Club, led by Luis Gasca. To my knowledge, they played in a Latin jazz-rock vein, sort of like Malo.

March 18, 1972 Long Branch, Berkeley, CA: Copperhead/The Ducks *(Saturday)*
I believe **The Ducks** were a Marin band featuring guitarist and songwriter Kent Housman**.**

March 19, 1972 Long Branch, Berkeley, CA: Grootna/Jabo Stokes *(Sunday)*



March 24, 1972 Long Branch, Berkeley, CA: Commander Cody and His Lost Planet Airmen/Asleep At The Wheel*(Friday)*
The headliners were Berkeley's very own **Commander Cody and His Lost Planet Airmen**. Cody and the Airmen had moved out to California in Summer '69, setting up shop in a rambling house in nearby Emeryville. The band played "hippie honky-tonk," a strange brew of Western Swing, traditional country, old-time rock and roll and Berkeley sensibilities. Their November 1971 debut album, *Lost In The Ozone*, had spawned the local hit single "Hot Rod Lincoln."

The Airmen had been regular headliners at the Long Branch since it had opened in May, 1971. One or two tracks on the debut album had even been recorded live at the Long Branch back in July. The Airmen were regionally popular now, thanks to "Hot Rod Lincoln," and touring around. But I'm sure they could still pack a Friday night house on San Pablo Avenue.

March 25-26, 1972 Long Branch, Berkeley, CA: Earth Quake/The Rockets *(Saturday-Sunday)*

April 4, 1972 Long Branch, Berkeley, CA: Asleep At The Wheel/Alice Stuart *(Tuesday)*
Alice Stuart was a fine blues guitarist and singer. Although she was from Seattle, she had been playing in the Bay Area since about 1964. Stuart had performed and recorded in a variety of settings. At one point in late 1969, she had even been the temporary bass player for the Lost Planet Airmen. In 1972 she led a trio named Snake, and they recorded for Fantasy Records.

April 5, 1972 Long Branch, Berkeley, CA: Cesar's Combo *(Wednesday)*



April 7, 1972 Long Branch, Berkeley, CA: Copperhead/Big Brother and The Holding Company *(Friday)*
Big Brother and The Holding Company had reformed in late 1969, although of course without Janis Joplin. They had put out two fairly good but poorly-received albums on Columbia (1970's *Be A Brother* and '71's *How Hard It Is*). Initially, all the original members had been part of the reformation, but by 1972 the band was being held together by guitarist Sam Andrews. Kathi McDonald, a veteran singer from Seattle (and a former Ikette, despite being blonde), had the somewhat thankless task of being the lead singer. McDonald was an excellent singer, in fact, but Janis was an icon, not just a singer.

Five years earlier, Quicksilver Messenger Service and Big Brother had been in two of the Fillmore's biggest, most exciting bands. Now Cippolina and Andrews were sharing a bill at a 350-capacity club on San Pablo Avenue. Phil Elwood reviewed the show and had high praise for Copperhead. He identified Gary Phillipet (guitar) and Jim McPherson (bass) as the singers, and mentioned Pete Sears' fine piano, along with Cippolina. Elwood also said that Big Brother sounded good, but he added no details.

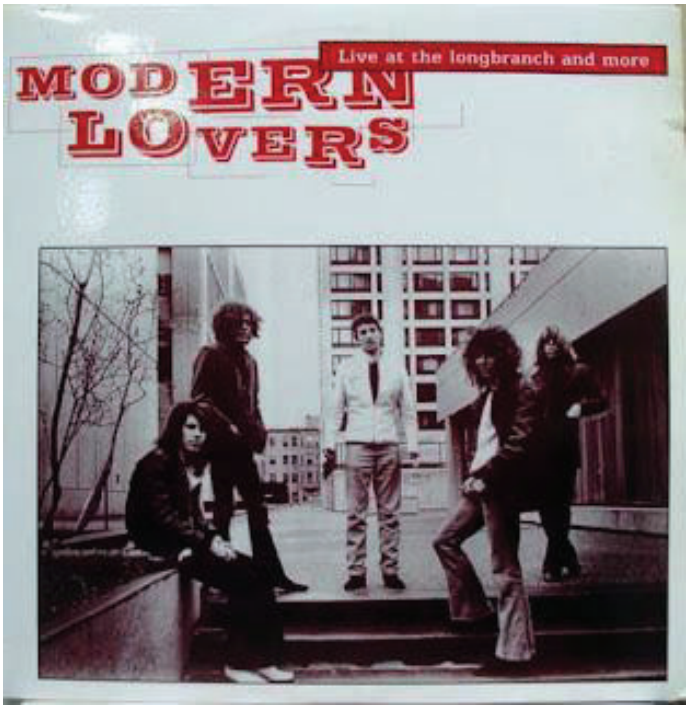
April 8, 1972 Long Branch, Berkeley, CA: Linx/Little John *(Saturday)*
Little John was a local blues band, but I don't know anything else about them.

April 9, 1972 Long Branch, Berkeley, CA: Rockets/Jack Frost *(Sunday)*
Jack Frost is unknown to me.

April 12, 1972 Long Branch, Berkeley, CA: Clover *(Wednesday)*

April 13, 1972 Long Branch, Berkeley, CA: Saving Grace/Ducks *(Thursday)*
Saving Grace and **Ducks** are unknown to me.

April 15, 1972 Long Branch, Berkeley, CA: Mike Finnegan and Jerry Wood/Clover *(Friday)*
Organist and singer **Mike Finnegan** was from Wichita, KS. Unlike typical musicians, the 6'6" Finnegan had gotten a basketball scholarship to the University of Kansas. He had moved to the Bay Area around 1969, and he had been a member of The Jerry Hahn Brotherhood, who had put out a highly regarded 1970 album on Columbia. Unfortunately, the album went nowhere, and Finnegan had left the band. At this time, Finnegan had another band with guitarist **Jerry Wood**, and he worked with the re-activated Big Brother and The Holding Company as well. Finnegan and Wood released the album *Crazed Hipsters* on Blue Thumb in 1972.



April 21, 1972 Long Branch, Berkeley, CA: Earth Quake/Modern Lovers *(Friday)*
It's easy to make fun of Berkeley--I for one never tire of it--but you have to give the town its due. Yes, Berkeley is pretentious and sniffs at the provinciality of every other town, ever. But it also means that Berkeley is often ahead of other places, often way ahead. Johnathan Richman and the Modern Lovers were an underground cult sensation in Berkeley around 1975, long before anywhere else had heard of him. And yet, three years earlier--three years!--**The Modern Lovers** had played at the Long Branch. At the time, the Modern Lovers were fairly self-consciously modeled on the Velvet Underground. At the time, the VU were all but forgotten, and frontman Lou Reed was just an obscure solo artist in New York. Nobody cared about Reed or the Velvets, much less an unrecorded Boston band carrying on their obscure tradition. Warner Brothers had signed the Modern Lovers, and flown them out to Los Angeles to record demos with John Cale. The band also played a few live gigs, including this booking at the Long Branch.

When Beserkeley Records released Richman's sunny takes in 1975, "Road Runner" and "New Teller" were a ray of sunshine on FM radio, when they got played. Yet shortly after, the earlier, darker demos recorded back in '72 with John Cale behind the board revealed a much grimmer version of the Modern Lovers. In 1976, Beserkeley released the demos (the release was known as "The Black Album"). It featured a darker, organ-driven version of "Roadrunner," and the bleak, hilarious "Pablo Picasso" ("Some people walk down the street/Get called an asshole/That never happened to/Pablo Picasso"). The dark, '72 Modern Lovers had opened at the Long Branch for their future label-mates Earth Quake, and someone had the foresight to record it. You have to love Berkeley for that.

The Modern Lovers probably did not go over that well. Besides Richman on electric guitar and vocals, the band had future Talking Head Jerry Harrison on organ and future Car drummer David Robinson, plus bassist Ernie Brooks. In 1998, the Long Branch show was released as part of a vinyl double-LP, *Modern Lovers Live At The Longbranch And More.*



April 22, 1972 Long Branch, Berkeley, CA: Grootna/Fletcher Brothers *(Saturday)*
Note that bands like Grootna or Copperhead, with recordings to their name (in Copperhead's case, via Cippolina) were playing the Long Branch about once a month.

The **Fletcher Brothers** played local Bay Area clubs during this period, but I don't know anything else about them.

April 23, 1972 Long Branch, Berkeley, CA: Bobby Hutcherson *(Sunday)*
Bobby Hutcherson was an exceptional vibes player from Los Angeles. He had moved to New York, and had recorded for Blue Note as early as 1963. Hutcherson returned to California in 1967, and mostly played on the West Coast thereafter. While Hutcherson was a forward-thinking music, his music was quieter and more acoustic than some of his peers at the time. Since there were no jazz clubs in the East Bay, Hutcherson often played rock clubs on weeknights. Although jazz was a rarity at the Long Branch, Berkeley has always been amenable to eclectic bookings.

April 25, 1972 Long Branch, Berkeley, CA: Boogie Brothers/Sober and Sorry *(Tuesday)*
Boogie Brothers and **Sober and Sorry** are both unknown to me.

April 27, 1972 Long Branch, Berkeley, CA: Linx/The Rockets *(Thursday)*

April 28, 1972 Long Branch, Berkeley, CA: Linx/Bitterweet *(Friday)*

April 29, 1972 Long Branch, Berkeley, CA: Earth Quake/Knee Deep *(Saturday)*

April 30, 1972 Long Branch, Berkeley, CA: Osceola *(Sunday)*
Osceola was a band from Florida that had relocated to San Francisco around 1969, and played around the Bay Area for a few years.

May 5, 1972 Long Branch, Berkeley, CA: Linx/Knee Deep *(Friday)*

May 6, 1972 Long Branch, Berkeley, CA: Dennis Geyer Band/Bittersweet *(Saturday)*

May 10, 1972 Long Branch, Berkeley, CA: Street Band*(Tuesday)*
The **Street Band** is unknown to me.

I am missing listings for the weekend of May 12-14.

May 16, 1972 Long Branch, Berkeley, CA: Mike Finnegan and Jerry Wood *(Tuesday)*

May 19, 1972 Long Branch, Berkeley, CA: Grootna/Rockets *(Friday)*

May 20, 1972 Long Branch, Berkeley, CA: Linx/Frank Biner *(Saturday)*

May 21, 1972 Long Branch, Berkeley, CA: Fluid Drive/Jango *(Sunday)*
Jango is unknown to me.

May 23, 1972 Long Branch, Berkeley, CA: Asleep At The Wheel/High Country *(Tuesday)*
Asleep At The Wheel tried to work as many nights as possible. From this point on, it appears they played most Tuesday nights at the Long Branch.

High Country were a Berkeley bluegrass band led by mandolinist Butch Waller. High Country were regulars at Berkeley's already-legendary folk club, the Freight And Salvage (a half-mile North, at 1827 San Pablo). Waller had been pals with Garcia and David Nelson, both former bluegrassers, since 1963. Waller and David Nelson had been in a bluegrass band together in 1964 (the Pine Valley Boys), and in '69, Nelson had even played a little with High Country. One time, High Country's banjo player wasn't available, and Jerry Garcia filled in (June 19, 1969--of course, there's a tape). High Country had released an album on Raccoon, the Youngbloods' label.

May 24, 1972 Long Branch, Berkeley, CA: Is/The Street Band *(Wednesday)*
Is is unknown to me.

May 25, 1972 Long Branch, Berkeley, CA: Loading Zone/Linx *(Thursday)*
The Loading Zone were still grinding it out. One of their vocalists, Wendy Haas, had left to join Azteca, but they still had Linda Tillery.

May 26 1972 Long Branch, Berkeley, CA: Earth Quake *(Friday)*

May 27, 1972 Long Branch, Berkeley, CA: Loading Zone/Linx*(Saturday)*



Sophomoric, the second album by the Congress Of Wonders comedy duo, was released on Fantasy Records in 1972

May 28, 1972 Long Branch, Berkeley, CA: Congress Of Wonders/Blue Mountain/Fluid Drive *Benefit for George McGovern (Sunday)*
George McGovern was the Anti-War candidate for the Democratic Party Presidential nomination, so there were many benefits for him in college towns like Berkeley.

Congress Of Wonders was a hip comedy duo. Congress of Wonderswere a comedy duo from Berkeley, initially from the UC Berkeley drama department and later part of Berkeley's Open Theater on College Avenue, a prime spot for what were called "Happenings" (now 'Performance Art'). The group performed at the Avalon and other rock venues.

Karl Truckload (Howard Kerr) and Winslow Thrill (Richard Rollins) created two Congress of Wonders albums on Fantasy Records (*Revolting* and *Sophomoric*). Their pieces "Pigeon Park" and "Star Trip", although charmingly dated now, were staples of San Francisco underground radio at the time.

Blue Mountain was a band from Palo Alto.

May 30, 1972 Long Branch, Berkeley, CA: Asleep At The Wheel/Knee Deep *(Tuesday)*

May 31, 1972 Long Branch, Berkeley, CA: The Street Band *(Wednesday)*



June 2, 1972 Long Branch, Berkeley, CA: Tower Of Power *(Friday)*
Tower Of Power, though originally from Fremont, were the pride of Oakland. They had been discovered by Bill Graham at the Tuesday night Fillmore West auditions, and their first album *East Bay Grease*had been released on Graham's San Francisco label (distributed by Atlantic). By 1972, the label was gone, but Atlantic's sister label Warner Brothers had picked up Tower. Tower's immortal second album, *Bump City*, had been released in the Spring, just as the Oakland A's, Raiders and Golden State Warriors were making all things Oakland ascendant.

Tower Of Power had graduated beyond the Long Branch by this time, but they were the sort of band who preferred to fill up the gig sheet on any empty night.

June 3, 1972 Long Branch, Berkeley, CA: Frank Biner/Full Moon *(Saturday)*

June 4, 1972 Long Branch, Berkeley, CA: Fluid Drive/The Tubes *(Sunday) McGovern Benefit*
The Tubes had only formed around March, 1972. Most of the band members were from Phoenix, AZ. Initially, guitarist Bill Spooner, keyboard player Vince Welnick and bassist Rick Andersen had been in a popular Phoenix band called The Beans. The Beans had moved to San Francisco in Fall 1970. They had played numerous local gigs, but hadn't really made much headway. After some band members left the Beans, it had turned out that another popular Phoenix band had lost some members, so guitarist Roger Steen and drummer Prairie Prince had relocated to San Francisco to join The Beans. Their roadie John "Fiji" Waldo was added as lead singer, and The Tubes were born.

The Tubes played a sort of progressive rock rather than modified blues. They also had a fairly elaborate stage show, which was pretty much unheard of at the time. Initially, of course, their props were just cardboard and confetti, but they were a performing band from the beginning.

June 6, 1972 Long Branch, Berkeley, CA: Asleep At The Wheel/Boogie Brothers *(Tuesday)*



Juice Newton's 1981 debut lp, several years after she was in the folk-rock band Dixie Peach

June 7, 1972 Long Branch, Berkeley, CA: Linx/Dixie Peach *(Wednesday)*
Dixie Peach was a folk rock band that featured singer Judy Newton and guitarist and songwriter Robert Otha Young. The two had started performing together when Newton was a student at Foothill College in Los Altos. Bassist Cecil Bollinger, formerly of the great South Bay group Weird Herald, was also a member.

Although Dixie Peach was just another local band on the Bay Area scene, Judy Newton would go on to become far better known in the 80s as country singer Juice Newton. Otha Young (1943-2009) was her principal songwriter as well, so the two had a fruitful musical partnership well into the 21st century.

June 8, 1972 Long Branch, Berkeley, CA: Linx/Loading Zone *(Thursday)*

June 9, 1972 Long Branch, Berkeley, CA: Elvin Bishop Group/Django *(Friday)*
June 10, 1972 Long Branch, Berkeley, CA: Elvin Bishop Group/Fluid Drive *(Saturday)*
Elvin Bishop had been a regular performer in Bay Area rock nightclubs since he had arrived in San Francisco in 1968, having just left the Paul Butterfield Blues Band. From 1969 onwards, his main gig had been at Freddie Herrera's Keystone Korner in San Francisco, but he played all over. The **Elvin Bishop Group** had been signed to Bill Graham's Fillmore Records (distributed by Columbia), and had released two albums (the 1969 debut and 1970's *Feel It!*). By 1972, Fillmore Records had folded, but Bishop had been picked up by Epic, a Columbia subsidiary (he would release *Rock My Soul* later in '72).

The Elvin Bishop Group had played regularly at the Long Branch in 1971. In March of '72, however, Freddie Herrera had taken over the New Monk and changed it to the Keystone Berkeley, so Bishop's principal allegiance was just up the road. Still, while Keystone Berkeley and Long Branch were competitors, they weren't enemies, so here was the Elvin Bishop headlining a weekend. At this time, the Elvin Bishop Group featured Stephen Miller on organ (ex-Linn County), and vocals by Miller, Bishop and singer Jo Baker.

June 14, 1972 Long Branch, Berkeley, CA: Tower Of Power *(Wednesday)*

June 16, 1972 Long Branch, Berkeley, CA: Fluid Drive/Osceola *(Friday)*

June 17, 1972 Long Branch, Berkeley, CA: Blue Mountain/Linx *(Saturday)*

June 20, 1972 Long Branch, Berkeley, CA: Asleep At The Wheel/Clover *(Tuesday)*

June 21, 1972 Long Branch, Berkeley, CA: The Street Band/Blue Moon *(Wednesday)*

June 24, 1972 Long Branch, Berkeley, CA: Earth Quake/Grayson Street *(Saturday)*

June 27, 1972 Long Branch, Berkeley, CA: Asleep At The Wheel/El Rancho Cowboys *(Tuesday)*
The **El Rancho Cowboys** were a country band from the San Jose suburb of Cupertino, CA. Guitarist Cornell Hurd would end up leading the Texas "Dance Hall" band--albeit from Cupertino--known as Cornell Hurd and His Mondo Hot Pants Orchestra. Hurd had met Asleep At The Wheel (whether at this show or before isn't clear) and they were hugely influential in his future musical career.

June 28, 1972 Long Branch, Berkeley, CA: Street Band*(Wednesday)*

June 29, 1972 Long Branch, Berkeley, CA: Loading Zone/Frank Biner *(Thursday)*
By this time, Loading Zone organist Tom Coster and bassist Doug Rauch had been recording with Santana, for the album that would become *Caravanserai*. By September, Coster and Rauch would go out on tour with Santana, and Loading Zone finally broke up. Drummer Tony Smith had gone on to play for Malo, and guitarist Bruce Conte would join Tower Of Power (Tower and the Zone shared a manager and a rehearsal space). Linda Tillery would go on to a substantial career as a solo artist. This booking likely featured the final lineup of Loading Zone, with Tillery (vocals) and Conte (guitar) supported by Steve Funk (keyboards), Paul Jackson (bass), Mike Clark (drums) and Pat O'Hara (trombone).

June 30-July 1, 1972 Long Branch, Berkeley, CA: Blue Mountain/Rockets *(Friday-Saturday)*
The Rockets, slowly climbing the ladder, were now co-headlining on the weekend.



The Long Branch, 2504 San Pablo, Berkeley, some time in the 1970s

The Long Branch Saloon: May 1971-November 1976
The Long Branch lasted a little over five years, and closed around November 1976. It was mostly a thriving club during that period. Berkeley's population grew enormously, and the students lived farther and farther from campus, driving up rents all over Berkeley, Albany and North Oakland. The Keystone Berkeley opened in March, 1972, and the much larger club got the premier

bookings. In particular, acts like Jerry Garcia, Elvin Bishop, Tower Of Power and Commander Cody found time to regularly play the Keystone, and rarely if ever played the Long Branch. So Keystone periodically got big draws, even on weeknights, while Long Branch had to depend on its regulars. Earth Quake and Grayson Street were regular performers at the Long Branch throughout most of the 5-year period it was open. Earth Quake in particular held down almost every Friday night for long periods.



The Long Branch didn't look like this in 1971.

Afterwards
The Long Branch briefly re-opened as a music venue around November 1978. The club was run by the former proprietor of the Berkeley club Jerry's Stop Sign (yet another story) and used the name The Branch. It wasn't open for long.

For many years, 2504 San Pablo Avenue was a store called Good Vibrations. It wasn't a music store, but it was scandalous enough to live up to the Cabale history (don't google it at work). Eventually, as Berkeley got more and more wealthy, gentrification finally got all the way down to Dwight Way and San Pablo Avenue. The building was completely remodeled, and re-opened as a restaurant. The new address is 2512 San Pablo Avenue, but it's the same location. The first restaurant I am aware of was called Sea Salt, which opened about 2009 or so. Sea Salt closed, though, and a new restaurant opened on November 11, 2014.



The Long Branch Saloon, at 2512 San Pablo Avenue, Berkeley, ca. 2019

The name of the new restaurant? The Long Branch Saloon. It says "Upscale comfort food is served in a stylish setting with open rafters & butcher-block tables." Given the turnover in Berkeley's population, it's likely that the locals think the Long Branch is just a reference to Dodge City--which it is--and don't see the nod to a hard-rockin' past.

For the previous post in the Long Branch series (May-December 1971), see here

For the next post in the Long Branch series (October-December 1973), see here

FRIDAY, JULY 19, 2024

2504 San Pablo Avenue, Berkeley, CA: The Long Branch Performance History October-December 1973 (Long Branch III)

The Long Branch, 2504 San Pablo in Berkeley, some time in the 1970s

By the end of 1973, live rock music was booming, and as rock audiences aged, rock nightclubs became more viable. Once rock fans were of drinking age, spending too much time in a large, dark cavern with thousands or tens of thousands people didn't seem as rockin' as relaxing with a cold drink in a place where you could actually see the stage. If you were on a date, or hoping to meet someone, the attraction of a rock club was even more pronounced. If two people liked the same band, or the same kind of music, you were both halfway there to getting together. Rock nightclubs started to thrive in almost every big city and near every college campus. Berkeley was no exception.

The Long Branch, at 2504 San Pablo Avenue (at Dwight), had opened in May 1971. The venue had been a music club going back to 1962. As the Cabale Creamery, it had been Berkeley's essential stop for traveling folk musicians. It was at the Cabale where Jerry Garcia saw the Jim Kweskin Jug Band, and the Cabale was a regular date for Clarence White and the Kentucky Colonels, too. Later, in early 1966, as the Questing Beast, 2504 San Pablo was the place where Country Joe McDonald and Barry Melton first plugged in to amplifiers as Country Joe & The Fish. Later still, it became Tito's (1967-68) and then Babylon (1969-70). In 1971, former Avalon Ballroom staffer Malcolm Williams took over the venue, doubled the capacity to 350 and re-opened it as the Long Branch Saloon. I wrote a post about the club's first seven months in 1971, and then another post about acts playing the first half of 1972. By the end of 1973, the Long Branch was well-established on the Berkeley rock scene, booking bands six or seven nights a week.

Now, in the East Bay, the top rock night club was the Keystone Berkeley, right next to the University of California campus. The Keystone was right in downtown Berkeley at 2119 University Avenue (at Shattuck Avenue). On weekends, the Keystone booked popular local acts like Jerry Garcia, Elvin Bishop and Tower Of Power, and touring acts as well, plu some smaller acts on weeknights. Keystone drew crowds from all over Berkeley and Oakland, and even Marin and San Francisco. Parking wasn't difficult in downtown Berkeley--amazing as that may seem today--so the club attracted a wide audience.

The Long Branch, meanwhile, was 2 miles West and South of campus. The Branch drew mostly from the neighborhoods near the club, and it was as much a hangout as a destination. We have a good picture of what was happening at the club then because former Long Branch publicist Lydia Frazier Bosley was kind enough to send scans of long lost flyers. Frazier herself made the flyers for the Long Branch, and helped distribute them around the East Bay. With these, we can get a great look at who played the club in 1973 and '74, and how that defined the economics of the scene at the time

Since the same bands played the Long Branch over and over--that was the whole point--I am just focusing on the last three months of 1973, to avoid needless repetition. Anyone with additional information, insights, corrections and real or imagined memories, please include them in the Comments. Flashbacks encouraged.

Scan of the back of a Long Branch flyer, October 1973

The Long Branch was a hangout, but a hangout that booked rock bands and wanted its patrons to dance. But it mainly wanted them to hang out. Admission was cheap, and often free, and beer was often cheap, too. The goal was to get the locals to come early and stay late. They would likely meet people who lived nearby, and make friends, and maybe dance and perhaps even get married. The back of one of the flyers (above) explains the attractions of the Long Branch:

Howdy...we'd like to turn you on to the LONG BRANCH Saloon, Berkeley's Hot Nite Spot famed for it's FINE ROCK & ROLL and Good Vibes

The Club opens at 8pm Tues-Sun, and if you come before 9 pm, the admission is half-price. Also on Tues-Wed-Thurs-Sun, BEER will cost 10c a glass between 8 and 9pm.

