REVISED AGENDA

(REVISED TO ADD A TELECONFERENCE LOCATION)

BERKELEY CITY COUNCIL MEETING

Tuesday, June 3, 2025
6:00 PM

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702
TELECONFERENCE LOCATION - 117 FORT EVANS RD NE, LEESBURG, VA 20176
TELECONFERENCE LOCATION - 1868 MASSACHUSETTS AVE, CAMBRIDGE, MA 02140

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/1607877512. To request to speak, use the "raise hand" function in Zoom. To join by phone: Dial **1-669-254-5252 or 1-833-568-8864 (Toll Free)** and enter **Meeting ID: 160 787 7512**. 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 Robert Sheppard, Berkeley Resident

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. Amendment: FY 2025 Annual Appropriations Ordinance
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,961-N.S. amending the FY 2025 Annual Appropriations Ordinance No. 7,940–N.S. for fiscal year 2025 based upon recommended re-appropriation of committed FY 2024 funding and other adjustments in the amount of $85,720,135 (gross) and $58,279,646 (net).
First Reading Vote: Ayes – Kesarwani, Taplin, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – Bartlett.
Financial Implications: See report
Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000

2. Police Accountability Board – Appointment of New Member
From: City Manager
Recommendation: Adopt a Resolution appointing a new member to the Police Accountability Board (PAB) nominated by Councilmember Kesarwani.
Financial Implications: See report
Contact: Mark Numainville, City Clerk, (510) 981-6900

Consent Calendar

3. Grant Application: California Arts Council Grant ($30,000), for the Civic Arts Grant Program General Operating Support Category
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or their designee to submit a grant application to the California Arts Council (CAC) to receive up to $30,000 for the Civic Arts grants program ("General Operating Support" category), to accept the grant if awarded; and to execute any resulting grant agreements. If received, the funds would be regranted to Berkeley-based nonprofit and fiscally sponsored arts organizations for general operational support starting in Fiscal Year 2027 (FY27).
Financial Implications: See report
Contact: Eleanor Hollander, Economic Development, (510) 981-7530

4. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on June 3, 2025
From: City Manager
Recommendation: Approve the request for proposals or invitation for bids 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

5. Notice of Appropriations Limit for Fiscal Year 2026
From: City Manager
Recommendation: Adopt a Resolution providing notice that: 1) Council will adopt an appropriations limit for Fiscal Year 2026 at its meeting of June 24, 2025; and 2) the amount of the limit and the background material used in its calculation will be available for public review in the City Clerk's Office on or before June 9, 2025.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300

6. Appointment of Public Health Officer – Dr. Noemi C. Doohan
From: City Manager
Recommendation: Adopt a Resolution to appoint Noemi C. Doohan, M.D., PhD, MPH, as the Public Health Officer for the City of Berkeley.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

Consent Calendar

7. Contract: SEP Technology Consulting, LLC for Environmental Health Database Migration to Accela Cloud
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or designee to execute a contract and any amendments or extensions with SEP Technology Consulting, LLC. for the Environmental Health Division's database migration from Envision Connect to Accela Cloud, in an amount not to exceed $325,000 for the period June 1, 2025, through June 30, 2026.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

8. Revenue Grant Agreement: Funding Support from Essential Access Health to Conduct Public Health Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or designee to submit a grant application to Essential Access Health, to accept the grant, execute any resultant revenue agreement and amendment, and implement the projects and appropriation of funding for related expenses to conduct public health promotion, protection, and prevention services for the Essential Access Health revenue agreement in the projected amount of $120,000 for April 1, 2025, to March 30, 2026.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

9. AHEAD, Inc ("AHEAD"): Using the California Department of General Services Software Licensing Program ("CDGS SLP") for Software License Purchases
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to increase spending authority with AHEAD, a qualified reseller for the purchase of Varonis subscription software licenses, utilizing pricing and contracts, amendments, and extensions from the CDGS SLP, increasing the amount by $971,784.00 for a total amount not-to-exceed $1,945,589.00 during the period beginning January 31, 2023 through June 30, 2028.
Financial Implications: See report
Contact: Kevin Fong, Information Technology, (510) 981-6500

10. Contract No. 112798-1 Amendment: Geographic Technologies Group for Geographic Information System Professional Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 112798-1 with Geographic Technologies Group ("GTG") for Geographic Information System ("GIS") professional services, increasing the amount by $600,000 for a total contract value of $1,149,411 from September 14, 2016 to June 30, 2027.
Financial Implications: $600,000 - IT Cost Allocation Plan Fund.
Contact: Kevin Fong, Information Technology, (510) 981-6500

Consent Calendar

11. Contract No. 32000281 Amendment: ConvergeOne for Avaya Administration, Maintenance and Support
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32000281 to increase the spending authority with ConvergeOne (previously named Integration Partners) for Avaya telephone system administration, maintenance and support services increasing the amount by $920,000 for a total not-to-exceed amount of $2,638,633 from July 1, 2025 to June 30, 2027.
Financial Implications: See report
Contact: Kevin Fong, Information Technology, (510) 981-6500

12. Contract No. 32400095 Amendment: Superion, LLC for AS400 Software Maintenance and Support
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to contract No. 32400095 with Superion, LLC ("Superion") for software maintenance and support of the City of Berkeley ("City") Public Sector System ("FUND$") hosted on an AS400 platform, increasing the amount by $309,000 for a total not-to-exceed amount $592,500.00 from July 1, 2023 through June 30, 2027.
Financial Implications: See report
Contact: Kevin Fong, Information Technology, (510) 981-6500

13. Contract: CompuCom Systems, Inc. ("CompuCom") for Professional Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or his designee to execute a contract with CompuCom for professional services for an amount not to exceed $1,051,000 through June 30, 2027.
Financial Implications: See report
Contact: Kevin Fong, Information Technology, (510) 981-6500

14. Contract 31900042 Amendment: CivicPlus for an Online Recreation Registration and Reservation System (CivicRec)
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 31900042 with CivicPlus, Inc. to provide an online recreation registration and reservation system (CivicRec) by increasing the contract amount by $28,000, for a total not to exceed amount of $181,756, and extending the expiration date from November 30, 2025 to November 30, 2026.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Consent Calendar

15. Contract: BayGreen, Inc. for Mobile Pumpout and Related Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or his designee to execute a contract and any amendments with BayGreen, Inc. for mobile vessel pumpout and related services at the Berkeley Marina in an amount not to exceed $195,898 for a period of three years, with an option to renew for an additional two years not to exceed $150,725, for a total contract amount not to exceed $346,623.
Financial Implications: Marina Fund - $346,623
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

16. Contract: Cazadero Performing Arts Camp (CPAC) for Erosion Control Improvements
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or his designee to execute a contract and any amendments with Cazadero Performing Arts Camp (CPAC) for creek erosion repair in an amount not to exceed $200,000.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

17. Contract: E.F. Brett & Company, Inc. for MLK Jr. Youth Services Center/Y.A.P Seismic Retrofit and Renovation Project
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving the plans and specifications for the MLK Jr. Youth Services Center/Y.A.P. Seismic Retrofit and Renovation project, Specification No. 25-11695-C; 2. Rejecting the bid protest of W.E. Lyons Construction Co., the second lowest bidder; 3. Accepting the bid of the lowest responsive and responsible bidder, E.F. Brett & Company, Inc.; and 4. Authorizing the City Manager or their designee 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, with E.F. Brett & Company, Inc. for the MLK Jr. Youth Services Center/Y.A.P. Seismic Retrofit and Renovation Project at 1730 Oregon Street, in an amount not to exceed $11,859,100 which includes a contract amount consisting of the base bid and bid alternates 1, 4 and 5 of $10,781,000 and a 10% contingency in the amount of $1,078,100.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

18. Contract No. 32500009 Amendment: Dixon Resources Unlimited
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32500009 and any necessary future amendments with Dixon Resources Unlimited for the Police Department, to include contract implementation support while increasing the contract amount by $50,000 for a total not to exceed amount of $100,000, and a contract extension date to January 31, 2027.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900

Council Consent Items

19. Berkeley Humane 11th Annual Pints for Paws Fundraiser: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds
From: Councilmember Taplin (Author), Mayor Ishii (Co-Sponsor), Councilmember Tregub (Co-Sponsor), Councilmember Humbert (Co-Sponsor)
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed $500 per Councilmember, including $500 from Councilmember Taplin, to support the Berkeley Humane 11th Annual Pints for Paws Fundraiser.
Financial Implications: $500 - Councilmember Discretionary Fund.
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

20. Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds to Taste of Downtown Berkeley 2025 Event
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 $500 per Councilmember from the D13 Discretionary Accounts of members of the Berkeley City Council, including contributions of $500 from Mayor Ishii and Councilmembers Tregub and Taplin and $200 from Councilmember O'Keefe, and inviting other members of the City Council to contribute to the Berkeley Rotary Endowment to support the Third Annual Taste of Downtown Berkeley 2025 with funds relinquished to the City's general fund. The relinquished funds will help the Berkeley Rotary Endowment to host an event featuring and increasing visibility for local business and raise funds for their RotaCare Health Clinic, 4-year Collegiate Scholarship program, and Supportive Housing hygiene kit programs. This year's event will be held on Sunday, June 8, 2025, starting at the Downtown Berkeley Plaza.
Financial Implications: See report
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140

21. Resolution in Opposition to California Assembly Bill 942 (Calderon), Net energy metering: eligible customer-generators: tariffs
From: Councilmember Tregub (Author), Councilmember Blackaby (Co-Sponsor), Councilmember Lunaparra (Co-Sponsor)
Recommendation: Adopt a Resolution in opposition to California State Assembly Bill 942 (Calderon), Net energy metering: eligible customer-generators: tariffs, and distribute copies to California Governor Gavin Newsom, Senator Jesse Arreguín, Assemblymember Buffy Wicks, California Senate President pro Tempore Mike McGuire, and California Assembly Speaker Robert Rivas to oppose its passage.
Financial Implications: Limited staff time
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140

Council Consent Items

22. Resolution Opposing the Removal of USPS Mailboxes at the Berkeley Main Post Office
From: Councilmember Tregub (Author), Councilmember Lunaparra (Co-Sponsor)
Recommendation: Adopt a Resolution opposing the removal of public mailboxes from the Berkeley Main Post Office on Allston Way and urging immediate engagement with United States Postal Service (USPS) leadership to restore these essential public services and send the Resolution to the attention of US Congresswoman Lateefah Simon and US Postmaster.
Financial Implications: Staff time
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140

23. Resolution in Support of the Polluters Pay Climate Superfund Act Legislative Package – AB 1243 and SB 684
From: Councilmember Tregub (Author), Councilmember Lunaparra (Co-Sponsor)
Recommendation: Adopt a Resolution in strong support of the Polluters Pay Climate Superfund Act Legislative Package (Assembly Bill (AB) 1243 (Addis, et al) and Senate Bill (SB) 684 (Menjivar, et al), which would hold fossil fuel corporations accountable for their fair share of the damages caused by climate change in California, and transmit the Council's support to Governor Gavin Newsom, Attorney General Rob Bonta, Senate President Pro Tempore Mike McGuire, Senator Jesse Arreguín (SD7), Speaker Robert Rivas, and Assemblymember Buffy Wicks (AD14).
Financial Implications: None
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140

24. Referral: Oxford for All *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*
From: Councilmember Tregub (Author), Councilmember Lunaparra (Co-Sponsor)
Recommendation:
1. Refer to the City Manager to design and construct a quick-build class IV bicycle facility on the east side of Oxford Street and Fulton Street between Bancroft Way and Hearst Avenue and implement pedestrian safety improvements on the corridor, potentially through quick-build planning and construction methods.
2. Refer $400,000 to the June budget process (FY26 Mid-Biennial Update) to provide the City of Berkeley Public Works Department with necessary funds to support design, engineering, and construction costs for the project.
3. Refer to the City Manager and to The City/UC/Student Relations "4x6" Committee to explore opportunities to leverage existing and establish new financial partnerships with UC Berkeley on safety projects along Oxford Street and adjacent areas, including the Oxford and Bancroft volleyball courts project and similar initiatives.
Policy Committee Recommendation: To send the item to City Council with a positive recommendation.
Financial Implications: See report
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140

Council Consent Items

25. The Berkeley Baby Book Project: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds
From: Councilmember Blackaby (Author), Mayor Ishii (Co-Sponsor), Councilmember Humbert (Co-Sponsor), Councilmember Taplin (Co-Sponsor)
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed $250 per Councilmember, including $250 from Councilmember Blackaby, the Mayor and Councilmembers Humbert and Taplin, to support the Berkeley Baby Book Project, a non-profit, with funds relinquished to the City's general fund. The relinquishment of funds from Councilmember Blackaby and all other Councilmembers who would like to contribute, will provide books to Berkeley children aged 0-5 years. The books are delivered by USPS and addressed to the child who owns them at no cost to their family.
Financial Implications: None
Contact: Brent Blackaby, Councilmember, District 6, (510) 981-7160

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 – New Business

26. Re-Establishment - Berkeley Tourism Business Improvement District (Public Meeting)
From: City Manager
Recommendation: Conduct a public meeting to review and discuss the intention to renew the Berkeley Tourism Business Improvement District (BTBID) for ten (10) years starting July 1, 2025 (hereafter, "BTBID", "Tourism BID", "BID" or "the District"). On May 6, 2025 Council adopted Resolution No. 71,749–N.S., which states the intention to renew the Tourism BID and directed the City Clerk to schedule a public meeting on June 3, 2025, and a public hearing on June 24, 2025 to consider the renewal of the District. Per state law, a public meeting is required at which local officials allow public testimony regarding the proposed new assessment in addition to the noticed public hearing at which the legislative body proposes to enact the assessment.
Financial Implications: See report
Contact: Eleanor Hollander, Economic Development, (510) 981-7530

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.

27. Conduct a Public Hearing in Compliance with Assembly Bill 2561 / Government Code § 3502.3 Regarding Vacancies, Recruitment, and Retention Efforts
From: City Manager
Recommendation: Conduct a public hearing in compliance with Assembly Bill 2561 (AB 2561) / Government Code § 3502.3 (GC § 3502.3) regarding vacancies, recruitment, and retention efforts.
Financial Implications: See report
Contact: Monica Walker, Human Resources, (510) 981-6800

28. Zoning Adjustments Board Appeal: 1950-1998 Shattuck Avenue, Use Permit #ZP2023-0040
From: City Manager
Recommendation: Conduct a public hearing, and upon conclusion adopt a Resolution denying the appeal and affirming the Zoning Adjustments Board (ZAB) decision approving Use Permit ZP#2023-0040.
Financial Implications: None
Contact: Jordan Klein, Planning and Development, (510) 981-7400

Information Reports

29. Section 115 Trust Investment Report from Inception to Period Ended June 30, 2024
From: City Manager
Contact: Henry Oyekanmi, Finance, (510) 981-7300

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 29, 2025.



Mark Numainville, City Clerk

Communications

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

Item #23: Resolution in Support of the Polluters Pay Climate Superfund Act Legislative Package – AB 1243 and SB 684

1. Ashley E. McClure

Encampments and Homelessness

2. Kimberly Cohn
3. Alastair MacDowell
4. Rosemary Hardy
5. Patricia Itamoto
6. Helga Recke
7. Kasaia Luckel
8. Loren Passmore
9. Peter Radu
10. David Lerman
11. A concerned Berkeley resident
12. Lillie Brum
13. Cecelia Mautner
14. Eric Larsen
15. Cris Arguedas
16. Nicholas Alexander
17. Russbumper
18. Elsa Tranter (2)
19. Rebecca Braun
20. Ben Buettner
21. Daniel Jurnove
22. Patty Lipinska
23. Shelly Chaiken
24. Judy Stamps
25. David Freeling (3)
26. Daniela
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Marina Security
27. Marco Falcioni
28. Robert Ofsevit
29. Melanie E. Beasley
30. Jay Karimi
31. Peter Kuhn
32. Catherine

Buildings Emissions Saving Ordinance (BESO)
33. Nora Coyle (9)
34. Lenora ONeill (9)
35. Isla Peters (9)

Missing Middle and Zoning Density
36. Emily Rader
37. Barbara Gilbert
38. Hal Leventhal
39. David Lerman (3)

Scooter and Bicycle Parking and Sidewalk Accessibility
40. Sean McMahon
41. Robert Byler
42. Sashafutran
43. Laurie McWhorter
44. Robert Borghese (13)

Middle East Conflict
45. Cheryl Davila (2)
46. Crustyrusty
47. Russbumper (2)
48. Richard Makdisi
49. Cynthia Papermaster

Mutual Aid Agreement with U.S. Citizenship and Immigration Services (USCIS)
50. Hansel Aguilar, on behalf of the Police Accountability Board
51. Office of the Director of Police Accountability

Facilities to Exercise Dogs
52. Colin Brauns (2)

Carl Martineau Documentary
53. Inetjalopy (2)

ADUs and Condo Conversion
54. Toni Mester
55. Matt Taecker

People's Park
56. Russbumper

Bicycle Plan and Bicycle Safety
57. Meryl Siegal

58. Wahid Amiri
59. Donna DeDiemar, on behalf of Friends of Hopkins Street (2)

Ohlone Greenway Plant Garden
60. Bonnie Borucki

Demolition of UA Theater
61. Annamarta Dostourian

Power Upgrade, PG&E Letter
62. Leah Isaacson

Grant Application for Restore Strawberry Creek
63. Samantha Kanofsky

Fire Safety and Use of Water
64. Nenelle Bunnin

Recognition of Herbivorous Animals
65. RSW

Floating Bus Stops
66. Daveed Mandell (2)

Censorship Incident
67. David Ojakian

Frances Albrier Renovations
68. Cian Menzel-Jones

Jewish American Heritage Month
69. Dorothea Dorenz

University and San Pablo Avenue Intersection
70. Nicola Spence

Parking Citations Concerns
71. Avery Ryan

Water Transportation Pier Ferry Project
72. Camille Antinori, on behalf of the Berkeley Waterfront Community Coalition

Support Funding for Rail Safety and Grade Crossings
73. Nate Kaplan, on behalf of GoRail

Funding for Small Sites Program
74. Ellen Wu, on behalf of Urban Habitat

Housing Application Concerns
75. Ahmed Elghiyati (2)
76. Sophie Hahn

Proposal to Make Derby Street One-Way
77. Manu Seth

Tribal Identity Misrepresentation
78. Gabriel Duncan, on behalf of Alameda Native History Project

1048 Keith Avenue, Use Permit #ZP-2024-0014
79. Bahram Gangei

Organizational Oversight
80. Eid Abdallah (2)

Legislative Aide Recruitment
81. Alec Chavez

Turtle Island Monument Fountain
82. John Curl

Historical Plaque
83. Pil Orbison (3)

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, June 3, 2025
6:00 PM

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702
TELECONFERENCE LOCATION - 117 FORT EVANS RD NE, LEESBURG, VA 20176

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/1607877512. To request to speak, use the "raise hand" function in Zoom. To join by phone: Dial **1-669-254-5252 or 1-833-568-8864 (Toll Free)** and enter **Meeting ID: 160 787 7512**. 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 Robert Sheppard, Berkeley Resident

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. Amendment: FY 2025 Annual Appropriations Ordinance
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,961-N.S. amending the FY 2025 Annual Appropriations Ordinance No. 7,940–N.S. for fiscal year 2025 based upon recommended re-appropriation of committed FY 2024 funding and other adjustments in the amount of $85,720,135 (gross) and $58,279,646 (net).
First Reading Vote: Ayes – Kesarwani, Taplin, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – Bartlett.
Financial Implications: See report
Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000

2. Police Accountability Board – Appointment of New Member
From: City Manager
Recommendation: Adopt a Resolution appointing a new member to the Police Accountability Board (PAB) nominated by Councilmember Kesarwani.
Financial Implications: See report
Contact: Mark Numainville, City Clerk, (510) 981-6900

Consent Calendar

3. Grant Application: California Arts Council Grant ($30,000), for the Civic Arts Grant Program General Operating Support Category
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or their designee to submit a grant application to the California Arts Council (CAC) to receive up to $30,000 for the Civic Arts grants program ("General Operating Support" category), to accept the grant if awarded; and to execute any resulting grant agreements. If received, the funds would be regranted to Berkeley-based nonprofit and fiscally sponsored arts organizations for general operational support starting in Fiscal Year 2027 (FY27).
Financial Implications: See report
Contact: Eleanor Hollander, Economic Development, (510) 981-7530

4. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on June 3, 2025
From: City Manager
Recommendation: Approve the request for proposals or invitation for bids 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

5. Notice of Appropriations Limit for Fiscal Year 2026
From: City Manager
Recommendation: Adopt a Resolution providing notice that: 1) Council will adopt an appropriations limit for Fiscal Year 2026 at its meeting of June 24, 2025; and 2) the amount of the limit and the background material used in its calculation will be available for public review in the City Clerk's Office on or before June 9, 2025.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300

6. Appointment of Public Health Officer – Dr. Noemi C. Doohan
From: City Manager
Recommendation: Adopt a Resolution to appoint Noemi C. Doohan, M.D., PhD, MPH, as the Public Health Officer for the City of Berkeley.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

Consent Calendar

7. Contract: SEP Technology Consulting, LLC for Environmental Health Database Migration to Accela Cloud
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or designee to execute a contract and any amendments or extensions with SEP Technology Consulting, LLC. for the Environmental Health Division's database migration from Envision Connect to Accela Cloud, in an amount not to exceed $325,000 for the period June 1, 2025, through June 30, 2026.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

8. Revenue Grant Agreement: Funding Support from Essential Access Health to Conduct Public Health Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or designee to submit a grant application to Essential Access Health, to accept the grant, execute any resultant revenue agreement and amendment, and implement the projects and appropriation of funding for related expenses to conduct public health promotion, protection, and prevention services for the Essential Access Health revenue agreement in the projected amount of $120,000 for April 1, 2025, to March 30, 2026.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

9. AHEAD, Inc ("AHEAD"): Using the California Department of General Services Software Licensing Program ("CDGS SLP") for Software License Purchases
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to increase spending authority with AHEAD, a qualified reseller for the purchase of Varonis subscription software licenses, utilizing pricing and contracts, amendments, and extensions from the CDGS SLP, increasing the amount by $971,784.00 for a total amount not-to-exceed $1,945,589.00 during the period beginning January 31, 2023 through June 30, 2028.
Financial Implications: See report
Contact: Kevin Fong, Information Technology, (510) 981-6500

10. Contract No. 112798-1 Amendment: Geographic Technologies Group for Geographic Information System Professional Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 112798-1 with Geographic Technologies Group ("GTG") for Geographic Information System ("GIS") professional services, increasing the amount by $600,000 for a total contract value of $1,149,411 from September 14, 2016 to June 30, 2027.
Financial Implications: $600,000 - IT Cost Allocation Plan Fund.
Contact: Kevin Fong, Information Technology, (510) 981-6500

Consent Calendar

11. Contract No. 32000281 Amendment: ConvergeOne for Avaya Administration, Maintenance and Support
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32000281 to increase the spending authority with ConvergeOne (previously named Integration Partners) for Avaya telephone system administration, maintenance and support services increasing the amount by $920,000 for a total not-to-exceed amount of $2,638,633 from July 1, 2025 to June 30, 2027.
Financial Implications: See report
Contact: Kevin Fong, Information Technology, (510) 981-6500

12. Contract No. 32400095 Amendment: Superion, LLC for AS400 Software Maintenance and Support
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to contract No. 32400095 with Superion, LLC ("Superion") for software maintenance and support of the City of Berkeley ("City") Public Sector System ("FUND$") hosted on an AS400 platform, increasing the amount by $309,000 for a total not-to-exceed amount $592,500.00 from July 1, 2023 through June 30, 2027.
Financial Implications: See report
Contact: Kevin Fong, Information Technology, (510) 981-6500

13. Contract: CompuCom Systems, Inc. ("CompuCom") for Professional Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or his designee to execute a contract with CompuCom for professional services for an amount not to exceed $1,051,000 through June 30, 2027.
Financial Implications: See report
Contact: Kevin Fong, Information Technology, (510) 981-6500

14. Contract 31900042 Amendment: CivicPlus for an Online Recreation Registration and Reservation System (CivicRec)
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 31900042 with CivicPlus, Inc. to provide an online recreation registration and reservation system (CivicRec) by increasing the contract amount by $28,000, for a total not to exceed amount of $181,756, and extending the expiration date from November 30, 2025 to November 30, 2026.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Consent Calendar

15. Contract: BayGreen, Inc. for Mobile Pumpout and Related Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or his designee to execute a contract and any amendments with BayGreen, Inc. for mobile vessel pumpout and related services at the Berkeley Marina in an amount not to exceed $195,898 for a period of three years, with an option to renew for an additional two years not to exceed $150,725, for a total contract amount not to exceed $346,623.
Financial Implications: Marina Fund - $346,623
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

16. Contract: Cazadero Performing Arts Camp (CPAC) for Erosion Control Improvements
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or his designee to execute a contract and any amendments with Cazadero Performing Arts Camp (CPAC) for creek erosion repair in an amount not to exceed $200,000.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

17. Contract: E.F. Brett & Company, Inc. for MLK Jr. Youth Services Center/Y.A.P Seismic Retrofit and Renovation Project
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving the plans and specifications for the MLK Jr. Youth Services Center/Y.A.P. Seismic Retrofit and Renovation project, Specification No. 25-11695-C; 2. Rejecting the bid protest of W.E. Lyons Construction Co., the second lowest bidder; 3. Accepting the bid of the lowest responsive and responsible bidder, E.F. Brett & Company, Inc.; and 4. Authorizing the City Manager or their designee 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, with E.F. Brett & Company, Inc. for the MLK Jr. Youth Services Center/Y.A.P. Seismic Retrofit and Renovation Project at 1730 Oregon Street, in an amount not to exceed $11,859,100 which includes a contract amount consisting of the base bid and bid alternates 1, 4 and 5 of $10,781,000 and a 10% contingency in the amount of $1,078,100.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

18. Contract No. 32500009 Amendment: Dixon Resources Unlimited
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32500009 and any necessary future amendments with Dixon Resources Unlimited for the Police Department, to include contract implementation support while increasing the contract amount by $50,000 for a total not to exceed amount of $100,000, and a contract extension date to January 31, 2027.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900

Council Consent Items

19. Berkeley Humane 11th Annual Pints for Paws Fundraiser: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds
From: Councilmember Taplin (Author), Mayor Ishii (Co-Sponsor), Councilmember Tregub (Co-Sponsor), Councilmember Humbert (Co-Sponsor)
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed $500 per Councilmember, including $500 from Councilmember Taplin, to support the Berkeley Humane 11th Annual Pints for Paws Fundraiser.
Financial Implications: $500 - Councilmember Discretionary Fund.
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

20. Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds to Taste of Downtown Berkeley 2025 Event
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 $500 per Councilmember from the D13 Discretionary Accounts of members of the Berkeley City Council, including contributions of $500 from Mayor Ishii and Councilmembers Tregub and Taplin and $200 from Councilmember O'Keefe, and inviting other members of the City Council to contribute to the Berkeley Rotary Endowment to support the Third Annual Taste of Downtown Berkeley 2025 with funds relinquished to the City's general fund. The relinquished funds will help the Berkeley Rotary Endowment to host an event featuring and increasing visibility for local business and raise funds for their RotaCare Health Clinic, 4-year Collegiate Scholarship program, and Supportive Housing hygiene kit programs. This year's event will be held on Sunday, June 8, 2025, starting at the Downtown Berkeley Plaza.
Financial Implications: See report
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140

21. Resolution in Opposition to California Assembly Bill 942 (Calderon), Net energy metering: eligible customer-generators: tariffs
From: Councilmember Tregub (Author), Councilmember Blackaby (Co-Sponsor), Councilmember Lunaparra (Co-Sponsor)
Recommendation: Adopt a Resolution in opposition to California State Assembly Bill 942 (Calderon), Net energy metering: eligible customer-generators: tariffs, and distribute copies to California Governor Gavin Newsom, Senator Jesse Arreguín, Assemblymember Buffy Wicks, California Senate President pro Tempore Mike McGuire, and California Assembly Speaker Robert Rivas to oppose its passage.
Financial Implications: Limited staff time
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140

Council Consent Items

22. Resolution Opposing the Removal of USPS Mailboxes at the Berkeley Main Post Office
From: Councilmember Tregub (Author), Councilmember Lunaparra (Co-Sponsor)
Recommendation: Adopt a Resolution opposing the removal of public mailboxes from the Berkeley Main Post Office on Allston Way and urging immediate engagement with United States Postal Service (USPS) leadership to restore these essential public services and send the Resolution to the attention of US Congresswoman Lateefah Simon and US Postmaster.
Financial Implications: Staff time
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140

23. Resolution in Support of the Polluters Pay Climate Superfund Act Legislative Package – AB 1243 and SB 684
From: Councilmember Tregub (Author), Councilmember Lunaparra (Co-Sponsor)
Recommendation: Adopt a Resolution in strong support of the Polluters Pay Climate Superfund Act Legislative Package (Assembly Bill (AB) 1243 (Addis, et al) and Senate Bill (SB) 684 (Menjivar, et al), which would hold fossil fuel corporations accountable for their fair share of the damages caused by climate change in California, and transmit the Council's support to Governor Gavin Newsom, Attorney General Rob Bonta, Senate President Pro Tempore Mike McGuire, Senator Jesse Arreguín (SD7), Speaker Robert Rivas, and Assemblymember Buffy Wicks (AD14).
Financial Implications: None
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140

24. Referral: Oxford for All *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*
From: Councilmember Tregub (Author), Councilmember Lunaparra (Co-Sponsor)
Recommendation:
1. Refer to the City Manager to design and construct a quick-build class IV bicycle facility on the east side of Oxford Street and Fulton Street between Bancroft Way and Hearst Avenue and implement pedestrian safety improvements on the corridor, potentially through quick-build planning and construction methods.
2. Refer $400,000 to the June budget process (FY26 Mid-Biennial Update) to provide the City of Berkeley Public Works Department with necessary funds to support design, engineering, and construction costs for the project.
3. Refer to the City Manager and to The City/UC/Student Relations "4x6" Committee to explore opportunities to leverage existing and establish new financial partnerships with UC Berkeley on safety projects along Oxford Street and adjacent areas, including the Oxford and Bancroft volleyball courts project and similar initiatives.
Policy Committee Recommendation: To send the item to City Council with a positive recommendation.
Financial Implications: See report
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140

Council Consent Items

25. The Berkeley Baby Book Project: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds
From: Councilmember Blackaby (Author), Mayor Ishii (Co-Sponsor), Councilmember Humbert (Co-Sponsor), Councilmember Taplin (Co-Sponsor)
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed $250 per Councilmember, including $250 from Councilmember Blackaby, the Mayor and Councilmembers Humbert and Taplin, to support the Berkeley Baby Book Project, a non-profit, with funds relinquished to the City's general fund. The relinquishment of funds from Councilmember Blackaby and all other Councilmembers who would like to contribute, will provide books to Berkeley children aged 0-5 years. The books are delivered by USPS and addressed to the child who owns them at no cost to their family.
Financial Implications: None
Contact: Brent Blackaby, Councilmember, District 6, (510) 981-7160

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 – New Business

26. Re-Establishment - Berkeley Tourism Business Improvement District (Public Meeting)
From: City Manager
Recommendation: Conduct a public meeting to review and discuss the intention to renew the Berkeley Tourism Business Improvement District (BTBID) for ten (10) years starting July 1, 2025 (hereafter, "BTBID", "Tourism BID", "BID" or "the District"). On May 6, 2025 Council adopted Resolution No. 71,749–N.S., which states the intention to renew the Tourism BID and directed the City Clerk to schedule a public meeting on June 3, 2025, and a public hearing on June 24, 2025 to consider the renewal of the District. Per state law, a public meeting is required at which local officials allow public testimony regarding the proposed new assessment in addition to the noticed public hearing at which the legislative body proposes to enact the assessment.
Financial Implications: See report
Contact: Eleanor Hollander, Economic Development, (510) 981-7530

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.

27. Conduct a Public Hearing in Compliance with Assembly Bill 2561 / Government Code § 3502.3 Regarding Vacancies, Recruitment, and Retention Efforts
From: City Manager
Recommendation: Conduct a public hearing in compliance with Assembly Bill 2561 (AB 2561) / Government Code § 3502.3 (GC § 3502.3) regarding vacancies, recruitment, and retention efforts.
Financial Implications: See report
Contact: Monica Walker, Human Resources, (510) 981-6800

28. Zoning Adjustments Board Appeal: 1950-1998 Shattuck Avenue, Use Permit #ZP2023-0040
From: City Manager
Recommendation: Conduct a public hearing, and upon conclusion adopt a Resolution denying the appeal and affirming the Zoning Adjustments Board (ZAB) decision approving Use Permit ZP#2023-0040.
Financial Implications: None
Contact: Jordan Klein, Planning and Development, (510) 981-7400

Information Reports

29. Section 115 Trust Investment Report from Inception to Period Ended June 30, 2024
From: City Manager
Contact: Henry Oyekanmi, Finance, (510) 981-7300

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 22, 2025.



Mark Numainville, City Clerk

Communications

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

Item #23: Resolution in Support of the Polluters Pay Climate Superfund Act Legislative Package – AB 1243 and SB 684

1. Ashley E. McClure

Encampments and Homelessness

2. Kimberly Cohn
3. Alastair MacDowell
4. Rosemary Hardy
5. Patricia Itamoto
6. Helga Recke
7. Kasaia Luckel
8. Loren Passmore
9. Peter Radu
10. David Lerman
11. A concerned Berkeley resident
12. Lillie Brum
13. Cecelia Mautner
14. Eric Larsen
15. Cris Arguedas
16. Nicholas Alexander
17. Russbumper
18. Elsa Tranter (2)
19. Rebecca Braun
20. Ben Buettner
21. Daniel Jurnove
22. Patty Lipinska
23. Shelly Chaiken
24. Judy Stamps
25. David Freeling (3)
26. Daniela
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Marina Security
27. Marco Falcioni
28. Robert Ofsevit
29. Melanie E. Beasley
30. Jay Karimi
31. Peter Kuhn
32. Catherine

Buildings Emissions Saving Ordinance (BESO)
33. Nora Coyle (9)
34. Lenora ONeill (9)
35. Isla Peters (9)

Missing Middle and Zoning Density
36. Emily Rader
37. Barbara Gilbert
38. Hal Leventhal
39. David Lerman (3)

Scooter and Bicycle Parking and Sidewalk Accessibility
40. Sean McMahon
41. Robert Byler
42. Sashafutran
43. Laurie McWhorter
44. Robert Borghese (13)

Middle East Conflict
45. Cheryl Davila (2)
46. Crustyrusty
47. Russbumper (2)
48. Richard Makdisi
49. Cynthia Papermaster

Mutual Aid Agreement with U.S. Citizenship and Immigration Services (USCIS)
50. Hansel Aguilar, on behalf of the Police Accountability Board
51. Office of the Director of Police Accountability

Facilities to Exercise Dogs
52. Colin Brauns (2)

Carl Martineau Documentary
53. Inetjalopy (2)

ADUs and Condo Conversion
54. Toni Mester
55. Matt Taecker

People’s Park
56. Russbumper

Bicycle Plan and Bicycle Safety
57. Meryl Siegal
58. Wahid Amiri
59. Donna DeDiemar, on behalf of Friends of Hopkins Street (2)

Ohlone Greenway Plant Garden
60. Bonnie Borucki

Demolition of UA Theater
61. Annamarta Dostourian

Power Upgrade, PG&E Letter
62. Leah Isaacson

Grant Application for Restore Strawberry Creek
63. Samantha Kanofsky

Fire Safety and Use of Water
64. Nenelle Bunnin

Recognition of Herbivorous Animals
65. RSW

Floating Bus Stops
66. Daveed Mandell (2)

Censorship Incident
67. David Ojakian

Frances Albrier Renovations
68. Cian Menzel-Jones

Jewish American Heritage Month
69. Dorothea Dorenz

University and San Pablo Avenue Intersection
70. Nicola Spence

Parking Citations Concerns
71. Avery Ryan

Water Transportation Pier Ferry Project
72. Camille Antinori, on behalf of the Berkeley Waterfront Community Coalition

Support Funding for Rail Safety and Grade Crossings
73. Nate Kaplan, on behalf of GoRail

Funding for Small Sites Program
74. Ellen Wu, on behalf of Urban Habitat

Housing Application Concerns
75. Ahmed Elghiyati (2)
76. Sophie Hahn

Proposal to Make Derby Street One-Way
77. Manu Seth

Tribal Identity Misrepresentation
78. Gabriel Duncan, on behalf of Alameda Native History Project

1048 Keith Avenue, Use Permit #ZP-2024-0014
79. Bahram Gangei

Organizational Oversight
80. Eid Abdallah (2)

Legislative Aide Recruitment
81. Alec Chavez

Turtle Island Monument Fountain
82. John Curl

Historical Plaque
83. Pil Orbison (3)

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

- **Supplemental Communications and Reports 1**
  Available by 5:00 p.m. five days prior to the meeting.

- **Supplemental Communications and Reports 2**
  Available by 5:00 p.m. the day before the meeting.

- **Supplemental Communications and Reports 3**
  Available by 5:00 p.m. two days following the meeting.

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ORDINANCE NO. 7.961-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)	108,120,928
D. Capital Projects Funds (Funds 500-550)	138,728,548
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	820,794,645
Gross Revenue Appropriated	**1,176,430,900**
Less: Dual Appropriations	-76,681,749
Less: Revolving/Internal Service Funds	-82,762,271
Net Revenue Appropriated	**1,016,986,881**

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 Gilman Sports Field Fund to Gilman Field Reserve Fund

e. From Measure FF Fund to Paramedic Tax Fund, and Fire Admin Training Fund.

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

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

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

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

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

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

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

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

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

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

o. To the Equipment Maintenance Fund from General Fund; Health (General) Fund; Mental Health Services Act Fund; Health (Short/Doyle) Fund; Vector Control Fund; Paramedic Tax Fund; Library - Discretionary Fund; Playground Camp Fund; State Transportation Tax Fund; Rental Housing Safety Program Fund; Rent Stabilization Board Fund; Parks 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.

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

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

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

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

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

t. To the Sick Leave and Vacation Leave Accrual Fund from General Fund; Special Tax for Severely Disabled Measure E Fund; First Source Fund; HUD Fund; ESGP Fund; Health (General) Fund; Target Case Management/Linkages Fund; Mental Health Service Act Fund; Health (Short/Doyle) Fund; EPSDT Expansion Proposal Fund; Senior Nutrition (Title III) Fund; C.F.P. Title X Fund; Fund Raising Activities Fund; Berkeley Unified School District Grant; Vector Control Fund; Paramedic Tax Fund; Alameda County Grants Fund; Senior Supportive Social Services Fund; Family Care Support Program Fund; Domestic Violence Prevention – Vital Statistics Fund; Affordable Housing Mitigation; Inclusionary Housing Program; Library – Discretionary Fund; Playground Camp Fund; Community Action Program Fund; State Proposition 172 Public Safety Fund; State Transportation Tax Fund; CDBG Fund; Rental Housing Safety Program; Measure B Local State & Road

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

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

Plan Fund; Health State Aid Realignment Trust Fund; Tobacco Control Trust Fund; Mental Health State Aid Realignment Fund; Alameda Abandoned Vehicle Abatement Authority; 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.

At a regular meeting of the Council of the City of Berkeley held on May 20, 2025, this Ordinance was passed to print and ordered published by posting by the following vote:

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

Noes: None.

Absent: Bartlett.

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" in item I. The funds are:

Revolving/Internal Service Funds	
Employee Training Fund	965,714
Equipment Replacement Fund	13,441,342
Equipment Maintenance Fund	11,002,972
Building Maintenance Fund	5,147,045
Central Services Fund	418,963
Workers' Compensation Fund	12,334,961
Public Liability Fund	5,852,080
Information Technology Fund	22,248,591
Subtotal Revolving/Internal Service Funds	$ 71,411,668
Dual Appropriations	
Transfers to the General Fund	
Indirect Cost Reimbursement	
CDBG Fund	176,194
Street Light Assessment District Fund	181,591
One-Time Grant: No Cap Exp	95,000
Zero Waste Fund	2,826,020
Marina Enterprise Fund	423,813
Sanitary Sewer Fund	1,391,256
Clean Storm Water Fund	245,033
Permit Service Center Fund	2,204,064
Unified Program (CUPA) Fund	86,575
Subtotal Transfers to General Fund:	$ 7,629,546

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	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 Fire Admin Training Fund from Measure FF - Public Safety Fund	7,500,000
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 Func	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:	69,383,325
Sub-Total Dual Appropriations	76,681,749
Grand Total Dual Appropriations	**159,444,020**

EXHIBIT A

SUMMARY OF APPROPRIATIONS BY FUND

ERMA Fund #	Fund	2nd AAO				
		FY 2025 Revised #1	Unencumbered Carryovers	Other Adjustments	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

EXHIBIT A

SUMMARY OF APPROPRIATIONS BY FUND

ERMA Fund #	Fund	2nd AAO				
		FY 2025 Revised #1	Unencumbered Carryovers	Other Adjustments	Total Amend.	FY 2025 Revised #2
311	ESGP	518,746	-	-	-	518,746
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	-	129,000	129,000	4,121,193
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
514	Fire Admin Training Fund	0	-	7,500,000	7,500,000	7,500,000
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

EXHIBIT A

SUMMARY OF APPROPRIATIONS BY FUND

ERMA Fund #	Fund	2nd AAO				
		FY 2025 Revised #1	Unencumbered Carryovers	Other Adjustments	Total Amend.	FY 2025 Revised #2
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
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	77,526,274	85,720,135	1,176,430,900
	Dual Appropriations	(54,075,441)	-	(22,606,308)	(22,606,308)	(76,681,749)
	Revolving & Internal Service Funds	(77,928,090)	-	(4,834,181)	(4,834,181)	(82,762,271)
	NET EXPENDITURE:	**958,707,235**	**8,193,861**	**50,085,785**	**58,279,646**	**1,016,986,881**

02

Office of the City Manager

CONSENT CALENDAR
June 3, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Mark Numainville, City Clerk

Subject: Police Accountability Board – Appointment of New Member

RECOMMENDATION
Adopt a Resolution appointing a new member to the Police Accountability Board (PAB) nominated by Councilmember Kesarwani.

FISCAL IMPACTS OF RECOMMENDATION
All PAB commissioners are eligible to receive a stipend of up to $600 per month.

CURRENT SITUATION AND ITS EFFECTS
There are currently three vacant seats on the PAB, including one alternate position.

Councilmember Kesarwani has nominated Joshua Buswell-Charkow to serve on the Police Accountability Board. Joshua Buswell-Charkow meets the eligibility criteria as verified by city staff in accordance with the requirements of the City Charter and may be appointed by a majority vote of the Council.

Commissioner	Nominated By
vacant	Mayor Ishii
Vacant	Councilmember Kesarwani
David Williams	Councilmember Taplin
Macharia Edmonds	Councilmember Bartlett
Kitty Calavita	Councilmember Tregub
Leah Wilson	Councilmember O'Keefe
Juliet Leftwich	Councilmember Blackaby
Joshua Cayetano	Councilmember Lunaparra
Randy Wells	Councilmember Humbert
vacant	Alternate

Article XVIII, Section 125, Part 6 of the City Charter states, "The Mayor and each City Councilmember shall nominate one candidate from an applicant pool at a meeting of the City Council and that each individual nominee must be approved by a majority vote of the City Council."

Members of the Police Accountability Board must:

- Be a resident of the City
- Be at least 18 years of age
- Not be an employee, officer, or contractor with the City, a current sworn police officer from any agency, or a current employee, official, or representative of an employee association representing sworn police officers
- Be fair minded and objective with a demonstrated commitment to community service

The City Charter indicates that desirable qualities of a Board member are familiarity with human resources, law, police procedures, police oversight, or involvement in civil rights or community organizations and that the City Council shall endeavor to establish a Board that is broadly inclusive and reflective of race, ethnicity, age, gender identity, sexual orientation, economic status, neighborhoods, and various communities of interest in the City.

BACKGROUND

Measure II was adopted on November 3, 2020, by the voters of Berkeley to establish an Office of the Director of Police Accountability and create a new Police Accountability Board (hereafter "Board"), both of which are independent of the City Manager. The members of the Board are approved by vote of the full Council.

In June of 2021 the Mayor and Members of the City Council nominated and appointed the initial nine members of the PAB and also appointed one alternate commissioner.

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

The appointment is provided for by the City Charter and pursuant to the nomination submitted by Councilmember Kesarwani.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

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

Attachments:
1: Resolution

RESOLUTION NO. -N.S.

APPOINTMENT OF RANDY WELLS TO THE POLICE ACCOUNTABILITY BOARD

WHEREAS, Measure II was adopted on November 3, 2020 by the voters of Berkeley to create a new Police Accountability Board; and

WHEREAS, Article XVIII, Section 125, Part 6 provides for the Council's appointment of board members; and

WHEREAS, the Councilmember Kesarwani submitted a nominee for appointment by the full council; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Berkeley that the following applicant is hereby appointed to the Police Accountability Board:

Nominee	**Nominated By**
Joshua Buswell-Charkow	Councilmember Kesarwani

03

Office of the City Manager

CONSENT CALENDAR
June 3, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Eleanor Hollander, Economic Development Manager

Subject: Grant Application: California Arts Council Grant ($30,000), for the Civic Arts Grant Program General Operating Support Category

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or their designee to submit a grant application to the California Arts Council (CAC) to receive up to $30,000 for the Civic Arts grants program ("General Operating Support" category), to accept the grant if awarded; and to execute any resulting grant agreements. If received, the funds would be regranted to Berkeley-based nonprofit and fiscally sponsored arts organizations for general operational support starting in Fiscal Year 2027 (FY27).

FISCAL IMPACTS OF RECOMMENDATION

If awarded the grant for FY27, the CAC requires a one-to-one match of City funds. No additional allocation of funding from the City's General Fund would be required to receive this state grant funding. The local match would be met with funds already allocated for Civic Arts Grants in FY27 which supports two grant categories: *General Operating Support* and *Individual Artist Project Grants.*

CURRENT SITUATION AND ITS EFFECTS

Since Fiscal Year 2018, the City of Berkeley has allocated $500,000 to the Civic Arts grants program annually from the General Fund to distribute arts grants to Berkeley-based artists and cultural organizations. This allocation of funds has been divided into two grant programs: Individual Artist Projects (for artists) and General Operating Support (for arts organizations). With an increased need for funding for Berkeley's arts and cultural sector, staff has looked to outside sources for additional funding to re-grant.

If awarded, the state CAC grant funds (of up to $30,000) would be utilized to augment the *General Operating Support* Civic Arts grant category, bringing the total amount of funding to be granted in that category from $450,000 to (up to) $480,000. This would not impact the portion of the Civic Arts Grant allocation that supports the *Individual Artist Project Grants* category ($50,000). A decision on the grant application for $30,000 by the CAC is anticipated by September of 2025.

BACKGROUND
The Civic Arts Grants have an annual budget of approximately $700,000 from the City's General Fund (011). Annually, the Civic Arts Grants Program awards funding in three distinct categories, the General Fund amount allocated to each program is indicated in parenthesis: 1) Individual Artist Projects ($50,000); 2) Community Festivals (ranges between a baseline budget of $158,317 to $200,000 per year), and 3) General Operating Support ($450,000). Each year Civic Arts awards a greater number of General Operating Support grants utilizing the same budget allocation amount of $450,000, which results in a decreasing size of individual grant award amounts for Berkeley's arts organizations. Additional funding from the CAC will help offset this trend.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
There are no environmental sustainability or climate impacts associated with this recommendation.

RATIONALE FOR RECOMMENDATION
Accepting state funding from the California Arts Council would help the City accomplish one of the five goals articulated in the City of Berkeley's *Arts and Culture Plan (2018-2027)* to "Increase Investment in a Vibrant Arts Community, Strengthen and support Berkeley's inclusive and culturally rich arts sector by expanding funding and marketing opportunities for a broader array of arts organizations." If awarded, the state grant funds would enable the City of Berkeley to leverage already dedicated local funds to provide increased support for arts organizations within the City of Berkeley.

ALTERNATIVE ACTIONS CONSIDERED
None.

CONTACT PERSON
Hilary Amnah, Office of Economic Development, 510-981-7539

Attachment:
1: Resolution

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

GRANT APPLICATION: REQUESTING $30,000 FROM THE CALIFORNIA ARTS COUNCIL (CAC) TO SUPPORT ARTS ORGANIZATIONS' GENERAL OPERATING SUPPORT IN THE CITY OF BERKELEY BY INCREASING THE CIVIC ARTS GRANTS PROGRAM FUNDING CATEGORY KNOWN AS *GENERAL OPERATING SUPPORT* GRANTS.

WHEREAS, the *Arts and Culture Plan for the City of Berkeley (2017-18)* includes the goal of increasing investment in a vibrant arts community by expanding funding and marketing opportunities for a broader array of arts organizations; and

WHEREAS, the existing *General Operating Support* Civic Arts grant category supports the City's ability to sustain access to arts and cultural programming taking place in Berkeley; and

WHEREAS, state funding from the California Arts Council is available to government arts agencies for sub-granting purposes; and

WHEREAS, no additional allocation of funding from the City's General Fund would be required to receive this state grant funding; and

WHEREAS, the City will use the existing allocation of Civic Arts grants to meet the required 1:1 match of $30,000; and

WHEREAS, if received, the CAC grant funds (of up to $30,000) will be utilized to augment the *General Operating Support* Civic Arts grant category, bringing the total amount in that category from $450,000 to (up to) $480,000.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or their designee is authorized to submit a grant application to the California Arts Council to receive up to $30,000 for the above purpose; accept the grant if awarded; and execute any resultant agreements and amendments.

04

Office of the City Manager

CONSENT CALENDAR
June 3, 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 June 3, 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 **$222,400.00**

PROJECT	Fund	Source	Amount
Alameda County Coordinator	336	One-time Grant; No Cap Exp	$155,000.00
80-84 Bolivar Drive Fence and Gate Replacement	138	Parks Tax	$67,400.00
Total:			**$222,400.00**

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 June 3, 2025

   a. Selecting contractor to serve as an Alameda County Coordinator – funded by a grant from California Fire Safe Council
   b. Replace existing fence and vehicle gate with higher security fence gate, add additional panels for security. Construct new pedestrian exit gate for additional emergency exit

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
25-11738-C	Alameda County Coord	6/4/25	7/8/2025	Selecting contractor to serve as an Alameda County Coordinator – funded by a grant from California Fire Safe Council.	$155,000	336-72-741-831-0000-000-422-612990- Project Code:FDCCG26	Fire Dept SPP Division	Shanalee Gallagher 415-850-2122
Dept Total					**$155,000**			
25-11739	80-84 Bolivar Drive Fence and Gate Replacement	6/4/25	7/8/2025	Replace existing fence and vehicle gate with higher security fence gate, add additional panels for security. Construct new pedestrian exit gate for additional emergency exit	$67,400.00	Park Tax Fund 138-52-545-000-0000-000-461-624110- PRWPK23001	PRW/Capital	Robert Chan 981-6392
Dept Total					**$67,400**			
TOTAL					**$222,400**			

Office of the City Manager

05

CONSENT CALENDAR
June 3, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Henry Oyekanmi, Director, Finance Department

Subject: Notice of Appropriations Limit for Fiscal Year 2026

RECOMMENDATION

Adopt a Resolution providing notice that: 1) Council will adopt an appropriations limit for Fiscal Year 2026 at its meeting of June 24, 2025; and 2) the amount of the limit and the background material used in its calculation will be available for public review in the City Clerk's Office on or before June 9, 2025.

FISCAL IMPACTS OF RECOMMENDATION

On June 24, 2025, the Council will set the Fiscal Year 2026 appropriations limit. The amount of appropriations subject to the limit is the budgeted proceeds of taxes (e.g., all taxes levied; transfers from an enterprise fund to the extent those transfers exceed the cost of providing the services; discretionary state subventions; interest earned from the investment of proceeds of taxes, etc.), and the total of these budgeted revenues cannot exceed the total appropriations limit. The City's actual appropriations in each fiscal year have been significantly below the limit, as they will be for Fiscal Year 2026. Thus, there are no present fiscal implications of establishing the limit.

CURRENT SITUATION AND ITS EFFECTS

Senate Bill 1352 requires that 1) the governing body of each local jurisdiction shall, by a legislative action, establish its appropriations limit at a regularly scheduled or special meeting and that documentation used in the determination of the appropriations limit shall be made available to the public fifteen days before that meeting. Government Code Section 7910 requires that the City adopt its appropriations limit prior to the beginning of each fiscal year.

This Resolution gives public notice of Council's intent to adopt an appropriations limit for Fiscal Year 2026 at its meeting of June 24, 2025, and that the documents used in calculating the limit will be available for public review on or before June 9, 2025. Proposition 4, approved by the electorate of the State of California via a special election held on November 6, 1979, added Article XIII B to the constitution of the state. It requires local governments to adopt yearly appropriation limits according to specified formulas, and allows for specified, yearly adjustments of the limit. Proposition 111, approved by the voters June 5, 1990, and changed the Proposition 4 adjustment formulas. Senate Bill 152, Government Code Sections 7900, et. seq, enacted by the Legislature of the State of

California, provided for the implementation of Article XIII B defining various terms used in this article and prescribing procedures to be used in implementing specific provisions of the Article.

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

BACKGROUND
The Finance Department of the City of Berkeley compiles the data and makes calculations incident to the determination of the XIII B appropriations limit. The amount of the Fiscal Year 2026 appropriations limit and the documentation incident to the determination thereof will be available for review by the public in the Office of the City Clerk on or before June 9, 2025, at least fifteen days prior to the Council's scheduled adoption of the appropriation limit, as required by law.

RATIONALE FOR RECOMMENDATION
This is a state law.

ALTERNATIVE ACTIONS CONSIDERED
None.

CONTACT PERSON
Henry Oyekanmi, Director, Finance Department, 981-7326

Attachments:
1: Resolution

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

PROVIDING NOTICE OF SCHEDULED ADOPTION OF APPROPRIATIONS LIMIT FOR FISCAL YEAR 2026 PURSUANT TO ARTICLE XIII B OF THE CONSTITUTION OF THE STATE OF CALIFORNIA

WHEREAS, on November 6, 1979, the citizens of the State of California approved Proposition 4, which added Article XIII B to the Constitution of the State of California to place various limitations on the fiscal powers of State and local government; and

WHEREAS, Senate Bill 1352, Government Code Section 7900, et. seq. enacted by the Legislature of the State of California, provides for the implementation of Article XIII by defining various terms in this article; and

WHEREAS, the governing body of each jurisdiction is required to establish its appropriations limit at a regularly scheduled meeting or noticed special meeting; and

WHEREAS, 15 days prior to such meeting, the documentation used in the determination of the appropriations limit shall be made available to the public.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley does hereby give notice that it will, at its meeting of June 24, 2025, adopt a Resolution which establishes the appropriations limit for the 2026 Fiscal Year pursuant to Article XIII B of the Constitution of the State of California.

BE IT FURTHER RESOLVED that the documentation used in the determination of the appropriation limit for Fiscal Year 2026 shall be made available for public review in the Office of the City Clerk of the City of Berkeley, 2180 Milvia Street, Berkeley, California, on or before June 9, 2025.

06

Office of the City Manager

CONSENT CALENDAR
June 3, 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: Appointment of Public Health Officer – Dr. Noemi C. Doohan

RECOMMENDATION
Adopt a Resolution to appoint Noemi C. Doohan, M.D., PhD, MPH, as the Public Health Officer for the City of Berkeley.

FISCAL IMPACTS OF RECOMMENDATION
A full-time career benefited Health Officer position is budgeted for the current and subsequent fiscal years.

CURRENT SITUATION AND ITS EFFECTS
In accordance with state law, as a recognized local health jurisdiction, the City Council must appoint a local Health Officer who has a medical degree and holds a license issued by the Medical Board of California.

Dr. Doohan, a family physician, public health professional, and a Berkeley native, has degrees from Mills College, UC Santa Barbara, Stanford, and the University of Massachusetts Amherst. She completed her Family Medicine Residency at Contra Costa County Regional Medical Center. Since 2019, Dr. Doohan has served as the Public Health Officer for Lake and Mendocino Counties and as the Chief Medical Officer for Santa Barbara County Public Health. She is also an elected Board Member of the Executive Committee of the California Conference of Local Health Officers (CCLHO) and is Co-Chair of CCLHO's Health Equity Committee. Dr. Doohan brings a wealth of experience to the City of Berkeley and the Health, Housing, and Community Services Department is thrilled to have her join the team.

BACKGROUND
Since September 2023, the Health Officer position has been filled as an interim appointment, while recruitment for the Permanent Health Officer was conducted. After an interim period of assessing the current needs for this position and a rigorous search with community input, Dr. Doohan was selected out of a very competitive field of candidates. She will serve in partnership with Division Managers within the Health,

Housing, and Community Services Department, as well as other City Departments, to continue to strengthen our efforts to ensure health equity within Berkeley.

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

RATIONALE FOR RECOMMENDATION
State law requires City Council to appoint a physician Health Officer for our local health jurisdiction.

ALTERNATIVE ACTIONS CONSIDERED
None. State law requires a physician Health Officer for our local health jurisdiction.

CONTACT PERSON
Scott Gilman, Director, Health, Housing, and Community Services, (510) 981-5400

Attachments:
1: Resolution

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

APPOINTMENT OF PUBLIC HEALTH OFFICER – Dr. NOEMI C. DOOHAN

WHEREAS, the City of Berkeley has performed local public health functions since 1890, and is one of three City health jurisdictions in California; and

WHEREAS, local health jurisdictions must include a physician health officer; and

WHEREAS, mandatory functions of a local health jurisdiction include communicable disease and tuberculosis control, public health emergency preparedness and response, and registration of births and deaths; and

WHEREAS, these functions can only be performed under the authority of a physician health officer; and

WHEREAS, Noemi C. Doohan, MD, is an experienced and exceptional public health physician who meets the qualifications for this position.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it authorizes the appointment of Noemi C. Doohan, MD, as the Public Health Officer for the City of Berkeley.

07

Office of the City Manager

CONSENT CALENDAR
June 3, 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: SEP Technology Consulting, LLC for Environmental Health Database Migration to Accela Cloud

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or designee to execute a contract and any amendments or extensions with SEP Technology Consulting, LLC. for the Environmental Health Division's database migration from Envision Connect to Accela Cloud, in an amount not to exceed $325,000 for the period June 1, 2025, through June 30, 2026.

FISCAL IMPACTS OF RECOMMENDATION

Through a competitive Request for Proposal (RFP) process, SEP Technology Consulting, LLC was selected to provide professional services associated with the database migration process from Envision Connect to Accela Cloud for the Health, Housing, and Community Services Department's Environmental Health Division. The City initiated a formal RFP process and released the RFP on February 20, 2025. The RFP process yielded a single vendor proposal from SEP Technology Consulting, LLC. The contract will have a total not to exceed amount of $325,000. Funding is available in the FY25 Revised Budget in General Fund (Fund 011) in the amount of $275,000 and Public Health Realignment (Fund 156) in the amount of $50,000.

CURRENT SITUATION AND ITS EFFECTS

Accela's Envision Connect (EC) Environmental Health software is used by the Environmental Health Division (EHD) to manage its permitting, inspection and billing functions, and is scheduled for an "End of Life" (EOL) effective December 31, 2025. This software is a critical tool that supports the data collection and management of all the Division's inspections. Without a replacement in place, the City would not be able to bill and track permitting, effectively respond to complaints and monitor high risk inspections. Due to the essential nature and to ensure a smooth transition in anticipation of the EOL date, EHD must begin the upgrade process to the Accela Civic cloud-based platform starting June of 2025 to complete before EC sunsets on December 31, 2025. The need of to upgrade the EHD database capabilities was identified in the City Auditor's report on the status of Restaurant Inspections presented to City Council on July 10, 2024.

EHD's transition to the Accela Civic Platform requires the use of a third-party vendor to facilitate the upgrade.

BACKGROUND

Envision Connect software has been the primary database software used by EHD since 2011 and was the software database used by the majority of the 58 Environmental Health jurisdictions in California. In August 2024, Accela (which is the parent company of Envision Connect) made an official announcement that it was ending its support of the Envision Connect software product and gave its EOL date of December 31, 2025. Since then, all Environmental Health jurisdictions in California began their transition to other software database systems.

The City released an RFP under Specification No. 25-11696-C. SEP Technology Consulting LLC submitted the sole proposal.

In addition, a City-initiated audit recommended improvements to the current database functionalities to ensure better overall data accuracy to help staff meet their inspection goals and to improve public access to food inspection data. EHD's migration to the Accela Environmental Health Civic Platform would place EHD in a position to meet these recommendations as it delivers the core functionality presently utilized by Envision Connect customers and introduces additional capabilities to optimize environmental health programs.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The Accela Civic cloud platform offers an online billing platform which reduces the need for in-person payments at the Customer Service Center. The platform also integrates with mobile phones and/or tablets and reduces the need for redundant trips to inspection sites.

RATIONALE FOR RECOMMENDATION

SEP Technology Consulting LLC is highly experienced in Environmental Health software implementations with the Accela platforms. The company has made numerous upgrades from Envision Connect to Accela. By upgrading to the Accela Civic Platform for Environmental Health, a relatively smooth transition is anticipated since the Accela Civic Platform is currently used by several City Departments, including the Planning Department.

ALTERNATIVE ACTIONS CONSIDERED

EHD initially explored the possibility of working directly with Department of Information Technology (IT) staff to conduct the transition to the Accela cloud in-house, however, the IT Department does not have the capacity or level of expertise in Environmental Health required to implement the project.

CONTACT PERSON
Scott Gilman, Director of Health, Housing and Community Services (510) 981-5404
Ronald Torres, Environmental Health Division Manager (510) 981-5261

Attachments:
1: Resolution
2: Audit Findings, Recommendations and Status Updates

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

CONTRACT: SEP TECHNOLOGY CONSULTING LLC
FOR ENVIRONMENTAL HEALTH DATABASE MIGRATION

WHEREAS, the Environmental Health Division's (EHD) Envision Connect software database system is set for an "end of life" date of December 31, 2025; and

WHEREAS, the City released an RFP under Specification No. 25-11696-C and received a single bid from SEP Technology Consulting LLC; and

WHEREAS, there is an existing infrastructure of experienced and knowledgeable support within our I.T. Department for the Accela Civic Platform as this software is currently being used by the City's Planning Department; and

WHEREAS, SEP Technology Consulting LLC has facilitated database migrations for several Environmental Health jurisdictions in California who have successfully transitioned to the Accela Civic Platform; and

WHEREAS, funding is available in the FY 2025 Adopted Budget in the Environmental Health Division General Fund (Fund 011) in the amount of $275,000 and Public Health Realignment (Fund 156) in the amount of $50,000.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley authorizes the City Manager or designee to execute a contract and any amendments, extensions or change orders, until completion of the project in accordance with the approved plans and specifications with SEP Technology Consulting LLC, in an amount not to exceed $325,000 for the period June 1, 2025 through June 30, 2026. A record signature copy of said agreement and any amendments to be on file in the Office of the City Clerk.

	Audit Title: Berkeley Restaurant Inspections: Chronically Understaffed Program Did Not Meet Targets				
	Issue Date: 07/10/2024				
Finding	**Recommendation**		**Department**	**Last Period: Status**	**Current status update**
The Division was significantly behind on inspections in 2023, increasing health risk.	1.1	Develop a plan to improve coverage of routine inspections throughout the City, which may require the Division to prioritize health and safety duties over other responsibilities. As part of this process: (a) Evaluate inspection targets to determine if current inspection frequencies are achievable, or establish different temporary targets to adapt to periods of understaffing. (b) Establish a baseline of inspection coverage for all permitted food facilities in the City and prioritize inspection of facilities with high risk and very high risk designations that were not inspected in 2023.	HHCS	N/A	**Started.** Following an evaluation of current staffing and overdue inspections, the Division developed new priority inspection targets. The new baseline requirement includes inspecting all high-risk food facilities by October 31, 2024, and completing at least one inspection for all low- and medium-risk food facilities by December 31, 2024. The October deadline to complete 184 high and very high-risk facilities was adjusted by two weeks to allow staff to complete legally mandated public records and information requests that took priority over inspections. According to Division management, as of October 31, 2024 there were 16 high-risk facilities remaining to be inspected by November 15, 2024. In addition, 110 of the 234 overdue low- and medium-risk facilities have been inspected leaving 124 to be done before December 31, 2024.
The Division was significantly behind on inspections in 2023, increasing health risk.	1.2	Develop a plan to ensure timely response to complaints involving alleged foodborne illness, which may require the Division to prioritize health and safety duties over other responsibilities.	HHCS	N/A	**Started.** According to Division management, the Division provided food inspectors training on complaint response times, including response to complaints involving alleged foodborne illness in May 2024. The Division provided documentation indicating that there will be a repeat training for all staff on 11/27/2024 regarding timely response to alleged foodborne illness complaints. Division management is also assessing the prioritization of staff resources to focus on acute health and safety-related complaints.
The Division did not track spending and left critical positions vacant.	2.1	Work with the Budget Office to track how the food inspection program revenues are used.	HHCS	N/A	**Partly implemented.** The Environmental Health Division has collaborated with Finance to establish revenue and expenditure account codes using the program code of 2001 for restaurant inspections. The Division has also made adjustments to personnel budget to reflect the changes and trained staff on how to correctly deposit restaurant inspection-related payments into the new code. The code in the online payment system has been updated so that food facility permits will be deposited into the new revenue account as of July 1, 2025.
The Division did not track spending and left critical positions vacant.	2.2	Take the following steps to fill positions and assess program staffing: (a) Open recruitment for the supervisor position. (b) If the recruitments for the supervisor and food inspector positions do not yield qualified candidates, work with the Human Resources Department (HR) to develop targeted recruitments for the inspector and supervisor roles. This may include conducting an analysis of compensation or other factors that affect recruitment. (c) Develop a trainee program to build a pipeline into the Division's inspector positions. (d) Work with HR as needed to identify staffing resources needed to meet inspection targets.	HHCS	N/A	**Partly implemented.** The Environmental Health Division filled the vacant Registered Environmental Health Specialist position in October 2024 and has interviews scheduled with qualified candidates for the supervisor position. Additionally, the Division entered into a contract with the California Association of Environmental Health Administrators in October 2024 to use temporary Registered Environmental Health Specialists to help with food facility inspections in the short term.
The Division did not track spending and left critical positions vacant.	2.3	Make the following updates to the inspection data: (a) Add a risk designation to all food facilities in the Envision database. (b) Correct the date of last inspection in the Envision software that inspectors use during inspections, or develop a workaround to	HHCS	N/A	**Partly implemented.** The Environmental Health Division brought on a Project Manager to monitor inspection data accuracy and provide inspectors with lists of priority facilities for inspections.

		ensure inspectors have an accurate list of facilities prioritized by last inspection date. (c) Develop a process to regularly verify that the Envision database includes all food facilities that should be permitted and inspected.			
The Division did not track spending and left critical positions vacant.	2.4	Work with the Department of Information Technology (IT) to develop list of database functionalities and/or data points needed to help meet the Division's targets and produce reports. If the current database cannot provide this functionality, document the limitations of the current database and include these requirements in the future request for proposals for a new database.	HHCS	N/A	**Started.** The Environmental Health Division is working with the IT department to identify database functionalities that will meet the needs of all its programs, especially the food safety and inspection program. The Division has a preliminary plan to utilize an existing City contract with Accela to provide an "out-of-the-box" Environmental Health module.
The Division did not track spending and left critical positions vacant.	2.5	Identify performance metrics and report them to the public at least annually.	HHCS	N/A	**Started.** Environmental Health Division staff are currently being trained in Results Based Accountability and will use this methodology to develop process improvement metrics and outcome metrics.
Public information about food safety was limited.	3.1	Work with Department of Information Technology (IT) to update the online system for sharing information on food inspections. As part of this process: (a) Develop internal guidance informed by state code that details what information the Division will share with the public online and defines responsibility for managing the data. (b) Make inspection history available online for all permitted food facilities in Berkeley. This could include sharing a copy of the most recent inspection report.	HHCS	N/A	**Started.** The Environmental Health Division assessed the current online system for sharing information on food inspections and plans to upgrade its current database to enable public access to food facility inspection results. The Division intends to ensure the system meets all state requirements for voluntary online posting of inspection results.
Public information about food safety was limited.	3.2	Develop a plan to implement placarding in Berkeley once staffing levels are stable. As part of this process: (a) Assess resources needed to implement placarding. (b) Consider adding elements such as community engagement for designing and implementing evidence-based, equitable placarding.	HHCS	N/A	**Not started.** This recommendation requires completion of other projects first, including an assessment of the Division's current staffing needs to ensure that it is adequately staffed to provide mandated services. This recommendation will begin no sooner than July 2026 with recommendations to the City Council for consideration during the FY27-28 budget process.

08

Office of the City Manager

CONSENT CALENDAR
June 3, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Scott Gilman, Director of Health, Housing and Community Services

Subject: Revenue Grant Agreement: Funding Support from Essential Access Health to Conduct Public Health Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or designee to submit a grant application to Essential Access Health, to accept the grant, execute any resultant revenue agreement and amendment, and implement the projects and appropriation of funding for related expenses to conduct public health promotion, protection, and prevention services for the Essential Access Health revenue agreement in the projected amount of $120,000 for April 1, 2025, to March 30, 2026.

FISCAL IMPACTS OF RECOMMENDATION

The City of Berkeley will receive funds in the projected amount of $120,000 for Fiscal Year FY2026 through Essential Access Health. The contract will have its contract number, and the source has a defined budget code.

The allocation will be deposited and expensed from the C.F.P Title X Fund. There are no matching funds required by the funder. Spending of the referenced grant funds is subject to Council approval of the budget and the Annual Appropriations Ordinances. Depending on the timing of when grants are officially awarded and the amounts are determined, the grant budgets will be adjusted as part of the First Amendment to the FY2026 Annual Appropriations Ordinance.

CURRENT SITUATION AND ITS EFFECTS

Essential Access Health is the administrator for California's Title X federal family planning funds to provide clinical reproductive health services and education at the High School Health Centers. Federal Title X Funds are dispersed to local health jurisdictions throughout the State through a competitive grant process. The funds are used to support clinical reproductive health services, as well as individual and community health education and outreach activities at the sites.

While this funding is currently frozen at the federal level, we are requesting council authorization to be able to utilize funding should the freeze be lifted.

As a local health jurisdiction, the City of Berkeley provides a broad range of public health program 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. Grant funds will support clinical reproductive health services, as well as individual and community health education and outreach activities at the Berkeley High School Health Center and Berkeley Technology Academy Health Center (the High School Health Centers).

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 is committed to exploring opportunities for funding to support key initiatives to augment base funding resources. The Public Health Division is committed to providing essential services to the community, including clinical reproductive health services and education and outreach, to prevent the spread of disease and to promote healthy environments.

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

ALTERNATIVE ACTIONS CONSIDERED

The Public Health Division assesses each funding source to ensure that it supports the City's mission and goals. The alternative action of not seeking any of these funding sources would result in not providing these public health services to the community.

CONTACT PERSON

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

Attachments:
1: Resolution

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

REVENUE GRANT: ESSENTIAL ACCESS HEALTH FOR CLINICAL REPRODUCTIVE HEALTH SERVICES AND HEALTH EDUCATION AND OUTREACH

WHEREAS, it is important to provide comprehensive clinical reproductive health services to individuals of reproductive age to plan their pregnancies and prevent and reduce sexually transmitted infections; and

WHEREAS, preconception/inter-conception care and education is a key part of family planning services; and

WHEREAS, adolescents require teen specific counseling and education; and

WHEREAS, the City of Berkeley Department of Health, Housing and Community Services, through Title X funds, will provide reproductive health services and education at the Berkeley High School Health Center and Berkeley Technology Academy Health Center; and

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

WHEREAS, the projected amount of the grant is $120,000; and

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

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 application to Essential Access Health for April 1, 2025 – March 30, 2026 to support clinical reproductive health services, as well as individual and community health education and outreach activities; 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 $120,000; and implement the projects and appropriation of funding for related expenses, subject to securing the grant. Funds will be deposited and expensed from the C.F.P Title X Fund. A record signature copy of said agreements and any amendments shall be on file in the office of the City Clerk.

09

Office of the City Manager

CONSENT CALENDAR
June 3, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Kevin Fong, Director, Department of Information Technology

Subject: AHEAD, Inc ("AHEAD"): Using the California Department of General Services Software Licensing Program ("CDGS SLP") for Software License Purchases

RECOMMENDATION

Adopt a resolution authorizing the City Manager to increase spending authority with AHEAD, a qualified reseller for the purchase of Varonis subscription software licenses, utilizing pricing and contracts, amendments, and extensions from the CDGS SLP, increasing the amount by $971,784.00 for a total amount not-to-exceed $1,945,589.00 during the period beginning January 31, 2023 through June 30, 2028.

FISCAL IMPACTS OF RECOMMENDATION

Funding for the Varonis subscription software licenses in the amount of $971,784.00 is available in the Department of Information Technology's ("IT") Cost Allocation Fund as outlined below:

	Description	Funding Source
$323,928.00	FY 2026 Subscription Varonis Licenses	IT Cost Allocation (Fund 680)
$323,928.00	FY 2027 Subscription Varonis Licenses	IT Cost Allocation (Fund 680)
$323,928.00	FY 2028 Subscription Varonis Licenses	IT Cost Allocation (Fund 680)
$973,805.00	Previously approved Varonis Subscription	
$1,945,589.00	**NTE TOTAL**	

CURRENT SITUATION AND ITS EFFECTS

The City's Data Safety Program is designed to support the City's strategic plan goal of providing state-of-the-art, well-maintained infrastructure, amenities, and facilities. As the City transitions to Microsoft SharePoint and Teams for online document management and collaboration, it intends to purchase the Varonis SaaS (Software as a Service) solution, which offers advanced capabilities for data classification, access visibility, and threat detection within Microsoft 365 services which includes Sharepoint and Teams. Varonis SaaS provides automated insights into data access and usage patterns, helping the City meet legal, regulatory, and data protection obligations while reducing the risk of data breaches and insider threats.

BACKGROUND
The City initially implemented Varonis in 2021 to gain visibility into on-premise data access and protection. With the ongoing shift to cloud-based platforms such as SharePoint and Teams, the City requires a solution that can deliver the same level of oversight and control in the cloud as it did on-premise.

The City will purchase the Varonis SaaS solution through the CDGS SLP contract number SLP-19-70-0151s. AHEAD, a qualified reseller under this contract, will provide the necessary licenses, support, and implementation services for this transition.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
The transition to cloud-based storage and collaboration tools such as SharePoint and Teams reduces the City's reliance on paper and physical infrastructure. Varonis SaaS further supports this initiative by enabling secure and efficient electronic file management, contributing to the City's sustainability goals.

RATIONALE FOR RECOMMENDATION
As more City data and services move into Microsoft 365 cloud services, it becomes essential to ensure that sensitive and regulated information is properly governed. Varonis SaaS enables the City to continuously monitor who is accessing data, identify unusual activity, and automate response to potential threats. Without this solution, the City would need to significantly increase IT staff and manual processes to achieve comparable security and compliance standards.

ALTERNATIVE ACTIONS CONSIDERED
The alternative to Varonis SaaS would be to manually manage permissions, data classification, and access auditing within Microsoft 365. This approach would require extensive staffing and pose significant risks due to potential human error and lack of real-time monitoring capabilities.

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

Attachments:
1: Resolution

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

AHEAD Inc. ("AHEAD"): USING THE CALIFORNIA DEPARTMENT OF GENERAL SERVICES SOFTWARE LICENSING PROGRAM ("CDGS SLP") FOR SOFTWARE LICENSE PURCHASES

WHEREAS, the City of Berkeley ("City") Data Safety Program is designed to support the City's strategic plan goal of providing state-of-the-art, well-maintained infrastructure, amenities, and facilities; and

WHEREAS, the City is transitioning to Microsoft SharePoint and Teams for online document management and collaboration; and

WHEREAS, the City intends to purchase the Varonis SaaS (Software as a Service) solution, which offers advanced capabilities for data classification, access visibility, and threat detection within Microsoft 365 services which includes Sharepoint and Teams; and

WHEREAS, Varonis SaaS provides automated insights into data access and usage patterns, helping the City meet legal, regulatory, and data protection obligations while reducing the risk of data breaches and insider threats; and

WHEREAS, the City participates in a cooperative purchasing agreement established by the California Department of General Services ("CDGS") called the Software License Program ("SLP") that competitively negotiates software discounts that are passed down to local agencies through a cooperative contract and software reseller; and

WHEREAS, the City of Berkeley has engaged AHEAD as a reseller for Varonis SaaS under SLP contract number SLP-19-70-0151s; and

WHEREAS, funding for purchases with AHEAD are funded by the IT Cost Allocation Fund (Fund 680), and city-wide purchases will be made as needed by other available funding.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to increase spending authority with AHEAD for the purchase of professional services and software, and other goods related to the City's Data Safety Program, utilizing pricing and contracts, amendments, and extensions from the CDGS SLP increasing the amount by $971,784.00 for a total amount not-to-exceed $1,945,589.00, during the period beginning January 31, 2023 through June 30, 2028.

10

Office of the City Manager

CONSENT CALENDAR
June 3, 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. 112798-1 Amendment: Geographic Technologies Group for Geographic Information System Professional Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 112798-1 with Geographic Technologies Group ("GTG") for Geographic Information System ("GIS") professional services, increasing the amount by $600,000 for a total contract value of $1,149,411 from September 14, 2016 to June 30, 2027.

FISCAL IMPACTS OF RECOMMENDATION

One-time funding for this project in the amount of $600,000 is available in the Department of Information Technology ("IT") FY2026 and FY2027 IT Cost Allocation Plan Fund.

$300,000	FY 2026: 680-35-377-6002-000-472-612990 (IT Cost Allocation, GIS, IT Professional Services)
$300,000	FY 2027: 680-35-377-6002-000-472-612990 (IT Cost Allocation, GIS, IT Professional Services)
$600,000	**Total FY26 and FY27 Professional Services**

CURRENT SITUATION AND ITS EFFECTS

GIS is a mission-critical component of the City of Berkeley's ("City") technology infrastructure. This software is essential to the City's ability to operate efficiently, make informed decisions, and deliver high-quality services to the community. GIS enables staff to visualize, analyze, and interpret data in a map-based format, providing actionable insights that support both day-to-day operations and long-term planning.

GIS is used extensively across nearly all departments—including Public Safety (Fire and Police), Public Works, and Planning—where timely and accurate location-based data is crucial. Whether it's optimizing emergency response routes, managing infrastructure assets, or evaluating development patterns, GIS plays a direct role in the City's ability to meet service demands and support community well-being.

To ensure the continued effectiveness and advancement of GIS, the City partners with GTG, a firm that provides expert-level GIS support. GTG brings the specialized knowledge and technical expertise needed to maintain system performance, support strategic projects, and extend the capabilities of City staff.

The City is seeking spending authority to continue this essential partnership with GTG over the next two fiscal years. This investment aligns directly with the City's strategic priority to be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community.

BACKGROUND

In May 2016, the City issued a Request for Proposals (RFP) for a GIS Master Plan under Specification No.16-11041-C. Of the nine responses, GTG best met the City's operational, technology, and fiscal requirements.

The GIS Master Plan development and planning process was a city-wide effort involving key staff representing many departments. GTG conducted surveys, interviews and onsite workshops with city staff to do an assessment and analysis of the City's current enterprise GIS. GTG evaluated the readiness of existing system infrastructure (hardware, software, and network) to support enterprise GIS and maintain service during disasters, assessed parcels and address data sets to meet GIS business needs and enterprise authoritative source requirements, and developed a governance plan that outlines the administration, maintenance, and support for the enterprise GIS. This effort resulted in the 2017 GIS Master plan.

Since this time, the City has contracted with GTG to complete multiple projects for the City including developing a GIS Community portal, digitizing city parks and land use boundaries, creating web and dashboard applications for Green City GIS software, and completed an ArcGIS Hub, and Crime Mapping solution.

GTG has completed these projects with quality and in a timely manner.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

GIS information optimizes efficiency, reduces operational costs and promotes reduction in fossil fuel consumption. For example, Public Works uses GIS to optimize waste collection throughout the City. These technologies align with the City's goal to reduce greenhouse gas emissions by 2050 to 80% below 2000 levels per Climate Action Plan goals.

In addition, GTG will conduct all of their work remotely, saving both travel costs and greenhouse gas emissions related to travel.

RATIONALE FOR RECOMMENDATION

GTG is well versed in the requirements for public sector GIS and has specific expertise required by the City. GTG has a proven track record of delivering quality services in a

timely fashion. City staff do not have the expertise or bandwidth required to complete all the projects required by City departments.

GIS technologies are powerful tools for improving the quality, accuracy, efficiency, and responsiveness of government services provided by the City. An enterprise GIS guides a city-wide approach to GIS, focused on:

- Using mutually accepted standards, policies, and business practices;
- Encouraging collaborative GIS efforts among city, government, and related organizations;
- Integrating GIS technologies into city business operations;
- Supporting emergency and disaster planning, response, and recovery; and
- Maximizing the cost-effectiveness of GIS investments.

ALTERNATIVE ACTIONS CONSIDERED

Staff considered performing projects with internal resources; however, this would significantly delay project timelines. Additionally, staff believe it would be beneficial to get an outside perspective and expertise that could bring with them industry best practices and experience working with other local municipalities to help build upon the framework that the City can use for the next two years and beyond.

CONTACT PERSON

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

Attachments:
1: Resolution

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

CONTRACT NO. 112798-2 AMENDMENT:
GEOGRAPHIC TECHNOLOGIES GROUP ("GTG") FOR GEOGRAPHICAL INFORMATION SYSTEMS ("GIS") PROFESSIONAL SERVICES

WHEREAS, on May 12, 2016, the City issued a Request for Proposals (RFP) for a GIS Master Plan (Specification No.16-11041-C) and received nine qualifying vendor responses; and

WHEREAS, the RFP review committee evaluated each proposal and determined that the GTG proposal best met the City's operational, technological, and fiscal requirements; and

WHEREAS, on November 02, 2016, the original contract was signed to develop a GIS Master Plan; and

WHEREAS, on September 08, 2017, the original contract was amended to include additional tasks to conduct a comprehensive GIS data assessment, deploy a web-based public facing GIS portal, develop GIS policies and standard operating procedures for the City, and establish a one-year GIS work plan; and

WHEREAS, on September 10, 2019 the contract was amended to add two additional projects to enhance the functionality of the recently deployed GIS Community portal, and a comprehensive inventory of the City of Berkeley's parks system to prepare for an upcoming work order; and

WHEREAS, on August 3, 2020, the contract was amended to add two additional projects to digitize park boundaries and land use and to set up a web and dashboard applications for City GreenCity GIS software; and

WHEREAS, on November 30, 2021, the contract was amended to add three additional projects to implement the Berkeley Parcel Condition Widget, ArcGIS Hub, and Crime Mapping solution; and

WHEREAS, funding in the amount of $600,000 is available in the Department of Information Technology's Fiscal Year FY2026 and FY2027 Cost Allocation Plan fund.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a contract amendment with GTG for GIS professional services, increasing the amount by $600,000 for a total contract value of $1,149,411 from September 14, 2016 to June 30, 2027.

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Office of the City Manager

CONSENT CALENDAR
June 3, 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. 32000281 Amendment: ConvergeOne for Avaya Administration, Maintenance and Support

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 32000281 to increase the spending authority with ConvergeOne (previously named Integration Partners) for Avaya telephone system administration, maintenance and support services increasing the amount by $920,000 for a total not-to-exceed amount of $2,638,633 from July 1, 2025 to June 30, 2027.

FISCAL IMPACTS OF RECOMMENDATION

Funding for maintenance and support services in the amount of $920,000 is allocated for Fiscal Year (FY) 2026-2027 in the Department of Information Technology's ("IT") FY 2026 VoIP Replacement and IT Cost Allocation funds as outlined below. Spending for this amendment in future fiscal years is subject to Council approval of the proposed citywide budget and annual appropriation ordinances.

FY26: Fund 502 - VoIP Replacement, Information Technology Department	$470,000
FY27: Fund 502 - VoIP Replacement, Information Technology Department	$450,000
Total FY 2025-2027	**$920,000**

CURRENT SITUATION AND ITS EFFECTS

The City is currently contracted with ConvergeOne for administration, maintenance and support of its Avaya telephone system and seeks additional spending authority through FY2027. The City's current Voice Over IP ("VoIP") telephone system is operating on an outdated release and needs to be upgraded in order to be eligible for continued Avaya support. To accomplish this, the City requires a specialized, Avaya trained VoIP/telephony technician through ConvergeOne.

This contract amendment will extend administration, maintenance and support spending authority through June 2027 and will ensure the City's telephones and backend voice communications systems are administered and maintained consistent with their criticality to daily City operations and delivery of services to the Berkeley community.

The ConvergeOne contract amendment aligns with the City's strategic goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

BACKGROUND

In December 2019, the City issued a Request for Proposals (RFP No. 20-11377-C) for Avaya system upgrades, support, and maintenance, receiving five qualified responses. Integration Partners (IPC) was selected based on its competitive pricing, responsiveness, and strong references.

In September 2022, ConvergeOne acquired Integration Partners and fully integrated IPC's operations into its own. The City's original contract with IPC, now ConvergeOne, extends through the end of fiscal year 2025 (FY25).

Between 2020 and 2021, the City completed significant upgrades to its Voice over IP (VoIP) telephony system. Since then, the Avaya software has undergone two major version updates. In December 2022, the contract was amended—via Council Resolution No. 70-583 N.S.—to include on-site staff augmentation by a dedicated telephony engineer/administrator.

Looking ahead to FY26–27, the City plans to continue utilizing the telephony engineer to support the integration of the current Avaya VoIP system with Microsoft Teams calling features, marking a strategic step toward a cloud-based VoIP infrastructure. In addition to this initiative, the telephony engineer continues to manage day-to-day VoIP operations, significantly alleviating the workload on internal IT staff and allowing them to focus on broader operational priorities.

The City has maintained a productive partnership with ConvergeOne for Avaya administration, maintenance, and support and now seeks to extend this contract to continue advancing its telephony services.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The Avaya solution was selected in part because of the energy-efficient handsets which consume fewer than four watts of energy for each handset. The staff augment technician is local and available to complete field work at all City sites. This resolution continues to support the goals of environmental sustainability.

RATIONALE FOR RECOMMENDATION

The City intends to stay on the Avaya platform for citywide phones through the end of FY 2027. As such, it is critical that we keep the Avaya platform up to date, and sufficiently administered and maintained as we do not want to risk having a gap in our maintenance and support in the event of a major outage of our enterprise phone system. Such an incident would result in significant disruption of services including the Berkeley community not being able to reach City offices via phone call, staff not being able to call each other,

and our community and staff not being able to leave voice messages.

ALTERNATIVE ACTIONS CONSIDERED

Staff considered a number of options including not upgrading the Avaya software or renewing our contract for staff augmentation. However, given the criticality of the platform, we recommend proceeding with this recommendation to ensure continuity of critical City systems.

CONTACT PERSON

Kevin Fong, Director, Department of Information Technology, 981-6541

Attachments:
1: Resolution

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

CONTRACT No. 32000281 AMENDMENT: CONVERGEONE FOR AVAYA UPDATE, SUPPORT, AND MAINTENANCE

WHEREAS in December 2019, the City issued a Request for Proposals (RFP) for Avaya upgrade, support, and maintenance (Specification No. 20-11377-C) and received 5 qualifying bids; and

WHEREAS Integration Partners (IPC) provided the best combination of cost, responsiveness, and references to complete the necessary upgrades and provide ongoing support moving forward; and

WHEREAS in January 2022, ConvergeOne purchased Integration Partners and, effective September 12, 2022, IPC's operations were fully integrated into ConvergeOne; and

WHEREAS funding for Fiscal Year (FY) 2026 for software maintenance and miscellaneous professional services in the amount of $470,000, is allocated in the Department of Information Technology's FY 2026 IT VoIP Replacement funds; and

WHEREAS funding for Fiscal Year (FY) 2027 for software maintenance and miscellaneous professional services in the amount of $450,000, is allocated in the Department of Information Technology's FY 2027 IT VoIP Replacement funds; and

WHEREAS the City intends to maintain this critical Information Technology function – Voice Over IP (VoIP) telephone infrastructure and system.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to amend Contract No. 32000281 with ConvergeOne for Avaya update, administration, support and maintenance, increasing the amount by $920,000 for a total not to exceed amount of $2,638,633, from July 1, 2020 to June 30, 2027.

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Office of the City Manager

CONSENT CALENDAR
June 3, 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. 32400095 Amendment: Superion, LLC for AS400 Software Maintenance and Support

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to contract No. 32400095 with Superion, LLC ("Superion") for software maintenance and support of the City of Berkeley ("City") Public Sector System ("FUND$") hosted on an AS400 platform, increasing the amount by $309,000 for a total not-to-exceed amount $592,500.00 from July 1, 2023 through June 30, 2027.

FISCAL IMPACTS OF RECOMMENDATION

Funds for additional software maintenance and support will be available in the Department of Information Technology ("IT") Fiscal Year (FY) 2026 and 2027 IT Cost Allocation fund as itemized below, and is subject to Council approval of the proposed city-wide budget and annual appropriation ordinances.

FY26: Fund 680 IT Cost Allocation	$147,000.00
FY27: Fund 680 IT Cost Allocation	$162,000.00
Total FY 2026-2027	**$309,000.00**

CURRENT SITUATION AND ITS EFFECTS

Currently, the City uses FUND$ for critical modules (application specific purposes) such as Land Management Property Tax Assessment, and Accounts Receivable General Billing. Additionally, modules in transition and modules not yet fully deprecated remain in FUND$. Software licensing and maintenance is required for all FUND$ modules still in use and includes 24x7 support, documentation, and periodic patches to incorporate enhancements and repairs.

As incremental replacement of the FUND$ system continues with the implementation of Tyler-Munis Enterprise Resource Planning ("ERMA") and other enterprise applications, the City's maintenance contract with Superion will continue to decrease as support will be required for fewer modules each year until all remaining FUND$ modules are replaced and retired. However, until all the modules are completely off the FUND$ system, the City must rely on Superion support for many of the key modules and for reporting and auditing purposes.

This contract aligns with the City's strategic goals to provide, "Well maintained infrastructure, amenities, and facilities".

BACKGROUND

FUND$ has supported City operations in all departments for over two decades. Its initial implementation in 1989 focused on automating core financial functions including the Payroll, General Ledger, Accounts Payable, and Purchasing modules. After the initial implementation, the City implemented extensive customizations of the FUND$ software to expand its use throughout all departments. On June 1, 2010, Council received a FUND$ Status Report outlining usability challenges, an incremental replacement plan, and estimated costs and replacement timelines:

https://berkeleyca.gov/sites/default/files/documents/2010-06-01_Item_54_FUND__Status_Report.pdf

On March 25, 2014, Council received an updated FUND$ Status Report, which discussed FUND$ replacement successes and challenges, as well as a strategy for replacement:

https://berkeleyca.gov/sites/default/files/documents/2014-03-25%20Item%2034%20FUNDS%20Status%20Report.pdf

On January 26, 2016, Council authorized staff to release a Request for Proposal (RFP) to solicit proposals to replace FUND$. Through RFP No. 2016-11012-C, staff identified a qualified company to provide a comprehensive public sector Enterprise Resource Planning system ("ERP") that met the City's functional scope. On March 28, 2017, Council authorized the City Manager to execute a contract with Tyler Technologies for the purchase of Tyler-Munis' ERP software and implementation services.

Subsequent to the implementation of the Tyler Technologies solution, modules of FUND$ have been incrementally deprecated, however, there remain several modules that are slated for deprecation over the next few years. Until completed, Superion will be required to continue software maintenance and support of the City's remaining FUND$ modules.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The incremental replacement of FUND$ modules with more modern, best-of-breed software includes opportunities for providing online services. For example, it will be possible to apply and pay online for an array of licensing, permitting, and zoning certifications, eliminating the need for the public to visit City offices for routing applications. This helps with the City Digital Strategic Plan goals of providing more online services. In addition, this helps reduce vehicle emissions, in keeping with the City's Climate Action Plan.

RATIONALE FOR RECOMMENDATION

Superion retains exclusive rights to provide maintenance for its software; no other vendor provides authorized maintenance. Staff considered terminating this agreement and providing maintenance without vendor assistance, but given the critical operations supported by FUND$, the risk of limited support would be inappropriate, especially since staff resources are focused on configuring, testing, and implementing FUND$ module replacements, rather than supporting the aged FUND$ system.

ALTERNATIVE ACTIONS CONSIDERED

Staff considered terminating this agreement and providing maintenance without vendor assistance, but given the critical operations supported by FUND$, the associated costs for staffing and training would be more than the maintenance agreement.

CONTACT PERSON

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

Attachments:
1: Resolution

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

CONTRACT NO. 32400095 AMENDMENT: SUPERION, LLC FOR AS400 SOFTWARE MAINTENANCE AND SUPPORT

WHEREAS, Superion LLC's ("Superion") Public Sector System ("FUND$") hosted on an AS400 platform, has supported the City of Berkeley's critical business operations in all departments for over two decades, including the Payroll, General Ledger, Accounts Payable, and Purchasing modules; and

WHEREAS, Superion is the only vendor authorized to provide software licenses and support for FUND$; and

WHEREAS, in January 2016, Council authorized staff to release a Request for Proposal ("RFP") to solicit proposals to replace FUND$ (RFP No. 2016-11012-C) and staff identified a qualified company to provide a comprehensive public sector Enterprise Resource Planning ("ERP") system that met the City's functional scope; and

WHEREAS, incremental replacements of the FUND$ system continues with the implementation of the Tyler-Munis ERP system ("ERMA") along with other enterprise applications; and

WHEREAS, the City's maintenance contract with Superion will continue to decrease in scope since support will be required for fewer modules each year until all remaining FUND$ modules are replaced and retired; and

WHEREAS, the City Council authorized Contract No. 32400095 with Superion on December 12, 2023 (71,133-N.S) for software maintenance and support of FUND$; and

WHEREAS, funding for additional software maintenance and support will be available in the Department of Information Technology 's Fiscal Year 2026 and 2027 IT Cost Allocation fund, and is subject to Council approval of the proposed city-wide 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. 32400095 with Superion for the software maintenance and support of FUND$, increasing the amount by $309,000 for a total not-to-exceed amount $592,500.00 from July 1, 2023 through June 30, 2027.

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Office of the City Manager

CONSENT CALENDAR
June 3, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Kevin Fong, Director, Information Technology

Subject: Contract: CompuCom Systems, Inc. ("CompuCom") for Professional Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or designee to execute a contract with CompuCom for professional services for an amount not to exceed $1,051,000 through June 30, 2027.

FISCAL IMPACTS OF RECOMMENDATION

One-time funding for these resources is available in the Department of Information Technology's ("IT") Fiscal Year 2026 and 2027 Cost Allocation Fund allocation. Spending for this contract in future fiscal years will be subject to Council approval of the proposed city-wide budget and annual appropriation ordinances.

$1,051,000	FY 26/27: Professional Services
	(IT Cost Allocation Fund 680, IT Department, Professional Services)
$1,051,000	**Total FY 26/27 Professional Services**

CURRENT SITUATION AND ITS EFFECTS

The City's Service Desk functions as the centralized support hub for all IT-related products and services provided to City employees. As technology continues to evolve and become more deeply embedded in daily operations, the volume and complexity of support requests have increased significantly.

Today, nearly every department relies on technology to perform critical functions—from business systems and communications to public safety operations. Ensuring these systems and applications remain available, secure, and responsive is essential to the City's ability to deliver services to the public.

However, current staffing levels are no longer sufficient to meet the growing technological demands. Key drivers of this increased workload include:

- A significant rise in the number of devices per employee (e.g., laptops, desktops, mobile phones)
- An expanding number of managed user accounts and applications across all departments
- Ongoing support for 35 remote City locations, requiring consistent and reliable desktop support
- Critical support for 24/7 operations, including Police, Fire, and other emergency services
- The growing importance of cybersecurity, patching, and threat response to safeguard City infrastructure

As a result, IT is facing challenges in consistently meeting Service Level Agreements ("SLA's") and maintaining the high standard of customer service that City departments expect and depend on.

To address these challenges, the IT department is seeking to enhance its Service Desk capabilities in order to improve response times, increase support coverage, and meet or exceed SLA targets. Therefore, IT is requesting authorization to augment existing staff to effectively meet the City's increasing support needs. Partnering with CompuCom aligns with the City's strategic vision to "be a customer-focused organization that provides excellent, timely, easily accessible service and information to the community."

BACKGROUND

Over the past five years, the City's demand for IT support has steadily increased—driven by the growing reliance on technology, a surge in service requests, and an expanding digital infrastructure. Despite this continued rise in demand, no additional permanent staff have been added to the IT department's Service Desk during this time.

The Service Desk plays a vital role in supporting all City departments, acting as both the first and second tier of technical support for all IT-related needs. This includes managing service requests, troubleshooting issues, supporting multiple devices per user, and maintaining user access and account integrity across the organization.

The increasing volume of requests is further compounded by ongoing strategic initiatives such as the Windows 11 upgrade and the critical need to maintain a secure and fully patched network environment. These efforts are essential to keeping the City's systems resilient, secure, and compliant with modern cybersecurity standards.

To address these mounting challenges and better serve internal stakeholders, the City issued a Request for Proposals (RFP) in January 2025 to identify a qualified partner to provide augmented Service Desk services. A team of IT staff conducted a comprehensive and methodical evaluation of the twelve proposals received. This evaluation considered technical capabilities, cost-effectiveness, vendor experience, and the ability to scale services to meet the City's evolving needs.

CompuCom was selected as the vendor that best met these criteria. The company has a strong track record of working with local municipalities and is known for delivering exceptional customer service. Their proposal demonstrated a clear understanding of municipal IT environments and the ability to integrate seamlessly with existing City operations.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
CompuCom resources will conduct their work onsite using City facilities and equipment.

RATIONALE FOR RECOMMENDATION
The Service Desk has significant challenges meeting the increasing demand for technological support. City staff issued an RFP for Augmented Service Desk services in January 2025.

CompuCom was selected as the vendor that best met these criteria. The company has a strong track record of working with local municipalities and is known for delivering exceptional customer service. Their proposal demonstrated a clear understanding of municipal IT environments and the ability to integrate seamlessly with existing city operations.

ALTERNATIVE ACTIONS CONSIDERED
Information Technology has considered performing work in house; however, fulfillment of services will be delayed and will impact city employee's productivity and services to the broader community.

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

Attachments:
1: Resolution

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

COMPUCOM SYSTEMS, INC. (“COMPUCOM”): PROFESSIONAL SERVICES

WHEREAS, the City’s Service Desk functions as the centralized support hub for all Information Technology (“IT”) related products and services provided to City employees; and

WHEREAS, current Service Desk staffing levels are no longer sufficient to meet the growing technological demands; and

WHEREAS, the IT Department is facing challenges in consistently meeting Service Level Agreements (“SLA’s”) and maintaining the high standard of customer service that City departments expect and depend on; and

WHEREAS, the City issued an RFP in January 2025 for Augmented Service Desk professional services; and

WHEREAS, the City received 12 responses from qualified vendors and City staff selected CompuCom as the vendor that best met the City’s RFP criteria; and

WHEREAS, one-time funding for this is available in the IT Department’s Fiscal Year (FY) 2026 and 2027 Cost Allocation Plan 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 execute a contract with CompuCom for professional services for an amount not to exceed $1,051,000 through June 30, 2027.
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Office of the City Manager

CONSENT CALENDAR
June 3, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

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

Subject: Contract 31900042 Amendment: CivicPlus for an Online Recreation Registration and Reservation System (CivicRec)

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 31900042 with CivicPlus, Inc. to provide an online recreation registration and reservation system (CivicRec) by increasing the contract amount by $28,000, for a total not to exceed amount of $181,756, and extending the expiration date from November 30, 2025 to November 30, 2026.

FISCAL IMPACTS OF RECOMMENDATION

Funding for the $28,000 contract amendment is subject to appropriation in the FY 2026 budget in General Fund (account code 011-52-543-570-0000-000-461-613130).

CURRENT SITUATION AND ITS EFFECTS

The Parks, Recreation, & Waterfront Department's Recreation Division manages facility reservations, program scheduling, activity registrations, scholarships, contract instructors, coaches, teams, leagues, equipment, supplies, inventory, staff scheduling, marketing, advertising and payment for all of the aforementioned programs. These functions are being performed using a combination of manual and automated systems, including an off-the-shelf online software system (CivicRec) provided by CivicPlus, Inc. The City needs to extend the contract with CivicPlus, Inc. for one additional year.

BACKGROUND

The City of Berkeley's Parks, Recreation and Waterfront Department (PRW) provides a wide range of recreation facilities, programs, classes, and events for Berkeley residents and non-resident community members. The Recreation Division operates two swimming pools, four community centers, 11 sports fields, three remote residential camp sites, a skate park, a summer day camp program, and a wide variety of special events and activities at various locations throughout the City. To manage the City's Recreation programs and services, the City implemented CivicRec, an online recreation registration and reservation system provided by CivicPlus, Inc. in 2018.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no negative environmental impacts associated with this contract amendment for one additional year using the CivicRec online registration system by CivicPlus, Inc.

RATIONALE FOR RECOMMENDATION

This contract amendment will ensure efficient and uninterrupted Recreation Division business operations. This system helps the City with Strategic Plan goal number 9 to be a customer-focused organization that provides excellent, timely, easily accessible service and information to the community.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

Stephanie Chu, Recreation and Youth Services Manager, 510-981-7000
Justin Pitcher, Recreation Program Supervisor, 510-981-7000

Attachments:
1: Resolution

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

CONTRACT NO. 31900042 AMENDMENT WITH CIVICPLUS, INC. FOR AN ONLINE RECREATION REGISTRATION AND RESERVATION SYSTEM CALLED CIVICREC

WHEREAS, on November 30, 2018, the City entered into contract No. 31900042 with CivicPlus, Inc. to provide an online recreation registration and reservation system called CivicRec to replace the existing software system; and

WHEREAS, this amendment will add funds and extend the contract for one more year, through November 30, 2026 that allows the City to offer continued online recreation registration and reservation services; and

WHEREAS, funding for the $28,000 contract amendment is subject to appropriation in the FY 2026 budget in General Fund (account code 011-52-543-570-0000-000-461-613130).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized to execute a contract amendment to contract No. 31900042 with CivicPlus, Inc. to provide an online recreation registration and reservation system called CivicRec by increasing the contract amount by $28,000, for a total not to exceed amount of $181,756, and extending the expiration date from November 30, 2025 to November 30, 2026.

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Office of the City Manager

CONSENT CALENDAR
June 3, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

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

Subject: Contract: BayGreen, Inc. for Mobile Pumpout and Related Services

RECOMMENDATION
Adopt a Resolution authorizing the City Manager or designee to execute a contract and any amendments with BayGreen, Inc. for mobile vessel pumpout and related services at the Berkeley Marina in an amount not to exceed $195,898 for a period of three years, with an option to renew for an additional two years not to exceed $150,725, for a total contract amount not to exceed $346,623.

FISCAL IMPACTS OF RECOMMENDATION
Funds for this contract are available in the FY25 Marina Fund (Fund 608). Budget allocations for future fiscal years are subject to adoption of the budget by the City Council.

CURRENT SITUATION AND ITS EFFECTS
The current contract for mobile vessel pumpout services with BayGreen, Inc. terminates on July 1, 2025. In February of 2025, to prepare for a new contract for these services, the City conducted a competitive Request for Proposal (RFP) process to solicit boat pumpout services at the Berkeley Marina (Specification No. 25-11709-C). On April 1, 2025, the City received one bid, from Bay Green, Inc. Staff have determined that BayGreen has provided reliable boat pumpout services at the Berkeley Marina in the past, and the pricing schedule and contract amount is reasonable. Therefore, staff recommends that a new contract be authorized.

BACKGROUND
For several decades, the Berkeley Marina has provided free monthly vessel pumpout services for existing berthers as part of the monthly berther fee. The City has contracted with BayGreen for this service since 2011.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
Current regulations prohibit the discharge of sewage from boats in the San Francisco Bay for environmental and public health reasons. The provision of this amenity to

boaters at the Berkeley Marina encourages responsible boating and compliance with existing environmental regulations.

RATIONALE FOR RECOMMENDATION
The City conducted a competitive Request for Proposal (RFP) process to obtain boat pumpout services at the Berkeley Marina. BayGreen meets the criteria contained in the RFP at a reasonable cost.

ALTERNATIVE ACTIONS CONSIDERED
None

CONTACT PERSON
Scott Ferris, Director, Parks, Recreation & Waterfront Department, 981-6700
Alexandra Endress, Waterfront Manager, 981-6737

Attachment:
1: Resolution

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

CONTRACT: MOBILE PUMPOUT AND RELATED SERVICES WITH BAYGREEN, INC.