Since our fuss ball games are so popular we have plans to expand and add some new games like POOL, PONG & AIR HOCKEY.

Meanwhile, as always we'll entice you onto the DANCE floor with some to the hottest young bands around. Really the MUSIC is outstanding, terrific and wonderful.

The LONG BRANCH is a great place to hang out, meet friends, get high and treat yourself to PRIMO ROCK & ROLL. Come on down and check it out.

THE LONG BRANCH call us to find out what's happening 2504 SAN PABLO at DWIGHT 848-9696

The doors usually opened at 8:00pm at the Long Branch, but the *Examiner* and other papers reported the bands as starting at 9:30. That meant a lot of people were there only to hang out. Since many nights were free admission, or close to it, the band wasn't necessarily the main attraction for every patron.

The Long Branch had a very different approach to booking than other contemporary Bay Area rock clubs. Clubs like the Keystone Berkeley typically had the most popular local acts once a month, a lot of touring bands coming through, and filled in the other dates with more local bands. The Long Branch, however, pretty much had the same bands every week. There were three "house bands" that played almost every week (Earth Quake, The Rockets and Grayson Street), and new bands added to the mix would play the same night for an entire month. As far as I know, the regular Long Branch bands all had large repertoires, typically including a lot of cover versions, so their fans didn't hear the same set every week.

October, 1973 flyer for The Long Branch, 2504 San Pablo Avenue (designed by and courtesy of Lydia Frazier Bosley). Note that there is no Area Code for the phone number, because Berkeley, San Francisco and the entire Bay Area North of San Jose used the 415 Area Code.

October 1, 1973 Long Branch, Berkeley, CA: The Rockets
(Sunday)

The Rockets had been playing the Long Branch since January 1972, and mostly just played the club. Lead singer Eddie Mahoney was a transplanted NYPD cop trainee. Guitarist Dan Alexander, bassist Chris Sohlberg and drummer John Cuniberti were all from Berkeley. All of the Rockets went on to some success in the music industry. Cuniberti and Alexander were successful on the production side, Sohlberg played with many artists, and Mahoney went on to huge success as Eddie Money ("Two Tickets To Paradise," "Baby, Hold On To Me").

October 3, 1973 Long Branch, Berkeley, CA: *Audition Night* *(Wednesday)*

The calendar says "surprise night," but Wednesdays was the night to give new bands a chance to play. The Long Branch wasn't high on the Bay Area rock food chain, and many bands got their first break at the Branch. Keep in mind that it was all but impossible for penniless new bands to make a listenable tape, even of a live performance, and they generally had to lug their gear to a club and actually play a set in order to get heard by a club owner.

October 4, 1973 Long Branch, Berkeley, CA: Asleep At The Wheel/Alice Stuart & Snake *(Thursday)*

October 5, 1973 Long Branch, Berkeley, CA: Asleep At The Wheel/Clover *(Friday)*

Asleep At The Wheel was a hippie Western Swing band from the DC area, based in Paw Paw, WV. In Fall 1971, they had opened in West Virginia for Commander Cody and His Lost Planet Airmen, perhaps the only band remotely like them, and the Cody crew encouraged them to move to Berkeley. On October 8 & 9, 1971, Asleep At The Wheel had opened for Cody and the Airmen at the Long Branch. By December 10, 1971, they were headlining the Branch. Asleep At The Wheel had played relentlessly throughout the Bay Area ever since, building a crowd in all the clubs around.

By 1973, Asleep At The Wheel had released their first album, *Comin' Right At Ya* (on United Artists). The Wheel was managed by Joe Kerr, who also managed Cody and the New Riders of The Purple Sage, giving him a big chunk of the San Francisco country-rock sound.

Alice Stuart and Snake's Believing album (Fantasy Records 1972)

Alice Stuart was a blues guitarist and singer, originally from Seattle, who had moved to the Bay Area in 1964. Initially a solo, she had "gone electric" around 1970, and formed her trio **Alice Stuart & Snake**. Drummer Bob Jones (ex-We Five, ex-Mike Bloomfield, ex-Southern Comfort) shared vocals with Stuart, and bassist Karl Sevareid completed the band. In 1972, Fantasy had released the *Believing* album. Fantasy released a single in 1973 (with tracks from the album), and Snake stayed together until at least 1974, but the band was never able to get much traction. Nonetheless, Stuart continued a successful solo career well into the 21st century.

Joe Kerr's business card when he managed Clover, ca 1973

Clover had been founded in Mill Valley in 1969, an outgrowth of the band Tiny Hearing Aid Company. As a quartet, Clover had released two albums on Fantasy in 1970 and '71. Fantasy had dropped them, but the band had since added two additional members. By this time, Clover had Alex Call as the main lead singer, Huey (Cregg) Louis on vocals and harmonica, John McFee on lead and pedal steel guitar, Sean Hopper on keyboards, John Ciambotti on bass and Mickey Shine on drums. Joe Kerr also managed Clover.

Why Don't You Try Me, Earth Quake's second album on A&M Records, released in 1972

October 6, 1973 Long Branch, Berkeley, CA: Earth Quake
(Saturday)

Earth Quake, from Berkeley, were the ultimate Long Branch band. The band had played the opening night of the Long Branch on May 28, 1971. Originally, they had been a Berkeley High band called Purple Earthquake. The members of Earth Quake had met Long Branch proprietor Malcolm Williams back in the 1960s, when he had been promoting shows at Maple Hall in nearby San Pablo. By 1971, they had been a quartet, with Robbie Dunbar on lead guitar, lead vocalist John Doukas, bassist Stan Miller and drummer Steve Nelson. Earth Quake would release their debut album on A&M Records sometime that year. Earth Quake would play the Long Branch at least every month for five years, and in many cases every Friday night.

In contrast to most Bay Area bands, who typically played longer songs in an improvised blues style, Earth Quake had been inspired by British Invasion bands like The Who and Small Faces. In 1972, A&M Records had released the second Earth Quake album, *Why Don't You Try Me*. The album didn't go anywhere, and A&M dropped the band. Besides their original material, however, Earth Quake had a huge trove of relatively obscure covers (like The Easybeats "Friday On My Mind"), so they were still endlessly engaging to their local fans in Berkeley. At least some of the members of Earth Quake, possibly all of them, lived in Berkeley. Earth Quake were the "house band" at the Long Branch if anyone was.

Once the band had been dropped by A&M, Earth Quake's imaginative manager Mathew "King" Kaufman had the idea that they should release their own records. Although against any kind of record business orthodoxy at the time, Kaufman created Beserkley Records, and started releasing 45 rpm singles on a shoestring. The quixotic label's first production was a single of "Mr Security," by Earth Quake, released on October 11, 1973. Unlikely as it may have seemed, and although it took a few years, Beserkley Records turned out to be hugely successful. Kaufman anticipated the punk rock/Indy label surge years before it happened elsewhere.

Grayson Street band, ca Fall 1973 (promo photo from December 23 '73 Examiner)

October 7, 1973 Long Branch, Berkeley, CA: Grayson Street
(Sunday)

Grayson Street was named after a short street in Berkeley that ran from Aquatic Park to San Pablo Avenue, terminating four blocks south of Dwight Way and San Pablo, the site of the Long Branch. Grayson Street played the Branch just about every week from 1972 through 1975, sometimes more than once a week. They, too, were a house band.

Grayson Street was fronted by saxophonist Terry Hanck and harmonica player Rick Kellogg, both of whom sang, and played in a funky blues style that was good for dancing. They had been formed before 1972, but their first advertised show at the Long Branch was June 24, 1972. In late '72, Grayson Street had included Berkeley High's Lenny Pickett, previously in the band Linx. By 1973, however, Pickett had joined Tower of Power. Grayson Street was full of experienced musicians. Guitarist Tim Kaihatsu and organist Clay Cotton had both played extensively with Charlie Musselwhite and other blues musicians. Kellogg had played harmonica for Elvin Bishop for a while, and Kellogg and bassist John Knight had been in Linx (with Pickett). Drummer John Otis rounded out the band.

Also in the band in Fall '73 was singer Jo Baker, who had been in The Elvin Bishop Group from 1970-73. Bishop and Baker had been a couple, having met a jam session in Boston in 1967 (Baker had been in the group Clouds, and Bishop had been with the Butterfield Blues Band). In mid-1973, Baker and Bishop had split up personally and musically.

Grayson Street pretty much confined its performances to the East Bay, but most of the members went on to thriving musical careers. Terry Hanck would tour with Elvin Bishop for many years, Kaihatsu (1945- 2014) would tour and record with Robert Cray, Clay Cotton was a popular club attraction in the Bay Area for decades and Jo Baker would join the revived Stoneground in early 1974.

October 10, 1973 Long Branch, Berkeley, CA: *Audition Night* *(Wednesday)*

October 11, 1973 Long Branch, Berkeley, CA: Rubin & The Rubinoos *(Thursday)*

Rubin & The Rubinoos were led by singer (and rhythm guitarist) Jon Rubin, and guitarist Tommy Dunbar. Tommy was the younger brother of Earthquake's Robbie Dunbar, so it was no surprise they were getting a chance at the Branch. The Rubinoos played short, poppy rock songs with hooks and harmonies, completely at odds with any other Berkeley bands at that time.

The Modern Lovers album Live At The Long Branch, released in 1998, and recorded at the Branch on April 21, 1972. The Modern Lovers were in California attempting to record an album for Warners.

October 12, 1973 Long Branch, Berkeley, CA: Earth Quake/The Modern Lovers
(Friday)

The Modern Lovers were from Boston, and their sound was modeled on the Velvet Underground. They had been signed by Warner Brothers, and in early '72 the label had flown them out to Los Angeles to record demos with John Cale. Thus the Modern Lovers had played a

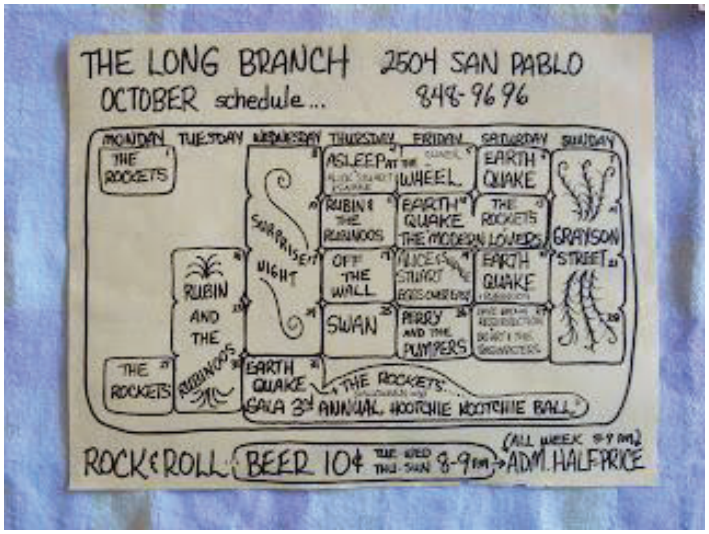
show at the Long Branch on April 21, 1972, opening for Earth Quake, one of their few shows outside of the Boston area (a recording of the show was released in 1998). The Modern Lovers at this time were a quartet, with songwriter Jonathan Richman on guitar and vocals, future Talking Head Jerry Harrison on organ, Ernie Brooks on bass and drummer Dave Robinson (later in The Cars).
Richman became well-known for his lively, innocent acoustic sound, but this version of the Modern Lovers was dark and loud. Warner Brothers had flown the band back out to LA in 1973 to record more demos (which were later released), but the Modern Lovers never managed to complete an album for the label. Ultimately Richman would achieve international success after he moved to Berkeley and recorded for Beserkely Records, the label started by Earth Quake's manager.
October 13, 1973 Long Branch, Berkeley, CA: The Rockets/The Modern Lovers *(Saturday)*
On Saturday night, the Modern Lovers opened for The Rockets. Jonathan Richman opening for Eddie Money--that didn't happen again. Must have been a memorably bizarre evening.
October 14, 1973 Long Branch, Berkeley, CA: Grayson Street
(Sunday)
October 16, 1973 Long Branch, Berkeley, CA: Rubin & The Rubinoos *(Tuesday)*
October 17, 1973 Long Branch, Berkeley, CA: *Audition Night* *(Wednesday)*
October 18, 1973 Long Branch, Berkeley, CA: Off The Wall
(Thursday)
Off The Wall are unknown to me.
Good N Cheap, Eggs Over Easy (A&M, 1972)
October 19, 1973 Long Branch, Berkeley, CA: Alice Stuart & Snake/Eggs Over Easy
(Friday)
Opening act **Eggs Over Easy** featured three New Yorkers, two of whom (guitarist Jack O'Hara and pianist Austin De Lone) had met in Berkeley in 1970. They had released one album for A&M in 1972, *Good N' Cheap*. Most people had not (nor have not) heard the album. Nonetheless, Eggs Over Easy played a significant role in the history of English rock, and not by coincidence, and their Wikipedia entry is well- deserved.
DeLone and O'Hara had returned to New York in 1970, where they met Brien Hopkins and formed Eggs Over Easy as a no-drummer trio (all three played various instruments). Their manager had English connections, so when the band was signed they went to record at Olympic Studios in Barnes, London. Recording was completed by January 1971. There were management issues, however, and they were advised to stay in London while it got sorted. Eggs Over Easy played a few college gigs (with ex-Animal John Steel on drums). The trio took a house in Kentish Town, in North London, near a large pub called The Tally Ho.
The Tally-Ho had a "jazz-only" policy for performers, a common restriction of London Pubs at the time. Eggs Over Easy, used to playing in bars in the States, persuaded the Tally Ho to let them perform. They debuted at the Tally Ho in May 1971 (with Steel on drums), and started to draw large crowds. Ultimately they were playing three nights and Sunday afternoon at the Tally Ho, and drawing huge crowds. Nick Lowe and other members of his band (Brinsley Schwarz) regularly joined them on stage. Eggs Over Easy single-handedly invented "Pub Rock," and a wave of groups like Brinsley Schwarz followed them throughout England. Eggs Over Easy became a sort of underground sensation, but the band played their last show in England on November 7, 1971
Ultimately Eggs Over Easy's album recorded in London was never released, and the band returned to the States. Their debut A&M album included new recordings of what they had done in England. In 1973, they returned to the Bay Area, and Eggs Over Easy toured the US with major bands (like The Yes and The Eagles), but never got traction. The band struggled on until 1981, but despite their legendary status they never got any honor in their own country.
October 20, 1973 Long Branch, Berkeley, CA: Earth Quake/Rubinoos *(Saturday)*
Rubin & The Rubinoos would shorten their name to just The Rubinoos by the end of the year.
October 21, 1973 Long Branch, Berkeley, CA: Grayson Street
(Sunday)
October 23, 1973 Long Branch, Berkeley, CA: Rubin & The Rubinoos *(Tuesday)*
October 24, 1973 Long Branch, Berkeley, CA: *Audition Night* *(Wednesday)*
October 25, 1973 Long Branch, Berkeley, CA: Swan *(Thursday)* **Swan** are unknown to me.
October 26, 1973 Long Branch, Berkeley, CA: Perry And The Pumpers *(Friday)*
Perry And The Pumpers was a blues band led by harmonica player Perry Welsh. They often backed up touring blues musicians. Welsh was from Cedar Rapids, IA, and had moved to San Francisco in 1967. He was friendly with another Iowa transplant, organist Stephen Miller. Miller

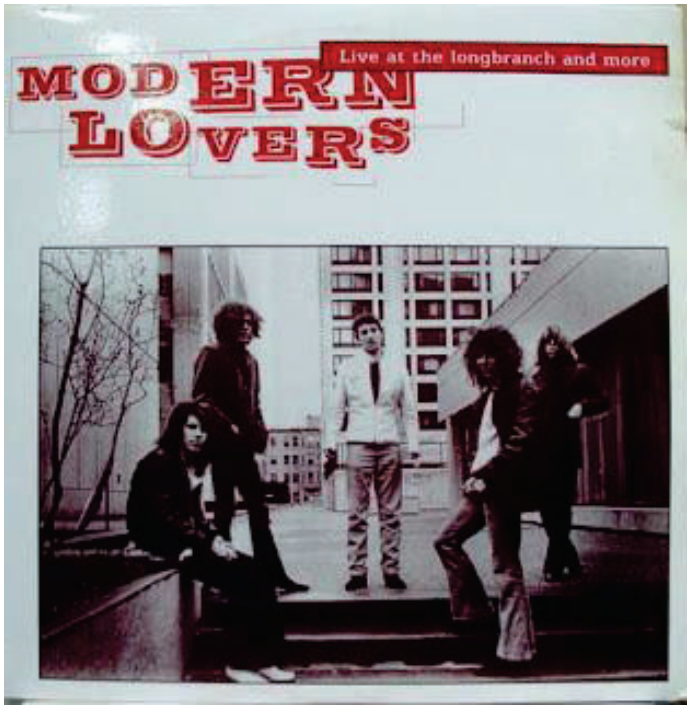
had been in the band Linn County in the 60s, and his organ anchored the Elvin Bishop Group from 1970-73. Welsh recorded with Bishop and Miller on two Bishop Group albums (1970's *Feel It* and 1972's *Rock My Soul*).
Bishop sat in with Perry And The Pumpers on occasion. As far as I know, some members of Perry And The Pumpers ended up in the 1974 edition of the Elvin Bishop Group, including guitarist Johnny Vernazza, pianist Phil Aaberg and bassist Fly Brooks, while Welsh and Stephen Miller returned to Iowa.
October 27, 1973 Long Branch, Berkeley, CA: Dave Brown Resurrection/Big Art and The Trashmasters *(Saturday)*
Both **Dave Brown Resurrection** and **Big Art and The Trashmasters** are unknown to me. There was a local musician (a bass player and producer) named Dave Brown, but I don't know if this was his band. From peripheral evidence I think The Trashmasters were a sort of Long Branch All-Stars group from other "house" bands. "Big Art's" was also the name of a Berkeley club in the basement of LaVal's Pizza (near Hearst & Euclid, on Northside).
October 28, 1973 Long Branch, Berkeley, CA: Grayson Street
(Sunday)
October 30, 1973 Long Branch, Berkeley, CA: Rubin & The Rubinoos *(Tuesday)*
October 31, 1973 Long Branch, Berkeley, CA: Earth Quake/Rockets *(Wednesday) 3rd Annual Hootchie Kootchie Ball* Halloween was always a Big Deal in Berkeley, so it's no surprise that two of the house bands played it.
November 1973 flyer for The Long Branch at 2504 San Pablo Avenue in Berkeley (flyer designed by and courtesy of Lydia Frazier Bosley)
November 1, 1973 Long Branch, Berkeley, CA: Chains
(Thursday) free
Chains are unknown to me.
November 2, 1973 Long Branch, Berkeley, CA: Grayson Street
(Friday)
November 3, 1973 Long Branch, Berkeley, CA: Copperhead/Earth Quake *(Saturday)*
Copperhead had been formed in late 1971 by ex-Quicksilver Messenger Service guitarist John Cipollina. They had gone through a number of personnel changes, but by mid-1972 the lineup had stabilized. Cippolina was joined by pianist and singer Jim McPherson (ex-Stained Glass), who was the principal songwriter, guitarist Gary Phillipet, bassist Hutch Hutchinson and drummer David Weber. The band had a harder sound than Quicksilver, with more of an R&B feel. Columbia records signed the band, and they had released their debut album in Spring 1973. Copperhead played all the Bay Area clubs, but they had not yet toured Nationally.
Unfortunately, Clive Davis was pushed out as CEO of Columbia Records in the Summer of 1973. Many of the Bay Area bands signed by Clive, including Copperhead (as well as the Sons Of Champlin, the Rowan Brothers and David Rea) were dumped by the label. Copperhead had a local following in the clubs, but their album was left high and dry. They would break up by the end of the year.
November 4, 1973 Long Branch, Berkeley, CA: Grayson Street
(Sunday)
November 5, 1973 Long Branch, Berkeley, CA: Rockets
(Monday) free
The fact that the flyer lists some weeknight shows as free is an indicator that the principal weeknight business of the Long Branch was selling beer to the locals.
November 6, 1973 Long Branch, Berkeley, CA: Rubin & The Rubinoos *(Tuesday)*
November 7, 1973 Long Branch, Berkeley, CA: Swan
(Wednesday)
November 8, 1973 Long Branch, Berkeley, CA: Chains
(Thursday) free
The Tubes at Winterland ca 1974, with Fee Waybill as Quay Lewd, probably singing "White Punks On Dope"
November 9-10, 1973 Long Branch, Berkeley, CA: The Tubes/Spotlight
(Friday-Saturday)
The Tubes had only formed around March, 1972. Most of the band members were from Phoenix, AZ. Initially, guitarist Bill Spooner, keyboard player Vince Welnick and bassist Rick Andersen had been in a popular Phoenix band called The Beans. The Beans had moved to San Francisco in Fall 1970. They had played numerous local gigs, but hadn't really made much headway. After some band members left the Beans, it had turned out that another popular Phoenix band had lost some members, so guitarist Roger Steen and drummer Prairie Prince had relocated to San Francisco to

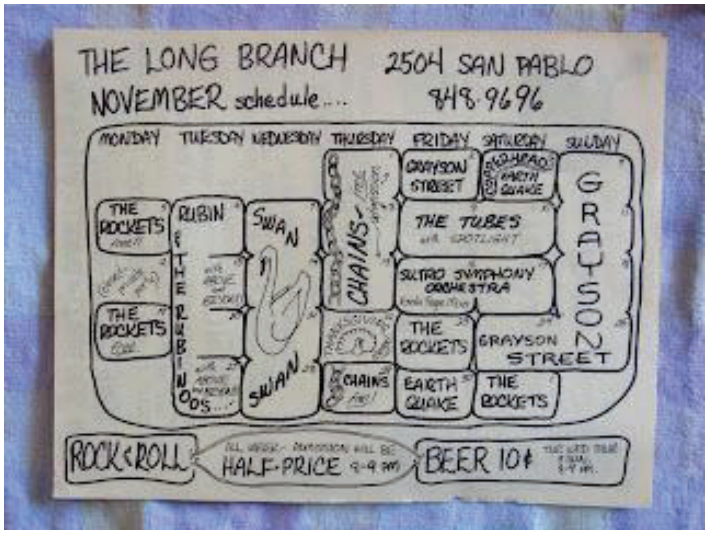
join The Beans. Their roadie John "Fiji" Waldo was added as lead singer, and The Tubes were born.
The Tubes played a sort of progressive rock rather than modified blues. They also had a fairly elaborate stage show, which was pretty much unheard of at the time. Initially, of course, their props were just cardboard and confetti, but they were a performing band from the beginning. The Tubes had first played the Long Branch on June 4, 1972, and periodically returned. By late '73, there was an underground buzz about them. They played a lot of gigs in gay bars, which were quite lucrative but not advertised in the mainstream press. In the early 70s, gay culture was the source of style and cool in the Bay Area, so the Tubes managed to always be right on the cutting edge of that cool. On June 1, 1973, the unknown Tubes had opened for Led Zeppelin at Kezar Stadium (fifth on the the bill), which for the wider Bay Area was the first time rock fans would even hear of them (this included me).
Spotlight is unknown to me.
November 11, 1973 Long Branch, Berkeley, CA: Grayson Street (Sunday)
November 13, 1973 Long Branch, Berkeley, CA: Rubin & The Rubinoos/Above & Beyond *(Tuesday)*
Above & Beyond are unknown to me.
November 14, 1973 Long Branch, Berkeley, CA: Swan
(Wednesday)
November 15, 1973 Long Branch, Berkeley, CA: Chains
(Thursday) free
November 16-17, 1973 Long Branch, Berkeley, CA: Sutro Sympathy Orchestra/Enola Faye Moss *[16 only] (Friday- Saturday)*
Sutro Sympathy Orchestra were from Reno, although they played regularly in the San Francisco area. Singer Lynne Hughes had been in The Charlatans back in the 1960s.

CONTRIBUTORS
Corry342
The Yellow Shark




THE LONG BRANCH 2504 SAN PABLO
OCTOBER schedule... 848-9696
MONDAY TUESDAY WEDNESDAY THURSDAY FRIDAY SATURDAY SUNDAY
THE ROCKETS
ASLEEP AT THE WHEEL
EARTH QUAKE
RUBIN & THE RUBINOOS
EARTH QUAKE
THE ROCKETS
THE MODERN LOVERS
SURPRISE! SURPRISE! NIGHT
OFF THE WALL
EARTH QUAKE
GRAYSON STREET
RUBIN AND THE RUBINOOS
SWAN
PERRY AND THE PUMPERS
THE ROCKETS
EARTH QUAKE
THE ROCKETS
GALA 3rd ANNUAL HOOTCHIE KOOTCHIE BALL
ROCK & ROLL BEER 10¢ TUE WED THU SUN 8-9PM
(ALL WEEK 8-9 PM) ADM. HALF PRICE


Live at the longbranch and more
MODERN LOVERS



Enola Faye Moss is unknown to me.
November 18, 1973 Long Branch, Berkeley, CA: Grayson Street *(Sunday)*
November 19, 1973 Long Branch, Berkeley, CA: Rockets *(Monday) free*
Even The Rockets, a house band, played for free on a Monday night.
November 20, 1973 Long Branch, Berkeley, CA: Rubin & The Rubinoos *(Tuesday)*
November 21, 1973 Long Branch, Berkeley, CA: Swan *(Wednesday)*
Closed for Thanksgiving Thursday (22).
November 23, 1973 Long Branch, Berkeley, CA: Rockets *(Friday)*
November 24, 1973 Long Branch, Berkeley, CA: Grayson Street *(Saturday)*
November 25, 1973 Long Branch, Berkeley, CA: Grayson Street *(Sunday)*
November 27, 1973 Long Branch, Berkeley, CA: Rubin & The Rubinoos/Above & Beyond *(Tuesday)*
November 28, 1973 Long Branch, Berkeley, CA: Swan *(Wednesday)*
November 29, 1973 Long Branch, Berkeley, CA: Chains *(Thursday) free*
November 30, 1973 Long Branch, Berkeley, CA: Earth Quake *(Friday)*
December 1973 flyer for The Long Branch at 2504 San Pablo Avenue in Berkeley (flyer designed by and courtesy of Lydia Frazier Bosley)
December 1, 1973 Long Branch, Berkeley, CA: Rockets *(Saturday)*
We are missing listings for December 2 and 3 (Sunday and Monday), but it's reasonable to assume that some of the usual suspects played.
December 5, 1973 Long Branch, Berkeley, CA: Swan *(Wednesday)*
December 6, 1973 Long Branch, Berkeley, CA: Chains *(Thursday)*
December 7, 1973 Long Branch, Berkeley, CA: Asleep At The Wheel/Topkela *(Friday)*
December 8, 1973 Long Branch, Berkeley, CA: Asleep At The Wheel/Alice Stuart & Snake *(Saturday)*
Topkela is unknown to me.
December 9, 1973 Long Branch, Berkeley, CA: Grayson Street *(Sunday)*

December 10, 1973 Long Branch, Berkeley, CA: Titans/Rockets/Country Thunder
(Monday) Legal Aid Benefit It's easy to make fun of Berkeley--I for one never tire of it--but there's no question that things happen in Berkeley long before they happen elsewhere (for example, Berkeley's Freight And Salvage club banned smoking in 1968, and the city of Berkeley would ban smoking in restaurants around 1977). As a result of its forward-looking nature, some things catch on in Berkeley that never catch on elsewhere. One such trend was "white reggae," hippie bands that played sped-up reggae for dancing. They were very popular in 1970s Berkeley, and pretty much nowhere else. **The Titans**, formerly Knee Deep, were the first such band. Titans would evolve into The Shakers, and became Long Branch regulars a few years later, even releasing an album, but they too are forgotten.
Country Thunder are unknown to me.
December 12, 1973 Long Branch, Berkeley, CA: Swan
(Wednesday)
December 13, 1973 Long Branch, Berkeley, CA: Chains
(Thursday)
December 14-15, 1973 Long Branch, Berkeley, CA: Earth Quake *(Friday-Saturday)*
December 16, 1973 Long Branch, Berkeley, CA: Rockets
(Sunday)
December 17, 1973 Long Branch, Berkeley, CA: Rockets
(Monday)
December 19, 1973 Long Branch, Berkeley, CA: Rubinoos
(Wednesday)
December 20, 1973 Long Branch, Berkeley, CA: Rockets
(Thursday)
December 21, 1973 Long Branch, Berkeley, CA: Rockets/Grayson Street *(Friday)*
Country Casanova, the third Paramount Records album by Commander Cody and His Lost Planet Airmen. George "Cody" Frayne leans on a Lincoln.
December 22, 1973 Long Branch, Berkeley, CA: Commander Cody and His Lost Planet Airmen/Asleep At The Wheel *(Saturday)*
Commander Cody and His Lost Planet Airmen and Asleep At The Wheel could both pack the Long Branch on a weekend, and had done so many times. There would have been no reason to book both of them, so the bands must have wanted to do it. Since the bands were good friends and shared management, it wouldn't have been hard to arrange.
Cody and The Airmen had been playing the Long Branch since before their first album was released, and indeed at least one track on their immortal debut *Lost In The Ozone* had been recorded there (either "What's The Matter Now" or "20 Flight Rock"). The band's third Paramount Records' album, *Country Casanova*, had been released in May 1973. In November, the Airmen had recorded their next album (*Live From Deep In The Heart Of Texas*) at the Armadillo World Headquarters in Austin, TX (it would be released in March, 1974).
Asleep At The Wheel, meanwhile, had decided to move to Austin, as it was their spiritual home. Since the band moved to Texas in early 1974, it's possible that this show was a celebration and fare-thee-well for the Wheel's departure.
December 23, 1973 Long Branch, Berkeley, CA: Grayson Street *(Sunday)*
December 26, 1973 Long Branch, Berkeley, CA: Rubinoos
(Wednesday)
December 27, 1973 Long Branch, Berkeley, CA: Chains
(Thursday)
December 28, 1973 Long Branch, Berkeley, CA: Earth Quake/Rubinoos *(Friday)*
December 29, 1973 Long Branch, Berkeley, CA: Grayson Street *(Saturday)*
December 30, 1973 Long Branch, Berkeley, CA: Grayson Street *(Sunday)*
December 31, 1973 Long Branch, Berkeley, CA: Earth Quake/Rockets *(Monday)*
Beserkeley Chartbusters, Vol 1, released by Beserkeley Records in July 1975, was put together by Earth Quake's management. It featured songs by Earth Quake, Greg Kihn, Jonathan Richman and The Rubinoos, all of whom had played the Long Branch many times.
Outcomes Assessment: Long Branch Bands
Berkeley's Long Branch was essentially a neighborhood club, booking bands every week for regular patrons who lived nearby. Yet rock music was booming in the Bay Area, so many of the aspiring bands who played the Branch ended up leaving a much larger mark than you might think for a 350-capacity beer joint in West Berkeley.
Bill Graham signed Eddie Money to a management contract in 1975. His 1977 debut album on Columbia included "Two Tickets To Paradise" and "Baby Hold On," and sold millions

The Rockets broke up in early 1974. All of them thrived. Lead singer Eddie Mahoney debuted the Eddie Money Band in June 1974, and they played the Long Branch regularly too. In early 1975, Money was signed by Bill Graham's management team. Ultimately Money would be hugely successful, selling millions of records on the back of giant hits like "Two Tickets To Paradise" and "Baby Hold On To Me."
Drummer John Cuniberti has been a successful producer, particularly with "New Wave" bands. Guitarist Dan Alexander is well-regarded in production and audio circles, and bassist Chris Sohlberg played with Santana and many other artists.
In 2021, Ray Benson and Asleep At The Wheel released Half A Hundred Years, on Home Records
Asleep At The Wheel moved to Austin in early 1974. They are still together, still touring and established legends. Pretty good for a band from Paw Paw, WV.
Love On The Wire, Clover's 4th and last album, and their 2nd on Mercury Records, was released in late 1977. It's a very good album, even if almost no one has heard it.
Clover struggled on until 1977. They were "discovered" in 1976 by producer Nick Lowe, who had loved the first two Fantasy albums and had no idea they hadn't broken up. Lowe facilitated two excellent Clover albums recorded in England in 1976 and '77, but the band never caught on. The Lowe association, however, was how members of Clover ended up backing Elvis Costello on his debut album *My Aim Is True*.
After Clover, broke up, Huey Lewis and pianist Sean Hopper teamed up with members of Soundhole and became hugely successful as Huey Lewis & The News. Guitarist John McFee, meanwhile, joined the Doobie Brothers (they were still touring in 2023), and singer Alex Call wrote some hit singles.
8.5, by Earth Quake, released by Beserkeley in 1976
Earth Quake had been dropped by A&M, but their manager Mathew "King" Kaufman started the Beserkley Records label. Besides releasing Earth Quake and Rubinoos albums, the label had big hits with Jonathan Richman and Greg Kihn. Earth Quake broke up in the early 80s, ultimately releasing 5 albums.
Grayson Street never recorded, but many members of the band moved on to bigger groups. Tenor saxophonist Lenny Pickett still leads the *Saturday Night Live* Band. Founder Terry Hanck joined Elvin Bishop and toured with him in the late 70s for many years.
Jonathan Richman and The Modern Lovers, released by Beserkeley in 1976
Jonathan Richman and The Modern Lovers released albums on Beserkley Records, starting in 1976. "Egyptian Reggae" became a hit, and songs like "Road Runner" and "Abominable Snowman In The Market" are underground classics.
Tubes lead singer Fee Waybill, at Winterland ca 1974, as Dr. Strangelove, singing Tom Jones' "It's Not Unusual" (a regular showstopper for the band--you had to have seen it, just trust me...)
The Tubes released their first album in 1975, and it was a huge sensation. Their stage show, with every song its own self-contained "music video'--six years before MTV--was inspired and unforgettable. They toured America and the UK to well-deserved acclaim, and they had popular radio hits as well. The economics were unworkable, however, and the financial woes of the band eventually ground them to a halt. Keyboard player Vince Welnick joined the Grateful Dead in 1990. Versions of The Tubes have continued to perform intermittently over the decades.
Appendix: Long Branch Performers, January-July 1974
Lydia Frazier Bosley was kind enough to send some additional flyers, and for historical value I have included them below. Since the Long Branch had a repetitive booking strategy, I didn't write out each booking. I did note when there was a band that had not appeared at the Long Branch before.
January 1974 flyer for The Long Branch at 2504 San Pablo Avenue in Berkeley (flyer designed by and courtesy of Lydia Frazier Bosley)
January 15, 1974 Long Branch, Berkeley, CA: Asleep At The Wheel/Naomi Ruth Eisenberg *(Tuesday)*
Asleep At The Wheel had supposedly moved to Austin by this time, but they toured so much that they regularly appeared in Bay Area clubs anyway.
Naomi Ruth Eisenberg had been in various local ensembles, but she was best-known for having been one of the original "Hot Licks" with Dan Hicks. She sang and played fiddle, and was also a singer- songwriter.
Terry Dolan and Terry and The Pirates finally released a 1979 album of live performances, with an All-Star cast (including John Cipollina, Greg Douglass, Lonnie Turner, Nicky Hopkins and Grateful Dead engineer Dan Healy as producer)

January 18-19, 1974 Long Branch, Berkeley, CA: Terry and The Pirates
(Friday-Saturday)
Copperhead finally disintegrated by the end of 1973, so John Cipollina promptly hooked up with numerous local ensembles. One such band was **Terry And The Pirates**, led by singer/songwriter Terry Dolan. Dolan had moved from the Washington, DC area in 1969 and had been playing around the Bay Area ever since. Terry And The Pirates was a somewhat casual ensemble that played Dolan's songs. Cipollina was the only regular "member," with a rotating cast depending on who was available. Typical members included guitarist Gregg Douglass (ex-Country Weather, future Steve Miller Band) and the old Copperhead rhythm section (Hutchinson and Weber).
Dolan's songs were pretty good, but not really great. Terry And The Pirates were popular locally, and his demos got some airplay on FM, but he never really got over the top.
January 20, 1974 Long Branch, Berkeley, CA: Valley Boys
(Sunday)
The **Valley Boys** were a country rock band, possibly from Fresno, who regularly played Bay Area clubs.
I Gotta Be Me, Gideon & Power's 1972 album on Bell (recorded in 1971 at Keystone Korner in San Francisco with members of the Elvin Bishop Group)
January 25-26, 1974 Long Branch, Berkeley, CA: Gideon & Power/Grayson Street *[25]*/**Frank Biner and The Nightshift** *[26] (Friday-Saturday)*
Gideon Daniels was a powerful singer with a gospel background, and the band **Gideon & Power** played in a sort of gospel-rock style. Gideon & Power recorded a 1971 album live at the Keystone Korner, supported by some players from the Elvin Bishop Group. Since Gideon Daniels had been Elvin Bishop's housemate at one point, it's not surprising to find out that various members came and went through Gideon & Power over the years, and the band was somewhat of a farm team for Bishop. Singer Mickey Thomas and organist Melvin Seals had successful shifts with Gideon and then Elvin, too (Seals of course went on to play with the Jerry Garcia Band for 15 years).
Frank Biner was a popular local soul singer. Over the course of the 70s, Tower Of Power recorded a few of his songs, and he put out a few albums as a bandleader, but back in '74 Biner was just another guy working the clubs. Biner, with his band **Nightshift**, was a regular on weeknights at the Keystone Berkeley, but he played some gigs at the Long Branch, too. Biner was originally from Chicago, where he had recorded a few singles, but he had moved to the East Bay in the late 60s.
February 1974 flyer for The Long Branch at 2504 San Pablo Avenue in Berkeley (flyer designed by and courtesy of Lydia Frazier Bosley)
February 8, 1974 Long Branch, Berkeley, CA: Earth Quake/Son Of Pete *(Friday)*
The Friday show was reviewed by Berkeley *Gazette* critic Todd Tolces. It seems that Stoneground was booked to open for Malo at UC Berkeley's Zellerbach Auditorium. Stoneground had a band illness, and had to cancel, so Earth Quake did the opening set, and then hustled the 2 miles down to the Long Branch to headline.
Tolces also described Son Of Pete's set, extended somewhat due to Earth Quake's delayed arrival. **Son Of Pete** appears to have been a reggae "Toaster," a very odd thing outside of Jamaica and some neighborhoods in New York City. Toasters dj'd reggae records for dancing over customized sound systems, playing with the stereo mix and various effects, while also singing or talking over the records. As I understand it, the "Toaster" setup, pioneered in Jamaica, was a technological building block for rap music. Nascent rappers apparently took Toaster-type setups (sound system, multiple turntables, mic) and layered different music onto it. Outside of New York (or Kingston), however, many did not recognize the configuration.
It's easy to laugh at Berkeley--and fun too--but here was a guy playing gigs as a Reggae Toaster, playing a style of music unseen outside parts of New York Metro. Tolces praised Son Of Pete particularly for having numerous cool, unheard Reggae 45s, and I assure you that Berkeley took record snobbery seriously indeed. I have seen references that suggest that Son Of Pete was Earth Quake manager (and Beserkley Records founder) Matthew Kaufman, but I can't confirm that.
February 22-23, 1974 Long Branch, Berkeley, CA: The Tubes/Kid Gloves
(Friday-Saturday)
Kid Gloves are unknown to me. They regularly opened for The Tubes.
SF Examiner March 8, 1974
March 8, 1974 Long Branch, Berkeley, CA: Earth Quake/New Stoneground *(Friday)*
I do not have flyers for March and April 1974, but I did some research on booked bands. I am including notes on any of the groups that hadn't played in the previous several months.
Stoneground had been formed in 1970 out of various San Francisco bands, to provide a "house band" for KSAN boss Tom Donahue's *Medicine Ball Caravan*. The Medicine Ball Caravan was

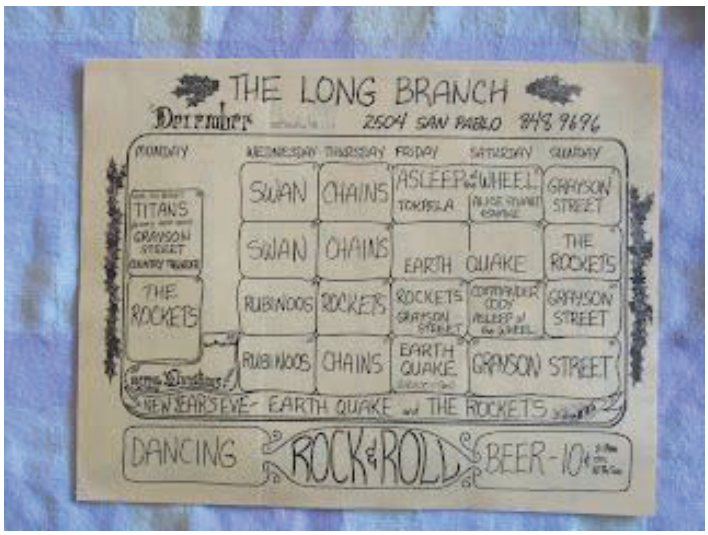
meant to be a sort of traveling Woodstock, busing freaks around the country to put on mini-Woodstocks everywhere. The Grateful Dead backed out at the last moment. A strange film was made of the peculiar trek. Stoneground was signed by Warner Brothers and recorded 3 moderately successful album. Stoneground had no less than five lead singers, and had a sort of gospel-ish feel laid on top of a typical rock band. Stoneground broke up in mid-1973.
In early 1974, Stoneground lead guitarist Tim Barnes re-formed the band, initially just as a quartet. Barnes was the only lead singer. They probably did some of Stoneground's old songs, but they would have sounded different with just one singer. Other band members were organist Fred Webb (ex-It's A Beautiful Day), bassist Terry Davis and drummer Sammy Piazza (ex-Hot Tuna). Somewhat later, Stoneground would add two lead singers, including Jo Baker, and return somewhat to their older sound, and they eventually rose to at least a similar level to what they had been in the early 70s.
SF Examiner March 21, 1974
March 21, 1974 Long Branch, Berkeley, CA: Jimmy Baric Group *(Thursday)*
The Jimmy Baric Group are unknown to me. They played the Long Branch regularly during March 1974. I suspect that it might be guitarist Jimmy Berick, later in the Epic Records band Masters Of The Airwaves.
SF Examiner, March 23, 1974
March 23, 1974 Long Branch, Berkeley, CA: Naomi Ruth Eisenberg/Mitch Woods and His Red Hot Mama *(Saturday)* Brooklyn-born pianist Mitch Woods had been playing in the Bay Area since 1970. Woods backed singer Gracie Glassman, as **Mitch Woods And His Red Hot Mama**, but I'm not sure if they had a band or were a duo. In the next few years, Woods would form Mitch Woods and His Rocket 88s, who had a throwback R&B sound. Woods has had a successful career ever since, and he still appears to be going strong.
SF Examiner, March 30, 1974
March 30, 1974 Long Branch, Berkeley, CA: Valley Boys/Soundhole *(Saturday)*
Soundhole was a Marin band, who seemed to have debuted at the Branch on this Sunday night. By year's end, Soundhole would headline every Sunday night for a couple of months. Bay Area geography is odd, and West Berkeley was actually very near to Marin County (particularly after rush hour), so this was really a local gig for them.
Soundhole was a rock band, but they had a sound that was influenced by jazz and soul. Kinda like Van Morrison, which is why Van Morrison- -another Bay Area club regular--hired them as his backing band around 1974. Heady stuff for some guys from Marin who were still pretty new to the music scene. Soundhole was led by guitarist Brian Marnell, who would become somewhat known in the Bay Area for leading the band SVT (with Jack Casady) in the later 1970s. John Farey (later in Zero) played organ, and Brian Hogan played tenor sax.
Bassist Mario Cipollina (John's younger brother), drummer Bill Gibson and saxophonist/guitarist Johnny Colla would team up with two members of Clover (see above) to form Huey Lewis And The News, going on to fame and fortune.
May 1974 flyer for The Long Branch at 2504 San Pablo Avenue in Berkeley (flyer designed by and courtesy of Lydia Frazier Bosley)
May 2, 1974 Long Branch, Berkeley, CA: Fluid Drive
(Thursday)
Fluid Drive are unknown to me. They were regular performers at the Long Branch on Thursdays in May 1974.
The Long Branch did not advertise bands on Monday, Tuesday and Wednsday nights. I don't know if the club was closed those nights, or if they just didn't book music.
May 10-11, 1974 Long Branch, Berkeley, CA: Frank Biner and The Nightshift/Lucky Strike *(Friday-Saturday)*
After his club debut a few months earlier, Frank Biner was now headlining weekends at The Long Branch
Lucky Strike was a blues-rock band fronted by singer and harmonica player David Burgin. They had some good success in East Bay clubs, but never climbed any higher on the ladder.
May 17, 1974 Long Branch, Berkeley, CA: Grayson Street/Steel Band *(Friday)*
The **Steel Band** are unknown to me. Possibly it's "a" (Caribbean) steel band.
June 1974 flyer for The Long Branch at 2504 San Pablo Avenue in Berkeley (flyer designed by and courtesy of Lydia Frazier Bosley)
June 16, 1974 Long Branch, Berkeley, CA: Frank Biner and The Nightshift featuring The Stovall Sisters *(Sunday)*
Lillian, Netta and Joyce Stovall were three of 22 (!) children raised in a gospel-singing family that had moved to Oakland in the late 1950s. The trio had released a sort of gospel-soul album on Reprise in 1970 which included the hit "Hang On In There." They were also the backup singers for

Norman Greenbaum's "Spirit In The Sky." I assume Biner and Nightshift backed them for a set, and also played their own set.

June 29, 1974 Long Branch, Berkeley, CA: Eddie Money/Lucky Strike *(Saturday)*
The Rockets had broken up at the end of 1973. In June 1974, Eddie Mahoney re-introduced himself as "**Eddie Money**," with a new band led by guitarist Jimmy Lyons. They dominated the Long Branch, just as the Rockets had done.

July 1974 flyer for The Long Branch at 2504 San Pablo Avenue in Berkeley (flyer designed by and courtesy of Lydia Frazier Bosley)

July 5, 1974 Long Branch, Berkeley, CA: Norman Greenbaum & Crossfire/Yesterday & Today *(Friday)*
Norman Greenbaum was an anomaly at the Long Branch, as he was at every club he played at. Greenbaum, a guitarist and singer, had been in a 60s band that played in a sort of Lovin' Spoonful style band called Dr West's Medicine Show and Junk Band. In 1969, Greenbaum wrote a song that got him signed by Reprise, and assigned to staff producer Erik Jacobsen, former producer of the Spoonful. After a re- arrangement, Greenbaum's gospel-folk "Spirit In The Sky" sold millions of copies and went #1 all over the world. It is still heard regularly today on soundtracks on commercials.



December 1, 1973 Long Branch, Berkeley, CA: Rockets
(Saturday)
We are missing listings for December 2 and 3 (Sunday and Monday), but it's reasonable to assume that some of the usual suspects played.

December 5, 1973 Long Branch, Berkeley, CA: Swan
(Wednesday)

December 6, 1973 Long Branch, Berkeley, CA: Chains
(Thursday)

December 7, 1973 Long Branch, Berkeley, CA: Asleep At The Wheel/Topkela *(Friday)*

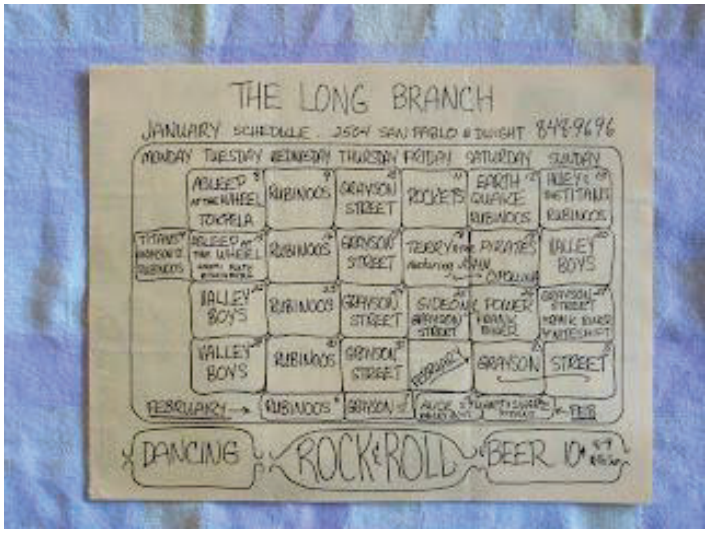
December 8, 1973 Long Branch, Berkeley, CA: Asleep At The Wheel/Alice Stuart & Snake *(Saturday)*

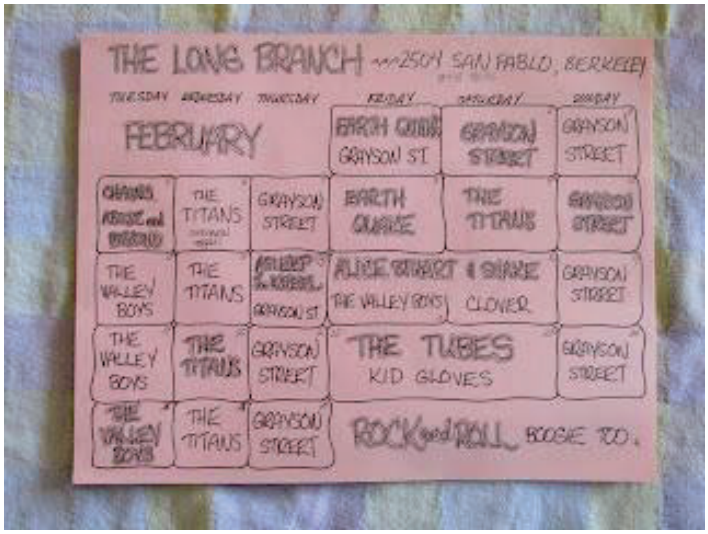
Topkela is unknown to me.