WHEREAS, the Parks, Recreation and Waterfront Department contracts out for mobile vessel pumpout services for Berkeley Marina berthers as an amenity and to discourage the illegal dumping of sewage and gray water into City waters and San Francisco Bay; and

WHEREAS, the current contract with BayGreen, Inc. for the provision of mobile vessel pumpout and related services will terminate as of July 1, 2025; and

WHEREAS, in February of 2025, to prepare for a new contract for mobile pumpout and related services, the City conducted a competitive bidding process to mobile pumpout and related services (Specification No. 25-11709-C). On April 1, 2025, the City received one bid. Staff have determined that Bay Green has provided reliable boat pumpout services at the Berkeley Marina in the past, and the pricing schedule and contract amount for the provision of these services is reasonable; and

WHEREAS, funding for this contract is available in the Marina Fund (Fund 608) and budget allocations for future fiscal years are subject to adoption of the budget by the City Council.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or designee is hereby authorized to execute a contract and any amendments with BayGreen, Inc. in an amount not to exceed $195,898 for a period of three years, with an option to renew for an additional two years not to exceed $150,725, for a total contract amount not to exceed $346,623 contingent upon annual budget appropriation. A record signature copy of said contract will be on file in the Office of the City Clerk.

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Office of the City Manager

CONSENT CALENDAR
June 3, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

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

Subject: Contract: Cazadero Performing Arts Camp for Erosion Control Improvements

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or his designee to execute a contract and any amendments with Cazadero Performing Arts Camp (CazPAC) for creek erosion repair in an amount not to exceed $230,000.

FISCAL IMPACTS OF RECOMMENDATION

The total project cost for emergency creek erosion repair is approximately $312,000. Per the City's lease agreement with CazPAC, the parties have agreed to share responsibility for these emergency capital needs. This contract provides for the City to disburse up to $230,000 to Cazadero Performing Arts Camp to complete erosion control repair work in fulfilment of the City's rights and obligations under the lease. This funding is included in the project budget in FY25 CIP Fund.

CURRENT SITUATION AND ITS EFFECTS

CPAC has been operating at the City-owned property at 5385 Cazadero Hwy, Cazadero, CA for the past 60 years. On December 1, 2020, Council adopted Ordinance No. 7,737-N.S., extending their lease term for 25 years, with one 10-year option. The lease includes a provision for the City and CazPAC to work together to address unanticipated or extraordinary capital improvements in order to preserve the safety and welfare of the camp, and to share those costs.

When strong rain events eroded the creek bank at Cazadero, threatening the leach field and dining hall, the City and CazPAC agreed to share the costs of the repair over two phases. Phase 1 repairs were completed in November 2023. Phase 2 repairs are underway now, and include design, permitting and construction, to be completed in November 2025.

This contract provides funds for the CPAC to manage and complete the required improvements. CazPAC will develop project scopes and budgets for this work. Upon

City's approval, up to $175,000 will be advanced; the remaining $55,000 will be disbursed upon project completion.

BACKGROUND

The property at 5385 Cazadero Hwy, Cazadero, CA was acquired by the City in 1927. From the 1930s to the 1950s, the property was used much like Echo Lake Camp and Tuolumne Camp to offer Berkeley residents recreational and family camp opportunities. In 1959, Bob Lutt, Berkeley High Band Director, became the operator of the Camp, and started a music camp. The City maintained the facilities until 1978, when Prop 13 cut funding for recreation programs statewide, and the budget for the Camp was significantly stripped away. From 1979 through the 80s, the City leased the property to Camps Inc. During that period, the buildings significantly deteriorated.

In 1995, Berkeley-based non-profit Cazadero Performing Arts Camp (CazPAC) negotiated the current 25-year lease agreement with the City. This transferred responsibility to the tenant to maintain and improve camp structures. Today the camp serves over 1,200 young musicians each year, ages 10-18, from across the Bay Area and beyond.

On December 1, 2020, Council adopted Ordinance No. 7,737-N.S., extending their lease term for 25 years, with one 10-year option.

On April 11, 2023, Council adopted the first lease amendment (Ordinance No. 7,858-N.S.), authorizing the disbursement of up to $400,000 to CPAC for dining hall and ADA improvements at Camp, with 75% advanced and 25% paid upon project completion. This satisfied the City's share of the $1.2M in high priority capital improvements needed in the first 10 years of the lease. Those improvements were funded by the City's Measure T1 Infrastructure Bond Program, and were completed in Spring 2024.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

This creek erosion control work via Cazadero Performing Arts Camp will enable the Camp to continue providing opportunities for Berkeley residents to engage in the natural environment.

RATIONALE FOR RECOMMENDATION

City and Tenant agree that the most cost-effective and timely way to complete the Cazadero Camp improvements is for Tenant to implement those improvements subject to approval and oversight by City.

CONTACT PERSON

Scott Ferris, Director, Parks, Recreation & Waterfront, 981-6700

Attachments:
1: Resolution

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

CONTRACT: CAZADERO PERFORMING ARTS CAMP FOR CREEK EROSION REPAIR

WHEREAS, the City of Berkeley owns property at 5385 Cazadero Hwy, Cazadero, CA 95421, and leases that property to Cazadero Performing Arts Camp (CazPAC); and

WHEREAS, on December 1, 2020, Council adopted Ordinance No. 7,737-N.S., extending the lease term for 25 years, with one 10-year option; and

WHEREAS, the lease includes a provision for the City and CazPAC to work together to address unanticipated or extraordinary capital improvements in order to preserve the safety and welfare of the camp, and to share those costs; and

WHEREAS, strong rain events in the winter of 2023 significantly eroded the creek bank at Cazadero, threatening the leach field and dining hall; and

WHEREAS, the City and CazPAC agreed to split the costs of the emergency repair, which is occurring over two phases; and

WHEREAS, Phase 1 repairs were completed in November 2023; Phase 2 repairs are underway now, and include design, permitting and construction, to be completed in November 2025; and total costs for the project are expected to be $312,000; and

WHEREAS, funding for this contract is available in the FY25 CIP Fund (Fund 501).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or his designee is hereby authorized to execute a contract and any amendments with Cazadero Performing Arts Camp in an amount not to exceed $230,000 in FY25 CIP Fund, of which, up to $175,000 may be advanced; the remaining $55,000 will be disbursed upon project completion. A record signature copy of said contract will be on file in the Office of the City Clerk.

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Office of the City Manager

CONSENT CALENDAR
June 3, 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: E.F. Brett & Company, Inc. for MLK Jr. Youth Services Center/Y.A.P. Seismic Retrofit and Renovation Project

RECOMMENDATION

Adopt a Resolution:

1. Approving the plans and specifications for the MLK Jr. Youth Services Center/Y.A.P. Seismic Retrofit and Renovation project, Specification No. 25-11695-C;
2. Rejecting the bid protest of W.E. Lyons Construction Co., the second lowest bidder;
3. Accepting the bid of the lowest responsive and responsible bidder, E.F. Brett & Company, Inc.; and
4. Authorizing the City Manager or their designee 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, with E.F. Brett & Company, Inc. for the MLK Jr. Youth Services Center/Y.A.P. Seismic Retrofit and Renovation Project at 1730 Oregon Street, in an amount not to exceed $11,859,100 which includes a contract amount consisting of the base bid and bid alternates 1, 4 and 5 of $10,781,000 and a 10% contingency in the amount of $1,078,100.

FISCAL IMPACTS OF RECOMMENDATION

Funding in the amount of $10,900,000 is available in the FY25 Parks Tax Fund (Fund 138) and Measure T1 Fund (Fund 511), and an additional Parks Tax amount of $959,100 is subject to appropriation in the FY 2026 budget.

Construction

E.F. Brett & Company, Inc. (lowest bid)	$10,781,000
10% Contingency	$1,078,100
Total construction cost	$11,859,100

Funding

Measure T1 Fund (Fund 511)	$8,250,000
Parks Tax Fund (Fund 138)	$3,609,100
Total funding	$11,859,100

CURRENT SITUATION AND ITS EFFECTS

The existing community center at Martin Luther King Jr. Youth Services Center/Young Adult Project (Y.A.P.), 1730 Oregon Street, Berkeley, CA 94704 needs renovation.

The center has been identified as a location to be used as a mass care site in the event of an earthquake or other emergencies per the City of Berkeley's Local Hazard Mitigation Plan. This project will provide seismic upgrades to the foundation, roofing, and wall systems to achieve an "Immediate Occupancy" structural rating to serve the community in the event of an earthquake or other disaster.

In addition, the building will undergo improvements to circulation, accessibility, utilities, and finishes to modernize the building to current energy efficiency and building code standards. New electrical, HVAC, and other infrastructure improvements will allow the building to act as a community resiliency center in times of need, for events such as smoke days, as a heating center, or as a cooling center.

Under normal operations, the MLK Jr. Youth Services Center serves the community with recreational programming and is home to the City's Young Adult Project (Y.A.P.) for our most at-risk young adults. Planned improvements will improve circulation, create new programming spaces, and modernize the facility for improved recreational and programming opportunities.

BACKGROUND

The project was advertised for bids on Monday, March 17, 2025, and bids were opened on April 22, 2025. The City received two bids, from a low base bid of $10,603,000 to a high base bid of $10,629,126, and from a low of $10,750,987 to a high of $10,781,000 for the base bid plus Additive Bid Alternates No. 1,4, and 5. The determination of the lowest responsive and responsible bidder was based on the price for base bid work, as indicated in the bid documents.

On April 28, 2025, the City received a bid protest from W.E. Lyons Construction Co. (WEL), the second lowest bidder. A copy of the bid protest was sent to E.F. Brett & Company, Inc. (EFB) to provide them an opportunity to respond to the protest issues. EFB's response on April 30, 2025 was then forwarded to WEL for their opportunity to respond. On May 2, 2025, WEL provided a rebuttal to EFB and on May 5, 2025, EFB provided a response back to WEL, ensuring that both parties had an opportunity to present all facts and arguments in support of their positions.

City staff, including staff from the City Attorney's Office, carefully reviewed and investigated the protest and responses. Generally, the basis for the protest, among other things, was that EFB's bid was non-responsive because EFB (1) failed to submit a "clearly written" bid, (2) failed to correct contractors' license numbers and DIR numbers within 24 hours after bid opening, citing Public Contract Code 4104, and (3) was ambiguous about which subcontractor EFB intended to use for metal panels work.

Based on the City's review of the bid protest and responses, the City's findings are as follows:

To determine whether a protesting Bidder is responsive and responsible, City evaluates all information contained in the protesting Bidder's bid and conducts the same evaluation that the City is entitled to make regarding the Apparent Low Bidder. The City finds that WEL did not provide a valid cost for Bid Item No. 9, instead writing in an unknown abbreviation of "PPK" for that bid item. In doing so, WEL may have had a competitive advantage unavailable to other bidders in that they have annotated the bid item and could later define its meaning. Additionally, WEL did not provide a valid value for Deduct Alternate Item 1. As a result, the City finds WEL's bid non-responsive. Per Document 00 2113 (Instructions to Bidders), Article 4, only bidders who the City otherwise determines are responsive and responsible are eligible to protest a bid. Therefore WEL's bid protest is dismissed.

Regarding WEL's protest claim that the EFB's bid form is not "clearly written", and they listed incorrect license and/or California Department of Industrial Relations (DIR) numbers for the listed subcontractors, the City finds this is an inconsequential defect that did not affect the amount of EFB's bid or given EFB an advantage or benefit that was not allowed to the other bidder, WEL. California Public Contract Code PCC section §4104 indicates that an inadvertent error in listing the California license number or DIR registration number shall not be grounds for filing a bid protest or grounds for considering a bid non-responsive if corrected and submitted within 24 hours after bid opening, provided that the corrected contractor's license number corresponds to the submitted name and location for that subcontractor. In this case, the City finds that EFB's bid provided sufficient information regarding the subcontractor names, location, trade, license, and DIR numbers such that the City was able to determine which subcontractor EFB intended to use.

While caselaw provides the City with discretion to waive inconsequential defects in a bid, the City cannot do so when the defect may affect the amount of the bid. (See Ghilotti Construction v. City of Richmond (1996) 45 Cal.App.4th 897, 904 ("… a bid which substantially conforms to a call for bids may, though it is not strictly responsive, be accepted if the variance cannot have affected the amount of the bid or given a bidder an advantage or benefit not allowed other bidders or, in other words, if the variance is inconsequential"). Here, the variances are inconsequential, did not provide either bidder with an advantage, and could be waived. However, the waiver is not necessary as WEL's bid was non-responsive, and therefore WEL's protest was dismissed.

City staff determined that E.F. Brett & Company, Inc. was the lowest responsive and responsible bidder. Therefore, it is recommended that City Council reject the bid protest by WEL and award the contract to E.F. Brett & Company, Inc. Staff conducted references checks for EFB and received satisfactory feedback. Staff recommends that a contract for this project be awarded to E.F. Brett & Company, Inc.

The Living Wage Ordinance does not apply to this project since construction contracts are, pursuant to City policy, subject to State prevailing wage laws. The contractor will

need to submit a Certification of Compliance for the Equal Benefits Ordinance. The contract will be subject to the Community Workforce Agreement.

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 a developed urban site and therefore will not negatively affect natural habitat. The project includes a complete upgrade of the HVAC system to an all-electric system. This will increase the resiliency of the building as well as prepare the building for solar power.

RATIONALE FOR RECOMMENDATION
The City's Local Hazard Mitigation Plan identified the MLK Jr. Youth Services Center as a Care and Shelter Facility for the community and a seismic upgrade to the "Immediate Occupancy" level will reduce the chance of building collapse in the event of a moderate or major earthquake. Various upgrades to the building are overdue, including accessibility upgrades to meet to current building code, and modernization to improve recreational programming at the site.

ALTERNATIVE ACTIONS CONSIDERED
None

CONTACT PERSON
Scott Ferris, Director, Parks Recreation & Waterfront, 981-6700
Evelyn Chan, Supervising Civil Engineer, Parks Recreation & Waterfront, 981-6430

Attachments:
1: Resolution
2: Bid Results

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

CONTRACT: E.F. BRETT & COMPANY, INC. FOR THE
MARTIN LUTHER KING JR. YOUTH SERVICES CENTER/Y.A.P.
SEISMIC RETROFIT AND RENOVATION PROJECT

WHEREAS, the Martin Luther King Jr. Youth Services Center is in need of renovation; and

WHEREAS, the City has neither the in-house labor nor the equipment necessary to undertake this project; and

WHEREAS, an invitation for bids was duly advertised on March 17, 2025, bids were opened on April 22, 2025, and the City received 2 bids; and

WHEREAS, E.F. Brett & Company, Inc. was determined to be the lowest responsive and responsible bidder, and references for E.F. Brett & Company, Inc. were provided and checked out satisfactorily; and

WHEREAS, funding in the amount of $10,900,000 is available in the FY25 Parks Tax Fund (Fund 138) and Measure T1 Fund (Fund 511), and an additional Parks Tax amount of $959,100 is available, subject to appropriation in the FY 2026 budget.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Plans and Specifications for Specification No. 25-11695-C for the Martin Luther King Jr. Youth Services Center/Y.A.P. Seismic Retrofit and Renovation Project are approved; and

BE IT FURTHER RESOLVED that the bid protest by W.E. Lyons Construction Company is rejected; and

BE IT FURTHER RESOLVED that the construction contract is awarded to E.F. Brett & Company, Inc. as the lowest responsive and responsible bidder for a total contract amount of $11,859,100, which includes the base bid plus bid alternate numbers 1, 4, and 5; and

BE IT FURTHER RESOLVED that the Council of the City of Berkeley authorizes the City Manager or their designee to execute a contract and any amendments, extensions, or change orders until completion of the project in accordance with the approved plans and specifications with E.F. Brett & Company, Inc. for the Martin Luther King Jr. Youth Services Center/Y.A.P Seismic Retrofit and Renovation Project in an amount not to exceed $11,859,100, which includes a contract amount of $10,781,100 and a 10% contingency in the amount of $1,078,100 for unforeseen circumstances. A record signature copy of the agreement and any amendments to be on file in the Office of the City Clerk.

Attachment 2: Bid Result

Attachment 2: Bid Results

Finance Department

General Services Division

City of Berkeley
Abstract of Bid Worksheet

FOR: MLK Jr. Youth Services Center/Y.A.P. Seismic Retrofit and Renovation

Spec. # 25-11695-C **Bid Date: 4/22/2025**

	Bidders	Base Bid	(Add) Alt. #1	(Add) Alt. #2	Bid Bond (required w/ bid)	Addenda 1 & 2	Bidder Registration & Experience Form	Subcontractor List	Non-Collusion Affidavit	Bidder Certifications	Envelope B
1	E.F. Brett and Company	$10,603,000.00	X	X	X	X	X	X	X	X	X
2	W.E. Lyons	$10,629,126.00	X	X	X	X	X	X	X	X	X
3											
4											
5											
6											
7											
8											
9											
10											

Bid Recorder: Tanisha Gainer Date 04/22/2025

Bid Opener: Talia Stewart Date 04/22/2025

Project Manager: Canhui Li Date 04/22/2025

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

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Office of the City Manager

CONSENT CALENDAR
June 3, 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. 32500009 Amendment: Dixon Resources Unlimited

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 32500009 and any necessary future amendments with Dixon Resources Unlimited for the Police Department, to include contract implementation support while increasing the contract amount by $50,000 for a total not to exceed amount of $100,000, and a contract extension date to January 31, 2027.

FISCAL IMPACTS OF RECOMMENDATION

Approval of the recommendation would support a smooth transition to a parking citation and permit management system (CPMS). This is a complex system that impacts the following Departments: Police, Finance, Information Technology, Public Works, and Customer Service. The funding for this contract is allocated from the Parking Meter Fund (631-71-703-812-0000-000-472-612990-).

CURRENT SITUATION AND ITS EFFECTS

The Berkeley Police Department currently contracts with Dixon Resources Unlimited for assistance with preparing a request for proposal (RFP) for the CPMS as well as management of the project. Dixon Resources current contract began August 01, 2024 and is set to expire July 31, 2025. The Department will require an additional $50,000 in authorized contract authority to allow the completion of the contract transition to the new vendor and implementation of the new CPMS contract requirements. Furthermore, this increase will allow Dixon Resources to provide ongoing implementation support and help develop a plan among all stakeholders to ensure a seamless transition.

BACKGROUND

Dixon Resources assists key stakeholders, from Customer Service, Finance, Police, Public Works, and the Information Technology Departments in developing the specifications for the CPMS-RFP. The CPMS contract provides citation processing, collections services, and various customer service resources to support the City. This

contract also assists in support of council directives to implement parking and enforcement programs in support of the expanded Citywide Residential Preferential management software. Dixon Resources offers ongoing project management services to address the City's evolving priorities and ongoing needs regarding the implementation and deployment of the selected CPMS provider. Dixon Resources will assist in developing a schedule and training plan for hardware and software changes and data migration between vendor systems to help ensure the stability and accountability of the selected CPMS vendor.

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

RATIONALE FOR RECOMMENDATION
Dixon Resources Unlimited assists with the project oversight of selecting and potentially transitioning between a parking citation and permit management system contract through subject matter expert support as well as maintaining milestone deliverables and ensuring the needs of five City of Berkeley Departments are met. An amendment to increase funds for the Dixon Resources contract will allow the Police Department to continue transfer of the CPMS contract to a new system and vendor, if necessary.

CONTACT PERSON
Jennifer Louis, Chief of Police, 981-5700

Attachment:
1. Resolution

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

CONTRACT NUMBER 32500009 AMENDMENT FOR Dixon Resources Unlimited

WHEREAS, the citation and parking management system (CPMS) is complex and involves five City of Berkeley Departments; and

WHEREAS, the City of Berkeley executed contract No. 32500009 for Dixon Resources Unlimited on August 1, 2024 to help prepare an RFP and manage the CPMS; and

WHEREAS, the Police Department will require an additional $50,000 in authorized contract authority to allow the completion of the contract transition to the new vendor and implementation of the new CPMS contract requirements; and

WHEREAS, continuing with Dixon Resources Unlimited will provide ongoing implementation support to ensure a smooth transition to the selected CPMS contractor.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that, the City Manager is authorized to execute the contract and any amendments with Dixon Resources Unlimited to include contract implementation support while increasing the contract amount by $50,000 for a total not to exceed amount of $100,000, and a contract extension date to January 31, 2027, subject to the City's annual budget appropriation process.

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BERKELEY CITY COUNCILMEMBER
TERRY TAPLIN
DISTRICT 2

CONSENT CALENDAR
June. 3rd, 2025

To: Honorable Mayor and Members of the City Council

From: Councilmember Taplin (Author), Mayor Ishii (Co-Sponsor), Councilmember Tregub (Co-Sponsor), Councilmember Humbert (Co-Sponsor)

Subject: Berkeley Humane 11th Annual Pints for Paws Fundraiser: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds

RECOMMENDATION
Adopt a Resolution approving the expenditure of an amount not to exceed $500 per Councilmember, including $500 from Councilmember Taplin, to support the Berkeley Humane 11th Annual Pints for Paws Fundraiser.

FINANCIAL IMPLICATIONS
No General Fund impacts. $500 is available from contributing Councilmember's Council Office Budget discretionary accounts.

BACKGROUND
Berkeley Humane is hosting its 11th annual Pints for Paws Fundraiser on Saturday, June 7th. Each year, in collaboration with local brewers and beverage vendors, Berkeley Humane raises money to save the lives of shelter pets and support Berkeley Humane.

Berkeley Humane is a private, nonprofit 501(c)(3) organization governed by a dedicated volunteer Board of Directors that work on behalf of Berkeley Humane and the animals in our community. They have provided over 135 years of trusted service and dedication to Berkeley and the East Bay.

Berkeley Humane serves the people and animals of our community by providing life-saving programs for cats and dogs, cultivating compassion, and strengthening the human-animal bond. Because the well-being of animals reflects the well-being of our community, Berkeley Human engage minds, hearts and hands to provide care for dogs and cats in the East Bay. Between the years 2017 and 2022 Berkeley Humane facilitated to adoption of over 5,500 animals, performed over 43,000 medical procedures, fostered over 4,000 animals, and distributed over 224,000 lbs. of pet food.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
None.

CONTACT PERSON
Councilmember Taplin Council District 2 510-981-7120

Attachments:
1: Resolution

CONSENT CALENDAR

Berkeley Humane

June, 3, 2025

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

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

WHEREAS, Councilmember Taplin has surplus funds in his office expenditure account (budget code 011-11-102-100-0000-000-411); and

WHEREAS, a private 501(c)(3) non-profit tax-exempt corporation Berkeley Humane seeks funds in the amount of $500 to support their continued fundraising; and

WHEREAS, the provision of such services would fulfill the following municipal public purpose: ensuring humane treatment of Animals and bringing needed pets into the homes of wanting families;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that funds relinquished by the Mayor and Councilmembers from their Council Office Budget up to $500 amount per office shall be granted to Berkeley Humane to support the 11th Annual Pints for Paws Fundraiser.

2180 Milvia Street, Berkeley, CA 94704 ● Tel: (510) 981-7120 ● E-Mail: TTaplin@cityofberkeley.info

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Adena Ishii, Mayor

Igor Tregub, Councilmember District 4

Terry Taplin, Councilmember District 2

Shoshana O'Keefe, Councilmember District 5

CONSENT CALENDAR

JUNE 3, 2025

To: Honorable Mayor and Members of the City Council

From: Councilmembers Igor Tregub (Author), Shoshana O'Keefe (Co-Sponsor), Terry Taplin (Co-Sponsor), and Mayor Adena Ishii (Co-Sponsor)

Subject: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds to Taste of Downtown Berkeley 2025 Event

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 contributions of $500 from Mayor Ishii and Councilmembers Tregub and Taplin and $200 from Councilmember O'Keefe, and inviting other members of the City Council to contribute to the Berkeley Rotary Endowment to support the Third Annual Taste of Downtown Berkeley 2025 with funds relinquished to the City's general fund.

The relinquished funds will help the Berkeley Rotary Endowment to host an event featuring and increasing visibility for local business and raise funds for their RotaCare Health Clinic, 4-year Collegiate Scholarship program, and Supportive Housing hygiene kit programs. This year's event will be held on Sunday, June 8, 2025, starting at the Downtown Berkeley Plaza.

BACKGROUND

Berkeley Rotary, in partnership with the Downtown Berkeley Association, is hosting the third annual Taste of Downtown Berkeley on Sunday, June 8th, 2025.

Featuring over 13 participating restaurants, this event invites people to enjoy and celebrate our downtown's diverse, vibrant, and ever-evolving food and drink scene.

Proceeds from the $60 ticket directly support services that Berkeley Rotary provides to benefit underserved members of the community, including RotaCare Health Clinic, 4-year Collegiate Scholarship program, and Supportive Housing hygiene kit programs.

The 2023 pilot event attracted over 200 tasters and raised more than $18,000 for the Rotary Club's community programs, including health clinic, supportive housing services, and scholarship initiatives. Over 250 tasters attended, raising over $20,000, during the 2024 event.

These contributions have a positive and tangible impact on our community. Every $1,000 supports one month of hygiene kits and warm clothing for those in need; and $4,000 supports a scholarship for one student for a year of a 4-year college. In addition, this event provides visibility and vibrancy for our Downtown Berkeley businesses.

FISCAL IMPACTS

No General Fund impact. Up to $500 is available from contributing Councilmembers' Council Office Budget discretionary accounts.

CONTACT

Councilmember Tregub, 510-981-7140, itregub@berkeleyca.gov

Amy Johnson, Legislative Aide, Council District 4, amjohnson@berkeleyca.gov

ATTACHMENTS

1. Resolution

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

AUTHORIZING THE EXPENDITURE OF SURPLUS FUNDS FROM THE OFFICE EXPENSE ACCOUNTS OF COUNCILMEMBERS FOR A GRANT TO SUPPORT BERKELEY ROTARY'S THIRD ANNUAL TASTE OF DOWNTOWN BERKELEY EVENT AND FUNDRAISER AND ITS ONGOING COMMUNITY PROGRAMMING

WHEREAS, the mission of Rotary International is to provide service to others, promote integrity, and advance world understanding, goodwill, and peace through its fellowship of business, professional, and community leaders; and

WHEREAS, Berkeley Rotary and the Downtown Berkeley Association will be hosting the third annual Taste of Downtown Berkeley, inviting community members and friends to enjoy the diverse Downtown Berkeley food scene on Sunday, June 8, while raising funds for vital community services, including health care, scholarships, and supportive housing programs; and

WHEREAS, the Taste of Downtown Berkeley actively promotes local businesses and restaurants by fostering community engagement and enhancing visibility; and

WHEREAS, over 200 participants attended this event in 2023 and 250 in 2024, raising $18,000 and $20,000, respectively, for Berkeley Rotary's mutual aid projects; and

WHEREAS, Berkeley Rotary's fundraising contributions provide our community with tangible impacts, such as hygiene kits and warm clothing for those in need and scholarships for college students.

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Berkeley that funds relinquished by the Mayor and Councilmembers from their discretionary office budgets, up to $500 per office, shall be granted to the Berkeley Rotary Endowment towards the third annual Taste of Downtown Berkeley event and fundraiser with proceeds serving a public good.

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Igor Tregub
Councilmember, District 4

CONSENT CALENDAR
June 3, 2025

To: Honorable Mayor and Members of the City Council

From: Councilmembers Igor Tregub (Author), Brent Blackaby (Co-Sponsor), and Cecilia Lunaparra (Co-Sponsor)

Subject: Resolution in Opposition to California Assembly Bill 942 (Calderon), Net energy metering: eligible customer-generators: tariffs

RECOMMENDATION

Adopt a resolution in opposition to California State Assembly Bill 942 (Calderon), Net energy metering: eligible customer-generators: tariffs, and distribute copies to California Governor Gavin Newsom, Senator Jesse Arreguín, Assemblymember Buffy Wicks, California Senate President pro Tempore Mike McGuire, and California Assembly Speaker Robert Rivas to oppose its passage.

CURRENT SITUATION AND ITS EFFECTS

Customers who install small solar, wind, biogas, and fuel cell generation facilities to serve all or a portion of onsite electricity needs are eligible for the state's Net Energy Metering (NEM) program. NEM allows customers who generate their own energy to serve their energy needs directly onsite and to receive a financial credit on their electric bills for any surplus energy fed back to their utility.[1]

The program provides customer generators rate credits for energy exported to the grid and requires them to pay charges that align NEM customer costs more closely with non-

[1] https://www.cpuc.ca.gov/industries-and-topics/electrical-energy/demand-side-management/customer-generation/net-energy-metering-and-net-billing

NEM customer costs. NEM is designed to support the installation of customer-sited renewable energy generation. In December 2022, the California Public Utilities Commission (CPUC) issued a final decision updating the NEM structure.[2] The new rulemaking is referred to as NEM 3.0 because this is the third iteration of the NEM program, and the resultant tariff is referred to as the Net Billing Tariff (NBT).[3]

The following elements, which were opposed by the Berkeley City Council at its December 2022 meeting[4], were approved by the CPUC:

- Most residential NEM solar consumers who applied for a NEM interconnection after April 14, 2023, experience an average 75% reduction in the credit they receive for sharing their extra energy with the grid – from an average of $0.30/kilowatt-hours (kWh) to about $0.08/kWh.[5]
- Churches, nonprofits, or businesses who went solar after April 14, 2023, realize an even greater reduction in the solar credit.[6]

These changes led to a dramatic reduction in the adoption of rooftop solar in Berkeley, that even extended statewide.[7]

AB 942 (Calderon), as amended on May 5, 2025, proposes the following two changes to the NEM tariff for residential and commercial customers: (1) requires new property owners inheriting solar systems to take service under the current, not the inherited, NEM tariff;[8] and (2) ends Climate Credit allocations to NEM customers starting on January 1, 2026.[9]

These changes threaten to further stymie Berkeley's as well as California's climate goals while driving up the costs of existing ownership and rental housing. By moving new homeowners to the NBT regardless of how recently the solar system was installed, the value of the home being purchased is reduced. As a result of this loss of home sales value, some prospective sellers will be less likely to sell their home until such time that the value of the solar system they purchased or leased is recouped. Similarly, prospective homebuyers may be disincentivized to purchase a home with solar if they

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[2] https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M500/K043/500043682.PDF

[3] https://www.cpuc.ca.gov/industries-and-topics/electrical-energy/demand-side-management/customer-generation/net-energy-metering-and-net-billing

[4] https://berkeleyca.gov/sites/default/files/documents/Urgent%20Item%20-%20Net%20Energy%20Metering_Resolution%20in%20Support%20and%20Reaffirm%20Support.pdf

[5] https://solarrights.org/blog/2024/10/01/faqnem3/

[6] https://solarrights.org/blog/2022/12/16/update-state-officials-release-new-rooftop-solar-proposal/

[7] https://calmatters.org/environment/climate-change/2024/01/california-solar-demand-plummets/

[8] Existing rules allow customers of legacy NEM-1/NEM-2 systems, regardless of any change in ownership, to remain on the tariff for 20 years from the date of interconnection before transitioning to the NBT. https://www.cpuc.ca.gov/industries-and-topics/electrical-energy/demand-side-management/customer-generation/net-energy-metering-and-net-billing

[9] https://leginfo.legislature.ca.gov/faces/billHistoryClient.xhtml?bill_id=202520260AB942

know that the cost-savings incentives associated with the solar system they are obtaining with the home would be between 75% and 80% less than those for the sellers.

The proposed changes are even more dire for the residential and commercial renters in multi-family and/or mixed-use buildings. According to CoStar nationally aggregated data,[10] ownership of the average multi-family building turns over seven (7) years following certificate of occupancy. Since 2020, low-rise (defined by the California Energy Commission as no taller than three stories), and since 2023, high-rise multi-family housing in California has required photovoltaic solar panels under Title 24, California's Energy Code.[11] [12] As the payback period for a typical multifamily solar system is greater than 7 years,[13] the new property owner will have to increase the rents to make up for the resultant economic loss associated with reduced solar incentives should this bill pass.

For all these reasons, it is recommended that the City of Berkeley join a broad and diverse coalition of municipalities, organizations, and elected officials in opposing AB 942.[14]

FISCAL IMPACTS OF RECOMMENDATION

Limited staff time is required to communicate the city's position to the State representatives.

ENVIRONMENTAL SUSTAINABILITY

The passage of AB 942 is likely to further stymie rooftop-scale solar and storage adoption in the City of Berkeley in contravention with a key strategy to realize Berkeley's Climate Action goals.

CONTACT PERSON

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510-981-7140
Itregub@berkeleyca.gov

[10] https://www.costar.com/
[11] https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/energy-code-support-center/2022-3
[12] https://www.greenlancer.com/post/california-solar-mandate
[13] https://www.solar.com/learn/what-is-the-average-payback-period-for-solar-panels/
[14] https://docs.google.com/document/d/1sTde2ac8RLyhtSByPKS9iB72HRGWZrQaPpDo2ydZHJA/edit?tab=t.0

Attachments:

1. Resolution
2. Coalition Opposition Letter

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

RESOLUTION IN OPPOSITION TO ASSEMBLY BILL 942 (CALDERON): NET ENERGY METERING: ELIGIBLE CUSTOMER-GENERATORS: TARIFFS

WHEREAS, Assembly Bill (AB) 942, which proposes to add Section 2827.2 to the California Public Utilities Code, was introduced to the State Legislature for consideration on February 19, 2025 and most recently amended on May 5, 2025; and

WHEREAS, AB 942, if passed, will make sweeping changes to California's net energy metering (NEM) program, stripping away previously guaranteed benefits for certain residential and commercial solar customers with systems installed under NEM 1.0 and NEM 2.0 regardless of whether the previously guaranteed 20-year benefitting period has elapsed; and

WHEREAS, the changes proposed to the NEM program include, but are not limited to, disqualifying homebuyers purchasing a solar-equipped home from continuing legacy NEM benefits, eliminating the ability for rooftop solar customers to receive credits funded by California's Cap-and-Trade program, and allowing the California Public Utilities Commission to mandate new tariffs for solar customers if they reduce costs for non-solar ratepayers; and

WHEREAS, the changes proposed to the NEM program under AB eliminates key financial supports jeopardizing the return on investment for tens of thousands of working and middle-income families, reduces the resale value of solar homes by eliminating NEM benefits for new homeowners, and further exacerbates the cost of housing, particularly for residential and commercial tenants in multifamily housing, all of which contravenes Berkeley’s and California’s climate and housing affordability goals; and

WHEREAS, California previously encouraged millions of residents to invest in rooftop solar through the promise of stable, long-term savings and potential for combating climate change; and

WHEREAS, AB 942 would break that promise, retroactively changing the deal should customers have already paid tens of thousands of dollars for systems sized under old rules need to sell their homes and investment as well as the residential and commercial renters whose rents would like be driven up as a direct result of AB 942 if adopted

NOW, THEREFORE, BE IT RESOLVED that the Berkeley City Council hereby registers its strong opposition to Assembly Bill 942; and

BE IT BE FURTHER RESOLVED that a copy of this resolution will be sent to Governor Gavin Newsom, Attorney General Rob Bonta, Senate President Pro Tempore Mike McGuire, Senator Jesse Arreguín (SD7), Speaker Robert Rivas, and Assemblymember Buffy Wicks (AD14).

Don't Break Contracts of Two Million Solar Consumers

Stop Blaming Consumers. Start Fixing What's Really Driving High Rates: Utility Spending & Profits

Sign on here













RECLAIM OUR POWER!
Utility Justice Campaign











HAMMOND CLIMATE
SOLUTIONS FOUNDATION
Dynamic Action for a Sustainable Planet











café coop



















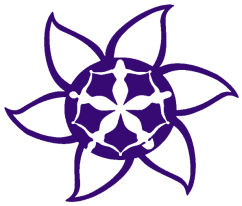


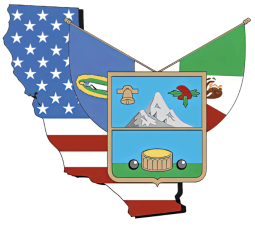












SUNFLOWER ALLIANCE

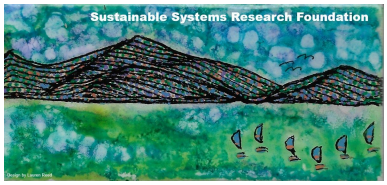
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Fresh Air Vallejo

SAN MATEO CLIMATE ACTION TEAM



LONG BEACH ALLIANCE FOR CLEAN ENERGY

INDIVISIBLE VENTURA

INSPIRATION TRANSPORTATION

INDIVISIBLE ReSisters

ROOTED IN RESISTANCE
rootsresist.org

Unitarian Universalist Fellowship of Redwood City

FRACTRACKER ALLIANCE

environteers
ENVIRONMENTAL VOLUNTEERING IN SANTA CRUZ COUNTY

Climate Breakthrough

CALIFORNIANS FOR WESTERN WILDERNESS

350 SACRAMENTO

MORONGO BASIN CONSERVATION ASSOCIATION 56 Since 1969 MBCA MBCONSERVATION.ORG

COURAGEOUS RESISTANCE

NAPA CLIMATE NOW!
A 350 Bay Area Group

Change Begins With ME
Activism for Everyone

WE ARE INDIVISIBLE TOGETHER OUR VOICES MATTER

INDIVISIBLE Of the Desert

Climate Action Mendocino
Our Future Depends on Taking Action Today!
ClimateActionMendocino@gmail.com

350 VENTURA COUNTY CLIMATE HUB

STAND.earth

OIL&GAS Action Network

1000 Grandmothers for Future Generations

Green New Deal at UC San Diego

Environmental Action Since 1970

ZeroW.org

Humboldt County Democrats

Peninsula Interfaith Climate Action (PICA)

ecology center

Project Green Home

The Climate Reality Project
San Diego Chapter

Citizens' Climate Lobby
Santa Cruz Chapter

Bay Area Clean Air Coalition
https://bayareacac.org

San Diego 350 Climate Action

Our City
San Francisco San Francisco San Francisco
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San Francisco San Francisco San Francisco

Vote for the future
Torrance Dems.com
Torrance Democratic Club

scientist rebellion_
turtle island

Elders Climate Action
SoCal Chapter

Elders Climate Action
NorCal Chapter

350 Conejo
San Fernando Valley

bowman.change

Santa Cruz Climate Action Network

California Alliance for Community Energy

Fridays for Future Palo Alto

Indivisible Santa Cruz County

Dean Democratic Club of Silicon Valley

Community Corp. of Santa Monica
Over 40 Years of Building Community

Glendale Environmental Coalition

The Honorable Cottie Petrie Norris
1021 O Street, Suite 8120
Sacramento, CA 95814

Dear Chair Petrie-Norris;

We are writing to strongly oppose AB 942, which would break long-standing contracts on two million solar consumers who signed up for solar before April 2023.

Californians have been active players in building a clean energy powered future, with two million customer-sited solar systems now producing around twenty percent of our state's electricity needs on California's hottest days. These consumers signed a contract, the terms of which were set by the state of California. Reneging on those contractual agreements would harm millions of people who answered California's call to invest in clean energy as a way to reduce peak demand, stabilize rates, and clean up the air. We need you to stand up for consumers and reject this irresponsible bill.

California has repeatedly upheld the state's decision to honor rooftop solar contracts for the twenty-year life of the solar panels. The CPUC's own consumer guide requires solar contracts under the state's net metering policy be guaranteed for twenty years. When customers took the risk to invest in solar, they signed a state mandated legal agreement with their utility that specified in the terms and conditions that the rooftop solar system can stay on the net metering plan for twenty years from the time of interconnecting the solar panels to the electric grid. This is based on a long standing policy that solar customers have the same terms for twenty years, or the expected life of the solar system, affirmed by Governor Jerry Brown in his signing letter for SB 327 in 2013, and the CPUC in 2014 and again in 2022.

The CPUC's new proposal, to break energy contracts mid-stream, would be patently unfair. It would punish the very people who California encouraged to invest in solar energy. And it would gut consumer confidence and trust in government, right when we need more Californians to make the choice to invest in clean energy technologies.

California should address the cause of high electricity rates, which is out of control utility spending to maximize profit.

The data is clear that more than 90% of the rate hikes over the last decade are driven by increased utility spending. PG&E, SoCal Edison, and SDG&E spending on poles and wires increased by 300% over the last twenty years, even though peak electricity demand was flat. Only 12% of that spending was for wildfire mitigation, according to the utilities' own rate filings.

To address rising rates, California must focus on what's really wrong with our energy system: uncontrolled utility spending and record utility profits. We'll never control rates or meet our goals for clean, reliable energy if we don't get at these roots of the problem.

The utilities already get a state authorized 10% or higher profit from every dollar they spend on poles and wires. The CPUC is considering a new proposal to increase these already excessive profit rates, despite record utility profits and evidence that this structure is creating a perverse incentive for them to spend more than necessary.

In contrast, California's two million rooftop solar consumers are saving all other ratepayers $1.5 billion in 2024 alone according to a study endorsed by more than a dozen of the top energy economists.

California leaders should stop blaming consumers for the errors and missteps of the state's private utility companies and the inability for the CPUC to rein in their out of control spending. Reneging on two million contracts would not only be unfair but it would reduce energy choices for consumers, and threaten a promising solution to rein in future costs.

Against a backdrop of out-of-control rate increases and a range of confusing utility bill fees and charges, California ratepayers are now threatened by a proposal to break California's promise on solar energy.

Unfortunately, instead of protecting consumers, California's chief cop on the beat—the Public Utilities Commission— is considering punishing them. Instead of focusing on what's really wrong with electric utilities—out of control spending and profit making on the backs of ratepayers—the CPUC is now pushing to break the contracts with two million solar homes, schools, and businesses. This would be a terrible move for California.

Please reject AB 942 and the CPUC's proposal to break 2 million rooftop solar customer contracts and urge them to focus on the real source of high rates: increased utility spending. AB 942 would increase rates, limit choice, derail the state's clean energy progress, erode public trust in government, and avoid the hard work of actually reforming our state's utility industry.

This is a crossroads moment for California: if the state is truly serious about tackling both air pollution, energy reliability and electricity rates, it will focus on utility spending and stand with consumers who need more choice, clean air, and more affordable energy.

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Environment California

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State Director
CALPIRG

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Environmental Working Group

Jamie Court
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Consumer Watchdog

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Executive Director
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Rev. Pastor Ambrose Carroll
Executive Director
Green the Church

Francisco Moreno

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COFEM (the Mexican Federations in the United States)

Destiny Rivas
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San Joaquin Urban Native Council

Centro Binacional para el Desarrollo Indígena Oaxaqueño

Todos Unidos

Federación de Guanajuatenses

Cafe Coop

FECAMIN (Federation of Clubs and Associations of Michoacanos in North America)

Anahuak Youth Soccer Association

Federación de Clubes y Asociaciones

Federación Duranguenese USA

Organización Regional de Oaxaca Por El Respeto y La Defensa De Nuestra Cultura

Federación de Nayaritas en Estados Unidos

Federación de Clubes Colima

Sonora USA

Mujeres Unidas Sirviendo Activamente MUSA

The Federation of Hidalguenses in California

Fraternidad Sinaloense de California FSC

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Climate Breakthrough

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The Climate Alliance

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Sunflower Alliance

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Comite Pro Uno

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Inspiration Transportation

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Indivisible ReSisters Contra Costa

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Co-leader
Rooted in Resistance

Adriene Couter
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Rooted in Resistance (Indivisible Ventura)

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Coordinator
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Courageous Resistance and Indivisible of the Desert

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Change Begins With ME

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ZeroW.org

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Bay Area Clean Air Coalition

Rani Fischer
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Executive Director
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Elise Kalfayan
Board Member
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Legislative Analyst
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SoCal Elder Climate Action

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Dean Democratic Club of Silicon Valley

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Organizer
Fridays For Future Palo Alto

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Third Act SoCal

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Secretary

Santa Cruz Indivisible Friends of the Environment

Martha Sellers
Co-facilitator
Bay Area Third Act Working Group

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President
Torrance Democratic Club

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Executive Director
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CEO
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Jonathan Klein
Co-Founder and CEO
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Campaign Strategist
Third Act

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Urban Ecology Project

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VP of Labor Relations
United Contractors

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Cool OC

Andra Yeghoian
Chief Innovation Officer
Ten Strands

TJ Brown
San Francisco Action Lead
Climate Changemakers

22

Igor Tregub
Councilmember, District 4

CONSENT CALENDAR
JUNE 3rd, 2025

To: Honorable Mayor and Members of the City Council

From: Councilmembers Igor Tregub (Author) and Cecilia Lunaparra (Co-Sponsor)

Subject: Resolution Opposing the Removal of USPS Mailboxes at the Berkeley Main Post Office

RECOMMENDATION

Adopt a Resolution opposing the removal of public mailboxes from the Berkeley Main Post Office on Allston Way and urging immediate engagement with United States Postal Service (USPS) leadership to restore these essential public services and send the Resolution to the attention of US Congresswoman Lateefah Simon and US Postmaster.

CURRENT SITUATION AND ITS EFFECTS

The USPS has recently removed public mailboxes from the Berkeley Main Post Office, located on Allston Way, a landmark civic institution that serves thousands of residents, small businesses, and community organizations.

Several District 4 constituents have reached out to District 4 office with concerns over the sudden and unexplained removal of mailboxes from in front of Berkeley's Main Post Office. Residents who have long relied on these services for their daily needs have expressed not only confusion and frustration, but also a growing sense of alarm, as no public notice or explanation was provided. One constituent described the unsettling experience of arriving to mail letters, only to find the familiar exterior boxes gone with a postal worker confirming the change. Across these messages, a consistent and troubling theme has emerged: a deep sense of dismay, a loss of trust, and a call for greater transparency and accountability in decisions that directly impact the community's everyday access to essential public infrastructure.

Public mailboxes are vital to the timely exchange of bills, legal documents, small business shipments, and critical correspondence. Their removal forces residents to travel farther, endure longer waits at remaining facilities, and face delays in deliveries, an unacceptable burden in a city where mail is a lifeline for medication, newspapers, and government communications.

2180 Milvia Street, Berkeley, CA 94704 ● Tel: (510) 981-7140 ● E-Mail: itregub@berkeleyca.gov

The mailboxes at the Berkeley Main Post Office served as a key hub in a vibrant, high-traffic commercial corridor, where visitors often combined postal errands with trips to nearby shops, restaurants, and civic spaces. The removal risks disrupting this ecosystem, reducing downtown foot traffic, and weakening the local economy.

Moreover, this action threatens to widen existing inequities, disproportionately affecting lower-income residents, seniors, and individuals without reliable internet access, all of whom rely on traditional mail for essential services. According to a 2021 Pew Research Center survey, approximately 27% of seniors aged 65 and older do not use the internet, relying heavily on USPS for managing finances, receiving Social Security notices, and other essential communications[1].

BACKGROUND

Berkeley has long spoken up against USPS closing places and cutting back services, since it makes mail slower and hurts our neighborhoods. Now, removing these mailboxes from the Berkeley Main Post Office is another concern. This latest removal from the Berkeley Main Post Office is equally troubling, as USPS has provided no transparent data showing that this mailbox was underused or cost inefficient.

The removal of these mailboxes from the Berkeley Main Post Office is not an isolated action, it represents a continued erosion of public infrastructure that Berkeley residents have long fought to protect. The Main Post Office itself, located in a historic landmark building, in 2013, Berkeley residents, labor unions, and civic leaders successfully organized to block the sale of the building to private developers, affirming that the USPS is not only a service but a vital part of the city's public commons[2]. In 2013 Berkeley City Council passed a resolution opposing the sale of the Berkeley Main Post Office[3].

Berkeley has repeatedly demonstrated that its community values accessible, public-serving infrastructure and has stood at the forefront of protecting the USPS from privatization and cutbacks. This resolution continues that legacy, reinforcing the city's commitment to equitable access, economic vitality, and public stewardship.

[1] https://www.pewresearch.org/short-reads/2021/04/02/7-of-americans-dont-use-the-internet-who-are-they/
[2] Berkeleyside. *Locals, city fight on to prevent sale of Berkeley Post Office*, July 19, 2013. https://www.berkeleyside.org/2013/07/19/locals-city-fight-on-to-prevent-sale-of-berkeley-post-office
[3] City of Berkeley. *Resolution Opposing the Sale of the Berkeley Main Post Office*, March 5, 2013. https://newspack-berkeleyside-cityside.s3.amazonaws.com/wp-content/uploads/2013/03/2013-03-05-Item-15-Opposing-the-Sale.pdf

FINANCIAL IMPLICATIONS

Limited staff time is required to communicate the City's position to State representatives. No direct impact on the General Fund. However, reduced access to postal services risks indirect economic harm to Berkeley residents and small businesses by disrupting essential operations and reducing downtown foot traffic.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The removal of these mailboxes will likely force more residents to drive farther for postal services, increasing vehicle trips, greenhouse gas emissions, and downtown congestion. Retaining convenient, walkable mail infrastructure in the heart of the city directly supports Berkeley's climate and sustainability goals by reducing car dependency and supporting transit-oriented neighborhoods.

CONTACT PERSON

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510-981-7140
Itregub@berkeleyca.gov

Shamaila Ahmed, Legislative Aide, Council District 4
sahmed@berkeleyca.gov

ATTACHMENTS:

- Resolution

RESOLUTION NO. XX,XXXN.S.

RESOLUTION OPPOSING THE REMOVAL OF USPS MAILBOXES FROM THE BERKELEY MAIN POST OFFICE ON ALLSTON WAY

WHEREAS, the United States Postal Service (USPS) has removed public mailboxes from the Berkeley Main Post Office on Allston Way, a vital civic institution serving Downtown Berkeley residents, businesses, and organizations; and

WHEREAS, such removal imposes undue burdens on seniors, persons with disabilities, small businesses, newspapers, and community groups who rely on efficient, accessible local mail services; and

WHEREAS, USPS has provided no clear public rationale for removal, claiming only that the removed mailboxes were underutilized or unprofitable; and

WHEREAS, these mailboxes contributed to the vitality of Berkeley's downtown economy by supporting foot traffic to nearby shops, restaurants, and services; and

WHEREAS, their removal has a potential to increase vehicle trips, lengthen lines at remaining facilities, and impose financial and logistical hardships on employees, residents, and small businesses; and

WHEREAS, timely, accessible mail service is essential for equitable access to healthcare, legal services, government programs, and small business operations, especially for vulnerable populations; and

WHEREAS, this action aligns with a troubling national pattern of USPS disinvestment and infrastructure removal that threatens public access to essential services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City formally opposes the removal of USPS mailboxes from the Berkeley Main Post Office on Allston Way; and

BE IT FURTHER RESOLVED that the City of Berkeley transmit this resolution to Congresswoman Lateefah Simon (CD-12), the Postmaster representing the City of Berkeley, and the Postmaster General.

23

Igor Tregub
Councilmember, District 4

CONSENT CALENDAR
JUNE 3, 2025

To: Honorable Mayor and Members of the City Council

From: Councilmembers Igor Tregub (Author) and Cecilia Lunaparra (Co-Sponsor)

Subject: Resolution in Support of the Polluters Pay Climate Superfund Act Legislative Package – AB 1243 and SB 684

RECOMMENDATION

Adopt a resolution in strong support of the Polluters Pay Climate Superfund Act Legislative Package (Assembly Bill (AB) 1243 (Addis, *et al*) and Senate Bill (SB) 684 (Menjivar, *et al*), which would hold fossil fuel corporations accountable for their fair share of the damages caused by climate change in California, and transmit the Council's support to Governor Gavin Newsom, Attorney General Rob Bonta, Senate President Pro Tempore Mike McGuire, Senator Jesse Arreguín (SD7), Speaker Robert Rivas, and Assemblymember Buffy Wicks (AD14).

CURRENT SITUATION AND ITS EFFECTS

California communities are experiencing accelerating impacts from the climate crisis—wildfires, floods, droughts, sea level rise, and extreme heat are harming public health, displacing families, threatening local infrastructure, and burdening city budgets.

In just the past five years, the state has experienced unprecedented and deadly weather events:

- January 2025 Firestorms: Over 12,000 homes, businesses, and institutions burned in Los Angeles and Ventura Counties. Thirty lives were lost, tens of

thousands evacuated, and the destruction is estimated to cost Californians $250 billion.
- Record Flooding (2022–2023): Over $4.6 billion in damages.
- Wildfire Destruction (2020): More than $19 billion in economic losses.
- Camp Fire (2018): One of the most destructive fires in state history, with some cost estimates reaching $148.5 billion.

Meanwhile, residents are paying more for insurance, cooling bills, emergency response, and disaster recovery—costs disproportionately borne by disadvantaged communities. Studies project California will face at least $113 billion per year in climate costs by 2050.

Despite overwhelming evidence, fossil fuel companies—who knew about the damage their products would cause as early as the 1950s—have evaded responsibility. The Polluters Pay Climate Superfund Act would change that.

BACKGROUND

Just 90 of the largest fossil fuel producers are responsible for two-thirds of global industrial carbon and methane emissions. The Polluters Pay Climate Superfund Act:

- Requires CalEPA to conduct a comprehensive cost study of climate damages in California;
- Establishes a Climate Superfund and directs compensatory fees from the largest fossil fuel polluters based on their historic emissions (1990–2024);
- Ensures that funds are used for mitigation, adaptation, and recovery efforts—with at least 40% going to disadvantaged communities;
- Supports projects such as wildfire prevention, stormwater upgrades, solar and storage installations, coastal resilience, and support for first responders; and
- Follows precedent from New York and Vermont, which have passed similar laws.

Polling shows that 70% of California voters support requiring fossil fuel companies to help pay for climate disaster costs.

RATIONALE FOR RECOMMENDATION

Fossil fuel companies knowingly caused this crisis and continue to profit while cities like Berkeley are left to manage the fallout. The Polluters Pay Climate Superfund Act ensures these corporations contribute to the enormous cost of climate recovery and resilience.

Berkeley has long stood at the forefront of climate leadership. Supporting this bill aligns with our values and helps shift the burden from local taxpayers to the industries responsible.

FINANCIAL IMPLICATIONS

Negligible (staff time associated with transmittal of resolution).

ENVIRONMENTAL SUSTAINABILITY

This action directly supports Berkeley's climate action and environmental justice goals by securing funding to adapt to the climate crisis and reduce long-term carbon emissions. It ensures Berkeley continues to lead on solutions while advocating for fairer cost-sharing in addressing climate-related disasters.

CONTACT PERSON

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Olga Bolotina, Chief of Staff, Council District 4
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OBolotina@berkeleyca.gov

ATTACHMENTS

- Resolution: Supporting the Polluters Pay Climate Superfund Act
- Fact Sheet: Polluters Pay Climate Superfund Act of 2025

ATTACHMENT #1

RESOLUTION # XX-XX

A RESOLUTION OF THE CITY OF BERKELEY SUPPORTING THE POLLUTERS PAY CLIMATE SUPERFUND ACT

WHEREAS, climate change, resulting primarily from the combustion of fossil fuels, is an immediate, grave threat to the people, communities, biodiversity, environment, and economy of the state; and

WHEREAS, California communities are under siege by escalating fires, floods, droughts, and other disasters. From 1980–2024, 46 extreme weather and climate disaster events[1] impacted California, with losses exceeding $1 billion each; and

WHEREAS, in January 2025, the nation watched in horror as fatal firestorms raged across Los Angeles and Ventura Counties, killing 30 beloved community members, destroying entire communities and forcing tens of thousands of residents to evacuate. Over 12,000 homes, businesses and institutions burned in apocalyptic fires. The devastation is estimated to cost Californians a staggering $250 billion; and

WHEREAS, across the state, local governments and taxpayers are bearing the immense, mounting costs of rebuilding from climate damages, increased insurance premiums, property taxes, and utility bills. State and local budgets are stretched to the brink as climate risks rise, jeopardizing public services, and forcing communities to carry the burden to address climate-related emergencies; and

WHEREAS, the Polluters Pay Climate Superfund Act will make the multinational fossil fuel companies that are responsible for and profit from the climate emergency pay for their damages; and

WHEREAS, Superfund Act will direct CalEPA to complete a first-of-its-kind comprehensive study of the true cost of climate damage to ensure polluters pay their fair share. The Act will hold the largest polluters accountable for the costs to California from climate damage caused by their products with compensatory fee amounts proportional to companies' self-reported past emissions from 1990-2024; and

WHEREAS, the policy advances California's commitment to equity and environmental justice. At least 40% of the funds from the Polluters Pay Climate Fund will go to disadvantaged communities to remedy past climate damages and build a more

[1] https://www.ncei.noaa.gov/access/billions/state-summary/CA#:~:text=From%201980%E2%80%932024%2C%20there%20were,events%20(CPI%2Dadjusted).

resilient and equitable California. The funds will support urgently needed projects such as implementing wildfire prevention measures like home hardening, upgrading stormwater management systems to prevent flooding, and installing solar panels and energy storage systems to reduce energy costs and increase resilience during power outages. Additionally, these funds could help develop urban green spaces to mitigate heat islands and improve air quality. Importantly, it could fund programs to support first responders and additional workers who provide essential services during climate disasters; and

WHEREAS, the states of New York and Vermont have enacted their versions of a climate superfund like this one.

NOW THEREFORE BE IT RESOLVED, that the City of Berkeley strongly supports the Polluters Pay Climate Superfund Act legislative package (Legislative Package – AB 1243 (Addis, *et al*) and SB 684 (Menjivar, *et al*), and encourages State representatives to pass it and the Governor to sign it into law; and

BE IT FURTHER RESOLVED, that a copy of this resolution will be sent to Governor Gavin Newsom, Attorney General Rob Bonta, Senate President Pro Tempore Mike McGuire, Senator Jesse Arreguín (SD7), Speaker Robert Rivas, and Assemblymember Buffy Wicks (AD14).

ATTACHMENT #2

POLLUTERS PAY CLIMATE SUPERFUND ACT OF 2025

The Facts

- Burning coal, oil and gas accounts for **90%** of all carbon dioxide emissions and

  75% of all greenhouse gas emissions.

- Just **90 of the world's largest fossil fuel emitters** are responsible for two-thirds of human-caused carbon dioxide and methane emissions.

- Californians are **already experiencing the climate emergency.** Extreme heat, sea level rise, wildfires, drought, floods, and storms are costing lives and livelihoods across the state.

- The big oil companies knew their products would create this mess as early as the 1950s and yet **they covered it up and spread doubt about climate change** instead of taking responsibility for transitioning our energy systems.

- These costs are escalating. The California Natural Resources Agency's Fourth Climate Assessment conservatively estimates that California will face at least **$113 billion in annual climate change costs** by 2050.

- This year's climate-driven wildfires in LA are estimated to have cost **$250 billion,** destroyed **15,000 structures**, saw **tens of thousands of people evacuate**, and resulted in the **deaths of 29 people**.

- In 2022 and 2023 we saw record snowfall, intense rain, and severe flooding, resulting in more than **$4.6 billion in damages** for California.

- In 2020, wildfires in California amounted to **economic losses of over $19 billion.** And in 2018, a record-setting year for fire-related economic losses (including the Camp Fire which destroyed the entire town of Paradise, CA), some cost estimates run as high as **$148.5 billion.**

- Californians will spend an extra **$200 million per year for more frequent air conditioning**, **$1 billion per year in road damage** caused by temperature extremes, and **$18 billion (by 2050) to replace coastal buildings** threatened by rising sea levels.

- **Health costs associated with climate change are also rising.** Risks of heart disease, asthma, allergens, vector-borne disease, heat stroke, and

smoke exposure are all intensified by the climate emergency. These impacts are magnified in communities of color, children, pregnant persons, older adults, and those with chronic medical conditions.

- These examples represent **just a fraction** of the true costs that the fossil fuel driven climate crisis inflicts upon Calfironia.
- Polling from last year shows **70% of California voters** **support** requiring fossil fuel companies to help pay for climate disaster costs through a climate superfund bill.

The Solution

Big Oil caused this problem and they're profiting off it. They should pay for it.

- We are not prepared for the climate that the fossil fuel industry has created. The Climate Superfund is an **opportunity to invest in preparing for the future.**
- The Climate Superfund will help **generate the resources our state needs** to respond to climate catastrophes, build climate resilient neighborhoods, prepare for future climate harms, and usher in a thriving and fair transition away from fossil fuels.
- We know that climate damages hit everyone but they harm disadvantaged communities first and hardest. That's why at least **40% of the funds will be directed to disadvantaged communities**, offering opportunities to effectively respond to and prepare for climate disasters while transitioning away from polluting energy.
- Just a **few examples** of projects that revenue generated through the climate fund could help pay for include:
    - Making **schools more climate resilient** by upgrading air conditioning systems so kids can learn despite extreme heat.
    - **Distributing air filters** to homes in wildfire prone areas and providing relief from toxic air created by wildfires.
    - Helping local governments **manage the impacts of sea level rise**

      along the coast.
    - Directing **additional resources to California's firefighters and first responders** to prepare for future climate threats.

  - Providing funding to help **small businesses recover** and **homeowners rebuild** after climate disasters.
  - **Investing in clean jobs and green infrastructure projects** to accelerate the transition away from climate-harming fossil fuels.

- **New York and Vermont have already passed bold legislation** to make fossil fuel polluters pay their share of the costs of climate damages in those states. California can too.
- The Climate Superfund offers the **greatest opportunity our state has seen in a generation to invest in our communities and our future** while ensuring the burden falls on the big polluters, not working families and taxpayers.

How It Works

- The bill tells the **California Environmental Protection Agency** to carry out a cost study to identify how much damage from climate change is costing California.
- Using **climate attribution science**, the agency then assesses how much of that damage the big polluters are responsible for through their fossil fuel emissions between 1990 and 2024.
- The **bill creates a fund into which the fossil fuel polluters must pay** a fee proportional to the fossil fuel emissions they were responsible for between 1990 and 2024.
- Polluters will be made to pay their share of the costs of climate damages in California arising from those emissions, assessed through 2045.
- The **California EPA will establish funding criteria and guidelines** for how the funds may be used. Eligible programs and projects will include mitigating and adapting to climate change and its impacts, addressing climate-fueled disaster response, and investing in climate-resilient recovery efforts.
- **40%** of the revenue raised must be directed towards disadvantaged communities.

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CONSENT CALENDAR
June 3, 2025

Igor Tregub, Councilmember District 4

Cecilia Lunaparra, Councilmember District 7

To: Honorable Mayor and Members of the City Council

From: Councilmembers Igor Tregub (Author) and Cecilia Lunaparra (Co-Sponsor)

Subject: Referral: Oxford for All

RECOMMENDATION

1. Refer to the City Manager to design and construct a quick-build class IV bicycle facility on the east side of Oxford Street and Fulton Street between Bancroft Way and Hearst Avenue and implement pedestrian safety improvements on the corridor, potentially through quick-build planning and construction methods.
2. Refer $400,000 to the June budget process (FY26 Mid-Biennial Update) to provide the City of Berkeley Public Works Department with necessary funds to support design, engineering, and construction costs for the project.
3. Refer to the City Manager and to The City/UC/Student Relations "4x6" Committee to explore opportunities to leverage existing and establish new financial partnerships with UC Berkeley on safety projects along Oxford Street and adjacent areas, including the Oxford and Bancroft volleyball courts project and similar initiatives.

POLICY COMMITTEE RECOMMENDATION:

On May 7, 2025, the Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee adopted the following action:
M/S/C (Humbert/Lunaparra) to send the item to City Council with a positive recommendation[1].

FINANCIAL IMPLICATIONS

$400,000 in the June budget process (FY26 Mid-Biennial Update)

[1] https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2025-05-07%20Annotated%20Agenda%20-%20%20Facilities.pdf

CURRENT SITUATION AND ITS EFFECTS

Oxford and Fulton Streets mark the western boundary of the UC Berkeley campus. The corridor's current configuration reflects antiquated traffic engineering conventions that prioritize vehicular throughput over pedestrian and bicycle safety. Oxford Street serves as the primary pedestrian gateway to the campus from Downtown Berkeley, yet it lacks a distinct ground-level identity.

Just as if not more importantly, the Oxford/Fulton Street corridor is unsafe for many bicyclists, pedestrians, and micro- mobility users, as traffic throughput has been prioritized over safety and comfort.

The outdated current design for Oxford Street/Fulton Street — focused on maximizing car speeds and throughput — is dangerous for all road users, including drivers. On Oxford Street and Fulton Street from Hearst Ave. to Bancroft Way since 2017, there have been 19 total car driver and passenger injuries, including 2 severe injuries; 8 total pedestrian injuries; and 5 total cyclist injuries, including 1 severe injury. Prior to 2017, Shlomo Bentin, a guest lecturer at UC Berkeley, was killed by a truck driver while cycling at Fulton St. and Bancroft Way in 2012.[2] In 2016, Berkeley resident Megan Schwarzman came minutes from death after being struck by a driver at Fulton St. and Bancroft Way and suffered severe injuries.[3]

From Bancroft Way to Hearst Avenue., Oxford Street and Fulton Street resemble a suburban arterial with four travel lanes, two parking lanes, and a median with turn lanes at intersections. Cyclists must use Class II bike lanes that put them at risk of getting "doored" if they feel confident enough to ride on Oxford Street, and pedestrians must use narrow sidewalks that do not reflect the significant demand generated by the campus and downtown or the increased demand that will be spurred by future developments. Not only is the current Class II bike lane on Oxford dangerous for getting "doored," but also cars frequently use the southbound bike lane as a temporary parking spot and loading zone for Anchor House, placing users at risk. While the solutions to some of these challenges—including sidewalk widening—may require longer-term projects, there are short-term, quick-build solutions that would significantly improve safety along the Oxford-Fulton corridor.

Improving safety on Oxford Street and Fulton Street is especially important at this moment. In the next decade, many significant developments are planned along the Oxford corridor that could dramatically affect transportation, development, urban design,

[2] https://www.berkeleyside.org/2012/07/16/neuroscientist-shlomo-bentin-killed-in-bike-accident
[3] https://www.berkeleyside.org/2016/02/05/hope-gratitude-after-near-deadly-collision-in-berkeley

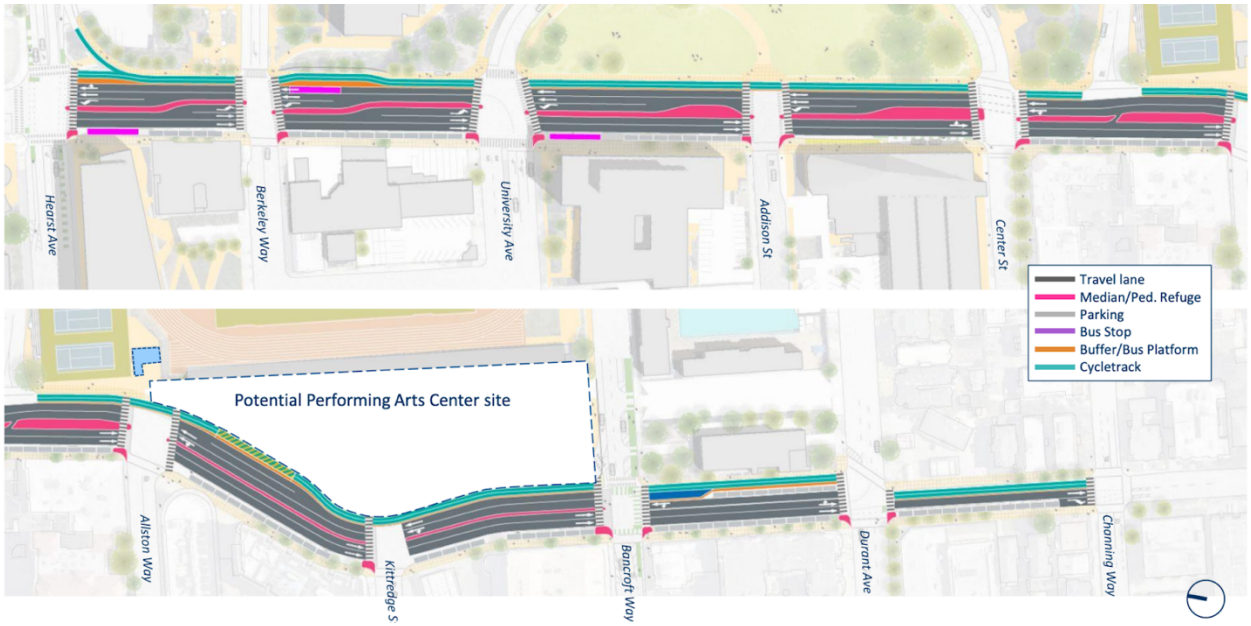
housing, potentially land values/affordability and more! The University of California is planning to redevelop and expand University Hall at Oxford and University and is planning a student housing project at Fulton and Bancroft that will contain an estimated 1625 beds.[4] Anchor House, between University and Hearst on Oxford has already come online with 772 new beds for transfer students.[5] Additionally, a 17-story, 283-unit private mixed use development called The Hub will be built at the intersection of Oxford Street and Center Street[6]. Nearby on Hearst Avenue, the entirely new College of Data and Society Gateway building is currently under construction.[7] Beyond these projects, many substantial projects are planned on adjacent streets. These new developments will spur new transportation demand for safe bicycle and pedestrian infrastructure.

There is a long history of interest in redesigning Oxford Street to better serve all street users. The 2017 Berkeley Bicycle Plan identifies the Oxford-Fulton corridor as an ideal candidate for a Class IV cycle track facility. Oxford serves as a crucial connection between the north and south sides of campus and downtown for people riding bikes. Additionally, Oxford is on the City of Berkeley's High-Injury Network identified in the City's 2019 Vision Zero Action Plan,[8] meaning that it is one of the small number of streets in the city that account for the most traffic injuries and deaths.

In 2021, UC Berkeley completed an Oxford St./Fulton St. Multimodal Mobility and Urban Design Study, authored by Sasaki and Fehr & Peers[9]. This comprehensive study included data analysis of vehicle, bicycle, and pedestrian counts and the evaluation of many different alternatives. The study identified the need for improved bicycle and pedestrian safety infrastructure on Oxford Street and recommended the construction of a two-way Class IV cycle track on the east side of Oxford Street. Fehr & Peers found that a cycle track on the east side of Oxford Street, as proposed in this referral, would have "minimal impact on vehicular operations" and would not require removing the median.

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[4] https://capitalstrategies.berkeley.edu/Bancroft-Fulton
[5] https://studenthousingbusiness.com/uc-berkeley-completes-772-bed-residence-hall-for-transfer-students/
[6] https://berkeleyca.gov/sites/default/files/2022-04/4-The-HUB-Applicant-Statement-01-20-22-2128-Oxford.pdf
[7] https://capitalstrategies.berkeley.edu/gateway
[8] https://berkeleyca.gov/sites/default/files/2022-02/Berkeley-Vision-Zero-Action-Plan.pdf
[9] http://www.preservenet.com/20211130_OxfordCorridorStudy.pdf



Preferred Alternative from UC Berkeley Oxford St./Fulton St. Multimodal Mobility and Urban Design Study between Hearst Ave. and Channing Way. Construction has been completed for the blocks between Bancroft Way and Channing Way as part of the Southside Complete Streets Project (Fehr & Peers).

In 2023, students in UC Berkeley's Master of City Planning program at the College of Environmental Design studied the existing conditions and needs for safety improvements on Oxford Street as part of an intensive transportation studio. This team reviewed previous plans and documents, collected average pedestrian and bicycle intersection counts, conducted on-site community engagement, and authored a comprehensive 71-page report.[10] Among other recommendations, this report recommended implementing protected bicycle lanes connected to existing facilities and installing traffic calming measures including bollard curb extensions and painted crossings.

[10] https://ideas.repec.org/p/cdl/itsrrp/qt53g9g83t.html

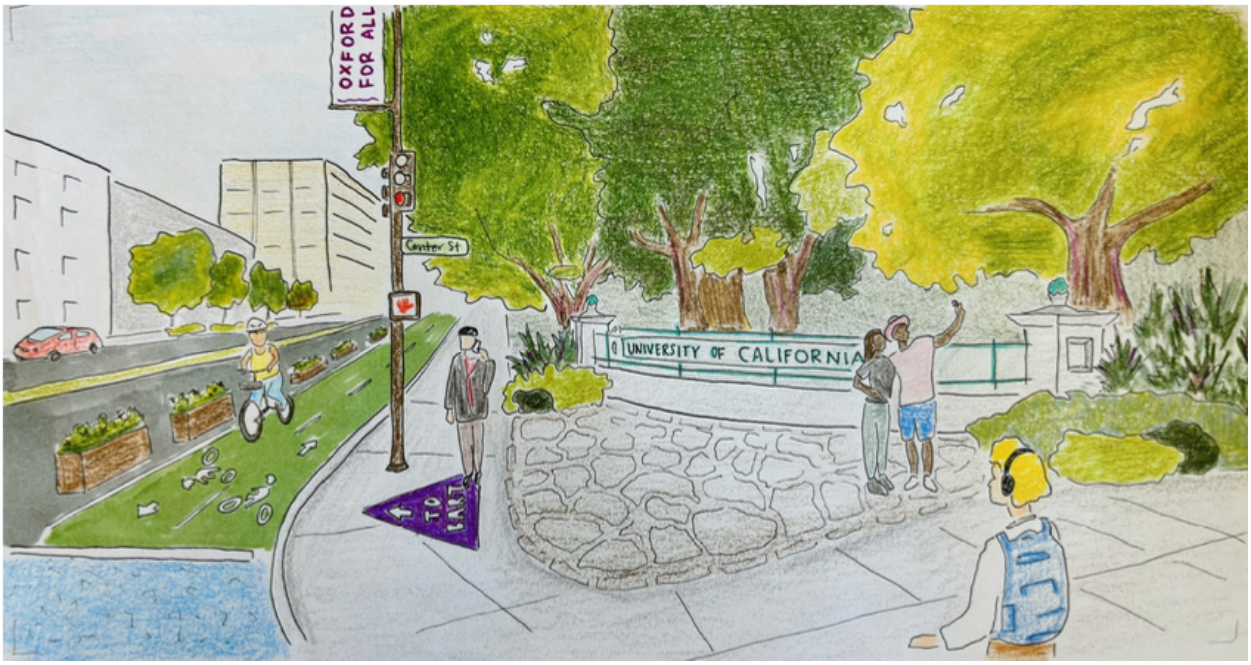


Illustration of what a Class IV bicycle facility on Oxford Street could look like. Katie Heuser

On September 12, 2023, City Council approved a referral titled 51B BRT + University/Shattuck Corridor Mobility Improvements,[11] that, among other recommendations, included a $150,000 budget referral to conduct corridor studies — including on Oxford Street and Fulton Street — to identify appropriate road safety improvements that advance city-adopted safety, transportation, and climate goals. While $150,000 was allocated in the FY 2025 budget,[12] to the best of our knowledge, these funds have not been expended, and no study has commenced.

RATIONALE FOR RECOMMENDATION

This referral builds on prior work and recognizes the urgent need to address traffic safety on Oxford Street with proven infrastructural solutions. In particular, quick-build solutions have become widely utilized to improve traffic safety rapidly at a low cost and could be effective, inexpensive, and quick to implement on the Oxford-Fulton corridor. In fact, quick-build safety improvements were previously successfully implemented on Fulton Street just one block south of this item's project area.

In 2016, Berkeley resident Megan Schwarzman was struck by a driver while riding her bike on Fulton Street just south of Bancroft Way and dragged under a car for 60 feet.

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[11] https://berkeleyca.gov/sites/default/files/documents/2023-09-12 Item 29 51B BRT %2B University-Shattuck.pdf
[12] https://berkeleyca.gov/sites/default/files/documents/2024-06-25 Item 53 Fiscal Years 2025 2026 Biennial Budget Adoption - Supp %28Budget%29.pdf

She suffered severe injuries, including “a lacerated liver, collapsed lung, broken ribs, multiple pelvic fractures, a broken collarbone and broken facial bones, along with extreme blood loss” and was minutes from losing her life.[13]

After a significant push by advocates to prevent more traumatic crashes like the one that almost took Megan’s life, the City of Berkeley rapidly approved and built a cycle track from Bancroft Way to Channing Way with only paint and plastic delineators, or flex posts. This quick-build facility was recently removed, as the permanent cycle track constructed with the Southside Complete Streets Project replaced it. While this quick-build improvement was implemented in response to a serious crash that almost took a Berkeleyan’s life, it is in our best interest to identify streets in need of quick-build improvements and prevent future tragedies *before* they occur. We must be proactive, not just reactive.



Before-and-after comparison showing the quick-build bicycle facility constructed on Fulton St. in 2016 (Google Street View).

Quick-build improvements can be implemented without precluding future changes to revise or improve a street’s design and can be built at a low cost and on a quick timeline. While the quick-build bicycle facility constructed on Fulton St. in 2016 is one example, quick-build projects have been implemented across the United States and across the world to great success, especially in the last 10-15 years.[14]

While quick-build improvements would be an excellent option for this corridor, this referral in no way intends to preclude staff from planning and constructing more permanent facilities. When planning and designing this project, staff may wish to consult the Transportation and Infrastructure Commission to receive input. Staff should

[13] https://www.berkeleyscanner.com/2024/08/06/traffic-safety/berkeley-street-trauma-prevention-program-mike-wilson-meg-schwarzman/
[14] https://nacto.org/wp-content/uploads/2016PeoplefoBikes_Quick-Builds-for-Better-Streets.pdf

additionally consult with AC Transit regarding AC Transit's current Line 6 terminus on Oxford Street at Addison Street to discuss options to accommodate it in the proposed quick-build design, move it back to its previous location on the 2100 block of Addison St, or otherwise address impacts to this terminus.

ENVIRONMENTAL SUSTAINABILITY

Berkeley's 2019 Greenhouse Gas Inventory found that 60 percent of emissions in the City come from transportation sources, predominantly private vehicles. Building connected, safe active transportation facilities is one of the most effective ways Berkeley can reduce its largest source of greenhouse gas emissions. Oxford St. and Fulton St. next to campus are highly interconnected to other nearby streets that have already received bicycle and pedestrian safety improvements, such as Bancroft Way, Oxford Street, and Fulton Street south of Bancroft Way. Because this project would close a key gap in Berkeley's bicycle network, its impacts in reducing greenhouse gas emissions would be particularly high.

CONTACT PERSON

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Olga Bolotina, Chief of Staff, Council District 4, OBolotina@Berkeleyca.gov

Phone: 510-981-7140

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Brent Blackaby
Councilmember District 6

CONSENT CALENDAR
June 3, 2025

To: Honorable Mayor and Members of the City Council

From: Councilmember Blackaby (Author), Mayor Ishii (Co-Sponsor), Councilmember Humbert (Co-Sponsor), Councilmember Taplin (Co-Sponsor)

Subject: The Berkeley Baby Book Project: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds

RECOMMENDATION

Adopt a Resolution approving the expenditure of an amount not to exceed $250 per Councilmember, including $250 from Councilmember Blackaby, the Mayor and Councilmembers Humbert and Taplin, to support the Berkeley Baby Book Project, a non-profit, with funds relinquished to the City's general fund. The relinquishment of funds from Councilmember Blackaby and all other Councilmembers who would like to contribute, will provide books to Berkeley children aged 0-5 years. The books are delivered by USPS and addressed to the child who owns them at no cost to their family.

FINANCIAL IMPLICATIONS

No General Fund impacts

CURRENT SITUATION AND ITS EFFECTS

The Berkeley Baby Book Project (BBBP) is a childhood literacy project that provides children age 0-5 with free monthly, quality age appropriate books mailed directly to their home. Children love receiving books addressed to them and are excited to interact with them and learn to read.

Brain development rates in the early months of a baby's life are never again matched. Research shows that the presence of a generous number of books in the home of a young child is, by itself, a surprisingly strong indicator of later education level attainment, outweighing correlations to income and parent education. Frequent book sharing with babies is the best way to nurture roots of literacy. Ownership makes that easy.

Literacy is a cornerstone of social justice and equality. Without it, full access to and participation in the programs, movements and institutions that shape our culture and society is hindered.

All children 0-5 in Berkeley qualify for the Berkeley Baby Book Project, and BBBP conducts targeted outreach to low-income families directly and through Head Start preschools and the Federal WIC nutrition program.

Since its inception in 2015, the Berkeley Baby Book Project has mailed 85,733 books to almost 5,000 children.

BACKGROUND

The Berkeley Baby Book Project started with enrolling children in Berkeley/Emeryville in 2015. It expanded to San Pablo/Richmond in 2022. In 2023, bilingual books became available with almost 40% of newly enrolled children opting for them.

Books Mailed & Children Served Numbers thru 2024			
Berk-Emvl 2024 only		**Berk-Emvl 2015 - 2024**	
Children Served	1,186	Children Served	3,435
Books Mailed	14,082	Books Mailed	71,894
Rich-SnPb 2024 only		**Rich - SnPb 2022 - 2024**	
Children Served	885	Children Served	1,382
Books Mailed	8,105	Books Mailed	13,839
		#Books Mailed All Time:	**85,733**

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

No direct environmental sustainability or climate impacts

CONTACT PERSON

Councilmember Brent Blackaby Council District 6 510-981-7160

Attachments:
1: Resolution
2: Article about the BBBP written for the FAB (a retired women's organization)

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

AUTHORIZING THE EXPENDITURE OF SURPLUS FUNDS FROM THE OFFICE EXPENSE ACCOUNTS OF THE MAYOR AND COUNCILMEMBERS FOR A GRANT TO PROVIDE FUNDING TO THE BERKELEY BABY BOOK PROJECT

WHEREAS, Councilmember Brent Blackaby, Mayor Ishii and Councilmembers Humbert and Taplin have surplus funds in their office expenditure account and will contribute $250.00 to the Berkeley Baby Book Project to provide free, quality books to children age 0-5 and they invite other Councilmembers to join them in contributing; and

WHEREAS, a California non-profit tax-exempt corporation, The Berkeley Baby Book Project, will receive funds in an amount up to $250.00 per contributing Councilmember's discretionary account; and

WHEREAS, the provision of such services would fulfill the municipal public purpose of supporting literacy by providing a generous number of books to children aged 0-5 to read and have as their own; and

WHEREAS, brain development rates in the early months of a baby's life are never again matched.

WHEREAS, research shows that books in a young child's home is a surprisingly strong indicator of later education level attainment, outweighing correlations to income and parent education.

WHEREAS, literacy is a cornerstone of social justice and equality. Without it, full access to and participation in the programs, movements and institutions that shape our culture and society is hindered; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that funds relinquished by the Mayor and Councilmembers from their Council Office Budget, up to $250.00 per office, shall be granted to The Berkeley Baby Book Project.



The Berkeley Baby Book Project has grown quite a bit since Helen Marcus wrote about us for FAB in 2020.

The Book Project provided books to over 2,000 children in 2024, all under age 5. Children enrolled in our programs receive new, age-based books by mail monthly – with their name on the label, a detail of great delight to toddlers. They may be enrolled as early as the day they are born.

We don't mail all those books ourselves. The BBBP is a Partner of Dolly Parton's Imagination Library , a very large nonprofit. However, all Imagination Library (IL) Programs are operated by local IL Partner. In the East Bay, that's us.

Like all IL Partners, we do all the groundwork. We pay IL for books mailed to children we enroll, along with all other costs of our nonprofit organization: overhead, management and insurance. Library programs. IL wraps, labels and mails books. Book lists are updated annually by IL.
In 2023, a Bilingual Spanish-English book list was introduced. Parents choose it or the English book list when enrolling a child, a great thing for many families.

Toddlers love getting their own mail, a special book of they own.



Our outreach targets low-income families directly and through programs serving them like Head Start Preschools and the Federal WIC nutrition program.

We know literacy is key to school success from Kindergarten on. Kinder-Readiness assessments are the first tests of 5-year old's early literacy knowledge.



A child starting school with low literacy skills falls into the "Kinder-Readiness Gap" and tends to continue lagging behind more skilled students far beyond Kindergarten.

Our book gifting Programs cover Berkeley- Emeryville and Richmond-San Pablo. Enrollment criteria are a child's home address and birthdate, nothing else. If they are under age 5 and live in one of our IL Program regions they can be enrolled.

Research spanning decades and many nations shows that children with books in their home from the start know more words and have more early literacy and numeracy skills than children from homes with few or no books. In fact, simply counting the number of books

The Berkeley Baby Book Project

in an infant's home predicts Kinder-Readiness more accurately than any other metric, including parent income or education levels.
The lead researcher of a 20-year, 27 nation study sums up its findings succinctly:
"You get a lot of bang for your book."

Brain development rates in the early months are never again matched. It's simple to spark powerful connections between areas of the brain key to later literacy then with frequent, playful time spent with picture books, describing images and print, babbling and talking back and forth with little ones. Daily time spent with books plants the seeds of later fluent literacy.



We agree with Dolly, who says, "You can never put enough books into enough children's hands." Imagination Library delivers books to over 2.5 million US children every month. We want more of them coming to East Bay.

Berkeley-Emeryville families can enroll children online. Richmond-San Pablo families must mail in a paper form we provide to program partners, community centers, and libraries. Our website shows where they are available.

Our annual surveys never fail to strengthen and feed our passion for our work, and warm our hearts. Here are a few of thousands of parent comments received since 2015:

"Thank you for making my family stronger with spending family time learning together and expanding our minds." (original in Spanish, google translated)

"Thank you for encouraging reading with little ones, my kids love the books & we learn a lot together since our books are bilingual! Bless this program and the people who make it possible!"



"My kids are very excited every time they receive a new book in the mail. Just the fact they get their own mail makes them feel special & motivated to read it."

"We love that our son gets to experience many of the same books from our childhood AND grandma gets to read them in Spanish (she doesn't speak English)."

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Office of the City Manager

ACTION CALENDAR
June 3, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Eleanor Hollander, Manager, Office of Economic Development

Subject: Re-Establishment - Berkeley Tourism Business Improvement District

RECOMMENDATION

Conduct a *public meeting* to review and discuss the intention to renew the Berkeley Tourism Business Improvement District (BTBID) for ten (10) years starting July 1, 2025 (hereafter, "BTBID", "Tourism BID", "BID" or "the District"). On May 6, 2025 Council adopted Resolution No. 71,749–N.S., which states the intention to renew the Tourism BID and directed the City Clerk to schedule a *public meeting* on June 3, 2025, and a public hearing on June 24, 2025 to consider the renewal of the District. Per state law, a *public meeting* is required at which local officials allow public testimony regarding the proposed new assessment in addition to the noticed *public hearing* at which the legislative body proposes to enact the assessment.

FISCAL IMPACTS OF RECOMMENDATION

The proposed renewed BTBID would place a three percent (3%) assessment on short-term sleeping room rental revenue on all lodging businesses, existing and in the future, with five (5) rooms or more, available for public occupancy within the boundaries of the City. Lodging businesses may include, but are not limited to, any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, or other similar structure or portion thereof.

The Resolution of Intention (NO. 71,749-N.S.) to renew the Berkeley Tourism Business Improvement District (BTBID), was adopted by the Berkeley City Council on May 6, 2025 (Attachment 1) with an accompanying staff report detailing the Tourism BID renewal process (Attachment 2). The total BTBID annual assessment budget for the initial year of its ten (10) year operation is anticipated to be approximately $2,221,000 in FY2026. If renewed, the BTBID would be in effect for ten (10) years and a similar assessment budget is expected to apply to subsequent years, though the total assessment amounts would vary each year based on the revenue generated by the lodging businesses.

The BTBID Management District Plan (Attachment 2, Exhibit 5) designates that the

funds generated by the BTBID are to be used for marketing & sales promotions, cultural tourism programs, and other specific lodging business-serving activities. One percent (1%) of the funds would be retained annually by the City for its administrative services in collecting the assessments and contracting for the BTBID services.

Because the BTBID programs are designed to bring more visitors to the City, the program may result in an increase in transient occupancy tax (TOT) collections. There may also be an increase in travel-related sales tax revenues as a result of higher hotel occupancies. If the proposed BTBID is renewed, the City will be responsible for collecting and forwarding assessment funds. Annual assessment funds will be deposited into Tourism BID Fund 781-21-208-251-0000-000-000-412110 and expended from fund 781-21-208-251-0000-000-446-636110.

CURRENT SITUATION AND ITS EFFECTS

The Property and Business Improvement District Law of 1994, requires specific actions to create or expand a tourism or property-based improvement district including requiring Council to conduct at least one *public meeting* at which local officials allow public testimony regarding the proposed new assessment in addition to the noticed *public hearing* at which the legislative body proposes to enact the assessment.

On May 6, 2025 Council adopted Resolution No. 71,749–N.S., which states the intention to renew the Tourism BID and directed the City Clerk to schedule a public meeting on June 3, 2025, and a public hearing on June 24, 2025 to consider the renewal of the District. The City Clerk's Office gave joint notice of both by mailing Resolution No. 71,749-N.S. to all affected lodging establishments in the proposed District.

In Berkeley, the convention and visitor's bureau, known as Visit Berkeley, established a Tourism BID in 2012 known as the BTBID for a term of five years and subsequently renewed the BTBID in 2017 for a term of ten years. The proposed Tourism BID continues the same scope of services going forward, contemplates an increase in collections from 1% to 3% of room rates, and provides an updated *Management District Plan* which details the proposed BID services for the renewed BTBID and also includes the proposed boundary of the BTBID, a budget, and a proposed means of governance.

The BTBID will continue to include all lodging businesses existing and, in the future, with five (5) rooms or more, available for public occupancy within the boundaries of the City. The renewed BTBID will have a ten (10) year life. The assessment will be implemented beginning July 1, 2025. Once per year beginning on the anniversary of district renewal there is a 30-day period in which business owners paying more than fifty percent (50%) of the assessment may protest and begin proceedings to terminate the district. The City will be responsible for collecting the assessment on a monthly basis from each assessed lodging business. The City shall forward the assessments to Visit Berkeley, which will have the responsibility of managing BTBID programs as provided in the Management District Plan. The City shall retain a fee equal to one percent (1%) of the amount of assessment collected to cover its costs of collection and administration.

BACKGROUND

A Tourism BID is a special purpose Business Improvement District (BID) focused on the hotel sector. Tourism BIDs are formed by a local city government at the request of hotels and motels which stand to benefit from joint marketing and promotion activities directed by a separate non-profit corporation. Renewal of the BTBID will continue a stable funding source for tourism promotion and visitor resources in Berkeley.

RATIONALE FOR RECOMMENDATION

This public meeting is required by California Government Code's Property and Business Improvement District Law of 1994.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Eleanor Hollander, Office of Economic Development, 510-981-7536

Attachments:

1. Resolution No. 71, 749-N.S. - Resolution of Intention to Renew the Berkeley Tourism Business Improvement District (2025), Adopted Berkeley City Council, May 6, 2025.

2. Berkeley City Council, *Re-Establishment of the Berkeley Tourism Business Improvement District*, Item 2, May 6, 2025

Attachment 1

RESOLUTION NO. 71,749-N.S.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BERKELEY DECLARING ITS INTENTION TO RENEW THE BERKELEY TOURISM BUSINESS IMPROVEMENT DISTRICT (BTBID) AND FIXING THE TIME AND PLACE OF A PUBLIC MEETING AND A PUBLIC HEARING THEREON AND GIVING NOTICE THEREOF

WHEREAS, the City of Berkeley (City) created the BTBID on September 18, 2012 by Resolution No. 65,899-N.S.; and

WHEREAS, the BTBID was subsequently renewed on April 25, 2017 by Resolution No. 67-926-N.S.; and

WHEREAS, the BTBID was renewed for a ten (10) year term which ends on June 30, 2027, and the BTBID Owner's Association, Visit Berkeley, has requested the City Council to modify the Management District Plan (Plan) of the BTBID so that the current BTBID term ends June 30, 2025; and

WHEREAS, the Property and Business Improvement District Law of 1994, Streets and Highways Code § 36600 et seq., authorizes the City to renew business improvement districts for the purposes of promoting tourism; and

WHEREAS, Visit Berkeley, lodging business owners, and representatives from the City have met to consider the renewal of the BTBID; and

WHEREAS, Visit Berkeley has drafted a Plan which sets forth the proposed boundary of the BTBID, a service plan and budget, and a proposed means of governance; and

WHEREAS, lodging business which will pay more than fifty percent (50%) of the assessment under the BTBID have petitioned the City Council to renew the BTBID.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL THAT:

1. The recitals set forth herein are true and correct.
2. The City Council finds that lodging businesses that will pay more than fifty percent (50%) of the assessment proposed in the Plan have signed and submitted petitions in support of the renewal of the BTBID. The City Council accepts the petitions and adopts this Resolution of Intention to renew the BTBID and to levy an assessment on certain lodging businesses within the BTBID boundaries in accordance with the Property and Business Improvement District Law of 1994.
3. The City Council finds that the Plan satisfies all requirements of Streets and Highways Code § 36622.
4. The City Council declares its intention to renew the BTBID and to levy and collect assessments on lodging businesses within the BTBID boundaries pursuant to the Property and Business Improvement District Law of 1994.

5. The BTBID shall include all lodging businesses, existing and in the future, with five (5) rooms or more, available for public occupancy within the boundaries of the City, as shown in the map attached as Exhibit A.

6. The name of the district shall be Berkeley Tourism Business Improvement District.

7. The annual assessment rate is three percent (3%) of gross short-term sleeping room rental revenue. Based on the benefit received, assessments will not be collected on: stays of more than thirty (30) consecutive days; and stays by any officer or employee of a government who is exempt by express provision of federal international treaty.

8. The assessments levied for the BTBID shall be applied toward marketing & sales promotions and cultural tourism programs to market assessed lodging businesses in the City as tourist, meeting, and event destinations, as described in the Plan. Funds remaining at the end of any year may be used in subsequent years in which BTBID assessments are levied as long as they are used consistent with the requirements of this resolution, the resolution of formation, and the Plan.

9. Subject to completion of the modification of the current BTBID term, the renewed BTBID will have a ten (10) year life, beginning July 1, 2025 or as soon as possible thereafter, and ending ten (10) years from its start date, unless renewed pursuant to Streets and Highways Code § 36660.

10. Bonds shall not be issued to fund the BTBID.

11. The time and place for the public meeting to hear testimony on renewing the BTBID and levying assessments are set for June 3, 2025, at 6:00 PM, or as soon thereafter as the matter may be heard, at the School District Board Room located at 1231 Addison Street, Berkeley, CA 94702.

12. The time and place for the public hearing to renew the BTBID and the levy of assessments are set for June 24, 2025, at 6:00 PM, or as soon thereafter as the matter may be heard, at the School District Board Room located at 1231 Addison Street, Berkeley, CA 94702. The City Clerk is directed to provide written notice to the lodging businesses subject to assessment of the date and time of the meeting and hearing, and to provide that notice as required by Streets and Highways Code § 36623, no later than May 9, 2025.

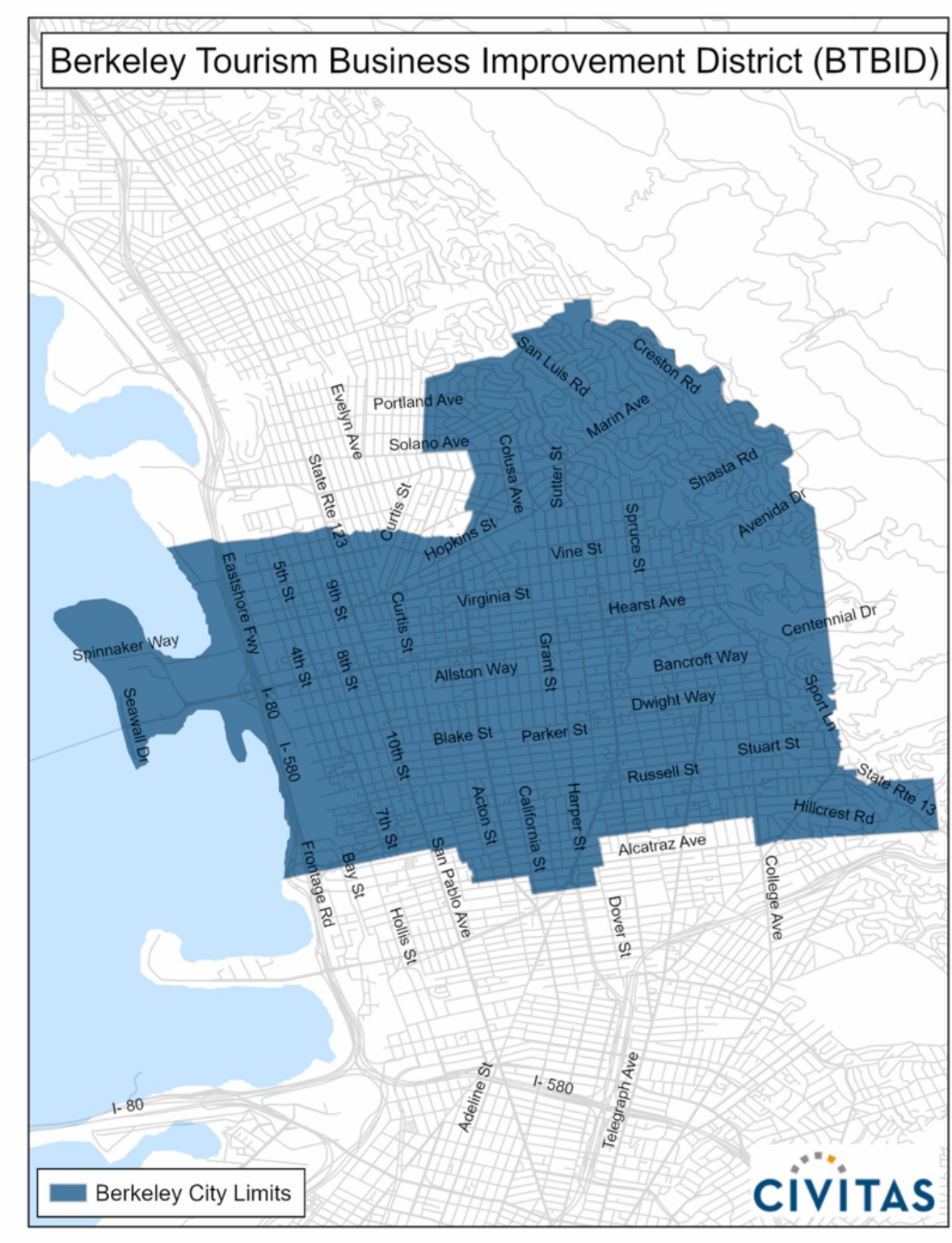
13. At the public meeting and hearing the testimony of all interested persons for or against the renewal of the BTBID may be received. If at the conclusion of the public hearing, there are of record written protests by the owners of the lodging businesses within the proposed BTBID that will pay fifty percent (50%) or more of the estimated total assessment of the entire BTBID, no further proceedings to renew the BTBID shall occur for a period of one year.

14. The complete Plan is on file with the City Clerk and may be reviewed upon request.

15. This resolution shall take effect immediately upon its adoption by the City Council.

Exhibit A: District Boundaries

EXHIBIT A
District Boundaries



02

Office of the City Manager

CONSENT CALENDAR
May 6, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Eleanor Hollander, Economic Development Manager

Subject: Re-Establishment of the Berkeley Tourism Business Improvement District

RECOMMENDATION

1. Adopt a Resolution declaring the City Council's intention to renew the Berkeley Tourism Business Improvement District (BTBID) for ten (10) years starting July 1, 2025, and directing the City Manager to schedule a public meeting on June 3, 2025 and a public hearing on June 24, 2025 to renew the BTBID.
2. Adopt a Resolution declaring the City Council's intention to modify the existing BTBID to end on June 30, 2025, shortening the existing BTBID's term from ten (10) years to eight (8) years and directing the City Manager to schedule a public hearing on June 24, 2025 on modification of the BTBID Management District Plan (Plan).
3. Adopt a Resolution authorizing the City Manager to execute a contract and any necessary amendments with Visit Berkeley, the BTBID's Owners' Association and the City of Berkeley's Convention and Visitor's Bureau, for an amount not to exceed total Tourism BID collections for the term of the renewed BTBID, beginning on July 1, 2025 and concluding on June 30, 2035.

SUMMARY

The Berkeley Tourism Business Improvement District or, BTBID, is a benefit assessment district created in 2012 and subsequently renewed in 2017, to fund marketing and sales promotion efforts for assessed lodging businesses in Berkeley with five rooms or more. Lodging business owners decided to pursue renewal of the BTBID in order to maintain a revenue source devoted to marketing the City of Berkeley (City) as a destination for tourism, meetings, and events. The City contracts with Visit Berkeley, the BTBID's Owners' Association, which also functions as the City's Convention and Visitor's Bureau to implement the activities funded by the BTBID. These activities are described fully in the BTBID Management District Plan and are incorporated as Attachment 5.

The BTBID is proposed to be renewed pursuant to the Property and Business Improvement District Law of 1994, Streets and Highways Code section 36600 et. seq. If

renewed, the BTBID District would generate funding annually—approximately $2,221,000 in FY 2026—for the promotion of travel and tourism specific to Berkeley.

Staff recommends that the City Council adopt the attached Resolution of Intention to Renew the BTBID, directing the City Manager to schedule a public meeting on June 3, 2025, and a public hearing on June 24, 2025, on the renewal and the levy of assessments on lodging businesses with five rooms or more within the boundaries of the City of Berkeley.

In addition, staff and the BTBID's Owners' Association seek to modify the existing BTBID to shorten the term by two years to conclude on June 30, 2025. The purpose of the modification is to align the BTBID's term with the renewal term, implementing the annual assessment rate of 3% of gross short-term sleeping room rental revenue. Staff recommends that the City Council adopt the attached Resolution of Intention to Modify the BTBID, directing the City Manager to schedule a public hearing on June 24, 2025 on the modification of the Plan.

Finally, staff recommends that council adopt a Resolution authorizing the City Manager to execute a contract and any necessary amendments with Visit Berkeley, the BTBID's Owners' Association and the City of Berkeley's Convention and Visitor's Bureau, for an amount not to exceed total Tourism BID collections for the term of the renewed BTBID, beginning on July 1, 2025, and concluding on June 30, 2035.

FISCAL IMPACTS OF RECOMMENDATION

The proposed renewed BTBID would place a three percent (3%) assessment on short-term sleeping room rental revenue on all lodging businesses, existing and in the future, with five (5) rooms or more, available for public occupancy within the boundaries of the City. Lodging businesses may include, but are not limited to, any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, or other similar structure or portion thereof.

The total BTBID annual assessment budget for the initial year of its ten (10) year operation is anticipated to be approximately $2,221,000 in FY2026. If renewed, the BTBID would be in effect for ten (10) years and a similar assessment budget is expected to apply to subsequent years, though the total assessment amounts would vary each year based on the revenue generated by the lodging businesses.

The *Management District Plan* (Attachment 5) designates that the funds generated by the BTBID are to be used for marketing & sales promotions, cultural tourism programs, and other specific lodging business-serving activities. One percent (1%) of the funds would be retained annually by the City for its administrative services in collecting the assessments and contracting for the BTBID services. Because the BTBID programs are designed to bring more visitors to the City, the program should continue to result in an increase in transient occupancy tax (TOT) collections. There may also be an increase in travel-related sales tax revenues as a result of higher hotel occupancies.

These Resolutions will have minor administrative impact. The City Manager will be directed to mail notice of hearings and a copy of the Resolution of Intention to all lodging businesses within the proposed BTBID. If the proposed BTBID is renewed, the City will be responsible for collecting and forwarding assessment funds and will be reimbursed for the cost of this service. Annual assessment funds will be deposited into Tourism BID Fund 781-21-208-251-0000-000-000-412110 and expended from fund 781-21-208-251-0000-000-446-636110.

CURRENT SITUATION AND ITS EFFECTS

The BTBID is a benefit assessment district created in 2012 (Resolution No. 65,899–N.S.) and subsequently renewed in 2017 (Resolution No 67-926-N.S.) to provide marketing & sales promotions for assessed lodging businesses. The proposed renewed BTBID includes all lodging businesses, existing and in the future, with five (5) rooms or more, available for public occupancy within the boundaries of the City. The proposed renewed BTBID would place a three percent (3%) assessment on short-term sleeping room rental revenue on all lodging businesses. Lodging business owners decided to pursue renewal of the BTBID and increase the assessment from 1% to 3% in order to maintain a revenue source devoted to marketing the City as a destination for tourism, meetings, and events and to add a cultural resources component to their programing as outlined on page 8 of the *BTBID Management District Plan* (Attachment 5).

The current BTBID was renewed in 2017 for a ten (10) year term, beginning July 1, 2017, through June 30, 2027. Visit Berkeley, the BTBID's Owners' Association, has requested that the current BTBID term be modified to shorten the ten (10) year term to eight (8) years. The process to modify the current BTBID is set to be completed concurrently with the completion of BTBID renewal. That is, the proposed modified BTBID's term will expire on June 30, 2025, and the renewed BTBID will begin on July 1, 2025, with no break in service. The purpose of the modification is to align the BTBID's term with the renewed term, while simultaneously implementing the annual assessment rate of three percent (3%) of gross short-term sleeping room rental revenue.

The Tourism BID assessment would continue to be collected from the assessed businesses by the City concurrently with Transient Occupancy Tax, or TOT, which remains at 1%. The City would continue to contract with Visit Berkeley to act as the Owners' Association of the BTBID and provide services with the BTBID funds collected. The BTBID *Management District Plan* designates that the funds would be used for marketing & sales promotions and cultural tourism programs. The BTBID Management District Plan also calls for City oversight of Visit Berkeley's management of BTBID funds, including the yearly submission of an annual report and proposed budget for the following Fiscal Year, typically presented to City Council in late spring/early summer prior to the commencement of the fiscal year on July 1.

Renewal Process

The BTBID Owners' Association, Visit Berkeley, began the process of renewing the BTBID in January 2025 by circulating a petition of all eligible lodging establishments. In March 2025, the Berkeley City Clerk certified that the City has received written petitions

signed by lodging business owners in the proposed district who will pay more than fifty percent (50%) of the assessments proposed to be levied (Attachment 4) with the assistance of the City's Finance Department. This majority petition allows the City Council to initiate proceedings for district renewal. The Adoption of the attached Resolution is the first City Council action required to renew the BTBID.

Following the adoption of the Resolution of Intention to renew the district, the City Council must also schedule and hold a public meeting, where the City Council must allow public testimony regarding the proposed assessment. Finally, the City Council must schedule and hold a public hearing where any protests may be received. If at the time of the public hearing, written protests have not been received from businesses that will pay fifty percent or more of the proposed assessments, the City Council can adopt a resolution renewing the BTBID. Staff recommends that the City Council adopt the Resolution of Intention to renew the BTBID, directing the City Manager to schedule a public meeting for June 3, 2025, and the final public hearing for June 24, 2025.

District Modification Process
At the written request of the BTBID Owners' Association, the City Council may modify the existing *Management District Plan* after conducting one public hearing on the proposed modification. Visit Berkeley, the BTBID's Owners' Association, has submitted a letter to City Council requesting modification of the current BTBID's term to shorten the term from ten (10) years to eight (8) years (Attachment 2: Exhibit A). Submission of this written request allows the City Council to initiate proceedings to modify the current term of the BTBID.

The Property and Business Improvement District Law of 1994 requires the City to mail a copy of the Resolution of Intention to modify the BTBID to assessed lodging businesses within the BTBID. The resolution must be mailed at least ten (10) days before the public hearing on the modification. The Property and Business Improvement District Law of 1994 also requires the City to publish a copy of the Resolution of Intention to modify the BTBID in a newspaper of general circulation in the City. The resolution must be published once at least seven (7) days before the public hearing on the modification.

Staff recommends that the City Council adopt the attached Resolution of Intention to Modify the BTBID, directing the City Manager to schedule a public hearing on the proposed modification on June 24, 2025, concurrently with the public hearing to renew the district for ten years for a term of 2025-35. If the City Council, following the public hearing, decides to modify the current BTBID, the City Council can adopt a resolution of modifying the existing *Management District Plan* to conclude on June 24, 2025.

Contract for Distribution of Tourism BID Funds
Pending the modification of the existing term of the Tourism BID, and the successful renewal of the BTBID for 2025-35, staff recommends that council adopt a Resolution authorizing the City Manager to execute a contract and any necessary amendments with Visit Berkeley, the BTBID's Owners' Association and the City of Berkeley's Convention and Visitor's Bureau, for an amount not to exceed total Tourism BID

collections for the term of the renewed BTBID, beginning on July 1, 2025 and concluding on June 30, 2035, so the city may “pass through” the collected assessments to the owners association smoothly.

BACKGROUND

A Tourism BID is a special purpose Business Improvement District (BID) focused on the hotel sector. Tourism BIDs are formed by a local city government at the request of hotels and motels which stand to benefit from joint marketing and promotion activities directed by a separate non-profit corporation. In California, more than 112 communities have established Tourism BIDs, many of which are located in the Bay Area. Tourism BID funds are customized to fit the needs of each destination and allow for a wide range of services including marketing & sales promotions and cultural tourism programs.

In Berkeley, the convention and visitor’s bureau, known as Visit Berkeley, established a Tourism BID in 2012 known as the BTBID for a term of five years and subsequently renewed the BTBID in 2017 for a term of ten years. This renewal of the BID continues the same scope of services going forward, contemplates an increase in collections from 1% to 3% of room rates, and provides an updated *Management District Plan* (Attachment 4) which details the proposed BID services for the renewed BTBID and also includes the proposed boundary of the BTBID, a budget, and a proposed means of governance. The BTBID will continue to include all lodging businesses existing and, in the future, with five (5) rooms or more, available for public occupancy within the boundaries of the City. The renewed BTBID will have a ten (10) year life. The assessment will be implemented beginning July 1, 2025. Once per year beginning on the anniversary of district renewal there is a 30-day period in which business owners paying more than fifty percent (50%) of the assessment may protest and begin proceedings to terminate the district.

The City will be responsible for collecting the assessment on a monthly basis from each assessed lodging business. The City shall forward the assessments to Visit Berkeley, which will have the responsibility of managing BTBID programs as provided in the *Management District Plan*. The City shall retain a fee equal to one percent (1%) of the amount of assessment collected to cover its costs of collection and administration.

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

Renewal of the BTBID will continue a stable funding source for tourism promotion and visitor resources in Berkeley. Modification of the current BTBID’s term will allow the current BTBID’s term to end before the renewed BTBID is implemented. This effort will continue to build on Berkeley’s success as a visitor destination and will help to maintain and grow General Fund revenues generated by TOT and visitor-generated sales taxes.

ALTERNATIVE ACTIONS CONSIDERED
None.

CONTACT PERSON
Eleanor Hollander, Office of Economic Development, (510) 981-7536

Attachments:

1: Resolution: Resolution of the City Council of the City of Berkeley Declaring its Intention to Renew the Berkeley Tourism Business Improvement District and Fixing the Time and Place of a Public Meeting and a Public Hearing Thereon and Giving Notice Thereof
    EXHIBIT A: District Boundaries
2: Resolution: Resolution of the City Council of the City of Berkeley Declaring its Intention to Modify the Berkeley Tourism Business Improvement District and Public Hearing Notices
    EXHIBIT A: Letter from Visit Berkeley Requesting Modification of the Management District Plan for the Berkeley Tourism Business Improvement District
3: Resolution: Contract with Visit Berkeley to Implement the Berkeley Tourism Business Improvement District
4: Tourism BID Petition Certification, March 2025
5: Berkeley Tourism Business Improvement District *Management District Plan*, 2025

Attachment 1

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BERKELEY DECLARING ITS INTENTION TO RENEW THE BERKELEY TOURISM BUSINESS IMPROVEMENT DISTRICT (BTBID) AND FIXING THE TIME AND PLACE OF A PUBLIC MEETING AND A PUBLIC HEARING THEREON AND GIVING NOTICE THEREOF

WHEREAS, the City of Berkeley (City) created the BTBID on September 18, 2012 by Resolution No. 65,899-N.S.; and

WHEREAS, the BTBID was subsequently renewed on April 25, 2017 by Resolution No. 67-926-N.S.; and

WHEREAS, the BTBID was renewed for a ten (10) year term which ends on June 30, 2027, and the BTBID Owner's Association, Visit Berkeley, has requested the City Council to modify the Management District Plan (Plan) of the BTBID so that the current BTBID term ends June 30, 2025; and

WHEREAS, the Property and Business Improvement District Law of 1994, Streets and Highways Code § 36600 et seq., authorizes the City to renew business improvement districts for the purposes of promoting tourism; and

WHEREAS, Visit Berkeley, lodging business owners, and representatives from the City have met to consider the renewal of the BTBID; and

WHEREAS, Visit Berkeley has drafted a Plan which sets forth the proposed boundary of the BTBID, a service plan and budget, and a proposed means of governance; and

WHEREAS, lodging business which will pay more than fifty percent (50%) of the assessment under the BTBID have petitioned the City Council to renew the BTBID.

NOW THEREFORE, BE IT RESOLVED BY THE BERKELEY CITY COUNCIL THAT:

1. The recitals set forth herein are true and correct.
2. The City Council finds that lodging businesses that will pay more than fifty percent (50%) of the assessment proposed in the Plan have signed and submitted petitions in support of the renewal of the BTBID. The City Council accepts the petitions and adopts this Resolution of Intention to renew the BTBID and to levy an assessment on certain lodging businesses within the BTBID boundaries in accordance with the Property and Business Improvement District Law of 1994.
3. The City Council finds that the Plan satisfies all requirements of Streets and Highways Code § 36622.
4. The City Council declares its intention to renew the BTBID and to levy and collect assessments on lodging businesses within the BTBID boundaries pursuant to the Property and Business Improvement District Law of 1994.

5. The BTBID shall include all lodging businesses, existing and in the future, with five (5) rooms or more, available for public occupancy within the boundaries of the City, as shown in the map attached as Exhibit A.

6. The name of the district shall be Berkeley Tourism Business Improvement District

7. The annual assessment rate is three percent (3%) of gross short-term sleeping room rental revenue. Based on the benefit received, assessments will not be collected on: stays of more than thirty (30) consecutive days; and stays by any officer or employee of a government who is exempt by express provision of federal international treaty.

8. The assessments levied for the BTBID shall be applied toward marketing & sales promotions and cultural tourism programs to market assessed lodging businesses in the City as tourist, meeting, and event destinations, as described in the Plan. Funds remaining at the end of any year may be used in subsequent years in which BTBID assessments are levied as long as they are used consistent with the requirements of this resolution, the resolution of formation, and the Plan.

9. Subject to completion of the modification of the current BTBID term, the renewed BTBID will have a ten (10) year life, beginning July 1, 2025 or as soon as possible thereafter, and ending ten (10) years from its start date, unless renewed pursuant to Streets and Highways Code § 36660.

10. Bonds shall not be issued to fund the BTBID.

11. The time and place for the public meeting to hear testimony on renewing the BTBID and levying assessments are set for June 3, 2025, at 6:00 PM, or as soon thereafter as the matter may be heard, at the School District Board Room located at 1231 Addison Street, Berkeley, CA 94702.

12. The time and place for the public hearing to renew the BTBID and the levy of assessments are set for June 24, 2025, at 6:00 PM, or as soon thereafter as the matter may be heard, at the School District Board Room located at 1231 Addison Street, Berkeley, CA 94702. The City Manager is directed to provide written notice to the lodging businesses subject to assessment of the date and time of the meeting and hearing, and to provide that notice as required by Streets and Highways Code § 36623, no later than May 9, 2025.

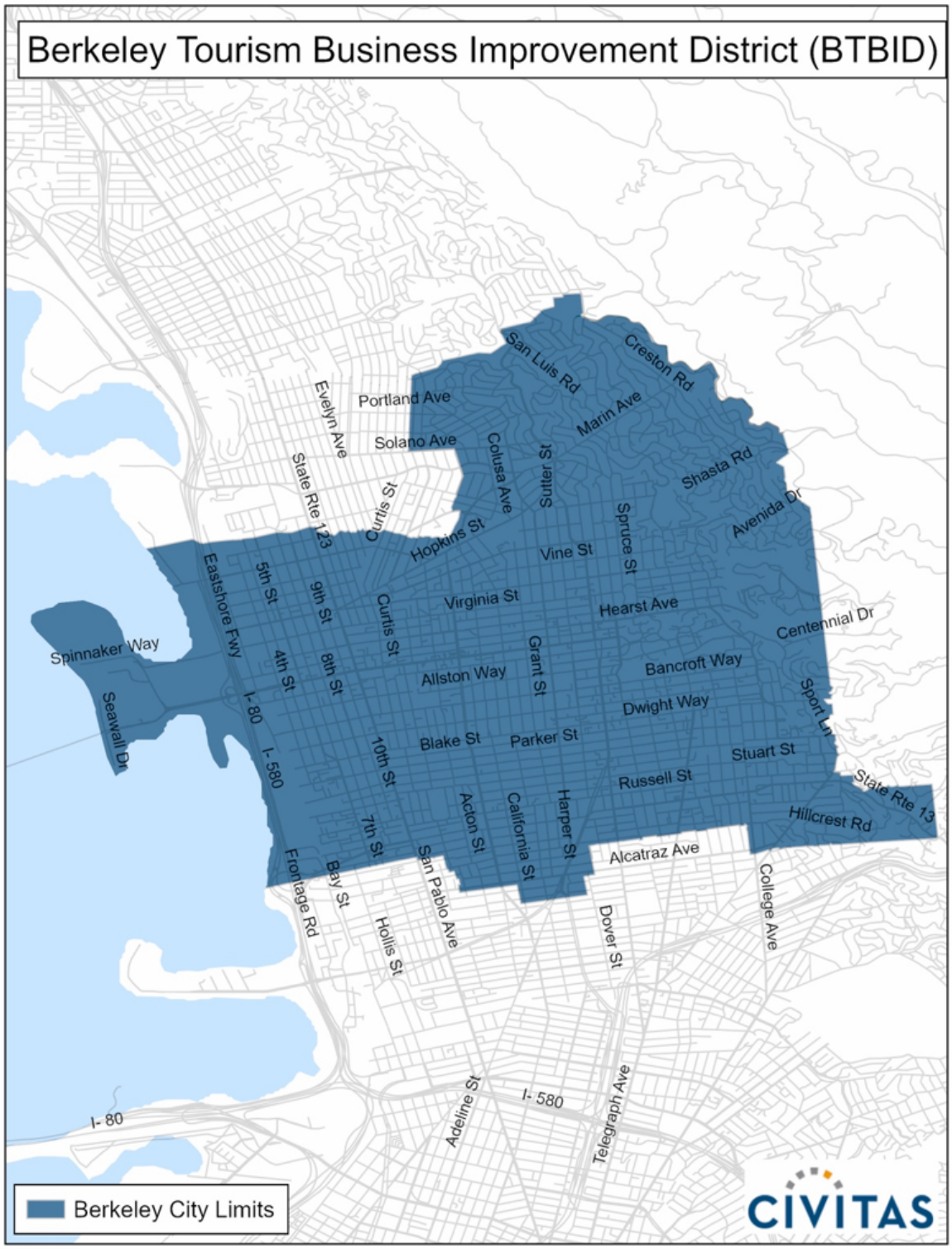
13. At the public meeting and hearing the testimony of all interested persons for or against the renewal of the BTBID may be received. If at the conclusion of the public hearing, there are of record written protests by the owners of the lodging businesses within the proposed BTBID that will pay fifty percent (50%) or more of the estimated total assessment of the entire BTBID, no further proceedings to renew the BTBID shall occur for a period of one year.

14. The complete Plan is on file with the City Clerk and may be reviewed upon request.

15. This resolution shall take effect immediately upon its adoption by the City Council.

Exhibit
A: District Boundaries

EXHIBIT A
District Boundaries



Attachment 2

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BERKELEY DECLARING ITS INTENTION TO MODIFY THE BERKELEY TOURISM BUSINESS IMPROVEMENT DISTRICT

WHEREAS, on April 25, 2017 the City Council of the City of Berkeley (City Council) adopted Resolution No. 67-926-N.S. declaring the results of the majority protest proceedings and renewing the Berkeley Tourism Business Improvement District (BTBID); and

WHEREAS, the Property and Business Improvement District Law of 1994, Streets and Highways Code §36600 et seq., allows cities to modify the Management District Plan (Plan) of a District at the request of the Owners' Association; and

WHEREAS, the BTBID Owners' Association, Visit Berkeley, has requested modification of the Plan.

NOW THEREFORE, BE IT RESOLVED BY THE BERKELEY CITY COUNCIL THAT:

1. The recitals set forth herein are true and correct.
2. The City Council declares its intention to modify the BTBID Plan.
3. The proposed modification of the BTBID Plan will reduce the term of the BTBID from ten (10) years to eight (8) years, with a modified ending date of June 30, 2025.
4. The time and place for a public hearing on modification of the BTBID Plan are set for 6:00 PM or as soon thereafter as the matter may be heard on June 24, 2025 at School District Board Room located at 1231 Addison Street, Berkeley, CA 94702.
5. This resolution shall take effect immediately upon its adoption by the City Council.

Exhibit
A: Letter from Visit Berkeley Requesting Modification of the Management District Plan of the Berkeley Tourism Business Improvement District

EXHIBIT A: Letter from Visit Berkeley Requesting Modification of the Management District Plan for the Berkeley Tourism Business Improvement District

Visit Berkeley
Come for the Culture, Stay for the Food™

March 28. 2025

Honorable Mayor & Councilmembers

City of Berkeley

2180 Milvia Street

Berkeley, CA 94704

Re: Berkeley Tourism Business Improvement District

Honorable Mayor and Councilmembers:

As the Berkeley Tourism Businesses Improvement District (BTBID) Owners' Association, Visit Berkeley hereby requests modification of the BTBID Management District Plan enacted in 2012 and most recently renewed in 2017.

Specifically, we request the term of the BTBID be modified. The current term is set to end in two years, effective through October 31, 2027. We request shortening the BTBID's term so that it ends on June 30, 2025, to coincide with the City's Fiscal year and the beginning of our new BTBID set to start July 1, 2025.

We ask that you consider this item at your May 6, 2025, meeting. If you have any questions of comments, please contact me at 510-549-7040.

Thank you,

Jeffrey Church, President & CEO

Visit Berkeley

Visit Berkeley Convention & Visitors Bureau and Film Office
2030 Addison St., #102, Berkeley, CA 94704 P: 510.549.7040 www.visitberkeley.com

Attachment 3

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

AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH *VISIT BERKELEY* THE OWNERS' ASSOCATION OF THE BERKELEY TOURISM BUSINESS IMPROVEMENT DISTRICT (BTBID), TO IMPLEMENT THE BERKELEY TOURISM BUSINESS IMPROVEMENT DISTRICT FOR THE TERM OF THE RESTABLISHED TOURISM BUSINESS IMPROVEMENT DISTRICT

WHEREAS, Visit Berkeley (VB) has proven to be an effective partner with the City of Berkeley in managing the existing Berkeley Tourism Business Improvement District (BTBID) and implementing hotel and tourism marketing and promotions; and

WHEREAS, Visit Berkeley is the single private sector organization that is taking comprehensive action to improve the economic vitality of the hotel sector across Berkeley, as reflected in Visit Berkeley's current stewardship of the established Berkeley Tourism Business Improvement District; and

WHEREAS, Visit Berkeley, the convention and visitor's bureau for the City of Berkeley, has declared its intention to renew the Berkeley Tourism Business Improvement District (BTBID) for ten (10) years starting July 1, 2025; and

WHEREAS, Visit Berkeley functions as the Owners' Association of the BTBID; and

WHEREAS, Visit Berkeley, in its capacity as the Owners' Association of the BTBID, has drafted a *Management District Plan* which sets forth the proposed boundary of the BTBID, a service plan and budget, and a proposed means of governance; and

WHEREAS, The BTBID Owners' Association, Visit Berkeley, is charged with managing funds and implementing programs in accordance with the *Management District Plan*, and must provide annual reports to the City; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized to execute a sole source contract and any amendments with Visit Berkeley for the purpose of implementation of the BTBID Management District Plan, for an amount not to exceed total Tourism BID collections for the term of the renewed BTBID, beginning on July 1, 2025 and concluding on June 30, 2035. A record signature copy of said contract and any amendments are to be on file in the Office of the City Clerk.

NOTICE OF PUBLIC MEETING AND PUBLIC HEARING BERKELEY CITY COUNCIL

CONCERNING THE RENEWAL OF THE BERKELEY TOURISM BUSINESS IMPROVEMENT DISTRICT AND LEVY OF AN ASSESSMENT ON CERTAIN LODGING BUSINESSES WITHIN THE DISTRICT

NOTICE IS HEREBY GIVEN that on May 6, 2025, the City Council (the "Council") of the City of Berkeley (the "City") adopted a Resolution of Intention to renew the Berkeley Tourism Business Improvement District (the "BTBID") and to levy an assessment on certain lodging businesses within the BTBID as set forth in the attached Resolution of Intention.

NOTICE IS HEREBY FURTHER GIVEN that at 6:00 PM on June 3, 2025, at the School District Board Room located at 1231 Addison Street, Berkeley, CA 94702, a public meeting shall be held pursuant to Government Code section 54954.6 to allow public testimony regarding the renewal of the BTBID and the levy of assessments therein as set forth in the enclosed Resolution of Intention and pursuant to Government Code section 54954.6.

NOTICE IS HEREBY FURTHER GIVEN that at 6:00 PM on June 24, 2025, at School District Board Room located at 1231 Addison Street, Berkeley, CA 94702 has been set as the time and place for a public hearing at which time the City Council proposes to renew the BTBID and to levy the proposed assessment as set forth in the Resolution of Intention.

Location: The renewed BTBID includes all lodging businesses, existing and in the future, with five (5) rooms or more, available for public occupancy within the boundaries of the City.

Services: The BTBID is designed to provide specific benefits directly to payors by increasing awareness and demand for room night sales. Marketing & sales promotions and cultural tourism programs will increase demand for overnight tourism and market payors as tourist, meeting and event destinations, thereby increasing demand for room night sales.

Budget: The total BTBID annual assessment budget for the initial year of its ten (10) year operation is anticipated to be approximately $2,221,000. A similar assessment budget is expected to apply to subsequent years, but this assessment budget is expected to fluctuate as room sales do and as businesses open and close.

Cost: The existing annual assessment rate is one percent (1%) of gross short-term room rental revenue. Based on the benefit received, assessments will not be collected on: stays of more than thirty (30) consecutive days; stays by any officer or employee of a government who is exempt by express provision of federal international treaty; and stays at a bed and breakfast establishment as defined in Section 23F.04.010 of the Berkeley Municipal Code. The proposed annual assessment rate is three percent (3%) of gross short-term sleeping room rental revenue. Based on the benefit received, assessments will not be collected on: stays of more than thirty (30) consecutive days; and stays by any officer or employee of a government who is exempt by express provision of federal international treaty.

Collection: The City will be responsible for collecting the assessment on a monthly basis (including any delinquencies, interest, and overdue charges) from each assessed lodging business located in the boundaries of the BTBID. The City shall take all reasonable efforts to collect the assessments from each assessed lodging business.

Duration: The renewed BTBID will have a ten (10) year life, beginning July 1, 2025 or as soon as possible thereafter, and ending ten (10) years from its start date. After ten (10) years, the BTBID may be renewed pursuant to the Property and Business Improvement District Law of 1994, Streets and Highways Code section 36600 et seq. if business owners support continuing the BTBID programs.

Management: Visit Berkeley shall continue to serve as the BTBID's Owners' Association. The Owners' Association is charged with managing funds and implementing programs and must provide annual reports to the City Council.

Protest: Any owner of a lodging business within the proposed BTBID that will be subject to the assessment may protest the renewal of the BTBID. If written protests are received from the owners of lodging businesses in the proposed BTBID who represent 50 percent (50%) or more of the estimated annual assessments to be levied, the BTBID shall not be renewed, and the assessment shall not be imposed.

You may mail a written protest to:

Office of the City Clerk
City of Berkeley
2180 Milvia Street, 1st Floor
Berkeley, CA 94704

You may also appear at the public meeting or hearing and submit a written protest at that time.

Information: Should you desire additional information about this proposed BTBID or assessment contact:

Jeffrey Church, President & CEO
Visit Berkeley
2030 Addison Street, #102
Berkeley, CA 94704
(510) 549-7040

A copy of the agenda material for this hearing will be available on the City's website at https://berkeleyca.gov/ as of June 12, 2025.

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 981-6900 or clerk@berkeleyca.gov for further information.

Mailed: *_____*
Notice provided pursuant to Government Code section 54954.6.
~~~~~~

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 June 12, 2025.

_____
Mark Numainville, City Clerk
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NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BERKELEY DECLARING ITS INTENTION TO MODIFY THE BERKELEY TOURISM BUSINESS IMPROVEMENT DISTRICT

NOTICE IS HEREBY GIVEN that at 6:00 PM on June 24, 2025, at the School District Board Room located at 1231 Addison Street, Berkeley, CA 94702 has been set as the time and place for a public hearing at which time the Council proposes to modify the existing BTBID, to conclude service on June 30, 2025, as set forth in the Resolution of Intention.

Location: There is no proposed change to BTBID boundaries which include all lodging businesses with five (5) rooms or more, located within the boundaries of the City of Berkeley.

Services: The BTBID is designed to provide specific benefits directly to payors by increasing room night sales. Marketing and sales promotions will increase overnight tourism and market payors as tourist, meeting and event destinations, thereby increasing room night sales.

Budget: The total BTBID annual budget for each full year of operation is anticipated to be approximately $557,760. This budget is expected to fluctuate as room sales do, but is not expected to significantly change over the BTBID's term.

Cost: There is no change proposed to the annual assessment rate. The current assessment rate is one percent (1%) of gross short-term room rental revenue. Based on the benefit received, assessments will not be collected on: stays of more than thirty (30) consecutive days; stays by any officer or employee of a government who is exempt by express provision of federal international treaty; and stays at a bed and breakfast establishment as defined in Section 23F.04.010 of the Berkeley Municipal Code.

Collection: The City of Berkeley will continue to be responsible for collecting the assessment on a monthly basis (including any delinquencies, penalties and interest) from each lodging business with five (5) rooms or more, located in the boundaries of the BTBID. The City shall take all reasonable efforts to collect the assessments from each lodging business.

Duration: The modified BTBID will have an eight (8) year life, with a modified ending date of June 30, 2025. The City of Berkeley created the BTBID on April 25, 2017 by Resolution No. 67-926-N.S.; for a ten (10) year term which

currently ends on June 30, 2027. The BTBID Owner's Association has requested the City Council to modify the Management District Plan of the BTBID so that the current BTBID term ends June 30, 2025. The process to modify the current BTBID is set to be completed concurrently with completion of BTBID renewal. That is, the proposed modified BTBID's term will expire on June 30, 2025, and the renewed district will begin on July 1, 2025 with no break in service. The purpose of the modification is to align the BTBID's term with the rewed BTBID, implementing the annual assessment rate of 3% of gross short-term sleeping room rental revenue.

Management: Visit Berkeley will continue to serve as the BTBID's Owners' Association. The Owners' Association is charged with managing funds and implementing programs in accordance with the Plan, and must provide annual reports to the City of Berkeley.

Protest: Any owner of a lodging business within the proposed BTBID that will be subject to the assessment may protest the modification of the BTBID. If written protests are received from the owners of lodging businesses in the existing BTBID who represent fifty percent (50%) or more of the estimated annual assessments to be levied, the BTBID shall not be modified.

You may mail a written protest to:

Office of the City Clerk
City of Berkeley
2180 Milvia Street, 1st Floor
Berkeley, CA 94704

You may also appear at the public meeting or hearing and submit a written protest at that time.

Information: Should you desire additional information about the modified BTBID or assessment contact:

Jeffrey Church, President & CEO
Visit Berkeley
2030 Addison Street, #102
Berkeley, CA 94704
(510) 549-7040

A copy of the agenda material for this hearing will be available on the City's website at https://berkeleyca.gov/ as of June 12, 2025.

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 981-6900 or clerk@berkeleyca.gov for further information.

Mailed: *_____*
Notice provided pursuant to Government Code section 54954.6.

Pursuant to Streets and Highways Code section 36636, notice for the public hearing that will result from the adoption of this Resolution shall be accomplished by mailing a copy of the Resolution to assessed business owners and publishing a copy of the Resolution in a newspaper of general circulation in the City.

"Notice of all other public hearings pursuant to this section shall comply with both of the following:

(1) The Resolution of Intention shall be published in a newspaper of general circulation in the city once at least seven days before the public hearing.

(2) A complete copy of the Resolution of Intention shall be mailed by first class mail, at least 10 days before the public hearing, to each business owner or property owner affected by the proposed modification."

Mailed: *_____*
Published: *_____*
Notice provided pursuant to Streets and Highways Code section 36636.

~~~~~~

I hereby certify that the Notice for this Public Meeting and Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Build,ing 2134 Martin Luther King Jr. Way, as well as on the City's website, on June 12, 2025.