December 9, 1973 Long Branch, Berkeley, CA: Grayson Street
(Sunday)

December 10, 1973 Long Branch, Berkeley, CA: Titans/Rockets/Country Thunder
(Monday) Legal Aid Benefit It's easy to make fun of Berkeley--I for one never tire of it--but there's no question that things happen in Berkeley long before they happen elsewhere (for example, Berkeley's Freight And Salvage club banned smoking in 1968, and the city of Berkeley would ban smoking in restaurants around 1977). As a result of its forward-looking nature, some things catch on in Berkeley that never catch on elsewhere. One such trend was "white reggae," hippie bands that played sped-up reggae for dancing. They were very popular in 1970s Berkeley,

and pretty much nowhere else. **The Titans**, formerly Knee Deep, were the first such band. Titans would evolve into The Shakers, and became Long Branch regulars a few years later, even releasing an album, but they too are forgotten.
Country Thunder are unknown to me.
December 12, 1973 Long Branch, Berkeley, CA: Swan
(Wednesday)
December 13, 1973 Long Branch, Berkeley, CA: Chains
(Thursday)
December 14-15, 1973 Long Branch, Berkeley, CA: Earth Quake *(Friday-Saturday)*
December 16, 1973 Long Branch, Berkeley, CA: Rockets
(Sunday)
December 17, 1973 Long Branch, Berkeley, CA: Rockets
(Monday)
December 19, 1973 Long Branch, Berkeley, CA: Rubinoos
(Wednesday)
December 20, 1973 Long Branch, Berkeley, CA: Rockets
(Thursday)
December 21, 1973 Long Branch, Berkeley, CA: Rockets/Grayson Street *(Friday)*





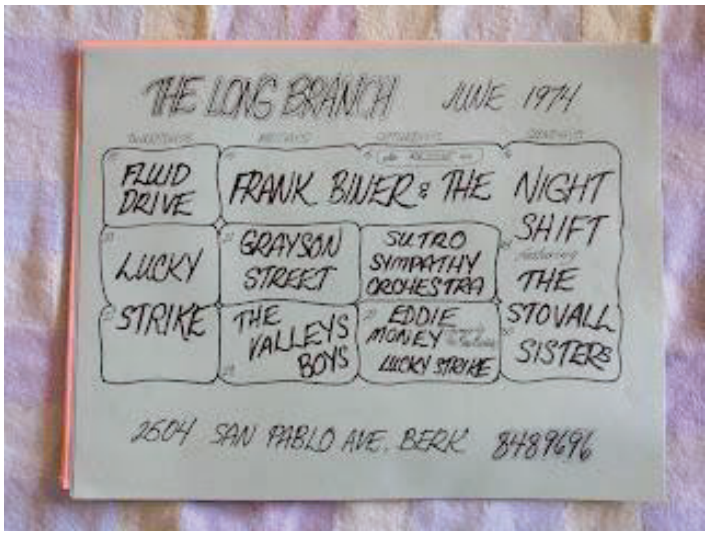
Bluegrass — High Country, at Paul's Saloon, 3251 Scott St. 9 p.m.
Blues-Rock — Michael Bloomfield-Mark Naftalin group, at Keystone Berkeley, 2119 University Ave. 9 p.m.
Rock-Dance — Earth Quake, and New Stoneground, at Long Branch Saloon, 2504 San Pablo Ave., Berkeley. 9 p.m.

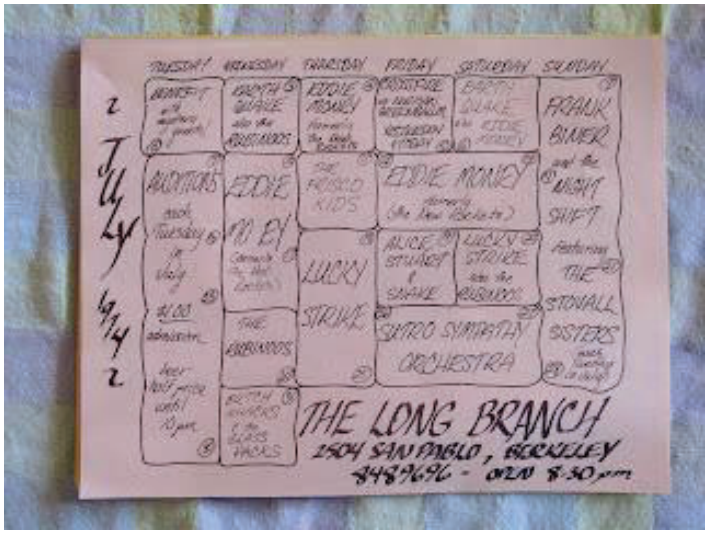
Rock - Dance — Jimmy Berick Group, at Long Branch, 2504 San Pablo Ave., Berkeley. 9:30 p.m.
Rock - Dance — Stroke, at Deliverance, 1332 Park St., Alameda, through Saturday. 9 p.m.
Rock - Dance — Mile Hi, at the Tuckett Inn, 18564 Mission Blvd., Hayward. 9 p.m.

Rock-Dance — Wilhelm and the Loose Gravel Band, at Omnibus, 1821 Haight St. 9 p.m.
Good Time Music — Naomi Ruth Eisenberg, and Mitch Woods and his Red Hot Mama, at Long Branch, 2504 San Pablo Ave., Berkeley. 9 p.m.
Country Rock — The Rockabilly Rhythm Boys, at New Orleans House, 1505 San Pablo Ave., Berkeley. 9:30 p.m.

Rock Show — Black Oak Arkansas, JoJo Gunne, and Journey, at Winterland, Post and Steiner Streets, 8 p.m.
Rock-Dance — Kingpin, at the Clement Mixer, 708 Clement St. 9 p.m.
Rock-Dance — Sahara, at Yellow Brick Road, 2215 Powell St. 9 p.m.
Folk — Dan Linn, at Family Farmacy, 4355 California St. 9 p.m.
Bluegrass — Phantoms of the Opry, at Paul's Saloon, 3251 Scott St. 9 p.m.
Rock-Dance — The Valley Boys, and Soundhole, at Long Branch, 2504 San Pablo Ave., Berkeley. 9 p.m.


THE LONG BRANCH
8489696
MAY 1974
THURSDAY
FRIDAY
SATURDAY
SUNDAY
FLUID DRIVE
THE TUBES
KID GLOVES
THE NIGHT SHIFT
LUCKY STRIKE
GRAYSON STREET
FRANK BINER
EARTH QUAKE
ROCK & ROLL
FLUID DRIVE
call the Branch 848 9696 for changes


THE LONG BRANCH
JUNE 1974
FLUID DRIVE
FRANK BINER & THE NIGHT SHIFT
LUCKY STRIKE
GRAYSON STREET
SUTRO SYMPATHY ORCHESTRA
THE STOVALL SISTERS
THE VALLEYS BOYS
EDDIE MONEY
LUCKY STRIKE
2504 SAN PABLO AVE. BERK 8489696



regularly today on soundtracks on commercials.
He did release a second album, which included a minor hit "Canned Ham."Greenbaum lived quietly on his farm in Petaluma and didn't perform much, because he didn't have to. Nonetheless, he sometimes toured around local clubs. We can guess his last number. **Crossfire** seems to have been an existing group, but I don't know anything else about them.
Yesterday & Today was a band from Oakland. Initially a cover band, they had started to play their own material in a hard rocking English style, kind of like Humble Pie. The quartet slugged it out in East Bay clubs for years. In 1984 when "hair metal" was popular on MTV, they finally made it big as Y & T, releasing the hit album *In Rock We Trust*.
July 11, 1974 Long Branch, Berkeley, CA: Frisco Kids
(Thursday)
The **Frisco Kids** are unknown to me.
July 31, 1974 Long Branch, Berkeley, CA: Butch Whacks And His Glass Packs
(Wednesday)
Butch Whacks and His Glass Packs were a 15-piece rock and roll band dedicated to performing old style rock and roll hits from the 50s and early 60s. The band got their start as students at St. Mary's College in Moraga playing frat parties, and eventually morphed into a very popular bay area club and theater act.
For the post about shows at the Long Branch from its opening in May 1971 through December 1971, see here
For the post about shows at the Long Branch from January through June 1972, see here
POSTED BY CORRY342 AT 9:19 AM 2 COMMENTS: LABELS: 1973, 1974, 70S ROCK NIGHTCLUBS, BERKELEY

HTTP://WWW.CHICKENONAUNICYCLE.COM/CABALE%20HISTORY.HTM

CABALECREAMERY

Latest Update: February 9, 2013

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Picture to Left: The Kentucky Colonels are joined on stage at the Cabale Creamery by Sandy Rothman in November 1964.



The Cabale and Cabale Creamery, 2504 San Pablo Avenue, Berkeley, CA
(see also Questing Beast, Tito's and Longbranch)
None of this would be possible without the input from Sandy Rothman, Jesse Cahn, Evelyn Kerr and Sherwood Donahue
Evelyn Kerr's TimeMazine article on Chan Loughlin


Read Part 1 Here


Read Part 2 Here


Read Part 3 Here

TimeMazine Details



This is an excerpt from Sandy Rothman's brief memoir of the Cabale, written as part of a project on the great Clarence White, which is well worth reviewing.

The Cabale Creamery
Sandy Rothman

> *It was on San Pablo Avenue, a main north-south thoroughfare parallel to Telegraph on the opposite (west) side of town, at the southwest corner of Dwight Way and San Pablo. I don't recall how "Creamery" got attached to it -- maybe from the steamed milk that was in the cappuccinos and lattes? The name "Cabale" was taken from "Cabala," a medieval system of Jewish mysticism. (Other dictionary definitions are: "a traditional, esoteric, occult, or secret matter" and "an esoteric doctrine or mysterious art." Do any of those terms resonate with bluegrass, nearly a cult in itself?! Hahaha.)*

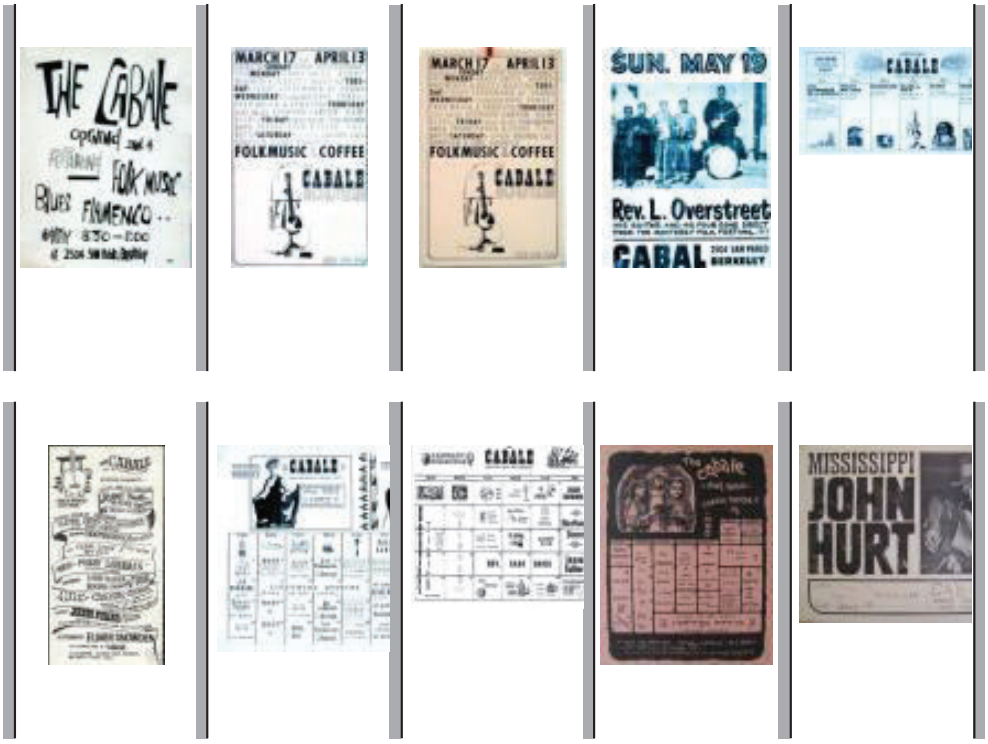
In the early 1960s, there was a 'folk circuit' that emphasized serious folk music like Doc Watson and Mississippi John Hurt (as opposed to the more popular Kingston Trio-style of folk music). The Cabale was one of the anchors of the circuit, along with Club 47 in Cambridge, many clubs in Greenwich Village (such as the Gaslight and Folk City), the Ark in Ann Arbor and the Ash Grove in Los Angeles. The story of this circuit is well told in Jim Rooney and Eric Von Schmidt's book *Baby Let Me Follow You Down* (U-Mass Press, 1979).



The Cabale, at 2504 San Pablo Avenue (at Dwight), was a folk club founded in late 1962 by Rolf Cahn and Debbie Green (two Cambridge, MA folkies) along with Howard Ziehm and Red Dog alum Chandler A. Laughlin III (later known as Travus T. Hipp). It opened on January 4, 1963 and ran until mid-1965, when the folk action moved to the Jabberwock. Somewhere along the way Carroll Peery, manager of the Chambers Brothers and Big Mama Thornton, happened to acquire a majority interest in the Cabale. Jesse Cahn, son of Cabale founder Rolf and folksinger Barbara Dane, recalls *"I was the one who cleaned the johns and swept up and practically lived there until 1965 ..."*. Jesse went on to play with Tongue & Groove (with Lynne Hughes and Michael Ferguson) and the Chambers Brothers. After some time on the East Coast he returned to manage the Jabberwock for Bill "Jolly Blue" Ehlert when he moved across to San Francisco to run the Matrix. The name of the venue was changed to the Cabale Creamery in August of 1964. As a side issue, the one time notoriety of the Cabale/Cabale Creamery coffee house led the local vice squad and FBI to ban the licensing of any business under the name "Cabale" in the future. However, Chan

Laughlin (Travus T Hipp) still retains Cabale News Service as his business cover. His broadcasts can be found on kpig.com.
One of the Cabale's founders was Rolf Cahn, a Jewish refugee from Nazi Germany who had served in the US Army during the war and also played and taught classical, flamenco, and folk guitar. Bluegrass was scheduled only occasionally at the Cabale, but on the other hand, it was the only club in Berkeley where it was presented at all during that period (1963-4). The usual entertainment at the Cabale included local musicians and quite a few travelling "folk individuals" from the more developed Cambridge folk scene. (The similarity between the Cabale's monthly calendar and that of Cambridge's Club 47 may have been an inspiration for Rick Shubb's placement of Berkeley and Cambridge as next-door neighbours in his legendary "Humbead's Revised Map of the World" poster which may be viewed in the book "Baby, Let Me Follow You Down" by Von Schmidt & Rooney). Physically, the Cabale was a fairly small, long and narrow, dark room with the ambience of a '50s Beat coffeehouse. Coffee drinks were made at the far end of the room. When the Colonels played there the stage was against the long wall on the north side of the room (the right side as you walked in); later, it was on the short wall just inside and to the right of the entrance.

The name was amended from simply "the Cabale" to the Cabale Creamery in August 1964. The site of the Cabale Creamery became, briefly The Good Buddy (a poster from May 1965 survives), Caverns West and then, in the Fall of 1965, it became a club called The Questing Beast. Much of the performance history of the Questing Beach (November 1965 to May 1966) has been demystified (see here) due to the availability of posters, handbills and advertisements in the Berkeley Barb. Subsequently it became Tito's, The Babylon and then in the early 1970s The Longbranch.





A List of Cabale Shows

	Date	Cabale, 2504 San Pablo Ave, Berkeley, CA	Some Interesting Notes
Friday	04 January 1963		Cabale opens to the public under the management Zeem and Chandler A. Laughlin III.
Sunday	17 March 1963	Hoot	
Monday	18 March 1963	Janet Smith, Bobby Neuwirth & Buzzy Martin	
Tuesday	19 March 1963	Perry Lederman & Al Young	
Wednesday	20 March 1963	Dave Jones, Fred Meija & Ernesto	Flamenco
Thursday	21 March 1963	Redwood Canyon Ramblers	Bluegrass
Friday	22 March 1963	Toni Brown, Dave Fredrickson & Steve Talbott	Crabgrass
Saturday	23 March 1963	Doug Brown, Cal Grayon & Carl Granich	
Sunday	24 March 1963	Hoot	
Monday	25 March 1963	Janet Smith, Bobby Neuwirth & Buzzy Martin	
Tuesday	26 March 1963	Perry Lederman & Al Young	
Wednesday	27 March 1963	Dave Jones, Fred Meija & Ernesto	
Thursday	28 March 1963	Redwood Canyon Ramblers	
Friday	29 March 1963	Toni Brown, Dave Fredrickson & Steve Talbott	
Saturday	30 March 1963	Doug Brown, Cal Grayon & Carl Granich	
Sunday	31 March 1963	Hoot	
Monday	01 April 1963	Janet Smith, Bobby Neuwirth & Buzzy Marten	
Tuesday	02 April 1963	Perry Lederman & Al Young	
Wednesday	03 April 1963	Dave Jones, Fred Meija & Ernesto	
Thursday	04 April 1963	Redwood Canyon Ramblers	
Friday	05 April 1963	Toni Brown, Dave Fredrickson & Steve Talbott	
Saturday	06 April 1963	Doug Brown, Cal Grayon & Carl Granich	
Sunday	07 April 1963	Hoot	
Monday	08 April 1963	Janet Smith, Bobby Neuwirth & Buzzy Martin	
Tuesday	09 April 1963	Perry Lederman & Al Young	
Wednesday	10 April 1963	Dave Jones, Fred Meija & Ernesto	

Thursday	11 April 1963	Redwood Canyon Ramblers	
Friday	12 April 1963	Toni Brown, Dave Fredrickson & Steve Talbott	
Saturday	13 April 1963	Doug Brown, Cal Grayon & Carl Granich	
Sunday	14 April 1963	Hoot	
Monday	15 April 1963	Janet Smith & Merrit Herring	Ballads
Tuesday	16 April 1963	Miriam Stafford & Huck Rorick	Blues & Country
Wednesday	17 April 1963	Perry Lederman & Debbie Green	Folk & Guitar
Thursday	18 April 1963	Dave Jones, Fred Meija & Ernesto	Flamenco
Friday	19 April 1963	Bobby Neuwirth & Buz Marten	Country
Saturday	20 April 1963	Judy Roderick, Al Young & Clarence Van Hook	Folk and Blues
Sunday	21 April 1963	Hoot	
Monday	22 April 1963	Janet Smith & Merrit Herring	Ballads
Tuesday	23 April 1963	Miriam Stafford & Huck Rorick	Blues & Country
Wednesday	24 April 1963	Perry Lederman & Debbie Green	Folk & Guitar
Thursday	25 April 1963	Dave Jones, Fred Meija & Ernesto	Flamenco
Friday	26 April 1963	Bobby Neuwirth & Buz Marten	Country
Saturday	27 April 1963	Judy Roderick, Al Young & Clarence Van Hook	Folk and Blues
Sunday	28 April 1963	Hoot	
Monday	29 April 1963	Janet Smith & Merrit Herring	Ballads
Tuesday	30 April 1963	Miriam Stafford & Huck Rorick	Blues & Country
Wednesday	01 May 1963	Perry Lederman & Debbie Green	Folk & Guitar
Thursday	02 May 1963	Dave Jones, Fred Meija & Ernesto	Flamenco
Friday	03 May 1963	Bobby Neuwirth & Buz Marten	Country
Saturday	04 May 1963	Judy Roderick, Al Young & Clarence Van Hook	Folk and Blues
Sunday	05 May 1963	Hoot	
Monday	06 May 1963	Janet Smith & Merrit Herring	Ballads
Tuesday	07 May 1963	Miriam Stafford & Huck Rorick	Blues & Country
Wednesday	08 May 1963	Perry Lederman & Debbie Green	Folk & Guitar
Thursday	09 May 1963	Dave Jones, Fred Meija & Ernesto	Flamenco
Friday	10 May 1963	Bobby Neuwirth & Buz Marten	Country
Saturday	11 May 1963	Judy Roderick, Al Young & Clarence Van Hook	Folk and Blues
Sunday	12 May 1963	Hoot	
Monday	13 May 1963	Janet Smith & Merrit Herring	Ballads
Tuesday	14 May 1963	Miriam Stafford & Huck Rorick	Blues & Country
Wednesday	15 May 1963	Perry Lederman & Debbie Green	Folk & Guitar
Thursday	16 May 1963	Dave Jones, Fred Meija & Ernesto	Flamenco
Friday	17 May 1963	Bobby Neuwirth & Buz Marten	Country
Saturday	18 May 1963	Judy Roderick, Al Young & Clarence Van Hook	Folk and Blues
Sunday	19 May 1963	Reverend L Overstreet	Guitarist with his four sons
Monday	20 May 1963	Janet Smith & Merrit Herring	Ballads
Tuesday	21 May 1963	Miriam Stafford & Huck Rorick	Blues & Country
Wednesday	22 May 1963	Perry Lederman & Debbie Green	Folk & Guitar
Thursday	23 May 1963	Dave Jones, Fred Meija & Ernesto	Flamenco
Friday	24 May 1963	Bobby Neuwirth & Buz Marten	Country

Saturday	25 May 1963	Judy Roderick, Al Young & Clarence Van Hook	Folk and Blues
Saturday	01 June 1963	Los Flamencos De La Bogeda (El Rubio, Fred Mejia, Ernesto); (from 11:00 to 01:00) Saturday Night at The Cabale on KPFA featuring Cabale Performers and Guests	
Sunday	02 June 1963	Janet Smith, Tim Small	
Monday	03 June 1963	Pine Ridge Ramblers	
Tuesday	04 June 1963	Judy Roderick, Carl Dukatz	
Wednesday	05 June 1963	KC Douglas & Clarence Van Hook	
Thursday	06 June 1963	Toni Brown, Dave Fredrickson, Art Koch & Perter Berg	
Friday	07 June 1963	Perry Lederman & Al Young	
Saturday	08 June 1963	Los Flamencos De La Bogeda (El Rubio, Fred Mejia, Ernesto); (from 11:00 to 01:00) Saturday Night at The Cabale on KPFA featuring Cabale Performers and Guests	
Sunday	09 June 1963	Janet Smith, Tim Small	
Monday	10 June 1963	Pine Ridge Ramblers	
Tuesday	11 June 1963	Judy Roderick, Carl Dukatz	
Wednesday	12 June 1963	KC Douglas & Clarence Van Hook	
Thursday	13 June 1963	Toni Brown, Dave Fredrickson, Art Koch & Perter Berg	
Friday	14 June 1963	Perry Lederman & Al Young	
Saturday	15 June 1963	Los Flamencos De La Bogeda (El Rubio, Fred Mejia, Ernesto); (from 11:00 to 01:00) Saturday Night at The Cabale on KPFA featuring Cabale Performers and Guests	
Sunday	16 June 1963	Janet Smith, Tim Small	
Monday	17 June 1963	Pine Ridge Ramblers	
Tuesday	18 June 1963	Judy Roderick, Carl Dukatz	
Wednesday	19 June 1963	KC Douglas & Clarence Van Hook	
Thursday	20 June 1963	Toni Brown, Dave Fredrickson, Art Koch & Perter Berg	Crabgrass
Friday	21 June 1963	Perry Lederman & Al Young	
Saturday	22 June 1963	Los Flamencos De La Bogeda (El Rubio, Fred Mejia, Ernesto); (from 11:00 to 01:00) Saturday Night at The Cabale on KPFA featuring Cabale Performers and Guests	
Sunday	23 June 1963	Janet Smith, Tim Small	
Monday	24 June 1963	Pine Ridge Ramblers	
Tuesday	25 June 1963	Judy Roderick, Carl Dukatz	
Wednesday	26 June 1963	KC Douglas & Clarence Van Hook	
Thursday	27 June 1963	Toni Brown, Dave Fredrickson, Art Koch & Perter Berg	
Friday	28 June 1963	Perry Lederman & Al Young	
Saturday	29 June 1963	Los Flamencos De La Bogeda	
Sunday	30 June 1963	Janet Smith, Tim Small	
Wednesday	03 July 1963	Los Flamencos De La Bogeda, Fred Meija	
Thursday	04 July 1963	Mayne Smith, ?????	
Friday	05 July 1963	Toni Brown, Dave Fredrickson, Art Koch & Perter Berg	Crabgrass
Saturday	06 July 1963	Perry Lederman	