_____
Mark Numainville, City Clerk
~~~~~~

City Clerk Department

March 24, 2025

Memo to File

I hereby certify that **8** Valid Petitions to Establish the Berkeley Tourism Business Improvement District were delivered to the Finance Department by representatives of the Berkeley Tourism BID.

The petitions represent a weighted approval of greater than 50% of the total assessment as verified by the Berkeley Finance Department.

Mark Numainville
City Clerk

3/24/2025
Date

2025-2035



BERKELEY TOURISM BUSINESS IMPROVEMENT DISTRICT

MANAGEMENT DISTRICT PLAN

Prepared pursuant to the Property and Business Improvement District Law of 1994, Streets and Highways Code section 36600 et seq.

March 5, 2025

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Visit Berkeley

Prepared by
Civitas
CIVITAS
PARTNERSHIPS • PROGRESS • PROSPERITY
(800)999-7781
www.civitasadvisors.com

I. OVERVIEW

Developed by Berkeley lodging businesses and Visit Berkeley (VB), the convention and visitors bureau for Berkeley, California the Berkeley Tourism Business Improvement District (BTBID) is an assessment district proposed to continue to provide specific benefits to payors by funding marketing and sales promotion efforts for assessed businesses. This approach has been used successfully in other destination areas throughout the country to provide the benefit of additional room night sales directly to payors. The BTBID was initially created in 2012 for a five (5) year term, and was subsequently renewed in 2017 for a ten (10) year term. VB and Berkeley lodging businesses now wish to renew the BTBID for an additional ten (10) year term.

Location: The renewed BTBID includes all lodging businesses, existing and in the future, with five (5) rooms or more, available for public occupancy within the boundaries of the City of Berkeley (City), as shown on the map in Section IV.

Services: The BTBID is designed to provide specific benefits directly to payors by increasing awareness and demand for room night sales. Marketing & sales promotions and cultural tourism programs will increase demand for overnight tourism and market payors as tourist, meeting and event destinations, thereby increasing demand for room night sales.

Budget: The total BTBID annual assessment budget for the initial year of its ten (10) year operation is anticipated to be approximately $2,221,000. A similar assessment budget is expected to apply to subsequent years, but this assessment budget is expected to fluctuate as room sales do and as businesses with five or more lodging rooms open and close.

Cost: The annual assessment rate is three percent (3%) of gross short-term sleeping room rental revenue. Based on the benefit received, assessments will not be collected on: stays of more than thirty (30) consecutive days; and stays by any officer or employee of a government who is exempt by express provision of federal international treaty.

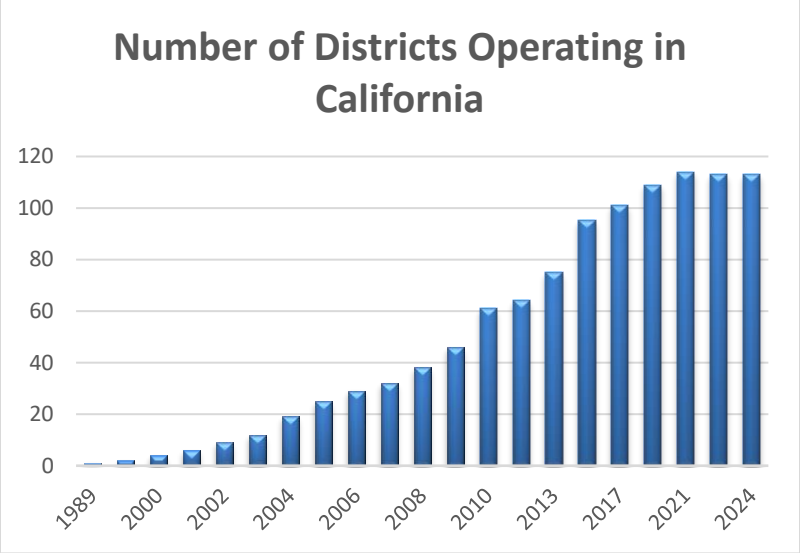
Collection: The City will be responsible for collecting the assessment on a monthly basis (including any delinquencies, interest, and overdue charges) from each assessed lodging business located in the boundaries of the BTBID. The City shall take all reasonable efforts to collect the assessments from each assessed lodging business.

Duration: The renewed BTBID will have a ten (10) year life, beginning July 1, 2025 or as soon as possible thereafter, and ending ten (10) years from its start date. After ten (10) years, the BTBID may be renewed pursuant to the Property and Business Improvement District Law of 1994, Streets and Highways Code section 36600 et seq. (94 Law) if business owners support continuing the BTBID programs.

Management: VB shall continue to serve as the BTBID's Owners' Association. The Owners' Association is charged with managing funds and implementing programs in accordance with this Management District Plan (Plan), and must provide annual reports to the City Council.

II. BACKGROUND

TBIDs are an evolution of the traditional Business Improvement District. The first TBID was formed in West Hollywood, California in 1989. Since then, over 100 California destinations have followed suit. In recent years, other states have begun adopting the California model –Illinois, Minnesota, Massachusetts, Montana, South Dakota, Washington, Colorado, Texas and Louisiana have adopted TBID laws. Several other states are in the process of adopting their own legislation. The cities of Wichita, Kansas and Newark, New Jersey used an existing business improvement district law to form a TBID. Additionally, some cities, like Portland, Oregon and Memphis, Tennessee have utilized their home rule powers to create TBIDs without a state law.



California's TBIDs collectively raise over $300 million annually for local destination marketing in 2024. With competitors raising their budgets, and increasing rivalry for visitor dollars, it is important that Berkeley lodging businesses continue to invest in stable, commerce-specific marketing programs.

TBIDs utilize the efficiencies of private sector operation in the market-based promotion of tourism districts. TBIDs allow tourism business owners to organize their efforts to increase commerce. Lodging business owners within the TBID pay an assessment and those funds are used to provide services that increase commerce.

In California, most TBIDs are formed pursuant to the Property and Business Improvement District Law of 1994. This law allows for the creation of a benefit assessment district to raise funds within a specific geographic area. *The key difference between* Tourism BID*s and other benefit assessment districts is that funds raised are returned to the private non-profit corporation governing the district.*

There are many benefits to TBIDs:

- Funds must be spent on services and improvements that provide a specific benefit only to those who pay;
- Funds cannot be diverted to general government programs;
- They are customized to fit the needs of payors in each destination;
- They allow for a wide range of services;
- They are ***designed, created and governed by those who will pay*** the assessment; and
- They provide a stable, long-term funding source for tourism promotion.

III. ACCOMPLISHMENTS OF BERKELEY'S TOURSIM BID TO DATE

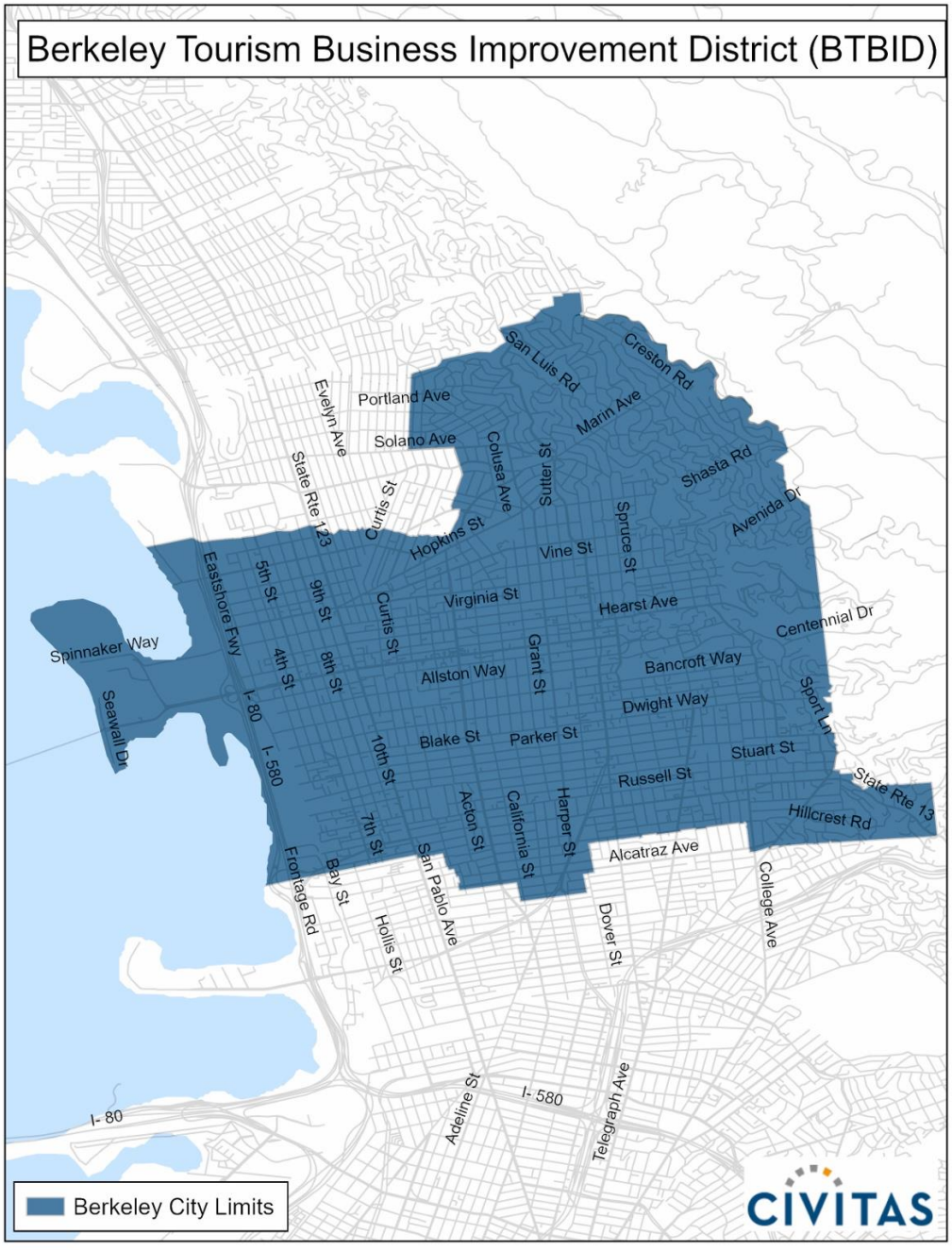
- Creation of Berkeley Restaurant Week, celebrating the culinary excellence the city has to offer.
- Implementation of *Berkeley Bucks*, the City of Berkeley's first e-gift card redeemable only in Berkeley to support local businesses, with a focus on shopping, dining, and accommodations.
- Utilized the Visit Berkeley website and team as a resource during the pandemic to support local businesses with a "What's Open?" page, hosting restaurant roundtables to phase in outdoor dining, and supported the City of Berkeley's "Berkeley Relief Fund" campaign to raise funds for those most impacted by the pandemic.
- Sponsorship and support of large-scale events such as the Bay Area Book Festival and Bioneers to increase overnight visitation.
- Sponsored California Hotel & Lodging Association (CHLA) Membership for All Lodging Properties
- Through CHLA, were able to deliver then-hard-to-source PPE (masks and hand sanitizer) to all hotel properties
- Provided Advanced Hotel Performance Metrics through Smith Travel Report (STR) / Kalibri Reports to Lodging Partners
- Invested in metrics-supported online travel agency (OTA) marketing campaigns to boost Berkeley hotel occupancy
- Developed a partnership with Placer AI, utilizing their platform on annual subscription basis to quantify the local economic impact of tourism through location-based data
- Hosted meeting planner familiarization tours for Berkeley hotel and event venues
- 1,500+ RFP's received and processed through CVENT & Direct Lead retrieval from various tradeshows
- Created the Visit Berkeley Partner Showcase, connecting UC Berkeley event planners with Berkeley Businesses and vendors (i.e. local caterers)
- Invested in a modern interactive website, VisitBerkeley.com, in 2019
- 503,609 visitors to VisitBerkeley.com in '24 (14% increase over 2023)
- 1,105,293 VisitBerkeley.com page views in '24 (10% increase over 2023)
- Invested in an independent, non-OTA, commission-free booking engine (Ripe Booking) for onsite hotel bookings in 2024

IV. TOURISM BID BOUNDARY

The BTBID will continue to include all lodging businesses, existing and in the future, with five (5) rooms or more, available for public occupancy within the boundaries of the City of Berkeley (City), as shown in the map below.

Lodging business may include, but is not limited to, any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, or other similar structure or portion thereof.

A complete listing of assessed lodging businesses within the renewed BTBID can be found in Appendix 2.



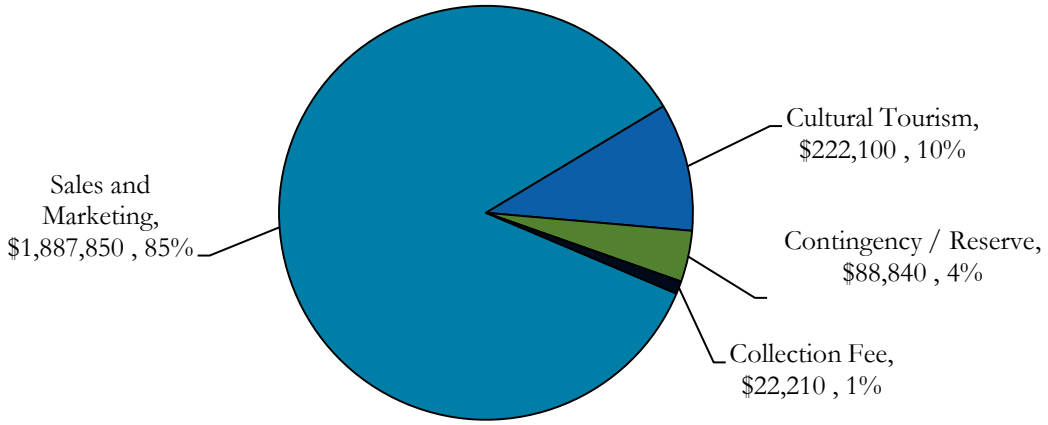
V. ASSESSMENT BUDGET AND SERVICES

A. Annual Service Plan

Assessment funds will be spent to provide specific benefits conferred or privileges granted directly to the payors that are not provided to those not charged, and which do not exceed the reasonable cost to the City of conferring the benefits or granting the privileges. The privileges and services provided with the BTBID funds are sales & marketing and cultural tourism programs available only to assessed businesses.

A service plan assessment budget has been developed to deliver services that benefit the assessed businesses. A detailed annual assessment budget will be developed and approved by the VB Board. The chart below illustrates the initial annual assessment budget allocations. These activities and allocations will also apply in subsequent years. The total initial assessment budget is estimated to be $2,221,000 in year one.

Initial Annual Assessment Budget - $2,221,000



Although actual revenues will fluctuate due to market conditions, the proportional allocations of the budget shall remain the same. However, the City and the VB Board shall have the authority to adjust budget allocations between the categories by no more than fifteen percent (15%) of the total budget per year. A description of the proposed improvements and activities for the initial year of operation is below. The same activities are proposed for subsequent years. In the event of a legal challenge against the BTBID, any and all assessment funds may be used for the costs of defending the BTBID.

Each budget category includes all costs related to providing that service. For example, the sales and marketing budget includes the cost of staff time dedicated to overseeing and implementing the sales and marketing program. Staff time dedicated purely to administrative tasks is allocated to the administrative portion of the budget. The costs of an individual staff member may be allocated to multiple budget categories. The staffing levels necessary to provide the services below will be determined by VB on an as- needed basis.

Sales and Marketing

A sales and marketing program will promote assessed businesses as tourist, meeting, and event destinations. The sales and marketing program will have a central theme of promoting Berkeley as a desirable place for overnight visits. The program will have the goal of increasing overnight visitation and room night sales at assessed businesses, and may include, but is not limited to, the following activities:

- Internet marketing efforts to increase awareness and optimize internet presence to drive overnight visitation and room sales to assessed businesses;
- Print ads in magazines and newspapers, television ads, and radio ads targeted at potential visitors to drive overnight visitation and room sales to assessed businesses;
- Attendance of trade shows to promote assessed businesses;
- Sales blitzes for assessed businesses;
- Familiarization tours of assessed businesses;
- Preparation and production of collateral promotional materials such as brochures, flyers and maps featuring assessed businesses;
- Attendance of professional industry conferences and affiliation events to promote assessed businesses;
- Lead generation activities designed to attract tourists and group events to assessed businesses;
- Director of Sales and General Manager meetings to plan and coordinate tourism promotion efforts for assessed businesses; and
- Development and maintenance of a website designed to promote assessed businesses.

Cultural Tourism

Cultural tourism programs are intended to drive travel to Berkeley by attracting visitors to experience cultural, historical, and artistic attractions to generate visitation to assessed businesses. By promoting Berkeley's rich heritage and unique cultural offerings, the Cultural Tourism program encourages higher visitation and longer stays to assessed businesses. The Cultural Tourism program may include, but is not limited to, the following activities:

- Creation of new arts, cultural and educational programs and activities to generate overnight visitation to assessed businesses;
- Organizing events including as festivals, performances, and exhibitions that celebrate Berkeley's unique heritage and arts, resulting in overnight visitation to assessed businesses;
- Promoting food-related experiences that highlight Berkeley's local cuisine, driving demand for overnight visitation to assessed businesses;
- Sustainability programs that offset impacts of tourist visitation within the destination;
- Enhancements to environmental experiences, which attract overnight visitors, and expose visitors to the value of the vital ecosystems;
- Services designed to improve the visitors experience such as, but not limited to, beautification of public spaces to drive overnight visitation to assessed businesses; and
- Infrastructure improvements that enhance the destination's competitive position to attract desirable special events year-round and attract overnight visitors.

Collection Fee

The City shall be paid a fee equal to one percent (1%) of the amount of assessment collected to cover its costs of collection and administration.

Contingency/Reserve

The budget includes a contingency line item to account for uncollected assessments, if any. If there are contingency funds collected, they may be held in a reserve fund or utilized for other program, advocacy or renewal costs at the discretion of VB. Policies relating to contributions to the reserve fund, the target amount of the reserve fund, and expenditure of monies from the reserve fund shall be set by the VB Board of Directors. Contingency/Reserve funds may be spent on BTBID programs or administrative and renewal costs in such proportions as determined by VB. The reserve fund may be used for the costs of renewing the BTBID.

B. Annual Budget

The total ten (10) year assessment budget is projected at approximately $2,221,000 annually, or $22,210,000 through the ten (10) year term of the BTBID. A similar budget is expected to apply to subsequent years, but this budget is expected to fluctuate as room sales do, and as businesses open and close.

C. California Constitutional Compliance

The BTBID assessment is not a property-based assessment subject to the requirements of Proposition 218. Courts have found Proposition 218 limited the term 'assessments' to levies on real property.[1] Rather, the BTBID assessment is a business-based assessment, and is subject to Proposition 26. Pursuant to Proposition 26 all levies are a tax unless they fit one of seven exceptions. Two of these exceptions apply to the BTBID, a "specific benefit" and a "specific government service." Both require that the costs of benefits or services do not exceed the reasonable costs to the City of conferring the benefits or providing the services.

1. Specific Benefit

Proposition 26 requires that assessment funds be expended on, "a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of conferring the benefit or granting the privilege."[2] The services in this Plan are designed to provide targeted benefits directly to assessed businesses, and are intended only to provide benefits and services directly to those businesses paying the assessment. These services are tailored not to serve the general public, businesses in general, or parcels of land, but rather to serve the specific businesses within the BTBID. The activities described in this Plan are specifically targeted to increase demand for room night sales for assessed lodging businesses within the boundaries of the BTBID, and are narrowly tailored. BTBID funds will be used exclusively to provide the specific benefit of increased demand for room night sales directly to the assessees. Assessment funds shall not be used to feature non-assessed lodging businesses in BTBID programs, or to directly generate sales for non-assessed businesses. The activities paid for from assessment revenues are business services constituting and providing specific benefits to the assessed businesses. Nothing in this Plan limits the ability of the Owners' Association to enter into private contracts with non-assessed lodging businesses for the provision of services to those businesses.

The assessment imposed by this BTBID is for a specific benefit conferred directly to the payors that is not provided to those not charged. The specific benefit conferred directly to the payors is an increase in demand for room night sales. The specific benefit of an increase in demand for room night sales for assessed lodging businesses will be provided only to lodging businesses paying the district assessment, with marketing & sales and cultural tourism programs promoting lodging businesses paying the BTBID assessment. The marketing & sales and cultural tourism programs will be designed to increase room night sales at each assessed lodging businesses. Because they are

[1] *Jarvis v. the City of San Diego* 72 Cal App. 4th 230
[2] Cal. Const. art XIII C § 1(e)(1)

necessary to provide the marketing & sales and cultural tourism programs that specifically benefit the assessed lodging businesses, the administration and contingency services also provide the specific benefit of increased demand for room night sales to the assessed lodging businesses.

Although the BTBID, in providing specific benefits to payors, may produce incidental benefits to non-paying businesses, the incidental benefit does not preclude the services from being considered a specific benefit. The legislature has found that, "A specific benefit is not excluded from classification as a 'specific benefit' merely because an indirect benefit to a nonpayor occurs incidentally and without cost to the payor as a consequence of providing the specific benefit to the payor."[3]

2. Specific Government Service

The assessment may also be utilized to provide, "a specific government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of providing the service or product."[4] The legislature has recognized that marketing and promotions services like those to be provided by the BTBID are government services within the meaning of Proposition 26[5]. Further, the legislature has determined that "a specific government service is not excluded from classification as a 'specific government service' merely because an indirect benefit to a nonpayor occurs incidentally and without cost to the payor as a consequence of providing the specific government service to the payor."[6]

3. Reasonable Cost

BTBID services will be implemented carefully to ensure they do not exceed the reasonable cost of such services. The full amount assessed will be used to provide the services described herein. Funds will be managed by the VB, and reports submitted on an annual basis to the City. Only assessed lodging businesses will be featured in marketing materials, receive sales leads generated from BTBID-funded activities, be featured in advertising campaigns, and benefit from other BTBID-funded services. The assessed lodging business list was compiled from records provided by the jurisdiction and complies with the requirements of the 94 Law. Pursuant to Streets and Highways Code Section 36615, the City Council's determination of ownership is final and conclusive, with no obligation to obtain other information. Non-assessed lodging businesses will not receive these, nor any other, BTBID-funded services and benefits.

The BTBID-funded programs are targeted directly to benefit assessed businesses. It is, however, possible that there will be a spill over benefit to non-assessed businesses. If non-assessed lodging businesses receive incremental room nights, that portion of the promotion or program generating those room nights shall be paid with non-BTBID funds. BTBID funds shall only be spent to benefit the assessed businesses, and shall not be spent on that portion of any program which directly generates incidental room nights for non-assessed businesses.

D. Assessment

The annual assessment rate is three percent (3%) of gross short term sleeping room rental revenue on lodging businesses with five (5) rooms or more. Based on the benefit received, assessments will not be collected on: stays of more than thirty (30) consecutive days; and stays by any officer or employee of a government who is exempt by express provision of federal international treaty.

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[3] Government Code § 53758(a)
[4] Cal. Const. art XIII C § 1(e)(2)
[5] Government Code § 53758(b)
[6] Government Code § 53758(b)

The assessment was calculated based on the total cost of the activities to be provided for the benefit of the businesses within the BTBID, with costs allocated based on the proportional benefit conferred to each business. Activities funded by the BTBID, are specifically targeted to increase room nights at assessed businesses. All room night sales do not represent the same benefit to the payors. For example, a higher priced room night is of greater benefit than a lower priced room night because the assessee derives greater revenue. To account for this benefit differential and to make sure the benefits are proportional, an assessment formula based on a percentage of revenue has been selected. The proposed formula accurately reflects greater benefit to assessed businesses with higher priced room nights.

The term "gross room rental revenue" as used herein means: the consideration charged for the occupancy of space in a lodging business valued in money. Gross sleeping room rental revenue shall not include, and therefore the assessment shall not be charged upon, any federal, state or local taxes collected, including but not limited to transient occupancy taxes.

The assessment is levied upon and a direct obligation of the assessed lodging business. However, the assessed lodging business may, at its discretion, pass the assessment on to transients. The amount of assessment, if passed on to each transient, shall be disclosed in advance and separately stated from the amount of rent charged and any other applicable taxes, and each transient shall receive a receipt for payment from the business. If the BTBID assessment is identified separately it shall be disclosed as the "BTBID Assessment." As an alternative, the disclosure may include the amount of the BTBID assessment and the amount of the assessment imposed pursuant to the California Tourism Marketing Act, Government Code §13995 et seq. and shall be disclosed as the "Tourism Assessment." The assessment is imposed solely upon, and is the sole obligation of the assessed lodging business even if it is passed on to transients. The assessment shall not be considered revenue for calculation of transient occupancy taxes.

Bonds shall not be issued.

E. Interest and Overdue Charges

The BTBID shall reimburse the City of Berkeley for any costs associated with collecting unpaid assessments. If sums in excess of the delinquent BTBID assessment are sought to be recovered in the same collection action by the City, the BTBID shall bear its pro rata share of such collection costs. Assessed businesses which are delinquent in paying the assessment shall be responsible for paying:

1. *Original Delinquency:* Any lodging business which fails to remit any assessment imposed within the time required shall pay an overdue charge of ten percent (10%) of the amount of the assessment.
2. *Continued Delinquency:* Any lodging business which fails to remit any delinquent remittance on or before a period of thirty (30) days following the date on which the remittance first became delinquent shall pay a second delinquency overdue charge of ten percent (10%) of the amount of the assessment in addition to the amount of the assessment and the ten percent (10%) overdue charge first imposed.
3. *Fraud:* If the tax administrator determines that the nonpayment of any remittance due is due to fraud, an overdue charge of twenty-five percent (25%) of the amount of the assessment shall be added thereto in addition to the overdue charges stated in subsections 1 and 2 of this section.
4. *Interest:* In addition to the overdue charges imposed, any lodging business which fails to remit any assessment imposed shall pay interest at the rate of one percent (1%) per month or fraction

thereof on the amount of the assessment, exclusive of overdue charges, from the date on which the remittance first became delinquent until paid.

5. *Overdue Charges Merged With Assessment:* Every overdue charge imposed and such interest as accrues shall become a part of the assessment herein required to be paid.

F. Time and Manner for Collecting Assessments

The BTBID assessment will be implemented beginning July 1, 2025 or as soon as possible thereafter, and ending ten (10) years from its start date. The City will be responsible for collecting the assessment on a monthly basis (including any delinquencies, interest and overdue charges) from each assessesd lodging business. The City shall take all reasonable efforts to collect the assessments from each assessed lodging business. The City shall forward the assessments collected to the Owners' Association.

VI. GOVERNANCE

A. Owners' Association

The City Council, through adoption of this Plan, has the right, pursuant to Streets and Highways Code §36651, to identify the body that shall implement the proposed program, which shall be the Owners' Association of the BTBID as defined in Streets and Highways Code §36612. The Berkeley City Council has determined that VB will continue to serve as the Owners' Association for the BTBID for the term of the renewal (10 years).

B. Brown Act and California Public Records Act Compliance

An Owners' Association is a private entity and may not be considered a public entity for any purpose, nor may its board members or staff be considered to be public officials for any purpose. The Owners' Association is, however, subject to government regulations relating to transparency, namely the Ralph M. Brown Act and the California Public Records Act. These regulations are designed to promote public accountability. The Owners' Association acts as a legislative body under the Ralph M. Brown Act (Government Code §54950 et seq.). Thus, meetings of the VB Board and certain committees must be held in compliance with the public notice and other requirements of the Brown Act. Accordingly, the Owners' Association shall publicly report any action taken and the vote or abstention on that action of each member present for the action. The Owners' Association is also subject to the record keeping and disclosure requirements of the California Public Records Act.

C. Annual Report

VB shall present an annual report at the end of each year of operation to the City Council pursuant to Streets and Highways Code §36650 (see Appendix 1). The annual report shall include:

- Any proposed changes in the boundaries of the improvement district or in any benefit zones or classification of businesses within the district.
- The improvements and activities to be provided for that fiscal year.
- An estimate of the cost of providing the improvements and the activities for that fiscal year.
- The method and basis of levying the assessment in sufficient detail to allow each business owner to estimate the amount of the assessment to be levied against his or her business for that fiscal year.
- The estimated amount of any surplus or deficit revenues to be carried over from a previous fiscal year.
- The estimated amount of any contributions to be made from sources other than assessments levied pursuant to this part.

APPENDIX 1 – LAW

CURRENT THROUGH ALL LEGISLATION OF THE 2024 REGULAR AND SPECIAL SESSIONS

STREETS AND HIGHWAYS CODE
DIVISION 18. PARKING
PART 7. PROPERTY AND BUSINESS IMPROVEMENT DISTRICT LAW OF 1994

CHAPTER 1. General Provisions

ARTICLE 1. Declarations

36600. Citation of part

This part shall be known and may be cited as the "Property and Business Improvement District Law of 1994."

36601. Legislative findings and declarations; Legislative guidance

The Legislature finds and declares all of the following:

(a) Businesses located and operating within business districts in some of this state's communities are economically disadvantaged, are underutilized, and are unable to attract customers due to inadequate facilities, services, and activities in the business districts.

(b) It is in the public interest to promote the economic revitalization and physical maintenance of business districts in order to create jobs, attract new businesses, and prevent the erosion of the business districts.

(c) It is of particular local benefit to allow business districts to fund business related improvements, maintenance, and activities through the levy of assessments upon the businesses or real property that receive benefits from those improvements.

(d) Assessments levied for the purpose of conferring special benefit upon the real property or a specific benefit upon the businesses in a business district are not taxes for the general benefit of a city, even if property, businesses, or persons not assessed receive incidental or collateral effects that benefit them.

(e) Property and business improvement districts formed throughout this state have conferred special benefits upon properties and businesses within their districts and have made those properties and businesses more useful by providing the following benefits:

(1) Crime reduction. A study by the Rand Corporation has confirmed a 12-percent reduction in the incidence of robbery and an 8-percent reduction in the total incidence of violent crimes within the 30 districts studied.

(2) Job creation.

(3) Business attraction.

(4) Business retention.

(5) Economic growth.

(6) New investments.

(f) With the dissolution of redevelopment agencies throughout the state, property and business improvement districts have become even more important tools with which communities can combat blight, promote economic opportunities, and create a clean and safe environment.

(g) Since the enactment of this act, the people of California have adopted Proposition 218, which added Article XIII D to the Constitution in order to place certain requirements and restrictions on the formation of, and activities, expenditures, and assessments by property-based districts. Article XIII D of the Constitution provides that property-based districts may only levy assessments for special benefits.

(h) The act amending this section is intended to provide the Legislature's guidance with regard to this act, its interaction with the provisions of Article XIII D of the Constitution, and the determination of special benefits in property-based districts.

(1) The lack of legislative guidance has resulted in uncertainty and inconsistent application of this act, which discourages the use of assessments to fund needed improvements, maintenance, and activities in property-based districts, contributing to blight and other underutilization of property.

(2) Activities undertaken for the purpose of conferring special benefits upon property to be assessed inherently produce incidental or collateral effects that benefit property or persons not assessed. Therefore, for special benefits to exist as a separate and distinct category from general benefits, the incidental or collateral effects of those special benefits are inherently part of those

special benefits. The mere fact that special benefits produce incidental or collateral effects that benefit property or persons not assessed does not convert any portion of those special benefits or their incidental or collateral effects into general benefits.
(3) It is of the utmost importance that property-based districts created under this act have clarity regarding restrictions on assessments they may levy and the proper determination of special benefits. Legislative clarity with regard to this act will provide districts with clear instructions and courts with legislative intent regarding restrictions on property-based assessments, and the manner in which special benefits should be determined.

36602. Purpose of part

The purpose of this part is to supplement previously enacted provisions of law that authorize cities to levy assessments within property and business improvement districts, to ensure that those assessments conform to all constitutional requirements and are determined and assessed in accordance with the guidance set forth in this act. This part does not affect or limit any other provisions of law authorizing or providing for the furnishing of improvements or activities or the raising of revenue for these purposes.

36603. Preemption of authority or charter city to adopt ordinances levying assessments

Nothing in this part is intended to preempt the authority of a charter city to adopt ordinances providing for a different method of levying assessments for similar or additional purposes from those set forth in this part. A property and business improvement district created pursuant to this part is expressly exempt from the provisions of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 (Division 4 (commencing with Section 2800)).

36603.5. Part prevails over conflicting provisions

Any provision of this part that conflicts with any other provision of law shall prevail over the other provision of law, as to districts created under this part.

36604. Severability

This part is intended to be construed liberally and, if any provision is held invalid, the remaining provisions shall remain in full force and effect. Assessments levied under this part are not special taxes.

ARTICLE 2. Definitions

36606. "Activities"

"Activities" means, but is not limited to, all of the following that benefit businesses or real property in the district:
(a) Promotion of public events.
(b) Furnishing of music in any public place.
(c) Promotion of tourism within the district.
(d) Marketing and economic development, including retail retention and recruitment.
(e) Providing security, sanitation, graffiti removal, street and sidewalk cleaning, and other municipal services supplemental to those normally provided by the municipality.
(f) Other services provided for the purpose of conferring special benefit upon assessed real property or specific benefits upon assessed businesses located in the district.

36606.5. "Assessment"

"Assessment" means a levy for the purpose of acquiring, constructing, installing, or maintaining improvements and providing activities that will provide certain benefits to properties or businesses located within a property and business improvement district.

36607. "Business"

"Business" means all types of businesses and includes financial institutions and professions.

36608. "City"

"City" means a city, county, city and county, or an agency or entity created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code, the public member agencies of which includes only cities, counties, or a city and county, or the State of California.

36609. "City council"

"City council" means the city council of a city or the board of supervisors of a county, or the agency, commission, or board created pursuant to a joint powers agreement and which is a city within the meaning of this part.

36609.4. "Clerk"

"Clerk" means the clerk of the legislative body.

36609.5. "General benefit"

"General benefit" means, for purposes of a property-based district, any benefit that is not a "special benefit" as defined in Section 36615.5.

36610. "Improvement"

"Improvement" means the acquisition, construction, installation, or maintenance of any tangible property with an estimated useful life of five years or more including, but not limited to, the following:

(a) Parking facilities.
(b) Benches, booths, kiosks, display cases, pedestrian shelters and signs.
(c) Trash receptacles and public restrooms.
(d) Lighting and heating facilities.
(e) Decorations.
(f) Parks.
(g) Fountains.
(h) Planting areas.
(i) Closing, opening, widening, or narrowing of existing streets.
(j) Facilities or equipment, or both, to enhance security of persons and property within the district.
(k) Ramps, sidewalks, plazas, and pedestrian malls.
(l) Rehabilitation or removal of existing structures.

36611. "Management district plan"; "Plan"

"Management district plan" or "plan" means a proposal as defined in Section 36622.

36612. "Owners' association"

"Owners' association" means a private nonprofit entity that is under contract with a city to administer or implement improvements, maintenance, and activities specified in the management district plan. An owners' association may be an existing nonprofit entity or a newly formed nonprofit entity. An owners' association is a private entity and may not be considered a public entity for any purpose, nor may its board members or staff be considered to be public officials for any purpose. Notwithstanding this section, an owners' association shall comply with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code), at all times when matters within the subject matter of the district are heard, discussed, or deliberated, and with the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code), for all records relating to activities of the district.

36614. "Property"

"Property" means real property situated within a district.

36614.5. "Property and business improvement district"; "District"

"Property and business improvement district," or "district," means a property and business improvement district established pursuant to this part.

36614.6. "Property-based assessment"

"Property-based assessment" means any assessment made pursuant to this part upon real property.

36614.7. "Property-based district"

"Property-based district" means any district in which a city levies a property-based assessment.

36615. "Property owner"; "Business owner"; "Owner"

"Property owner" means any person shown as the owner of land on the last equalized assessment roll or otherwise known to be the owner of land by the city council. "Business owner" means any person recognized by the city as the owner of the business. "Owner" means either a business owner or a property owner. The city council has no obligation to obtain other information as to the ownership of land or businesses, and its determination of ownership shall be final and conclusive for the purposes of this part. Wherever this part requires the signature of the property owner, the signature of the authorized agent of the property owner shall be sufficient. Wherever this part requires the signature of the business owner, the signature of the authorized agent of the business owner shall be sufficient.

36615.5. "Special benefit"

(a) "Special benefit" means, for purposes of a property-based district, a particular and distinct benefit over and above general benefits conferred on real property located in a district or to the public at large. Special benefit includes incidental or collateral effects that arise from the improvements, maintenance, or activities of property-based districts even if those incidental or collateral effects benefit property or persons not assessed. Special benefit excludes general enhancement of property value.

(b) "Special benefit" also includes, for purposes of a property-based district, a particular and distinct benefit provided directly to each assessed parcel within the district. Merely because parcels throughout an assessment district share the same special benefits does not make the benefits general.

36616. "Tenant"

"Tenant" means an occupant pursuant to a lease of commercial space or a dwelling unit, other than an owner.

ARTICLE 3. Prior Law

36617. Alternate method of financing certain improvements and activities; Effect on other provisions

This part provides an alternative method of financing certain improvements and activities. The provisions of this part shall not affect or limit any other provisions of law authorizing or providing for the furnishing of improvements or activities or the raising of revenue for these purposes. Every improvement area established pursuant to the Parking and Business Improvement Area Law of 1989 (Part 6 (commencing with Section 36500) of this division) is valid and effective and is unaffected by this part.

CHAPTER 2. Establishment

36620. Establishment of property and business improvement district

A property and business improvement district may be established as provided in this chapter.

36620.5. Requirement of consent of city council

A county may not form a district within the territorial jurisdiction of a city without the consent of the city council of that city. A city may not form a district within the unincorporated territory of a county without the consent of the board of supervisors of that county. A city may not form a district within the territorial jurisdiction of another city without the consent of the city council of the other city.

36621. Initiation of proceedings; Petition of property or business owners in proposed district

(a) Upon the submission of a written petition, signed by the property or business owners in the proposed district who will pay more than 50 percent of the assessments proposed to be levied, the city council may initiate proceedings to form a district by the adoption of a resolution expressing its intention to form a district. The amount of assessment attributable to property or a business owned by the same property or business owner that is in excess of 40 percent of the amount of all assessments proposed to be levied, shall not be included in determining whether the petition is signed by property or business owners who will pay more than 50 percent of the total amount of assessments proposed to be levied.
(b) The petition of property or business owners required under subdivision (a) shall include a summary of the management district plan. That summary shall include all of the following:
(1) A map showing the boundaries of the district.
(2) Information specifying where the complete management district plan can be obtained.
(3) Information specifying that the complete management district plan shall be furnished upon request.
(c) The resolution of intention described in subdivision (a) shall contain all of the following:
(1) A brief description of the proposed improvements, maintenance, and activities, the amount of the proposed assessment, a statement as to whether the assessment will be levied on property or businesses within the district, a statement as to whether bonds will be issued, and a description of the exterior boundaries of the proposed district, which may be made by reference to any plan or map that is on file with the clerk. The descriptions and statements do not need to be detailed and shall be sufficient if they enable an owner to generally identify the nature and extent of the improvements, maintenance, and activities, and the location and extent of the proposed district.
(2) A time and place for a public hearing on the establishment of the property and business improvement district and the levy of assessments, which shall be consistent with the requirements of Section 36623.

36622. Contents of management district plan

The management district plan shall include, but is not limited to, all of the following:
(a) If the assessment will be levied on property, a map of the district in sufficient detail to locate each parcel of property and, if businesses are to be assessed, each business within the district. If the assessment will be levied on businesses, a map that identifies the district boundaries in sufficient detail to allow a business owner to reasonably determine whether a business is located within the district boundaries. If the assessment will be levied on property and businesses, a map of the district in sufficient detail to locate each parcel of property and to allow a business owner to reasonably determine whether a business is located within the district boundaries.
(b) The name of the proposed district.
(c) A description of the boundaries of the district, including the boundaries of benefit zones, proposed for establishment or extension in a manner sufficient to identify the affected property and businesses included, which may be made by reference to any plan or map that is on file with the clerk. The boundaries of a proposed property assessment district shall not overlap with the boundaries of another existing property assessment district created pursuant to this part. This part does not prohibit the boundaries of a district created pursuant to this part to overlap with other assessment districts established pursuant to other provisions of law, including, but not limited to, the Parking and Business Improvement Area Law of 1989 (Part 6 (commencing with Section 36500)). This part does not prohibit the boundaries of a business assessment district created pursuant to this part to overlap with another business assessment district created pursuant to this part. This part does not prohibit the boundaries of a business assessment district created pursuant to this part to overlap with a property assessment district created pursuant to this part.
(d) The improvements, maintenance, and activities proposed for each year of operation of the district and the estimated cost thereof. If the improvements, maintenance, and activities proposed for each year of operation are the same, a description of the first year's proposed improvements, maintenance, and activities

and a statement that the same improvements, maintenance, and activities are proposed for subsequent years shall satisfy the requirements of this subdivision.
(e) The total annual amount proposed to be expended for improvements, maintenance, or activities, and debt service in each year of operation of the district. If the assessment is levied on businesses, this amount may be estimated based upon the assessment rate. If the total annual amount proposed to be expended in each year of operation of the district is not significantly different, the amount proposed to be expended in the initial year and a statement that a similar amount applies to subsequent years shall satisfy the requirements of this subdivision.
(f) The proposed source or sources of financing, including the proposed method and basis of levying the assessment in sufficient detail to allow each property or business owner to calculate the amount of the assessment to be levied against their property or business. The plan also shall state whether bonds will be issued to finance improvements.
(g) The time and manner of collecting the assessments.
(h) The specific number of years in which assessments will be levied. In a new district, the maximum number of years shall be five. Upon renewal, a district shall have a term not to exceed 10 years. Notwithstanding these limitations, a district created pursuant to this part to finance capital improvements with bonds may levy assessments until the maximum maturity of the bonds. The management district plan may set forth specific increases in assessments for each year of operation of the district.
(i) The proposed time for implementation and completion of the management district plan.
(j) Any proposed rules and regulations to be applicable to the district.
(k)

(1) A list of the properties or businesses to be assessed, including the assessor's parcel numbers for properties to be assessed, and a statement of the method or methods by which the expenses of a district will be imposed upon benefited real property or businesses, in proportion to the benefit received by the property or business, to defray the cost thereof.
(2) In a property-based district, the proportionate special benefit derived by each identified parcel shall be determined exclusively in relationship to the entirety of the capital cost of a public improvement, the maintenance and operation expenses of a public improvement, or the cost of the activities. An assessment shall not be imposed on any parcel that exceeds the reasonable cost of the proportional special benefit conferred on that parcel. Only special benefits are assessable, and a property-based district shall separate the general benefits, if any, from the special benefits conferred on a parcel. Parcels within a property-based district that are owned or used by any city, public agency, the State of California, or the United States shall not be exempt from assessment unless the governmental entity can demonstrate by clear and convincing evidence that those publicly owned parcels in fact receive no special benefit. The value of any incidental, secondary, or collateral effects that arise from the improvements, maintenance, or activities of a property-based district and that benefit property or persons not assessed shall not be deducted from the entirety of the cost of any special benefit or affect the proportionate special benefit derived by each identified parcel.
(3) In a property-based district, properties throughout the district may share the same special benefits. In a district with boundaries that define which parcels are to receive improvements, maintenance, or activities over and above those services provided by the city, the improvements, maintenance, or activities themselves may constitute a special benefit. The city may impose assessments that are less than the proportional special benefit conferred, but shall not impose assessments that exceed the reasonable costs of the proportional special benefit conferred. Because one or more parcels pay less than the special benefit conferred does not necessarily mean that other parcels are assessed more than the reasonable cost of their special benefit.

(l) In a property-based district, a detailed engineer's report prepared by a registered professional engineer certified by the State of California supporting all assessments contemplated by the management district plan.
(m) Any other item or matter required to be incorporated therein by the city council.

36623. Procedure to levy assessment

(a) If a city council proposes to levy a new or increased property assessment, the notice and protest and hearing procedure shall comply with Section 53753 of the Government Code.
(b) If a city council proposes to levy a new or increased business assessment, the notice and protest and hearing procedure shall comply with Section 54954.6 of the Government Code, except that notice shall be

mailed to the owners of the businesses proposed to be assessed. A protest may be made orally or in writing by any interested person. Every written protest shall be filed with the clerk at or before the time fixed for the public hearing. The city council may waive any irregularity in the form or content of any written protest. A written protest may be withdrawn in writing at any time before the conclusion of the public hearing. Each written protest shall contain a description of the business in which the person subscribing the protest is interested sufficient to identify the business and, if a person subscribing is not shown on the official records of the city as the owner of the business, the protest shall contain or be accompanied by written evidence that the person subscribing is the owner of the business or the authorized representative. A written protest that does not comply with this section shall not be counted in determining a majority protest. If written protests are received from the owners or authorized representatives of businesses in the proposed district that will pay 50 percent or more of the assessments proposed to be levied and protests are not withdrawn so as to reduce the protests to less than 50 percent, no further proceedings to levy the proposed assessment against such businesses, as contained in the resolution of intention, shall be taken for a period of one year from the date of the finding of a majority protest by the city council.

(c) If a city council proposes to conduct a single proceeding to levy both a new or increased property assessment and a new or increased business assessment, the notice and protest and hearing procedure for the property assessment shall comply with subdivision (a), and the notice and protest and hearing procedure for the business assessment shall comply with subdivision (b). If a majority protest is received from either the property or business owners, that respective portion of the assessment shall not be levied. The remaining portion of the assessment may be levied unless the improvement or other special benefit was proposed to be funded by assessing both property and business owners.

36624. Changes to proposed assessments

At the conclusion of the public hearing to establish the district, the city council may adopt, revise, change, reduce, or modify the proposed assessment or the type or types of improvements, maintenance, and activities to be funded with the revenues from the assessments. Proposed assessments may only be revised by reducing any or all of them. At the public hearing, the city council may only make changes in, to, or from the boundaries of the proposed property and business improvement district that will exclude territory that will not benefit from the proposed improvements, maintenance, and activities. Any modifications, revisions, reductions, or changes to the proposed assessment district shall be reflected in the notice and map recorded pursuant to Section 36627.

36625. Resolution of formation

(a) If the city council, following the public hearing, decides to establish a proposed property and business improvement district, the city council shall adopt a resolution of formation that shall include, but is not limited to, all of the following:

(1) A brief description of the proposed improvements, maintenance, and activities, the amount of the proposed assessment, a statement as to whether the assessment will be levied on property, businesses, or both within the district, a statement on whether bonds will be issued, and a description of the exterior boundaries of the proposed district, which may be made by reference to any plan or map that is on file with the clerk. The descriptions and statements need not be detailed and shall be sufficient if they enable an owner to generally identify the nature and extent of the improvements, maintenance, and activities and the location and extent of the proposed district.

(2) The number, date of adoption, and title of the resolution of intention.

(3) The time and place where the public hearing was held concerning the establishment of the district.

(4) A determination regarding any protests received. The city shall not establish the district or levy assessments if a majority protest was received.

(5) A statement that the properties, businesses, or properties and businesses in the district established by the resolution shall be subject to any amendments to this part.

(6) A statement that the improvements, maintenance, and activities to be conferred on businesses and properties in the district will be funded by the levy of the assessments. The revenue from the levy of assessments within a district shall not be used to provide improvements, maintenance, or activities outside the district or for any purpose other than the purposes specified in the resolution of intention, as modified by the city council at the hearing concerning establishment of the district. Notwithstanding the foregoing, improvements and activities that must be provided outside the

district boundaries to create a special or specific benefit to the assessed parcels or businesses may be provided, but shall be limited to marketing or signage pointing to the district.
(7) A finding that the property or businesses within the area of the property and business improvement district will be benefited by the improvements, maintenance, and activities funded by the proposed assessments, and, for a property-based district, that property within the district will receive a special benefit.
(8) In a property-based district, the total amount of all special benefits to be conferred on the properties within the property-based district.

(b) The adoption of the resolution of formation and, if required, recordation of the notice and map pursuant to Section 36627 shall constitute the levy of an assessment in each of the fiscal years referred to in the management district plan.

36627. Notice and assessment diagram

Following adoption of the resolution establishing district assessments on properties pursuant to Section 36625, the clerk shall record a notice and an assessment diagram pursuant to Section 3114. No other provision of Division 4.5 (commencing with Section 3100) applies to an assessment district created pursuant to this part.

36628. Establishment of separate benefit zones within district; Categories of businesses

The city council may establish one or more separate benefit zones within the district based upon the degree of benefit derived from the improvements or activities to be provided within the benefit zone and may impose a different assessment within each benefit zone. If the assessment is to be levied on businesses, the city council may also define categories of businesses based upon the degree of benefit that each will derive from the improvements or activities to be provided within the district and may impose a different assessment or rate of assessment on each category of business, or on each category of business within each zone.

36628.5. Assessments on businesses or property owners

The city council may levy assessments on businesses or on property owners, or a combination of the two, pursuant to this part. The city council shall structure the assessments in whatever manner it determines corresponds with the distribution of benefits from the proposed improvements, maintenance, and activities, provided that any property-based assessment conforms with the requirements set forth in paragraph (2) of subdivision (k) of Section 36622.

36629. Provisions and procedures applicable to benefit zones and business categories

All provisions of this part applicable to the establishment, modification, or disestablishment of a property and business improvement district apply to the establishment, modification, or disestablishment of benefit zones or categories of business. The city council shall, to establish, modify, or disestablish a benefit zone or category of business, follow the procedure to establish, modify, or disestablish a property and business improvement district.

36630. Expiration of district; Creation of new district

If a property and business improvement district expires due to the time limit set pursuant to subdivision (h) of Section 36622, a new management district plan may be created and the district may be renewed pursuant to this part.

CHAPTER 3. Assessments

36631. Time and manner of collection of assessments; Delinquent payments

The collection of the assessments levied pursuant to this part shall be made at the time and in the manner set forth by the city council in the resolution levying the assessment. Assessments levied on real property may be collected at the same time and in the same manner as for the ad valorem property tax, and may provide for the same lien priority and penalties for delinquent payment. All delinquent payments for assessments levied pursuant to this part may be charged interest and penalties.

36632. Assessments to be based on estimated benefit; Classification of real property and businesses; Exclusion of residential and agricultural property

(a) The assessments levied on real property pursuant to this part shall be levied on the basis of the estimated benefit to the real property within the property and business improvement district. The city council may classify properties for purposes of determining the benefit to property of the improvements and activities provided pursuant to this part.
(b) Assessments levied on businesses pursuant to this part shall be levied on the basis of the estimated benefit to the businesses within the property and business improvement district. The city council may classify businesses for purposes of determining the benefit to the businesses of the improvements and activities provided pursuant to this part.
(c) Properties zoned solely for residential use, or that are zoned for agricultural use, are conclusively presumed not to benefit from the improvements and service funded through these assessments, and shall not be subject to any assessment pursuant to this part.

36633. Time for contesting validity of assessment

The validity of an assessment levied under this part shall not be contested in an action or proceeding unless the action or proceeding is commenced within 30 days after the resolution levying the assessment is adopted pursuant to Section 36625. An appeal from a final judgment in an action or proceeding shall be perfected within 30 days after the entry of judgment.

36634. Service contracts authorized to establish levels of city services

The city council may execute baseline service contracts that would establish levels of city services that would continue after a property and business improvement district has been formed.

36635. Request to modify management district plan

The owners' association may, at any time, request that the city council modify the management district plan. Any modification of the management district plan shall be made pursuant to this chapter.

36636. Modification of plan by resolution after public hearing; Adoption of resolution of intention

(a) Upon the written request of the owners' association, the city council may modify the management district plan after conducting one public hearing on the proposed modifications. The city council may modify the improvements and activities to be funded with the revenue derived from the levy of the assessments by adopting a resolution determining to make the modifications after holding a public hearing on the proposed modifications. If the modification includes the levy of a new or increased assessment, the city council shall comply with Section 36623. Notice of all other public hearings pursuant to this section shall comply with both of the following:
(1) The resolution of intention shall be published in a newspaper of general circulation in the city once at least seven days before the public hearing.
(2) A complete copy of the resolution of intention shall be mailed by first class mail, at least 10 days before the public hearing, to each business owner or property owner affected by the proposed modification.
(b) The city council shall adopt a resolution of intention which states the proposed modification prior to the public hearing required by this section. The public hearing shall be held not more than 90 days after the adoption of the resolution of intention.

36637. Reflection of modification in notices recorded and maps

Any subsequent modification of the resolution shall be reflected in subsequent notices and maps recorded pursuant to Division 4.5 (commencing with Section 3100), in a manner consistent with the provisions of Section 36627.

36638. Assessment as government imposed fee on Civ C § 1770 transaction [Operative July 1, 2024]

(a) A business assessment pursuant to this part is a fee imposed by a government on the transaction for purposes of paragraph (29) of subdivision (a) of Section 1770 of the Civil Code.
(b) This section shall become operative on July 1, 2024.

CHAPTER 3.5. Financing

36640. Bonds authorized; Procedure; Restriction on reduction or termination of assessments

(a) The city council may, by resolution, determine and declare that bonds shall be issued to finance the estimated cost of some or all of the proposed improvements described in the resolution of formation adopted pursuant to Section 36625, if the resolution of formation adopted pursuant to that section provides for the issuance of bonds, under the Improvement Bond Act of 1915 (Division 10 (commencing with Section 8500)) or in conjunction with Marks-Roos Local Bond Pooling Act of 1985 (Article 4 (commencing with Section 6584) of Chapter 5 of Division 7 of Title 1 of the Government Code). Either act, as the case may be, shall govern the proceedings relating to the issuance of bonds, although proceedings under the Bond Act of 1915 may be modified by the city council as necessary to accommodate assessments levied upon business pursuant to this part.
(b) The resolution adopted pursuant to subdivision (a) shall generally describe the proposed improvements specified in the resolution of formation adopted pursuant to Section 36625, set forth the estimated cost of those improvements, specify the number of annual installments and the fiscal years during which they are to be collected. The amount of debt service to retire the bonds shall not exceed the amount of revenue estimated to be raised from assessments over 30 years.
(c) Notwithstanding any other provision of this part, assessments levied to pay the principal and interest on any bond issued pursuant to this section shall not be reduced or terminated if doing so would interfere with the timely retirement of the debt.

CHAPTER 4. Governance

36650. Report by owners' association; Approval or modification by city council

(a) The owners' association shall cause to be prepared a report for each fiscal year, except the first year, for which assessments are to be levied and collected to pay the costs of the improvements, maintenance, and activities described in the report. The owners' association's first report shall be due after the first year of operation of the district. The report may propose changes, including, but not limited to, the boundaries of the property and business improvement district or any benefit zones within the district, the basis and method of levying the assessments, and any changes in the classification of property, including any categories of business, if a classification is used.
(b) The report shall be filed with the clerk and shall refer to the property and business improvement district by name, specify the fiscal year to which the report applies, and, with respect to that fiscal year, shall contain all of the following information:

(1) Any proposed changes in the boundaries of the property and business improvement district or in any benefit zones or classification of property or businesses within the district.
(2) The improvements, maintenance, and activities to be provided for that fiscal year.
(3) An estimate of the cost of providing the improvements, maintenance, and activities for that fiscal year.
(4) The method and basis of levying the assessment in sufficient detail to allow each real property or business owner, as appropriate, to estimate the amount of the assessment to be levied against his or her property or business for that fiscal year.
(5) The estimated amount of any surplus or deficit revenues to be carried over from a previous fiscal year.
(6) The estimated amount of any contributions to be made from sources other than assessments levied pursuant to this part.

(c) The city council may approve the report as filed by the owners' association or may modify any particular contained in the report and approve it as modified. Any modification shall be made pursuant to Sections 36635 and 36636.
The city council shall not approve a change in the basis and method of levying assessments that would impair an authorized or executed contract to be paid from the revenues derived from the levy of

assessments, including any commitment to pay principal and interest on any bonds issued on behalf of the district.

36651. Designation of owners' association to provide improvements, maintenance, and activities

The management district plan may, but is not required to, state that an owners' association will provide the improvements, maintenance, and activities described in the management district plan. If the management district plan designates an owners' association, the city shall contract with the designated nonprofit corporation to provide services.

CHAPTER 5. Renewal

36660. Renewal of district; Transfer or refund of remaining revenues; District term limit

(a) Any district previously established whose term has expired, or will expire, may be renewed by following the procedures for establishment as provided in this chapter.
(b) Upon renewal, any remaining revenues derived from the levy of assessments, or any revenues derived from the sale of assets acquired with the revenues, shall be transferred to the renewed district. If the renewed district includes additional parcels or businesses not included in the prior district, the remaining revenues shall be spent to benefit only the parcels or businesses in the prior district. If the renewed district does not include parcels or businesses included in the prior district, the remaining revenues attributable to these parcels shall be refunded to the owners of these parcels or businesses.
(c) Upon renewal, a district shall have a term not to exceed 10 years, or, if the district is authorized to issue bonds, until the maximum maturity of those bonds. There is no requirement that the boundaries, assessments, improvements, or activities of a renewed district be the same as the original or prior district.

CHAPTER 6. Disestablishment

36670. Circumstances permitting disestablishment of district; Procedure

(a) Any district established or extended pursuant to the provisions of this part, where there is no indebtedness, outstanding and unpaid, incurred to accomplish any of the purposes of the district, may be disestablished by resolution by the city council in either of the following circumstances:
(1) If the city council finds there has been misappropriation of funds, malfeasance, or a violation of law in connection with the management of the district, it shall notice a hearing on disestablishment.
(2) During the operation of the district, there shall be a 30-day period each year in which assessees may request disestablishment of the district. The first such period shall begin one year after the date of establishment of the district and shall continue for 30 days. The next such 30-day period shall begin two years after the date of the establishment of the district. Each successive year of operation of the district shall have such a 30-day period. Upon the written petition of the owners or authorized representatives of real property or the owners or authorized representatives of businesses in the district who pay 50 percent or more of the assessments levied, the city council shall pass a resolution of intention to disestablish the district. The city council shall notice a hearing on disestablishment.
(b) The city council shall adopt a resolution of intention to disestablish the district prior to the public hearing required by this section. The resolution shall state the reason for the disestablishment, shall state the time and place of the public hearing, and shall contain a proposal to dispose of any assets acquired with the revenues of the assessments levied within the property and business improvement district. The notice of the hearing on disestablishment required by this section shall be given by mail to the property owner of each parcel or to the owner of each business subject to assessment in the district, as appropriate. The city shall conduct the public hearing not less than 30 days after mailing the notice to the property or business owners. The public hearing shall be held not more than 60 days after the adoption of the resolution of intention.

36671. Refund of remaining revenues upon disestablishment or expiration without renewal of district; Calculation of refund; Use of outstanding revenue collected after disestablishment of district

(a) Upon the disestablishment or expiration without renewal of a district, any remaining revenues, after all outstanding debts are paid, derived from the levy of assessments, or derived from the sale of assets acquired with the revenues, or from bond reserve or construction funds, shall be refunded to the owners of the property or businesses then located and operating within the district in which assessments were levied by applying the same method and basis that was used to calculate the assessments levied in the fiscal year in which the district is disestablished or expires. All outstanding assessment revenue collected after disestablishment shall be spent on improvements and activities specified in the management district plan.
(b) If the disestablishment occurs before an assessment is levied for the fiscal year, the method and basis that was used to calculate the assessments levied in the immediate prior fiscal year shall be used to calculate the amount of any refund.

APPENDIX 2 – ASSESSED BUSINESSES

Assessed Berkeley Tourism BID Contributors, lodgings with 5 or more rooms, as of: March 2025

Business Name	Site Address	City, State	ZIP
Aiden by Best Western	1499 University Ave.	Berkeley, CA	94702
Bancroft Hotel	2680 Bancroft Way	Berkeley, CA	94704
Berkeley City Club	2315 Durant Ave.	Berkeley, CA	94704
Berkeley Travelodge (Sather Hotel by Wyndham Berkeley)	1820 University Ave.	Berkeley, CA	94703
Doubletree Berkeley Marina	200 Marina Blvd.	Berkeley, CA	94710
Downtown Berkeley Inn	2001 Bancroft Way	Berkeley, CA	94704
Graduate Berkeley	2600 Durant Ave.	Berkeley, CA	94704
Holiday Inn Express	1175 University Ave.	Berkeley, CA	94702
Hotel Shattuck Plaza	2086 Allston Way	Berkeley, CA	94704
Howard Johnson Hotel	1512 University Ave.	Berkeley, CA	94702
Marina Inn	975 University Ave.	Berkeley, CA	94710
Nash Hotel	2045 University Ave.	Berkeley, CA	94704
Prima Donna Hotels Inc., dba Sens Hotel & Bistro Berkeley	1540 Shattuck Ave.	Berkeley, CA	94709
Residence Inn	2121 Center St.	Berkeley, CA	94704
Rose Garden Inn	2740 Telegraph Ave.	Berkeley, CA	94705
University Inn	920 University Ave.	Berkeley, CA	94710
Urban Adamah	1151 Sixth St.	Berkeley, CA	94710
Vista Inn & Suites, dba Quality Inn	1761 University Ave.	Berkeley, CA	94703
YMCA of the East Bay	2001 Allston Way	Berkeley, CA	94704

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OFFICE OF THE CITY MANAGER

PUBLIC HEARING
June 3, 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: Conduct a Public Hearing in Compliance with Assembly Bill 2561 / Government Code § 3502.3 Regarding Vacancies, Recruitment, and Retention Efforts

RECOMENDATION

Conduct a public hearing in compliance with Assembly Bill 2561 (AB 2561) / Government Code § 3502.3 (GC § 3502.3) regarding vacancies, recruitment, and retention efforts.

FISCAL IMPACTS OF RECOMMENDATION

There is no direct fiscal impact associated with conducting the public hearing required under GC § 3502.3.

CURRENT SITUATION AND ITS EFFECTS

Effective January 1, 2025, in compliance with new legal obligations for public agencies under AB 2561 / Government Code (GC)_ § 3502.3, the City of Berkeley ("City") is required to do the following:

1. Public Hearing: At least once each fiscal year, at a public hearing before the City Council, the City shall present information regarding the status of vacancies, recruitment, and retention efforts (GC § 3502.3 (a)(1)) and identify any necessary changes to policies, procedures, and recruitment activities that may lead to obstacles in the hiring process (GC § 3502.3(a)(3)). If the City adopts an annual or multi-year budget during the fiscal year, this presentation must occur prior to the City Council's adoption of the final budget. (GC § 3502.3 (a)(2).)

2. Employee Organization Participation: The City shall allow the recognized employee organization for each bargaining unit at the City to make presentations during the public hearing concerning vacancies, recruitment, and retention efforts. There are eight bargaining units at the City**.** (GC § 3502.3 (b).)

3. Additional Reporting for High Vacancy Rates: If vacancies within a single bargaining unit meet or exceed 20% of authorized full-time positions in that bargaining unit, upon request of the recognized employee organization for that bargaining unit, the City must provide additional information during the public hearing, including the following: (1) the total number of vacancies; (2) the number of applicants; (3) the average time to fill positions; and (4) opportunities to improve compensation and working conditions for employees in the bargaining unit. (GC § 3502.3 (c).)

BACKGROUND

On September 22, 2024, Governor Newsom signed AB 2561 into law, and it was codified as GC § 3502.3, effective January 1, 2025, to amend the Meyers-Milias-Brown Act (MMBA). AB 2561 creates a new obligation for public agencies to publicly address the status of their vacancies. Under AB 2561 and GC § 3502.3, public agencies are required to assess and address vacancy rates on an annual basis,

including tracking job vacancies; present information on the status of vacancies, recruitment, and retention efforts at least once per fiscal year prior to the adoption of the next fiscal year's budget; and identify any policies, procedures, and recruitment activities that may present obstacles in the hiring process. Additional obligations may apply if the vacancy rate in a bargaining unit exceeds 20%.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

RATIONALE FOR RECOMMENDATION

The City fulfills its legal compliance with AB 2561 / GC § 3502.3 by conducting a public hearing before the agency's governing body at least once per fiscal year prior to the adoption of the next fiscal year's budget and identifying any necessary changes to policies, procedures, and recruitment activities that may lead to obstacles in the hiring process.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

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

ATTACHMENT

1. Assembly Bill 2561 (AB 2561) - Text

STATE OF CALIFORNIA
LEGISLATIVE COUNSEL BUREAU
AUTHENTICATED
ELECTRONIC LEGAL MATERIAL

Assembly Bill No. 2561

CHAPTER 409

An act to add Section 3502.3 to the Government Code, relating to public employment.

[Approved by Governor September 22, 2024. Filed with Secretary of State September 22, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2561, McKinnor. Local public employees: vacant positions.

Existing law, the Meyers-Milias-Brown Act (act), authorizes local public employees, as defined, to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on matters of labor relations. The act requires the governing body of a public agency to meet and confer in good faith regarding wages, hours, and other terms and conditions of employment with representatives of recognized employee organizations and to consider fully presentations that are made by the employee organization on behalf of its members before arriving at a determination of policy or course of action.

This bill would, as specified, require a public agency to present the status of vacancies and recruitment and retention efforts at a public hearing at least once per fiscal year, and would entitle the recognized employee organization to present at the hearing. If the number of job vacancies within a single bargaining unit meets or exceeds 20% of the total number of authorized full-time positions, the bill would require the public agency, upon request of the recognized employee organization, to include specified information during the public hearing. By imposing new duties on local public agencies, the bill would impose a state-mandated local program. The bill would also include related legislative findings.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement shall be made pursuant to these statutory provisions for costs mandated by the state pursuant to this act, but would recognize that a local agency or school district may pursue any available remedies to seek reimbursement for these costs.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares as follows:

(a) Job vacancies in local government are a widespread and significant problem for the public sector affecting occupations across wage levels and educational requirements.

(b) High job vacancies impact public service delivery and the workers who are forced to handle heavier workloads, with understaffing leading to burnout and increased turnover that further exacerbate staffing challenges.

(c) There is a statewide interest in ensuring that public agency operations are appropriately staffed and that high vacancy rates do not undermine public employee labor relations.

SEC. 2. Section 3502.3 is added to the Government Code, to read:

3502.3. (a) (1) A public agency shall present the status of vacancies and recruitment and retention efforts during a public hearing before the governing board at least once per fiscal year.

(2) If the governing board will be adopting an annual or multiyear budget during the fiscal year, the presentation shall be made prior to the adoption of the final budget.

(3) During the hearing, the public agency shall identify any necessary changes to policies, procedures, and recruitment activities that may lead to obstacles in the hiring process.

(b) The recognized employee organization for a bargaining unit shall be entitled to make a presentation at the public hearing at which the public agency presents the status of vacancies and recruitment and retention efforts for positions within that bargaining unit.

(c) If the number of job vacancies within a single bargaining unit meets or exceeds 20 percent of the total number of authorized full-time positions, the public agency shall, upon request of the recognized employee organization, include all of the following information during the public hearing:

(1) The total number of job vacancies within the bargaining unit.

(2) The total number of applicants for vacant positions within the bargaining unit.

(3) The average number of days to complete the hiring process from when a position is posted.

(4) Opportunities to improve compensation and other working conditions.

(d) This section shall not prevent the governing board from holding additional public hearings about vacancies.

(e) The provisions of this section are severable. If any provision of this section or its application is held invalid, the invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

(f) For purposes of this section, “recognized employee organization” has the same meaning as defined in subdivision (a) of Section 3501.

SEC. 3. The Legislature finds and declares that Section 2 of this act, which adds Section 3502.3 to the Government Code, furthers, within the

meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

It is in the public interest, and it furthers the purposes of paragraph (7) of subdivision (b) of Section (3) of Article I of the California Constitution, to ensure that information concerning public agency employment is available to the public.

SEC. 4. No reimbursement shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code for costs mandated by the state pursuant to this act. It is recognized, however, that a local agency or school district may pursue any remedies to obtain reimbursement available to it under Part 7 (commencing with Section 17500) and any other law.

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NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL
CALIFORNIA GOVERNMENT CODE § 3502.3 (ASSEMBLY BILL 2561)

The public may participate in this hearing by remote video or in-person.

In accordance with California Government Code § 3502.3 (Assembly Bill 2561), a public agency must once per fiscal year present the status of vacancies, recruitment and retentions efforts at a Public Hearing before the adoption of an annual budget.

The hearing will be held on June 3, 2025, at 6:00 p.m. in the School District Board Room, located at 1231 Addison Street, Berkeley CA 94702.

A copy of the agenda material for this hearing will be available on the City's website at https://berkeleyca.gov/ as of May 22, 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 Monica Walker at 510-981-6818.

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

Communications to the Berkeley City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at (510) 981-6900 or clerk@berkeleyca.gov for further information.

Published: May 23, 2025 – The Berkeley Voice

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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 22, 2025.

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Mark Numainville, City Clerk
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Office of the City Manager

PUBLIC HEARING
June 3, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

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

Subject: Zoning Adjustments Board Appeal: 1950-1998 Shattuck Avenue, Use Permit #ZP2023-0040

RECOMMENDATION

Conduct a public hearing, and upon conclusion adopt a Resolution denying the appeal and affirming the Zoning Adjustments Board (ZAB) decision approving Use Permit ZP#2023-0040.

SUMMARY

On February 27, 2025, the ZAB approved Use Permit ZP#2023-0040 to demolish five commercial buildings; merge four lots; and construct a 28-story (312-foot tall, plus 5-foot parapet), 411,610-square-foot, mixed-use building with 599 dwelling units (including 58 Very Low-Income Density Bonus qualifying units), 16,142 square feet of commercial area, and 154 parking spaces.

On March 19, 2025, Zaden Lippman filed an appeal citing a height reduction, amendments to the Downtown Area Plan, and the need for more public meetings.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

On March 23, 2023, the City received an SB 330 Preliminary Use Permit application (PLN2023-0083).

On December 4, 2023, the SB 330 Preliminary Use Permit application was deemed complete.

On April 11, 2024, the Use Permit application (ZP2023-0040) was deemed complete.

On November 19, 2024, staff determined that the project is Categorically Exempt from CEQA – Class 32 Categorical Exemption “In-Fill Development Projects.”

On January 6, 2025, the Landmarks Preservation Commission (LPC) reviewed the demolition referral.

On January 16, 2025, the Design Review Committee (DRC) conducted a preliminary review and provided a favorable recommendation with suggested refinements.

On February 13, 2025, public hearing notices were mailed and posted for the ZAB hearing.

On February 27, 2025 the ZAB held a public hearing on the Use Permit application and received public comment. Following deliberations, the ZAB unanimously approved the ZP2023-0040 by a vote of 5-0-2-0 vote (Moved: Duffy, Second: Gaffney, Ayes: Duffy, Gaffney, Sanderson, Thompson, Yung; Noes: None; Abstain: A. Kashani, S. Allen; Absent: None).

On March 19, 2025, Zaden Lipman filed an appeal of the ZAB's decision.

BACKGROUND

The following background is a summary of salient information on the project for the Council's consideration of this appeal. For details and additional project background, see Attachment 3, the February 27, 2025 ZAB staff report for the project.

Project Setting and Description

The 28,319-square-foot, 0.65-acre, project site consists of five parcels that span the eastern edge of the block bounded by Berkeley Way on the north, Shattuck Avenue on the east, and University Avenue on the south. The site is located within the Downtown Mixed-Use District (C-DMU), Outer Core Sub-Area, as identified in the City's Downtown Area Plan (DAP). In the site's immediate vicinity are a mixture of buildings that contain mixed-use residential with ground floor commercial, multi-family residential, and commercial uses, and which range in height from one story to twelve stories. Other nearby tall buildings are the 12-story, mixed-use residential building across Shattuck Avenue at 1951 Shattuck; the 14-story Anchor House at 1950 Oxford Street, one block east; and the Residence Inn Hotel at 2129 Shattuck Avenue, two blocks south of the site.

The project site is associated with the following addresses and Assessor's Parcel Numbers:

1. 1950 &1958 Shattuck, 57-2053-1
2. 1974 Shattuck, 57-2053-2
3. 1984 Shattuck, 57-2053-3-2 and 1986 &1998 Shattuck, 57-2053-3-1
4. 2071 & 2079 University, 57-2053-4-2

Each of the five parcel numbers (on four lots) is occupied by a one-story commercial building, including long-standing and well-known businesses such as Spat's, at 1974

Shattuck, and McDonald's, at 1986 Shattuck.

The project proposes to demolish the five existing commercial buildings, merge the lots, and construct a mixed-use building that utilizes the State density bonus with the following main components:

- 28 stories, 312 feet in height (plus a 5-foot parapet)
- 599 dwelling units – 489 studios and110 one-bedroom (709 bedrooms total)
- 58 Very Low-Income (VLI) units to qualify for density bonus
- 16,142 square feet of commercial space – 8,342 square feet of ground-floor retail and 7,800-square-foot, rooftop restaurant/bar
- 12,491 square feet of usable open space – second-floor podium gardens and 14th-floor roof deck
- 706 square feet of privately-owned public open space – ground-floor plaza (Shattuck Avenue)
- 1,020-square-foot parklet at Shattuck Avenue frontage
- 130 residential and 24 commercial vehicle parking spaces (includes 4 car share spaces)
- 256 bike spaces in two ground-floor rooms
- Community benefits – Project Labor Agreement representing approximately 20 to 25 percent of estimated project construction costs

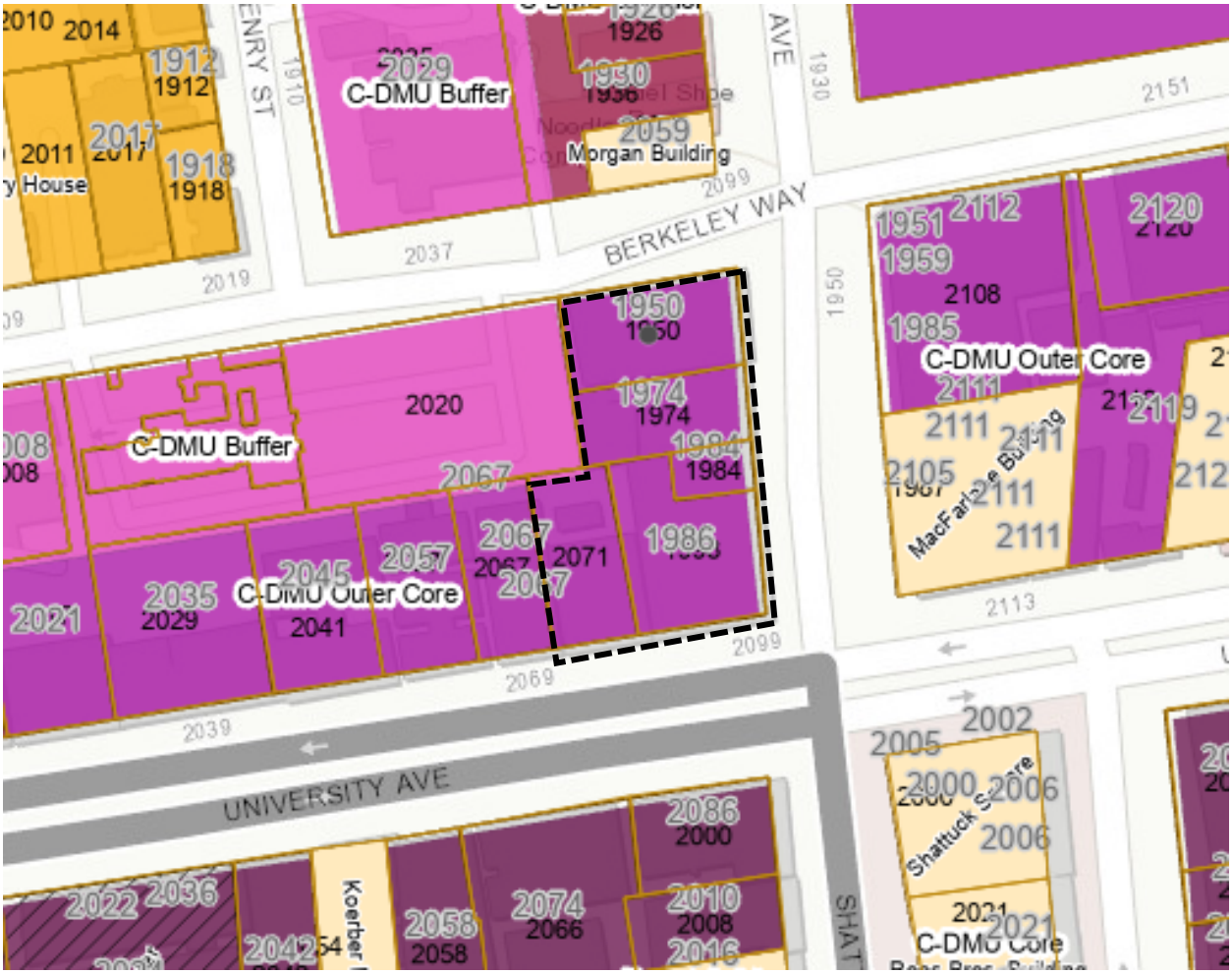


Figure 1: Zoning Map



Image 1. Street View



Image 2. View from Shattuck Ave. facing north

Landmarks Preservation Commission and Design Review Committee
The Landmarks Preservation Commission (LPC) held a meeting on January 6, 2025 to consider the demolition referral for these buildings and took no action. However, the LPC made a recommendation to the ZAB to suggest that the applicant include a readily visible historical display in the new development site and share the story of the block.

The project was referred to the DRC for Preliminary Design Review on January 16, 2025. The DRC provided a favorable recommendation for Preliminary Design Review to ZAB with recommendations for Final Design Review (FDR). (Moved Tam, Seconded Gaffney, Ayes: Gaffney, Hall-Montgomery, Mitchell, Muszynski, Tam, Woo; Abstain: None. Absent: Kahn. VOTE (6-0-0-1))

CEQA Categorical Exemption
On November 19, 2024, staff determined that the project is categorically exempt from the provisions of CEQA under Section 15332 (“Infill Development Projects”) of the CEQA Guidelines.

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: The appellant asserts that the height and density of the project is “excessive” and will negatively impact the City’s “culture and lifestyle.”

Response: Government Code Section 65589.5 establishes that the City may not disapprove the project or reduce the project’s density without making findings supported by a preponderance of the evidence on the record that both of the following conditions exist:

> (A) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density.
>
> (B) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

The project complies with applicable, objective general plan and zoning standards, and is consistent with the goals and policies of the Downtown Area Plan. Additionally, the subject site is identified as a Housing Element Opportunity Site in the 2023-2031 Housing Element. The redevelopment of the site with 599 units of housing counts towards the City’s Regional Housing Needs Allocation and advances housing

production.

Issue 2: The appellant asserts "I hope that more meetings will be held."

Response: Government Code Section 65905.5(a) states that if a proposed housing development project complies with the applicable, objective general plan and zoning standards in effect at the time an application is deemed complete, then the city shall not conduct more than five hearings in connection with the approval of that housing development project. This includes all public hearings in connection with the approval of the housing development project, and any continuances of such public hearings. The city must consider and either approve or disapprove the project at any of the five hearings consistent with applicable timelines under the Permit Streamlining Act (Chapter 4.5, commencing with Section 65920).

The February 27, 2025 ZAB hearing was the third public hearing for the proposed project since the project was deemed complete. The June 3, 2025 City Council appeal review is the fourth meeting for the project.

ALTERNATIVE ACTIONS CONSIDERED
Pursuant to BMC Section 23.410.040(G), the Council may (1) continue the public hearing, (2) reverse, affirm, or modify the ZAB's decision, or (3) remand the matter to the ZAB.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
The project approved by the ZAB is compliant with all applicable State and local environmental requirements, would be located in a transit-rich area, and would be built and operated according to current codes for energy conservation, waste reduction, low toxicity, and other factors.

CONTACT PERSON
Jordan Klein, Director, Planning & Development Department, (510) 981-7534
Anne Hersch, Land Use Planning Manager, (510) 981-7411
Sharon Gong, Principal Planner, (510) 981-7480

Attachments:
1. Draft Resolution
   Exhibit A: Findings and Conditions, February 27, 2025
2. ZAB Decision Appeal Letter, received March 24, 2025
3. ZAB Packet (Staff Report and attachments), dated February 27, 2025
4. Public Hearing Notice
5. Index to Administrative Record
6. Administrative Record

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

UPHOLDING THE DECISION OF THE ZONING ADJUSTMENTS BOARD APPROVING ZP#2023-0040 TO DEMOLISH FIVE COMMERCIAL BUILDINGS; MERGE FOUR LOTS; AND CONSTRUCT A 28-STORY (312-FOOT TALL, PLUS 5-FOOT PARAPET), 411,610-SQUARE-FOOT, MIXED-USE BUILDING WITH 599 DWELLING UNITS (INCLUDING 58 VERY LOW-INCOME DENSITY BONUS QUALIFYING UNITS), 16,142 SQUARE FEET OF COMMERCIAL AREA, AND 154 PARKING SPACES.

WHEREAS, on March 23, 2023, the City received an SB 330 Preliminary Use Permit application (PLN2023-0083); and

WHEREAS, on December 4, 2023, the SB 330 Preliminary Use Permit application was deemed complete; and

WHEREAS, on April 11, 2024, the Use Permit application (ZP2023-0040) was deemed complete; and

WHEREAS, on November 19, 2024, staff determined that the project is Categorically Exempt from CEQA – Class 32 Categorical Exemption "In-Fill Development Projects;" and

WHEREAS, on January 6, 2025, the Landmarks Preservation Commission (LPC) reviewed the demolition referral; and

WHEREAS, on January 16, 2025, the Design Review Committee conducted a preliminary review and provided a favorable recommendation with suggested refinements; and

WHEREAS, on February 13, 2025, public hearing notices were mailed and posted for the ZAB hearing; and

WHEREAS, on February 27, 2025 the ZAB held a public hearing on the Use Permit application and received public comment. Following deliberations, the ZAB unanimously approved the ZP2023-0040 by a vote of 5-0-2-0 vote (Moved: Duffy, Second: Gaffney, Ayes: Duffy, Gaffney, Sanderson, Thompson, Yung; Noes: None; Abstain: A. Kashani, S. Allen; Absent: None); and

WHEREAS, on March 19, 2025, Zaden Lipman filed an appeal of the ZAB's decision; and

WHEREAS, on or before May 20, 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 June 3, 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 ZAB in Exhibit A, affirming the decision made by ZAB to approve ZP#2023-0040, and dismisses the appeal.

Exhibits
A: Findings and Conditions

PLANNING AND DEVELOPMENT

ZONING ADJUSTMENTS BOARD – FINDINGS

FEBRUARY 27, 2025

University Corners
1950-1998 Shattuck Avenue

Use Permit #ZP2023-0040 to demolish five commercial buildings; merge four lots; and construct a 28-story (312-foot tall, plus 5-foot parapet), 411,610-square-foot, mixed-use building with 599 dwelling units (including 58 Very Low-Income Density Bonus qualifying units), 16,142 square feet of commercial area, and 154 parking spaces.

ZONING PERMITS REQUIRED

- Use Permit under Berkeley Municipal Code (BMC) Section 23.326.070(A) to demolish non-residential buildings
- Use Permit under BMC Section 23.204.020(A) to construct a new mixed-use development
- Use Permit under BMC Section 23.204.020(A) to construct dwelling units
- Use Permit under BMC Section 23.204.030(A)(1) to create new floor area of 10,000 square feet or more
- Use Permit under BMC Section 23.204.130(E)(2) to construct a building that exceeds the district height limit, and that is over 75 feet but not more than 120 feet
- Use Permit under BMC Section 23.204.130(E)(3)(b) to modify the front, side, and rear setback requirements and to exceed 120 feet in width in diagonal measurement above 120 feet in height
- Administrative Use Permit under BMC Section 23.304.050(A) to allow architectural projections to exceed district height limits
- Administrative Use Permit under BMC Section 23.302.070(E)(2) for a food service establishment over 3,000 square feet in area
- Use Permit pursuant to BMC Section 23.310.020(B) to begin alcoholic beverage service (distilled spirits incidental to food service).
- Administrative Use Permit pursuant to BMC Section 23.204.020(A) for Amplified Live Entertainment in a commercial district

- Administrative Use Permit pursuant to BMC Section 23.302.020(D)(3) for outdoor use not abutting a residential district.

CONCESSIONS/WAIVERS UNDER GOVERNMENT CODE SECTION 65915-65918

- Concession from BMC Chapter 23.316 to allow an exemption from the Percentage for Public Art on Private Projects in-lieu fee
- Waiver of BMC Section 23.04.130(E)(1) to exceed building height limits – to be 317' to roof (plus 5' parapet), where 120 feet is the limit (plus 5-foot parapet, by right, with a use permit)
- Waiver of BMC Section 23.204.130(E)(3)(a) to reduce the front setback (University Ave, Shattuck Ave, and Berkeley Way) requirement to 0 feet, where 15 feet is the minimum, above 75-foot building height
- Waiver of BMC Section 23.204.130(E)(3)(a) to reduce the interior left side setback requirement to 10 feet, where 15 feet is the minimum, above 75-foot building height and more than 65 feet from the frontage
- Waiver of BMC Section 23.204.130(E)(3)(d)(i) to exceed diagonal width, to be 239 feet, 10 inches, where 120 feet is the maximum, above 120' in height
- Waiver of BMC Section 23.204.130(E)(4) reduce usable open space minimum to 13,032 square feet, where 47,920 square feet is required

I. CEQA FINDINGS

A. On November 19, 2024, the City determined that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code Section 21000, et seq. and California Code of Regulations, Section 15000, et seq.) pursuant to Section 15332 of the CEQA Guidelines ("Infill Development Projects").

The project applicant's attorney submitted a letter on October 8, 2024 in support of a Class 32 Categorical Exemption from CEQA and the project's eligibility for AB 1633 protections. The applicant separately submitted an Air Quality Report, a Noise Impact Analysis, and a Water Quality Impact Analysis to support an infill exemption. All technical reports were peer reviewed by a CEQA consultant, and were revised for adequacy.

B. Upon review of all evidence on the record, the City determined that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15332 ("Infill Development Projects") of the CEQA Guidelines.

The project meets all of the requirements of this exemption, as follows:

1. The project is consistent with the applicable General Plan designation and policies, and with the applicable zoning designation and regulations.
2. The project occurs within the Berkeley City limits on a project site of no more than five acres, and is surrounded by urban uses.
3. The parcels within the project site have previously been developed and have no value as habitat for endangered, rare or threatened species.

4. The project will not result in any significant effects relating to traffic, noise, air quality or water quality. The Traffic Impact Analysis prepared for the project was reviewed by the City Transportation Division which concurred with the findings of less than significant impacts. City Standard Conditions will address potential impacts related to traffic, noise, air quality, and water quality.
5. The site can be adequately served by all required utilities and public services.

C. Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project will not affect any historical resource.

II. HOUSING ACCOUNTABILTY ACT FINDINGS

A. The Housing Accountability Act, Government Code Section 65589.5(j) requires that when a proposed housing development complies with applicable, objective general plan and zoning standards, a local agency may not deny the project or approve it with reduced density unless the agency makes written findings supported by substantial evidence that: (1) the development would have a specific adverse impact on public health or safety unless disapproved or approved at a lower density; and (2) there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, other than the disapproval or approval at a lower density.

B. The project includes construction of 599 units. Because the base project complies with applicable, objective general plan and zoning standards, Section 65589.5(j) does apply to this project. No significant, quantifiable, direct and unavoidable impacts, based on objective, identified written public health or safety standards, polices, or conditions, have been identified.

III. DENSITY BONUS FINDINGS

A. Pursuant to Government Code Section 65915, the Zoning Adjustments Board finds that:

1. Under the City's methodology for implementing density bonuses, the base project consists of 411 units;
2. The project will provide at least 58 VLI qualifying units in the 411-unit base project, as more fully set forth in the Below Market Rate Units Condition;
3. The project is entitled to a density increase of 46.25 percent over the otherwise maximum allowable residential density under the Zoning Ordinance and General Plan Land Use Element, under the requirements of Government Code Section 65915(b) and (f), plus two concessions or incentives. This equates to a density bonus of 188 units (191 units maximum) above the base project, for a total of up to 599 units (602 units maximum).

B. In accordance with Government Code Section 65915(d) and (k), the Zoning Adjustments Board hereby grants the following concessions in order to provide for affordable housing costs:

1. Concession from BMC Chapter 23.316 to allow an exemption from the Percentage for Public Art on Private Projects in-lieu fee