Friday	02 August 1963	Jesse Fuller	
Saturday	03 August 1963	Elmer Snowden Trio	
Sunday	04 August 1963	Janet Smith & Mayne Smith	
Monday	05 August 1963	Hoot with Ken Spiker	
Tuesday	06 August 1963	Carol Leigh & Ken Ellis	1920 Blues
Wednesday	07 August 1963	Perry Lederman	
Thursday	08 August 1963	Larry Hanks, Roger Perkins	
Friday	09 August 1963	Jesse Fuller	
Saturday	10 August 1963	Elmer Snowden Trio	
Sunday	11 August 1963	Janet Smith & Mayne Smith	
Monday	12 August 1963	Hoot with Ken Spiker	
Tuesday	13 August 1963	Carol Leigh & Ken Ellis	
Wednesday	14 August 1963	Perry Lederman	
Thursday	15 August 1963	Larry Hanks, Roger Perkins, Canyon Cinema (Brakhage, 3:10 to Yuma)	
Friday	16 August 1963	Mayne Smith, Niel Rosenberg & Scott Hambly	
Saturday	17 August 1963	Elmer Snowden Trio	
Sunday	18 August 1963	Mayne Smith, Niel Rosenberg & Scott Hambly	
Monday	19 August 1963	Hoot with Ken Spiker	
Tuesday	20 August 1963	Carol Leigh & Ken Ellis	
Wednesday	21 August 1963	Perry Lederman	
Thursday	22 August 1963	Larry Hanks, Roger Perkins	
Friday	23 August 1963	Jesse Fuller	
Saturday	24 August 1963	Elmer Snowden Trio	
Sunday	25 August 1963	Mayne Smith, Niel Rosenberg & Scott Hambly	
Monday	26 August 1963	Hoot with Ken Spiker	
Tuesday	27 August 1963	Carol Leigh & Ken Ellis	
Wednesday	28 August 1963	Perry Lederman	
Thursday	29 August 1963	Larry Hanks, Roger Perkins, Canyon Cinema (Films of Larry Gordon)	
Friday	30 August 1963	Jesse Fuller	
Saturday	31 August 1963	Elmer Snowden Trio	
Monday	02 September 1963	Hoot with Ken Spiker	
Monday	09 September 1963	Hoot with Ken Spiker	
Monday	16 September 1963	Hoot with Ken Spiker	
Monday	23 September 1963	Hoot with Ken Spiker	
Tuesday	01 October 1963	Ale Ekstrom, Debbie Green	
Wednesday	02 October 1963	Los Flamencos De La Bogeda	
Thursday	03 October 1963	Carol Leigh	
Friday	04 October 1963	Perry Lederman, Janet Smith, Al Young	
Saturday	05 October 1963	Toni Brown, Dave Fredrickson, Art Koch & Perter Berg	Crabgrass
Sunday	06 October 1963	Tim Small & Ellen Faust	
Monday	07 October 1963	Hoot with Ken Spiker	
Tuesday	08 October 1963	TA Talbot, JC Burris	
Wednesday	09 October 1963	Los Flamencos De La Bogeda	
Thursday	10 October 1963	KC Douglas & Clarence Van Hook; Canyon Cinema (High Noon, Knight of the Trail, Great Train Robbery)	

Friday	11 October 1963	Fred Gerlach	
Saturday	12 October 1963	Fred Gerlach	
Sunday	13 October 1963	Janet Smith, Cy Koch	
Monday	14 October 1963	Hoot with Ken Spiker	
Tuesday	15 October 1963	Ale Ekstrom, Ellen Faust	
Wednesday	16 October 1963	Los Flamencos De La Bogeda	
Thursday	17 October 1963	Perry Lederman, Al Young	
Friday	18 October 1963	Tim Small, Debbie Green	
Saturday	19 October 1963	Rolf Kahn	
Sunday	20 October 1963	Ale Ekstrom, Janet Smith	
Monday	21 October 1963	Hoot with Ken Spiker	
Tuesday	22 October 1963	TA Talbot, JC Burris	
Wednesday	23 October 1963	Los Flamencos De La Bogeda	
Thursday	24 October 1963	Perry Lederman, Al Young, Canyon Cinema (Brother Orchid, All Wet, Christmas Carol Community Singing)	
Friday	25 October 1963	Toni Brown, Dave Fredrickson, Art Koch & Perter Berg	Crabgrass
Saturday	26 October 1963	Rolf Kahn	
Sunday	27 October 1963	Cy Koch, Clarence Van Hook	
Monday	28 October 1963	Hoot with Ken Spiker	
Tuesday	29 October 1963	Janet Smith, Tim Small	
Wednesday	30 October 1963	Los Flamencos De La Bogeda	
Thursday	31 October 1963	KC Douglas, Debbie Green	
Friday	01 November 1963	Rolf Kahn	
Saturday	02 November 1963	Al Young	
Sunday	03 November 1963	Tim Small, Debbie Green	
Monday	04 November 1963	Hoot	
Tuesday	05 November 1963	Ellen Faust,	
Wednesday	06 November 1963	Los Flamencos De La Bogeda	
Thursday	07 November 1963	JC Burris, TA Talbott	
Friday	08 November 1963	Toni Brown, Dave Fredrickson, Art Koch & Perter Berg	Crabgrass
Saturday	09 November 1963	Bukka White	
Sunday	10 November 1963	JP Pickens	
Monday	11 November 1963	Lightning Hopkins	
Tuesday	12 November 1963	Lightning Hopkins	
Wednesday	13 November 1963	Lightning Hopkins	
Thursday	14 November 1963	Lightning Hopkins	
Friday	15 November 1963	Al Young, Sandy Bull	
Saturday	16 November 1963	Bukka White	
Sunday	17 November 1963	Ellen Faust, Cy Koch	
Monday	18 November 1963	Hoot	
Tuesday	19 November 1963	Pat Kilroy, Janet Smith	
Wednesday	20 November 1963	Los Flamencos De La Bogeda	
Thursday	21 November 1963	Toni Brown, Dave Fredrickson, Art Koch & Perter Berg	Crabgrass
Friday	22 November 1963	Al Young, Sandy Bull	
Saturday	23 November 1963	Bukka White	
Sunday	24 November 1963	Janet Smith	

Monday	25 November 1963	Hoot	
Tuesday	26 November 1963	Sandy Bull	
Wednesday	27 November 1963	Los Flamencos De La Bogeda	
Thursday	28 November 1963	JC Burris, TA Talbott	
Friday	29 November 1963	Perry Lederman, Al Young	
Saturday	30 November 1963	Bukka White	
Sunday	01 December 1963	Hoot with Ken Spiker	
Monday	02 December 1963	Closed	
Tuesday	03 December 1963	Perry Lederman	
Wednesday	04 December 1963	Los Flamencos De La Bogeda	
Thursday	05 December 1963	TA Talbott, Lil Sun Glover, Dickens 44	Tony Glover
Friday	06 December 1963	Tom Paxton	
Saturday	07 December 1963	Tom Paxton	
Sunday	08 December 1963	Hoot with Ken Spiker	
Monday	09 December 1963	Closed	
Tuesday	10 December 1963	Snopes Country Camp Followers	
Wednesday	11 December 1963	Los Flamencos De La Bogeda	
Thursday	12 December 1963	Perry Lederman	
Friday	13 December 1963	Bukka White	
Saturday	14 December 1963	Jesse Fuller	
Sunday	15 December 1963	Hoot with Ken Spiker	
Monday	16 December 1963	Closed	
Tuesday	17 December 1963	Pat Kilroy, Janet Smith	
Wednesday	18 December 1963	Los Flamencos De La Bogeda	
Thursday	19 December 1963	Pete Berg, Toni Brown	
Friday	20 December 1963	Bukka White	
Saturday	21 December 1963	Jesse Fuller	
Sunday	22 December 1963	Hoot with Ken Spiker	
Monday	23 December 1963	Closed	
Tuesday	24 December 1963	Closed	
Wednesday	25 December 1963	Closed	
Thursday	26 December 1963	Snopes Country Camp Followers	
Friday	27 December 1963	Al Young, Debbie Green	
Saturday	28 December 1963	Jesse Fuller	
Sunday	29 December 1963	Hoot with Ken Spiker	
Monday	30 December 1963	Closed	
Tuesday	31 December 1963	Closed	
Wednesday	01 January 1964	Tim Small	
Thursday	02 January 1964	Al Young	
Friday	03 January 1964	Bobby Neuwirth	
Saturday	04 January 1964	KC Douglas and His Band	
Sunday	05 January 1964	Hoot with Ken Spiker	
Monday	06 January 1964	Closed	
Tuesday	07 January 1964	Snopes Country Camp Followers	
Wednesday	08 January 1964	Pat Kilroy, Debbie Green	
Thursday	09 January 1964	Perry Lederman	
Friday	10 January 1964	Barbara Dane	

Saturday	11 January 1964	Danny Kalb	
Sunday	12 January 1964	Hoot with Ken Spiker	
Monday	13 January 1964	Closed	
Tuesday	14 January 1964	Kellery Powers, Lonny Feiner	
Wednesday	15 January 1964	Al Young	
Thursday	16 January 1964	Danny Kalb	
Friday	17 January 1964	Barbara Dane	
Saturday	18 January 1964	Hoot with Al Young	
Sunday	19 January 1964	Hoot with Ken Spiker	
Monday	20 January 1964	Closed	
Tuesday	21 January 1964	Reverend Gary Davis	
Wednesday	22 January 1964	Reverend Gary Davis	
Thursday	23 January 1964	Reverend Gary Davis	
Friday	24 January 1964	Jesse Fuller	
Saturday	25 January 1964	TA Talbott, Lil Sun Glover, Dickens 44	
Sunday	26 January 1964	Hoot with Ken Spiker	
Monday	27 January 1964	Closed	
Tuesday	28 January 1964	Perry Lederman	
Wednesday	29 January 1964	Pete Berg, Toni Brown	
Thursday	30 January 1964	Snopes Country Camp Followers	
Friday	31 January 1964	Toni Brown, Dave Fredrickson, Art Koch & Perter Berg	Crabgrass
Wednesday	11 March 1964	Jim Kweskin's Jug Band	
Tuesday	31 March 1964	Elizabeth Cotten	
Wednesday	01 April 1964	Elizabeth Cotten	
Thursday	02 April 1964	Elizabeth Cotten	
Thursday	09 April 1964	Perry Lederman, Clarence Van Hook	
Thursday	16 April 1964	Perry Lederman, Clarence Van Hook	
Thursday	23 April 1964	Kentucky Colonels	
Wednesday	29 April 1964	Mance Lipscombe	
Thursday	30 April 1964	Mance Lipscombe	
Friday	01 May 1964	Mance Lipscombe	
Saturday	02 May 1964	Los Tigres De La Sierra (2pm); Mance Lipscombe (9pm)	
Sunday	03 May 1964	Mance Lipscombe	
Monday	04 May 1964	Tom Glass and The Jazz Mice	
Tuesday	05 May 1964	Los Flemencos De La Bogeda	
Wednesday	06 May 1964	Pat Kilroy, Ben Willis	
Thursday	07 May 1964	Perry Lederman	
Friday	08 May 1964	Rolf Cahn	
Saturday	09 May 1964	Rolf Cahn	
Sunday	10 May 1964	Hoot	
Monday	11 May 1964	Tom Glass and The Jazz Mice	
Tuesday	12 May 1964	Los Flemencos De La Bogeda	
Wednesday	13 May 1964	Pat Kilroy, Ben Willis	
Thursday	14 May 1964	Perry Lederman	
Friday	15 May 1964	Rag Time Quartet	Bob Detwilder, Vince Hickey, Red Honore, Peter Be
Saturday	16 May 1964	The Chevelles	Rhythm and Blues, Dancing

Sunday	17 May 1964	Hoot	
Monday	18 May 1964	Tom Glass and The Jazz Mice	
Tuesday	19 May 1964	Los Flemencos De La Bogeda	
Wednesday	20 May 1964	Nick Gravenites	
Thursday	21 May 1964	Al Young, Wardez Taylor	
Friday	22 May 1964	Rag Time Quartet	
Saturday	23 May 1964	The Chevelles	Rhythm and Blues, Dancing
Sunday	24 May 1964	Hoot	
Monday	25 May 1964	Tom Glass and The Jazz Mice	
Tuesday	26 May 1964	Lightning Hopkins, Clarence Van Hook	
Wednesday	27 May 1964	Lightning Hopkins, Clarence Van Hook	
Thursday	28 May 1964	Lightning Hopkins, Clarence Van Hook	
Friday	29 May 1964	Lightning Hopkins, Clarence Van Hook	
Saturday	30 May 1964	Lightning Hopkins, Clarence Van Hook	
Sunday	31 May 1964	Hoot	
Wednesday	10 June 1964	Barbara Dane	
Thursday	11 June 1964	Barbara Dane	
Friday	12 June 1964	Barbara Dane	
Wednesday	15 July 1964	Mississippi John Hurt	
Thursday	16 July 1964	Mississippi John Hurt	
Friday	17 July 1964	Mississippi John Hurt	
Friday	14 August 1964		First reference to The Cabale being called The Cab and Carrol Peery
Tuesday	18 August 1964	Chambers Brothers	
Wednesday	19 August 1964	Chambers Brothers	
Saturday	22 August 1964	Chambers Brothers	
Sunday	23 August 1964	Chambers Brothers	
Tuesday	25 August 1964	Terry Garthwaite, Perry Lederman	
Wednesday	26 August 1964	Chambers Brothers	
Thursday	27 August 1964	Chambers Brothers	
Friday	28 August 1964	Chambers Brothers	
Saturday	29 August 1964	Chambers Brothers	
Thursday	29 October 1964	Jesse Fuller	
Friday	30 October 1964	Jesse Fuller	
Saturday	31 October 1964	Jesse Fuller	
Tuesday	17 November 1964	Kentucky Colonels	Sandy Rothman plays with the Kentucky Colonels
Wednesday	18 November 1964	Kentucky Colonels	Sandy Rothman plays with the Kentucky Colonels
Thursday	19 November 1964	Kentucky Colonels	Sandy Rothman plays with the Kentucky Colonels
Friday	20 November 1964	Kentucky Colonels	Sandy Rothman plays with the Kentucky Colonels
Saturday	21 November 1964	Kentucky Colonels	Sandy Rothman plays with the Kentucky Colonels
Tuesday	24 November 1964	Mance Lipscombe	
Wednesday	25 November 1964	Mance Lipscombe	
Thursday	26 November 1964	Mance Lipscombe	
Friday	27 November 1964	Mance Lipscombe	
Saturday	28 November 1964	Mance Lipscombe	
Sunday	29 November 1964	Mance Lipscombe	
Tuesday	16 February 1965	Mississippi Fred McDowell	

Wednesday	17 February 1965	Mississippi Fred McDowell
Thursday	18 February 1965	Mississippi Fred McDowell
Friday	19 February 1965	Mississippi Fred McDowell
Saturday	20 February 1965	Mississippi Fred McDowell
Friday	19 November 1965	

Opens under the ownership of Terry Sullivan and T
called "The Good Buddy" and "Caverns West".

QUESTINGBEAST

Latest Update: September 13, 2011

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http://www.chickenonaunicycle.com/Questing%20Beast%20History.htm
The Questing Beast, 2504 San Pablo Avenue, Berkeley, CA
This has been researched and prepared by Ross Hannan and Corry Arnold
Thanks are due to Cactus Pete Anderson who contributed significantly to the research

In the early 1960s, there was a "folk circuit" anchored by Cambridge, Massachusetts and Berkeley, California. Folksingers could play the Club 47 in Cambridge, go down to Greenwich Village, and work there way across the country, possibly hitchhiking, and sleeping on the couches and floors of other folkniks. The history of this circuit is best covered in the book *Baby Let Me Follow You Down* (Eric von Schmidt and Jim Rooney, UMass Press 1979).

The Cabale Creamery (2504 San Pablo at Dwight in Berkeley), founded by Rolf Cahn, Debbie Green, Howard Ziehm and Chandler A. Laughlin III, was a crucial stop on this circuit. By August 1964, the club was owned and run by Carroll Peery, manager of the Chambers Brothers who subsequently moved to Cambridge themselves, and Howard Ziehm. Bay Area bluegrass musician Sandy Rothman has written a brief but excellentmemoir of the Cabale as part of a project on the great Clarence White and Jorma Kaukonen recorded his album "Cabale Creamery" here in 1964.

When the Cabale finally folded, probably sometime in the summer of 1965, the 2504 San Pablo premises briefly became *The Good Buddy* then *Caverns West* before being taken over, by Terry Sullivan and Tony Sage, and re-opened as the *Questing Beast* on November 19.
Unfortunately, by May 1966 The Beast had been slain with its downfall well documented in the May 6 (Vol 2, Number 18) and May 13 (Vol 2, Number 19) issues of the Barb.
The Questing Beast was primarily a folk coffeehouse and hosted similar acts to the Jabberwock on Telegraph Avenue with a fair amount of flamenco, bluegrass and classical guitar playing thrown in. By all accounts it never managed to turn a profit. The end was bought about following problems with the local police department and Board of Health who had visited in mid April 1966 and demanded a number of costly improvements to be made. It also transpires that the joint managers of The Questing Beast, Terry Sullivan and Tony Sage, borrowed a patron's car on Saturday April 30 in order to go for cider and donuts and were pulled over by Patrolman George Williamson, allegedly because of a defective rear light.
A subsequent routine ID check was conducted and the vehicle searched. A small amount of marijuana was found and the two arrested. Friends struggled to find the bail money and their fiancées apparently considered "turning tricks" to raise the funds. By May 2, the day of the arraignment, Sullivan's bail was in place. However, immediately before the court session, Inspector Darrell Hickman of the Detective Division told Sullivan "I'm revoking your entertainment license" – despite that neither Sullivan nor Sage had been tried or convicted. Sage was taken after arraignment to the maximum security Greystone facility at Santa Rita. Sage recounted to the Barb stories of the scant conditions and food at Graystone in an article published on May 13.
A hastily arranged three day benefit was arranged with Solomon (Feldthouse – later of eclectic LA band *Kaleidoscope*) with the Holiday Dancers, Country Joe and The Fish, John Paul, Dave Cohen, Dan Paik and The Gospel Tonics (who had originally been scheduled) appearing.
By the time the *Berkeley Barb* was published on May 6, it was clear that without their cabaret license it would be impossible for The Questing Beast to have any paid performers, scheduled performances, admission or cover charge, and no advertising of live entertainment could be placed. Notwithstanding this, Country Joe and the Fish went on to perform as scheduled that evening. Although the staff at the Beast had told the Barb that emphatically and unanimously that "The Questing Beast will not close", the Country Joe and the Fish show that Friday proved to be the last music performed there.
Sunday and Monday saw The Questing Beast host Jerry Abrams' Berkeley Cinematheque (something they had done each Sunday since March 20) and the doors closed for the final time on May 9, 1966.

2504 San Pablo later became home to Tito's, Babylon and then the Longbranch Saloon. Today the building houses a business called "Good Vibrations" (more Duracell than the Beach Boys).



The Questing Beast as it was on October 7, 2005 - "Good Vibrations"

2504 San Pablo Avenue through the years ...

Cabale → Cabale Creamery → Good Buddy → Caverns West → Questing Beast → Tito's → Babylon → Longbranch Saloon → Good Vibrations

Art of the Questing Beast




NEW BROTHERS
Mar. 17-18-19
at the
Questing Beast
Questing Beast
Dan Park
Ken Spiker
Paul Malcolm
Mar. 25-6
Berkeley Cinema
Questing Beast
SUN 27
FOLK FEST
Questing Beast
Score of Performers
and more
Cinematheque
Robert Nelson's
The Green Archer
BLUES
Questing Beast
KC Douglas
Cinematheque
Questing Beast
High Noon
The Green Archer
Questing Beast
Psychedelic
QUESTING BEAST
Berkeley Cinematheque
the Questing Bea
MANCE LIPSCOMB
MANCE LIPSCOMB
JESSE FUL
JESSE FUL
FOLK FEST
THURS-FRI-SAT
JESSE FULLER
JOHN PAUL SOLOMON
Questing Beast
BENEFIT
FOLK FESTIVAL
The Questing Beast
BENEFIT
FOLK FESTIVAL
The Questing Beast



A List of Questing Beast Shows

Friday	19 November 1965	Alice Stuart	Opening of The Questing Beast. Alice Stuart was, and still is, a folk singer. At the back of her Arhoolie debut album "All The Good Times".
Saturday	20 November 1965	Alice Stuart	
Sunday	21 November 1965	Hoot	
Monday	22 November 1965	Closed	
Tuesday	23 November 1965		
Wednesday	24 November 1965		
Thursday	25 November 1965	Clarence Van Hook	The ad says “Open Tuesday thru Sunday, 9-1”. This suggests that the venue was “name” acts on the weekend. The same ad promotes a Sunday night “Hoot.”
Friday	26 November 1965	Clarence Van Hook, KC Douglas	KC Douglas was born in Sharon, MS in 1913, and played with blues legend Tomm Vallejo, CA in 1945 to work in the Navy shipyards. By 1947 he had relocated to C as a blues performer. He had a hit in 1949 with "Mercury Boogie," better know by Steve Miller (1967), David Lindley (1981) and Alan Jackson (1992), and later u From 1963 to 1970, Douglas was an employee of the Berkeley Public Works Dep the Berkeley Blues Festival in 1970, Douglas had a boost in popularity, and he pe death in 1975. Clarence van Hook, a guitar player, generally accompanied Dougl into the 1990s.
Saturday	27 November 1965	Clarence Van Hook, KC Douglas	
Sunday	28 November 1965	Hoot	
Monday	29 November 1965	Closed	
Tuesday	30 November 1965	Jim Lynch	Ad states "rambler tunes and flat picking".
Wednesday	01 December 1965	Bob Cooper	
Thursday	02 December 1965		
Friday	03 December 1965	Jean Redpath and Karen Williams	Jean Redpath was a singer of Scottish ballads.