C. In accordance with Government Code Section 65915(d), in order to allow construction of the proposed project with the density permitted under State law, the Zoning Adjustments Board finds that the approval of the concessions is required to provide for affordable rents, as provided in Government Code Section 65915(d)(1)(A) because 1) approval of the concession would result in identifiable and actual cost reduction; 2) approval of the concession would not have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources; and 3) would not be contrary to State or Federal law.

D. In accordance with Government Code Section 65915(e) the Zoning Adjustments Board hereby grants the following waivers to modify development standards as necessary to accommodate these density bonus units.

1. Waiver of BMC Section 23.04.130(E)(1) to exceed building height limits – to be 317' to roof (plus 5' parapet), where 120 feet is the limit (plus 5-foot parapet, by right, with a use permit)
2. Waiver of BMC Section 23.204.130(E)(3)(a) to reduce the front setback (University Ave, Shattuck Ave, and Berkeley Way) requirement to 0 feet, where 15 feet is the minimum, above 75-foot building height
3. Waiver of BMC Section 23.204.130(E)(3)(a) to reduce the interior left side setback requirement to 10 feet, where 15 feet is the minimum, above 75-foot building height and more than 65 feet from the frontage
4. Waiver of BMC Section 23.204.130(E)(3)(d)(i) to exceed diagonal width, to be 239 feet, 10 inches, where 120 feet is the maximum, above 120' in height
5. Waiver of BMC Section 23.204.130(E)(4) reduce usable open space minimum to 13,032 square feet, where 47,920 square feet is required

E. In accordance with Government Code Section 65915(e), in order to allow construction of the proposed project with the density permitted under State law, the Zoning Adjustments Board finds that the approval of waivers is required 1) to construct the proposed project at the density permitted under State law; 2) approval of requested waivers will not have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources; and 3) approval of the requested waivers will not be contrary to State or Federal law.

IV. FINDINGS FOR APPROVAL

A. As required by BMC Section 23.406.040(E), Findings for Approval, the project, under the circumstances of this particular case existing at the time at which the application is granted, will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of

the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City because:

1. The project is consistent with all applicable C-DMU District standards and qualifies for concessions and waivers for the listed district standards granted pursuant to State Density Bonus, Government Code, Section 65915.

2. According to the shadow studies submitted for the project, new shadow impacts will occur: a) in the winter and spring months in the hours of after sunrise and around noon, on the residential buildings on the blocks to the north and northwest of the site, and b) in the summer months in the hours of after sunrise on the residential buildings to the west of the site. All other new shadows will impact non-residential buildings in the vicinity. The extent of the new shadow impact from the project on the site's adjacent areas will be limited to a few hours of the day during certain times of the year, will not be unreasonable for a development in the dense, downtown district that allows building heights up to 60 feet, with 0 to 5-foot setbacks from property lines, by right.

3. The additional height above the district limits from the density bonus will cast shadows in the affected directions further than if the project were limited to the base district height standards. The proposal will include waivers for additional height beyond the district height limits to accommodate the density bonus units and allow a 312-foot-tall (plus 5-foot parapet), 28-story building. Overall, the shadow impacts from the project will be reasonable and not detrimental.

4. The project will be subject to the City's standard conditions of approval regarding construction noise and air quality, waste diversion, toxics, and stormwater requirements, which will ensure that the project will not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the area or neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood or to the general welfare of the City.

V. OTHER FINDINGS FOR APPROVAL

A. As required by BMC Section 23.326.070(D), the Zoning Adjustments Board finds that the proposed demolition of the non-residential buildings listed below will not be materially detrimental to the commercial needs and public interest of any affected neighborhood or the City, and that the demolition of the structures is required to allow a proposed new building or other proposed new use, will remove a building that which is unusable for activities completable with the purpose of the district or infeasible to modify for such uses, will remove a structure that is an inhabitable attractive nuisance to the public, or is required for the furtherance of specific plans or projects sponsored by the City or other local district or authority.

1. 1950 &1958 Shattuck, 57-2053-1
2. 1974 Shattuck, 57-2053-2
3. 1984 Shattuck, 57-2053-3-2 and 1986 &1998 Shattuck, 57-2053-3-1
4. 2071 & 2079 University, 57-2053-4-2

The proposed demolition of the non-residential buildings will not be detrimental needs of the neighborhood, as the project redevelops an underutilized with a new mixed-use, multifamily building that is compatible with existing development patterns in the downtown. The project is aligned with the Downtown Area Plan and the C-DMU district's purposes, which include objectives for Environmental Sustainability, Land Use, Access, Historic Preservation and Urban Design, Streets and Open Space, Housing and Community Health and Services, and Economic Development.

B. As required by BMC Section BMC 23.310.020(C), Alcohol Sales and Service (Distilled Spirits), the Zoning Adjustments Board finds that:

1. The current Alcoholic Beverage Control license owned by the existing restaurant/bar (Spat's) allows for sales of beer, wine, and distilled spirits for off-site consumption at a bona fide eating place. The number of alcohol licenses within the census tract will not change if the restaurant/bar in the new building assumes ownership of the existing restaurant/bar license, or if the current license owner surrenders the existing license and the new restaurant/bar applies for a new license. A Condition of Approval will be included in the permit to require that no net new alcohol licenses are obtained for businesses at the project site. Additional findings in BMC Section 23.310.020(C)(3) for exceeding the number of licenses within the census tract will not apply.

2. The allowance of distilled spirits sales and service in conjunction with a bona fide eating establishment in the project will provide a wider range of alcoholic menu options to patrons that are customarily available within other restaurants. Such expanded menu choices will contribute to the economic success of the restaurant. The addition of distilled spirits to the offerings will also increase business revenue, resulting in increased tax revenue for the City. The Berkeley Police Department has reviewed the proposal and noted that there are no alcohol-related violations against the property owners of the parcels in the project site, and no violations of alcohol or public safety.

3. Alcohol service standards are included in the Conditions of Approval for the permit, and the applicant will be required to meet applicable ABC standards for the license type.

C. As required by BMC Section 23.302.070(E)(2), Food Service Establishment greater than 3,000 square feet, the Zoning Adjustments Board finds that the use meets the findings in BMC Section 23.204.130(I). The project is compatible with the Land Use and Economic Development purposes of the district because the rooftop restaurant/bar with outdoor seating will contribute to the area's vitality, livability, and character.

D. As required by BMC Section 23.204.020(A), Amplified Live Entertainment, the Zoning Adjustments Board finds that the use meets the findings in BMC Section 23.204.130(I). The project is compatible with the Land Use and Economic Development purposes of the district

because the rooftop restaurant/bar with amplified live entertainment will contribute to the area's vitality, livability, and character.

E. As required by BMC Section 23.302.020(D)(3), outdoor use not abutting a residential district), the Zoning Adjustments Board finds that the use meets the findings in BMC Section 23.204.130(I). The project's rooftop restaurant/bar with outdoor seating is compatible with the Land Use and Economic Development purposes of the district because it will contribute to the area's vitality, livability, and character.

F. As required by BMC Section 23.204.130(I), the project is consistent with the purposes of the C-DMU district:

1. *Environmental Sustainability and Access:* The project is a high-density mixed-use development in proximity to regional transit, shops and amenities, and will provide more housing in the Downtown to increase access to local services and amenities by foot, by bicycle and via transit, while promoting public transit as an efficient and attractive choice through its location and through its Transportation Demand Management measures and other associated Conditions of Approval. The project will comply with the State's Model Water Efficient Landscape Ordinance (MWELO), provide landscaping in its open space areas, and will feature a number of native plant species in its landscape palette. The project proposes GreenPoint Rated Silver certification, which is equivalent to the LEED Gold rating, as required for new buildings in the C-DMU District.

2. *Land Use:* The mixed-use project, which includes 58 VLI units, will add new affordable housing to the Downtown area. Ground floor commercial uses and a rooftop restaurant/bar with outdoor seating and live entertainment will contribute to the area's vitality, livability, sustainability, and character. New street trees and landscaping along Shattuck and University Avenues and Berkeley Way will add to the cultivation of the Downtown as an attractive residential neighborhood.

3. *Historic Preservation and Urban Design:* The project does not propose to demolish or alter any known historic or cultural resource and will preserve the existing historic resources in the Downtown.

The project will provide continuity and harmony between the old and the new in the built environment, improve the visual and environmental quality of Downtown and create an active, safe and visually engaging pedestrian environment. At 28 stories and 317 feet tall (measured to the parapet) the building will be the tallest built structure in the City (taller than the Campanile on the U.C Berkeley campus at 307 feet tall). However, the building is designed to step down from its 28-story maximum height to 14 stories on the north side, away from the Core downtown area, in a nod to the first "skyscrapers" in the downtown, the 13-story Chase building and the 12-story Wells Fargo building at Center and Shattuck Avenues. The transparency of the commercial storefronts and the 20-foot window/ceiling height on the ground-floor of the Shattuck and University Avenue façades will enliven the streetscape on these frontages. The parklet and publicly accessible plaza on either side of the sidewalk on the Shattuck

Avenue frontage will engage pedestrians walking through the downtown commercial district and welcome them to the businesses in the building.

The DRC deemed the project consistent with Downtown Berkeley design guidelines, and provided a favorable recommendation to the ZAB. The proposed project design incorporates materials, color, façade design, ground-floor transparency, roof forms, setbacks, height and open space elements consistent with guidance in the Downtown Berkeley Design Guidelines.

4. *Streets and Open Space:* The project will include street trees along Shattuck and University Avenues and Berkeley Way, and a 1,020-square-foot parklet bulb-out and 706-square-foot publicly accessible private plaza on the Shattuck Avenue frontage to benefit pedestrians, as well as future residents. The second-floor podium deck and 14th floor roof deck will provide landscaped open space and amenities for residents. The project will contribute funds to the Streets and Open Space Improvement Plan (SOSIP).

5. *Housing and Community Health and Services:* The project will involve construction of a mixed-use building with a total of 599 dwelling units, including 58 VLI units. The project will expand the supply of affordable housing and contribute to a thriving, livable, diverse residential neighborhood with a mix of supportive uses in Downtown.

6. *Economic Development:* The project will bring new residents and a greater range of household incomes to the Downtown area, while preserving the character of the Downtown Historic neighborhood, to contribute to the area's vitality and success. The project will bring approximately 8,342 square feet of ground-floor retail and a 7,800-square-foot rooftop restaurant to the area to contribute to making Downtown an attractive regional destination for living, working and visiting. In addition, the project includes a Project Labor Agreement with the Alameda County Building Trades Council, representing approximately 20 to 25 percent of estimated project construction costs, to utilize local workers for project construction.

   In addition, the project is compatible with surrounding uses and buildings. The project site is located at the eastern end of the block bounded by Berkeley Way, Shattuck Avenue, and University Avenue in Downtown Berkeley in an urban area with immediate access to transit. The site's immediate surroundings are a mixture of buildings that contain mixed-use residential with ground floor commercial, multi-family residential, and commercial uses, and range in height from one story to twelve stories. Other taller buildings are the 12-story mixed-use residential building across Shattuck Avenue at 1951 Shattuck, the 14-story Anchor House at 1950 Oxford Street, one block east, and the Residence Inn Hotel at 2129 Shattuck Avenue, two blocks south of the site. Recently approved "tall buildings" include the 25-story mixed-use residential building at 2190 Shattuck (approved in 2023), three blocks to the south, and the 26-story mixed-use residential building at 2128 Oxford Street (approved in 2024) three blocks southeast of the project site.

   As a one of the five "tall buildings" allowed in the C-DMU District and one of the two "tall buildings" allowed in the Outer Core/Core Sub-Areas (combined), the project will

be compatible in size and scale with the other four "tall buildings" that are already constructed or were recently approved in the Downtown area. Thus, the project will be compatible with surrounding uses and buildings. In addition, the DRC deemed the proposed project consistent with Downtown Berkeley Design Guidelines, and provided a favorable recommendation to the ZAB with conditions and recommendations for Final Design Review.

G. As required by BMC Section 23.304.050(A), the Zoning Adjustments Board finds that the proposed rooftop equipment, which exceeds the district height limit, does not exceed 15 percent the average floor area of the building's floors. None of the equipment structures will be used as habitable or commercial space. The project will include staircase and elevator penthouses 1,464 square feet on the roof of level 28 that will extend seventeen feet over the roof height. These areas represent 10 percent of the 14,058-square-foot average of all the floor areas, and will not exceed the limit of 15 percent of the average floor area, and are therefore permissible.

H. As required BMC Section 23.204.130(E)(2), the Zoning Adjustments Board finds that:

1. The project provides a community benefits proposal that is primarily composed of a Project Labor Agreement – an agreement with the Alameda County Building Trades Council, representing approximately 20 to 25 percent of the estimated project construction cost, which is greater than the minimum 5 percent specified in the Resolution #67,172-NS. It is noted, however, that the project offers no other significant community benefits that exceed regulatory requirements, beyond the Project Labor Agreement.

2. Based on the City's consultant peer review, the Community Benefits package is reasonable overall, and will not make project infeasible.

I. As required by BMC Section 23.204.130(E)(2), the Zoning Adjustments Board finds that:

1. The setback encroachment in the Base Project will result in a minimal contribution to new shadow impact relative to the increase in shadow impact from the Density Bonus project height and reduced setbacks that are requested as waivers. Thus, the setback reduction the Base Project will not unreasonably limit solar access.

2. The Pedestrian Wind Comfort Assessment found that:

a. Wind speeds onsite are generally calm and considered suitable for pedestrian use. Higher wind speeds, (still appropriate for sidewalks and walkways), occur near the corners of mid-rise buildings with broad west facing facades on the east side of Shattuck Avenue.

b. Increased wind speeds are expected on University Avenue and at the intersection of Shattuck Avenue and Berkeley way during the summer. However, these speeds are adequate for sidewalks and walkways.

c. In the winter, lower wind speeds are expected. Light breezes are predicted for most areas near the proposed development, with slightly higher wind speeds occurring around the east/northeast side of the building.

d. The pedestrian wind safety criterion is predicted to be met at all locations near the project site.

J. As required by BMC Section 23.204.030(A)(2), the Zoning Adjustments Board finds that:

1. The new building will be compatible with the visual character and form of the zoning district. The zoning district allows for heights up to 120 feet (in the base project for density bonus) with a use permit and upon provision of community benefits. Existing buildings in the vicinity of the project site range from one to twelve stories, with taller buildings on University and Shattuck Avenues. The site is located within the Downtown Area Plan and is consistent Downtown Berkeley Design Guidelines as further discussed below.

2. The proposed project will result in a new building that is substantially taller than surrounding buildings in the downtown district. As a result, it will introduce a new visual feature to the district by introducing a building which is almost twice as tall than the existing “skyscrapers” in the downtown. However, the proposed building will be compatible with the most recently approved “tall buildings” in the downtown district, as discussed in the previous section, and will be consistent with the trend of increased density in new housing development fueled by the adoption of laws to remedy the State’s housing crisis.

3. In addition, the DRC reviewed the project and found the proposed design to be consistent the Downtown Berkeley Design Guidelines and the Downtown Area Plan.

CITY OF BERKELEY - CITY CLERK
2025 MAR 19 P4:58
4:58 P.M

Greetings to all departments and persons involved,

I grew up in San Francisco, and have held a long-standing affinity towards Berkeley. I am briefly visiting the Bay from other coast, and came to learn of these development projects. I understand they are part of the Density Bonus plan from California state.

While I can understand thee impetus for these new builds, I believe their height and number is excessive. One building remains open for appeal, located at 1950-1998 Shattuck Ave. I hope that this new building can be shortened in height or removed from group of buildings. I posit that 6 of the 7 new constructions will be sufficient for the city and its peoples needs. I know that two other builds are also nearing 30-stories. 2190 Shattuck Ave is planned for 25 stories, and 2128 Oxford St is planned for 26 stories. 1950-98 Shattuck Ave is planning 28 stories, and I really hope that plan can be amended to a shorter build, or no build.

These 3 tallest buildings are far beyond the height of anything else in Berkeley; besides the Campanile. I am concerned for the way such monolithic structures will affect the city's culture and lifestyle. Views will be blocked, shade made, wind funneled, and congestion condensed. I fear impacts from complications of these large buildings have the potential to forever alter the ethos and livability of this great city.

I can only hope that each of these new buildings are designed in a way that is tasteful and considerate, as they will be the new skyline. I would be most disappointed if buildings were erected in a bland style, as they are replacing many multi-generational institutions of culture and business. It is most good that the buildings will operate as mixed-use and (very) low-income housing. I hope the buildings might also be beautiful to look at, while environmentally conscious as well. Maybe something like the photos I've seen of "green-buildings" in Singapore, that incorporate plants into the facade

and roof of buildings.

I plan to contact affiliates at the state level, and start a process of appeal with them as well. I understand that only so much can be done from a local level about matters coming down stream from the state's superceding powers.

I do hope that more meetings and town-halls will be held in discussion around compromises which might be fit to satisfy a majority of civilians and operators involved.

I've decided to pay the full appeal fee, while still collecting [petition] signatures. I figure money for the city is good, and I can source a greater show of community contest to these plans by canvassing outside the 300-foot radius of 1950-98 Shattuck Ave. I will be leaving some QR codes for digital signatures around town - as I am about to depart back East.

Thank you for your time in reviewing

3

this appeal. Please keep me abreast of any gatherings that will be held in response, so that I may travel to them, or virtually attend.

Kind Regards,

ZADEN LIPMAN

Digital Petition: bit.ly/28FlrShattuckPetition

PLANNING AND DEVELOPMENT

ZONING ADJUSTMENTS BOARD – STAFF REPORT

FOR BOARD ACTION
FEBRUARY 27, 2025

1950-1998 Shattuck Avenue (University Corners)

Use Permit #ZP2023-0040 to demolish five commercial buildings; merge four lots; and construct a 28-story (312-foot tall, plus 5-foot parapet), 411,610-square-foot, mixed-use building with 599 dwelling units (including 58 Very Low-Income Density Bonus qualifying units), 16,142 square feet of commercial area, and 154 parking spaces.

I. Background

A. Land Use Designations:

- General Plan: DT – Downtown; Downtown Area Plan
- Zoning: C-DMU Core – Downtown Mixed-Use Commercial District, Outer Core Sub-Area

B. Zoning Permits Required:

- Use Permit under Berkeley Municipal Code (BMC) Section 23.326.070(A) to demolish non-residential buildings
- Use Permit under BMC Section 23.204.020(A) to construct a new mixed-use development
- Use Permit under BMC Section 23.204.020(A) to construct dwelling units
- Use Permit under BMC Section 23.204.030(A)(1) to create new floor area of 10,000 square feet or more
- Use Permit under BMC Section 23.204.130(E)(2) to construct a building that exceeds the district height limit, and that is over 75 feet but not more than 120 feet
- Use Permit under BMC Section 23.204.130(E)(3)(b) to modify the front, side, and rear setback requirements and to exceed 120 feet in width in diagonal measurement above 120 feet in height
- Administrative Use Permit under BMC Section 23.304.050(A) to allow architectural projections to exceed district height limits
- Administrative Use Permit under BMC Section 23.302.070(E)(2) for a food service establishment over 3,000 square feet in area

- Use Permit pursuant to BMC Section 23.310.020(B) to begin alcoholic beverage service (distilled spirits incidental to food service).
- Administrative Use Permit pursuant to BMC Section 23.204.020(A) for Amplified Live Entertainment in a commercial district
- Administrative Use Permit pursuant to BMC Section 23.302.020(D)(3) for outdoor use not abutting a residential district.

C. Concessions / Waivers Requested Pursuant to State Density Bonus Law (California Government Code Section 65915):

- Concession from BMC Chapter 23.316 to allow an exemption from the Percentage for Public Art on Private Projects in-lieu fee
- Waiver of BMC Section 23.04.130(E)(1) to exceed building height limits – to be 317' to roof (plus 5' parapet), where 120 feet is the limit (plus 5-foot parapet, by right, with a use permit)
- Waiver of BMC Section 23.204.130(E)(3)(a) to reduce the front setback (University Ave, Shattuck Ave, and Berkeley Way) requirement to 0 feet, where 15 feet is the minimum, above 75-foot building height
- Waiver of BMC Section 23.204.130(E)(3)(a) to reduce the interior left side setback requirement to 10 feet, where 15 feet is the minimum, above 75-foot building height and more than 65 feet from the frontage
- Waiver of BMC Section 23.204.130(E)(3)(d)(i) to exceed diagonal width, to be 239 feet, 10 inches, where 120 feet is the maximum, above 120' in height
- Waiver of BMC Section 23.204.130(E)(4) reduce usable open space minimum to 12,491 square feet, where 47,920 square feet is required

D. The California Environmental Quality Act (CEQA) Exemption Determination: Pursuant to Government Code Section 65589.5, it is staff's determination that the project is categorically exempt under Section 15332 ("Infill Development Projects") of the CEQA Guidelines.

E. Parties Involved:

- Applicant: Isaiah Stackhouse, Trachtenberg Architects, Fourth Street, Berkeley, CA 94710
- Property Owner: 1974 Shattuck Avenue, LLC, 2140 Shattuck Ave, Ste 705, Berkeley, CA 94704

Figure 1: Vicinity and Zoning Districts Map



Legend

C-DMU: Downtown Mixed-Use District
Core: C-DMU Core Sub-Area
Buffer: C-DMU Buffer Sub-Area
Outer Core: C-DMU Outer Core Sub-Area

N

Figure 2: Aerial View



Figure 3: South Elevation – University Avenue (elevation not to scale)

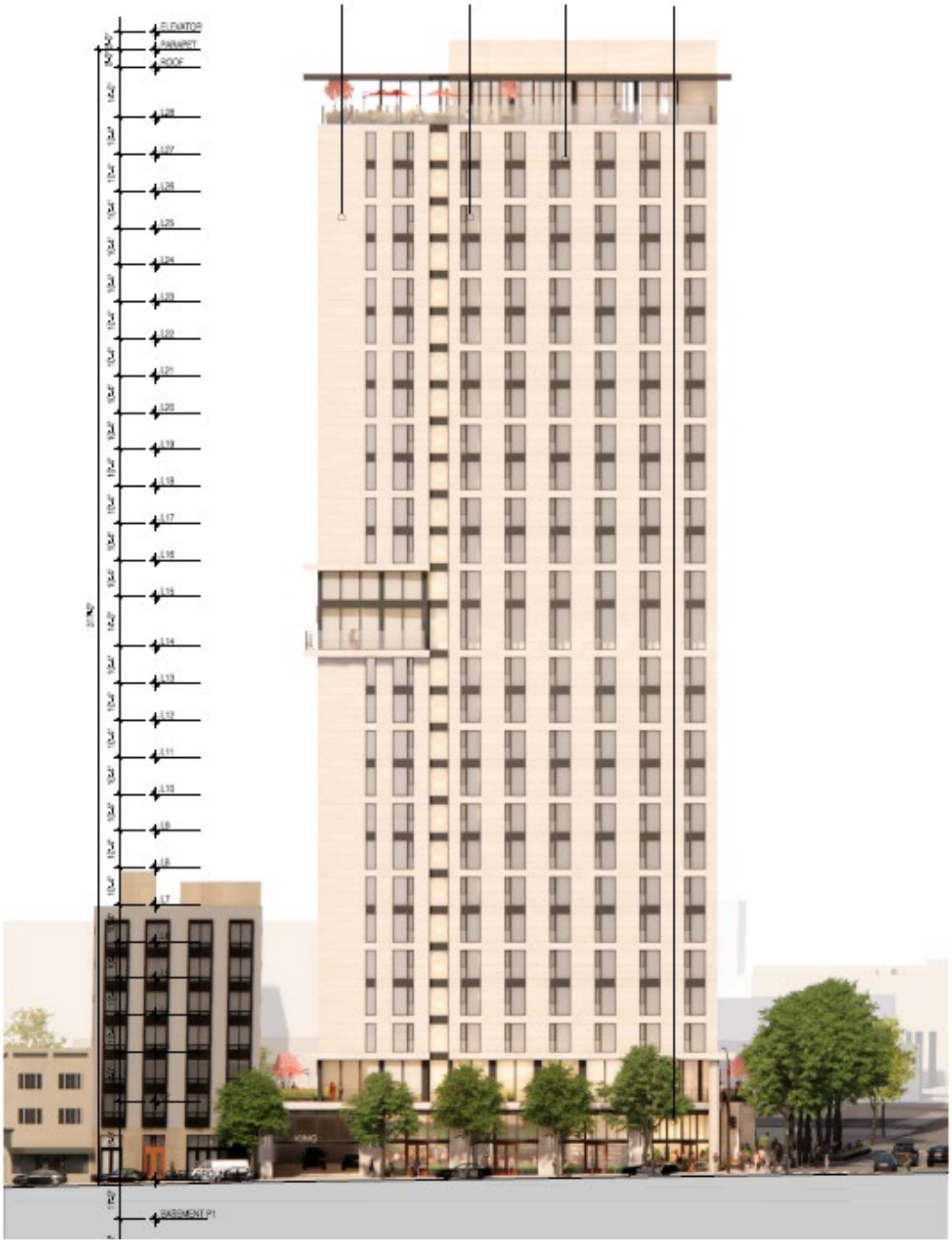


Figure 4: East Elevation – Shattuck Avenue (elevation not to scale)



Figure 5: North Elevation – Berkeley Way (elevation not to scale)

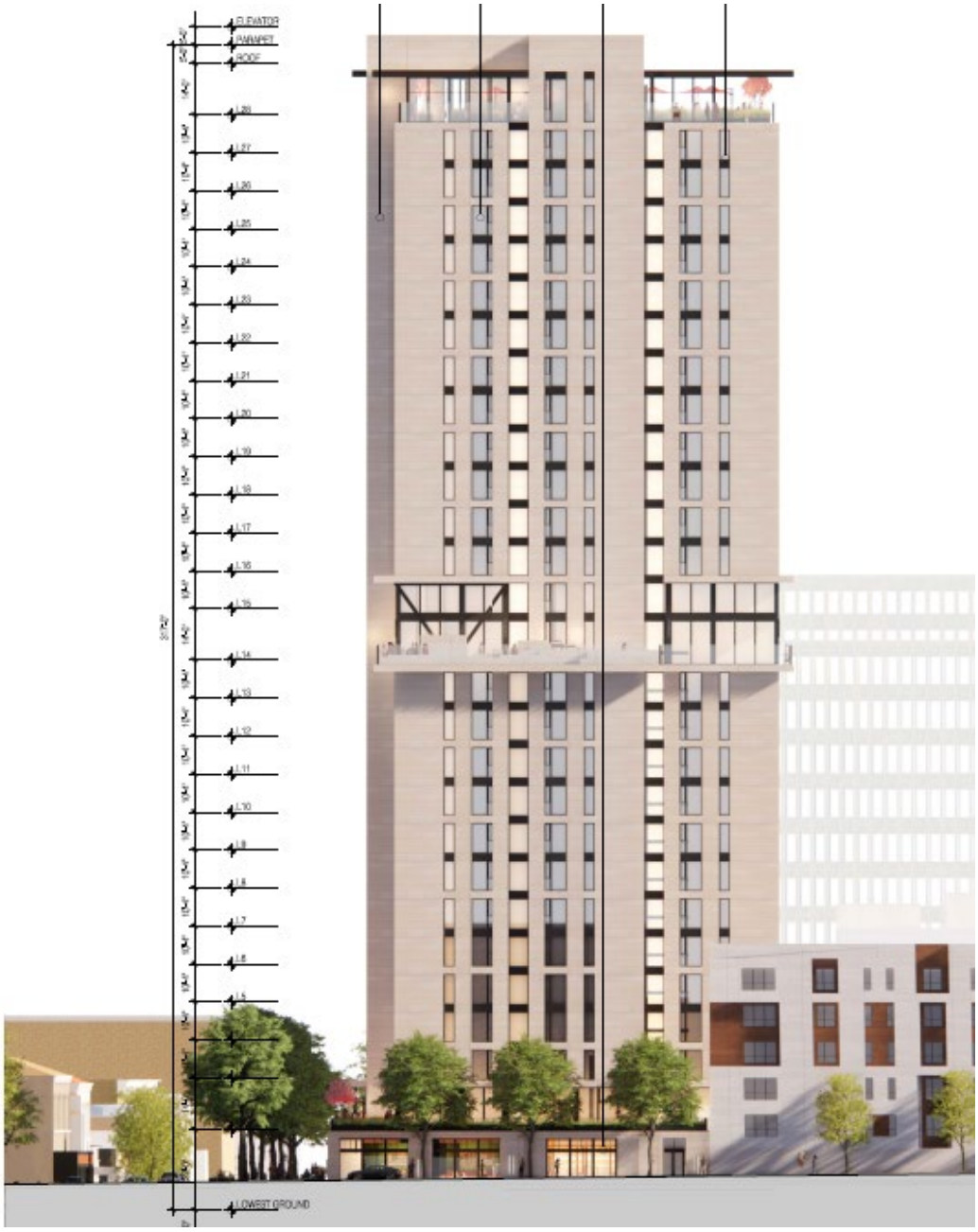


Table 1: Land Use Information

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		1950 &1958 Shattuck: Restaurant / Restaurant 1974 Shattuck: Bar (Spats) 1984 Shattuck: Restaurant 1986 &1998 Shattuck: Restaurant (McDonald's) 2071 & 2079 University: Restaurant / Vacant	C-DMU (Downtown Mixed-Use District), Outer Core Sub-Area	DT (Downtown)
Surrounding Adjacent Properties	North	Mixed-Use Residential w/ Retail (City Landmark, Morgan Building)	C-DMU, Corridor Sub-Area	
	South	Office / Retail	C-DMU, Core Sub-Area	
	West	Multi-family Residential, Community Kitchen and Shelter (Hope Center) / Multi-family Residential	C-DMU, Buffer and Outer Core Sub-Area	
	East	Mixed-Use Residential w/ Retail / Mixed-Use Residential w/ Restaurant, Office, and Retail(City Landmark, Mc Farlane Building)	C-DMU, Outer Core Sub-Area	

Table 2: Special Characteristics

Characteristic	Applies to Project?	Explanation
Affordable Child Care Fee & Affordable Housing Fee for qualifying non-residential projects (Per Resolutions 66,618-N.S. & 66,617-N.S.)	No	These fees apply to projects with more than 7,500 square feet of net new non-residential gross floor area. The project proposes less non-residential gross floor area than currently exists on the site. Therefore, no net-new, non-residential area would be created and the project would not be subject to these fees.
Affordable Housing Fee for qualifying non-residential projects (Per Resolution 66,617-N.S.)		
Affordable / Inclusionary Housing Requirements (BMC Chapter 23.328)	Yes	The project is a housing development project, as defined in BMC 23.328.020 [a], and would provide 58 Very Low-Income (VLI) Below Market Rate (BMR) units and would be required to pay an in-lieu fee to satisfy the remainder of the requirement.
Alcohol Sales/Service	Yes	The project is proposing Alcoholic Beverage Service of beer and wine incidental to seated food service in each retail space and Alcoholic Beverage Service of distilled spirits, incidental to seated food service for the rooftop restaurant space. (Alcohol Beverage Control license Type 47).

Characteristic	Applies to Project?	Explanation
Bird Safe Buildings (BMC Section 23.304.150)	Yes	The project is subject to these requirements and a condition of approval to demonstrate compliance at building permit is included.
Coast Live Oaks	No	There are no oak trees on the project site.
Creeks	No	No creek or culvert, as defined by BMC Chapter 17.08, exists on or within 30 feet of the project site.
Density Bonus	Yes	The project would provide 58 VLI below market units, or 14 percent of the 411 Base Project units, and qualifies for a 46.25 percent density bonus, or 191 bonus units (188 taken), under Government Code Section 65915. See Section III.B for discussion.
Green Building Score	Yes	The project is designed to achieve a Leadership in Energy and Environmental Design (LEED) - Gold (or equivalent) rating. The project is proposing GreenPoint Rated Silver certification, which is equivalent to LEED Gold.
Hard Hats (BMC Chapter 13.107)	No	The project was vested under the Housing Crisis Act of 2019 prior to the January 1, 2024 effective date of the ordinance, and therefore these provisions do not apply.[a]
Historic Resources	No	The project would demolish five on-site buildings, Four of the five to be demolished exceed 40 years in age. None of the four buildings are listed on the National, State or local registers, and none are eligible for listing on these registers. The Landmarks Preservation Commission held hearings to consider the demolition referral and took no action. See IV.C for details.
Housing Accountability Act (HAA) (Gov't Code Section 65589.5(j))	Yes	The project meets the definition of a "Housing Development Project" per Government Code Section 65589.5(h)(2).[a] The base project complies with applicable, objective general plan and zoning standards, and thus section (j) of the Housing Accountability Act applies, and the project cannot be denied at the density proposed unless the findings for denial can be made. See Section VI.A of this report for additional discussion on compliance with the Housing Accountability Act.
Housing Crisis Act of 2019 (SB 330)	Yes	The project meets the definition of a "Housing Development Project" per Government Code Section 65589.5(h)(2).[a] See Section VI.B of this report for additional discussion on the sections of SB 330 that apply to the project.
Public Art on Private Projects (BMC Chapter 23C.23)	No	The project is not subject to the Percentage for Public Art on Private Projects Ordinance because the applicant is requesting a Density Bonus Concession to eliminate the fee (0.8% of total building permit valuation) pursuant to Government Code Section 65915(d).

Characteristic	Applies to Project?	Explanation
Rent Controlled Units	No	The project involves the demolition of non-residential structures and no rent-controlled units would be demolished.
Residential Preferred Parking (RPP)	Yes	The site is located in RPP zone "E". The project is not eligible for RPP permits per BMC Section 14.72.080(C)(1) as no permits shall be issued to residents in newly constructed residential units.
Seismic Hazards	No	The project site is not located in a liquefaction zone, landslide zone or earthquake fault zone, as shown on the State Seismic Hazard Zones map.[c]
Soil/Groundwater Contamination	Yes	The project site is located within the City's Environmental Management Area, but is not listed on the Cortese List.[d] The applicant submitted a Phase I report which found Recognized Environmental Conditions on the site. The Phase I report was reviewed by the Toxics Division, which will implement Phase I recommendations via the standard Toxics Conditions of Approval (COAs) at the building permit phase. No further concerns were identified. Standard COAs related to hazardous materials (including Environmental Site Clearance, a Soil and Groundwater Management Plan, and a Building Materials Survey) would apply to the project to ensure compliance with toxics standards. The applicant also submitted a Water Quality Impact Analysis, which concluded that the project would result in less than significant impacts to water quality after incorporation of the City's Standard COAs, compliance with the federal and State regulations, and compliance with City's plans, policies, and regulations.
Transit	Yes	The project site is served by multiple bus lines (local, rapid, and Transbay) that operate along Shattuck Avenue, and is shares the City block with the Downtown Berkeley Bay Area Rapid Transit (BART) Station.

Notes:
a Government Code Section 65589.5(h)(2) "Housing development project" means a use consisting of any of the following: (A) residential units only, (B) mixed-use developments consisting of residential and nonresidential uses in which at least two-thirds of the square footage is designated for residential use, and (C) transitional or supportive housing.
b. Project vested under SB 330 on/before April 1, 2023, prior to effective date of new inclusionary housing requirements and is therefore subject to the Affordable Housing Mitigations in BMC 22.20.065 that was in effect at the time of vesting.
c. California Department of Conservation. DOC Maps: Geologic Hazards. Available: https://maps.conservation.ca.gov/geologichazards/
d. The Cortese List is an annually updated list of hazardous materials sites complied pursuant Government Code Section 65962.5.

Table 3: Project Chronology

Date	Action
March 26, 2023	SB 330 Use Permit Application submitted
December 4 2023	SB 330 Preliminary Application complete (PLN2023-0083)
April 11, 2024	Use Permit Application deemed complete
November 19, 2024	CEQA Categorical Exemption determination by staff – Class 32 Categorical Exemption “In-Fill Development Projects”
January 6, 2025	Landmarks Preservation Commission Demolition Referral meeting
January 16, 2025	Design Review Committee Preliminary Design Review meeting
February 13, 2025	Public hearing notices mailed/posted
February 27, 2025	ZAB decision / hearing

Table 4: Development Standards

C-DMU Standards, Outer Core Sub-Area			Existing	Change	Proposed	Permitted/Required
Lot Area (sq. ft.)			28,319	--	28,319	n/a
Gross Floor Area (sq. ft.)			26,610	+384,720	411,330	n/a
Commercial Floor Area			26,610	-10,468	16,142	n/a
FAR			0.8	+14.2	15	n/a
Dwelling Units			0	+599	599	n/a
Bedrooms			0	+709	709	n/a
Building Height[1]	Maximum		14’	+298	312’ (plus 5’ parapet)	50’ min./60’ max. (75’ max. w/use permit, 180’ max. w/use permit, 5’ max. parapet by right)
	Stories		1	+27	28	n/a
Building Setbacks[2]	Front (University) [3]		4’-9”	-2’-9” -- --	2’ to 5’ 3’-4” 3’-4”	0’–5’ (bldg. ht.≤20’) 0’ (bldg. ht.>20’ ≤75’) 15’ (bldg. ht.>75’)
	Front (Shattuck)		0’	+5’-3” -- --	5’-3” to 14’-5” 6’-10” 6’-10”	0’–5’ (bldg. ht.≤20’) 0’ (bldg. ht.>20’ ≤75’) 15’ (bldg. ht.>75’)
	Front (Berkeley Way)		0’	+2’ -- --	2’ to 3’ 6’ 6’	0’ (bldg. ht.≤20’) 5’ (bldg. ht.>20’ ≤75’) 15’ (bldg. ht.>75’)
	Interior Left Side	0’-65’ from frontage	2’-10”	-2’-4” -- --	6” to 1’-6” 15’ to 18’-1” 15’ to 18’-1”	0’ (bldg. ht.≤75’) 5’ (bldg. ht.>75’ ≤120’) 15’ (bldg. ht.>120’)
		>65’ from frontage	2’-10”	-1’-4” -- --	1’-6” 10’ to 18’-1” 10’ to 18’-1”	0’ (bldg. ht.≤20’) 5’ (bldg. ht.>20’ ≤75’) 15’ (bldg. ht.>75’)
	Diagonal Dimension		n/a	n/a	239-10”	120’ (bldg. ht.>120’)
Lot Coverage (%)			80	+8	88	n/a
Usable Open Space (sq. ft.)			n/a	n/a	12,491	47,920 sq. ft. min. (80 sq. ft./d.u.)
Privately Owned Public Open Space (sq. ft.)			n/a	n/a	706	323 s.f. min. (1 sq. ft./50 sq. ft.. of commercial)

[1] Use permits to allow up to 120’ are included in the Base Project for the calculation of the density bonus, and are not requested waivers. Additional height beyond 120’ is being requested as a waiver.

[2] The use permit to allow reduced setbacks up to 120’ building height is included in the Base Project for the calculation of the density bonus, and is not a requested waiver. Setback reductions above 120’ is being requested as a waiver.

[3] Façade has elements with 3’ overhang into the right-of-way.

= Waiver requested to modify the district standard.

Abbreviations: sq.ft.= square feet; d.u.=dwelling unit; min.=minimum; max.=maximum; bldg. ht.=building height

Table 4: Development Standards (Continued)

C-DMU Standards, Core Sub-Area		Existing	Change	Proposed	Permitted/Required
Parking	Commercial (16,142 sq. ft.)	0	+24	24	0 min.*
	Residential	n/a	+126	126	0 min./ 300 max. (0.5 spaces/du max.)
	Carshare	n/a	n/a	4	4 min. (for 61 or more: 3, plus one for every additional 60 spaces)
	Total	0	+154	154	0 min./ 300 max.
	Commercial – Loading	n/a	n/a	1	1 min. (1 space/10,000 sq. ft., 01 additional/each 40,000 sq. ft.)
Bicycle Parking	Commercial - Short Term (16,142 sq. ft.)	8	+2	10	9 spaces (1 space/2,000 sq. ft. commercial)
	Residential - Long Term	n/a	+256	256	237 spaces (1 space/3 bedrooms)
	Residential - Short Term	n/a	+18	18	18 spaces (1 space/40 bedrooms, or 2)
	Total	8	+256/20	256/28 (long term/short term)	237/27 (long term/short term)

= Waiver requested to modify the district standard.
* Pursuant to Assembly Bill 2097, no parking is required for commercial uses on a site located within ½-mile of a major transit stop.
Abbreviations: sq. ft.= square feet; d.u.=dwelling unit; min.=minimum; max.=maximum; bldg. ht.=building height

II. Project Setting

A. Neighborhood/Area Description: The 28,319-square-foot, 0.65-acre, project site consists of five parcels that span the eastern edge of the block bounded by Berkeley Way on the north, Shattuck Avenue on the east, and University Avenue on the south. The site is located within the Downtown Mixed-Use District (C-DMU), Outer Core Sub-Area, as identified in the City's Downtown Area Plan (DAP). In the site's immediate vicinity are a mixture of buildings that contain mixed-use residential with ground floor commercial, multi-family residential, and commercial uses, and which range in height from one story to twelve stories. Other nearby taller buildings are the 12-story, mixed-use residential building across Shattuck Avenue at 1951 Shattuck; the 14-story Anchor House at 1950 Oxford Street, one block east; and the Residence Inn Hotel at 2129 Shattuck Avenue, two blocks south of the site.

The project site is served by multiple Alameda County (AC) Transit bus lines that operate along Shattuck and University Avenues, and is two blocks north of the Downtown Berkeley BART station (See Figure 1: Zoning Map and Figure 2: Aerial View.)

B. Site Conditions/Background:

The project site is associated with the following addresses and Assessor's Parcel Numbers:

1. 1950 &1958 Shattuck, 57-2053-1
2. 1974 Shattuck, 57-2053-2
3. 1984 Shattuck, 57-2053-3-2 and 1986 &1998 Shattuck, 57-2053-3-1
4. 2071 & 2079 University, 57-2053-4-2

Each of the five parcel numbers (on four lots) is occupied by a one-story commercial building, including long-standing and well-known businesses such as Spat's, at 1974 Shattuck, and McDonald's, at 1986 Shattuck.

III. Project Description

A. Proposed Project Details:

The project proposes to demolish the five existing commercial buildings, merge the lots, and construct a mixed-use building that utilizes the State density bonus with the following main components:

- 28 stories, 312 feet in height (plus a 5-foot parapet)
- 599 dwelling units – 489 studios and110 one-bedroom (709 bedrooms total)
- 58 Very Low-Income (VLI) units to qualify for density bonus
- 16,142 square feet of commercial space – 8,342 square feet of ground-floor retail and 7,800-square-foot, rooftop restaurant/bar
- 12,491 square feet of usable open space – second-floor podium gardens and 14th-floor roof deck
- 706 square feet of privately-owned public open space – ground-floor plaza (Shattuck Avenue)
- 1,020-square-foot parklet at Shattuck Avenue frontage
- 130 residential and 24 commercial vehicle parking spaces (includes 4 car share spaces)
- 256 bike spaces in two ground-floor rooms
- Community benefits – Project Labor Agreement representing approximately 20 to 25 percent of estimated project construction costs

B. Base Project and Density Bonus:

By committing to provide 58 VLI units, the project is eligible for a density bonus under Government Code Section 65915. Under the City's density bonus procedures, the Base Project was calculated to have 411 units as the maximum allowable density for the site.[1]

[1] Per the City's Density Bonus Procedures (DBP), the Base Project is the largest project allowed on the site that is fully compliant with district development standards (i.e. height, setbacks, usable open space, parking, etc.), or, the *maximum allowable density* for the site. The City uses the DBP to calculate the maximum allowable density

The Base Project has an average unit size of 659 square feet in an 11-story building. Fifty-eight VLI units, or 14 percent of the Base Project, qualifies the project for a 46.25 percent density bonus or 191 bonus units, of which the project would utilize 188. The resulting proposed project would be a 28-story building with 599 units (out of 602 units maximum possible), with an average unit size of 660 square feet (see Table 5: Density Bonus).

Table 5: Density Bonus – Government Code 65915

Base Project Units*	Qualifying Units	Percent Density Bonus	Number of Density Bonus Units*	Proposed Project Units
411	58 VLI (14% of base project)	46.25 percent	188 (191 max.) (38.75% x 333)	599 (602 max.)

*Per Government Code 65915(q), all unit calculations are rounded up to the nearest whole number.
Abbreviations: % = percent, max. = maximum

IV. Community Discussion

A. Neighbor/Community Concerns: Prior to submitting the application to the City, yellow project posters were installed at the project site. On February 21, 2023, the project team held a virtual community meeting via Zoom to inform neighbors and interested citizens of the project. The meeting was attended virtually by one participant, who expressed concerns about the height and scale of the building.

Prior to the Design Review Committee meeting on January 16, 2025, four comment letters were received by staff. One letter from McDonald's USA, LLC notified the City that McDonald's has a leasehold interest in the project site through December 31, 2031, a portion of which is subleased to the franchisee of the 1998 Shattuck restaurant. The letter informed the City that McDonald's intends to occupy the site for the duration of the lease term, and that redevelopment may not commence until the lease expires. The three other letters were from Berkeley citizens, and expressed concerns over the project's height, size, traffic, parking, affordability , vacancy rate, and the building design and aesthetics.

On February 13, 2025, the City mailed public hearing notices to property owners and occupants within 300 feet of the project site, and to interested neighborhood organizations, and posted notices within the neighborhood in three locations.

Three letters were received by staff from February 14 to 15, 2025, prior to the Design Review Committee meeting for the project, expressing concerns for excessive height, size and scale; not enough parking in building for the increase in residents; an unappealing design; and unit unaffordability.

for a site where there is no density standard in the zoning district, and to determine the number of units in the Proposed Project, which is the number of Base Project units plus the number of density bonus units that can be added according to the percentage of BMR units proposed, per Government Code, §65915(f).

B. Design Review Committee:

This project proposes development in a non-residential zoning district; therefore, it is subject to review by Design Review Committee (DRC) pursuant to BMC Section 23.406.070(B)(1). The project was referred to the DRC for Preliminary Design Review on January 16, 2025. The DRC provided a favorable recommendation to ZAB with the following conditions and recommendations for Final Design Review (FDR) [VOTE (6-0-0-1) Kahn – absent]:

Conditions - None

Recommendations

Site Design

- Refine the design at the corner of University and Shattuck Avenues to enhance the pedestrian realm and develop it to be as strong as the design at Shattuck Avenue and Berkeley Way.
- Refine the column design at the corner of University and Shattuck Avenues.
- Provide a rendering from the sidewalk that shows the top floor.

Exterior Details

- Refine details at the 14th and top floors with consideration of the guardrails and railings
- Look at resolution of color palette and materials and present final details and material samples at FDR. Details to include metal panels, horizontal bands, parapets, metal awnings, garage gate, windows, railings, and lighting.

Landscaping

- Increase the landscaping on the 14th floor with native plants that are also wind and drought tolerant.
- Consider a green wall on Berkeley Way, as well as the column at University and Shattuck Avenues.
- Consider adding a green edge at the second floor.

Windows / Additional Details

- Add as much depth and interest as possible with detail development.
- Consider adding bird safe glass, especially at railings.
- Recess windows at the end of the corridor on the north façade.

Miscellaneous

- Consider reallocation of lobby space.
- Recommendation for a pool cover.

C. Landmarks Preservation Commission: The project involves the demolition of five buildings, four of which are existing commercial buildings that are over 40 years in age, listed below. The building at 1984-88 Shattuck Avenue is less then 40 years old, and is not subject to demolition referral review.

- 1950-1958 Shattuck Avenue, APN 057-2053-001-00, built 1922
- 1974-1978 Shattuck Avenue, APN 057-2053-002-00, built 1921
- 1986-1998 Shattuck Avenue, APN 057-2053-003-01, built 1951
- 2071-2079 University Avenue, APN 057-2053-004-02, built 1906

None of the buildings subject to demolition referral review are listed on the National, State or local historical registers, and none are eligible for listing on these registers. The Landmarks Preservation Commission (LPC) held a meeting on January 6, 2025 to consider the demolition referral for these buildings and took no action. However, the LPC made a recommendation to the ZAB to suggest that the applicant include a readily visible historical display in the new development site and share the story of the block.

V. CEQA Categorical Exemption

On November 19, 2024, staff determined that the project is categorically exempt from the provisions of CEQA under Section 15332 ("Infill Development Projects") of the CEQA Guidelines. (See Attachment 4.) AB 1633, which became effective on January 1, 2024, revised a provision in the Housing Accountability Act (HAA, Government Code Section 65589.5) that allows developers to file a petition to enforce the HAA's protections where a local agency fails to make a determination that the project is exempt from CEQA when it is eligible for the exemption.

The project applicant's attorney submitted a letter on October 8, 2024 in support of a Class 32 Categorical Exemption from CEQA and the project's eligibility for AB 1633 protections. (See Attachment 5.) The applicant separately submitted an Air Quality Report, a Noise Impact Analysis, and a Water Quality Impact Analysis to support an infill exemption. All technical reports were peer reviewed by a CEQA consultant, and were revised for adequacy.

Upon review of all evidence on the record, staff determined that the project would meet all of the requirements of the Class 32 Infill Exemption, as follows:

1. The project is consistent with the applicable General Plan designation and policies, and with the applicable zoning designation and regulations.
2. The project occurs within the Berkeley City limits on a project site of no more than five acres, and is surrounded by urban uses.
3. The parcels within the project site have previously been developed and have no value as habitat for endangered, rare or threatened species.
4. The project would not result in any significant effects relating to traffic, noise, air quality or water quality. The Traffic Impact Analysis prepared for the project was reviewed by the City Transportation Division, which returned no concerns. Standard City

Conditions would address potential impacts related to traffic, noise, air quality, and water quality.

5. The site can be adequately served by all required utilities and public services.

Further, staff determined that none of the exceptions to categorical exemptions in CEQA Guidelines Section 15300.2 apply to the project – (a) Location, (b) Cumulative Impact, (c) Significant Effect, (d) Scenic Highways, (e) Hazardous Waste Sites, and (f) Historical Resources.

Staff issued a CEQA Determination Letter on November 19, 2024 with the determination that the project is exempt under the Class 32 Infill Exemption. Government Code Section 65950(a)(5) requires a public agency to approve or disapprove a project within 60 days from the determination that the project is exempt from the CEQA, unless the applicant agrees to an extension. In this case, the applicant agreed to bringing this to the ZAB on February 27, 2025. The ZAB must approve or disapprove the project at tonight's hearing.

VI. Issues and Analysis

A. Housing Accountability Act: The Housing Accountability Act (HAA), California Government Code Section 65589.5(j), requires that when a proposed housing development complies with the applicable, objective general plan and zoning standards, but a local agency proposes to deny the project or approve it only if the density is reduced, the agency must base its decision on written findings supported by substantial evidence that:

1. The development would have a specific adverse impact on public health or safety unless disapproved, or approved at a lower density; and
2. There is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, other than the disapproval, or approval at a lower density.

The project is a "housing development project" consisting of a mixed-use building with at least two-thirds of the floor area in residential use/transitional or supportive housing. The Base Project includes Use Permits and/or Administrative Use Permits[2] to allow: building height over the district limit, rooftop architectural projections above the height limit, reductions to setbacks and diagonal width, and deviation from fence requirements when abutting a residential district, and complies with applicable, objective general plan and zoning standards. Government Code Section 65589.5(j)(3) provides that a request for a density bonus "shall not constitute a valid basis on which to find a proposed housing development project is inconsistent, not in compliance, or not in conformity, with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision specified in this subdivision." Therefore, the City may not deny the Base Project

[2] The City has determined that the "protections afforded by the HAA and the definition of a base project for density bonus calculations apply to a housing development project up to and including the maximum development allowed with use permits and/or administrative use permits."

or density bonus request or reduced the density with respect to those units without basing its decision on the written findings under Section 65589.5(j), above.

As shown in Table 4, the project complies with the zoning standards. The project includes Use Permits or Administrative Use Permits to modify standards to represent the maximum allowable density on the site. There are no objective criteria in the permit findings; therefore, the project still complies with the HAA. The ZAB has the discretion to approve, deny or modify the request according to the zoning findings, provided the action does not reduce the project density or effectively deny the project by making it infeasible, unless the ZAB is also able to make the required findings for denial set forth under Section 65589.5(j), above.

Staff is not aware of specific adverse impacts that could occur with the construction of the of the project.

B. Housing Crisis Act of 2019 – Senate Bill (SB) 330: The Housing Crisis Act, also known as Senate Bill 330, seeks to boost homebuilding throughout the State with a focus on urbanized zones by expediting the approval process for and suspending or eliminating restrictions on housing development. A “housing development project” can include any of the following: residential units only; mixed use consisting of residential and nonresidential uses in which at least two-thirds of the square-footage is designated residential, and transitional or supportive housing. Sections of SB 330 that apply to the proposed project include the following:

1. **Government Code Section 65905.5(a)** states that if a proposed housing development project complies with the applicable, objective general plan and zoning standards in affect at the time an application is deemed complete, then the city shall not conduct more than five hearings in connection with the approval of that housing development project. This includes all public hearings in connection with the approval of the housing development project and any continuances of such public hearings. The city must consider and either approve or disapprove the project at any of the five hearings consistent with applicable timelines under the Permit Streamlining Act (Chapter 4.5 (commencing with Section 65920)).

   The February 27, 2025 ZAB hearing represents the third public hearing for the proposed project since the project was deemed complete. The application must be approved or disapproved at tonight’s hearing. See Section VI.B.3 for details. One hearing must be reserved for a possible appeal to the City Council.

2. **Government Code Section 65913.10(a)** requires that the City determine whether the proposed development project site is a historic site at the time the application for the housing development project is deemed complete. The determination as to whether the parcel is a historic site must remain valid during the pendency of the housing development project, unless any archaeological, paleontological, or tribal cultural resources are encountered during any grading, site disturbance, or building alteration activities.

None of the buildings subject to demolition referral review are listed on the National, State or local historical registers, and none are eligible for listing on these registers. The LPC determined that there is no historic resource on the project site (see section IV.C for discussion). Standard conditions of approval have been included to halt work if any unanticipated discovery of archeological, paleontological, or tribal cultural resources.

C. Density Bonus Waivers and Concessions: The project is entitled to two concessions (or incentives), under Government Code Section 65915(d) for providing at least 10 percent of total units to very low-income households, and an unlimited number of waivers, under Section 65915(e).

1. **Concessions:** A concession or incentive is a modification of a zoning code requirement that results in identifiable and actual cost reductions to provide for affordable housing costs. The applicant is requesting one concession for the project to allow an exemption from the Percentage for Public Art on Private Projects in-lieu fee.

   The City may only deny the concession if it finds that the concession would have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income, very-low income, and moderate-income households, or if the concession would be contrary to State or Federal law. Staff believes such a finding cannot be made.

2. **Waivers**: A waiver is a modification of a development standard that would otherwise physically preclude the construction of the project with the permitted density bonus and concessions. Waivers for height (maximum height and rooftop projections), setbacks, diagonal width, and private (usable) open space are requested because they are necessary to physically accommodate the full density bonus project on the site. The waivers are requested because they are necessary to physically accommodate the additional 188 units allowed with the density bonus project on the site.

   The City may only deny the waivers if it finds that the waivers would have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income, very-low income, and moderate-income households, or if the waiver would be contrary to State or Federal law. Staff believes such a finding cannot be made.

D. Demolition of Non-residential Buildings and Structures: Pursuant to BMC Section 23.326.070 main non-residential buildings may be demolished provided that the demolition will not be materially detrimental to the commercial needs and public interest of the

impacted neighborhood and one of the following findings can be made: that the demolition of the structure is required to allow a proposed new building or other proposed new use; will remove a building which is unusable for activities which are compatible with the purposes of the District in which it is located or which is infeasible to modify for such uses; will remove a structure which represents an un-abatable attractive nuisance to the public; or is required for the furtherance of specific plans or projects sponsored by the City or other local district or authority.

The proposed demolition of the five existing one-story, commercial buildings would not be materially detrimental to the commercial needs and public interest of the neighborhood because the proposed project would replace the 26,610 square feet of eliminated commercial floor area (restaurants, bar) with approximately 16,142 square feet of new commercial (retail, restaurants, and bar) in a 411,330-square-foot, mixed-use building that would provide 599 net-new residential units, including 58 VLI affordable units, to bring more diversity of services to residents and workers in the vicinity and new housing to the neighborhood and the City at large. The demolition is required in order to allow the proposed project to be constructed. The proposed development would be compatible with the C-DMU District purposes and the adjacent permitted uses, as discussed in the Section VII. Other Considerations.

In addition, if demolishing a non-residential building more than forty years old, the demolition may be allowed if the LPC, upon review, does not recommend against granting the permit. The LPC reviewed the demolition referral for the project and did not recommend against the demolition permit.

E. Use Permit to Commence Alcohol Sales and Service (Distilled Spirits): The sale and service of distilled spirits incidental to food service is allowed in the C-DMU District if a Use Permit is granted by ZAB in accordance with required Findings for Public Convenience or Necessity as specified under BMC 23.310.020(C). This section requires the City to make the following findings:

1. The number of alcoholic beverage sales licensees in the census tract does not exceed the limit set by the Department of Alcoholic Beverage Control (ABC), as defined in California Business and Professions Code Section 23958.4; and
2. At least one of the following:
   a. The proposed establishment will promote the City's economic health, contribute to General Plan or area plan policies, or further the district purpose.
   b. The economic benefits associated with the establishment could not reasonably be achieved without the proposed alcohol sales or service.
   c. The applicant has operated a licensed establishment that has not been the subject of violations regarding alcohol, or violations of public safety or nuisance statutes or regulations in Berkeley. In making this finding, the decision-making body may consider the number, frequency, and severity of prior violations and the time elapsed since the last violation, and other relevant factors.

The current Alcoholic Beverage Control license owned by the existing restaurant/bar (Spat's) allows for sales of beer, wine, and distilled spirits for off-site consumption at a bona fide eating place. The number of alcohol licenses within the census tract will not change if the restaurant/bar in the new building assumes ownership of the existing restaurant/bar license, or if the current license owner surrenders the existing license and the new restaurant/bar applies for a new license. A Condition of Approval will be included in the permit to require that no net new alcohol licenses are obtained for businesses at the project site. Additional findings in BMC Section 23.310.020(C)(3) for exceeding the number of licenses within the census tract would not apply.

The allowance of distilled spirits sales and service in conjunction with a bona fide eating establishment in the project would provide a wider range of alcoholic menu options to patrons that are customarily available within other restaurants. Such expanded menu choices would contribute to the economic success of the restaurant. The addition of distilled spirits to the offerings would also increase business revenue, resulting in increased tax revenue for the City. The Berkeley Police Department has reviewed the proposal and noted that there are no alcohol-related violations against the property owners of the parcels in the project site, and no violations of alcohol or public safety.

Therefore, staff recommends approval of this permit. Alcohol service standards are included in the Conditions of Approval for the permit, and the applicant would be required to meet applicable ABC standards for the license type.

F. Administrative Use Permit for Food Service Establishment Greater Than 3,000 Square Feet: Pursuant to BMC Section 23.302.070(E)(2), the ZAB may approve a use permit for Food Service Establishment (rooftop restaurant/bar) greater than 3,000 square feet, if the use meets the findings in BMC Section 23.204.130(I). See section VII.A below.

G. Administrative Use Permit for Amplified Live Entertainment: Pursuant to BMC Section 23.204.020(A), the ZAB may approve a use permit for Amplified Live Entertainment in the rooftop restaurant/bar if the use meets the findings in BMC Section 23.204.130(I). See section VII.A below.

H. Administrative Use Permit for an Outdoor Use Not Abutting a Residential District: Pursuant to BMC Section 23.302.020(D)(3), the ZAB may approve a use permit for outdoor use (outdoor dining for rooftop restaurant/bar) in a commercial district not abutting a residential district, if the use meets the findings in BMC Section 23.204.130(I). See section VII.A below.

VII. Other Considerations (Zoning and Land Use Considerations)

The following analyses of conformance with district purposes, and the 2002 General Plan goals and policies are provided for informational purposes only, to provide context, because the proposed project is HAA-compliant. The following permits have been determined by the City to be included in the Base Project of the proposal, and are subject to Section 65589.5(j) of the HAA. See section VI.A for discussion of the HAA. All permits are subject to the C-DMU District permit findings and General Non-Detriment findings discussed in sections VII.A and VII.B.

A. Findings for Use Permits in C-DMU District: Pursuant to BMC Section 23.204.130(I), in order to approve any Use Permit in the district, the Board must make the findings that the proposed use or structure:

1. Is compatible with the purposes of the district:

The purpose of the C-DMU district is to implement the vision and goals of the Downtown Area Plan (DAP) (adopted 2012), which include: Environmental Sustainability, Land Use, Access, Historic Preservation and Urban Design, Streets and Open Space, Housing and Community Health and Services, and Economic Development.

Environmental Sustainability and Access: DAP goals: Integrate environmentally sustainable development and sustainability best practices; encourage high density, highly livable development to utilize regional transit and improve the availability of diverse walk-to destinations; promote "green" buildings; promote ecologically beneficial landscaping and stormwater features; minimize waste generated Downtown; improve options that increase access to Downtown on foot, by bicycle, and via transit; provide parking to meet the needs of Downtown, while discouraging commuter parking; promote transit as an efficient, attractive choice and as a primary mode of travel.

The project is a high-density mixed-use development in proximity to regional transit, shops and amenities, and would provide more housing in the Downtown to increase access to local services and amenities by foot, by bicycle and via transit, while promoting public transit as an efficient and attractive choice through its location and through its Transportation Demand Management measures and other associated Conditions of Approval. The project would comply with the State's Model Water Efficient Landscape Ordinance (MWELO), provide landscaping in its open space areas, and would feature a number of native plant species in its landscape palette. The project proposes GreenPoint Rated Silver certification, which is equivalent to the LEED Gold rating, as required for new buildings in the C-DMU District.

Land Use: DAP goals: Encourage a thriving, livable Downtown that is a focal point for the city and a major destination for the region, with a unique concentration of housing, jobs and cultural destinations near transit, shops and amenities; new development contributes fair share toward Downtown improvements; cultivate Downtown as an attractive residential neighborhood with a range of housing opportunities, with an emphasis on affordable housing and family housing; new development enhances Downtown's vitality, livability, sustainability, and character through appropriate land use and design; enhance Downtown as a center for employment and innovative businesses.

The mixed-use project, which includes 58 VLI units, would add new affordable housing to the Downtown area. Ground floor commercial uses and a rooftop restaurant/bar with outdoor seating and live entertainment would contribute to the area's vitality, livability, sustainability, and character. New street trees and landscaping along Shattuck and University Avenues and Berkeley Way would add to the cultivation of the Downtown as an attractive residential neighborhood.

Historic Preservation and Urban Design: DAP goals: Conserve Downtown's historic resources and unique character and sense of place; enhance areas of special character in Downtown, such as clusters of historic resources; provide continuity and harmony between the old and the new in the built environment; improve the visual and environmental quality of Downtown, with an emphasis on pedestrian environments that are active, safe and visually engaging.

The project does not propose to demolish or alter any known historic or cultural resource and would preserve the existing historic resources in the Downtown.

The project would provide continuity and harmony between the old and the new in the built environment, improve the visual and environmental quality of Downtown and create an active, safe and visually engaging pedestrian environment. At 28 stories and 317 feet tall (measured to the parapet) the building would be the tallest built structure in the City (taller than the Campanile on the U.C Berkeley campus at 307 feet tall). However, the building is designed to step down from its 28-story maximum height to 14 stories on the north side, away from the Core downtown area, in a nod to the first "skyscrapers" in the downtown – the 13-story Chase building and the 12-story Wells Fargo building located at Center and Shattuck. The transparency of the commercial storefronts and the 20-foot window/ceiling height on the ground-floor of the Shattuck and University Avenue façades would enliven the streetscape on these frontages. The parklet and publicly accessible plaza on either side of the sidewalk on the Shattuck Avenue frontage would engage pedestrians walking through the downtown commercial district and welcome them to the businesses in the building.

The DRC deemed the project consistent with Downtown Berkeley design guidelines, and provided a favorable recommendation to the ZAB. The proposed project design incorporates materials, color, façade design, ground-floor transparency, roof forms, setbacks, height and open space elements consistent with guidance in the Downtown Berkeley Design Guidelines.

Streets and Open Space: DAP Goals: Enhance public open spaces and streets to benefit pedestrians, improve Downtown's livability, and foster an exceptional sense of place; promote watershed health through the use of ecologically beneficial landscaping and other features; adequately fund streets and open space improvements, maintenance, and cleaning; new development contributes to greenery and open space.

The project would include street trees along Shattuck and University Avenues and Berkeley Way, and a 1,020-square-foot parklet bulb-out and 706-square-foot publicly-accessible private plaza on the Shattuck Avenue frontage to benefit pedestrians, as well as future residents. The second-floor podium deck and 14th floor roof deck would provide landscaped open space and amenities for residents. The project will contribute funds to the Streets and Open Space Improvement Plan (SOSIP).

Housing and Community Health and Services: DAP Goals: Encourage Downtown as a thriving, livable, diverse residential neighborhood with a mix of supportive uses; offer diverse housing opportunities for persons of different ages and incomes, households of varying size, and persons of varying abilities; preserve existing affordable housing Downtown, and expand the supply of affordable housing to low-income, very low-income and working-class households in Downtown.

The project will involve construction of a mixed-use building with a total of 599 dwelling units, including 58 VLI units. The project would expand the supply of affordable housing and contribute to a thriving, livable, diverse residential neighborhood with a mix of supportive uses in Downtown.

Economic Development: DAP Goals: Make Downtown a more attractive regional destination, by building on Downtown's unique blend of cultural, historic, entertainment and by promoting successful retail businesses and other attractions with daytime and nighttime populations to support them; make Downtown more attractive and economically successful, encourage placemaking through the preservation of historic buildings, street and open space improvements, and high-quality new construction; Invest in civic improvements (such as streets, open spaces, and community facilities) to enhance Downtown as a place to live, work, and visit; Increase the number of Downtown jobs that go to Berkeley residents, and support the development of job skills for Berkeley residents – especially Berkeley's youth; serve the housing needs of all income groups and provide a growing base of residents who support a broad range of Downtown retail and other business.

The project would bring new residents and a greater range of household incomes to the Downtown area, while preserving the character of the Downtown Historic neighborhood, to contribute to the area's vitality and success. The project would bring approximately 8,342 square feet of ground-floor retail and a 7,800-square-foot rooftop restaurant to the area to contribute to making Downtown an attractive regional destination for living, working and visiting. In addition, the project includes a Project Labor Agreement with the Alameda County Building Trades Council, representing approximately 20 to 25 percent of estimated project construction costs, to utilize local workers for project construction.

2. Is compatible with surrounding uses and buildings.

The project site is located at the eastern end of the block bounded by Berkeley Way, Shattuck Avenue, and University Avenue in Downtown Berkeley in an urban area with immediate access to transit. The site's immediate surroundings are a mixture of buildings that contain mixed-use residential with ground floor commercial, multi-family residential, and commercial uses, and range in height from one story to twelve stories. Other taller buildings are the 12-story, mixed-use residential building across Shattuck Avenue at 1951 Shattuck; the 14-story, Anchor House at 1950 Oxford Street, one block east; and the 16-story, Residence Inn Hotel at 2129 Shattuck Avenue, two blocks south of the site. Recently approved "tall buildings" include the 25-story, mixed-use residential building at 2190 Shattuck (approved in 2023), three blocks to the south; and the 26-story, mixed-use residential building at 2128 Oxford Street (approved in 2024) three blocks southeast of the project site.

As a one of the five "tall buildings" allowed in the C-DMU District and one of the two "tall buildings" allowed in the Outer Core/Core Sub-Areas (combined), the project would be compatible in size and scale with the other four "tall buildings" that are either already constructed or were recently approved in the Downtown area. Thus, the project would be compatible with surrounding uses and buildings. In addition, the DRC deemed the proposed project consistent with Downtown Berkeley Design Guidelines, and provided a favorable recommendation to the ZAB with conditions and recommendations for Final Design Review. (See section IV.B for discussion.)

B. General Non-Detriment Finding: BMC Section 23.406.040 states that before the ZAB approves an application for a Use Permit, it must find that the project, under the circumstances of this particular case existing at the time at which the application is granted, would not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City.

1. The project is consistent with all applicable C-DMU District standards and qualifies for concessions and waivers for the listed district standards granted pursuant to State Density Bonus, Government Code, Section 65915.

2. Shadows: According to the shadow studies submitted for the project (see Attachment 3, Project Plans – Sheets A0.4a through A0.4c), new shadow impacts would occur: a) in the winter and spring months in the hours after sunrise and around noon, on the residential buildings on the blocks to the north and northwest of the site, and b) in the summer months in the hours after sunrise on the residential buildings to the west of the site. All other new shadows would impact non-residential buildings in the vicinity. The extent of the new shadow impact from the project on the site's adjacent areas would be limited to a few hours of the day, during certain times of the year, would not be unreasonable for a development in the dense, downtown district that allows building heights up to 60 feet, with 0 to 5-foot setbacks from property lines, by right.

The additional height above the district limits from the density bonus would cast shadows in the affected directions further than if the project were limited to the base district height standards. The proposal would include waivers for additional height beyond the district height limits to accommodate the density bonus units (see Section VI.C for a discussion of waivers) and allow a 312-foot-tall (plus 5-foot parapet), 28-story building. Overall, the shadow impacts from the project would be reasonable and not detrimental.

3. Non-Detriment: The project is subject to the City's standard conditions of approval regarding construction noise and air quality, waste diversion, toxics, and stormwater requirements, thereby ensuring the project would not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the area or neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood or to the general welfare of the City.

C. Administrative Use Permit for Architectural Projections to Exceed Height Limit: BMC Section 23.304.050(A) requires an Administrative Use Permit for roof-top projections, such as mechanical penthouses, elevator equipment rooms or stair towers, that would exceed the maximum height limit. Such projections are limited to no more than 15 percent of the average floor area of all of the building's floors and cannot be used as habitable space or for commercial purposes. The project would include staircase and elevator penthouses 1,464 square feet on the roof of level 28 that would extend seventeen feet over the roof height. These areas represent 10 percent of the 14,058-square-foot average of all the floor areas, and would not exceed the limit of 15 percent of the average floor area, and are therefore permissible.

D. Use Permit to Exceed Building Height Limits: Pursuant to BMC Section 23.204.130(E)(2), the ZAB may issue Use Permits for up to five buildings that exceed the 75-foot height limit – two buildings in the C-DMU District Combined Core and Outer Core Sub-Areas between 75 and 120 feet, and three buildings in the Core Sub-Area between 120 and 180 feet. The Use Permits shall include a condition of approval that establishes a schedule for submittal of a building permit application, timely response to plan check comments, payment of building permit fees such that a building permit can be issued, and beginning construction. If approved, this project secures a position as the second of two buildings in the Outer Core Sub-Area (combined) that are allowed to exceed height limit of 75 feet, up to 120 feet (base project height for density bonus projects). It would be the last of the five "tall buildings" allowed in the Core and Outer Core Sub-Areas that are allowed to exceed height limit of 75 feet, up to 180 feet (base project height for density bonus projects).[3]

[3] The other "tall building" allowed to exceed height limits in the Outer Core Sub-Area has been constructed – the mixed-use residential building at 1951 Shattuck Avenue. The three "tall buildings" allowed to exceed height limits in the Core Sub-Area have either been constructed – the Residence Inn Hotel at 2129 Shattuck Avenue – or have recently been approved – the 25-story mixed-use residential building at 2190 Shattuck (approved in 2023), and the 26-story mixed-use residential building at 2128 Oxford Street (approved in 2024).

Community Benefits. Use Permits to exceed building height of 75 feet must provide significant community benefits, either directly or by providing funding for such benefits to the satisfaction of the City, beyond what would otherwise be required by the City. Significant community benefits may include, but are not limited to affordable housing, supportive social services, green features, open space, transportation demand management features, job training, and/or employment opportunities. The applicant is required to provide proforma estimating the costs of the proposed benefits for the City to evaluate whether the benefits package is adequate in proportion to the value of the height and whether the project can achieve a reasonable rate of return while providing the significant community benefits proposed. Community benefit requirements shall be included as conditions of approval and the owner shall enter into a written agreement with the City that shall be binding on all successors in interest. City Council provided direction for determining significant community benefits with Resolution #67,172-NS, adopted in July, 2015.

The project provides a community benefits proposal that is primarily composed of a Project Labor Agreement – an agreement with the Alameda County Building Trades Council, representing approximately 20 to 25 percent of the estimated project construction cost, which is greater than the minimum 5 percent specified in the Resolution #67,172-NS. It is noted, however, that the project offers no other significant community benefits that exceed regulatory requirements, beyond the Project Labor Agreement.

The City engaged Strategic Economics to review the project's Pro Forma Financial Analysis Summary (see Attachment 6). The peer review memorandum dated November 7, 2024 concluded that key assumptions in the applicant's pro forma are optimistic, but that the Community Benefits package is reasonable overall, and would not make project infeasible.

E. Use Permit to Reduce Setbacks: Pursuant to BMC Section 23.204.130(E)(2), the ZAB may approve a permit to modify setbacks upon finding that the modifications will not unreasonably limit solar access or create significant increases in wind experienced on the public sidewalk.

The project requests reduced front and side setbacks above 75 feet, up to 120 feet in building height in the Base Project. The findings in this section are not applicable to reduced setbacks above 120 feet building height that are requested waivers in the Proposed Density Bonus Project. The setback encroachment in the Base Project would result in a minimal contribution to new shadow impact relative to the increase in shadow impact from the Density Bonus project height and reduced setbacks that are requested as waivers. See section VI.C for shadow study analysis. Thus, the setback reduction the Base Project would not unreasonably limit solar access.

A Pedestrian Wind Comfort Assessment was prepared in March, 2023 by Rowan Williams Davies & Irwin Inc. (RWDI) for the project. The assessment was based on computational modeling, simulation and analysis of wind conditions for the proposed development design (28 stories), in conjunction with the local wind climate data and the RWDI wind criteria for pedestrian comfort and safety. The assessment found that:

- Wind speeds onsite are generally calm and considered suitable for pedestrian use. Higher wind speeds, (still appropriate for sidewalks and walkways), occur near the corners of mid-rise buildings with broad west facing facades on the east side of Shattuck Avenue.
- Increased wind speeds are expected on University Avenue and at the intersection of Shattuck Avenue and Berkeley way during the summer. However, these speeds are adequate for sidewalks and walkways.
- In the winter, lower wind speeds are expected. Light breezes are predicted for most areas near the proposed development, with slightly higher wind speeds occurring around the east/northeast side of the building.
- The pedestrian wind safety criterion is predicted to be met at all locations near the project site.

Thus, the setback reduction the Base Project would not unreasonably affect wind conditions at the project site.

F. Findings for Uses Permits for new floor area in the C-DMU district: Pursuant to BMC Section 23.204.030(A)(2), to approve a Use Permit for new floor area in the C-DMU district, the ZAB must find that:

a) The addition or new building is compatible with the visual character and form of the district; and

b) No designated landmark structure, structure of merit, or historic district in the vicinity would be adversely affected by the appearance or design of the proposed addition.

The new building would be compatible with the visual character and form of the zoning district. The zoning district allows for heights up to 120 feet (in the base project for density bonus) with a use permit and upon provision of community benefits. Existing buildings in the vicinity of the project site range from one to twelve stories, with taller buildings on University and Shattuck Avenues. The site is located within the Downtown Area Plan and is consistent Downtown Berkeley Design Guidelines as further discussed below.

The proposed project would result in a new building that is substantially taller than surrounding buildings in the downtown district. As a result, it would introduce a new visual feature to the district by introducing a building which is, on average, twice as tall than the existing “tall buildings” in the downtown Core/Outer Core Sub-Areas. However, the proposed building would be compatible with the most recently approved “tall buildings” in the downtown district, as discussed in the previous section, and would be consistent with the trend of increased density in new housing development that is fueled by the adoption of laws to remedy the State’s housing crisis.

In addition, the DRC reviewed the project and found the proposed design to be consistent the Downtown Berkeley Design Guidelines and the Downtown Area Plan.

G. General Plan Consistency: The 2002 General Plan contains several policies applicable to the project, including the following:

1. Policy LU-3–Infill Development: Encourage infill development that is architecturally and environmentally sensitive, embodies principles of sustainable planning and construction, and is compatible with neighboring land uses and architectural design and scale.
2. Policy LU-7-A Neighborhood Quality of Life, Action: Require that new development be consistent with zoning standards and compatible with the scale, historic character, and surrounding uses in the area.
3. Policy UD-16–Context: The design and scale of new or remodeled buildings should respect the built environment in the area, particularly where the character of the built environment is largely defined by an aggregation of historically and architecturally significant buildings.
4. Policy UD-24–Area Character: Regulate new construction and alterations to ensure that they are truly compatible with and, where feasible, reinforce the desirable design characteristics of the particular area they are in.

   Staff Analysis: The project would reinforce the City's effort to redevelop underutilized sites in a way that would increase the quality of the built environment and provide new housing and commercial opportunities. The project would further improve the neighborhood character and quality of life by enhancing existing street level activity with large ground-floor commercial windows, a parklet, and a publicly-accessible plaza, and would bring new residents and new business patrons to a major commercial and transit corridor.
5. Policy LU-23–Transit-Oriented Development: Encourage and maintain zoning that allows greater commercial and residential density and reduced residential parking requirements in areas with above-average transit service such as Downtown Berkeley.

   Staff Analysis: The project would help to encourage transit use and reduce greenhouse gas emissions from motor vehicles by constructing 599 units of housing in close proximity to transit, the university, jobs, and basic goods and services. Several transit lines have stops directly on the project's two major street frontages (Shattuck and University), and the Downtown Berkeley BART station, which has connecting service throughout the Bay Area, is three blocks from the project site.
6. Policy H-33–Regional Housing Needs: Encourage adequate housing production to meet City needs and the City's share of regional housing needs.

   Staff Analysis: The project would provide 58 VLI affordable units in addition to increasing the City's housing supply by adding 599 new dwelling units in close proximity to the university and transit.
7. Policy EM-5–"Green" Buildings: Promote and encourage compliance with "green" building standards. (Also see Policies EM-8, EM-26, EM-35, EM-36, and UD-6.)
8. Policy UD-33–Sustainable Design: Promote environmentally sensitive and sustainable design in new buildings.

Staff Analysis: The proposed project would be constructed to the latest building codes which include green building standards. The project proposes GreenPoint Rated Silver certification, which is equivalent to the LEED Gold rating, as required for new buildings in the C-DMU District.

H. Area Plan Consistency: The Downtown Area Plan, adopted in 2012, also contains several policies applicable to the project, including the following:

- Goal ES-3: Encourage high density, highly livable development to take advantage of Downtown's proximity to regional transit and to improve the availability of diverse walk-to destinations – such as retail, services, culture, and recreation.
- Goal ES- 4: Promote "green" buildings.
- Goal LU-4: New development should enhance Downtown's vitality, livability, sustainability, and character through appropriate land use and design.
- Goal HD-4: Improve the visual and environmental quality of Downtown, with an emphasis on pedestrian environments that are active, safe and visually engaging. Encourage appropriate new development Downtown.
- Goal HC-1: Encourage Downtown as a thriving, livable, diverse residential neighborhood with a mix of supportive uses.
- Goal HC-3: Offer diverse housing opportunities for persons of different ages and incomes, households of varying size, and persons of varying abilities. Give Downtown a significant role in meeting Berkeley's continuing need for additional housing.

The project would be consistent with the aforementioned goals and policies of the Downtown Area Plan. The project is for a 599-unit high density, mixed-use building that provides 58 dwelling units for very low-income households and approximately 16,000 square feet of commercial, including a roof-top restaurant/bar. The project is located close to other commercial uses, shopping and restaurants, and in proximity to multiple modes of public transit. The project will further DAP Economic Development goals and Job Development Policy ED-8.1 by providing a Project Labor Agreement with a local trade council to utilize local workers for project construction.

VIII. Recommendation

Because of the project's consistency with the Zoning Ordinance and General Plan, and minimal impact on surrounding properties, staff recommends that the Zoning Adjustments Board:

1. **FIND** that the project is categorically exempt from the provisions of the CEQA pursuant to Section 15332 of the CEQA Guidelines ("Infill Development Projects"); and

2. **APPROVE** #ZP2022-0135 pursuant to Section 23.406.040(D) and subject to the attached Findings (Attachment 1) and Conditions (Attachment 2).

Attachments:
1. Use Permit Findings
2. Use Permit Conditions
3. Project Plans, received January 24, 2025
4. Staff CEQA Determination Letter, dated November 19, 2024
5. Applicant Attorney Letter - Eligibility for CEQA Exemption, dated October 8, 2024
6. Peer Review of Pro Forma Assumptions for University Corners, dated November 7, 2024
7. Downtown Area Plan MMRP
8. Notice of Public Hearing
9. Public Comment Letters (3), received from January 14 to January 15, 2025

Staff Planner: Sharon Gong, sgong@cityofberkeley.info, (510) 981-7429

PLANNING AND DEVELOPMENT

ZONING ADJUSTMENTS BOARD – FINDINGS

FEBRUARY 27, 2025

University Corners
1950-1998 Shattuck Avenue

Use Permit #ZP2023-0040 to demolish five commercial buildings; merge four lots; and construct a 28-story (312-foot tall, plus 5-foot parapet), 411,610-square-foot, mixed-use building with 599 dwelling units (including 58 Very Low-Income Density Bonus qualifying units), 16,142 square feet of commercial area, and 154 parking spaces.

ZONING PERMITS REQUIRED

- Use Permit under Berkeley Municipal Code (BMC) Section 23.326.070(A) to demolish non-residential buildings
- Use Permit under BMC Section 23.204.020(A) to construct a new mixed-use development
- Use Permit under BMC Section 23.204.020(A) to construct dwelling units
- Use Permit under BMC Section 23.204.030(A)(1) to create new floor area of 10,000 square feet or more
- Use Permit under BMC Section 23.204.130(E)(2) to construct a building that exceeds the district height limit, and that is over 75 feet but not more than 120 feet
- Use Permit under BMC Section 23.204.130(E)(3)(b) to modify the front, side, and rear setback requirements and to exceed 120 feet in width in diagonal measurement above 120 feet in height
- Administrative Use Permit under BMC Section 23.304.050(A) to allow architectural projections to exceed district height limits
- Administrative Use Permit under BMC Section 23.302.070(E)(2) for a food service establishment over 3,000 square feet in area
- Use Permit pursuant to BMC Section 23.310.020(B) to begin alcoholic beverage service (distilled spirits incidental to food service).
- Administrative Use Permit pursuant to BMC Section 23.204.020(A) for Amplified Live Entertainment in a commercial district

- Administrative Use Permit pursuant to BMC Section 23.302.020(D)(3) for outdoor use not abutting a residential district.

CONCESSIONS/WAIVERS UNDER GOVERNMENT CODE SECTION 65915-65918

- Concession from BMC Chapter 23.316 to allow an exemption from the Percentage for Public Art on Private Projects in-lieu fee
- Waiver of BMC Section 23.04.130(E)(1) to exceed building height limits – to be 317' to roof (plus 5' parapet), where 120 feet is the limit (plus 5-foot parapet, by right, with a use permit)
- Waiver of BMC Section 23.204.130(E)(3)(a) to reduce the front setback (University Ave, Shattuck Ave, and Berkeley Way) requirement to 0 feet, where 15 feet is the minimum, above 75-foot building height
- Waiver of BMC Section 23.204.130(E)(3)(a) to reduce the interior left side setback requirement to 10 feet, where 15 feet is the minimum, above 75-foot building height and more than 65 feet from the frontage
- Waiver of BMC Section 23.204.130(E)(3)(d)(i) to exceed diagonal width, to be 239 feet, 10 inches, where 120 feet is the maximum, above 120' in height
- Waiver of BMC Section 23.204.130(E)(4) reduce usable open space minimum to 13,032 square feet, where 47,920 square feet is required

I. CEQA FINDINGS

A. On November 19, 2024, the City determined that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code Section 21000, et seq. and California Code of Regulations, Section 15000, et seq.) pursuant to Section 15332 of the CEQA Guidelines ("Infill Development Projects").

The project applicant's attorney submitted a letter on October 8, 2024 in support of a Class 32 Categorical Exemption from CEQA and the project's eligibility for AB 1633 protections. The applicant separately submitted an Air Quality Report, a Noise Impact Analysis, and a Water Quality Impact Analysis to support an infill exemption. All technical reports were peer reviewed by a CEQA consultant, and were revised for adequacy.

B. Upon review of all evidence on the record, the City determined that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15332 ("Infill Development Projects") of the CEQA Guidelines.

The project meets all of the requirements of this exemption, as follows:

1. The project is consistent with the applicable General Plan designation and policies, and with the applicable zoning designation and regulations.
2. The project occurs within the Berkeley City limits on a project site of no more than five acres, and is surrounded by urban uses.
3. The parcels within the project site have previously been developed and have no value as habitat for endangered, rare or threatened species.

4. The project will not result in any significant effects relating to traffic, noise, air quality or water quality. The Traffic Impact Analysis prepared for the project was reviewed by the City Transportation Division which concurred with the findings of less than significant impacts. City Standard Conditions will address potential impacts related to traffic, noise, air quality, and water quality.
5. The site can be adequately served by all required utilities and public services.

C. Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project will not affect any historical resource.

II. HOUSING ACCOUNTABILTY ACT FINDINGS

A. The Housing Accountability Act, Government Code Section 65589.5(j) requires that when a proposed housing development complies with applicable, objective general plan and zoning standards, a local agency may not deny the project or approve it with reduced density unless the agency makes written findings supported by substantial evidence that: (1) the development would have a specific adverse impact on public health or safety unless disapproved or approved at a lower density; and (2) there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, other than the disapproval or approval at a lower density.

B. The project includes construction of 599 units. Because the base project complies with applicable, objective general plan and zoning standards, Section 65589.5(j) does apply to this project. No significant, quantifiable, direct and unavoidable impacts, based on objective, identified written public health or safety standards, polices, or conditions, have been identified.

III. DENSITY BONUS FINDINGS

A. Pursuant to Government Code Section 65915, the Zoning Adjustments Board finds that:

1. Under the City's methodology for implementing density bonuses, the base project consists of 411 units;
2. The project will provide at least 58 VLI qualifying units in the 411-unit base project, as more fully set forth in the Below Market Rate Units Condition;
3. The project is entitled to a density increase of 46.25 percent over the otherwise maximum allowable residential density under the Zoning Ordinance and General Plan Land Use Element, under the requirements of Government Code Section 65915(b) and (f), plus two concessions or incentives. This equates to a density bonus of 188 units (191 units maximum) above the base project, for a total of up to 599 units (602 units maximum).

B. In accordance with Government Code Section 65915(d) and (k), the Zoning Adjustments Board hereby grants the following concessions in order to provide for affordable housing costs:

1. Concession from BMC Chapter 23.316 to allow an exemption from the Percentage for Public Art on Private Projects in-lieu fee

C. In accordance with Government Code Section 65915(d), in order to allow construction of the proposed project with the density permitted under State law, the Zoning Adjustments Board finds that the approval of the concessions is required to provide for affordable rents, as provided in Government Code Section 65915(d)(1)(A) because 1) approval of the concession would result in identifiable and actual cost reduction; 2) approval of the concession would not have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources; and 3) would not be contrary to State or Federal law.

D. In accordance with Government Code Section 65915(e) the Zoning Adjustments Board hereby grants the following waivers to modify development standards as necessary to accommodate these density bonus units.

1. Waiver of BMC Section 23.04.130(E)(1) to exceed building height limits – to be 317' to roof (plus 5' parapet), where 120 feet is the limit (plus 5-foot parapet, by right, with a use permit)
2. Waiver of BMC Section 23.204.130(E)(3)(a) to reduce the front setback (University Ave, Shattuck Ave, and Berkeley Way) requirement to 0 feet, where 15 feet is the minimum, above 75-foot building height
3. Waiver of BMC Section 23.204.130(E)(3)(a) to reduce the interior left side setback requirement to 10 feet, where 15 feet is the minimum, above 75-foot building height and more than 65 feet from the frontage
4. Waiver of BMC Section 23.204.130(E)(3)(d)(i) to exceed diagonal width, to be 239 feet, 10 inches, where 120 feet is the maximum, above 120' in height
5. Waiver of BMC Section 23.204.130(E)(4) reduce usable open space minimum to 13,032 square feet, where 47,920 square feet is required

E. In accordance with Government Code Section 65915(e), in order to allow construction of the proposed project with the density permitted under State law, the Zoning Adjustments Board finds that the approval of waivers is required 1) to construct the proposed project at the density permitted under State law; 2) approval of requested waivers will not have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources; and 3) approval of the requested waivers will not be contrary to State or Federal law.

IV. FINDINGS FOR APPROVAL

A. As required by BMC Section 23.406.040(E), Findings for Approval, the project, under the circumstances of this particular case existing at the time at which the application is granted, will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of

the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City because:

1. The project is consistent with all applicable C-DMU District standards and qualifies for concessions and waivers for the listed district standards granted pursuant to State Density Bonus, Government Code, Section 65915.

2. According to the shadow studies submitted for the project, new shadow impacts will occur: a) in the winter and spring months in the hours of after sunrise and around noon, on the residential buildings on the blocks to the north and northwest of the site, and b) in the summer months in the hours of after sunrise on the residential buildings to the west of the site. All other new shadows will impact non-residential buildings in the vicinity. The extent of the new shadow impact from the project on the site's adjacent areas will be limited to a few hours of the day during certain times of the year, will not be unreasonable for a development in the dense, downtown district that allows building heights up to 60 feet, with 0 to 5-foot setbacks from property lines, by right.

3. The additional height above the district limits from the density bonus will cast shadows in the affected directions further than if the project were limited to the base district height standards. The proposal will include waivers for additional height beyond the district height limits to accommodate the density bonus units and allow a 312-foot-tall (plus 5-foot parapet), 28-story building. Overall, the shadow impacts from the project will be reasonable and not detrimental.

4. The project will be subject to the City's standard conditions of approval regarding construction noise and air quality, waste diversion, toxics, and stormwater requirements, which will ensure that the project will not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the area or neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood or to the general welfare of the City.

V. OTHER FINDINGS FOR APPROVAL

A. As required by BMC Section 23.326.070(D), the Zoning Adjustments Board finds that the proposed demolition of the non-residential buildings listed below will not be materially detrimental to the commercial needs and public interest of any affected neighborhood or the City, and that the demolition of the structures is required to allow a proposed new building or other proposed new use, will remove a building that which is unusable for activities completable with the purpose of the district or infeasible to modify for such uses, will remove a structure that is an inhabitable attractive nuisance to the public, or is required for the furtherance of specific plans or projects sponsored by the City or other local district or authority.

1. 1950 &1958 Shattuck, 57-2053-1
2. 1974 Shattuck, 57-2053-2
3. 1984 Shattuck, 57-2053-3-2 and 1986 &1998 Shattuck, 57-2053-3-1
4. 2071 & 2079 University, 57-2053-4-2

The proposed demolition of the non-residential buildings will not be detrimental needs of the neighborhood, as the project redevelops an underutilized with a new mixed-use, multifamily building that is compatible with existing development patterns in the downtown. The project is aligned with the Downtown Area Plan and the C-DMU district's purposes, which include objectives for Environmental Sustainability, Land Use, Access, Historic Preservation and Urban Design, Streets and Open Space, Housing and Community Health and Services, and Economic Development.