Saturday	04 December 1965	Jean Redpath and Karen Williams	
Sunday	05 December 1965	Hoot	
Monday	06 December 1965	Closed	
Tuesday	07 December 1965	Jim Lynch	
Wednesday	08 December 1965	David and Tina Meltzer	Ad says "electric bass, bluegrass and ballads". Both would go on to be members of Serpent Power.
Thursday	09 December 1965	John Shine	Blues
Friday	10 December 1965	Lee Underwood	Blues and kazoo
Saturday	11 December 1965		
Sunday	12 December 1965	Hoot	
Monday	13 December 1965	Closed	
Tuesday	14 December 1965		
Wednesday	15 December 1965		
Thursday	16 December 1965		
Friday	17 December 1965	Huck Rorick and His Rock & Roll Friends	By all accounts, a rock & roll band.
Saturday	18 December 1965	Huck Rorick and His Rock & Roll Friends	
Sunday	19 December 1965	Hoot	
Monday	20 December 1965	Closed	
Tuesday	21 December 1965	Ken Spiker	Flamenco and classical guitar
Wednesday	22 December 1965	Bob Cooper	Bob Cooper plays Carter Family Bluegrass this evening at the Questing Beast.
Thursday	23 December 1965	Golden Key Gospel Singers, Jay Vernon and His Group	
Friday	24 December 1965	Golden Key Gospel Singers, Jay Vernon and His Group	
Saturday	25 December 1965	Golden Key Gospel Singers, Jay Vernon and His Group	
Sunday	26 December 1965	Hoot	
Monday	27 December 1965	Closed	
Tuesday	28 December 1965		
Wednesday	29 December 1965		
Thursday	30 December 1965		

Friday	31 December 1965		
Saturday	01 January 1966		
Sunday	02 January 1966	Square Dancing with Reed Cooper calling [1:00 pm], Hoot	
Monday	03 January 1966	Closed	
Tuesday	04 January 1966		
Wednesday	05 January 1966		
Thursday	06 January 1966	John Paul	
Friday	07 January 1966	New Brothers	
Saturday	08 January 1966	New Brothers	
Sunday	09 January 1966	Square Dancing with Reed Cooper calling [1:00 pm], Hoot	
Monday	10 January 1966	Closed	
Tuesday	11 January 1966	Jason Weininger - Classical guitar	
Wednesday	12 January 1966	Clarence Van Hook	
Thursday	13 January 1966	Jim Lynch	
Friday	14 January 1966	The Friendly Strangers, Sandy Rothman, Lloyd Williams, Butch Waller, Ray Scott [Bluegrass Special]	Bluegrass Special
Saturday	15 January 1966	The Friendly Strangers, Sandy Rothman, Lloyd Williams, Butch Waller, Ray Scott	
Sunday	16 January 1966	Square Dancing with Reed Cooper calling [1:00 pm], Hoot	
Monday	17 January 1966	Closed	
Tuesday	18 January 1966	Jason Weininger - Classical guitar	
Wednesday	19 January 1966	Clarence Van Hook	

	20 January 1966	Joe McDonald	Although advertised by the Questing Beast as a Joe McDonald show, evidence points to this being more likely a Country Joe and The Fish show with Joe McDonald, Barry Melton, Bruce Barthol and possibly John Francis Gunning. It is likely that they played "Bass Strings" and other songs. In Joel Selvin's book "San Francisco: The Musical History Tour", Selvin says, about an Instant Action Jug Band show in late 1965, that took place at the Cabale Creamery and that McDonald, Melton and Barthol played "Bass Strings". If this were correct then it would date it to well before November 1965 as the Cabale had long closed at this point in time. After November 19, 1965 the 2504 San Pablo location was home to the Questing Beast - the venue having also been called The Good Buddy and Caverns West since it was the Cabale Creamery. Therefore either the date is wildly incorrect, or (more probably in my view) the location correct (2504 San Pablo) but the venue name incorrect. Furthermore, in an interview with Mojo Navigator (Issue 10), Gunning states that the first Country Joe and the Fish show was at the Questing Beast. The implication is that earlier shows had either been Instant Action Jug Band shows or Country Joe and the Fish as the McDonald/Melton duo - perhaps augmented by Richard Saunders, Carvel Bass or other members of the band.
Friday	21 January 1966	Malachi	"Psychedelic Music". Malachi, an eastern influenced ex jazz musician, was a self-styled "Existential Guitarist" who had appeared regularly at the Studio C Gallery at 1625 San Pablo during the summer and autumn of 1965. He was often accompanied on rattle by his wife.
Saturday	22 January 1966	Malachi	
Sunday	23 January 1966	Square Dancing with Reed Cooper calling [1:00 pm], Hoot	
Monday	24 January 1966	Spontaneous Hoot with Chess, Darts and Bridge	
Tuesday	25 January 1966	Ken Spiker	
Wednesday	26 January 1966	John Shine	
Thursday	27 January 1966	Don Garrett	
Friday	28 January 1966	Vern and Ray with Herb Pederson	
Saturday	29 January 1966	Vern and Ray with Herb Pederson	
Sunday	30 January 1966	Square Dancing with Reed Cooper calling [1:00 pm]; Hoot	See Page 2 of January 28 Barb - multimedia projection show called the "Questing Beast" presented. Composed as it is watched.
Monday	31 January 1966	Spontaneous Hoot with Chess, Darts and Bridge	
Tuesday	01 February 1966		

Wednesday	02 February 1966		
Thursday	03 February 1966	New Brothers	
Friday	04 February 1966	New Brothers	
Saturday	05 February 1966	New Brothers	
Sunday	06 February 1966	Square Dancing with Reed Cooper calling [1:00 pm]; Hip Culture Enterprises - Local Filmmakers; Hoot	
Monday	07 February 1966	Closed	
Tuesday	08 February 1966	Ken Spiker, Clarence Van Hook	
Wednesday	09 February 1966	Jim Lynch, Paul Malecot	
Thursday	10 February 1966	Saint James Five	
Friday	11 February 1966	Disassociates, Saint James Five	The ad says “Jazz, Rhythm and Blues Jam Session with The Disassociates.” Films are advertised for Sunday night (February 13). Supposedly, the Grateful Dead were using The Questing Beast as a rehearsal hall at this time. This ended when the Dead abruptly decamped to Los Angeles with their patron, LSD king Augustus Owsley Stanley III. The Bear was an old Berkeley hand, and there is a whiff that the Questing Beast arrangement was Owsley’s doing. There may have been a Grateful Dead show scheduled at the Questing Beast for Friday (February 11) which was canceled as well. A Grateful Dead tape circulates as “Questing Beast Rehearsal February 11, 1966,” but both the date and venue are spurious.
Saturday	12 February 1966	Disassociates	Advertised as a "folk rock" group but possibly incorrectly billed in the Berkelely Barb and should be "The Disaffiliates".
Sunday	13 February 1966	Square Dancing with Reed Coo calling [2:00 pm] WC Fields and Chaplin shorts with Bernie Burr Piano [8:00 pm and 10:30 pm]	
Monday	14 February 1966	Closed	
Tuesday	15 February 1966		
Wednesday	16 February 1966		
Thursday	17 February 1966	Jesse Fuller	Advertised as "The Lone Cat, Jesse Fuller, playing his fodella, kazoo singing blues, Jazz and folk".
Friday	18 February 1966	Jesse Fuller	

Saturday	19 February 1966	Jesse Fuller	
Sunday	20 February 1966	Hoot with Allan Kaplan	
Monday	21 February 1966	Closed	
Tuesday	22 February 1966	Ken Spiker, Clarence Van Hook	
Wednesday	23 February 1966	Paul Malecot, Jim Lynch	
Thursday	24 February 1966	John Shine	
Friday	25 February 1966	Jesse Fuller	
Saturday	26 February 1966	Wizards and Witches Guild Party	
Sunday	27 February 1966	Hoot with Allan Kaplan	
Monday	28 February 1966	Closed	
Tuesday	01 March 1966	Paul Malecot	
Wednesday	02 March 1966	William Spires with Kathy Goldman, Paul Malecot	William Spires with Kathy Goldman sang and played traditional English and American ballads
Thursday	03 March 1966	William Spires with Kathy Goldman, Charles Perry	
Friday	04 March 1966	William Spires with Kathy Goldman, Lee Underwood	The Berkeley Barb ad says “Funky Blues and Ballads”. Lee Underwood was a singer of "urban and delta blues".
Saturday	05 March 1966	William Spires with Kathy Goldman, Lee Underwood	
Sunday	06 March 1966	Disaffiliates	
Monday	07 March 1966	Hoot with Allen Kaplan MC	
Tuesday	08 March 1966	Disaffiliates	
Wednesday	09 March 1966	Bill Spires, John Paul	
Thursday	10 March 1966	Disaffiliates	
Friday	11 March 1966	Lee Underwood, Juan Molina	
Saturday	12 March 1966		
Sunday	13 March 1966	Disaffiliates	
Monday	14 March 1966	Hoot with Allen Kaplan MC	
Tuesday	15 March 1966	Disaffiliates	
Wednesday	16 March 1966	Disaffiliates	
Thursday	17 March 1966	New Brothers, Rick Sinclaire	The Barb ad says Rick Sinclaire “Contemporary Guitar.”
Friday	18 March 1966	New Brothers, Rick Sinclaire	
Saturday	19 March 1966	New Brothers, Rick Sinclaire	
Sunday	20 March 1966	Berkeley Cinematheque: The Green Archer, The Flower Thief	A series of films are presented on Sunday nights at the Questing Beast (for the complete set of Barb ads for the films, see the Chicken site). In the 60s, few films were shown on TV, and all those were bland Warner Brothers fare or contemporary “family” type movies. Opportunities to see Classic, Foreign or Underground films were rare, and film events like this were a significant part of the counterculture at the time.

Monday	21 March 1966	Hoot with Allen Kaplan MC	
Tuesday	22 March 1966	Breadbasket - chanties	
Wednesday	23 March 1966	Breadbasket - chanties	
Thursday	24 March 1966	Breadbasket - chanties	
Friday	25 March 1966	Dan Paik, Ken Spiker, Paul Malecot	The Barb ad says Dan Paik-“folk-blues,” Ken Spicer-“flamenco” and Paul Malecot-“folk guitarist.”
Saturday	26 March 1966	Dan Paik, Ken Spiker, Paul Malecot	
Sunday	27 March 1966	Barn Dance Music (afternoon), Berkeley Cinematheque: George, The Inviolate House (evening)	
Monday	28 March 1966	Hoot	
Tuesday	29 March 1966	Breadbasket Jazz	
Wednesday	30 March 1966	Breadbasket	
Thursday	31 March 1966	Juan Molina - Flamenco	
Friday	01 April 1966	Jesse Fuller, John Paul, Dan Paik, Raleigh Morris, Clarence Van Hook, KC Douglas, Dave Van Campen, Ken Spiker, Rachel and Joyce Halmen, plus 20-30 others [Folk Fest Marathon and Rent Benefit for the Questing Beast]	The Barb ad says “Scores of Performers and more.”
Saturday	02 April 1966	John Paul, Dan Paik, Raleigh Morris, Clarence Van Hook, KC Douglas, Dave Van Campen, Ken Spiker, Rachel and Joyce Halmen, plus 20-30 others [Folk Fest Marathon and Rent Benefit for the Questing Beast]	
Sunday	03 April 1966	Berkeley Cinematheque: Confessions of a Black Mother Succuba, Schmeerquntz, The Green Archer; Folf Festival: John Paul, Dan Paik, Raleigh Morris, Clarence Van Hook, KC Douglas, Dave Van Campen, Ken Spiker, Rachel and Joyce Halmen, plus 20-30 others	
Monday	04 April 1966	Hoot with Allen Kaplan MC	
Tuesday	05 April 1966	Breadbasket	
Wednesday	06 April 1966	Breadbasket	
Thursday	07 April 1966	Breadbasket	
Friday	08 April 1966	Clarence Van Hook, KC Douglas	
Saturday	09 April 1966	Clarence Van Hook, KC Douglas	

Sunday	10 April 1966	Berkeley Cinematheque: High Noon, The Cat People, The Green Archer	
Monday	11 April 1966	"Play or Listen" for free	
Tuesday	12 April 1966	Robbie Basho, Jan Ward	
Wednesday	13 April 1966	Jim Lynch, Jim Brown	
Thursday	14 April 1966	Party: Witches and Wizards	
Friday	15 April 1966	Solomon (Feldthouse), Nino and Catana [Psychedelic Music, Malachi, Flamenco Guitar and dancing, Cante Jondo]	Solomon Feldhouse would later go on to play with Kaleidoscope
Saturday	16 April 1966		
Sunday	17 April 1966	Berkeley Cinematheque: Oh Dem Watermelons, Thick Pucker, St Chicago, Poon Tang Trilogy, Some Don't Olds Mo-bile, The Green Archer; Health People	The Board of Health scheduled a visit to inspect the Beast.
Monday	18 April 1966	Health People	The Board of Health took the opportunity to conduct an inspection of The Questing Beast.
Tuesday	19 April 1966	Health People	Mance Lipscomb show cancelled whilst the Board of Health inspected the Beast.
Wednesday	20 April 1966	Health People	Mance Lipscomb show cancelled whilst the Board of Health concluded the inspection of the Beast. It transpires they were less than pleased and, like the Jabberwock a year later, demanded a series of costly improvements to be made. Although attempts were made to keep the Beast afloat with the "folk festival" and benefit at the end of April, by the second week of May the Beast was slain.
Thursday	21 April 1966	Mance Lipscomb, Dan Paik	
Friday	22 April 1966	Mance Lipscomb, Dan Paik	
Saturday	23 April 1966	Mance Lipscomb, Dan Paik	
Sunday	24 April 1966	Mance Lipscomb, Dan Paik	
Monday	25 April 1966	Berkeley Cinematheque: "Twicew A Man", "Everybody Hit Their Brother Once", "Faces of Mexico", "The Green Archer"	
Tuesday	26 April 1966	Jesse Fuller, Lynne Hughes	Jesse Fuller, a "folk blues" multi-instrumentalist and singer who invented the Fodella known as ‘The Lone Cat,” was based in San Francisco. Lynne Hughes (her name misspelled on the poster), was a fellow traveler and part-time member of The Charlatans from the Red Dog Saloon of the previous year.
Wednesday	27 April 1966	Jesse Fuller, Lynne Hughes	Lynne Hughes was the singer, barmaid and book keeper for the Red Dog Saloon in Virginia City, NV during the summer of 1965 when the Charlatans played their legendary six week stint. Lynne was later involved with both Stoneground

			and Tongue and Groove, as well as appearing at live shows with The Charalatans.
Thursday	28 April 1966	Jesse Fuller, Lynne Hughes, Country Joe and The Fish, Dan Paic, Blind Ebbets Field, Dave Cohen, KC Douglas, Clarence Van Hook, Solomon, Nino, Catana, Flamenco and others [Folk Festival]	The Barb ad says "psychedelic music" and "other nights, other guests". Solomon was Solomon Feldthouse, a major figure on the West Coast folk scene, and later a mainstay of the eclectic LA group Kaleidoscope. He often appeared with flamenco or gypsy dancers. K.C. Douglas was an Oakland bluesman. Blind Ebbetts Field, is a Nom Du Folk of Barry Melton.
Friday	29 April 1966	Jesse Fuller, Lynne Hughes, Country Joe and The Fish, Dan Paic, Blind Ebbets Field, Dave Cohen, KC Douglas, Clarence Van Hook, Solomon, Nino, Catana, Flamenco and others [Folk Festival]	The configuration of Country Joe and The Fish at this time would have been Joe, Barry, David Bennett Cohen (guitar, organ), Bruce Barthol (guitar), Paul Armstrong (bass), John Francis Gunning (drums). Interestingly, the Dave Cohen listed on the poster is likely to be the Fish organist rather than the Los Angeles session musician with the same name. That Dave Cohen was Country Joe's guitar teacher in about 1963 in Los Angeles.
Saturday	30 April 1966	Jesse Fuller, Lynne Hughes, Country Joe and The Fish, Dan Paic, Blind Ebbets Field, Dave Cohen, KC Douglas, Clarence Van Hook, Solomon, Nino, Catana, Flamenco and others [Folk Festival]	
Sunday	01 May 1966	Berkeley Cinematheque: Senseless, Quixote, Eric and the Monsters, Sandusk, The Green Archer; Jesse Fuller, Lynne Hughes, Country Joe and The Fish, Dan Paic, Blind Ebbets Field, Dave Cohen, KC Douglas, Clarence Van Hook, Solomon, Nino, Catana, Flamenco and others [Folk Festival]	
Monday	02 May 1966	Solomon with the Holiday Dancers/Country Joe and The Fish/John Paul/Dave Cohen/The Gospel Tonic/Dan Paic	[Benefit Help] There are a few surviving posters from this week (4.26-5.5.66) at The Questing Beast. They list numerous acts over several days. Logic and David Bennett Cohen's comments suggest that the listed acts played one or two nights at the club each, rather than all appearing every night. However, we have been unable to determine the exact breakdown of acts aach night. Solomon was Solomon Feldthouse, a major figure on the West Coast folk scene, and later a mainstay of the eclectic LA group Kaleidoscope. He often appeared with flamenco or gypsy dancers. John Paul was a local Berkeley musician, very influential in the intellectual appreciation of musical developments at the time (e.g. the Beatles). David Cohen recalls that he was

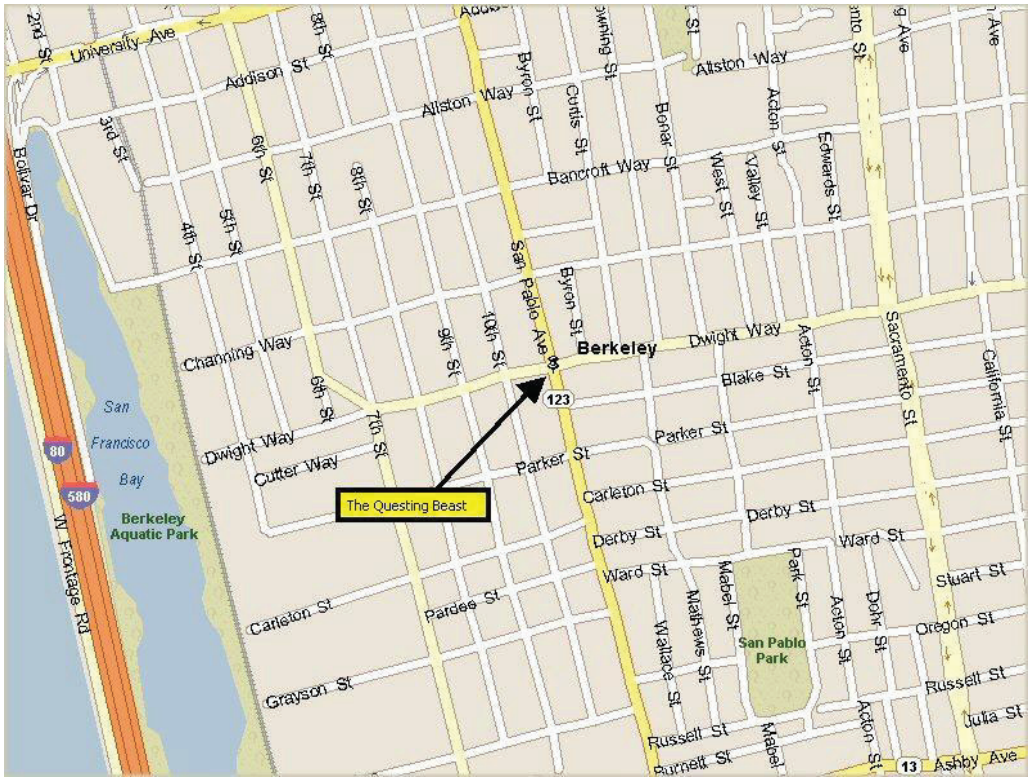
			probably booked to play separately from Country Joe and The Fish, although could well have just played a set with the band.
Tuesday	03 May 1966	Solomon with the Holiday Dancers/Country Joe and The Fish/John Paul/Dave Cohen/The Gospel Tonic/Dan Paic [Benefit Help]	One of the posters says “Help” and lists a Berkeley Public Health and Safety Ordinance by number. We must presume that the venue was in violation of some requirement, but what exactly is unknown. The last Berkeley Cinematique ad for the film series in the Barb is for Sunday May 8. Whatever violations may have been subject to statute, it appears the venue closed, later to become Tito’s and then the Longbranch.
Wednesday	04 May 1966	Solomon with the Holiday Dancers/Country Joe and The Fish/John Paul/Dave Cohen/The Gospel Tonic/Dan Paic [Benefit Help]	
Thursday	05 May 1966	Solomon with the Holiday Dancers/Country Joe and The Fish/John Paul/Dave Cohen/The Gospel Tonic/Dan Paik [Benefit Help]	
Friday	06 May 1966	Country Joe and the Fish	
Saturday	07 May 1966	Country Joe and the Fish	
Sunday	08 May 1966	Berkeley Cinematheque: Uptight, LA is Burning - Shit, Acid Camp, Colorfilm, White Trash, The Green Archer	
Monday	09 May 1966	Berkeley Cinematheque: Uptight, LA is Burning - Shit, Acid Camp, Colorfilm, White Trash, The Green Archer	The Questing Beast closes.
Tuesday	10 May 1966	Jan Ward	Show cancelled following the closure of the Questing Beast
Wednesday	11 May 1966	Dave Cohen	how cancelled following the closure of the Questing Beast
Thursday	12 May 1966	Dave Cohen	Show cancelled following the closure of the Questing Beast
Friday	13 May 1966	Robbie Basho	Show cancelled following the closure of the Questing Beast
Saturday	14 May 1966	Robbie Basho	Show cancelled following the closure of the Questing Beast
Sunday	15 May 1966	Films	Show cancelled following the closure of the Questing Beast

Monday	16 May 1966	Folk Festival	Show cancelled following the closure of the Questing Beast
Tuesday	17 May 1966	Dan Paik, Solomon	Show cancelled following the closure of the Questing Beast
Wednesday	18 May 1966	Dan Paik, Solomon	Show cancelled following the closure of the Questing Beast
Thursday	19 May 1966	PH Phactor Jug Band, Lynne Hughes	Show cancelled following the closure of the Questing Beast
Friday	20 May 1966	PH Phactor Jug Band, Lynne Hughes	Show cancelled following the closure of the Questing Beast
Saturday	21 May 1966	PH Phactor Jug Band, Lynne Hughes	Show cancelled following the closure of the Questing Beast
Sunday	22 May 1966	Films	Show cancelled following the closure of the Questing Beast
Monday	23 May 1966	Folk Festival	Show cancelled following the closure of the Questing Beast
Tuesday	24 May 1966	Solomon	Show cancelled following the closure of the Questing Beast
Wednesday	25 May 1966	Ken Spiker, Jon Paul	Show cancelled following the closure of the Questing Beast
Thursday	26 May 1966	Ken Spiker, Jon Paul	Show cancelled following the closure of the Questing Beast
Friday	27 May 1966	W&W Party	Show cancelled following the closure of the Questing Beast
Saturday	28 May 1966	"Special"	Show cancelled following the closure of the Questing Beast

One day, when King Arthur stopped to rest by a spring, he was surprised by a sound like thirty baying hounds. A strange animal with a snakes head the body of a leopard the back legs of a lion and the hooves of a deer burst through the underbrush, pursued by King Pellinore. Pellinore had hunted the Questing Beast, as the creature was called, all his life but never managed to capture it. Malory describes it as "the strongeste beste that ever he [Arthur] saw or herde of."

This strange beast reappears frequently, beginning with Suite du Merlin and Perlesvaus, in French, Spanish, and Italian romance and in Malory. The Questing Beast also goes by the name of "Beste Glatissant".

In Search of the Questing Beast


The Questing Beast
Berkeley
San Francisco Bay
Berkeley Aquatic Park
San Pablo Park
University Ave
Addison St
Allston Way
Bancroft Way
Channing Way
Dwight Way
Blake St
Parker St
Carleton St
Derby St
Ward St
Stuart St
Oregon St
Russell St
Julia St
Ashby Ave
Grayson St
Cutter Way
Bolivar Dr
W Frontage Rd
Sacramento St
California St
Dohr St
Acton St
Mabel St
Mathews St
Wallace St
Park St
Byron St
Curtis St
Bonar St
West St
Valley St
Edwards St
San Pablo Ave
Pardee St
2nd St
3rd St
4th St
5th St
6th St
7th St
8th St
9th St
10th St
80
580
123
13



This attachment is on file and available for review at the City Clerk Department, or can be accessed from the City Council Website. Copies of the attachment are available upon request.

City Clerk Department
2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900

or from:

The City of Berkeley's Website
http://www.berkeleyca.gov

ATTACHMENT 7

NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL

LPC APPEAL: 2500-2512 SAN PABLO AVENUE, LMIN2024-0004

The public may participate in this hearing by remote video or in-person.

Notice is hereby given by the City Council of the City of Berkeley that on **TUESDAY, MAY 20, 2025** at **6:00 P.M.** a public hearing will be conducted to consider an appeal against a decision by the Landmarks Preservation Commission to DESIGNATE 2500-2512 San Pablo Avenue (APN: 054-1780-004-12) as a City of Berkeley Landmark.

The hearing will be held at the Berkeley Unified School District Board Room located at 1231 Addison Street, Berkeley CA 94702.

For further information, please contact Anne Hersch, Land Use Planning Manager at (510) 981-7411

A copy of the agenda material for this hearing will be available on the City's website at https://berkeleyca.gov/ as of May 8, 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.**

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.

_____

Mark Numainville, City Clerk

Mailed by: May 6, 2025
Noticed Pursuant to: Berkeley Municipal Code Section 3.24.300.A, Public Hearing Notice

NOTICE CONCERNING YOUR LEGAL RIGHTS*: If you object to a decision by the City Council to approve or deny (Code Civ. Proc. 1 094.6(b)) or approve (Gov. Code 65009(c)(5) an appeal, the following requirements and restrictions apply: 1) Pursuant to Code of Civil Procedure Section 1094.6,*

no lawsuit challenging a City decision to deny or approve a Board or Commission decision 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 Board or Commission decision, 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.

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

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Office of the City Manager

ACTION CALENDAR
May 20, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Mark Numainville, City Clerk

Subject: Appointment of Four Berkeley Residents to the SAFE STREETS Citizen Oversight Committee

RECOMMENDATION

Adopt a Resolution confirming the appointments of up to four Berkeley residents to the SAFE STREETS Citizen Oversight Committee (SSCOC), to be appointed by the City Council as a whole.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

At the March 18, 2025, City Council meeting, the Council established April 15, 2025 as the deadline for submitting applications for the SSCOC. The City Clerk Department received a total of fourteen applications. These applicants are provided to the Council in Attachment 2 for review against the required eligibility criteria. The applications submitted for consideration were sent to Council in an Off-Agenda Memo on April 21, 2025. This memo, with the applications included, is posted to the City's website.