B. As required by BMC Section BMC 23.310.020(C), Alcohol Sales and Service (Distilled Spirits), the Zoning Adjustments Board finds that:

1. The current Alcoholic Beverage Control license owned by the existing restaurant/bar (Spat's) allows for sales of beer, wine, and distilled spirits for off-site consumption at a bona fide eating place. The number of alcohol licenses within the census tract will not change if the restaurant/bar in the new building assumes ownership of the existing restaurant/bar license, or if the current license owner surrenders the existing license and the new restaurant/bar applies for a new license. A Condition of Approval will be included in the permit to require that no net new alcohol licenses are obtained for businesses at the project site. Additional findings in BMC Section 23.310.020(C)(3) for exceeding the number of licenses within the census tract will not apply.

2. The allowance of distilled spirits sales and service in conjunction with a bona fide eating establishment in the project will provide a wider range of alcoholic menu options to patrons that are customarily available within other restaurants. Such expanded menu choices will contribute to the economic success of the restaurant. The addition of distilled spirits to the offerings will also increase business revenue, resulting in increased tax revenue for the City. The Berkeley Police Department has reviewed the proposal and noted that there are no alcohol-related violations against the property owners of the parcels in the project site, and no violations of alcohol or public safety.

3. Alcohol service standards are included in the Conditions of Approval for the permit, and the applicant will be required to meet applicable ABC standards for the license type.

C. As required by BMC Section 23.302.070(E)(2), Food Service Establishment greater than 3,000 square feet, the Zoning Adjustments Board finds that the use meets the findings in BMC Section 23.204.130(I). The project is compatible with the Land Use and Economic Development purposes of the district because the rooftop restaurant/bar with outdoor seating will contribute to the area's vitality, livability, and character.

D. As required by BMC Section 23.204.020(A), Amplified Live Entertainment, the Zoning Adjustments Board finds that the use meets the findings in BMC Section 23.204.130(I). The project is compatible with the Land Use and Economic Development purposes of the district

because the rooftop restaurant/bar with amplified live entertainment will contribute to the area's vitality, livability, and character.

E. As required by BMC Section 23.302.020(D)(3), outdoor use not abutting a residential district), the Zoning Adjustments Board finds that the use meets the findings in BMC Section 23.204.130(I). The project's rooftop restaurant/bar with outdoor seating is compatible with the Land Use and Economic Development purposes of the district because it will contribute to the area's vitality, livability, and character.

F. As required by BMC Section 23.204.130(I), the project is consistent with the purposes of the C-DMU district:

1. *Environmental Sustainability and Access:* The project is a high-density mixed-use development in proximity to regional transit, shops and amenities, and will provide more housing in the Downtown to increase access to local services and amenities by foot, by bicycle and via transit, while promoting public transit as an efficient and attractive choice through its location and through its Transportation Demand Management measures and other associated Conditions of Approval. The project will comply with the State's Model Water Efficient Landscape Ordinance (MWELO), provide landscaping in its open space areas, and will feature a number of native plant species in its landscape palette. The project proposes GreenPoint Rated Silver certification, which is equivalent to the LEED Gold rating, as required for new buildings in the C-DMU District.

2. *Land Use:* The mixed-use project, which includes 58 VLI units, will add new affordable housing to the Downtown area. Ground floor commercial uses and a rooftop restaurant/bar with outdoor seating and live entertainment will contribute to the area's vitality, livability, sustainability, and character. New street trees and landscaping along Shattuck and University Avenues and Berkeley Way will add to the cultivation of the Downtown as an attractive residential neighborhood.

3. *Historic Preservation and Urban Design:* The project does not propose to demolish or alter any known historic or cultural resource and will preserve the existing historic resources in the Downtown.

   The project will provide continuity and harmony between the old and the new in the built environment, improve the visual and environmental quality of Downtown and create an active, safe and visually engaging pedestrian environment. At 28 stories and 317 feet tall (measured to the parapet) the building will be the tallest built structure in the City (taller than the Campanile on the U.C Berkeley campus at 307 feet tall). However, the building is designed to step down from its 28-story maximum height to 14 stories on the north side, away from the Core downtown area, in a nod to the first "skyscrapers" in the downtown, the 13-story Chase building and the 12-story Wells Fargo building at Center and Shattuck Avenues. The transparency of the commercial storefronts and the 20-foot window/ceiling height on the ground-floor of the Shattuck and University Avenue façades will enliven the streetscape on these frontages. The parklet and publicly accessible plaza on either side of the sidewalk on the Shattuck

Avenue frontage will engage pedestrians walking through the downtown commercial district and welcome them to the businesses in the building.

The DRC deemed the project consistent with Downtown Berkeley design guidelines, and provided a favorable recommendation to the ZAB. The proposed project design incorporates materials, color, façade design, ground-floor transparency, roof forms, setbacks, height and open space elements consistent with guidance in the Downtown Berkeley Design Guidelines.

4. *Streets and Open Space:* The project will include street trees along Shattuck and University Avenues and Berkeley Way, and a 1,020-square-foot parklet bulb-out and 706-square-foot publicly accessible private plaza on the Shattuck Avenue frontage to benefit pedestrians, as well as future residents. The second-floor podium deck and 14th floor roof deck will provide landscaped open space and amenities for residents. The project will contribute funds to the Streets and Open Space Improvement Plan (SOSIP).

5. *Housing and Community Health and Services:* The project will involve construction of a mixed-use building with a total of 599 dwelling units, including 58 VLI units. The project will expand the supply of affordable housing and contribute to a thriving, livable, diverse residential neighborhood with a mix of supportive uses in Downtown.

6. *Economic Development:* The project will bring new residents and a greater range of household incomes to the Downtown area, while preserving the character of the Downtown Historic neighborhood, to contribute to the area's vitality and success. The project will bring approximately 8,342 square feet of ground-floor retail and a 7,800-square-foot rooftop restaurant to the area to contribute to making Downtown an attractive regional destination for living, working and visiting. In addition, the project includes a Project Labor Agreement with the Alameda County Building Trades Council, representing approximately 20 to 25 percent of estimated project construction costs, to utilize local workers for project construction.

   In addition, the project is compatible with surrounding uses and buildings. The project site is located at the eastern end of the block bounded by Berkeley Way, Shattuck Avenue, and University Avenue in Downtown Berkeley in an urban area with immediate access to transit. The site's immediate surroundings are a mixture of buildings that contain mixed-use residential with ground floor commercial, multi-family residential, and commercial uses, and range in height from one story to twelve stories. Other taller buildings are the 12-story mixed-use residential building across Shattuck Avenue at 1951 Shattuck, the 14-story Anchor House at 1950 Oxford Street, one block east, and the Residence Inn Hotel at 2129 Shattuck Avenue, two blocks south of the site. Recently approved "tall buildings" include the 25-story mixed-use residential building at 2190 Shattuck (approved in 2023), three blocks to the south, and the 26-story mixed-use residential building at 2128 Oxford Street (approved in 2024) three blocks southeast of the project site.

   As a one of the five "tall buildings" allowed in the C-DMU District and one of the two "tall buildings" allowed in the Outer Core/Core Sub-Areas (combined), the project will

be compatible in size and scale with the other four "tall buildings" that are already constructed or were recently approved in the Downtown area. Thus, the project will be compatible with surrounding uses and buildings. In addition, the DRC deemed the proposed project consistent with Downtown Berkeley Design Guidelines, and provided a favorable recommendation to the ZAB with conditions and recommendations for Final Design Review.

G. As required by BMC Section 23.304.050(A), the Zoning Adjustments Board finds that the proposed rooftop equipment, which exceeds the district height limit, does not exceed 15 percent the average floor area of the building's floors. None of the equipment structures will be used as habitable or commercial space. The project will include staircase and elevator penthouses 1,464 square feet on the roof of level 28 that will extend seventeen feet over the roof height. These areas represent 10 percent of the 14,058-square-foot average of all the floor areas, and will not exceed the limit of 15 percent of the average floor area, and are therefore permissible.

H. As required BMC Section 23.204.130(E)(2), the Zoning Adjustments Board finds that:

1. The project provides a community benefits proposal that is primarily composed of a Project Labor Agreement – an agreement with the Alameda County Building Trades Council, representing approximately 20 to 25 percent of the estimated project construction cost, which is greater than the minimum 5 percent specified in the Resolution #67,172-NS. It is noted, however, that the project offers no other significant community benefits that exceed regulatory requirements, beyond the Project Labor Agreement.

2. Based on the City's consultant peer review, the Community Benefits package is reasonable overall, and will not make project infeasible.

I. As required by BMC Section 23.204.130(E)(2), the Zoning Adjustments Board finds that:

1. The setback encroachment in the Base Project will result in a minimal contribution to new shadow impact relative to the increase in shadow impact from the Density Bonus project height and reduced setbacks that are requested as waivers. Thus, the setback reduction the Base Project will not unreasonably limit solar access.

2. The Pedestrian Wind Comfort Assessment found that:

a. Wind speeds onsite are generally calm and considered suitable for pedestrian use. Higher wind speeds, (still appropriate for sidewalks and walkways), occur near the corners of mid-rise buildings with broad west facing facades on the east side of Shattuck Avenue.

b. Increased wind speeds are expected on University Avenue and at the intersection of Shattuck Avenue and Berkeley way during the summer. However, these speeds are adequate for sidewalks and walkways.

c. In the winter, lower wind speeds are expected. Light breezes are predicted for most areas near the proposed development, with slightly higher wind speeds occurring around the east/northeast side of the building.

d. The pedestrian wind safety criterion is predicted to be met at all locations near the project site.

J. As required by BMC Section 23.204.030(A)(2), the Zoning Adjustments Board finds that:

1. The new building will be compatible with the visual character and form of the zoning district. The zoning district allows for heights up to 120 feet (in the base project for density bonus) with a use permit and upon provision of community benefits. Existing buildings in the vicinity of the project site range from one to twelve stories, with taller buildings on University and Shattuck Avenues. The site is located within the Downtown Area Plan and is consistent Downtown Berkeley Design Guidelines as further discussed below.

2. The proposed project will result in a new building that is substantially taller than surrounding buildings in the downtown district. As a result, it will introduce a new visual feature to the district by introducing a building which is almost twice as tall than the existing “skyscrapers” in the downtown. However, the proposed building will be compatible with the most recently approved “tall buildings” in the downtown district, as discussed in the previous section, and will be consistent with the trend of increased density in new housing development fueled by the adoption of laws to remedy the State’s housing crisis.

3. In addition, the DRC reviewed the project and found the proposed design to be consistent the Downtown Berkeley Design Guidelines and the Downtown Area Plan.

PLANNING AND DEVELOPMENT

USE PERMIT ZP2023-0040 CONDITIONS OF APPROVAL

February 27, 2025

1950-1998 Shattuck Avenue (University Corners)

Use Permit #ZP2023-0040 to demolish five commercial buildings; merge four lots; and construct a 28-story (312-foot tall, plus 5-foot parapet), 411,610-square-foot, mixed-use building with 599 dwelling units (including 58 Very Low-Income Density Bonus qualifying units), 16,142 square feet of commercial area, and 154 parking spaces.

I. STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS

Pursuant to Berkeley Municipal Code (BMC) Title 23 Zoning Ordinance and Title 13 Public Peace, Morals, and Welfare, the following conditions, as well as all other applicable provisions of the Zoning Ordinance, apply to this Permit:

1. **Conditions Shall be Printed on Plans.** The conditions of this Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Use Permit, under the title 'Use Permit Conditions.' *Additional sheets* may also be used if the *second* sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings.
2. **Compliance Required (BMC Section 23.102.050).** All land uses and structures in Berkeley must comply with the Zoning Ordinance and all applicable City ordinances and regulations. Compliance with the Zoning Ordinance does not relieve an applicant from requirements to comply with other federal, state, and City regulations that also apply to the property.
3. **Approval Limited to Proposed Project and Replacement of Existing Uses (BMC Sections 23.404.060(B)(1) and (2)):**
   - **A.** This Permit authorizes only the proposed project described in the application. In no way does an approval authorize other uses, structures or activities not included in the project description.

B. When the City approves a new use that replaces an existing use, any prior approval of the existing use becomes null and void when permits for the new use are exercised (e.g., building permit or business license issued). To re-establish the previously existing use, an applicant must obtain all permits required by the Zoning Ordinance for the use.

4. **Conformance to Approved Plans (BMC Section 23.404.060(B)(4)).** All work performed under an approved permit shall comply with the approved plans and any conditions of approval.

5. **Exercise and Expiration of Permits (BMC Section 23.404.060(C)):**

   A. A permit authorizing a land use is exercised when both a valid City business license is issued (if required) and the land use is established on the property.

   B. A permit authorizing construction is exercised when both a valid City building permit (if required) is issued and construction has lawfully begun.

   C. The Zoning Officer may declare a permit lapsed if it is not exercised within one year of its issuance, except if the applicant has applied for a building permit or has made a substantial good faith effort to obtain a building permit and begin construction. The Zoning Officer may declare a permit lapsed only after 14 days written notice to the applicant. A determination that a permit has lapsed may be appealed to the ZAB in accordance with BMC Chapter 23.410, Appeals and Certification.

   D. A permit declared lapsed shall be void and of no further force and effect. To establish the use or structure authorized by the lapsed permit, an applicant must apply for and receive City approval of a new permit.

6. **Permit Remains Effective for Vacant Property (BMC Section 23.404.060(D)).** Once a Permit for a use is exercised and the use is established, the permit authorizing the use remains effective even if the property becomes vacant. The same use as allowed by the original permit may be re-established without obtaining a new permit, except as set forth in Standard Condition #5 above.

7. **Permit Modifications (BMC Section 23.404.070).** No change in the use or structure for which this Permit is issued is permitted unless the Permit is modified by the Board. The Zoning Officer may approve changes to plans approved by the Board, consistent with the Board's policy adopted on May 24, 1978, which reduce the size of the project.

8. **Permit Revocation (BMC Section 23.404.080).** The City may revoke or modify a discretionary permit for completed projects due to: 1) violations of permit requirements; 2) Changes to the approved project; and/or 3) Vacancy for one year or more. However, no lawful residential use can lapse, regardless of the length of time of the vacancy. Proceedings to revoke or modify a permit may be initiated by the Zoning Officer, Zoning Adjustments Board (ZAB), or City Council referral.

9. **Hold Harmless.** The permittee agrees as a condition of approval of this application to indemnify, protect, defend with counsel selected by the City, and hold harmless, the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents, from and against any and all liabilities, claims, actions, causes of action, proceedings, suits, damages, judgments, liens, levies, costs and expenses of whatever nature, including reasonable attorney's fees and disbursements (collectively, "Claims") arising out of or in any way relating to the approval of this application, any actions taken by the City related to this entitlement, or any environmental review conducted under the California Environmental Quality Act, Public Resources Code Section 210000 et seq., for this entitlement and related actions. The indemnification shall include any Claims that may be asserted by any person or entity, including the permittee, arising out of or in connection with the approval of this application, whether or not there is concurrent, passive or active negligence on the part of the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents. The permittee's duty to defend the City shall not apply in those instances when the permittee has asserted the Claims, although the permittee shall still have a duty to indemnify, protect and hold harmless the City.

II. ADDITIONAL CONDITIONS IMPOSED BY THE ZONING ADJUSTMENTS BOARD

Pursuant to BMC Section 23.404.050(H) Conditions of Approval, the Zoning Adjustments Board attaches the following additional conditions to this Permit:

Prior to Submittal of Any Building Permit:

10. **Project Liaison.** The applicant shall include in all building permit plans and post onsite the name and telephone number of an individual empowered to manage construction-related complaints generated from the project. The individual's name, telephone number, and responsibility for the project shall be posted at the project site for the duration of the project in a location easily visible to the public. The individual shall record all complaints received and actions taken in response, and submit written reports of such complaints and actions to the project planner on a weekly basis. Please designate the name of this individual below:

    ☐ **Project Liaison** _____

    Name Phone #

11. **Address Assignment.** The applicant shall file an "Address Assignment Request Application" with the Permit Service Center (1947 Center Street) for any address change or new address associated with this Use Permit. The new address(es) shall be assigned in accordance with BMC Section 16.28.030 Assignment and Installation of Numbers, and, except for new buildings on vacant lots, entered into the City's database after the building permit is issued but prior to final inspection.

12. **Privately-Owned Public Plaza.** The applicant shall submit plans that comply with the provisions in BMC Section 23.204.130(E)(5), including signage in a publicly conspicuous location at street level indicating the area that is open to the public, the hours the space is open, and the party responsible for maintenance.

13. **Bird Safe Buildings.** Prior to submittal of the building permit, the applicant shall demonstrate compliance with the applicable bird safe building provisions in BMC Section 23.304.150, Bird Safe Buildings.

14. **Construction Noise Reduction Program.** The applicant shall develop a site-specific noise reduction program prepared by a qualified acoustical consultant to reduce construction noise impacts to the maximum extent feasible, subject to review and approval of the Zoning Officer. The noise reduction program shall include the time limits for construction listed above, as measures needed to ensure that construction complies with BMC Section 13.40.070, Prohibited Acts. The noise reduction program should include, but shall not be limited to, the following available controls to reduce construction noise levels as low as practical:

    A. Construction equipment should be well maintained and used judiciously to be as quiet as practical.

    B. Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.

    C. Utilize “quiet” models of air compressors and other stationary noise sources where technology exists. Select hydraulically or electrically powered equipment and avoid pneumatically powered equipment where feasible.

    D. Locate stationary noise-generating equipment as far as possible from sensitive receptors when adjoining construction sites. Construct temporary noise barriers or partial enclosures to acoustically shield such equipment where feasible.

    E. Prohibit unnecessary idling of internal combustion engines.

    F. If impact pile driving is required, pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.

    G. Construct solid plywood fences around construction sites adjacent to operational business, residences or other noise-sensitive land uses where the noise control plan analysis determines that a barrier would be effective at reducing noise.

    H. Erect temporary noise control blanket barriers, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.

    I. Route construction related traffic along major roadways and away from sensitive receptors where feasible.

15. **Damage Due to Construction Vibration.** The project applicant shall submit screening level analysis prior to, or concurrent with demolition building permit. If a screening level analysis shows that the project has the potential to result in damage to structures, a structural engineer or other appropriate professional shall be retained to prepare a vibration impact assessment (assessment). The assessment shall consider project specific information such as the composition of the structures, location of the various types of equipment used during each phase of the project, as well as the soil characteristics in the project area, in order to determine whether project construction may cause damage to any of the structures identified as potentially impacted in the screening level analysis. If the assessment finds that the project may cause damage to nearby structures, the structural engineer or other appropriate professional shall recommend design means and methods of construction that to avoid the potential damage, if feasible. The assessment and its recommendations shall be reviewed and approved by the Building and Safety Division and the Zoning Officer. If there are no feasible design means or methods to eliminate the potential for damage, the structural engineer or other appropriate professional shall undertake study of existing conditions (study) of any structures (or, in case of large buildings, of the portions of the structures) that may experience damage.

    This study shall establish the baseline condition of these structures, including, but not limited to, the location and extent of any visible cracks or spalls; and include written descriptions and photographs.

    The study shall be reviewed and approved by the Building and Safety Division and the Zoning Officer prior to issuance of a grading permit. Upon completion of the project, the structures (or, in case of large buildings, of the portions of the structures) previously inspected will be resurveyed, and any new cracks or other changes shall be compared to pre-construction conditions and a determination shall be made as to whether the proposed project caused the damage. The findings shall be submitted to the Building and Safety Division and the Zoning Officer for review. If it is determined that project construction has resulted in damage to the structure, the damage shall be repaired to the pre-existing condition by the project sponsor, provided that the property owner approves of the repair

16. **Compliance with Conditions of Approval.** The building permit application is subject to verification of compliance of these Conditions of Approval. The applicant shall be responsible for demonstrating compliance with all conditions of approval and mitigation measures per the timeline set forth by this use permit. The applicant shall deposit $10,000 with the City, or less with the approval of the Zoning Officer, to pay for the cost of monitoring compliance with these Conditions of Approval and other applicable conditions and regulations. Should compliance-monitoring expenses exceed the initial deposit, the applicant shall deposit additional funds to cover such additional expenses upon the request of the Zoning Officer; any unused deposit will be refunded to the applicant.

Prior to Issuance of Any Building & Safety Permit (Demolition or Construction)

17. **Significant Community Benefits.** Pursuant to BMC Section 23.204.130.E.2(c) and City Council Resolution No. 67,172-N.S., all significant community benefits agreed to by the applicant and approved by the City shall be included as Conditions of Approval and the owner shall enter into a written agreement with the City that shall be binding on all successors in interest. The significant community benefits for this project consists of:

    Project Labor Agreement. An agreement with the Alameda County Building Trades Council, representing approximately 20 to 25 percent of estimated project construction costs, based on the Community Benefits Pro Forma Financial Analysis submitted in permit application.

18. **Demolition.** Demolition of the existing building cannot commence until a complete application is submitted for the replacement building. In addition, all plans presented to the City to obtain a permit to allow the demolition are subject to these conditions.

19. **Construction Noise Management.** Public Notice Required. At least two weeks prior to initiating any construction activities at the site, the applicant shall provide notice to businesses and residents within 500 feet of the project site. This notice shall at a minimum provide the following: (1) project description, (2) description of construction activities during extended work hours and reason for extended hours, (3) daily construction schedule (i.e., time of day) and expected duration (number of months), (4) the name and phone number of the Project Liaison for the project that is responsible for responding to any local complaints, and (5) that construction work is about to commence. The liaison would determine the cause of all construction-related complaints (e.g., starting too early, bad muffler, worker parking, etc.) and institute reasonable measures to correct the problem. A copy of such notice and methodology for distributing the notice shall be provided in advance to the City for review and approval.

20. **Construction Phases.** The applicant shall provide the Zoning Officer with a schedule of major construction phases with start dates and expected duration, a description of the activities and anticipated noise levels of each phase, and the name(s) and phone number(s) of the individual(s) directly supervising each phase. The Zoning Officer or his/her designee shall have the authority to require an on-site meeting with these individuals as necessary to ensure compliance with these conditions. The applicant shall notify the Zoning Officer of any changes to this schedule as soon as possible.

21. **Construction and Demolition Diversion.** Applicant shall submit a Construction Waste Management Plan that meets the requirements of BMC Chapter 19.37 including 100 percent diversion of asphalt, concrete, excavated soil and land-clearing debris and a minimum of 65 percent diversion of other nonhazardous construction and demolition waste.

22. **Toxics.** The applicant shall contact the Toxics Management Division (TMD) at 1947 Center Street or (510) 981-7470 to determine which of the following documents are required and timing for their submittal:

A. Phase I and Phase II Environmental Site Assessment (ESA) (per ASTM 1527). A recent Phase I ESA (less than 2 years old) shall be submitted to the Toxics Management Division for developments for: all new commercial, industrial and mixed-use developments and all improvement projects that require work 5 or more feet below grade, and all new residential buildings with more than four dwelling units located in the Environmental Management Area (or EMA). The EMA can be viewed at: City of Berkeley Community GIS Portal (arcgis.com) [See Phase I Environmental Site Assessment Report dated January 27, 2023 by GEM Group, Inc.]

Depending on the findings in the Phase I, a Phase II or additional investigation may be necessary. Any available soils and groundwater analytical data available for projects listed in this section must also be submitted to TMD.

B. Environmental Site Clearance. The applicant shall provide environmental screening clearance from either the San Francisco Bay Regional Water Quality Control Board (RWQCB), Department of Toxic Substances Control (DTSC), or the Alameda County Department of Environmental Health's Local Oversight Program (LOP). Clearance from one of these regulatory agencies will ensure that the property meets development investigation and cleanup standards for the specific use proposed on the property. Environmental screening clearance shall be submitted to the City of Berkeley's Toxics Management Division prior to issuance of any building permits.

C. Soil and Groundwater Management Plan. A site-specific Soil and Groundwater Management Plan (SGMP) shall be submitted to Toxics Management Division (TMD) for all non-residential projects, and residential or mixed-use projects with more than four dwelling units, that: (1) are in the Environmental Management Area (EMA), as shown on the most recent City of Berkeley EMA map, and (2) propose any excavations deeper than 5 feet below grade or if significant soils removal is anticipated. The SGMP shall be submitted to the TMD with the project's building permit application and shall be approved by TMD prior to issuance of the building permit.

The SGMP shall comply with the hazardous materials and waste management standards required by BMC Section 15.12.100, the stormwater pollution prevention requirements of San Francisco Bay Regional Water Quality Control Board's Order No. R2-2009-0074, California hazardous waste generator regulations (Title 22 California Code of Regulations (CCR) 66260 et seq.), and the East Bay Municipal Utility District's Ordinance 311, and shall include the following:

i. procedures for soil and groundwater management including identification of pollutants and disposal methods;

ii. procedures to manage odors, dust and other potential nuisance conditions expected during development;

iii. notification to TMD within 24 hours of the discovery of any previously undiscovered contamination; and

iv. the name and phone number of the individual responsible for implementing the SGMP and who will respond to community questions or complaints.

TMD may require additional information or impose additional conditions as deemed necessary to protect human health and the environment. All requirements of the approved SGMP shall be deemed conditions of approval.

D. Demolitions & Renovations – Building Materials Survey. A hazardous materials survey for building materials and plans on hazardous materials and hazardous waste removal and disposal is required and must be prepared by qualified professionals, and submitted to the Toxics Management Division (TMD) prior to issuance of the building permit.

i. The survey shall include the identification of all materials to be disturbed for lead-based paints, PCB containing equipment and caulking, hydraulic fluids, refrigerants, treated wood, and mercury containing devices (including fluorescent light bulbs and mercury switches), asbestos and other hazardous materials and chemicals.

ii. If asbestos is identified, Bay Area Air Quality Management District Regulation 11-2-401.3 a notification must be made and the J number must be made available to the City of Berkeley Permit Service Center. Contractors must follow state regulations where there is asbestos-related work involving 100 square feet or more of asbestos containing material (8 Cal. Code Regs. §1529, §341.6 et seq.)

iii. The report to the TMD shall include, in addition to the survey, plans on hazardous materials and hazardous waste removal and disposal that comply with State and Federal codes including California Code of Regulations (CCR) 66260 et seq.

iv. Documentation evidencing disposal of hazardous waste in compliance with the survey shall be submitted to TMD within 30 days of the completion of the demolition.

Please note, the PCB Screening Form required by Public Works, Engineering, is a separate requirement and does not address the PCB identification requirement of the Toxics Management Division.

E. Hazardous Materials Business Plan. A Hazardous Materials Business Plan (HMBP) in compliance with BMC Section 15.12.040 and California Health & Safety Code, Chapter 6.95 Div. 20, shall be submitted to the Toxics Management Division through the California Environmental Reporting System: http://cers.calepa.ca.gov/ for chemicals used or stored on site during construction that exceed reporting thresholds. The reporting is required if your facility stores or handles hazardous materials in aggregate quantities equal to or greater than 55 gallons for liquids, 500 pounds for solids, or 200 cubic feet of compressed gases, or generates any quantity of hazardous waste. This includes welding gases, emergency generator fuel, paints, etc.

Additionally, the business occupant must submit an HMBP within 30 days of starting operations.

F. Petroleum Storage. An (SPCC) Plan is required to be prepared and implemented for facilities with any one of the following:

i. aggregate aboveground petroleum storage capacities of 1,320 gallons or more stored in aboveground storage containers, tanks, oil-filled equipment, or

ii. one or more tank(s) in an underground area (TIUGA) with petroleum storage capacities of 55 gallons or greater. More information on TIUGAs can be found here: https://osfm.fire.ca.gov/divisions/pipeline-safety-and-cupa/certified-unified-program-agency-cupa/aboveground-petroleum-storage-act/tank-in-an-underground-area-tiuga/

The SPCC plan must be prepared prior to beginning operations and you must submit facility information to Toxics Management Division (TMD) through the California Environmental Reporting System: http://cers.calepa.ca.gov/. The SPCC plan will be reviewed during the site inspection and shall not be submitted in CERS or to the TMD.

Prior to Issuance of Any Building (Construction) Permit

23. **Parcel Merger.** The applicant shall secure approval of any parcel merger and/or lot line adjustment associated with this Use Permit.

24. **Final Design Review.** The Project requires approval of a Final Design Review application by the Design Review Committee.

25. **HVAC Noise Reduction.** Prior to the issuance of building permits, the project applicant shall submit plans that show the location, type, and design of proposed heating, ventilation, and cooling (HVAC) equipment. In addition, the applicant shall provide product specification sheets or a report from a qualified acoustical consultant showing that operation of the proposed HVAC equipment will meet the City's exterior noise requirements in BMC Section 13.40.050. The City's Planning and Development Department shall review the submitted plans, including the selected HVAC equipment, to verify compliance with exterior noise standards.

26. **Interior Noise Levels.** Prior to issuance of a building permit, the applicant shall submit a report to the Building and Safety Division and the Zoning Officer by a qualified acoustic engineer certifying that the interior residential portions of the project will achieve interior noise levels of no more than 45 Ldn (Average Day-Night Levels). If the adopted Building Code imposes a more restrictive standard for interior noise levels, the report shall certify compliance with this standard.

27. **Streets and Open Space Improvement Plan.** Street Frontage Improvements. Consistent with the Downtown Streets and Open Space Improvement Plan (SOSIP) (or subsequent iterations as adopted by the City), the developer shall construct improvements along Shattuck Avenue, University Avenue and Berkeley Way, to the centerline. Such improvements shall be included with the building permit submittal, designed and constructed as directed by the Public Works Engineering, Public Works Transportation, and Fire Departments, and constructed prior to certificate of occupancy.

28. **Green Building Certification.** The applicant shall submit documentation demonstrating that the building will attain LEED Gold or higher, or attain a building performance equivalent to this rating that has been approved by the Zoning Officer for this project. Documentation shall include proof of payment of the registration/application fee to the organization administering the green building certification system (e.g. USGBC/GBCI for LEED, Build It Green for GreenPoint Rated, etc.), a copy of the updated green building checklist that reflects anticipated points, and a statement from the appropriate project team professional (e.g. LEED Accredited Professional, GreenPoint Rater, etc.) verifying that the project is on track for certification at the required level or above. The submitted green building checklist must be a type that is appropriate for the project and a version that is being accepted by the organization granting the green building certification at the time of building permit application. Whenever applicable, measures from the green building checklist shall be incorporated and noted on site plans.

29. **Solar Photovoltaic (Solar PV) and Battery Energy Storage Systems (ESS).** A solar PV system shall be installed, subject to specific limited exceptions, as specified by the Berkeley Energy Code (BMC Chapter 19.36). Energy storage system (ESS) readiness (new single-family, duplex, and townhouse homes) or ESS installation (new multifamily and most nonresidential buildings) shall be completed as specified by BMC Chapter 19.36. Location of the solar PV system and the ESS, if applicable, shall be noted on the construction plans. (Project required to meet applicable code at time of building permit application, if different from above.)

30. **Electric Vehicle (EV) Charging.** At least 10 percent of the project parking spaces for residential parking shall have installed Level 2 (40 amp) electric vehicle (EV) charging stations~~,~~ and at least 40 percent shall have installed low power Level 2 EV charging receptacles (20 amp), or any more stringent EV charging requirements as specified by the Berkeley Green Code (BMC Chapter 19.37). Required Level 2 charging stations and low power Level 2 EV charging receptacles shall be installed, maintained, and made available for building resident use. EV charging station installations, EV charging receptacles, and EV Capable spaces shall be noted on the construction plans. Public access parking spaces shall provide any applicable mandatory accessibility provisions. (Project required to meet applicable code at time of building permit application, if different from above.)

31. **Nonresidential Electric Vehicle (EV) Charging.** At least 10 percent of project parking spaces for nonresidential use shall have installed Level 2 (40 amp) electric vehicle (EV) charging stations and/or DC Fast Charging Stations, and least 20 percent shall be “EV Capable” equipped with raceway, electrical panel service capacity, and an electrical system to support future Level 2 (40 amp) EV charging stations, or any more stringent EV charging requirements, as specified by the Berkeley Green Code (BMC Chapter 19.37). EV charging station installations and EV Capable spaces shall be noted on the construction plans. Public access parking spaces shall provide any applicable mandatory accessibility provisions. (Project required to meet applicable code at time of building permit application, if different from above.)

32. **Water Efficient Landscaping.** Landscaping, totaling 500 square feet of more of new landscaping or 2,500 square feet or more of renovated irrigated area, shall comply with the State's Model Water Efficient Landscape Ordinance (MWELO). MWELO-compliant landscape documentation including a planting, grading, and irrigation plan shall be included in site plans. Water budget calculations are also required for landscapes of 2,500 square feet or more and shall be included in site plans. The reference evapotranspiration rate (ETo) for Berkeley is 41.8.

33. **Recycling and Organics Collection.** Applicant shall provide recycling and organics collection areas for occupants, clearly marked on plans, which comply with the Alameda County Organics Reduction and Recycling Ordinance (2021-02). Contact the Zero Waste Division at RecyclingProgram@berkeleyca.gov.

34. **Public Works ADA.** Plans submitted for building permit shall include replacement of sidewalk, curb, gutter, and other streetscape improvements, as necessary to comply with current City of Berkeley standards for accessibility.

AFFORDABLE HOUSING REQUIREMENTS – RESIDENTIAL PROJECTS

35. **Affordable Housing Compliance Plan.** The final Affordable Housing Compliance Plan ("AHCP") must be certified by the Zoning Officer and the Department of Health, Housing, and Community Services prior to the issuance of Building Permit. Projects that receive approval from the Building Official for multiple phase construction permits must have the final AHCP certified prior to the issuance of the phase one building permit.

36. **Below Market Rate Units.** Fifty-eight (58) Very-Low Income, Below Market Rate rental dwelling units (BMR Units) shall be provided in the project. All affordable units provided pursuant to State Density Bonus Law (Government Code Section 65915), shall be designated as BMR Units. All BMR units are required to comply with the stricter of the State Density Bonus Law and BMC Section 23.328.030(A), Inclusionary Affordable Housing Requirements.

Summary table of project BMR units			
Code Section	**Extremely-Low Income (30% AMI)**	**Very-Low Income (50% AMI)**	**Low Income (80% AMI)**
BMC Chapter 23.328 (Inclusionary Housing)	0	0	0
State Density Bonus Law (Gov. Code Section 65915)	0	58	0
Total	0	**58 VLI**	0

37. **Regulatory Agreement.** If BMR units are provided, the owner shall enter into a Regulatory Agreement that implements Government Code Section 65915, BMC Section 23.328.030, and other provisions for BMR units included in this Use Permit. The Regulatory Agreement may include any terms and affordability standards determined by the City to be necessary to ensure such compliance. The Regulatory Agreement will secure the property's obligation to comply with the requirements for providing BMR units as defined by BMC Chapter 23.328 and State Density Bonus Law (Government Code Section 65915). The applicant shall submit the Regulatory Agreement to the Department of Health, Housing, and Community Services for review and approval. All BMR units are required to comply with the Regulatory Agreement and the BMR Administrative Guidelines. Regulatory Agreements must be executed prior to the issuance of Building Permit, or, in the case of projects that receive approval from the Building Official for multiple phase construction permits, prior to the issuance of the phase one building permit.

38. **Payment of Affordable Housing In-Lieu Fee.** The Affordable Housing In-Lieu Fee shall be paid as required by BMC Section 23.328.030(B) and Resolution 70,698 N.S. The fee for this project is $9,855,956 ($56.25 x 175,217 SF), subject to proration to reflect any affordable units provided. Any adjustments to the fee and the final fee amount will be determined prior to building permit issuance as part of the Affordable Housing Compliance Plan approval. The In-Lieu Fee shall be paid prior to the issuance of the first Certificate of Occupancy, or if no Certificate of Occupancy is required, prior to the final inspection of the Project. Nothing in these conditions shall be interpreted to prohibit, or to require modification of the Use Permit or Regulatory Agreement to allow, the provision of additional BMR units, or additional affordability, then are required in the foregoing provisions.

Prior to Demolition or Start of Construction:

39. **Construction Meeting.** The applicant shall request of the Zoning Officer an on-site meeting with City staff and key parties involved in the early phases of construction (e.g., applicant, general contractor, foundation subcontractors) to review these conditions and the construction schedule. The general contractor or applicant shall ensure that all subcontractors involved in subsequent phases of construction aware of the conditions of approval.

40. **Transportation Construction Plan.** The applicant and all persons associated with the project are hereby notified that a Transportation Construction Plan (TCP) may be required, particularly for the following activities:

    A. Alterations, closures, or blockages to sidewalks, pedestrian paths or vehicle travel lanes (including bicycle lanes);

    B. Storage of building materials, equipment, dumpsters, debris anywhere in the public ROW;

    C. Provision of exclusive contractor parking on-street; or

    D. Significant truck activity.

Please contact the Office of Transportation at (510) 981-7010, or 1947 Center Street, and ask to speak to a traffic engineer. In addition to other requirements of the Traffic Engineer, this plan shall include the locations of material and equipment storage, trailers, worker parking, a schedule of site operations that may block traffic, and provisions for traffic control. The TCP shall be stamped and signed by a registered engineer prior to submittal. The TCP shall be consistent with any other requirements of the construction phase. A current copy of this Plan shall be available at all times at the construction site for review by City Staff.

41. **Construction/No Parking Permits.** Contact the Permit Service Center (PSC) at 1947 Center Street or 981-7500 for details on obtaining Construction/No Parking Permits (and associated signs and accompanying dashboard permits). Please note that the Zoning Officer and/or Traffic Engineer may limit off-site parking of construction-related vehicles if necessary to protect the health, safety or convenience of the surrounding neighborhood.

During Construction:

42. **Construction Hours.** Construction activity shall be limited to between the hours of 7:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and 4:00 PM on Saturday. No construction-related activity shall occur on Sunday or any Federal Holiday.

43. **Construction Hours- Exceptions.** It is recognized that certain construction activities, such as the placement of concrete, must be performed in a continuous manner and may require an extension of these work hours. Prior to initiating any activity that might require a longer period, the developer must notify the Zoning Officer and request an exception for a finite period of time. If the Zoning Officer approves the request, then two weeks prior to the expanded schedule, the developer shall notify businesses and residents within 500 feet of the project site describing the expanded construction hours. A copy of such notice and methodology for distributing the notice shall be provided in advance to the City for review and approval. The project shall not be allowed more than 15 extended working days.

44. **Project Construction Website.** The applicant shall establish a project construction website with the following information clearly accessible and updated monthly or more frequently as changes warrant.

    A. Contact information (i.e. “hotline” phone number, and email address) for the project construction manager

    B. Calendar and schedule of daily/weekly/monthly construction activities

    C. The final Conditions of Approval, Mitigation Monitoring and Reporting Program, Transportation Construction Plan, Construction Noise Reduction Program, and any other reports or programs related to construction noise, air quality, and traffic.

45. **Public Works - Implement Bay Area Air Quality Management District (BAAQMD)-** Recommended Measures during Construction. For all proposed projects, BAAQMD recommends implementing all the Basic Construction Mitigation Measures, listed below to meet the best management practices threshold for fugitive dust:

    A. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.

B. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.

C. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.

D. All vehicle speeds on unpaved roads shall be limited to 15 mph.

E. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

F. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.

G. All construction equipment shall be maintained and properly tuned in accordance with manufacturer specifications. All equipment shall be checked by a certified visible emissions evaluator.

H. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

46. Air Quality - Diesel Particulate Matter Controls during Construction. All off-road construction equipment used for projects with construction lasting more than 2 months shall comply with one of the following measures:

A. The project applicant shall prepare a health risk assessment that demonstrates the project's on-site emissions of diesel particulate matter during construction will not exceed health risk screening criteria after a screening-level health risk assessment is conducted in accordance with current guidance from BAAQMD and OEHHA. The health risk assessment shall be submitted to the Land Use Planning Division for review and approval prior to the issuance of building permits; or

B. All construction equipment shall be equipped with Tier 2 or higher engines and the most effective Verified Diesel Emission Control Strategies (VDECS) available for the engine type (Tier 4 engines automatically meet this requirement) as certified by the California Air Resources Board (CARB). The equipment shall be properly maintained and tuned in accordance with manufacturer specifications.

C. In addition, a Construction Emissions Minimization Plan (Emissions Plan) shall be prepared that includes the following:

i. An equipment inventory summarizing the type of off-road equipment required for each phase of construction, including the equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating), horsepower, and engine serial number. For all VDECS, the equipment inventory shall also include the technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date.

ii. A Certification Statement that the Contractor agrees to comply fully with the Emissions Plan and acknowledges that a significant violation of the Emissions Plan shall constitute a material breach of contract. The Emissions Plan shall be submitted to the Public Works Department for review and approval prior to the issuance of building permits.

47. **Construction and Demolition Diversion.** Divert debris according to your plan and collect required documentation. Get construction debris receipts from sorting facilities in order to verify diversion requirements. Upload recycling and disposal receipts if using Green Halo and submit online for City review and approval prior to final inspection. Alternatively, complete the Construction Waste Management Plan and present it, along with your construction debris receipts, to the Building Inspector by the final inspection to demonstrate diversion rate compliance. The Zoning Officer may request summary reports at more frequent intervals, as necessary to ensure compliance with this requirement.

48. **Low-Carbon Concrete.** The project shall maintain compliance with the Berkeley Green Code (BMC Chapter 19.37) including use of concrete mix design with a cement reduction of at least 25 percent. Documentation on concrete mix design shall be available at all times at the construction site for review by City Staff. (Project required to meet applicable code at time of building permit application, if different from above.)

49. **Avoid Disturbance of Nesting Birds.** Initial site disturbance activities, including vegetation and concrete removal, shall be prohibited during the general avian nesting season (February 1 to August 30), if feasible. If nesting season avoidance is not feasible, the applicant shall retain a qualified biologist to conduct a preconstruction nesting bird survey to determine the presence/absence, location, and activity status of any active nests on or adjacent to the project site. The extent of the survey buffer area surrounding the site shall be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the MBTA and CFGC, nesting bird surveys shall be performed not more than 14 days prior to scheduled vegetation and concrete removal. In the event that active nests are discovered, a suitable buffer (typically a minimum buffer of 50 feet for passerines and a minimum buffer of 250 feet for raptors) shall be established around such active nests and no construction shall be allowed inside the buffer areas until a qualified biologist has determined that the nest is no longer active (e.g., the nestlings have fledged and are no longer reliant on the nest). No ground-disturbing activities shall occur within this buffer until the qualified biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Nesting bird surveys are not required for construction activities occurring between August 31 and January 31.

50. Archaeological Resources (*Ongoing throughout demolition, grading, and/or construction*). Pursuant to CEQA Guidelines section 15064.5(f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore:

A. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist, historian or paleontologist to assess the significance of the find.

B. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified professional would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Berkeley. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by the qualified professional according to current professional standards.

C. In considering any suggested measure proposed by the qualified professional, the project applicant shall determine whether avoidance is necessary or feasible in light of factors such as the uniqueness of the find, project design, costs, and other considerations.

D. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation measures for cultural resources is carried out.

E. If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center.

51. Human Remains (*Ongoing throughout demolition, grading, and/or construction*). In the event that human skeletal remains are uncovered at the project site during ground-disturbing activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.

52. **Paleontological Resources (*Ongoing throughout demolition, grading, and/or construction*).** In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995,1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.

53. **Halt Work/Unanticipated Discovery of Tribal Cultural Resources.** In the event that cultural resources of Native American origin are identified during construction, all work within 50 feet of the discovery shall be redirected. The project applicant and project construction contractor shall notify the City Planning Department within 24 hours. The City will again contact any tribes who have requested consultation under AB 52, as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.

54. **Stormwater Requirements.** The applicant shall demonstrate compliance with the requirements of the City's National Pollution Discharge Elimination System (NPDES) permit as described in BMC Section 17.20. The following conditions apply:

    A. The project plans shall identify and show site-specific Best Management Practices (BMPs) appropriate to activities conducted on-site to limit to the maximum extent practicable the discharge of pollutants to the City's storm drainage system, regardless of season or weather conditions.

    B. Trash enclosures and/or recycling area(s) shall be covered; no other area shall drain onto this area. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. Applicant shall contact the City of Berkeley and EBMUD for specific connection and discharge requirements. Discharges to the sanitary sewer are subject to the review, approval and conditions of the City of Berkeley and EBMUD.

    C. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration and minimize the use of fertilizers and pesticides that contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat runoff. When and where possible, xeriscape and drought tolerant plants shall be incorporated into new development plans.

D. Design, location and maintenance requirements and schedules for any stormwater quality treatment structural controls shall be submitted to the Department of Public Works for review with respect to reasonable adequacy of the controls. The review does not relieve the property owner of the responsibility for complying with BMC Chapter 17.20 and future revisions to the City's overall stormwater quality ordinances. This review shall be shall be conducted prior to the issuance of a Building Permit.

E. All paved outdoor storage areas must be designed to reduce/limit the potential for runoff to contact pollutants.

F. All on-site storm drain inlets/catch basins must be cleaned at least once a year immediately prior to the rainy season. The property owner shall be responsible for all costs associated with proper operation and maintenance of all storm drainage facilities (pipelines, inlets, catch basins, outlets, etc.) associated with the project, unless the City accepts such facilities by Council action. Additional cleaning may be required by City of Berkeley Public Works Engineering Dept.

G. All private or public projects that create and/or replace 10,000 square feet or more of impervious surface must comply with Provision C.3 of the Alameda County NPDES permit and must incorporate stormwater controls to enhance water quality. Permit submittals shall include a Stormwater Requirement Checklist and detailed information showing how the proposed project will meet Provision C.3 stormwater requirements, including a) Site design measures to reduce impervious surfaces, promote infiltration, and reduce water quality impacts; b) Source Control Measures to keep pollutants out of stormwater runoff; c) Stormwater treatment measures that are hydraulically sized to remove pollutants from stormwater; d) an O & M (Operations and Maintenance) agreement for all stormwater treatment devices and installations; and e) Engineering calculations for all stormwater devices (both mechanical and biological). (Project required to meet applicable code at time of building permit application, if different from above.)

H. All on-site storm drain inlets must be labeled “No Dumping – Drains to Bay” or equivalent using methods approved by the City.

I. Most washing and/or steam cleaning must be done at an appropriately equipped facility that drains to the sanitary sewer. Any outdoor washing or pressure washing must be managed in such a way that there is no discharge or soaps or other pollutants to the storm drain. Sanitary connections are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.

J. All loading areas must be designated to minimize “run-on” or runoff from the area. Accumulated waste water that may contribute to the pollution of stormwater must be drained to the sanitary sewer or intercepted and pretreated prior to discharge to the storm drain system. The property owner shall ensure that BMPs are implemented to prevent potential stormwater pollution. These BMPs shall include, but are not limited to, a regular program of sweeping, litter control and spill cleanup.

K. Restaurants, where deemed appropriate, must be designed with a contained area for cleaning mats, equipment and containers. This contained wash area shall be covered or designed to prevent run-on or run-off from the area. The area shall not discharge to the storm drains; wash waters should drain to the sanitary sewer, or collected for ultimate disposal to the sanitary sewer. Employees shall be instructed and signs posted indicating that all washing activities shall be conducted in this area. Sanitary connections are subject to the review, approval and conditions of the waste water treatment plant receiving the discharge.

L. Sidewalks and parking lots shall be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry to the storm drain system. If any cleaning agent or degreaser is used, wash water shall not discharge to the storm drains; wash waters should be collected and discharged to the sanitary sewer. Discharges to the sanitary sewer are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.

M. The applicant is responsible for ensuring that all contractors and sub-contractors are aware of and implement all stormwater quality control measures. Failure to comply with the approved construction BMPs shall result in the issuance of correction notices, citations, or a project stop work order.

55. **Public Works.** Subject to approval of the Public Works Department, the applicant shall repair any damage to public streets and/or sidewalks by construction vehicles traveling to or from the project site.

56. **Public Works.** All piles of debris, soil, sand, or other loose materials shall be covered at night and during rainy weather with plastic at least one-eighth millimeter thick and secured to the ground.

57. **Public Works.** The applicant shall ensure that all excavation accounts for surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.

58. **Public Works.** The project sponsor shall maintain sandbags or other devices around the site perimeter during the rainy season to prevent on-site soils from being washed off-site and into the storm drain system. The project sponsor shall comply with all City ordinances regarding construction and grading.

59. **Public Works.** Prior to any excavation, grading, clearing, or other activities involving soil disturbance during the rainy season the applicant shall obtain approval of an erosion prevention plan by the Building and Safety Division and the Public Works Department. The applicant shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.

60. **Public Works.** The removal or obstruction of any fire hydrant shall require the submission of a plan to the City's Public Works Department for the relocation of the fire hydrant during construction.

61. **Public Works / Building and Safety.** If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department and the Building & Safety Division, and carry out any necessary corrective action to their satisfaction.

Prior to Final Inspection or Issuance of Occupancy Permit:

62. **Compliance with Conditions.** The project shall conform to the plans and statements in the Use Permit. The developer is responsible for providing sufficient evidence to demonstrate compliance with the requirements throughout the implementation of this Use Permit.

63. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated received **January 24, 2025**.

64. **Streets and Open Space Improvement Plan.** Impact Fee: As required by BMC Section 23.204.130(F), the project shall pay an impact fee to implement the Streets and Open Space Improvement Plan (SOSIP) per the fee schedule adopted by the Council by resolution. The City shall deposit this payment into the Downtown Streets and Open Space Improvement Fund (SOSIF), or its equivalent, to pay for the design and construction of the SOSIP Major Projects. The fee shall apply to the project's "Gross Floor Area" as defined in BMC Section 23.106.030, less any existing Gross Floor Area removed as part of the project.

    At the City's discretion, the City Manager or her designee may reduce the required SOSIP Impact Fee, on a $1 to $1 ratio, as a credit for constructing all or a portion of a Major SOSIP Improvement Project beyond the frontage improvements already required by this Permit. The first half of this fee shall be paid prior to issuance of a building permit, and the second half shall be paid prior to issuance of a certificate of occupancy.

65. **Transportation Demand Management.** Prior to issuance of a Certificate of Occupancy, the property owner shall facilitate a site inspection by Land Use Division staff to confirm that the physical improvements required in BMC Section 23.322.060 have been installed. A Parking and Transportation Demand Management (PTDM) compliance report documenting that the programmatic measures required in BMC Section 23.322.060 are implemented shall be submitted to the Land Use Division prior to occupancy, and on an annual basis thereafter, which demonstrates that the project is compliant with the applicable requirements in this section:

    A. New construction that results in an off-street total of more than 25 publicly available parking spaces shall install dynamic signage to Transportation Division specifications, including real-time garage occupancy signs at the entries and exits to the parking facility with vehicle detection capabilities and enabled for future connection to the regional 511 Travel Information System; or equivalent, as determined by the Land Use Division in consultation with the Transportation Division. The information panels shall be shown in the construction drawings and shall be installed prior to occupancy.

B. For any new building with residential units or structures converted to a residential use, required parking spaces shall be leased or sold separate from the rental or purchase of dwelling units for the life of the dwelling units. The property owner shall notify all residents of this restriction in leases and/or contracts, and shall provide sample leases and/or contracts including such notification to the project planner prior to issuance of Certificate of Occupancy or final inspection.

C. For new structures or additions over 20,000 square feet, the property owner shall provide transportation benefits at no cost to every employee, residential unit, and/or group living accommodation resident, one pass for unlimited local bus transit service; or (subject to the review and approval of the Zoning Officer in consultation with the Transportation Division) a functionally equivalent transit benefit in an amount at least equal to the price of a non-discounted adult monthly local bus pass. A notice describing these transportation benefits shall be posted in a location or locations visible to all employee and residents.

D. For residential structures constructed or converted from a non-residential use that provide off-street parking, vehicle sharing spaces shall be provided in the amounts shown in BMC Table 23.322-6, to be offered to vehicle sharing service providers at no cost, for as long as providers request the spaces, and otherwise consistent with BMC Section 23.322.060(D).

66. Car Sharing Spaces. At least **4 car share spaces** shall be provided within the parking garage for the life of the building. In addition, these car share spaces are subject to the following requirements:

A. At least 90 days prior to issuance of a certificate of occupancy, the property owner shall do one of the following if necessary to ensure that car share spaces are provided at this site: 1) purchase 2 cars for the use of a vehicle sharing service provider, or VSSP (e.g., City CarShare or Zipcar), or 2) provide a monthly subsidy to offset the costs to a VSSP to provide for the management of the cars at this site.

B. Prior to issuance of a certificate of occupancy, the property owner shall provide one of the following: 1) a signed agreement with a VSSP to manage shared vehicles at the site, or 2) a plan to provide on-site management. If the vehicle sharing spaces are managed by a VSSP, these spaces shall be accessible to all VSSP members in the same manner and during the same hours as other vehicles offered by the VSSP.

67. Green Building Certification. The applicant shall submit updated documentation demonstrating that the building will attain LEED Gold or higher, or attain a building performance equivalent to this rating that has been approved by the Zoning Officer for this project. Documentation expected at this stage includes proof of submission of the final application materials and payment of the certification fee. If this submission has not yet occurred, a detailed explanation and timeline indicating when it will it happen must be submitted to the Zoning Officer for review and approval. Once awarded by the organization administering the green building certification system, the applicant shall forward a copy of the certification award to the Zoning Officer.

At All Times:

68. **Compliance with Approved Plan.** The project shall conform to the plans and statements in the Use Permit.
69. **Exterior Lighting.** All exterior lighting shall be energy efficient where feasible; and shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
70. **Rooftop Projections.** No additional rooftop or elevator equipment shall be added to exceed the approved maximum roof height without submission of an application for a Use Permit Modification, subject to Board review and approval.
71. **Design Review.** Signage and any other exterior modifications, including but not limited to landscaping and lighting, shall be subject to Design Review approval.
72. **Drainage Patterns.** The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way. Drainage plans shall be submitted for approval of the Building & Safety Division and Public Works Department, if required.
73. **Electrical Meter.** Only one electrical meter fixture may be installed per dwelling unit.
74. **Loading.** All loading/unloading activities associated with deliveries to all uses shall be restricted to the hours of 7:00 a.m. to 10:00 p.m. daily.
75. **Public Parking.** Consistent with BMC 23.322, the public shall be notified of the availability of publicly available parking spaces via dynamic signage including, but not limited to, real-time garage occupancy signs at the entries and exits to the parking facility with vehicle detection capabilities and enabled for future connection to the regional 511 Travel Information System or equivalent, as determined by the Zoning Officer in consultation with the Transportation Division Manager.
76. **Residential Permit Parking.** No Residential Permit Parking (RPP) permits shall be issued to project residents, nor shall commercial placards be issued to non-residential occupants and/or users of the site. The Finance Department, Customer Service Center shall add these addresses to the list of addresses ineligible for RPP permits. The property owner shall notify all tenants of rental units, and/or buyers of condominium units, of this restriction in leases and/or contracts.
77. **Parking to be Leased or Sold Separately.** All residential parking spaces shall be leased or sold separate from the rental or purchase of dwelling units.
78. **Required Bike Parking.** Secure and on-site bike parking for at least 237 bicycles shall be provided for the life of the building.
79. **Residential Electric Vehicle (EV) Charging.** Required Level 2 charging stations and low power Level 2 EV charging receptacles, as specified by the Berkeley Green Code (BMC Chapter 19.37) shall be maintained in good working condition and made available for building resident use. (Project required to meet applicable code at time of building permit application, if different from above.)

80. **Nonresidential Electric Vehicle (EV) Charging.** Required Level 2 charging stations and DC Fast Charge stations, as specified by the Berkeley Green Code (BMC Chapter 19.37) shall be maintained in *good working condition and made available for building occupant and/or visitor* use. (Project required to **meet applicable code at time of building permit application, if different from above.)**

81. **Tenant Notification.** The developer shall provide tenant notification, via a lease rider or deed covenant, that each dwelling unit is located in a mixed-use area that includes commercial, food service, and entertainment uses, and that each occupant shall not seek to impede their lawful operation.

82. **Increased Height Allowance – Application Process.** A project shall secure a position as one of the five allowed buildings over 75 feet in height, one of the two allowed buildings over 75 feet in height in the Outer Core and Core Sub-Areas combined, following final Use Permit approval.

   A. The applicant shall submit an application for a building permit no later than 180 days after this Use Permit is approved;
   B. Shall respond to all plan check comments no later than 30 days after they are issued; and
   C. Shall pay all building permit-related fees promptly when due, and shall commence construction no later than 180 days after being notified of approval of the first building permit. Any extension of any deadline in this condition shall be subject to approval by the Zoning Officer, except that no deadline for payment of any fees may be extended.

83. **Guaranteed Ride Home.** If qualifying for participation in the Alameda County Guaranteed Ride Home program (or successor program), shall participate in the "Guarantee Ride Home" program to reduce employee single occupant vehicle trips by providing alternate means of leaving work in an emergency. Enrollment shall be encouraged by providing Guarantee Ride Home information to all employees. An affidavit/statement indicating number of participating employees shall be provided annually to the Transportation Division Manager

84. **Transit Subsidy Condition.** If 10 or more employees, the business operator shall reimburse employees the maximum non-taxable cost of commuting to and from work on public transportation (e.g., monthly passes) if they so commute, and a notice informing employees of the availability of such subsidy shall be permanently displayed in the employee area as per BMC Chapter 9.88.

ALCOHOLIC BEVERAGE SERVICE CONDITIONS: INCIDENTAL TO A FOOD SERVICE ESTABLISHMENT (on-site)

85. **Licensing.**

   A. The food service establishment shall comply with all applicable regulations of the California Department of Alcoholic Beverage Control.
   B. An operator of the licensed establishment may not have a prior licensed establishment that was the subject of verified complaints or violations regarding alcohol, public safety, or nuisance statutes or regulations before issuance or transfer of a business license at

this location. This must be confirmed by the Zoning Officer prior to issuance of a business license or transfer at this location.

C. To ensure that total number of alcohol licenses within the census tract will not change, the applicant/property owner shall assume ownership of the existing restaurant/bar license (for 1974 Shattuck Avenue), or if the current license owner surrenders the existing license and the applicant/property owner for the new restaurant/bar shall apply for a new license.

86. Service.

A. Alcoholic beverage service shall be incidental to the primary food service use. Per BMC 23.502.020(U) Defined Terms, an incidental use shall not exceed 25 percent of the floor area of the primary use, and if it consists of the commercial sales of a different line of products or services than the primary use, such incidental use may not generate gross receipts in excess of 33 percent of the gross receipts generated by the primary use.

B. Alcoholic beverage service incidental to seated food service shall only be allowed at a bona fide eating place making actual and substantial sales of meals as determined and required by the California Department of Alcoholic Beverage Control.

C. The sale of alcoholic beverages for off-site consumption is not permitted, except as authorized by the California Department of Alcoholic Beverage Control.

D. Hours of operation are subject to review and amendment by the review authority as necessary to avoid detriment to the neighborhood or to achieve conformance with revised City of Berkeley standards or policies.

87. Operation.

A. The food service establishment must operate at least five days a week.

B. The service of alcoholic beverages shall be limited to normal meal hours (per California Department of Alcoholic Beverage Control) during the food service establishment's hours of operation, and full food service must be available in all customer areas.

C. During the food service establishment's hours of operation, all customer accessible areas shall be available for meal service and the food service establishment must possess the necessary utensils, and condiment dispensers with which to serve meals to the public.

D. The owner or operator of the establishment shall take reasonable measures to prevent disturbances by patrons in the immediate vicinity. Such measures shall include:

i. Signs reminding patrons of nearby residences and requests not to congregate or loiter near such residences nor operate vehicles in a noisy manner on residential streets; and

ii. Surveillance to public areas near the establishment, keeping public areas free of trash and litter, providing lighting, and otherwise preventing conduct that might disturb the peace and quiet of residences in the vicinity.

E. The operator shall assume reasonable responsibility for ensuring that patrons do not block the entrance or interfere with pedestrian activity on the adjacent public sidewalk.

F. The applicant shall establish cash handling procedures to reduce the likelihood of robberies and theft.

G. Employees shall not serve alcohol to patrons who appear to be inebriated or otherwise unable to behave in an orderly manner upon consuming alcohol.

88. Advertising. The establishment shall comply with BMC Chapter 20.67, Alcohol Product Advertising.

89. Training.

A. The operator shall finish a Crime Prevention through Environmental Design (CPTED) survey before beginning alcohol service.

B. All employees selling and/or serving beer and wine, or directly supervising such sales and/or service, shall comply with Municipal Code Section 9.84.030 (Responsible Beverage Service Training) and finish the Licensee Education on Alcohol and Drugs (LEAD) program, or another equivalent program offered or certified by the California Department of Alcoholic Beverage Control within 90 days of employment at the establishment. Employees who have finished the course within the last 12 months are exempt from this requirement.

90. The Use Permit Conditions of Approval shall be posted in conspicuous location, available for viewing by any interested party.



STACKHOUSE
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LICENSED ARCHITECT
DAVID TRACHTENBERG
C20926
4/30/20 25
RENEWAL DATE
STATE OF CALIFORNIA

1950-1998 (1974) SHATTUCK

Berkeley, CA

12.12.2022 SB-330 SUBMITTAL
03.01.2023 ZONING SUBMITTAL
07.18.2023 ZONING RESUBMITTAL
11.15.2024 ZONING RESUBMITTAL
03.12.2024 ZONING RESUBMITTAL
01.16.2025 PRELIM DRC HEARING SET
02.27.2025 ZAB HEARING SET

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JOB: 2209

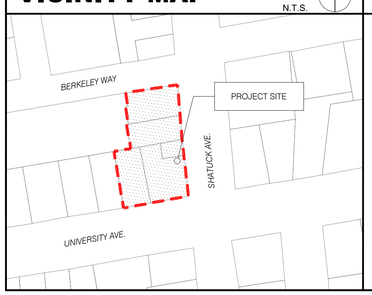
SHEET:

GENERAL INFORMATION

A0.0

VICINITY MAP

N
N.T.S.



PROJECT DIRECTORY

OWNER/APPLICANT:
1974 Shattuck Ave, LLC
1958A University Ave
Berkeley, CA 94705

ARCHITECT:
Isaiah Stackhouse, Principal
TRACHTENBERG ARCHITECTS
2421 Fourth Street
Berkeley, CA 94710
510.649.1414
www.TrachtenbergArch.com

PROJECT DESCRIPTION

PROJECT ADDRESS: 1950-1998 Shattuck Ave. & 2071 University Ave. Berkeley, CA 94704
APNS:
057 205300100
057 205300200
057 205300301
057 205300302
057 205300402

SCOPE OF WORK:
REMOVAL OF EXISTING COMMERCIAL STRUCTURES & CONSTRUCTION OF A NEW 28-STORY MIXED-USE HOUSING DEVELOPMENT WITH 599 DWELLING UNITS AND A ROOFTOP RESTAURANT OVER GROUND-LEVEL COMMERCIAL AND LOBBIES, WITH STATE OF CALIFORNIA DENSITY BONUS.

DRAWING LIST

A0.0	GENERAL INFORMATION	A2.1	FLOOR PLANS	A3.9	PRELIMINARY RENDERING	L3.1	USABLE OPEN SPACE CALCS & PLANTING NOTES
A0.1	ZONING INFORMATION	A2.2	FLOOR PLANS	A3.10	PRELIMINARY RENDERING	I0.0	IRRIGATION NOTES & LEGEND
A0.2A	DENSITY BONUS DIAGRAMS	A2.3	FLOOR PLANS	A3.11	PRELIMINARY RENDERING	I1.0	IRRIGATION PLAN AT STREETSCAPE
A0.2B	DENSITY BONUS DIAGRAMS	A2.4	FLOOR PLANS	A3.12	PRELIMINARY RENDERING	I2.0	IRRIGATION PLAN SECOND FLOOR PODIUM GARDENS
A0.2C	PRELIMINARY AHCP DIAGRAMS	A2.5	FLOOR PLANS	A3.13	PRELIMINARY RENDERING	I3.0	IRRIGATION PLAN FOURTEENTH FLOOR ROOF DECK
A0.3	DPRELIMINARY AHCP DIAGRAMS	A2.6	FLOOR PLANS	A3.14	PRELIMINARY RENDERING	I3.1	IRRIGATION POINT OF CONNECTION
A0.4A	SHADOW STUDIES DECEMBER 21ST	A2.7	ROOF PLAN	A3.15	PRELIMINARY RENDERING	I4.0	IRRIGATION DETAILS
A0.4B	SHADOW STUDIES JUNE 21ST	A3.1	ELEVATIONS	A3.16	PRELIMINARY RENDERING	I5.0	IRRIGATION DETAILS
A0.4C	SHADOW STUDIES FEB 15TH	A3.2	ELEVATIONS	A3.17	PRELIMINARY RENDERING	I6.0	IRRIGATION DETAILS
A0.5	SITE CONTEXT PHOTOS	A3.3	STREET STRIP ELEVATIONS	A4.1	BUILDING SECTIONS	I7.0	IRRIGATION DETAILS
A0.6A	SURVEY	A3.4	PHOTO CONTEXT VIEWS	A4.2	AWNING ENCROACHMENT DIAGRAM		
A0.6B	SURVEY	A3.5	PHOTO CONTEXT VIEWS	A5.0	CONCEPTUAL GRADING PLAN		
A0.6C	SURVEY	A3.6	PHOTO CONTEXT VIEWS	L0.0	COVER SHEET, NOTES, AND LEGEND		
A1.0	EXISTING SITE PLAN	A3.7	PRELIMINARY RENDERING	L1.0	LANDSCAPE PLAN AT STREETSCAPE		
A2.0a	FLOOR PLANS	A3.8	PRELIMINARY RENDERING	L2.0	SECOND FLOOR PODIUM GARDENS		
A2.0b	FLOOR PLANS			L3.0	FOURTEENTH FLOOR ROOF DECK		

ZONING CODE DATA

ZONING SUMMARY TABLE

	BASE ZONING ALLOWABLE / REQUIRED	ALLOWABLE W/ UP OR AUP MODIFICATION	PROPOSED W/DENSITY BONUS	ZONING COMPLIANCE
ZONING	C-DMU Core			COMPLIES
TOTAL LOT SIZE (SQ. FT.)	28,319			COMPLIES
TOTAL LOT SIZE (ACRES)	0.65			COMPLIES
FLOOR AREA RATIO (FAR)	NA	NA	14.52	COMPLIES W/ SDB WAIVER
DWELLING UNITS (SEE TABLE)	NA	NA	599	COMPLIES
RESIDENTIAL BEDROOMS	NA	NA	709	COMPLIES
HEIGHT - FEET	60'-0"	120'	317'	COMPLIES W/ SDB WAIVER
HEIGHT - STORIES*	NA	NA	28	COMPLIES W/ SDB WAIVER
LOT COVERAGE	NA	NA	88%	COMPLIES
SETBACK - FRONT (UNIVERSITY) (SEE TABLE)	0'-15'	0'	SEE TABLE	COMPLIES W/ SDB WAIVER
SETBACK - STREET SIDE (SHATTUCK) (SEE TABLE)	0'-15'	0'	SEE TABLE	COMPLIES W/ SDB WAIVER
SETBACK - INTERIOR SIDE (SEE TABLE)	0'-15'	0'	SEE TABLE	COMPLIES W/ SDB WAIVER
SETBACK - REAR (SEE TABLE)	0'-15'	0'	SEE TABLE	COMPLIES W/ SDB WAIVER
SETBACK - MAX. DIMENSION ABOVE 120'	120'	NOT LIMITED	239'-10"	COMPLIES W/ SDB WAIVER
RESIDENTIAL PARKING (SEE TABLE)	0	0	130	COMPLIES
COMMERCIAL PARKING (SEE TABLE)	24	24	24	COMPLIES
RES. BIKE PARKING LONG TERM (SEE TABLE)	237	237	240	COMPLIES
RES. BIKE PARKING SHORT TERM (SEE TABLE)	18	18	18	COMPLIES
COM. BIKE PARKING SHORT TERM (SEE TABLE)	9	9	10	COMPLIES
RESIDENTIAL OPEN SPACE (SEE TABLE)	47,920	47,920	12,491	COMPLIES W/ SDB WAIVER
COMMERCIAL OPEN SPACE (SEE TABLE)	323	323	706	COMPLIES

* Community Benefit Required per BMC Section 23.204.130.E.2.c.

PARKING CALCULATIONS

	QNTY	CARS	PER	REQ'D	PROVIDED
RESIDENTIAL	599	0.5 MAX	1	0	130
COMMERCIAL	16,142	1.5	1,000	24	24
TOTAL					**154**

BICYCLE PARKING CALCULATIONS

	QNTY	BIKES	PER	REQ'D	PROVIDED
RESIDENTIAL (LONG TERM) (PER BEDROOM)	709	1	3	237	256
RESIDENTIAL (SHORT TERM) (PER BEDROOM)	709	1	40	18	18
COMMERCIAL (SHORT TERM) (PER SF)	16,142	1.0	2,000	9	10

ROOFTOP ARCHITECTURAL ELEMENTS CALCS

	ALLOWABLE	PROPOSED
AVERAGE AREA OF FLOORS		14,058
AREA OF ROOFTOP ARCHITECTURAL ELEMENTS	2,109	1,464
% AREA OF ROOFTOP ARCHITECTURAL FEATURES	15.0%	10.4%

OPEN SPACE CALCULATIONS

	UNITS	SF / UNIT	TOTAL REQ'D	MODIFICATION	TOTAL PROVIDED	COMMON	LANDSCAPE REQ'D (40%)	LANDSCAPE PROVIDED
RESIDENTIAL UNITS	599	80	47,920	35,429	12,491	12,491	4,996	6,735
COMMERCIAL OPEN SPACE	16,142	50	323	(383)	706			

AREA TABLE

	RESIDENTIAL	COMMERICAL	TOTAL
LEVEL 28		7,800	7,800
LEVEL 27	11,980		11,980
LEVEL 26	11,980		11,980
LEVEL 25	11,980		11,980
LEVEL 24	11,980		11,980
LEVEL 23	11,980		11,980
LEVEL 22	11,980		11,980
LEVEL 21	11,980		11,980
LEVEL 20	11,980		11,980
LEVEL 19	11,980		11,980
LEVEL 18	11,980		11,980
LEVEL 17	11,980		11,980
LEVEL 16	11,980		11,980
LEVEL 15	11,980		11,980
LEVEL 14	11,980		11,980
LEVEL 13	17,862		17,862
LEVEL 12	17,862		17,862
LEVEL 11	17,862		17,862
LEVEL 10	17,862		17,862
LEVEL 9	17,862		17,862
LEVEL 8	17,862		17,862
LEVEL 7	17,862		17,862
LEVEL 6	17,862		17,862
LEVEL 5	17,862		17,862
LEVEL 4	17,862		17,862
LEVEL 3	17,862		17,862
LEVEL 2	17,677		17,677
GROUND LEVEL	12,461	8,342	20,803
BASEMENT PARKING P1	424		424
BASEMENT PARKING P2	424		424
TOTAL	**395,188**	**16,142**	**411,330**

DWELLING UNIT TABLE

	STUDIO	2-BR	TOTAL
LEVEL 28			0
LEVEL 27	15	4	19
LEVEL 26	15	4	19
LEVEL 25	15	4	19
LEVEL 24	15	4	19
LEVEL 23	15	4	19
LEVEL 22	15	4	19
LEVEL 21	15	4	19
LEVEL 20	15	4	19
LEVEL 19	15	4	19
LEVEL 18	15	4	19
LEVEL 17	15	4	19
LEVEL 16	15	4	19
LEVEL 15	15	4	19
LEVEL 14	8	3	11
LEVEL 13	26	5	31
LEVEL 12	26	5	31
LEVEL 11	26	5	31
LEVEL 10	26	5	31
LEVEL 9	26	5	31
LEVEL 8	26	5	31
LEVEL 7	26	5	31
LEVEL 6	26	5	31
LEVEL 5	26	5	31
LEVEL 4	26	5	31
LEVEL 3	26	5	31
LEVEL 2			0
GROUND LEVEL			
TOTAL UNITS	**489**	**110**	**599**
BEDROOMS / UNIT	1	2	
TOTAL BEDROOMS	489	220	709

OPEN SPACE

6,882
5,609
-
12,491

SETBACKS TABLE

	BASE ZONING ALLOWABLE / REQUIRED	ALLOWABLE W/ UP OR AUP MODIFICATION	PROPOSED W/DENSITY BONUS	ZONING COMPLIANCE
SETBACK - FRONT (UNIVERSITY)				
0'-20'	0'	0'	2'	COMPLIES
21'-75'	0'	0'	3'-4" to 4'-4"	COMPLIES
76'-120'	15'	0'	3'-4" to 4'-4"	COMPLIES W/ SDB WAIVER
> 120'	15'	0'	3'-4" to 15'-6"	COMPLIES W/ SDB WAIVER
SETBACK - STREET SIDE (SHATTUCK)				
0'-20'	0'	0'	5'-3" to 14'-5"	COMPLIES
21'-75'	0'	0'	6'-10" to 29'-8"	COMPLIES
76'-120'	15'	0'	6'-10" to 29'-8"	COMPLIES W/ SDB WAIVER
> 120'	15'	0'	6'-10" to 60'-1"	COMPLIES W/ SDB WAIVER
SETBACK - INTERIOR SIDE (<65' FROM FRONT)				
0'-20'	0'	0'	1'-6"	COMPLIES
21'-75'	0'	0'	15'	COMPLIES
76'-120'	5'	0'	15'	COMPLIES
> 120'	15'	0'	15' to 26'-6"	COMPLIES W/ SDB WAIVER
SETBACK - INTERIOR SIDE (>65' FROM FRONT)				
0'-20'	0'	0'	6" to 1'-6"	COMPLIES
21'-75'	5'	0'	17'-1" to 18'-1"	COMPLIES
76'-120'	15'	0'	17'-1" to 18'-1"	COMPLIES W/ SDB WAIVER
> 120'	15'	0'	17'-1" to 18'-1"	COMPLIES W/ SDB WAIVER
SETBACK - REAR (BERKELEY WAY)				
0'-20'	0'	0'	2'	COMPLIES
21'-75'	5'	0'	6'	COMPLIES
76'-120'	15'	0'	6'	COMPLIES W/ SDB WAIVER
> 120'	15'	0'	94'-7"	COMPLIES W/ SDB WAIVER
SETBACK - MAX. DIMENSION ABOVE 120'	120'	NOT LIMITED	165'	COMPLIES W/ SDB WAIVER

CAR SHARE CALCULATION

Number of Parking Spaces Provided
154
Minimum Number of Vehicle Sharing Spaces (3, plus one for every additional 60 spaces)
3+1 = **4**

STATE DENSITY BONUS TABLE (SEE A0.2A-B)

(SEE SHEETS A0.3A-A03.D)	
BASE PROJECT UNITS	411
PERCENT VLI UNITS PROVIDED	14%
NUMBER VLI UNITS PROVIDED (ROUNDS UP)	58
BONUS PERCENTAGE	46.25%
NUMBER BONUS UNITS (ROUNDS UP)	191
MAXIMUM DENSITY BONUS PROJECT	602
PROPOSED DENSITY BONUS PROJECT	599

LIST OF USE PERMITS AND AUP'S

PROPOSED DENSITY BONUS PROJECT USE PERMITS:

- Use Permit for construction for demolition of a non-residential building, under 23.326.070(A)
- Use Permit under BMC Section 23.326.070(A) to demolish a non-residential building
- Use Permit under BMC Section 23.204.020(A) to construct a new mixed-use development
- Use Permit under BMC Section 23.204.030(B)(1) to create new floor area of 10,000 square feet or more
- Use Permit under BMC Section 23.204.020(A) to construct dwelling units
- Administrative Use Permit under BMC Section 23.304.050(A) to exceed building height limits with rooftop architectural elements which exceed the maximum height limit for the district.
- Use Permit under BMC Section 23.204.130.E.2 to construct a building that exceeds the district height limit, and that is over 75 feet but not more than 120 feet (Base Project).
- Use Permit under BMC Section 23.204.130.E.3(b) to modify front, side, and rear setback requirements
- Use Permit under BMC Section 23.204.130.E.3(b) to exceed 120 feet in width in diagonal measurement
- Use Permit under BMC Section 23.204.E.6 to pay a fee in lieu of providing privately owned public open space.
- Density Bonus with the following requested reductions, waivers and concessions below.

LIST OF DENSITY BONUS WAIVERS (SEE A0.2A-B)

- Waiver to increase the maximum building height from the base project maximum density height allowed with UP's and AUP's under the zoning ordinance of 120' (under BMC 23.204.130.E.2) to a density bonus height of 316' to accommodate the density bonus units.
- Waiver to allow a reduction in the required setbacks under BMC Section 23.204.130.E.3(b) to physically accomodate the density bonus units.
- Waiver to reduce the minimum required residential usable open space under BMC 23.204.130.E.4 to allow the construction of the density bonus units.

LIST OF DENSITY BONUS CONCESSIONS (SEE A0.2A-B)

- Athough the project is eligible for 2 concessions as a project that is providing 14% of the base units as Very-Low-Income Units, the project is not proposing any concessions.

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1950-1998 (1974) SHATTUCK

Berkeley, CA

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SHEET:

ZONING INFORMATION

A0.1

BASE PROJECT ZONING COMPLIANCE TABLE

	BASE ZONING ALLOWABLE / REQUIRED	ALLOWABLE W/ UP OR AUP MODIFICATION	CODE SECTION	PROPOSED BASE PROJECT	ZONING COMPLIANCE
ZONING	C-DMU Core				COMPLIES
TOTAL LOT SIZE (SQ. FT.)	28,319				COMPLIES
TOTAL LOT SIZE (ACRES)	0.65				COMPLIES
FLOOR AREA RATIO (FAR)	NA	NA		NA	COMPLIES
DWELLING UNITS (SEE TABLE)	NA	NA		411	COMPLIES
RESIDENTIAL BEDROOMS	NA	NA		446	COMPLIES
HEIGHT - FEET	60'-0"	120'-0"	23.204.130.E.2	120'-0"	COMPLIES
HEIGHT - STORIES	NA	NA		11	COMPLIES
LOT COVERAGE	NA	NA		0%	COMPLIES
SETBACK - FRONT (UNIVERSITY)	0' to 15'	0'	23.204.130.E.3(b)	0'	COMPLIES
SETBACK - STREET SIDE (SHATTUCK)	0' to 15'	0'	23.204.130.E.3(b)	0'	COMPLIES
SETBACK - INTERIOR SIDE	0' to 15'	0'	23.204.130.E.3(b)	0' to 6'	COMPLIES
SETBACK - REAR (BERKELEY WAY)	0' to 15'	0'	23.204.130.E.3(b)	0'	COMPLIES
SETBACK - MAX. DIMENSION ABOVE 120'	NA	NA			COMPLIES
RESIDENTIAL PARKING (SEE TABLE)	0	0		0	COMPLIES
COMMERCIAL PARKING (SEE TABLE)	25	0		0	COMPLIES
RES. BIKE PARKING LONG TERM (SEE TABLE)	149	149		152	COMPLIES
RES. BIKE PARKING SHORT TERM (SEE TABLE)	12	12		12	COMPLIES
COM. BIKE PARKING SHORT TERM (SEE TABLE)	9	9		9	COMPLIES
RESIDENTIAL OPEN SPACE (SEE TABLE)	32,880	32,880		33,950	COMPLIES
COMMERCIAL OPEN SPACE (SEE TABLE)	338	338		338	COMPLIES

LIST OF BASE PROJECT USE PERMITS AND AUP'S

Per August 2, 2021 Memorandum on Policy Changes to Objective Standards, HAA and Density Bonus

- Use Permit for construction for demolition of a non-residential building, under 23.326.070(A)
- Use Permit under BMC Section 23.326.070(A) to demolish a non-residential building
- Use Permit under BMC Section 23.204.020(A) to construct a new mixed-use development
- Use Permit under BMC Section 23.204.030(B)(1) to create new floor area of 10,000 square feet or more
- Use Permit under BMC Section 23.204.020(A) to construct dwelling units
- Administrative Use Permit under BMC Section 23.304.050(A) to exceed building height limits w/ rooftop architectura elements.
- Use Permit under BMC Section 23.204.130.E.2 to construct a building up to 120 feet.
- Use Permit under BMC Section 23.204.130.E.3(b) to modify front, side, and rear setback requirements

PARKING CALCULATIONS

	QNTY	CARS	PER	REQ'D	PROVIDED
RESIDENTIAL	411	0	1	0	0
COMMERCIAL	16920	1.5	1,000	25	25

BICYCLE PARKING CALCULATIONS

	QNTY	BIKES	PER	REQ'D	PROVIDED
RESIDENTIAL (LONG TERM) (BEDROOMS)	446	1	3	149	152
RESIDENTIAL (SHORT TERM) (BEDROOMS)	446	1	40	12	12
COMMERCIAL (SHORT TERM)	16,920	1.0	2,000	9	9

OPEN SPACE CALCULATIONS

	UNITS	SF / UNIT	TOTAL REQ'D
RESIDENTIAL REQUIREMENT	411	80	32,880
TOTAL PROVIDED			33,950
ROOF DECK			25,630
BALCONIES (MAX 50%)	104	80	8,320
COMMERCIAL OPEN SPACE	16,920	50	338

ROOFTOP ARCHITECTURAL ELEMENTS CALCULATIONS

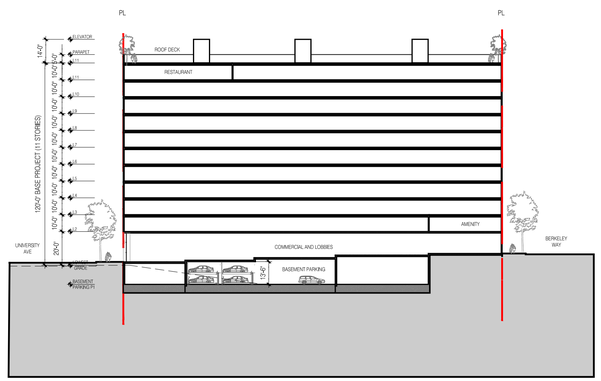
	ALLOWABLE	PROPOSED
AVERAGE AREA OF FLOORS	23,968	
AREA OF ROOFTOP ARCHITECTURAL ELEMENTS	3,595	600
% AREA OF ROOFTOP ARCHITECTURAL FEATURES	15.0%	2.5%

AREA TABLE

	RESIDENTIAL	COMMERICAL	TOTAL
LEVEL 11	18,430	7,800	26,230
LEVEL 10	26,230		26,230
LEVEL 9	26,230		26,230
LEVEL 8	26,230		26,230
LEVEL 7	26,230		26,230
LEVEL 6	26,230		26,230
LEVEL 5	26,230		26,230
LEVEL 4	26,230		26,230
LEVEL 3	26,230		26,230
LEVEL 2	26,230		26,230
GROUND LEVEL	15,922	9,120	25,042
BASEMENT P1	275		275
TOTAL	**270,697**	**16,920**	**287,617**

DWELLING UNIT TABLE

	STUDIO	2-BR	TOTAL
LEVEL 11	28	2	30
LEVEL 10	41	4	45
LEVEL 9	41	4	45
LEVEL 8	41	4	45
LEVEL 7	41	4	45
LEVEL 6	41	4	45
LEVEL 5	41	4	45
LEVEL 4	41	4	45
LEVEL 3	41	4	45
LEVEL 2	20	1	21
GROUND LEVEL			
TOTAL UNITS	**376**	**35**	**411**
BEDROOMS / UNIT	1	2	
TOTAL BEDROOMS	376	70	446



BASE PROJECT SECTION



BASE PROJECT PLANS

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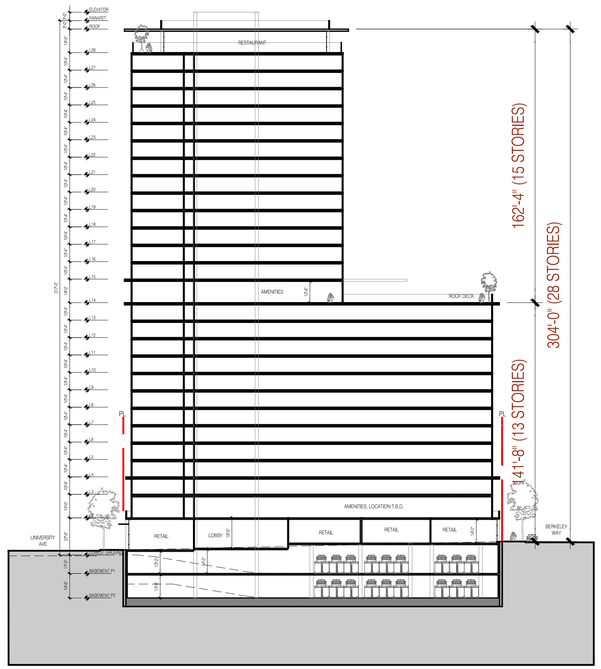
DENSITY BONUS
BASE PROJECT

A0.2A

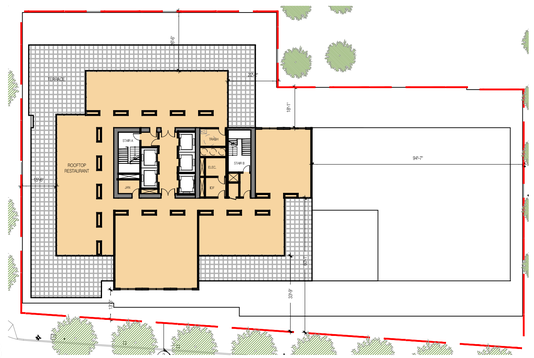
DENSITY BONUS TABLE

Base Project	Base	Base # Units	% VLI units	# VLI Units*	Bonus %	# DB Units	Maximum DB Project
sq. ft. - see calculation below	base project area / proposed avg. unit size	Base Units (rounds up)	VLI = Very Low Income <50 AMI	% VLI x Base # Units (rounds up)		%Bonus x Base # Units (rounds up)	Base + Bonus # Units
270,697	410.30	411	14%	58	46.25%	191	602

Base Project				Proposed Density Bonus Project		
Res GFA	Comm. GFA	Units	Floor	Res GFA	Comm. GFA	Units
			Level 28		7,800	
			Level 27	11,980		19
			Level 26	11,980		19
			Level 25	11,980		19
			Level 24	11,980		19
			Level 23	11,980		19
			Level 22	11,980		19
			Level 21	11,980		19
			Level 20	11,980		19
			Level 19	11,980		19
			Level 18	11,980		19
			Level 17	11,980		19
			Level 16	11,980		19
			Level 15	11,980		19
			Level 14	11,980		11
			Level 13	17,862		31
			Level 12	17,862		31
18,430	7,800	30	Level 11	17,862		31
26,230		45	Level 10	17,862		31
26,230		45	Level 9	17,862		31
26,230		45	Level 8	17,862		31
26,230		45	Level 7	17,862		31
26,230		45	Level 6	17,862		31
26,230		45	Level 5	17,862		31
26,230		45	Level 4	17,862		31
26,230		45	Level 3	17,862		31
26,230		21	Level 2	17,677		
15,922	8,342		Level 1	12,461	8,342	
275			Basement P1	424		
			Basement P2	424		
270,697	**16,142**	**411**	**Total**	**395,188**	**16,142**	**599**
659			**Avg. Unit Size**	**660**		



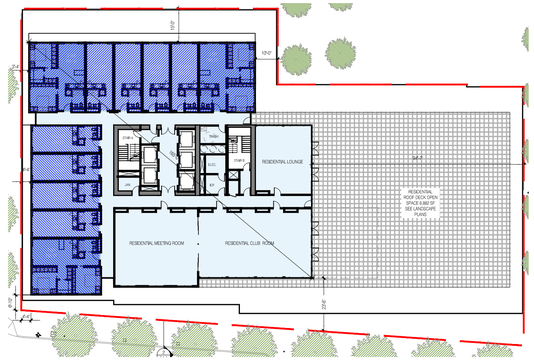
PROPOSED PROJECT SECTION



PLAN AT LEVEL 28



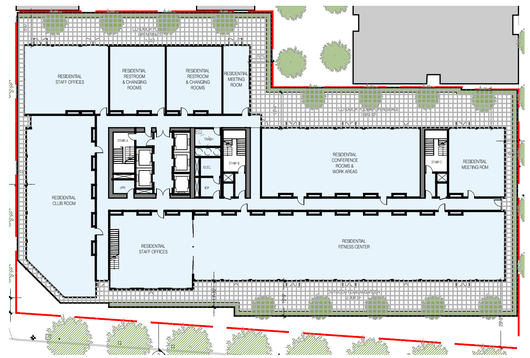
PLAN AT LEVELS 15-27



PLAN AT LEVEL 14



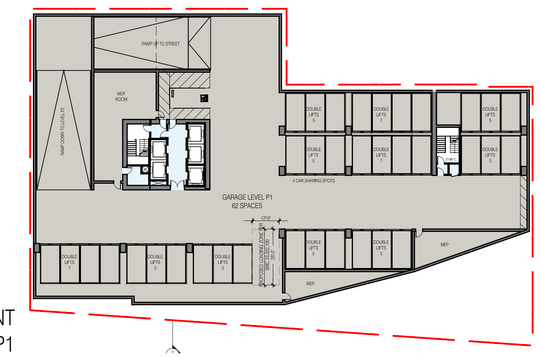
PLAN AT LEVELS 3-13



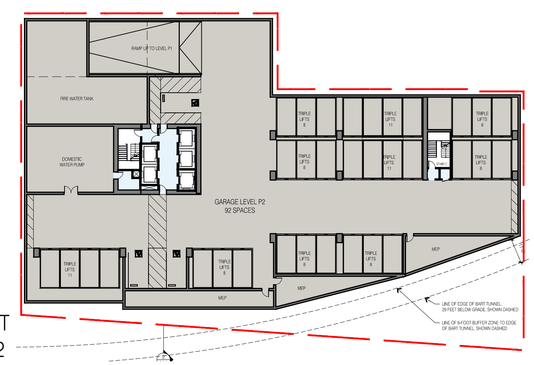
PLAN AT LEVEL 2



PLAN AT GROUND LEVEL



PLAN AT BASEMENT PARKING LEVEL P1



PLAN AT BASEMENT PARKING LEVEL P2

PROPOSED PROJECT PLANS

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DENSITY BONUS PROPOSED PROJECT

A0.2B

WINTER SOLSTICE
DEC 21ST:
2-HRS BEFORE SUNSET (PM)

DARK TONE GREY INDICATES SHADOWS FROM EXISTING BUILDINGS

LIGHTER TONE GREY INDICATES SHADOWS FROM PROPOSED BUILDING

NEW SHADOW AT RESIDENTIAL BUILDING

ALL RESIDENTIAL BUILDINGS BEING SHADOWED SHOWN IN THESE DIAGRAMS



6 SHADOW STUDY AXONOMETRIC - PM
N.T.S.



5 SHADOW STUDY - PM
1:240 @ 11X17 1:120 @ 24X36

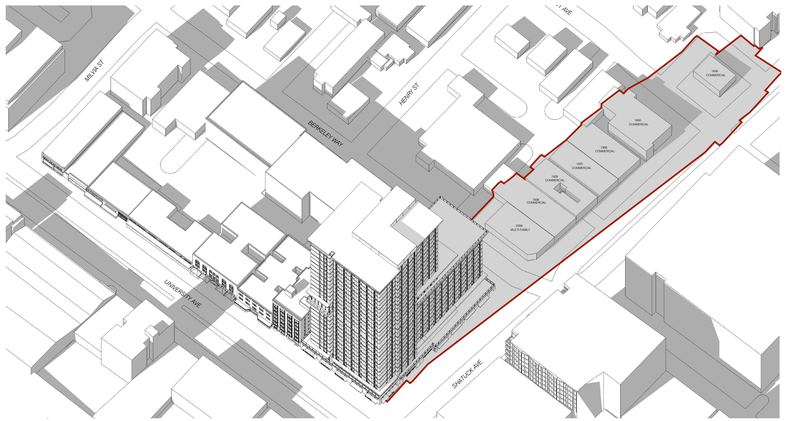
WINTER SOLSTICE
DEC 21ST:
NOON

DARK TONE GREY INDICATES SHADOWS FROM EXISTING BUILDINGS

LIGHTER TONE GREY INDICATES SHADOWS FROM PROPOSED BUILDING

NEW SHADOW AT RESIDENTIAL BUILDING

ALL RESIDENTIAL BUILDINGS BEING SHADOWED SHOWN IN THESE DIAGRAMS



4 SHADOW STUDY AXONOMETRIC - NOON
NT.S.



3 SHADOW STUDY - NOON
1:240 @ 11X17 1:120 @ 24X36

WINTER SOLSTICE
DEC 21ST:
2-HRS AFTER SUNRISE (AM)

DARK TONE GREY INDICATES SHADOWS FROM EXISTING BUILDINGS

LIGHTER TONE GREY INDICATES SHADOWS FROM PROPOSED BUILDING

NEW SHADOW AT RESIDENTIAL BUILDING

ALL RESIDENTIAL BUILDINGS BEING SHADOWED SHOWN IN THESE DIAGRAMS



2 SHADOW STUDY AXONOMETRIC - AM
N.T.S.



1 SHADOW STUDY - AM
1:240 @ 11X17 1:120 @ 24X36

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SHADOW STUDIES
DECEMBER 21ST

A0.4A

SUMMER SOLSTICE
JUN 21ST:
2-HRS BEFORE SUNSET (PM)

DARK TONE GREY INDICATES SHADOWS FROM EXISTING BUILDINGS

LIGHTER TONE GREY INDICATES SHADOWS FROM PROPOSED BUILDING

NEW SHADOW AT RESIDENTIAL BUILDING

ALL RESIDENTIAL BUILDINGS BEING SHADOWED SHOWN IN THESE DIAGRAMS



6 SHADOW STUDY AXONOMETRIC - PM
N.T.S.



CURRENT
FEBRUARY 15TH:
2-HRS BEFORE SUNSET (PM)

DARK TONE GREY INDICATES SHADOWS FROM EXISTING BUILDINGS

LIGHTER TONE GREY INDICATES SHADOWS FROM PROPOSED BUILDING

NEW SHADOW AT RESIDENTIAL BUILDING

ALL RESIDENTIAL BUILDINGS BEING SHADOWED SHOWN IN THESE DIAGRAMS



6 SHADOW STUDY AXONOMETRIC - PM
N.T.S.



5 SHADOW STUDY - PM
1:240 @ 11X17 1:120 @ 24X36

N

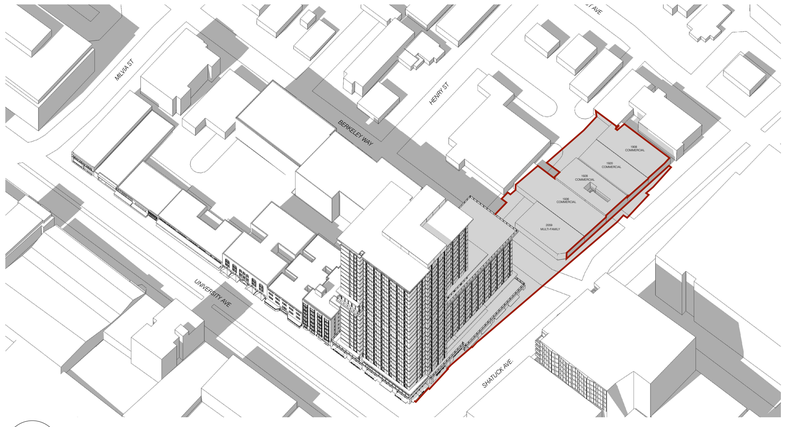
CURRENT
FEBRUARY 15TH:
NOON

DARK TONE GREY INDICATES SHADOWS FROM EXISTING BUILDINGS

LIGHTER TONE GREY INDICATES SHADOWS FROM PROPOSED BUILDING

NEW SHADOW AT RESIDENTIAL BUILDING

ALL RESIDENTIAL BUILDINGS BEING SHADOWED SHOWN IN THESE DIAGRAMS



4 SHADOW STUDY AXONOMETRIC - NOON
NT.S.



3 SHADOW STUDY - NOON
1:240 @ 11X17 1:120 @ 24X36

N

CURRENT
FEBRUARY 15TH:
2-HRS AFTER SUNRISE (AM)

DARK TONE GREY INDICATES SHADOWS FROM EXISTING BUILDINGS

LIGHTER TONE GREY INDICATES SHADOWS FROM PROPOSED BUILDING

NEW SHADOW AT RESIDENTIAL BUILDING

ALL RESIDENTIAL BUILDINGS BEING SHADOWED SHOWN IN THESE DIAGRAMS



2 SHADOW STUDY AXONOMETRIC - AM
N.T.S.



1 SHADOW STUDY - AM
1:240 @ 11X17 1:120 @ 24X36

N

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C20926
4/30/20 25
RENEWAL DATE
STATE OF CALIFORNIA

1950-1998 (1974) SHATTUCK

Berkeley, CA

12.12.2022 SB-330 SUBMITTAL
03.01.2023 ZONING SUBMITTAL
07.18.2023 ZONING RESUBMITTAL
11.15.2024 ZONING RESUBMITTAL
03.12.2024 ZONING RESUBMITTAL
01.16.2025 PRELIM DRC HEARING SET
02.27.2025 ZAB HEARING SET

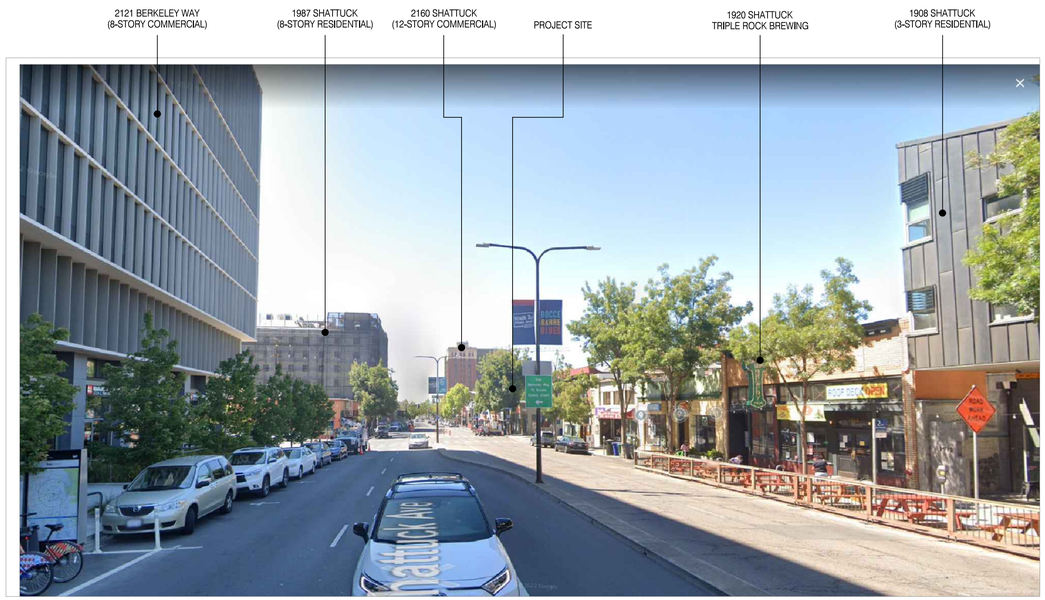
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JOB: 2209

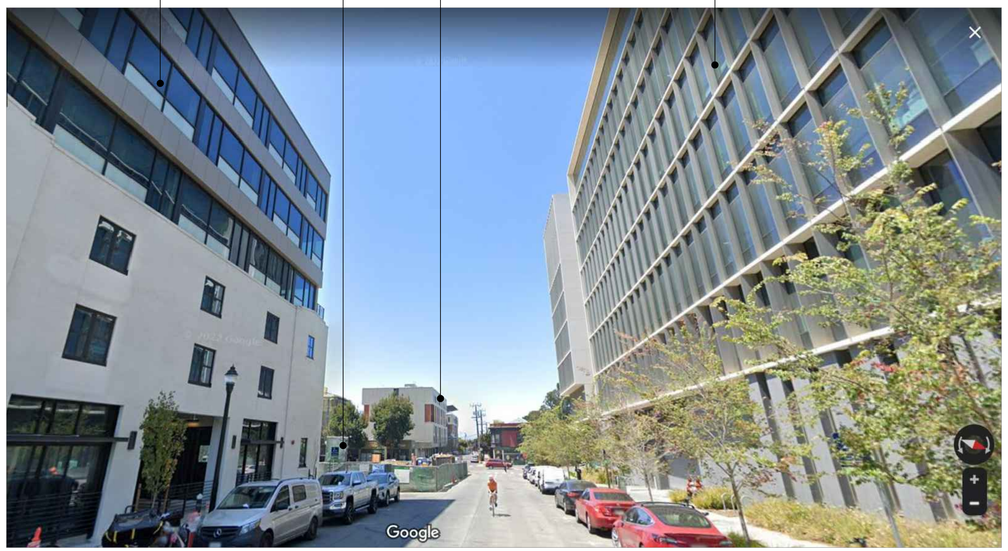
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SHADOW STUDIES
FEB 15TH

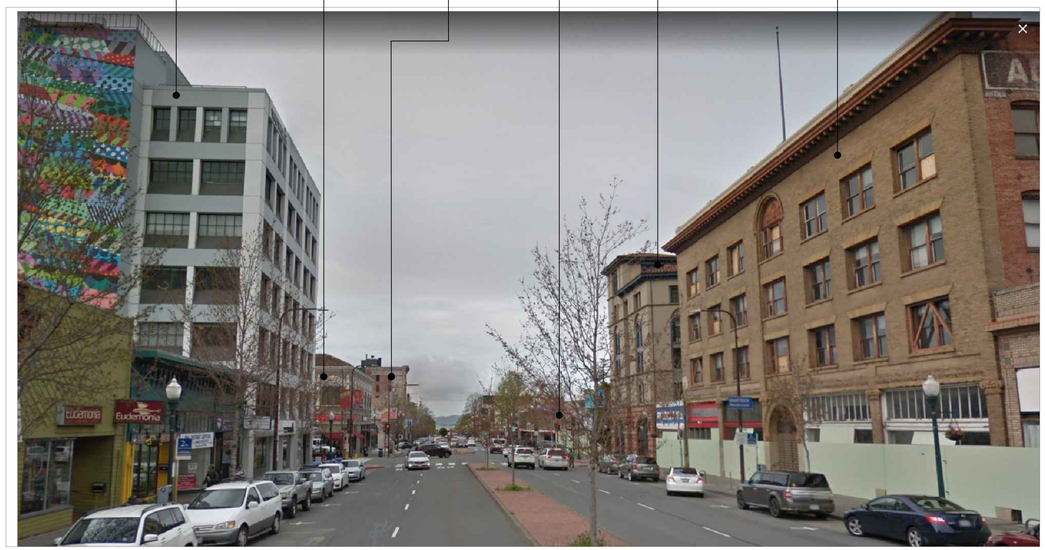
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4 - VIEW FROM SHATTUCK LOOKING SOUTH



2 - VIEW FROM BERKELEY WAY LOOKING WEST



3 - VIEW FROM UNIVERSITY LOOKING WEST



1 - GOOGLE EARTH BIRD'S EYE CONTEXT VIEW

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JOB: 2209

SHEET:

SITE CONTEXT PHOTOS

A0.5

TITLE REPORT (1950 SHATTUCK)

THE TITLE REPORT USED IN THIS SURVEY WAS ISSUED BY OLD REPUBLIC TITLE COMPANY, PRELIMINARY REPORT ORDER NO. 1117026106-JM, FOURTH UPDATED REPORT, EFFECTIVE DATE NOVEMBER 21, 2024 AT 7:30 A.M., REFERRED TO HEREON AS THE "PTR"

TITLE TO SAID ESTATE IS VESTED IN: (1950 SHATTUCK)

JILLIAR, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

THE ESTATE OR INTEREST IN THE LAND IS: (1950 SHATTUCK)

FEE

LEGAL DESCRIPTION (1950 SHATTUCK)

THE LAND REFERRED TO IN THIS REPORT IS SITUATED IN THE COUNTY OF ALAMEDA, CITY OF BERKELEY, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

ALL THAT REAL PROPERTY SITUATED IN THE CITY OF BERKELEY, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, BEING THOSE PORTIONS OF LOTS 55, 56, AND 57 AS SHOWN ON THAT CERTAIN MAP ENTITLED 'MAP OF THE COLLEGE TRACT', FILED JANUARY 31, 1890 IN BOOK 9 OF MAPS, AT PAGE 46, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, STATE OF CALIFORNIA AND A PORTION OF SHATTUCK AVENUE AS SHOWN ON SAID MAP, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EASTERLY PROLONGATION OF THE SOUTHERLY LINE OF BERKELEY WAY AS SHOWN ON SAID MAP WITH THE WESTERLY LINE OF SHATTUCK AVENUE AS ESTABLISHED BY ORDINANCE NO. 387 ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERKELEY ON JANUARY 18, 1892; THENCE ALONG SAID WESTERLY LINE, SOUTH 04°02'40" EAST, 60.06 FEET; THENCE PARALLEL WITH THE SOUTHERLY LINE OF SAID BERKELEY WAY, SOUTH 81°54'40" WEST, 112.52 FEET TO THE EASTERLY LINE OF THE LAND DESCRIBED IN THE DEED EXECUTED BY F. D. CHASE AND ATLANTA J. CHASE, HIS WIFE, TO JACOB BAUML, DATED JULY 28, 1922, AND RECORDED IN LIBER 324 OF OFFICIAL RECORDS, AT PAGE 73, OFFICIAL RECORDS OF ALAMEDA COUNTY; THENCE ALONG LAST SAID LINE, NORTH 08°05'20" WEST, 34.91 FEET TO THE SOUTHERLY LINE OF SAID LOT 55; THENCE ALONG LAST SAID LINE, NORTH 81°54'40" EAST, 1.00 FOOT; THENCE PARALLEL WITH THE WESTERLY LINE OF SAID LOT 55, NORTH 08°05'20" WEST, 25.00 FEET TO THE SOUTHERLY LINE OF SAID BERKELEY WAY; THENCE ALONG LAST SAID LINE AND ITS EASTERLY PROLONGATION, NORTH 81°54'40" EAST, 115.76 FEET TO THE POINT OF BEGINNING.

APN: 57-2053-1

EXCEPTIONS TO TITLE (1950 SHATTUCK)

1. THE HEREIN DESCRIBED PROPERTY LYING WITHIN THE PROPOSED BOUNDARIES OF A COMMUNITY FACILITIES DISTRICT, AS FOLLOWS:, DISTRICT NO 2014-1, FOR CLEAN ENERGY, DISCLOSED BY : ASSESSMENT MAP BOOK 18 PAGE 65, RECORDED AUGUST 24, 2015 IN OFFICIAL RECORDS UNDER RECORDER'S SERIAL NUMBER 2015235594 (PTR2 EXC. 3 – NOT PLOTTABLE).
2. AN EASEMENT AFFECTING THAT PORTION OF SAID LAND AND FOR THE PURPOSES STATED HEREIN AND INCIDENTAL PURPOSES AS PROVIDED IN THE FOLLOWING INSTRUMENT DEED, GRANTED TO SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT, FOR RAPID TRANSIT TUNNEL FACILITIES, RECORDED MAY 16, 1966 IN BOOK 1768 OF OFFICIAL RECORDS, PAGE 944 UNDER RECORDER'S SERIAL NUMBER AY61475, AFFECTS A PORTION (PTR1 EXC. 5 – PLOTTED).

TITLE REPORT (1974 SHATTUCK)

THE TITLE REPORT USED IN THIS SURVEY WAS ISSUED BY OLD REPUBLIC TITLE COMPANY, PRELIMINARY REPORT ORDER NO. 1117026135-JM, FOURTH UPDATED REPORT, EFFECTIVE DATE NOVEMBER 21, 2024 AT 7:30 A.M., REFERRED TO HEREON AS THE "PTR2"

TITLE TO SAID ESTATE IS VESTED IN: (1974 SHATTUCK)

1974 SHATTUCK AVENUE, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

THE ESTATE OR INTEREST IN THE LAND IS: (1974 SHATTUCK)

FEE

LEGAL DESCRIPTION (1974 SHATTUCK)

THE LAND REFERRED TO IN THIS REPORT IS SITUATED IN THE COUNTY OF ALAMEDA, CITY OF BERKELEY, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

ALL THAT REAL PROPERTY SITUATED IN THE CITY OF BERKELEY, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, BEING THOSE PORTIONS OF LOTS 57 AND 58 AS SHOWN ON THAT CERTAIN MAP ENTITLED 'MAP OF THE COLLEGE TRACT', FILED JANUARY 31, 1890 IN BOOK 9 OF MAPS, AT PAGE 46, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, STATE OF CALIFORNIA AND A PORTION OF SHATTUCK AVENUE AS SHOWN ON SAID MAP, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EASTERLY PROLONGATION OF THE SOUTHERLY LINE OF BERKELEY WAY AS SHOWN ON SAID MAP WITH THE WESTERLY LINE OF SHATTUCK AVENUE AS ESTABLISHED BY ORDINANCE NO. 387 ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERKELEY ON JANUARY 18, 1892; THENCE ALONG SAID WESTERLY LINE, SOUTH 04°02'40" EAST, 60.06 FEET TO THE POINT OF BEGINNING AND CONTINUING SOUTH 04°02'40" EAST, 50.23 FEET TO THE SOUTHERLY LINE OF SAID LOT 58; THENCE ALONG LAST SAID LINE, SOUTH 81°55'09" WEST, 108.98 TO THE WESTERLY LINE OF SAID LOT 58; THENCE ALONG LAST SAID LINE AND THE WESTERLY LINE OF SAID LOT 57, NORTH 08°05'20" WEST, 50.09 FEET TO A LINE THAT IS DRAWN PARALLEL WITH THE SOUTHERLY LINE OF SAID BERKELEY WAY FROM THE POINT OF BEGINNING; THENCE ALONG LAST SAID LINE, NORTH 81°54'40" EAST, 112.52 FEET TO THE POINT OF BEGINNING.

APN: 57-2053-2

EXCEPTIONS TO TITLE (1974 SHATTUCK)

1. THE HEREIN DESCRIBED PROPERTY LYING WITHIN THE PROPOSED BOUNDARIES OF A COMMUNITY FACILITIES DISTRICT, DISTRICT NO 2014-1, FOR CLEAN ENERGY, DISCLOSED BY ASSESSMETN MAP BOOK 18 PAGE 65, RECORDED AUGUST 24, 2015 IN OFFICIAL RECORDS UNDER RECORDER'S SERIAL NUMBER 2015235594 (PTR2 EXC. 3 – NOT PLOTTABLE).
2. AN EASEMENT AFFECTING THAT PORTION OF SAID LAND AND FOR THE PURPOSES STATED HEREIN AND INCIDENTAL PURPOSES AS PROVIDED IN THE FOLLOWING, GRANTED TO BAY AREA RAPID TRANSIT DISTRICT, A RAPID TRANSIT DISTRICT, FOR UNDERGROUND RAPID TRANSIT TUNNEL FACILITIES, RECORDED SEPTEMBER 23, 1966 IN BOOK 1846 OF OFFICIAL RECORDS, PAGE 53 UNDER RECORDER'S SERIAL NUMBER AY-11134 (PTR2 EXC. 5 – PLOTTED)

TITLE REPORT (1984 & 1998 SHATTUCK)

THE TITLE REPORT USED IN THIS SURVEY WAS ISSUED BY OLD REPUBLIC TITLE COMPANY, PRELIMINARY REPORT ORDER NO. 1117025433-JM, 1ST UPDATE, EFFECTIVE DATE OCTOBER 12, 2022 AT 7:30 A.M., REFERRED TO HEREON AS THE "PTR3"

TITLE TO SAID ESTATE IS VESTED IN: (1984 & 1998 SHATTUCK)

FIFTH KEIL CO., A CALIFORNIA CORPORATION

THE ESTATE OR INTEREST IN THE LAND IS: (1984 & 1998 SHATTUCK)

FEE

LEGAL DESCRIPTION (1984 & 1998 SHATTUCK)

THE LAND REFERRED TO IN THIS REPORT IS SITUATED IN THE COUNTY OF ALAMEDA, CITY OF BERKELEY, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE NORTHERN LINE OF UNIVERSITY AVENUE WITH THE WESTERN LINE OF SHATTUCK AVENUE AS SAID AVENUES NOW EXISTS; THENCE WESTERLY ALONG THE NORTHERN LINE OF UNIVERSITY AVENUE 79.02 FEET; THENCE AT RIGHT ANGLES NORTHERLY 114.68 FEET, MORE OR LESS, TO THE SOUTHERN LINE OF THE LAND NOW OR FORMERLY OF JOHN H. BOHLIG AND LOTTA BOHLIG; THENCE EASTERLY AND ALONG SAID LINE 87.07 FEET TO THE WESTERN LINE OF SHATTUCK AVENUE; THENCE SOUTHERLY ALONG SAID LINE OF SHATTUCK AVENUE 114.97 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

APN'S: 057-2053-003-01 AND 057-2053-003-02

EXCEPTIONS TO TITLE (1984 & 1998 SHATTUCK)

1. THE HEREIN DESCRIBED PROPERTY LYING WITHIN THE PROPOSED BOUNDARIES OF A COMMUNITY FACILITIES DISTRICT, AS FOLLOWS, DISTRICT NO PBD-2016, FOR BERKELEY DOWNTOWN PBD-2016, DISCLOSED BY NOTICE OF ASSESSMENT, RECORDED JUNE 30, 2016 IN OFFICIAL RECORDS UNDER RECORDER'S SERIAL NUMBER 2016164799 (PTR3 EXC. 5 – NOT PLOTTABLE).
2. THE HEREIN DESCRIBED PROPERTY LYING WITHIN THE PROPOSED BOUNDARIES OF A COMMUNITY FACILITIES DISTRICT, AS FOLLOWS, DISTRICT NO 2014-1, FOR CLEAN ENERGY, DISCLOSED BY ASSESSMENT MAP BOOK 18 PAGE 65, RECORDED AUGUST 24, 2015 IN OFFICIAL RECORDS UNDER RECORDER'S SERIAL NUMBER 2015235594 (PTR3 EXC. 3 – NOT PLOTTABLE).
3. AN EASEMENT AFFECTING THAT PORTION OF SAID LAND AND FOR THE PURPOSES STATED HEREIN AND INCIDENTAL PURPOSES AS PROVIDED IN THE FOLLOWING INSTRUMENT DEED, GRANTED TO SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT, FOR RAPID TRANSIT TUNNEL FACILITIES, DATED APRIL 6, 1967, RECORDED MAY 10, 1967 IN REEL 1961 OF OFFICIAL RECORDS, IMAGE 330 UNDER RECORDER'S SERIAL NUMBER AZ 43339, AFFECTS A PORTION OF THE PREMISES, THE PRESENT OWNERSHIP OF SAID EASEMENT AND OTHER MATTERS AFFECTING THE INTERESTS THERETO, IF ANY, ARE NOT SHOWN HEREIN (PTR3 EXC. 7 – PLOTTED).
4. A NOTICE AS FOLLOWS, ENTITLED NOTICE OF ASSESSMENT – DOWNTOWN BERKELEY PBID, BY CITY OF BERKELEY, DATED AUGUST 25, 2011, RECORDED AUGUST 30, 2011 IN OFFICIAL RECORDS UNDER RECORDER'S SERIAL NUMBER 2011243358 (PTR3 EXC. 8 – NOT PLOTTABLE).

TITLE REPORT (2701 UNIVERSITY)

THE TITLE REPORT USED IN THIS SURVEY WAS ISSUED BY OLD REPUBLIC TITLE COMPANY, PRELIMINARY REPORT ORDER NO. 1117026137-JM, EFFECTIVE DATE OCTOBER 12, 2022 AT 7:30 A.M., REFERRED TO HEREON AS THE "PTR4"

TITLE TO SAID ESTATE IS VESTED IN: (2701 UNIVERSITY)

EDITH WIESER GLYNN, TRUSTEE OF THE EDITH WIESER GLYNN TRUST

THE ESTATE OR INTEREST IN THE LAND IS: (2701 UNIVERSITY)

FEE

LEGAL DESCRIPTION (2701 UNIVERSITY)

THE LAND REFERRED TO IN THIS REPORT IS SITUATED IN THE COUNTY OF ALAMEDA, CITY OF BERKELEY, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERN LINE OF BERKELEY WAY, AS SHOWN UPON THE MAP HEREINAFTER REFERRED TO, DISTANT THEREON ONE HUNDRED FIFTEEN AND 46/100 FEET WESTERLY FROM THE INTERSECTION THEREOF WITH THE WESTERN LINE OF SHATTUCK AVENUE AS ESTABLISHED BY BOARD OF TRUSTEES OF THE TOWN OF BERKELEY, JAN. 18, 1892, BY ORDINANCE NO. 387, SAID POINT BEING ONE FOOT EASTERLY ON SAID LINE OF BERKELEY WAY FROM THE LINE DIVIDING LOTS NUMBERED 54 AND 55 ACCORDING TO SAID MAP; RUNNING THENCE WESTERLY ALONG SAID LINE OF BERKELEY WAY THIRTY-NINE FEET TO THE LINE DIVIDING LOTS NUMBERED 55 AND 56 ACCORDING TO SAID MAP; THENCE AT RIGHT ANGLES SOUTHERLY ALONG SAID LINE ONE HUNDRED TEN FEET; THENCE AT RIGHT ANGLES EASTERLY THREE AND 73/100 FEET; THENCE AT RIGHT ANGLES SOUTHERLY ONE HUNDRED FOURTEEN AND 68/100 FEET TO THE NORTHERN LINE OF UNIVERSITY AVENUE; THENCE EASTERLY ALONG SAID LINE OF UNIVERSITY AVENUE FIFTY-FIVE AND 9/10 FEET; THENCEN AT RIGHT ANGLES NORTHERLY ONE HUNDRED FOURTEEN AND 68/100 FEET; THENCE AT RIGHT ANGLES WESTERLY TWENTY- ONE AND 83/100 FEET; THENCE AT RIGHT ANGLES NORTHERLY EIGHTY-FIVE FEET TO THE SOUTHWESTERN CORNER OF LOT NUMBERED 55, ACCORDING TO SAID MAP; THENCE AT RIGHT ANGLES EASTERLY ALONG THE SOUTHERN LINE OF SAID LOT ONE FOOT AND THENCE AT RIGHT ANGLES NORTHERLY THIRTY-FIVE FEET TO THE POINT OF BEGINNING.

BEING LOT NUMBERED 54, THE WESTERN ONE FOOT OF LOT NUMBERED 55, A PORTION OF LOT NUMBERED 6 AND A PARCEL ADJOINING SAID LOT NUMBER 6 ON THE EAST, AS ALL OF SAID LOTS ARE DELINEATED AND SO DESIGNATED UPON THAT CERTAIN MAP ENTITLED, "MAP OF COLLEGE TRACT, BERKELEY", FILED MAY 24,1877, IN LIBER 5 OF MAPS AT PAGE 14, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

EXCEPTING THEREFROM THAT PORTION DESCRIBED IN THE DEED TO THE CITY OF BERKELEY, RECORDED SEPTEMBER 29,1950, BOOK 7798, PAGE 23, AS INSTRUMENT NO. AK-105619, OFFICIAL RECORDS.

APN: 057-2053-004-02

EXCEPTIONS TO TITLE (2701 UNIVERSITY)

1. THE HEREIN DESCRIBED PROPERTY LYING WITHIN THE PROPOSED BOUNDARIES OF A COMMUNITY FACILITIES DISTRICT, AS FOLLOWS, DISTRICT NO 2014-1, FOR CLEAN ENERGY, DISCLOSED BY ASSESSMENT MAP BOOK 18 PAGE 65, RECORDED AUGUST 24, 2015 IN OFFICIAL RECORDS UNDER RECORDER'S SERIAL NUMBER 2015235594 (PTR4 EXC. 3 – NOT PLOTTABLE).
2. THE HEREIN DESCRIBED PROPERTY LYING WITHIN THE PROPOSED BOUNDARIES OF A COMMUNITY FACILITIES DISTRICT, AS FOLLOWS, DISTRICT NO CITY OF BERKELEY-DOWNTOWN PROPERTY AND BUSINESS IMPROVEMENT DISTRICT, FOR BERKELEY DOWNTOWN PBID-2016, DISCLOSED BY NOTICE OF ASSESSMENT, RECORDED JUNE 30, 2016 IN OFFICIAL RECORDS UNDER RECORDER'S SERIAL NUMBER 2016164799 (PTR4 EXC. 5 – NOT PLOTTABLE).
3. TERMS AND CONDITIONS CONTAINED IN THE EDITH WIESER GLYNN TRUST AS DISCLOSED BY GRANT DEED, RECORDED MAY 22, 1984 IN OFFICIAL RECORDS UNDER RECORDER'S SERIAL NUMBER 1984099372 (PTR4 EXC. 6 – NOT PLOTTABLE).
4. TERMS AND PROVISIONS AS CONTAINED IN AN INSTRUMENT ENTITLED NONDISTURBANCE AND ATTORNMENT AGREEMENT, EXECUTED BY EDITH GLYNN AND T.Y.P. RESTAURANT GROUP, INC., A DELAWARE CORPORATION DBA TENDER GREENS, RECORDED MARCH 22, 2016 IN OFFICIAL RECORDS UNDER RECORDER'S SERIAL NUMBER 2016083895 (PTR4 EXC. 7 – NOT PLOTTABLE).
5. TERMS AND PROVISIONS AS CONTAINED IN AN INSTRUMENT ENTITLED MINOR ENCROACHMENT PERMIT 17-63, EXECUTED BY EDITH W. GLYNN AND THE CITY OF BERKELEY, RECORDED MAY 24, 2017 IN OFFICIAL RECORDS UNDER RECORDER'S SERIAL NUMBER 2017113477 (PTR 4 EXC. 8 – NOT PLOTTABLE)

NOTES

1. DATE OF FIELD SURVEY: DECEMBER 5, 9 AND 21, 2022 AS TO THE BOUNDARY AND TOPOGRAPHIC SURVEY OF THE SUBJECT PROPERTY.
2. THE UTILITIES SHOWN HEREON ARE BY SURFACE OBSERVATION AND RECORD INFORMATION ONLY AND NO WARRANTY IS GIVEN HEREIN AS TO THEIR EXACT LOCATION. IT IS THE RESPONSIBILITY OF THE DEVELOPER AND/OR CONTRACTOR TO VERIFY THE EXACT LOCATION OF THE UTILITIES WITH THE APPROPRIATE UTILITY COMPANY OR AGENCY.
3. UTILITY JURISDICTIONS / PROVIDERS ARE AS FOLLOWS:
   STORM DRAINS: CITY OF BERKELEY
   SANITARY SEWER: CITY OF BERKELEY
   WATER: EAST BAY MUNICIPAL UTILITY DISTRICT (EBMUD)
   ELECTRICITY: PACIFIC GAS & ELECTRIC CO.
   NATURAL GAS: PACIFIC GAS & ELECTRIC CO.
   TELEPHONE: AT&T
4. THERE ARE NO CEMETERIES ON OR WITHIN 100 FEET OF THE SUBJECT PROPERTY
5. THE SURVEYED PROPERTIES ARE THE SAME PROPERTIES DESCRIBED IN THE TITLE REPORTS.
6. THE LEGAL DESCRIPTIONS AS SHOWN IN THE TITLE REPORTS MATHEMATICALLY CLOSE.
7. THERE IS NO OBSERVED EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL
8. THERE ARE NO WETLAND AREAS IN THE SUBJECT PROPERTIES

TABLE A NOTES

1. FOUND MONUMENTS ARE SHOWN ON THIS SHEET OF THE SURVEY.
2. THE STREET ADDRESS OF THE PROPERTY IS 1950, 1974, 1984, 1998 SHATTUCK AVENUE AND 2071 UNIVERSITY AVENUE, BERKELEY, CA 94704
3. FLOOD ZONE DESIGNATION: THE PREMISES ARE LOCATED IN ZONE "X" (NON-SHADED) DEFINED AS "AREAS OF MINIMAL FLOOD," PER FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 06001C0057G, EFFECTIVE DATE: AUGUST 3, 2009.
4. THE TOTAL GROSS LAND AREA IS:
   1950 SHATTUCK AVENUE: 6,635 SQUARE FEET +/- OR 0.152 ACRES MORE OR LESS.
   1974 SHATTUCK AVENUE: 5,264 SQUARE FEET +/- OR 0.121 ACRES MORE OR LESS.
   1984 & 1998 SHATTUCK AVENUE: 9,527 SQUARE FEET +/- OR 0.219 ACRES MORE OR LESS
   2071 UNIVERSITY AVENUE: 6,411 SQUARE FEET +/- OR 0.147 ACRES MORE OR LESS
5. (A/B) ZONING REQUIREMENTS: PER THE CITY OF BERKELEY PLANNING AND ZONING DEPARTMENT, THE PROPERTIES ARE ZONED "C-DMU OUTER CORE" DEFINED AS "DOWNTOWN MIXED-USE DISTRICT."

   REFERENCE FOR "C-DMU" ZONING IS MADE HERE TO THE CITY OF BERKELEY CODE, CHAPTER 23.204.130, REGARDING PROPERTY DEVELOPMENT STANDARDS, BUILDING HEIGHT LIMITATION, MINIMUM BUILDING SETBACK AND PARKING REQUIREMENTS ARE AS FOLLOWS:

   SETBACKS
   MINIMUM FRONT: 0 FEET
   MINIMUM SIDE: 0 FEET
   MINIMUM REAR: 0 FEET

   MAXIMUM HEIGHT: 60 FEET, 75 FEET WITH USE PERMIT

   MINIMUM PARKING REQUIREMENTS: NONE REQUIRED
7. (A/B1/C) EXTERIOR DIMENSIONS AND SQUARE FOOTAGE OF BUILDING AT GROUND LEVEL, AND NUMBER OF STORIES ARE SHOWN ON SHEET 3 OF THE SURVEY.
8. SUBSTANTIAL IMPROVEMENTS OBSERVED IN THE PROCESS OF CONDUCTING THE SURVEY ARE SHOWN ON SHEET 3.
9. THERE ARE NO PARKING SPACES LOCATED ON THE SUBJECT PROPERTIES.
10. THERE ARE NO DIVISIONS OR PARTY WALLS LOCATED ON THE SUBJECT PROPERTIES WITH RESPECT TO ADJOINING PROPERTIES.
11. (A) LOCATION OF UTILITIES EXISTING ON OR SERVING THE SURVEYED PROPERTIES AS DETERMINED BY OBSERVED EVIDENCE TOGETHER WITH EVIDENCE FROM PLAN OBTAINED FROM UTILITY COMPANIES OR PROVIDED BY CLIENT ARE SHOWN ON SHEET 3.
13. NAMES OF ADJOINING OWNERS OF PLATTED LANDS ARE SHOWN ON SHEET 2 OF THE SURVEY.
14. DISTANCE TO THE NEAREST INTERSECTING STREET IS SHOWN ON SHEET 2 OF THE SURVEY.
16. THERE IS NO OBSERVABLE EVIDENCE OF CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS.
17. THERE IS NO OBSERVED EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS.
18. THERE ARE NO OFFSITE EASEMENTS TO THE SUBJECT PROPERTIES.
19. PROFESSIONAL LIABILITY INSURANCE IN THE AMOUNT OF $2,000,000 IS HELD BY THE SURVEYOR.

BASIS OF BEARINGS

THE BASIS OF BEARINGS OF THIS SURVEY IS TAKEN BETWEEN THE TWO FOUND STREET MONUMENTS ALONG BERKELEY WAY BETWEEN MILVIA STREET AND HENRY STREET AS SHOWN ON PARCEL MAP NO. 11051, FILED MARCH 20, 2020 IN BOOK 346 OF PARCEL MAPS, AT PAGES 1 TO 11 INCLUSIVE, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, STATE OF CALIFORNIA. TAKEN AS NORTH 81°54'40" EAST.

REFERENCES

(R1) PARCEL MAP NO. 11051, FILED MARCH 20, 2020 IN BOOK 346 OF PARCEL MAPS, AT PAGES 1 TO 11 INCLUSIVE, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, STATE OF CALIFORNIA.

(R2) PARCEL MAP P.M. 10119, FILED SEPTEMBER 28, 2016 IN BOOK 334 OF PARCEL MAPS, AT PAGES 21 TO 22, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, STATE OF CALIFORNIA.

(R3) TRACT MAP T.M. 7888, FILED SEPTEMBER 03, 2009 IN BOOK 305 OF MAPS, AT PAGES 18 TO 20 INCLUSIVE, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, STATE OF CALIFORNIA.

(R4) UNRECORDED MAP, CITY OF BERKELEY CITY MONUMENT MAP, PLAN 1305, 3060-057.

(R5) "MAP OF THE COLLEGE TRACT, BERKELEY", FILED JANUARY 31, 1890 IN BOOK 9 OF MAPS, AT PAGES 46, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, STATE OF CALIFORNIA.

(R6) GRANT DEED, RECORDED APRIL 15, 1966 IN REEL 1749, IMAGE 918, OFFICIAL RECORDS OF ALAMEDA COUNTY, STATE OF CALIFORNIA.

(R7) JUDGMENT QUIETING TITLE, CASE NO. 24CV065234, FILED NOVEMBER 19, 2024 WITH SUPERIOR COURT OF CALIFORNIA FOR ALAMEDA COUNTY.

(R8) DOCUMENT ENTITLED "NONDISTURBANCE AND ATTORNMENT AGREEMENT", RECORDED MARCH 22, 2016 AS DOCUMENT NUMBER 2016-083895, OFFICIAL RECORDS OF ALAMEDA COUNTY, STATE OF CALIFORNIA.

SURVEYOR'S CERTIFICATE

TO JILLIAR, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY; 1974 SHATTUCK AVENUE, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY; FIFTH KEIL CO., A CALIFORNIA CORPORATION; EDITH WIESER GLYNN, TRUSTEE OF THE EDITH WIESER GLYNN TRUST; AND OLD REPUBLIC TITLE COMPANY:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6(A), 6(B), 7(A), 7(B1), 7(C), 8, 9, 10, 11(A), 13, 14, 16, 17, 18, AND 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON DECEMBER 5, 9 AND 21, 2022.

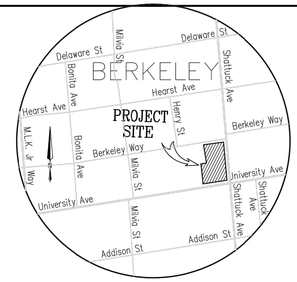
DATE DECEMBER 13, 2024

JACQUELINE LUK P.L.S. 8934
FOR LUK & ASSOCIATES, INC.

PROFESSIONAL LAND SURVEYOR — JACQUELINE LUK — No. 8934 — STATE OF CALIFORNIA

SHEET INDEX

1. NOTES
2. BOUNDARY SURVEY
3. TOPOGRAPHIC SURVEY



VICINITY MAP

NOT TO SCALE

ALTA/NSPS LAND TITLE SURVEY

OF

1950, 1974, 1984, 1998 SHATTUCK AVENUE
AND 2071 UNIVERSITY AVENUE
CITY OF BERKELEY, ALAMEDA COUNTY, CALIFORNIA
DECEMBER 2024

PREPARED BY

LUK AND ASSOCIATES
CIVIL ENGINEER – LAND PLANNERS – LAND SURVEYORS
738 ALFRED NOBEL DRIVE
HERCULES, CALIFORNIA 94547
(510) 724-3388

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JOB NO.: 22117A10 PLOT DATE: DECEMBER 13, 2024

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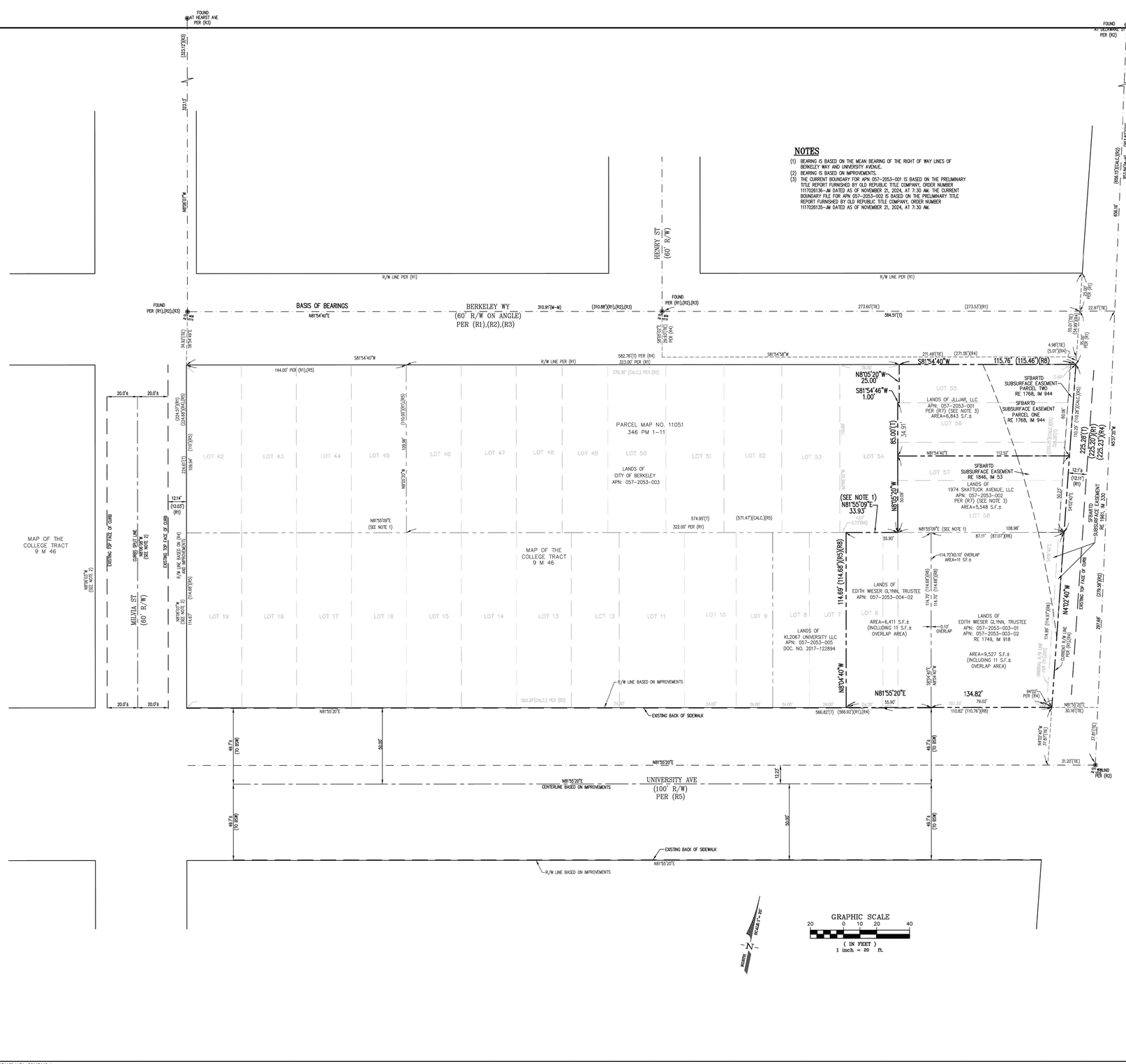
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SHEET:

SURVEY

A0.6a



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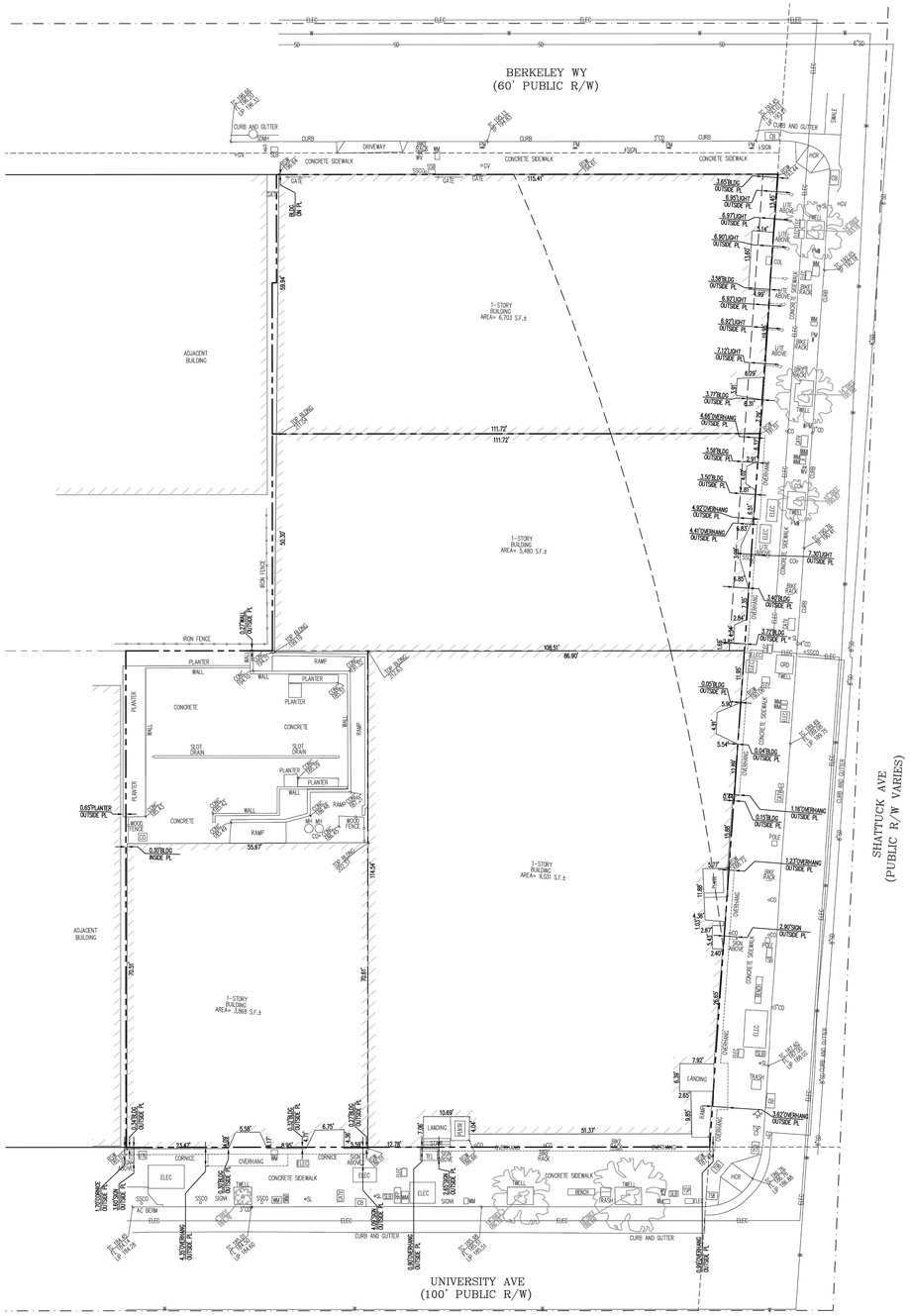
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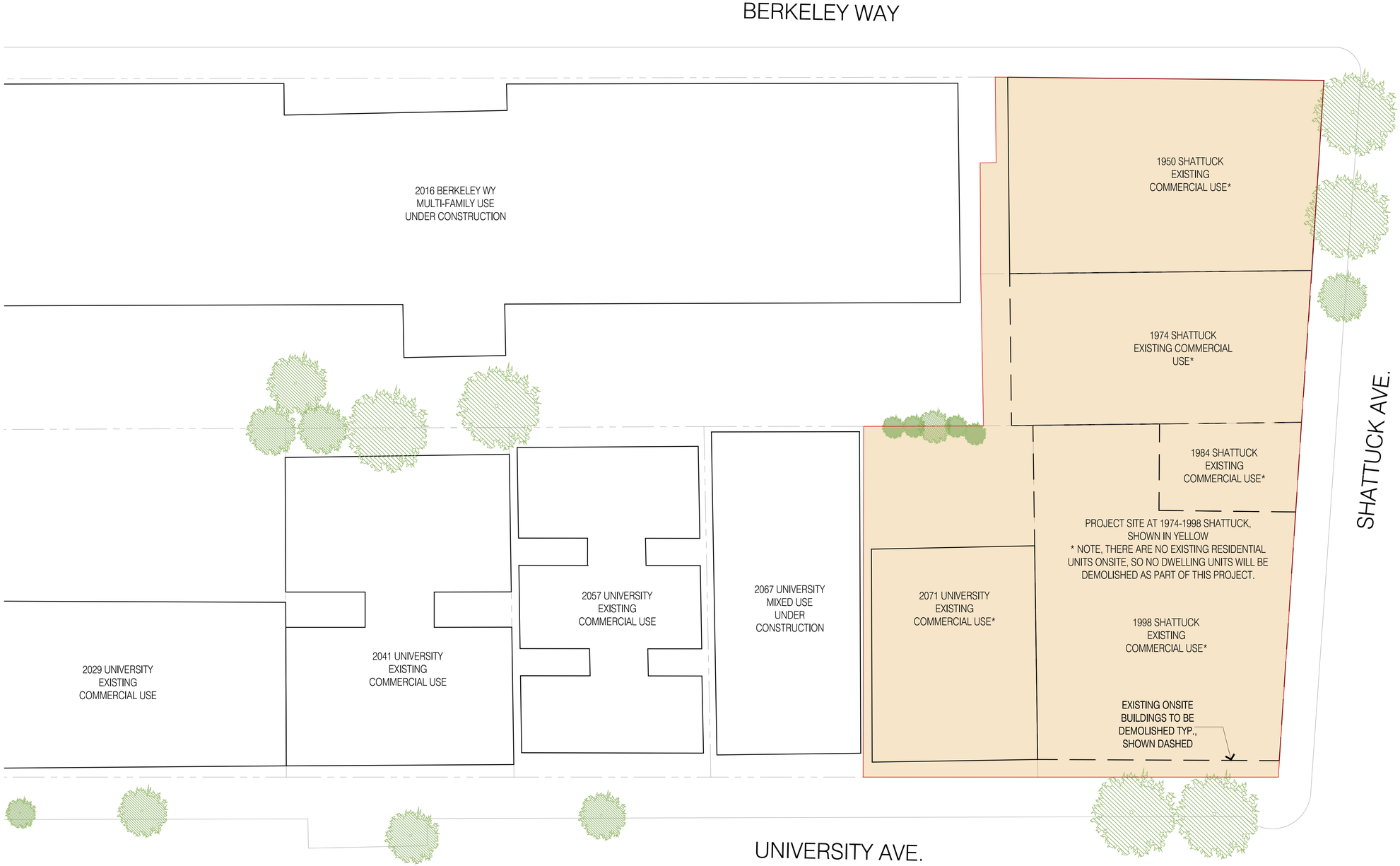
JOB: 2209

SHEET:

SURVEY

A0.6B


BERKELEY WY
(60' PUBLIC R/W)
UNIVERSITY AVE
(100' PUBLIC R/W)
SHATTUCK AVE
(PUBLIC R/W VARIES)
ADJACENT BUILDING
1-STORY BUILDING AREA= 6,703 S.F.±
1-STORY BUILDING AREA= 5,400 S.F.±
1-STORY BUILDING AREA= 9,031 S.F.±
1-STORY BUILDING AREA= 3,968 S.F.±
CONCRETE SIDEWALK
CURB AND GUTTER
DRIVEWAY
IRON FENCE
WOOD FENCE
PLANTER
RAMP
CONCRETE
SLOT DRAIN
CORNICE
OVERHANG
LANDING
BENCH
TRASH
POLE
GATE
115.47'
111.72'
111.72'
108.51'
86.90'
55.67'
51.37'
10.69'
33.47'
12.78'
7.95'
2.65'
9.05'
6.30'
5.54'
6.75'
4.96'
2.67'
5.47'
5.54'
5.90'
5.90'
5.90



1 - EXISTING SITE PLAN

1/32"=1'-0" @ 11x17 1/16"=1'-0" @ 24x36

0 4 8 16 32

N

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SHEET:

EXISTING
SITE PLAN

A1.0



1 / - PLAN AT BASEMENT PARKING LEVEL P2

3/64"=1'-0" @ 11x17 3/32"=1'-0" @ 24x36

0 4 8 16

N

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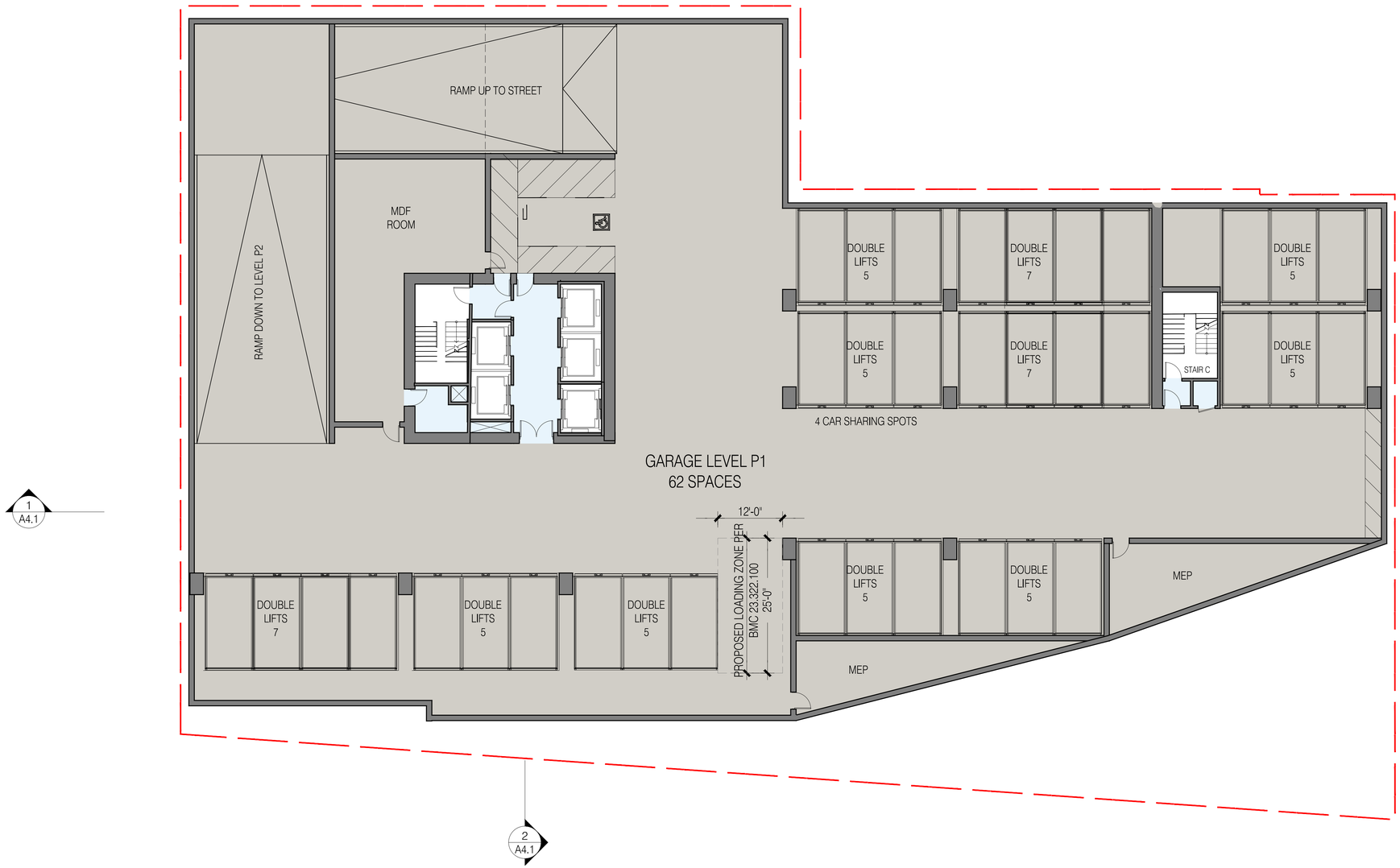
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SHEET:

FLOOR PLANS

A2.0a



1 / - PLAN AT BASEMENT PARKING LEVEL P1

3/64"=1'-0" @ 11x17 3/32"=1'-0" @ 24x36

0 4 8 16

N

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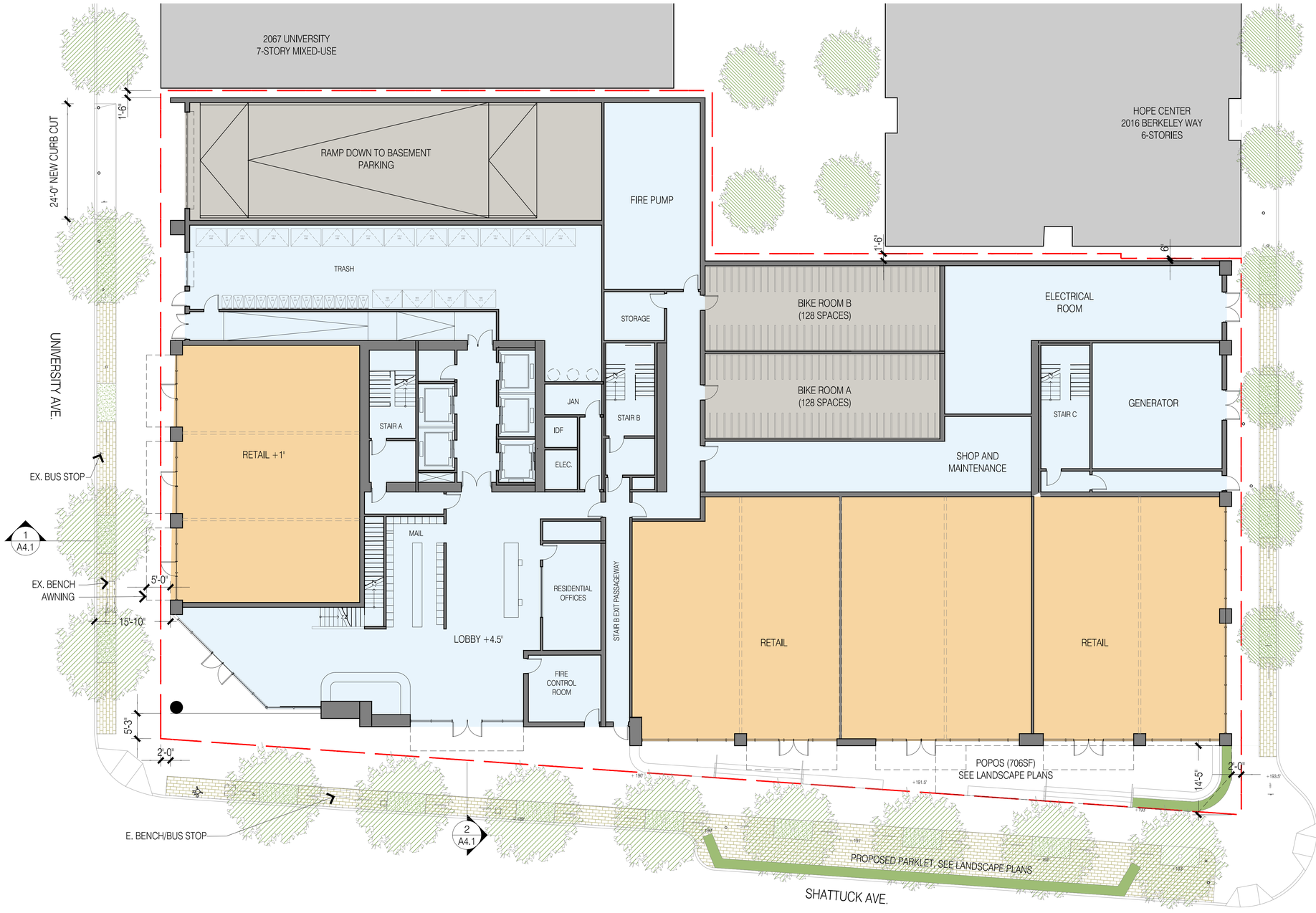
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SHEET:

FLOOR PLANS

A2.0b



1 / - SITE PLAN / PLAN AT GROUND FLOOR

3/64"=1'-0" @ 11x17 3/32"=1'-0" @ 24x36

0 4 8 16

N

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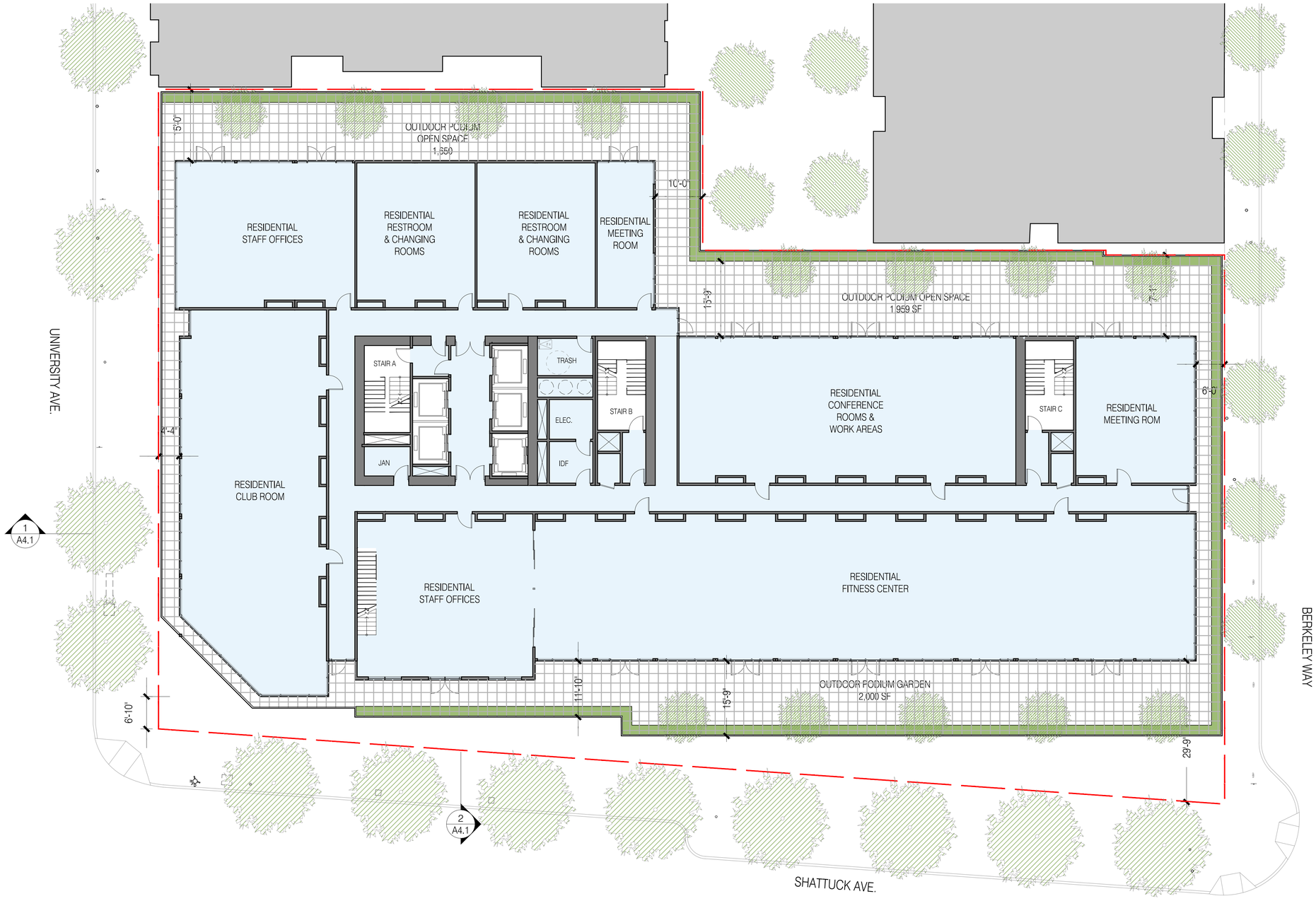
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SHEET:

FLOOR PLANS

A2.1



1 - PLAN AT LEVEL 2

3/64"=1'-0" @ 11x17 3/32"=1'-0" @ 24x36

0 4 8 16

N

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SHEET:

FLOOR PLANS

A2.2



1 - PLAN AT LEVELS 3-13

3/64"=1'-0" @ 11x17 3/32"=1'-0" @ 24x36

0 4 8 16

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JOB: 2209

SHEET:

FLOOR PLANS

A2.3



1 / - PLAN AT LEVEL 14

3/64"=1'-0" @ 11x17 3/32"=1'-0" @ 24x36

0 4 8 16

N

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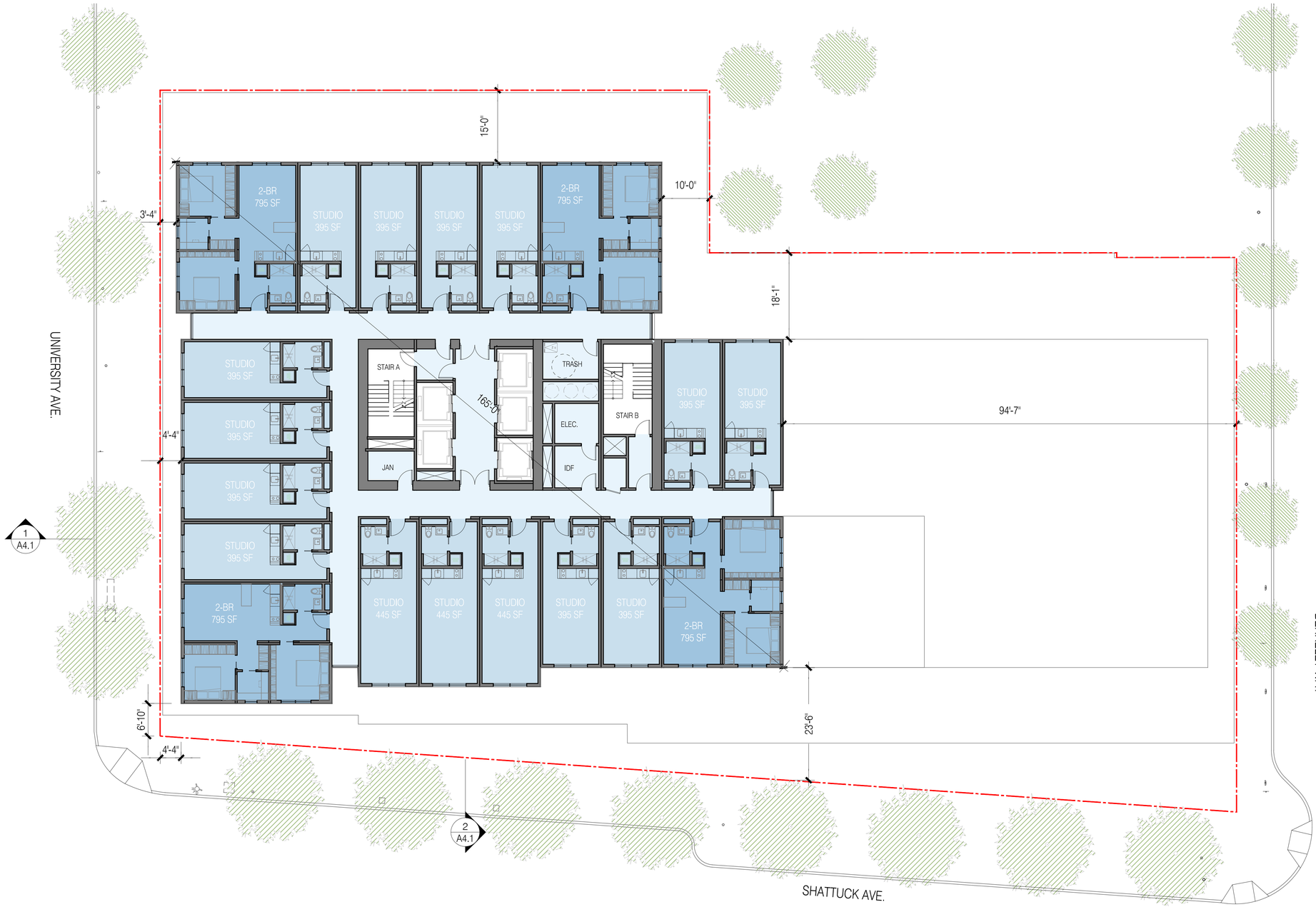
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JOB: 2209

SHEET:

FLOOR PLANS

A2.4



1 / - PLAN AT LEVELS 15-27

3/64"=1'-0" @ 11x17 3/32"=1'-0" @ 24x36

0 4 8 16

N

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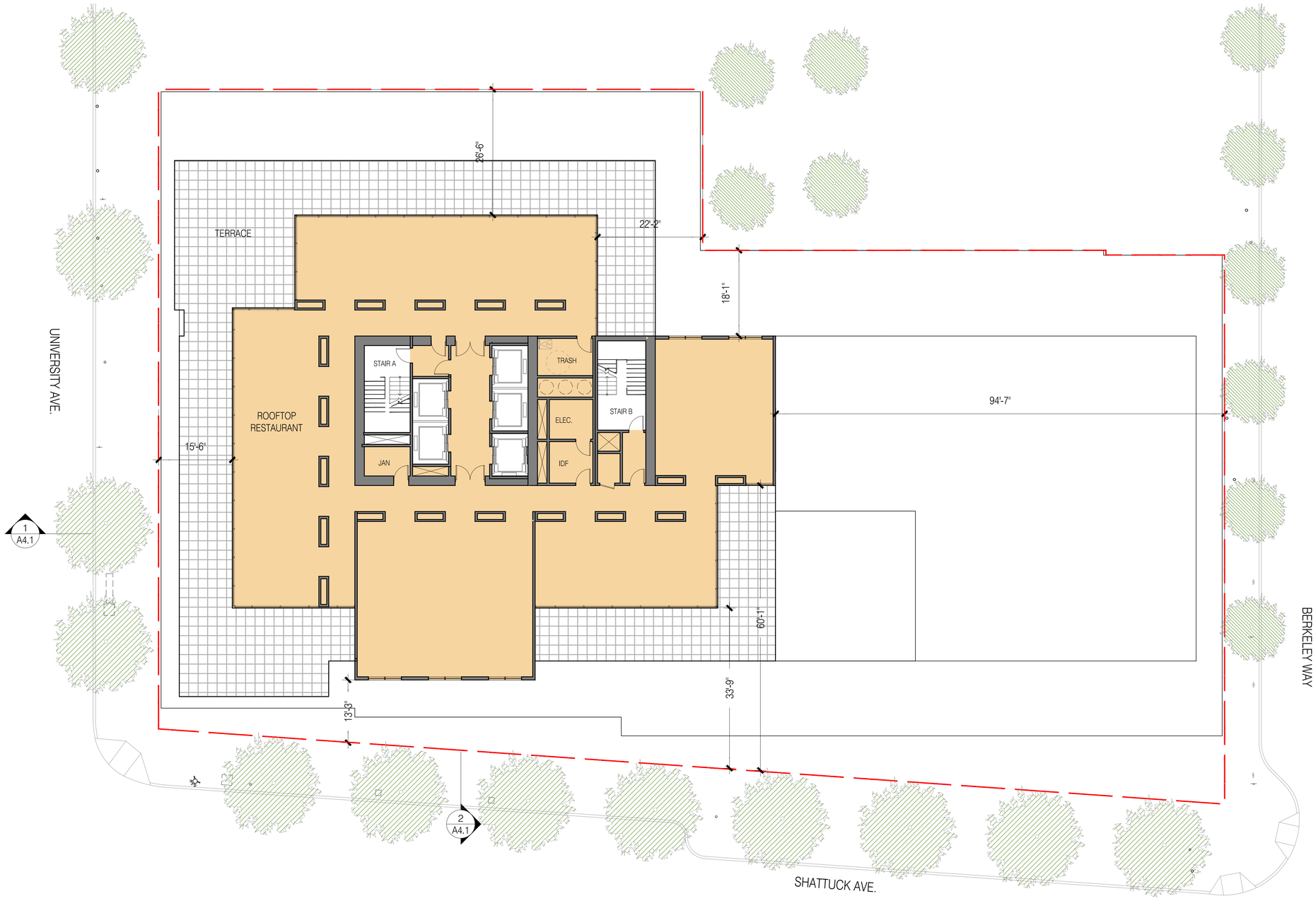
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SHEET:

FLOOR PLANS

A2.5



1 / - PLAN AT LEVEL 28 ROOFTOP RESTAURANT

3/64"=1'-0" @ 11x17 3/32"=1'-0" @ 24x36

0 4 8 16

N

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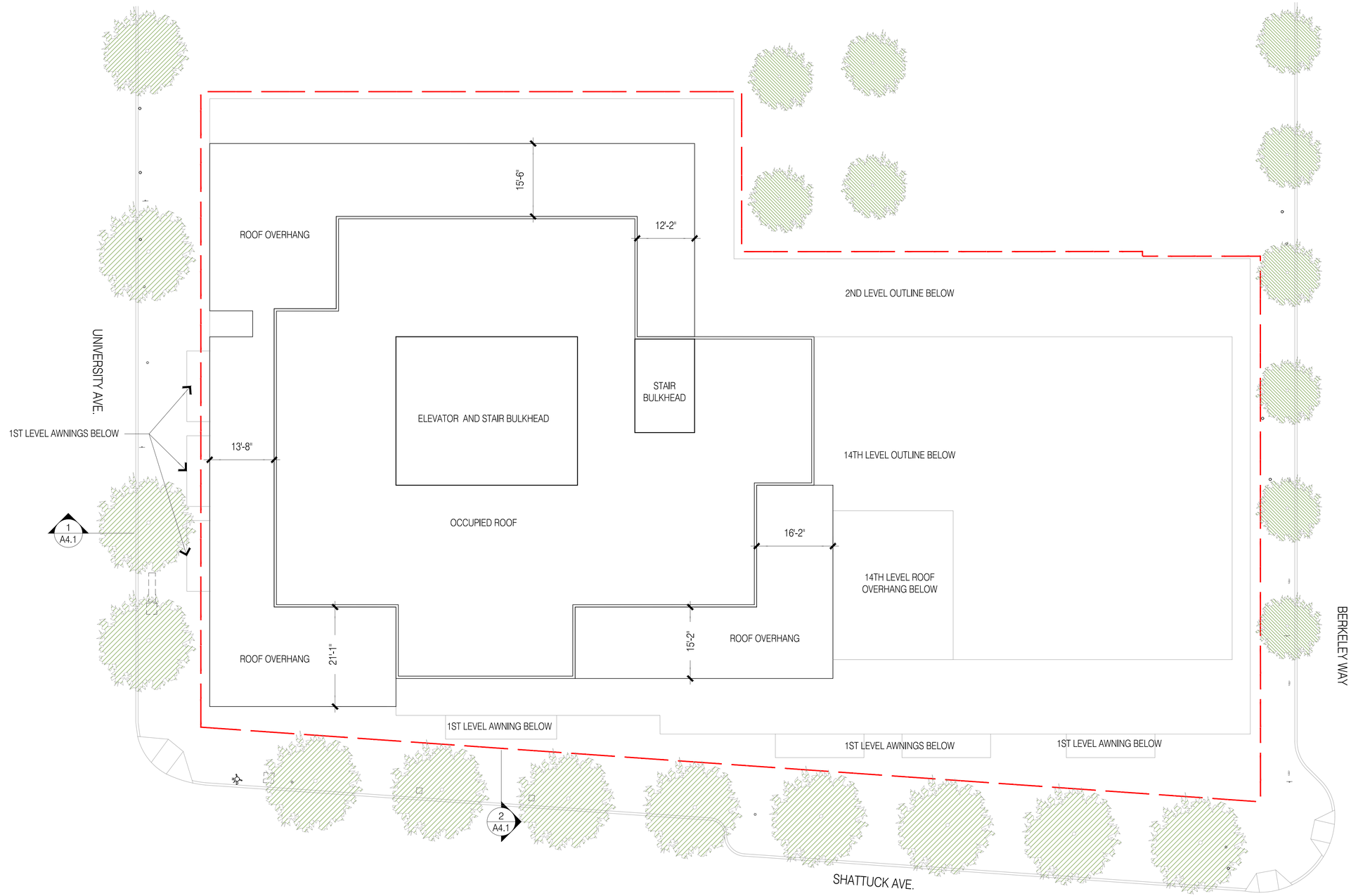
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SHEET:

FLOOR PLANS

A2.6



1 / - PLAN AT ROOF

3/64"=1'-0" @ 11x17 3/32"=1'-0" @ 24x36

0 4 8 16

N

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ROOF PLAN

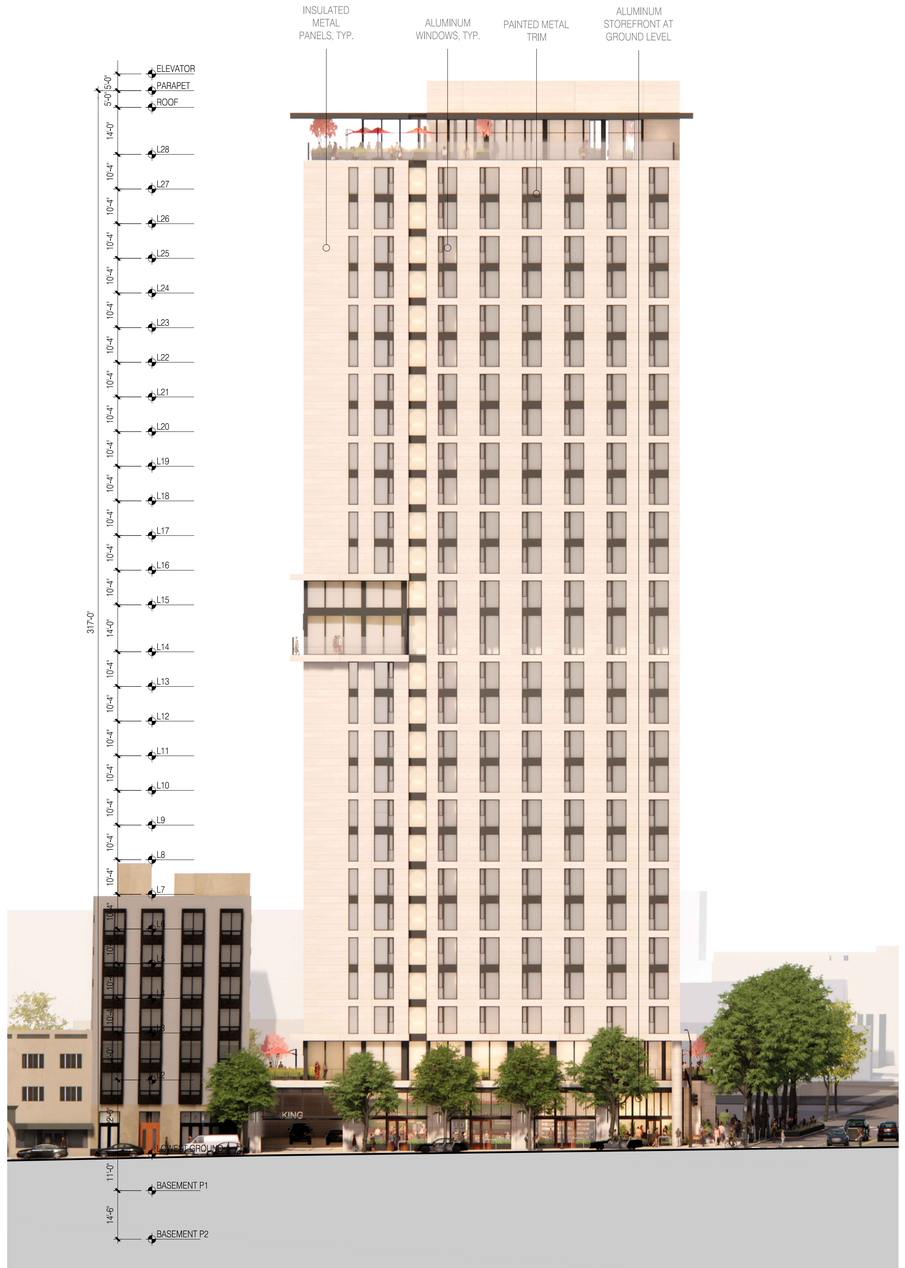
A2.7



2 - EAST ELEVATION

3/128" = 1'-0" @ 11X17 3/64"=1'-0" @ 24x36

0 8 16 32



1 - SOUTH ELEVATION

3/128" = 1'-0" @ 11X17 3/64"=1'-0" @ 24x36

0 8 16 32

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ELEVATIONS

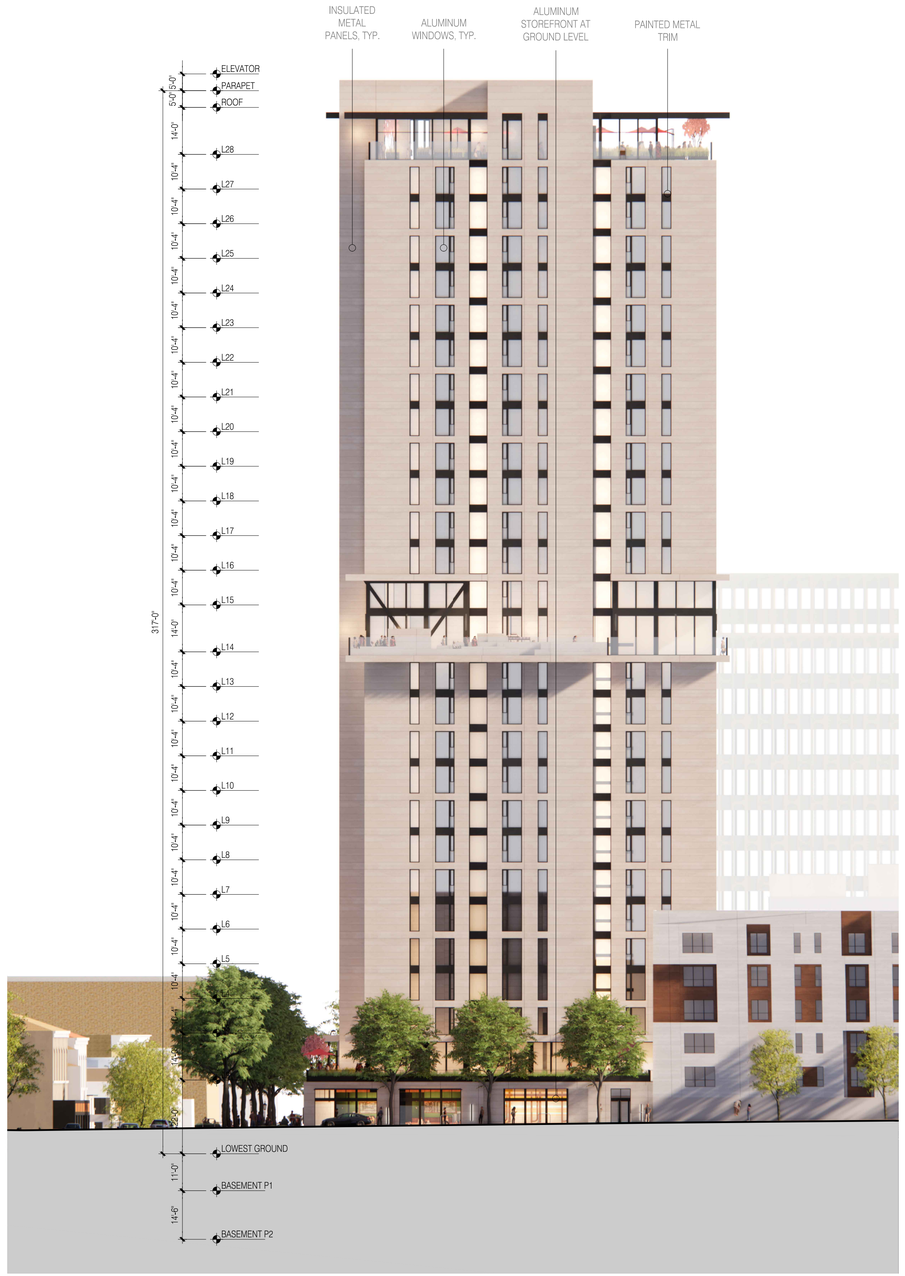
A3.1



2 - WEST ELEVATION

3/128" = 1'-0" @ 11X17 3/64"=1'-0" @ 24x36

0 8 16 32



1 - NORTH ELEVATION

3/128" = 1'-0" @ 11X17 3/64"=1'-0" @ 24x36

0 8 16 32

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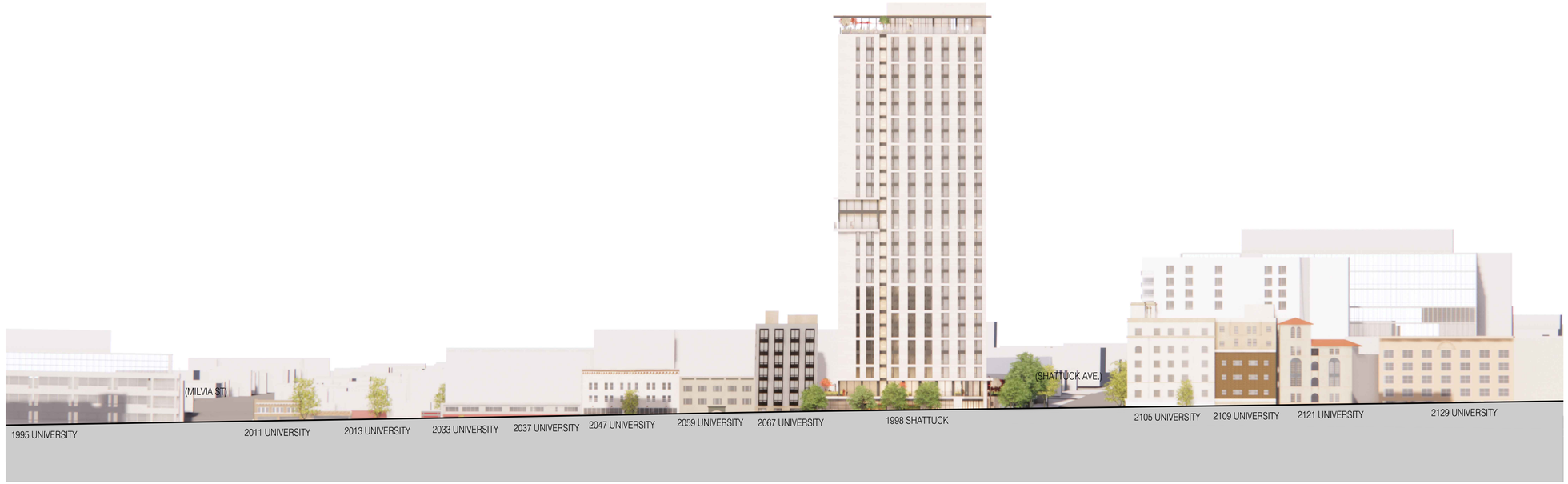
A3.2



2 - STREET STRIP ELEVATION @ SHATTUCK AVE

1/256"=1'-0" @ 11X17 3/128" = 1'-0" @ 24X36

0 8 16 32 64



1 - STREET STRIP ELEVATION @ UNIVERSITY AVE

3/256"=1'-0" @ 11X17 3/128" = 1'-0" @ 24X36

0 8 16 32 64

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STREET STRIP ELEVATIONS

A3.3



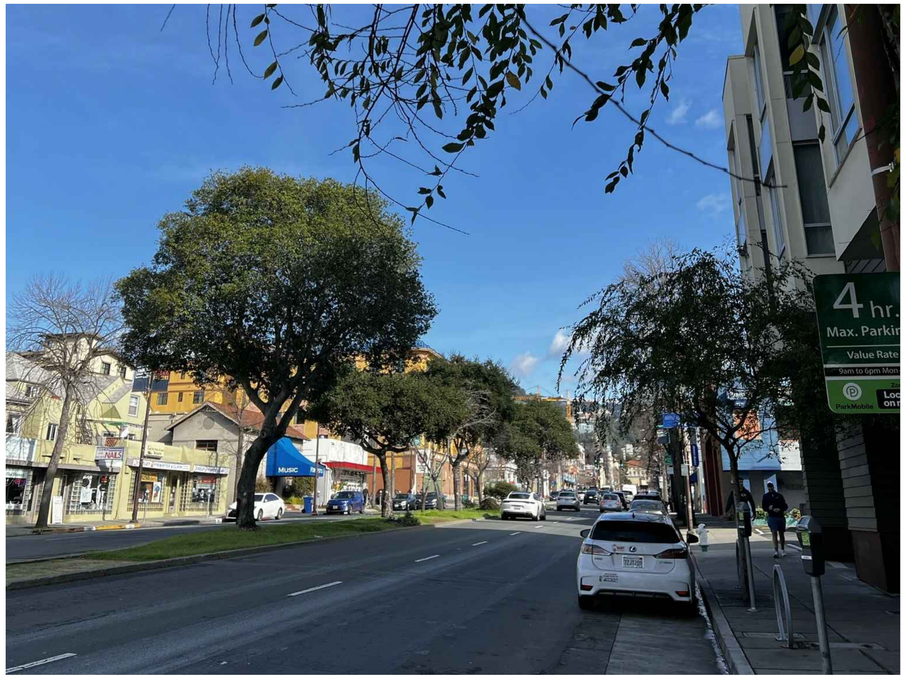
4 - UNIVERSITY LOOKING WEST - AFTER



2 - UNIVERSITY LOOKING EAST - AFTER



3 - UNIVERSITY LOOKING WEST - BEFORE



1 - UNIVERSITY LOOKING EAST - BEFORE

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SHEET:

PHOTO CONTEXT VIEWS

A3.4



4 - SHATTUCK LOOKING NORTH - AFTER



2 - SHATTUCK LOOKING SOUTH - AFTER



3 - SHATTUCK LOOKING NORTH - BEFORE



1 - SHATTUCK LOOKING SOUTH - BEFORE

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SHEET:

PHOTO CONTEXT VIEWS

A3.5



4 - BERKELEY LOOKING WEST - AFTER



2 - BERKELEY LOOKING EAST - AFTER



3 - BERKELEY LOOKING WEST - BEFORE



1 - BERKELEY LOOKING EAST - BEFORE

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PHOTO CONTEXT VIEWS

A3.6

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SHEET:

PRELIMINARY RENDERING

A3.7

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SHEET:

PRELIMINARY RENDERING

A3.8



1 - VIEW LOOKING SOUTH-WEST

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PRELIMINARY RENDERING

A3.9

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PRELIMINARY RENDERING

A3.10



1 VIEW LOOKING NORTH-WEST AT SHATTUCK AND UNIVERSITY

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SHEET:

PRELIMINARY RENDERING

A3.11



1
-
VIEW LOOKING SOUTH-WEST ON SHATTUCK
- -

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A3.12



1 - VIEW LOOKING NORTH-EAST ON UNIVERSITY

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PRELIMINARY RENDERING

A3.13



1
-
SIDEWALK VIEW - UNIVERSITY LOOKING EAST

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SHEET:

PRELIMINARY
RENDERING

A3.14



1
-
VIEW LOOKING SOUTH-WEST - SHATTUCK @ BERKELEY WAY
- -

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SHEET:

PRELIMINARY
RENDERING

A3.15



1
-
SIDEWALK VIEW - SHATTUCK LOOKING SOUTH-WEST

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SHEET:

PRELIMINARY RENDERING

A3.16



1
-

SIDEWALK VIEW - SHATTUCK LOOKING NORTH-WEST

-

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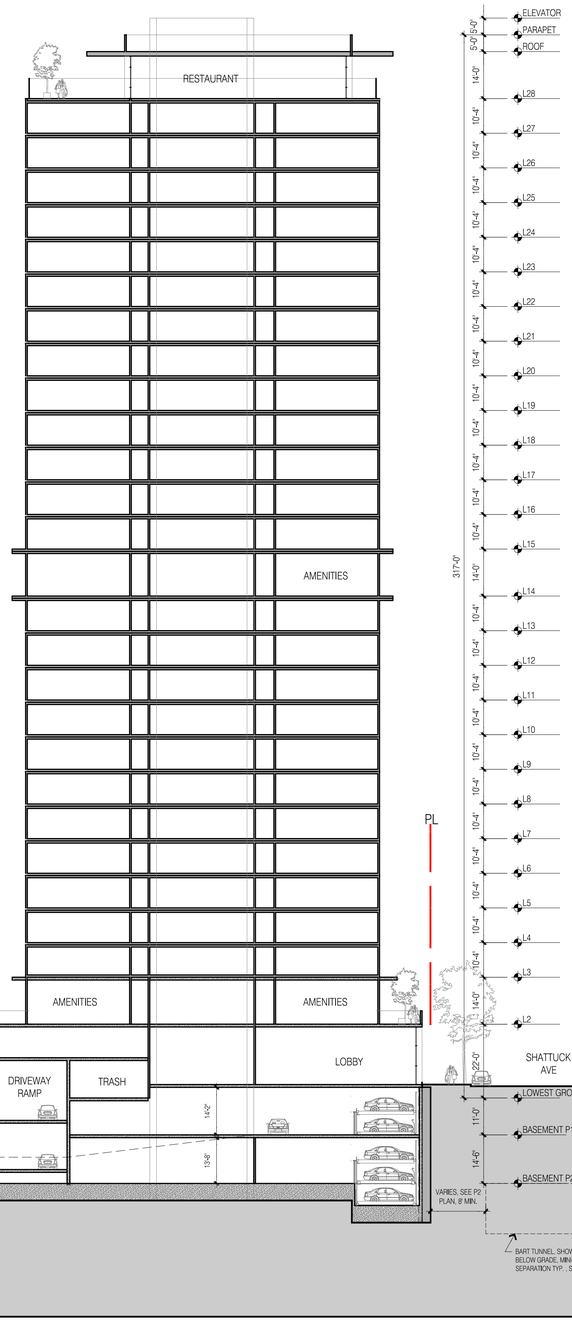
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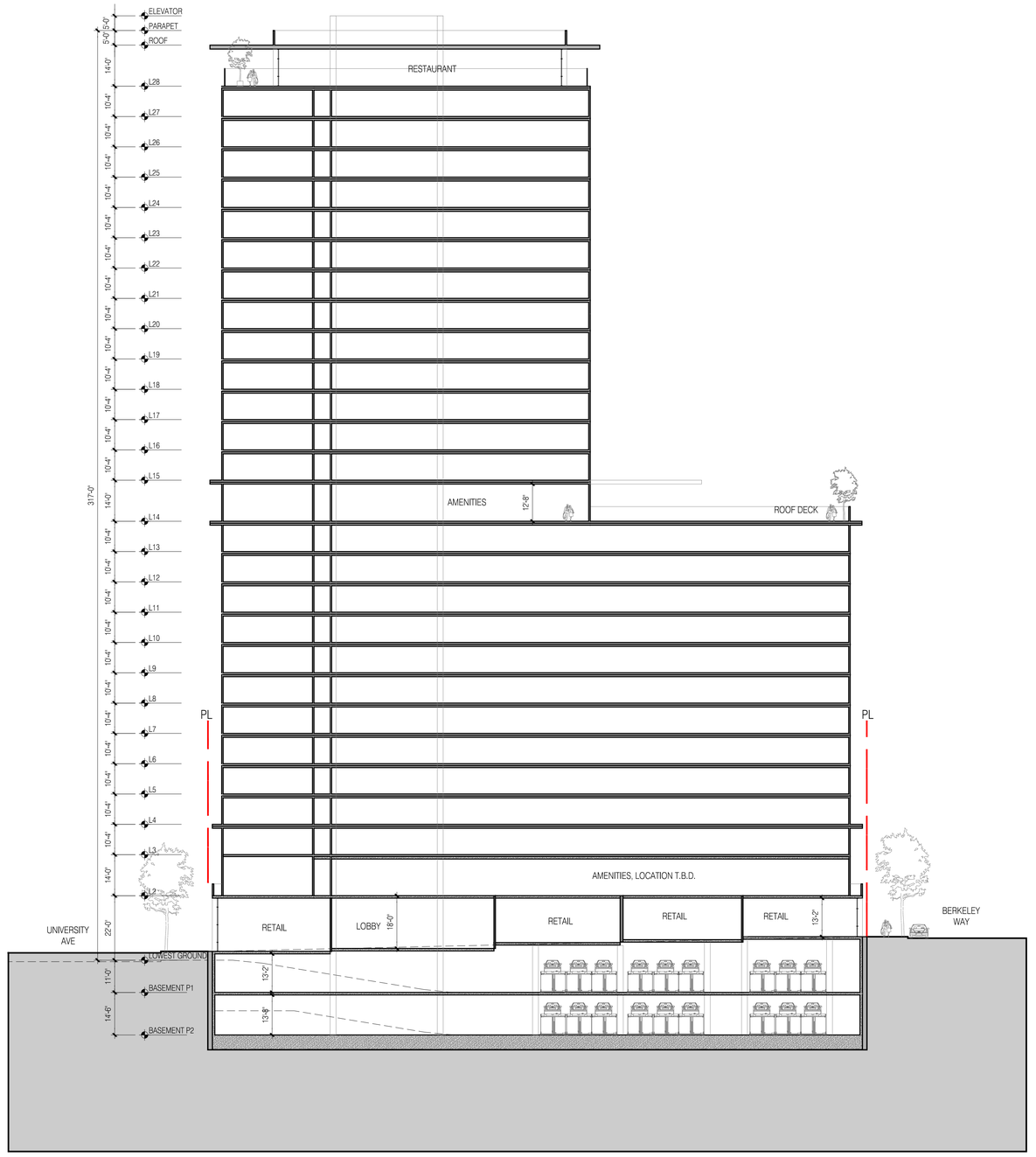
A3.17



2 - SECTION LOOKING NORTH

3/128" = 1'-0" @ 11X17 3/64"=1'-0" @ 24x36

0 8 16 32



1 - SECTION LOOKING WEST

3/128" = 1'-0" @ 11X17 3/64"=1'-0" @ 24x36

0 8 16 32

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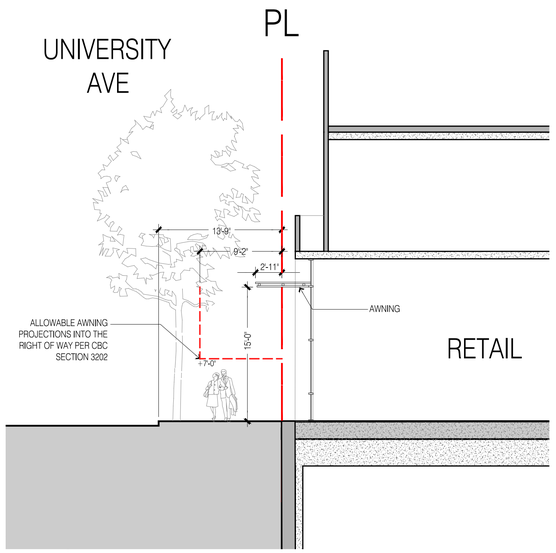
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BUILDING SECTIONS

A4.1



2 - SECTION THROUGH UNIVERSITY AVE.

1/8" = 1'-0" -

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SHEET:

AWNING
ENCROACHMENT
DIAGRAM

A4.2

CUT AND FILL CALCULATIONS

	CUT/FILL AREA	AVERAGE CUT/FILL DEPTH (FT)	TOTAL VOLUME (CY)
PROPOSED BUILDING	23,262	37	31,878

EARTHWORK NOTES:

1. EARTHWORK QUATNITY IS A ROUGH ESTIMATE BASED ON APPROXIMATE DEPTH OF BOTTOM OF BASEMENT PARKING LEVEL.

2. EARTHWORK QUANTITIES DO NOT TAKE INTO ACCOUNT SOIL SHRINKAGE, SOIL SWELLING, TRENCH SPOILS, SITE OVER-EXCAVATION REQUIREMENTS.



1 / - CONCEPTUAL GRADING PLAN

3/64"=1'-0" @ 11x17 3/32"=1'-0" @ 24x36

0 4 8 16

N

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CONCEPTUAL GRADING PLAN

A5.0

1998 Shattuck — Preliminary Landscape Set

General Notes

1. The contractor shall inspect the site and be familiar with all existing site conditions prior to submitting bid. Contractor shall not willfully proceed with construction as shown when it is obvious that obstructions, landscape area and/or grade differences exist that may not have been known during design. Such conditions shall immediately be brought to the attention of the landscape architect. The contractor shall assume sole responsibility for all necessary revisions due to failure to give such notification. Contractor shall be responsible for making himself familiar with all underground utilities, pipes, structures and obstructions. Contractor shall assume sole responsibility for all costs incurred due to damage and/or replacement of these items. Contractor shall be responsible for coordination among trades and subcontractors as required to accomplish the work. The contractor shall be responsible for any damage to existing features caused by contractor's work. All repairs shall be made at no additional cost to the owner. Planting shall be installed in conformance with all applicable local codes and ordinances by experienced workmen and a licensed landscape contractor who shall obtain all necessary permits and pay all required fees. The garden is a pesticide and herbicide free zone. Contractor shall use organic material to fertilize and to maintain all plant material. No chemical fertilizer will be allowed.Contractor shall verify all grades, existing conditions and dimensions in the field prior to commencing work. All discrepancies or questions shall be brought to the attention of the landscape architect for resolution. Redirect work to avoid delay. All curves and all transitions between curves and straight edges shall be smooth. Take all dimensions perpendicular to any reference line, work line, face of building, face of wall or centerline.

2. Demolition
Contractor shall remove and carry all demolition materials off site. Protect (E) trees as indicated during construction. Contractor shall perform selective trimming of existing trees within the area of work per the direction of the owner.

3. Drainage/Grading
Contractor shall verify if existing drains are in good condition. All drainage systems shall be per City of Berkeley codes. Grade per indicated swales. Sleeving to be Schedule 40 PVC. Cover PVC pipe so that it not visible. All grading to be smooth to achieve a natural aspect. No finish grades shall exceed 2.5:1 slopes.

4. Soil preparation
Soil amendment shall be a minimum of 9 cy of organic compost per 1000 sf (1:4 ratio). The landscape contractor shall be responsible for finish grading and all planting area drainage. Positive drainage away from the building as per city codes shall be maintained. No low spots which hold standing water will be accepted. Where rototilling is not possible, incorporate soil amendments into top 6 inches with hand tools. After installation of irrigation system, all new planting areas are to be fine graded to within 2 inches and slightly mounded away from edges of top of planter, curb, walk, header, etc. and raked smooth with all rocks and debris over 1 inch in diameter removed. Verify existing grades and advice Landscape Architect of any discrepancies prior to start of grading.

5. Topsoil
If any planting areas require the importing of topsoil, the imported soil shall be clean, friable sandy loam; free of noxious weed seeds, sticks, stones over 1 inch in diameter or any materials that could inhibit growth. Incorporate imported topsoil into the top 6-8 inches of site soil by rototilling or hand cultivating as necessary.

6. Substitutions
Requests for substitutions of plant varieties shall be made to the landscape architect within 15 days after signing of contract.

7. Planting
Thoroughly water trees immediately after planting. Shrubs shall be spotted as per plan and the locations approved prior to the digging of the holes. Contractor shall locate and tag all trees at nursery at time of acceptance of contract to ensure availability of healthy specimens. Plant materials to be approved by landscape architect prior to site delivery.

8. Irrigation
The proposed irrigation shall be an automated, water efficient watering system compliant with the City of Berkeley codes & regulations. The contractor shall determine the static water pressure and design the system accordingly to achieve adequate regime for the proposed plantings. The following emitters shall be installed at each planting: (2) 1 gal emitters at each 1 gal sp.; (3) 5 gal. emitters at ea. 5 gal shrub.

9. Mulching
Mulch all planting areas with 3" of 'Forest Floor Bark' from American Soil and Stone, Richmond Ca (510) 292-3000.

10. Stone paving & stone work
See layout plan and detail for sub-base. Install stone paving with tight joints in front and flagstone in stabilized decomposed granite in back as show on sheet L1.0.

11. Concrete work
All concrete retaining walls greater than 3 feet in height shall be designed or reviewed and stamped by a structural engineer. All concrete footings shall be reviewed, approved and stamped by a structural engineer.

12. Electrical
Install light fixtures, conduits and controller per manufacturer recommendation. Locate controller per plan with light switch inside residence. Contractor to supply and install power supply - 2 outlets at outdoor kitchen area. Install power supply for outdoor kitchen equipment .

13. Wood work
All wood decking to match existing wood same size and layout at existing decks for deck extension. All vertical posts to be pressure treated 4x4 wood. SSD for final wood sizing, anchors and concrete footing. See note 14 for painting/staining.

14. Painting
All visible existing & new wood to be painted same color as the main residence, but with a lighter tone. Color to be reviewed & approved by owner/landscape architect.
Paint manufacturer: Sherwin Williams; exterior paint quality "duration" to be applied on all new & existing wood to be painted. Prep all wood surfaces per paint manufacturer's recommendations.

15. Maintenance
The contractor shall maintain the project for 90 days (or as requested by owner) following the approval to begin the maintenance period. During the entire maintenance period, watering, cultivating, weeding, mowing, repair/tightening of stakes and ties, provision of supplemental water by hand in addition to irrigation system as necessary. At the end of the 90 day maintenance period all areas are to be free of weed and all plant material is to be in a healthy, thriving condition.

16. Guarantee
All construction, trees and shrubs by the landscape contractor and/or his subcontractors shall be guaranteed for (1) one year after beginning of maintenance period. The contractor shall replace, at no expense to the owner, any and all landscape materials that are in an unacceptable condition for time of use, and trees or shrubs that are dead or not in a vigorous, healthy growing condition; within two weeks of notification of such condition. Replacement shall be of the same kind and size as the originally specified item and shall be replaced as originally described on the drawings. The contractor shall not be held liable for loss of plant materials during the guarantee period due to vandalism, accidental causes or acts of neglect by others than the contractor, his agents and employees.

17. Clean up
At the end of each work day, at the inspection for substantial completion and before acceptance of project, clean paved areas that are dirtied or stained by construction operations, by sweeping or washing, and remove defacements and stains. Remove construction equipment, excess materials and tools. Haul from owners property the debris resulting from construction, and dispose of legally. Remove remaining temporary protection at time of acceptance by owner unless otherwise agreed.

Project Team

Client
NX Ventures

Architect
Trachtenberg Architects
2421 Fourth Street
Berkeley, CA 94710
510.649.1414

Landscape Architect
InsideOut Design, Inc.
6000 Harwood Ave
Oakland CA 94618
510.655.7674

Contractor
TBD

Location Map



Legend

(PA)	Planting Area
(TS)	Top of stair
(BS)	Bottom of stair
(TW)	Top of wall
(BW)	Bottom of wall
R	Radius
POB	Layout Starting Point
SIM	Similar
(TYP.)	Typical
SAD	See Architectural Drawings
EQ	Equal
O.C.	On Center
(E)	Existing
›	Align
	90 Degrees angle
+(824.76)	Existing spot elevation
+824.76	Proposed spot elevation
	Existing contour line
	Proposed contour line
	Property line
	Existing retaining wall to be demolished

Sheet Index

L0.0	Cover Sheet
L1.0	Streetscape
L2.0	Podium
L3.0	Roof Deck
L3.1	Usable Open Space + Planting Notes
I0.0	Irr. Notes & Legend
I1.0	Irr. Plan - Street
I2.0	Irr. Plan - Podium
I3.0	Irr. Plan - Roof Deck
I3.1	Irr. Plan - POC
I4.0	Irrigation Details
I5.0	Irrigation Details
I6.0	Irrigation Details
I7.0	Irrigation Details

Plant List

Index	Latin Name	Common Name	Size	WELO	CA Nat.	Notes
Street Trees						
CC	Carpinus caroliniana	American Hornbeam	24" Box	M		University Ave
LC	Lophostemon confertus	Brisbane Box	24" Box	VL, L		Berkeley Way
PA	Platanus acerifolia 'Columbia'	Columbia' London Plane Tree	24" Box	L, M		Shattuck Ave
Trees						
BE	Brahea edulis	Guadalupe Palm	24" Box	L		Roof
BR	Beaucarnea recurvata	Pony Tail Palm	15 Gallon	VL		Roof
CO	Cercis occidentalis	Western Redbud	24" Box	VL	X	Podium FTP
CR	Ceanothus 'Ray Hartman'	Ray Hartman California Lilac	24" Box	L, ES	X	Podium
HG	Heteromeles arbutifolia 'Davis Gold	Davis Gold Toyon	24" Box	VL, L	X	Podium FTP
PR	Phoenix roebelenii	Pygmy Date Palm	24" Box	L		Roof
WF	Washingtonia filifera	California Fan Palm	24" Box	L, ES	X	Roof
Shrubs						
AD*	Agave deserti	Desert Agave	5 Gallon	VL, L	X	Roof
AP	Arctostaphylos pajaroensis 'Paradise	Paradise Pajaro Manzanita	15 Gallon	VL	X	Roof
CE	Carpenteria californica 'Elizabeth'	Elizabeth Bush Anemone	15 Gallon	L	X	Podium, Street
CF	Cornus sericea, C. Stolonifera 'Hedgerow Gc	Hedgerow Gold Redtwig Dogwooc	15 Gallon	M, ES	X	Podium
HW*	Hesperoyucca whipplei	Our Lord's Candle	5 Gallon	VL	X	Roof
OB*	Opuntia basilaris	Prickly Pear	5 Gallon	VL		Roof
SM	Sabal minor	Dwarf Palmetto	15 Gallon	L		Roof
YP*	Yucca pallida	Pale Leaf Yucca	5 Gallon	VL, L, ES		Roof
ZF	Zamia furfuracea	Cardboard Palm	5 Gallon	M		Roof
Groundcovers						
AM	Armeria maritima	Sea Pink	1 Gallon	M	X	Roof
BM	Baileya multiradiata	Desert Marigold	1 Gallon	VL	X	Roof
CD	Ceanothus 'Diamond Heights'	Variegated Carmel Creeper	1 Gallon	VL, L	X	Street
CM	Coreopsis maritima	Sea Dahlia	1 Gallon	L	X	Roof
DF	Dudleya farinosa	Coast Live Forever	1 Gallon	VL	X	Podium
DN	Deschampsia ces. 'Northern Lights'	Northern Lights Tufted Hair Grass	1 Gallon	L	X	Street
Podium FTP** *(1143 sf)*						
AS	Achillea 'Salmon Beauty'	Salmon Beauty Yarrow	1 Gallon	VL, L	X	
BG	Bouteloua gracilis 'Blonde Ambition'	Blonde Ambition Blue Grama	1 Gallon	L	X	
CB	Ceanothus thyrsiflorus 'Cool Blue'	Cool Blue Mountain Lilac	15 Gallon	L	X	
CD	Ceanothus 'Diamond Heights'	Variegated Carmel Creeper	1 Gallon	VL, L	X	
CE	Carpenteria californica 'Elizabeth'	Elizabeth Bush Anemone	15 Gallon	L	X	
CP	Ceanothus pallidus 'Marie Simon'	Pink Flowering Ceanothus	15 Gallon	VL, L	X	
DN	Deschampsia ces. 'Northern Lights'	Northern Lights Tufted Hair Grass	1 Gallon	L	X	
EF	Eriogonum fasciculatum	California Buckwheat	5 Gallon	VL, L	X	
EG	Elymus glaucus	Blue Wild Rye	1 Gallon	L	X	
ID	Iris douglasiana	Douglas Iris	1 Gallon	M, ES	X	
JE	Juncus effusus	Soft Rush	1 Gallon	VL, H, ES	X	
JP	Juncus patens 'Elk Blue'	Elk Blue California Gray Rush	1 Gallon	L, M, ES	X	
RC	Rudbeckia californica	California Coneflower	1 Gallon	M	X	
SA	Symphoricarpos albus var. laevigatus	Upright Snowberry	5 Gallon	VL, L, M	X	
Podium Grate Walks *(5370 sf)*						
SD	Sedum divergens	Cascade Stonecrop	Flat	L, ES	X	
SO	Sedum oreganum	Oregon Stonecrop	Flat	L, ES	X	
SS	Sedum spathulifolium 'Cape Blanco'	Cape Blanco Sedum	Flat	L	X	

**To be located with 3' min. between edge of mature plant and walkways or planter edges.*
***Species selected per Stormwater C.3 Guidebook (Dalziel et. al.).*

Note: *At least 80% of all plantings will be California natives.*

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11.15.2023 ZONING RESUBMITTAL
03.12.2024 ZONING RESUBMITTAL
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JOB: 0000

SHEET:

COVER SHEET,
NOTES, AND LEGEND

L0.0









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LANDSCAPE PLAN AT STREETSCAPE

L1.0



Permeable grate with groundcover below
- Precedent: ASLA HQ Green Roof
-Mix of 3 shade-tolerant sedums



Maintenance corridor



UNIVERSITY AVE

FTP, typ.
1,306 SF total

Flexible seating

NOTE: FLOW-THROUGH PLANTER AREA TOTALS 1,306 SF; REQUIRED FTP AREA EQUALS MIN 4% OF BUILDING FOOTPRINT'S IMPERVIOUS SURFACE.

BUILDING FOOTPRINT = 26,208 SF
REQUIRED FTP = 26,208 SF X 0.04 = 1,049 SF
PROVIDED FTP = 1,306 SF

Bistro tables

Raised planter with patio trees and wood benches

Low planting in raised flow-through planters (FTPs)

Flowering tree
-'Davis Gold' Toyon

Small trees and accent plantings visible from street

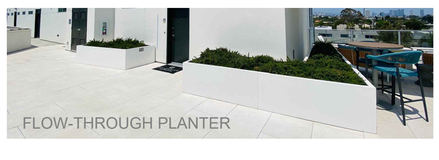
Podium seating overlooks ground-level plaza and parklet at Shattuck Ave

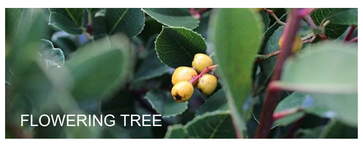
SHATTUCK AVE

BERKELEY WAY


PRECEDENT


VEGETATED GRATE


FLOW-THROUGH PLANTER


FLOWERING TREE

North

0 2 4 8

3/16"=1'-0"

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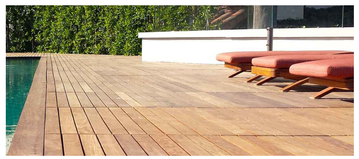
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SECOND FLOOR PODIUM GARDENS

L2.0

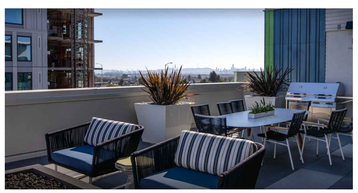


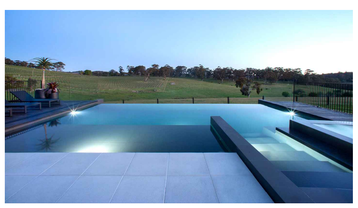


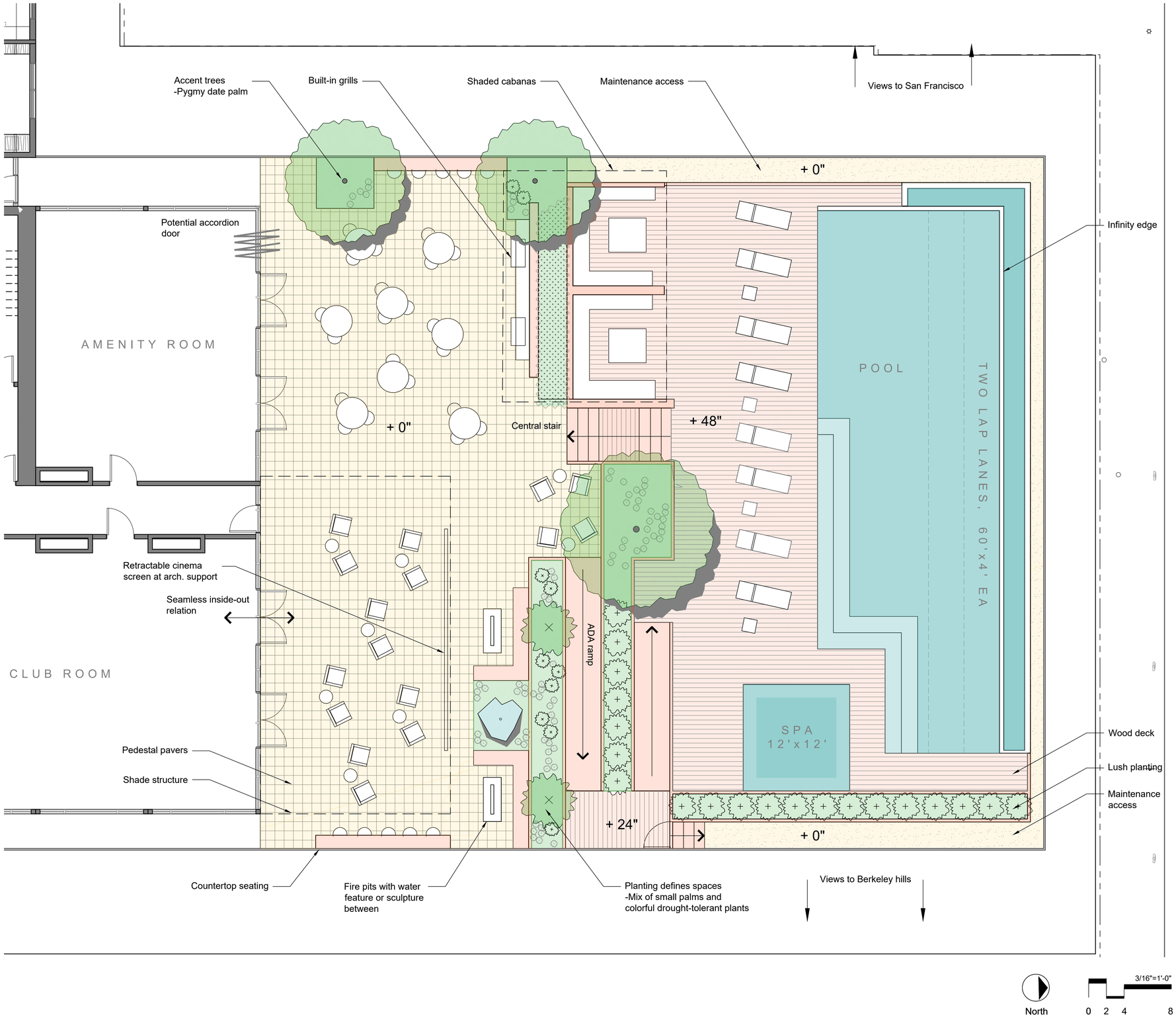












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SHEET:

FOURTEENTH
FLOOR ROOF DECK

L3.0

PLANTING NOTES

SEE COVER SHEET L0.0 FOR GENERAL NOTES

GENERAL PLANTING NOTES:

1. SOIL PREPARATION: THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR FINISH GRADING AND ALL PLANTING AREA DRAINAGE. POSITIVE DRAINAGE AWAY FROM THE BUILDING AS PER CITY CODES SHALL BE MAINTAINED. NO LOW SPOTS WHICH HOLD STANDING WATER WILL BE ACCEPTED.

THE LANDSCAPE CONTRACTOR SHALL INCORPORATE SOIL PREPARATION AMENDMENT INTO PLANTING AREAS AS NOTED BELOW. WHERE ROTO-TILLING IS NOT POSSIBLE, INCORPORATE SOIL AMENDMENTS INTO TOP 6 INCHES WITH HAND TOOLS. AFTER INSTALLATION OF IRRIGATION SYSTEM, ALL PLANTING AREAS ARE TO BE FINE GRADED TO WITHIN 2 INCHES AND SLIGHTLY MOUNDED AWAY FROM EDGES OF TOP OF PLANTER, CURB, WALK, HEADER, ETC. AND RAKED SMOOTH WITH ALL ROCKS AND DEBRIS OVER 1-INCH IN DIAMETER REMOVED.

2. SOIL PREPARATION AMENDMENTS AND BACKFILL MIX: THE LANDSCAPE CONTRACTOR SHALL AMEND EXISTING SOIL PER THE SOILS REPORT. NATIVE SOIL IS PREFERRED.

3. TREE PLANTING: TREES SHALL BE PLANTED PER DETAIL ON PLAN. TREES SHALL TYPICALLY BE LOCATED A MINIMUM OF 3 1/2 FEET FROM CURBS, WALKS, HEADERS, BUILDINGS, AND OVERHEAD STRUCTURES WITHIN THE PROJECT. BACKFILL PER SOILS REPORT. THOROUGHLY WATER TREES IMMEDIATELY AFTER PLANTING.

4. SHRUB PLANTING: THE SHRUBS SHALL BE SPOTTED AS PER PLAN, SPOTTED AT THE SHOWN LOCATIONS, AND APPROVED BY LANDSCAPE ARCHITECT PRIOR TO THE DIGGING OF THE HOLES. SHRUB BACKFILL SHALL BE PER SOILS REPORT. THOROUGHLY WATER SHRUBS IMMEDIATELY AFTER PLANTING. DO NOT PLANT ANY SHRUB WITHIN 2 FEET OF ANY BUILDING WALL.

5. MAINTENANCE: THE CONTRACTOR SHALL MAINTAIN THE PROJECT FOR 90 DAYS (OR AS REQUESTED BY OWNER) FOLLOWING THE APPROVAL TO BEGIN THE MAINTENANCE PERIOD. DURING THE ENTIRE MAINTENANCE PERIOD, WATERING, CULTIVATING, WEEDING, MOWING, REPAIR/TIGHTENING OF STAKES AND TIES, RESTORATION OF BASINS, PROVISION OF SUPPLEMENTAL WATER BY HAND IN ADDITION TO IRRIGATION SYSTEM IS REQUIRED AS NECESSARY. NO PRE-EMERGENCE HERBICIDES SHALL BE APPLIED - HAND REMOVE WEEDS. ONLY ORGANIC FERTILIZERS SHALL BE APPLIED SUCH AS THOSE SPECIFIED. INSTALL PER MANUFACTURER'S RECOMMENDATIONS. AT THE END OF THE 90 DAY MAINTENANCE PERIOD ALL AREAS ARE TO BE WEED FREE AND ALL PLANT MATERIAL SHALL BE IN A HEALTHY, THRIVING CONDITION. INTEGRATED PEST MANAGEMENT PRACTICES SHALL BE IMPLEMENTED.

6. SUBSTITUTIONS: REQUESTS FOR PLANT SUBSTITUTIONS SHALL BE MADE TO THE LANDSCAPE ARCHITECT WITHIN 15 DAYS AFTER SIGNING OF CONTRACT.

7. GUARANTEE: ALL CONSTRUCTION, TREES AND SHRUBS BY THE LANDSCAPE CONTRACTOR AND/OR SUBCONTRACTORS SHALL BE GUARANTEED FOR (1) ONE YEAR AFTER START OF MAINTENANCE PERIOD. THE CONTRACTOR SHALL REPLACE, AT NO EXPENSE TO THE OWNER, ANY AND ALL LANDSCAPE MATERIALS THAT ARE IN AN UNACCEPTABLE CONDITION FOR TIME OF USE, AND TREES OR SHRUBS THAT ARE DEAD OR NOT IN A VIGOROUS, HEALTHY GROWING CONDITION, WITHIN TWO WEEKS OF NOTIFICATION OF SUCH CONDITION. REPLACEMENT SHALL BE OF THE SAME KIND AND SIZE AS THE ORIGINALLY SPECIFIED ITEM AND SHALL BE REPLACED AS ORIGINALLY DESCRIBED ON THE DRAWINGS. THE CONTRACTOR SHALL NOT BE HELD LIABLE FOR LOSS OF PLANT MATERIALS DURING THE GUARANTEE PERIOD DUE TO VANDALISM, ACCIDENTAL CAUSES OR ACTS OF NEGLECT BY OTHERS THAN THE CONTRACTOR, HIS AGENTS AND EMPLOYEES.

8. CLEAN UP: AT THE END OF EACH WORK DAY, AT THE INSPECTION FOR SUBSTANTIAL COMPLETION, AND BEFORE ACCEPTANCE OF PROJECT - CLEAN

PAVED AREAS THAT ARE DIRTIED OR STAINED BY CONSTRUCTION OPERATIONS BY SWEEPING OR WASHING, AND REMOVE DEFACEMENTS AND STAINS.

REMOVE CONSTRUCTION EQUIPMENT, EXCESS MATERIALS AND TOOLS. HAUL FROM OWNERS PROPERTY ANY DEBRIS RESULTING FROM CONSTRUCTION, AND DISPOSE OF IT LEGALLY. REMOVE REMAINING TEMPORARY PROTECTION AT TIME OF ACCEPTANCE BY OWNER UNLESS OTHERWISE AGREED.

9. FERTILIZERS: AVAILABLE FROM CALIFORNIA ORGANIC FERTILIZERS, INC. 1-800-269-5690 WWW.ORGANICAG.COM.

STREET TREE PROTECTION NOTES:

1. ALL TREE PROTECTION REQUIREMENTS AND RESTRICTIONS SHALL BE INCLUDED IN THE CONSTRUCTION NOTES AND PRINTED ON ALL COPIES OF THE PLANS.

a) INCLUDE THE NAME AND PHONE NUMBER OF THE PARTY THAT WILL MONITOR THE SITE AND ENSURE THE TREE PROTECTION MEASURES ARE BEING FOLLOWED; AND WHAT THE MONITORING SCHEDULE WILL BE: **NAME / PHONE / SCHEDULE**

b) INSTALL 6 FOOT CHAIN-LINK FENCING TO PROTECT THE AREA WITHIN THE DRIP-LINE OF ANY PROTECTED TREE IN THE DEVELOPMENT AREA. FENCING SHALL BE MOUNTED TO POSTS THAT ARE DRIVEN INTO THE GROUND. WHERE THIS IS NOT POSSIBLE BECAUSE OF EXISTING STRUCTURES, TREE ROOTS, OR OTHER OBSTACLES, CHAIN-LINK PANELS MOUNTED TO STANCHIONS AND CONNECTED TO EACH OTHER MAY BE APPROVED. IN AREAS WHERE DIFFICULT TERRAIN MAKES THIS IMPRACTICAL, ORANGE CONSTRUCTION FENCING MAY BE APPROVED.

c) ALL FENCING SHALL HAVE SIGNAGE STATING THE REQUIREMENTS AND RESTRICTIONS, AND THE CONTACT INFORMATION FOR THE PROJECT ARBORIST.

d) WHEN ANY APPROVED CONSTRUCTION ACTIVITY WILL OCCUR WITHIN THE DRIP LINE OF A PROTECTED TREE THAT IS NOT SURROUNDED BY PROTECTIVE FENCING, THE TRUNK SHALL BE PROTECTED BY WRAPPING IT WITH STRAW TUBES (WATTLE) OR VERTICAL WOOD SLATS (EX. 2X4), UP TO A MINIMUM OF 8 FEET FROM GRADE (SEE FIGURE 1, PAGE 6). SLATS SHALL BE ANGLED TO PROTECT THE ROOT FLARE AT THE BASE OF THE TREE; AND CLOSED CELL FOAM OR EQUIVALENT MATERIAL SHALL BE USED TO PROTECT THE TRUNK OF THE TREE WHERE IT CONTACTS THE SLATS. LATERAL BRANCHES BELOW 8 FEET SHALL ALSO BE PROTECTED. IN ADDITION, THE AREA SHALL BE COVERED WITH A 6 INCH LAYER OF MULCH TOPPED WITH 3/4 INCH PLYWOOD THAT IS FASTENED TOGETHER. IF ANY LARGE OR MOTORIZED EQUIPMENT (MINI EXCAVATOR, BOBCAT®, POWERED WHEELBARROW) WILL TRAVEL OVER THIS AREA, THE PLYWOOD MUST BE A MINIMUM OF 1 INCH AND ADEQUATE FOR THE WEIGHT OF THE EQUIPMENT THAT WILL TRAVEL OVER IT. IF LARGER EQUIPMENT (BACKHOE, TRACTOR) WILL BE USED, CONSULT THE CITY ARBORIST. ***CONSTRUCTION ACTIVITY REFERS TO ANY MOVEMENT OF PEOPLE, TOOLS, OR EQUIPMENT; OR STORAGE OF ANY TOOLS, EQUIPMENT, OR SUPPLIES.***

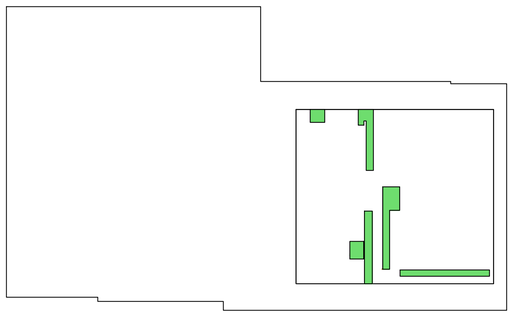
f) LOCATE AND EXPOSE ANY ROOTS 2 INCHES IN DIAMETER OR GREATER THAT MAY NEED TO BE PRUNED TO FACILITATE THE PROJECT. THIS INCLUDES ANY TRENCHING THAT WILL BE DONE AS PART OF FOUNDATION OR UTILITY INSTALLATION. CONTACT THE CITY ARBORIST IN ADVANCE TO LESSEN THE AMOUNT OF TIME THAT THE ROOTS WILL BE EXPOSED. IF ROOTS MUST BE LEFT EXPOSED FOR MORE THAN THREE DAYS, CONSULT THE CITY ARBORIST. **NOTE:** THE 2 INCH DIAMETER THRESHOLD FOR ROOTS IS A GUIDELINE THAT MAY BE ADJUSTED BY THE CITY ARBORIST DEPENDING ON THE SIZE AND CONDITION OF THE TREE, AND THE LOCATION OF THE ROOTS. THE CITY ARBORIST MAY INCREASE THE TPZ, OR IMPOSE OTHER RESTRICTIONS, WHEN THE DRIPLINE OF A TREE HAS BEEN ALTERED BY PRUNING OR UNUSUAL GROWTH PATTERNS.

g) NO STORAGE OF BUILDING MATERIALS, REFUSE, EXCAVATED SPOILS, OR DUMPING OF POISONOUS MATERIALS, IS PERMITTED WITHIN THE DRIP LINE OF ANY PROTECTED TREE. POISONOUS MATERIALS INCLUDE, BUT ARE NOT LIMITED TO, PAINT, PETROLEUM PRODUCTS, CONCRETE OR STUCCO MIX, DIRTY WATER, OR ANY OTHER MATERIAL WHICH MAY BE DELETERIOUS TO TREE HEALTH.

STREET TREE PLANTING NOTES:

1. FOR NEW PLANTING:
   a. THE CITY ARBORIST SHALL BE NOTIFIED, BY CALLING (510) 981-6660, PRIOR TO THE DELIVERY OF THE TREES FOR INSPECTION OF THEIR SIZE AND STRUCTURE.
   b. EACH TREE SHALL BE PROPERLY PLANTED AT OR JUST BELOW GRADE (<1"). SOIL AMENDMENT IS NOT RECOMMENDED, AND NATIVE SOIL IS PREFERRED. NO CONSTRUCTION RUBBLE OR NON-ORGANIC MATERIAL SHALL BE WITHIN THE TREE WELL.
   c. THE SURROUNDING SOIL OUTSIDE THE CONTAINER (ROOT BALL) SHOULD BE LIGHTLY COMPACTED TO ABOUT 4 INCHES BELOW GRADE WITH THE ROOT BALL HIGHER THAN THAT.
   d. 2 TO 2.5 INCHES OF BASE ROCK SHOULD BE APPLIED AROUND THE ROOT BALL LEAVING 1.5 TO 2 INCHES LEFT FOR THE MATERIAL.
   e. 15G CONTAINERS ARE APPROXIMATELY 15-16 INCHES IN DIAMETER AND THE MATERIAL SHOULD BE APPLIED TO THE APPROXIMATE EDGE OF THE ROOT BALL WITH THE TOP GRADE OF THE ROOT BALL UP TO 1 INCH BELOW THE TOP OF THE MATERIAL THAT WILL BE APPLIED.
   f. EACH NEW TREE SHALL HAVE AUTOMATIC IRRIGATION INCLUDING TWO TREE BUBBLERS THAT CURVE OVER THE TOP OF THE TREES' ROOT BALL AND PROVIDE A MINIMUM OF 20 GALLONS PER WEEK BETWEEN MARCH 15 AND OCTOBER 15 FOR THE FIRST THREE YEARS. LARGER TREES MAY REQUIRE ADDITIONAL BUBBLERS. THE BUBBLERS SHOULD BE LOCATED ON TOP OF THE ROOT BALL WITHIN THIS 15-16 INCH CIRCLE AND NOT BE COVERED WITH MATERIAL.
   g. TREES THAT DIE WITHIN THE FIRST THREE YEARS MUST BE REPLACED AT THE PROPERTY OWNER'S EXPENSE.

USEABLE OPEN SPACE CALCULATIONS



ROOF DECK TOTAL USABLE AREA = 6,882 SF

(ROOF DECK HARDSCAPED = 6,297 SF)

ROOF DECK LANDSCAPED = 585 SF

ROOF DECK LANDSCAPED % = 9%

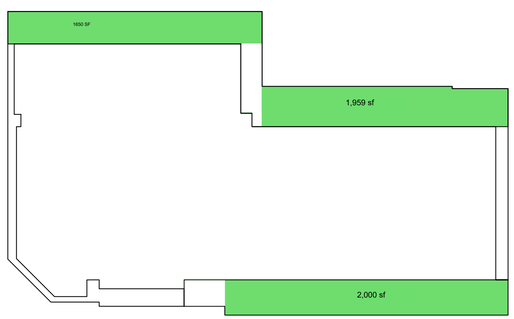
ROOF DECK USEABLE AREA (NTS)

1998 SHATTUCK TOTAL USABLE AREA = 12,491 sf

(TOTAL HARDSCAPED AREA = 6,297 SF)

TOTAL LANDSCAPED AREA = 6,735 SF

TOTAL LANDSCAPED AREA % = 54%



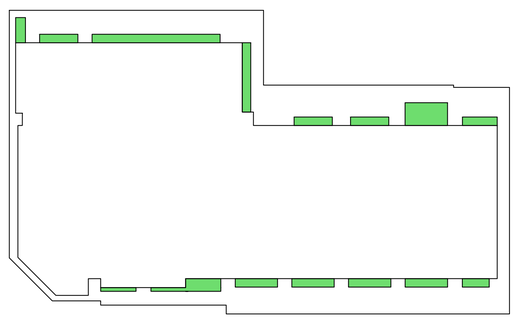
PODIUM TOTAL USABLE AREA = 5,609 sf

(PODIUM HARDSCAPED = 0 SF)

PODIUM LANDSCAPED = 5,609 sf

PODIUM LANDSCAPED % = 100%

PODIUM USEABLE AREA (NTS)



1998 SHATTUCK TOTAL ROOF AREA = 26,208 SF

4% FLOW-THROUGH PLANTER AREA NEEDED = 1,049 SF

CURRENT FLOW-THROUGH PLANTER AREA = 1,306 SF
(AT PODIUM)

FLOW-THROUGH PLANTER AREA (NTS)

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JOB: 0000

SHEET:

USABLE OPEN SPACE CALCULATIONS + PLANTING NOTES

L3.1

IRRIGATION NOTES

1. THESE IRRIGATION DRAWINGS ARE DIAGRAMMATIC AND INDICATIVE OF THE WORK TO BE INSTALLED. ALL PIPING, VALVES, AND OTHER IRRIGATION COMPONENTS MAY BE SHOWN WITHIN PAVED AREAS FOR GRAPHIC CLARITY ONLY AND ARE TO BE INSTALLED WITHIN PLANTING AREAS. DUE TO THE SCALE OF THE DRAWINGS, IT IS NOT POSSIBLE TO INDICATE ALL OFFSETS, FITTINGS, SLEEVES, CONDUIT, AND OTHER ITEMS WHICH MAY BE REQUIRED. INVESTIGATE THE STRUCTURAL AND FINISHED CONDITION AFFECTING THE CONTRACT WORK INCLUDING OBSTRUCTIONS, GRADE DIFFERENCES OR AREA DIMENSIONAL DIFFERENCES. IN THE EVENT OF FIELD DISCREPANCY WITH CONTRACT DOCUMENTS, PLAN THE INSTALLATION WORK ACCORDINGLY BY NOTIFICATION AND APPROVAL OF THE OWNER'S AUTHORIZED REPRESENTATIVE AND ACCORDING TO THE CONTRACT SPECIFICATIONS. NOTIFY AND COORDINATE IRRIGATION CONTRACT WORK WITH APPLICABLE CONTRACTORS FOR THE LOCATION AND INSTALLATION OF PIPE, CONDUIT OR SLEEVES THROUGH OR UNDER WALLS, ROADWAYS, PAVING AND STRUCTURES BEFORE CONSTRUCTION. IN THE EVENT THESE NOTIFICATIONS ARE NOT PERFORMED, THE CONTRACTOR ASSUMES FULL RESPONSIBILITY FOR REQUIRED REVISIONS.

2. THE CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE CODES, STANDARDS, AND REGULATIONS. ALL WORK AND MATERIALS SHALL BE IN FULL ACCORDANCE WITH THE LATEST RULES AND REGULATIONS OF THE NATIONAL ELECTRIC CODE; THE UNIFORM PLUMBING CODE, PUBLISHED BY THE WESTERN PLUMBING OFFICIALS ASSOCIATION; AND OTHER STATE OR LOCAL LAWS OR REGULATIONS. NOTHING IN THESE DRAWINGS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES OR REGULATIONS. THE CONTRACTOR SHALL FURNISH WITHOUT ANY EXTRA CHARGE, ANY ADDITIONAL MATERIAL AND LABOR WHEN REQUIRED BY THE COMPLIANCE WITH THESE CODES AND REGULATIONS.

3. THE CONTRACTOR SHALL COORDINATE INSTALLATION OF IRRIGATION SYSTEM WITH LAYOUT AND INSTALLATION OF THE PLANT MATERIALS TO INSURE THAT THERE WILL BE COMPLETE AND UNIFORM IRRIGATION COVERAGE OF PLANTING IN ACCORDANCE WITH THESE DRAWINGS, AND CONTRACT DOCUMENTS. THE IRRIGATION LAYOUT SHALL BE CHECKED BY THE CONTRACTOR AND OWNER'S AUTHORIZED REPRESENTATIVE PRIOR TO CONSTRUCTION TO DETERMINE IF ANY CHANGES, DELETIONS, OR ADDITIONS ARE REQUIRED. IRRIGATION SYSTEM SHALL BE INSTALLED AND TESTED PRIOR TO INSTALLATION OF PLANT MATERIAL.

4. THE INTENT OF THIS IRRIGATION SYSTEM IS TO PROVIDE THE MINIMUM AMOUNT OF WATER REQUIRED TO SUSTAIN GOOD PLANT HEALTH.

5. IT IS THE RESPONSIBILITY OF THE MAINTENANCE CONTRACTOR AND/OR OWNER TO PROGRAM THE IRRIGATION CONTROLLER(S) TO PROVIDE THE MINIMUM AMOUNT OF WATER NEEDED TO SUSTAIN GOOD PLANT HEALTH. THIS INCLUDES MAKING ADJUSTMENTS TO THE PROGRAM FOR SEASONAL WEATHER CHANGES, PLANT MATERIAL, WATER REQUIREMENTS, MOUNDS, SLOPES, SUN, SHADE AND WIND EXPOSURE.

6. IT IS THE RESPONSIBILITY OF A LICENSED ELECTRICAL CONTRACTOR TO PROVIDE 120 VOLT A.C. (2.5 AMP DEMAND PER CONTROLLER) ELECTRICAL SERVICE TO THE CONTROLLER LOCATION(S). IT IS THE RESPONSIBILITY OF THE IRRIGATION CONTRACTOR TO COORDINATE THE ELECTRICAL SERVICE STUB-OUT TO THE CONTROLLER(S). PROVIDE PROPER GROUNDING PER CONTROLLER MANUFACTURER'S INSTRUCTIONS AND IN ACCORDANCE WITH LOCAL CODES.

7. PROVIDE EACH CONTROLLER WITH ITS OWN GROUND ROD. SEPARATE THE GROUND RODS BY A MINIMUM OF EIGHT FEET. THE GROUND ROD SHALL BE AN EIGHT FOOT LONG BY 5/8" DIAMETER U.L. APPROVED COPPER CLAD ROD. INSTALL NO MORE THAN 6" OF THE GROUND ROD ABOVE FINISH GRADE. CONNECT #6 GAUGE WIRE WITH A U.L. APPROVED GROUND ROD CLAMP TO ROD AND BACK TO GROUND SCREW AT BASE OF CONTROLLER WITH APPROPRIATE CONNECTOR. MAKE THIS WIRE AS SHORT AS POSSIBLE, AVOIDING KINKS OR BENDING.

8. INSTALL NEW BATTERIES IN THE IRRIGATION CONTROLLER(S) TO RETAIN PROGRAM IN MEMORY DURING TEMPORARY POWER FAILURES. USE QUANTITY, TYPE AND SIZE REQUIRED AS PER CONTROLLER MANUFACTURER'S INSTRUCTIONS.

9. SCHEDULE A MEETING WHICH INCLUDES REPRESENTATIVES OF THE IRRIGATION CONTROLLER MANUFACTURER, THE MAINTENANCE CONTRACTOR, THE OWNER AND THE IRRIGATION CONTRACTOR AT THE SITE FOR INSTRUCTION ON THE PROPER PROGRAMMING AND OPERATION OF THE IRRIGATION CONTROLLER.

10. PROVIDE EACH IRRIGATION CONTROLLER WITH ITS OWN INDEPENDENT LOW VOLTAGE COMMON GROUND WIRE.

11. IRRIGATION CONTROL WIRES: SOLID COPPER WITH U.L. APPROVAL FOR DIRECT BURIAL IN GROUND. COMMON GROUND WIRE: SIZE #12-1 WIRE WITH A WHITE INSULATING JACKET. CONTROL WIRE SERVICING REMOTE CONTROL VALVES: SIZE #14-1 WIRE WITH INSULATING JACKET OF COLOR OTHER THAN WHITE. SPLICES SHALL BE MADE WITH 3M-DBY SEAL PACKS OR APPROVED EQUAL.

12. INSTALL TWO SPARE CONTROL WIRES OF A DIFFERENT COLOR ALONG THE ENTIRE MAIN LINE. LOOP 36" EXCESS WIRE INTO EACH SINGLE VALVE BOX AND INTO ONE VALVE BOX IN EACH GROUP OF VALVES.

13. SPLICING OF LOW VOLTAGE WIRES IS PERMITTED IN VALVE BOXES ONLY. LEAVE A 36" LONG, 1" DIAMETER COIL OF EXCESS WIRE AT EACH SPLICE AND A 36" LONG EXPANSION LOOP EVERY 100 FEET ALONG WIRE RUN. TAPE WIRES TOGETHER EVERY TEN FEET. DO NOT TAPE WIRES TOGETHER WHERE CONTAINED WITHIN SLEEVING OR CONDUIT.

14. INSTALL GREEN PLASTIC VALVE BOXES WITH BOLT DOWN, NON HINGED COVER MARKED "IRRIGATION CONTROL VALVE". BOX BODY SHALL HAVE KNOCK OUTS. ACCEPTABLE VALVE BOX MANUFACTURER'S INCLUDE NDS, CARSON OR APPROVED EQUAL.

15. INSTALL REMOTE CONTROL VALVE BOXES 12" FROM WALK, CURB, BUILDING OR LANDSCAPE FEATURE. AT MULTIPLE VALVE BOX GROUPS, INSTALL EACH BOX AN EQUAL DISTANCE FROM THE WALK, CURB, BUILDING OR LANDSCAPE FEATURE AND PROVIDE 12" BETWEEN BOX TOPS. ALIGN THE SHORT SIDE OF RECTANGULAR VALVE BOXES PARALLEL TO WALK, CURB, BUILDING OR LANDSCAPE FEATURE.

16. VALVE LOCATIONS SHOWN ARE DIAGRAMMATIC. INSTALL IN GROUND COVER/SHRUB AREAS (AVOID LAWN AREAS WHERE POSSIBLE).

17. THE CONTRACTOR SHALL LABEL CONTROL LINE WIRE AT EACH REMOTE CONTROL VALVE WITH A 2 1/4" X 2 3/4" POLYURETHANE I.D. TAG, INDICATING IDENTIFICATION NUMBER OF VALVE (CONTROLLER AND STATION NUMBER). ATTACH LABEL TO CONTROL WIRE. THE CONTRACTOR SHALL PERMANENTLY STAMP ALL VALVE BOX LIDS WITH APPROPRIATE IDENTIFICATION AS NOTED IN CONSTRUCTION DETAILS.

18. FLUSH AND ADJUST IRRIGATION OUTLETS AND NOZZLES FOR OPTIMUM PERFORMANCE AND TO PREVENT OVER SPRAY ONTO WALKS, ROADWAYS, AND/OR BUILDINGS. SELECT THE BEST DEGREE OF THE ARC AND RADIUS TO FIT THE EXISTING SITE CONDITIONS AND THROTTLE THE FLOW CONTROL AT EACH VALVE TO OBTAIN THE OPTIMUM OPERATING PRESSURE FOR EACH CONTROL ZONE.

19. SET SPRINKLER HEADS PERPENDICULAR TO FINISH GRADE.

20. LOCATE BUBBLERS ON UPHILL SIDE OF PLANT OR TREE.

21. INSTALL A HUNTER HCV SERIES, KBI CV SERIES, OR APPROVED EQUAL SPRING LOADED CHECK VALVE IN SPRINKLER RISER ASSEMBLIES WHERE LOW OUTLET DRAINAGE WILL CAUSE EROSION AND/OR EXCESS WATER.

22. WHERE IT IS NECESSARY TO EXCAVATE ADJACENT TO EXISTING TREES, USE CAUTION TO AVOID INJURY TO TREES AND TREE ROOTS. EXCAVATE BY HAND IN AREAS WHERE TWO (2) INCH AND LARGER ROOTS OCCUR. BACK FILL TRENCHES ADJACENT TO TREE WITHIN TWENTY-FOUR (24) HOURS. WHERE THIS IS NOT POSSIBLE, SHADE THE SIDE OF THE TRENCH ADJACENT TO THE TREE WITH WET BURLAP OR CANVAS.

23. NOTIFY LOCAL JURISDICTIONS FOR INSPECTION AND TESTING OF INSTALLED BACKFLOW PREVENTION DEVICE.

24. THE IRRIGATION SYSTEM DESIGN IS BASED ON THE MINIMUM OPERATING PRESSURE SHOWN ON THE IRRIGATION DRAWINGS. VERIFY WATER PRESSURE PRIOR TO CONSTRUCTION. REPORT ANY DIFFERENCE BETWEEN THE WATER PRESSURE INDICATED ON THE DRAWINGS AND THE ACTUAL PRESSURE READING AT THE IRRIGATION POINT OF CONNECTION TO THE OWNER'S AUTHORIZED REPRESENTATIVE.

25. IRRIGATION DEMAND: REFER TO PLANS.

26. THE EXISTING MAIN LINE SHOWN ON THE DRAWINGS IS DIAGRAMMATIC. VERIFY AND LOCATE EXISTING MAIN LINE IN FIELD. REPORT TO ARCHITECT IN WRITING ANY DEVIATION OF EXISTING MAIN LINE LOCATION FROM THAT SHOWN ON THE DRAWINGS.

27. PIPE SIZING SHOWN ON THE DRAWINGS IS TYPICAL. AS CHANGES IN LAYOUT OCCUR DURING STAKING AND CONSTRUCTION THE SIZE MAY NEED TO BE ADJUSTED ACCORDINGLY.

28. PIPE THREAD SEALANT COMPOUND SHALL BE RECTOR SEAL #5.

29. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR MINOR CHANGES IN THE IRRIGATION LAYOUT DUE TO OBSTRUCTIONS NOT SHOWN ON THE IRRIGATION DRAWINGS SUCH AS LIGHTS, FIRE HYDRANTS, SIGNS, ELECTRICAL ENCLOSURES, ETC.

30. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR CHANGES IN THE IRRIGATION LAYOUT AND VALVE ZONING DUE TO VARIATIONS IN THE EXISTING SITE CONDITIONS SUCH AS EXPOSURE FROM BUILDINGS, TRELLISES, TREES, ETC., AS WELL AS SLOPE AND SOIL CONDITIONS. THE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT AND IRRIGATION CONSULTANT OF THE PROPOSED CHANGES PRIOR TO INSTALLATION FOR APPROVAL.

31. WHEN WORK OF THIS SECTION HAS BEEN COMPLETED AND SUCH OTHER TIMES AS MAY BE DIRECTED, REMOVE ALL TRASH, DEBRIS, SURPLUS MATERIALS AND EQUIPMENT FROM SITE.

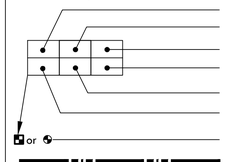
32. CONTRACTOR SHALL BE RESPONSIBLE FOR SUPPLEMENTAL HAND WATERING OF ALL PLANT MATERIAL WITHIN DRIPLINE AREAS UNTIL THE PLANTS ARE SUFFICIENTLY ESTABLISHED.

33. VERIFY LOCATIONS OF ALL IRRIGATION COMPONENTS INSTALLED WITHIN A VALVE BOX WITH LANDSCAPE ARCHITECT PRIOR TO INSTALLATION. DO NOT INSTALL UNTIL LANDSCAPE ARCHITECT PROVIDES ACCEPTABLE LOCATIONS.

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2760 Camino Diablo
Walnut Creek, CA 94597
tel 925.939.3985 ♦ fax 925.932.5671
www.rmairrigation.com

IRRIGATION LEGEND

SYMBOL	MODEL NUMBER	DESCRIPTION	NOZZLE GPM	OPERATING PSI	OPERATING RADIUS (FEET)
⊕	PCB-25	HUNTER BUBBLER (SHRUB)	0.25	30	TRICKLE
■	PCB-25	HUNTER BUBBLER (TREE) MIN. 2 PER TREE. REFER TO BUBBLER DETAIL FOR QUANTITY OF BUBBLERS PER TREE SIZE.	0.25	30	TRICKLE
●+	WLT-0500-T	NDS SCH 40 BALL VALVE OR APPROVED EQUAL			
◙	ECO-ID	HUNTER ECO-INDICATOR			
◔	ICV-101/AS-40	HUNTER REMOTE CONTROL VALVE WITH 40 PSI PRESSURE REGULATOR			
◘	ICZ-101-40	HUNTER REMOTE CONTROL VALVE WITH A 40 PSI PRESSURE REGULATOR AND A 1" FILTER.			
◂▸	QB44RCAR10	BUCKNER 1" TWO-PIECE QUICK COUPLING VALVE (ANTI-ROTATION)			
⋈	T-FP600A-LF-1"	NIBCO 1" BRASS BALL VALVE			
(M)	WT-MV-100G-SNO	WeatherTRAK 1" BRASS MASTER VALVE (NORMALLY OPEN)			
(FS)	WTFLOW-HD-P-100	WeatherTRAK 1" FLOW SENSOR			
⋈	975XL2SEU-1"	WILKINS REDUCED PRESSURE BACKFLOW ASSEMBL.			
SM	MODEL 55	BADGER SUB WATER METER			
A	WTLC-C-12-PL/ WTLC-FLOW-KEY	WeatherTRAK LC 12 STATION CONTROLLER IN A PLASTIC WALL MOUNTED ENCLOSURE WITH FLOW KEY.			
B	WTLC-C-6-PL/ WTLC-FLOW-KEY	WeatherTRAK LC 6 STATION CONTROLLER IN A PLASTIC WALL MOUNTED ENCLOSURE WITH FLOW KEY.			



CONTROLLER AND STATION NUMBER
REMOTE CONTROL VALVE SIZE (IN INCHES)
FLOW (GPM)
WATER USE CLASSIFICATION OF ZONE
APPLICATION RATE (IN/HR) or DRIPLINE SPACING
AREA (SQ. FT.)
ASSOCIATED REMOTE CONTROL VALVE

MAIN LINE: 1.25" THROUGHOUT: 1120-SCHEDULE 40 PVC PLASTIC PIPE WITH SCHEDULE 40 PVC SOLVENT WELD FITTINGS. 18" COVER.

LATERAL LINE: 3/4" AND LARGER: 1120-SCHEDULE 40 PVC PLASTIC PIPE WITH SCHEDULE 40 PVC SOLVENT WELD FITTINGS. 12" COVER.

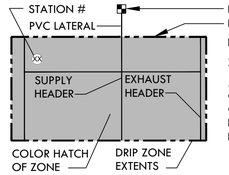
DRIPLINE LATERAL LINE: 3/4" AND LARGER: 1120-SCHEDULE 40 PVC PLASTIC PIPE WITH SCHEDULE 40 PVC SOLVENT WELD FITTINGS. 12" COVER.

SLEEVING: SCHEDULE 40 PVC PLASTIC PIPE. COVER TO BE AS INDICATED IN SPECIFICATIONS OR AS INDICATED ABOVE FOR PIPE DEPTH OF COVER.

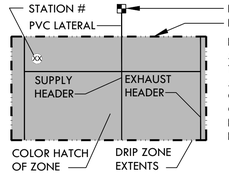
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MAIN LINE: 1.25" THROUGHOUT: TYPE 'K' COPPER PIPE WITH WROUGHT FITTINGS. SHOWN FOR REFERENCE ONLY, SEE PLUMBING PLANS FOR ROUTING THROUGH STRUCTURE.

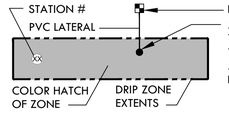
ELECTRICAL CONDUIT: SHOWN FOR REFERENCE ONLY, SEE ELECTRICAL PLANS FOR ROUTING THROUGH STRUCTURE.



DRIPLINE REMOTE CONTROL VALVE
DRIP ZONE:
HUNTER HDL SERIES DRIPLINE WITH BUILT IN PRESSURE COMPENSATION AND CHECK VALVE, PART #HDL-06-12-250-CV. USE PLD FITTINGS. TUBING TO BE INSTALLED 4" BELOW GRADE IN A 12" O.C. GRID ACCORDING TO DETAILS. SIZE EXHAUST HEADERS AS FOLLOWS: 1": 0-10 GPM, 1.25": 11-20 GPM. ALL EXHAUST HEADERS SHALL BE 1" SCH 40 PVC OR 1" SCH 40 FLEXIBLE PVC. USE SCH. 40 PVC SOLVENT WELD FITTINGS. EXTEND PVC HEADERS TO THE ENDS OF ALL DRIP ZONES TO BALANCE FLOW IF REQUIRED. SEE DETAILS FOR FURTHER INFORMATION.



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HUNTER HDL SERIES DRIPLINE WITH BUILT IN PRESSURE COMPENSATION AND CHECK VALVE, PART #HDL-06-12-250-CV. USE PLD FITTINGS. TUBING TO BE INSTALLED 4" BELOW GRADE IN A 8" O.C. GRID ACCORDING TO DETAILS. SIZE EXHAUST HEADERS AS FOLLOWS: 1": 0-10 GPM, 1.25": 11-20 GPM. ALL EXHAUST HEADERS SHALL BE 1" SCH 40 PVC OR 1" SCH 40 FLEXIBLE PVC. USE SCH. 40 PVC SOLVENT WELD FITTINGS. EXTEND PVC HEADERS TO THE ENDS OF ALL DRIP ZONES TO BALANCE FLOW IF REQUIRED. SEE DETAILS FOR FURTHER INFORMATION.



DRIPLINE REMOTE CONTROL VALVE
APPROXIMATE CONNECTION POINT BETWEEN DRIPLINE TUBING AND PVC SUPPLY WHEN DRIP ZONE IS LESS THAN 3 GPM AND NO PVC SUPPLY/EXHUST HEADERS ARE NEEDED. REFER TO DRIPLINE TUBING CONNECTION DETAIL FOR MORE INFORMATION.

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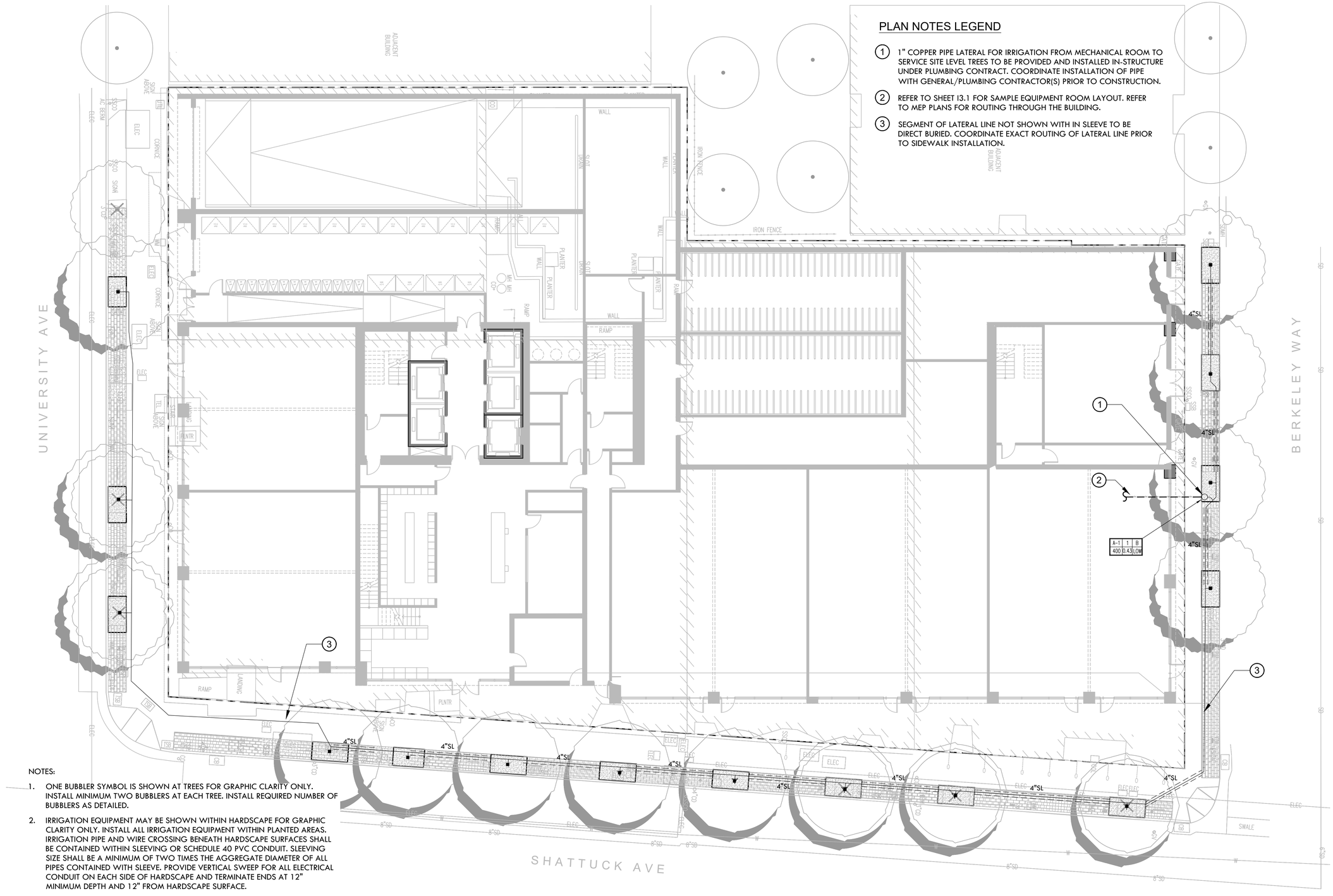
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JOB: 0000

SHEET:

IRRIGATION
NOTES & LEGEND

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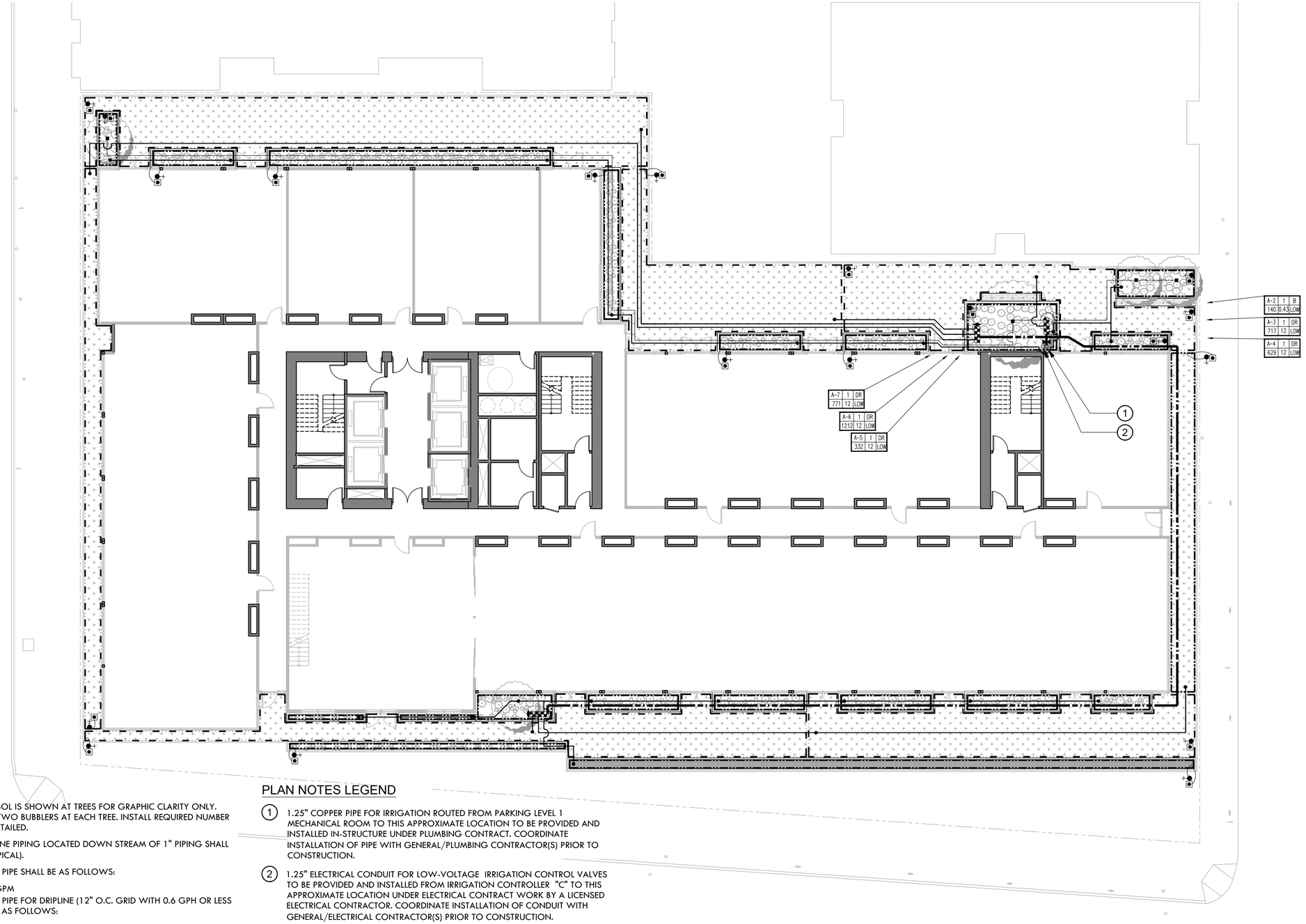
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JOB: 0000

SHEET:

IRRIGATION PLAN
AT STREETSCAPE
ALT A

L1.0



NOTES:

1. ONE BUBBLER SYMBOL IS SHOWN AT TREES FOR GRAPHIC CLARITY ONLY. INSTALL MINIMUM TWO BUBBLERS AT EACH TREE. INSTALL REQUIRED NUMBER OF BUBBLERS AS DETAILED.
2. UNSIZED LATERAL LINE PIPING LOCATED DOWN STREAM OF 1" PIPING SHALL BE 3/4" IN SIZE (TYPICAL).
3. SIZING OF LATERAL PIPE SHALL BE AS FOLLOWS:

   0.75" 0-6 GPM
4. SIZING OF LATERAL PIPE FOR DRIPLINE (12" O.C. GRID WITH 0.6 GPH OR LESS EMITTERS) SHALL BE AS FOLLOWS:

   0.75 0-500 FT
   1" 501-1100 FT

PLAN NOTES LEGEND

(1) 1.25" COPPER PIPE FOR IRRIGATION ROUTED FROM PARKING LEVEL 1 MECHANICAL ROOM TO THIS APPROXIMATE LOCATION TO BE PROVIDED AND INSTALLED IN-STRUCTURE UNDER PLUMBING CONTRACT. COORDINATE INSTALLATION OF PIPE WITH GENERAL/PLUMBING CONTRACTOR(S) PRIOR TO CONSTRUCTION.

(2) 1.25" ELECTRICAL CONDUIT FOR LOW-VOLTAGE IRRIGATION CONTROL VALVES TO BE PROVIDED AND INSTALLED FROM IRRIGATION CONTROLLER "C" TO THIS APPROXIMATE LOCATION UNDER ELECTRICAL CONTRACT WORK BY A LICENSED ELECTRICAL CONTRACTOR. COORDINATE INSTALLATION OF CONDUIT WITH GENERAL/ELECTRICAL CONTRACTOR(S) PRIOR TO CONSTRUCTION.

North

0 2 4 8

3/16"=1'-0"

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JOB: 0000

SHEET:

IRRIGATION PLAN
SECOND FLOOR
PODIUM GARDENS

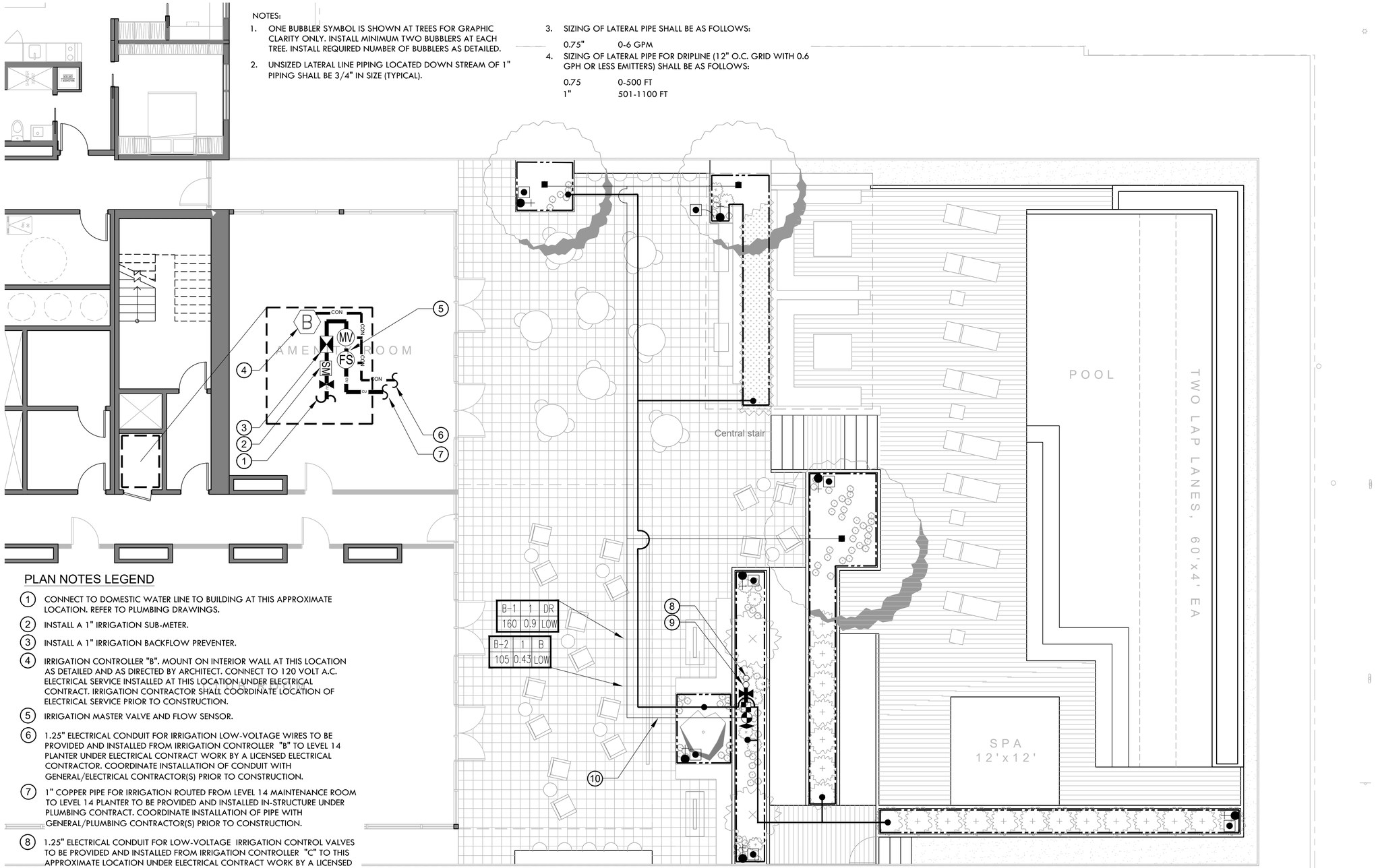
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NOTES:

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   0.75 0-500 FT
   1" 501-1100 FT



PLAN NOTES LEGEND

1. CONNECT TO DOMESTIC WATER LINE TO BUILDING AT THIS APPROXIMATE LOCATION. REFER TO PLUMBING DRAWINGS.
2. INSTALL A 1" IRRIGATION SUB-METER.
3. INSTALL A 1" IRRIGATION BACKFLOW PREVENTER.
4. IRRIGATION CONTROLLER "B". MOUNT ON INTERIOR WALL AT THIS LOCATION AS DETAILED AND AS DIRECTED BY ARCHITECT. CONNECT TO 120 VOLT A.C. ELECTRICAL SERVICE INSTALLED AT THIS LOCATION UNDER ELECTRICAL CONTRACT. IRRIGATION CONTRACTOR SHALL COORDINATE LOCATION OF ELECTRICAL SERVICE PRIOR TO CONSTRUCTION.
5. IRRIGATION MASTER VALVE AND FLOW SENSOR.
6. 1.25" ELECTRICAL CONDUIT FOR IRRIGATION LOW-VOLTAGE WIRES TO BE PROVIDED AND INSTALLED FROM IRRIGATION CONTROLLER "B" TO LEVEL 14 PLANTER UNDER ELECTRICAL CONTRACT WORK BY A LICENSED ELECTRICAL CONTRACTOR. COORDINATE INSTALLATION OF CONDUIT WITH GENERAL/ELECTRICAL CONTRACTOR(S) PRIOR TO CONSTRUCTION.
7. 1" COPPER PIPE FOR IRRIGATION ROUTED FROM LEVEL 14 MAINTENANCE ROOM TO LEVEL 14 PLANTER TO BE PROVIDED AND INSTALLED IN-STRUCTURE UNDER PLUMBING CONTRACT. COORDINATE INSTALLATION OF PIPE WITH GENERAL/PLUMBING CONTRACTOR(S) PRIOR TO CONSTRUCTION.
8. 1.25" ELECTRICAL CONDUIT FOR LOW-VOLTAGE IRRIGATION CONTROL VALVES TO BE PROVIDED AND INSTALLED FROM IRRIGATION CONTROLLER "C" TO THIS APPROXIMATE LOCATION UNDER ELECTRICAL CONTRACT WORK BY A LICENSED ELECTRICAL CONTRACTOR. COORDINATE INSTALLATION OF CONDUIT WITH GENERAL/ELECTRICAL CONTRACTOR(S) PRIOR TO CONSTRUCTION.
9. 1" COPPER PIPE FOR IRRIGATION ROUTED FROM PARKING LEVEL 1 MECHANICAL ROOM TO THIS APPROXIMATE LOCATION TO BE PROVIDED AND INSTALLED IN-STRUCTURE UNDER PLUMBING CONTRACT. COORDINATE INSTALLATION OF PIPE WITH GENERAL/PLUMBING CONTRACTOR(S) PRIOR TO CONSTRUCTION.
10. ALL IRRIGATION LINES SHALL BE ROUTED UNDER PEDESTAL PAVERS.

27 FEB 2023

ALT E - REVISED

North

3/16"=1'-0"

0 2 4 8

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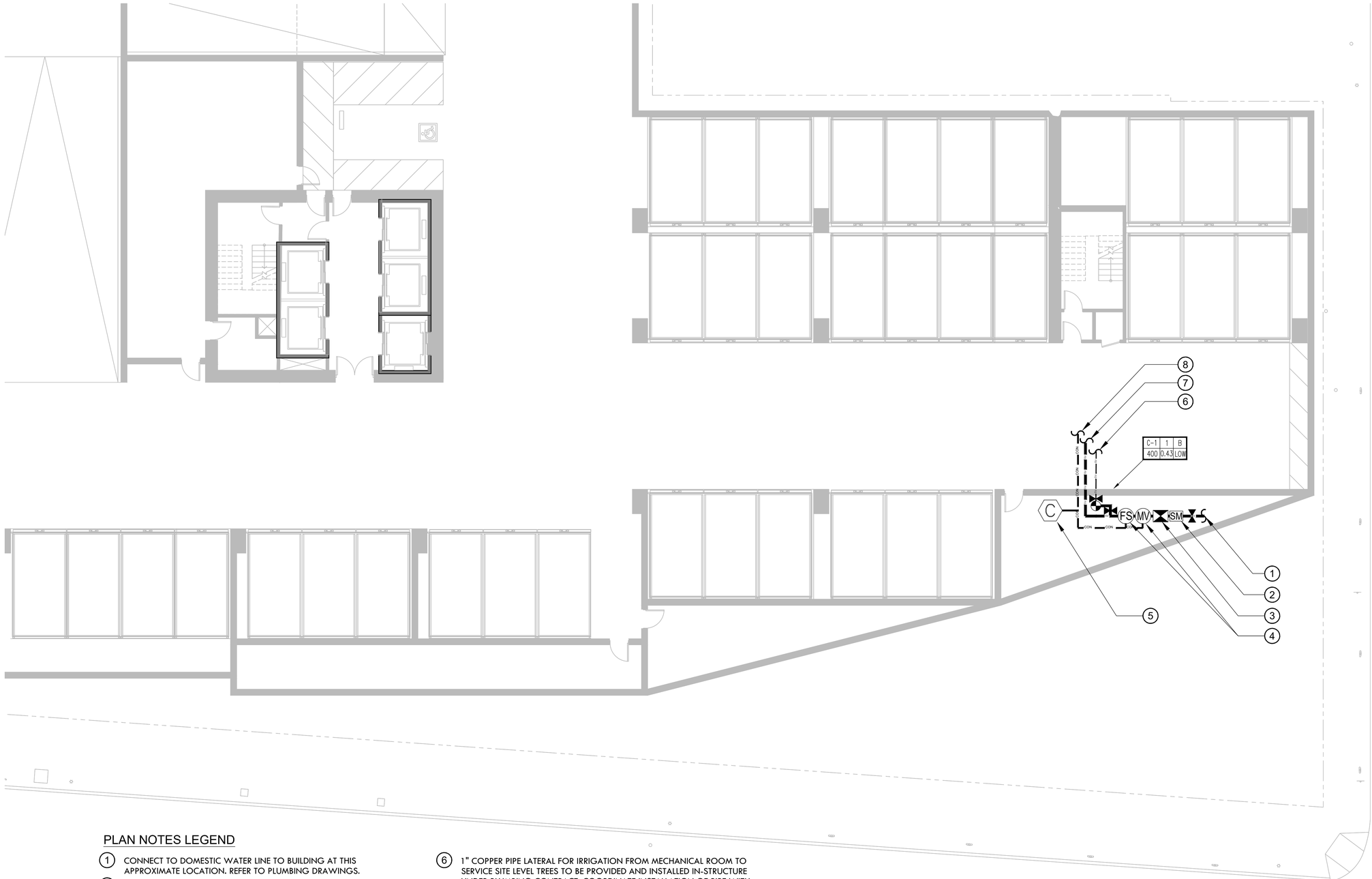
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SHEET:

IRRIGATION PLAN
FOURTEENTH
FLOOR ROOF DECK
ALT E - REVISED

I3.0



PLAN NOTES LEGEND

1. CONNECT TO DOMESTIC WATER LINE TO BUILDING AT THIS APPROXIMATE LOCATION. REFER TO PLUMBING DRAWINGS.
2. INSTALL A 1" IRRIGATION SUB-METER.
3. INSTALL A 1" IRRIGATION BACKFLOW PREVENTER.
4. IRRIGATION MASTER VALVE AND FLOW SENSOR.
5. IRRIGATION CONTROLLER "C". MOUNT ON INTERIOR WALL AT THIS LOCATION AS DETAILED AND AS DIRECTED BY ARCHITECT. CONNECT TO 120 VOLT A.C. ELECTRICAL SERVICE INSTALLED AT THIS LOCATION UNDER ELECTRICAL CONTRACT. IRRIGATION CONTRACTOR SHALL COORDINATE LOCATION OF ELECTRICAL SERVICE PRIOR TO CONSTRUCTION.
6. 1" COPPER PIPE LATERAL FOR IRRIGATION FROM MECHANICAL ROOM TO SERVICE SITE LEVEL TREES TO BE PROVIDED AND INSTALLED IN-STRUCTURE UNDER PLUMBING CONTRACT. COORDINATE INSTALLATION OF PIPE WITH GENERAL/PLUMBING CONTRACTOR(S) PRIOR TO CONSTRUCTION.
7. 1.25" COPPER PIPE FOR IRRIGATION ROUTED FROM MECHANICAL ROOM TO PODIUM LEVEL PLANTERS TO BE PROVIDED AND INSTALLED IN-STRUCTURE UNDER PLUMBING CONTRACT. COORDINATE INSTALLATION OF PIPE WITH GENERAL/PLUMBING CONTRACTOR(S) PRIOR TO CONSTRUCTION.
8. 1.25" ELECTRICAL CONDUIT FOR LOW-VOLTAGE IRRIGATION CONTROL VALVES TO BE PROVIDED AND INSTALLED FROM IRRIGATION CONTROLLER "C" TO PODIUM LEVEL PLANTERS UNDER ELECTRICAL CONTRACT WORK BY A LICENSED ELECTRICAL CONTRACTOR. COORDINATE INSTALLATION OF CONDUIT WITH GENERAL/ELECTRICAL CONTRACTOR(S) PRIOR TO CONSTRUCTION.

27 FEB 2023

North 0 4 8 16 1/8"=1'-0"

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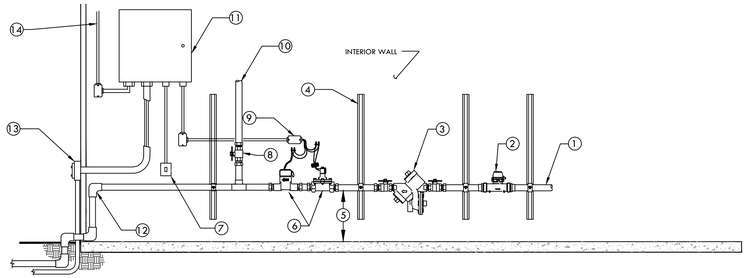
JOB: 0000

SHEET:

IRRIGATION POINT OF CONNECTION

I3.1

1. 1.25" COPPER MAIN LINE TO BACKFLOW IN EQUIPMENT ROOM. SHOWN ON MEP PLANS.
2. SUB-METER FOR IRRIGATION.
3. 1.25" WILKENS REDUCED PRESSURE BACKFLOW ASSEMBLY.
4. UNI-STRUT SUPPORT BRACKET, THREADED EXTENSIONS AND CLAMPS, LENGTH AS REQUIRED. PROVIDE A MINIMUM OF 6" SEPARATION FOR THE VALVES AND PIPE FROM THE WALL.
5. MIN. 18" ± FROM FINISH FLOOR.
6. MASTER VALVE AND FLOW SENSOR.
7. 120 VOLT A.C. ELECTRICAL BY ELECTRICAL CONTRACTOR FOR CONTROLLER
8. 1.25" BRASS BALL VALVE.
9. 1" ELECTRICAL CONDUIT WITH JUNCTION BOXES FOR CONTROL WIRES FOR FLOW SENSOR & MASTER VALVE.
10. 1.25" COPPER MAIN LINE ROUTED THROUGH STRUCTURE TO STUB-OUT LOCATION(S). INSTALLED BY PLUMBING CONTRACTOR. (REFER TO MEP PLAN FOR EXACT ROUTING THRU BUILDING)
11. IRRIGATION CONTROLLER BY IRRIGATION CONTRACTOR. MINIMUM 42" ABOVE FINISHED FLOOR.
12. 1.25" COPPER MAIN LINE ROUTED THROUGH STRUCTURE TO STUB-OUT LOCATION. INSTALLED BY PLUMBING CONTRACTOR. (REFER TO MEP PLAN FOR EXACT ROUTING THRU BUILDING)
13. JUNCTION BOX BY ELECTRICAL CONTRACTOR FOR EXIT OF TWO WIRE SERVICING VALVES WITHIN ROOM.
14. 1.25" ELECTRICAL CONDUIT WITH REQUIRED JUNCTION BOXES ROUTED THROUGH STRUCTURE FROM CONTROLLER LOCATION TO EXTERIOR PLANTERS.

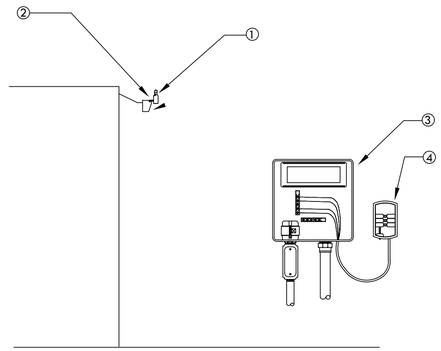


NOTES:

1. THIS LAYOUT IS TO PROVIDE INFORMATION ON EQUIPMENT AND TYPICAL DISTANCES REQUIRED BETWEEN THE EQUIPMENT. IT IS DIAGRAMMATIC AND WILL NEED TO BE ADJUSTED ACCORDING TO AVAILABLE FLOOR SPACE AND OTHER EQUIPMENT INSTALLED WITHIN THE ENCLOSURE. OFFSETS AND FITTINGS WILL BE REQUIRED FOR THESE ADJUSTMENTS.
2. MAINTAIN 6" OF CLEARANCE FROM BUILDING WALLS FOR EASE OF MAINTENANCE FOR ALL COPPER PIPING, VALVES, AND FITTINGS.
3. SEAL ALL PIPE PENETRATIONS THROUGH WALLS/STRUCTURE AS REQUIRED (BY PLUMBING CONTRACTOR). SEE PLUMBING/WATERPROOFING DRAWINGS.
4. ALL FITTINGS AND PIPING FOR WATER LINES WITHIN EQUIPMENT ROOM SHALL BE COPPER WITH WROT FITTINGS OR BRASS NIPPLES.

1 IRRIGATION EQUIPMENT LAYOUT DIAGRAM DETAIL

SCALE: NONE

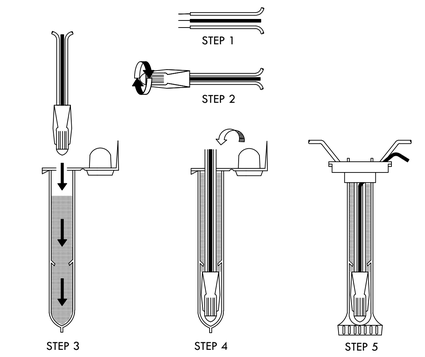


NOTE: MAXIMUM LINE OF SIGHT FROM RAIN SENSOR TO RECEIVER IS 300 FT. DISTANCE IS LESS IF OBSTRUCTIONS EXIST. SENSOR MUST BE INSTALLED IN "CLEAR SPACE" WHERE IT IS EXPOSED TO UNOBSTRUCTED RAINFALL AND IS CLEAR OF IRRIGATION SPRAY.

1. WIRELESS RAIN SENSOR TRANSMITTER (GUTTER MOUNTED)
2. MOUNT RAIN SENSOR ON BUILDING WALL. ARCHITECT TO APPROVE LOCATION
3. CONTROLLER
4. RAIN SENSOR RECEIVER

2 WIRELESS RAIN SENSOR-GUTTER MOUNT

SCALE: NONE



NOTE:
MAXIMUM # OF WIRES PER CONNECTOR:

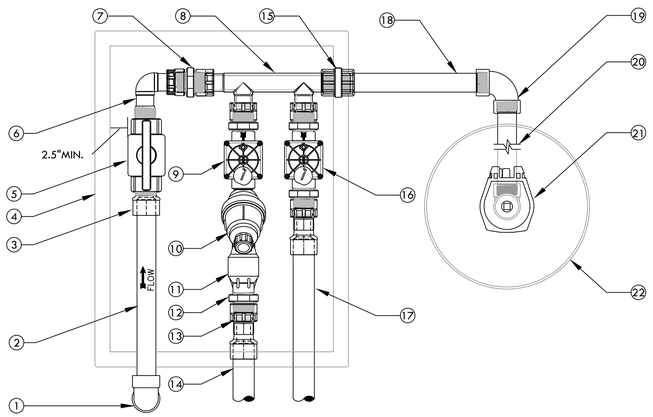
- 3-#14 GAUGE
- 2-#12 GAUGE

INSTRUCTIONS:

1. STRIP WIRES APPROXIMATELY 1/2" FROM ENDS TO EXPOSE WIRE.
2. TWIST CONNECTOR AROUND WIRES CLOCKWISE UNTIL HAND TIGHT, DO NOT OVERTIGHTEN.
3. INSERT WIRE ASSEMBLY TO BOTTOM OF GEL-FILLED TUBE. CHECK TO MAKE SURE CONNECTOR HAS BEEN PUSHED PAST LOCKING FINGERS AND IS SEATED AT THE BOTTOM OF THE TUBE.
4. PLACE WIRES WHICH EXIT TUBE IN WIRE EXIT HOLES AND CLOSE CAP UNTIL IT SNAPS.
5. INSPECT FINAL SPLICE ASSEMBLY THAT IT IS SECURED.

3 WEATHERPROOF WIRE SPLICE ASSEMBLY

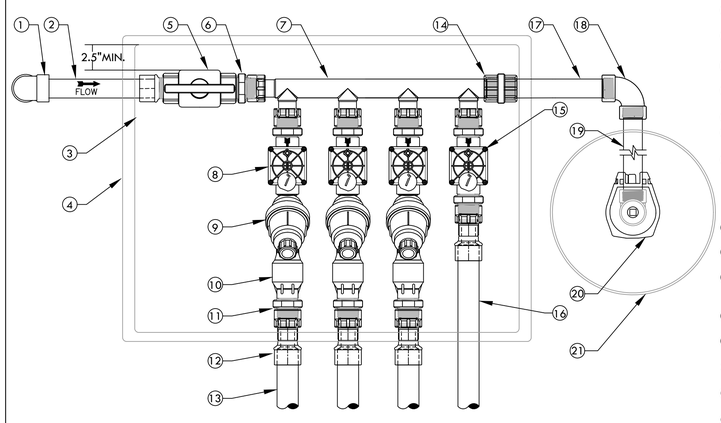
SCALE: NONE



1. SCH 40 PVC 90° ELBOW (SxS) FROM PVC MAIN LINE BELOW.
2. SCH 40 PVC PIPE. LENGTH AS REQUIRED.
3. SCH 80 PVC MALE ADAPTER.
4. CARSON 1220 RECTANGULAR PLASTIC VALVE BOX WITH LID. INSTALL PER REMOTE CONTROL VALVE DETAIL.
5. NDS 1"LO-TORQ BALL VALVE THREADED (PART #LT-1000-T)
6. DURA 1" MIPT x 1" SWIVEL 90° (PART #306-009)
7. DURA 1"x1" THREADED ADAPTER (PART #08303) 4 TOTAL.
8. DURA 1" MULTI-PORT MANIFOLD (PART #301-010-2)
9. DRIP REMOTE CONTROL VALVE. REFER TO LEGEND FOR MODEL.
10. FILTER. REFER TO LEGEND FOR MODEL.
11. 40 PSI REGULATOR. REFER TO LEGEND FOR MODEL.
12. DURA 1" x 3/4" MALE ADAPTER (PART #08303-131). ONLY REQUIRED WITH 3/4" OUTLET REGULATORS. USE 1"x1" DURA THREAD ADAPTER ON 1" REGULATORS
13. DURA 1" SLIP X 1" SWIVEL (PART #329-011) 2 TOTAL.
14. SCHEDULE 40 PVC LATERAL TO DRIP IRRIGATION
15. SCHEDULE 80 PVC THREADED FEMALE COUPLING TO SERVICE QCV. IF NO QCV INSTALL A DURA 1" CAP (PART #348-010)
16. BUBBLER OR SPRINKLER REMOTE CONTROL VALVE. REFER TO LEGEND FOR MODEL.
17. SCHEDULE 40 PVC LATERAL TO BUBBLER OR SPRAY IRRIGATION.
18. SCHEDULE 80 PVC NIPPLE (LENGTH AS REQUIRED).
19. SCHEDULE 80 PVC 90° ELBOW (TxT).
20. SCHEDULE 80 PVC NIPPLE (LENGTH AS REQUIRED).
21. QUICK COUPLING VALVE. INSTALL PER DETAIL.
22. 10" ROUND BOX. INSTALL PER DETAIL.

4 TWO REMOTE VALVE MANIFOLD DETAIL WITH QUICK COUPLING VALVE (1" VALVES ONLY)

SCALE: NONE



1. SCH 40 PVC 90° ELBOW (SxS) FROM PVC MAIN LINE BELOW.
2. SCH 40 PVC PIPE. LENGTH AS REQUIRED.
3. SCH 80 PVC MALE ADAPTER.
4. CARSON 1220 RECTANGULAR PLASTIC VALVE BOX WITH LID. INSTALL PER REMOTE CONTROL VALVE DETAIL.
5. NDS 1"LO-TORQ BALL VALVE THREADED (PART #LT-1000-T)
6. DURA 1"x1" THREADED ADAPTER (PART #08303) 6 TOTAL.
7. DURA 1" MULTI-PORT MANIFOLD (PART #301-010-4)
8. DRIP REMOTE CONTROL VALVE. REFER TO LEGEND FOR MODEL.
9. FILTER. REFER TO LEGEND FOR MODEL.
10. 40 PSI REGULATOR. REFER TO LEGEND FOR MODEL.
11. DURA 1" x 3/4" MALE ADAPTER (PART #08303-131) 3 TOTAL. ONLY REQUIRED WITH 3/4" OUTLET REGULATORS. USE 1"x1" DURA THREAD ADAPTER ON 1" REGULATORS
12. DURA 1" SLIP X 1" SWIVEL (PART #329-011) 4 TOTAL.
13. SCHEDULE 40 PVC LATERAL TO DRIP IRRIGATION.
14. SCHEDULE 80 PVC THREADED FEMALE COUPLING TO SERVICE QCV. IF NO QCV INSTALL A DURA 1" CAP (PART #348-010)
15. BUBBLER OR SPRINKLER REMOTE CONTROL VALVE. REFER TO LEGEND FOR MODEL.
16. SCHEDULE 40 PVC LATERAL TO BUBBLERS OR SPRAY IRRIGATION.
17. SCHEDULE 80 PVC NIPPLE (LENGTH AS REQUIRED).
18. SCHEDULE 80 PVC 90° ELBOW (TxT).
19. SCHEDULE 80 PVC NIPPLE (LENGTH AS REQUIRED).
20. QUICK COUPLING VALVE. INSTALL PER DETAIL.
21. 10" ROUND BOX. INSTALL PER DETAIL.

5 FOUR REMOTE VALVE MANIFOLD DETAIL WITH QUICK COUPLING VALVE (1" VALVES ONLY)

SCALE: NONE

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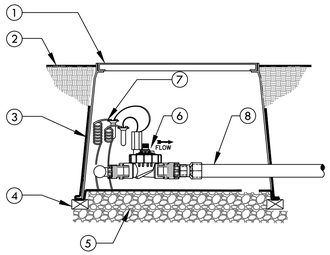
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IRRIGATION DETAILS

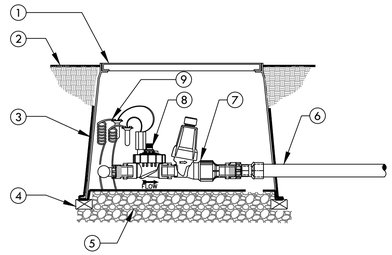
I4.0



1. CARSON 1220 RECTANGULAR VALVE BOX FOR FOUR VALVES OR CARSON 1419 FOR TWO VALVES
2. FINISH GRADE
3. 19 GAUGE 1/2" SQUARE WIRE MESH. WRAP UP THE SIDES OF THE BOX
4. BRICK-1 EACH CORNER
5. PEA GRAVEL OR 3/4" DRAIN ROCK- 4" DEEP BELOW VALVE (NO SOIL IN VALVE BOX)
6. REMOTE CONTROL VALVE WITH FLOW CONTROL AND MANUAL BLEED. REFER TO TWO OR FOUR VALVE MANIFOLD DETAIL FOR INSTALLATION INSTRUCTIONS
7. VALVE CONTROL WIRE- PROVIDE 3M-DBY SEAL PACKS AT ALL SPLICES AND 24" OF EXCESS UF WIRE IN A 1" DIAMETER COIL
8. SCH 40 PVC LATERAL LINE TO BUBBLERS OR SPRAY

1 BUBBLER OR SPRAY REMOTE CONTROL VALVE IN TWO OR FOUR VALVE MANIFOLD

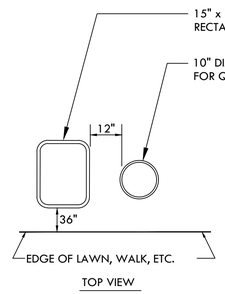
SCALE: NONE



1. CARSON 1220 RECTANGULAR VALVE BOX FOR FOUR VALVES OR CARSON 1419 FOR TWO VALVES
2. FINISH GRADE
3. 19 GAUGE 1/2" SQUARE WIRE MESH. WRAP UP THE SIDES OF THE BOX
4. BRICK-1 EACH CORNER
5. PEA GRAVEL OR 3/4" DRAIN ROCK- 4" DEEP BELOW VALVE (NO SOIL IN VALVE BOX)
6. SCH 40 PVC LATERAL LINE TO DRIPLINE OR DRIP.
7. DRIP FILTER AND REGULATOR
8. REMOTE CONTROL VALVE WITH FLOW CONTROL AND MANUAL BLEED. REFER TO TWO OR FOUR VALVE MANIFOLD DETAIL FOR INSTALLATION INSTRUCTIONS
9. VALVE CONTROL WIRE- PROVIDE 3M-DBY SEAL PACKS AT ALL SPLICES AND 24" OF EXCESS UF WIRE IN A 1" DIAMETER COIL

2 DRIP REMOTE CONTROL VALVE IN TWO OR FOUR VALVE MANIFOLD

SCALE: NONE



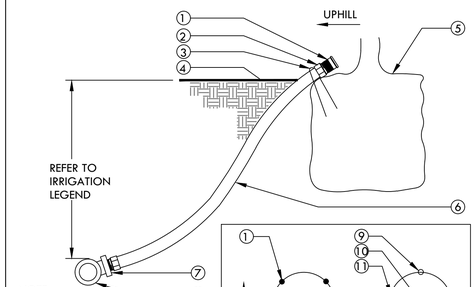
TOP VIEW

INSTRUCTIONS:

1. CENTER VALVE BOX OVER REMOTE CONTROL VALVES TO FACILITATE SERVICING VALVE.
2. SET BOXES 1" ABOVE FINISH GRADE OR MULCH COVER IN GROUND COVER/SHRUB AREA AND FLUSH WITH FINISH GRADE IN TURF AREA.
3. SET RCV AND VALVE BOX ASSEMBLY IN GROUND COVER/SHRUB AREA WHERE POSSIBLE. INSTALL IN LAWN ONLY IF GROUND COVER DOES NOT EXIST ADJACENT TO LAWN.
4. SET BOXES PARALLEL TO EACH OTHER AND PERPENDICULAR TO EDGE OF LAWN, WALK, FENCE, CURB, ETC.
5. AVOID HEAVILY COMPACTING SOIL AROUND VALVE BOXES TO PREVENT COLLAPSE AND DEFORMATION OF VALVE BOX SIDES.
6. INSTALL EXTENSION BY VALVE BOX MANUFACTURER AS REQUIRED TO COMPLETELY ENCLOSE ASSEMBLY FOR EASY ACCESS.

3 VALVE BOX INSTALLATION

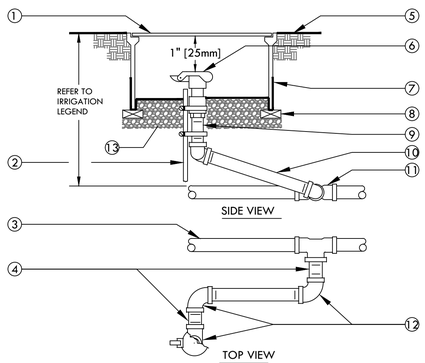
SCALE: NONE



1. BUBBLER (TO BE INSTALLED ON TOP OF ROOTBALL).
2. 1/2" SCH. 40 MALE ADAPTER (2 TOTAL).
3. 6" STAPLE.
4. FINISH GRADE.
5. TREE OR SHRUB ROOTBALL.
6. 1/2" IPS FLEXIBLE PVC. USE WELD-ON 795 SOLVENT CEMENT OR EQUAL WHEN BONDING PVC HOSE TO FITTINGS.
7. PVC TEE (SST), ELBOW (ST) OR FEMALE ADAPTER.
8. PVC LATERAL LINE.
9. TREE STAKES.
10. TREE OR SHRUB.
11. EDGE OF ROOTBALL (TYPICAL).

4 TREE AND SHRUB BUBBLER

SCALE: NONE



SIDE VIEW

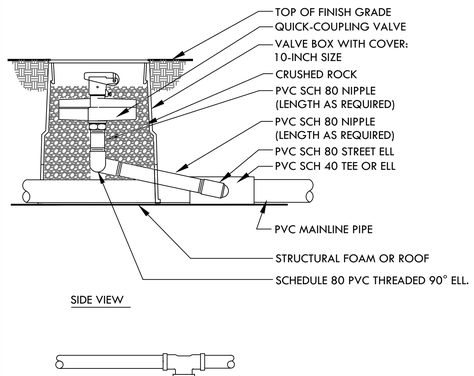
TOP VIEW

1. 10" ROUND PLASTIC VALVE BOX WITH BOLT DOWN LID.
2. 1 1/4" x 1 1/4" x 3/16" [30mm x 30mm x 5mm] ANGLE IRON 30" [760mm] LONG W/2 STAINLESS STEEL STRAPS (ONE AROUND QCV).
3. PVC MAIN LINE.
4. 3" [75mm] LONG SCHEDULE 80 PVC THREADED NIPPLE.
5. FINISH GRADE.
6. QUICK COUPLING VALVE.
7. 19 GAUGE 1/2" [13mm] SQUARE WIRE MESH.
8. BRICK - 2 TOTAL.
9. SCHEDULE 80 PVC THREADED NIPPLE.
10. 10" [250mm] LONG SCHEDULE 80 PVC THREADED NIPPLE.
11. UPC APPROVED SCHEDULE 40 PVC TEE OR ELBOW.
12. SCHEDULE 80 PVC THREADED 90° ELL.
13. PEA GRAVEL OR 3/4" DRAIN ROCK- 4" [100mm] DEEP BELOW VALVE (NO SOIL IN VALVE BOX).

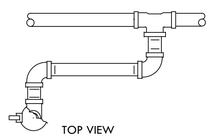
NOTE:
NIPPLES AND FITTINGS TO BE SAME SIZE AS VALVE IPT INLET THREAD SIZE.

5 QUICK COUPLING VALVE

SCALE: NONE



SIDE VIEW



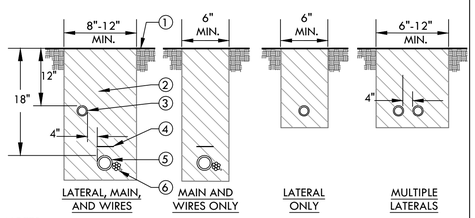
TOP VIEW

NOTE:

1. NIPPLES AND FITTINGS TO BE SAME SIZE AS VALVE IPT INLET THREAD SIZE.
2. TRIM VALVE BOX LENGTH AS NECESSARY TO BE FLUSH WITH TOP OF PLANTING TILES.
3. IF NECESSARY SLOT SIDES VALVE BOX TO ALLOW PASSAGE OF PIPE THROUGH BOTTOM OF VALVE BOX.

6 QUICK COUPLING VALVE-ON STRUCTURE

SCALE: NONE



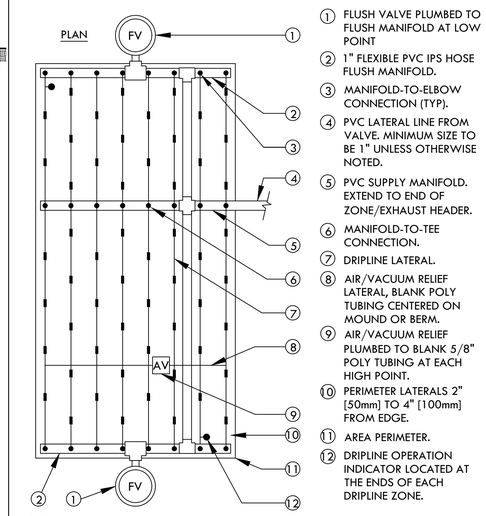
NOTES:

1. ALL MAIN SUPPLY LINES AND LATERAL LINES SHALL BE PLACED IN SLEEVES UNDER PAVED SURFACES. INSTALL LOW VOLTAGE WIRES WITHIN A SEPARATE CONDUIT UNDER PAVED SURFACES. DO NOT TAPE WIRES WITHIN CONDUIT.
2. REUSE SALVAGED EXCAVATED FILL AND COMPACT TO ORIGINAL DENSITY IN LANDSCAPE AREAS. ALL OTHER AREAS SHALL BE AT 95% COMPACTION. BACKFILL MATERIAL SHALL BE THE EARTH EXCAVATED FROM THE TRENCHES, FREE FROM ROCKS (ANYTHING LARGER THAN 2"), CONCRETE CHUNKS, AND OTHER FOREIGN OR COARSE MATERIALS.
3. WHEN 12" POP-UP SPRINKLER HEADS ARE USED, INCREASE THE DEPTH OF LATERAL TO 18" AT THE SPRINKLER LOCATION ONLY.

1. FINISH GRADE.
2. CLEAN BACKFILL MATERIAL.
3. LATERAL LINE.
4. 3" DETECTABLE WARNING TAPE OVER MAIN LINE. INSTALL 3" ABOVE MAIN LINE. USE CHRISTY MODEL #TA-DT-3-BIRR FOR POTABLE IRRIGATION SYSTEMS OR #TA-DT-3-PRW FOR RECYCLED IRRIGATION WATER SYSTEMS
5. MAIN LINE.
6. LOW VOLTAGE CONTROL WIRES, TWO-WIRE CABLE, OR CONDUIT WITH WIRES. FOR MULTIPLE WIRES, TAPE AND BUNDLE WIRES AT 10 FT. INTERVALS. WIRING SHALL BE LAID OUT LOOSELY IN THE TRENCH.

7 TRENCHING

SCALE: NONE



1. FLUSH VALVE PLUMBED TO FLUSH MANIFOLD AT LOW POINT
2. 1" FLEXIBLE PVC IPS HOSE FLUSH MANIFOLD.
3. MANIFOLD-TO-ELBOW CONNECTION (TYP).
4. PVC LATERAL LINE FROM VALVE. MINIMUM SIZE TO BE 1" UNLESS OTHERWISE NOTED.
5. PVC SUPPLY MANIFOLD. EXTEND TO END OF ZONE/EXHAUST HEADER.
6. MANIFOLD-TO-TEE CONNECTION.
7. DRIPLINE LATERAL.
8. AIR/VACUUM RELIEF LATERAL, BLANK POLY TUBING CENTERED ON MOUND OR BERM.
9. AIR/VACUUM RELIEF PLUMBED TO BLANK 5/8" POLY TUBING AT EACH HIGH POINT.
10. PERIMETER LATERALS 2" [50mm] TO 4" [100mm] FROM EDGE.
11. AREA PERIMETER.
12. DRIPLINE OPERATION INDICATOR LOCATED AT THE ENDS OF EACH DRIPLINE ZONE.

NOTE:

1. THE TOTAL LENGTH OF ALL INTERCONNECTED DRIP LINE OFF A SINGLE PVC SUPPLY LINE CONNECTION OR A SINGLE RUN OF DRIPLINE SHALL NOT EXCEED 300 FT.
2. INSTALL DRIPLINE 2-4" BELOW GRADE AND STAKE DOWN EVERY 4' OR AS REQUIRED.

8 HLD DRIPLINE CENTER FEED LAYOUT

SCALE: NONE

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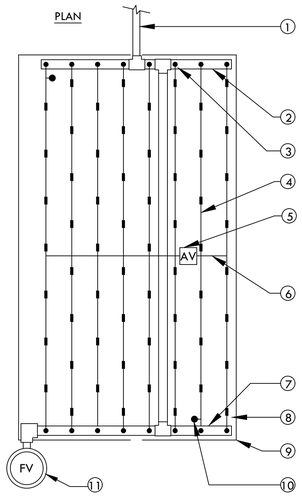
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JOB: 0000

SHEET:

IRRIGATION DETAILS

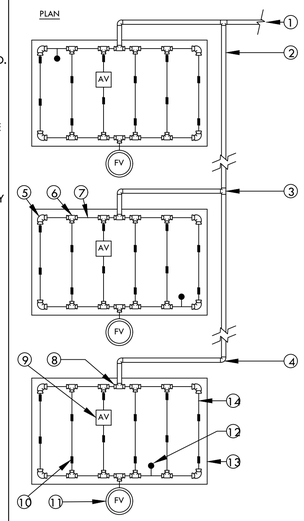
I5.0



1. PVC LATERAL LINE FROM VALVE. MINIMUM SIZE TO BE 1" UNLESS OTHERWISE NOTED.
2. PVC FLUSH MANIFOLD. MINIMUM SIZE TO BE 1" UNLESS OTHERWISE NOTED.
3. MANIFOLD-TO-ELBOW CONNECTION (TYP).
4. DRIPLINE LATERAL.
5. AIR/VACUUM RELIEF VALVE PLUMBED TO BLANK 5/8" TUBING AT EACH HIGH POINT.
6. AIR/VACUUM RELIEF LATERAL, BLANK 5/8" POLY TUBING CENTERED ON MOUND OR BERM.
7. 1" FLEXIBLE PVC IPS HOSE FLUSH MANIFOLD.
8. PERIMETER LATERALS 2" [50mm] TO 4" [100mm] FROM EDGE.
9. AREA PERIMETER.
10. DRIP OPERATION INDICATOR LOCATED AT THE ENDS OF EACH DRIPLINE ZONES.
11. FLUSH VALVE PLUMBED TO FLUSH MANIFOLD AT LOW POINT.

NOTE:
1. THE TOTAL LENGTH OF ALL INTERCONNECTED DRIP LINE OFF A SINGLE PVC SUPPLY LINE CONNECTION OR A SINGLE RUN OF DRIPLINE SHALL NOT EXCEED 300 FT.
2. INSTALL DRIPLINE 2-4" BELOW GRADE AND STAKE DOWN EVERY 4' OR AS REQUIRED.

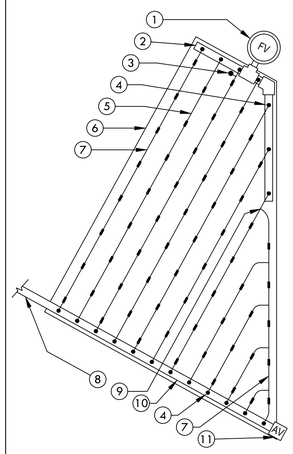
1 HLD DRIPLINE END FEED LAYOUT
SCALE: NONE



1. PVC LATERAL LINE FROM VALVE. MINIMUM SIZE TO BE 1" UNLESS OTHERWISE NOTED.
2. PVC FLUSH MANIFOLD. MINIMUM SIZE TO BE 1" UNLESS OTHERWISE NOTED.
3. PVC TEE (SxSxS).
4. PVC ELL (SxS).
5. HUNTER PLD-ELBOW (PLD-ELB)
6. HUNTER PLD-TEE (PLD-TEE).
7. BLANK 5/8" [16mm] POLY TUBING AT SUPPLY AND FLUSH END OF EACH ISLAND.
8. REFER TO DRIPLINE TO PVC CONNECTION DETAIL.
9. AIR/VACUUM RELIEF VALVE PLUMBED TO TUBING AT HIGH POINT.
10. DRIPLINE LATERAL.
11. MANUAL FLUSH VALVE PLUMBED TO TUBING AT LOW POINT.
12. DRIPLINE OPERATION INDICATOR LOCATED AT THE ENDS OF EACH DRIPLINE ZONE.
13. ISLAND PERIMETER.
14. PERIMETER LATERALS 2" [50mm] TO 4" [100mm] FROM EDGE.

NOTE:
1. THE TOTAL LENGTH OF A SINGLE DRIP LINE RUN SHALL NOT EXCEED 300 FT.
2. INSTALL DRIPLINE 2-4" BELOW GRADE AND STAKE DOWN EVERY 4' OR AS REQUIRED.

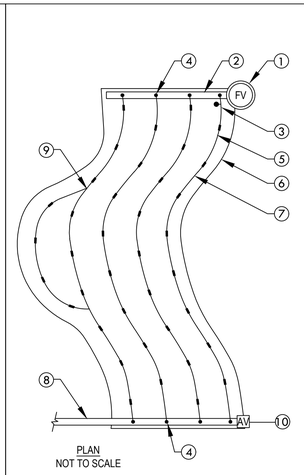
2 HLD DRIPLINE ISLAND LAYOUT
SCALE: NONE



1. FLUSH VALVE PLUMBED TO FLUSH MANIFOLD AT LOW POINT
2. 1" SCH 40 PVC OR FLEXIBLE PVC IPS HOSE FLUSH MANIFOLD.
3. DRIPLINE OPERATION INDICATOR LOCATED AT THE ENDS OF EACH DRIPLINE ZONE.
4. MANIFOLD-TO-ELBOW CONNECTION.
5. DRIPLINE LATERAL.
6. AREA PERIMETER.
7. PERIMETER LATERALS 2" [50mm] TO 4" [100mm] FROM EDGE.
8. PVC LATERAL LINE FROM VALVE. MINIMUM SIZE TO BE 1" UNLESS OTHERWISE NOTED.
9. HUNTER PLD-TEE (PLD-TEE)
10. PVC SUPPLY MANIFOLD.
11. HUNTER PLD AIR/VACUUM RELIEF VALVE (PLD-AVR) PLUMBED TO SUPPLY MANIFOLD AT HIGH POINT.

NOTE:
1. THE TOTAL LENGTH OF ALL INTERCONNECTED DRIP LINE OFF A SINGLE PVC SUPPLY LINE CONNECTION OR A SINGLE RUN OF DRIPLINE SHALL NOT EXCEED 300 FT.
2. INSTALL DRIPLINE 2-4" BELOW GRADE AND STAKE DOWN EVERY 4' OR AS REQUIRED.

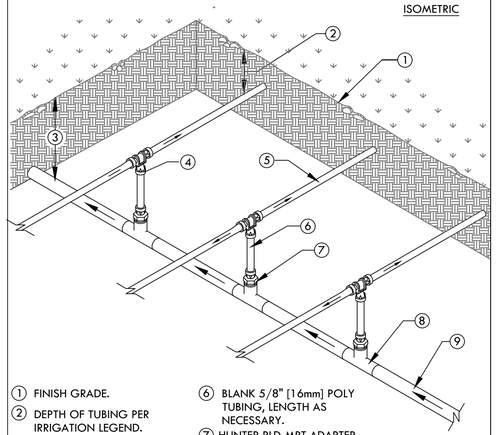
3 HLD DRIPLINE TRIANGULAR LAYOUT
SCALE: NONE



1. FLUSH VALVE PLUMBED TO FLUSH MANIFOLD AT LOW POINT
2. 1" SCH 40 PVC OR FLEXIBLE PVC IPS HOSE FLUSH/EXHAUST MANIFOLD.
3. DRIPLINE OPERATION INDICATOR LOCATED AT THE ENDS OF EACH DRIPLINE ZONE.
4. MANIFOLD-TO-ELBOW CONNECTION.
5. DRIPLINE LATERAL.
6. AREA PERIMETER.
7. PERIMETER LATERALS 2" [50mm] TO 4" [100mm] FROM EDGE.
8. PVC SUPPLY LINE/HEADER FROM VALVE. MINIMUM SIZE TO BE 1" UNLESS OTHERWISE NOTED.
9. HUNTER PLD-TEE (PLD-TEE)
10. HUNTER PLD AIR/VACUUM RELIEF VALVE (PLD-AVR) PLUMBED TO SUPPLY MANIFOLD AT HIGH POINT.

NOTE:
1. THE TOTAL LENGTH OF ALL INTERCONNECTED DRIP LINE OFF A SINGLE PVC SUPPLY LINE CONNECTION OR A SINGLE RUN OF DRIPLINE SHALL NOT EXCEED 300 FT.
2. INSTALL DRIPLINE 2-4" BELOW GRADE AND STAKE DOWN EVERY 4' OR AS REQUIRED.

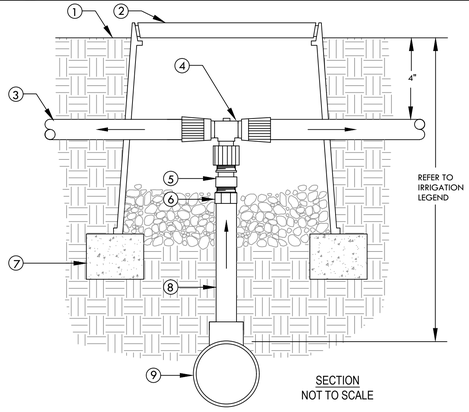
4 HLD DRIPLINE ODD CURVE LAYOUT
SCALE: NONE



1. FINISH GRADE.
2. DEPTH OF TUBING PER IRRIGATION LEGEND.
3. DEPTH OF PVC LATERAL LINE PER IRRIGATION LEGEND
4. HUNTER PLD-TEE (PLD-TEE)
5. DRIPLINE TUBING.
6. BLANK 5/8" [16mm] POLY TUBING, LENGTH AS NECESSARY.
7. HUNTER PLD-MPT ADAPTER (PLD-050)
8. PVC TEE (SxSxT) WITH 1/2" [13mm] FPT OUTLET.
9. PVC LATERAL LINE FROM REMOTE CONTROL VALVE.

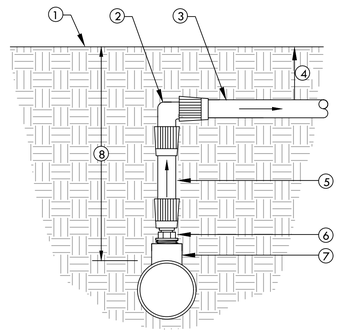
NOTE:
THE TOTAL LENGTH OF A SINGLE DRIP LINE RUN SHALL NOT EXCEED 300 FT.

5 HLD DRIPLINE CENTER FEED MANIFOLD
SCALE: NONE



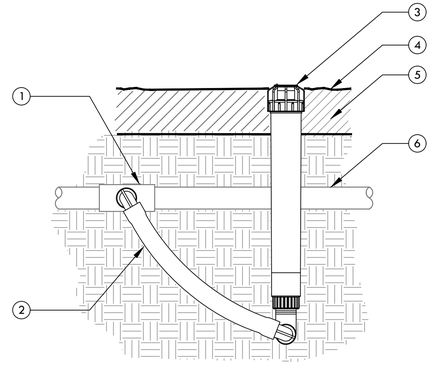
1. FINISH GRADE
2. CARSON 708 OR EQUAL. COLOR: BLACK. USE PURPLE FOR RECYCLED WATER SYSTEMS.
3. DRIPLINE TUBING
4. HUNTER PLD-TEE X 1/2" FPT ADAPTER
5. TORO 1/2" CHECK VALVE (PCV-500)
6. 1/2" SCH 40 MALE ADAPTER.
7. BRICK (1 OF 2)
8. 1/2" SCH 40 PVC (LENGTH AS REQUIRED)
9. PVC LATERAL LINE SUPPLY. MINIMUM SIZE TO BE 1" UNLESS SIZED DIFFERENTLY ON DRAWINGS. USE SCH 40 PVC 1"x1"x1/2" TEE OR 90° ELBOW.

6 DRIPLINE TO PVC CONNECTION
SCALE: NONE



1. FINISH GRADE
2. HUNTER PLD-ELBOW (PLD-ELB)
3. DRIPLINE TUBING
4. DEPTH OF TUBING PER IRRIGATION LEGEND.
5. BLANK 5/8" [16mm] POLY TUBING, LENGTH AS NECESSARY.
6. HUNTER PLD-MPT ADAPTER (PLD-050)
7. SCH 40 PVC TEE (SxSxT) WITH 1/2" FPT OUTLET.
8. DEPTH OF PVC LATERAL LINE PER IRRIGATION LEGEND

7 DRIPLINE MANIFOLD TO ELBOW CONNECTION
SCALE: NONE



1. UPC APPROVED SCHEDULE 40 PVC TEE, ELBOW OR BARB x THREAD DRIP FITTING TEE OR ELBOW WITH 3/4" OUTLET.
2. 1/2" X 3/4" X 6" HUNTER SWING JOINT (SJ-7506)
3. ECO INDICATOR
4. FINISHED GRADE
5. MULCH
6. PVC LATERAL PIPE OR DRIPLINE

8 DRIPLINE OPERATION INDICATOR
SCALE: NONE

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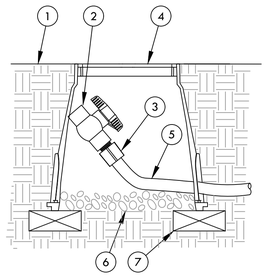
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JOB: 0000

SHEET:

IRRIGATION DETAILS

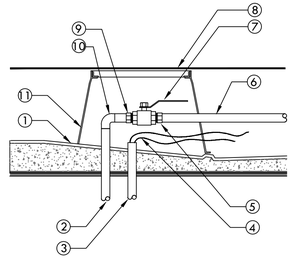
I6.0



NOTE:
ALLOW A MINIMUM OF PVC HOSE IN VALVE BOX IN ORDER TO DIRECT FLUSHED WATER OUTSIDE VALVE BOX.

1. FINISH GRADE
2. 1/2" SCH 40 THREADED BALL VALVE.
3. 1/2" SCH 40 MALE ADAPTER.
4. 6" ROUND PLASTIC VALVE BOX.
5. 1" IPS PVC HOSE FROM EXHAUST HEADER.
6. PEA GRAVEL SUMP (6" DEEP).
7. BRICK (1 OF 2)

2 DRIPLINE-FLUSH POINT
SCALE: NONE



1. SLOPED ROOF BELOW PEDESTAL SYSTEM
2. COPPER PIPE THROUGH STRUCTURE PROVIDED BY PLUMBING CONTRACTOR. WATERPROOF ALL PENETRATIONS.
3. CONDUIT FOR CONTROL WIRES THROUGH STRUCTURE PROVIDED BY ELECTRICAL CONTRACTOR. WATERPROOF ALL PENETRATIONS
4. TWO-WIRE CABLE OR CONTROL WIRES
5. SCH 40 PVC MALE ADAPTER.
6. PVC MAIN LINE TO REMOTE CONTROL VALVES.
7. BRONZE BALL VALVE.
8. ROOF DECK PAVERS
9. COPPER MALE ADAPTER.
10. COPPER 90° ELBOW.
11. 10" ROUND PLASTIC VALVE BOX. CUT BOX TO FIT BELOW PEDESTAL PAVER SYSTEM

3 ON STRUCTURE STUB-OUT WITH BRONZE BALL VALVE
SCALE: NONE

IRRIGATION WATER USE CALCULATIONS

WATER USE ESTIMATION CONTROLLER "A"

WATER TYPE	POTABLE
SITE ETO=	41.8

REGULAR LANDSCAPE AREAS

HYDROZONE #	HYDROZONE NAME	PLANT WATER USE TYPE	PLANT FACTOR (PF)	IRRIGATION METHOD	IRRIGATION EFFICIENCY	ETAF (PF/IE)	AREA (SQ. FT) (HA)	ETAF X AREA (HA)	ETWU (GAL/YR)	ACRE FEET/ YEAR	HCF/ YEAR	PERCENTAGE OF LANDSCAPE
1	SHRUBS	LOW	0.3	BUBBLER	0.81	0.370	1,079	400	10,357	0.03	13.85	17%
2	GROUNDCOVER	LOW	0.3	BUBBLER	0.81	0.370	4,915	1,820	47,177	0.14	63.07	77%
3	TREES	LOW	0.3	BUBBLER	0.81	0.370	400	148	3,839	0.01	5.13	6%
					TOTALS		6,394	2,368	61,373	0.19	82.05	100%

SPECIAL LANDSCAPE AREAS

HYDROZONE #	HYDROZONE NAME									
NA					1					0%
					TOTALS	0				0%

MAWA	GALLONS/YR	74,568
	ACRE FEET/YR	0.23
	HCF/YR	99.69

ETWU	GALLONS/YR	61,373
	ACRE FEET/YR	0.19
	HCF/YR	82.05

SITE IRRIGATION EFFICIENCY	SITE PLANT FACTOR	MAWA COMPLIANT
81.0%	0.30	YES

ETAF Calculations	
REGULAR LANDSCAPE AREAS	
TOTAL ETAF x AREA	2,368
TOTAL AREA	6,394
AVG. ETAF	37.04%

MAWA FORMULA
MAXIMUM APPLIED WATER ALLOWANCE (MAWA) GALLONS PER YEAR

MAWA = (ETo)(0.62)[(LA x 0.45) + (0.55 x SLA)]

ETo = REFERENCE EVAPOTRANSPIRATION
0.55= ET ADJUSTMENT FACTOR
LA=LANDSCAPED AREA (SQUARE FEET)
0.62 = CONVERSION FACTOR (GALLONS/SQ.FT/YR)

ETWU FORMULA
ESTIMATED TOTAL WATER USE (ETWU) GALLONS PER YEAR

ETWU= ((ETO)(.62)(ETAF x LA))

ETo = REFERENCE EVAPOTRANSPIRATION
PF = PLANT FACTOR FOR HYDROZONES
HA = HYDROZONE AREA (SQ.FT)
0.62 = CONVERSION FACTOR (GALLONS/SQ.FT/YR)

IE = IRRIGATION EFFICIENCY (0.81)-BUBBLER/DRIP

IE = IRRIGATION EFFICIENCY (0.75)-ROTORS/SPRAY

WATER USE ESTIMATION CONTROLLER "B"

WATER TYPE	POTABLE
SITE ETO=	41.8

REGULAR LANDSCAPE AREAS

HYDROZONE #	HYDROZONE NAME	PLANT WATER USE TYPE	PLANT FACTOR (PF)	IRRIGATION METHOD	IRRIGATION EFFICIENCY	ETAF (PF/IE)	AREA (SQ. FT) (HA)	ETAF X AREA (HA)	ETWU (GAL/YR)	ACRE FEET/ YEAR	HCF/ YEAR	PERCENTAGE OF LANDSCAPE
1	SHRUBS	LOW	0.3	BUBBLER	0.81	0.370	160	59	1,536	0.00	2.05	60%
2	TREES	LOW	0.3	BUBBLER	0.81	0.370	105	39	1,008	0.00	1.35	40%
					TOTALS		265	98	2,544	0.01	3.40	100%

SPECIAL LANDSCAPE AREAS

HYDROZONE #	HYDROZONE NAME									
NA					1					0%
					TOTALS	0				0%

MAWA	GALLONS/YR	3,090
	ACRE FEET/YR	0.01
	HCF/YR	4.13

ETWU	GALLONS/YR	2,544
	ACRE FEET/YR	0.01
	HCF/YR	3.40

SITE IRRIGATION EFFICIENCY	SITE PLANT FACTOR	MAWA COMPLIANT
81.0%	0.30	YES

ETAF Calculations	
REGULAR LANDSCAPE AREAS	
TOTAL ETAF x AREA	98
TOTAL AREA	265
AVG. ETAF	37.04%

MAWA FORMULA
MAXIMUM APPLIED WATER ALLOWANCE (MAWA) GALLONS PER YEAR

MAWA = (ETo)(0.62)[(LA x 0.45) + (0.55 x SLA)]

ETo = REFERENCE EVAPOTRANSPIRATION
0.55= ET ADJUSTMENT FACTOR
LA=LANDSCAPED AREA (SQUARE FEET)
0.62 = CONVERSION FACTOR (GALLONS/SQ.FT/YR)

ETWU FORMULA
ESTIMATED TOTAL WATER USE (ETWU) GALLONS PER YEAR

ETWU= ((ETO)(.62)(ETAF x LA))

ETo = REFERENCE EVAPOTRANSPIRATION
PF = PLANT FACTOR FOR HYDROZONES
HA = HYDROZONE AREA (SQ.FT)
0.62 = CONVERSION FACTOR (GALLONS/SQ.FT/YR)

IE = IRRIGATION EFFICIENCY (0.81)-BUBBLER/DRIP

IE = IRRIGATION EFFICIENCY (0.75)-ROTORS/SPRAY

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JOB: 0000

SHEET:

IRRIGATION DETAILS

I7.0

Planning and Development
Land Use Planning Division

November 19, 2024

Genna Yarkin
Holland & Knight, LLP
560 Mission Street, Suite 1900
San Francisco, CA 94105

Sent via email to:
Genna.Yarkin@hklaw.com

RE: CEQA Determination for Use Permit Application #ZP2023-0040 for 1950-1998 Shattuck Avenue / 2071 University

Dear Genna Yarkin,

The City of Berkeley ("City") has received the letter in support of a CEQA Exemption for the project, prepared by Holland & Knight, LLP, dated October 8, 2024. The City has also has also received separately, technical reports to support a CEQA Exemption (Traffic Impact Analysis, Phase I Environmental Site Assessment Report, Summary Historical Evaluations, Air Quality Impact Analysis, Noise Impact Analysis, and Water Quality Memorandum).

Staff has determined that this project meets the criteria for a Categorical exemption pursuant to CEQA Guidelines, Section 15332, "In-Fill Development Projects" (Class 32).

Next Steps

1. ZAB Decision. Pursuant to Government Code Section 65950, the project shall be approved or disapproved within 60 days of staff's determination that the project is exempt from CEQA (on November 19, 2024). However, the Berkeley Municipal Code requires the permit application to undergo a Demolition Referral at a public meeting before the Landmarks Preservation Commission (LPC) and Preliminary Design Review (DRCP2023-0003) at a public meeting before the Design Review Committee (DRC) prior to a decision on the use permit (ZP2023-0040) by the Zoning Adjustments Board (ZAB). The earliest that a Demolition Referral can be scheduled before the LPC is January 6, 2025, with DRC review to follow on January 16, 2025. Following the DRC review, the earliest that the permit application can be scheduled for a decision hearing before the ZAB is February 27, 2025.

   Pursuant to Government Code Section 65957, the project applicant and lead agency may extend the time limit once, up to 90 days, by mutual written agreement. To meet the time limits afforded by Section 65950, staff is recommending a time extension agreement to allow the LPC meeting to occur on January 6, 2025, the DRC meeting to occur on January 16, 2025, and ZAB hearing to occur on February 27, 2025.

Please provide written confirmation that you agree to an extension of the time limit set forth in Government Code section 65950.

2. Notice of Exemption. The City will be filing the Notice of Exemption (NOE) for projects that go to the ZAB or City Council. Filing the NOE starts a 35-day statute of limitations period on legal challenges to the agency's decision that a project is exempt from CEQA. If the NOE is not filed, a 180-day statute of limitations applies. The NOE needs to be filed with the State Clearinghouse and with the County Clerk's office. The City will post with the State Clearinghouse, but the posting with the County Clerk's office can be done by either the City or the applicant. If the City completes the posting, there is a fee of $920. Otherwise, the applicant can file with the County and provide the $50 filing fee directly to the County. The NOE is filed after the use permit becomes effective.

   Please complete the attached form to state your preference and return it to me via email.

Note that additional information may be required to correct, clarify, or amplify the materials submitted in the application, to prepare the project for a ZAB decision hearing. Please provide the information requested by staff in a timely manner in order to maintain the discussed project schedule.

Please feel free to contact me with any questions regarding this letter or your application.

Sincerely,



Sharon Gong
Senior Planner
(510) 981-7429
sgong@berkeleyca.gov

Cc:
Mia Perkins, Rhoades Planning Group
Mark Rhoades, Rhoades Planning Group
Nathan George, NX Ventures
Xin Jin
Farimah Brown, City Attorney, City of Berkeley
Sara Stephens, Deputy City Attorney, City of Berkeley
Jordan Klein, Director of Department of Planning and Development, City of Berkeley
Anne Hersch, Land Use Planning Manager, City of Berkeley

Attachment:
Notice of Exemption Filing Preference Form

PLANNING & DEVELOPMENT

1947 Center St., 2nd Floor • Berkeley, CA 94704 • (510) 981-7400 • TDD: (510) 981-7474 • planning@berkeleyca.gov

To: Applicant

From: City of Berkeley Planning & Development

Project Address/Permit # (ZP): _____

Subject: Private Projects – Filing Notice of Exemption (NOE) form with the Alameda County Clerk-Recorder

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Following decision-maker approval of a project exempt from the provisions of the California Environmental Quality Act (CEQA), a NOE may be filed with the Alameda County Clerk-Recorder. It is strongly recommended that the NOE be filed in a timely manner. The filing of a NOE starts a 35-day statute of limitations period on legal challenges to the agency's decision that the project is exempt from the provisions of CEQA. If the NOE is not filed a 180-day statute of limitations will apply, refer to CEQA Guidelines Section 15062(d). Please note that recent legislation requires the City to file the NOE with the State Clearinghouse in the Office of Planning and Research.

Please review the attached NOE and indicate how you would like to proceed with filing by selecting one of the options below:

- ☐ **Berkeley Planning & Development to file the NOE**: Within 30-days of deeming the project complete, the Applicant will be invoiced for the NOE filing fee, refer to the current fee schedule linked here. Please note that Berkeley Planning staff will schedule the public hearing once all outstanding fees are paid. Once the project receives final approval and after the 14-day appeal period expires, Berkeley Planning staff will file the NOE with the Alameda County Clerk-Recorder and the State Clearinghouse.
- ☐ **Applicant to file the NOE**: Applicant shall submit a copy to the Alameda County Clerk-Recorder in accordance with CEQA Guidelines Section 15062 after the project receives final approval and the 14-day appeal period expires. The Office of the County Clerk-Recorder is located at 1106 Madison Street, Oakland, CA 94607. The Clerk will stamp the NOE, return the original set, and post the NOE for a period of 30 days. Once recorded, the applicant shall provide a stamped copy to the Berkeley Planning staff person assigned to the project. Refer to Alameda County Clerk-Recorder's website linked here for more information on hours of operation, fees, and payment methods.

Applicant Name (please print): _____

Applicant Signature: _____

Date: _____

Please note that categorical exemptions are not subject to the California Department of Fish and Wildlife environmental document filing fee and do not require a no effect determination (Cal. Code Regs., tit. 14, §§ 15260-15333; Fish & Game Code §711.4, subd. (d)(1)).

Holland & Knight

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October 8, 2024

Sharon Gong - Senior Planner
City of Berkeley Planning Department
1947 Center Street, 3rd Floor
Berkeley, CA 94704

Re: **1950-1998 Shattuck Avenue - Eligibility for CEQA Exemption**

Dear Sharon,

We represent McSpats, LLC (the "Applicant") in connection with its proposed mixed-use development at 1950-1998 Shattuck Avenue (the "Project Site") in Berkeley (the "City") with Application No. ZP2023-0040 (the "Project"). We understand that on April 11, 2024, the City determined the Project's application to be complete for processing. We further understand that in a May 16, 2024 letter and in other subsequent communication with the Applicant, the City has indicated a Class 32 Infill Exemption is the appropriate route for California Environmental Quality Act ("CEQA") compliance, subject to confirmation that the Project qualifies with all eligibility criteria, and that none of the exceptions to the exemption apply.

To support the City's determination, the Applicant has specifically prepared and submitted technical reports to demonstrate that the Project would not cause significant water quality impacts,[1] noise impacts,[2] and air quality impacts[3] (in addition to the Traffic Impact Analysis and other technical reports that were previously submitted for the Project). We understand that the City has also expressed a desire for further documentation of the Project's failure to cause cumulatively significant impacts. Accordingly, the purposes of this letter are threefold:

1. To provide the City with the requested support indicating that the Project will not have a significant cumulative impact resulting from "successive projects of the same type in the same place, over time";

[1] See FirstCarbon Solutions, Inc.'s report entitled "Water Quality Memorandum for the Proposed 1974 Shattuck Avenue Mixed Use Project in Berkeley, California," dated August 22, 2024.
[2] See FirstCarbon Solutions, Inc.'s report entitled "Noise Impact Analysis for the Proposed 1974 Shattuck Avenue Mixed Use Project in Berkeley, California," dated August 30, 2024.
[3] See FirstCarbon Solutions, Inc.'s report entitled" Air Quality Impacts Analysis for the 1974 Shattuck Avenue Mixed Use Project in Berkeley, California," dated August 30, 2024.

2. To remind the City of the limited scope of CEQA review as it applies to Housing Accountability Act ("HAA") projects; and

3. To briefly document the Project's eligibility for the protections of Assembly Bill 1633 ("AB 1633"), should they be needed in the future.

Support for Class 32 Infill Exemption Due to Lack of Significant Cumulative Impacts

CEQA limits the use of Class 32 Infill Exemptions in situations where a development would cause significant cumulative impacts that are specifically from "*successive projects of the same type in the same place, over time*."[4]

It is our understanding that "in the same place" is best understood to mean the Project Site, and at most the sites immediately surrounding it. Potential construction impacts of the Project would be temporary and confined to the vicinity of the Project Site; moreover, potential impacts would be subject to local, regional, and State regulations to reduce effects during construction. No successive projects on the Project Site are known or expected to occur over time that would result in cumulatively considerable impacts. Rather, the Project is a single residential development that will exist in this location for at least several decades, and that will occupy the entirety of the Project Site. Finally, the technical reports that the Applicant had prepared and submitted to the City for air quality, water quality, noise, document the lack of cumulative impacts in these areas specifically.

We understand that with approval of the Project, the City will have exceeded the number of residential units that the Downtown Area Plan EIR assumed for the area. However, this fact alone says nothing about the Project's tendency to cause significant cumulative impacts. Rather, the Project is subject to its own, independent CEQA compliance requirement separate from the Downtown Area Plan, and there is no evidence available to indicate that this specific residential development would cause such impacts, where previous developments that fit within the Downtown Area Plan assumptions did not. Finally, whether other applicants apply for and the City is required by State law to approve additional residential units in the area after the Project, is also not affected in any way by the Project, but rather is a matter of State law.

For all of the above reasons, the Project will not cause significant cumulative impacts from "successive projects of the same type in the same place, over time."

CEQA Compliance for HAA Eligible Projects

The Project's status as an HAA protected affordable housing development project limits the scope of the City's review of the Project under CEQA. As the leading treatise states: "When the discretion a lead agency may exercise in granting an approval for a project is confined, CEQA

[4] CEQA Guidelines Section 15300.2(b).

review for that approval may be limited to match the scope of that discretion." *Practice Under the California Environmental Quality Act* (2d ed. Cal. CEB 2023) §12.8.

This legal principle was affirmed in a recent, lengthy discussion by the First District Court of Appeal in *Tiburon Open Space Committee v. County of Marin* (2022) 78 Cal.App.5th 700 ("*Tiburon*"). The *Tiburon* court's full discussion is illuminating:

> "CEQA ... recognizes that an agency's discretion is limited by its own legal obligations. **Accordingly, where a legal obligation limits an agency's discretion, the scope of environmental review likewise is limited.** (See, e.g., *Sequoyah Hills Homeowners Association v. City of Oakland* (1993) 23 Cal.App.4th 704, 714-716, 29 Cal.Rptr.2d 182.) This is also consistent with CEQA's requirement that an agency exercise its discretionary powers in a manner 'consistent with express or implied limitations provided by other laws.' CEQA Guidelines, § 15040, subd. (e). …Where a lead agency's discretion already is limited by legal obligations, therefore, the scope of environmental review adjusts in relation to the amount of discretion. …
>
> Accordingly, an EIR must reflect any applicable legal obligations that limit the agency's discretionary authority, and thus the scope of review. And while CEQA imposes a duty on lead agencies to avoid or mitigate significant environmental impacts caused by projects, such duty exists only to the extent feasible. … Mitigation measures that conflict with legal obligations are legally infeasible and 'need not be proposed or analyzed.' CEQA Guidelines § 15126.4, subd. (a)(5); *see also* § 21004. Alternatives that conflict with obligations also are legally infeasible and need not be analyzed. CEQA Guidelines § 15126.6, subd. (a) ('An EIR is not required to consider alternatives which are infeasible ...')."

Tiburon, 78 Cal.App.5th at 732-33 (internal quotations omitted) (emphasis added). *See also Practice Under the California Environmental Quality Act* (2d ed. Cal. CEB 2023) §19.39 ("The agency is not required to assess environmental impacts that are outside the scope of its discretionary authority."); *San Diego Navy Broadway Complex Coalition v. City of San Diego* (2010) 185 Cal.App.4th 924, 938 ("Where an agency has no authority to modify a project based on the analysis contained in the EIR, there is no basis for requiring the agency to prepare the EIR.").

As such, regardless of what the proper scope of CEQA review would typically be, for this Project it is significantly limited by the HAA. To that end, the City should ensure that environmental review is confined to those issues over which it possesses discretionary authority – specifically, potential health and safety impacts, as discussed above, and it is entirely appropriate for the Project to proceed using a Class 32 Infill exemption, as also detailed above.

The Project's Eligibility for AB 1633

The new protections afforded by AB 1633 further confine the City's environmental review of the Project. AB 1633 established new violations of the HAA. It is now a violation of the HAA to fail to grant qualifying projects a CEQA exemption, where there is substantial evidence in the record that the project is eligible for such an exemption. AB 1633 limits the City's authority to require analysis that is not legally required and beyond the limited scope of its discretion.

As detailed in **Attachment A** to this letter, the Project's site satisfies all the criteria necessary to be eligible for AB 1633, and the Project is *not* within any of the following locations of environmental concern:

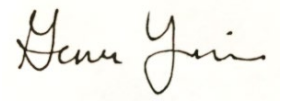
- Coastal zone
- Prime farmland
- Wetlands
- Sites on the Cortese List
- A state-delineated earthquake fault zone
- A special flood hazard area subject to a 100-year flood
- A Federal Emergency Management Agency ("FEMA") designated floodway
- A site designated for conservation
- Habitat for protected species
- A site encumbered by a conservation easement
- A very high fire hazard severity zone

Therefore, the City must adhere to the procedural requirements governing consideration of the Project's eligibility for an exemption. The Applicant seeks to ensure that the City's CEQA review proceeds in strict conformance with these heightened standards to help streamline the delivery of much needed housing in Berkeley, in line with the goal of addressing the state's housing crisis.

We appreciate your continued attention to this Project.

Sincerely,

HOLLAND & KNIGHT LLP



Genna Yarkin

ATTACHMENT A

Analysis of Project Eligibility for AB 1633 Protections

FAILURE TO MAKE CEQA EXEMPTION DETERMINATION	
ELIGIBILITY CRITERIA	**PROJECT CONSISTENCY**
(1) "*[S]ubstantial evidence in the record before the local agency that the **housing development project** is **not** located . . .*" in the following areas:[5]	
Within specified areas of a coastal zone[6]	*The Project site is not located within the coastal zone.*
"Either prime farmland or farmland of statewide importance . . . designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction."[7]	*The Project site is not designated prime farmland or farmland of statewide importance by the California Department of Conservation.* *Rather, the Project site is in an infill location zoned for urban development.*
Wetlands[8]	*The Project site is fully developed with urban uses and does not contain wetlands.*
A hazardous waste site listed on the Cortese List "or a hazardous waste site designated by the Department of Toxic Substances Control," unless the Department of Toxic Substances Control has cleared the site for residential or residential mixed uses.[9]	*The Project site is not listed on the Cortese List and it is not designated by the Department of Toxic Substances Control as a hazardous waste site.*[10]
Within a state-delineated earthquake fault zone, "unless the development complies with applicable seismic protection building	*The Project site is not located within a state-delineated earthquake fault zone.*[12]

[5] Gov. Code § 65589.5(h)(6)(D)(i)(I) ("(ia) On a site specified in subparagraphs (A) to (C), inclusive, or subparagraphs (E) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4"; and "(ib) Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code.").