The SSCOC is composed of seven members:

- Two members of the Transportation and Infrastructure Commission
- One member of the Environment and Climate Commission
- Four members of the public who are Berkeley residents (members of the public are required to have a background in civil engineering, transportation engineering, infrastructure program management, or the implementation of municipal bond or tax measures)

On April 29, 2025, the City Council adopted the first reading of an amendment to the enabling ordinance to add ADA experience to the list of required experience. At the same meeting, the Council adopted an amendment to the implementing resolution to add the following language:

Council shall also strive to ensure that at least one member of the SSCOC has experience with ADA compliance and/or the accessible infrastructure challenges facing seniors and the disabled community.

BACKGROUND

Measure FF, also known as the Sustainable and Accountable Funding for Equitable Street Transformation, Revitalization, Enhancements, and Essential Traffic Safety (SAFE STREETS) Initiative, was approved by voters on November 5, 2024, and adopted as Ordinance 7,952-N.S. on December 10, 2024. The measure mandates the creation of the SAFE STREETS Citizen Oversight Committee (SSCOC) as specified in Section 7.11.040.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

RATIONALE FOR RECOMMENDATION

None.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

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

Attachments:

1. Resolution – Members of the Public Commissioners
2. SSCOC Redacted Applications

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

APPOINTMENTS TO THE SAFE STREETS CITIZEN OVERSIGHT COMMITTEE

WHEREAS, Berkeley Municipal Code Section 7.11.040 (B) stipulates that four members of the public who are residents of Berkeley shall be appointed to the SAFE STREETS Citizen Oversight Committee (SSCOC) by the Berkeley City Council in its entirety; and

WHEREAS, Members of the public appointed to the SSCOC shall be required to possess a background in civil engineering, transportation engineering, infrastructure program management, or the implementation of municipal bond or tax measures; and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Berkeley that the following persons are appointed to serve on the SAFE STREETS Citizen Oversight Committee (SSCOC):

	SSCOC Public Appointees
1.	
2.	
3.	
4.	

SAFE STREETS Citizen Oversight Committee (SSCOC) Application

CITY OF BERKELEY - CITY CLERK
2025 APR 17 PM 1:04

APPLICANT NAME: Stephanie (First Name) Allan (Last Name) (MI)

PREFERRED PRONOUN(S): Ms

RESIDENCE ADDRESS: [redacted] (Street) Berkeley (City) 94703 (Zip)

MAILING ADDRESS: Same (Street) (City) (Zip)

EAMIL ADDRESS: [redacted]

PRIMARY PHONE: [redacted] **ALTERNATE PHONE:** [redacted]

I QUALIFY UNDER THE PUBLIC MEMBERS APPOINTMENT CATEGORY BELOW: (check all that apply)

- ☐ Background in Civil Engineering
- ☐ Background in Transportation Engineering
- ☐ Background in Infrastructure Program Management
- ☑ Background in Municipal Bond/Tax Measure Implementation

Please describe in detail your relevant experience related to the category(ies) identified above:

I've helped to write and four facilities bonds for BUSD.
I was Co-Chair of the Citizens Bond Oversight Committee for 6 yr.
I was on the committee that drafted Meas. FF
I am currently assigned as the CTE representative to both the CBOC and Facilities Subcommittee of BUSD

SAFE STREETS Citizen Oversight Committee (SSCOC) Application

The City of Berkeley's Conflict of Interest Code requires members of all City of Berkeley Commissions to file Statements of Economic Interests – FPPC Form 700. The Form 700 is a public document. For more information, please contact the City Clerk's Department at 981-6900, or visit our website at https://berkeleyca.gov/your-government/public-records/conflict-interest-reports.

AFFIDAVIT OF RESIDENCY

I, Stephanie Allan, hereby declare, under penalty of perjury, that I am a resident of the City of Berkeley. I understand that, with the exception of a temporary relocation outside of Berkeley not to exceed six months, I may no longer serve on a Berkeley Commission should this cease to be true.

Signature of Applicant: [redacted] Date: 4/12/25

THE FOLLOWING INDIVIDUALS ARE QUALIFIED TO COMMENT ON MY CAPABILITIES

NAME	ADDRESS	PHONE NO.
Ray Yep	[redacted]	
Eric Weaver		
William Savidge		

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Signature of Applicant: [redacted] **Date:** 4/11/25

SAFE STREETS Citizen Oversight Committee (SSCOC) Application

APPLICANT NAME: Rena (First Name) Fischer (Last Name) R. (MI)

PREFERRED PRONOUN(S): she/her

RESIDENCE ADDRESS: [redacted] (Street) Berkeley (City) 94703 (Zip)

MAILING ADDRESS: Same (Street) (City) (Zip)

EAMIL ADDRESS: [redacted]

PRIMARY PHONE: [redacted] **ALTERNATE PHONE:** none

I QUALIFY UNDER THE PUBLIC MEMBERS APPOINTMENT CATEGORY BELOW: (check all that apply)

- ☐ Background in Civil Engineering
- ☐ Background in Transportation Engineering
- ☐ Background in Infrastructure Program Management
- ☐ Background in Municipal Bond/Tax Measure Implementation
- ☒ Call by CM Blackaby to include representation from the disability community.

[Highlighted text added to form by applicant]

Please describe in detail your relevant experience related to the category(ies) identified above:

Having served two terms as Chair of the City's Commission on Disability, I am currently Vice-chair. I am fully aware of the legal issues that must be considered when developing and reviewing the City's implementation of SAFE STREETS/FF. In addition, my approach is to find common cause; our shared goal is safer streets for all. While legal mandates that implement accessibility for people with disabilities must be followed, engineered solutions that protect the safety of bicyclists, pedestrians and rollers, must be implemented. Traffic must be slowed. The City must move the numerous relevant guiding plans forward, while it continues to show leadership in disability access—both are possible. We can not view FF as a zero-sum game: for "my" group to win, "yours" must lose. In addition to these qualifications, my professional life was spent in development—raising money for good causes. I have written and reported on multi-million dollar grants to the Corporation for Public Broadcasting (CPB) and the National Institutes of Health (NIH). Over the course of a 25-year career, I raised approximately 50 million dollars; I have the financial oversight skills to fulfill the mandate of this important committee. I look forward to putting my expertise in both of these vital areas to use on behalf of Berkeley.

SAFE STREETS Citizen Oversight Committee (SSCOC) Application

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AFFIDAVIT OF RESIDENCY

I, Rena R. Fischer, hereby declare, under penalty of perjury, that I am a resident of the City of Berkeley. I understand that, with the exception of a temporary relocation outside of Berkeley not to exceed six months, I may no longer serve on a Berkeley Commission should this cease to be true.

Signature of Applicant: [redacted] Date: April 14, 2025

THE FOLLOWING INDIVIDUALS ARE QUALIFIED TO COMMENT ON MY CAPABILITIES

NAME	ADDRESS	PHONE NO.
Kathy Pugh	[redacted]	
Mina Sun		
Irwin Keller		

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Signature of Applicant: [redacted] **Date:** April 14, 2025

SAFE STREETS Citizen Oversight Committee (SSCOC) Application

APPLICANT NAME: Zachary (First Name) Fraser (Last Name) G (MI)

PREFERRED PRONOUN(S): He/Him

RESIDENCE ADDRESS: [redacted] (Street) Berekeley (City) 94702 (Zip)

MAILING ADDRESS: [redacted] (Street) Berkeley (City) 94702 (Zip)

EAMIL ADDRESS: [redacted]

PRIMARY PHONE: [redacted] **ALTERNATE PHONE:** _____

I QUALIFY UNDER THE PUBLIC MEMBERS APPOINTMENT CATEGORY BELOW: (check all that apply)

- ☑ Background in Civil Engineering
- ☑ Background in Transportation Engineering
- ☐ Background in Infrastructure Program Management
- ☐ Background in Municipal Bond/Tax Measure Implementation

Please describe in detail your relevant experience related to the category(ies) identified above:

If chosen as a member of this committee, I will bring a perspective shaped by my background in civil and transportation engineering, my experience as a local pedestrian and bicycle commuter, and my role as a new parent who values safety above all else.

Between 2015 and 2017 I worked as a LEED ND consultant and reviewed designs for dense urban planning projects in Seoul, South Korea. I'm currently working for Caltrans as a transportation engineer in the Planning Department where I oversee local projects and assist with their federal and state funding. These projects help improve bicycle and pedestrian safety on local roads. Some initiatives include Active Transportation Programs and Local Highway Safety Improvement Programs.

I also enjoy working collaboratively with my community. This year, I volunteered as a bicycle mechanic at Berkeley's Fix it Fest, where I helped members of our community repair their bikes. I also volunteer at Bike East Bay, supporting their small projects and events.

In my free time, I join local group bike rides in Oakland and Berkeley, and I participate in local cyclocross and road races. I want to help make Berkeley safer for all users, especially pedestrians and cyclists, by making safety recommendations that are backed by data, expert opinions, and the community input.

SAFE STREETS Citizen Oversight Committee (SSCOC) Application

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AFFIDAVIT OF RESIDENCY

I, Zachary Fraser, hereby declare, under penalty of perjury, that I am a resident of the City of Berkeley. I understand that, with the exception of a temporary relocation outside of Berkeley not to exceed six months, I may no longer serve on a Berkeley Commission should this cease to be true.

Signature of Applicant: [redacted] Date: 4/11/2025

THE FOLLOWING INDIVIDUALS ARE QUALIFIED TO COMMENT ON MY CAPABILITIES

NAME	ADDRESS	PHONE NO.
Grace Lee,	[redacted]	
Louis Schuman,	[redacted]	
Jordan Chase,	[redacted]	

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Signature of Applicant: [redacted] **Date:** 4/11/2025

SAFE STREETS Citizen Oversight Committee (SSCOC) Application

APPLICANT NAME: Ben Gerhardstein
First Name Last Name MI

PREFERRED PRONOUN(S): he/him

RESIDENCE ADDRES [redacted] Berkeley CA 94702
Street City Zip

MAILING ADDRESS: Same as residence
Street City Zip

EAMIL ADDRESS: [redacted]

PRIMARY PHONE [redacted] **ALTERNATE PHONE:** _____

I QUALIFY UNDER THE PUBLIC MEMBERS APPOINTMENT CATEGORY BELOW: (check all that apply)

- ☐ Background in Civil Engineering
- ☐ Background in Transportation Engineering
- ☐ Background in Infrastructure Program Management
- ☐ Background in Municipal Bond/Tax Measure Implementation

Please describe in detail your relevant experience related to the category(ies) identified above:

I am a public health professional by training, with 15+ years of professional, volunteer, and lived experience in traffic safety and street design. Professionally, I've researched the relationship between vehicle speed and pedestrian injuries, outlined public health recommendations for community-wide vehicle speed reduction, and published on national trends in bicyclist fatalities. I've volunteered my expertise as a CIty of Berkeley Transportation Commissioner, a temporary Transportation and Infrastructure Commissioner, a member of the Vision Zero advisory committee and the Vision 2050 Task Force. In those roles I provided Council and staff with feedback on street infrastructure plans, projects, programs, and expenditures. In 2018, I co-founded the local safe streets advocacy group Walk Bike Berkeley, and I have served on the organization's coorrdinating committee since. In that role, I have provided technical and policy feedback on numerous City of Berkeley street improvement projects with the goal of delivering safe, sustainable, and equitable street designs. I am very familiar with transportation guidance documents, such as the Manual of Uniform Traffic Control Devices and the National Association of City Transportation Officials Urban Street Design Guide. Further, I know Berkeley's transportation plans and policies and thus am positioned to ensure that Measure FF funds are used as outlined in the Measure and in alignment with adopted plans.

SAFE STREETS Citizen Oversight Committee (SSCOC) Application

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AFFIDAVIT OF RESIDENCY

I, Ben Gerhardstein, hereby declare, under penalty of perjury, that I am a resident of the City of Berkeley. I understand that, with the exception of a temporary relocation outside of Berkeley not to exceed six months, I may no longer serve on a Berkeley Commission should this cease to be true.

Signature of Applican [redacted] Date: April 14, 2025

THE FOLLOWING INDIVIDUALS ARE QUALIFIED TO COMMENT ON MY CAPABILITIES

NAME	ADDRESS	PHONE NO.
Barnali Ghosh,	[redacted]	
Brandon Yung,	[redacted]	
Jamie Parks,	[redacted]	

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Signature of Applicant: [redacted] **Date:** April 14, 2025

CITY OF BERKELEY - CITY CLER

SAFE STREETS Citizen Oversight Committee (SSCOC) Application

APPLICANT NAME: David (First Name) Goldin (Last Name) L (MI)

PREFERRED PRONOUN(S): he, him, his

RESIDENCE ADDRESS: [redacted] (Street) Berkeley, CA 94709 (City, Zip)

MAILING ADDRESS: [redacted] (Street) Berkeley, CA 94709 (City, Zip)

EAMIL ADDRESS: [redacted]

PRIMARY PHONE: [redacted] **ALTERNATE PHONE:** [redacted]

I QUALIFY UNDER THE PUBLIC MEMBERS APPOINTMENT CATEGORY BELOW: (check all that apply)

- ☐ Background in Civil Engineering
- ☐ Background in Transportation Engineering
- ☑ Background in Infrastructure Program Management
- ☑ Background in Municipal Bond/Tax Measure Implementation

Please describe in detail your relevant experience related to the category(ies) identified above:

I am a long-term resident of Berkeley, a graduate of UC Berkeley and have retired as the Chief Facilities Officer for the San Francisco Unified School District, where I directed the $2.4 billion G.O. School Facilities Construction Bond program. I have extensive experience serving on "both sides" of a bond oversight committee....both as a member of the committee and as representing the program that is being monitored by an oversight commission.

I have great respect of the work required for Bond Oversight and for the importance of reporting to the citizens of Berkeley that their bond funds were expended according to the intent of the bond language. Below are some of my qualifications to serve on the SSCOC and I have attached a brief resume and some professional and community activities for your reference.

- Member of the Citizen's School Facility Bond Oversight Committee for Measure G and I, Berkeley Unified School District
- Member of the Bond Oversight Commission, Office of Community Investment and Infrastructure (OCII) City and County of San Francisco
- Design Review Committee, City of Berkeley (Committee Chair 1997-99)
- Retired Registered California Architect and Licensed California Class B contractor
- Experience in safety and infrastructure projects for 140 San Francisco public school sites including vehicular, pedestrian and bike safe routes for students and the community, including working with the SF Department of Public Works, Transportation-Muni, SF Bike coalition and City Hall/Board of Supervisors and Mayor.

Thank you for your considersation.

SAFE STREETS Citizen Oversight Committee (SSCOC) Application

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AFFIDAVIT OF RESIDENCY

I, David L. Goldin, hereby declare, under penalty of perjury, that I am a resident of the City of Berkeley. I understand that, with the exception of a temporary relocation outside of Berkeley not to exceed six months, I may no longer serve on a Berkeley Commission should this cease to be true.

Signature of Applica[redacted] Date: April 4, 2025

THE FOLLOWING INDIVIDUALS ARE QUALIFIED TO COMMENT ON MY CAPABILITIES

NAME	ADDRESS	PHONE NO.
John Calise Assitant Superintendent of Facilities Berkeley Unified School District	[redacted]	
William Savidge	[redacted]	

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Signature of Applic[redacted] **Date:** April 4, 2025



R E S U M E

D A V I D L. G O L D I N A. I. A.

C H I E F F A C I L I T I E S O F F I C E R - R E T I R E D, S A N F R A N C I S C O U N I F I E D S C H O O L D I S T R I C T

EDUCATION:

- MASTER OF ARCHITECTURE, UNIVERSITY OF CALIFORNIA BERKELEY
- BA ARCHITECTURE – ENVIRONMENTAL DESIGN, UNIVERSITY OF CALIFORNIA BERKELEY,
- ARCHITECTURE AND PLANNING, LUNDS UNIVERSITET, LUND, SWEDEN
- PHI BETA KAPPA, UNIVERSITY OF CALIFORNIA BERKELEY

PROFESSIONAL REGISTRATIONS:

- REGISTERED ARCHITECT, CALIFORNIA
- NCARB NATIONAL ARCHITECTURAL CERTIFICATION
- LICENSED GENERAL BUILDING CONTRACTOR, CALIFORNIA

PROFESSIONAL AFFILIATIONS:

- AMERICAN INSTITUTE OF ARCHITECTS
- NCARB NATIONAL ARCHITECTURAL BOARD

COMMUNITY AND PROFESSIONAL SERVICE:

- CITIZEN'S SCHOOL FACILITY BOND OVERSIGHT COMMITTEE FOR MEASURE G AND I, BERKELEY UNIFIED SCHOOL DISTRICT
- BOND OVERSIGHT COMMISSION, OFFICE OF COMMUNITY INVESTMENT & INFRASTRUCTURE (OCII), CITY AND COUNTY OF SAN FRANCISCO
- BOARD OF DIRECTORS, HAMILTON FAMILIES, SAN FRANCISCO, CA 2015-2025
  CHAIR BOARD OF DIRECTORS 2020-2022
- BOARD OF TRUSTEES, SAN FRANCISCO CAMPUS FOR JEWISH LIVING (SFCJL)
  BOARD TRUSTEE SINCE 2019
- FACILITY CAPITAL PLANNING COMMITTEE - JEWISH COMMUNITY FEDERATION & ENDOWMENT FUND, SAN FRANCISCO
- CALIFORNIA STATE BOARD OF ARCHITECTURAL EXAMINERS- STATE EXAM COMMISSIONER
- CITY OF BERKELEY DESIGN REVIEW COMMISSION, CHAIRPERSON 1996-1999
- CITY OF CONCORD DESIGN REVIEW COMMISSION, CHAIRPERSON
- CHILDREN'S COMMUNITY CENTER SCHOOL, BERKELEY, CA. - CHAIRPERSON

April 3, 2025

Brief Background Description for David L. Goldin A.I.A.



David L. Goldin A.I.A. served as the Chief Facilities Officer for the San Francisco Unified School District from 2004 to 2018. In this capacity Mr. Goldin directed 10 operational departments and a staff of 650 persons, including the $2.4 billion school facility construction bond program at over 140 district school sites. In addition, he directed the district's custodial, facility maintenance, transportation, environmental health, emergency planning, real estate, facility rental permiting and energy sustainability departments with annual operating budgets of over $75 million, excluding construction. Mr. Goldin was a member of the Superintendent's Cabinet and an active participant in the development and implementation of the District's strategic planning to improve academic achievement.

Mr. Goldin is twice a graduate of the University of California at Berkeley, studied architecture and planning in Sweden and graduated Phi Beta Kappa. He is a registered California architect and licensed general building contractor. His professional experience includes a diverse background of experience including the design of cities in Saudi Arabia and Indonesia, educational, institutional and religious facilities and the management and construction of public and private schools in California. In addition, he served on the Board of Directors and as Board Chair of Hamilton Families in San Francisco, a non-profit dedicated to eliminating family and child homelessness in the San Francisco Bay Area and is a Board Trustee of the San Francisco Campus for Jewish Living, one of the Bay Area's largest senior care providers.

Mr. Goldin is married to an architect, is the son of an architect and has two children, neither of whom chose to become architects. In addition to traveling abroad whenever he can, David can be found doing Tai Chi, hiking around the Bay area and happily paddling in his bright yellow kayak.

David L. Goldin AIA
[redacted]
Berkeley, CA 94709

[redacted]

SAFE STREETS Citizen Oversight Committee (SSCOC) Application

APPLICANT NAME: Sybil Hatch, PE
First Name Last Name MI

PREFERRED PRONOUN(S): she/her

RESIDENCE ADDRESS: [redacted] Berkeley 94708
Street City Zip

MAILING ADDRESS: same
Street City Zip

EAMIL ADDRESS: [redacted]

PRIMARY PHONE: [redacted] **ALTERNATE PHONE:** n/a

I QUALIFY UNDER THE PUBLIC MEMBERS APPOINTMENT CATEGORY BELOW: (check all that apply)

- [x] Background in Civil Engineering
- [x] Background in Transportation Engineering
- [x] Background in Infrastructure Program Management
- [x] Background in Municipal Bond/Tax Measure Implementation

Please describe in detail your relevant experience related to the category(ies) identified above:

BS and MS, Civil Engineering. Registered PE. 15 years of consulting engineering on large infrastructure projects. 4 years in hazardous waste remediation construction. 27 years as founder and president of Convey, Inc. specializing in communications, outreach, and engagement for transportation, water resources, and construction projects. Close collaboration with public works agencies, flood control districts, and transportation agencies (county, regional, and statewide). Deep insights and extensive experience with infrastructure funding, planning, design, and construction. Experience with bike/ped, transit, parking, roadways, highway, and flood control projects. Author of several books, technical documents, and countless communications pieces about civil projects and programs. Strong advocate for excellent civil infrastructure that serves the public.

SAFE STREETS Citizen Oversight Committee (SSCOC) Application

The City of Berkeley's Conflict of Interest Code requires members of all City of Berkeley Commissions to file Statements of Economic Interests – FPPC Form 700. The Form 700 is a public document. For more information, please contact the City Clerk's Department at 981-6900, or visit our website at https://berkeleyca.gov/your-government/public-records/conflict-interest-reports.

AFFIDAVIT OF RESIDENCY

I, Sybil Hatch, hereby declare, under penalty of perjury, that I am a resident of the City of Berkeley. I understand that, with the exception of a temporary relocation outside of Berkeley not to exceed six months, I may no longer serve on a Berkeley Commission should this cease to be true.

Signature of Applicant: [redacted] Date: 03/26/25

THE FOLLOWING INDIVIDUALS ARE QUALIFIED TO COMMENT ON MY CAPABILITIES

NAME	ADDRESS	PHONE NO.
Moses Tsang, PE, Deputy Director, Alameda County Flood Control & Water Conservation District,		[redacted]
Derek McGill, Director of Planning, Transportation Authority of Marin,		[redacted]
Lawrence Roth, PE, GE, recently retired, VP & Technical Specialist, Arcadis US, Inc.,		[redacted]

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Signature of Applicant: [redacted] **Date:** 03/26/25

SAFE STREETS Citizen Oversight Committee (SSCOC) Application

APPLICANT NAME: Douglas (First Name) Legg (Last Name) (MI)

PREFERRED PRONOUN(S): He/Him

CITY OF BERKELEY - CITY CLERK
2025 APR 14 P4:35

RESIDENCE ADDRESS: [redacted] (Street) Berkeley 94704 (City) (Zip)

MAILING ADDRESS: Same (Street) (City) (Zip)

EAMIL ADDRESS: [redacted]

PRIMARY PHONE: [redacted] **ALTERNATE PHONE:**

I QUALIFY UNDER THE PUBLIC MEMBERS APPOINTMENT CATEGORY BELOW: (check all that apply)

- ☐ Background in Civil Engineering
- ☐ Background in Transportation Engineering
- ☑ Background in Infrastructure Program Management
- ☑ Background in Municipal Bond/Tax Measure Implementation

Please describe in detail your relevant experience related to the category(ies) identified above:

Please see attached statement of qualifications.

SAFE STREETS Citizen Oversight Committee (SSCOC) Application

The City of Berkeley's Conflict of Interest Code requires members of all City of Berkeley Commissions to file Statements of Economic Interests – FPPC Form 700. The Form 700 is a public document. For more information, please contact the City Clerk's Department at 981-6900, or visit our website at https://berkeleyca.gov/your-government/public-records/conflict-interest-reports.

AFFIDAVIT OF RESIDENCY

I, Douglas Legg, hereby declare, under penalty of perjury, that I am a resident of the City of Berkeley. I understand that, with the exception of a temporary relocation outside of Berkeley not to exceed six months, I may no longer serve on a Berkeley Commission should this cease to be true.

Signature of Applicant: [redacted] Date: April 14, 2025

THE FOLLOWING INDIVIDUALS ARE QUALIFIED TO COMMENT ON MY CAPABILITIES

NAME	ADDRESS	PHONE NO.
Carmen Chu, San Francisco City Administrator,	[redacted]	
Brian Strong, Director Office of Resilience and Capital Planning,	[redacted]	
Damian Park, 2	[redacted]	

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Signature of Applicant: [redacted] **Date:** April 14, 2025

Please describe in detail your relevant experience related to the category(ies) identified above:

For the last four years I have served as a Deputy City Administrator in the City and County of San Francisco. One of the most significant programs I oversee is the Office of Resilience and Capital Planning which produces the City's ten-year capital plan, General Obligation Bond Measures and the City's proposed annual capital budget. Streets are one of the largest recipients of capital dollars in the City, with a program that encompasses street resurfacing, sidewalk and curb ramp programs, and bicycle and pedestrian safety projects.

The implementation of San Francisco's capital plan has resulted in the funding of numerous complete street projects (with safety and environmental benefits) and allowed the City to improve its Pavement Condition Index from a score of 63 (Fair) in 2010 to a score of 75 (Good) in 2024. (Berkeley's PCI score in 2023 was 56, categorized as "at risk".)

Prior to working in the City Administrator's Office I was the Manager of Finance, Budget and Performance for the San Francisco Department of Public Work where I worked closely with our engineering division and championed funding for these programs. In 2011 I helped spearhead a $248 million Road Repaving and Street Safety General Obligation Bond which was approved by the voters. I was responsible for reporting on bond expenditures to the City's Capital Planning Committee and the Citizen's General Obligation Bond Oversight Committee. This initiative had similar goals to Berkeley's measure FF and I believe the implementation of the projects helped strengthen San Franciscan's trust in the City's ability to deliver needed services.

As the parent of two bicycle riders at Berkeley High School, and pedestrian, cyclist and driver in my home town I am excited to contribute my expertise to the Safe Streets Citizen's Oversight Committee.

SAFE STREETS Citizen Oversight Committee (SSCOC) Application

APPLICANT NAME: Heath Maddox
First Name | Last Name | MI

PREFERRED PRONOUN(S): he/his

RESIDENCE ADDRESS: [redacted] Berkeley CA 94703
Street | City | Zip

MAILING ADDRESS: [redacted] Berkeley CA 94703
Street | City | Zip

EAMIL ADDRESS: [redacted]

PRIMARY PHONE: [redacted] **ALTERNATE PHONE:** _____

I QUALIFY UNDER THE PUBLIC MEMBERS APPOINTMENT CATEGORY BELOW: (check all that apply)

- ☑ Background in Civil Engineering
- ☑ Background in Transportation Engineering
- ☑ Background in Infrastructure Program Management
- ☑ Background in Municipal Bond/Tax Measure Implementation

Please describe in detail your relevant experience related to the category(ies) identified above:

I have a master's degree in City and Regional Planning with a focus in transportation planning and policy. Since 2000, I have served as transportation planner, team leader and program manager for local and regional public agencies in Northern California, including 4 years as the City of Berkeley's bicycle and transportation planner and 11 years with the SFMTA's Livable Streets Subdivision. In both those positions, as well as my current job managing bicycle access for BART, I have worked closely with transportation and civil engineers to implement projects, with a particular emphasis on bicycle parking and bicycle sharing in both the public ROW and in off-street, secure facilities. My formal, academic training is in transportation planning, but a quarter of a century of applied experience conceiving public realm projects, getting them done and then managing them as public assets has provided me with ample background in engineering and infrastructure program management. A key source of funding for many if not most of my projects in San Francisco and throughout the three-county BART District has been general obligation bond and countywide tax measure funds.

SAFE STREETS Citizen Oversight Committee (SSCOC) Application

The City of Berkeley's Conflict of Interest Code requires members of all City of Berkeley Commissions to file Statements of Economic Interests – FPPC Form 700. The Form 700 is a public document. For more information, please contact the City Clerk's Department at 981-6900, or visit our website at https://berkeleyca.gov/your-government/public-records/conflict-interest-reports.

AFFIDAVIT OF RESIDENCY

I, Heath Maddox, hereby declare, under penalty of perjury, that I am a resident of the City of Berkeley. I understand that, with the exception of a temporary relocation outside of Berkeley not to exceed six months, I may no longer serve on a Berkeley Commission should this cease to be true.

Signature of Applicant: [redacted] Date: 4/7/25

THE FOLLOWING INDIVIDUALS ARE QUALIFIED TO COMMENT ON MY CAPABILITIES

NAME	ADDRESS	PHONE NO.
Eric Anderson		[redacted]
Matt Nichols		
Jaime Parks		

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Signature of Applicant: [redacted] **Date:** 4/7/25

APPLICATION FOR APPOINTMENT TO BERKELEY
SAFE STREETS Citizen Oversight Committee (SSCOC)

APPLICANT: Susi Marzuola

Thank you for your interest in serving on the SAFE STREETS Citizen Oversight Committee (SSCOC). Below is some important information about SSCOC that you should review before completing your application.

BACKGROUND

The SSCOC was created by the passage of Measure FF in the 2024 Election. Measure FF was codified in the Berkeley Municipal Code in Chapter 7.11. The SSCOC reviews expenditures and progress reports from the City Manager and City Auditor to ensure compliance with Chapter 7.11. The Committee evaluates the impacts of tax expenditures relative to the Chapter's goals and prepares public reports on its findings. The SSCOC also prepares an annual independent progress and performance report, which will be publicly available and submitted to the City Council.

COMPOSITION OF THE COMMISSION

The SSCOC consists of seven members, as follows:

- Two members of the Transportation and Infrastructure Commission.
- One member of the Environment and Climate Commission.
- Four public members appointed by the City Council who are Berkeley residents and have a background in civil engineering, transportation engineering, infrastructure program management, or municipal bond/tax measure implementation.

HOW TO APPLY

Please Send the completed application form to the City Clerk:

- Submit by email to commission@berkeleyca.gov
- Submit in person or by mail at 2180 Milvia Street 1st floor, Berkeley, CA 94704

For more information, please contact the City Clerk Department at (510) 981-6900, or visit the website at https://berkeleyca.gov/your-government/boards-commissions.

SAFE STREETS Citizen Oversight Committee (SSCOC) Application

APPLICANT NAME: Susi Marzuola
First Name Last Name MI

PREFERRED PRONOUN(S): she/her

RESIDENCE ADDRESS: [redacted] Berkeley, CA 94704
Street City Zip

MAILING ADDRESS: Same as above
Street City Zip

EAMIL ADDRESS: [redacted]

PRIMARY PHONE: [redacted] **ALTERNATE PHONE:** [redacted]

I QUALIFY UNDER THE PUBLIC MEMBERS APPOINTMENT CATEGORY BELOW: (check all that apply)

- ☐ Background in Civil Engineering
- ☐ Background in Transportation Engineering
- ☐ Background in Infrastructure Program Management
- ☑ Background in Municipal Bond/Tax Measure Implementation

Please describe in detail your relevant experience related to the category(ies) identified above:

I offer my candidacy for the Safe Streets Community Oversight Committee as a Berkeley resident and licensed architect with 40 years of experience designing sustainable and long-lasting public facilities and developing urban master plans throughout the Bay Area. My professional work, in collaboration with civil and transportation engineers and infrastructure program managers on municipal bond projects, has given me deep insight and relevant experience in creating safe, accessible public spaces that serve diverse community needs.

As a longtime Berkeley resident and professional who understands the experiential, design, and technical aspects of urban design, I bring a unique perspective on how our Berkeley public realm — primarily concentrated in street rights-of-way — shapes transportation safety across all modes. My daily experiences as a pedestrian, cyclist, driver, and parent of now-adult children growing up in Berkeley complement my design and technical expertise, allowing me to understand our infrastructure challenges from multiple viewpoints.

My previous public service as co-chair of BUSD's Construction Bond Oversight Committee demonstrates my commitment to responsible public project implementation, and my ability to work effectively within municipal oversight structures. Having an architect who understands spatial relationships, accessibility requirements, and the integration of different transportation modes would bring valuable technical and design expertise to the SSCOC and directly benefit Berkeley's safe streets initiatives.

I would be honored to apply my professional knowledge and community perspective to help create safer, more resilient and accessible public spaces for all Berkeley residents.

SAFE STREETS Citizen Oversight Committee (SSCOC) Application

7 K H & L W \ R I % H U N H O H \ ¶ V & R Q I O L F W R I
file Statements of Economic Interests ±FPPC Form 700. The Form 700 is a public document. For more
L Q I R U P D W L R Q S O HenD aV981-6900F, oRvisSt dWr wDebsiteVat W K H
https://berkeleyca.gov/your-government/public-records/conflict-interest-reports.

AFFIDAVIT OF RESIDENCY

I, Susi Marzuola, hereby declare, under penalty of perjury, that I am a resident of the City of Berkeley. I understand that, with the exception of a temporary relocation outside of Berkeley not to exceed six months, I may no longer serve on a Berkeley Commission should this cease to be true.

Signature of Applicant: [redacted] Date: 4/15/25

THE FOLLOWING INDIVIDUALS ARE QUALIFIED TO COMMENT ON MY CAPABILITIES

NAME ADDRESS PHONE NO.

Tom Beil, Berkeley Resident, Architect and former City of Berkeley Landmarks Commissioner Member [redacted]

Eleanor Hollander, Berkeley Resident & City of Berkeley Office of Economic Development, [redacted]

John Caner, Berkeley Resident & CEO Downtown Business Association, [redacted]

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Signature of Applicant: [redacted] **Date:** 4/15/25

SAFE STREETS Citizen Oversight Committee (SSCOC) Application

CITY OF BERKELEY - CITY CLERK
2025 APR 2 PM 1:07

APPLICANT NAME: Phyllis Orrick M.
First Name | Last Name | MI

PREFERRED PRONOUN(S): she/her

RESIDENCE ADDRESS: [redacted] Berkeley CA 94702
Street | City | Zip

MAILING ADDRESS: same
Street | City | Zip

EAMIL ADDRESS: [redacted]

PRIMARY PHONE: [redacted] **ALTERNATE PHONE:** n/a

I QUALIFY UNDER THE PUBLIC MEMBERS APPOINTMENT CATEGORY BELOW: (check all that apply)

- ☑ Background in Civil Engineering
- ☑ Background in Transportation Engineering
- ☐ Background in Infrastructure Program Management
- ☐ Background in Municipal Bond/Tax Measure Implementation

Please describe in detail your relevant experience related to the category(ies) identified above:

For 17 years, I was an editor, researcher and publications manager for various research units on the UC Berkeley campus in the areas of transportation engineering, pavement design, road design, transportation and urban planning, active transportation design and traffic safety. I initiated the California Active Transportation Information Pages (CATSIP) which collects pedestrian and bicycle plans from around the state and led creation and renaming of the website for the UC Berkeley Safe Transportation Research and Education Center (SafeTREC). I have worked closely with researchers on books and articles, including The Fundamentals of Traffic Engineering, Martin Wachs's Enviromental Justice Handbook and articles on intelligent transportation systems, pedestrian and bicycle safety, active transportation and roadway design. I have been an author on numerous peer-reviewed papers and have presented at the Transportation Research Board annual meeting (see partial list). I am a member of the Berkeley Aging Commission, helping develop discussions on mobility issues; I Chair the Caltrans PAC.

See Citations (2 pp)

SAFE STREETS Citizen Oversight Committee (SSCOC) Application

CITY OF BERKELEY - CITY CLERK
2025 APR 2 PM 1:07

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AFFIDAVIT OF RESIDENCY

I, Phyllis M. Orrick, hereby declare, under penalty of perjury, that I am a resident of the City of Berkeley. I understand that, with the exception of a temporary relocation outside of Berkeley not to exceed six months, I may no longer serve on a Berkeley Commission should this cease to be true.

Signature of Applicant: [redacted] Date: 3/29/25

THE FOLLOWING INDIVIDUALS ARE QUALIFIED TO COMMENT ON MY CAPABILITIES

NAME	ADDRESS	PHONE NO.
Karen Trapenberg Frick Associate Prof CRP*	[redacted]	
Julia B. Griswold Dir. SafeTREC (Safe Transportation Research and Educaiton Center)	[redacted]	
Jill Cooper (Retired) Co-Director SafeTREC*	[redacted]	

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Signature of Applicant: [redacted] **Date:** 3/29/25

CITY OF BERKELEY - CITY CLERK
2025 APR 2 PM1:07

Grembek, O.; Medury, A.; Orrick, P.; Leung, K.; Ragland, D. R; Loukaitou-Sideris, A., et al (2014). A Comparative Analysis of Pedestrian and Bicyclist Safety Around University Campuses. *UC Berkeley: Safe Transportation Research & Education Center*. Retrieved from https://escholarship.org/uc/item/57s5214g

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Orrick, P., Trapenberg Frick, K., & Ragland, D. (2011). Why Do Building Owners Invest in Bicycle-Oriented Design? *UC Berkeley: University of California Transportation Center*. Retrieved from https://escholarship.org/uc/item/64d457c9

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Orrick, P., Frick, K., & Ragland, D. (2010). Bicycle Infrastructure that Extends beyond the Door: examining investments in bicycle-oriented design through a qualitative survey of commercial building owners and tenants. *UC Berkeley: University of California Transportation Center*. Retrieved from https://escholarship.org/uc/item/4x09s7fx

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CITY OF BERKELEY - CITY CLERK
2025 APR 2 PM1:07

Editor

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Cairns, S., Greig, J., & Wachs, M. (2003). Environmental Justice & Transportation: A Citizen's Handbook. *UC Berkeley: Institute of Transportation Studies at UC Berkeley*. Retrieved from https://escholarship.org/uc/item/66t4n94b

Flamm, B. (2006). Environmental Knowledge, Environmental Attitudes, and Vehicle Ownership and Use. *UC Berkeley: University of California Transportation Center*. Retrieved from https://escholarship.org/uc/item/6pv1x9xq

Bertini, R. L, & Orrick, P. (1998). Proceedings of the Institute of Transportation 50th Birthday Symposium April 23-24, 1998 The Transportation Enterprise: Challenges of the 21st Century. *UC Berkeley: Institute of Transportation Studies at UC Berkeley*. Retrieved from https://escholarship.org/uc/item/0n85f38k

APPLICATION FOR APPOINTMENT TO BERKELEY
SAFE STREETS Citizen Oversight Committee (SSCOC)

Thank you for your interest in serving on the SAFE STREETS Citizen Oversight Committee (SSCOC). Below is some important information about SSCOC that you should review before completing your application.

BACKGROUND

The SSCOC was created by the passage of Measure FF in the 2024 Election. Measure FF was codified in the Berkeley Municipal Code in Chapter 7.11. The SSCOC reviews expenditures and progress reports from the City Manager and City Auditor to ensure compliance with Chapter 7.11. The Committee evaluates the impacts of tax expenditures relative to the Chapter's goals and prepares public reports on its findings. The SSCOC also prepares an annual independent progress and performance report, which will be publicly available on the City's website and submitted to the City Council.

COMPOSITION OF THE COMMISSION

The SSCOC consists of seven members, as follows:

- Two members of the Transportation and Infrastructure Commission.
- One member of the Environment and Climate Commission.
- Four public members appointed by the City Council who are Berkeley residents and have a background in civil engineering, transportation engineering, infrastructure program management, or municipal bond/tax measure implementation.

HOW TO APPLY

Please Send the completed application form to the City Clerk:

- Submit by email to commission@berkeleyca.gov
- Submit in person or by mail at 2180 Milvia Street 1st floor, Berkeley, CA 94704

For more information, please contact the City Clerk Department at (510) 981-6900, or visit the website at https://berkeleyca.gov/your-government/boards-commissions.

SAFE STREETS Citizen Oversight Committee (SSCOC) Application

APPLICANT NAME: Nancy Rader A
First Name | Last Name | MI

PREFERRED PRONOUN(S): she/her

RESIDENCE ADDRESS: [redacted] Berkeley 94708
Street | City | Zip

MAILING ADDRESS: [redacted]
Street | City | Zip

EAMIL ADDRESS: [redacted]

PRIMARY PHONE: [redacted] **ALTERNATE PHONE:** none

I QUALIFY UNDER THE PUBLIC MEMBERS APPOINTMENT CATEGORY BELOW: (check all that apply)

- ☐ Background in Civil Engineering
- ☐ Background in Transportation Engineering
- ☐ Background in Infrastructure Program Management
- ☑ Background in Municipal Bond/Tax Measure Implementation

Please describe in detail your relevant experience related to the category(ies) identified above:

I served on the Disaster and Fire Safety Commission for almost two years immediately following passage of Measure FF on the 2020 ballot. I focused much of my time on the Commission's oversight duties for that measure, seeking the information necessary to accomplish that task and encouraging the city to create a plan for use of the funds, against which success can be measured. This experience will allow me to help ensure the SSCOC's ability to effectively oversee the implementation of 2024 Measure FF funds and, more importantly, to promote the achievement of Measure FF's implementation plan.

SAFE STREETS Citizen Oversight Committee (SSCOC) Application

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AFFIDAVIT OF RESIDENCY

I, Nancy Rader, hereby declare, under penalty of perjury, that I am a resident of the City of Berkeley. I understand that, with the exception of a temporary relocation outside of Berkeley not to exceed six months, I may no longer serve on a Berkeley Commission should this cease to be true.

Signature of Applicant: [redacted] Date: 4-14-2025

THE FOLLOWING INDIVIDUALS ARE QUALIFIED TO COMMENT ON MY CAPABILITIES

NAME	ADDRESS	PHONE NO.
Ray Yep	[redacted]	[redacted]
Les Guliasi	[redacted]	[redacted]

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Signature of Applicant: [redacted] **Date:** 4-14-2025

SAFE STREETS Citizen Oversight Committee (SSCOC) Application

APPLICANT NAME: Mati Teiblum
First Name | Last Name | MI

PREFERRED PRONOUN(S): Mr

RESIDENCE ADDRESS: [redacted] Beerkeley 94707
Street | City | Zip

MAILING ADDRESS: Same
Street | City | Zip

EAMIL ADDRESS: [redacted]

PRIMARY PHONE [redacted] **ALTERNATE PHONE:** _____

I QUALIFY UNDER THE PUBLIC MEMBERS APPOINTMENT CATEGORY BELOW: (check all that apply)

- ☐ Background in Civil Engineering
- ☐ Background in Transportation Engineering
- ☐ Background in Infrastructure Program Management
- ☑ Background in Municipal Bond/Tax Measure Implementation

Please describe in detail your relevant experience related to the category(ies) identified above:

I am a California licensed Architect and General Contractor.

As Architect I have managed multiple public projects, often funded by special bonds or tax measures, working for cities and counties throughout the bay area.

One of those projects – and a personal favorite – was the Berkeley South Branch Library, funded by Berkeley's 2008 Measure F

As Project Manager I held a central role in managing, communicating and coordinating project goals and objectives between the various project stakeholders: the public and library users, the Berkeley Public Library director, board and staff, the City of Berkeley and it's departments of Building and Public Works – as well as leading and coordinating the design team during the design phases and construction administration in collaboration with the contractors and construction managers, including and coordination of design and construction trades of site and infrastructure elements of projects - parking, circulation, accessibility, utilities and so on, requiring in depth understanding of the engineering principles, requirements and specifications.

SAFE STREETS Citizen Oversight Committee (SSCOC) Application

The City of Berkeley's Conflict of Interest Code requires members of all City of Berkeley Commissions to file Statements of Economic Interests – FPPC Form 700. The Form 700 is a public document. For more information, please contact the City Clerk's Department at 981-6900, or visit our website at https://berkeleyca.gov/your-government/public-records/conflict-interest-reports.

AFFIDAVIT OF RESIDENCY

I, Mati Teiblum, hereby declare, under penalty of perjury, that I am a resident of the City of Berkeley. I understand that, with the exception of a temporary relocation outside of Berkeley not to exceed six months, I may no longer serve on a Berkeley Commission should this cease to be true.

Signature of Applicant: [redacted] Date: 04.07.25

THE FOLLOWING INDIVIDUALS ARE QUALIFIED TO COMMENT ON MY CAPABILITIES

NAME	ADDRESS	PHONE NO.
Janet Tam	[redacted]	

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Signature of Applicant: [redacted] **Date:** 04.07.25

SAFE STREETS Citizen Oversight Committee (SSCOC) Application

APPLICANT NAME: Prester Wilson
First Name Last Name MI

PREFERRED PRONOUN(S): He/him

RESIDENCE ADDRESS: [redacted]
Street City Zip

MAILING ADDRESS: same
Street City Zip

EAMIL ADDRESS: [redacted]

PRIMARY PHONE: [redacted] **ALTERNATE PHONE:** _____

I QUALIFY UNDER THE PUBLIC MEMBERS APPOINTMENT CATEGORY BELOW: (check all that apply)

- ☐ Background in Civil Engineering
- ☐ Background in Transportation Engineering
- ☐ Background in Infrastructure Program Management
- ☐ Background in Municipal Bond/Tax Measure Implementation

Please describe in detail your relevant experience related to the category(ies) identified above:

I have been a licensed Civil Engineer for San Francisco Municipal Transportation Agency (SFMTA) since 2000 working as Project Engineer (PE) and Engineer of Record (EOR) on many rail and roadway projects in San Francisco including the Van Ness Improvement Project ($325M) and L Taraval Improvement Project ($150M). I also worked as Utility Coordinator on two project above in addition to the Central Subway and Third Street Light Rail Projects. The latest project I have supervised, M & J Safety Improvement Project, includes addition of a bike lane adjacent to boarding islands. I have personally designed many curb ramps and reviewed many others as Section Manager for the Track & Civil Section of the Capital Programs & Construction Division. I have overseen construction on many projects as EOR and Field Engineer for the Third Street Light Rail Projects and other projects.

SAFE STREETS Citizen Oversight Committee (SSCOC) Application

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AFFIDAVIT OF RESIDENCY

I, Prester Wilson, hereby declare, under penalty of perjury, that I am a resident of the City of Berkeley. I understand that, with the exception of a temporary relocation outside of Berkeley not to exceed six months, I may no longer serve on a Berkeley Commission should this cease to be true.

Signature of Applicant: [redacted] Date: 4/2/2025

THE FOLLOWING INDIVIDUALS ARE QUALIFIED TO COMMENT ON MY CAPABILITIES

NAME	ADDRESS	PHONE NO.
Jane Wang,	[redacted]	
Keanway Kyi,	[redacted]	
Peter Gabancho,	[redacted]	

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Signature of Applicar [redacted] **Date:** 4/2/2025

APPLICATION FOR APPOINTMENT TO BERKELEY SAFE STREETS Citizen Oversight Committee (SSCOC)

APPLICANT NAME: Zipfel, John W

PREFERRED PRONOUN(S): He / Him

RESIDENCE ADDRESS: [redacted] Berkeley CA 94703

MAILING ADDRESS: [redacted] Berkeley CA 94703

EMAIL ADDRESS: [redacted]

PRIMARY PHONE / ALTERNATE PHONE: [redacted]

I QUALIFY UNDER THE PUBLIC MEMBERS APPOINTMENT CATEGORY BELOW: (check all that apply) ❑

- ❑ Background in Civil Engineering
- ❑ Background in Transportation Engineering
- ✔ Background in Infrastructure Program Management
- ❑ Background in Municipal Bond/Tax Measure Implementation

Please describe in detail your relevant experience related to the category(ies) identified above:

I have been an infrastructure program manager for the majority of my career, dating back to 2006 when I was employed as Construction Program Manager for Gap, Inc. serving as Owner's Engineering Rep for Gap Inc. store projects. Following that, I worked at Google as Program Manager for campus-scale data center construction sites including both greenfield site improvement projects to brownfield redevelopment and retrofit projects. These projects included site utility and power distribution work, civil engineering, road and campus utility work as well as building construction, fitout and turnup. My education history includes a BSME, Mechanical Engineering and an MBA. Additionally I have worked in building design, mechanical, plumbing, electrical at engineering consulting firms and design-build contractors. I am an avid user of Berkeley streets, walking my son to school daily and commuting by bicycle weekly to the JLS ferry to SF. And am a champion of safe streets through several community organizations.

SAFE STREETS Citizen Oversight Committee (SSCOC) Application

The City of Berkeley's Conflict of Interest Code requires members of all City of Berkeley Commissions to file Statements of Economic Interests – FPPC Form 700. The Form 700 is a public document. For more information, please contact the City Clerk's Department at 981-6900, or visit our website at https://berkeleyca.gov/your-government/public-records/conflict-interest-reports.

AFFIDAVIT OF RESIDENCY

I, John Zipfel, hereby declare, under penalty of perjury, that I am a resident of the City of Berkeley. I understand that, with the exception of a temporary relocation outside of Berkeley not to exceed six months, I may no longer serve on a Berkeley Commission should this cease to be true.

Signature of Applicant: Date: [redacted] 4.14.25

THE FOLLOWING INDIVIDUALS ARE QUALIFIED TO COMMENT ON MY CAPABILITIES

NAME	ADDRESS	PHONE NO.
Salvador Menjivar	[redacted]	
Becky Schaar		
John Moore		

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Signature of Applicant: [redacted] **Date:** 4.14.25

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