[6] Gov. Code § 65913.4(a)(6)(A) (as amended by SB 423 (2023)).
[7] Gov. Code § 65913.4(a)(6)(B).
[8] Gov. Code § 65913.4(a)(6)(C) ("as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993)").
[9] Gov. Code § 65913.4(a)(6)(E).
[10] See https://calepa.ca.gov/sitecleanup/corteselist/; see also the Project's Phase I Environmental Site Assessment.
[12] See City GIS.

code standards adopted by the California Building Standards Commission . . ., and by any local building department . . .."[11]	
"Within a special flood hazard area subject to inundation by the 1 percent chance of flood," unless the project has been issued a Letter of Map Revision or flood plain development permit.[13]	*The Project site is not within a special flood hazard area.*[14]
Within a floodway, unless the project has received a no-rise certification.[15]	*The Project site is not located within a floodway.*[16]
"Lands identified for conservation in an adopted natural community conservation plan . . ., habitat conservation plan . . ., or other adopted natural resource protection plan."[17]	*The Project site is developed for and planned for urban uses and is not within a conservation plan area.*
"Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the Federal Endangered Species Act . . ., the California Endangered Species Act . . ., or the Native Plant Protection Act . . .."[18]	*The Project site is developed with urban uses and entirely surrounded by urban uses. It does not serve as habitat for protected species.*
"Lands under conservation easement."[19]	*There are no conservation easements recorded on the property, as demonstrated by the Project site's title report.*
"Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection."[20]	*The Project site is not located within a Very High Fire Hazard Severity Zone.*[21]

[11] Gov. Code § 65913.4(a)(6)(F).
[13] Gov. Code § 65913.4(a)(6)(G).
[14] See City GIS.
[15] Gov. Code § 65913.4(a)(6)(H).
[16] See City GIS.
[17] Gov. Code § 65913.4(a)(6)(I).
[18] Gov. Code § 65913.4(a)(6)(J).
[19] Gov. Code § 65913.4(a)(6)(K).
[20] Gov. Code § 65589.5(h)(6)(D)(i)(I)(ib) ("Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code.").
[21] See City GIS.

(2) *The project's parcel(s) is legal*[22] *and located "within an urbanized area*[23] *and meets* ***one or the more*** *of the following criteria . . . ."*[24]	
Located within 0.5 mile "walking distance" of "a high quality transit corridor," as defined in Public Resources Code Section 21155(b), or "a major transit stop," as defined in Public Resources Code Section 21064.3.[25]	*The site is within 0.5 mile walking distance of the Downtown Berkeley BART Station.*
"[L]ocated in a very low vehicle travel area"[26]	*The site is located in the City of Berkeley's "low-VMT areas."*
"[P]roximal to six or more amenities . . . as of the date of the" application's submittal.[27] A project is proximal an amenity if it is within: • .5 mile of "[a] bus station" or "[a] ferry terminal"; **OR** • 1 mile of "[a] supermarket or grocery store," "public park," "community center," "pharmacy or drugstore," "medical clinic or hospital," "public library," or school serving any grade - kindergarten to 12th grade.[28]	*The Project is within 0.5 mile of a BART station, and is within 1 mile proximity to other listed amenities as well including public parks, grocery stores, pharmacies and drugstores, a museum, a high school and elementary school, and more.*

[22] The Project site is on legal parcels.
[23] A parcel is within an urbanized area if it meets the definition provided in Public Resources. Code Section 21071. Gov. Code § 65589.5(h)(6)(D)(ii)(V). The Project site is located in an urbanized area because Berkeley is a qualifying incorporated city with a population greater than 100,000.
[24] Gov. Code § 65589.5(h)(6)(D)(i)(II).
[25] Gov. Code § 65589.5(h)(6)(D)(i)(II)(ia).
[26] Gov. Code § 65589.5(h)(6)(D)(i)(II)(ib). "'Very low vehicle travel area' means an urbanized area, as designated by the United States Census Bureau, where the existing residential development generates vehicle miles traveled per capita that is below 85 percent of either regional vehicle miles traveled per capita or city vehicle miles traveled per capita." Gov. Code § 65589.5(h)(6)(ii)(VI)(ia). "'[A]rea' may include a travel analysis zone, hexagon, or grid." Gov. Code § 65589.5(h)(6)(ii)(VI)(ib). "For the purposes of determining 'regional vehicle miles traveled per capita' . . ., a 'region' is the entirety of incorporated and unincorporated areas governed by a multicounty or single-county metropolitan planning organization, or the entirety of the incorporated and unincorporated areas of an individual county that is not part of a metropolitan planning organization." Gov. Code § 65589.5(h)(6)(ii)(VI)(ic).
[27] Gov. Code § 65589.5(h)(6)(D)(i)(II)(ic).
[28] Gov. Code § 65589.5(h)(6)(D)(ii)(IV).

75% of the project site's perimeter (or 3 sides of a 4 sided project site) is adjoined by urban uses.[29]	*The Project site is adjoined on all four sides by urban uses.*
(3) *The project's density meets the following criteria*	
"[M]eets or exceeds 15 dwelling units per acre."[30]	*The Project far exceeds the requirement for at least 15 du/acre.*
(4) *"There is substantial evidence in the record that"*[31]	
• The "project is eligible for an exemption"[32]; **AND** • That any categorical exemption sought is not barred by an applicable exception.[33]	*The Project qualifies for the Class 32 Urban Infill Exemption and is not barred by any applicable exception - see Applicant Statement and the body of the above letter.*

[29] Gov. Code § 65589.5(h)(6)(D)(i)(II)(id).
[30] Gov. Code § 65589.5(h)(6)(D)(i)(III).
[31] Gov. Code §§ 65589.5(h)(6)(D)(i)(IV)(ia), (ib).
[32] Gov. Code § 65589.5(h)(6)(D)(i)(IV)(ia).
[33] Gov. Code § 65589.5(h)(6)(D)(i)(IV)(ib).

STRATEGICECONOMICS

MEMORANDUM

To: Sharon Gong, City of Berkeley

From: Dena Belzer and Jake Cummings, Strategic Economics

Date: November 7, 2024

Subject: Peer Review of Pro Forma Assumptions for University Corners

BACKGROUND AND PURPOSE

The City of Berkeley retained Strategic Economics to conduct a peer review of the financial pro forma for the University Corners development proposal in downtown Berkeley ("applicant proposal"). The development site is at the corner of University and Shattuck Avenues and consists of five parcels spanning the addresses 1071 to 1079 University Avenue and 1950 to 1988 Shattuck Avenue. The applicant proposes to redevelop the site into a 28-story building that will include 599 residential units (489 studios and 110 two-bedrooms), ground floor and rooftop retail totaling 16,142 square feet, and 154 parking spaces. The specific details of this development program may be revised as the applicant proceeds through the entitlement process.

For this study, Strategic Economics reviewed available market data and conducted independent research to verify that the key assumptions in the applicant's pro forma are consistent with current market conditions and standard development practice. The pro forma assumptions under review include ongoing revenues and expenses for the project, construction ("hard") costs, soft costs, and municipal fees. Strategic Economics gathered current market data from CoStar and other sources. Strategic Economics also spoke with two developers that were interviewed for a similar study, performed for the City in 2023, to get updated estimates for development costs and ongoing expenses. Because the applicant proposal's land cost is not available, Strategic Economics was unable to verify this element of the pro forma; however, this report includes an estimate of market land costs for similar developments in Berkeley.

Memo Organization

The first section summarizes the results of the pro forma review and includes a discussion of the robustness of the results related to any potential future changes in the applicant's development program. The second section contains a detailed discussion of the methodology Strategic Economics applied to verify each of the key assumptions and arrive at the findings.

SUMMARY OF RESULTS

For each of the key pro forma assumptions, Strategic Economics developed an independently researched range of likely values to compare with the assumptions provided in the applicant's pro forma. Strategic Economics' researched values are *untrended* estimates of costs and revenues in the current market. Conditions are subject to change over the multi-year period of development and lease-up. The comparison of pro forma assumptions is summarized in Figure 1.

The applicant's residential revenue assumptions are optimistic compared to current market rents. As shown in Figure 1, the residential market rent assumption of $8.03 per square foot is higher than Strategic Economics' estimated range of rents attainable in the market today. This assumption implies gross potential revenues for the project's residential area would be approximately 13 percent higher than the midpoint of the rent range for existing projects. The operating expense ratio of 31 percent and standard vacancy assumption of five percent are within Strategic Economics' estimated ranges, but in both cases toward the lower end of the range. Taken together, the applicant's assumptions result in a net operating income of $16.5 million on the project's residential area, approximately 20 higher than Strategic Economics' midpoint estimate. Strategic Economics' analysis, corroborated by developer interviews, indicates that the market is currently softer than in recent years due to the pace of new units entering the market. However, the applicant's higher revenue performance assumptions may reflect a belief that conditions will improve by the time the project starts leasing in the coming years.

Revenue assumptions for the retail area and parking are within the estimated ranges based on current market conditions. The retail rent assumption of $6.00 per square foot, triple net, is at the very top of the estimated range by Strategic Economics, while the assumption for parking at $200 per month is at the bottom of the range. The retail assumption may be conditioned on the ultimate retail uses and the cost of tenant improvements that might be offered to help lease the space. The low monthly parking rates may reflect the relative attractiveness of parking with mechanical stackers. In both cases, the potential variation in retail and parking revenues constitute a small share of project revenues and are unlikely to have a significant impact on overall project performance.

The applicant's development costs are within the range of current market values, but at the lower end of the range. The applicant's pro forma assumes construction costs will be $555 per square foot. For a high-rise development with a high unit density of furnished units, basement parking, and a project labor agreement, Strategic Economics estimates construction costs of $550 to $600 per square foot. The soft cost assumption is similarly low, but within the estimated ranges, at 20 percent of hard construction costs.

Strategic Economics estimated municipal fees of $35,638 per unit, approximately ten percent lower than the applicant's pro forma assumption of $40,000 per unit. While Strategic Economics estimated the main categories of fees for the project, it is possible other municipal fees may apply to the applicant's proposal, or that the applicant is assuming a contingency in its budget for fees.

While land costs for the applicant proposal were unavailable, Strategic Economics estimates the market value of land for high rise development in downtown Berkeley to be $70,000 to $120,000 per unit. The applicant reports that the development site is controlled by a purchase and sale agreement, of unknown value, that has been negotiated with the separate entities that own different portions of the development site.

FIGURE 1: COMPARISON OF KEY PRO FORMA ASSUMPTIONS TO VALUES ESTIMATED BY STRATEGIC ECONOMICS

	Strategic Economics Estimated Value	Applicant Pro Forma Assumption
Residential Monthly Rent Market Rate Units, per sf	$6.50 to $7.75	$8.03
Retail Monthly Rent per sf (NNN)	$4.50 to $6.00	$6.00
Parking Monthly Rent per space	$200 to $250	$200
Vacancy and Collections Loss	5% to 10%	5%
Operating Expenses	30% to 35%	31%
Construction Costs per gsf	$550 to $600	$555
Soft Costs (excl. Fees) per gsf (% of constr. Costs)	$110 to $150 (20% to 25%)	$113 (20%)
Municipal Fees per unit	$35,638	$40,000
Land Cost per unit	$70,000 to $120,000	not available

Source: Strategic Economics, 2024.

Applicability of Results to Proposal Revisions

For this study, Strategic Economics evaluated a working development proposal that may be revised as the applicant proceeds through the entitlement process. Within the context of the current market, limited modifications in the applicant's proposed programming and design would not change the general conclusions of the peer review, provided these modifications retain the key defining characteristics of the development that determine market revenues, costs, and fees. Some of these defining characteristics include:

- High-rise construction of at least 180 feet in height;
- Includes a project labor agreement;
- Any retail is high quality ground floor retail or other retail that constitutes a minor component of the overall development;
- Includes subterranean parking, at similar parking ratios, utilizing mechanical stackers;
- Residential units are furnished and generally targeted to the student housing market, with a small average unit size (300 to 600 square feet).

A significant deviation from these development characteristics would affect the pro forma assumptions applied to this study. For example, a significant increase in unit sizes would reduce the cost of utility systems and furnishings while also impacting the achievable rent per square foot for the project.

REVIEW OF KEY ASSUMPTIONS

The following section reviews the approach and sources of information used to verify each key assumption.

Rental Rates for Residential

The applicant expects $25.7 million in gross potential revenues per year for the residential portion of the development, equivalent to $7.55 per rentable square foot. This average rental rate is a blended number that includes both market rent assumptions and below market rents, which are set not by the market or the developer but by federal housing policy where rents are set based on a fixed percentage of area median incomes. To evaluate the market rent assumption, Strategic Economics disaggregated this blended rental rate to establish the average rental rate assumed only for the market rate units in the project. By subtracting out the portion of rental revenues from the below market rate units (Figure 2), the balance of revenues was attributed to the market rate units (Figure 3). This calculation yields an average monthly rent assumption of approximately $3,800 per market rate unit, or $8.00 per rentable square foot.

FIGURE 2: CALCULATION OF GROSS POTENTIAL REVENUE FOR BELOW MARKET RATE UNITS

	Total Dwelling Units	Below Market Rate Units	Percent Below Market Rate Units	Below Market Monthly Rent	Annual Income from BMR Units
Studio	489	48	10%	$1,411	$812,736
2-BR	110	10	9%	$1,558	$186,960
Total	**599**	**58**	**10%**		**$999,696**

Note: Below Market Rents were calculated as 30 percent of Alameda County Area Median Income Limits for Very Low (50% of AMI) Income households, with an assumed household size equal to the number of bedrooms plus one person.

Sources: Project Application Packet, City of Berkeley, 2024; U.S. Department of Housing and Urban Development, 2024; Strategic Economics, 2024.

FIGURE 3: CALCULATION OF MARKET RATE POTENTIAL REVENUE AND AVERAGE RENTS

	All Units	Below Market Rate Units	Market Rate Units
Gross Potential Rent	$25,748,973	$999,696	$24,749,277
Dwelling Units	599	58	541
Rentable Square Feet per Unit	475	475	475
Total Rentable Square Feet	284,535	27,551	256,984
Average Rent			
Per dwelling unit	$3,582	$1,436	**$3,812**
Per net sf	$7.55	$3.02	**$8.03**

Sources: Project Application Packet, City of Berkeley, 2022; Strategic Economics, 2023.

To validate the market rent assumption, Strategic Economics reviewed average rents from CoStar for comparable developments in downtown Berkeley (Figures 4 and 5) and interviewed area developers. According to developers, student housing represents the highest and best use for the site. Student housing in Berkeley is generally offered fully furnished and often with multiple occupancy bedrooms

(two or more residents per bedroom). The applicant's pro forma includes a line for fixtures, furnishings, and equipment, which further suggests the development will be marketed as student housing.

As shown in Figure 4, CoStar reports the average rent in comparable student housing to be $6.69 per square foot; however, the reported rent performance among the developments varies significantly, from $4.05 to $8.52 per square foot. Figure 5, which plots the rent assumption for the applicant proposal against the comparable developments, shows that the rent assumption of $8.03 is on the high side of a wide range of average rents for comparable developments. Considering the size of the units, the rent assumption is approximately 15 percent higher than what would be predicted by a trend line for the proposal's average unit size of 475 square feet.

The applicant's high rent assumption could be explained by the potential to charge a rent premium on the upper floors of the development. However, since no comparable existing development is higher than 12 stories, there is little evidence available to support the higher assumption. Developers interviewed for this study were mixed on the potential for a significant view premium. In past studies, Strategic Economics has estimated the assumption for average rents could rise up to ten percent for a building of this height, but the rent premium could be negligible when considering the limited depth in the ultra-premium segment of the student housing market.

A second concern, expressed in developer interviews, is whether the market rents as reported by CoStar adequately account for the significant concessions that student housing properties often need to offer to attract tenants in the current market. As shown in Figure 6, average effective rents declined by more than 20 percent between 2023 and 2024, while vacancy rates have inched up from nine to 12 percent. In the past ten years, 3,300 new units have been added to Berkeley's student housing inventory (Figure 7), while the cumulative absorption of these units lags 12 percent behind that number. These trends point to a softening of the student housing market, with achievable rents that may be lower than the available data would suggest.

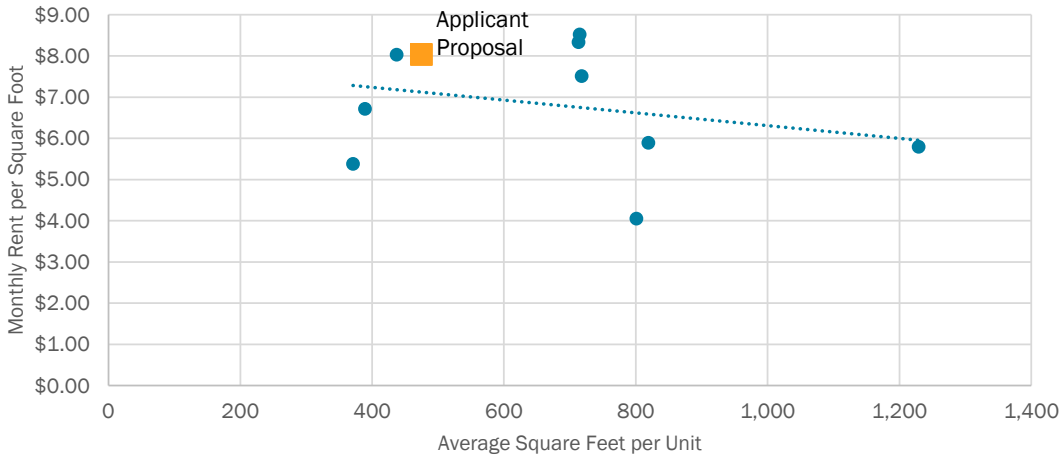
Owing to the factors above, Strategic Economics estimates that the achievable rent for the applicant's proposal under current market conditions is between $6.50 and $7.75 per square foot ($3,100 to $3,700 per unit). This range represents a rental rate of $7.14 per square foot as predicted in Figure 5, plus or minus approximately ten percent. The upside of this range accounts for the potential for view premiums, while the downside accounts for the rent concessions and discounts likely necessary to absorb the excess supply in today's market. As demand catches up to new supply over the upcoming period in which the development begins leasing, more favorable conditions could lift average rents to $8.00 as assumed in the applicant's proposal.

FIGURE 4: COMPARABLE STUDENT HOUSING DEVELOPMENTS IN BERKELEY*

Property Name	Year Built	Number Of Units	Number Of Stories	Avg Unit SF	Avg Effective Rent per Unit	Avg Effective Rent per SF
The Panoramic Berkeley	2019	70	6	718	$5,397	$7.51
The Durant	2020	56	5	437	$3,515	$8.03
The Standard at Berkeley	2021	318	8	715	$6,098	$8.52
The Den	2021	40	7	1,229	$5,111	$5.79
Identity Logan Park	2022	204	8	819	$4,826	$5.89
Rise at Berkeley	2023	48	7	371	$1,995	$5.38
Ace Berkeley	2024	163	12	801	$3,244	$4.05
HUB Bancroft	2024	87	8	713	$5,939	$8.33
Aquatic	2024	74	8	389	$2,614	$6.71
Average				**688**	**$4,304**	**$6.69**

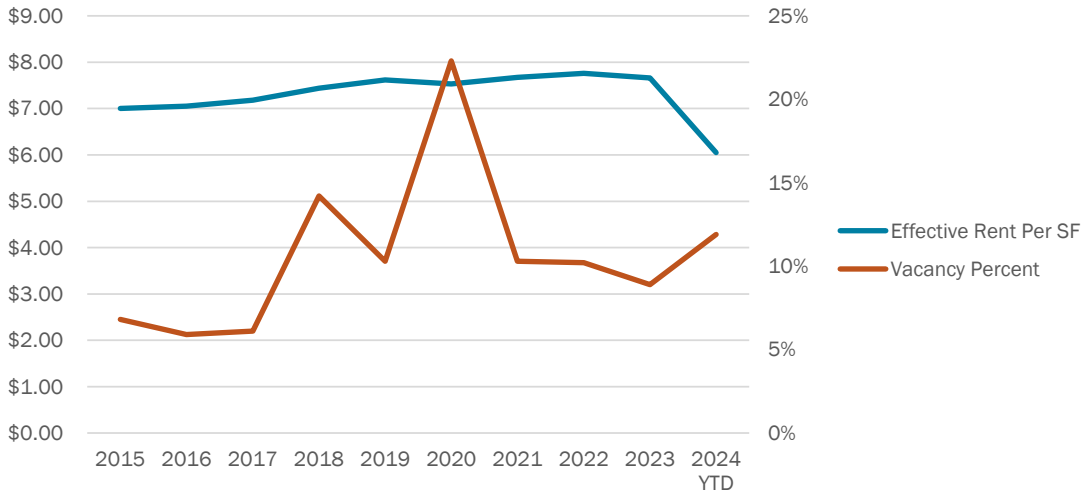
* Comparable developments are student housing developments in Berkeley of at least 25 units and built in 2019 or later.
Sources: CoStar, 2024; Strategic Economics, 2024.

FIGURE 5: AVERAGE UNIT SIZE AND AVERAGE MONTHLY RENT FOR APPLICANT PROPOSAL AND COMPARABLE DEVELOPMENTS*



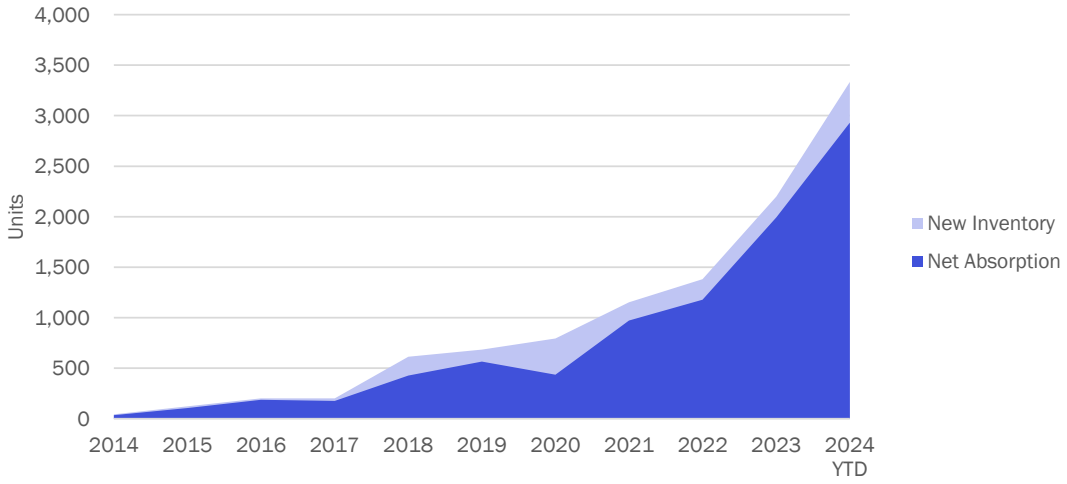
* Comparable developments are student housing developments in Berkeley of at least 25 units and built in 2019 or later.
Sources: CoStar, 2024; Strategic Economics, 2024.

FIGURE 6: AVERAGE RENT PER SQUARE FOOT AND AVERAGE VACANCY OF STUDENT HOUSING IN BERKELEY, 2015 TO 2024



Sources: CoStar, 2024; Strategic Economics, 2024.

FIGURE 7: CUMULATIVE NEW STUDENT HOUSING INVENTORY AND NET ABSORPTION SINCE 2014



Sources: CoStar, 2024; Strategic Economics, 2024.

Rental Rates for Retail

Strategic Economics developed assumptions for retail rental rates by speaking with two brokers familiar with leasing in downtown Berkeley. While no data was available for recently constructed retail spaces or rooftop restaurants in downtown Berkeley, brokers estimated that achievable rents in the current market would range from $4.50 to $6.00 per square foot on a triple net basis, depending on

factors such as type of retail or restaurant use, tenant improvement allowance, and the size of spaces offered.

Rental Rates for Parking

Strategic Economics collected pricing information from three parking garages in downtown Berkeley that offer parking at a monthly rate. As shown in Figure 8, monthly parking rates range from $210 per space to $250 per space. The applicant's assumption for parking prices at $200 per space is slightly below the range in parking rates at nearby garages, but this may be an appropriate assumption considering the reduced convenience of parking using mechanical stackers.

FIGURE 8: COMPARABLE RENTS FOR GARAGE PARKING IN DOWNTOWN BERKELEY

	Monthly Rent per Space
Center Street Garage	$250
2020 Kittredge Street (resident unreserved parking)	$210
1922 Walnut St (Modera)	$225

Source: Parking garage websites, interviews, 2024; Strategic Economics, 2024.

Vacancy and Collection Loss

The applicant's pro forma assumes an average vacancy and collection loss rate of five percent. This is a standard assumption for residential development in the San Francisco Bay Area; however, interviews with developers indicated that vacancy rates for student housing could be higher than five percent in the current market. The average vacancy reported by CoStar for comparable buildings, (excluding those built in 2023 or 2024, which may still be in their lease-up periods) currently stands at 7.2 percent. Therefore, Strategic Economics expects the stabilized vacancy rate for new developments to be five to ten percent under current market conditions.

Retail space typically has a higher stabilized vacancy rate than five percent, while below market rate units generally have a lower rate. Because these uses represent a minor source of revenue for the project, substantial variations from the five percent vacancy assumption are not expected to significantly impact the net operating income for the overall project.

Operating Expenses

Based on developer interviews, Strategic Economics expects operating expenses to range between 30 and 35 percent of gross revenues, with the upper end of the range likely for buildings with higher personnel costs associated with around-the-clock security and desk attendant. At 31 percent, the applicant's pro forma is consistent with this range of values.

Construction Costs

To estimate construction costs, Strategic Economics updated its assumptions for a similar study in 2023 by interviewing two developers experienced with high rise residential construction in Berkeley.

Based on these interviews, Strategic Economics estimates a range of construction costs of $550 to $600 per square foot of gross building area for the applicant's proposal. The applicant's pro forma assumes $555 per square foot of gross building area, which is consistent with, but at the lower end of, the estimated range.

Major considerations for this range of costs include:

- The project labor agreement, which is expected to elevate average costs by 20 to 30 percent over nonunion labor;
- The additional costs for furniture, fixtures, and equipment;
- The average unit size of 475 square feet, reflecting a unit mix with 80 percent studios. Smaller units tend to increase per square foot construction costs due to the greater density of utility systems, fixtures, furnishings, and equipment;
- Parking is provided below ground in two basements levels, which tends to be significantly more expensive than above ground parking;
- Finally, the additional costs of LEED enhancements and certification were judged to be negligible, according to developers interviewed for this study.

Soft Costs

According to developers, soft costs for high rise construction, before considering municipal fees, tend to total approximately 20 to 25 percent of hard costs. On a construction budget of $550 to $600 per square foot, soft costs would then typically range between $110 to $150 per square foot excluding municipal fees, which are discussed in the next section. The applicant reports total soft costs of $70.6 million, of which $24.0 million is budgeted for municipal fees, leaving $46.6 million in other soft costs. This equates to $113 per square foot, within the lower end of the range estimated by Strategic Economics.

Municipal Fees

Strategic Economics estimated the major categories of municipal fees for the project using the City's online reference materials and fee estimators, as shown in Figure 9. Because detailed technical specifications to calculate sewer connection fees for the building were unavailable, Strategic Economics estimated these fees based on the average per unit fees from a recent project (2352 Shattuck Avenue).

Strategic Economics estimated municipal fees of $35,638 per unit, approximately ten percent lower than the applicant's pro forma assumption of $40,000 per unit.. While Strategic Economics estimated the main categories of fees for the project, it is possible other municipal fees may apply to the applicant's proposal, or that the applicant is assuming a contingency in its budget for fees.

FIGURE 9: CALCULATION OF MUNICIPAL FEES

Fee	Calculated Amount	Notes
BUSD Developer Fee	$2,056,681	$5.17 per sf residential, $0.84 per sf commercial
Building Permit Fees	$5,025,272	From online calculator
Plan Check Fees	$3,266,427	From online calculator
Other Permit Fees (Fire Plan, etc)	$2,400,772	From online calculator
Affordable Housing Mitigation Fee	$2,968,663	From Affordable Housing Compliance Plan
SOSIP (Residential) Fee	$881,269	$2.23 per net new sf residential
SOSIP (Commercial) Fee	$0	No net new commercial sf
Sewer Connection	$2,236,929	Assumes $3,734 per unit based on similar projects
1% Arts Fee	$2,511,411	0.8% of construction costs
Total	**$21,347,424**	
Per Unit	**$35,638**	
Per sf	**$52**	

Sources: City of Berkeley Development Fee Schedule, August 2024; City of Berkeley Online Fee Estimator, 2024; Applicant packet, 2024; Strategic Economics, 2024.

Land Costs

According to public documents, the five parcels that constitute the development site are currently owned by four separate entities; however, the entire site is controlled by the development group under a Purchase and Sale Agreement with the fee owners. Because the negotiated value of this PSA has not been made public, the land cost for the applicant proposal is not known.

For a similar study in 2023, Strategic Economics prepared a set of comparable land sales for high rise development in downtown Berkeley. These comparable sales (no other relevant sales have occurred since the 2023 study), are provided in Figure 10 below as supporting information, but without the details of the applicant's ownership agreements, Strategic Economics was unable to make a land value comparison.

Based on comparable land sales, Strategic Economics estimates current market values for land to be $70,000 to $120,000 per unit. Three land sales for high-rise development in downtown Berkeley in the last ten years were available: 2190 Shattuck Avenue ($70,552 per unit), 1951 Shattuck Avenue ($82,209 per unit), and 2274 Shattuck Avenue ($29,289 per unit). Of these, the land cost for 2274 Shattuck appears to be an anomaly and is inconsistent with general land costs for high-rise development in the Bay Area. This may be because of additional cost burdens, such as historical landmarking, associated with redevelopment of the site. Representing an upper bound on land values, an 83-unit mid-rise development at 2538 Durant had a land cost of $120,484 per unit.

FIGURE 10: COMPARABLE LAND SALES IN DOWNTOWN BERKELEY

Property Address	Building Type	Sale Date	Sale Price	Units	Sale Price per Unit
2190 Shattuck Ave	High-rise	2015	$23,000,000	326	$70,552
1951 Shattuck Ave	High-rise	2017	$13,400,000	163	$82,209
2274 Shattuck Ave	High-rise	2022	$7,000,000	239	$29,289
2538 Durant Ave	Mid-rise	2022	$10,000,000	83	$120,482

Source: Costar, 2023; Strategic Economics, 2024.

MITIGATION MONITORING AND REPORTING PROGRAM

Project Name: All (*) | **Dept:** CoB | **Phase:** P, W, C, O

Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation	When Implemented
Aesthetics & Visual Quality			
DAP MM AES-1: Conduct Site-Specific Visual Analysis for Buildings Proposed Between Shattuck Avenue and Oxford Street. In order to reduce development-related impacts on existing views of the Berkeley Hills for observers traveling east along east-west streets in the Downtown Area, the City should require site-specific visual analysis for proposed buildings that have the potential to affect existing view corridors to determine the extent to which such structures may interfere with existing views of the Berkeley Hills, and should consider whether stepping back such buildings is feasible and would result in a substantial reduction in impact.	a) Has the project conducted site-specific visual analysis for buildings proposed between Shattuck Avenue and Oxford Street. In order to reduce development-related impacts on existing views of the Berkeley Hills for observers traveling east along east-west streets in the Downtown Area? b) Has the project considered whether stepping back such buildings is feasible and would result in a substantial reduction in impact?	CoB	P
DAP MM AES-2: Evaluate Shadow Effects for Proposed Structures near the Eastern Edge of the Downtown Area. The extent of the impact on the Crescent will depend on the location, height and bulk of structures to the southwest. While the impact may be significant, it is not possible to determine with any certainty the level of impact. Accordingly, all structures with a proposed height of 85 feet or more to be located within an area bounded by Addison Street on the north, Oxford Street on the east, Allston Way on the south, and Shattuck Avenue/Shattuck Square on the west shall be evaluated in a site-specific basis to determine the extent to which such buildings may cast shadows within the Crescent. Modifications to building heights, bulk or location should be considered as a way to reduce such shadowing.	a.) Has the proposed structure with a proposed height of 85 feet or more, located within an area bounded by Addison Street on the north, Oxford Street on the east, Allston Way on the south, and Shattuck Avenue/Shattuck Square on the west shall been evaluated in a site-specific basis to determine the extent to which such buildings may cast shadows within the Crescent? b) Have modifications to building heights, bulk or location been considered as a way to reduce such shadowing?	CoB	P
Air Quality			
DAP MM AIR-1: None listed in draft DAP	a) N/A	CoB	O
DAP MM AIR-2: Buffer Toxics Air Contaminants (TAC) and Odor Emission Sources and Sensitive Land Uses. Consider potential air pollution and odor impacts from future development that may emit pollution and/or odors when locating (a) air pollution sources, and (b) residential and other pollution-sensitive land users in the vicinity of air pollution sources (which may include areas where buses idle, diesel generators, parking garage vents, restaurants, and other similar uses). Buffer sensitive receptors from TACs whenever possible, and if buffering is not feasible, apply appropriate mitigation to reduce impacts to a less than significant level, such as air filtration systems or other technologies.	a) Has the project considered potential air pollution and odor impacts from future development that may emit pollution and/or odors when locating air pollution sources?. b) Has the project considered potential air pollution and odor impacts from future development that may emit pollution and/or odors when locating residential and other pollution-sensitive land users in the vicinity of air pollution sources (which may include areas where buses idle, diesel generators, parking garage vents, estaurants, and other similar uses)? c) If buffering is not feasible, have appropriate mitigation measures been incorporated into the project to reduce the impact on sensitive receptors?	CoB	P

MITIGATION MONITORING AND REPORTING PROGRAM

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Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation	When Implemented
DAP MM AIR-3: Implement BAAQMD Recommended Measures to Control PM10 Emissions during Construction. Measures to reduce diesel particulate matter and PM10 from construction are recommended to ensure that short-term health impacts to nearby sensitive receptors are avoided. Dust (PM10) Control Measures: • Water all active construction areas at least twice daily and more often during windy periods. Active areas adjacent to residences should be kept damp at all times. • Cover all hauling trucks or maintain at least two feet of freeboard. • Pave, apply water at least twice daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas. • Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas and sweep streets daily (with water sweepers) if visible soil material is deposited onto the adjacent roads. • Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (i.e., previously-graded areas that are inactive for 10 days or more). • Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles. • Limit traffic speeds on any unpaved roads to 15 mph. • Replant vegetation in disturbed areas as quickly as possible. • Suspend construction activities that cause visible dust plumes to extend beyond the construction site. Measures to Reduce Diesel Particulate Matter and PM2.5: • Clear signage at all construction sites will be posted indicating that diesel equipment standing idle for more than five minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate, or other bulk materials. Rotating drum concrete trucks could keep their engines running continuously as long as they were onsite or adjacent to the construction site. • Opacity is an indicator of exhaust particulate emissions from off-road diesel powered equipment. The project shall ensure that emissions from all construction diesel powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately • The contractor shall install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g. compressors). • Properly tune and maintain equipment for low emissions.	a) Have the following BAAQMD recommended measures to control particulate matter PM (10) and diesel emissions during construction been implemented? (Indicate each measure implemented in questions b - l) b) Have all active construction areas been watered at least twice daily and more often during windy periods? c) Have active areas adjacent to residences been kept damp at all times? d) Has the project hydroseeded or applied (non-toxic) soil stabilizers to inactive construction areas (i.e., previously-graded areas that are inactive for 10 days or more)? e) Have exposed stockpiles been enclosed covered, watered twice daily, or applied with (non-toxic) soil binders? f) Has traffic speeds on any unpaved roads been limited to 15 mph? g) Has vegetation been replanted in disturbed areas as quickly as possible? h) Have construction activities been suspended if and when visible dust plumes extended beyond the construction site? i) Has clear signage been posted to limit unnecessary diesel idling exceeding 5 minutes? j) Has the project ensured that exhaust from all construction diesel powered equipment used on the project site does not exceed 40 percent opacity for more than three minutes in any one hour AND that any equipment found to exceed 40 percent opacity was repaired immediately? k) Has temporary electrical service been installed whenever possible to avoid the need for independently powered equipment (e.g. compressors)? l) Has all equipment been properly tuned and maintained to ensure emission standards are not exceeded?	CoB	C W

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Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation	When Implemented
Cultural & Historic Resources			
DAP MM CUL-1: None listed in draft DAP	a) N/A	CoB	O

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Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation	When Implemented
DAP MM CUL-2: Establish Parameters for Compatible Infill Development in the Downtown Area within Updated Design Guidelines. Using the Secretary of the Interior's "Standards" as a starting point (in compliance with DAP Policy HD-1-1a), the Design Guidelines for future development in the Downtown Area should be updated to ensure that new construction respects the authentic character, significance and integrity of the existing building stock in areas that may have the potential for designation as historic districts. Specific guidelines that could be added for this purpose include, but are not limited to, the following: • Consider the difference in character of individual blocks. The scale of buildings change within the potential historic district(s) and new construction should reflect the appropriate scale per block. • Priorities for new construction and additions include: build-to-the-street, particularly at corners; construct infill buildings at vacant or underutilized sites along major streets; and modify non-historic buildings so that they contribute visual interest and quality. • Construct new buildings, of compatible design with the surrounding neighborhood. • Encourage creative and innovative contemporary designs for new buildings in the downtown. • Streetscape plays an important role in drawing individuals to a particular area of the city. Use signage, lighting, and paving to improve the pedestrian experience. • Build consistently with the street wall, particularly at corner sites. Continue dominant rhythms for structural bays, bay windows, large pilasters, and other repeating vertical elements. Also, continue dominant cornice lines, such as between ground floors and upper stories, and at the top of facades that meet a street. • Design new buildings to respond to the existing building context within a block, and provide continuity to the overall streetscape. Frequently, a new building will be inserted on a site between two existing buildings of disparate scale and design. • Set back upper floors where taller buildings are permitted, so that dominant roof and cornice lines remain generally consistent in the Downtown, as seen from the street. • Explore options for multi-use buildings, combining residential, commercial, and other compatible uses where appropriate. • Provide multi-tenant retail space and other active publicly-accessible uses at the street level. These should be accessible directly from the sidewalk,	a) Have design guidelines for future development in the Downtown Area been updated to ensure that new construction respects the authentic character, significance and integrity of the existing building stock in areas that may have the potential for designation as historic districts, and is the proposed project consistent with the design guidelines? b) If revised design guidelines have not been adopted, is the proposed project consistent with the guidelines contained within the mitigation measure?	CoB	P

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Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation	When Implemented
rather than through common interior lobbies. • Provide easy-to-locate building entrances on all street-facing facades. Where a building extends through an entire block or is located at a corner, connect its entrances with a suitably scaled public lobby. Highlight entrances with signage and lighting to distinguish them from storefronts. • Use vertically-proportioned windows. Group such windows in sets where a horizontally proportioned window opening is desired, especially for the expression of structural bays.			
DAP MM CUL-3: Halt Work/ Archaeological Evaluation/Site-Specific Mitigation. If archaeological resources are uncovered during construction activities, all work within 50 feet of the discovery shall be redirected until a qualified archaeologist can be contacted to evaluate the situation, determine if the deposit qualifies as an archaeological resource, and provide recommendations. If the deposit does not qualify as an archaeological resource, then no further protection or study is necessary. If the deposit does qualify as an archaeological resource, then the impacts to the deposit shall be avoided by project activities. If the deposit cannot be avoided, adverse impacts to the deposit must be mitigated. Mitigation may include, but is not limited to, archaeological data recovery. Upon completion of the archaeologist's assessment, a report should be prepared documenting the methods, findings and recommendations. The report should be submitted to the City, the project proponent and the NWIC.	a) Have archaeological resources been uncovered during construction activities? b) If the answer to (a) is yes, has all work within 50 feet of the discovery been redirected until a qualified archaeologist could be contacted to evaluate the situation, determine if the deposit qualifies as an archaeological resource, and provide recommendations? c) If the answer to (a) is yes AND if the deposit does qualify as an archaeological resource, have impacts to the deposit been avoided or mitigated by project activities? d) If the answer to (a) is yes, was the archaeologist's assessment or report documenting the methods, findings and recommendations been prepared and submitted to the City, the project proponent and the NWIC?	CoB	C W
DAP MM CUL-4: Halt Work/ Paleontological Evaluation/Site-Specific Mitigation. Should paleontological resources be encountered during construction or site preparation activities, such works shall be halted in the vicinity of the find. A qualified paleontologist shall be contacted to evaluate the nature of the find and determine if mitigation is necessary. All feasible recommendations of the paleontologist shall be implemented. Mitigation may include, but is not limited to, in-field documentation and recovery of specimen(s), laboratory analysis, the preparation of a report detailing the methods and findings of the investigation, and curation at an appropriate paleontological collection facility.	a) Was work halted if paleontological resources were discovered during construction? b) If answer to (a) is yes, was a qualified paleontologist contacted to evaluate the find and determine if further mitigation is necessary? c) If mitigations were deemed necessary by the paleontologist, were all feasible measures implemented?	CoB	C W

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Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation	When Implemented
DAP MM CUL-5: Halt Work/Coroner's Evaluation/Native American Heritage Consultation/ Compliance with Most Likely Descendent Recommendations. If human remains are encountered during construction activities, all work within 50 feet of the remains should be redirected and the County Coroner notified immediately. At the same time, an archaeologist shall be contacted to assess the situation. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Native American Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and any associated grave goods. The archaeologist shall recover scientifically-valuable information, as appropriate and in accordance with the recommendations of the MLD. Upon completion of the archaeologist's assessment, a report should be prepared documenting methods and results, as well as recommendations regarding the treatment of the human remains and any associated archaeological materials. The report should be submitted to the City, the project proponent and the NWIC.	a) Was work halted if any human remains were found at the construction site? b) If the answer to (a) is yes, was the county coroner notified immediately and an archaeologist contacted to assess the situation? c) If the answer to (a) is yes, and the human remains were of Native American origin, was an archaeologist's report prepared and submitted to the City, the Project Proponent amd the NWIC?	CoB	C W

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Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation	When Implemented
Noise			
DAP MM NOI-1: Site-Specific Noise Studies/Site Planning/Noise Control Treatments. Future residential units proposed under the DAP would be exposed to outdoor noise levels in excess of 60 Ldn and indoor levels in excess of 45 Ldn, which would exceed the City's and state's established land use compatibility thresholds. In areas where residential development would be exposed to an Ldn of greater than 60 dBA, site-specific noise studies should be conducted to determine the area of impact and to present appropriate mitigation measures, which may include the following: • Utilize site planning to minimize noise in shared residential outdoor activity areas by locating these areas behind the buildings, in courtyards, or orienting the terraces to alleyways rather than streets, whenever possible. • The California Building Code and the City of Berkeley require project specific acoustical analyses to achieve interior noise levels of 45 dBA Ldn or lower in residential units exposed to exterior noise levels greater than 60 dBA Ldn. Building sound insulation requirements would need to include the provision of forced-air mechanical ventilation in noise environments exceeding 70 dBA Ldn so that windows could be kept closed at the occupant's discretion to control noise. Special building construction techniques (e.g., sound-rated windows and building façade treatments) may be required where exterior noise levels exceed 65 dBA Ldn. These treatments include, but are not limited to, sound rated windows and doors, sound rated exterior wall assemblies, acoustical caulking, etc. The specific determination of what treatments are necessary will be conducted on a unit-by-unit basis during project design. Results of the analysis, including the description of the necessary noise control treatments, will be submitted to the City along with the building plans and approved prior to issuance of a building permit. Feasible construction techniques such as these would adequately reduce interior noise levels to 45 dBA Ldn or lower.	a) In areas where residential development would be exposed to L (dn) exceeding 60 dBA, were site specific noise studies conducted to determine the area of impact and to present mitigation measures, and were appropriate mitigation measures incorporated into the proposed project?	CoB	P W

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Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation	When Implemented
DAP MM NOI-2: Site-Specific Noise Studies/Activities Scheduling. The following measures should be implemented to reduce noise exposure of Downtown Area residents to noise associated with nearby commercial activities: • Noise levels at residential property lines from commercial development should be maintained not in excess of the Berkeley Municipal Code Limits. The approvals of the commercial development should require a noise study demonstrating how the business (including loading docks, refuse areas, and ventilation systems) would meet, and be consistent with, the City's noise standards. • Ensure that noise-generating activities, such as maintenance activities and loading and unloading activities are limited to the hours of 7:00 AM to 9:00 PM.	a) Have studies been provided to demonstrate how a proposed business would comply with the City's noise standards to ensure that noise levels at residential property lines from commmercial development will not exceed Berkeley Municipal Code limits? b) Have noise generating activities, such as maintenance, refuse collection and loading dock functions been limited to the hours of 7:00 AM to 9:00 PM?	CoB	O P
DAP MM NOI-3: Site-Specific Noise Analysis/Noise Barriers/Pavement Modifications/Traffic Calming/Sound Insulation. Where anticipated noise levels would exceed City of Berkeley standards for interior noise, methods available to mitigate DAP-related noise level increases would need to be studied on a case-by-case basis as individual development projects are proposed at receivers that would be considered noise impacted along Shattuck Avenue between University Avenue and Allston Way, and along Allston Way between Shattuck Avenue and Oxford Street. Since these increases in noise levels are related to the closure of Center Street and the elimination of travel lanes on Shattuck Avenue assumed under the DAP, retaining existing travel lane configurations in the Downtown Area street network would reduce this impact to a level of less than significant. With the proposed DAP street network modifications in place, however, noise reduction methods could include the following: • Installing traffic calming measures to slow traffic. Typically, each 5 mph reduction in travel speeds equates to 1 dBA of noise reduction. • Affected residences could be provided building sound insulation such as sound-rated windows and doors on a case-by-case basis as a method of reducing noise levels in interior spaces.	a) In projects where noise levels will exceed COB standards for interior noise, have impacts and mitigations been studied?	CoB	P

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Project Name: All (*) **Dept:** CoB **Phase:** P, W, C, O

Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation	When Implemented
DAP MM NOI-4: Site-Specific Noise Analysis/Noise Barriers/Pavement Modifications/Traffic Calming/Sound Insulation. Where anticipated noise levels would exceed City of Berkeley standards for interior noise, methods available to mitigate DAP-related noise level increases would need to be studied on a case-by-case basis as individual development projects are proposed at receivers that would be considered noise impacted along Shattuck Avenue between University Avenue and Allston Way, along Allston Way between Shattuck Avenue and Oxford Street, and along Durant Avenue between Milvia Street and Shattuck Avenue. Since these increases in noise levels are related to the closure of Center Street and the elimination of travel lanes on Shattuck Avenue assumed under the DAP, retaining existing travel lane configurations in the Downtown Area street network would reduce this impact to a level of less than significant. With the proposed DAP street network modifications in place, however, noise reduction methods could include the following: • Installing traffic calming measures to slow traffic. Typically, each 5 mph reduction in travel speeds equates to 1 dBA of noise reduction. • Affected residences could be provided building sound insulation such as sound-rated windows and doors on a case-by-case basis as a method of reducing noise levels in interior spaces.	a) In projects where noise levels will exceed COB standards for interior noise, have impacts and mitigations been studied?	CoB	P

MITIGATION MONITORING AND REPORTING PROGRAM

Project Name: All (*) **Dept:** CoB **Phase:** P, W, C, O

Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation	When Implemented
DAP MM NOI-5: Develop Site-Specific Noise Reduction Programs and Implement Noise Abatement Measures during Construction. Prior to the issuance of building permits, the applicant shall develop a site specific noise reduction program prepared by a qualified acoustical consultant to reduce construction noise impacts to the maximum extent feasible, subject to review and approval of the Zoning Officer. The noise reduction program shall include appropriate time limits for construction (7:00 AM to 7:00 PM on weekdays and between the hours of 9:00 AM and 8:00 PM on weekends or holidays) as well as technically and economically feasible controls to meet the requirements of the Berkeley Municipal Code. The noise reduction program should include, but shall not be limited to, the following available controls to reduce construction noise levels as low as practical: • Construction equipment should be well maintained and used judiciously to be as quiet as practical. • Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment. • Utilize "quiet" models of air compressors and other stationary noise sources where technology exists. Select hydraulically or electrically powered equipment and avoid pneumatically powered equipment where feasible. • Locate stationary noise-generating equipment as far as possible from sensitive receptors when adjoining construction sites. Construct temporary noise barriers or partial enclosures to acoustically shield such equipment where feasible. • Prohibit unnecessary idling of internal combustion engines. • If impact pile driving is required, predrill foundation pile holes to minimize the number of impacts required to seat the pile. • Construct solid plywood fences around construction sites adjacent to operational business, residences or other noise-sensitive land uses where the noise control plan analysis determines that a barrier would be effective at reducing noise. • Erect temporary noise control blanket barriers, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control	a) Has a site specific noise reduction program been prepared by a qualified acoustical consultant to reduce construction noise impacts to the maximum extent feasible? b) Has a construction liaison been identified to address local complaints?	CoB	C W

MITIGATION MONITORING AND REPORTING PROGRAM

Project Name: All (*) **Dept:** CoB **Phase:** P, W, C, O

Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation	When Implemented
blanket barriers can be rented and quickly erected. • Route construction related traffic along major roadways and away from sensitive receptors where feasible. • Businesses, residences or other noisesensitive land uses within 500 feet of construction sites should be notified of the construction schedule in writing prior to the beginning of construction. Designate a "construction liaison" that would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the liaison at the construction site.			

MITIGATION MONITORING AND REPORTING PROGRAM

Project Name: All (*) **Dept:** CoB **Phase:** P, W, C, O

Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation	When Implemented
DAP MM NOI-6: Avoidance of Pile- Driving/Site-Specific Vibration Studies/ Monitoring/Contingency Planning. The following measures are recommended to reduce vibration from construction activities: • Avoid impact pile-driving where possible. Drilled piles causes lower vibration levels where geological conditions permit their use. • Avoid using vibratory rollers and tampers near sensitive areas. • In areas where project construction is anticipated to include vibration generating activities, such as piledriving in close proximity to existing above ground and below ground structures, site-specific vibration studies should be conducted to determine the area of impact and to present appropriate mitigation measures that may include the following: • Identification of sites that would include vibration compaction activities such as pile-driving and that have the potential to generate groundborne vibration, and the sensitivity of nearby above ground and below ground structures to groundborne vibration. Vibration limits should be applied to all vibration-sensitive structures located within 200 feet of the project. A qualified structural engineer should conduct this task. • Development of a vibration monitoring and construction contingency plan to identify above ground and below ground structures where monitoring would be conducted, set up a vibration monitoring schedule, define structure specific vibration limits, and address the need to conduct photo, elevation, and crack surveys to document before and after construction conditions. • Construction contingencies would be identified for when vibration levels approached the limits. • At a minimum, vibration monitoring should be conducted during initial demolition activities and during pile driving activities. Monitoring results may indicate the need for more or less intensive measurements. • When vibration levels approach limits, suspend construction and implement contingencies to either lower vibration levels or secure the affected structures. • Conduct post-survey on above ground and below ground structures where either monitoring has indicated high levels or complaints of damage has been	a) Does the project avoid the use of pile driving? b) Does the project avoid the use of vibratory rollers and tampers near sensitive areas? c) In ares where vibration inducing activities cannot be avoided, has a site specific vibration study been conducted to present appropriate mitigation measures?	CoB	C W

MITIGATION MONITORING AND REPORTING PROGRAM

Project Name: All (*) **Dept:** CoB **Phase:** P, W, C, O

Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation	When Implemented
made. Make appropriate repairs or compensation where damage has occurred as a result of construction activities.			
Transportation & Traffic			
DAP MM TRA-1: Modify Lane Configuration at Martin Luther King Jr. Way/Hearst Avenue Intersection. A lane should be added for left turns in the westbound direction, changing the right lane to throughright. Implementation of this mitigation would still result in LOS F in the PM peak hour, but delay would be reduced to 131.2s, eliminating the significant DAP-related impact. The implementation of this mitigation measure requires re-striping of Hearst Avenue east of Martin Luther King Jr. Way to accommodate the new lane, eliminating the bike lane in part of the block; or the acquisition of additional right-of-way on this segment of Hearst Avenue to accommodate the new lane and maintain the bike lane. This measure is not anticipated to cause significant impacts to pedestrian traffic.	a) Has lane reconfiguration been implemented at MLK and Hearst Ave intersection?	CoB	O
DAP MM TRA-10: Modify Lane Configurations at Oxford Street/University Avenue Intersection. The existing eastbound lane configuration should be maintained. This mitigation measure will result in change of LOS to D in the AM peak hour, with delay of 40.2s. Proposed lane reduction on University could be maintained west of the intersection. The implementation of this mitigation measure requires the maintenance of the eastbound lane configuration. This measure is not anticipated to cause significant impacts to pedestrian traffic.	a) Has the lane configuration been maintained at University Ave. and Oxford St. intersection?	CoB	O

MITIGATION MONITORING AND REPORTING PROGRAM

Project Name: All (*) **Dept:** CoB **Phase:** P, W, C, O

Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation	When Implemented
DAP MM TRA-11: Modify Lane Configurations at Oxford Street/Allston Way Intersection and Alter Signal Cycle Timing. One lane should be added in the southbound direction, changing the lane configuration to two through and one right turn lane. One lane should be added to the northbound direction, changing the configuration to one left turn and two through lanes. One lane should be added in the eastbound direction, changing the configuration to one left turn lane and one right turn lane. Cycle length should beincreased to 25s and to provide a protected left turn signal phase in the northbound direction. This mitigation measure would result in change of LOS to C in the PM peak hour, with delay of 33.6s. On Oxford Street, the implementation of this mitigation measure would require the removal of 5 of the parking spaces in the southbound direction and the restriping of the segment in the block north of Allston Way. In the northbound direction there is the need to use the median space, as well as re-stripe the roadway. On Allston Way, the addition of the extra lane would require the loss of 4 on-street parking spaces on the south side of the street, as well as re-striping. This measure is not anticipated to cause significant impacts to pedestrian traffic. The loss of onstreet parking spaces on Oxford Street and Allston Way is not anticipated to generate significant impacts.	a) Has lane reconfiguration been implemented at Oxford St. and Allston Way intersection? b) Has signal cycle timing been altered to meet LOS level standards?	CoB	O
DAP MM TRA-13: Incorporate Emergency Access Lane in Design for Center Street Pedestrian Corridor. In order to maintain adequate emergency access to buildings located along Center Street between Shattuck Avenue and Oxford Street, the design of the proposed Center Street pedestrian corridor shall be required to incorporate a clear area, a minimum of 20 feet in width, where permanent and temporary structures, landscaping, and other physical features are prohibited. This area shall be designated as an emergency access lane, and must be accessible from both Shattuck Avenue and Oxford Street.	a) Have emergency access lanes been incorporated in the design for the Center St. pedestrian corridor?	CoB	O

MITIGATION MONITORING AND REPORTING PROGRAM

Project Name: All (*) **Dept:** CoB **Phase:** P, W, C, O

Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation	When Implemented
DAP MM TRA-14a: Install Class 2 Bike Lanes on Milvia Street between University Avenue and Allston Way. This mitigation measure may result in the loss of on-street parking stalls along Milvia Street in order to accommodate the bike lanes. Up to 35 on-street parking stalls could be impacted by this mitigation measure. As noted in the parking demand discussion, sufficient public parking capacity is anticipated in the Year 2030 With Project condition, so the loss of these parking stalls would not be anticipated to cause a Install Class 2 Bike Lanes on Milvia Street between University Avenue and Allston Way. This mitigation measure may result in the loss of on-street significant impact. This mitigation measure would also not preclude the implementation of the traffic mitigation measures at the University Avenue/Milvia Street intersection and the Center Street/Milvia Street intersection.	a) Have Class 2 bike lanes been installed on Milvia St between University Avc. and Allston Way?	CoB	O
DAP MM TRA-14b: Install Traffic Calming Devices. Traffic calming devices should be installed on Milvia Street either between University Avenue and Allston Way or immediately north and south of this segment to discourage through vehicle traffic from traveling on this section of the roadway. Traffic calming devices could include speed humps, turn restrictions/prohibitions, or other measures determined by the City of Berkeley.	a) Have traffic calming devices been installed on Milvia St. between University Ave and Allston Way to discourage through traffic?	CoB	O
DAP MM TRA-2: Modify Lane Configuration at Martin Luther King Jr. Way/Allston Way Intersection. The eastbound lane configuration should be changed, turning the existing through-left lane to left turn only and the right lane to a throughright. A right turn lane to Martin Luther King Jr. Way in the southbound direction should be added, changing the through-right lane to through only. This mitigation measure would result in changing the LOS to D, with delay of 49.8s. The implementation of this mitigation measure requires re-striping of Allston Way west of Martin Luther King Jr. Way to accommodate the lane changes, and the acquisition of right-of-way north of Allston Way to accommodate the southbound right turn lane. This measure is not anticipated to cause significant impacts to pedestrian traffic.	a) Has lane reconfiguration been implemented at MLK and Allston Way Intersection?	CoB	O

MITIGATION MONITORING AND REPORTING PROGRAM

Project Name: All (*) **Dept:** CoB **Phase:** P, W, C, O

Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation	When Implemented
DAP MM TRA-3: Modify Lane Configuration at Milvia Street/University Avenue Intersection. A right turn lane should be added to University Avenue to the eastbound direction and one left turn lane should be added to University Avenue in the westbound direction. In the eastbound direction, the configuration of lanes would be one through-left lane, one through and one right turn lane. In the westbound direction, the configuration of lanes would be one left turn lane, one through lane and one through-right lane. This mitigation measure would change LOS to B, with delay of 14.9s in the AM peak hour, and to LOS C with delay of 25.8s in the PM peak hour. The implementation of this mitigation measure requires the removal of the median east of the intersection in order to accommodate the extra lane, and the restriping of University Avenue on both sides of Milvia Street. This measure is not anticipated to cause significant impacts to pedestrian traffic, but a right turn on green only with an advance stop bar can be implemented on University Avenue to avoid conflicts with pedestrians crossing Milvia Street. This measure would increase pedestrian safety and does not change the LOS of the intersection. The implementation of a bicycle waiting area placed ahead of the cars waiting to turn right can reduce the conflicts through bicycle flows and right-turn vehicle movements on Milvia Street in the southbound direction. This measure requires re-striping of Milvia Street.	a) Has lane reconfiguration been implemented at Milvia St. and University Ave. intersection?	CoB	O
DAP MM TRA-4: Modify Lane Configuration at Milvia Street/Center Street Intersection. One left turn lane should be added to Milvia Street in the northbound and southbound directions, changing the lane configuration to one through-right and one left turn lane. This mitigation measure would result in change of LOS to C, with delay of 24.0s in the PM peak hour. The implementation of this mitigation measure requires the removal of onstreet parking spaces in the northbound and southbound directions to accommodate the left turn, and the re-striping of Milvia Street on both sides of Center Street. This measure is not anticipated to cause significant impacts to pedestrian traffic. Milvia Street would remain a Bicycle Boulevard and sufficient traffic lane width would be provided for bicycles and vehicles to make through movements at this intersection. This improvement would result in the loss of about eight on-street parking spaces, but is not anticipated to generate significant impact with regard to parking.	a) Has lane reconfiguration been implemented at Milvia St. and Center St. intersection?	CoB	O

MITIGATION MONITORING AND REPORTING PROGRAM

Project Name: All (*) **Dept:** CoB **Phase:** P, W, C, O

Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation	When Implemented
DAP MM TRA-5: Modify Lane Configuration at Shattuck Avenue/Center Street. The significant impact at this intersection is mitigated by maintaining at least two traffic through lanes in the northbound direction on Shattuck Avenue along with a left turn lane, as provided by the DAP under consideration for adoption (dated July 6, 2009). No further mitigation is needed.	a) Have at least two traffic through lanes in the northbound direction on Shattuck Avenue been maintained along with a left turn lane?	CoB	O
DAP MM TRA-6: Modify Lane Configurations at Shattuck Avenue/Allston Way Intersection. The existing number of lanes in the northbound and southbound directions (i.e. three in each direction) should be configured to have a minimum one left turn lane, one through lane and one right turn lane, as provided by the DAP under consideration for adoption. Furthermore, a right turn land will be added in the westbound direction of Allston Way.	a) Has lane reconfiguration been implemented at Shattuck Ave and Allston Way intersection?	CoB	O
DAP MM TRA-7: Modify Lane Configurations at Shattuck Avenue/ Bancroft Way Intersection. The existing number of lanes in the southbound direction should be maintained, changing lane configuration to one through lane and one through-right lane. This mitigation measure would result in change of LOS to D, with delay of 37.6s in the PM peak hour. The proposed mitigation measure would not maintain the single through concept of the Shattuck Boulevard plan. On Shattuck Avenue, the implementation of this mitigation measure would require the reconfiguration of the parking spaces and sidewalk in the southbound direction and the re-striping of the segment of the block north of Bancroft Way. This measure is not anticipated to cause significant impacts to pedestrian traffic.	a) Has lane reconfiguration been implemented at Shattuck Ave and Bancroft Way intersection?	CoB	O
DAP MM TRA-8: Modify Lane Configurations at Shattuck Avenue/Durant Avenue Intersection. The existing number of lanes in the northbound direction should be maintained, changing the lane configuration to one left turn lane, one through and one right turn lane. This mitigation measure will result in change of LOS to B in the AM peak hour (17.8s delay). LOS C is achieved in the PM peak hour (21.6s delay) applying the mitigation measures described above plus a 20s increase in cycle time. On Shattuck Avenue, the implementation of this mitigation measure would require the reconfiguration of the parking spaces and sidewalk in the northbound direction and the re-striping of the segment in the block south of Durant Avenue. This measure is not anticipated to cause significant impacts to pedestrian traffic.	a) Has lane reconfiguration been implemented at Shattuck Ave. and Durant Ave intersection?	CoB	O

MITIGATION MONITORING AND REPORTING PROGRAM

Project Name: All (*) **Dept:** CoB **Phase:** P, W, C, O

Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation	When Implemented
DAP MM TRA-9: Maintain Existing Lane Geometry in the Westbound Direction. The DAP-proposed lane reduction on Hearst Avenue would be maintained to the west of the intersection, with the lane reduction occurring in a transition to the west of the intersection. Add one lane in southbound direction, changing lane configuration to one left-turn, one through and one through-right lane. Change the eastbound direction lane configuration to one through-left lane one through-right lane. Maintain split signal phasing for eastbound and westbound directions. Add a right turn only lane to the northbound direction and provide right turn overlap signal phasing for this movement. The right turn only lane would not be a free-right turn, but a striped, exclusive right turn lane adjacent to the northbound through lanes. Change northbound and southbound signal phasing to protected + permitted for left turns. This mitigation measure would change LOS to D in the AM peak hour (54.9 seconds delay). In the PM peak hour, the 2030 LOS is improved to LOS D, with delay reduced from 166.4 seconds With Project to 54.4 seconds. On Oxford Street, the implementation of this mitigation measure requires the removal of seven parking spaces in the southbound direction and the re-striping of the segment in the block north of Hearst Avenue. On Hearst Avenue, existing configuration should be maintained in both directions. This measure is not anticipated to cause significant impacts to pedestrian traffic. The loss of on-street parking spaces on Oxford is not anticipated to generate significant impacts.	a) Has lane reconfiguration been implemented at Oxford St. and Hearst Ave. intersection? b) Has signal cycle timing been adjusted to meet LOS AM and PM peak hour targets?	CoB	O
Utilities & Service Systems			
DAP MM USS-1: Site-Specific Analysis of Project-Related Effects on the Sanitary Sewer conveyance System/Project-Related Contribution to Necessary Capacity Expansion. As individual development projects are proposed in the Downtown Area, each project will be subject to site-specific analysis by the City of Berkeley to determine whether the development proposed would exceed the capacity of the sanitary sewer conveyance system that directly serves the project. In the event that existing sanitary sewer modeling demonstrates that sanitary sewer conveyance system capacity would be exceeded by the proposed project, then the project proponents and the City shall enter into negotiations to determine the financial contribution required from the project proponents to enable the City to expand sanitary sewer conveyance capacity as necessary to accommodate the project as proposed.	a) Has a project/site specific analysis been conducted to determine whether the project would exceed the sanitary sewer system capacity that directly serves the project? b) If modeling demonstrates that sewer capacity will be exceeded, have negotiations between the project proponents and city been held to determine the financial contribution necessary to expand the sewer system to accommodate the project, and have contributions been required?	CoB	P W

ZONING ADJUSTMENTS BOARD

NOTICE OF PUBLIC HEARING

1950-1998 Shattuck Avenue

Use Permit #ZP2023-0040 to demolish five commercial buildings; merge four lots; and construct a 28-story (312-foot tall, plus 5-foot parapet), 411,610-square-foot, mixed-use building with 599 dwelling units (including 58 Very Low-Income Density Bonus qualifying units), 16,142 square feet of commercial area, and 154 parking spaces.

The Zoning Adjustments Board of the City of Berkeley will hold a public hearing on the above matter, pursuant to Zoning Ordinance, Section 23.404.050 (Public Hearings and Decisions)

When: Thursday, February 27, 2025, 7:00 pm
Where: Berkeley Unified School District meeting room, 1231 Addison Street, (wheelchair accessible) with remote/hybrid option (via Zoom).

Please visit: https://berkeleyca.gov/your-government/boards-commissions/zoning-adjustments-board and click on the hearing date to access the most up-to-date meeting information, or call the Land Use Planning division (510) 981-7410.

PUBLIC ADVISORY*: *THIS MEETING WILL BE CONDUCTED IN A HYBRID MODEL WITH BOTH IN-PERSON ATTENDANCE AND VIRTUAL PARTICIPATION AVAILABLE FOR MEMBERS OF THE PUBLIC.

For in-person attendees, face coverings or masks that cover both the nose and mouth are encouraged. If you're feeling sick, please do not attend the meeting in-person as a public health precaution.

Currently, there are no physical distancing requirements in place by the State of California or the Local Health Officer for an indoor event similar to a Commission meeting. However, all attendees are requested to be respectful of the personal space of other attendees. An area of the public seating area will be designated as "distanced seating" to accommodate persons that need to distance for personal health reasons.

Land Use Planning Division
1947 Center Street, Second Floor, Berkeley, CA 94704 Tel: 510.981.7410 TDD: 510.981.7474 Fax: 510.981.7420
E-mail: zab@berkeleyca.gov

A. Land Use Designations:

- General Plan: DT – Downtown; Downtown Area Plan
- Zoning: C-DMU (Corridor) – Downtown Mixed-Use Commercial District, Outer Core Sub-Area

B. Zoning Permits Required:

- Use Permit under Berkeley Municipal Code (BMC) Section 23.326.070(A) to demolish non-residential buildings
- Use Permit under BMC Section 23.204.020(A) to construct a new mixed-use development
- Use Permit under BMC Section 23.204.020(A) to construct dwelling units
- Use Permit under BMC Section 23.204.030(A)(1) to create new floor area of 10,000 square feet or more
- Use Permit under BMC Section 23.204.130(E)(2) to construct a building that exceeds the district height limit, and that is over 75 feet but not more than 120 feet
- Use Permit under BMC Section 23.204.130(E)(3)(b) to modify the front, side, and rear setback requirements and to exceed 120 feet in width in diagonal measurement above 120 feet in height
- Administrative Use Permit under BMC Section 23.304.050(A) to allow architectural projections to exceed district height limits
- Administrative Use Permit under BMC Section 23.302.070(E)(2) for a food service establishment over 3,000 square feet in area
- Use Permit pursuant to BMC Section 23.310.020(B) to begin alcoholic beverage service (distilled spirits incidental to food service).
- Administrative Use Permit pursuant to BMC Section 23.204.020(A) for Amplified Live Entertainment in a commercial district
- Administrative Use Permit pursuant to BMC Section 23.302.020(D)(3) for outdoor use not abutting a residential district.

C. Concessions and Waivers Requested Pursuant to State Density Bonus Law (California Government Code Section 65915):

- Concession from BMC Chapter 23.316 to allow an exemption from the Percentage for Public Art on Private Projects in-lieu fee
- Waiver of BMC Section 23.04.130(E)(1) to exceed building height limits – to be 317’ to roof (plus 5’ parapet), where 120 feet is the limit (plus 5-foot parapet, by right, with a use permit)
- Waiver of BMC Section 23.204.130(E)(3)(a) to reduce the front setback (University Ave, Shattuck Ave, and Berkeley Way) requirement to 0 feet, where 15 feet is the minimum, above 75-foot building height
- Waiver of BMC Section 23.204.130(E)(3)(a) to reduce the interior left side setback requirement to 10 feet, where 15 feet is the minimum, above 75-foot building height and more than 65 feet from the frontage
- Waiver of BMC Section 23.204.130(E)(3)(d)(i) to exceed diagonal width, to be 239 feet, 10 inches, where 120 feet is the maximum, above 120’ in height
- Waiver of BMC Section 23.204.130(E)(4) reduce usable open space minimum to 12,491 square feet, where 47,920 square feet is required

D. CEQA Exemption Determination: Pursuant to Government Code Section 65589.5, it is staff’s determination that the project is categorically exempt under Section 15332 (“Infill Development Projects”) of the CEQA Guidelines.

D. Project Recommendation: Approve Use Permit #ZP2023-0040, pursuant to BMC Section 23.406.040(D)

E. Parties Involved:

- Applicant: Isaiah Stackhouse, Trachtenberg Architects, Fourth Street, Berkeley, CA 94710
- Property Owner: 1974 Shattuck Avenue, LLC, 2140 Shattuck Ave, Ste 705, Berkeley, CA 94704

Further Information:
All application materials are available online at:
https://aca.cityofberkeley.info/CitizenAccess/Welcome.aspx.

The Zoning Adjustments Board final agenda and staff reports will be available online 6 days prior to this meeting at: https://berkeleyca.gov/your-government/boards-commissions/zoning-adjustments-board.

Questions about the project should be directed to the project planner, Sharon Gong, at (510) 981-7429 or sgong@berkeleyca.gov.

Written comments or a request for a Notice of Decision should be directed to the Zoning Adjustments Board Secretary at zab@berkeleyca.gov.

Communication Disclaimer:
Communications to Berkeley boards, commissions or committees 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 a City board, commission or committee, 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 secretary of the relevant board, commission or committee. 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 secretary to the relevant board, commission or committee for further information.

Written Comments, Communications, and Reports:
Written comments must be directed to the ZAB Secretary at the Land Use Planning Division (Attn: ZAB Secretary), or via e-mail to: zab@berkeleyca.gov. All materials will be made available via the Zoning Adjustments Board Agenda page online at this address: https://berkeleyca.gov/your-government/boards-commissions/zoning-adjustments-board

All persons are welcome to attend the hearing and will be given an opportunity to address the Board. Comments may be made verbally at the public hearing and/or in writing before the hearing. The Board may limit the time granted to each speaker.

Correspondence received by 5:00 PM, eight days before this public hearing, will be provided with the agenda materials provided to the Board. Note that if you submit a hard copy document of more than 10 pages, or in color, or with photos, you must provide 15 copies. Correspondence received after this deadline will be conveyed to the Board in the following manner:

- **Correspondence received by 5:00 PM two days before** this public hearing, will be conveyed to the Board in a Supplemental Communications and Reports, which is released around noon one day before the public hearing; or

- **Correspondence received after 5:00 PM two days before** this public hearing will be saved in the project administrative record.

Accessibility Information / ADA Disclaimer:
To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6342 (V) or 981-6345 (TDD) at least three business days before the meeting date.

SB 343 Disclaimer:
Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available to the public. Please contact the Land Use Planning Division (zab@berkeleyca.gov) to request hard-copies or electronic copies.

Notice Concerning Your Legal Rights:
If you object to a decision by the Zoning Adjustments Board regarding a land use permit project, the following requirements and restrictions apply:

1. If you challenge the decision of the City in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice.
2. You must appeal to the City Council within 14 days after the Notice of Decision of the action of the Zoning Adjustments Board is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than 90 days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that 90-day period will be barred.
4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a “taking” of property for public use without just compensation under the California or United States Constitutions, the following requirements apply:
    a. That this belief is a basis of your appeal.
    b. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.
    c. All evidence and argument in support of your belief that the decision or condition constitutes a “taking” as set forth above. If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.

Gong, Sharon

From: Gong, Sharon
Sent: Thursday, February 20, 2025 8:15 AM
To: Gong, Sharon
Subject: FW: 1998 Shattuck monstrosity

From: Phoebe Thomas Sorgen <phoebeso@earthlink.net>
Sent: Wednesday, January 15, 2025 3:09 PM
To: Burns, Anne M <ABurns@berkeleyca.gov>
Subject: 1998 Shattuck monstrosity

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hello,

I wholeheartedly agree with Margot Smith's concerns re plans for a 1998 Shattuck. Please keep me informed re how we can stop this monstrosity.

"This building is far too large for Berkeley. It ignores our history as a family and student town; it creates Manhattan for the East Bay. More Traffic! More high income housing! Where do working people live? families? I hope you nix this 24 or more story market rate building for high income people. It is not appropriate for Berkeley. 154 cars for 599 apartments? Really, where will people park? We used to have height limits, did we vote to change this? Is this planning commission representing us? Do you know if the housing already built is occupied? what is the vacancy rate? Are students rich enough to afford this?

Do not approve this building. It is not right for Berkeley.

"Currently, this is the tallest proposal in the city's pipeline and would potentially become the tallest structure in the city. The **317-foot height eclipses the 307-foot tall Campanile bell tower** on the UC Berkeley campus. The current tallest building in Berkeley is the 1971-built Chase Building, with a rooftop height of 186 feet, followed by the 180-foot tall Anchor House, a UC-developed dormitory that opened last year.

The proposal is expected to rise 317 feet tall with 411,330 square feet of floor area, including 599 apartments, 16,140 square feet of retail, and a 154-car garage. Additional parking will be provided for 284 bicycles. Unit types include 489 studios and 110 two-bedroom residences. The structure will offer 13,030 square feet of residential open space across the second-floor open space, podium-top terraces, and rooftop deck."

Sincerely,
Phoebe Thomas Sorgen, Berkeley resident since 1989 and Commissioner emerita

Gong, Sharon

From: Gong, Sharon
Sent: Thursday, February 20, 2025 8:14 AM
To: Gong, Sharon
Subject: FW: 1998 Shattuck

From: Hans Sluga <sluga@berkeley.edu>
Sent: Wednesday, January 15, 2025 3:41 PM
To: Burns, Anne M <ABurns@berkeleyca.gov>
Subject: 1998 Shattuck

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

OK, let's have highrise buildings in Berkeley, But what good is the Design Review Committee when the end result are those trite boxy structures with weird beige and brownish surfaces? The Trachtenberg architects are producing nothing but inferior buildings in Berkeley. 1998 Shattuck promises to be another one of their flops.

Hans Sluga

Gong, Sharon

From: Gong, Sharon
Sent: Thursday, February 20, 2025 8:14 AM
To: Gong, Sharon
Subject: FW: 1998 Shattuck Avenue, Berkeley

From: Margots999@sonic.net <Margots999@sonic.net>
Sent: Tuesday, January 14, 2025 11:01 AM
To: Burns, Anne M <ABurns@berkeleyca.gov>
Subject: 1998 Shattuck Avenue, Berkeley

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

This building is far too large for Berkeley. It ignores our history as a family and student town; it creates Manhattan for the East Bay. More Traffic! More high income housing! Where do working people live? families? I hope you nix this 24 or more story market rate building for high income people. It is not appropriate for Berkeley. 154 cars for 599 apartments? Really, where will people park? We used to have height limits, did we vote to change this? Is this planning commission representing us? Do you know if the housing already built is occupied? what is the vacancy rate? Are students rich enough to afford this?

Do not approve this building. It is not right for Berkeley.

"Currently, this is the tallest proposal in the city's pipeline and would potentially become the tallest structure in the city. The **317-foot height eclipses the 307-foot tall Campanile bell tower** on the UC Berkeley campus. The current tallest building in Berkeley is the 1971-built Chase Building, with a rooftop height of 186 feet, followed by the 180-foot tall Anchor House, a UC-developed dormitory that opened last year.

The proposal is expected to rise 317 feet tall with 411,330 square feet of floor area, including 599 apartments, 16,140 square feet of retail, and a 154-car garage. Additional parking will be provided for 284 bicycles. Unit types include 489 studios and 110 two-bedroom residences. The structure will offer 13,030 square feet of residential open space across the second-floor open space, podium-top terraces, and rooftop deck."

Margot Smith
510-486-8010
510-660-5508 (Text)
Margots999@sonic.net

Attachment 4

NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL

ZAB APPEAL: 1950-1998 Shattuck Avenue "University Corner", Use Permit #ZP2023-0040

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, June 3, 2025** at **6:00 P.M.** a public hearing will be conducted to consider an appeal against a decision by the Zoning Adjustments Board approving Use Permit ZP#2023-0040 to demolish five commercial buildings; merge four lots; and construct a 28-story (312-foot tall, plus 5-foot parapet), 411,610-square-foot, mixed-use building with 599 dwelling units (including 58 Very Low-Income Density Bonus qualifying units), 16,142 square feet of commercial area, and 154 parking spaces.

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 22, 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 20, 2025
Noticed Pursuant to: Berkeley Municipal Code Section 23.404.040(B), 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. 1094.6(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.



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

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Office of the City Manager

INFORMATION CALENDAR
June 3, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Henry Oyekanmi, Director, Finance Department

Subject: Section 115 Trust Investment Report for: Inception to Period Ended June 30, 2024

SUMMARY

In June 2018, the City Council approved the establishment of a Section 115 trust to help address pension obligations, with administration by the City Manager or their designee. Since May 2019, Keenan Financial Services has managed and invested in this fund. This report provides an overview and analysis of the performance and current market situation as it pertains to the City's Section 115 Trust investment portfolio. The trust consists of two distinct accounts: the Fixed Income Account and the Moderate Growth Account. These accounts encompass various asset classes, including fixed income mutual funds, domestic equities, international mutual funds, and alternative investment funds with a focus on real estate.

I. Fixed Income Account (#7590):

The Fixed Income Account predominantly comprises fixed income mutual funds. As of the latest available data, this portion of the portfolio has been performing steadily, slightly below market expectations for fixed income investments. It's important to note that fixed income investments are generally considered a lower-risk component of a portfolio, providing stability and consistent income.

II. Moderate Growth Account (#7600):

The Moderate Growth Account represents a diversified mix of asset classes, including domestic equities, international mutual funds, and alternative investment funds that focus on real estate.

As of June 30, 2024, the City Section 115 Trust Fund Investment Fund Activity for the period from July 1, 2023 to June 30, 2024 is summarized in Table 1 and Table 2 below on a market value basis. Before considering the change in market value, the City's Section 115 Trust Fund earned 4.92% in FY2024.

Table 1. Investment Fund Activity from July 1, 2023 to June 30, 2024

Trust Fund	Pooled Cash	Fixed Income Account	Moderate Growth Account	Total
Beginning Value (7.1.2023)	$ 4,687,819	$ 8,307,805	$ 6,137,707	$ 19,133,331
Net Contributions	-	-	-	-
CalPERS Savings	1,487,226	-	-	1,487,226
Transfer from other funds	4,190,640	-	-	4,190,640
Dividends/Interest	678,156	458,104	211,858	1,348,118
Change in Market Value	-	(166,618)	432,107	265,488
Management Fees	-	(25,078)	(13,996)	(39,073)
Ending Value (6.30.2024)	$ 11,043,841	$ 8,574,213	$ 6,767,677	$ 26,385,730

Table 2. Investment Fund Activity By FY

	FY 2021	FY 2022	FY 2023	FY 2024
Beginning Book Value	$ 10,634,799	$ 12,454,721	$ 16,540,906	$ 21,405,174
Contributions:				
a. Concil authorized transfers	113,724	2,151,632	2,645,968	4,190,640
b. Prepayment of CalPERS Unfunded Liability discount	1,318,502	1,479,360	1,634,103	1,487,226
Dividends and Realized Gain/Loss	412,481	490,659	626,281	1,194,713
Management fees	(24,785)	(35,466)	(42,085)	(32,715)
Subtotal before marking investments to market	12,454,721	16,540,906	21,405,174	28,245,038
Change in Market Value	378,132	(2,116,151)	(2,271,842)	(1,859,307)
Ending Balance - Market Value	$ 12,832,853	$ 14,424,755	$ 19,133,331	$ 26,385,730

Discussion of Changes in Market Values

Generally accepted accounting principles requires that investments be marked-to-market. This term refers to a method under which the fair values of accounts (i.e., assets and liabilities) that are subject to periodic fluctuations can be measured. The goal is to provide time to time appraisals of the current financial position of a company or organization, by incorporating the prevailing market conditions.

In the tables above, there is a line for changes in market values, which is negative. That is because, in some cases, the City may have investments with a current market value that is greater or less than the recorded cost. These changes in market value are due to fluctuations in the market and have no effect on yield, as the City does not intend to sell securities prior to maturity. For this reason, Table 2 above shows the Section 115 Trust Fund balance before and after adding the changes in market value, so that management and the City Council can get a more realistic picture of how the Section 115 Trust Fund is performing.

Investment Performance

A. Overview from July 1, 2023 to June 30, 2024

As of July 1, 2023, the Trust Fund reported a total balance of $16,540,906, with $8,307,805 allocated to the Fixed Income Account and $6,137,707 allocated to the Moderate Growth Account, along with $4,687,819 invested in Pooled Cash.

- Fixed Income Account: During FY2024, the Fixed Income Account earned $291,486, resulting in a yield of 3.51%. This performance was shaped by the impact of rising interest rates, which led to a drop in the market value of existing bonds as new bonds with higher yields became more attractive. Despite this, the account maintained steady income from dividends, showing resilience in generating returns even as bond values fluctuated.

- Moderate Growth Account: The Moderate Growth Account, during FY 2024, reported substantial earnings of $648,940, resulting in a return of 10.59%. This return was driven primarily by strong gains in equity holdings, which benefited from equity markets that were close to all-time highs.

B. Rate of Returns by Account and Fiscal Year

1. Account 7600 (40.8% Equities, 54.7% Fixed Income and 4.6% Alternatives): As summarized in Table 3, in account 7600, the Section 115 fixed income portion of the portfolio outperformed the benchmark* in FY 2024 (3.39% versus 2.63%). The equity portion of the portfolio underperformed the benchmark in FY 2024 (20.29% versus 24.56%).

Table 3. Account 7600 Rate of Return by FY and Asset Allocation

	FY2024	FY2024 Benchmark
Fixed Income	3.39%	2.63%*
Equities	20.29%	24.56%**
Alternatives	7.23%	N/A
Total Account	10.57%	

*Benchmark: Bloomberg U.S. Aggregate Bond Index
**Benchmark: S&P 500 Total Return Index

2. Account 7590 (100% Fixed Income):

As summarized in Table 4, Account 7590 outperformed the benchmark in FY 2024 (3.43% versus 2.63%).

Table 4. Account 7590 Rate of Return by FY and Asset Allocation

	FY2024	FY2024 Benchmark
Fixed Income	3.43%	2.63%
Total Account	3.51%	2.63%

*Benchmark: Bloomberg US Aggregate Bond Index

CURRENT SITUATION AND ITS EFFECTS

The yield of the Section 115 Trust Fund for the fiscal year ended June 30, 2024 compared to the fiscal year ended June 30, 2023, was as follows. As shown in Table 5, for FY2024, the fixed income account yielded a return of 3.51%, while the moderate growth account returned 10.59%. This represents an increase of 261 basis points from the 0.9% return in FY2023 for the fixed income account and an increase of 372 basis points from the 6.87% return in FY2023 for the moderate growth account.

Table 5. Yield by Fiscal Year

For Year Ended 6/30/2024 Compared to 6/30/2023		
Trust Fund	**6/30/2024**	**6/30/2023**
Fixed Income Account	3.51%	0.90%
Moderate Growth Account	10.59%	6.87%

Economic overview and Investment Outlook

- Fixed Income: The fixed income market is navigating a complex environment characterized by slowing inflation and a low risk of recession in the U.S. in the near future However, longer-maturity government bonds face challenges due to valuation pressures, the Federal Reserve's tightening monetary policy and huge federal budget deficits. Despite these uncertainties, employment remains strong, and the goods sector shows signs of improvement, supported by capital expenditures and fiscal initiatives. As inflation continues to decline, there is potential for more monetary policy easing, which could benefit shorter-maturity bonds. Credit markets have tightened, particularly in investment-grade non-financials, while high-yield markets remain volatile, underscoring the importance of selectivity in high-yield investments. Shorter-maturity securitized credit, especially non-agency residential mortgages, is favored for its attractive risk-return profile. Overall, fixed income presents appealing opportunities, with a cautious approach advised for longer-maturity bonds and a preference for shorter maturities and select credit investments.

  Subsequent to the June 30, 2024 date of this report, significant developments took place:

  1. Trump was elected for another term as President;

  2. The Federal Reserve cut the Federal Funds rate by .50% and .25% on September 18th and November 7 th, respectively;

  3. The Fed’s favorite measure of inflation for September 2024, Core Personal Consumption Index (Core PCE) declined to 2.1%, one tick above the Fed’s 2.0% long-term goal; and,

4. In October 2024, employers in the U.S. only added 12,000 jobs compared to an estimate of 100,000.

The Fed is expected to cut short-term rates further, but Staff believes the developments above make it unclear how quickly those reductions will come and how large they will be, for the following reasons:

1. Trump has promised to use a significant increase in the use of tariffs as his primary trade policy, which will be inflationary;

2. In addition, the President has promised to extend the tax cuts enacted during his first term in office, which would also be inflationary and would increase the already huge $ 35+ trillion U.S. federal debt;

3. The Fed's reduction of rates in November were likely a response to the weak October job's report. However, that low number of jobs created was probably depressed by the Boeing strike (which has now ended) and the fallout of back-to-back hurricanes in the Southeast; and,

4. On top of a $1.8 trillion U.S. federal budget deficit for the upcoming fiscal year, these developments will put upward pressure on long-term interest rates, like mortgages and keep them higher for a longer period of time. Staff believes a sign of what is to come is reflected in the reaction long-term rates had to the Fed's move to lower short-term interest rates on September 18, 2024 by .50%: Many Analysts had expected long-term rates, like mortgages, to drop as the Fed lowered short-term rates. In fact, the average rate on a conventional 30-year mortgage increased from 6.08% in late September 2024 to 6.54% in the week ending October 24, 2024.

- Global Equity: The equity markets have experienced an apparent shift, with growth-oriented sectors such as consumer discretionary, communication services, and information technology leading the recovery. The surge in interest surrounding generative artificial intelligence (AI) has provided a renewed boost to technology mega-caps, following a challenging 2022. By June 2024, a broader cyclical recovery is evident; however, a significant portion of U.S. index returns is concentrated among the 'magnificent seven' (Meta, Apple, Nvidia, Amazon, Microsoft, Alphabet, Tesla), which collectively account for a substantial weight in the S&P 500 Index. The remaining constituents have experienced relatively modest performance.

BACKGROUND

At the November 28, 2017 Council meeting, the City Manager was instructed to present a proposal for establishing an Irrevocable Supplemental Pension Trust, along with other options proposed by the staff.

On June 26, 2018, the City Council adopted a Resolution appointing the City Manager as the Plan Administrator. This resolution authorized the City Manager to initiate the necessary steps for negotiating and executing documents to establish a Section 115 Trust Fund, intended to serve as a pension rate stabilizing fund. Additionally, it delegated authority for managing the Section 115 Trust Fund investments.

On May 14, 2019, during the Council meeting, the City Council adopted a Resolution authorizing the City Manager to execute a contract with Keenan Financial Services to establish a pension Section 115 trust. This contract includes Keenan Financial Services providing trust administration, trustee/custodian, and investment advisory services. The structure of the trust includes the following components:

- Trust Administrator: Keenan
- Trustee/Custodian: Benefit Trust Company
- Investment Manager: Morgan Stanley

Benefit Trust Company (BTC) actively manages plan assets. The City's individual trust account is part of a larger Multiple Employer Trust administered by Keenan Financial Services and BTC. BTC also provides the City with monthly and quarterly statements detailing the activity of the City's accounts.

The primary purpose of the Pension Stabilization Trust is to accumulate, hold, and distribute pension plan assets exclusively for the benefit of retiree pensions, as defined by IRS Code Section 115. These plan assets are irrevocable and can only be used for the intended purpose of the Trust.

The City's principal objective in establishing the Pension Trust is to control long-term costs and mitigate the annual operating budget's volatility. The trust offers increased flexibility to the City, allowing for more consistent contributions and reduced year-to-year contribution volatility.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

CONTACT PERSON

Henry Oyekanmi, Director, Finance Department, 981-7326

ATTACHMENTS

1. Portfolio Evaluation from July 1, 2023 to June 30, 2024
2. Investment Report Analysis from July 1, 2023 to June 30, 2024

ATTACHMENT 1

Portfolio Evaluation
As of June 30, 2024

			Analysis by Fiscal Year		
	6/30/2024	**6.30.2023**	**6.30.2022**	**6.30.2021**	**9.30.2020 (Inception)**
Total Portfolio					
Pooled Cash	$ 11,043,841	$ 4,687,819	$ 407,748	$ 1,432,226	$ -
Fixed Income Account (7590)	8,574,213	8,307,805	8,257,710	6,469,347	6,356,407
Moderate Growth Account (7600)	6,767,677	6,137,707	5,759,296	4,931,280	4,278,393
Total Cash and Investments	$ 26,385,730	$ 19,133,331	$ 14,424,755	$ 12,832,853	$ 10,634,799
Earnings					
Fixed Income Account (7590)	291,486	74,673	(984,712)	127,368	
Moderate Growth Account (7600)	648,940	395,917	(1,018,912)	663,245	
Total Earnings	$ 940,426	$ 470,590	$ (2,003,624)	$ 790,613	
Yield					
Fixed Income Account (7590)	3.51%	0.90%	-15.22%	2.00%	
Moderate Growth Account (7600)	10.59%	6.87%	-20.66%	15.50%	
	4.92%	3.26%	-15.61%	7.43%	

ATTACHMENT 2

Investment Report Analysis
As of June 30, 2024

Cash and Investments	Trust Investments	Total
Portfolio	$ 10,634,799	$ 10,634,799
Unrecognized gain/(loss)	4,707,090	$ 4,707,090
Total Investments	$ 15,341,890	$ 15,341,889

Cash	Pooled Cash	Total
Cash Deposits in Bank	11,043,841	11,043,841
Total Cash	11,043,841	11,043,841
Adjusted Grand Total (All Cash and Investments)	$ 26,385,730	$ 26,385,730

Section 115 Trust Portfolio Breakdown As of June 30, 2024

	Book Value	Market Value
Fixed Income	8,687,089.21	12,275,080.23
Equities	1,703,409.07	2,761,056.46
Alternatives	244,301.08	305,752.83
Total Investments	**$ 10,634,799**	**$ 15,341,890**

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